

**Final Initial Study/Mitigated Negative Declaration
Cotati Hotel and Market Hall Project
City of Cotati, Sonoma County, California
State Clearinghouse No. 2019049028**

Prepared for:

City of Cotati

Community Development Department
201 West Sierra Avenue
Cotati, CA 94931
707.665.3637

Contact: Jon-Paul Harries, Senior Planner

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Contact: Jason Brandman, Project Director
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Date: May 8, 2019

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SECTION 1: INTRODUCTION

Although not required by the California Environmental Quality Act (CEQA) and CEQA Guidelines, the Cotati Hotel and Market Hall Project has evaluated the comments received on the Cotati Hotel and Market Hall Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The Responses to Comments, which is included in this document, together with the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program (MMRP), comprise the Final IS/MND for use by the City of Cotati in its review and consideration of the Cotati Hotel and Market Hall Project.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals who commented on the Draft IS/MND. Copies of all of the letters received regarding the Draft IS/MND and responses thereto are included in this section.

The Final IS/MND includes the following contents:

- Draft IS/MND (provided under separate cover)
- Draft IS/MND appendices (provided under separate cover)
- Responses to Written Comments (Section 2 of this document)
- MMRP (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Cotati Hotel and Market Hall Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
State Agencies	
California Department of Fish and Wildlife	CDFW
California Department of Transportation	CALTRANS

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Cotati, as the lead agency, evaluated the comments received on the Final IS/MND for the Cotati Hotel and Market Hall Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final IS/MND for the project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 94534
 (707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



CDFW
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May 2, 2019

Mr. Jon-Paul Harries
 Senior Planner
 City of Cotati
 201 West Sierra Avenue
 Cotati, CA 94931

Dear Mr. Harries:

Subject: Cotati Hotel and Market Hall, Mitigated Negative Declaration, SCH #2019049028, City of Cotati, Sonoma County

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Cotati for the Cotati Hotel and Market Hall Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California’s Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. [Fish and Game Code, §§ 711.7, subd. (a) and 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

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PROJECT DESCRIPTION SUMMARY

Proponent: City of Cotati

Objective: The objective of the Project is to develop a 20,050-square foot hotel building and 5,650-square foot market hall in the City of Cotati. The new development will replace the current park and ride lot, a vacant paved area where commercial structures have been removed previously, and 0.11 acres of linear seasonal wetlands. Primary Project activities include construction of the hotel building, the market hall building and the associated parking lot, requiring vegetation removal, grading and paving of the Project site. The Project also includes road improvements to Old Redwood Highway, and St. Joseph Way, such as curb, gutter, and sidewalk improvements and road restriping.

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Location: The four-acre site is located within the City of Cotati, in Sonoma County at the southeastern corner of the Highway 101 and State Route 116 interchange in central Cotati, GPS coordinates: Latitude 38° 19' 49" N, Longitude 122° 42' 40" W.

Timeframe: Not indicated.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Cotati in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with the implementation of mitigation measures, including those CDFW recommends in this letter, CDFW concludes that an MND is appropriate for the Project.

Comment 1: CDFW is concerned over potential impacts to the California Tiger Salamander (*Ambystoma californiense*).

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Consistent with CEQA Guidelines, Section 15380, the status of the California tiger salamander (CTS) as a threatened and endangered species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and CESA (Fish and Game Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

CTS is endemic to central California, with isolated populations in Sonoma and Santa Barbara counties (Bolster 2010, U.S. Fish and Wildlife Service (USFWS) 2014). CTS relies on seasonal wetlands or freshwater ponds for successful reproduction and adjacent or accessible terrestrial habitat for migration and aestivation, making the quality of both aquatic and terrestrial habitat essential for CTS survival (Bolster 2010). Typical upland habitats contain underground refugia, such as mammal burrows, that CTS depend upon for food, shelter, and protection (70 FR 49380; Laredo et al. 1996).

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The document states that due to the urban disturbances, the presence of California Tiger Salamander is *highly unlikely* at the project site and surrounding areas. However, in a review of the California Natural Diversity Database (CNDDDB) there are two listed occurrences within a quarter mile of the Project site, which is well within typical dispersal distances of CTS. Occurrence number 731 states that several CTS adults were found under debris and boards after fall rains in 2000.

Based on the occurrence data and the presence of seasonal wetlands on the Project site, CDFW believes that suitable habitat does exist on the Project site, and that the Project has the potential for take of the species, and loss of breeding and dispersal habitat, and that these impacts could be *potentially significant*.

Based on the occurrence data, the MND should determine and quantify what the impacts are to CTS, and then present biological measures, such as take avoidance and minimization measures, and mitigation for any impacts to potential breeding and/or upland habitat, to conclude that the impacts have been mitigated to less-than-significant levels. This should include any impacts to hydrology on-site and breeding ponds. In addition, because CTS is a federally-listed species, we recommend contacting USFWS regarding impacts to this species. If the impacted wetlands are suitable CTS breeding habitat, protocol level surveys may be needed to prove absence.

Please be advised that a CESA Permit must be obtained from CDFW if the Project cannot avoid take of species of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee

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is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

5
CONT

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City of Cotati in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to Ms. Melanie Day, Senior Environmental Scientist (Specialist), at (707) 428-2092 or melanie.day@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 428-2090.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

- Bolster, B. C. 2010. A status review of the California tiger salamander (*Ambystoma californiense*). A Report to the Fish and Game Commission, Nongame Wildlife Program Report 2010-4, California Department of Fish and Game, Sacramento, CA, USA.
- Laredo, I., D. Van Vuren, and M. L. Morrison. 1996. Habitat use and migration behavior of the California tiger salamander. *Journal of Herpetology* 30:282–285.

State Agencies

California Department of Fish and Wildlife (CDFW)

Response to CDFW-1

The agency provided introductory remarks and summarized its regulatory responsibilities. No response is necessary.

Response to CDFW-2

The agency restated the project description and location. No response is necessary.

Response to CDFW-3

The agency referenced the Draft IS/MND conclusion that the California tiger salamander was ‘highly unlikely’ to occur at the project site and noted that there were two recorded occurrences of this species within a 0.25 mile of the project site. The agency stated that it believes that there is potentially suitable habitat on the project site and there is the potential for take of this species in the form of loss of breeding and dispersal habitat. The agency stated that the MND should reevaluate potential impacts on this species and implement appropriate mitigation measures. The MND concluded that the project site contained highly disturbed areas that are either paved or composed of dense non-native (weedy) vegetation and lacked suitable habitat for special-status plant and wildlife species.

CDFW’s Life History Account for the California tiger salamander indicates that this species is most commonly found in annual grassland habitat and grassy understory of valley-foothill hardwood habitats. The project site does not support either of these plant communities in their natural form. The project site is secured with a chain-link fence separating the site from the US 101 off-ramp and Gravenstein Highway. It is mostly paved with a highly disturbed park-and-ride surface area. The site contains ruderal (weedy) vegetation dominated by dense vegetation. Furthermore, the Life History Account indicates that this species requires seasonal wetlands and vernal pools of sufficient size and depth to reproduce. Although the site contains some wetland vegetation, these areas lack sufficient inundation suitable for breeding, as they are drainage ditches that only hold transient water for a short duration that would not support breeding. Furthermore, Monk and Associates (M&A) conducted protocol surveys (including larval dip netting and drift fence) over multiple years on adjacent sites and have not found CTS on any of these sites.

Additionally, the CNDDDB record (No. 731) that mentions “boards and debris” was specifically investigated by M&A for its validity, as the record seemed inaccurate given the data shown in the CNDDDB record. M&A concluded in a conversation with the United States Fish and Wildlife Service (USFWS) that the location was likely in error and not valid as documented.

Although the site falls within an area of USFWS critical habitat designation, the lack of suitable habitat precludes presence of this species on the site. For these reasons, the Draft IS/MND’s conclusions regarding the absence of suitable habitat are supported by substantial evidence and, there is no data to suggest it is necessary to reevaluate impacts to this species.

Response to CDFW-4

The agency requested that any data regarding special-status species and natural communities gathered be uploaded to the California Natural Diversity Database (CNDDDB).

As noted in Response to CDFW-3, the project site contained mostly disturbed areas and dense non-native vegetation and lacked suitable habitat for special-status plant and wildlife species. Thus, there is no data to upload into the CNDDDB.

Response to CDFW-5

The agency provided standard language about Notice of Determination filing fees. No response is necessary.

Response to CDFW-6

The agency provided closing remarks. No response is necessary.

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
www.dot.ca.gov



*Making Conservation
a California Way of Life!*

May 6, 2019

John-Paul Harris, Senior Planner
City of Cotati
201 W. Sierra Avenue
Cotati, CA 94931

SCH: 2019049028
04-SON-2019-00379
GTS ID 15253
Post Mile: SON – 101- 12.64

Cotati Hotel and Market Hall – Mitigated Negative Declaration (MND)

Dear John-Paul Harris:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission’s Regional Transportation Plan/Sustainable Communities Strategy, Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans’ *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the MND.

1

Project Understanding

The project proposes to remove the existing park-and-ride lot, merge the existing parcel lines, and develop a hotel and Market Hall on the project site. The hotel is approximately 20,050 square feet in size with 153 keys (guest quarters) and associated amenities including a Board Room, Lounge, kitchen, fitness room, VIP Club, pool, and courtyard. A standalone building, approximately 5,650 square feet in size, would be provided at the corner of Old Redwood Highway and St. Joseph Way. The building would include a 3,596-square-foot Market Hall. The remainder of the building, approximately 2,054 square feet, would include a kitchen, storage, restrooms, staff lounge, and office space. A parking area with 167 parking spaces would be installed west and north of the hotel building. Sixteen on-street parking spaces would be provided along the project frontage. The project includes bike racks to accommodate approximately 24 bicycles. In addition, four covered bicycle spaces will be provided. Regional access is provided at the US 101 and US 116 interchange adjacent to the proposed project.

2

Multimodal Transportation

The project should be conditioned to ensure connections to existing bike lanes and multi-use trails to facilitate walking and biking to nearby jobs, neighborhood services, and transit. Since the proposed project is 100 feet from two sheltered Sonoma County Transit Route 10 bus stops, which provide regional access throughout Sonoma County, the proposed project should provide subsidized transit passes on an ongoing basis for future employees and constituents. Since the project is adjacent to Class II bike lanes, the project should be conditioned to provide secure bicycle parking in a highly visible location at the entrance.

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Park and Ride

In 2014, Caltrans and the City of Cotati entered into an agreement upon how the park and ride at this location would be replaced. The City of Cotati agreed to replace 166 parking spaces, of which 30 public parking spaces are to remain on site. The proposed project should explain how the City of Cotati intends to operate the 30 public parking spaces for commuter purposes.

4

Lead Agency

As the Lead Agency, the City of Cotati is responsible for all project mitigation, including any needed improvements to the STN. The project's financing, scheduling, implementation responsibilities and monitoring should be fully discussed for all proposed mitigation measures, prior to the submittal of an encroachment permit. Potential mitigation measures that include the requirements of other agencies—such as Caltrans—are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Lead Agency.

5

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

6

Should you have any questions regarding this letter, please contact Michael McHenry at (510) 286-5562 or Michael.mchenry@dot.ca.gov.

7

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c. State Clearinghouse

California Department of Transportation (CALTRANS)

Response to CALTRANS-1

The agency provided introductory remarks. No response is necessary.

Response to CALTRANS-2

The agency summarized the project. No response is necessary.

Response to CALTRANS-3

The agency stated that the project should provide design features that make it accessible to bicycles, pedestrians and public transit. The agency listed subsidized transit passes and secure bicycle parking as two examples.

The proposed project would provide secure bicycle parking near building entrances. Subsidized transit passes may be provided for employees, depending on the level of transit ridership.

Response to CALTRANS-4

The agency noted that it and the City of Cotati entered into an agreement in 2014 in which the City agreed to continue to provide 30 public spaces at this location for commuter purposes. The agency requested clarification of how this would be accomplished.

The proposed project would provide 167 off-street parking spaces, with 30 available to the public for commuter purposes. The applicant would be required to clearly mark the 30 park and ride spaces, and would also be required to submit a final parking management plan and public access easements that ensures the spaces are available for the public. These requirements will be conditions of approval. The spaces would be available for weekday “Park and Ride” use by transit riders (roughly between 6:00 a.m. to 8:00 p.m. on weekdays).

Consistent with the 2014 agreement, the City is also building two other Park and Ride lots for Caltrans along US-101: 99 spaces will be built adjacent to the US-101 southbound off-ramp at Airport Boulevard, at the north-west corner of Airport Boulevard and Mark West Station Road (Assessor’s Parcel Number [APN] 059-230-062). Another 47 spaces will be added to the existing South Petaluma Park and Ride located along Petaluma Boulevard South near the Kastania Road off-ramp.

Response to CALTRANS-5

The agency provided standard language about Lead Agency requirements. No response is necessary

Response to CALTRANS-6

The agency provided standard language about Encroachment Permit requirements. No response is necessary.

Response to CALTRANS-7

The agency provided closing remarks. No response is necessary.

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