

From: [Karen Wigylus](#)
To: [_CityCouncilListPublic](#)
Cc: [Matt Henderson](#); [Nadia Costa](#); [CMOffice](#); [City Clerk](#); "[nbalfour@airportbusinesscenter.com](#)"; [RichardCoombs@Comcast.net](#); [Richard Coombs](#)
Subject: [EXTERNAL] Letter to City Council, City of Santa Rosa dtd 10/13/2020 re: Agenda Item 15.1 on October 13, 2020
Date: Tuesday, October 13, 2020 12:52:32 PM
Attachments: [2020-10-13 Henderson Ltr to City Council re Agenda Item 15.1 on 10-13-2020.pdf](#)
[Exhibit 1 - 2020-09-24 Final Plan Comments #4.pdf](#)
[Exhibit 2 - 2020-09-24 Final EIR Comments #4.pdf](#)

This email is sent on behalf of Matthew C. Henderson.
Please direct all replies to Matt at matthew.henderson@msrlegal.com.

Please reply that you received the attached letter and Exhibits 1 and 2 for today's agenda.

Thank you, Karen.

Karen Wigylus | Miller Starr Regalia

Legal Assistant to Arthur F. Coon / David E. Harris / Matthew C. Henderson / Brian D. Shaffer
1331 N. California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | d: 925.941.3273 | f: 925.933.4126 | karen.wigylus@msrlegal.com | www.msrlegal.com



MILLER STARR REGALIA CONFIDENTIAL COMMUNICATION

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrlgal.com

Matthew C. Henderson
Direct Dial: 925 941 3271
matthew.henderson@msrlgal.com

October 13, 2020

Via Email

City Council
City of Santa Rosa
City Hall
100 Santa Rosa Ave.
Santa Rosa, CA 95404
Email: citycouncil@srcity.org

Re: City of Santa Rosa Proposed Adoption of the Downtown Station Area
Specific Plan and Final Subsequent Environmental Impact Report
(October 13, 2020 City Council Meeting Agenda Item No. 15.1)

Dear Mayor Schwedhelm, Vice Mayor Fleming, and Honorable members of the Council:

This firm represents Airport Business Center, owner of 50 Old Courthouse Square, and Blue Fox Partners, owner of the Roxy Stadium 14 building, both located in Downtown Santa Rosa. While our client supports the City's desire to facilitate redevelopment in the Downtown through implementation of an updated land use vision, we are quite concerned with the potential significant adverse impacts – from both a planning and CEQA perspective – which are likely to result from the proposed adoption of the Downtown Station Area Specific Plan ("Specific Plan") and certification of the accompanying Final Subsequent Environmental Impact Report ("FSEIR").¹

Our client has been actively engaged in the Downtown Specific Plan process since its inception, and has been consistent in expressing its concerns, both with staff and during the public hearing process. For ease of reference, we have attached our client's most recent correspondence to the Planning Commission, dated September 24, 2020, which identifies these concerns in more detail (see Exhibits 1 and 2).

This letter will focus on CEQA issues. As discussed in greater detail below, the FSEIR is fundamentally defective under the principles governing environmental review under CEQA. These principles are well established, and the preparation of an EIR must satisfy a number of stringent legal requirements in order to meet CEQA's standards. "An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental

¹ The FSEIR includes the draft subsequent environmental impact report and attached appendices (collectively, "DSEIR"). (FSEIR, p. 1-1.)

effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.” (CEQA Guidelines, § 15121, subd. (a).) An EIR must identify “significant effects on the environment of a project,” as well as project alternatives and feasible mitigation measures which would avoid or mitigate those effects to a level of insignificance. (Pub. Resources Code, § 21002.1, subd. (a); CEQA Guidelines, § 15126.) An EIR “must contain facts and analysis, not just the agency’s bare conclusions or opinions.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568, citations omitted.)

The purpose behind an EIR is to enable a meaningful evaluation of a project’s potential impacts on the environment to ensure that decisions are fully informed and shaped with environmental consequences in mind. This is true both for the lead agency’s decisionmakers as well as the public more broadly. “An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines, § 15151.) “An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.)

CEQA’s underlying policy requires that public agencies not approve projects as proposed if feasible alternatives or mitigation measures would substantially lessen their significant environmental effects. (*POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681, 710, 714, citing Pub. Resources Code, § 21002.) This fundamental policy mandates that the required “evaluation of environmental issues ... occur *before* an agency approves a project,” and is reflected in the express language of the CEQA Guidelines. (*POET, LLC, supra*, 218 Cal.App.4th at p. 715, quoting CEQA Guidelines § 15004, subd. (a) [“Before granting any approval of a project subject to CEQA, every lead agency and responsible agency shall consider a final EIR or negative declaration.”].) Agencies may not take any actions concerning a project that may have significant environmental effects or limit the choice of alternatives or mitigation measures before they have *completed* CEQA compliance. (*Id.* at 716, citing CEQA Guidelines, § 15004(b)(2).) Were it otherwise, “[CEQA] review is likely to be a post hoc rationalization.” (*Id.* at p. 717, citations omitted.)

CEQA compliance requires certification of a legally adequate EIR, and an EIR that does not meet CEQA’s standards must be corrected by further study and analysis. When the lead agency omits information the EIR is legally required to contain, such that failure to include the required information precludes informed decisionmaking and informed public participation, it has failed to proceed in a manner required by law, and the error is prejudicial. (Pub. Resources Code, § 21005; *Vineyard Area Citizens For Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th

412, 435.) Where omitted information or analysis deprives the public or trustee agencies of the opportunity to review or comment on significant matters, the omission will be deemed prejudicial. (Pub. Resources Code, § 21005, subd. (b); *Fall River Wild Trout Foundation v. County of Shasta* (1999) 70 Cal.App.4th 482, 492.) Recirculation of an EIR is required when “significant new information” is added in the FEIR following the public review and comment period. (Guidelines, § 15088.5, subd. (a).) Such “information” includes “changes in the project or environmental setting as well as additional data or other information” and is considered “significant” if it would deprive the public of a meaningful opportunity to comment on a substantial adverse project impact or feasible mitigation measure. (*Ibid.*) It is also required if “[t]he draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (*Id.* at § 15088.5, subd. (a)(4).)

It is also fundamental that a proposed project must be consistent with applicable planning documents – such as the general plan and any applicable specific plan – enacted by a local jurisdiction. “The consistency doctrine has been described as the linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.” (*Families Unafraid to Uphold Rural etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336, citation and internal punctuation omitted.)

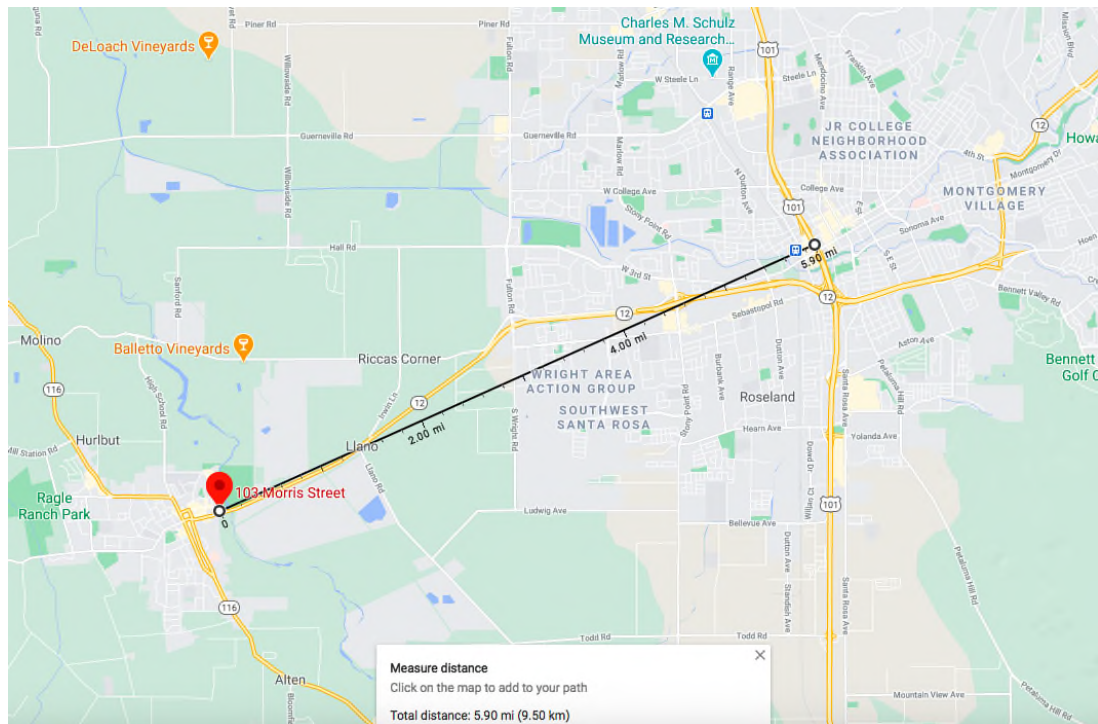
As will be shown below, the FSEIR fails to comply with CEQA’s mandates in a number of key respects. Its analysis of air quality impacts relies on out-of-date and inapposite data, yielding an improper baseline and skewing the results. The transportation impacts section also relies on an improper baseline for its level of service (LOS) analysis, and improperly calculates the vehicles miles traveled (VMT) impacts. Finally, by allowing existing uses to be redeveloped without adequate (or indeed, any) parking, the Specific Plan may give rise to significant flight of businesses from the Specific Plan Area, raising the specter of urban blight. But the FSEIR does not include such an analysis. These, along with other issues touched on below, render the FSEIR legally deficient under CEQA, requiring it to be substantially revised and recirculated.

* * *

One of the problems with the FSEIR is its skewed baseline analysis. To make an accurate analysis, an EIR must delineate environmental conditions prevailing absent the project, defining a ‘baseline’ against which predicted effects can be described and quantified.” (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447, citations omitted.) But, for instance, the Air Quality analysis lacks an appropriate baseline. This is due to several factors.

The first is geographical. The air quality monitoring station used for the Air Quality analysis is located at 103 Morris Street in Sebastapol (DSEIR, p. 3.1-4). That is almost six miles from the Specific Plan Area. Moreover, it does not account for the

fact that US 101 effectively bisects the Specific Plan Area, which entails a much higher effect from traffic-related emissions than would be experienced in Sebastapol, which does not have such a highly used route so close to the monitoring station.



The other problem here is temporal. The FSEIR relies on air quality data from 2016 through 2018. (DSEIR, p. 3.1-5.) That data shows a marked increase in particulate matter (PM₁₀ and PM_{2.5}) over the three years covered. (*Ibid.*) This is most likely attributable to wildfire activity, which has been significantly growing in California. So, for instance, the 2020 fire season has seen the LNU Lightning Complex fires burn 363,200 acres in the vicinity of the Specific Plan Area.² As of October 12, 2020, the Glass Fire has already burned 67,484 acres in the vicinity of the Specific Plan Area and is not yet fully contained.³ And the 2020 fire season isn't even over yet.

Scientists predict that California's wildfires will continue to worsen.⁴ Thus, while the FSEIR acknowledges that the Specific Plan Area is not in attainment of state PM₁₀

² <https://www.fire.ca.gov/incidents/2020/8/17/lnu-lightning-complex-includes-hennessey-gamble-15-10-spanish-markley-13-4-11-16-walbridge/>.

³ <https://www.fire.ca.gov/incidents/2020/9/27/glass-fire/>.

⁴ <https://www.capradio.org/articles/2020/09/03/wildfires-in-california-will-continue-to-get-worse-climate-change-experts-explore-why/>.

and PM_{2.5} standards, it actually substantially **understates** the actual baseline air pollution. This means it fails to provide an adequate baseline and does not undertake the appropriate analysis of cumulative impacts.

The DSEIR acknowledges that it “considers the Proposed Plan’s potential to exacerbate existing impacts on sensitive receptors and new receptors associated with development under the Proposed Plan.” (DSEIR, p. 3.1-44.) Of course, it cannot do that with an inadequate analysis of the actual background air quality in the Specific Plan Area. This inadequacy extends to the FSEIR’s analysis of health impacts to receptors in the Specific Plan Area. If the Specific Plan Area is already subject to dangerously high levels of air pollution, adding substantial new uses and receptors will only lead to greater health impacts. The FSEIR must be revised to account for this.

The transportation analysis in the FSEIR is also defective. It assumed that the “no project” entailed a full buildout under the original 2007 version of the Specific Plan. (DSEIR, p. 3.7-36.) But the DSEIR notes that “halfway through the planning period, only 100 out of an envisioned 3,400 housing units and 194,000 out of an envisioned 494,000 square feet of office, retail, and institutional uses have been developed.” (DSEIR, p. 1-2.) Thus, by assuming full buildout under the 2007 plan, the FSEIR inflates the “no project” comparator and thereby decreases the delta between what is projected under the “no project” scenario and the contemplated buildout under the Specific Plan as now proposed. This artificially decreases the transportation-related impacts of the Specific Plan, contrary to CEQA. In effect, the FSEIR is using an artificially inflated baseline for purposes of the transportation analysis.

It is appropriate to assume full buildout under the Specific Plan for purposes of evaluating the Specific Plan’s potential impacts, because the Specific Plan could foreseeably give rise to that level of development and thus that degree of change to the environment. But that rationale does not apply to a baseline analysis, which ordinarily takes as the “baseline” existing conditions. This is especially true in this instance where the Specific Plan’s *raison d’être* is the failure of the 2007 plan to yield the expected level of development. In other words, the very premise of the Specific Plan is a lack of development, directly contrary to the premise in the transportation analysis.

Relatedly, another glaring issue with the transportation analysis is that it concludes the Specific Plan will have virtually no traffic-related impacts compared to the no-project alternative, even seeing some intersection LOS improvements. (DSEIR, pp. 3.7-40 to 3.7-42.) This is despite the fact that the Specific Plan envisions adding 3,750 residential units, 8,670 residents, and 334,690 square feet of commercial development over the existing 2007 plan. (DSEIR, p. 2-3.2.) It is not at all clear from the FSEIR what premises are built in to the analysis to reach this result. It appears to rest on the assumption that greater use of transit and bicycle and pedestrian facilities will reduce traffic as compared to the future no-project scenario. (DSEIR, pp. 3.7-46 to 3.7-47.) But this is mere unsupported supposition. Moreover,

the original 2007 plan included a similar emphasis on reducing automobile use. The final EIR for the 2007 plan noted:

Acknowledging the limitations of the regional freeway system, agencies such as Santa Rosa and the County of Sonoma have resorted to focusing resources on managing transportation demand through TSM and TDM measures; improving alternative transportation modes such as transit usage, bicycling and walking; and encouraging better land development practices that focus on infill and transit-orientation instead of outward suburban expansion. A major goal of the Station Area Specific Plan is to reduce automobile reliance and roadway impacts through this type of “smart growth.”

(Downtown Station Area Specific Plan, Final Program EIR, State Clearinghouse No. 2006072104, p. 84.)⁵ The FSEIR does not explain how the new Specific Plan improves upon its 2007 predecessor in this regard. It is impossible for the public and decisionmakers to understand the premises and assumptions, evidence, analysis, and conclusions reached on this point, rendering the FSEIR defective under CEQA.

With respect to the VMT analysis, the FSEIR notes that “most” of the Specific Plan Area is located within a half mile of a major transit stop or a stop along an existing high quality traffic corridor. (DSEIR, p. 3.7-48.) It then relies on the transit mall as meeting this criterion, even though it acknowledges (albeit buried at the end of an appendix) that OPR does not consider the traffic mall qualifying as such. (DSEIR, Appendix F.) Moreover, the VMT analysis in the FSEIR, such as it is, consists of a scant four pages, without any data or analysis to show how the conclusions were reached. (*Ibid.*) It appears to show that existing VMT for most of the Specific Plan Area is 7.7. (DSEIR, Appendix F, Fig. A.) This is lower than the projected VMT for the Specific Plan. (DSEIR, p. 3.7-47.) Thus, by using a citywide VMT average the FSEIR obscures the actual potential impacts of the Specific Plan. Using the more precise and conservative figure shown in Appendix F, the FSEIR appears to show a potentially significant **increase** in VMT under the Specific Plan, contrary to its conclusions.

In short, the transportation analysis artificially inflates certain baseline parameters and artificially reduces others in order to reach a conclusion that the Specific Plan will have no significant traffic-related impacts. As such it fails to adhere to the mandates of CEQA and must be significantly revised before the City can properly certify it.

⁵ <https://srcity.org/DocumentCenter/View/19627/Downtown-Station-Area-Specific-Plan-Final-EIR?bidId=>.

There is a further serious deficiency in the FSEIR. The Specific Plan redesignates existing public parking garages such as those at 555 First Street and 625 3rd Street to the new "Core Mixed Use" land use designation. (DSEIR, p. 2-16.)

Core Mixed Use allows for a "mix of residential, retail, office, governmental, entertainment, cultural, educational, and hotel uses." (Specific Plan, p. 2-8.) In other words, these existing parking garages could be converted to different uses as a matter of right, eliminating much-needed parking in the Specific Plan Area. In the event such were to occur, businesses in the vicinity would be forced to relocate as customers will not shop where they cannot park. This concern is driven home by the fact that the Specific Plan explicitly waives minimum required parking. (DSEIR, p. 2-26; Specific Plan, p. 2-20.)

Virtually by definition, a project that replaces a parking garage cannot provide as much parking as is lost by the replacement; thus, not only would the Specific Plan Area lose parking for existing uses, it would also be underparked for the significant additional development the Specific Plan proposes to add to the area, including upwards of 334,000 square feet of commercial uses. (DSEIR, pp. 2-31 to 2-32.) The assertion that this will not occur is not supported by substantial evidence. Even assuming arguendo, the parking supply is eventually bolstered, this does nothing for Downtown businesses during the interim. In order to survive (much less thrive), Downtown businesses (both property owners and their tenants) must be assured there will be adequate parking on a consistent basis. The opposite, however, will take place if the Council adopts this Specific Plan without appropriate protections for parking garages to remain in place to serve the Downtown.

California courts have long recognized the existence of "land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake," and have invalidated EIRs for failing to take such factors into account. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204.) The FSEIR is completely silent on this issue, however, a glaring defect that is in and of itself sufficient to render it inadequate under CEQA. Either the Specific Plan should be revised to ensure that this eventuality does not occur, or the FSEIR must be revised to include an urban decay analysis.

Finally, the FSEIR does not include a land use analysis. It is therefore unclear how the Specific Plan as currently proposed is consistent with the land use patterns in the remainder of the City, as well as broader zoning and planning policies and standards. The analysis in the FSEIR therefore lacks context for a reader to understand how the Specific Plan might hamper other planning priorities for the City.

* * *

In conclusion, we appreciate the opportunity to be heard on these issues, which are of great importance to our client and to the City's residents and businesses in

general. For the record we incorporate by reference all comments made by our client with respect to the DSEIR and FSEIR to date, as well as those made by other parties. Before undertaking such a significant broadening of the developable space and density of development in the Specific Plan Area as compared to the 2007 plan, the City must carefully undertake its obligations under CEQA so that all stakeholders can be properly apprised of the costs and benefits of proceeding. We know you will make the right decision – one which appropriately reflects the City's obligations under CEQA – and thank you for your time and attention.

Very truly yours,

MILLER STARR REGALIA



Matthew C. Henderson

MCH:klw
encls.

cc: Sean McGlynn (w/encls.; CMOOffice@srcity.org)
Stephanie Williams (w/encls.; CityClerk@srcity.org)
Nadia L. Costa, Esq. (w/encls.)
Richard Coombs (w/encls.)
Natalie Balfour (w/encls.)

September 24, 2020

Santa Rosa Planning Commission
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Dear Chair, Vice Chair, and Commissioners

I am writing on behalf of Airport Business Center; the owner of 50 Old Courthouse Square and the building Roxy Stadium 14 is located, regarding the Downtown Area Specific Plan.

We want to start by acknowledging all the work staff has done and their willingness to be available and helpful throughout the process so far.

We believe that there are a lot of great ideas that will help create a vibrant downtown. There are only three requests that we have. In terms of the Plan, they are exceedingly small and will not affect its overall goals or visions. To us, however, they are exceptionally large. We have been a property owner and landlord Downtown for 15 years and we hope to remain one for many years to come. These requests are vital in our ability to do so.

- 1. Adopt a policy to keep Parking Garage 5 (625 3rd Street) and Parking Garage 12 (555 First Street) exclusively as public parking garages.**
 - a. Garage 5 is the most used public parking garage downtown and is situated in the heart of Courthouse Square. The surrounding retailers, restaurants, and office users rely on its existence to prosper. If the City wants to attract the level of retail and service users proposed in the Plan, this parking garage must remain in effect.
 - b. Garage 12 provides parking for Roxy Stadium 14. If the City wants the movie theater to remain in our Downtown, this garage must remain in existence.
 - c. We have attached our comments to the EIR Scoping Study we submitted back in January (Attachment A). We requested an alternative analysis using the assumption that Garage 5 and Garage 12 being designated Public/Quasi.
 - i. A number of prominent business and property owners pledged their support of our request to change the land use designations of these two garages to Public/Quasi.

- 2. Adopt a policy stating that any ground floor space currently being utilized as office shall be allowed to retain such use, now and in the future without any alterations to the building.**
 - a. In theory, all these policies should only apply to new construction. However, this is not stated anywhere, and we are requesting that it be made clear. We want to make sure that when we go into get a permit for a TI for a new office tenant, we are not required to alter the exterior of our building to make it more “active” due to the fact that our use is office.
 - b. We realize that offices do not inherently create an active façade, but that is for a reason. Office users do not want people drawn to the building there are in, right in front of the office windows. Things like putting out chairs and tables, adding awnings, and creating

public recreational spaces could benefit retail and restaurants. But they greatly injure office use.

- c. If office use on the ground floor is not protected, this Plan will not succeed. It cannot rely upon retail, restaurants, and services account for the 800,000 square feet of commercial development this Plan is proposing. Those uses are extremely volatile with very high turn-over. Office use, on the other hand, is steady and reliable. If you allow office use to continue to exist as is, the downside is the facade might not be active, but the spaces will be filled. If you do not protect office, and there isn't enough retail to match supply, you will have vacant ground floor spaces. Vacancy is much worse than plain façades, both in terms of aesthetics as well as safety.

3. Officially designate 50 Old Courthouse Square as a site to be preserved for employment-oriented development, as stated in Policy LU-3.4 below.

LU-3.4 Preserve some sites in the Courthouse Square area for employment-oriented development to ensure that its role as a regional employment hub be maintained.

Additionally, there are several more Policies in the Proposed Plan that will be irrelevant if commercial office use is not actively protected.

LU-1.2 Foster a rich mix of uses in the Core, Station, Maker and Neighborhood Mixed Use areas, while allowing differences in emphasis on uses to distinguish between them.

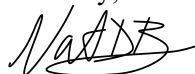
LU-3.1 Expand and diversify the Downtown employment base by attracting new employers, including firms active in technology, medical/bio, engineering, and media.... nurturing and retaining small businesses and start-up firms. Ensure that buildings are designed to accommodate these uses.

LU-3.5 Encourage the integration of commercial tenant spaces designed to accommodate small business within new development.

Pg. 2-5 “The Downtown Station Area encompasses approximately 9.5 percent of the office space in Sonoma County, and the Old Courthouse Square is a regional center for financial and government offices. Market demand projections anticipate that the Downtown Station Area will capture a commensurate share of new office development as long as there is a sufficient amount of housing that is attractive and affordable to a growing workforce.”

I appreciate your time and consideration of this proposal.

Sincerely,



Natalie Balfour
Airport Business Center

ATTACHMENT A

January 15, 2020

Patrick Streeter, Senior Planner
City of Santa Rosa, Planning Division
100 Santa Rosa Avenue
Santa Rosa, CA 95404

RE: Downtown Santa Rosa Station Area Specific Plan: Initial Study

Dear Patrick,

The goal of this letter is to express the concerns we have regarding the Initial Study that has been prepared for the Downtown Station Area Specific Plan Update. It is written specifically on behalf of Airport Business Center, the owner of 50 Old Courthouse Square, with more than 20 tenants, and 85 Santa Rosa Avenue, where Roxy Stadium 14 is located. Additionally, we have garnered support from a number of other Downtown business and property owners, including Hugh Futrell, Doug VanDyke, Toraj Soltani, Charles Evans, Tom Robertson, and Amy Tocchini.

We realize that one of the goals of the Specific Plan Update is to promote high-density residential development in the Downtown Area. There are a number of ideas proposed in the Initial Study, as well as the memo entitled “Barriers to Downtown Development and Strategies to Address Them.” We support the majority of the proposed concepts and appreciate that the City is working to create a more vibrant and successful downtown.

However, we have one major concern – this plan does not protect any of the parking facilities from being redeveloped in the future. We believe that it is in the best interest of the Downtown businesses and properties to designate the land use and zoning of at least a few of the parking facilities as Public/Institutional. Specifically, we are requesting that Garage 5 and Garage 12 be designated Public/Institutional. Many businesses and properties located Downtown rely on these specific garages to remain viable. The Roxy Theater, Hotel E, Mac’s Deli and Cafe, Perch and Plow, and E.R. Sawyer Jewelers are just a few of them. The City cannot afford to lose these businesses, as they have become essential to the success of the Downtown Santa Rosa economy.

Zoning these garages Public/Institutional is the only way to ensure that these parking facilities will exist in the future. This information is vital when business and property owners are performing long-range planning, deciding whether to stay Downtown or relocate. A number of businesses have already decided to move elsewhere and we know of many more who are considering it. The current parking situation is already a major point of contention and has been cited as one of the main reasons businesses consider relocating. Redeveloping the garages will only make the situation worse. If these garages are zoned anything other than

Public/Institutional, the degree of unknown will increase. This will ultimately lead to uncertainty and frustration, which will only drive more businesses out of Downtown.

The projected increase of approximately 7,000 residential units in the proposed plan has been calculated using a number of assumptions. For example, assumptions have been made regarding the number of residential units each parking garage could produce, if developed. These numbers have then been used in the current analysis and scoping of the EIR. In order for us to support this Specific Plan Update, the scope of the EIR needs to be expanded to include different assumptions. We are formally requesting that the EIR include an alternative analysis using the assumption that Garage 5 and Garage 12 be zoned as Public/Institutional.

We appreciate your time and consideration and look forward to working together to find a solution that will create a vibrant Downtown, taking into account all aspects of the community.

Sincerely,

A handwritten signature in black ink, appearing to read "Natalie Balfour", written over a horizontal line.

Natalie Balfour

Asset and Property Manager

Airport Business Center

nbalfour@airportbusinesscenter.com

(707) 217-6252

September 24, 2020

Planning Commission
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Dear Chair, Vice Chair, and Commissioners,

I am writing on behalf of Airport Business Center, owner of 50 Old Courthouse Square and the Roxy Stadium 14 building, regarding the Final Subsequent EIR for the Downtown Station Area Specific Plan.

Given the two polices we previously requested were not incorporated into the Plan, we were forced to review the Final EIR. We believe that the EIR analysis is insufficient, and we request that the Planning Commission not approve the EIR until further analysis can be performed or the review and incorporation of our proposed policies occur.

The items we currently feel need further analysis are:

ALTERNATIVES

This EIR only analyzes one alternate plan, the “Redistributed Growth Alternative,” in addition to the CEQA required “No Project Alternative.” We believe this is an inadequate number of alternatives for the EIR to be deemed complete.

The 2007 Specific Plan EIR agreed, as it included a third alternative, the “Reduced Growth Alternative.” This alternative called for an increase of 3,270 residential units, which was 56% more than the No Project Alternative and 26% fewer than the Proposed Plan. If we apply these percentages to the current Plan, the Reduced Growth Alternative would lead to an increase of approximately 5,000 residential units.

Given the current EIR has been deemed a subsequent analysis to the 2007 EIR, we believe that a Reduced Growth Alternative should be analyzed before the EIR is adopted. The same ratio of the increase in residential units between the current No Project and the Reduced Growth Alternative, as calculated above, should be used.

It is explained in the EIR that the Reduced Growth Alternative was not carried forward because it did not meet the objectives of the Plan and was thus infeasible. Examples provided are that it would not facilitate the production of housing, increases the number of residents within ½ mile of high frequency transit stations, or leverage City-owned properties to redevelop into housing. It seems the name of this Alternative might be confusing. The Reduced Growth Alternative means a reduced amount of growth compared to the Proposed Plan. It does not mean reduced growth as compared to today.

- The Reduced Growth Alternative would create 5,000 more residential units. This is an exceptionally large number for anywhere in Sonoma County. To put it in perspective, halfway

through the 2007 Specific Plan, only 100 residential units had been built. An additional 5,000 residential units would represent incredible growth.

- Increasing the number of housing units by 5,000 units would not reduce the number of residents within ½ mile from transit, it would increase it. It would be a smaller increase than the Proposed Plan, but that is not what the objective means. When it is stated that an objective is for the plan to increase anything, it means an increase compared to today, not compared to the Proposed Plan.
- City-owned properties could absolutely be developed into housing under the Reduced Growth Plan. It will be incredibly difficult finding enough developers willing to build residential and multi-use projects Downtown. So, it will be crucial that the City does develop their property regardless of the alternative chosen.

Given the discrepancies listed above, and given Reduced Growth seems to have been misinterpreted or misrepresented, there is too much gray area to state definitively that the Reduced Growth Alternative is infeasible. Nothing is lost by analyzing this Alternative. There could be a lot to lose if it is not, since it could be argued that the Alternatives were not properly or fairly chosen. If this Alternative proves to be vastly superior for the environment, the Planning Commission and City Council have a right to that information. They can then make the decision if it is infeasible based on their goals and objectives.

TRAFFIC

- 1) The VMT analysis is unclear and the EIR should not be approved until after further information can be provided.
- 2) The City is in the process of updating its VMT guidelines and the environmental review of this project should not move forward until such guidelines have been adopted. Once these specific guidelines are approved, they should be followed in this EIR.
- 3) CEQA Guideline 15064.3(b)(1) states “Generally, projects within ½ mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact.”
 - a) The SMART Station is considered a major transit stop. However, a large section of the Plan, specifically the eastern half Courthouse Square, is not within ½ mile of the SMART Station.
 - b) The Transit Mall is being considered a “high-quality transit corridor” in this study. Using this designation, the entire Plan area is within ½ mile of either a transit stop or corridor. If this is the case, no quantitative analysis would be required.
 - i) However, it is stated in Appendix F of the DEIR that the Office of Planning and Research (OPR) has indicated that “the transit mall may not meet the strict definition of a major transit stop.” And yet it is considered as such in this analysis. Although we acknowledge there is some reasoning behind designating the Transit Mall a high-quality corridor, we believe this designation is too gray and given how important this distinction is, quantitative VMT analysis should be performed.
 - ii) Additionally, given the majority of the proposed high-density residential is slated to occur in Courthouse Square, and that the eastern half of Courthouse Square is not within ½ mile of the SMART Station, again we believe that a quantitative VMT analysis must be performed.
- 4) This EIR used a trip-based analysis, versus the alternative “tour based” method. The trip-based method only counts trips to and from one location, excluding trips taken between (school, daycare, shopping, etc.). The “tour based” includes all trips and is preferred by the OPR. For the EIR to be considered comprehensive, this plan should be analyzed using both methods.

- 5) Per Santa Rosa's Draft VMT Guidelines, it is stated "projects that are inconsistent with the (General Plan) Land Use Plan are automatically considered inconsistent with the VMT policy and shall conduct a VMT analysis." This Project's proposed Land Use is inconsistent with both the General Plan as well as the 2007 Specific Plan and should thus be required to perform a full VMT analysis.
- 6) Per Santa Rosa's Draft VMT Guidelines, different Land Uses are required to apply different thresholds. For example, office uses must use the Employment VMT per worker for work related trips only, retail uses must use the Total VMT, and mixed-use must apply significant thresholds for each component separately, taking credit for internally captured trips.
 - a) From the information provided in the EIR, this level of analysis was not performed, and it should be before moving forward. If this level of analysis was performed, no calculations have been included in the report and they should be provided before moving forward.
 - b) If the City attempts to provide a reason for not providing this level of analysis, please refer to Comment #3 and Comment #6 above.
- 7) The impact of developing parking facilities has not been adequately analyzed.
 - a) Is there an VMT impact when converting parking facilities into residential uses?
 - i) How has this specific impact been analyzed? Where are the calculations and data?
 - b) Why aren't the detailed VMT calculations included in the EIR?
 - c) If parking supply is removed, people will need to park further away from their destinations. Has this been analyzed in terms of the VMT impact?
 - d) Was it assumed that the new residents would be working Downtown, thereby producing fewer VMT? Was there an alternative analysis assuming residents work elsewhere?
- 8) Although it does not hurt to have LOS incorporated in for General Plan consistency purposes, SB 743 required the analysis of the project to stand alone using VMT. There is much more LOS analysis than VMT analysis. As stated above, there should be more VMT analysis since this method is a State requirement. Currently it looks like the VMT analysis was an afterthought, versus a thorough analysis. This makes sense given the State requirements changed very recently. It is exactly because of this that we believe more time should be taken on the VMT analysis method before moving forward.

AESTHETICS

- 1) This plan proposes an increase of 1.3M square feet in retail uses. A vast majority of this retail will be within mixed-use projects, requiring residential to be built above. This mixed-use type of development becomes problematic when retail demand falls short of supply, preventing landlords from leasing their ground floors. The aesthetics of the area are negatively impacted when vacant worn-down store fronts start appearing. These empty store fronts make it increasingly difficult for the neighboring buildings to be leased out, so the area continues to degrade aesthetically. This has been something our Downtown has been struggling with for some time now.
 - a) Additionally, COVID-19 has, and will, continue to wipe out retail. Restaurants have been temporarily hit, but retail will be forever changed. When looking out to 2040, there is absolutely a chance that retail will no longer exist in brick and mortar form. If even half of the square feet this Plan proposes remains vacant, there would be noticeable blights around Downtown. What vacancy percentages can be endured by an area before the aesthetics are damaged?
 - b) Such physical blights could reasonable be
 - c) Given this very real possibility, the negative aesthetic effects that could occur if retail does not survive in the future need to be further analyzed. Ideally this would be analyzed block by block, as there are different retail use densities which would affect the outcome of the analysis.

- 2) The same argument can be made regarding the residential aspect of mixed-use development. The current plan calls for 7,006 new residential units. This is an extremely high estimate by any standard. The effect the failure to build these units would have on the area's aesthetics should be analyzed. If buildings are required to build mixed-use and there is not enough residential demand, the buildings will not be fully leased, meaning the property owners will likely invest less in exterior maintenance, thus negatively impacting the area's aesthetics.
- 3) Given the physical blights, that could reasonably be assumed to result based on the current plan, we respectively request that the City's EIR consultant prepare an urban decay analysis to ensure there is a robust analysis and full disclosure of this key issue.

WATER AND WASTEWATER

- 1) What will the impact be on water and wastewater when developing parking facilities into residential? Was this calculated separately? If so, please provide the data.
- 2) The EIR did not analyze the scenario where the City does not build the many infrastructure projects needed to support the proposed development.
 - a) The assumption that the City can build this infrastructure is used as a mitigation for the impacts this Plan will have on the City's water and wastewater. What happens if it cannot?
 - b) Given many of these required infrastructure projects are not even approved, and given the incredible length of time it takes Cities to build infrastructure, the EIR cannot dismiss the scenario where the City is unable to build this infrastructure in a timely manner. Therefore, this scenario must be analyzed before the EIR can be adopted.

NOISE

In Appendix E, where the Noise Modeling Data is included, there are only two scenarios analyzed. The first is "Existing with no Project" and the second is "Future with Project." However, in other analyses, such as water demand, "Future with no Project" is included. Additionally, the consultant's actual report isn't included in this appendix. As developers have been required to submit acoustical studies for our projects in the past, but we cannot locate one in the EIR. Although there is information included in the Noise section, the official report by the consultant should be included to confirm that the information provided is complete and in alignment with the professional's analysis.

PUBLIC SERVICES AND RECREATION

We do not believe that the Plan adequately addresses the need for both private and public recreation and open space. The discussion in the EIR surrounding parks includes information about parks outside of the Downtown Area, which should not be counted in any way. A policy used as a mitigation for the impact this Plan will have on parks is that developers will be required to dedicate land or pay in-lieu fees. This does not help the Downtown area as there is little, if any, land that could be developed into parks or open space. Additionally, the parkland ratios provided are for the entire City. This study should include parkland ratios for specifically the Downtown since the impacts only apply to the Planning Area and thus need to be mitigated within that same area.

AIR QUALITY AND GREENHOUSE GAS

For the analysis on air quality to be valid, the data provided needs to be understood by those reading the EIR. Below is an example of the data included in the report and there are 43 pages that look like this. There is no way to check the assumptions and conclusions of the air quality analysis in the EIR if the data needed to do so is presented like this without further explanation. We request that further explanation of the hard data collected and the calculations performed be included in the EIR before it is approved.

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Nonresidential_Exterior	2,645,699.00	0.00
tblArchitecturalCoating	ConstArea_Nonresidential_Interior	7,937,098.00	0.00
tblArchitecturalCoating	ConstArea_Residential_Exterior	2,020,275.00	0.00
tblArchitecturalCoating	ConstArea_Residential_Interior	6,060,825.00	0.00
tblConstructionPhase	NumDays	550.00	0.00
tblConstructionPhase	NumDays	7,750.00	0.00
tblConstructionPhase	NumDays	500.00	0.00
tblConstructionPhase	NumDays	775.00	0.00
tblConstructionPhase	NumDays	550.00	0.00

GENERAL COMMENTS/QUESTIONS

- 1) It is stated on Page ES-5 of the DEIR that the Plan’s development buildout assumes “only a portion” of the total potential development will occur by 2040. What is this portion? There should be an additional analysis in the EIR assuming a full build out. Although unlikely to occur, a full build out is still possible and those impacts should be identified so the worst-case scenario can be known before the EIR is approved.
 - a) For example, the Water Demand Analysis (Appendix D) includes Table 15, as show below, which breaks down the development phasing, assuming a full build out by 2040. If the water demand analysis uses the assumption of a full build out, then all other aspects of the plan should be analyzed using that same assumption.

Table 15 – Phased Development by Land Use Category for Project ^a

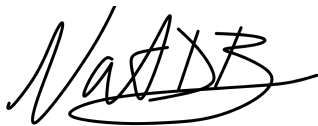
Land Use Categories	2020-2025	2025-2030	2030-2035	2035-2040	Total
Percent of Project to be Developed	25%	40%	20%	15%	100%
Residential					
Medium High Density	19 units	31 units	16 units	12 units	78 units
High Density	1,811 units	2,898 units	1,449 units	1,087 units	7,245 units
Non-Residential					
Office	-53,599 SF	-85,759 SF	-42,879 SF	-32,159 SF	-214,396 SF
Retail & Service	314,870 SF	503,793 SF	251,896 SF	188,922 SF	1,259,481 SF
Public/Institutional	138,917 SF	222,268 SF	111,134 SF	83,350 SF	555,669 SF
Industrial	-42,262 SF	-67,618 SF	-33,809 SF	-25,357 SF	-169,046 SF
Total	357,927 SF	572,683 SF	286,342 SF	214,756 SF	1,431,708 SF
	1,830 units	2,929 units	1,465 units	1,099 units	7,323 units

^a Source: Table 6, Woodard & Curran, January 6, 2020.

- 2) Table 15 above breaks down the development into specific commercial uses (office, retail, industrial, etc.).

- a) Were these use breakdowns used when evaluating the various impacts, such as water, traffic, air, sound etc.? For example, the water demand for a restaurant is vastly different than for a retail or office use. If there was an assumed percentage of the commercial that would be retail, office, etc. can we please be provided with those assumptions and the subsequent calculations?
- 3) It is clearly a high priority to develop City owned property. The Plan lists parking lots and parking garages as City assets. However, a Parking Assessment District was formed decades ago in which assessments of property owners were used to pay for the creation of the Downtown parking structures. The property owners were told that their money was being collected to add and maintain parking, not for the purpose of possible future development of those structures. If these structures are developed the parking supply will be reduced, the opposite of the assessment district's purpose.
 - a) This EIR was performed assuming that these assets belong to the City versus the Parking Assessment District. If this is not accurate, the Plan and EIR would need to be revised. Before the Planning Commission can make an informed decision about the Plan and subsequent validity of the EIR, we believe that the Parking Assessment District's original formation documents and entire history, including any subsequent transfers of assets, be provided.

Thank you for your time and consideration.



Natalie Balfour
Airport Business Center

From: [Lyle, Amy](#)
To: [@010000 - City Council](#); [@020000 - City Manager](#)
Cc: [Williams, Stephanie](#); [Manis, Dina](#); [Rose, William](#)
Subject: Item 15.1 Downtown Station Area Specific Plan
Date: Tuesday, October 13, 2020 1:45:47 PM
Attachments: [Item 15.1 DSASP 10_13_2020.pdf](#)

Good afternoon Mayor Schwedhelm and Members of the Council,
Please see attached for late correspondence related to agenda item #15.1, Downtown Station Area Specific Plan and Subsequent Environmental Impact Report.

Thank you,
Amy Lyle

Amy Lyle | Supervising Planner- Advance Planning

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Cell (707) 791-5533 | Office (707) 543-3410 | Alyle@srcity.org (Currently Working Remotely)





MEMORANDUM

Date: October 13, 2020

To: Mayor Schwedhelm and Members of the City Council

From: Amy Lyle, Supervising Planner

Subject: Late Correspondance and Staff Report Package Amendments

The following information is being provided to the City Council in reference to the October 13, 2020 Agenda, Item# 15.1: Downtown Station Area Specific Plan and Subsequent Environmental Impact Report. Additional correspondence has been received as attached. In addition, in response to public comments and to correct errors or omissions staff recommends the following additions to Attachments 1 and 2 of the staff report (new language shown in red).

Downtown Station Area Specific Plan- Additions to Attachment 1:

MOB-6.5 To incentivize high-density residential and mixed-use development Downtown, allow projects that offer 50 or more housing units (preferably affordable) located within 1,000 feet of a municipal garage or lot with underutilized parking to fulfill parking need in full or in part through municipal shared parking agreements. **In determining the utilization of garages, both daytime and nighttime utilization rates shall be calculated by the Parking Division.**

LU 2.7: Allow continuance of existing legal, non-conforming uses within the Plan Area until properties are ready to convert to uses that are consistent with adopted plans and regulations. Allow for maintenance and re-occupancy/retenancing of buildings with legal, non-conforming uses and exempt minor alterations and/or expansions of existing buildings from the Urban Design chapter of this plan.

Urban Design and Civic Spaces Map UDCS-1: Remove western most (near Dutton Avenue) Creek and Trail Activation zone from Special Design Considerations Map.

General Plan Amendments- Additions to Attachment 2:

125-061-029	209 DECOE ST	Retail and Business Services	Core Mixed Use	Neighborhood Mixed Use
-------------	--------------	------------------------------	---------------------------	------------------------



October 12, 2020

Natalie Balfour
Airport Business Center
414 Aviation Boulevard
Santa Rosa, CA 95403

Dear Ms. Balfour,

This letter is provided in response to your comment letter dated September 24, 2020 regarding the Final Subsequent Environmental Impact Report for the Downtown Station Area Specific Plan (Final SEIR).

The Draft Environmental Impact Report for the Downtown Station Area Specific Plan (Draft SEIR) was released on July 15, 2020 for a 45-day public comment period, ending on August 31, 2020. The City provided responses to all comments timely received during the public comment period and published the Final SEIR on September 14, 2020. Your comment letter was submitted to the City well after the close of the legally mandated 45-day review period. The California Environmental Quality Act (CEQA) does not require lead agencies to respond to late comments. (Pub. Resources Code § 21091(d)(1).) However, we appreciate the time and effort invested in review of the Final SEIR and offer the following responses for informational purposes.

COMMENT: ALTERNATIVES

This EIR only analyzes one alternate plan, the “Redistributed Growth Alternative,” in addition to the CEQA required “No Project Alternative.” We believe this is an inadequate number of alternatives for the EIR to be deemed complete.

The 2007 Specific Plan EIR agreed, as it included a third alternative, the “Reduced Growth Alternative.” This alternative called for an increase of 3,270 residential units, which was 56% more than the No Project Alternative and 26% fewer than the Proposed Plan. If we apply these percentages to the current Plan, the Reduced Growth Alternative would lead to an increase of approximately 5,000 residential units.

Given the current EIR has been deemed a subsequent analysis to the 2007 EIR, we believe that a Reduced Growth Alternative should be analyzed before the EIR is adopted. The same ratio of the increase in residential units between the current No Project and the Reduced Growth Alternative, as calculated above, should be used.

It is explained in the EIR that the Reduced Growth Alternative was not carried forward because it did not meet the objectives of the Plan and was thus infeasible. Examples provided are that it would not facilitate the production of housing, increases the number of residents within ½ mile of high frequency transit stations, or leverage City-owned properties to redevelop into housing. It seems the name of this Alternative might be confusing. The Reduced Growth Alternative means a reduced amount of growth compared to the Proposed Plan. It does not mean reduced growth as compared to today.

- The Reduced Growth Alternative would create 5,000 more residential units. This is an exceptionally large number for anywhere in Sonoma County. To put it in perspective, halfway
- through the 2007 Specific Plan, only 100 residential units had been built. An additional 5,000 residential units would represent incredible growth.
- Increasing the number of housing units by 5,000 units would not reduce the number of residents within ½ mile from transit, it would increase it. It would be a smaller increase than the Proposed Plan, but that is not what the objective means. When it is stated that an objective is for the plan to increase anything, it means an increase compared to today, not compared to the Proposed Plan.
- City-owned properties could absolutely be developed into housing under the Reduced Growth Plan. It will be incredibly difficult finding enough developers willing to build residential and multi-use projects Downtown. So, it will be crucial that the City does develop their property regardless of the alternative chosen.

Given the discrepancies listed above, and given Reduced Growth seems to have been misinterpreted or misrepresented, there is too much gray area to state definitively that the Reduced Growth Alternative is infeasible. Nothing is lost by analyzing this Alternative. There could be a lot to lose if it is not, since it could be argued that the Alternatives were not properly or fairly chosen. If this Alternative proves to be vastly superior for the environment, the Planning Commission and City Council have a right to that information. They can then make the decision if it is infeasible based on their goals and objectives.

City Response:

Under CEQA, alternatives must consider ways to reduce or avoid significant impacts of the proposed project. As described in Draft SEIR Section 4.2, page 4-6, simply reducing growth would not avoid the significant impacts which are related to the location of growth not the amount of growth. In addition, the Reduced Growth alternative would have potential significant impacts to historic resources. Protection of historic resources is a primary goal of the DSASP and therefore the alternative would not be feasible.

A reduced growth alternative would not achieve the project objectives to facilitate the production of housing, increase the number of residents and employees within one half mile of high frequency transit options, and leverage City-owned properties in the Planning Area to catalyze redevelopment that can provide for the community's unmet housing needs in the way that the Redistributed Growth Alternative would. Additionally, reducing growth throughout the Planning Area under this Alternative would not avoid the significant impacts of the Proposed Plan to historic resources, noise levels, and the health of sensitive receptors.

No set number of alternatives is necessary to constitute a legally adequate range of alternatives and the lead agency has discretion to determine how many alternatives constitutes a reasonable range. The City has determined that the number of alternatives analyzed within the Draft SEIR, including the No Project Alternative and Redistributed Growth Alternative is adequate under CEQA and consistent with CEQA Guidelines Section 15126.6.

COMMENT: TRAFFIC

- 1) The VMT analysis is unclear and the EIR should not be approved until after further information can be provided.
- 2) The City is in the process of updating its VMT guidelines and the environmental review of this project should not move forward until such guidelines have been adopted. Once these specific guidelines are approved, they should be followed in this EIR.
- 3) CEQA Guideline 15064.3(b)(1) states “Generally, projects within ½ mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact.”
 - a) The SMART Station is considered a major transit stop. However, a large section of the Plan, specifically the eastern half Courthouse Square, is not within ½ mile of the SMART Station.
 - b) The Transit Mall is being considered a “high-quality transit corridor” in this study. Using this designation, the entire Plan area is within ½ mile of either a transit stop or corridor. If this is the case, no quantitative analysis would be required.
 - i) However, it is stated in Appendix F of the DEIR that the Office of Planning and Research (OPR) has indicated that “the transit mall may not meet the strict definition of a major transit stop.” And yet it is considered as such in this analysis. Although we acknowledge there is some reasoning behind designating the Transit Mall a high-quality corridor, we believe this designation is too gray and given how important this distinction is, quantitative VMT analysis should be performed.
 - ii) Additionally, given the majority of the proposed high-density residential is slated to occur in Courthouse Square, and that the eastern half of Courthouse Square is not within ½ mile of the SMART Station, again we believe that a quantitative VMT analysis must be performed.
- 4) This EIR used a trip-based analysis, versus the alternative “tour based” method. The trip-based method only counts trips to and from one location, excluding trips taken between (school, daycare, shopping, etc.). The “tour based” includes all trips and is preferred by the OPR. For the EIR to be considered comprehensive, this plan should be analyzed using both methods.
- 5) Per Santa Rosa’s Draft VMT Guidelines, it is stated “projects that are inconsistent with the (General Plan) Land Use Plan are automatically considered inconsistent with the VMT policy and shall conduct a VMT analysis.” This Project’s proposed Land Use is inconsistent with both the General Plan as well as the 2007 Specific Plan and should thus be required to perform a full VMT analysis.
- 6) Per Santa Rosa’s Draft VMT Guidelines, different Land Uses are required to apply different thresholds. For example, office uses must use the Employment VMT per worker for work related trips only, retail uses must use the Total VMT, and mixed-use must apply significant thresholds for each component separately, taking credit for internally captured trips.
 - a) From the information provided in the EIR, this level of analysis was not performed, and it should be before moving forward. If this level of analysis was performed, no calculations have been included in the report and they should be provided before moving forward.
 - b) If the City attempts to provide a reason for not providing this level of analysis, please refer to

Comment #3 and Comment #6 above.

- 7) The impact of developing parking facilities has not been adequately analyzed.
 - a) Is there an VMT impact when converting parking facilities into residential uses?
 - i) How has this specific impact been analyzed? Where are the calculations and data?
 - b) Why aren't the detailed VMT calculations included in the EIR?
 - c) If parking supply is removed, people will need to park further away from their destinations. Has this been analyzed in terms of the VMT impact?
 - d) Was it assumed that the new residents would be working Downtown, thereby producing fewer VMT? Was there an alternative analysis assuming residents work elsewhere?
- 8) Although it does not hurt to have LOS incorporated in for General Plan consistency purposes, SB 743 required the analysis of the project to stand alone using VMT. There is much more LOS analysis than VMT analysis. As stated above, there should be more VMT analysis since this method is a State requirement. Currently it looks like the VMT analysis was an afterthought, versus a thorough analysis. This makes sense given the State requirements changed very recently. It is exactly because of this that we believe more time should be taken on the VMT analysis method before moving forward.

City Response:

The City issued draft VMT guidelines in June 2020, following completion of the VMT analysis contained in the Final SEIR. As noted in the SEIR, guidelines provided in the Technical Advisory on Evaluating Transportation Impacts in CEQA, California Governor's Office of Planning and Research (OPR), December 2018, were used to establish significance thresholds, in collaboration with City staff. The OPR Technical Advisory explicitly states that jurisdictions may analyze VMT on a case by case basis until formal thresholds are adopted. The applied significance thresholds consider a range of potential land uses in the Plan area including residential and employment-based uses using VMT per capita and VMT per employee efficiency metrics, respectively. The analysis also includes a total VMT per service population metric, which includes VMT generated by all land uses including retail.

Several of the comments suggest that the SEIR relies on "major transit stop" VMT screening provisions outlined in the OPR Technical Advisory, suggesting that VMT analysis was done qualitatively based on inaccurate assumptions. In actuality, the transit screening information is provided in the SEIR as additional evidence in support of the VMT analysis but was not relied upon for the purposes of determining significance. The VMT analysis conducted in the SEIR is quantitative, using dedicated runs of the SCTA regional travel demand model. The SCTA model is the best-available tool for assessing travel demand including VMT in Sonoma County, and is what is referred to as a trip-based model. There is no available tour-based model in Sonoma County. With respect to VMT output, the VMT projections used in the analysis are calculated internally within the SCTA model; unlike level of service (LOS) analyses, VMT assessment within a model does not generate lengthy detailed calculation sheets. The calculated VMT outputs from the model are shown in Table 3.7-12 of the Draft SEIR.

Parking facilities are not considered in regional travel demand models; models including the SCTA regional model rely on land use inputs, not parking supplies or specific parking locations, as it is the land use that generates the actual travel demand rather than the parking. If any conversion of parking areas to residential uses occurs, the corresponding VMT effects would be captured in the modeling by the added residential units. Removal of parking supply is not a factor in the model's VMT calculations, though it is noted that reductions in parking supplies are actually some of the most effective VMT reduction measures available and are often

included in Transportation Demand Management mitigation strategies for individual development projects.

The SCTA model considers localized land use quantities but also considers regional influences including regional jobs/housing balance when estimating VMT and where trips occur. While the model certainly assigns some of the added downtown resident commute trips to downtown employment uses, new commute trips are also distributed throughout the county and region through the model's sophisticated trip balancing processes.

The LOS analysis was included in the EIR because LOS was still in effect at the time that the notice of preparation was issued. As noted above, the VMT analysis involved rigorous modeling. However, as compared to LOS analysis, VMT analysis does not require as many pages and tables to describe in an EIR and, in any event, the adequacy of environmental analysis is not measured by the volume of paper used to describe the analysis and conclusions. The traffic analysis provided in the Final SEIR is legally adequate under CEQA.

Comment: AESTHETICS

- 1) This plan proposes an increase of 1.3M square feet in retail uses. A vast majority of this retail will be within mixed-use projects, requiring residential to be built above. This mixed-use type of development becomes problematic when retail demand falls short of supply, preventing landlords from leasing their ground floors. The aesthetics of the area are negatively impacted when vacant worn-down store fronts start appearing. These empty store fronts make it increasingly difficult for the neighboring buildings to be leased out, so the area continues to degrade aesthetically. This has been something our Downtown has been struggling with for some time now.
 - a) Additionally, COVID-19 has, and will, continue to wipe out retail. Restaurants have been temporarily hit, but retail will be forever changed. When looking out to 2040, there is absolutely a chance that retail will no longer exist in brick and mortar form. If even half of the square feet this Plan proposes remains vacant, there would be noticeable blights around Downtown. What vacancy percentages can be endured by an area before the aesthetics are damaged?
 - b) Such physical blights could reasonable be
 - c) Given this very real possibility, the negative aesthetic effects that could occur if retail does not survive in the future need to be further analyzed. Ideally this would be analyzed block by block, as there are different retail use densities which would affect the outcome of the analysis.
- 2) The same argument can be made regarding the residential aspect of mixed-use development. The current plan calls for 7,006 new residential units. This is an extremely high estimate by any standard. The effect the failure to build these units would have on the area's aesthetics should be analyzed. If buildings are required to build mixed-use and there is not enough residential demand, the buildings will not be fully leased, meaning the property owners will likely invest less in exterior maintenance, thus negatively impacting the area's aesthetics.
- 3) Given the physical blights, that could reasonably be assumed to result based on the current plan, we respectively request that the City's EIR consultant prepare an urban decay analysis to ensure there is a robust analysis and full disclosure of this key issue.

City Response:

The DSASP includes land uses that promote a mix of uses but does not prescribe ground floor uses to be retail or restaurant. Nor are residential uses required above ground floor residential. A primary goal of the DSASP is to provide flexibility in order to incentivize development and let the market control what type of mixed use is feasible.

In addition, the environmental analysis prepared for the DSASP is a “Subsequent” EIR. It analyzes the extent to which the Proposed Plan may result in new or substantially more severe environmental impacts than those identified in the 2007 DSASP EIR. The updated DSASP does envision an increase in development beyond the 2007 Plan but, with regard to aesthetics and economic vitality, the updated Plan offers additional tools and strategies to support vitality and economic development.

For purposes of CEQA, urban decay is generally understood to refer to extensive and widespread physical deterioration of properties or structures in an area caused by business closures and multiple long-term vacancies. (Joshua Tree Downtown Bus. Alliance v. County of San Bernardino (2016) 1 Cal. App.5th 677, 685; see also Placerville Historic Preservation League v. Judicial Council (2017) 16 Cal.App.5th 187, 198 [“urban decay is a relatively extreme economic condition” and is not the ordinary result of change in a dynamic urban environment].) The potential for urban decay is typically raised as an environmental issue in cases involving challenges to big box retail projects that might drive competing locally owned stores out of business. In the context of the proposed DSASP, it is not reasonably foreseeable that either the current or the proposed Plan would cause a significant adverse physical change such as blight and there is no evidence in the record showing a reasonable possibility that economic effects of the DSASP policies might cause significant adverse changes to the physical environment.

Comment: WATER AND WASTEWATER

- 1) What will the impact be on water and wastewater when developing parking facilities into residential? Was this calculated separately? If so, please provide the data.
- 2) The EIR did not analyze the scenario where the City does not build the many infrastructure projects needed to support the proposed development.
 - a) The assumption that the City can build this infrastructure is used as a mitigation for the impacts this Plan will have on the City’s water and wastewater. What happens if it cannot?
 - b) Given many of these required infrastructure projects are not even approved, and given the incredible length of time it takes Cities to build infrastructure, the EIR cannot dismiss the scenario where the City is unable to build this infrastructure in a timely manner. Therefore, this scenario must be analyzed before the EIR can be adopted.

City Response:

Water and wastewater impacts were fully analyzed within Section 3.8 of the Draft SEIR. In addition, the DSASP includes a full assessment of the infrastructure required to support development under the Plan. Please see DSASP Chapter 6: Financing and Implementation. No additional review is required.

Comment: NOISE

In Appendix E, where the Noise Modeling Data is included, there are only two scenarios analyzed. The first is “Existing with no Project” and the second is “Future with Project.” However, in other analyses, such as water demand, “Future with no Project” is included. Additionally, the consultant’s actual report isn’t included in this appendix. As developers have been required to submit acoustical studies for our projects in the past, but we cannot locate one in the EIR. Although there is information included in the Noise section, the official report by the consultant should be included to confirm that the information provided is complete and in alignment with the professional’s analysis.

City Response:

Acoustical analysis for the “no project” alternative was completed for the 2007 Specific Plan. This scenario is considered sufficient for the purposes of this subsequent analysis. The SEIR correctly analyzed impacts of the DSASP against the baseline, which in this case is the measurement against the impacts of the 2007 Specific Plan and in many cases, conservatively existing the existing conditions. No separate noise report was prepared, although analysis was included directly into the Noise Chapter with supporting technical data in the appendix. Development allowed under a 20-year plan would require assumptions about the type and location of growth and would be speculative and are generally not required for a programmatic document such as the DSASP.

Comment: PUBLIC SERVICES AND RECREATION

We do not believe that the Plan adequately addresses the need for both private and public recreation and open space. The discussion in the EIR surrounding parks includes information about parks outside of the Downtown Area, which should not be counted in any way. A policy used as a mitigation for the impact this Plan will have on parks is that developers will be required to dedicate land or pay in-lieu fees. This does not help the Downtown area as there is little, if any, land that could be developed into parks or open space. Additionally, the parkland ratios provided are for the entire City. This study should include parkland ratios for specifically the Downtown since the impacts only apply to the Planning Area and thus need to be mitigated within that same area.

City Response:

The Quimby Act allows the City to establish Citywide ratios for provision of parkland. It would not be appropriate to calculate those ratios on a district-wide basis as that could unfairly penalize some developments in underserved areas even though the City may be meeting the standard Citywide. General Plan policies can help ensure an even distribution of parks. The DSASP includes policies and standards that seek to promote the development of a wide range of public open spaces including parks, plazas, rooftop green spaces and civic spaces. The analysis in the Final SEIR is adequate under CEQA.

Comment: AIR QUALITY AND GREENHOUSE GAS

For the analysis on air quality to be valid, the data provided needs to be understood by those reading the EIR. Below is an example of the data included in the report and there are 43 pages that look like this. There is no way to check the assumptions and conclusions of the air quality analysis in the EIR if the data needed to do so is presented like this without further explanation. We request that further

explanation of the hard data collected and the calculations performed be included in the EIR before it is approved.

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Nonresidential_Exterior	2,645,699.00	0.00
tblArchitecturalCoating	ConstArea_Nonresidential_Interior	7,937,098.00	0.00
tblArchitecturalCoating	ConstArea_Residential_Exterior	2,020,275.00	0.00
tblArchitecturalCoating	ConstArea_Residential_Interior	6,060,825.00	0.00
tblConstructionPhase	NumDays	550.00	0.00
tblConstructionPhase	NumDays	7,750.00	0.00
tblConstructionPhase	NumDays	500.00	0.00
tblConstructionPhase	NumDays	775.00	0.00
tblConstructionPhase	NumDays	550.00	0.00

City Response:

Please refer to Draft SEIR chapters 3.1 Air Quality, and 3.3 Energy, Climate Change, and Greenhouse Gas Emissions. These chapters provide extensive explanation of the modeling that was completed for the proposed DSASP. These chapters also include the results of the modeling compared to existing established standards and regulations. In addition, Appendix B to the Draft SEIR includes the full set of model outputs. Additional analysis is not required.

Comment: GENERAL COMMENTS/QUESTIONS

1. It is stated on Page ES-5 of the DEIR that the Plan’s development buildout assumes “only a portion” of the total potential development will occur by 2040. What is this portion? There should be an additional analysis in the EIR assuming a full build out. Although unlikely to occur, a full build out is still possible and those impacts should be identified so the worst-case scenario can be known before the EIR is approved.
2. For example, the Water Demand Analysis (Appendix D) includes Table 15, as show below, which breaks down the development phasing, assuming a full build out by 2040. If the water demand analysis uses the assumption of a full build out, then all other aspects of the plan should be analyzed using that same assumption.

Table 15 – Phased Development by Land Use Category for Project ^a

Land Use Categories	2020-2025	2025-2030	2030-2035	2035-2040	Total
Percent of Project to be Developed	25%	40%	20%	15%	100%
Residential					
Medium High Density	19 units	31 units	16 units	12 units	78 units
High Density	1,811 units	2,898 units	1,449 units	1,087 units	7,245 units
Non-Residential					
Office	-53,599 SF	-85,759 SF	-42,879 SF	-32,159 SF	-214,396 SF
Retail & Service	314,870 SF	503,793 SF	251,896 SF	188,922 SF	1,259,481 SF
Public/Institutional	138,917 SF	222,268 SF	111,134 SF	83,350 SF	555,669 SF
Industrial	-42,262 SF	-67,618 SF	-33,809 SF	-25,357 SF	-169,046 SF
Total	357,927 SF	572,683 SF	286,342 SF	214,756 SF	1,431,708 SF
	1,830 units	2,929 units	1,465 units	1,099 units	7,323 units

^a Source: Table 6, Woodard & Curran, January 6, 2020.

3. Table 15 above breaks down the development into specific commercial uses (office, retail, industrial, etc.).
 - a. Were these use breakdowns used when evaluating the various impacts, such as water, traffic, air, sound etc.? For example, the water demand for a restaurant is vastly different than for a retail or office use. If there was an assumed percentage of the commercial that would be retail, office, etc. can we please be provided with those assumptions and the subsequent calculations?
4. It is clearly a high priority to develop City owned property. The Plan lists parking lots and parking garages as City assets. However, a Parking Assessment District was formed decades ago in which assessments of property owners were used to pay for the creation of the Downtown parking structures. The property owners were told that their money was being collected to add and maintain parking, not for the purpose of possible future development of those structures. If these structures are developed the parking supply will be reduced, the opposite of the assessment district's purpose.
5. This EIR was performed assuming that these assets belong to the City versus the Parking Assessment District. If this is not accurate, the Plan and EIR would need to be revised. Before the Planning Commission can make an informed decision about the Plan and subsequent validity of the EIR, we believe that the Parking Assessment District's original formation documents and entire history, including any subsequent transfers of assets, be provided.

City Response:

The projections of the DSASP represent a reasonably foreseeable amount of growth based on the capacity permitted under land use and zoning regulations and a consideration of potential market demand. This represents a portion of the total capacity for development and is appropriate under CEQA.

Buildout refers to the estimated amount of new development and corresponding growth in population and employment that is likely to take place under the Proposed Plan through the planning horizon year of 2040. Buildout estimates should not be considered a prediction for growth, as the actual amount of development that will occur through 2040 is based on many factors outside of the City's control. Therefore, buildout estimates represent one potential set of outcomes rather than definitive figures. Additionally, the designation of a site for a specific land use in the Proposed Plan does not guarantee that a site will be developed or redeveloped at the assumed density during the planning period, as future development will rely primarily on each property owner's initiative. Buildout projections of the SEIR do not include the total amount of potential development that could be accommodated by the Proposed Plan. Rather, the buildout assumes that only a portion of the total potential development will occur by 2040. CEQA does not require a partial buildout of phases.

The travel demand model considers the different trip characteristics of different land uses, as do the air quality and greenhouse gas emission models.

While development of certain sites was assumed for the purpose of evaluating environmental impacts, but this does not constitute a requirement that any given site will develop. Actual development will be based on factors such as market demand and property owner interest.

* * * * *

Thank you for your interest in the DSASP and Final SEIR. The City Council will be considering both documents at its regularly scheduled meeting on October 13, 2020. An agenda for the meeting can be found here: <https://santa-rosa.legistar.com/Calendar.aspx> .

Sincerely,

Amy Lyle
Supervising Planner, Advance Planning

From: [Bobbi López](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Item 15.1 PUBLIC HEARING - DOWNTOWN STATION AREA SPECIFIC PLAN AND FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
Date: Tuesday, October 13, 2020 2:05:21 PM
Attachments: [Santa Rosa Plan_DASP_EIR_Comments.pdf](#)

Dear Members of the City Council,

Attached please find a letter we submitted to the Planning Commission about the Downtown Plan and Subsequent EIR. We share these to raise similar concerns, such as traffic, although our largest concern is the potential displacement impacts of the plan on the existing working-class and larger Latino residents of the area plan and adjacent areas. We provide some ideas in the attached letter to counter these impacts but it boils down to two things: 1) stronger rent control protections for multifamily buildings; 2) and deeper affordability requirements for publicly owned land.

We appreciate the planning staff for engaging many of our questions to date.

Sincerely,

Bobbi Lopez



August 29, 2020

Santa Rosa Planning Department

RE: Comments on Santa Rosa Downtown Station Area Specific Plan (DSASP) and the Draft Subsequent Environmental Impact Report (DSEIR)

Dear Commissioners and City Staff:

I write in regards to the Santa Rosa Downtown Station Area Specific Plan (DSASP) and the Environmental Impact Report (EIR) for the Plan to discuss “the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided and mitigated.” This Plan is set to include the development of 7,0006 residential dwelling units and 1,006,915 square feet of non-residential development by 2040. For these reasons, I request a consideration of the below concerns and a revised EIR prior to Project approval to further analyze the listed impacts and increase the feasibility of mitigation measures.

The Plan Does Not Sufficiently Mitigate Displacement Or Ensure Compliance With Santa Rosa’s Required RHNA For Moderate, Low, Very Low, And Extremely Low-Income Households

Housing is very much needed in Santa Rosa and I applaud the efforts to increase the housing stock in general. However, I believe the Affordable Housing and Anti-Displacement strategy of the plan to be deficient in addressing the needs of working class and low-income individuals in the plan areas as well as in adjacent neighborhoods. This plan must have baked into its greater affordable housing and rental housing preservation strategies or it will have a displacement and gentrification impact. Other area plans have done this- for example, San Francisco’s Central Soma Plan explicitly stated that it would “maintain the diversity of residents by requiring that more than 33% of new housing units are affordable to low- and moderate-income households.”¹ The Land Use component of the Santa Rosa DSASP report acknowledges the possibility of gentrification by saying: “In creating an environment that is attractive to higher-wage industries

¹ Wertheim, Steve. “Central SoMa Plan —General Plan Amendments” (2018) Retrieved from https://default.sfplanning.org/Citywide/Central_Corridor/central_soma_signed_resolution20184_General_Plan_Amendments.pdf

and employees to stimulate housing production, there is potential for lower-income residents to be displaced as higher-income residents move in.”

According to the DSIER and the 2019 Affordable Housing and Anti-Displacement Strategy of the Plan, the area plan is 34% Latino, 75% of the planning area’s housing units are renter-occupied with 53% of those renters as rent burdened, 18% of households make under \$20,000, and 15% of households are below the poverty line.² The 2019 Sonoma County Point in Time Count identified 1600 unhoused individuals in Santa Rosa.³ The area plan has a higher number of renters, higher percentage of Latinos, higher percentage of those living in poverty than the rest of Santa Rosa. As a matter of fact, in the Anti-displacement strategy report, it actually lists the populations who are vulnerable to displacement by Tract in and around the Plan as seen in the chart below which has a large number of potentially displaced persons.

Figure 5. Populations Vulnerable to Displacement

<i>Vulnerability</i>	<i>Tract 1531.04</i>	<i>Tract 1530.03</i>	<i>Tract 1530.02</i>	<i>Tract 1520</i>	<i>Tract 1519</i>
People aged 65+	4.0%	7.9%	8.5%	7.3%	10.5%
People who do not speak English well	25.2%	11.1%	16.3%	2.2%	6.3%
Renters paying more than 30% of incomes	58.6%	46.7%	69.0%	43.7%	55.1%
People with less than a high school education	48.6%	21.9%	32.0%	11.7%	17.8%
Non-white population	77.8%	45.5%	68.0%	32.6%	46.1%

Source: ACS, 2011-2015

Already, according to the analysis site, AdvisorSmith, Santa Rosa is the 14th least affordable U.S. city for homebuyers.⁴ As for renters, Santa Rosa has seen steady rent increases in the past 10 years and according to an August 2020 Housing Market report of Sonoma County says, “buyer demand has skyrocketed” because of “more affluent buyers,” are likely moving out of San

² Santa Rosa Downtown Station Area Specific Plan Update, Affordable Housing and Anti-Displacement Strategy Report (December 2019) Retrieved from <https://static1.squarespace.com/static/5c1d4da8f407b4c941bf4f29/t/5f36d82dbc940a63c24c2196/1597429817275/housing+and+anti-displacement+strategy.pdf>

³ Jaross, M., Kwak, Y., & Gallant, J. (2019). Sonoma County Homeless Census and Survey Comprehensive Report 2019. Applied Survey Research. Retrieved from <https://sonomacounty.ca.gov/CDC/Homeless-Services/Homeless-Count/>

⁴ Balicki, Janet. “Santa Rosa is the 14th least affordable US city to buy a new home, according to report” (July 10, 2020) The Press Democrat. Retrieved from <https://realestate.blogs.pressdemocrat.com/32465/santa-rosa-is-the-fourteenth-least-affordable-city-to-buy-a-new-home/>

Francisco due to the pandemic.⁵ Renters in the Area Plan have rent protections that are weaker than nearby jurisdictions (codified in AB 1482, 5% allowable annual increases after inflation or 10%, whichever is lower for apartments older than 15 years).

To address displacement, the Plan relies on existing housing/inclusionary fees (10% moderate income, 8% low income or 5% very low income for sale or 4% low income, 3% very low income, or 5% moderate income for rental) and other fees (Commercial linkage fee of \$3/sf) as well as current market rate construction it deems "affordable by design" to build for middle, low and very low income residents. The Plan goes on to state that affordable units will become available because the Plan provides bonus maximum base floor area ratios (FARs) to those projects that propose affordable housing, that “reducing the overall number of parking spaces provided can help with affordability,” and that “smaller units are more likely to be naturally affordable” to those at lower income levels. The Plan also speaks to “encouraging” residential development that meets the special needs of seniors, large and small families, low- and middle-income households, and people of all abilities” and “promoting” the use of material that make construction “affordable by design.” This is simply not enough. Fundamentally depending on the market in this manner will not ease the affordable housing pressures the city currently faces.

The Plan fails to adequately meet Santa Rosa's Regional Housing Needs Assessment. Santa Rosa was allocated 5,083 new housing units to be built between 2015 and 2023, with 33 percent (1,712 units) available to Extremely Low, Very Low, and Low-Income households. While the City has not met any of its targets for housing construction, it has fared most poorly with constructing moderate, extremely low, very low, and extremely low-income housing. In these categories it has only met 15% 10% of the required amount compared to 51% for above moderate-income homes as seen with the chart below from the City of Santa Rosa. Given these deficits, why not a greater emphasis on the construction of affordable housing? Policy SP-LU-2.6 called for a review of the City’s Housing Allocation Plan to address affordable housing, but why not just incorporate stronger tenant protections and incentivize more affordable housing into the Plan?

Table 2: Regional Housing Needs Allocation and Permit Issuance, 2015-2023

<i>Income Category</i>	<i>Housing Need</i>	<i>Percentage</i>	<i>Progress (2015-2018)</i>	<i>Remaining</i>
Extremely Low (incomes less than 30% of county AMI)	520	10%	48	472
Very Low (incomes between 30-50% of county AMI)	521	10%	53	468
Low (incomes between 51-80% of county AMI)	671	13%	89	582
Moderate (incomes between 81-120% of county AMI)	759	15%	126	633
Above Moderate (incomes above 120% of county AMI)	2,612	51%	1,103	1,509
Total Projected Need	5,083	100%	1,423	3,660

Source: City of Santa Rosa, 2018

⁵ Bay Area Market Reports. “Sonoma County Real Estate Report.” August 2020. Retrieved from <https://www.bayareamarketreports.com/trend/sonoma-county-real-estate-market-report>

The proposed rezoning under the Santa Rosa Downtown Plan without stronger mitigations is a recipe for gentrification and displacement. These changes will also mean increased rents for both residential and commercial tenants. The graph below, also from the Affordable Housing and Anti-Displacement Strategy Report, shows the majority of the Area Plan as “at risk for displacement” or experiencing “ongoing gentrification.”

Figure 3. Displacement Typology



This plan largely relies on incentivizing market-rate housing with the belief that eventually the market rate housing becomes affordable which is partially true. While studies do show this happens, it can take years- time gentrifying communities don't have, especially during the COVID-19 pandemic when economic inequity is further exacerbated.⁶ If anything, the Planning Commissioners, city staff and the City Council should consider the warning in the report by Andrés Rodríguez-Pose of the London School of Economics that “upzoning is far from the progressive policy tool it has been sold to be. It mainly leads to building high-end housing in desirable locations.”⁷ Another study, looked at upzoning in New York City in

⁶ 1 Rosenthal, Stuart S. "Are Private Markets and Filtering a Viable Source of Low-Income Housing? Estimates from a "Repeat Income" Model." *American Economic Review*, 104(2):687-706. (2014)

⁷ Rodríguez-Pose, Andrés & Storper, Michael “Housing, Urban Growth And Inequalities: The Limits To Deregulation And Upzoning In Reducing Economic And Spatial Inequality” (May 2019) Retrieved from <http://econ.geo.uu.nl/peeg/peeg1914.pdf>

Greenpoint/Williamsburg and Park Slope/4th Avenue.⁸ This report indicated that during the period of rezoning, there was “a decrease of about 15,000 Latinx residents in Greenpoint & Williamsburg between 2000 and 2015 despite a population increase of over 20,000 (of mostly white residents) during the same time period and a decrease of about 5,000 Black and Latinx residents in Park Slope between 2000 and 2013 despite overall population growth of over 6,000 during the same period.” The report goes on to recommend a Racial Impact Study to the environmental review process to “ensure that the racialized displacement that often accompanies rezonings would be brought to the foreground,” “develop a low-income housing strategy,” and “prioritize the retention of communities of color by reinvesting in permanently, deeply affordable housing.” The last recommendation is aligned with a 2016 UC Berkeley Report, that “the best way to prevent gentrification and displacement is to build affordable housing in cities and neighborhoods where rents and home prices are rising fastest.”⁹ Large-scale displacement is considered a significant environmental impact under CEQA's "Vehicle Miles Travelled" standard. In order to combat the negative impacts of the Plan on the existing working-class residents of the City, serious controls need to be put in place as outlined below:

- 1) Establish a strong rent control similar to Ordinance 4072 that for certain residential rental units, limits rent increases to no more than 3% in a cumulative 12-month period;
- 2) Aggressive non-profit or city acquisition of existing tenant occupied buildings and convert into permanently affordable housing (while protecting the rights of tenants in those buildings);
- 3) Aggressive acquisition of new development sites for 100% affordable housing;
- 4) Right of First Refusal for residential renters and/or nonprofits and commercial renters;
- 5) Ensure the sale of public land for private or public/private development is at least 33% or more affordable;
- 6) Rental registry tracking buyouts;
- 7) Increasing affordable housing impact fees for very low- and low-income housing in the Area Plan; and
- 8) Racial Impact Study to the Environmental Review.

Jobs/Housing Fit Imbalance will Impact the Entire City

In addition, the Downtown Plan needs to take into consideration the jobs/housing fit. This is a metric that “measures the imbalance between a city's total number of low- wage workers and the quantity of homes affordable to them.” In other words: “By growing jobs without planning for homes for low-income workers, most cities in our region are failing to create inclusive communities and forcing low-income workers to choose between paying a disproportionate percentage of their income on housing, living in substandard and/or overcrowded conditions in order to afford housing, or enduring long commutes (and incurring costs for transportation) in order to find

⁸ Churches United For Fair Housing. “Zoning & Racialized Displacement In NYC” (October 2019) Retrieved from <https://static1.squarespace.com/static/5dc0429de5717c7ff1caead0/t/5de6c0e683bec649d37ab0cc/1575403753814/Zoning+and+Racialized+Displacement+in+NYC.pdf>

⁹ 3 Zuk, Miriam, and Chapple, Karen. “Housing Production, Filtering and Displacement: Untangling the Relationships” UC Berkeley, Institute of Governmental Studies (May 2016)

affordable housing in areas further away from job centers.”¹⁰ The City lauds the Plan to move the jobs-housing ratio from 6.01 to 1.84 but does not adequately address the jobs/housing fit. According to the same report referenced above, Santa Rosa was already at a deficit in creating jobs for low-income and working people by 3,806 affordable units! With most of the new jobs being in the office sector and depleting industrial uses for a new “Maker” use, the Plan will benefit wealthier, more highly educated non-residents at the expense of existing low-income, working-class people, and communities of color.

The DEIR Omits Analyses of the Current Trend of Residential Units Not Being Used as Traditional Housing

There are multiple units in Santa Rosa being used as "pied-a terres" and as "short term rentals," moving away from its intended purposes as a primary residential purpose. This has a displacing impact. The EIR does not fully study the impact of corporate rentals, short term rentals and other commercial uses that are different from the original and intended uses as residential. With insufficient controls and enforcement, there is no sure way that residential housing is being used for that specific purpose.

Other Concerns with the EIR:

- **Intensity of Development and Relaxing of Development Controls Have Not Been Evaluated With Respect to State Density Bonus Laws in the DEIR**

In 2016, legislation passed at the State level to enable developers throughout California to more easily take advantage of State Density Bonus incentives. The State Density Bonus (SDB) was intended as a mechanism for local developers to build an increased amount of affordable, student, or senior units in exchange for density increases. The latest version of the State Density Bonus (SB 1085) allows for up to 50% increase in density for a project! Understanding the impact of SDB to projects in the Area Plan is key to realize the full needs around infrastructure demands, traffic, and affordable housing.

- **Inadequate Transportation Infrastructure, Traffic Impacts**

The vehicular trip generation of the Proposed Plan under Existing plus Project conditions is shown in Table 3.7-5.

Table 3.7-5: Project Trip Generation

<i>Scenario</i>	<i>Daily Trips</i>	<i>AM Peak Hour Trips</i>	<i>PM Peak Hour Trips</i>
Existing (No Project) Trips	112,320	7,296	10,157
Existing plus Project Trips	162,954	10,908	14,209
<i>Total Project Trips (A – B)</i>	<i>50,634</i>	<i>3,611</i>	<i>4,052</i>

Source: SCTA Travel Demand Model, W-Trans, 2020

- The Downtown Station Area Specific Plan will contribute to increased vehicular and residential area emissions that may exceed the BAAQMD threshold. Of

¹⁰ Lane, Michael. Jobs/Housing Fit And The Effects On Bay Area Health, Equity And Environment” NPH (2013)

course, growth-oriented traffic and transportation impacts are expected and while I applaud many of the mitigations proposed by the City, the following should be considered:

- **Impact Of Ride Hailing Companies Within And Adjacent To The Plan Area Of The DEIR Are Not Fully Considered** Ride shares/TNCs put more single vehicles in circulation and on the road. These vehicles are often idling, illegally parked, and compete for fare-paying customers and have very little oversight. Ride-hailing/ TNC traffic not only increases "Vehicle Miles Traveled," it has also increased traffic congestion and impacted pedestrian safety. This raises concerns around the transportation infrastructure needs of the Plan.
- **CEQA Concern Based On Vehicle Miles Traveled** The upzoning of property increases the values of the underlying land, and this has the potential impact of increased costs for residential and commercial tenancies. Also, low income residents tend to be more transit dependent, so replacing low income residents with higher income residents potentially increases the population of individuals with car ownership. The impacts of the increased "Vehicle Miles Travelled" caused by more affluent and incoming populations was not considered in the EIR. This Plan will also increase residents and workers' VMT, which results in a significant traffic impact under SB 743 (2013).
- **Emergency Vehicle Access Issues.** The Plan may have significant impacts to emergency vehicle movement and access that are not disclosed or analyzed because little analysis on impact of the state density bonus, rideshares and displacement.
- **Parking Impacts that are Not Disclosed or Mitigated in the DEIR.** This Plan may have significant emission and traffic impacts if single occupancy vehicles find themselves circling in search of parking thereby increasing traffic congestion.
- **Air Quality Baseline Analysis is Inadequate**
 - Per the DSASP and EIR, "Santa Rosa exceeded federal standards in ozone" and faces "air quality threats from wildfire smoke," in particular matter (PM2.5), which is an air pollutant. Certain air monitoring stations such as at Morris street have exceeded air quality standards without development. Our concern with the EIR is that it does not fully study the impact of ongoing fires due to climate change nor the impact of projects utilizing the state density bonus. Without this critical baseline information, the DEIR analysis is not properly reviewing "cumulative impacts" (criterion 2) despite all the proposed goals and policies.
 - By not addressing the critical nature of wildfires, there is also the concern of emissions adversely affecting a substantial number of people (criterion 4). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has eliminated or substantially lessened the significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." Pub.Res.Code ("PRC")§ 21081; CEQA Guidelines§ 15092(b)(2)(A) & (B).
 - I believe that the plan also increases greenhouse emissions because again, the plan does not include the impact of state density bonus units nor calculate the impact of a displaced workforce.

- Also, construction activity during development within the Specific Plan Area simultaneous to smoke particles during fires conditions will have a cumulative impact in generating concerning levels of additional air pollutant emissions.
- **Removal of Industrial Uses** the Preferred Plan Concept creates a new Maker Mixed Use (MMU) described as a “mix of residential, creative, and maker-oriented uses in industrial areas downtown.” While believing that this might actually reduce air pollutants, it also reduces the availability of jobs for working class resident.
- **Insufficient Impact Fees may hinder the City’s Ability To Meet the Infrastructure Demands Of the Area Plan:** The Anti Displacement report states that overall fees are less for development in the planning area than the rest of the city including a “reduction of Capital Facilities Impact Fees and Park Impact Fees based on height and inclusion of affordable units; and deferral of Water and Wastewater Impact fees.” While I applaud the City incentivizing affordable housing, it should not be at the expense of infrastructure.
- **Prohibition of drive-through establishments.** Given the multi-year reality of living through a pandemic, I recommend this option be removed to allow small businesses more flexibility in reaching customers while safely distancing.

I believe the Environmental Impact Report needs further analysis in order to properly mitigate the significant impacts of the Plan as described above. Should you have any questions, feel free to email me at bobbi@todco.org.

Sincerely,

Bobbi Lopez