

RESOLUTION NO. RES-2022-019

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. RES-2021-162 WHICH ADOPTED THE MITIGATED NEGATIVE DECLARATION FOR THE ROSELAND CREEK COMMUNITY PARK MASTER PLAN AND THE ROSELAND CREEK COMMUNITY PARK MASTER PLAN AND DIRECTING STAFF TO PREPARE AN ENVIRONMENTAL IMPACT REPORT FOR THE ROSELAND CREEK COMMUNITY PARK MASTER PLAN

WHEREAS, the Roseland Creek Community Park (Park) is an approximately 20-acre community park located in the southwest quadrant of Santa Rosa between McMinn and Burbank Avenues; and

WHEREAS, the Park is bisected by Roseland Creek in its southern portion and will be an important natural and recreational resource for the surrounding community; and

WHEREAS, Roseland Creek Community Park consists of the following assessor's parcel numbers: 125-252-004, 125-252-002, 125-252-003, 125-331-001; and

WHEREAS, since approximately 2009, the City's Recreation and Park staff have worked with the Roseland community to develop the Community Park Master Plan, a copy of which is attached hereto as Exhibit A; and

WHEREAS, a Master Plan is utilized to graphically represent and locate in map form the park amenities and features requested by the community for future implementation; the Master Plan is needed for environmental analysis of the future improvements requested by the community; and

WHEREAS, over twenty public meetings, including five Board of Community Services (BOCS) meetings were conducted from December 16, 2009 to August 8, 2019 to receive community input regarding the design of the Master Plan for the Roseland Creek Community Park; and

WHEREAS, the Master Plan includes the cumulation of all community comments received from 2009 through 2021 to include preservation of native grassland, oak woodland, and purple needlegrass habitat in addition to community serving improvements including paved pedestrian and bicycle trails, community garden or outdoor classroom, nature center and parking, picnic areas with barbeques and sink, parking, children's play areas for ages 2-5 and 5-12, restroom building, sport court, fitness stations, irrigated turf area, two pedestrian bridges, cross walk, looped walking paths and interpretive signage; and

WHEREAS, Council considered the proposed Park at its January 14, 2020 meeting and directed staff to gather more community input in response to comments raised at Council; and

WHEREAS, in response to Council direction received at the January 14, 2020 meeting, a community meeting was held on March 4, 2020, to receive further community input; and

WHEREAS, between February 11, 2021, and April 9, 2021, seven listening sessions were held by Council Member Alvarez (District 1) regarding the Roseland Creek Community Park Master Plan to receive community input from groups with divergent interests for the Roseland Creek Community Park Master Plan; and

WHEREAS, following the public meeting and listening sessions from March 4, 2020, through April 9, 2021, clarifying updates to the Master Plan graphic were made and generally provided clarification of existing amenities and park features; and

WHEREAS, on July 21, 2021, the BOCS was presented and considered the updated Master Plan and all new information regarding community input and preferences, and thereafter voted unanimously in favor of the proposed Master Plan and recommended the Council approve the same; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for the Roseland Creek Community Park Master Plan to analyze the potential environmental impacts; and

WHEREAS, the Initial Study resulted in a Mitigated Negative Declaration for the Roseland Creek Community Park Master Plan, a copy of which is attached as Exhibit B, that determined the project impacts will be mitigated to less-than-significant levels through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements and/or City standards; and

WHEREAS, on September 28, 2021, the Council held a duly noticed public hearing on the Initial Study/Mitigated Negative Declaration and the Roseland Creek Community Park Master Plan, at which time it considered the environmental study, the findings and determination of the Environmental Coordinator, the proposed Initial Study/Mitigated Negative Declaration, the proposed Master Plan, the staff reports, oral and written, and the comments, statements, and other evidence presented by all persons, including members of the public, who addressed the Council at the public hearings held on January 14, 2020, and September 28, 2021; and

WHEREAS, at its September 28, 2021 public hearing, the Council by unanimous vote determined that the Mitigated Negative Declaration, consisting of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Roseland Creek Community Park Master Plan, was completed in accordance with CEQA and thereafter adopted the Mitigated Negative Declaration; and

WHEREAS, at its September 28, 2021 public hearing, the Council by unanimous vote adopted the Roseland Creek Community Park Master Plan; and

WHEREAS, Park construction was slated to begin in Spring, 2022; and

WHEREAS, on October 28, 2021 Roseland Action and Duane DeWitt filed a CEQA lawsuit against the City challenging the City's adoption of the Mitigated Negative Declaration and approval of the Park Master Plan; and

WHEREAS, the lawsuit seeks to compel the City to rescind the Mitigated Negative Declaration and Park project approvals and to prepare an Environmental Impact Report (EIR) for the Roseland Creek Community Park Master Plan; and

WHEREAS, the lawsuit could delay development of the Park for one to three years and could cost the City more than \$150,000 to defend its approvals; and

WHEREAS, it is estimated that the EIR could be completed within seven months at a cost of approximately \$100,000 and, thereafter, the EIR and the Park Master Plan would be returned to the Council for consideration and approval; and

WHEREAS, the City remains confident that a court would uphold the Mitigated Negative Declaration and all Park project approvals, however, the City is also very mindful of the time and cost associated with defending its approvals in the lawsuit; and

WHEREAS, Roseland Action and Duane DeWitt have placed the City in the unenviable position of spending its limited resources either on legal fees to defend its valid CEQA document and Park approvals or on an additional layer of environmental review that is not required by law; and

WHEREAS, from a simple perspective of time and money, the City believes that it would better serve the Roseland community by allocating its resources toward preparing an EIR and delivering a Park to the City's residents as expeditiously as possible rather than toward engaging in baseless litigation.

NOW, THEREFORE BE IT RESOLVED, that Council, based on the above findings and determinations, hereby rescinds Resolution No. RES-2021-162 adopting the Mitigated Negative Declaration and the Roseland Creek Community Park Master Plan for Roseland Creek Community Park.

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BE IT FURTHER RESOLVED that Council directs staff to prepare an Environmental Impact Report (EIR) for the Roseland Creek Community Park Master Plan as currently drafted.

IN COUNCIL DULY PASSED on this 25th day of January, 2022.

AYES (5) Vice Mayor Alvarez, Council Members Fleming, N. Rogers, Sawyer, Schwedhelm

NOES: (1) Mayor C. Rogers

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A –Roseland Creek Community Park Master Plan
Exhibit B – Initial Study/Mitigated Negative Declaration