



SONOMA COUNTY TRANSPORTATION & LAND-USE COALITION

September 23,2022

Mr. Brian Oh
Comprehensive Planning Manager
Permit Sonoma
2550 Ventura Ave.
Santa Rosa, CA 95403

Via email to Brian.Oh@sonoma-county.org

Re: Sonoma Development Center Draft Specific Plan and
Environmental Impact Report

Dear Mr. Oh —

The Sonoma County Transportation and Land-Use Coalition Appreciates this opportunity to comment on the Draft Specific Plan for the Sonoma Development Center (SDC) and to raise questions regarding its Draft Environmental Impact Report (DEIR). Our comments come in the shadow of legislation recently signed by the Governor to address the Climate Crisis by reaching state-wide carbon neutrality, and improvements in available funding for this purpose. We also note that the goal of the Sonoma County Regional Climate Protection Authority is to reach net zero greenhouse gas emissions by 2030.

We have queries and concerns about two issues in the Specific Plan and DEIR:

How seriously would construction of a thousand new housing units at the SDC impact greenhouse gas emissions and the County's plans to reach carbon neutrality?

State law (SB 375 - Steinberg - 2008) calls for reductions in driving (VMT) in order to address the climate crisis. The draft environmental analysis finds that the SDC plan to reduce driving by 15% is not likely to succeed. Sonoma County's Regional Climate Protection Authority aims to reach carbon neutrality by the year 2030, which will require annual reductions in driving at a rate of up to 6% per year. (Please respond to the attached detailed discussion)

How does the plan to demolish SDC structures impact greenhouse gas emissions at the SDC, as compared with reuse?

Although the reconstruction of a building may be proportionately more labor intensive than its replacement, the resulting GHG emissions may be significantly increased. (Please respond to the attached detailed discussions)

SCTL C, 55 Ridgway Ave., Suite A, Santa Rosa, CA 95401-4777
Address correspondence to willard@sonic.net

Authors of the DEIR note that failure to deliver a specific plan to the Department of General Services within the next few months might upset the effort to retain local control of the future of the property. However, much has changed recently. The State is now committing \$54 billion over the next five years to address the climate crisis. This funding is to be matched by \$9 billion per year of federal climate investments in California.

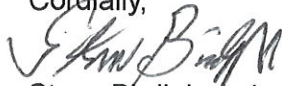
In the light of these changes in the fiscal outlook, shouldn't the State Department of General Services be much less concerned about the need to fund \$100 million worth of remediations to the existing SDC property?

Wouldn't proposed project alternative units at the SDC affect the environment in cumulative ways not yet discussed in the Program DEIR, such as the potential redevelopment of the nearby Hanna Boy's Center and other North Sonoma Valley projects currently in the permitting process or planned within Permit Sonoma? The County's concerns should now be focused on limiting suburban sprawl, and salvaging existing structures wherever possible.

For these reasons the SCTLIC recommends that Sonoma County act now to develop the environmentally superior project, which is Historic Preservation/Reuse. The timeline should be re-negotiated, and the Specific Plan for the SDC should be refocused on reducing greenhouse gas emissions, HISTORIC PRESERVATION AND REUSE, and on protection of the site from wildfire risks.

If you wish to discuss any of these issues, please contact me at scbaffirm@gmail.com, or call me at 707-5766632.

Cordially,



Steve Birdleough, Chair,
Sonoma County Transportation and Land-Use Coalition

cc: Senator Mike McGuire
Supervisor Susan Gorin
Commissioner Jacquelynne Ocana

ATTACHMENT

WHY IS A PLAN PROPOSED THAT IS INCONSISTENT WITH LONG-ESTABLISHED COUNTY AND VOTER APPROVED COMPACT GROWTH POLICIES THAT PROTECT THE ENVIRONMENT?

The DEIR is inadequate, because it fails to recognize that the Proposed Plan is inconsistent with the County's long-standing land use and open space protection policies, with its compact development goals, and with its voter-approved urban growth boundaries. The DEIR fails to justify a major reversal of the County's existing land use policies that have served to maintain its rural character and protect the environment.

Page 14 of the DEIR does acknowledge that: "Overall, the Historic Preservation Alternative is the environmentally superior alternative." However, without being specific, it goes on to assert that the environmentally superior alternative "would not support key project objectives related to increased housing supply . . . and *long-term fiscal stability* to the same degree as the Proposed Plan." What is meant by "fiscal stability?"

The DEIR fails to mention that there are nine cities and many urbanized areas in Sonoma County that offer more environmentally beneficial housing sites than the SDC. Why does the DEIR fail to admit that the Proposed Plan is in grave conflict with established Sonoma County policies to direct major residential developments into its cities and urbanized communities? The history of these policies is described on the Permit Sonoma web page as follows:

"The 1978 General Plan included land use policies intended to focus development within the urban areas, which included the eight incorporated cities. The concept of "community separators" was also first introduced in the 1978 General Plan, which maintained open space between the cities and preserve their distinct community identities along the Highway 101 corridor. A total of 9,300 acres of land considered under pressure for development were designated as community separators: areas north of Santa Rosa; areas north of Rohnert Park and south of Santa Rosa; and Meachum Hill, just north of Petaluma."

"The primary focus of the 1989 General Plan was the preservation of the County's agricultural and resource lands that form the scenic resources of the County. Additional policies were added to the Open Space Element for the protection of designated streams. Community separator policies were strengthened and additional Scenic Resources protections were added to include designated Scenic Landscape Units and Scenic Corridors. Allowable densities were reduced in rural areas while other areas identified as unincorporated communities were allowed higher densities."

"In 1996, the Community Separator policies became the genesis of the Community Separator ballot measures that required voter approval of any changes in land use density or intensity if the cities had adopted urban growth boundaries. In 1998, an amendment to the General Plan was adopted adding another Community Separator south of Petaluma."

"The County's efforts in preserving rural landscapes had a profound effect of encouraging the cities to adopt urban growth boundaries (UGBs) as part of their General Plan updates. Today all nine cities have adopted urban growth boundaries that were subsequently enacted by voter

initiatives. The Local Agency Formation Commission has followed the County's lead by adopting policies that mirror the city-centered growth policies of the Sonoma County General Plan."

"GP 2020 continued the principals of city- and community-centered growth, with compact boundaries and community separators, and protecting agricultural land. GP 2020 includes robust policies preventing the expansion of urban services. The Agricultural Resources Element precludes converting agricultural lands to nonagricultural uses and establishes policies to increase the economic viability of agricultural properties. The Circulation Element emphasizes alternative modes to automobiles. GP 2020 also updated eight area plans and called for repealing all others where policies have already been implemented or could be incorporated into the General Plan. Sonoma County currently has eight specific and area plans that remain in effect as follows, and one that is currently being developed: - Airport Industrial Area Specific Plan (update in progress) - Bennett Valley Area Plan - Franz Valley Area Plan - Penngrove Area Plan -Petaluma Dairy Belt Area Plan -The Springs Specific Plan (draft) - Sonoma Mountain Area Plan - South Santa Rosa Area Plan - West Petaluma Area Plan." ¹

WHY IS A PLAN PROPOSED THAT IS INCONSISTENT WITH SONOMA COUNTY GOALS TO ADDRESS THE CLIMATE CRISIS BY REDUCING VEHICLE MILES TRAVELED?

Sonoma County has been a leader in efforts to reduce greenhouse gas emissions, and at page 218, the DEIR recognizes that in 2021 the County's Regional Climate Protection Authority (RCPA) has set a goal of carbon neutrality by the year 2030. This is an ambitious goal, and California law recognizes that success will depend strongly on reduced driving as well as shifts to electric vehicles.²

According to the Authority, the transportation sector is responsible for 60% of the county's GHG emissions.³

The DEIR also acknowledges that Sonoma County Resolution 18-0166 calls for reductions in greenhouse gas emissions, and that "reducing travel demand through focused growth" is the second-identified strategy for such reductions. (DEIR, p. 217) Why does the DEIR neglect to explain the need for the SDC project to actually accomplish significant reductions in vehicle miles traveled (VMT).

The DEIR "conservatively" states that despite the extensive discussion of VMT reduction goals and policies in the Proposed Plan, it must be assumed that the construction of one thousand

¹ <https://permitsonoma.org/longrangeplans/proposedlong-rangeplans/generalplanupdate/generalplanhistory>

² See SB 375 - Steinberg - 2008, Sec.1. (c) "Greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32."

³ See, <https://rcpa.ca.gov/wp-content/uploads/2020/12/Sonoma-Climate-Mobilization-Strategy-Adopted-2021-03-08.pdf> at page 9)

dwelling units on the SED's rural landscape would result in significant and unavoidable increases in VMT. It finds that "no other feasible mitigation measures are available," and, "These impacts would also be cumulatively considerable." (DEIR, p. 9)

Three years ago, agencies in Sonoma County began announcing climate emergency goals that focused on 2030 as a target year to reach "carbon neutrality." More recently, an analysis of Sonoma County driving habits by the County Transportation Authority has revealed that merely providing bicycle-pedestrian trails and bridges are not sufficient to reach those goals. We will need changes in culture as great as those of the recent pandemic.⁴

The DEIR shows that the policies and the proposed SDC Specific Plan will undermine local, regional and state policies and commitments to address the climate crisis due to the significant and unavoidable *increases* in VMT. The DEIR shows no way to offset or mitigate the extra driving generated by the new housing, retail, and commercial development proposed for the SDC. The County must not approve this project as proposed with these impacts if it is serious about addressing the climate crisis.

Taking this approach would fail to meet the standards contained in CEQA because an increase in VMTs *can* be avoided by focusing the construction of new housing in existing compact communities rather than building many housing units at the SDC, and renovating all of the useable existing buildings. The DEIR and Specific Plan must be revised to provide for steady reductions in VMT, consistent with

Our pre-COVID driving habits caused transportation to become the largest source of the greenhouse gas emissions (GHGs) that feed the climate crisis. Long commutes in single-occupant vehicles have been a major source of GHGs, although most car trips are less than 5 miles.

Please describe the justifications for the Proposed Plan, which would locate a thousand families in a sprawling suburban landscape that would hamper all of the above efforts.

State Route 12 is already at capacity, and Caltrans has commented that it does not support an additional road connecting Arnold Drive and SR-12. Please describe the effects of a failure to provide this connection.

⁴ The *Mobilization Strategy, id*, at page 14 states: "To address the land use challenges, the municipalities and County will need to continue to focus development near transit and in Priority Development Areas. For example, Santa Rosa's recent update to its Downtown Station Area Plan was designed to facilitate more development in its downtown core."

WHY ARE EMBEDDED GREENHOUSE GAS EMISSIONS IN EXISTING STRUCTURES AT THE SONOMA DEVELOPMENT CENTER LEFT OUT OF THE ENVIRONMENTAL CALCULATIONS?

Why has County Staff/Consultants done the following, and what are your mitigation recommendations?:

The EIR & SP preparation violates BPC6731, without a Civil Engineer in responsible charge of Planning?

The EIR has committed the County to a course of action, new development, prior to EIR's Certification?
Historic Reuse appears proper, yet each price consequence results in expanded project impacts.
What is the economic obsolescence impact to the Springs/Glen Ellen of the proposed project?

The EIR and SP propose demolition of 1.2M sq-ft of buildings, along with the 1M+0.35M gal fresh water tanks, see Figure 4.3-1: "Historic Assets", without reference to local Wildfire protection. Why?

The EIR & SP propose demolition of Historic Firehouse (c1932) without wildfire impact consideration?
EIR & SP neglect wildfire consideration, as not "High Fire Risk", though analysis excluded SDC?

Why does EIR & SP use uncalibrated (unrealistic) models, eg without reference to actual fire evacuation?

The EIR develops a series of conclusions as analysis, beginning after point in time of project completion?
The EIR assumes no cumulative effects to the proposed project; eg. GHG's and solid waste, but does not include project specific demolition, nor constructed lifecycle, GHG's & wastes? Why?

The EIR assumes no cumulative effects from combining the proposed project wastewater into a downstream waste treatment facility when a historic facility is located on site to recharge the wetlands/creek.

SDC is an Historic opportunity to propose and develop an integrated environmental & climate protective response to wildfire, in a traumatized and sensitized area, without which this proposal has a significant cumulative negative impact to the local & regional environment due to unrealized wildfire protections.

Why is EIR & SP preparation biased in favor of Standard-Operating-Procedure for new development?

Why does it appear the SDC EIR and associated Specific Plan (characterized by the County's preferred Proposed Project Alternative) have defined and committed the County of Sonoma, as Lead Agency under CEQA, to a series of specific decisions, plans, and/or alternatives without fully considering other acceptable plans (under legislation 14670.10.5), alternatives, mitigation measures, and the Null Project.

Please explain why the County (Permit Sonoma) has allowed the EIR to be produced which does not address the mitigatable cumulative effects of waste generated by the proposed alternative over the Null Project hypothesis, to the extent where recommended building demolition of ~1.2M sq-ft produces a minimum of 161,000 cy of debris equal to 67 years of operation of the Proposed Project Alternative in addition to the equal amount of debris produced by the eventual demolition of the Proposed 1.2M sq-ft Project ($\Sigma=322,000$ cy, or 134 years at the rate of the Proposed Project at completion); together with the project waste there will be an average cumulative waste of 19.8 tons/day or 1.5% of daily averages

(2016-2020, per SP pg 603) ? Since we are already transferring all our solid waste away from Sonoma County because we do not have local landfill capacity, and our waste charges (\$135/ton) are double the charge for Hazardous Waste (\$50.97/ton asbestos waste) taken to Kettleman Hills landfill, this must be considered a significant mitigatable impact by Reuse and Historic Preservation of the existing buildings. At the local waste costs, this represents >\$960,000/yr = ~\$65M over the 67 years, from these 3 sources.

Why is no mention made in the EIR or SP of GHG's which were imbedded and carried within the existing constructed buildings which will be released into the atmosphere by their demolition, nor is any mention made of the GHG emissions which are imbedded in the production of the new materials and resources which are expected to replace the demolished SDC buildings, these are significant long term mitigatable cumulative effects? Why has the EIR not addressed either of these cumulative GHG effects, from demolition, neither the before demolition GHG emissions sequestered in the existing buildings which will be released, nor the GHG emissions released in the production of the replacement 1.2M sq-ft of buildings together with their own lifecycle emissions released upon their demolition? These GHG's must be considered a significant mitigatable impact by their Reuse.

Why is no mention made in the EIR or SP of the cumulative effects of the opportunity lost to lead this community and the Global Community in re-visioning the future, from the past that we have, into the future that we need while using the existing buildings and infrastructure you demolish?

Why is Historic Preservation of the existing buildings considered by the EIR & SP to be financially infeasible and unmitigatable? This is not a fact, nor is it a reasonable conjecture from any basic set of reasonable assumptions, other than a prejudice against Historic Buildings in preference to the Cult-of-the-New. Historical Preservation and Reuse of these buildings is relatively simple. In particular, historic lumber is dimensionally greater and structurally superior, providing more insulative cavity, and other materials were more dense historically. History teaches us that the oldest buildings are the most energy efficient for their locations; such as Kiva & Adobe Structures of the America Southwest are stone or adobe to insulate against the heat, raised pole structures in the Indus Valley Civilization and Mounded Structures of the Mississippian Culture prevent flood inundation, Northern Long Houses of the Iroquois in the East and the Suquamish of the West are large multifamily dwellings and made of wood frames and bark covering to insulate against the cold, even Igloos of the Eskimo. Why have you neglected the consideration that almost every older building uses less energy than that which replaces it, despite the efficiency of the New Building?

Why is scant consideration, even superficial avoidance, of the topic of Hazardous Materials mitigation and removal given within the EIR and SP as a direct consequence of the building demolition, as opposed to "In-Situ" mitigation in place through reuse and Historic Preservation of the existing buildings; Diesel Tanks, Film Development, Chemical Storage, Paint Shops, Corporate Yards and Transportation buildings, all have significant potential for Hazardous Materials impacts, as well as, the asbestos insulation and lead based paint in the buildings?

Each of the above considerations, taken individually are significant impacts not covered by the EIR and SP, but there is also a cumulative effect of the above neglectful preparation of the EIR and SP, "a death by 1000 cuts" to the Historic Preservation (stated to be unmitigatable). Why has the cumulative effect of this neglectful preparation not been addressed within the EIR and SP, which then augers for and streamlines the process for replacement by the preferred Proposed Project Alternative as opposed to Historic Preservation? Can you explain how you are mitigating this neglect, in producing a cycle of

demolition and reconstruction which has a cumulative effect on the environment due to exploitative expectations, the expectation that 'everything I have should be new', 'we need the new', 'I need the new'? Again, why does the EIR and SP neglect the positive environmental impact the development could have by leading, rather than following old worn-out traditions of thinking, that have cumulatively placed us in our Climate Crisis?

County's evidentiary record is anecdotal @best. Sonoma Valley represents a national treasure, as described as, "The Valley of the Moon". Sonoma is the Native Indigenous American name for the valley. When White settlers asked what Sonoma meant, Natives pointed to the trace of the Moon setting and rising behind the eastern ridgetops during certain times of the year, the White's interpretation was that "Sonoma" meant 'the valley that the Moon touches' ("The Valley of the Moon"). My Anthropology studies and linguistic avocation has taught me to hear the phonetic sounds (the basic phonemes), particularly for significant language words, words that have cultural, spiritual, or international usage, such as words which are adopted into a language from another. The basis of this study is Multi-critical analysis as opposed to diacritical analysis. Typically there will be very little understanding of the actual meaning of an adopted word. Then, if it retains a high referential standing, it indicates it's an adopted word, not merely a forgotten word. Typical adopted words with high Referential standing and forgotten meanings are: Alleluia, precious, and Amen.

In this case we have Sonoma: what are the phonemes for "Sonoma", they are "Tsu" (not Tso) & "Noma"; so in this case our supposition is correct, because these are two very important international words. "Tsu" or "Tzu" represents the name given by the Chinese to one of their greatest Philosophers, "LaoTzu" the founder of Taoism (from UCI Anthropology studies "Chinese, Taoism & Confucianism", 1983), "LaoTzu" was originally named "LoTzu", meaning "Man-Master" (Philosopher) and when he was older it was changed to "LaoTzu", meaning "Old-Man-Master" (or Great Philosopher): Therefore "Tzu" means "Master". "Noma" is the Aramaic word for 'name' establishing the identity and essence of a thing and thereby giving man control over the substance, and in the Greek "Nomo" means "law or control", again, in Western parlance the essence is unknowable but the manifestation is controllable by the 'name': so control and name are the same thing, therefore "Noma" means "name" (from participation in Antiochian and Greek culture, which develops from a multi-critical analysis as opposed to diacritical).

"Sonoma" therefore means "The Master's Name", and in a Spiritual sense, it means the highest name above all names. "The Master's Holy Name", in an Eastern Spiritual sense describing God's, the Creator's, or Great Spirit's control over the location by the Moon's contact with the Earth, not Man's control over God by invocation of the Name. This we hear many times from Joseph Campbell, man's search for control vs man's search for God.

Analysis of EIR Historical Asset discussion:

The Program Draft EIR is silent on the above discussion, while reporting Environmental Impact Report - County Summary "5.3 Significant and Unavoidable Impacts: According to CEQA Guidelines 15126.2(b), an EIR must discuss any significant environmental impacts that cannot be avoided under full implementation of the proposed program...However the Proposed Plan aims to be self-mitigating. Thus, all proposed policies aim to address environmental impacts (to the, sic) to the greatest extent feasible and no mitigation measures are required. The analysis in Chapter 3 determined that the Proposed Plan would result in significant impacts to the cultural/historic resources and transportation (home-based work trip vehicle miles traveled per capita) that, even with implementation of mitigation measures, would remain significant and unavoidable". This language neglects real analysis of the Null Hypothesis Project, and only considers the Proposed Plan impacts which it states (along with all other alternatives) have similar impacts [without discernment as to avoidable, mitigatable, or unmitigatable], which is entirely untrue in the Null Hypothesis case.

Continuing; "5.3.1 Cultural, Historic, and Tribal Resources: new construction under the Proposed Plan has the potential to disconnect the remaining contributing resources in the Core Campus from those in the Community Separator and Regional Parks lands to the east and west, disrupting the SSHHD's overall integrity to the point that it would no longer be eligible for listing in the National Register of Historic Places, CRHR, or as a California Historic Landmark. This impact, in addition to demolition of the aforementioned resources would result in a substantial adverse change to the significance of the historic district such that the significance of the historic district would be materially impaired pursuant to Section 15064.5. Implementation of goals 2-I and 2-J and policies 4-20 through 4-32 as well as Standard Conditions of Approval (LU1 through LU6) would partially compensate for the impact associated with the demolition of historically contributing resources and physical alteration of the historic district to the maximum extent practicable; however, because these measures would not be enough to avoid or reduce the impact completely, the Proposed Plan's impact would remain significant and unavoidable". No mention is made of the Tribal Resources, because no artifacts remain or they could be recovered in a project excavation, but this does not address the transcendent value of the space and place name as a World Heritage Cultural Site, which can be subsumed in the potential Project construct, where we have heard discussed 2-3Msf of Commercial Construction.

Again, the Program Draft EIR's considerations of the impacts, mitigations, and alternatives appear limited to the Proposed Plan Project Alternative, and do not address the Alternatives, nor the Null Hypothesis Project, continuing a foregone conclusion (see 2-3Msf of Commercial Construction discussed above, is that unmitigatable?).

Please see the following analysis of project conceptual iteration for planning and design.

Please see pg4 p3 San Mateo Gardens, re "substantial evidence in the record, is a predominantly factual question...for the agency...drawing on its particular expertise"; here we are bringing your attention to the word "expertise".

Friends of the College of San Mateo Gardens v. San Mateo County Community College District

<https://law.justia.com/cases/california/court-of-appeal/2017/a135892.html>

We want to accept the presumption of legal operation, but we must also accept and correct the illegal condition when evidence is presented to the contrary. In a County system, Engineering is not conducted without Accounting. But if the Accounting fails such as for Northwestern Pacific Railroad, the sad evidence must be accepted, and correction immediately made or we suffer the loss of funding or function. No one was there to accept the Trucker's weighmaster's tickets when the washout deliveries were made in the upper NWP line, none could be found, none ever delivered, no NWP.

The reason we approach the initial determination of a project this way, using California Supreme Court's remand for San Mateo Gardens, is, here we equate the Court EIR analysis process to the Engineering process, in that there are a sequence of iterative steps involved. This process is best exemplified from the CA Supreme Court's remand expressed in San Mateo Gardens, where a series of back-and-forth evaluations and propositions are made in analyzing a project (one such method is CPM, Critical Path Method), which is the same process we use in conceptual design or planning.

A comparison is made by question; does the "initial concept" with its features fit the need and the existing space, then we may have to adjust the concept's features to the needs, or to the space? Conceptual planning designs forward & backward many times.

This comparison is not to decry the effort expended or the information obtained through Planning education or product, but a marathon runner prepares for a marathon, not Law or Engineering. Preparation for a marathon may be great preparation for someone wanting to become a Lawyer, Doctor, or Engineer, but by itself does not make one a Lawyer, Doctor, or Engineer. Nor is an Urban Planner a qualified Civil Engineer, and therefore is unable to make professional judgments in respect to the Planning of "fixed works" identified in BPC 6731.

[See Licensing BPC 6730-6730.2(a); 6731; 6734; 6735(a). See also Administrative Mandamus case, *Morris v Harper* (2001) 94 Cal.App.4th 52 . "After all, "[i]t is the refusal or neglect to perform an act which is enjoined by the law as a present duty that serves as the very foundation for the [mandamus] proceeding.' " (*Morris v. Harper, supra, at p. 60.*)"]

San Mateo Gardens; "Instead of resting on whether a project is new "in an abstract sense," the "decision to proceed under CEQA's subsequent review provisions must . . . necessarily rest on a determination—whether implicit or explicit—that the original environmental document retains some informational value." (*Id. at p. 951.*) Such an inquiry "is a predominantly factual question . . . for the agency to answer in the first instance, drawing on its particular expertise." (*Id. at p. 953.*)"

From where does this "expertise" derive, Planners require no Science education?

The EIR standard is, if/when there are significant environmental impacts, then a review of impacts and mitigations must obtain (other than stating overriding or unmitigatable conditions), and a "judicial review must reflect the exacting standard that an agency must apply". San Mateo (ibid) pg 8.

What this is referring to is, that the evidence must be prepared to a very high standard, from the beginning, in order for it to be considered "substantial evidence in the record". Where is the "exacting Standard" & "expertise"?

According to the National Society of Professional Engineers code of ethics, Professional Engineers may disagree without a single outcome obtained, but must remain decorous.

["The Supreme Court in San Mateo Gardens provided guidance for how to apply the subsequent review provisions. It explained that whether "major revisions" will be

required as a result of project changes "necessarily depends on the nature of the original environmental document," i.e., whether it was an EIR or a negative declaration. (San Mateo Gardens, supra, 1 Cal.5th at p. 958.) It further explained that the appropriate standard of review also depends on the nature of the original environmental document. Although an agency's determination of whether major revisions are required is reviewed for substantial evidence, "judicial review must reflect the exacting standard that an agency must apply when changes are made to a project that has been approved via a negative declaration," as opposed to the deferential standard that applies when the project was originally approved by an EIR. (Id. at p. 953; see Committee for Re-Evaluation of TLine Loop v. San Francisco Municipal Transportation Agency (2016) 6 Cal.App.5th 1237, 1247, 1251-1252 [applying San Mateo Gardens in case where project originally approved by EIR]; Latinos Unidos de Napa v. City of Napa (2013) 221 Cal.App.4th 192, "]

In planning, we have said, the process is intensely exhaustive and iterative, and what is described as the Court EIR review process is also exhaustive and iterative.

The Court ceding competency to the local agency is similar to the process of presenting a case to a Court of Competent Jurisdiction. A Court of Competent Jurisdiction is composed firstly of a trained lawyer, either by a Law School or by preparation and passing the Baby Bar. Then of course, the prospectant Judge must pass the National Bar Exam locally administered, next the Judge must practice law for a minimum of 10 years. At some point the Judge is appointed or runs for election, and finally, the Judge is selected to hear a case by the Chief Judge. The Court itself must also be of Competent Jurisdiction, meaning it is the proper venue, as established by our system of Jurisprudence. These are significant tests.

If someone went to College and studied English or Political Science, they could learn a lot of laws, but they would not be presumed to know how to practice Law,

And they did not go to Law School or pass the Baby Bar, and they have not prepared to be a Lawyer, let alone a Judge.

Engineering is one of the most complex problems in supply & demand, as evidenced by the number of divorces in custom home remodeling and construction, and why Public Works requires Licensed Civil Engineers.

Our critique is not meant to characterize the work of any Engineers having completed reports for the SDC EIR-SP, since we do not know what instructions they were given.

But we contend that recommended demolition for over 1.2Msf without analysis of 400,000sf, and recommended demolition of ~75,000sf of Hospital Treatment Building rated at "not requiring any updates", represents an incomplete analysis at best, and certainly a neglect of the impacts on the resources being analyzed.

As we spoke of backward-and-forward analysis in design, this is required in Planning as well, unless a truncated process is employed. It is far easier to make the facts fit the design, than to make the design fit the facts. If your timeline is short, it is far easier for you to establish the Project, and make the analysis fit the Project by not addressing impacts except in a standard way, such as, "(h)owever the Proposed Plan aims to be self-mitigating". "from Program Draft EIR 5.3 Significant and Unavoidable Impacts"

Subsequent to the very specific State Law being passed to sell SDC, incorporating significant intent for community participation, many meetings were held with studied interest and good comments. Comments were sent to Permit Sonoma and the Planners involved in SDC's NOP of Program Draft EIR & SP, but these comments were not incorporated in the evaluation nor in the Proposed Alternative Project SP, nor were they forwarded to the Planning Commission, nor were they provided to other participants or commenters to the EIR & SP.

This is not standard practice, and violates CEQA Code 15300(a)&(b)(1)-(3); "(a) Before granting any approval of a project subject to CEQA, every lead agency or responsible agency shall consider a final EIR or negative declaration or another document authorized by these guidelines...(b) Choosing the precise time for CEQA compliance involves a balancing of competing factors, EIR's and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment."

(b)(1) "With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization".

The timeframe window for "cumulative impacts" evaluation was limited to after Proposed Alternative Project completion, leaving out the demolition and construction of the entire project, let alone the life cycle embedded costs, GHG's and energy to be demolished as a consequence from the new construction.

This time frame results in unsubstantiated conclusions for the Proposed Project Alternative in ES.3 Alternatives to the Proposed Plan, "As discussed in Impacts 3.6-2, the Proposed Plan would thus support and reflect the increasingly stringent State and local goals and regulations that seek to increase energy efficiency, reduce energy consumption, and prioritize renewable energy – reinforcing that the Proposed

Plan would not result in cumulatively considerable impact with respect to wasteful, inefficient, or unnecessary consumption of energy resources." They left out 161,000 tons of waste.

15300 (b)(3), "With private projects, the Lead Agency shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time."

This truncated analysis appears to be the type that establishes priorities, goals, and objectives before the certification of the EIR is complete, therefore "limiting alternatives or mitigation measures".

This truncated analysis would violate CEQA Code 15300 (b)(2), "public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance"; and for example, agencies shall not: (b)(2)(B)", "Otherwise take any action which gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project".

Given that Permit Sonoma will only provide the public's comments to the Planning Commission upon final EIR Certification, and a series of comments have been made to the SDC Comprehensive Planning Manager which has not incorporated the public's comments into the Proposed Project Alternative, "at the earliest feasible time", they appear to have violated Sec's 15300(a)&(b)(1)-(3), inclusive.

What we contend here is, that the proper "back-and-forth" process has not occurred, as within the planning process proper, within the design process proper, within the EIR process, as would be the same within the Court's evaluation of the EIR process itself, from San Mateo Gardens remand from the California State Supreme Court, which constitutes proper Authority to all jurisdictions within California.

We also contend that "particular expertise" and "the exacting standard that an agency must apply" is not available to the review that the "judicial review must reflect", without a Licensed Civil Engineering in Responsible Charge of "Fixed Works" Planning, BPC 6731.

Also, in another form of Transcendence, both "Tsu" and "Noma" mean "control", so they are like conjoined twins, in a simple manifestation of the "Rosetta Stone". Looked at separately, we call this a "Translation", but conjoining them is a form of transcendence in the physical plane of existence. The name "Sonoma" appears to be used as a descriptive tool, by connecting physical transcendence (translation of place) with the location of a Spiritual Transcendence (in reference to the verticality of the Moon's touching the Earth), it again mirrors the "Rosetta Stone" representing two kinds of Transcendence, with the Earthly "T" crossing the Spiritual vertical demarcation.

More than the mere analysis of the word and its application to the space, is the significance of "Sonoma" in the cross-cultural linguistic representation of deification using ancient language references from across the sea, and linked only by many thousands of years. There is no other place name which connects so perfectly the unity of man, the Name itself transcends both the ages and the seas, thus we have the essence of a World Heritage Cultural Site. Like many other UNESCO World Heritage Sites, which are in disrepair and in danger of destruction, Sonoma's "Valley of the Moon" is suffering an existential threat from the Proposed Project Alternative. Located at near the exact geographic center of Sonoma Valley, 10 miles from it's head along Hwy 12, and 12 miles from it's outlet at Skagg's Island. And transected by a vital Wildlife Corridor connecting 2 Mountain Parks: Sugarloaf/Hood and Jack London Parks; no discussion or analysis has been given to the significance of this World Heritage Cultural Site, or the impacts or any mitigation from the significantly new, taller, and dense construction within the Program Draft EIR-SP Project analysis (cursory discussion was given to light pollution, but none to the physicality of the presence of tall, dense, populous village construction in the midst of an Historic Treasure, McDonalds centered in Teotihuacan).

The significance of this Spiritual location was not lost on those who created the Sonoma Developmental Center for a healing center for their developmentally disabled children. We should hope that at this more enlightened time, and consistent with CEQA, the Historical Preservation Act, and the 50th Anniversary of the World Heritage Convention (Sept 17, 2022), we should be prepared to preserve both the content and the context, as much as is physically possible, for this National Treasure, "The Valley of the Moon". Under the UNESCO World Heritage Convention, which the United States was signatory (though withdrawn from 2018), we should "strengthen Credibility of the World Heritage List, ensure Conservation of World Heritage properties, promote Capacity-building measures, increase public awareness, involvement and support for World Heritage, and enhance the role of Communities in implementation of the World Heritage Convention". What has been done here appears to be the opposite, a complete neglect of not only Native American cultural values, but World Heritage Convention values.