RESOLUTION NO. 2022-0273

Adopted by the Sacramento City Council
August 16, 2022

Adopting the Mitigated Negative Declaration Addendum and the Mitigation Monitoring Plan for the Dutch Bros (P21-045)

BACKGROUND

A. On June 23, 2022, the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Westshore Lot B.

B. August 16, 2022, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code and received and considered evidence concerning the Dutch Bros (P21-045).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1.
The City Council finds as follows:

A. On March 15, 2011, pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq. (“CEQA”), the CEQA Guidelines (14 California Code of Regulations §15000 et seq.), and the City of Sacramento environmental guidelines, the City Council adopted a mitigated negative declaration (MND) and a mitigation monitoring program and approved the CVS at Florin and Freeport (P10-044) (Project) (Resolution No. 2011-153).

B. On October 15, 2013, the City Council adopted an addendum to the previously adopted Project MND for the Florin Plaza Shopping Center (P13-030) (Resolution No. 2013 0335) amending the previously approved Project.

C. The Dutch Bros on Freeport (P21-045) (Project Modification) proposes to modify the previously approved Project, that identified the subject site with a 4,000 square-foot bank, as follows: rezone from C-1 to C-2; a conditional use permit to operate a 1,392 square-foot drive-thru restaurant on a vacant 1.13 acre parcel; and Site Plan and Design Review to construct a 1,392-square-foot drive-thru restaurant on a vacant 1.13 acre parcel.
D. Staff reviewed the Project Modification and determined that the proposed changes to the original Project did not require the preparation of a subsequent environmental impact report or negative declaration. An addendum to the previously adopted MND was then prepared to address the modification to the Project.

SECTION 2.

The City Council has reviewed and considered the information contained in the previously adopted MND as previously amended for the Project, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification. The City Council has determined that the previously adopted MND and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

A. No substantial changes are proposed by the Project Modification that will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

B. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

C. No new information of substantial importance has been found that shows any of the following:

1. The Project Modification will have one or more significant effects not discussed in the previously adopted MND;

2. Significant effects previously examined will be substantially more severe than shown in the previously adopted MND;

3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or

4. Mitigation measures which are considerably different from those analyzed in the previously adopted MND would substantially reduce one or more significant effects on the environment.
SECTION 3.
Based on its review of the previously adopted MND for the Project, the addendum, and all oral and documentary evidence received during the hearing, the City Council finds substantial evidence supports the use of the MND and the subsequent review provisions of the CEQA Guidelines Section 15162. The City Council further finds that there is no substantial evidence of a fair argument that major revisions are required to the MND. The MND and addendum reflect the City Council’s independent judgment and analysis and adopts the MND and the addendum for the Project Modification and readopts the findings of fact in support of the MND.

SECTION 4.
The mitigation monitoring program for the Project is adopted for the Project Modification, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

1. The mitigation monitoring program has been adopted and implemented as part of the Project;

2. The addendum to the MND does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring program;

3. The mitigation monitoring plan meets the requirements of CEQA section 21081.6 and CEQA Guidelines section 15074.

SECTION 5.
Upon approval of the Project, the City Manager shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

SECTION 6.
Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.
Adopted by the City of Sacramento City Council on August 16, 2022, by the following vote:

Ayes:  Members Ashby, Guerra, Loloee, Schenirer, Valenzuela, Vang, and Mayor Steinberg

Noes:  None

Abstain:  None

Absent:  Members Harris and Jennings

Attest:  

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.