Final Mitigated Negative Declaration

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

Publication Date:	January 14, 2021 – February 15, 2021
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Permit Sonoma File Number:	DRH19-0014
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Phone:	(707) 565-1903

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

Project Name:	Los Pinos Apartments
Project Applicant/Operator:	Alexander Diaz Santana
Project Location/Address:	3496 Santa Rosa Avenue, Santa Rosa
APN:	134-132-015
General Plan Land Use Designation:	UR 13
Zoning Designation:	R3 B6 13 DU, RC100/25 VOH
Decision Making Body:	Joint City/County Design Review Committee
Appeal Body:	Planning Commission

Project Description: Development of a 50-unit apartment complex consisting of 12 one-bedroom units and 38 two-bedroom units. Density was determined through application of the residential Density Unit Equivalents formula established under Sonoma County Zoning Code Section 26-24-030(a), and employment of a 20 percent State affordable housing Density Bonus. Three (3) units will be reserved for very low income (50 percent AMI) households. The project is subject to Joint City/County Design Review Committee review and approval. For a more complete 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	
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 and Traffic	TRAF		X
Utility and Service Systems	UTL		X
Mandatory Findings of Significance			

RESPONSIBLE AND TRUSTEE AGENCIES

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

Table 2. Responsible and Trustee Agencies

Agency	Activity	Authorization
U. S. Army Corps of Engineers	Wetland dredge or fill	Clean Water Act, Section 404
North Coast Regional Water Quality Control Board	Wetland dredge or fill	Clean Water Act, Section 401
State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
U. S. Fish and Wildlife Service (FWS) and or National Marine Fisheries Service (NMFS)	Incidental Take Permit for listed plant and animal species	Endangered Species Act
s	Incidental Take Permit for listed plant and animal species	CA Endangered Species Act

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, provided that the mitigation measures identified in the Initial Study are included as conditions of approval for the project and a Mitigated Negative Declaration is proposed. The applicant has agreed in writing to incorporate identified mitigation measure into the project plans.

2/22/2020

Prepared by: Katrina Braehmer Date

Initial Study

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

INTRODUCTION

Alexander Diaz Santana on behalf of Los Pinos Apartments, LLC proposes to construct a 50-unit apartment complex on a 2.49-acre parcel in the unincorporated area of Santa Rosa. The property is located at 3496 Santa Rosa Avenue in Santa Rosa (APN 134-132-015). 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 Katrina Braehmer, Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Los Pinos Apartments, LLC. Technical studies provided by qualified consultants are attached to this Expanded Initial Study to support the conclusions. Other reports, documents, maps and studies referred to in this document are available for review at the Permit and Resource Management Department (Permit Sonoma).

Please contact Katrina Braehmer, Planner, at (707) 565-1903 for more information.

PROJECT SITE AND SURROUNDING LANDS

The 2.49-acre site is located at 3496 Santa Rosa Avenue in the unincorporated area of Santa Rosa, 0.15 miles south of the intersection of Santa Rosa Avenue and East Robles Avenue. The site is within the City of Santa Rosa Urban Growth Boundary, and not currently annexable because there is no city limit adjacency. See Figure 1 for a vicinity map.

The site was previously developed with an abandoned single-family residence and several outbuildings, which were demolished and removed prior to application submission. The front portion of the site consists of a paved entrance driveway, and a mix of old pavement and compacted gravel which will be removed at the time of grading.

The parcel is rectangular in shape and of level terrain ranging from 103 to 104 feet above sea level. Vegetation communities onsite primarily consist of non-native annual grasslands. Surface water runoff flows south into a seasonal wetland swale located along the southern parcel boundary. A total of 0.30 acres of seasonal wetlands are present on the site, which will be permanently filled and require authorization from the North Coast Regional Water Quality Control Board and the United States Army Corps of Engineers. No creeks or drainage swales pass directly through the site. Todd Creek, a Sonoma County Water Agency channel is just outside the property's eastern boundary.

There are a total of 20 trees onsite or immediately adjacent to the site along the northern property line. The tree species include oaks, poplar, maple, pear, cottonwood, walnut, acacia and willow. Of the trees to be removed, three are considered protected trees and have an arboreal value of 3 points under the Sonoma County Tree Protection Ordinance (Zoning Code Sec. 26-88-010(m)).

Two types of soil occur on the property: Wright loam, shallow, wet, 0 to 2 percent slopes (WoA) and Clear Lake clay, sandy substratum, drained, 0 to 2 percent slopes (CeA). The site is within a Zone 1 major groundwater availability area, and also within a medium priority ground water basin (Santa Rosa Plain) where groundwater use is managed by the Santa Rosa Groundwater Sustainability Agency.

As depicted in Figure 2 below, the site is situated in a mixed-use area in south Santa Rosa. Vacant, unimproved land adjoins the property along its northern property line, a self-storage facility to the south, Todd Creek runs along the east, and Santa Rosa Avenue lies directly to the west of the project site.

Figure 1. Vicinity Map

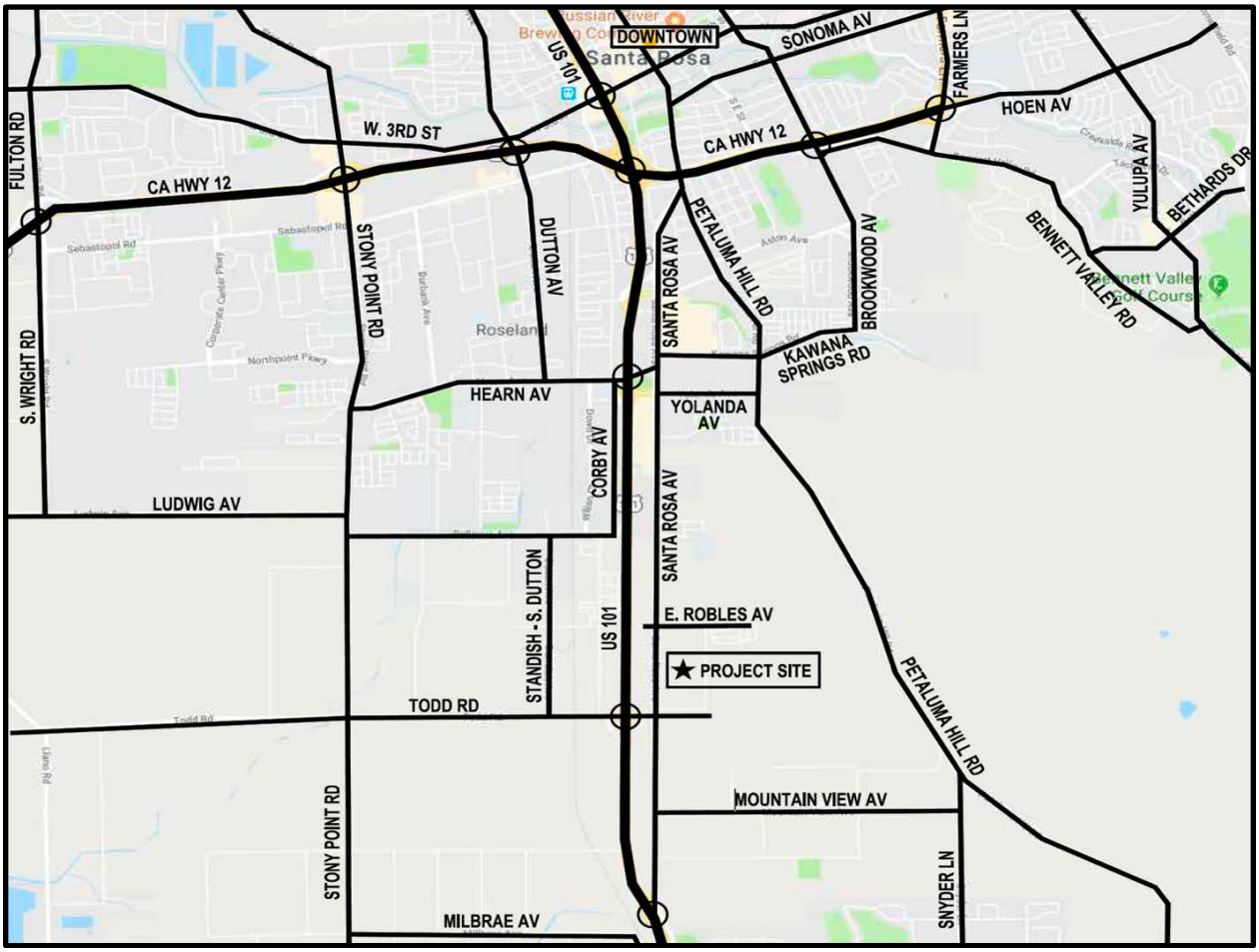
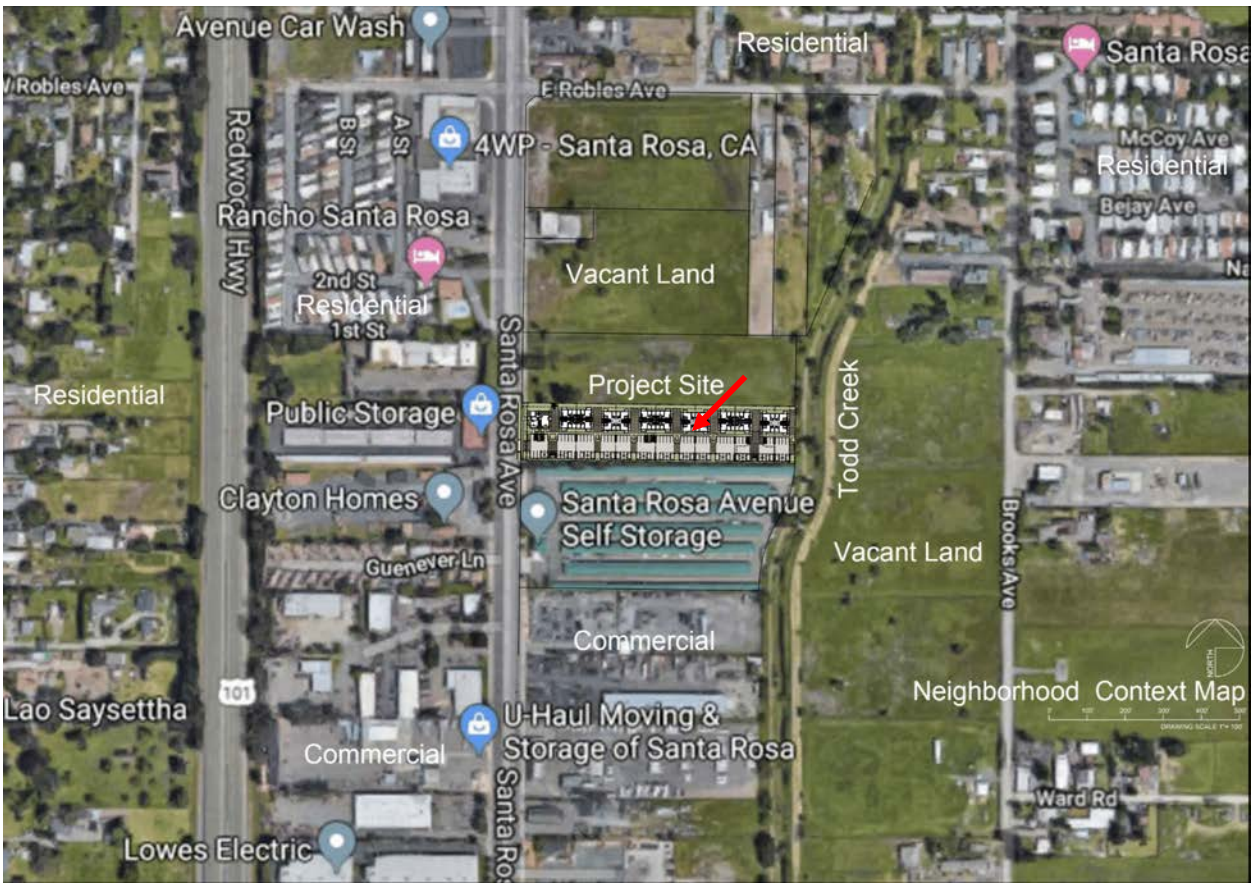


Figure 2. Surrounding Land Uses



PROJECT DESCRIPTION

The applicant proposes a 50-unit multifamily rental housing project on a 2.49-acre parcel, which is an allowed use in the R3 (High Density Residential) zoning district. Proposed onsite residential amenities include a community room and kitchen, a children's play area, and community garden. The base density of the project site is 32 units. The project's density is calculated using Density Unit Equivalents as provided for in the R3 zoning district (Sonoma County Zoning Code Sec. 26-24-030(a)), resulting in a total of 35 unit equivalents. To allow for the three additional units beyond the base density of 32, the applicant requests a 20 percent Density Bonus under State law, which requires at least five percent of the base units to be reserved for very low-income households (50 percent of area median income). The project will meet this requirement by providing three units affordable to very low-income households.

Buildings, Units, and Uses. The proposed building and unit inventory is provided in Table 3. The project consists of seven two-story buildings within three building types, resulting in a total of 12 one-bedroom units and 38 two-bedroom units. There are three Type A buildings, three Type B, and one Type C. The total building area of the development is approximately 47,900 square feet. The project also proposes a total of 10,186 square feet of usable open space. Each residential unit is provided an outdoor patio or balcony. The remaining open space consists of outdoor courtyards (plazas), a children's play area and a community garden. The building closest to Santa Rosa Avenue comprises community space on the first floor and dwelling units on the second floor. The first floor holds reception and an office, a meeting room, and a community room and kitchen.

Table 3. Building and Unit Inventory

Building Type A (3)			
	Number/Type of Units	**Unit Size**	**Total Floor Area**
First Floor	4 one-bedroom	750 sq. ft.	3,000 sq. ft.
Second Floor	4 two-bedroom	1,000 sq. ft.	4,000 sq. ft.
Building Total	8 units		7,000 sq. ft.
Building Type B (3)			
	Number/Type of Units	**Unit Size**	**Total Area/Floor**
First Floor	4 two-bedroom	900 sq. ft.	3,600 sq. ft.
Second Floor	4 two-bedroom	1,000 sq. ft.	4,000 sq. ft.
Building Total	8 units		7,600 sq. ft.
Building Type C (1)			
	Number/Type of Units	**Unit Size**	**Total Area/Floor**
First Floor	Community Room	1,800 sq. ft.	1,800
Second Floor	2 two-bedroom	1,150 sq. ft.	2,300
Building Total	2 units		4,100

Design Style. The design of the project is "contemporary" achieved using the following features:

- Simple, strong building shapes
- Low pitched gable and shed roofs, with large eaves
- Large windows and transoms
- Stucco faced walls with vertical metal siding accent panels
- Horizontal guard wood slats matching the wood slat eaves and soffits
- Cantilevered roof carports
- Gray composition asphalt shingles for roofing material
- Privacy fencings around the perimeter of the project are simple vertical wood board fencing, in keeping with the contemporary style of the buildings

The color palette is also contemporary, balancing neutral wall colors, earth tone accent colors, and wood tone colors on the rails, soffits and doors:

- Stucco walls are soft white, ash gray or buff beige
- Metal siding accent panels are light brick red, grey-green or grey-blue
- Wood guardrails, soffits and wood entry doors are painted/opaque stained wood tone
- Trim is painted charcoal gray
- Window and door frames are dark bronze

Figure 3. Design Style

Parking. The project will provide 113 vehicle parking spaces, 50 of which are covered by carports. Six racks holding four bicycles each will be installed, for a total of 24 bicycle spaces. The project is parked at a ratio of one covered space plus 0.5 guest space per one-bedroom unit and one covered space plus 1.5 uncovered space per two-bedroom unit, which exceeds the minimum required by the Sonoma County Zoning Code but is consistent with the City of Santa Rosa's parking regulations. Given that the project is subject to a joint City/County Design Review process and there is no off-site parking available, the applicant prefers to move forward with the more restrictive parking requirement.

Access. A 28-foot wide driveway off Santa Rosa Avenue provides access to the property.

Lot Coverage. Approximately 27,582 square feet or 25.42 percent of the site is covered by building footprint. The carport structures add an additional 9,766 square feet of coverage, increasing the total lot coverage to 34 percent.

Setbacks and Building Height. The closest building setback is 16 feet from the north property line for the residential units and 13.5 feet for the patios and balconies. The entry porch of the community building is setback 15 feet from the property line (50 feet right-of-way line) and the building is setback approximately 18 feet. The carport structures are setback 2 feet from the south property line. The rear setback is 30 feet to non-permeable structures and 50 feet from top of bank. A permeable plaza (open space area) and community garden is located within the 30-foot rear yard setback. The tallest structure is just over 27 feet. The carports are approximately 9 feet in height. There is approximately 47,900 square feet of structure, excluding the carports, and 24,300 square feet of permeable surface.

Sewage Disposal. Sewage disposal will be provided by the South Park Sanitation District operated by Sonoma Water (Sonoma County Water Agency). An 8-inch sewer line is located in Santa Rosa Avenue and runs along the property frontage.

Water Supply. Water service will be provided by the City of Santa Rosa through the Utility Certificate process. A 12-inch water line is located in Santa Rosa Avenue and runs along the property frontage.

Construction. Site grading will require approximately 4,600 cubic yards of fill to prepare the site for construction of the project as designed. There will be no off-haul. Clean fill will be brought on site and compacted under the direction of the geotechnical engineer. The project is single-phased, stick-built, and of wood construction. No blasting or pile-driving will be required. The estimated length of construction from site preparation to project completion is approximately 2 to 2.5 years. The proposed project will be designed and constructed in accordance with the County of Sonoma's CALGreen Requirements, and the State's Title 24 energy efficiency standards.

In addition to the onsite construction, a new 24" diameter high density polyethylene (HDPE) storm drain will be installed at the southeastern corner of the Project Site and will extend approximately 12 feet beyond the property boundary, where it will connect into an existing 36" storm drain along Todd Creek trail. The storm drain will be placed approximately four feet below the surface. Excavation of the storm drain trench will require the use of an excavator with a 3 foot wide bucket. The excavator will work from within the property boundary. Gravel will be placed along the bottom of the trench and sides and top of the pipe once installed. Excavated soil used to back fill the trench will be side-cast onto the property boundary in order to avoid disturbing the existing grass and soil along the Todd Creek trail.

SETTING

Los Pinos is a residential infill, 50-unit multifamily rental project within a mixed-use neighborhood in the unincorporated area of southeast Santa Rosa. The site is zoned R3 (High Density Residential) B6 13 DU (13 units/acre density), RC100/25 (Riparian Corridor 100-foot/25-foot setback) VOH (Valley Oak Habitat Combining District). The parcel's Sonoma County General Plan land use designation is Urban Residential (13 units/acre density), and within the purview of the South Santa Rosa Area Plan. The property is within the sphere of influence of the City of Santa Rosa, the City's Urban Growth Boundary, the City's General Plan boundary, and the county's Urban Service Area. To protect the integrity of the City's General Plan

under the assumption of future annexation, the project must be consistent with the City's General Plan, built to City development standards, and approved by the joint City/County Design Review Committee. The project site is designated Medium Density Residential (8-18 units/acre density) in the City of Santa Rosa's General Plan. The City requires development to be at least at the mid-point of the density range; therefore, the project must provide at least 13 units per acre to receive a Utility Certificate for water service. The project appears to be in conformance with the City of Santa Rosa's General Plan and development standards, and a Utility Certificate for water service will be issued by the City subject to the project design approval by the City/County Design Review Committee. The site is not annexable currently because there is no city limit adjacency.

The project is not located in a high fire hazard or a wildland urban interface area. The site is served by the Sonoma County Fire Protection District. County Station number 4 is located at 207 Todd Road, Santa Rosa, which is approximately 0.5 miles from the project site.

The site is within the regulatory Santa Rosa Plain, which is characterized by vernal pools, seasonal wetlands, and associated grasslands. These habitats can support a unique population of the State and federally listed California tiger salamander, and three State and federally listed endangered plant species that have a large proportion of their population on the Plain.

ISSUES RAISED BY THE PUBLIC OR AGENCIES

A referral packet was drafted and circulated to inform and solicit comments from selected relevant local, state and federal agencies; and to special interest groups that were anticipated to take interest in the project.

A joint City of Santa Rosa/County of Sonoma Design Review hearing was held on June 17, 2020. The Joint Design Review Committee spoke favorably about the project. It was suggested that speed tables be added to the driveway to slow down vehicles, the proposed pine trees be replaced with a different species, and additional plants be added. There were no public comments during the hearing.

No written public comment has been received to date about the project.

OTHER RELATED PROJECTS

The Redwoods Apartments multifamily housing project, which was approved by the Design Review Committee in June 2019, is located north of the project site at the intersection of Santa Rosa Avenue and East Robles Avenue. This project is a 96-unit, 100 percent affordable, residential housing project.

EVALUATION OF ENVIRONMENTAL IMPACTS

The following sections analyze 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 are possible:

> **No Impact:** The project would not have the impact described. The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.
>
> **Less Than Significant Impact**: The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.
>
> **Potentially Significant Unless Mitigated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.
>
> **Potentially Significant Impact:** The project would have the impact described, and the impact

could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The Initial Study includes a discussion of the potential impacts and identifies mitigation measures to substantially reduce those impacts to a level of insignificance where feasible. All references and sources used in this Initial Study are listed in the Reference section at the end of this report and are incorporated herein by reference.

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

1. AESTHETICS:

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

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

Comment
The site abuts a self-storage facility to the south and is adjacent to a mix of multifamily residential and self-storage uses to the west. The project site is not in an area designated as visually sensitive by the Sonoma County General Plan or the South Santa Rosa Area Plan. The site is not located within a Scenic Resources combining district, along a designated scenic corridor, or on a scenic hillside. It will not involve tree removal, construction, or grading that would affect a scenic vista. Using the County of Sonoma's Visual Assessment Guidelines[1], the project's site sensitivity is low based on the site's urban land use designation and the absence of scenic designation. The project fits the co-dominant category as described by the Visual Assessment Guidelines. As seen in Figures 5 and 6 below, the project does not dominate the landscape. Rather it will become a part of an area that is transitioning from moderately developed to urban infill. With low site sensitivity and co-dominance, the project's visual impact will be less than significant.

Significance Level
Less than Significant

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

Comment
There are several protected trees but no rock outcroppings or historic buildings on the subject property. Of those trees protected by the Sonoma County Tree Protection Ordinance, three will be removed and replaced in accordance with the ordinance. The site is not along a designated scenic corridor or a State scenic highway. Although not formally designated as a scenic resource, foothills exist east of the site. As seen in the visual images prepared using Google Earth Pro and superimposing the 3D model of the project (Figures 5 through 8), long views of the foothills are maintained while traveling in either a south or north direction after project construction.

Significance Level
Less than Significant

[1] "Visual Assessment Guidelines," Permit Sonoma, January 2019, https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/

Figures 5 and 6. Renderings; the project can be characterized as co-dominant because it will become part of the urbanizing landscape and will blend with the streetscape.

Figure 7. Rendering of the project traveling south on Santa Rosa Avenue

Figure 8. Rendering of the project traveling north on Santa Rosa Avenue

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 a 2.49-acre urban infill residential project. Based on the site's General Plan land use designation, zoning, setting and physical characteristics, the site is considered to have a low site sensitivity according to Table 1: Site Sensitivity of the County of Sonoma Visual Assessment Guidelines.

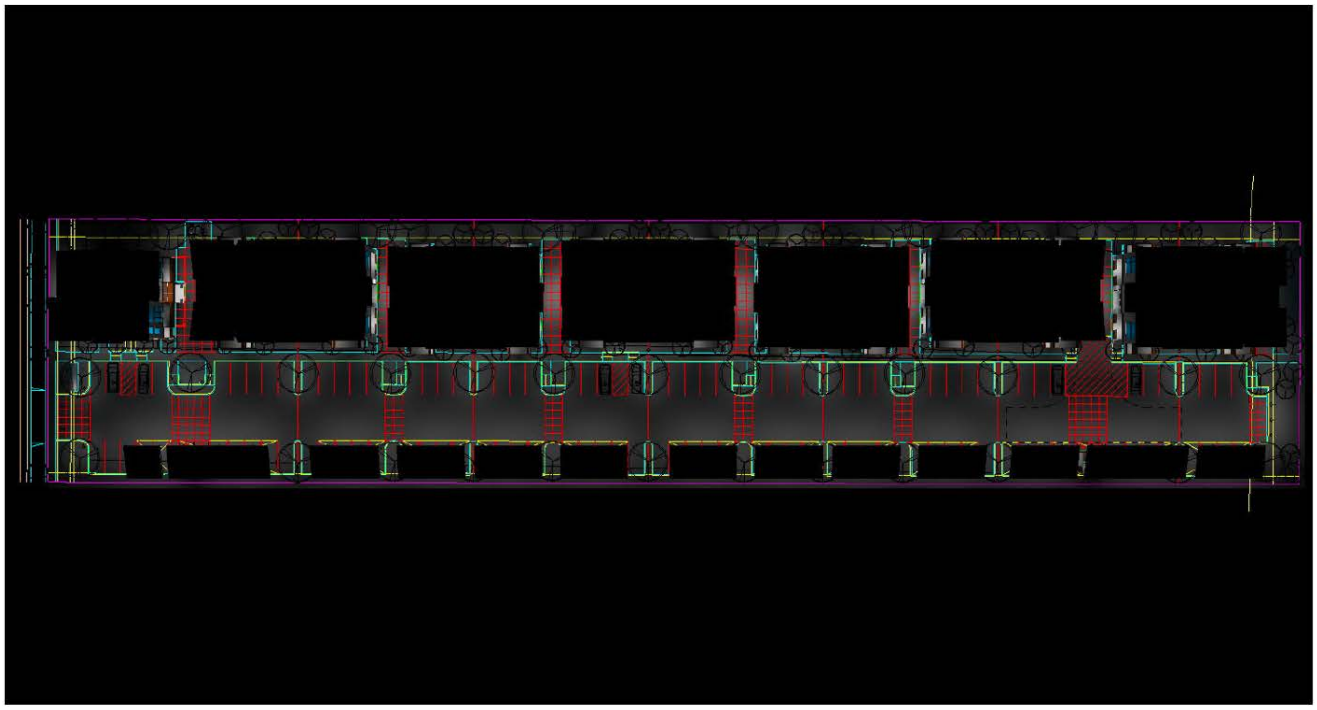
Significance Level
Less than Significant

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

Comment
A photometric analysis was prepared for the project by RAB Lighting, October 17, 2019[2]. The analysis shows that lighting was designed to illuminate the entryways and the parking areas but not spill out onto the adjoining properties. Figure 9 from the RAB report depicts how the use of hooded, downcast lighting retains the light on site.

Significance Level
Less than Significant Impact

Figure 9. Depiction of night lighting. RAB Lighting Analysis, October 17, 2019



[2] Fillion, Shaun, "Lighting Layout", RAB Lighting, March 10, 2020.

2. AGRICULTURE AND FOREST RESOURCES:

Would the project:

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

Comment
The soil type of the majority of the subject property is Wright loam (WoA). UC Davis SoilWeb interactive data base does not classify Wright loam as prime farmland. Approximately 10 percent of the site (0.25 acres) along the rear portion consists of Clear Lake clay (CeA). This soil type is considered prime farmland if irrigated. Roughly 0.25 acres within an area identified for urban development would not be considered a farmable unit of land.

Significance Level
Less than Significant

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

Comment
The subject property is zoned for urban residential development and is not surrounded by land zoned for agriculture or under a Williamson Act Contract.

Significance Level
No Impact

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

Comment
The subject property and surrounding lands are not forest land.

Significance Level
No Impact

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

Comment
See section 1(c) above.

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 changes in the environment that count result in the conversion of farmland to non-agricultural use or forest land to non-forest use.

Significance Level
No Impact

3. AIR QUALITY

Would the project:

a) Conflict with or obstruct implementation of applicable air quality plans?

Comment
The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for State and federal ozone standards, the State PM_{10} standard, and State and federal $PM_{2.5}$ standards. The District has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with federal and State Clean Air Acts. These plans include measures to achieve compliance with both ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides [NOx] and volatile organic compounds, also referred to as Reactive Organic Gases [ROG]). Thresholds have been developed by BAAQMD in its report, *California Environmental Quality Act Air Quality Guidelines May 2017*[3].

An Air Quality and Greenhouse Gas Emissions Assessment was prepared for the property by Jay Witt and Casey Divine of Illingworth & Rodkin, Inc. Acoustic and Air Quality consultants, dated June 5, 2020[4]. Table 4 was compiled from data from the report, and clearly indicates that the project is well below the thresholds established in the BAAQMD May 2017 CEQA Guidelines. The 50-unit project is well below the emission thresholds for PM_{10}, $PM_{2.5}$ and ozone precursors and does not conflict with or obstruct the implementation of applicable air quality plans.

Significance Level
Less than Significant Impact

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Comment
State and Federal standards have been established for the "criteria pollutants": ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide and particulates (PM_{10} and $PM_{2.5}$). The pollutants NOx (nitrogen oxides) and reactive organic gases (ROG) form ozone in the atmosphere in the presence of sunlight. The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines are also considered a source.

To assess potential air quality impacts related to the project, air quality modeling was performed by Illingworth & Rodkin, Inc. using the CalEEMod Version[5]. The results of the analysis, summarized in Table 4, indicate that the project would be well below BAAQMD thresholds for potentially significant impacts for criteria pollutants.

Significance Level
Less than Significant Impact

[3] Bay Area Air Quality Management District, "California Environmental Quality Act, Air Quality Guidelines," May 2017, https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.
[4] Divine, Casey, and Jay Witt, "Los Pinos Apartments Air Quality and Greenhouse Gas Emissions Assessment", Illingworth & Rodkin, Inc., June 5, 2020.
[5] Divine, Casey, and Jay Witt, "Los Pinos Apartments Air Quality and Greenhouse Gas Emissions Assessment", Illingworth & Rodkin, Inc., June 5, 2020.

Table 4. Criteria Pollutants and Greenhouse Gas (GHG) Emissions during Construction and Operational Phase of Project

Criteria Pollutant & GHG Emissions - Construction Phase				
Pollutant				
ROG	**NOx**	**PM_{10} (Exhaust)**	**$PM_{2.5}$ (Exhaust)**	**CO_2e**
Unit				
(lbs/day)	(lbs/day)	(lbs/day)	(lbs/day)	(metric tons/year)
CalEEMod Modelled Emissions*				
8.6	17.5	0.9	0.8	N/A
BAAQMD Thresholds				
54	54	82	54	N/A
Emissions Exceed BAAQMD Threshold?				
No	No	No	No	N/A
Criteria Pollutant & GHG Emissions - Operational Phase				
Average Daily Emissions				
Unit				
(lbs/day)	(lbs/day)	(lbs/day)	(lbs/day)	(metric tons/year)
CalEEMod Modelled Emissions				
3.2	2.7	2.2	0.6	N/A
BAAQMD Threshold				
54	54	82	54	N/A
Emissions Exceed BAAQMD Threshold?				
No	No	No	No	N/A
Maximum Annual Emissions				
Unit				
(tons/year)	(tons/year)	(tons/year)	(tons/year)	(metric tons/year)
CalEEMod Emissions				
0.58	0.48	0.40	0.12	501.9
BAAQMD Threshold				
10	10	15	10	1,100
Emissions Exceed BAAQMD Threshold?				
No	No	No	No	No
* Assuming 269 days of construction.				

c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Comment
The project will generate some additional criteria pollutants primarily from new vehicle trips. A Traffic Study prepared by W-Trans, dated August 27, 2020, found that the project is expected to generate an average of 23 and 28 new vehicle trips per day during the morning and the evening peak hours,

respectively. As seen in Table 4 above, even with the increased vehicle trips expected, the criteria pollutants generated by the project are considerably below pollutant thresholds published by the BAAQMD.

New sources of $PM_{2.5}$ and PM_{10}, are minimized because the project proposes to cover all exposed soil areas with paved gravel, vegetation or landscaping to stabilize soils and minimize dust generation.

During construction, short-term emission of dust (which would include $PM_{2.5}$ and PM_{10}) will be controlled by implementing Mitigation Measure AIR-1. County Building Inspectors may red tag and stop construction projects during their routine site inspections if the project does not meet dust control BMP's. Given the short-term nature of the potential construction dust impact, and the required implementation of adopted Best Management Practices as mitigation, and the regular inspection of construction sites by County Building Inspectors, no significant cumulative dust impacts from the project are expected.

Significance Level
Less than Significant with Mitigation Incorporated

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

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

Monitoring AIR-1: Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits.

d) Expose sensitive receptors to substantial pollutant concentrations?

Comment
Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. Localized impacts to sensitive receptors generally occur when sources of air pollutants and sensitive receptors are located near one another.

Residential development, lying west of Santa Rosa Avenue, is within 300 feet of the project site. The subject 50-unit multifamily housing project would also be considered a sensitive receptor. The proposed project would not create an incompatible situation as neither the proposed residential use of the project site nor the neighboring uses involve stationary or point sources of air pollutants which generate substantial pollutant concentrations.

Although there will be no long term increase in emissions, Mitigation Measure AIR-1 will reduce short-term construction related air quality impacts, therefore the project would not expose sensitive receptors to significant concentrations of pollutants.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
See Mitigation Measure and Monitoring AIR-1.

e) Create objectionable odors affecting a substantial number of people?

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

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

Significance Level
Less than Significant Impact

4. BIOLOGICAL RESOURCES

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

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

Essential Fish Habitat

Essential Fish Habitat (EFH) is regulated through the NMFS, a division of the National Oceanic and Atmospheric Administration (NOAA). 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 Essential Fish Habitat as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" [16 USC 1802(10)]. NMFS further defines essential fish habitat as areas that "contain habitat essential to the long-term survival and health of our nation's fisheries" Essential Fish Habitat 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 NMFS, any federal agency that authorizes, funds, or undertakes action that may affect EFH is required to consult with NMFS (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's Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that such permit's other respective conditions are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

Section 401.

Any applicant for a federal permit to impact waters of the 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 the CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

STATE

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

Fish and Game Code 1600-1602
Sections 1600-1607 of the CFGC require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions in the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

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

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
The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been

listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibians and reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with "fully protected" species state that these species "…may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species," although take may be authorized for necessary scientific research. This language makes the "fully protected" designation the strongest and most restrictive regarding the "take" of these species. In 2003, the code sections dealing with "fully protected" species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

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

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

LOCAL

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

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

Riparian Corridor (RC) Combining District
The RC combining district 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.

Sonoma County Tree Protection Ordinance

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

Would the project:

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

Comment

Two biological assessments were prepared for the project: one by Darren Wiemeyer of Wiemeyer Ecological Sciences, dated August 2, 2019, and the other by Huffman-Broadway Group, dated August 2019.

Wiemeyer Assessment, with an addendum by Ted P. Winfield

Darren Wiemeyer conducted special status plant species surveys and plant inventories on April 4, May 14, June 7, and June 27, 2019, and April 2, April 26, and May 28, 2020, in accordance with State and Federal plant survey protocols. Per Wiemeyer's recommendation, Ted P. Winfield prepared a special status plant report as an addendum to the Wiemeyer assessment, discussing the results of two years of protocol plant surveys conducted to examine the presence of special status plant species, in a report dated June 15, 2020[6]. The only special-status plant species observed during the four surveys in 2019 was Lobb's aquatic buttercup (Ranunculus lobbii), which is a CNPS List 4.2 plant.

Wiemeyer also performed special status animal species searches, habitat assessments and wildlife inventories on January 14, April 4, May 14, June 7 and June 27, 2019. Wiemeyer assessed the site for suitability of habitat for California tiger salamander in accordance with the Interim Guidance on Conducting Site Assessments and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander. The site was searched for the presence of large burrows which could be used by burrowing owl (Athena cunicularia) or American badger (Taxidea taxus). The trees and shrubs at the site were generally searched for actively nesting birds and the trees and structures at the site were evaluated for habitat suitability for roosting bats.

No special-status animal species were observed, but the assessment found that the site provides suitable habitat for western pond turtle, native nesting birds and roosting bats, and suitable aestivation habitat for California tiger salamander[7]. See further discussion on potential impacts to special status animal and plant species, and applicable mitigation measures below.

Huffman-Broadway Group (HBG) Assessment

[6] Winfield, Ted, Ph.D., "Special Status Plant Report 2019 and 2020, Los Pinos Apartments, 3496 Santa Rosa Avenue, Santa Rosa, California", Ted Winfield and Associated, June 15, 2020.
[7] Wiemeyer, Darren, "Biological Assessment, Los Pinos Apartments, 3496 Santa Rosa Avenue, Santa Rosa, California", Wiemeyer Ecological Services, August 2, 2019.

The Huffman-Broadway Group assessment was prepared to assess the effects of the issuance of a Nationwide 29 USACE Section 404 permit and interrelated and interdependent actions on (1) species listed as threatened or endangered under the Endangered Species Act (ESA) and (2) species that are proposed to be listed as threatened or endangered under the ESA. Under Section 7 of the ESA, consultation by the USACE with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries (or National Marine Fisheries Service, NMFS) is required if the proposed action may affect listed species or result in the destruction or adverse medication of designated critical habitat. The purpose of the assessment was to determine whether any listed species or designated critical habitats are likely to be adversely affected by issuance of the Nationwide 29 permit and whether formal consultation with USFWS is necessary.

Robert Perrera of the Huffman-Broadway Group (HBG) conducted a site investigation of the property on August 20, 2019 to independently verify conditions reported in the Wiemeyer assessment.

The HGB assessment concludes that the project is not likely to adversely affect the Sonoma County Distinct Population Segment of California tiger salamander and is not likely to adversely affect the three endangered plants species known to occur in the Santa Rosa Plain[8]. These conclusions are based on implementation of mitigation measures in accordance with the Santa Rosa Plain Conservation Strategy Programmatic Biological Opinion.

See further discussion below on potential impacts to special-status animal and plant species, and applicable mitigation measures.

Special-status Wildlife Species

Burrowing Owl (Athene cunicularia)
Burrowing owl, a California Species of Special Concern, occurs in open, dry annual or perennial grasslands, deserts, and scrublands characterized by low growing vegetation. The project site provides very limited potentially suitable habitat for this species. This species was not observed at the site during field surveys, and neither were medium or large burrows, which significantly reduces the suitability of the site for nesting. The nearest occurrence documented in the California Natural Diversity Database (CNDDB) is 3.5 miles southeast of the project site. As there is no indication the species occurs at the site, any potential impact is not considered significant.

White-tailed Kite (Elanus leucurus)
This species is Fully Protected by CDFW and generally found in rolling foothills and valley margins, typically nesting in oak trees with dense tops. The site's non-native annual grassland provides suitable foraging habitat for this species but the site's few trees would not be considered suitable nesting habitat because this species typically prefers larger oak trees for nesting. No large raptor nests were observed at the site during the field surveys. The nearest CNDDB occurrence of this species is 1.6 miles northwest of the project site. It is somewhat likely that this species may utilize the site's grassland habitat for foraging, however, the project will not result in impacts to suitable nesting habitat and therefore will not have a significant impact to White-tailed Kite.

Grasshopper Sparrow (Ammodramu savannarum)
This species occurs in dense grasslands on rolling hills, lowland plains, in valleys, and on hillsides on lower mountain slopes. It is a California Species of Special Concern, and favors native grasslands. There are no CNDDB occurences of this species within five miles of the project site. This species was not observed onsite during field surveys and it is unlikely that it utilizes habitats at the site. The annual grassland provides limited nesting and foraging habitat for this species. No significant impact to this species will result from the project.

Golden Eagle (Aquila chyrysaetos)

[8] Perrera, Robert, "Endangered Species Act, Biological Assessment, Los Pinos Apartments Project, Santa Rosa, California", Huffman-Broadway Group, Inc, August 2019.

The Golden Eagle is a Fully Protected species that occurs primarily in rolling foothills, mountain areas, sage-juniper flats, and desert environments in California. This species prefers cliff-walled canyons and large trees in open areas for nesting habitat. The site provides potentially suitable foraging habitat for this species but does not offer suitable nesting habitat. There are no CNDDB occurrences within five miles of the site and the species was not observed during field surveys. While the project may result in the loss of potentially suitable foraging habitat, it would not be considered a significant impact to this species.

Ferruginous Hawk (Buteo regalis)
This species is on the CDFW Watch List and occurs in open grasslands, sagebrush flats, desert scrub, low foothills, and fringes of pinyon and juniper habitats. The site provides potentially suitable habitat for foraging but does not provide suitable nesting habitat. There are no CNDDB occurrences within five miles of the site and the species was not observed during field surveys. It is unlikely that the species utilizes habitats at this site. While the project may result in the loss of potentially suitable foraging habitat, it would not be considered a significant impact to this species.

American Badger (Taxidea taxus)
The American Badger is a California Species of Special Concern that occurs in open pasture and grassland habitats, typically most abundant in drier open stages of most shrub, forest, and herbaceous habitats. The non-native annual grassland at the site provides very limited but potentially suitable habitat for this species. No large burrows were observed at the site, which significantly reduces the likelihood that the species occurs at the site. The only mammal burrows observed were dens of Botta's pocket gopher (Thomomys bottae). The nearest CNDDB occurrence is 5.5 miles southwest of the site, and it was not observed during the numerous field surveys of the site. The fact that the site is located within an urbanized area along Santa Rosa Avenue reduces the possibility that American badger would use the site. While the project may result in the loss of potentially suitable habitat, it would not be considered a significant impact to this species.

Special-status Bat Species
Bats are known to utilize a great variety of habitat types for foraging and several types of structures for nesting and roosting including trees, cliffs, rock outcrops, buildings, bridges, caves, and mines. The site provides very limited foraging habitat for bats but the few the Fremont cottonwood trees provide potentially suitable habitat for roosting as they exhibit cavities, fissures, and exfoliating bark. There was no indication that bats were utilizing any structures onsite. There are no CNDDB occurrences of the special-status bat species listed below within five miles of the site. Because the Fremont cottonwood trees will be removed for the project, there is potential for a significant impact to this species. This impact will be reduced to less than significant by implementing Mitigation Measure BIO-2.

- Pallid Bat (Antrozous pallidus) – California Species of Special Concern
- Townsend's Big-Eared Bat (Corynorhinus townsendii) – State Candidate Threatened; California Species of Special Concern
- Western red bat (Lasiurus blossevillii) –California Species of Special Concern

Western Pond Turtle (Emys marmorata)
This species is a California Species of Special Concern and occurs in reservoirs, ponds, vernal pools, brackish estuaries, sloughs, drainage ditches, and perennial streams. This species requires basking sites and suitable upland habitat adjacent to aquatic habitats for egg-laying. Basking site may be logs, small islands, and docks. Upland areas typically used by this species include sandy banks or grassy open fields. Todd Creek to the east of the site provides potentially suitable habitat for this species. The nearest CNDDB occurrence is approximately 1.8 miles south of the project site, but was not observed at the site. There is a moderate likelihood that this species occurs in Todd Creek, but it is unlikely that this species would utilize the site as upland habitat for egg-laying. This species is known to stay within stream channels, there is a possibility that it could travel outside of the flood channel and onto the site. A significant impact to this species may occur as a result of the project, which will be mitigated to a less than significant impact with the implementation of Mitigation Measure BIO-3.

California Red-Legged Frog (Rana draytonii)
CRLF is a California Species of Special Concern that occur in low-gradient stream reaches, ponds, reservoirs, vernal pools, and brackish lagoons. Breeding occurs from November through April, and eggs are laid in standing or slow-moving shallow water in floating masses attached to vegetation. The larvae require 3.5 to 7 months to reach metamorphosis, which usually occurs between July and September. Adults prefer deep (greater than two feet depth) standing or slowmoving water with dense, shrubby riparian vegetation, especially Arroyo willow, or dense emergent vegetation such as bulrush, and cattail. Both adults and juveniles routinely leave the water to forage in riparian areas, and some are known to move long distances (up to two miles) overland during the rainy season, and can be found within streams up to 2 miles from breeding sites.

The primary constituent elements for CRLF are aquatic and upland areas where suitable breeding and non-breeding habitat is interspersed throughout the landscape and is interconnected by unfragmented dispersal habitat. The project site is within the potential range of CRLF, but not within designated critical habitat areas. The nearest CNDDB occurrence is approximately 1.5 miles to the northeast of the site at Taylor Mountain Regional Park. The species was not observed onsite during field surveys. The site does not have suitable breeding habitat for this species, however, Todd Creek (Sonoma Water flood control channel) to the east may provide potential limited breeding habitat. This species has not been found in Todd Creek or any other aquatic habitats nearby on the Santa Rosa Plain. While the non-native annual grassland and seasonal wetland habitat (discussed in Section 4(c)) provides potentially suitable upland habitat, it is highly unlikely the species utilizes the site. Based on the above evaluation, it has been determined that there will be no impact to this species.

California tiger salamander (Ambystoma californiense)
California tiger salamander (CTS) is federally listed as Endangered and listed as Threatened by the State. The project site is located within the Santa Rosa Plain, which is characterized by vernal pools, seasonal wetlands, and associated grasslands that support a unique population of CTS, and three federally listed endangered plant species. The site is also within designated Critical Habitat for CTS, and listed as within an area that “may adversely affect listed plants and/or CTS” within the Santa Rosa Plain Conservation Strategy.

CTS is a large, stocky terrestrial amphibian typically restricted to grasslands and low foothill regions where lowland aquatic sites are available for breeding. This species prefers natural ephemeral pools or ponds that mimic them. They require refuges provided by ground squirrels or other burrowing mammals for aestivation during the dry months.

The nearest CNDDB occurrence of this species is about 0.9 miles to the southeast of the site at the Horn Mitigation Bank, which is a wetland mitigation bank and known CTS breeding site. There are many additional CTS occurences west of Highway 101, however, the highway is considered a significant migration barrier for the movement of CTS. This species was not observed at the site during field surveys.

The non-native annual grassland habitat onsite provides potentially suitable upland aestivation and dispersal habitat for CTS. The largest seasonal wetland onsite has a relatively short hydro-period and only ponds water to a depth of 10 inches, which most likely makes it unsuitable as breeding habitat. CTS prefer a long hydro-period and a depth of 16 inches or deeper. While the site is located close enough to the Horn Mitigation Bank for CTS to migrate to the site, Todd Creek is a potential barrier to movement that reduces the likelihood of CTS to occur at the site. The project will result in the loss of 2.13 acres of suitable CTS upland aestivation habitat, which is considered significant. This impact will be reduced to less than significant with the implementation of Mitigation Measures BIO-4 and BIO-5.

In addition to the onsite construction, a new 24” diameter high density polyethylene (HDPE) storm drain will be installed at the southeastern corner of the project site and will extend approximately 12 feet beyond the property boundary, where it will connect into an existing 36” storm drain along Todd Creek trail. The storm drain will be placed approximately four feet below the surface. Excavation of

the storm drain trench will require the use of an excavator with a 3 foot wide bucket. The excavator will work from within the property boundary. Gravel will be placed along the bottom of the trench and sides and top of the pipe once installed. Excavated soil used to back fill the trench will be side-cast onto the property boundary in order to avoid disturbing the existing grass and soil along the Todd Creek trail.

Excavation of the trench and placement of the HDPE within this 12 linear foot area should take no more than 3 days to complete. The total footprint of disturbed area will be limited to the width and length of the trench (4' x 12') for a total of 48 square feet or 0.001 acres. This additional impact does not increase the CTS calculation of 2.13 acres[9]. Mitigation Measure BIO-5 will apply to this area.

Special-status Plant Species

The Santa Rosa Plain Conservation Strategy designates the site as one with potential for presence of any of the three federally endangered plant species that occur in seasonal wetland/vernal pool habitat: Burke's goldfields (Lasthenia burkei), Sonoma sunshine (Blennosperma bakeri) and Sebastopol meadowfoam (Limnanthes vinculans). These species were not observed at the site during the 2019 and 2020 protocol plant surveys, and the nearest CNDDB occurrence for any of the three species is for Sebastopol meadowfoam at the Horn Mitigation Bank nearly a mile away. However, under the Programmatic Biological Opinion for the Santa Rosa Plain, seasonal wetlands such as those present on the project site are considered suitable habitat for the listed plants even if intensive surveys fail to locate their presence. Project construction would require fill of the seasonal wetlands onsite that constitute suitable habitat for the three listed plant species, resulting in 0.30 acres of direct, permanent effects. Compensation for the impacts to suitable habitat for Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam will be provided through the implementation of Mitigation Measure BIO-6.

Lobb's aquatic buttercup (Ranunculus lobbii),
This species is a California Native Plant Society (CNPS) List 4.2 plant. CNPS List 4 species have limited distribution but are typically not considered rare. The loss of the species at this site would not be considered a significant loss of the species numbers or habitat on a regional perspective. No mitigation is required.

Significance Level
Less than Significant with Mitigation Incorporated

Other Special-Status Species

Monarch butterfly (Danaus plexippus plexippus)
The monarch butterfly is a California Terrestrial and Vernal Pool Invertebrate of Conservation Priority and candidate species under the federal Endangered Species Act (ESA). The larval host plant for monarchs is milkweeds, primarily milkweeds of the genus Asclepias. There are scattered records of adult monarch butterflies and milkweed in Santa Rosa and Rohnert Park; but milkweed was not observed during the 2019 and 2020 plant surveys[10]. Milkweed do not occur on the subject property. No suitable habitat for monarch butterflies is found on the site, therefore, no potentially significant impacts to monarch butterflies would result from construction of the project.

Mitigation
Mitigation BIO-1 Burrowing Owl Pre-Construction Survey(s): Pre-construction surveys for burrowing owl shall be conducted no more than 14 days prior to ground disturbance following the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation

[9] Perrera, Robert, "Minor Amendment to Endangered Species Act Biological Assessment for the Los Pinos Apartments Project", Huffman-Broadway Group, Inc., August 25, 2020.
[10] Deghi, Gary, "Response to CDFW Comments on Los Pinos Apartments, Mitigated Negative Declaration, SCH No. 2021010137, Sonoma County, California", Huffman-broadway Group, Inc., February 11, 2021

survey methodology (see https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). Surveys shall encompass the project site and a sufficient buffer zone to detect owls nearby that may be impacted. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance before construction equipment mobilizes to the project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 survey methodology resulting in detections.

Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Off-site habitat compensation shall also be required for any nest burrows used within the last three years that would be removed. Habitat compensation acreages shall be approved by CDFW as the amount depends on site-specific conditions, and completed before project construction. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan.

Monitoring BIO-1: Prior to the issuance of site development permits, Permit Sonoma staff shall review the results of the pre-construction survey. All measures recommended by the biologist and/or CDFW shall be noted on the final project plans.

Mitigation Measure BIO-2 American Badger Pre-Construction Survey(s): A survey by a qualified biologist shall be conducted for American Badger dens no more than seven days prior to any ground-disturbing activity. The area to be surveyed will include all construction sites and staging areas, to a buffer of 50 feet outside the boundary of the disturbance area. Survey results will remain valid for a period of 21 days following the date of the survey. In the event that an active den is discovered in the surveys area, all ground-disturbing construction activities shall be postponed until the applicant consults with the California Department of Fish and Wildlife to determine the appropriate size of a no-disturbance buffer, or other appropriate mitigation measure. The no-disturbance buffer shall be flagged and no ground-disturbing activity will be allowed to occur until it is determined that the badgers have dispersed the den.

Monitoring BIO-2: Prior to the issuance of site development permits, Permit Sonoma staff shall review the results of the pre-construction survey. All measures recommended by the biologist and/or CDFW shall be noted on the final project plans.

Mitigation Measure BIO-3 Nesting Bird Pre-Construction Survey(s):

1. To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, adults are observed carrying food to the nest, or if the young are dependent on parental care within the nesting territory.
2. If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and pre-construction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. The qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest in the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (i.e. early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within the project area and 250 feet of the construction limits for nesting non-raptors and 1,000 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.
3. If pre-construction nesting bird surveys result in the location of active nests, site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation

removal, fence installation, demolition, and grading) shall be postponed until a qualified biologist establishes a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are up 75 feet from the nest site or nest tree dripline for small birds and up to 1,000 feet for sensitive nesting birds that include several raptor species known from the region of the project site. The nest buffer, where it intersects the project site, shall be staked with orange construction fencing or orange lath staking. Monitoring, by a qualified biologist, shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project activity, as determined by the qualified biologist, shall be monitored daily during the duration of the project for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

4. A report of the pre-construction survey findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction-related activities that have the potential to disturb any active nests during the nesting season. The report shall include recommendations required for establishment of protective buffers as necessary to protect nesting birds.

Monitoring BIO-3: Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

Mitigation Measure BIO-4 Roosting Bat Pre-Construction Survey(s):

1. Prior to tree removal, the applicant shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites. The applicant shall provide resume(s) of qualified biologist(s) conducting bat surveys to the County for review and approval prior to surveys. Resumes shall reflect: 1) at least 2 years of experience conducting bat surveys on suitable tree habitat that resulted in detections for the relevant species, and 2) the types of equipment used to conduct surveys. The surveys can be conducted by visual identification and can assume presence of bats or the bats can be identified to a species level with the use of a bat echolocation detector such as an “Anabat” unit. If no roosting sites or bats are found, a letter report confirming absence shall be sent to the California Department of Fish and Wildlife (CDFW) and the County, and no further mitigation is required. If roosting sites or hoary bats are found, then the following monitoring and exclusion measures shall be implemented. The findings of the surveys and supplemental documents shall be provided to the County prior to issuance of grading permits.
    a. If bats are found roosting outside of the nursery season (May 1st through October 1st), then they shall be evicted as described under item (3) below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under item (3). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFW) buffer zone shall be established around the roosting site within which no construction or tree removal shall occur.

b. Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFW, that allow the bats to exit the roosting site but prevent re-entry to the site. Exclusion would include, but not be limited to, the installation of one-way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. The exclusion of bats shall be timed and carried concurrently with any scheduled bird exclusion activities. The exclusion plan shall be submitted to the County for approval if bats are detected during the initial survey. The plan shall: (1) recognize that both the maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 and September 1 and October 15 when temperatures are sufficiently warm, and (2) identify suitable areas for excluded bats to disperse or require installation of appropriate dispersal habitat, such as artificial bat houses, prior to project construction, and include an associated management and monitoring plan.

Monitoring BIO-4: Prior to the issuance of site development permits, Permit Sonoma staff shall review the results of the pre-construction survey. All measures recommended by the biologist and/or CDFW shall be noted on the final project plans.

Mitigation Measure BIO-5 Western Pond Turtle Pre-Construction Survey(s): A qualified biologist shall perform a pre-construction survey for Western pond turtles 300 feet from the western edge of Todd Creek within 48 hours prior to ground breaking at the site. The survey shall include the identification of western pond turtles and their nests. If western pond turtles are found, the qualified biologist should establish suitable buffers and/or relocation of individuals prior to initiation of construction activities. If relocation is necessary, a relocation plan shall be prepared and approved by the County prior to implementation. The plan shall include disinfection and handling protocols, animal care during relocation, suitable areas for relocations, and reporting requirements.

Monitoring BIO-5: Prior to the issuance of site development permits, Permit Sonoma staff shall review the results of the pre-construction survey. All measures recommended by the biologist and/or CDFW shall be noted on the final project plans.

Mitigation Measure BIO-6 CTS Incidental Take Permit and Mitigation Credits: Prior to site preparation, the applicant is required to obtain an Incidental Take Permit (ITP) from CDFW pursuant to the California Endangered Species Act, and authorization from the United States Fish and Wildlife Service (USFWS), for take of California tiger salamander, and provide mitigation for approximately 2.13 acres of impacts to potential CTS habitat. Mitigation shall be provided consistent with the requirements of the Santa Rosa Plain Conservation Strategy and the 2020 Programmatic Biological Opinion at an off-site location, and shall be accomplished through either (1) the purchase of CTS credits from an agency-approved mitigation bank, or (2) Permittee responsible mitigation at an off-site location approved by the CDFW and USFWS. The appropriate mitigation ratio area shall be negotiated with the USFWS and CDFW, and shall be no less than 1:1 unless the applicant is able to obtain a “no effect” determination or similar clearance by the USFWS.

Monitoring BIO-6: Permit Sonoma staff shall withhold issuance of a Grading Permit until verification is received indicating that the above mitigation measure has been completed.

Mitigation Measure BIO-7 CTS Avoidance and Minimization: The applicant shall implement the CTS avoidance and minimization measures (1-22) as outlined in the Endangered Species Act Biological Assessment report prepared by the Huffman-Broadway Group, dated August 2019.

Monitoring BIO-7: Prior to issuance of any grading permits and through the completion of initial site disturbance, Permit Sonoma staff shall ensure that all avoidance and minimization measures are noted and/or depicted on the final project plans. Staff shall review the results of any pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species.

Mitigation Measure BIO-8 Plant Mitigation: Prior to site preparation, the applicant shall demonstrate authorization from the United States Fish and Wildlife Service (USFWS) and provide mitigation for the impacts to 0.30 acres of suitable habitat for Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam through either (1) the purchase of 0.45 mitigation credits at an agency-approved conservation bank in accordance with the 2020 Programmatic Biological Opinion, or (2) Permittee responsible mitigation at an off-site location approved by the CDFW and USFWS.

Monitoring BIO-8: Permit Sonoma staff shall withhold issuance of a Grading Permit until verification is received indicating that the above mitigation measure has been completed.

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

Comment

The Huffman-Broadway Group prepared a Riparian Corridor Setback Assessment, dated April 22, 2020, to evaluate the potential impact of the project's proposed encroachment into the Todd Creek setback. The Sonoma County Zoning Code requires a 100-foot setback from the top of bank and the project proposes land disturbance up to the 20 feet from the top of bank. Exceptions to the setback may be permitted provided that it can be demonstrated the area of development has no riparian value, or a conservation plan is approved that provides for the appropriate protection of the biotic resources, water quality, flood management, bank stability, groundwater recharge, and other applicable riparian functions.

Todd Creek is a perennial creek approximately 25 feet wide, and considered "confined," meaning it is unlikely to overflow its banks and use the adjacent lands as an active floodplain. The Creek's riparian vegetation is dominated by arroyo willow (Salix lasiopelis), Coast live oak (Quercus agrifolia), broadleaf cattail (Typha latifolia) and other riparian species. The riparian vegetation extends up to and ends roughly at the top of bank.

The eastern boundary of the project site is approximately 20 feet from Todd Creek's top of bank. Within the 20 feet between the project site boundary and the top of bank, a 10-foot wide pedestrian asphalt path runs parallel to the creek with 5-feet of non-native grass on each side. Non-native grasses including Italian ryegrass (Festuca perennis), wild oat (Avena fatua), Harding grass (Phalaris aquatica), English plantain (Plantago lanceolata), bristly ox-tongue (Helminthotheca echioides), common yarrow (Achillea millefolium), field bindweed (Convolvulus arvensis), wild carrot (Daucus carota), and horseweed (Conyza canadensis) dominate the eastern portion of the project site within the 100-foot riparian corridor setback.

Huffman-Broadway Group found that the project's landscaping plan will provide a more complex biotic structure that will complement and benefit the biotic resources along Todd Creek[11], specifically:

- Increase the plant layer structure from one layer of non-native grasses to three layers consisting of native herbaceous plants (grasses, forbs, flowering plants) and woody shrubs and trees; and
- Provide horizontal interspersion of plants moving from trees, to shrubs, to medium and short herbaceous plants; and
- Increase the vertical biotic structure with the various heights of the vegetation from short herbaceous material to medium and tall shrubs and trees. Vertical biotic structure will provide good habitat for avian and invertebrate species, and some amphibians, moving to and from Todd Creek, a biotic structure which currently does not exist.

[11] Perrera, Robert, "Riparian Corridor Setback Assessment, Los Pinos Apartment Project, Sonoma County, California", Huffman-Broadway Group, Inc., April 22, 2020.

- The raised garden beds, although they are not natural, will provide a variety of flowering plants attracting many insects that in turn attract avian species, particularly insectivores such as flycatchers or warblers that may predate on insects.

Based on the current site conditions, implementation of the project's landscaping plan and certain conservation measures, encroachment into the riparian corridor setback would not adversely impact biotic resources, water quality, floodplain management, bank stability, groundwater recharge, or other riparian functions.

To ensure the long-term protection of riparian resources and functions, the conservation measures listed under Mitigation Measure BIO-9 shall be implemented to reduce any potential for a significant impact to less than significant.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
Mitigation Measure BIO-9 Riparian Function Protection: To ensure the long term protection of the biotic resources, water quality, floodplain management, bank stability, groundwater recharge, and other applicable riparian functions such as habitat for avian species, invertebrates and small mammals commonly found near or within the riparian corridor, the project shall install the landscaping plan with the following conditions:

1. The first 15 feet from the project's eastern boundary shall be a 100 percent vegetated buffer using only native plants as shown on, or similar to, Exhibit A of the assessment prepared by Huffman-Broadway Group, dated April 22, 2020.
2. The north and south corners of the eastern boundary, extending at least 30 feet west, shall be a 100 percent vegetated buffer using only native plants as shown on, or similar to, Exhibit A.
3. All non-vegetated areas within the setback encroachment such as the raised garden beds, pedestrian pathways, and parking lot backup space shall be composed of permeable surfaces.
4. The use of herbicides, pesticides or synthetic fertilizer will be prohibited within the 30-foot buffer area. Any weeding will need to be conducted using hand tools not herbicides.
5. Trash shall be picked up within the riparian corridor setback on a quarterly basis to minimize the chance of trash being washed or blown into Todd Creek.

Monitoring BIO-9: Prior to final occupancy, Permit Sonoma shall ensure that all required landscaping is installed in accordance with the plans approved by the Design Review Committee and the mitigation measures outlined in the April 22, 2020 assessment prepared by Huffman-Broadway Group.

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
Darren Wiemeyer performed a wetland delineation at the site on June 27 and July 1, 2019. In addition, a site visit to observe active hydrology was conducted on January 14, 2019. A total of 0.30-acres of seasonal wetlands were delineated[12] as potentially within the jurisdiction of the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and the Regional Water Quality Control Board under the Porter Cologne Act and/or Section 401 of the Clean Water Act. According to the Wiemeyer Biological Assessment, the wetlands occur as four separate seasonal wetlands, as shown in Figure 12. In general, the two small wetlands located on the western portion of the site consist of non-native species and have been degraded from past land uses. The large wetland along the southern site boundary and the small wetland to its north contain several native wetland and vernal pool species and appear to be relatively undisturbed.

[12] Wiemeyer, Darren, "Biological Assessment, Los Pinos Apartments, 3496 Santa Rosa Avenue, Santa Rosa, California", Wiemeyer Ecological Services, August 2, 2019.

Dominant plant species in the seasonal wetlands include Italian ryegrass, Mediterranean barley (Hordeum marinum ssp. gussoneum), semaphore grass (Pleuropogon californicus), curly doc (Rumex crispus), pennyroyal (Mentha pulegium) and button celery (Eryngium aristulatum). Additional native vernal pool species observed in the large wetland along the southern site boundary include brown-headed rush (Juncus phaeocephalus), smooth goldfields (Lasthenia glaberrima) and Lobb's aquatic buttercup (Ranunculus lobbii), which is a CNPS List 4.2 plant.

All of the seasonal wetlands are shallow with short hydro-periods. The deepest portion of the largest wetland along the southern site boundary was observed to be ponded to a depth of 10 inches. The seasonal wetlands at the site would be considered suitable habitat for three federally endangered plant species that are known to occur in vernal pool habitat on the Santa Rosa Plain, as discussed earlier.

The project requires permanent fill of the wetlands. Mitigation Measure BIO-10 will mitigate the project's impacts to seasonal wetlands to a less than significant level.

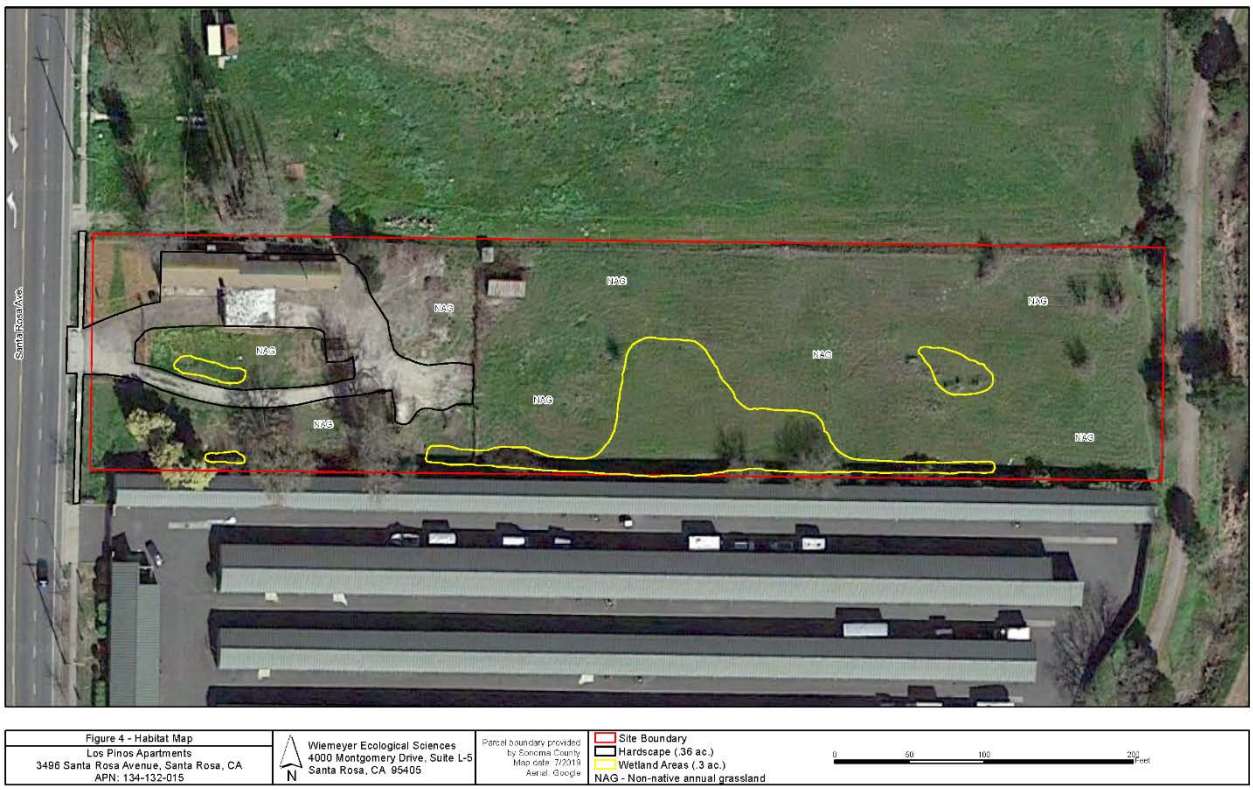
Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
Mitigation Measure BIO-10 Wetland Fill Authorization: The applicant shall complete the following prior site disturbance:

1. Obtain permit authorization from the USACE under the 404 Nationwide Permit Program for the loss of 0.30-acres of seasonal wetland habitat. Implement all agency conditions.
2. Obtain permit authorization from the North Coast RWQCB under the 401 Water Quality Certification Program for the loss of 0.30-acres of seasonal wetland habitat. Implement all agency conditions.
3. Impacts to seasonal and perennial wetland features shall be fully mitigated at a minimum 1:1 ratio on a functions and values basis ("no net loss"); however, the final wetland mitigation requirements will be determined by the regulatory agencies during the permitting process. Wetland mitigation credits shall be purchased from an agency-approved wetland mitigation bank.

Monitoring BIO-10: Permit Sonoma staff shall withhold issuance of a Grading Permit until verification is received indicating that Permittee responsible mitigation at an off-site location was approved by the CDFW and USFWS or mitigation credits have been purchased, and all agency authorizations have been issued.

Figure 12. Huffman-Broadway Group Wetland Map



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

According to the Wiemeyer assessment, the site provides suitable, yet limited, habitat for a variety of wildlife species. Wildlife species noted at the site during field surveys include song sparrow, brown towhee, black phoebe, common raven, American goldfinch, house finch, western fence lizard, pocket gopher, mule deer and pacific chorus frog.

The grassland habitat provides marginally adequate habitat for foraging, cover and rearing young for small to medium sized mammals and for reptiles. The seasonal wetlands provide a seasonal water source for wading birds and pacific chorus frog larvae was observed in the largest seasonal wetland. No large burrows were observed but there were several areas with small fossorial mammal burrows, primarily pocket gopher burrows.

No active bird nests were observed, but the site provides suitable nesting habitat for ground and tree nesting birds and suitable foraging habitat for several bird species. It is somewhat likely that native birds nest at the site. Tree removal and site development has the potential to disturb active nesting birds.

The large Fremont cottonwood trees provide potentially suitable roosting bat habitat. Removal of the Fremont cottonwood trees has the potential to disturb active roosting bat species. The site would not be considered a wildlife corridor, but Todd Creek to the east of the site most likely functions as a wildlife corridor to some extent. Impacts to Todd Creek are discussed in Section 4(d).

Potential impacts on nesting birds, bats, and Western pond turtle are addressed through Mitigation Measures BIO-3 through BIO-5.

Significance Level
Less than Significant Impact with Mitigation Incorporated

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

Comment
Becky Duckles, ISA Certified Arborist prepared a tree inventory report for the project, dated August 7, 2019. The report indicates that there are 20 trees on the site or immediately adjacent to the property, of which eight are protected trees under the County's Tree Protection ordinance[13]. Three protected trees, including one Valley Oak and two Oregon Oaks, will be removed to construct the project. Consistent with the County's ordinance, an arboreal value of three points was calculated. The impact of protected tree removal will be mitigated through replanting at the ratio required by the County ordinance.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
Mitigation Measure BIO-11 Tree Removal: The project shall comply with the County's Tree Protection Ordinance by mitigating the removal of protected trees through replanting. Documentation of tree removal mitigation shall be provided on the final landscape plans.

Monitoring BIO-11: Prior to building permit issuance, the Design Review Committee and/or Permit Sonoma staff will ensure that the plans include adequate tree planting. Prior to building permit final, the planner will verify that tree planting is installed.

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

Comment
There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state Habitat Conservation Plans within the project area. Federally designated Critical Habitat and the project's consistency with the Santa Rosa Plain Conservation Strategy is discussed in 4(a) above.

Significance Level
Less than Significant

5. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Comment
Taylor Alshuth, BA and Eileen Barrow, MA/RPA of Tom Origer & Associates prepared a Cultural Resources Study of the project site, dated July 3, 2019. At the time of the study, a house, large shed and two small sheds existed on the property. Based on research and a field survey, the report determined that while the house and small shed to the south meet the age threshold, these buildings

[13] Duckles, Becky, ISA Certified Arborist, "Arborist's Report & Tree Inventory", August 7, 2019.

did not have the potential to be eligible for inclusion on the California Register[14]. The buildings had a limited potential to yield important information regarding the history of the area. The multi-phase development of the property expressed a lack of association between the buildings. Further, the buildings were architecturally indistinctive and the house had been heavily modified with the addition to the south and the replacement of all windows with aluminum sliders. No historic properties were identified within the project site, therefore, there will be no impact.

Significance Level
No Impact

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

Comment
An intensive field survey was completed by Taylor Alshuth on June 19, 2019. In addition to the surface survey, two hand-dug auger borings were excavated using a 4-inch diameter barrel auger to examine subsurface soils. No archaeological site indicators were observed during the course of the survey. Additionally, no archaeological site indicators were found within the auger borings.

On December 23, 2019 Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County to request consultation under AB52. The request for consultation period ended January 22, 2020 and there were no requests for consultation.

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

Significance Level
Less than Significant with Mitigation Incorporated

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

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

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

[14] Barrow, Eileen, M.A., and Taylor Alshuth, BA, "Cultural Resources Study for the Los Pinos Apartments Project, 3496 Santa Rosa Avenue, Santa Rosa, Sonoma County, California", Tom Origer and Associates, July 3, 2019.

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

Monitoring CUL-1: Building/grading permits shall not be approved for issuance by Permit Sonoma Project Review Staff until the above notes are printed on the building, grading and improvement plans.

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

Comment
There are no known burial sites on the property but the potential exists for an accidental discovery of human remains during construction. Mitigation Measure CUL-1 will reduce the potential impact to less than significant.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
See Mitigation Measure CUL-1.

6. ENERGY

Would the project:

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

Comment
During construction, the proposed project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment. No natural gas would be utilized as part of construction. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site preparation, grading, paving, and building construction. The types of equipment could include gasoline- and diesel powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools.

Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. California Code of Regulations Title 13, Sections 2449(d)(3) and 2485 limit idling from both on-road and off-road diesel-powered equipment and are enforced by the Air Resources Board (ARB). In addition, given the cost of fuel, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Construction shall be limited between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between 9:00 a.m. and 5:00 p.m. on weekends. As on-site construction activities would be restricted to these hours, it is anticipated that the use of construction lighting would also be similarly limited. Because of the temporary nature of construction and the financial incentives for developers and contractors to implement efficient energy use, the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Therefore, the construction-related impact related to fuel and electricity consumption would be less than significant.

Building operations for the proposed project would involve energy consumption for multiple purposes including, but not limited to, building heating and cooling, refrigeration, lighting (indoor and outdoor), and appliances.

The proposed project would be designed and constructed in accordance with CALGreen standards. CALGreen Requirements include building, electricity, and water conservation energy saving measures that are required to be completed as part of the building permitting process. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building.

Compliance with Title 24 standards would ensure that operational energy consumption would not result in the use of energy in a wasteful or inefficient manner. Therefore, the operational impact related to building electricity and natural gas 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
There are no renewable energy standards applicable to construction activities. The County of Sonoma Climate Action 2020 and Beyond – Regional Climate Action Plan adopted a goal to incentivize replacement of fossil-fuel construction equipment with alternatively fueled or electric equipment. Such a measure is not mandatory. However, given the California Code of Regulation Title 13, impacts would be less than significant.

California's Renewables Portfolio Standard (RPS) requires that 33 percent of electricity retail sales be served be renewable energy sources by 2020. PG&E would provide the delivery of electricity to the project through the existing grid, while Sonoma Clean Power would provide the electric generation service. Sonoma Clean Power's power mix as of 2018 includes 42 percent large hydroelectric, 49 percent renewable, and 9 percent general system power. Sonoma Clean Power's renewable energy resource mix is comprised of 42 percent large hydro, 22.7 percent wind, 7.6 percent solar, 17.7 percent geothermal, 9.4 percent CAISO system power, and 0.6 percent biomass and biowaste, as well as an EverGreen option for 100 percent local renewable service.

Sonoma Clean Power's current power mix exceeds State requirements for 2020. Hence, the proposed project would receive electricity from a utility company that meets California's RPS requirements. In addition, the proposed residential buildings would be designed and constructed in accordance with the State's Title 24 energy efficiency standards. The impacts would be considered less than significant.

Significance Level
Less than Significant Impact

7. GEOLOGY AND SOILS

Would the project:

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

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Comment
The project site is not within a fault hazard zone as defined by the Alquist-Priolo fault map. The three closest faults to the project site are the Rodgers Creek fault with a distance of 2.57 miles, Mayacama at 12.70 miles, and the San Andreas at 17.36 miles.

Significance Level
Less than Significant Impact

ii. Strong seismic ground shaking?

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

Significance Level
Less than Significant Impact

iii. Seismic-related ground failure, including liquefaction?

Comment
PJC & Associates prepared a Geotechnical Investigation for the project, dated August 19, 2019. According to the report, based on their review of the Association of Bay Area Governments (ABAG) interactive liquefaction susceptibility map, the site is considered to have low susceptibility to liquefaction during or immediately following a significant seismic event. The Sonoma County Hazard Mitigation Plan also identifies the site as having very low susceptibility to liquefaction[15]. As part of the investigation, a borehole was drilled to a depth of 30 feet to evaluate the potential of liquefaction. The boreholes encountered cohesive sandy clay soils with intermittent strata of dense granular soils, which are not considered prone to liquefaction due to high relative densities and high plasticity indices[16]. All structures will be required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements. As a result, this potential impact is considered 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. The project site is nearly level and according to the PJC report, which references the Special Report 120 regional stability map, is located in a relatively stable area. All structures will be required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements. Therefore, this potential impact is considered less than significant.

[15] "2016 Sonoma County Operational Area Hazard Mitigation Plan", Sonoma County Permit and Resource Management Department, and Fire and Emergency Services Department, September 2017.
[16] Conway, Patrick, "Geotechnical Investigation Proposed Los Pinos Apartments", PJC & Associates, Inc., August 19, 2019.

Significance Level
Less than Significant Impact

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

Comment
The project site is nearly level and according to the geotechnical investigation is not considered to be prone to instability issues. The onsite investigation found no areas experiencing significant erosion or sediment transport.

Project construction will involve cuts and fills which require the issuance of a grading permit. Improper grading, both during and post construction, has the potential to increase the volume of runoff from a site which could have adverse downstream flooding and further erosional impacts, and increase soil erosion on and off site which could adversely impact downstream water quality. Erosion and sediment control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County Code) requires implementation of flow control best management practices to reduce runoff. The Ordinance requires treatment of runoff from the two year storm event. Required inspection by Permit Sonoma staff insures that all grading and erosion control measures are constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential water quantity impacts at a less than significant level during and post construction.

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

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

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

The County adopted grading ordinances and standards and related conditions of approval which enforce them are specific, and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, Low Impact Development and any other adopted best management practices. Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met. See further discussion of related issues (such as maintenance of required post-construction water quality facilities) in the Hydrology section.

Significance Level
Less than Significant 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, as is all of Sonoma County, is subject to seismic shaking. All appropriate measures based on the engineering standards of the California Building Code (CBC) will be required. The site has a very low potential for liquefaction and is not prone to landslides or soil erosion. This potential impact is therefore considered 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 risks to life or property?

Comment
According to the geotechnical investigation, the surface soils exhibit high and low plasticity characteristics, which causes the site surface and near surface soils to have a low to high expansion potential[17]. This potential impact will be less than significant if the project follows the recommendations within the report.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
Mitigation Measure GEO-1: All recommendations from the PJC & Associates Geotechnical Investigation dated August 19, 2019 shall be incorporated in the foundation design and the sites preparation. A summary of those recommendations are as follows:
Foundation

- A post-tension slab foundation should be used.
- The upper 12 inches of soil beneath the structures should be scarified, moisture conditioned and compacted according to the geotechnical report.
- The upper 18 inches of soil beneath the flatwork should be scarified, moisture conditioned and compacted according to the geotechnical report.

Grading and Earthwork

- Structural areas should be stripped of surface vegetation, old fills, debris, underground utilities, etc.
- Any existing wells, leachfield etc., should be abandoned under proper permit.
- Where imported fill is proposed for flat work, the upper 18 inches of imported fill should be removed and replaced with low to non-expansive soils.
- Where imported fill is proposed for structures, the upper 12 inches of imported fill should be removed and replaced with low to non-expansive soils.

Monitoring GEO-1: Building/grading permits shall not be approved for issuance by Permit Sonoma Staff until the recommendations of the PJC & Associates August 19, 2019 Geotechnical Investigation for the Los Pinos Apartments have been incorporated in the foundation design and all required notes appended to the grading plans.

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

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

[17] Conway, Patrick, "Geotechnical Investigation Proposed Los Pinos Apartments", PJC & Associates, Inc., August 19, 2019.

Significance Level
No Impact

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

Comment
See Section 5 for a discussion of cultural resources. There are no known paleontological, archaeological or historic resources on the site, but the project could uncover such materials during construction. Mitigation measures **CUL-1** above will address accidental discovery.

Significance Level
Less than Significant 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
A Climate Action 2020 Plan was developed by the Sonoma County Regional Climate Plan Authority (RCPA) in 2016 but was unable to be formally adopted due to litigation. The Sonoma County Board of Supervisors adopted a Climate Change Action Resolution on May 8, 2018 which acknowledged the Climate Action 2020 Plan and resolved to "…work towards the RCPA's countywide target to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050." The Resolution also included twenty goals for reducing GHG emissions including increasing carbon sequestration, increasing renewable energy use, and reducing emissions from the consumption of goods and services. The Bay Area Air Quality Management District (BAAQMD) has published greenhouse gas significance thresholds for use by local governments in the report titled *California Environmental Quality Act Air Quality Guidelines May 2017*[18]. For projects other than stationary sources, the greenhouse gas significance threshold is 1,100 metric tons per year of CO_2e or 4.6 metric tons of CO_2e per service population (residents and employees) per year. To assess potential greenhouse gas emissions related to the project, air quality modeling was performed using the CalEEMod Version. The results of the analysis, summarized in the table in section 3(b) indicate that emissions from the project would be 502 metric tons per year, which is well below the threshold developed by the BAAQMD of 1,100 metric tons of CO_2e per year. For this reason, this potential impact is considered less than significant.

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
In May 2018, the Board of Supervisors adopted a Resolution of Intent to Reduce Greenhouse Gas Emissions that included adoption of the Regional Climate Protection Agency's goal to reduce greenhouse gas emissions by 40 percent below 1990 levels by 2030 and by 80 percent below 1990 levels by 2050. The Resolution of Intent included specific goals that can further reduce greenhouse gas emissions. All new development is required to evaluate all reasonably feasible measures to

[18] Bay Area Air Quality Management District, "California Environmental Quality Act, Air Quality Guideline," May 2017. https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

reduce greenhouse gas emissions and enhance carbon sequestration. The project will not conflict with applicable goals, objectives, plans, policies, or regulations provided the mitigation measure specified below is implemented.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
Mitigation Measure GHG-1: The applicant shall submit a Greenhouse Gas Reduction Plan for Permit Sonoma review and approval that defines measures to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project. The Greenhouse Gas Reduction Plan shall include all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible. Measures that must be evaluated include but are not limited to best available conservation technologies for all energy and water uses, installation of renewable energy facilities to meet demand on-site, provisions of electric vehicle charging stations, bicycle facilities including secure bike parking, and lockers and showers for employees, employing best management practices for carbon sequestration, such as no till soils, reduced use of fertilizers, etc.

Monitoring GHG-1: Permit Sonoma staff shall ensure that the methods selected in the Greenhouse Gas Emissions Reduction Plan are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits. Building/grading permits shall not be approved for issuance by Project Review Staff until the Greenhouse Gas Reduction Plan has been approved and incorporated into the design and construction documents for the project.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Comment
Small amounts of potentially hazardous materials will be used on this project such as fuel, lubricants, and cleaning materials. Proper use of materials in accordance with local, state, and federal requirements, and as required in the construction documents, will minimize the potential for accidental releases or emissions from hazardous materials. This will assure that the risks of the project affecting the human or biological environment will be reduced to a less than significant level.

Significance Level
Less than Significant Impact

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

Comment
The proposed project would involve the minor use of hazardous materials typically required during construction, such as diesel fuel and other motor lubricants. Contractors would comply with applicable federal, State, and local laws pertaining to the safe handling and transport of hazardous materials, which would minimize potential spill occurrences. Spills that may occur during construction activities would likely be minimal and potential adverse effects would be localized. Plans and specifications typically require contractors to clean up any spills of hazardous materials immediately. This potential impact is therefore considered 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
The project site is not located within one-quarter mile of an existing or proposed school.

Significance Level
No Impact

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

Comment
There are no known hazardous materials sites onsite or substantially near the project limits based on a review of the following databases on June 14, 2020.

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

A LUST (leaking underground storage tank) site is located on a nearby property to the north (formerly John's Auto Repair). The case has been closed since 2015. There are 13 other LUST or Cleanup Program sites identified by the Geotracker database and interactive map within a half-mile of the project site. Of those cases, four remain open. There is no evidence that the project site would be impacted by the nearby cases.

Significance Level
Less than Significant Impact

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

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

Significance Level
No Impact

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

Comment
The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. In any case, the project does not propose permanent road closures or lane narrowing that would impact an emergency response plan or evacuation plan. The site is located in an urbanized area with direct access to Santa Rosa Avenue. In addition, any future development will be reviewed for compliance with County Fire Code through the building permit process.

Significance Level
Less than Significant Impact

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

Comment
According to the Wildland Fire Hazard Areas mapping (Figure PS-1g) of the Sonoma County General Plan 2020, the project is not located within a fire hazard zone[19]. Construction on the project site must conform to County Fire Code related to fire sprinklers, emergency vehicle access, and water supply making the impact from risk of wildland fire less than significant.

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 groundwater quality?

Comment
The Clean Water Act (CWA) governs and authorizes water quality control at the federal level. The CWA established the National Pollutant Discharge Elimination System (NPDES) permit program to regulate municipal and industrial discharge.

At the State level, the Porter-Cologne Water Quality Control of 1969 oversees California's water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters. Regional authority for the planning, permitting, and enforcement of the State's policies, plans and objectives is delegated to the Regional Water Quality Control Boards. The Los Pinos project is located within the jurisdiction of the North Coast Regional Water Quality Control Board (NCRWQCB).

The project is located within the Laguna de Santa Rosa watershed boundaries and within the Santa Rosa Valley groundwater basin. The Laguna de Santa Rosa watershed flows into the Russian River, which flows into the Pacific Ocean. The site is within the City of Santa Rosa Urban Service Area, and the applicant will be required to obtain a utility certificate from the City in order to receive water service. Wastewater service will be provided by the South Park Sanitation District, which is treated by the Laguna subregional wastewater treatment plant. This facility has adequate capacity for the project and operates in compliance with Conditions of Waste Discharge issued by the North Coast Regional Water Quality Control Board. The project will discharge storm water into the City of Santa Rosa storm water drainage system, which discharges into the Russian River via Santa Rosa Creek.

Civil Design Consultants, Inc. prepared an Initial Storm Water Low Impact Development report for the project, dated May 2020[20]. According to the report, the Los Pinos Apartments project site is within the permit boundary of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4), which regulates discharges into the watershed with the intent to reduce storm water pollution and protect the water quality of our local creeks and waterways and continue to promote groundwater recharge.

Construction activities for the project will involve disturbing one or more acres of ground, so the project is subject to the requirements of the State Water Resources Control Board (SWRCB) NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General

[19] "Sonoma County General Plan 2020 (as amended)", County of Sonoma, September 23, 2008.
[20] "Initial Storm Water Low Impact Development Submittal Los Pinos Apartments", Civil Design Consultants, Inc., May 2020.

Construction Permit). Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. Applicants of construction projects must file for coverage under the General Construction Permit by submitting a complete Notice of Intent (NOI) package to the SWRCB; and developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must contain a site map that shows the construction site perimeter; existing and proposed buildings, lots, roadways, and storm water collection and discharge points; general topography both before and after construction; and drainage patterns across the project site. The SWPPP must include the Best Management Practices (BMPs) that the applicant will use to protect the quality of storm water runoff and the placement of those BMPs.

Implementation of the BMPs identified in the SWPPP would assure that the proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality at the time of construction.

The project involves placement of more than 10,000 square feet of impervious surface area therefore, it must both meet the requirements of the Sonoma County Storm Water Quality Ordinance and incorporate Low Impact Development (LID) Best Management Practices (BMPs) contained in the City of Santa Rosa and County of Sonoma Storm Water Low Impact Development Technical Design Manual.

LID is a site design strategy of BMPs that mimics the pre-development site hydrology. To this end, the project will collect overland flow and route it to a series of proposed stormwater treatment facilities before entering the underground drainage system. These features will be constructed over aggregate layers where stormwater will be retained. This pretreatment design feature will not only remove pollutants, but also will reduce the amount of runoff by capturing and infiltrating storm water onsite. The treatment facilities are proposed at various locations throughout the project site.

Implementation of permanent stormwater quality features as required to obtain grading and drainage permits, and implementation of post-construction BMPs as required under the NPDES permit would ensure that no stormwater discharge requirements are violated. Therefore, the proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The potential impacts would therefore be less than significant.

Significance Level
Less than Significant 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 will receive municipal water from the City of Santa Rosa through the Utility Certificate process. The City of Santa Rosa has three sources of water supplies: entitlements from Sonoma Water (Sonoma County Water Agency), six groundwater wells, and recycled water. Sonoma Water receives its water supply from the Russian River. According to the City of Santa Rosa's General Plan, 90 percent of the City's water is from the water entitlements received from Sonoma Water. The City of Santa Rosa General Plan FEIR includes an assessment of future water demands. The General Plan FEIR determined the City of Santa Rosa would have a total water supply of 38,486 AFY in 2035 and total demand for General Plan buildout was concluded to be 36,186 AFY. Given the consistency of the project with the City's General Plan land use designation, water supply is sufficient. The project's impact on groundwater supply is less than significant.

Significance Level
Less than Significant Impact

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

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

Comment
Todd Creek runs along the eastern boundary of the project site. The site is nearly level and according to the geotechnical investigation performed for this project is not considered to be prone to instability issues.

Construction of the proposed project involves minor cuts, fills, and other grading. Unregulated grading during construction has the potential to increase soil erosion from a site, which could cause downstream flooding and further erosion, which could adversely impact downstream water quality. Construction grading activities shall be in compliance with performance standards in the Sonoma County Grading and Drainage Ordinance. The ordinance and adopted construction site Best Management Practices (BMPs) require installation of adequate erosion prevention and sediment control management practices. These ordinance requirements and BMPs are specifically designed to maintain water quantity and ensure erosion and siltation impacts are less than significant level during and post construction. Therefore, construction activities associated with the proposed project will not alter the existing drainage pattern of the site or area in a way that would result in downstream erosion and/or sedimentation.

Significance Level
Less than Significant Impact

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

Comment
The proposed project would increase the amount of surface runoff generated on the project site because of an increase in impervious surfaces compared to existing conditions. As outlined in the Initial Storm Water Low Impact Development report prepared for the project by Civil Design Consultants, Inc., the project includes a storm drainage system consisting of bio-retention beds. Bio-retention beds have been selected for this project because of their ability to remove pollutants through a variety of natural physical, biological and chemical treatment processes. These BMPs are considered a Low Impact Development (LID) device for treatment control. They have also been selected because they provide an opportunity for the runoff to settle any suspended solids and remove hydrocarbons, both of which have been identified as pollutants that can degrade the downstream receiving waters of the project. Compared to pipe networks, bio-retention beds with gravel storage areas will reduce runoff from the site and provide ground water recharge. This provides the opportunity to reduce the peak flow in a basin. For this project, aggregate consisting of 0.75 inch to 1.5 inch structural soil for the storage area has been selected. The structural soil has a porosity of 30 percent. This provides the opportunity to reduce the peak flow in a basin and will provide volume capture for the 85th percentile 24-hour storm. This drainage system will render the potential to increase the rate or amount of surface runoff in a manner that could result in flooding on or offsite to less than significant.

Significance Level
Less than Significant 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; or

Comment
See comments above.

Significance Level
Less than Significant Impact

iv. Impede or redirect flood flows?

Comment
The parcel is not in the 100-year flood zone or Special Flood Hazard Area (SFHA) (i.e., the area that will be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year). At the time of submitting of a grading, drainage, or building permit application, a final drainage report for each parcel must be submitted for review. A typical drainage report would include a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout. As described in further detail under Impact 10(d), the project site is not susceptible to inundation from flood hazards, tsunamis, or seiches. As a result, the proposed project would not impede or redirect flood flow, and there would be no impact.

Significance Level
No Impact

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

Comment
According to Figure PS-1e of the General Plan, the project site is outside of the 100-year Flood Hazard Area[21]. There are no blue line streams on the property. The project site is not located in an area subject to seiche or tsunami. Mudflow can be triggered by heavy rainfall, earthquakes, or volcanic eruption. Existing flood hazards that could affect new development are considered in this analysis. Impacts of the environment on the proposed project are analyzed as a matter of County policy, not because such analysis is required by CEQA.

Significance Level
Less than Significant Impact

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

Comment
The project is subject to Chapter 11 (Construction Grading and Drainage Ordinance) and Chapter 11A (Storm Water Quality Ordinance) of the Sonoma County Code and the Sonoma County Storm Water Low Impact Development Guide, all of which include performance standards and Best Management Practices for pre-construction, construction, and post-construction to prevent and/or minimize the discharge of pollutants, including sediment, from the project site. The site is located within the Santa Rosa Valley Priority SGMA basin, however, the project does not rely on groundwater; municipal water service is provided by the City of Santa Rosa. The project will not impede or conflict with implementation of the Sonoma County Storm Water Low Impact Development Guidelines or the goals of the Sustainable Groundwater Management Act.

Significance Level
Less than Significant Impact

11. LAND USE AND PLANNING

Would the project:

[21] "Sonoma County General Plan 2020 (as amended)", County of Sonoma, September 23, 2008

a) Physically divide an established community?

Comment
The project would not physically divide a community. It does not involve construction of a physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that would impair mobility within an established community or between a community and outlying areas. The project will occur on an infill site, situated within a mixed-use area of light industrial and medium residential density development. Development of the site would not create a physical barrier that would divide an establish community.

Significance Level
No Impact

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

Comment
The project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect, including in the Sonoma County General Plan and zoning ordinance, through implementation of the mitigation measures contained within this document.

The parcel's General Plan land use designation of Urban Residential allows multi-family housing as a permitted use. The proposed project includes a density bonus for affordable housing, and utilizes the County's provision for Density Unit Equivalents, resulting in a 50 units. The project site is located in the City of Santa Rosa's Urban Growth Boundary and Urban Service Area. Under Government Code 65915, the State density bonus law, the County and the City find this increased density consistent with their General Plans. The City of Santa Rosa provides water service upon approval of a City Utility Certificate, and the South Park County Sanitation District (Sonoma Water) provides sewer service. Utility Certificates may be granted for new water connections when the proposed project use is consistent with the City's General Plan, approved by the joint City/County Design Review Committee, and meets the City of Santa Rosa's development standards. The project site is designated Medium Density Residential (8-18 units/acre density) in the City's General Plan. The City requires development to be at least at the mid-point of the density range; therefore, the project must provide at least 13 units per acre to receive a Utility Certificate. The project as proposed does not conflict with the City of Santa Rosa's General Plan, development standards, and a Utility Certificate for water service will be issued to the City subject to the project design approved by the City/County Design Review Committee.

Significance Level
Less than Significant with Mitigation Incorporated

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 Surface Mining and Reclamation Act of 1975 (SMARA) is the primary state law concerning mineral resources, including sand, gravel, and building stone which are important for commercial purposes. Because of the economic importance of mineral resources, SMARA limits new development in areas with significant mineral deposits. SMARA also requires State Geologists to classify specified areas into Mineral Resource Zones (MRZs).

Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist).

According to Department of Conservation Special Report 175: Mineral Land Classification of Aggregate Materials in Sonoma County, California 2005, there are no mineral resource recovery sites on or near the vicinity of the project site. The nearest active mine is the Canyon Rock Co., Inc., located approximately 11 miles west.

Development of the project would have no impact on the supply and availability of mineral resources.

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 neither designated or near a designated locally important mineral resource recovery site. Development of the project site would have no impact on the availability of delineated site.

Significance Level
No Impact

13. NOISE:

Would the project:

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

Comment
Residential projects are considered to be noise sensitive rather than noise producing.Illingworth & Rodkin prepared an Environmental Noise Assessment for the project, dated July 12, 2019. An addendum to this report was prepared to address the potential noise impacts of the roadway noise on the children's play area, dated May 12, 2020. The report used the 2018 State CEQA Guidelines, 2016 California Building Code, Title 24, Part 2 and the policies and objectives of the Sonoma County 2020 General Plan Noise element as its regulatory criteria.

The assessment found that all potential noise impacts generated by the project, including traffic, parking lot operations, mechanical equipment, and residential outdoor activities, would have less than significant impacts, based on measurements of ambient noise levels and the acceptable ranges established by General Plan Noise Table NE-2.

Sonoma County's acceptable exterior noise level objective is 60 dBA Ldn. Future exterior noise levels at the project site would continue to result primarily from traffic along Santa Rosa Avenue. The primary common use areas on the site will be the open plazas situated between residential buildings on the site. The proposed two-story building situated between the westernmost plaza and Santa Rosa Avenue traffic would act as an effective barrier to Santa Rosa Avenue traffic. The report expects that the building will reduce traffic noise levels by a minimum of 8 to 10 dBA in the center of this common outdoor use area resulting in existing traffic noise levels in Plaza 1 of 57 to 59 dBA Ldn or less[22].

[22] Svinth, Fred M., "Los Pinos Apartments, 3496 Santa Rosa Avenue, Environmental Noise Assessment", Illingworth & Rodkin, Inc. July 12, 2019.

Sonoma County's standard for interior noise levels is 45 dBA Ldn. Interior noise levels within the proposed residential units would vary depending upon the design of the building. However, closed standard thermal insulating windows and weather sealed doors will be sufficient for interior noise levels to be at 45 dBA Ldn or less throughout the project. This standard would not be met with open windows. Requiring air conditioning units or some other form of forced-air mechanical ventilation will allow residents to keep their windows closed, and therefore mitigate significant interior noise levels to less than significant levels (Mitigation Measure Noise-1).

The project will cause short-term noise impacts during construction. This impact can be mitigated to less than significant through the implementation of standard best management practices identified in Mitigation Measure Noise-2.

The addendum analyzed the roadway noise impact on the children's play area. The letter report found that future noise levels would exceed Sonoma County's acceptable exterior levels at the outdoor play area[23]. The addition of a six-foot high barrier wall or fence at the northern and western terminus of the play area will mitigate this impact to less than significant.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
Mitigation Measure NOISE-1: All residential units shall be provided with a suitable form of forced-air mechanical ventilation, as determined by the local building official, to allow residents to keep their windows closed for the purpose of noise control.

Monitoring NOISE-1: Permit Sonoma Project Review staff shall ensure that a forced air ventilation system is shown on the building plans for all residential units.

Mitigation Measure NOISE-2: Construction activities for this project shall be restricted as follows:

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

[23] Svinth, Fred M., "Addendum to July 12, 2019 Noise Assessment Report", Illingworth & Rodkin, Inc. May 12, 2020.

cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Monitoring NOISE-2: Permit Sonoma Project Review staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Permit Sonoma staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Permit Sonoma staff will investigate any noise complaints. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

Mitigation Measure NOISE-3: A 6-foot high noise barrier wall or fence shall be installed at the western and northern perimeter of the children's play area as outlined and shown in Figure A1 of the Illingworth and Rodkin, Inc. May 12, 2020 Addendum letter report.

Monitoring NOISE-3: Permit Sonoma Project Review Division staff shall ensure that the building construction plans include a sound fence detail consistent with the specifications identified in the Illingworth & Rodkin Inc., Addendum letter report dated May 12, 2020. Permit Sonoma staff shall inspect the site prior to issuance of a final occupancy permit to ensure that the sound fence was constructed per specifications.

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

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

Significance Level
Less than Significant 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 in the vicinity of an existing airport or airport land use zone and would not expose people residing or working in the project area to excessive aircraft noise levels..

Significance Level
No Impact

14. POPULATION AND HOUSING:

Would the project:

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

Comment

According to the US Census Bureau, there are approximately 2.6 persons per household in the County. The project will include 50 additional units of housing therefore, it is expected to add 130 new persons at build-out (50 new housing units x 2.6 persons per household). The project is within the projected population growth of the county's General Plan and is therefore less than significant.

Significance Level
Less than Significant Impact

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

Comment
The project site contained one uninhabitable residence that has since been removed under permit.

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:

i. Fire protection?

Comment
Construction of the project would not involve substantial adverse physical impacts associated with provision of public facilities or services and the impact would be less than significant. The project will include 50 additional units of housing, which can be expected to add 130 new persons at build-out (50 new housing units x 2.6 persons per household). The project is within the projected population growth of the County's General Plan and would not require or facilitate construction of new public facilities.

The Sonoma County Fire Protection District will continue to serve this area. There will be no increased need for fire protection resulting from the project. Sonoma County Code requires that all new development meet County Fire Code (Chapter 13). This is a standard condition of approval and required by County code and impacts would be less than significant.

Significance Level
Less than Significant Impact

ii. Police?

Comment
The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting from the project. As discussed in 15(a)(i) above, the project is within the projected population growth of the County's General Plan and would not require or facilitate construction of new public facilities. When the City annexes the site in the future, policing for the subject property will become the responsibility of the City of Santa Rosa. This impact is considered less than significant.

Significance Level

Less than Significant Impact

iii. Schools, parks, or other public facilities?

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

Significance Level
Less than Significant Impact

iv. Parks?

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

Significance Level
Less than Significant Impact

v. Other public facilities?

Comment
The project will receive municipal sewer from the South Park County Sanitation District and water from the City of Santa Rosa through the Utility Certificate process. The density of the project is consistent with the City of Santa Rosa land use plan for the area and therefore calculated in the General Plan build-out figures. An 8-inch sewer line and 12-inch water line exist in the section of Santa Rosa Avenue along the project frontage. The lines are sufficient to serve the project.

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

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

Significance Level
Less than Significant Impact

16. RECREATION:

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
The project proposes the construction of 50 residential apartments, which equates to approximately 130 new people. The project and population generated would not cause or accelerate substantial physical deterioration of parks or recreational facilities, or require the construction of a new recreation facility. As discussed, the density of the project is consistent with both the City of Santa Rosa and the County of Sonoma Land Use elements. Park impact fees help offset the costs of developing recreational facilities. This potential impact is considered less than significant.

Significance Level
Less than Significant Impact

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

Comment
The project include common use areas, such as plazas, a children's play area and community gardens, consistent with the requirements of zoning ordinance. The site is also in close proximity to the Todd Creek trail. The nearest regional park (Taylor Mountain) and community park (Southwest Community Park) are approximately 3 miles away. A 50-unit residential project is not of sufficient size to require construction or expansion of existing park facilities. As discussed, a standard condition of approval will require the payment of impact fees that will fund new and existing recreational facilities offsite.

Significance Level
Less than Significant Impact

17. TRANSPORTATION

Would the project:

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

Comment
W-Trans prepared a Traffic Impact Study, dated August 27, 2020, consistent with the County's Guidelines and the scope of work requested by the Sonoma County Department of Transportation and Public Works. The study area included the intersections of Santa Rosa Avenue/East Robles Avenue, South Moorland Avenue/Todd Road-US 101 South Ramps, US 101 Overpass/Todd Road, Santa Rosa Avenue/Todd Road, and South Moorland Avenue/US 101 Overpass. The study found that the proposed project is expected to generate an average of 366 new trips per day, with 23 during the morning peak hour and 28 during the evening peak hour[24].

The study intersections currently operate acceptably at Levels of Service (LOS) C or better during peak hours and are expected to continue operating at the same LOS with the addition of project-related traffic. The study intersections are also expected to continue to operate acceptably under future volumes with or without the project, with the exception of the Santa Rosa Avenue/Todd Road intersection, which would deteriorate to LOS E during both the morning and evening peak hours. This deficient condition will exist with or without the project. The project would add less than a five second

[24] "Traffic Impact Study for Los Pinos Apartments", W-Trans, August 27, 2020.

delay to the Santa Rosa Avenue/Todd Road average, and therefore would be considered less than significant under the County's Guidelines for Traffic Impact Studies[25].

W-Trans performed a queuing analysis of the study intersections, which found that under future volumes, queuing would be expected to extend beyond the adjacent intersections in both directions along South Moorland Avenue between Todd Road and the US 101 Overpass. This condition would require capacity improvements to accommodate the project and all other development in the area. Because this improvement is needed without the project, it is not a significant impact.

The study found transit, bicycle and pedestrian facilities to be sufficient. Given the findings of the traffic study, potential impacts are considered less than significant.

Significance Level
Less than Significant Impact

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

Comment
New state law requires agencies use Vehicle Miles Traveled (VMT) as the metric for determining traffic impacts associated with development projects instead of Level of Service. The W-Trans traffic study, dated August 27, 2020, analyzed the project's VMT impact using data from the Sonoma County Transportation Authority (SCTA) travel demand model, which indicates that the County of Sonoma has a baseline average residential VMT of 15.56 miles per capita. Based on guidance from the California Governor's Office of Planning and Research[26], a project generating 15 percent or greater below the existing countywide residential VMT per capita may indicate a less than significant impact. With this guidance, the project would have a significant impact if it generated greater than 13.23 miles per capita. The SCTA model includes traffic analysis zones (TAZ) covering geographic areas throughout the County. The Los Pinos project is located within TAZ 569, which has a baseline VMT per capita of 13.59 miles.

Density and the provision of onsite affordable housing can influence VMT associated with a residential development project. The W-Trans analysis utilized methodologies from two publications to determine how the project's density and affordable housing provisions would impact the project's anticipated VMT, respectively: Quantifying Greenhouse Gas Mitigation Measures (2010) by the California Air Pollution Control Officers Association, and Income, Location Efficiency, and VMT: Affordable Housing as a Climate Strategy (2015) by the California Housing Partnership. The methodology from the former projects that the project's density of 20 units per acre would result in an 11.5 percent reduction in VMT. The latter methodology projects a one percent reduction in VMT with the provision of two affordable units for very low income households as the project proposes.

With the proposed density and provision of onsite affordable housing, the projected reduction in VMT would be 12.5 percent, resulting in a project-specific rate of 11.89 VMT per capita27. Accordingly, the project would have a less than significant impact because the VMT generated by the project would be more than 15 percent below the TAZ average.

Significance Level
Less than Significant Impact

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

[25] Department of Transportation and Public Works and the Permit and Resource Management Department, "Guidelines for Traffic Impact Studies", County of Sonoma, May 2016.
[26] Governor's Office of Planning and Research, "Technical Advisory on Evaluating Transportation Impacts in CEQA", State of California, December 2018.
[27] "Traffic Impact Study for Los Pinos Apartments", W-Trans, August 27, 2020.

Comment
The project site is accessed from Santa Rosa Avenue, which is straight and flat along the project's frontage and beyond. The traffic study analyzed sight distance based on the posted speed of 40 mph. According to AASHTO Guidelines, the minimum stopping sight distance needs to be 305 feet. Current sight distance extends more than 600 feet in each direction along Santa Rosa Avenue. The study recommended that landscaping near the driveway should be maintained such that the foliage stays above 7 feet and below 3 feet. Signs or monuments should also be installed so that sight lines are not obstructed.

Significance Level
Less than Significant Impact

d) Result in inadequate emergency access?

Comment
The W-Trans study found that access for emergency vehicles is expected to be adequate provided all development is constructed in accordance with County design standards. Development on the site must comply with all emergency access requirements of the Sonoma County Fire Safety Code (Sonoma County Code Chapter 13), including emergency vehicle access requirements. Project development plans are required to be reviewed by a Department of Fire and Emergency services Fire Inspector during the building permit process to ensure compliance with emergency access issues. The project's access and turn-around area has been designed to accommodate emergency vehicle access. This potential impact is considered less than significant.

Significance Level
Less than Significant Impact

e) Result in inadequate parking capacity?

Comment
The following discussion is not required under CEQA and provided as a matter of full public disclosure. Sonoma County Code requires 1.5 spaces per unit, and an additional half-space for each two-bedroom unit. The required parking per the County's ordinance is 94 spaces. The project proposes 113 spaces, which is the number of spaces required under the City of Santa Rosa's Zoning Code. Given that no on-street parking is available and the project requires joint City/County Design Review, parking at a slightly higher ratio is supportable.

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 5030.1(k), or

Comment

Tom Origer & Associates prepared a Cultural Resources report on the project site, dated July 3, 2019. Archival research and an intensive site survey were conducted as part of the cultural resources analysis. No archaeological site indicators were identified within the study area and the study found no resource-specific recommendations were warranted[28]. The report preparers also sent a request to the State of California's Native American Heritage Commission (NAHC) seeking information from the Sacred Lands File and the names of Native American individuals and groups that would be appropriate to contact regarding this project. Letters were also sent to the following groups:

Cloverdale Rancheria of Pomo Indians of California
Dry Creek Rancheria of Pomo Indians
Federated Indians of Graton Rancheria
Kashia Band of Pomo Indians of the Stewarts Point Rancheria
Lytton Rancheria of California
Middletown Rancheria of Pomo Indians of California
Mishewal-Wappo Tribe of Alexander Valley

The Native American Heritage Commission responded on June 25, 2019. The results of their Sacred Lands File review were negative. A list of recommended tribal contacts was also provided. Brenda Tomaras, an attorney representing the Lytton Rancheria of California, responded on June 27, 2019. She stated that it is the tribe's belief that there is the potential for tribal cultural resources on the property and if any are found they would like to be notified. They also indicated that they will be consulting with the lead agency. No other responses were received.

Permit Sonoma sent out AB 52 notification on December 23, 2019. Of all tribes contacted, only Lytton Rancheria and Stewarts Point Rancheria responded, but did not request formal consultation. Lytton Rancheria requested that standard archaeological conditions of approval be placed on the project. As requested, Mitigation Measure CUL-1 protects for accidental discovery.

Significance Level
Less than Significant Impact with Mitigation Incorporated

Mitigation
See **Mitigation Measure** and **Monitoring CUL-1.**

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

Comment
See the discussion in section 18(a)(i).

Significance Level
Less than Significant Impact with Mitigation Incorporated

Mitigation
See **Mitigation Measure** and **Monitoring CUL-1.**

19. UTILITIES AND SERVICE SYSTEMS

[28] Barrow, Eileen, M.A., and Taylor Alshuth, BA, "Cultural Resources Study for the Los Pinos Apartments Project, 3496 Santa Rosa Avenue, Santa Rosa, Sonoma County, California", Tom Origer and Associates, July 3, 2019.

Would the project:

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

Comment
Water for the project is provided by the City of Santa Rosa through the Utility Certificate process. The City obtains the majority of its water supply from the Russian River watershed under contractual agreement with Sonoma Water (Sonoma County Water Agency). Sonoma Water holds water rights to divert 92 million gallons per day (mgd) with an annual maximum of 75,000 AFY from the Russian River. According to the City of Santa Rosa General Plan 2035, the City utilized 16,679 acre-feet in 2015 and is expected to use 28,840 acre-feet by 2040. The subject property is within the sphere of influence of the City of Santa Rosa. The development of the site would have been calculated in the City's General Plan build-out figures. Given the adequacy of the supply, potential impacts to water facilities is considered less than significant.

The South Park Sanitation District, administered by Sonoma Water (Sonoma County Water Agency), would provide sewer service for the project. The South Park Sanitation District service area is 1,460 acres. The District currently serves the equivalent of 4,267 single-family residences. Collected influent is routed through the Todd Road Lift Station, located at Todd Road and Moorland Avenue, to the Laguna Subregional Treatment Plant. The Sonoma County General Plan 2020 anticipated development of the site at the density proposed, therefore this potential impact is considered less than significant.

The County of Sonoma has adopted the City of Santa Rosa's Storm Water LID Determination Sheet, which is utilized in developing the project's Initial Storm Water Low Impact Development report. The report, worksheet and preliminary grading plan constitute the project's Standard Urban Storm Water Mitigation Plan (SUSMP). The County's SUSMP requires projects to design and implement post-development measures to reduce the potential storm water impacts to local drainages.

PG&E would provide natural gas to the proposed project. The proposed project would be served with electricity generated by Sonoma Clean Power and delivered by PG&E.

Significance Level
Less than Significant Impact

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

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

Significance Level
Less than Significant Impact

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

Comment

See section 19(a).

Significance Level
Less than Significant Impact

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

Comment
Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from the proposed project. However, to reduce the solid waste disposal footprint, as a condition of approval, the applicant would be required to provide to Permit Sonoma staff a solid waste management plan.

Significance Level
Less than Significant Impact

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

Comment
The project operator will contract with Recology of Sonoma Marin, which provides solid waste, organic, and recyclable material pick-up to residential and non-residential customers. Solid waste disposal would follow the requirements of Recology, which must adhere to federal, state, and local statutes and regulations related to the collection and management of solid waste.

Significance Level
Less than Significant Impact

20. WILDFIRE

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

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk of that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

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

Significance Level
Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Comment
The proposed project may result in impacts associated with air quality, biological resources, cultural resources, geology and soils, and noise that would be significant if left unmitigated. Implementation of mitigation measures as outlined in the respective sections of this Initial Study would mitigate all potential impacts on these resources to levels that are less than significant.

Significance Level
Less than Significant with Mitigation Incorporated.

Mitigation
See below.

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)?

Comment
Implementation of mitigation measures outlined within this document would reduce all potentially significant impacts to less than significant. Given that all impacts are reduced to a less than significant level with mitigation and given the project's size, the incremental effects of this project are not considerable relative to the effects of past, current, and probable future projects. Therefore, the project would not result in cumulatively considerable impacts, and impacts would be less than significant with mitigation incorporated.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
See below.

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

Comment
The proposed project would not have any substantial environmental effects on human beings, either directly or indirectly. All impacts identified throughout this document either do not require mitigation or would be mitigated to levels that are less than significant. The proposed mitigation measures, once implemented, and compliance with existing regulations would ensure that no substantial adverse effects on human beings would result from the proposed project. Therefore, impacts would be less than significant with mitigation incorporated.

Significance Level
Less than Significant with Mitigation Incorporated

Mitigation
Mitigation Measures AIR-1; BIO-1, 2, 3, 4, 5, 6, 7, 8, and 9; CUL-1; GEO-1; GHG-1; NOISE-1, 2, 3.

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

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Technical Reports (attached)

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