

Appendix A

Notices of Preparation and Comment Letters Received



NOTICE OF PREPARATION of an Environmental Impact Report for the Santero Way Specific Plan Update

Date: October 23, 2023

To: State Clearinghouse
Responsible Agencies
Trustee Agencies
Sonoma County Clerk

NOP Comment Period: Written comments must be submitted to the City's Department of Community Development no later than **November 22, 2023 by 5:00 p.m.**

Project Location: The project area is located within the City of Cotati in Sonoma County, California, off of and adjacent to East Cotati Avenue. The project area is comprised of parcels with frontage on Santero Way and includes several parcels north of Santero Way which front onto East Cotati Avenue, east of the SMART railroad tracks (See Figure 1, attached).

Lead Agency Contact Person: Noah Housh, Director
Community Development Department
City of Cotati
201 West Sierra Avenue
Cotati, CA 94931
Email: nhoush@cotaticity.org

INTRODUCTION

This Notice of Preparation (NOP) has been issued to notify interested parties of the preparation of an Environmental Impact Report (EIR) for the Santero Way Specific Plan Project (project). The City will be the lead agency under the California Environmental Quality Act (CEQA) and will prepare an EIR to evaluate the environmental effects associated with the project. This NOP has been issued to provide an

opportunity for the public, as well as responsible and trustee agencies to submit comments on the scope of the EIR in relation to the project description. Agencies should comment on such information as it relates to their statutory responsibilities in connection with the project.

The programmatic EIR will evaluate the potential impacts associated with the development of a preferred alternative and two alternative land use scenarios that may occur within the approximately 25-acre planning area through the year 2040. Following the adoption of the updated Santero Way Specific Plan, subsequent projects that are consistent with the Specific Plan would undergo a streamlined CEQA environmental review and approval process.

This NOP, the Initial Study, and background documents associated with the project are available for review on the City's webpage at: <https://www.cotaticity.org/1535/Santero-Way-Specific-Plan-Update>.

PROJECT DESCRIPTION

The City of Cotati is preparing an update to the Santero Way Specific Plan (SWSP) to update land use designations and realize the vision of a residentially focused transit-oriented neighborhood, within walking distance to the Cotati SMART Station, that also allows for mixed-use and neighborhood-serving retail development, community-serving uses, and transit-serving uses. The designated land uses will be linked to design standards and guidelines and establish a planning framework to facilitate and guide future development. The current SWSP plan boundary will be expanded to add one or more parcels up to 4 acres. Development standards for parcels in zoning designations that permit new residential or commercial development be rezoned to require a minimum density of 25 dwelling units per acre, and a minimum of 1.0 FAR on average.

POTENTIAL ENVIRONMENTAL EFFECTS AND SCOPE OF THE EIR

The EIR for the project will focus on the resource areas/issues germane to this particular project. The EIR will evaluate the potentially significant environmental impacts of the project and, if any significant environmental effects are identified, will evaluate whether there are feasible mitigation measures that may lessen or avoid such impacts. The EIR will also identify and evaluate alternatives to the project that could lessen or avoid any significant environmental impacts. As to the topics identified for study in the EIR, the EIR will evaluate all environmental issue areas identified in Appendix G of the *CEQA Guidelines*. Potential impacts will be addressed at both project and cumulative levels. As of the date of this NOP and based on currently available information, it is anticipated that the proposed project may have potentially significant impacts in connection with: Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Energy and Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation, and Mandatory Findings of Significance.

EIR PUBLIC SCOPING MEETING

The City of Cotati will conduct a public scoping session on November 6, 2023, starting at or after 6:00 pm. This meeting will be held in the Cotati Council Chamber at Cotati City Hall, 201 W. Sierra Avenue Cotati, CA 94931. For meeting agenda and updates, including the Zoom link for the meeting, visit <https://cotaticityca.iqm2.com/Citizens/Board/1007-Planning-Commissionm>.

NOP COMMENT PERIOD

In accordance with the time limits identified in State law, your response to this NOP must be submitted to the City at the earliest possible date, but not later than 5:00 p.m. on November 22, 2023, (30 days following the date this notice was first posted). Please submit written comments to the Cotati Community Development Department (including the contact person's full name and address) to:

Noah Housh, Director
City of Cotati: Community Development Department
201 West Sierra Avenue
Cotati, CA 94931
Email: nhoush@cotaticity.org

Figure 1 – Project Site Location





CHAIRPERSON
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Chumash

VICE-CHAIRPERSON
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*Yokayo Pomo, Yuki,
Nomlaki*

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Hitchcock**
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
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(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

NATIVE AMERICAN HERITAGE COMMISSION

October 24, 2023

Noah Housh
City of Cotati
201 West Sierra Avenue
Cotati, CA 94931

Re: 2023100654, Santero Way Specific Plan Update Project, Sonoma County

Dear Mr. Housh:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cameron.Vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse

From: [Noah Housh](#)
To: ["Kristin Boice"](#)
Subject: RE: Santero Way Specific Plan Update
Date: Monday, October 30, 2023 9:24:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Kristin,

Thank you for reaching out and for expressing your concerns. A conversation may be more appropriate to express more details but see below for a brief response.

The 98-units and 5,500 square feet are a reference to the Cotati Station apartment project which was approved in 2022. The developer of that project has indicated they do not intend to build the project themselves and have it listed for sale with the goal that the buyer be the project builder. Given this, I cannot comment on when it will be constructed.

The current Santero Way Specific Plan (SWSP) only allows for approximately 200 homes to be built, with the remaining development being office and retail. Given today's economy, this amount of office development is unlikely to occur so the update of the SWSP is intended to pivot this envisioned office development into residential units. The idea is that getting these homes built is much more likely and meet the goals of the State of more housing close to transit. City staff see's this as the most likely way the issues with the undeveloped property you have identified will be permanently resolved.

The Plan update will not affect the Cotati Station project approval, and that can be built anytime.

Feel free to give me a call to discuss any future questions.

Take care,



Noah Housh
Director
Community Development

Phone: (707) 665.3635 **Email:** nhoush@cotaticity.org

Web: <https://www.cotaticity.org/200/Community-Development>

Address: 201 W. Sierra Ave, Cotati, CA 94931

Department Hours- 7:30-5:30, Mon-Thur

Inspection Hours- Mon & Wed 8:30 am -12:00 noon; Thu 1:00-4:00 pm

From: Kristin Boice <kboice9@gmail.com>

Sent: Monday, October 30, 2023 8:46 AM

To: Noah Housh <NHoush@cotaticity.org>

Subject: Santero Way Specific Plan Update

CAUTION:EXTERNAL SENDER

If suspicious, do not click on links, open attachments, or provide credentials and report it by using the "Phish Alert Report" button.

Good morning,

I read through the Santero Way Specific Plan Update online and am unclear on the 'additional 98 residential units and 5,500 square-feet of office and retail uses approved for development'.

Is this approved development going to be built? I'm concerned that we are seemingly starting over with an EIR and that the land will go undeveloped for another 20 years.

I'm a long time resident who bought a townhouse with my husband back in 2004 and have been involved in hearings for at least 3 separate plans for the area. The current undeveloped lots have become dumping grounds for furniture (and recently a trailer), and a parking lot for what seems to be homeless people living in their vans.

I look forward to hearing back from you and being involved in future meetings on the topic.

Sincerely,

Kristin Boice
Home owner
6749 Santero Way

Under the Public Records Act (California Government Code §7920.000-7931.000), e-mail messages of local agencies are public records which are subject to disclosure to the public or may be subpoenaed.

From: [Gary Hoo](#)
To: [Noah Housh](#)
Subject: NOP Comments
Date: Friday, November 3, 2023 4:22:36 PM

CAUTION:EXTERNAL SENDER

If suspicious, do not click on links, open attachments, or provide credentials and report it by using the "Phish Alert Report" button.

Hello Noah,

I was puzzled by this latest request for comments on the Santero Way Specific Plan Project. I thought all the homeowners' concerns had already been previously expressed to the city. Are you looking for additional comments? Nonetheless, my basic issue is the massive scope of the project, specifically the number of housing units envisioned. The area to be developed is not all that large, and overdevelopment will result in congestion, degraded environment and quality of life. I am especially concerned about there being only one road to enter and exit the community. With the danger of wildfire annually, this is a very dangerous problem. Imagine the gridlock and panic that would ensue if the whole neighborhood had to evacuate immediately! I know I've brought up this issue before, but has a solution been found? If the planned residential and commercial elements are reduced in scale and carefully integrated into the existing community, the result could be positive.

G.Hoo

Sent from my iPad

Under the Public Records Act (California Government Code §7920.000-7931.000), e-mail messages of local agencies are public records which are subject to disclosure to the public or may be subpoenaed.

Aileen Mahoney

From: Noah Housh <NHoush@cotaticity.org>
Sent: Monday, November 6, 2023 8:58 AM
To: Zen B
Cc: Carla Duncan; Luke Lindenbusch; Aileen Mahoney
Subject: [EXT] RE: Santero Way NOP

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Hi Zen,

Thank you for taking the time to provide your input and concerns on the project.

These comments will be provided to the Planning Commission and project consultants for consideration as the project moves through the review and decision-making process.

Take care,



Noah Housh
Director
Community Development

Phone: (707) 665.3635 **Email:** nhoush@cotaticity.org

Web: <https://www.cotaticity.org/200/Community-Development>

Address: 201 W. Sierra Ave, Cotati, CA 94931

Department Hours- 7:30-5:30, Mon-Thur

Inspection Hours- Mon & Wed 8:30 am -12:00 noon; Thu 1:00-4:00 pm

From: Zen B <zbellamy99@gmail.com>
Sent: Monday, November 6, 2023 8:21 AM
To: Noah Housh <NHoush@cotaticity.org>
Subject: Santero Way NOP

CAUTION:EXTERNAL SENDER

If suspicious, do not click on links, open attachments, or provide credentials and report it by using the "Phish Alert Report" button.

Dear Mr. Housh,

I am writing in regards to the plan to develop Santero Way. As an original owner of 18 plus years I have seen many changes in the neighborhood and am aware of the current challenges on our street namely parking shortages. I am very concerned about the impact on the current residents on Santero way regarding future development.

My main concern is we are on a cul du sac with limited space on the street. One larger vehicle i.e.; garbage truck, delivery trucks, regular pick up truck on Santero way results in the road being one way. On a daily basis this street is like

a clogged artery and I time my errands around traffic on the street to prevent getting stuck and delayed behind a larger vehicle like on garbage or recycling day.

Future development means construction will be ongoing in our street and I am very concerned about the amount of traffic and delays that will incur over a long period. There is no other route in/out so I am wondering if there is a plan in place to offset the traffic issues that will occur as well as emergency vehicle access if needed? Parking without construction is already horrible so with that going on is there a plan for residents to have space to park their vehicles safely? We currently have residents that have to park on the dirt lots and "No overnight" parking spaces due to the lack of adequate parking.

A developer in a past city council meeting stated that there were parking issues due to residents having crowded garages and not putting both cars inside and that is not the case on this street. It is not an accurate statement regarding parking issues. We have quite a few college residents and on average 4-5 living in the townhomes each with a car. Parking issues are a result of this and a narrow access road with a tight corner at the beginning of the row of homes which at times allows only one vehicle through at any given time. The proposal of a minimum of 25 units per acre just screams of an already horrible parking problem. The infrastructure in this cul du sac cannot fit what this plan proposes safely. We already have overflow vehicles from adjacent streets off E. Cotati and at times the train station.

One of the reasons we chose to move to Cotati was its small town friendly atmosphere and safe neighborhoods. This proposal really has made us reconsider living here and incredibly sad that the City is allowing the plans to turn this small street into looking like Santa Rosa ave. with the large squished apartment developments on already impacted areas. We hope that you will reconsider the plans and not overwhelm the infrastructure of this tight knit neighborhood.

Thank you for your consideration,
Zen Bellamy
6935 Santero Way

Under the Public Records Act (California Government Code §7920.000-7931.000), e-mail messages of local agencies are public records which are subject to disclosure to the public or may be subpoenaed.

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To Noah Housh & The City of Cotati

In regard to the Santero Way specific rezoning plan,

I recently received a notice in regard to the new zoning plans in Cotati which include my property. I also had the chance to attend the city hall meeting that was held to discuss the rezoning. After listening to the City of Cotati's wants and reasons, I have a few concerns I would like to bring up.

My main concern is with the proposed rezoning in the future, not so much with the present day. When I purchased the property, 1015 East Cotati Ave, I went through all the right measures to change the prior zoning to Commercial from Industrial. Thus, allowing us to be compliant with my company and allowing my family to have a business in Cotati. To plant our roots there.

If the zoning changes, what keeps the City of Cotati in the future from forcing us to comply with the residential requirements? For the last 20 years we have been doing business under the existing zoning with no issues. I fear that there is no language in place to protect what I have worked so hard to establish. When I initially purchased this property, it was quite the eye sore to the community. I invested more money and resources in bringing this building up to code and up to visual standards than I spent with the purchasing price. I don't want that knock at my door one day with a surprise, your business can't continue here after all that we have done to improve it.

I understand if we decide to demolish the existing building and wanted to rebuild, how the new zoning could apply to that. If I were to demo and develop this property in the future, the new zoning would take into effect then. I would like to see language in our property zoning that states it is clear and compliant to continue as a commercially zoned property with its current state and in the event the property owner decides to demo the existing building and develop, the new zoning would take effect. Something along that so both the City and I can rest assured knowing my business is safe and the future of this property stays in both of our interests. Or else what assurance do we have to continue with our business at this location.

We have found that our business works well with this community, continuously fixing and repairing locations throughout our neighborhood and local businesses. I had hoped, being a family business in a family community, that we would be able to maintain our business here without concerns. This rezoning proposal brings up these concerns for me. I look forward to hearing from the City on this matter.

Thomas C. Burkard
Progress Glass Co Inc 1015 East Cotati Ave
415-850-7965

5 Patterson St.
San Francisco, CA 94124
Office: (415) 824-7040
Fax: (415) 824-3290

24 HOUR EMERGENCY SERVICE

www.progressglass.com

1015 E. Cotati Ave.
Cotati, CA 94931
Office: (707) 792-1562
Fax: (707) 792-2476



REVISED NOTICE OF PREPARATION of an Environmental Impact Report for the Santero Way Specific Plan Update

Date: July 19, 2024

To: State Clearinghouse
Responsible Agencies
Trustee Agencies
Sonoma County Clerk

NOP Comment Period: Written comments must be submitted to the City's Department of Community Development no later than **August 19, 2024 by 5:00 p.m.**

Project Location: The project area is located within the City of Cotati in Sonoma County, California, off of and adjacent to East Cotati Avenue. The project area is comprised of parcels with frontage on Santero Way and includes several parcels north of Santero Way which front onto East Cotati Avenue, east of the SMART railroad tracks (See Figure 1, attached). The project area also includes nine additional parcels located along East Cotati Avenue which are subject to Transit-Oriented Communities (TOC) development standards due to their proximity to the SMART station.

Lead Agency Contact Person: Noah Housh, Director
Community Development Department
City of Cotati
201 West Sierra Avenue
Cotati, CA 94931
Email: nhoush@cotaticity.org

INTRODUCTION

This Revised Notice of Preparation (NOP) has been issued to notify interested parties of the preparation of an Environmental Impact Report (EIR) for the Santero Way Specific Plan Project (project). Since publication of the original NOP on October 23, 2023, the project boundary has been expanded to include nine new parcels subject to TOC development standards. The City will be the lead agency under the California Environmental Quality Act (CEQA) and will prepare an EIR to evaluate the environmental effects associated with the project. This NOP has been issued to provide an opportunity for the public, as well as responsible and trustee agencies to submit comments on the scope of the EIR in relation to the project description. Agencies should comment on such information as it relates to their statutory responsibilities in connection with the project.

The programmatic EIR will evaluate the potential impacts associated with the development of a preferred alternative and two alternative land use scenarios that may occur within the approximately 33-acre study area through the year 2040. Following the adoption of the updated Santero Way Specific Plan, subsequent projects that are consistent with the Specific Plan would undergo a streamlined CEQA environmental review and approval process.

This NOP and background documents associated with the project are available for review on the City's webpage at: <https://www.cotaticity.org/1535/Santero-Way-Specific-Plan-Update>.

PROJECT DESCRIPTION

The City of Cotati is preparing an update to the Santero Way Specific Plan (SWSP) to update land use designations and realize the vision of a residentially focused transit-oriented neighborhood, within walking distance to the Cotati SMART Station, that also allows for mixed-use and neighborhood-serving retail development, community-serving uses, and transit-serving uses. The designated land uses will be linked to design standards and guidelines and establish a planning framework to facilitate and guide future development. Anticipated plan changes include 1) potential expansion of the plan boundary to add one or more parcels up to 4 acres; 2) potential rezoning of up to nine parcels up to 15 acres outside the Plan Area, but within 0.5 mile of the Cotati SMART Station; 3) development standards and design guidelines to ensure compatibility with existing land uses and project objectives. Rezoning is anticipated on up to 23 parcels to allow between 25-35 dwelling units per acre, and a floor area ratio (FAR) of at least 1.0 for commercial development.

POTENTIAL ENVIRONMENTAL EFFECTS AND SCOPE OF THE EIR

The EIR for the project will focus on the resource areas/issues germane to this particular project. The EIR will evaluate the potentially significant environmental impacts of the project and, if any significant environmental effects are identified, will evaluate whether there are feasible mitigation measures that may lessen or avoid such impacts. The EIR will also identify and evaluate alternatives to the project that could lessen or avoid any significant environmental impacts. As to the topics identified for study in the EIR, the EIR will evaluate all environmental issue areas identified in Appendix G of the *CEQA Guidelines*. Potential impacts will be addressed at both project and cumulative levels. As of the date of this NOP and based on

currently available information, it is anticipated that the proposed project may have potentially significant impacts in connection with: Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Energy and Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation, and Mandatory Findings of Significance.

EIR PUBLIC SCOPING MEETING

The City of Cotati will conduct a public scoping session on August 5, 2024, starting at or after 6:00 pm. This meeting will be held in the Cotati Council Chamber at Cotati City Hall, 201 W. Sierra Avenue Cotati, CA 94931. For meeting agenda and updates, including the Zoom link for the meeting, visit <https://cotaticityca.iqm2.com/Citizens/Board/1007-Planning-Commissionm>.

NOP COMMENT PERIOD

In accordance with the time limits identified in State law, your response to this NOP must be submitted to the City at the earliest possible date, but not later than 5:00 p.m. on August 19, 2024, (30 days following the date this notice was first posted). Please submit written comments to the Cotati Community Development Department (including the contact person's full name and address) to:

Noah Housh, Director
City of Cotati: Community Development Department
201 West Sierra Avenue
Cotati, CA 94931
Email: nhoush@cotaticity.org

This aerial map illustrates the Santero Way Specific Plan Boundary, outlined in yellow. The map shows various land use designations and street names. The legend indicates that the yellow outline represents the Santero Way Specific Plan Boundary and the blue outline represents parcels subject to Transit-Oriented Community Development Standards. The scale bar shows distances up to 500 feet, and the north arrow points towards the top of the map.

Legend:

- Santero Way Specific Plan Boundary
- Parcels Subject to Transit-Oriented Community Development Standards

Street Names: Santa Barbara Dr, Adrian Dr, Burton Ave, E Cotati Ave, Lincoln Ave, Lasalle Ave, Lombard Way, Liman Way, Liana Ct, Lunar Ct, Manor Dr, Mason Dr, Maple Dr, Magnolia Ave, Mateo Dr, Maiden Way, Marlene Ct, Melody Dr, Camino Colegio, Magill Ln, Ryan Ln, Beverly Dr, Becky Ct, Blair Ave, Bonnie Ave, Dr. Quiso Way, Lancaster Dr, Liberty Ave, Lakewood Ave, Lindsay Ave.

Land Use Designations: Commercial, Residential, Retail Mixed-Use, Park, Office Mixed-Use, Self-Storage Overlay District.



NATIVE AMERICAN HERITAGE COMMISSION

July 31, 2024

Noah Housh
City of Cotati
201 West Sierra Avenue
Cotati CA 94931

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Hitchcock**
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

Re: 2023100654 Santero Way Specific Plan Update Project, Sonoma County

Dear Mr. Housh:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cameron.Vela@NAHC.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse