

RESOLUTION NO. RES-2021-229

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING AN ADDENDUM TO THE APPROVED 38 DEGREES NORTH PHASE 2 INITIAL STUDY/MITIGATIVE NEGATIVE DECLARATION, INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM, (STATE CLEARINGHOUSE NO. 2020060247) FOR GENERAL PLAN AMENDMENTS, ZONING MAP AMENDMENT, AND DEVELOPMENT OF 38 DEGREES NORTH PHASE 3, A 30-UNIT MULTIFAMILY DEVELOPMENT LOCATED AT 2660 PETALUMA HILL ROAD, SANTA ROSA, APNS: 044-370-002, 044-370-010, 044-051-073, AND 044-051-055, FILE NUMBER PRJ21-011

WHEREAS, on August 20<sup>th</sup>, 2020, the Design Review Board of the City of Santa Rosa adopted Resolution Number 20-1012 approving the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the 38 Degrees North Phase 2 project, to construct a proposed eight-building, three-story, 172-unit multifamily apartment complex located at 2660 Petaluma Hill Road (Assessor's Parcel No. 044-051-055) (State Clearinghouse No. 202020060247); and

WHEREAS, the MND was prepared in compliance with the California Environmental Quality Act (Pub. Resources Code § 21000 et seq), the State CEQA Guidelines (Cal. Code Regs., tit. 14 § 15000 et seq.) and the City's local CEQA Guidelines (collectively, "CEQA"); the MND was not challenged and is presumed to be valid pursuant to Public Resources Code section 21167.2; and

WHEREAS, the 38 Degrees North Phase 2 MND anticipated and described the construction of up to 172 new multiple-family residential units and a 21,000 square-foot commercial shopping center at 2660 Petaluma Hill Road, APN 044-051-055; and

WHEREAS, on May 19, 2021, applications were submitted to the Planning and Economic Development Department for a General Plan Diagram and Text Amendments and Rezoning for the entire 38 Degrees North site, to allow development of 38 Degrees North Phase 3, a 30-unit multi-family housing project on an approximately 1.29-acre portion of a 15.82-acre site containing 120 existing multi-family units across 5.03 acres, and 172 approved multi-family housing units across 10.87 acres including a 2.54-acre Open Space Preserve located at 2660 Petaluma Hill Road, APNs 044-370-002, 044-370-010, 044-051-073, and 044-051-055 (proposed Project); and

WHEREAS, on October 13, 2021, an application for Major Design Review was submitted to the Planning and Economic Development Department for a 30-unit multi-family housing project on an approximately 1.29-acre portion of a 15.82-acre site for 38 Degrees North Phase 3; and

WHEREAS, approval of the proposed General Plan Amendments, Rezoning, and Design Review for the 38 Degrees North Phase 3 multi-family housing project (collectively, the "Project") constitute subsequent discretionary actions that were not analyzed in the 38 Degrees North Phase 2 MND; and

WHEREAS, pursuant to Public Resources Code section 21067 and CEQA Guidelines Section 15367, the City is the Lead Agency for the proposed Project; and

WHEREAS, CEQA Guidelines Section 15162 provides that when a project was previously analyzed and approved pursuant to an adopted negative declaration, an Addendum to the MND may be appropriate to analyze proposed modifications to the project; and

WHEREAS, City staff has evaluated the proposed Project in light of the standards for subsequent environmental review outlined in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and concluded that the previously adopted MND fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the proposed Project; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, because the proposed Project requires some changes and additions to the previously adopted MND, the City has prepared an Addendum to the MND (“Addendum”). CEQA Guidelines Section 15164 provides that an addendum to an approved MND is appropriate when only minor technical changes or additions are made but none of the conditions described in Section 15162 has occurred; and

WHEREAS, the Environmental Coordinator reviewed the MND and determined that there has been no substantial change in circumstances as a result of the proposed Project modifications that would cause new or more intense significant impacts that were not previously analyzed in the MND and there is no new information of substantial importance that identifies new or more intense significant impacts than were identified in the MND and therefore the use of an Addendum in accordance with CEQA Guidelines Section 15164 would be appropriate; and

WHEREAS, the Addendum concluded that the proposed Project would not cause new significant environmental impacts or substantial increases in the severity of significant effects beyond those previously identified as part of the City’s environmental review process and none of the circumstances under CEQA Guidelines Section 15162 apply, therefore, no additional analysis is required; and

WHEREAS, pursuant to CEQA Guidelines Section 15164(c), the Addendum is not required to be circulated for public review but can be attached to the adopted 38 Degrees North Phase 2 MND; and

WHEREAS, on November 18, 2021, the Planning Commission adopted a resolution recommending that the City Council adopt an Addendum to the previously adopted MND and MMRP; and

WHEREAS, having reviewed and considered the information contained in the Addendum together with the previously adopted MND, all comments made at the public hearing, and all other information in the administrative record, the Council determined that all potentially significant environmental effects of the proposed Project were fully examined and mitigated to less than significant levels; and

WHEREAS, the Addendum was prepared pursuant to CEQA and all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa, based upon the findings and the records and files herein, and the findings above made, hereby determines as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

Section 2. Compliance with CEQA. CEQA Guidelines Section 15164 requires lead agencies to prepare an addendum to a previously adopted MND if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The Council has reviewed and considered the Addendum for the proposed Project and the previously adopted MND and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the proposed Project. The Council further finds that the Addendum and administrative record have been completed in compliance with CEQA and the Addendum reflects the City's independent judgment.

Section 3. Findings Regarding Environmental Impacts. Based on the substantial evidence set forth in the record, including but not limited to the Addendum, the Council finds that an addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the proposed Project. The City finds that based on the whole record before it, including but not limited to the Addendum, the adopted MND, all related and supporting technical reports, and the staff report, none of the conditions identified in CEQA Guidelines Section 15162 requiring the need for further subsequent environmental review have occurred because:

- a. The proposed Project does not constitute a substantial change that would 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; and
- b. There have been no substantial changes with respect to the circumstances under which the proposed Project or 38 Degrees North Phase 2 project will be constructed that would 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 the previously identified significant effects.

There has been no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 38 Degrees North Phase 2 MND was adopted that has come to light, and that shows any of the following: (i) that the proposed Project would have one or more significant effects not discussed in the adopted MND; (ii) that significant effects previously examined would be substantially more severe than shown in the adopted MND; (iii) that mitigation measures or alternatives previously found not to

be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the City declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

Section 4. Custodian of Records and Location of Documents. The documents and materials that constitute the record of proceedings upon which this Resolution is based are located at the City of Santa Rosa, Planning and Economic Development Department, 100 Santa Rosa Avenue, Room 3, Santa Rosa, California, 95404. The custodian for these records is Adam Ross, Interim Senior Planner.

Section 5. Approval of Addendum. The Council of the City of Santa Rosa hereby approves and adopts the Addendum to the 38 Degrees North Phase 2 MND.

BE IT FURTHER RESOLVED that the Council approves and adopts of the Addendum to the 38 Degrees North Phase 2 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, attached to this resolution as Exhibit A and made a part of herein, to require all reasonably feasible mitigation measures be implemented by means of project conditions, agreements or other measures as set forth in the Mitigation Monitoring and Reporting Program.

IN COUNCIL DULY PASSED this 14th day of December, 2021.

AYES: (7) Mayor C. Rogers, Vice Alvarez, Council Members Fleming, N. Rogers, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Exhibit A – Addendum and Mitigation Monitoring and Reporting Program, dated December 2021