



# Final Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1900 FAX (707) 565-1103

**Publication Date:** May 26, 2019  
**Amended Date:** June 25, 2019  
**Public Review Period:** May 26, 2019 – June 25, 2019  
**State Clearinghouse Number:** 2019059104  
**Permit Sonoma File Number:** DRH19-0002  
**Prepared by:** Nina Bellucci  
**Phone:** (707) 565-1236

Pursuant to Section 15071 of the State CEQA Guidelines, this proposed Negative Declaration and the attached Initial Study, constitute the environmental review conducted by the County of Sonoma as lead agency for the proposed project described below:

**Project Name:** The Redwood Apartments  
**Project Applicant:** Ken Koss, TK Development, LLC  
**Project Location/Address:** 3422 Santa Rosa Avenue, Santa Rosa  
**APN:** 134-132-070  
**General Plan Land Use Designation:** UR 13  
**Zoning Designation:** R3 B6 13 DU, VOH  
**Decision-Making Body:** Sonoma County Design Review Committee  
**Appeal Body:** Sonoma County Planning Commission  
**Project Description:** See Project Description, below

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation" as indicated in the attached Initial Study and in the summary table below.

Table 1. Summary of Topic Areas

Topic Area	Abbreviation*	Yes	No
Aesthetics	VIS	Yes	
Agricultural and Forest Resources	AG		No
Air Quality	AIR	Yes	
Biological Resources	BIO	Yes	
Cultural Resources	CUL	Yes	
Energy	EN		No
Geology and Soils	GEO	Yes	
Greenhouse Gas Emissions	GHG		No
Hazards and Hazardous Materials	HAZ		No
Hydrology and Water Quality	HYDRO	Yes	
Land Use and Planning	LU		No
Mineral Resources	MIN		No
Noise	NOISE	Yes	
Population and Housing	POP		No
Public Services	PS		No

<b>Recreation</b>	REC		No
<b>Transportation and Traffic</b>	TRAF		No
<b>Tribal Cultural Resources</b>	TCR	Yes	
<b>Utility and Service Systems</b>	UTL		No
<b>Mandatory Findings of Significance</b>			No

## RESPONSIBLE AND TRUSTEE AGENCIES

The following lists other public agencies whose approval is required for the project, or who have jurisdiction over resources potentially affected by the project.

**Table 2: Responsible and Trustee Agencies**

<b>Agency</b>	<b>Activity</b>	<b>Authorization</b>
California Department of Fish and Wildlife	Incidental Take Permit for listed animal species	CA Endangered Species Act
Regional Water Quality Control Board (North Coast or San Francisco Bay)	Wetland dredge or fill	Clean Water Act, Section 401
State Water Resources Control Board	Generating storm water (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
US Army Corps of Engineers	Wetland dredge or fill	Clean Water Act, Section 404
US Fish and Wildlife Service (FWS) and or National Marine Fisheries Service (NMFS)	Incidental Take Permit for listed plant and animal species	Federal Endangered Species Act

## ENVIRONMENTAL FINDING

Based on the evaluation in the attached Initial Study, the project described above will not have a significant adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are incorporated into the conditions of approval for the project, and a Mitigated Negative Declaration has been prepared. The applicant has agreed in writing to the identified mitigation measures for the project.



Prepared by: Nina Bellucci

May 26, 2019 (amended June 25, 2019)  
 Date



# Initial Study

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## INTRODUCTION

TK Development, LLC proposes to construct a 96-unit rental housing project on Santa Rosa Avenue. The project site is a 4.11 acre parcel in the City of Santa Rosa's Urban Service Area. A referral letter was sent to the appropriate local, State, and federal agencies and interest groups who may wish to comment on the project.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Nina Bellucci, Planner with the Sonoma County Permit and Resource Management Department, Comprehensive Planning Division. Information on the project was provided by TK Development, LLC. Technical studies provided by qualified consultants are attached to this Expanded Initial Study to support the conclusions. Other reports, documents, maps, and studies referred to in this document are available for review at the Permit and Resource Management Department (Permit Sonoma).

Please contact Nina Bellucci, Planner, at (707) 565-1236, for more information.

## PROJECT DESCRIPTION

The applicant proposes to construct a 100 percent affordable, 96-unit apartment building consisting of four three-story buildings and one one-story community building on a 4.11-acre parcel. The project would utilize the Rental Housing Opportunity Density Bonus Program, which allows a 100 percent increase over base density, up to 26 units per acre. The proposed density is 24 units per acre. Under the Density Bonus Program, 40 percent of units are required to be affordable to low- and very low-income residents, which the project would exceed as all units will be affordable to households with incomes ranging between 30 and 60 percent of the Area Medium Income. The project would be constructed in a single phase. The site is zoned R3 (High Density Residential) B6 13 (13 units per acre density), which allows the proposed use.

## PROJECT SITE AND SURROUNDING LANDS

The 4.11-acre project site is located at the southeast corner of Santa Rosa Avenue and East Robles Avenue, in the unincorporated area southwest of the city of Santa Rosa. The project site is level and vacant, and was previously developed as a nightclub. Surrounding parcels are developed with single-family housing and commercial uses. The project site is located within the City of Santa Rosa's Urban Service Area, and the applicant will obtain a Utility Certificate from the City of Santa Rosa for water service, and sewer service will be provided by the South Park County Sanitation District.

**Design Style.** The four apartment buildings and one community building would be wood-frame construction, with Craftsman-style architecture. The applicant intends the project to be solar-ready, but does not propose any solar panels to be installed at this time. No screening is required, and buildings would be visible from public roads. Fencing and landscape buffers are proposed.

**Drainage.** Natural drainage is from east to west and a drainage ditch established along the southern border directs drainage to a culvert under Santa Rosa Avenue where it enters the City of Santa Rosa's storm drain system.

**Vegetation.** Plant communities at the site are primarily non-native annual grasslands and seasonal wetlands. To construct the project, three Valley Oaks and one English walnut will be removed from the site to allow room for development, and the landscape plan provides for replacement Valley Oaks as required by the County's Tree Protection Ordinance.

**Proposed Buildings and Uses.** The project would consist of four apartment buildings and one community building containing restrooms, a kitchen, laundry, a gym, an office, a computer room.

**Parking.** The project will provide 180 parking spaces, and 40 bike parking spaces.

**Access.** Access to the site would be provided from Santa Rosa Avenue and East Robles Avenue.

**Sewage Disposal.** Sewer service would be provided by the South Park County Sanitation District.

**Water Supply.** Water service would be provided by the City of Santa Rosa.

**Landscaping.** Landscaping will include drought-tolerant, ornamental, native species complementing the architectural design of the structures. Landscaping will comply with the County's Water-Efficient Landscaping Ordinance, and will include replacement Valley Oaks in conformance with the County's Valley Oak Habitat Combining District and the Tree Protection Ordinance.

## SETTING

The site is located within the City of Santa Rosa's Urban Service Area and will require a Utility Certificate from the City to connect to water service. The infill site is vacant, level, and located at the southeast corner of Santa Rosa Avenue and East Robles Avenue. There are commercial uses to the west across Santa Rosa Avenue from the proposed development, and single-family residential development to the north and east. An underutilized commercial parcel lies to the south. The site contains a small amount of wetlands (0.35 acres) and is within the Santa Rosa Plain which is characterized by vernal pools, seasonal wetlands, and associated grasslands. These habitats can support a unique population of the State- and federally listed California tiger salamander, and three State- and federally listed endangered plant species that have a large proportion of their population on the Plain.

## ISSUES RAISED BY THE PUBLIC OR AGENCIES

A referral packet was drafted and circulated to inform and solicit comments from selected relevant local, State, and federal agencies; and to special interest groups that were anticipated to take interest in the project. No comments were received other than noting that agency regulations and standards must be met.

## OTHER RELATED PROJECTS

A 60-unit apartment project (Sonoma Gardens) was approved north of the site (Santa Rosa Avenue & Rodeo Lane) in 2015. This project is complete and has received final occupancy. A 49-unit apartment project was approved in 2018, north of the project site at Santa Rosa Avenue & Butterfly Lane, but construction has not begun. The projects are all rental housing and of a similar scale to the proposed project, so they are similar, but unrelated.

## EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts of this project based on the criteria set forth in the State CEQA Guidelines and the County's implementing ordinances and guidelines. For each item, one of four responses is given:

**No Impact: The project would not have the impact described.** The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

**Less Than Significant Impact:** The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

**Potentially Significant Unless Mitigated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

**Potentially Significant Impact:** The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The Initial Study includes a discussion of the potential impacts and identifies mitigation measures to substantially reduce those impacts to a level of insignificance where feasible. All references and sources

used in this Initial Study are listed in the Reference section at the end of this report and are incorporated herein by reference.

Pacific West, Inc., has agreed to accept all mitigation measures listed in this Initial Study as conditions of approval for the proposed project, and to obtain all necessary permits, notify all contractors, agents, and employees involved in project implementation and any new owners should the property be transferred to ensure compliance with the mitigation measures.

## 1. AESTHETICS

**Would the project:**

**a) Have a substantial adverse effect on a scenic vista?**

**Comment**

The project site is not in an area designated as visually sensitive by the Sonoma County General Plan or the South Santa Rosa Area Plan. The project site is not located within a SR (Scenic Resource) combining district or along a scenic corridor. It is not located on a scenic hillside, nor would it involve tree removal, construction, or grading that would affect a scenic vista. Using the County of Sonoma's Visual Assessment Guidelines, the project site's sensitivity is Low, because it has an urban land use designation and no land use or zoning protecting scenic resources. The project's visual dominance is Dominant, because it stands out against its setting and attracts attention away from the surrounding landscape. Using these guidelines, the impact is less than significant because the project is dominant in a low sensitivity area for visual impacts.

**Significance Level**

Less than Significant Impact

**b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?**

**Comment**

The parcel is not located on a site visible from a State scenic highway.

**Significance Level**

No Impact

**c) In non-urbanized areas substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Comment**

The western portion of the project site was previously developed with a commercial structure. The majority of the parcel is undeveloped with essentially flat topography and no significant natural features. The property is located in a mixed residential/commercial urban area along South Santa Rosa Avenue. The parcel to the south is partially developed with commercial uses along Santa Rosa Avenue. Given the context of surrounding development, it is not anticipated that the proposed project would degrade the visual character of the area. The proposed project is subject to joint City/County Design Review Committee review, which ensures that the aesthetic qualities of the project will be maximized.

**Significance Level**

Less than Significant Impact

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?**

**Comment**

New structures will introduce new sources of light and glare. Lighting of the facility, especially lighting of the parking lot and security and safety lighting, may affect nighttime views. The proposed 96-unit development will result in an intensification of use of the site and, consequently, the need for increased lighting. The additional light sources created by the project would introduce more light and glare into the area contributing to a cumulative impact on nighttime views and potentially creating light trespass onto adjacent properties.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

**Mitigation VIS-1:** Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by Permit Sonoma staff or Design Review Committee). Exterior lighting shall be low mounted, downward casting, and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor-activated.

*Monitoring:* Permit Sonoma staff shall not issue the building permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. Permit Sonoma staff shall not sign off final occupancy on the building permit until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, Permit Sonoma staff shall conduct a site inspection and require the property be brought into compliance. (Ongoing)

## **2. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Would the project:**

**a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**Comment**

The parcel is not designated as Prime or Unique Farmland or Farmland of Statewide Importance on the Important Farmland maps. It is designated as Urban Lands.

**Significance Level**

No Impact

**b) Conflict with existing zoning for agricultural use, or Williamson Act Contract?**

**Comment**

The subject parcel is not zoned for agricultural use and does not have a Williamson Act Contract.

**Significance Level**

No Impact

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

**Comment**

The project is not forest land and is not zoned Timberland Production (TP), or located near forest land or lands zoned TP, and therefore would not conflict with or have any effect on forest lands or lands zoned TP.

**Significance Level**

No Impact

- d) Result in the loss of forest land or conversion of forest land to non-forest use?**

**Comment**

The project is not forest land and is not located near any forest land, and would therefore not result in the loss of forest land.

**Significance Level**

No Impact

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**Comment**

The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use.

**Significance Level**

No Impact

### **3. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

**Would the project:**

- a) Conflict with or obstruct implementation of the applicable air quality plan?**

**Comment**

The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for State and federal ozone standards, the State PM<sub>10</sub> standard, and State and federal PM<sub>2.5</sub> standards. The District has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with federal and State Clean Air Acts. These plans include measures to achieve compliance with both ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides [NO<sub>x</sub>] and volatile organic compounds, also referred to as Reactive Organic Gases [ROG]). The project will not conflict with the District's air quality plans because the proposed use is well below the emission thresholds for ozone precursors and does not involve construction of transportation facilities that are not addressed in an adopted transportation plan.

**Significance Level**

Less than Significant Impact

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?**

**Comment**

The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for State and federal ozone standards, the State PM<sub>10</sub> standard, and State and federal PM<sub>2.5</sub> standards.

The project will not have a cumulative effect on ozone because it will not generate substantial traffic which would result in substantial emissions of ozone precursors (ROG and NO<sub>x</sub>). See discussion in Section 17, Transportation Traffic, below.

The project will have no long-term effect on PM<sub>2.5</sub> and PM<sub>10</sub>, because all surfaces will be paved, gravel, landscaped, or otherwise treated to stabilize bare soils, and dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM<sub>2.5</sub> and PM<sub>10</sub>) during construction. These emissions could be significant at the project level and could also contribute to a cumulative impact.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

This impact would be reduced to less than significant by including dust control measures as described in the following mitigation measure:

**Mitigation Measure AIR-1:** The following dust control measures shall be included in the project:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b. Trucks hauling soil, sand, and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

*Monitoring:* Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, building, or improvement plans prior to issuance of grading or building permits.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

**Comment**

Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. Localized impacts to sensitive receptors generally occur when sources of air pollutants and sensitive receptors are located near one another. In this case, the proposed 96 unit development would be considered a sensitive receptor. While the surrounding area is a mix of residential and commercial land uses, with single-family residences to the north and east, and commercial uses to the west, residential uses are prevalent in the area. The proposed project would not create an incompatible situation as neither the residential use of the project site nor the neighboring uses involve stationary or point sources of air pollutants which generate substantial pollutant concentrations.

Although there will be no long term increase in emissions, during construction there could be significant short term dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by Mitigation Measure AIR-1.



**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See AIR-1.

**d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)**

**Comment**

The project is not an odor-generating use, nor located near an odor-generating source that may affect the use, and would have no odor impact.

Construction equipment may generate odors during project construction. The impact would be less than significant as it would be a short-term impact that ceases upon completion of the project.

**Significance Level**

Less than Significant Impact

## **4. BIOLOGICAL RESOURCES**

### **Regulatory Framework**

The following discussion identifies federal, State, and local environmental regulations that serve to protect sensitive biological resources relevant to the California Environmental Quality Act (CEQA) review process. Regulations that are specific to the proposal are detailed within the comments below.

#### **Federal**

##### ***Federal Endangered Species Act (FESA)***

FESA establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) are charged with implementing and enforcing the FESA. USFWS has authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

Section 9 of FESA prohibits the unlawful "take" of any listed fish or wildlife species. Take, as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action." USFWS's regulations define harm to mean "an act which actually kills or injures wildlife." Such an act "ay include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR § 17.3). Take can be permitted under FESA pursuant to sections 7 and 10. Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

##### ***The Migratory Bird Treaty Act of 1918 (MBTA)***

The US MBTA (16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is "unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof..." In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The

MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching.

### ***The Clean Water Act (CWA)***

The CWA is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the US Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the US Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board enforces Section 401.

#### ***Section 404***

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into “waters of the U.S.”. “Waters of the U.S: include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks. Wetlands are defined as those areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3(b)). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it is in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The EPA has veto authority over the USACE’s administration of the Section 404 program and may override a USACE decision with respect to permitting. Substantial impacts to waters of the US may require an Individual Permit’s Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that such permit’s other respective conditions are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

#### ***Section 401***

Any applicant for a federal permit to impact waters of the US under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB). The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the “401 Certification” application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final until completion of environmental review under the CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

## **State**

### ***California Endangered Species Act (CESA)***

Provisions of CESA protect state-listed threatened and endangered species. The CDFW is charged with establishing a list of endangered and threatened species. CDFW regulates activities that may result in “take” of individuals (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Game Code (CFGC), but CDFW has interpreted “take” to include the killing of a member of a species which is the proximate result of habitat modification.

### ***Fish and Game Code 1600-1602***

Sections 1600-1607 of the CFGC require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions in

the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

### ***Nesting Birds***

Nesting birds, including raptors, are protected under CFGC Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under CFGC Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders *Falconiformes* or *Strigiformes* (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Passerines and non-passerine land birds are further protected under CFGC 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW.

### ***California Fully Protected Species***

The classification of "fully protected" was the CDFW's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibians and reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with "fully protected" species state that these species "...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species," although take may be authorized for necessary scientific research. This language makes the "fully protected" designation the strongest and most restrictive regarding the "take" of these species. In 2003, the code sections dealing with "fully protected" species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

### ***Species of Special Concern***

California Species of Special Concern (CSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under the CEQA during project review.

### ***Porter-Cologne Water Quality Control Act***

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, and it applies to both surface and ground water. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the RWQCBs develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as "waters of the State," include isolated waters that are not regulated by the USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., dirt) to waters of the State must file a Report of Waste Discharge and receive either waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

## **Local**

### ***Sonoma County General Plan***

The Sonoma County General Plan 2020 Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors.

### **Riparian Corridor Ordinance**

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

### **Valley Oak Habitat (VOH) Combining District**

The VOH combining district is established to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of Sonoma County General Plan 2020 Resource Conservation Element Section 5.1. Design review approval may be required of projects in the VOH, which would include measures to protect and enhance valley oaks on the project site, such as requiring that valley oaks shall comprise a minimum of fifty percent (50%) of the required landscape trees for the development project.

### **Sonoma County Tree Protection Ordinance**

The Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Chapter 26, Article 88, Sec. 26-88-010 [m]) establishes policies for protected tree species in Sonoma County. Protected trees are defined (Chapter 26, Article 02, Sec. 26- 02-140) as the following species: big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizenii*), madrone (*Arbutus menziesii*), oracle oak (*Quercus morehus*), Oregon oak (*Quercus garryana*), redwood (*Sequoia sempervirens*), valley oak (*Quercus lobata*), California bay (*Umbellularia californica*), and their hybrids.

### **Would the project:**

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

### **Regulatory Framework**

The following discussion identifies federal, State, and local environmental regulations that serve to protect sensitive biological resources relevant to the California Environmental Quality Act (CEQA) review process.

### **Special-Status Species**

Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, US Fish and Wildlife Service (USFWS) Birds of Conservation Concern, and CDFW special-status invertebrates, are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under the California Environmental Quality Act (CEQA). In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Plant species on California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Bat species designated as "High Priority" by the Western Bat Working Group (WBWG) qualify for legal protection under Section 15380(d) of the CEQA Guidelines. Species designated "High Priority" are defined as "imperiled or are at high risk of imperilment based on available information on distribution, status, ecology, and known threats.

### **Endangered Species Act**

The Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 *et seq.*) was enacted to provide a means to identify and protect endangered and threatened species. Under the Section 9 of the ESA, it is unlawful to take any listed species. "Take" is defined as harassing, harming, pursuing, hunting, shooting, wounding,

killing, trapping, capturing, or collecting a listed species. "Harass" is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. "Harm" is defined as an act which actually kills or injures fish or wildlife and may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. Actions that may result in "take" of a federal-listed species are subject to The Service or National Marine Fisheries Service (NOAA Fisheries) permit issuance and monitoring. Section 7 of ESA requires federal agencies to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species. Any action authorized, funded, or carried out by a federal agency or designated proxy (e.g., Army Corps of Engineers) which has potential to affect listed species requires consultation with The Service or NOAA Fisheries under Section 7 of the ESA.

### **Critical Habitat**

Critical habitat is a term defined in the ESA as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species but which are needed for the species' recovery are protected by the prohibition against adverse modification of critical habitat.

### **Comment**

#### **California tiger salamander**

The California tiger salamander (*Ambystoma californiense*) is associated with vernal pools and seasonal wetlands on the Santa Rosa Plain. The salamander is federal listed as Endangered and is State listed as Threatened.

The proposed project site is within the potential range of the California tiger salamander (CTS) as shown on the Santa Rosa Plain Conservation Strategy Map prepared by CDFG (February 5, 2008). A biological assessment was conducted by Huffman-Broadway Group, Inc., in February 2019, regarding the presence of CTS. The biotic assessment determined that 3.82 acres of the 4.11 acres forming the project site constitutes habitat suitable to support CTS and would be impacted by the conversion of the site to the residential use. The remaining 0.29 acres of the site is within a paved area that once supported a night club with associated parking areas and access and would not be considered suitable habitat for CTS. As there are no aquatic habitats providing suitable CTS breeding habitat on the site, there would be no impacts to breeding habitat, but construction of the project would result in elimination of upland habitat for the species.

However, the project is not likely to result in the destruction or adverse modification of designated critical CTS habitat. This conclusion is based on a comparison of the extent of project effects on potential CTS habitat within the 47,383 acres of designated critical habitat within the Santa Rosa Plain Unit. Alteration of approximately 3.82 acres of potential CTS habitat represents less than 0.001 percent of the critical habitat designated within the Unit. The project would not result in a cumulative direct or indirect alteration to or destruction of critical habitat that appreciably diminishes the value of critical habitat for both the survival and recovery of the listed species, and the critical habitat would continue to serve its intended conservation role for CTS.

As provided in Mitigation Measure BIO-1, below, the applicant will compensate for the impact to approximately 3.82 acres potential CTS habitat, consistent with requirements of the Santa Rosa Plain Conservation Strategy and the 2007 Programmatic Biological Opinion.

#### **Special Status Plant Species**

The Santa Rosa Plain Conservation Strategy defines areas potentially suitable to support any of the three federally listed plant species covered by the Conservation Strategy document: Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. The Santa Rosa Plain Conservation Strategy designates the site as one with a potential for presence of any of the three listed species. The mostly non-native vegetation on the property generally does not represent optimal suitable habitat for special status plants. Protocol surveys

conducted at the site during the spring and early summer of 2013 and 2014 failed to locate any individuals of the three listed plant species. Additional plant surveys are scheduled for the spring and summer of 2019.

However, to the extent that the Action Area supports vernal pools or seasonal wetlands, the site would support habitat potentially suitable to support any of the three species. The US Army Corps of Engineers (Corps) identified 0.35 acres of seasonal wetlands potentially within the jurisdiction of the Corps, and the project would require fill (permanent effects) to all 0.35 acres.

Effects on suitable habitat for listed plant species resulting from implementation of the project would consist of 0.25 acres of direct effects. As provided in Mitigation Measure BIO-3, below, the applicant will compensate for the impacts to suitable habitat for Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam with conservation of an additional 0.37 acres (0.25 acres of occupied or established habitat and conservation of an additional 0.12 acres of established habitat), pursuant to mitigation ratios of the Conservation Strategy and the Programmatic Consultation. Overall compensation to mitigate for direct effects to suitable habitat for the three federally listed species resulting from implementation of the applicant's site plan will be accomplished through the purchase of mitigation conservation bank credits or purchase of land and establishment of a preserve with 0.37 acres of habitat for the listed species consistent with the requirements of the 2007 Programmatic Biological Opinion.

### **Significance Level**

Less than Significant with Mitigation Incorporated

### ***Mitigation***

**Mitigation Measure BIO-1:** Prior to initiation of site preparation, the applicant is required to obtain an Incidental Take Permit (ITP) from CDFW pursuant to the California Endangered Species Act for take of California tiger salamander (CTS), and the applicant is required to provide mitigation for approximately 3.82 acres of impacts to potential CTS habitat, consistent with requirements of the Santa Rosa Plain Conservation Strategy and the 2007 Programmatic Biological Opinion. All CTS mitigation will be provided at an off-site location and will consist of purchase of CTS credits from an approved mitigation bank consistent with requirements of the 2007 Programmatic Biological Opinion and the Santa Rosa Plain Conservation Strategy. The CTS mitigation described above will be implemented prior to initiation of site preparation for the project. The appropriate mitigation ratio area and shall be negotiated with the USFWS and CDFG, and shall be no less than 1:1 unless the applicant is able to obtain a "no effect" determination or similar clearance by the USFWS.

*Monitoring:* Permit Sonoma staff shall withhold issuance of a Grading Permit until verification is received indicating that the above mitigation measure has been completed.

**Mitigation Measure BIO-2:** The applicant will implement the following CTS avoidance and minimization measures:

1. Prior to ground disturbance, silt fence will be installed with the stakes facing inward (e.g., toward the construction site) and the bottom of the silt fence buried approximately 4 inches below ground to exclude CTS from entering the project site. One ramp shall be constructed along and in-line with the silt fence at the approximate center of the southern boundary, and one shall be constructed along the eastern boundary. The ramp shall allow any CTS within the Project Site to exit into adjacent habitat but not re-enter. Silt fence will be inspected by a CDFW- and USFWS-approved biological monitor for the presence of CTS and to insure the integrity of the fence is being maintained. If the silt fence is found to be compromised, then it will be repaired immediately prior to the start of work activities.
2. A CDFW- and USFWS-approved biological monitor will be on site during initial grading of the project site and provide all construction personnel training on federally and state listed species, their habitat and other species (e.g. migratory birds) that may be within the project site, and avoidance and minimization measures implemented to protect such species. A list of employees who attend the training will be maintained by the permittee and available to the USFWS and CDFW upon request.
3. During the initial grading, the biological monitor will check for animals under any equipment such as vehicles and stored pipes and along the silt fence. The biological monitor will check all excavated steep-walled holes or trenches greater than one foot deep for any CTS.

4. Prior to or during the removal of any structures with a crawl space or water wells the CDFW- and USFWS-approved biologist shall visually survey the crawl space or water well for CTS. If any CTS are discovered, the USFWS-approved biologist will relocate the CTS to a safe location within close proximity to where the CTS was found.
5. Any CTS found within the Project site will be immediately relocated by the CDFW- and USFWS-approved biological monitor to the parcel abutting the southern boundary of the Project Site (i.e. placed over the silt fence along the southern boundary).
6. An erosion and sediment control plan will be implemented to prevent impacts of construction on habitat outside the work areas.
7. Access routes and number and size of staging and work areas will be limited to the minimum necessary to achieve the project goals. Routes and boundaries of the roadwork associated with construction will be clearly marked prior to initiating construction/grading.
8. All foods and food-related trash items will be enclosed in sealed trash containers at the end of each day and removed completely from the site once every three days.
9. No pets will be allowed anywhere on the project site during construction.
10. No more than a maximum speed limit of 15 mph will be permitted.
11. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.
12. Hazardous materials such as fuels, oils, solvents, etc., will be stored in sealable containers in a designated location that is at least 200 feet from aquatic habitats. All fueling and maintenance of vehicles will occur at least 200 feet from any aquatic habitat.
13. Grading and clearing will be conducted between April 15 and October 15, of any given year, depending on the level of rainfall and/or site conditions.

*Monitoring:* Prior to issuance of any grading permits and through completion of initial site disturbance, Permit Sonoma staff shall review the results of any pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species. All mitigation measures shall be noted on the final project plans.

**Mitigation Measure BIO-3:** Prior to site preparation, mitigation shall be provided for the impacts to suitable habitat for Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam with conservation of an additional 0.37 acres (0.25 acres of occupied or established habitat and conservation of an additional 0.12 acres of established habitat). Overall compensation to mitigate for direct effects to suitable habitat for the three federally-listed species resulting from implementation of the applicant's site plan will be accomplished through the purchase of mitigation conservation bank credits, consistent with the requirements of the 2007 Programmatic Biological Opinion.

*Monitoring:* Permit Sonoma staff shall withhold issuance of a Grading Permit until verification is received indicating that the above mitigation measure has been completed.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

**Comment**

As discussed in 4(b), above, the project site is located within the Santa Rosa Plain, and contains habitat for State- and federally listed California tiger salamander (*Ambystoma californiense*), and three State- and federally listed endangered plant species. All vacant and undeveloped locations within the Project Site would be considered aestivation, foraging and dispersal habitat for the CTS. The three plant species are Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields (*Lasthenia burkei*), and Sebastopol meadowfoam (*Limnanthes vinculans*), and all three species have potential to occur within suitable habitats in the vicinity of the project site, and two, Sonoma sunshine and Sebastopol meadowfoam, are known to occur in the project vicinity. Under the

Programmatic Biological Opinion (USFW 2007), seasonal wetlands such as those present on the Project Site and that are within the range of the three listed plants species are considered suitable habitat for the listed plants even if intensive surveys fail to locate their presence. The project site is located within the area designated as critical habitat for the Sonoma County Distinct Population Segment of the CTS.

The project site is located within the boundaries of the Valley Oak Habitat Combining District which was established to protect and enhance Valley Oaks and Valley Oak woodlands. In this district, the removal of a Valley Oak is required to be mitigated through replacement, payment of fees, or preservation of other Valley Oaks on the property.

### **Significance Level**

Less than Significant with Mitigation Incorporated

### **Mitigation**

**Mitigation Measure BIO-4:** The applicant shall notify CDFW pursuant to Fish and Game Code 1602 before beginning any activity that will substantially modify a river, stream, or lake, including the drainage ditch that occurs in the project impact area.

*Monitoring:* Prior to issuance of building or grading permits, the applicant shall provide verification indicating that the above mitigation measure has been completed.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

### **Regulatory Framework**

The Army Corps of Engineers (Corps) regulates "Waters of the United States", including adjacent wetlands, under Section 404 of the federal Clean Water Act. Waters of the United States include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. Potential wetland areas are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act.

"Waters of the State" are regulated by the Regional Water Quality Control Board (Water Board) under the State Porter-Cologne Water Quality Control Act. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the State. RWQCB jurisdiction includes "isolated" wetlands and waters that may not be regulated by the ACOE under Section 404 (such as roadside ditches). Section 401 of the Clean Water Act specifies that any activity subject to a permit issued by a federal agency must also obtain State Water Quality Certification (401 Certification) that the proposed activity will comply with state water quality standards.

### **Comment**

The project site contains 0.35 acres of seasonal wetlands is potentially within the jurisdiction of the Corps (per the Corps' preliminary jurisdictional wetland delineation map dated November 14, 2012) under Section 404 of the Clean Water Act and RWQCB under the Porter Cologne Act and/or Section 401 of the Clean Water Act. The proposed development will convert all 0.35 acres of wetlands to developed land.

### **Significance Level**

Less than Significant with Mitigation Incorporated

### **Mitigation**

**Mitigation Measure BIO-5:** A wetland delineation report prepared for this project shall be submitted to the US Army Corps of Engineers (the Corps) for verification and the applicant shall obtain necessary permits from the Corps and the North Coast Regional Water Quality Control Board to fill the 0.35 acres of seasonal wetlands. Impacts to seasonal and perennial wetland features will be fully mitigated at a minimum 1:1 ratio on a functions and values basis ("no net loss"); however, the final wetland mitigation requirements will be determined by the regulatory agencies during the permitting process. On-site mitigation is not feasible for this project, but wetland mitigation credits are available for purchase at several local approved wetlands mitigation banks.



*Monitoring:* Prior to issuance of building or grading permits, the application shall provide evidence that authorization under Department of the Army Nationwide Permit (NWP) 29 for Residential Developments, pursuant to Section 404 of the CWA of 1972 has been finalized. Final authorization requires:

- a. Obtaining a Section 401 water quality certification from the North Coast Regional Water Quality Control Board (RWQCB).
- b. Confirmation of the purchase of credits equivalent to at least 0.35 acre of seasonal wetlands from an approved wetland creation mitigation bank within the Central or Southern Unit of the designated Santa Rosa Plain to the Corps prior to conducting work within waters of the US.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**Comment**

The project is not expected to disrupt or interfere with the movement of wildlife or impede the use of native wildlife nursery sites. Most recently, the western portion of the subject property was occupied by commercial uses. Currently, the remaining portion of the property consists primarily of grassland and lacks the vegetative cover generally associated with wildlife habitat. Further, the project site could not function as a wildlife corridor as it abuts an urbanized district and is surrounded on three sides by development.

The four trees on site proposed to be removed may provide nesting habitat for birds. Many common bird species (including their eggs and young), are given special protection under the Migratory Bird Treaty Act of 1918 (Migratory Bird Act). The mitigations measures recommended below are sufficient to address impacts to birds protected by the Migratory Bird Act.

Impacts to migratory birds are typically avoided by removing vegetation during non-nesting season, by having a qualified biologist verify absence immediately prior to vegetation removal. If feasible, remove vegetation and conduct ground-disturbing activities only between September 1 and February 15 to avoid bird-nesting season. If it is not feasible to remove vegetation outside of bird-nesting season, the following Mitigation Monitoring BIO-5 will reduce impacts to a level that would be less than significant.

**Significance Level**

Less than Significant Impact with Mitigation Incorporated

**Mitigation**

**Mitigation Measure BIO-6:**

1. Between February 15 and August 15, pre-construction surveys for nesting birds in trees near construction areas shall be conducted by a qualified biologist within seven days prior to tree removal or ground breaking activities. If nesting birds are found, suitable protection and/or buffers of at least 25 feet for song birds and 200-500 feet for raptor nests shall be provided in accordance with the project biologist's recommendations. To prevent encroachment, the established buffer(s) shall be clearly marked by orange construction fencing. The buffer(s) shall remain in effect until the young have fledged or the nest has been abandoned as confirmed by a qualified biologist.
2. If an active nest is found, consult with the California Department of Fish and Wildlife (Fish and Wildlife) to determine the appropriate buffer size and then establish the buffer zone using fencing, pin flags, yellow caution tape, or other agency -approved material. Vegetation clearing and construction activities shall be postponed within the buffer zone; no construction-related activity shall be allowed to occur within this area until it is determined that the young have fledged, the nest is vacated, and there is no evidence of second nesting attempts. A qualified biologist shall regularly monitor the buffer area during construction activities to evaluate the nest(s).
3. If an active nest is found within the survey area after the completion of the preconstruction surveys and after construction activities have begun, all construction activities shall cease immediately until a qualified biologist has evaluated the nest and, if required, an agency-approved buffer zone has been created. If

establishment of a buffer zone is not feasible, contact USFWS for further avoidance and impact minimization guidelines (e.g., acceptable noise and activity guidelines).

*Monitoring:* Permit Sonoma staff will not issue permits for ground disturbing activities until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

**e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?**

**Regulatory Framework**

***Tree Protection Ordinance***

Chapter 26, Article 88. Sec. 26-08-010 (m) of the Sonoma County Code contains a tree protection ordinance (Sonoma County 2013). The ordinance designates "protected" trees as well as provides mitigation standards for impacts to protected trees.

***Sonoma County General Plan***

The *Sonoma County General Plan 2020* (Sonoma County 2008) Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors. Policy OSRC-8b establishes streamside conservation areas along designated riparian corridors.

**Comment**

The project site contains four trees—three small Valley Oaks and one non-native English walnut. The project site is located within the boundaries of the Valley Oak Habitat Combining District which was established to protect and enhance Valley Oaks and Valley Oak woodlands. In this district, the removal of a Valley Oak is required to be mitigated through replacement at a ratio of 1:1, payment of fees, or preservation of other Valley Oaks on the property. In this case, landscaping for the proposal will provide the required trees and additional trees.

A Tree Preservation and Mitigation Report prepared January 23, 2019 recommended removal of all four trees due to structural and development impacts. A standard condition has been placed on the project requiring the inclusion of any required Valley Oaks in the landscape plans.

**Significance Level**

Less than Significant with Mitigation Incorporated

***Mitigation***

**Mitigation Measure BIO-7:** The project shall comply with the County's Tree Protection Ordinance by mitigating the removal of "Protected Trees" by replanting at a minimum 1:1 ratio. Documentation of complying tree mitigation shall be provided on the final landscape plans.

*Monitoring:* Prior to building permit issuance, the Design Review Committee and/or Permit Sonoma staff will ensure that the plans include adequate tree planting. Prior to building permit final, the planner will verify that tree planting is installed per plan.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?**

**Comment**

There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state Habitat Conservation Plans within the project area. Federally designated Critical Habitat is discussed in 4(b), above.

**Significance Level**

Less than Significant Impact

## 5. CULTURAL RESOURCES

Would the project:

a) **Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

**Comment**

A Historic Property Survey was prepared for the project by Evans & De Shazo, Inc., professional archaeologists, on December 6, 2018. The methods used to complete the survey included a record search and review of documentation available at the Northwest Information Center (NWIC) of the California Historical Resources Information Systems (CHRIS) utilizing a one-half mile record search radius, a review of geologic data, soils data, and historic maps to assess the potential for buried archaeological resources within the project site, a Native American Sacred Lands inventory, and a field survey of the 4.11-acre project site. No historic properties or cultural resources meeting the definition of a historic property were identified within the project site; therefore, there will be no impact.

**Significance Level**

No Impact

b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**Comment**

Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County. A representative for the Lytton Rancheria Tribe requested consultation and additional information for this project. This consultation with the Lytton Rancheria Tribe concluded March 20, 2019, when both parties agreed to construction monitoring Mitigation Measure CUL-1, which is also included as a Condition of Approval of the project. No other Tribes had comments in response to the referral.

There are no known archaeological resources on the site, but the project could uncover such materials during construction. The following measure will reduce the impact to less than significant.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

**Mitigation Measure CUL-1:** All building and/or grading permits shall have the following note printed on grading or earthwork plan sheets:

"If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native

American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

*Monitoring:* Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on the building, grading, and improvement plans.

**c) Disturb any human remains, including those interred outside of dedicated cemeteries?**

**Comment**

No burial sites are known in the vicinity of the project, and most of the project site has already been disturbed by past construction

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure CUL-1, above.

## **6. ENERGY**

**Would the project:**

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

**Comment**

Short-term energy demand would result from construction activities occurring as a result of construction. Short-term demand would include energy needed to power worker and vendor vehicle trips as well as construction equipment. Long-term energy demand would result from operation of the project, which would include activities such as lighting, heating, and cooling of structures.

Although implementation of the project would result in an increase in energy usage compared to current conditions due to the new structures on the project site, the increase in energy use would not be wasteful nor inefficient because of measures incorporated into project design, including energy-efficient building design meeting CALGreen requirements. While no solar power is proposed as part of this project, the project is designed to be solar-ready.

**Significance Level**

Less than Significant impact

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**Comment**

The project would be required to comply with Title 24, Part 6 of the California Code of Regulations, Building Energy Efficiency Standards. Additionally, the project is not located in an identified area designated for renewable energy productions nor would the project interfere with the installation of any renewable energy systems. Therefore, the project would not conflict with or obstruct with applicable State and local plans for promoting use of renewable energy and energy efficiency.

**Significance Level**

Less than Significant impact

## 7. GEOLOGY AND SOILS

Would the project:

a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**Comment**

The project site is not within a fault hazard zone as defined by the Alquist-Priolo fault maps.

**Significance Level**

Less than Significant Impact

ii. **Strong seismic ground shaking?**

**Comment**

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. By applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would therefore not expose people to substantial risk of injury from seismic shaking. The following mitigation measures will ensure that potential impacts are reduced to less than significant levels.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

**Mitigation GEO-1:** All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code). All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

*Monitoring:* Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

iii. **Seismic-related ground failure, including liquefaction?**

**Comment**

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. The project site is located in a Liquefaction Hazard Area of very low susceptibility. All structures will be required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements. Implementation of Mitigation Measures GEO-1, above would reduce any impacts to less than significant.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure GEO-1, above.

**iv. Landslides?**

**Comment**

The project site and surrounding area is flat and not prone to landslides.

**Significance Level**

Less than Significant

**b) Result in substantial soil erosion or the loss of topsoil?**

**Comment**

The project site is flat with underlying soils consisting of unconsolidated sediments of clay, silt, sand, and gravel, with deeper sediments being composed of Pleistocene aged older alluvium deposits. These soils are unlikely to substantially erode given topography and hydrology of the site and surrounding area.

The project includes grading, cuts and fills which require the issuance of a grading permit. Improper grading, both during and post construction, has the potential to increase the volume of runoff from a site which could have adverse downstream flooding and further erosional impacts, and increase soil erosion on and off site which could adversely impact downstream water quality.

Erosion and sediment control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County Code) requires implementation of flow control best management practices to reduce runoff. The Ordinance requires treatment of runoff from the two year storm event. Required inspection by Permit Sonoma staff insures that all grading and erosion control measures are constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential water quantity impacts at a less than significant level during and post construction.

In regard to water quality impacts, County grading ordinance design requirements, adopted County grading standards and best management practices (such as silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, are specifically designed to maintain potential water quality impacts at a less than significant level during project construction.

Issuance of a grading permit requires the applicant to prepare and conform to an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands.

For post construction water quality impacts, adopted grading permit standards and best management practices require that storm water to be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include storm water treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

The County adopted grading ordinances and standards and related conditions of approval which enforce them are specific, and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, Low Impact Development and any other adopted best management practices. Therefore, no significant adverse

soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met.

**Significance Level**

Less than Significant

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**Comment**

The project site is on stable soil and is flat. There is no danger of landslide, lateral spreading liquefaction or subsidence. Building code standards require structures to survive the maximum credible earthquake likely to occur without collapse.

**Significance Level**

Less than Significant

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

**Comment**

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. A project-level geotechnical report was prepared by RGH Consultants, Inc., and a building-level geotechnical report will be required to be submitted with building permit applications. No substantial risks to life or property would be created from soil expansion at the proposed project, even if it were to be affected by expansive soils.

**Significance Level**

Less than Significant

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**Comment**

The project will be served by public sewer for disposal of wastewater.

**Significance Level**

No Impact

- f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Comment**

As discussed in Section 5, Cultural Resources, above, a Historic Property Survey was prepared for the project and found no paleontological resources or unique geologic features were identified within the project site.

**Significance Level**

Less than Significant

## 8. GREENHOUSE GAS EMISSIONS

Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Comment**

The County does not have an adopted Climate Action Plan but has established greenhouse gas (GHG) reduction goals. The County concurs with and utilizes as County thresholds the GHG emissions significance recommended by the Bay Area Air Quality Management District (BAAQMD). The County concurs that these thresholds are supported by substantial evidence for the reasons stated by BAAQMD staff. For projects other than stationary sources, the greenhouse gas significance threshold is 1,100 metric tons per year of CO<sub>2</sub>e or 4.6 metric tons of CO<sub>2</sub>e per service population (residents and employees) per year. BAAQMD's staff's analysis is found in the document titled "Revised Draft Options and Justification Report, October, 2009," which is a publically available document that can be obtained from the BAAQMD website or from the County.

In order to determine the significance of the impact the project was analyzed against BAAQMD screening criteria derived using default emission assumptions in URBEMIS and using off-model GHG estimates for indirect emissions from electrical generation, solid waste and water conveyance. The project is below the applicable screening criteria and so will not exceed the 1,100 MT of CO<sub>2</sub>e/year threshold of significance for project other than permitted stationary sources.

**Significance Level**

Less than Significant Impact

- b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Comment**

The County does not have an adopted Climate Action Plan but has established GHG reduction goals. The project, by implementing current County codes, would be consistent with local or State plans, policies, or regulations adopted for the purpose of reducing emissions of greenhouse gases.

**Significance Level**

Less than Significant Impact

## 9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**Comment**

Small amounts of potentially hazardous materials will be used on this project such as fuel, lubricants, and cleaning materials. Proper use of materials in accordance with local, State, and federal requirements, and as required in the construction documents, will minimize the potential for accidental releases or emissions from hazardous materials. This will assure that the risks of the project uses impacting the human or biological environment will be reduced to a less than significant level. Building Code requires the proper disposal of construction materials and treated wood waste.

**Significance Level**

Less than Significant Impact



- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Comment**

During construction there could be spills of hazardous materials. See discussion in 8(a), above.

**Significance Level**

Less than Significant Impact

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Comment**

The project site is not located within one-quarter mile of an existing or proposed school.

**Significance Level**

No Impact

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**Comment**

RNC Environmental, LLC, prepared a Phase I Environmental Site Assessment of the project site on August 10, 2012. The assessment concluded that under S EPA AAI rule and the ASTM E1527-05 Standard of Practice, no hazardous materials were observed at this site and site vicinity.

An open remediation case is located on the adjacent property to the south (John's Auto Repair). The underground storage tank is approximately 200 feet from the subject property. Monitoring records indicate that the groundwater gradient runs away from the subject property, and the presence of a non-impacted well between the tank site and the subject property indicates that there has been no impact to the subject property from this source. No hazardous materials generators or other underground storage tank sites were identified on the subject or adjacent properties.

Three former cleanup sites and ten additional LUST sites were identified within one-half mile of the subject property. No evidence indicates that any of these facilities has impacted the subject property. No oil or gas wells were reported to be on or within one-half mile of the subject property. In addition, the project will not use any groundwater as it is served by public water.

The project site was not identified on, or in the vicinity of, any parcels on lists compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances Control, and the CalRecycle Waste Management Board Solid Development Waste Information System (SWIS). The project area is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Significance Level**

Less than Significant Impact

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

**Comment**

The site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan.

**Significance Level**

No Impact

**f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**Comment**

The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. In any case, the project would not change existing circulation patterns significantly, and would have no effect on emergency response routes.

The site is located in an urbanized area with direct access to Santa Rosa Avenue. In addition, any future development will be reviewed for compliance with fire safe standards through the building permit process.

**Significance Level**

Less than Significant Impact

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

**Comment**

The project site is in an urbanized area with a mix of residential and industrial uses and not included in the Wildland Fire Hazard Areas maps found in Sonoma County General Plan 2020. While wildfires have entered urban areas, the risk is not considered significant for the project site.

**Significance Level**

No Impact

## 10. HYDROLOGY AND WATER QUALITY

Would the project:

**a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

**Comment**

The project is within the City of Santa Rosa Urban Service Area. The applicant will be required to obtain a utility certificate from the City in order to receive water or wastewater service. Wastewater is treated by the Llano Road sub-regional wastewater treatment plant. This facility has adequate capacity for the project and operates in compliance with Conditions of Waste Discharge issued by the North Coast Regional Water Quality Control Board.

The project will discharge storm water into the City of Santa Rosa storm water drainage system, which discharges into the Russian River via Santa Rosa Creek. Conditions of approval require compliance with Sonoma County Low Impact Development (LID) regulations and preparation of a Standard Urban Storm Water Mitigation Plan prior to issuance of grading permits. Application of these standards as required by Mitigation Measure HYD-1, below, will reduce water quality impacts to a less than significant level.

**Significance Level**

Less than Significant Impact with Mitigation Incorporated

**Mitigation**

**Mitigation HYD-1:** The project shall meet the requirements of the Sonoma County Storm Water Quality Ordinance and incorporate Low Impact Development standards and Best Management Practices contained in the City of Santa Rosa and County of Sonoma Storm Water Low Impact Development Technical Design Manual.

*Monitoring:* Permit Sonoma shall not issue the Grading Permit until the Drainage Review Section has reviewed the grading plan for compliance with Low Impact Development standards and Best Management Practices contained in the City of Santa Rosa and County of Sonoma Storm Water Low Impact Development Technical Design Manual.

A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading permit application, and be subject to review and approval by the Grading & Storm Water Section of Permit Sonoma prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Comment**

Water to the project is supplied by the City of Santa Rosa. The City obtains water from the Russian River under contract with Sonoma Water, which diverts water from the Russian River under appropriative water right issued by California Department of Water Resources. The project will not have a significant impact on groundwater supplies in the project vicinity.

**Significance Level**

Less than Significant Impact

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**i. Result in substantial erosion or siltation on- or off-site**

**Comment**

There are no blue line streams on the site. Drainage on the site currently is via sheet flow to the existing storm drain system along Santa Rosa Avenue.

Construction of the proposed project involves minor cuts, fills, and other grading. Unregulated grading during construction has the potential to increase soil erosion from a site, which could cause downstream flooding and further erosion, which could adversely impact downstream water quality. Construction grading activities shall be in compliance with performance standards in the Sonoma County Grading and Drainage Ordinance. The ordinance and adopted construction site Best Management Practices (BMPs) require installation of adequate erosion prevention and sediment control management practices. These ordinance requirements and BMPs are specifically designed to maintain water quantity and ensure erosion and siltation impacts are less than significant level during and post construction.

Construction activities associated with the proposed project will not alter the existing drainage pattern of the site or area in a way that would result in downstream erosion and/or sedimentation.

**Significance Level**

Less than Significant Impact with Mitigation Incorporated

**Mitigation**

See Mitigation Measure HYD-1, above.

**ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite**

The project would result in an increase in the amount of impervious surface area on the project site. Post-construction storm water best management practices would be utilized to maintain current storm water runoff. Conditions of approval and Mitigation Measure HYD-1, above, require compliance with Sonoma County

Low Impact Development (LID) regulations and preparation of a Standard Urban Storm Water Mitigation Plan prior to issuance of grading permits. Application of these standards will reduce impacts from increased surface runoff to a less than significant level.

**iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff**

**Comment**

As discussed in 10(ii), above, the proposed project has been designed and/or conditioned to maintain the current rate of storm water run-off from the site (see Mitigation Measure HYD-1, above)

Permit Sonoma requires that any construction be designed and conducted so as to prevent or minimize the discharge of pollutants or waste from the project site. Best management practices (BMPs) to be used to accomplish this goal include measures such as silt fencing, straw wattles, and soils discharge controls at construction site entrances. Storm water BMPs may also include primary and secondary containment for petroleum products, paints, lime and other hazardous materials of concern.

Low Impact Development BMPs, as required by the Grading & Storm Water Section of Permit Sonoma, will prevent or minimize post-construction pollutants and waste. Prior to grading or building permit issuance, construction details for all post-construction storm water BMPs shall be submitted for review and approval by the Grading & Storm Water staff, pursuant to the adopted Sonoma County Best Management Practice Guide. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

**Significance Level**

Less than Significant Impact with Mitigation Incorporated

**Mitigation**

See Mitigation Measure HYD-1, above.

**iv. Impede or redirect flood flows?**

There are no blue line streams on the project site and the parcel is not in the 100-year flood zone or Special Flood Hazard Area (SFHA) (i.e., the area that will be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year).

At the time of submitting of a grading, drainage, or building permit application, a final drainage report for each parcel must be submitted for review. A typical drainage report would include a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

**Significance Level**

Less than Significant Impact

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

According to Figure PS-1e of the General Plan, the project site is outside of the 100-year Flood Hazard Area. There are no blue line streams on the property. The project site is not located in an area subject to seiche or tsunami. Mudflow can be triggered by heavy rainfall, earthquakes, or volcanic eruption.

Existing flood hazards that could affect new development are considered in this analysis. Impacts of the environment on the proposed project are analyzed as a matter of County policy, not because such analysis is required by CEQA.

**Significance Level**

Less than Significant Impact

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Storm water treatment Best Management Practices (BMPs), as required in Mitigation Measure HYD-1, would address potential water quality impacts and also address storm water run-off. Storm water treatment BMPs would be required to be designed to treat storm events and associated runoff to the 85-percentile storm event in accordance with County Standards. Therefore, it would not obstruct implementation of a water quality control plan.

As discussed in 10(b) above, the project will be provided municipal water service by the City of Santa Rosa, and would not have a significant impact on groundwater supplies in the project vicinity.

**Significance Level**

Less than Significant Impact

## **11. LAND USE AND PLANNING**

**Would the project:**

**a) Physically divide an established community?**

**Comment**

The project would not physically divide a community. It does not involve construction of a physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that would impair mobility within an established community or between a community and outlying areas.

**Significance Level**

No Impact

**b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

**Comment**

The project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect, including in the Sonoma County General Plan and zoning ordinance.

The parcel's General Plan land use designation of Urban Residential allows multi-family and affordable housing projects as permitted uses. The proposed project includes a density bonus for affordable housing, resulting in a total of 96 units.

The project site is located in the City of Santa Rosa's Urban Growth Boundary and Urban Service Area. Under Government Code 65915, the State density bonus law, the County and the City find this increased density consistent with their General Plans.

The City of Santa Rosa provides water service upon approval of a City Utility Certificate, and sewer service is provided by the South Park County Sanitation District (Sonoma Water). Utility Certificates may be granted for new water connections when the proposed project use is consistent with the City's General Plan, approved by the joint City/County Design Review Committee, and meets the City of Santa Rosa's development standards. The project site is designated Medium Density Residential (8-18 units/acre density) in the City's General Plan. The City requires development to be at least at the mid-point of the density range; therefore, the project must provide at least 13 units per acre to receive a Utility Certificate. The project as proposed does not conflict with the City of Santa Rosa's General Plan, development standards, and a Utility Certificate for water service will be issued to the City subject to the project design approved by the City/County Design Review Committee.

The proposed project implements several Housing Element policies related to affordable and multi-family housing because it is an affordable infill project, on an underutilized (vacant) site within an Urban Service Area:

**Policy HE-3j:** Continue to encourage affordable "infill" projects on underutilized sites within Urban Service Areas by allowing flexibility in development standards pursuant to state density bonus law (Government Code 65915).

**Policy HE-3k:** Continue to apply the minimum residential density policy to all Urban Residential parcels.

**Significance Level**

No Impact

## 12. MINERAL RESOURCES

Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**Comment**

The project site is not located within a known mineral resource deposit area (Sonoma County Aggregate Resources Management Plan, as amended 2010). Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist). Consult California Geologic Survey Special Report 205, Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-consumption region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California (California Geologic Survey, 2013).

**Significance Level**

No Impact

- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**Comment**

The project site is not located within an area of locally-important mineral resource recovery site and the site is not zoned MR (Mineral Resources) (Sonoma County Aggregate Resources Management Plan, as amended 2010 and Sonoma County Zoning Code). No locally-important mineral resources are known to occur at the site.

**Significance Level**

No Impact

## 13. NOISE

Would the project:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Comment**

Residential projects are considered to be noise sensitive rather than noise producing. An Environmental Noise Assessment was prepared by Illingworth & Rodkin, Inc., on January 18, 2019, in conformance with the County's Guidelines for the Preparation of Noise Analysis.

Although the residential units do not generate substantial noise, the project will add additional traffic to nearby roads, which can increase noise to receptors along the road system. The Environmental Noise Assessment found that project-generated traffic would result in traffic noise increases of less than 1 dB Ldn at sensitive locations. This increase would not exceed the threshold in the County's guidelines and would not be anticipated to be perceptible or measurable.

Parking spaces would be provided for residents of proposed building in the central and northeastern portion of the project site. Construction of a barrier at the eastern edge of the project site is expected to reduce the impact of noise generated from the parking areas to the nearest residence to the east.

Noise generated by the play area is not anticipated to exceed Sonoma County standards during daytime or nighttime. Impacts from the temporary noise generated by construction activities will be mitigated by Mitigation Measure NOISE-1, below. Impacts from noise generated by mechanical equipment (i.e., air conditioning units) will be mitigated by Mitigation Measure NOISE-2, below.

### **Significance Level**

Less than Significant with Mitigation Incorporated

### ***Mitigation***

**Mitigation Measure NOISE-1:** Construction activities for this project shall be restricted as follows:

All plans and specifications or construction plans shall include the following notes:

1. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
2. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 am and 5:00 pm on weekdays and 9:00 am and 5:00 pm on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
3. There will be no start up of machines nor equipment prior to 7:00 am, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 am nor past 5:00 pm, Monday through Friday or prior to 9:00 am nor past 5:00 pm on weekends and holidays. Signs shall be posted on the site regarding the allowable hours of construction, and including the developer's and contractor's mobile phone number for public contact, 24 hours a day, or during the hours outside of the restricted hours.
4. Pile driving activities shall be limited to 7:30 am to 5:00 pm weekdays only (same note as above).
5. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
6. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g., starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

*Monitoring:* Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, building, or improvement plans, prior to issuance of grading or building permits. PRMD staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

**Mitigation Measure NOISE-2:** Prior to issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the County's requirements. A qualified acoustical consultant shall be retained by project applicant to review mechanical equipment systems selected, in order to determine specific noise reduction measures necessary to reduce noise to comply with County's L50 limit at shared property lines. Noise reduction measures could include, but are not limited to, selection of equipment that

emits low noise levels and/or installation of noise barriers such as enclosures and/or parapet walls to block the line of sight between the noise source and the nearest receptors.

*Monitoring:* Permit Sonoma staff shall review mechanical equipment and acoustical study provided to ensure noise generated by mechanical equipment will be below the County's thresholds.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Comment**

Construction would be located 50 feet or further from structures and pile driving is not anticipated as a method of construction, based on knowledge of similar projects' construction methods. At a distance of 50 feet, groundborne vibration from construction activities is anticipated to generate vibration levels in the range of 0.001 to 0.098 in/sec PPV. These vibration levels would be well below the conservative 0.3 in/sec PPV vibration limit recommended by the California Department of Transportation for buildings that are found to be structurally sound but where structural damage is a major concern.

**Significance Level**

Less than Significant

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**Comment**

The project site is not located in the vicinity of an existing airport or airport land use zone and would not expose people residing or working in the project area to excessive aircraft noise levels.

**Significance Level**

No Impact

## 14. POPULATION AND HOUSING

Would the project:

**a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**Comment**

The project will include 96 additional units of housing, which can be expected to add 227 new persons at build-out (96 new housing units x 2.36 persons per household). The project is within the projected population growth of the county's General Plan and is therefore less than significant.

**Significance Level**

Less than Significant Impact

**b) Displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere?**

**Comment**

No housing will be displaced by the project and no replacement housing is proposed to be constructed.

**Significance Level**

No Impact



## 15. PUBLIC SERVICES

Would the project:

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:**

**i. Fire protection?**

**Comment**

Construction of the project would not involve substantial adverse physical impacts associated with provision of public facilities or services and the impact would be less than significant. The project will include 96 additional units of housing, which can be expected to add 227 new persons at build-out (96 new housing units x 2.36 persons per household). The project is within the projected population growth of the County's General Plan and would not require or facilitate construction of new public facilities.

The Rincon Valley Fire Protection District will continue to serve this area. There will be no increased need for fire protection resulting from the project.

Sonoma County Code requires that all new development meet Fire Safe Standards (Chapter 13). The County Fire Marshal reviewed the project and requires that any development comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management, and management of flammable or combustible liquids and gases. This is a standard condition of approval and required by County code and impacts would be less than significant.

**Significance Level**

Less than Significant Impact

**ii. Police?**

**Comment**

The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting from the project. As discussed in 15(a)(i) above, the project is within the projected population growth of the County's General Plan and would not require or facilitate construction of new public facilities.

**Significance Level**

Less than Significant Impact

**iii. Schools, parks, or other public facilities?**

**Comment**

As discussed in 15(a)(i) above, the project is within the projected population growth of the County's General Plan and would not require or facilitate construction of new public facilities. Development fees to offset potential impacts to public services, including school impact mitigation fees, are required by Sonoma County code and State law for new residential developments. No new schools are reasonably foreseeable as a result of this development.

**Significance Level**

Less than Significant Impact

#### **iv. Parks?**

##### **Comment**

Sonoma County Code, Chapter 23 requires payment of parkland mitigation fees for all new residential development for acquisition and development of added parklands to meeting General Plan Objective OSRC-17.1 to “provide for adequate parkland and trails primarily in locations that are convenient to urban areas to meet the outdoor recreation needs of the population...” Development fees collected by Sonoma County are used to offset potential impacts to public services, including park mitigation fees. As discussed in 15(a)(i) above, the project is within the projected population growth of the County’s General Plan and would not require or facilitate construction of new public facilities. The project will not result in the need for any new park facilities, and demand for parks in general is addressed through fees.

##### **Significance Level**

Less than Significant Impact

#### **v. Other public facilities?**

##### **Comment**

Connection fees for sewer and water services offset potential impacts to these service facilities within their respective spheres of influence. For projects propose land uses that are consistent with the General Plan. Ongoing development and maintenance costs for services are provided in the form of fees or parcel tax. Existing sewer and water facilities are adequate. Expanded facilities are not currently reasonably foreseeable.

As discussed in 15(a)(i) above, the project is within the projected population growth of the County’s General Plan and would not require or facilitate construction of new public facilities.

##### **Significance Level**

Less than Significant Impact

## **16. RECREATION**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

##### **Comment**

The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities. The project will have no impact on the use of existing neighborhood and regional parks or other recreational facilities.

##### **Significance Level**

Less than Significant Impact

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

##### **Comment**

The project proposes small common areas for use by the residents, which meets the requirements of the zoning ordinance. As a standard condition of project approval, impact fees will be paid that will fund new and existing recreation facilities off-site.

##### **Significance Level**

Less than Significant Impact

## 17. TRANSPORTATION/TRAFFIC

Would the project:

- a) **Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?**

**Comment**

A traffic impact study was prepared by W-Trans on April 26, 2019. The study area included intersections of Santa Rosa Avenue/East Robles Avenue, Santa Rosa Avenue/Todd Road, Todd Road/US 101 North Ramps, South Moorland Avenue/US 101 Overcrossing, and Todd Road/US 101 South Ramps; and Santa Rosa Avenue and East Robles Avenue.

The study intersections currently operate acceptably at Levels of Service (LOS) C or better during peak hours and they would be expected continue operating at the same LOS upon the addition of project-related traffic, based on traffic modeling. The study intersections are expected to operate acceptably without the project under future conditions, except for Santa Rosa Avenue/Todd Road, which would deteriorate to LOS E and F during the am and pm peak hours, respectively. However, under future conditions, with the addition of project-related traffic, the study intersections would operate at the same service levels during both peak hours as without the project. The project would add less than five seconds to the Santa Rosa Avenue/Todd Road average delay, so the impact would be less-than-significant under the County's Guidelines for Traffic Impact Studies.

Pedestrian facilities serving the project site would be adequate. Sidewalks exist along the project frontage with Santa Rosa Avenue, and would be provided by the project within the project site along East Robles Avenue.

Bicycle facilities serving the project site are adequate. Santa Rosa Avenue from Roberts Lake Road to the Santa Rosa city limit is a Class II bikeway. Existing bicycle facilities, together with shared use of minor streets provide adequate access for bicyclists.

Transit facilities serving the project site are adequate. Existing transit routes are adequate to accommodate project-generated transit trips and stops are within acceptable walking distance of the site. The project would relocate the existing bus stop on Santa Rosa Avenue to the north approximately 150 feet to accommodate the driveway so existing transit access would be maintained.

**Significance Level**

Less than Significant Impact

- b) **Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

**Comment**

New State law also requires evaluation of a project's impact on added Vehicle Miles Travels (VMT). The County is currently developing guidelines to implement these new regulations.

**Significance Level**

Less than Significant Impact

- c) **Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Comment**

The project would not increase hazards since it maintains the existing alignment of the roadway, and would not create hazards from incompatible uses.

**Significance Level**

No Impact

**d) Result in inadequate emergency access?**

**Comment**

Development on the site must comply with all emergency access requirements of the Sonoma County Fire Safety Code (Sonoma County Code Chapter 13), including emergency vehicle access requirements. Project development plans are required to be reviewed by a Fire and Emergency Services Fire Inspector during the building permit process to ensure compliance with emergency access issues. Refer to discussion in item 16(d), above.

**Significance Level**

No Impact

## 18. TRIBAL CULTURAL RESOURCES

**a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:**

**i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5030.1(k), or**

**Comment**

As discussed in Section 5, Cultural Resources, above, a Historic Property Survey identified no cultural resources within the project site. Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County. A representative for the Lytton Rancheria Tribe requested consultation and additional information for this project, and requested standard construction monitoring mitigation measures (Mitigation Measure CUL-1, above) which is also included as a Condition of Approval of the project. No other Tribes had comments in response to the referral.

There are no known archaeological resources on the site, but the project could uncover such materials during construction. Mitigation Measure CUL-1 will reduce the impact to less than significant.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure CUL-1, above.

**ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**Comment**

As discussed in 18(a)(i), above, a representative for the Lytton Rancheria Tribe requested additional information for this project. Permit Sonoma staff provided a copy of the Historic Property Survey to the Tribe, and the Tribe requested standard construction monitoring mitigation measures (Mitigation Measure CUL-1, above) which is also included as a Condition of Approval of the project. No other Tribes had comments in response to the referral.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure CUL-1, above.

## 19. UTILITIES AND SERVICE SYSTEMS

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Comment**

The project site is located within the South Park County Sanitation District. The Laguna Subregional Reclamation Facility provides tertiary treatment of wastewater collected from the cities of Santa Rosa, Rohnert Park, Cotati, and Sebastopol, and from the South Park County Sanitation District. The Laguna Plant is currently permitted by the North Coast Regional Water Quality Control Board to treat 19.2 million gallons per day (mgd), average dry weather flow. According to the Housing Element of the Sonoma County General Plan, 0.7 mgd of treatment and disposal capacity has been allocated to the South Park Sanitation District. Current flows from 1,973 connections total 0.365 mgd, leaving 0.365 mgd in available capacity. At an average rate of 170 gallons per unit per day for single family dwellings and 80% of this rate (136 gallons) for multi-family dwellings, available capacity would accommodate 2,147 additional single family dwellings. A larger number of housing units could be served should there be a greater percentage of multi-family dwellings in the district.

**Significance Level**

Less than Significant Impact

- b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Comment**

The Sonoma County Water Agency is the primary provider of potable water in Sonoma County. The City of Santa Rosa Department of Public utilities provides water service to County-approved projects within the service area of the South Park County Sanitation District with approval of a City Utility Certificate. The project is consistent with the City's General Plan—a requirement to obtain a Utility Certificate. The City of Santa Rosa has adequate capacity to provide water for the project.

**Significance Level**

Less than Significant Impact

- c) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Comment**

The City of Santa Rosa has adequate capacity to provide wastewater treatment and disposal for the project. See 10(a) above for more discussion of wastewater treatment capacity.

**Significance Level**

Less than Significant Impact

**d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**Comment**

Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from the proposed project.

However, to further reduce the solid waste disposal footprint, as a condition of approval, the applicant would be required to provide to Permit Sonoma staff a solid waste management plan.

**Significance Level**

Less than Significant Impact

**e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

**Comment**

Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. As discussed above, a solid waste management plan will be required as a condition of approval to ensure compliance with all federal, State, and local regulations related to solid waste.

**Significance Level**

Less than Significant Impact

## **20. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk of that may result in temporary or ongoing impacts to the environment?**
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

**Comment**

As discussed in Section 9, Hazards and Hazardous Materials, above, the project site is in an urbanized area and not located in or near a state responsibility area or on or near lands classified as very high fire severity zones.

**Significance Level**

Less than Significant Impact

## **21. MANDATORY FINDINGS OF SIGNIFICANCE**

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop**

**below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

**Significance Level**

Less than Significant Impact

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

**Significance Level**

Less than Significant Impact

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

**Significance Level**

Less than Significant Impact

**Comment**

It is the conclusion of this initial study that the proposed project would not result in significant adverse environmental impacts with the incorporation of mitigation measures.

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