

RESOLUTION NO. RES-2025-140

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING AN ADDENDUM TO THE ELM TREE STATION INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE ELM TREE STATION PROJECT, LOCATED AT 874 N WRIGHT ROAD - ASSESSOR'S PARCEL NUMBER (APN) 034-063-001 - FILE NUMBER PRJ21-033

WHEREAS, on October 24th, 2013, the Planning Commission of the City of Santa Rosa adopted a Mitigated Negative Declaration (MND) and approved the Elm Tree Station project, including a Conditional Use Permit to construct a gas station, and one apartment unit in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq), the State CEQA Guidelines (Cal. Code Regs., Title 14 Section 15000 et seq.) and the City's local CEQA Guidelines (collectively, "CEQA"); and

WHEREAS, the MND analyzed the construction of two retail spaces (3,448 SF and 432 SF) and a gas station (six fuel pumps, four electric vehicle charging stations) with extended hours of operation, in addition to one apartment unit (806 SF) and outdoor amenity space; and

WHEREAS, on October 24, 2017, the approved entitlements for the Elm Tree Station project expired; and

WHEREAS, on December 17, 2021, new Conditional Use Permit and Design Review applications for Elm Tree Station were submitted to the Planning and Economic Development Department; 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 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 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, CEQA Guidelines Section 15164 provides that an addendum to an approved MND is appropriate when minor technical changes or additions are necessary or none of the conditions described in section 15162 calling for the preparation of a subsequent negative declaration has occurred; and

WHEREAS, an addendum to the MND, prepared by J. Kapolchok and Associates, dated March 2024, was prepared for the proposed Elm Tree Station project and reviewed by City Staff and the Environmental Coordinator; and

WHEREAS, the Addendum was prepared pursuant to CEQA and all other legal prerequisites to the adoption of this Resolution have occurred; 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 Elm Tree Station MND adopted in October of 2013; and

WHEREAS, as required under CEQA, the Mitigation Monitoring and Reporting Program (MMRP) prepared for the MND identifies the timing of, and the agency or agencies responsible for enforcement and monitoring of each mitigation measure to be implemented to reduce the potentially significant impacts to less than significant levels; and

WHEREAS, the project applicant has agreed to all mitigation measures set forth in the MMRP that are required to be implemented pursuant to CEQA to reduce potentially significant impacts resulting from the project; and

WHEREAS, on April 10th, 2025, 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 MMRP 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 determined that all potentially significant environmental effects of the proposed Project were not fully examined and mitigated in the previously adopted MND and did not adopt the Addendum; and

WHEREAS, pursuant to Zoning Code Chapter 20-62 (Appeals), the applicant filed an appeal of the Commission's denial of the Addendum on April 21, 2025; and

WHEREAS, on August 19th, 2025, the Council of the City of Santa Rosa held a duly noticed public hearing and considered the Addendum together with the previously adopted MND and MMRP and the proposed Project, at which time the Council 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, the City Council has before it all of the necessary environmental information required by CEQA to properly analyze and evaluate any and all of the potential environmental impacts of the proposed project; 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 of the City of Santa Rosa has determined that all potentially significant environmental effects of the proposed Project were fully examined and mitigated in the previously adopted MND.

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 only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration have occurred. The Council of the City of Santa Rosa 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 of the City of Santa Rosa 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 of the City of Santa Rosa 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 Council of the City of Santa Rosa finds that based on the whole record before it, including but not limited to the Addendum, the EIR, 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 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 in that the proposed Project has the same type and intensity of land uses as was analyzed by the MND. The number of gas station pumps and electric vehicle chargers are the same, in addition to the square footages of each retail land use being the same; and
- b. There have been no substantial changes with respect to the circumstances under which the proposed 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. The Addendum assesses the 21 impact categories referenced in Appendix G of the CEQA Environmental Checklist using the criteria found in CEQA Guidelines Section 15162. Based on those criteria, the Addendum found five of the impact categories held the potential to cause new significant environmental effects or substantial increases in the severity of a significant environmental effect not identified in the MND, but concluded each of these impacts were less than significant. These impact categories are Air Quality, Energy, Greenhouse Gas Emissions, Transportation and Traffic, and Wildfire. Potential Air Quality impacts were analyzed against 2022 Bay Area Air Quality Management District (BAAQMD) Climate Impacts Thresholds of Significance. Additionally, an Air Quality Health Risk Assessment was prepared by Illingworth & Rodkin Inc., dated February 27, 2023 found the Project's emissions to be well below the BAAQMD levels of significance for both construction and operations. The Energy impact category was added to CEQA Appendix G after the adoption of the MND; therefore, applicable policies of the Santa Rosa General Plan, Climate Action Plan, Green Building Standards Code, and California Energy Code were reviewed to analyze Energy impacts. The MND found no impact to Greenhouse Gas Emissions, and according to guidance provided by BAAQMD, a retail and gas station use is a typical commercial land use for which the 2022 BAAQMD thresholds for climate impact analysis. Regarding Traffic, Vehicles Miles Traveled (VMT) was not a consideration when the MND was adopted. Therefore, W-Trans prepared a VMT analysis that concludes due to the land uses being locally-serving, the Project would result in a less-than-significant transportation impact on VMT. Wildfire did not exist as a separate CEQA Guidelines Appendix G category when the MND was adopted; however, wildland fire and emergency evacuation were addressed in the Hazards and Hazardous Materials section of the MND. The Project site is located over seven miles from lands designated as Very High Fire Hazard Severity Zone. Additionally, there are no factors such as steep slopes or prevailing winds that would increase fire risk or expose Project occupants to the uncontrollable spread of wildfire, pollutant concentration from wildfire, post-fire slope instability, or post-fire flooding; therefore, there is no change to the determination of less than significant impact that was reached in the MND; 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 MND was adopted that has come to light, and that shows any of the following: (i) that the proposed Project or the originally approved Elm Tree Station 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 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. Although there was new information which was not known and could not have been known at the time of the

adopted MND, as reflected in subdivision (b) above, the Addendum’s analysis of that new information or regulations applied to the proposed project shows that no new or more severe environmental effects would occur as a result of the proposed Project.

- d. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the MMRP prepared for the MND and compliance with the adopted MMRP is required as a Condition of Approval for the project.
- e. The Project, including the construction of a gas station and retail space and one apartment unit, will not have a significant effect upon the environment if the mitigation measures listed and identified in the Addendum to the MND and in the MMRP, attached hereto and incorporated herein, are implemented.

SECTION 4. Approval of Addendum. The City Council of the City of Santa Rosa hereby approves and adopts the Elm Tree Station Addendum to the 2013 Elm Tree Station IS/MND and MMRP.

SECTION 5. Notice of Determination. The City Council of the Santa Rosa 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,

IN COUNCIL DULY PASSED this 19th day of August, 2025.

AYES: (5) Mayor Stapp, Vice Mayor Alvarez, Council Members MacDonald, Okrepkie, Rogers

NOES: (2) Council Members Bañuelos, Fleming

ABSENT: (0)

ABSTAIN: (0)

RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – The Elm Tree Station Addendum to the 2013 Elm Tree Station MND and MMRP