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10 February 2019

Tom Schwedhelm, Mayor
Chris Rogers, Vice Mayor
Julie Combs
Victoria Fleming
Ernesto Olivares
John Sawyer
Jack Tibbetts
Santa Rosa City Council

Via email

Re: City Council Agenda Item 16.1, Residence Inn by Marriott, 2/12/19 Meeting

Dear Mayor Schwedhelm and Members of the Santa Rosa City Council:

When this proposed project was in front of the Planning Commission, I wrote an extensive letter. I am attaching a copy of this letter for your consideration, including a copy of the State requirements for an evacuation plan for the rebuilt Villa Capri.

Please read my 11/28/18 letter to the Planning Commission in conjunction with this letter.

After reading these letters and other communications, including from Greenbelt Alliance, I would request that you deny the applicant's appeal.

1. SAFETY

The single most important finding you are required to make is that:

“Granting the Conditional Use Permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.”

If you can't make this finding, you cannot reverse the Planning Commission's decision. I do not believe you can, in good conscience and with full consideration of the evidence, make this finding.

Further discussion, in addition to my 11/28/18 letter, follows.

EVACUATION ISSUES

The resolution you are requested to approve, overturning the Planning Commission's denial of this project, states that:

"The project does not present any potential adverse impacts related to any possible need for guest emergency evacuation as the site is proximate to the freeway and the street orientation for an evacuation is evident."

This proposed finding completely overlooks some very basic facts:

- The guests of this project will be strangers to Santa Rosa, may not have cars available for evacuation, may not understand the significance of a fire in the area, likely will not have signed up for local emergency notifications, and may not even be awake to evacuate if necessary.
- There is no reason to believe that management/staff of the proposed project will know what to do in the event an evacuation is necessary, or be willing or capable of organizing or overseeing an evacuation; as we saw in the Tubbs Fire, while many people behaved heroically, even without training, unfortunately some did not.
- The Tubbs Fire burned across the freeway very near (north and south) this proposed project's location, so evacuating to the freeway is no guarantee of safety, and there certainly is no guarantee the freeway would be an effective evacuation route.
- The Tubbs Fire burned a hotel literally next door to this location, in the direction of the most obvious and direct evacuation route, and other buildings burned east of this location, rendering proposed evacuations onto Round Barn problematic, in either direction.
- In spite of the statement in the Appeal that "drivers have 'hundreds of ways' to leave the area," that is simply not true (and I hope it's not an accurate quote from the Assistant Fire Marshal) – there are a handful of evacuation routes (most to the east, into the likely fire), and only one realistic way out (turn right on Round Barn and turn right on Fountaingrove Parkway). The only way there could be "hundreds of ways" to leave the area would be running for your life through fields.

The only defense by staff in support of the idea that this proposed project does not need to address evacuations is:

"Staff also addressed concerns related to any potential evacuation for hotel guests in the event of a fire. Staff indicated that the site is relatively close to the freeway and that typically, that is the route people will use to evacuate. The orientation of the street layout is pretty straightforward--there are two ways to go, either back to the freeway or up into the hills and the intuitive route is to the freeway. There are two ways out from Round Barn and two ways out from Fountaingrove and then various combinations to get to other arterials. **Staff did not see any evacuation concerns and was unaware of any confusion people would have on a normal basis.**" (Emphasis added)

This is a stunningly tone deaf set of statements, and I must infer that whoever wrote them did not have to evacuate during the fires in 2017.

As noted above, being close to the freeway is irrelevant for this proposed project, since the fire burned across the freeway very close to this proposed project, rendering that route for evacuation useless.

Further, there are not “various combinations” to get to other arterials for evacuation – at least not combinations that don’t involve driving up hill and into the likely path of any future fire. As stated above, there is really only one way out, short of running.

Finally, not to see any evacuation concerns in what would obviously be a very abnormal situation indicates a lack of experience and/or imagination.

If you do not require applicant to develop an evacuation plan, including training for management and staff, the ability to wake all guests, mass evacuation transport, and other actions, I do not believe that you can make the required finding that this proposed project will be “safe.”

FIRE FLOWS

This proposed project would be within Pressure Zone R1, and according to the August 29, 2108 *Evaluation of the Water System’s Response in Fountaingrove to the October 2017 Fires* report, the area of the proposed project had the capability of providing fire flows of 2500 gpm at pressures greater than 20 psi for 2 hours. However, the tanks serving this area were without water for between 2-3 hours on February 9th (10 or 11 am to 1 pm).

According to the Staff Report, these real world fire flows exceed current requirements, but, interestingly, the Staff Report does not reference this Report’s findings or recommendations, including:

“For larger commercial properties, fire flow requirements generally fall between 1,500 and 2,500 gpm, with a fire duration of two hours. Larger industrial type buildings, institutional high-occupancy structures, high-occupancy residential housing, and other buildings can require up to 3,500 gpm and higher at a fire duration of three hours, but the required flows can vary.”

Will this proposed project alone, or the addition of this proposed project, cause an impact or a cumulative impact that will increase the fire flow need for this area to greater than 2500 gpm?

We don’t know, because there has been literally no acknowledgement of the possibility, let alone discussion or evaluation of this possible impact. To continue to repeat “it complies with current requirements/codes” is inadequate, especially since you are required to make a finding that the project will be “safe.”

The above, in conjunction with my 11/28/18 letter, and other communications regarding this proposed project, make it clear that without adequate additional conditions on this proposed project, it is unquestionable that the proposed project will absolutely “be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.”

2. PARKING REQUIREMENTS

There has been no response to my discussion of the inadequate parking provided by this proposed project in my 11/28/18 letter beyond “it complies with code.” Therefore, my comments stand.

I would make one additional comment, however. I was informed by a friend that because I'm old, I don't realize that many people don't rent cars any more when travelling. Instead they use a car service such as Uber. My response to that comment is:

- Yes, I'm old.
- This is not an ordinary hotel – it is an “extended stay” hotel, and as such will likely be filled with guests who are here for a longer period of time. I find it hard to believe that they would rely solely on a ride sharing service to shuttle them around during said longer stay.
- Even if my friend is correct, and 30% of the guests do use a ride sharing service as their sole source of transportation, while that would help to alleviate the lack of adequate parking for this proposed project, it would make the evacuation problems significantly worse since there would then be a large percentage of guests who could have no way to evacuate other than running for their lives.

It is clear that the inadequate parking will render this proposed project incompatible with the existing neighborhood, and in fact will negatively impact the surrounding neighborhood. If you don't require adequate on site parking, I don't believe you can make the finding that:

“The design, location, size, and operating characteristics of the Project would be compatible with the existing and future land uses in the vicinity in that the Project is consistent with the Fountaingrove Ranch Planned Community District development plan which envisions a Highway, Tourist, Office land use area in the vicinity of the Project site. Further, the Project site is located away from residential uses, and provides setbacks, circulation and design features compatible with the surrounding neighborhood.”

3. CONCLUSION

I am still sympathetic to Santa Rosa's desire for additional hotel rooms, particularly since the Hilton Hotel and Fountaingrove Inn, right next to this proposed project, both burned to the ground in the Tubbs fire.

Nonetheless, as you are well aware by now (since this is the third new project in this very high fire danger area that I have expressed significant concerns about), I am unhappy that Santa Rosa has yet to have the courage to broach the discussion about whether it's a good idea to be approving new development in Santa Rosa's Wildland Urban Interface very high fire hazard areas, and, if so, what conditions ought to be applied to any new construction in those areas.

Further, this will be the third new development project considered by Santa Rosa that has completely failed to adequately evaluate and mitigate the significant environmental impacts – particularly those related to wildfire dangers – of said projects.

For you to consider approving this new Residence Inn by Marriott literally right next door to the completely burned out Hilton Hotel, without any discussion of fire safety and evacuation issues and without a complete consideration of imposing new requirements on all developments in our very high fire hazard areas, strikes me as extremely imprudent.

Therefore, I request that you deny the requested approvals for this proposed project on the basis that:

1. The proposal for a Categorical Class 32 CEQA Exemption is unacceptable, and a full CEQA evaluation of the proposed project is required;
2. You are unable to make the required finding that: "Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located"; and
3. In addition to numbers 1 and 2, above, you are unable to make the required finding that: "The design, location, size, and operating characteristics of the Project would be compatible with the existing and future land uses in the vicinity in that the Project is consistent with the Fountaingrove Ranch Planned Community District development plan which envisions a Highway, Tourist, Office land use area in the vicinity of the Project site. Further, the Project site is located away from residential uses, and provides setbacks, circulation and design features compatible with the surrounding neighborhood."

Thank you for your consideration. As always, please do not hesitate to contact me if you have any questions.

Sincerely,

Sonia E. Taylor

Attachments

Cc: David Guhin, Director of Planning and Economic Development
Clare Hartman, Deputy Director, Planning
Gary Broad, Contract Planner
Amy Nicholson, City Planner
Will Schmidt, Press Democrat
Jim Sweeney, Press Democrat
Greenbelt Alliance
Harry B. Richardson, Jr., M.D.

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28 November 2018

Casey Edmondson, Chair
Karen Weeks, Vice Chair
Patti Cisco
Vicki Duggan
Curt Groninga
Akash Kalia
Julian Peterson
Santa Rosa Planning Commission

Via email

Re: Planning Commission Agenda Item 10.3, Residence Inn by Marriott, 11/29/18 Meeting

Dear Chair Edmondson and Members of the Santa Rosa Planning Commission:

As part of your consideration and potential approval of the Residence Inn by Marriott, you are required to make a number of explicit findings. I am in particular interested in two separate findings:

1. "The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity."
2. "Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located."

I do not believe you can make either finding based on a preponderance of the evidence. In addition, you are required to make a finding that the project has been reviewed in compliance with CEQA, and contrary to staff's position that this project is eligible for a Categorical Class 32 Infill CEQA Exemption, I respectfully disagree and do not believe you can make this finding, either.

My reasons for this opinion is set forth below. I apologize in advance for the length of this letter, but I feel that it is important to set forth the evidence supporting my positions so you can make an informed decision.

Based on the below, I request that you deny this request for a Conditional Use Permit and for a Hillside Development Permit. These two requested approvals are discretionary permits. This means that you have the discretion to say "no." You also have the ability to condition any approvals in any reasonable manner you see fit.

This is not only your right, it's your responsibility.

CEQA/THE PROPOSED PROJECT WILL BE INJURIOUS OR DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE, OR MATERIALLY INJURIOUS TO PERSONS, PROPERTY, OR IMPROVEMENTS IN THE VICINITY AND ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED

These two findings are intertwined in this case.

You are being requested to approve the within Conditional Use Permit and Hillside Development Permit by agreeing that this project is eligible for a Categorical Class 32 Infill CEQA Exemption.

To make the finding for a Categorical CEQA Exemption, you must find that: “there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

As I will set forth below, there is no question that the proposed project, if approved with a Categorical CEQA Exemption, will at least have indirect and cumulative significant environmental impacts, and that those impacts are directly related to the unusual circumstance of the Tubbs fire.

Therefore, this project, if approved, will unquestionably be “be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.”

I’m sure all of you are as disturbed as I am by what seems to be the endless destruction by wildfires in California, including horrifying loss of life and property.

Since it’s only been just over a year since the Tubbs fire, and much less than that since the Camp and Woolsey fires, there are no definitive answers or solutions....yet. There is, however, general agreement that this is the “new normal,” that climate change is contributing to greater incidents of destructive wildfires and that they will increase as climate changes increase¹, that medium density (and denser) development in Wildland Urban Interface (WUI) areas is a major risk factor, and that building standards will have to be changed if we hope to reduce the risk for buildings and people living in the WUI areas. It is also possible that certain parts of California may simply become uninsurable by traditional means due to the significant losses insurance companies have been suffering.

There are plenty of expert opinions on these subjects, even if nothing is quite finalized yet, and as such I submit that all of these concerns in and of themselves constitute substantial evidence as defined by CEQA, and are therefore adequate for you to determine that this proposed project does not qualify for a Categorical CEQA Exemption because there will indeed be significant environmental impacts due to the unusual circumstances of increased wildfire dangers if this project is approved as currently proposed.

However, below I will discuss three unalterable facts that will bolster the argument that this project does not qualify for a Categorical Class 32 CEQA Exemption.

¹ See, among other reports, the Fourth National Climate Assessment, <https://nca2018.globalchange.gov/>

1. Santa Rosa Local Hazard Mitigation Plan

The Local Hazard Mitigation Plan adopted in 2016 (see, <https://srcity.org/DocumentCenter/View/3982/Local-Hazard-Mitigation-Plan-Draft-PDF?bidId=>) states as follows regarding the dangers from wildfires in the WUI very high fire hazard severity zone where this project is proposed:

“Exposure to future wildfires is expected to increase. . . . With population growth and urbanization, a larger number of people and homes may be located in areas of wildfire risk. However, the General Plan designates the density of homes in Santa Rosa’s WUI as primarily low density, including Very Low Density Residential (0.2–2.0 units per acre), Land Low Density Residential (2.0-8.0 units per acre).

A number of mitigation measures are proposed in the Local Hazard Mitigation Plan, including:

“1.1 Continue to apply appropriate development conditions/restrictions for projects in higher hazard zones to reduce risks.”

“1.9 In accordance with the adaptation strategies of the Climate Action Plan, assess the possible impacts of climate change on a proposed project or area plan in the development review or policy development process.

“1.16 Continue to improve the reliability of water supply for emergency response purposes through new water main connections and system improvements.

“2.4 Continue to implement improvements to water flow capacity in the WUI.

It is clear that this proposed project, while it may be in “general” compliance with the almost four decade old Fountaingrove Ranch Policy Statement and the 2009 General Plan, does not propose “low density” development, which is an assumption contained in the Local Hazard Mitigation Plan on which that Plan’s mitigation measures are based.

The only “appropriate development conditions/restrictions” proposed for this project are compliance with whatever building codes are in effect when the building permit for the proposed project is applied for. This is clearly an inadequate mitigation, as the science around what building requirements will be necessary in the future is quickly evolving. Although it is possible that new building requirements will be in effect when permits for this project are pulled, it is equally possible that they will not yet be codified and adopted, meaning that this project could be built to inadequate standards.

With regard to Santa Rosa’s Climate Action Plan, it is completely out of date, and does not contain any requirements related to the “new normal” of intensified and more frequent wildfires. Therefore, this project’s “compliance” with said Climate Action Plan is meaningless.

As far as the Santa Rosa Fire Department’s ability to fight fires in Fountaingrove, it is clear that it is highly questionable whether they can adequately protect this proposed project in the all too likely event of another wildfire in this area.

CEQA, at Section 21083.3(d), does state that If Santa Rosa has adopted uniformly applied development policies or standards that will substantially mitigate the environmental impact of – in this case – wildfire dangers, then the effect of this project on the environment will not be considered peculiar to the parcel/project. However, this section also clearly states that this will not relieve Santa Rosa from compliance with CEQA when “substantial new information shows that the policies or standards will not substantially mitigate the environmental effect.”

The August 29, 2018 “Evaluation of the Water System’s Response in Fountaingrove to the October 2017 Fire” report accepted by the Santa Rosa City Council on September 7, 2018 is deeply troubling. (See, https://srcity.org/DocumentCenter/View/21589/Evaluation-of-Water-System-in-resonse-to-Tubbs-Fire_Final_082918 for this Report.)

At page 8 of the document: “Both the *AWWA M31* and the *IFC* provide guidelines for calculating the requirements for fire flow for individual buildings and properties but, as noted above, they do *not* include explicit requirements for the design of the water system. Using either of these sources, the required fire flow for one- and two-family dwellings generally ranges between 500 and 1,500 gpm with a fire duration of one hour. For larger commercial properties, fire flow requirements generally fall between 1,500 and 2,500 gpm, with a fire duration of two hours. **Larger industrial type buildings, institutional high-occupancy structures, high-occupancy residential housing, and other buildings can require up to 3,500 gpm and higher at a fire duration of three hours, but the required flows can vary. Santa Rosa’s Fire Code stipulates a minimum requirement of 1,500 gpm for a duration of two hours for all properties, and larger non-residential property fire flow requirements can exceed this.**” (bold emphasis added)

At pages 13 and 14, the report states (with caveats) that all of the water tanks in Fountaingrove could meet the storage requirements of 1,500 gpm for 2 hours. Although most of the tanks could meet a fire flow of 2,500 gpm for two hours with a minimum pressure of 20 psi, the report states that “In summary, none of the pressure zones are capable of providing 2,500 gpm to *all* areas with a minimum pressure of 20 psi.” (emphasis in original)

At page 29 of the report, the following recommendation is made: “While currently requiring a minimum fire flow of 1,500 gpm, in its 2014 Water Master Plan, the City reviewed the possibility for higher fire flow requirements. **As it rebuilds the Fountaingrove area, Santa Rosa should consider differentiating, and perhaps increasing, fire flow goals based on land-use, zoning or structure-type, as well as Fire Codes.** As part of its considerations, the City will need to weigh the cost-effectiveness and potential water quality impacts of any modifications.” (bold emphasis added)

It is clear that this is substantial evidence under CEQA that there is a possibility, or even a probability, that were there another wildfire in the area of the proposed project, there may not be adequate fire flows. Exacerbating this possible/probable fire flow problem, this project is proposed in an area already developed with other high occupancy uses, including the as yet unrebuilt Hilton and Fountaingrove Inn, as well as the recently approved dense housing in Round Barn Village. Further, Santa Rosa has not yet commenced the discussion of how to deal with this situation, as recommended in the report.

With a real CEQA evaluation of this proposed project, instead of a recommendation for a Categorical Exemption, perhaps a conditions could be required of the proposed project to mitigate this inevitable environmental impact, such as, for instance, that it supply its own water on site for fighting any future wildfire.

Without adequate additional conditions on this proposed project, it is unquestionable that the proposed project will absolutely “be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.”

2. Santa Rosa Sales Tax

If the Tubbs fire, and Santa Rosa’s attempted recovery therefrom were not an “unusual circumstance,” Santa Rosa would not have gone to the voters and requested that we tax ourselves, as they did in November, 2018.

The ballot question for this tax – Measure O – was as follows:

“To provide temporary funding to recover from the October 2017 fires and preserve city services including maintaining 9-1-1 emergency response times and neighborhood police patrols; repairing potholes, streets and sidewalks; rebuilding firefighting infrastructure and fire prevention; shall the City of Santa Rosa enact a one-quarter cent sales tax for six years only, generating approximately \$9 million annually, for unrestricted general fund purposes, subject to annual audits, with all revenue staying in Santa Rosa?”

The voters agreed, and passed this tax by 59.93%. Unquestionably, based on the City’s own actions in seeking additional tax revenues, the Tubbs fire is an “unusual circumstance” under CEQA.

3. Evacuation Plans

This proposed project will likely have an average of approximately 100 people on site (see below discussion of neighborhood compatibility/parking for back up for that number). Further, although the assumption can be made that the bulk of those individuals will be of sound mind and body, the vast majority of them will be visitors to Santa Rosa, and will less than familiar with the area. Further, the majority of those individuals will have individual vehicles on site.

The proposed project provides two exits, but both exits are onto the same street, and that street is substandard.

In the event of a wildfire, all of these individuals at the proposed project will be at risk of being unable to safely evacuate due to the above factors.

Recently there have been at least two court decisions where CEQA documents were rejected due to lack of evacuation plans. Those lawsuits are Protect Our Homes and Hills, et al. v. County of Orange, et al., Yorba Linda Estates, LLC (RPI), Fourth Appellate District, Division Three, Case No. G054185, October 2017 and League to Save Lake Tahoe Mountain Area Preservation Foundation, et al. v. County of Placer, et al., Sierra Pacific Industries, et al. (RPI), Placer County Superior Court, Case No. SCV-38666, March 12, 2018.

In both cases CEQA documents, and therefore proposed projects, were rejected because they were approved without minimum evacuation standards for the projects. Both projects were proposed for very high fire danger areas, as the within project is, and both decisions required the deciding bodies to

adequately analyze emergency fire evacuations in their CEQA documents prior to approving the projects.

While I have not attached the decisions in both of these cases to this letter, I have them in my files, and am happy to provide them upon request.

Section 21083.3(a) and (b) of CEQA require that projects such as the within proposed project receive further CEQA evaluation if it can be show that there is substantial new information showing that impacts will be more significant than that described in prior EIRs.

Although the area this proposed project is located in does have an underlying DEIR and FEIR, those documents are dated March 1980 and April 1981, respectively – almost four decades ago. I have reviewed these documents, and the underlying DEIR neglected entirely to adequately address wildfire hazards and associated mitigation measures. When that was pointed out in a comment to the DEIR, the FEIR’s entire “mitigation”/comment on this subject was:

“The project site is located in a very high fire danger areas. The Fire Department asks for removal of ordinary combustible vegetation and that it be replaced with a flame retardant landscape. For example, a fire abatement program would be instigated with the project sponsor by the Department, requiring the removal of dead brush in open areas in the future. Special attention would be given to developers providing an adequate network of firebreaks, firetrails and emergency vehicle access routes to open space areas to lessen the potential hazards of wild fire.”

Clearly this is now a wholly inadequate “mitigation.”

Although the area was also studied in Santa Rosa’s 2009 General Plan and associated EIR – almost a decade ago – and the General Plan identifies the WUI very high fire hazard severity zones (including this property), the entire General Plan discussion appears to be limited to these comments:

“Fire-resistant building materials and landscaping contribute to prevention of damage to residences in case of a wildfire. General Plan policies requiring adequate fire flows and community fire breaks in residential subdivisions also minimize potential for fire damage.”

The General Plan also references the Local Hazard Mitigation Plan, which was finalized in 2016; see discussion, above. See also, discussion of fire flows, above.

Santa Rosa’s General Plan EIR also appears to have no substantive discussion of how to mitigate loss of property/life due to wildfires. The entire comment is:

“Significant impacts would occur if implementation of the proposed Santa Rosa General Plan 2035 results in: . . . Exposure of people or structures to a significant risk of loss, injury or death involving wildland fires.”

The General Plan EIR does also reference what is now the 2016 Local Hazard Mitigation Plan; again, see discussion about this Plan, above.

It is clear and unambiguous that I have provided substantial and significant information that should require a full CEQA evaluation of this project prior to its approval. There has been no CEQA evaluation discussing emergency fire evacuation plans in any of the underlying CEQA documents, and, since this specific project is proposed to receive a Categorical Class 32 CEQA Exemption, there has been no evaluation specific to this proposed project regarding emergency fire evacuations, at all.

We all well remember the evacuation difficulties, including the unfortunate loss of life, during the Tubbs fire (which should have been driven home during the very recent Camp and Woolsey fires). At the very minimum, a CEQA evaluation of this project should be required, with full consideration of emergency evacuation plans, prior any approvals.

As you are all no doubt aware, recently a settlement was reached regarding the evacuation of the Villa Capri assisted living facility. While this proposed project is not an assisted living facility, and you may “assume” that patrons residing at this hotel will be able bodied, you also will have to assume that most of the patrons will be unfamiliar with Santa Rosa. Further, due to the location, design and siting of the proposed project, the ability to safely evacuate will be difficult due to surrounding high occupancy uses, and difficult traffic/access issues.

I believe that the State’s requirements for evacuation plans in that settlement are instructive. I have attached the State Settlement document to the email sending this letter; please see pages 4-6 for the State’s requirements for emergency disaster/evacuation plans.

There is no question in my mind that you can neither make a finding about the proposed project that “Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located,” nor make a finding that a CEQA Exemption is allowable for this proposed project.

I repeat my request that you do not approve either the Conditional Use Permit or the Hillside Development Permit, and that you require that the proposed project receive a full CEQA evaluation and/or at a minimum that the proposed project be required to have conditions attached to it to mitigate the possible/probable lack of fire flows to fight a future wildfire and to establish safe emergency evacuation procedures.

Now I will address the “neighborhood compatibility” finding you are required to make to approve this proposed project. To refresh your memory, since this is such a long letter, you are required to make a finding that “The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.”

The issue of views has been covered by other persons, and the parking issue has been touched on. I will expand on the inadequacy of the parking proposed to be provided by this project, because I believe that said inadequate parking will prevent you from making the above finding.

PARKING ISSUES

The staff report is correct that Santa Rosa's Zoning Code only requires one parking spot for each room at a lodging facility (there are requirements for additional parking if there are other uses that will occur on site, but that is not the case here, so is irrelevant).

This project will have 114 rooms, and allegedly proposes to provide 116 parking spaces². The breakdown of the hotel rooms that will be provided is as follows:

Studios = 59
1 Bedroom Units = 49
2 Bedroom Units = 6

This is not a "typical" lodging facility. As Marriott's own promotional materials state: "It's Not a Room, It's a Residence." (<https://hotel-development.marriott.com/brands/residence-inn/>) It's clear that this proposed project will be attempting to fill its rooms with patrons who are a different type, and who will be staying longer than in a "normal" hotel.

As their own marketing materials state, the average occupancy rate is 79.3%, and of that 40.4% will be extended stay patrons. (<https://hotel-development.marriott.com/wp-content/uploads/2018/11/Residence-Inn-NoAm-November-2018-One-Pager.pdf>)

Finally, Marriott's own materials show that their rooms sleep the following number of individuals:

Studios = 1-4 people
One Bedroom Units = 1-4 people
Two Bedroom Units = 1-6 people

(<http://www.residenceinn.marriott.com/extended-stay-suites/>)

While it is possible that there will only be one vehicle per room, no matter how many people might be staying in each room, I suspect that's unlikely, particularly for the extended stay patrons.

So, let's crunch some numbers, shall we? If the average occupancy rate is 79.3%, that would be an average of 90 rooms occupied at all times. For purposes of this letter, let's assume that that would equate to 47 studios, 39 one bedroom units, and 4 two bedroom units.

A minimum likely number of parking spaces used by the patrons will be 90 (although there may be some patrons who only use car services or public transportation, I believe it's safe to say that number of patrons would be so small as to approach zero).

Of those 90 rooms, 40.4% will be occupied by extended stay patrons, which would be at least 36 rooms.³ These patrons are unlikely to be family units, who might all be using one vehicle for their

² Attachment 3 – Site Plan, however, only shows 114 spaces, not 116 spaces.

³ Of course, depending on how rebuilding is going, it is possible that at least for the foreseeable future, this Residence Inn could be virtually 100% occupied with patrons involved in the rebuilding – management, construction workers, etc. – which would increase both the occupancy rate and the number of vehicle spaces utilized since someone essentially living at the Residence Inn would likely have regular visitors.

travels, and if there is more than one extended stay resident in only 10 of the 90 occupied rooms, it is likely that those 10 rooms would have more than one vehicle needing a parking place.

Therefore, under the Marriott's own "best" circumstances, there will be at least 90 parking spaces needed at all times for patrons of their establishment, with the potential for perhaps another 10 spaces needed for extended stay patrons with 2 residents in a single room, for a possible 100 parking spaces required by patrons of the Residence Inn.

As Graphic A attached to Harry Richardson, MD's November 20, 2018 letter shows, there is no off street parking likely to be available on Round Barn Circle, meaning that all necessary parking will need to be provided on site.

This proposed project allegedly provides 116 total parking spaces. If between 90 and 100 are taken up by patron parking, that leaves between 26 and 16 spaces available for all employee parking, for all visitor parking, for all incidental delivery/service provider parking.

Unless this Residence Inn will be different than other facilities in this chain, they will offer dry cleaning (not on site, which will require pick up and delivery), free grocery delivery (requiring delivery), and a private meeting space (Attachment 4 – Elevations Floor Plans and Sections shows a meeting room with 16 chairs around a table), and obviously any patron using the private meeting space would likely need parking for visitors attending said meetings.

My research indicates that a possible total staffing scenario would be 1 employee for each 3 rooms, which would be 38 total employees. Of course, not all of those employees would be on duty at the same time. But, if even half of them are on duty during daylight hours, that could be up to 19 parking spaces needed just for the employees.⁴ To be conservative, let's say that there will be 15 employees on site at any one time.⁵

Parking Summary, per day, average:

90 rooms occupied = 90 parking spaces
10 patrons in rooms with other patrons, with separate vehicles = 10 parking spaces
2 deliveries each day = 2 parking spaces (groceries and dry cleaning)
1 pick up each day = 1 parking space (dry cleaning)
2 visitors each day = 2 parking spaces
15 employees on each shift = 15 parking spaces

TOTAL PARKING SPACES NEEDED EACH DAY: 120

It's clear that this proposed project is not providing enough parking spaces for even an average expected occupancy. This is not even a worst case scenario – this is based on the Marriott's own numbers, and reasonable assumptions.

⁴ I believe it is unreasonable and unlikely to assume most (or any) staff will be taking alternative transportation to their jobs.

⁵ If Marriott wants to divulge their employee numbers that would be very enlightening.

If you want to be extremely conservative about the necessary parking, let's just assume that on average only 90 spaces are needed for patrons and 15 spaces are needed for employees, every day. Even that conservative calculation shows a need for 115 spaces, leaving only ONE parking space available for other uses.

It's abundantly clear that this proposed project does not provide adequate on site parking, and that it is unreasonable (and unsafe) to assume that there will be off site street parking available for this proposed project.

Please reject this project, or at least require that the proposed project provide an adequate amount of on site parking for their needs.

It is clear, based on the above numbers, that this project will not be compatible with the existing neighborhood, and in fact will negatively impact the surrounding neighborhood. Absent a requirement for adequate on site parking, I do not believe that you can make the required finding that "The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity."

CONCLUSION

I am sympathetic to Santa Rosa's desire for additional hotel rooms, particularly since the Hilton Hotel and Fountaingrove Inn, right next to this proposed project, both burned to the ground in the Tubbs fire.

Nonetheless, as you are well aware by now (since this is the third new project in this very high fire danger area that I have expressed significant concerns about), I am unhappy that Santa Rosa has yet to have the courage to broach the discussion about whether it's a good idea to be approving new development in Santa Rosa's Wildland Urban Interface very high fire hazard areas, let alone what conditions ought to be applied to any new construction.

Further, this will be the third new development project the Planning Commission has considered that has completely failed to adequately evaluate and mitigate the significant environmental impacts – particularly those related to wildfire dangers – of said projects.

On Saturday, November 24th, the L.A. Times had an thoughtful editorial about rebuilding Paradise, but also about building in high fire danger areas. See <https://www.latimes.com/opinion/editorials/la-ed-wildfire-rebuild-20181124-story.html>.

For you to consider approving this new Residence Inn by Marriott literally right next door to the completely burned out Hilton Hotel, without any discussion of fire safety and evacuation issues and without a complete consideration of imposing new requirements on all developments in our very high fire hazard areas, strikes me as extremely imprudent.

Therefore, I request that you deny the requested approvals for this proposed project on the basis that:

1. The proposal for a Categorical Class 32 CEQA Exemption is unacceptable, and that a full CEQA evaluation of the proposed project is required;

2. You are unable to make the required finding that: “Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located”; and

3. In addition to numbers 1 and 2, above, you are unable to make the required finding that: “The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.”

Thank you for your consideration. As always, please do not hesitate to contact me if you have any questions.

Sincerely,

Sonia E. Taylor

Cc: Mayor Chris Coursey
Vice Mayor Chris Rogers
Councilmember Julie Combs
Councilmember Ernesto Olivares
Councilmember John Sawyer
Councilmember Tom Schwedhelm
Councilmember Jack Tibbetts
David Guhin, Director of Planning and Economic Development
Clare Hartman, Deputy Director, Planning
Gary Broad, Contract Planner
Amy Nicholson, City Planner
Will Schmidt, Press Democrat
Jim Sweeney, Press Democrat
Greenbelt Alliance
Harry B. Richardson, Jr., M.D.

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LEGAL DIVISION
Department of Social Services
Office of Chief Counsel
KEVIN P. MORA
Assistant Chief Counsel
TARA RUFO
Staff Counsel IV
744 P Street, MS 8-5-161
Sacramento, CA 95814
Telephone Number: (408) 324-2115
Facsimile Number: (408) 324-2133
tara.rufo@dss.ca.gov

Attorneys for Complainant

BEFORE THE
DEPARTMENT OF SOCIAL SERVICES
STATE OF CALIFORNIA

IN THE MATTER OF:

VARENNA LLC, OAKMONT SENIOR
LIVING LLC, and OAKMONT
MANAGEMENT GROUP LLC,
dba Villa Capri Residential Care Facility for
the Elderly
("Villa Capri")
1397 Fountaingrove Parkway
Santa Rosa, CA 95403

VARENNA LLC, OAKMONT SENIOR
LIVING LLC, and OAKMONT
MANAGEMENT GROUP LLC,
dba Varenna at Fountaingrove
Residential Care Facility for the
Elderly
("Varenna")
1401 Fountaingrove Parkway
Santa Rosa, CA 95403

DEBORAH SMITH
Administrator, Villa Capri

NATHAN CONDIE
Administrator, Varenna

Respondents.

CDSS NO. 7218241101-F
OAH No. 2018091018

STIPULATION AND
WAIVER; AND ORDER

1 the elderly and continuing care retirement communities. All requirements set forth
2 in Health and Safety Code section 1569.695, as amended by Assembly Bill 3098,
3 Chapter 348 of the Statutes of 2018, imposing new requirements relating to
4 emergency and disaster response plans, a copy of which is attached as
5 Attachment 2 and incorporated by reference, shall be complied with. All further
6 references to Section 1569.695 refer to the version of that Health and Safety
7 Code section that was amended by Chapter 348 of the Statutes of 2018.

8 B. Within sixty (60) days of the effective date of the Order adopting
9 this Stipulation and Waiver, Respondents shall submit to the Department
10 updated emergency disaster plans for Villa Capri and Varenna. The plans shall
11 be site-specific and shall be updated annually and reviewed and approved by
12 Respondents. Respondents shall develop a protocol to encourage review of the
13 plans by local emergency authorities consistent with subdivision (j) of Section
14 1569.695. In addition to complying with the requirements set forth in Health and
15 Safety Code Section 1569.695, the plans shall include the following:

16 (1) A system for maintenance of readily-accessible current
17 information about the status of all residents for evacuation purposes,
18 including current information about which residents are non-ambulatory,
19 bedridden, and/or unable to leave the facility without assistance, and a
20 protocol regarding the assistance residents would need in the event of an
21 emergency evacuation, with consideration given to additional assistance that
22 would be required based on a resident's location on a non-ground-level floor.
23 The information shall also be current regarding whether a resident uses
24 hearing aids, glasses, or requires another assistive device, such as oxygen or
25 a wheelchair. This information shall be maintained offsite and accessible
26 remotely by management, as well as at the facility in a hard copy format. For
27 purposes of this paragraph, information shall be considered current if it

1 reflects the most recent information available to the facility pursuant to Title
2 22 of the California Code of regulations, sections 87463 and 87467.

3
4 (2) A mechanism to reasonably ensure the accessibility of all
5 information required to be readily available to facility staff in case of an
6 emergency, as set forth in Health and Safety Code section 1569.695(e), via
7 remote means and offsite.

8 (3) A method whereby the facility's administrator and designated
9 substitutes receive real-time emergency notifications from public safety
10 agencies so that such information can be disseminated to on-duty staff.

11 (4) Procedures for periodically confirming the location and
12 status of each resident after an event that results in the implementation of the
13 emergency evacuation plan if the resident has not returned to the facility, in
14 addition to the requirements of Health and Safety Code section
15 1569.695(a)(7)(H).

16 (5) A clear protocol for notifying residents' responsible parties or
17 family members during evacuation, if reasonably practicable; immediately or
18 as soon as practicable after any relocation; and on a regular basis following
19 any relocation or evacuation.

20 (6) A written description of the role and responsibility of the
21 facility's administrator and designated substitutes with regard to emergencies,
22 as well as steps the facility has taken to ensure there is a qualified designated
23 substitute at the facility at all times pursuant to Health and Safety Code
24 section 1569.618.

25 (7) Where audio and visual alarms are absent, an alternative
26 method shall be developed and submitted to the Department for review and
27 approval whereby all facility residents would be notified of the need for

1 evacuation of the entire facility, including independent living and casita
2 residents, with consideration given to the likelihood that residents may have
3 hearing impairments.

4 (8) Designation of a staff position at each site to be in charge of
5 safety and security.

6 (9) A process for communicating with residents, families,
7 hospice providers and others during an evacuation or other disaster where
8 the facility shelters in place, as appropriate, that shall include the use of
9 landlines, cellular telephones, or walkie-talkies throughout all facilities, and
10 taking into consideration whether cellular reception is weak, for purposes of
11 complying with the requirements set forth in Health and Safety Code section
12 1569.695(a)((7)(C).

13 D. Within sixty (60) days of the effective date of the Order adopting
14 this Stipulation and Waiver, Respondents shall submit updated staffing plans for
15 Villa Capri and Varenna to the Department to ensure there is sufficient staff,
16 including sufficient staff to reasonably ensure residents receive timely notice of an
17 evacuation and to address residents' needs as reasonably practicable during an
18 evacuation Respondents shall focus particularly on staffing between 10:00 pm and
19 6:00 am to ensure sufficient staff based on the actual needs of residents in care at
20 the facilities. During the period of probation, these plans shall be readily available
21 for review at the monitoring visits by the Department.

22 E. In addition to the requirement of Health and Safety Code section
23 1569.695(b) that each facility staff member receive emergency and disaster plan
24 training upon hire, within sixty (60) days of the effective date of the Order adopting
25 this Stipulation and Waiver, Respondents shall submit an updated training plan to
26 the Department that ensures all current staff, including night staff, have received
27 training required pursuant to this Stipulation and Waiver; and the Order adopting it

Santa Rosa Office
555 Fifth Street, Suite 300 A
Santa Rosa, CA 95401
(707) 575-3661

February 8, 2019

Mayor Tom Schwedhelm and
Santa Rosa City Council
City Hall
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Via email

RE: Feb. 12, 2019 - 16.1 PUBLIC HEARING - RESIDENCE INN BY MARRIOTT (AJAIB BHADARE) APPEAL OF THE PLANNING COMMISSION ACTION ON THE CONDITIONAL USE PERMIT FOR A PROPOSED RESIDENCE INN BY MARRIOTT HOTEL AT 3558 ROUND BARN CIRCLE, SANTA ROSA, CA 95403; ASSESSOR'S PARCEL NUMBER 173-020-008; FILE NO. PRJ17-045 AND CUP18-162.

DENY APPEAL OR REQUIRE CONDITIONS FOR FIRE-SAFE, ENVIRONMENTAL AND HOUSING -JOBS

Dear Mayor Schwedhelm and City Council,

Greenbelt Alliance urges you to deny the appeal of the Planning Commission's decision not to issue a conditional use permit for the proposed new Marriott Residence Inn at 3558 Round Barn Circle, Santa Rosa.

If the City Council allows the hotel to move forward, Greenbelt Alliance urges you to require additional consultation, review and conditions to address fire risk, environmental impacts and contribution to the housing-jobs imbalance. See summary and details below.

The Marriott Residence Inn is the first new development in the burned area that's been denied due to concerns about fire risk. Now is the first opportunity for the City Council of Santa Rosa to take a closer look at new development in the burned area of Fountaingrove and how to make the neighborhood more fire-safe and climate-smart.

It is also an opportunity for the Marriott Residence Inn to take into consideration the community trauma and devastation still lingering from the fires and step up to fully address the concerns of the community. Surely the Marriott Corporation is willing and able to invest in Santa Rosa's recovery and incorporate the next generation of fire-safe best practices, construction, and landscaping as well as zero-net energy and all electric climate-smart standards.

We hope you will consider the following recommendations and concerns before making a determination on the Appeal of the Conditional Use Permit for the Marriott Residence Inn.

Here is a summary of the conditions on the hotel we urge you to consider if the appeal is denied. Detailed discussions follow.

In order to address public health and safety and for the City Council to make the findings in the Resolution, the hotel must be required to:

- Use next-generation fire-safe practices including construction, design, defensible space, fire breaks and evacuation plans beyond minimum fire code to prevent loss of life.
- Fund a Community Wildfire Protection Plan for the city and/or the Round Barn Area.
- Conduct a more complete environmental review and mitigate the impacts.
- The CEQA exemption for infill doesn't apply here (details below).
- Meet 2020 state requirements for all-electric ready, net zero energy construction.
- Contract for Evergreen electricity with Sonoma Clean Power.
- Pay a \$15 minimum wage to all workers.
- Contribute to affordable housing fund in the City of Santa Rosa or otherwise ensure affordable housing for workers at the hotel.
- Address all of the concerns of the cancer center located next to the hotel site.

DETAILED COMMENTS

1. Fire Risk and Prevention – Community Wildfire Protection Plan

Please add these fire-safe conditions to the Marriott Residence Inn use permit:

- Require the that the hotel incorporate the most advanced fire-safe best practices in the construction, design, defensible space, fires breaks and evacuation plans that go beyond minimum fire code to address the “new normal.”
- Require that the hotel fund a Community Wildfire Protection Plan for the city and/or the Round Barn Area.
- Require that the hotel conduct or fund a cumulative assessment of the overall fire risk in the Round Barn Area and propose and implement measures to reduce and prevent loss of life and structures.
- The hotel should be required to implement and maintain defensible space and fire breaks.
- Please see attached letter to Governor Newsom from wildfire experts for more detailed recommendations.

2. Environment

The staff report makes the determination that the Marriott Residence Inn is completely exempt from CEQA under the Class 32 Exemption for Infill. We believe this finding is incorrect for these reasons:

A. Under CEQA, the legal standard for preparing an EIR is very low. Specifically, CEQA provides that a lead agency may issue a negative declaration and avoid preparing an EIR *only* if “[t]here is no substantial evidence, in light of the whole record before the lead agency, that the Project may have a significant effect on the environment.” CEQA § 21080(c)(1).

Given the significantly changed circumstances in the environmental conditions in the area (in particular the Tubbs fire, water contamination, housing crisis), Greenbelt Alliance urges the City Council to reconsider the CEQA exemption and request that additional CEQA review be conducted.

B. The CEQA environmental issues that need to be further analyzed and mitigated include:

1. Vehicle Miles Traveled and GHG emissions (while not required, it will be required next year by the time this hotel gets built, if it does; and is certainly in line with the city's CAP and desire to reduce VMTs.)
2. Water and groundwater quality, availability and sustainability
3. Air pollution
4. Soil and toxic conditions
5. Hazardous conditions (fire, geology, flood, etc.)

C. Class 32 CEQA Categorical Exemptions

5332. In-Fill Development Projects.

The hotel does not meet the following conditions of this section:

5332. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Comment: The hotel project is just shy of the 5-acre threshold for Categorical Exemptions at 4.6 acres. Rounding up to require at least an Initial Study would provide the City Council and public with more information on potential environmental impacts and allow for better decisionmaking.

5332. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Comment: The hotel will create significant traffic impacts, as noted in the staff report. The impacts from noise, air quality or water quality were not assessed, so how the finding was made of "no significant impacts" is not clear. Additional environmental review would provide the City Council and public with more information on potential environmental impacts and allow for better decisionmaking.

Relevant text from CEQA statute, emphasis added: *This section is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2.*

Section 15300.2. Exceptions to CEQA Exemptions

The hotel project does not qualify for a CEQA Exemption under these two provisions:

Section 15300.2. b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Comment: The Residence Inn is only one of multiple commercial projects proposed in the immediate Round Barn area of of the “same type in the same place,” including the rebuild of the Hilton Hotel and Fountaingrove Inn, the luxury resort next door on county lands in the community separator; and several similar types of projects including the Round Barn Village Townhomes.

Section 15300.2. (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Comment: The unusual circumstance is the Tubb’s fire of October 2017 and associated environmental impacts to air, water, soils, vegetation and public health that need to be addressed and remedied systemically as new development occurs.

D. Hotel does not meet state infill standards for sustainability

The ABAG infill standards for CEQA exemptions for projects in Priority Development Areas specifically state that it applies to PDAs with Specific Plans in place. The PDA that includes part of Fountaingrove does not have a Specific Plan or associated CEQA document. See attached fact sheet.

The state Office of Planning and Research clearly states that CEQA streamlining for infill projects are designed to encourage transit-oriented development near major transit stops that reduce auto travel, GHGs, and provide walking and biking. This project does not meet any of these goals, or if it does, there are no environmental documents to make that case.

Infill Development

OPR definition <http://opr.ca.gov/planning/land-use/infill-development/>

The term “infill development” refers to building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas. Infill development is critical to accommodating growth and redesigning our cities to be environmentally- and socially-sustainable.

OPR works with agencies and jurisdictions at both the state and local levels to support infill development and reduce sprawl. OPR is committed to promoting compact development in order to:

- Reduce greenhouse gas emissions and improve regional air quality by reducing the distance people need to travel.
- Reduce conversion of agricultural land, sensitive habitat, and open space for new development.
- Reduce costs to build and maintain expensive infrastructure.
- Facilitate healthy and environmentally-friendly active transportation.
- Reduce storm-water runoff resulting in flooding and pollution of waterways.

Read more and see related attachments. <http://opr.ca.gov/ceqa/updates/sb-226/>

E. Climate-smart construction and VMTs

One way to address the hotel's lack of sustainable or climate-smart features is for the City Council to require that the new Residence Inn meet the 2020 state requirements for all-electric ready, net zero energy construction and to contract with Sonoma Clean Power for Evergreen level of service. The City Council should also require the Residence Inn to provide shuttles for hotel customers to SMART and public transit and free passes to SMART and public transit to reduce VMTs.

3. Discretionary Standards

The staff report analyzes the City Council's ability to make "discretionary" decisions.

The hotel conditional use permit is discretionary and the City Council can make a finding that it meets at least these two standards for making a discretionary decision to deny the hotel or require additional conditions:

e) Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

Comment: Due to fire risk, the hotel project has the potential to be "injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

f) The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Comment: The project has not been reviewed and is not in compliance with CEQA. See above.

4. Housing-Jobs Imbalance

The staff report indicates that the Residence Inn will benefit the economy by providing sales tax and new jobs. However, it does not consider that most of the jobs will be low-paying services jobs. As a result, the new hotel project is likely to exacerbate the housing crisis.

As the City Council may be aware, the Marriott chain is currently the target of a union campaign to achieve better wages and working conditions for employees where strikes and pickets are underway in San Francisco.

To offset the impacts of the Residence Inn to the housing crisis the City Council should:

- Require the Marriott Residence Inn to pay a minimum wage of at least \$15 per hour.
- Require the Marriott Residence Inn to pay a commercial-housing linkage fee to help fund affordable housing.

- Or require the Marriott Residence Inn to build or contribute to building affordable housing, such as the proposed Burbank Housing project proposed at Journey's End.
- Provide free passes and/or a shuttle to SMART or other public transit for workers.

OTHER CONSIDERATIONS

Update Fountaingrove Plans

The City Council should consider requesting that the applicant help fund the update of the Fountaingrove Ranch Plan dated 1981 and the Improvement Plans for the Fountaingrove Executive Center dated 1990 to reflect the current conditions and to add fire risk and prevention policies to provide consistent criteria for all new development in the area.

Thank you for your consideration of our views.

Sincerely yours,



Teri Shore, Regional Director
707 575 3661, tshore@greenbelt.org



The Honorable Governor Gavin Newsom
State Capitol Building
Sacramento, CA 95814

Re: Saving Lives and Property from Wildfire

January 11, 2019

Dear Governor Newsom,

Encouraged by the spirit of hope that your new administration brings to Sacramento, we urge you to take the lead in creating a new wildfire policy based on science rather than tradition.

Why? Because the traditional approach to wildfire protection is backward. It focuses on vegetation rather than what we want to protect – our homes and families.

Homes burn because they are flammable and are built on fire-prone landscapes. Most structures ignite during wildfires **because of flying embers** that can travel a mile or more from the fire front. This is why so many families have lost their homes even though they have complied with defensible space regulations – their homes were still vulnerable to embers. This is why communities far from wildland areas, like Coffey Park in Santa Rosa, have been destroyed during wildfire and why entire neighborhoods have burned to the ground while the trees around them have not (Fig.1). This is why fuel breaks, twelve-lane highways, and even large bodies of water fail to protect our homes during wind-driven wildfires.

However, there is hope. While wildfire is inevitable, the destruction of our communities is not.

Jack Cohen, a former lead fire scientist with the U.S. Forest Service, has demonstrated this through decades of research. To stop wildfire disasters in our communities we must accept some basic principles based on science, especially with climate change and increasing numbers of people living next to wildlands. First among them is that **the wildfire problem is a home ignition problem, not a wildfire control problem.**

Focusing on forests and dead trees far from our communities most at risk or habitat clearance projects that have little value during wind-driven fires will only guarantee more of the same – continued catastrophic losses.

To stop the destruction of our communities by wildfire we must focus on strategies that will work in our rapidly changing environment: **reduce the flammability of existing communities and prevent new ones from being built in very high fire hazard severity zones.**



Figure 1. Camp Fire, showing the devastation of homes in the Kilcrease Circle community of Paradise. Note the surrounding green, mature forest with little or no scorching. The homes were not burned by a high-intensity crown fire, but were ignited by embers, followed by home-to-home ignitions. Photo: Digital Globe, a Maxar company via Reuters, 11/17/2018.

With your leadership, we can break free from the traditional and nearly exclusive focus on habitat clearance and logging that fails to address why our communities are burning.

The current focus on forests and dead trees is especially misguided because the vast majority of lives and homes lost to wildfire in California had little to nothing to do with vegetation in forests (Fig. 2). And while it is reasonable to remove hazard trees immediately adjacent to roads and homes and to thin forests immediately around communities, thinning projects in the forest away from communities do nothing to protect houses and lives, while costing a fortune and often damaging forest ecosystems.

The traditional focus incorrectly sees nature only as “fuel.” Eliminate the “fuel,” the thinking goes, and we can control the fires. This misguided emphasis on fuel has become so powerful that some mistakenly view *all* of our forests, native shrublands, and even grasslands as “overgrown” tangles ready to ignite, instead of valuable natural resources.

This focus is failing us. We must look at the problem from the house outward, rather than from the wildland in. The state must take a larger role in regulating development to prevent local agencies from ignoring known wildfire risks as the city of Santa Rosa ignored with their approval of the Fountaingrove community in the 1990s (Fig. 3). The state should follow the lead of communities like Idyllwild and Big Bear and support retrofitting homes with proven safety

features that reduce flammability – ember-resistant vents, fire-resistant roofing and siding, and exterior sprinklers – and focus vegetation management on the immediate 100 feet surrounding homes.

We must address the conditions that are the cause of so many lost lives and communities: wind-driven wildfires and the embers they produce that ignite flammable structures placed in harm's way. We have provided a list of recommendations below that will help us do so.

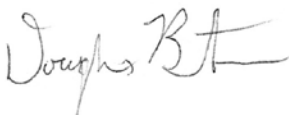
As we incorporate this new way of thinking into our wildfire response, we must also endeavor to implement the changes we seek. We have had difficulty doing so in the past as many of the recommendations made after previous fire storms have never been realized.

We urge you to break with the conventions that have led to the crisis and focus fire risk reduction efforts where it matters most – directly on our homes and communities, and *where* we build them. This will allow us to tailor fire policy to the needs of our families most at risk.

Sincerely,



Richard W. Halsey
Director
California Chaparral Institute
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Kathryn Phillips
Director
Sierra Club California
kathryn.phillips@sierraclub.org

An online version of this letter with active links to the cited references is available at this web address:
<http://www.californiachaparral.com/bprotectingyourhome.html>

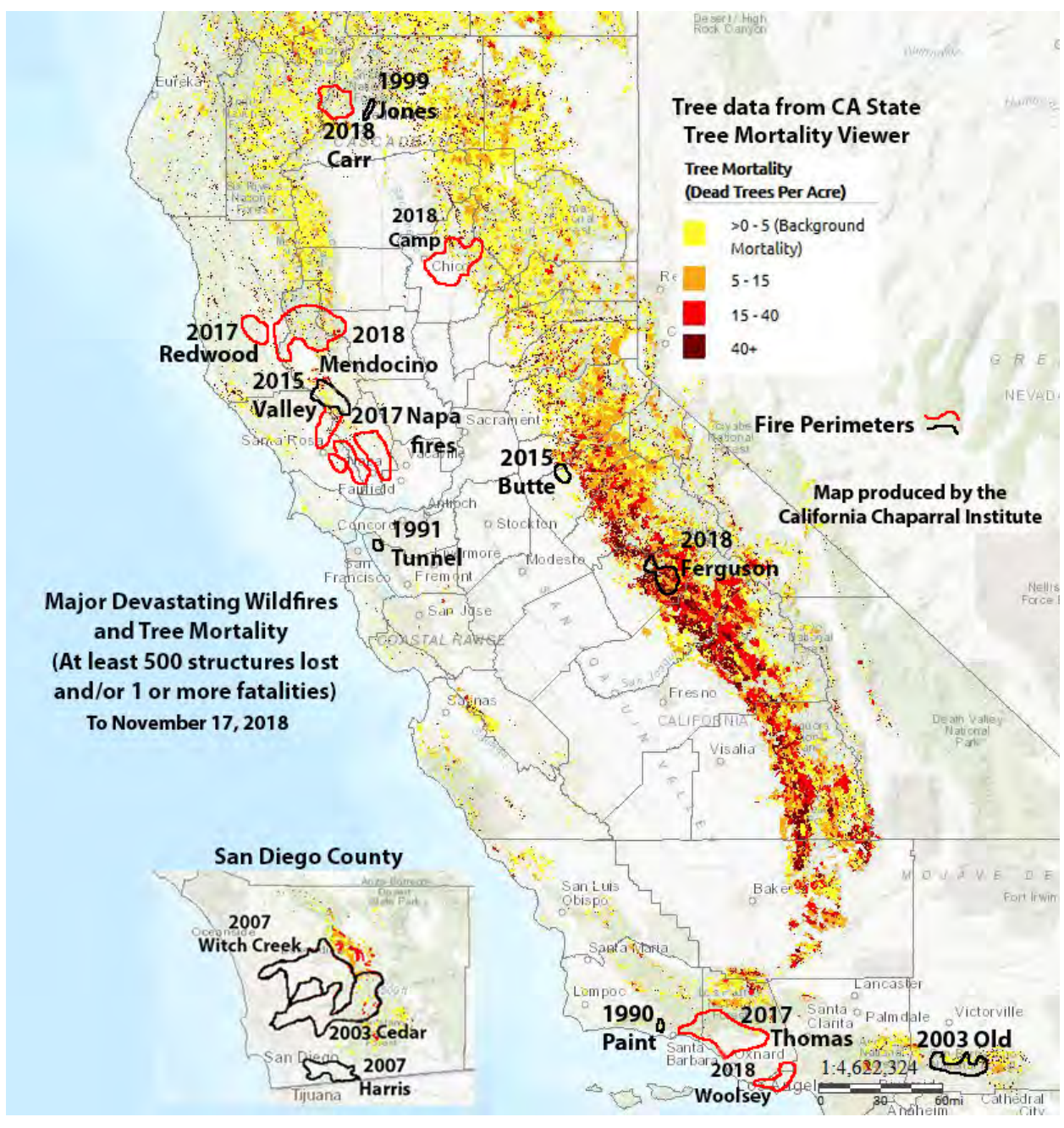


Figure 2. Overlay of California’s most devastating wildfires with dead tree distribution. With the exception of the 2018 Ferguson Fire, concentrations of dead trees did not play a role in the state’s most devastating wildfires as per [Cal Fire’s official list](#). In addition, the majority of California’s most devastating wildfires have not involved forests.

12 Recommendations

1. Shift the focus to saving lives, property, and natural habitats rather than trying to control wildfires. These are two different goals with two radically different solutions. This new focus can help existing communities withstand wind-driven wildfires, and improve alerts and evacuation procedures and programs, instead of continually pouring resources into modifying a natural environment that continually grows back and will always be subject to wildfire (Moritz et al. 2014).

2. Quantify all the risks, statewide. Conduct a comprehensive examination of fire and debris flow hazards across the state. Require the use of fire hazard maps, post-fire debris flow maps, and local expertise to play a significant role in planning/development/zoning decisions. One of the primary objectives in land use planning should be to prevent developers and local planning departments from putting people in harm's way.

3. Start at the structure first when developing local plans to protect homes. Develop action plans in Community Wildfire Protection Plans (CWPPs), similar in scope and detail to those traditionally developed for vegetation treatments, that address the wildfire protection issue from the house outward, rather than from the wildland in. Require that Fire Safe Councils include structure and community retrofits as a significant portion of their activities. This approach has been endorsed by a strong consensus of fire scientists and **is illustrated well in this National Fire Protection Association video with Dr. Jack Cohen: (https://youtu.be/vL_syp1ZScM)**.

4. Encourage retrofits. Promote legislation on the state and local level to assist existing neighborhoods-at-risk in retrofitting homes with known safety features (e.g., *exterior* sprinklers, ember-resistant vents, replacing flammable roofing and siding with fire-resistant Class A material, etc.). Establish a tax rebate program, similar to the one used to promote the installation of solar panels, to encourage homeowners to install such fire safety features. Provide incentives to roofing companies to develop and provide *exterior* sprinkler systems for homes.

The effectiveness of exterior sprinklers was proved during the 2007 wind-driven Ham Lake fire in Cook County, Minn., where they had been installed on 188 properties. All of those properties survived; more than 100 neighboring properties didn't. Federal Emergency Management Agency (FEMA) hazard mitigation grants had covered the majority of the cost of the sprinklers.

5. Identify all flammability risks. Create and promote a fire safety checklist that encourages the complete evaluation of a home's vulnerability to wildfire. Beyond structure flammability, it is imperative that this list cover flammable conditions around the home, such as the presence of dangerous ornamental vegetation, under-eave wooden fences/yard debris, and flammable weeds.

6. Help with grants. Promote legislation on the state and local level to assist community Fire Safe Councils in acquiring FEMA pre-disaster grants to assist homeowners in retrofitting their homes to reduce their flammability.

7. Comprehensive evacuation plans. Promote the development of clear evacuation/response plans that all communities can understand. Promote programs that will dedicate a regular time each year for communities to practice their evacuation plans.

8. Incentives to prevent building in very high fire hazard zones. Beyond restricting development in very high fire/flood hazard areas, the state could also internalize the costs of fire protection so developers assume the responsibility for possible losses caused by future wildfires and post-fire debris flows. Creating incentives to reduce or prevent development in very high fire/flood hazard areas like the Fountaingrove area in Santa Rosa is an achievable goal (Fig. 3).

The City of Monrovia implemented another creative approach – creating a wider urban-wildland buffer by purchasing parcels in high fire hazard zones.

Because the city's hillside acreage was both publicly and privately owned, the City Council decided to seek voter approval for two measures. The first designated city-owned foothill land as wilderness or recreational space and limited development on the private property. The other was a \$10-million bond, the revenues from which would be used to purchase building sites from willing sellers. Both passed by a wide margin. In the end, [Monrovia spent \\$24 million for 1,416 acres](#), paying off the bonds with parcel taxes and gaining an added benefit: a deeper urban-wildland buffer. (Miller 2018)



Figure 3. The devastation of the Fountaingrove II community in Santa Rosa during the 2017 Tubbs Fire was predictable. The city was warned this area was too dangerous to place homes. The area had burned in a wind-driven fire in 1964. In 2001, the city's planning division issued a report concluding the development did not properly follow the city's general plan's goals and policies (Regalia et al. 2001).

9. Science-based defensible space guidelines. Expand defensible space guidelines so treatment and distances are based on science and recognize the physical impact of bare ground on ember movement, increased flammability due to the spread of invasive weeds, and increased erosion and sediment movement in watersheds. The research has clearly indicated that defensible space [distances beyond 100 feet can be counterproductive](#).

10. Peer-reviewed Vegetation Treatment Program. Require Cal Fire to submit its latest Vegetation Treatment Program Environmental Impact Report (EIR) to an outside, independent, science-based, peer-review process prior to its public release for public comment. Such a review was required by the state legislature for the 2012 version. Require Cal Fire to follow the recommendations offered by the independent review committee in both the EIR's supporting background information and proposed action plan.

11. Establish an interdisciplinary, statewide Fire Preparedness Task Force (FPTF) versed in Catastrophic Risk Management (CRM) to evaluate our response to wildfire hazard. CRM is successful because it helps managers in high-risk organizations make better decisions by reducing their tendency to “normalize deviance,” engendering a focus on positive data about operations while ignoring contrary data or small signs of trouble. Airlines use CRM to objectively analyze plane crashes, thereby creating safer planes. Without CRM, small deviations from standard operating procedures are often tolerated until disasters, such as the Deepwater Horizon offshore oil platform blow out, the Challenger Space Shuttle explosion, or unprecedented losses caused by the 2017 wildfires expose an organization's failures. Ensure that a majority of task force members can speak freely, enabling them to offer creative solutions, and that half of the membership is outside the fire profession.

12. Reduce human-caused ignitions. Since nearly all of California's devastating wildfires are human-caused, significant resources should be dedicated to reducing such ignitions. One of the objectives of the **FPTF** should be to develop a statewide action plan, in collaboration with land management agencies, Cal Trans (since many ignitions occur along roads), Cal Fire, and public utilities (since many of the largest fires have been caused by electrical transmission lines and equipment), to reduce the potential for human-caused ignitions. The following should be considered: underground placement of electrical lines, replacement of uninsulated wire, placement of roadside barriers to reduce vehicle-caused sparks/ignition sources, closure of public lands during periods of extreme fire danger, and increasing the number of enforcement personnel to monitor illegal access, campfire, gun use, etc. on public lands.

Additional Information:

1. A thorough analysis of Cal Fire's Vegetation Management Program:
<http://www.californiachaparral.com/threatstochaparral/helpcalfireeir.html>
2. Detailed research and proven strategies on how to protect communities from wildfire:
<http://www.californiachaparral.com/bprotectingyourhome.html>
3. Successful grant programs that help communities retrofit structures to reduce flammability:
<http://www.californiachaparral.com/fire/apleaitstheembers.html>

4. Detailed analysis on assumptions concerning the 2017 Napa/Sonoma wildfires.

<https://californiachaparralblog.wordpress.com/2018/01/17/how-we-think-about-nature-and-fire/>

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A Primer on Wildland Fire in California

1. Fuel treatments are often ineffective in stopping wind-driven fires and can create more flammable conditions by type-converting native chaparral shrublands to highly-flammable, non-native weedy grasslands.

There are dozens of anecdotal stories about fires stopping at previous fire scars. There is no doubt that happens. However, when assessing the use of scarce resources, government agencies must consider the cost/benefit of every action to ensure they are not spending money on efforts that are less effective than others.

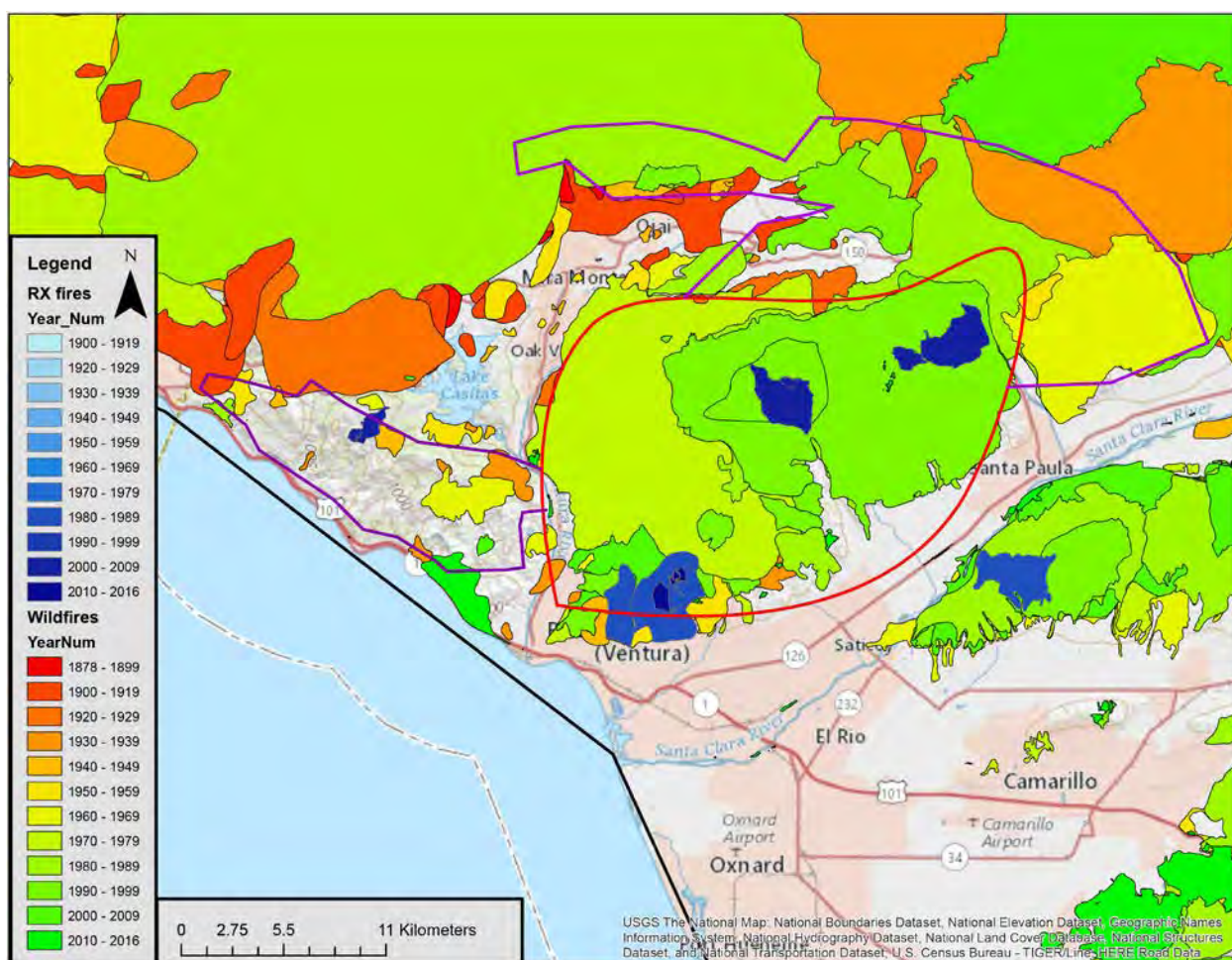


Figure 4. Prescribed Burns Within the Thomas Fire. The blue polygons show recent prescribed burns conducted by the Ventura County Fire Department. The red outline shows the rough perimeter of the 2017 Thomas Fire during its first hours. Source: USGS.

As evidenced in Fig. 4, recent prescribed burn treatments (shown in blue) were not helpful in preventing the spread of the 2017 Thomas Fire.

The easternmost prescribed burn in Fig. 4 is off Salt Marsh Road, downwind of the probable origin of the Thomas Fire. The middle burn is in Aliso Canyon. Neither of these appear to have provided anchor points for fire suppression activities.

The burns near the southern edge of the fire, in Hall, Barlow, and Sexton Canyons, have existed for many years and were intended to create opportunities for controlling a fire; however, they did little to stem fire spread.

Initially, the head fire spread 14 miles from its origin outside of Santa Paula to downtown Ventura in about five hours, with spot fires ignited by embers along the entire way. This kind of fire behavior would likely defeat any fuel break.

Further research is needed to determine all the factors involved in the Thomas Fire's spread, but the consequences are clear from the damage assessment shown in Fig. 5 below. The prescribed burns did little to protect the community. This is especially the case for the southernmost prescribed burn just above the northern edge of Ventura.

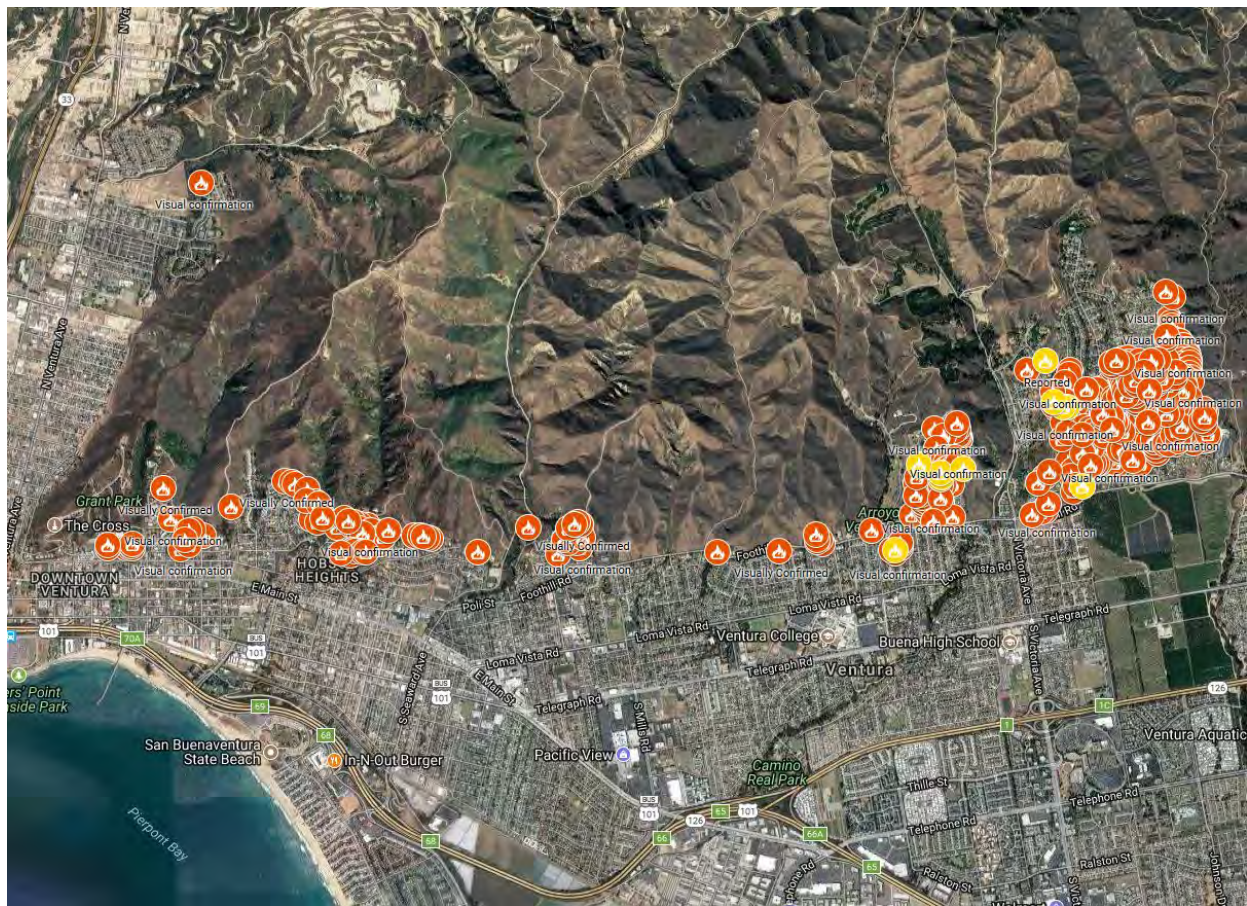
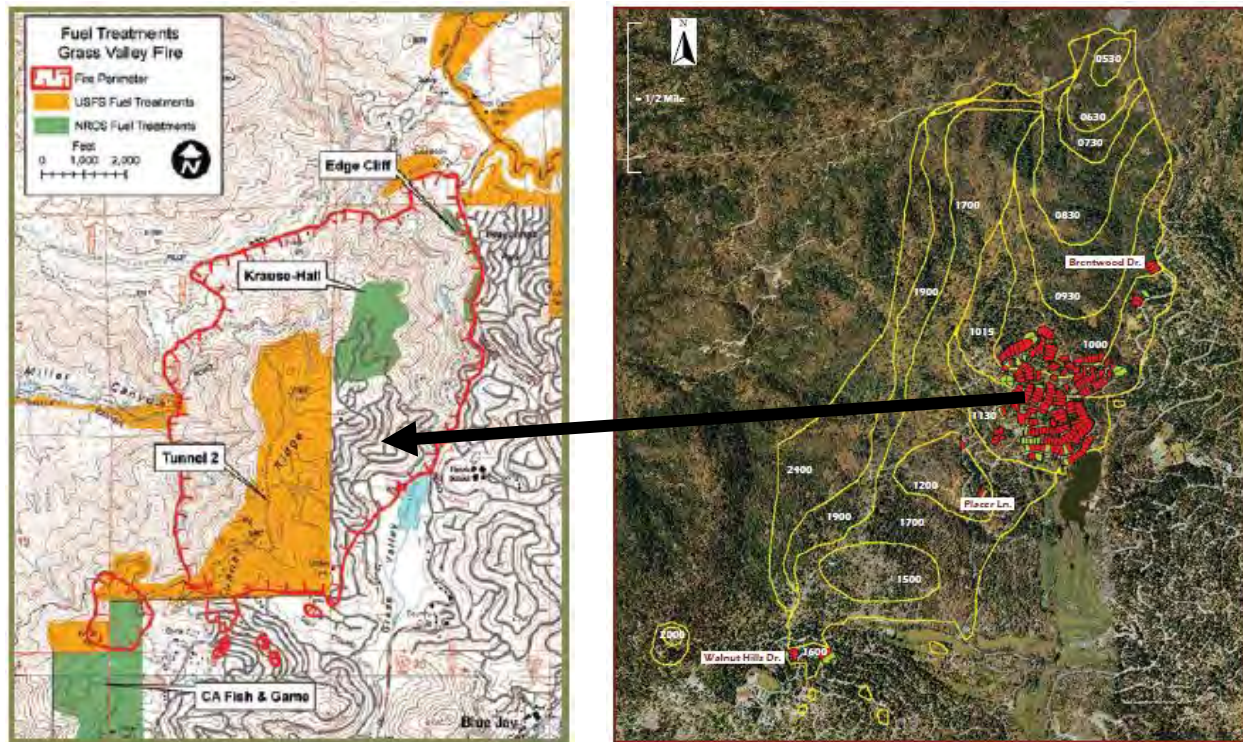


Figure 5. Home Losses from the Thomas Fire, Ventura. Burned homes are indicated by orange dots. A prescribed burn was conducted just above the burned homes in the center middle of the image. Based on visual confirmation as of 12/8/2017: <https://www.google.com/maps/d/viewer?mid=10S-m7mBzjvG1rjiJ8wFAIbeG-F5VoKS&ll=34.2989948363656%2C-119.20525410881879>

In the 2007 Grass Valley Fire, the US Forest Service and the Natural Resource Conservation Service had created several fuel treatments in the forest (e.g., thinning trees, clearing understory shrubs) around the community of Lake Arrowhead (Fig. 6). Reportedly, the fuel treatments performed as expected by allowing firefighters to engage the fire directly and reducing the rate of spread and intensity (Rogers et al. 2008). However, the end result for the community was much less positive: 174 homes were lost, the majority of structures in the hillside neighborhood of about 90 acres (Fig. 7).



Home ignitions due to the wildfire were primarily from firebrands igniting homes directly and producing spot fires across roads in vegetation that could subsequently spread to homes.

The 2013 Silver Fire near Banning, California (Fig. 8) challenged the fundamental assumption of that treating older vegetation is an effective way to prevent devastating wildfires. Most of the fire burned through invasive weeds and young, desert chaparral that was recovering from the deadly 2006 Esperanza Fire that killed five US Forest Service firefighters. **Twenty-six homes were lost in the 2013 fire that was fueled by seven-year-old vegetation.**

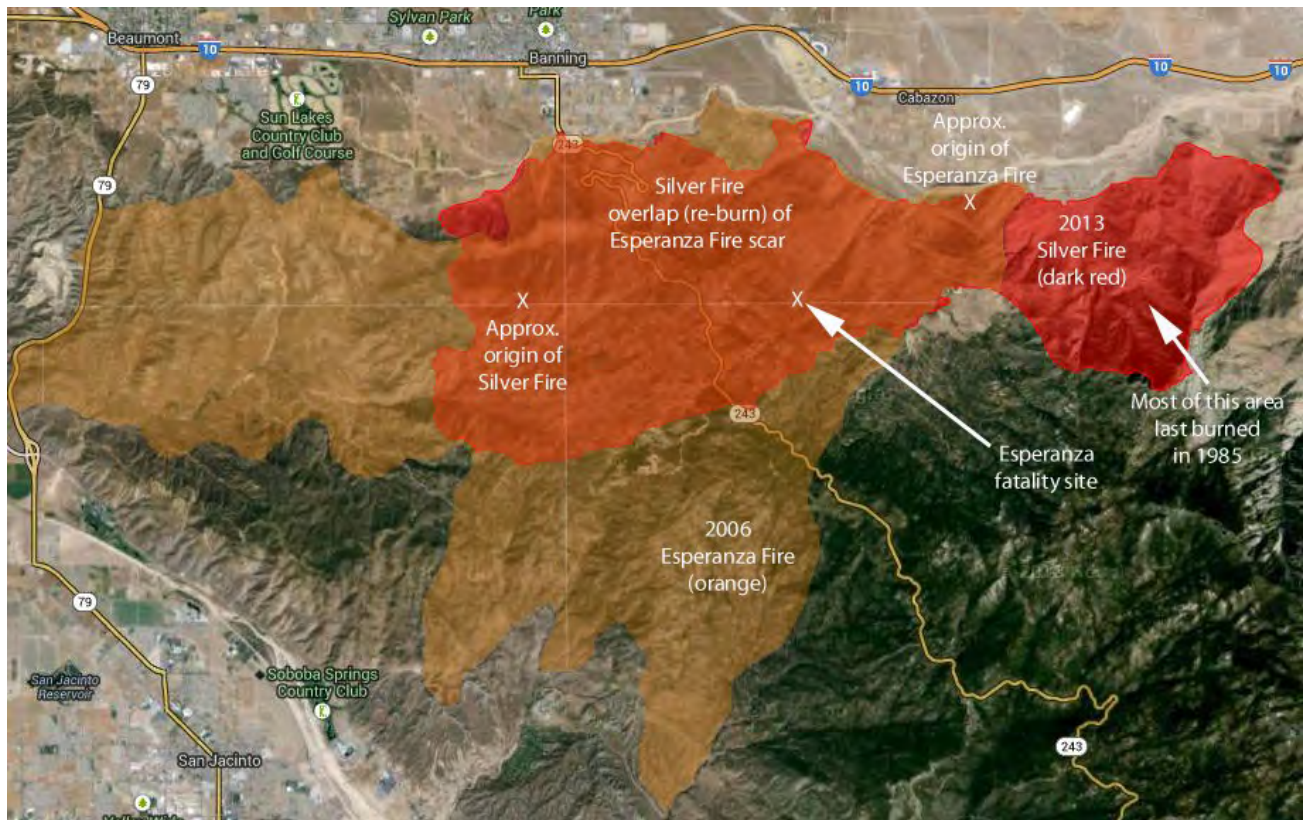


Figure 8. Reburned After Seven Years. The 2013 Silver Fire reburned almost entirely within the deadly 2006 Esperanza Fire scar near Banning, California.

The 2018 Camp Fire that devastated the town of Paradise provides another example of how younger fuels typically fail to stop fire spread or assist fire suppression efforts during wind-driven wildfires. Before reaching Paradise, the Camp Fire had to burn through more than 30,000 acres that had burned ten years before during the 2008 Butte Fire (Fig. 9). In addition, much of the area burned in 2008 had been salvaged logged, a strategy that many have incorrectly claimed is necessary to reduce fire risk. Again, the primary reason for the devastation was wind-driven embers that can travel a mile or more ahead of the fire front.

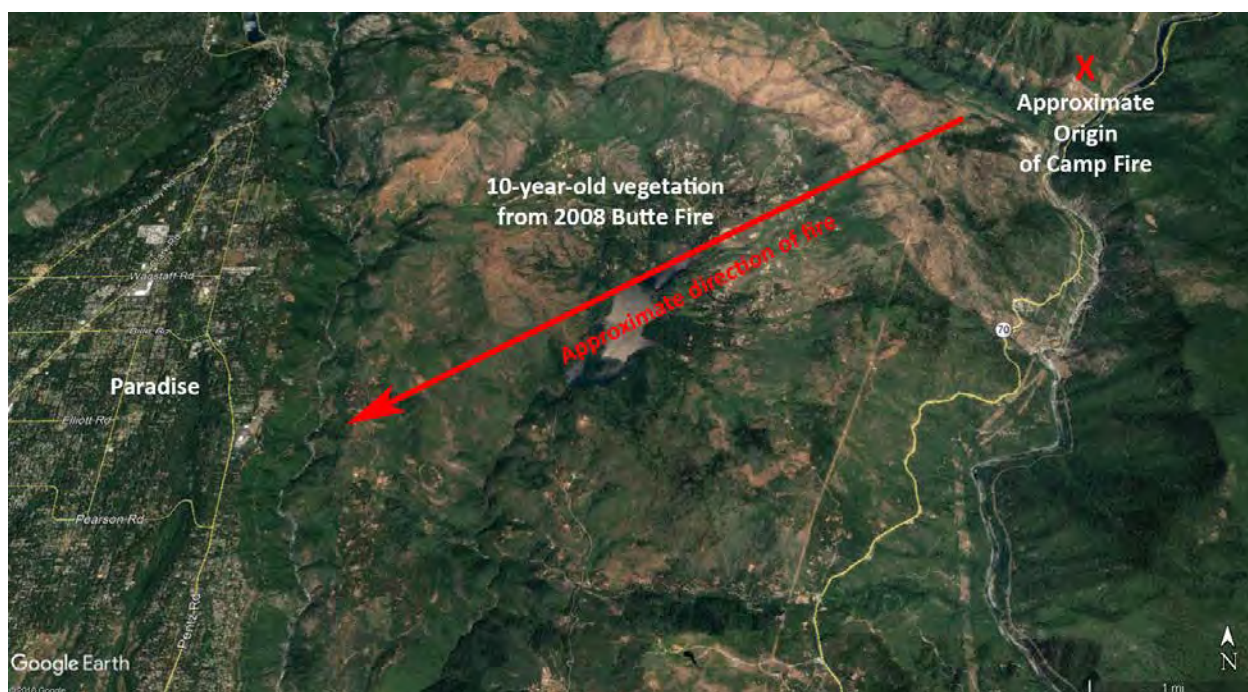


Figure 9. The wind-driven 2018 Camp Fire had to move through approximately seven miles of 10-year-old fuels plus fuel management zones before igniting Paradise with a rain of embers.

There are numerous other examples and a number of solid research papers explaining why and how homes burn. Cohen and Stratton (2008) summarized their study of multiple wildfires by writing:

These incidents remind us to focus attention on the principal factors that contribute to a wildland-urban fire disaster—the home ignition zone.

We are not arguing whether fuel modification can be a tool that can help control non-wind-driven wildfires. Under non-extreme fire weather conditions, fuel treatments can assist fire suppression efforts. But again, these are not the fires that cause the most damage to our communities. The nearly exclusive financial and time focus on fuel modification is failing us. How else can we account for the loss of so many lives and homes in the 2017 and 2018 wildfires?

2. Exterior Sprinklers

Exterior sprinklers have been proven to play a significant role in reducing home loss during wildfires ([Mitchell 2005](#)) (Fig. 10).

Exterior sprinklers, coupled with an independent water supply (swimming pool or water tank) and an independent power source should be required for all homes within very high fire hazard zones. Clusters of homes could be served by a community water tank and should be a required retrofit for communities already built in fire-prone areas. Each house should also be required to maintain a gas-powered pump to support the sprinkler system when regional power systems fail.



Figure 10. Exterior Sprinklers. As a wildfire approaches, exterior sprinklers wet the structure at risk, the surrounding environment, and increase humidity to prevent ignition. Photo: Platypus Fire Pty Ltd.

Some California residents have retrofitted their homes with exterior sprinkler systems to protective effect. For example, under-eave misters on the Conniry/Beasley home played a critical role in allowing the structure to survive the 2003 Cedar Fire in San Diego County. The home was located in a canyon where many homes and lives were lost ([Halsey 2008](#)).

The effectiveness of exterior fire sprinklers was proven during the 2007 wind-driven [Ham Lake Fire](#) in Cook County, Minnesota. In 2001, exterior sprinklers had been installed on 188 properties, including homes and a number of resorts. **All 188 properties survived.** More than 100 neighboring properties were destroyed.

The cost of the Cook County program was covered by a FEMA hazard mitigation grant. The program was finished on time and on budget by [Wildfire Protection Systems \(WPS\)](#), costing \$764,255. Minnesota U.S. Senator Amy Klobuchar credited the program with saving over \$42 million in property value. The grant paid 75% of the cost of the sprinklers. Individual property owners covered the balance.

The sprinklers were so successful that a \$3 million FEMA pre-disaster mitigation grant was awarded in 2008 to install additional wildfire sprinkler systems throughout Cook County. In 2013, another grant was awarded to install the systems in two additional counties, including properties with low-water resources. FEMA pre-disaster grants have also been [used in Big Bear and Idyllwild, California](#) to retrofit homes with non-flammable roofing and ember-resistant attic vents.

Canadians have successfully utilized exterior sprinklers too, with the implementation of portable sprinkler kits placed in the path of wildfires. The kits can tap into nearby water sources, pools, or

local water tanks. These kits have protected over \$2 billion in property value over the past 20 years in Canada, according to Morris Douglas, a retired advisor to various Ministries of Natural Resources.

Exterior sprinklers work by creating an environment that extinguishes embers (spotting firebrands) that are the primary cause of building ignition. The sprinklers do this by 1) **hydrating potential fuels**, thus making them less susceptible to ignition, 2) **increasing humidity**, and 3) **creating a cooler microclimate** around the home.

3. FEMA Pre-disaster Grants

Mountain communities can use federal grants to install ember-resistant vents and eliminate wood roofs, vital to reducing home loss during wildfires

In 2013, David Yegge, a fire official with the Big Bear Fire Department, submitted his fourth grant proposal to the FEMA pre-disaster mitigation grant program to pay up to 70% of the cost of re-roofing homes with fire-safe materials in the Big Bear area of San Bernardino County. Yegge also has assisted Idyllwild and Lake Tahoe in applying for grants, including the costs of installing ember-resistant attic vents.

Yegge's first \$1.3 million grant in 2008 retrofitted all but 67 of 525 wooden-roofed homes needing retrofits in Big Bear Lake. A forward-thinking, "no-shake-roof" ordinance passed by the Big Bear City Council in 2008 required roofing retrofits for all homes by this year. San Bernardino County passed a similar ordinance in 2009 for all mountain communities, with compliance required by next year. Such "future effect clause" ordinances can be models for other local governments that have jurisdiction over high fire hazard areas.

To qualify for a FEMA grant, a cost/benefit analysis must be completed. "Our analysis indicated that \$9.68 million would be saved in property loss for every \$1 million awarded in grant funds," Yegge said. "FEMA couldn't believe the numbers until they saw the research conducted by then Cal Fire Assistant Chief Ethan Foote in the 1990s. There's a 51% reduction in risk by removing wooden roofs."

"The FEMA application process is challenging, but well worth it," said Edwina Scott, Executive Director of the Idyllwild Mountain Communities Fire Safe Council. "More than 120 Idyllwild homes are now safer because of the re-roofing program."

Additional Information

In California, the state agency that manages the grants is the Governor's Office of Emergency Services (Cal OES), Hazard Mitigation Grants Division. Cal OES is the administrative agency and decides what grant proposals are funded based on priorities established by the State Hazard Mitigation Plan.

The Mountain Area Safety Taskforce re-roofing program:

<http://www.thisisin.org/shake/>

The San Bernardino County re-roofing ordinance:

http://www.thisisin.org/shake/images/DOWNLOADS/ORDINANCES/ord_4059.pdf

FEMA grant program:

<http://www.fema.gov/pre-disaster-mitigation-grant-program>

4. The Impact of Improper Vegetation Treatments/Clearance Activities

Creating large areas of clearance with little or no vegetation creates a **“bowling alley” for embers** (Fig. 11). Without the interference of thinned, lightly irrigated vegetation, the house becomes the perfect ember catcher. To make matters worse, when a fire front hits a bare fuel break or clearance area, a shower of embers is often released (Koo et al. 2012).

After investigating why homes burn in wildfires, research scientists Syphard et al. (2012) concluded, “We’re finding that geography is most important – where is the house located and where are houses placed on the landscape.”

Syphard and her coauthors gathered data on 700,000 addresses in the Santa Monica Mountains and part of San Diego County. They then mapped the structures that had burned in those areas between 2001 and 2010, a time of devastating wildfires in the region.



Figure 11. Three-hundred Feet of Clearance. Such bare ground can create a potential “bowling alley” effect, directing embers directly at the structure.

Buildings on steep slopes, in Santa Ana/sundowner wind corridors, and in low-density developments intermingled with wild lands had the highest probability of burning. **Nearby vegetation was not an important factor in home destruction.**

The authors also concluded that **the exotic grasses that often sprout in areas cleared of native habitat like chaparral could be more of a fire hazard than the shrubs.** “We ironically found that homes that were surrounded mostly by grass actually ended up burning more than homes with higher fuel volumes like shrubs,” Syphard said.

5. Excessive Fuel Treatments Can Destroy Native Habitats and Create More Flammable Landscapes

As shown in Fig. 12 below, a rich, old-growth stand of chaparral has been systematically compromised by clearance activities funded by a local Fire Safe chapter in the community of Painted Cave, Santa Barbara County. The foreground represents the impact of mastication, showing significant soil disturbance. In the background, the longer-term impact of earlier treatments shows the invasion and spread of highly flammable, non-native weeds and grasses. This process has increased the ignitability of this area with the addition of flashy fuels. Since the focus of wildfire risk reduction has been on the surrounding landscape, comparably little has been done to reduce the flammability of the Painted Cave community itself. In a recently proposed Community Wildfire Protection Plan for the area, the only attempt to address home ignition is the suggested production of an educational brochure.



Figure 12. The invasion of non-native weeds resulting from significant soil disturbance caused by an improper vegetation treatment project above the community of Painted Cave, Santa Barbara County.

6. Native Chaparral Shrublands Are Threatened by Too Much Fire

Chaparral is California's most extensive native plant community. However, its continued existence in many areas is threatened by the increasing number of fires. Fire frequency greater than the chaparral's natural fire return interval of 30 to 150 years or more can type convert chaparral to highly-flammable, non-native grasslands (Fig. 13). Such grasslands played a significant role in spreading the 2017 Tubbs, Nuns, Atlas, and Thomas fires.



Figure 13. The Impact of Excessive Fire on Chaparral. This area has been subjected to three wildfires. The first, the 1970 Laguna Fire, burned the entire area shown in the photograph. The far left shows mature chaparral that has grown since 1970. The middle area is recovering after being burned again in the 2001 Viejas Fire. It is composed primarily of native shrubs such as chamise, deerweed, and several other species. To the right is a portion that was burned a third time during the 2003 Cedar Fire. The interval between the 2001 and 2003 fires was too short for the chaparral to properly recover. Consequently, the majority of the resprouting shrubs were killed and the area was overwhelmed by non-native grasses. Since this photo was taken (2004), the area has been restudied in 2018. It remains compromised by non-native grasses, with significant areas of bare ground and lower biodiversity compared to the adjacent area burned in 2001. Location: east of Alpine off Interstate 8, San Diego County. From Halsey and Syphard (2015).

The threat of excessive fire to native shrublands is statewide but is especially extreme in the southern portion (Fig. 14). As shown in the map below, most of the plant communities within the four national forests of southern California are threatened by too much fire (shown in red to yellow colors).

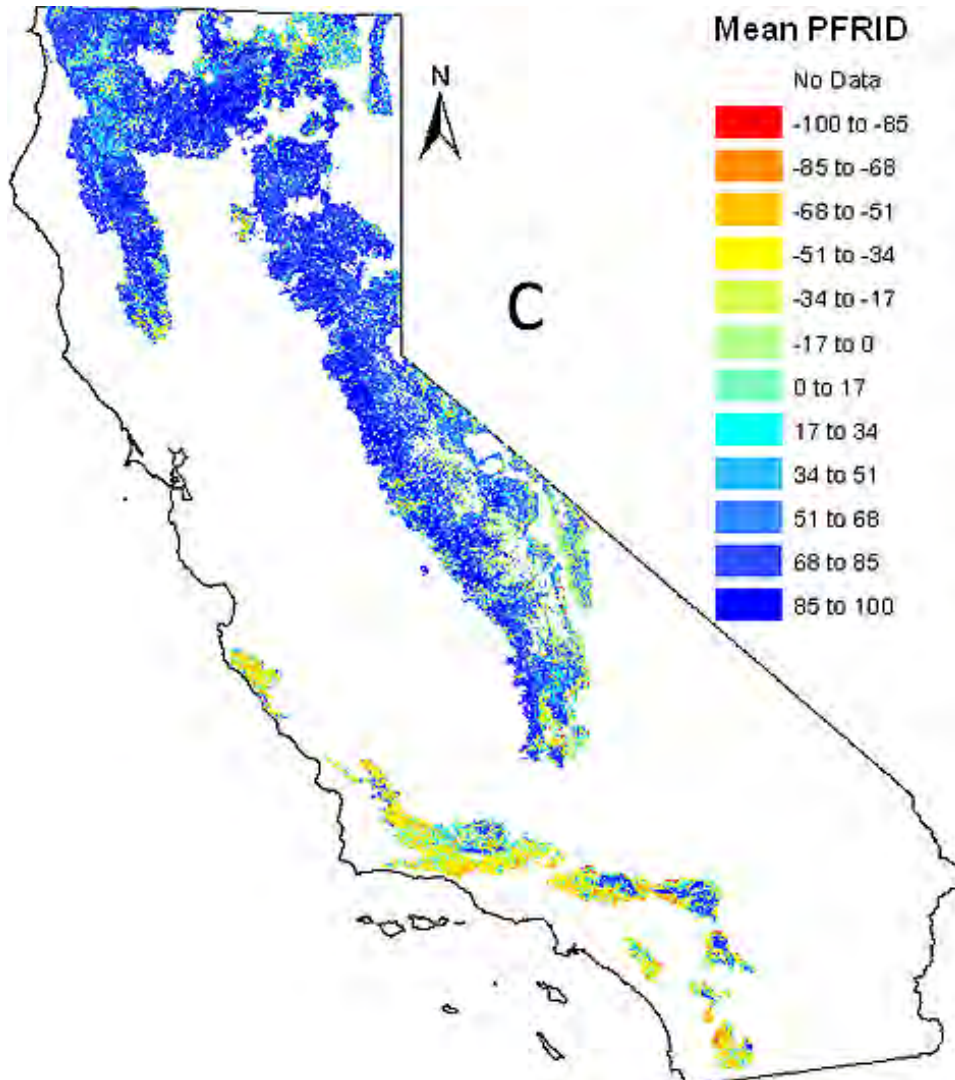


Figure 14. A Tale of Two Californias. Most chaparral in California is threatened by too much fire as shown by the map's color variations representing the Fire Return Interval Departure percentages (PFRID) for national forest lands in California. Note the color differences between the southern California national forests which are dominated by chaparral (yellows), and the conifer dominated forests in the Sierra Nevada (blues). The warm colors identify areas where the current fire return interval is shorter than pre-European settlement (negative PFRID), threatening native plant communities. Cool colors represent current fire return intervals that are longer than pre-European settlement (positive PFRID), indicating a fire deficit in higher elevation forests. From Safford and Van de Water (2014).

As climate change continues to impact California, it is predicted that the loss of chaparral will accelerate in the southern and central parts of the state. The ecosystem will also begin to lose ground further north (Fig. 15). Some regions may become more suitable for chaparral, but considering the speed at which the climate is changing, it is difficult to predict what vegetation communities will ultimately develop in those areas. Such changes need to be considered when developing fire and development plans. Unfortunately, the current draft of the California Board of Forestry's (and Cal Fire's) Vegetation Treatment Program fails to properly account for these predicted changes and calls for "treatment" of chaparral in northern California for "ecological purposes." Rather than "treating" chaparral, the Board of Forestry should develop strategies to protect its further loss.

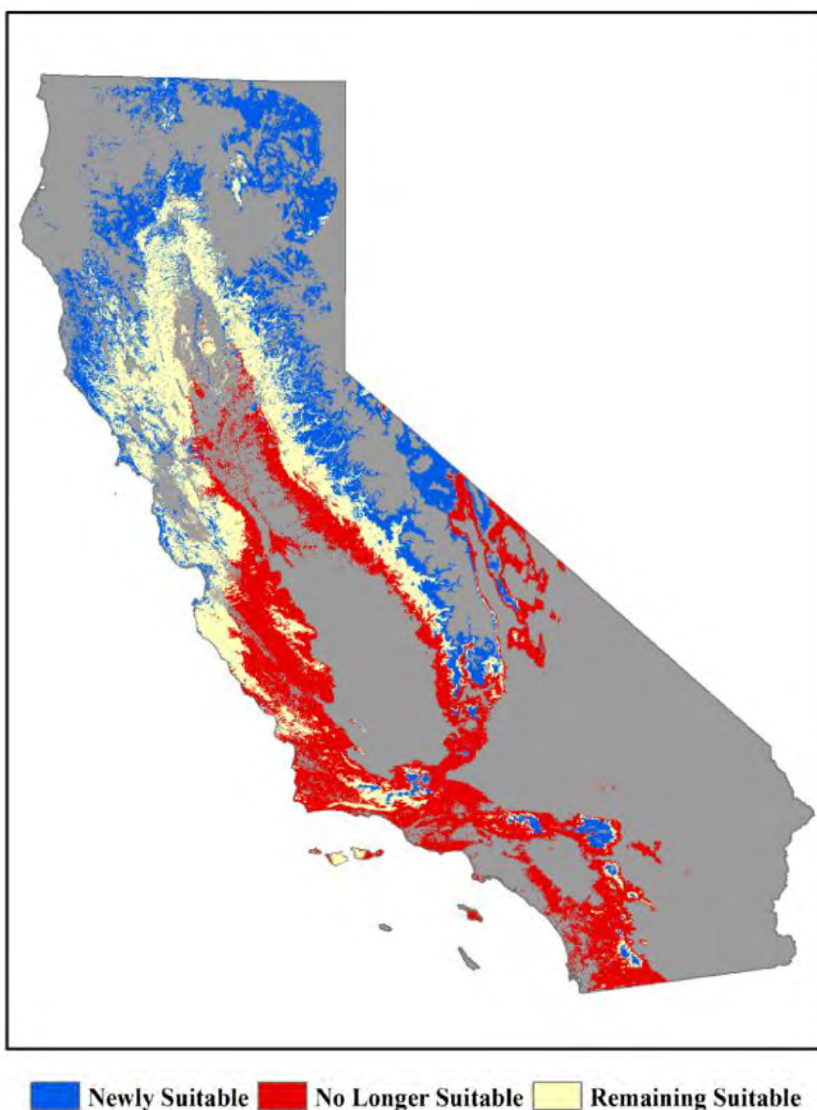


Figure 15. Potential Loss of Chaparral. Predicted end-of-century chaparral distribution change under a continued high carbon emissions and hot/dry climate change scenario. From Thorne et al. (2016).

The US Forest Service has recognized the natural resource value of chaparral (Fig. 16) and the important ecological services it provides us as well as the threat fire now poses to the system in their new Region 5 Ecological Restoration Leadership Intent (USFS 2015). The document can serve as a model for how California views chaparral as well, the state's most characteristic and extensive ecosystem.

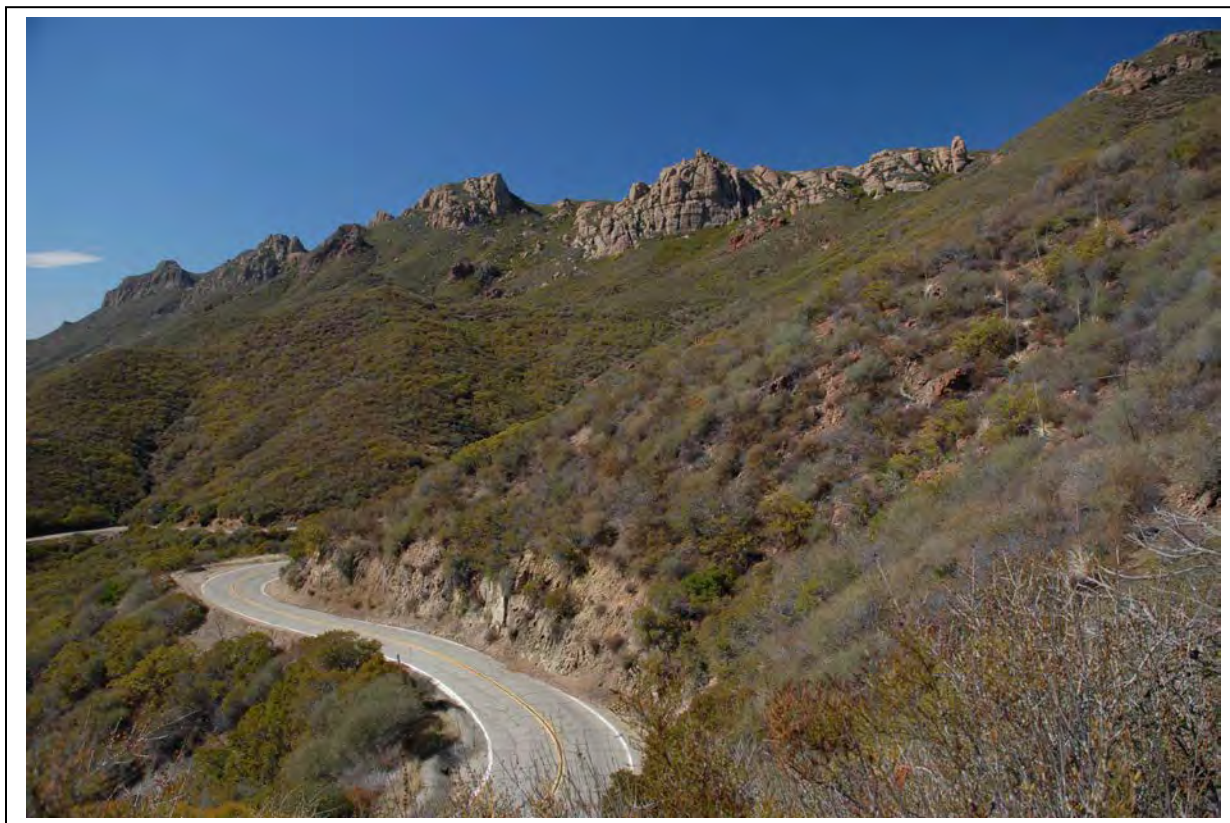


Figure 16. Mixed chaparral in the Santa Monica Mountains. The natural fire return interval for chaparral is 30 to 150 years or more. Increasing fire frequencies either through prescribed burning or accidental wildfire leads to the eventual elimination of chaparral, California's most extensive ecosystem.

8. Common Misconceptions about Forests and Fire in California

Do “Thinning” Logging Operations Stop or Slow Wildland Fires? No. “Thinning” is just a euphemism for intensive commercial logging, which kills and removes most of the trees in a stand, including many mature and old-growth trees. With fewer trees, winds, and fire, can spread faster through the forest. In fact, extensive research shows that commercial logging, conducted under the guise of “thinning”, not only makes wildland fires spread *faster*, but in most cases also *increases* fire intensity, in terms of the percentage of trees killed (Cruz et al. 2008, 2014).

Does Reducing Environmental Protections, and Increasing Logging, Curb Forest Fires?

No, based on the largest analysis ever conducted, this approach increases fire intensity (Bradley et al. 2016). Logging reduces the cooling shade of the forest canopy, creating hotter and drier

conditions, leaves behind kindling-like “slash” debris, and spreads combustible invasive weeds like cheatgrass.

Do “Thinning” Logging Operations Improve Forest Carbon Storage? No. In fact, this type of logging results in a large overall net *reduction* in forest carbon storage, and an *increase* in carbon emissions, relative to wildland fire alone (no logging), while protecting forests from logging maximizes carbon storage and removes more CO₂ from the atmosphere (Campbell et al. 2012, Law et al. 2018). To mitigate climate change, we must protect our forests.

Do Large High-Intensity Fire Patches Destroy Wildlife Habitat or Prevent Forest Regeneration? No. Hundreds of peer-reviewed scientific studies find that patches of high-intensity fire create “snag forest habitat”, which is comparable to old-growth forest in terms of native biodiversity and wildlife abundance (Fig. 17) (summarized in DellaSala and Hanson 2015). In fact, more plant, animal, and insect species in the forest are associated with this habitat type than any other (Swanson et al. 2014). Forests naturally regenerate in heterogeneous, ecologically beneficial ways in large high-intensity fire patches (DellaSala and Hanson 2015, Hanson 2018).



Figure 17. Trees killed in high-severity fire patches provide extremely important habitat for a wide array of plants and animals. Photo: Sierra Nevada post fire forest habitat by Chad Hanson.

Do Forests with More Dead Trees Burn More Intensely? Small-scale studies are mixed within 1-2 years after trees die, i.e., the “red phase” (Bond et al. 2009, Stephens et al. 2018), but the largest analysis, spanning the entire western U.S., found no effect (Hart et al. 2015). Later, after needles and twigs fall and quickly decay into soil, and after many snags have fallen, such areas have similar or *lower* fire intensity (Hart et al. 2015, Meigs et al. 2016).

Are Our Forests Unnaturally Dense and “Overstocked”, and Do Denser Forests

Necessarily Burn More Intensely? No. We currently have slightly more small trees than we had historically in California, but have fewer medium/large trees, and less overall biomass. Our forests are actually less dense, due to decades of logging (McIntyre et al. 2015). Historical forests were variable in density, with both open and very dense forests (Baker et al. 2018). Wildland fire is driven mostly by weather, while forest density is a “poor predictor” (Zald and Dunn 2018).

Do We Currently Have an Unnatural Excess of Fire in our Forests? No. There is a broad consensus among fire ecologists that we currently have far less fire in western US forests than we did historically, prior to fire suppression (Hanson et al. 2015). For example, currently, we have about 200,000 acres of fire in California’s forests per year on average, and 500,000 to 900,000 in the very biggest years. Historically, before fire suppression, an average year would see 1-2 million acres in California’s forests (Stephens et al. 2007, Baker 2017). We also have less high-intensity fire now (Stephens et al. 2007, Mallek et al. 2013, Baker et al. 2018).

Did the Rim Fire Emit Carbon Equal to Over 2 Million Cars? No. This is based on the false assumption that fire-killed trees are largely vaporized, and that no post-fire regrowth occurs to pull CO₂ out of the atmosphere. Field studies of large fires find only about 11% of forest carbon is consumed, and only 3% of the carbon in trees (Campbell et al. 2007), and vigorous post-fire regrowth returns forests to carbon sinks within several years (Meigs et al. 2009).

Are Recent Large Fires Unprecedented? No. Fires similar in size to the Rim fire and Rough fire, or larger, occurred in the 1800s, such as in 1829, 1864, and 1889 (Bekker and Taylor 2010, Caprio 2016). Forest fires hundreds of thousands of acres in size are not unprecedented.

Do Occasional Cycles of Drought and Native Bark Beetles Make Forests “Unhealthy”?

Actually, it’s the opposite. During droughts, native bark beetles selectively kill the weakest and least climate-adapted trees, leaving the stronger and more climate-resilient trees to survive and reproduce (Six et al. 2018). In areas with many new snags from drought and native bark beetles, most bird and small mammal species *increase* in numbers in such areas, because snags provide such excellent wildlife habitat (Stone 1995).

Is Climate Change a Factor in Recent Large Fires? Yes. Human-caused climate change increases temperatures, which influences wildland fire. Some mistakenly assume this means we must have too much fire but, due to fire suppression, we still have a substantial fire deficit in our forests. For example, historically, snag forest habitat, from high-intensity fire and patches of snag recruitment due to drought and native bark beetles, comprised 14% to 30% of the forests in the Sierra Nevada (Show and Kotok 1925, Safford 2013, Baker 2014, Baker et al. 2018). Currently, based on federal Forest Inventory and Analysis data, it comprises less than 8% of Sierra Nevada forests.

Do Current Fires Burn Mostly at High-Intensity Due to Fire Suppression? Current fire is mostly low/moderate-intensity in western US forests, including the largest fires (Mallek et al. 2013, Baker et al. 2018). The most long-unburned forests experience mostly low/moderate-intensity fire (Odion and Hanson 2008, Miller et al. 2012, van Wagtenonk et al. 2012). Older forests self-thin their understories (Zachmann et al. 2018).

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Appendix M: Performance Standards for Infill Projects Eligible for Streamlined Review

I. Introduction

Section 15183.3 provides a streamlined review process for infill projects that satisfy specified performance standards. This appendix contains those performance standards. The lead agency's determination that the project satisfies the performance standards shall be supported with substantial evidence, which should be documented on the Infill Checklist in Appendix N. Section II defines terms used in this Appendix. Performance standards that apply to all project types are set forth in Section III. Section IV contains performance standards that apply to particular project types (i.e., residential, commercial/retail, office building, transit stations, and schools).

II. Definitions

The following definitions apply to the terms used in this Appendix.

"High-quality transit corridor" means an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. For the purposes of this Appendix, an "existing stop along a high-quality transit corridor" may include a planned and funded stop that is included in an adopted regional transportation improvement program.

Unless more specifically defined by an air district, city or county, "high-volume roadway" means freeways, highways, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day.

"Low vehicle travel area" means a traffic analysis zone that exhibits a below average existing level of travel as determined using a regional travel demand model. For residential projects, travel refers to either home-based or household vehicle miles traveled per capita. For commercial and retail projects, travel refers to non-work attraction trip length; however, where such data are not available, commercial projects reference either home-based or household vehicle miles traveled per capita. For office projects, travel refers to commute attraction vehicle miles traveled per employee; however, where such data are not available, office projects reference either home-based or household vehicle miles traveled per capita.

"Major Transit Stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. For the purposes of this Appendix, an "existing major transit stop" may include a planned and funded stop that is included in an adopted regional transportation improvement program.

"Office building" generally refers to centers for governmental or professional services; however, the lead agency shall have discretion in determining whether a project is "commercial" or "office building" for the purposes of this Appendix based on local zoning codes.

"Significant sources of air pollution" include airports, marine ports, rail yards and distribution centers that receive more than 100 heavy-duty truck visits per day, as well as stationary sources that are designated major by the Clean Air Act.

A "Traffic Analysis Zone" is an analytical unit used by a travel demand model to estimate vehicle travel within a region.

III. Performance Standards Related to Project Design

To be eligible for streamlining pursuant to Section 15183.3, a project must implement all of the following:

Renewable Energy. All non-residential projects shall include on-site renewable power generation, such as solar photovoltaic, solar thermal and wind power generation, or clean back- up power supplies, where feasible. Residential projects are also encouraged to include such on-site renewable power generation.

Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.

Residential Units Near High-Volume Roadways and Stationary Sources. If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measure may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.

IV. Additional Performance Standards by Project Type

In addition to the project features described above in Section III, specific eligibility requirements are provided below by project type.

Several of the performance standards below refer to "low vehicle travel areas". Such areas can be illustrated on maps based on data developed by the regional Metropolitan Planning Organization (MPO) using its regional travel demand model.

Several of the performance standards below refer to distance to transit. Distance should be calculated so that at least 75 percent of the surface area of the project site is within the specified distance.

A. Residential

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

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Projects achieving below average regional per capita vehicle miles traveled (VMT). A residential project is eligible if it is located in a "low vehicle travel area" within the region.

Projects located within 1/2 mile of an Existing Major Transit Stop or High Quality Transit Corridor. A residential project is eligible if it is located within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor.

Low-Income Housing. A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.

B. Commercial/Retail

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

Regional Location. A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a "low vehicle travel area."

Proximity to Households. A project with no single-building floor-plate greater than 50,000 square feet located within one-half mile of 1800 households is eligible.

C. Office Building

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

Regional Location. Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area.

Proximity to a Major Transit Stop. Office buildings, both commercial and public, within 1/2 mile of an existing major transit stop, or X mile of an existing stop along a high quality transit corridor, are eligible.

D. Transit

Transit stations, as defined in Section 15183.3(e)(1), are eligible.

E. Schools

Elementary schools within one mile of fifty percent of the projected student population are eligible. Middle schools and high schools within two miles of fifty percent of the projected student population are eligible. Alternatively, any school within % mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.

Additionally, in order to be eligible, all schools shall provide parking and storage for bicycles and scooters and shall comply with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code.

F. Small Walkable Community Projects

Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features described in Section III above are eligible.

G. Mixed-Use Projects

Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this Section that apply to the predominant use shall govern the entire project.

Authority: Public Resources Code 21083, 21094.5.5

Reference: Public Resources Code Sections 21094.5 and 21094.5.5

Proposed Appendix N: Infill Environmental Checklist form

NOTE: This sample form is intended to assist lead agencies in assessing infill projects according to the procedures provided in Section 21094.5 of the Public Resources Code. Lead agencies may customize this form as appropriate, provided that the content satisfies the requirements in Section 15183.3 of the CEQA Guidelines.

1. Project title: _____
2. Lead agency name and address:

3. Contact person and phone number: _____
4. Project location: _____
5. Project sponsor's name and address:

6. General plan designation: _____ 7. Zoning: _____
8. Prior Environmental Document(s) Analyzing the Effects of the Infill Project (including State Clearinghouse Number if assigned): _____

9. Location of Prior Environmental Document(s) Analyzing the Effects of the Infill Project:

10. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

11. Surrounding land uses and setting: Briefly describe the project's surroundings, including any prior uses of the project site, or, if vacant, describe the urban uses that exist on at least 75% of the project's perimeter:

12. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

SATISFACTION OF APPENDIX M PERFORMANCE STANDARDS

Provide the information demonstrating that the infill project satisfies the performance standards in Appendix M below. For **mixed-use projects**, the predominant use will determine which performance standards apply to the entire project.

1. Does the non-residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so.

2. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.

3. If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, a high volume roadway or other significant source of air pollution, as defined in Appendix M, describe the measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer to the site specific analysis, below. (Attach additional sheets if necessary.)

4. For **residential** projects, the project satisfies which of the following?

- Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)
- Located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)
- Consists of 300 or fewer units that are each affordable to low income households. (Attach evidence of legal commitment to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.)

5. For **commercial** projects with a single building floor-plate below 50,000 square feet, the project satisfies which of the following?

- Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)
- The project is within one-half mile of 1800 dwelling units. (Attach map illustrating proximity to households.)

6. For **office building** projects, the project satisfies which of the following?

- Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)
- Located within ½ mile of an existing major transit stop or within ¼ of a stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

7. For **school** projects, the project does all of the following:

- The project complies with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code.
- The project is an elementary school and is within one mile of 50% of the student population, or is a middle school or high school and is within two miles of 50% of the student population. Alternatively, the school is within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map and methodology.)
- The project provides parking and storage for bicycles and scooters.

8. For **small walkable community projects**, the project must be a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The infill project could potentially result in one or more of the following environmental effects.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed infill project WOULD NOT have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, CEQA does not apply to such effects. A Notice of Determination (Section 15094) will be filed.

I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. With respect to those effects that are subject to CEQA, I find that such effects WOULD NOT be significant and a NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that although those effects could be significant, there will not be a significant effect in this case because revisions in the infill project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

I find that the proposed infill project would have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that those effects WOULD be significant, and an infill ENVIRONMENTAL IMPACT REPORT is required to analyze those effects that are subject to CEQA.

 Signature Date

EVALUATION OF THE ENVIRONMENTAL IMPACTS OF INFILL PROJECTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) For the purposes of this checklist, "prior EIR" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents. "Planning level decision" means the enactment or amendment of a general plan, community plan, specific plan, or zoning code. (Section 15183.3(e).)
- 4) Once the lead agency has determined that a particular physical impact may occur as a result of an infill project, then the checklist answers must indicate whether that impact has already been analyzed in a prior EIR. If the effect of the infill project is not more significant than what has already been analyzed, that effect of the infill project is not subject to CEQA. The brief explanation accompanying this determination should include page and section references to the portions of the prior EIR containing the analysis of that effect. The brief explanation shall also indicate whether the prior EIR included any mitigation measures to substantially lessen that effect and whether those measures have been incorporated into the infill project.

- 5) If the infill project would cause a significant adverse effect that either is specific to the project or project site and was not analyzed in a prior EIR, or is more significant than what was analyzed in a prior EIR, the lead agency must determine whether uniformly applicable development policies or standards that have been adopted by the lead agency, or city or county, would substantially mitigate that effect. If so, the checklist shall explain how the infill project's implementation of the uniformly applicable development policies will substantially mitigate that effect. That effect of the infill project is not subject to CEQA if the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.
- 6) If all effects of an infill project were either analyzed in a prior EIR or are substantially mitigated by uniformly applicable development policies or standards, CEQA does not apply to the project, and the lead agency shall file a Notice of Determination.
- 7) Effects of an infill project that either have not been analyzed in a prior EIR, or that uniformly applicable development policies or standards do not substantially mitigate, are subject to CEQA. With respect to those effects of the infill project that are subject to CEQA, the checklist shall indicate whether those effects are significant, less than significant with mitigation, or less than significant. If there are one or more "Significant Impact" entries when the determination is made, an infill EIR is required. The infill EIR should be limited to analysis of those effects determined to be significant. (Sections 15128, 15183.3(d).)
- 8) "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures will reduce an effect of an infill project that is subject to CEQA from "Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how those measures reduce the effect to a less than significant level. If the effects of an infill project that are subject to CEQA are less than significant with mitigation incorporated, the lead agency may prepare a Mitigated Negative Declaration. If all of the effects of the infill project that are subject to CEQA are less than significant, the lead agency may prepare a Negative Declaration.
- 9) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to an infill project's environmental effects in whatever format is selected.
- 10) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

SAMPLE QUESTIONS

Issues:

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
<u>I. AESTHETICS.</u> Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
<p>environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>					

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
substantial number of people?					
<u>IV. BIOLOGICAL RESOURCES:</u>					
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
<u>V. CULTURAL RESOURCES.</u> Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>VI. GEOLOGY AND SOILS.</u> Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
<u>XIII. POPULATION AND HOUSING.</u> Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>XIV. PUBLIC SERVICES.</u>					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>XV. RECREATION.</u>					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
XVII. UTILITIES AND SERVICE SYSTEMS.					
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Significant Impact</i>	<i>Less Than Significant or Less than Significant with Mitigation Incorporated</i>	<i>No Impact</i>	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Authority: Public Resources Code 21083, 21094.5.5

Reference: Public Resources Code Sections 21094.5 and 21094.5.5

State CEQA Guideline Section 15183.3. Streamlining for Infill Projects

(a) Purpose. The purpose of this section is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies.

(b) Eligibility. To be eligible for the streamlining procedures prescribed in this section, an infill project must:

(1) Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way;

(2) Satisfy the performance standards provided in Appendix M; and

(3) Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in subdivisions (b)(3)(A) or (b)(3)(B) below.

(A) Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet, in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75.

(B) Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a small walkable community project in subdivision (f)(5), below.

(c) Streamlined Review. CEQA does not apply to the effects of an eligible infill project under two circumstances. First, if an effect was addressed as a significant effect in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect. Depending on the effects addressed in the prior EIR and the availability of uniformly applicable development policies or standards that apply to the eligible infill project, streamlining under this section will range from a complete exemption to an obligation to prepare a narrowed, project-specific environmental document. A prior EIR will be most helpful in dealing with later infill projects if it deals with the effects of infill development as specifically and comprehensively as possible. With a good and detailed analysis of such development, the effects of many infill projects could be found to have been addressed in the prior EIR, and no further environmental documents would be required.

(d) Procedure. Following preliminary review of an infill project pursuant to Section 15060, the lead agency must examine an eligible infill project in light of the prior EIR to determine whether

the infill project will cause any effects that require additional review under CEQA. Determinations pursuant to this section are questions of fact to be resolved by the lead agency. Such determinations must be supported with enough relevant information and reasonable inferences from this information to support a conclusion, even though other conclusions might also be reached. (See Section 15384.)(1) Evaluation of the Infill Project. A lead agency should prepare a written checklist or similar device to document the infill project's eligibility for streamlining and to assist in making the determinations required by this section. The sample written checklist provided in Appendix N may be used for this purpose. A written checklist prepared pursuant to this section should do all of the following:

(A) Document whether the infill project satisfies the applicable performance standards in Appendix M.

(B) Explain whether the effects of the infill project were analyzed in a prior EIR. The written checklist should cite the specific portions of the prior EIR, including page and section references, containing the analysis of the infill project's significant effects. The written checklist should also indicate whether the infill project incorporates all applicable mitigation measures from the prior EIR.

(C) Explain whether the infill project will cause new specific effects. For the purposes of this section, a new specific effect is an effect that was not addressed in the prior EIR and that is specific to the infill project or the infill project site. A new specific effect may result if, for example, the prior EIR stated that sufficient site-specific information was not available to analyze the significance of that effect. Substantial changes in circumstances following certification of a prior EIR may also result in a new specific effect.

(D) Explain whether substantial new information shows that the adverse environmental effects of the infill project are more significant than described in the prior EIR. For the purpose of this section, "more significant" means an effect will be substantially more severe than described in the prior EIR. More significant effects include those that result from changes in circumstances or changes in the development assumptions underlying the prior EIR's analysis. An effect is also more significant if substantial new information shows that: (1) mitigation measures that were previously rejected as infeasible are in fact feasible, and such measures are not included in the project; (2) feasible mitigation measures considerably different than those previously analyzed could substantially reduce a significant effect described in the prior EIR, but such measures are not included in the project; or (3) an applicable mitigation measure was adopted in connection with a planning level decision, but the lead agency determines that it is not feasible for the infill project to implement that measure.

(E) If the infill project will cause new specific effects or more significant effects, the written checklist should indicate whether uniformly applicable development policies or standards will substantially mitigate those effects. For the purpose of this section, "substantially mitigate" means that the policy or standard will substantially lessen the effect, but not necessarily below the level of significance. The written checklist should specifically identify the uniformly applicable development policy or standard and explain how it will substantially mitigate the effects of the infill project. The explanation in the written checklist may be used to support the finding required in subdivision (d)(2)(D) below.

(2) Environmental Document. After examining the effects of the infill project in light of the analysis in a n y prior EIR and uniformly applicable development policies or standards, the lead agency shall determine what type of environmental document shall be prepared for the infill project.

(A) No Further Review. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects. Where the lead agency determines that no additional environmental review of the effects of the infill project is required, the lead agency shall file a Notice of Determination as provided in Section 15094. Where the lead agency finds that uniformly applicable development policies substantially mitigate a significant effect of an infill project, the lead agency shall make the finding described in subdivision (d)(2)(D).

(B) Negative Declaration, Mitigated Negative Declaration or Sustainable Communities Environmental Assessment. If the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects shall be subject to CEQA. If a new specific effect is less than significant, the lead agency may prepare a negative declaration. If new specific effects or more significant effects can be mitigated to a less than significant level through project changes agreed to prior to circulation of the written checklist, the lead agency may prepare a mitigated negative declaration. In these circumstances, the lead agency shall follow the procedure set forth in Sections 15072 to 15075. Alternatively, if the infill project is a transit priority project, the lead agency may follow the procedures in Section 21155.2 of the Public Resources Code. In either instance, the written checklist should clearly state which effects are new or more significant, and are subject to CEQA, and which effects have been previously analyzed and are not subject to further environmental review. Where the lead agency finds that uniformly applicable development policies or standards substantially mitigate a significant effect of an infill project, the lead agency shall make the finding described in subdivision (d)(2)(D).

(C) Infill EIR. If the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to those effects that are subject to CEQA, the lead agency shall prepare an infill EIR if the written checklist shows that the effects of the infill project would be potentially significant. In this circumstance, the lead agency shall prepare an infill EIR as provided in subdivision (e) and, except as otherwise provided in this section, shall follow the procedures in Article 7. Where the lead agency finds that uniformly applicable development policies or standards substantially mitigate a significant effect of an infill project, the lead agency shall make the finding described in subdivision (d)(2)(D).

(D) Findings. Any findings or statement of overriding considerations required by Sections 15091 or 15093 shall be limited to those effects analyzed in an infill EIR. Findings for such effects should incorporate by reference any such findings made in connection with a planning level decision. Where uniformly applicable development policies or standards substantially mitigate the significant effects of an infill project, the lead agency shall also make a written finding, supported with substantial evidence, providing a brief explanation of the rationale for the finding.

(e) Infill EIR Contents. An infill EIR shall analyze only those significant effects that uniformly

applicable development policies or standards do not substantially mitigate, and that are either new specific effects or are more significant than a prior EIR analyzed. All other effects of the infill project should be described in the written checklist as provided in subdivision (d)(1), and that written checklist should be circulated for public review along with the infill EIR. The written checklist should clearly set forth those effects that are new specific effects, and are subject to CEQA, and those effects which have been previously analyzed and are not subject to further environmental review. The analysis of alternatives in an infill EIR need not address alternative locations, densities, or building intensities. An infill EIR need not analyze growth inducing impacts. Except as provided in this subdivision, an infill EIR shall contain all elements described in Article 9.

(f) Terminology. The following definitions apply to this section:

(1) "Infill project" includes the whole of an action consisting of residential, commercial, retail, transit station, school, or public office building uses, or any combination of such uses that meet the eligibility requirements set forth in subdivision (b). For retail and commercial projects, no more than one half of the project area may be used for parking. "Transit station" means a rail or light-rail station, ferry terminal, bus hub, bus transfer station, or bus stop, and includes all streetscape improvements constructed in the public right-of-way within one-quarter mile of such facility to improve multi-modal access to the facility, such as pedestrian and bicycle safety improvements and traffic-calming design changes that support pedestrian and bicycle access.

(2) "Planning level decision" means the enactment or amendment of a general plan or any general plan element, community plan, specific plan, or zoning code.

(3) "Prior EIR" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents.

(4) "Qualified urban use" is defined in Public Resources Code Section 21072.

(5) "Small walkable community project" means a project that is all of the following:

(A) In an incorporated city that is not within the boundary of metropolitan planning organization;

(B) Within an area of approximately one-quarter mile diameter of contiguous land that includes a residential area adjacent to a retail downtown area and that is designated by the city for infill development consisting of residential and commercial uses. A city may designate such an area within its general plan, zoning code, or by any legislative act creating such a designation, and may make such designation concurrently with project approval; and

(C) Either a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.

(6) The terms "sustainable communities strategy" and "alternative planning strategy" refer to a strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning

organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve its greenhouse gas emission reduction targets.

(7) "Uniformly applicable development policies or standards" are policies or standards adopted or enacted by a city or county, or by a lead agency, that reduce one or more adverse environmental effects. Examples of uniformly applicable development policies or standards include, but are not limited to:

(A) Regulations governing construction activities, including noise regulations, dust control, provisions for discovery of archeological and paleontological resources, stormwater runoff treatment and containment, protection against the release of hazardous materials, recycling of construction and demolition waste, temporary street closure and traffic rerouting, and similar regulations.

(B) Requirements in locally adopted building, grading and stormwater codes.

(C) Design guidelines.

(D) Requirements for protecting residents from sources of air pollution including high volume roadways and stationary sources.

(E) Impact fee programs to provide public improvements, police, fire, parks and other open space, libraries and other public services and infrastructure, including transit, bicycle and pedestrian infrastructure and traffic calming devices.

(F) Traffic impact fees.

(G) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.

(H) Ordinances addressing protection of urban trees and historic resources.

(8) "Urban area" is defined in Public Resources Code Section 21094.5(e)(5).

Authority: Public Resources Code 21083, 21094.5.5

Reference: Public Resources Code Sections 21094.5 and 21094.5.5



Entitlement Efficiency Advisory for Priority Development Areas

Introduction

This document outlines an approach to simplifying the process for entitling development projects in Priority Development Areas (PDAs) with adopted Specific Plans.¹ PDAs are the framework for implementing the land use strategy in Plan Bay Area, which meets the Greenhouse Gas emissions reduction target adopted for the San Francisco Bay Area's Sustainable Communities Strategy (SCS) by the California State Air Resources Board (ARB).² PDAs are places with frequent transit service identified by local jurisdictions for future housing and job growth. Each PDA was voluntarily nominated by a local jurisdiction and adopted by the ABAG Executive Board. Jurisdictions selected a Place Type for each PDA that provides a range of densities, building intensities, and land uses.³ Development projects in PDAs included in Plan Bay Area are consistent with the Plan if they are within the range of densities and building intensities specified for the Place Type designated for each PDA.⁴

This advisory focuses on opportunities to reduce the time, cost and legal risk required to entitle these kinds of projects in PDAs with locally adopted land use plans that have undergone thorough environmental review and extensive community involvement.⁵ Local jurisdictions will decide if and how they will apply the recommended practices according to local conditions. This is not an exhaustive discussion of entitlement efficiency opportunities. Additional resources are provided at the end of the document.

Recommended Practice for Priority Development Area Entitlement Efficiency

To support the development of sustainable communities and achieve Greenhouse Gas emissions reduction targets, recently adopted state law provides an exemption from the requirements of CEQA for certain residential, commercial and mixed-use development projects in Priority Development Areas if they are consistent with an adopted Specific Plan and a Sustainable

¹ Many Precise Plans, Master Plans, Village Plans and Area plans meet these standards, listed in California Government Code 65451 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65450-65457>)

² Plan Bay Area was accepted by the Air Res

³ The Place Type of each PDA is listed in the Plan Bay Area Final Forecast of Jobs, Population and Housing: http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Forecast_of_Jobs_Population_and_Housing.pdf The range of densities, intensities, and land uses for each place type is found on pp. 14-15 and 18-19 of the Station Area Planning Manual:

http://www.mtc.ca.gov/planning/smart_growth/stations/Station_Area_Planning_Manual_Nov07.pdf

The station area total jobs and housing targets in the manual are not applicable.

⁴ See note above regarding designated place types and criteria.

⁵ *Concerned Dublin Citizens et al vs. City of Dublin et al*

Communities Strategy.⁶ The required scope of environmental analysis is reduced for many PDA projects that are not fully exempted. Among recent legislation, SB743 provides an arguably less onerous process than SB375 for qualifying for CEQA exemptions by introducing simpler, less extensive criteria than the Transit Priority Project requirements. To avoid confusion, it is worth noting that the Transit Priority Project concept and associated criteria is not applicable to projects seeking the exemptions created by SB743.

The sections below recommend approaches for: simplifying the entitlement efficiency process for projects in PDAs with adopted Specific Plans; amending existing Specific Plans to simplify the project review process; and implications of pending changes to CEQA for new Specific Plans and future infill development projects.

Recommended Approach: Projects in PDAs with Adopted Specific Plans

Step One: Review Project Eligibility for Exemption

- Within a locally nominated Priority Development Area (PDA) included in Plan Bay Area
- Within an area with an adopted specific plan or equivalent for which an environmental impact report has been certified
- Consistent with specific plan regulations and policies (i.e. zoning, design standards, mitigations, etc)
- The project consists of residential, commercial or mixed uses
- For commercial or mixed-use projects: Minimum Floor Area Ratio (FAR) of 0.75
- Within ½ mile of transit service with peak service frequencies of 15 minutes or less (a Transit Priority Area)^{7, 8}
- None of the following events have occurred:
 - The project creates a substantial new, or substantially worse, impact than what was predicted to occur as part of implementation of the Specific Plan buildout based on information not known (and not knowable) at the time.⁹
 - Substantial changes in the circumstances under which the project takes place since the certification of the Specific Plan EIR that will require major revisions in the EIR (e.g., a major earthquake has taken place) due to new or more severe

⁶ The residential exemption is found in CA Government Code Section 65457 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65450-65457>).

The office and mixed-use exemption is found in CA Public Resources Code Section 21155.4 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=21001-22000&file=21155-21155.4>)

⁷ This requirement does not apply if the project is 100% residential.

⁸ *Transit Priority Areas* are distinct from *Transit Priority Projects*. Transit Priority Areas are geographic areas that meet specific transit service criteria. Transit Priority Projects, introduced through the provisions of SB375, are individual development projects that meet both transit service criteria *and* a more extensive set of requirements related to project size, environmental performance, affordability, and other factors. Projects seeking the exemption described in this advisory *do not* need to meet these more extensive Transit Priority Project requirements.

⁹ Aesthetics and parking will not trigger new review if the project is on an infill site

significant impacts. *Implementation of the specific plan is not itself a substantial change.*

Step Two: File Notice of Exemption

File notice of exemption indicating that the project is exempt from CEQA under Public Resources Code Section 21155.4 as a project that: a) is within a Transit Priority Area; b) implements and is consistent with a specific plan for which an EIR has been certified, and c) “is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy for which the State Air Resources Board has accepted a metropolitan planning organization’s determination that the sustainable communities strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.”¹⁰

Projects Not Fully Exempt: Additional Entitlement Efficiency Opportunities

Projects that are within PDAs but do not meet all of the exemption criteria may still be eligible for limited environmental review, such as an infill EIR as described in Section 15183.3 of the State CEQA Guidelines. Use the checklist in State CEQA Streamlining for Infill Guidelines (Attachment B to this document) to identify the eligibility of a project for these provisions. Also use the checklist for projects in areas without adopted Specific Plans for which a plan (e.g. Community Plan or General Plan) and EIR has been adopted addressing development on individual parcels.

Recommended Approach to New Specific Plans

The design of Specific Plans and EIRs can heavily influence the entitlement process for future projects in the plan area. Specific Plans can increase the potential of projects to capitalize on entitlement efficiency opportunities by: a) addressing a full range of environmental issues; b) completing area-wide analyses to and avoid required future project-level analyses; c) providing flexibility in the permitted development capacity of individual parcels; d) adopting performance standards that can be met through multiple approaches (as opposed to less flexible mitigations); and e) creating a checklist for CEQA exemptions and streamlining.

¹⁰ Projects that are 100% residential and do not meet transit proximity requirement should file a notice of exemption indicating that the project is exempt from CEQA under Government Code 65457 as a residential project for which an EIR has been certified.

Recommended Amendments and Addenda to Adopted Specific Plans

Many Specific Plans can be updated periodically by addenda and/or amendments addressing issues for which comprehensive policies may not have originally been developed. One example is a uniformly applicable development standard. These standards, adopted citywide, can be used to address complex challenges such as sea level rise or air quality issues related to proximate distance to major roadways.¹¹ The development standard can be presented to City Council in a staff report requesting: a) citywide adoption of the standard; and b) an addendum to the Specific Plan incorporating this standard. Addenda can also be adopted for individual projects to address specific issues while avoiding or minimizing additional environmental analysis; examples include voluntary measures such as installing air filters. Project applicants can qualify for an addendum if the project does not result in a new or worse significant adverse impact.

Implications of Pending Changes to CEQA for New Specific Plans and Infill Projects

In addition to providing the exemptions discussed above, recently adopted legislation requires the state Office of Planning and Research (OPR) to update CEQA guidelines to modify the potential impacts EIRs for plans and projects in infill areas—excluding those fully exempted from CEQA—must address. This focuses on shifting transportation analysis from the existing Level of Service measure to a more multi-modal approach. When these changes are completed, ABAG will work with OPR and MTC to provide guidance to local jurisdictions.

Resources

- **State CEQA Streamlining for Infill Guidelines Streamlining Guidelines**

- CEQA Guideline Section 15183.3 (included as Attachment A)
weblink: http://opr.ca.gov/s_sb226.php

- **CEQA Exemption Citations**

- Projects consistent with adopted specific plan, certified EIR, and Sustainable Communities Strategy (i.e. Plan Bay Area):
California Public Resources Code Section 21155.4
weblink: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=21001-22000&file=21155-21155.4>

full text:

(a) Except as provided in subdivision (b), a residential, employment center, as defined in paragraph (1) of subdivision (a) of Section 21099, or mixed-use development project, including any subdivision, or any zoning, change that meets all of the following criteria is exempt from the requirements of this division:

(1) The project is proposed within a transit priority area, as defined in subdivision (a) of Section 21099.

(2) The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.

(3) The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.

(b) Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred.

- Residential projects consistent with adopted Specific Plan and certified EIR, but not within ½ mile of transit with 15 minute peak headways:
California Government Code 65457
weblink: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65450-65457>

full text:

(a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.

(b) An action or proceeding alleging that a public agency has approved a project pursuant to a specific plan without having previously certified a supplemental environmental impact report for the specific plan, where required by subdivision (a), shall be commenced within 30 days of the public agency's decision to carry out or approve the project.

- **Specific Plan Definition and Guidance**

- Legal Requirement for Specific Plans (*projects in areas with differently titled plans meeting these criteria may be eligible for the same exemptions as those in specific plan areas*):

California Government Code 65451

Weblink: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65450-65457>

- Office of Planning and Research Guide to Specific Plans (includes discussion of common challenges to meeting legal adequacy requirements):

Weblink: http://ceres.ca.gov/planning/specific_plans/sp_part1.html

- **Key Entitlement Efficiency Legislation**

- Senate Bill 1196 (Section 18 established CEQA exemption for residential projects consistent with specific plans, amending Government Code Section 65457)

weblink:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060SB1196&search_keywords=

- Senate Bill 743 (Section 6 established CEQA exemption for employment center and mixed-use projects consistent with a SCS and additional density and transit criteria, adding Public Resources Code Section 21155.4)
weblink:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743
- Senate Bill 226 (established limited environmental review processes for infill projects consistent with a SCS and additional criteria related to environmental review, project size, density, transit service, and resource efficiency, making numerous amendments to the Public Resources and Government Codes)
weblink:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB226&search_keywords=
- Senate Bill 375 (Sections 14 and 15 established CEQA exemptions or limited environmental review processes for projects consistent with a SCS and density, project size, transit service, affordability, open space and resource efficiency criteria, making numbers amendments to the Public Resources and Government Codes)
weblink:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB375&search_keywords=

- **Legal decision upholding exemption from CEQA for residential project consistent with a specific plan**

- *City of Dublin vs Dublin Concerned Dublin Citizens*
Weblink: <http://www.courts.ca.gov/opinions/nonpub/A135790.DOC>



Santa Rosa City Council
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Re: 3558 Round Barn Circle Application, Fil # PRG17-045

February 5, 2019

Dear Mayor Schwedhelm and Councilmembers,

I am writing to express my continued concern for the plan for a new Residence Inn Hotel at 3558 Round Barn Circle. I first expressed this concern in a similar letter to Amy Richardson at the Planning Office in August 2018. As currently proposed, Santa Rosa Community Health (SRCH) objects to this project.

SRCH owns and operates its largest health center across the street at 3562 Round Barn Circle. Our Vista Campus provides primary medical and mental health services to 24,000 low-income Santa Rosans and employs 180 staff. With our neighbors at St Joseph Health and Kaiser, the area is an essential hub for critical and sensitive health services in our community.

As you are aware, Round Barn Circle is a privately-owned road and does not meet Santa Rosa city standards. It is too narrow and, thus, heavily burdened by already existing traffic and parking demands. The addition of a 114-room hotel can only add to this problem. As proposed, the 114-room facility only provides for one parking space per guestroom. This does not include any space for necessary employee, visitor, or vendor parking.

Traffic and access on the narrow street will be further challenged by deliveries in large trucks that are a natural part of day-to-day hotel operations. Patients coming to and from medical appointments already have a difficult time navigating the narrow road and parking. Our primary mission, as is St Joseph Health's and Kaiser's, is providing a safe and healing environment for the people of Santa Rosa. Thinking of the stress that additional traffic and parking challenges will add makes me worry for their well-being and safety, along with that of our own employees.

That the hotel is in a high-risk fire area only makes it more concerning. Santa Rosa Community Health's Vista Campus was tragically damaged during the October 2017 firestorm and it borders on the miraculous that neighboring buildings were not further damaged. I appreciate the need for additional hotel rooms in Santa Rosa – a problem only heightened by the loss of two hotels in this very area. However, safe egress for all residents and visitors, including sufficient parking and right of way, must be a part of any building plan today.

Sincerely,

A handwritten signature in black ink that reads "Naomi Fuchs". The signature is written in a cursive, flowing style.

Naomi Fuchs
CEO, Santa Rosa Community Health

FOUNTAINGROVE MEDICAL CENTER PARTNERS LLC

C/o HARRY B. RICHARDSON, JR., M.D.

700 MC DONALD AVENUE

SANTA ROSA, CALIFORNIA 95404

Cell (707) 322-5061

(707) 528-6322

FAX (707) 528-7802

hbr95404@aol.com

To: City of Santa Rosa Planning Commission via Amy Nicholson & Gary Broad, City Planners to be distributed to the Planning Commission

Re: Public Hearing 11/29/2018, 3558 Round Barn Circle Application, File #PRJ17-045

From: Harry B. Richardson, MD

11/20/2018

I am the managing member of the Fountaingrove Medical Center Partnership LLC. We own the Cancer Center at 3555 Round Barn Circle. Santa Rosa Memorial Hospital/ St Joseph Heritage Healthcare maintains their full-service cancer service on the property. They provide cancer chemotherapy, radiation therapy and support service to patients with cancer and their families. This is the largest such facility between San Francisco and Portland, Oregon.

There is a long history relating to the design and development restrictions in the Fountaingrove Executive Center. There have always been height limits, allowable square footage and view protections incorporated in the development plans for the area. In 2000 a project was proposed for the 3558 Round Barn Circle parcel along with the adjacent properties. It violated the height restrictions and square footage restrictions placed on the property. The Planning Commission denied the application primarily because of density, lack of sensitivity to privacy considerations of our medical building, potential traffic impacts and other reasons.

In 2001, I met with the developer representing Billa Enterprises. He agreed to place the proposed building on the north end of the 3558 Round Barn Circle lot and to reduce the height from three stories to two in exchange for our agreeing not to oppose the project. The conditional use permit for the modified project, Fountaingrove Executive Park, was approved by the Planning Commission on 6/14/2001. I was subsequently told they were to go to Design Review in September, 2001. I've heard nothing else until the notice was posted for the currently proposed hotel.

The Cancer Center was specifically designed to be as comfortable and calming as possible for patients undergoing treatment. The chemotherapy infusion area covers the entire west side of the building with large windows overlooking the proposed project site. A four-story building would dramatically alter that view. We strongly request that you don't approve this project for multiple reasons. Sitting in an infusion chair receiving chemotherapy is not enhanced by the view of a Marriott Hotel. The view east from the upper floors of the hotel would be directly into the infusion area creating patient privacy issues.

Round Barn Circle is a privately-owned road and does not meet Santa Rosa City standards. It is too narrow. Before Vista Clinic was burned out, the street was packed with parked cars daily. Vista is rebuilding and will be back in operation within the year. The Fountaingrove Cancer Center parking lot suffers from overflow parking from Vista and Kaiser employees. It's difficult for large trucks to navigate the street. I imagine that hotels require large daily vendor truck deliveries and pick-ups. See Google map below showing cars lining Round Barn Circle pre-fire (Graphic A)

The applicant's parcel sits in the throat of the burned area. The 1870, 1964 and 2017 fires consumed this area, the worst being the Tubb's fire. The lot at 3558 Round Barn Circle burned along with the adjacent Hilton Hotel and Vista Clinic. Our building and the Kaiser building at the corner of Round Barn Circle suffered major landscape damage. I suspect it's more

difficult to evacuate a hotel full of tourists at night than to evacuate an empty office building. I've added a post fire photo from the City web site. The Hilton and Vista Clinic are in green. See Graphic B

Photos from the chemotherapy infusion suite are included from June of this year as well as photos from the earlier Planning Commission presentation in 2000. Graphic C.

When we built the Cancer Center, we accepted and followed the zoning restrictions in place. We purchased and developed the site expecting that those restrictions would protect us in the future. We implore you not to allow an override of the original height restrictions. In addition, this 92,000 sq. foot building significantly exceeds the cumulative sq. footage for the entire Fountaingrove Executive Center 6 building complex. These earlier design restrictions were critical in our building planning and design. The Cancer Center building was positioned to create a specific view for our patients undergoing chemotherapy. Consistency is important in planning.

Thoughts for you:

Why shoehorn a hotel into a site that requires 4 stories to make it work, into an area already fraught with major traffic woes, and into a hazardous burn area?

Why allow a building project that requires a waiver of height restrictions, the disregard of earlier density restrictions, and ignores prior Planning Commission actions? Why allow a project that will significantly affect the view from the Cancer Center infusion suite? If you think this is of little consequence, please see Mr. Loughran's article that follows.

Originally published in the [Press Democrat](#) 11/24/2013. Used with the author's permission (and he says to tell you he's still alive).

The Best View intown, by Rob Loughran

The best view in Santa Rosa, it is said, is from Paradise Ridge Winery. The tasting room looks westward toward the semi-organized suburban sprawl where we live and thrive and call home. There is, however, another view from just a tiny bit down the mountain from the winery.

On Round Barn Circle.

A slightly different view.

Sutter Oncology Clinic has the same view, just not as high on the mountain. And the people who get to see it truly appreciate the vista. Sutter Oncology Clinic is the place where people go to receive a drip, drip, drip that will hopefully cure their cancer.

I have had the opportunity to savor the panoramic splendor of Santa Rosa, California from the glassed-in aerie of this clinic.

It's a beautiful view. It's a beautiful city.

We, from here, can see the city sprawled out before us. We can also see the clouds and storms from the Pacific bringing us fog, drizzle, rain.

Today as I waited, patiently and hopefully, for the juice to enter my veins for my specific illness I savored the view of this city of Santa Rosa. From up here, as the medicine seeps into my veins, I have a sense of distance from the ant farm that is the modern American city. There is another community, another city, brought together because we are in the same leaky rowboat, of cancer patients who see this panorama – this beautiful city of Santa Rosa – while accepting the latest and hopefully most effective and propitious drug.

Drip, drip drip.

An impromptu community.

I have been coming here since June for my particular problem and I have to say that I have never been more welcomed, befriended, and accepted as I have been every time I show up for my chemotherapy.

And I think it might be the view.

Today I walked in and two of the nurses greeted me by my first name and asked if the restaurant where I worked, The Farmhouse, was busy. I said yes, indeed, we were. Booked until Thanksgiving. They nodded and efficiently, elegantly, found a proper vein for the drip, drip, drip, that I would be receiving for the next seven hours.

In those seven hours I would learn that I am, indeed, the luckiest guy on the planet. I do have a bit of cancer that's circulating, perambulating, goofing off in my bladder. This little drip, drip, drip, of chemotherapy that I receive will address and resolve that problem.

I wish it were so simple for the people in the chairs surrounding me. I'm here for seven hours and I am one of the few without a port. A port is a plastic junction where the chemotherapy is injected. It is a semi-permanent appliance where cheerful and smiling nurses inject merciless, hopefully effective, drugs for deadly and mysterious ailments.

A beautiful young lady sat next to me and had her elixir administered through such a plastic port. This thirty-year-old woman endured visits from in-laws and friends. Obviously in pain, she perked up whenever someone visited. She was the perfect hostess in English and Spanish as the visitors arrived and left.

Until her children arrived.

The boys, aged nine and eleven, spoke perfect English to the nurses and myself when I said "Hey" but they spoke in Spanish to their mother and their aunt who had accompanied them. Their mother had been on her medication for about two hours before they arrived. I could tell by her breathing that it was not a comfortable situation. But when her boys appeared she became a vibrant and caring mother. She transcended the side effects of whatever drug, whatever poison, for whatever malady was in her system and she became a mama. In Spanish the youngest son said, "My baseball game is at 10 o'clock on Saturday."

Auntie raised a finger and said in Spanish to her sobrino, "There are more important things right now."

The young man fought back tears and said, "You are right."

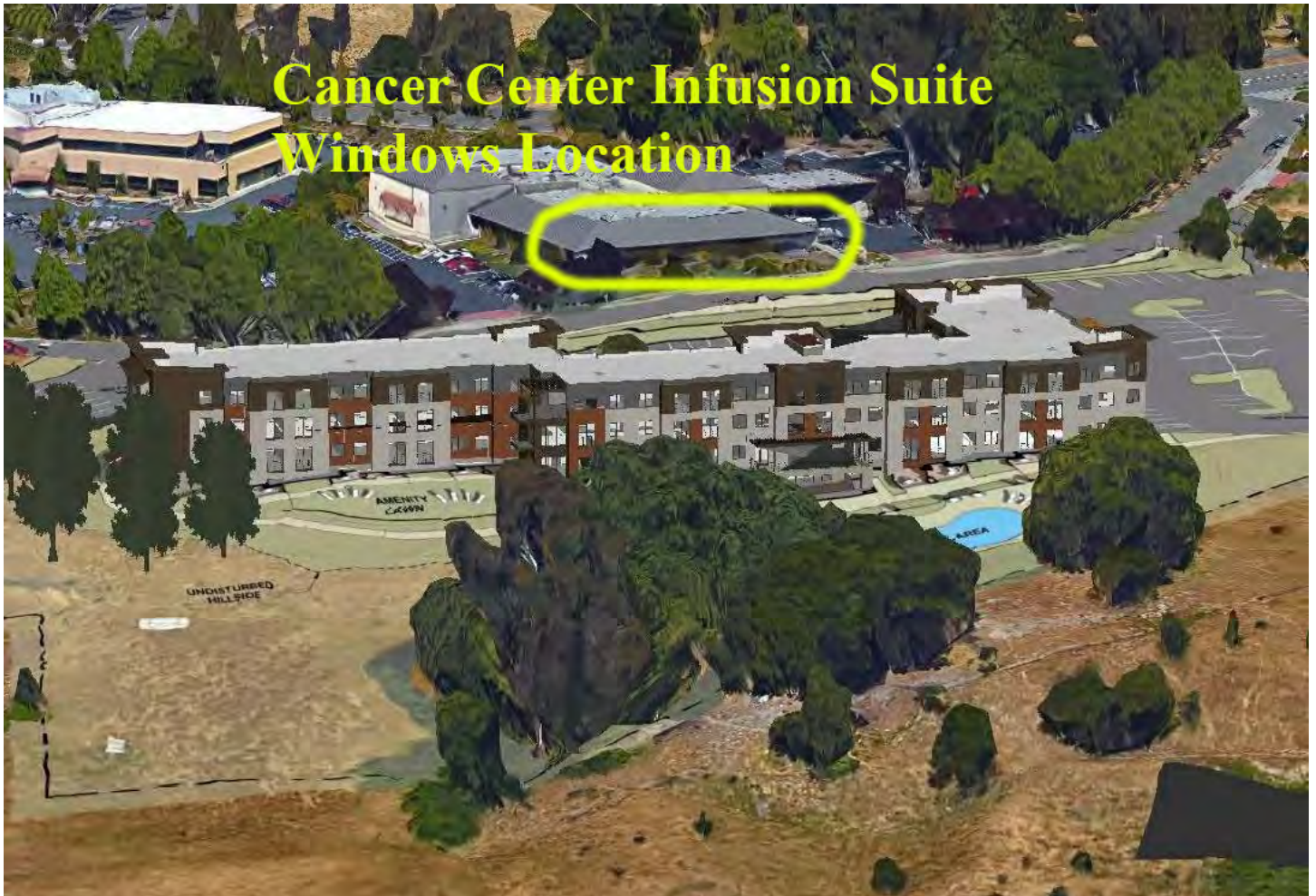
This stuff that they are pouring into my veins is truly miraculous. Whether or not it snuffs out what is growing wildly within me really doesn't matter. Today, because I had to be here in this place, at this time, I watched a boy become a man.

That is the best view in Santa Rosa.

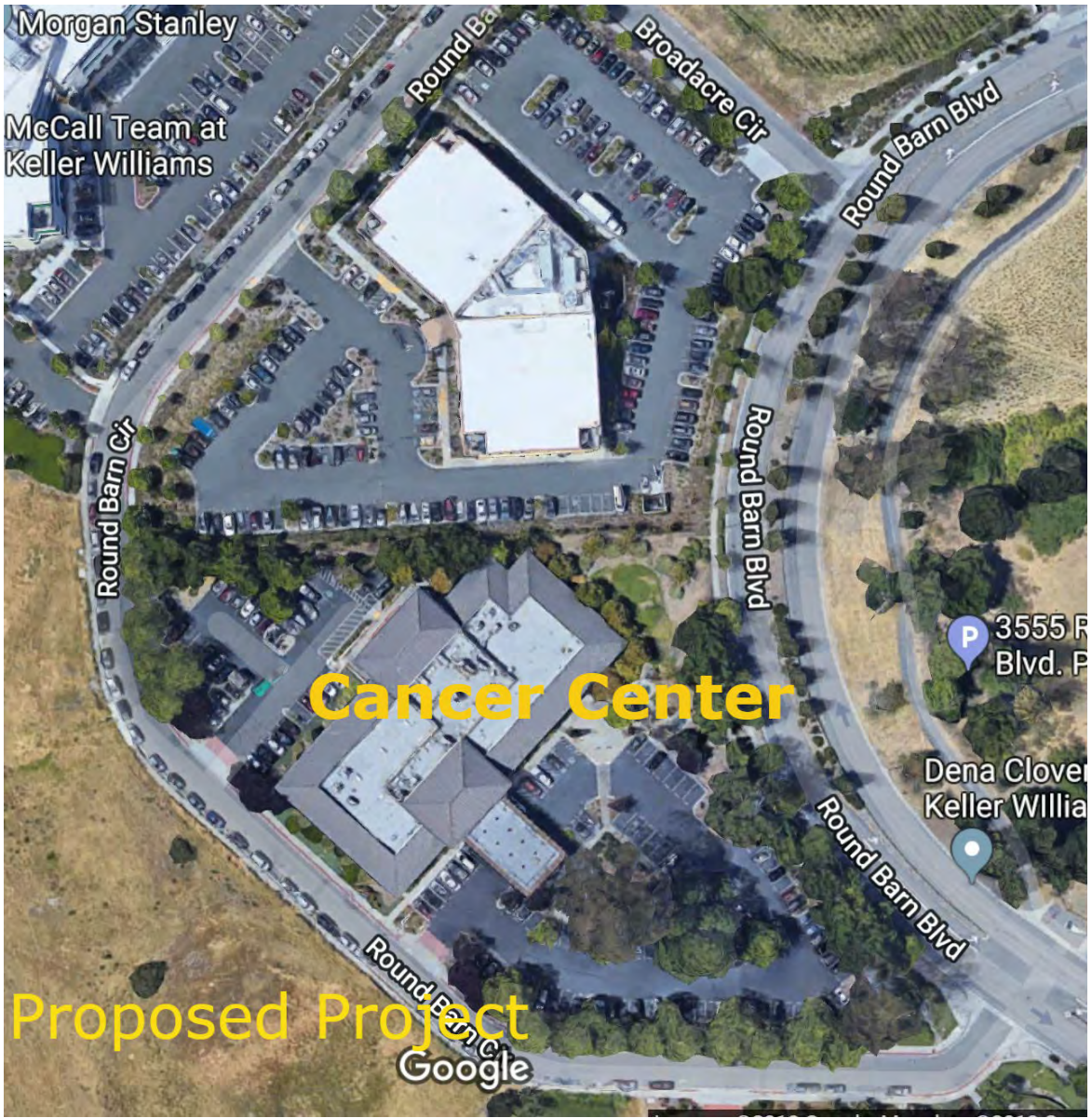
Because of the people who are in it.

Rob Loughran usually writes about sillier stuff. His latest novel *Beautiful Lies* is available at Pages On the Green bookstore in Windsor, CA

Cropped Views from Submitted Renderings Demonstrating Blocked View from Cancer Center Infusion Suites:



Graphic A: Daytime Parking Round Barn Circle (Google Maps pre-fire)



Graphic B: Tubb's Fire Burned Areas- City Santa Rosa Drone Photo

Green Areas are burned out buildings



Graphic C: Current Views of Project site from Cancer Center Infusion Room. Patients & Staff Excluded for Privacy Reasons





2000 Photos:



Planners reject tall Fountaingrove buildings

By MARY CALLAHAN
THE PRESS DEMOCRAT

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Citing concerns about traffic congestion, the size of the project and open space, the commission voted 6-0 to deny a permit for the plan but said it would be willing to consider a scaled-back proposal if it were sub-

mitted.

In the current economy, Commissioner Allen Thomas said, "I think we can be picky."

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mand" for executive office space.

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They also pointed out that it would exceed 35-foot building-height limits by up to 16 feet and otherwise cover more surface area than was intended when a land-use plan for the area was drafted several years ago.

Cross Creek Road resident Bob Ringo com-

TURN TO BUILDINGS, PAGE B2



12/15/00

BUILDINGS: Cancer patient said vista makes treatment more bearable

CONTINUED FROM PAGE B1

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ago and that he had counted on future developers to do the same.

Tall buildings would threaten the view of his staff and chemotherapy patients, whose privacy also would be threatened by office workers looking in on them, he said.

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ly chemotherapy more bearable and that other patients routinely discuss the glorious scene. "Quality of life is really important when you're a cancer patient," Lentini said.

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Gill said he had no comment yet on whether he would try again. "We need to go back and digest what's happened here," he said.

You can reach Staff Writer Mary Callahan at 521-5249 or e-mail mcallahan@pressdemocrat.com.

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Amy Nicholson
City Planner, City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Re: 3558 Round Barn Circle Application, Fil # PRG17-045

August 23, 2018

Dear Ms. Richardson.

I am writing to express my concern for the current plan for a new Residence Inn Hotel at 3558 Round Barn Circle. Santa Rosa Community Health owns and operates its largest health center across the street at 3562 Round Barn Circle. Our Vista Campus provides primary medical and mental health services to 24,000 low-income Santa Rosans and employs 180 staff. With our neighbors at St Joseph Health and Kaiser, the area is an essential hub for critical and sensitive health services in our community.

As you are aware, Round Barn Circle is a privately-owned road and does not meet Santa Rosa city standards. It is too narrow and, thus, heavily burdened by already existing traffic and parking demands. The addition of a 114-room hotel can only add to this problem. As proposed, the 114-room facility only provides for one parking space per guestroom. This does not incorporate any room for necessary employee, visitor, or vendor parking. Traffic and access on the narrow street will be further challenged by deliveries in large trucks that are a natural part of day-to-day hotel operations. Patients coming to and from medical appointments already have a difficult time navigating the narrow road and parking. Our primary mission, as is St Joseph Health's and Kaiser's, is providing a safe and healing environment for the people of Santa Rosa. Thinking of the stress that additional traffic and parking challenges will add makes me worry for their well-being and safety, along with that of our own employees.

That the hotel is in a high-risk fire area only makes it more concerning. Santa Rosa Community Health's Vista Campus was tragically damaged during the October 2017 firestorm and it borders on the miraculous that neighboring buildings were not further damaged. We certainly appreciate the need for additional hotel rooms in Santa Rosa – a problem only heightened by the loss of two hotels in this very location. Fast tracking a project in a burn area, however, and/or foregoing regulations to quickly approve projects does not seem like a wise or, more importantly, safe decision.

As currently proposed, we object to this project.

Sincerely,

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Naomi Fuchs
CEO, Santa Rosa Community Health

August 13, 2018

City Planning Commission
c/o Amy Richardson, City Planner
City of Santa Rosa
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

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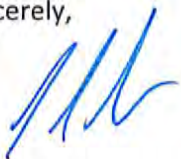
On behalf of Providence St. Joseph Health, we would like to provide comments to the proposed Marriott Residence Inn at 3558 Round Barn Circle Drive. As a health system that provides cancer treatment to patients directly across the street from the proposed hotel development, we are concerned about the potential view impacts to our patients who receive infusion therapies and look out the windows in this direction for up to six (6) hours a day, several days per week.

We understand that you have requested a view study from the project developer and when it is available we request the opportunity to review it with you to determine the potential impact and any mitigations that might be necessary to incorporate in the project to ensure our patients' healing environment is not obstructed.

While we recognize and appreciate the importance of economic development—especially new hotels in our city—please understand that the patient experience at this location is tremendously important to our medical staff, patients and their families. As patients receive infusion treatments and chemotherapy, which requires them to be stationary for long periods, the view out the windows has helped to provide comfort for our patients and their families who often struggle emotionally as well. We object to any potential impact to the infusion center environment and fully support a compromise that serves all parties and supports the care and treatment of the patients we serve.

Thank you for considering these suggestions and sharing our concerns about the proposed Marriott Residence Inn. If you have any questions, please contact Rochelle Silsbee, director of public affairs, at (661) 481-8139 or rochelle.silsbee@providence.org.

Sincerely,



Todd Salnas
Chief Executive Officer – Sonoma



Thomas Stanton, M.D.
Associate Medical Director, Oncology Services

Nicholson, Amy

From: Beth <bethblue@sbcglobal.net>
Sent: Friday, June 22, 2018 7:08 PM
To: Nicholson, Amy
Subject: Fountain Grove Four Story Hotel Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I heard about the proposed four-story hotel proposed for the area west of the Cancer Center located at 3555 Round Barn Circle in Santa Rosa. I am writing you to ask that this project not be allowed to move forward. As a cancer survivor who received treatment at this Cancer Center, I know how important the current view is to those in the infusion room. The beautiful open space is so very helpful to address the stress and fear cancer patients experience as they undergo life-saving treatment.

Please keep this in mind as you decide if this project can move forward or not.

Thanks very much.

Beth Eurotas
Santa Rosa Resident

Nicholson, Amy

From: hbr95404@aol.com
Sent: Monday, June 18, 2018 10:13 AM
To: Nicholson, Amy
Cc: bob.just@stjoe.org; michelle.herron@stjoe.org
Subject: #3558 Round Barn Circle Project

Dear Ms. Nicholson,

In follow up to the message I left this morning, I am the managing member of the Fountaingrove Medical Center Partnership LLC. We own the Cancer Center at 3555 Round Barn Circle. Santa Rosa Memorial Hospital is the master tenant and maintains their full service cancer service on the property. They provide cancer chemotherapy, radiation therapy and support services to patients with cancer and their families. This is the largest such facility between San Francisco and Portland Oregon. There is a long history relating to the design restrictions in the Fountaingrove Executive Center. There have always been height limits and view protections incorporated in the development plans for the area. Some years ago, a project was proposed for the 3558 Round Barn Circle parcel. As I recall, it violated both the pad placement designation and the height restrictions placed on the property. We were able to prevail and the original Fountaingrove Executive Center development guidelines were upheld.

The Cancer Center was specifically designed to be as comfortable and calming as possible for patients undergoing treatment. The chemotherapy infusion area covers the entire west side of the building with large windows overlooking the proposed project site. Although I have not seen concept plans, I assume that a four story building would dramatically alter that view. I have other major concerns about the proposed project based on what I saw in the Press Democrat yesterday but I need to see the proposed project details in order to comment appropriately.

We have not yet received formal notification of the meeting. There is no sign on the property as of this morning. My mail is being forwarded from Santa Rosa and that may explain the lack of written notice.

Since I won't be back in Santa Rosa until after July 8, I hope you will be able to provide access to the file with the details of the proposed project.

Thanks for your help,

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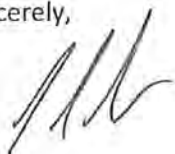
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FOUNTAINGROVE MEDICAL CENTER PARTNERS LLC

C/o HARRY B. RICHARDSON, JR., M.D.

700 MC DONALD AVENUE
SANTA ROSA, CALIFORNIA 95404
Cell (707) 322-5061
(707) 528-6322
FAX (707) 528-7802
hbr95404@aol.com

To: City of Santa Rosa Planning Commission via Amy Nicholson & Gary Broad, City Planners to be distributed to the Planning Commission

Re: Public Hearing 11/29/2018, 3558 Round Barn Circle Application, File #PRJ17-045

From: Harry B. Richardson, MD

11/20/2018

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There is a long history relating to the design and development restrictions in the Fountaingrove Executive Center. There have always been height limits, allowable square footage and view protections incorporated in the development plans for the area. In 2000 a project was proposed for the 3558 Round Barn Circle parcel along with the adjacent properties. It violated the height restrictions and square footage restrictions placed on the property. The Planning Commission denied the application primarily because of density, lack of sensitivity to privacy considerations of our medical building, potential traffic impacts and other reasons.

In 2001, I met with the developer representing Billa Enterprises. He agreed to place the proposed building on the north end of the 3558 Round Barn Circle lot and to reduce the height from three stories to two in exchange for our agreeing not to oppose the project. The conditional use permit for the modified project, Fountaingrove Executive Park, was approved by the Planning Commission on 6/14/2001. I was subsequently told they were to go to Design Review in September, 2001. I've heard nothing else until the notice was posted for the currently proposed hotel.

The Cancer Center was specifically designed to be as comfortable and calming as possible for patients undergoing treatment. The chemotherapy infusion area covers the entire west side of the building with large windows overlooking the proposed project site. A four-story building would dramatically alter that view. We strongly request that you don't approve this project for multiple reasons. Sitting in an infusion chair receiving chemotherapy is not enhanced by the view of a Marriott Hotel. The view east from the upper floors of the hotel would be directly into the infusion area creating patient privacy issues.

Round Barn Circle is a privately-owned road and does not meet Santa Rosa City standards. It is too narrow. Before Vista Clinic was burned out, the street was packed with parked cars daily. Vista is rebuilding and will be back in operation within the year. The Fountaingrove Cancer Center parking lot suffers from overflow parking from Vista and Kaiser employees. It's difficult for large trucks to navigate the street. I imagine that hotels require large daily vendor truck deliveries and pick-ups. See Google map below showing cars lining Round Barn Circle pre-fire (Graphic A)

The applicant's parcel sits in the throat of the burned area. The 1870, 1964 and 2017 fires consumed this area, the worst being the Tubb's fire. The lot at 3558 Round Barn Circle burned along with the adjacent Hilton Hotel and Vista Clinic. Our building and the Kaiser building at the corner of Round Barn Circle suffered major landscape damage. I suspect it's more

difficult to evacuate a hotel full of tourists at night than to evacuate an empty office building. I've added a post fire photo from the City web site. The Hilton and Vista Clinic are in green. See Graphic B

Photos from the chemotherapy infusion suite are included from June of this year as well as photos from the earlier Planning Commission presentation in 2000. Graphic C.

When we built the Cancer Center, we accepted and followed the zoning restrictions in place. We purchased and developed the site expecting that those restrictions would protect us in the future. We implore you not to allow an override of the original height restrictions. In addition, this 92,000 sq. foot building significantly exceeds the cumulative sq. footage for the entire Fountaingrove Executive Center 6 building complex. These earlier design restrictions were critical in our building planning and design. The Cancer Center building was positioned to create a specific view for our patients undergoing chemotherapy. Consistency is important in planning.

Thoughts for you:

Why shoehorn a hotel into a site that requires 4 stories to make it work, into an area already fraught with major traffic woes, and into a hazardous burn area?

Why allow a building project that requires a waiver of height restrictions, the disregard of earlier density restrictions, and ignores prior Planning Commission actions? Why allow a project that will significantly affect the view from the Cancer Center infusion suite? If you think this is of little consequence, please see Mr. Loughran's article that follows.

Originally published in the [Press Democrat](#) 11/24/2013. Used with the author's permission (and he says to tell you he's still alive).

The Best View intown, by Rob Loughran

The best view in Santa Rosa, it is said, is from Paradise Ridge Winery. The tasting room looks westward toward the semi-organized suburban sprawl where we live and thrive and call home. There is, however, another view from just a tiny bit down the mountain from the winery.

On Round Barn Circle.

A slightly different view.

Sutter Oncology Clinic has the same view, just not as high on the mountain. And the people who get to see it truly appreciate the vista. Sutter Oncology Clinic is the place where people go to receive a drip, drip, drip that will hopefully cure their cancer.

I have had the opportunity to savor the panoramic splendor of Santa Rosa, California from the glassed-in aerie of this clinic.

It's a beautiful view. It's a beautiful city.

We, from here, can see the city sprawled out before us. We can also see the clouds and storms from the Pacific bringing us fog, drizzle, rain.

Today as I waited, patiently and hopefully, for the juice to enter my veins for my specific illness I savored the view of this city of Santa Rosa. From up here, as the medicine seeps into my veins, I have a sense of distance from the ant farm that is the modern American city. There is another community, another city, brought together because we are in the same leaky rowboat, of cancer patients who see this panorama – this beautiful city of Santa Rosa – while accepting the latest and hopefully most effective and propitious drug.

Drip, drip drip.

An impromptu community.

I have been coming here since June for my particular problem and I have to say that I have never been more welcomed, befriended, and accepted as I have been every time I show up for my chemotherapy.

And I think it might be the view.

Today I walked in and two of the nurses greeted me by my first name and asked if the restaurant where I worked, The Farmhouse, was busy. I said yes, indeed, we were. Booked until Thanksgiving. They nodded and efficiently, elegantly, found a proper vein for the drip, drip, drip, that I would be receiving for the next seven hours.

In those seven hours I would learn that I am, indeed, the luckiest guy on the planet. I do have a bit of cancer that's circulating, perambulating, goofing off in my bladder. This little drip, drip, drip, of chemotherapy that I receive will address and resolve that problem.

I wish it were so simple for the people in the chairs surrounding me. I'm here for seven hours and I am one of the few without a port. A port is a plastic junction where the chemotherapy is injected. It is a semi-permanent appliance where cheerful and smiling nurses inject merciless, hopefully effective, drugs for deadly and mysterious ailments.

A beautiful young lady sat next to me and had her elixir administered through such a plastic port. This thirty-year-old woman endured visits from in-laws and friends. Obviously in pain, she perked up whenever someone visited. She was the perfect hostess in English and Spanish as the visitors arrived and left.

Until her children arrived.

The boys, aged nine and eleven, spoke perfect English to the nurses and myself when I said "Hey" but they spoke in Spanish to their mother and their aunt who had accompanied them. Their mother had been on her medication for about two hours before they arrived. I could tell by her breathing that it was not a comfortable situation. But when her boys appeared she became a vibrant and caring mother. She transcended the side effects of whatever drug, whatever poison, for whatever malady was in her system and she became a mama. In Spanish the youngest son said, "My baseball game is at 10 o'clock on Saturday."

Auntie raised a finger and said in Spanish to her sobrino, "There are more important things right now."

The young man fought back tears and said, "You are right."

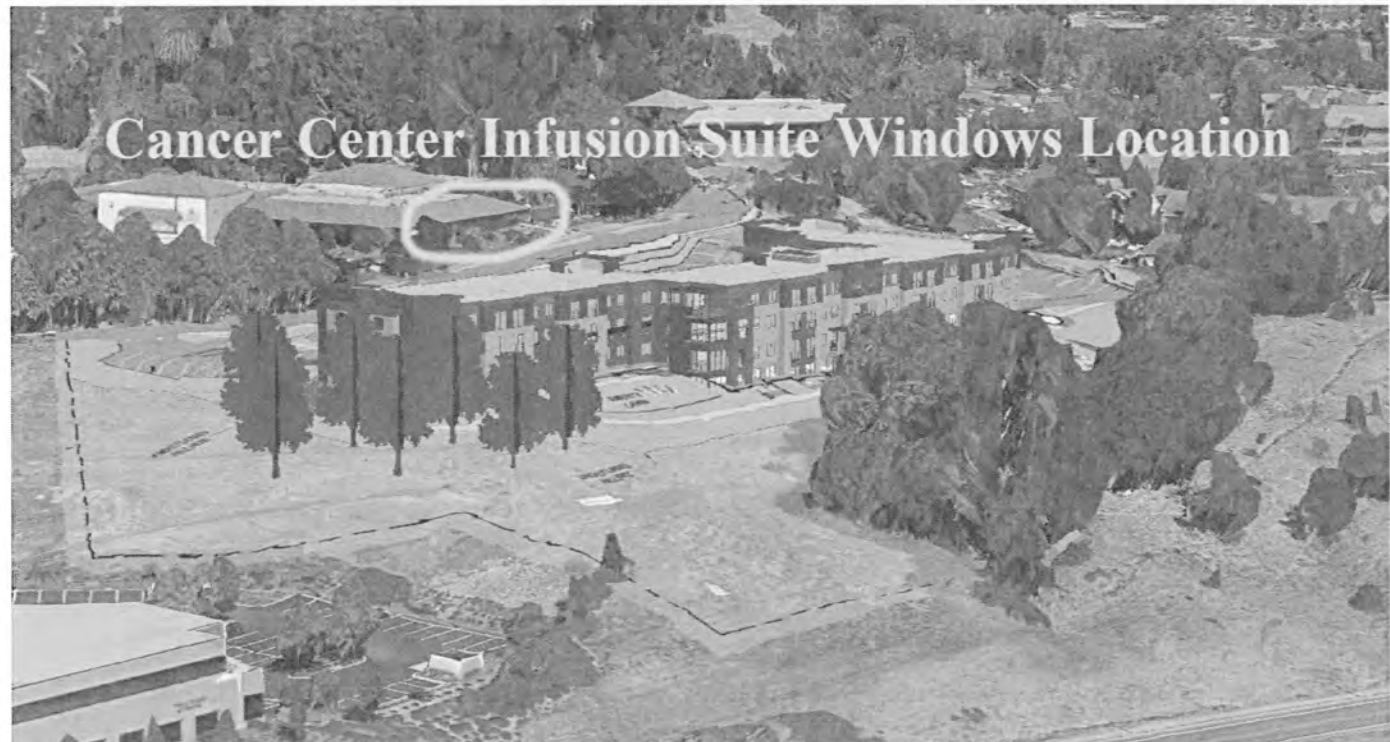
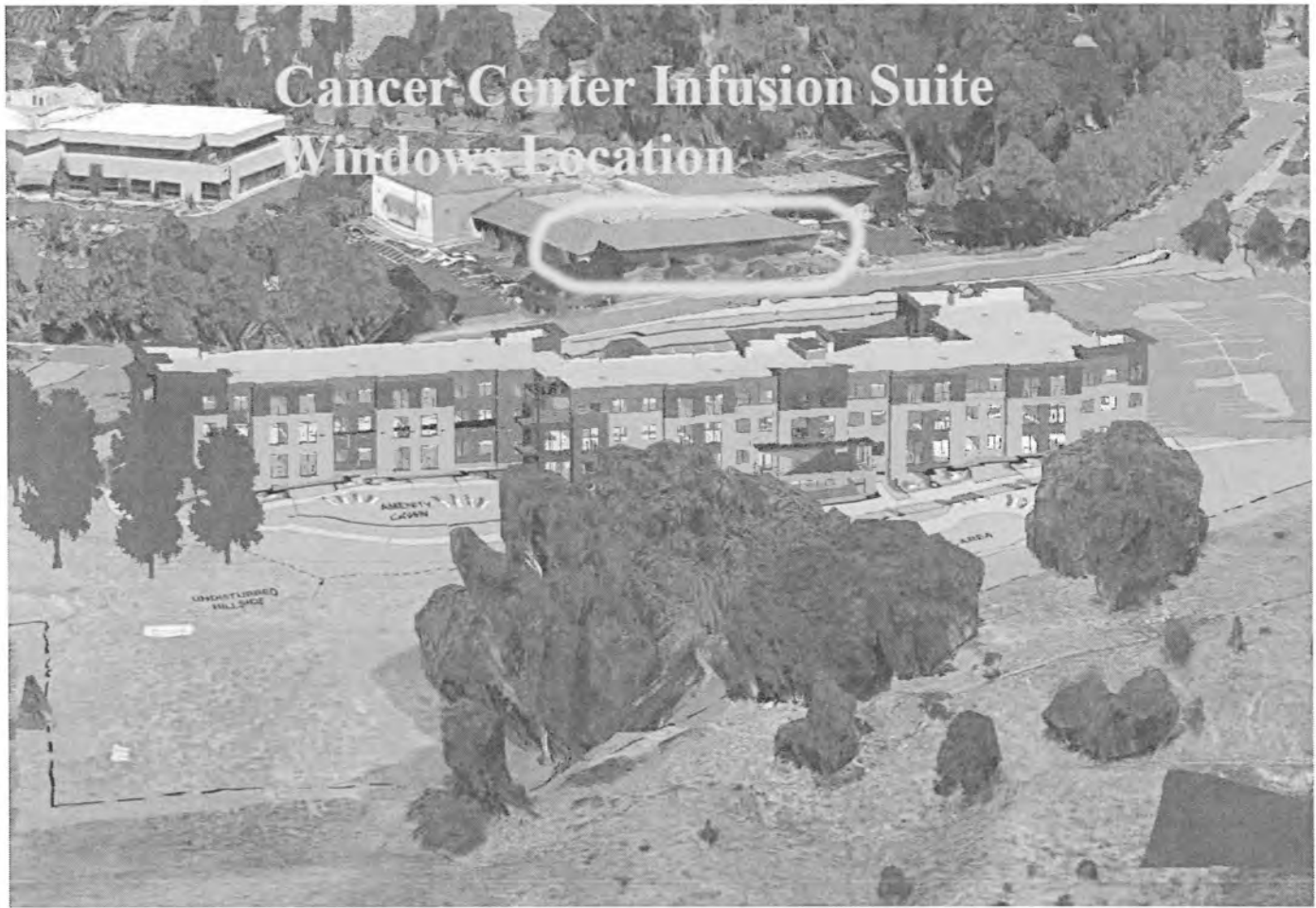
This stuff that they are pouring into my veins is truly miraculous. Whether or not it snuffs out what is growing wildly within me really doesn't matter. Today, because I had to be here in this place, at this time, I watched a boy become a man.

That is the best view in Santa Rosa.

Because of the people who are in it.

Rob Loughran usually writes about sillier stuff. His latest novel *Beautiful Lies* is available at Pages On the Green bookstore in Windsor, CA

Cropped Views from Submitted Renderings Demonstrating Blocked View from Cancer Center Infusion Suites:



Graphic A: Daytime Parking Round Barn Circle (Google Maps pre-fire)

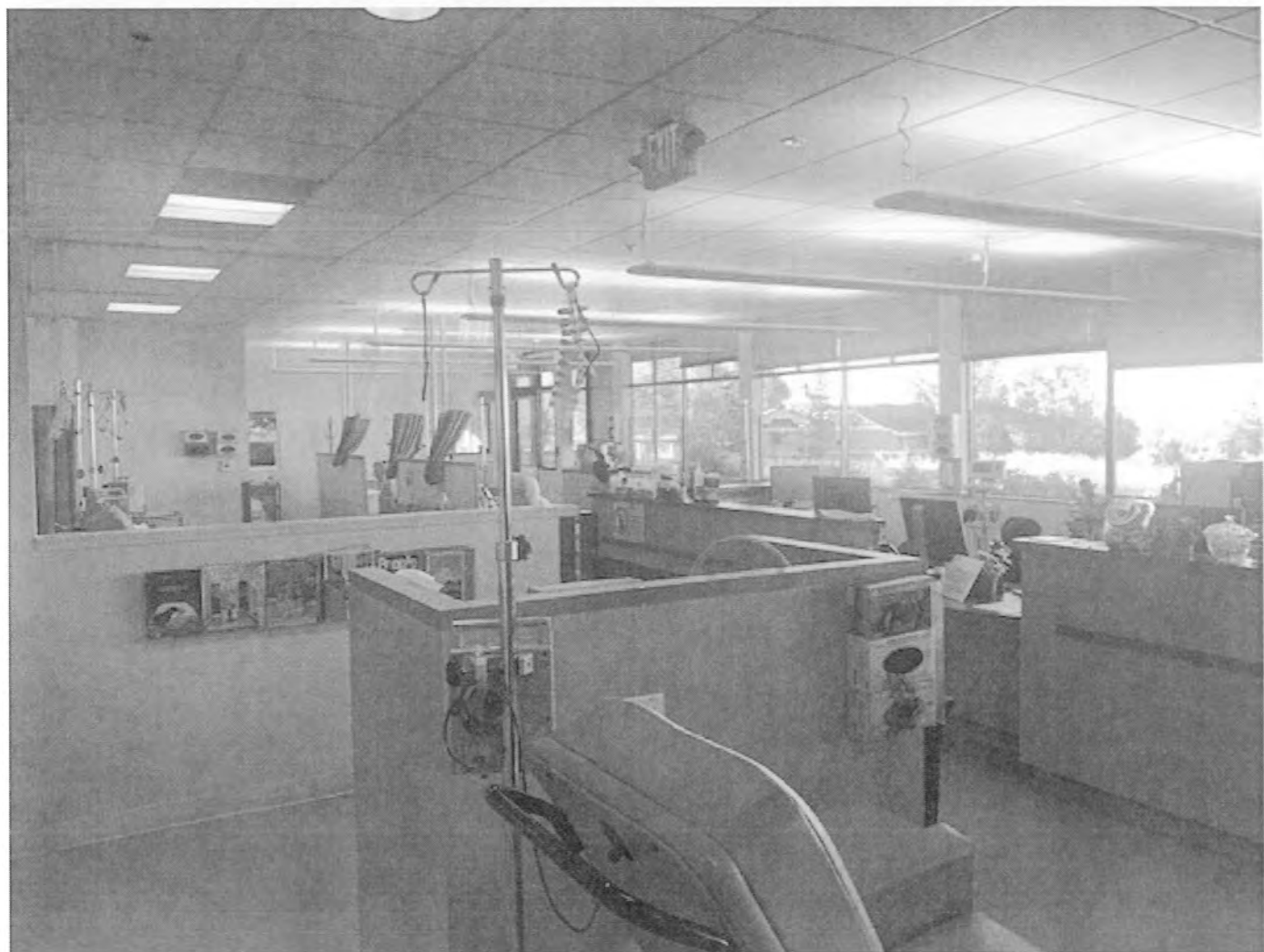


Graphic B: Tubb's Fire Burned Areas- City Santa Rosa Drone Photo

Green Areas are burned out buildings



Graphic C: Current Views of Project site from Cancer Center Infusion Room. Patients & Staff Excluded for Privacy Reasons





2000 Photos:



Planners reject tall Fountaingrove buildings

By MARY CALLAHAN
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In the current economy, Commissioner Allen Thomas said, "I think we can be picky."

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TURN TO BUILDINGS, PAGE B2



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12/15/00

BUILDINGS: Cancer patient said vista makes treatment more bearable

CONTINUED FROM PAGE B1

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