RESOLUTION NO. 19-34

VACATING AND SETTING ASIDE RESOLUTION NO. 17-430
ADOPTED ON OCTOBER 4, 2017 WHICH APPROVED THE FIDDYMENT PLAZA
PROJECT AND VACATING AND SETTING ASIDE THE CITY'S DETERMINATIONS
THAT THE PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION AS AN IN-FILL
DEVELOPMENT PURSUANT TO SECTION 15332 OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND SECTION 305 OF THE CITY OF ROSEVILLE
CEQA IMPLEMENTING PROCEDURES

WHEREAS, the Fiddyment Plaza project site is located at 4701 Fiddyment Road on 1.38 acres within the West Roseville Specific Plan area; and

WHEREAS, an application for a Design Review Permit was submitted to the City on September 28, 2016 to allow the construction of a 10,306 square-foot mixed-use building, consisting of 7,606 square feet of retail, 2,700 square feet of restaurant space, and a 3,310 square-foot gas station canopy with five fuel bays/ten gas pumps for the project known as Fiddyment Plaza ("Project"); and

WHEREAS, an analysis conducted by City staff concluded that the proposed Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15332 of CEQA known as the in-fill development exemption and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures; and

WHEREAS, on August 10, 2017, the Planning Commission approved the Design Review Permit for the Project; and

WHEREAS, following the Planning Commission's approval, neighbors from the Diamond Creek and Westpark neighborhoods filed an appeal of the Planning Commission's approval based on concerns related to inadequate noticing, increased traffic, air quality impacts and incompatibility with the surrounding residential neighborhoods; and

WHEREAS, after conducting a public hearing on October 4, 2017, the City Council denied the appeal and upheld the Planning Commission's approval of the Project; and

WHEREAS, the City Council's action was memorialized in Resolution No. 17-430 which denied the appeal of the Planning Commission's approval, adopted four findings of fact for the Design Review Permit, and approved the Design Review Permit; and

WHEREAS, on November 9, 2017, a coalition of neighbors to the Project, represented by Michele Threlkel, filed a Petition for a Writ of Mandate in Placer County Superior Court to challenge the City Council's approval of the Project; and

WHEREAS, on November 9, 2018, the Court issued a ruling finding that although the Project was consistent with the General Plan and the Community Design Guidelines, and although there were no violations of the Roseville Municipal Code or State Planning and Zoning laws, the City had violated CEQA by failing to provide substantial evidence to support its

determination that the Project would not have significant air quality impacts and was, therefore, exempt from CEQA under Section 15332 for in-fill development projects; and

WHEREAS, accordingly, on December 5, 2018, the Court issued a Peremptory Writ of Mandate ("Peremptory Writ") instructing the City Council within 60 days to vacate and set aside Resolution No. 17-430 adopted on October 4, 2017 and to vacate and set aside the City's determinations that the Project qualifies for a categorical exemption as an in-fill development project under CEQA; and

WHEREAS, pursuant to the Peremptory Writ, the City may not reapprove the Project unless and until the City has complied with CEQA and the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Roseville hereby vacates and sets aside Resolution No. 17-430 adopted on October 4, 2017 which approved the Fiddyment Plaza Project and vacates and sets aside the City's determinations that the Project qualifies for a categorical exemption as an in-fill development pursuant to Section 15332 of the California Environmental Quality Act and Section 305 of the City of Roseville CEQA Implementing Procedures.

PASSED AND ADOPTED by the Council of the City of Roseville this ___ day of _____, 20__, by the following vote on roll call:

AYES   COUNCILMEMBERS:

NOES   COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

_____
MAYOR

ATTEST:

_____
City Clerk