

Maloney, Mike

From: Maloney, Mike
Sent: Wednesday, April 11, 2018 5:20 PM
To: _PLANCOM - Planning Commission
Subject: Planning Commission 4/12 - Comments - Items 9.1/9.2
Attachments: April 12 Planning Commission Responses final.docx

Good Evening Planning Commissioners,

Attached is the response to Commissioner Edmondson. Note that the resolutions online will be updated with a revision date.

Thanks,

Michael Maloney

-----Original Message-----

From: Hartman, Clare
Sent: Monday, April 09, 2018 8:33 AM
To: Gage, Eric <egage@srcity.org>
Cc: Jones, Jessica <JJones@srcity.org>
Subject: FW: Planning Commission 4/12 - Comments - Items 9.1/9.2

Eric, please prepare a draft response for the Commission. You can work with Jessica prior to sending the message through Mike. Attached is an example message.

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-----Original Message-----

From: Edmondson, Casey
Sent: Sunday, April 08, 2018 1:13 AM
To: Gage, Eric <egage@srcity.org>
Cc: Hartman, Clare <CHartman@srcity.org>
Subject: Planning Commission 4/12 - Comments - Items 9.1/9.2

Eric,

I have a couple of comments on items 9.1 and 9.2.

Thanks,
Casey

Bicycle Trail Route Amendment - Item 9.1

1) Regarding CEQA, the staff report cites 15061(b)(3) to characterize the project as exempt. The project is defined as the removal of the section from future route plans, so the removal maintains the physical status quo, though it changes the status quo of the planning documents. If the City has to make this change to comply with a legal mandate (I'm assuming the settlement agreement was judicially approved), wouldn't it be accurate to say that the city is not exercising discretion in this planning commission action, and therefore it's exempt from CEQA? Obviously the City made a decision to settle a suit, but that exercise of "discretion" is in the past. The Planning Commission appears to have no choice. And it's pretty hard to argue that this segment's removal will not impair the bike network, or that the bike network is not important to the environmental quality of the city.

2) Is the settlement agreement confidential? If not we might include it in the materials, but I'm sure that the terms have been characterized accurately.

Fire Stations - Item 9.2

1) The "findings" section of the staff report refers to compliance with a legal mandate; is that true, or was the section taken from the staff report for item 9.1? Also, with regard to a finding of physical suitability, the proposed changes do seem to involve the movement of facilities and therefore physical changes, though all the changes are proposed and general.

Sent from my iPad

Bicycle Trail Route Amendment - Item 9.1

Question 1

Regarding CEQA, the staff report cites 15061(b)(3) to characterize the project as exempt. The project is defined as the removal of the section from future route plans, so the removal maintains the physical status quo, though it changes the status quo of the planning documents. If the City has to make this change to comply with a legal mandate (I'm assuming the settlement agreement was judicially approved), wouldn't it be accurate to say that the city is not exercising discretion in this planning commission action, and therefore it's exempt from CEQA? Obviously the City made a decision to settle a suit, but that exercise of "discretion" is in the past. The Planning Commission appears to have no choice. And it's pretty hard to argue that this segment's removal will not impair the bike network, or that the bike network is not important to the environmental quality of the city.

Response 1

In response to a Superior Court judgment entered on January 7, 2016, the City and the Villages at Wild Oak Association entered into a settlement agreement. Pursuant to the agreement, the City agreed that "City staff shall recommend to the Bicycle and pedestrian Advisory Board, the Planning Commission and the City Council an amendment to the City of Santa Rosa's 2010 Bicycle and Pedestrian Master Plan to delete all depictions and text referring to public bicycle use on [a portion of] Route 231...." The Bicycle and Pedestrian Advisory Board considered the proposed amendments on May 18, 2017, and recommended by motion to remove a portion of the planned Route 231 in the Bicycle and Pedestrian Master Plan. Staff is recommending that the Planning Commission adopt the proposed Bicycle Trail Route Amendment at its meeting on April 12, 2018.

Staff has reviewed the proposed Bicycle Trail Route Amendment and has determined that the project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), which provides that an activity is exempt from CEQA if the activity in question will not have a significant effect on the environment. Staff's determination is based on the following:

- The existing references to Route 231 in the General Plan and Bicycle and Pedestrian Master Plan are references to a *proposed* bike connection. Route 231 is not identified in any of the City's regulatory documents as an actual, existing bike connection. Thus, the proposed amendment removes from the General Plan and Master Plan all references to a hypothetical planned bike connection. Environmental impacts of removing a hypothetical planned bike connection are considered speculative and are not subject to CEQA review. (CEQA Guidelines section 15064 (d).)
- The portion of Route 231 at issue does not currently exist as an improved city bikeway and there is no existing signage indicating the existence of such trail. In other words, the existing environmental conditions in the area do not include a City bikeway. The removal of a hypothetical planned bike connection from the City's planning documents would not cause any environmental impacts as there is no change to the baseline conditions.
- Environmental review of the Citywide bicycle and pedestrian network will occur in conjunction with the Bicycle and Pedestrian Master Plan update which is currently underway.

In addition, the proposed amendment will not require major revisions of the previous mitigated negative declaration adopted for the Master Plan; there have been no changes in circumstances resulting in new or more severe impacts; and there is no new information indicating that the project will have one or more significant effects not discussed in the previous negative declaration. Therefore, further environmental review is not required. (CEQA Guidelines section 15162.)

Question 2

Is the settlement agreement confidential? If not, we might include it in the materials, but I'm sure that the terms have been characterized accurately.

Response 2

The settlement agreement will be distributed to the Commission as late correspondence.

Fire Stations - Item 9.2

Question 1

The "findings" section of the staff report refers to compliance with a legal mandate; is that true, or was the section taken from the staff report for item 9.1?

Response 1

This statement was inserted in error and has been removed from item 9.2.

Question 2

Also, with regard to a finding of physical suitability, the proposed changes do seem to involve the movement of facilities and therefore physical changes, though all the changes are proposed and general.

Response 2

The findings required for a general plan amendment are set forth in Zoning Code section 20-64.050, which states: "An amendment to the General Plan, this Zoning Code or the Zoning Map may be approved only if all of the following findings are made, as applicable to the type of amendment." (Emphasis added.)

In this instance, finding 3 regarding site suitability is not applicable to the amendment at issue. There are two types of General Plan and Zoning Code amendments. One is referred to as a map amendment, which changes the designation of a parcel or parcels to allow a specific project to be developed on those parcels. The other is generally referred to as a text amendment, which constitutes a change to the text and/or exhibits of the General Plan or Zoning Code, and is not associated with a specific location.

As set forth in Code section 20-64.060, General Plan Amendment finding #3 relates to the physical suitability of a proposed location. Staff determined that finding #3 is not applicable to the type of amendment proposed because no development site is identified. The Fire Station Amendment identifies a general vicinity for future fire station development, but does not identify specific sites for development. Indeed, any future site selected for development will be subject to CEQA review. Therefore, findings regarding the "absence of physical constraints, access, compatibility and provision of utilities for the requested/anticipated development" could not be made and finding #3 is not applicable.

Similarly, the Bike Trail Amendment proposed in item 9.1 involves the removal of speculative, future infrastructure. Any alternative bike routes will be evaluated in the future as part of the separate Bike and Pedestrian Master Plan update.

While the above was explained in the staff reports for items 9.1 and 9.2, the resolutions did not reflect staff's determination that finding #3 is not applicable. Therefore, to ensure clarity in the resolutions, the statements of findings in both resolutions will be revised to include a statement that the findings regarding physically suitable sites were not applicable based on the above considerations.