

Maloney, Mike

From: Maloney, Mike
Sent: Thursday, February 22, 2018 12:25 PM
To: _PLANCOM - Planning Commission
Cc: Murray, Susie; Hollister, Aaron
Subject: February 22, 2018 - Planning Commission Questions and Answers
Attachments: 15162.docx; 15332.docx

Information only; please do not reply to all.

Chair Edmundson and Members of the Planning Commission;

Background: There is a difference in language used in the CEQA WHEREAS section of the resolutions for items 8.1 and 8.2. Item 8.1 states that conditions have not changed substantially, and item 8.2 states there is no change of conditions that would preclude a time extension. One suggests some change but not substantial whereas the other leads one to assume no changes at all.

Question 1: Does this difference of language matter?

Answer: Items 8.1 and 8.2 were found to be in compliance with CEQA under different provisions which would likely result in a difference in language used.

Item 8.1 has been found in compliance with CEQA Guidelines Section 15162 (full text attached), a streamlining measure intended to expedite the processing of projects that have previously been found in compliance through the adoption of a Mitigated/Negative Declaration (MND) or certification of an Environmental Impact Report (EIR), where there are no effects substantially more severe, unless one or more of the following occur:

1. Substantial changes are proposed in the project;
2. Substantial changes occur with respect to the circumstances the project is undertaken;
3. New information of substantial importance is made available resulting in any of the following:
 - a. The project will have one or more significant effects not discussed in the adopted MND or EIR;
 - b. Environmental effects previously examined will be substantially more severe;
 - c. Mitigation measures previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project; or
 - d. Mitigation measures which are considerably different from those analyzed in the previous MND or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Item 8.2 has been found categorically exempt pursuant to CEQA Section 15332 as infill development, which requires a project to meet the following criteria:

1. The project is consistent with the General Plan and applicable General Plan policies as well as the zoning code and other regulations;
2. The project occurs within city limits on a site of no more than five acres and is substantially surrounded by urban uses;
3. The project site has no value as habitat for endangered, rare, or threatened species;
4. Approval of the project, as conditioned, would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
5. The site can be adequately served by all required utilities and public services.

Question 2: Section III of Attachment A states mitigation measures required by NCWQCB may not be consistent with this map, which would require a re-application of the tentative map for approval with the new configuration. Should the Planning Commission in its approval of the time extension requests provide flexibility in language that allows for the extension in order not to injure the applicant's request should there be a required reconfiguration?

Staff Response: Section III of Attachment A for the Kerry Ranch I Tentative Map Subdivision Resolutions is standard language that is utilized when wetland mitigation is required for a project. The intent of the language is to allow the project to move forward while wetland mitigation is being undertaken as per the requirements of the North Coast Water Quality Control Board (NWQCB). For example, if five lots of the subject subdivision require wetland mitigation replacement in a wetland bank per the NCWQCB, the improvements and the development of the remaining 20 lots could occur while wetland mitigation is being undertaken for the affected lots.

The Planning Commission does not need to take any action to provide flexibility to the applicant – they may approve or deny the extension regardless of the wetland mitigation process/NWQCB requirements. The PC discretion is limited to length of extension and new conditions based on new ordinances or policies as per Code Section 19-28-030.

Susie Murray | City Planner

Planning & Economic Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

