

**EXHIBIT A TO CITY COUNCIL RESOLUTION \_\_\_\_\_**  
**FINDINGS OF FACT FOR THE**  
**SPRING LAKE VILLAGE EAST GROVE PROJECT**  
**MODIFIED MAXIMUM AVOIDANCE ALTERNATIVE**

**I. Introduction**

The Environmental Impact Report (EIR) prepared for the Spring Lake Village East Grove Project (Project) addresses a proposal to construct and operate an off-site expansion of the existing Spring Lake Village Continuing Care Retirement Community (CCRC) located in the City of Santa Rosa, California. The Project would include 32 independent senior living units supporting up to 64 residents at full occupancy, as well as a community building, outdoor common areas, and parking. Other ancillary improvements would include paved walking paths, landscaping, drainage features, lighting, fencing, retaining walls, and off-site pedestrian, bicycle, storm water and utility improvements. The EIR evaluated a Project site comprised of three parcels located at 225 Los Alamos Road and 5803 and 5815 Melita Road in the City of Santa Rosa, Sonoma County, as well as off-site improvement areas adjacent to the Project site. After the Draft EIR was circulated, the Project Applicant elected to pursue Alternative 2 (Maximum Avoidance Alternative) and resubmitted a planning application to reflect a modified version of Alternative 2 (Maximum Avoidance Alternative) as the version of the project now under consideration for approval. Accordingly, these findings address the modified version of the Maximum Avoidance Alternative (for simplicity, referred to herein as the “Maximum Avoidance Alternative” or as “Alternative 2 (Maximum Avoidance Alternative)”). Under the Maximum Avoidance Alternative, the two parcels containing single-family residences at 5803 and 5815 Melita Road would remain outside the Planned Development (PD 0308) zone, limiting future use absent a discretionary zone change. Easements would be recorded on portions of these parcels to allow stormwater detention, parking, and private access.

A Draft and Final EIR were prepared for the Project. These findings have been prepared in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The City of Santa Rosa is the lead agency for the environmental review of the Project and has the principal responsibility for its approval.

**II. Environmental Review Process**

**A Development of the Project**

Front Porch Communities and Services (previously Covia Communities) owns and operates the existing Spring Lake Village CCRC located at 5555 Montgomery Drive, referred to as Spring Lake Village. Spring Lake Village began operations in 1987 and was expanded in 2011. Spring Lake Village currently includes 437 residential units composed of independent living, assisted living, and skilled nursing units.

Front Porch now proposes to expand Spring Lake Village by adding independent senior living units and a central dining and community building at a separate parcel to the east of the existing Spring Lake Village. The EIR established the following objectives for the Project:

- Create and operate at least 32 new senior community care facility units for independent living, ranging in size from approximately 1,500 square feet to 1,800 square feet;
- Harmonize with the aesthetic of the existing campus and with the existing neighborhood and scenic corridors near the Project site;
- Expand the existing Spring Lake Village campus facilities with new on-site state of the art amenities, including recreation and dining spaces, in a safe and secure environment for senior residents, within walking distance of the main campus;
- Utilize more fully the existing infrastructure, facilities, and services of the existing campus;
- Incorporate sustainable design, and enhanced energy and water efficiency measures;
- Serve the growing senior population by providing housing with convenient access to medical care facilities, transportation, retail, cultural, and recreational amenities;
- Continue to attract and retain seniors as part of the greater Santa Rosa community through provision of a progression of care and services on the expanded Spring Lake Village campus, allowing residents to age in place; and
- Continue to provide quality senior care licensed by the State of California.

## **B Preparation of the EIR**

The California Environmental Quality Act (CEQA) requires that discretionary decisions by public agencies be subject to environmental review. The City of Santa Rosa prepared an EIR for the Project to meet CEQA's requirements.

On May 11, 2016, the City issued a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) to Responsible Agencies, Trustee Agencies, the Office of Planning and Research, Native American tribes, and neighboring property owners. A public scoping meeting was held on May 23, 2016, at Whited Elementary School, 4995 Sonoma Highway, Santa Rosa, California. Fifteen people signed in at the meeting, with 10 of them speaking on the project. Additionally, nine written comments were received during the 30-day scoping period.

After the May 11, 2016 NOP, the applicant made changes to the proposed Project. Following the State CEQA Guidelines, the City of Santa Rosa issued a second NOP on August 30, 2017, to update agencies and interested parties about the modified Project and the City's plan to prepare an EIR. During the 30-day scoping period for the second NOP, the City received one comment letter.

Formal notification of the Project pursuant to Assembly Bill (AB) 52 and Public Resources Code Section 21080.3.1 was initiated between the City of Santa Rosa, Federated Indians of Graton Rancheria (FIGR), and the Lytton Rancheria of California in May 2016. On June 3, 2016, the Lytton Rancheria acknowledged receipt of the referral for AB 52 purposes and requested to initiate consultation under AB 52. Although FIGR did not formally request consultation during the

initial notification period, they have been included in further consultation efforts between the City of Santa Rosa and Lytton Rancheria.

The City of Santa Rosa required a Phase I archaeological survey, followed by consultations with Lytton Rancheria and FIGR. Meetings and updates from 2017 to 2021 focused on protecting tribal cultural resources. The City provided updated EIR drafts, and FIGR responded before the Draft EIR release.

The Draft EIR was released for public review on June 1, 2021, with a 45-day circulation period beginning on June 1, 2021, and ending on July 15, 2021. A Notice of Availability (NOA) and notice of public hearing for the Draft EIR was provided to the Office of Planning and Research, the Sonoma County Clerk, to Responsible and Trustee Agencies, to Native American tribes, to organizations and individuals who have previously requested such notice in writing, and through direct mailing to owners and occupants of property within 600 feet of the Project site. The NOA was also posted at the Project site and was published in the Press Democrat on June 6, 2021. The Draft EIR was submitted to the State Clearinghouse for distribution to State agencies, and the City posted the Draft EIR and NOA on its website. Hardcopies of the Draft EIR were made available at the Planning and Economic Development Department office at Santa Rosa City Hall and at the Rincon Valley Regional Library. The Draft EIR is also available on the City's website at <https://srcity.org/425/Plans-Studies-EIRs>.

The 45-day review period and the Planning Commission public hearing meeting on June 24, 2021, aimed to gather feedback on the document's adequacy in identifying and analyzing potential environmental impacts and ways to avoid and minimize the project's significant effects in accordance with the CEQA Guidelines Section 15204. Per City Code section 17-04.180, the Planning Commission must conduct a public hearing to review and comment on the Draft EIR. On June 24, 2021, the Planning Commission reviewed the Draft EIR and provided comments. Three members of the public and five Planning Commissioners provided comments during the public hearing.

During the 45-day public comment period, the City also received two agency comment letters and 26 emails. The comments received on the Draft EIR primarily focused on concerns about wildfire risks, traffic congestion, water supply, and the adequacy of infrastructure to support the Project during emergencies. Commenters expressed concern about potential emergency evacuation challenges, and the impact on local traffic and safety. There were also concerns about the Project's water usage and its compatibility with existing community resources.

Comments, responses, and revisions to the Draft EIR are provided in a Final EIR volume. All comments and responses have been published within a Final EIR document.

The Draft EIR and Final EIR identifies Alternative 2 (Maximum Avoidance Alternative) as the Environmentally Superior Alternative. This alternative would cause less direct disturbance at the Project site and have a smaller overall footprint compared to the original proposal. Specifically, Alternative 2 (Maximum Avoidance Alternative) would avoid removing the two existing single-family homes at 5803 and 5815 Melita Road, and also minimize improvements on a portion of the property, thereby reducing the extent of excavation and ground disturbance, which in turn would minimize impacts to cultural and tribal resources.

After the Draft EIR was circulated, the Project Applicant elected to pursue Alternative 2 (Maximum Avoidance Alternative) and resubmitted a planning application to reflect a modified

version of Alternative 2 (Maximum Avoidance Alternative) as the version of the project now under consideration for approval. Accordingly, these findings address the modified version of the Maximum Avoidance Alternative, and further references in these findings to the “Project” shall refer to the modified version of the Maximum Avoidance Alternative that is proposed for approval, except where these findings expressly reference the “proposed Project” analyzed in the Draft EIR.

### **C Absence of Significant New Information**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard.

The Council recognizes that the Final EIR incorporates information obtained since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the Council finds as follows:

**Changes to the Maximum Avoidance Alternative.** As noted above in Section B, after the Draft EIR was circulated, the Project Applicant elected to pursue a modified version of Alternative 2 (Maximum Avoidance Alternative), identified as the Environmentally Superior Alternative in Section 5.5 of the Draft EIR. As a result, the Applicant resubmitted a planning application to reflect a modified version of Alternative 2 (Maximum Avoidance Alternative) as the version of the project now under consideration for approval.

The modifications to Alternative 2 are designed to further reduce impacts to cultural and tribal cultural resources. Under the Maximum Avoidance Alternative, the two parcels containing single-family residences at 5803 and 5815 Melita Road would remain outside the Planned Development (PD 0308) zone, limiting future use absent a discretionary zone change. Easements would be recorded on portions of these parcels to allow stormwater detention, parking, and private access. In addition, the City of Santa Rosa Planning Department has determined a secondary emergency access is not needed; accordingly, under Alternative 2, the secondary access route passing through the southern portion of the site to Melita Road has been reduced in width and would take the form of a pedestrian pathway. Further, under Alternative 2, the pedestrian pathway and associated utility corridor has been relocated slightly to the east. The footprint of Cottage 7 also has been adjusted to further avoid potential sensitive resources. Finally, the onsite rain garden/ retention basin has been relocated to the north of the prior location. None of these changes to the Maximum Avoidance Alternative would result in a new or substantially more severe significant impact compared to the impacts disclosed in the Draft EIR and the modifications have not deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect; therefore, recirculation of the EIR is not required due to the changes to the Maximum Avoidance Alternative.

**Changes to Mitigation Measures.** None of the mitigation measures proposed in the Draft EIR have been modified in response to comments received. Therefore, in accordance with CEQA and the CEQA Guidelines, no recirculation of the EIR is necessary based on changes to the mitigation measures in the Final EIR.

**Other Changes.** The City's conditions of approval for the Spring Lake Village East Grove Project, include the following transit-related improvements along Highway 12:

Relocation of Sonoma County Transit Stop on Westbound Highway 12: A condition of Project approval requires the Applicant to relocate an existing westbound Sonoma County Transit stop, currently situated on the northwest side of the Highway 12 / Los Alamos Road intersection, to a new location next to the sidewalk on the northeast side of the intersection. This relocation aims to provide ADA accessibility, which the current stop lacks. Sonoma County Transit has agreed to this relocation. The relocation of the bus stop on westbound Highway 12 would require minimal ground disturbance to install the new signpost within an existing sidewalk.

Extension of Sidewalk to Transit Stop on Eastbound Highway 12: A condition of Project requires the Applicant to extend the existing sidewalk to an existing Sonoma County transit stop on eastbound Highway 12, just east of the intersection with Los Alamos Road. The sidewalk extension would be approximately 80 to 100 linear feet and provide ADA accessibility to the transit stop. When installing the new sidewalk, ground excavation would need to extend to a depth of about 5 to 7 inches below the established finish grade and would be within the compacted shoulder of the existing roadway.

The minor modifications resulting from the conditions of approval have been evaluated using the same impact criteria and significance thresholds applied to the Project and Maximum Avoidance Alternative in the Draft EIR. The minor modifications resulting from the conditions of approval would not result in a new or substantially more severe significant impact compared to the impacts disclosed in the Draft EIR and the modifications have not deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect; therefore, no recirculation of the EIR is necessary based on these minor modifications.

Various additional minor changes and edits have been made to the Draft EIR, as described in the Final EIR. These changes include a refinement of analysis related to emergency evacuation planning, wildfires, as well as changes that are generally of an administrative nature to improve clarity. The Council finds these changes are of a minor, non-substantive nature and do not require recirculation of the EIR.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of Council's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, the Council hereby finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR.

## **D Differences of Opinion Regarding the Impacts of the Project**

In making its determination to certify the Final EIR and to approve the Project, the Council recognizes that the Project involves a number of controversial environmental issues and that a

range of opinion exists with respect to those issues. The Council has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR and the comments received on the Draft EIR and the responses to those comments in the Final EIR. The Council has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, and the reports prepared by the experts who prepared the EIR, and by City staff, addressing those comments. The Council has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the Council to make its decisions after weighing and considering the various viewpoints on these important issues. The Council accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

### **III. CEQA Requirements**

Public Resources Code Section 21002 states that "...public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" This same statute states that the procedures required by CEQA "...are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see Public Resources Code, § 21081, subd.(a); CEQA Guidelines, §15091, subd. (a)). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines, § 15091, subd. (a)(1)). The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines, § 15091, subd. (a)(2)). The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR" (CEQA Guidelines, §15091, subd. (a)(3)). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur.

Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the Project lies with some other agency (CEQA Guidelines, § 15091, subd. (a), (b)).

These findings constitute the Council's best efforts to set forth the evidentiary and policy basis for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Council adopts a resolution approving the Project.

#### **IV. Impacts and Mitigation Measures**

These findings provide the written analysis and conclusions of the Council regarding the environmental impacts of the Project and the mitigation measures identified in the Final EIR and adopted by the Council as conditions of approval for the Project. In making these findings, the Council has considered the opinions of other agencies and members of the public.

Attachment A to these findings and incorporated herein by reference summarizes the environmental determinations of the Final EIR about the Maximum Avoidance Alternative's impacts before and after mitigation. Attachment A does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Attachment A provides a summary description of each impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the Council, and states the Council's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Draft and Final EIR supporting the determinations regarding the impacts and mitigation measures designed to address those impacts. In making these findings, the Council ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures.

#### **V. Basis for City Council's Decision to Approve**

The EIR identified and compared the significant environmental impacts of the project alternatives listed below.

- Maximum Avoidance Alternative – This alternative was identified in the Draft EIR as Alternative 2. This alternative responds to the significant cultural resources and tribal cultural resource impacts of the previously proposed project. The Maximum Avoidance Alternative would be located in the same location as the originally proposed project. The total residential units would remain the same at 32 units, and the mix would change from 12 Villa units and 20 cottage units to 18 Villa units and 14 cottage units. The alternative also would include the same vehicle access and off-site pedestrian, bicycle, storm water and utility improvements as the previously proposed project. The EIR concludes that the significant impacts of the Maximum Avoidance Alternative have been substantially lessened to a less-than-significant level by the adoption of feasible mitigation measures. The Maximum Avoidance Alternative would result in less direct disturbance at the

Project site and a smaller overall Project footprint. The reduction of development and avoidance of deeper ground-disturbance elements under the Maximum Avoidance Alternative would substantially reduce direct disturbance, and with implementation of mitigation measures identified in Section 3.4 and Section 3.13 relative to cultural resources and tribal cultural resources, the impacts would be reduced to a less-than-significant level.

- Proposed Project – This alternative was identified as the proposed Project in the Draft EIR. However, following the circulation of the Draft EIR, the Project Applicant elected to pursue Alternative 2 (Maximum Avoidance Alternative), which was identified as the Environmentally Superior Alternative in the Draft EIR.
- No Project Alternative – This alternative assumes no changes to the existing use of the Project site. The existing residences at 5803 and 5815 Melita Road would continue to operate, with no anticipated changes. The property at 225 Los Alamos Road would remain as a RR-40 zoned property that may be developed in the future.

The EIR also considered a number of different alternatives, some of which were determined to be either infeasible or did not meet most of the project objectives, and therefore were not analyzed further.

#### **A. The Council's Findings Relating to Alternatives**

In making these findings, the Council certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The EIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the EIR is incorporated in these findings by reference.

The EIR describes and evaluates two action alternatives. As set forth in Section IV above, the Council has adopted mitigation measures that mitigate the significant environmental effects of the Maximum Avoidance Alternative to a less-than-significant level. The Council finds that the EIR evaluated a reasonable range of alternatives.

Because the significant environmental effects of the Maximum Avoidance Alternative will be reduced to a less-than-significant level through the adoption of mitigation measures, CEQA does not require the Council to make findings that other alternatives are infeasible.

#### **B Selection of the Maximum Avoidance Alternative**

The Maximum Avoidance Alternative would meet the project objectives and would result in fewer significant environmental impacts than other feasible alternatives.

The Maximum Avoidance Alternative is the Environmentally Superior Alternative, in that with implementation of mitigation measures, the impacts to cultural resources (Impact CR-2 and CR-3) and tribal cultural resources (Impact TCR-1) would be reduced to a less-than-significant level.

For all of the foregoing reasons, the Council has determined to approve the Maximum Avoidance Alternative instead of one of the other alternatives for the Project.

## **VI. Record of Proceedings**

Various documents and other materials constitute the record upon which the Council bases these findings and the approvals contained herein. The location and custodian of these documents and materials is Monet Sheikhali, Supervising Planner, City of Santa Rosa Community Development Department, 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404, (707) 543-4698.

## **VII. Mitigation Monitoring Program**

In accordance with CEQA and the CEQA Guidelines, the City must adopt a mitigation monitoring program to ensure that the mitigation measures adopted herein are implemented. The Council hereby adopts the Mitigation Monitoring Program for the Project in Exhibit B.

## **VIII. Summary**

1. Based on the foregoing findings and the information contained in the administrative record, the Council has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:
  - a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.
  - b. Those changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.
2. Based on the foregoing findings and information contained in the record, it is hereby determined that:
  - a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.