

Appendix B

Correspondence



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board North Coast Region

Bob Anderson, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

July 1, 2009

In the Matter of
Water Quality Certification
for

Jack Chamberlain
Chamberlain Lake Park LLC
Nielsen Ranch Slide Repair, Bicentennial Estates II
WDID No. 1B09023WNSO

CITY OF SANTA ROSA
COMMUNITY DEVELOPMENT
JUL 06 2009

EDS
CITY HALL-RM. 5

APPLICANT: Jack Chamberlain, Chamberlain Lake Park LLC
RECEIVING WATER: Russell Creek
HYDROLOGIC AREA: Santa Rosa Hydrologic Subarea No. 114.22, Russian River
Hydrologic Unit No. 114.00
COUNTY: Sonoma County
FILE NAME: Nielsen Ranch Slide Repair, Bicentennial Estates II

BY THE EXECUTIVE OFFICER:

1. On February 13, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Jane Valerius acting on behalf of Chamberlain Lake Park LLC (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Nielsen Ranch Slide Repair, Bicentennial Estates II Project (Project) in Santa Rosa, Sonoma County. A fee in the amount of \$1,888.00 was received on the same day (February 13, 2009). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 8, 2009, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The purpose of the Project is to develop a 14 lot residential subdivision, totaling 8.03 acres and repair landslides adjacent to Russell Creek. The area along Russell Creek will remain undeveloped as a 3.63 acre open space parcel to be owned and maintained by a homeowner's association for the Project. The Project has been designed to avoid grading on the more significant slopes located adjacent to Russell Creek, with the exception of the slide repair work. A combination creek trail and maintenance road already exists along the creek and will be repaired as needed with the development of the project. The Applicant will construct 14 single family units with a common open space parcel with a hillside development permit located east of Bicentennial Way at 3450 Lake Park Drive, Santa Rosa, CA. The latitude and longitude is 38.473647° N and 122.719738° W. The project causes permanent

California Environmental Protection Agency

impacts to approximately 0.03 acres, 195 linear feet, of waters of the State associated with Russell Creek within the Santa Rosa Hydrologic Sub Area No. 114.22, Russian River Hydrologic Unit No. 114.00.

3. The slide repair project includes grading of the slope south of Russell Creek. Grading will be conducted in compliance with the technical documents prepared for the Project. Work will be done within Russell Creek (in the dry season) from the existing culvert and wing wall at the western end of the project site adjacent to Bicentennial Way approximately 195 feet east or upstream. The south bank of Russell Creek will have riprap keyed into the toe of slope. Riprap will be placed along the south bank to prevent undermining of the slide repair by high velocity flows within the creek. Riprap will be placed from the edge of bank to 3 feet high along the creek bank. With the exception of the culvert and wing wall area, no riprap will be placed within the bed of the existing creek. Post-construction stormwater treatment features will be incorporated to treat the increase in stormwater runoff as well as pollutants created by the increase in impervious surface and other activities associated with development and future use of the site. Landscape-based treatments, such as vegetated swales, bio-retention units, and vegetated buffer strips, will treat stormwater before it is discharged to Russell Creek. The maintenance of the post-construction stormwater treatment features will be done by the City of Santa Rosa and the Homeowners Association. Details on the plan are contained in the *Preliminary Storm Water Mitigation Plan, Bicentennial Estates*, dated November 2008, by Carlenzoli and Associates.
4. Compensatory mitigation consists of habitat restoration. The placement of fill is for bank stabilization and only on the south bank. The creek will remain essentially in its natural state. The creek banks will be planted with native trees and shrubs. The site will be seeded with native grasses and forbs and the habitat restoration plan includes removal of non-native weedy plants along with the planting of native trees and shrubs. The trees and shrubs will be irrigated and the site will be maintained and monitored for a minimum of 5 years, with an 85% survival rate of thriving vegetation. Yearly monitoring reports shall be submitted to the Regional Water Board.
5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. A Stormwater Mitigation Plan has been created to minimize construction related disturbances to water quality. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor. Drain inlets will be protected by gravel bags, straw wattles or other filtering devices and all exposed areas will be treated with mulch or hydro-seeding or covered with plastic sheeting. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

6. The California Department of Fish and Game has determined that a Lake or Streambed Alteration Agreement is not required for this project.
7. The Applicant has applied for a permit from the United States Army Corps of Engineers, to perform the project pursuant to Clean Water Act, section 404 (USACE File No. 2008-00449).
8. The City of Santa Rosa, as the lead California Environmental Quality Act (CEQA) agency, has filed a Mitigated Negative Declaration, with the Office of Planning and Research, on October 13, 2005 pursuant to California Environmental Quality Act (CEQA) guidelines.
9. Because the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

Receiving Water: Russell Creek
 Santa Rosa Hydrologic Sub Area No. 114.22
 Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: 0.03 acres of permanent impacts

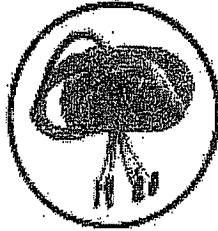
Latitude/Longitude: 38.473647° N and 122.719738° W

Expiration: July 01, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Nielsen Ranch Slide Repair, Bicentennial Estates II Project (WDID No. 1B09023WNSO), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.

4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Order (Enclosed).
5. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in the watershed. At present, there are no watershed specific total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
6. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
7. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
8. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
9. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
10. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented.



California Native Plant Society
Milo Baker Chapter

June 8, 2009

Via email
City of Santa Rosa
Planning Commission
Santa Rosa, California
Attn: Erin Morris

Subject: Further comments on The Arbors, 3500 Lake Park Drive, File No. MJ07-016
On behalf of the Milo Baker Chapter of the California Native Plant Society (CNPS), we thank you for the opportunity to comment on the subject planning matter and we wish to express our concerns regarding the proposed subdivision The Arbors, at 3500 Lake Park Drive.

The herein comments amplify our earlier comments on the subject project; both the herein and earlier comments should be considered fully as part of the administrative record for the subject project.

Our chief concerns are:

- (1) The absence or paucity of current relevant environmental impact analysis on botanical and other environmental features as required by the California Environmental Quality Act (CEQA)
- (2) The incomplete and misleading characterization of the understory flora on the subject property
- (3) The lack of effective mitigation measures to address botanical impacts
- (4) The lack of integrated environmental impact analysis to assess the interaction of vegetation loss and slope stability and fire hazard maintenance.
- (5) The misleading statement in the recent botanical study that CEQA does not require attention to CNPS List 4 species. That statement reveals a deep lack of understanding of the basic construction of CEQA, since CEQA does not structurally address many specifics of plant listings, but rather requires lead agencies to consider fully the "significant adverse impacts" to individual species or collections of species. Under any reasonable interpretation of this requirement, the city must fully consider impacts to listed plants as significant.
- (6) The lack of understanding of the slope stabilization that the present native vegetation serves, and corresponding impact analysis of slope instability induced by vegetative removal.

Even with the recently produced botanical study, the project database still does not reflect comprehensive state-of-the-art techniques of resource inventory that are presently

available and are incomplete in their needs to inventory critical ecological elements of the property. In particular the following study elements are essential for an adequate due diligence required by CEQA: This parcel represents an almost unique asset within Santa Rosa of a dense oak woodland (Coast Live Oak and Pacific Madrone dominant with admixture of Valley Oak) with rich understory. The loss of such a resource cannot simply be mitigated by planting a finite number of oak trees, since the total resource is the complex ecological intact forest plus forest understory, the latter of which is unusually endowed with undisturbed biodiversity and prime amphibian habitat.

The following is a minimum set of detailed specifications for analysis that is presently lacking:

A. Conducting a complete understory inventory in the spring blooming season in order to assess the complexity of the native understory (not only examining listed species, but the entirety of natives on site), including the intact native character of the site flora. This understory survey is vital, since this parcel has an unusually rich and intact forest floor; on our site visit of Dec 8, 2008 we observed healthy populations of Spicebush, Toyon, Sword Fern, Wood Fern, Goldback Fern, California Blackberry and numerous other bulb flowers, wildflowers and native grasses. The forest floor also had an appreciable layer of leaf litter and organic detritus, signs of a healthy and undisturbed forest that are capable of harboring a diversity of native species. The most recent botanical survey does not adequately characterize the totality and richness of the native flora on site, but is misleading in its attention to dominant plants along the path and project perimeter. A more careful and scientifically complete analysis is needed to characterize adequately the native understory.

B. Conducting a rainy season amphibian study of the drainage swale that crosses the site. This drainage was flowing with a notable lack of turbidity on the date of our site visit of December 8, 2008. Such a condition of water flow is very unusual for tributaries of mainstem creeks in Sonoma County at a seasonal time before onset of significant persistent rains. The condition of the undisturbed forest floor as noted above is also conducive to burrowing and aestivation by native amphibians, making this parcel a prime location within Santa Rosa for amphibian habitat.. Therefore, this site must be viewed as an unusual resource for riparian amphibian taxa, including potential listed (threatened) species of Sonoma County. To satisfy CEQA requirements one must assess this location for breeding area of amphibians, especially special status species

C. Conducting an analysis of a clustered density alternative, which would allow the applicant to realize significant residential unit yield from a single building on the high ground eastern side of the site, which is virtually the only portion of the site which can be developed without substantial grading, slope stabilization and encountering high seismic risk.

We have further concerns, some of which parallel our earlier transmittals. These concerns involve destruction not only of trees, but also the rich understory vegetation, which can not be reproduced with urban landscaping. The concerns also relate to the excessive

grading that will be necessary to accommodate the subdivision layout on the project's severe slopes; the grading will eliminate understory and also necessitate frequent continuing disturbance to effect erosion control and slope stability.

The proposed project of 37 single family lots would remove significant, intact oak woodland, including 409 native trees, of which 17 are heritage trees. This loss of one of the few remaining dense intact oak woodlands in Santa Rosa is not acceptable, and represents the continuing loss of one of Sonoma County's treasures. It appears that little effort was made to save any substantial portion of the woodland. The lots take virtually no account of the location of the stands of trees to optimize design in this sensitive habitat. If redesign is not possible, then the number of units should be reduced, to preserve this valuable oak woodland resource.

We also are concerned about future vegetation management. How will the recent safety requirements for vegetation clearing affect the remaining trees? This parcel is labeled a high fire severity zone which will require 100' fire breaks around the development; what measures would be taken to mitigate against subsequent vegetation clearing of the remaining trees and other native vegetation? The severe fire hazard designation means that continual vegetation clearing will take place, further reducing the tree canopy and habitat. What guarantee do the people of Santa Rosa have that the preserved trees will be spared from heavy equipment, severe pruning, and potential contamination with Sudden Oak Death pathogen as vegetation removal continues?

With regard to climate change, has the impact on the loss of this significant carbon sink been taken into account in the environmental document for the proposed? Concerns over climate change were not taken into account in the original documentation and represent an important example of the current standard of care for environmental due diligence.

We are concerned with the arborist's report. It appears from reading of the tentative map that the information provided by the arborist does not appear on the map as required. Article 4 Section 17-24.050 of the City's Tree Ordinance requires that the tentative map shall indicate genus and species of each tree and Heritage tree. Each tree is not shown, and yet this info is needed to evaluate impact.

We recommend that significant changes be made to the proposal in order to protect the native vegetation to the greatest extent possible. The parcel is best suited for open space, to function as a wildlife corridor that would protect the watershed and valuable oak habitat, especially given the cumulative loss of oaks and history of geologic instability of the immediate area for housing. The evidence of slope instability of the subject parcel is overwhelming with the extensive and repeated need for slope stabilization on the neighboring property to the west, the excessive slopes on site (greater than 30 percent) and the massive recent movement in slopes leading to the deeply fissured asphalt path. (There are presently warning signs on the path resulting from the slope instability.)

In summation, approval of the proposed project with simplistic mitigation of tree replacement would constitute abuse of discretion by the city and violation of the California Environmental Quality Act for incomplete analysis of environmental impacts under current standards of environmental assessment for ecological systems. Moreover, any approval would constitute an irreversible loss of a unique community resource, which would cease to exist as an important recreational and educational element of open space within Santa Rosa.

We appreciate the opportunity to comment on this project. Please keep me informed of its progress. Feel free to contact me if I can be of assistance or if you have any questions.

Sincerely,

Lynn Houser, President, Milo Baker Chapter
C.Michael Hogan, PhD, Conservation Chair, Milo Baker Chapter
California Native Plant Society (CNPS)
(707) 568-3230 (415) 4201029



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

APR 8 2009

Regulatory Division

SUBJECT: File Number 2008-00449N

Mr. Jack Chamberlain
Chamberlain Lake Park LLC
655 Skyway Road, Suite 230
San Carlos, California 94070

Dear Mr. Chamberlain:

This letter is written in response to your submittal of February 10, 2009, concerning Department of the Army authorization for repair and restoration of a landslide occurring on the bank of Russell Creek at the Nielsen Ranch (a.k.a. Bicentennial Estates) project located at the corner of Bicentennial Way and Lake Park Drive in the City of Santa Rosa, Sonoma County, California. The project site is defined as two parcels identified as Assessor's Parcel Numbers 173-270-002 and 173-270-003. You are authorized to repair and stabilize an approximately 200-foot segment of creek bank located along the southern bank of Russell Creek that failed and slid downslope. The project is authorized to place approximately 3640 cubic yards of riprap in an area of approximately 1305 square feet, resulting in fill to approximately 0.03 acres of jurisdictional waters of the US for placement of hardscapes necessary for the bank stabilization.

Based on a review of the information you submitted and an inspection of the project site conducted by Corps personnel on January 6, 2009, your project qualifies for authorization under Department of the Army Nationwide Permit 13 – Bank Stabilization (72 Fed. Reg. 11092, March 12, 2007), pursuant to Section 404 of the Clean Water Act (33 U.S.C. Section 1344). See Enclosure 1. All work shall be completed in accordance with the plans and drawings submitted with your February 10, 2009 submittal titled "Slide Repair Grading Plan", dated November 18, 2008, prepared by Carlenzoli and Associates.

The project must be in compliance with the General Conditions cited in Enclosure 2 for this Nationwide Permit authorization to remain valid. Non-compliance with any condition could result in the suspension, modification or revocation of the authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This Nationwide Permit authorization does not obviate the need to obtain other State or local approvals required by law.

This authorization will remain valid for two years from the date of this letter unless the Nationwide Permit is modified, suspended or revoked. If you have commenced work or are under contract to commence work prior to the suspension, or revocation of the Nationwide Permit and the project would not comply with the resulting Nationwide Permit authorization, you have twelve (12) months from that date to complete the project under the present terms and

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conditions of the Nationwide Permit. Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, Enclosure 3, verifying that you have complied with the terms and conditions of the permit.

This authorization will not be effective until you have obtained a Section 401 water quality certification from the North Coast Regional Water Quality Control Board (RWQCB). You shall submit a copy of the certification to the Corps prior to the commencement of work.

To ensure compliance with this Nationwide Permit authorization, the following special conditions shall be implemented:

1. All work occurring below the plane of ordinary high water shall be confined to the low-flow period, during summer months to avoid excessive sedimentation of creek waters.
2. All construction work shall incorporate appropriate best management practices, including stabilizing and seeding exposed upland slopes, to control and minimize bank erosion, sediment input, and turbidity in the affected creek.
3. Authorized discharges of fill material occurring below ordinary high water shall consist solely of sand, gravel, cobble, boulder, rock or other inert riprap materials that are free of toxic pollutants.
4. No concrete washings or concrete shall be allowed to enter the creek.
5. All material and debris generated as a result of project construction shall be removed from the site and disposed of in an approved location outside Corps jurisdiction.
6. Heavy equipment shall be used in Corps jurisdiction only where necessary and shall be removed from the site at the earliest opportunity.
7. On-site mitigation will be achieved through re-vegetation of the project area as outlined in the "Bicentennial Estates Unit 2 - Common Area / HOA Area Landscape Improvement Plans" dated January 21, 2009, prepared by Van Dorn ABED.
8. The project site shall be monitored annually for three years to qualitatively assess channel conditions and re-establishment of riparian vegetation as described in the February 10, 2009, submittal. The first monitoring report is due at the end of the year following the year of installation of mitigation plantings (greater than 12 months following initial planting, but not more than 24 months following planting). Evidence of channel instability, such as migrating headcuts, substantial changes in bedload characteristics, or bank erosion shall be documented, as well as qualitative and quantitative analysis of

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mitigation vegetation. Photographs and a brief summary discussion shall be provided with the annual monitoring report. The report shall be submitted to the Corps by December 31 of each year.

9. Only California native plants and/or seeds shall be used to revegetate all exposed areas throughout the project site at project completion.

Should you have any questions regarding this matter, please call Cameron Johnson of our Regulatory Division at (415) 503-6790. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



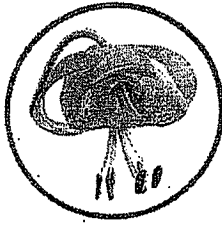
for Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copies furnished (w/o enclosures):

US EPA, San Francisco, CA
US FWS, Sacramento, CA
US NMFS, Santa Rosa, CA
CA DFG, Yountville, CA
CA RWQCB, Santa Rosa, CA

Ms. Jane Valerius
Environmental Consulting
152 Weeks Way
Sebastopol, CA 95472



California Native Plant Society
Milo Baker Chapter

November 27th, 2007

Via email

To: Erin Morris

From: Lynn Houser

Subject: Comments on The Arbors, 3500 Lake Park Drive, File No. MJ07-016

On behalf of the Milo Baker Chapter of the California Native Plant Society (CNPS), I wish to express our concerns regarding the proposed subdivision The Arbors, at 3500 Lake Park Drive.

The proposed project of 37 single family lots would remove significant, intact oak woodland, including 409 native trees, of which 17 are heritage trees. This loss of one of the few remaining dense oak woodlands in Santa Rosa is not acceptable, and represents the continuing loss of one of Sonoma County treasures. It appears that no effort was made to save any substantial portion of the woodland. The lots take virtually no account of the location of the stands of trees to optimize design in this sensitive habitat. If redesign is not possible, then the number of units should be reduced, to preserve this valuable oak woodland resource.

We also are concerned about future vegetation management. How will the recent safety requirements for vegetation clearing affect the remaining trees? This parcel is labeled a high fire severity zone which will require 100' fire breaks around the development; what measures would be taken to mitigate against subsequent vegetation clearing of the remaining trees and other native vegetation? The severe fire hazard designation means that continual vegetation clearing will take place, further reducing the tree canopy and habitat. What guarantee do the people of Santa Rosa have that the preserved trees will be spared from heavy equipment, severe pruning, and potential contamination with Sudden Oak Death pathogen as vegetation removal continues?

With regards to climate change, has the impact on the loss of this significant carbon sink been taken into account in the environmental document for the proposed?

We are concerned with the arborist's report. It appears from reading of the tentative map that the information provided by the arborist does not appear on the map as required. Article 4 Section 17-24.050 of the City's Tree Ordinance requires that the tentative map

June 15, 2007

Erin Morris, Department of Community Development
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Dear Ms. Morris:

As near neighbors of the proposed "Arbors" development, we wish to register the following concerns:

- the density of the project does not match the neighborhood; single-family residences are more in keeping with the neighborhood.
- the number of mature oak trees proposed for removal decimates a pristine oak-covered knoll; our view and property value will be negatively affected.
- we don't want to look at the back side of typical apartment decks
- traffic will be increased on Lake Park Drive; speeding and the safety of children and pets are issues that you must be painfully aware of.
- noise in our canyon has been an issue and will be exacerbated.

Please continue to keep us informed.

Sincerely,

Patrick Shockey Michele Shockey
Patrick and Michele Shockey
3435 Terra Linda Drive
Santa Rosa, CA 95404
(707)568-1677

Leonard and Melinda Cairney
3434 Terra Linda Drive
Santa Rosa, California 95404
707-566-7142
Melinda Cairney
Leonard Cairney

June 22, 2007

**To: Erin Morris
Dept. of Comm. Dev.**

**From: Richard Howell
Concerned Neighbor**

**Re: The Arbors
3500 Lake Park Dr., Santa Rosa**

Erin:

I wanted to provide some written comment on the proposed development, known as The Arbors on Lake Park Drive in Santa Rosa.

The positive items that come to mind are:

- Tree Preservation, leaving a minimum of 26 existing, mature trees.**
- Having only (2) lots accessing directly off Lake Park Drive.**
- Developer (Neilson Homes) is known for well designed and attractive homes, promoting the values of surrounding neighborhoods**

The negative items are as follows:

- Density of 6.5 units per acre with no common areas, except in the very rear of the parcel. This is simply a case of too much in too little, benefiting only the developer.**
- Side Elevations dominating the frontage on Lake Park Dr. will be overwhelming unless upscaled through design and landscaping.**
- With both projects in close proximity, The Arbors and Bicentennial Estates – Unit 2, the building of each project must be done in separate time phases, not together. If they are constructed at the same time, the NOISE, TRAFFIC, DUST and OTHER IRRITATES inherent in the building pro-**

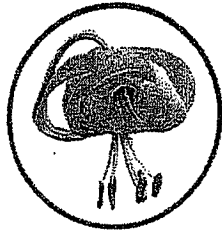
cess, would prove too much for the existing neighborhoods to handle without necessitating the complete loss of normalcy in daily living.

Another consideration is the pricing of the new units and will they support the present values of adjacent properties. Also, the prevention of buyers of new homes from making them RENTALS. This situation has hurt every neighborhood where it exists and it must be controlled primarily by the developer at time of sale.

Thank you for your time and please let me know when the next public hearing will be held.

Sincerely,

**Richard Howell
Richardhowell@sbcglobal.net**



California Native Plant Society
Milo Baker Chapter

November 27th, 2007

Via email

City of Santa Rosa
Planning Commission
Santa Rosa, California

Attn: Erin Morris

Subject: Comments on The Arbors, 3500 Lake Park Drive, File No. MJ07-016

On behalf of the Milo Baker Chapter of the California Native Plant Society (CNPS), we thank you for the opportunity to comment on the subject planning matter and we wish to express our concerns regarding the proposed subdivision The Arbors, at 3500 Lake Park Drive.

Our overarching comment is that extensive reliance is being placed on studies and environmental documents that are approximately 18 years old; such studies do not represent state-of-the-art techniques of resource inventory that are presently available and are incomplete in their needs to inventory critical ecological elements of the property. In particular the following study elements are essential for an adequate due diligence required by CEQA: This parcel represents an almost unique asset within Santa Rosa of a dense oak woodland (Coast Live Oak and Pacific Madrone dominant with admixture of Valley Oak) with rich understory. The loss of such a resource cannot simply be mitigated by planting a finite number of oak trees, since the total resource is the complex ecological intact forest plus forest understory, the latter of which is unusually endowed with undisturbed biodiversity and prime amphibian habitat.

1. Conducting a complete understory inventory in the spring blooming season in order to assess possible presence of rare and endangered species. There are a number of candidate Sonoma County species which may be present on this site. We can assist your staff and consultants to insure that investigation of each of the candidate special status taxa are investigated. This understory survey is vital, since this parcel has an unusually rich and intact forest floor; on our site visit of Dec 8, 2008 we observed healthy populations of Spicebush, Toyon, Sword Fern, Wood Fern, Goldback Fern, California Blackberry and numerous other bulb flowers, wildflowers and native grasses. The forest floor also had an appreciable layer of leaf litter and organic detritus, signs of a healthy and undisturbed forest that are capable of harboring a diversity of native species.

2. Conducting a rainy season amphibian study of the drainage swale that crosses the site. This drainage was flowing with a notable lack of turbidity on the date of our site visit of December 8, 2008. Such a condition of water flow is very unusual for tributaries of mainstem creeks in Sonoma County at a seasonal time before onset of significant persistent rains. The condition of the undisturbed forest floor as noted above is also conducive to burrowing and aestivation by native amphibians, making this parcel a prime location within Santa Rosa for amphibian habitat. Therefore, this site must be viewed as an unusual resource for riparian amphibian taxa, including potential listed (threatened) species of Sonoma County. To satisfy CEQA requirements one must assess this location for breeding area of amphibians, especially special status species

3. Conducting an analysis of a clustered density alternative, which would allow the applicant to realize significant residential unit yield from a single building on the high ground eastern side of the site, which is virtually the only portion of the site which can be developed without substantial grading, slope stabilization and encountering high seismic risk.

We have further detailed comments, some of which parallel our earlier transmittals. These concerns involve destruction not only of trees, but also the rich understory vegetation, which can not be reproduced with urban landscaping. The concerns also relate to the excessive grading that will be necessary to accommodate the subdivision layout on the project's severe slopes; the grading will eliminate understory and also necessitate frequent continuing disturbance to effect erosion control and slope stability.

The proposed project of 37 single family lots would remove significant, intact oak woodland, including 409 native trees, of which 17 are heritage trees. This loss of one of the few remaining dense intact oak woodlands in Santa Rosa is not acceptable, and represents the continuing loss of one of Sonoma County's treasures. It appears that little effort was made to save any substantial portion of the woodland. The lots take virtually no account of the location of the stands of trees to optimize design in this sensitive habitat. If redesign is not possible, then the number of units should be reduced, to preserve this valuable oak woodland resource.

We also are concerned about future vegetation management. How will the recent safety requirements for vegetation clearing affect the remaining trees? This parcel is labeled a high fire severity zone which will require 100' fire breaks around the development; what measures would be taken to mitigate against subsequent vegetation clearing of the remaining trees and other native vegetation? The severe fire hazard designation means that continual vegetation clearing will take place, further reducing the tree canopy and habitat. What guarantee do the people of Santa Rosa have that the preserved trees will be spared from heavy equipment, severe pruning, and potential contamination with Sudden Oak Death pathogen as vegetation removal continues?

With regard to climate change, has the impact on the loss of this significant carbon sink been taken into account in the environmental document for the proposed? Concerns over climate change were not taken into account in the original documentation and represent an important example of the current standard of care for environmental due diligence.

We are concerned with the arborist's report. It appears from reading of the tentative map that the information provided by the arborist does not appear on the map as required. Article 4 Section 17-24.050 of the City's Tree Ordinance requires that the tentative map shall indicate genus and species of each tree and Heritage tree. Each tree is not shown, and yet this info is needed to evaluate impact.

We recommend that significant changes be made to the proposal in order to protect the native vegetation to the greatest extent possible. The parcel is best suited for open space, to function as a wildlife corridor that would protect the watershed and valuable oak habitat, especially given the cumulative loss of oaks and history of geologic instability of the immediate area for housing. The evidence of slope instability of the subject parcel is overwhelming with the extensive and repeated need for slope stabilization on the neighboring property to the west, the excessive slopes on site (greater than 30 percent) and the massive recent movement in slopes leading to the deeply fissured asphalt path. (There are presently warning signs on the path resulting from the slope instability.)

In summation, approval of the proposed project with simplistic mitigation of tree replacement would constitute abuse of discretion by the city and violation of the California Environmental Quality Act for incomplete analysis of environmental impacts under current standards of environmental assessment for ecological systems. Moreover, any approval would constitute an irreversible loss of a unique community resource, which would cease to exist as an important recreational and educational element of open space within Santa Rosa.

We appreciate the opportunity to comment on this project. Please keep me informed of its progress. Feel free to contact me if I can be of assistance or if you have any questions.

Sincerely,

Lynn Houser, President, Milo Baker Chapter
C.Michael Hogan, PhD, Conservation Chair, Milo Baker Chapter
California Native Plant Society (CNPS)
(707) 568-3230

Cc:

Santa Rosa City Council Members and Mayor Blanchard
Liam Davis and Gene Cooley, Department of Fish and Game