CITY OF SANTA ROSA

NORTH SANTA ROSA STATION AREA SPECIFIC PLAN

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2011122034

Prepared for:

CITY OF SANTA ROSA
COMMUNITY DEVELOPMENT DEPARTMENT
100 SANTA ROSA AVENUE, ROOM 3
SANTA ROSA, CA 95404

Prepared by:

PMC®

2729 PROSPECT PARK DRIVE, SUITE 220
RANCHO CORDOVA, CA 95670

JUNE 2012

CITY OF SANTA ROSA
NORTH SANTA ROSA STATION AREA SPECIFIC PLAN
FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2011122034

Prepared for:

CITY OF SANTA ROSA
COMMUNITY DEVELOPMENT DEPARTMENT
100 SANTA ROSA AVENUE, ROOM 3
SANTA ROSA, CA 95404

Prepared by:

PMC
2729 PROSPECT PARK DRIVE, SUITE 220
RANCHO CORDOVA, CA 95670

JUNE 2012

1.0 INTRODUCTION

This Final Environmental Impact Report (Final EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Santa Rosa (City) is the lead agency for the environmental review of the proposed North Santa Rosa Station Area Specific Plan. The City has the principal responsibility for approving the project. This Final EIR assesses the expected environmental impacts resulting from approval and implementation of the proposed project, as well as responds to comments received on the Draft EIR.

1.1 BACKGROUND AND PURPOSE OF THE EIR

BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS OF THE PROJECT

The following is an overview of the environmental review process for the proposed North Santa Rosa Station Area Specific Plan that has led to the preparation of this Final EIR.

Notice of Preparation

The Notice of Preparation (NOP) for the Draft EIR was submitted for public review on December 13, 2011, with the review period ending on January 12, 2012. A scoping meeting was held on January 4, 2012, to solicit input from interested agencies and the public. The City received several comment letters on the NOP and during the public scoping meeting. These comments are summarized and a copy of each letter is provided in **Appendix A** of the DEIR.

Draft EIR

The Draft EIR was released for public and agency review on April 12, 2012, with the 45-day review period ending on May 29, 2012. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at City offices, the Sonoma County Library, and on the City's website.

Final EIR

The City received comment letters from public agencies, interest groups, and the public regarding the Draft EIR. This document responds to the written comments and Planning Commission public hearing comments received as required by CEQA. This document also contains minor edits to the Draft EIR, which are included in Section 3.0, Minor Revisions to the Draft EIR. This document constitutes the Final EIR.

Certification of the Final EIR/Project Consideration

The City will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the City may certify the Final EIR. The rule of adequacy generally holds that the EIR can be certified if it: (1) shows a good faith effort at full disclosure of environmental information; and (2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the City may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a

mitigation monitoring and reporting program to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.

1.2 INTENDED USES OF THE EIR

The EIR is intended to evaluate the environmental impacts of the project to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all planning and permitting actions associated with the project. Please refer to Section 2.0, Project Description, of the Draft EIR for a detailed discussion of the proposed project.

1.3 ORGANIZATION AND SCOPE OF THE FINAL EIR

This document is organized in the following manner:

SECTION 1.0 – INTRODUCTION

Section 1.0 provides an overview of the EIR process to date and what the Final EIR is required to contain.

Section 2.0 – COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written and oral comments made on the Draft EIR.

Section 3.0 – MINOR REVISIONS TO THE DRAFT EIR

Section 3.0 provides a list of minor edits made to the Draft EIR as a result of comments received and other staff-initiated changes.

2.0 Comments and Responses to Comments on the Draft EIR

2.1 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR.

Letter	Agency, Organization, or Individual	Date
A	California Department of Fish and Game	5/9/2012
B	Bay Area Air Quality Management District	5/29/2012
C	State of California Department of Transportation	5/25/2012
D	North Coast Regional Water Quality Control Board	5/25/2012
E	Sonoma County Water Agency	5/25/2012
F	Coddingtown Mall	5/16/2012
G	Doug Van Deren	5/28/2012
H	Tomaras & Ogas, LLP	5/29/2012
I	Planning Commission Hearing	5/24/2012

2.2 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

State CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and must be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines Section 15204).

State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments which focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. State CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, those revisions be incorporated as a revision to the Draft EIR or as a separate section of the Final EIR.

RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments.

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strikeout~~ for deleted text). The responses to comments were prepared by City staff and PMC.

Letter A

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

May 9, 2012

Ms. Jessica Jones
City of Santa Rosa
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95402

Dear Ms. Jones:

Subject: North Santa Rosa Station Area Specific Plan Project, Draft Environmental Impact Report, SCH #2011122034, City of Santa Rosa, Sonoma County

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (EIR) regarding the North Santa Rosa Station Area Specific Plan (Project). DFG is providing comments as a Trustee Agency and potentially a Responsible Agency. As Trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. **A-1**

Mitigation Measure 3.4.1 states pre-construction surveys for nesting birds shall be conducted but gives no parameters on when these surveys would take place. In order to avoid the destruction of nests, DFG recommends pre-construction surveys for nesting birds be conducted within 14 days prior to tree removal and/or breaking ground by a qualified biologist if construction activities will take place between February 1 and August 31. If nesting birds are found, the qualified biologist should establish suitable buffers prior to tree removal and/or ground-breaking activities. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. To more effectively identify active nests and to facilitate Project scheduling, DFG recommends initial nesting surveys begin as early as February when the foliage on the trees are at a minimum and the nest building activity is high. **A-2**

Mitigation Measure 3.4.1 states bats shall be absent or flushed from roosting locations prior to demolition of buildings and flushing, if necessary, and will occur during the non-breeding season from October 1 to March 31. The Mitigation Measure further states that structures shall be moved carefully to avoid harming individuals and given time to allow torpid bats to completely arouse, and fly away. Disturbing bats while in hibernation can have negative impacts to the bats such as loss of energy reserves. The draft EIR has also identified bats as potentially occupying bridges; however, Mitigation Measure 3.4.1 does not require pre-construction surveys of bridges and does not include trees as potential habitat. Bats can occupy trees year round and are particularly susceptible to disturbance during the maternity **A-3**

Conserving California's Wildlife Since 1870

Letter A cont.

season and during hibernation. Thus, DFG recommends a qualified biologist conduct a habitat assessment for potentially suitable bat habitat (i.e. buildings, bridges, and trees) within six months of Project activities. If the habitat assessment reveals suitable bat habitat then tree trimming, tree removal, structure removal and/or structural work should only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation and March 1 to April 15 to avoid hibernating bats and prior to formation of maternity colonies) under supervision of a qualified biologist.

A-3 cont.

To exclude bats from structures, DFG recommends exclusion devices be installed on structures during the periods stated above to prevent bats from accessing the structures. Actively used openings should have a one-way valve installed to allow the bats to leave the roost, but not re-enter. After 7 to 10 days, the one-way valves would be removed and the opening blocked or sealed. Because of the large variability in the way bats use structures, DFG recommends that a plan on how to monitor and exclude bats be developed by a qualified biologist and submitted to DFG for review and approval.

A-4

DFG recommends that trees that are suitable as bat habitat be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches would be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures would be avoided, and only branches or limbs without those features would be removed. On the second day, the entire tree would be removed.

A-5

Per Impact 3.4.2, the Project is located within the Santa Rosa Plain (Plain) and may fill isolated seasonal wetlands. The Plain and adjacent areas are characterized by vernal pools and seasonal wetlands which support four plant species that are both federally endangered and state endangered or threatened: Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia. Implementation of the Project could have substantial adverse impacts to these species. DFG recommends that Mitigation Measure 3.4.1 also include conducting a biological assessment prior to Project activities and during the appropriate floristic period to ensure avoidance or minimization of impacts to these species. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the Project. DFG's recommended survey and monitoring protocols and guidelines are available at http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html. Project proponents should also consult the *Santa Rosa Plain Conservation Strategy Final December 1, 2005* (Conservation Strategy). The purpose of the Conservation Strategy is to create a long-term conservation program sufficient to mitigate potential adverse effects on these listed species due to future development on the Plain. The Conservation Strategy provides the framework for mitigation, conservation, translocation, and appropriate minimization measures.

A-6

Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the Project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA

A-7

Letter A cont.

Permit is subject to California Environmental Quality Act (CEQA) documentation; therefore, the EIR document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. DFG recommends Mitigation Measure 3.4.2 be revised to also state that if state and/or federally listed species is discovered and impacts are unavoidable, the Project proponent will obtain a CESA permit from DFG and consult and obtain applicable permits from the U.S. Fish and Wildlife Service prior to Project activities.

A-7 cont.

Per Impact 3.4.2, the Project may affect riparian habitats along Paulin and Steele creeks. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. DFG recommends that Mitigation Measure 3.4.2 be revised to include that the Project proponent submit an LSAA notification to DFG if the Project may affect a stream and/or riparian habitat prior to Project activities. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at http://www.dfg.ca.gov/habcon/1600/; or to request a notification package, contact the Streambed Alteration Program at (707) 944-5520.

A-8

If you have any questions, please contact Ms. Stephanie Buss, Staff Environmental Scientist, at (707) 944-5502; or Mr. Craig Weightman, Acting Environmental Program Manager, at (707) 944-5577.

Sincerely,

Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

Letter A **California Department of Fish and Game**

Response A-1: The comment states that the Department of Fish and Game (CDFG) is a trustee agency and potential responsible agency for the proposed project. This comment does not set forth remarks on environmental issues that require further response.

Response A-2: The comment states CDFG's recommendation that, as part of mitigation measure MM 3.4.1, pre-construction surveys for nesting birds should be conducted within 14 days prior to tree removal and that buffers should be established if nesting birds are found.

The DEIR author concurs that providing the specificity of the timing of nesting bird surveys strengthens the mitigation measure. Buffers for active nests were provided in mitigation measure MM 3.4.1: "(a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species."

The requested changes have been added; see Section 3.0 of this Final EIR.

Response A-3: The comment states CDFG's recommendation that, as part of mitigation measure MM 3.4.1, a habitat assessment for potentially suitable bat habitat should be conducted within six months of project activities and that tree and structural work should only be conducted during seasonal periods of bat activity if suitable habitat is found.

The comment provides clarification for mitigation measure MM 3.4.1. The requested changes have been added; see Section 3.0 of this Final EIR.

Response A-4: The comment states CDFG's recommendation that exclusion devices be installed on structures to prevent bats from accessing structures and that a plan should be developed on how to monitor and exclude bats from structures.

Mitigation measure MM 3.4.1 ensures that effects to hibernating bats and maternal roost sites are avoided. Flushing of bats and removal of non-maternal roost sites ensure that construction impacts to bats are avoided. Exclusionary devices will not be needed.

Response A-5: The comment states CDFG's recommendation that trees suitable as bat habitat be trimmed and/or removed in a two-phased removal system conducted over two consecutive days.

The comment provides clarification for mitigation measure MM 3.4.1. The requested changes have been added; see Section 3.0 of this Final EIR.

Response A-6: The comment states CDFG's recommendation that, as part of mitigation measure MM 3.4.1, a biological assessment should be conducted prior to project activities to ensure avoidance or minimization of impacts to endangered and threatened plant species. The comment also recommends that project proponents consult the *Santa Rosa Plain Conservation Strategy*.

The Santa Rosa General Plan Policy OSC-D-1 states that the city will utilize existing regulations and procedures, including Subdivision Guidelines, Zoning, Design Review, and environmental law, to conserve wetlands and rare plants and comply with the federal policy of no net loss of wetlands using mitigation measures such as:

- Avoidance of sensitive habitat;
- Clustered development;
- Transfer of development rights; and/or
- Compensatory mitigation, such as restoration or creation.

MM 4.F-5 of the Santa Rosa General Plan DEIR further identifies the City's obligation under the Santa Rosa Plain Conservation Strategy and reads as follows.

Mitigation Measure 4.F-5: The City of Santa Rosa shall incorporate the avoidance and mitigation measures described in the Santa Rosa Plain Conservation Strategy and the USFWS Programmatic Biological Opinion, as conditions of approval for development in or near areas with suitable habitat for California tiger salamander, Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia. However, in accordance with the USFWS Programmatic Biological Opinion, projects within the Southwest Santa Rosa Preserve System will be evaluated individually and mitigation may not necessarily adhere to the ratios described in the Conservation Strategy.

The City will ensure that the necessary studies including Biological Assessments are conducted as a component of implementing the above referenced policy and mitigation measure.

No revision of the DEIR is required.

Response A-7: The comment states if the project has the potential to result in the unavoidable take of species listed under CESA, the project proponent will obtain a CESA permit from CDFG and consult and obtain applicable permits from the USFWS prior to project activities. DFG recommends that MM3.4.2 be amended to ensure that proper permits are obtained for project activities.

The City's obligation is to ensure significant impacts are mitigated through their approval processes. Subsequent resource permits authorizations are the legal obligation of the individual project proponents outside of the CEQA process. As these permits are already required if there is potential for take, this requirement would not be needed as part of the EIR mitigation measure. No revision of the DEIR is required.

Response A-8: The comment states that the project proponent shall submit a Lake and Streambed Alteration Agreement (LSAA) notification to CDFG if the project may affect a stream and/or riparian habitat prior to project activities.

See Response to A-7. No revision of the DEIR is required.

Letter B

May 29, 2012

Jessica Jones, City Planner
City of Santa Rosa
100 Santa Rosa Avenue Room 3
Santa Rosa, CA 95404

Subject: Santa Rosa Station Area Specific Plan Draft Environmental Impact Report

Dear Ms. Jones,

Bay Area Air Quality Management District (District) staff reviewed your agency's Draft Environmental Impact Report (DEIR) for the North Santa Rosa Station Area Specific Plan (Plan). District staff understands that the Plan would create a transit-supportive environment in the 987 acre site surrounding the planned Sonoma-Marin Area Rail Transit (SMART) North Santa Rosa station. **B-1**

District staff commends the City's commitment to implement a variety of transit-friendly measures as part of the Plan, including Transit Village use classifications to increase the residential density and diverse mix of uses in the Plan area. Staff also supports the Plan's emphasis on alternative transportation modes, through bicycle and pedestrian route expansion and improvements, additional bus stops, providing shuttle service connecting the SMART station to local employment centers, and transportation demand management (TDM) requirements of large employers. In addition to measures to encourage alternative transportation modes, the Plan also contains measures to reduce energy use in the built environment, such as CALGreen Tier 1 standards for new construction, utilizing solar power, and cool roof and cool paving strategies. **B-2**

However, since the DEIR concludes that impacts to air quality remain significant after mitigation, District staff recommends that the City also consider including additional mitigation measures such as parking pricing strategies, car sharing, a tree replacement policy, a requirement of employers to provide on-site bicycle amenities such as lockers and showers, and reducing the minimum size requirements of employers targeted for TDM programs to capture employers of fewer than 50 employees. **B-3**

If you have any questions, please contact Abby Young, Principal Environmental Planner, (415) 749-4754.

Sincerely,

Jean Roggenkamp for
Deputy Air Pollution Control Officer

cc: BAAQMD Director Susan Gorin
BAAQMD Director Shirlee Zane

939 ELLIS STREET • SAN FRANCISCO CALIFORNIA 94109 • 415.771.6000 • WWW.BAAQMD.GOV

Letter B **Bay Area Air Quality Management District**

Response B-1: The comment states the Bay Area Air Quality Management District's (BAAQMD) support of the North Santa Rosa Station Area Specific Plan. The comment is not related to an environmental issue, and, therefore, does not require further response.

Response B-2: The comment states that since the DEIR concludes that impacts to air quality remain significant after mitigation, BAAQMD recommends that the City also consider including additional mitigation measures, such as parking pricing strategies, car sharing, a tree replacement policy, a requirement of employers to provide on-site bicycle amenities, and reducing the minimum size requirements of employers targeted for transportation demand management (TDM) programs to capture employers of fewer than 50 employees.

The following Specific Plan components and other City programs and policies provide methods for development in the Specific Plan area that would reduce emissions. It is important to note that the proposed Specific Plan was designed to be a transit-oriented development (TOD). The intent of TOD is to give people the opportunity to live, shop, work, and recreate in areas that are close together. In addition, the TOD area is anticipated to provide a variety of transportation options, which would then lead to a reduction of vehicle miles traveled (VMT), and thus criteria air pollutants. However, the exact amount of VMT reduction cannot be accurately predicted because so much of the decision where to drive, live, work, or recreate is a personal choice. The proposed project differs from more traditional development because it significantly increases the opportunities for residents to use transportation methods other than their private automobile, thereby potentially reducing VMT and resultant air pollutants.

In addition, as stated on page 3.14-17 of Section 3.14, Climate Change and Greenhouse Gases, of the DEIR, the City of Santa Rosa complies with CALGreen Tier 1 statewide green building standards. Therefore, the proposed project will comply with the updated Title 24 standards, including the new 2010 California Building Code (CBC), for building construction. Furthermore, project designs that incorporate renewable energy sources, such as integrated solar panels, are encouraged per the Specific Plan design guidelines, and the Specific Plan also states that buildings should be oriented to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, and maximize natural ventilation.

The Specific Plan proposes a number of improvements to the pedestrian and bicycle network, including continuous sidewalks, improved crossings at intersections, installation of street furnishings, and new pedestrian and bicycle routes. New pedestrian routes are provided on sidewalks and bicycle lanes along streets as well as along off-street dedicated pedestrian/bicycle paths. Chapter 6 of the North Santa Rosa Station Area

Specific Plan illustrates the location of the primary off-street and on-street pedestrian and bicycle facilities.

Furthermore, Section 20-36.040 of the City Municipal Code contains provisions mandating a minimum number of bicycle parking spaces. For instance, Section 20-36.040 requires that multi-family residential projects provide one bicycle parking space for every four units if the units do not have a private garage or private storage space for bike storage. A minimum of two short-term bicycle parking spaces and one long-term bicycle parking space is required to be provided for new non-residential development. When the bicycle parking required for a non-residential land use is based on square footage, at least 25 percent of the bicycle parking spaces have to be provided in long-term bicycle parking facilities and at least 50 percent need to be provided in short-term bicycle parking facilities. Similarly, Section 20-36.090 requires showers for office, retail trade, service uses and manufacturing and industrial uses based on square-footage (see Table 3-7 of Municipal Code Section 20-36.090). In addition, Section 20-36.090 requires locker and dressing room facilities for the uses that require showers.

Finally, the City of Santa Rosa has recently adopted a Climate Action Plan as part of its long-standing commitment to implementing environmental programs and reducing emissions. The policy provision, Action 4.3.2 of the City Climate Action plan ensures that the City works with large employers in Santa Rosa to create rideshare programs including carpool and vanpool options for employees. In addition, Action 4.3.3 requires the City to evaluate the effectiveness of Action 4.3.2 and consider expanding existing programs including guaranteed ride home, employee transit pass programs, and cash for parking pass programs. Action 4.3.4 of the Climate Action Plan will provide recognition, awards, competitions, or other incentives related to employee commutes in regard to walking, biking, carpooling, transit, or other non-single-occupancy vehicle use and finally, Action 4.3.5 requires new developments with more than 50 on-site employees to provide subsidized or free transit passes to employees.

As the proposed project will develop over time, it is reasonable to assume that new policies and methods of reducing VMT and impacts to air quality will be incorporated into future development. Perhaps the largest improvement to air quality will be from informed residents in the proposed project who take advantage of the transit opportunities and who make choices to reduce vehicle trips and take the other personal actions that will substantively reduce air quality impacts.

Letter C

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5541
FAX (510) 286-5559
TTY 711

Flex your power!
Be energy efficient!

May 25, 2012

SON1011036
SON-101-21.74
SCH 2011122034

Ms. Jessica Jones
City of Santa Rosa
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95402

Dear Ms. Jones:

North Santa Rosa Station Area Specific Plan – Draft Environmental Impact Report (DEIR)

C-1

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the proposed project.

Highway Operations

1. Traffic analysis for the weekday AM peak hour was not included in the DEIR or the accompanying traffic impact study; please include this analysis.

2. To address all of the traffic impacts from the proposed project, the study limits should include one interchange upstream and one interchange downstream from the project area. Therefore, please include analysis of the US-101/3rd Street and US-101/Bicentennial Way interchanges, and their adjacent local streets. C-2

3. Only the results of the roadway segment level of service (LOS) analysis are included in the DEIR. These results are not adequate to fully identify project impacts to the State Highway facilities. The intersection LOS analyses for Existing, Existing Plus Project, Future, and Future Plus Project conditions should be performed and included in the DEIR. C-3

4. Queue length analyses for the US-101 on-ramp intersections and off-ramp intersections, and adjacent intersections to the on-ramps and off-ramps, should also be included in the DEIR. C-4

Significant and Unavoidable Impacts

Further analysis is needed in determining the feasibility of potential mitigations for the "significant and unavoidable" impacts to the three segments of US-101 from downtown Santa Rosa to Bicentennial Avenue (DEIR Impact 3.13.2, page 3.13-37). Not being identified in long-range local, regional or State transportation plans, or otherwise not having a funding mechanism in place at the time of environmental review, is not by itself a valid reason to determine a potential mitigation measure to be infeasible. C-5

In this case, the funding mechanism in question may be mitigation obligations under the California Environmental Quality Act (CEQA), but this must also be associated with substantial evidence in C-6

"Caltrans improves mobility across California"

Letter C cont.

C-6 cont.

analysis. There are multiple funding options that the City of Santa Rosa (City) may consider to address significant cumulative impacts to US-101. These may include limited to, Regional Fee Programs or specific agreements with Caltrans.

In addition to the emphasis on "travel by non-automobile modes including SMART" (DEIR page 3.13-38), the City should examine the possibility of reducing the project's direct and incremental impacts to the transportation network through modifications to signal and ramp meter timing or to intersection geometry as appropriate. Even if impacts cannot be fully mitigated, please examine means by which some alleviation of the impacts might be achieved.

C-7

Vehicle Trip Reduction

1. Transportation demand management measures should be incorporated to the fullest extent practical to reduce these impacts.

C-8

2. In addition to reducing parking minimums, the plan should include parking maximums to avoid excessive parking supply, especially near the proposed transit station.

C-9

3. New transit-oriented development should not only be allowed to provide unbundled and shared parking, but should be required or have incentives to do so.

C-10

Caltrans acknowledges that the proposed plan describes several measures to reduce traffic demand Yet the measures outlined above, along with the proposed improvements in non-motorized transportation facilities, will further help reduce significant impacts on the State Highway System.

Should you have any questions regarding this letter, please call Connery Cepeda of my staff at (510) 286-5535.

Sincerely,

C-11

GARY ARNOLD
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)

"Caltrans improves mobility across California"

Letter C **State of California Department of Transportation**

Response C-1: The commenter states that traffic analysis for the weekday a.m. peak hour was not included in the DEIR or the accompanying traffic impact study, and that it should be included in the analysis.

The transportation analysis conducted for the DEIR focuses on p.m. peak hour operation. During development of the traffic analysis scope, the most recent set of 24-hour traffic counts maintained by the City for Steele Lane were reviewed. Based on the traffic volume trends (shown below), it was apparent that traffic volumes are substantially higher during the p.m. peak hour than in the a.m. peak hour and that assessment of the p.m. peak hour would therefore capture "worst-case" vehicle operation.

24-Hour Traffic Flow on Steele Lane at US 101 Interchange

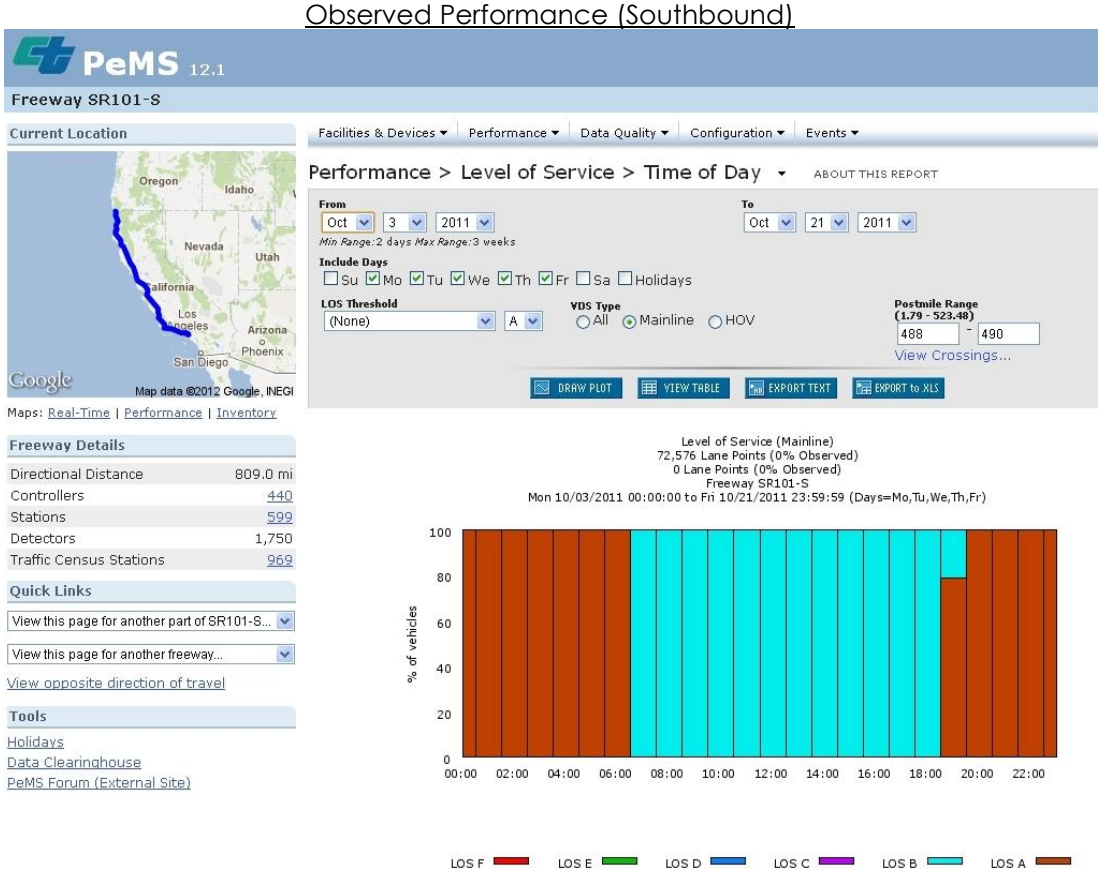
24-hour traffic data for Steele Lane between the U.S. 101 northbound and southbound ramps on January 13, 2009, collected by Quality Traffic Data under contract to the City of Santa Rosa

With respect to operation on US 101, the Caltrans Performance Measurement System (PeMS) was utilized to determine how the freeway is operating in the project area. PeMS operational information is based on actual flow data collected at monitoring sensors along the freeway. A typical three-week-long, non-holiday period in October 2011 was chosen for review, focusing on mainline freeway performance during the Monday through Friday workweek while all area schools were in session. The PeMS data plots (shown on the following page) indicate that average operation in the level of service (LOS) B range occurred during this observation period in the southbound direction during both the a.m. and p.m. peak hours. LOS C operation was observed in the northbound direction during both peak hours, though both the percentage of vehicles experiencing LOS C operation and the actual duration of LOS C operation was higher in the a.m. peak hour than in the p.m. peak hour. While actual operation of the freeway varies on a daily basis, this data representing typical conditions provides anecdotal evidence that US 101 operates at somewhat lower levels of service during the p.m. peak hour than in the a.m. peak hour.

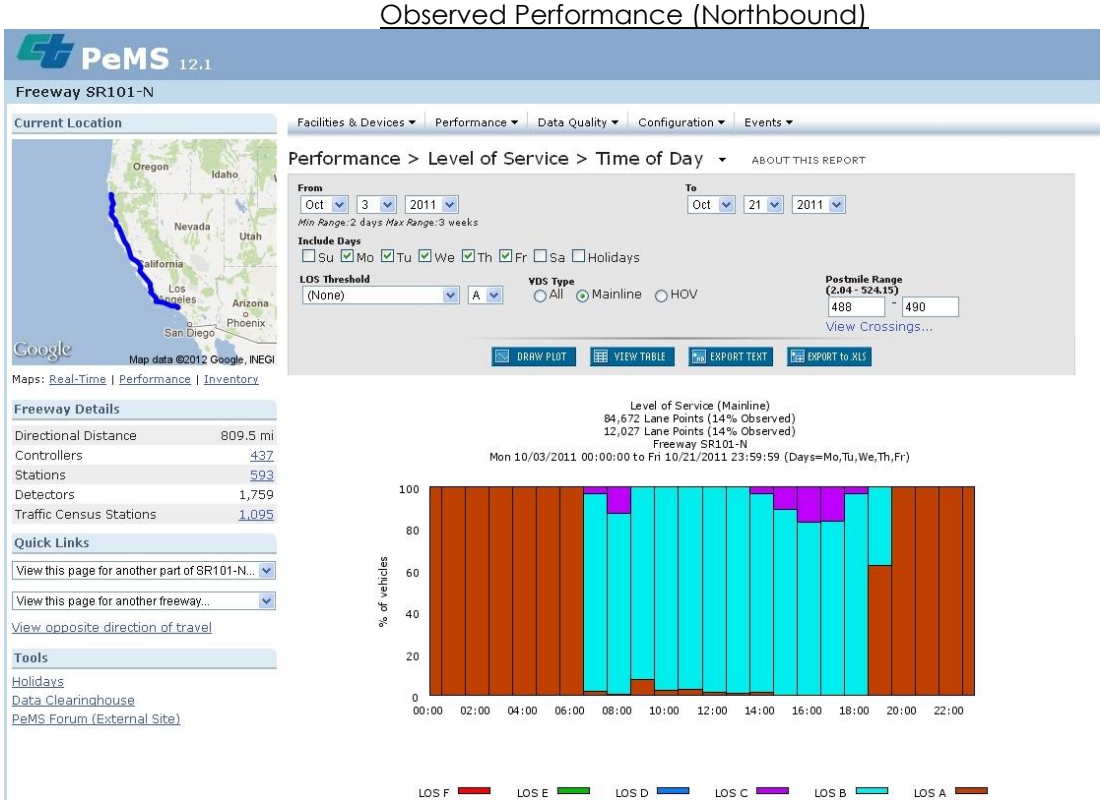
Based on this information, the analysis provided in the DEIR for both US 101 and local streets is considered to be sufficient, as it represents worst-case operating conditions upon which to gauge the Specific Plan's potential traffic impacts.

US 101 Mainline Hourly Operation – October 2011 Weekday (Third Street to Bicentennial Way)

Observed Performance (Southbound)



Observed Performance (Northbound)



Response C-2: The commenter states that the study limits for the traffic section should include one interchange upstream and one interchange downstream from the project area, specifically the US 101/3rd Street and US 101/Bicentennial Way interchanges and their adjacent local streets.

The DEIR presents an analysis of mainline operation on three segments of US 101: the Bicentennial Way interchange to Steele Lane interchange, the Steele Lane interchange to College Avenue interchange, and the College Avenue interchange to the Downtown Santa Rosa (Third Street) interchange. The traffic analysis also includes intersection LOS and queuing evaluations at the Steele Lane and College Avenue interchange freeway ramps. The commenter appears to be requesting that additional analysis be provided of the ramp intersections at the Bicentennial Way and Downtown Santa Rosa interchanges, as well as local streets serving those interchanges.

The study area for the Specific Plan traffic analysis was coordinated with City of Santa Rosa staff and developed in consideration of the Plan area's boundary, which extends in an approximately half-mile radius around the SMART station on Guerneville Road. Based on the configuration of the City street network and locations of intensified development associated with the Plan, it was determined that the majority of freeway-oriented Specific Plan traffic would occur via the Steele Lane interchange, with a smaller portion utilizing the College Avenue interchange to the south. Because access to the Plan area via the Bicentennial and Downtown Santa Rosa interchanges would be more circuitous and involve greater travel times

for drivers, Plan-related traffic increases at these freeway ramps and adjacent local streets are anticipated to be negligible.

Response C-3: The commenter states that the results of the roadway segment LOS analysis are not adequate to fully identify project impacts to State Highway facilities and that the intersection LOS analyses for Existing, Existing Plus Project, Future, and Future Plus Project conditions should be performed and included in the DEIR.

The DEIR includes intersection level of service calculations at the Steele Lane and College Avenue ramp intersections under Caltrans jurisdiction. Results for existing conditions are shown in the DEIR in Table 3.13-3. Future conditions are shown in Table 3.13-9, and Future plus Project conditions in Table 3.13-15. The DEIR does not include an Existing plus Project scenario since the Plan is a programmatic document intended to guide development over at least a 20-year time horizon. Detailed LOS calculations for these intersections are included in Appendix E of the DEIR.

Response C-4: The commenter states that queue length analyses for the US 101 on-ramp intersections and off-ramp intersections, and adjacent intersections to the on-ramps and off-ramps, should be included in the DEIR.

The DEIR includes queue length analyses at the Steele Lane and College Avenue ramp intersections under Caltrans jurisdiction. Results for existing conditions are shown in the DEIR in Table 3.13-3. Future conditions are shown in Table 3.13-9, and Future plus Project conditions in Table 3.13-15. As noted above, the DEIR does not include an Existing plus Project scenario since the Plan is a programmatic document intended to guide development over at least a 20-year time horizon. Queuing calculation results for these intersections are included in Appendix E of the DEIR.

Response C-5: The commenter states that mitigation for DEIR Impact 3.13.2 needs further analysis to determine feasibility, as not being identified in long-range local, regional, or state transportation plans, or otherwise not having a funding mechanism in place at the time of environmental review, is not by itself a valid reason to determine infeasibility.

The DEIR identifies that US 101 will operate at deficient levels of service in the vicinity of the Plan area in the future both without and with development associated with the Plan, and that the Caltrans standard of LOS C/D operation could only be achieved through widening of the freeway. The DEIR indicates that widening is not envisioned in the Sonoma County Transportation Authority's Comprehensive Transportation Plan and no financial mechanisms currently exist to fund such an improvement. The commenter is correct that this, by itself, is not sufficient reason to deem mitigation infeasible. However, the DEIR goes on to describe the social and environmental impacts that would be associated with such mitigation. Freeway widening in this core area of Santa Rosa would entail demolition of homes and businesses, full or partial closures of several city streets (potentially including Cleveland Avenue, Armory Drive, Davis Street, and Morgan Street), and the creation of secondary environmental and social impacts such as congestion on local roadways and partial

demolition of existing neighborhoods. These combined factors provide substantial evidence that mitigation through freeway widening is infeasible.

In establishing the LOS C/D threshold, described in the Caltrans *Guide for the Preparation of Traffic Impact Studies*, Caltrans "acknowledges that this [maintaining operation at or above the LOS C/D threshold] may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS."

Response C-6: The commenter states that the funding mechanism in question may be mitigation obligations under CEQA, but this must also be associated with substantial evidence in analysis, and that there are multiple funding options that the City may consider to address the significant cumulative impacts to US 101, including Regional Fee Programs or specific agreements with Caltrans.

It is acknowledged that some sort of regional impact fee program and/or agreements overseen by the Sonoma County Transportation Authority or Caltrans could be established in the future, though no such programs are currently under development. Mitigation measures adopted by an agency must be fully enforceable (California Public Resources Code Section 21081.6[b]). Because no funding mechanisms are currently available for the City to contribute toward mitigation of US 101, and because no such programs can be implemented within the time frame of the Plan's environmental analysis, the impact would remain significant and unavoidable.

Response C-7: The commenter states that the City should examine the possibility of reducing the project's direct and incremental impacts to the transportation network through modifications to signal and ramp meter timing or to intersection geometry as appropriate, even if impacts cannot be fully mitigated.

The types of improvements identified by the commenter have been incorporated into the Specific Plan. Through analysis of the Guerneville Road-Steele Lane and College Avenue corridors, in addition to analysis of the US 101 freeway ramp intersections on these corridors, it was determined that future improvements would be needed (specifically at the Steele Lane ramps) to reduce congestion-related impacts on both city streets and US 101. An excerpt of Specific Plan Policy C-6.3 follows:

> *Policy C-6.3. Modify roadways and signal timing to improve traffic flow and reduce congestion, including… [coordination] with Caltrans to ensure that long range congestion-management improvements take place at the Highway 101/Steele Lane interchange. Such improvements could include lengthening the right turn lane on the southbound off-ramp and constructing a new right turn lane on Steele Lane at the northbound ramps, or other measures deemed by the City and Caltrans to achieve acceptable operation as long-term growth associated with buildout of the Specific Plan area occurs.*

As indicated in Policy C-6.3, the City commits to coordinating with Caltrans to identify intersection improvements that best achieve acceptable operation, thereby reducing the potential for adverse congestion to affect the city's roadways or mainline US 101.

With respect to improvements to signal timing, both the Guerneville Road-Steele Lane and College Avenue corridors utilize state-of-the-art adaptive signal timing that constantly adjusts to best meet traffic demands. The City commits to maintaining and potentially expanding these systems to further improve efficiency and will coordinate with Caltrans when making adjustments or changes that affect operation of the ramps. Ramp metering installed by Caltrans at both interchanges has not yet been activated, though it is anticipated to be operational within the next several years. The City will coordinate with Caltrans to ensure that timing of both the ramp traffic signals and ramp meters remains efficient over time as traffic volumes increase.

Response C-8: The commenter states that transportation demand management measures should be incorporated to the fullest extent practical to reduce vehicle trip impacts.

A broad range of transportation demand management (TDM) measures were considered during development of the Plan, many of which were incorporated into the structure of the Plan itself, as well as specific policies. The publication *Quantifying Greenhouse Gas Mitigation Measures* (California Air Pollution Control Officers Association [CAPCOA] 2010) includes a comprehensive list of transportation demand management measures and their associated effectiveness. Following are components from the CAPCOA list that the Specific Plan has incorporated:

- Increased density
- Location efficiency
- Diversity in design
- Destination accessibility
- Transit accessibility
- Below-market-rate housing
- Proximity to bike paths
- Create a pedestrian-oriented network
- Incorporate traffic calming
- Provision for unbundled parking
- Encouraged use of priced parking
- Expansion of the transit network
- Increase in transit frequency
- Local shuttles
- Require large employers (50+ employees) to establish TDM programs

The Specific Plan includes two policies directly relating to TDM. Policy C-2.1 of the Specific Plan requires new developments with more than 50 employees to implement transportation demand management (TDM) programs. Policy C-2.2 encourages all developments to reduce parking demand through an appropriate mechanism such as pricing, unbundling parking, shared parking, transit passes, bicycle amenities, pedestrian

amenities, car-share program, employee TDM, or employer-provided discount transit passes.

Response C-9: The commenter states that in addition to reducing parking minimums, the Plan should include parking maximums to avoid excessive parking supply, especially near the proposed transit station.

The Metropolitan Transportation Commission's 2007 report *Reforming Parking Policies to Support Smart Growth – Toolbox/Handbook: Parking Best Practices & Strategies for Supporting Transit Oriented Development in the San Francisco Bay Area* includes recommended parking strategies for transit-oriented development. While this publication recommends consideration of parking maximums at "Regional Center" or "City Center" place types, parking maximums are not shown in the preferred list of measures for a "Suburban Center" place type like the North Santa Rosa Plan area (typified by bus and commuter rail–based transit service). The Specific Plan establishes reduced parking requirements within the Plan area boundary, maximizes parking efficiency through the use of shared parking, encourages the use of "unbundled" parking and employer "cash out" incentives, and requires large employers to establish TDM programs to reduce vehicle travel and parking demand. Policy C-2.3 of the Specific Plan also requires reassessment of parking policies after the SMART station is operating and development in the area intensifies, suggesting that additional parking reductions or establishment of parking maximums may be appropriate in the future.

Response C-10: The commenter states that new transit-oriented development should not only be allowed to provide unbundled and shared parking, but should be required or have incentives to do so.

The Metropolitan Transportation Commission (2007) report *Reforming Parking Policies to Support Smart Growth – Toolbox/Handbook: Parking Best Practices & Strategies for Supporting Transit Oriented Development in the San Francisco Bay Area* does not include mandatory unbundled parking in the preferred list of measures for a "Suburban Center" place type such as the North Santa Rosa Plan area. The Specific Plan does, however, allow private development to utilize unbundled parking on a voluntary basis. While mandatory provision of unbundled parking is a logical requirement for major transit-oriented development areas with high transit frequencies, it is less appropriate for an area such as that encompassed by the proposed Specific Plan. In regard to shared parking, buildout of the Specific Plan relies upon this practice. The level of development envisioned by the Plan would in fact not be possible without shared parking.

Response C-11: The commenter states that the measures outlined above, along with the proposed improvements in non-motorized transportation facilities, will further help reduce significant impacts on the State Highway System.

This comment is noted and has been addressed in Responses C-1 through C-11 above.

Letter D

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

May 25, 2012

Ms. Jessica Jones, City Planner
City of Santa Rosa
Community Development Department
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Dear Ms. Jones:

Subject: Comments on the North Santa Rosa Area Specific Plan DEIR Project Corrected Traffic Section, SCH No. 2011122032

Thank you for the opportunity to comment on the Corrected Traffic Section of the North Santa Rosa Area Specific Plan DEIR Project (project) located at 1478 and 1480 Guerneville Road in Santa Rosa of Sonoma County. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of those waters. **D-1**

The proposed project consists of development of 987-acres surrounding the proposed SMART Station.

We have the following comments:

We have included wetlands and waters of the State, hazardous materials cleanups sites, storm water and Low Impact Development (LID), and riparian habitat information that should be included into the project plans. Coverage under the Construction General Storm Water Permit, Conditional Waiver of WDRs, the Water Quality Certification (401 Certification), and the Industrial Storm Water Permit may be required by our agency. **D-2**

Wetlands and Waters of the State **D-3**

The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "'Waters of the state' refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e)." This definition is

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

Letter D cont.

broader than that of "waters of the United States" and, consequently, should always be acknowledged and considered when determining impacts upon water resources.

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated. Impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. All efforts to first avoid and second to minimize impacts to waters of the State must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

D-3 cont.

Hazardous Materials and Cleanups Sites

If Hazardous materials are discovered on-site, development on active cleanup sites can proceed concurrently with cleanup activities so long as it is compatible with ultimate cleanup actions. Mitigation measures should be included to require soil and/or groundwater management plans for cleanup sites when development and/or utility lines are proposed on or in close proximity to the sites, as development of cleanup sites could result in encountering contaminated soil and/or groundwater. Mitigation measures should include requirements to contact and coordinate with all appropriate agencies prior to development on or near active cleanup sites.

D-4

Storm Water and Low Impact Development

The Regional Water Board requires the use of LID and best management practices (BMPs) to mitigate potential impacts to water quality. LID BMPs that treat and retain (infiltrate, capture, evapotranspirate and store) storm water runoff on the project site are efficient and cost effective.

LID is a development site design strategy with a goal of maintaining or reproducing the pre-development hydrologic system through the use of design techniques to create a functionally equivalent hydrologic setting. LID emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID requires that the storm water runoff volume from small storms be retained onsite.

D-5

Other LID strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils. Natural vegetation and soil filters storm water runoff and reduces the volume and pollutant loads of storm water runoff. Other benefits from LID implementation include reducing global warming

Letter D cont.

impacts from new development (preserving carbon sequestering in native soils and retaining native vegetation), increasing water supply (by encouraging ground water recharge) and reducing energy consumption. **D-5 cont.**

LID requires the use of landscape-based BMPs that filter storm water runoff using vegetation and amended soil prior to infiltration. Examples of these types of BMPs are rain gardens and vegetated swales. LID BMPs need to be sized to treat the storm water runoff from all impervious surfaces (e.g. roads, roofs, walkways, patios) using the Storm Water Low Impact Development Technical Design Manual found at www.srcity.org/stormwaterLID (required to be used for projects within Santa Rosa and parts of Sonoma County, but recommended for projects elsewhere), or using the following sizing criteria:

1. The volume of runoff produced from the 85th percentile of 24-hour rainfall event, as determined from the local historical rainfall record; or **D-6**

2. The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined using the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, p. 170-178 (1998); or

3. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook-Industrial/Commercial (1993).

BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities should be included in the subsequent environmental review documents to prevent sediment and other pollutants reaching surface waters or leaving the site in storm water runoff. These can include scheduling grading to take place during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques. **D-7**

Riparian Habitat

When riparian habitat is removed, it can change local microclimates, soil moisture, groundcover, impact wildlife habitat, increase water temperature, destabilize stream banks and channels and increase erosion. Riparian areas between streams and wetlands and their adjoining environments play critical roles in protecting and enhancing water quality. **D-8**

Note that an important tool for reducing and avoiding impacts to surface waters is the implementation of a buffer area of native and riparian vegetation between any construction activities or structures and surface waters. The Regional Water Board and

Letter D cont.

the United States Environmental Protection Agency (EPA) strongly recommend a *minimum* setback of 100 feet from the top of bank of a stream, watercourse or the edge of a wetland. Setbacks should be vegetated and undisturbed or enhanced with native plants.

D-8 cont.

The following permits may be required for this project:

Construction General Storm Water Permit: Land disturbances on projects of one acre or more require coverage under the construction general storm water permit. If the land disturbance will be one acre or more, the owner of the property will need to apply for coverage under this permit prior to the commencement of activities on-site. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to implement and maintain to minimize pollutant discharges from a construction site. The permit also requires a risk level analysis for the project based on erosion risk and sensitivity of the receiving waters, inspections of construction sites before and after storm events, and every 24 hours during extended storm events, storm event monitoring, and electronic document and data submittal. The permit requires the use of LID to treat post-construction storm water runoff from impervious surfaces. Owners may find the permit at http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml.

Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs: Under authority of the Water Code, the Regional Water Board may issue WDRs for any project which discharges or threatens to discharge waste to waters of the State. Projects that may impact waters of the State (including discharges of wastewater, reclaimed wastewater, post-construction storm water runoff, grading activities within stream courses or wetlands, ground disturbance subject to erosion or sediment mobilization, and removal of riparian vegetation in some cases) require permitting by the Regional Water Board. The Regional Water Board may also require permits for on-site septic systems accepting 1,500 gallons or more per day. An application may be printed from the State Water Resources Control Board website at: www.swrcb.ca.gov/sbforms/.

D-9

Water Quality Certification (401 Certification): 401 Permits are issued for activities resulting in dredge or fill within waters of the United States. All projects must be evaluated for the presence of jurisdictional wetlands and other waters of the State. Destruction of or impacts to these waters should be avoided. Under the Clean Water Act Sections 401 and 404, disturbing wetlands requires a permit from the United States Army Corps of Engineers (ACOE) and a state 401 permit. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks of ACOE at (415) 503-6771. If wetlands are present, please contact Mark Neely from our office at (707) 576-2689 for a 401 Permit or other permit action.

Industrial Storm Water Permit: The Regional Water Board may need to designate this permit to reduce discharge to waters of the State. Activities that take place at industrial facilities, such as material handling and storage, are often exposed to wet weather.

Letter D cont.

Storm water runoff may contact pollutants and transport them to a nearby storm sewer system or directly to a river, lake, or coastal water. To minimize the impact of storm water discharges from industrial facilities, the industrial storm water program includes a permitting component that covers 10 categories of industrial activity that require authorization under an industrial storm water permit for discharges of storm water runoff. The Industrial Storm Water Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. Sources of pollutants are identified and the means to manage the sources to reduce storm water pollution are described in the SWPPP. An application may be printed from the State Water Board website at:
http://www.swrcb.ca.gov/water_issues/programs/stormwater/gen_indus.shtml.

D-9 cont.

If you have any questions or comments, please contact me at (707) 576-2831 or chhunt@waterboards.ca.gov.

Sincerely,

Colleen Hunt
Environmental Scientist

120525_MA_ResponseNorthSantaRosaSmartStationEIRCorrectedTrafficSection

cc: Scott Morgan, State Clearinghouse, P.O. Box, 3044, Sacramento, CA 95812
Re: SCH No. 2011122032

Letter D **North Coast Regional Water Quality Control Board**

Response D-1: The commenter states that the North Coast Regional Water Quality Control Board (Water Board) is a responsible agency for the proposed project, with jurisdiction over the quality of ground and surface waters and the protection of the beneficial uses of those waters.

The City acknowledges the Water Board as a responsible agency and includes it under subsection 1.2, Trustee and Known Responsible Agencies, in Section 1.0, Introduction, of the DEIR. This comment does not set forth remarks on environmental issues that require further response.

Response D-2: The commenter states that coverage under the Construction General Storm Water Permit, Conditional Waiver of WDRs, the Water Quality Certification (401 Certification), and the Industrial Storm Water Permit may be required by the Water Board.

The potential to violate waste discharge requirements is discussed in Impact 3.8.1 of Section 3.8, Hydrology and Water Quality, of the DEIR. The Regulatory Framework subsection of DEIR Section 3.8 discusses the permits and certifications listed in this comment.

Response D-3: The commenter defines "waters of the state" and goes on to state that any adverse impacts to wetlands associated with the proposed project must be fully permitted and mitigated, including avoidance and minimization measures.

Wetlands impacts and mitigation measures are addressed in Impact 3.4.2 in Section 3.4, Biological Resources, of the DEIR, including conducting formal wetland delineations for areas that will be permanently or temporarily impacted by the project. Mitigation measure MM 3.4.2 acknowledges the Regional Board's permitting authority. Mitigation measure MM 3.4.2 has been amended to include waters of the state; see Section 3.0 of this FEIR.

Response D-4: The commenter states that if hazardous materials are discovered on-site, development may continue if it is compatible with ultimate cleanup actions, and goes on to state that mitigation measures should be included to require soil and/or groundwater management plans for cleanup sites when development and/or utility lines are proposed and to include requirements to contact and coordinate with all appropriate public agencies.

The City of Santa Rosa General Plan 2035 contains Policy NS-F-5, which requires commercial and industrial compliance with the Sonoma County Hazardous Materials and Waste Management Plan. Furthermore, the Santa Rosa Fire Department requires a Phase I environmental site assessment for subdivisions, multi-family residential, and commercial developments where the project has not already gone through a Phase I as part of a previous subdivision or other review. Mitigation measure MM 3.7.2 in DEIR Section 3.7, Hazardous Materials, Human Health, states that if contamination is discovered in the Phase I, developers shall complete site

remediation in accordance with OSHA standards, Santa Rosa Fire Department, Sonoma County Environmental Health Department, and State Water Resources Control Board requirements. The Department of Toxic Substances Control (DTSC) may become involved wherever toxic levels of contamination are found that pose an immediate hazard. Remediation shall reduce human exposure risk and environmental hazards, both during and after construction. The remediation plan, if needed, shall be prepared in accordance with recommendations of the environmental consultant and established procedures for safe remediation. Specific mitigation measures designed to protect human health and the environment will be provided in the remediation plan.

Response D-5: The commenter states that the Water Board requires the use of low impact design (LID) and best management practices (BMPs) to mitigate potential impacts to water quality and discusses LID preservation strategies.

The Low Impact Development Technical Design Manual was adopted by the City of Santa Rosa in October 2011, and is applied to both privately sponsored projects and capital improvement projects. As new developments are planned, measures for treatment of stormwater are addressed as close to the source as possible. As the area is gradually redeveloped consistent with the storm water LID Manual, the water quality associated with stormwater runoff would gradually increase over existing conditions.

Response D-6: The commenter states that LID requires the use of landscape-based BMPs that filter stormwater runoff and lists the criteria for which LID BMPs need to be sized to treat stormwater runoff.

Every project that is subject to the storm water LID requirements within the city must develop and implement a project-specific standard urban stormwater mitigation plan (SUSMP). Implementation of these requirements would ensure that the potential for violation of water quality standards poses a less than significant impact, after construction.

Response D-7: The commenter states that BMPs to prevent erosion and the release of sediment or hazardous materials should be included in the subsequent environmental review documents.

Subsequent environmental review documents under the Specific Plan will contain their own BMPs to prevent erosion and the release of sediment or hazardous materials. The EIR states that to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit, a project applicant is required to submit a Notice of Intent to the State Water Resources Control Board (SWRCB) Division of Water Quality. The Notice of Intent includes general information on the types of construction activities that will occur on the site. The applicant (for a site-specific project) is also required to submit a site-specific plan called the stormwater pollution prevention plan (SWPPP) to minimize the discharge of pollutants during construction. The SWPPP must include a description of BMPs for preventing the discharge of silt and sediment from the site. The

SWPPP must also include BMPs for preventing the discharge of other nonpoint source pollutants besides sediment (e.g., drilling lubricant, oil, concrete, cement) from the site, as well as a detailed description of (and schedule for) all sampling and monitoring. Construction activities that are subject to these requirements include, but are not limited to, clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance over one acre. All projects that disturb less than one acre of soil, and thus do not require coverage under the General Construction Permit, will be required to submit construction BMP plans to the City for review as required by City Code.

Response D-8: The commenter states that a minimum setback of 100 feet from the top of the bank of a stream, watercourse, or the edge of a wetland should be used to reduce or avoid impacts to riparian habitat.

Santa Rosa City Code Section 20-30.040, Creekside Development, established the following creek setback requirements for any new development:

- Waterways with a defined bank will have a setback area of 50 feet from the top of the highest bank. When the bank of a waterway is steeper than 2.5:1, the exterior setback boundary shall be measured by the projections of a slope of 2.5:1 from the toe of the stream bank to ground level, plus 50 feet.

- Waterways without a defined bank will have a setback area of 50 feet, measured horizontally, from the established 100-year storm freeboard level. Exceptions are permitted for any defined channel that is owned by the Sonoma County Water Agency, for developments in compliance with setback requirements prior to September 3, 2004, for new developments that are surrounded by existing structures that were developed in compliance with setback requirements prior to September 3, 2004, and for bridges and utilities.

Additional setbacks can be established through Lake and Streambed Alteration Agreements 401/401 permits obtained during specific project permitting. No revision of the DEIR is necessary.

Response D-9: The commenter details the following permits that may be required for the proposed project: Construction General Storm Water Permit, Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs, Water Quality Certification (401 Certification), and Industrial Storm Water Permit.

This comment is noted. Individual development projects under the proposed Specific Plan will obtain these permits as necessary, as described in Section 3.8, Hydrology and Water Quality, in the DEIR.

Letter E

SONOMA COUNTY WATER AGENCY

May 25, 2012

Ms. Jessica Jones
Department of Community Development
City of Santa Rosa
100 Santa Rosa Avenue Room 3
Santa Rosa, CA 95404

Re: North Santa Rosa Station Area Specific Plan Draft EIR

Dear Ms. Jones:

E-1

Thank you for the opportunity to review the City of Santa Rosa's North Santa Rosa Station Area Specific Plan Draft EIR. Our suggested revisions are indicated by ~~strikeout~~ text for deletions and underline text for additions. We also provide general comments that may help the City describe some of the complex water supply, flood control, and environmental characteristics of its planning area.

General Comments:

1. For site-specific improvements, Water Agency staff recommends that the drainage design for the project comply with the Agency's Flood Control Design Criteria.

2. A Revocable License will be required for access or construction work within the Water Agency's Steel Creek and Paulin Creek properties. E-2

3. The Water Agency is concerned with any activity that may affect the operation and maintenance of our facilities. Please note that the Water Agency's Santa Rosa Aqueduct lies west of the Northwestern Pacific Railroad. Any project activity in this area may require acquisition of property rights over Water Agency owned property. E-3

4. Please provide design plans for Water Agency review which show detail of the development in or adjacent to the Water Agency's facility. E-4

3.12. Public Service and Utilities

1. On page 3.12-16, the third to the last sentence of the first paragraph should read, "The SCWA source of water is collected from the Russian River ~~through Ranney water collector systems~~ from two intake sites at Wohler and Mirabel located near Forestville." E-5

404 Aviation Boulevard - Santa Rosa, CA 95403-9019 • (707) 526-5370 - Fax (707) 544-6123 - www.sonomacountywater.org/

Letter E cont.

2. On page 3.12-16, 3.12.4 "Water Supply and Service," under "Existing Conditions," Please note there is uncertainty in the Water Agency's ability to provide water supply to its water contractors beyond its existing water right permit amount of 75,000 acre-feet per year (AFY). In planning for future water supply, the City should not assume that the Water Agency will be able to deliver the City's current entitlement limit of 29,100 acre-feet per year under the Restructured Agreement for Water Supply. The City's entitlement limit under the Restructured Agreement was premised upon the buildout of certain facilities and the approval of increases in the Water Agency's existing water rights. The Final EIR should acknowledge that this allocation was premised on the buildout of certain Water Agency facilities and requires State Water Resources Control Board approval of increases in the Water Agency's water rights. In addition, the Final EIR should acknowledge that for the foreseeable future, the Water Agency's diversions from the Russian River will be limited to those allowed by its existing water right permits from the State Water Resources Control Board, 75,000 acre-feet per year (AFY). Moreover, due to reductions in diversions from the Potter Valley Project into the Russian River watershed and the requirements of the National Marine Fisheries Service's (NMFS) Russian River Biological Opinion, the amount of water the Water Agency could divert and deliver to meet peak summertime demands has been limited. The Final EIR should discuss any impacts related to water supply that would occur as a result of the North Santa Rosa Station Area Specific Plan project (Project) if the Water Agency is unable to deliver the City's entitlement limit of water from the Russian River system in the future. In addition, alternative sources of supply to serve the water demands of the Project should be identified and the environmental impacts of the use of alternate sources should be analyzed. The analysis and determination of significance of Impact 3.12.4.1 and 3.12.4.3 in the City's Final EIR should be revised as appropriate based on updated demand estimates and available supplies given these constraints on the Water Agency's water supply.

E-6

E-7

E-8

3. On page 3.12-16, under "Wholesale Water Rights and Supply," the second sentence should read, "The City's ~~contractual~~ entitlement limit under the Restructured Agreement is 29,100 acre-feet annually" In addition, the last sentence should read, "Based on the City's aggressive water conservation implementation, under the Water Shortage Allocation Methodology, it is anticipated that the City's allocation would be 29,100acre-feet annually (afa), ~~the full entitlement of the Restructured Agreement. (Santa Rosa 2010UWMP, 2011)~~." Please note that the 29,100acre-feet annually is not a contractual entitlement, it is an entitlement limit. The City may also want to point out that the Allocation model is being updated, consequently, the City's allocation my change.

E-9

4. Page 3.12-18, under "Regulatory Framework," the City may want to include water conservation requirements for agricultural and urban water suppliers legislated by Senate Bill x7-7.

E-10

Letter E cont.

Thank you for the opportunity to comment. For additional questions or comments, please contact Environmental Specialist Connie Barton at 547-1905 or email at connie.barton@scwa.ca.gov.

Sincerely,

E-10 cont.

Renee T. Webber

Renee T. Webber
Division Manager,
Environmental Resources and Public Affairs

RW\\fileserver\data\CL\pinks\week 05-21-12\North Santa Rosa Station Area SPDEIR comments.docx

Letter E **Sonoma County Water Agency**

Response E-1: The commenter states that for site-specific improvements, Sonoma County Water Agency (Water Agency) staff recommends that the drainage design for the project comply with the Water Agency's Flood Control Design Criteria.

The Regulatory Framework subsection of Section 3.8, Hydrology and Water Quality, in the DEIR includes a description of the Water Agency's Flood Control Design Criteria, and, per Impact 3.8.5 in the DEIR, the proposed project will comply with these criteria and any subsequent revisions.

Response E-2: The commenter states that a Revocable License will be required for access or construction work within the Water Agency's Steele Creek and Paulin Creek properties.

Impact 3.8.3 of the DEIR states that Individual project applicants under the Specific Plan would be required to obtain a revocable license from the Sonoma County Water Agency (SCWA) prior to construction within the agency's property.

Response E-3: The commenter states that the Water Agency is concerned with any activity that may affect the operation and maintenance of their facilities. They go on to state that the Water Agency's Santa Rosa Aqueduct lies west of the Northwestern Pacific Railroad, and any project activity in this area may require acquisition of property rights over Water Agency–owned property.

The comment is noted. Prior to any development activity, the City would ensure that access to public utilities is not hindered and any acquisition of Water Agency property would be subject to Water Agency discretion.

Response E-4: The commenter asks that design plans be provided for Water Agency review.

Impact 3.8.3 in the DEIR states that Individual project applicants under the Specific Plan would be required to submit drainage design plans for review and approval by the SCWA.

Response E-5: The commenter states that the EIR should be changed to delete the reference of the Ranney water collector system on page 3.12-16.

These requested changes have been added; see Section 3.0 of this Final EIR.

Response E-6: The commenter states that there is uncertainty in the Water Agency's ability to provide water supply beyond its existing water permit amount, and that in planning for future water supply, the City should not assume that the Water Agency will be able to deliver the City's current entitlement limit. The commenter then states that the FEIR should acknowledge that this allocation was premised on the buildout of certain

Water Agency facilities and requires State Water Resources Control Board (SWRCB) approval of increases in the Water Agency water rights and that the Water Agency's diversions from the Russian River will be limited to those allowed by its existing water right permits from the SWRCB.

SCWA's comment states there are numerous uncertainties regarding SCWA's ability to meet Santa Rosa's current entitlement of 29,100 acre-feet per year (AFY) because SCWA's current water right permits limit Russian River diversion to 75,000 AFY. These uncertainties are discussed in detail in Section 1.4.3 – Conditions Which Could Affect SCWA Supply of the Water Supply Assessment (WSA) prepared for this project (WSA pages 10 to 13). Santa Rosa limits its existing supply from SCWA to its current entitlement of 29,100 AFY. The expectation of delivery of this supply is based on the contractual provisions of the Restructured Agreement for Water Supply, including the provisions of Section 3.5 of the Restructured Agreement that SCWA will at all times have a water shortage allocation methodology adopted sufficient to inform each customer of the water available to it in the event of a shortage. As stated on page 9 of the WSA, the Chair of the SCWA Board of Directors wrote to the City on April 18, 2006, addressing the Section 3.5 allocation methodology adopted by the SCWA as follows: "Under this allocation methodology, if the Agency's surface water rights and supply remain limited to 75,000 afy for some time, and the water contractors demands reach their maximum entitlements from the Agency, the City's allocation would be 29,100 afy."

Response E-7: The commenter states that, due to reductions in diversions from the Potter Valley Project into the Russian River watershed, and the requirements of the National Marine Fisheries Service (NMFS) Russian River Biological Opinion, the amount of water the Water Agency could divert and deliver to meet peak summertime demands has been limited, and the FEIR should discuss any impacts related to water supply that would occur as a result of the Specific Plan if the Water Agency is unable to deliver the City's entitlement limit in the future.

The effect of the Biological Opinion, including reduced flows during normal and dry years, as well as the effect of the changes in operation of the Potter Valley Project are described in detail in Section 1.4.3 – Conditions Which Could Affect SCWA Supply of the WSA prepared for this project (WSA pages 10 to 13). The expectation of delivery of the SCWA supply is based on the contractual requirements of the Restructured Agreement for Water Supply, including the provisions of Section 3.5 of the Restructured Agreement that SCWA will at all times have a water shortage allocation methodology adopted sufficient to inform each customer of the water available to it in the event of a shortage. As stated in the WSA Section 1.7 – Dry Year Analysis, to the extent that the SCWA's ability to meet peak summer demands is affected, available supply during these periods will be allocated per Section 3.5 of the Restructured Agreement as further defined in the SCWA's adopted Water Shortage Allocation Methodology. If needed, the City would also enact the appropriate stage of the City's Water Shortage Plan.

In addition, while the primary source of water supply for the City of Santa Rosa is contractual entitlement from the SCWA as defined in the Restructured Agreement for Water Supply, Santa Rosa's water supply portfolio is made up of multiple sources of supply, including Santa Rosa's groundwater sources, recycled water sources, and water conservation that offsets current and future demands. Assuming these supplies and water conservation, the WSA concluded that the City has adequate projected water supplies, including existing and additional water supply, to meet existing demands and planned future demands plus the maximum anticipated demand associated with the project.

Response E-8: The commenter states that alternative sources of supply to serve the water demands of the project should be identified and the environmental impacts of the use of alternate sources should be analyzed. The commenter then states that the analysis and determination of significance of Impacts 3.12.4.1 and 3.12.4.3 should be revised based on updated demand estimates and available supplies given the constraints described above.

As discussed above, the City of Santa Rosa relies upon its contractual entitlement from the SCWA as defined in the Restructured Agreement for Water Supply, as well as groundwater and recycled water sources, and water conservation that offsets current and future demands. Based on these supply sources, the WSA concluded that the City has adequate projected water supplies, including existing and additional water supply, to meet existing demands and planned future demands plus the maximum anticipated demand associated with the project Therefore, the City would not rely upon additional alternative sources and further analysis would not be required.

Response E-9: The commenter requests minor textual changes on page 3.12-16 regarding the City's entitlements and requests that the FEIR state that the allocation model is being updated, and consequently, the City's allocation may change.

Section 1.4.2 – Existing Wholesale Water Supply SCWA of the WSA describes the Restructured Agreement, the shortage provisions of Section 3.5 of the Restructured Agreement, and the City's entitlement amount of 29,100 AFY (WSA pages 8 – 9). As stated in the WSA, the Restructured Agreement includes specific rates of delivery and maximum amounts of water that the SCWA is required to supply to the City. As defined in the Restructured Agreement Section 3.1, the City's current annual entitlement is 29,100 AFY. The WSA further states that in the event of a shortage or other limitation on the SCWA's supply, the shortage provisions of Section 3.5 and the SCWA's adopted Water Shortage Allocation Methodology would be implemented.

Response E-10: The commenter states that the Regulatory Framework for the Water Supply section of the EIR [see DEIR Section 3.12, Public Services and Utilities] could include water conservation requirements for agricultural and urban water suppliers legislated by Senate Bill x7-7.

These requested changes have been added; see Section 3.0 of this FEIR.

Letter F

CODDINGTOWN MALL

May 16, 2012

VIA E-MAIL AND HAND-DELIVERY

City of Santa Rosa
Community Development Department
ATTN: Jessica Jones, City Planner
100 Santa Rosa Avenue Room 3
Santa Rosa, CA 95404

Re: Comments on Draft EIR for North Santa Rosa Station Area Specific Plan

Dear Ms. Jones:

Thank you for the opportunity to review the Draft Environmental Impact Report (the "**DEIR**") for the North Santa Rosa Station Area Specific Plan (the "**North SR Station Area Specific Plan**" or simply the "**Specific Plan**"). As you know, Simon Property Group and Codding Enterprises are joint partners in Coddingtown Mall, LLC ("**Coddingtown**"), and we are pleased to submit the following comments on the DEIR:

GENERAL COMMENTS

In general, we believe that the North SR Station Area Specific Plan embodies an exciting vision for the future of the northwest area of Santa Rosa, and we applaud the City's leadership, staff, and consultants for producing a Specific Plan that promises to transform the area in ways that will enhance communities, support business growth, advance sustainability, and pursue a new model of transportation oriented development. The Specific Plan proposes numerous policies and guidelines which have been deeply considered and will truly revolutionize the way that people live, commute, work, and experience life in the northwest Santa Rosa area. The City should be commended for meeting a task of such complexity by producing a Specific Plan which is clear, thorough, and dynamic.

F-1

Coddingtown strongly supports the overall vision of transit oriented development embodied by the Specific Plan, and supports many of the specific Goals, Policies, and other features of the Specific Plan.

While we generally support nearly all aspects of the Specific Plan, there are certain elements which can be improved upon or which raise important concerns for Coddingtown, notwithstanding our general comments in favor of it. Our concerns over specific provisions of the Specific Plan are provided in this comment letter below. We are confident that the City and its consultants will consider them with great attention and will support appropriate revisions to the Specific Plan and EIR so that the final materials presented to the City Council for approval

733 Coddingtown Mall | Santa Rosa, CA 95401
☎ 707.527.5377 | 🖷 707.527.4037

Letter F Continued

can be the strongest and most through policy and guidelines for future development of the North SR Station Area possible.

F-1 cont.

CONCERNS OVER DEDICATIONS, STREET AND ROUNDABOUT DIMENSIONS, AND SIMILAR PUBLIC IMPROVEMENT REQUIREMENTS

Notwithstanding our general support for the Specific Plan above, Coddingtown has significant concerns over the Specific Plan's lack of clarity over the extent, timing, and types of dedications and other public improvements that will be required in order for the Specific Plan to be fully implemented. The Specific Plan provides for development of numerous public improvements, including new and/or re-sized streets, sidewalks and pedestrian ways, landscaping, lighting, bicycle route development, and other improvements which promise to be costly and may significantly impact private property rights. For example, as to the Coddingtown Mall site, the Specific Plan provides for the development of the Bike Path Extension through the Mall site itself (addressed in detail below), along with extension of Coffey Ln., the development of a roundabout at the intersection of Range Ave. and Coffey Ln., and other street improvements which may encroach on to Mall property or require dedications or fees in order to be implemented.

Coddingtown is concerned that the Specific Plan does not provide sufficient clarity as to the scope and extent of these public improvements, nor the triggers for when dedications may be required, nor how and to what extent rights-of-way and similar dedications will be determined. Without providing terms for these issues, the Specific Plan lacks certainty as to how its provisions should be implemented by the City, and property owners such as Coddingtown cannot adequately manage and plan for development. While such concerns might appear solely economic, they have tangible environmental impacts because they prevent properties from being developed, blight eliminated, and improvements in the physical condition of land from being implemented.

F-2

We therefore suggest that the Specific Plan be revised to include criteria for the planning, financing, and timing of public improvement development and dedications. Moreover, we respectfully suggest that the scope of public improvements be specifically delineated in the Specific Plan, such that precise dimensions of streets, sidewalks, landscaping, roundabouts, and other features related to dedication requirements be explicitly described.

In this respect, we point to three features of the Specific Plan which raise particular concerns for Coddingtown: (1) the extension of Coffey Ln. and connection with a roundabout to Range Ave.; (2) the related extension of Coffey Ln. across the southern portion of the Coddingtown Mall site via the proposed "Coffey Lane Extension Pedestrian Bike Path"; and (3) the designation of Edwards Ave. and Range Ave. as "complete streets" and related provisions of the Specific Plan which proposed to drastically revise the land uses along those thoroughfares. ***These features will require extensive taking of privately owned property interests on and around the Coddingtown Mall site, and as shown on ATTACHMENT 1 to this comment letter will in fact cause nearly 30,000 square feet of existing retail to be demolished and will eliminate the existing parking at the Mall by 469 spaces. The Specific Plan provides no description of how private landowners will be impacted, nor how such takings will be phased or coordinated with public funding of the Specific Plan's requirements.***

Letter F Continued

By way of example, the Coffey Ln. extension to Range Ave. alone appears to require the extension of Coffey Ln. through existing privately-owned parking lots and other office and/or residential properties, including parking owned by Coddingtown at the proposed intersection of Coffey Ln. and Range Ave.[1] The Specific Plan designates this extension as a "minor street" and provides a total width of 73 feet.[2] Moreover, the Specific Plan provides for the establishment of a roundabout at the extension's intersection with Range Ave.,[3] requiring roundabout dimensions that appear to span from between 130 to 170 feet, corner-to-corner, at the proposed intersection.[4] Development of these features will require the taking of significant portions of Coddingtown property on both the east and west sides of the proposed intersection, not to mention the taking of approximately 1,000 feet of right-of-way which must be acquired through other parcels on which the Coffey Ln. extension is proposed.

The taking of these privately-owned real property interests is extensive, and will significantly impact existing and proposed tenants in this location (along with the property interests of Coddingtown itself), likely requiring the condemnation of existing retail structures and parking at the southeast and eastern section of the Coddingtown Mall (currently occupied by tenants such as Beverly's Fabric & Crafts). Moreover, ***although the development of the Coffey Lane Extension figures prominently in the Specific Plan's traffic and circulation goals, the Specific Plan does not address how these private real estate interests will be acquired, the phasing of such acquisition, the obligations and impacts on property owners whose interests must be acquired or condemned to develop the Coffey Lane extension, or other aspects of the substantial modifications to properties that this feature of the Specific Plan will require***.

F-2 cont.

Furthermore, the Specific Plan provides for changes to the Coddingtown Mall site and surrounding properties which, if developed, would require the demolition or removal of 30,000 square feet of existing retail space, along with the removal of 469 existing parking spaces, at the Mall site.[5] These impacts are not addressed in the DEIR, whatsoever, despite the fact that these changes will have enormous consequences to existing businesses, economic vitality, traffic, parking, and other features in and around Coddingtown Mall. ***The loss of 469 parking spaces at Coddingtown Mall alone will almost certainly cause anchor tenants and other retail businesses at Coddingtown Mall to relocate to other locations outside the Specific Plan area***, and would likely cause parking at the Mall to fall extraordinarily below the parking levels required by the City Code.[6] These changes will also cause negative impacts on traffic circulation, street parking in the vicinity of the Mall site, along with numerous negative economic impacts which will, in turn, cause physical impacts which are not addressed in the DEIR.[7]

F-3

[1] *See, e.g.*, DEIR Figure 2.0-6.

[2] Specific Plan Table 7.1.

[3] *See, e.g.*, DEIR Figure 2.0-6.

[4] *See, e.g.*, Specific Plan Table 7.8 (indicating roundabout circulatory width of 19-20 feet for single lane and internal circle diameter of 90-130 feet).

[5] *See* Site Plan illustrating Specific Plan impacts to Coddingtown Mall site, **ATTACHMENT 1** hereto.

[6] *See, e.g.*, Santa Rosa City Code § 20-36.040 (general parking requirements).

[7] *See* discussion of economic impacts at pp. 16-17, *ante*.

Letter F Continued

Notable also is the fact that the DEIR does not address the potentially-significant environmental impacts that these provisions of the Specific Plan will cause: absent from the DEIR is any meaningful analysis of the relocation that will be required by the development of the Coffey Lane Extension, nor the potentially physical impacts to the environment that might be caused by the economic harm that the Coddingtown Mall site and other properties in the area would suffer as a result of forced dedications or condemnation of properties leased to tenants and used for ongoing business purposes. While CEQA does not require the City to analyze bare economic or social impacts, CEQA ***does*** require analysis of these impacts if substantial evidence indicates a "fair argument" that a project might cause physical impacts to the environment.[8] Even without resort to technical studies or analysis, such evidence exists here by the bare fact that the Coffey Lane Extension will run through existing businesses and/or residences, requiring the condemnation of existing property interests, and harming or destroying the viability of existing businesses in the vicinity of the proposed Extension. **F-4**

Moreover, the fact that the feasibility of acquiring and/or condemning the scope of private property interests required to develop the Coffey Lane Extension is not an aspect addressed in the DEIR is further evidence of a lack of adequate analysis. The Coffey Lane Extension will extend through existing developed properties currently in use and must, necessarily, entail either public acquisition or condemnation of private property interests or the dedication of such interests for public use. With the loss of redevelopment agencies in California brought about by recent legislation,[9] and the significant economic downturn which has enormously impacted the financial capacity of municipalities, there is an extremely low likelihood of the City obtaining funds sufficient to acquire the necessary private property interests required to develop the Coffey Lane Extension.[10] The Specific Plan itself provides an Implementation Plan,[11] but the Implementation Plan fails to identify any clear and reliable funding sources sufficient to implement all of its development requirements, including the Coffey Lane Extension, nor does it sufficiently address the City's projected budget deficits and how projected deficits would impact development of the improvements required by the Specific Plan. Moreover, the Implementation Plan does not provide any requirements or analysis of how private interests might be acquired and/or condemned, how dedications might be phased over time, or similar requirements which would assess the feasibility of the Specific Plan's proposal. **F-5**

Without adequate analysis of whether the Coffey Lane Extension is even financially or practically feasible (or, if feasible, how it might be phased), it is improper to assume that the Coffey Lane Extension will be developed at all or to include the Coffey Lane Extension in other **F-6**

---

[8] *See, e.g., Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062.

[9] Assembly Bill ABx1 26 (2011).

[10] For example, the City Finance Department has projected extremely narrow budget surpluses for the next two years, and has projected a City budget ***deficit*** commencing in Fiscal Year 2016-2017 and continuing for the remainder of the five year forecast. *See* Fiscal Year 2011-2012 General Fund Spring Financial Update p. 19, "Mid-Year Financial Update, General Fund Five Year Forecast" (presented to City Council on April 17, 2012). As of this writing the City Council is in the process of considering various budget issues for Fiscal Year 2012-2013 but has not adopted a budget for Fiscal Year 2011-2012 and we are not aware of budget estimates for Fiscal Years beyond those estimated in the Mid-Year Financial Update.

[11] Specific Plan Chapt. 9.

Letter F Continued

traffic and circulation assumptions made elsewhere in the DEIR. For example, the Specific Plan states:

> "Coffey Lane south of Guerneville Road will link to the SMART station and then extend east to connect to Range Avenue. This extension will allow buses to traverse the area, providing connectivity directly to rail transit and the ability for buses to make turnaround movements. This street will accommodate onstreet bus stop facilities adjacent to the station."[12]

This feature is relied upon in the DEIR's analysis of traffic standards, which concludes that the Specific Plan's traffic impacts will ***not*** exceed City thresholds ***precisely because the Coffey Ln. Extension will be developed***:

> "Automobile operation on the study corridors is anticipated to remain above the LOS D threshold established by the City of Santa Rosa. Several improvements to key intersections have been incorporated into the Specific Plan in order to achieve acceptable corridor operation at buildout[:] [¶] Coffey Lane – Extend the roadway south to a new roundabout-controlled intersection with Range Avenue[.]"[13]

F-6 cont.

The quoted paragraph exposes a critical flaw in the DEIR's analysis: the DEIR assumes that the Coffey Ln. Extension will cause traffic impacts to be less than the City's thresholds, but the DEIR lacks analysis as to whether the Coffey Ln. Extension could ever be financially or practically viable to begin with. Moreover, while provisions such as those quoted above note the importance of the Coffey Lane Extension to the overall circulation plan within the Specific Plan area, if the financial or practical viability of developing the Coffey Lane Extension is unlikely, the Specific Plan's circulation and traffic assumptions, themselves, are defective. Neither the Specific Plan nor the DEIR address these issues and how private property interests such as Coddingtown's bear on this issue, indicating problems in the Specific Plan's assumptions and the DEIR's evaluation and weighing of potentially significant environmental impacts.

Similar concerns exist as to the proposed "Coffey Lane Pedestrian/Bike Path" which the Specific Plan proposes to be developed within the southern portion of the Coddingtown Mall site (described extensively, *ante*), and the improvements which will be required along Edwards Ave. and Range Ave. (including but not limited to their designation as "complete streets" and the new Transit Village Mixed Use land use designation on adjacent parcels), all of which will require private property to be taken – either through dedication, condemnation, or other means – in order to implement the Specific Plan's requirements.

F-7

Coddingtown believes that, at a minimum, the economic impacts of the proposed Coffey Lane Extension, and related Bike Path and "complete street" improvements, must be thoroughly analyzed and reconsidered. Moreover, Coddingtown believes that the Specific Plan and DEIR must analyze the practical financial viability of these issues and assess their impacts on overall

[12] Specific Plan p. 6-26.

[13] DEIR p. 3.13-36.

Letter F Continued

project assumptions. If these issues indicate that the Coffey Lane Extension is unlikely to be financially or practically feasible, the Specific Plan should be revised to reflect alternatives to the Coffey Lane Extension, Bike Path, and "complete street" improvements, and such alternatives should be properly analyzed in a recirculated DEIR.

F-7 cont.

CONCERNS OVER THE TRANSIT USE MIXED VILLAGE DESIGNTION ON PARCELS ON SOUTH AREA OF THE CODDINGTOWN MALL SITE

Coddingtown is extremely concerned by the Specific Plan's proposed designation of parcels located in the southern area of the Mall site as Transit Development Mixed Use: this designation has not been sufficiently analyzed and appears to be proposed as part of an overall "vision" by City staff to incorporate the development of a pedestrian/bicycle bridge over US highway 101 (and corresponding route through the Mall site) into a mixed use project at the subject parcels.

This is problematic for numerous reasons, not the least of which is the fact that the proposed pedestrian/bicycle bridge and route have not undergone CEQA analysis or approval (*see* following sections of this comment letter, *ante*), and the fact that ***these parcels have not been designated for Transit Development Mixed Use in the City's General Plan*** and ***the General Plan itself does not envision Mixed Use development on these parcels***.[14]

F-8

A cornerstone of California's Planning & Zoning Law[15] is general plan consistency: a city's specific plan must be consistent with its general plan, and failure to maintain such consistency renders the specific plan invalid as a matter of law.[16] The North SR Station Area Specific Plan is, on its face, inconsistent with the General Plan because it "would add 438 single-family units and 1,276 multi-family units ***beyond what was considered in the General Plan 2035.***"[17]

The Specific Plan and DEIR do not provide a coherent, accurate, or internally consistent analysis of housing impacts that the Specific Plan would cause. For example, the Specific Plan's Existing Conditions Report indicates that the Specific Plan Area contains a total of 5,909

F-9

[14] *See, e.g.*, General Plan Policy LUL-G-1 (designating "mixed use centers" at shopping centers at (i) Hearn Ave. and Dutton Meadow Ave.; (ii) Corporate Center Pkwy. and Northpoint Pkwy.; (iii) Piner Rd. and Marlow Rd.; and (iv) Petaluma Hill Rd. and Yolanda Ave.; but ***not*** designating such use for the Coddingtown Town Mall site nor any properties in the vicinity of the Mall site). *See also*, General Plan Land Use Diagram (designating the subject parcels for Retail and Office use); General Plan Table 4-55 (identifying parcels proposed for Transit Village Mixed Use zoning ***which do not include the subject parcels at or around the Coddingtown Mall site***; General Plan Figure 4-1 (identifying housing opportunity sites within the City but ***not including the subject parcels or other portions of Coddingtown Mall site without such opportunity sites***).

[15] Gov't Code § 65000, *et seq.*

[16] Gov't Code § 65454 ("No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan."). The requirements of Section 65454 and other provisions of the Planning & Zoning Law apply to the City pursuant to the Law's mandates, as well as Section 51, which provides: "All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the City."

[17] DEIR p. 3.11-5 (emphasis added).

Letter F Continued

households,[18] but indicates total residential units of 4,310[19] – more than one-third (1/3) fewer residential units in the Specific Plan area than the total number of existing households (*i.e.*, 1,599 more households in the Specific Plan area than residential units). These figures indicate a discrepancy between the assumptions as to existing households and residential units which is not explained or addressed in the Specific Plan or the DEIR.[20]

F-9 cont.

The Specific Plan and DEIR also fail to address whether market conditions can support the magnitude and density of residential development which would be required under the Transit Village Mixed Use designations required by the Specific Plan. The Existing Conditions Report is supported by an analysis by Strategic Economics[21] which estimates that feasible market conditions for residential properties might only support a maximum of 645 units[22] – 1,069 units ***less*** than the 1,714 units which the Specific Plan will allow (according to the DEIR[23]).

Moreover, the Market Assessment Report prepared by Strategic Economics in support of the Specific Plan's Existing Conditions Report concludes this subject by stating:

> "Development of higher-density multi-family housing in the Study Area will be challenging in the near term due to higher construction costs for higher-density building types. Due to high construction costs of multi-family buildings of three stories and higher, ***these higher-density products would potentially command prices and rental rates that are greater than can be supported in the Study Area in the near term***. The pending financial feasibility analysis will look in greater depth at the feasibility of specific residential building types."[24]

F-10

While CEQA does not require analysis of social and economic impacts on their own, it ***does*** require analysis of these factors when they may lead to physical impacts to the environment.[25] The analysis described in the Existing Conditions Report and the Market Assessment Report constitute substantial evidence that a "fair argument" can be made that the Specific Plan's residential unit requirements are infeasible, unsupported by market conditions, and will essentially require the Transit Village Mixed Use parcels to be subject to an economically unviable land use designation: ***the Transit Village Mixed Use designation will subject these parcels – approximate 10 acres in size – to a requirement of developing a minimum of 40 units per gross acre, or a total of approximately 400 units***. This designation alone would fill the majority of 645 residential units which the Market Assessment Report indicates may be

[18] Existing Conditions Report p. 5.

[19] *See, e.g.*, DEIR Table 3.11-3.

[20] For example, the DEIR states that 791 of the residential units in the Specific Plan area are currently "affordable," but the Existing Conditions Report indicates this figure at 798.

[21] Strategic Economics, Memorandum: "North Santa Rosa Station Area Specific Plan Market Assessment" (July 17, 2011), attached to Existing Conditions Report as App. A (hereafter, the "**Market Assessment Report**").

[22] Existing Conditions Report p. 45; Market Assessment Report p. 6.

[23] DEIR p. 3.11-5, Impact 3.11.1.

[24] Market Assessment Report p. 5 (emphasis added).

[25] *See* note 8, *supra*.

Letter F Continued

financially feasible within the Specific Plan area in the future, and would leave ***only 245*** financially-viable units available ***for the rest of the entire Specific Plan area***. But the Specific Plan itself provides for a total of 1,714 total residential units to be developed (per figures used in the DEIR), indicating the potential for a reasonable likelihood that the 40 units/gross acre requirement for Transit Village Mixed Use parcels will render the parcels essentially undevelopable on market standards, requiring approximately 400 units to be developed on these parcels alone when the Specific Plan area is forecast to simply not be able to absorb such conditions.

F-10 cont.

The result will be nothing short than blighted, vacant, undevelopable properties brought on by a land use designation in the Specific Plan that has not be properly analyzed and conformed with the Market Assessment Report and other analyses concerning the financial viability of residential units within the Specific Plan area. CEQA requires that these impacts be analyzed because, although they stem from bare economic impacts, they will certainly lead to tangible physical environmental impacts in and around the Coddingtown Mall site.

F-11

Coddingtown believes that these issues are deserving of particular attention and respectfully requests that these impacts justify revisiting the Transit Village Mixed Use designation for these parcels, entirely. The Specific Plan should be revised to eliminate the Transit Village Mixed Use designation on these parcels, or the DEIR should otherwise analyze the significant negative impacts that such designation would cause and be recirculated for further comment.

CONCERNS OVER THE PROPOSED "COFFEY LANE EXTENSION PEDESTRIAN/BIKE PATH"

Coddingtown has significant concerns over the Specific Plan's provisions for the "Coffey Lane Extension Pedestrian/Bike Path" (the "**Bike Path Extension**"), a right-of-way which appears to run directly through the southern portion of the Coddingtown Mall site[26] without regard to current or future uses in that area. The Specific Plan states that the Bike Path Extension will run "through Coddingtown Mall,"[27] and describes the Bike Path Extension itself as follows:

> "The pedestrian/bicycle path along the Coffey Lane extension will serve as a commuter-oriented linkage intended for heavy use. It is similar to a pedestrian/bicycle path, but is slightly wider and includes separate space for each travel mode. Separate travel lanes are delineated on the path for cyclists (one lane for each direction of travel) and pedestrians. The Coffey Lane path is intended to be a heavily used commuter route, whereas pedestrian/bicycle paths described in the previous section are intended more for leisurely travel and recreational purposes. The path is planned from the SMART station along the Coffey Lane

F-12

[26] *See* DEIR Figures 2.0-5, 2.0-6, 2.0-7, 4.0-1; North SR Station Area Specific Plan Figures 2.5, 4.1, 6.1, 6.2, 6.4, 6.6, and 6.7.

[27] North SR Station Area Specific Plan, p. 6-5.

Letter F Continued

extension to provide direct and convenient access to the Northside Transfer Center. ***It continues eastward through the Coddingtown Mall property to the bridge connection over Highway 101.***"[28]

F-12 cont.

This will dramatically impact Coddingtown Mall An illustration of how the proposed location for the Bike Path Extension will impact Coddingtown property and tenants is provided at **ATTACHMENT 1**, herewith.

Development of the Bike Path Extension will substantially impact our property at Coddingtown Mall and may seriously degrade the economic vitality of that site and surrounding areas. Despite these substantial impacts – which will translate not only to bare economic degradation but will also lead to significant, tangible environmental impacts – ***the DEIR provides almost no description of this feature***, nor does it provide any meaningful analysis or consideration of the environmental impacts that development of the Bike Path Extension would cause. Indeed, while the Bike Path Extension appears on DEIR Figures 2.0-5, 2.0-6, 2.0-7, and 4.0-1, ***the DEIR itself contains no substantive description of this feature, whatsoever.***[29] A feature which promises to bisect a critical retail center without regard to existing roadways, easements, leasehold interests, and other property characteristics should be carefully evaluated and thoroughly explained in any applicable CEQA document concerning its potentially-significant impacts. The DEIR not only fails to address the proposed Bike Path Extension's impacts, but fails to describe it altogether.

F-13

It is critical to note that ***the proposed Bike Path Extension is wholly inconsistent with the 2010 Pedestrian and Bicycle Master Plan***, which does not provide for establishment of the Bike Path Extension at the location depicted in the Specific Plan, nor does it provide for any pedestrian or bicycle route through the Coddingtown Mall site, whatsoever.[30] Rather, the Master Plan's only pedestrian and bicycle routes near Coddingtown Mall are those sited at the following locations:

- Along Cleveland Ave. (directly east of the Coddingtown Mall site);
- Along Steele Ln. (directly north of the Coddingtown Mall site); and
- Range Ave. (directly west of the Coddingtown Mall site).

F-14

The 2010 Pedestrian and Bicycle Master Plan provides no route directly south of the Coddingtown Mall property, and certainly no routes ***through*** the Coddingtown Mall site, itself. A copy of Figure 2-3A from the Master Plan is attached to this comment letter as **ATTACHMENT**

[28] North SR Station Area Specific Plan, pp. 6-5 to 6-6 (emphasis added); *see also* pp. 6-7 and 6-8.

[29] The Bike Path Extension appears to be referenced on pages 3.13-40 ("[t]he Range Avenue-Frances Street corridor would include roundabout controlled intersections at the Coffey Lane extension…") and 3.13-35 ("[t]he Coffey Lane corridor is expected to function near the LOS B/C threshold for vehicles, enhanced by the Coffey Lane extension…"), but it is not clear from the context of these provisions whether the Bike Path Extension through the Coddingtown mall site, itself, is referenced.

[30] *See* 2010 Pedestrian and Bicycle Master Plan, Figure 2-3A, "Proposed and Existing Bicycle Facilities" (Northwest Quadrant).

Letter F Continued

2 and includes annotations which identify the foregoing routes and which demonstrate the lack of any routes through the Coddingtown Mall site.

Because the Specific Plan sites the Bike Path Extension route specifically through the Coddingtown Mall site, and because this route is neither addressed nor analyzed in the 2010 Pedestrian and Bicycle Master Plan, ***the Master Plan itself does not provide a sufficient basis upon which to measure the Bike Path Extension's impacts***. **F-14 cont.**

Moreover, it appears that the Bike Path Extension route is not derived from the 2010 Pedestrian and Bicycle Master Plan at all, but is rather pulled from a subsequent study, the Bicycle and Pedestrian Bridge Feasibility Study, which itself provides routes that are ***not a part of the Master Plan*** and have ***not undergone CEQA analysis***. Specifically, "Alignment A" in the Feasibility Study appears to match exactly the location that the Specific Plan proposes for the Bike Path Extension,[31] but no CEQA analysis has been performed in connection with the Feasibility Study or its proposal to site the Bike Path Extension at the location proposed as "Alignment A." (A copy of Figure 3 from the Feasibility Study which depicts "Alignment A" is attached to this comment letter as **ATTACHMENT 3**, for reference).

While the City Council accepted the Feasibility Study on November 30, 2010, it did ***not*** approve any route through Coddingtown Mall or other site,[32] ***nor could it do so unless CEQA analysis had accompanied such action.***[33] "Alignment A" is inconsistent with the 2010 Pedestrian and Bicycle Master Plan, which, as stated above, does ***not*** provide for any pedestrian or bicycle routes through the Coddingtown Mall site, but instead proposes routes along Cleveland Ave., Steele Ln., and Range Ave.[34] These routes, themselves, are depicted in the Specific Plan as reflective of present-day conditions per the Master Plan's requirements.[35] The City Council's prior approval of the Feasibility Study does not satisfy CEQA, nor does it make "Alignment A" somehow consistent with the 2010 Pedestrian and Bicycle Master Plan. **F-15**

Consequently, the DEIR's analysis of the Bike Path Extension is incomplete, does not address consistency with the 2010 Pedestrian and Bicycle Master Plan, and otherwise fails to meet CEQA standards which require a lead agency to evaluate any feature of a project which has the potential of causing significant environmental impacts.

---

[31] *See, e.g.*, Bicycle and Pedestrian Bridge Feasibility Study, Figure 3, "Alignment A-1: Northern alignment with SMART station assumed at Guerneville"; and Figure 4.2.1, "Alignment A-1 plan and profile."

[32] *See* City Council Resolution No.s' 27774, 27775, and 27776, approving the Feasibility Study and providing related directions to City staff without committing to "Alignment A."

[33] The Feasibility Study provides no analysis as to the considerations and impacts that would occur as a result of establishing the Bike Path Extension through Coddingtown Mall. Rather, the vast majority of analysis concerning "Alignment A" in the Feasibility Study is focused on considerations and impacts east of US highway 101, with almost no discussion, analysis, or consideration of impacts to existing and future businesses, parking, circulation, public safety, aesthetics, and other features on the Coddingtown Mall site. *See, e.g.*, Bicycle and Pedestrian Bridge Feasibility Study, p. 1-8.

[34] 2010 Pedestrian and Bicycle Master Plan, Figure 2-3A, "Proposed and Existing Bicycle Facilities" (Northwest Quadrant), copy attached to this comment letter as **ATTACHMENT 2**, with annotations.

[35] North SR Station Area Specific Plan, Figure 2.5, "Circulation: Non-Auto."

Letter F Continued

Under CEQA, determining whether an impact is "potentially-significant" (and, thus, deserving of analysis), involves a "fair argument" standard of review: if a "fair argument" can be made that a project's feature may potentially cause significant environmental impacts, analysis under CEQA is required. Moreover, if a lead agency certifies an EIR for a project without analyzing all potentially-significant impacts, the agency is exposed to legal challenge and the EIR may be invalidated.

As to the Bike Path Extension, a "fair argument" can be made that this feature of the Specific Plan will have potentially-significant environmental impacts which are not addressed in the DEIR but which are likely to occur if the location of the Bike Path Extension is not reconsidered: development of the Bike Path Extension through the Coddingtown Mall site will require reconfiguration of the site itself, resulting in impacts to parking, circulation, trees, utilities, and other impacts which are not addressed in the DEIR. Reference to Figure 4.2.1 of the Bicycle and Pedestrian Bridge Feasibility Study is helpful in visualizing these impacts, since this Figure depicts, in part, the location of the Bike Path Extension and existing improvements, roadways, trees, and other site features which will be impacted by the Bike Path Extension (a copy of this Figure is attached to this comment letter as **ATTACHMENT 4**).[36]

Notably, the Bicycle and Pedestrian Bridge Feasibility Study, itself, provide substantial evidence that the Bike Path Extension will cause potentially-significant environmental impacts, since the Feasibility Study states that "Alignment A" will cause impacts to "mature trees, utilities, police building, driveway and parking," traffic and circulation ("[t]ight turns less safe/functional"), streets and transportation ("[s]ignificant grade difference between freeway and surrounding streets means longer ramps, higher costs"), and will "[r]equire[ ] demolition of a residence."[37]

F-16

Importantly, ***these impacts are not addressed in the DEIR***, nor have they been considered in prior CEQA analysis, since they were not a part of the 2010 Pedestrian and Bicycle Master Plan and the Bicycle and Pedestrian Bridge Feasibility Study itself has not undergone CEQA evaluation.

In order to address this problem, one of three alternatives should be considered: (1) the Specific Plan should be revised to ***remove*** the location of the Bike Path Extension from its current location through the Coddingtown Mall site. (2) the Specific Plan should be revised so that the Bike Path Extension is ***consistent with the routes listed in the Master Plan***, subject to route revision at a future date; or (3) the DEIR should be ***revised to analyze the full range of potentially-significant impacts*** which may be caused by development of the Bike Path Extensions as it appears in the Specific Plan, and should be re-circulated upon the completion of such analysis.

If the second alternative is pursued, all references to the Bike Path Extension within the Specific Plan should be revised to make its route consistent with existing routes provided in the 2010 Pedestrian and Bicycle Master Plan (*i.e.*, the routes on Cleveland Ave., Steele Ln., Range Ave., and elsewhere), and revisions such as those described above should be made. Additionally,

[36] Bicycle and Pedestrian Bridge Feasibility Study, Figure 4.2.1, "Alignment A-1 plan and profile."

[37] *See, e.g.*, Bicycle and Pedestrian Bridge Feasibility Study, Figure 4.2.1, "Location A Alternatives: Alignment A-1."

Letter F Continued

language should be added to the Specific Plan which indicates that, while these routes are reflective of those currently in the Master Plan, future revision of the Master Plan's routes would not be permitted and remain consistent with the Specific Plan. This approach preserves consistency between the Master Plan and Specific Plan, while allowing routes to be revised in the future without having to amend the Specific Plan itself.

F-16 cont.

Finally, if the latter alternative is pursued, a full CEQA analysis should be undertaken to determine the potentially-significant impacts that would occur as a result of siting the Bike Path Extension at its currently-proposed location. Under such circumstances, CEQA requires that the DEIR would be revised and re-circulated so that the full range of these impacts could be analyzed and appropriate mitigation measures and alternatives considered.

CONCERNS OVER THE LOCATION OF THE PROPOSED PEDESTRIAN BICYCLE BRIDGE

The foregoing comments concerning the Bike Path Extension apply equally to the "Pedestrian/Bicycle Bridge" which is proposed to be developed over US highway 101 at roughly the area of Elliott Avenue to the east and Edwards Avenue to the west[38] (the "**Bike Bridge**"): the exact location of the Bike Bridge has not been determined in the 2010 Pedestrian and Bicycle Master Plan, nor has it been determined in Bicycle and Pedestrian Bridge Feasibility Study, nor has its location been determined by subsequent City Council action. Indeed, although the Specific Plan depicts the location of the Bike Bridge at Elliott Avenue and Edwards Avenue,[39] ***this location has not been defined by prior City Council action and the impacts associated with siting the Bike Bridge at this location are not adequately addressed by the DEIR.***

F-17

As such, the EIR should be revised to either: (1) expressly indicate that the exactly location, alignment, and other features of the Bike Bridge are ***not*** a part of the Specific Plan, but will be wholly reserved for future determination pursuant to separate independent CEQA analysis; or (2) assess the full range of potentially-significant impacts which may be caused by development of the Bike Bridge at the Elliott-Edwards alignment that appears to be indicated in the DEIR.

F-18

If the former approach is adopted, the Specific Plan should be revised to indicate only the general area proposed for the Bike Bridge, and should not identify a specific street or location reserved for future development of the Bike Bridge. Such an approach is consistent with both the 2010 Pedestrian and Bicycle Master Plan Bicycle and the Pedestrian Bridge Feasibility Study, which do ***not*** describe the exact location of the Bike Bridge, its alignment, and the locations of related improvements, but which instead merely propose several alternate alignments for the Bike Bridge and related features by describing a broad "zone" in which the Bike Bridge is proposed.[40]

---

[38] *See* "Pedestrian/Bicycle Bridge" depicted on Figures 2.0-5, 2.0-6, 2.0-7, and 4.0-1.

[39] *Id.*

[40] *See, e.g.*, Pedestrian Bridge Feasibility Study, Figure 2-1, "Location Map" (describing the general zone within which the Bike Bridge will be considered as the "Crossing Area," extending on US highway 101 from north of

Letter F Continued

This approach preserves flexibility in the future decision-making process by restating the general area or "zone" within which the Bike Bridge will be considered without committing to a specific location or alignment. **ATTACHMENT 5** to this comment letter is the Location Map which is a part of the Bicycle and Pedestrian Bridge Feasibility Study. The current depictions of the Bike Bridge should be deleted from the Specific Plan and DEIR Figures[41] and elsewhere, and should instead be replaced by depictions similar to those provided on the Location Map in order to ensure that the Specific Plan does not improperly fix the location and alignment of the Bike Bridge at Elliott Ave. and Edwards Ave.

F-18 cont.

Additionally, to maintain consistency with the 2010 Pedestrian and Bicycle Master Plan Bicycle and the Pedestrian Bridge Feasibility Study, the Location Map itself should be included within the Final EIR and final North SR Station Area Specific Plan, along with corresponding language indicating that the location, alignment, and related features of the Bike Bridge are subject to future determination and are not determined by the Specific Plan, itself.

If the foregoing revisions are not made, the Bike Bridge's currently-depicted location and alignment (as indicated on Figures 2.0-5, 2.0-6, 2.0-7, and 4.0-1) will be finalized through City Council certification of the EIR and approval of the Specific Plan[42] – an action that would violate CEQA by committing the City to siting the Bike Bridge without fully considering or addressing all potentially-significant environmental impacts that such a location and alignment would cause. Indeed, there is substantial evidence that siting the Bike Bridge and related improvements at Elliott Ave. and Edwards Ave. ***would*** cause potentially-significant environmental impacts, since the Bicycle and Pedestrian Bridge Feasibility Study indicates that such a siting would cause the following impacts:

F-19

- "Impacts on mature trees, utilities, police building, driveway and parking.
- "Tight turns less safe/functional.
- "Significant grade difference between freeway and surrounding streets means longer ramps, higher costs.
- "Mid-block touchdown.
- "Requires demolition of a residence.
- "Caltrans ROW Acquisition."[43]

Elliott Ave. and Edwards Av., to south of Bear Cub Way). For reference, a copy of the Location Map is attached to this comment letter as **ATTACHMENT 5**.

[41] DEIR Figures 2.0-5, 2.0-6, 2.0-7, 4.0-1; North SR Station Area Specific Plan Figures 2.5, 4.1, 6.1, 6.2, 6.4, 6.6, and 6.7.

[42] *See*, notes 15-16, *supra* (development within a Specific Plan area must be consistent with the adopted Specific Plan). By adopting a Specific Plan that sites the Bike Bridge at Elliott-Edwards (as depicted in Figures 2.0-5, 2.0-6, 2.0-7, and 4.0-1), future development must adhere to such siting and inconsistent development at those locations violate Government Code Section 65454.

[43] *See, e.g.*, Bicycle and Pedestrian Bridge Feasibility Study, Figure 4.2.1, "Location A Alternatives: Alignment A-1."

Letter F Continued

Importantly, ***these impacts are not addressed in the DEIR***. Moreover, the alignment depicted in the DEIR and draft Specific Plan has ***not*** been subjected to prior CEQA analysis, as it was not determined in the DEIR or Final EIR for the 2010 Pedestrian and Bicycle Master Plan (nor is such alignment indicated in that Master Plan), and the Bicycle and Pedestrian Bridge Feasibility Study itself has not undergone CEQA evaluation.[44] In fact, although the alignment depicted in the DEIR appears to be derived from "Alignment A-1" of the Feasibility Study,[45] it is quite shocking how little analysis the Feasibility Study provides as to the considerations and impacts that this alignment would cause on the west side of US highway 101. Rather, the vast majority of analysis concerning Alignment A-1 in the Feasibility Study is focused on considerations and impacts at the east side of US highway 101, with almost no discussion, analysis, or consideration of how this alignment would impact existing and future businesses, parking, circulation, public safety, aesthetics, and other features on the Coddingtown mall site.[46]

F-19 cont.

Moreover, Alignment A-1 itself is inconsistent with the alignment proposed in the 2010 Pedestrian and Bicycle Master Plan, which does ***not*** indicate a crossing of US highway 101 at the location proposed by Alignment A-1 (nor an alignment or route at either Edwards Ave. or through the Coddingtown Mall site), but instead proposes a crossing at Jennings Ave. south of Alignment A-1, with routes extending along Cleveland Ave. and Jennings Ave. (rather than along Edwards Ave. or through the Coddingtown Mall site).[47] This inconsistency is apparent in the Specific Plan, itself, which depicts the bicycle routes determined by the Master Plan as reflective of present-day conditions.[48] Because Alignment A-1 appears to be exactly the Bike

F-20

[44] Because no CEQA analysis has been performed in connection with the Bicycle and Pedestrian Bridge Feasibility Study, and because the City Council Resolutions concerning the Feasibility Study do not bind the City to any one particular Bike Bridge alignment (*see* City Council Resolution No.s' 27774, 27775, and 27776, approving the Feasibility Study and providing related directions to City staff without committing to Bike Bridge Alignment A-1), the City Council's prior actions concerning the Feasibility Study do not satisfy CEQA requirements for evaluating the potentially-significant impacts of an Elliott-Edison Bike Bridge alignment.

[45] *See, e.g.*, Bicycle and Pedestrian Bridge Feasibility Study, Figure 3, "Alignment A-1: Northern alignment with SMART station assumed at Guerneville"; and Figure 4.2.1, "Alignment A-1 plan and profile."

[46] Page 1-8 of the Feasibility Study contains the greatest amount of discussion concerning these issues, but does not asses their complexity nor the significance of their potential impacts. However, even though no substantial analysis or discussion is provided, even under this cursory assessment of the impacts of Alignment A-1, the Feasibility Study determined that potentially-significant impacts would occur (*see* emphasized language below):

> "Alignment A-1 allows for adequate touchdown areas on each side, has gentle ramp slopes and ample widths, does not require relocation of overhead utilities crossing the freeway, and has larger traveled way curves than other alternatives at this location [ ]. A-1 also has touchdown areas with ample area for bike/pedestrian mode mixing before this traffic mixes with automobiles. ***Alignment A-1 requires acquisition and demolition of an existing residence and an existing commercial building, and would visually impact the SRJC Pedroncelli Center. It also requires loss of parking and trees, and relocation of above-ground utilities along the Pedroncelli Center parking lot.***"

Bicycle and Pedestrian Bridge Feasibility Study, p. 1-8 (footnote omitted; emphasis added).

[47] 2010 Pedestrian and Bicycle Master Plan, Figure 2-3A, "Proposed and Existing Bicycle Facilities" (Northwest Quadrant), copy attached to this comment letter as **ATTACHMENT 2**, with annotations.

[48] North SR Station Area Specific Plan, Figure 2.5, "Circulation: Non-Auto."

Letter F Continued

Path alignment proposed under the Specific Plan, it is clear that the DEIR's analysis of Bike Path issues is incomplete, does not address consistency with the 2010 Pedestrian and Bicycle Master Plan, and otherwise fails to meet CEQA requirements for assessing potentially-significant environmental impacts.

F-20 cont.

On this point it also bears noting that, unless the Specific Plan's depiction of the Bike Bridge is revised (so that it is no longer depicted as Alignment A-1), additional CEQA problems will exist. For example, Specific Plan Policy CM-1.7 requires the "[c]reat[ion] [of] a ***new urban plaza*** (south) in the vicinity of a landing for the pedestrian/bicycle bridge over Highway 101,"[49] but the DEIR provides no analysis of the potentially-significant environmental impacts which would be created by development of a new urban plaza at landings depicted under Alignment A-1. The landings proposed by Alignment A-1 are reflected in Figure 4.2.1 of the Bicycle and Pedestrian Bridge Feasibility Study (**ATTACHMENT 4** hereto), which depicts the structures, land uses, roadways, and surroundings that would be impacted by the development of an urban plaza at that location.[50] It is evident from this Figure that development of an urban plaza at the landings indicated therein would entail substantial changes to roads, parking, structures, trees, and related features of the property, and would undoubtedly trigger impacts on aesthetics, circulation, utilities, and other elements.

F-21

None of these impacts are addressed in the DEIR.

Certainly, if the intent of the Specific Plan is ***not*** to site the Bike Bridge at a fixed location, in the manner depicted under Alignment A-1, then these CEQA concerns will not arise: under that circumstance, the siting and alignment of the Bike Bridge would not be fixed by the Specific Plan, and would be subject to siting at a variety of locations over US highway 101, reserving CEQA analysis over the impacts to a future date. ***However, as proposed, the Specific Plan and DEIR do <u>not</u> provide for this: they clearly depict a <u>specific location and alignment for the Bike Bridge</u> which appears identical to Alignment A-1 <u>without preserving the flexibility to site and align the Bike Bridge at different locations</u>***. This creates substantial deficiencies in the DEIR's scope and analysis which should be addressed either by revising the Specific Plan to ensure flexibility over the Bike Bridge's location and alignment, or by performing the necessary environmental analysis over Alignment A-1 and re-circulating the DEIR following such analysis.

F-22

In the absence of these changes, the City Council's certification of the EIR would violate CEQA's mandate that an EIR consider all potentially-significant environmental impacts caused by a project, and would expose the EIR to legal challenge on this basis.

In short, the foregoing concerns can be addressed only in one of two ways: (1) either revising the Specific Plan to make it clear that the Bike Bridge location, alignment, and improvements are not determined by the Specific Plan (as suggested above); or (2) by comprehensively analyzing of the potentially-significant impacts that would be caused by development of the Bike Bridge in an "Alignment A-1 configuration" (including, but not limited to, the impacts identified in

[49] North SR Station Area Specific Plan, p. 4-18, Policy CM-1.7 (emphasis added).

[50] Bicycle and Pedestrian Bridge Feasibility Study, Figure 4.2.1, "Alignment A-1 plan and profile."

Letter F Continued

the Bicycle and Pedestrian Bridge Feasibility Study quoted above), and then re-circulating the DEIR with such analysis included.

F-22 cont.

ECONOMIC IMPACTS MUST BE ANALYZED IF THEY COULD DIRECTLY OR INDIRECTLY CAUSE ENVIRONMENTAL IMPACTS

While CEQA does not require a lead agency to consider the bare impacts to business and economic relationships that proposed projects might case, business and economic impacts which will result in physical changes to the environment must be analyzed under CEQA.[51] In its current form, the changes to the southern portion of the Coddingtown Mall site proposed by the Specific Plan have the potential to impact businesses so significantly as to result in vacancies, deterioration of property maintenance and landscaping, alteration of traffic patterns, deterioration of aesthetics, impacts to public safety and demands for police and fire service, and general development of physical blight throughout the surrounding area.

Such changes include the Coffey Ln. Extension, the development of Edwards Ave. and Range Ave. as "complete streets," development of the Bike Path Extension, and related issues described in this comment letter above: changes which, on their own, will drastically impact current and future uses on the Coddingtown Mall site and are highly likely to force the departure of anchor tenants and other businesses at Coddingtown Mall. As stated previously, at a minimum these changes provide for the demolition or removal of 30,000 square feet of existing retail space and the elimination of 469 parking spaces at the Coddingtown Mall Site – impacts which have the potential to destroy the economic vitality of the Mall itself.

F-23

Coupled with these changes are the equally-great impacts which will result from the Transit Village Mixed Use designation that the Specific Plan provides for on properties directly north of Edwards Ave. (also addressed above). These changes will substantially impede the ability to develop and maintain these properties in a cost-effective manner, and have great potential to create physical blight and property degradation at the Mall site and throughout the Specific Plan area.

Moreover, changes proposed by the roadway extensions/revisions, the Bike Path Extension, Bike Bridge, the Transit Village Mixed Use designation, and others proposed in the Specific Plan cast uncertainty as to the potential future uses permitted for these properties. These uncertainties may have the effect of stifling future improvements which might otherwise be developed on and around the Coddingtown Mall site, and which are permitted (either as a matter of right or through discretionary entitlement) under present-day conditions. Not only might this lead to negative economic impacts, but this also has the potential to cause negative physical impacts to the environment as the physical conditions of properties might deteriorate, and traffic, shopping, housing, and other tangible environmental impacts could occur as a direct and natural consequence of such negative impacts to businesses.

[51] *See* note 8, *supra*.

Letter F Continued

We respectfully suggest that the DEIR's analysis of potentially-significant impacts be expanded to more-extensively analyze the environmental impacts which could arise as a result of negative consequences that local businesses experience as a result of Specific Plan implementation. Changes proposed for the Coddingtown Mall site and surround areas will significantly interfere with property rights and businesses in the area, and those economic impacts should be thoroughly considered as part of the Specific Plan review process.

While these are important issues for Coddingtown, they are equally, if not more, important to other businesses within the Specific Plan area which will undoubtedly be impacted by the dramatic changes in landscape, traffic, land use, and other features in the area through implementation of the Specific Plan. Such impacts are also important for educational institutions (Santa Rosa Junior College, *etc.*), public facilities, and other non-business interests which will face economic impacts as a result of Specific Plan implementation.

F-24

The North SR Station Area Specific Plan has the potential to cause enormously negative economic impacts on Coddingtown Mall and surrounding businesses. As a pillar regional shopping and commerce, Coddingtown Mall holds an important position in the health of business throughout northwest Santa Rosa and beyond. There is a great likelihood that the Specific Plan will radically harm the vitality of businesses in and around the Mall site, and that such harms will cause physical blight to properties and other negative environmental impacts at the Mall site and throughout the Specific Plan area. The DEIR should extensively analyze the potential for these impacts and should suggest revisions to the Specific Plan which would mitigate the severity of these harms.

CONCLUDING REMARKS

On behalf of Coddingtown, I again applaud the vision set forth in the North SR Station Area Specific Plan, and I appreciate the opportunity to submit these comments to the DEIR. We are confident the City staff and consultants will thoroughly digest the concerns raised in this comment letter, and we welcome the opportunity to discuss our position on these issues further.

Thank you for your attention to this matter.

Very truly yours,

Kirstie Moore
Coddingtown Mall, LLC

ATTACHMENT 1:	Site Plan Illustrating Specific Plan Impacts to Coddingtown Mall
ATTACHMENT 2:	2010 Pedestrian and Bicycle Master Plan, Figure 2-3A (*annotated*)
ATTACHMENT 3:	Bicycle and Pedestrian Bridge Feasibility Study, Figure 3
ATTACHMENT 4:	Bicycle and Pedestrian Bridge Feasibility Study, Figure 4.2.1
ATTACHMENT 5:	Pedestrian Bridge Feasibility Study, Figure 2-1

Letter F **Coddingtown Mall**

Response F-1: The comment expresses support for the general vision of the Specific Plan and concerns over specific provisions of the Specific Plan and EIR.

This comment does not set forth remarks on environmental issues that require further response.

Response F-2: The comment expresses concerns over dedications, street and roundabout dimensions, and similar public improvement requirements.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response F-3: The comment states that the impacts related to the demolition or removal of 30,000 square feet of existing retail space, along with the removal of 469 parking spaces, are not addressed in the EIR. The comment also states that physical impacts related to relocation of development within the Coffey Lane extension and the economic harm that the mall site would suffer as a result of forced dedications or condemnations are not addressed in the EIR.

The City is considering adoption of the proposed North Santa Rosa Station Area Specific Plan, and, appropriately, the Draft EIR analyzes at a programmatic level the impacts of development of the entire Specific Plan area. The City is not proposing the development of any of the properties within the Specific Plan area and has not speculated as to which property owners may propose development of their properties first. If improvements are proposed on the Coddingtown Mall site, the City would review the application, including appropriate environmental review, to determine the extent to which circulation improvements would be required. Further, while the proposed Specific Plan includes changes for the Coddingtown Mall site, the Specific Plan does not mandate these changes. For these reasons, the assumption in the comment that the proposed project would result in the loss of 469 parking spaces and cause anchor tenants and retail businesses to relocate are not a reasonably foreseeable consequence of the adoption of the Specific Plan.

Response F-4: The comment states that the feasibility of acquiring and/or condemning property is not addressed in the DEIR and that there is a low likelihood of the City obtaining funds sufficient to acquire the necessary private property interests required to develop the Coffey Lane extension. The comment also states there is substantial evidence that there would be physical impacts on the environment.

The EIR considers physical impacts related to construction and demolition in the technical sections of the EIR (e.g., Air Quality, Biological Resources, Cultural Resources, and Climate Change). The comment, however, provides no evidence regarding additional physical effects, only

supposition that development could harm the viability of existing businesses in the project vicinity. An underlying assumption in the comment is that construction of the Coffey Lane extension would occur independent of any redevelopment activities in the area and apparently against the will of the property owners. As discussed in more detail in Response F-5, the City assumes the Coffey Lane extension would occur as part of development activities in this portion of the Specific Plan and that this new development would replace and augment existing businesses. As such, impacts referenced in the comment would not be considered reasonably foreseeable. No additional analysis is required, as it would be speculative at this time to attempt to determine the extent to which businesses would be affected by a future project whose components have not yet been proposed. See Response F-16 for a discussion of "fair argument."

Response F-5: The comment states that the feasibility of acquiring or condemning private property for the Coffey Lane extension is not address in the DEIR.

The Specific Plan includes an extension of Coffey Lane south from its current terminus at Guerneville Road to a new roundabout-controlled intersection on Range Avenue. The connection would provide access to the SMART Guerneville Road station and its parking lots, and create a direct linkage between the Northside Transit Center/Coddingtown Mall and the SMART station. In discussing concerns with creation of this new street connection, the commenter indicated that the DEIR traffic analysis could be flawed if the connection were never actually built, since the Plan's traffic impacts assume the connection to be in place.

The two fundamental reasons for including the Coffey Lane extension in the Specific Plan are (1) to create a strong east–west linkage for pedestrians and bicyclists between the central Plan area and the Guerneville Road SMART station, and (2) to support intensification of land uses on parcels served by the new roadway. While not critical to bus transit operations in the area given the proximity of the Northside Transit Center at Coddingtown Mall, an additional benefit to the new street would be the flexibility it creates with respect to creating efficient bus routing.

The Sonoma-Marin Area Rail Transit Guerneville Road Rail Station Addendum to the 2006 Final Environmental Impact Report, prepared by Aspen Environmental in 2010 (herein referred to as the Guerneville Station FEIR Addendum) indicates that a drive aisle and pedestrian connection would be created between the SMART station and Range Avenue. The connection is shown in Figure B-1A of that analysis to align approximately in the same area as the Specific Plan shows the Coffey Lane extension. Following are excerpts from the project description contained in the Guerneville Station FEIR Addendum.

> *The station site would include parking along a 700-foot linear parking drive currently owned by the Coddingtown Apartments that would be used for station parking by agreement with the owner. As many as 14 carports that currently serve the residents of the apartments would be*

removed by the project and relocated to an existing adjacent Coddingtown shopping center parking lot on Range Avenue by agreement between the shopping center, apartment owners and SMART (see Figure B-1A).

At the linear parking drive, the current sidewalk on the south edge from the Herbert Street cul-de-sac to the Range Avenue parking lot would be widened. At the Range Avenue parking lot, a designated pedestrian path would be developed through the lot and would connect to existing sidewalks on Range Avenue.

The Guerneville Station FEIR Addendum assumes creation of a pedestrian/bicycle connection between the SMART station and Range Avenue, as well as establishment of a minor vehicular connection through parking areas. Sonoma-Marin Area Rail Transit (SMART) has been coordinating with the owner of Coddingtown Apartments and the owners of Coddingtown Mall to establish this linkage. The Specific Plan builds on this concept by creating a public street and wider pedestrian/bicycle facility along the linkage envisioned by the Guerneville Station FEIR Addendum.

Provision of a public street connection between Guerneville Road and Range Avenue via the Coffey Lane extension would create a new option for non-local drivers. The greatest benefit to using the new street would be realized by drivers traveling between the southern Coddingtown Mall area and areas to the west of the Plan area reached by Guerneville Road. Based on an evaluation of vehicle volumes and turning movements at the Guerneville Road/Range Avenue intersection (through which drivers traveling between these points must currently pass), it was determined that this traffic diversion effect would be relatively small at approximately 25 vehicles in each direction during the p.m. peak hour in the buildout year. The remainder of traffic on the Coffey Lane extension is anticipated to be associated with land uses served by the street itself, including the SMART station and any intensified land uses possible under the Transit Village Medium land use designation created by the Plan on both sides of the street. These assumptions were applied in the DEIR traffic analysis.

If the Coffey Lane extension were not completed as envisioned by the Specific Plan, the level of development allowed by the Transit Village Medium land use designation may not be achievable on the Coddingtown Apartments and Coddingtown Mall west parking lot parcels. In fact, construction of the street itself would likely occur only with associated intensification of these two parcels. The largest component of vehicle traffic on the Coffey Lane extension would be associated with this development. If no such development intensification occurred, and the connection between the SMART station and Range Avenue remained as depicted in the Guerneville Station FEIR Addendum, traffic patterns on surrounding streets would be only slightly different than analyzed in the Station Area Plan DEIR. The primary difference would be that approximately 25 vehicles in each direction would remain on Range Avenue and Guerneville Road instead of the Coffey Lane extension

during the p.m. peak hour. At the Range Avenue/Guerneville Road intersection, through which these trips would pass, average delay would be expected to increase from 49.1 seconds to as much as 52.3 seconds during the future p.m. peak hour, both of which are indicative of acceptable level of service (LOS) D operation. The relatively small increases in intersection delay would become largely imperceptible at the corridor level, and the corridor LOS results presented in the DEIR would remain within acceptable levels.

In conclusion, while the Coffey Lane extension as proposed by the Specific Plan provides a benefit to vehicular and transit circulation, the lack of this connection would not be expected to create adverse traffic impacts. The largest impact would likely be the future development potential of the parcels currently occupied by the Coddingtown Apartments and the Coddingtown Mall west parking lot, since the Coffey Lane extension would provide primary vehicular access to these areas. Impacts to pedestrians and bicyclists would also be negligible: while the Specific Plan includes a wide multi-use path facility along the Coffey Lane extension, SMART's plans for the Guerneville Station also provide pedestrian and bicycle connectivity, albeit in a more modest manner.

Response F-6: The comment states that the economic impacts of the proposed Coffey Lane extension and related bike path and "complete street" improvements should be reconsidered, and if the Coffey Lane extension would not be viable, to reflect alternatives to these improvements and analyze these changes in the EIR.

See Response F-5.

Response F-7: The comment states that the Coffey Lane extension, bike path, and complete street improvements need to be thoroughly analyzed and that the EIR must analyze the financial viability of these improvements.

The comment is correct in that the Draft EIR does not contain adequate analysis of the Coffey Lane extension, bike path, and complete street improvements to construct those improvements without further environmental documentation. As discussed previously, the North Santa Rosa Station Area Specific Plan EIR is a programmatic document that assumes future development in the area would be analyzed at a project-specific level at the time future development is proposed. The programmatic analysis assumes physical impacts in the general footprint area of the Specific Plan and considers the intensity of construction that would occur in the area. Potential site-specific impacts, such as those related to relationships with existing and future uses or precise footprint impacts, cannot be determined at this time due to lack of details on future development.

Response F-8: The comment expresses concern over the designation of parcels in the mall as Transit Village Mixed Use and continues that the designation has not undergone CEQA review and is not consistent with the General Plan.

The Transit Village Mixed Use designation for the project site is analyzed in the Draft EIR. With regard to perceived General Plan inconsistency, the proposed project includes an amendment to the General Plan to ensure consistency. State law allows amendments to the General Plan and therefore the General Plan need not have envisioned this site for the currently proposed use. While the proposed North Santa Rosa Station Area Specific Plan envisions development that is more intense than the General Plan assumptions, physical effects of the increase in intensity are considered in the Draft EIR. No additional analysis is required.

Response F-9: The comment states that there is a discrepancy in housing assumptions between the Existing Conditions Report's statement of 4,310 residential units and 5,909 households in the project area, and this discrepancy is not addressed in the DEIR.

The comment refers to a discrepancy that needs to be addressed in the EIR, and refers to a figure (households) not referenced in the EIR. Regarding the data for households, as discussed in the Marketing Report (page 7), the household data was obtained from the US Census, which is available at the block group level, several of which extend outside of the Specific Plan boundaries. Because the household data encompassed an area greater than the Specific Plan area, the data was not used in the EIR analysis. The source of the residential unit data used in the EIR is the City's Existing Land Use GIS data, which was obtained only for those areas within the Specific Plan boundary. Consequently, the data used in the EIR was accurate for the purposes of the analysis. No revisions to the EIR are required.

Response F-10: The comment states that the DEIR does not address whether market conditions can support the residential development under the Transit Village Mixed Use designation and that the Existing Conditions Report states that feasible market conditions for residential properties might only support a maximum of 645 units, 1,069 units less than allowed under the Specific Plan.

While the market data suggests that the level of density called for in the plan may be greater than can be supported in the study area, it specifically states that this would occur *in the near term*. As discussed in EIR Section 2, Project Description (page 2.0-26), the life of the Specific Plan is expected to be approximately 23 years, during which time market pressures and other concerns may result in some variation in development use and intensity. While the commenter may be correct that development of the Transit Village Mixed Use site may not be profitable to develop at the proposed densities today, the City assumes a longer time frame to develop the site, as noted above.

The land uses in the Specific Plan are intended to transform the area into a regional hub that enhances activity around the proposed SMART station. The Land Use Map includes a dense development pattern with a mix of residential, retail, office, and industrial uses to establish a transit-oriented environment that supports the proposed SMART station. The Transit Village Mixed Use designation allow for higher-density residential

and a diverse mix of uses, but allow for some flexibility in uses as the market dictates. Thus, the Specific Plan recognizes that some sites may not develop as anticipated and, while residential uses are part of the Transit Village Mixed Use designation, development of residential uses within the Transit Village Mixed Use designation is not required.

Response F-11: The comment states the residential densities designated in the Transit Village Mixed Use designation would lead to blighted, vacant, undevelopable properties and that the EIR should analyze the significant negative impacts this designation would cause.

If, as the comment contends, the site would not be developed as designated in the Specific Plan, the site would remain in its current condition. The comment provides no evidence that the proposed project would lead to blighted conditions or physical environmental effects if the site is not developed as designated in the Specific Plan. In addition, as noted in Response F-10, while residential uses are part of the Transit Village Mixed Use designation, residential uses are not required in that designation.

Response F-12: The comment expresses concern over the effects of the proposed Coffey Lane extension pedestrian/bike path (the bike path extension) on Coddingtown Mall.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response F-13: The comment states that the DEIR provides almost no description of the bike path extension, nor does it provide any meaningful analysis or consideration of "tangible environmental impacts" that development of the bike path extension would cause.

The comment provides no description of the environmental effects of the project. The Specific Plan depicts the Coffey Lane extension pedestrian/bike path extending through property owned by Coddingtown Mall, bounded on the north by land designated in the Specific Plan as Retail/Business Services and on the south by land designated as Transit Village Mixed Use. Because the EIR is a programmatic document, it is recognized that the precise location of this pedestrian/bike pathway is conceptual. Further evaluation of the pathway's precise location and interaction with the mall property's on-site circulation would be conducted by the City at the project level during the development of future development plans.

Response F-14: The comment states that the bike path extension is inconsistent with the *2010 Pedestrian and Bicycle Master Plan*, because a path through the mall is not included in the Master Plan. The comment also contends that as the Master Plan does not include this path, it does not provide a sufficient basis upon which to measure the bike path extension's impacts.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response F-15: The comment states that the bike path extension route is derived from the Bicycle and Pedestrian Bridge Feasibility Study, which provides routes that are not a part of the Master Plan and have not undergone CEQA analysis. The comment also states that the City Council did not approve any route through Coddingtown Mall, nor could it have unless CEQA analysis had accompanied such action, and therefore the DEIR's analysis is incomplete, does not address consistency with the 2010 Pedestrian and Bicycle Master Plan, and does not meet CEQA standards which require a lead agency to evaluate any feature of a project which has the potential of causing significant environmental impacts. The *2010 Pedestrian and Bicycle Master Plan* does not prohibit bicycle paths not considered within the plan. Therefore, an additional path would not be considered inconsistent with that plan. While the physical effects of the path were not previously addressed when the *2010 Pedestrian and Bicycle Master Plan* was considered, the effects of the path are considered in the Draft EIR (see Response F-4). No additional analysis is required. It should also be noted that the Bicycle and Pedestrian Master Plan is being amended as part of this project to be consistent with the Specific Plan.

The City acknowledges that the proposed bike path extension has not previously undergone CEQA analysis, and the Draft EIR does not claim that such an analysis has been prepared. As noted above, the Draft EIR considers the bike path extension in the development assumptions for the EIR. Consequently, the effects of the path have been considered. See also Response F-13.

Response F-16: The comment states that a "fair argument" can be made that development of the bike path extension will require reconfiguration of the site itself, resulting in impacts to parking, circulation, trees, utilities, and other impacts which are not addressed in the DEIR.

The comment appears to be referring to CEQA Guidelines Section 15064(f)(1), which states "if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect." Thus, the referenced text provides the standards for preparation of an EIR, not the determination of an impact. The City has previously made the determination that an EIR was required for the Specific Plan. CEQA relies upon "substantial evidence" in determining the severity of an impact ("The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency" CEQA Guidelines Section 15064[f]).

As noted in Response F-13, the City does not propose a specific location for the construction of the bike path. Therefore, the location for the path is depicted in the EIR as only a dotted line, which represents a general area for the path. Because the precise location of the path has not been determined at this time, the City cannot speculate as to the potential site-specific effects. However, as noted above, the Draft EIR does disclose potential effects of construction of the project as a whole. The City assumes construction of the path through the Coddingtown Mall site would occur in tandem with any major redevelopment of the site's southernmost area, at which time the precise physical effects can be determined. Because the physical effects of the path are considered at the program level in the EIR, no additional analysis is required.

Response F-17: The comment states that the location of the pedestrian/bicycle bridge proposed over US 101 (the bike bridge) has not been defined by prior City Council action, and the impacts associated with the siting of the bike bridge at this location are not adequately addressed in the DEIR.

As with the pedestrian/bike path discussed in Response F-15, the EIR does not claim that the bridge has been analyzed in a previous document, nor is a project-specific analysis of the bridge required for the Specific Plan. It should be noted, however, that the Santa Rosa Bicycle and Pedestrian Bridge Feasibility Study does consider a pedestrian crossing in the vicinity of Edwards Avenue and Elliot Avenue. Regarding City Council actions, a City Council determination on a previous document is not required for its inclusion in the North Santa Rosa Station Area Specific Plan and the City Council still has discretion of whether or not to approve the bicycle and pedestrian bridge and its location.

Regarding physical impacts of the proposed pedestrian bridge, like the bike path, the precise location of the bridge is not known or proposed at this time. For this reason, the EIR analyzes the effects of the bridge programmatically, such as in the discussions of air quality, biological resources, cultural resources, and climate change. Impacts specific to the bridge are not called out separately, but, based on the information available at this time, the programmatic analysis adequately discloses potential impacts.

Response F-18: The comment states the EIR should be revised to either indicate that the exact location and alignment of the bike bridge are not part of the Specific Plan or assess the full range of potentially significant impacts associated with the bike bridge.

Like the bike path, as discussed in Response F-16, the City does not propose a specific location for the construction of the pedestrian/bicycle bridge. Like the location of the bicycle path, the location of the bridge would be dependent upon future development plans in the vicinity of Edwards Avenue. At that time, the City would conduct environmental analysis to determine the physical impacts associated with the selected location and the bridge itself, as the bridge has not yet been approved by the City.

Response F-19: The comment states that if the EIR deletes references to the specific location and alignment of the bike bridge, the Specific Plan should also be revised to indicate only the general area proposed for the bike bridge and that the Specific Plan and EIR should delete current depictions of the bike bridge.

As noted above, the precise location of the bridge is not defined in the Specific Plan and approval of the Plan would not commit the City to its construction and the City Council still has discretion of whether or not to approve the bicycle and pedestrian bridge and to its location.

The comment also provides a list of "concerns" listed in the Bicycle and Pedestrian Bridge Feasibility Study (these are noted as "impacts" in the comment). Of these concerns, the potential impact on trees (and potentially bird nests in the trees) is an impact of the project that could be determined at this time. This impact is addressed in the Draft EIR in Impact 3.4.1 on pages 3.4-10 and -11 (Section 3.4, Biological Resources). The other concerns would be design considerations of the project, but impacts could not be determined until the location is finalized. For instance, midblock touchdown is not an impact unto itself, but could result in an impact depending on the location. Thus, the programmatic analysis in the adequately addresses impacts of the project based on the details available at this time.

Response F-20: The comment links consistency with alignments for the pedestrian/bike bridge in the 2010 Pedestrian and Bicycle Master Plan and adequacy of analysis in the Specific Plan EIR. The comment also states the EIR depicts the bridge as part of the existing conditions.

Regarding the commenter's implication that the bridge is required to have been analyzed in a previous EIR to be adequately analyzed in the current EIR, there is no requirement in CEQA that the bridge be analyzed in both documents. As noted previously, the effects of construction of the bridge have been analyzed in the Specific Plan EIR at a program level, and at the time of any proposal to construct the bridge, the City would prepare a project-level analysis to determine any project-specific effects. Regarding depicting the bridge as part of the existing conditions, the figure to which the comment refers, Figure 2.0-5 (Draft EIR page 2.0-15), is clearly labeled as "proposed" land uses. Thus, the EIR does not depict the bridge as part of the existing condition.

Response F-21: The comment states that unless the Specific Plan's depiction of the bike bridge is revised, additional CEQA problems, such as the DEIR's lack of analysis of impacts created by development of a new urban plaza at landings depicted under Alignment A-1 of the Feasibility Study, will exist.

As noted above, the physical effects of development of the areas designated for land use changes have been analyzed in the Draft EIR at a program level. The EIR acknowledges changes to the aesthetics of the area (see Impact 3.1.3 on Draft EIR pages 3.1-11 and -12, Section 3.1, Aesthetics and Visual Resources) and assumes the need for parking, structures, and trees with any new development in the area. At such time

that a development is proposed, the City would review the proposal for design features and require that all projects meet City requirements for parking, circulation, and provision of utilities.

Response F-22: The comment states that the Specific Plan and DEIR depict a specific location and alignment for the bike bridge which appears identical to Alignment A-1 without preserving the flexibility to site and align the bike bridge at different locations, which causes substantial deficiencies in the DEIR's scope and analysis.

The comment, however, does not state what the particular deficiencies would be. Nonetheless, neither the Specific Plan nor the DEIR provide a specific location for the bridge. The Specific Plan description for the bridge describes it merely in terms of function in its connection with the project site and uses east of Highway 101: "A pedestrian/bicycle bridge connection over Highway 101 to provide a critical link from the station and project area to the high school and junior college" (Specific Plan page 6-7). Consequently, the City would not be bound to a specific location for the bridge, not to the bridge itself, with approval of the Specific Plan as proposed.

Response F-23: The comment states that the EIR must analyze economic impacts if they could result in physical environmental effects. This comment generally summarizes portions of the letter, contending that proposed land use changes in the Specific Plan would result in vacancies and physical blight in the project area.

As previously noted, however, the comment provides no evidence that the changes would result in vacancies, let alone physical deterioration. The comment also seems to assume that development in the Specific Plan area would occur absent any consideration of market conditions. To the contrary, the City assumes that any project applicants would base any development plan on the market conditions and would size facilities accordingly, such that there would not be substantial vacancies which would affect those or any other properties. Additionally, as noted above, approval of the Specific Plan would not require development of the property referenced in the comment. See responses to previous comments regarding the pedestrian/bicycle path and bridge.

Response F-24: The comment contends that the changes proposed by the Specific Plan have the potential to impact businesses so significantly as to harm the vitality of businesses in the area and result in physical blight.

Again, the comment only speculates that changes to the land use designations would affect existing businesses and provides no evidence to suggest that the project would result in physical effects. While development of new businesses in the area could compete with or otherwise economically affect existing businesses in the area, the extent to which this would occur cannot be determined at this stage in the planning process. Further, even if some businesses may be economically affected by development within the Specific Plan area, the extent to

which those economic effects could result in physical effects that could be determined in the Draft EIR would be purely speculative.

The commenter is also referred to the City's objectives for the Specific Plan. As discussed on page 2.0-11 of the Draft EIR (Section 2.0, Project Description), the proposed Specific Plan is in response to Sonoma-Marin Area Rail Transit's plan to locate the commuter rail station in the area. The intent of the Specific Plan is to create a transit-supportive environment through increasing residential density, promoting economic development, improving pedestrian, bicycle, auto, and transit connections between the station and adjacent destinations, and enhancing the aesthetics of the area. Therefore, while the City acknowledges the commenter's concerns, the City believes that implementation of the Plan would result in development that would improve, not harm, economic vitality in the project area and vicinity.

Letter G

Doug Van Deren
1815 No. Dutton
Santa Rosa, CA 95401

May 28, 2012

City of Santa Rosa
Community Development Department
ATTN: Jessica Jones, City Planner
100 Santa Rosa Avenue Room 3
Santa Rosa, CA 95404

To Whom It May Concern:

Re: North Santa Rosa Station Area Specific Plan Environmental Impact Report Public Review

G-1

I would like to comment on the draft Environmental Impact Report (EIR) For The North Santa Rosa Station Area Specific Plan, State Clearinghouse No. 2011122034, dated April 12, 2012, as follows:

- **Increased traffic congestion at the Guerneville/No. Dutton Avenue intersection.** Currently, 3,007 vehicles travel through the Guerneville/No. Dutton Ave. intersection during the PM peak hour (see Figure 3.13-1, box 4). That figure is expected to increase to 4,417 with the buildout of the North Santa Rosa Station Area Specific Plan (see Figure 3.13-4, box 4), which is an additional 1,410 vehicles or an increase of 46 percent over current levels.

- **Decrease in the level of service for the Guerneville and No. Dutton Avenue roads.** Currently, the level of service ratings for Guerneville Rd. and No. Dutton Ave. range from A to C (see Table 3.13-1) and are expected to range from B to D after the buildout (see Table 3.13-13).

G-2

- **Report inadequacy.** I find the EIR draft inadequate in that it does not consider the effect of the SMART train on vehicle traffic on Guerneville Rd., and the potential effects on other roads and intersections. It is my understanding that the train will be running at ground level and will be delaying vehicle traffic as it passes through and stops at the SMART station. Which begs the question: How long is the delay and what is the effect on vehicle traffic?

G-3

Thank you for this opportunity to comment on the draft EIR.

LJC Blessings,

Doug Van Deren

Letter G **Doug Van Deren**

Response G-1: The commenter states that the EIR shows vehicles traveling through the Guerneville/North Dutton Avenue intersection during the p.m. peak hour would increase from 3,007 vehicles to 4,417 vehicles, a 46 percent increase over current levels.

While the DEIR states the p.m. peak hour trips for present conditions, the environmental analysis uses 2035 General Plan conditions as a baseline. Therefore, the baseline p.m. peak hour would produce 3,610 trips. The 4,417 p.m. peak hour trips under the proposed project would therefore result in a 22 percent increase over General Plan 2035 levels.

The EIR determined that continued monitoring of corridor operation over time through review of traffic impact studies conducted for proposed development will ensure that this impact is less than significant.

Response G-2: The commenter states that the EIR shows that the level of service ratios for Guerneville Road and North Dutton Avenue range from A to C and are expected to range from B to D after buildout of the Specific Plan.

While the DEIR states the level of service (LOS) ranges for present conditions (which, according to the referenced Table 3.13-1, range from A to D), the environmental analysis uses 2035 General Plan conditions as a baseline. Therefore, baseline LOS would, according to Table 3.13-7, be B for automobiles, C for transit, D for bicycles, and C for pedestrians. Under Specific Plan 2035 conditions, the LOS for automobiles would decline to C/B, while transit LOS would improve to B. Bicycle and pedestrian LOS would remain the same. These LOS standards are within Caltrans thresholds.

The EIR states that this corridor is expected to operate at the LOS B/C threshold for vehicles and LOS B for transit service. The bicycle result of LOS D is largely attributable to the speeds of adjacent auto traffic, despite the presence of on-street bicycle lanes; however, the SMART multi-use path would run parallel to Dutton Avenue and would provide an alternative off-street facility for cyclists. Where feasible, the Specific Plan directs reallocation of portions of the center two-way left-turn lane to provide wider bicycle lanes and/or buffers between bicycle and vehicle lanes, improving bicyclists' comfort. Pedestrian circulation is projected to be LOS C due to the speed of traffic and long intersection crossing distances, but would benefit from buffers between the street and sidewalk and the presence of enhanced midblock crossing locations.

The EIR determined that continued monitoring of corridor operation over time through review of traffic impact studies conducted for proposed development, will ensure that this impact is less than significant.

Response G-3: The commenter states that the DEIR is inadequate in that it does not consider the effect of the SMART train on vehicle traffic on Guerneville Road and the potential effects on other roads and intersections. The commenter states that the train will delay vehicle traffic as it passes

through and stops at the SMART station, and asks how long the delay would be and what the effect on vehicle traffic would be.

The Methodology subsection of Section 3.13, Traffic and Circulation, of the DEIR states that that the transit LOS methodology considers only bus transit service and would not account for the proposed SMART rail service. The LOS "grades" reported for transit only reflect bus service, consistent with the national standards and methodologies included in the *Highway Capacity Manual 2010*.

The SMART FEIR addressed delays at rail crossings (see page 3.2-23 of that FEIR). Rail crossing delays are something tied to the SMART project itself, not the Station Area Plan. Based on information in the SMART FEIR and understanding how SMART intends to operate crossing gates, the delays would be negligible over the course of a peak hour and have little to no influence on the calculations performed. SMART intends to utilize technology that allows gates to remain upright while trains are stopped at adjacent stations, such as the configuration at Guerneville Road. Railroad gates are projected to create a delay of no more than 35 seconds near stations, and SMART would cause such occurrences no more than four times per hour. The adaptive signal control system operated by the City of Santa Rosa along the Guerneville Road-Steele Lane and College Avenue corridors will also adjust traffic signal timing to accommodate fluctuations in traffic volumes associated with rail crossing activity.

The DEIR notes that the analysis for future freeway operation assumes SMART will be operational with a station at the proposed Guerneville Road site by 2035. All factors relating to mode choice, trip distribution, trip generation, and travel patterns reflect this assumption. Trip generation rates for the SMART station were obtained from research completed and published by the San Diego Association of Governments for commuter rail stations.

According to Impact 3.13.6 in the DEIR, the population increase associated with the proposed Specific Plan is projected to translate to approximately 269 added daily SMART trips at the North Santa Rosa Station, including 123 trips from employment-based uses and 146 trips from residential uses. This impact is considered less than significant.

Letter H

TOMARAS & OGAS, LLP

10755-F SCRIPPS POWAY PARKWAY #281 • SAN DIEGO, CALIFORNIA 92131
TELEPHONE (858) 554-0550 • FACSIMILE (858) 777-5765 • WWW.MTOWLAW.COM

Kathryn A. Ogas kogas@mtowlaw.com
Brenda L. Tomaras btomaras@mtowlaw.com

May 29, 2012

Via E-mail

Jessica Jones
City Planner
City of Santa Rosa
Department of Community Development
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Re: Comments on Draft Environmental Impact Report for the North Santa Rosa Station Specific Plan

H-1

Dear Ms. Jones:

This comment letter is submitted on behalf of the Lytton Rancheria of California (hereinafter, "Lytton Tribe"), a federally recognized Indian tribe and sovereign government. The Lytton Tribe submits the following comments on the Draft Environmental Impact Report (DEIR) for the North Santa Rosa Station Specific Plan. We request that these comments, as well as any subsequent comments submitted by the Lytton Tribe, be included in the record for approval of the Project.

REQUESTED NOTICE AND INVOLVEMENT

H-2

The Lytton Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire environmental review process under CEQA during this Project. This includes adding the Tribe to your distribution list(s) for public notices and public circulation of all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project.

LYTTON TRIBAL CULTURAL AFFILIATION TO THE PROJECT AREA AND PROJECT IMPACTS TO CULTURAL RESOURCES

H-3

The Lytton Tribe is not opposed to this project. The Tribe's primary concerns stem from the project's likely impacts on Native American cultural resources. The Lytton Tribe has a legal and cultural interest in the proper protection of sacred places and all Pomo cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Pomo village sites and archaeological items which would be displaced by development,

Letter H Continued

and with the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of development and improvements the Project Area.

H-3 cont.

The Pomo people traditionally occupied the geographical area known today as the County of Sonoma for thousands of years, including the area of Alexander Valley, within the Town of Windsor and the City of Santa Rosa's sphere of influence. This is verified through stories and songs of the Pomo people that are cultural evidence of the Tribe's cultural affiliation with these lands. Occupation is also evidenced through the location of the Tribe's prior reservation, anthropological studies, archaeological studies, and histories of the area. In addition, Tribal ties to these territories have been maintained to the present day through cultural and governmental actions.

H-4

As a preliminary matter, the Tribe has noted some inaccuracies in the ethnographic discussion section of the DEIR. The Lytton Rancheria was established by the Federal government in 1926, rather than in 1937 as noted. The Rancheria was established through a program established by Congress in which funds were appropriated to purchase lands to address the needs of homeless California Indians. The Rancheria was illegally terminated by Congress in the 1960s and later restored to federal recognition in 1991. Since there are over 14 different Pomo tribes within the Sonoma County area, perhaps refraining from specific discussions about any one tribe or tribes in the ethnography might be more efficient.

H-5

Given that Native American cultural resources may be affected by the Project, the Tribe should be allowed to be involved and participate with the City of Santa Rosa in developing all monitoring and mitigation plans for the duration of the Project. Further, the Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the Project must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains.

H-6

DRAFT EIR AND MITIGATION MEASURES

Environmental Impact Reports must provide adequate protection for significant archaeological and cultural sites and adequately follow the provisions of CEQA and its Guidelines, including Calif. Pub. Res. Code § 21083.2(b) (avoidance as preferred method of preservation of archaeological resources), CEQA Guidelines § 15126.4(b)(3) (agencies should avoid effects on historical resources of archaeological nature), and CEQA Guidelines § 15020 (lead agency responsible for adequacy of environmental documents).

H-7

The Tribe does not have any specific comments on the mitigation measures at this time, but requests to continue working with the City to assure adequate protection for any previously unknown resources discovered during project development.

Letter H Continued

The Lytton Tribe looks forward to working together with the City of Santa Rosa and other interested agencies in protecting any invaluable Pomo cultural resources found in the Project area. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

TOMARAS & OGAS, LLP

Brenda L. Tomaras
Attorneys for the Lytton Rancheria of California

H-8

Letter H **Tomaras & Ogas, LLP**

Response H-1: The commenter states that the letter is submitted on behalf of the Lytton Rancheria of California (Lytton tribe) and requests that the comments be included in the record for approval of the project. This comment does not set forth remarks on environmental issues that require further response.

Response H-2: The commenter states that the Lytton Tribe formally requests to be notified and involved in the entire environmental review process under CEQA, including being added to any distribution lists for the project and being directly notified of all public hearings and scheduled approvals.

This comment is noted. The Lytton Tribe will be notified for the environmental review process for the proposed project.

Response H-3: The commenter states that the Tribe is concerned about the protection of unique and irreplaceable cultural resources, and with the proper and lawful cultural treatment of cultural items, Native American human remains, and sacred items likely to be discovered in the course of development and improvement of the Specific Plan area.

The DEIR includes Impact 3.5.2, regarding the potential disturbance of known and undiscovered archeological resources, including consultation with representatives of the Native American community when necessary to ensure the respectful treatment of Native American sacred places (see DEIR Section 3.5, Cultural and Paleontological Resources). Any significant historical or archaeological impacts identified on the site must be mitigated in accordance with Section 7050.5 of the Health and Safety Code. Santa Rosa General Plan 2035 Policy HP-B-8 requires sites to be preserved that are eligible for the National Register of Historic Places (NRHP) and pursue listing eligible sites in the register. Additionally, the California Native American Historical, Cultural, and Sacred Sites Act and General Plan Policies HP-A-2 and HP-A-3 require proper notification of experts upon discovery of human remains, significant artifacts, or cultural resources for proper assessment and to determine the necessity for construction or excavation activity to cease.

Impact 3.5.3, regarding the potential disturbance of human remains, states that the proposed project would be subject to the provisions of California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.94 et seq., regarding the discovery and disturbance of human remains. These provisions include contacting the Sonoma County Coroner and the Native American Heritage Commission if the discovered remains appear to be human.

Additionally, the California Native American Historical, Cultural, and Sacred Sites Act and General Plan Policies HP-A-2 and HP-A-3 require proper notification of experts upon discovery of human remains and for construction or excavation activity to cease.

Response H-4: The commenter states that the Pomo people traditionally occupied the Sonoma County geographic area and that tribal ties to these territories

have been maintained to the present day through cultural and governmental actions.

This comment is noted. The Pomo people are discussed in the Prehistoric and Ethnographic Overview in the Existing Setting subsection of Section 3.5, Cultural and Paleontological Resources, of the DEIR.

Response H-5: The commenter states that there are some inaccuracies in the ethnographic discussion section of the DEIR, including the date the Lytton Rancheria was established. The commenter goes on to provide corrected information regarding the Lytton Rancheria and suggests refraining from specific discussions about any one tribe in the ethnography, as there are over 14 different Pomo tribes in the area.

These requested changes have been added; see Section 3.0 of this Final EIR.

Response H-6: The commenter states that the Tribe should be allowed to be involved in developing all monitoring and mitigation plans for the duration of the project. They go on to state that mitigation measures must account for state law associated with finding human remains, which states that the Native American Heritage Commission must name a "most likely descendent" who shall be consulted as to the appropriate disposition of the remains.

The DEIR includes Impact 3.5.2 regarding the potential disturbance of known and undiscovered archeological resources, including consultation with representatives of the Native American community when necessary to ensure the respectful treatment of Native American sacred places. Any significant historical or archaeological impacts identified on the site must be mitigated in accordance with Section 7050.5 of the Health and Safety Code. Santa Rosa General Plan 2035 Policy HP-B-8 requires sites to be preserved that are eligible for the NRHP and pursue listing eligible sites in the register. Additionally, the California Native American Historical, Cultural, and Sacred Sites Act and General Plan Policies HP-A-2 and HP-A-3 require proper notification of experts upon discovery of human remains, significant artifacts, or cultural resources for proper assessment and to determine the necessity for construction or excavation activity to cease.

Impact 3.5.3, regarding the potential disturbance of human remains, states that the proposed project would be subject to the provisions of California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.94 et seq., regarding the discovery and disturbance of human remains. These provisions include contacting the Sonoma County Coroner and the Native American Heritage Commission if the discovered remains appear to be human.

Response H-7: The commenter states that EIRs must provide adequate protection for significant archaeological and cultural sites, and states that the Tribe requests to continue working with the City to assure adequate protection when any previously unknown resource is discovered.

See Response H-6 above. The City will continue to work with the Tribe to assure adequate protection when any previously unknown resource is discovered.

Response H-8: The commenter states that the Tribe looks forward to working to protect any invaluable Pomo cultural resources found in the Specific Plan area.

This comment is noted, and does not set forth remarks on environmental issues that require further response.

Letter I

City of Santa Rosa
Community Development

Date: March 24, 2012
Subject: Comments from the Planning Commission Hearing on the Draft EIR for North Santa Rosa Station Area Specific Plan

Doug Van Deren, Resident on North Dutton: **I-1**

- What will traffic congestion be like on North Dutton under the Specific Plan? It is already a traffic-heavy street. Have any traffic studies been done for this project?

Commissioner Duggan:

- In Section 4.13, will the path on Guerneville Road take the place of the existing Class II facility? There seems to be an inconsistency here. **I-2**
- Path on Steele Creek will be part Class I part Class II? **I-3**
- Why is there no mention of access of the bicycle paths on the Coddingtown property in the traffic section? **I-4**
- Access to bicycle path on Coffey Lane: How do you get to the bike path and how does it interact with cars in the parking lot? **I-5**

Commissioner Baneulos:

- We are discouraging the use of vehicles, but the EIR states that there will be more cars in the long run. How can these projections be correct? **I-6**
- The letter from LAFCO in the appendices discusses the fiscal impacts of the three properties being annexed, as well as the Coddingtown and Finali properties. Are these comments addressed in the EIR? **I-7**

Commissioner Stanley:

- What kinds of adverse effects would wetlands-related mitigation measures have on development? Avoidance has a profound effect on development – cost and buildout. **I-8**
- MM 3.12.1 states that public services costs will be borne by a Special Tax District. Does this mean that the North Santa Rosa Station Area Plan would be cost-neutral to City services? **I-9**
- Impact 3.12.2.1 states that the population increase associated with the proposed Specific Plan would have a less than significant impact on schools. Schools tend to be costly, so how is this conclusion reached? Do existing schools have adequate capacity for the increase in students brought upon by this project? Why is this a less than significant impact? **I-10**

Letter I Continued

- Is pedestrian and bicycle safety around the Steele Lane crossing discussed in the EIR? **I-11**
- There seems to be a conflict between Caltrans saying the LOS on some area roadways, especially the Steel e Lane crossing, is operating deficiently and the EIR saying that the project has less than significant impacts related to LOS. How is this reconciled? **I-12**
- What is the short-term strategy to get people east-west safely? **I-13**
- There is an element showing circulation through the Coddingtown Mall property and the extension of Briggs Avenue. Are these implementable? They seem to limit development potential in the area. **I-14**
- The Transit Village Mixed-Use mandate for a minimum of 40 dwelling units per acre may not work. This issue is complicated to approach, as mandating 40 dwelling units per acre may lead to issues such as having to underground parking. It would be better to say "40 or above" rather than mandate the minimum of 40. **I-15**

Commissioner Cisco:

- What are the impacts on private property of the paths going through Coddingtown Mall? **I-16**
- The actual building of the bicycle bridge will have impacts on public safety, such as potential encampments and graffiti, and will require additional maintenance. Can we evaluate these public safety issues more specifically in this EIR? **I-17**

Letter I **Planning Commission Hearing**

Response I-1: The commenter asks what traffic congestion would be like on North Dutton under the Specific Plan and if any traffic studies have been done for this project.

Traffic congestion on North Dutton Avenue is discussed in the EIR in Chapter 3.13, Traffic and Circulation. The EIR determined that incorporation of the roadway improvements identified in the Specific Plan into the traffic impact fee program or another appropriate long-range funding mechanism, and continued monitoring of corridor operation over time through review of traffic impact studies conducted for proposed development, will ensure that this impact is less than significant. The traffic section was based on an analysis conducted by Whitlock & Weinberger Transportation, Inc.

Response I-2: The commissioner asks if the path on Guerneville Road will take the place of the existing Class II facility and if there is an inconsistency in the document regarding this issue.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response I-3: The commissioner asks if the path on Steele Creek will be partially Class I and partially Class II.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response I-4: The commissioner asks why there is no mention of access of the bicycle paths on the Coddingtown property in the traffic section of the DEIR.

As noted on Draft EIR page 1.0-2 (Section 1.0, Introduction), the North Santa Rosa Station Area Specific Plan EIR is a program EIR, consistent with CEQA Guidelines Section 15168. A program EIR is prepared on a series of actions that can be characterized as one large project, with subsequent environmental documentation prepared for subsequent projects that are part of the larger program. Any future development plan, whether it includes a bike path/bridge or not, would be subject to review by the City to determine the potential effects of that project on parking, circulation, public safety, and aesthetics, consistent with the requirements of CEQA Guidelines Section 15168 with regard to subsequent projects.

The Specific Plan depicts the Coffey Lane extension pedestrian/bike path extending through property owned by Coddingtown Mall, bounded on the north by land designated in the Specific Plan as Retail/Business

Services and on the south by land designated as Transit Village Mixed Use. Because the EIR is a programmatic document, it is recognized that the location of this pedestrian/bike pathway is conceptual in nature. Further evaluation of the pathway's precise location, configuration, and interaction with the mall property's on-site circulation would be conducted by the City at the project level during the development of future development plans.

Response I-5: The commissioner asks how one would access the bicycle path on Coffey Lane and how the path would interact with cars in the parking lot.

See Response I-4 above.

Response I-6: The commissioner asks how the projections that there will be more cars in the long term under the proposed project can be correct if the Plan discourages the use of vehicles.

The EIR makes the assumption that while various transit options are provided, there is no guarantee that people will use these options. Given this assumption, the EIR looks at the "worst-case scenario" of no transit use. Given this assumption, the project could result in more cars in the city in the long term. While this would not necessarily happen under the actual buildout of the Specific Plan area given the use of the transit system, this is the scenario the EIR analyzed.

Although the project is projected to result in an overall net increase in vehicle miles traveled (VMT), it is important to note that the proposed Specific Plan was designed to be a transit-oriented development (TOD). The intent of TOD is to give people the opportunity to live, shop, work, and recreate in areas that are close together. In addition, the TOD area is anticipated to provide a variety of transportation options, which would then lead to a reduction of VMT. However, the exact amount of VMT reduction cannot be accurately predicted because so much of the decision where to drive, live, work, or recreate is a personal choice. The proposed project differs from more traditional development because it significantly increases the opportunities for residents to use transportation methods other than their private automobile, thereby reducing VMT. The proposed Specific Plan would result in an increased development density within the Plan area and in close proximity to the planned SMART station. In comparison to traditional development, the TOD mixed-use design of the Specific Plan would be anticipated to result in long-term reductions in vehicle trips, trip distances, and overall reductions in regional VMT, which may not be fully accounted for in the transportation modeling conducted for the project.

Response I-7: The commissioner states that the LAFCo letter in the appendices discusses the fiscal impacts of the three properties being annexed, as do the Coddingtown and Finali comment letters, and asks if these comments are addressed in the EIR.

The LAFCo and Finali Family Partnership comment letters were submitted as part of the Notice of Preparation (NOP) process for the DEIR. Neither

submitted comments on the DEIR. These comments were addressed as part of the NOP scoping process, as discussed in Appendix A of the DEIR. The letter from Coddingtown Mall is addressed above as Letter F. The reader is referred to Responses F-5 and F-7 specifically for questions related to the proposed project's fiscal impacts.

While development of new businesses in the area could compete with or otherwise economically affect existing businesses in the area, the extent to which this would occur cannot be determined at this stage in the planning process. Further, even if some businesses may be economically affected by development within the Specific Plan area, the extent to which those economic effects could result in physical effects that could be determined in the Draft EIR would be purely speculative.

Response I-8: The commissioner asks what kinds of adverse effects wetlands-related mitigation measures would have on development, as avoidance has a profound effect on development.

This is not a physical effect on the environment and not within the purview of CEQA. Wetland avoidance in the Specific Plan and DEIR is consistent with the City's General Plan policies.

Response I-9: The commissioner asks if mitigation measure MM 3.12.1's statement that public services costs will be borne by a Special Tax District means that the North Santa Rosa Station Area Plan would be cost-neutral to City services.

Impact 3.12.1.1 in the DEIR states that development under the proposed Specific Plan could increase the need for public safety services, including fire protection, emergency medical response, and law enforcement. Because residential development does not generate revenue for city services, as commercial development does, primarily through sales tax, new residential units planned in the area will contribute to a gap in funding for public safety services. In order to mitigate the impact of the funding gap, mitigation measure MM 3.12.1 provides the following options for future residential subdivisions and multi-family residential development: to annex to the city's special tax district; pay a lump sum to cover increased public service costs associated with the development; provide these services privately in perpetuity; or include other uses which would offset the costs of public services.

While mitigation measure MM 3.12.1 will assist in the provision of some public services, other costs, such as the maintenance of parks and roads, are ongoing services that are not addressed through this mitigation measure. Other area-wide improvements, such as street beautification, cannot be funded by development and will need to utilize the City's Capital Improvement Program or park or utility fees as appropriate for funding.

Response I-10: The commissioner asks how Impact 3.12.2.1, which states that the population increase associated with the proposed Specific Plan would have a less than significant impact on schools, reached this conclusion, as schools are costly. The commissioner goes on to ask if existing schools

have adequate capacity for the increase in students brought about by the proposed project.

Public school impacts are discussed in subsection 3.12.2 of the DEIR (see Section 3.12, Public Services and Utilities). Impact 3.12.2.1 found that the population increase associated with the proposed project would produce an estimated 686 students by 2035. These students would attend the various schools operated by Santa Rosa City Schools within and adjacent to the Specific Plan area. The need for new schools is dependent upon existing and projected enrollment, service areas, transport needs, and other constantly changing parameters. School districts must assess the projected demand based on their current ability to provide services and either construct new, or expand existing, school facilities. Public school facilities and services are supported through the assessment of development fees in addition to funds from the state and local school districts. All new development in the Specific Plan area will be required to pay impact fees to offset the impact of new development on the school system. These fees will be assessed in accordance with provisions detailed under Government Code Section 65995. Given that student generation expected to result from the Specific Plan would develop over the next 25 years and would be supported in already planned educational facilities as identified in the General Plan, the Specific Plan would not result in the need for new, unplanned facilities. Therefore, the Specific Plan was found to result in a less than significant impact to schools.

Response I-11: The commissioner asks if pedestrian and bicycle safety around the Steele Lane crossing is discussed in the EIR.

The West Steele Lane roadway segment is expected to operate at LOS C for vehicle and transit modes. Despite the presence of continuous on-street bicycle lanes, bicycle operation would be LOS D, negatively affected by the frequency of driveways and parking activity along the segment. Pedestrian operation is projected to be in the LOS C range, benefitted by crossing and streetscape improvements included in the Specific Plan.

Improvements to the transportation and circulation system within and surrounding the Specific Plan area will be implemented over time. Any such improvements will be designed and constructed to local, regional, and federal standards, and as such, would not be expected to introduce any hazardous design features. New development allowed within the Specific Plan area would include new streets, access points, pathways, and other circulation improvements that will be checked for compliance with these standards as part of the entitlement process conducted by the City of Santa Rosa.

All existing and planned streets within the Specific Plan area would include full sidewalk facilities at buildout, supplemented by a network of off-street mixed-use pedestrian and bicycle paths that connect the station to nearby activity centers.

Response I-12: The commissioner asks how the apparent conflict between Caltrans saying the LOS on some area roadways, especially the Steele Lane crossing, is operating deficiently and the EIR saying that the project has less than significant impacts related to level of service is reconciled.

Table 3.13-13 shows that West Steele Lane would operate at LOS C for automobiles, transit, and pedestrians, and LOS D for bicycles under future plus proposed Specific Plan conditions. These LOS designations are the same as under the baseline General Plan 2035 conditions. The LOS on these roadways did not worsen under the Specific Plan versus the General Plan 2035. Furthermore, several improvements to key intersections have been incorporated into the Specific Plan in order to achieve acceptable corridor operation at buildout. The Specific Plan also includes a policy to coordinate with Caltrans to ensure that long-range congestion-management improvements take place at the Highway 101/Steele Lane interchange. Incorporation of the roadway improvements identified in the Specific Plan into the traffic impact fee program or another appropriate long-range funding mechanism, and continued monitoring of corridor operation over time through review of traffic impact studies conducted for proposed development, will ensure that this impact is less than significant.

Response I-13: The commissioner asks about the short-term strategy to get people east–west within the Specific Plan area safely.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response I-14: The commissioner states that there is an element showing circulation through the Coddingtown Mall property and the extension of Briggs Avenue and asks if these are implementable, as they seem to limit development potential in the area.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response I-15: The commissioner states that the Transit Village Mixed Use mandate for a minimum of 40 dwelling units per acre may not work, as mandating 40 dwelling units per acre may lead to issues such as having to underground parking. The commissioner suggests that it would be better to say "40 or above" rather than mandate the minimum of 40.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this

comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response I-16: The commissioner asks what the project's impacts are on private property of the paths going through Coddingtown Mall.

This comment does not set forth remarks on environmental issues that require further response in this Final EIR, rather the comments relate to the Draft North Santa Rosa Station Area Specific Plan itself. Response to this comment has been provided in the June 14, 2012 Planning Commission staff report for the project.

Response I-17: The commissioner states that the actual building of the proposed bicycle bridge will have impacts on public safety, such as potential encampments and graffiti, and will require additional maintenance. The commissioner goes on to ask if these public safety issues can be evaluated more specifically in the EIR.

The precise location of the bridge, including approval of the bridge itself, is not known or proposed at this time. For this reason, the EIR analyzes the effects of the bridge programmatically, such as in the discussions of air quality, biological resources, cultural resources, hazardous materials/human health, and climate change. Impacts specific to the bridge are not called out separately, but, based on the information available at this time, the programmatic analysis adequately discloses potential impacts. As discussed in Response F-16 above, the City does not propose a specific location for the pedestrian/bicycle bridge. At the time construction of the bridge is proposed, the City will conduct environmental analysis to determine the physical impacts associated with the bridge, including its selected location.

3.0 Minor Revisions to the Draft EIR

3.1 INTRODUCTION

This section includes minor edits to the Draft EIR. These modifications resulted from responses to comments received during the Draft EIR public review period as well as staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

3.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR

SECTION ES EXECUTIVE SUMMARY

Table ES-1 is revised as follows:

Impact		Level of Significance Without Mitigation	Mitigation Measure		Resulting Level of Significance
3.4 Biological Resources					
Impact 3.4.1	Implementation of the Specific Plan could result in impacts to special-status species and their habitat from redevelopment activities, but not to wildlife movement corridors.	LSAM	**MM 3.4.1**	If there is the potential for destruction of a nest or substantial disturbance to nesting birds or bats due to construction activities, a plan to monitor nesting birds or bats during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. The City shall comply with all USFWS or CDFG guidance for protection of nesting birds. If vegetation, buildings, or bridges that potentially provide nesting sites must be removed between February 1 and August 31, a qualified wildlife biologist shall conduct pre-construction surveys no greater than 14 days before removal. If an active bird nest is found, the bird shall be identified as to species and the approximate distance from the closest work site to the nest estimated. No additional measures	LS

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged. To ensure ~~B~~bats ~~shall be~~ are absent or flushed from roost locations prior to demolition of buildings, trees and construction activities on bridges, preconstruction surveys should be undertaken no more than 6 months before construction activities to identify suitable bat habitat. If flushing of bats from ~~buildings~~ construction sites is necessary, it shall be done by the qualified biologist during the non-breeding and non-hibernating seasons: ~~from October 1 to March 31~~ August 31 through October 15 and March 1 through April 15, respectively. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away. ~~During the maternity season from April 1 to September 30, prior to building demolition or construction, a qualified biologist shall determine if a bat nursery is present at any sites identified as potentially housing bats. If an active nursery is present, disturbance of bats shall be avoided until the biologist determines that breeding is complete and young are reared.~~ Where feasible, trees that are determined to be suitable habitat will be trimmed and removed in a two-phase, two-day method. The first day, limbs and branches will be removed by a chainsaw. Limbs with cavities, crevices, or deep bark fissures would be avoided. On the second day,	

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		the tree would be removed. *Timing/Implementation:* *Prior to construction of any subsequent project that could result in disturbance to bird or bat nests* *Enforcement/Monitoring:* *City of Santa Rosa Community Development Department, Planning Division*	
Impact 3.4.2 Implementation of the Specific Plan could result in fill of seasonal wetlands that may be present within the Specific Plan area.	LSAM	**MM 3.4.2** A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the project. If jurisdictional waters cannot be avoided, the City shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project. The City shall ensure that the project will result in no net loss of waters of the U.S. and/or of the State by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits. Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities (these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants); and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment,	LS

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project. Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project. *Timing/Implementation:* *Prior to any vegetation removal or ground-disturbing activities* *Enforcement/Monitoring:* *City of Santa Rosa Community Development Department, Planning Division*	
3.12 Public Services and Utilities			
Impact 3.12.1.2 Implementation of the Specific Plan, in combination with other reasonably foreseeable development, could increase population in Santa Rosa and could contribute to the need for expanded fire protection services, emergency medical services, and law enforcement, thus requiring additional facilities, the development of which could cause significant physical impacts to the environment.	LCC	~~None required.~~ Implementation of MM 3.12.1.	LCC

SECTION 3.4 BIOLOGICAL RESOURCES

Page 3.4-10 is revised as follows:

Mitigation Measures

MM 3.4.1 If there is the potential for destruction of a nest or substantial disturbance to nesting birds or bats due to construction activities, a plan to monitor nesting birds or bats during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. The City shall comply with all USFWS or CDFG guidance for protection of nesting birds.

If vegetation, buildings, or bridges that potentially provide nesting sites must be removed between February 1 and August 31, a qualified wildlife biologist shall conduct pre-construction surveys no greater than 14 days before removal. If an active bird nest is found, the bird shall be identified as to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged. To ensure ~~B~~bats ~~shall be~~ are absent or flushed from roost locations prior to demolition of buildings, trees and construction activities on bridges, preconstruction surveys should be undertaken no more than 6 months before construction activities to identify suitable bat habitat. If flushing of bats from ~~buildings~~ construction sites is necessary, it shall be done by the qualified biologist during the non-breeding and non-hibernating seasons: ~~from October 1 to March 31~~ August 31 through October 15 and March 1 through April 15, respectively. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away. ~~During the maternity season from April 1 to September 30, prior to building demolition or construction, a qualified biologist shall determine if a bat nursery is present at any sites identified as potentially housing bats. If an active nursery is present, disturbance of bats shall be avoided until the biologist determines that breeding is complete and young are reared.~~ Where feasible, trees that are determined to be suitable habitat will be trimmed and removed in a two-phase, two-day method. The first day, limbs and branches will be removed by a chainsaw. Limbs with cavities, crevices, or deep bark fissures would be avoided. On the second day, the tree would be removed.

Pages 3.4-11 through -12 are revised as follows:

MM 3.4.2 A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the project. If jurisdictional waters cannot be avoided, the City shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.

The City shall ensure that the project will result in no net loss of waters of the U.S. and/or of the State by providing mitigation through impact avoidance,

impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.

SECTION 3.5 CULTURAL AND PALEONTOLOGICAL RESOURCES

Page 3.5-2, second paragraph, is revised as follows:

By the mid-1800s, Spanish missionization, diseases, raids by Mexican slave traders, and dense immigrant settlement had disrupted Southern Pomo culture, dramatically reducing the population and displacing the native people from their villages and land-based resources. In 1920, the Bureau of Indian Affairs purchased a 15.45-acre tract of land in Graton for the Marshall, Bodega, Tomales, and Sebastopol Indians. This land was put into a federal trust, and these neighboring peoples that included both Coast Miwok and Southern Pomo were consolidated into one recognized group called the Graton Rancheria. The Lytton Band of Pomo Indians was first established in ~~1937~~ 1926 when Bert Steele, who was part Achomawi and part Nomlaki, and his Bodega Pomo wife, petitioned the government for a 50-acre parcel north of Healdsburg. In 1958, the U.S. government enacted the Rancheria Act of 1958, transferring tribal property into private ownership. Forty-four rancherias in California were affected, including the Graton and Lytton rancherias (Santa Rosa General Plan 2035, 2009). The Lytton Rancheria was established through a program established by Congress in which funds were appropriated to purchase lands to address the needs of homeless California Indians. The Rancheria was illegally terminated by Congress in the 1960s and later restored to federal recognition in 1991.

SECTION 3.12 PUBLIC SERVICES AND UTILITIES

Page 3.12-6 is revised as follows:

Cumulative Impacts to Fire Protection, Medical Services, and Law Enforcement

Impact 3.12.1.2 Implementation of the Specific Plan, in combination with other reasonably foreseeable development, could increase population in Santa Rosa and could contribute to the need for expanded fire protection services, emergency medical services, and law enforcement, thus requiring additional facilities, the development of which could cause significant physical impacts to the environment. However, implementation of Mitigation Measure MM 3.12.1 would ensure that this impact is considered **less than cumulatively considerable.**

Cumulatively, in conjunction with the anticipated buildout of the General Plan 2035, the Specific Plan may require increased fire, emergency medical, and police staffing and equipment, as implementation of the Specific Plan increase the number of residents, customers, and employees in the area, resulting in the need to increase the number of full-time equivalent fire, emergency medical, and police staff necessary for adequate staffing ratios and public safety coverage. However, the Specific Plan would not contribute to a significant cumulative impact related to the creation or expansion of physical fire, emergency medical, or police protection facilities, since it would not result in the need for additional facilities beyond those already planned.

Furthermore, implementation of the General Plan 2035 policy provisions, which include mutual aid agreements with surrounding communities, and continued funding from property taxes, developer fees, and other alternative sources, would provide sufficient resources to serve the projected needs of the Fire Department under buildout conditions, including future development within the Specific Plan area. These provisions would also ensure adequate

response times and high-quality law enforcement services are maintained in Santa Rosa. Sonoma County has established an Emergency Operations Plan in compliance with the California Emergency Management Agency's SEMS program to address regional emergency disasters. Furthermore, the SRFD and SRPD will utilize Measure O funds, as described above, to help construct new fire and police stations, provide for new equipment, fire engines, and police vehicles, and fund firefighter and police positions. Individual development projects would be subject to SRFD and SRPD review and approval. Therefore, with implementation of Mitigation Measure MM 3.12.1, described above, the increased cumulative demand for fire, emergency medical, and police service in Santa Rosa would be offset and would result in a **less than cumulatively considerable** impact.

Mitigation Measures

None required.

Page 3.12-16, first paragraph, is revised as follows:

Surface Water Supply

The City of Santa Rosa receives its primary potable water supply from the Russian River watershed. Water is provided through the Russian River Project managed by the Sonoma County Water Agency (SCWA). The SCWA has supplied water to meet the City of Santa Rosa's demands since the 1970s. From its headwaters in central Mendocino County, the Russian River drains a 1,485-square-mile area. Principal tributaries of the Russian River are the East Fork of the Russian River, Big Sulphur Creek, Mark West Creek, Maacama Creek, and Dry Creek. Two major reservoir projects located within the Russian River watershed (Lake Mendocino on the East Fork of the Russian River, and Lake Sonoma on Dry Creek) provide water supply storage. A third reservoir project, Lake Pillsbury, indirectly contributes to the water supply through releases into the Eel River, a portion of which are diverted into the East Fork of the Russian River, through the Potter Valley project. The SCWA source of water is collected from the Russian River ~~through Ranney water collector systems~~ from two intake sites at Wohler and Mirabel located near Forestville. Infiltration ponds surround the SCWA river collectors, and an inflatable dam on the Russian River assists in raising the water level during periods of low flow. The dam serves to divert water from the river into the infiltration ponds and also raises water levels upstream that supply the intake sites.

Page 3.12-18 is revised as follows:

STATE

Urban Water Management Planning Act

The Urban Water Management Planning Act (Water Code Sections 10610–10656) requires every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 connections to assess the reliability of its water sources over a 20-year planning horizon considering normal, dry, and multiple dry years. This assessment is to be included in an Urban Water Management Plan (UWMP); these plans are required to be prepared every five years and submitted to the Department of Water Resources (DWR 2012).

Senate Bill SBx7-7 2009

Senate Bill x7-7 was enacted in November 2009, requiring all water suppliers to increase water use efficiency. Below are the highlights of this legislation.

The bill also requires, among other things, that the Department of Water Resources, in consultation with other state agencies, develop a single standardized water use reporting form (DWR 2012).

Urban Water Conservation

The legislation sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. The state shall make incremental progress toward this goal by reducing per capita water use by at least 10 percent by December 31, 2015.

- Each urban retail water supplier shall develop water use targets and an interim water use target by July 1, 2011.

- An urban retail water supplier shall include in its water management plan due July 2011 the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use. The Department of Water Resources, through a public process and in consultation with the California Urban Water Conservation Council, shall develop technical methodologies and criteria for the consistent implementation of this part.

- The Department of Water Resources shall adopt regulations for implementation of the provisions relating to process water.

- A Commercial, Institutional, Industrial (CII) task force is to be established that will develop and implement urban best management practices for statewide water savings.

- Effective 2016, urban retail water suppliers who do not meet the water conservation requirements established by this bill are not eligible for state water grants or loans.