Attachment 26. Negative Declaration, 2/26/2021

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:	2/26/2021
Public Review Period:	2/26/2021 – 3/30/2021
State Clearinghouse Number:	2021030007
Permit Sonoma File Number:	UPC17-0094
Prepared by:	Crystal Acker
Phone:	(707) 565-8357

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

Project Name:	UPC17-0094; Loe Firehouse (Cannabis Dispensary)
Project Applicant/Operator:	John Lobro, Chief Executive Officer for Loe Firehouse
Project Location/Address:	15499 Arnold Drive, Glen Ellen
APN:	054-130-024
General Plan Land Use Designation:	Limited Commercial (LC)
Zoning Designation:	Limited Commercial, with Scenic Resources – Scenic Corridor and Valley Oak Habitat Combining Districts (LC, SR VOH)
Decision Making Body:	Sonoma County Board of Zoning Adjustments
Appeal Body:	County Board of Supervisors
Project Description:	**See Item III, 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		X
Agricultural & Forest Resources	AG		X
Air Quality	AIR		X
Biological Resources	BIO		X
Cultural Resources	CUL		X
Energy	ENERGY		X
Geology and Soils	GEO		X
Greenhouse Gas Emission	GHG		X
Hazards and Hazardous Materials	HAZ		X
Hydrology and Water Quality	HYDRO		X
Land Use and Planning	LU		X
Mineral Resources	MIN		X
Noise	NOISE		X
Population and Housing	POP		X
Public Services	PS		X
Recreation	REC		X
Transportation	TRANS		X
Tribal Cultural Resources	TCR		X
Utility and Service Systems	UTL		X
Wildfire	FIRE		X
Mandatory Findings of Significance	MFS		X

RESPONSIBLE AND TRUSTEE AGENCIES

Table 2 lists other public agencies whose approval is required for the project, or who have jurisdiction over resources potentially affected by the project.

Table 2. Agencies and Permits Required

Agency	Activity	Authorization
California Bureau of Cannabis Control (BCC)	Storefront Cannabis Retailer	Type 10 storefront retailer License
State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal) SWPPP	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
Bay Area Air Quality Management District (BAAQMD)	Stationary air emissions	Authority to Construct/ Permit to Operate
Sonoma County Fire Prevention Division	Building and infrastructure construction	Sonoma County Fire Safety Ordinance and Hazardous Materials regulations

ENVIRONMENTAL FINDING:

Based on the evaluation in the attached Expanded Initial Study, I find that the project described above will not have a significant adverse impact on the environment.

_____

Prepared by: Crystal Acker, Project Planner 2/26/2021

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Expanded Initial Study

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

I. INTRODUCTION

Loe Firehouse, Inc. proposes to operate a commercial cannabis dispensary including retail storefront and delivery service on a developed commercial parcel, as permitted by the Sonoma County Cannabis Ordinance. 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 Crystal Acker with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Loe Firehouse. Technical studies provided by qualified consultants, other reports, documents, maps and studies referred to in this document are available for review at the Permit and Resource Management Department (Permit Sonoma) or at the following web address: https://share.sonoma-county.org/link/N6akMIfRJd0/.

Please contact Crystal Acker, Planner III, at (707) 565-8357 or crystal.acker@sonoma-county.org for more information.

II. EXISTING FACILITY

The project site is located at 15499 Arnold Drive, in an unincorporated, residential area of Sonoma County, approximately 1.75 miles south of the community of Glen Ellen and about 3 miles northwest of the City of Sonoma (Figure 1). The 0.33-acre site is located in a small cluster of three commercially zoned parcels, and is developed with an existing commercial building. The building was originally constructed as a fire station with a second floor residence. The residence has been maintained, while the first floor has been converted to office space. The site is served by public sewer through the Sonoma Valley County Sanitation District and public water through the Valley of the Moon Water District. Primary access to the project site is from Arnold Drive on the western side of the parcel; the customer parking lot is accessed off Arnold Drive. A secondary entrance for employees and deliveries is located on Madrone Road on the south parcel boundary. The entire parcel is developed, including paved parking areas, a trash enclosure, and landscaping (Figure 2).

III. PROJECT DESCRIPTION

Loe Firehouse, Inc. proposes a commercial cannabis dispensary operation in an existing 3,847-square-foot building. The operation will include 1,891 square feet of on-site retail floor area and delivery service. Storefront dispensary services will be available during regular hours of operation 7:00 am to 7:00 pm Monday through Saturday; closed Sunday. The operator anticipates an average of 150 patrons per day will visit the dispensary. Delivery service trips would occur twice each day during off-peak

operating hours (one in am and one in pm). The operation will have a maximum of five employees on-site per shift, including delivery drivers. Parking for the operation will be provided on-site in two separate lots- a customer lot accessed from Arnold Drive with 12 parking spaces, including one van accessible space, and an employee lot accessed from Madrone Road with 5 spaces, including one van accessible space. See Figure 3. Site Plan for details.

Construction activities for the project will be minimal, consisting of internal tenant improvements to reconfigure the first floor for retail and security operations, and convert the second floor residence to employee support space (office(s), break room, bathroom) and product storage space, as needed. No substantial changes will be made to the external building, besides minor signage, lighting, and accessibility improvements that may be required. Parking lots may be re-configured and re-striped, as needed. Existing landscaping will be maintained. No new landscaping is proposed.

IV. SETTING

The project site is located within a small pocket of commercial uses surrounded by residential areas.

Area Context and Surrounding Land Uses

Direction	Land Uses
North	Art gallery and non-conforming residence in Limited Commercial (LC) zoning; Residential development in High Density Residential (R3) apartments and Low Density Residential (R1) single family dwellings
South	Madrone Road; Single-family residential development in Low Density Residential (R1) and Rural Residential (RR) zoning
East	Rancho Market & Deli in Limited Commercial (LC) zoning; Residential development in High Density (R3) apartments
West	Arnold Drive; Single-family residential development in Rural Residential (RR) zoning; vineyards, open space, oak woodlands

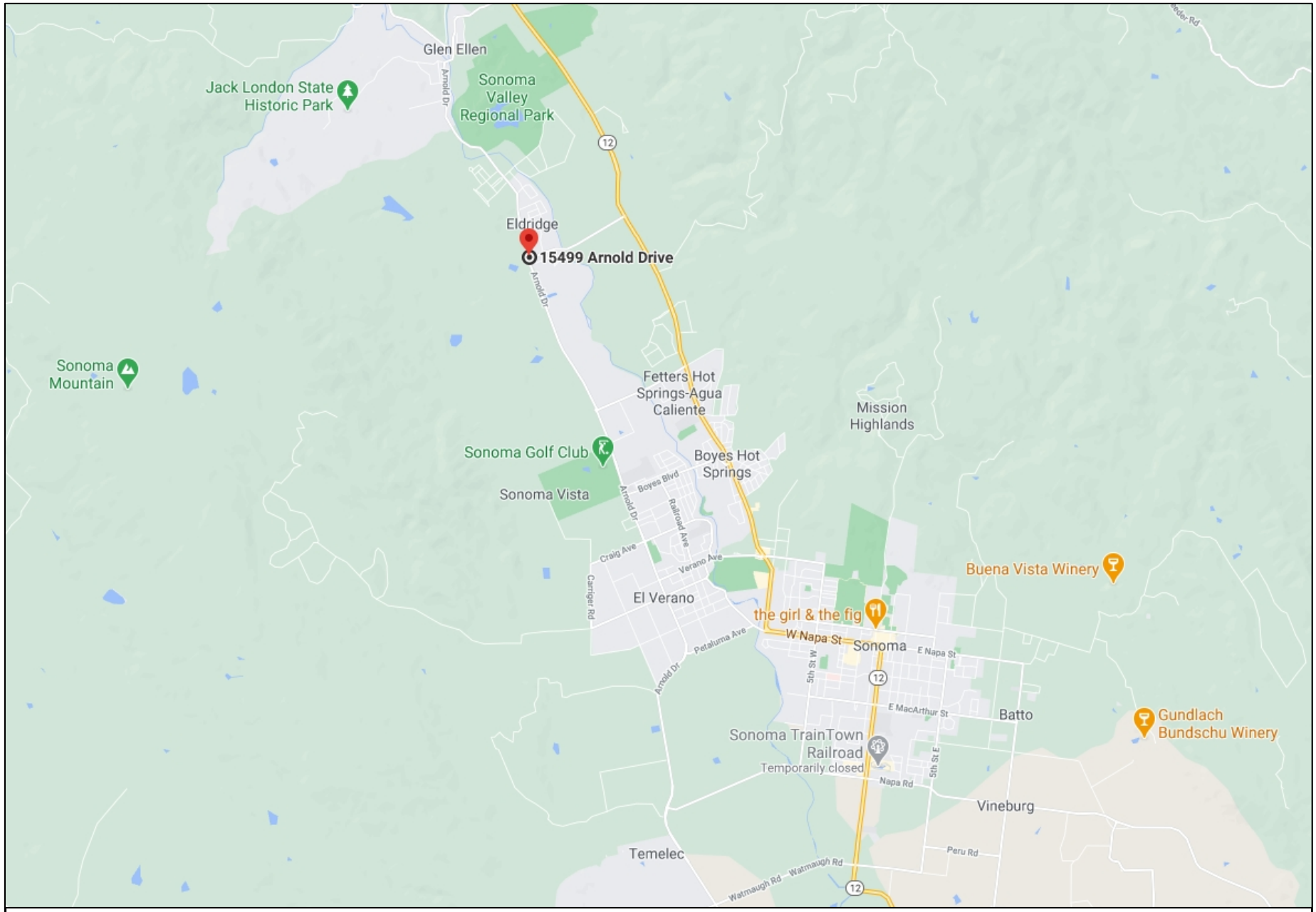
The parcel is within the Sonoma Valley Urban Service Area, and served by public water and sewer.

The General Plan Land Use Designation on the parcel is Limited Commercial. The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class II bikeway (on-street bike lanes for one-way travel on either side of a street) along Arnold Drive; Class II bike lanes are present along Madrone Road in the project area.

Regional access to the project site is primarily from Arnold Drive, which is identified as a Major Collector and Scenic Corridor in the Sonoma County General Plan. The site can also be accessed from State Highway 12 via Madrone Road; Madrone Road is also identified as a Major Collector. A Sonoma County Transit bus stop is present on Arnold Drive immediately north of the project customer driveway entrance. The Sonoma Valley Unified School District also uses the Transit stop as a school bus stop.

According to the Wildland Fire Hazard Area map in the Sonoma County General Plan, the project site is located in a Local Responsibility Area, and is designated as a Moderate Fire Hazard Severity Zone. The site is outside of but adjacent to an area designated as Tier 2 – Elevated on the California Public Utilities Commission Fire Threat Map.

Figure 1. Vicinity Map



15499 Arnold Drive, Glen Ellen
UPC17-0094 Loe Firehouse Dispensary

Figure 1. Vicinity Map

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Figure 2. Aerial Map



15499 Arnold Drive, Glen Ellen
UPC17-0094 Loe Firehouse Dispensary

Figure 2.
Aerial Map

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Figure 3. Site Plan

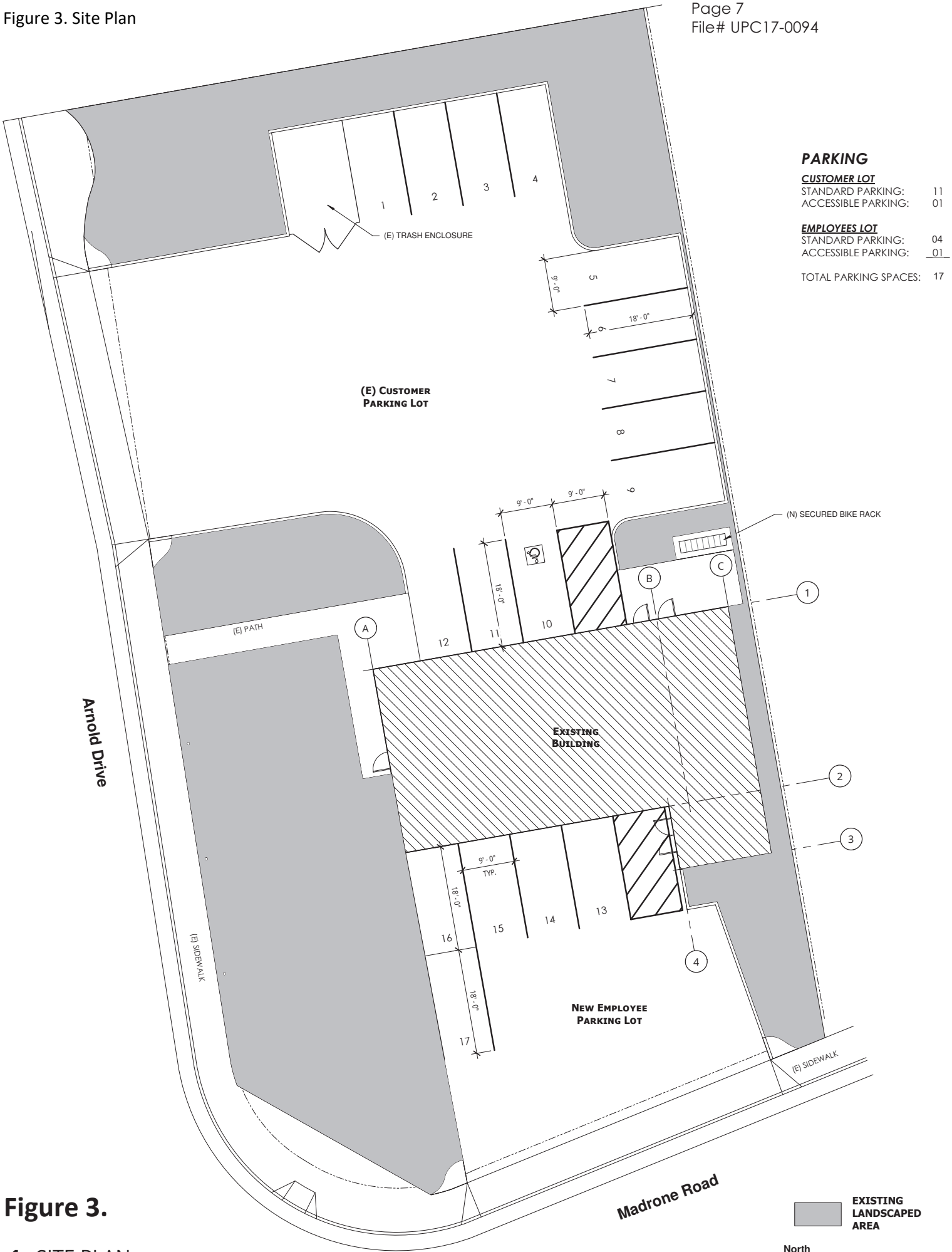


Figure 3.

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V. ISSUES RAISED BY THE PUBLIC OR AGENCIES

Agency Referral

On March 9, 2018, a referral packet was circulated to inform and solicit comments from selected relevant local and state agencies and to special districts and special interest groups that were anticipated to take interest in the project. The project planner has received responses to the project referral from:

- Sonoma County Fire and Emergency Services
- Sonoma County Department of Transportation & Public Works
- Permit Sonoma Project Review Health Specialist
- Sonoma County Environmental Health
- Permit Sonoma Building Plan Check
- Sonoma County Transit

The referral responses included several requests for further information and included recommended draft use permit conditions of approval.

Tribal Consultation Under AB52

Referrals were sent to the following Tribes on November 17, 2020:

- Cloverdale Rancheria of Pomo Indians
- Dry Creek Rancheria Band of Pomo Indians
- Lytton Rancheria of California
- Kashia Pomos Stewarts Point Rancheria
- Federated Indians of Graton Rancheria
- Middletown Rancheria Band of Pomo Indians
- Mishewal Wappo Tribe of Alexander Valley
- Torres Martinez Desert Cahuilla Indians

Consultation was requested by the Federated Indians of Graton Rancheria on December 10, 2020, and was concluded January 21, 2021. The Tribal representative determined a consultation meeting was not necessary, but requested the County add the standard “accidental discovery” condition of approval imposed on all discretionary projects that include ground disturbance in the event that any grading might be conducted related to tenant improvements.

Sonoma Valley Citizens Advisory Commission

On May 23, 2018, the project was reviewed by the Sonoma Valley Citizens Advisory Commission, a joint advisory agency with representation from the County of Sonoma and the City of Sonoma. The Commission discussed a number of topics, including proximity to residential areas, traffic generation, and site security. Commissioners also requested clarifications on the cannabis ordinance and permitting process, since this was the first dispensary application to come before the Commission. Eighteen members of the public provided comments, both in support and in opposition of the proposed project. Concerns expressed were mostly related to potential traffic impacts and security concerns. Supporting comments noted that cannabis had been voter-approved in the county, and that a dispensary in Sonoma Valley would significantly decrease travel for the local community, who currently must drive to Petaluma

or Santa Rosa to obtain legal cannabis products. Ultimately, the project received a 5:4 vote (5 No; 4 Yes), and was not recommended for approval by the Commission.

Public Comments

A neighborhood notification was distributed to residents within 300 feet of the subject property line on December 12, 2017. Public comments on the proposed project have been received, which were subsequently registered to the project file. Issues raised as areas of potential concern include: traffic impacts, loss of on-street parking, and public safety concerns. These comments were not in response to a formal public review period or County action.

VI. OTHER RELATED PROJECTS

There are no operating dispensaries in the Sonoma Valley area or in the City of Sonoma. Two additional applications for cannabis dispensaries have been submitted in the unincorporated Sonoma Valley area- one about 8 miles north in Kenwood and one about 10 miles south near the Highway 116/Highway 121 intersection at Big Bend.

VII. 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 incrementally add 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.

1. AESTHETICS:

Except as provided in Public Resources Code Section 21099, would the project:

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

Comment:
The Sonoma County General Plan does not explicitly identify scenic vistas, but does divide the scenic resources of Sonoma County into three categories: Community Separators, Scenic Landscape Units, and Scenic Corridors. The project site is located in a designated Scenic Corridor for Arnold Drive, which prohibits most new development within the scenic corridor to preserve visual quality, but allows maintenance, reconstruction, and minor expansion of existing structures already located within the corridor. The project proposes only tenant improvements to the existing structure, including interior modification and exterior accessibility improvements. The project site is not located on a scenic hillside, nor would it involve tree removal, grading, or construction that could affect a scenic vista. The project would not result in any impacts to scenic vistas.

Significance Level: No Impact

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

Comment:
The project is not located on or visible from a state scenic highway. The two officially designated state scenic highways in Sonoma County are Highway 12 and Highway 116. The site is not visible from Highway 12, which is about 1 mile to the east. The project would not result in any impacts to scenic resources associated with 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 project site is located in a small pocket of commercial land uses surrounded by residential uses, including both single family dwellings and high density multi-unit buildings. The existing visual character of the area is that of a semi-urbanized residential neighborhood.

No substantial changes will be made to the exterior of the building, besides minor signage, lighting, and accessibility improvements that may be required. Parking lots may be re-configured and re-striped, as needed. Existing landscaping will be maintained. No new landscaping is proposed.

Utilizing the County's Visual Assessment Guidelines, the site sensitivity of the project site would be Moderate, which is a category applied to rural and urban land use designations without an applicable additional scenic resource protection designation, and where the project vicinity is not characterized by full urban development. Although Arnold Drive is a designated Scenic Corridor, resource protections do not apply to existing structures within the corridor or to parcels within an

Urban Service Area. Only minor exterior changes are proposed to the existing building, including signage and additional security lighting, which is required to be fully shielded and downward casting.

Therefore, the project's visual dominance would be Subordinate, applied when proposed project elements would be visible within the project setting, but are not substantially different than the existing condition, and do not attract attention because the project generally repeats the form, line, color, texture, and night lighting of the existing development and surroundings.

Table 1. Thresholds of Significance for Visual Impact Analysis
PRMD Visual Assessment Guidelines

Sensitivity	**Visual Dominance**			
	Dominant	***Co-Dominant***		***Inevident***
Maximum	Significant	Significant	Significant	Less than significant
High	Significant	Significant	Less than significant	Less than significant
	Significant	Less than significant		Less than significant
Low	Less than significant	Less than significant	Less than significant	Less than significant

Based on the project site's Moderate visual sensitivity and the proposed project's Subordinate visual dominance, the project would be considered to have a less than significant effect on the existing visual character or quality of the site and its surroundings.

Significance Level: Less than Significant Impact

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

Comment:
The existing building already has exterior security lighting. The project would install additional security lighting on the Madrone Road facing building exterior for the employee/vendor parking lot. Proposed security lighting at all locations would be fully shielded, downward casting, and motion sensor-controlled to remain off unless needed. Nighttime lighting spillage from security lighting would be minimal. Therefore, the new exterior lighting would not create a new source of substantial light or glare.

Design review, required as a standard use permit condition of approval, includes review of all proposed lighting to ensure such lighting would be compatible with County design and development standards and with the surrounding area.

Significance Level: Less than Significant Impact

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:
According to the California Department of Conservation's Sonoma County Important Farmland Map, the project site is designated as Urban and Built-Up Land (DOC 2016). Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

Significance Level: No Impact

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

Comment:
The parcel is zoned Limited Commercial and is not subject to a Williamson Act Land Conservation Act Contract. Therefore, the project would not conflict with existing zoning for agricultural use, or with 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 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Comment:
The project site is not in a Timberland Production zoning district, and no commercial timberland is present. Therefore, the project would not conflict with or cause rezoning of forest land or timberland zoned Timberland Production.

Significance Level: No Impact

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

Comment:
The project would not be located on land utilized or zoned for forest land, timberland, or timber

production. Therefore, the project would not result in the loss or conversion 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. The property, itself, is not agriculturally zoned, nor are any immediately surrounding properties. The proposed dispensary project does not include residential development that might result in a nuisance conflict with nearby agricultural uses.

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 located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD) and within the San Francisco Bay Area Air Basin. According to California standards, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for particulate matter 2.5 microns or less in diameter ($PM_{2.5}$), particulate matter 10 microns or less in diameter (PM_{10}), and ozone. Under national standards, the San Francisco Bay Area Air Basin is currently designated as nonattainment for $PM_{2.5}$ and 8-hour ozone. The Air Basin is in attainment (or unclassified) for all other air pollutants (BAAQMD 2020).

The BAAQMD's 2017 Clean Air Plan (BAAQMD 2017a) is the applicable air quality plan for the San Francisco Bay Area Air Basin. The 2017 Clean Air Plan contains 85 individual control measures in nine economic sectors: stationary (industrial) sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants. Many of these control measures require action on the part of the BAAQMD, the California Air Resources Board (CARB), or local communities, and are not directly related to the actions undertaken for an individual development project. The project would not prevent the BAAQMD from implementing these actions and none apply directly to the project. The project size would be well below emission threshold screening levels for ozone precursors (see discussion in 3.b below). As a result, the project would not conflict with or obstruct implementation of the 2017 Clean Air Plan.

Significance Level: No 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:
As summarized in Item 3.a above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for $PM_{2.5}$, PM_{10}, and ozone under State standards. Under national standards, the San Francisco Bay Area Air Basin is currently designated as nonattainment for $PM_{2.5}$ and 8-hour ozone. The Air Basin is in attainment (or unclassified) for all other air pollutants (BAAQMD 2020). Based on the current Air Basin designations, the non-attainment pollutants of concern are ozone, PM_{10}, and $PM_{2.5}$.

The BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites. For projects that are mixed-use, infill, and/or proximate to transit service and local services, emissions would be less than the greenfield type project that these screening criteria are based on.

The BAAQMD did not include cannabis dispensaries as a land use type in their screening criteria; however, a similar use can be applied. The operational criteria pollutant screening size for a pharmacy or drug store type of land use is 48,000 square feet; screening size for other retail land uses, such as a supermarket or discount store, range from 42,000 to 76,000 square feet. The project would include 1,891 square feet of retail floor area in an existing 3,847-square-foot building. The project size is considerably smaller than the BAAQMD's operational criteria pollutant and precursor screening level, and would not result in substantial long-term operational emissions of criteria air pollutants. Therefore, the project's contribution to a cumulative nonattainment criteria pollutant impact would be less than significant.

The project would generate some criteria pollutants, primarily from new vehicle trips. A Traffic Impact Study prepared by W-Trans (July 24, 2018; Amended January 4, 2021) found that the project is expected to generate an average of 301 vehicle trips per day, which translates to an average of 25 trips per hour. This increase in vehicle trips would be far below the BAAQMD screening criteria for ROG and NOx, and would not result in substantial new traffic which could result in substantial emissions of ozone precursors (ROG and NOx).

The BAAQMD screening analysis for a carbon monoxide hotspot is whether a project would increase traffic volumes at a nearby intersection to more than 44,000 vehicles per hour. Traffic counts available for Arnold Drive, collected approximately 800 feet to the north of the project site in June of 2014, indicate that Arnold Drive supported 8,050 average daily trips in the project area. Traffic counts available for Madrone Road collected about 3,500 feet to the east in July of 2014, indicate that Madrone Road supported 3,714 average daily trips in the project area. Both of these daily trip numbers would equate to an hourly vehicle count far below the screening level, and the addition of 25 hourly project trips would not be enough to approach the 44,000-vehicle-per-hour threshold. Therefore, no carbon monoxide hotspot exists in the project area.

Emissions of particulate matter from vehicle exhaust are lower than NOx emissions and are subject to higher significance thresholds; therefore, the significance thresholds for exhaust PM_{10} and $PM_{2.5}$

would also be complied with.

Significance Level: Less than Significant

c) Expose sensitive receptors to substantial pollutant concentrations?

Comment:
Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The nearest schools, Hanna Boys Center and Altamira Middle School, are about 2 miles to the south, and there are many residences in the immediate area. However, as described above, the project would not generate substantial pollutant concentrations. Therefore, exposure of nearby sensitive receptors to project-generated pollutants would be less than significant.

Significance Level: Less than Significant

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

Comment:
Cannabis dispensaries are not listed as an odor generating land use in the BAAQMD CEQA Air Quality Guidelines (BAAQMD 2017b); however, cannabis odors can occur from such facilities if not properly managed. Outdoor cultivation operations typically generate the strongest cannabis odors. The project would not include any cultivation. The project would be required to comply with the following Operating Standard for commercial cannabis dispensaries contained in County Zoning Code Section 26-88-256(g)(7):

"An exhaust and ventilation system shall be utilized to prevent off-site odors."

Packaged cannabis products typically do not produce strong odors. However, implementation of odor controls and adherence to the County's Zoning Code is mandatory. The project proposes to install carbon filters in the existing building ventilation system to ensure that no odor is detectible at any property boundary. Therefore, any odor impacts would be reduced to a less than significant level.

Significance Level: Less than Significant

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.

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 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 fish or wildlife." Such an act "may 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.

Critical Habitat

Critical habitat is a term defined in the FESA 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 FESA requires federal agencies to consult with 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, whether or not those lands are occupied by the subject species. In many cases, this level of protection is similar to that already provided to species by the FESA jeopardy standard (which is applied to ensure that a federal action would not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat).

Essential Fish Habitat

Essential Fish Habitat (EFH) is regulated through by NOAA Fisheries. Protection of Essential Fish Habitat is mandated through changes implemented in 1996 to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to protect the loss of habitat necessary to maintain sustainable fisheries in the United States. The Magnuson-Stevens Act defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" [16 USC 1802(10)]. NOAA Fisheries further defines EFH as areas that "contain habitat essential to the long-term survival and health of our nation's fisheries" EFH can include the water column, certain bottom types such as sandy or rocky bottoms, vegetation such as eelgrass or kelp, or structurally complex coral or oyster reefs. Under regulatory guidelines issued by NOAA Fisheries, any federal agency that authorizes, funds, or undertakes action that may affect EFH is required to consult with NOAA Fisheries (50 CFR 600.920).

The Migratory Bird Treaty Act of 1918 (MBTA)

The U.S. 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 U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. 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 U.S. may require an Individual Permit. Projects that only minimally affect waters of the U.S. may meet the conditions of one of the 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 U.S. 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 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.

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.

Non-Game Mammals

Sections 4150-4155 of the CFGC protects non-game mammals, including bats. Section 4150 states "A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission." The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under the CFGC.

California Fully Protected Species and Species of Special Concern

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.

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. 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."

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 contains policies to protect natural resource lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors.

Riparian Corridor (RC) Combining Zone

The RC combining zone (Zoning Code Sec. 26-65) 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.

Biotic Habitat (BH) Combining Zone

The BH combining zone (Zoning Code Sec. 26-66) is established to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values and to implement the provisions of the General Plan Open Space and Resource Conservation Element, Area Plans and Specific Plans. Protection of these areas helps to maintain the natural vegetation, support native plant and animal species, protect water quality and air quality, and preserve the quality of life, diversity and unique character of the County.

Valley Oak Habitat (VOH) Combining District

The VOH combining district (Zoning Code Sec. 26-67) is established to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of General Plan 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 (Zoning Code Sec. 26-88-010 (m)) establishes policies for protected tree species in Sonoma County. Protected trees are defined (Zoning Code 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.

Project Analysis

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?

Comment:
The project parcel is fully developed with a commercial building, paved parking areas, and landscaping. The site is not located within or near a critical habitat area or the regulatory Santa Rosa Plain. There are no sensitive habitats or wildlife movement corridors within or adjacent to the project site. No impacts to special status species or their habitat would occur as a result of the project.

Significance Level: No Impact

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:
The project parcel is fully developed with a commercial building, paved parking areas, and landscaping. There are no sensitive habitats within or adjacent to the project site. No impacts to riparian habitat or sensitive natural communities would occur as a result of the project.

Significance Level: No Impact

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?

Comment:
The project parcel is fully developed with a commercial building, paved parking areas, and landscaping. There are no wetland habitats within or adjacent to the project site. No impacts to wetlands would occur as a result of the project.

Significance Level: No Impact

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 parcel is fully developed with a commercial building, paved parking areas, and landscaping. No wildlife corridors (e.g., stream channels, protected open space) or wildlife nursery sites (e.g., rookeries, barns, communal nesting areas) occur within or adjacent to the project site.

Existing trees along the Arnold Drive road frontage could provide nesting habitat for birds. No tree removal is proposed. The project would have no impact on wildlife corridors or nursery sites.

Significance Level: No Impact

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

Comment:
The project site is not located in an area with a special resource protection designation (e.g., VOH-Valley Oak Habitat, RC- Riparian Corridor) and no tree removal is proposed. Therefore, the project would not conflict with any local resource protection policies or ordinances. No impact would occur.

Significance Level: No Impact

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:
Habitat conservation plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. There are no adopted habitat conservation plans or natural community conservation plans covering the project area, nor is the project site located in the Santa Rosa Plain. Therefore, the proposed project would not be subject to any habitat conservation plan or natural community conservation plan and would not conflict with any such plans.

Significance Level: No Impact

5. CULTURAL RESOURCES:

Would the project:

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

Comments:
The existing building was constructed in 1985 and has no historical resource significance.

Significance Level: No Impact

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

Comment:
There are no known archaeological resources on or near the project site. The project does not include any new construction or ground disturbance that could disturb undiscovered buried archaeological resources. No impact would occur.

Significance Level: No Impact

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

Comment:
No human remains are known to exist within the project area. The project does not include any new construction or ground disturbance that could result in the disturbance of previously unrecorded human remains.

Significance Level: No Impact

6. ENERGY:

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

Comment:
The project does not include any new construction except minor internal tenant improvements. Operation of the dispensary will result in energy use similar to any retail facility, including powering of lighting, heating/cooling systems, temperature-controlled product storage, and breakroom appliances. Therefore, impacts due to energy consumption would be less than significant.

Significance Level: Less than Significant Impact

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

Comment:
In 2003, the California Energy Commission (CEC), the California Power Authority, and the California Public Utilities Commission (CPUC) jointly adopted an Energy Action Plan (EAP) that listed goals for California's energy future and set forth a commitment to achieve these goals through specific actions (CEC 2003). In 2005, the CEC and CPUC approved the EAP II, which identified further actions to meet California's future energy needs, mainly focused on the energy and natural gas sectors (CEC 2005). Additionally, the CEC also prepared the State Alternative Fuels Plan in partnership with the California Air Resources Board and in consultation with the other state, federal, and local agencies. The alternative fuels plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production (CEC 2007).

Operation of the dispensary will result in energy use similar to any retail facility, including powering of lighting, heating/cooling systems, temperature-controlled product storage, and breakroom appliances. No conflicts with a state or local plan for renewable energy or energy efficiency have been identified.

Significance Level: No Impact

7. GEOLOGY AND SOILS:

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

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: No 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. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that could occur during a seismic event. However, 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. Standard conditions of approval require that building permits be obtained for all construction (including internal tenant improvements and changes of occupancy) and that the project meet all standard seismic and soil test/compaction requirements. Therefore, the potential impact from strong seismic ground shaking would be less than significant.

Significance Level: Less than Significant Impact

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 ground failure. Areas of Sonoma County most at risk of liquefaction are along San Pablo Bay and in alluvial valleys. According to the General Plan Public Safety Element Liquefaction Hazard Areas Map (Figure PS-1c), the project site is located in a Medium Liquefaction Hazard Area (as opposed to High or Very High). As stated above, structures are subject to engineering standards of the California Building Code, which require that the project meet all standard seismic and soil test/compaction requirements. Therefore, the potential impact from

liquefaction would be less than significant.

Significance Level: Less than Significant Impact

iv. Landslides?

Comment:
Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials, landslides are a hazard. The project is located in a minimal slope area. According to the General Plan Public Safety Element Landslide Hazard Areas Map (Figure PS-1d), the project site has a Slope Class of 0 and is not located in a designated Landslide Hazard Area.

Significance Level: No Impact

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

Comment:
The project does not include any new construction involving grading or ground disturbance. Therefore, there would be no project impact from loss of topsoil or soil erosion.

Significance Level: No Impact

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 not located within a High or Very High Liquefaction Hazard Area or a designated Landslide Hazard Area. The project site is generally flat. Therefore, the potential impact from landslides or liquefaction would be less than significant.

Significance Level: Less than Significant Impact

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. According to the National Resources Conservation Service, soils on the project site consist of Huichica loam 2-9% slopes, a soil which has a moderate shrink-swell potential. Structures are subject to engineering standards of the California Building Code, which require that the project meet all standard seismic and soil test/compaction requirements. The existing building was legally permitted and constructed in compliance with Building Code Standards. Therefore, no substantial risks to life or property would result from the soil expansion potential at the project site.

Significance Level: No Impact

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 site is served by public sewer.

Significance Level: No Impact

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

Comment:
The project does not include any new construction involving grading or ground disturbance. Therefore, there would be no project impact to paleontological resources or geologic features.

Significance Level: No Impact

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 Bay Area Air Quality Management District (BAAQMD) has adopted a significance threshold of 1,100 metric tons of carbon dioxide equivalent ($C0_2e$) per year or compliance with a qualified GHG Reduction Strategy for operational impacts for land use projects (California Environmental Quality Act Air Quality Guidelines May 2017). Emissions are caused by natural gas combustion, electricity use, on-road vehicles, water use, wine fermentation, carbon sequestration, and existing emissions. The BAAQMD does not include a threshold of significance for construction-related GHG emissions; however, the project does not include any new construction.

As discussed in Air Quality Sections 3.a and 3.b, the proposed project would be much smaller in scale than other screened land uses and would be well below the emission threshold for greenhouse gases. The operational GHG screening size for a pharmacy or drug store type of land use is 10,000 square feet of new greenfield construction; screening size for other retail land uses, such as a supermarket or discount store, range from 8,000 to 15,000 square feet of new construction. The project would include 1,891 square feet of retail floor area in an existing 3,847-square-foot building. Given this, the project is anticipated to be well below the GHG significance threshold of 1,100 metric tons of $C0_2e$ per year.

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 adopted a Climate Change Action

Resolution (May 8, 2018) which resolved to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050, and noted twenty strategies for reducing GHG emissions, including increasing carbon sequestration, increasing renewable energy use, and reducing emissions from the consumption of good and services. The project has proposed to incorporate many GHG reduction strategies, including: energy efficient LED lighting, unplugging and turning off equipment and computers when not in use, regulation of building temperature control settings, replacement of HVAC equipment over time as existing units fail with zero chlorofluorocarbon-based refrigerant, addition of 4 bicycle parking spaces and gear storage for employees to encourage alternative transportation, promotion of employee carpooling and ridesharing programs, and implementation of a local hiring program.

By incorporating multiple GHG reduction strategies, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Significance Level: No 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:
The proposed dispensary operation would not include routine transport, use, or disposal of hazardous materials.

Significance Level: No 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:
The project includes only minor interior tenant improvements, which could involve the use of small amounts of paints, solvents, and other materials commonly used in construction. Regular dispensary operation would not include transport, use, or disposal of hazardous materials.

Proper use of materials in accordance with local, State, and federal requirements, and as required in the construction documents, would minimize the potential for accidental releases or emissions from hazardous materials. Caltrans and the California Highway Patrol regulate the transportation of hazardous materials and wastes, including container types and packaging requirements, as well as licensing and training for truck operators, chemical handlers, and hazardous waste haulers. The California Division of Occupational Safety and Health (Cal-OSHA) enforces hazard communication program regulations which contain worker safety training and hazard information requirements, such as procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees.

Because the applicant and its contractors would be required to comply with existing and future hazardous materials laws and regulations addressing the transport, storage, use, and disposal of hazardous materials, the potential to create a significant hazard from accidental conditions would be less than significant.

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:
No existing or proposed schools are located within one-quarter mile of the project site. The nearest schools, Hanna Boys Center and Altamira Middle School, are about 2 miles to the south.

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:
There are no known hazardous materials sites within or adjacent to the project limits, based on a review of the following databases (commonly known as the Cortese List) on November 16, 2020.

1. The State Water Resources Control Board Geotracker database,
2. The California Department of Toxic Substances Control EnviroStor database (formerly known as Calsites), and
3. The CalRecycle Solid Waste Information System (SWIS).

The closest hazardous materials site on record is a LUST (Leaking Underground Storage Tank) site associated with a former market and gas station. The site is located approximately 1,700 feet to the north at 15195 Arnold Drive. The LUST site status is closed after cleanup was completed in 2017.

Significance Level: No 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 closest pubic use airport - Sonoma Skypark - is about 7 miles to the southeast. The project site is not within the Airport Referral Area or within a land use compatibility safety zone for that airport, as designated by the Sonoma County Comprehensive Airport Land Use Plan. The project would not expose employees or customers to aircraft-related safety hazards or excessive aircraft noise.

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. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section 17 - Transportation, for further discussion of emergency access and project traffic.

Significance Level: No Impact

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

Comment:
According to the Wildland Fire Hazard Area Map (Figure PS-1g) in the Sonoma County General Plan, the project site is located in the Local Responsibility Area and in an area designated as a Moderate Fire Hazard Severity Zone. The site is outside of but adjacent to an area designated as Tier 2 – Elevated on the California Public Utilities Commission Fire Threat Map. Moderate Zones are generally located in grasslands and valleys, away from significant forested or chaparral wildland vegetation, as is the case with the project site. The project would be required to comply with County Code Fire Safe Standards (Chapter 13). Therefore, the project would not be likely to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Significance Level: Less than Significant 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 ground water quality?

Comment:
The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. All operations will occur within an existing structure served by public water. No waterways are present on-site or in the vicinity. Project operations would have no impact on surface water or groundwater resources in the area.

Significance Level: No Impact

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

Comment:
The project site is served by public water and will not use groundwater.

Significance Level: No 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:
The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operations would not result in increased erosion or siltation.

Significance Level: No Impact

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

Comment:
The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operations would not result in increased surface runoff or flooding.

Significance Level: No Impact

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:
The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operations would not result in increased surface runoff.

Significance Level: No Impact

iv. Impede or redirect flood flows?

Comment:
The project site is located within a 100-year flood hazard area. The project does not include any construction involving grading or ground disturbance and would not create new impervious surfaces. No changes would occur to existing drainage patterns. Project operations would not impede or redirect flood flows.

Significance Level: No Impact

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

Comment:

The project site is not located within a 100-year flood hazard area or in an area that would be subject to flooding as a result of a levee or dam failure (Sonoma County General Plan Figure PS-1f). The project site is not located near a large isolated body of water that may be affected by a seiche, or within an area mapped as being at risk to tsunamis.

Significance Level: No Impact

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

Comment:
No conflicts with a water quality control plan have been identified. The project will not use groundwater and would have no impact on groundwater management.

Significance Level: No Impact

11. LAND USE AND PLANNING:

Would the Project:

a) Physically divide an established community?

Comment:
The proposed project would not physically divide a community. The project would 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. No impact would occur.

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 General Plan Land Use designation is Limited Commercial and the base Zoning District is also Limited Commercial. The proposed dispensary use is compatible with General Plan policies and Zoning Code requirements for commercial areas. The project site is not located within the boundaries of an area or specific plan.

The project site is located on Arnold Drive, which is a designated Scenic Corridor in the General Plan. Most structures located within Scenic Corridors established outside of Urban Service Areas are subject to setback requirements. However, Scenic Corridor policies are intended to protect rural scenic resources, and do not apply to existing structures within the corridor, or to areas which are also in an Urban Service Area, since these areas are allowed a higher degree of urban development. The use is within an existing building and the parcel is within an Urban Service Area boundary; therefore, Scenic Corridor structural setbacks do not apply.

The site is also located within a designated Valley Oak Habitat protection area. However, no valley

oak habitat occurs on the parcel and no tree removal is proposed by the project.

The project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Significance Level: Less than Significant 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 Sonoma County Aggregate Resources Management Plan (Sonoma County 2010) identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist). The project site is not located within a designated mineral resource deposit area (Sonoma County 2010), or within an area classified as MRZ-2 in the California Geologic Survey Special Report 205 (CGS 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 zoned MR (Mineral Resources), and is not located within a locally-important mineral resource recovery site. No locally-important mineral resources are known to occur at the site.

Significance Level: No Impact

13. NOISE:

Would the project result in:

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:
County noise standards for non-transportation operational noise are provided in Table NE-2 of the General Plan (Table 2 below). These thresholds may be adjusted based on site-specific conditions, such as a very high or very low ambient noise level, specific types of noise (e.g., dog barking, simple tone noises), or short-term noise sources permitted to occur no more than six days per year (e.g., concerts, special events).

Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The nearest schools, Hanna Boys Center and Altamira Middle School, are about 2 miles to the south; however, there are many residences in the immediate area. Dispensaries, and retail in general, are not noise-generating uses, and all storefront operations will occur inside the existing commercial building. Proposed hours of operation for the dispensary are 7:00 am to 7:00 pm when ambient traffic noise from Arnold Drive would also be occurring. No nighttime operations would occur. No operational noise impacts are anticipated.

Table 2. Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2 from General Plan)

Hourly Noise Metric[1] (dBA)		
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60
[1]The sound level exceeding n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.		

Neither the General Plan, nor the County Code establishes any noise thresholds or standards for transportation-related noise; therefore, transportation-related noise would not exceed standards.

Significance Level: Less than Significant Impact

b) Generation of excessive groundborne vibration or noise levels?

Comment:
The project does not include construction activities involving grading or the use of heavy equipment. Construction is limited to interior tenant improvements. The project would not generate any groundborne vibrational noise.

Significance Level: No Impact

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 within an Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan, or within two miles of a public airport. People residing or working in the project area would not be exposed to excessive aircraft noise. No Impact would occur.

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 proposed project does not involve the construction of new housing. The project would create a modest demand for new employees (approximately five new full-time employment opportunities). The increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of Sonoma County. Therefore, the project is not anticipated to induce substantial population growth. No new infrastructure is proposed. Therefore, the project would not induce substantial population growth.

Significance Level: Less than Significant Impact

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

Comment:
The project proposes to convert the existing second floor apartment to employee support space to comply with zoning code, which disallows residential dwelling units within the same premise as a cannabis dispensary. Conversion if this single unit would not displace substantial numbers of existing people.

Significance Level: Less than Significant 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:

Comment:
The proposed project does not involve the construction of new housing. The project would create a modest demand for new employees (approximately five new full-time employment opportunities). The increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of Sonoma County. Therefore, the proposed project would not require construction of new or physically altered governmental facilities. No impact would occur.

Significance Level: No Impact

i. Fire protection?

Comment:

The proposed project is within the service area of the Glen Ellen Fire Protection District. Although the project would increase employment opportunities (approximately five full-time employees), it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Therefore, the increased demand for fire protection would be small. The County Fire and Emergency Services Department reviewed the project referral and provided conditions of approval to comply with the County Fire Safe Ordinance, including fire protection methods such as alarm systems, extinguishers, vegetation management, emergency water supply for fire protection, hazardous materials management and management of flammable or combustible liquids and gases. None of the conditions required construction of new or expanded fire protection facilities. Therefore, the project would not necessitate or facilitate construction of new fire protection facilities in order to maintain acceptable service ratios or response times.

Significance Level: Less than Significant Impact

ii. Police?

Comment:
The Sonoma County Sheriff would continue to serve the project area. No housing or residential units would be constructed as part of the project. Although the project would increase employment opportunities (approximately five full-time employees), it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Additionally, the project would be required to comply with the security development standard for commercial cannabis cultivation facilities contained in County Zoning Code Section 26-88-256(g)(2), including implementation of a site security plan. The project would not necessitate or facilitate construction of new police protection facilities resulting in environmental impacts in order to maintain acceptable service ratios or response times.

Significance Level: Less than Significant Impact

iii. Schools?

Comment:
No housing or residential units would be constructed as part of the project. Although the project would increase employment opportunities (approximately five full-time employees) it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Therefore, the project would not introduce new school age children in the project area, and would not necessitate or facilitate construction of new schools resulting in environmental impacts.

Significance Level: No Impact

iv. Parks?

Comment:
No residential units would be included in the project that would require the payment of parkland development fees. The proposed project does not involve the construction of new housing, which is the typical type of development that requires expansion of recreational facilities. Although the project would increase employment opportunities (approximately five full-time employees), it is

anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Given the number of existing park and recreational options available in the project vicinity, the existing park facilities would be adequate and the project would not necessitate or facilitate construction of new parks resulting in environmental impacts.

Significance Level: No Impact

v. Other public facilities?

Comment:
The project parcel is served by public sewer and water. However, the operation is not anticipated to result in an increase in water or sewer demand requiring construction of new municipal facilities. No other public facilities are anticipated to be required as a result of the project.

Significance Level: No Impact

16. RECREATION:

Would the project:

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:
No housing or residential units would be constructed as part of the proposed project. The project would create a modest demand for new employees (approximately five new full-time employment opportunities). The new employees may use nearby park facilities, such as Sonoma Valley Regional Park. However, the increase in the number of employees would be small, and would not be expected to contribute noticeably to the deterioration of recreational facilities. Therefore, 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: No 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 proposed project does not involve or require the construction of recreational facilities. The proposed project does not involve the construction of new housing, which is the typical type of development that requires expansion of recreational facilities. No impact would occur.

Significance Level: No Impact

17. TRANSPORTATION:

Would the project:

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

Comment:
The operator anticipates an average of 150 patrons per day will visit the dispensary. Delivery service trips would occur twice each day during off-peak operating hours (one in am and one in pm). The operation will have a maximum of five employees on-site per shift, including delivery drivers.

A Traffic Impact Study was conducted for the project (W-Trans, July 24, 2018; Amended January 4, 2021). As required by Sonoma County General Plan policies for the Sonoma Valley, the study evaluated the need for intersection improvements at the Arnold Drive/Madrone Road intersection, longer left-turn lanes on Arnold Drive and/or Madrone Road, and dedicated left-turn lanes at project driveways, and determined that none are warranted.

A Sonoma County Transit bus stop is present on Arnold Drive immediately north of the project customer driveway entrance. The existing bus stop does not have a passenger shelter. As required by Condition of Approval, the project will construct a concrete pad adjacent to the existing sidewalk at the bus stop to allow installation of a future shelter. The project will not conflict with existing or proposed transit facilities.

The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class II bikeway (on-street bike lanes for one-way travel on either side of a street) along Arnold Drive; Class II bike lanes are present along Madrone Road in the project area. The project includes installation of 4 bicycle parking spaces to encourage bicycle transportation. Currently, bicyclists ride in the travel lane on Arnold Drive, and could continue to do so post-project. The project does not propose new construction which could interfere with future road widening to accommodate bike lanes, and therefore, would not conflict with proposed bicycle facilities.

Pedestrian sidewalks exist along the entire property road frontage. Sidewalks continue along Madrone Road through adjacent residential areas. Conditions of Approval require correction of all identified accessibility deficiencies (such as sidewalk warps at driveways and pedestrian ramp replacement). The sidewalk on Arnold Drive ends at the bus stop at the northern property boundary. The project will also construct a sidewalk barricade at the northerly end of the sidewalk on Arnold Drive to improve pedestrian safety.

Project traffic is expected to have a less than significant impact on the traffic circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Significance Level: Less than Significant Impact

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Comment:
Senate Bill (SB) 743 established a change in the metric to be applied to determining transportation

impacts associated with development projects from a delay-based analysis associated with Level of Service (LOS) to an increase in Vehicle Miles Traveled (VMT). VMT refers to the amount and distance of automobile travel attributable to a project. The change to VMT was formally adopted as part of updates to the CEQA Guidelines on December 28, 2018, and took effect July 1, 2020. Agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The County of Sonoma has not yet adopted specific VMT policies or thresholds of significance. However, the Governor's Office of Planning and Research (OPR) has released technical advisory recommendations (OPR 2018) regarding the assessment of VMT.

The OPR Technical Advisory indicates that retail projects should generally be analyzed by examining total VMT, with an increase in total regional VMT being considered a significant impact. In the Technical Advisory section outlining project screening, OPR indicates that local-serving retail may be presumed to have a less than significant VMT impact and can generally be screened from further VMT analysis. OPR based this presumption on substantial research demonstrating that adding local-serving retail uses typically improves destination accessibility to customers, often reducing trip distances (i.e., the "miles" in vehicle miles traveled) since customers need to travel shorter distances than they previously did. The total demand for retail in a region also tends to hold steady; adding new local-serving retail typically shifts trips away from another location rather than adding entirely new shopping trips to the region. OPR cites a size of 50,000 square feet or greater as being a potential indicator of regional-serving retail (versus local-serving), which would typically require a quantitative VMT analysis.

Given the proposed dispensary's location in Sonoma Valley area as well as the proposed delivery service, further consideration was given to how the use could affect regional travel. A key component of this effort is to assess how far customers in surrounding areas must currently drive to reach a dispensary. As there are currently no dispensaries in Sonoma Valley or the City of Sonoma, customers from the lower Sonoma Valley, including the City of Sonoma, would need to drive a substantially shorter distance to reach a dispensary with the proposed project than is currently the case. Further, the delivery service would result in one round trip for numerous deliveries rather than individual trips for each customer. The project would therefore be expected to lead to a reduction in regional VMT. Based on this finding, and consistent with OPR's guidance on local-serving retail, the project is expected to have a less than significant VMT impact.

Significance Level: Less than Significant Impact

c) Substantially increase hazards due to a 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 alignments of Arnold Drive and Madrone Road. Existing sight distances from the project driveways on Arnold Drive and Madrone Road were determined to be adequate (W-Trans 2018). Based on the posted speed limit of 25 mph on Madrone Road, the minimum stopping sight distance needed is 155 feet. Sight lines at the driveway on Madrone Road extend west to the all-way stop-controlled intersection of Arnold Drive/Madrone Road and while this is only about 100 feet from the driveway, speeds would be less than 25 miles per hour as drivers stop and then turn into eastbound Madrone Road, so the available sight lines are adequate. Looking west along Madrone Road, sight lines are clear for more than 400

feet. Stopping sight distance at the Arnold Drive access was evaluated based on a 35-mph posted speed limit. Drivers exiting the project driveway on Arnold Drive have clear sight lines that extend about 130 feet to just past the Arnold Drive/Madrone Road intersection to the south, which is less than the required amount for the posted speed limit but is adequate for the actual speed of traffic coming out of the stop-controlled intersection. To the north, sight lines extend up to 250 feet north along Arnold Drive which is adequate for drivers approaching at the posted 35-mph speed limit, although drivers would actually be traveling at a lower speed due to proximity to the stop-controlled intersection. The potential for hazards due to a design feature would be less than significant.

Significance Level: Less than Significant 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 (including internal tenant improvements and changes of occupancy) are required to be reviewed by a Department of Fire and Emergency Services Fire Inspector during the building permit process to ensure compliance with emergency access standards.

Significance Level: Less than Significant Impact

18. TRIBAL CULTURAL RESOURCES:

Would the project:

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 5020.1(k), or

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 section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Comment:
No Tribal cultural resources have been identified through the referral process (project referrals sent to Tribes 4/2/2018 and 11/17/2020). Consultation was requested by the Federated Indians of Graton Rancheria on December 10, 2020, and was concluded January 21, 2021. The Tribal representative determined a consultation meeting was not necessary, but requested the County add the standard “accidental discovery” condition of approval imposed on all discretionary projects that

include ground disturbance in the event that any grading might be conducted related to tenant improvements:

> In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff will notify and consult with the culturally affiliated tribal representative from tribes known to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a Permit Sonoma Project Review staff person, tribal representatives, and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma will consult with the tribe(s) on the mitigation/protection plan and provide appropriate time for review and comment. No work shall commence until a protection/ mitigation plan is reviewed and approved by Permit Sonoma and agreed to by Tribe(s). Measures may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.
>
> If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a ''Most Likely Descendant'' can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed.

The project proposes only interior tenant improvements with no new construction or grading. No impacts to Tribal cultural resources are anticipated.

Significance Level: No Impact

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, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Comment:
All services are already present at the project site. The existing commercial building is already served by public sewer through the Sonoma Valley County Sanitation District, public water through the Valley of the Moon Water District, electrical power through various providers, and telecommunications. No expansion of any public services would be required.

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 existing commercial building is already provided public water through the Valley of the Moon Water District. The Water District has provided a Will Serve letter for the project, indicating they have sufficient water supply to continue to serve the project into the foreseeable future.

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 existing commercial building is already served by public sewer through the Sonoma Valley County Sanitation District. The proposed dispensary operation will employ approximately five full time employees, which is not anticipated to exceed the capacity of the wastewater disposal system.

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 solid waste that would result from the proposed project.

Significance Level: Less than Significant Impact

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

Comment:
No applicable federal solid waste regulations would apply to the project. At the State level, the Integrated Waste Management Act mandates a reduction of waste being disposed and establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. Sonoma County has access to adequate permitted landfill capacity and reduction, reuse, and recycling programs to serve the proposed project. Construction and operational waste generated as a result of the project would require management and disposal in accordance with local and state regulations. The project would not conflict with or impede implementation of such programs.

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?

Comment:
The project would not impair implementation of an adopted emergency response plan. There is no adopted emergency evacuation plan for the County, and the project would not change existing circulation patterns or effect emergency response routes. Project development plans (including internal tenant improvements and changes of occupancy) would be required to be reviewed by a Department of Fire and Emergency Services Fire Inspector during the building permit process to ensure adequate emergency access is provided to the site.

Significance Level: Less than Significant Impact

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?

Comment:
Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The project site is located within a semi-urbanized developed area within an unforested valley. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers.

The project site is not located in a State Responsibility Area or a Very High Fire Hazard Severity Zone. According to the Wildland Fire Hazard Area Map (Figure PS-1g) in the Sonoma County General Plan, the project site is located in the Local Responsibility Area (but adjacent to a State Responsibility Area) and in an area designated as a Moderate Fire Hazard Severity Zone. The site is also outside of but adjacent to an area designated as Tier 2 – Elevated on the California Public Utilities Commission Fire Threat Map, and is about 1 mile south and west of the 2017 Nuns Fire perimeter.

Moderate Zones are generally located in grasslands and valleys, away from significant forested or chaparral wildland vegetation, as is the case with the project site. In addition to topographical location within an unforested valley, the site is also within a semi-urbanized residential area. Projects located in High and Very High Fire Severity Zones are required by state and county code to have a detailed vegetation management plan developed and reviewed by the Sonoma County Fire Prevention Division before a building permit can be issued. This requirement does not apply to projects located in a Moderate Zone. However, all construction projects must comply with County Code Fire Safe Standards (Chapter 13), including but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining access to adequate water for fire-fighting purposes.

Therefore, the project would have a less than significant impact regarding exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Significance Level: Less than Significant Impact

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 or that may result in temporary or ongoing impacts to the environment?

Comment:
The project does not propose infrastructure improvements as the site is already fully developed. The project is not anticipated to exacerbate fire risk or result in temporary or ongoing environmental impacts related to fire-fighting infrastructure.

Significance Level: Less than Significant Impact

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:
The project site is not located in an area at high risk for flooding, such as a 100-year flood hazard area. Additionally, drainage patterns at the project site would remain the same as under existing conditions. Therefore, operation of the project would not substantially alter drainage patterns or increase runoff which would expose people or structures to significant downslope flooding.

The project site is located in a valley flatland and is not located within a deep-seated landslide hazard area or on a mapped landslide complex or debris flow source area. It is unlikely that a landslide would occur on-site as a result of runoff, post-fire slope instability, or drainage changes. Therefore, it is not anticipated that the project would expose people or structures to significant risks including flooding or landslides as a result of runoff, post-fire instability, or drainage changes.

Significance Level: Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to substantially 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, substantially 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?

Evaluation of potential biological resources in Section 4 and cultural resources in Section 5 determined that none exist and no impacts would occur.

Significance Level: No 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)?

Section 15355 of the CEQA Guidelines state: *Cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts*. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. A search was undertaken to identify reasonably foreseeable projects in the vicinity of the proposed project area that might have overlapping or cumulative impacts. There are no operating dispensaries in the Sonoma Valley area or in the City of Sonoma. Two additional applications for cannabis dispensaries have been submitted in the unincorporated Sonoma Valley area- one about 8 miles north in Kenwood and one about 10 miles south near the Highway 116/Highway 121 intersection at Big Bend.

As there are currently no dispensaries in Sonoma Valley or the City of Sonoma, customers from the lower Sonoma Valley, including the City of Sonoma, would need to drive a substantially shorter distance to reach a dispensary with the proposed project than is currently the case. The project would therefore be expected to lead to a reduction in regional Vehicle Miles Travelled.

Construction activities for the project will be minimal, consisting of internal tenant improvements to reconfigure the first floor for retail and security operations, and convert the second-floor residence to employee support space (office(s), break room, bathroom) and product storage space, as needed. No substantial changes will be made to the external building, besides minor signage, lighting, and accessibility improvements that may be required. Therefore, the character of the area will remain virtually unchanged.

The combined project contributions are not anticipated to rise to a cumulatively considerable level.

Significance Level: Less than Significant

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

All potential environmental effects of the project were analyzed. No environmental impacts which could cause substantial adverse effects on human beings were identified.

Significance Level: Less than Significant

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