

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND ADOPTING AN ADDENDUM TO THE CERTIFIED NORTH SANTA ROSA STATION AREA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 20111022034) FOR THE 1650 W STEELE LANE APARTMENTS PROJECT LOCATED AT 1650 W STEELE LANE, SANTA ROSA, APN 041-042-012 (FILE NUMBER PRJ21-010)

WHEREAS, on September 18, 2012, the City Council of the City of Santa Rosa adopted Resolution Number 28187 certifying the Final Environmental Impact Report for the North Santa Rosa Station Area Specific Plan and associated General Plan, Zoning Code, Design Guidelines, Citywide Creek Master Plan and Bicycle and Pedestrian Master Plan Amendments - File Number ST10-009, 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

WHEREAS, the EIR was not challenged and is presumed to be valid pursuant to Public Resources Code section 21167.2; and

WHEREAS, on April 15, 2021, an application was submitted for a Minor Conditional Use Permit and Minor Design Review for 1650 West Steele Lane Apartments, a 36-unit Multi-family housing project consisting of four units reserved for very low-income households, located the Project Site (proposed Project); and

WHEREAS, approval of the proposed Project is a subsequent discretionary action in furtherance of the North Santa Rosa Station Area Specific Plan; 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 a certified EIR, an Addendum to the EIR 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 certified EIR 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, because the proposed Project requires some changes and additions to the previously certified EIR, the City has prepared an Addendum to the EIR ("Addendum"); and

WHEREAS, CEQA Guidelines Section 15164 also provides that an addendum to an approved EIR 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 EIR 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 EIR and there is no new information of substantial importance that identifies new or more intense significant impacts than were identified in the EIR and therefore the use of an Addendum in accordance with CEQA Guidelines Section 15164 would be appropriate; 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 as part of the City's environmental review process 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 North Santa Rosa Station Area Specific Plan EIR; and

WHEREAS, on January 25, 2023, the Zoning Administrator of the City of Santa Rosa held a duly noticed public hearing at a Special Meeting and considered the Addendum together with the previously certified EIR and the proposed Project, at which time the Zoning Administrator 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 certified EIR, all comments made at the public hearing, and all other information in the administrative record, the Zoning Administrator has determined that all potentially significant environmental effects of the proposed Project were fully examined and mitigated in the previously certified EIR; and

WHEREAS, the Addendum was prepared pursuant to CEQA and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, on January 25, 2023, the Zoning Administrator adopted Resolution No. ZA-2023-005, adopting the Addendum for the Project; and

WHEREAS, on February 6, 2023, an Appeal application was submitted to the City of Santa Rosa, "based on the City's approval of much-reduced parking for the project"; and

WHEREAS, City of Santa Rosa Zoning Code Section 20-16.070(A)6 requires that that the review authority for an appeal of any project submitted pursuant to Section 20-16.070 (Modifications to the Design Review process) is the City Council; and

WHEREAS, on May 23, 2023, the City Council of the City of Santa Rosa held a duly noticed public hearing and considered the appeal of the Zoning Administrator action adopting an Addendum for 1650 W Steele Lane Apartments, a Multifamily dwelling development, all comments made at the public hearing, and all other information in the administrative record.

NOW, THEREFORE, BE IT RESOLVED that the Council 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 certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered the Addendum for the proposed Project and the certified North Santa Rosa Station Area Specific Plan EIR 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 City Council further finds that the Addendum and administrative record have been completed in compliance with CEQA and the Addendum reflects the City's independent judgment. The Council further finds that the project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15182 because the project is consistent with North Station Area Specific Plan for which an Environmental Impact Report (EIR) was prepared.

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 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 finds that based on the whole record before it, including but not limited to the Addendum, the Specific Plan EIR, 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 in that:

- a. The proposed Project does not constitute a substantial change that would require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects because the project site was envisioned for multifamily residential development at a density of 18 units per acre, and the project is consistent with City of Santa Rosa Zoning Code Section 20-31.070 (Supplemental Density Bonus), Section 20-31.060 (State Density Bonus), and California Government Code Sections 65915-65918 (Density Bonus). The proposed project included technical studies to support the Addendum that analyzed a variety of impact areas, including air quality, biological resources, geological resources, noise, and traffic, that all support

the finding that the project does not constitute a substantial change that would require major revisions to the EIR; and

- b. There have been no substantial changes with respect to the circumstances under which the proposed Project or North Santa Rosa Station Area Specific Plan will be constructed that would require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects in that the surrounding area has been developed in accordance with the standards established by the North Santa Rosa Station Area Specific Plan and is therefore consistent with the development envisioned and analyzed by the EIR; 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 EIR was certified that has come to light, and that shows any of the following:
 - i. That the proposed Project or North Santa Rosa Station Area Specific Plan would have one or more significant effects not discussed in the certified EIR;
 - ii. That significant effects previously examined would be substantially more severe than shown in the certified EIR;
 - 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 City 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 City declined to adopt.

SECTION 4. Approval of Addendum. The Council of the City of Santa Rosa hereby denies the appeal, approves, and adopts the 1650 West Steele Lane Apartments Addendum to the North Santa Rosa Station Area Specific Plan EIR.

SECTION 5. Notice of Determination. The Council of the City of 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.

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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. The custodian for these records is Conor McKay, Senior Planner.

IN COUNCIL DULY PASSED this 23rd day of May, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A - Addendum to the North Santa Rosa Station Area Specific Plan EIR