

FINAL ENVIRONMENTAL IMPACT REPORT

DOWNTOWN SPECIFIC PLAN PROJECT

Lead Agency:
City of Cotati
Community Development Department
201 West Sierra Avenue
Cotati, CA 94931

SCH # 2006032072

June 18, 2009

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FINAL ENVIRONMENTAL IMPACT REPORT**

Submitted to:

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1.0 INTRODUCTION

In accordance with Sections 15088, 15089, and 15132 of the State *CEQA Guidelines*, the City of Cotati has prepared this Final Environmental Impact Report (Final EIR) for the Downtown Specific Plan Project (DSP). This Final EIR includes the following sections: 1) Introduction; 2) Response to Comments; 3) Corrections and Additions to the Draft EIR; 4) Mitigation Monitoring Program; 5) Acronyms and Abbreviations; and 6) Prepares of the Final EIR. Comment letters on the Draft Environmental Impact Report (Draft EIR) are provided in Appendix A.

1.1 LOCATION

The Project site is located in the City of Cotati (City), Sonoma County, California. The City is located within the Santa Rosa Plain area. The Santa Rosa Plain extends from the Valley of Moon in the east to the rolling hills near Sebastopol in the west. The City is located approximately 40 miles north of San Francisco. The downtown is located within 10 minutes of Sonoma State University. The City extends both east and west of Highway 101, south of the City of Rohnert Park. Neighboring communities of the City of Cotati include Rohnert Park to the northeast and Penngrove to the southeast, (refer to Figure 3.0-1 in the Draft EIR). Regional access is provided by U.S. Highway 101 and California State Route 116 (SR 116). Local roadways that provide access to the Project site include Old Redwood Highway, East Cotati Avenue and West Sierra Avenue.

1.2 SUMMARY OF THE PROPOSED PROJECT

The DSP area is located in the City of Cotati. The proposed Downtown encompasses approximately 59.5 acres, oriented mainly along Old Redwood Highway from northbound highway 101 on-ramp south to Page Street. The Project area is currently designated in the General Plan as General Commercial, Parks and some Residential. The plan is intended to assist with the revitalization of the downtown. Commercial and Residential land uses are expected to predominate the development mix in the area. The proposed DSP anticipates that approximately 331 additional residential units could be built in the area. The proposed DSP also anticipates construction of 237,050 square feet of new commercial space.

1.3 ENVIRONMENTAL REVIEW PROCESS

California Environmental Quality Act (CEQA) does not require formal hearings at any stage of the environmental review process (Section 15202(a) of the *CEQA Guidelines*). However, it does encourage “wide public involvement, formal and informal... in order to receive and evaluate public reactions to environmental issues...” (Section 15201 of the *CEQA Guidelines*).

Pursuant to State *CEQA Guidelines* Section 15063, the City prepared a preliminary Initial Study which concluded that the proposed Project could result in potentially significant environmental impacts and an EIR would be required. The City circulated a Notice of Preparation (NOP) of a Draft EIR for the proposed Project to the State Clearinghouse, and interested agencies and persons on March 15, 2006 for a

30-day review period and a public scoping meeting was held March 20, 2006. Comments received on the NOP and comments received at the public scoping meeting were both considered in the preparation of the Draft EIR.

Pursuant to State *CEQA Guidelines* Section 15087, a Notice of Availability (NOA) and the Draft EIR was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period from February 27, 2009 through April 13, 2009. A Planning Commission meeting was held on April 6, 2009 to gather public comments on the Draft EIR. The Draft EIR was also circulated to state agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research. The NOA was published in the Community Voice and posted by the Sonoma County Clerk and copies of the Draft EIR were available for review at City Hall, the Rohnert Park/Cotati library, and via internet at <http://ci.cotati.ca.us/>.

The purpose of the review period is to provide interested public agencies, groups and individuals the opportunity to comment on the adequacy of the Draft EIR and to submit testimony on the possible environmental effects of the proposed Project. This document, together with the Draft EIR, makes up the Final EIR as defined in the State *CEQA Guidelines* Section 15132 as follows:

The Final EIR shall consist of:

- a) The Draft EIR or a revision of the draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

As Lead Agency under CEQA, the City must provide each public agency that commented on the Draft EIR with a copy of its responses to comments at least ten days before certifying the Final EIR. In addition, the Lead Agency may also provide an opportunity for members of the public to review the Final EIR before certification, although this is not a requirement of CEQA.

1.4 USE OF THIS DOCUMENT

The Final EIR allows the public and Lead Agency to review revisions to the Draft EIR, comments, and responses to comments before approval of a project. This Final EIR (which includes the Draft EIR, incorporated by reference) will serve as the environmental document used by the City when considering approval of a project. After completing the Final EIR and before approving a project, the Lead Agency must make the following three certifications (*CEQA Guidelines* Section 15090).

- The Final EIR has been completed in compliance with CEQA;
- The Final EIR was presented to the decision-making body of the Lead Agency, and the decision making body reviewed and considered the information in the Final EIR prior to approving the project; and
- The Final EIR reflects the Lead Agency's independent judgment and analysis.

In addition, if an EIR that has been certified for a project identifies one or more significant environmental impacts, the Lead Agency must adopt findings of fact (*CEQA Guidelines* Section 15091[a]). For each significant impact, the Lead Agency must make one of the following findings.

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the Lead Agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (*CEQA Guidelines* Section 15091[d]). These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring Program (MMP).

In addition, when a Lead Agency approves a project that would result in significant and unavoidable impacts that are disclosed in the EIR, the agency must state in writing its reasons for supporting the approved action (*CEQA Guidelines* Section 15093[b]). This statement of overriding considerations must be supported by substantial information in the record, including the EIR.

The proposed Project would result in significant and unavoidable impacts related to the following:

- **Cultural Resources.** The DSP would result in significant and unavoidable impacts to existing structures that could potentially be historic resources. Development and renovation could damage or be incompatible with adjacent historic structures. The DSP may result in the removal or alteration of potential historic buildings.

Due to these findings the City would be required to adopt a statement of overriding considerations if it approves the Project. The statement of overriding considerations is not a substitute for the findings of fact described above.

These certifications, the findings of fact, and the statement of overriding considerations are included in one or more separate documents prepared by the City. The Draft EIR (incorporated by reference), Final EIR, findings of fact, and statement of overriding considerations are submitted to the Lead Agency for consideration of the Project.

2.0 RESPONSE TO COMMENTS

2.1 OVERVIEW

The purpose of the public review of the Draft Environmental Impact Report (“Draft EIR” or “DEIR”) is to provide the public with information about the environmental impacts of the proposed project and allow the public an opportunity to comment on the analysis in the DEIR.

The adequacy of the environmental analysis in the Draft EIR is evaluated in terms of compliance with the California Environmental Quality Act (“CEQA”). Section 15151 of the *CEQA Guidelines* states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The purpose of each response to a comment on the Draft EIR is to address the significant environmental issue(s) raised by each comment. This typically requires clarification of points contained in the Draft EIR. Section 15088 (c) of the *CEQA Guidelines* describes the evaluation that CEQA requires in the response to comments by stating:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

Section 15204(a) (Focus of Review) of the *CEQA Guidelines* helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Case law has held that the Lead Agency is not obligated to undertake every suggestion given them, provided that the agency responds to significant environmental issues and makes a good faith effort at disclosure. Section 15204(a) of the *CEQA Guidelines* clarifies this for reviewers by stating:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document 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.

Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

This guideline encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Given that an effect is not considered significant in the absence of substantial evidence, subsection (c) advises reviewers that comments should be accompanied by factual support. Section 15204(c) of the *CEQA Guidelines* states:

Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

2.1 LIST OF THOSE WHO COMMENTED ON THE DRAFT EIR

The City of Cotati (City) received a total of 14 comment letters on the Draft EIR not including attachments. All 14 comment letters and the State Clearinghouse letter are provided in Appendix A, Bracketed Comment Letters & Attachments on the Draft EIR, of this Final EIR. Comment letters were divided into two categories; those submitted by public agencies and governments were assigned the letter “A” and those submitted by private organizations, companies, and individuals were assigned the letter “B.” Comment letters in each category were numbered according to the date they were received by the City. Individual comments within each comment letter were numbered. Thus, for example, the comment letter from the Native American Heritage Commission is numbered “A1” and individual comments in that letter are numbered “A1-1”, “A1-2”, “A1-3”, etc.

Written comments made during the public review of the Draft EIR intermixed points and opinions relevant to the Project’s merits with points and opinions relevant to the potentially significant environmental effects of the Project. The responses acknowledge comments addressing points and opinions relevant to the Project’s merits, and discuss as necessary the points relevant to the environmental review required by CEQA.

Table FEIR-1, Inventory of Comment Letters Received on the Draft EIR, lists the organizations and persons who provided written comments on the Draft EIR to the City during the 45-day public review period.

Table FEIR-1
Inventory of Comment Letters Received on the Draft EIR

Correspondence Number	Date of Correspondence	Commenter
Public Agencies and Governments		
A1	March 10, 2009	Native American Heritage Commission, Katy Sanchez
A2	April 1, 2009	Rancho Adobe Fire, Frank Treanor
A3	March 23, 2009	Pacific Gas and Electric Company, Peter Faeustle
A4	April 10, 2009	Department of Fish and Game, Charles Armor
A5	April 13, 2009	Department of Transportation, Lisa Carboni
A6	April 13, 2009	California Regional Water Quality Control Board, Cathleen Goodwin
Private Organizations, Companies and Individuals		
B1	April 9, 2009	John M. Rock
B2	April 6, 2009	Stephen Gold
B3	April 6, 2009	Kate Symonds
B4	April 6, 2009	Linell Hardy
B5	April 9, 2009	Anne Wallace-Rock
B6	April 13, 2009	Jenny Blaker
B7	April 13, 2009	Neil Hancock
B8	April 13, 2009	Bradley N. Yearwood

2.3 TOPICAL RESPONSE

Certain topics are often raised repeatedly, albeit in slightly different forms, in comments on the Draft EIR. In order to minimize duplication and to provide a more comprehensive discussion, a “Topical Response” has been prepared for some of these issues, and responses to individual comments reference this topical response as appropriate. The topical response is intended to provide a general response to several comments on the given subject. A particular topical response may provide more information than requested by any individual comment. Conversely, the topical response may not provide a complete response to a given comment, and additional information may be contained in the individual response to that comment.

The Topical Response in this Final EIR addresses the following issue:

- Standards for Responses to Comments and Focus of Review of Commenters

Topical Response: Standards for Responses to Comments and Focus of Review of Commenters

Various comments request additional analysis, mitigation measures, or revisions that are not provided in the Final EIR for reasons more specifically addressed in the individual comments. Section 15204(a) of

the State *CEQA Guidelines* (“*CEQA Guidelines*”) (Focus of Review) provides basic guidance regarding this issue.

Section 15204(a) states:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document 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. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Reviewers are encouraged to focus on the sufficiency of the environmental document's analysis, mitigation measures, and project alternatives. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. CEQA requires that lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” In addition, various comments assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised but fail to provide substantial evidence in support of their assertion. Section 21080(e) of CEQA defines the type of evidence required to support a conclusion of significant effect on the environment. It provides that:

(1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

Section 15204(c) of CEQA advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Finally, various comments request that the EIR analyze the potential impacts of scenarios that require significant speculation. CEQA does not require such analysis. *CEQA Guidelines* Section 15145 provides that:

If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

2.4 RESPONSES TO INDIVIDUAL COMMENT LETTERS

Response to Comment Letter A1

Native American Heritage Commission, Katy Sanchez

Comment A1-1

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

Response to Comment A1-1

This comment contains general information on the Native American Heritage Commission (NAHC) and the California Environmental Quality Act (CEQA), in addition to provisions provided under Section 15382 of the State CEQA Guidelines. Additionally, this comment introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A1-2

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.

Response to Comment A1-2

It is assumed that this comment is a Native American Heritage Commission (NAHC)-recommended action to adequately assess the project-related impacts on cultural resources. As noted above, the NAHC recommends a record search be conducted by the appropriate regional archaeological Information Center to determine if 1) the area of project effect (APE) has previously been surveyed, 2) if any known cultural resources have been recorded on or adjacent to the APE, 3) the probability of cultural resources being located in the APE, and 4) whether a survey is required to determine if previously unrecorded resources are present.

As noted on page 4.4-3 of Section 4.4, Cultural Resources, of the Draft EIR, survey for the presence of archaeological resources has been limited to specific projects that are generally small-scale and scattered throughout the City. There are seven known prehistoric archaeological sites within the Cotati that range from shell middens denoting prehistoric habitation to toolmaking workshops containing obsidian waste flakes. Two archaeological sites in the City have been identified as historic-period sites containing 19th and early 20th century artifacts; however, locations are kept confidential to protect the sites.

As noted on page 4.4-10 of Section 4.4, Cultural Resources, of the DEIR, under subsection 4.4.4 (Methodology), a report on archaeological and historical resources was prepared by Tom Origer & Associates (Origer report). This report was prepared on October 20, 2005, and is based on review of existing literature. The Origer report evaluated Cotati's cultural setting from prehistoric times to the latter part of the 20th century, identified important historic themes for the Cotati area, and described the types of cultural resources that might be found within the planning area. As provided under Impact CULT-2 on page 4.4-12 of the Draft EIR, there is potential for archaeological resources in the planning area, based on evidence provided in the Origer report. While there are no known archaeological sites within the planning area, two previously identified sites abut the area. Since much of the planning area is currently developed, surfaced, or has otherwise been disturbed, this limits opportunities for surface observation of resources and reduces the likelihood of finding intact resources. However, it is possible that resources remain in the planning area. Mitigation CULT-2 on page 4.4-13 of the Draft EIR provides the protocol and measures to be taken should any archaeological resources or human remains be discovered during construction of the proposed Project.

Comment A1-3

- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.

- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

Response to Comment A1-3

This comment provides provisions for the preparation of an archaeological inventory survey, should one be required for the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no further response is required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment A1-2.

Comment A1-4

- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**

Response to Comment A1-4

It is assumed that this comment is a Native American Heritage Commission (NAHC)-recommended action to adequately assess the project-related impacts on cultural resources. The comment recommends that the NAHC be contacted for a Sacred Lands File Check and a list of appropriate Native American contacts; however, as noted in the comment, a Native American Contacts List of five contacts has been attached to the Comment Letter. While the comment includes recommendations, it does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no further response is required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment A1-2.

Comment A1-5

- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified

archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Response to Comment A1-5

This comment notes that the lack of surface evidence of archeological resources does not preclude their subsurface existence and includes recommendations as to what should be included in the mitigation plan, should archaeological resources, artifacts, or human remains be discovered during construction of the proposed Project.

Mitigation CULT-2 on page 4.4-13 of Section 4.4, Cultural Resources, of the Draft EIR provides the protocol and measures to be taken should any archaeological resources or human remains be discovered during Project construction; see Response to Comment A1-2 above.

In response to this comment, Mitigation CULT-2 has been revised as follows:

Mitigation CULT-2: *Permits for projects that require excavation or grading shall require that any discovery of archaeological resources will cause the cessation of construction and the use of an archaeologist to assess and appropriately protect those resources. If the archaeologist determines that the archaeological resource is a unique archaeological resource, impacts to the resource shall be avoided or mitigated in accordance with standards under Public Resources Code section 21083.2. If the archaeologist determines that the archaeological resource is a significant resource, impacts to the resource shall be avoided or mitigated in accordance with CEQA Guidelines section 15126.4 (b). If human remains are encountered on the property, all applicable legal requirements shall be followed, including, but not limited to, Public Resources Code sections 5097-5097.6, Health & Safety Code section 7050.5 and CEQA Guidelines section 15064.5 and 15126.4. The Sonoma County Coroner's Office shall be contacted within 24 hours of the find, and all work should be halted until a clearance is given by that office and any other involved agencies. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Archaeological resource data and artifacts collected within the planning area shall be*

permanently curated at a repository with facilities for permanent storage and providing access for scholarly researchers.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

RESPONSE TO COMMENT LETTER A2

Rancho Adobe Fire Protection District, Frank Treanor

Comment A2-1

The members of the Rancho Adobe Fire Protection District have studied the above referenced plan and have the following observations and recommendations.

Response to Comment A2-1

This comment confirms that the Rancho Adobe Fire Protection District has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment A2-2

1. It is noted that fire station number 1 will remain in the same location. The issues to be addressed in the plan pertaining to this location are:
 - The apron at the front of the station needs be larger due to the need to have room for an aerial truck apparatus. Such apparatus will be necessary because of the potential 50 foot height limit referenced in previous plans and the approximately 35 foot height of buildings in the down town area. These heights and the need for the truck are of major importance in this plan. Development impact fees could finance the purchase of this truck. The citizens of Cotati would be the prime beneficiaries of the truck service.

Response to Comment A2-2

New development in the Downtown Specific Plan (DSP) area would not increase building heights from what currently exists. Similar to existing regulations, buildings under the DSP would be limited from 35 to 50 feet in height. The commenter recommends that an aerial truck apparatus be provided at Fire Station 1 to accommodate the taller buildings, and that development impact fees could finance the purchase of this truck. In addition, the commenter suggests that the apron at the front of the station be enlarged to accommodate the aerial truck. As discussed under heading 4.11.6 "Impacts and Mitigation Measures" on page 4.11-8 of Section 4.11, Public Services and Recreation, of the Draft EIR, development

projects undertaken pursuant to the proposed plan would result in the payment of property taxes, including a special parcel tax to the Fire Protection District, which would result in additional revenue available to the Fire Protection District. The increase in revenue to the Fire Protection District as development increases in the planning area will address the Fire District needs presented by the DSP.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-3

- The rear parking area for off-street parking currently has room for about 30 vehicles. This parking is for response of off-duty personnel in time of emergency recall. This Station is used for many training classes during the year and the off-street parking is vital to these training sessions. The rear area is also the site of training evolutions at Station 1. This yard area must be maintained at the same size. On pages 3.0-19 through 3.0-21 there is no reference to the size of the parking area in the chart.

Response to Comment A2-3

This comment correctly states that the size of the proposed parking areas are not discussed on pages 3.0-19 through 3.0-21 of Section 3.0, Project Description, of the Draft EIR. The commenter recommends that the existing size of the off-street parking/yard area, designated for off-duty personnel in time of emergency recall, must remain the same. The Downtown Specific Plan (DSP) includes a conceptual plan and represents what could be developed once the DSP has been approved and adopted by the City. At this time, there are no proposed changes to this parking area as a result of the proposed Project.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-4

- The traffic patterns may present a problem for rapid response due to pedestrians and roundabout one-way traffic.

Response to Comment A2-4

This comment states that traffic patterns may present a problem for rapid response due to pedestrian and roundabout one-way traffic, but does not offer specific facts or substantial evidence to support the statement.

Service levels at the study intersections indicate that traffic flows will be improved with the Project, which will reduce delays for emergency response vehicles. Traffic signals can be equipped with

emergency pre-emption capabilities similar to those currently employed at existing signalized intersections that provide priority service to emergency response vehicles. As discussed, on page 4.12-20, in Section 4.12, Transportation and Circulation of the Draft EIR under Impact TRAN-4 “Under the DSP, the fire station’s egress will be relocated to La Plaza Street directly opposite East Cotati Avenue, requiring fire apparatus to use one-way La Plaza to access other roadways, including Old Redwood Highway and West Sierra Avenue. This could affect response times.” Under Mitigation Measure TRAN-4, traffic signal pre-emption would clear vehicular queues along La Plaza streets in advance of fire apparatus leaving the fire station. With a traffic signal at La Plaza/Old Redwood Highway (south), it may be prudent to allow emergency vehicles to travel southbound on the one-block segment of La Plaza between East Cotati Avenue and Old Redwood Highway (south) by pre-empting the signal at La Plaza/Old Redwood Highway (south) or fire apparatus could access Old Redwood Highway (south) by traveling southbound along Charles Street. Furthermore, it is standard practice to provide adequate time for pedestrians to clear the roadway at signalized intersections.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-5

- The reference at the bottom of page 3.0-15 and page 3.0-17 speak in general terms about the fire protection provided by Rancho Adobe Fire. The staffing figures in the plan are inaccurate, the current staffing is 2 people per or at 1000 of .25, and there are not 25 volunteers anywhere near Cotati. The staffing inaccuracies continue on page 4.11.2. The plan fails to specifically address response by fire, in the park and roundabout area and the effect of fire services as a result of responses to incidents in the greater Cotati area, Pennngrove and Rohnert Park.

Response to Comment A2-5

The commenter is referring to inconsistent fire department staffing numbers. However, the commenter did not provide specific staffing numbers, and it is unclear what the commenter is stating for the current staff-to-population ratio. In response to this comment and for consistency with Section 4.11, Public Services and Recreation, the discussion under subheading “Fire Services” on page 3.0-15 of Section 3.0, Project Description, of the Draft EIR has been revised as follows:

Public Services

Fire Services. Fire protection is provided by Rancho Adobe Fire Protection District. Station 1 is located within the planning area at the corner of East Cotati Avenue and La Plaza. Station 1 is staffed with three large engines, a small engine, and water tender. A captain and engineer are on call at Station 1; these staff members are supplemented by ~~about 25~~ volunteers ~~in Cotati~~. The

current staff-to-population ratio is ~~0.7~~ 1.23 firefighters per 1,000 population (1.23 multiplied by approximately 25,000), resulting in a total of 30 employed staff and firefighting personnel. According to the Rancho Adobe Fire Protection District (RAFPD) website, the RAFPD employs 15 permanent staff members, 15 part-time firefighters, and is supported by six volunteers, including one part time chief.¹ The current response time for the entire Cotati community is less than five minutes. Response time to the planning area is expected to be faster than average given proximity of the fire station.

In addition, in response to this comment, the first paragraph under subheading “Fire Protection” on page 4.11-1 of Section 4.11, Public Services and Recreation, of the Draft EIR has been revised as follows:

Fire Protection

The Rancho Adobe Fire Protection District (RAFPD) provides fire protection services to approximately 25,000 people in an area of 86 square miles in the vicinity of the cities of Rohnert Park and Petaluma. The service area encompasses the City of Cotati, the community of Penngrove, and areas of the Liberty Valley. The RAFPD provides firefighting and basic life support services to the planning area. Station 1 is located in the DSP area at La Plaza Park (see Figure 4.11-1). Station 1 houses five of the RAFPD’s eleven vehicles – three larger engines, a smaller engine, and a water-tender.¹ The RAFPD employs 15 permanent staff members, 15 part-time firefighters, and is supported by six volunteers, including one part time chief.² Response time to the DSP area is currently approximately three minutes. However, response time can be variable, depending on traffic conditions, weather, and other factors. The majority of RAFPD calls are for emergency medical services. The RAFPD is primarily funded by property taxes.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

The DSP sets forth design guidelines and standards that apply to all development in the planning area, which require approval from the City at the building permit stage of each project. All new projects must comply with the fire code and City of Cotati requirements associated with fire protection services, including service ratios, response times, roadway design, and other performance objectives.

¹ *Rancho Adobe Fire Protection District Website, <http://www.rancho-adobe-fire.org/about.html>, retrieved by CAJA staff, April 22, 2009.*

² *Rancho Adobe Fire Protection District Website, <http://www.rancho-adobe-fire.org/about.html>, retrieved by CAJA staff, April 22, 2009.*

Comment A2-6

- The plan indicates an increase in population and population density in the core area of Cotati, with the increased heights of buildings and need for the aerial truck is a need for increased full-time staffing. The Cotati station will need to be staffed with an officer, engineer and 2 firefighters. The cost of this staffing cannot be absorbed by the District and must be passed on to those who benefit from their service. It is important that planners and developers look at the increased demands for service that the plan creates and fairly and adequately address these needs.

Response to Comment A2-6

This comment has been previously addressed. See Response to Comments A2-2 and A2-5 above. In addition, as discussed on page 4.11-8 under heading 4.11.6 “Impacts and Mitigation Measures” of Section 4.11, Public Services and Recreation, of the Draft EIR, the Fire Protection District has stated that increasing the population in the project area would require additional staffing to ensure adequate fire protection, as well as additional equipment, namely a ladder truck with a longer extension to reach taller buildings proposed under the plan.³ Development projects undertaken pursuant to the proposed plan would result in the payment of property taxes, including a special parcel tax⁴ to the Fire Protection District, which would result in additional revenue available to the Fire Protection District. The increase in revenue to the Fire Protection District as development increases in the planning area will address the Fire District needs presented by the DSP. Impacts of the DSP to fire services are less than significant because the DSP demand for fire services will not result in substantial adverse physical impacts due to the construction of new or physically altered fire district facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Comment A2-7

- The parking model on page 3.0-22 must be further explored in terms of providing access for the fire apparatus to respond. Narrow streets possibly with delivery trucks double parked and large trees above the street all create response problems for fire.

Response to Comment A2-7

The commenter expresses a concern regarding potential fire response issues, including accessibility of fire apparatus, narrow streets, double-parked delivery trucks, and large trees. This comment refers to a parking model on pages 3.0-22 and 3.0-23 of Section 3.0, Project Description, of the Draft EIR. Table

³ Harris, Dwayne, Fire Captain, personal communication, July 21, 2004.

⁴ LAFCO, Municipal Service Review: City of Cotati, February 2006, p. 17. Note: The special parcel tax is calculated at \$10 per unit of risk (a single family home is assigned 4 units of risk).

3.0-4, Components of the Transportation Program, on page 3.0-22 of Section 3.0, Project Description, of the Draft EIR, outlines transportation and bicycle improvements in the DSP area. It is unclear if the commenter's intention is to refer to Table 3.0-3, Existing and Proposed Parking, on page 3.0-21 of the Draft EIR. Table 3.0-3 illustrates the number of on- and off-street parking spaces to be added to the DSP area by zone and type.

As noted on page 3.0-21 of the Draft EIR, the DSP proposes both functional and structural improvements in parking in the planning area. The DSP sets forth design guidelines and standards that apply to all development in the planning area, which require approval from the City at the building permit stage of each project. All new projects must comply with the fire code and City requirements associated with fire protection services, including service ratios, response times, roadway design, landscaping, and other performance objectives.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-8

- The plan calls for "enhanced safety of pedestrians in the hub area while ensuring a delightful downtown experience." The fact that the fire apparatus must respond out of this park speaks neither to safety of citizens running in the park nor that delightful downtown experience. Reference 4.8-1.

Response to Comment A2-8

The commenter expresses an opinion about Policy 2.2.9 on page 4.8-1 of Section 4.8, Land Use, of the Draft EIR. However, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Response to Comment A2-7.

Response to Comment A2-9

Similar to existing condition, sounds generated by fire engines are limited to emergency events, which can occur at any time of the day or night, but would not occur on a regular basis. Fire trucks use their flashing red lights at all times while they are on the emergency run. However, it is policy and practice of fire departments to only use sirens and horns for safety when the emergency vehicles reach vehicular traffic on a busy street or intersection. The use of fire engine sirens and horns represents a substantial temporary or periodic increase in ambient noise levels in the vicinity of the sounding apparatus. The City's Municipal Code implements the noise related policies of the General Plan and provides standards

for noise mitigation that are intended to protect the community by limiting exposure to the unhealthy effects of noise. It is the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources (with a few exceptions). According to the Municipal Code 17.30.050 (B)(1), public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work, are exempt from the noise ordinance. Implementation of the proposed Project would not change the types of land uses from those of the existing conditions.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-10

- A solution to these issues may be to remove the firehouse to a location better suited for their response and the safety thus creating that peaceful and safe area in the park. Such a site might be at Valpariso and Old Redwood. This new station would have to be funded by the city of Cotati or the developer.

Response to Comment A2-10

It is assumed the comment is referring to the existing location of Fire Station 1 within the DSP area at the corner of East Cotati Avenue and La Plaza. The commenter expresses an opinion regarding relocating Fire Station 1 to another site (Valpariso and Old Redwood) in order to prevent park users from being exposed to emergency vehicle noise. As noted on page 4.11-8 of Section 4.11, Public Services and Recreation, of the Draft EIR, under subheading “4.11.6 Impacts and Mitigation Measures,” impacts of the DSP to fire services are less than significant because the DSP demand for fire services will not result in substantial adverse physical impacts due to the construction of new or physically altered fire district facilities in order to maintain acceptable service ratios, response times or other performance objectives. As required by CEQA and *CEQA Guidelines* Section 15126.4, the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. Therefore, no mitigation such as the one suggested by the commenter are required under CEQA or warranted. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A2-11

2. In the plan in and about the core area there are narrow paseos or passages with trees on them, all very beautiful but difficult from a fire suppression standpoint. The trees are potential exposures to the buildings and they create laddering problems, as do other features shown in the designs.

Response to Comment A2-11

The DSP sets forth design guidelines and standards that apply to all development in the planning area, which require approval from the City at the building permit stage of each project. All new projects must comply with the fire code and City requirements associated with fire protection services, including, but not limited to, roadway and landscape design. Therefore, no new development would occur which would impede emergency response access. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-12

3. The Geological Resources section specifically pages 4.5-8, 9 show that liquefaction risks are high in the eastern and northern sectors of the City. Thought should be given to adding seismic smart valves on the water and gas mains proximal to these areas to prevent gas and water flow from broken mains. This would preserve and maintain the Cotati water supply and possibly minimize natural gas leaks.

Response to Comment A2-12

The commenter is correct in stating that liquefaction risks are high in the eastern and northern sectors of the City; however, the DSP area has limited liquefiable soils. Impacts to water and gas mains installed as a result of development of the proposed Project would be subject to Mitigation Measure GEO-1 on page 4.5-12 in Section 4.5 Geological Resources, of the Draft EIR. Accordingly, all development as a result of the proposed Project would be subject to the 2007 California Building Code (CBC) and other applicable regulations as identified in site-specific geotechnical reports prepared for development within the DSP area. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-13

4. In Section 6.0 pertaining to alternatives, clear attention should be given to the location of the fire station in the plan and the impact it may have on the plan. Now is the time to explore the possibility of fire station relocation to a vacant lot and not dealing with the station in the park.

Response to Comment A2-13

Regarding the relocation of Fire Station 1, see Response to Comment A2-10 above. The relocation of the fire station is not required to be discussed as an alternative under CEQA standards because the proposed DSP would not result in any significant impacts due to the current location of the fire station that cannot be fully mitigated. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A2-14

5. The District would like to meet with the designers to discuss the impact of services and water flow in the area and also discuss the 50 foot height limit or any height over 28 feet unless some form of aerial truck company can be provided by the plan at no cost to the District.

Response to Comment A2-14

In regards to building heights and the purchase of an aerial truck, see Response to Comment A2-2 above. Regarding design features for water flow and fire protection services, the DSP sets forth design guidelines and standards that apply to all development in the planning area, which require approval from the City at the building permit stage of each project. All new projects must comply with the fire code and City requirements associated with fire protection services. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A2-15

6. In Section 7 Preparers and contacts. The fire district contacts should be updated as follows:
Chief Frank Treanor 707-795-6011
Battalion Chief Steve Davidson 707-591-4201
Fire Marshall Mike Bechtold 707-795-5455

Response to Comment A2-15

This comment is in reference to the Rancho Adobe Fire Protection District contacts provided on page 7.0-1 of Section 7.0, List of Preparers and Persons Contacted, of the Draft EIR. In response to this comment, the contacts provided under “Rancho Adobe Fire District” on page 7.0-1 of the Draft EIR have been revised as follows:

Rancho Adobe Fire Protection District**Frank Treanor, Fire Chief** ~~Bill Patten, Fire Marshal~~~~Steve Davidson, Battalion Chief~~ ~~Dwayne Harris, Fire Captain~~Mike Bechtold, Fire Marshal

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

RESPONSE TO COMMENT LETTER A3**Pacific Gas and Electric Company, Peter Faeustle*****Comment A3-1***

Pacific Gas and Electric Company (PG&E) has reviewed the information provided with your Downtown Specific Plan and the associated Environmental Impact Report concerning the above referenced project.

Response to Comment A3-1

This comment confirms that the Pacific Gas and Electric Company has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment A3-2

Following are some general comments concerning this project:

The documents provided are broad in their scope. It would appear that we will most certainly be affected. But, without specifics we can give no details. Please advise us as detailed plans and schedules evolve.

Electric and gas service to this development will be provided in accordance with the applicable extension rules, copies of which are available by telephoning our Service Planning office at our Santa Rosa Service Center at (707) 579-6355. It is suggested that PG&E be contacted as soon as possible so that there may be adequate time for PG&E to engineer and schedule any necessary work for the project.

The cost of any relocation of existing PG&E facilities or conversion of existing overhead facilities to underground necessitated by this project will be the responsibility of the requester.

Prior to the start of excavation or construction it is required that the contractor call Underground Service Alert (USA) at 1-800-227-2600 to have the location of any existing underground facilities marked in the field.

Response to Comment A3-2

The Downtown Specific Plan (DSP) includes a conceptual plan and build-out scenario for the planning area, and represents the maximum amount that could be developed once the DSP has been approved and adopted by the City. The City has commissioned this EIR on the proposed Project for the following purposes:

- To satisfy CEQA requirements.
- To inform the general public; the local community; and responsible, trustee, and state and federal agencies of the nature of the project, its potentially significant environmental effects, feasible mitigation measures to mitigate those effects, and its reasonable and feasible alternatives.
- To enable the City to consider the environmental consequences of approving the Project.
- For consideration by responsible agencies in issuing permits and approvals for the Project.

Certain Project details, by necessity would be determined during site-specific development. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such Project details not being required at this juncture in the application process or for CEQA analysis, the Project Applicant has provided conceptual diagramming of such site-specific details as building placement, parking configurations, sidewalks and internal bicycle paths and pedestrian pathways, etc., and will provide additional details pursuant to approval of the use permits at the appropriate time.

As stated on page 3.0-11 of Section 3.0, Project Description, of the Draft EIR, “Once the DSP is adopted, all future entitlements within the DSP area must be consistent with the DSP...Other entitlements would be required in the subsequent stages of the project’s implementation and as part of any future development. These would include, but not be limited to, design review, use permits (where identified), and the issuance of demolition, grading, building and occupancy permits from the City and connection permits from utility providers.” During the approval process for development projects within the DSP area, the City would review all final proposed building designs for consistency with the DSP and other applicable regulations, including the requirements of electric and gas service providers.

This comment requests that the City notify PG&E as detailed plans and schedules evolve. Per standard City protocol all proposed development plans within the City are submitted to PG&E for review. In addition, the commenter provides the City with appropriate contact information and advises the City to

make contact in a timely manner, to follow protocol, and to recognize responsibility of cost. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A3-3

Thank you for the opportunity to review this application. If you have any question regarding these comments, please call me on (707) 577-7263.

Response to Comment A3-3

This comment provides closing language for this comment letter and contact information for individuals available to answer questions regarding comments outlined in the PG&E correspondence regarding the DSP EIR. No response required.

RESPONSE TO COMMENT LETTER A4

Department of Fish and Game, Charles Armor

Comment A4-1

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (EIR) for the Downtown Specific Plan (DSP). This draft EIR discusses the environmental impacts associated with the development of 59.5 acres for Downtown Cotati.

Response to Comment A4-1

This comment confirms that the Department of Fish and Game (DFG) has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment A4-2

The draft EIR states that the majority of the DSP area is outside the geographic area referred to by the resource agencies as the Santa Rosa Plain; however, the entire DSP area is located within the Santa Rosa Plain. Although the draft EIR is following the interim mitigation measures of the Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (Programmatic Biological Opinion), the draft EIR should state that the entire project area is located within the Santa Rosa Plain.

Response to Comment A4-2

This comment addresses a concern that several statements indicate that the DSP is located beyond the boundary of the Santa Rosa Plain. The limits of the Santa Rosa Plain discussed in these sections makes reference to the “Map of the Santa Rosa Plain, Sonoma County, California” included in the U.S. Army Corps of Engineers (Corps), San Francisco District Public Notice Number 02-03 (Final), March 5, 2003 Mitigation Bank Policy in the Santa Rosa Plain, Sonoma County, CA. The EIR has been revised to reflect this distinction when referring to the Santa Rosa Plain. Although current figures in this section depict the Corps mapped boundary as the limit of the Santa Rosa Plain, Biological evaluations and prescribed mitigations are based on Santa Rosa Plain Conservation Strategy guide lines. The Draft EIR has been revised to clarify the location of the DSP is within the Conservation Strategy Plan area, but outside of the Corps mapped boundary. However, the Figure 4.3-2, Extent of Santa Rosa Plain [*sic*] Within Cotati Specific Plan Area, Cotati, California and Figure 4.3-3, Parcels with CTS Designations on Figure 3 of the Santa Rosa Plain Conservation Strategy Map, Cotati Specific Plan Area, Cotati, California, as presented in the Draft EIR show both Corps and Conservation Area boundaries and could be misleading. These figures have been corrected to indicate the source of the mapped boundary in response to this comment.

In response to this comment, all pertinent references in the Draft EIR that erroneously indicate that the DSP area is not located within the Santa Rosa Plain have been corrected as follows:

Section 4.3 (Biological Resources)

Figure 4.3-2, Extent of Santa Rosa Plain [*sic*] Within Cotati Specific Plan Area, Cotati, California, on page 4.3.9 has been revised to indicate the source of the map. See Section 3.0, Corrections and Additions to the Draft EIR, for the revised figure.

First paragraph on page 4.3-10:

Typically, in the Santa Rosa Plain, if there are seasonal wetlands or habitats that could remotely support special-status plant species, prior to obtaining a Corps permit, pursuant to Special Regional Conditions that the Corps has published for the Santa Rosa Plain, two years of special-status plant surveys are required prior to the time the Corps would authorize a permit for the project site. Since all natural habitats within the DSP area are located south, and outside of, the Corps of Engineers delineated Santa Rosa Plain boundary (Map of the Santa Rosa Plain, PN02-03 (Final), March 5, 2003), only one year of appropriately timed special-status plant surveys would be necessary to meet the survey requirements prescribed by CDFG and CNPS (CDFG 2000, CNPS 2001) and to otherwise meet the standards of care required by CEQA. Surveys were completed for all undeveloped parcels in the DSP area (see discussion below).

Third paragraph on page 4.3-10:

*The Santa Rosa Plain Conservation Strategy map (Figure 3, revised on April 17, 2007) depicts one parcel within the DSP area as “presence of CTS not likely but mitigation for listed plants may be required.” See Figure 4.3-3 for a depiction of the Conservation Strategy map in the DSP area. Focused spring and early summer surveys were conducted on this parcel in 2005 and demonstrated that special-status plants are not present (the surveys were timed during the flowering periods of the four federal listed species known to occur on the Santa Rosa Plain (*Lasthenia burkei*, *Blennosperma bakeri*, *Navarretia leucocephala* ssp. *plieantha* and *Limnanthes vinculans*). The survey months would also be suitable for detecting other special-status plant species known from the Santa Rosa Plain and Sonoma County in grassland habitats. As no rare plants were found during appropriately timed surveys, and since the areas that were surveyed are not within the Corps delineated Santa Rosa Plain boundary (most of the DSP area is outside the Santa Rosa Plain), no further discussion of rare plants is required within the DSP area.*

Figure 4.3-3, Parcels with CTS Designations on Figure 3 of the Santa Rosa Plain Conservation Strategy Map, Cotati Specific Plan Area, Cotati, California on page 4.3.11 has been revised to remove the reference to the Santa Rosa Plain. See Section 3.0, Corrections and Additions to the Draft EIR, for the revised figure.

Second paragraph under subheading “California Tiger Salamander (*Ambystoma californiense*)” on page 4.3-13:

Regulatory Requirements for the California Tiger Salamander Within the DSP Area – The USFWS, the CDFG and other participating agencies, the County of Sonoma, and cities have developed and are implementing a Conservation Strategy for the California tiger salamander and other federal and state listed plant species that occur in or adjacent to the Santa Rosa Plain within Sonoma County. As noted above, the Santa Rosa Plain Conservation Strategy was prepared by the Conservation Strategy Team, composed of staff from the USFWS, CDFG, the Corps, U.S. Environmental Protection Agency (EPA), RWQCB, and participating cities including the City of Cotati. The Conservation Strategy provides maps that designate how particular areas within Sonoma County will be preserved or protected for the California tiger salamander (and other listed species), and provides guidance for each management directive. The entire City of Cotati, as well as the DSP, is located within the Santa Rosa Plain Conservation Strategy area.

Second paragraph under subheading “Applicability to DSP Area” on page 4.3-32:

Applicability to DSP Area. *The Cotati DSP area is almost entirely outside of the Santa Rosa Plain Conservation areas with potential to support or that are known to support CTS. Only a few parcels with frontage along the eastern side of Highway 101 fall within the Corps delineated areas ~~the~~ Santa Rosa Plain (Figure 4.3-2). These parcels are developed, do not support natural*

communities, and do not provide either special-status plant habitat or support wetlands. Hence, two years of special-status plant surveys would not be necessary within the DSP area. Additionally, an HQE would not need to be prepared before a Section 404 permit would be issued because those parcels with wetland areas are located well outside (south of) the Corps Santa Rosa Plain boundary.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-3

The draft EIR also states the California tiger salamander (CTS) is designated as a California species of special concern and that this California status affords CTS no legally mandated State protection. On February 5, 2009, the Fish and Game Commission accepted for consideration the petition submitted to list CTS as endangered. CTS is now a candidate species as defined by Section 2068 of the Fish and Game Code. The California Endangered Species Act (CESA) prohibits unauthorized take of a candidate species, just as it prohibits such take of threatened and endangered species. All activities, whether new or ongoing, that will cause incidental take of the candidate species is in violation of CESA, unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code Section 2084 or DFG authorizes the take through the issuance of a Permit under Fish and Game Code Section 2081 or by other means authorized by CESA.

Response to Comment A4-3

This comment addresses a correction to the listing status of the California tiger salamander (CTS). The Draft EIR has been revised to reflect the February 5, 2009 policy decision to include CTS as a candidate species, affording CTS the protections required under CESA. It is also noted that biological studies and data base reviews for the Downtown Specific Plan area were conducted between 2003 and 2005 and the above comment reflects new available information. However, this change in regulation does not change the analysis and determination in the EIR on whether the DSP would have a significant impact of the CTS under CEQA. The EIR treated any impact on the CTS as significant due to its listing as an endangered species under the FESA.

In response to this comment, the first paragraph included under subheading “California Tiger Salamander (*Ambystoma californiense*)” on page 4.3-13 of Section 4.3, Biological Resources, of the Draft EIR has been revised as follows:

California Tiger Salamander (*Ambystoma californiense*) – *The California tiger salamander is listed as an endangered species in Sonoma County pursuant to the FESA. ~~The California tiger salamander is also designated as a California species of special concern. This California status~~*

~~affords the California tiger salamander no legally mandated state protection; however, pursuant to CEQA (14 CCR §15380), this species must be considered in any project that will undergo, or is currently undergoing CEQA review, and/or any project that must obtain an environmental permit(s) from a public agency (e.g., the Corps). The California tiger salamander is also protected under Title 14, CCR 41 (1996); under those regulations, California tiger salamander is a protected amphibian that may only be taken or possessed under a special permit issued by CDFG pursuant to sections 650 and 670.7 of these regulations, or Section 2081 of the Fish and Game Code. On February 5, 2009, the Fish and Game Commission accepted for consideration the petition submitted to list CTS as endangered. CTS is now a candidate species as defined by Section 2068 of the Fish and Game Code. The California Endangered Species Act (CESA) prohibits unauthorized take of a candidate species, just as it prohibits such take of threatened and endangered species. All activities, whether new or ongoing, that will cause incidental take of the candidate species is in violation of CESA, unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code Section 2084 or DFG authorizes the take through the issuance of a Permit under Fish and Game Code Section 2081 or by other means authorized by CESA.~~

Also in response to this comment the following mitigation measure has been added to the Draft EIR to ensure that the individual project planning and permit applications are considered in light of up-to-date biological resource information. This change has been reflected as an addition to both Section 4.3, Biological Resources, and Section 2.0, Summary Table (see below), of the Draft EIR.

Mitigation Measure BIO 1c: Project applicants shall provide up-to-date information regarding Special Status Species and Sensitive Habitats that may occur or have the potential to occur within individual project areas. At a minimum, a current list of Special Status Species and Sensitive Habitats may be obtained from the California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) database, as well as CDFG updates to the Santa Rosa Plain Conservation Strategy and should be submitted as part of the use permit application.

Table 2.0-1. Summary of Impacts and Mitigation				
Issue Area	Impact	Level of Significance Prior to Mitigation	Mitigation	Residual Level of Significance
4.3 Biological Resources				
	BIO-1. Implementation of the DSP has the potential to impact the California tiger salamander, a federally listed endangered species	Significant	Mitigation BIO-1a. For the seven parcels (APNs 144- 680-051, 144-190-023, 144-190-030, -021, 144-272-015, 144-274-014, and 144-274-015) identified in the FESA applicability section above that must address the potential presence of the California tiger salamander, the following measures apply: [see detailed assessment methodology in impact section]. Mitigation BIO-1b: For the six parcels where surveys have been completed that demonstrate absence of the California tiger salamander (APNs 144-170-006, -007, -008, 144-170-009, 144-200-002, and 144-200-004), [seek USFWS concurrence]. <u>Mitigation Measure BIO 1c: Project applicants shall provide up-to-date information regarding Special Status Species and Sensitive Habitats that may occur or have the potential to occur within individual project areas. At a minimum, a current list of Special Status Species and Sensitive Habitats may be obtained from the California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) database, as well as CDFG updates to the Santa Rosa Plain Conservation Strategy and should be submitted as part of the use permit application.</u>	LTS

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-4

Mitigation BIO-1a discusses the applicant's mitigation options for CTS. The draft EIR states that if CTS is detected, then the applicants would be required to mitigate impacts as prescribed in the Interim Guidelines as detailed Option B and Option C. Option B states that in lieu of conducting surveys that have negative findings, project applicants may append the proposed project to the Programmatic Biological Opinion published on November 9, 2007; while Option C discusses the Programmatic Biological Opinion Interim Mitigation Ratios. The only option for mitigation for impacts to CTS is Option C, the Interim Mitigation Ratios. As part of the mitigation measures, the draft EIR should also incorporate measures to minimize their potential direct and indirect effects on the CTS. The following activities will require measures to minimize take for CTS:

- 1) An activity that impacts a CTS breeding site: Prior to construction, salamanders will be collected and translocated to an appropriate breeding site as identified by the U.S. Fish and Wildlife Service (USFWS) and DFG.
- 2) An activity that impacts CTS upland habitat: Prior to construction, fencing will be installed to exclude CTS from entering the project site. Fences with ramps may be required to allow any CTS on-site to move into an adjacent habitat off-site. In these instances translocation may occur and would be determined on a case-by-case basis.
- 3) Any activity where wetlands are being established for listed plants, CTS breeding or for wetland mitigation that has an effect on CTS: Prior to construction, fencing will be installed to exclude CTS from entering the site.

Response to Comment A4-4

This comment addresses the need for clarification regarding suitable mitigation for CTS. The Draft EIR has been revised to reflect the requirement to use Option C Interim Mitigation Measures and incorporates additional suggested measures to minimize take.

In response to this comment, paragraphs (b) and (c) of Mitigation Measure BIO-1a on page 4.3-37 and the fifth paragraph on page 4.3-38 of Section 4.3, Biological Resources, of the Draft EIR have been revised as follows:

Paragraphs (b) and (c) under "Mitigation BIO-1a" on page 4.3-37:

~~(b) in lieu of conducting surveys that have negative findings, project applicants may append the proposed project to the Programmatic Biological Opinion published on November 9, 2007 (if the project qualifies, see discussion on the Programmatic in Section 4.3.3 above);~~

~~or;~~

(e)(b) Should it be determined that a site could potentially support CTS, applicants may assume the tiger salamander's presence onsite and mitigate in accordance with the Interim Mitigation as prescribed in the Santa Rosa Plain Conservation Strategy. The Interim Mitigation shall be followed until such time that the implementing agencies have executed a Memorandum of Understanding, formally adopting the Conservation Strategy.

Fifth paragraph on page 4.3-38:

Once the Conservation Strategy is formally adopted, the mitigation ratio for all projects that may affect the California tiger salamander goes to a 2:1 ratio, regardless of a project site's distance from a known breeding site or adult record.

In addition, the following activities will require measures to minimize take for CTS (C.Armor,CDFG):

An activity that impacts a CTS breeding site: Prior to construction, salamanders will be collected and translocated to an appropriate breeding site as identified by the USFWS and CDFG.

An activity that impacts CTS upland habitat: Prior to construction, fencing will be installed to exclude CTS from entering the project site. Fences with ramps may be required to allow any CTS on-site to move into an adjacent habitat off-site. In these instances translocation may occur and would be determined on a case-by-case basis.

Any activity where wetlands are being established for listed plants, CTS breeding or for wetland mitigation that has an effect on CTS: Prior to construction, fencing will be installed to exclude CTS from entering the site.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-5

Mitigation BIO-3 discusses conducting raptor nesting surveys 30 days prior to tree removal and/or breaking ground at the project site and establishing buffers around active raptor nests. Fish and Game Code § 3503.5 states it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds-of-prey or raptors) or take, possess, or destroy the nest or eggs of any such bird. Prior to tree removal and/or breaking ground at the project site, surveys for nesting raptors should be conducted no earlier than 14 days. If nesting raptors are found, project applicants should consult and obtain approval for buffers with DFG prior to tree removal and/or ground-breaking activities.

The draft EIR also states, per the Sonoma County Breeding Bird Atlas, that the burrowing owl no longer breeds in Sonoma County. This statement should be re-evaluated. Per the California Bird Species of Special Concern, there are a few breeding burrowing owls located in Sonoma County. The California Natural Diversity Database also shows several locations of burrowing owls within Sonoma County, including the City of Cotati, with initial sightings occurring from November through March.

Response to Comment A4-5

This comment refers to the appropriate timing of pre-construction nesting bird surveys and appropriate buffers for nesting raptors. In addition, this comment addresses the occurrence of burrowing owls in Sonoma County. The Draft EIR has been revised to reflect the need for the project biologist to conduct pre-construction nesting bird surveys no sooner than 14 days prior to site disturbance. In addition, the biologist is required to consult with CDFG regarding raptor nests (if found) and their appropriate buffers, prior to site disturbance activities. The discussion of the occurrence of burrowing owls in Sonoma County has been modified to reflect California Bird Species of Special Concern and CNDDDB occurrence information.

In response to this comment, the following revisions have been made in Section 4.3, Biological Resources, of the Draft EIR:

Second paragraph under “Western burrowing owl (*Athene cunicularia hypugaea*)” on page 4.3-15:

According to the Sonoma County Breeding Bird Atlas (Burridge 1995), the burrowing owl no longer breeds in Sonoma County. The paucity of California ground squirrel burrows in the flatter areas of the County could be one explanation, since this owl is mostly dependent upon the burrows of other animals for nesting. In 1991, an extensive census of burrowing owls was begun by Dave DeSante of the Institute for Bird Populations and, as a result, the burrowing owl has become one of the most carefully studied birds in the Breeding Bird Atlas. However, per the California Bird Species of Special Concern, there are a few breeding burrowing owls located in Sonoma County. The California Natural Diversity Database also shows several locations of burrowing owls within Sonoma County, including the City of Cotati, with initial sightings occurring from November through March. ~~Although this owl is not known to breed in the County, it would not be implausible to observe~~ Thus, observation of the western burrowing owl in the more open areas of the DSP area may occur in fall months when this owl is dispersing from its breeding habitats. ~~However, Based upon available information, this owl is not resident and likely will not become resident~~ has the potential to occur in the DSP area.

Discussion included under “Impact BIO-3” on page 4.3-39:

The DSP area supports a wide variety of tree species. Many of these trees provide suitable nesting habitat for raptors such as the white-tailed kite, red-tailed hawk, and red shouldered

hawk. California Fish and Game Code §3503, §3503.5, §3800, §3513 prohibit the “take, possession, or destruction of birds, their nests or eggs.” CDFG Code §3503.5 specifically states it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds-of-prey) or take possess, or destroy the nest or eggs of any such bird. Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a “take.” Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act). Any impact to nesting raptors would be regarded as a significant adverse impact.

First and second paragraphs under “Mitigation BIO-3” on page 4.3-39 (continued on page 4.3-40):

Mitigation BIO-3: *A nesting survey shall be conducted prior to commencing with earth-moving, construction work, or tree removal if this work would commence between March 15th and August 31st. The raptor nesting surveys shall include examination of all trees within 500 feet of the subject property, not just trees slated for removal. This would ensure that raptors nesting outside the project site would not be disturbed by noise and vibrations. Nesting surveys shall be conducted in the spring the year of construction of the project and again ~~30~~ no earlier than 14 days prior to tree removal and/or breaking ground at the project site. The optimal time to survey for nesting raptors is between April 15th and May 15th.*

If nesting raptors are identified during the surveys, a qualified biologist will consult with and obtain approval for buffers with CDFG prior to tree removal and/or ground-breaking activities. A 300-foot non-disturbance radius around the nest tree must be staked with orange construction fencing.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-6

Mitigation Measure BIO-4 discusses preventing take of burrowing owls through conducting surveys in the winter and spring and again 30 days prior to construction. DFG does not favor passive eviction during the breeding season. Initial pre-construction surveys should be conducted outside of the owl breeding season (September 1 - January 31) but as close as possible to the date that ground-disturbing activities will begin. Initial pre-construction surveys should be conducted no more than 30 days prior to ground-disturbing activities. The time lapse between surveys and site disturbance should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area.

The draft EIR proposes mitigation of impacts to burrowing owls by setting aside 6.5 acres of replacement habitat per pair of breeding owls or unpaired resident owl. While buffer zones of 6.5 acres are commonly placed around burrows to ensure that any owls occupying the burrow are not disturbed, this is not recommended as a ratio for mitigation of habitat loss. Projects that impact breeding and/or non-breeding habitat may negatively affect burrowing owl population persistence, increase energetic costs, lower reproductive success, increase vulnerability to predation, and decrease the chance of procuring a mate. Projects impacting owls and owl habitat should mitigate all significant impacts to nesting, foraging, wintering, and dispersal habitat to a level below significance. Projects impacting burrowing owls or owl habitat should provide compensation that is roughly proportional to the impacts of the project. Occupied sites should be compensated at a ratio of 1:1 suitable habitat.

Response to Comment A4-6

This comment concerns appropriate timing of surveys for the western burrowing owl and clarification on mitigation requirements for disturbance to their habitat. The Draft EIR has been revised to reflect CDFG recommendations for appropriate timing of pre-construction surveys for burrowing owls. Discussion of appropriate mitigation for disturbance of burrowing owl habitat has also been revised to reflect CDFG recommendations.

In response to this comment, the first and second paragraphs under “Mitigation BIO-4” on page 4.3-40 of Section 4.3, Biological Resources, of the Draft EIR has been revised as follows:

Mitigation BIO-4: *To prevent take of burrowing owls on a project site, surveys shall be conducted in the winter and spring the year prior to construction of the project, ~~and again 30 days prior to construction of the project.~~ The purpose for conducting the surveys the year prior to the commencement of construction is to provide the land owner/applicant time to address any mitigation requirements that would be necessary to offset a proposed project’s impact on this species. Initial pre-construction surveys shall be conducted outside of the owl breeding season (September 1 - January 31) but as close as possible to the date that ground-disturbing activities will begin. Initial pre-construction surveys shall be conducted no more than 30 days prior to ground-disturbing activities. The time lapse between surveys and site disturbance should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area. Burrowing owl surveys shall be conducted according to the methodologies prescribed by CDFG in their 1995 Staff Report on Burrowing Owl Mitigation and the Burrowing Owl Consortium in their 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines.*

CDFG requires that projects impacting owls and owl habitat should mitigate all significant impacts to nesting, foraging, wintering, and dispersal habitat to a level below significance. Projects impacting burrowing owls or owl habitat should provide compensation that is roughly proportional to the impacts of the project. Occupied sites should be compensated at a ratio of 1:1

~~suitable habitat. To mitigate impacts to burrowing owls, CDFG requires 6.5 acres of replacement habitat be set aside (i.e., protected in perpetuity) per pair of burrowing owls, or unpaired resident bird. Such a set aside~~ Procurement and protection of suitable habitat would offset permanent impacts to burrowing owl habitat. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to CDFG. Land identified to offset impacts to burrowing owls must be protected in perpetuity either by a conservation easement or via fee title acquisition. A Mitigation Plan and Mitigation Agreement must be prepared and submitted to CDFG for their approval. The City of Cotati must receive copies of the Mitigation Plan and Mitigation Agreement by and between the applicant and CDFG prior to issuing a grading permit for the proposed project.

This change has also been reflected in Section 2.0, Summary Table, of the Draft EIR on page 2.0-7.

Table 2.0-1. Summary of Impacts and Mitigation				
Issue Area	Impact	Level of Significance Prior to Mitigation	Mitigation	Residual Level of Significance
4.3 Biological Resources				
	BIO-4: Implementation of the Downtown Specific Plan has the potential to impact western burrowing owl	Significant	<u>Mitigation BIO-4: To prevent take of burrowing owls on a project site, surveys shall be conducted in the winter and spring the year prior to construction of the project, and again 30 days prior to construction of the project.</u>	LTS

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-7

Mitigation BIO-6 states that DFG's typical setback requirement is 25 feet from the top of bank or the outside edge of the riparian vegetation. DFG's jurisdiction for impacts to streams includes the bed, bank and channel, and associated riparian vegetation. The distance from the top of bank would be dependent on the area of riparian vegetation. DFG does not necessarily consider a 25-foot setback to be adequate.

Response to Comment A4-7

This comment refers to an incorrect statement of CDFG's jurisdiction and subsequent setback requirements from riparian vegetation. The EIR has been revised to reflect the need for coordination with CDFG regarding appropriate set-backs dependent on individual site conditions.

In response to this comment, the first and second paragraphs under “Mitigation BIO-6” on page 4.3-42 of Section 4.3, Biological Resources, of the Draft EIR have been revised as follows:

Mitigation BIO-6: *Buildings and associated structures shall be setback from the top of a creek bank a minimum distance of 2.5 times the height of the bank or 30 feet, whichever is greater (“creek setback zone”). This mitigation measure is consistent with the City of Cotati’s watercourse ordinance, ~~and is also consistent with CDFG’s typical setback requirement of 25 feet from the top of bank or the outside edge of riparian vegetation. CDFG’s jurisdiction for impacts to streams includes the bed, bank and channel, and associated riparian vegetation. The required set-back from the top of bank is dependent on the area of riparian vegetation. In order to determine the appropriate set-back for a site containing a creek and associated riparian vegetation, consultation with CDFG is required. In addition, RWQCB recommends maximizing development buffers along Cotati Creek and Laguna de Santa Rosa. Coordination with the City of Cotati as well as regulatory agencies to determine appropriate buffers would be required for all projects within creek/stream corridors.~~*

The one exception to this requirement is if the building is proposed within a previously channelized reach of the creek, or in a previously urbanized area, then it can be a smaller setback distance. This smaller setback distance would be determined as agreed upon by City of Cotati staff and CDFG. While the City can make exceptions to the standard setback requirement, ~~consultation with CDFG would be required to determine set-back requirements. typically does not grant exceptions to their standard 25-foot setback requirement.~~ Hence, if the standard required creek setback distance cannot be achieved, i.e., if buildings or other infrastructure encroach five feet or more into the creek setback zone, then these proposed activities must be approved by CDFG through issuance of a Streambed Alteration Agreement (Section 1602 Agreement) or CDFG’s written concurrence that no Streambed Alteration Agreement is required for the proposed activities. The applicant would also need approval from the City to encroach within this setback.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-8

Mitigation BIO-7 states if stream channels are impacted by a project, as part of mitigation, it shall be necessary to restore/enhance existing stream channels that would be impacted by the project. Proposed stream restoration/enhancement mitigation includes the installation of native rock barriers that have vertical drops on the downstream edge (pool/steps). Streams located within the City of Cotati typically are low gradient (<2% slope). Bedforms of low gradient streams are typically riffle/pool. Streams with a gradient >2% typically have a step/pool morphology. Restoration/enhancement of low gradient streams

with a >36-inch vertical drop native rock barrier are likely to be inappropriate to the site and may prohibit the movement of resident fish. Fish and Game Code § 5901 states that it is unlawful to construct or maintain in any stream, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and downstream. Project applicants should consult the California Salmonid Stream Habitat Restoration Manual and DFG for guidance. Any work within a stream channel would require notification to DFG for a Lake or Streambed Alteration Agreement.

Response to Comment A4-8

This comment is in regard to development activities in the DSP that would impact existing stream channels and the mitigations proposed under Mitigation BIO-7. Specifically, the commenter indicates that the proposed mitigation is not applicable to the majority of the streams within the DSP that exhibit a low gradient (<2%). The Draft EIR has been revised to reflect CDFG concerns regarding activities in low gradient streams and potential impediment to fish passage.

In response to this comment, the first paragraph in addition to the second and third bullets on page 4.3-44 of Section 4.3, Biological Resources, under the heading “Mitigation BIO-7”, of the Draft EIR have been revised as follows:

If stream channels (Corps jurisdictional “other waters”) would be impacted by a project, as part of the mitigation it shall be necessary to restore/enhance existing stream channels that would not be impacted by the project. Any work within a stream channel, including restoration/enhancement activities requires consultation shall be arranged with Corps, RWQCB, and CDFG personnel at the time permits and authorizations/agreements are applied for with these agencies. Fish and Game Code § 5901 states that it is unlawful to construct or maintain in any stream, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and downstream. Project applicants should consult the California Salmonid Stream Habitat Restoration Manual and DFG for guidance. Stream restoration/enhancement mitigation shall be implemented specific to stream conditions and may ~~shall~~ include where appropriate:

- *Replacement tree and shrub planting as specified at Mitigation BIO-2.*
- *In streams with a gradient >2 %: creation of stream pool environments through installation of native rock barriers (check dams) that have vertical drops on the downstream edge that are, if possible, a minimum of 36 inches high. At the base of vertical drops, native rock armoring shall be installed to protect the rock barriers and to create an environment that can be scoured of silt deposits without damaging the rock barriers. After installation of check dams, pool environments would initially form upstream of the rock barriers. Over time, these pools would silt in. However, providing that large rock has been installed (greater than 24” in diameter), the vertical drop on the downstream side of the rock barrier should result in pools that do not silt in. Hydrologic scouring would maintain the integrity of*

these pools over the long term. The vertical drop below native rock barriers must be greater than 36 inches in order for water scouring to create pool environments.

- ~~*The vertical drop below native rock barriers must be greater than 36 inches in order for water scouring to create pool environments.*~~

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-9

If you have any questions, please contact Ms. Stephanie Buss, Environmental Scientist, at (707) 944-5502; or Mr. Richard Fitzgerald, Coastal Habitat Conservation Supervisor, at (707) 944-5568.

Response to Comment A4-9

This comment provides contact information for individuals available to answer questions regarding CDFG coordination and permitting as well as comments outlined in the CDFG correspondence regarding the DSP EIR. No response required.

RESPONSE TO COMMENT LETTER A5

Department of Transportation, Lisa Carboni

Comment A5-1

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Downtown Cotati Specific Plan. The following comments are based on the Draft Environmental Impact Report (DEIR). As lead agency, the City of Cotati is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the permit involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Response to Comment A5-1

This comment confirms that the California Department of Transportation (Caltrans) has reviewed the Draft EIR and introduces ensuing comments. This comment refers to Caltrans approval process. The Project, once approved, shall comply with all applicable local, state and federal regulations, which would include those of the Caltrans if required. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. No response is required.

Comment A5-2***Department's Project***

Please note, the Department's widening of US101 from 4 lanes to 6 lanes to accommodate High Occupancy Vehicle lanes will begin in late 2009 and is scheduled for completion in the Fall of 2011. Any other projects within the Vicinity should be reviewed by the Department.

Response to Comment A5-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A5-3***Design***

Please provide detail drawings of geometries and roadway feature improvements in State ROW.

Response to Comment A5-3

This comment requests detailed drawing of geometries and road way features in the State Right-of-Way, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. There are no proposed improvements to State highways within the Downtown Specific Plan. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A5-4***Traffic Operations***

Please provide a copy of the Traffic Impact Study (TIS) for our review. The TIS needs to include the US101 northbound off ramp and southbound on ramp at West Sierra Avenue in the project study area in addition to the 12 studied intersections shown in the DEIR.

Response to Comment A5-4

The commenter requests a copy of the Traffic Impact Study prepared for the proposed Project. The traffic analysis data was provided in the Technical Appendices of the Draft EIR under Section 4.12, DSP Traffic Synchro. Furthermore the commenter suggests two additional intersections should be included as part of the traffic impact analysis associated with the proposed Project. Land uses in the Specific Plan study area are consistent with the City's current General Plan and would generate similar peak hour traffic demands under the Specific Plan as have already been included in long-range planning analyses, such as those prepared for the widening of U.S. Highway 101. The potential traffic impacts of the build-out of the Cotati General Plan were evaluated at the U.S. Highway 101 ramps at West Sierra Avenue by the State as part of the analysis of planned freeway improvements and are expected to be correspondingly similar under the Downtown Specific Plan.

Comment A5-5***Encroachment Permit***

Any work or traffic control within the State Right-of-Way (ROW) requires all encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit II completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Response to Comment A5-5

This comment describes the encroachment permit process required by CalTrans, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment A5-3.

Comment A5-6

Should you have any questions regarding this letter, please call Alice Jackson of my staff at (510) 286-5988.

Response to Comment A5-6

This comment provides contact information for individuals available to answer questions regarding Caltrans staff comments outlined in this correspondence regarding the DSP EIR. No response is required.

RESPONSE TO COMMENT LETTER A6**California Regional Water Quality Control Board, Cathleen Goodwin*****Comment A6-1***

Thank you for the opportunity to comment on the scope and content of the DEIR for the City of Cotati Downtown Specific Plan (DSP). We appreciate the chance to respond and express concerns early in the environmental review process relating to our statutory responsibility. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA) having jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters. The DEIR identifies potentially significant environmental impacts of City development within the area designated and affected by the DSP. The document identifies key policies intended to guide development practices and to mitigate for their potential impacts on the environment.

We have reviewed the DEIR prepared for the DSP and offer the following comments and recommendations in our role as a trustee and responsible agency under CEQA:

Response to Comment A6-1

This comment confirms that the California Regional Water Quality Control Board has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment A6-2**Surface Waters**

The DEIR notes the presence of the Laguna de Santa Rosa and Cotati Creek within the DSP area. As per the map of Zoning Land Use Designations (3.0-6) provided, Cotati Creek bisects an area of the DSP zoned as Downtown Commercial (CU) and the Laguna de Santa Rosa borders an area zoned CU and Neighborhood Urban (NU), clearly allowing an increase in urban development directly adjacent to the

creeks. This will increase construction activities in the area, which have the potential to discharge sediment and other waste to receiving waters. Increases in development throughout the DSP will generate increased storm water runoff containing various types of pollutants. This leads to hydromodification, habitat degradation and increased discharge of pollutants to receiving waters.

The Laguna de Santa Rosa, as well as the entire Russian River watershed, is listed on the Regional Water Board's 303(d) list as impaired due to low dissolved oxygen, excess nutrients and sediment and elevated temperature. Construction activities associated with urban development have the potential to discharge sediment and other waste to receiving waters, unless these construction activities are properly mitigated.

Riparian buffer zones serve critical functions for aquatic species, wildlife and humans. Regional Water Board staff requests maximizing riparian setbacks for roadways, structures, and developed park areas. Specifically, the requirement of a 30 foot setback from the top of bank or 2.5 times the height of the bank or greater is not sufficient to protect riparian habitats, especially given the provisions for even smaller setbacks if the creek in question has been previously channelized as Cotati Creek has. Setbacks provide benefits for flood control, water quality enhancement, erosion protection, wildlife habitat and passage, aquatic habitat, aesthetics, and public recreation. Healthy riparian zones are valuable for mitigating impacts from urbanization and may help to avoid future regulatory measures. Adequate riparian setbacks are essential in helping to maintain water quality. We strongly recommend maximizing the development buffers along Cotati Creek and Laguna de Santa Rosa. A minimum setback of 100 feet is generally necessary to protect beneficial uses.

Response to Comment A6-2

This comment addresses concerns regarding increased stormwater runoff from project development in the DSP as well as retention of riparian vegetation zones and recommendations regarding setbacks from creeks and associated riparian vegetation. These issues have been incorporated into revisions to the Draft EIR and are addressed in Response to Comment A4-7 above. In addition, the commenter is referred to Response to Comment A6-3 and A6-8, both pertaining to stormwater.

Comment A6-3

Another area of concern is erosion caused by ground disturbance on construction sites that have not been properly protected from winter rains. Accelerated erosion causes sediment to discharge into streams and results in high turbidity levels and water quality degradation that is harmful to human and aquatic life. Provisions exist in the DSP for use of construction Best Management Practices (BMPs) during site construction; however, the DSP should also include post-construction BMPs as well as a program for monitoring the effectiveness of those BMPs. Erosion and sedimentation control standards should apply to all projects that involve grading, excavation, vegetation removal, diversions, pumps, gravity flow systems, and roads (including small private domestic uses or projects).

Response to Comment A6-3

This comment expresses a concern regarding erosion, specifically associated with construction-related ground disturbing activities. While the comment notes Best Management Practices (BMPs) will be implemented during site construction, the commenter requests post-construction BMPs be included, as well as a program to monitor the effectiveness of the BMPs. As noted on page 4.7-5 of Section 4.7, Hydrology and Water Quality, of the Draft EIR, the Sonoma County Water Agency's (SWCA) Sonoma County Stormwater Management Plan (SWMP) requires post-construction BMPs to be implemented for both private and public development and significant redevelopment projects. Additionally, the Downtown Specific Plan (DSP) would be subject to Section 14.36 (Erosion Control Ordinance) of the City of Cotati Municipal Code, which regulates construction-related activities on public and private property in order to control erosion and sedimentation. The commenter is referred to Mitigation HYD-1 on page 4.7-16 of the Draft EIR, which states that:

"All projects proposed under the DSP shall be required to comply with City and state regulations regarding site runoff and water quality protection, including NPDES requirements and implementation of BMPs. These permits require development and implementation of a stormwater pollution prevention plan (SWPPP) during construction and use of permanent BMPs to address post-construction runoff."

As such, construction and post-construction BMPs have been incorporated into the proposed Project and no further response is required. The commenter is referred to Section 4.0, Mitigation Monitoring Program, of the Final EIR.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A6-4

The Regional Water Quality Control Board appreciates the attention given to rehabilitate the City's creeks by replacing and increasing riparian vegetation and monitoring mitigation trees and shrubs near surface waters. Water flowing in shaded creek is cooler and can make a significant difference in terms of the health and diversity of aquatic life. Rehabilitation and continual surveillance of the City's waterways will enhance beneficial uses and increase the aesthetic value of these streams to the community.

Response to Comment A6-4

This comment commends the City on its creek enhancement and rehabilitation efforts. No response is required.

Comment A6-5

The Final EIR should include specific protection measures for sensitive areas (including wetlands) and especially those habitats that support special status species. The Regional Water Board suggests utilizing a GIS database for mapping these areas for the public and agencies. We are aware of an existing database that could be used for this purpose and would be happy to work with City staff in this effort. We strongly recommend the Final EIR include specific policies and implementation measures aimed at enhancing surface water features rather than just mitigating the adverse impacts. This should include specific restoration and public outreach programs to enhance the natural water systems within the sphere of influence.

Response to Comment A6-5

The comment suggests the need for specific protection measures for sensitive areas within the DSP area. The commenter recommends the inclusion of specific restoration and public outreach programs. As noted in Section 4.3, Biological Resources, of the Draft EIR, sensitive areas within the DSP area are afforded protection through the City of Cotati Wetland Protection and Avoidance provisions, regulatory agency coordination and permitting, conservation measures referenced in the Santa Rosa Plain Conservation Strategy, National Pollutant Discharge Elimination System (NPDES) requirements and implementation of Stormwater Pollution Prevention Plan (SWPPP)/Best Management Practice (BMP) measures incorporated into site development plans. Areas potentially supporting waters/wetlands are discussed and mapped in the Draft EIR; see Figure 4.3-6, Potential U.S. Army Corps of Engineers Jurisdictional Areas, Specific Plan Area, Cotati, California, on page 4.3-31 and Impact BIO-7 and Mitigation BIO-7 included on pages 4.3-43 through 4.3-45 of Section 4.3, Biological Resources, of the Draft EIR. In addition the DSP proposes a Wetland Interpretive Center designed as a restoration and public outreach program providing educational and volunteer opportunities. Since the City provides policies specific to wetlands and water resources in the DSP as well as a public outreach program, no further programs or mitigation measures are required in response to the comment.

Comment A6-6**Impacts to Wetlands and Waters of the State**

The definition of waters of the State should be acknowledged in the DEIR, particularly in the Biological Resources Section. Regarding the mapping and delineation of wetlands, the DEIR states "since the RWQCB does not have a formal method for technically defining what constitutes waters of the state, this agency typically remains consistent with the Corps' determination" (4.3-43). Waters of the State include all waters of the United States and any waters deemed non-jurisdictional by the United States Army Corps of Engineers (USACOE). The RWQCB'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' means any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code

§13050 (e)." This definition is broader than that of "waters of the United States" and consequently should always be considered when determining impacts upon water resources.

Additionally 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 after careful and adequate evaluation, 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. For example, seasonal wetland impacts must be mitigated by seasonal wetland mitigation; linear watercourse impacts must be mitigated by linear watercourse mitigation. Our staff may require a greater than 1:1 mitigation ratio as a condition of approval for this project.

For unavoidable impacts to waters of the State, water quality certification under section 401 of the Clean Water Act and/or Waste Discharge Requirements (Dredge/Fill) from the Regional Water Board will be necessary. USACOE Clean Water Act Section 404 permits and Department of Fish and Game stream alteration agreements may also be necessary.

Response to Comment A6-6

This comment addresses a correction to the statement "since the RWQCB does not have a formal method for technically defining what constitutes waters of the state, this agency typically remains consistent with the Corps' determination", included on page 4.3-43 of Section 4.3, Biological Resources, of the Draft EIR. The comment provides the RWQCB definition of "waters of the State" and reiterates the RWQCB's jurisdiction per Section 401 of the Clean Water Act. In addition, the comment provides guidance regarding avoidance and minimization of impacts and subsequent mitigation requirements. The Draft EIR has been revised to reflect the RWQCB definition of "waters of the State". Avoidance, minimization and permitting requirements are already discussed in this section.

In response to this comment, the first paragraph under "Mitigation BIO-7" on page 4.3-43 of Section 4.3, Biological Resources, of the Draft EIR has been revised as follows:

Mitigation BIO-7: *Impacts to waters of the United States and/or State shall be avoided to the greatest extent feasible. If impacts cannot be avoided completely, impacts shall be reduced to less-than-significant levels through various means including partial avoidance/ minimization of impacts, and mitigation compensation. Those parcels identified in Figure 4.3-6 as supporting potential Corps jurisdictional area shall complete a wetland delineation. The wetland delineation shall be conducted according to the 1987 Corps Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) and the Arid West Interim Regional Supplement to the 1987*

Wetland Delineation Manual (U.S. Army Corps of Engineers 2006). Once the map is confirmed by the Corps, the full extent of waters of the U.S. on a particular property would be known and the extent of impacts to regulated areas could be ascertained. ~~Since the RWQCB does not have a formal method for technically defining what constitutes waters of the state, this agency typically remains consistent with the Corps' determination.~~ Waters of the State include all waters of the United States and any waters deemed non-jurisdictional by the United States Army Corps of Engineers (Corps). The RWQCB'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' means any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should be considered when determining impacts upon water resources. No Corps or RWQCB jurisdictional wetland or other waters shall be impacted by a project without first obtaining a permit from the respective agency for the proposed impacts.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions expand upon the definition of what constitutes "Waters of the United States" and do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A6-7

The DEIR should note that each individual project with identified impacts to waters of the State will require necessary permitting from the RWQCB and will need to identify mitigation measures that will be implemented. While measures for restoring or enhancing streams are well detailed in the DEIR, an analysis of possible impacts resulting from or related to the restoration activities themselves is also necessary. In addition, the RWQCB should be added to the list of responsible agencies who would receive annual monitoring reports on re-created wetland habits (p. 172).

All of the information discussed in the paragraphs above must be included in the DEIR as a resource and requirement for future development.

Response to Comment A6-7

This comment addresses a concern that the Draft EIR needs to clearly indicate that each individual project with proposed impacts to waters of the State requires permitting from RWQCB. The commenter requests that RWQCB be added to the list of responsible agencies to receive annual wetland monitoring reports. The Draft EIR has been revised to include RWQCB on the list of responsible agencies to receive annual monitoring reports for created or enhanced mitigation wetlands. A thorough discussion of permitting requirements for project proponents and subsequent mitigation requirements is included under subsection "4.3.4 Regulatory Setting," on pages 4.3-19 through 4.3-36 of Section 4.3, Biological Resources, of the Draft EIR.

In response to this comment, the fourth paragraph under “Mitigation BIO-6” on page 4.3-42 of Section 4.3 of the Draft EIR has been revised as follows:

Any installed mitigation trees and shrubs shall be monitored annually by a qualified restoration ecologist or biologist for a period of five years. This will prevent large-scale unanticipated losses of establishing trees and shrubs. Monitoring will be initiated one year after plants are planted, and will continue each fall until the end of the five-year monitoring program. During each annual monitoring visit the number of planted trees and shrubs will be tallied to determine if there have been any tree losses within the last year. Health and vigor of the plants will also be noted. Annual monitoring reports shall be submitted to the City by December 31 of each year, and if a Streambed Alteration Agreement was issued by CDFG, the reports shall also be submitted to this agency as well as the RWQCB. It is expected that five years after planting, the trees and shrubs will be well-established, self-sustaining, and that survivorship will be high. However, if at the end of the five-year monitoring period mortality of the planted trees and shrubs is greater than 20 percent, they shall be replanted. Monitoring of replacement trees and shrubs shall then continue annually for an additional five years until all trees and shrubs are healthy and self-sustaining. The applicant is responsible for supplemental planting and all monitoring costs.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A6-8

Storm Water

According to the DEIR, the DSP area will experience a net gain of 9.01 acres of impervious surfaces. The quality of storm water runoff is correlated to the extent of impervious surfaces within a watershed. We encourage disconnection of impervious areas from storm drain systems and routing to vegetated areas. We strongly support infiltrating treated storm water runoff into the ground as a means of treating it and recharging ground water supplies. This helps to buffer low summer/fall flows which in turn help to reduce water scarcity and creek temperatures.

Under Cumulative Impacts (4.3.7), the DEIR should note the potential cumulative impacts of development on storm water runoff. Specifically, the increase in impervious surfaces, as well as the occurrence of construction on multiple projects (potentially simultaneously) should be considered a potential cumulative impact. The DEIR should address these potential cumulative impacts upon storm water and include appropriate mitigation measures. We recommend the use of Low Impact Development (LID) techniques as a mitigation measure to help reduce the adverse water quality and quantity impacts from new developments. The DEIR should include a discussion of the need for incorporation of LID

techniques. Please see the attached list of Storm Water and Low Impact Development (LID) resources that we have included for your benefit in proceeding with the Downtown Specific Plan.

Low Impact Development

The Regional Water Board has been directed by the State Water Board, in a resolution adopted on May 6, 2008, to incorporate LID in regulatory actions (http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2008/rs2008_0030.pdf). The design and construction of new development projects using LID can protect natural flow regimes and reduce the impacts of hydromodification and thus help prevent adverse impacts to stream and wetland systems.

Recent studies have confirmed that increased impervious surfaces within a watershed will lead to alteration of the natural hydrology expressed as higher winter flows (peak flows) and lower summer/fall flows (base flows). Alteration of the natural flow regime (hydromodification) can result in increased stream temperatures associated with base flows; alteration of the channel morphology (e.g. widening or incising of stream channel) associated with increased peak flows, adverse impacts to native riparian vegetation and reduction in ground water recharge capabilities. The design and construction of new development projects using LID can protect natural flow regimes and reduce the impacts of hydromodification and thus help prevent adverse impacts to stream and wetland systems.

All newly installed impervious surfaces (runway, roads, roofs, sidewalk, etc.) must incorporate post-construction storm water BMPs to remove any contaminants and to attenuate peak flows, before discharge to waters of the State. We strongly encourage the use of LID techniques to address potential storm water impacts as close to the source as possible. Dry detention basins (particularly those with limited detention times) are not effective for pollutant removal. We suggest that the City develop a mandatory program to implement LID for new developments and retrofit projects. Permeable pavements can have significant benefits as long as subdrains are not needed. By minimizing urban runoff, LID techniques promote healthy aquatic systems and can reduce flood and drainage control costs over time.

Response to Comment A6-8

This comment is in regards to stormwater. The comment requests the cumulative impacts discussion, included under subheading “4.7.7 Cumulative Impacts” on page 4.7-17 of Section, Hydrology and Water Quality, of the Draft EIR, include a discussion of potential cumulative stormwater impacts, and recommends the use of Low Impact Development (LID) techniques as a mitigation measure to help reduce any adverse water quality and quantity impacts from new developments. Additionally, general information on LID is provided.

Potential project impacts, as well as cumulative impacts, relating to hydrology and water quality are analyzed on pages 4.7-15 through 4.7-17 of the Draft EIR. Development of the Downtown Specific Plan (DSP) would result in a net gain of approximately 9.01 acres of impervious land, which equates to

approximately 15 percent of the total land area in the DSP planning area and less than one percent of the City's total. The DSP's impacts related to hydrology and water quality are less than significant and would not contribute to a significant cumulative impact for the reasons described in the Draft EIR. Regarding stormwater runoff, construction of project under the DSP in conjunction with other projects in the City would contribute to an increase in stormwater runoff. This would somewhat decrease the recharge capacity of the DSP planning area; however, as noted on page 4.7-17 of the Draft EIR, the DSP includes specific policies and guidelines to address stormwater runoff and water quality, including the use of porous pavement, bioswales and other methods to retain and infiltrate runoff water. Additionally, state law and city regulations require stormwater management measures for construction and operation, and these regulations are specifically designed to address these potential impacts.

Comment A6-9**Wastewater**

All of Cotati's wastewater is treated at the Laguna Wastewater Treatment Facility, which is owned and operated by the City of Santa Rosa. The City of Santa Rosa's Subregional Wastewater Treatment Facility (WWTF) operates in accordance with the National Pollutant Discharge Elimination System (NPDES) permit requirements administered by our agency. The permit was issued in 2006 and is valid through November 2011. The permit sets limitations on the treated effluent quality and quantity discharged into the Laguna de Santa Rosa, thence to the Russian River.

The Laguna Wastewater Treatment Facility has an average dry weather flow capacity of 21.34 million gallons per day (mgd).

According the Table 3.0-5 of the DEIR, the estimated total potential development of the DSP would generate an additional 101,328 gallons per day (gpd) of wastewater for a total of 151,693 gpd at buildout. The City of Cotati must coordinate with the City of Santa Rosa for future wastewater connections; however, it appears that the Laguna Wastewater Treatment Facility has adequate capacity to handle these additional flows.

Response to Comment A6-9

This comment contains general information on the Laguna Wastewater Treatment Facility, which currently treats the City of Cotati's wastewater, and the City of Rosa's Subregional Wastewater Treatment Facility (WWTF). Also, the commenter notes the Laguna Wastewater Treatment Facility has an average dry weather flow capacity of 21.34 million gallons per day (mgd).

Additionally, the comment references Table 3.0-5, DSP Development Potential, on page 3.0-26 of Section 3.0, Project Description, of the Draft EIR, which shows build-out of the Downtown Specific Plan (DSP) could result in up to 450 residential dwelling units, 419,050 square feet of commercial and retail space,

and 4.61 acres of open space. As noted on page 4.13-1 of Section 4.13, Utilities and Service Systems, of the Draft EIR, the total estimated effluent from existing development in the planning area is 50,365 gpd. The commenter notes that this would result in an increase of 101,328 gallons per day (gpd) of wastewater, for a total of 151,693 gpd at build-out; however, Table 4.13-2, Total New Wastewater Generation at Buildout of the proposed Downtown Specific Plan, shows that the anticipated net new wastewater generation anticipated at DSP buildout is 101,924 gpd and total wastewater generation, including existing wastewater generation in the planning area, is anticipated at 112,150 gpd. As noted on page 4.13-5 of the Draft EIR, the additional amount of wastewater needing treatment would amount to an increase of 0.6 percent over existing volumes. Though the Laguna Wastewater Treatment Facility has a capacity of 21.34 mgd, the City of Cotati is allocated 0.76 mgd of wastewater treatment to incrementally meet treatment capacity needs under General Plan build-out. In 2006, the treated flow, based on average dry weather conditions, amounted to 0.42 mgd. With the addition of 0.1 mgd, based on net new wastewater generation anticipated at DSP build-out, the total amount of wastewater treatment would equal 0.52 mgd, which would leave a remaining wastewater treatment capacity of 0.24 mgd. However, year 2020 flows are projected to be 0.92 mgd, and the City of Cotati will need to apply for an incremental increase to its flow allocation with its Subregional partners; see page 4.13-2 of the Draft EIR.

The commenter notes that the City of Cotati must coordinate with the City of Santa Rosa for future wastewater connections. The City of Santa Rosa under a Subregional Agreement with the cities of Rohnert Park, Sebastopol, Cotati, and the South Park County Sanitation District for treatment of wastewater at the Laguna Treatment Plant. Since the City of Santa Rosa is the municipality providing wastewater treatment for the City of Cotati, the City must coordinate with the City of Santa Rosa and its Subregional partners to ensure its current wastewater treatment allocation is not exceeded.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the proposed project.

Comment A6-10

Hazardous Waste Sites

Table 4.6-1, "LUST Sites Identified within Cotati Downtown Specific Plan Area," needs to include LUST site T10000000689, GSR Corporation Property, located at 7991 Old Redwood Highway. GSR Corporation Property is an open site.

Development on active cleanup sites can proceed concurrently with cleanup activities, as long as development activities do not hinder investigation and remedial activities. Proposed development needs to be compatible with ultimate cleanup actions. Coordination with all involved federal, state and local agencies and the developer is essential throughout the development process. Mitigation measures should include requirements to contact and coordinate with all appropriate agencies prior to development on or near active cleanup sites.

Development of active and closed cleanup sites could result in encountering contaminated soil and/or groundwater. This includes trenching and installation of utility lines at or near these sites. Mitigation measures should include requirements for a soil and/or groundwater management plan to address the potential for encountering contamination during development and/or trenching activities on or near active and closed cleanup sites. At a minimum, the plan should include methods for handling, storing, sampling, transporting, and proper disposal of contaminated materials. In addition, backfill of utility lines near these sites should address the potential for contaminant migration in the utility backfill material and methods for use of grout plugs or impermeable slurry backfill. The plan should be reviewed by all appropriate agencies prior to construction activities.

Response to Comment A6-10

The first part of this comment is in reference to Table 4.6-1, LUST Sites Identified Within Cotati Downtown Specific Plan Area, on page 4.6-1 of Section 4.6, Hazards and Hazardous Materials, which identifies four Leaking Underground Storage Tank (LUST) sites within the Downtown Specific Plan (DSP) area. However, the comment identifies another site within the DSP area to be included within the table. Pursuant to the State Water Resources Control Board, the above-listed site is an open LUST site⁵ and is located within the DSP area, at the northeast corner of Old Redwood Highway and George Street.

Additionally, this comment provides general information on development on active cleanup sites, noting that development can proceed concurrently with cleanup activities, as long as development activities do not hinder investigation and remedial activities, and that development of active and closed cleanup sites could result in encountering contaminated soil and/or groundwater. The comment recommends mitigation measures including the specific requirements the commenter has listed, such as coordination with all appropriate agencies prior to development on or near active cleanup sites and requirements for a soil and/or groundwater management plan to address the potential for encountering contamination during development and/or trenching activities on or near active and closed cleanup sites. However, the recommended mitigation measures are regulations by which the Project is required to comply with, and are therefore not included as mitigation.

In response to this comment, the second paragraph under “Hazardous Materials” and Table 4.6-1 have been revised as follows on page 4.6-1 of the Draft EIR as follows:

A review of environmental databases related to the DSP area identified several sites with known or suspected contamination resulting from previous uses. The identified sites include ~~five~~^{four} Leaking Underground Storage Tank (LUST) sites, shown in Table 4.6- 1. LUSTs are commonly

⁵ County of Sonoma Health Services, Environmental Health Division, Local Oversight Program, Leaking Underground Storage Tanks, GeoTracker (SWRCB Statewide Leaking UST Site Information), website: http://www.sonoma-county.org/health/eh/lop_home.htm, April 20, 2009.

associated with gasoline stations and can pose a contamination risk to soil and groundwater in the vicinity of the station.

Table 4.6-1: LUST Sites Identified Within Cotati Downtown Specific Plan Area			
Site Name	Address	Case	Status
Shell Service Station	7675 Old Redwood Highway	LUST	Groundwater affected; remedial action underway.
Beacon Service Station	7716 Old Redwood Highway	LUST	Groundwater affected; remedial action underway.
Ultramar Service Station	7898 Old Redwood Highway	LUST	Groundwater affected; post-remediation monitoring underway.
<u>GSR Corporation Property</u>	<u>7991 Old Redwood Highway</u>	<u>LUST</u>	<u>Groundwater affected; assessment and interim remedial action underway.</u>
Unocal Service Station	8600 Old Redwood Highway	LUST	Groundwater affected; post-remediation monitoring underway.
LUST—Leaking Underground Storage Tank Site under regulatory oversight. Source: Padre Associates, Inc. memorandum (see Appendix 4.6) and Environmental Data Resources, Inc., EDR Radius Map Report, December 19, 2006. Located on electronic file with the City of Cotati.			

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A6-11

Potential Project Permits

The following summarizes project permits that may be required by our agency depending upon potential impacts to water quality.

Water Quality Certification (401 Certification): Permit issued for activities resulting in dredge or fill within waters of the United States (including wetlands). 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 water quality certification. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks of ACOE at (415) 503-6771. If wetlands or other waters of the State are present, please contact Mark Neely at (707) 576-2689. Alterations or work within or adjacent to streambeds or lakes may also require a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). Removal of riparian vegetation also requires this permit. We recommend that all project applicants contact CDFG for additional information on these requirements.

Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs: Under authority of the California 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 impact waters of the State (including any grading activities within stream courses or wetlands) require permitting by the Regional Water Board. The Regional Water Board may also require permits for discharges of post-construction storm water runoff and on-site septic systems accepting 1,500 gallons or more per day. An application may be printed from the State Water Resource Control Board website at: www.swrcb.ca.gov/sbforms/.

General Construction Activity Storm Water Permit: Land disturbances on proposed projects of one acre or more require a general construction storm water permit. If the land disturbance will be in excess of one acre, 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 minimize pollutant discharges from the construction site. The permit also requires inspections of construction sites before and after storm events, and every 24 hours during extended storm events. The purpose of the inspections is to identify maintenance requirements for the BMPs and to determine the effectiveness of the implemented BMPs. Owners may call our office to receive a permit package or download it off the Internet at www.waterboards.ca.gov.

Response to Comment A6-11

This comment summarizes three permits that may be required by the California Regional Water Quality Control Board, depending upon the proposed project's potential impacts to water quality, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Development under the DSP would comply with these permitting and regulatory requirements as applicable. As such, no further response is required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A6-12

If you have any questions or comments, please contact me at (707) 576-2687 or by email at cgoodwin@waterboards.ca.gov

Response to Comment A6-12

This comment provides contact information for individuals available to answer questions regarding California Regional Water Quality Control Board staff comments outlined in this correspondence regarding the DSP EIR. No response is required.

RESPONSE TO COMMENT LETTER B1

John M. Rock

Comment B1-1

- The Historic Core of the specific plans southern border runs along Page Street for approximately 400 ft. There is no data addressing the traffic at the intersection of Old Redwood Highway and Page Street.

Response to Comment B1-1

The Downtown Specific Plan is not expected to result in any changes to traffic volumes on local streets above levels that would be otherwise be expected with build-out of the currently adopted General Plan. Local streets, such as Page Street, are expected to have similar traffic patterns with the development of the Downtown Specific Plan consistent with the currently adopted General Plan. Higher delays and lower levels of service are commonly experienced on local streets where they intersect primary arterials, like Old Redwood Highway. Under General Plan Policy this is considered acceptable in order to maintain flow along the arterial and this condition exists at dozens of locations along every arterial street. Operation at minor street approaches is generally not evaluated in detail unless the street currently or may in the future carry a sufficient volume to warrant a change in controls, such as signalization. Given the low volume of traffic on Page Street, changes to the controls are not expected to be warranted even at build-out of the Cotati General Plan. Furthermore, the potential for cut through traffic may lessen as improved traffic flows on primary streets will make primary streets more attractive to motorists. As noted in Section 4.12, Transportation and Circulation, of the Draft EIR, on page 4.12-19, implementation of Mitigation Measure TRAN-1b would reduce impacts from cut-through traffic to a less-than-significant level. Furthermore, Mitigation Measure TRAN-3, on page 4.12-20, requires the implementation of traffic calming features to further reduce impacts resulting from cut-through traffic.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B1-2

- Getting onto Old Redwood Highway from Page Street at this point in time is a very difficult task at peak traffic times.

Response to Comment B1-2

The comment expresses an opinion about getting onto Old Redwood Highway from Page Street, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures

contained in the Draft EIR. The Downtown Specific Plan is not expected to result in any changes to traffic volumes on Page Street above levels that would be otherwise be expected with build-out of the currently adopted General Plan. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-1.

Comment B1-3

- Crossing of Old Redwood Highway @ Page Street is getting to be unsafe at this time. Needs an improved crosswalk if DSP is implemented.

Response to Comment B1-3

The comment expresses an opinion about the safety of the pedestrian crossing at the Old Redwood Highway/Page Street intersection. The crosswalk at the Old Redwood Highway/Page Street intersection is equipped with a curb extension on the east side and a paddle warning sign at the centerline, so has already been enhanced from a standard crosswalk. Crosswalks protected by stop signs are also available less than 500 feet away at Henry Street. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-1.

Comment B1-4

- Missing data on traffic changes for Page Street.

Response to Comment B1-4

The comment expresses an opinion about data provided in the Draft EIR regarding an analysis of Page Street, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-1.

Comment B1-5

- There is not any data addressing the missing infrastructure on Page Street (required street improvements along project) Not included in Plans, i.e. sidewalks, curbs, gutters, sewers, and storm drains.

Response to Comment B1-5

The comment expresses an opinion about data provided in the Draft EIR regarding an analysis of Page Street, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR only analyzed street infrastructure for the major streets (e.g., Old Redwood Highway, East Cotati Avenue, West Sierra Avenue, Commerce Avenue, and La Plaza) and proposed new streets which are impacted by the DSP. Street infrastructure improvements to the historic name streets (i.e., Olaf, William, George, Arthur, Charles, and Henry Streets), including Page Street, currently lacking appropriate infrastructure would be addressed in the future General Plan update process. The current lack of appropriate infrastructure is an existing condition that it is not caused by the DSP. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-1 and -3.

Comment B1-6

- Missing data for noise impacts for residents that live on Page Street. For added traffic that is projected (assumed) to happen if DSP is implemented.

Response to Comment B1-6

The comment expresses an opinion about data provided in the Draft EIR regarding an analysis of Page Street, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Noise impacts associated with the Project are discussed in detail in Section 4.9, Noise, of the Draft EIR. Noise impacts from traffic focused on the streets included in the traffic analysis. See Response to Comment B1-1 and -3.

Comment B1-7

- Cut through traffic will have an impact on residents with the traffic changes being proposed in the Historic Core of the DSP

Response to Comment B1-7

The comment speculates that cut through traffic will impact residents as a result of the proposed Project, yet offers no substantial evidence to support their finding.

The Downtown Specific Plan is not expected to result in any changes to traffic volumes on local streets above levels that would be otherwise be expected with build-out of the currently adopted General Plan. The potential for cut through traffic may lessen as improved traffic flows on primary streets will make

primary streets more attractive to motorists. As noted in Section 4.12, Transportation and Circulation, of the Draft EIR, on page 4.12-19, implementation of Mitigation Measure TRAN-1b would reduce impacts from cut-through traffic to a less-than-significant level. Furthermore, Mitigation Measure TRAN-3, on page 4.12-20, requires the implementation of traffic calming features to further reduce impacts resulting from cut-through traffic. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B1-8

- The City of Cotati has on file a traffic study conducted for Page Street that was performed because of issues with cut through traffic and speeding. This DSP will only add to those already existing conditions.

Response to Comment B1-8

The comment provides information about a previously prepared traffic study and expresses an opinion regarding the proposed Project additions to the existing conditions; however, does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B1-1 and -7.

Comment B1-9

- With the increased traffic flows expected along Page Street, I have a concern with the intersection of Page St and Delano St @ Delano Park. The intersection at Delano Park needs designated crosswalk or traffic restrictions for children riding bicycles coming out onto Page Street. If it is following what the DSP is going to implement, walkable and bicycle friendly streets should be added to DEIR, as it will be affected by the DSP.

Response to Comment B1-9

The comment expresses an opinion regarding the Page Street/Delano Park intersection with regards to pedestrian and bicycle movement, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-7.

RESPONSE TO COMMENT LETTER B2

Stephan Gold

Comment B2-1

1. I'm pleased that the DSP process is moving forward.

Response to Comment B2-1

The commenter expresses his opinion about the Downtown Specific Plan (DSP) progress. No response is required.

Comment B2-2

2. Please add cumulative impacts on hydrology due to reduced water permeability (pavement and roofs) leading to faster run-off and potentially increased flooding downstream or expanded flood zones downstream – places like Guerneville.

Response to Comment B2-2

Cumulative hydrology and water quality impacts are analyzed on page 4.7-17 of Section 4.7, Hydrology and Water Quality, of the Draft EIR, under subsection “4.7.7 Cumulative Impacts.” This comment requests the cumulative impacts discussion include an analysis of potential impacts relating to reduced water permeability, including faster runoff and increased flooding. As noted on page 4.7-17 of the Draft EIR, development of the Downtown Specific Plan (DSP) would not be anticipated to result in a cumulatively considerable impact relating to hydrology and water quality. While construction of projects under the DSP would increase stormwater runoff, the DSP includes policies and guidelines to address stormwater runoff and water quality, in addition to stormwater infrastructure improvements to address capacity issues. Additionally, state law and City regulations require stormwater management measures for construction and operation, and are specifically designed to address potential impacts.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Responses to Comments A6-3 and -8.

Comment B2-3

3. Please analyze traffic/transportation impacts on the 101/Gravenstein inter change.

Response to Comment B2-3

The commenter requests the traffic/transportation impacts for the U.S. Highway 101/Gravenstein Highway interchange be analyzed in the Draft EIR. The commenter is directed to Section 4.12, Transportation and Traffic, of the Draft EIR for a complete analysis of this interchange presented in Table 4.12-2 “Vehicle Delay and LOS” on page 4.12-6. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

RESPONSE TO COMMENT LETTER B3

Kate Symonds

Comment B3-1

I have concerns about the effect of the build-out on run-off, flooding, and water quality on the Laguna. The plan should incorporate as many design features, building materials (e.g. permeable pavement), and other features to reduce flooding, reduce rapid runoff, and help increase groundwater recharge.

Response to Comment B3-1

This comment expresses concerns regarding the potential effects of build-out of the Downtown Specific Plan (DSP) on run-off, flooding, and water quality of the Laguna de Santa Rosa (Laguna). Additionally, the comment recommends the inclusion of design features and building materials in order to reduce flooding, rapid runoff, and increase groundwater recharge.

The issues of drainage, flooding, and water quality are analyzed on pages 4.7-1 through 4.7-3 of Section 4.7, Hydrology and Water Quality, of the Draft EIR. Potential project impacts, as well as cumulative impacts, relating to hydrology and water quality are analyzed on pages 4.7-15 through 4.7-17. Under the DSP, no changes are proposed that would alter the course of Cotati Creek or the Laguna, and would not contribute to substantial erosion or increased flooding potential related to drainage changes. Regarding groundwater, development of the DSP would result in a net gain of approximately 9.01 acres of impervious land, which equates to approximately 15 percent of the total land area in the DSP planning area and less than one percent of the City’s total. This would somewhat decrease the recharge capacity of the DSP planning area; however, as noted on page 4.7-17 of the Draft EIR, the DSP includes specific policies and guidelines to address stormwater runoff and water quality, including the use of porous pavement, bioswales and other methods to retain and infiltrate runoff water. See Responses to Comments A6-3 and -8.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

RESPONSE TO COMMENT LETTER B4

Linell Hardy

Comment B4-1

Overall the DEIR seems to rely on the EIR for the General Plan which was adopted in 1998 making it more that 10 years old does that create a problem in the conclusions drawn in this document?

Response to Comment B4-1

The comment expresses an opinion regarding the reliance of the environmental analysis of this Draft EIR on the *City of Cotati 1998 General Plan EIR*. While some of the environmental conclusions of the Draft EIR do find consistency with the environmental analysis presented in the *City of Cotati 1998 General Plan EIR*, the Downtown Specific Plan Draft EIR does not rely solely on this consistency for its environmental impact conclusions. As noted throughout the Draft EIR and as shown in the Technical Appendices, the environmental impact conclusions found in the Draft EIR also rely on current technical studies. See Technical Appendices of the Draft EIR.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-2

Pg. 3.0-15 last para. Why are the numbers for the personnel different from those on pg.4.11-1 para 2?

Response to Comment B4-2

This comment addresses a concern that the number of volunteer personnel employed by the Rancho Adobe Fire Protection District is presented inconsistently on page 3.0-15 of Section 3.0, Project Description, and on page 4.11-1 of Section 4.11, Public Services and Recreation, of the Draft EIR. This comment has been previously addressed and corrected in Response to Comment A2-5.

Comment B4-3

Pg. 4.2-4 last para. What is C02e or is this a typo?

Response to Comment B4-3

This comment is in reference to the acronym CO₂e as described on page 4.2-4 of Section 4.2, Air Quality, of the Draft EIR. CO₂e is an abbreviation for carbon dioxide equivalent. The carbon dioxide equivalent is a good way to assess emissions because it gives weight to the global warming potential of the gas.

Comment B4-4

Pg. 4.2-21 para. 2 K-12...BAAQMD t... typo

Response Comment B4-4

In response to this comment, the last bullet point under “Current Climate Protection Program Activities” on page 4.2-21 of Section 4.2, Air Quality, of the Draft EIR has been revised as follows:

- *K-12 Curriculum Development – BAAQMD ~~is~~ working to develop a K-12 climate protection curriculum.*

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B4-5

Pg. 4.2-33 para. 2 Is the DCP actually DSP?

Response to Comment B4-5

In response to this comment, the second paragraph under “4.2.7 Cumulative Impact” on page 4.2-33 of Section 4.2, Air Quality, of the Draft EIR has been revised as follows:

Impact AQ-3: Implementation of the ~~DCP~~DSP may result in a cumulatively considerable contribution to the significant cumulative impact on global climate change (threshold f) if the DSP would conflict with or obstruct implementation of greenhouse gas reduction measures under Assembly Bill 32.

Furthermore, in response to this comment and for further clarification and formatting consistency, Mitigation Measure AQ-3 in Table 2.0-1, Summary of Impacts and Mitigation, on page 2.0-5 and 2.0-6 of Section 2.0, Summary Table, of the Draft EIR has been revised as follows:

Table 2.0-1. Summary of Impacts and Mitigation				
Issue Area	Impact	Level of Significance Prior to Mitigation	Mitigation	Residual Level of Significance
4.2 Air Quality				
<i>Cumulative Impacts</i>	<i>Impact AQ-3: Implementation of the DCPDSP may result in a cumulatively considerable contribution to the significant cumulative impact on global climate change (threshold f) if the DSP would conflict with or obstruct implementation of greenhouse gas reduction measures under Assembly Bill 32.</i>	<u>Significant</u>	<u>Implementation of Mitigation Measures AQ-1 and AQ-2 would ensure that cumulative impacts to air quality would be less than significant.</u>	<i>LTS</i>

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B4-6

Pg. 4.3-14 para. 5 How does the falling apart of the Conservation Strategy Plan affect the protocol surveys and tiered mitigation mentioned here?

Response to Comment B4-6

This comment has been previously addressed. Please refer to Response to Comments A4-3 and A4-4 regarding the listing of the California tiger salamander (CTS) as a candidate species and required mitigation.

Comment B4-7

Pg. 4.3-23 para. 5 How does the falling apart of the Conservation Strategy Plan affect the mitigation ratio mentioned here?

Response to Comment B4-7

This comment has been previously addressed. Please refer to Response to Comments A4-3 and A4-4 regarding the listing of CTS as a candidate species and required mitigation.

Comment B4-8

Pg. 4.3-34 para. 1 An should be A and what is a SBAA?

Response to Comment B4-8

In response to this comment, the first paragraph on page 4.3-34 of Section 4.3, Biological Resources, of the Draft EIR has been revised as follows:

Applicability to DSP Area. Cotati Creek and Laguna de Santa Rosa run through the DSP area. Any proposed modifications to these creeks, their bed, bank, or channel, or their riparian vegetation, would require prior authorization from CDFG. ~~An~~ A SBAA would need to be issued by CDFG prior to allowing work in the creek.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

As discussed on page 4.3-33 of Section 4.3, Biological Resources, of the Draft EIR, SBAA is an acronym for Streambed Alteration Agreement.

Comment B4-9

Pg. 4.3-35 last para. last line are should be area

Response to Comment B4-9

In response to this comment, the last paragraph on page 4.3-35 of Section 4.3, Biological Resources, of the Draft EIR has been revised as follows:

The DSP proposes a Wetland Interpretive Center. The Wetland Interpretive Center would be a living resource that provides a broad range of opportunities to learn about and participate in preserving wetland habitats. Additionally, under the DSP the portion of Cotati Creek within the planning ~~are~~area will continue to be maintained.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B4-10

Pg. 4.3-36 para. 2 Under Storm Water Management there is A. Conservation Development and E. Storm Water Management Actions What happened to B, C, and D?

Response to Comment B4-10

This comment is in reference to the Draft DSP policies included under subheading “Stormwater Management” on page 4.3-36 of Section 4.3, Biological Resources, of the Draft EIR. As noted on page 4.3.-35 of the Draft EIR, this section addresses the Draft DSP policies related to biological resources only. Under the DSP’s Stormwater Management policies, only A. and E. a) pertain to biological resources.

Comment B4-11

Pg. 4.4-5 Figure 4.4-1 Some other potential historic structures might be Hines Sign on Old Red, Bookstore next to Greg Le Doux on W. Sierra, Church on W. Cotati Ave, House at corner of La Plaza and E. Sierra

Response to Comment B4-11

The commenter speculates that the Church of the Oaks located on W. Sierra outside the DSP area, and Hines Sign on the corner of Old Redwood Highway and Henry Street, New & Used Books and the house at the corner of La Plaza and E. Sierra within the DSP area may be potential historic structures. The commenter expresses a concern that these structures have not been recognized as being potential historic structures. However, the commenter provides no evidence to support a determination that any of these structures are significant historic resources under CEQA and there is no evidence in the record to support such a determination.

As noted on page 4.4-12 of Section 4.4, Cultural Resources, of the Draft EIR, that, although unlikely, it is possible that the DSP would allow demolition or extensive alteration of structures eligible for the California or National Register of Historic Places, or places otherwise considered important under CEQA criteria. Not all structures within the DSP have been evaluated for historical significance, so it would be premature to assume that recordation alone (see Mitigation Measure CULT-1d) would adequately mitigate the loss of such structures. Until the buildings within the DSP have been evaluated for historical significance, and the particular values of those buildings are known, it must be concluded that demolition could potentially cause significant and unavoidable impacts to historic resources as a result of the DSP.

Comment B4-12

Pg. 4.4-7 Table 4.4-1 What happened to A,B,C,E,F,H,I,J,K,L,M from 4.4-5 Figure 4.4-1?

Response to Comment B4-12

The comment asks a question regarding the information provided in Table 4.4-1, Properties in the DSP Area Previously Documented for Historical Significance, on page 4.4-7, and information shown on Figure 4.4-1, Potential Historic Structures, on page 4.4-5 of Section 4.4, Cultural Resources, of the Draft EIR,

but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.

Figure 4.4-1 illustrates 13 parcels within the DSP area that were previously identified in the 1991 La Plaza Specific Plan and associated EIR, as possibly containing historic buildings. As noted on page 4.4-4 of the Draft EIR, none of these buildings would be affected by the development proposed under the DSP. Table 4.4-1 identifies those properties within the DSP area that have been previously documented for historical significance for the State of California. Combined information from Figure 4.4-1 and Table 4.4-1 represents the known historic buildings within the DSP area.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-13

Pg. 4.4-10 para. 1 Please identify the document that contains the reference 1:9 and 1:10 in previous parts of this section it was stated the list were not exhaustive but now it is- how is that?

Response to Comment B4-13

This comment expresses a question regarding the text from page 4.4-10 of Section 4.4, Cultural Resources of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The reference to “1:9 and 1:10” on page 4.4-10 of the Draft EIR is referring to two pages in the Downtown Cotati Specific Plan Public Review Draft dated October 15, 2007.

The identification of nine sites and buildings (i.e., A - I) on page 4.4-9 of the Draft EIR as meaningful and potentially worthy of adaptive reuse is not intended to be an exhaustive list. The commenter misinterprets the text on page 4.4-10, which describes these nine sites as “Cotati’s overall collection of such important resources” as meaning the only inventory, rather than the only identified inventory to date, which is a more accurate description of the nine sites and buildings, and is consistent with the text on page 4.4-12 of the Draft EIR, which discloses that not all structures within the DSP have been evaluated for historical significance. See Response to Comment B4-11.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-14

Pg. 4.5-8 Objective 7.1 designed should be designed

Response to Comment B4-14

In response to this comment, the fourth paragraph under the subheading “Cotati General Plan” on page 4.5-8 of Section 4.5, Geological Resources, of the Draft EIR has been revised as follows:

Objective 7.1 Ensure that essential facilities are located and ~~designed~~designed so that they will remain operable in the event of an emergency or natural disaster.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B4-15

Pg. 4.10-2 para. 1 last line insert "that" after projects

Response to Comment B4-15

In response to this comment, the first paragraph under the heading “City of Cotati Growth Management Policy” on page 4.10-2 of Section 4.10, Population and Housing, of the Draft EIR has been revised as follows:

The Growth Management Policy allocates 75 residential units to be constructed each calendar year. An additional 25 units may be allocated exclusively for housing affordable by low and moderate income households. The City Council may exempt projects that are part of a specific plan.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B4-16

Pg. 4.10-5 para. 1 last line Is the less population growth here just in the DSP area?

Response to Comment B4-16

This comment expresses a question regarding the last sentence of the first paragraph included under subheading “4.10.7 Cumulative Impacts” on page 4.10-5 (continued from page 4.10-4) of Section 4.10, Population and Housing, of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.

Sections 15126 and 15130 of the State *CEQA Guidelines* provide that EIRs consider the significant environmental effects of a proposed project as well as “cumulative impacts.” Cumulative impacts refer to two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts (State *CEQA Guidelines* Section 15355). Cumulative impacts may be analyzed by considering a list of past, present, and probable future projects producing related or cumulative impacts (State *CEQA Guidelines* Section 15130(b)(1)(A)). Accordingly, the text on page 4.10-5 of the Draft EIR is referring to the project’s contribution to the overall population growth in the City. The conclusion of less than significant cumulative population growth as a result of the project is based on the fact that the population growth resulting from the proposed project is less than what was proposed in the General Plan for this area.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-17

Pg. 4.12-1 Gravenstein Highway is identified as a four-lane but is actually a two lane after Redwood Dr.

Response to Comment B4-17

This comment expresses a statement regarding the description of Gravenstein Highway provided under heading “4.12.1 Issues” under subheading “Setting” Impacts” on page 4.12-1 of Section 4.12, Transportation and Circulation, of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Gravenstein Highway is a four-lane roadway within the boundary of the Downtown Specific Plan study area, and narrows to two lanes to the west of Redwood Drive outside of the study area. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-18

Pg. 4.12-13 Bottom of page c. What is an air traffic pattern?

Response to Comment B4-18

This comment expresses a question regarding text on page 4.12-13 of Section 4.12, Transportation and Circulation, of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Specifically, the commenter is asking what an air traffic pattern refers with regards to CEQA Guidelines Threshold (c), included on page 4.12-13 of the Draft EIR, which states:

“Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.”

An air traffic pattern refers to the flight patterns of airplanes flying overhead. Due to the nature and scope of the project, implementation of the project would not have the potential to result in a change in air traffic patterns at any airport in the area.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-19

Pg. 4.14-6 para. 1 second sentence "The estimated unite..." should be unit

Response to Comment B4-19

In response to this comment, the first paragraph on page 4.14-6 of Section 4.14, Water Supply, of the Draft EIR has been revised as follows:

Historical pumpage estimates in the SRP Subbasin were made by DWR for 1987 study, by Todd Engineers (Todd, 2004) for the Sonoma County Canon Manor West EIR, and by Winzler & Kelly (W&K, 2007) for the Rohnert Park Urban Water Management Plan. The estimated ~~unite~~unit pumpage was 0.31 to 0.36 AF/acre based on the DWR (1987) study that used an 81,000-acre study area similar to the boundaries of the SRP Subbasin. The Todd (2004) and Winzler & Kelly (2007) reports used similar study areas of 25,000 to 25,500 acres based on the upper Laguna watershed boundaries. These study areas encompassed the southern portion of the SRP Subbasin, including the cities of Cotati and Rohnert Park. Estimated average annual pumpage for the Todd study was about 8,500 AF or 0.33 AF/acre during 1986-2001. The estimated average annual pumpage for the W&K study area during 1990-1997 was about 8,700 AF or 0.35 AF/acre. These unit pumpage values are very similar to the unit pumpage estimated for the City's UGB. These pumping rates appear to be sustainable based on review of historical groundwater levels in the SRP Subbasin as substantiated in the WSA contained in Appendix 4.14.

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B4-20

Pg. 6.0-12 Table 6.0-2 the totals at the bottom are incorrect in 4 of the 5 columns

Response to Comment B4-20

In response to this comment, Table 6.0-2, Comparison of Impacts of Alternatives to Proposed Project by Impact Category, on page 6.0-12 of Section 6.0, Alternatives, of the Draft EIR has been revised to clarify the intent of the row titled “Overall Comparison to Downtown Specific Plan” to provide the reader with the total number of greater than impacts, less than impacts and equal to impacts as each alternative is compared to the proposed project as follows:

Table 6.0-2. Comparison of Impacts of Alternatives to Proposed Project by Impact Category					
	No Project / No Build	No Project/ General Plan Buildout	Reduced Development	Land Use Alternative Residential (a)	Land Use Alternative Commercial (b)
<i>Aesthetics</i>	>	>	<	=	=
<i>Air Quality</i>	<	>	>	<	>
<i>Biological Resources</i>	<	=	=	=	=
<i>Cultural Resources</i>	<	=	=	=	=
<i>Geological Resources</i>	<	=	=	=	=
<i>Hazards & Hazardous material</i>	<	=	=	=	=
<i>Hydrology/Water Quality</i>	=	=	=	=	=
<i>Land Use Planning</i>	>	=	>	=	=
<i>Noise</i>	<	>	<	=	=
<i>Population and Housing</i>	<	>	<	=	=
<i>Public Services & Recreation</i>	<	>	<	>	<
<i>Traffic</i>	<	>	<	>	<
<i>Utilities & Service Systems; Water Supply</i>	<	>	<	>	<
<i>Overall Total</i>	<(7)		=/(6)	>(2)	<(2)
<i>Comparison to</i>	<u>>(2)</u>	<u>>(7)</u>	<u>>(2)</u>	<u>>(3)</u>	<u>>(1)</u>
<i>Downtown</i>	<u><(10)</u>	<u><(0)</u>	<u><(6)</u>	<u><(1)</u>	<u><(3)</u>
<i>Specific Plan</i>	<u>=(1)</u>	<u>=(6)</u>	<u>=(5)</u>	<u>=(9)</u>	<u>=(9)</u>
Notes: > means the alternative has greater impacts than the DSP; < means less impacts; and = means the impacts of the alternative are roughly the same. <u>The parenthetical number represents the total number of impacts under the alternative that is either greater than, less, than or equal to the impact of the proposed project.</u>					

These changes have been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B4-21

I would find it very helpful if there was an Acronym Identification page so I would not have to go back in the text to find another reference to figure out what is being referred to.

Response to Comment B4-21

This comment expresses a request to provide an Acronym Identification page to the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. However, the commenter is directed to Section 5.0, Acronyms and Abbreviations, of this Final EIR for a list of acronyms and abbreviations included within the Draft and Final EIRs.

RESPONSE TO COMMENT LETTER B5

Anne Wallace-Rock

Comment B5-1

- La Plaza Reconfiguration -

What is the effect on the Fire Dept's response time for each design considered?

Response to Comment B5-1

This comment questions the effects of La Plaza reconfiguration designs on the fire department's response time.

As discussed on page 3.0-15 of Section 3.0, Project Description, under subheading "Fire Services," of the Draft EIR, the current response time for the entire Cotati community is less than five minutes. Response time to the DSP area is expected to be faster than average given the proximity of the fire station (the east quadrant of La Plaza Park will retain the fire station). As discussed on page 4.11-1 of the Draft EIR, under subheading "Fire Protection," response time to the DSP area is currently approximately three minutes. However, response time can be variable depending on traffic conditions, weather, and other factors.

As discussed on page 4.12-20 of Section 4.12, Transportation and Circulation, under "Impact TRAN-4," of the Draft EIR, the fire station's egress will be relocated (under the DSP) to La Plaza Street directly opposite East Cotati Avenue, requiring fire apparatus to use one-way La Plaza to access other roadways, including Old Redwood Highway and West Sierra Avenue. This could affect response times. However, with implementation of Mitigation TRAN-4, traffic signal pre-emption would clear vehicular queues along La Plaza streets in advance of fire apparatus leaving the fire station. With a traffic signal at La Plaza/Old Redwood Highway (south), it may be prudent to allow emergency vehicles to travel

southbound on the one-block segment of La Plaza between East Cotati Avenue and Old Redwood Highway (south) by pre-empting the signal at La Plaza/Old Redwood Highway (south) or fire apparatus could access Old Redwood Highway (south) by traveling southbound along Charles Street. Implementation of the traffic signal pre-emption would reduce the impact to a less than significant level.

The DSP sets forth design guidelines and standards that apply to all development in the planning area, which require approval from the City at the building permit stage of each project. All new projects must comply with the fire code and City requirements associated with fire protection services, including roadway design features. See Response to Comment A3-2.

Comment B5-2

- Northern Gateway Section-
 1. St. Joseph's property needs to be included in greater detail.
 2. What is the impact of St Joseph's increase in traffic on West Cotati Ave. and the proposed new street?
 3. What is the impact of increased traffic to and from the proposed projects at St. Joseph's property to the surrounding neighborhoods?
 4. What are the impacts to pedestrian safety at the intersections of West Cotati Ave./Olaff St./William St. and El Rancho/West Cotati Ave due to increased traffic from the proposed development at St. Joseph's Church property?

Response to Comment B5-2

The comment expresses concerns related to traffic concerns within the Northern Gateway Section. As described in Section 4.12, Traffic and Circulation of the Draft EIR, under the heading “4.12.4 Methodology” on page 4.12-13, the relative impacts of traffic generated by the proposed project during the AM and PM peak travel periods were evaluated for 12 study intersections for existing, No Project year 2025, and DSP year 2025 conditions. The analysis compares the intersection LOS for each scenario for the weekday AM and PM peak hours. The potential traffic as a result of the Project was analyzed in the Draft EIR. Traffic at peak event times (i.e., Sunday Church Services) are considered temporary and intermittent traffic impacts and therefore, are not analyzed. Local streets in the Northern Gateway Section neighborhood are expected to have similar traffic patterns with the development of the Downtown Specific Plan consistent with the currently adopted Cotati General Plan. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-1.

Comment B5-3

- Wetlands Interpretive Center -
 1. Will it acerbate neighborhood's already existing mosquito problems?

2. What will be the impact of the proposed baseball field on the proposed wetland?
3. What will be the impacts of the proposed wetlands and baseball field on the surrounding existing houses and properties?

Response to Comment B5-3

This comment expresses concerns related to the proposed Wetlands Interpretive Center related to mosquitoes and recreation associated with the center.

The commenter is referred to the description of the proposed Wetlands Interpretive Center which can be found in Chapter 2: Form and Character – Public Facilities, 2.2.020 – Open Space and Landscape Plan, D. Wetlands Interpretive Center, of the Downtown Specific Plan on page 2:33. The goal of the Wetlands Interpretive Center is to use the existing wetland located in existing open space as an education and outreach portal for the community. The concept serves to enhance existing recreational facilities for the benefit of the surrounding neighborhood and would not create a new wetland; therefore, would not exacerbate any existing mosquito problems or create other new impacts as speculated by the commenter. See Response to Comment A3-2 regarding specific Project details.

Comment B5-4

- Wetlands Bike Path -
 1. What are the impacts to the citizens living in the houses abutting this path?
 2. What are the impacts of the noise levels and visual aesthetics of this path to the surrounding properties and residences?

Response to Comment B5-4

The commenter expresses concerns about the proposed Wetlands Bike Path in regards to the impacts on the surrounding residents, noise and aesthetics. It is the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources. The Project, once approved, shall comply with all applicable local, state and federal regulations, which includes all adopted noise and design review policies identified by the City. As discussed on page 3.0-31 of Section 3.0, Project Description, of the Draft EIR, the Wetlands Interpretive Center and Wetlands Bike Path are to follow specific guidelines identified in the DSP Landscape Plan. The commenter is referred to Chapter 2: Form and Character – Public Facilities, 2.2.020 – Open Space and Landscape Plan, Page 2:27 of the Downtown Specific Plan. As noted on page 3.0-31 of the Draft EIR, the Wetlands Interpretive Center and Wetlands Bike Path are one of seven open space areas identified in the DSP Landscape Plan and would meet the objectives set forth on page 2:27 of the DSP. See Response to Comment A3-2 regarding specific Project details.

Comment B5-5

- New Village Square -
 1. What effect will this have on La Plaza Park?
 2. Will it be competing with La Plaza Park? If so, how?

Response to Comment B5-5

The commenter expresses concerns about the effect of “New Village Square” on La Plaza Park; however, it is unclear what effects the commenter is referring to. The La Plaza Park is a large scale recreational component of the DSP and intended to serve the entire community of Cotati, while the proposed Village Square is only intended to serve the Northern Gateway District. As discussed on page 3.0-31 of Section 3.0, Project Description, of the Draft EIR, the Village Square is to follow specific guidelines outlined in DSP landscape plan. The commenter is referred to Chapter 2: Form and Character – Public Facilities, 2.2.020 – Open Space and Landscape Plan, A. Village Square, on page 2:31 of the Downtown Specific Plan for a complete discussion of the proposed Village Square.

The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B5-6

- Bike Paths -
 1. Existing small connecting bike and footpaths that have been omitted from the plan (i.e. bike path along the creek next to the Co-housing Project) need to be included in the plan.
 2. New connecting bike and footpaths need to be included and added into plan.
 3. Signage guidelines for bike and footpaths, especially for small connecting bike paths (clearly marking access and location), need to be included in the plan.
 4. Guidelines for small connecting bike and footpaths; how they look, are landscaped, lighted, and what they are composed of; need to be included in the plan.

Response to Comment B5-6

This commenter expresses an opinion about the Project’s proposed bicycle circulation system, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter is referred to Chapter 2: Form and Character – Public Facilities, 2.2.017 – Transit, Pedestrians and Cyclists, Pedestrians and Cyclists, on page 2:26 of the

Downtown Specific Plan for a complete discussion of the proposed pedestrian and cyclist opportunities. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Response to Comment A3-2 regarding specific project details.

Comment B5-7

- Areas included in Specific Plan as "white areas" need to be defined.
 1. Plan should have no white areas. Specifically but not limited to the "white area" on the St. Joseph's Church property and the "white area" on the Co-housing property.

Response to Comment B5-7

This commenter expresses an opinion about the Downtown Specific Plan and "white areas," but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The only white area (i.e., an area of the DSP map with no proposed design) currently identified in the Downtown Specific Plan is the parking lot at the St. Joseph's church property. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B5-8

- Allowable Land Uses and Permit Requirements-
 1. Land Use Type Table includes no listing for Church or other religious building requirements. Are religious buildings exempt from codes?

Response to Comment B5-8

The commenter expresses an opinion regarding land use and permit requirements, and poses a question regarding building code exemptions for religious institutions; however, the commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B5-9

- Storm water Best Management practices (BMP)
 1. How will bio-swales and other infiltration symptoms be implemented?
 2. What are the impacts of this project's stormwater runoff into creeks?

Response to Comment B5-9

This comment is regarding Best Management Practices (BMPs) related to stormwater, and requests clarification on two specific questions.

Regarding the commenter's first question, an outline of the stormwater objectives for the DSP area can be found on pages 4.7-9 through -12 of Section 4.7, Hydrology and Water Quality, of the Draft EIR. The DSP stormwater quality objectives can be found in the Downtown Specific Plan in Chapter 3: Implementation, Section 3.4.014 – Stormwater Management, on pages 3:49 through 3:50. These objectives provide methods of treatment and release of stormwater including Bio and vegetative swales, native landscaping, and porous pavement. In addition, methods of stormwater collection and reuse include rain gardens, cisterns and rain barrels, subsurface detention, and stormwater initiatives. Specific areas of the DSP and recommended stormwater treatments are also outlined in this section. Project applicants will be required to incorporate these methods into site planning and design for projects in the DSP. See Response to Comment A3-2.

Regarding the second question, potential project impacts, as well as cumulative impacts, relating to hydrology and water quality are analyzed on pages 4.7-15 through 4.7-17 of Section 4.7, Hydrology and Water Quality, of the Draft EIR. Under the DSP, no changes are proposed that would alter the course of Cotati Creek or the Laguna de Santa Rosa, and would not contribute to substantial erosion or increased flooding potential related to drainage changes. Regarding groundwater, development of the DSP would result in a net gain of approximately 9.01 acres of impervious land, which equates to approximately 15 percent of the total land area in the DSP planning area and less than one percent of the City's total. This would somewhat decrease the recharge capacity of the DSP planning area; however, as noted on page 4.7-17 of the Draft EIR, the DSP includes specific policies and guidelines to address stormwater runoff and water quality, including the use of porous pavement, bioswales and other methods to retain and infiltrate runoff water. See Responses to Comments A6-8 and B3-1.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B5-10

- Sewer Map –
 1. Is the 6" sewer main proposed sufficient enough to handle all of the waste generated by the Northern Gateway?

Response to Comment B5-10

It is assumed that this comment is in reference to Figure 3.0-10, Sewage Infrastructure, provided on page 3.0-29 of Section 3.0, Project Description, of the Draft EIR, which illustrates existing sewer lines, proposed sewer lines, and the size of the lines within the DSP planning area. As discussed on page 4.13-5

of Section 4.13, Utilities and Service Systems, of the Draft EIR, the increase of population and increase in commercial land uses anticipated under build-out of the DSP would require extension of new collection laterals and an increase in the size of existing sewer mains, pumps, and other infrastructure, as determined by the Sanitary Sewer System Master Plan prepared by Winzler & Kelly in 2002 and City of Cotati engineers. It was determined that new collection laterals will need to be extended as new lots are created and as street infrastructure changes, and that main collection lines will need to accommodate the different flow volume and pattern as the area transitions from lower intensity to higher intensity uses. The 2002 Sanitary Sewer System Master Plan identified several necessary sewer upgrades in the downtown area, which are illustrated in Figure 3.0-10 on page 3.0-29 of the Draft EIR.

A 2007 Winzler & Kelly study of the sewer system in the DSP and adjacent area found that various sewer upgrade projects in the downtown area identified in the 2002 study were no longer needed, provided the Laguna sewer main replacements project is implemented, which would involve replacement of the existing 12- to 18-inch sewer main along the Laguna de Santa Rosa from Commerce Avenue to East Cotati Avenue. The Laguna sewer main replacement project is broken into three phases and consists of replacing the Laguna sewer main with a new sewer main and a sewer pump station. However, this project is currently under engineering and environmental review. The phasing of the replacement project would be coordinated with infrastructure improvements in the DSP so that sewer collection capacity is met and there is orderly and systematic construction in the area.

Sewer system infrastructure improvements proposed under the DSP include: replacements of existing 6-inch sewer pipeline with new 8-inch sewer pipeline along Old Redwood Highway south of La Plaza and along West Sierra Avenue, and, as part of the Laguna sewer main replacement project, the installation of a new sewer pump station and 18- to 24-inch sewer trunk, starting on East Cotati Avenue, then north on Arthur Street, west on George Street, then north again on Old Redwood Highway to the end of the DSP planning area.

Additionally, as noted on page 4.13-6 of the Draft EIR, prior to permit approval for any specific project, the developer will obtain verification of adequate sewer collection and treatment capacity from the City and the Santa Rosa Subregional System, and will pay the appropriate level of development impact fees, if any. Fees, if exacted, will pay for the development's fair share of infrastructure improvements necessary to serve that new development and will ensure that potential shortfalls are addressed prior to or concurrent with new development.

Comment B5-11

- Mass transit element needs to be included-
 1. Where did the existing bus stops go?
 2. The plan has no provision for bus stops. These need to be included.
 3. What will the bus stop shelters look like? Seating, lighting, landscaping, and signage need to be included.

Response to Comment B5-11

This commenter expresses an opinion about the Downtown Specific Plan with regards to mass transit, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

As discussed on page 4.12-12 of Section 4.12, Transportation and Circulation, of the Draft EIR, existing bus stops are located on West Sierra Avenue near Highway 101 and in the southern portion of La Plaza Park near Old Redwood Highway. There are also two existing bus tops on Old Redwood Highway just south of State Highway 116 (e.g., Gravenstein Highway).

Comment B5-12

4. To mitigate the impacts of increased air pollution, a small city bus or tram linking the proposed long term parking structures in the Northern Gateway with the Historic Core, La Plaza Park, Santero Way, The Market Place at Cotati Center (which is supposed to have a small van as part of it's project mitigation), and SSU needs to be included in the assessment.

Response to Comment B5-12

The commenter suggests additional mitigation measures beyond those identified in the Draft EIR to reduce potentially significant impacts to air quality as a result of the proposed project, yet offers no substantial evidence to support their finding. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The Air Quality analysis presented in the Draft EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. Section 4.2, Air Quality, of the Draft EIR found that significant impacts that would occur as a result of the development of the proposed project could be reduced to a less-than-significant level with the implementation of Mitigation Measure AQ-1 and AQ-2. Since the impact can be reduced to less than significant based on mitigation measures in the Draft EIR no additional mitigation measures are required under CEQA. Sonoma County Transit has indicated an interest in implementing a looping bus system through Cotati and Rohnert Park, which would include Sonoma State University (SSU). However, an increase in density within the Downtown Specific Plan area does not create an impact that would require contribution of funding to or implementation of such a system.

Comment B5-13

- Impacts the enlarging of La Plaza Park may possibly have on the surrounding neighborhoods, Olaff, Charles, Henry, William, Page, Arthur, El Rancho, and George Streets –

1. Festivals, public gatherings and their attendees already impact the surrounding neighborhoods negatively by creating, noise, traffic queuing, trash, speeding cut-through traffic, illegal parking, street closures, public intoxication, public urination and defecation, and sleeping in cars parked overnight on city streets. A larger park will create a larger crowd. How will these impacts be resolved?

Response to Comment B5-13

This comment speculates what the project impacts would be to surrounding neighborhoods as a result of increasing La Plaza Park yet offers no substantial evidence to support their finding. Section 15204(c) of CEQA advises reviewers that comments should be accompanied by factual support:

“Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

The commenter requests analysis of potential impacts of scenarios that require significant speculation. CEQA does not require such analysis. *CEQA Guidelines* Section 15145 provides that:

“If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.”

Public events and festivals would be required to comply with all existing regulations within the City of Cotati. It is the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources. Potential noise and traffic impacts as a result of the proposed project have been addressed in Section 4.9, Noise, and Section 4.12, Traffic and Circulation, respectively. The project, once approved, shall comply with all applicable local, state and federal regulations, which includes all adopted policies identified by the City. Furthermore, impacts resulting from illegal activities (i.e., littering, speeding cut-through traffic, illegal parking, public intoxication, public urination and defecation, and sleeping in cars parked overnight on city streets) are outside the scope of CEQA and the Draft EIR. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B5-14

2. Noise volumes emanating from festivals and public gatherings (the noise coming from the actual performers and their performances) and the impacts to surrounding properties.

Response to Comment B5-14

This comment states a concern about potential noise impacts to surrounding properties from the performers at festivals and public gatherings. However, the commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

As discussed on page 4.9-7 of Section 4.9, Noise, of the Draft EIR, entertainment venues are identified as a potentially significant stationary source of exterior noise within the planning area, and when located near sensitive receptors, may be irritating. City noise and land use compatibility standards are listed on pages 4.9-8 and 4.8-10 of the Draft EIR. Furthermore, as discussed on page 4.9-10 of the Draft EIR, the City's Municipal Code, Section 17.30.050, addresses noise standards for all development and land uses. The Municipal Code implements the noise related policies of the General Plan and provides standards for noise mitigation that are intended to protect the community by limiting exposure to the unhealthy effects of noise.

It is the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources (with a few exceptions). The DSP Project, once approved, shall comply with all applicable local, state and federal regulations, which includes all adopted and applicable City policies related to community noise.

Comment B5-15

3. What are the impacts to the neighborhoods caused by cut-through traffic and speeding cut-through traffic created by the proposed reconfiguring of La Plaza Park?

Response to Comment B5-15

This comment questions what the project impacts would be to surrounding neighborhoods as a result of cut-through traffic and illegal driving actions (i.e., speeding traffic). As previously noted, impacts resulting from illegal activities are outside the scope of CEQA and the Draft EIR. However, cut-through traffic has been addressed in Section 4.12, Transportation and Circulation, of the Draft EIR, on page 4.12-19 and page 4.12-20. Traffic volumes on local streets are expected to remain within acceptable limits with the reconfiguration of La Plaza Park.

See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Response to Comment B1-7 and B3-13. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B5-16

- Traffic Impacts –
 1. Impacts of increasing traffic creating the inability to enter and exit Page Street and Henry Street at both the old Redwood Highway and West Sierra intersections due to queuing from the proposed traffic signals.

Response to Comment B5-16

This comment speculates that increasing traffic will create the inability to enter and exit Page Street and Henry Street at both the Old Redwood Highway and West Sierra Avenue intersections as a result of queuing from the proposed traffic signals, yet offers no substantial evidence to support their finding. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Local streets, such as Page Street, are expected to have similar traffic patterns with the development of the Downtown Specific Plan consistent with the currently adopted Cotati General Plan. Accordingly, vehicle queuing along Old Redwood Highway and West Sierra Avenue is not expected to increase above levels that will be encountered with build-out of the currently adopted General Plan. See also Response to Comment B1-1.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B5-17

2. Impacts to pedestrians from speeding cut-through traffic at Page/Old Redwood Highway and Page /West Sierra intersections.

Response to Comment B5-17

This comment questions what the project impacts would be to surrounding neighborhoods as a result of improper and illegal driving actions (i.e., speeding traffic). As previously noted, impacts resulting from illegal activities are outside the scope of CEQA and the Draft EIR. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Responses to Comments B1-1, and -3, B3-13 and B5-16.

Comment B5-18

3. Impacts to pedestrian safety, due to lack of continuous sidewalks, crosswalks, and lack of sufficient street lighting on Page Street from speeding cut-through traffic due to queuing from Old Redwood Highway and West Sierra Ave.

Response to Comment B5-18

This comment speculates reasons why pedestrian safety could be impaired, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Traffic impacts are discussed in Section 4.12, Transportation and Circulation, of the Draft EIR. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. As previously noted, impacts resulting from illegal activities (i.e., speeding traffic) are outside the scope of CEQA and the Draft EIR. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Responses to Comments B1-1, -3 and -5, B3-13 and B5-16.

Comment B5-19

4. Impacts of the future widening of Highway 101 and the proposed changes to the northbound on-ramps need to be included in this plan.

Response to Comment B5-19

This comment requests that Project impacts to the future widening of U.S. Highway 101 and proposed changes to the northbound on-ramp be included. However, the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Traffic impacts were analyzed in Section 4.12, Transportation and Circulation, of the Draft EIR and the results are presented in Table 4.12-2 “Vehicle Delay and LOS” on page 4.12-6. See Response to Comment A5-4.

Comment B5-20

5. Lack of parking and the possible impacts to the neighboring side streets created by the entire specific plan area.

Response to Comment B5-20

This comment speculates parking insufficiencies and possible impacts to neighboring side streets as a result of insufficient parking, yet offers no substantial evidence to support their finding. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Traffic impacts are discussed in Section 4.12, Transportation and Circulation, of the Draft EIR; specifically proposed parking is illustrated on Table 3.0-3: Existing and Proposed Parking, on page 3.0-21 of Section 3.0, Project Description, of the Draft EIR. Furthermore, as identified in Section 4.12, Transportation and Circulation, of the Draft EIR, under subheading 4.12.6

“Impacts and Mitigation Measures, paragraph 4, indicates that build-out of the Downtown Specific Plan will provide sufficient parking to meet demand and will have a less than significant impact.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Response to Comment B3-13.

Comment B5-21

6. Existing illegal parking problem on Old Redwood Highway across from the Co-housing project needs to be addressed. How does and will the increased customer and tenant parking from this project, both residential and commercial, and it's distance from the proposed long term parking impact the surrounding neighborhoods?

Response to Comment B5-21

The comment requests impact analysis as a result of illegal actions, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. As previously noted, impacts resulting from illegal activities (i.e., parking) are outside the scope of CEQA and the Draft EIR. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Responses to Comments B5-20 and B3-13.

Comment B5-22

- The proposed traffic signal at the Charles /Henry Street intersection
 1. Will it increase traffic queuing?
 2. What are impacts of making left and right hand turns, to pedestrian safety, bicycle safety, and traffic queuing,
 3. What are the impacts of air pollution from the proposed signal and what are its impacts to the outdoor dinning in the Historic Downtown?
 4. What are the impacts of noise pollution from the proposed signal and what are its impacts to the outdoor dinning in the Historic Downtown?
 5. What would be the difference in the impacts of a modern roundabout verses a traffic signal at this location?

Response to Comment B5-22

The comment expresses concerns related to proposed traffic signal at the Charles Street/Henry Street Intersection. The intersection of Old Redwood Highway/Henry-Charles Streets was evaluated and the results of this evaluation are summarized in Table 4.12.2, Vehicle Delay and LOS, on page 4.12-6 of the Draft EIR. The table shows that with the proposed signalization of the intersection vehicle delay will be reduced from the conditions encountered with the existing all-way stop control. Correspondingly vehicle movements and queuing together with emissions will also be reduced and will be beneficial to adjacent outdoor users as well as having area wide benefits. The change from all-way stop controls to signalization would be expected to have a beneficial impact on all traffic modes, including bicycle and pedestrian traffic, as the reduction in delay also decreases driver anxiety and incidents resulting from impatient behavior. A roundabout may be considered by the City as another potential alternative to signalization when the improvements are needed.

The commenter is directed to Section 4.2, Air Quality, and Section 4.9, Noise, of the Draft EIR for a complete analysis air quality and noise impacts associated with the proposed Project. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B5-23

Thank you for the opportunity to included these remarks and questions in the DEIR for the Cotati Downtown Specific Plan.

If you have any question I can be reached at 707-792-1730.

Response to Comment B5-23

This comment contains closing language for this comment letter and provides contact information. No response is required.

RESPONSE TO COMMENT LETTER B6

Jenny Blaker

Comment B6-1**Downtown Specific Plan EIR**

At the April 6 meeting I forgot to add my name to the list of people who would like to receive notification of any updates, meetings, etc. in relation to the Downtown Specific Plan (DSP). Please can you add my name to that list now? Thank you!

Here are some brief comments on the Downtown Specific Plan EIR:

Response to Comment B6-1

This comment confirms that the commenter has reviewed the Draft EIR and introduces ensuing comments. The commenter requests to be added to the notification list for updates and meetings regarding the Downtown Specific Plan. The comment is acknowledged for the record and will be forwarded to the decision-making bodies.

Comment B6-2

1. La Fiesta School:

The document contains references to La Fiesta School (e.g. at 4.11.2), which is now closed. What impacts will this have on Cotati, particularly on traffic patterns and child safety?

Since La Fiesta School was closed, Thomas Page School has absorbed many of the students, and I know that transport to and parking at Thomas Page School are now major problems. I personally have witnessed lines of cars at a standstill in both directions out of and into the school at Madrone Avenue at around 3 p.m.

Cotati's Bicycle & Pedestrian Master Plan emphasized the importance of "safe routes to schools" without clearly demonstrating how these would be provided. With more children than before expected to travel from the Downtown Specific Plan area to W. Cotati, it seems more essential than ever to provide safe, clearly sign-posted routes to Thomas Page School, preferably via the tunnel under Hwy 101 from E to W School Street, so that children can be encouraged to safely walk or bicycle to school instead of parents feeling they have to drive their children to school on already congested roads. Many Cotati residents currently do not even know that the bike/pedestrian underpass on School St. exists.

I believe the EIR should contain an analysis of this problem with suggested solutions.

Response to Comment B6-2

The comment requests an environmental impact analysis be conducted due to the recent closure of the La Fiesta School, which is a school that could serve students generated as a result of the Project and not a Project component. However, the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The purpose of the Draft EIR is to analyze the impacts of the proposed Project and pedestrian safety impacts associated with the closure of the La Fiesta School are outside the scope of this Draft EIR. In other words, there is no nexus to the commenters requested analysis and the development of the proposed Project.

CEQA Guidelines Significance Thresholds, as identified on page 4.11-8 of Section 4.11, Public Services and Recreation, of the Draft EIR, state that the Project would have a significant impact related to public services if the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (i.e., public schools).

As noted on page 4.11-9 of the Draft EIR, the proposed Project would result in the addition of students to the schools that serve the DSP area and since all the schools serving the DSP area are under-utilized and are experiencing decreasing enrollment, there would be no significant impact under CEQA. In other words, the Project would not result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. In fact the development of the proposed Project would potentially result in the addition of approximately 386 school-aged students upon build-out. The developers are required to pay applicable school impact fees pursuant to Government Code §65995. By law, payment of school impact fees provides full mitigation for any project impacts to school facilities.

As noted on page 4.12-16 of Section 4.12, Transportation and Circulation, of the Draft EIR, the proposed Project is consistent with the 2008 Cotati Bicycle and Pedestrian Master Plan.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B6-3

2. Parks:

The document clearly states (Section 4.11) that the ratio of parks and open space to residents will not meet the standards outlined in the General Plan, and suggests that in-lieu fees will be paid as mitigation.

In addition to the park acreage proposed in the DSP, the plan also provides for pedestrian-oriented streets, bikeways, and other outdoor features. Development in the DSP will be required to pay park in-lieu fees to mitigate for any shortage of parkland in a proposed development. Through a combination of parks provided under the DSP and required payment of in-lieu fees for new development, the DSP will meet current General Plan requirements for parkland and the impact will be less than significant. However, the City uses in-lieu fees to mitigate for any lack of parkland in a proposed development...The DSP will add population to the area which will increase the use of existing parks resulting in some physical deterioration of parks and increased costs for maintenance. Standard City maintenance has been sufficient to manage the use of parks in Cotati.

With “infill” development of high density in the downtown area, residents will need sufficient accessible parkland and open space for health and quality of life. “Pedestrian-oriented streets” and bikeways in an urban setting do not compensate for lack of green open space and parkland with space for individuals, families, children, friends, and groups to walk, play, relax, picnic, etc. It is not clear from the statement above how the in-lieu fees will be used to add more parkland to the City. I believe the EIR should clearly state how the City proposes to comply with requirements to provide sufficient, healthy, and appropriate and varied open spaces for all its residents.

Response to Comment B6-3

This comment contains an opinion regarding the payment of in-lieu fees, but does not state a specific concern or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. In-lieu fees are required as part of the City’s development approval process. The City’s Municipal Code 17.76.030 (Park land dedications and fees) requires establishment of development fees and provision for their adoption by resolution of the City council.

The City has identified the need to levy impact fees to pay for park and open space facilities. As with the proposed Project, each of the related projects would be responsible for paying the appropriate fees to offset any impacts on park and open space facilities associated with development of the Project, ensuring cumulative needs are met. As discussed in Section 4.11, Public Services and Recreation, of the Draft EIR, each of the related projects, similar to the Project, would be required to implement project specific mitigation measures and to pay required in-lieu fees which support the development of additional parks and open spaces. How the City manages and distributes the in-lieu fees is outside the scope of CEQA and the Draft EIR.

Comment B6-4

3. Bicycling Safety and Connectivity:

Section 4.12.3 states that it is a goal of the DSP to “*Improve the walking and bicycling system through downtown Cotati as well as the interconnections between Cotati and the region.*”

As far as I can tell the EIR does not in any way address the lack of safety and lack of connectivity for bicyclists crossing under Hwy 101 at Hwy 116. Recent experience with a group of cyclists showed that this crossing is by far the area of greatest concern in Cotati for cyclists, particularly those trying to get from west to east Cotati. There are hazards at (a) the on-ramp from Hwy 116 to Hwy 101, (b) under the underpass itself, (c) at the exit ramp from Hwy 101 onto Hwy 116, and (d) at the Hwy 116/Old Redwood Hwy intersection – all within a short distance of just a few hundred feet.

For the sake of bicycle safety and connectivity for bicyclists on both sides of Hwy 101 both within Cotati and between Cotati and the wider region, this concern needs to be addressed as a matter of priority.

The bicycle/pedestrian underpass on E. School St. offers a safe crossing from east to west, but not from west to east, so this does not offer an easy or safe alternative. The safety issues at the School St. tunnel are highlighted in the Bicycle & Pedestrian Master Plan but do not seem to be mentioned in the Downtown Specific Plan EIR.

Lastly, the Laguna de Santa Rosa crossing at Hwy 101, shown as “proposed” in the Bicycle & Pedestrian Master Plan, is not mentioned in the Downtown Specific Plan EIR.

Even though these three crossings do not fall directly within the DSP area itself, they need to be considered if regional interconnections and bicycle safety are to be taken seriously into account. Bicycle safety issues must be addressed in relation to any serious efforts to encourage reduced use of vehicles, with related environmental impacts including carbon dioxide emissions, traffic congestion, etc.

Response to Comment B6-4

This comment expresses a concern about bicycle safety at intersections that are outside the Downtown Specific Plan Area. The commenter misinterprets Goal 3 of the DSP as identified on page 4.12-8 of Section 4.12, Transportation and Circulation, of the Draft EIR, which states “Improve the walking and bicycling system through downtown Cotati as well as the interconnections between Cotati and the region.” It is the intent of the proposed Project that through the planned improvements within the DSP area the overall walking and bicycling system in the City of Cotati would be improved. It is outside the scope of the Project to implement improvements to roadways and intersections outside the DSP area. However, the intersections noted by the commenter will be addressed by the City through implementation of the 2008 Cotati Bicycle and Pedestrian Master Plan.

Comment B6-5

4. Solid Waste:

The EIR states in 4.13.2 that “Solid waste pickup is currently provided by Waste Management Inc” but as this service is now performed by North Bay Corporation/Redwood Empire Disposal I am wondering whether there may also have been other relevant changes in terms of solid waste and recycling services, as a result, which are not mentioned in the document?

Response to Comment B6-5

This comment is in reference to solid waste service for the City of Cotati. While the Draft EIR states that solid waste pickup is provided by Waste Management, Inc. on page 4.13-2 of Section 4.13, Utilities and Service Systems, of the Draft EIR, the comment notes that solid waste service is now provided by North Bay Corporation/Redwood Empire Disposal. Redwood Empire Disposal purchased the Empire Waste

Management solid waste collection contacts in Sonoma and Marin Counties, and began servicing these communities on January 2, 2008.⁶

Regarding the second portion of the comment, solid waste and recycling services for the City remain the same, though there has been a change in service providers. As noted by the North Bay Corporation, in order to assure a smooth transition of service, the collection drivers, routes, and customer service contact information remained the same.⁷

In response to this comment, the second sentence of the first paragraph included under subheading “Solid Waste” on page 4.13-2 (and continued on page 4.13-3) of Section 4.13, Utilities and Service Systems, of the Draft EIR has been revised as follows:

Solid Waste

The City of Cotati is a member of the Sonoma County Waste Management Agency (SCWMA), a joint powers authority for the nine cities and County of Sonoma.⁶ Solid waste pickup is currently provided by Redwood Empire Disposal/North Bay Corporation~~Waste Management Inc.~~ According to the SCWMA,⁷ solid waste generated in the City of Cotati is routed to one of five transfer stations within the County. The County of Sonoma currently owns all the transfer stations in the County and is responsible for contractual agreements for out-of-county disposal. Currently, all solid waste generated by the members of SCWMA is transferred to private landfills outside Sonoma County. The County has contracted adequate capacity for Cotati through 2010 and intends to continue to provide solid waste disposal for the foreseeable future.

This change has been included in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revision does not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B6-6

5. California Tiger Salamander:

Section 4 on Biological Resources mentions the Santa Rosa Plain Conservation Strategy Plan but now that this effort has been abandoned, what protections remain for the CTS and how will these be implemented, mitigated, and monitored over time?

⁶ North Bay Corporation, Redwood Empire Disposal, West Marin Home, “Dear Valued Customer (January 2, 2008)”, website: http://unicycler.com/west_marin.shtml, April 21, 2009.

⁷ Ibid.

Response to Comment B6-6

Please refer to Comments A4-3 and A4-4 regarding impacts on the California tiger salamander (CTS) and required mitigation.

Comment B6-7

Thank you for the opportunity to comment and in anticipation of hearing how these issues will be addressed.

Response to Comment B6-7

This comment contains closing language for this comment letter. No response is required.

RESPONSE TO COMMENT LETTER B7

Neil Hancock

Comment B7-1

Could I offer the following comments

- 1) The DSP doesn't appear to reference the Cotati Bicycle & Pedestrian Plan that the City Adopted last year.

Response to Comment B7-1

The comment states a concern regarding reference to the 2008 Cotati Bicycle and Pedestrian Master Plan. It is unclear if the commenter is referring to the Downtown Specific Plan or the Draft EIR. Nonetheless, as noted on page 4.12-16 of Section 4.12, Transportation and Circulation, of the Draft EIR, the proposed Project is consistent with the 2008 Cotati Bicycle and Pedestrian Master Plan.

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B7-2

- 2) I would think the DSP should analyze the improvements projected in the CBPP to mitigate the negative effects of increased traffic. For instance if the path to the school on the West side is made safe, what effect will this have in E-W motorized vehicle traffic through the DSP area.

Response to Comment B7-2

The commenter states an opinion regarding the analysis of the improvements identified in the 2008 Cotati Bicycle and Pedestrian Master Plan and speculates that increased traffic as a result of the DSP would be negative. Impacts associated with the development of the proposed Project are analyzed in Section 4.12, Traffic and Circulation, of the Draft EIR and were all determined to be less than significant with implementation of required mitigation measures. Improvements to bicycle and pedestrian mobility will be addressed by the City through implementation of the 2008 Cotati Bicycle and Pedestrian Master Plan. As previously noted, page 4.12-16 of the Draft EIR identifies that the proposed Project is consistent with the 2008 Cotati Bicycle and Pedestrian Master Plan.

Comment B7-3

3) Since the DSP EIR identifies that the Walkable Cotati has had such a beneficial impact on the down town area, I would think that the DSP should also identify that if there is a conflict between traffic levels of Service and the safety of pedestrians, that the pedestrians usage should predominate. This is inline with other stated goals of Cotati and State of California in making towns more liveable. This specifically impacts TRAN-2 [sic]

Response to Comment B7-3

The commenter states an opinion regarding the analysis of traffic levels of service as they relate to pedestrian safety. Overall, this comment is concerned with Project design and the implementation of a City Policy regarding a program to promote pedestrians and bicycle mobility options over the use of the automobile (e.g., Feet First Program), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Traffic impacts, including both Project-specific and cumulative, are addressed in Section 4.12, Traffic and Circulation, of the Draft EIR. Traffic volume and level of service for existing plus Project conditions and cumulative plus Project conditions were evaluated for eight intersections of the existing street network. The impact analysis for existing plus Project and cumulative plus Project conditions, discussed on pages 4.12-14 through 4.12-22 of the Draft EIR, identifies impacts to be less than significant with required mitigation measures. All study area intersections are forecast to operate within or below the City's threshold of significance.

The Project would provide pedestrian and bicycle connectivity within the DSP area that links to the larger City-wide existing and planned bicycle and pedestrian network, which includes pedestrian trails, bike lanes and sidewalks that are adjacent to major streets. Evaluation of impacts related to pedestrian and bicycle circulation was based upon provision of safe and adequate facilities. See Impact TRAN-5, Provision of multi-use pathways within La Plaza Park could create conflicts between non-motorized

users. The DSP proposes to expand pedestrian and bicycle facilities throughout the planning area. An overall premise of the proposed Project is to promote “walkability.” Wide multi-use pathways would be provided through the center and edges of La Plaza Park. However, implementation of Mitigation Measure TRAN-5, which requires the City to install appropriate signage at La Plaza Park to require bicyclists using the pathways within the Park to walk their bicycles, would reduce impacts to a less-than-significant level. Furthermore, Impact TRAN-6 identifies that the La Plaza design under the DSP would result in slow-moving traffic and a high level of right turns. Although the outside travel lane would be wide, some bicyclists may not be able to maneuver amongst vehicles while traveling along La Plaza, thus affecting their safety. However, implementation of Mitigation Measure TRAN-6, which requires the City to designate William, Olaf, Henry, Charles, Arthur, and George Streets as bicycle streets (i.e., “bicycle boulevards”) by installing signs and pavement markings. All types of vehicles would still be allowed on these streets, but bicycle safety and convenience would be enhanced, impacts would be reduced to a less-than-significant level. See Response to Comment B7-2.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

RESPONSE TO COMMENT LETTER B8

Bradley N. Yearwood

Comment B8-1

Following are my comments on the Draft Environmental Impact Report for the Downtown Specific Plan.

I would hope that an EIR would represent a balanced, fair, and complete analysis of the environmental impacts of a proposed activity. The DEIR fails to meet this standard. Instead it reads in great part like one-sided advocacy in favor of the specific concepts of the Draft DSP. It shades meanings, contains unwarranted assertions and glaring inconsistencies, neglects important areas of impact, has significant errors that suggest either confusion or concealment, and appears to be too frequently disconnected from essential ground truth.

At no point in the text of the DSP or its DEIR, but at all points in fact, we must acknowledge that the DSP appears to be heavily influenced by the specific vision of developer Orrin Thiessen, who in 2006 appears to have completed a parcel assembly covering a large fraction of the land in the DSP subject region. Anyone may within some limits influence the planning process with a grand vision and elaborate drawings. It is also important to recognize that the governmental process must not become so infatuated by a single vision, that it effectively becomes an organ in the service of that interest, rather than more comprehensively of the public interest.

There may be nothing venal or sinister in the construction of undue influence. We must however recognize that being caught up in a compelling sales pitch, followed by substantial labors and emotional investment, can create strong biases in any organizational process. It is my job as a citizen outside the process, to recognize when this happens, and to do what I can toward rectifying the process and its results.

I have been a Cotati homeowner and resident since November of 1994, at 8805 Clothier Lane. I have no specific money interest either beneficial or adverse in the proposed plan. At present, I am a returned adult student at Sonoma State University, not otherwise employed.

I value a walkable town, and walk into downtown at least three times in an average week. I might value a more bicycle-friendly town, but the prospect of bicycling on the narrows of Old Redwood Highway is so frightening, that it has precluded my ever having attempted to cycle beyond my own neighborhood.

I regret not having been able to participate in this process at an earlier stage. Throughout 2005 and early in 2006, I was consumed with terminal elder care responsibilities. In the summers of 2006 and 2007 I had work assignments abroad, and outside of summers, from August of 2006 onwards I have been fully committed as a student.

Response to Comment B8-1

This comment confirms the commenter has reviewed the Draft EIR. Additionally, the comment expresses an opinion about the purpose of the Draft EIR and introduces ensuing comments. No response is required under CEQA. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B8-2

Glaring Contradiction in Environmental "Superiority"

On Page 2.0-3 we find:

Environmentally Superior Alternative: The environmentally superior alternative is the Project.

This high-handed statement encapsulates the conclusion-driven distortions that permeate the DEIR. Its lack of warrant is quickly revealed on page 2.0-17 in Table 2.0- I at NOISE-3.

This item claims to consider "Noise from retail components of mixed-use projects [vs.] residential component." Half of the stated mitigation is clearly mis-categorized. In the paragraph below the first set of bullet points, we find a statement **not** of retail vs. residential conflicts relevant to mixed use, but instead of residential vs. traffic noise conflicts: "... along heavily used transportation routes." This bears not upon mixed use, but upon the suitability of part of the DSP are for any residential use.

We are left guessing exactly which heavily used transportation routes are intended, but the first obvious candidate is 101. We should not be left guessing. The specific noise challenges from each heavily used transportation route, which clearly must include 101, 116, and Old Redwood Highway, must be enumerated and considered individually.

We are also left wondering whether this conflation of siting issues with mixed-use issues is the result of an editorial error (such as an omitted topic heading), or whether it indicates that the analysis itself is fundamentally confused. In either case, it must be rectified.

The easiest way to avoid unsuitable situations, is to avoid them from the outset: by not placing residential uses too close to noisy traffic.

Suggested mitigations include "[air] conditioners to enable occupants to keep their windows closed" and "[f]ixed windows with mechanical ventilation systems." These measures fly directly in the face of evolved green building ideals, and even of conventional design in pre-green (1989) residences such as my own.

We are fortunate in having a climate that can obviate the need for air conditioning, except for a very few days of the year, for people who do not have unusual temperature tolerance challenges. All that is necessary is windows that open on opposite sides of the dwelling, and a fan to expel the hot air that accumulates especially in an upper story, in the afternoon and early evening.

I thought that we were trying to get away from air conditioners and fixed windows, as evils of an energy intensive past. Instead, these evils are proposed as an expedient toward cramming high-density residences, at three story building heights that seem especially susceptible to freeway noise, onto poorly suited sites near a freeway.

Response to Comment B8-2

The commenter expresses an opinion regarding noise and the use of air conditioners as mitigation measures to reduce noise impacts, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As noted in Section 4.9, Noise, of the Draft EIR, under Mitigation Measure NOISE-3, a number of options, including the use of air conditioners and fixed windows with mechanical ventilation systems, have been suggested to reduce noise impacts associated with mixed-use developments. If these options were pursued, the Project Applicant, would be required to comply with applicable local, state and federal regulations, which includes all adopted policies identified by the City's Sustainable Building Ordinance. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-3**"Urban": Shaded Meaning**

The language of section 4.1, Aesthetics, builds itself upon a foundation of biased language. In 4.1.2 at Setting / General, we see "[t]he urban form dominates the visual environment in around downtown Cotati." While the current ground truth may fall within some term-of-art usage of "urban" within the planning and architectural professions, "urban" in the vernacular refers to cities, and not towns.

Cotati is a town, not a city; a population of under 8,000 would not even fall within the lower bound of 10,000 suggested for the origin of cities in human history, in the Anthropology class that I am currently taking. Alternate proof by ground truth: I live in Cotati. I can hear sheep from my windows. Sheep are not urban. Cotati therefore is not urban.

Public planning documents such as the DSP and DEIR should be held to the common vernacular meaning of words with dual meanings, to avoid any possibility of misleading statements.

To accept a term-of-art meaning of "urban" is to invite the camel's nose into the tent. This "urban" could encompass anything from downtown Santa Rosa to downtown Manhattan. Neither of these represents an inviting or appropriate vision for the future of Cotati.

The rest of the camel promptly enters the tent in the next sentence: "[w]hile rural hills to the east are visible from the planning area, the dominant view from major roadways is of a built environment. Within the planning area, the primary views consist of urban sights such as streetscapes, buildings, and transportation facilities (Highway 101)." This description might be what a Pasadena-based planner decided to note during a site visit, or what an advocate decided to write, but it is not ground truth as seen from the Cotati sidewalk.

To accept a "view from major roadways" as the foundational vision for what is supposed to be "walkable Cotati", would be a regrettable error. Instead, take a walk north from La Plaza Park. It is of course necessary to cross Old Redwood Highway at the USA gas station, because there is no sidewalk beyond this point. There is no dominant view. We have some buildings of varying ages and conditions, within surroundings that nature is working diligently to reclaim.

What is striking in a walker's perspective is not the interruptedness of the eastward view of the hills, but rather the fact that the ridgeline is such a consistent orienting feature despite some interruptions in view. The interruptions are more by treetops than by buildings. To the west, we have not only 101, but also a view of gently rising terrain leading upwards in a peacefully inspiring sweep, to St. Joseph's. For a church steeple to be the highest building feature in a town, is a venerable tradition.

A paragraph later we have a remarkable statement:

While some examples of period architecture along Old Redwood Highway can be distinguished upon close inspection, the overall character of Downtown is obscured by the automobile-related land uses at the northern end of the planning area, and more modern structures or facades, which lack a distinctive character.

"Automobile-related land uses" is a statement that is vague to the point of being coy. To be honest, we must step away from this, and enumerate the automotive uses and confront them each directly. One cannot merely wish automobiles away, nor can one properly serve the public interest by constructing what should have been a responsibly balanced assessment, upon statements that read as *ex cathedra* justifications.

Character ought to be viewed at least as much by people and what they do, as by buildings, and specifically by the facades of buildings. "Streetscapes" can be conveyed by photographs, but actual character is not static. It arises beyond the façades of the streetscape, and is defined by peoples' lives and how they interact with their surroundings.

We should be planning not for a façade, but rather for true living character. The DEIR statement about "distinctive character" says nothing definite about the present buildings, nor especially about peoples' lives within them. Instead, it is only a statement that the buildings outwardly appear not to be as similar to each other as the writer desires.

Perhaps there is a present distinctive character after all: diversity of structures, relieved by unbuilt space, with remarkably consistent visual orientation and perspective offered by the distant ridgeline.

Response to Comment B8-3

The commenter expresses an opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-4

Carbon Impact Not Quantified

The vegetation on the vacant lots in the northern region may be professionally dismissed as "ruderal", but the fact is that this humble vegetation works every day to settle some amount of atmospheric carbon back to earth as organic matter, whereas new concrete, asphalt, buildings, and their occupants and vehicles will bring a new carbon burden.

Until you specifically quantify both the carbon uptake of the vegetation in the existing vacant lots, and the prospective carbon burden (both in the construction phase and in the occupied phase) of this as a built-up environment, you have not answered the complete environmental impact of the proposed project.

"Quantify" means actual numbers from site surveys and credible models calibrated to ground truth in a comparable environment (western U.S., and preferably California). It does not mean unquantified and unproven assertions that bicycle and transit orientation in the planning stage, demonstrably change actual behaviors of new occupants and their automobile use. It also does not quantify the impact of energy consumed within the numerous residences and businesses proposed in this high-density development.

Response to Comment B8-4

When quantifying potential greenhouse gas emissions associated with the implementation of a project, it is not common practice to include potential loss of carbon (CO₂) sequestration. For example, under Subchapter 10, Article 2, sections 95100 to 95133, title 17, of the California Code of Regulations, the facilities that fall under the California Air Resources Board's (CARB) mandatory greenhouse gas reporting requirement (such as facilities that emit more than 25,000 tons per year of CO₂e from stationary sources) are only required to quantify their greenhouse gas emissions resulting from operational activities (greenhouse gas emissions from stationary and mobile sources that operate once the facility is constructed). It does not consider CO₂ emissions resulting from a loss of sequestered carbon (e.g., removal of trees and shrubbery during construction). For a complete discussion on Greenhouse Gas Regulation and potential climate change impacts as a result of the proposed Project the commenter is directed to Section 4.2, Air Quality, of the Draft EIR.

Comment B8-5

Aesthetics

Solidly massed contiguous blocks of 3+ story construction do not evoke memories of any nostalgic past that this town has ever seen. For those of us who at one time suffered translocation to other parts of the nation, they evoke instead the environment of the cities of the eastern U.S., plagued with noise, crowding, crime, blight, and corrupt government.

A crucial difference from the East is that our seismic situation precludes most conventional masonry construction. Masonry offers the prospect of better containment of fires, and of better noise isolation, than does the wood frame construction that we typically use in California. This does not seem to stop architects from continuing to draw buildings that try to look like one thing (eastern or European cities), but are built and function like another (ordinary California buildings).

I lived in a wood-framed row townhouse in Rohnert Park from 1988 through 1994, and know from direct experience that these cheaply built structures offer very little noise isolation from adjacent units. To

compound this with the upper/lower noise challenges familiar to any of us who have lived in conventional apartments, and the additional noise challenges of bottom story retail or commercial use, seems reckless.

The DEIR complains on page 4.1-1 of "modern structures or facades, which lack a distinct character." The distinct character that emerges from the drawings and photographs in the DSP, is that of unrelenting mass and verticality.

Today's downtown punctuates the main block with at least some small space between buildings. Redwood Cafe is able to have a pleasantly secluded outdoor tables area beside the building, as well as a sidewalk tables area for those who prefer a busier situation. The disparity of styles of the buildings is not an aesthetic detriment; the message is one of eclecticism, individual choice, and organic evolution, rather than of conformity to some edict.

Building heights do not exceed two stories (except at the Frogsong tower: apparently intended as the camel's nose into the tent of 3+ story construction, and faithfully depicted in its obtrusive hideousness on page 1:18 of the DSP), and the inconsistent heights provide visual relief and variety. They also allow at least treetops, to be in view nearly everywhere.

It is not at all certain that Exchange Bank needs to be "restored" as depicted on page 4.1-6 of the DEIR, or even more tellingly on page 2:6 of the DSP. The latter complains that the current Exchange Bank building has "unnecessarily small windows", then astonishingly proposes a new façade that not only retains narrow windows, but places bars over them. Nothing says "high crime area" like bars over windows. The Mission front is as functional as a movie set façade, and such a direct echo of the California missions could be seen as an affront in light of more recent perspectives on the history of the missions relative to the Native peoples of California.

Other suggested "improvements" include what appears to be stacking additional stories and towers atop existing buildings. This is an easy error to commit as long as it is only done with a pencil. Fortunately, it is also easy to rectify with an eraser.

Response to Comment B8-5

The commenter expresses an opinion about aesthetics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-6**Ground Truth Aesthetics: Windsor Town Green**

When seen from the air, which was my first seeing of it, Windsor Town Green appears as an almost comical aberration reminiscent of a movie studio back lot. A ground visit does little to change this impression. The only "distinct character" that emerges is relentless verticality and impenetrable massed block-long buildings. The actual façade forms of the buildings borrow from so many disparate styles, that the best comparison is to an amusement park. Mercifully, one is spared from having to spending more than a day in an amusement park. The same may not be said of the town where I live.

Is the distinct character to be Spanish, Italian, English, French, or Russian? All seem to be represented in Windsor, as does another style that I can only identify as "ski resort", with steeply pitched roofs poised to shed the snow that is very unlikely to come in Windsor.

With respect to its extraordinarily high density, the Windsor Town Green site has one special feature that might be seen as justifying: a train depot. If we allow that eventual train service (and I mark myself as a skeptic that it will actually happen and be maintained on a useful schedule to useful destinations) specially justifies very high density, then it might make sense to bring high density into a limited area near Cotati's access to the rail line. This appears to be happening already at Santero Way. There is however no rail line within the DSP zone, and there appears to be no specific proposal to establish reliable and schedule-coordinated east/west public transit between the DSP zone and the nearest rail line.

Response to Comment B8-6

The commenter expresses an opinion regarding planning and aesthetics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-7**Prospects for Actual Daily Function of Mixed-Use**

It must be acknowledged then that the high residential density within the DSP zone is likely to generate the same number of automobile trips per resident as any lower-density development. To pretend that this is greener than conventional lower density development, is delusional.

If the commercial component of mixed-use were to bring a sort of European town fantasy of a greengrocer, bread bakery, and fish seller within a short walk in the immediate neighborhood, who could stay in business while charging only tolerable prices, the automobile trips situation might be improved.

None of these essential daily retail functions are in evidence at Windsor Town Green. We must also keep in mind that bakeries traditionally begin work circa 3AM, and that produce and fish deliveries would also very likely be arriving by truck during hours when residents are trying to remain asleep.

A low-driving neighborhood family economy is not constructed of antique shops, special occasion restaurants, tanning and nail salons, piercing and tattoo parlors, chiropractors, and cell phone shops. These, however, are the principal small storefront businesses that we see in Sonoma County.

It seems pointless to construct town plans around an obsession with ground floor retail and commercial space, when so much retail space already is either vacant, or is occupied by tourist and pass-by businesses, rather than by businesses that might durably sustain neighborhoods with reduced automobile trips.

Response to Comment B8-7

The commenter expresses an opinion about town plans, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-8

Comparability of Examples

Streetscape photographs given in the DSP as examples of comparable environments, are in no case identified as to location. It is impossible to properly assess such a photograph without understanding exactly where it was taken, in order that the dynamic context of daily life at the site be understandable. A static photograph can never be more than a partial truth. Partial truths are expected in a sales pitch, but do not allow for responsible environmental impact analysis, especially as regards aesthetics and dynamics beyond the façades.

Response to Comment B8-8

The commenter expresses an opinion about the use of photographs, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-9**Disruptive, not Evolutionary**

On a recent Sunday trip to Windsor Town Green, I witnessed something that was either amusing or worrying. Two boys of age 12 or so had bicycled up to one of the new buildings. They were on the sidewalk, speaking to a girl of about the same age who was at an upstairs window. From what I could gather of the conversation, they intended to visit her, but could not understand why she lived over a tanning salon, or how to find the front door of her residence. I also did not see in this "multi-modal" utopia, any place where the boys could park their bicycles.

You are proposing architecture that children do not know how to use. I suspect that most California adults also do not know how to use it.

Residence-over-commercial was in decline when I was growing up. The image that I recall from windows in these districts is of men in sleeveless undershirts, with several days' beard growth, leaning out windows with a bottle in one hand and a cigarette in the other. Buzz-in front doors leading to narrow stairways, belong in the East and in San Francisco. They do not belong here. I am not nostalgic for them, and I doubt that anyone else who did not grow up in such an environment is either.

Housing for "all ages" is made a lie when all of the residences require stairs to access, have stairs inside, or both. Many elderly residents eventually require either ground-floor only living, or non-green elevators. I speak from direct experience, having needed in December of 2005 to move an increasingly challenged elder from a two-story townhouse to the ground floor of my own house to remove the peril of stairs from the essential activities of daily living.

Response to Comment B8-9

The commenter expresses an opinion regarding mixed-use buildings, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-10**Narrow Sidewalks Are Not Walkable**

In two blocks of my walk through Windsor Town Green, the sidewalks were interrupted with vertical support columns, encroached by the front ends of diagonally parked cars, and partially obstructed with signage and merchandise displays from some of the shops. The result was a sidewalk that was too

crowded to permit people to walk in both directions at the same time. This is not a theory: I had to duck beside a column to avoid colliding with people walking abreast in the opposite direction.

I recall at least one mid-block eatery having a comically cramped enclosure for a sidewalk table or two. There were a few attractive outside eating spaces, but these appeared only at the ends of buildings.

Staff comments during the recent meeting that sidewalks were "20 feet", was within moments backpedaled in restatement as "12 feet in some places." The DSP presents photographs (unlabeled as to location) of various sidewalks, none of which suffer the challenges that I actually experienced in Windsor. Because Windsor Town Green appears to be the likely model for what is proposed in the DSP, the photographs must be viewed as a sales pitch, and not as any reliable indication of what will actually be built.

Response to Comment B8-10

The commenter expresses an opinion regarding sidewalk widths, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-11

Traffic Noise

During my walk through Windsor Town Green, on one of the blocks with the width challenge just mentioned, I also heard no fewer than four honkings of car horns. Two of these appeared to be related to arming of car alarms, and two appeared to be hailing by drivers of people seen on the sidewalks.

Car horns are startling insults to anyone with acute hearing. The specific nature of automobile traffic generated by the frequent parking associated with mixed use during ground floor operating hours, and by deeply inconsiderate horn use for social hailing, clearly brings a prospect of constant noise insult to the residential element. The situation with car alarm arming (and especially with spurious alarm activation) has become a plague even in my own low density neighborhood. While the prospect of criminalizing the source of this noise plague is emotionally rewarding, it seems nearly impossible to enforce.

When a protracted insult arises from one's own neighbors there is at least the possibility of negotiation or legal process. Retail and commercial use, however, bring traffic from outside the immediate area, with little prospect of restraint against irresponsible annoyance.

Response to Comment B8-11

The commenter expresses an opinion about traffic noise, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-12**Traffic Calming: Speed is not All**

"Traffic calming" as used in the DEIR appears to be fixated solely upon speed reduction. Calming needs also to take into account driver frustration and the likelihood of this turning into aggression and rash action.

Narrowing roadways to reduce motor vehicle speeds, greatly increases the physical danger to bicycles if the bicycles are not physically separated from automobile traffic. Placing signs as suggested in the DEIR, does absolutely nothing to reduce the physical risk to cyclists forced into close proximity to automobiles. Cyclists already will be exposed to substantial risks by poor visibility from cars backing from diagonal parking.

A 15 MPH speed limit is absurd. Few obey the existing 25 MPH limits in Cotati. The only roadway that I know of with a 15 MPH limit is in Kailua Kona, Hawaii. Cotati is not a beach town with people walking around in bathing suits and bare feet.

I happen to have one of Cotati's few extant "traffic calming" devices immediately in front of my house. Some drivers regularly pass over this bump with no apparent reduction in speed, and even seem to relish the prospect of the resulting sharp jolt. A few drivers with absurdly lowered vehicles, slow down so much as to create an obstruction. Delivery trucks occasionally deliver an earthquake-like jolt as they pass heavily over the bump. Some years ago, when the bump was still a screwed-down fixture, rather than a permanently integrated pavement feature, I regularly found its large screws removed and tossed into my front landscaping.

When inconvenience becomes too great, it breeds contempt and rash behavior. Antagonism is not a proper solution to the long-term problems brought by excessive reliance upon the automobile. The DEIR appears to reflect an antagonistic mindset rather than a balanced view.

Response to Comment B8-12

The commenter expresses an opinion about traffic calming, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The

comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-13

Roundabout Disrupts Regional Disaster Traffic Redundancy

Early in 2006, the Cotati Grade on Highway 101 suffered a serious landslide failure. Traffic either was overtly diverted to, or chose to use, Old Redwood Highway as a bypass. A Press Democrat article "Damage at \$300 million" from 2006, Jan. 4, and offers the following observation:

"I heard it was a nightmare, so I went around it," Petaluma telecom employee Ryan Culley said, recalling his 7:45 a.m. detour off the freeway. "I went through downtown Cotati on Old Redwood Highway and it was completely jannned up."

While that specific section of Highway 101 has subsequently had substantial work to improve stability, the fact remains that the Cotati Grade has steep slopes both above and below this heavily traveled freeway. We know that this land has failed after heavy rains. We do not know exactly what might happen to 101 when the inevitable major earthquake arrives. Redundant north/south arteries are essential for routine and emergency services, not only for our immediate area, but for a large area of the state northwards.

It seems grossly unwise to disrupt the potentially vital redundant artery of Old Redwood Highway, with a design that is intended to discourage and impede through traffic. In the event of a major disaster, we can expect both urgently essential supplies, and large construction materials and machinery, to require north/south travel. We do not know for certain which among Petaluma Hill, Old Redwood Highway, 101, and Stony Point will survive and which will fail.

Roundabouts Create Stranded Land

The reason that La Plaza Park is attractive today, is exactly because the streets adjacent on the north and west see very little through traffic. Parking is safe, and the environment feels calm and relatively secure.

To situate the park amidst the entire traffic load of Old Redwood Highway, East Cotati, and West Sierra carried through a roundabout, is to isolate the park by surrounding it with constant danger on all sides.

Anyone who is familiar with Dupont Circle in Washington, DC can attest to the maddening situation confronted both by drivers attempting to enter and to leave the circle, and by pedestrians attempting to reach the limited park space in its center. The Dupont Circle park space is used, but there also is essentially no other open space within reasonable walking distance. Signals and crosswalks make it possible to access the center fairly safely, but traffic also flows very slowly as a result.

In other cities, traffic intensity entirely strands the open space at the center of a roundabout. During a walk through Saigon in the summer of 2007, I took a rest in such a space. The only other people there, were children attempting to sell sunglasses to the naïve foreigner who showed up in a place where no other person would go. In another case, I was attempting to cross a high-traffic roundabout on foot by circumnavigating its outer perimeter. I finally had to backtrack on one of the side streets and hire a motorcycle taxi to take me across, due to unrelenting traffic within the roundabout and on all of its connecting streets.

Even in places where roundabouts have long been part of the road system, they are accident prone. In one traverse of a not especially busy roundabout near Aix-en-Provence, France, I saw two pairs of motorists pulled to the side of the road apparently exchanging information after collisions.

If the roundabout is not soon rejected as it ought to be, quantified studies need to be performed on the actual traffic throughput and queueing that will result when signal-controlled crosswalks are provided. Note that from a pedestrian's perspective, the time required to wait to cross W. Sierra / E. Cotati, with the cycles of left turn signals, already is quite long.

Response to Comment B8-13

The commenter expresses an opinion about the use of roundabouts, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B8-14

Fire Equipment Response Through Roundabout

The offered solution of some sort of special traffic signal response to clear a roundabout for quick transit by fire equipment, seems naïve to the point of straining credibility. Drivers already are clearly confused when confronted by lights and sirens. Drivers are trained to pull over to the right to allow emergency vehicles to pass. In a narrow roundabout, there is no right to pull over to.

Drivers will instead be confused, and we will end up with the situation that I witnessed during a usual traffic jam at a Chicago intersection. Police officers in a car attempting to respond to an emergency, had to get onto their PA speaker and yell at drivers one by one to clear the intersection, despite the fact that there was little evident place for any of those drivers to safely move their cars to.

We do not need this type of madness in our town, especially not with fire response already delayed by being split between the Cotati and Penngrove stations.

Response to Comment B8-14

The commenter expresses an opinion regarding the use of roundabouts and fire response, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters and Response to Comment A2-4.

Comment B8-15**Charrette**

One indication of a cult, is unusual use of language. Persistent references to the "charrette" appear to be attempting to use this word and event as a proxy for a combination of public consensus and proper deliberative process. This word is not a term of ordinary language. It appears to derive from an end-of-term process in schools of architecture or planning. As a current student, I am acutely aware that the end of the term often brings a desperate rush to turn in work by a deadline. This deadline precedes a process of criticism and evaluation by the professors.

The charrette was the turn-in of one step of work; it was not the evaluation. A five-day process brings a certain intensity and momentum that may have its own value, but it must not be taken as self-evaluating, not as a complete deliberative process.

I must remain deeply skeptical of an intensive process driven by a deadline, especially in economic times that were much different than the ones that we find ourselves in today. The collapse of financial credit, painful as it might be, brings a much-needed opportunity for a sober review and recalibration of all grand plans.

Response to Comment B8-15

The commenter expresses an opinion of charrettes, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response, Standards for Responses to Comments and Focus of Review of Commenters.

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3.0 CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

The following corrections have been made to the City of Cotati Project Draft Environmental Impact Report (Draft EIR) in response to the comments received during and after the public review period. Changes to the Draft EIR are listed by the corresponding Draft EIR section, subsection, if applicable, and page number. Additions to the Draft EIR are identified by underlined text, and deletions to the Draft EIR are identified by strikethrough text.

TABLE OF CONTENTS

There are no changes to this section.

1.0 INTRODUCTION

There are no changes to this section.

2.0 SUMMARY

For consistency in the formatting of the Draft EIR and with the content in Section 4.2, Air Quality, of the Draft EIR, Table 2.0-1, Summary of Impacts and Mitigation, on page 2.0-5 of the Draft EIR has been revised as follows:

<i>Table 2.0-1. Summary of Impacts and Mitigation</i>				
<i>Issue Area</i>	<i>Impact</i>	<i>Level of Significance Prior to Mitigation</i>	<i>Mitigation</i>	<i>Residual Level of Significance</i>
4.2 Air Quality				
	<i>AQ-1 Construction emissions</i> <u><i>Impact AQ-1: Buildout of the various land uses proposed by the DSP would result in temporary emissions increases due to construction</i></u>	Significant	<i>AIR-1 Mitigation Measure AQ-1:</i> <i>The City shall enforce portions of the Cotati Municipal Code relevant to dust, namely, Sections 14.34.090 and 17.30.070 E. Dust. The City shall also ensure that all construction sites, regardless of size, shall implement BAAQMD Basic Control Measures; additional measures, listed as Enhanced Control Measures, shall be implemented at larger construction sites (greater than 4 acres) (refer to Table 4.2-7). In addition, all project permits shall limit truck idling time to five minutes and require that all construction equipment be properly maintained and tuned.</i>	LTS

For further clarification and for formatting consistency, and as noted in Response to Comment B4-5, Table 2.0-1, Summary of Impacts and Mitigation, on page 2.0-5 and -6 of the Draft EIR has been revised as follows:

<i>Table 2.0-1. Summary of Impacts and Mitigation</i>				
<i>Issue Area</i>	<i>Impact</i>	<i>Level of Significance Prior to Mitigation</i>	<i>Mitigation</i>	<i>Residual Level of Significance</i>
4.2 Air Quality				
<i>Cumulative Impacts</i>	<i>Impact AQ-3: Implementation of the DSPDSP may result in a cumulatively considerable contribution to the significant cumulative impact on global climate change (threshold f) if the DSP would conflict with or obstruct implementation of greenhouse gas reduction measures under Assembly Bill 32.</i>	<u><i>Significant</i></u>	<u><i>Implementation of Mitigation Measures AQ-1 and AQ-2 would ensure that cumulative impacts to air quality would be less than significant.</i></u>	<i>LTS</i>

As noted in Response to Comment A4-3, Table 2.0-1, Summary of Impacts and Mitigation, on page 2.0-6 of the Draft EIR has been revised as follows:

Table 2.0-1. Summary of Impacts and Mitigation				
Issue Area	Impact	Level of Significance Prior to Mitigation	Mitigation	Residual Level of Significance
4.3 Biological Resources				
	BIO-1. Implementation of the DSP has the potential to impact the California tiger salamander, a federally listed endangered species	Significant	Mitigation BIO-1a. For the seven parcels (APNs 144- 680-051, 144-190-023, 144-190-030, -021, 144-272-015, 144-274-014, and 144-274-015) identified in the FESA applicability section above that must address the potential presence of the California tiger salamander, the following measures apply: [see detailed assessment methodology in impact section]. Mitigation BIO-1b: For the six parcels where surveys have been completed that demonstrate absence of the California tiger salamander (APNs 144-170-006, -007, -008, 144-170-009, 144-200-002, and 144-200-004), [seek USFWS concurrence]. <u>Mitigation Measure BIO 1c: Project applicants shall provide up-to-date information regarding Special Status Species and Sensitive Habitats that may occur or have the potential to occur within individual project areas. At a minimum, a current list of Special Status Species and Sensitive Habitats may be obtained from the California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) database, as well as CDFG updates to the Santa Rosa Plain Conservation Strategy and should be submitted as part of the use permit application.</u>	LTS

As noted in Response to Comment A4-6, Table 2.0-1, Summary of Impacts and Mitigation, on page 2.0-7 of the Draft EIR has been revised as follows:

Table 2.0-1. Summary of Impacts and Mitigation				
Issue Area	Impact	Level of Significance Prior to Mitigation	Mitigation	Residual Level of Significance
4.3 Biological Resources				
	BIO-4: Implementation of the Downtown Specific Plan has the potential to impact western burrowing owl	Significant	<u>Mitigation BIO-4: To prevent take of burrowing owls on a project site, surveys shall be conducted in the winter and spring the year prior to construction of the project, and again 30 days prior to construction of the project.</u>	LTS

For consistency in the formatting of the Draft EIR, Table 2.0-1, Summary of Impacts and Mitigation, on page 2.0-8 of the Draft EIR has been revised as follows:

Table 2.0-1. Summary of Impacts and Mitigation				
Issue Area	Impact	Level of Significance Prior to Mitigation	Mitigation	Residual Level of Significance
4.3 Biological Resources				
	BIO-10: Construction of development projects within the DSP area would result in cumulative impacts to "waters of the United States" and stream channels that are regulated by the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Game.	Significant	<u>Mitigation BIO-10: With adequate, general plan mandated setbacks and other protections, impacts to wetland resources should be minimized. Mitigation that includes recreation of impacted waters of the U.S. would also offset this cumulative impact.</u>	LTS

3.0 PROJECT DESCRIPTION

As noted in Response to Comment A2-5, the discussion under subheading "Fire Services" on page 3.0-15 of the Draft EIR has been revised as follows:

Public Services

Fire Services. Fire protection is provided by Rancho Adobe Fire Protection District. Station 1 is located within the planning area at the corner of East Cotati Avenue and La Plaza. Station 1 is staffed with three large engines, a small engine, and water tender. A captain and engineer are on

call at Station 1; these staff members are supplemented by ~~about 25~~ volunteers ~~in Cotati~~. The current staff-to-population ratio is ~~0.7~~ 1.23 firefighters per 1,000 population (1.23 multiplied by approximately 25,000), resulting in a total of 30 employed staff and firefighting personnel. According to the Rancho Adobe Fire Protection District (RAFPD) website, the RAFPDP employs 15 permanent staff members, 15 part-time firefighters, and is supported by six volunteers, including one part time chief.¹ The current response time for the entire Cotati community is less than five minutes. Response time to the planning area is expected to be faster than average given proximity of the fire station.

4.1 AESTHETICS

There are no changes to this section.

4.2 AIR QUALITY

As noted in Response to Comment B4-4, the last bullet point under “Current Climate Protection Program Activities” on page 4.2-21 of the Draft EIR has been revised as follows:

- *K-12 Curriculum Development – BAAQMD ~~is~~ working to develop a K-12 climate protection curriculum.*

As noted in Response to Comment B4-5, the second paragraph under “4.2.7 Cumulative Impact” on page 4.2-33 of the Draft EIR has been revised as follows:

Impact AQ-3: Implementation of the ~~DCPD~~DSP may result in a cumulatively considerable contribution to the significant cumulative impact on global climate change (threshold f) if the DSP would conflict with or obstruct implementation of greenhouse gas reduction measures under Assembly Bill 32.

4.3 BIOLOGICAL RESOURCES

As noted in Response to Comment A4-2, Figure 4.3-2, Extent of Santa Rosa Plan [*sic*] Within Cotati Specific Plan Area, Cotati, California, on page 4.3-9 of the Draft EIR has been revised to identify the source of the map. In addition, the first and third paragraphs on page 4.13-10 of the Draft EIR have been revised as follows:

¹ *Rancho Adobe Fire Protection District Website, <http://www.rancho-adobe-fire.org/about.html>, retrieved by CAJA staff, April 22, 2009.*

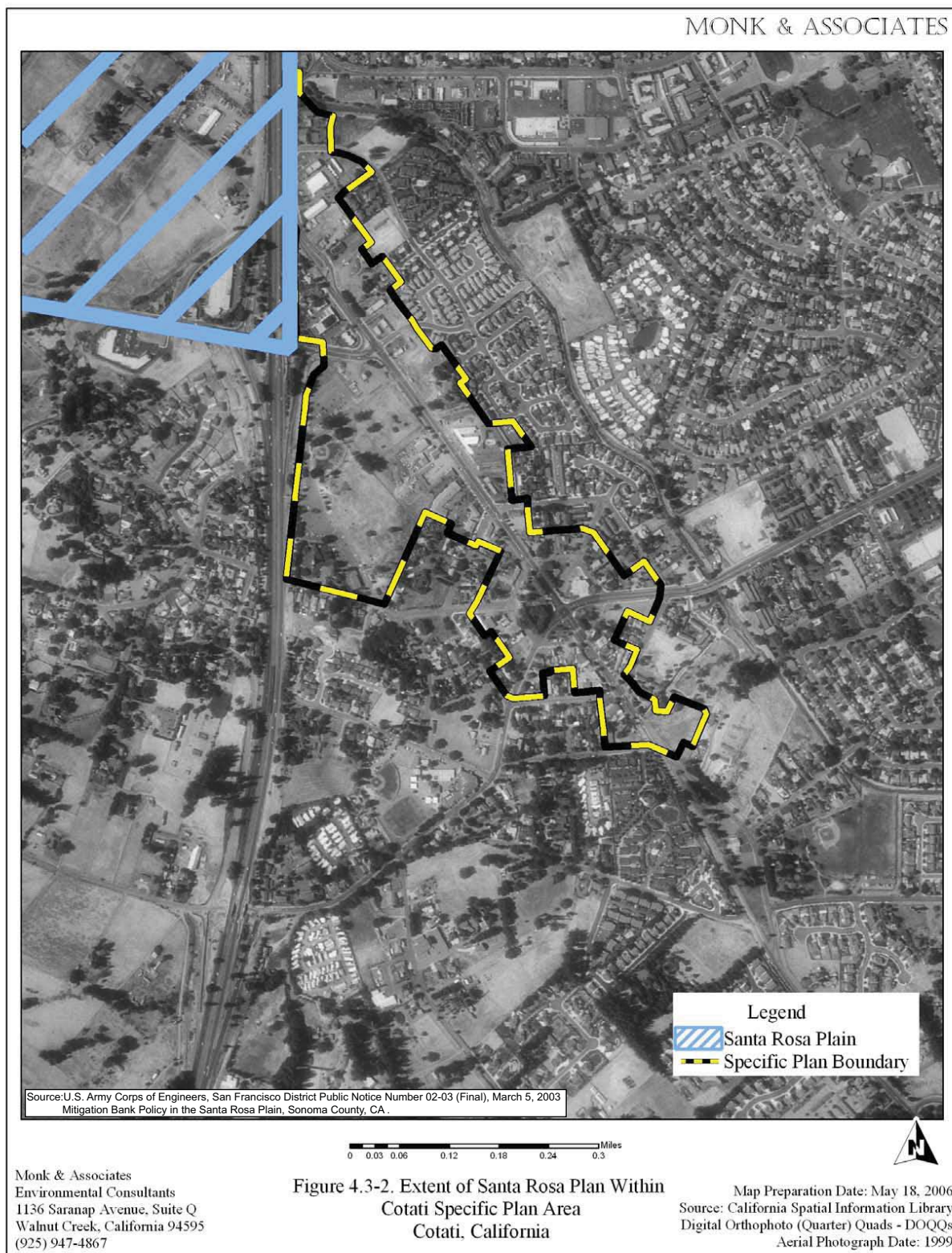
First paragraph:

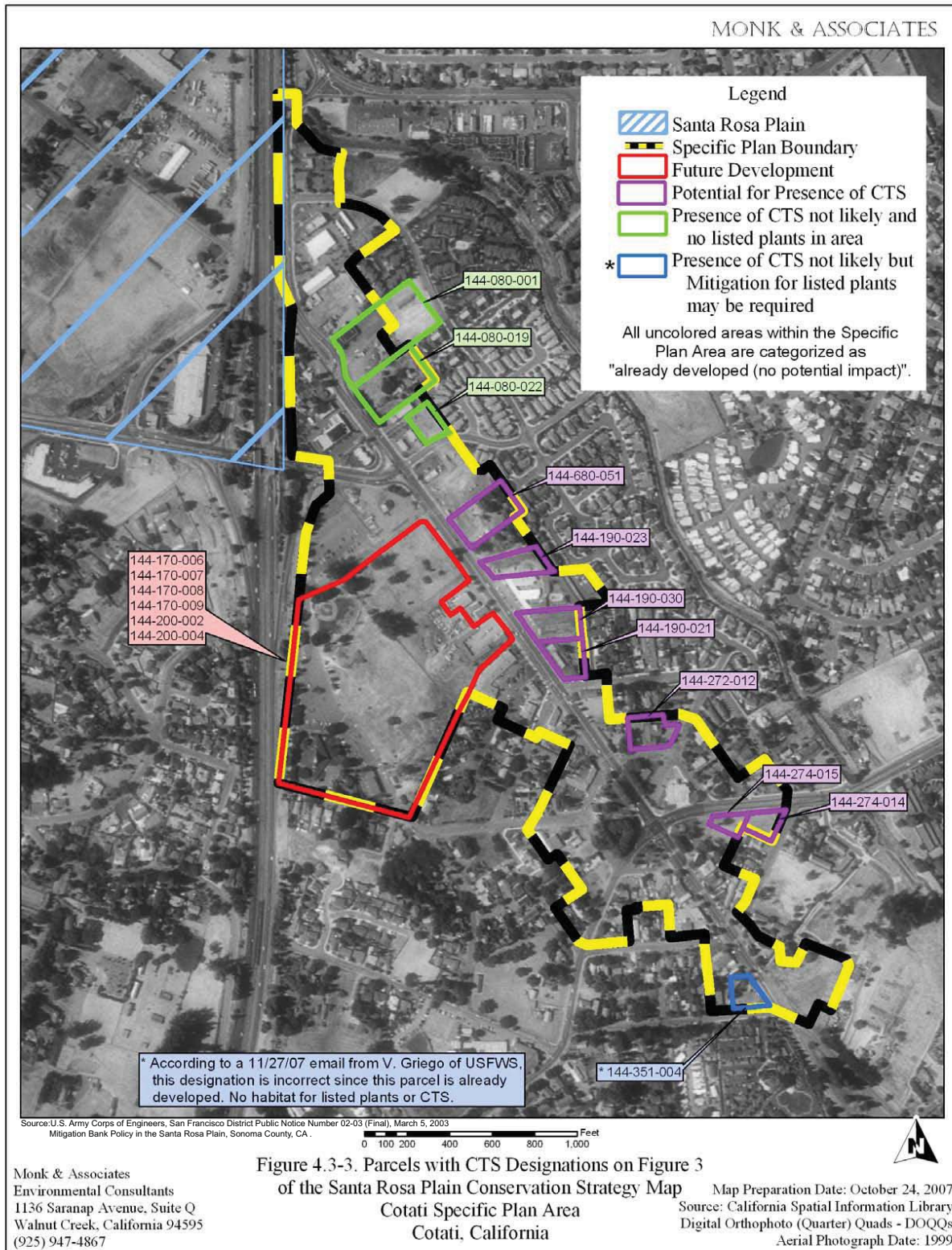
Typically, in the Santa Rosa Plain, if there are seasonal wetlands or habitats that could remotely support special-status plant species, prior to obtaining a Corps permit, pursuant to Special Regional Conditions that the Corps has published for the Santa Rosa Plain, two years of special-status plant surveys are required prior to the time the Corps would authorize a permit for the project site. Since all natural habitats within the DSP area are located south, and outside of, the Corps of Engineers delineated Santa Rosa Plain boundary (Map of the Santa Rosa Plain, PN02-03 (Final), March 5, 2003), only one year of appropriately timed special-status plant surveys would be necessary to meet the survey requirements prescribed by CDFG and CNPS (CDFG 2000, CNPS 2001) and to otherwise meet the standards of care required by CEQA. Surveys were completed for all undeveloped parcels in the DSP area (see discussion below).

Third paragraph:

*The Santa Rosa Plain Conservation Strategy map (Figure 3, revised on April 17, 2007) depicts one parcel within the DSP area as “presence of CTS not likely but mitigation for listed plants may be required.” See Figure 4.3-3 for a depiction of the Conservation Strategy map in the DSP area. Focused spring and early summer surveys were conducted on this parcel in 2005 and demonstrated that special-status plants are not present (the surveys were timed during the flowering periods of the four federal listed species known to occur on the Santa Rosa Plain (*Lasthenia burkei*, *Blennosperma bakeri*, *Navarretia leucocephala* ssp. *plieantha* and *Limnanthes vinculans*). The survey months would also be suitable for detecting other special-status plant species known from the Santa Rosa Plain and Sonoma County in grassland habitats. As no rare plants were found during appropriately timed surveys, and since the areas that were surveyed are not within the Corps delineated Santa Rosa Plain boundary (most of the DSP area is outside the Santa Rosa Plain), no further discussion of rare plants is required within the DSP area.*

Also, Figure 4.3-3, Parcels with CTS Designations on Figure 3 of the Santa Rosa Plain Conservation Strategy Map, Cotati Specific Plan Area, Cotati, California on page 4.3-11 of the Draft EIR has been revised to remove the reference to the Santa Rosa Plain as follows:





As noted in Response to Comment A4-3, the first paragraph under subheading “California Tiger Salamander (*Ambystoma californiense*)” on page 4.3-13 of the Draft EIR has been revised as follows:

California Tiger Salamander (*Ambystoma californiense*) – *The California tiger salamander is listed as an endangered species in Sonoma County pursuant to the FESA. The California tiger salamander is also designated as a California species of special concern. This California status affords the California tiger salamander no legally mandated state protection; however, pursuant to CEQA (14 CCR §15380), this species must be considered in any project that will undergo, or is currently undergoing CEQA review, and/or any project that must obtain an environmental permit(s) from a public agency (e.g., the Corps). The California tiger salamander is also protected under Title 14, CCR 41 (1996); under those regulations, California tiger salamander is a protected amphibian that may only be taken or possessed under a special permit issued by CDFG pursuant to sections 650 and 670.7 of these regulations, or Section 2081 of the Fish and Game Code. On February 5, 2009, the Fish and Game Commission accepted for consideration the petition submitted to list CTS as endangered. CTS is now a candidate species as defined by Section 2068 of the Fish and Game Code. The California Endangered Species Act (CESA) prohibits unauthorized take of a candidate species, just as it prohibits such take of threatened and endangered species. All activities, whether new or ongoing, that will cause incidental take of the candidate species is in violation of CESA, unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code Section 2084 or DFG authorizes the take through the issuance of a Permit under Fish and Game Code Section 2081 or by other means authorized by CESA.*

As noted in Response to Comment A4-2, the second paragraph under subheading “California Tiger Salamander (*Ambystoma californiense*)” on page 4.3-13 of the Draft EIR has been revised as follows:

Regulatory Requirements for the California Tiger Salamander Within the DSP Area – The USFWS, the CDFG and other participating agencies, the County of Sonoma, and cities have developed and are implementing a Conservation Strategy for the California tiger salamander and other federal and state listed plant species that occur in or adjacent to the Santa Rosa Plain within Sonoma County. As noted above, the Santa Rosa Plain Conservation Strategy was prepared by the Conservation Strategy Team, composed of staff from the USFWS, CDFG, the Corps, U.S. Environmental Protection Agency (EPA), RWQCB, and participating cities including the City of Cotati. The Conservation Strategy provides maps that designate how particular areas within Sonoma County will be preserved or protected for the California tiger salamander (and other listed species), and provides guidance for each management directive. The entire City of Cotati, as well as the DSP, is located within the Santa Rosa Plain Conservation Strategy area.

As noted in Response to Comment A4-5, the second paragraph under “Western burrowing owl (*Athene cunicularia hypugaea*)” on page 4.3-15 of the Draft EIR has been revised as follows:

According to the Sonoma County Breeding Bird Atlas (Burridge 1995), the burrowing owl no longer breeds in Sonoma County. The paucity of California ground squirrel burrows in the flatter areas of the County could be one explanation, since this owl is mostly dependent upon the burrows of other animals for nesting. In 1991, an extensive census of burrowing owls was begun by Dave DeSante of the Institute for Bird Populations and, as a result, the burrowing owl has become one of the most carefully studied birds in the Breeding Bird Atlas. However, per the California Bird Species of Special Concern, there are a few breeding burrowing owls located in Sonoma County. The California Natural Diversity Database also shows several locations of burrowing owls within Sonoma County, including the City of Cotati, with initial sightings occurring from November through March. ~~Although this owl is not known to breed in the County, it would not be implausible to observe~~ Thus, observation of the western burrowing owl in the more open areas of the DSP area may occur in fall months when this owl is dispersing from its breeding habitats. ~~However, Based upon available information, this owl is not resident and likely will not become resident~~ has the potential to occur in the DSP area.

As noted in Response to Comment A4-2, the second paragraph under subheading “Applicability to DSP Area” on page 4.3-32 of the Draft EIR has been revised as follows:

Applicability to DSP Area. *The Cotati DSP area is almost entirely outside of the Santa Rosa Plain Conservation areas with potential to support or that are known to support CTS. Only a few parcels with frontage along the eastern side of Highway 101 fall within the Corps delineated areas ~~the~~ Santa Rosa Plain (Figure 4.3-2). These parcels are developed, do not support natural communities, and do not provide either special-status plant habitat or support wetlands. Hence, two years of special-status plant surveys would not be necessary within the DSP area. Additionally, an HQE would not need to be prepared before a Section 404 permit would be issued because those parcels with wetland areas are located well outside (south of) the Corps Santa Rosa Plain boundary.*

As noted in Response to Comment B4-8, the first paragraph on page 4.3-34 of the Draft EIR has been revised as follows:

Applicability to DSP Area. *Cotati Creek and Laguna de Santa Rosa run through the DSP area. Any proposed modifications to these creeks, their bed, bank, or channel, or their riparian vegetation, would require prior authorization from CDFG. ~~AAA~~ SBAA would need to be issued by CDFG prior to allowing work in the creek.*

As noted in Response to Comment B4-9, the last paragraph on page 4.3-35 of the Draft EIR has been revised as follows:

The DSP proposes a Wetland Interpretive Center. The Wetland Interpretive Center would be a living resource that provides a broad range of opportunities to learn about and participate in

preserving wetland habitats. Additionally, under the DSP the portion of Cotati Creek within the planning ~~are~~area will continue to be maintained.

As noted in Response to Comment A4-4, paragraphs (b) and (c) of Mitigation Measure BIO-1a on page 4.3-37 and the fifth paragraph on page 4.3-38 of the Draft EIR have been revised as follows:

Paragraphs (b) and (c) under “Mitigation BIO-1a” on page 4.3-37:

~~*(b) in lieu of conducting surveys that have negative findings, project applicants may append the proposed project to the Programmatic Biological Opinion published on November 9, 2007 (if the project qualifies, see discussion on the Programmatic in Section 4.3.3 above);*~~

~~*or,*~~

~~*(c)*~~*(b) Should it be determined that a site could potentially support CTS, applicants may assume the tiger salamander’s presence onsite and mitigate in accordance with the Interim Mitigation as prescribed in the Santa Rosa Plain Conservation Strategy. The Interim Mitigation shall be followed until such time that the implementing agencies have executed a Memorandum of Understanding, formally adopting the Conservation Strategy.*

Fifth paragraph on page 4.3-38:

Once the Conservation Strategy is formally adopted, the mitigation ratio for all projects that may affect the California tiger salamander goes to a 2:1 ratio, regardless of a project site’s distance from a known breeding site or adult record.

In addition, the following activities will require measures to minimize take for CTS (C. Armor, CDFG):

An activity that impacts a CTS breeding site: Prior to construction, salamanders will be collected and translocated to an appropriate breeding site as identified by the USFWS and CDFG.

An activity that impacts CTS upland habitat: Prior to construction, fencing will be installed to exclude CTS from entering the project site. Fences with ramps may be required to allow any CTS on-site to move into an adjacent habitat off-site. In these instances translocation may occur and would be determined on a case-by-case basis.

Any activity where wetlands are being established for listed plants, CTS breeding or for wetland mitigation that has an effect on CTS: Prior to construction, fencing will be installed to exclude CTS from entering the site.

In Response to Comment A4-3, Mitigation Measure BIO-1c has been added, following Mitigation Measure BIO-1b, on page 4.3-39 of the Draft EIR as follows:

Mitigation Measure BIO 1c: Project applicants shall provide up-to-date information regarding Special Status Species and Sensitive Habitats that may occur or have the potential to occur within individual project areas. At a minimum, a current list of Special Status Species and Sensitive Habitats may be obtained from the California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) database, as well as CDFG updates to the Santa Rosa Plain Conservation Strategy and should be submitted as part of the use permit application.

In Response to Comment A4-5, Impact BIO-3 on page 4.3-39 of the Draft EIR has been revised as follows:

The DSP area supports a wide variety of tree species. Many of these trees provide suitable nesting habitat for raptors such as the white-tailed kite, red-tailed hawk, and red shouldered hawk. California Fish and Game Code §3503, §3503.5, §3800, §3513 prohibit the “take, possession, or destruction of birds, their nests or eggs.” CDFG Code §3503.5 specifically states it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds-of-prey) or take possess, or destroy the nest or eggs of any such bird. Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a “take.” Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act). Any impact to nesting raptors would be regarded as a significant adverse impact.

In addition, the first and second paragraphs under “Mitigation BIO-3” on page 4.3-39 (continued on page 4.3-40) of the Draft EIR have been revised as follows:

Mitigation BIO-3: *A nesting survey shall be conducted prior to commencing with earth-moving, construction work, or tree removal if this work would commence between March 15th and August 31st. The raptor nesting surveys shall include examination of all trees within 500 feet of the subject property, not just trees slated for removal. This would ensure that raptors nesting outside the project site would not be disturbed by noise and vibrations. Nesting surveys shall be conducted in the spring the year of construction of the project and again ~~30~~ no earlier than 14 days prior to tree removal and/or breaking ground at the project site. The optimal time to survey for nesting raptors is between April 15th and May 15th.*

If nesting raptors are identified during the surveys, a qualified biologist will consult with and obtain approval for buffers with CDFG prior to tree removal and/or ground-breaking activities. A 300-foot non-disturbance radius around the nest tree must be staked with orange construction fencing.

As noted in Response to Comment A4-6, the first and second paragraphs under “Mitigation BIO-4” on page 4.3-40 of the Draft EIR has been revised as follows:

Mitigation BIO-4: *To prevent take of burrowing owls on a project site, surveys shall be conducted in the winter and spring the year prior to construction of the project, ~~and again 30 days prior to construction of the project.~~ The purpose for conducting the surveys the year prior to the commencement of construction is to provide the land owner/applicant time to address any mitigation requirements that would be necessary to offset a proposed project’s impact on this species. Initial pre-construction surveys shall be conducted outside of the owl breeding season (September 1 - January 31) but as close as possible to the date that ground-disturbing activities will begin. Initial pre-construction surveys shall be conducted no more than 30 days prior to ground-disturbing activities. The time lapse between surveys and site disturbance should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area. Burrowing owl surveys shall be conducted according to the methodologies prescribed by CDFG in their 1995 Staff Report on Burrowing Owl Mitigation and the Burrowing Owl Consortium in their 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines.*

CDFG requires that projects impacting owls and owl habitat should mitigate all significant impacts to nesting, foraging, wintering, and dispersal habitat to a level below significance. Projects impacting burrowing owls or owl habitat should provide compensation that is roughly proportional to the impacts of the project. Occupied sites should be compensated at a ratio of 1:1 suitable habitat. ~~To mitigate impacts to burrowing owls, CDFG requires 6.5 acres of replacement habitat be set aside (i.e., protected in perpetuity) per pair of burrowing owls, or unpaired resident bird. Such a set aside~~ Procurement and protection of suitable habitat would offset permanent impacts to burrowing owl habitat. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to CDFG. Land identified to offset impacts to burrowing owls must be protected in perpetuity either by a conservation easement or via fee title acquisition. A Mitigation Plan and Mitigation Agreement must be prepared and submitted to CDFG for their approval. The City of Cotati must receive copies of the Mitigation Plan and Mitigation Agreement by and between the applicant and CDFG prior to issuing a grading permit for the proposed project.

As noted in Response to Comment A4-7, the first and second paragraphs under “Mitigation BIO-6” on page 4.3-42 of the Draft EIR have been revised as follows:

Mitigation BIO-6: *Buildings and associated structures shall be setback from the top of a creek bank a minimum distance of 2.5 times the height of the bank or 30 feet, whichever is greater (“creek setback zone”). This mitigation measure is consistent with the City of Cotati’s watercourse ordinance, ~~and is also consistent with CDFG’s typical setback requirement of 25 feet from the top of bank or the outside edge of riparian vegetation.~~ CDFG’s jurisdiction for*

impacts to streams includes the bed, bank and channel, and associated riparian vegetation. The required set-back from the top of bank is dependent on the area of riparian vegetation. In order to determine the appropriate set-back for a site containing a creek and associated riparian vegetation, consultation with CDFG is required. In addition, RWQCB recommends maximizing development buffers along Cotati Creek and Laguna de Santa Rosa. Coordination with the City of Cotati as well as regulatory agencies to determine appropriate buffers would be required for all projects within creek/stream corridors.

The one exception to this requirement is if the building is proposed within a previously channelized reach of the creek, or in a previously urbanized area, then it can be a smaller setback distance. This smaller setback distance would be determined as agreed upon by City of Cotati staff and CDFG. While the City can make exceptions to the standard setback requirement, consultation with CDFG would be required to determine set-back requirements. ~~typically does not grant exceptions to their standard 25-foot setback requirement.~~ Hence, if the standard required creek setback distance cannot be achieved, i.e., if buildings or other infrastructure encroach five feet or more into the creek setback zone, then these proposed activities must be approved by CDFG through issuance of a Streambed Alteration Agreement (Section 1602 Agreement) or CDFG's written concurrence that no Streambed Alteration Agreement is required for the proposed activities. The applicant would also need approval from the City to encroach within this setback.

As noted in Response to Comment A6-7, the fourth paragraph under "Mitigation BIO-6" on page 4.3-42 of the Draft EIR has been revised as follows:

Any installed mitigation trees and shrubs shall be monitored annually by a qualified restoration ecologist or biologist for a period of five years. This will prevent large-scale unanticipated losses of establishing trees and shrubs. Monitoring will be initiated one year after plants are planted, and will continue each fall until the end of the five-year monitoring program. During each annual monitoring visit the number of planted trees and shrubs will be tallied to determine if there have been any tree losses within the last year. Health and vigor of the plants will also be noted. Annual monitoring reports shall be submitted to the City by December 31 of each year, and if a Streambed Alteration Agreement was issued by CDFG, the reports shall also be submitted to this agency as well as the RWQCB. It is expected that five years after planting, the trees and shrubs will be well-established, self-sustaining, and that survivorship will be high. However, if at the end of the five-year monitoring period mortality of the planted trees and shrubs is greater than 20 percent, they shall be replanted. Monitoring of replacement trees and shrubs shall then continue annually for an additional five years until all trees and shrubs are healthy and self-sustaining. The applicant is responsible for supplemental planting and all monitoring costs.

As noted in Response to Comment A6-6, the first paragraph under “Mitigation BIO-7” on page 4.3-43 of the Draft EIR has been revised as follows:

Mitigation BIO-7: *Impacts to waters of the United States and/or State shall be avoided to the greatest extent feasible. If impacts cannot be avoided completely, impacts shall be reduced to less-than-significant levels through various means including partial avoidance/ minimization of impacts, and mitigation compensation. Those parcels identified in Figure 4.3-6 as supporting potential Corps jurisdictional area shall complete a wetland delineation. The wetland delineation shall be conducted according to the 1987 Corps Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) and the Arid West Interim Regional Supplement to the 1987 Wetland Delineation Manual (U.S. Army Corps of Engineers 2006). Once the map is confirmed by the Corps, the full extent of waters of the U.S. on a particular property would be known and the extent of impacts to regulated areas could be ascertained. ~~Since the RWQCB does not have a formal method for technically defining what constitutes waters of the state, this agency typically remains consistent with the Corps' determination.~~ Waters of the State include all waters of the United States and any waters deemed non-jurisdictional by the United States Army Corps of Engineers (Corps). The RWQCB'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' means any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should be considered when determining impacts upon water resources. No Corps or RWQCB jurisdictional wetland or other waters shall be impacted by a project without first obtaining a permit from the respective agency for the proposed impacts.*

As noted in Response to Comment A4-8, the first paragraph in addition to the second and third bullets on page 4.3-44 of the Draft EIR have been revised as follows:

If stream channels (Corps jurisdictional “other waters”) would be impacted by a project, as part of the mitigation it shall be necessary to restore/enhance existing stream channels that would not be impacted by the project. Any work within a stream channel, including restoration/enhancement activities requires consultation shall be arranged with Corps, RWQCB, and CDFG personnel at the time permits and authorizations/agreements are applied for with these agencies. Fish and Game Code § 5901 states that it is unlawful to construct or maintain in any stream, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and downstream. Project applicants should consult the California Salmonid Stream Habitat Restoration Manual and DFG for guidance. Stream restoration/enhancement mitigation shall be implemented specific to stream conditions and may ~~shall~~ include where appropriate:

- *Replacement tree and shrub planting as specified at Mitigation BIO-2.*

- *In streams with a gradient >2%: creation of stream pool environments through installation of native rock barriers (check dams) that have vertical drops on the downstream edge that are, if possible, a minimum of 36 inches high. At the base of vertical drops, native rock armoring shall be installed to protect the rock barriers and to create an environment that can be scoured of silt deposits without damaging the rock barriers. After installation of check dams, pool environments would initially form upstream of the rock barriers. Over time, these pools would silt in. However, providing that large rock has been installed (greater than 24" in diameter), the vertical drop on the downstream side of the rock barrier should result in pools that do not silt in. Hydrologic scouring would maintain the integrity of these pools over the long term. The vertical drop below native rock barriers must be greater than 36 inches in order for water scouring to create pool environments.*
- ~~*The vertical drop below native rock barriers must be greater than 36 inches in order for water scouring to create pool environments.*~~

In response to City comment, the first paragraph of Mitigation Measure BIO-8 on page 4.3-45 of the Draft EIR has been revised as follows:

Mitigation Measure BIO-8: A tree permit shall be obtained from the City of Cotati for any trees protected by City ordinance within the DSP area. In order to obtain a tree permit, a bond must be posted with the City to guarantee that replacement trees are planted. The bond amount shall be approved by the City and it shall be based upon the cost of purchasing replacement trees, planting, and monitoring the trees' survival for a five-year period. Replacement trees ~~shall be the same species as the ones removed and~~ shall be a minimum of 15-gallon size. Mitigation numbers shall be based on the City of Cotati's Land Use Code which states that the larger the tree removed, the greater the number of replacement trees required. This mitigation measure also includes compensation for any tree that is injured during grading or construction (e.g., if some roots are cut). Any tree that is injured will be compensated for by planting replacement trees at a 1:1 ratio. The trees' health shall be monitored annually for five years by a qualified biologist or arborist. Annual monitoring reports shall be submitted to the City of Cotati. Specifics of the tree replacement requirements are provided below.

For consistency in the formatting of the Draft EIR, the last two sentences under Impact BIO-10 were made into a separate paragraph (under heading "Mitigation Measure BIO-10) on page 4.3-46 of the Draft EIR as follows:

Impact BIO-10: Construction of development projects within the DSP area would result in cumulative impacts to "waters of the United States" and stream channels that are regulated by the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Game. (threshold c).

On a regional basis, these impacts would add to other development related losses of waters of the United States and stream channels. In addition, by altering drainage patterns and water flow, downstream aquatic life could be affected as well. ~~With adequate, general plan-mandated setbacks and other protections, impacts to wetland resources should be minimized. Mitigation that includes re-creation of impacted waters of the U.S. would also offset this cumulative impact.~~

Mitigation BIO-10: *With adequate, general plan-mandated setbacks and other protections, impacts to wetland resources should be minimized. Mitigation that includes re-creation of impacted waters of the U.S. would also offset this cumulative impact*

4.4 CULTURAL RESOURCES

As noted in Response to Comment A1-5, Mitigation Measure CULT-2 on page 4.4-13 of the Draft EIR has been revised as follows:

Mitigation CULT-2: *Permits for projects that require excavation or grading shall require that any discovery of archaeological resources will cause the cessation of construction and the use of an archaeologist to assess and appropriately protect those resources. If the archaeologist determines that the archaeological resource is a unique archaeological resource, impacts to the resource shall be avoided or mitigated in accordance with standards under Public Resources Code section 21083.2. If the archaeologist determines that the archaeological resource is a significant resource, impacts to the resource shall be avoided or mitigated in accordance with CEQA Guidelines section 15126.4 (b). If human remains are encountered on the property, all applicable legal requirements shall be followed, including, but not limited to, Public Resources Code sections 5097-5097.6, Health & Safety Code section 7050.5 and CEQA Guidelines section 15064.5 and 15126.4. The Sonoma County Coroner's Office shall be contacted within 24 hours of the find, and all work should be halted until a clearance is given by that office and any other involved agencies. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Archaeological resource data and artifacts collected within the planning area shall be permanently curated at a repository with facilities for permanent storage and providing access for scholarly researchers.*

4.5 GEOLOGY RESOURCES

As noted in Response to Comment B4-14, the fourth paragraph under the subheading "Cotati General Plan" on page 4.5-8 of the Draft EIR has been revised as follows:

Objective 7.1 Ensure that essential facilities are located and ~~designed~~designed so that they will remain operable in the event of an emergency or natural disaster.

4.6 HAZARDS AND HAZARDOUS MATERIALS

As noted in Response to Comment A6-10, the second paragraph under “Hazardous Materials” and Table 4.6-1 on page 4.6-1 of the Draft EIR have been revised as follows:

A review of environmental databases related to the DSP area identified several sites with known or suspected contamination resulting from previous uses. The identified sites include ~~five~~^{four} Leaking Underground Storage Tank (LUST) sites, shown in Table 4.6- 1. LUSTs are commonly associated with gasoline stations and can pose a contamination risk to soil and groundwater in the vicinity of the station.

Table 4.6-1: LUST Sites Identified Within Cotati Downtown Specific Plan Area			
Site Name	Address	Case	Status
Shell Service Station	7675 Old Redwood Highway	LUST	Groundwater affected; remedial action underway.
Beacon Service Station	7716 Old Redwood Highway	LUST	Groundwater affected; remedial action underway.
Ultramar Service Station	7898 Old Redwood Highway	LUST	Groundwater affected; post-remediation monitoring underway.
<u>GSR Corporation Property</u>	<u>7991 Old Redwood Highway</u>	<u>LUST</u>	<u>Groundwater affected; assessment and interim remedial action underway.</u>
Unocal Service Station	8600 Old Redwood Highway	LUST	Groundwater affected; post-remediation monitoring underway.
<i>LUST—Leaking Underground Storage Tank Site under regulatory oversight. Source: Padre Associates, Inc. memorandum (see Appendix 4.6) and Environmental Data Resources, Inc., EDR Radius Map Report, December 19, 2006. Located on electronic file with the City of Cotati.</i>			

4.7 HYDROLOGY/WATER QUALITY

There are no changes to this section.

4.8 LAND USE

There are no changes to this section.

4.9 NOISE

There are no changes to this section.

4.10 POPULATION/HOUSING

As noted in Response to Comment B4-15, the first paragraph under the heading “City of Cotati Growth Management Policy” on page 4.10-2 of the Draft EIR has been revised as follows:

The Growth Management Policy allocates 75 residential units to be constructed each calendar year. An additional 25 units may be allocated exclusively for housing affordable by low and moderate income households. The City Council may exempt projects that are part of a specific plan.

4.11 PUBLIC SERVICES AND RECREATION

As noted in Response to Comment A2-5, the discussion under subheading “Fire the first paragraph under subheading “Fire Protection” on page 4.11-1 of the Draft EIR has been revised as follows:

Fire Protection

The Rancho Adobe Fire Protection District (RAFPD) provides fire protection services to approximately 25,000 people in an area of 86 square miles in the vicinity of the cities of Rohnert Park and Petaluma. The service area encompasses the City of Cotati, the community of Penngrove, and areas of the Liberty Valley. The RAFPD provides firefighting and basic life support services to the planning area. Station 1 is located in the DSP area at La Plaza Park (see Figure 4.11-1). Station 1 houses five of the RAFPD’s eleven vehicles – three larger engines, a smaller engine, and a water-tender.¹ The RAFPD employs 15 permanent staff members, 15 part-time firefighters, and is supported by six volunteers, including one part time chief.² Response time to the DSP area is currently approximately three minutes. However, response time can be variable, depending on traffic conditions, weather, and other factors. The majority of RAFPD calls are for emergency medical services. The RAFPD is primarily funded by property taxes.

4.12 TRAFFIC AND CIRCULATION

There are no changes to this section.

² Rancho Adobe Fire Protection District Website, <http://www.rancho-adobe-fire.org/about.html>, retrieved by CAJA staff, April 22, 2009.

4.13 UTILITIES AND SERVICE SYSTEMS

As noted in Response to Comment B6-5, the first paragraph under subheading “Solid Waste” on page 4.13-2 (and continued on page 4.13-3) of the Draft EIR has been revised as follows:

Solid Waste

The City of Cotati is a member of the Sonoma County Waste Management Agency (SCWMA), a joint powers authority for the nine cities and County of Sonoma.⁶ Solid waste pickup is currently provided by Redwood Empire Disposal/North Bay Corporation~~Waste Management Inc.~~ According to the SCWMA,⁷ solid waste generated in the City of Cotati is routed to one of five transfer stations within the County. The County of Sonoma currently owns all the transfer stations in the County and is responsible for contractual agreements for out-of-county disposal. Currently, all solid waste generated by the members of SCWMA is transferred to private landfills outside Sonoma County. The County has contracted adequate capacity for Cotati through 2010 and intends to continue to provide solid waste disposal for the foreseeable future.

4.14 WATER SUPPLY

As noted in Response to Comments B4-19, the first paragraph on page 4.14-2 of the Draft EIR has been revised as follows:

Historical pumpage estimates in the SRP Subbasin were made by DWR for 1987 study, by Todd Engineers (Todd, 2004) for the Sonoma County Canon Manor West EIR, and by Winzler & Kelly (W&K, 2007) for the Rohnert Park Urban Water Management Plan. The estimated ~~unit~~unit pumpage was 0.31 to 0.36 AF/acre based on the DWR (1987) study that used an 81,000-acre study area similar to the boundaries of the SRP Subbasin. The Todd (2004) and Winzler & Kelly (2007) reports used similar study areas of 25,000 to 25,500 acres based on the upper Laguna watershed boundaries. These study areas encompassed the southern portion of the SRP Subbasin, including the cities of Cotati and Rohnert Park. Estimated average annual pumpage for the Todd study was about 8,500 AF or 0.33 AF/acre during 1986-2001. The estimated average annual pumpage for the W&K study area during 1990-1997 was about 8,700 AF or 0.35 AF/acre. These unit pumpage values are very similar to the unit pumpage estimated for the City's UGB. These pumping rates appear to be sustainable based on review of historical groundwater levels in the SRP Subbasin as substantiated in the WSA contained in Appendix 4.14.

5.0 OTHER CEQA CONSIDERATIONS

There are no changes to this section.

6.0 ALTERNATIVES

As noted in Response to Comment B4-20, Table 6.0-2, Comparison of Impacts of Alternatives to Proposed Project by Impact Category, on page 6.0-12 of the Draft EIR has been revised as follows:

Table 6.0-2. Comparison of Impacts of Alternatives to Proposed Project by Impact Category					
	No Project / No Build	No Project/ General Plan Buildout	Reduced Development	Land Use Alternative Residential (a)	Land Use Alternative Commercial (b)
<i>Aesthetics</i>	>	>	<	=	=
<i>Air Quality</i>	<	>	>	<	>
<i>Biological Resources</i>	<	=	=	=	=
<i>Cultural Resources</i>	<	=	=	=	=
<i>Geological Resources</i>	<	=	=	=	=
<i>Hazards & Hazardous material</i>	<	=	=	=	=
<i>Hydrology/Water Quality</i>	=	=	=	=	=
<i>Land Use Planning</i>	>	=	>	=	=
<i>Noise</i>	<	>	<	=	=
<i>Population and Housing</i>	<	>	<	=	=
<i>Public Services & Recreation</i>	<	>	<	>	<
<i>Traffic</i>	<	>	<	>	<
<i>Utilities & Service Systems; Water Supply</i>	<	>	<	>	<
Overall Total	<(7)		=/(6)	>(2)	<(2)
Comparison to	<u>>(2)</u>	<u>>(7)</u>	<u>>(2)</u>	<u>>(3)</u>	<u>>(1)</u>
Downtown	<u><(10)</u>	<u><(0)</u>	<u><(6)</u>	<u><(1)</u>	<u><(3)</u>
Specific Plan	<u>=(1)</u>	<u>=(6)</u>	<u>=(5)</u>	<u>=(9)</u>	<u>=(9)</u>
Notes: > means the alternative has greater impacts than the DSP; < means less impacts; and = means the impacts of the alternative are roughly the same. The parenthetical number represents the total number of impacts under the alternative that is either greater than, less, than or equal to the impact of the proposed project.					

7.0 LIST OF PREPARERS AND PERSONS CONTACTED

As noted in Response to Comment A2-15, the contacts provided under “Rancho Adobe Fire District” on page 7.0-1 of the Draft EIR have been revised as follows:

Rancho Adobe Fire Protection District

Frank Treanor, Fire Chief ~~*Bill Patten, Fire Marshal*~~

Steve Davidson, Battalion Chief ~~*Dwayne Harris, Fire Captain*~~

Mike Bechtold, Fire Marshal

4.0 MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Program, Section 15097 of the State *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). The City of Cotati (City) is the Lead Agency for the Downtown Specific Plan Project and is therefore responsible for enforcing and monitoring the mitigation measures in this Mitigation Monitoring Program (MMP).

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. Where appropriate, this environmental document identified project design features or recommended mitigation measures to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur. This MMP is designed to monitor implementation of the required and recommended mitigation measures and conditions set forth for project approval for the Project as identified in the Draft Environmental Impact Report (Draft EIR) and the Final Environmental Impact Report (Final EIR). The required and recommended mitigation measures as well as the conditions set forth for project approval are listed and categorized by impact area, with an accompanying identification of the following:

- Monitoring Phase, the phase of the project during which the mitigation measure shall be monitored. These phases include:
 - Pre-Construction, including the design phase.
 - Construction.
 - Operation (post-construction)
- Implementing Party, the party responsible for implementing the mitigation measure.
- The Enforcement Agency, the agency with the power to enforce the mitigation measure.
- The Monitoring Agency, the agency to which reports involving feasibility, compliance, implementation, and development are made.

The MMP for the Project will be in place throughout all phases of the Project. The Project Applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The Project Applicant shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented. The City will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

Generally, each certification report will be submitted to the City in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. The City shall assure that

project construction occurs in accordance with the MMP. Departments listed below are all departments of the City unless otherwise noted.

AIR QUALITY

Mitigation Measure AQ-1

The City shall enforce portions of the Cotati Municipal Code relevant to dust, namely, Sections 14.34.090 and 17.30.070 E. Dust.

The City shall also ensure that all construction sites, regardless of size, shall implement BAAQMD Basic Control Measures; additional measures, listed as Enhanced Control Measures, shall be implemented at larger construction sites (greater than 4 acres) (refer to Table 4.2-7). In addition, all project permits shall limit truck idling time to five minutes and require that all construction equipment be properly maintained and tuned.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department/BAAQMD

Mitigation Measure AQ-2

The City shall prohibit new sensitive uses, e.g., residences or convalescent homes, within 135 feet of Highway 101.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

BIOLOGICAL RESOURCES

Mitigation Measure BIO-1a

For the seven parcels (APNs 144-680-051, 144-190-023, 144-190-030, -021, 144-272-015, 144-274-014, and 144-274-015) identified in the FESA applicability section above that must address the potential presence of the California tiger salamander, the following measures apply:

Conduct a site assessment in accordance with the CDFG and the USFWS joint survey protocol (USFWS 2003) and submit this site assessment to the Sacramento Endangered Species Office of the USFWS. If

after reviewing the site assessment the USFWS states that the proposed property provides habitat for the California tiger salamander, the applicant's mitigation options are:

- a) Until the Conservation Strategy is formally adopted by Sonoma County and the participating cities, project applicants have the option to conduct protocol level surveys for the California tiger salamander in accordance with the joint protocol prepared by the CDFG and the USFWS. If the California tiger salamander is not detected, then no further mitigation is warranted as there would not be significant adverse impacts to the California tiger salamander pursuant to CEQA. If the California tiger salamander is detected, applicants would be required to mitigate impacts to this salamander as prescribed in the Interim Guidelines as detailed in (b) and (c) below. Once the Conservation Strategy is formally adopted, surveys may no longer be an option, the USFWS has not yet made a final decision; or,
- b) Should it be determined that a site could potentially support CTS, applicants may assume the tiger salamander's presence onsite and mitigate in accordance with the Interim Mitigation as prescribed in the Santa Rosa Plain Conservation Strategy. The Interim Mitigation shall be followed until such time that the implementing agencies have executed a Memorandum of Understanding, formally adopting the Conservation Strategy.

These interim guidelines are as follows:

Implement a Mitigation Ratio of 3:1 for projects with impact on breeding habitat; that is, those project sites that are within 500 feet of a known breeding site. This means that applicants would have to preserve three square feet of habitat for each square foot of habitat impacted as extrapolated to the project site acreage, minus qualified hardscapes as approved by USFWS. Preservation can be achieved through purchase of credits at a USFWS qualified California tiger salamander mitigation bank commensurate with impacts, or by buying and preserving land in perpetuity that is known to support the California tiger salamander as permitted by the USFWS. Currently, no properties within the DSP area are known to be within 500 feet of a known breeding site, so at the present time, this mitigation does not apply to the DSP area. This mitigation ratio is presented herein, however, in case new California tiger salamander populations are discovered within the DSP area or in the immediate surrounding area, in which case a 3:1 mitigation ratio would have to be implemented by affected project applicants.

Implement a Mitigation Ratio of 2:1 for projects with an impact on upland habitat; that is, those that are greater than 500 feet, and within 2,200 feet of a known breeding site(s), or within 500 feet of an adult occurrence.¹

Implement a Mitigation Ratio of 1:1 for projects with an impact on dispersal habitat; that is, those that are greater than 2,200 feet, and within 1.3 miles of a known breeding site(s). Also, projects beyond 1.3 miles from known California tiger salamander breeding sites which have potential California tiger salamander habitat could mitigate at 1:1 or implement other appropriate mitigation measures; for example, a project proponent could make a monetary contribution to a species fund. This mitigation measure would apply to the seven affected parcels in the DSP area.

Implement a Mitigation Ratio of 0.2:1 for projects that are greater than 1.3 mile from a known breeding site and greater than 500 feet from an adult record.

In addition, the following activities will require measures to minimize take for CTS (C. Armor, CDFG):

An activity that impacts a CTS breeding site: Prior to construction, salamanders will be collected and translocated to an appropriate breeding site as identified by the USFWS and CDFG.

An activity that impacts CTS upland habitat: Prior to construction, fencing will be installed to exclude CTS from entering the project site. Fences with ramps may be required to allow any CTS on-site to move into an adjacent habitat off-site. In these instances translocation may occur and would be determined on a case-by-case basis.

Any activity where wetlands are being established for listed plants, CTS breeding or for wetland mitigation that has an effect on CTS: Prior to construction, fencing will be installed to exclude CTS from entering the site.

Once the Conservation Strategy is formally adopted, the mitigation ratio for all projects that may affect the California tiger salamander goes to a 2:1 ratio, regardless of a project site's distance from a known breeding site or adult record.

¹ This mitigation requirement is specific to areas where known breeding sites have been extirpated in the last five years. "All known breeding sites in the Cotati area have now been destroyed. The remaining sites in the Cotati area where the animals can mate and develop are roadside ditches and other suboptimal habitat during years of above average rainfall (USFWS et. al. 2005)."

According to the USFWS, “hardscape analyses” are allowed to refine mitigation acreage requirements on a project basis. Therefore, hard-packed graveled surfaces, paved areas, sidewalks, and existing buildings would not be subject to the California tiger salamander mitigation requirements. The acreage of hardscape areas on a project site would be subtracted from the total project site acreage to determine the mitigation acreage calculation. All areas that are not hardscape would be subject to the mitigation ratios in effect at the time the USFWS reviewed the development application.

If mitigation onsite is not an option (that is, there is not enough available open space within the DSP area), the applicant shall contribute funds to a USFWS approved mitigation bank in Sonoma County.

If the USFWS determines that an Incidental Take permit for California tiger salamander is necessary for a proposed project (i.e., if protocol surveys are not conducted on the seven affected parcels proving absence of the California tiger salamander), project applicants will need to consult with the USFWS either via Section 7 (in which case a federal agency such as the Corps consults directly with the USFWS on behalf of the applicant) or Section 10 of FESA. In order to obtain an Incidental Take permit pursuant to Section 7 of the FESA, project applicants will need to have a “federal nexus” such as when the Corps is authorizing/considering a discretionary permit for a proposed project that would impact waters of the United States. If a project applicant does not have a federal nexus agency considering a discretionary permit, USFWS has stated that applicants may combine parcels that would impact waters of the U.S. with other parcels that would not into a single project. If combining project sites to obtain a federal nexus agency authorizing a discretionary permit for the project is not possible, then the applicant must use Section 10 of FESA to obtain an Incidental Take permit from the USFWS.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department and USFWS

Mitigation Measure BIO-1b

For the six parcels where surveys have been completed that demonstrate absence of the California tiger salamander (APNs 144-170-006, -007, -008, 144-170-009, 144-200-002, and 144-200- 004), the following mitigation measures apply.

Project applicants shall seek and obtain concurrence from the USFWS that proposed development on the six parcels would have “no effect” on the California tiger salamander. USFWS has stated it

will not formally weigh in on the effects of proposed projects on the California tiger salamander on these parcels until such time it reviews a formal application for development of these parcels. Thus, at the time there is a formal project application for these parcels, a qualified biologist should prepare a formal assessment summarizing the findings of the surveys and should request that the USFWS make a “no effect determination.” Upon receiving a “no effect” determination from the USFWS, no further mitigation would be warranted. If the USFWS fails to make a “no effect” determination, but rather determines that the proposed project would impact the California tiger salamander, the mitigation as prescribed above (Mitigation BIO-1A) for the seven affected parcels must be implemented as prescribed.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department and USFWS

Mitigation Measure BIO-1c

Project applicants shall provide up-to-date information regarding Special Status Species and Sensitive Habitats that may occur or have the potential to occur within individual project areas. At a minimum, a current list of Special Status Species and Sensitive Habitats may be obtained from the California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) database, as well as CDFG updates to the Santa Rosa Plain Conservation Strategy and should be submitted as part of the use permit application.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department and CDFG

Mitigation Measure BIO-2

Prior to the removal or extensive renovation of any building (e.g., old barns, houses, or sheds) within the DSP area, surveys shall be conducted to determine if any special-status bat species reside in the proposed impacted features. Surveys shall be conducted by a biologist with experience surveying for and identifying bat species. Any special-status bats identified in trees or buildings to be impacted shall be evicted in a manner that does not harm the bats. Eviction methods would need to be coordinated with CDFG. In addition, bat houses shall be constructed in open space areas outside any proposed development envelope. The number of bat houses established should be commensurate with the approximate number of bats that are evicted. California Native Species forms would be completed and sent to CDFG’s Natural Diversity Database office in Sacramento for each special-status bat species identified.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department and CDFG

Mitigation Measure BIO-3

A nesting survey shall be conducted prior to commencing with earth-moving, construction work, or tree removal if this work would commence between March 15th and August 31st. The raptor nesting surveys shall include examination of all trees within 500 feet of the subject property, not just trees slated for removal. This would ensure that raptors nesting outside the project site would not be disturbed by noise and vibrations. Nesting surveys shall be conducted in the spring the year of construction of the project and again no earlier than 14 days prior to tree removal and/or breaking ground at the project site. The optimal time to survey for nesting raptors is between April 15th and May 15th.

If nesting raptors are identified during the surveys, a qualified biologist will consult with and obtain approval for buffers with CDFG prior to tree removal and/or ground-breaking activities. A 300-foot non-disturbance radius around the nest tree must be staked with orange construction fencing. This 300-foot buffer may be reduced on a site-by-site basis if a qualified raptor biologist determines that the nesting raptors on a particular site are acclimated to people and disturbance and would not be adversely affected by earthmoving nearby. At a minimum, however, the nondisturbance buffer shall be a radius of 100 feet around the nest tree. If the nest site is on an adjacent property, the portion of the buffer that occurs on the project site shall be fenced with orange construction fencing. When construction buffers are reduced in size, the raptor biologist shall monitor distress levels of the nesting birds for one week after project disturbance occurs. If at any time the nesting raptors show levels of distress that could cause nest failure or abandonment, the raptor biologist shall have the right to re-implement the full 300 foot buffer. Instances when the buffer could be reduced in size would be if the raptors were well acclimated to disturbance and/or if there were physical barriers between the nest site and the construction project that would ameliorate disturbance to the nesting raptors. No construction or earth-moving activity shall occur within the non-disturbance buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1st. Regardless, the resource agencies consider August 1st the end of the nesting period unless otherwise determined by a qualified raptor biologist. Once the raptors have completed the nesting cycle, that is, the young have reached independence of the nest, no further regard for the nest site shall be required. The nest tree may be removed. No other compensatory mitigation is required.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department and CDFG

Mitigation Measure BIO-4

To prevent take of burrowing owls on a project site, surveys shall be conducted in the winter and spring the year prior to construction of the project. The purpose for conducting the surveys the year prior to the commencement of construction is to provide the land owner/applicant time to address any mitigation requirements that would be necessary to offset a proposed project's impact on this species. Initial pre-construction surveys shall be conducted outside of the owl breeding season (September 1 - January 31) but as close as possible to the date that ground-disturbing activities will begin. Initial pre-construction surveys shall be conducted no more than 30 days prior to ground-disturbing activities. The time lapse between surveys and site disturbance should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area. Burrowing owl surveys shall be conducted according to the methodologies prescribed by CDFG in their 1995 Staff Report on Burrowing Owl Mitigation and the Burrowing Owl Consortium in their 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines.

CDFG requires that projects impacting owls and owl habitat should mitigate all significant impacts to nesting, foraging, wintering, and dispersal habitat to a level below significance. Projects impacting burrowing owls or owl habitat should provide compensation that is roughly proportional to the impacts of the project. Occupied sites should be compensated at a ratio of 1:1 suitable habitat. Procurement and protection of suitable habitat would offset permanent impacts to burrowing owl habitat. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to CDFG. Land identified to offset impacts to burrowing owls must be protected in perpetuity either by a conservation easement or via fee title acquisition. A Mitigation Plan and Mitigation Agreement must be prepared and submitted to CDFG for their approval. The City of Cotati must receive copies of the Mitigation Plan and Mitigation Agreement by and between the applicant and CDFG prior to issuing a grading permit for the proposed project.

The Mitigation Plan shall identify the mitigation site and any activities necessary to enhance the site, including the construction of artificial burrows and maintenance of California ground squirrel populations in the mitigation preserve. For each pair of burrowing owls found in the construction area, three artificial nesting burrows must be created at the preserve site. The Plan shall also include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes would be the responsibility of the applicant for at least five years. An annual report must be prepared for submittal to CDFG by December 31 of each monitoring year. Contingency measures for any anticipated problems shall be identified in the plan.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department and CDFG

Mitigation Measure BIO-5

A nesting survey shall be conducted prior to commencing with construction work if this work would commence between March 15th and August 31st. If special-status birds, such as loggerhead shrike are identified nesting within the area of affect, a 100-foot non-disturbance radius around the nest must be fenced. No construction or earth-moving activity shall occur within this 100-foot staked buffer until it is determined by a qualified ornithologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1st. This date may be earlier than July 1, or later, and would have to be determined by a qualified ornithologist. Similarly, the qualified ornithologist could modify the size of the buffer based upon site conditions and the bird's apparent acclimation to human activities. If the buffer is modified, the ornithologist would be required to monitor stress levels of the nesting birds for at least one week after construction commences to ensure that project activities would not cause nest site abandonment or loss of eggs or young. At any time the ornithologist shall have the right to implement the full 100-foot buffer if stress levels are elevated to the extent that could cause nest abandonment and/or loss of eggs or young.

If common passerine birds (i.e., perching birds such as northern mockingbirds, scrub jays) are identified nesting in the trees proposed for removal, tree removal shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the study area. Typically, most passerine birds can be expected to complete nesting by July 1st, with young attaining sufficient flight skills by this date to avoid project construction zones. Unless otherwise prescribed for special-status bird species, upon completion of nesting no further protection or mitigation measures would be warranted for nesting birds.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department and CDFG

Mitigation Measure BIO-6

Buildings and associated structures shall be setback from the top of a creek bank a minimum distance of 2.5 times the height of the bank or 30 feet, whichever is greater ("creek setback zone"). This mitigation measure is consistent with the City of Cotati's watercourse ordinance. CDFG's jurisdiction for impacts to streams includes the bed, bank and channel, and associated riparian vegetation. The required set-back from the top of bank is dependent on the area of riparian vegetation. In order to determine the appropriate

set-back for a site containing a creek and associated riparian vegetation, consultation with CDFG is required. In addition, RWQCB recommends maximizing development buffers along Cotati Creek and Laguna de Santa Rosa. Coordination with the City of Cotati as well as regulatory agencies to determine appropriate buffers would be required for all projects within creek/stream corridors.

The one exception to this requirement is if the building is proposed within a previously channelized reach of the creek, or in a previously urbanized area, then it can be a smaller setback distance. This smaller setback distance would be determined as agreed upon by City of Cotati staff and CDFG. While the City can make exceptions to the standard setback requirement, consultation with CDFG would be required to determine set-back requirements. Hence, if the standard required creek setback distance cannot be achieved, i.e., if buildings or other infrastructure encroach five feet or more into the creek setback zone, then these proposed activities must be approved by CDFG through issuance of a Streambed Alteration Agreement (Section 1602 Agreement) or CDFG's written concurrence that no Streambed Alteration Agreement is required for the proposed activities. The applicant would also need approval from the City to encroach within this setback. Finally, if both CDFG and the City agree to modifications to the creek setback zone, a vegetation planting plan must be prepared and native trees and shrubs must be planted along the watercourse in the remaining setback area(s) within the vicinity of the impact. The number of trees and shrubs that shall be planted will be three trees and/or shrubs planted for each 20-foot reach of stream channel that is encroached upon (regardless of whether or not vegetation was removed). Or, if trees and shrubs must be removed, they shall be replaced at a 3:1 ratio. All species planted must be native California trees and shrubs that are native to the Cotati area (for example oaks, willows, alders). Replacement trees shall be 15 gallon container plants or larger. Weed mats shall be installed over the cleared planting areas and anchored to the ground with landscape staples. The weed mat will function to reduce competition for light, water, and nutrients. All planted trees and shrubs shall be protected from rodent and deer browsing by installing protective UV-collars around the trees. Finally, a drip irrigation system with automatic timers will be installed and operated over a minimum of three years while the trees and shrubs become established.

If a property does not have enough room to plant replacement trees and shrubs, these replacement trees and shrubs may be planted in a designated open space area within the City of Cotati or Sonoma County, as approved by the City and the jurisdiction that is responsible for the open space area (for example, a regional park). Trees and shrubs planted in another jurisdiction shall still be monitored in accordance with the monitoring condition stipulated below.

Any installed mitigation trees and shrubs shall be monitored annually by a qualified restoration ecologist or biologist for a period of five years. This will prevent large-scale unanticipated losses of establishing trees and shrubs. Monitoring will be initiated one year after plants are planted, and will continue each fall until the end of the five-year monitoring program. During each annual monitoring visit the number of planted trees and shrubs will be tallied to determine if there have been any tree losses within the last year. Health and vigor of the plants will also be noted. Annual monitoring reports shall be submitted to the City

by December 31 of each year, and if a Streambed Alteration Agreement was issued by CDFG, the reports shall also be submitted to this agency as well as the RWQCB. It is expected that five years after planting, the trees and shrubs will be well-established, self-sustaining, and that survivorship will be high. However, if at the end of the five-year monitoring period mortality of the planted trees and shrubs is greater than 20 percent, they shall be replanted. Monitoring of replacement trees and shrubs shall then continue annually for an additional five years until all trees and shrubs are healthy and self-sustaining. The applicant is responsible for supplemental planting and all monitoring costs.

Finally, to protect the water quality of Cotati Creek, Laguna de Santa Rosa and downstream creeks, BMPs will be in place during all site construction. All site runoff during construction and following construction shall be directed into existing stormwater systems. A Stormwater Management Plan (SWMP) shall be prepared by the applicant's engineer and submitted to the City prior to receiving a grading permit or building permit.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department, CDFG and RWQCB

Mitigation Measure BIO-7

Impacts to waters of the United States and/or State shall be avoided to the greatest extent feasible. If impacts cannot be avoided completely, impacts shall be reduced to less-than-significant levels through various means including partial avoidance/ minimization of impacts, and mitigation compensation. Those parcels identified in Figure 4.3-6 as supporting potential Corps jurisdictional area shall complete a wetland delineation. The wetland delineation shall be conducted according to the 1987 Corps Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) and the Arid West Interim Regional Supplement to the 1987 Wetland Delineation Manual (U.S. Army Corps of Engineers 2006). Once the map is confirmed by the Corps, the full extent of waters of the U.S. on a particular property would be known and the extent of impacts to regulated areas could be ascertained. Waters of the State include all waters of the United States and any waters deemed non-jurisdictional by the United States Army Corps of Engineers (USACOE). The RWQCB'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' means any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should be considered when determining impacts upon water resources. No Corps or RWQCB jurisdictional wetland or other waters shall be impacted by a project without first obtaining a permit from the respective agency for the proposed impacts.

The City of Cotati, like the Corps and the RWQCB, has a "no net loss" policy for wetlands. Hence, based on a Corps confirmed map, jurisdictional wetland areas shall be avoided on a project site wherever

feasible. Impacts shall also be minimized by the use of Best Management Practices to protect preserved wetlands and ensure water quality in wetlands and other waters within the watershed. These practices shall include construction period protections such as installing orange construction fencing, hay or gravel wattles, and other protective erosion control measures. If wetlands or creeks occur on a project site, a biological monitor shall be on-site during project grading to monitor the integrity of preserved wetlands and other waters.

If wetlands must be impacted by a proposed project, the loss of wetland (or other waters) must be compensated for through purchase of mitigation credits in a Corps and RWQCB approved wetlands mitigation bank with a service area that includes the project site. Prior permission shall be obtained from both the Corps and the RWQCB for the proposed project prior to the time mitigation credits are purchased. Proof of credit purchase in accordance with issued permit conditions from the Corps (and to the extent possible the RWQCB) shall be provided to the City.

If wetland mitigation credits are unavailable for the project, and mitigation compensation wetlands must be created by the applicant, they shall be created on-site only if a meaningful wetland avoidance preserve is established as part of the project. Any wetland preserve established on or offsite shall be permanently protected through fee title transfer to a qualified conservation organization, or through recordation of a conservation easement deed or other permanent Grant Deed recorded over the protected property.

Any created wetlands shall emulate those wetlands affected by the project (known as in-kind replacement). If wetlands cannot be created in-kind and on-site, other alternatives would need to be explored with the Corps and RWQCB, and approvals would be required from these agencies for use of an offsite wetland mitigation site.

Both the Corps and the RWQCB require a minimum of 2:1 mitigation for impacts. That is, for every acre of waters of the U.S. and/or State impacted, or fraction thereof, two acres must be created. In many cases, the Corps and RWQCB will allow purchase of creation/enhancement credits at a 1:1 ratio in addition to the purchase of preservation credits at a 1:1 ratio to make a combined mitigation ratio of 2:1. These agencies' policies require creation of wetland habitats on portions of a project site that would be unaffected by the proposed project or preservation and creation of offsite wetland habitat, or a combination of both. The specifics of wetland creation and preservation are determined by these agencies on a project by project basis.

If stream channels (Corps jurisdictional "other waters") would be impacted by a project, as part of the mitigation it shall be necessary to restore/enhance existing stream channels that would not be impacted by the project. Any work within a stream channel, including restoration/enhancement activities requires consultation with Corps, RWQCB, and CDFG personnel at the time permits and authorizations/agreements are applied for with these agencies. Fish and Game Code § 5901 states that it is unlawful to construct or maintain in any stream, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and downstream. Project applicants should consult the California Salmonid Stream Habitat

Restoration Manual and DFG for guidance. Stream restoration/enhancement mitigation shall be implemented specific to stream conditions and may include where appropriate:

- Replacement tree and shrub planting as specified at Mitigation BIO-2.
- *In streams with a gradient >2%:* creation of stream pool environments through installation of native rock barriers (check dams) that have vertical drops on the downstream edge that are, if possible, a minimum of 36 inches high. At the base of vertical drops, native rock armoring shall be installed to protect the rock barriers and to create an environment that can be scoured of silt deposits without damaging the rock barriers. After installation of check dams, pool environments would initially form upstream of the rock barriers. Over time, these pools would silt in. However, providing that large rock has been installed (greater than 24" in diameter), the vertical drop on the downstream side of the rock barrier should result in pools that do not silt in. Hydrologic scouring would maintain the integrity of these pools over the long term. The vertical drop below native rock barriers must be greater than 36 inches in order for water scouring to create pool environments.

If wetlands/ponds/perennial seeps would be impacted by a project, wetland plant/animal populations shall be relocated from the pools that would be impacted to recreated wetland/pond habitats. Topsoils shall be removed from ponds/wetlands that would be impacted, and placed into the recreated wetlands/ponds. These topsoils would contain a seed bank of the impacted wetland plant species which would germinate with fall/winter hydration of the recreated pond/wetland habitats. Recreated wetland habitats shall:

- remain inundated or saturated for sufficient duration to support a prevalence of hydrophytic vegetation.
- exhibit plant and invertebrate species richness comparable to the impacted wetlands.
- be monitored annually to document hydrology, plant colonization, and use by wildlife over a minimum five year period, or until mitigation is considered successful. All mitigation and monitoring requirements shall be coordinated with the Corps, USFWS, and CDFG.
- Monitoring reports shall be prepared annually and submitted to the Corps, CDFG, USFWS, and the City of Cotati Planning Department.
- The mitigation site(s) shall be protected in perpetuity by a conservation easement, other easement, or by Fee Title transfer of the property to a suitable conservation organization.

No impacts shall occur to Corps jurisdictional pools/wetlands until a Corps permit is obtained that authorizes impacts to these features pursuant to Section 404 of the Clean Water Act. Similarly, no impacts

shall occur to RWQCB jurisdictional areas until the RWQCB has issued a certification of water quality, or waiver thereof, pursuant to Section 401 of the Clean Water Act.

In lieu of creating compensation wetlands, as approved by the Corps and RWQCB, the applicant may purchase mitigation credits from an approved mitigation bank at a 2:1 ratio or as otherwise required by the Corps and RWQCB.

Aside from the minimum replacement ratio and in perpetuity protection, various regulatory agencies may provide additional conditions and stipulations for permits. Any other conditions that are stipulated for wetland/waters impacts by the Corps and/or RWQCB shall also become conditions of project approval.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department, CDFG, USFWS, and RWQCB

Mitigation Measure BIO-8

A tree permit shall be obtained from the City of Cotati for any trees protected by City ordinance within the DSP area. In order to obtain a tree permit, a bond must be posted with the City to guarantee that replacement trees are planted. The bond amount shall be approved by the City and it shall be based upon the cost of purchasing replacement trees, planting, and monitoring the trees' survival for a five-year period. Replacement trees shall be a minimum of 15-gallon size. Mitigation numbers shall be based on the City of Cotati's Land Use Code which states that the larger the tree removed, the greater the number of replacement trees required. This mitigation measure also includes compensation for any tree that is injured during grading or construction (e.g., if some roots are cut). Any tree that is injured will be compensated for by planting replacement trees at a 1:1 ratio. The trees' health shall be monitored annually for five years by a qualified biologist or arborist. Annual monitoring reports shall be submitted to the City of Cotati. Specifics of the tree replacement requirements are provided below.

Tree Planting Methodology. If a landowner would remove multiple trees on a project site, a planting plan shall be prepared that details where all replacement trees would be planted on the project site. The methods used to plant trees shall also be specified. All planted trees shall be protected from rodent and deer browsing by installing protective UV-collars around the trees.

Irrigation. All planted trees shall be provided with a buried irrigation system that would be maintained over a minimum 3-year establishment period. At the end of the 3-year period the irrigation system could be removed. The irrigation system shall be placed on automatic timers so that trees are automatically watered during the dry months of the establishment period.

At the end of a 5-year monitoring period, at least 80 percent of planted trees must be in good health. If the numbers of planted trees falls below an 80 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional three-year period after any replanting occurs. Any follow-up monitoring shall be reported annually to the City of Cotati.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure BIO-9

To mitigate impacts to ruderal, non-native annual grassland habitats in the DSP area, grassland areas that are outside of proposed grading activities should be enhanced. Enhancing grassland areas would ensure stability of slopes and would promote the growth of native species. Enhancement of this plant community should include broadcast seeding of native grasses and forbs, and/or planting plugs of native California grass species in proposed open space areas and on graded pads and/or slopes that are created due to land moving activity associated with development. Prior to the time a site (or portion of a site) is graded, a native seed mix will be obtained and incorporated into the erosion control measures associated with grading. All project grading plans and erosion control plans shall specify the native seed mixture and/or native grass plugs and shall designate where it will be broadcast onto the proposed grading site.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure BIO-10

With adequate, general plan-mandated setbacks and other protections, impacts to wetland resources should be minimized. Mitigation that includes re-creation of impacted waters of the U.S. would also offset this cumulative impact.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

CULTURAL RESOURCES

Mitigation Measure CULT-1a

Buildings over 45 years in age: If buildings over 45 years in age are proposed for alteration or demolition, a professional historian shall evaluate whether the building is a significant historic resource under CEQA standards. If the professional determines the building is a significant historic resource, it shall make recommendations for appropriate mitigation measures within the CEQA *Guidelines* and *The Secretary of the Interior's Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Standards). The 45 year threshold applies from the date of inventory, and the buildings studied will therefore change over time. For example, at the time of this writing (2008), buildings constructed prior to 1963 are considered potentially important. However, by buildout of the plan (estimated to occur in the year 2025), buildings constructed prior to 1980 will need to be considered.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-1b

Historic buildings or building additions: Proponents shall meet with the Historical Society and City architectural review staff or consultant to discuss and address items such as size, bulk, scale, massing, and exterior design elements and other mitigation measures to reduce the impact to the historic resource to the extent feasible. All window framing on wood-sided historic buildings shall be wood, not metal. Wood-sided historic buildings shall be maintained with a wood exterior. The slope of each hipped or gabled roof on all new buildings or additions shall be compatible with the slope on existing buildings.

Monitoring Phase	Pre-Construction and Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-1c

Proposed renovations of historic structures: Renovations to existing historic structures shall be designed to enhance their function, safety and longevity. Proposed renovations of all buildings identified as significant shall use durable, State Historic Building Code compliant materials that fit the period of construction (late 19th to mid-20th century) and architectural character of the existing buildings. All

renovations proposed for buildings fifty years of age or older shall use the State Historic Building Code instead of the Uniform Building Code.

Monitoring Phase	Pre-Construction and Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-1d

Proposed demolitions: Demolition of historic buildings will be allowed only after a recordation according to *Historic American Building Survey* (HABS) standards has been completed. Copies of the HABS recordation for each building shall be maintained in the local public library, City of Cotati Planning Division, and at the Sonoma State University Information Center. These federal recordation standards include large-format photography and measured architectural drawings, along with a professionally prepared descriptive text. The HABS requirements are provided at <http://www.cr.nps.gov/habshaer/habs/guidelines/arch-index.htm>. No demolition permits will be issued by the City until the HABS recordation has been completed.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2

Permits for projects that require excavation or grading shall require that any discovery of archaeological resources will cause the cessation of construction and the use of an archaeologist to assess and appropriately protect those resources. If the archaeologist determines that the archaeological resource is a unique archaeological resource, impacts to the resource shall be avoided or mitigated in accordance with standards under Public Resources Code section 21083.2. If the archaeologist determines that the archaeological resource is a significant resource, impacts to the resource shall be avoided or mitigated in accordance with CEQA Guidelines section 15126.4 (b). If human remains are encountered on the property, all applicable legal requirements shall be followed, including, but not limited to, Public Resources Code sections 5097-5097.6, Health & Safety Code section 7050.5 and CEQA Guidelines section 15064.5 and 15126.4. The Sonoma County Coroner's Office shall be contacted within 24 hours of the find, and all work should be halted until a clearance is given by that office and any other involved agencies. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Archaeological resource data and

artifacts collected within the planning area shall be permanently curated at a repository with facilities for permanent storage and providing access for scholarly researchers.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

GEOLOGY/SOILS

Mitigation Measure GEO-1

Prior to issuance of any site specific grading or building permits within the DSP area, a design-level geotechnical investigation shall be prepared by the developer/applicant and submitted to the City of Cotati for review and confirmation that the proposed development complies with the California Building Code and other applicable regulations. Each geotechnical report shall determine the surface geotechnical conditions and address potential seismic hazards. Analysis in the geotechnical report shall conform with the California Division of Mines and Geology recommendations presented in the Guidelines for Evaluating Seismic Hazards in California. All measures, design criteria, and specifications set forth in the geotechnical reports shall be implemented as a condition of individual project approval.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Engineering Department

Mitigation Measure GEO-2

All construction activities within the DSP area will be required to comply with construction Best Management Practices (BMPs) and strategies established by the City of Cotati the Regional Water Quality Control Board (which will be included in project Storm Water Pollution Prevention Plans),² and the California Stormwater Quality Association.³ Examples of recommended BMPs include:

- Schedule construction activities during dry weather.
- Protect and establish vegetation.

² San Francisco Regional Water Quality Control Board. *Erosion and Sediment Control Field Manual and Guidelines*. Revised 2002.

³ California Stormwater Quality Association. *Stormwater Best Management Practice Handbooks*. 2002

- Stabilize construction entrances and exits to prevent tracking onto roadways
- Protect exposed slopes from erosion through preventative measures such as covering slopes to avoid contact with stormwater.
- Install straw wattles (fiber rolls) and silt fences on contour to prevent concentrated flow.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department and RWQCB

HYDROLOGY & WATER QUALITY

Mitigation Measure HYD-1

All projects proposed under the DSP shall be required to comply with City and state regulations regarding site runoff and water quality protection, including NPDES requirements and implementation of BMPs. These permits require development and implementation of a stormwater pollution prevention plan (SWPPP) during construction and use of permanent BMPs to address post-construction runoff.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Engineering Department
Monitoring Agency	Engineering Department

Mitigation Measure HYD-2

All development within the 100 year flood zone shall be constructed in accordance with City of Cotati Municipal Code requirements for construction in special flood hazard areas (Title 15).

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Engineering Department
Monitoring Agency	Engineering Department

NOISE

Mitigation Measure NOISE-1

All construction activities associated with the DSP shall comply with existing City standards and policies established within the City's General Plan and Municipal Code. In addition, the following measures shall be implemented:

- The construction contractor shall post a sign at all entrances to the work site prior to commencement of the work informing all contractors and subcontractors, their employees, agents, delivery personnel and all other persons at the property of the basic limitations upon noise and construction activities provided in the City's General Plan and Municipal Code.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

Monitoring Phase

Pre-Construction/Construction

Implementing Party

Applicant/Contractor

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department

Mitigation Measure NOISE-2

Where exterior noise levels are expected to exceed noise standards, development projects are required to prepare an acoustical analysis to identify the noise attenuation features that need to be included in the project's design to maintain interior noise levels at or below 45 dBA. Compliance with the recommendations of a qualified acoustical expert will ensure that interior noise standards are met. Building sound insulation requirements would need to include the provision of forced air mechanical ventilation in noise environments exceeding 60 dBA CNEL, so that windows could be kept closed at occupant's discretion to control noise. Special building construction techniques (such as sound-rated windows and/or building façade treatments) may be required where exterior noise levels exceed 65 dBA CNEL. These treatments include, but are not limited to sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted for applicable projects on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted along with the building plans and approved prior to issuance of a building permit.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department

Mitigation Measure NOISE-3

Mitigation for noise impacts of mixed-use developments shall be developed and applied as specific projects are proposed, based on acoustical analyses for these projects. Measures may include but are not limited to:

- Operating hour limitations
- Mechanical system design and location modifications
- Limits on some combinations of tenants

The acoustical analysis shall identify the noise attenuation features that need to be included in the project's design to maintain interior noise levels at or below 45 dBA for residential uses. The following noise insulation features, or their equivalent, shall be used to provide acceptable interior noise levels for residential uses in mixed use developments and residential development along heavily used transportation routes. Such features include:

- Batting or resilient channels in exterior walls
- Double paned windows
- Air conditioners to enable occupants to keep their windows closed
- Fixed windows with mechanical ventilation systems
- Noise baffles on exterior vents
- Windows and sliding glass doors mounted in low air infiltration rate frames
- Solid core exterior doors with perimeter weather stripping and threshold seals

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

Community Development Department

TRAFFIC/CIRCULATION

Mitigation Measure TRAN-1a

For the Old Redwood Highway/William and George Streets intersection, the City shall install a traffic signal. No changes to the intersection geometry would be needed.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Engineering Department

Mitigation Measure TRAN-1b

For the East Cotati Avenue/Charles Street intersection, the traffic impacts could be reduced to less than significant by prohibiting peak hour left turns from Charles Street to East Cotati Avenue. Additional traffic using Charles Street as a cut-through from Old Redwood Highway to East Cotati Avenue in an effort to avoid traffic signals would cause this situation to occur. Existing counts show that less than five vehicles in either peak hour make this left turn. Prohibiting left turns during the peak hour would not have a significant impact on existing traffic. In addition, implementation of traffic calming measures could also be installed on Charles Street to discourage additional cut-through traffic.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development and Engineering Departments

Mitigation Measure TRAN-1c

For the Old Redwood Highway/Henry and Charles Streets intersection, the City shall install a traffic signal. No changes to the intersection geometry would be needed.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development and Engineering Departments

Mitigation Measure TRAN-2

The City shall design Old Redwood Highway's (south) approach to La Plaza to allow potential future inclusion of a second right-turn lane. The City shall monitor traffic conditions over time, and if traffic

queuing becomes unacceptable, the City shall install a second right-turn lane (note that under No Build conditions, additional northbound and southbound through lanes would be required at the Old Redwood/West Sierra/East Cotati intersection to achieve acceptable operating conditions).

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development and Engineering Departments

Mitigation Measure TRAN-3

The City shall monitor traffic flows on Charles, Henry, Olaf, William and George Streets and, if traffic levels increase to unacceptable levels, the City shall implement traffic calming features, such as speed tables, semi-diverters, chokers, chicanes, and/or other measures.⁴

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development and Engineering Departments

Mitigation Measure TRAN-4

Traffic signal pre-emption would clear vehicular queues along La Plaza streets in advance of fire apparatus leaving the fire station. With a traffic signal at La Plaza/Old Redwood Highway (south), it may be prudent to allow emergency vehicles to travel southbound on the one-block segment of La Plaza between East Cotati Avenue and Old Redwood Highway (south) by pre-empting the signal at La Plaza/Old Redwood Highway (south) or fire apparatus could access Old Redwood Highway (south) by traveling southbound along Charles Street.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development and Engineering Departments

⁴ For example, installation of semi-diverters, which through the use of a projected curb prohibit specific one-way vehicular movements, could be installed on William Street near Old Redwood Highway (north) to prohibit southbound movements onto William Street and on Henry Street near West Sierra Avenue to prohibit eastbound movements onto Henry Street. The semi-diverters would encourage vehicle-trips attempting to bypass La Plaza to use La Plaza instead. The semi-diverters could be constructed to allow two-way bicycle trips.

Mitigation Measure TRAN-5

The City shall install appropriate signage at La Plaza Park to require bicyclists using the pathways within the Park to walk their bicycles.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development and Engineering Departments

Mitigation Measure TRAN-6

The City shall designate William, Olaf, Henry, Charles, Arthur, and George Streets be designated as bicycle streets (i.e., “bicycle boulevards”) by installing signs and pavement markings. All types of vehicles would still be allowed on these streets, but bicycle safety and convenience would be enhanced.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development and Engineering Departments

5.0 ACRONYMS AND ABBREVIATIONS

ACM	Asbestos-Containing Material
Act	Urban Water Management Planning Act
ANSI	American National Standard Institute
AQMP	Air Quality Management Plan
ARB	Air Resources Board
ASTM	American Society for Testing Materials
ASTs	Above-ground petroleum storage tank facility
ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
Basin	San Francisco Bay Area Air Basin
BEP	California Bond Expenditure Plan
bgs	Below ground surface
BMPs	Best Management Practices
Cal/EPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CAT	Climate Action Team
CBC	California Building Code
CCAR	California Climate Action Registry
CDFG	California Department of Fish and Game
CDMG	California Division of Mines and Geology (now called California Geology Survey [CGS])
CEQA	California Environmental Quality Act
CERCLIS	(Federal) Comprehensive Environmental Response, Compensation and Liability Information System
CFL	compact fluorescent light
CGS	California Geological Survey
CHMIRS	California Hazardous Material Incident Report System
CHRIS	California Historic Resource Inventory
CMA	Critical Movement Analysis
CMP	Congestion Management Program
CNDDDB	State of California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO ₂ e	carbon dioxide equivalences
CORRACTS	Corrective Action Facilities (see also Federal RCRA)

CORTESE	State of California Office of Planning and Research (OPR)
CPA	Community Plan Area
CRA	Community Redevelopment Area
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted decibel
DBH	Diameter at breast height
DHS	State of California Department of Health Services
DSP	Downtown Specific Plan
DTSC	State of California Department of Toxic Substances Control
EIR	Environmental Impact Report
EMI	Emissions Inventory Database
EPA	United States Environmental Protection Agency (also referred to as USEPA)
ERNS	(Federal) Emergency Response Notification System
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations (Part 77, <i>Objects Affecting Navigable Airspace</i>)
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FHWA-RD-77-108	FHWA Highway Traffic Noise Prediction Model
FID	State of California Facility Inventory Database
FIFRA	Federal Insecticide Fungicide Rodenticide Toxic Act/Toxic substances Control Act (TSCA) Tracking System (FTTS) (see also TSCA, FTTS)
FINDS	Facility Index System/Facility Identification Initiative Program Summary
FTA	Federal Transit Administration
FTTS	(Federal TSCA) Tracking System (see also FIFRA, TSCA)
GEN	(Federal RCRA) Generator (see also Federal RCRA) – includes large quantity (LQG) and Small Quantity (SQG) Generators (see also LQG and SQG)
Geotechnical Study	Report of Geotechnical Investigation
GHG	Greenhouse gases
gpd	Gallons per day
HAZNET	Hazardous Waste Information System, State of California Office of Planning and Research
HIST UST	Historical State Registered Underground Storage Tanks
HRA	Health risk assessment
HTP	Hyperion Treatment Plant

HTS	Hyperion Treatment System
HVAC	heating, ventilation, and air conditioning
IS	Initial Study
ITE	Institute of Transportation Engineers
ITS	Intelligent Transportation Systems
L _{eq}	average sound level
lbs	Pounds
LBP	Lead-based paint
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
LQG	(Federal RCRA) Large Quantity Generator (see also SQG, and GEN/Federal RCRA Gen)
LSTs	Localized Significance Thresholds
LUST	State Leaking Underground Storage Tank (UST) (see also UST)
MBTA	Migratory Bird Treaty Act
mgd	Million gallons per day
MTBE	Methyl Tert-Butyl Ether
NFRAP	No Further Remedial Action Planned (see also Federal CERCLIS)
Noise Ordinance	City of Cotati Noise Ordinance
NO _x	nitrous oxide
NPDES	National Pollutant Discharge Elimination System
NPL	Federal National Priority List
NRDC	Natural Resources Defense Council
OGW	Oil and Gas Wells
OPR	State of California Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PCBs	Polychlorinated biphenyls
PM _{2.5}	Particulate matter less than 2.5 microns in diameter
PM ₁₀	Particulate matter less than 10 microns in diameter
ppm	Ppts per million
PPV	Peak particle velocity
RCPG	Regional Comprehensive Plan and Guide
RCRA	(Federal) Resource Conservation and Recovery Act (for Treatment, Storage and Disposal/TSD Facilities) (see also TSD)
ROWD	Report of Waste Discharge
RTP	Regional Transportation Plan

RUWMP	Regional Urban Water Management Plan
RWQCB	Regional Water Quality Control Board
SCH	School Sites Being Evaluated for Hazardous Material Contamination
sf	Square foot
SLIC	California Spills, Leaks, Investigations, and Cleanups
SO _x	Sulfur Oxide
SQG	(Federal RCRA) Small Quantity Generator (see also Federal RCRA Gen)
SRA	Source Receptor Area
SRRE	Source Reduction and Recycling Element
STIP	State Transportation Improvement Program
SUSMP	Standard Urban Stormwater Mitigation Plan
SWEEPS	Statewide Environmental Evaluation and Planning System
SWIRP	Solid Waste Integrated Resource Plan
SWIS	Solid Waste Information System (see also WUMD)
SWPP	Storm Water Pollution Prevention
SWPPP	Storm Water Pollution Prevention Program
SWRCY	Solid Waste Recycling Facilities, California listing of
Traffic Report	Traffic Impact Study Report
TRU	Transportation Refrigeration Units
TSCA	(Federal) Toxic Substances Control Act (see also FIFRA, FTTS)
TSD	Treatment, Storage and Disposal Facilities (see also Federal RCRA)
UBC	Uniform Building Code
ug/L	micrograms per liter
USFWS	U.S. Fish and Wildlife Service
USPS	United States Postal Service
UST	State Registered Underground Storage Tank
UWMP	Urban Water Management Plan
VCP	Voluntary Cleanup Program
VdB	Vibration Decibels
VOC	Volatile Organic Compounds
VPH	Vehicles per hour
VMT	Vehicle miles traveled
VPD	Vehicles per day
WDS	State of California Waste Discharge System/CA WDS
WUMD	Waste Unit Management Database (see also SWIS)

6.0 PREPARERS OF THE FINAL EIR AND PERSONS CONSULTED

CEQA LEAD AGENCY

City of Cotati Community Development Department

201 West Sierra Avenue

Cotati, CA 94931

Marsha Sue Lustig, Assistant to the City Manager/Acting Community Development Director

Misti Harris, Assistant Planner

EIR CONSULTANT

Christopher A. Joseph & Associates

179 H Street

Petaluma, CA 94952

Geoff Reilly, Vice President/Principal and Principal-in-Charge

Terri McCracken, Project Manager

Patricia Preston, Environmental Planner

Megan Marruffo, Assistant Environmental Planner

Scott Wirtz, Senior Environmental Scientist (Noise)

Dan Hooper, Senior Environmental Scientist (Air Quality)

Laura Moran, Senior Biologist

Scott Johnson, Graphics Director

Megan Steer, Research Assistant

TECHNICAL SUBCONSULTANTS

Whitlock & Weinberger Transportation, Inc. (Traffic)

490 Mendocino Avenue, Suite 201

Santa Rosa, CA 95401

Allan Tilton, Senior Associate

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APPENDIX A

Bracketed Comment Letters & Attachments on the Draft EIR

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



March 10, 2009

Marsha Sue Lustig
 City of Cotati
 201 West Sierra Ave.
 Cotati, CA 94931

RECEIVED
 MAR 12 2009
 CITY OF COTATI
 CITY MANAGER/CITY CLERK

RE: SCH#2006032072 Downtown Specific Plan (DSP); Sonoma County.

Dear Ms. Lustig:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

A1-1

- ✓ Contact the appropriate regional archaeological information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

A1-2

A1-3

A1-4

A1-5

Sincerely,

Katy Sanchez
 Katy Sanchez
 Program Analyst

CC: State Clearinghouse

Native American Contact
 Sonoma County
 March 10, 2009

The Federated Indians of Graton Rancheria
 Gene Buvelot
 6400 Redwood Drive, Ste 300 Coast Miwok
 Rohnert Park , CA 94928 Southern Pomo
 coastmiwok@aol.com
 (415) 883-9215 Home
 (415) 259-7819 Cell

The Federated Indians of Graton Rancheria
 Frank Ross
 440 Apt. N Alameda del Prado Coast Miwok
 Novato , CA 94949 Southern Pomo
 miwokone@yahoo.com
 (415) 269-6075

Ya-Ka-Ama
 6215 Eastside Road Pomo
 Forestville , CA 95436 Coast Miwok
 (707) 887-1541 Wappo

The Federated Indians of Graton Rancheria
 Greg Sarris, Chairperson
 6400 Redwood Drive, Ste 300 Coast Miwok
 Rohnert Park , CA 94928 Southern Pomo
 coastmiwok@aol.com
 707-566-2288
 707-566-2291 - fax

Dawn S. Getchell
 P.O. Box 53 Coast Miwok
 Jenner , CA 95450 Pomo
 (707) 865-2248

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2006032072 Downtown Specific Plan (DSP); Sonoma County.

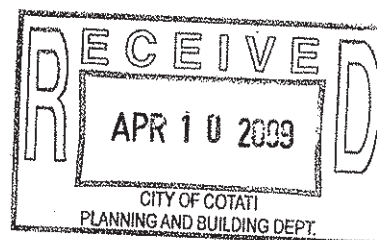
Rancho Adobe Fire Protection District

11000 Main Street
P. O. Box 1029
Pennngrove, California 94951

Telephone: (707) 795-6011
Fax: (707) 795-5177
www.rancho-adobe-fire.org

April 1, 2009

Ms Marsha Sue Lustig
Assistant to the City Manager
City of Cotati
201 West Sierra Avenue
Cotati, CA 94931
RE: Draft EIR Downtown Specific Plan
Dear Ms Lustig:



The members of the Rancho Adobe Fire Protection District have studied the above referenced plan and have the following observations and recommendations.

1. It is noted that fire station number 1 will remain in the same location. The issues to be addressed in the plan pertaining to this location are:
 - The apron at the front of the station needs to be larger due to the need to have room for an aerial truck apparatus. Such apparatus will be necessary because of the potential 50-foot height limit referenced in previous plans and the approximately 35 foot height of buildings in the down town area. These heights and the need for the truck are of major importance in this plan. Development impact fees could finance the purchase of this truck. The citizens of Cotati would be the prime beneficiaries of the truck service.
 - The rear parking area for off-street parking currently has room for about 30 vehicles. This parking is for response of off-duty personnel in time of emergency recall. This Station is used for many training classes during the year and the off-street parking is vital to these training sessions. The rear area is also the site of training evolutions at Station 1. This yard area must be maintained at the same size. On pages 3.0-19 through 3.0-21 there is no reference to the size of the parking area in the chart.
 - The traffic patterns may present a problem for rapid response due to pedestrians and roundabout one-way traffic.
 - The reference at the bottom of page 3.0-15 and page 3.0-17 speak in general terms about the fire protection provided by Rancho Adobe Fire. The staffing figures in the plan are inaccurate, the current staffing is 2 people or a ratio per 1000 of .25, and there are not 25 volunteers anywhere near Cotati. The staffing inaccuracies continue on page 4.11.2. The plan fails to specifically address response by fire, in the park and roundabout area and the effect of fire services as a result of responses to incidents in the greater Cotati area, Pennngrove and Rohnert Park.

A2-1

A2-2

A2-3

A2-4

A2-5

(cont'd)

• The plan indicates an increase in population and population density in the core area of Cotati, with the increased heights of buildings and need for the aerial truck is a need for increased full-time staffing. The Cotati station will need to be staffed with an officer, engineer and 2 firefighters. The cost of this staffing cannot be absorbed by the District and must be passed on to those who benefit from their service. It is important that planners and developers look at the increased demands for service that the plan creates and fairly and adequately address these needs.	A2-6
• The parking model on page 3.0-22 must be further explored in terms of providing access for the fire apparatus to respond. Narrow streets possibly with delivery trucks double parked and large trees above the street all create response problems for fire.	A2-7
• The plan calls for "enhanced safety of pedestrians in the hub area while ensuring a delightful downtown experience." The fact that the fire apparatus must respond out of this park speaks neither to safety of citizens running in the park nor that delightful downtown experience. Reference 4.8-1.	A2-8
• In 4.9 the report discusses noise. It appears to cover a great deal of general topics in an effort to educate the reader but does not address the real issue of a fire apparatus using a siren and air horn while responding in and about and from the park area. The chart on page 4.9-3 ignores the sound of fire apparatus. None of the mitigation solutions mentioned in pages 4.9-14 to 4.9-16 specifically addresses the noise at any hour of the day or night created by an emergency response.	A2-9
• A solution to these issues may be to remove the firehouse to a location better suited for their response and the safety thus creating that peaceful and safe area in the park. Such a site might be at Valpariso and Old Redwood. This new station would have to be funded by the city of Cotati or the developer.	A2-10
2. In the plan in and about the core area there are narrow paseos or passages with trees on them, all very beautiful but difficult from a fire suppression standpoint. The trees are potential exposures to the buildings and they create laddering problems, as do other features shown in the designs.	A2-11
3. The Geological Resources section specifically pages 4.5-8, 9 show that liquefaction risks are high in the eastern and northern sectors of the City. Thought should be given to adding seismic smart valves on the water and gas mains proximal to these areas to prevent gas and water flow from broken mains. This would preserve and maintain the Cotati water supply and possibly minimize natural gas leaks.	A2-12
4. In Section 6.0 pertaining to alternatives, clear attention should be given to the location of the fire station in the plan and the impact it may have on the plan. Now is	A2-13 (cont'd)

the time to explore the possibility of fire station relocation to a vacant lot and not dealing with the station in the park.

A2-13
(cont'd)

5. The District would like to meet with the designers to discuss the impact of services and water flow in the area and also discuss the 50 foot height limit or any height over 28 feet unless some form of aerial truck company can be provided by the plan at no cost to the District.

A2-14

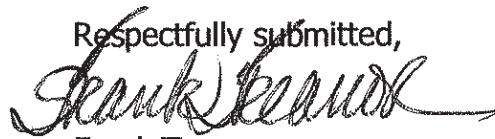
5. In Section 7 Preparers and contacts. The fire district contacts should be updated as follows: Chief Frank Treanor 707-795-6011

Battalion Chief Steve Davidson 707-591-4201

Fire Marshall Mike Bechtold 707-795-5455

A2-15

Respectfully submitted,



Frank Treanor
Chief of District



**Pacific Gas and
Electric Company®**

RECEIVED
MAR 25 2009

Land - North Coast
111 Stony Circle
Santa Rosa, CA 95401

March 23, 2009

CITY OF COTATI
CITY MANAGER/CITY CLERK

City of Cotati Community Development Dept.
Attn: Marsha Sue Lustig
Assistant to the City Manager/
Acting Community Development Director
201 West Sierra Ave.
Cotati, Ca. 94931

RE: Downtown Specific Plan
59.5 Acres

Ms. Lustig:

Pacific Gas and Electric Company (PG&E) has reviewed the information provided with your Downtown Specific Plan and the associated Environmental Impact Report concerning the above referenced project.

A3-1

Following are some general comments concerning this project:

The documents provided are broad in their scope. It would appear that we will most certainly be affected. But, without specifics we can give no details. Please advise us as detailed plans and schedules evolve.

Electric and gas service to this development will be provided in accordance with the applicable extension rules, copies of which are available by telephoning our Service Planning office at our Santa Rosa Service Center at (707)579-6355. It is suggested that PG&E be contacted as soon as possible so that there may be adequate time for PG&E to engineer and schedule any necessary work for the project.

A3-2

The cost of any relocation of existing PG&E facilities or conversion of existing overhead facilities to underground necessitated by this project will be the responsibility of the requester.

Prior to the start of excavation or construction it is required that the contractor call Underground Service Alert (USA) at 1-800-227-2600 to have the location of any existing underground facilities marked in the field.

Thank you for the opportunity to review this application. If you have any question regarding these comments, please call me on (707) 577-7263.

A3-3

Sincerely,

Peter Faeustle

Peter Faeustle
Santa Rosa Land Services



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
 Bay Delta Region
 Post Office Box 47
 Yountville, California 94599
 (707) 944-5500
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director



April 10, 2009

Ms. Marsha Sue Lustig
 City of Cotati
 201 West Sierra Avenue
 Cotati, CA 94931

Dear Ms. Lustig:

Subject: Downtown Specific Plan, SCH# 2006032072, City of Cotati, Sonoma County

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (EIR) for the Downtown Specific Plan (DSP). This draft EIR discusses the environmental impacts associated with the development of 59.5 acres for Downtown Cotati.

A4-1

The draft EIR states that the majority of the DSP area is outside the geographic area referred to by the resource agencies as the Santa Rosa Plain; however, the entire DSP area is located within the Santa Rosa Plain. Although the draft EIR is following the interim mitigation measures of the *Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California* (Programmatic Biological Opinion), the draft EIR should state that the entire project area is located within the Santa Rosa Plain.

A4-2

The draft EIR also states the California tiger salamander (CTS) is designated as a California species of special concern and that this California status affords CTS no legally mandated State protection. On February 5, 2009, the Fish and Game Commission accepted for consideration the petition submitted to list CTS as endangered. CTS is now a candidate species as defined by Section 2068 of the Fish and Game Code. The California Endangered Species Act (CESA) prohibits unauthorized take of a candidate species, just as it prohibits such take of threatened and endangered species. All activities, whether new or ongoing, that will cause incidental take of the candidate species is in violation of CESA, unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code Section 2084 or DFG authorizes the take through the issuance of a Permit under Fish and Game Code Section 2081 or by other means authorized by CESA.

A4-3

Mitigation BIO-1a discusses the applicant's mitigation options for CTS. The draft EIR states that if CTS is detected, then the applicants would be required to mitigate impacts as prescribed in the Interim Guidelines as detailed in Option B and Option C. Option B states that in lieu of conducting surveys that have negative findings, project applicants may append the proposed project to the Programmatic Biological Opinion published on November 9, 2007; while Option C discusses the Programmatic Biological Opinion Interim Mitigation Ratios. The only option for mitigation for impacts to CTS is Option C, the Interim Mitigation Ratios. As part of the mitigation

A4-4
 (cont'd)

measures, the draft EIR should also incorporate measures to minimize their potential direct and indirect effects on the CTS. The following activities will require measures to minimize take for CTS:

- 1) An activity that impacts a CTS breeding site: Prior to construction, salamanders will be collected and translocated to an appropriate breeding site as identified by the U.S. Fish and Wildlife Service (USFWS) and DFG.
- 2) An activity that impacts CTS upland habitat: Prior to construction, fencing will be installed to exclude CTS from entering the project site. Fences with ramps may be required to allow any CTS on-site to move into an adjacent habitat off-site. In these instances translocation may occur and would be determined on a case-by-case basis.
- 3) Any activity where wetlands are being established for listed plants, CTS breeding or for wetland mitigation that has an effect on CTS: Prior to construction, fencing will be installed to exclude CTS from entering the site.

A4-4
(cont'd)

Mitigation BIO-3 discusses conducting raptor nesting surveys 30 days prior to tree removal and/or breaking ground at the project site and establishing buffers around active raptor nests. Fish and Game Code § 3503.5 states it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds-of-prey or raptors) or take, possess, or destroy the nest or eggs of any such bird. Prior to tree removal and/or breaking ground at the project site, surveys for nesting raptors should be conducted no earlier than 14 days. If nesting raptors are found, project applicants should consult and obtain approval for buffers with DFG prior to tree removal and/or ground-breaking activities.

A4-5

The draft EIR also states, per the *Sonoma County Breeding Bird Atlas*, that the burrowing owl no longer breeds in Sonoma County. This statement should be re-evaluated. Per the *California Bird Species of Special Concern*, there are a few breeding burrowing owls located in Sonoma County. The California Natural Diversity Database also shows several locations of burrowing owls within Sonoma County, including the City of Cotati, with initial sightings occurring from November through March.

Mitigation Measure BIO-4 discusses preventing take of burrowing owls through conducting surveys in the winter and spring and again 30 days prior to construction. DFG does not favor passive eviction during the breeding season. Initial pre-construction surveys should be conducted outside of the owl breeding season (September 1 – January 31) but as close as possible to the date that ground-disturbing activities will begin. Initial pre-construction surveys should be conducted no more than 30 days prior to ground-disturbing activities. The time lapse between surveys and site disturbance should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area.

A4-6
(cont'd)

The draft EIR proposes mitigation of impacts to burrowing owls by setting aside 6.5 acres of replacement habitat per pair of breeding owls or unpaired resident owl. While buffer zones of 6.5 acres are commonly placed around burrows to ensure that any owls occupying the burrow are not disturbed, this is not recommended as a ratio for mitigation of habitat loss. Projects that impact breeding and/or non-breeding habitat may negatively affect burrowing owl population

(cont'd)

persistence, increase energetic costs, lower reproductive success, increase vulnerability to predation, and decrease the chance of procuring a mate. Projects impacting owls and owl habitat should mitigate all significant impacts to nesting, foraging, wintering, and dispersal habitat to a level below significance. Projects impacting burrowing owls or owl habitat should provide compensation that is roughly proportional to the impacts of the project. Occupied sites should be compensated at a ratio of 1:1 suitable habitat.

A4-6
(cont'd)

Mitigation BIO-6 states that DFG's typical setback requirement is 25 feet from the top of bank or the outside edge of the riparian vegetation. DFG's jurisdiction for impacts to streams includes the bed, bank and channel, and associated riparian vegetation. The distance from the top of bank would be dependent on the area of riparian vegetation. DFG does not necessarily consider a 25-foot setback to be adequate.

A4-7

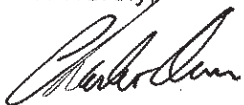
Mitigation BIO-7 states if stream channels are impacted by a project, as part of mitigation, it shall be necessary to restore/enhance existing stream channels that would be impacted by the project. Proposed stream restoration/enhancement mitigation includes the installation of native rock barriers that have vertical drops on the downstream edge (pool/steps). Streams located within the City of Cotati typically are low gradient (<2% slope). Bedforms of low gradient streams are typically riffle/pool. Streams with a gradient >2% typically have a step/pool morphology. Restoration/enhancement of low gradient streams with a >36-inch vertical drop native rock barrier are likely to be inappropriate to the site and may prohibit the movement of resident fish. Fish and Game Code § 5901 states that it is unlawful to construct or maintain in any stream, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and downstream. Project applicants should consult the *California Salmonid Stream Habitat Restoration Manual* and DFG for guidance. Any work within a stream channel would require notification to DFG for a Lake or Streambed Alteration Agreement.

A4-8

If you have any questions, please contact Ms. Stephanie Buss, Environmental Scientist, at (707) 944-5502; or Mr. Richard Fitzgerald, Coastal Habitat Conservation Supervisor, at (707) 944-5568.

A4-9

Sincerely,



Charles Armor
Regional Manager
Bay Delta Region

cc: State Clearinghouse

Comment A5

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 29660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
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April 13, 2009



SON101950
SON101-12/13.5
SCH#2006032072

Ms. Marsha Sue Lustig
City of Cotati
201 W. Sierra Avenue
Cotati, CA 94931

Downtown Cotati Specific Plan – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Downtown Cotati Specific Plan. The following comments are based on the Draft Environmental Impact Report (DEIR). As lead agency, the City of Cotati is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

A5-1

Department's Project

Please note, the Department's widening of US101 from 4 lanes to 6 lanes to accommodate High Occupancy Vehicle lanes will begin in late 2009 and is scheduled for completion in the Fall of 2011. Any other projects within the vicinity should be reviewed by the Department.

A5-2

Design

Please provide detail drawings of geometrics and roadway feature improvements in State ROW.

A5-3

Traffic Operations

Please provide a copy of the Traffic Impact Study (TIS) for our review. The TIS needs to include the US101 northbound off ramp and southbound on ramp at West Sierra Avenue in the project study area in addition to the 12 studied intersections shown in the DEIR.

A5-4

Ms. Marsha Sue Lustig/City of Cotati
April 13, 2009
Page 2

Encroachment Permit

Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

A5-5

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Alice Jackson of my staff at (510) 286-5988.

A5-6

Sincerely,

Lisa Carboni

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

April 13, 2009

Ms. Marsha S. Lustig
City of Cotati Community Development Department
201 West Sierra Avenue
Cotati, CA 94931

Dear Ms. Lustig:

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the City
of Cotati Downtown Specific Plan, Sonoma County
SCH No.: 2006032072

Thank you for the opportunity to comment on the scope and content of the DEIR for the City of Cotati Downtown Specific Plan (DSP). We appreciate the chance to respond and express concerns early in the environmental review process relating to our statutory responsibility. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA) having jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters. The DEIR identifies potentially significant environmental impacts of City development within the area designated and affected by the DSP. The document identifies key policies intended to guide development practices and to mitigate for their potential impacts on the environment.

A6-1

We have reviewed the DEIR prepared for the DSP and offer the following comments and recommendations in our role as a trustee and responsible agency under CEQA:

Surface Waters

The DEIR notes the presence of the Laguna de Santa Rosa and Cotati Creek within the DSP area. As per the map of Zoning Land Use Designations (3.0-6) provided, Cotati Creek bisects an area of the DSP zoned as Downtown Commercial (CU) and the Laguna de Santa Rosa borders an area zoned CU and Neighborhood Urban (NU), clearly allowing an increase in urban development directly adjacent to the creeks. This will increase construction activities in the area, which have the potential to discharge sediment and other waste to receiving waters. Increases in development throughout the DSP will generate increased storm water runoff containing various types of

A6-2
(cont'd)

California Environmental Protection Agency

Recycled Paper

(cont'd)

pollutants. This leads to hydromodification, habitat degradation and increased discharge of pollutants to receiving waters.

A6-2
(cont'd)

The Laguna de Santa Rosa, as well as the entire Russian River watershed, is listed on the Regional Water Board's 303(d) list as impaired due to low dissolved oxygen, excess nutrients and sediment and elevated temperature. Construction activities associated with urban development have the potential to discharge sediment and other waste to receiving waters, unless these construction activities are properly mitigated.

Riparian buffer zones serve critical functions for aquatic species, wildlife and humans. Regional Water Board staff requests maximizing riparian setbacks for roadways, structures, and developed park areas. Specifically, the requirement of a 30 foot setback from the top of bank or 2.5 times the height of the bank or greater is not sufficient to protect riparian habitats, especially given the provisions for even smaller setbacks if the creek in question has been previously channelized as Cotati Creek has. Setbacks provide benefits for flood control, water quality enhancement, erosion protection, wildlife habitat and passage, aquatic habitat, aesthetics, and public recreation. Healthy riparian zones are valuable for mitigating impacts from urbanization and may help to avoid future regulatory measures. Adequate riparian setbacks are essential in helping to maintain water quality. We strongly recommend maximizing the development buffers along Cotati Creek and Laguna de Santa Rosa. A minimum setback of 100 feet is generally necessary to protect beneficial uses.

Another area of concern is erosion caused by ground disturbance on construction sites that have not been properly protected from winter rains. Accelerated erosion causes sediment to discharge into streams and results in high turbidity levels and water quality degradation that is harmful to human and aquatic life. Provisions exist in the DSP for use of construction Best Management Practices (BMPs) during site construction; however, the DSP should also include post-construction BMPs as well as a program for monitoring the effectiveness of those BMPs. Erosion and sedimentation control standards should apply to all projects that involve grading, excavation, vegetation removal, diversions, pumps, gravity flow systems, and roads (including small private domestic uses or projects).

A6-3

The Regional Water Quality Control Board appreciates the attention given to rehabilitate the City's creeks by replacing and increasing riparian vegetation and monitoring mitigation trees and shrubs near surface waters. Water flowing in shaded creek is cooler and can make a significant difference in terms of the health and diversity of aquatic life. Rehabilitation and continual surveillance of the City's waterways will enhance beneficial uses and increase the aesthetic value of these streams to the community.

A6-4

The Final EIR should include specific protection measures for sensitive areas (including wetlands) and especially those habitats that support special status species. The Regional Water Board suggests utilizing a GIS database for mapping these areas for the public and agencies. We are aware of an existing database that could be used for

A6-5
(cont'd)

this purpose and would be happy to work with City staff in this effort. We strongly recommend the Final EIR include specific policies and implementation measures aimed at enhancing surface water features rather than just mitigating the adverse impacts. This should include specific restoration and public outreach programs to enhance the natural water systems within the sphere of influence.

A6-5
(cont'd)

Impacts to Wetlands and Waters of the State

The definition of waters of the State should be acknowledged in the DEIR, particularly in the Biological Resources Section. Regarding the mapping and delineation of wetlands, the DEIR states "since the RWQCB does not have a formal method for technically defining what constitutes waters of the state, this agency typically remains consistent with the Corps' determination" (4.3-43). Waters of the State include all waters of the United States and any waters deemed non-jurisdictional by the United States Army Corps of Engineers (USACOE). The RWQCB'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' means any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should always be considered when determining impacts upon water resources.

Additionally 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.

A6-6

If after careful and adequate evaluation, 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. For example, seasonal wetland impacts must be mitigated by seasonal wetland mitigation; linear watercourse impacts must be mitigated by linear watercourse mitigation. Our staff may require a greater than 1:1 mitigation ratio as a condition of approval for this project.

For unavoidable impacts to waters of the State, water quality certification under section 401 of the Clean Water Act and/or Waste Discharge Requirements (Dredge/Fill) from the Regional Water Board will be necessary. USACOE Clean Water Act Section 404 permits and Department of Fish and Game stream alteration agreements may also be necessary.

The DEIR should note that each individual project with identified impacts to waters of the State will require necessary permitting from the RWQCB and will need to identify mitigation measures that will be implemented. While measures for restoring or enhancing streams are well detailed in the DEIR, an analysis of possible impacts resulting from or related to the restoration activities themselves is also necessary. In

A6-7

addition, the RWQCB should be added to the list of responsible agencies who would receive annual monitoring reports on re-created wetland habits (p. 172).

All of the information discussed in the paragraphs above must be included in the DEIR as a resource and requirement for future development.

A6-7
(cont'd)

Storm Water

According to the DEIR, the DSP area will experience a net gain of 9.01 acres of impervious surfaces. The quality of storm water runoff is correlated to the extent of impervious surfaces within a watershed. We encourage disconnection of impervious areas from storm drain systems and routing to vegetated areas. We strongly support infiltrating treated storm water runoff into the ground as a means of treating it and recharging ground water supplies. This helps to buffer low summer/fall flows which in turn help to reduce water scarcity and creek temperatures.

Under Cumulative Impacts (4.3.7), the DEIR should note the potential cumulative impacts of development on storm water runoff. Specifically, the increase in impervious surfaces, as well as the occurrence of construction on multiple projects (potentially simultaneously) should be considered a potential cumulative impact. The DEIR should address these potential cumulative impacts upon storm water and include appropriate mitigation measures. We recommend the use of Low Impact Development (LID) techniques as a mitigation measure to help reduce the adverse water quality and quantity impacts from new developments. The DEIR should include a discussion of the need for incorporation of LID techniques. Please see the attached list of Storm Water and Low Impact Development (LID) resources that we have included for your benefit in proceeding with the Downtown Specific Plan.

A6-8
(cont'd)

Low Impact Development

The Regional Water Board has been directed by the State Water Board, in a resolution adopted on May 6, 2008, to incorporate LID in regulatory actions (http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2008/rs2008_0030.pdf). The design and construction of new development projects using LID can protect natural flow regimes and reduce the impacts of hydromodification and thus help prevent adverse impacts to stream and wetland systems.

Recent studies have confirmed that increased impervious surfaces within a watershed will lead to alteration of the natural hydrology expressed as higher winter flows (peak flows) and lower summer/fall flows (base flows). Alteration of the natural flow regime (hydromodification) can result in increased stream temperatures associated with base flows; alteration of the channel morphology (e.g. widening or incising of stream channel) associated with increased peak flows, adverse impacts to native riparian vegetation and reduction in ground water recharge capabilities. The design and construction of new development projects using LID can protect natural flow regimes and reduce the

impacts of hydromodification and thus help prevent adverse impacts to stream and wetland systems.

A6-8
(cont'd)

All newly installed impervious surfaces (runway, roads, roofs, sidewalk, etc.) must incorporate post-construction storm water BMPs to remove any contaminants and to attenuate peak flows, before discharge to waters of the State. We strongly encourage the use of LID techniques to address potential storm water impacts as close to the source as possible. Dry detention basins (particularly those with limited detention times) are not effective for pollutant removal. We suggest that the City develop a mandatory program to implement LID for new developments and retrofit projects. Permeable pavements can have significant benefits as long as subdrains are not needed. By minimizing urban runoff, LID techniques promote healthy aquatic systems and can reduce flood and drainage control costs over time.

Wastewater

All of Cotati's wastewater is treated at the Laguna Wastewater Treatment Facility, which is owned and operated by the City of Santa Rosa. The City of Santa Rosa's Subregional Wastewater Treatment Facility (WWTF) operates in accordance with the National Pollutant Discharge Elimination System (NPDES) permit requirements administered by our agency. The permit was issued in 2006 and is valid through November 2011. The permit sets limitations on the treated effluent quality and quantity discharged into the Laguna de Santa Rosa, thence to the Russian River.

A6-9

The Laguna Wastewater Treatment Facility has an average dry weather flow capacity of 21.34 million gallons per day (mgd).

According the Table 3.0-5 of the DEIR, the estimated total potential development of the DSP would generate an additional 101,328 gallons per day (gpd) of wastewater for a total of 151,693 gpd at buildout. The City of Cotati must coordinate with the City of Santa Rosa for future wastewater connections; however, it appears that the Laguna Wastewater Treatment Facility has adequate capacity to handle these additional flows.

Hazardous Waste Sites

Table 4.6-1, "LUST Sites Identified within Cotati Downtown Specific Plan Area," needs to include LUST site T10000000689, GSR Corporation Property, located at 7991 Old Redwood Highway. GSR Corporation Property is an open site.

Development on active cleanup sites can proceed concurrently with cleanup activities, as long as development activities do not hinder investigation and remedial activities. Proposed development needs to be compatible with ultimate cleanup actions. Coordination with all involved federal, state and local agencies and the developer is essential throughout the development process. Mitigation measures should include requirements to contact and coordinate with all appropriate agencies prior to development on or near active cleanup sites.

A6-10
(cont'd)

Development of active and closed cleanup sites could result in encountering contaminated soil and/or groundwater. This includes trenching and installation of utility lines at or near these sites. Mitigation measures should include requirements for a soil and/or groundwater management plan to address the potential for encountering contamination during development and/or trenching activities on or near active and closed cleanup sites. At a minimum, the plan should include methods for handling, storing, sampling, transporting, and proper disposal of contaminated materials. In addition, backfill of utility lines near these sites should address the potential for contaminant migration in the utility backfill material and methods for use of grout plugs or impermeable slurry backfill. The plan should be reviewed by all appropriate agencies prior to construction activities.

A6-10
(cont'd)

Potential Project Permits

The following summarizes project permits that may be required by our agency depending upon potential impacts to water quality.

Water Quality Certification (401 Certification): Permit issued for activities resulting in dredge or fill within waters of the United States (including wetlands). 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 water quality certification. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks of ACOE at (415) 503-6771. If wetlands or other waters of the State are present, please contact Mark Neely at (707) 576-2689. Alterations or work within or adjacent to streambeds or lakes may also require a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). Removal of riparian vegetation also requires this permit. We recommend that all project applicants contact CDFG for additional information on these requirements.

A6-11
(cont'd)

Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs: Under authority of the California 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 impact waters of the State (including any grading activities within stream courses or wetlands) require permitting by the Regional Water Board. The Regional Water Board may also require permits for discharges of post-construction storm water runoff and on-site septic systems accepting 1,500 gallons or more per day. An application may be printed from the State Water Resource Control Board website at: www.swrcb.ca.gov/sbforms/.

General Construction Activity Storm Water Permit: Land disturbances on proposed projects of one acre or more require a general construction storm water

permit. If the land disturbance will be in excess of one acre, 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 minimize pollutant discharges from the construction site. The permit also requires inspections of construction sites before and after storm events, and every 24 hours during extended storm events. The purpose of the inspections is to identify maintenance requirements for the BMPs and to determine the effectiveness of the implemented BMPs. Owners may call our office to receive a permit package or download it off the Internet at www.waterboards.ca.gov.

A6-11
(cont'd)

If you have any questions or comments, please contact me at (707) 576-2687 or by email at cgoodwin@waterboards.ca.gov

A6-12

Sincerely,


Cathleen Goodwin
for Water Resources Control Engineer

041309_CMT_Cotati_DSP_DEIR.doc

cc: State Clearing House, P.O. Box 3044, Sacramento, CA 95812.
RE: SCH No. 2006032072

Low Impact Development Resources

Puget Sound LID manual:

http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf

Resolution of the California Ocean Protection Council Regarding Low Impact Development:

http://www.resources.ca.gov/copc/05-15-08_meeting/05_LID/0805COPC05_%20LID%20Res%20amended.pdf

Low Impact Development Center:

<http://www.lowimpactdevelopment.org/>

Green Infrastructure Municipal Handbooks:

<http://cfpub2.epa.gov/npdes/greeninfrastructure/munichandbook.cfm>

Marin County's LID manual:

http://www.mcstoppp.org/acrobat/GuidanceforApplicantsv_2-5-08.pdf

San Diego County's LID manual – has a section on LID for roads:

<http://www.sdcountry.ca.gov/dplu/docs/LID-Handbook.pdf>

Low Impact Development – Sustainable Storm Water Management:

http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/

EPA Green Infrastructure Basic Information:

<http://cfpub.epa.gov/npdes/greeninfrastructure/information.cfm>

Managing Wet Weather with Green Infrastructure:

http://cfpub.epa.gov/npdes/home.cfm?program_id=298

State Water Board Funded Projects That Include Low Impact Development:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/low_impact_development/

City of Portland's Sustainable Storm Water Management Program – LID for streets:

<http://www.portlandonline.com/bes/index.cfm?c=34598>

Low Impact Development Center – Green Highways and Green Infrastructure:

http://www.lowimpactdevelopment.org/green_highways.htm

Streetscape improvements and water quality design:

<http://www.lowimpactdevelopment.org/nhb/lid.htm>

Low Impact Development for Roads - Washington State Green Building for Transportation Infrastructure

webpage: <http://www.metrokc.gov/kcdot/roads/eng/lid/militarys272/index.cfm>

LID Urban Design tools – has design software for different BMPs:

<http://www.lid-stormwater.net/homedesign.htm>

LID design fact sheet:

<http://www.coastal.ca.gov/nps/lid-factsheet.pdf>

LID Training Program for Linear Transportation Projects:

http://www.lowimpactdevelopment.org/epa03_transportation.htm

Storm Water Management and LID at EPA headquarters – BMP choice and design:

http://www.epa.gov/owow/nps/lid/stormwater_hq/

<http://sustainablesites.org/>

A Review of Low Impact Development Policies: Removing Institutional Barriers to Adoption:

http://www.waterboards.ca.gov/lid/docs/ca_lid_policy_review.pdf

Storm Water Resources:

The CASQA Construction BMP manual:

<http://www.cabmphandbooks.com/Construction.asp>

This is our MS4 website that has storm water and LID links:

http://www.waterboards.ca.gov/northcoast/water_issues/hot_topics/santa_rosa_ms4_npdes_stormwater_permit/

State Water Board Storm Water Program:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/

Erase the Waste Campaign – California Storm Water Toolbox:

http://www.waterboards.ca.gov/water_issues/programs/outreach/erase_waste/

State Water Board Storm Water Grant Program:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/index.shtml

The San Francisco Regional Water Board storm water website:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/avail_docs.shtml

EPA Storm Water Program:

http://cfpub.epa.gov/npdes/home.cfm?program_id=6

Federal Funding Sources for Watershed Protection:

<http://cfpub.epa.gov/fedfund/>

California Stormwater Quality Association:

<http://www.casqa.org/>

Stormwater Manager's Resource Center:

<http://www.stormwatercenter.net/>

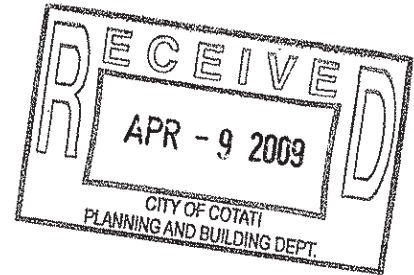
Post Construction BMPs:

<http://www.stormwaterauthority.org/library/library.aspx?id=190>

For more information, please contact Mona Dougherty at mdougherty@waterboards.ca.gov.

Response: Downtown Specific Plan

Attn: Marsha Sue Lustig, Assistant to the City Manager/City of Cotati
 201 West Sierra Ave
 Cotati, CA. 94931
 Phone: 707-665-3638
 E-mail: mslustig@ci.cotati.ca.us



John M Rock
 35 Page Street
 Cotati, Ca 94931

Comments: Issues with DEIR for Downtown Specific Plan

- ◆ The Historic Core of the specific plans southern border runs along Page Street for approximately 400 ft. There is no data addressing the traffic at the intersection of Old Redwood Highway and Page Street. B1-1
- ◆ Getting onto Old Redwood Highway from Page Street at this point in time is a very difficult task at peak traffic times. B1-2
- ◆ Crossing of Old Redwood Highway @Page Street is getting to be unsafe at this time. Needs an improved crosswalk if DSP is implemented. B1-3
- ◆ Missing data on traffic changes for Page Street. B1-4
- ◆ There is not any data addressing the missing infrastructure on Page Street (required street improvements along project) Not included in Plans, i.e. sidewalks, curbs, gutters, sewers, and storm drains. B1-5
- ◆ Missing data for noise impacts for residents that live on Page Street. For added traffic that is projected (assumed) to happen if DSP is implemented. B1-6
- ◆ Cut through traffic will have an impact on residents with the traffic changes being proposed in the Historic Core of the DSP B1-7
- ◆ The City of Cotati has on file a traffic study conducted for Page Street that was performed because of issues with cut through traffic and speeding. This DSP will only add to those already existing conditions. B1-8
- ◆ With the increased traffic flows expected along Page Street, I have a concern with the intersection of Page St and Delano St @ Delano Park. The intersection at Delano Park needs designated crosswalk or traffic restrictions for children riding bicycles coming out onto Page Street. If it is following what the DSP is going to implement, walkable and bicycle friendly streets should be added to DEIR, as it will be affected by the DSP. B1-9

Thank you for the opportunity to comment on the DSP DEIR,


 John M. Rock



Comment Card

(Please note that this document will be part of the public record.)

Date: Monday, April 6, 2009 at 7:00 PM
Location: City of Cotati
 City Hall
 201 West Sierra Ave
Project: Downtown Specific Plan EIR

Comments may be submitted at the Public Hearing or may be mailed to:

Attn: Marsha Sue Lustig, Assistant to the City Manager/Acting Community Development Director
 City of Cotati
 Community Development Department
 201 West Sierra Ave
 City of Cotati, CA 94931
 Phone: (707) 665-3638 or FAX: (707) 792-4604
 Email: mslustig@ci.cotati.ca.us

Comments must be received no later than 5:30 PM on Monday, April 13, 2009.

Name (Please Print): Stephen Gold

Mailing Address: 101 Ross St. #26, Cotati 94931

Resident, Business, Organization, etc.: _____

Comment (s): (1) I'm pleased that the DSP process is moving forward.

B2-1

(2) Please add cumulative impact on Hydrology due to reduced water permeability (pavement and roofs) leading to faster run-off and potentially increased flooding downstream or expanded flood zones downstream - places like Guerneville.

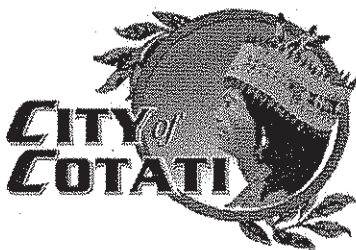
B2-2

(3) Please analyze traffic/transportation impacts on the 101/Gravenstein interchange.

B2-3

Thank you.

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Comment Card

(Please note that this document will be part of the public record.)

Date: Monday, April 6, 2009 at 7:00 PM
Location: City of Cotati
 City Hall
 201 West Sierra Ave
Project: Downtown Specific Plan EIR

Comments may be submitted at the Public Hearing or may be mailed to:

Attn: Marsha Sue Lustig, Assistant to the City Manager/Acting Community Development Director
 City of Cotati
 Community Development Department
 201 West Sierra Ave
 City of Cotati, CA 94931
 Phone: (707) 665-3638 or FAX: (707) 792-4604
 Email: mslustig@ci.cotati.ca.us

Comments must be received no later than 5:30 PM on Monday, April 13, 2009.

Name (Please Print):

Kate Symonds

Mailing Address:

101 Ross St #11 Cotati

Kate@terrasense.net

Resident, Business, Organization, etc.:

Comment (s):

I have concern about the effect of the build-out on run-off, flooding, and water quality in the Laguna. The plan should incorporate as many design features, including materials (e.g. permeable pavement), and other features to retain, slow, and increase groundwater recharge. reduce flooding, reduce rapid run-off, and help increase groundwater recharge.

frustrating
nervous

B3-1

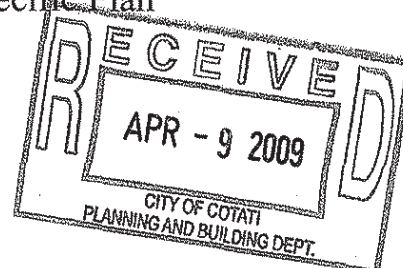
Completing and signing this document is voluntary. The City of Cotati may use this information for statistical purposes, to notify you of any future meetings, or to assist in providing you with further information. This document is a public record and may be subject to inspection and copying by other members of the public.

Comments on Draft EIR for the Downtown Specific Plan

April 6, 2009

from

Linell Hardy



Overall the DEIR seems to rely on the EIR for the General Plan which was adopted in 1998 making it more that 10 years old does that create a problem in the conclusions drawn in this document?

B4-1

Pg. 3.0-15 last para. Why are the numbers for the personnel different from those on pg.4.11-1 para 2?

B4-2

Pg. 4.2-4 last para. What is CO₂e or is this a typo?

B4-3

Pg. 4.2-21 para. 2 K-12...BAAQMD t... typo

B4-4

Pg. 4.2-33 para. 2 Is the DCP actually DSP?

B4-5

Pg. 4.3-14 para. 5 How does the falling apart of the Conservation Strategy Plan affect the protocol surveys and tiered mitigation mentioned here?

B4-6

Pg. 4.3-23 para. 5 How does the falling apart of the Conservation Strategy Plan affect the mitigation ratio mentioned here?

B4-7

Pg. 4.3-34 para. 1 An should be A and what is a SBAA?

B4-8

Pg. 4.3-35 last para. last line are should be area

B4-9

Pg. 4.3-36 para. 2 Under Storm Water Management there is A. Conservation Development and E. Storm Water Management Actions . What happened to B, C, and D?

B4-10

Pg. 4.4-5 Figure 4.4-1 Some other potential historic structures might be Hines Sign on Old Red, Bookstore next to Greg Le Doux on W. Sierra, Church on W. Cotati Ave, House at corner of La Plaza and E. Sierra

B4-11

Pg. 4.4-7 Table 4.4-1 What happened to A,B,C,E,F,H,I,J,K,L,M from 4.4-5 Figure 4.4-1?

B4-12

Pg. 4.4-10 para. 1 Please identify the document that contains the reference 1:9 and 1:10 in previous parts of this section it was stated the list were not

B4-13

exhaustive but now it is- how is that?

Pg. 4.5-8 Objective 7.1 deigned should be designed

B4-14

(cont'd)

Pg. 4.10-2 para. 1	last line insert "that" after projects	☐ B4-15
Pg. 4.10-5 para.1	last line Is the less population growth here just in the DSP area?	☐ B4-16
Pg. 4.12-1	Gravenstein Highway is identified as a four-lane but is actually a two lane after Redwood Dr.	☐ B4-17
Pg. 4.12-13	Bottom of page c. What is an air traffic pattern?	☐ B4-18
Pg. 4.14-6 para. 1	second sentence "The estimated unite..." should be unit	☐ B4-19
Pg. 6.0-12	Table 6.0-2 the totals at the bottom are incorrect in 4 of the 5 columns	☐ B4-20

I would find it very helpful if the was an Acronym Identification page so I would not have to go back in the text to find another reference to figure out what is being referred to. ☐ B4-21

Amie R. 128

(Please note that this document will be part of the public record.)

Comments may be submitted at the Public Hearing or may be mailed to:

ty Development Director

RECEIVED

APR - 9 2009

CITY OF COTATI
PLANNING AND BUILDING DEPT.

Name (Please Print): _____

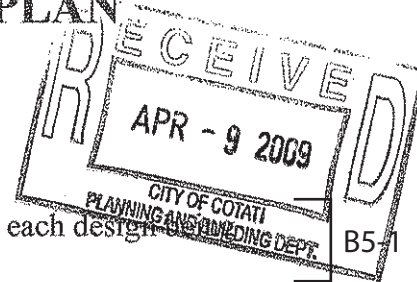
Mailing Address: _____

Resident, Business, Organization, etc.: _____

Comment (s): _____

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COTATI DOWNTOWN SPECIFIC PLAN DEIR RESPONSE



- La Plaza Reconfiguration-
What is the effect on the Fire Dept.'s response time for each design considered?

- Northern Gateway Section-
 1. St. Joseph's property needs to be included in greater detail.
 2. What is the impact of St Joseph's increase in traffic on West Cotati Ave. and the proposed new street?
 3. What is the impact of increased traffic to and from the proposed projects at St. Joseph's property to the surrounding neighborhoods?
 4. What are the impacts to pedestrian safety at the intersections of West Cotati Ave./ Olaff St./William St. and El Rancho/ West Cotati Ave due to increased traffic from the proposed development at St. Joseph's Church property?

- Wetlands Interpretive Center-
 1. Will it acerbate neighborhood's already existing mosquito problems?
 2. What will be the impact of the proposed baseball field on the proposed wetland?
 3. What will be the impacts of the proposed wetlands and baseball field on the surrounding existing houses and properties?

- Wetlands Bike Path-
 1. What are the impacts to the citizens living in the houses abutting this path?
 2. What are the impacts of the noise levels and visual aesthetics of this path to the surrounding properties and residences?

- New Village Square-
 1. What effect will this have on La Plaza Park?
 2. Will it be competing with La Plaza Park? If so, how?

- Bike Paths-
 1. Existing small connecting bike and footpaths that have been omitted from the plan (i.e. bike path along the creek next to the Co-housing Project) need to be included in the plan.
 2. New connecting bike and footpaths need to be included and added into plan.
 3. Signage guidelines for bike and footpaths, especially for small connecting bike paths (clearly marking access and location), need to be included in the plan.
 4. Guidelines for small connecting bike and footpaths; how they look, are landscaped, lighted, and what they are composed of, need to be included in the plan.

B5-1

B5-2

B5-3

B5-4

B5-5

B5-6

- Areas included in Specific Plan as "white areas" need to be defined.
 - 1. Plan should have no white areas. Specifically but not limited to the "white area" on the St. Joseph's Church property and the "white area" on the Co-housing property. B5-7
- Allowable Land Uses and Permit Requirements-
 - 1. Land Use Type Table includes no listing for Church or other religious building requirements. Are religious buildings exempt from codes? B5-8
- Storm water Best Management practices (BMP)
 - 1. How will bio-swales and other infiltration symptoms be implemented? B5-9
 - 2. What are the impacts of this project's stormwater runoff into creeks?
- Sewer Map-
 - 1. Is the 6" sewer main proposed sufficient enough to handle all of the waste generated by the Northern Gateway? B5-10
- Mass transit element needs to be included-
 - 1. Where did the existing bus stops go? B5-11
 - 2. The plan has no provision for bus stops. These need to be included.
 - 3. What will the bus stop shelters look like? Seating, lighting, landscaping, and signage need to be included.
 - 4. To mitigate the impacts of increased air pollution, a small city bus or tram linking the proposed long term parking structures in the Northern Gateway with the Historic Core, La Plaza Park, Santero Way, The Market Place at Cotati Center (which is supposed to have a small van as part of it's project mitigation), and SSU needs to be included in the assessment. B5-12
- Impacts the enlarging of La Plaza Park may possibly have on the surrounding neighborhoods, Olaff, Charles, Henry, William, Page, Arthur, El Rancho, and George Streets -
 - 1. Festivals, public gatherings and their attendees already impact the surrounding neighborhoods negatively by creating, noise, traffic-queuing, trash, speeding cut-through traffic, illegal parking, street closures, public intoxication, public urination and defecation, and sleeping in cars parked overnight on city streets. A larger park will create a larger crowd. How will these impacts be resolved? B5-13
 - 2. Noise volumes emanating from festivals and public gatherings (the noise coming from the actual performers and their performances) and the impacts to surrounding properties. B5-14
 - 3. What are the impacts to the neighborhoods caused by cut-through traffic and speeding cut-through traffic created by the proposed reconfiguring of La Plaza Park? B5-15

- Traffic Impacts-

- | | |
|--|-------|
| 1. Impacts of increasing traffic creating the inability to enter and exit Page Street and Henry Street at both the old Redwood Highway and West Sierra intersections due to queuing from the proposed traffic signals. | B5-16 |
| 2. Impacts to pedestrians from speeding cut-through traffic at Page/Old Redwood Highway and Page /West Sierra intersections. | B5-17 |
| 3. Impacts to pedestrian safety, due to lack of continuous sidewalks, crosswalks, and lack of sufficient street lighting on Page Street from speeding cut-through traffic due to queuing from Old Redwood Highway and West Sierra Ave. | B5-18 |
| 4. Impacts of the future widening of Highway 101 and the proposed changes to the northbound on-ramps need to be included in this plan. | B5-19 |
| 5. Lack of parking and the possible impacts to the neighboring side streets created by the entire specific plan area. | B5-20 |
| 6. Existing illegal parking problem on Old Redwood Highway across from the Co-housing project needs to be addressed. How does and will the increased customer and tenant parking from this project, both residential and commercial, and it's distance from the proposed long term parking impact the surrounding neighborhoods? | B5-21 |

- The proposed traffic signal at the Charles /Henry Street intersection

- | | |
|--|-------|
| 1. Will it increase traffic queuing? | B5-22 |
| 2. What are impacts of making left and right hand turns, to pedestrian safety, bicycle safety, and traffic queuing. | |
| 3. What are the impacts of air pollution from the proposed signal and what are its impacts to the outdoor dining in the Historic Downtown? | |
| 4. What are the impacts of noise pollution from the proposed signal and what are its impacts to the outdoor dining in the Historic Downtown? | |
| 5. What would be the difference in the impacts of a modern roundabout verses a traffic signal at this location? | |

Thank you for the opportunity to included these remarks and questions in the DEIR for the Cotati Downtown Specific Plan.

B5-23

If you have any questions I can be reached at 707-792-1730.



Anne Wallace-Rock

8166 Arthur St.
Cotati, CA 94931
707 792 4422
jennyb@wLLw.net

Marsha Sue Lustig
Assistant to the City Manager
Cotati City Hall
201 W. Sierra Ave.
Cotati, CA 94931

April 13, 2009

Dear Marsha Sue

Downtown Specific Plan EIR

At the April 6 meeting I forgot to add my name to the list of people who would like to receive notification of any updates, meetings, etc. in relation to the Downtown Specific Plan (DSP). Please can you add my name to that list now? Thank you!

B6-1

Here are some brief comments on the Downtown Specific Plan EIR:

1. La Fiesta School:

The document contains references to La Fiesta School (e.g. at 4.11.2), which is now closed. What impacts will this have on Cotati, particularly on traffic patterns and child safety?

Since La Fiesta School was closed, Thomas Page School has absorbed many of the students, and I know that transport to and parking at Thomas Page School are now major problems. I personally have witnessed lines of cars at a standstill in both directions out of and into the school at Madrone Avenue at around 3 p.m.

Cotati's Bicycle & Pedestrian Master Plan emphasized the importance of "safe routes to schools" without clearly demonstrating how these would be provided. With more children than before expected to travel from the Downtown Specific Plan area to W. Cotati, it seems more essential than ever to provide safe, clearly sign-posted routes to Thomas Page School, preferably via the tunnel under Hwy 101 from E to W School Street, so that children can be encouraged to safely walk or bicycle to school instead of parents feeling they have to drive their children to school on already congested roads. Many Cotati residents currently do not even know that the bike/pedestrian underpass on School St. exists.

B6-2

I believe the EIR should contain an analysis of this problem with suggested solutions.

2. Parks:

The document clearly states (Section 4.11) that the ratio of parks and open space to residents will not meet the standards outlined in the General Plan, and suggests that in-lieu fees will be paid as mitigation.

In addition to the park acreage proposed in the DSP, the plan also provides for pedestrian-oriented streets, bikeways, and other outdoor features. Development in the DSP will be required to pay park in-lieu fees to mitigate for any shortage of parkland in a proposed development. Through a combination of parks provided under the DSP and required payment of in-lieu fees for new development, the DSP will meet current General Plan requirements for parkland and the impact will be less than significant. However, the City uses in-lieu fees to mitigate for any lack of parkland in a proposed development...The DSP will add population to the area which will increase the use of existing parks resulting in some physical deterioration of parks and increased costs for maintenance. Standard City maintenance has been sufficient to manage the use of parks in Cotati.

B6-3

With “infill” development of high density in the downtown area, residents will need sufficient accessible parkland and open space for health and quality of life. “Pedestrian-oriented streets” and bikeways in an urban setting do not compensate for lack of green open space and parkland with space for individuals, families, children, friends, and groups to walk, play, relax, picnic, etc. It is not clear from the statement above how the in-lieu fees will be used to add more parkland to the City. I believe the EIR should clearly state how the City proposes to comply with requirements to provide sufficient, healthy, and appropriate and varied open spaces for all its residents.

3. Bicycling Safety and Connectivity:

Section 4.12.3 states that it is a goal of the DSP to “*Improve the walking and bicycling system through downtown Cotati as well as the interconnections between Cotati and the region.*”

As far as I can tell the EIR does not in any way address the lack of safety and lack of connectivity for bicyclists crossing under Hwy 101 at Hwy 116. Recent experience with a group of cyclists showed that this crossing is by far the area of greatest concern in Cotati for cyclists, particularly those trying to get from west to east Cotati. There are hazards at (a) the on-ramp from Hwy 116 to Hwy 101, (b) under the underpass itself, (c) at the exit ramp from Hwy 101 onto Hwy 116, and (d) at the Hwy 116/Old Redwood Hwy intersection – all within a short distance of just a few hundred feet.

For the sake of bicycle safety and connectivity for bicyclists on both sides of Hwy 101 both within Cotati and between Cotati and the wider region, this concern needs to be addressed as a matter of priority.

B6-4
(cont'd)

The bicycle/pedestrian underpass on E. School St. offers a safe crossing from east to west, but not from west to east, so this does not offer an easy or safe alternative. The safety issues at the School St. tunnel are highlighted in the Bicycle & Pedestrian Master Plan but do not seem to be mentioned in the Downtown Specific Plan EIR.

Lastly, the Laguna de Santa Rosa crossing at Hwy 101, shown as “proposed” in the Bicycle & Pedestrian Master Plan, is not mentioned in the Downtown Specific Plan EIR.

(cont'd)

Even though these three crossings do not fall directly within the DSP area itself, they need to be considered if regional interconnections and bicycle safety are to be taken seriously into account. Bicycle safety issues must be addressed in relation to any serious efforts to encourage reduced use of vehicles, with related environmental impacts including carbon dioxide emissions, traffic congestion, etc.

B6-4
(cont'd)

4. Solid Waste:

The EIR states in 4.13.2 that "*Solid waste pickup is currently provided by Waste Management Inc*" but as this service is now performed by North Bay Corporation/Redwood Empire Disposal I am wondering whether there may also have been other relevant changes in terms of solid waste and recycling services, as a result, which are not mentioned in the document?

B6-5

5. California Tiger Salamander:

Section 4 on Biological Resources mentions the Santa Rosa Plain Conservation Strategy Plan but now that this effort has been abandoned, what protections remain for the CTS and how will these be implemented, mitigated, and monitored over time?

B6-6

Thank you for the opportunity to comment and in anticipation of hearing how these issues will be addressed.

B6-7

Sincerely

Jenny Blaker

Marsha Sue

Could I offer the following comments

1) The DSP doesn't appear to reference the Cotati Bicycle & Pedestrian Plan that the City Adopted last year.

B7-1

2)I would think the DSP should analyze the improvements projected in the CBPP to mitigate the negative effects of increased traffic. For instance if the path to the school on the West side is made safe, what effect will this have in E-W motorized vehicle traffic through the DSP area.

B7-2

3)Since the DSP EIR identifies that the Walkable Cotati has had such a beneficial impact on the down town area, I would think that the DSP should also identify that if there is a conflict between traffic levels of Service and the safety of pedestrians, that the pedestrians usage should predominate. This is inline with other stated goals of Cotati and State of California in making towns more liveable. This specifically impacts TRAN-2

B7-3

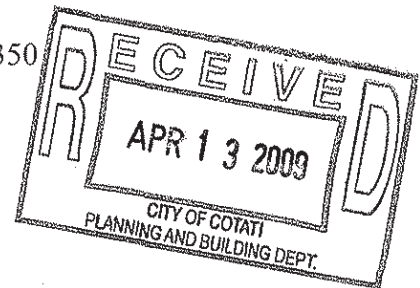
Regards

Neil Hancock

Arthur Street

Cotati

2009, April 13
8805 Clothier Lane
Cotati, CA 94931-5350



City of Cotati
Planning Commission

Dear Commissioners:

Following are my comments on the Draft Environmental Impact Report for the Downtown Specific Plan.

I would hope that an EIR would represent a balanced, fair, and complete analysis of the environmental impacts of a proposed activity. The DEIR fails to meet this standard. Instead it reads in great part like one-sided advocacy in favor of the specific concepts of the Draft DSP. It shades meanings, contains unwarranted assertions and glaring inconsistencies, neglects important areas of impact, has significant errors that suggest either confusion or concealment, and appears to be too frequently disconnected from essential ground truth.

At no point in the text of the DSP or its DEIR, but at all points in fact, we must acknowledge that the DSP appears to be heavily influenced by the specific vision of developer Orrin Thiessen, who in 2006 appears to have completed a parcel assembly covering a large fraction of the land in the DSP subject region. Anyone may within some limits influence the planning process with a grand vision and elaborate drawings. It is also important to recognize that the governmental process must not become so infatuated by a single vision, that it effectively becomes an organ in the service of that interest, rather than more comprehensively of the public interest.

B8-1
(cont'd)

There may be nothing venal or sinister in the construction of undue influence. We must however recognize that being caught up in a compelling sales pitch, followed by substantial labors and emotional investment, can create strong biases in any organizational process. It is my job as a citizen outside the process, to recognize when this happens, and to do what I can toward rectifying the process and its results.

I have been a Cotati homeowner and resident since November of 1994, at 8805 Clothier Lane. I have no specific money interest either beneficial or adverse in the proposed plan. At present, I am a returned adult student at Sonoma State University, not otherwise employed.

I value a walkable town, and walk into downtown at least three times in an average week. I might value a more bicycle-friendly town, but the prospect of bicycling on the narrows of Old Redwood Highway is so frightening, that it has precluded my ever having attempted to cycle beyond my own neighborhood.

Yearwood

I regret not having been able to participate in this process at an earlier stage. Throughout 2005 and early in 2006, I was consumed with terminal elder care responsibilities. In the summers of 2006 and 2007 I had work assignments abroad, and outside of summers, from August of 2006 onwards I have been fully committed as a student.

B8-1
(cont'd)

Glaring Contradiction in Environmental “Superiority”

On Page 2.0-3 we find:

Environmentally Superior Alternative: The environmentally superior alternative is the Project.

This high-handed statement encapsulates the conclusion-driven distortions that permeate the DEIR. Its lack of warrant is quickly revealed on page 2.0-17 in Table 2.0-1 at NOISE-3.

This item claims to consider “Noise from retail components of mixed-use projects [vs.] residential component.” Half of the stated mitigation is clearly mis-categorized. In the paragraph below the first set of bullet points, we find a statement **not** of retail vs. residential conflicts relevant to mixed use, but instead of residential vs. traffic noise conflicts: “... along heavily used transportation routes.” This bears not upon mixed use, but upon the suitability of part of the DSP are for any residential use.

We are left guessing exactly which heavily used transportation routes are intended, but the first obvious candidate is 101. We should not be left guessing. The specific noise challenges from each heavily used transportation route, which clearly must include 101, 116, and Old Redwood Highway, must be enumerated and considered individually.

B8-2
(cont'd)

We are also left wondering whether this conflation of siting issues with mixed-use issues is the result of an editorial error (such as an omitted topic heading), or whether it indicates that the analysis itself is fundamentally confused. In either case, it must be rectified.

The easiest way to avoid unsuitable situations, is to avoid them from the outset: by not placing residential uses too close to noisy traffic.

Suggested mitigations include “[a]ir conditioners to enable occupants to keep their windows closed” and “[f]ixed windows with mechanical ventilation systems.” These measures fly directly in the face of evolved green building ideals, and even of conventional design in pre-green (1989) residences such as my own.

We are fortunate in having a climate that can obviate the need for air conditioning, except for a very few days of the year, for people who do not have unusual temperature tolerance challenges. All that is necessary is windows that open on opposite sides of the

dwelling, and a fan to expel the hot air that accumulates especially in an upper story, in the afternoon and early evening.

I thought that we were trying to get away from air conditioners and fixed windows, as evils of an energy intensive past. Instead, these evils are proposed as an expedient toward cramming high-density residences, at three story building heights that seem especially susceptible to freeway noise, onto poorly suited sites near a freeway.

B8-2
(cont'd)

“Urban”: Shaded Meaning

The language of section 4.1, Aesthetics, builds itself upon a foundation of biased language. In 4.1.2 at Setting / General, we see “[t]he urban form dominates the visual environment in around downtown Cotati.” While the current ground truth may fall within some term-of-art usage of “urban” within the planning and architectural professions, “urban” in the vernacular refers to cities, and not towns.

Cotati is a town, not a city; a population of under 8,000 would not even fall within the lower bound of 10,000 suggested for the origin of cities in human history, in the Anthropology class that I am currently taking. Alternate proof by ground truth: I live in Cotati. I can hear sheep from my windows. Sheep are not urban. Cotati therefore is not urban.

Public planning documents such as the DSP and DEIR should be held to the common vernacular meaning of words with dual meanings, to avoid any possibility of misleading statements.

To accept a term-of-art meaning of “urban” is to invite the camel’s nose into the tent. This “urban” could encompass anything from downtown Santa Rosa to downtown Manhattan. Neither of these represents an inviting or appropriate vision for the future of Cotati.

B8-3
(cont'd)

The rest of the camel promptly enters the tent in the next sentence: “[w]hile rural hills to the east are visible from the planning area, the dominant view from major roadways is of a built environment. Within the planning area, the primary views consist of urban sights such as streetscapes, buildings, and transportation facilities (Highway 101).” This description might be what a Pasadena-based planner decided to note during a site visit, or what an advocate decided to write, but it is not ground truth as seen from the Cotati sidewalk.

To accept a “view from major roadways” as the foundational vision for what is supposed to be “walkable Cotati”, would be a regrettable error. Instead, take a walk north from La Plaza Park. It is of course necessary to cross Old Redwood Highway at the USA gas station, because there is no sidewalk beyond this point. There is no dominant view. We have some buildings of varying ages and conditions, within surroundings that nature is working diligently to reclaim.

What is striking in a walker's perspective is not the interruptedness of the eastward view of the hills, but rather the fact that the ridgeline is such a consistent orienting feature despite some interruptions in view. The interruptions are more by treetops than by buildings. To the west, we have not only 101, but also a view of gently rising terrain leading upwards in a peacefully inspiring sweep, to St. Joseph's. For a church steeple to be the highest building feature in a town, is a venerable tradition.

A paragraph later we have a remarkable statement:

While some examples of period architecture along Old Redwood Highway can be distinguished upon close inspection, the overall character of Downtown is obscured by the automobile-related land uses at the northern end of the planning area, and more modern structures or facades, which lack a distinctive character.

"Automobile-related land uses" is a statement that is vague to the point of being coy. To be honest, we must step away from this, and enumerate the automotive uses and confront them each directly. One cannot merely wish automobiles away, nor can one properly serve the public interest by constructing what should have been a responsibly balanced assessment, upon statements that read as *ex cathedra* justifications.

B8-3
(cont'd)

Character ought to be viewed at least as much by people and what they do, as by buildings, and specifically by the facades of buildings. "Streetscapes" can be conveyed by photographs, but actual character is not static. It arises beyond the façades of the streetscape, and is defined by peoples' lives and how they interact with their surroundings.

We should be planning not for a façade, but rather for true living character. The DEIR statement about "distinctive character" says nothing definite about the present buildings, nor especially about peoples' lives within them. Instead, it is only a statement that the buildings outwardly appear not to be as similar to each other as the writer desires.

Perhaps there is a present distinctive character after all: diversity of structures, relieved by unbuilt space, with remarkably consistent visual orientation and perspective offered by the distant ridgeline.

Carbon Impact Not Quantified

The vegetation on the vacant lots in the northern region may be professionally dismissed as "ruderal", but the fact is that this humble vegetation works every day to settle some amount of atmospheric carbon back to earth as organic matter, whereas new concrete, asphalt, buildings, and their occupants and vehicles will bring a new carbon burden.

Until you specifically quantify both the carbon uptake of the vegetation in the existing vacant lots, and the prospective carbon burden (both in the construction phase and in the

B8-4
(cont'd)

occupied phase) of this as a built-up environment, you have not answered the complete environmental impact of the proposed project.

“Quantify” means actual numbers from site surveys and credible models calibrated to ground truth in a comparable environment (western U.S., and preferably California). It does not mean unquantified and unproven assertions that bicycle and transit orientation in the planning stage, demonstrably change actual behaviors of new occupants and their automobile use. It also does not quantify the impact of energy consumed within the numerous residences and businesses proposed in this high-density development.

B8-4
(cont'd)

Aesthetics

Solidly massed contiguous blocks of 3+ story construction do not evoke memories of any nostalgic past that this town has ever seen. For those of us who at one time suffered translocation to other parts of the nation, they evoke instead the environment of the cities of the eastern U.S., plagued with noise, crowding, crime, blight, and corrupt government.

A crucial difference from the East is that our seismic situation precludes most conventional masonry construction. Masonry offers the prospect of better containment of fires, and of better noise isolation, than does the wood frame construction that we typically use in California. This does not seem to stop architects from continuing to draw buildings that try to look like one thing (eastern or European cities), but are built and function like another (ordinary California buildings).

I lived in a wood-framed row townhouse in Rohnert Park from 1988 through 1994, and know from direct experience that these cheaply built structures offer very little noise isolation from adjacent units. To compound this with the upper/lower noise challenges familiar to any of us who have lived in conventional apartments, and the additional noise challenges of bottom story retail or commercial use, seems reckless.

B8-5
(cont'd)

The DEIR complains on page 4.1-1 of “modern structures or facades, which lack a distinct character.” The distinct character that emerges from the drawings and photographs in the DSP, is that of unrelenting mass and verticality.

Today’s downtown punctuates the main block with at least some small space between buildings. Redwood Café is able to have a pleasantly secluded outdoor tables area beside the building, as well as a sidewalk tables area for those who prefer a busier situation. The disparity of styles of the buildings is not an aesthetic detriment; the message is one of eclecticism, individual choice, and organic evolution, rather than of conformity to some edict.

Building heights do not exceed two stories (except at the Frogson tower: apparently intended as the camel’s nose into the tent of 3+ story construction, and faithfully depicted in its obtrusive hideousness on page 1:18 of the DSP), and the inconsistent heights

provide visual relief and variety. They also allow at least treetops, to be in view nearly everywhere.

It is not at all certain that Exchange Bank needs to be “restored” as depicted on page 4.1-6 of the DEIR, or even more tellingly on page 2:6 of the DSP. The latter complains that the current Exchange Bank building has “unnecessarily small windows”, then astonishingly proposes a new façade that not only retains narrow windows, but places bars over them. Nothing says “high crime area” like bars over windows. The Mission front is as functional as a movie set façade, and such a direct echo of the California missions could be seen as an affront in light of more recent perspectives on the history of the missions relative to the Native peoples of California.

B8-5
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Other suggested “improvements” include what appears to be stacking additional stories and towers atop existing buildings. This is an easy error to commit as long as it is only done with a pencil. Fortunately, it is also easy to rectify with an eraser.

Ground Truth Aesthetics: Windsor Town Green

When seen from the air, which was my first seeing of it, Windsor Town Green appears as an almost comical aberration reminiscent of a movie studio back lot. A ground visit does little to change this impression. The only “distinct character” that emerges is relentless verticality and impenetrable massed block-long buildings. The actual façade forms of the buildings borrow from so many disparate styles, that the best comparison is to an amusement park. Mercifully, one is spared from having to spending more than a day in an amusement park. The same may not be said of the town where I live.

Is the distinct character to be Spanish, Italian, English, French, or Russian? All seem to be represented in Windsor, as does another style that I can only identify as “ski resort”, with steeply pitched roofs poised to shed the snow that is very unlikely to come in Windsor.

B8-6

With respect to its extraordinarily high density, the Windsor Town Green site has one special feature that might be seen as justifying: a train depot. If we allow that eventual train service (and I mark myself as a skeptic that it will actually happen and be maintained on a useful schedule to useful destinations) specially justifies very high density, then it might make sense to bring high density into a limited area near Cotati’s access to the rail line. This appears to be happening already at Santero Way. There is however no rail line within the DSP zone, and there appears to be no specific proposal to establish reliable and schedule-coordinated east/west public transit between the DSP zone and the nearest rail line.

Prospects for Actual Daily Function of Mixed-Use

It must be acknowledged then that the high residential density within the DSP zone is likely to generate the same number of automobile trips per resident as any lower-density development. To pretend that this is greener than conventional lower density development, is delusional.

If the commercial component of mixed-use were to bring a sort of European town fantasy of a greengrocer, bread bakery, and fish seller within a short walk in the immediate neighborhood, who could stay in business while charging only tolerable prices, the automobile trips situation might be improved. None of these essential daily retail functions are in evidence at Windsor Town Green. We must also keep in mind that bakeries traditionally begin work circa 3AM, and that produce and fish deliveries would also very likely be arriving by truck during hours when residents are trying to remain asleep.

B8-7

A low-driving neighborhood family economy is not constructed of antique shops, special occasion restaurants, tanning and nail salons, piercing and tattoo parlors, chiropractors, and cell phone shops. These, however, are the principal small storefront businesses that we see in Sonoma County.

It seems pointless to construct town plans around an obsession with ground floor retail and commercial space, when so much retail space already is either vacant, or is occupied by tourist and pass-by businesses, rather than by businesses that might durably sustain neighborhoods with reduced automobile trips.

Comparability of Examples

Streetscape photographs given in the DSP as examples of comparable environments, are in **no** case identified as to location. It is impossible to properly assess such a photograph without understanding exactly where it was taken, in order that the dynamic context of daily life at the site be understandable. A static photograph can never be more than a partial truth. Partial truths are expected in a sales pitch, but do not allow for responsible environmental impact analysis, especially as regards aesthetics and dynamics beyond the façades.

B8-8

Disruptive, not Evolutionary

On a recent Sunday trip to Windsor Town Green, I witnessed something that was either amusing or worrying. Two boys of age 12 or so had bicycled up to one of the new buildings. They were on the sidewalk, speaking to a girl of about the same age who was at an upstairs window. From what I could gather of the conversation, they intended to visit her, but could not understand why she lived over a tanning salon, or how to find the

B8-9

front door of her residence. I also did not see in this “multi-modal” utopia, any place where the boys could park their bicycles.

You are proposing architecture that children do not know how to use. I suspect that most California adults also do not know how to use it.

Residence-over-commercial was in decline when I was growing up. The image that I recall from windows in these districts is of men in sleeveless undershirts, with several days’ beard growth, leaning out windows with a bottle in one hand and a cigarette in the other. Buzz-in front doors leading to narrow stairways, belong in the East and in San Francisco. They do not belong here. I am not nostalgic for them, and I doubt that anyone else who did not grow up in such an environment is either.

B8-9
(cont’d)

Housing for “all ages” is made a lie when all of the residences require stairs to access, have stairs inside, or both. Many elderly residents eventually require either ground-floor-only living, or non-green elevators. I speak from direct experience, having needed in December of 2005 to move an increasingly challenged elder from a two-story townhouse to the ground floor of my own house to remove the peril of stairs from the essential activities of daily living.

Narrow Sidewalks Are Not Walkable

In two blocks of my walk through Windsor Town Green, the sidewalks were interrupted with vertical support columns, encroached by the front ends of diagonally parked cars, and partially obstructed with signage and merchandise displays from some of the shops. The result was a sidewalk that was too crowded to permit people to walk in both directions at the same time. This is not a theory: I had to duck beside a column to avoid colliding with people walking abreast in the opposite direction.

I recall at least one mid-block eatery having a comically cramped enclosure for a sidewalk table or two. There were a few attractive outside eating spaces, but these appeared only at the ends of buildings.

B8-10

Staff comments during the recent meeting that sidewalks were “20 feet”, was within moments backpedaled in restatement as “12 feet in some places.” The DSP presents photographs (unlabeled as to location) of various sidewalks, none of which suffer the challenges that I actually experienced in Windsor. Because Windsor Town Green appears to be the likely model for what is proposed in the DSP, the photographs must be viewed as a sales pitch, and not as any reliable indication of what will actually be built.

Traffic Noise

During my walk through Windsor Town Green, on one of the blocks with the width challenge just mentioned, I also heard no fewer than four honkings of car horns. Two of

B8-11
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Yearwood

these appeared to be related to arming of car alarms, and two appeared to be hailing by drivers of people seen on the sidewalks.

Car horns are startling insults to anyone with acute hearing. The specific nature of automobile traffic generated by the frequent parking associated with mixed use during ground floor operating hours, and by deeply inconsiderate horn use for social hailing, clearly brings a prospect of constant noise insult to the residential element. The situation with car alarm arming (and especially with spurious alarm activation) has become a plague even in my own low density neighborhood. While the prospect of criminalizing the source of this noise plague is emotionally rewarding, it seems nearly impossible to enforce.

B8-11
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When a protracted insult arises from one's own neighbors there is at least the possibility of negotiation or legal process. Retail and commercial use, however, bring traffic from outside the immediate area, with little prospect of restraint against irresponsible annoyance.

Traffic Calming: Speed is not All

"Traffic calming" as used in the DEIR appears to be fixated solely upon speed reduction. Calming needs also to take into account driver frustration and the likelihood of this turning into aggression and rash action.

Narrowing roadways to reduce motor vehicle speeds, greatly increases the physical danger to bicycles if the bicycles are not physically separated from automobile traffic. Placing signs as suggested in the DEIR, does absolutely nothing to reduce the physical risk to cyclists forced into close proximity to automobiles. Cyclists already will be exposed to substantial risks by poor visibility from cars backing from diagonal parking.

A 15 MPH speed limit is absurd. Few obey the existing 25 MPH limits in Cotati. The only roadway that I know of with a 15 MPH limit is in Kailua Kona, Hawaii. Cotati is not a beach town with people walking around in bathing suits and bare feet.

B8-12
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I happen to have one of Cotati's few extant "traffic calming" devices immediately in front of my house. Some drivers regularly pass over this bump with no apparent reduction in speed, and even seem to relish the prospect of the resulting sharp jolt. A few drivers with absurdly lowered vehicles, slow down so much as to create an obstruction. Delivery trucks occasionally deliver an earthquake-like jolt as they pass heavily over the bump. Some years ago, when the bump was still a screwed-down fixture, rather than a permanently integrated pavement feature, I regularly found its large screws removed and tossed into my front landscaping.

When inconvenience becomes too great, it breeds contempt and rash behavior. Antagonism is not a proper solution to the long-term problems brought by excessive

reliance upon the automobile. The DEIR appears to reflect an antagonistic mindset rather than a balanced view.

B8-12
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Roundabout Disrupts Regional Disaster Traffic Redundancy

Early in 2006, the Cotati Grade on Highway 101 suffered a serious landslide failure. Traffic either was overtly diverted to, or chose to use, Old Redwood Highway as a bypass. A Press Democrat article "Damage at \$300 million" from 2006, Jan. 4, and offers the following observation:

"I heard it was a nightmare, so I went around it," Petaluma telecom employee Ryan Culley said, recalling his 7:45 a.m. detour off the freeway. "I went through downtown Cotati on Old Redwood Highway and it was completely jammed up."

While that specific section of Highway 101 has subsequently had substantial work to improve stability, the fact remains that the Cotati Grade has steep slopes both above and below this heavily traveled freeway. We know that this land has failed after heavy rains. We do not know exactly what might happen to 101 when the inevitable major earthquake arrives. Redundant north/south arteries are essential for routine and emergency services, not only for our immediate area, but for a large area of the state northwards.

It seems grossly unwise to disrupt the potentially vital redundant artery of Old Redwood Highway, with a design that is intended to *discourage and impede* through traffic. In the event of a major disaster, we can expect both urgently essential supplies, and large construction materials and machinery, to require north/south travel. We do not know for certain which among Petaluma Hill, Old Redwood Highway, 101, and Stony Point will survive and which will fail.

B8-13
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Roundabouts Create Stranded Land

The reason that La Plaza Park is attractive today, is exactly because the streets adjacent on the north and west see very little through traffic. Parking is safe, and the environment feels calm and relatively secure.

To situate the park amidst the entire traffic load of Old Redwood Highway, East Cotati, and West Sierra carried through a roundabout, is to isolate the park by surrounding it with constant danger on all sides.

Anyone who is familiar with Dupont Circle in Washington, DC can attest to the maddening situation confronted both by drivers attempting to enter and to leave the circle, and by pedestrians attempting to reach the limited park space in its center. The Dupont Circle park space is used, but there also is essentially no other open space within reasonable walking distance. Signals and crosswalks make it possible to access the center fairly safely, but traffic also flows very slowly as a result.

In other cities, traffic intensity entirely strands the open space at the center of a roundabout. During a walk through Saigon in the summer of 2007, I took a rest in such a space. The only other people there, were children attempting to sell sunglasses to the naïve foreigner who showed up in a place where no other person would go. In another case, I was attempting to cross a high-traffic roundabout on foot by circumnavigating its outer perimeter. I finally had to backtrack on one of the side streets and hire a motorcycle taxi to take me across, due to unrelenting traffic within the roundabout and on all of its connecting streets.

Even in places where roundabouts have long been part of the road system, they are accident prone. In one traverse of a not especially busy roundabout near Aix-en-Provence, France, I saw two pairs of motorists pulled to the side of the road apparently exchanging information after collisions.

B8-13
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If the roundabout is not soon rejected as it ought to be, quantified studies need to be performed on the actual traffic throughput and queueing that will result when signal-controlled crosswalks are provided. Note that from a pedestrian's perspective, the time required to wait to cross W. Sierra / E. Cotati, with the cycles of left turn signals, already is quite long.

Fire Equipment Response Through Roundabout

The offered solution of some sort of special traffic signal response to clear a roundabout for quick transit by fire equipment, seems naïve to the point of straining credibility. Drivers already are clearly confused when confronted by lights and sirens. Drivers are trained to pull over to the right to allow emergency vehicles to pass. In a narrow roundabout, there is no right to pull over to.

Drivers will instead be confused, and we will end up with the situation that I witnessed during a usual traffic jam at a Chicago intersection. Police officers in a car attempting to respond to an emergency, had to get onto their PA speaker and yell at drivers one by one to clear the intersection, despite the fact that there was little evident place for any of those drivers to safely move their cars to.

B8-14

We do not need this type of madness in our town, especially not with fire response already delayed by being split between the Cotati and Penngrove stations.

Charrette

One indication of a cult, is unusual use of language. Persistent references to the "charrette" appear to be attempting to use this word and event as a proxy for a combination of public consensus and proper deliberative process. This word is not a term of ordinary language. It appears to derive from an end-of-term process in schools of

B8-15
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architecture or planning. As a current student, I am acutely aware that the end of the term often brings a desperate rush to turn in work by a deadline. This deadline precedes a process of criticism and evaluation by the professors.

The charrette was the turn-in of one step of work; it was not the evaluation. A five-day process brings a certain intensity and momentum that may have its own value, but it must not be taken as self-evaluating, nor as a complete deliberative process.

I must remain deeply skeptical of an intensive process driven by a deadline, especially in economic times that were much different than the ones that we find ourselves in today. The collapse of financial credit, painful as it might be, brings a much-needed opportunity for a sober review and recalibration of all grand plans.

B8-15
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Sincerely,



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