



# City of Santa Rosa

## Legislation Details

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<b>File #:</b>	22-0057	<b>Version:</b>	1	<b>Name:</b>	Roseland Creek Community Park Master Plan: Rescission of Approvals
<b>Type:</b>	CC- Report	<b>Status:</b>			Agenda Ready
<b>File created:</b>	1/6/2022	<b>In control:</b>			City Council
<b>On agenda:</b>	1/25/2022	<b>Final action:</b>			
<b>Title:</b>	REPORT - ROSELAND CREEK COMMUNITY PARK MASTER PLAN: RESCISSION OF MITIGATED NEGATIVE DECLARATION AND PROJECT APPROVALS AND DIRECTION FOR PREPARATION OF ENVIRONMENTAL IMPACT REPORT				

**BACKGROUND:** The Roseland Creek Community Park is approximately 20 acres in size, located in southwest Santa Rosa on McMinn and Burbank Avenues, across Burbank Avenue from Roseland Creek Elementary School. The property is bisected by Roseland Creek in its southern portion and will be an important natural and recreational resource for the surrounding community.

Over the course of many years, Recreation and Park staff have worked with the Roseland community to develop a Master Plan for the Community Park. Well over 20 public meetings and listening sessions were held over more than twelve years. Developed with tremendous community input, the final Park Master Plan leaves more than 80% of the land in a natural open state. Traditional park amenities will primarily be centered in the southern parts of the Park and will include picnic tables, playground, sport court area, restrooms, lawn and community garden/outdoor classroom and nature center. A multipurpose trail will serve pedestrians and bicycles and a pathway will loop the entire Park with interpretive signage in at least three languages.

On September 28, 2021, after two public hearings, the Council adopted a Mitigated Negative Declaration for the Roseland Creek Community Park in accordance with the California Environmental Quality Act (CEQA) and approved the Park Master Plan. Development of the Community Park was slated to begin this coming summer, 2022.

On October 28, 2021, Roseland Action and Duane DeWitt filed a CEQA lawsuit against the City, challenging the City's adoption of the Mitigated Negative Declaration and approval of the Park Master Plan. The lawsuit seeks to compel the City to rescind the Mitigated Negative Declaration and the Park project approvals and to instead prepare an Environmental Impact report (EIR) for the Roseland Creek Community Park Master Plan.

After review of the lawsuit, the City remains confident that a court would uphold the previously adopted Mitigated Negative Declaration and all Park project approvals. City Staff, however, has determined that engaging in the litigation could delay development of the Community Park for up to three years and would likely cost the City over \$150,000 to defend its project approvals. On the other hand, although not legally required, preparing an EIR could be completed within approximately seven months at an estimated cost of approximately \$100,000. The City's primary focus is on delivering the Community Park to Roseland residents and it remains committed to realizing the vision that resulted from over a decade of community input.

Roseland Action and Duane DeWitt have placed the City in the unenviable position of choosing to spend its limited resources either on legal fees to defend its valid CEQA document and Park approvals or on an additional layer of environmental review that is not legally required.

From a simple perspective of time and money, the City believes that it would better serve the Roseland community by allocating its resources toward preparing an EIR and delivering a Park to the City's residents as expeditiously as possible rather than toward engaging in baseless litigation.

**RECOMMENDATION:** It is recommended by the City Attorney's Office and the Transportation and Public Works Department, Parks Division, that in order to avoid the significant expense and delays associated with engaging in litigation filed against the City by Roseland Action and Duane DeWitt challenging the Council's prior approval of the Roseland Creek Community Park Master Plan, the Council, by resolution: 1) rescind Resolution No. RES-2021-162 which adopted the Mitigated Negative Declaration for the Roseland Creek Community Park Master Plan; and 2) direct staff to prepare an Environmental Impact Report (EIR) for the Roseland Creek Community Park Master Plan as currently drafted.

**Sponsors:**

**Indexes:** Not a Project

**Code sections:**

**Attachments:** 1. Staff Report, 2. Resolution, 3. Exhibit A - Roseland Creek Master Plan, 4. Exhibit B - Roseland Creek Community Park Initial Study (November 2019), 5. Presentation (Uploaded 1-25-2022), 6. Late Correspondence (Uploaded 1-25-2022)

Date	Ver.	Action By	Action	Result
1/25/2022	1	City Council	to waive reading of the text and adopt	Pass