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Addendum to Final EIR No. 2007032030

Valley Oaks Project

County of Lake

October 2019

PREVIOUS ENVIRONMENTAL DOCUMENTATION

A Final Environmental Impact Report (FEIR) for the Valley Oaks project was prepared by the County of Lake in accordance with the California Environmental Quality Act (CEQA). The Lake County Board of Supervisors certified the FEIR and adopted in June 2015.

Specifically, a environmental impact report (FEIR) was prepared for Use Permit 07-05 pursuant to CEQA Guidelines Section 15161, focusing on the changes in the environment that would result from its implementation as required under CEQA. The FEIR examined all environmental impacts of the project as compared to the existing environment in the vicinity of the project from both a local and regional perspective. On June 25, 2015, the Board of Supervisors, at a public hearing, considered the FEIR, along with the recommended mitigation measures, the mitigation monitoring and reporting program, the statement of overriding considerations, and all findings required by CEQA. The public hearing resulted in the Board of Supervisors certifying the FEIR, adopting findings required by CEQA (including, among others, a Statement of Overriding Considerations), and adopting a mitigation monitoring and reporting program.

Prior to approval of subsequent actions under that constitute a “project” under CEQA, the County is required to determine whether the environmental effects of such actions are within the scope of the project covered by the FEIR, and whether additional environmental analysis is required. If the agency finds that none of the triggers set forth in Section 15162 of the CEQA Guidelines has occurred, then no further environmental review shall be required and the County may document these conclusions in an addendum pursuant to CEQA Guidelines Section 15164(e).

BACKGROUND: TRIGGERS FOR FURTHER ENVIRONMENTAL REVIEW

In an effort to provide a degree of finality, CEQA includes a strong presumption against requiring any further environmental review once an EIR has been prepared and certified for a project. Specifically, once an EIR has been completed, the lead agency may not require preparation of a subsequent or supplemental EIR unless one of the three triggering conditions described below exists.

Section 15162 of the State CEQA Guidelines states:

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

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(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) 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 previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states, in relevant part: *"The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred."* Further, although not required under the law, a legal agency may prepare an addendum to an EIR to evaluate changes to a project, changes in circumstances, or new information, and to document the agency's determination that a subsequent or supplemental EIR is not required. See § Section 15164(e).

ADDENDUM PURSUANT TO SECTION 15164(E)

The previous EIR covers 147.35 acres of land. The proposed project adds an access road on a 17-acre parcel

FINDINGS

Pursuant to Section 15162 and 15164(e) of the CEQA Guidelines, the County of San Benito has determined, on the basis of substantial evidence in the light of the whole record, that:

(a) The Affordable Housing Ordinance does not propose substantial changes to the General Plan which would require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the FEIR;

(b) There have been no substantial changes in circumstances under which the Affordable Housing Ordinance will be undertaken that will require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the FEIR; and

(c) No new information of substantial importance as described in subsection (a)(3) of Section 15164 has been revealed that would require major revisions to the FEIR or its conclusions.

Evidence:

Program HOU-2-10 states that the County shall consider developing and adopting an ordinance to require that development contribute to the local supply of affordable housing. This policy was previously analyzed by the County through the CEQA process in the FEIR. No changes to the 2035 GPU are required, nor are any changes to the FEIR necessary due to previously unevaluated significant environmental effects that may occur as a result of the Affordable Housing Ordinance. There have been no substantial changes that were not previously analyzed, and no new information of substantial importance has been discovered. The purpose of the Affordable Housing Ordinance is to require developers to contribute financially to affordable housing as a part of a proposed residential project. It does not increase the amount of housing constructed, or the amount of development contemplated in the General Plan. As described more fully above and therein, the Ordinance merely places affordability and design restrictions on a percentage of housing proposed within a development. All individual development proposals that will be subject to the Ordinance will be analyzed as necessary under CEQA with the appropriate CEQA documentation prepared in connection therewith on a case-by-case basis.

In accordance with CEQA Guidelines Section 15164(e), this Addendum to the previously certified FEIR is appropriate to document the County's conclusions that no

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further environmental review has been triggered in connection with its consideration of the Affordable Housing Ordinance.

