



CITY OF SACRAMENTO

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CITY PLANNING DEPARTMENT
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MARTY VAN DUYN
PLANNING DIRECTOR

March 15, 1985

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Environmental Findings and Modified Floodplain Designation
Resolutions for Laguna Creek (M84-060)

APPROVED
BY THE CITY COUNCIL

MAR 19 1985

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CITY CLERK

SUMMARY

The City Council on February 5, 1985, indicated an intent to approve a modified floodplain treatment for Laguna Creek based on environmental findings and community plan amendment resolutions due February 26, 1985. Attached are the necessary environmental findings and community plan amendment resolutions for your consideration.

Part of the Council's motion was for staff to request Regional Sanitation District Board to allow excavation within the bufferlands to implement a gravity flow, cost effective, environmentally balanced modified floodplain. This request is scheduled to be considered by the Regional Sanitation Board on February 26, 1985 at 2:00 p.m. Staff will provide the Council a verbal assessment of the Regional Sanitation Boards action.

RECOMMENDATION


The Planning Commission and staff recommends the City Council approve the modified floodplain by:

1. Adopting the attached resolution of findings that the EIR is adequate, that the EIR has been prepared in compliance with the State CEQA Guidelines, that the City Council considered the information contained in the EIR, that some of the identified significant environmental effects will be mitigated to a less than significant level and the remaining significant environmental impacts are found to be acceptable because of the overriding considerations and benefits of the modified floodplain treatment.

MARCH 15, 1985

2. Adopting the attached resolution to amend the 1968 Valley Hi Community Plan to change the channelize drainage to a modified floodplain treatment for Laguna Creek.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:CC:lr
Attachment
M84-060

March 19, 1985
District No. 7

85-204

RESOLUTION CERTIFYING
THE ENVIRONMENTAL IMPACT REPORT
AND MAKING FINDINGS FOR THE
LAGUNA CREEK FLOODPLAIN ALTERNATIVES STUDY (M84-060)

WHEREAS, the City of Sacramento has had three noticed public hearings on the document entitled "Laguna Creek Floodplain Alternatives Study and EIR" by the City Planning Commission on November 1 and November 29, 1984, and the City Council on February 5, 1985; and

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WHEREAS, the City Council and the City Planning Commission considered the documentary and oral evidence submitted at the public hearings; and

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WHEREAS, the City Council received and reviewed the City Planning Department's staff report and the City Planning Commission's recommendation on environmental effects on the Laguna Creek Floodplain alternatives; and

WHEREAS, the City Council voted to approve the modified floodplain alternative as described in the study and the EIR and to amend the 1968 Valley Hi Community Plan to include the modified floodplain alternative ("the project") at its meeting on February 5, 1985, subject to adoption of necessary findings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sacramento as follows:

1. CEQA COMPLIANCE: The City Council hereby finds that the Environmental Impact Report ("EIR") is adequate and has been prepared in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City Environmental Procedures; and that it has reviewed and considered the information contained in the EIR.

2. SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR; FINDINGS

The City Council hereby finds as follows:

A. Traffic: Development of the project area with the modified floodplain alternative may result in unacceptable levels of service at three intersections within the project area, as identified in the EIR. This impact will be mitigated to a less than significant level by application of

existing City ordinances requiring standard street improvements and implementation of transportation systems management programs. (See Draft EIR pp. G-1 to G-19; Sacramento City Code Chapter 40; Sacramento City Zoning Ordinance §6-E.) The project will also add, to an insignificant extent, to a cumulative traffic impact in the surrounding area. No further mitigation is available for implementation by the City to address this cumulative impact, because the major source of the impact exists in territory beyond the City's jurisdiction. (See Draft EIR pp. S-1 to S-3.)

- B. Land Use and Housing: Adoption of the modified floodplain treatment will significantly impact the land use plan and potential housing resource of the study area by reducing the amount of acreage available for housing development below that which would be available under the existing 1968 Valley Hi Community Plan. The EIR states that this impact can be mitigated to a less than significant level by amending the Community Plan to increase permitted housing densities in the remaining study area and/or in the Community Plan area as a whole. Adoption of these mitigation measures at this time, however, is not administratively feasible because of the staff time needed to complete the 1968 Valley Hi Community Plan update after adoption of the project. The City shall consider the proper land use amendments and shall consider increasing residential densities in the Community Plan area to address this impact with its consideration of the Valley Hi Community Plan update. (See Draft EIR pp. E-12 to E-13; M-5 to M-7.)
- C. Air Quality: The EIR projects severe air quality problems in the study area and the surrounding area by the year 2000 due to the cumulative effects of development in the study area and the surrounding vicinity. No feasible mitigation measures are available for implementation by the City to reduce this impact, because the major source of the impact is in territories beyond the City's jurisdiction. (See Draft EIR pp. H-1 to H-11.)
- D. Noise: Based on worst case traffic figures, development of the study area will produce a significant noise impact along Highway 99 and the major arterials. The EIR states that this impact

can be mitigated to a less than significant level through the use of noise reducing building designs and materials, as described in the EIR. This impact shall be partially mitigated at this time by application of the existing General Plan Noise Element to all new development. Adoption of the mitigation measures stated in the EIR at this time, however, is not feasible because the proposed mitigation measures are specific to particular types of development in particular areas of the study area. The City shall consider adoption of appropriate noise reducing building techniques with its consideration of the Valley Hi Community Plan update and individual projects. (See Draft EIR pp. I-1 to I-4.)

- E. Public Services/Schools: Development of the study area by itself, and the cumulative effect of this development with development in the greater Laguna area, may result in a significant impact on the Elk Grove School District serving the area. The EIR states a number of mitigation measures are available to address this impact. These include negotiated developer fees, developer dedication of land for school sites, school impact fees, creation of a Mello-Roos Community Facilities District, adoption by the voters of a special tax, use of the Leroy F. Green State School Building Lease-Purchase program, joint powers agreements, and the disposal of surplus school property. The EIR also recognizes that this impact may not be fully mitigatable. (See Draft EIR pp. N-12 to N-16 and Final EIR pp. 13-14.)

This impact will be partially mitigated by the City by continuing to make available school impact fees under Government Code section 65970 et seq. and Sacramento City Code Chapter 67. The other proposed mitigation measures are not feasible at this time for the following reasons. The creation of a Mello-Roos Community Facilities District, the adoption of a special tax, and the creation of a joint powers agreement to address the cumulative impact on the School District as a whole is within the joint jurisdiction of the City, the County, the School District, and the voters, and cannot be implemented unilaterally by the City. Use of the State School Building Lease-Purchase Program is within the jurisdiction

of the School District and the State. The disposal of surplus school property is within the jurisdiction of the School District. Finally, imposition of requirements for negotiated developer fees and developer dedication of land for school sites are infeasible for the following reasons. The legal authority of the City to impose such requirements is currently an unresolved issue pending before the California Supreme Court. In addition, imposing such proposed mitigation measures which deal directly with residential construction would be more appropriately addressed in connection with the Community Plan update and individual development projects. Finally, and notwithstanding the legal uncertainty and inappropriateness of these mitigation measures, these proposals are infeasible because they shift the financial burden of financing school construction from the State and School District to private developers. This may adversely impact the development of housing affordable to all economic segments of the community as required in the City's Housing Element. For the above reasons, full mitigation of the significant impact identified in the EIR on the Elk Grove Unified School District is not feasible.

- F. Hydrology: The project standing alone will not result in a significant hydrological impact. The project may, however, contribute in a slight amount to a cumulative flooding impact in the area by conveying peak flows downstream more rapidly than currently exists. Mitigation of this cumulative impact cannot be implemented by the City, because the impact originates primarily in territory outside the City's jurisdiction. (See Draft EIR pp. D-27, S-2 to S-3, Final EIR p. 5.)
- G. Energy: The EIR states the project will contribute, to an insignificant extent, to a cumulative impact on energy consumption expected as development occurs in the greater Laguna area. This impact will be partially mitigated by implementation of existing City energy conservation requirements. Further mitigation is not feasible because the majority of the impact originates in territory beyond the City's jurisdiction. (See Draft EIR p. S-3.)

- H. Growth Inducing Impacts: The project will make land now subject to flooding available for urbanization. This creates a potentially significant growth inducing impact inherent with the project. No mitigation of this impact is available. (See Draft EIR section C.)
- I. Alternatives: The EIR studied two alternatives to the project. One alternative was to channelize Laguna Creek as called for in the existing 1968 Valley Hi Community Plan. The other was the "no project" alternative which would leave the floodplain as it currently exists. Neither alternative would avoid the potentially significant impacts identified in the EIR. The "no project" alternative would somewhat reduce the impact of the project on the School District. Adoption of the "no project" alternative, however, is found infeasible for the reasons set forth below.
3. Statement of Overriding Concerns: Notwithstanding the disclosure of the significant adverse impacts which cannot be mitigated to a less than significant level, the City Council determines pursuant to Section 15093 of the State CEQA Guidelines that the benefits of the proposed project outweigh the adverse impacts, and the project should be and is hereby approved.

The City Council finds that each impact identified in Section 2 above is acceptable because mitigation measures have been required to reduce these impacts to the extent feasible, and, on balancing the benefits to be realized by approval of the modified floodplain against the remaining environmental risks, the following economic, social and other considerations outweigh the impacts and support approval of the modified floodplain for the following reasons:

1. The development of Laguna under the adopted modified floodplain treatment will provide additional housing which will become needed as nearby employment centers develop. Industrial growth is expected in the unincorporated portions of Laguna and in Delta Shores.
2. The natural floodplain is unacceptable because its environmental advantage over the modified floodplain is minimal, and it would severely restrict available acreage for housing near employment centers and urban services.

3. The modified floodplain reduces to a less than significant level the impact of the channel alternative upon the natural habitat of the giant garter snake, a designated rare species.
4. The development of the study area will provide jobs in construction and related fields.
5. The development of Laguna under the modified floodplain will result in the enhancement of a planned residential neighborhood by creating a visual buffer between South Sacramento and Elk Grove through the use of trees and open space in the modified floodplain. The community, through its homeowners association and Citizen Advisory Committee, has expressed a preference for the modified floodplain and the preservation of open space and natural amenities within the study area.
6. The study area is one which can easily be provided with municipal services. It is a natural extension of the growing neighborhood of Valley Hi.
7. The development of Laguna will result in a positive cash return to the City in the form of taxes, fees and other charges caused by the construction and employment and increased values to land and improvements.
8. The area will help to provide affordable housing to existing and future residents of the City.

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO. 85-205

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION ADOPTING THE MODIFIED
FLOODPLAIN TREATMENT FOR LAGUNA
CREEK WITH THE CITY OF SACRAMENTO

WHEREAS, the presently adopted Community Plan is 16 years old and thus outdated; and

WHEREAS, the Council has received the Laguna Creek Floodplain Alternatives Study and Environmental Impact Report (EIR) transmitted after the Planning Commission consideration of oral and written evidence at public hearing and often recommending adoption by the Council; and

WHEREAS, the Council has held public hearing on the Laguna Creek Alternative Study and EIR and determined that implementation will have a beneficial effect upon the Community and City-at-large.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Council hereby determines and certifies:

1. That replacement of the channelization treatment set forth in the 1968 Valley Hi Community Plan with the modified floodplain treatment will mitigate some adverse impacts arising from the channel policy such as increased traffic congestion, reduced air quality, increased noise levels, elimination of wildlife habitat for a rare species, and increased demand for schools.
2. That the Council hereby adopts the Modified Floodplain Treatment for Laguna Creek with the City of Sacramento for the following reasons:
 - A. It provides an opportunity for an attractive parkway incorporating riparian vegetation, and passive and active recreational opportunities.
 - B. It provides a visual buffer between the City and County.
 - C. It provides the continuation of an open space corridor established in the County and through the Regional Sanitation lands.
 - D. It is compatible with the County's natural floodplain policy and Regional Sanitation's wetlands policy.
 - E. It provides more habitat for a designated rare species than a channel.

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- F. It provides visual and recreational amenities in the South Sacramento Community Plan area.
 - G. It provides a reasonable alternative to protect property from flooding at less initial cost than a channel.
 - H. It requires slightly increased operational cost, however, a maintenance district shall be formed to finance yearly maintenance of modified floodplain treatment.
3. All future development within the Laguna Study Area, as delineated in the "Laguna Creek Floodplain Alternatives Study and EIR" shall participate in a maintenance district for the purpose of financing the ongoing maintenance of the modified floodplain.

MAYOR

ATTEST:

CITY CLERK

M84-060

March 21, 1985

To All Concerned Parties:

On March 19, 1985, the Sacramento City Council took the following action(s) for property located on 700± acres bounded by Calvin Road on the north, Simms Road on the south, Bruceville Road on the east and Franklin Boulevard on the west:

Adopted a Resolution approving the Certification of the Final Environmental Impact Report for the Laguna Creek Floodplain Alternative Study; and adopted a Resolution approving the Community Plan Amendment of the 1968 Valley Hi Community Plan from a channelized floodplain treatment for Laguna Creek to a modified floodplain treatment. (M-84060)

The above mentioned documents are available at the City Clerk's office, 915 I Street, Room 203 for \$2.00.

Sincerely,

Lorraine Magana
City Clerk

LM/dbp/13

Enclosure

cc: Planning Department

MAILING LIST M-84060 (90)



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

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LORRAINE MAGANA
CITY CLERK

March 21, 1985

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Lorraine Magana
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Enclosure

cc: Planning Department

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