

1.0 INTRODUCTION

1.1 Purpose

This Draft Environmental Impact Report (Draft EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA), to evaluate the potential impacts that may result from adoption and implementation of the Cotati Downtown Specific Plan and associated General Plan and Land Use Code (LUC) amendments (collectively the "DSP"). Adoption of the DSP is considered a "project" as defined by Section (§) 15378 of the CEQA Guidelines. Therefore, the DSP is required to be evaluated for its potential environmental effects. An Initial Study was prepared (Appendix 1.0) which determined that the DSP could result in one or more potentially significant adverse environmental impacts; therefore, an EIR is required.

In accordance with §15121(a) of the CEQA Guidelines, the purpose of this Draft EIR is to serve as an informational document that will inform the public agency decision-makers and the public generally of the significant environmental effects of a project, identify ways to minimize the significant effects, and describe reasonable alternatives to the project.

1.2 Scope of EIR

The Initial Study prepared for the DSP and distributed with the Notice of Preparation (NOP) concluded that the project could result in potentially significant impacts in the following areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geological Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation and Circulation
- Utilities and Service Systems
- Water Supply

The Initial Study found that the project would result in no impacts, or less than significant impacts, in the following areas:

- Agricultural Resources
- Mineral Resources
- Energy
- Urban Decay

The NOP was circulated in accordance with CEQA for 30 days, from March 15 to April 13, 2006. During that time, comment letters were received from agencies and members of the public. The City also held an EIR scoping meeting on March 20,

2006. The Initial Study, NOP, and responses to the NOP are included as Appendix 1.0. A summary of the issues raised during the scoping meeting are also included in Appendix 1.0.

1.3 Program EIR

The CEQA Guidelines provide for a number of different types of EIRs to suit the range of projects and activities that may be considered by the Lead Agency. Based on the level of detail of the DSP, this EIR has been prepared as a Program EIR which, according to CEQA Guidelines §15168, is appropriate when a project consists of:

...a series of actions that can be characterized as one large project and are related in one of more of the following ways:

1. *Geographically,*
2. *As logical parts in the chain of contemplated actions,*
3. *In connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
4. *As individual activities carried out under the same authorizing, statutory, or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*

Program EIRs are intended to provide analysis that is more general and anticipates future project refinement and review. The use of a Program EIR for the DSP enables the environmental assessment of future projects to 'tier' from the DSP EIR, thus avoiding redundancy. Tiering aids City staff and project proponents by helping to identify issues to be resolved during project-specific environmental review. In addition, California Government Code §65457 states that residential projects which comply with an adopted Specific Plan for which an EIR was prepared can be exempted from further CEQA review:

65457. *(a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.*

Section 65457(a) references conditions outlined in §21166 of the Public Resources Code that may create the need for additional CEQA documentation for subsequent projects:

21166. *When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:*

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

As specified in §65457, any of the above may result in the need for additional environmental documentation. The intent of this Program EIR is to reduce the need for additional documentation to the extent feasible.

1.4 Specificity

The analysis in an EIR for a project is necessarily limited by the specificity of the project description at the time of review. The CEQA Guidelines speak to this issue as follows:

15146. Degree of Specificity. The degree of specificity required by an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

The project under review is a Specific Plan which includes a conceptual plan and buildout scenario for the planning area. The specificity of the setting and analysis in this EIR is commensurate with the specificity of the DSP. The DSP anticipates refinement as individual projects are proposed.

1.5 Organization of this EIR

This EIR describes the environmental effects buildout of the DSP area in accordance with the goals, policies, and programs set forth by the Cotati DSP. Following this introduction chapter, the EIR is organized as follows:

Section 2.0, Summary, summarizes the impacts, mitigation measures, and significance of impacts.

Section 3.0, Project Description, describes the proposed project, its location, planning background and objectives. Existing conditions within the project area are also described.

Section 4.0, Impact Analysis, describes the impacts associated with buildout of the Plan area and proposes mitigation measures that would reduce identified impacts to the extent feasible. Each impact category is analyzed separately and the discussion is divided into the following parts: Issues, Setting, Regulatory Setting, Methodology, Significance Thresholds, Impacts and Mitigation Measures, and Cumulative Impacts. Further detail about the impact analysis is provided in Section 4.0.

Section 5.0, Other CEQA Considerations, provides the required analysis of effects found not to be significant, growth-inducing impacts, significant unavoidable effects, and significant irreversible changes.

Section 6.0, Alternatives, provides an assessment of alternatives that are intended to meet most of the basic objectives of the project while reducing or minimizing significant effects. In accordance with CEQA, the environmentally superior alternative is also identified.

Section 7.0, List of Preparers and Persons Contacted, identifies the preparers of this document and persons contacted in the course of preparation of the EIR.

1.6 Uses of the EIR

The CEQA Guidelines distinguish among Lead, Responsible, and Trustee agencies based on their responsibilities for approving or carrying out certain aspects of a project. The City of Cotati is the Lead Agency for the project because it has the primary responsibility for approving the DSP and subsequent projects. The City Redevelopment Agency may have discretionary approval over the DSP pursuant to §15381. It is anticipated that the EIR will be used for the following actions by the City of Cotati:

- Planning Commission recommendation
- City Council Certification of EIR and Adoption of Downtown Specific Plan (possible joint Redevelopment Agency/City Council Approval) and its associated General Plan and Land Use Code amendments, and financing plan
- Other City actions or approvals to implement the Downtown Specific Plan, including but not limited to, zoning, subdivision maps, use permits, design review, grading permits, demolition permits, and building permits.

A Responsible Agency is an agency other than the Lead Agency that has discretionary authority to carry out or approve aspects of the project. The following Responsible Agencies may use the EIR in their issuance of permits associated with specific components of the DSP:

- Regional Water Quality Control Board (RWQCB)
- Bay Area Air Quality Management District (BAAQMD)
- California Department of Fish and Game (CDFG)
- California Department of Transportation (Caltrans)
- State Historic Preservation Officer (SHPO)

Federal agencies that may make decisions regarding the project are:

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Army Corps of Engineers (Corps)

A Trustee Agency refers to a state agency having jurisdiction by law over natural resources affected by a project but without the legal authority to approve or carry

out the project (Guidelines §15386). Trustee agencies for this project are limited by law to the California Department of Fish and Game (Guidelines §15386).

1.7 Availability of the Draft EIR and Public Comment Period

The Draft EIR will be circulated for 45 days, from February 27, 2009 to April 13, 2009, to allow public agencies and interested individuals an opportunity to review and comment on the document. A public hearing on the Draft EIR will be held at Cotati City Hall on April 6, 2009 at 7:00 pm to receive oral comments. Written comments on the Draft EIR will be accepted by the City until 5:30 pm on April 13, 2009. Public agencies and interested organizations and individuals are encouraged to submit comments on the Draft EIR for consideration by the City. The Draft EIR is available for review or purchase at City Hall and is available for review at the Rohnert Park/Cotati Library. All written comments should be sent to:

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Acting Community Development Director

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