

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA ADOPTING AN ADDENDUM TO THE KERRY RANCH I, II, & III MITIGATED NEGATIVE DECLARATION (STATE CLEARINGHOUSE NO. 2007092019) FOR THE KERRY RANCH - PARCEL A PROJECT LOCATED AT ASSESSOR'S PARCEL NUMBER 034-850-026; FILE NUMBER PRJ21-008 (MAJ21-001 & CUP21-043)

WHEREAS, On October 11, 2007, the Planning Commission adopted the Kerry Ranch I, II & III Mitigated Negative Declaration (MND) and approved the Kerry Ranch I project, including a Tentative Map and Conditional Use Permit, to subdivide a 3.95-acre area into 25 individual lots, constructed with 25 single-family homes and 12 accessory dwelling units, and Parcel A 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"); and the Commission's actions were appealed to the Council; and

WHEREAS, On December 4, 2007, the Council upheld the Commission's actions approving the Kerry Ranch I subdivision, including upholding the adoption of the Kerry Ranch I, II & III Mitigated Negative Declaration; and

WHEREAS, the MND analyzed the development of three tentative maps to subdivide 14.64 acres into 95 single family lots and 41 second dwelling units, which included the Kerry Ranch I subdivision; and

WHEREAS, the subject parcel, Assessor's Parcel No. 034-850-026 was identified as Parcel A on the Kerry Ranch I Final Map, which was recorded with the Sonoma County Assessor's Office on September 16, 2020; and

WHEREAS, on April 28, 2021, the Planning and Economic Development Department accepted Tentative Map and Conditional Use Permit applications to subdivide Assessor's Parcel No. 034-850-026, a 0.65-acre parcel, into five single-family residential lots (proposed project);

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 negative declaration 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, an addendum is appropriate where the proposed Project requires some changes and additions to the previously adopted MND;; and

WHEREAS, CEQA Guidelines Section 15164 also 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, an addendum to the MND, prepared J. Kapolchok and Associates, dated March 2022, was prepared for the proposed Kerry Ranch – Parcel A project; 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 in the MND and none of the circumstances under CEQA Guidelines Section 15162 were triggered, 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 Kerry Ranch I, II & III Mitigated Negative Declaration; and

WHEREAS, on August 11, 2022, the Planning Commission (Commission) of the City of Santa Rosa held a duly noticed public hearing and considered the Addendum together with the previously adopted MND and the proposed Project, at which time the Commission considered the proposed Project materials, public comments received, if any, staff reports, written and oral, and the testimony and other evidence of all those wishing to be heard; 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 Commission has determined that all potentially significant environmental effects of the proposed Project were fully examined and mitigated in the previously adopted MND; 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 Planning Commission of the City of Santa Rosa, based on the materials and evidence presented, hereby resolves, declares, determines and orders 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 ND/MND if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent MND are present. The Planning Commission has reviewed and considered the Addendum for the proposed Project and the 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 Planning Commission 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 Planning Commission 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 Planning Commission finds that based on the whole record before it, including but not limited to the Addendum, the Kerry Ranch I, II & III Mitigated Negative Declaration, all related and supporting technical reports, and the staff report, that none of the conditions identified in CEQA Guidelines Section 15162 requiring the need for further subsequent environmental review has 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 Kerry Ranch I 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; and
- c. 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 Kerry Ranch I, II & III Mitigated Negative Declaration was adopted that has come to light, and that shows any of the following: (i) that the proposed Project or Kerry Ranch I 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 applicant 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 applicant declined to adopt.

SECTION 4. Approval of Addendum. The Planning Commission of the City of Santa Rosa hereby approves and adopts the Kerry Ranch – Parcel A Addendum to the Kerry Ranch I, II and III Mitigated Negative Declaration.

SECTION 5. Notice of Determination. The Planning Commission hereby directs staff to prepare, execute and file a Notice of Determination with the Sonoma County Clerk-Recorder's Office within five (5) working days of the approval of this Resolution.

SECTION 6. 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.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11th day of August 2022 by the following vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

APPROVED: _____
Karen Weeks, Chair

ATTEST: _____
Clare Hartman, Executive Secretary

Exhibit A – Kerry Ranch – Parcel A Addendum, dated March 2022