

RESOLUTION NO. RES-2022-010

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING CEQA FINDINGS; ADOPTING THE CEQA CHECKLIST; ADOPTING A RELOCATION PLAN; AND APPROVING THE ACQUISITION OF 976 HEARN AVENUE, 980 HEARN AVENUE, AND 1004 HEARN AVENUE

WHEREAS, the City seeks to acquire 976 Hearn Avenue, APN 043-191-018; 980 Hearn Avenue, APN 043-191-019; and 1004 Hearn Avenue, APN 043-191-020 (collectively the “Properties”) for the planned future extension of Dutton Avenue and the Colgan Creek Multi-Use Path, and for one or more public uses, potentially including Santa Rosa Fire Station #8, a new library facility, a community center, a public pool, a recreation center, and/or a neighborhood park; and

WHEREAS, the City previously prepared and certified a programmatic-level Environmental Impact Report (“EIR”) which fully analyzed the potential environmental impacts associated with the Roseland Area/Sebastopol Road and Roseland Area Annexation Projects Specific Plan, including certain roadway improvements and a variety of municipal and public uses, pursuant to the California Environmental Quality Act (“CEQA”); and

WHEREAS, in 2016, the City certified the Program EIR and approved the Specific Plan; and

WHEREAS, the City has now prepared a CEQA Checklist, attached as Exhibit A, which demonstrates that the acquisition elements are within the scope of the 2016 Program EIR pursuant to State CEQA Guidelines section 15168 and that no further CEQA review is required for the acquisitions, pursuant to State CEQA Guidelines section 15162; and

WHEREAS, although the City is planning the acquisitions project in a manner that minimizes the displacement of businesses and residences, it is anticipated that displacement will occur; and

WHEREAS, public agencies undertaking or participating in an activity that results in displacement are required to adopt rules and regulations to implement relocation benefits and administer relocation assistance that are consistent with the California Relocation Assistance Law (California Government Code Sections 7260-7266 Chapter 16) and its implementing regulations (25 CCR sections 6000 et. seq.) and the Uniform Relocation Assistance Act, as amended (42 USC Ch. 61 and P.L. 112-141) (URA) and federal regulations (49 CFR 24), and such amendments that may follow, as its own rules and regulations for federally funded projects for purposes of implementing relocation benefits and administering relocation assistance for federally funded projects; and

WHEREAS, California law also requires public agencies to prepare and submit for approval of a Relocation Plan when their actions result in significant displacement; and

WHEREAS, the City caused to be developed a Relocation Impact Study and Last Resort Housing Plan (Relocation Plan) in compliance with California law and regulations; and

WHEREAS, the Draft Relocation Plan for the acquisitions project was circulated to the Properties occupants and was available to the general public for review and comment from December 9, 2021 through January 8, 2022 in accordance with California law, which requires a minimum 30-day public circulation period; and

WHEREAS, following the closure of the time period for public review and comment, the Draft Relocation Plan was updated to respond to public comments and is now the proposed Final Relocation Plan for the acquisitions project subject to approval by City Council; and

WHEREAS, on July 13, December 7 and 21, 2021, in closed session, the City Council gave staff direction on price and terms for the purchase of the Properties; and

WHEREAS, staff has negotiated purchase agreements with each of the respective owners for 976, 980 and 1004 Hearn within the approved price and terms provided by City Council and seeks City Council approvals necessary for the acquisition of the Properties; and

WHEREAS, staff seeks Council approval to demolish the structures located on the Properties following acquisition in order to provide space needed for the development of future public uses and amenities.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby adopts the CEQA Checklist attached hereto and incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED that based on substantial evidence in the record, including but not limited to the previously certified 2016 Program EIR for the Roseland Area/Sebastopol Road and Roseland Area Annexation Projects Specific Plan, the staff report, and the CEQA Checklist accompanying this Resolution, the City Council finds that no further environmental review of the City's proposed action is required under CEQA for the following reasons:

- (1) The acquisition project and potential future public uses are within the scope of the previously approved Specific Plan and consistent with the uses approved therein, pursuant to State CEQA Guidelines section 15168;
- (2) The intensity, magnitude, and extent of specific public use(s) are not yet known at this time, such that there is not sufficient factual information to enable meaningful, site-specific environmental review of those potential uses at this time (See State CEQA Guidelines 15004(b));
- (3) The acquisitions project and any future site-specific uses that may be approved are hereby made expressly subject to, and conditional upon: (a) the completion of all appropriate further environmental review under CEQA and (b) compliance with all applicable mitigation measures set forth in the 2016 Program EIR; and

(4) Based on the 2016 Program EIR, the CEQA Checklist included with the staff report, and all other evidence in the administrative record, the Council find that none of the conditions identified in Public resources Code section 21166 and State CEQA Guidelines section 15162 exist. Specifically:

(a) This Resolution does not approve any substantial change in the Specific Plan that would require major revisions of the 2016 Program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(b) There is not a substantial change with respect to the circumstances under which the Specific Plan will be undertaken that would require major revisions of the 2016 Program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(c) New information of substantial importance has not been presented that was not known and could not have been known with the exercise of reasonable diligence at the time the 2016 Program EIR was certified or adopted, showing any of the following: (i) that one or more significant effects not discussed in the Program EIR now exist; (ii) that significant effects previously examined would be substantially more severe than shown in the Program EIR; (iii) that previously infeasible mitigation measures or alternatives would now be feasible and would substantially reduce one or more significant effects, but are not being adopted; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant environmental effects, but are not being adopted.

BE IT FURTHER RESOLVED that the Council finds, determines and declares that in connection with the acquisition project: (a) fair and reasonable relocation payments will be provided to eligible persons as required by state law; (b) a relocation assistance program will be established in compliance with state law; (c) eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, as required by state law; (d) comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size and cost for the eligible persons who require them, in compliance with state law; and (e) adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

BE IT FURTHER RESOLVED that in furtherance of the findings set forth in the paragraph above, the City Council hereby (a) adopts the California Relocation Act (Gov. Code 7260 et. seq.) and the California regulations (25 CCR sections 6000 et.seq.), and such amendments that may follow, as its own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance; (b) adopts the Uniform Relocation Assistance Act, as amended (42 USC Ch. 61 and P.L. 112-141) (URA) and federal regulations (49 CFR 24), and such amendments that may follow, as its own rules and regulations for federally funded projects and as its own rules and regulations for purposes of implementing

relocation benefits and administering relocation assistance for federally funded projects; and (c) adopts the Final Relocation Impact Study and Last Resort Housing Plan.

BE IT FURTHER RESOLVED that the Council approves the acquisition of 976 Hearn Avenue, APN 043-191-018; 980 Hearn Avenue, APN 043-191-019; and 1004 Hearn Avenue, APN 043-191-020 subject to all contract contingencies, approves the demolition of the structures located thereon and authorizes the Assistant City Manager or designee to execute all documents necessary to complete the acquisitions, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 11th day of January, 2022.

AYES: (6) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A - CEQA Checklist