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MEMORANDUM

TO: Tyra Hays, AICP
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FROM: Trenton Wilson, Project Manager

DATE: 9/18/2013

RE: Rogers Ranch Subdivision Project - 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 Rogers Ranch:

APPLICANT: Rogers Ranch: Bryant Stocking/Rob Wood
PROPERTY OWNER: Donald and Margaret Young

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.

Rogers Ranch consists of the subdivision of 29 lots ranging from 12,000 square feet to 17,510 square feet in size on 10.2 acres of an existing 30.36-acre parcel located on the north side of McMurtry Lane, west of the Reynolds Ranch (aka Cheyenne) project area. A portion of the parcel contains a Zone 2 (upper zone) water reservoir, while the remainder parcel is designated as permanent open space.

Although the Project was approved in 2004, no construction has occurred to date. Standard Pacific has an option to purchase the site and is currently proposing to develop the project as analyzed and approved in 2004.

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 CEQA 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 conformity to the specific planned 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 the type of environmental review are “substantial changes” in the project and “new information of substantial importance with respect to the circumstances.”

CEQA CONSIDERATION

The City has stated that Standard Pacific has an option to purchase the Rogers Ranch property and would develop the property consistent with the specific plan as analyzed within the 2004 Certified EIR. Accordingly, the exemption from further analysis presented in Section 15182(a) applies to the proposed project unless the conditions within Section 15162 are met. AES is not aware of any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2004 Certified EIR was certified, that shows:

- That the Project will have one or more significant effects not discussed in the 2004 EIR,
- That significant effects previously examined will be substantially more severe than those assessed within the 2004 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 Specific Plan exemption in Section 15182(a) applies. No additional environmental documentation is necessary under CEQA for the City's approval for Standard Pacific to complete purchase and development of the Rogers Ranch project as described in the 2004 Certified EIR.