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MEMORANDUM

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

DATE: 8/26/2013

RE: Rancho Rogelio Subdivision Project - CEQA Considerations

OVERVIEW

A Notice of Determination (NOD) was filed with the Office of Planning and Research on July 5, 2006 which stated that the City of Vacaville (City) had approved the Rancho Rogelio Subdivision Project (Project) on June 27, 2006 (SCH# 2006042060). The City found that the Project would not have a significant effect on the environment based on a Mitigated Negative Declaration (MND) dated April 10, 2006 which was prepared for the Project pursuant to the provisions of the California Environmental Quality Act (CEQA).

As described in the NOD, the proposed project site was annexed to the City in early 2005 along with twenty-two other rural parcels totaling 158 acres (the "Browns Valley Road Annexation, No 5). The Project consists of subdividing a 20.93 acre property into 40 single-family residential lots. Thirty-nine of the residential lots will have a minimum size of 10,000 square feet. The residential lot located adjacent to Browns Valley Road will have a minimum size of one acre. All residential lots will be oriented towards interior streets and no homes will utilize Browns Valley Road for direct access. A north/south collector street will transverse the project site from which four cul-de-sacs will stem. As part of the Project, the developer is proposing to dedicate 4.72 acres of land to construct a regional storm water detention basin capable of retaining 16.1-acre feet of storm water run-off. This detention basin, proposed immediately adjacent to Browns Valley Road at the southeastern corner of the property, is intended to relieve localized and downstream flooding. The Project also includes the dedication of right-of way along the eastern property line to widen Browns Valley Road.

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Although the Project was approved in 2006, no construction has occurred to date. Standard Pacific has submitted an application to record the Final Map, and to build the Project in substantial conformance with the original approval. After reviewing the application for the Final Map, the City has determined that the only proposed change to the Project includes reducing the amount of grading necessary for one of the cul-de-sacs.

PURPOSE

The purpose of this technical memo is to assess previously conducted environmental review under CEQA and determine if any changes in the revived Project require further CEQA review as described in Sections 15160 to 15170 of the 2012 CEQA Statute and Guidelines. Under Section 15162, Subsequent EIRS and Negative Declarations, the guidelines state that if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under Section 15162(a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation. 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

As described above, a NOD was filed with the Office of Planning and Research on July 5, 2006 which culminated the CEQA process and started a 30-day statute of limitations on court challenges to the approval under CEQA (Section 15075 (g)). No construction has occurred since the end of the statute of limitations in 2006. Standard Pacific has submitted an application to record the Final Map and to build the Project in substantial conformance with the original approval. After reviewing the application for the Final Map, the City has determined that the only proposed change to the Project includes reducing the amount of grading necessary for one of the cul-de-sacs previously approved by the City. The reduction in the anticipated amount of grading does not meet the Subsequent Negative Declaration criteria outlined in Section 15162 of the CEQA guidelines. Implementation of the Project would result in impacts that have already been adequately covered in the 2006 MND. In addition, 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 2006 MND was certified, that shows:

- That the Project will have one or more significant effects not discussed in the 2006 MND,
- That significant effects previously examined will be substantially more severe than those assessed within the 2006 MND,

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- 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 2006 MND 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 2006 MND 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 no additional environmental documentation is necessary to comply with CEQA.