

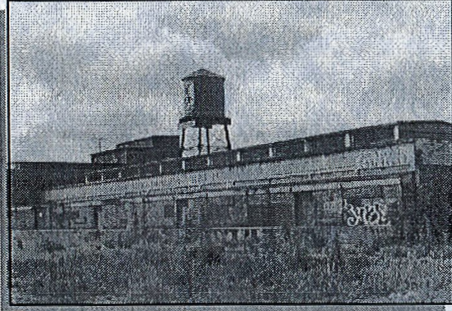
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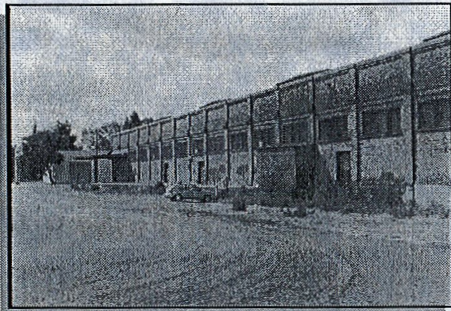
1011 Andersen Drive

San Rafael, CA 94901

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CITY OF SANTA ROSA TRANSIT-ORIENTED REDEVELOPMENT PROJECT



FINAL ENVIRONMENTAL IMPACT REPORT
(RESPONSE TO COMMENTS ON THE DRAFT EIR)
SCH#2003102047



Prepared For:

CITY OF SANTA ROSA

DEPARTMENT OF HOUSING AND REDEVELOPMENT

Prepared By:

EIP ASSOCIATES



*MP
AJ
fill*

LETTER OF TRANSMITTAL
HOUSING AND REDEVELOPMENT

POST OFFICE BOX 1806 90 SANTA ROSA AVENUE
SANTA ROSA, CALIFORNIA 95402-1806 SANTA ROSA, CALIFORNIA 95404
(707) 543-3300 Telephone

APR 29 2004
PLANNING DEPARTMENT

DATE: April 28, 2004

TO: GOLDEN GATE BRIDGE HIGHWAY AND TRANSPORTATION DISTRICT
 ATTENTION: ALAN ZAHRADNIK, PLANNING DIRECTOR
 1011 ANDERSEN DRIVE
 SAN RAFAEL, CA 94901-5381

FROM: CAS ELLENA

ENCLOSED: Please find a copy of the Final Environmental Impact Report (Response to Comments on the Draft EIR) for the Transit-Oriented Redevelopment Project.

This is being sent to you in compliance with the Public Resources Code, which requires the Redevelopment Agency to mail responses to those who commented on the Draft EIR.

Please feel free to call me, if you should have any questions, at (707) 543-3304. Thank you.

10-10-03
APR 3 2004
12:00 PM

**City of Santa Rosa
TRANSIT-ORIENTED REDEVELOPMENT PROJECT**

**FINAL Environmental Impact Report
(Response to Comments on the Draft EIR)
SCH #2003102047**

Prepared For:
City of Santa Rosa, Department of Housing and Redevelopment

Prepared By:
EIP Associates
353 Sacramento Street, Suite 1000
San Francisco, Calif. 94111

(415) 362-1500

April 2004

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Section 1

Introduction

1.1 BACKGROUND

A Draft Environmental Impact Report (EIR) for the City of Santa Rosa Transit-Oriented Redevelopment project was completed and circulated for the required minimum 45 day public/agency review and comment period on January 13, 2004. The review and comment period extended through February 26, 2004.

The Draft EIR informs decision-makers and the general public of the potential environmental impacts that would occur through implementation of the Transit-Oriented Redevelopment project. The Draft EIR also identifies mitigation measures to minimize the potentially significant impacts, and evaluates a reasonable range of alternatives to the Transit-Oriented Redevelopment project.

On February 23, 2004, a public hearing to address the adequacy of the Draft EIR was held at the City of Santa Rosa City Hall before the Redevelopment Agency of the City of Santa Rosa, at which time oral and written comments were requested. Twelve speakers provided oral comments at the hearing with several speakers submitting backup letters of comment.

Various letters of comment were submitted during the course of the public/agency review and comment period. This Response to Comments document contains a summary of the verbal comments made at the public hearing and all written comments on the Draft EIR submitted during the comment period. In accordance with Section 15132 of the California Environmental Quality Act (CEQA) Guidelines, this document brings together the comments and responses to the submitted comments.

This Response to Comments document, together with the Draft EIR, constitutes the Final EIR. Responses are provided for significant environmental points raised in the Draft EIR review process, focusing on issues that address the adequacy and content of the Draft EIR. Issues that address the merits of the Transit-Oriented Redevelopment project, which will be heard before the Redevelopment Agency of the City of Santa Rosa after EIR certification, are not required to be addressed in the Final EIR. The City Council would adopt a resolution making findings based on consideration of the Final EIR.

1.2 HOW TO USE THIS FINAL EIR

This document addresses substantive comments received during the Draft EIR public/agency review and comment period and consists of four sections: 1) Introduction; 2) List of Commentors; 3) Verbal Comments from the Public Hearing of February 23, 2004, with Responses; and 4) Letters of Comment with Responses.

Those comments that require responses are numbered in the left hand margin of each letter of comment as submitted. The responses are correlated with the comments by the numbers shown. Each letter of comment is followed immediately by responses. For the most part, the responses provide explanations or additional discussion regarding the text of the Draft EIR. In some instances, the response supersedes or supplements the text of the Draft EIR for accuracy or clarification. New text that has been added to the Draft EIR is indicated with underlining. Text that has been deleted is indicated with overstriking.

Section 2

List of Commentors

Agencies, organizations and individuals submitting comments on the City of Santa Rosa Transit-Oriented Redevelopment Project Draft Environmental Impact Report (hereinafter referred to as the Draft EIR) are identified in this section.

2.1 INDIVIDUALS PROVIDING VERBAL COMMENTS AT THE PUBLIC HEARING OF FEBRUARY 23, 2004

| | |
|---|---|
| Dexter Dawes, Santa Rosa Cannery, LLC | Margo Warnecke Merck, President, Community Housing Development Corp. |
| Rick Divine, Santa Rosa Cannery, LLC | Willard Richards |
| Richard Carlile, Carlile Macy | Bill Korum |
| Lionel Gambill | Maureen Renfro, Executive Director, Santa Rosa Convention and Visitors Bureau |
| Cappie Garrett, President, Sonoma County Food & Wine Center | Michelle Gervais, Santa Rosa Cannery |
| Lynda Angell, President, Historic Railroad Square Association | |
| Alan Thomas | |

2.2 AGENCIES, ORGANIZATIONS AND INDIVIDUALS SUBMITTING LETTERS OF COMMENT

1. Sonoma County Water Agency, Anne Crealock, Environmental Specialist, February 4, 2004.
2. Willard Richards, February 12, 2004.
3. Sonoma County Food & Wine Center, Cappie Garret, President, February 20, 2004.
4. California Department of Transportation, Lisa Carbari for Timothy C. Sable, District Branch Chief, February 23, 2004.
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16. State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, February 27, 2004.

Section 3

**Verbal Comments from Public Hearing of
February 23, 2004, with Responses**

PUBLIC HEARING

DRAFT - SUBJECT TO CHANGE

REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA
REGULAR MEETING
Council Chamber, City Hall
100 Santa Rosa Avenue, Santa Rosa, California
February 23, 2004

MINUTES

Study Session -
6th Street Playhouse
Presentation Santa Rosa Players Actors Theater has merged to form 6th Street Playhouse. Members of the 6th Street Playhouse requested this opportunity to share their vision for the Sixth Street Warehouse, located at 52 West Sixth Street, with the Redevelopment Agency.

Convene The Redevelopment Agency of the City of Santa Rosa met in regular session at 2:58 p.m. on the 23rd day of February, 2004, in the Council Chamber, City Hall, 100 Santa Rosa Avenue, Santa Rosa, California.

Roll Call Present: Chairman Arnone, Agency Members Ours, Olsen, and Schneider. Mr. Evans was absent. Also in attendance were Executive Director Stephen F. Burke, Economic Development and Redevelopment Manager Jocelyn Lundgren, Program Specialist Cassie Ellena, Legal Counsel Mike Casey, and Recording Secretary Jan Harrison.

Public Appearances None

Announcements None.

Statements of
Abstentions None.

Approval of Minutes On motion made by Mr. Ours, seconded by Ms. Schneider, the minutes for the meetings held December 15 and 22, 2003, and January 12, 2004 were approved.

Draft EIR Report
for Proposed
Transient-Oriented
Redevelopment Plan Ms. Ellena stated this issue is whether the Redevelopment Agency will hold a public hearing and receive comments on the Draft Environmental Impact Report (EIR) for the Proposed Transient-Oriented Redevelopment Project Area, known as TORPA.

Ms. Ellena announced the Agency will not be taking any action on the Draft EIR at this meeting. The purpose of this public hearing is to provide members of the public an opportunity to give oral comments on the Draft EIR.

The area consists of 11.5 acres and is bounded by the railroad tracks on the east, Santa Rosa Creek on the south and west, and West Sixth Street on the north. It consists of eight parcels and four property owners.

On January 12, 2004, the Agency adopted Resolution No. 1523, accepting and authorizing circulation of the Draft EIR for a 45-day public review period, which ends February 27, 2004. At that time the Agency also directed staff to schedule a public hearing for February 23, 2004. On February 12, 2004, the Planning Commission considered the Proposed Redevelopment Plan and Draft EIR for the TORPA. The Planning Commission then adopted a resolution finding the Proposed Redevelopment Plan to be consistent with the City of Santa Rosa

General Plan and recommended its adoption. The Planning Commission also made comments on the Draft EIR for consideration in the Final EIR.

All comments which are received during the 45-day public review period will be responded to and considered in the Final EIR. The Final EIR will go before the Agency and the City Council in May, 2004.

The Department of Housing and Redevelopment recommends that the Redevelopment Agency hold a public hearing on the Draft Environmental Impact Report for the Proposed Transient-Oriented Redevelopment Project. Ms. Ellena introduced Ted Adams from EIP Associates, the consulting firm that has prepared the Draft EIR. Mr. Adams will provide an overview and major findings of the Draft EIR.

Ted Adams, EIP, stated this project is located in the Historic Railroad District between Santa Rosa Creek and the railroad tracks. This project is intended to ensure that the area is revitalized with development that is pedestrian friendly and includes the use of transportation. This includes potential development collaboration with the Sonoma Marin Area Rail Transit (SMART) District which controls about half of the project site. The General Plan retail and business service designation for the site allows for retail and service enterprises with offices and restaurants. The General Plan also encourages the production of residential units in the downtown area. The EIR was essentially developed to address the environmental impacts of a project built out at the maximum that would generally be allowed under the General Plan. Toward this end, mixed use development scenario was developed that supports transit uses of the SMART parcel and includes development of up to about 280 residential units and 230,000 gross square feet of commercial space, together with the necessary parking, landscape features, open space and a maximum building height of approximately five stories. The land use scenario is considered flexible enough to allow variations in the provisions of public open space and parking facilities, depending on the mix of commercial, land uses and residential land uses ultimately programmed for the development. A specific development plan has not yet been prepared for the project.

The project has been found to be generally consistent with the Santa Rosa 2020 General Plan. Where consistency is not confirmed, or partially confirmed, mitigation measures are established to bring the project into consistency with the General Plan.

Regarding land use, no adverse impacts were identified for the project as it is currently proposed, and no land use mitigation measures are specifically noted. No adverse population, employment or housing impacts are identified for the project. It is noted that the project would allow continued economic growth and jobs, and the provision of housing and expanded opportunities for commercial development and transportation.

One of the important issues analyzed in the EIR was that of visual quality and community character. The change in visual appearances would be expected to be pretty significant in the project area. Planning and design of the project should be in accordance with the provisions of the Railroad Square Plan and confirm to the goals and guidelines of neighborhood and community design as

contained within the City's urban design guidelines, whose purpose is to implement the urban design element of the General Plan.

The design objective, as noted in the EIR, should be to further development within the project site is visually compatible with the scale, density and architectural format with surrounding development, including the Westend Preservation District and Railroad Square Preservation District.

Project development would generate an increased demand for police and fire and emergency services. Given the limited resources of the Santa Rosa Police and Fire Departments, this increased demand could adversely affect the City's ability to provide some patrol functions, fire protection and emergency functions. Considering that no substantial increase in services would be provided relative to the project's increased demand for these services, the impact was identified as significant.

Regarding utilities, no adverse utility impacts were identified and no utility mitigation measures are specifically required, except outside the normal requirements for conservation of resources as put forth by the utility companies themselves.

Regarding hazardous materials, the site is currently being cleaned up by property owners. During construction in the event further contamination is discovered, additional investigations would be required to verify the extent of contaminated soils, and any necessary remediation actions would have to be taken at that time.

Regarding historic resources, impacts to historic architectural resources on the site could include demolition or substantial alteration to four properties that are recommended eligible for the California Register. Mitigation measures recommended include adapted reuse of the buildings, which is also being sought by the owners of the properties.

To reduce the risk associated with seismic ground shaking, it would be necessary to take into consideration the location and type of sub-surface materials when designing foundations and structures. Adherence to the Building Code provisions as outlined in the EIR would also be necessary. Build out of the site would increase the storm water runoff volume by over 50%, thus contributing to potential overloading of the receiving infrastructure, the downstream areas. This would require the storm water plan be developed so that the rate of storm water leaving the site now is not any greater than existing conditions in the future.

Mr. Adams discussed other items with Agency Members.

Steve Coleman, Dowling Associates, commented he was the principal in charge of the work that was done for EIP on traffic and transportation. He gave a quick summary of the conclusions of their study. There were two key challenges in this work. First was finding an appropriate reduction for the transient-oriented development, which they tried to do by looking at the existing census data on transit usage in the Railroad Square area and some work they had done in another community.

The second challenge was finding a way to evaluate a level of the service that was appropriate in the downtown. The intersections under cumulative conditions would all operate at level of service C or D or better during the peak hours. He reported on any impacts on the surrounding residential streets.

Chairman Arnone opened the public hearing and asked for comments from the audience.

Dexter Dawes, member of the Santa Rosa Cannery, LLC, commented they had three members present today as well as their consultant, Michelle Gervais. He stated Chris Davies and Rick Devine will follow him.

PH-1

Mr. Dawes showed Agency Members a site design sample and explained the layout to Agency Members, stating it had been prepared by an architectural firm in San Francisco. Negotiations between SMART and the City will turn on the land use of the SMART property and how it will develop ridership and revenues for SMART. That process will take a good deal of time and effort by them. He believes that residences that will provide riders for the transit will be a very valuable use of that property and he would request that the alternatives, rather than the one being recommended and, the other an alternate, that there be a joint recommendation for an either/or, depending on how the SMART/City of Santa Rosa lease negotiations turn out. The Santa Rosa Cannery's current plan has 75 units in the old cannery building on Third Street, and the new Sixth Street building (both adaptive reuses) will either be apartments or a culinary school. If the buildings in the SMART area were allowed to be higher than the old historic rehabs, it would obliterate the views of those old buildings and seem to be counterproductive to what everyone is trying to deal with. They would like the height limit to be the existing height or the same as the SMART parcels. They hope that comments in the EIR would indicate that pedestrians and bicycles could be accommodated in the Fourth and Fifth Street crossings which would add to the circulation to primarily the retail area to the east and the new construction in the transit-oriented development.

PH-2

Rick Divine, one of the managing partners of the Santa Rosa Cannery, LLC, commented he would be speaking for himself and on behalf of Chris Davies. His comments centered around the historic nature of the buildings. It has been suggested that the north and south walls and the east walls of all of the structures be retained. Although they intend to retain all of the significant walls, both the north wall of the Third Street building and the south wall of the Sixth Street building are walls that will not be retained. Where the buildings are joined is also the location of a 20,000 gallon vault that stored diesel fuel which, in 2003, they had pumped out; however there is still sludge retained in that tank and they are under an abatement order by the Water Quality Control Board to remove that particular vault. Removal will require the demolition of the south portion of the Sixth Street building but will retain the portion of the facade where it says "Santa Rosa Packing Company", but some demolition will be required to reach at least the 35 foot long vault; it may require also getting to other storage tanks which are listed in old Sanborn maps that may or may not still be there. According to testing, there doesn't appear to be any leakage from the 35-foot long tank. Also, the Santa Rosa Fire Department does have significant requirements regarding how these things will be treated, including demolition of a portion of the building. The Draft EIR also calls for retaining the roof elements. The roof elements on the Third Street building are not especially valuable, and there are plans to retain

PH-2
(con't)

the exterior facade and essentially build a new building within the existing building. This would be the same situation with the Sixth Street building. They are very mindful of the historic nature of these buildings and they have commissioned a few reports in compliance with CEQA about how they should be treated. They won't be able to retain all of the walls as required in the Draft EIR. They are asking that the Final EIR notice the fact that the principal walls will be retained, but there will be a need to demolish, and not retain, some of the existing walls on the site.

PH-3

Richard Carlile, Carlile & Macy, owner of the property adjacent to the project, stated he agrees with a lot of what Mr. Dawes and Mr. Devine have said regarding the Cannery's property, particularly at grade crossings for bicycles and pedestrians. He thinks it will be essential for Fourth and Fifth Streets as they interconnect the two sides of Railroad Square that were originally conceptualized in the Railroad Plan. He, like others, is anxious to get to a physical plan that pulls all these things together. The site is evaluated as if it was a mall or large project, and then the adjoining streets were evaluated based on that development. He thinks strengthening of the grid that is part of the Railroad Square Plan is important. In historic districts, that circulation grid was the key to making things happen. We need to get some connection that connects Third Street with Sixth Street which would strengthen and take traffic away in a north/south direction off of Wilson. He believes this to be critical. He thinks the transit connection to the new platform and depot for SMART would be best served just north of where the depot platform is; we need to get the circulation of busses in there. He indicated he would include other comments in a letter form and submit them.

Lionel Gambill, 801 Tupper Street, commented he has been involved in the SMART process since the mid-80s. He asked if this is really a transit-oriented development. He discussed what the project should accomplish. The Fourth Street depot will be the most important station on the entire SMART corridor. Each weekday 1,466 passengers will board or de-train from SMART trains, according to their ridership study. This does not include passengers on tourist trains or intercity passenger trains which will be phased in at various points. Transit orientation implies transit integration as the priority and attempts to maximize non-automobile access to trains by maximizing bus connections as well as bicycle storage and pedestrian friendly infrastructure. There is a need to bring bicycles as close to train side as possible. Busses need to be brought in close to the train depot. Every effort should be made to encourage people to leave their cars at home. The Food and Wine Center needs to be pedestrian friendly. We need to make Santa Rosa, as seen through the train windows, an appealing place to be. The first impression people get will be from a train window. We want them to have an impression of Santa Rosa that will motivate them to come back to spend more time here. Parking is not transit. This project is being built as a transit-oriented development and he wonders how it measures up to that label. A prime example of a good transit connection to a train station is the transit loop at University Avenue in Palo Alto. It is important to look realistically at the future. Mr. Gambill urged a drastic reduction in the number of parking spaces. He suggested working with Cal Trans to place as many parking spaces as possible under the widened freeway structure; place the rest either south of Third Street or underground; include a bus loop that enters at Third Street that accesses bus space next to the platform and goes back out to Third Street. It should be designed to accommodate most of the busses that are going

to serve train connection in Santa Rosa; eliminate the Sixth Street turnout which would negatively impact the Westend neighborhood, but keep the Third Street turnout for some of the busses, along with a taxi stand; plan for bicycle lockers on the train platforms, the number to be determined by studying other systems. He mentioned several other amenities that could be added.

PH-4

Cappie Garrett, Chairman of the Sonoma County Food and Wine Center, stated she was pleased to be present for discussion concerning the EIR. She is extremely grateful for the part the Agency has played in moving this forward. She is impressed with the quick movement of the EIR. The Food and Wine Center is being developed with the Santa Rosa Junior College, and they also will most likely submit comments on the EIR. They ask that specifications of the Food and Wine Center be included in the EIR. There will be a market place, combining with the culinary art center of the Junior College. She explained what their project would include. They believe their project does fit within the ranges of the EIR. They echo that there be pedestrian, at-grade crossings at Fourth and Fifth Streets; without them, they feel they may get another blockade similar to the mall. They have been cited as a priority of the City of Santa Rosa for the last five years and have entered into a negotiation process with the City for an exclusive right to negotiate on that property, along with the Junior College District. They offered their assistance in any way possible.

PH-5

Lynda Angell, President of Historic Railroad Square Association and a property owner in Railroad Square, expressed appreciation on behalf of Railroad Square for the Draft EIR and its emphasis on using the zoning policy statement in the Railroad Square Plan as a guide for the development of the transit-oriented redevelopment project. There are about three areas that are of great importance to Railroad Square. Their top priority is that the Sonoma County Food and Wine Center be developed as it is crucial to Railroad Square's business district. Along with that is the Santa Rosa Junior College Culinary Arts Program; this development would be a major magnet to the community and to all of Sonoma County. It would be a strong revenue base for the City, a cultural center, provide employment opportunities, support our local growers and producers, and emphasize most importantly a sense of community. A parking garage is crucial to the area for existing and future uses. The size and design would need to be compatible with the historic character in Railroad Square. The Railroad Square District has become an area of entertainment for locals and visitors and is becoming increasingly attractive with the variety of shops, restaurants, hotels, conference centers and the California Welcome Center. With this, comes more traffic. The streets in Railroad Square are narrow, and they ask that the EIR address the fact that the grid should go out into the major roadways and certainly not the narrow streets. She thanks the Agency for moving this project forward so quickly and for taking the lead to revitalize a area such as the Railroad Square District.

PH-6

Allen Thomas, 138 West Eighth Street commented he is representing himself. He understands this EIR will set things for how they will be in the future. He reminded the Agency when passing along its comments that one of the biggest impacts in his opinion is the historical nature of the buildings. He urged the Agency to look closely at the EIR consultant's work rather than suggestions made by the owners of the buildings in the area. He urged that more information be sought regarding the need to demolish any historic buildings in order to do toxic remediation.

PH-7

Margo Warneke Merck, 13412 Chalk Hill Road in Healdsburg, President of Community Housing Development Corporation of Santa Rosa, stated they develop special needs housing. She stressed the importance of having affordable and special needs housing in the Railroad Square Redevelopment Area project. We need smart, accessible, transit-oriented developments where residents of all income levels can live and work. She asked to go on record as being in favor of the alternative mixed-use build-out scenario which would contain a maximum of 380 residential units of integrated housing for all income levels, and a commercial component of 130,000 square feet. This project would then produce a total of 114 affordable units at 30 percent Redevelopment Area Law. She asked that the Agency address how this project will meet the Americans with Disabilities Act requirements. There needs to be mention of curb ramps and accessible pedestrian walkways that this project is altering or creating. She asks for inclusion of an analysis to incorporate the "accessibility requirement in any temporary or emergency construction under Impact 3.4-8".

PH-8

Willard Richards, 400 Highland Drive, representing the Sonoma County Transportation and Land Use Coalition, commented he has had a long term interest in the railroad property as well as the SMART project. He stated he appreciated being able to purchase the EIR on a CD and has also learned it is also available on the City's website. He urged everyone to remember that this 11.5 acre project is only 7 percent of the area within a five-minute walk of the proposed SMART station. Public transit can only be successful when densities are high enough to support it. Even though this project is only a small part, we need to be mindful that is right at the core of what we hope will be a dense area of development around a new passenger rail station. He understands that transportation projects that have a beneficial effect on land use will be favored for future funding. As a programmed EIR, he understands it sets an umbrella under which other projects can come forward. The most important thing he has found has already been mentioned by the developers, and that is the building height limit of five stories. He believes the five story building height limit places a limitation on future development and is too restrictive. He would be pleased to see the height limit increased.

Bill Kortum, 180 Ely Road in Petaluma, commented he has been following the rail issues since 1989 because of its land use implications. He read an article from the Los Angeles Times regarding transit-oriented development. He hopes the Agency takes note of the fact that this will be the most important station of the approximate 12 that will be developed with the two counties. Santa Rosa will be showing the leadership of how to handle development around these stations, and he feels it is very shortsighted to only deal with the first increment because it is the station, and the station should demand very precise planning within the 1500 foot radius. He hope development of this area will not effect long range planning and what can be done around the station. He praised Petaluma for the outstanding job they are doing with 300 acres in its downtown area with the station right in the middle of it.

Maureen (Mo) Renfro, Executive Director of the Santa Rosa Convention and Visitors Bureau, stated she is the caretaker of the depot building, which is now the California Welcome Center. She spoke on a positive note on how they view the importance of the Food and Wine Center and that it will be an authentic representation of Sonoma County and Santa Rosa. She expressed her appreciation and they will do their best to help promote it.

DRAFT - SUBJECT TO CHANGES

Michelle Gervais, represented the Santa Rosa Cannery, commented their buildings are contributing buildings to the Historic District that is on the National Trust. There is special attention given to conserving the contributing facades. Using an overhead, she pointed out the areas about which they have had discussions regarding preserving facades. They have come to an agreement to save certain parts of buildings where there has been great sensitivity. They have worked with the CEQA consultant and the neighborhood regarding protecting facades.

The public hearing was closed.

Adjournment

There being no further business to come before the Redevelopment Agency, Chairman Evans adjourned the meeting at 4:25 p.m.

Jan Harrison, Recording Secretary

\jph:raminutes23Feb04

**RESPONSES TO COMMENTS PROVIDED AT THE PUBLIC HEARING OF
FEBRUARY 23, 2004**

Dexter Dawes, Santa Rosa Cannery, LLC

Response PH-1

Residences are included in the description of the project as noted in Section 2, *Project Description*, pages 2-10 through 2-12. The alternative for an All Residential Project is discussed in Section 6, *Alternatives*, pages 6-7 and 6-8. Other alternative project land use combinations that include residential use are discussed on pages 6-8 through 6-11.

As explained on page 2-11 of the Draft EIR, the land use concept as described in the Draft EIR is conceptual in nature, coinciding with the conceptual nature of the redevelopment project programs outlined in the Draft EIR. Building heights as ultimately planned for the Transit-Oriented Redevelopment project may vary from those as indicated in Table 2-1 (see also Table 6-1 on page 6-6 in Section 6, *Alternatives* which lists the height of the Cannery parcel buildings at a maximum of four stories as compared to three stories in Table 2-1).

Please see Responses 2-1 and 2-2 for additional information regarding project design, building heights and environmental review.

See also Response 3-3 regarding railroad crossings.

Rick Divine, Santa Rosa Cannery, LLC

Response PH-2

To clarify, the north end of 60 W. Sixth Street should be retained, the south end of 3 W. Third Street should be retained, and as much of the east-facing facades of these two buildings should be retained as possible. As the two buildings are attached, the north-facing facade of 3 W. Third Street and the south-facing facade of 60 W. Sixth Street are mostly obscured from public view. The elimination of these walls, as called for in the project plans, would not create a significant adverse impact on the historic significance of the district, nor would removal of a small portion of the southern end of 60 W. Sixth Street to create a new 4th Street promenade. As mentioned in Mitigation Measure 3.9-3, reuse of old bricks in the new north and south-facing walls of these two buildings is encouraged.

The "roof elements" are the clerestory windows found on the roof of the buildings at 3 W. Third Street and 60 W. Sixth Street. Prior to the widespread use of electrical lighting in industrial settings, or to minimize the expense of this relatively new invention, glazed clerestories were used to allow natural light into the darker interiors of large industrial buildings. These original architectural elements are clearly visible from within the Railroad Square Historic District, and are considered character-defining features which contribute to the historic significance of the District. The *Secretary of the Interior's*

Standards call for the retention and preservation of such features. Adherence to the *Standards* would minimize impacts under CEQA. As such, removal of the rooftop elements these elements would be inconsistent with the *Standards*.

While retention of all character-defining features of both buildings may not be possible, Mitigation Measure 3.9-3 states that the finalized designs should be reviewed by the City of Santa Rosa Cultural Heritage Board and Design Review Board for compliance with the *Standards*. Earlier historic resource investigations for the project sponsors may have overlooked the importance of these rooftop elements in their contribution to the historic setting of the District. In addition, earlier investigations may not have been based on project plans to eliminate the roofs entirely and extend the height of these buildings.

Finally, the project sponsors should be aware that while the project would generally have a less-than-significant impact on the Railroad Square Historic District (if rooftop elements were retained), impacts to the buildings as *individual* resources would remain significant because the alterations to them as indicated in the comments would be substantial (see also Letter of Comment #11 from the Santa Rosa Cannery and Comments 11-8 and 11-9), and to the extent that they would no longer qualify for listing in the CRHR individually. Removal of two out of four walls, elimination of their roofs and increasing their height, and complete removal of all interior features would be a significant impact to these buildings as individual resources, subject to the provisions of Mitigation Measures 3.9-2A and 3.9-3 which would reduce the impact to a less than significant level.

Richard Carlile, Carlile Macy

Response PH-3

Please see Response 3-3 regarding railroad crossings. See also Response 2-1 and 2-2 regarding further project design and environmental review.

Cappie Garrett, President, Sonoma County Food & Wine Center

Response PH-4

Please see Comment Letter #3 submitted by the speaker, and Comments and Responses 3-1 through 3-3. The expected extent of Food and Wine Center activities is contained in the document entitled *Economic and Feasibility Study, Sonoma County Food & Wine Market Place, Historic Railroad Square, September 6, 2000*, prepared by Market Ventures, Inc., which was submitted with the letter of comment. This document is available for public review and is on file at the offices of the City of Santa Rosa Department of Housing and Redevelopment, 90 Santa Rosa Avenue, Santa Rosa, California 95402.

Response PH-5

Please see Response PH-3 regarding streets.

Alan Thomas

Response PH-6

Please see Response PH-2 regarding historic resources. Hazardous materials remediation and the need for remediation is discussed in Section 3.8, *Hazardous Materials*, and reflects the latest information available regarding this subject.

Margo Merck

Response PH-7

Please see Comment Letter #5 submitted by the speaker, and Comments and Responses 5-2 regarding accessibility requirements. Please see also Response 2-2 regarding project design and subsequent environmental review.

Willard Richards

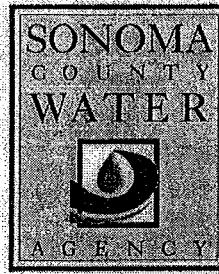
Response PH-8

Please see Comment Letter #2 submitted by the speaker, and Comments and Responses 2-1 through 2-3 regarding building heights. Please see also Response 2-2 regarding project design and subsequent environmental review.

Section 4

Letters of Comment with Responses

Written comment letters are reproduced in this section, followed immediately by responses. Discrete comments from each letter are denoted by a vertical line and numbered. Responses follow each comment letter or statement and are enumerated to correspond with the comment number. Response 2.1 for example, refers to the response for the first comment in Comment Letter #2.



RECEIVED

FEB 09 2004

CITY OF SANTA ROSA
HOUSING AND REDEVELOPMENT

FILE:RDR/TENT/TRANSIT-ORIENTED REDEVELOPMENT
PROJECT DRAFT EIR

LETTER 1

February 4, 2004

Ms. Cas Ellena
City of Santa Rosa
Department of Community Development
P.O. Box 1678
Santa Rosa, CA 95402-1678

RE: TRANSIT-ORIENTED REDEVELOPMENT PROJECT DRAFT EIR

Dear Ms. Ellena:

The Sonoma County Water Agency (Agency) has reviewed the Draft EIR for the above-mentioned project. In response, the Agency submits the following comments.

- 1-1 | 1. For site-specific improvements, Agency staff recommends that the drainage design for the project be in compliance with the Agency's *Flood Control Design Criteria*.
- 1-2 | 2. The Agency is concerned with the cumulative effects of flooding as a result of incremental increases in runoff due to paving or surfacing from new development. Although an individual project's impact to flood control would likely be minimal, the contribution from the subject project and other projects could cause a significant cumulative impact on the ability to control flooding in the Agency's flood control waterways and facilities.
- 1-3 | 3. The Agency is concerned with any activity that may affect the operation and maintenance of our facilities located at Santa Rosa Creek. Please provide design plans for Agency review which show detail of the development in or adjacent to the Agency's facilities.
- 1-3 | 4. A Revocable License will be required for access or construction work within the Agency's property located along Santa Rosa Creek. For questions on obtaining a Revocable License, please contact Mike Tovani at (707) 547-1070.
- 1-4 | 5. For all projects, the environmental document should address whether water supply demands generated by the project are consistent with what the city is able to deliver under existing agreements with the Agency. In planning for water supply, please be aware that there are several constraints regarding the implementation of the Agency's Water Supply and Transmission System Project (WSTSP). Under the WSTSP, the Agency's water rights would

Ms. Cas Ellena
City of Santa Rosa
02-04-04

1-4
(con't)

be expanded from the current permit limit of 75,000 acre-feet per year (afy) to up to 101,000 afy. However, due to various constraints, the Agency cannot implement the WSTSP at this time. For further information regarding this issue, please refer to the letters sent to the Agency's water contractors, customers, and water diverters under the Agency's water rights, on August 11 and August 28, 2003. These letters are attached for your reference and use.

Thank you for the opportunity to comment. For specific information regarding flood and drainage issues, please contact Dave Grundman at 547-1946. For other questions, contact Anne Crealock at 547-1948 or annec@scwa.ca.gov.

Sincerely,

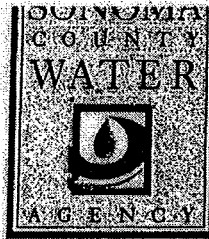


Anne Crealock
Environmental Specialist

c Ken Goddard

Enc

rs3/u/cl/rw/erpad/crealock/transit-OrientedRedevProject



FILE: WC/60-0-7 MOU-WATER TRANS. SYSTEM CAPACITY...
WC/49-5.1-7 RUSSIAN RIVER CWD & WC/49-5.1-7 WINDSOR WATER DIST
& WC/60-2-7 PRIMES & WC/60-2-7 MMWD
& WC/60-2-7 KENWOOD VILLAGE WATER COMPANY
WC/60-2-7 PENNGROVE WATER COMPANY
WC/60-2-7 LAWDALE MUTUAL WATER COMPANY
WC/60-2-7 CALIF AMERICAN WATER COMPANY

August 11, 2003

TO: All Contractors, Customers, and Water Diverters under Agency Rights

RE: STATUS UPDATE REGARDING RUSSIAN RIVER DIVERSIONS REPORTED UNDER SONOMA COUNTY WATER AGENCY DIVERSION/REDIVERSION RIGHTS (1993 - 2002) AND LIMITATIONS ON THESE RIGHTS

The purpose of this letter is to provide you with current information regarding the Sonoma County Water Agency's (Agency) Russian River water supply and offer the Agency's assistance in compiling the data necessary to evaluate and track the adequacy of the remaining supply. We hope the information will assist you in preparing the water supply assessments and CEQA analysis now required by state law and in complying with Section 8(a) of the Memorandum of Understanding Regarding Water Transmission System Capacity Allocation among the Agency's water contractors, Marin Municipal Water District (MMWD), and the Town of Windsor (MOU).

The Sonoma County Water Agency's state water rights permits limit the Agency's Russian River diversions and rediversions to 75,000 acre feet per year. The Agency's Water Supply and Transmission System Project ("WSTSP") had contemplated an increase in diversions and rediversions to 101,000 afy. However, with the Court of Appeal decision in the *Friends of the Eel River* litigation, the Agency cannot implement the WSTSP at this time. Thus, it would be inappropriate for water suppliers relying on water diverted under the Agency's water rights to anticipate water deliveries based upon diversions of 101,000 afy, or to rely on the delivery estimates in the Agency's Urban Water Management Plan 2000 (which indicated that water supplies available to the Agency's water transmission customers would be adequate over the next 20 years.) However, the analysis contained in the Urban Water Management Plan of the quantity of water available for diversion and rediversion remains valid.

Last year the Agency reported diversions and rediversions of 63,841 acre-feet, well below the Agency's current 75,000 afy limit. However, the additional amount of water that will be used by projects within the Agency's customers' service areas that have been approved but not yet completed is unknown. This information must be compiled in order to determine how much of the 75,000 afy remains available for projects that have yet to be approved.

The Agency's water supply and transmission facilities provide a primary water supply to a number of public water suppliers. In addition, other public water suppliers divert water directly from the Russian River under the Agency's water rights but do not use the Agency's water supply and transmission system. The enclosed table lists the public water suppliers that receive Russian River water under the Agency's water rights. The Agency's water supply facilities include five collector wells and seven conventional wells along the Russian River near Forestville. A sixth collector well is under construction and should be

completed in the summer of 2004. In addition, the Agency operates three wells in the Santa Rosa Plain to augment production capacity of the Russian River water supply facilities. The Agency's diversion of water from the Russian River is regulated by appropriate water right permits administered by the State Water Resource Control Board (SWRCB). The Agency developed the WSTSP to meet the future water demand that is contemplated by approved general plans governing the service areas of the Agency's contractors and customers. A component of the WSTSP consists of increasing the authorized total annual limit on diversions under the Agency's water rights from the currently approved 75,000 afy to the 101,000 afy discussed above. In the *Friends of the Eel River* litigation, the Court of Appeal concluded that the Agency's Environmental Impact Report (EIR) for the WSTSP was inadequate because it did not adequately consider the potential effects on the Russian River of potential reductions in diversions by PG&E's Potter Valley Project from the Eel River into the Russian River. Consequently, the WSTSP EIR must be supplemented to address the issues raised in the Court of Appeal ruling, and the Agency's Board of Directors must then reconsider the WSTSP. Until these issues are resolved and the SWRCB approves an increase in the annual limit in the Agency's water-right permits, the Agency's Russian River water supply will be subject to the existing limit of 75,000 afy.

In addition, as you are aware, coho salmon, steelhead, and Chinook salmon in the Russian River and its tributaries have been listed as "threatened species" under the federal Endangered Species Act (ESA). In response to these listings, the Agency, the U.S. Army Corps of Engineers, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District are involved in a Section 7 Consultation under the ESA with NOAA Fisheries (formerly National Marine Fisheries Service). One of the objectives of the Section 7 consultation is to ensure compliance of the Agency's operation of its current and future facilities with the ESA. The Agency does not expect to be able to seek approval from the SWRCB for any permanent increase in the 75,000 afy limit until the consultation has been completed.

The enclosed chart presents the past 10 years (1993 through 2002) of Russian River diversions under the Agency's water rights entitlement. The total diversions for water year 2002 from the Russian River under the Agency's water rights were 63,841 acre-feet. These diversions include: (1) water diverted to the Agency's transmission system for its contractors and customers (59,803 acre-feet in 2002); and (2) water diverted by other entities (4,038 acre-feet in 2002) under the Agency's water rights (i.e., the Russian River County Water District and the Town of Windsor) as authorized by contracts with the Agency. The enclosed chart does not include water that may in the future be diverted (but is not currently diverted) under the Agency's water rights by the City of Healdsburg, the Occidental Community Services District, and the Camp Meeker Parks and Recreation District under their contracts with the Agency. The petitions that would amend the Agency's water-rights permits to authorize these diversions are pending before, but have not been acted on, by the SWRCB.

As previously mentioned, the Agency is providing this information to assist in the planning and CEQA activities of all public water suppliers that receive water from the Agency's water supply and transmission system facilities and those suppliers that report some of their diversions under the Agency's water rights. These planning efforts include complying with recent legislation requiring that public water suppliers with 3,000 or more service connections prepare water supply assessments (SB610) or verification of sufficient water supply (SB 221) for certain development projects. Because there may be substantial delays before the Agency completes the supplemental WSTSP EIR and the Board of Directors reconsiders the WSTSP, managers of all public water systems relying on water diverted under the Agency's water rights must work together with local planning agencies to determine the extent to which additional supplies are available to each system for proposed new developments, given existing demand, existing approved development, the

¹ The MOU was signed by the Cities of Santa Rosa, Rohnert Park, Cotati, Sonoma, and Petaluma; the Valley of the Moon Water District, the Forestville Water District, the North Marin Water District, the Town of Windsor, the Marin Municipal Water District, and the Sonoma County Water Agency.

water remaining available under the Agency's 75,000 afy limit and other supplies that each public water supplier may have available. While the Agency is in a position to monitor the amount of water that it delivers and is diverted under its water rights and provide that information to you, the Agency does not monitor either the amount of water you obtain from non-Agency sources or the planning and development within the service areas of each public water supplier.

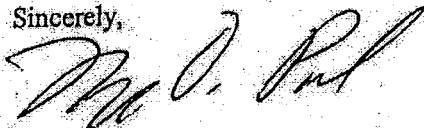
As you know, Section 8(a) of the MOU, copy enclosed, specifies that the parties to the MOU will "consult with agencies that have planning and zoning powers within their water service territories." To provide a meaningful assessment and monitoring of water demand, the Agency urges your organization to undertake the coordination efforts outlined below. These activities should be coordinated with all water suppliers using Russian River water diverted under the Agency's water rights and their respective land use planning agencies. The MOU will expire on September 30, 2005 and the coordination outlined below will provide a basis for renegotiation of a successor agreement.

So that the Agency may assist you in the needed assessment, we recommend the following:

1. All water suppliers relying (entirely or in part) on water diverted under the Agency's water rights should immediately evaluate the expected future water demands for existing and approved development projects and provide the Agency and each other with that information. You should also identify the source of water for the projects (from the Agency, recycled, or other);
2. The Agency will compile the information and prepare a report for you so that you will be aware of how much of the 75,000 afy remains available for projects not yet authorized and approved;
3. All water suppliers should then evaluate the future water demands anticipated from proposed, but not yet approved, development projects. Again, upon receipt of the information, the Agency will compile the information into a report for each of you.
4. Staff of the Agency and water suppliers should meet at least every 6 months to review the information and monitor the status of proposed projects and identify other steps as may be necessary.

In the future, the Agency will also be able to compare actual diversions with previous estimates to track actual demand relative to estimated demand. Effective planning coordination activities will ensure our continued ability to provide a safe and reliable water supply. Should you have any questions regarding this matter please call either Pam Jeane or Jay Jasperse of my staff.

Sincerely,



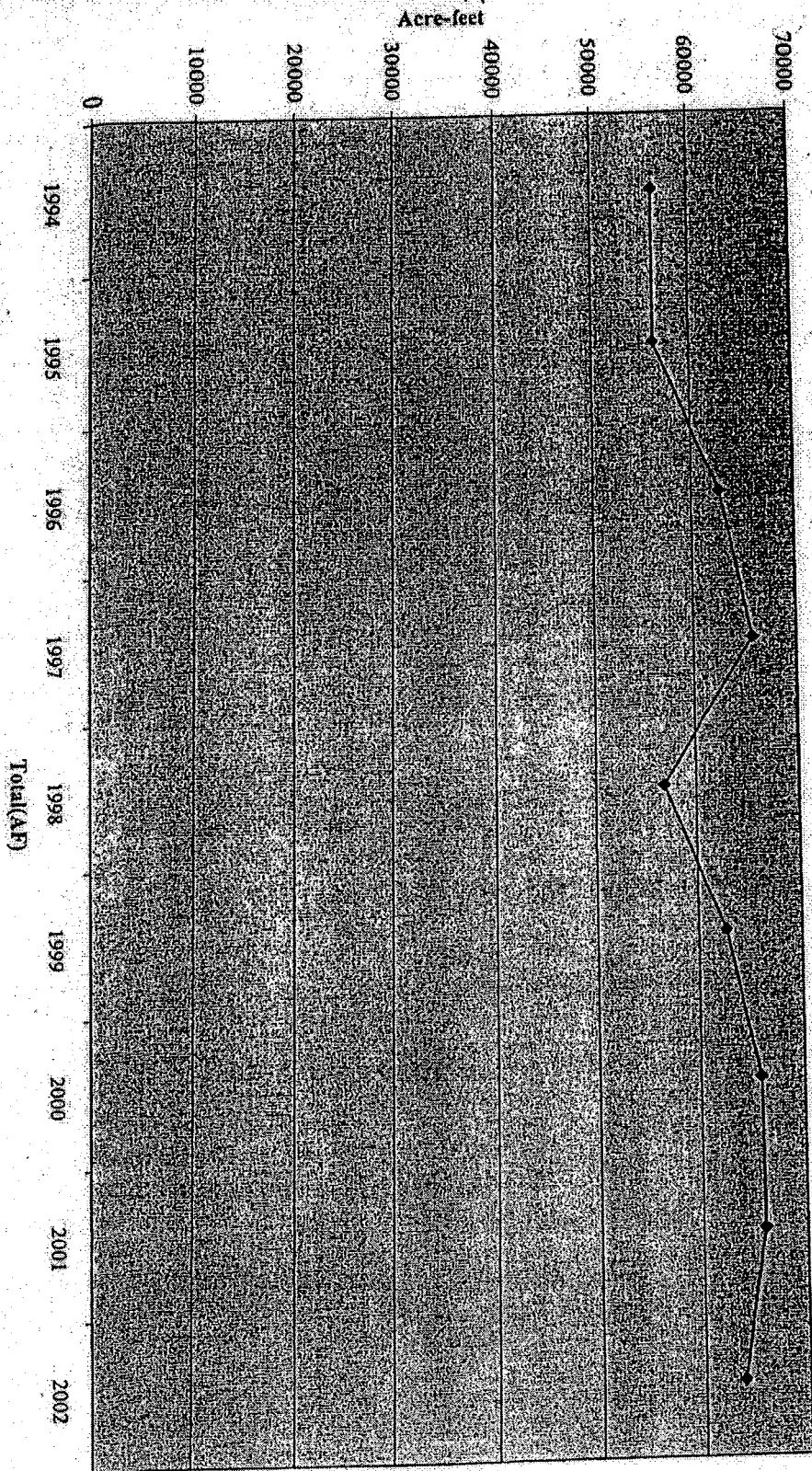
Randy D. Poole
General Manager/Chief Engineer

Encs

c George Hicks, Jim Flugum - City of Healdsburg
Pete Parkinson - PRMD
Board of Directors
Pam Jeane, Jay Jasperse, Chris Murray, Bill Keene - SCWA

/u/admg/janeg/rdp/08russianriverdiversions.doc

**Total River Diversions (Water Year)
Counted Against Agency Water Rights**



2. Add one operator shift at Stafford Treatment Plant during the summer months or make improvements to the plant to permit 24 hour per day operation to increase peak month production capacity of the plant.

VOMWD:

1. Accelerate implementation of BMP 5 to July 1, 2001 as it pertains to: (1) offering water use surveys to customers with large landscapes; and (2), providing ETo based water use budget information to customers having dedicated irrigation meters.
2. In cooperation with Sonoma, undertake a demonstration project of the feasibility of a service that efficiently operates irrigation time clocks at residential sites.

MMWD:

1. In cooperation with Las Galinas Sanitary District and subject to all applicable laws, codes and regulations, evaluate the feasibility of expanding the advanced wastewater treatment plant and recycled water transmission and distribution system to deliver approximately 3.0 mgd of recycled water that will offset potable water use.

Windsor:

1. Accelerate implementation of BMP 5 to July 1, 2001 as it pertains to: (1) offering water use surveys to customers with large landscapes; and (2), providing ETo based water use budget information to customers having dedicated irrigation meters.

The obligations set forth in this section may be amended in the same manner as set forth in Section 4 (d) of this MOU.

SECTION 8 - BUILDING REGULATION AND PLANNING COORDINATION

(a) The parties to this MOU agree to consult with agencies that have planning and zoning powers within their water service territories in the manner set forth in California Government Code Section 65352.5 in order to promote close coordination and consultation between water supply agencies and land use approval agencies to ensure that proper water supply planning occurs in order to accommodate projects that will result in increased demands on water supplies.

(b) The parties to this MOU agree to consult with agencies that have building regulatory powers pursuant to the Government Code and Health and Safety Code to promote use of water conservation equipment, fixtures, appliances, devices and techniques.

SECTION 9 - SURPLUS WATER DELIVERIES

(a) Effective the date of this MOU, the Agency has determined that surplus water shall only be made available to water contractors for their direct use or for delivery to their surplus water use customers at rates and on such terms said water contractors shall solely determine.

**Public Water Suppliers Receiving Russian River Water
Under Sonoma County Water Agency Water Rights**

Transmission System Contractors

City of Petaluma
City of Cotati
City of Rohnert Park
City of Santa Rosa
City of Sonoma
Valley of the Moon Water District
North Marin Water District
Forestville Water District

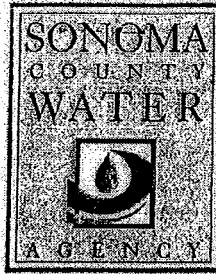
Transmission System Customers

Town of Windsor
Kenwood Village Water Company
Penngrove Water Company
Marin Municipal Water District
Lawndale Mutual Water Company
California American Water Company

Non-Transmission System Public Water Suppliers⁽¹⁾

Town of Windsor
Russian River County Water District

(1) Does not include water suppliers with agreements with the Agency that do not yet have approval from the State Water Resources Control Board to divert water under the Agency's water rights.



FILE: WC/60-0-7 MOU-WATER TRANS. SYSTEM CAPACITY
WC/49-5.1-7 RUSSIAN RIVER CWD & WC/49-5.1-7 WINDSOR WATER DIST
& WC/60-2-7 PRIMES & WC/60-2-7 MMWD
& WC/60-2-7 KENWOOD VILLAGE WATER COMPANY
WC/60-2-7 PENNGROVE WATER COMPANY
WC/60-2-7 LAWNDALE MUTUAL WATER COMPANY
WC/60-2-7 CALIF AMERICAN WATER COMPANY

August 28, 2003

TO: All Contractors, Customers, and Water Divers^{er}s under Agency Water Rights

RE: COORDINATION ACTIVITIES REGARDING RUSSIAN RIVER WATER SUPPLY DIVERSIONS

This letter serves as a follow-up to the August 11, 2003 letter we sent to all Agency contractors, customers, and other diverters under the Agency's water rights (water suppliers). That letter (see attached) reiterated that the Agency's existing water rights for diversion/rediversion of Russian River water is currently limited to 75,000 acre-feet per year (afy). Additionally, as I have discussed with many of you, the letter emphasized that all water suppliers need to coordinate with the appropriate planning and zoning agencies and each other to monitor and assess water demand¹ to ensure a continued safe and reliable water supply. We request that you each provide the Agency the information identified in the previous letter and summarized below by the end of this water year, September 30, 2003.

Specifically, all water suppliers that rely (entirely or in part) on water diverted under the Agency's water rights are requested to:

1. Evaluate the expected future water demands for the existing and approved development projects and also identify the source of water for the projects (i.e., Agency supplied water, recycled water, conserved water, groundwater, or other).
2. Estimate future water demands anticipated from proposed, but not yet approved, development projects and also identify the source of water for those projects. This estimate will not be the entire future demand contemplated by your general plan but will be based on development proposals or applications that are not yet approved but for which there is an identified project.


¹ Consistent with the Memorandum of Understanding Regarding Water Transmission System Capacity Allocation signed by the Agency's contractors, Marin Municipal Water District, the Town of Windsor, and the Agency.

Because the 75,000 acre-foot annual limit is based on water year (October 1 through September 30), we request that you provide this information by September 30, 2003 so that we can provide an update for the current water year ending September 30th. Once we receive this information, we will compile it into an assessment containing:

- The total amount of actual water diverted during the latest water year based on records of Agency diversions and records received from non-transmission system water suppliers that divert under Agency water rights.
- The anticipated future water demand based on approved development projects from all the water suppliers.
- The estimated future water demand based on proposed but not approved projects.

Once the Agency's assessment is distributed, we will schedule a coordinating meeting with the water suppliers and the Agency to discuss the evaluation, projections of future water demands, and whether any modifications to this approach are appropriate. We appreciate your prompt attention to this request. If you have any questions regarding this matter or would like to meet and discuss the requested information, please call me at (707) 547-1959.

Sincerely,



James L. Jasperse, P.E.
Deputy Chief Engineer

Enc

- c Jim Flugum, George Hicks - City of Healdsburg
Randy Poole, Pam Jeane, Chris Murray, Bill Keene - Sonoma County Water Agency
Board of Supervisor

rs3/u/cl/rw/engineering/jasperse/watersupplierfollow

Responses to Letter of Comment #1: Sonoma County Water Agency, Anne Crealock, Environmental Specialist, February 4, 2004.

Response 1-1

As stated in the last sentence under the subheading *Applicable Plans, Policies, and Regulations* on pages 3.11-4 and 3-11-5 of the Draft EIR in Section 3.11, *Hydrology and Water Quality*, "The Water Agency reviews projects for conformance with the Agency's Flood Control Design Criteria." That sentence is amended to read as follows.

"The Sonoma County Water Agency reviews projects for conformance with the Agency's Flood Control Design Criteria, and recommends site-specific improvements be in compliance with those criteria."

Response 1-2

As stated under the subheading *Runoff Volume and Rate*, Impact 3.11-1 on page 3.11-8 of the Draft EIR, "Using a conservative estimate of about one cubic foot per second (1 cfs) of runoff for each impervious acre, the rate of stormwater runoff from the site would increase from about 6.6 cfs to about 10 cfs with maximum build out. The City's Goals and Policies mentioned previously require that the 3.4 cfs difference in runoff rate be retained until the storm runoff peak had passed so it would be possible to maintain the predevelopment runoff rate." Mitigation Measure 3.11-1 on page 3.11-8 of the EIR recommends retaining or rerouting all stormwater generated by impervious surfaces so that the rate of stormwater leaving the site is equal to or less than existing conditions and that all additional runoff that is generated should be stored temporarily or infiltrated on or near the site using elements such as sediment traps, gravel strips and/or trenches, concave planting areas (vegetated swales), permeable substrate (pavement), stormwater infiltration basins, wet vaults, multi-chambered separators, or other effective measures which may be developed in, and approved by, the City and the Regional Water Quality Control Board. As indicated in the discussion of *Cumulative Development* on page 3.11-14 of the Draft EIR, implementation of this mitigation measure would ensure that post-development runoff rates would be equal to, or less than, existing conditions. They would not increase cumulative off-site flooding conditions because the rate of runoff would be the same or lower than it is now.

Response 1-3

On page 3.11-9 of the EIR, Mitigation Measure 3.11-1 recommends verification, through consultation with the Sonoma County Water Agency, that the Transit-Oriented Redevelopment project site and its individual development components are in compliance with the Agency's *Flood Control Design Criteria* and that the entire site is covered by a master drainage plan documenting that there is sufficient capacity within the existing and planned storm drain systems to ensure stormwater generated from the site would be accommodated by the receiving infrastructure. Such consultation would, as a matter of course, include provision of design plans for the Agency's review, and application for appropriate

Agency permits or licenses for access and construction in the Agency's property along Santa Rosa Creek.

See also Responses 2-1 and 2-2 regarding project design and subsequent environmental review.

Response 1-4

Water consumption is discussed in Section 3.7-9 of the Draft EIR, *Utilities*. The study concludes that development under the Transit-Oriented Redevelopment project would increase the demand for domestic water, but not in excess of increased demand estimates in the Santa Rosa 2020 General Plan or existing entitlements from the SCWA. The letters sent to the Agency's water contractors, customers, and water diverters under the Agency's water rights as referenced in the comment are provided on the following pages.

To: *Sonia Bimandyk*

LETTER 2

CITY OF SANTA ROSA
P.O. BOX 1071
Santa Rosa, CA 95402

Thursday, February 12, 2004

FEB 12 2004

To: Santa Rosa Planning Commission
From: Willard Richards, 1009 Hyland Drive, Santa Rosa
Re: Item 16, Transit Oriented Redevelopment Project Area (TORPA) Draft EIR

DEPARTMENT OF
COMMUNITY DEVELOPMENT

WR

I have a long-term interest in the railroad property near Railroad Square and the initiation of the SMART passenger rail service. Therefore, I have read portions of the TORPA DEIR.

2-1 | I do not have experience evaluating development proposals, and would like the Planning Commission to evaluate the proposed densities of up to 280 residential units and up to 230,000 gross square feet of commercial space (see, for example, page 3.1-3, LUL-C-1). It is my understanding that these limits are lower than allowed by the Santa Rosa General Plan. Are they appropriate?

2-2 | My most specific comment is on the five-story building height limit described on page 3.1-4 under LUL-C-7. This height limit may be appropriate north of Third Street, but may not be appropriate for the Berkowitz property south of Third Street (see map in Figure 2-3 on page 2-4). The neighboring building on Third Street is the Courtyard by Marriott, which is a five-story building with high ceilings on the ground floor and a peaked roof above the fifth story. The Berkowitz property is bounded by a narrow sliver of SMART property along the tracks, Santa Rosa Creek, and Third Street. It would be reasonable to build a tall building on this site with setbacks from Third Street and the creek. Most of the time, the shadow of this building would fall on Third Street and not on nearby private property.

2-3 | Hotel La Rose is taller than most modern four-story buildings. Therefore, a five-story height limit would require new structures north of Third Street to be no more than about the same height as an existing structure. I urge you to recommend increasing the four-story height limit, especially south of Third Street. The DEIR indicates the Santa Rosa General Plan allows ten stories. Developers should not be subjected to a costly EIR process to build higher than five stories.

2-4 | The next comment is more general. Section 3.4 on Traffic and Circulation is strongly automobile oriented – it is not transit oriented. The need for 1088 parking spaces is described, but there is no mention of bicycle parking. There is an extensive analysis of traffic at intersections and the level of service, but almost no discussion of needs for additional transit. The only needs for transit mentioned in this section are bus pullouts on Third and Sixth Streets.

The final comment is not specifically related to this DEIR. Element T-I-2 of the Santa Rosa General plan says, "Preserve options for future rail stations along the NWPRR corridor by zoning land in proximity to the potential station sites for higher residential densities and/or mixed use development." It is time for Santa Rosa to begin working on zoning near the proposed Railroad Square and Jennings Avenue SMART stations. Plans for these stations have been developed and will be published in the SMART EIR in a few months.

Passenger rail is essential if we wish to limit highway building and allow the option of avoiding highway congestion. Dense development around rail stations is necessary to support rail transit, and to preserve farmlands and open space.

Responses to Letter of Comment #2: Willard Richards, February 12, 2004.

Response 2-1

As explained in Section 2 of the Draft EIR, *Project Description*, pages 2-10 through 2-12, the Transit-Oriented Redevelopment project site is designated on the Santa Rosa General Plan Land Use Diagram as *Retail & Business Services*. This designation allows for retail and service enterprises, offices and restaurants. In addition, General Plan Land Use Element Policy H-C-6 encourages the production of residential units in any land use category in the downtown area. Therefore, for purposes of the EIR and the evaluation of potential environmental impacts of development within the Transit-Oriented Redevelopment project site, project buildout has been defined as the maximum that would be allowed under the General Plan designation of Retail & Business Service. A mixed use development scenario that supports public transit use of the SMART parcel is envisioned for the redevelopment project. A development scenario that includes up to 280 residential units and up to 230,000 gross square feet of commercial space together with the necessary parking, circulation and public landscape/open space features are evaluated.

The land use intensities (number of residential units and square feet of commercial space) and building heights proposed for the various parcels as shown in Table 2-1 of the Draft EIR are considered maximums under the General Plan designation of *Retail and Business Services* based on parcel size and what could reasonably be expected to occur under a mixed use development scenario in an urban environment that would not physically or visually dominate the existing setting. This development scenario is considered flexible enough to allow variations in the provision of public open space and parking facilities, depending on the mix of commercial land uses ultimately programmed for development. The guiding principle is generally a floor area ratio of about 1.0 (building area on the site divided by the total net area of the site).

It is important to note that a detailed land use plan for the Transit-Oriented Redevelopment project had not been prepared at the time of preparing the Draft EIR. The land use concept as described in the Draft EIR is therefore conceptual in nature coinciding with the conceptual nature of the redevelopment project programs as listed on pages 2-9 and 2-10.

Response 2-2

The comment acknowledges that a five story building height limit may be appropriate north of Third Street, but may not be appropriate for the Berkowitz property south of Third Street. As indicated on page 3.1-4 of the Draft EIR, recognizing the low development profile of structures within the Railroad Square area with buildings one to four stories in height, a height limit of five stories is established in the project proposal to avoid significant discrepancies in project building height, bulk and mass as compared to existing structures in the adjoining neighborhoods. This would not exclude the possibility of buildings taller than five stories ultimately being established on the Transit-Oriented Redevelopment project site. As noted above in Response 2-1, the land use concept as described in the Draft EIR is conceptual in nature coinciding with the conceptual nature of the redevelopment project programs as

listed on pages 2-9 and 2-10. Any building of any height to be constructed on the project site would be subject to the provisions of Mitigation Measure 3.5-1 as explained on pages 3.5-9 and 3.5-10 in Section 3.5 entitled *Visual Quality and Community Character*.

Mitigation Measure 3.5-1 provides that planning and design of the project is to proceed in accordance with the Goals and Guidelines for neighborhood and community design as contained within the City of Santa Rosa *Design Guidelines* whose purpose is to implement the *Urban Design Element* of the City's General Plan. The Design Guidelines are intended to provide a clear set of design policies to project sponsors and designers for project proposals to be considered by Department of Community Development staff, boards, commissions and the City Council to evaluate project proposals. Considerations include concepts of overall neighborhood design and structure; block and street patterns; building heights and transitions in development densities between neighborhoods; off-street parking configurations; pedestrian and bicycle circulation; building design variety, form, colors and materials; open space areas, civic spaces, landscaping and lighting; view corridors and landmark features; and other components of community design. The *Design Guidelines* are intended to supplement any project-specific guidelines or standards that may have been adopted in conjunction with the approval of any plan such as a Policy Statement. A design objective is to ensure that future projects within the Transit-Oriented Redevelopment project site are visually compatible with the scale, density and architectural format of surrounding development, including the West End Preservation District and Railroad Square Preservation District.

As further information, and as explained on pages 1 and 2 of the Draft EIR *Introduction*, the Transit-Oriented Redevelopment project EIR has been developed as a "Program" EIR. As a Program EIR, the EIR evaluates the environmental impacts associated with the redevelopment activities proposed to occur based on the authority allowed under the redevelopment plan. The EIR can only be as specific as the project plan itself. As individual activities are carried out for the project, further consideration under CEQA may be undertaken. Subsequent project development activities in the program may be examined in the light of the Program EIR to determine whether any additional environmental documentation must be prepared. If a later project activity or design feature would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or Negative Declaration of environmental impact. If the Lead Agency finds that no new effects could occur or no new mitigation measures would be required, the Agency could approve the activity (the project) as being within the scope of the project covered by the Program EIR and no new environmental document would be required. Further, the Program EIR can provide the basis in an Initial Study for determining whether the later activity would have any significant environmental effects. The Program EIR may also focus subsequent environmental review on the project (or project component), to permit discussion solely of new effects which had not been considered before. The trigger for subsequent environmental review under a Program EIR occurs when a project or portion of an overall project becomes defined in more detail than originally presented in the Program EIR, or subsequent development components within the project are expanded, altered, revised or otherwise redefined as compared to the original proposal. The Program EIR is to identify those probable environmental effects that can be identified. For those environmental effects that cannot be determined

without speculation, the Lead Agency can defer specific analysis until later points in the project review process.

Response 2-3

Please see Response 2-2 regarding project design and building heights.

Response 2-4

The Transit-Oriented Redevelopment project represents a land use development and redevelopment project. It would produce impacts on the transportation system, including highway, transit, and non-motorized travel. However, most trips to and from the project area would still use motor vehicles. Furthermore, most of the impacts on transit would be of a complementary nature, yielding less than significant or beneficial impacts on transit. In contrast, many of the impacts on traffic and parking have the potential to be other than beneficial. Although the section discusses all modes of travel, the commenter is correct that much of the analysis and proposal of mitigations has been of traffic and parking issues, because they are more likely to have potential negative impacts.

Santa Rosa's City Code 20.04.663 requires a minimum of 10 bicycle parking spaces for developments with over 400 automobile parking spaces. Since the project will require a minimum of 1,088 automobile parking spaces, or 2.72 times as many spaces as the maximum number of spaces listed in the City code (400), the project should provide a minimum of 27 bicycle parking rack spaces on the site. Specific locations for these spaces shall be determined when a site design is developed and approved. See also Response 2-1 and Response 2-2.

Analysis of intersection levels of service has direct implications for transit levels of service since buses and automobiles share the same road space in the project area. Therefore, any degradation of intersection levels of service will also degrade transit's service quality and attractiveness for riders. The City is currently implementing a transit signal priority system for its bus routes,¹ which will enhance transit services to and around the project area as well.¹

In general, the project is assumed to be a net benefit with regard to transit impacts since its near-downtown location and transit-oriented design compliments existing transit services there. Furthermore, the orientation of the development to the planned SMART rail station would create benefits for both the Transit-Oriented Redevelopment project (in terms of attracting multi-modal trips) as well as the SMART system, which would benefit from a transit-oriented development adjacent to the station where it can be expected to attract riders.

¹ Telephone conversation with Bruce Eisert, Transit Planner for the City of Santa Rosa, 3/11/04.



LETTER 3

February 20, 2004

RECEIVED

FEB 23 2004

City of Santa Rosa
Housing and Redevelopment

Ms. Cas Ellena, Program Specialist
City of Santa Rosa
Department of Housing and Redevelopment
P.O. Box 1806
Santa Rosa, CA 95402

Re: City of Santa Rosa Transit-Oriented Redevelopment Project
Draft Environmental Report ("EIR")

Dear Ms. Ellena:

I am President of the Board of Directors of the Sonoma County Food & Wine Center, a California non-profit public benefit corporation ("Food & Wine Center"). Although two representatives of the Santa Rosa College District sit on our Board of Directors, and the Food & Wine Center will only be developed in conjunction with the District, the District may submit additional comments on the draft EIR.

The Board of Directors of the Food & Wine Center understands that this is a program EIR, rather than a project EIR. We can also confirm that the final design of the proposed Food & Wine Center is yet to be determined. However, enclosed is the most recent description that is utilized in describing the expected extent of our activities. You will note square footage, description of uses, potential participation, etc. The Food & Wine Center will be a combination of the Culinary Center of the Santa Rosa Junior College District (currently located in the Brickyard Building in downtown Santa Rosa), plus a food hall in which there will be retail food vendors, offices and additional classrooms, plus a wholesale produce exchange area, areas that are both inside and outside to accommodate periodic farmers' markets and public spaces where events could be held and the public could gather.

3-1

Ms. Cas Ellena, Program Specialist
City of Santa Rosa
Department of Housing and Redevelopment
February 23, 2004
Page 2

3-2

We believe that the Food & Wine Center, which would occupy only a portion of the so-called SMART parcel and/or a portion of adjacent properties within the proposed redevelopment district, would be consistent with the range of commercial activity, building footprint, landscape, circulation and development profiles described within the draft EIR. However, we would commend the attached description to you for analysis to confirm that the impacts of a Food & Wine Center could be expected to be within the ranges evaluated. If they are not, we would request that you provide additional analyses so that these activities could be included within the analysis contained in the draft EIR.

3-3

Because vehicular and pedestrian access and circulation are important to the functioning of the Food & Wine Center, we would like the EIR to consider the potential impacts of pedestrian and vehicular crossings at 4th and 5th streets along the rail corridor. These would be in addition to existing and planned circulation patterns, both north-south and east-west.

It should also be noted that the Food & Wine Center has consistently been featured in recent downtown revitalization plans (such as the CityVision program) and in the priorities of the Santa Rosa City Council. The Food & Wine Center has been consistently described as located in the subject project area. The City of Santa Rosa has entered into an agreement with SMART to provide for the planning of the SMART parcel and for the potential negotiation of joint development agreement and long-term lease which may include the Food & Wine Center. The City and Food & Wine Center have entered into the negotiation process whereby the Food & Wine Center, the Santa Rosa Junior College District and the City would develop a Development and Disposition Agreement and sublease for the portion of the SMART parcel that could be leased or made available to the Food & Wine Center and the Santa Rosa Junior College District.

Ms. Cas Ellena, Program Specialist
City of Santa Rosa
Department of Housing and Redevelopment
February 23, 2004
Page 3

The Food & Wine Center Board of Directors will be available to provide any additional information that you, your staff or your consultants may wish in order to complete and finalize the EIR.

Very truly yours,



Cappie Garrett, President
Sonoma County Food & Wine Center,
a California non-profit benefit corporation

Responses to Letter of Comment #3: Sonoma County Food & Wine Center, Cappie Garret, President, February 20, 2004.

Response 3-1

It is acknowledged that the design of a Food and Wine Center (potential) component of the Transit-Oriented Redevelopment project has not been determined. The expected extent of Food and Wine Center activities as noted in the comment is contained in the document entitled *Economic and Feasibility Study, Sonoma County Food & Wine Market Place*, Historic Railroad Square, September 6, 2000, prepared by Market Ventures, Inc., which was submitted with the letter of comment. This document is available for public review and is on file at the offices of the City of Santa Rosa Department of Housing and Redevelopment, 90 Santa Rosa Avenue, Santa Rosa, California 95402.

Response 3-2

Information regarding the status of planning for the Food and Wine Center is provided in Endnote #14 on page 2-7 in Section 2, *Project Description*, and is discussed further on pages 6-9 through 6-10 in Section 6, *Alternatives*. It is noted that at the time of preparing the Draft EIR, there was no commitment on the part of the parties involved to secure entitlements to implement a Food and Wine Center on the Transit-Oriented Redevelopment project site, and the evolution of this alternative continues. However, as a cultural/commercial component of the Transit-Oriented Redevelopment project as a whole, and if fully implemented, a Food and Wine Center as described in the comment would be expected to fulfill a substantial portion of the commercial development component of the project as evaluated in the body of the Draft EIR.

Response 3-3

There are important benefits to allowing pedestrian, bicycle and auto traffic to cross the rail tracks at one or more locations between 3rd and 6th Streets – particularly for non-auto modes. Such connections would significantly improve accessibility for non-auto modes to and from the Transit-Oriented Redevelopment project site, and would provide a more direct link between the project site, the SMART rail station, and downtown. The SMART Authority staff indicates two pedestrian crossings at the station platform locations are planned to be included when the system is built. Since these crossings would be “owned” by the SMART system, they would not be subject to PUC approvals.² Nevertheless, relying on these connections as a primary pedestrian east-west connections between 3rd and 6th has some potential pitfalls since the Transit-Oriented Redevelopment project may be completed well in advance of the SMART rail system, and since SMART is not a fully-funded certainty as of the date of Final EIR preparation. If the SMART project is delayed or never built, these connections would not be available for Transit-Oriented Redevelopment project patrons when the project development is completed. Approvals for additional crossings could be pursued to serve Transit-Oriented Redevelopment project visitors and residents. However, it should be noted that PUC staff have stated

² Telephone communication with Mike Strider, SMART Engineer, 3/10/04.

that the PUC rarely approves requests to add new at-grade crossings.³ This is by no means meant to imply that an effort to obtain approval for such crossings should not be undertaken.

³ Telephone communication with David Stewart, PUC, 11/19/03.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929



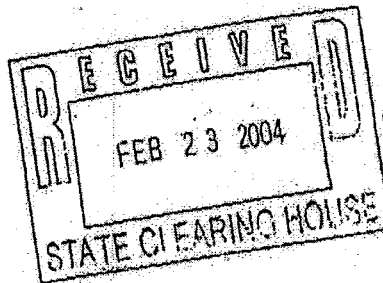
Flex your power!
Be energy efficient!

LETTER 4

February 23, 2004

SON-General
SON000130
SCH# 2003102047

Ms. Cas Ellena
City of Santa Rosa
Dept. of Housing and Redevelopment
90 Santa Rosa Avenue
Santa Rosa, CA 95402



Clear
2-26-04
e

Dear Ms. Ellena:

City of Santa Rosa Transit-Oriented Redevelopment Project - Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation in the environmental review process for the proposed redevelopment project. We have reviewed the DEIR and have the following comments to offer:

- 4-1 1. The proposed project will use the southbound and northbound State Route (SR) 12 ramps at Dutton Avenue to access the project site. Therefore, a level of service analysis of these ramps should be included in the DEIR.
- 4-2 2. Adequate vehicle storage lengths should be provided on the U.S. 101 off-ramps at Morgan Street and Davis Street and at the SR 12 off-ramps at Dutton Avenue to accommodate traffic movements during peak hour travel.

We look forward to receiving a response to our comments at least ten days prior to certification of the EIR pursuant to Section 21092.5(a) of the CEQA.

Should you require further information or have any questions regarding this letter, please call Maija Cottle of my staff at (510) 286-5737.

Sincerely,

Timothy C. Sable

for TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

"Caltrans improves mobility across California"

Responses to Letter of Comment #4: California Department of Transportation, Lisa Carbari for Timothy C. Sable, District Branch Chief, February 23, 2004.

Response 4-1 and Response 4-2

Project volumes added to the SR 12 ramps at Dutton were found to be less than 50 per hour for each ramp during the peak hour, and were thereby deemed to be insignificant. Similarly, volumes added by the project to the Morgan Street and Davis Street ramps from U.S. 101 were found to be less than 50 and are therefore not considered significant to require additional storage capacity. Cumulative development traffic impact information may be found on pages 3.4-19 and 3.4-33 through 3.4-34 in Section 3.4 of the Draft EIR, *Traffic and Circulation*.

Margo Warnecke Merck
13412 Chalk Hill Road
Healdsburg, Ca. 95448

LETTER 5

February 23rd 2004

Cas Ellena, Program Specialist
Department of Housing and Redevelopment
City of Santa Rosa
90 Santa Rosa Avenue
P.O. Box 1806
Santa Rosa, California 95402-1806

Re: Notice of Preparation of a Draft Environmental Impact Report City of Santa Rosa, Transit Oriented Redevelopment Project

Dear Ms. Ellena:

The following comments are made for use in consideration of the scope of the Draft Environmental Impact Report (DEIR) for the proposed Transit Oriented Redevelopment Project.

5-1

If we, as a city, want to preserve and improve livability in the region, we need to grow smarter. Clearly, smart growth won't be smart at all, if affordable and special needs housing are not available in the Railroad Square Redevelopment Area project.

Many Sonoma County residents and elected leaders have come to realize that our twin crises of affordable housing and traffic congestion are inter-related. We all know that there is a direct link between job creation and housing need. That is why we need smart accessible transit-oriented developments where residents of all income levels can live and work. That is also why I am in favor of the Alternative Mixed Use Build out Scenario. Whether the Santa Rosa Redevelopment Agency forms a Redevelopment District to obtain this objective, is yet to be determined.

I was pleased to read in the DEIR Urban Design Element - under the Alternative Mixed Use Build Out Scenario that according to policy UD-B-2 (3.6-1) as a Redevelopment Agency Project the project would comply with RDA law and that.... The "Inclusionary Housing Obligation" requires that at least 30% of all new or substantially rehabilitated dwelling units developed by an agency, and 15% off all new dwelling units developed within a project area by persons or entities other than the agency, be made available to persons and families of low or moderate incomes."

This is good news and I hope that this is true. Should this be the case, I would like to go on record in favor of the Alternative Mixed Use Buildout Scenario, which would contain a maximum of 380 residential units of integrated housing for all income levels, and a commercial component @ 130,000 Sq. Ft. Using the maximum build out of the RDA alternative mix-use scenario, this project will produce a total of 114 affordable units (@ 30% per RDA law).

From a fair share housing perspective - Santa Rosa has 1428 units of very low, 306 low-income and 713 moderate units, left to develop in this planning period alone. If this project is truly "To advance the notion of city centered growth and the more efficient utilization of existing natural resources" (now and in the future) than the project should be built to the maximum number of residential units allowable. Let the ABAG #'s speak for themselves.

Additionally, should a for-profit housing developer need further incentive SR's updated Zoning Code now provides that all sites which are identified in the General Plan as "medium" or

"medium high" density may be developed at the permitted densities - without a zoning change or conditional use permit. All that is required is that the developer agrees to provide 25% (or more) of the units for rent or sale to lower income households with appropriate covenants guaranteeing their affordability at that level for at least 30 years.

The Federal Government has also made recent changes to HUD's Mixed-Finance Development for Supportive Housing for the Elderly or Persons with Disabilities (Programs 81 and 202). These programs are now open to for-profit developers and should be encouraged. Additional information on these programs may be found at the following electronic address: www.hud.gov.

Regarding special needs, Santa Rosa is also obligated to follow the mandates of Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Community Development Block Grant Act, and, in California, the Unruh Act, the Health and Safety Act and the State Building Code.

5-2

While this is briefly referenced in the DEIR Transportation Element - policy T-H-6 and T-H-4: the DEIR fails to address how the project will be made accessible (during and after construction) by individuals with disabilities. Please address how this project will meet the Americans with Disabilities Act (ADA) requirements to "operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities." 28 CFR Sec.35.150(a). There is also no mention of curb ramps and accessible pedestrian walkways that this project is altering and creating. Please include an analysis to "incorporate the accessibility requirements in any "temporary or emergency construction" - Government Code Section 4451(e) - under Impact 3.4-8.

California's accessibility statutes are consistent with the federal ADA regulations, and also require Santa Rosa to ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds... shall be accessible to and usable by persons with disabilities. Government Code Section 4450(a).

Additional information on California's Accessibility Statutes may be found easily at the following electronic address: www.dsa.dgs.ca.gov/UniversalDesign/nd_accessmanual.htm.

Throughout the past seven years, affordable housing coalitions have been working in collaboration, to convince local governments to adopt Housing Elements that focus on Affordable Housing and Smart Growth. The results are impressive - this advocacy has produced new or greatly strengthened local affordable housing policies, and in all ten of Sonoma County jurisdictions - HCD approved Housing Elements. Now the hard work of implementing the HE programs begins. If the Santa Rosa Transit Oriented Redevelopment Project is to be truly successful, than this project needs to be developed primarily for residential uses (for all income levels) in order to provide a sustainable economic base for a future light rail system.

Thank you for your consideration of these ideas. Please do not hesitate to contact me if you have any questions or would like additional information.

Very truly yours,



Margo Warnecke Merck

Responses to Letter of Comment #5: Margo Warnecke Merck February 23, 2004.

Response 5-1

Affordable housing as required under Community Redevelopment Law is discussed on page 3.1-6 in Section 3.1, *Relationship to Plans and Planning Policy*, under General Plan Urban Design Policy UD-B-2 which states: Encourage, promote, and assist in the development of housing units within downtown for a mix of income levels and housing types, including integrating housing into existing buildings as mixed use.

Response 5-2

Analysis of impacts regarding ADA accessibility measures for the project, both during and after construction, would require a site design, and at the time of EIR preparation no site design has been finalized. The project is expected to follow Federal ADA, State and City requirements for disabled access. At the appropriate time, site designers and engineers may find the following reference useful for guidance on meeting these requirements: *Accessible Sidewalks and Street Crossings - An Informational Guide*, U.S. Department of Transportation, Federal Highway Administration, FHWA-SA-03-019. See also Responses 2-1 and 2-2 regarding a Program EIR, further project design and environmental review.

LETTER 6

Monday, February 23, 2004

RECEIVEDFEB 23 2004 *gfn*CITY OF SANTA ROSA
HOUSING AND REDEVELOPMENT

To: Santa Rosa Redevelopment Agency
 From: Willard Richards, 1009 Hyland Drive, Santa Rosa
 and the Sonoma County Transportation and Land Use Coalition
 Re: Transit Oriented Redevelopment Project Area (TORPA) Draft EIR

I have a long-term interest in the railroad property near Railroad Square and also in the initiation of the SMART passenger rail service. Therefore, I have read portions of this draft EIR. It was an enormous convenience to obtain a copy of this document on a Compact Disc, and it is now even better to be able to access it on the City website.

I am pleased that the redevelopment of this area is proceeding. The completion of this document is one more step. As we review this draft, we need to be mindful of the fact that the 11.5-acre project site is only 7% of the area within a 5-min walk from the proposed SMART passenger rail stop. This project is only a small part of the larger plan needed for this area.

The current rate of population growth in California is adding a population equal to the City of Los Angeles approximately every eight years. Some of this population growth will come to Sonoma County, and we need to begin designing the infrastructure to support it. We can now point to many places in California that clearly demonstrate that the automobile alone, even when supported by a modest bus system, cannot provide the necessary mobility. Public transit can be successful only when densities are high enough to support it. Thus, even though this project is small, it is crucial that it be designed with the idea that it lies at the very heart of an area of relatively dense development around a passenger rail station.

Sunne Wright McPeak, Governor Schwarzenegger's new Secretary of the Business, Transportation, and Housing Agency, recognizes the connection between land use and transportation, and has announced that transportation projects that have a beneficial effect on land use will be favored for funding. We have opportunities here to begin working toward better land use and better transit.

6-1 Section 3.4 of the Draft EIR, on Traffic and Circulation, is strongly automobile oriented – it is not transit oriented. The need for 1088 parking spaces is described, but there is no mention of bicycle parking. There is an extensive analysis of traffic at intersections and the level of service, but almost no discussion of needs for additional transit. The only needs for transit mentioned in this section that I could find are bus pullouts on Third and Sixth Streets. Hopefully, as the individual projects come forward under the umbrella of this Project EIR, it will be possible to move away from this strong bias toward the automobile.

6-2 The only change in the Draft EIR that I would like to request today is an increase in the five-story building height limit described on page 3.1-4 under LUL-C-7. This height limit may be appropriate north of Third Street, but may not be appropriate for the Berkowitz property south of Third Street (see map in Figure 2-3 on page 2-4). The neighboring building south of Third Street is the Courtyard by Marriott, which is a five-story building with high ceilings on the ground floor and a peaked roof above the fifth story. It would be reasonable to build a tall building on the Berkowitz site with setbacks from Third Street and Santa Rosa Creek.

6-3 Hotel La Rose is taller than most modern four-story buildings. Therefore, a five-story height limit would require new structures north of Third Street to be no more than about the same height as an existing structure north of Third Street.

I plan to participate in the preparation of additional written comments before the end of the comment period this Friday.

Responses to Letter of Comment #6: Sonoma County Transportation and Land Use Coalition, Willard Richards, February 23, 2004.

Response 6-1

Please see Response 2-4 regarding traffic and circulation.

Response 6-2

Please see Response 2-2 regarding building heights.

Response 6-3

Please see Response 2-2 regarding building heights.

Fax Transmission from
LYNDA TROMBETTA ANGELL
President, Historic Railroad Square Association
4055 Alta Vista Avenue, Santa Rosa, CA 95404

LETTER 7

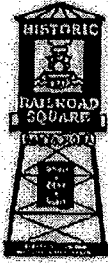
FAX: (707) 528-3616
Phone: (707) 542-5306
Cell: (707) 292-0262
Email: lynangell@msn.com

DATE: Feb. 23, 2004
FAX #: 543-3458
TO: Cass Ellena
COMP: Housing & Redevelopment Dept.
RE: City of Santa Rosa Transit-Oriented Redevelopment Project
OF PAGES (including cover sheet): 4



Cass, I am faxing a letter from Historic Railroad Square Association regarding our comments on the Draft EIR Transit-Oriented Redevelopment Project.

Thanks, Lynda



**HISTORIC
RAILROAD
SQUARE
ASSOCIATION
PO BOX 4114
SANTA ROSA
CA. 95402**

February 23, 2004

To: Redevelopment Agency

Thank you for inviting our comments on the EIR proposed for the 11.5 acres encompassing the abandoned rail site and adjacent warehouses. This site is a key piece of property for the economic development of Historic Railroad Square, the City of Santa Rosa and Sonoma County.

7-1

Railroad Square was listed on the National Register of Historic Places in 1979. Because of its historical significance as an authentic reminder of the role that architecture, agriculture, industry and rail played in the area, Railroad Square was also listed as a Preservation District and specialty shopping area by the City of Santa Rosa in 1991. In addition, the City's 2003 Economic Development Strategic Plan identifies Railroad Square as the City's main draw for local residents and tourists. It is important that these facts be kept in mind when looking at future uses for the property.

7-2

Railroad Square is an incredibly diverse commercial district, featuring high-end hotels and a conference center, specialty shops and restaurants, but being bordered as well by low-income housing, soup kitchens, homeless shelters and abandoned properties. The last significant parcel awaiting development is the rail property. We feel strongly that any development that occurs on that parcel must respect the historic integrity of the district and compliment and reflect the active and successful business climate which attracts locals as well as being a prime visitor destination which includes over 320 hotel rooms and the California Welcome Center.

In reviewing the EIR, we have several comments regarding the site:

7-3

▪ **Sonoma County Food and Wine Center:** This is our top priority for the property. We believe this project will be the catalyst for other development and will enhance rail rider-ship, the development of the adjacent residential properties and compliment the existing business district. This project has been one of the top priorities of the City for the last 3 years and has completed its feasibility studies and business plans.

We urge you to look more closely at this project and to include more specifics and analysis in the EIR. Santa Rosa urgently needs a major magnet to draw tourism and to serve the needs of the local citizens. The Sonoma County Food & Wine Center would serve the needs of area residents and tourists and be a unique reflection of Santa Rosa's

Lynda Angell
President
Dan Evars
Vice President
Judy Fromm
Treasurer
Doe Richardson
Secretary
Mike Montague
Barbara Hirschfeld
Trustees

For information
707-542-5306
www.railroadsquare.net

Railroad Square and the agricultural heritage of Sonoma County. It would serve as a strong economic revenue base for our City and County as well as a cultural center and employment opportunities. We strongly support the Food and Wine Center and Santa Rosa Junior College's Culinary Arts Program on the site.

7-4

- **Railroad Square Plan:** This document has guided development within the district since 1979 and is in the process of being updated. Maintaining the historic character of this commercial district is critical and compliance with the Railroad Square Plan should continue to guide development. Building heights, view corridor, and historic street grids must be looked at as they relate to the historic integrity of the area.
- **Parking and Circulation:** Because this is a historic district and bordered by residential neighborhoods, it is very important to provide adequate parking on site to lessen the impacts. The design of a parking structure must be compatible in scale and size with the neighborhood. Traffic circulation should be routed toward major roads and not onto the narrow streets in the neighborhood.

7-5

- **Fourth Street Connection:** An at-grade crossing on Fourth Street is an important linkage for pedestrian and/or vehicular traffic in order to provide for easy access to the existing commercial district. The importance of this connection can not be over-emphasized. Development on the rail site should not be cut off from the central business district the way Railroad Square was cut off from the downtown by the freeway and the Santa Rosa Plaza.

7-6

- **Housing:** Low to moderate income housing currently exists in all the adjoining neighborhoods. Housing that is built on the property should emphasize market rate or upscale in order to support the specialty shopping, restaurant and tourism markets that already exist in the district. Railroad Square is the first stop for many visitors who are coming to spend time and money in Sonoma County.

7-7

- **Commuter rail:** Because of the current infrastructure constraints, this location should not be considered as the major commute/transit stop in Santa Rosa. The area is excessively compacted with traffic as it is. The streets are narrow. A major transit mall would seriously impact the residential neighborhoods and business district. The General Plan calls for three rail transit stops in Santa Rosa. The rail stop in Railroad Square should be urban in character with emphasis on tourism, not a park and ride.

7-8

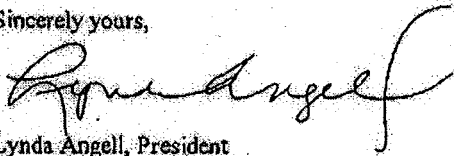
- * **Economic stimulus for business:** By focusing on Sonoma County agriculture and education, the Food and Wine Center and the Santa Rosa Junior College Culinary Program will be a destination that will support the local hotels and Conference Center and attract people to use the trains for excursion as well as commute activities. The most recent development at the San Francisco Ferry Building demonstrates how effectively a public market can stimulate and attract local residents and entice tourists who spend money and return again and again. The highest and best use for the property should be emphasized.

7-9

- * **Water Tower:** The historic water tower is a landmark for the area and a view corridor must be maintained along Fourth Street looking west.

We feel that timing is critical. We commend the Redevelopment Agency and the City for moving ahead on creating a redevelopment district and urge you to continue to make timely decisions regarding the best use for the site and for stimulating economic growth in Santa Rosa.

Sincerely yours,



Lynda Angell, President
Historic Railroad Square Association

Responses to Letter of Comment #7: Historic Railroad Square Association, Lynda Trobetta Angell, President, February 23, 2004.

Response 7-1

Information regarding Railroad Square and the Transit-Oriented Redevelopment project's relationship to the provisions of the Railroad Square Plan are described in Draft EIR section 2, *Project Description*, pages 2-1 through 2-10.

Response 7-2

Please see Response 7-1.

Response 7-3

The Historic Railroad Square Association would like to see the Sonoma County Food and Wine Center proposal incorporated into the Transit-Oriented Redevelopment project. Information regarding the status of planning for the Food and Wine Center is provided in Endnote #14 on page 2-7 in Section 2, *Project Description*, and is discussed further on pages 6-9 through 6-10 in Section 6, *Alternatives* (see also letter of comment #3 and Responses 3-1 through 3-3 regarding the Food and Wine Center). As a cultural/commercial component of the Transit-Oriented Redevelopment project as a whole, and if fully implemented, a Food and Wine Center as described in the comment would be expected to fulfill a substantial portion of the commercial development component of the project as evaluated in the body of the Draft EIR.

Response 7-4

Please see Response 7-1. Traffic and parking requirements are discussed in Section 3.4 of the Draft EIR, *Traffic and Circulation*, pages 3.4-15 through 3.4-34. Also refer to Mitigation Measure 3.5-1 on pages 3.5-9 and 3.5-10 in Section 3, *Visual Quality and Community Character* regarding project design procedures and considerations with respect to the Railroad Square Plan and the City of Santa Rosa *Design Guidelines*.

Response 7-5

Railroad Track crossings are discussed in Section 3.4, *Traffic and Circulation*, page 3.4-32. As noted, new track crossings are rarely approved by the Public Utilities Commission unless they are created in exchange for another crossing that is eliminated elsewhere. Grade-separated crossings are an option to consider. See response to 3-3 regarding railroad track crossings.

Response 7-6

Housing issues, including the provision of affordable housing as required under Community Redevelopment Law. See pages 3.3-2 through 3.3-4 in Section 3.3, *Population, Employment and Housing*.

Response 7-7

The Draft EIR does not refer to the Transit-Oriented Redevelopment project as a park-and-ride endeavor. Please refer to the discussion on pages 2-8 through 2-10 in Section 2 of the Draft EIR, *Project Description*, regarding the objectives and programs for the project, and pages 2-13 and 2-14 regarding redevelopment and coordination with SMART for transit planning of the site.

Response 7-8

Please see Response 7-regarding commercial use of the Transit-Oriented project site.

Response 7-9

The view corridor along Fourth Street as noted in the comment is discussed on pages 3.5-4 and 3.5-10 in Section 3.5, *Visual Quality and Community Character*. See also Figure 3.5-3A on page 3.5-6 which shows the water tower within the Fourth Street view corridor.

LETTER 8

Ted Adams

From: Ellena, Cassie [CEllena@ci.santa-rosa.ca.us]
Sent: Tuesday, February 24, 2004 1:19 PM
To: Ted Adams
Cc: Lundgren, Jocelyn; Ethan Walsh (E-mail); David F. Beatty (E-mail); Casey, Mike
Subject: FW: Comments on the proposed draft Transit Oriented Redevelopment Project EIR

Ted,

FYI, comments from the North Coast Regional Water Quality Control Board regarding the TORPA Draft EIR.

Cas

-----Original Message-----

From: John Short [mailto:ShorJ@rb1.swrcb.ca.gov]
Sent: Tuesday, February 24, 2004 1:06 PM
To: Ellena, Cassie
Subject: Comments on the proposed draft Transit Oriented Redevelopment Project EIR

8-1 Hello Cas. We appreciate the opportunity to review and comment on the above-referenced document. It is our understanding that this is a project level EIR that evaluates potential impacts from a number of potential redevelopment projects in the Railroad Square area of Santa Rosa. As individual projects are designed and proposed, subsequent environmental documentation for project specific impacts may be required.
8-2 The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency in accordance with provisions of the California Environmental Quality Act. Projects described in this document may require individual permitting by the Regional Water Board. Permits may be required for the following activities: Construction storm water discharges, post-construction storm water discharges, hazardous waste cleanup activities and construction activities within any surface waters (including swales and wetlands).
8-3 Overall, the document does a good job of evaluating potential water quality related impacts and developing appropriate mitigation measures. We strongly support the implementation of Mitigation Measure 3.11-1. Post-development storm water runoff should be treated using recognized best management practices in order to mitigate potential pollutant discharges from this runoff. In addition, we support the inclusion of Mitigation Measure 3.11-2 to help mitigate construction related impacts. In particular, the City should limit all ground disturbance activities to the dry season and require that all disturbed areas be stabilized prior to winter. The project area borders on a section of Santa Rosa Creek. The City has constructed several projects intending to restore the natural function and value of this waterway. We would encourage additional measures, as part of this project, to restore and protect Santa Rosa Creek. We would encourage that enhanced creek setbacks and riparian protection and enhancement measures be made part of the project. If you have any questions regarding these comments, please contact me at 707-576-2065.

Responses to Letter of Comment #8: North Coast Regional Water Quality Control Board, (email), John Short, February 24, 2004.

Response 8-1

The comment refers to the Draft EIR as being a project EIR. The Draft EIR is not a "project specific" EIR but is formulated as a "Program" EIR. Under a Program EIR, as individual activities are carried out for the project, further consideration under CEQA may be undertaken. Subsequent project development activities in the program may be examined in the light of the Program EIR to determine whether any additional environmental documentation must be prepared. If a later project activity or design feature would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or Negative Declaration of environmental impact. If the Lead Agency finds that no new effects could occur or no new mitigation measures would be required, the Agency could approve the activity (the project) as being within the scope of the project covered by the Program EIR and no new environmental document would be required. Further, the Program EIR can provide the basis in an Initial Study for determining whether the later activity would have any significant environmental effects. The Program EIR may also focus subsequent environmental review on the project (or project component), to permit discussion solely of new effects which had not been considered before. The trigger for subsequent environmental review under a Program EIR occurs when a project or portion of an overall project becomes defined in more detail than originally presented in the Program EIR, or subsequent development components within the project are expanded, altered, revised or otherwise redefined as compared to the original proposal. The Program EIR is to identify those probable environmental effects that can be identified. For those environmental effects that cannot be determined without speculation, the Lead Agency can defer specific analysis until later points in the project review process.

Response 8-2

Individual permits as required by the Regional Water Quality Control Board are as noted in the comment. Refer to additional discussion regarding regulations pertaining to stormwater discharges as discussed on page 2-16 in Section 2, *Project Description, Required Approvals*.

Response 8-3

The various drainage conditions and mitigation measures as noted in the comment are discussed in Section 3.11 of the Draft EIR, Hydrology and Water Quality.

LETTER 9

Ted Adams

From: Ellena, Cassie [CEllena@ci.santa-rosa.ca.us]
Sent: Tuesday, February 24, 2004 8:30 AM
To: Ted Adams
Cc: Lundgren, Jocelyn, Casey, Mike; Ethan Walsh (E-mail); David F. Beatty (E-mail)
Subject: Army Corps of Engineers

Ted,

9-1 | Dave Wickers of the Army Corps of Engineers called (415-977-8463). He said the Army Corps' interest is regarding impacts of a project on the SR Creek and/or wetlands. His commented that if a specific project gets developed that would have any outfalls, discharges, if it would reshape the creek bank or cause any activity related to the creek, then that project would need to apply with the Army Corps for a permit.

Cas

**Responses to Letter of Comment #9: U.S. Army Corps of Engineers, (email message),
Dave Wickers, February 24, 2004.**

Response 9-1

As indicated on page 3.11-8 of the Draft EIR in Section 3.11, *Hydrology and Water Quality*, in the subsection *Applicable Plans, Policies, and Regulations*, any significant alterations to existing creeks/streams, including flood control projects, would be subject to review and permitting action by the U.S. Army Corps of Engineers which would need to issue a Section 404 Permit under the Clean Water Act for any alterations to wetlands. This would include, among other things, outfalls and discharges if they reshaped the bank of Santa Rosa Creek or caused any activity related to the Creek by the project sponsor/developer or any other agency.

LETTER 10

TO: Cas Ellena, Santa Rosa Redevelopment Agency

COMMENTS ON TORPA DRAFT EIR

By Lionel Gambill, 801 Tupper St, Apt 810, Santa Rosa, CA 95404

10-1

Is this a transit-oriented development or a misnomer?

Section 3.4, on Traffic and Circulation, does nothing to support development of rail/transit connections or to improve quality of life in Santa Rosa. It also ravages the Food & Wine Center vision by turning the Center's front yard into a parking lot.

What should the project accomplish?

The Fourth Street Santa Rosa depot will be the most important station in the SMART corridor. Every weekday at least 1,466 passengers will board or detrain from SMART trains at this depot. This does not include passengers on tourist trains or intercity passenger trains, which will also serve Santa Rosa.

Six bus systems serve Santa Rosa, with a total of 30 to 34 routes that could and should connect with SMART trains at Fourth Street. Turnouts on Third and Sixth Streets would be woefully inadequate.

Without full-scale bus-and-train transit integration SMART ridership will be dangerously eroded. If the project continues to assume an overwhelmingly automobile-dependent future, the Food & Wine Center will be dwarfed by a monstrous parking garage.

Transit-oriented implies transit integration as the priority

Transit integration attempts to maximize non-automobile access to trains by maximizing bus connections, as well as bicycle storage and a pedestrian-friendly infrastructure. The priority should be to bring buses and bicycles as close to train-side as possible. Every effort should be made to encourage people to leave the car in the driveway. That's the essence of transit-oriented development.

Food & Wine Center must be pedestrian-friendly

If you want to motivate train passengers to visit the Food & Wine Center and to spend time (and money) in Santa Rosa, you need to make Santa Rosa, as seen through the train windows, *an appealing place to be*. You cannot do this by building a blight and then trying to camouflage it with paint; that's a fallacy all too prevalent here.

10-2

Parking is not transit

This project is being billed as a transit-oriented development. How does it measure up to that label?

Section 3.4 calls for 1,088 parking spaces.

It calls for a bus turnout on Third Street and one on Sixth Street.

It makes no mention of bicycle lockers.

This is NOT A TRANSIT-ORIENTED DEVELOPMENT!

It's a parking lot masquerading as a transit center.

RECEIVED

FEB 26 2004

City of Santa Rosa
Housing and Redevelopment
1

10-3

Fails to look realistically at the near future

It makes an unstated assumption that automobile dependence will not be affected in the near future by either

- (a) the need to reduce fossil-fuel consumption in the face of growing threats posed by global climate alteration; or
- (b) major impacts on automobile use when the steeply rising demand for oil collides with a steeply falling global oil production, within the next 15 to 20 years according to most petroleum geologists.

How to make it work

I urge you to recommend that the EIR be redrafted as follows:

10-4

1. Drastically reduce the number of parking spaces.
2. Work with Caltrans to place as many parking spaces as possible under the widened freeway structure. Place the rest either south of Third Street or underground.
3. Include a bus loop that would enter from Third Street, access bus bays adjacent to the west-side train platform, and exit back to Third Street. This should be designed to accommodate most of the buses.
4. Eliminate the Sixth Street bus turnout, which would negatively impact the West Side neighborhood. But keep the Third Street turnout for some buses, along with a taxi stand.
5. Plan for bicycle lockers on the train platforms, the number to be determined by studying other systems such as Caltrain.
6. Adopt as a criterion that the closest access to train-side must be for bus passengers and bicyclists, not automobile commuters.
7. Do not fill the plaza west of the tracks with pavement. Plan for trees, grass, benches; outdoor tables at the Food & Wine Center; curving rather than straight walkways. Plan in terms of how rail passengers will perceive Santa Rosa as they look out through the train windows. Will they see Santa Rosa as an attractive place to spend their time (and money) or will they see Santa Rosa as a parking lot?

A shuttle bus forcing riders to change at Second Street would seriously cripple rail and bus ridership; this is a bridged transfer, and bridged transfers don't work. The proposed Jennings station could serve as a good park-and-ride, but the primary locus for train-to-bus connections must be at Fourth Street, where it can contribute to city-centered growth and reduce sprawl.

A well-planned integrated transit system at the Fourth Street station not only maximizes train and bus ridership; it will have the added benefit of significantly reducing parking demand, which in turn facilitates quality-of-life enhancements. This is a win/win combination.

Responses to Letter of Comment #10: Lionel Gambill, Rx. February 26, 2004.

Response 10-1

It is not the purpose of the Draft EIR to support development of the project. The purpose of the EIR is as described on page 1 in the *Introduction* section of the EIR. Parking as would be required for the project in accordance with the zoning code is explained on pages 3.4-28 through 3.4-30 in Section 3.4, *Traffic and Circulation*. See Responses 3-1 and 3-2 regarding the Food and Wine Center.

Response 10-2

See Response 10-1 regarding parking. The project is labeled "Transit-Oriented" because site development (as a redevelopment project) is desired to be carried out in coordination with the goals and objectives of SMART to develop a viable transit hub in the downtown area. Refer to pages 2-8 through 2-18 in Section 2, *Project Description*, for additional information regarding transit considerations of the project and coordination with SMART.

Response 10-3

The Draft EIR makes no intent to imply that automobile dependence would not be affected by conditions in the fossil fuel/oil industry. The EIR notes on page 4-5 in Section 4, *Growth Inducements*, that the Transit-Oriented Redevelopment project would appear to contribute to a more integrated downtown, placing residents in closer proximity to a variety of employment, housing and potential transportation opportunities, thus reducing pressures for out-commuting use of the single-occupant automobile.

Response 10-4

It is not the purpose or intent of the EIR to develop detailed design features of the project, whether these features would be for public transit or other purposes. The "project" as evaluated in the Draft EIR is as described in Section 2, *Project Description*, and is consistent with the Santa Rosa General Plan land use designations for the project site. Refer to the *Introduction* section which describes the purpose of the EIR. See also Responses 2-1 and 2-2 regarding project design.

February 26, 2004

LETTER 11

Ms. Cas Ellena
Program Specialist
City of Santa Rosa
Department of Housing & Redevelopment
P.O. Box 1806
Santa Rosa, CA 95402

Re: Comments on Draft EIR for TORPA

Dear Ms. Ellena:

We appreciate the opportunity to submit comments in response to the Draft EIR for the Transit-Orientated Redevelopment Project Area (TORPA). As property owners within the Project Area, we are encouraged to see this process proceeding on schedule. More importantly, we believe the determination that the development proposed for the site would not produce significant negative (unmitigatable) impacts is a very positive conclusion. That said, there are some matters (discussed in the balance of this document) that we believe should be addressed in the final EIR.

Preferred Alternative

11-1

The Recommended Scenario (Table 2-1, pg. 2-11) anticipates *no residential development* on the publicly held SMART land. The Alternative Mixed-Use Buildout Scenario (Table 6-1, pg. 6-6) provides for 100 residential units on this part of the Project Area. Considering the need for additional housing in Santa Rosa, the desire to preserve open space and limit sprawl development and SMART's goal for ridership linked to residential and commercial development in close proximity to its stations, a compelling case can be made for the Alternative Mixed-Use Buildout Scenario over the Recommended Scenario. Indeed, most readers of the DEIR seem to be unaware of the fact that the Recommended Scenario has no residential use on the SMART parcels. *We strongly believe that residential development is appropriate and needed on the SMART land, and therefore prefer the Alternative Mixed-Use scenario.*

Project Description

11-2

Table 2-1, pg. 2-11, indicates that Santa Rosa Cannery might build up to 20,000 GSF of commercial space as part of the Recommended Scenario, or up to 11,000 GSF of commercial space as part of the Alternative Scenario (Table 6-1, pg. 6-6). This does not coincide with our redevelopment planning. We plan to build approximately 75 for-sale condominiums in the 3 West 3rd Street building, and either 25-30 additional condominiums OR the Culinary Academy in the 60 West 6th Street building. The College currently estimates its space requirements to be approximately 12,000 GSF. We need to be able to accommodate the requirements of the Culinary Academy in the 6th Street structure and provide a modest amount of ancillary ground floor commercial space within 3 West 3rd Street. This will exceed the 11,000 GSF provided for in the Alternative Scenario. Increasing the amount of permitted commercial square footage on

our parcels will provide us with needed flexibility and, in our opinion, improve the quality of the total development plan.

Building Height

11-3

There is confusion regarding the acceptable building height for the Santa Rosa Cannery's properties. Table 2-1 on page 2-11 suggests that we are limited to two stories over parking (maximum three stories) rather than the maximum height of the existing structure (which is significantly higher). This limitation appears to be a function of FAR calculations based on the Recommended Scenario; it is not, to our knowledge, mandated by code, adopted plan or statute. Alternatively, a height limit of five stories has been established (Table 3.1-1, pg. 3.1-4, 3.1-6) where the General Plan calls for a 10-story limit (LUL-C-7). This corresponds better with the current Railroad Square Historic District C-2-PD Zoning Policy Statement (Ordinance No. 1997, dated 1 May 1979), while it does not specify building heights, the common understanding is that buildings within the core of 4th and 5th Street should not exceed the height of Hotel La Rose (four stories), while buildings on the outskirts – such as those in the TORPA – can be taller.

11-4

It seems that the City and SMART's mutual interests in transit-oriented development and greater density align well with our development plans while honoring the historic integrity of the district. It was never our understanding that we would be limited in height and could, in fact, build within the dimensions of our existing building. As a practical matter, we are anticipating a design of four stories over interior parking for the 3 West Third Street building, and three stories over a post-tension slab for our 60 West Sixth Street building. At a minimum, we believe that Santa Rosa Cannery's properties should be permitted to build whichever is higher: the existing height of our buildings, or the standards for the SMART parcel adjacent to our parcel. It makes little sense, in our opinion, to allow for structures on the SMART parcel to exceed the height of buildings we intend to redevelop. *The valued east-facing historic facades that we have been urged to preserve would be obscured by new buildings.*

Traffic & Circulation

11-5

Table 3.4-11 on page 3.4-25 indicates degeneration of traffic conditions at several intersections, from acceptable B's and C's to D's and E's with traffic at all corners degrading in five of the seven intersections. We appreciate that the City recognizes that such conditions are part and parcel of higher density code area development. However, there are two topics that were not evaluated but which might provide some relief. First, we join the surrounding neighborhood organization in support of a north-south street extending between 3rd and 6th Streets to accommodate some of the traffic that otherwise would travel along 3rd, 4th, 5th or 6th to get on Wilson, Davis or Morgan. Second, we question the high parking demand calculations of 1,088 spaces (shown on pg. 3.4-29) and expect that fewer cars would be parking in that area, thus creating less congestion. It should be noted that the Alternative Scenario does require less parking than the Recommended Scenario.

11-6

Additionally, we would like to stress the value of continuous access along 4th and 5th Streets through Railroad Square to the restored Santa Rosa Creek and county-wide network of paths. This necessitates two rail crossings. While vehicular access would be preferred, pedestrian and bicycle access is essential to creating and maintaining the transit-oriented hub described by SMART. *Again, we fail to see the rationale for permitting vehicular, pedestrian and bike access at the 3rd and 6th Street Crossings and prohibiting it on 4th and 5th Streets.*

Parking

11-7

Current parking policies (Table 3.1-1, Policy LUL-C-2) apply citywide and do not address the unique dynamics of the more urban setting of downtown, let alone a transit hub. We recommend that a more innovative approach be incorporated into the policies for this redevelopment area. Examples of worthwhile options include car-share programs, lower car/resident ratios and tandem parking.

Historic

11-8

We request clarification regarding the preservation and retention of walls for the Santa Rosa Cannery properties. It is noted in Impact 3.9-3 on page 3.9-11 that "the north, south and east walls" and "rooftop elements" be retained where possible. Indeed, we are making a significant investment, in accordance with our CEQA reports, to retain as much as possible of the walls that contribute to the historic district while also removing underground storage tanks and contaminated soil. This remediation requires that a portion of the south end of the 60 West Sixth Street building be removed. In 2003, we had 20,000 gallons of fuel oil and water removed from a vault located under the 6th Street structure. The Regional Water Quality Control Board has instructed us to prepare a plan for removal of the vault (the dimensions of which are 5'x13'x 35') and testing of soil in the area adjacent to and beneath the vault. To do this a portion of the southeast wall of the 6th Street building and its supporting foundation must be removed. This is discussed in our CEQA report. Also, we propose to create new facades for the north wall of the 3rd Street structure and the south wall of the 6th Street Structure. These walls are now totally obscured from public view, so they do not contribute to the historic character of either structure. If our plans are implemented, the public will be able to view the facades in question by entering each structure from a new 4th Street promenade that will terminate at the Santa Rosa Creek. We address this matter now to avert confusion later when we proceed with applications to remove the south end of the 60 West 6th Street building. Coincidentally, and most propitiously, removing this portion of the structure opens up the 4th Street corridor for both enhanced views and public access to the Creek and the new bike path.

11-9

As for the rooftop elements, these will not be salvageable since two of the four supporting walls of each building will be permanently removed, and the buildings will be gutted. Instead, we intend to preserve the best elements of the historical part of the site and incorporate significant design elements into new development. Strict adherence to SOI standards will not be possible, but every attempt will be made to preserve and enhance the elements of each structure that contribute to historic character. Our plan is to respect the findings of the CEQA reports prepared by Susan Clark, Architectural Historian, which, we believe, have been reviewed and approved by the City, the Agency, the Heritage Commission and the West End Neighborhood Association.

Affordable Housing

11-10

As noted on Table 3.1-1, pg. 3.1-6, the Inclusionary Housing Obligation, which corresponds with General Plan Policy UD-B-2, requires 15% of units be available to low or moderate income households. We have been assured that the City is not interested in requiring affordable housing in our 3rd and 6th Street buildings. Instead, it has been our understanding that affordable rental housing would be included in the development plans either for the SMART property, a part of

11-10 (con't) ↑ the Salvador property or the Berkowitz parcel. A reversal in this position or the imposition of in lieu fees could result in significant alterations in our plans to reuse these historic buildings. If it is mandated that this obligation apply to our for-sale product, we will need significant public assistance to make the project economically viable.

Various Impact Fees

11-11 ↓ Myriad fees are noted in the DEIR, which we believe are not relevant to the product or future residents of condominiums we propose to build. For example, our target market, unit configuration and site location all suggest that there will be few (if any) households with school-age children. We do not foresee a material impact that our development will have on the school system, except for increasing the enrollment of the Culinary Academy. Where relevant, we will pay our fair share. However, we reserve the right to negotiate these fees in accordance with the environmental impacts of future residents: primarily mature individuals and couples without children.

Biological Conditions

11-12 ↓ We caution you that the heritage English walnut (Heritage Trees, pg. 3.12-4) may have been damaged during the bike path construction. This should be investigated before final EIR is prepared and approved.

Project Scheduling

11-13 ↓ We do not believe that a fifteen year development schedule is appropriate or necessary (see page 1-28) for this project. Indeed, even the intimation that it will take fifteen years to develop 11.5 acres is sufficient to send a deep chill to the spinal columns of prospective debt and equity investors. It may take fifteen years for SMART for be fully operational, but that is not a justification for retarding progress on the Culinary Academy, the Food and Wine Center or our residential development. Five years is our start-to-finish horizon and we recommend that the EIR reflect this aggressive schedule.

With that we hope that these clarifications can be accommodated in the final EIR, and we will make ourselves available to discuss any questions or comments you may have in the meantime.

John K. Stewart
Managing Partner

Richard J. Devine
Managing Partner

Responses to Letter of Comment #11: Santa Rosa Cannery, LLC, John K. Steward and Richard J. Devine, Managing Partners, February 26, 2004.

Response 11-1

The project development scenario as indicated in Table 2-1 on Page 2-11 is not a recommended development scenario. The Draft EIR does not recommend a development scenario. Table 2-1 illustrates a mixed use development project that would be allowed under the General Plan designation of Retail & Business Service. Residential use of the SMART parcel is further addressed in Section 6, *Alternatives*, as noted in the comment. Further negotiations with SMART will be required to determine exactly what would be developed on the SMART parcel. This subject is discussed further on pages 2-13 and 2-14 of the Draft EIR in Section 2, *Project Description*. See also Responses 2-1 and 2-2 regarding project design for additional information.

Response 11-2

Table 2-1 illustrates a mixed use development project that would be allowed under the General Plan designation of Retail & Business Service. Table 2-1 does not necessarily directly reflect, but instead exceeds, what the Santa Rosa Cannery plan to build on the site. This is done as a worst-case scenario in order to evaluate the environmental impacts of maximum development that realistically could be accommodated on the project site.

Table 6-1 in Section 6, *Alternatives*, is intended to more directly reflect what the Santa Rosa Cannery plan to build on the project site. Table 6-1 indicates up to 99 residential units and approximately 11,100 gross square feet of commercial space could be constructed on the site, and this is recognized as potentially exceeding what the Santa Rosa Cannery would develop as indicated in the comment (75 residential units and 25 to 30 additional units or the Culinary Academy at up to about 12,000 gross square feet). This is further clarified on page 6-6 of the Draft EIR.

Response 11-3

Please see Response 2-2 regarding building heights.

Response 11-4

Please see Response 2-2 regarding project design considerations and building heights. The Draft EIR does not "lock in" the Santa Rosa Cannery to a pre-set development scenario to develop the site. As stated previously, it is important to note that a detailed land use plan for the Transit-Oriented Redevelopment project had not been prepared at the time of preparing the Draft EIR. The land use concept as described in the Draft EIR is therefore conceptual in nature coinciding with the conceptual nature of the redevelopment project programs as listed on pages 2-9 and 2-10.

Response 11-5

The parking demand calculations as well as the project and cumulative intersection analysis traffic volumes (for future project scenarios) were adjusted (reduced) assuming a higher transit mode share than the area currently has. The parking adjustments are documented in the Draft EIR on pages 3.4-28 and 3.4-29 and the calculation results are shown in Table 3.4-15. Adjustments to the trip generation estimates that were used to determine the project's vehicle trips as well as trips to and from other future projects in the Transit-Oriented Redevelopment project area, are described on page 3.4-17 of the Draft EIR.

As indicated in response 11-1, the project development scenario as indicated in Table 2-1 on Page 2-11 is not a recommended development scenario. The Draft EIR does not recommend a development scenario. Table 2-1 illustrates a mixed-use development project that would be allowed under the General Plan designation of Retail & Business Service. Further negotiations with SMART would be required to determine exactly what would be developed on the SMART parcel, including access into the site and the possibility of a north-south street through the site. This subject is discussed further on pages 2-13 and 2-14 of the Draft EIR in Section 2, *Project Description*. See also Responses 2-1 and 2-2 regarding project design for additional information.

Response 11-6

Railroad crossings currently exist at West Sixth and Third Streets, and other streets in the downtown area as well. The EIR does not profess to prohibit railroad track crossings at West Fourth and Fifth Streets, but does note that new track crossings are rarely approved by the Public Utilities Commission unless they are created in exchange for another crossing that is eliminated elsewhere. Grade-separated crossings are an option to consider (see Section 3.4, *Traffic and Circulation*, page 3.4-32).

See Response 3-3 regarding continuous access along 4th and 5th Streets and railroad crossings.

Response 11-7

The parking demand calculations accounted for an increased project trip transit mode share and reduced the number of parking spaces accordingly. The parking demand calculations also included an adjustment for sharing parking spaces between residential, retail, and office uses planned for the site.

Certainly, other measures could be used to reduce the net area given over to parking; tandem parking does not decrease the number of spaces, but does reduce the area per vehicle. Tandem parking should be considered where the same household has multiple parking spaces. Car sharing programs show great promise in dense, transit-rich environments. In San Francisco, two years of experience have shown that residential parking requirement could be reduced by nearly 30 percent due to car sharing.⁴ With approximately one-quarter of the total peak parking demand arising from residential uses, this could (potentially) reduce the peak parking demand by up to 75 spaces. However, it is not known at

⁴ Robert Cervero and Yu-Hsin Tsai. "San Francisco City CarShare: Travel-Demand Trends and Second-Year Impacts," Institute of Urban and Regional Development, UC Berkeley, Working Paper 2003-05, p. 5.

this time how effective such programs would be in communities like Santa Rosa. The EIR suggests a worst case ceiling for parking impacts, which could be adjusted downward for residential projects if project-specific mitigations (such as carsharing) are included as mitigations. In that case, a variance from the parking requirements could be applied for.

Response 11-8

Please see Response PH-2 (public hearing response) regarding historic building resources.

Response 11-9

Please see Response PH-2 (public hearing response) regarding historic building resources.

Response 11-10

As explained in Section 3.3 of the Draft EIR, *Population, Employment and Housing*, pages 3.3-3 and 3.3-4, the Redevelopment Agency would be required to assure that a certain percentage of housing units developed within the redevelopment project are affordable to persons and families of low and moderate income. This Inclusionary Housing Obligation requires that at least 30 percent of all new or substantially rehabilitated dwelling units developed by an agency, and 15 percent of all new or substantially rehabilitated dwelling units developed within a project area by persons or entities other than the agency, be made available at affordable housing costs to persons and families of low or moderate income. Details regarding this requirement would need to be resolved between the Redevelopment Agency and project developers.

Response 11-11

School impact and mitigation measures are described in Section 3.6, *Public Services*, pages 3.6-8 and 3.6-9. School impact fees for residential development are regulated by State law.

Response 11-12

Heritage and protected trees are discussed in Section 3.12, *Biological Resources*, pages 3.12-9 and 3.12-10. The health condition of the walnut tree on the project site has not been determined, and in any event, if the tree is to be retained, it should be protected by fencing installed outside the drip line during construction. City approval of removal of heritage or protected trees is required.

Response 11-13

Project scheduling is discussed on pages 2-14 and 2-15 of Section 1, *Project Description*. The Draft EIR does not justify retarding progress on project development. Five years may indeed be a realistic time frame for project development as noted in the comment. The Draft EIR does state that no scheduling has currently been established for construction, and that specific construction phasing for the various parcels contained within the project site has not been determined. The Draft EIR states that developer agreements could occur in 2006, with the preparation of detailed construction drawings and

specifications extending through 2007 with actual construction to begin in late 2007 or 2008, depending on market conditions and other activities and approvals required of the City of Santa Rosa and Redevelopment Agency. The Draft EIR also states that full implementation of the project could take 15 years or more, depending on developer participation, the demand for housing and commercial space in Santa Rosa and other factors affecting development trends and economic conditions.

LETTER 12



SONOMA COUNTY TRANSPORTATION & LAND USE COALITION

February 26, 2004

Redevelopment Agency of the City of Santa Rosa
90 Santa Rosa Avenue
Santa Rosa, CA 95402

RECEIVED
FEB 26 2004
CITY OF SANTA ROSA
PLANNING AND DEVELOPMENT

Dear Sirs:

This letter contains the comments of the Sonoma County Transportation and Land use Coalition (SCTLC) on the Draft Environmental Impact Report for the Transit Oriented Redevelopment Project Area (TORPA). We are pleased that the redevelopment of this area is proceeding. The completion of this document is one more step. However, as this work goes forward, it is important to remember that the 11.5-acre project site is only 7% of the area within a 5-min walk from the proposed SMART passenger rail stop. This project is only a small part of the larger plan needed for the area surrounding the SMART stop in the heart of the largest city served by the proposed passenger rail.

The current rate of population growth in California is adding a population equal to the City of Los Angeles approximately every eight years. Some of this population growth will come to Sonoma County, and we need to begin designing the infrastructure to support it. Sunne Wright McPeak, Governor Schwarzenegger's new Secretary of the Business, Transportation, and Housing Agency, recognizes the connection between land use and transportation, and has announced that transportation projects that have a beneficial effect on land use will be favored for funding. We have opportunities here to begin working toward better land use and better transit.

12-1 | Public transit can be successful only when densities are high enough to support it. Thus, even though this project is small, it is crucial that it be designed with the idea that it lies at the very heart of an area of relatively dense development around a passenger rail station.

12-2 | The SCTLC recognizes that the TORPA DEIR will be a Project EIR that will provide an umbrella under which individual projects that conform to the Santa Rosa General Plan and the TORPA EIR can come forward. Therefore, in our review of this document, we have focused on places where the final EIR has the potential to impose harmful restrictions on future projects.

The SCTLC requests the following changes in the TORPA DEIR:

- 12-3 |
1. Mitigation measure 3.4-7 on page 3.4-32, "Ensure that any planned rail track crossings for vehicles and/or pedestrians/bicyclists would be grade separated." is too severe. It is possible that it may be difficult to obtain permission for pedestrian/bicycle grade crossings at Fourth and Fifth Streets, but the EIR should not provide any impediment. All statements in this DEIR that could be construed to impede the process of applying for and obtaining grade crossings should be deleted or altered. Pedestrian grade crossings

are common at passenger rail stops.

- 12-4
2. The General Plan Build-out Scenarios proposed in Table 2-1 on page 2-11 are too restrictive.
- The scenario does not include commercial space on the Berkowitz Parcel and does not include Residential Units on the SMART Parcel. This EIR should not preclude those uses. Developers of those parcels should be able to include those uses without being required to prepare a new EIR. It is especially important to allow residential units on the SMART property, so that mixed-use development on this site can be proposed.
 - The building height limit for all parcels is too restrictive, and should be increased. For example, a building height limit of 3 stories over parking, or a maximum building height of 4 stories is proposed in Table 2-1 for the Berkowitz property. The property on Third Street just across the railroad tracks is the Courtyard by Marriott. This is a five-story structure with high ceilings on the first floor and a peaked roof above the fifth story. It would make sense to also develop the Berkowitz property with building of similar or slightly greater height and with a small footprint, which would permit setbacks from Third Street and Santa Rosa Creek. Except for the narrow SMART property south of Third Street adjacent to the tracks, the shadow of a tall building on the Berkowitz site would not fall on any private property during most of the daytime hours.
 - The proposed maximum residential units and commercial gross square feet of commercial space for the total project are too small. For example, the building footprint on the SMART property is 4.18 acres, leaving 1.5 acres for landscaping and circulation. At 43,560 square feet per acre, this footprint is 182,000 square feet. A four-story building with this footprint could potentially contain over 700,000 square feet. The limitation of up to 200,000 GSF for the SMART Parcel is too restrictive.
- 12-5
3. Section 3.4 of the Draft EIR, on Traffic and Circulation, is strongly automobile oriented – it is not transit oriented. The need for 1088 parking spaces is described, but there is no mention of bicycle parking. There is an extensive analysis of traffic at intersections and the level of service, but almost no discussion of needs for additional transit. The only needs for transit mentioned in this section are bus pullouts on Third and Sixth Streets. Hopefully, as the individual projects come forward under the umbrella of this Project EIR, it will be possible to move away from this strong bias toward the automobile.
- 12-6
4. The EIR should contain more information on the proposed SMART operations. The train schedule has already been selected by SMART and can be included in this EIR. At that point there should be some estimates made of local ridership – people who come to the project area to use the train. There should also be estimates of the transportation mode rail passengers will use to come and go from the station: automobile, bus, bicycle,

12-6
(con't) ↑

walking, etc. (Much of this information has already been developed for the SMART EIR that is now in preparation and may be available from SMART.)

Sincerely,

Joel Woodhull

Joel Woodhull

Chair, Sonoma County Transportation / Land-use Coalition

Responses to Letter of Comment #12: Sonoma County Transportation & Land Use Coalition, Joel Woodhull, February 26, 2004.

Response 12-1

The Draft EIR notes on page 4-5 in Section 4, *Growth Inducements*, that the Transit-Oriented Redevelopment project would appear to contribute to a more integrated downtown, placing residents in closer proximity to a variety of employment, housing and potential transportation opportunities, thus reducing pressures for out-commuting use of the single-occupant automobile.

Response 12-2

It is not the intent of the Draft EIR to impose harmful restrictions on future projects. The purpose of the EIR is as described on page 1 in the *Introduction* section of the EIR. The Draft EIR has been developed as a Program EIR. See Response 2-2 for further information regarding a Program EIR.

Response 12-3

See response 3-3 regarding railroad track crossings. It may be easier to obtain pedestrian/bicycle crossings at passenger rail stops.

Response 12-4

Table 2-1 illustrates a mixed use development project that would be allowed under the General Plan designation of Retail & Business Service. The mixed use development as shown in Table 2-1 was developed to represent an upper limit development profile in order to evaluate the environmental impacts of development that realistically could be accommodated on the project site. The Draft EIR does not "lock in" any portion of the Transit-Oriented Redevelopment project site to a pre-set development standard. As stated previously, it is important to note that a detailed land use plan for the Transit-Oriented Redevelopment project had not been prepared at the time of preparing the Draft EIR. The land use concept as described in the Draft EIR is therefore conceptual in nature coinciding with the conceptual nature of the redevelopment project programs as listed on pages 2-9 and 2-10.

Please see Response 2-2 regarding project design and building heights.

Response 12-5

Please see Response 2-4 regarding transit use of the project site and bicycle parking.

Response 12-6

Environmental review for the SMART rail project is currently underway. It is not the purpose of the Transit-Oriented Redevelopment project EIR to evaluate the environmental impacts of implementing a SMART rail transit system. The purpose of the EIR is as described on page 1 in the *Introduction* section of the EIR. The EIR does not speculate on potential future transportation mode splits.

LETTER 13

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February 26, 2004
Via Facsimile and E-Mail

Cas Ellena, Program Specialist
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City of Santa Rosa
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Re: TRANSIT-ORIENTED REDEVELOPMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT
SCH #2003102047

Dear Ms. Ellena,

The Sonoma County Housing Advocacy Group appreciates this opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the proposed City of Santa Rosa Transit-Oriented Redevelopment Project ("the TORP project"). The Housing Advocacy Group ("HAG") seeks to promote housing opportunities in Sonoma County for lower income households and persons with special housing needs including seniors, persons with disabilities, farmworkers, homeless persons and others. To this end, HAG has been actively participating in Santa Rosa's Housing Element and General Plan update process, and advocating for specific policies and programs which expand the supply of affordable housing in the county, and which help insure that all residents of the county and city have a adequate living accommodations.

While HAG in general supports the (re)development of the TORP site with a mix of residential and commercial uses, we believe current development efforts are geared to a future primary use of the site primarly for tourist-oriented enterprises, and not for much needed higher density housing. While the DEIR purports to assess possible environmental impacts of a mix of housing and commercial uses, it leans heavily toward commercial use. While it talks about a possible 280 units or more of housing combined with commercial on the site, the majority of the site would be devoted to commercial. Proposing that 280 units of housing could somehow be accommodated on the remaining two or three acres is either fantasy or falsehood. Nowhere in

13-1 ↓

13-1
(con't)

Santa Rosa or any other California city north of San Francisco has housing been built in recent years that approaches that density. Assuming three acres are available for housing under the project's "preferred" approach, and assuming a density of 35 units per acre, the project will, at best, see 100 units of new housing - far less than HAG believes the project should provide. This outcome would have serious adverse environmental consequences for both Santa Rosa and the region in general.

Accordingly, for the reasons set forth below, HAG believes that the DEIR does not comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, Section 15000 et seq. ("CEQA Guidelines").

13-2

Our principle concerns with the DEIR arise from the City's rush to complete a complex environmental review document for a major urban redevelopment project before the City has determined how the project site will be developed. The environmental impacts of developing the site primarily for commercial uses will be much different from the environmental impacts of developing the site primarily for housing uses. The kinds of environmental impacts which may occur on the site need cannot be adequately analyzed unless some determination has been made about the kinds of developments which will take place on the site. And it is impossible to weigh the adequacy of various mitigation measures until there is at least some tentative determination about the development of the site.

13-3

The process with this project is the reverse of how it should work. Instead of developing a proposed use or uses for the site and then conducting a CEQA review with an appropriate opportunity for public input and comment, the City has instead conducted what purports to be an environmental review of a range of uses, and plans to decide which of these uses [or others] to approve at some later date. Each of the various possible uses will come with its own set of environmental impacts - to traffic, to schools, to the environment, and to the community and region in general.

Because the DEIR contains no specifics about how the site will be developed, there is no opportunity for real public input into the adequacy of the DEIR. In light of our concerns with both the process and the adequacy of the DEIR, HAG respectfully requests the City postpone any further consideration of the proposed DEIR and the project unless it is part of a specific plan or plans for development of the site. If the City wishes to continue consideration of the proposed project, at a minimum a revised and legally adequate DEIR must first be recirculated, which

addresses all of the concerns raised in the comment letters and hearings.*

Project Background

The Transit Oriented Development Project proposes to "redevelop" approximately 11.5 acres of mostly vacant or unutilized land in the Railroad Square area near downtown Santa Rosa. The project area includes railroad tracks, rail sidings, and other land formerly occupied by the Northwest Pacific Railroad which ceased operation roughly 10 years ago along this route. This property has extensive toxic contamination. The DEIR says the tracks "may be utilized for a light rail system in the future." The site also includes several older large brick industrial buildings most of which have not been occupied for many years, along with some small commercial buildings. The surrounding neighborhood is one of the older areas of Santa Rosa, and contains a mix of small single family houses and small apartment complexes to the north and west, a hotel and some industrial and commercial property to the south, and the Railroad Square historic district to the east. It lies approximately 1,000 yards west of the "center" of Santa Rosa.

The site is the last large parcel available for development in the central area of Santa Rosa. The manner in which it is developed will have significant and long-term consequences for Santa Rosa and the surrounding region. The DEIR does not address any particular development on the site, but rather outlines various possibilities and says the actual development plan will be determined some time in the future. The possibilities include a) development of the property for commercial uses, including a "wine and food center," and other retail and commercial uses; or b) development of up to 350 units of housing on the property; or c) some combination of the two. There is also some possibility of a "transit" mall or light rail depot on a portion of the site.

13-4

The manner in which the site is developed, and what it will be developed for, will result in numerous significant and unavoidable impacts, only some of which are disclosed in the DEIR, including:

13-5

- Traffic conditions on local streets and on segments of Highway 101;
- Air pollution in excess of established thresholds for numerous emissions;
- Significant increases in noise levels in the area;

* HAG is aware that other interested groups have submitted comments to the DEIR. For purposes of the legal requirement of exhaustion of remedies, we incorporate those comments into this letter as if fully set forth herein.

13-5
(con't)

- Cumulatively significant loss of developable land available for housing;
- Significant unmitigated impacts to schools and public services;
- Significant danger of toxic contamination of surrounding areas and Santa Rosa Creek, with potential loss of habitat for special status species; and
- Significant unmitigated impacts to housing availability and affordability

13-6

In addition, the kinds of uses for which the site is developed will inevitably impact the viability of the regional light rail transit system which the Sonoma Marin Area Rapid Transit District ("SMART") is proposing for the existing tracks. The light rail system is proposed to link communities in Sonoma and Marin Counties, to each other, and ultimately to San Francisco and the East Bay.

13-7

Development of this site for commercial, tourist-oriented uses may undercut the long-term viability of the SMART light rail system, and contribute to increased traffic congestion along the Highway 101 corridor. This potentially significant impact was not considered or addressed in the DEIR.

13-8

Conversely, development of the site primarily for higher-density residential uses would support ridership and bolster the economic viability of the SMART system, and would have other significant impacts on traffic and pedestrian patterns in and around downtown Santa Rosa. These impacts were not adequately considered or addressed in the DEIR.

13-9

Consideration of the Proposed Project Should Await Completion of the City's Negotiations on the Development of the SMART Land Which Are Currently Underway

Approximately half (5.7 acres) of the site along the west side of the existing railroad tracks is owned by SMART. The City has been in active negotiations with SMART for at least the past 12 months to lease or otherwise acquire this land. The status of these negotiations are set out in detail on the SMART web site (www.sonomamarintrain.org). In a memorandum to the SMART Board on 10/14/03, the Executive Director of SMART summarized the status of negotiations between her agency and the City as follows:

"At the direction of the Board, SMART staff has been working with the City of Santa Rosa to develop an approach to short and long term leasing of the site. A very preliminary site plan was prepared by SMART and the City of Santa Rosa. That site plan looked at the feasibility of incorporating the proposed Food and Wine Center. Page 2

the rail station and a mix of housing and parking. The development of the concept plan showed that a mix of uses could be located on the site and still preserve the rail operating requirements that SMART had, but it also raised a number of questions. **The key questions raised by the concept plan focused on what land uses are most appropriate for the site.**

The approach being pursued by staff sets forth a series of activities to define land uses and densities, creating a JDA between the City and SMART (with associated business terms for a long term ground lease and revenue sharing) that allows joint development to proceed in a two year timeframe, while leasing the site in the interim two years for City events and parking to generate revenue and reduce blight. The City recently designated the Station Site and immediately adjacent areas as a redevelopment area and has begun the preparation of an EIR.

By end of Year 1, City and SMART will agree upon uses, development standards (e.g. architectural standards, set back requirements, landscape standards, requirements for ridership data generated by use types), density and circulation to be incorporated into a JDA. Uses would include a mix of uses (housing, commercial, retail). The JDA would not include the rail operations area of the site.

At start of Year 2, SMART will enter into a JDA with the City to serve as the lead agency and solicit development proposals on the station site, except for the site area required for rail operations. The JDA will rely on elements of the SMART EIR/EIS, station site planning, adopted TOD/PeD Policies, Goals and Objectives. In addition, negotiations on the JDA will rely on the completion of a series of performance standards by the City and SMART to finalize and approve the joint development agreement.

By end of Year 2, City and SMART will complete contractual agreements on revenue sharing and associated financial agreements for joint development and the City will implement the agreed-upon schedule to initiate the solicitation process for development of the Station site, except for the rail operation aspects.

Certain principles will be incorporated into the process being negotiated. These principles include:

- that the overriding goal of the SMART Board is for all development proposed on the Station site to meet the priority goals of generating ridership and revenue to support operations,
- that both the City Council and SMART Board will consider and approve the short and long term process,
- that there will be opportunities for public input during the consideration and approval of the process..." (Emphasis added)

13-10

The negotiations with SMART will thus determine the uses for approximately one half of the project site, and the DEIR should address those uses specifically both in terms of impacts and in terms of appropriate mitigation measures. It is both premature and contrary to CEQA and the CEQA Guidelines to go forward with the CEQA process before these negotiations have been concluded and the likely uses of the SMART portion of the site have been determined.

The Project Is Inconsistent with the City's General Plan

Government Code section 65300 requires that the legislative body of each city and county shall adopt a comprehensive, long-term general plan for the physical development of the city or county. The minimum requirements for each element are specified in Government Code section 65302. In particular, Government Code section 65302(a) requires that the land use element include the proposed general distribution and location and extent of land uses and a statement of the standards of population density and building intensity for the various areas covered by the general plan. State law also requires that a Project be consistent with a valid General Plan. Because any development approval that is not consistent with a legally adequate general plan is invalid at the time it is passed.

13-11

It is impossible to fully assess the consistency of the proposed project with the City's current General Plan because the specific kinds of development which will take place on the site are not, as yet, determined. Some kinds of uses under consideration would require a General Plan amendment. Other uses would be allowed under the City's current General Plan. While the project must be consistent with the City's 2002 General Plan, the DEIR indicates that the project aims to be consistent primarily with the much older 1979 Railroad Square Plan:

13-11

"The overall goal for the Railroad Square project was "To develop the Railroad Square area as an active and successful historic specialty shopping center." The purpose of the Redevelopment Plan is to enhance and assist in the revitalization of the project area inclusive of the western portion of Railroad Square. The redevelopment project is intended to respond to the applicable provisions of the *Railroad Square Plan* and as directed by the Plan's policies." (DEIR p. 1:1)

"Implementation of the Transit-Oriented Redevelopment project is intended to remove vacant, underutilized parcels in the area and create developable sites in order to stimulate economic activity and assist in revitalizing the project area including the western portion of the Railroad Square Historic District as envisioned in the *Railroad Square Plan*. Public improvements to be added or enhanced are intended to eliminate infrastructure deficiencies, while other

programs to be developed are intended to address underutilized properties with public facilities that would attract additional visitors to the area and facilitate public transit as may be developed through the activities of SMART using the existing Northwestern Pacific Railroad right-of-way that defines the east edge of the project site." (DEIR p. 1:2)

The 1979 Railroad Square Plan was to create a "successful historic specialty shopping center." The 2002 Santa Rosa General Plan mandates that the core areas of Santa Rosa be developed with a mix of higher density housing and commercial uses, with a view toward making the heart of Santa Rosa [including the area addressed by the TORP project area] a lively, culturally and economically prosperous and diverse neighborhood.

- 13-12 | Developing the Torp project area with tourist and retail uses in order "to attract additional visitors" appears to be seriously inconsistent with the goals of the City's current General Plan for the downtown area. While the DEIR contains many references to the possibility of housing on the site, it could be a handful of units, or it could be hundreds of units. The consistency of the TORP project with the General Plan simply cannot be weighed or addressed until the specifics of the planned development are more settled. The project area west of the Railroad is not suitable for a "successful historic specialty shopping center" along the lines of the existing Railroad Square shopping area on 4th Street. But portions may be suitable for retail or other commercial uses. Utilizing the area primarily for higher density residential uses, with some commercial and retail uses, would appear to be the development approach *most consistent* with the General Plan.
- 13-13 |

The DEIR is Inadequate

- 13-14 | The DEIR must address the impacts of both the proposed development (e.g. type, location, scale -- including residential, non-residential, roads and other infrastructure, etc.) and of the proposed Specific Plan policies (e.g. if too weak or vague to protect the environment/accomplish project goals). The DEIR must analyze the consistency between the proposed physical development and General Plan and Specific Plan policies. To the extent the DEIR relies on the Plan Policies to "mitigate" impacts of the proposed physical development, it must describe how the policies actually reduce the impact. Finally, the DEIR must proposed mitigation measures and alternatives to address significant effects in the form of modifications to the proposed development (location, scale, type, etc.) or to policies.

A summary of major flaws in the DEIR include, but are not limited to, the following:

▪ **Inadequate Project Description**

13-15 | The DEIR omits or underestimates key project features that have the potential to result in significant impacts. Specifically, the CEQA Guidelines define "project" as "the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately..." CEQA Guidelines Section 15378. Among other components, an EIR's project description must contain a "general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." CEQA Guidelines Section 15124(c). The project description must be stable and consistent throughout the DEIR.

The project description omits key information, including, but not limited to the following:

13-16 | *First*, the project description does not address the "whole project." Specifically, the DEIR fails to include the kinds of development anticipated for the TORP site, the kinds of impacts which various development scenarios would have for the *whole* community and region.

As noted above, CEQA requires that the "whole" project be the subject of the EIR. But the nature of the "project," whether it be housing, commercial, or retail, is not specified.

A revised DEIR must be prepared which includes the actual proposed uses for the project site - where the housing will go, how many units, and what levels of affordability; and where the commercial development will go, and what it will look like.

13-17 | *Second*, the DEIR states that the development plans for the site are still being negotiated with various landowners, SMART, and developers. The DEIR thus fails to include necessary information about the development plan and its impact on the site and the community in general. A revised DEIR must include this information in the project description.

13-18 | *Third*, the project description lacks numerous other important details about the project that are critical to an adequate analysis of project-related and cumulative impacts. Such details include, but are not limited to:

(1) fundamental engineering aspects of the proposed development such as a description of the anticipated excavations, depth of excavations; areas of development, and other information about project engineering. Information must be included in a revised DEIR that allows full disclosure of grading, excavation and related impacts.

13-18
(con't)

(2) construction period activities and phasing, including, but not limited to: the number of construction employees; location of staging areas; traffic trips associated with construction periods; need for blasting; construction traffic routes; and the like. This information provides the basis for adequate impact analyses concerning air quality, noise, traffic and the like.

(3) Sufficient details concerning infrastructure improvements needed to support the project. Insufficient information is provided about the infrastructure needed to support the project, the costs of the infrastructure, reliance of public funding for any infrastructure and the capacity of new infrastructure (limited in size only to serve the project or project).

(4) General Plan amendments (GPAs) that are required for findings of General Plan consistency to be adopted (e.g. policy changes, addition of standards for population density and building intensity, etc.). These must be described in detail and their potential indirect impacts analyzed in a revised DEIR. Specifically, there may be indirect or precedent setting impacts associated with these GPAs.

Individually and collectively, these errors in the Project Description result in the DEIR underestimating and omitting significant project-related and cumulative impacts.

Inadequate Project Setting

The DEIR fails to adequately and accurately describe key aspects of the project setting. Such a failure is fatal under CEQA because without an adequate description of the project's local and regional context, the EIR, and thus the public and decision-makers who rely on the EIR, cannot accurately assess the potentially significant impacts of the proposed project.

Such missing setting elements include, but are not limited to:

13-19

(1) information concerning the significance of the project site biologically and key information about special status species and other biological resources on site and in the surrounding region. See detailed comments under Biology below.

(2) information concerning where residents of Santa Rosa, and where persons who would be employed in the commercial enterprises on the site currently work – this information is critical to the analysis of impacts associated with traffic, air quality and jobs – housing balance. It should be noted that the Santa Rosa City Council recently rejected a proposal to impose a modest housing impact fee on commercial development even though the nexus study conducted in conjunction with the proposed fee found a direct link between new jobs and demand for new

13-19

(con't) ↑ housing units.

The DEIR Fails to Adequately Analyze the Project's Significant Impacts on the Environment

13-20

The fundamental purpose of an EIR is to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Assn. V. Regents of the University of California*, 6 Cal.4th 1112, 1123 (1988). To do so, an EIR must contain facts and analysis, not just an agency's conclusions. See *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 568 (1990). Throughout the DEIR, the City fails to support its conclusions regarding project impacts with appropriate analysis. In many instances, as discussed below, the EIR fails to disclose the Project's impacts on the environment or concludes that the impact can be mitigated either by Plan Policies or mitigation without analysis. This approach violates CEQA.

The level of analysis in the DEIR fails to reflect the project-specific information that is available or should be available for the development project.

Examples of the DEIR's failure to adequately analyze significant project-related impacts include, but are not limited to, the following:

Consistency with Plans and Policies

13-21

The DEIR's analysis of project consistency with applicable plans and policies is incomplete and inadequate for a number of reasons.

First, the DEIR fails to identify the necessary conforming amendment language and land use map amendments. These amendments have the potential to result in indirect impacts and set a precedent for future amendments to the General Plan, which may result in cumulatively significant environmental impacts (e.g. relaxing creek setbacks, relaxing policies protective of biological resources, grading restrictions, etc.).

Second, the DEIR lacks information critical to determining whether the project as proposed is consistent with protection environmentally sensitive areas (e.g. Santa Rosa Creek). This information is not only relevant to a determination of consistency with policies in the General Plan concerning land use and protection of environmentally sensitive areas. This information should be prepared and included in a revised DEIR.

13-21
(con't)

The DEIR does not adequately address the applicability of the Santa Rosa growth management ordinance to any housing units provided in the project. This ordinance, which limits housing development to approximately 900 units per year in the City, may seriously restrict efforts to provide a substantial number of new housing units on the site. If the City intends to make an exception for housing on this site, that needs to be clarified in the DEIR.

The DEIR also fails to include adequate mitigation measures.

Population and Housing

The DEIR's discussion of population and housing is flawed because it is not supported by adequate data, analysis and evidence to support conclusions concerning the significance of impacts. As stated above in the setting discussion, the population and housing section of the DEIR omits setting information that is critical to the analysis of impacts. Specifically, the section fails to provide any information about where the projected 750 new employees of the commercial enterprises on the site are likely to live (in Santa Rosa or elsewhere), or where residents of the Specific Plan area are likely to work (long-term and in the interim period before employment centers build out). There is also no discussion of what portion of the housing units which will be built in the project are going to be affordable to persons who are employed in businesses on the site - a key issue in determining the projects overall community impact.

13-22

The section concludes that the proposed project will not result in any significant impacts, including: 1) induce substantial population growth and 2) contribute to a jobs - housing imbalance. Because insufficient setting information is provided concerning the current and projected jobs - housing balance without (and with) the project, the analyses cannot be complete.

New information and analysis must be included in a revised DEIR concerning these issues. Absent this information, the conclusions reached in the DEIR that there will be no significant impacts associated with inducing substantial population growth and jobs-housing balance are not supported by evidence.

Because the section fails to identify any impacts associated with population and housing as significant, the section omits feasible mitigation measures. Measures that must be considered in a revised DEIR include: 1) phasing of housing units and jobs to ensure that jobs are created prior to additional housing; 2) phasing of retail services to housing, and the like. Note that while the project proposal talks of tourist oriented food sales, nowhere is there an analysis of where new residents in the housing on the site will buy staples like toilet paper and soap. In fact, the nearest grocery supermarket is more than a mile from the site - which is a serious problem for not only

the proposed new housing, but for the neighborhood in general. What makes much more sense for the neighborhood is a new Albertson's or Safeway rather than an upscale farmers' market catering to tourists.

Transportation

There are several fatal flaws in the DEIR's analysis of transportation impacts:

- 13-23** First, the geographic study area for the transportation analysis extends only to the surrounding neighborhood, and focuses only on adjacent streets. A much larger geographic study area is therefore warranted, both for impacts to the planned SMART rail system and the community in general. If, as the DEIR states, the project will require over 750 new full time employees, how will this impact Highway 101 and Route 12? These corridors are already utilized way beyond capacity, and experience gridlock during commute hours. How will the effort to attract tourists and shoppers from other areas impact Highway 101 and Route 12 traffic? How will efforts to locate classrooms for cooking classes operated by Santa Rosa Junior College impact the major highways and city streets? None of these issues is addressed in the DEIR except in the most cursory fashion. A revised study area must be developed and included in revised analyses in a new DEIR.
- 13-24** Second, the section fails to provide existing data concerning transit capacities, and therefore fails to adequately analyze impacts of the project on transit.
- Third, the section does not include any transportation analyses of the whole project (e.g. factoring in the SMART rail system, and various housing densities on the site) and cumulative projects.
- 13-25** Fourth, the DEIR fails to identify and analyze indirect impacts associated with proposed mitigation measures to address traffic impacts. Such indirect impacts include, but are not limited to: growth inducement, reduced air quality, noise and the like. An analysis of the potentially significant indirect impacts of the mitigation measures must be included in a revised DEIR.
- 13-26** Finally, the section fails to include feasible mitigation measures such as requirements that condition new development on the completion of needed roadways or mitigation related to the provision of improved transit. Land use based alternatives, including "walkable" design, early development of services and jobs to employ persons living in the new housing units, more compact – higher density development supportive of transit, an infill alternative, and the like, must also be included in a revised DEIR.

Hydrology

The DEIR's discussion of hydrological impacts of the project is inadequate because it fails to provide any information about the sources or quantities of pollutants resulting from project development, buildout and occupancy. The DEIR refers to general sources of pollutants, but does not quantify the status of current water quality impacts or the increases in water quality impacts with project implementation.

13-27

Of particular concern is the impact of the project on existing severe contamination of the soils and ground water in and around the site. The DEIR's discussion of increased runoff is also flawed because no quantified data is presented concerning existing runoff and post project flows. What steps will be taken to reduce existing contamination? What steps will be taken to reduce the spread of contaminants into Santa Rosa Creek during construction activities in the project? A revised DEIR must include information about existing conditions and quantify the contributions to water quality degradation and flows associated with the project.

Second, the DEIR concludes that all impacts related to hydrology will be reduced to less than significant with proposed mitigation. Since the proposed mitigation measures include only future plans and programs, evidence is lacking to support the conclusions reached concerning the final disposition of significant impacts to water quality and flows.

Visual Impacts

The DEIR's analysis of visual impacts is inadequate for a number of reasons:

13-28

First, there are no visual simulations or photomontages of the project infrastructure illustrating conditions before and after implementation. Absent such information, the DEIR cannot adequately disclose or analyze visual impacts.

Second, conclusions that the development of this land will not result in any significant visual impacts is unsupported by facts in the DEIR.

Schools

13-29

The DEIR's analysis of impacts to schools is inadequate, as well as its identification of mitigation for significant school impacts. The DEIR notes that the potential residential development on the

13-30
(con't)

Even more deleterious would be the impact of a mostly commercial development on the prospects for a regional light rail system along the 101 Corridor. Such a system, to be viable, must have a strong base of ridership. People must be able to get to the train quickly and easily (by foot if possible), and get to where they need to go...normally to work or work related activities. By developing this site adjacent to the proposed main transit station for Santa Rosa with housing, a ridership base would be encouraged. Developing the site primarily for tourist and commercial uses would likely have an opposite long-term effect, and would encourage and even accelerate pressures for sprawl development in Santa Rosa and throughout the region. The revised EIR needs to analyze these impacts and propose specific approaches to reduce these sprawl-inducing consequences.

Inadequate Cumulative Analysis:

The CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines Section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." Id. A legally adequate cumulative impacts analysis views a particular project over time and must consider the impacts of the project combined with other projects causing related impacts, including past, present, and probable future projects. CEQA Guidelines 15130(b)(1). Projects currently under environmental review unequivocally qualify as reasonably probable future projects to be considered in a cumulative impacts analysis. See *San Franciscans' for Reasonable Growth v. City and County of San Francisco*, 151 Cal.App.3d 61, 74 & n. 13 (1984). In addition, projects anticipated beyond the near future should be analyzed for their cumulative effect if they are reasonably foreseeable. See *Bozung v. Local Agency Formation Comm'n*, 13 Cal3d 263, 284 (1975). Alternatively, an EIR may utilize:

A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

CEQA Guidelines Section 15130(b)(1)(B). Any such planning document shall be referenced and made available to the public at a location specified by the lead agency. Id.

13-31

The EIR fails to adequately analyze the cumulative impacts of the project for a number of reasons including, but not limited to: an insufficient geographic study area; failure to include plans and/or projects from an adequate study area; failure to quantify impacts and failure to

13-29
(con't)

site will bring in a total of up to 93 new students into nearby schools. There is no discussion of whether additional school capacity will be needed to accommodate these additional students, or to whether or how that additional capacity can be provided by a school system already in financial difficulty. See Impact 3.6-3. Even more problematic is the DEIR's failure to analyze (or even mention) the schools impact from the potential 750+ persons who would be employed in commercial operations on the site.

A revised EIR must include this analysis along with appropriate mitigation measures.

Inadequate Growth Inducing Analysis:

The EIR fails to provide any meaningful analysis of the growth inducing potential of the various possible configurations of the proposed project. CEQA requires that an EIR contain an analysis of a project's growth inducing impacts. Growth-inducing impacts are those that encourage or facilitate other activities or projects that could significantly affect the environment. The "detailed statement" setting forth the growth inducing aspects of a project must "[d]iscuss the ways in which the proposed project could foster economic growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA Guidelines Section 15126.2(d). It must also discuss how a project may "encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively" or remove obstacles to population growth (such as extension of infrastructure, etc.).

13-30

In this case, the EIR explains that the project will have the following impact:

"Implementation of the Transit-Oriented Redevelopment project as an urban infill project in concert with General Plan goals and policies would advance the objectives of the City to promote and facilitate growth within the Urban Growth Boundary that would minimize the cost and extent of providing infrastructure services by producing a more compact and efficient pattern of development. This in turn would limit the potential for urban sprawl by focusing growth in an urban area and help to slow the rate at which agricultural lands, open space and areas of habitat value outside the Urban Growth Boundary may be converted to urban development." (EIR §4-4)

This, of course, is all predicated on use of the site primarily for housing as opposed to tourist attractions and commercial uses which would tend to have the opposite effect. With little or no housing and 750+ new jobs, sprawl would be encouraged and accelerated.

mitigate for significant cumulative impacts. The discussion of cumulative impacts must include a summary of the expected environmental effects to be produced by those projects, a reasonable analysis of the cumulative impacts, and full consideration of all feasible mitigation measures that could reduce or avoid any significant cumulative effects of a proposed project. See CEQA Guidelines Sections 15126.4(a)(1) and 15130(b)(3). This EIR fails to meet these requirements for the following specific reasons:

First, the DEIR's study areas for the majority of the cumulative impact analyses is too small. A revised EIR must not only include larger study areas, but clear graphics and text, which indicate the study areas and statements of why they are sufficient.

Second, a legally adequate cumulative analysis must consider the impacts of the project when combined with other past, present, and probable future projects. A revised EIR must clearly state which development plans and/or projects are included in the analysis.

Third, the DEIR's cumulative analysis fails to quantify cumulative impacts. The conclusory statements of impacts in Table 92 are not supported by any analysis or facts. For example, the analysis lacks quantified information regarding actual acreage of species habitat (by species) that would be threatened or lost due to cumulative development, the total acreage of agricultural land lost to development, and a description of cumulative transportation impacts for an adequate study area. The EIR therefore fails to provide the public and decision-makers with any objective measure of cumulative impacts and therefore is inadequate. A revised EIR must include this information.

Finally, the EIR lacks any mitigation measures for cumulative impacts. Feasible measures exist for impacts identified as cumulative and significant. For example, a jobs-housing impact fee would be one appropriate mitigation measure to help provide housing affordable to potential employees in the project area, most of whom will be working in lower wage retail and clerical jobs.

The DEIR's Identification and Analysis of Mitigation Measures Is Inadequate.

CEQA requires that mitigation measures be identified and analyzed. The Supreme Court has described the mitigation and alternatives sections of the EIR as the "core" of the document. *Citizens of Goleta Valley v. Board of Supervisors*, 52 CAL.3d 553 (1990). The DEIR's identification and analysis of mitigation measures, like its analysis throughout, is thoroughly inadequate.

13-31
(con't)

13-32

13-32
(con't)

An EIR is inadequate if it fails to suggest mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness.

The EIR attempts to defer discussion and development of suitable mitigation measures.

Examples of inadequate mitigation measures include, but are not limited to the following:

Feasible and adequate mitigation measures must be included in a revised EIR. Where the identification of adequate measures are deferred, significant impacts must be identified as significant and unavoidable.

Failure to Analyze a Reasonable Range of Alternatives:

13-33

Although the EIR analyzes a number of alternatives, the DEIR's alternatives analysis falls short of the standard set by CEQA. Under CEQA, an EIR must analyze a reasonable range of alternatives to the project, or to the location of the project, that would feasibly attain most of the basic objectives while avoiding or substantially lessening the project's significant impacts. See Pub. Res. Code Section 21100(b)(4); CEQA Guidelines Section 15126.6(a); Citizens for Quality Growth v. City of Mount Shasta, 198 Cal.App.3d 433, 443-45 (1988). ...Laurel Hts. Etc. The DEIR's discussion of alternatives fails to meet these standards.

Concluding Comments

13-34

These and other major defects in the DEIR render the document inadequate as a basis for informed decision-making and legally deficient under CEQA and land use law. For the reasons set forth below, we respectfully request that no further consideration be given to the proposed TORP project until an adequate EIR is prepared and circulated that fully complies with CEQA and the CEQA Guidelines. Ideally, the City will postpone further consideration of the proposed project until: 1) the City's negotiations with SMART over use of the 5.7 acre portion of the site which is owned by the Transit District are completed; and 2) The City completes tentative plans for overall development objectives on the TORP site, and establishes policies to implement those plans.

Please feel free to contact me if you have any questions or if I can provide any additional information.

Yours truly,

David Grabill

**Responses to Letter of Comment #13: Law Office of David Grabill, David Grabill,
February 26, 2004.**

Response 13-1

The comment appears to indicate that 280 housing units cannot be accommodated on the project site. As configured in Table 2-1, the project would accommodate up to 280 residential units and up to 30,000 gross square feet of commercial space on 4.94 acres of land, which would equate to 57 units per acre plus the commercial development. This does not equate to 280 units of housing on two or three acres as noted in the comment. As noted in the comment, HAG would like to see more than 100 residential units on the project site. Table 6-1 in Section 6, *Alternatives*, boosts the housing count in the project up from 280 units to 380 units. The conclusion is that this Alternative Mixed Use Buildout Scenario would not yield any new significant unavoidable adverse environmental impacts as compared to the project as proposed.

Response 13-2, 13-3 and 13-4

It is important for the reader to keep in mind that the land use intensities (number of residential units and square feet of commercial space) and building heights proposed for the various parcels as shown in Table 2-1 of the Draft EIR are considered maximums under the General Plan designation of *Retail and Business Services* based on parcel size and what could reasonably be expected to occur under a mixed use development scenario in an urban environment that would not physically or visually dominate the existing setting. This development scenario is considered flexible enough to allow variations in the provision of public open space and parking facilities, depending on the mix of commercial land uses ultimately programmed for development. The guiding principle is generally a floor area ratio of about 1.0 (building area on the site divided by the total net area of the site).

It is important to note that a detailed land use plan for the Transit-Oriented Redevelopment project had not been prepared at the time of preparing the Draft EIR. The land use concept as described in the Draft EIR is therefore conceptual in nature coinciding with the conceptual nature of the redevelopment project programs as listed on pages 2-9 and 2-10.

As explained on pages 1 and 2 of the Draft EIR *Introduction*, the Transit-Oriented Redevelopment project EIR has been developed as a "Program" EIR. The EIR can only be as specific as the project plan itself. As individual activities are carried out for the project, further consideration under CEQA may be undertaken. Subsequent project development activities in the program may be examined in the light of the Program EIR to determine whether any additional environmental documentation must be prepared. If a later project activity or design feature would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or Negative Declaration of environmental impact. If the Lead Agency finds that no new effects could occur or no new mitigation measures would be required, the Agency could approve the activity (the project) as being within the scope of the project covered by the Program EIR and no new environmental document would be required.

Further, the Program EIR can provide the basis in an Initial Study for determining whether the later activity would have any significant environmental effects. The Program EIR may also focus subsequent environmental review on the project (or project component), to permit discussion solely of new effects which had not been considered before. The trigger for subsequent environmental review under a Program EIR occurs when a project or portion of an overall project becomes defined in more detail than originally presented in the Program EIR, or subsequent development components within the project are expanded, altered, revised or otherwise redefined as compared to the original proposal. The Program EIR is to identify those probable environmental effects that can be identified. For those environmental effects that cannot be determined without speculation, the Lead Agency can defer specific analysis until later points in the project review process.

Response 13-5

What is deficient in the disclosure of environmental impacts as described in the Draft EIR is not clear in the comment. Traffic issues are discussed in Section 3.4, *Traffic and Circulation*; air pollution is discussed in Section 3.13, *Air Quality*; noise is discussed in Section 3.12, *Noise*; housing is discussed in Section 3.3, *Population, Employment and Housing*; schools and public services is evaluated in Section 3.6, *Public Services*; toxic materials is discussed in Section 3.8, *Hazardous Materials*; special status species is discussed in Section 3.12, *Biological Resources*; and the issue of housing affordability is discussed in Section 3.1, *Relationship to Plans and Planning Policy* and Section 3.3, *Population, Employment and Housing*.

Regarding the availability of developable land for housing as mentioned in the comment, as noted in the City of Santa Rosa General Plan Housing Element, "Land availability will not prevent the City from meeting its housing needs. The City's UGB contains significantly more land than required for housing development by year 2020." (p. 4-32). "Approximately 3,500 acres of land are available for residential development in Santa Rosa's city limits, and more than 15,000 units can be developed on that land." (p. 4-43). "Besides land in the City Limits, there are 1,830 acres of residentially designated land now outside the city limits within the UGB which can be annexed and developed, adding to land potentially available for development. This land can accommodate 8,400 dwelling units." Thus, clearly there is significant land within the city limits and within the Urban Growth Boundary (UGB) to meet Santa Rosa's housing needs and there is no cumulatively significant loss of developable land available for housing.

Response 13-6

At the time of preparing this EIR, details regarding utilization of the SMART parcel or potential land uses of the SMART parcel had not been fully developed and/or adopted by SMART. Some preliminary, conceptual plans commissioned by the property owners within the project area were prepared for discussion purposes. These plans generally called for mixed use development that involved revenue generating uses such as retail shops, office use, restaurants, housing and parking facilities with provision for public access to rail transit facilities at the site. It appears that the ultimate mix of land uses and development density on the SMART parcel would be subject to negotiation between the City of Santa Rosa and SMART as planning for the site may progress incorporating a

potential railroad depot. Given the downtown location of the site, vacant land and presence of an existing railroad station structure, a railroad depot at the site would be a certainty, should use of the NWPRR right-of-way for public rail transit become a reality. Ultimately, the mix of land uses developed for the SMART parcel would be important to the viability of a regional light rail transit system as noted in the comment.

Response 13-7

See Response 13-6. Cumulative growth and freeway traffic is discussed in Draft EIR Section 3.4, *Traffic and Circulation*, pages 3.4-33 and 3.4-34.

Response 13-8

See Responses 13-6 and 13-7. What is inadequate regarding the traffic and pedestrian analysis is not specified in the comment.

Response 13-9

See Response 13-6 regarding development of the SMART parcel. The comment provides additional information regarding SMART negotiations with the City.

Response 13-10

See Response 13-2 regarding the Transit-Oriented Redevelopment project as defined in the Draft EIR, use of a Program EIR and subsequent environmental review. It is neither premature or contrary to the intent of CEQA to proceed with environmental review of the project at this time. Environmental review is required under California Redevelopment Law prior to the adoption of a redevelopment plan. The purpose of the EIR is as described on page 1 in the *Introduction* section of the EIR.

The intent of the proposed redevelopment plan for the Transit-Oriented Redevelopment project is to establish basic authority and limits under which the Redevelopment Agency would operate in the Transit-Oriented Redevelopment project area. The redevelopment plan will not replace existing City processes or regulations. The Planning commission and related boards would retain their existing authority as established by the City Code, and City Planning regulations (General Plan, Zoning, Design Review Guidelines, etc.) would still govern entitlements requested for incorporated property. Should the plan be adopted, specific projects would still be required to proceed through the City's existing review and approval process.

Response 13-11

The "project" as evaluated in the Draft EIR is as described in Section 2, *Project Description*, and is consistent with the Santa Rosa General Plan land use designations for the project site. The proposed redevelopment plan for the Transit-Oriented Redevelopment project establishes land uses based on the City General Plan. The Land Use Map identifies the City General Plan land use designations. On this

basis, the proposed redevelopment plan for the Transit-Oriented Redevelopment project can be found consistent with the City's General Plan.

Refer to the *Introduction* section which describes the purpose of the EIR. As explained on page 2-7 of the Draft EIR, the purpose of the Redevelopment Plan is to enhance and assist in the revitalization of the project area inclusive of the western portion of Railroad Square. The redevelopment project is intended to respond to the applicable provisions of the *Railroad Square Plan* and as directed by the *Plan's* policies and as noted in the comment. The City of Santa Rosa Department of Housing and Redevelopment's participation in the project is also intended to ensure that the project area is revitalized with high quality development that is pedestrian friendly, and includes the use of public transportation, the construction of higher density commercial, office and residential uses as well as innovative public spaces for cultural activities.

Response 13-12

See Response 13-11 regarding consistency with the General Plan. See also Section 3.1 of the Draft EIR, *Relationship to Plans and Planning Policy*, for an evaluation of the project's consistency with the provisions of the Santa Rosa General Plan.

Response 13-13

The environmental impacts of a mix of residential and commercial land uses on the Transit-Oriented Redevelopment project site is evaluated in the Draft EIR. See Tables 2-1 and 6-1 for two site development profiles as evaluated in the Draft EIR.

Response 13-14

See Response 13-11 regarding consistency with the General Plan. See also Section 3.1 of the Draft EIR, *Relationship to Plans and Planning Policy*, for an evaluation of the project's consistency with the provisions of the Santa Rosa General Plan. The Draft EIR does not rely on General Plan policies to mitigate environmental impacts of the project as suggested in the comment. Where the project would appear to be inconsistent with the General Plan goals and/or policies, project mitigation measures are provided to bring the project into consistency with the General Plan goals and/or policies. This includes the control of stormwater runoff, erosion control, the preservation of trees, avoiding the altering of cultural resources, maintaining acceptable community noise standards, ensuring protection from earthquake damage potential, conducting hazardous materials cleanup and related issues.

Response 13-15, 13-16, 13-17 and 13-18

The comment is not clear on what key project features are omitted or underestimated in the Draft EIR. See Tables 2-1 and 6-1 of the Draft EIR for two potential site development profiles consisting of specified housing units and gross square footages of commercial development for each parcel within the Redevelopment area as evaluated in the Draft EIR. How many housing units for each parcel is specified. As pointed out before, and as clearly stated in the Draft EIR, a detailed land use plan for the

Transit-Oriented Redevelopment project had not been prepared at the time of preparing the Draft EIR. The land use concept as described in the Draft EIR is therefore conceptual in nature coinciding with the conceptual nature of the redevelopment project programs as listed on pages 2-9 and 2-10. See also Responses 2-1 and 2-2 for further information regarding project planning, environmental review conducted for the project, the purpose of a Program EIR and subsequent environmental review required where a program EIR has been prepared for a project. Project design, design review, site planning, and project appearance issues are further discussed in Response 2-2.

Soils, geologic and seismic impacts and mitigation measures are discussed in Draft EIR Section 3.10, *Soils, Geology and Seismicity*. The conclusions therein would apply to any construction of buildings designed for occupancy. The potential construction period is discussed on pages 2-14 and 2-15. Construction impacts and mitigation are also discussed in sections 3.4, *Traffic and Circulation*, 3.5, *Visual Quality and Community Character*; 3.8, *Hazardous Materials*, 3.9, *Cultural Resources*, 3.11, *Hydrology and Water Quality*, 3.12, *Biological Resources*, 3.13, *Air Quality*, and 3.14, *Noise*. No need for construction blasting has been identified for the project.

Infrastructure funding is not required to be discussed in an EIR. The need and planning for infrastructure (utilities, circulation), is discussed in sections 3.1, *Relationship to Plans and Planning Policy*, 3.4, *Traffic and Circulation*, 3.7, *Utilities*, and 3.11, *Hydrology and Water Quality*. For a fuller understanding of a Program EIR and subsequent environmental review, refer to the discussion in the above paragraphs.

No General Plan amendment has been identified for the project. See Responses 13-11 and 13-14 above.

Response 13-19

The comment indicates that key elements of the Setting discussion are missing from the Draft EIR, but fails to substantiate this claim. For example, the *Biological Resources* setting discussion states that no vegetative habitat types such as annual grasslands, forests, or seasonal wetlands are present on the project site. Special Status plant and wildlife species are discussed on pages 3.12-5 and 3.12-6. At this stage of project planning, it would be inconsistent with the intent of CEQA to speculate as to where residents of Santa Rosa and where persons who would be employed in the commercial enterprises on the project site currently work, nor is such information necessary for a Program EIR.

Response 13-20

The comment indicates that the conclusions of impact are not supported with the appropriate analysis. However, no examples are cited to substantiate the comment and a response regarding EIR adequacy is therefore not possible.

Response 13-21

The comment states that the Draft EIR “fails to reflect the project-specific information that is available”. Again, it should be noted that the land use concept as described in the Draft EIR is conceptual in nature coinciding with the conceptual nature of the redevelopment project programs as

listed on pages 2-9 and 2-10. For a fuller understanding of a Program EIR and the purpose of the EIR, refer to the discussion in the above paragraphs. The project is consistent with the General Plan as discussed in Response 2-1. Thus, the project would not “set a precedent for future amendments to the General Plan, which may result in cumulatively significant environmental impacts” as noted in the comment.

Protection of the Santa Rosa Creek drainage is discussed in Section 3.11, *Hydrology and Water Quality*, pages 3.11-7 through 3.11-13, inclusive of subject areas relating to stormwater runoff volume and rate, erosion potential, and the maintenance of water quality.

Respecting growth management as cited in the comment, the Growth Management Element of the Santa Rosa General Plan paces residential development in order to manage population growth through year 2020. Growth Management Element goals and policies are based on broad considerations of the City’s future growth. The Transit-Oriented Redevelopment project would be consistent with Growth Management Goal GM-A to “*Prevent urban sprawl by focusing growth within the Urban Growth Boundary*” and Policy GM-A-1 to “*Contain urban development in the Santa Rosa area within the City’s Urban Growth Boundary.*” The General Plan advances the policies of the City to promote and facilitate growth within the Urban Growth Boundary that would minimize the cost and extent of providing infrastructure services by producing a more compact and efficient pattern of development. This in turn would limit the potential for urban sprawl by focusing growth in an urban area and help to slow the rate at which agricultural lands, open space and areas of habitat value outside the Urban Growth Boundary may be converted to urban development.

Response 13-22

As noted in Response 13-19, it would be inconsistent with the intent of CEQA to speculate in a Program EIR as to where residents of Santa Rosa and where persons who would be employed in the commercial enterprises on the project site currently work, or be likely to live. In addition, as explained in Section 3.3 of the Draft EIR, *Population, Employment and Housing*, pages 3.3-3 and 3.3-4, the Redevelopment Agency would be required to assure that a certain percentage of housing units developed within the redevelopment project are affordable to persons and families of low and moderate income. This Inclusionary Housing Obligation requires that at least 30 percent of all new or substantially rehabilitated dwelling units developed by an agency, and 15 percent of all new or substantially rehabilitated dwelling units developed within a project area by persons or entities other than the agency, be made available at affordable housing costs to persons and families of low or moderate income.

Regarding growth as noted in the comment, the project site would accommodate a resident population of about 720 persons or 0.0037 percent of the projected 2020 City population which would not be a significant population increase. Also, the project site at buildout as addressed in the body of the Draft EIR would accommodate up to about 767 workers on a daily basis, the actual number of which would be dependent on the types and mix of businesses that might operate there as the site is developed (see Section 4 of the Draft EIR, *Growth Inducement*, for additional information).

Further negotiations with SMART would be required to determine exactly what would be developed on the SMART parcel and the timing and phasing of development (i.e., phasing of housing and jobs, retail services, etc.). This subject is discussed further on pages 2-13 and 2-14 of the Draft EIR in Section 2, *Project Description*. A major regional shopping center (Santa Rosa Plaza) offering a broad range of consumer items is located approximately 1/3 mile directly east of the project site, and would be available for use by project residents. This does not include the many shops and restaurants currently located in Railroad Square that would also be available to project residents, as well as the heart of downtown Santa Rosa with additional shopping, eating and entertainment facilities on the east side of U.S.101 about 1/2 mile east of the project site.

Response 13-23

The geographic study area is considered to the point where traffic and circulation impacts are considered less than significant for the project as proposed. As to the impacts on Highway 101 and Route 12, please see Response to 4-1. The project's total additional trips during the peak hours would add little to Highway 12 and the already saturated conditions on U.S. 101. The impacts to city streets of the proposed project are documented in the Draft EIR as well. See Impacts 3.4-1 and 3.4-2 in Section 3.4, *Traffic and Circulation*.

Response 13-24

The traffic analysis for the Transit-Oriented Redevelopment project indicated there are not likely to be substantial adverse transit impacts as a result of the project, as otherwise noted in the Draft EIR. Ridership on the bus lines adjacent to the project site is low and the addition of the project's transit trips would not be expected to bring ridership in excess of current capacities. City transit planners have considered whether it would be necessary to add capacity, routes, or change current route configurations to accommodate the Transit-Oriented Redevelopment project. The conclusion was that the current routes that run along 3rd Street would adequately serve the development.⁵

The SMART rail station in downtown Santa Rosa is intended to be primarily accessed by passengers via walking, cycling, or transit. Auto park and ride patrons would be encouraged to use alternative stations, at Jenner Avenue and/or Bellevue Avenue.

Response 13-25

Indirect impacts resulting from traffic, air quality and noise mitigation measures are not identified in the comment and a response is therefore not required. No adverse growth inducing impacts have been identified for the Transit-Oriented Redevelopment project (see Section 4, *Growth Inducement*), and sufficient mitigation has been established for identified air quality and noise impacts.

⁵ Telephone communication with Bruce Eisert, Transit Planner for the City of Santa Rosa, 3/11/04.

Response 13-26

Mitigation measures for project area roads were found to be unnecessary using the City of Santa Rosa's impact significance criteria. Transit mitigation measures are shown to be unnecessary due to the beneficial impacts the Transit-Oriented Redevelopment project would have on transit ridership, particularly if rail use is ultimately implemented. See response 13-24.

The benefits of the project's land uses and conceptual site design were described and accounted for in the *Project Background and Objectives* Section of the Draft EIR (see pages 1-1 through 1-4) as well as in the discussions of the beneficial impacts of the project in terms of transit usage and pedestrian activity enhancement, including reductions to project traffic volumes due to an increased use of transit and non-motorized modes (see Impacts 3.4-3 and 3.4-4 in Section 3.4, *Traffic and Circulation*).

Response 13-27

On page 3.11-12 of the Draft EIR, Water Quality Impact 3.11-4 indicates that the major contributor of contaminants to runoff in post-development areas are driveways, parking lots, sidewalks, streets and gutters and are connected directly to storm drains, and that the contaminants consist of debris dropped or scattered by individuals (trash), street sweepings (dust, litter, heavy metals from automobile and truck exhaust and tires), debris and other particulate matter washed into roadways from adjacent areas, wastes and dirt from construction and renovation or demolition (soil, scraps of building materials), fecal droppings from animals, remnants of household refuse dropped during collection or scattered by animals or wind, oil and various residues (heavy metals) contributed by automobiles, and fallout of airborne particles (dust). Because the site has not yet been redeveloped, the exact mix of these constituents is not known; however, as stated at the top of page 3.11-12 of the Draft EIR, Water Quality Impact 3.11-4, "Municipalities, such as the City of Santa Rosa, with populations of over 100,000 are required to obtain NPDES stormwater permits which specify the permitted concentration of various pollutants in stormwater discharge, but do not constrain the techniques and procedures used to achieve those concentrations."

The North Coast Regional Water Quality Control Board, which has the ultimate responsibility for the issuance of NPDES permits in the City of Santa Rosa, identifies the major constrained constituents to include:

- Sediment from construction or other activities that expose and loosen soils, or vehicles that break up pavement.
- Nutrients from such sources as fertilizer, lawn clippings, and car exhaust, which contain phosphorous, nitrogen, or similar nutrients.
- Heavy metals and toxic chemicals from such sources as cars (brake pads, engine wear, etc), pesticides and herbicides.
- Bacteria from such sources as failing septic tanks, sewer overflows, decaying organic material, and the improper disposal of household pet fecal material.

As indicated at the top of page 3.11-12 of the EIR, Water Quality Impact 3.11-4, the City is required to reduce the discharge of pollutants in their stormwater discharges to the maximum extent practicable using an array of control measures developed through the NPDES permitting process. Examples of several types of these measures appear in Mitigation Measure 3.11-1 beginning on page 3.11-8 of the EIR, and in Mitigation Measure 3.11-2 beginning on page 3.11-10 of the EIR. The levels of pollutants in stormwater runoff from the project site would be controlled through the existing regulatory framework of the North Coast Regional Water Quality Control Board.

Soil and groundwater contamination is discussed in Chapter 3.8 Hazardous Materials, beginning on pages 3.8-3 through 3.8-8 of the Draft EIR. The North Coast Regional Water Quality Control Board requested clarification of the project objective to clean up property contaminated with hazardous materials: that clean-up already is underway and the requested information is in Response 14-1 of this document. Control of the spread of contaminants is discussed in the previous paragraphs of the current response.

The commentator may have confused "future plans and programs" with the existing regulatory framework of the North Coast Regional Water Quality Control Board. There is no discretionary action on the part of the City about complying with the Board's NPDES permitting process: various methods are available to achieve compliance, but compliance is required.

Response 13-28

Visual simulations or photomontages are not required to be included in an EIR. Visual simulations or photomontages may be included in an EIR if desired. See Response 2-2 for information regarding project design, community compatibility and visual appearances. Impact 3.5-1 on page 3.5-8 of the Draft EIR in Section 3.5, *Visual Quality and Community Character*, specifically notes that "overall, the change in visual appearances within the project site would be expected to be significant, and could contrast with the adjacent, established, less intensively developed land parcels outside the project site to the north and east." Impact 3.5-1 was identified as being potentially significant, contrary to the claim in the comment of no significant visual impact, for which mitigation is provided in Mitigation Measure 3.5-1 to reduce the impact to a less than significant level. Refer to pages 3.5-8 through 3.5-10 of the Draft EIR for a more complete discussion of visual impacts and mitigation measures.

Response 13-29

School impact and mitigation measures are described in Section 3.6, *Public Services*, pages 3.6-8 and 3.6-9. As explained on page 3.6-3 of the Draft EIR, students in the project area attend Abraham Lincoln Elementary School (grades K-6 at 850 West 9th Street), Santa Rosa Middle School (grades 7-8 at 500 E Street), and Santa Rosa High School (grades 9-12 at 1235 Mendocino Avenue). According to school officials, each of these schools is at or near capacity, and each has portable classrooms located onsite to accommodate existing enrollment.⁶ There are no current plans for the expansion of any of

⁶ Bower, Douglas. 2003. Santa Rosa City Schools, Associate Superintendent – Business, November.

these schools. School impact fees, regarded as mitigation for school children generated by development, are regulated by State law.

Response 13-30

See section 4, *Growth Inducement*, for a discussion regarding the growth inducing potential of the project. The project as considered in the body of the Draft EIR would contain up to 280 residential units and 230,000 gross square feet of commercial space as indicated in Table 2-1 on page 2-11. Thus, the project would not be biased in favor of either housing or commercial development, but would contain a balance of housing and commercial land uses.

The Transit-Oriented Redevelopment project advances the notion of City centered growth and the more efficient utilization of existing natural resources. For example, as noted previously in Section 3.2, *Land Use*, and Section 4, *Growth Inducement*, the project is intended to facilitate growth on currently vacant and underutilized land in an existing urban area which would minimize the cost and extent of providing infrastructure services by producing a more compact and efficient pattern of development. Land parcels that have been without public water and sewer service on the project site would have direct access to expanded sewer and water services to serve new development. This in turn would assist in limiting the potential for urban expansion in non-urbanized areas and the consumption of undeveloped or agriculturally useful land by focusing growth in an existing urban area. The project would therefore contribute to reducing the push for suburban commercial growth that has been known to drain economic vitality from downtown areas, thus creating the need for redevelopment in the first place.

Response 13-31

As explained on page 6 in the Draft EIR *Introduction* section, Cumulative impacts are discussed in the respective technical sections of this EIR as appropriate to the subject matter being addressed where cumulative impacts would occur (i.e., *Traffic and Circulation, Hydrology and Water Quality, Noise, and Air Quality*). As indicated, the analysis of impacts extends out in a geographic area to the point where the impacts are considered less than significant. Reference to Table 92 in the comment is not clear because there is no Table 92 in the Draft EIR. See Response 13-30 regarding the Transit-Oriented Redevelopment project's limiting potential for urban expansion in non-urbanized areas and thus the project's contribution to limiting cumulative development impacts.

CEQA Guidelines Section 15130 (b) specifies: "*The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the affects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.*" The comment does not substantiate that the cumulative effects of the Transit-Oriented Redevelopment project would be considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects. As explained on page 3.2-4 of the Draft EIR in Section 3.2, *Land Use*, no other significant projects

that would comprise a substantial change in land use are currently known as proposed for construction in the downtown. Nonetheless, cumulative development impacts on a broader level are discussed in Section 3.4, *Traffic and Circulation* (pages 3.4-33 and 3.4-34), Section 3.5, *Visual Quality and Community Character* (page 3.5-11), Section 3.6, *Public Services* (page 3.6-10), Section 3.7, *Utilities* (pages 3.7-10, 3.7-12, 3.7-13 and 3.7-14), Section 3.10, *Soils, Geology and Seismicity* (page 3.10-12), Section 3.11, *Hydrology and Water Quality* (pages 3.11-13 and 3.11-14), Section 3.12, *Biological Resources* (page 3.12-12), Section 3.13, *Air Quality* (pages 3.13-9 and 3.13-10), and Section 3.14, *Noise* (page 3.14-11 and 3.14-12). Further implications regarding cumulative development may be found in Section 4, *Growth Inducement*.

Response 13-32

The comment states that the mitigation measures presented in the Draft EIR are inadequate. What is inadequate about the mitigation measures is not specified in the comment and a response cannot therefore be provided. Mitigation measures to reduce the identified significant or potentially significant impacts to reduce the impacts to less than significant levels are provided in each technical section of the Draft EIR. The exceptions include impacts related to the provision of fire and police protection services which are listed as significant and unavoidable impacts on page 5-1 in Section 5, *Significant, Unavoidable Adverse Impacts*. No examples of inadequate mitigation measures are listed in the comment.

Response 13-33

It is considered that the Draft EIR analyzes a reasonable range of alternatives as required by CEQA. How the Draft EIR falls short of the standards set by CEQA is not specified in the comment and a response thus cannot be provided. The purpose of the discussion of alternatives is provided on page 6-1 in Section 6, *Alternatives*.

Response 13-34

Please see Response 13-10 regarding the redevelopment plan and EIR preparation. See also Draft EIR pages 2-13 and 2-14 regarding redevelopment and coordination with SMART for transit planning of the SMART parcel.

LETTER 14

Ted Adams

From: Ellena, Cassie [CEllena@ci.santa-rosa.ca.us]
Sent: Monday, March 01, 2004 11:32 AM
To: Ted Adams
Subject: FW: Draft EIR

Ted,

FYI. Comments from the CA Regional Water Quality Control Board on the Draft EIR.
Cas

-----Original Message-----

From: Joan Fleck [mailto:FlecJ@rb1.swrcb.ca.gov]
Sent: Friday, February 27, 2004 3:11 PM
To: Ellena, Cassie
Subject: RE: Draft EIR

Thank you Cas. My brief comments regarding the City of Santa Rosa Transit Oriented Redevelopment Project Draft EIR include:

I noted that one of the objectives is to assist in enabling the redevelopment and revitalization of a portion of downtown and redevelopment and land use actions are intended to ensure that: (6th bullet on page 1-2) property contaminated with hazardous materials would be cleaned up.

However, I did not find any text that explained how the project objective would be met. In addition, the hazardous waste section 3.8 assessed potential adverse environmental, health and safety impacts that could result in exposure to project related hazards but did not identify the potential environmental impacts that could result to surface and groundwater as a result of the redevelopment project. For example, development without cleanup can result in soil and groundwater impacts that go unabated. Potential surface water impacts should also be mentioned such as erosion and sediment impacts. A construction storm water permit must be obtained.

14-1

Regional Water Board staff do not oppose property development with the condition that the development does not interfere with soil and groundwater cleanup projects. The development project must recognize the cleanup project and the project proponent must demonstrate that the two will be coordinated and are compatible.

I would also suggest that the Regional Water Board case file number, names and addresses be used when mentioning the properties with soil and groundwater issues so a reader can review our records for each site if additional information is desired. I would also suggest that the EIR include a discussion of sites outside the project boundaries that are contributors to groundwater contamination within the project boundaries.

Thank you again Cas. Regional Water Board staff will continue to coordinate with the City of Santa Rosa regarding this project. Please let me know if I can be of assistance.

>>> "Ellena, Cassie" <CEllena@ci.santa-rosa.ca.us> 02/26/04 05:59PM >>>
Joan,

By law, we are allowed to respond to late comments. Therefore, though we are not extending the comment period, we will be happy to respond to your comments. Please do send them directly to me by March 1, 2004; via e-mail would be most direct and then I can electronically transmit to EIP Associates for consideration in the Final EIR.
Cas

-----Original Message-----

From: Joan Fleck [mailto:FlecJ@rbl.swrcb.ca.gov]
Sent: Thursday, February 26, 2004 1:07 PM
To: Ellena, Cassie
Subject: Draft EIR

I was alerted to the distribution of the draft EIR for the transit oriented redevelopment project via the S.R. Cannors. The document had been forwarded to our storm water folks and it did not come to me. I have read it and have a few comments. Would it be possible to submit my comments directly to you by Monday, March 1, 2004?

Responses to Letter of Comment #14: California Regional Water Quality Control Board, (email), Joan Fleck, February 27, 2004.

Response 14-1

The project objective to clean up property contaminated with hazardous materials is already being implemented at the project site as explained in Section 3.8, Hazardous Materials – Existing Conditions, pages 3.8-5 and 3.8-6. Soil and groundwater impacts have been documented at the Santa Rosa Cannery, SMART, West 3rd Street Right-of-Way, and Berkowitz parcels caused by former operations of on- and off-site facilities. As presented on pages 3.8-5 and 3.8-6 of the Draft EIR, soil and groundwater investigations and/or remedial activities have been conducted at each of these parcels and will continue until cleanup requirements are met to the satisfaction of the RWQCB and site closure is granted. Mitigation Measures 3.8-1 on pages 3.8-7 and 3.8-8 of the Draft EIR implements measures to protect construction workers and the public if contaminated soil is discovered during construction activities. In addition, Impact 3.8-3 on pages 3.8-9 and 3.8-10 of the Draft EIR presents the beneficial effects that site cleanup would provide by largely removing the exposure pathway for inhalation, ingestion, and dermal contact of potentially contaminated soil for future tenants and/or employees.

If monitoring and/or remediation wells are located on these parcels during redevelopment, they may need to be abandoned according to applicable State and local guidelines. Additionally, the abandoned monitoring wells may need to be replaced to accommodate existing monitoring and/or remediation activities at on- or off-site facilities, in accordance with applicable federal and State regulations. Please see also Response 13-27 regarding site stormwater runoff. Surface runoff and potential groundwater impacts are discussed in Section 3.11, Hydrology and Water Quality, pages 3.11-7 through 3.11-17.

Project site properties and Regional Water Board case file numbers are as follows:

- Southern Pacific Transportation Company, Third Street Property: 1TSR196 [Smart Parcel]
- Franchetti, 60 West Sixth Street: 1NSR374 [Santa Rosa Cannery Parcel]
- Santa Rosa Department of Public Works, Third Street: 1TSR198 [West Third Street Right-of-Way Parcel]
- Cobb, 2 Third Street: 1NSR199 [Berkowitz Parcel]

Potential off-site contributors to groundwater contamination are as noted on pages 3.8-5 and 3.8-6.

LETTER 15

February 27, 2004

Ms. Cassic Ellena
Program Specialist
City of Santa Rosa
Department of Housing and Redevelopment
90 Santa Rosa Avenue
Santa Rosa, CA 95402



Dear Ms. Ellena:

**Re: Draft Environmental Impact Report (DEIR)
City of Santa Rosa Transit-Oriented Redevelopment Project**

Golden Gate Bridge, Highway and Transportation District (District) has received the above referenced document and offers the following comments re the potential impact of a Transit-Orientated Redevelopment Project ("Project") on Golden Gate Transit (GGT) bus services in Santa Rosa.

Railroad Right-of-Way Ownership

15-1

Page 2-12 summarizes the recent public acquisition of the former Northwestern Pacific Railroad (NWP) right-of-way. District recommends the final sentence of the fourth paragraph on this page be rewritten as follows: "The new rail district, created with the passage of California State Assembly Bill 2224, consolidated the existing SMART Commission, Northwestern Pacific Railroad Authority, and the rail assets of the Golden Gate Bridge, Highway and Transportation District of the rail corridor into a single rail district."

Transit Services

15-2

The DEIR (specifically page 3.4-3) makes no reference to existing GGT bus transit services in Santa Rosa (i.e., bus routes 72, 73, 75, and 80). There is also no mention of bus transit services provided by the Mendocino Transit Authority. Since GGT provides service to Santa Rosa virtually 24 hours/day, 7 days/week, District requests reference to its transit service in Santa Rosa be included in the Final Environmental Impact Statement (FEIS).

15-3

Page 3.4-30 makes reference to the potential of a bus transit facility located at the Santa Rosa station site in conjunction with the development of a rail transit facility. DEIR recommends the design of bus pull outs "should conform to (Santa Rosa) City's Department of Parking and Transit standard design specifications for bus pullouts."

- a) Any design of a bus transit facility at a future Santa Rosa rail transit facility should not preclude the use by GGT. Therefore, this facility should be able to accommodate GGT's existing fleet, which includes 45-foot and 60-foot buses.

Ms. Cassie Ellena
February 27, 2004

Page 2

15-3
(con't)

b) Any design of a bus transit facility should be flexible enough to permit the use of this facility by any bus transit vehicle. District, therefore, recommends the bus transit facility utilize straight curbs and not pull outs that would accommodate standard 40-foot buses.

Parking Requirements

15-4

Page 3.4-31 suggests the Project should "increase the potential for use of public transportation and less reliance on the automobile." Does the DEIR reflect this reduced need for parking?

Railroad Grade Crossings

15-5

Page 3.4-32 suggests the Project should "include the consideration of new vehicular and pedestrian crossings of the Northwestern Pacific Railroad right-of-way tracks." The DEIR mitigates the demand to cross the NWP right-of-way with a new grade separated crossing "for vehicles and/or pedestrians/bicyclists." It is worth noting that geometric requirements for a vehicular grade separated crossing over the NWP right-of-way (e.g., a maximum 6-percent grade) represents a significant amount of capital expenditure and may not prove feasible within the right-of-way of existing streets in Santa Rosa.

District appreciates the opportunity to comment on this project. Please call Norma Jellison, Real Estate Specialist, at 415-257-4564 or Maurice Palumbo, Principal Planner, at 415-257-4431 if you have questions.

Very Truly Yours,



Alan Zahradnik
Planning Director

c: Norma Jellison, Real Estate Specialist
Maurice Palumbo, Principal Planner
Lillian Hames, Sonoma-Marin Area Rail Transit (SMART)
H:\P\O\MP\SantaRosa\OD.024.doc

Responses to Letter of Comment #15: Golden Gate Bridge Highway & Transportation District, Alan Zahradnik, February 27, 2004.

Response 15-1

The last sentence in the fourth paragraph on page 2-12 is changed to read: "The new rail district, created with the passage of California State Assembly Bill 2224 consolidated the existing SMART Commission, Northwestern Pacific Railroad Authority, and the rail assets of the ~~and the Golden Gate Bridge, Highway and Transportation District Authority and assets over~~ of the rail corridor into a single rail district."

Response 15-2

Golden Gate Transit bus lines and Mendocino Transit Authority (MTA) lines have been added to the report and its transit map (Figure 3.4-2). Golden Gate Transit routes were not included in the Draft EIR, because Golden Gate Transit has no stops within a quarter mile of the project site. A quarter mile is generally considered the maximum walking distance in areas like Santa Rosa for most passengers. MTA does stop within a quarter mile of the project site, however.

Response 15-3

While Golden Gate Transit may find it desirable at some time in the future to run buses directly to and from a potential bus transit facility located at the Transit-Oriented Redevelopment site, the details of such a facility design and how the design would be able to accommodate 45 and 60-foot buses has not been completed. These aspects of the project should be studied in conjunction with the analysis of other factors such as site access, circulation and the adequacy of turning radii at nearby intersections to accommodate larger buses.⁷ See also Responses 2-1 and 2-2 regarding future design and environmental review.

The City of Santa Rosa's Transit staff was contacted regarding Golden Gate Transit's request for straight curb bus stops as opposed to bus pullout stops as indicated in the Draft EIR. The City's response is that for large developments such as the Transit-Oriented Redevelopment project, the City prefers to request bus pullouts as a transit enhancement.⁸

Response 15-4

See Response 1-5 regarding a higher transit mode share and a resulting reduced need for parking.

⁷ Telephone communication with Bruce Eisert, Transit Planner for the City of Santa Rosa, 3/11/04.

⁸ Telephone communication with Bruce Eisert, Transit Planner for the City of Santa Rosa, 3/11/04.

**PROJECT AREA
TRANSIT SERVICE**






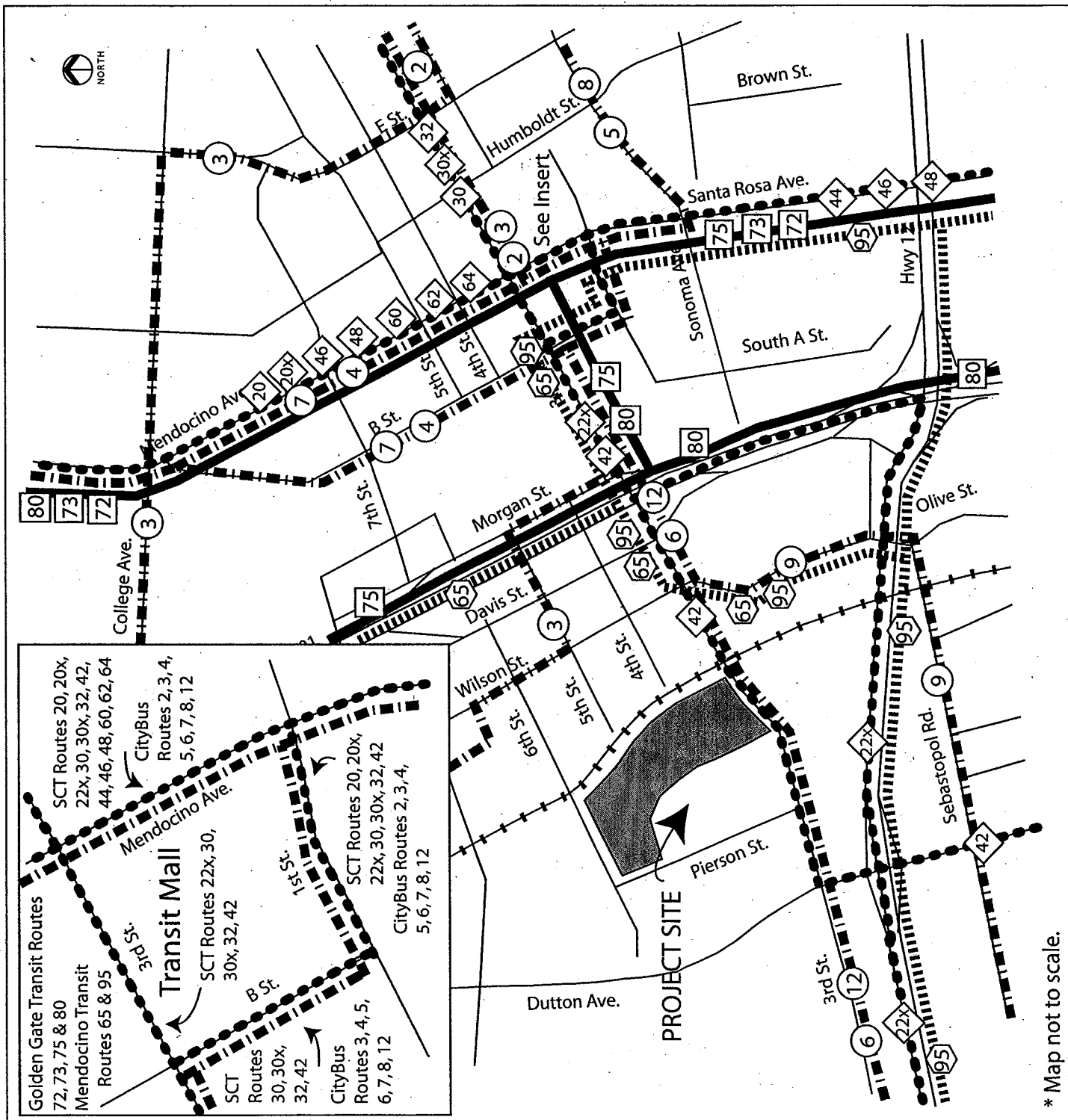
-  Sonoma County Transit & Line Number
-  Santa Rosa City Bus & Line Number
-  Golden Gate Transit & Line Number
-  Mendocino Transit Authority & Line Number
-  Transit Oriented Redevelopment Project Area (TORPA)

Figure 3.4-2



Response 15-5

A vehicular grade separated crossing may be prohibitively expensive. A pedestrian/bicycle only crossing would have a large footprint, due to the ramps required by ADA. If elevators were used instead, the construction and operating costs of a grade separated crossing would be greater.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Deputy
Director

LETTER 16

February 27, 2004

Cassie Ellena
City of Santa Rosa
90 Santa Rosa Avenue
Santa Rosa, CA 95404

Subject: City of Santa Rosa, Transit-Oriented Redevelopment Project
SCH#: 2003102047

Dear Cassie Ellena:

16-1

The State Clearinghouse submitted the above-named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 26, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

RECEIVED

MAR 01 2004

City of Santa Rosa
Housing and Redevelopment

Document Details Report
State Clearinghouse Data Base

SCH# 2003102047
Project Title City of Santa Rosa, Transit-Oriented Redevelopment Project
Lead Agency Santa Rosa, City of

Type EIR Draft EIR
Description Redevelopment of 11.5 acres bounded by West Sixth Street on the north, Santa Rosa Creek on the west and south, and the Northern Pacific Railroad right-of-way on the east.

Lead Agency Contact

Name Cassie Elena
Agency City of Santa Rosa
Phone 707 543-3304
email
Address 90 Santa Rosa Avenue
City Santa Rosa
State CA **Zip** 95404
Fax

Project Location

County Sonoma
City Santa Rosa
Region
Cross Streets West Third Street and West Sixth Street
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 12
Airports
Railways Northwestern Pacific
Waterways Santa Rosa Creek
Schools
Land Use

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Cumulative Effects; Growth Inducing; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, District 4; California Highway Patrol; Caltrans, Division of Transportation Planning; Department of Housing and Community Development; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 1

Date Received 01/13/2004 **Start of Review** 01/13/2004 **End of Review** 02/26/2004

Note: Blanks in data fields result from insufficient information provided by lead agency.

Responses to Letter of Comment #16: State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, February 27, 2004.

Response 16-1

No letters of comment were attached to the letter from the State Clearinghouse.