

Charles M. Schulz – Sonoma County Airport
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Santa Rosa, CA 95403
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Art Hayssen, Vice Chair

Sonoma County Aviation Commission

September 15, 2021

Tennis Wick, Director
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
tennis.wick@sonoma-county.org

Subject: Hyatt Place Hotel (N. Laughlin Road and Airport Blvd.) Letter of Support

Dear Tennis,

The Aviation Commission has reviewed the proposed Hyatt Place Hotel project and its merits during our regular meetings in July and August and have voted to provide support in its approval and construction. The hotel would be within walking distance of the Airport and would be a great asset for guests both travelling to and from the area. Guests that are driving to Sonoma County for departing flights will have a place to stay that offers easy access to the Airport, and guests visiting the area will have a new option for accommodations.

The proposed hotel would include an upper level restaurant and deck, which would provide a gathering place for Airport travelers as well. These amenities, plus two conference rooms, would also offer opportunities for business meetings and other events to take place close to the Airport.

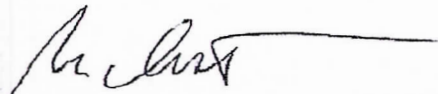
In addition to being a great asset, the hotel would meet all FAA minimum standards. The maximum allowable height for the area is 150 feet, and this proposed hotel is 85 feet.

The Commission is very supportive of this hotel project and the overall benefits it would provide to the Charles M. Schulz – Sonoma County Airport and visitors to Sonoma County.

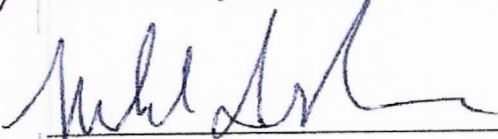
Sincerely,

Art Hayssen

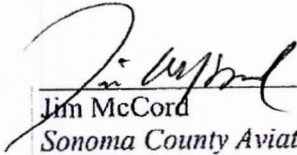
Sonoma County Aviation Commission, Vice-Chair



Rick Duste
Sonoma County Aviation Commission



Michael Internicola
Sonoma County Aviation Commission



Jim McCord
Sonoma County Aviation Commission

**Charles M. Schulz – Sonoma County Airport
Aviation Commission**

March 8, 2022

Sonoma County Board of Zoning Adjustments and Planning Commission,

UNITE HERE Local 2850, the hotel and hospitality workers' union in the North Bay, is concerned about the proposed approvals for the Hyatt Place Sonoma Wine Country at 3750 N Laughlin Road.

The developer, Landmark Hotels, is asking for major amendments to the Airport Industrial Area Specific Plan, which would undermine the goals of the plan as passed. This Specific Plan is currently undergoing an update. Rather than allowing one developer to depart so significantly from the clear guidelines of the Specific Plan, we should wait for a robust, strategic, and well thought out planning process to be completed.

The proposed project has many inconsistencies with the Airport Industrial Area Specific Plan, as the staff report outlines. The project would exceed the height limit and not meet the required setback. The Specific Plan mandates that "No structures may exceed the height limits or building coverage allowed by the plan even with special use permit approval." It would also violate the rule that hotel and lodging "shall be allowed only as components of industrial park development plans of 15 acres or more in area, and should comprise no more than 5 percent of the total floor space in such development plans." Staff is recommending amendments to the Specific Plan that would remove these limitations.

The Airport Industrial Area Specific Plan, as might be expected from its name, prioritizes industrial uses, with very limited permission given for other uses. One of the goals named in the Specific Plan is "in the interest of maximum accommodation of future industrial demands and minimization of traffic volumes, limit retail and service commercial development in the planning area to uses and needs generated by primary internal industrial activities."

The amendments that the applicant is asking for are contrary to the goals of the Specific Plan, and should be considered as part of an entirely new specific plan that deemphasizes industry in favor of hospitality and service uses. These uses do not always coexist easily. The existing industrial uses may come into conflict with this proposed upscale hotel. Additionally, both workers and guests at the proposed hotel may be impacted by high sound levels, hazardous substances, or other environmental concerns associated with industrial uses. Given these possible issues, a change from industrial use to hospitality should be considered together as part of a new comprehensive Specific Plan, with full environmental review.

This Airport Area Specific Plan update is already in motion, with meetings being held since 2017. It contemplates more retail and service commercial development in the area. Rather than making these changes for a single project, they should be incorporated into the discussion on the Specific Plan update.

Best,
Sonya Karabel
UNITE HERE Local 2850

Claudette Diaz
Project Planner
Permit Sonoma
County of Sonoma
2550 Ventura Ave.
Santa Rosa, CA 95403

Re: Hyatt Place Wine Country Hotel Proposed Mitigated Negative Declaration

Dear Ms. Diaz and County of Sonoma Supervisors,

Thank you for the opportunity to comment on the Proposed Mitigated Negative Declaration (MND) for the Hyatt Place Wine Country Hotel, proposed to be located at 3750 North Laughlin Rd, Santa Rosa CA 95403, approximately 1,000 feet east of the Sonoma County Airport

The following comments are submitted on behalf of California River Watch.

California River Watch is an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and groundwater of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

1. inadequate Greenhouse Gas (GHG) Analysis

A. Reliance on Inadequate Data

The MND adopts as a significance criterion the Senate Bill 32 (SB 32) GHG reduction target of 40 percent below 1990 levels by 2030. (MND p. 51) This is a legitimate significance criterion, or threshold of significance under CEQA Guidelines 14 CCR § 15064.4. However, the MND evaluates the project's consistency with this threshold of significance by calculating an efficiency threshold of 2.7 MTCO_{2e} per service population (SP) using data provided in the Sonoma County Regional Climate Protection Authority Climate Action Plan (CAP)

which was invalidated in court as violating CEQA informational requirements. (see *California River Watch v. County of Sonoma Et. Al*, Case No. SCV-259242, Order Granting Petition for Writ of Mandate, July 20, 2017.) (MND p. 51.)

The court invalidated the CAP Programmatic EIR based on the finding that the CAP's inventory of greenhouse gas emissions was based on insufficient information. (Order Granting Writ, p.1) The lack of information, recognized by the court as necessary for informed decision making and public participation, was GHG emissions, occurring beyond county borders, from long distance vehicle miles traveled (VMT) by tourists visiting the county and from shipping Sonoma County wines and other products to global destinations.

While a Superior Court Ruling is not binding precedent, it does have persuasive value. The court's finding that data regarding trans boundary emissions from long distance tourist travel was necessary for evaluating the GHG impacts of the CAP should at least be acknowledged by the Hotel MND, with some explanation for the MND's reliance on the same data found to be inadequate under CEQA for evaluating the GHG impacts of the CAP. Such explanation is necessary to satisfy CEQA's informational requirement to provide a "clear analytical route" the lead agency traveled from evidence to reach its conclusions. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 444.

The MND's conclusions regarding the projected GHG emissions resulting from the operation of the proposed hotel, the mitigations necessary to reduce those emissions to less than significant, are based on the inadequate data provided by the legally invalid CAP calculation of 1990 emissions in Sonoma County, as well as the CAP's forecast emissions and forecast population and employment growth for the County. (MND p. 51)

The MND's reliance on methodologies intentionally excluding the obvious increase in long distance VMT resulting from the operation of a hotel in such close proximity to the airport, is reflected in the MND's reliance on A VMT analysis completed by W Trans which compared the hotel project to a "similar land use": a 50,000 square foot retail development. A new retail building is not expected to

increase, but merely to redistribute, the total number of shopping trips by a static number of local residents. By implication the MND is assuming the proposed hotel will merely provide one more option for the same number of tourists, traveling the same distance, resulting in the same VMT as would occur without this proposed hotel. This unrealistic assumption is based on the willful blindness to the obviously expected increase in VMT resulting from a new hotel as part of expanding airport capacity. (MND p.82)

B. An Increase in VMT and GHG Emissions is a Reasonably Foreseeable Consequence of the Operation of the Proposed Hotel

Under CEQA, a “project” is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines § 15378, subd. (a)). “An agency shall consider both primary or direct and secondary or indirect consequences. Secondary consequences may be several steps removed from the project in a chain of cause and effect.” Cal. Code Regs. Tit. 14, § 15064(d). The CEQA Guidelines and case law are clear that such readily foreseeable indirect consequences of a project must be accounted for and mitigated if feasible.

It is readily foreseeable that the operation of a 165room hotel in close proximity to the airport will result over time in an increase in annual VMT and GHG emissions beyond what would occur without this hotel.

From a Press Democrat Article dated January 14,2020, about proposals to build two large hotels near the Charles M. Schulz-Sonoma County Airport, the Hyatt Place Wine Country Hotel and Tru by Hilton Hotel:

“Airport travel rose to new highs in 2019 for the ninth consecutive year. Final passenger numbers for 2019 won’t be available until later this month, but will approach 490,000, or about 10% more than in 2018, according to airport officials. And more passengers could prompt Schulz’s four commercial air carriers to establish new or expanded routes to Santa Rosa”

“The two hotel developers say they’re hoping to take advantage of the rising popularity of the airport for both commercial travelers and the private jet business into Sonoma County.”

“It really just comes down to supply and demand, and there’s definitely not much supply by the airport, and we’re trying to capture a lot of that business...”

The Hyatt website, for its Hyatt Place Upscale Brand Hotels, projects a 104.4 occupancy index, predicting they will be overbooked by 4.4 per cent. There is every reason to believe that the proposed Hyatt Place Wine Country Hotel would perform at or near that rate of occupancy. See link to website: <https://www.hyattconnect.com/MicroSites/assets/files/HyattPlace.pdf>

It stands to reason that the vast majority of guests at the proposed hotel would be arriving by air at a hotel located in such close proximity to the airport, generating high levels of VMT and GHG emissions. Clearly the developer of the proposed hotel anticipates that providing additional hotel lodging will result in additional air travel to the Sonoma Airport and additional air travel to the region by expanding regional lodging capacity. It might be argued that emissions from these additional flights would occur in other regions if additional lodging capacity was not provided in this region. That speculative possibility does not obviate the requirement under CEQA to include the foreseeable increase in VMT and GHG emissions resulting from the additional lodging capacity provided by the proposed Hyatt Wine Country Hotel.

C. The County’s Lack of Direct Regulatory Authority Over Air Travel Does Not Preempt the County’s Responsibility for Disclosure and Analysis of Environmental Effects of Air Travel Under CEQA.

Where “downstream” emissions, such as emissions from travel to and from the proposed hotel once operational, are foreseeable and capable of estimation, they should be disclosed. *Sierra Club v. Federal Energy Regulatory Com.* (D.C. Cir. 2017) 867 F.3d1357; *Mid States Coalition for Progress v. Surface Transportation Bd.* (8th Cir. 2003) 345 F.3d 520. Nor can the County avoid responsibility for disclosing and analyzing air travel emissions simply because it lacks the authority to directly regulate the impacts of air travel. *See Association of*

Irritated Residents v. Kern County Bd. of Supervisors (2017) 17 Cal.App.5th 708, 750-52 (federal preemption of railroad regulation did not extend to responsibility for disclosure and analysis of environmental effects of railroad operations under CEQA). As in *Irritated Residents*, federal preemption of air travel regulation does not eliminate Sonoma County's responsibility to disclose and analyze the effects of GHG emissions from air travel by guests of the proposed hotel.

D. The Methodology of the CARB Scoping Plan for Estimating State Emissions is Not Always Applicable for Evaluating a Specific Project's Consistency with State Goals for GHG Emissions Reduction

The California Supreme Court made clear in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, that neither Assembly Bill 32 nor the California Air Resources Board ("CARB") Scoping Plan established parameters for evaluating a specific project's consistency with statewide goals.

"In short, neither Assembly Bill 32 nor the Scoping Plan establishes regulations implementing, for specific projects, the Legislature's statewide goals for reducing greenhouse gas emissions. ...As noted by the Natural Resources Agency in its amicus curiae brief, 'a discussion of a project's consistency with the State's long-term climate stabilization objectives ... will often be appropriate ... under CEQA,' provided the analysis is 'tailored ... specifically to a particular project.'" *Center for Biological Diversity*, 62 Cal. 4th at 223.

For the proposed hotel, consistency with the SB 32 goal is an appropriate significance threshold, but the analysis of the project's consistency with SB32 goals is appropriate under CEQA only if the analysis is tailored specifically to the particular project. Pursuant to that principle, while CARB's methodology for calculating the State's GHG emissions specifically excludes emissions from air travel beyond state borders, it does not follow that it is appropriate under CEQA to exclude emissions from air travel beyond state borders by guests at the proposed hotel. Where this proposed project will so clearly result in increased long distance air travel, it follows that an analysis tailored specifically to this particular project must include data regarding emissions from air travel beyond state borders.

The California Natural Resources Agency, in its Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines (November,

2018) has provided further guidance regarding the appropriate territorial scope for evaluating a project's GHG emissions. During the rule making process, the County of Sonoma submitted the following comments to the Natural Resources Agency regarding the scope of VMT analysis required under CEQA:

“While extraterritorial analysis may be required to evaluate transportation impacts, the boundaries utilized in estimating vehicle miles travelled should be reasonably related to the scope of an agency's authority and reasonable judgments about the agency's meaningful ability to influence transportation impacts. The relationship between the agency's jurisdiction and the geographic scope of analysis calls for reasonable line drawing by the agency based on substantial evidence.” Failing to constrain analysis of “vehicle miles travelled” to that which is reasonable, meaningful, and informative relative to the scope of agency authority will only incentivize the much broader enactment of ministerial standards, which does not appear to be the Natural Resources Agency's intent”

The Agency responded:

“The Agency is not making any change in response to this comment. The comment appears to express concern that the geographic scope of an analysis of vehicle miles traveled may extend beyond an agency's ability to regulate the impact. CEQA requires analysis of a project's impacts, **regardless of whether the impacts are within the agency's jurisdiction.** (Emphasis added) The Agency appreciates the comment's concern regarding reasonableness, and notes that subdivision (b)(4) expressly references the standard of adequacy in Section 15151. That section calls not for perfection, but a good faith effort at full disclosure. That standard, together with subdivision (b)(4)'s express acknowledgment of lead agency discretion and professional judgment is sufficient to address the concern raised in the comment”

The Natural Resources Agency rejected Sonoma County's attempt to artificially constrain the scope analysis of GHG emissions under CEQA, recognizing that analysis of GHG emissions is subject to the same requirements under CEQA as other impacts. The County's comments were submitted after the decision in *California River Watch v. County of Sonoma* invalidating the County's CAP.

The Governor's Office of Planning and Research (OPR) in a visual presentation entitled “*Updating The Metric of Transportation Impacts: Full Counting of VMT*” also advocated accounting for full trips, across jurisdictional

boundaries, in CEQA analysis of project VMT impacts. The presentation provided a detailed analysis of the biases inherent in “truncated VMT analysis”.

II. Conclusion

Based on all of the above, California River Watch respectfully requests Permit Sonoma and the County Board of Supervisors to direct the Applicant for approval of the proposed project to withdraw the draft Mitigated Negative Declaration and to prepare a full Environmental Impact Report which includes a more inclusive evaluation of the cumulative GHG emissions of the proposed hotel as discussed in the above comments.

Submitted by,

Jerry Bernhaut
Attorney for California River Watch