

Item 6.1 Attachment 2

Draft Resolution

111 Santa Rosa Avenue, Suite 240
Santa Rosa, CA 95404

June 3, 2020

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings Pursuant to the California Environmental Quality Act as a Responsible Agency, Adopting a Statement of Overriding Considerations, Approving a Reorganization Designated as Northwest Santa Rosa Reorganization No. 18-01 (Levy) Involving Annexation to the City of Santa Rosa and Detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services), and Waiving Protest Proceedings for the Proposal (File No. 2020-01)

Resolved, that the Local Agency Formation Commission of the County of Sonoma (the Commission) hereby finds as follows:

1. Proposal and Procedural History

1.1 Greg Levy (the Applicant) submitted an application (the Application) to the Executive Officer of the Commission (the Executive Officer) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code §56000 et seq.) (the Cortese-Knox-Hertzberg Act) proposing a reorganization consisting of annexation to the City of Santa Rosa (City) and detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services) (the Proposal).

1.2 The Proposal consists of five parcels totaling approximately 2.66 acres, generally located along the south side of West College Avenue in Northwest Santa Rosa (APNs 037-022-019, 037-031-009, -034, -050, and -051) (the Affected Territory).

1.3 As part of the Application, the Applicant submitted a plan for services within the Affected Territory (the Plan for Services). The Application and the Plan for Services were submitted to the Executive Officer pursuant to the Cortese-Knox-Hertzberg Act. The Executive Officer accepted the Application for filing on May 14, 2020, and set the Proposal for consideration by the Commission and provided notice thereof as directed in the Cortese-Knox-Hertzberg Act.

1.4 The Executive Officer considered the North Santa Rosa Station Area Specific Plan Final Environmental Impact Report (the Final EIR) which the City certified in 2012 and the City's pre-zoning ordinance for the North Santa Rosa Station Area Specific Plan (the Station Area Specific Plan) which included the Affected Territory. The Executive Officer determined that the Commission would comply with California Environmental Quality Act (CEQA) and the State CEQA Guidelines by acting as a responsible agency for the Proposal.

1.5 The Executive Officer reviewed the Proposal, prepared a report analyzing the Proposal (the Executive Officer's Report), and recommended approval of the Proposal. Upon completion, the Executive Officer furnished copies of the Executive Officer's Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

1.6 At its meeting of June 3, 2020, the Commission heard and received all relevant oral and written testimony and evidence presented or filed regarding the Proposal and considered the Executive Officer's Report and the environmental effects of the Proposal as shown in the Final EIR. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission considered the Proposal and the environmental effects thereof and determined to make the findings herein, to adopt a statement of overriding considerations, and to approve the Proposal as set forth herein.

1.7 The Commission has had an opportunity to review this resolution and hereby finds that it accurately sets forth the intentions of the Commission regarding the Proposal.

2. CEQA Compliance

2.1 The Commission has reviewed and considered the Final EIR, as prepared by the City, prior to reaching its decision herein. The Commission has reached its own independent conclusions on whether and under what conditions to approve the Proposal. The Commission has reviewed and considered the sphere of influence for the City established by the Commission (the City's Sphere of Influence), the urban service area boundary for the City in the Sonoma County General Plan (the County's Urban Service Area Boundary for the City), the 2035 General Plan for the City (the City's 2035 General Plan or the City's General Plan), and the urban growth boundary for the City enacted by the voters of the City (the City's UGB or the UGB). Prior to reaching its decision herein, the Commission has also reviewed and considered the following resolutions and ordinances of the City, which are incorporated herein by reference:

(a) Ordinance No. 2593, An Ordinance of the City of Santa Rosa Pre-zoning the Area Included Within the Proposed Annexation NWSR 5-86 (Wild Rose/Clover Drive Area) File Number 86-0476, dated April 14, 1987;

(b) Resolution No. 18298, A Resolution of the Council of the City of Santa Rosa Approving and Adopting a Negative Declaration For the Wild Rose/Clover Annexation NWSR 5-86 and Pre-zoning of Property Located at Wild Rose/Clover Drive Area – File Number 86-0476, dated April 7, 1987;

(c) Resolution No. 28187, Resolution of the Council of the City of Santa Rosa Certifying the Final Environmental Impact Report for the North Santa Rosa Station Area Specific Plan and Associated General Plan, Zoning Code, Design Guidelines, Citywide Creek Master Plan and Bicycle and Pedestrian Master Plan Amendments – File Number ST10-009, dated September 18, 2012;

(d) Resolution No. 28188, Resolution of the Council of the City of Santa Rosa Approving a General Plan Amendment To Allow Adoption of the North Santa Rosa

Station Area Specific Plan and Adopting the North Santa Rosa Station Area Specific Plan and Making Findings and Adopting a Statement of Overriding Considerations With Regard to Significant Impacts Identified in the Final Environmental Impact Report for the North Santa Rosa Station Area Specific Plan – File Number ST10-009, dated September 18, 2012;

(e) Ordinance No. 3993, Ordinance of the Council of the City of Santa Rosa Amending Title 20 of the Santa Rosa City Code – Reclassification of 1,319 Properties Located within the Boundaries of the North Santa Rosa Station Area Specific Plan – File Number ST 10-009, dated September 25, 2012.

2.2 The Commission finds that the City is the lead agency and that the Commission is a responsible agency for the Proposal pursuant to CEQA. The Commission further finds that, pursuant to State CEQA Guidelines sections 15096 and 15162, none of the requirements for the Commission to take lead agency status and conduct further environmental review is met.

2.3 As lead agency, the City prepared and certified a programmatic EIR for the North Santa Rosa Station Area Specific Plan. The Final EIR identified significant and unavoidable impacts related to Air Quality and Traffic and Circulation. The City adopted a statement of overriding considerations for the significant and unavoidable impacts. The Commission has reviewed the City's Resolution No. 28188, which is incorporated herein by reference. The Commission concurs with and adopts the findings of Resolution No. 28188 with respect to each of the significant impacts identified in the Final EIR for the reasons

2.4 The Commission, as a responsible agency, has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of a project that it decides to carry out, finance, or approve. The Commission finds that, with respect to its decision herein, the Commission has jurisdiction over only the proposed reorganization of the Affected Territory. This decision to reorganize places the Affected Territory under the jurisdiction of the City, which as the lead agency and as agency with police power to regulate land use, has the power to implement most of the feasible alternatives or mitigation measures to mitigate or avoid the potentially significant environmental effects of implementation of the City's Station Area Specific Plan. The Commission further finds that there are no feasible mitigation measures or alternatives within the Commission's power that would substantially lessen or avoid any of the Station Area Specific Plan's significant environmental effects.

2.5 The Commission has considered alternatives and mitigation measures to reduce or avoid the significant environmental effects of the City's Station Area Specific Plan. The Commission concurs with and relies upon the City's findings in Santa Rosa City Council Resolution No. 28188 regarding the potentially significant environmental effects of the Station Area Specific Plan. The Commission finds that those conclusions do not require modification, pursuant to State CEQA Guidelines section 15162. The Commission finds that, as identified in Resolution No. 28188, certain changes or alterations that would avoid or substantially lessen the significant environmental effects identified in the Final

EIR are within the police power and responsibility of the City and that the City can and should adopt such measures. The Commission finds that the City, through adoption of its Mitigation Monitoring and Reporting Program and through adoption of various conditions of approval, provisions of the resolutions and ordinances listed above as well as other resolutions and ordinances of the City, has taken responsibility for and is implementing all feasible mitigation measures within its jurisdiction and control. The Commission concurs with the City's conclusions regarding the jurisdiction and control of other agencies to implement the remaining mitigation measures.

2.6 The Commission rejects as infeasible the "no project" alternative, which would allow future development subject to existing policies, regulations, and land-use designations associated with the City's 2035 General Plan. The land use designations of the land surrounding the proposed North Santa Rosa Station would remain medium-density residential, medium-high-density residential, office, retail and business services, light industry, general industry, business park, and public institutional. Although this alternative would have fewer adverse environmental impacts, it would not meet the objectives of the project since it would not result in any change to the City's current policies for the Station Area Specific Plan area that are intended to help focus development around the SMART station.

2.7 The Commission rejects as infeasible the "Reduced Development Potential" alternative, which, although increasing the density of residential uses around the SMART station and containing some Station Area Specific Plan policies and guidelines, would not meet project objectives of creating an environment that supports successful transit and alternative modes of transportation. It would not allow for the density associated with transit-conducive uses. The land-use patterns under this alternative are not as compact in nature as the Station Area Specific Plan, and the alternative would not be as supportive of the fundamentals of smart growth and, as a result, of transit-oriented development. Limiting development around the SMART station that is linked to major regional job and commercial centers would limit the use of alternative modes of transportation besides the single-occupancy vehicle.

2.8 The Commission rejects as infeasible an "Alternative Site" alternative. The possibility of placing the project on an alternative site within Santa Rosa was not feasible. No off-site alternatives were identified during the Station Area Specific Plan development stage nor were any included in the EIR since the Specific Plan is targeted toward development around a proposed station platform serving the SMART line. As a result, there are no other sites in the City that would be able to meet the objectives of the Station Area Specific Plan.

2.9 The Commission finds that the alternatives presented would contravene the Commission's prior decisions to place the Affected Territory within the City's Sphere of Influence and would be contrary to the Commission's duties arising from Government Code sections 56001 and 56377(b) and its policy goals: to ensure that growth is orderly and logical, to discourage urban sprawl, to preserve open space and prime agricultural lands outside an agency's sphere of influence, and to promote the extension of

government services efficiently. The Commission finds that growth within the City's Sphere of Influence, the County's Urban Service Area Boundary for the City, and the City's Urban Growth Boundary achieves these goals, while denying reorganization of the Affected Territory could contravene these goals.

2.10 The Commission finds that the interests and policy goals of the Commission outweigh the significant and unavoidable impacts identified in the Final EIR. With respect to the significant and unavoidable impacts to Air Quality and Traffic and Circulation, the Commission adopts the statement of overriding considerations in Resolution No. 28188, for the reasons stated in that resolution, and further finds that the Proposal will help implement the Station Area Specific Plan and have the following benefits:

- a) Will support development of transit-oriented land-use plans along major transportation corridors to help increase the cost-effectiveness of the City's public transit investments
- b) Will allow for intensification of residential densities that will eventually support future transit improvements in the Station Area Specific Plan area.
- c) Will encourage improvement of the general aesthetic character of the West College Avenue area through well-designed mixed-use development.
- d) Will enhance and encourage bicycle, pedestrian, and transit-related travel throughout the Station Area Specific Plan area.
- e) Will reduce the size of an unincorporated County island through annexation of properties that are contiguous to existing urban development to create logical and orderly urban boundaries for planned development requiring necessary public services and utilities.

2.11 The Commission finds that reorganization of the Affected Territory is consistent with and furthers implementation of the goals and policies of the Commission and further finds that the benefits of the Proposal outweigh the significant and unavoidable impacts for the reasons stated herein.

3. Cortese-Knox-Hertzberg Act Compliance

3.1 The Commission has reviewed and considered the information contained in the ordinances and resolutions of the City prior to reaching its decision on the Proposal and makes the following findings and determinations with respect to the Proposal:

- a) The Affected Territory is within the City's Sphere of Influence and the County's Urban Service Area Boundary for the City. The Commission therefore finds that the Proposal is consistent with the City's Sphere of Influence and the Sonoma County General Plan.
- b) The Affected Territory is within the City's Urban Growth Boundary and is contiguous to the City's jurisdictional boundary. The Affected Territory has been pre-zoned by the City to be consistent with the land-use designations of its General Plan. The City indicates that it has capacity within its systems to provide needed services.
- c) The purpose of the Proposal is to allow for future development at densities consistent with the land-use designations of the City's General Plan and the North Santa

Rosa Station Area Specific Plan and to permit access to public services provided by the City.

d) The Proposal will implement the goals in the City's General Plan and North Santa Rosa Station Area Specific Plan for planned, orderly, and efficient patterns of urban development within the Affected Territory.

e) The owners of four of the subject properties that encompass the Affected Territory have provided their written consent to the Proposal, and the owner of the fifth parcel at 1029 Link Lane is obliged to the Proposal due to an earlier annexation covenant requiring support of annexation. As a result of the consent, the Commission may waive protest proceedings.

3.3 Based on the foregoing findings, the Commission finds that the Proposal is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code sections 56001 and 56301, and that approval of the Proposal is appropriate.

4. Evidence in the Record

4.1 The findings set forth in Sections 1 through 3 of this resolution are based upon the entire record before the Commission. References to specific reports or documents in a finding are not intended to identify those sources as the exclusive bases for the finding. Headings are inserted for convenience only, and the location of a finding under a specific heading is not intended to limit the role of that finding to that particular heading.

Now, therefore, based on the foregoing findings and the record of these proceedings, the Commission hereby declares and orders as follows:

1. The foregoing findings are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Proposal is approved.

3. The boundary of the Affected Territory shall be as shown and described in Exhibit "A" to this resolution, attached hereto and incorporated herein by this reference.

4. The Proposal is assigned the following short-form designation: Northwest Santa Rosa Reorganization No. 18-01 (Levy).

5. The regular County assessment roll shall be utilized for the Proposal.

6. The Affected Territory shall not be taxed for existing bonded indebtedness and contractual obligations.

7. The property tax transfer to the City shall be in accordance with the master property tax exchange agreement adopted by the County of Sonoma and the cities in Sonoma County, as described in Sonoma County Board of Supervisors Resolution No. 89-0270.

8. The Commission shall waive protest proceedings for the Proposal in

compliance with this resolution and Section 56663(c) of the California Government Code.

9. The effective date of the reorganization shall be the date of the recordation of the certificate of completion.

10. The Executive Officer is authorized and directed to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines. The Executive Officer is further authorized and directed to mail certified copies of this resolution in the manner provided by law.

11. The Executive Officer is directed to file a certificate of completion for the Proposal after receipt of all final materials, as required. If a certificate of completion for the Proposal has not been filed within one year after the adoption of this resolution, the Proposal shall be deemed abandoned unless, prior to expiration of the one-year time period, the Commission authorizes an extension of time for completion of the Proposal.

12. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 111 Santa Rosa Avenue, Suite 240, Santa Rosa, CA, 95404.

The foregoing resolution was introduced at a regular meeting of the Commission on the 3rd day of June 2020 and ordered adopted by the following vote:

Commissioners:

Ayes:

Noes:

Absent or not voting:

Whereupon, the Chair declared the foregoing resolution adopted and so ordered.

Attest:

Mark Bramfitt, Executive Officer

The within instrument is a true and correct copy of the original on file in this office.

ATTEST:

BY:

Clerk