



# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

## 2013 COTATI GENERAL PLAN UPDATE

NOVEMBER 2014

*Prepared for:*

City of Cotati  
Community Development Department  
201 West Sierra Avenue  
Cotati, CA 94931

*Prepared by:*

De Novo Planning Group  
1020 Suncastr Lane, Suite 106  
El Dorado Hills, CA 95762  
[www.denovoplanning.com](http://www.denovoplanning.com)

D e N o v o P l a n n i n g G r o u p

---

A Land Use Planning, Design, and Environmental Firm





FINDINGS OF FACT AND STATEMENT  
OF OVERRIDING CONSIDERATIONS

FOR THE

2013 COTATI GENERAL PLAN UPDATE

NOVEMBER 2014

*Prepared for:*

City of Cotati  
Community Development Department  
201 West Sierra Avenue  
Cotati, CA 94931

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
[www.denovoplanning.com](http://www.denovoplanning.com)



FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Section	Page Number
I. Introduction.....	1
II. General Findings and Overview.....	2
III. Findings and Recommendations Regarding Significant and Unavoidable Impacts.....	4
IV. Findings and Recommendations Regarding Less than Significant Impacts.....	14
V. Project Alternatives.....	21
VI. Statements of Overriding Consideration .....	26
VII. Conclusion.....	35

*This page left intentionally blank.*

# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

## FOR THE

### 2013 COTATI GENERAL PLAN UPDATE

#### REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, Section 21000 et seq)

## I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Cotati (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the 2013 General Plan Update (2013 General Plan, General Plan, or Project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the Project, examined several alternatives to the Project that were not chosen as part of the approved project (the No Project Alternative, the Open Space and Parks/Reduced Development Alternative, and the Reduced Land use Intensity Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under the California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Council's view, justify approval of the 2013 General Plan, despite its environmental effects.

## II. GENERAL FINDINGS AND OVERVIEW

### A. Project Background

In early 2011, Cotati began a multi-year process to update the City's General Plan. State law requires every city and county in California to prepare and maintain a planning document called a general plan. A general plan is a "constitution" or "blueprint" for the future physical development of a county or city. As part of the Cotati General Plan Update process, a General Plan Existing Conditions Report was prepared to establish a baseline of existing conditions in the city. Additionally, an Issues and Opportunities Report was prepared to identify the challenges facing the community, to provide an opportunity for citizens and policymakers to come together in a process of developing a common vision for the future, and to identify a range of options available to the City as the General Plan Land Use Map was modified and updated.

The updated Cotati General Plan includes a framework of goals, objectives, policies, and actions that will guide the community toward its common vision. The General Plan is supported with a variety of maps, including a Land Use Map and Circulation Diagram.

### B. Procedural Background

The City of Cotati circulated a Notice of Preparation (NOP) of an EIR for the proposed project on August 12, 2013 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on August 19, 2013 with the Cotati Planning Commission. No public or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on September 12, 2013, a written comment letter from the California Public Utilities Commission (CPUC) was received. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

The City published a public Notice of Availability (NOA) for the Draft EIR on September 9, 2014, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2013082037) and the County Clerk, and was published in the Press Democrat pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from September 9, 2014 through October 24, 2014. The Public Draft 2013 General Plan was also available for public review and comment during this time period.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR



identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received eight (8) comment letters regarding the General Plan and Draft EIR from public agencies, organizations and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

### **C. Record of Proceedings and Custodian of Record**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, Notice of Availability, and all other public notices issued by the City in relation to the 2013 Cotati General Plan Update EIR.
- The 2013 Cotati General Plan Update Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Cotati and consultants in relation to the EIR.
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Cotati Office of the City Clerk at 201 West Sierra Avenue, Cotati, CA 94931.

### **D. Consideration of the Environmental Impact Report**

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the 2013 General Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was

completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

### **E. Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the 2013 Cotati General Plan, shall continue in full force and effect unless amended or modified by the City.

## **III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

### **A. Aesthetics and Visual Resources**

#### **1. General Plan implementation could result in substantial adverse effects on visual character, including impacts to scenic vistas or scenic resources (EIR Impact 3.1-1)**

(a) **Potential Impact.** The potential for the Project to result in substantial adverse effect on visual character, including scenic vistas and resources, as discussed at pages 3.1-8 through 3.1-14 of the Draft EIR.

(b) **Mitigation Measures.** No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts.** As described on pages 3.1-11 through 3.1-14 of the Draft EIR, the Project includes numerous policies and actions that would reduce the severity of this impact to the extent feasible. However, even with the implementation of policies and actions that would reduce impacts to visual character, the potential remains for new development to interrupt, diminish, or obscure scenic views. While the 2013 General Plan policies and actions would ensure that impacts are reduced, the only method to completely avoid impacts to scenic resources on a Citywide basis would be to severely limit the development potential of undeveloped lands, including development such as housing units, business parks, commercial uses, and other structures that support job growth and the provision of a range of housing options. This type of mitigation is not consistent with the objectives of the 2013 General Plan to

support a range of high-quality housing options and expand economic development and jobs-generating uses in the city. Therefore, this would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with impacts to scenic resources and visual character.

## B. Noise

### 1. General Plan implementation may result in exposure to significant traffic noise sources (EIR Impact 3.10-1)

- (a) **Potential Impact.** The potential for the Project to result in exposure to significant traffic noise sources is discussed at pages 3.10-19 through 3.10-25 of the Draft EIR.

- (b) **Mitigation Measures.** No feasible mitigation is available.

- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.10-19 through 3.10-25 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management practices related to site design and building orientation, consistency with the City's Land Use Code Noise Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant traffic noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation noise sources.

**2. General Plan implementation may result in cumulative noise impacts (EIR Impact 3.10-7)**

- (a) **Potential Impact.** The potential for the Project to result in cumulative noise impacts is discussed at pages 3.10-34 through 3.10-36 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.10-34 through 3.10-36 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management practices related to site design and building orientation, consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant cumulative noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative noise sources.

**C. Transportation and Circulation**

**1. General Plan implementation may result in unacceptable traffic operations on City roadways and City intersections due to improvement funding uncertainty (EIR Impact 3.12-1)**

- (a) **Potential Impact.** The potential for the Project to result in unacceptable traffic operations on City roadways and intersections due to funding uncertainty is discussed at pages 3.12-35 through 3.12-38 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.12-35 through 3.12-38 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. The General Plan includes a set of policies and actions designed to reduce impacts by striving to achieve acceptable travel conditions on local roadways through adequately planning and funding roadway improvements. Applicable General Plan policies and actions require development projects to address their project-level impacts, pay their proportional-share of roadway improvements, and/or provide necessary off-site improvements. The policies and actions also indicate that the City shall continue to seek funding for circulation improvements from diverse sources, and emphasize the use of transportation demand management (TDM) and intelligent transportation systems technologies (ITS) to reduce traffic impacts.

Through the planned adoption and implementation of the traffic impact fee update, along with roadway improvements that the City will require developers to construct as part of their projects, many of the circulation improvements identified in the General Plan as being needed to support citywide buildout will be constructed. It cannot be guaranteed, however, that full funding to achieve all improvements will ultimately be collected, nor can it be guaranteed that individual improvements can be fully funded and constructed by the time they are needed. This would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with traffic operations on local roadways and intersections.

**2. General Plan implementation may result in unacceptable traffic operations on Gravenstein Highway, a Caltrans facility (EIR Impact 3.12-2)**

- (a) **Potential Impact.** The potential for the Project to result in unacceptable traffic operations on Gravenstein Highway is discussed at pages 3.12-38 through 3.12-43 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.12-38 through 3.12-43 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. While implementation of this policy and these actions would ensure that the City's proportional-share of funding from new development projects would be applied toward roadway impacts on facilities including Gravenstein Highway, to date such impact fee programs have not been created. Further, there is no guarantee that full or partial funding for the identified improvements will be available from the State within the planning horizon of this General Plan, that mechanisms will be in place in Cotati for the collection and administration of such funding, or that the roadway capacity expansion project to reduce the identified impacts will actually be constructed. While the policies and actions in the General Plan would address the City's proportional share of the improvements and ensure safe access to developments, the ability to fund and construct the widening of Gravenstein Highway and other improvements outside the City's control (as listed in General Plan Action CI 1c) also relies on funding from other non-City sources. Given the current lack of a regional fee program, or another identified source of funding to mitigate this regional funding, this impact would remain significant and unavoidable and no further mitigation is available.
- (2) **Overriding Considerations**. The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with traffic operations on Gravenstein Highway.

**3. General Plan implementation would contribute the unacceptable operation on US 101 freeway facilities (EIR Impact 3.12-3)**

- (a) **Potential Impact**. The potential for the Project to contribute to unacceptable traffic operations on the US 101 freeway is discussed at pages 3.12-43 through 3.12-45 of the Draft EIR.
- (b) **Mitigation Measures**. No feasible mitigation is available.
- (c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.12-43 through 3.12-45 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. The projected unacceptable operation on US 101 could be mitigated by widening the freeway to include additional through lanes in each direction. Further widening of US 101 is not included in the SCTA's Comprehensive Transportation Plan, nor do any financing mechanisms currently exist to fund the improvement. Widening the freeway would require major reconstruction of multiple freeway structures, right-of-way acquisition including many homes and businesses, potential relocation of City streets paralleling the freeway corridor (including Redwood Drive and Commerce Boulevard), and the likely creation of additional secondary environmental impacts. The environmental, social, and financial impacts render such a widening project infeasible. This impact remains significant and unavoidable.
  
- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with traffic operations on US 101.

#### **D. Utilities**

1. **General Plan implementation may exceed wastewater treatment capacity or the requirements of the RWQCB (EIR Impact 3.13-3)**
  - (a) **Potential Impact.** The potential for the Project to exceed wastewater treatment capacity or the requirements of the RWQCB is discussed at pages 3.13-30 through 3.13-35 of the Draft EIR.
  - (b) **Mitigation Measures.** No feasible mitigation is available.
  - (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
    - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.13-30 through 3.13-35 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including steps to reduce wastewater generation and limitations on new development until

it can be demonstrated that adequate wastewater treatment capacity exists. Action CSF 2l requires that upon adoption of the General Plan, the City shall apply to the subregional partners for an incremental increase in its wastewater flow allocation to meet projected demand through 2035. And Action CSF 2m requires the City to coordinate with the Laguna Wastewater Treatment Plant to increase the National Pollutant Discharge Elimination System (NPDES) permit capacity of the plant to meet projected 2035 demand for all sources of wastewater treated at the plant.

However, at the time of preparation of this EIR, an increase in permitted capacity cannot be guaranteed. This would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with wastewater treatment capacity.

## **E. Cumulative Impacts**

### **1. Aesthetics - Cumulative Degradation of the Existing Visual Character of the Region (EIR Impact 4.1)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative degradation of visual character is discussed at page 4.0-4 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on page 4.0-4 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and regulations, the 2013 General Plan has the potential to considerably contribute to permanent changes in visual character, such as obstruction of scenic views, conversion of existing visual character, and increased lighting. No feasible mitigation is available to fully reduce the cumulative effect on visual character, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively



considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative degradation of visual character.

**2. Noise - Cumulative Exposure of Noise-Sensitive Land Uses to Noise in Excess of Normally Acceptable Noise Levels or to Substantial Increases in Noise (EIR Impact 4.11)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to cumulative noise impacts is discussed at pages 4.0-12 and 4.0-13 of the Draft EIR.

- (b) **Mitigation Measures.** No feasible mitigation measures are available.

- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-12 and 4.0-13 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances, particularly in areas where existing development is located near proposed development. Although the policy and regulatory controls for noise related impacts are in place in the cumulative analysis area, subsequent development projects may result in an increase in ambient noise levels at specific project locations, which may subject surrounding land uses to increases in ambient noise levels. No feasible mitigation is available to fully reduce the cumulative effect on noise, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative increases in noise levels.

**3. Transportation and Circulation - Cumulative Impact on the Transportation Network (EIR Impact 4.13)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to cumulative transportation network impacts is discussed at pages 4.0-14 and 4.0-17 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-14 and 4.0-17 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances, particularly on facilities under the jurisdiction of Caltrans. No feasible mitigation is available to fully reduce the cumulative effect on the transportation network, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative transportation network impacts.

**4. Utilities and Service Systems - Cumulative Impact on Utilities (EIR Impact 4.14)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to cumulative utilities impacts is discussed at pages 4.0-17 and 4.0-20 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-17 and 4.0-20 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances, given that the City cannot guarantee that the NPDES permit capacity of the Laguna

Wastewater Treatment Plant will be increased. No feasible mitigation is available to fully reduce the cumulative effect to wastewater treatment capacity, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative wastewater treatment impacts.

## **F. Significant Irreversible Effects**

### **1. Irreversible Effects (EIR Impact 4.15)**

- (a) **Potential Impact.** The potential for the Project to result in a significant irreversible effect associated with the consumption of nonrenewable resources and irretrievable commitments/irreversible physical changes is discussed at page 4.0-24 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on page 4.0-24 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. One of the objectives of the 2013 General Plan is to preserve surrounding agricultural lands and protect the city's rural small-town heritage. As such, the 2013 General Plan focuses new development to infill areas, and areas immediately adjacent to the city limits. As a result of this land use pattern, the 2013 General Plan will minimize the potential for impacts to the nonrenewable resources in the Planning Area, including agricultural resources, biological resources, mineral resources, and energy resources, and the irretrievable commitment of resources and irreversible physical changes. However, the 2013 General Plan establishes a Land Use Map for the entire Cotati Planning Area that anticipates urbanization and development over a 20-year period. This development is necessary to achieve the economic development goals as well as other goals and

objectives of the Project. In summary, the 2013 General Plan includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible while allowing growth and economic prosperity for the City. However, even with the policies and actions that will serve to reduce potential significant impacts, the 2013 General Plan will result in significant irreversible changes. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with irreversible effects.

#### IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT, LESS THAN CUMULATIVELY CONSIDERABLE, OR HAVE NO IMPACT

- A.** Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.
- 1. Aesthetics and Visual Resources:** The following specific impact was found to be less than significant:
    - a.** Impact 3.1-2: General Plan implementation could result in the creation of new sources of nighttime lighting and daytime glare
  - 2. Air Quality:** The following specific impacts were found to be less than significant:
    - a.** Impact 3.2-1: The General Plan would not conflict with or obstruct implementation of the applicable air quality plan
    - b.** Impact 3.2-2: General Plan implementation would not cause health risks associated with toxic air contaminants
    - c.** Impact 3.2-3: The General Plan would not create objectionable odors
    - d.** Impact 3.2-4: The General Plan would not conflict with Regional Plans

- 3. Biological Resources:** The following specific impacts were found to be less than significant:
- a.** Impact 3.3-1: General Plan implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
  - b.** Impact 3.3-2: General Plan implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
  - c.** Impact 3.3-3: General Plan implementation could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
  - d.** Impact 3.3-4: General Plan implementation would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
  - e.** Impact 3.3-5: The General Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
  - f.** Impact 3.3-6: General Plan implementation would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan
- 4. Cultural Resources:** The following specific impacts were found to be less than significant:
- a.** Impact 3.4-1: General Plan implementation could result in a substantial adverse change in the significance of a historical or archaeological resource
  - b.** Impact 3.4-2: Implementation of the General Plan could lead to the disturbance of human remains
  - c.** Impact 3.4-3: General Plan implementation may result in damage to or the destruction of paleontological resources

5. **Geology and Soils:** The following specific impacts were found to be less than significant:
  - a. Impact 3.5-1: General Plan implementation has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction
  - b. Impact 3.5-2: General Plan implementation has the potential to result in substantial soil erosion or the loss of topsoil
  - c. Impact 3.6-3: General Plan implementation has the potential to result in development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
  - d. Impact 3.5-4: General Plan implementation has the potential to result in development on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property
  - e. Impact 3.5-5: General Plan implementation does not have the potential to have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water
  
6. **Greenhouse Gases and Climate Change:** The following specific impacts were found to be less than significant:
  - a. Impact 3.6-1: General Plan implementation could generate GHGs, either directly or indirectly, that may have a significant effect on the environment
  - b. Impact 3.6-2: General Plan implementation would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases
  
7. **Hazards:** The following specific impacts were found to be less than significant:
  - a. Impact 3.7-1: General Plan implementation has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment
  - b. Impact 3.7-2: General Plan implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous

materials, substances, or waste within one-quarter mile of an existing or proposed school

- c. Impact 3.7-3: General Plan implementation has the potential to have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5
- d. Impact 3.7-4: General Plan implementation is not located within an airport land use plan, two miles of a public airport or public use airport, or within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project area
- e. Impact 3.7-5: General Plan implementation does not have the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- f. Impact 3.7-6: General Plan implementation does not have the potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

**8. Hydrology and Water Quality:** The following specific impacts were found to be less than significant:

- a. Impact 3.8-1: General Plan implementation could result in a violation of water quality standards or waste discharge requirements
- b. Impact 3.8-2: General Plan implementation could result in the depletion of groundwater supplies or interfere substantially with groundwater recharge
- c. Impact 3.8-3: General Plan implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, or polluted runoff
- d. Impact 3.9-4: General Plan implementation could otherwise substantially degrade water quality
- e. Impact 3.8-5: General Plan implementation could place housing and structures within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map
- f. Impact 3.8-6: General Plan implementation would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of failure of a levee or dam, seiche, tsunami, or mudflow

9. **Land Use, Agriculture, and Population:** The following specific impacts were found to be less than significant or to have no impact:
  - a. Impact 3.9-1: General Plan implementation has the potential to physically divide an established community
  - b. Impact 3.9-2: General Plan implementation has the potential to conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted to avoid or mitigate an environmental effect
  - c. Impact 3.9-3 Conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance
  - d. Impact 3.9-4: Conflict with Existing Farmlands, Agricultural Zoning, or Williamson Act Contracts
  - e. Impact 3.9-5: General Plan implementation has the potential to induce substantial population growth
  - f. Impact 3.9-6: General Plan implementation does not have the potential to displace substantial numbers of people or existing housing
  
10. **Noise:** The following specific impacts were found to be less than significant:
  - a. Impact 3.10-2: General Plan implementation may result in exposure to excessive railroad noise sources
  - b. Impact 3.10-3: Implementation of the General Plan could result in the generation of excessive stationary noise sources
  - c. Impact 3.10-4: General Plan implementation may result in an increase in construction noise sources
  - d. Impact 3.10-5: General Plan implementation may result in construction vibration
  - e. Impact 3.10-6: General Plan implementation may result in exposure to groundborne vibration
  
11. **Public Services and Recreation:** The following specific impacts were found to be less than significant:
  - a. Impact 3.11-1: General Plan implementation could result in adverse physical impacts on the environment associated with governmental facilities and the provision of public services
  - b. Impact 3.11-2: General Plan implementation may result in adverse physical impacts associated with the deterioration of existing parks and recreation facilities or the construction of new parks and recreation facilities



**12. Transportation and Circulation:** The following specific impacts were found to be less than significant:

- a. Impact 3.12-4: The proposed General Plan would not conflict with an applicable congestion management program
- b. Impact 3.12-5: The proposed General Plan would not result in a change in air traffic patterns
- c. Impact 3.12-6: Implementation of the proposed General Plan would not substantially increase hazards due to a design feature
- d. Impact 3.12-7: Emergency Access
- e. Impact 3.12-8: The proposed General Plan would accommodate increased demand for public transit and supports a shift in trips from automobile to transit modes
- f. Impact 3.12-9: The proposed General Plan is consistent with adopted bicycle and pedestrian plans, and supports enhancements that emphasize bicycle and pedestrian circulation

**13. Utilities:** The following specific impact was found to be less than significant:

- a. Impact 3.13-1: General Plan implementation would result in an increased demand for water supplies
- b. Impact 3.13-2: General Plan implementation may require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- c. Impact 3.13-3: General Plan implementation has the potential to exceed wastewater treatment capacity or the requirements of the RWQCB
- d. Impact 3.13-4: General Plan implementation may require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- e. Impact 3.13-5: The project would be served by a landfill for solid waste disposal needs and will require compliance with various laws and regulations

**14. Growth-Inducing:** The 2013 General Plan was found to result in a less than significant impact related to growth inducement (pages 4.0-21 through 4.0-23 of the Draft EIR).

**B.** The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

1. **Air Quality:** The project would have a less than cumulatively considerable contribution to cumulative impacts on the region's air quality (Impact 4.2).
2. **Biological Resources:** The project would have a less than cumulatively considerable contribution to cumulative loss of biological resources including habitats and special status species (Impact 4.3).
3. **Cultural Resources:** The project would have a less than cumulatively considerable contribution to cumulative impacts on known and undiscovered cultural resources (Impact 4.4).
4. **Geology and Soils:** The project would have a less than cumulatively considerable contribution to cumulative impacts related to geology and soils (Impact 4.5).
5. **Greenhouse Gases and Climate Change:** The project would have a less than cumulatively considerable contribution to cumulative impacts related to increased greenhouse gas emissions that may contribute to climate change (Impact 4.6).
6. **Hazards:** The project would have a less than cumulatively considerable contribution to cumulative impacts from hazardous materials and risks associated with human health (Impact 4.7).
7. **Hydrology and Water Quality:** The project would have a less than cumulatively considerable contribution to cumulative impacts to hydrology and water quality (Impact 4.8).
8. **Land Use and Population:** The project would have a less than cumulatively considerable contribution to cumulative impacts associated with communities and local land uses (Impact 4.9).
9. **Agriculture:** The project would have a less than cumulatively considerable contribution to impacts to agricultural lands (Impact 4.10).

10. **Public Services and Recreation:** The project would have a less than cumulatively considerable contribution to cumulative impacts on public services and recreation (Impact 4.12).

C. The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

1. The EIR determined that the impact is less than significant for the Project.
2. The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

## V. PROJECT ALTERNATIVES

### A. Identification of Project Objectives

An EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” Chapter 2.0 of the Draft EIR identifies the Project’s goals and objectives. The Project objectives include:

1. Reflect the current goals and vision expressed by City residents, businesses, decision-makers, and other stakeholders;
2. Address issues and concerns identified by City residents, businesses, decision-makers, and other stakeholders;
3. Maintain and enhance the City’s small-town character and quality of life;
4. Increase opportunities for economic development, including programs that attract new business and industry to Cotati, and programs that assist and strengthen existing local businesses;
5. Increase opportunities for bicycle and pedestrian connectivity; and
6. Address new requirements of State law.

## **B. Alternatives Analysis in EIR**

### **1. Alternative 1: No Project Alternative**

The No Project Alternative is discussed on pages 5.0-4 through 5.0-6 of the Draft EIR. Under Alternative 1, the City would continue to implement the adopted 1998 General Plan and no changes would be made to address the requirements of state law. Since adoption of the 1998 General Plan, state legislation has been passed requiring the City to address new safety and circulation requirements in the General Plan and to address greenhouse gas emissions. These requirements of state law would not be addressed. The General Plan goals, objectives, policies, and actions as well as the Land Use Map would not be updated to address the vision and concerns of the City's residents, property owners, decision-makers, and other stakeholders that actively participated in the Visioning and goal and policy development process.

Alternative 1 would result in the continuation of existing conditions and development levels, as described in Chapter 3.9, Land Use, and shown on Figure 3.9-3 of the Draft EIR. New growth would be allowed as envisioned under the 1998 General Plan, with land uses required to be consistent with the 1998 General Plan Land Use Map as shown on Figure 3.10-1 and summarized in Table 5-1 of the Draft EIR. As shown in Table 5-1, Alternative 1 would result in a reduction in Agriculture (-592.9 acres) and Parks (-28.4 acres), replacing these uses primarily with Rural Residential (606.8 acres). Alternative 1 would also result in increased acreage for General Commercial (112.3 acres), Office (17.4 acres), and Public Facilities (9.6 acres). Approximately 80 acres of General Commercial that is shown in Alternative 1 would be redesignated to Specific Plan under the Project and would result in land uses consistent with the applicable Specific Plan under either alternative. Alternative 1 would also result in decreases in Low Density Residential, Medium Density Residential, and High Density Residential as shown in Table 5-1.

Under Alternative 1, there would be a reduction in residential growth (-138 units) and an increase in jobs-creating uses (22,317 s.f. of commercial uses and 28,429 s.f. of office uses) within the City limits. Alternative 1 would result in a 4.9 jobs:housing ratio associated with new development accommodated within the City, compared to the 4.4 ratio associated with the proposed project. However, under buildout conditions, Alternative 1 would result in a reduced jobs:housing ratio of 3.7 compared with the proposed project (4.1).

Under cumulative conditions, development in the SOI under Alternative 1 would result in an increase in residential units (220 units) and an increase in office uses (88,949 s.f.) and a decrease in industrial uses (-595,071 s.f.).

- a. **Findings:** The No Project Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. **Explanation:** This alternative would not realize the benefits of the Project and fails to meet three of the basic project objectives, which are: 1) to bring the City's General Plan into consistency with State laws pertaining to General Plan updates, 2) to reflect the current goals and visions for the City based on input received during the public participation process, and 3) to address current issues and concerns raised during the public participation process. Additionally, this alternative would not fully avoid or mitigate any of the impacts associated with the Project.

## **2. Alternative 2: Open Space and Parks/Reduced Development Alternative**

The Open Space and Parks/Reduced Development Alternative is discussed on pages 5.0-7 through 5.0-12 of the Draft EIR. Alternative 2 would revise the General Plan Update to increase the amount of open space and parks uses and reduce development associated with commercial, industrial, and residential uses. General Commercial, Commercial Industrial, and Low Medium Density Residential uses would be decreased in the City and SOI and would be replaced with less intense uses, primarily Open Space. This alternative was developed to reduce impacts associated with scenic resources, traffic noise, traffic impacts to US 101 and SR 116, and to reduce cumulative impacts associated with development.

Land use designations under Alternative 2 would be modified as shown on Figure 5-1 and summarized in Table 5-3. The goals, objectives, policies, and actions of the General Plan Update would apply to subsequent development, planning and infrastructure projects.

As shown in Table 5-3 below, Alternative 2 would convert 27.0 acres of land designated within the City for General Commercial and Low Density Residential uses to Open Space and Parks. Within the SOI, this alternative would result in an increase in lands designated Open Space/Parks (266 acres) and a decrease in lands designated Agriculture (-134.8 acres), General Commercial (-8 acres), Commercial Industrial (-19.8 acres), Rural Residential (-15.4 acres), Low Density Residential (-68.4 acres), and Low/Medium Density Residential (-19.6 acres).

During the planning horizon, the total amount of residential units within the City under Alternative 2 would be comparable to the proposed project (a reduction of 21 units) and there would be a decrease in non-residential uses (-127,245 commercial s.f. and -53,393 office s.f.). Under cumulative conditions, future development within the SOI would be significantly decreased in comparison to the proposed project. There would be a reduction of 232 residential units, 185,414 s.f. of commercial, 275,693 s.f. of industrial,

and 27,989 s.f. of office uses within the SOI. Alternative 2 would result in a 4.4 jobs:housing ratio associated with new development accommodated within the City, which is the same as the 4.4 ratio associated with the proposed project. However, under buildout conditions, Alternative 2 would result in a reduced jobs:housing ratio of 3.8 compared with the proposed project (4.1).

- a. **Findings:** The **Open Space and Parks/Reduced Development** Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. **Explanation:** This alternative would not achieve some of the Project objectives. This alternative would not be consistent with the land use vision identified by City residents, businesses, decision-makers, and other stakeholders during the Visioning and General Plan Advisory Committee processes. This alternative would provide for reduced opportunities to promote economic development by allocating few acres of land for future commercial and jobs-generating uses within the City limits and the SOI.

### **3. Alternative 3: Reduced Land Use Intensity Alternative**

The Reduced Land Use Intensity Alternative is discussed on pages 5.0-12 through 5.0-17 of the Draft EIR. Under Alternative 3, urban and industrial development under the General Plan Update Land Use Map would be focused more tightly around the City. General Commercial, Commercial Industrial, and Low Medium Density Residential uses would be decreased in the City and SOI and would be replaced with less intense uses, such as agricultural and rural residential. This alternative was developed to reduce impacts associated with scenic resources, traffic noise, traffic impacts to US 101 and SR 116, and to reduce cumulative impacts associated with development.

Alternative 3 was created to reduce environmental impacts associated with the growth accommodated by the General Plan Update by reducing the extent to which growth could occur. Development intensities along the Gravenstein Highway corridor and in the Alder Avenue area were reduced in order to reduce significant impacts associated with traffic and noise that were specific to these areas.

Land use designations under Alternative 3 would be modified as shown on Figure 5-2 and summarized in Table 5-5 of the Draft EIR. As shown in Table 5-5 of the Draft EIR, Alternative 2 would convert 19.8 acres of land designated within the City for General Commercial, Low Density Residential, and Low/Medium Density Residential uses to Agriculture. Within the SOI, this alternative would result in an increase in lands designated Agriculture (33.4 acres) and Rural Residential (56.6 acres) and a decrease in lands designated General Commercial (-8.0 acres), Commercial Industrial (-19.8 acres),

Low Density Residential (-42.6 acres), and Low/Medium Density Residential (-19.6 acres).

During the planning horizon, the total amount of residential growth within the City under Alternative 3 would be slightly reduced in comparison to the proposed project (a reduction of 57 units) and there would be a decrease in non-residential uses (-67,660 commercial s.f. and -28,294 office s.f.). Under cumulative conditions, future development within the SOI would be significantly decreased in comparison to the proposed project. There would be a reduction of 206 residential units, 185,414 s.f. of commercial, 275,693 s.f. of industrial, and 27,989 s.f. of office uses within the SOI. Alternative 3 would result in a jobs:housing ratio of 4.6 associated with new development within the City, which is slightly higher than the 4.4 ratio associated with the proposed project. However, under buildout conditions, Alternative 3 would result in a reduced jobs:housing ratio of 4.0 compared with the proposed project (4.1).

- a. **Findings:** The No Project Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. **Explanation:** This alternative would not achieve some of the Project objectives. This alternative would not be consistent with the land use vision identified by City residents, businesses, decision-makers, and other stakeholders during the Visioning and General Plan Advisory Committee processes. This alternative would provide for reduced opportunities to promote economic development by allocating few acres of land for future commercial and jobs-generating uses within the City limits and the SOI.

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5.0 of the Draft EIR and summarized in Table 5-7 of the Draft EIR, Alternative 2 (Open Space and Parks/Reduced Development) is the environmentally superior alternative because it provides the greatest reduction of potential impacts in comparison to the other alternatives. Alternatives 3 (Reduced Land Use Intensity) and 1 (No Project) would have reduced environmental impacts compared to the proposed project.

As previously discussed, Alternative 2 would not achieve the Project Objectives, and it would not be consistent with the land use vision identified by City residents, businesses,

decision-makers, and other stakeholders during the Visioning and General Plan Advisory Committee processes for the areas within and outside of the city limits. Throughout the preparation of the General Plan Update, the City Council, Planning Commission, and public all expressed a desire and commitment to ensuring that the General Plan not only reflect the community's values and priorities, but also serve as a self-mitigating document and avoid significant environmental impacts to the greatest extent feasible. The result of this approach and this process is a proposed General Plan and Land Use Map that has reduced potentially significant impacts to the environment to the greatest extent feasible, while still meeting the basic project objectives identified by the City of Cotati. For these economic, social, and other reasons, the Project is deemed superior to Alternative 2, the Open Space and Parks/Reduced Development Alternative.

## VI. STATEMENTS OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Cotati has balanced the benefits of the proposed General Plan against the following unavoidable adverse impacts associated with the proposed General Plan and has included all feasible mitigation measures as policies and action items within the General Plan. Cotati has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed General Plan is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors discussed in Chapter 5.0 of the Draft EIR.

### A. Significant Unavoidable Impacts

Based on the information and analysis set forth in the EIR and reiterated in Section III of these Findings, implementation of the proposed General Plan would result in the following project-specific significant impacts related to: aesthetics and visual resources, traffic noise, cumulative noise exposure, traffic operations, wastewater treatment capacity, cumulative degradation of visual character, cumulative exposure of sensitive land uses to noise, cumulative impacts to the transportation network, cumulative impacts to utilities, and irreversible effects.

- Impact 3.1-1: General Plan Implementation could result in Substantial Adverse Effects on Visual Character, including Scenic Vistas or Scenic Resources (significant and unavoidable)
- Impact 3.10-1: Traffic Noise Sources (Significant and Unavoidable)
- Impact 3.10-7: Cumulative Noise Impacts (Significant and Unavoidable)
- Impact 3.12-1: Implementation of the proposed General Plan would result in acceptable traffic operation at the study intersections and roadway segments controlled by the City



of Cotati, though the ability to fully fund all identified improvements is uncertain (Significant and Unavoidable)

- Impact 3.12-2: Implementation of the proposed General Plan would result in acceptable traffic operation on Gravenstein Highway, though the funding and timing of improvements needed to accommodate regional and local growth on the highway is uncertain (Significant and Unavoidable)
- Impact 3.12-3: Implementation of the proposed General Plan would contribute to unacceptable operation on US 101 freeway facilities (Significant and Unavoidable)
- Impact 3.13-3: Potential to exceed wastewater treatment capacity or the requirements of the RWQCB (Cumulatively Considerable and Significant and Unavoidable)
- Impact 4.1: Cumulative Degradation of the Existing Visual Character of the Region (Considerable Contribution and Significant and Unavoidable)
- Impact 4.11: Cumulative Exposure of Noise-Sensitive Land Uses to Noise in Excess of Normally Acceptable Noise Levels or to Substantial Increases in Noise (Considerable Contribution and Significant and Unavoidable)
- Impact 4.13: Cumulative Impact on the Transportation Network (Considerable Contribution and Significant and Unavoidable)
- Impact 4.14: Cumulative Impact on Utilities (Considerable Contribution and Significant and Unavoidable)
- Impact 4.15: Irreversible Effects (Significant and Unavoidable)

### **Aesthetics and Visual Resources**

Buildout of the proposed General Plan would allow for new development to occur in areas that have historically been used for grazing or small-scale rural agricultural operations and areas that have been previously undeveloped, which remain in a naturalized condition. The introduction of new development into previously undisturbed areas may result in potentially significant impacts to scenic resources or result in the degradation of the Planning Area's visual character. Additionally, new development may result in changes to the skyline throughout the Planning Area, which may obstruct or interfere with views of the surrounding hillsides and the surrounding foothill areas.

While growth is anticipated to occur in the cumulative analysis area, the majority of growth is anticipated to occur in and around existing urban development within the Cotati city limits. Development of land uses and associated infrastructure is planned to occur in the future to accommodate growth envisioned in the general plans that are effective within the cumulative analysis area, including Sonoma County and the City of Rohnert Park.

The proposed General Plan is representative of this planned development within the city limits of Cotati and the unincorporated portions of Sonoma County within the cumulative analysis area. Regional growth has and will continue to result in a cumulative aesthetic effect by converting undeveloped land into developed and occupied areas and increasing overall levels of nighttime lighting. Cumulative development entails grading/landform alteration, the development of structures, and the installation of roadways and other infrastructure that has altered and will continue to permanently alter the region's existing visual character. Subsequent projects implemented under the proposed General Plan would be required to be consistent with the policies and actions of the proposed General Plan and adopted regulations pertaining to aesthetics and lighting in Cotati. However, even with implementation of adopted policies and regulations, the proposed General Plan has the potential to considerably contribute to permanent changes in visual character, such as obstruction of scenic views, conversion of existing visual character, and increased lighting. No feasible mitigation is available to fully reduce the cumulative effect on visual character, or to mitigate the proposed project's contribution to a less-than-significant level. Therefore, the proposed General Plan's contribution to this impact is considerable and the impact is significant and unavoidable.

### **Noise**

Growth associated with buildout of the 2013 General Plan would cause some areas to experience greater construction and operational noise disturbances relative to others. This would result as noise sensitive development becomes more clustered near noise producing land uses, including roadways. The proposed General Plan indirectly increases noise levels by accommodating additional growth and ultimately allowing more traffic on roadways.

The proposed General Plan establishes noise-related policies that, when implemented, protect sensitive receptors from significant noise. The policies that are identified in the Noise Element of the General Plan are consistent with Federal and State regulations designed to protect noise sensitive receptors. Although the policy and regulatory controls for noise-related impacts are in place in the cumulative analysis area, subsequent development allowed under the General Plan would result in an increase in noise. For most projects, consistency with the adopted policies and actions would help to reduce exposure of sensitive receptors to noise levels. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances, particularly in areas where existing development is located near proposed development. Although the policy and regulatory controls for noise related impacts are in place in the cumulative analysis area, subsequent development projects may result in an increase in ambient noise levels at specific project locations, which may subject surrounding land uses to increases in ambient noise levels.

Table 3.10-13 in Draft EIR Section 3.10 (Noise) shows the existing and cumulative noise levels associated with traffic on the local roadway network, including projects within the city and within the Planning Area. Cumulative conditions include traffic due to buildout of the

General Plan in addition to pass through traffic from other jurisdictions. The tables also show the estimated noise level increases which may occur under cumulative conditions.

Cumulative conditions would contribute to an exceedance of the City's transportation noise standards and result in significant increases in traffic noise levels at existing sensitive receptors. The General Plan includes policies and actions that are intended to reduce noise increases associated with traffic. Specifically, policies N 1.1, N 1.2, N 1.3, N 1.6, N 1.7, N 1.10, N 1.11, N 1.13, and N 1.14 would reduce noise increases associated with traffic, as described in Impact 3.10-1. As described in Impact 3.10-1, some traffic noise impacts cannot be mitigated to a less-than-significant level due to the proximity of sensitive receivers to major roadways, and because noise attenuation may not be feasible in all circumstances. As a result, this is a significant and unavoidable cumulative impact.

### **Transportation and Circulation**

Growth associated with buildout of the 2013 General Plan would cause an increase in traffic on local roadways within the City of Cotati, as well as state-controlled roadways, including Highway 101 and State Route 116. The General Plan includes a range of policies and actions that would reduce traffic congestion locally to the greatest extent feasible, including policies and actions that promote alternative modes of transportation to reduce vehicle trips, and policies and actions that require future development projects to construct or fund their fair share of identified roadway improvements.

The planned future roadway network is depicted in General Plan Figure CI-1. The following circulation network modifications needed on City streets to support buildout of the General Plan are identified in General Plan Action CI 1b, and included in the cumulative transportation analysis.

- Install a traffic signal on Madrone Avenue at the intersection of Gravenstein Highway, establishing the north leg as the primary roadway connection to Derby Lane and Locust Avenue.
- Eliminate the current skewed intersection at Gravenstein Highway/Derby Lane.
- Realign the eastern portion of Derby Lane so that it extends as an east-west collector street to Alder Avenue.
- Construct a new north-south collector street in the western portion of the City, intersecting Gravenstein Highway approximately midway between Locust Avenue and Alder Avenue. Extend the street northward to Helman Lane and southward to intersect with an extension of Isabel Drive as warranted by future development.
- Install a traffic signal on the new north-south collector street at the intersection of Gravenstein Highway.

- Eliminate the intersection at Gravenstein Highway/Alder Avenue once a connection between Alder Avenue and the new north-south collector street is established.
- Construct a minor realignment of West Cotati Avenue to intersect Gravenstein Highway at an improved angle, and install a traffic signal at the intersection.
- Add a southbound right turn pocket on Redwood Drive at the Gravenstein Highway intersection (improvement is only needed with buildout to SOI/UGB).
- Widen Helman Avenue to include a center turn lane in areas with abutting Commercial and/or Industrial uses.
- Eliminate the northbound left-turn pocket at Old Redwood Highway/Commerce Avenue/ US 101 North Onramp and convert to a through lane.
- Eliminate the southbound left-turn movement at Gravenstein Highway/Old Redwood Highway (modification is only needed with buildout to SOI/UGB).
- Install a traffic signal at Old Redwood Highway/William Street-George Street.
- Reassign lanes at the Old Redwood Highway/East Cotati Avenue-West Sierra Avenue intersection to better serve traffic demands. One possible modification includes restriping the southbound approach to include dual left-turn lanes and a combined through/right-turn lane; restriping the westbound approach to include separate through and right-turn lanes; restriping East Cotati Avenue to include dual eastbound through lanes through the La Plaza intersection before merging to a single lane, and eliminating the westbound left-turn lane and movements (except buses).
- Install a traffic signal at East Cotati Avenue/Charles Street.
- Install a traffic signal at East Cotati Avenue/Lasalle Avenue.
- Install a traffic signal at East Cotati Avenue/Santero Way and add a northbound right-turn pocket.
- Install all-way stop-controls at the intersection of West Sierra Avenue/US 101 South Onramp-West School Street

The following circulation network modifications on roadways owned and operated by jurisdictions other than the City of Cotati (including Caltrans and the County of Sonoma) are identified in General Plan Action CI 1b, and included in the cumulative transportation analysis.

- Reconstruct Gravenstein Highway between Madrone Avenue and Redwood Drive to include sidewalks, bicycle lanes, two vehicle travel lanes in each direction, and left-turn pockets.
- Widen Gravenstein Highway to include two travel lanes in each direction between Madrone Avenue and a point approximately 500 feet to the west of Madrone Avenue (improvement is only needed with buildout to SOI/UGB).
- Widen Gravenstein Highway to include three eastbound lanes between a point just west of Redwood Drive and the US 101 South Ramps intersection.

- Add a right-turn lane on the US 101 Southbound off-ramp at Gravenstein Highway (improvement is only needed with buildout to SOI/UGB).
- Implement coordinated signal timing along the Gravenstein Highway corridor between Old Redwood Highway and Madrone Avenue.
- Upgrade the US 101 freeway interchange at Railroad Avenue to a full diamond interchange.
- Complete capacity improvements on Railroad Avenue between Petaluma Hill Road and US 101.

The General Plan includes a set of policies and actions designed to reduce impacts by striving to achieve acceptable travel conditions on local roadways through adequately planning and funding roadway improvements. Applicable General Plan policies and actions require development projects to address their project-level impacts, pay their proportional-share of roadway improvements, and/or provide necessary off-site improvements. The policies and actions also indicate that the City shall continue to seek funding for circulation improvements from diverse sources, and emphasize the use of transportation demand management (TDM) and intelligent transportation systems technologies (ITS) to reduce traffic impacts.

Through the planned adoption and implementation of the traffic impact fee update, along with roadway improvements that the City will require developers to construct as part of their projects, many of the circulation improvements identified in the General Plan as being needed to support citywide buildout will be constructed. It cannot be guaranteed, however, that full funding to achieve all improvements will ultimately be collected, nor can it be guaranteed that individual improvements can be fully funded and constructed by the time they are needed. Given this uncertainty, the potential impacts to City of Cotati intersections and roadway segments would be considered a significant and unavoidable impact, and no further mitigation is available.

General Plan Policy CI 4.7 and Action CI 4a state that Cotati will work with surrounding jurisdictions to implement a regional transportation impact fee program that may be used, for example, to fund circulation improvements on facilities like Gravenstein Highway that serve both local and regional traffic, or for one jurisdiction to fund improvements to offset its traffic impacts in a neighboring jurisdiction. Action CI 1p also indicates that the City shall, in consultation with Caltrans, establish an impact fee that allows development along the portion of Gravenstein Highway within the City to contribute a proportional-share of the costs associated with improving this Caltrans-owned facility. While implementation of this policy and these actions would ensure that the City's proportional-share of funding from new development projects would be applied toward roadway impacts on facilities including Gravenstein Highway, to date such impact fee programs have not been created. Further, there is no guarantee that full or partial funding for the identified improvements will be available from the State within the planning horizon of this General Plan, that mechanisms will be in place in Cotati for the collection and administration of such funding, or that the roadway

capacity expansion project to reduce the identified impacts will actually be constructed. While the policies and actions in the General Plan would address the City's proportional share of the improvements and ensure safe access to developments, the ability to fund and construct the widening of Gravenstein Highway and other improvements outside the City's control (as listed in General Plan Action CI 1c) also relies on funding from other non-City sources. Given the current lack of a regional fee program, or another identified source of funding to mitigate this regional funding, this impact would remain significant and unavoidable and no further mitigation is available.

The projected unacceptable operation on US 101 could be mitigated by widening the freeway to include additional through lanes in each direction. Further widening of US 101 is not included in the SCTA's Comprehensive Transportation Plan, nor do any financing mechanisms currently exist to fund the improvement. Widening the freeway would require major reconstruction of multiple freeway structures, right-of-way acquisition including many homes and businesses, potential relocation of City streets paralleling the freeway corridor (including Redwood Drive and Commerce Boulevard), and the likely creation of additional secondary environmental impacts. The environmental, social, and financial impacts render such a widening project infeasible.

The Metropolitan Transportation Commission, County of Sonoma, City of Cotati, and SCTA recognize that US 101 will experience congestion into the foreseeable future, and that there will be no further major capacity enhancements such as expansions or new freeways. All four jurisdictions concur in various planning and policy documents that long-range solutions to regional mobility must focus on better land use planning that supports transit and alternative transportation modes; stronger jobs-housing balance; and increased support of transportation demand measures. While the Cotati General Plan emphasizes each of these goals, its potential impact to US 101 would remain significant and unavoidable.

#### Utilities (Wastewater)

As described in greater detail in Section 3.13 of the Draft EIR, upon full buildout of the 2013 General Plan within the City limits, total ADWF is projected to be 0.74 mgd. Within the entire Planning Area, the ADWF would be 0.83 mgd upon full buildout of the General Plan. These ADWF projections exceed the projections used in the 2011 Sewer Collection System Master Plan.

The generation of 0.74 mgd associated with General Plan buildout within the City limits is within the flow allocation of 0.76 mgd allocated to Cotati under the 2002 fourth amendment to the Subregional Partnership with the City of Santa Rosa. However, the 0.83 mgd ADWF associated with full buildout of the Planning Area would exceed the 0.76 mgd allocation under the existing Subregional agreement terms.

The Laguna Wastewater Treatment Plant is a tertiary-level treatment facility with the capacity to process 21.34 million gallons per day (mgd).<sup>1</sup> According to the Treatment Plant utility overview website, average daily dry weather flow is 17.5 million gallons, using about 82% of the plant's permitted capacity.

According to the 2007 Update to the Incremental Recycled Water Plan, the Laguna Treatment Plant will be expanding total permitted treatment capacity from 21.34 mgd to 25.9 mgd. The plan states that, at the earliest, total 2020 projected flow demand will be 25.89 mgd.

Future Subregional Partner wastewater treatment allocations for the Laguna Treatment Plant will be based on approved General Plans or General Plan updates (including the 2013 Cotati General Plan). At the time of preparation of this EIR, Cotati's capacity allocation remains at 0.76 mgd. In order to meet projected flows under cumulative General Plan buildout conditions, the City's allocation would need to be increased to at least 0.83 mgd.

The City of Santa Rosa's 2007 Update to the Recycled Water Master Plan estimates that in 2020, total ADWF to the Laguna Plant will be approximately 25.89 mgd, which exceeds the current NPDES permit capacity of the plant. While the City of Cotati is projected to contribute approximately 3.2% of the wastewater treated at the Laguna Plant, under 2035 buildout conditions, the existing permitted capacity of the Plant would be exceeded.

General Plan Policy CSF 2.16 requires the City to work with the Santa Rosa Subregional Wastewater System and neighboring cities to assist in the maintenance of an adequate sewage treatment and disposal system for the region. Action CSF 2l requires that upon adoption of the General Plan, the City shall apply to the subregional partners for an incremental increase in its wastewater flow allocation to meet projected demand through 2035. And Action CSF 2m requires the City to coordinate with the Laguna Wastewater Treatment Plant to increase the National Pollutant Discharge Elimination System (NPDES) permit capacity of the plant to meet projected 2035 demand for all sources of wastewater treated at the plant.

Implementation of the policies and actions identified in greater detail in Section 3.13 of the Draft EIR would assist in ensuring that adequate treatment plant capacity and permitted capacity is available to meet 2035 buildout conditions, including wastewater demands generated by the City of Cotati and the rest of the Regional Partners. However, at the time of preparation of this EIR, an increase in permitted capacity cannot be guaranteed. As such, this impact is considered cumulatively considerable and significant and unavoidable.

## **B. Benefits of the Proposed General Plan/Overriding Considerations**

The City of Cotati has (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed 2013 General Plan to the extent feasible by including policies and actions in the General Plan that effectively mitigate potential environmental impacts to the greatest extent feasible; and (iii) balanced the project's benefits against the project's significant unavoidable impacts.

Adoption and implementation of the 2013 General Plan would provide the following economic, social, legal, and other considerable benefits:

1. The 2013 General Plan promotes compact and environmentally-sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, agricultural preservation, environmental protection, and preservation of quality of life for Cotati residents.
2. The 2013 General Plan implements principles of sustainable growth by concentrating new urban development around existing urban development, around nodes of transportation, and along key commercial and transportation corridors; thereby minimizing land consumption while maintaining open space, habitat, recreation, and agricultural uses throughout the Planning Area.
3. The 2013 General Plan provides a land use map that accounts for existing development, physical constraints, open space preservation, economic development, hazards, and incompatible uses and assigns densities and use types accordingly to enhance the safety, livability, and economic vitality of Cotati.
4. The 2013 General Plan improves mobility options through the development of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
5. The 2013 General Plan directs the preservation and environmental stewardship of the vast array of agricultural, natural, cultural and historic resources that uniquely define the character and ecological importance of the City and greater region.
6. The 2013 General Plan addresses adverse environmental effects associated with global climate change by facilitating sustainable development, promoting energy efficiency, and promoting development that reduces greenhouse gas emissions.



7. The 2013 General Plan enhances the local economy and provides opportunities for future jobs and business development commensurate with forecasted growth by planning for commercial and industrial development near existing urbanized areas and transportation corridors.
8. The 2013 General Plan is the product of a comprehensive public planning effort driven by members of the public, city stakeholders, the Planning Commission and the City Council through a series of public meetings, hearings and workshops that resulted in a thoughtful balance of community, economic, agricultural, and environmental interests.

## VII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Cotati City Council has considered information contained in the EIR prepared for the proposed General Plan as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable aesthetics and visual resources, noise, traffic, and utilities impacts may result from implementation of the proposed General Plan, the Council finds that the benefits of the General Plan and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the General Plan, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed General Plan, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed General Plan and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed General Plan.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed General Plan have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed 2013 General Plan which would mitigate or substantially lessen the impacts; and

3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.