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MEMORANDUM

TO: Tyra Hays, AICP
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City of Vacaville
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FROM: Trenton Wilson, Project Manager

DATE: 9/26/2013

RE: Knoll Creek Development Application - CEQA Considerations

OVERVIEW

A Notice of Determination (NOD) was filed with the Office of Planning and Research on April 30, 2004 for the Rice-McMurtry Annexation and Residential Development Project Environmental Impact Report (EIR). Due to interrelated infrastructure requirements, the EIR covered three contiguous/adjacent development projects, including Knoll Creek:

APPLICANT:	Knoll Creek: Richard Lamphere
PROPERTY OWNER:	Knoll Creek, LLC (APN 0123-040-110)

The City found that, notwithstanding disclosure of the significant impacts and the accompanying mitigation, pursuant to Section 15093 of the California Environmental Quality Act (CEQA) Guidelines the benefits of the project as revised outweigh the adverse impacts, and the Proposed Project was approved in accordance with the provisions of CEQA.

The original proposal as analyzed within the 2004 Certified EIR consisted of the subdivision of 38 lots on a 22.66-acre parcel known as Knoll Creek located on the south side of McMurtry Lane to the west of Browns Valley Road (Project). The proposed lots ranged between 10,000 square feet and 14,939 square feet. Approximately ten (10) acres of the project site would have been designated as permanent open space.

Although the Project was approved in 2004 and a Tentative Map and Planned Development for construction of the 38 lot development was approved in 2005 and extended in 2007, no construction has occurred to date. Based on the development

costs associated with the southwestern portion of the property (upper zone water system, significant grading, large walls and drainage structures), the developer submitted a Knoll Creek Phase I Final Map, which divided the project site into two parcels. Parcel 1 is proposed for 21 residential lots and Parcel 2 has been deeded to the City as permanent Open Space. The City Council approved the Final Map on in January 2013.

PURPOSE

The purpose of this technical memorandum is to assess the previously conducted environmental review under CEQA and determine if further CEQA review is required as described in Sections 15162 to 15164 of the 2013 CEQA Statute and Guidelines. Article 12, Section 15182(a) of the 2013 Statute and Guidelines states that when a public agency has completed an EIR on a specific plan, neither an EIR nor a negative/mitigated negative declaration (ND/MND) are required for a residential project undertaken pursuant to and in conformity to the specific plan assessed within the EIR unless changes to a project or its circumstances occur or new information becomes available after adoption of the EIR. If such circumstances arise, the lead agency shall determine whether to prepare a subsequent EIR, supplement to an EIR, addendum to an EIR, or take no action and proceed with approval of the residential project under the approved specific plan. The key concepts in determining if and what type of environmental review may be required are if substantial changes in the project or new information of substantial importance with respect to the circumstances occur that would require major revisions to the previous EIR due to the involvement of ***new significant environmental effects*** or ***a substantial increase in the severity of the previously identified significant effects*** [Section 15162(a) of the 2013 CEQA Statute and Guidelines].

CEQA CONSIDERATION

The City has stated that Standard Specific will be submitting a development application to record a modified map to develop the 21 residential lots on Parcel 1 of the Knoll Creek property. Standard Pacific proposes to begin grading on this site in 2014 with construction commencing in 2015. As previously described in the Certified EIR, dirt will be moved from Knoll Creek (Parcel 1) to fill portions of the Rancho Rogelio project site. A reduction in the size of the project and number of residential units planned for development compared to the project analyzed within the Certified EIR does not constitute a substantial change in the project that could result in new significant effects not identified in the 2004 Certified EIR or increase in the severity of the significant impacts identified in the 2004 Certified EIR. In addition, item 3(e) of the Land Dedication Agreement requires all mitigation and monitoring requirements set forth in the Mitigation and Monitoring Program related to Parcel 2 and that remain applicable to the proposed development of the 21 units on Parcel 1 shall be transferred to and fulfilled by Parcel 1. Accordingly, development of Parcel 1 of the Knoll Creek Property as

proposed by Standard Specific does not meet the following conditions requiring further CEQA documentation:

- That the Project will have one or more significant effects not discussed in the 2004 Certified EIR,
- That significant effects previously examined will be substantially more severe than those assessed within the 2004 Certified EIR,
- That the mitigation measures or alternative previously found not to be feasible would in fact be feasible to substantially reduce one or more significant effects but the Project proponent declines to adopt the mitigation measure or alternative, or
- That the mitigation measures or alternatives which are considerably different from those analyzed in the 2004 Certified EIR would substantially reduce one or more significant effects but the Project proponent declines to adopt the mitigation measure or alternative.

The question of “new information of substantial importance” relates to the current CEQA requirements to assess greenhouse gas (GHG) impacts that were not required at the time the 2004 EIR was certified, and whether that represents a significant issue with this Project. The Court of Appeal of California, in *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) addressed this issue and determined that GHGs were not a new issue prior to the incorporation of GHG significance criteria within the CEQA guidelines and the statute of limitations for challenging a certified CEQA document prevents requiring supplemental analysis of a previously certified CEQA document solely on the basis of this current addition to the CEQA Guidelines.

As a result of our analysis of the technical issues, a relevant CEQA court case, and the CEQA Guidelines, it is clear that the provisions requiring supplemental or additional CEQA analysis are not met for the reduced development project on the Knoll Creek Property. No additional environmental documentation is necessary to comply with CEQA in relation to the City’s approval of the project.