

RESOLUTION NO. 12045

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
ADOPTING A MITIGATED NEGATIVE DECLARATION, INCLUDING A MITIGATION  
MONITORING AND REPORTING PROGRAM, FOR THE IN-N-OUT BURGER  
RESTAURANT LOCATED AT 2532 SANTA ROSA AVENUE; ASSESSOR'S PARCEL  
NUMBER 044-041-010; FILE NUMBER PRJ18-086

WHEREAS, on December 6, 2018, an application for In-N-Out Burger, to construct a new approximately 4,000- square foot building and operate a restaurant with counter ordering and drive-through service, and extend hours of operation, on an approximately 1.87-acre portion of the two parcels located at 2532 Santa Rosa Avenue and 325 Yolanda Avenue, also identified as Sonoma County Assessor's Parcel Number 044-041-010, were submitted to Planning and Economic Development. The entitlement applications include requests for a Conditional Use Permit for the operation of a restaurant with counter ordering, drive-through service, and extended hours of operation at the proposed location, and minor design review; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) a draft initial study was prepared for the project; and

WHEREAS, the draft initial study determined that, with incorporation of mitigation measures, the project would not have a significant effect on the environment and that a Mitigated Negative Declaration for the project should be prepared; and

WHEREAS, the Initial Study/Draft Mitigated Negative Declaration was prepared and circulated for a 30-day public review period commencing on November 4, 2020. No comments were submitted to the City during the review period; and

WHEREAS, as required under CEQA, the Mitigation Monitoring and Reporting Program prepared for the project identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to less than significant levels; and

WHEREAS, the project applicant has agreed to all mitigation measures set forth in the Mitigated Negative Declaration that are required to be implemented pursuant to CEQA to reduce potentially significant impacts resulting from the project; and

WHEREAS, the Mitigated Negative Declaration and related project and environmental documents are available for review online on the City of Santa Rosa Planning and Economic Development Department website. The custodian of the documents and other materials which constitute the record of proceedings for the proposed project is Susie Murray, Senior Planner, Planning and Economic Development, 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404; and

WHEREAS, the Planning Commission of the City of Santa Rosa has reviewed and considered the Initial Study, the findings and determinations of the Environmental Coordinator, the proposed Mitigated Negative Declaration including a Mitigation Monitoring and Reporting Program, the staff reports, oral and written, and the comments, statements, and other evidence presented by all persons, including members of the public, who appeared and addressed the Planning Commission at the public hearing held on January 14, 2021, and all comments and materials submitted prior thereto; and

WHEREAS, the Planning Commission has before it all of the necessary environmental information required by CEQA to properly analyze and evaluate any and all of the potential environmental impacts of the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Santa Rosa, based upon the findings and the records and files herein, and the findings above made, hereby determines as follows:

1. That the Mitigated Negative Declaration, which consists of the Initial Study/Draft Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program, attached hereto and incorporated herein as Exhibit A to this resolution, has been completed in accordance with CEQA and the CEQA Guidelines.
2. That the Planning Commission has reviewed and considered the information contained within the Mitigated Negative Declaration prior to acting on the proposed Project, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
3. That the monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Program, incorporated into the Conditions of Approval for the Project.

4. That the proposed In-N-Out Burger restaurant, including a request to adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, and a request to approve a Conditional Use Permit for the operation of a restaurant with counter ordering, drive through service, and extended hours of operation, and Design Review for the construction of an approximately 4,000-square foot building and associated improvements, located at 2532 Santa Rosa Avenue and 325 Yolanda Avenue will not have a significant effect upon the environment if the mitigation measures listed and identified in the Mitigated Negative Declaration, attached hereto and incorporated herein as Exhibit A, are implemented prior to development of the proposed project.

BE IT FURTHER RESOLVED that pursuant to CEQA Guidelines section 15074, the Planning Commission adopts a Mitigated Negative Declaration, which includes a Mitigation Monitoring and Reporting Program. to require all reasonably feasible mitigation measures be implemented by means of project conditions, agreements or other measures as set forth in the Mitigation Monitoring and Reporting Program.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 14<sup>th</sup> day of January 2020, by the following vote:

AYES: (7) Chair Cisco, Vice Chair Weeks, Commissioner Carter, Commissioner Duggan, Commissioner Kalia, Commissioner Okrepkie, and Commissioner Peterson

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED:   
Patti Cisco (Jan 29, 2021 08:52 PST)

PATTI CISCO, CHAIR

ATTEST: 

ANDREW TRIPPEL, EXECUTIVE SECRETARY

Attachment: Exhibit A (IS/MND dated December 2020)

RECEIPT NUMBER:  
49-01152021-008

STATE CLEARINGHOUSE NUMBER (If applicable)  
2020110065

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY CITY OF SANTA ROSA	LEAD AGENCY EMAIL	DATE 01/15/2021
COUNTY/STATE AGENCY OF FILING SONOMA	DOCUMENT NUMBER 21-0115-02	

PROJECT TITLE  
IN-N-OUT RESTAURANT

PROJECT APPLICANT NAME JIM LOCKINGTON	PROJECT APPLICANT EMAIL	PHONE NUMBER (626) 813-8289
PROJECT APPLICANT ADDRESS 2532 SANTA ROSA AVE	CITY SANTA ROSA	STATE CA
		ZIP CODE 95407

**PROJECT APPLICANT (Check appropriate box)**

- Local Public Agency    
  School District    
  Other Special District    
  State Agency    
  Private Entity

**CHECK APPLICABLE FEES:**

- |   |            |    |                                       |
|---|------------|----|---------------------------------------|
| <input type="checkbox"/> Environmental Impact Report (EIR)  | \$3,445.25 | \$ | <u>                    </u>           |
| <input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)                                | \$2,480.25 | \$ | <u>                    \$2,480.25</u> |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW         | \$1,171.25 | \$ | <u>                    </u>           |
| <br>  |            |    |                                       |
| <input type="checkbox"/> Exempt from fee  |            |    |                                       |
| <input type="checkbox"/> Notice of Exemption (attach)   |            |    |                                       |
| <input type="checkbox"/> CDFW No Effect Determination (attach)  |            |    |                                       |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)                   |            |    |                                       |
| <hr/>   |            |    |                                       |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00   | \$ | <u>                    </u>           |
| <input checked="" type="checkbox"/> County documentary handling fee   |            | \$ | <u>                    \$50.00</u>    |
| <input type="checkbox"/> Other  |            | \$ | <u>                    </u>           |

**PAYMENT METHOD:**

- Cash    
  Credit    
  Check    
  Other

**TOTAL RECEIVED**     \$                         \$2,530.25

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Betsy Penn, Deputy County Clerk-Recorder
---	---

To:
[ ] Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

From:
Public Agency: City of Santa Rosa
Address: 100 Santa Rosa Avenue, Room 3 Santa Rosa, CA 95404
Contact: Susie Murray, Senior Planner
Phone: 707-543-4348

[ ] County Clerk
County of: Sonoma
Address: 585 Fiscal Drive, #103F Santa Rosa, CA 95403

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2020110065

Project Title: In-N-Out Restaurant

Project Applicant: Jim Lockington, 13502 Hamburger Lane, Baldwin Park, CA 91706 P: 626-813-8289

Project Location (include county): 2532 Santa Rosa Avenue Santa Rosa, Sonoma County, CA 95407

Project Description:

The project consists of the construction and operation of an approximately 3,900 square foot In-N-Out Burger restaurant on a 1.87-acre parcel. The restaurant contains 76 indoor seats and 76 outdoor seats. The project proposes a single drive-through lane and pick-up window, parking stalls, landscaping, and frontage improvements. Access to the site is provided via Santa Rosa Avenue and Yolanda Avenue.

This is to advise that the City of Santa Rosa, Planning Commission has approved the above ( [ ] Lead Agency or [ ] Responsible Agency )

described project on January 14, 2021 and has made the following determinations regarding the above (date) described project.

- 1. The project [ ] will [ ] will not have a significant effect on the environment. with mitigation
2. [ ] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [ ] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. with mitigation
3. Mitigation measures [ ] were [ ] were not made a condition of the approval of the project. by PC on Jan. 14, 2021
4. A mitigation reporting or monitoring plan [ ] was [ ] was not adopted for this project. by PC on Jan. 14, 2021
5. A statement of Overriding Considerations [ ] was [ ] was not adopted for this project.
6. Findings [ ] were [ ] were not made pursuant to the provisions of CEQA. by PC resolution approved Jan. 14, 2021

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

https://srcity.org/425/Plans-Studies-EIRs

Signature (Public Agency): [Signature] Title: Senior Planner

Date: 1/15/2021 Date Received for filing at OPR:

Deva Marie Proto, County Clerk
BY: [Signature]
Betsy Penn, Deputy Clerk



# In-N-Out Restaurant Project

CITY PROJECT FILE# PRJ18-086

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

LEAD AGENCY:

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
100 SANTA ROSA AVENUE, ROOM 3  
SANTA ROSA, CA 95404  
CONTACT: SUSIE MURRAY, SENIOR PLANNER

PREPARED BY:



METROPOLITAN PLANNING GROUP  
499 HUMBOLDT STREET  
SANTA ROSA, CA 95404

**DRAFT NOVEMBER 2020**  
**FINAL DECEMBER 2020**

**M-GROUP**

---



[PAGE INTENTIONALLY LEFT BLANK]

**IN-N-OUT RESTAURANT PROJECT  
CEQA ENVIRONMENTAL CHECKLIST AND INITIAL STUDY**

Project Title:	In-N-Out Restaurant	
Lead agency name and address:	City of Santa Rosa Planning and Economic Development Department 100 Santa Rosa Avenue, Room 3 Santa Rosa, CA 95404	
Contact person and phone number:	Susie Murray, Senior Planner (707) 543-4348 Email: <a href="mailto:smurray@srcity.org">smurray@srcity.org</a>	
Project Location:	2532 Santa Rosa Avenue Santa Rosa, Sonoma County, CA 95407 Assessor's Parcel Numbers: 044-041-010 and 044-071-002	
File Number:	PRJ18-086	
Project sponsor's name and address:	Jim Lockington 13502 Hamburger Lane Baldwin Park, CA 91706 (626) 813-8289	
Property Owners:	2532 Santa Rosa Ave Hulsman Transportation Co., Inc. PO Box 423 Santa Rosa, CA 95402	325 Yolanda Ave C. Claire Hulsman, Trustee 176 Proctor Dr. Santa Rosa, CA 95404
General Plan Designation:	Retail and Business Services	
Zoning:	General Commercial (CG)	
Description of project:	The project consists of the construction and operation of an approximately 3,900 square foot In-N-Out Burger restaurant on a 1.87-acre parcel. The restaurant contains 76 indoor seats and 76 outdoor seats. The project proposes a single drive-through lane and pick-up window, parking stalls, landscaping, and frontage improvements. Access to the site is provided via Santa Rosa Avenue and Yolanda Avenue.	
Surrounding land uses and setting; briefly describe the project's surroundings:	The subject property is bounded to the north by commercial and residential uses, including an AutoZone, mattress store, and mobile home park. The approved 252-unit multi-family development at 325 Yolanda Avenue is located directly east of the project site. A mix of commercial and industrial uses are located to the south, including an auto repair shop and McDonalds. Santa Rosa Avenue is located to the west of the site and beyond is the Chapel of Chimes Cemetery and Highway 101.	
Other public agencies whose approval is required (e.g., permits, financial approval, or participation agreements):	Regional Water Quality Control Board (401 Permit) U.S. Army Corp of Engineers (404 Permit)	
Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?	Lytton Rancheria and Federated Indians of Graton Rancheria (FIGR) were notified on July 17, 2018. Lytton responded on August 3, 2018 requesting that a Cultural Resources Study (CRE) be prepared. The CRE was provided to Lytton on August 9, 2018. On August 13, 2018, Lytton responded that standard cultural conditions were acceptable. FIGR did not request consultation.	

	<p>Lytton Rancheria was notified of the In-N-Out Burger project on December 8, 2018. Lytton responded on January 3, 2019 requesting that a Phase I archaeological survey be prepared if the site had not been previously disturbed or developed. Lytton was provided with the Archeological Survey on August 2, 2019 Lytton confirmed that the standard conditions were acceptable.</p>
--	---

**IN-N-OUT BURGER RESTAURANT  
CEQA ENVIRONMENTAL CHECKLIST AND INITIAL STUDY**

**TABLE OF CONTENTS**

**1. INTRODUCTION ..... 1**

1.1. PURPOSE AND INTENT ..... 1

1.2. PUBLIC REVIEW ..... 1

1.3. BACKGROUND..... 2

**2. PROJECT DESCRIPTION ..... 3**

2.1. PROJECT LOCATION..... 3

2.2. GENERAL PLAN AND ZONING..... 3

2.3. PROJECT DESCRIPTION..... 3

**3. INCORPORATION BY REFERENCE ..... 19**

3.1. CITY OF SANTA ROSA GENERAL PLAN 2035 ..... 19

3.2. CITY OF SANTA ROSA GENERAL PLAN EIR..... 20

3.3. SANTA ROSA MUNICIPAL CODE..... 20

3.4. LOWE’S HOME IMPROVEMENT WAREHOUSE PROJECT EIR ..... 20

3.5. YOLANDA AVENUE GENERAL PLAN AMENDMENT PROJECT SUPPLEMENTAL EIR ..... 21

3.6. YOLANDA AVENUE WIDENING PROJECT SUPPLEMENTAL EIR ..... 21

3.7. SANTA ROSA AVENUE WIDENING PROJECT IS/MND (AMENDED)..... 21

3.8. SANTA ROSA CLIMATE ACTION PLAN..... 22

**4. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED ..... 22**

**5. DETERMINATION ..... 23**

**6. EVALUATION OF ENVIRONMENTAL IMPACTS ..... 25**

6.1. AESTHETICS ..... 25

6.2. AGRICULTURAL AND FORESTRY RESOURCES ..... 28

6.3. AIR QUALITY..... 29

6.4. BIOLOGICAL RESOURCES..... 37

6.5. CULTURAL RESOURCES..... 43

6.6. ENERGY ..... 47 46

6.7. GEOLOGY AND SOILS ..... 50

6.8. GREENHOUSE GAS EMISSIONS ..... 55

6.9. HAZARDS/HAZARDOUS MATERIALS ..... 61

6.10. HYDROLOGY AND WATER QUALITY ..... 70 68

6.11. LAND USE AND PLANNING..... 75 74

6.12. MINERAL RESOURCES ..... 78 76

6.13. NOISE..... 79 77

6.14. POPULATION AND HOUSING..... 86 84

6.15. PUBLIC SERVICES..... 87 85

6.16. RECREATION ..... 89 87

6.17. TRANSPORTATION ..... 90 88

6.18. TRIBAL CULTURAL RESOURCES..... 101 98

6.19. UTILITIES AND SERVICE SYSTEMS..... 103 100

6.20. WILDFIRE ..... 109 105

6.21. MANDATORY FINDINGS OF SIGNIFICANCE (CAL. PUB. RES. CODE §15065) ..... 110 106

**7. REFERENCE DOCUMENTS ..... 113 109**

7.1. TECHNICAL APPENDICES .....113 109  
 7.2. OTHER DOCUMENTS REFERENCED .....113 109  
**8. MITIGATION MONITORING AND REPORTING PROGRAM..... 115 111**

**LIST OF FIGURES**

FIGURE 1: REGIONAL LOCATION ..... 9  
 FIGURE 2: PROJECT VICINITY .....11  
 FIGURE 3: GENERAL PLAN LAND USE .....13  
 FIGURE 4: ZONING DESIGNATIONS.....15  
 FIGURE 5: SITE PLAN.....17

**LIST OF TABLES**

TABLE 1: AIR QUALITY SIGNIFICANCE THRESHOLDS.....30  
 TABLE 2: BAAQMD SCREENING CRITERIA FOR APARTMENTS FAST FOOD RESTAURANT W/DRIVE THRU .....32  
 TABLE 3: CONSTRUCTION PERIOD EMISSIONS .....33  
 TABLE 4: OPERATIONAL EMISSIONS .....34  
 TABLE 5: IMPACTS FROM COMBINED SOURCES AT CONSTRUCTION MEI.....35  
 TABLE 6: BAAQMD GREENHOUSE GAS SCREENING .....60  
 TABLE 7: ANNUAL PROJECT GHG EMISSIONS (CO2E) IN METRIC TONS .....61  
 TABLE 8: SUMMARY OF SHORT-TERM NOISE MEASUREMENT DATA ..... 81 79  
 TABLE 9: INTERSECTION LOS ANALYSIS – EXISTING CONDITIONS..... 93 90  
 TABLE 10: COLLISION RATES..... 93 91  
 TABLE 11: RECOMMENDATIONS TO REDUCE EXISTING COLLISION RATES..... 94 91  
 TABLE 12: TRIP GENERATION SUMMARY ..... 96 93  
 TABLE 13: EXISTING PLUS PROJECT PEAK HOUR INTERSECTION LOS..... 96 93  
 TABLE 14: BASELINE PLUS PROJECT PEAK HOUR INTERSECTION LOS..... 97 94  
 TABLE 15: FUTURE PLUS PROJECT PEAK HOUR INTERSECTION LOS..... 98 95

**APPENDICES**

- A. SITE PLAN ELEVATIONS
- B. FIGURES B- 1 THROUGH B-8
- C. AIR QUALITY & GREENHOUSE GAS ASSESSMENT
- D. BIOLOGICAL CONSTRAINTS ANALYSIS
- E1. CULTURAL RESOURCES MEMO
- E2. CULTURAL RESOURCES STUDY (CONFIDENTIAL)
- F. PRELIMINARY CLIMATE ACTION PLAN APPENDIX E CHECKLIST
- G. PHASE I ENVIRONMENTAL SITE ASSESSMENT (AEI CONSULTANTS)
- G2. PHASE I ENVIRONMENTAL SITE ASSESSMENT (PARTNER ENGINEERING AND SCIENCE, INC.)
- G3. SOIL MANAGEMENT PLAN
- H. PHASE II ENVIRONMENTAL SITE ASSESSMENT
- I. REVISED SOIL AND GROUNDWATER MANAGEMENT PLAN
- J. PRELIMINARY STORMWATER LID REPORT
- K. NOISE & VIBRATION ASSESSMENT
- L1. TRANSPORTATION MEMO
- L2. TRAFFIC IMPACT STUDY

Commented [MS1]: Can you align these?

**LIST OF ACCRONYMS**

AQP	Air Quality Plan
APN	Assessor Parcel Number
ARB	California Air Resources
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
CalEEMod	California Emissions Estimator Model
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CORP	Army Corps of Engineers
CNEL	Community Noise Equivalent Level
CRHR	California Register of Historical Resources
dBA	A-weighted decibel
DEIR	Draft Environmental Impact Report
DTSC	Department of Toxic Substance Control
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
GHG	greenhouse gas
HI	hazard index
HRA	Health Risk Assessment
HMBP	Hazardous Material Business Plan
IS/MND	Initial Study/Mitigated Negative Declaration
LID	Low Impact Development
LUST	Leaking Underground Storage Tank
mgd	million gallons per day
MBTA	Migratory Bird Treaty Act
MEI	Maximum Exposed Individual
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
NPDES	National Pollutant Discharge Elimination System
NAHC	Native American Heritage Commission
OEHHA	California Office of Environmental Health Hazards Assessment
PPV	peak particle velocity
PRC	Public Resources Code
RAFD	Rancho Adobe Fire Protection District
RCPA	Regional Climate Protection Agency
ROG	Reactive Organic Gas
RWQCB	Regional Water Quality Control Board
SCH	State Clearinghouse
SCTA	Sonoma County Transportation Authority
SRPCS	Santa Rosa Plain Conservation Strategy
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
µg/m <sup>3</sup>	micrograms per cubic meter

[PAGE INTENTIONALLY LEFT BLANK]



## 1. INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed In-N-Out Restaurant project (hereinafter referred to as the "project") has been prepared by the City of Santa Rosa as lead agency in full accordance with the procedural and substantive requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

### 1.1. PURPOSE AND INTENT

This IS/MND is intended to inform City decision-makers, responsible agencies, interested parties and the general public of the proposed project and its potential environmental effects. This IS/MND is also intended to provide the CEQA-required environmental documents for all city, agency and state approvals or permits that might be required to implement the proposed project.

CEQA Guidelines Section 15063(c) lists the following purposes of an Initial Study:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration.
2. Enable an Applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby possibly enabling the project to qualify for a Negative Declaration.
3. Assist in the preparation of an EIR, if one is required.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the project.

The City of Santa Rosa, as the lead agency, has conducted an Initial Study to determine the level of environmental review necessary for the proposed project. Consistent with Section 15070(b) of the CEQA Guidelines, the Initial Study identified potentially significant effects, but:

1. Revisions in the Project plans or proposal made by or agreed to by the applicant before a proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect would occur; and
2. There is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment.

Therefore, as the lead agency, the City of Santa Rosa has prepared a Mitigated Negative Declaration.

### 1.2. PUBLIC REVIEW

In accordance with CEQA and the state CEQA Guidelines, this IS/MND was circulated for a 30-day minimum public review period. This IS/MND has been distributed to interested or involved public agencies, organizations, and private individuals for review. In addition, the IS/MND has been made available for general public review at the following location:

City of Santa Rosa  
Planning and Economic Development Department  
100 Santa Rosa Avenue, Room 3  
Santa Rosa, CA 95404

Hours: 8:00 am to 4:30 pm, Monday-Friday

During the public review period, the public will have an opportunity to provide written comments on the information contained within this IS/MND. The City will use the final IS/MND and all comments and correspondence received within the public comment period for all environmental decisions related to the proposed project.

In reviewing the IS/MND and as articulated in Section 15204(a) of the CEQA Guidelines, affected public agencies and interested members of the public should focus on the sufficiency of the document in identifying and analyzing potential impacts on the environment from the proposed project, and ways in which the significant effects of the project are proposed to be avoided or mitigated. Pursuant to Section 15204(b) of the CEQA Guidelines, such public agencies and persons should focus on the proposed finding that the Project will not have a significant effect on the environment. If public agencies or persons believe that the proposed project may have a significant effect, they should:

1. Identify the specific effect;
2. Explain why they believe the effect would occur; and
3. Explain why they believe the effect would be significant.

Finally, per Section 105204(c), reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments.

Comments on the IS/MND should be submitted in writing and received by the City of Santa Rosa prior to the end of the 30-day public review period. Written comments should be submitted to:

Susie Murray, Senior Planner  
City of Santa Rosa Planning and Economic Development Department  
100 Santa Rosa Avenue, Room 3  
Santa Rosa, CA 95404  
Phone: (707) 543-4348  
Email: [smurray@srcity.org](mailto:smurray@srcity.org)

### 1.3. BACKGROUND

As described herein, the project site (and or a portion thereof) has been previously analyzed as part of past development applications including the Lowe's EIR, the Yolanda Avenue Amendment, the Yolanda Widening Supplement EIR to the Farmers Lane Extension, the Santa Rosa Avenue Widening Project Initial Study/Mitigated Negative Declaration (IS/MND), and the Yolanda Apartments IS/MND. In addition, the City of Santa Rosa's General Plan and Programmatic EIR provide policies, programs and implementation measures relevant to future development on the project site.

The project vicinity contains several underdeveloped parcels that have historically been considered for various development projects. Most recently, the subject property at 2532 Santa Rosa Avenue and the contiguous property at 325 Yolanda Avenue were conceptualized as a Mixed-Use Project inclusive of the subject In-N-Out Restaurant (Project) and a 252-unit apartment project. The following technical studies analyze both the subject project and the 252-unit apartment project at 325 Yolanda Avenue:

- Air Quality and Greenhouse Gas Assessment
- Acoustical Assessment
- Cultural Resources Study
- Biological Constraints Analysis
- Traffic Impact Study

This Initial Study/Mitigated Negative Declaration has been prepared for the proposed In-N-Out Burger and considers the adjacent 252-unit apartment project (Yolanda Apartments) as part of the cumulative analysis. The Yolanda Apartments Project is analyzed separately, under its own IS/MND (SCH #2019069009). The technical studies attached hereto are accompanied by memos that acknowledge the projects as separate and distinct activities. This IS/MND analyzes impacts, summarizes findings and identifies mitigation measures specific to the proposed In-N-Out Burger Project.

## 2. PROJECT DESCRIPTION

### 2.1. PROJECT LOCATION

The proposed project, In-N-Out Burger, is located east of U.S. 101 within the southern portion of the City of Santa Rosa, Sonoma County, California (**Figure 1: Regional Location**). The 1.87-acre project site is located at 2532 Santa Rosa Avenue and comprises a portion of two parcels (044-041-010 and 044-071-002). A majority of the property is undeveloped and consists of ruderal/non-native annual grassland and gravel surfaces. The property contains a vacant one-story wood frame building and small structures used for storage associated with the existing warehouse at 325 Yolanda Avenue, adjacent to the subject property. The project site is relatively flat with minimal variation in elevation.

The project site is bounded to the north by commercial and residential uses, including an AutoZone, mattress store, and mobile home park. The approved Yolanda Apartments (252-unit multi-family development) at 325 Yolanda Avenue is located directly east of the project site. A mix of commercial and industrial uses are located to the south, including an auto repair shop and McDonalds. The project site fronts on Santa Rosa Avenue to the west and beyond is the Chapel of Chimes Cemetery and Highway 101 (**Figure 2: Project Vicinity**).

The In-N-Out Burger project, in conjunction with the Yolanda Apartments project, proposes a lot line adjustment to reconfigure APN 044-071-002 such that the entirety of the multi-family apartments project is contained within APN 044-071-002 and the entirety of the In-N-Out Restaurant is contained within APN 044-041-010. Additionally, the lot line adjustment results in a remainder portion of APN 044-071-022 which will become part of APN 044-041-010 and will serve as a two-way drive aisle accessing the In-N-Out Restaurant from Yolanda Avenue.

### 2.2. GENERAL PLAN AND ZONING

Per the City of Santa Rosa General Plan 2035 Land Use Diagram (October 18, 2016), the project site is designated Retail and Business Services (**Figure 3: General Plan Land Use**). Surrounding land uses include Retail and Business Services; Medium High Density Residential; General Industry; Light Industry and Mobile Homes.

As shown in **Figure 4: Zoning Designations**, the zoning designation for the project site is General Commercial (CG). Pursuant to Santa Rosa City Code, Title 20 Zoning, Chapter 20-23.020, the CG zoning district allows for:

“a range of retail and service land uses that primarily serve residents and businesses throughout the City, including shops, personal and business services, and restaurants. Residential uses may also be accommodated as part of mixed-use projects, and independent residential developments.”

### 2.3. PROJECT DESCRIPTION

The In-N-Out Burger restaurant, single lane drive-through, parking stalls, and other associated site improvements are proposed to be located on approximately 1.87 acres, with access via Santa Rosa Avenue and Yolanda Avenue (Error! Reference source not found.). The proposed restaurant building is approximately 3,900 square feet and includes 76 indoor seats. An additional 19 tables with 76 seats are proposed outdoors. Hours of operation are 10:00 a.m. to 1:00 a.m. Sunday through Thursday and 10:00 a.m. to 1:30 a.m. Friday and Saturday. The In-N-Out Restaurant

will be staffed by approximately 10 to 12 employees per shift, with 3 shifts per day. Deliveries will occur outside of operating hours between 2:00 a.m. and 9:00 a.m.

### **Access and Parking**

The proposed In-N-Out Burger restaurant will provide vehicle access via two-way drive aisles from Santa Rosa Avenue and Yolanda Avenue. All internal driveways and drive aisles provide for two-way vehicular access. The drive-through, which provides access to the pay and pick-up windows, is a one-way aisle. Cars enter the drive-through and queue east of the proposed building, wrap around the northern portion of the building for window pickup, and exit via Santa Rosa Avenue or Yolanda Avenue. Additionally, areas for drive-through queuing are provided along the east, and south property boundaries. The total drive through queue length proposes to accommodate 30 vehicles, assuming a vehicle length of 20 feet. A total of 73 parking stalls are provided onsite inclusive of 3 ADA stalls and 4 electric vehicle parking spaces ~~charging stations~~. Four short-term bicycle racks are also provided onsite.

Pedestrian access will be provided through existing and planned sidewalks. The existing sidewalk along Santa Rosa Avenue will be retained and will connect to a planned internal walkway leading to the customer entrance fronting Santa Rosa Avenue. There are no existing sidewalks at the project site frontage to Yolanda Avenue and sidewalks will be installed as part of the Project's frontage improvements.

### **Architecture**

~~The proposed restaurant is one-story in height and exhibits typical In-N-Out Burger branding which reflects a Spanish-Mediterranean architectural design. The exterior materials for the proposed restaurant include stucco siding and terra-cotta tiled hip-roofed towers. The majority of the structure is lightly colored, with an accent red band wrapping around the entirety of the building and located approximately 3 feet above ground level. Red awnings are provided at the entrance along the west elevation and at the dining room at the south elevation. The proposed height of the restaurant varies with different architectural features including a 13' 7" outdoor patio structure, 19' 10" flat roof, 23' flat tower, and 28' peaked tower.~~

~~The outdoor patio is proposed along the south, east, and west elevations and provides tables, chairs and umbrellas for shading. Umbrellas exhibit the In-N-Out branded colors in a red and white pattern and provide shading for outdoor tables. Tables are also red and provide seating to accommodate four guests at each table.~~

The proposed restaurant is one-story in height and exhibits a contemporary commercial design with corbelled parapet roof lines and custom-built canopies over dining room windows at the south and west elevations. The exterior materials for the proposed restaurant include white stucco walls, a horizontal stone veneer band at mid-height with matching stone wainscot windowsill, and metal canopies at the south and west elevations with decorative red laser cut palm trees. The majority of the structure is lightly colored, with red accent double-banded LED lighting proposed just below the corbelled parapet rooflines at all elevations. The proposed height of the restaurant varies with different architectural features including a 13' 7" outdoor patio structure, 19' 10" flat roof parapet line, and several 28' tall flat roof towers.

Outdoor patio seating is proposed along the south, east, and west elevations and provides tables and chairs accommodating up to four guests. Outdoor seating located outside of the attached patio cover includes umbrellas exhibiting the In-N-Out branded colors in a red and white pattern and provide shading for outdoor tables. Tables and chairs are constructed of a durable and vandal-resistant exposed aggregate terrazzo style concrete in white to complement the building colors.

### **Landscaping, Lighting, Signage and, Fences**

The Conceptual Landscape Plan includes approximately 9,000 square feet of landscaping throughout the project site. Drought tolerant landscape planters are proposed along the perimeter of the project site and throughout the parking lot. An approximately 2,070 square foot bioretention basin is proposed along the Santa Rosa Avenue

frontage and a linear 600 square foot bioretention basin will be installed along the Yolanda Avenue driveway. Both bioretention basins include landscaping consisting of groundcover and grasses.

Proposed lighting includes 43'-6"-16' tall LED light fixtures along the perimeter of the property and throughout the parking lot. An In-N-Out Burger monument sign is proposed at the south entrance on Yolanda Avenue. Directional signage onsite includes two three-foot tall, three square foot, illuminated "DRIVE-THRU" signs at the Yolanda Avenue and Santa Rosa Avenue entrances and one three-foot tall, three square foot, illuminated "THANK YOU, DO NOT ENTER" sign located at the drive-through exit. Additionally, restaurant branding includes two crossed palm trees located adjacent to Santa Rosa Avenue.

The project also includes installation of fences and walls along the site periphery at adjoining properties. The northern property line will be improved with a 6-9-foot-tall CMU wall. The eastern property line will be improved by others with a 6-9-foot-tall CMU wall. The southern property line, adjacent to retail uses, will be improved with a 6 to 8-foot-tall CMU wall. The access driveway from Yolanda Avenue will also be improved with 6 to 8-foot-tall CMU walls.

### **Frontage Improvements**

The project includes frontage improvements to Santa Rosa Avenue and Yolanda Avenue. At the Santa Rosa Avenue frontage, the project will dedicate a 7' x 15' on-site easement to the City to accommodate a future sidewalk and sign post for a future bus stop sign, bench, and possible shelter to be installed and maintained by the City. Along this frontage the project will remove an existing 34' driveway and will install a new 36' two-way driveway. At the Santa Rosa Avenue frontage, the City holds an 11-foot-wide easement for roadway, sidewalk, public utilities, storm drains, landscaping, and incidental purposes.

Along the Yolanda Street frontage, the project will provide an approximately 728 square foot dedication for right of way improvements. The project will also install a 32' foot wide curb cut on Yolanda Avenue to accommodate two-way vehicle access. Sidewalks connecting to existing and planned sidewalks along Santa Rosa Avenue and Yolanda Avenue will also be installed or retained.

### **Water Supply**

Approximately 95 percent of the City's potable water supply comes from the Sonoma Water (formerly Sonoma County Water Agency) Aqueduct System. The City of Santa Rosa is the potable water supplier and currently provides municipal water to existing uses onsite. Potable water would be accommodated via the installation of water lines throughout the project site, connecting to the 12-inch diameter water mains in Santa Rosa Avenue and Yolanda Avenue.

### **Wastewater**

The City of Santa Rosa currently provides wastewater treatment services to existing uses onsite. Wastewater would be accommodated via the installation of sanitary sewer lines throughout the project site that would connect to the 15-inch diameter sanitary sewer line in Santa Rosa Avenue and the 10-inch diameter sanitary sewer line in Yolanda Avenue. Wastewater would be conveyed to the Laguna Wastewater Treatment Plant for processing.

### **Solid Waste**

The City of Santa Rosa contracts with Recology Sonoma Marin to provide waste collection services. Solid waste will be contained within a single trash enclosure located adjacent to the drive-through. The enclosure will be comprised primarily of stucco and will also contain galvanized metal coping at the roof and aluminum reveals at the mid-point of the structure.

### **Storm Drainage Infrastructure**

The project will include new storm drainage infrastructure to accommodate runoff generated by the change in impervious surfaces that will result from development. Onsite improvements will capture storm water runoff via new 4-inch diameter storm drain pipes installed onsite within bioretention areas and convey flows to existing 24-inch diameter storm drains within Santa Rosa Avenue and Yolanda Avenue.

~~Biofiltration pavers, permeable pavers, and interceptor trees~~ Roadside bioretention areas, permeable pavers, and interceptor trees will be incorporated into the site to capture the post development storm water runoff during precipitation events and encourage infiltration in accordance with the Priority 1 objectives of the Low Impact Design (LID) Technical Design Manual.

### **Site Preparation and Construction**

Project construction will occur over a single phase and will take approximately 6 months and would include approximately 4-6 weeks of site preparation, demolition, and limited grading, approximately 4 months of building construction, approximately 3 weeks of trenching, paving, and striping, and approximately 2 weeks of landscaping.

Site grading will result in the distribution of soil across the site to achieve level topography. Based on the Grading and Drainage Plan (Sheet C32 dated 4.16.19), an estimated 11,200 cubic yards of cut will be excavated, and 4,200 cubic yards will be reused onsite for fill. As such, an estimated 7,000 cubic yards of excess soil will be exported from the project site.

Following completion of site preparation and grading activities, the building pad foundation, building, and outdoor patio would be constructed. Utilities, storm drains, bioretention features, and other infrastructure would be installed, including the drive-through, new sidewalks, curbs and gutters, landscaping, lighting and signage.

Construction equipment expected to be utilized during site preparation and grading includes tractors, backhoes, haul trucks, graders, pavers and water trucks. All material and equipment would be staged on-site or through issuance of an encroachment permit, on abutting rights-of-way.

### **Required Discretionary Actions**

The project requires the following discretionary entitlements from the City of Santa Rosa:

- Design Review for new commercial facility (Restaurant with Drive-Thru)
- Lot Line Adjustment
- Conditional Use Permit (Drive-Thru Retail Sales)

### **Other Public Agency Review**

The project requires the following approvals from state regulatory agency:

- United States Army Corp of Engineers for fill to waters of the United States
- Regional Water Quality Control Board for fill to linear waters of the state

### **Sustainability Measures**

Sustainability measures include implementation of California Green Building Code Standards and utilization of energy efficient building materials, appliances, lighting and mechanical systems, and water efficient plumbing systems. The project is required to demonstrate compliance with the following mandatory requirements identified in the New Development Checklist of the Santa Rosa Climate Action Plan (CAP):

- 1.1.1 Comply with Cal Green Tier 1 Standards
- 1.1.3 Utilize zero net electricity
- 1.3.1 Install real-time energy monitors to track energy use (if provided by utility company)
- 1.4.2 Comply with the City's Tree Preservation Ordinance

- 1.4.3 Provide public and private trees
- 1.5 Install new sidewalks with high solar reflectivity materials (parking lot will use asphalt paving)
- 4.1.2 Install bicycle parking consistent with regulation
- 6.1.3 Increase diversion of construction waste
- 7.1.1 Reduce potable water use for outdoor landscaping
- 7.1.3 Install City-issued water meters that track real time water use with data logging equipment if necessary
- 9.1.3 Install low water use landscapes
- 9.2.1 Minimize construction equipment idling time to 5 minutes or less
- 9.2.2 Maintain construction equipment per manufacturer's specs
- 9.2.3 Limit GHG construction equipment emissions by using electrified equipment of or alternative fuels (as available and commercially feasible)

#### **California Native American Tribal Consultation**

In accordance with AB 52 (PRC Section 21084.2), lead agencies are required to consider Tribal Cultural Resources (TCR) including a site feature, place, cultural landscape, sacred place, or object of cultural value to the tribe and is listed on the California Register of Historic Resources (CRHR) or a local register, or the Lead agency, at its discretion, chooses to treat resources as such. AB 52 mandates that a lead agency initiate consultation with a tribe with traditional and/or cultural affiliations in the geographic area where a subject project is located if a project may cause a substantial adverse change in the significance of a tribal cultural resource. Should the tribe respond requesting formal consultation, the lead agency must work with the tribe or representative thereof to determine the level of environmental review warranted, identify impacts, and recommend avoidance or mitigation measures to reduce any potential impacts.

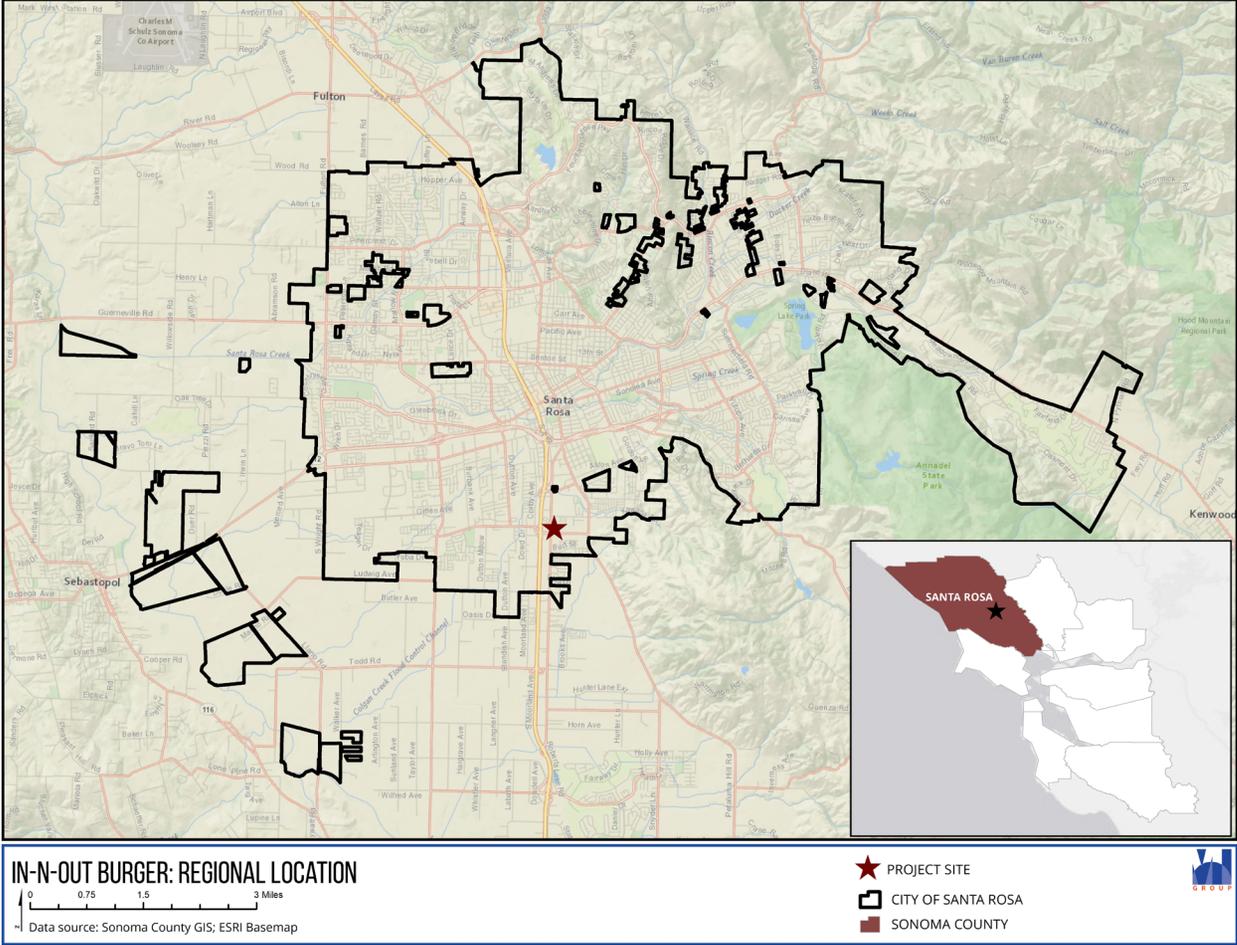
In accordance with PRC Section 21080.3.1(d), notification of the originally proposed mixed use project was mailed to the following local tribes on July 17, 2018:

- Federated Indians of Graton Rancheria (FIGR)
- Lytton Rancheria of California

The Lytton Rancheria responded to notification and requested that a Cultural Resources Evaluation be provided. As further described under the Tribal Cultural Resources discussion, Lytton was provided with the Cultural Resource Evaluation on August 9, 2018 and on August 13, 2018 responded concurring with the standard cultural conditions set forth therein. FIGR did not respond to notification.

[PAGE INTENTIONALLY LEFT BLANK]

FIGURE 1



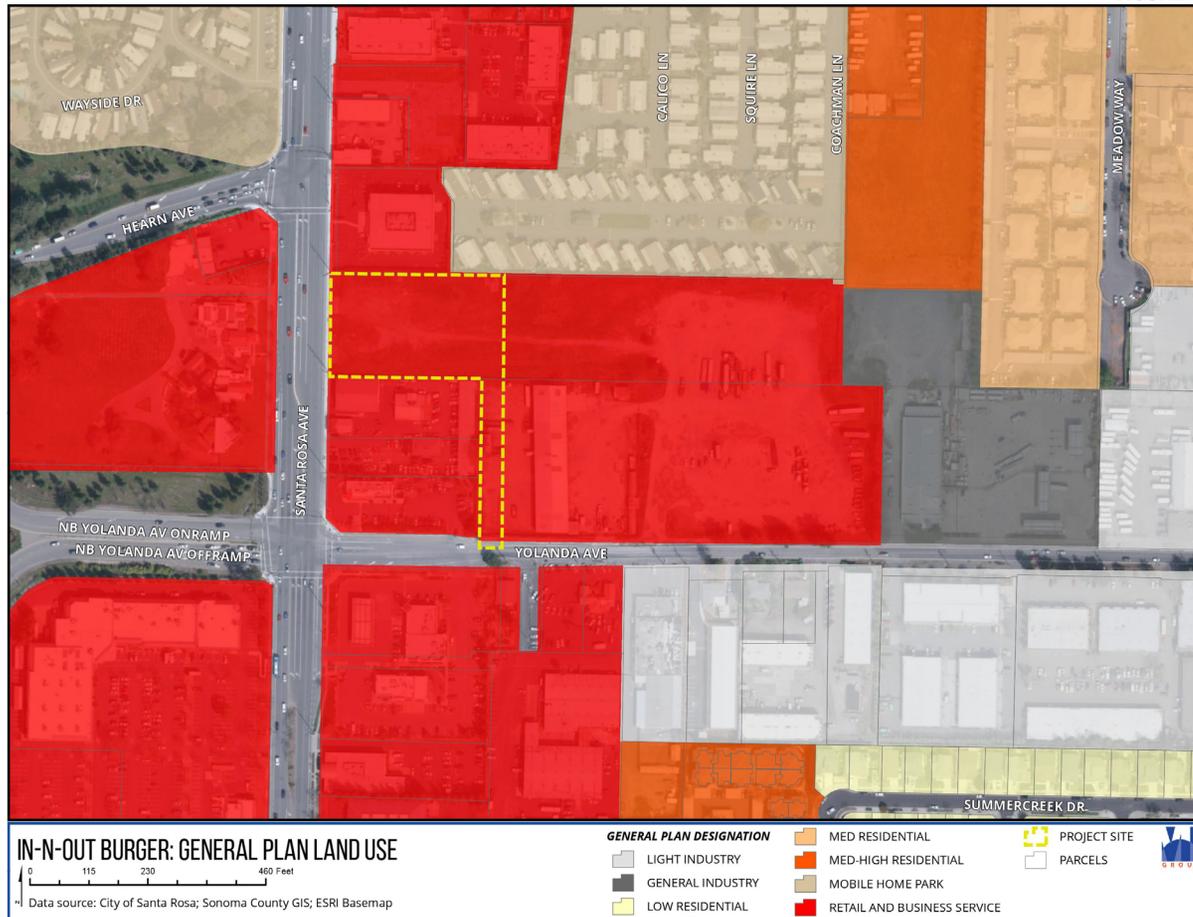
[PAGE INTENTIONALLY LEFT BLANK]

FIGURE 2



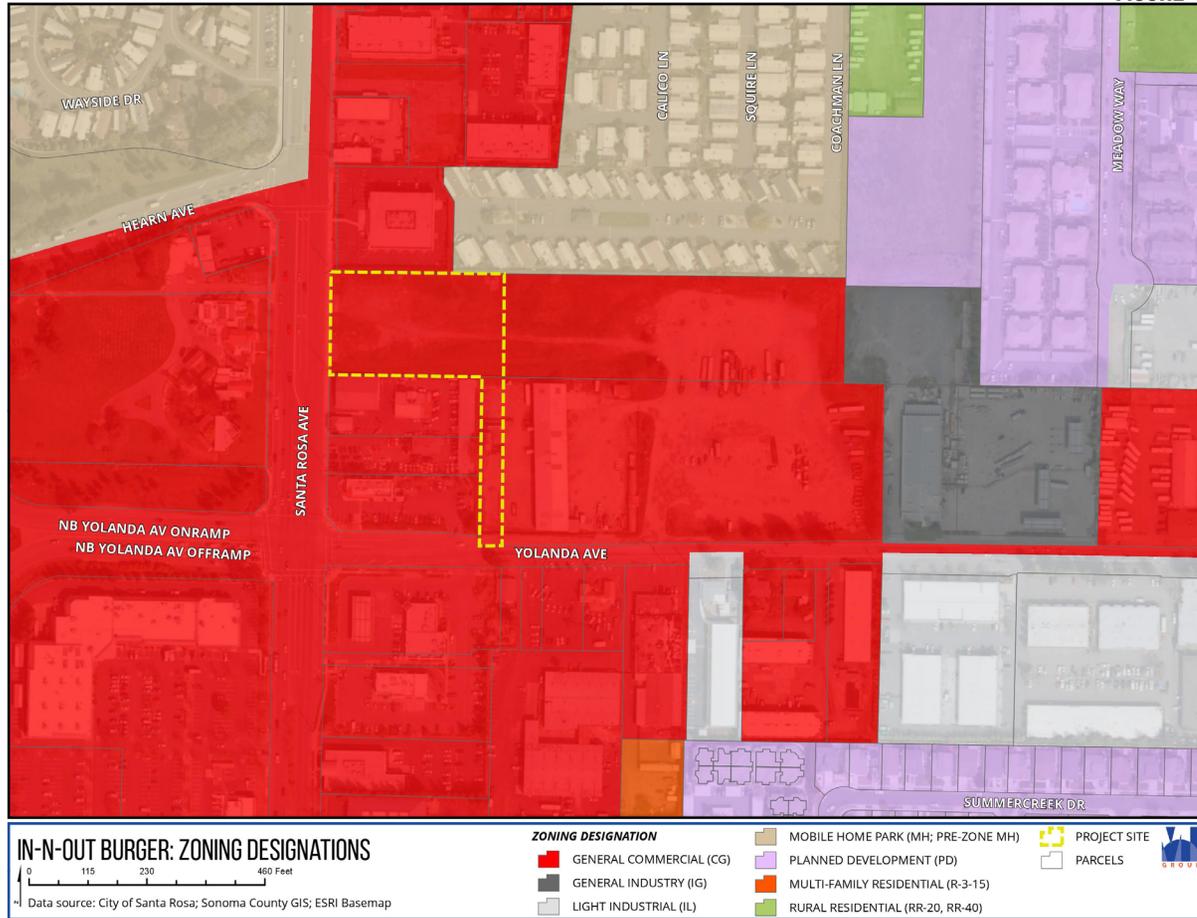
[PAGE INTENTIONALLY LEFT BLANK]

FIGURE 3

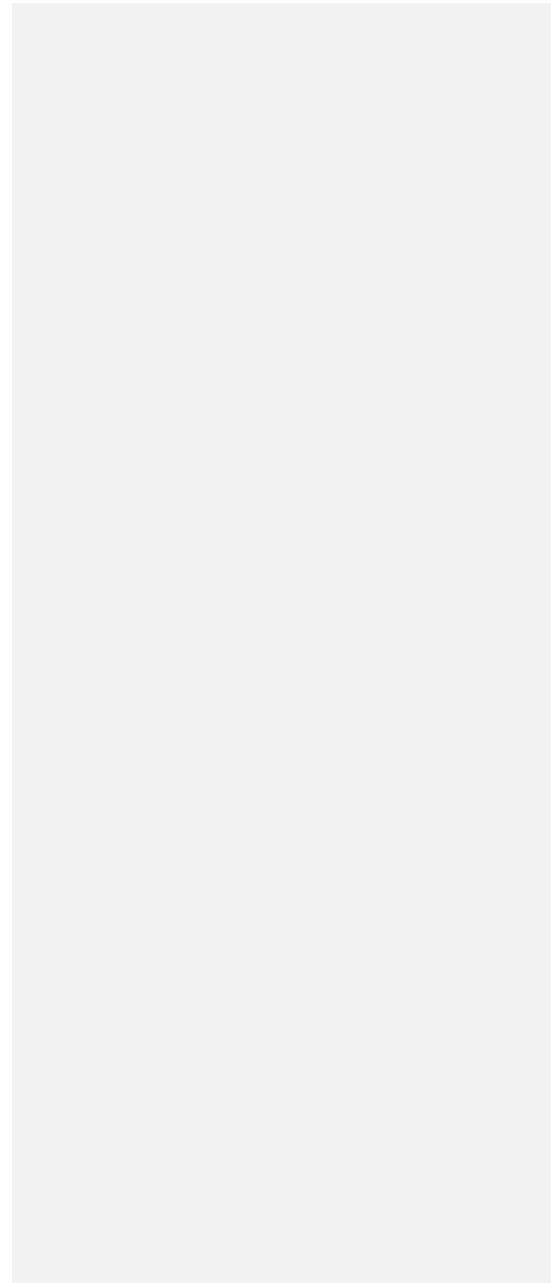


[PAGE INTENTIONALLY LEFT BLANK]

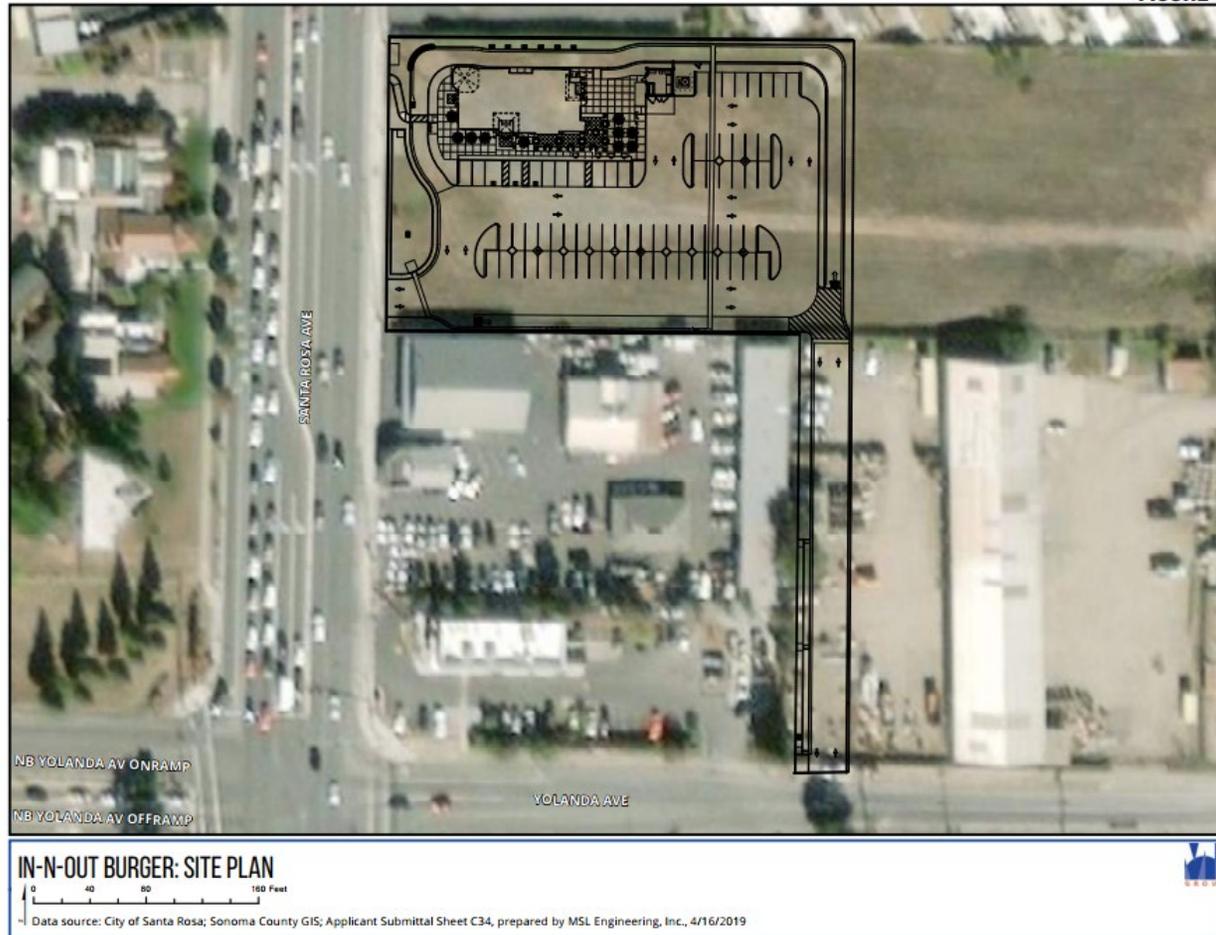
FIGURE 4



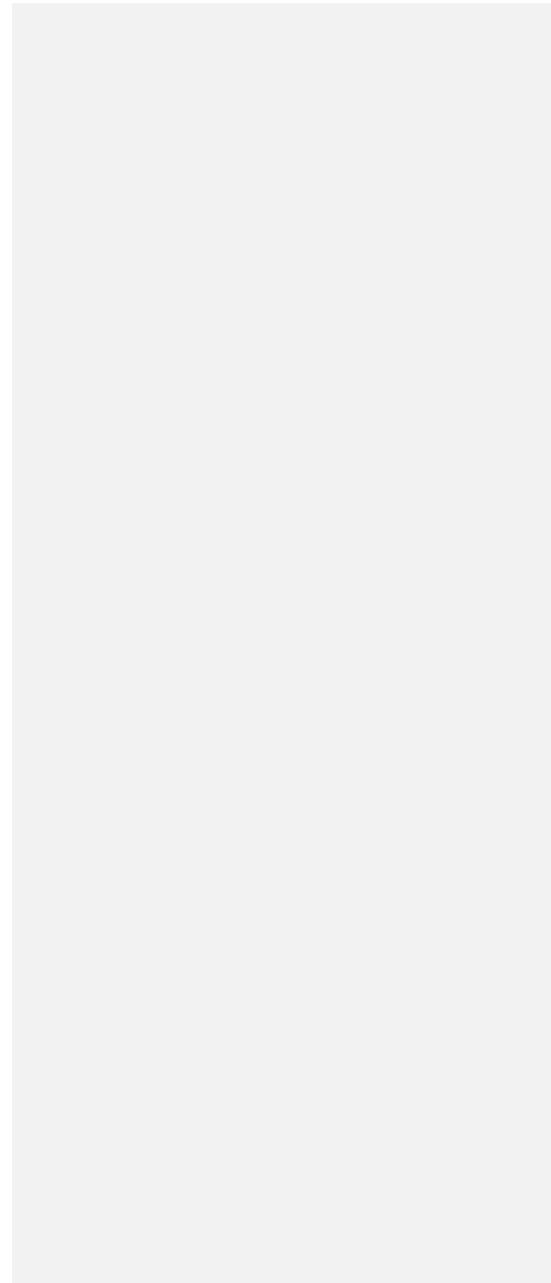
[PAGE INTENTIONALLY LEFT BLANK]



**FIGURE 5**



[PAGE INTENTIONALLY LEFT BLANK]



### 3. INCORPORATION BY REFERENCE

Section 15150 of the CEQA Guidelines encourages incorporation by reference of previous environmental documents that are readily available to the public. Incorporation by reference reduces the size of an environmental review document and eliminates the need for the inclusion and repetition of copious technical and other background information into a CEQA document. Of particular relevance are the following documents, all of which are hereby incorporated by reference into this IS/MND as if they were published herein. The following environmental documents are available for public review at the Planning and Economic Development Department, 100 Santa Rosa Avenue, Room 3, Santa Rosa, California 95404, during normal business hours and online at <https://srcity.org/425/Studies-Environmental-Impact-Reports>.

This section includes a description of the most relevant planning documents and regulations that are applicable to the proposed project.

#### 3.1. CITY OF SANTA ROSA GENERAL PLAN 2035

The Santa Rosa General Plan 2035 addresses issues related to physical development, growth management, transportation services, public facilities, community design, energy efficiency, greenhouse gas reduction strategies, and conservation of resources in the Planning Area. The Santa Rosa General Plan 2035 was adopted by City Council on November 3, 2009 (Resolution No. 27509).

The Santa Rosa General Plan 2035 serves the following purposes:

- Outlines a vision of long-range physical and economic development that reflects the aspirations of the community, and provides specific implementing policies that will allow this vision to be accomplished;
- Establishes a basis for judging whether specific development proposals and public projects are in harmony with said vision;
- Allows city departments, other public agencies, and private developers to design projects that will enhance the character of the community, preserve and enhance critical environmental resources, and minimize hazards; and
- Provides the basis for establishing and setting priorities for detailed plans and implementing programs such as the Zoning Code, specific and area plans, and the Capital Improvement Program.

The Santa Rosa General Plan incorporates significant policy direction from other plans. Policy references from the following plans are included in the General Plan:

- Bicycle and Pedestrian Master Plan
- Citywide Creek Master Plan
- Downtown Station Area Specific Plan
- North Santa Rosa Station Area Specific Plan
- Economic Sustainability Strategy
- Northern Downtown Pedestrian Linkages Study
- Recreation and Parks Business and Strategic Plan
- Sebastopol Road Urban Vision and Corridor Plan
- Southeast Area Plan
- Southwest Area Plan
- Climate Action Plan

The Southeast and Southwest Area Plans were superseded with the adoption of the Santa Rosa General Plan. The remainder of above-noted plans are in full effect and are referenced for additional goals, policies, and information.

### **3.2. CITY OF SANTA ROSA GENERAL PLAN EIR**

The Draft EIR for the Santa Rosa General Plan 2035 (SCH No. 2008092114) was prepared in March 2009. The Draft EIR, together with the Response to Comments document dated June 2009, constitute the Final EIR for the Santa Rosa General Plan 2035. The Final EIR was certified by the Santa Rosa City Council on November 3, 2009 (Resolution No. 27509).

The General Plan EIR reviewed all environmental impacts and effects, identified potentially significant environmental impacts, and developed measures and policies to mitigate impacts. Nonetheless, significant and unavoidable impacts were determined to occur through the implementation of the General Plan. Therefore, the City adopted a statement of overriding considerations, which balances the merits of implementing the General Plan despite the potential environmental impacts. The impacts identified as significant and unavoidable in the Santa Rosa General Plan 2035 Final EIR are:

- Increased traffic volumes, delay and a decrease in LOS on area intersections during peak hours
- Contribute to an unacceptable level of service on Highway 101
- Increase population and VMT at a rate greater than that assumed in regional air quality planning and conflict with implementation of the Bay Area Ozone Strategy
- Conflict with implementation of state or local goals for reducing greenhouse gas emissions
- Inconsistency with the 2005 Bay Area Ozone Strategy

#### **Tiering – Santa Rosa General Plan 2035 EIR**

Because CEQA discourages “repetitive discussions of the same issues” (CEQA Guidelines §15152(b)) and allows limiting discussion of a later project that is consistent with a prior plan to impacts which were not examined as significant effects in a prior EIR or to significant effects which could be reduced by revisions in the later project (CEQA Guidelines §15152(d)), no additional benefit to the environment or public purpose would be served by preparing an EIR merely to restate the analysis and the significant and unavoidable effects found to remain after adoption of all General Plan policies/mitigation measures. All General Plan policies adopted as mitigation apply to the project analyzed herein.

This environmental document tiers off the Santa Rosa General Plan 2035 EIR (SCH No. 2008092114), which was certified on November 3, 2009, to examine site-specific impacts of the proposed project, as described below. A copy of the City of Santa Rosa’s General Plan and EIR are available at the Planning and Economic Development Department, 100 Santa Rosa Avenue, Room 3, Santa Rosa, California 95404, during normal business hours and online at <https://srcity.org/392/General-Plan>.

### **3.3. SANTA ROSA MUNICIPAL CODE**

The Santa Rosa Municipal Code implements the goals and policies of the Santa Rosa General Plan by classifying and regulating the uses of land and structures within the City of Santa Rosa. In addition, the Zoning Code is adopted to protect and promote the public health, safety, and general welfare of residents, and preserve and enhance the aesthetic quality of the City.

### **3.4. LOWE’S HOME IMPROVEMENT WAREHOUSE PROJECT EIR**

The Draft EIR for the Santa Rosa Lowe’s Home Improvement Warehouse Project (SCH No. 2008022117) was prepared in September 2008. The Draft EIR, together with the Response to Comments Document dated January 2009, constitute the Final EIR for the Lowe’s Home Improvement Warehouse Project. The Final EIR was certified by the Santa Rosa City Council on May 12, 2009 (Resolution No. 27377).

The project site consisted of four parcels: 044-042-001 (2612 Santa Rosa Avenue); 044-041-002 (325 Yolanda Avenue); 044-041-004 (2620 Santa Rosa Avenue); and 044-041-010 (2532 Santa Rosa Avenue). The project site analyzed therein encompasses the subject project site in its entirety.

The project analyzed in the EIR consisted of the development of approximately 165,000 square feet of commercial retail uses, including a Lowe's Home Improvement Warehouse, smaller retail uses, and associated parking and infrastructure, on an 11.77-acre project site. The project included a General Plan Amendment to re-designate 8.16 acres of the project site to Retail and Business Services.

### **3.5. YOLANDA AVENUE GENERAL PLAN AMENDMENT PROJECT SUPPLEMENTAL EIR**

The Draft Supplemental EIR for the Yolanda Avenue General Plan Amendment Project (SCH No. 2012022076) was prepared in May 2012. The Draft Supplemental EIR, together with the Response to Comments Document dated July 2012, constitute the Final EIR for the Yolanda Avenue General Plan Amendment Project. The Final Supplemental EIR (FSEIR) was certified by the Santa Rosa City Council on September 11, 2012 (Resolution No. 28185). The FSEIR supplements the Santa Rosa Lowe's Home Improvement Warehouse Project EIR.

The project site consisted of two parcels: 044-041-002 (325 Yolanda Avenue) and 044-041-010 (2532 Santa Rosa Avenue), totaling 10.46 acres, as well as housing replacement sites within the City of Santa Rosa. The project site analyzed therein encompasses the subject project site in its entirety.

The project analyzed in the EIR consisted of a General Plan Amendment to create a "development ready site" on parcels 044-041-002 and 044-041-010. The General Plan land use designations for the two parcels were changed to Retail and Business Services. The General Commercial (CG) zoning remained unchanged. The project also included land use and zoning changes for the housing replacement sites to accommodate 35 dwelling units contemplated at 2632 Santa Rosa Avenue. The housing replacement sites are not relevant to the proposed In-N-Out Restaurant project, as they are located over 0.2 mile from the proposed project site.

### **3.6. YOLANDA AVENUE WIDENING PROJECT SUPPLEMENTAL EIR**

The Draft Supplemental EIR (DSEIR) for the Yolanda Avenue Widening Project (SCH No. 1987122222) was prepared in July 2007. The Draft Supplemental EIR, together with the Response to Comments document constitute the Final EIR for the Yolanda Avenue Widening Project. The Final Supplemental EIR was certified by the Santa Rosa City Council on September 11, 2012 (Resolution No. 28185).

The project analyzed in the Supplemental EIR consisted of the widening of the Yolanda Avenue, from Santa Rosa Avenue on the west to Petaluma Hill Road on the east (a distance of about 2,800 feet). The project included the establishment of one 12-foot wide travel lane in each direction, with a center 12-foot wide two-way left turn lane. The project included the construction of five-foot wide bike lanes on both sides of the roadway, along with concrete curb and gutter on the north side of the roadway. An asphalt curb and a five-foot wide asphalt walkway was envisioned on the south side of the roadway to direct water runoff and provide for pedestrian movement as a temporary improvement until such time as properties along Yolanda Avenue develop. The project included the acquisition of additional right-of-way to accommodate the approximate 60-foot width of the reconstructed roadway. The project also included relocation of the existing PG&E 12 kV electrical service line along the south edge of the roadway.

### **3.7. SANTA ROSA AVENUE WIDENING PROJECT IS/MND (AMENDED)**

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Santa Rosa Avenue Widening Project (SCH No. 2006072078) was prepared in April 2007. The project analyzed the widening of Santa Rosa Avenue between Yolanda Avenue and Kawana Springs Road, including the addition of through and turning movements, the provision of sidewalks, bike lanes, a planter strip, street trees, median and re-striping. The project included the expansion of

the Santa Rosa Avenue by 11 feet on the east side of the roadway including the inclusion of 5-8 foot wide sidewalks, tree wells, a 5-foot wide bike land, 1-2 eleven foot wide southbound and northbound left-turn lanes, and a single eleven foot side southbound and northbound right turn lanes. A response to questions and comments document regarding the project was also published in April 2007.

**3.8. SANTA ROSA CLIMATE ACTION PLAN**

On December 4, 2001, the Santa Rosa City Council adopted a resolution to become a member of Cities for Climate Protection (CCP), a project of the International Council on Local Environmental Initiatives (ICLEI). On August 2, 2005, the Santa Rosa City Council adopted Council Resolution Number 26341, which established a municipal greenhouse gas reduction target of 20% from 2000 levels by 2010 and facilitates the community-wide greenhouse gas reduction target of 25% from 1990 levels by 2015.

In October 2008, the Sonoma County Community Climate Action Plan (CAP) was released, which formalized countywide greenhouse gas (GHG) reduction goals. In 2009, the Regional Climate Protection Authority (RCPA) was created to improve coordination on climate change issues and establish a clearinghouse for countywide efforts to reduce GHG emissions. Also, in 2009 the City's 2035 General Plan was adopted and includes a number of policies directed at greenhouse gas emissions reduction.

On June 5, 2012, the City of Santa Rosa adopted a Climate Action Plan, which meets the programmatic threshold for a Qualified GHG Reduction Strategy, established by the Bay Area Air Quality Management District (BAAQMD) guidelines. On August 6, 2013, the City of Santa Rosa adopted a Municipal Climate Action Plan. The Project is subject to the Santa Rosa Climate Action Plan. On January 14, 2020, the Santa Rosa City Council adopted Resolution No. RES-2020-002 declaring a climate emergency and immediate emergency mobilization to restore a safe climate. The resolution establishes a 2030 carbon neutrality goal.

**4. 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 Unless Mitigation is Incorporated" as indicated by the checklist on the following pages.

Aesthetics	<input type="checkbox"/>	Greenhouse Gases	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>
Agricultural & Forestry	<input type="checkbox"/>	Hazards & Hazardous Materials	<input checked="" type="checkbox"/>	Recreation	<input type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/>	Hydrology / Water Quality	<input checked="" type="checkbox"/>	Transportation	<input type="checkbox"/>
Biological Resources	<input checked="" type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Tribal Cultural Resources	<input checked="" type="checkbox"/>
Cultural Resources	<input checked="" type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>
Energy	<input type="checkbox"/>	Noise	<input checked="" type="checkbox"/>	Wildfire	<input type="checkbox"/>
Geology / Soils	<input checked="" type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Mandatory Findings of Significance	<input checked="" type="checkbox"/>

The CEQA Initial Study (IS) Checklist and written explanations are provided in Section 6 below. The IS Checklist and narrative indicate the level of significance of the potential environmental effects of the proposed project upon each of the noted environmental resources.

**5. DETERMINATION**

**(TO BE COMPLETED BY THE LEAD AGENCY)**

On the basis of this initial evaluation:

<p>I find that the proposed project <b>COULD NOT</b> have a significant effect on the environment. A <b>NEGATIVE DECLARATION</b> will be prepared.</p>	
<p>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.</p>	<p><b>X</b></p>
<p>I find that the proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.</p>	
<p>I find that the proposed project <b>MAY</b> have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.</p>	
<p>I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier <b>EIR</b> or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier <b>EIR</b> or <b>NEGATIVE DECLARATION</b>, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.</p>	

**Signature: Susie Murray, Senior Planner**

**Date**

[PAGE INTENTIONALLY LEFT BLANK]

**6. EVALUATION OF ENVIRONMENTAL IMPACTS**

The following discussion addresses the potential level of impact relating to each aspect of the environment.

**6.1. AESTHETICS**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; California Scenic Highway Mapping System, [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm), accessed August 20, 2018; In-N-Out Burger Design Review Package, June, 2019; Phase I Environmental Site Assessment, prepared by AEI Consultants, April 30, 2018; and Biological Constraints Memo, prepared by Monk & Associates, January 14, 2019.

**Existing Aesthetics Setting:**

The subject property is located within the City’s Urban Growth Boundary (UGB). A majority of the property is undeveloped and consists of ruderal/non-native annual grasslands and gravel surfaces. The In-N-Out project site contains a vacant office building and small structures used for storage associated with the existing warehouse at 325 Yolanda Avenue, adjacent to the subject property. The site is relatively flat with minimal variation in elevation.

The project site is located east of Highway 101, which is identified as a City designated Scenic Roadway in the Santa Rosa General Plan 2035. The proposed project site is located 690 feet east of Highway 101 and is not readily visible from the Highway due to the existing Chapel of the Chimes property and intervening structures.

Aesthetic and visual resources within, and viewed from, the project site are limited due to the site’s location, which is surrounded by existing development on all sides, and the site’s flat topography. Views seen from the site are primarily of traffic along Santa Rosa Avenue and Yolanda Avenue; a mobile home park; office buildings; industrial uses; commercial uses; single-family residences; and Taylor Mountain Regional Park in the distance. Views of hills

and ridgelines are partially obscured by existing development, and there are no other notable scenic resources within the project area.

The Project is subject to Design Review which will ensure that architectural style, massing, color and materials, and other proposed design elements are compatible with the existing character of the surrounding area. The project site is not within any of the City's Area Specific Plans. The project design is subject to policies contained in the General Plan Urban Design chapter. A standard condition of approval for the project will address exterior lighting to ensure that it is appropriately designed to minimize spillover onto adjacent properties and to shield light sources.

#### **Aesthetics Impact Discussion:**

**6.1(a) (Effect a Scenic Resource or Vista) Less Than Significant Impact:** The Santa Rosa General Plan 2035 EIR identifies vistas of Sonoma Mountains and foothills as significant visual resources with notable viewpoints visible throughout the City of Santa Rosa. General Plan policies require the identification, preservation and enhancement of scenic roads throughout the City. The General Plan contains several policies which seek to preserve and enhance the scenic character and aesthetic value of surrounding views from designated Scenic Roads. Other visual resources present in the project area include views of Taylor Mountain Regional Park and of the Sonoma Mountains to the east.

Highway 101 through the City of Santa Rosa is a locally designated scenic road by the City's General Plan. Surrounding views as seen from Highway 101 will not be affected as a result of the proposed project due to the project site's distance from the highway (690 feet to the west), difference in elevation, and surrounding urban uses. Additionally, the project is consistent with the City's development regulation governing building height. The proposed In-N-Out Restaurant is a one-story building and massing would not interfere with views of Sonoma Mountain hillsides or other scenic resources. Scenic views from Highway 101 will not be significantly impacted as a result of the project. There are no other scenic resources or vistas located in proximity to the project site or that would be affected by development of the proposed In-N-Out Restaurant. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista and impacts would be less than significant.

**6.1(b) (Scenic Resources from Designated Scenic Highway) No Impact:** Highway 101 is not a state designated scenic highway within the City of Santa Rosa, nor is it considered eligible to be officially designated. Additionally, Highway 101 is located over 690 feet west of the project site and views from Highway 101 to project site are already obstructed by existing building including Chapel of the Chimes. As such, development of the proposed project will not damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings viewable from a designated (or eligible) State scenic highway. Therefore, the project will have no impact under this criterion.

**6.1(c) (Degrade Visual Character or Conflict with Scenic Quality) Less Than Significant Impact:** The majority of the project site contains hard-packed gravel surfaces that are sparsely vegetated with herbaceous ruderal (weedy) vegetation. Native herbaceous plant cover is minimal as mostly non-native grasses and forbs cover the project site. A few coyote brush shrubs and Himalayan blackberry bushes are located along the northern property line.

The property contains a vacant office building and small structures used for storage associated with the existing warehouse at 325 Yolanda Avenue, adjacent to the subject property. The office building and structures are indistinct and unremarkable with regard to visual appearance. As such, the removal of the building and storage structures would not cause a degradation of the visual quality of the project site or its surroundings.

The proposed restaurant is one-story in height and exhibits typical In-N-Out branding which reflects a Spanish-Mediterranean architectural design. The exterior materials for the proposed restaurant include stucco siding and terra-cotta tiled hip-roofed towers. The majority of the structure is lightly colored, with a red accent band wrapping around the entirety of the building and located approximately 3 feet above ground level (**Appendix A: Elevations**). Red awnings are provided at the entrance along the west elevation and at the dining room at the south elevation. The proposed height of the restaurant varies with different architectural features including a 13' 7" outdoor patio

structure, 19' 10" flat roof, 23' flat tower, and 28' peaked tower. The proposed restaurant is one-story in height and exhibits a contemporary commercial design with corbelled parapet roof lines and custom-built canopies over dining room windows at the south and west elevations. The exterior materials for the proposed restaurant include white stucco walls, a horizontal stone veneer band at mid-height with matching stone wainscot windowsill, and metal canopies at the south and west elevations with decorative red laser cut palm trees. The majority of the structure is lightly colored, with red accent double-banded LED lighting proposed just below the corbelled parapet rooflines at all elevations (Appendix A: Elevations). The proposed height of the restaurant varies with different architectural features including a 13' 7" outdoor patio structure, 19' 10" flat roof parapet line, and several 28' tall flat roof towers. Additionally, the project includes the installation of a 3-foot-tall concrete masonry wall and landscaping adjacent to Santa Rosa Avenue. The massing, setbacks, and siting are reflective of that found along Santa Rosa Avenue and in the project vicinity.

While the project would redevelopment the subject property, there would not be a substantial degradation of the visual character of the site or its surroundings. Portions of the subject property are currently developed with a vacant office building, small storage structures and graveled surface and surrounding uses include a variety of retail services including a McDonald's, Gas Station, AutoZone, and Mattress Firm.

The Project would result in the development of a modern In-N-Out Restaurant in an area along Santa Rosa Avenue that contains a variety of similarly scaled retail commercial and industrial type uses. The proposed In-N-Out building will be set back from Santa Rosa Avenue, consistent with the City's zoning code standards. Site improvements include landscaping, lighting, and pavement, and will enhance the visual appearance of the project site relative to the existing condition. Therefore, the project will have a less than significant impact to the existing visual character or quality of the site and its surroundings.

**6.1(d) (Light and Glare) Less Than Significant Impact:** The project site is bounded by existing development including residential, commercial, and industrial land uses, as well as Santa Rosa Avenue and Yolanda Avenue, all of which are current sources of light. Exterior lights installed in conjunction with the proposed project will result in an increase of artificial light onsite relative to existing conditions. However, the proposed project is required to conform to Santa Rosa's Zoning Ordinance Section 20-30.080 Outdoor Lighting, which specifies lighting standards for all new exterior lighting.

Existing sources of light on the project site include street lamps/pole mounted lights, exterior lighting for existing structures, and automobile lights. With the proposed project, new sources of light and glare will be introduced, including outdoor lights on buildings, in the parking area, and landscape areas. Installation of lighting at the project site would result in a minor increase in nighttime lighting relative to existing conditions.

Additional automobile headlights will be introduced to the project site and could intrude onto adjacent parcels if not properly screened. Based on the design of the project, however, vehicle headlights are not expected to affect nearby residents or roadways. The six to nine-foot wall and landscaping along the northern property line will effectively block vehicle headlights from the adjacent residents at the mobile home park. The approved residential development to the east at the Yolanda Apartments Project will similarly be screened by a six to nine-foot-tall masonry wall that will be installed as part of that development. Additionally, the project proposes to install a 3-foot-tall concrete masonry wall parallel to Santa Rosa Avenue, which will screen headlights of vehicles in the drive-through from introducing glare onto Santa Rosa Avenue.

Additionally, a standard condition of approval will require that a lighting plan be prepared by the applicant and approved by the City prior to issuance of grading or building permits. Lighting specifications will be reviewed to achieve compliance with City standards. In accordance with City requirements, the Lighting Plan review process will ensure that all fixtures are downcast and outfitted with reflectors as needed to direct lights toward the site and prevent glare and intrusion onto adjacent properties. Therefore, the project's potential to result in impacts that would adversely affect day or nighttime views in the area, due to new sources of light and glare, would be less than significant.

**Mitigation Measures:** None Required.

**6.2. AGRICULTURAL AND FORESTRY RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; California Department of Conservation Farmland Mapping and Monitoring Program; and Biological Constraints Memo, prepared by Monk & Associates, January 14, 2019.

**Agricultural and Forestry Resources Setting:**

There are approximately 15,981 acres of agricultural lands within the Santa Rosa Planning Area that are largely concentrated along the western edge of the City outside of the UGB. This acreage is further broken down into 9,657 acres of Farmland of Local Importance, 3,121 acres of Prime Farmland, and 3,203 acres of Farmland of Statewide Importance. According to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), the project site is classified entirely as Urban and Built-Up (**Figure B-1** in **Appendix B**). Land designated as Farmland of Local Importance is located approximately 0.30 mile southeast of the subject property. No portion of the subject property is under a Williamson Act contract.

Under Public Resources Code section 12220(g), "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

As stated in Public Resources Code section 4526, "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Under Government Code section 51104(g), "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone."

The subject property does not meet the definition of forest land pursuant to Section 12220(g) of the Public Resources Code. According to data obtained by the United States Department of Agriculture (USDA), Forest Service, the subject property does not contain land classified as forest land.<sup>1</sup>

Additionally, the Forest Service classifies timberland productivity as productive forest sites capable of growing 10-percent cover of industrial wood tree species. There are no lands classified as productive forest site on or in the immediate vicinity of the project site. The closest lands classified as productive forest site are located approximately 2 miles northeast of the subject property (Figure B-2 in Appendix B). None of the land within the project site is in a timberland zone, or within a timberland zoned Timberland Production.

**Agricultural and Forestry Resources Impact Discussion:**

**6.2 (a-e) (Farmland Conversion, Williamson Act, Forestland, Timberland) No Impact:** There are no forestlands, important farmlands, agricultural resources or agricultural preserves located within the project site and surrounding properties. The project site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor is the project site under Williamson Act contract. There are no forestlands, timberlands or such zoning on the subject site or vicinity. The proposed project would have no impacts to agricultural resources or forest uses and would not result in the conversion of such lands since none exist on-site or in the project vicinity. Therefore, the project would have no impact to agricultural and forestry resources.

**Mitigation Measures:** None Required.

**6.3. AIR QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup> Land Classifications based on USGS Land Use and Land Cover Classification System for Use with Remote Sensor Data.

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

Sources: Santa Rosa General Plan 2035; General Plan EIR; BAAQMD 2017 Bay Area Clean Air Plan; and BAAQMD CEQA Guidelines May 2017; 325 Yolanda Ave. Air Quality & Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, January 8, 2019; and 2532 Santa Rosa Ave In-N-Out – Santa Rosa, CA, Memo regarding Air Quality and Greenhouse Gas Emissions, prepared by Illingworth & Rodkin, June 3, 2020.

**Air Quality Setting:**

The City of Santa Rosa is located within the San Francisco Bay Area air basin regulated by the Bay Area Air Quality Management District (BAAQMD). Air quality within the Bay Area Air Basin is influenced by natural geographical and meteorological conditions as well as human activities such as construction and development, operation of vehicles, industry and manufacturing, and other anthropogenic emission sources. The Federal Clean Air Act and the California Clean Air Act establish national and state ambient air quality standards respectively. The BAAQMD is responsible for planning, implementing, and enforcing air quality standards within the Bay Area Air Basin, including the City of Santa Rosa.

The Bay Area Air Basin is designated as non-attainment for both the one-hour and eight-hour state ozone standards; 0.09 parts per million (ppm) and 0.070 ppm, respectively. The Bay Area Air Basin is also in non-attainment for the PM10 and PM2.5 state standards, which require an annual arithmetic mean (AAM) of less than 20 µg/m3 for PM10 and less than 12 µg/m3 for PM2.5. In addition, the Basin is designated as non-attainment for the national 24-hour fine particulate matter (PM2.5) standard and will be required to prepare a State Implementation Plan (SIP) for PM2.5. All other national ambient air quality standards within the Bay Area Air Basin are in attainment.

Air quality emissions of carbon monoxide (CO), ozone precursors (ROG and NOx) and particulate matter (PM10 and PM2.5) from construction and operation are evaluated pursuant to the BAAQMD CEQA Air Quality Guidelines established in May 2010<sup>2</sup> and updated in May 2017. With release of the 2017 Bay Area Clean Air Plan (CAP) and the associated EIR, it is expected that updated thresholds and guidelines will be developed in the near term. In the absence of updated guidelines and thresholds, based upon its own judgment and analysis, the City of Santa Rosa recognizes that these thresholds represent the best available scientific data and has elected to rely on BAAQMD Guidelines dated May 2017 in determining screening levels.<sup>3</sup> BAAQMD air quality significance thresholds are presented in **Table 1** below.

**TABLE 1: AIR QUALITY SIGNIFICANCE THRESHOLDS**

Pollutant	Construction Thresholds	Operational Thresholds
-----------	-------------------------	------------------------

2 Adopted by Board of Directors of the BAAQMD in June 2010 (Resolution No. 2010-6).  
 3 In March 2012, the Alameda County Superior Court ordered BAAQMD to set aside use of the significance thresholds within the BAAQMD 2010 CEQA Guidelines and cease dissemination until they complete an assessment of the environmental effects of the thresholds in accordance with CEQA. The Court found that the thresholds, themselves, constitute a "project" for which environmental review is required. In August 2013, the First District Court of Appeal reversed the Alameda County Superior Court's decision. The Court held that adoption of the thresholds was not a "project" subject to CEQA because environmental changes that might result from their adoption were too speculative to be considered "reasonably foreseeable" under CEQA. In December 2015, the California Supreme Court reversed the Court of Appeal's decision and remanded the matter back to the appellate court to reconsider the case in light of the Supreme Court's opinion. The BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The BAAQMD is currently working to update any outdated information in the Guidelines.

	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
<b>Criteria Air Pollutants</b>			
ROG	54	54	10
NOx	54	54	10
PM10	82	82	15
PM2.5	54	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices		Not Applicable
<b>Single-Source Health Risks and Hazards for New Sources or New Receptors</b>			
Excess Cancer Risk	> 10.0 per one million		
Chronic or Acute Hazard Index	> 1.0		
Incremental annual average PM <sub>2.5</sub>	> 0.3 µg/m <sup>3</sup>		
<b>Cumulative Health Risks and Hazards for Sensitive Receptors</b>			
Excess Cancer Risk	> 100.0 per one million		
Chronic Hazard Index	> 10.0		
Annual Average PM <sub>2.5</sub>	> 0.8 µg/m <sup>3</sup>		
<b>Greenhouse Gas Emissions</b>			
GHG Annual Emissions	Compliance with a Qualified GHG Reduction Strategy OR 1,100 metric tons or 4.6 metric tons per capita (for 2020)*		

Source: BAAQMD's May 2017 CEQA Air Quality Guidelines

Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM10 = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM2.5 = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; and GHG = greenhouse gas.

\*BAAQMD does not have a recommended post 2020 GHG Threshold.

The City of Santa Rosa's General Plan sets forth policies and programs to maintain and enhance air quality. OSC-J-1 is particularly applicable, stating that all new construction projects shall be reviewed and require dust abatement actions as contained in the CEQA Handbook of the BAAQMD.

**Air Quality Impact Discussion:**

**6.3(a) (Conflict with Applicable Air Quality Plan) Less Than Significant Impact:** The BAAQMD adopted the 2017 Bay Area Clean Air Plan (CAP) on April 19, 2017 to comply with state air quality planning requirements set forth in the California Health & Safety Code. The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants most harmful to Bay Area residents and which include particulate matter (PM), ozone (O<sub>3</sub>), and toxic air contaminants (TACs). The CAP further endeavors to reduce emissions of methane and other "super-greenhouse gases (GHGs)" that are potent climate pollutants in the near-term and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The proposed control strategy for the 2017 CAP consists of 85 distinct measures targeting a variety of local, regional, and global pollutants. The CAP includes control measures for stationary sources, transportation, energy, buildings, and agriculture, natural and working lands, waste management, water, and super-GHG pollutants. Implementation of some of the control measures could involve retrofitting, replacing, or installing new air pollution control

equipment, changes in product formulations, or construction of infrastructure that have the potential to create air quality impacts.

The BAAQMD CEQA Guidelines set forth criteria for determining consistency with the CAP. In general, a project is consistent if a) the project supports the primary goals of the CAP, b) includes control measures, and c) does not interfere with implementation of the CAP measures.

The proposed project would have a less than significant impact due to a conflict with the Clean Air planning efforts since, a) the project supports the goals of the CAP by proposing development within existing urban limits on an underutilized site; b) includes control measures to protect air quality during construction by implementing best control measures set forth by BAAQMD; and c) the proposed project would generate air quality emissions below the BAAQMD criteria pollutant thresholds (see Section 6.3(b-c) below). Therefore, the project will have less than significant impacts due to a conflict with the regional air quality plan.

**6.3 (b) (Violate Air Quality Emission Standards) Less Than Significant with Mitigation:** Air quality emissions associated with the proposed project would result from short-term construction activities and ongoing operation. BAAQMD Guidelines include “screening criteria” that provide a conservative estimate above which a project would be considered to have a potentially significant impact to air quality. Projects that are below the screening criteria threshold are reasonably expected to result in less than significant impacts to air quality since pollutant generation would be minimal.

**Table 2** below shows that the screening level for the development of a fast food restaurant with drive-thru is 6,000 square feet, above which a quantitative analysis would be warranted to determine if air quality impacts would be potentially significant.

<b>Land Use Type</b>	<b>Operational</b>	<b>Construction</b>
Fast Food Restaurant With Drive Thru	6,000 square feet (NOX)	277,000 square feet (ROG)

Source: Table 3-1, pg. 3-2 Bay Area Air Quality Management District 2010 CEQA Guidelines, May 2017.  
 Note: NOX = oxides of nitrogen; ROG = reactive organic gases

The project proposes the development of an approximately 3,900-square-foot fast food restaurant with a drive-thru, which is well below the operational and construction screening levels for criteria pollutants. Nonetheless, a quantitative air quality emissions analysis was prepared by Illingworth & Rodkin and is included in full in **Appendix C** hereto. A summary of findings is presented below.

**Construction Activities**

Construction includes demolition, grubbing and the removal of vegetation and grasses, as well as grading and construction of the restaurant, outdoor seating, parking lot, drive-through, frontage improvements and associated infrastructure. During construction activities, the project would generate temporary air pollutant emissions associated with site preparation, ground disturbance, the operation of heavy-duty construction equipment, workers traveling to and from the site, and the delivery of materials. These activities would create temporary emissions of fugitive dust from site grading, and the release of toxic air contaminants, particulate matter, and ozone precursors (ROG and NOx) from combustion of fuel and the operation of heavy-duty construction equipment.

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction related activities. CalEEMod defaults based on land use size and type were used to estimate construction related emissions. Construction activities include demolition, site preparation, grading, building construction, paving, and architectural coating. Annual emission estimates for construction include both on- and off-site related activities where on-site typically includes construction equipment (tractors, loaders, graders), and off-site typically includes worker, hauling, and vendor vehicle trips. Average daily construction emissions (total construction emissions/construction workdays) of ROG, NOx, PM<sub>10</sub>, and PM<sub>2.5</sub> are shown in **Table 3** below. Construction emissions would not exceed BAAQMD significance thresholds.<sup>4</sup>

**TABLE 3: CONSTRUCTION PERIOD EMISSIONS**

	ROG	NOx	PM <sub>10</sub> Exhaust	PM <sub>2.5</sub> Exhaust
Total Construction Emissions (tons)	2.1	4.0	0.2	0.2
Average Daily Emissions (lbs/day)	10.5	20.0	1.0	1.0
BAAQMD Thresholds (lbs/day)	54	54	82	54
<b>Exceeds Threshold?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: BAAQMD's May 2017 CEQA Air Quality Guidelines; 325 Yolanda Ave. Air Quality & Greenhouse Gas Assessment, and Air Quality Impact from Residences at 325 Yolanda Ave. Memo, prepared by Illingworth & Rodkin, January 8, 2019.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. The BAAQMD CEQA Air Quality Guidelines consider contributions of fugitive dust to be less-than-significant if best management practices (BMPs) are implemented. As such, **Mitigation Measure AQ-1**, which provides for a variety of dust control measures during construction activities including watering the project site, covering haul loads, limiting idling time, and temporarily halting construction when winds are greater than 15 miles per hour, is set forth below. With implementation of Mitigation Measure AQ-1 (BAAQMD-recommended best management practices), construction activities will have less than significant impacts to air quality.

**Operation**

The proposed project will result in both stationary and mobile sources of emissions at operation. Although there are no new stationary "point sources" created (large emitters such as manufacturing plants), the project will result in area source emissions from use of natural gas, consumer products such as solvents, cleaners, and paints, and landscaping maintenance equipment. A majority of the operational emissions will result from the operation of vehicles traveling to and from the project site (customers, employees, and deliveries).

Operation of the proposed In-N-Out Project is not expected to result in substantial air quality emissions. Lighting, electricity, water and wastewater energy related demands are expected to be minimal as the new building is subject to Title 24 requirements under the latest building code.

Table 2 above shows that the operational project level screening size for a fast food restaurant with a drive thru is 6,000 square feet. The project proposes an approximately 3,900-square-foot fast food restaurant with a drive-through, which is below the established screening size. As such, it can be concluded that the project would result in a less than significant impact due to operational emissions.

<sup>4</sup> Construction emissions account for the development of both the proposed In-N-Out and the approved Yolanda Residential Project. Construction emissions of the IN-N-Out only would be less than the two projects combined and would similarly result in less than significant emission of criteria pollutants.

Nonetheless, CalEEMod was used to predict emissions at build-out of the project, with an expected operational year of 2021. **Table 4** shows that criteria pollutants generated during operation of the project will be below BAAQMD thresholds and impacts to air quality as a result of the project at operation will be less than significant.<sup>5</sup>

**TABLE 4: OPERATIONAL EMISSIONS**

	<b>ROG</b>	<b>NOX</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
2021 Project Operation Emissions (tons/year)	1.5	2.4	1.2	0.3
2021 Existing Use Emissions (tons/year)	0.1	0.2	0.1	0.03
Net Annual Emissions (tons/year)	1.4	2.2	1.1	0.27
<b>BAAQMD Thresholds (tons/year)</b>	<b>10</b>	<b>10</b>	<b>15</b>	<b>10</b>
<b>Exceeds Threshold?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
2021 Project Operational Emissions (lbs/day)	7.7	12.0	6.0	1.5
<b>BAAQMD Thresholds (lbs/day)</b>	<b>54</b>	<b>54</b>	<b>82</b>	<b>54</b>
<b>Exceeds Threshold?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Note: Analysis assumes 365-day operation.

Source: BAAQMD's May 2017 CEQA Air Quality Guidelines; 325 Yolanda Ave. Air Quality & Greenhouse Gas Assessment, and Air Quality Impact from Residences at 325 Yolanda Ave. Memo, prepared by Illingworth & Rodkin, January 8, 2019; Air Quality and Greenhouse Gas Emissions Memo, prepared by Illingworth & Rodkin, June 3, 2020.

Therefore, criteria pollutants generated during operation of the proposed In-N-Out Restaurant Project will be below BAAQMD thresholds for criteria pollutants and impacts to air quality as a result of the project will be less than significant.

**6.3(c) (Exposure of sensitive receptors to substantial pollutant concentrations) Less Than Significant with Mitigation:** The BAAQMD defines sensitive receptors as "facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly and people with illnesses." Examples of sensitive receptors include places where people live, play or convalesce and include schools, day care centers, hospitals, residential areas and recreation facilities.

Sensitive receptors that could potentially be affected by dust and exhaust generated by construction equipment include nearby residences at the adjacent mobile home park to the north, apartments to the northeast, and existing residences on the south side of Yolanda Avenue. Sensitive receptors also include the approved 252 multi-family residential apartments, immediately east of the project site. To evaluate lifetime cancer risks and non-cancer health effects of concentrations resulting from project construction, emissions and dispersion modeling were conducted.

#### **Construction Activities**

For expanded detail on the methodology used to measure construction related impacts to sensitive receptors, see the Air Quality Assessment prepared by Illingworth and Rodkin in **Appendix C**. A summary of the health risk impacts are presented in **Table 5** below.<sup>6</sup>

Increased cancer risks were calculated for infant exposure and adult exposure. The maximum incremental residential infant cancer risk at the maximally exposed individual (MEI) receptor would be 42.7 in one million. This exceeds the BAAQMD single-source threshold of more than 10 in one million and is identified as a potentially significant impact.

<sup>5</sup> Operational emissions account for both the proposed In-N-Out and the approved Yolanda Residential Project. Operational emissions of the In-N-Out only would be less than the two projects combined and would result in even less criteria pollutant emissions.

<sup>6</sup> Health risk exposure and dispersion modeling account for the simultaneous construction of both the proposed In-N-Out and the approved Yolanda Residential Project. Health risk emissions from construction of the In-N-Out only would be less than the two projects combined and would result in lower emissions.

However, with **Mitigation Measure AQ-2** set forth below, the infant cancer risk is reduced to 5.1, which is below the BAAQMD threshold and would reduce impacts to less than significant levels.

The maximum-modeled annual PM<sub>2.5</sub> concentration, based on combined exhaust and fugitive dust, would be 0.41ug/m<sup>3</sup> which exceeds the BAAQMD single source threshold of more than 0.3 ug/m<sup>3</sup>. However, with mitigation measure AQ-2, as set forth below, the exposure risk to PM<sub>2.5</sub> is reduced to 0.09, which is below the BAAQMD threshold and would reduce impacts to less than significant levels.

The maximum computed hazard index (HI) is 0.04, which is below the BAAQMD threshold of 1.0. Table 5 shows the combined cancer risk, PM<sub>2.5</sub> concentrations, and the non-cancer hazard index at the maximally exposed individual.

**TABLE 5: IMPACTS FROM COMBINED SOURCES AT CONSTRUCTION MEI**

SOURCE	MAXIMUM CANCER RISK (PER MILLION)	PM <sub>2.5</sub> CONCENTRATION (UG/M <sup>3</sup> )	HAZARD INDEX
<u>Project Construction</u>			
<i>Unmitigated</i>	42.7 (infant)	0.41	0.04
<i>Mitigated</i>	5.1 (infant)	0.09	0.01
<b>BAAQMD Single Source Threshold</b>	<b>&gt;10.0</b>	<b>&gt;0.3</b>	<b>&gt;1.0</b>
<u>Exceeds Threshold?</u>			
<i>Unmitigated</i>	<b>YES</b>	<b>YES</b>	<i>NO</i>
<i>Mitigated</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
<b>Cumulative Sources</b>			
Santa Rosa Avenue	1.9	0.07	<0.03
Yolanda Avenue	1.5	0.06	<0.03
Kawana Springs Road	0.6	0.02	<0.03
Plant #111902 (Gas Dispensing)	0.3	-	<0.01
Plant #7658 (Crematory)	0.01	<0.01	<0.01
Plant #23123 (Gasoline Tank)	1.6	-	0.01
Plant #111340 (Gas Dispensing)	0.6	-	0.07
Plant #18271 (Generator)	0.4	<0.01	<0.01
Combined Sources Unmitigated	49.6	0.58	0.23
Mitigated	12.0	0.25	0.20
<b>BAAQMD Combined Source Threshold</b>	<b>&gt;100</b>	<b>&gt;0.8</b>	<b>&gt;10.0</b>
<u>Exceeds Threshold?</u>			
<i>Unmitigated</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
<i>Mitigated</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

Source: BAAQMD's May 2017 CEQA Air Quality Guidelines; 325 Yolanda Ave. Air Quality & Greenhouse Gas Assessment, and Air Quality Impact from Residences at 325 Yolanda Ave. Memo, prepared by Illingworth & Rodkin, January 8, 2019.

During construction, onsite activities will result in the emission of diesel exhaust from vehicles and heavy-duty equipment (TAC) as well as the generation of fugitive dust from grading and ground disturbing activities. To ensure that diesel exhaust and fugitive dust emissions are reduced to levels below significance, Mitigation Measure AQ-1 and AQ-2 shall be implemented. AQ-1 is set forth pursuant to BAAQMD Basic Control Strategies and requires covering haul trucks, watering during active ground disturbance, limiting idling time, proper maintenance of equipment, and other standard measures. Mitigation Measures AQ-2 requires off-road equipment used during construction activities to achieve a fleet-wide average reduction of 77 percent, or more, in diesel particulate matter exhaust emissions. With implementation of AQ-1 and AQ-2, potential impacts to the surrounding sensitive receptors during construction of the proposed project will be reduced to levels below significance.

## Operation

At operation, the project will not generate stationary source emissions that could affect sensitive receptors in the vicinity of the project site. Odors from operation of the proposed In-N-Out Restaurant Project are discussed below in section 6.3(d).

**6.3(d) (Other Emissions and Odors) Less Than Significant Impact:** There may occasionally be localized odors during site development associated with construction equipment, paving, and the application of architectural coatings. Any odors generated during construction would be temporary and not likely to be noticeable beyond the immediate construction zone.

Restaurants, especially fast-food restaurants, can produce noticeable odors through the preparation of food. There is an existing McDonalds located at the corner of Santa Rosa Avenue and Yolanda Avenue. The proposed In-N-Out Restaurant is expected to contribute similar odors as the existing McDonalds operation.

Odor impacts from the In-N-Out Restaurant Project could occur if residents in the surrounding areas experienced objectionable odors and made complaints. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative methodologies to determine the presence of a significant odor impact. The significance of odor impacts is based on the potential to cause odor complaints.

The closest existing resident to the proposed In-N-Out Restaurant building is located approximately 140 feet northeast. The Yolanda Apartments residential project, approved on July 9, 2019, allows for the construction of 252 units east of and adjacent to the proposed In-N-Out. These new residences would be located approximately 225 feet east of the proposed In-N-Out Restaurant.

As detailed in the Air Quality memo, BAAQMD was contacted to identify any odor complaint history associated with In-N-Out Restaurants. No specific complaints were identified by the Air District. However, there also were no In-N-Out Restaurants located in as close proximity to residences, as would be realized by the proposed Project. Winds in the area generally blow from the south (based on wind data from Santa Rosa Airport) and residents at the mobile home park to the north would be upwind. The Project has the potential to expose nearby residents to odors emanating from the In-N-Out Restaurant. Although new residents may be exposed to odors it cannot be conclusively determined that odors would result in a significant impact. Thus, mitigation is not required and impacts from odors are expected to be less than significant based on the odor complaint history, existing odor generating uses in the vicinity (McDonald's), and the ambiguity regarding objectionable odors. However, the City may elect to impose a condition of approval requiring In-N-Out to incorporate exhaust control equipment, ~~in the event that multiple odor complaints are received.~~

### **Mitigation Measures:**

**AQ-1:** Latest BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during all construction activities shall be incorporated into all demolition, building and grading construction plans, and shown under the heading of General Notes on all plan sets submitted for grading/building permits, and require implementation of the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**AQ-2:** To reduce potential health risk impacts during construction, the project shall develop and implement a plan demonstrating that off-road equipment used to construct the project would achieve a fleet-wide average reduction of 77 percent or more, in particulate matter exhaust emissions. Examples of how to achieve this reduction include the following:

1. Diesel-powered off-road equipment larger than 25 horsepower operating on-site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines that include CARB-certified Level 3 Diesel Particulate Filters<sup>7</sup> or equivalent. Equipment that achieves U.S. EPA Tier 4 engine standards for particulate matter or Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filter would meet this requirement.
2. Require the use of construction equipment that is alternatively-fueled (non-diesel).
3. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
4. Minimize the idling time of diesel-powered construction equipment to two minutes.
5. Equip construction equipment (diesel trucks and generators) with Best Available Control Technology for emission reductions of NOx and PM.
6. Require all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

**6.4. BIOLOGICAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>7</sup> See <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>policies, or regulations, or by the California Department of Fish and Wildlife (Formerly Fish and Game) or U.S. Fish and Wildlife Service?</p> <p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife (formerly Fish and Game) or U.S. Fish and Wildlife Service?</p> <p>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?</p> <p>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?</p> <p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p> <p>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?</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>

Sources: Santa Rosa General Plan 2035; General Plan EIR; General Plan Figure 7-2: Biological Resources Map; General Plan EIR Figure 4.F-1: Special-Status Species and Sensitive Habitats Map; General Plan EIR Figure 4.F-3: Special-Status Animal Species Map; Santa Rosa Plain Conservation Strategy, prepared by U.S. Fish and Wildlife Service, December 2005; Recovery Plan for the Santa Rosa Plain, prepared by U.S. Fish and Wildlife Service, May 2016; Biological Constraints Analysis, prepared by Monk & Associates, August 22, 2018 and Biological Constraints Analysis Memo, prepared by Monk & Associates, January 14, 2019 (**Appendix D**); Request for a Preliminary Jurisdictional Delineation, Aquatic Resources Delineation Report, prepared by Monk & Associates, September 20, 2018; and Preliminary Jurisdictional Determination Letter, U.S. Army Corps of Engineers, November 15, 2018.

**Biological Resources Setting:**

Biological resources are protected by statute including the Federal Endangered Species Act (FESA), the California Endangered Species Act (CESA), and the Clean Water Act (CWA). The Migratory Bird Treaty Act (MBTA) affords protection to migratory bird species including birds of prey. These regulations provide the legal protection for identified plant and animal species of concern and their habitat. In addition, regional efforts, including the Santa Rosa Plain Conservation Strategy Plan, have taken the first steps towards establishing a regional biological framework to protect the endangered California Tiger Salamander and rare plant species associated with wetland

environments. The Santa Rosa Plain Recovery Plan was released by the United States Fish and Wildlife Service in June 2016 and provides a framework for the recovery of listed species.

The City of Santa Rosa and Planning Area contains streams, creeks and associated tributaries, vernal pools, grasslands, hillsides and woodlands, all of which serve as important habitats for a variety of plant and animal species.

The project site is not located in an area identified as potentially containing sensitive species, nor is the site located in an area identified as potentially containing high quality vernal pool habitat, pursuant to Figure 7-2 of the General Plan. General Plan EIR Figure 4.F-3 shows that the project site and vicinity do not have the potential to support special-status animal species. The closest waterway to the project site is Kawana Springs Creek, located approximately 2,300 feet to the northeast.

The project site is located within the geographic region of Sonoma County designated by the Corps and the USFWS as the "Santa Rosa Plain." The project site has a long history of industrial use dating back to the 1960s. Prior to the 1960s, the parcel supported an orchard. Currently, the project site is vacant with a few small structures located onsite. The ground is a hard-packed gravel surface that is vegetated with herbaceous ruderal (weedy) vegetation. Native herbaceous plant cover is minimal as mostly non-native grasses (*Avena barbata*, *Festuca perennis*, *Phalaris aquatica*, *Holcus lanatus*) and forbs (*Hypochaeris radicata*, *Lactuca serriola*) cover the project site. A few coyote brush (*Baccharis pilularis*) shrubs and the non-native bush, Himalayan blackberry (*Rubus discolor*), grow along the northern fence line.

"Waters of the United States" and "waters of the State," in the form of a linear wetland ditch, occur along the southern project site boundary. This "waters" feature provides marginal functions and services and appears mostly man-made or at a minimum its location appears historically altered. It is not connected to any natural stream or drainage and lacks riparian vegetation.

#### **Biological Resources Impact Discussion:**

**6.4(a-b) (Adverse Effects to Sensitive Species and Habitats) Less Than Significant with Mitigation:** Certain vegetation communities and plant and animal species are designated as having special-status based on their overall rarity, endangerment, restricted distribution, and/or unique habitat requirements. In general, special-status is a combination of these factors that leads to the designation of a species as sensitive. The FESA outlines the procedures whereby species are listed as endangered or threatened and establishes a program for the conservation of such species and the habitats in which they occur. The CESA amends the California Fish and Game (Wildlife) Code to protect species deemed locally endangered and expands the number of species protected under the FESA. Below is a description of the sensitive habitats and species that could occur on the project site or in the vicinity:

#### ***Special-status Vegetation Communities and Plant Species***

The project site is highly disturbed and does not support any native habitats for plants or wildlife. Thus, development of the project site would not directly impact any federally or state listed species or their habitats, nor would it impact any special-status plant species of any ranking (that is, California Native Plant Society ranked species or CEQA-protected species). Based on an evaluation of the linear wetland ditch along the southern project site boundary, the wetland ditch lacks riparian features, such as a bed, bank, or associated riparian vegetation. As such, this linear wetland ditch would not likely be regulated by the California Department of Fish and Wildlife (CDFW) through the Section 1602 Streambed Alteration Agreement Permitting Process. Therefore, the proposed project would have no impacts to special-status vegetation communities or special-status plant species.

#### ***Special-status Animal Species***

Site reconnaissance performed on August 8, 2018 identified existing buildings, trees, bushes, and ground that may provide nesting opportunities for birds protected pursuant to the federal Migratory Bird Treaty Act (MBTA) and

California Fish and Game Code. The existing structures onsite also provide potential roosting opportunities for two special-status bats: Townsend's big-eared bat (*Corynorhinus townsendii townsendii*) and pallid bat (*Antrozous pallidus*). Both bat species are listed by the California Department of Fish and Wildlife as species of special concern.

#### *Nesting Birds*

Site reconnaissance identified the potential for song birds to nest in existing buildings, trees, vegetation, or on the ground of the project site. The Federal Migratory Bird Treaty Act makes it unlawful to kill, harm, harass, shoot, etc., any migratory bird, including their nests, eggs, or young, listed in Title 50 of the Code of Federal Regulations, §10.13, the California Department of Fish and Game Code §3503, 3503.5, 3511, and 3513 prohibits disturbance that causes nest abandonment or loss of reproductive efforts of birds. Song birds are considered migratory birds, and thus, to avoid impacts to nesting birds, **Mitigation Measure BIO-1** will be implemented to assure that potential impacts to migratory bird species are reduced to levels below significance.

#### *Townsend's Big-eared Bat*

The Townsend's big-eared bat requires caves, mines, tunnels, and high buildings, or other human-made structures for roosting and maternity sites. It is believed that roosting sites are the most important limited resource for this species. These bats show high fidelity if undisturbed but are extremely sensitive to disturbance of roosting sites resulting in potential abandonment of the roost after a single visit. The bat is not known to occur near the project site (that is, within 3 miles). However, it is a highly mobile species and could move onto the project site. In order to avoid potential impacts to this species of special concern, **Mitigation Measure BIO-2** shall be implemented. BIO-2 requires the completion of preconstruction surveys prior to any removal, grading, or project construction, and if that bat is determined to be present, prescribes that construction activities be halted, or a non-disturbance buffer zone be established. With implementation of BIO-2, potential impacts to the Townsend's big-eared bat will be reduced to less than significant levels.

#### *Pallid Bat*

The Pallid bat occurs throughout California and most commonly in open, dry habitats with rocky areas for roosting. Day roosts are in caves, crevices, mines, and occasionally in hollow trees and buildings, and must protect bats from high temperatures. Night roosts may be in more open areas such as porches and open buildings. The species roosts in groups of twenty or more, and while not known to occur on or near the project site, is a highly mobile species. The Pallid bat could potentially move onto the project site and roost in the existing building/structures. In order to avoid potential impacts to this species of special concern, **Mitigation Measure BIO-2** shall be implemented. With implementation of BIO-2, potential impacts to the Pallid bat will be reduced to less than significant levels.

**6.4(c) (Adverse Effects to Jurisdictional Waters) Less Than Significant with Mitigation:** The project site is relatively flat and has historically supported industrial uses and an orchard. The ground is a hard-packed gravel surface that is mostly vegetated with herbaceous ruderal (weedy) vegetation. There are no creeks, streams, or other natural drainage-ways onsite. The only water conveyance feature onsite is a linear man-made ditch along the southern project site boundary, which appears to have been historically altered and constructed to convey surface runoff to the City's storm drain system.

Monk & Associates' (M&A) Biologists with experience delineating wetlands and evaluating stream channels conducted an evaluation of the linear ditch features onsite. M&A reviewed historic aerial photographs (1942 through 2012) and USGS topographic maps of the project site; no drainages (creeks, streams, or other water bodies) were historically present onsite. The linear ditch features that skirt the project site perimeter were constructed by the land owner to convey surface runoff falling on paved and hard-packed graveled surfaces into the City storm drain system. These linear features originate onsite, do not connect to any offsite waterways, are culverted on their downstream end, and connect directly with the City's storm drain system. These man-made, linear features with ephemeral flows

do not provide wildlife or fisheries habitat. Thus, these man-made, ephemeral features do not meet the criteria to be classified as a stream under Fish and Game Code Section 1602.

Implementation of the proposed project would result in the fill of approximately 0.01-acre of waters of the United States on the project site. Impacts to potential waters of the U.S. and/or State can be reduced to less-than-significant levels with incorporation of mitigation that includes avoidance, minimization of impacts, and/or mitigation compensation. To mitigate for impacts to waters of the United States/State, as required by **Mitigation Measure BIO-3**, the applicant shall purchase mitigation credits from the agency-approved Hazel Mitigation Bank at a 2:1 ratio, for a total of 0.02-acre of mitigation credit, as approved by both the Corps and the RWQCB. With implementation of BIO-3, potential impacts to waters covered by Section 404 and 401 of the Clean Water Act will be reduced to less than significant levels.

**6.4(d) (Adverse Effect on Wildlife Movement) Less Than Significant Impact:** There is no evidence of migratory wildlife corridors or nurseries onsite or in the project vicinity. The project site is located in a highly disturbed area making it relatively inaccessible to many species and eliminates the possibility of the site functioning as a movement corridor. The nearest species of special-status are located across Highway 101, which is identified as a major barrier to species migration. In addition, the project site is surrounded on all sides by existing development. As such, development of the proposed project will not substantially interfere with the movement of fish or other wildlife species including migrating species. Therefore, the project will have less than significant impacts to wildlife corridors and species movements.

**6.4(e) (Conflict with Local Ordinances) No Impact:** The City of Santa Rosa has designated valley and blue oak species with diameters of 6-inches or greater, and live, black, Oregon or White, canyon, and interior live oaks with diameters of 18-inches and greater, as "heritage trees." The project does not propose the removal of any trees and would therefore not be in conflict with the City's Tree Ordinance. As such, no impacts would occur under this category.

**6.4(f) (Conflicts with Habitat Conservation Plans) No Impact:** Sonoma County does not have any California Regional Conservation Plans, as identified in the California Department of Fish and Wildlife's (CDFW) Natural Community Conservation Planning (NCCP) Map.<sup>8</sup> The Santa Rosa Plain Conservation Strategy Plan (SRPCSP) and the Recovery Plan were reviewed to assess the project's potential to impact any protected plant or animal species. The two major issues for project sites that are located in the Santa Rosa Plain are: 1) the State and federally-listed California tiger salamander (*Ambystoma californiense*); and 2) the three federally and State-listed vernal pool plants (*Blennosperma bakeri*, *Lasthenia burkei*, and *Limnanthes vinculans*) of the Santa Rosa Plain. The SRPCSP mapping (Figure 3 dated 4/16/07) shows that the project site is in an area designated as "already developed (no potential for impact)." The project site is not located within a Sonoma County CTS Core or Management Area Boundary of the Santa Rosa Plain according to the Recovery Plan (Figure 13 dated 4/30/15).

The project site does not provide habitat for the California tiger salamander or any of the three federally and State listed plant species since the project site has been under industrial uses with prior ground disturbance for the past 50+ years. Therefore, the project does not conflict with any local policies or adopted conservation plans. No impacts resulting from a conflict with an adopted conservation plan will occur from project implementation.

**Mitigation Measures:**

**BIO-1:** In order to avoid impacts to birds protected under the Migratory Bird Treaty Act, a pre-construction nesting survey shall be conducted no more than 7 or up to 15 days prior, with CDFW approval, to building removal, earth moving or the commencement of construction work if this work would occur between February 1st

---

<sup>8</sup> California Regional Conservation Plans, April 2019, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>, Accessed July 18, 2019.

and September 1st. In the event that construction activities lapse for a period of 7 days or more during the bird nesting season, then nesting bird surveys shall be conducted prior to construction work resuming. The applicant shall provide resume(s) of qualified biologist(s) conducting ~~bat~~ bird nesting surveys to the City for review and approval in advance of pre-construction surveys. Resumes shall reflect: 1) at least 2 years of experience conducting ~~bat~~ bird nesting surveys that resulted in detections for the relevant species ~~such as pallid bat~~, and 2) the types of equipment used to conduct surveys. Resumes shall also indicate that the biologist possesses a state-issued Scientific Collecting Permit for relevant species.

The nesting survey shall be conducted on the project site and within a zone of influence around the project site. The zone of influence includes those areas off the project site where migratory birds could be disturbed by earth-moving vibrations or noise. The nesting survey should include examination of all suitable nesting habitats within ~~300~~ 500 feet of the entire project site. A nest survey report shall be prepared upon completion of the survey and provided to the City of Santa Rosa with any recommendations required for establishment of protective buffers as necessary to protect nesting birds.

If any birds are found nesting on the project site or within the zone of influence of the construction project, a minimum 50-foot nest protection buffer for passerine species and a 500 foot buffer for raptor species shall be established around the nest(s) or on the project site where this buffer intersects the project site, unless otherwise approved by the CDFW. The buffer ~~should~~ shall be staked with 4-foot orange construction fencing. A qualified biologist shall determine the appropriate buffer distance and monitor the nest during construction to ensure it is not disturbed.

No construction or earth-moving activity shall occur within any established nest protection buffer until it is determined by a qualified biologist that the nesting cycle is complete, and any young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid being impacted by the proposed project. For song birds this typically occurs by July 31st. This date may be earlier or later and would have to be determined by a qualified ornithologist. At the end of the nesting cycle, and abandonment of the nest by its occupants, as determined by a qualified biologist, temporary nest buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site.

**BIO-2:** A qualified bat biologist shall conduct an initial bat habitat assessment and survey several months before project construction. If bats are detected, an exclusion plan shall be submitted to the City for approval. The City shall seek CDFW's input on the exclusion plan. 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 or 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 with implementation funding.

In order to avoid impacts to special-status bats, a preconstruction survey of the existing buildings on site shall be performed not more than 15 days prior to commencement of any demolition, removal, grading, or project construction. Bat surveys shall be conducted by a qualified biologist with documented bat survey and detection experience. The applicant shall provide resume(s) of qualified biologist(s) conducting bat surveys to the City for review and approval in advance of pre-construction surveys. Resumes shall reflect: 1) at least 2 years of experience conducting bat surveys that resulted in detections for the relevant species such as pallid bat, and 2) the types of equipment used to conduct surveys. Resumes shall also indicate that the biologist possesses a state-issued Scientific Collecting Permit for relevant species. The survey shall be conducted regardless of the time of year as there is no defined bat roosting season. If no special-status bats are identified during the surveys, then the biologist shall provide a memo to the City of Santa Rosa summarizing the results, and site clearance and construction activities may commence. ~~All bat surveys shall be conducted by a biologist with experience surveying for bats.~~

If special-status bats are found roosting on the project site the biologist shall determine if young bats are present, evident through the presence of maternal roosts. If so, a non-disturbance buffer shall be established around the site of the maternal roost, demarcated with orange construction fencing. The size of the buffer shall be determined by a qualified bat biologist at the time of the survey. If young bats are found roosting in any structure proposed for demolition, the structure shall be avoided until the young are flying free and feeding on their own. If adult bats are found roosting on the project site, but no maternal sites are present, then the adult bats can be flushed, or a one-way eviction door can be placed over the roosting space for a 48-hour period prior to the time the structure proposed for demolition would be removed or construction activities commence.

**BIO-3:** To mitigate for impacts to waters of the United States/State, the applicant shall purchase mitigation credits from the agency-approved Hazel Mitigation Bank at a 2:1 ratio, for a total of 0.02-acres of mitigation, or as approved by the U.S. Army Corps of Engineers and/or the RWQCB. Proof of the purchase of wetland mitigation credits shall be provided to the City of Santa Rosa, the Corps, and the RWQCB in advance of grading activities on the project site. The applicant shall provide the City with copies of the 401 and 404 permits issued by regulatory agencies.

**6.5. CULTURAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Santa Rosa General Plan 2035; General Plan EIR; Cultural Resources Study, prepared by Evans & De Shazo, August 6, 2018; and Cultural Resources Memo, prepared by Evans & De Shazo, January 3, 2019.

**Cultural Resources Setting:**

The City of Santa Rosa retains a number of historic and cultural resources that contribute to its unique sense of place. Some of the earliest identified archaeological resources date to the Upper Middle Period (A.D. 430-1050) when what were formerly hunter-gatherer societies began transitioning to more sedentary lifestyles and establishing small permanent villages. At the time of European contact, the Southern Pomo Indians inhabited the region known today as the Santa Rosa Planning Area. The Pomo Indians were divided into small, relatively autonomous tribes with the nearest Pomo village being the Hukabetawi, located in southwest Santa Rosa. The Santa Rosa Planning Area contains 190 identified Native American resources concentrated in and around the Santa Rosa Creek and its tributaries, the alluvial plains, the hills around Annadel State Park, Laguna de Santa Rosa and the Windsor Area. Approximately 50% of the Santa Rosa Planning Area has been surveyed for pre-historic and archaeological

resources; therefore, potential remains for the discovery of archaeological resources within the boundaries of the Planning Area.

Historic resources within the Santa Rosa Planning Area include 21 local historic landmarks and 8 historic districts with 14 buildings and 1 district listed on the National Register of Historic Places. In addition, 40 individual resources are potentially eligible for local landmark status and 7 neighborhoods have been identified as potential additional historic districts. Historic resources within Santa Rosa date from the 1830s to approximately 1964 and serve to chronicle the evolution from Euro-American settlement to present-day.

### **Cultural Resources Study**

In 2008, prior to the proposal of the existing project, a previous development project for Lowe's Home Improvement was proposed within the Project Area and required the preparation of an Environmental Impact Report (EIR). As part of the environmental review, the Project Area was surveyed for cultural resources, which included a survey and evaluation of the 1947 commercial building (warehouse) located adjacent to the subject project site. The review found that the building was ineligible for listing on the California Register of Historical Resources (CRHR) and there were no Historical Resources identified within the Project Area. In 2018 Evans & De Shazo, Inc. (EDS) conducted an updated Cultural Resources Study (CRS) (**Appendix E2**) which included a records search and review, Native American Sacred Lands inventory, and an archaeological field survey. In January 2019, EDS prepared a Memo clarifying that the recommendations set forth in the CRS apply to the proposed In-N-Out Restaurant Project (**Appendix E1**).

### **Records Search and Review**

A records search at the Northwest Information Center (NWIC) was conducted on July 3, 2018 (NWIC File #18-0016). A review of available information supplemented by information on file at the EDS office found that the project site had been previously evaluated in 2007 as part of the EIR for the aforementioned Lowe's Home Improvement project (Michael Brandman Associates 2008, 2012), however, the associated cultural resources report is not on file at the NWIC.

In addition, eight cultural resource studies have previously been conducted within a 0.25 mile radius of the project site (Reuter 1979 NWIC #1665; Chavez 1987 NWIC #9088; Psota 1990 NWIC #11980; Dowdall 1989 NWIC #15698; Evans 2002 NWIC #25993; Chattan 2003 NWIC #27428; Barrow and Origer 2010 NWIC #37601; Beck and Hollins 2016 NWIC #48950). According to prior studies, there are five cultural resources recorded on Department of Parks and Recreation 523 forms within 0.25 mile of the project site. All five resources include historic-era buildings, and three of the five resources are no longer present. No prehistoric archaeological resources have been recorded within 0.25 mile of the Project Area.

The State Office of Historic Preservation's (OHP) directory of properties in the historic property data file does not list any resources within or adjacent to the Project Area, including those listed in the NRHP, CRHR, listed as a California Historical Landmark, or California State Point of Historical Interest.

A review of historic maps and aerials dating between 1861 and 1994 found that a building was present within the study area in 1916. The house appears to have been demolished by 1972. The presence of at least one building in 1916 indicates a high potential to encounter historic-period resources.

### **Native American Sacred Lands Inventory**

A search of the Sacred Lands file conducted by the Native American Heritage Commission (NAHC) on July 10, 2018 did not indicate the presence of a Native American Sacred Site within or in the immediate vicinity of the project site. A letter was sent to eight individuals on the Native American contact list on July 12, 2018 to request further information about Native American traditional cultural resources, including Sacred Sites, or Tribal Cultural Resources

within the Project Area. As of August 6, 2018, four responses were received (**Appendix E2**). No additional information was provided. Four of the seven tribes who were contacted requested a copy of the results and recommendations of the CRS including Dry Creek Rancheria Band of Pomo Indians, Federated Indians of Graton Rancheria (FIGR), Lytton Rancheria of California, and Middletown Rancheria.

### Archaeological Field Survey

The site visit, conducted on July 3, 2018 did not yield any prehistoric or historic-era artifacts, archaeological deposits, or other cultural resource types. Pleistocene and Holocene-age alluvial and fluvial deposits are present on the site. Holocene-age alluvium holds a moderate potential for buried pre-historic archaeological resources to be located in the Project Area.

#### Cultural Resources Impact Discussion:

**6.5(a) (Historic Resources) Less than Significant with Mitigation:** There are no built historic resources or designated resources that would be affected by the proposed project.

Due to the past development in 1916 of the property, there is a high potential to encounter historic-period resources. Given this potential, **Mitigation Measure CUL-1** provides that, in the event that historic material is encountered by equipment operators during ground-disturbing activities, work in the immediate vicinity of the discovery shall be halted until a qualified professional archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource. Implementation of measure CUL-1 will ensure that in the event that historic material is encountered, the potential for the project to adversely impact or result in change to the significance of the historic resource is less than significant.

**6.5(b) (Archaeological Resources) Less Than Significant with Mitigation:** Due to the environmental setting and presence of Holocene-age alluvial soil which formed when Native American people occupied the region of the project site, there is a moderate potential of encountering prehistoric archaeological resources. As such, ground-disturbing activities associated with project development have the potential to encounter buried archeological resources.

Given the potential for the presence of buried cultural resources associated with past pre-historic human occupation in the vicinity of the project site, **Mitigation Measure CUL-2** provides that, in the event that archeological resources are encountered during ground-disturbing activities and an archaeologist is not present, all work within 25 feet of the find shall be halted immediately until a qualified archaeologist can evaluate the potential resource and recommend further action. Implementation of measure CUL-2 will ensure that in the event buried resources are uncovered, the potential for the project to adversely impact or result in a change to the significance of archeological resources would be reduced to less than significant.

In addition, **Mitigation Measure CUL-3**, requires that project supervisors, contractors, and equipment operators become familiar with the types of artifacts that could be encountered during ground disturbing activities and the proper procedures to follow in the case that subsurface cultural resources are unearthed. Implementation of mitigation measures CUL-2 and CUL-3 will ensure that potential impacts to buried cultural resources are reduced to less than significant.

**6.5(c) (Discovery of Human Remains) Less Than Significant:** No evidence suggests that human remains have been interred within the boundaries of the project site. However, in the event that during ground disturbing activities human remains are discovered, the applicant would be subject to the California Health and Safety Code Section 7050.5, which mandates the immediate cessation of ground disturbing activities near or in any area potentially overlying adjacent human remains. The Sonoma County Coroner must be notified immediately if such discovery is made. If it is determined by the Coroner that the discovered remains are of Native American descent, the Native American Heritage Commission shall be contacted immediately. An archaeologist should also be retained to

evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site. Compliance with CA HSC Section 7050.5, as required under state law, and performance of actions therein, will ensure that in the event of accidental discovery of historically significant remains, all impacts will remain at levels below significance.

**Mitigation Measures:**

**CUL-1:** If any prehistoric or historic material is encountered by equipment operators during ground-disturbing activities work shall be halted in the immediate vicinity of the discovery area until a qualified professional archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource. Historic-era resources potentially include all by-products of human land use greater than 50 years of age, including alignments of stone or brick, foundation elements from previous structures, minor earthworks, brick features, surface scatters of farming or domestic type material, and subsurface deposits of domestic type material (glass, ceramic, etc.). Artifacts that are typically found associated with prehistoric sites in the area include humanly modified stone, shell, bone or other materials such as charcoal, ash and burned rock that can be indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, house floor depressions and mortuary features consisting of human skeletal remains.

**CUL-2** If an archaeological deposit is encountered during project related, earth-disturbing activities and a qualified archaeologist is not present, then all work within 25 feet of the discovery shall be redirected until the archaeologist assesses the find, consults with agencies and Tribes as appropriate, and makes recommendations for the treatment of the discovery.

**CUL-3:** A preconstruction cultural resource awareness training shall be held prior to commencement of ground-disturbing activities in order to familiarize construction personnel with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the project area, and procedures to follow in the event that archaeological deposits and/or artifacts are observed during construction.

**6.6. ENERGY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; BAAQMD 2017 Bay Area Clean Air Plan; and City of Santa Rosa Climate Action Plan (CAP), adopted June 5, 2012.

**Energy Setting:**

Energy resources include electricity, natural gas and other fuels. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. Energy production and energy use both result in the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emission of pollutants. Energy usage is typically quantified using the British Thermal Unit (BTU). The BTU is the amount of energy that is required to raise the temperature of one pound of water by one-degree Fahrenheit. As points of reference, the approximate amount of energy contained in a gallon of gasoline, 100 cubic feet (one therm) of natural gas, and a kilowatt hour of electricity are 123,000 BTUs, 100,000 BTUs, and 3,400 BTUs, respectively.

**Electricity**

Electricity, a consumptive utility, is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components, including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands.

Energy capacity, or electrical power, is generally measured in watts while energy use is measured in watt-hours. For example, if a light bulb has a capacity rating of 100 watts, the energy required to keep the bulb on for 1 hour would be 100 watt-hours. If ten 100-watt bulbs were on for 1 hour, the energy required would be 1,000 watt-hours or 1 kilowatt-hour (kWh). On a utility scale, a generator's capacity is typically rated in megawatts, which is one million watts, while energy usage is measured in megawatt-hours or gigawatt-hours (GWh), which is one billion watt-hours.

**Natural Gas**

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs, mainly located outside the State, and delivered through high-pressure transmission pipelines. The natural gas transportation system is a nationwide network and, therefore, resource availability is typically not an issue. Natural gas is used in electricity generation, space heating, cooking, water heating, industrial processes, and as a transportation fuel. Natural gas is measured in terms of cubic feet.

**California Energy Consumption**

According to the California Energy Commission (CEC), total system electric generation for California in 2018 was 285,488 gigawatt-hours (GWh).<sup>9</sup> California's in-state electric generation was 194,842 GWh and electricity imports were 90,647 GWh. California's non-CO<sub>2</sub> emitting electric generation categories (nuclear, large hydroelectric, and renewable generation), which generated 63,028 GWh, accounted for 32 percent of total in-state generation for 2018. The in-state renewable generation included 27,265 GWh from solar, 14,078 GWh from wind, 11,528 GWh from geothermal, 5,909 GWh from biomass, and 4,248 GWh from hydroelectric power plants.

According to the CEC, nearly 45 percent of the natural gas burned in California was used for electricity generation, with the remainder consumed in the residential (21 percent), industrial (25 percent), and commercial (9 percent)

---

<sup>9</sup> California Energy Commission, Total System Electric Generation (2018), [https://www2.energy.ca.gov/almanac/electricity\\_data/total\\_system\\_power.html](https://www2.energy.ca.gov/almanac/electricity_data/total_system_power.html), Accessed July 15, 2019.

sectors. In 2012, total natural gas demand in California for industrial, residential, commercial, and electric power generation was 2,313 billion cubic feet.<sup>10</sup>

According to the CEC, gasoline has remained the dominant fuel within the transportation sector, with diesel fuel and aviation fuels following. In 2015, California consumed approximately 15 billion gallons of gasoline and approximately 4.2 billion gallons of diesel fuel.<sup>11</sup> An increasing amount of electricity is being used for transportation energy, which is chiefly attributed to the acceleration of light-duty plug-in electric vehicles.

### **Sonoma Clean Power**

Sonoma Clean Power is a program that allows businesses and residents in Mendocino and Sonoma Counties to purchase energy created from renewable resources, including geothermal, solar, wind, water, and biomass. This service provides energy through alternative generation processes while using existing infrastructure through PG&E for delivery. By using existing delivery infrastructure, Sonoma Clean Power is billed to customers through PG&E for providing electric generation service. In 2016, 88% of eligible customers were receiving electricity from Sonoma Clean Power. As of 2018 Sonoma Clean Power had 39% fewer greenhouse gas emissions as compared to PG&E.<sup>12</sup>

### **Santa Rosa General Plan**

The proposed project is subject to the goals and policies outlined in the Santa Rosa General Plan aimed at reducing energy consumption. The following goal and policies from the General Plan are particularly applicable to the subject project:

GOAL OSC-K: Reduce energy use in existing and new commercial, industrial, and public structures.

POLICY OSC-K-1: Promote the use of site planning, solar orientation, cool roofs, and landscaping to decrease summer cooling and winter heating needs. Encourage the use of recycled content construction materials.

POLICY OSC-K-3: Identify and implement energy conservation measures that are appropriate for public buildings. Implement measures that are at least as effective as those in the retrofit ordinances for commercial and office buildings.

### **Santa Rosa Climate Action Plan**

The City of Santa Rosa adopted a Climate Action Plan (CAP) on June 5, 2012, to address climate change and energy conservation. The Santa Rosa CAP contains reduction measures and action items to promote energy efficiency and conservation in new buildings and facilities. Some of the action items identified in the CAP that are particularly relevant to the subject project include:

ACTION 1.1.1: Require new development to comply with the current provisions, as amended, of CalGreen, Part 11 of the California Green Building Standards Code.

ACTION 1.3.1: Require new construction and major remodels to install real-time energy monitors that allow building users to track their current energy use.

ACTION 1.4.3: Require new development to supply an adequate number of street trees and private trees.

---

10 California Energy Commission, Supply and Demand of Natural Gas in California [https://ww2.energy.ca.gov/almanac/naturalgas\\_data/overview.html](https://ww2.energy.ca.gov/almanac/naturalgas_data/overview.html), Accessed July 15, 2019.

11 California Energy Commission, Transportation Energy, <https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy>, Accessed July 15, 2019.

12 Sonoma Clean Power 2019 Annual Report, <https://vimeo.com/379072737>, accessed June 22, 2020.

ACTION 2.1.3: Pre-wire and pre-plumb for solar, wind, or solar thermal installations.

ACTION 3.2.2: Improve the non-vehicular transportation network serving common destinations in Santa Rosa in order to facilitate walking and biking.

ACTION 5.1.2: Install electric vehicle charging equipment.

ACTION 6.1.3: Increase diversion of construction waste.

ACTION 7.1.1: Require new development to reduce potable water use in accordance with the Tier 1 standards of CalGreen.

As further discussed in Section 6.8, Greenhouse Gas Emissions, the project complies with the CAP Appendix E Checklist by incorporating all mandatory items or substituting optional items, which include the action items identified above (**Appendix F**).

### **Santa Rosa Municipal Code**

The proposed project is subject to the relevant sections of the Municipal Code related to energy conservation, including Chapter 18-42 (California Green Building Standards Code) and Chapter 18-33 (California Energy Code). The proposed project will also be subject to Section 20-30.080 (Outdoor Lighting), which requires that outdoor lighting use energy-efficient fixtures/lamps, such as high-pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency.

### **Energy Impact Discussion:**

**6.6(a) (Wasteful, Inefficient, Unnecessary Consumption of Energy) Less Than Significant Impact:** Development of the proposed project would involve the use of energy during construction and at operation.

### **Construction Activities**

Site preparation, grading, paving, and building construction would consume energy in the form of gasoline and diesel fuel through the operation of heavy off-road equipment, trucks, and worker traffic. Consumption of such resources would be temporary and would cease upon the completion of construction. Due to the scale of the proposed project and the provision to limit idling set forth above in **Mitigation Measure AQ-1** (see Section 6.3 Air Quality) construction activities would not result in inefficient energy consumption during construction. As such, construction-related energy impacts would be less than significant.

### **Operation**

Long-term operational energy use associated with the project includes electricity and natural gas consumption associated with the In-N-Out Restaurant (e.g., lighting, cooking, heating, air conditioning, refrigeration), energy consumption related to water usage and solid waste disposal, and fuel consumption (gasoline and diesel) by vehicles associated with the project.

The project is subject to local policies related to energy conservation including the City of Santa Rosa CAP and the most recent General Plan. As previously discussed, the project complies with the Appendix E Checklist of the CAP by incorporating all mandatory items as well as select voluntary items. For example, the project will comply with the current provisions, as amended, of CalGreen, Part 11 of the California Green Building Standards Code per CAP Action 1.1.1. The project will dedicate an on-site easement to the City to accommodate a future sidewalk, sign post, bench, and shelter for a bus stop along the frontage of Santa Rosa Avenue. In compliance with CAP Action 1.4.3, a number of trees will be planted onsite and along Santa Rosa Avenue. The planting of primarily low water use plants and trees will limit the water demand generated by the proposed outdoor landscaping per CAP Action 7.1.1. The proposed project will conform to Santa Rosa's Zoning Ordinance §20-30.080 Outdoor Lighting, which specifies

lighting standards for all new exterior lighting, such as the requirement that outdoor lighting fixtures utilize energy-efficient fixtures and lamps.

Energy would be consumed through daily operation of the new In-N-Out building, the delivery of water for potable and irrigation purposes, solid waste management, and vehicle use. While the long-term operation of the project would result in an increase in energy consumption compared to existing conditions, the project will incorporate design measures (related to electricity, natural gas and water use) in compliance with Title 24, the General Plan 2035, the Santa Rosa CAP, the Water Efficient Landscape Ordinance (WELO) and the Santa Rosa Municipal Code to minimize energy consumption. Furthermore, Sonoma Clean Power is the default provider in the City and would provide clean energy from renewable resources. Therefore, operation of the proposed project would not result in the wasteful, inefficient, and unnecessary consumption of energy.

**6.6(b) (Conflict with State or Local Plan) Less Than Significant Impact:** As previously described, the BAAQMD adopted the 2017 CAP on April 19, 2017. The CAP specifically includes control measures related to the energy sector. The energy control measures in the CAP aim to decarbonize electricity production and decrease electricity demand. The proposed project would have a less than significant impact due to a conflict with the 2017 CAP related to energy since, a) the project supports the goals of the CAP in that it limits urban sprawl by proposing development within existing urban limits on an underutilized site; b) includes control measures to reduce construction-related energy consumption by implementing BMPs set forth by BAAQMD; and c) includes the installation of energy conservation features.

As previously described, the City of Santa Rosa adopted a CAP in 2012. The Santa Rosa CAP contains reduction measures and action items to promote energy efficiency and conservation in new buildings and facilities. As described in Section 6.8, Greenhouse Gas Emissions, the project is required to incorporate mandatory items or identify acceptable substitute items from the CAP New Development Checklist (CAP Appendix E) in accordance with Mitigation Measure GHG-1. Therefore, the project is consistent with the Santa Rosa CAP and will have less than significant impacts due to a conflict with the Santa Rosa CAP.

In December 2007, the CEC prepared the State Alternative Fuels Plan in partnership with the CARB and in consultation with the other state, federal, and local agencies.<sup>13</sup> The plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The plan assessed various alternative fuels and developed fuel portfolios to meet California’s goals to reduce petroleum consumption, increase alternative fuels use, reduce greenhouse gas emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality. As a restaurant that would install energy conservation features, the proposed project would not conflict with or obstruct implementation of the State Alternative Fuels Plan and impacts would be less than significant.

**Mitigation Measures:** None Required.

**6.7. GEOLOGY AND SOILS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential				

<sup>13</sup> California Energy Commission, Final Adopted State Alternative Fuels Plan, Adopted December 2007, <https://www2.energy.ca.gov/2007publications/CEC-600-2007-011/CEC-600-2007-011-CMF.PDF>, Accessed July 9, 2019.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; General Plan Figure 12-3; California Building Code Section 1803.5.3; and Geotechnical Engineering Report, prepared by Terracon Consultants, Inc., May 29, 2018.

**Geology and Soils Setting:**

The City of Santa Rosa is located within the San Andreas Fault system, which is 44 miles wide and extends throughout much of the North Bay region. The project site is located in the southern portion of Santa Rosa. The nearest active

fault to the project site is the Rodgers Creek Fault, located approximately 2 miles to the east (**Figure B-3 in Appendix B**). The project site is not located within the Alquist-Priolo Zone, as denoted in Figure 12-3 of the Santa Rosa General Plan 2035 (**Figure B-4 in Appendix B**). However, the project site is located within the following geologic and seismic hazard areas: violent ground shaking during an earthquake on the Rodgers Creek Fault (**Figure B-5 in Appendix B**).

The branches of the Rodgers Creek fault zone have not been historically active, but there is evidence of activity within the last 11,000 years, a relatively short time period in terms of geologic activity. The Rodgers Creek fault traverses the eastern portion of the City's UGB. Potential exists for geologic hazards in and around the UGB associated with ground shaking, including liquefaction, ground failure, and seismically-induced landslides.

A major seismic event on one of the active faults near the City of Santa Rosa could result in violent to moderate ground shaking. Strong ground shaking would be expected from earthquakes generated by nearby faults including the Rodgers Creek fault (traverses City's UGB), Maacama fault (15 miles north), San Andreas fault (14 miles southwest), and the West Napa fault (30 miles southeast). Other principal faults capable of producing ground shaking in Santa Rosa include the Hayward fault, San Gregorio-Hosgri Fault Zone, the Calaveras fault, and the Concord-Green Valley fault.

A Geotechnical Engineering Report was prepared by Terracon Consultants, Inc. on May 29, 2018 for the adjacent property to the east. Based on proximity the Terracon report has been used to inform this discussion. The following information was identified based on the investigation:

- Surface materials encountered at the site generally consisted of 6 to 12 inches of aggregate pavement base course. Aggregate base course was underlain by fill material consisting of silty sand with variable gravel throughout the site to depths of approximately 1.5 to 3.0 feet below ground surface (bgs).
- Native subsurface materials encountered at the site generally consisted of medium stiff to very stiff lean clay with variable sand and medium dense clayey sand to a depth of approximately 3.5 to 16 feet, where it transitioned into medium dense to dense clayey sand with gravel and poorly graded to clayey gravel with interbedded very stiff to hard lean clay the total depth of exploration of 51.5 feet.
- Groundwater was encountered at depths of approximately 4.5 to 15.0 feet bgs.
- The subgrade soils at the site possess a marginal risk of liquefaction with a corresponding differential settlement on the order of less than 1 inch.
- Existing fill materials consisting of silty sand with variable gravel were encountered to depths of approximately 1.5 to 3.0 feet bgs. No documentation has been presented showing that these materials have been placed in a controlled manner. Therefore, these materials are considered undocumented and are not suitable to support the proposed structures at this site.
- Near surface native clays and clayey sands are expansive and sensitive to changes in moisture variation. These materials are not suitable for use as non-expansive engineered fill for this project.
- The structures may be supported on either a traditional spread footing foundation system or a post-tensioned slab.
- The post tensioned slab foundation will provide additional protection against expansive soil related distress and also settlement due to potential liquefaction.

#### **Paleontological Resources**

The Santa Rosa General Plan does not identify the presence of any paleontological or unique geological resources within the boundaries of the City's planning area. A paleontological resources search performed using the University

of California Museum of Paleontology's (UCMP) Miocene Mammal Mapping Project (MioMap) indicated no previous finds of paleontological resources on or in the immediate vicinity of the project site. According to the MioMap database, the closest paleontological finds are located over 12 miles from the project site.<sup>14</sup>

#### **Geology and Soils Impact Discussion:**

**6.7(a.i) (Faults) No Impact:** Fault rupture occurs when the ground surface fractures as a result of fault movement during an earthquake and almost always follows preexisting fault traces, which are zones of weakness. Given that the project site is not part of the Alquist-Priolo Earthquake fault zone and no identified active faults traverse the site, there is no expectation that the site would be vulnerable to fault rupture. The nearest faults with surface rupture include the Rodgers Creek Fault. The Alquist-Priolo Zone of the Rodgers Creek Fault is located approximately 2 miles east of the project site (**Figure B-4 in Appendix B**). As such, there is no risk of fault-related ground rupture during earthquakes within the limits of the site due to a known Alquist-Priolo Earthquake Fault Zone. Therefore, there are no impacts expected due to fault rupture at the project site.

**6.7(a. ii) (Ground-Shaking) Less Than Significant Impact:** The proximity of the City to the active Rodgers Creek Fault places it within Zone 9 of the Modified Mercalli Intensity Shaking Severity Level (**Figure B-5 in Appendix B**). As such, the project site holds potential to expose people or structures to substantial adverse effects resulting from strong seismic ground shaking. The resulting vibrations would likely cause primary damage to the proposed building and improvements with secondary effects being ground failures in loose alluvium or poorly compacted fill. Both the primary and secondary effects pose a potential risk of loss of life or property.

The intensity of earthquake motion will depend on the characteristics of the generating fault, distance to the fault and rupture zone, earthquake magnitude, earthquake duration, and site-specific geologic conditions. Alluvial soil deposits underlie the site. Therefore, a California Building Code (CBC) soil Type of  $S_D$  (stiff soil profile) will be utilized to inform development activities and design specifications in order to ensure that potential impacts from seismic activity are reduced to less than significant levels. Site Class D requirements include recommendations for foundation types, appropriate structural systems, and ground stabilization strategies.

Conformance with standards set forth in the Building Code of Regulations, Title 24, Part 2 (the California Building Code 3.7-20 Chapter 3: Setting, Impacts, and Mitigation Measures [CBC]) and the California Public Resources Code, Division 2, Chapter 7.8 (the Seismic Hazards Mapping Act) will ensure that potential impacts from seismic shaking are less than significant. Adherence to Class D specifications for ground motion parameters, in particular, will ensure that the proposed buildings and associated improvements onsite would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death as a result of seismic activity. Therefore, potential impacts from ground shaking will have a less than significant impact.

**6.7(a. iii) (Seismic-Related Ground Failure/Liquefaction) Less Than Significant Impact:** Liquefaction is a phenomenon associated with fine-grained, loosely-packed sands and gravels subjected to ground shaking as a result of seismic activity. Liquefaction can lead to total and/or differential settlement and is largely dependent upon the intensity of ground shaking and response of soils underlying the site. As shown on **Figure B-6 in Appendix B**, the project site is mapped as having a very low susceptibility to liquefaction.

Terracon Consulting found that the presence of stiff clay soils and medium dense to dense clayey sand soils (non-liquefiable layer) beneath the existing ground surface to a depth of approximately 25 feet would act as a bridging layer that redistributes stresses and therefore results in more uniform ground surface settlement if there is a deeper liquefiable soil beneath the site. The report concluded that surficial expression of differential liquefaction induced

---

<sup>14</sup> University of California Museum of Paleontology, Miocene Mammal Mapping Project (MioMap), <http://www.ucmp.berkeley.edu/miomap/>, accessed August 21, 2018.

settlement would likely be a maximum of 1.5 inches total and 0.8 inches differential.

The foundation and structural design for the proposed project is required to meet the latest CBC regulations as well as state and local ordinances for seismic safety. In addition, as a condition of approval the City of Santa Rosa requires that a design level Geotechnical Investigation be prepared, accepted by the City and recommendation therein incorporated into construction detail. Compliance with this standard condition will ensure that design measures are incorporated to avoid potential damage caused by seismically induced liquefaction. Therefore, the potential impacts including the risk of loss, injury, or death involving seismic-related ground failure and liquefaction are less than significant.

**6.7(a. iv) (Landslide) No Impact:** The risk of landslide is dictated by several factors including precipitation conditions, soil types, steepness of slope, vegetation, seismic conditions and level of human disturbance. When certain conditions are present, landslides can be triggered as a result of seismic activity. Landslides have been known to occur within Sonoma County, but are typically confined to slopes steeper than 15% and occur in areas underlain by geologic units that have demonstrated stability problems. Based on the site's relatively flat topography, the subject project is not located in an area susceptible to landslides. Therefore, the project will have no impacts due to loss of structures or life from landslides.

**6.7(b) (Erosion) Less Than Significant with Mitigation:** Construction of the project will require site preparation including grubbing (removal of vegetation) and grading to achieve a uniform distribution of soil across the project site. These ground disturbing activities have the potential to result in soil erosion or the loss of topsoil if not properly controlled.

Soil erosion will be controlled through best management practices (BMPs) and adherence to a Storm Water Pollution Prevention Plan (SWPPP) throughout site preparation and construction activities (see also Hydrology/Water Quality discussion below). Further, in order to ensure that potential impacts related to soil erosion are reduced to levels below significant, **Mitigation Measure GEO-1**, set forth below, requires the applicant to submit an erosion control plan that identifies measures to be implemented during construction and establishes controls for grading activity during the rainy season. GEO-1 further requires compliance with the City's Grading and Erosion Control Ordinance, City Code Chapter 19-64. Implementation of GEO-1 will avoid any potentially significant effects from erosion and loss of topsoil and will ensure that impacts are reduced to less than significant levels.

**6.7(c) (Unstable Geologic Unit) Less Than Significant Impact:** Lateral spreading, lurching and associated ground failure can occur during strong ground shaking on certain soil substrate typically on slopes. Lurching generally occurs along the tops of slopes where stiff soils are underlain by soft deposits or along steep channel banks whereas lateral spreading generally occurs where liquefiable deposits flow towards a "free face," such as channel banks, during an earthquake.

As previously discussed, the project site is relatively flat and not susceptible to landslides. In addition, the project site does not contain any steep channel banks. Therefore, potential impacts related to lateral spreading, lurching, and associated ground failure would be considered less than significant.

Adherence to design recommendation set forth in the design level geotechnical engineering report will ensure that proper earthwork, soil treatment, and foundation designs are incorporated onsite. Therefore, impacts due to potential instability concerns are less than significant.

**6.7(d) (Expansive Soils) Less than Significant Impact:** Typically, soils that exhibit expansive characteristics are found within the upper five feet of the ground surface. Over a long-term exposure to wetting and drying cycles, expansive soils can experience volumetric changes. The adverse effects of expansive soils include damage to foundations of above-ground structures, paved roads and streets, and concrete slabs. Expansion and contraction of soils, depending on the season and the amount of surface water infiltration, could exert enough pressure on

structures to result in cracking, settlement, and uplift. Expansive soils are generally confined in low-lying alluvial valley locations and on the Santa Rosa plain.

The geotechnical investigation conducted on the adjacent site found that the near surface native clays and clayey sands are expansive and sensitive to changes in moisture variation. In order to ensure that the presence of expansive soils does not result in significant impacts, recommendations of the design level soils and geotechnical report, required as a condition of approval, will be implemented including recommendations related to subgrade improvements and fill placement. Therefore, potential impacts due to expansive soils will be less than significant.

**6.7(e) (Septic Tanks) No Impact:** The proposed project would connect to the existing sanitary sewer system that conveys effluent to the City’s wastewater treatment facility. There are no onsite septic tanks or alternative wastewater treatment facilities proposed as part of the Project. Therefore, there would be no impacts due to the disposal of wastewater where sanitary sewers are not available.

**6.7(f) (Paleontological Resources) Less Than Significant with Mitigation:** The Santa Rosa General Plan does not identify the presence of any paleontological or unique geological resources within the boundaries of the City’s planning area. Moreover, portions of the subject property have been previously disturbed or developed, and the site is surrounded by existing development on all sides. Therefore, limited expectation exists for paleontological resources to be present on the project site. Nevertheless, the potential remains for the discovery of buried paleontological resources. Because the potential for inadvertent discovery of paleontological or unique geological resources exists, **Mitigation Measure GEO-2**, as set forth below, shall be implemented. GEO-3 will ensure that proper procedures are followed in the event of a paleontological discovery; thereby reducing potential impacts to levels below significance.

**Mitigation Measures:**

**GEO-1:** Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the Building Division of the City’s Department of Planning and Economic Development. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Santa Rosa’s Grading and Erosion Control Ordinance, Chapter 19-64 of the Santa Rosa Municipal Code). These plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during construction activity on the project site.

**GEO-2:** In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations.

**6.8. GREENHOUSE GAS EMISSIONS**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

Sources: Santa Rosa General Plan 2035; General Plan EIR; BAAQMD 2017 Bay Area Clean Air Plan; BAAQMD CEQA Guidelines 2017; City of Santa Rosa Climate Action Plan (CAP), adopted June 5, 2012; CAP Appendix E Checklist, June 14, 2019; and Air Quality & Greenhouse Gas Assessment and Air Quality Impacts from Residences at 325 Yolanda Ave. Memo, prepared by Illingworth & Rodkin, January 8, 2019; 2532 Santa Rosa Ave In-N-Out – Santa Rosa, Ca, Air Quality and Greenhouse Gas Emissions Memo, prepared by Illingworth & Rodkin, August, 2019.

---

### **Greenhouse Gas Setting:**

Greenhouse gases (GHGs) are generated from natural geological and biological processes and through human activities including the combustion of fossil fuels and industrial and agricultural processes. GHGs include carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>), chlorofluorocarbons, hydrofluorocarbons and perfluorocarbons.

While GHGs are emitted locally they have global implications. GHGs trap heat in the atmosphere, which heats up the surface of the Earth. This concept is known as global warming and is contributing to climate change. Changing climatic conditions pose several potential adverse impacts including sea level rise, increased risk of wildfires, degraded ecological systems, deteriorated public health, and decreased water supplies.

To address GHG's at the State level, the California legislature passed the California Global Warming Solutions Act in 2006 (Assembly Bill 32), which requires that statewide GHG emissions be reduced to 1990 levels by 2020. Executive Order S-3-05 provides the California Environmental Protection Agency with the regulatory authority to coordinate the State's effort to achieve GHG reduction targets. S-3-05 goes beyond AB 32 and calls for an 80 percent reduction below 1990 levels by 2050. Senate Bill 375 has also been adopted, which seeks to curb GHGs by reducing urban sprawl and vehicle miles traveled.

The City of Santa Rosa has adopted local regulations to address GHG emissions. On December 4, 2001 the Santa Rosa City Council adopted a resolution to become a member of Cities for Climate Protection (CCP), a project of the International Council on Local Environmental Initiatives (ICLEI). On August 2, 2005, the Santa Rosa City Council adopted Council Resolution Number 26341, which established a municipal greenhouse gas reduction target of 20% from 2000 levels by 2010 and facilitates the community-wide greenhouse gas reduction target of 25% from 1990 levels by 2015. In October 2008, the Sonoma County Community Climate Action Plan was released, which formalized countywide greenhouse gas reduction goals. On June 5, 2012, the City of Santa Rosa adopted its own Climate Action Plan, which meets the programmatic threshold for a Qualified GHG Reduction Strategy, established by the Bay Area Air Quality Management District (BAAQMD) guidelines. On August 6, 2013, the City of Santa Rosa adopted a Municipal Climate Action Plan. On January 14, 2020, the Santa Rosa City Council adopted Resolution No. RES-2020-002 declaring a climate emergency and immediate emergency mobilization to restore a safe climate. The resolution establishes a 2030 carbon neutrality goal.

The BAAQMD CEQA Air Quality Guidelines, which included thresholds of significance for greenhouse gas emissions, were established in May 2010 and updated in May 2017. With release of the 2017 Bay Area Clean Air Plan (CAP) and the associated EIR, it is expected that updated thresholds and guidelines may be developed in the near term. The BAAQMD is currently working to update any outdated information in the Guidelines. Based on the BAAQMD Guidelines established to meet SB 32 target<sup>15</sup> for year 2020, a project is considered to have a less-than-significant impact due to GHG emissions if it:

1. Complies with an adopted Qualified GHG Reduction Strategy;
2. Emits less than 1,100 metric tons (MT) CO<sub>2</sub>e per year; or

---

<sup>15</sup> SB 32 was signed into law on September 8, 2016, it expands upon Assembly Bill (AB 32), the California Global Warming Solutions Act of 2006, and sets into action the mandated GHG reduction target established by Executive Order B-30-15.

3. Emits less than 4.6 MT CO<sub>2</sub>e per service population per year (residents and employees).

The City of Santa Rosa has elected to rely on compliance with the City's Climate Action Plan. The Santa Rosa Climate Action Plan (CAP) is a Qualified GHG Reduction Strategy because it contains a baseline inventory of greenhouse gas emissions from all sources, sets forth greenhouse gas emission reduction targets that are consistent with the goals of AB 32, and identifies enforceable GHG emission reduction strategies and performance measures.

The City's Climate Action Plan follows both the State CEQA Guidelines and BAAQMD's guidelines by incorporating the standard elements of a Qualified GHG Reduction Strategy. Standard elements of a Qualified GHG Reduction Strategy include measures or a group of measures (including performance standards) that demonstrates with substantial evidence that, if implemented on a project-by-project basis, these measures would collectively achieve specified emissions levels. The GHG reduction measures included in the CAP demonstrate the City's ability to reach a GHG reduction target of 25% below 1990 levels, by year 2020. Emissions reductions were also quantified for three other years: 2010, 2015 and 2035. Emissions reductions for 2010 demonstrated the emissions reduction progress that the City had already made by implementing measures of the CAP, while the 2015, 2020 and 2035 emissions reductions indicated the potential reductions that will be achieved by implementation of these measures over the next several years.

The BAAQMD has not yet updated their recommended GHG emissions thresholds to address target reductions past year 2020. However, consistent with current State directives (AB 32 and AB 398), the updated target is expected to require an additional 40% reduction in GHG emissions by year 2030. Applied to the BAAQMD 2020 service population threshold, this would equate to 2.8 MT CO<sub>2</sub>e per year per service population, by year 2030. The Santa Rosa CAP calculated GHG emissions reductions with implementation of the CAP not just for comparison to the 2020 targets but also out to year 2035, to be consistent with the planning horizon of the General Plan. As summarized on page ES-7 of the CAP, implementation of the measures of the Santa Rosa CAP are expected to decrease GHG emissions to 2.3 MTCO<sub>2</sub>e per person per year by year 2035. While this timeframe is five years after an assumed 2030 target threshold, the CAP notes that a reduction to 2.9 MTCO<sub>2</sub>e per person per year in 2020, and with assumed steady reductions over time, it can be concluded that emissions would be below 2.8 MTCO<sub>2</sub>e per person per year (or a 40% reduction below 2020 thresholds) by year 2030.

The Santa Rosa CAP demonstrates that it would meet the anticipated State 2030 GHG emissions reductions targets. If a project can demonstrate consistency with the Santa Rosa CAP, its impacts related to GHG emission by year 2030 would be considered less than significant and fully consistent with State GHG emissions reduction requirements, with no need to quantify project-specific emission. This is consistent with BAAQMD guidelines related to the analysis of projects under the 2020 GHG emissions reduction targets, as applied to the updated 2030 targets.

The proposed project is analyzed for consistency with the Santa Rosa CAP 2035 in order to assess level of significance due to GHG emissions. **Appendix F** to this document contains the preliminary CAP New Development Checklist for the proposed project.

**Greenhouse Gas Emissions Impact Discussion:**

**6.8(a-b) (Significant GHG Emissions, Conflict with GHG Plan) Less Than Significant Impact with Mitigation:**

The proposed project will result in the generation and emission of GHGs during construction and operation. The project is subject to the City of Santa Rosa's CAP to meet AB 32 requirements and must incorporate the mandatory items therein or identify suitable substitute measures.<sup>16</sup> The following summarizes the project's commitments to

---

<sup>16</sup> Appendix E of the Climate Action Plan states that, "To be in compliance with the CAP, all measures denoted with an asterisk [mandatory items] are required in all new development projects unless otherwise specified. If a project cannot meet one or more of the mandatory requirements, substitutions may be made from other measures listed at the discretion of the Community Development Director."

implementing the mandatory CAP item, identifies optional items that will be implemented, and presents measures that are not applicable to the subject project:

**Mandatory Items**

**1.1.1** Comply with Cal Green Tier 1 Standards<sup>17</sup>: The project complies with Cal Green Tier 1 standards and will be conditioned accordingly through site development, building design and landscaping.

**1.1.3** After 2020, all new development will utilize zero net electricity<sup>18</sup>: The project will comply with the CalGreen and California Building and Energy Code requirements in effect at the time of building permit application submittal.

**1.3.1** Install real-time energy monitors to track energy use: The proposed project will comply with CalGreen and California Energy codes in effect at the time of building permit application submittal.

**1.4.2** Comply with the City's Tree Preservation Ordinance: The project does not include any tree removal.

**1.4.3** Provide public & private trees in compliance with the zoning code: The proposed project would provide new public and private trees. According to the Planting Plan, approximately 28 trees would be planted onsite; approximately three street trees would be planted along Santa Rosa Avenue. As such, the preliminary landscaping plan demonstrates consistency with the requirements set forth for the provision of public and private trees for new development.

**1.5** Install new sidewalks and paving with high solar reflectivity materials: The new sidewalk and other paved surfaces would contain materials exhibiting high solar reflectivity. The existing unpaved portions of the project site are to be surfaced in accordance with the City's Construction Specification Standards for sidewalks, crosswalks and parking lots.

**4.1.2** Install bicycle parking consistent with regulation: Section 20-36.040 of the Santa Rosa municipal code sets forth the number of bicycle parking stalls required. For the proposed project, the municipal code requires one bicycle space per 4,000 square feet. As proposed, the project will provide 4 short-term bicycle parking spaces. As such, the project is consistent with §26-36.040.

**4.3.5** Encourage new employers of 50+ to provide subsidized transit passes: The project will not introduce 50 or more new employees. Thus, this item is not applicable.

**5.2.1** Provide alternative fuels at new refueling stations: The project does not consist of new public refueling stations. Thus, this item is not applicable.

**6.1.3** Increase diversion of construction waste: The developer will prepare and implement a Construction Waste Management Plan outlining proposed efforts to minimize construction waste and maximize recycling prior to the commencement of project construction. Additionally, this is a requirement of the CalGreen Building Code.

**7.1.1** Reduce potable water use for outdoor landscaping: The planting of primarily low water use plants and trees will limit the water demand generated by the proposed outdoor landscaping. A drip irrigation system, equipped with smart controllers, will be used onsite. The preliminary landscaping plan is consistent with the City of Santa Rosa Water Efficiency Landscape Ordinance (WELO).

<sup>17</sup> Tier 1 CalGreen does not include "net zero" GHG assumptions for development. In addition, current CA Green Building Code Standards apply to all projects and has been determined by the Director to be an acceptable substitution for CAP Goal 1 – 1.1.3. Therefore, strict compliance with CAP Goal 1 – 1.1.3 is not achievable and not required.

<sup>18</sup> Goal 1.1.3 was adopted to coincide with CA Energy Codes. Since the CAP adoption, the CEC has determined that it is not possible to achieve net zero on a wholesale basis and "net zero" has been removed from the CA Energy Codes.

**7.1.3** Use water meters which track real time water use: The City Water of Santa Rosa currently does not provide meters that are capable of tracking real time water use; however, the City has data logging equipment that can provide such information.

**7.3.2** Meet on-site meter separation requirements in locations with current or future recycled water capabilities: The project will install separate water supply meters for potable and irrigation use, so that recycled water can be used for irrigation when it becomes available.

**9.1.3** Install low water use landscapes: As depicted on the preliminary landscaping plan, all plantings will comply with the City's water efficient landscape ordinance. All irrigation will occur with an automatic water conserving irrigation system designed to meet the requirements of Santa Rosa's Water Efficient Landscape Ordinance (W.E.L.O.). As proposed, the preliminary landscape plan meets the requirements of the City of Santa Rosa Water Efficient Landscape Ordinance.

**9.2.1** Minimize construction equipment idling time to 5 minutes or less: Provisions in contractor agreements will require that construction equipment idling time be limited to 5 minutes or less during all stages of construction.

**9.2.2** Maintain construction equipment per manufacturer's specs: Provisions in contractor agreements will require that all construction equipment be maintained per specifications established by the manufacturer.

**9.2.3** Limit GHG construction equipment emissions by using electrified equipment or alternative fuels: The use of electric equipment and/or equipment using alternative fuels will be included in contractor agreements and provisions therein and will be used as available during construction.

#### ***Voluntary Items***

Pursuant to the Appendix E checklist of the Santa Rosa CAP, the project is voluntarily implementing the following measures which may serve as suitable substitutes to mandatory items not being implemented as described above:

**2.1.3** Pre-wire and pre-plumb for solar thermal or PV system: The proposed project will include pre-wiring and pre-plumbing for the future installation of solar thermal or PV systems.

**3.1.2** Support Implementation of station plans and corridor plan: The project includes dedication of frontage along Yolanda Avenue to implement the Yolanda Avenue widening project and along Santa Rosa Avenue to accommodate widening.

**3.2.2** Improve non-vehicular network to promote walking and biking: At the Santa Rosa Avenue frontage the project will dedicate an easement to the City to accommodate a sidewalk, sign post, bench, and shelter for a bus stop.

**4.1.1** Implement the 2018 Bicycle and Pedestrian Master Plan: The project promotes implementation of the Bicycle and Pedestrian Master Plan by dedicating an easement along the Santa Rosa Avenue frontage for a sidewalk and by providing bicycle parking onsite.

**4.2.2** Provide safe spaces to wait for bus arrival: At the Santa Rosa Avenue frontage the project will dedicate an on-site easement to the City to accommodate a future sidewalk, sign post, bench, and shelter for a bus stop.

**4.3.4:** Provide awards for employee use of alternative commute options: The In-N-Out Restaurant Project will comply with all City ordinances and requirements.

**5.1.2** Install Electric Vehicle Charging Equipment: The project proposes to install four electric vehicle charging stations parking stalls onsite, with charging stations as needed to satisfy regulatory requirements-meet demands.

**9.1.2:** Provide outdoor electrical outlets: The Project will install exterior outlets for charging lawn equipment.

**Construction GHG Emissions**

Construction of the proposed project will result in GHG emissions from heavy-duty construction equipment, worker trips, and material delivery and hauling. Construction GHG emissions are short-term and will cease once construction is complete.

The BAAQMD has not established thresholds of significance for GHG emissions resulting from construction activities. Rather, BAAQMD encourages the incorporation of best management practices to reduce GHG emissions during construction. As stated under the air quality topic above, mitigation measures AQ-1 and AQ-2 will be implemented, which will further reduce GHG emissions generated during construction activities.

The proposed project would result in a potential impact to GHGs if it failed to implement the City of Santa Rosa’s Climate Action Plan (CAP). In order to ensure that the In-N-Out Restaurant Project implements the City’s CAP, **Mitigation Measure GHG-1** is required. GHG -1 requires that the proposed project complies with all mandatory requirements of the Santa Rosa’s CAP Appendix E New Development Checklist except where a suitable substitution is provided.

Construction activities for the subject project will increase diversion of construction waste (6.1.3), limit idling time to 5 minutes or less (9.2.1), ensure that construction equipment is maintained in proper working order pursuant to the manufacturer’s specifications (9.2.2), and utilize electric equipment or alternative fuels (9.2.3). Therefore, with implementation of measure GHG-1, construction-related activities will result in less than significant impacts related to GHG emissions.

**Operational GHG Emissions**

Operational GHG emissions are ongoing for the life of the project and result from onsite lighting, heating, and cooling of buildings and structures, the treatment and transport of water and wastewater, maintenance activities, and vehicle trips associated with customers, employees, and deliveries to and from the project site.

For operational impacts, the BAAQMD recommends applying screening criteria based on development type before conducting a detailed estimation of whether a project would have a potential for exceeding the GHG emission thresholds. The screening criteria were derived using default assumptions as well as modeling for indirect emissions (e.g., motor vehicles, electric generation, solid waste, and water use). Projects below the screening criteria are considered to emit GHG emissions below the threshold of significance at operation.

**TABLE 6: BAAQMD GREENHOUSE GAS SCREENING**

Land Use Type	Project	BAAQMD Screening Level	Above Screening Level?
Fast Food Restaurant With Drive Thru	3,900 square feet	1,000 square feet	Yes

Source: Table 3-1, pg. 3-2 Bay Area Air Quality Management District 2010 CEQA Guidelines, May 2017.

**Table 6** provides the screening levels for GHG’s. The project proposes an approximately 3,900-square-foot fast food restaurant with a drive-through. The screening level for a fast food restaurant with a drive thru is 1,000 square feet. As such, the project is above the screening level for GHG emissions at operation and a detailed estimation of the project’s GHG emission was conducted and is included in **Appendix C**.

CalEEMod version 2016.3.2 and project vehicle trip generation rates were used to estimate daily emissions associated with operation of the proposed project. For information purposes only **Table 7** shows the project’s annual GHG emission in metric tons of carbon dioxide equivalence (CO<sub>2</sub>E) for the proposed project in 2021 and 2030.

**TABLE 7: ANNUAL PROJECT GHG EMISSIONS (CO2E) IN METRIC TONS**

SOURCE CATEGORY	PROPOSED PROJECT IN 2021	PROPOSED PROJECT IN 2030
Area	0	0
Energy Consumption	61	61
Mobile	716	548
Mobile (idling)	265	219
Solid Waste Generation	22	22
Water Usage	2	2
Total	1,066	852

Air Quality and GHG Memo for 2532 Santa Rosa Ave In-N-Out, prepared by Illingworth & Rodkin, June 3, 2020.

As described herein, the project is consistent with all the applicable local plans, policies and regulations and does not conflict with the provisions of AB 32, the applicable air quality plan, or any other State or regional plan, policy or regulation of an agency adopted for the purpose of reducing greenhouse gas emissions.

The proposed project is subject to the City of Santa Rosa’s Climate Action Plan and must implement all mandatory requirements or identify acceptable substitutions. In order to ensure that the Project does not result in GHG impacts at operation, mitigation measure GHG-1 shall be implemented, which requires compliance with the City’s CAP.

As described above, the project conforms to mandatory items identified in the Appendix E checklist and is in conformance with the City’s Climate Action Plan. As proposed, construction activities and operation of the proposed project would be conducted in a manner that is consistent with the established CAP. Based on the above detail and implementation of the measure GHG-1 set forth below, the project would not generate greenhouse gas emissions, either indirectly or indirectly, that would have a significant impact on the environment. Accordingly, potential impacts due to GHG emissions would be reduced to less than significant level through compliance with the City’s Climate Action Plan.

**Mitigation Measures:**

**GHG-1:** An updated CAP Checklist (Appendix E) for the In-N-Out Project shall be prepared and submitted to the City with plan sets submitted for grading permits. The updated CAP Checklist shall demonstrate compliance with all mandatory requirements of the Santa Rosa’s CAP Appendix E New Development Checklist except where the item is not applicable or where a suitable substitution is provided.

**6.9. HAZARDS/HAZARDOUS MATERIALS**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 of public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; Phase I Environmental Site Assessment, prepared by AEI Consultants, April 30, 2018; Limited Phase II Subsurface Investigation, prepared by AEI Consultants, June 18, 2018; Annex to 2010 Association of Bay Area Governments Local Hazard Mitigation Plan Taming Natural Disasters, adopted June 15, 2011; Revised Soil & Groundwater Management Plan and Health and Safety plan, prepared by Environmental Geology Services, May 12, 2017; [Phase I Environmental Site Assessment Report, prepared by Partner Engineering and Science, Inc. August 3, 2019](#); [Soil Management Plan, prepared by Partner Engineering and Science, Inc., September 15, 2020](#); and Santa Rosa Local Hazard Mitigation Plan, 2016.

**Hazards/Hazardous Material Setting:**

The California Department of Toxic Substances Control (DTSC) defines a hazardous material as: “a substance or combination of substances that, because of its quantity, concentration or physical, chemical, or infectious characteristics, may either: 1) cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.” Regulations governing the use, management, handling, transportation and disposal of hazardous waste and materials are

administered by Federal, State and local governmental agencies. Pursuant to the Planning and Zoning Law, DTSC maintains a hazardous waste and substances site list, also known as the "Cortese List."

Hazardous waste management in the City of Santa Rosa is administered by the Sonoma County Waste Management Agency (SCWMA) through the Countywide Integrated Waste Management Plan. The Consolidated Unified Protection Agency (CUPA), under the Santa Rosa Fire Department, manages the acquisition, maintenance and control of hazardous waste for all activities within the City of Santa Rosa.

In 2005 the Association of Bay Area Governments (ABAG) released "Taming Natural Disasters", which acts as a multi-jurisdictional local hazard mitigation plan for the San Francisco Bay Area. The intent of the plan is to enhance disaster resilience throughout the region, pursuant to the Disaster Mitigation Act of 2000. The Plan was updated in 2010 and has since been approved by the Federal Emergency Management Agency (FEMA) and formally adopted by ABAG.

The City of Santa Rosa's "Annex to 2010 Association of Bay Area Governments Local Hazard Mitigation Plan Taming Natural Disasters," prepared June 15, 2011, complies with the Federal Disaster Mitigation Act of 2000 by demonstrating a commitment to increasing disaster resilience within the City's jurisdiction. As required by the Disaster Mitigation Act, the City of Santa Rosa updates this Plan at least once every five years and is monitored on an on-going basis by the City's Fire Department. The City Council adopted the latest Local Hazard Mitigation Plan on January 10, 2017 (Resolution No. 2017-004).

The California Department of Forestry and Fire Protection (CAL FIRE) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. CAL FIRE's Statewide and County maps (adopted November 2007) depict Fire Hazard Severity Zones (FHSZs) that are within the State Responsibility Area (SRA). The SRA is the area of the state where the State of California is financially responsible for the prevention and suppression of wildfires. The SRA does not include lands within city boundaries or in federal ownership. The FHSZs in the SRA are further classified as having a Moderate, High, or Very High hazard severity.

In addition, CAL FIRE has prepared and transmitted recommendations for Very High FHSZs in those areas where local governments have financial responsibility for wildland fire protection, known as Local Responsibility Areas (LRAs). Only lands zoned as Very High FHSZ are identified within the LRA. The majority of the City of Santa Rosa, including the project site, is categorized as Non-VHFHZ by CAL FIRE (**Figure B-7 in Appendix B**). The project site is located near the southern boundary of the City and is in close proximity to an area classified as a Moderate Fire Hazard Severity Zone in a State Responsibility Area.

#### **Phase I Environmental Site Assessment (AEI Consultants)**

In accordance with ASTM Standard Practice E1527-13 and the Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) AEI Consultants prepared a Phase I Environmental Site Assessment (ESA) on April 30, 2018 (**Appendix G**). The Phase I ESA discusses the Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), and Other Environmental Considerations (OEC) of the project area including the project site located at 2532 Santa Rosa Avenue. The Phase I ESA identified the following, which are relevant to the In-N-Out Restaurant Project:

- The Project site has been utilized by the Hulsman family as a truck service/repair and transportation facility dating back to the early 1940's. The site is currently leased to multiple companies for parking trucks and storing equipment.
- A 500-gallon leaded gasoline UST, a 4,000-gallon diesel fuel UST, and an 8,000-gallon diesel fuel UST, were formerly located at 325 Yolanda Avenue, directly east of the project site. The gasoline UST was removed in 1982 and both diesel USTs were removed in 1988. Soil sampling, groundwater sampling,

and soil excavation were conducted following removal of the diesel USTs and no evidence of a significant release to the subsurface from these USTs was identified. Remedial efforts were undertaken in the mid-1990's in association with the former gasoline UST, and sampling results indicated that residual petroleum hydrocarbon levels remained, but at concentrations below criteria established by the SWRCB. In 2016, as part of the case closure activities for the closed LUST case, soil vapor testing at the area of the former on-site gasoline UST were found to be below the residential environmental screening level (ESL) for benzene.<sup>19</sup> In 2017, the LUST case was officially closed by the RWQCB. Based on the case closed status with residual concentrations of petroleum hydrocarbons in soil and groundwater permitted to remain in place and managed with a Soil and Groundwater Management Plan, this is considered a CREC.

- No evidence of HRECs were found during the Phase I ESA.
- Based on the age of the existing office building, there is a potential that asbestos-containing materials (ACMs) are present. The EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) requires that a thorough asbestos survey be performed prior to demolition or renovation activities that may disturb asbestos-containing materials. Any suspect ACMs must be sampled to determine the presence or absence of asbestos prior to any activities that may disturb them. Additionally, Occupational Safety and Health Administration (OSHA) regulations require that specific work practices be implemented when handling construction materials and debris that contain asbestos or lead-containing materials.
- Based on the age of the existing office building, there is a potential for the presence of lead-based paint (LBP), which would be disturbed in the demolition process. It is recommended that an LBP screening be conducted to determine options for control of possible LBP hazards. Any activities that would disturb materials or paints containing lead may be subject to OSHA requirements contain in 29 CFR 1910.1025 and 1926.62.
- Based on a review of aerial photographs it is evident that the subject property was historically used for agricultural purposes. There is a potential that agricultural chemicals, such as pesticides, herbicides, and fertilizers, were used on site, and that the subject property has been impacted by the use of such chemicals. Therefore, additional investigations were recommended.

#### ***Limited Phase II Subsurface Investigation (AEI Consultants)***

AEI performed a limited Phase II subsurface investigation for the In-N-Out project site and the property located immediately to the east at 325 Yolanda Avenue on June 18, 2018 (**Appendix H**). The purpose of this investigation was to assess whether subsurface conditions (i.e., soil and soil gas) associated with the former USTs and historical agricultural operations have significantly affected the project site. Twenty shallow soil borings and four soil gas probes were advanced during the investigation for the collection of soil and soil gas samples. Soil samples collected were analyzed for organochlorine pesticides (OCPs), arsenic, lead, and volatile organic compounds (VOC)s. Soil gas samples collected were analyzed for VOCs. Analytical results generated during this investigation indicate the following, which are relevant to the In-N-Out Restaurant Project:

- Shallow soil sample results for the agricultural investigation indicated elevated concentrations of chlordane in the composition soil sample (COMP-5) collected from soil borings SB-5A through SB-5D at 0.5 feet bgs that exceed the applicable Tier 1 and direct contact residential ESLs. Further analysis of the discrete soil samples from COMP-5 indicate that the elevate chlordane was primarily from the soil sample collected from

---

<sup>19</sup> Yolanda Apartments Project, Initial Study/Mitigated Negative Declaration, City Project File # DR18-044, July 2019.

soil boring SB-5A at a depth of 0.5 feet bgs. Chlordane was not detected at or above the laboratory MRLs in the deeper two-foot bgs sample at location SB-5A. Based on the elevated chlordane concentrations detected in SB-5A at 0.5 feet bgs, AEI recommends a Site Management Plan be prepared to manage exposure to soils that could be potentially impacted with elevated residual chlordane concentrations.

- Arsenic was detected at concentrations ranging from 1.26 mg/kg to 6.43 mg/kg, which is consistent with typical background concentrations (up to 11 mg/kg) for the Bay Area.
- Soil gas sample results from the former UST area indicates that low concentrations of BTEX compounds were detected in each of the four soil gas samples analyzed. Results from soil gas probe SV-1, advanced near 2016 soil gas sample SV-5 indicate a benzene concentration of 50.9 µg/m<sup>3</sup>, slightly lower than 2016 soil gas probe SV-5 result of 57 µg/m<sup>3</sup>. Although the concentration is slightly above the residential ESL of 48 µg/m<sup>3</sup>, it is below the low threat closure policy (LTCP) residential soil gas criteria of 85 µg/m<sup>3</sup>. Based on the results, a small area of residual hydrocarbons is likely still present in the vicinity of the former gasoline USTs. AEI recommends implementing the Revised Soil and Groundwater Management Plan and Health and Safety Plan prepared by Environmental Geology Services dated May 12, 2017 (**Appendix I**) to manage impacted soil in the vicinity of the former gasoline UST.

***Phase I Environmental Site Assessment (Partner Engineering and Science, Inc.)***

Partner Engineering and Science, Inc. prepared a Phase I Environmental Site Assessment for the project site on August 3, 2018 (Appendix G2). The Phase I ESA and Limited Phase II Subsurface Investigation, discussed above, were prepared for a mixed-use project that included the adjacent Yolanda Apartments project as well as development of the project site. As previously noted, the residential and commercial components of the previously envisioned mixed-use project were separated into individual projects. As such, the project applicant retained the services of Partner Engineering and Science, Inc. to conduct an independent assessment of the project site. The Phase I ESA prepared by Partner analyzed available information including the Phase I and Phase II reports prepared by AEI Consultants, and made the following findings, which are consistent with findings identified in the AEI reports:

- The presence of chlordane in soils on the subject property in exceedance of regulatory thresholds is considered a recognized environmental condition. However, the extent of the area of impact appears to be limited.
- The Phase I ESA identified a 500-gallon leaded gasoline UST approximately 100-feet east of the subject property, and 4,000-gallon and 8,000-gallon diesel fuel USTs located approximately 200-feet west of the subject property, all of which were removed. The report thoroughly details site investigation and remediation actions that took place between 1988 and 2016. Following investigation and remediation actions, a No Further Action recommendation was issued by the RWQCB and in January 2017, following approval of a Soil and Groundwater Management Plan, the RWQCB issued a No Further Action letter and the case was closed. Based on remediation activities conducted between 1988 to 2016, regulatory oversight by the RWQCB, analytical data, case closure status, and the presence of residual contamination, the LUST cleanup case is identified as a controlled recognized environmental condition.
- No historical recognized environmental conditions were identified during the course of the assessment.
- There is a potential that asbestos-containing materials are present in the existing building onsite. Overall, all suspect ACMs were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time. The identified suspect ACMs would need to be sampled to confirm the presence or absence of asbestos prior to any demolition activities to prevent potential exposure to workers.

**Hazards/Hazardous Materials Impact Discussion:****6.9(a-b) (Routine Transport, Upset and Accident Involving Release) Less Than Significant With Mitigation:**

Site preparation and construction activities will result in the temporary presence of potentially hazardous materials including, but not limited to fuels and lubricants, paints, solvents, insulation, electrical wiring, and other construction related materials onsite. Although these potentially hazardous materials may be present onsite during construction, the applicant is required to comply with all existing federal, state and local safety regulations governing the transportation, use, handling, storage and disposal of potentially hazardous materials. Once construction is complete there will not be ongoing use or generation of hazardous materials onsite. As a restaurant use, the project does not contain elements that would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Activities onsite are limited to uses associated with a drive-thru restaurant which do not typically require the use of hazardous materials nor generate hazardous waste. As a commercial development, common cleaners, solvents, and other products may be routinely used, which do not present a significant hazard to people or the environment. The project proposes to install landscaping which requires maintenance and may involve application and storage of regulated chemicals, fuels, and related products. Potentially hazardous materials such as cleaning products and landscaping supplies may be transported to the project site in small quantities intended for consumer use. Additionally, materials are required to be handled, transported and stored in a manner that complies with all existing federal, state, and local regulations. Therefore, impacts from the routine transport of hazardous materials and hazardous waste at project operation will be less than significant.

The applicant is required to comply with all existing federal, state and local safety regulations governing the transportation, use, handling, storage and disposal of potentially hazardous materials. Prior to the commencement of site preparation, a Storm Water Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) will be prepared and implemented during all construction activities (see also Hydrology/Water Quality discussion below).

Additionally, the project will implement the existing Soil and Groundwater Management Plan as required by **Mitigation Measure HAZ-1**, which requires field inspections during subsurface work associated with redevelopment of the site be conducted by the Environmental Professional (EP) or Health and Safety Officer (HSO) in an effort to identify soils, groundwater, or other encountered materials that contain potential residual contamination from past site activities. In the event that such contamination is found during construction activities, handling of contaminated materials shall be in accordance with the Plan.

The project will has also prepared and will implement a Site Soils Management Plan (**Appendix G3**), as required by **Mitigation Measure HAZ-2**, to manage exposure to soils that could be potentially impacted with elevated residual chlordane concentrations.

The proposed demolition of the existing office has the potential to release asbestos-containing materials and lead-based paints. Compliance with **Mitigation Measure HAZ-3**, which requires an asbestos survey and lead-based paint screening prior to demolition of the existing structures, will ensure potential impacts related to ACMs or LBP are reduced to less than significant levels.

Implementation of measures HAZ-1, HAZ-2 and HAZ-3, and compliance with other required regulations governing hazardous materials, will ensure that potential hazards to the public or the environment through the transport, use, or disposal of hazardous materials, will be reduced to less than significant levels as a result of the In-N-Out Project.

**6.9(c) (Emit or Handle Hazardous Material within ¼ Mile of Sites) No Impact:** The project site is not located within a quarter mile of a school. The nearest school, Kawana Elementary School, is located approximately 0.71 mile from the subject property. There are no activities associated with the proposed project that would pose a threat to schools from the release or handling of hazardous materials. Thus, the project would not result in any increased risk of exposure to existing or planned schools as a result of development. Therefore, no impacts related to the emission

or handling of hazardous, or acutely hazardous materials, within one-quarter mile of an existing or proposed school are expected.

**6.9(d) (Existing Hazardous Material Sites) Less Than Significant with Mitigation:** The California Environmental Protection Agency (CAL-EPA) annually updates the California Hazardous Waste and Substances Site List (also known as the Cortese List<sup>®</sup>). The Department of Toxic Substances Control (DTSC) compiles a record of sites to be included on the list, which is then submitted to the CAL-EPA.

As part of the Phase I ESA, AEI Consultants conducted a database review, which indicated that a portion of the property (overlapping with 325 Yolanda Avenue), is listed in the State Water Resources Control Board GeoTracker database as a groundwater contamination case involving gasoline. The case was closed as of June 26, 2017, and as recommended by RWQCB staff, a Soil and Groundwater Management Plan has been prepared (May 12, 2017) and will be implemented through **Mitigation Measure HAZ-1**. The Soil and Groundwater Management Plan required to be implemented through Measure HAZ-1 will ensure that the project does not create a significant hazard to the public or the environment by virtue of it being located on an identified Cortese site.

**6.9(e) (Public Airport Land Use Plans) No Impact:** The project is not located within the boundaries of an airport land use plan nor is it located in direct proximity to a private airstrip. The nearest airport is the Charles M. Schulz – Sonoma County Airport located approximately 8.5 miles northwest of the project site. Therefore, no impacts associated with airport-related hazards will result from the proposed project.

**6.9(f) (Impair Emergency Response Plan) No Impact:** None of the proposed site improvements are expected to impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project includes adequate onsite access to accommodate emergency vehicles, including adequate driveway/drive aisle width and turning radii.

California has developed an emergency response plan to coordinate emergency services by federal, state, and local government, including responding to hazardous materials incidents. The State Office of Emergency Services (OES) employs a Hazardous Materials Division, which enforces multiple programs that address hazardous materials. The City of Santa Rosa has adopted a Local Hazard Mitigation Plan. There are no aspects of the proposed project that will interfere with an adopted emergency or evacuation plan and no impacts are anticipated.

**6.9(g) (Wildland Fire Hazards) Less Than Significant Impact:** Wildland fires are of concern particularly in expansive areas of native vegetation of brush, woodland, grassland. The project site is located within the City's UGB and surrounded by roadways and developed land uses. The project site is categorized as a Non-VHFHZ by CAL FIRE and surrounded by land designated as Non-VHFHZ on all sides. The project site is located approximately 0.45 mile from a large expanse of land designated as "Moderate Fire Hazard Severity Zone" by CAL FIRE (**Figure B-7 in Appendix B**).

The Santa Rosa Fire Department is responsible for protecting life, property, and the environment from fire. The Fire Department responds to calls including structure, wildland, and other fires. The city operates ten fire stations, including the Roseland contract station, which are strategically located throughout the community to provide timely response. According to the General Plan, two new fire stations are planned for construction, one of which would be located at the corner of Kawana Springs Road and Franz Kafka Avenue. In addition, the City has an agreement with the Rincon Valley Fire District, which integrates its station on Todd Road into the citywide response matrix. Therefore, impacts related to the exposure of people or structures to a significant risk of loss, injury or death involving wildland fires will be less than significant.

**Mitigation Measures:**

**HAZ-1:** In order to avoid a potential impact related to hazardous materials the project shall implement the Soil and Groundwater Management Plan and Health and Safety Plan prepared by Environmental Geology Services on

May 12, 2017. The Plan requires that a qualified and trained Environmental Professional (EP) and Health and Safety Officer (HSO) be retained (these may be a single individual). The HSO will work directly with the EP and will be present on site, as needed, to ensure proper identification, management characterization, and disposal or onsite reuse of potentially contaminated soil and groundwater. Prior to implementation of the Plan, all proposed development plans shall be submitted to the Santa Rosa Fire Department and the North Coast Regional Water Quality Control Board. If soils or groundwater encountered are suspected of containing residual petroleum contamination that require additional remediation, or if potentially hazardous materials are encountered, the EP will be notified. If the EP confirms the soils or groundwater are contaminated, or if hazardous materials are encountered, the aforementioned regulatory agencies will be notified. Prior to commencement of construction activities, a meeting shall be held with the property owner/developer, contractors, Environmental Professional, and Health and Safety Officer to discuss the implementation objectives of the Plan. Relevant regulatory agencies shall also be invited. A copy of the Plan shall be provided to the construction supervisors and a separate copy shall also be kept onsite during all phases of development.

**HAZ-2:** In order to avoid potential impacts related to the exposure to soils with elevated residual chlordane concentrations, the project shall prepare and implement a Site Soils Management Plan. The Site Soils Management Plan shall include protocols for the management of residual chlordane concentrations that may be encountered during ground disturbing activities, in a manner that is protective of human health and the environment. The Site Soils Management Plan shall include, at a minimum, the following: health and safety; identification of contaminated soils; soil sampling and analysis; soil stockpile management; dust control; surface water protection; and soil disposal. The Site Soils Management Plan shall be submitted to and approved by the Santa Rosa Fire Department and the North Coast Regional Water Quality Control Board prior to the commencement of ground disturbing activities.

Prior to commencement of ground disturbing activities, the Soils Management Plan prepared by Partner Engineering and Science, Inc. dated September 15, 2020 (Appendix G3) shall incorporate any revisions received by the Fire Department and/or the RWQCB and a final plan shall be submitted to the respective agencies and kept onsite throughout the course of ground disturbing activities.

**HAZ-3:** In order to avoid potential impacts related to the release of asbestos-containing materials or lead-based paint, an asbestos survey adhering to sampling protocols outlined by the Asbestos Hazard Emergency Response Act (AHERA) and lead-based paint screening shall be conducted prior to demolition of the existing structures. In the event that such substances are found, the applicant shall be subject to requirements set forth by the Occupational Safety and Health Administration (OSHA) AHERA requirements, lead standard contained in 29 CFR 1910.1025 and 1926.62, and any other local, state, or federal regulations. Treatment, handling, and disposal of these materials shall adhere to all requirements established by OSHA and other agencies.

**6.10. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

that the project may impede sustainable groundwater management of the basin?

- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| c) Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| i) result in substantial erosion or siltation on- or off-site;   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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                             | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |

Sources: Santa Rosa General Plan 2035; General Plan EIR; and Preliminary Storm Water Low Impact Development Report, In-N-Out Burger, prepared by MSL Engineering, Inc., November 16, 2018.

**Hydrology and Water Quality Setting:**

The City of Santa Rosa is located within the Santa Rosa Creek watershed, which drains runoff from the Mayacamas Mountains to the east and discharges to Laguna de Santa Rosa. The primary drainage course is the Santa Rosa Creek and its tributaries. Mark West Creek drains the northern portion of the city; Naval Creek the westernmost portion, and Todd Creek the southernmost portion of the City’s planning area. All of these tributaries drain through Laguna de Santa Rosa to the Russian River, which ultimately discharges to the Pacific Ocean.

Sonoma Water (formerly Sonoma County Water Agency) manages flood control facilities throughout the County, including flood Zone 1A, within which the entire City of Santa Rosa is located. Sonoma Water is responsible for structural repairs to culverts and spillways, grading and reshaping channels, and debris removal to maintain hydraulic capacity of all waterways within Zone 1A.

Surface water quality is regulated by the North Coast Regional Water Quality Control Board (RWQCB) via the Water Quality Control Plan for the North Coast (Basin Plan). The RWQCB is responsible for implementing Section 401 of the Clean Water Act through the issuance of a Clean Water Certification when development includes potential impacts to jurisdictional areas such as creeks, wetlands or other Waters of the State. As described in Section 6.4(c) of this document, the project is subject to Section 401 of the Clean Water Act as there are identified waters of the State that will be impacted by the project.

The proposed project is subject to the RWQCB Municipal Regional Stormwater National Pollution Discharge Elimination System (NPDES) Permit ("MS4"), Order No. R1-2015-0030, NPDES Permit No. CA0025054).<sup>20</sup> Provision C.3 – New Development and Redevelopment, requires permittees (i.e., City of Santa Rosa) to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. This goal is to be accomplished primarily through the implementation of low impact development (LID) techniques.

Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre, but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (as amended by 2010-0014-DWQ and 2012-0005-DWQ) from the State Water Resources Control Board.<sup>21</sup> Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation. The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer.

The proposed project will be subject to the NPDES General Permit No. CAS000002 for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit). Construction activities on more than one acre are subject to NPDES permitting requirements including the preparation of a SWPPP. The SWPPP includes specifications for Best Management Practices (BMPs) to be implemented during construction activities to control potential discharge of pollutants from the construction area. Additionally, the SWPPP describes measures to prevent pollutants in runoff after construction is complete and develops a plan for inspection and maintenance of the project facilities.

Further, development projects in the City of Santa Rosa that create or replace 10,000 square feet or more of impervious area are subject to the City's Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. The City of Santa Rosa requires compliance with the Low Impact Development (LID) Technical Design Manual. LID strategies include draining impervious surfaces to landscaped areas and the use of bioretention<sup>22</sup> features to capture runoff and encourage infiltration onsite, thereby decentralizing stormwater treatment and integrating it into the overall site design.

The City of Santa Rosa collects Capital Facilities Fees as a means of ensuring that new development does not result in a deterioration of existing service levels including the storm drain system. The fees provide for the ongoing maintenance and expansion of the City's storm drain system. The project's contribution of these fees helps to ensure the ongoing maintenance and systematic expansion of facilities as planned for in the City's Capital Improvements Plan.

The Federal Emergency Management Agency's (FEMA's) flood hazard mapping program provides important guidance for the City in planning for flooding events and regulating development within identified flood hazard areas. FEMA's National Flood Insurance Program is intended to encourage State and local governments to adopt responsible floodplain management programs and flood measures. As part of the program, FEMA defines floodplain and floodway boundaries that are shown on the Flood Insurance Rate Maps (FIRMs). The project site is located in

---

<sup>20</sup> California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R1-2015-0030, NPDES Permit No. CA0025054, October 8, 2015, [https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2015/151008\\_0030\\_phaselpermitrenewal.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/151008_0030_phaselpermitrenewal.pdf), accessed August 12, 2019

<sup>21</sup> State Water Resources Control Board, Construction General Permit Order 2009-0009-DWQ, [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml), Accessed August 12, 2019.

<sup>22</sup> Bio-retention areas function as a soil and plant-based filtration and infiltration feature that removes pollutants through natural physical, biological, and chemical treatment processes.

FEMA Area of Minimal Flood Hazard Zone X, as delineated on map numbered 06097C0737F (**Figure B-8** in **Appendix B**). According to this designation, the project site is subject to 500-year flooding and identified as an area that has a 0.2 percent chance of being flooded in a given year.

A Preliminary Storm Water Low Impact Development Report was prepared for the In-N-Out Burger Project (**Appendix J**). The plan summarizes the existing site conditions, describes the pollution prevention and runoff reduction measures for the project, describes the types of BMPs that will be implemented, and identifies the maintenance and funding for the establishment and ongoing operation of BMPs. Interceptor trees will be planted throughout the site and include 6 evergreen trees and 15 deciduous trees. Runoff from the flatwork surrounding the building will drain to interior planting areas prior to flowing through the parking lot. Runoff will be treated by bioretention measures. Trash and recyclables will be stored within an enclosure, which will prevent the introduction of stormwater runoff into the enclosure. Additionally, the enclosure will contain a drain inlet to collect non-stormwater runoff.

Stormwater generated by the project will be captured and treated through bioretention planters. The site is separated into two areas, drainage area A along Santa Rosa Avenue and drainage area B along Yolanda Avenue (see Attachment 1 of Appendix J). All bioretention areas will be sized for one hundred percent (100%) treatment and volume capture. Sizing for bioretention planters were calculated using the City of Santa Rosa Stormwater LID Calculator and are included in Attachment 4 of Appendix J.

#### **Hydrology and Water Quality Impact Discussion:**

**6.10(a,e) (Violations of Water Quality Standards) Less Than Significant Impact with Mitigation:** Construction activities have the potential to result in runoff that contains sediment and other pollutants that could degrade water quality if not properly controlled. Sources of potential pollution associated with construction include fuel, grease, oil and other fluids, concrete material, sediment, and litter. These pollutants have the potential to result in impacts due to chemical contamination from the release of construction equipment and materials that could pose a hazard to the environment or degrade water quality if not properly managed.

In order to ensure that proper controls and treatment are in place to prevent the runoff of storm water, the project shall adhere to NPDES requirements including the preparation and implementation of a SWPPP and compliance with the RWQCB Order No. R1-2015-0030, Waste Discharge Requirements. Erosion control requirements are stipulated in the NPDES Permit issued by the RWQCB. These requirements include the preparation and implementation of a SWPPP that contains BMPs. The purpose of the SWPPP is to identify potential sediment sources and other pollutants and prescribe BMPs to ensure that potential adverse erosion, siltation, and contamination impacts would not occur during construction activities.

**Mitigation Measure HYDRO-1** requires that the project implement a SWPPP with BMPs that include but are not limited to fiber roll protection at all drains, the use of gravel at access driveways during construction, designated washout areas, and the development and implementation of a hazardous materials spill prevention plan. These and other BMPs are designed to protect water quality from potential contaminants in stormwater runoff emanating from construction sites. With implementation of HYDRO-1, the project's potential to result in a violation of water quality standards during construction would be reduced to levels below significance.

Terracon Consultants, Inc prepared a geotechnical report for the Yolanda Apartments project, located adjacent to the project site at 325 Yolanda Avenue. Subsurface exploration encountered groundwater at depths of approximately 4.5 to 15.0 feet below the ground surface.<sup>23</sup> Though borings were not conducted on the In-N-Out project site, it is assumed that site conditions are similar due to proximity. As such, it is assumed that ground

---

23 Geotechnical Engineering Report, prepared by Terracon Consultants, Inc., May 29, 2018.

disturbance has the potential to encounter groundwater and may require dewatering during construction activities.

The discharge of construction dewatering could result in increased sediment loads to the storm drain system, which could impact water quality if not properly controlled. **Mitigation Measure HYDRO-2** requires that the project comply with waste discharge requirement specified by the RWQCB including the reuse of dewaterers onsite, allowing settlement of sediment to occur prior to release, and other BMPs. With implementation of HYDRO-2, the project's potential to result in a violation of water quality standards due to dewatering associated with construction would be reduced to levels below significance.

At operation, stormwater runoff could degrade water quality via non-point contaminants such as oils, grease, and exhaust that settles onsite. Permanent stormwater BMPs have been designed in accordance with the City of Santa Rosa's Low Impact Development Technical Design Manual.

As set forth in the Preliminary Storm Water Low Impact Development Report, interceptor trees will be planted throughout the project site, runoff from flatwork surrounding the building will drain to interior landscaped areas, runoff will be pre-treated, the trash enclosure will prevent the introduction of stormwater, and landscaping irrigation will be on a drip system to prevent overspray.

The project is consistent with LID requirements and incorporates BMPs that will adequately protect water quality at operation. Therefore, with measures HYDRO-1 and HYDRO-2 the project would have less than significant impacts to water quality at operation.

**6.10(b) (Groundwater Supply and Recharge) Less Than Significant Impact:** The proposed project will utilize potable water from the City's water system for all onsite water needs including indoor use and outdoor irrigation. Utilities, including water, will connect to the project site via Santa Rosa Avenue. The proposed project will increase water demand relative to existing water use on the site as it will change from vacant land to a fast-food restaurant. However, the use of high efficiency appliances and fixtures for interior water use and a drip irrigation system for outdoor water use will minimize the new water demand generated onsite. The project's water demand is consistent with the City's overall water demand anticipated by the Santa Rosa General Plan 2035 and Urban Water Management Plan. The project would not substantially increase water use or deplete groundwater supplies, nor would the project interfere with groundwater recharge. While the natural recharge potential at the site ranges from high to very high, the project site is not located in an area identified for groundwater recharge activities.<sup>24</sup> Additionally, the existing site conditions, comprised of disturbed and compacted dirt and gravel surfaces likely to do not support infiltration. The proposed Project will introduce bioretention areas, interceptor tree wells, and landscaping that may improve drainage relative to existing conditions. Therefore, the project will have a less than significant impact to groundwater supplies and recharge.

**6.10(ci-civ) (Drainage Pattern, Runoff and Storm Drain Capacity) Less Than Significant Impact:** Currently, precipitation on the project site flows in a southwesterly direction following the site's topographical contours. Improvements that will increase impervious surfaces include the building footprint, driveways, the drive-through, and paved parking area. Although the development will result in an increase in impervious surfaces as compared with existing conditions of the site, the project has been designed in accordance with the City's Standard Urban Storm Water Mitigation Plan guidelines that require the integration of Low Impact Development measures into site designs.

New storm drainage infrastructure would be installed to accommodate the increase in impervious surfaces that would result from development. The proposed LID measures and existing/proposed storm drain facilities onsite and

---

<sup>24</sup> Figure 2 Natural Recharge Potential, Sonoma County Water Agency, Laguna-Mark West Creek Watershed Planning Scoping Study, Final Screening Technical Memorandum, May 2012.

in the project vicinity are expected to be sufficient to accommodate any increased surface flows generated by the project. As described above, the proposed project will achieve the Design Goal of one hundred percent (100%) volume capture and one hundred percent (100%) of the runoff generated by the developed project will be treated. As such, the project will not substantially increase the rate or amount of surface runoff.

The flow of storm water runoff would be retained and continue to be conveyed to the existing regional storm drain facilities. As such, project construction will not substantially alter the existing drainage pattern on the site. Additionally, through implementation of measures identified in the Preliminary Stormwater Low Impact Development Report, the proposed project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

Therefore, the project will not result in a drainage pattern that causes substantial erosion or siltation on- or off-site nor will it result in flooding on- or off-site. Impacts to the drainage pattern and storm drain system as a result of the proposed project would be less than significant.

**6.10 (d) (Flood Hazards, Seiche, Tsunami, Mudflow) No Impact:** The project site is not located within a 100-year flood hazard area, as shown on FEMA's National Flood Hazard Layer (panel 06097C0737F) and General Plan Figure 12-4: Flood Zones Map. The project site is located in FEMA Area of Minimal Flood Hazard Zone X, as delineated on map numbered 06097C0737F (**Figure B-8 in Appendix B**). According to this designation, the project site is subject to 500-year flooding and identified as an area that has a 0.2 percent chance of being flooded in a given year. The project would have no impacts due to placing housing or structures within a 100-year flood hazard area. As no habitable structure would be placed within a flood hazard area there would be no impact due to significant risk of loss, injury or death associated with the project. Similarly, the site is not located within an inundation area of a levee or dam, nor is the site expected to be impacted by inundation, as shown on General Plan Figure 12-4. Therefore, there would be no impact associated with these risks due to flooding or inundation from a levee or dam failure, or from a seiche, tsunami or mudflow.

**Mitigation Measures:**

**HYDRO-1:** In accordance with the National Pollution Discharge Elimination System regulation, the applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP shall address erosion and sediment controls, proper storage of fuels, identification of BMPs, and use and cleanup of hazardous materials. A Notice of Intent (NOI), fees, and other required documentation shall be filed with the Regional Water Quality Control Board. During construction a monitoring report shall be conducted weekly during dry conditions and three times a day during storms that produce more than 1/2" of precipitation.

**HYDRO-2:** Should construction dewatering be required, the applicant shall either reuse the water on-site for dust control, compaction, or irrigation, retain the water on-site in a grassy or porous area to allow infiltration/evaporation, or obtain a permit to discharge construction water to a sanitary sewer or storm drain. Discharges to the sanitary sewer system shall require a one-time discharge permit from the City of Santa Rosa Utilities Department. Measures may include characterizing the discharge and ensuring filtering methods and monitoring to verify that the discharge is compliant with the City's local wastewater discharge requirements. Discharges to a storm drain shall be conducted in a manner that complies with the Regional Water Quality Control Board Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region. In the event that groundwater is discharged to the storm drain system, the Applicant shall submit permit registration documents and develop a Best Management Practices/Pollution Prevention Plan to characterize the discharge and to identify specific BMPs, such as sediment and flow controls sufficient to prevent erosion and flooding downstream.

**6.11. LAND USE AND PLANNING**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035 and General Plan EIR.

**Land Use and Planning Setting:**

The City of Santa Rosa encompasses 41.7 square miles, with an UGB covering approximately 45 square miles. The City exhibits a wide range of existing land uses, including residential, commercial, and industrial uses. The residential land uses in the City's UGB accounts for the largest share of the overall acreage, occupying about half of the total acreage. Public and open space land uses account for approximately 1/4 of the total acreage. The balance, approximately 1/4 of the total acreage, consists of vacant land, commercial, office and industrial uses.

The project site is located within the limits of the City of Santa Rosa's UGB. The project site exhibits a General Plan land use designation of Retail and Business Services. The zoning designation for the project site is Commercial General (CG). Surrounding land uses include Retail and Business Services; Mobile Home Park; and Light Industry.

**Land Use and Planning Impact Discussion:**

**6.11(a) (Divide An Established Community) No Impact:** Division of an established community typically occurs when a new physical feature, in the form of an interstate or railroad, physically transects an area, thereby removing mobility and access within an established community. The division of an established community can also occur through the removal of an existing road or pathway, which would reduce or remove access between a community and outlying areas.

The project proposes development on a previously disturbed site that contains ruderal vegetation and a small office building. The subject property is surrounded by existing developed uses, including commercial, residential and industrial uses. A 252 residential apartment complex has been approved for development immediately east of the subject project site.

Construction of the In-N-Out Restaurant Project would not introduce a new physical feature that would remove mobility and access within an established community. Likewise, the project does not propose the removal of an existing road or pathway that could reduce or remove access between a community and outlying areas. Therefore, the project would have no impact due to the physical division of an established community.

**6.11(b) (Land Use Plan, Policy, Regulation Conflict) Less Than Significant Impact:** The proposed project is required to comply with the Santa Rosa General Plan 2035 and the Santa Rosa Zoning Ordinance. The proposed project has been reviewed for consistency with these established regulations as described below.

**Santa Rosa General Plan 2035**

The project is able to achieve several of the goals set forth in the Santa Rosa General Plan 2035. The project achieves Policy LUL-I-1 by providing a commercial service that is easily accessible and attractive and satisfies the needs of people who live and work in Santa Rosa. The project fulfills Goal UD-D by improving the appearance and functioning of existing commercial strip corridors, such as Santa Rosa Avenue. The project complies with Policy UD-D-2, which requires that commercial structures be set back from the street, and that parking areas be placed to the side or rear of structures, not in front. Additionally, General Plan Policy UD-D-5 (install pedestrian amenities in the planting strip to help define the street space along commercial streets) would be supported by providing an easement to the City to accommodate a future sidewalk, sign post, bench, and shelter for a bus stop.

**Zoning Ordinance**

The zoning designation for the project site is Commercial General (CG). Pursuant to Santa Rosa City Code, Title 20 Zoning, Section 20-23.020, the CG zoning district allows for: "a range of retail and service land uses that primarily serve residents and businesses throughout the City, including shops, personal and business services, and restaurants. Residential uses may also be accommodated as part of mixed-use projects, and independent residential developments." Construction of an In-N-Out restaurant on the project site would be compatible with the CG zoning district.

The City of Santa Rosa parking standards (Zoning Ordinance §20-36.040) requires projects to provide on-site parking based on land use and project size. Based on the City's parking requirements 52 parking spaces for automobiles are required for the proposed In-N-Out Restaurant Project (1 space for each 75 square feet). The project proposes to provide 73 parking spaces, which is above the City's parking requirements. As such, adequate automobile parking facilities will be provided onsite, and the proposed project will exceed the automobile parking requirements of the zoning ordinance.

The City of Santa Rosa bicycle parking standards (Zoning Ordinance §20-36.040) requires projects to provide on-site bicycle parking and storage facilities. Based on the City's requirements, at least one bicycle parking space is required for the In-N-Out Restaurant Project (1 space per 4,000 square feet). The proposed project includes four short-term bicycle racks onsite, which would be sufficient to accommodate bicycle parking in accordance with the City's Municipal Code 20-36.040. As such, adequate bicycle parking facilities will be provided onsite, and the proposed project will be consistent with the bicycle parking requirements of the zoning ordinance.

Santa Rosa's Zoning Ordinance §20-30.080 Outdoor Lighting specifies lighting standards for all new exterior lighting, such as the provision that lighting in commercial districts not exceed a height of 16 feet. As a standard condition of approval, a lighting plan will be required from the applicant and approved by the City prior to issuance of grading or building permits. Lighting specifications will be reviewed to achieve compliance with City standards. Therefore, the project will be consistent with the lighting requirements of the zoning ordinance.

Santa Rosa's Zoning Ordinance §20-52.030 Design Review establishes procedures for the City's review of the design aspects of proposed development. As described in Section 6.1 Aesthetics, the proposed architecture does not significantly conflict with the established character of the surrounding development. As proposed, the massing, setbacks, and architectural design are compatible with those found along Santa Rosa Avenue and in the project vicinity. Therefore, the project is consistent with the Design Review Guidelines and the Zoning Ordinance.

**Conclusion**

The proposed project is not expected to conflict with applicable land use plan, policy, or regulation. The project achieves several goals, policies and programs of the General Plan by providing a commercial service that is easily accessible and satisfies the needs of people who live and work in Santa Rosa. Additionally, the project will provide

an easement to the City to accommodate a future sidewalk, sign post, bench, and shelter for a bus stop, thereby assisting in the installation of pedestrian amenities along commercial streets.

The proposed project is generally consistent with the General Plan 2035 and zoning regulations established by the City of Santa Rosa. The project would not conflict with applicable regulations or policies established by the City that would result in a direct or indirect environmental impact. Therefore, the project’s impacts due to a conflict with City regulations are less than significant.

**Mitigation Measures:** None Required.

**6.12. MINERAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; and Sonoma County Aggregate Resources Management Plan, as amended through December 7, 2010.

**Mineral Resources Setting:**

The California Surface Mining and Reclamation Act of 1975 (SMARA) identifies mineral resources within California and requires the classification of mineral resources based on their relative value for extraction. According to the Division of Mine Reclamation, California Department of Conservation there are no mineral resources in or around the project site.<sup>25</sup>

**Mineral Resources Impact Discussion:**

**6.12(a-b) (Mineral Resources or Resource Plans) No Impact:** There are no known mineral resources within the project site boundaries, or on any land in close proximity. The project site has not been delineated as a locally important resource recovery site according the Santa Rosa General Plan 2035 and EIR. The project site has not been delineated as a quarry site or expansion area according to the Sonoma County Aggregate Resources Management Plan. Development of the project site will not result in the loss of availability of known mineral resources, including those designated as "locally important." Therefore, the proposed project will have no impact that results in the loss of availability of mineral resources.

**Mitigation Measures:** None Required.

25 California Department of Conservation, California Geological Survey, Special Report 205, Plates 1A, 1B, 1C, 2A, and 2B, 2013.

**6.13. NOISE**

Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; Santa Rosa Municipal Code: Chapter 17; General Plan Figure 12-1: Land Use Compatibility Standard and Figure 12-2: Noise Contours; 325 Yolanda Avenue Environmental Noise and Vibration Assessment, Santa Rosa, CA, prepared by Illingworth & Rodkin, January 17, 2019; Noise and Vibration Impacts from In-N-Out Restaurant Proposed at 2532 Santa Rosa Avenue, Santa Rosa, CA, prepared by Illingworth & Rodkin, September 3, 2019.

**Noise Setting:**

Noise is generally defined as unwanted sound. It is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). The sound pressure level is the most common descriptor used to characterize the loudness of an ambient (existing) sound level. The decibel (dB) scale is used to quantify sound intensity, however, given that the human ear is not equally sensitive to all frequencies in the spectrum, noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called "A-weighting," written as "dBA" and referred to as "A-weighted decibels". In general, human sound perception is such that a change in sound level of 1 dB cannot typically be perceived by the human ear, a change of 3 dB is just noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling the sound level.

Noise sources within Santa Rosa's Urban Growth Boundary primarily include vehicular traffic, aircraft, trains, industrial activities, mechanical equipment, refrigeration units, and ventilation. Commercial and general industrial land uses are typically considered the least noise-sensitive, whereas residences, schools, hospitals, and hotels are considered the most noise-sensitive.

The project site is bounded by established residential, commercial, and general industrial land uses. The project site is situated approximately 0.15 mile east of Highway 101, 0.5 mile east of the Sonoma-Marín Area Rail Transit (SMART) corridor, 1.15 miles south of Highway 12, and over 8 miles southeast of the Sonoma County Airport. The primary noise sources that contribute to the ambient noise environment onsite are vehicular traffic on Yolanda Avenue, Santa

Rosa Avenue, and Highway 101. The project site is located within the 65-dBA noise contour of Highway 101, as indicated in General Plan Figure 12-2: Noise Contours.

The project site is located in close proximity to existing sensitive receptors including existing surrounding residential uses to the north, east and south of the project site, as well as the 252 unit residential development at 325 Yolanda Avenue, which is not yet constructed, but received approval by the City's Zoning Administrator on July 9, 2019.

#### **Noise Significance Criteria**

The following criteria are used to evaluate the significance of environmental noise impacts resulting from the proposed project:

**Operational Noise in Excess of Standards.** A significant noise impact would occur if project operations would generate noise levels that exceed applicable noise standards presented in the Santa Rosa General Plan or Municipal Code.

**Permanent Noise Increase.** A significant permanent noise increase would occur if project traffic resulted in an increase of 3 dBA Ldn or greater at noise-sensitive land uses where existing or projected noise levels would equal or exceed the noise level considered satisfactory for the affected land use (60 dBA Ldn for single-family residential areas) and/or an increase of 5 dBA Ldn or greater at noise-sensitive land uses where noise levels would continue to be below those considered satisfactory for the affected land use.

**Temporary Noise Increase.** A significant temporary noise impact would occur if construction-related noise would temporarily increase ambient noise levels at sensitive receptors as follows:

- Hourly average noise levels exceeding 60 dBA Leq at the property lines shared with residential land uses and an increase in the ambient noise level by at least 5 dBA Leq, for a period of more than one year;
- Hourly average noise levels exceeding 70 dBA Leq at the property lines shared with residential land uses, and an increase in the ambient noise level by at least 5 dBA Leq, for a period of more than one year.

**Groundborne Vibration Level.** A significant impact would occur if construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.3 in/sec PPV for older residential structures and 0.5 in/sec PPV for commercial structures would have the potential to result in cosmetic damage to buildings.

#### **Noise and Vibration Assessment**

In accordance with the City of Santa Rosa's General Plan Policy NS-B-4, acoustical specialists Illingworth & Rodkin performed an acoustical study to document ambient noise conditions and provide recommendations to ensure that noise levels fall within the normally acceptable noise limit of 70 dBA  $L_{dn}$  for the restaurant use. The Noise and Vibration Assessment, prepared January 17, 2019 and amended by memo on September 3, 2019, applied the noise significance criteria described above in evaluating environmental noise impacts caused by the proposed project (**Appendix K**).

A noise monitoring survey was performed in the vicinity of the site beginning Monday, August 6, 2018 through Friday, August 10, 2018. The monitoring survey included two long-term measurements and four-short term measurements. A summary of the results of the short-term measurements is shown in **Table 8**.

**TABLE 8: SUMMARY OF SHORT-TERM NOISE MEASUREMENT DATA**

ID	Location (Start Time)	Measured Noise Levels (dBA)					Primary Noise Source
		L <sub>10</sub>	L <sub>50</sub>	L <sub>90</sub>	L <sub>eq</sub>	L <sub>dn</sub>	
ST-1	370 feet from Santa Rosa Avenue (8/6/18, 1:10 pm to 1:20 pm)	55	52	51	53	54	Traffic on Santa Rosa Avenue and US 101
ST-2	150 feet from Santa Rosa Avenue (8/6/18, 1:30 p.m. to 1:40 p.m.)	55	55	52	57	59	Traffic on Santa Rosa Avenue and US 101
ST-3	30 feet from Yolanda Avenue (8/8/18, 10:20 a.m. to 10:30 a.m.)	77	68	56	72	74	Helicopter noise, traffic on Yolanda Avenue
ST-4	McDonald's parking lot (8/8/18, 10:40 a.m. to 10:50 a.m.)	63	58	54	60	63	Parking lot noise, traffic

Source: Table 4 Environmental Noise and Vibration Assessment, prepared by Illingworth & Rodkin, January 17, 2019.

Long-term noise measurement LT-1 was located approximately 30 feet north of the centerline of Yolanda Avenue and is at the site of the approved Yolanda Apartments project. The primary noise source was attributable to traffic along Yolanda Avenue. Hourly average noise levels ranged from 68 to 73 dBA Leq during daytime hours, and from 56 to 71 dBA Leq at night. The day-night average noise level was 73 dBA Ldn.

LT-2 was located 50 feet from the centerline of Santa Rosa Avenue, and at the northwest corner of the project site. The primary noise source at this location was attributable to traffic on Santa Rosa Avenue. Hourly average noise levels ranged from 67 to 74 dBA Leq during the day and from 59 to 68 dBA Leq at night. The day-night average noise level was 73 dBA Ldn.

#### Noise Impact Discussion:

**6.13(a) (Exceed Established Noise Standards) Less Than Significant Impact with Mitigation:** The proposed project will generate noise during construction activities and at operation, as described below.

#### Construction Noise

Neither the City of Santa Rosa nor the State of California specify quantitative thresholds for the impact of temporary increases in noise due to construction. The noise threshold for construction applied for this project is based on the 45-dBA noise level, at which speech interference occurs indoors. A significant impact would occur if the temporary noise generated by construction activities would exceed 60 dBA Leq at nearby residences, and 70 dBA Leq at nearby commercial uses and if the ambient noise environment is exceeded by 5 dBA Leq for a period of more than one year.

Project construction is anticipated to occur over an approximate 6-month period. Construction activities would include demolition, site preparation, grading, building construction, paving and striping, and landscaping. Other construction activities include truck trips used to haul construction materials to and from the site. Construction noise associated with the proposed project would be perceptible to established uses in the immediate vicinity including residences located adjacent to the northern property line, on Squire Lane (Carriage Court Mobile Home Park), south of Yolanda Avenue (single-family residence), and immediately to the east adjacent to the project site at 325 Yolanda Avenue (252-unit multi-family Yolanda Apartments project approved July 9, 2019). Additionally, workers and customers of nearby businesses at commercial/industrial operations to the east, west, and south would also be

exposed to noise generated by construction of the proposed project. Each stage of construction will require a different mix of equipment, and noise levels will vary based on the amount of equipment in operation and the location at which the equipment is operating.

Noise impacts resulting from construction of the project depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of day including early morning, evening, and nighttime hours, when construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction occurs over extended periods of time.

It is not anticipated that pile driving activities will be required during any phase of construction. During the site preparation and grading phase of project construction, residences located adjacent to shared property lines would be exposed to a maximum noise level of 91 dBA Lmax and an hourly average noise level of 90 dBA Leq. Residences to the north, east, and south would be exposed to maximum noise levels of 75-82 Lmax and typical hourly average noise levels of 71-80 Leq during all other phases of construction located adjacent to shared property lines. As construction moves into interior portions of the project site, and away from shared property lines, noise levels will decrease. However, as described above, construction noise is likely to exceed 60 dBA Leq at nearby residences and 70 dBA Leq at nearby commercial and industrial uses as well as an increase in the ambient noise environment by 5 dBA Leq, resulting in a potentially significant impact.

As such, **Mitigation Measure NOI-1** shall be implemented which requires best construction management practices to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance due to noise exposure. With implementation of mitigation measure NOI-1, exposure of existing residents and commercial services to excessive noise levels generated during construction activities will be reduced to less than significant levels.

### **Operational Noise Environment**

At operation, the proposed In-N-Out Restaurant would contribute to the ambient noise environment from operation of mechanical equipment, restaurant drive-through, parking lot, and outdoor patio. The following discussion addresses each component of operation and contributions to the ambient noise environment as compared to the City of Santa Rosa's most restrictive nighttime residential threshold of 50 dBA Leq, and nighttime commercial threshold of 60 dBA Leq.

#### *Project-Generated Traffic Noise*

Based on General Plan Policy NS-B-14, a significant impact would occur if the proposed project would result in a permanent noise level increase due to project-generated traffic of 5 dBA Ldn or greater at sensitive receptors with a future noise level of less than 60 dBA Ldn or the noise level increase is 3 dBA or greater at sensitive receptors with a future noise of 60 dBA Ldn or greater. For reference, a 5 dBA Ldn noise increase would be expected if the project would triple existing traffic volumes along a roadway.

The project is expected to generate an average of 3,012 trips per day, including 224 trips during the p.m. peak hour. No trips will be generated during the a.m. peak hour as the restaurant does not operate within the a.m. peak time period. Based on a comparison between existing traffic volumes and project generated trips, the traffic noise increase attributable to the project would be less than 1 dBA on surrounding roadways. The increase in traffic noise generated by the project would be indistinguishable from existing traffic noise and would be below the noise significance criteria for permanent noise increases. As such, the project's contribution to the existing ambient noise levels from increased traffic would result in less than significant impacts.

#### *Mechanical Equipment/HVAC*

The noise analysis assesses mechanical equipment noise generated by the project against the more conservative nighttime residential threshold of 50 dBA Leq and 60 dBA Leq for the commercial threshold (5 dBA above the ambient base noise level of 45 dBA for residential and 55 dBA for commercial).

The proposed project will include mechanical equipment such as heating, ventilation, and air conditioning systems. As currently proposed, mechanical HVAC equipment will be positioned on the roof of the proposed In-N-Out building. Typical commercial HVAC units generate noise levels from 50 to 60 dBA at a distance of 50 feet, assuming direct line of sight between receiver and mechanical equipment. Shielding from equipment enclosures and surrounding structures provide a reduction in noise levels assuming the barrier is constructed without any gaps or cracks.

Assuming the HVAC equipment is not shielded, nearby commercial and industrial uses would experience noise ranges from 36-46 dBA Leq at the Mattress Discounters located 80 feet to the north, and between 30-40 dBA Leq at the Quality Motors, located 150 feet to the south. The recently approved Yolanda Apartments project is located more than 315 feet from the proposed In-N-Out HVAC mechanical equipment and will experience noise levels in the 24 to 34 dBA Leq range, which does not exceed the 50 dBA Leq threshold for residential uses. The existing mobile home park, located 175 feet northeast of the proposed In-N-Out HVAC equipment location, would experience noise levels in the 29 to 39 dBA Leq range, which does not exceed the 50 dBA Leq nighttime limit for residential established by the City of Santa Rosa. Shielding from the parapet wall and equipment positioning will ensure that noise from HVAC equipment does not approach or exceed the residential noise threshold. Therefore, impacts from new HVAC equipment introduced by the In-N-Out will be less than significant.

#### *Trash Compactor*

The project proposes to construct a trash enclosure containing a trash compactor which will be enclosed in a 440 square foot structure, approximately 12' tall and located east of the proposed building. The trash compactor will be located approximately 80 feet from the nearest mobile homes to the northeast. The trash enclosure as well as the proposed concrete wall along the northern property line will provide substantial noise reduction. At 80 feet, the trash compactor is expected to generate maximum noise levels of 52 to 57 dBA, depending on the power rating and enclosure characteristics. With the trash enclosure and the concrete wall taken into consideration noise levels from the trash compactor at the nearest residences to the northeast would be approximately 32 to 37 dBA, which is below the ambient noise levels. Therefore, the sensitive receptors including the nearest residences in the mobile home development to the northeast would not be exposed to noise exceedance from the trash compactor and impact would be less than significant.

#### *Drive-Through Operations*

The proposed drive-through will be located along the northern and eastern property lines and will operate from 10:00 a.m. to 1:00 a.m. Sunday-Thursday, and 10:00 a.m. to 1:30 a.m. Friday-Saturday. Major noise sources associated with the drive-through include amplified speech, idling cars, and automobile circulation. Noise resulting from the drive-through speaker is expected to result in a maximum of 44-51 dBA Lmax at the nearest residential use, located approximately 60 feet northeast from the speaker at the mobile home development. New residents at the adjacent Yolanda Apartments complex would be located 120 feet to the southeast of the speaker and would experience noise level from 38 to 48 dBA Lmax.

Idling vehicles typically produce noise levels between 52-54 dBA Lmax at a distance of 30 feet. Nearby sensitive receptors are expected to experience noise levels between 47 and 49 dBA Lmax from idling vehicles queuing in the drive-through lane. A 6 to 9-foot-tall CMU wall, along the northern property line will provide screening and serve as a noise barrier.

Maximum noise generated by the drive-through would be audible at the nearest residences during periods with local ambient traffic noise or during occasional loud activities such as circulating vehicles with loud stereos or

engines. Noise levels from the drive-through would not cause the ambient average noise level to exceed 50 dBA Leq and would be lower than the ambient noise level generated by existing traffic on Yolanda Avenue and Santa Rosa Avenue. Therefore, noise resulting from operation of the drive-through is expected to be less than significant.

#### *Parking Lot*

The proposed project will provide a surface parking lot located south and east of the proposed building. Noise generally associated with parking lots includes automobile circulation, car alarms, doors closing, and people talking. Typical noise levels of a car passing at 15 mph or an engine starting is 50-60 dBA Lmax at a distance of 50 feet. The hourly average noise level expected to be generated by parking lot activities is 40 dBA Leq at a distance of 50 feet. The nearest residential use is the mobile home park, located approximately 25 feet north of the nearest parking stall, and approximately 120 feet northeast of the center of the parking lot. The mobile home park would experience 38 dBA Leq from the parking lot activities at the nearest space, and 24 dBA Leq from activities at the center of the parking lot. The recently approved Yolanda Apartments located adjacent to the project site are further from the parking lot than the mobile home park, and as such will experience lower noise levels as a result of parking lot activities. Parking lot activity will not exceed the City of Santa Rosa's 50 dBA Leq threshold for residence located immediately adjacent to the north and east property line. Therefore, noise generated from parking lot activities is expected to have a less than significant impact.

#### *Outdoor Patio*

The proposed outdoor patio is located south of the restaurant building. Noise associated with the patio includes human speech, which typically generates a noise level of 60-65 dBA at a distance of three feet. The nearest residential use to the outdoor patio is located approximately 120 feet northeast. Noise generated from the outdoor patio will be between 28-33 dBA and will generally not be distinguishable from ambient noise. As such, noise generated from the operation of the outdoor patio is expected to be less than significant.

**6.13(b) (Groundborne Vibration and Noise) Less Than Significant Impact with Mitigation:** Vibration from operation of heavy equipment can result in effects ranging from annoyance of people to damage of structures. Varying geology and distance will result in different vibration levels containing different frequencies and displacements. In all cases, vibration amplitudes will decrease with increasing distance.

Perceptible groundborne vibration is generally limited to areas within a few hundred feet of construction activities. As seismic waves travel outward from a vibration source, they excite the particles of rock and soil through which they pass and cause them to oscillate. The rate or velocity (in inches per second) at which these particles move is the commonly accepted descriptor of the vibration amplitude, referred to as the peak particle velocity (PPV).

The project's construction activities have the potential to generate groundborne vibration and noise. Construction equipment including backhoes, small excavators, pavers, jackhammers, water trucks and cement trucks will be in use onsite temporarily during construction. Construction equipment anticipated to be used for the project generates vibration levels between 0.01-0.57 inches per second (in/sec) PPV at 10 feet from the source, and between 0.0-0.21 in/sec PPV at 25 feet from the source. Caltrans' significance criteria for groundborne vibration is 0.3 in/sec PPV for residential structures and 0.5 in/sec PPV for commercial structures. The nearest residential structure is located approximately 25 feet north of the project site at the mobile home park. Vibration levels resulting from use of construction equipment, while potentially perceptible by occupants of the mobile home park, would not exceed the threshold of 0.3 in/sec PPV. The nearest commercial structure is located approximately 10 feet south of the project site. During construction the use of some types of construction equipment, such as vibratory rollers, have the potential to result in vibration levels which could exceed the threshold of 0.5 in/sec PPV. Implementation of **Mitigation Measure NOI-2** will ensure that people or structures are not exposed to excessive groundborne vibration and impacts from groundborne vibration and noise would be reduced to less than significant.

**6.13(c) (Airport Noise) No Impact:** The project site is located approximately 8 miles southeast of the Charles M. Schulz – Sonoma County Airport and is not located within the vicinity of a private airstrip. The project site is located outside of the noise contours established for the Charles M. Schulz – Sonoma County Airport. As such, the project would not expose people working in the project area to excessive noise levels as a result of being located within an airport land use plan area or within the vicinity of a private airstrip. Therefore, there would be no impacts due to excessive airport noise exposure.

**Mitigation Measures:**

**NOI-1** The following Best Construction Management Practices shall be implemented to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:

- a) Limit construction hours to be between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday. No construction activities are permitted on Sunday and holidays.
- b) Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible.
- c) Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers would provide a 5-dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- d) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- e) Unnecessary idling of internal combustion engines shall be strictly prohibited.
- f) Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- g) Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- h) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- i) Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.
- j) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- k) The contractor shall prepare a detailed construction schedule for major noise-generating construction activities (e.g. start and end dates, days of the week, hours of construction, etc.). The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. Avoid overlapping construction phases, where feasible.
- l) Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- m) Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

- n) Measures a through m above shall be shown under the heading of General Notes on all plan sets submitted for grading or building permits.

**NOI-2:** The following measure shall be implemented during construction to avoid impacts of groundborne vibration on nearby commercial structures. A 15-foot setback from the commercial building located to the south of the project site shall be identified on construction plans to ensure all contractors are aware of the following restrictions.

- a) Prohibit the use of vibrator rollers and tampers within 15 feet of commercial structures.
- b) Avoid dropping heavy objects or materials within 15 feet of commercial structures.

**6.14. POPULATION AND HOUSING**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Santa Rosa General Plan 2035 and General Plan EIR.

**Population and Housing Setting:**

As described in the General Plan 2035, Santa Rosa voters approved a five-year Urban Growth Boundary (UGB) in 1990, and a 20-year UGB measure in 1996, assuring that the current UGB will not be significantly changed at least until 2016. Santa Rosa’s UGB is effective through 2035. The UGB contains 29,140 acres, a little more than 45 square miles, and encompasses all incorporated land as well as unincorporated land that may eventually be annexed into the city. The General Plan assumes all urban development through 2035 will be contained within the city’s Urban Growth Boundary and anticipates the population to reach 233,520 at General Plan build out. In 2018 the City’s population was approximately 177,586, or 76% of the planned General Plan build out population.

A project will normally have a significant environmental effect if it will displace a large number of people or induce substantial growth or concentration of population. The proposed project involves the construction of an In-N-Out restaurant that would employ approximately 10 to 12 employees per shift, with 3 shifts per day. As such, the proposed project would provide employment to approximately 30 to 36 people.

**Population and Housing Impact Discussion:**

**6.14(a) (Substantial Unplanned Growth) Less Than Significant Impact:** As an In-N-Out restaurant with a drive-through, the project does not propose new housing units that would induce population growth. The proposed restaurant would employ approximately 30 to 36 employees. The job opportunities could be filled by any combination of the following: existing Santa Rosa residents; residents living outside of the City Limits that would commute; or persons living outside of the City that would take up residence in Santa Rosa once employment is secured. However, given the scope and scale of the proposed development, the project is not expected to induce substantial population growth in the area. Therefore, population impacts from the proposed project are considered less than significant.

**6.14(b) (Substantial Housing or Persons Displacement) No Impact:** At present, the project site contains a vacant office building and storage containers. Accordingly, implementation of the proposed project will not displace existing housing units or people, nor necessitate the construction of replacement housing elsewhere. Therefore, the project will have no impacts to population and housing with regards to displacing people or existing housing.

**Mitigation Measures:** None Required.

**6.15. PUBLIC SERVICES**

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; General Plan Figure 6-3: Fire Facilities Map; General Plan Figure 6-2: School Facilities Map; General Plan Figure 6-1: Parks and Recreation Map.

**Public Services Setting:**

The City of Santa Rosa provides Police Protection and Fire Protection services within City boundaries. The Police Department provides neighborhood-oriented policing services, comprising eight patrol teams and roughly 251 employees. The Police Department is located at 965 Sonoma Avenue.

The Fire Department has a staff of 146 employees serving a community population of over 181,000 residents.<sup>26</sup> There are ten fire stations strategically located around the city. The Fire Department responds to more than 25,000 calls for service per year specific to fire, emergency medical, rescue, and hazardous materials incidents. The department provides fire suppression, rescue, first response emergency medical services, operations-level hazardous materials response, fire prevention, and life-safety services. According to the General Plan, two new fire stations would be constructed in the future, one of which would be located at the corner of Kawana Springs Road and Franz Kafka Avenue. In addition, the city has an agreement with the Rincon Valley Fire District, which integrates its station on Todd Road into the citywide response matrix.

The City's public school system is made up of eight public school districts, 33 elementary schools, five middle schools, five comprehensive high schools, and one continuation high school, serving an estimated 16,698 students from kindergarten through 12<sup>th</sup> grade. According to the General Plan, four new elementary schools and two new middle schools are anticipated in order to accommodate buildout.

The City's Recreation and Parks Department operates, manages, and maintains a total of 12 community parks, 52 neighborhood parks, three special purpose parks, and three trail parks<sup>27</sup>. The Sonoma County Regional Parks maintains a number of regional parks and trails in the vicinity of the project site, including Taylor Mountain Regional Park, Spring Lake Regional Park, Colgan Creek Trail, and Hunter Creek Trail. Annadel State Park is also located approximately 4 miles northeast of the project site.

The City charges one-time impact fees on new private development in order to offset the cost of improving or expanding City facilities. Impact fees are used to fund the construction or expansion of needed capital improvements as the General Plan builds out. The City's impact fees include the Capitol Facilities Fee and School Impact Fees to finance required public facilities and service improvements. The Public Art in Private Development Fee pertains to certain commercial development projects.

As a commercial project, the proposed project is subject to all applicable City impact fees.

#### **Public Services Impact Discussion:**

**6.15(a-e) (Fire & Police Protection, Schools, Parks, Other Public Facilities) Less Than Significant Impact:** The project site is located within the UGB, which is well served by existing public services. The proposed project will introduce an In-N-Out restaurant with a drive-through to the project site. It is expected that the increase in customers and employees on the project site, would result in a slight increase in the need for services from Fire and Police Departments, schools, and parks. However, the increase would be a minimal change that would not trigger the need for an expansion of services, an increase in staffing, or otherwise affect public services. Importantly, increasing demands on public services have been previously anticipated as part of the General Plan build out and are met with impact fees that provide funding for the incremental expansion of services.

General Plan policy PSF-E-1 sets a 5-minute travel time for emergency response within the city. The project is located within the response radii of three fire stations (General Plan Figure 6-3) located at 207 Todd Road, 21 West Barham Avenue, and 955 Sonoma Avenue. According to the General Plan, two new fire stations would be constructed in the future, one of which would be located at the corner of Kawana Springs Road and Franz Kafka Avenue. The project's addition of vehicle trips to the adjacent grid street network is not expected to cause a reduction in travel speeds that would result in significant delays for emergency vehicles. A 5-minute response time is expected to be achieved due to the redundancy of approach access, the ability of emergency response vehicles to override traffic controls with lights,

---

<sup>26</sup> City of Santa Rosa Fire Department Strategic Plan 2016-2021, <https://www.srcity.org/DocumentCenter/View/3152>, accessed August 22, 2018.

<sup>27</sup> City of Santa Rosa Recreation and Parks, <https://srcity.org/1021/Find-a-Park>, accessed August 22, 2017.

sirens, and signal pre-emption, and to travel in opposing travel lanes in congested conditions. Therefore, impacts to police and fire protection services as a result of the Project would be less than significant.

The project is not expected to result in any substantial adverse physical impacts to schools or require the construction of new school facilities, as the project is anticipated to employ between 30 to 36 employees. The nearest public schools are Kawana Elementary School and Taylor Mountain Elementary School. Additionally, the project site is within the City of Santa Rosa High School District and the Bellevue Union School District.

The project will not generate a substantial increase in demands that warrant the expansion or construction of new public facilities such as parks. While the new employees may create a slight increase in the use of surrounding parks, the existing park facilities available in the City of Santa Rosa will be sufficient to meet active and passive recreational demands from the proposed In-N-Out Restaurant Project. There are no other aspects of the project that would result in adverse impacts to existing parks or necessitate additional park development. Therefore, impacts to parks as a result of project implementation will be less than significant.

As a standard condition of project approval, the applicant shall pay all development impact fees applicable to commercial development, including, but not limited to Capital Facilities Fees and School impact fees. These funds are expected to be sufficient to offset any cumulative increase in demands to fire and police protection services and ensure that impacts due to increased demand for public services generated by the proposed project are less than significant.

**Mitigation Measures:** None Required.

**6.16. RECREATION**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; and General Plan Figure 6-1: Parks and Recreation Map.

**Recreation Setting:**

The City of Santa Rosa offers numerous recreational opportunities, including public plazas and gathering places and neighborhood, community, citywide and special purpose parks and facilities. According to the Santa Rosa General Plan, the City has a total of approximately 531 acres of neighborhood and community parks, 170 acres of undeveloped parkland, and 14 community and/or recreational facilities (as of 2008). Additionally, the City of Santa Rosa is located in close proximity to regional parks operated by the County of Sonoma and State of California including Spring Lake (Sonoma County Regional Park), Taylor Mountain Regional Park and Open Space Preserve

(Sonoma County Regional Park) and Annadel (State Park), which offer a variety of passive and active recreational opportunities.

The City’s General Plan identifies a parkland ratio of 3.5 acres per 1,000 residents. Based on the 2035 buildout population of 233,520 and the proposed parks facilities that will occupy 864.15 acres, the city park facilities will achieve a ratio of 3.7 acres at General Plan build-out, thereby exceeding the parks ratio standard.

**Recreation Impact Discussion:**

**6.16(a-b) (Deterioration of Parks, Additional Recreational Facilities) Less Than Significant Impact:** The In-N-Out Restaurant Project is not expected to result in significant impacts to parks or recreational facilities. The southeastern area of the City is well served by existing parks and recreational amenities. While the new employees may create a slight increase in the use of surrounding parks and recreational facilities, the existing recreational facilities will be sufficient to meet active and passive recreational demands of the new employees.

The project will not substantially increase the use of existing neighborhood and regional parks such that physical deterioration of facilities occurs or are accelerated. Potential impacts to recreational facilities within the City of Santa Rosa as a result of new development have been identified and analyzed under the General Plan EIR. The General Plan EIR determined that build out within the City’s Urban Growth Boundary (UGB) will have a less than significant impact on recreational facilities, and it does not recommend any mitigation measures for potential impacts to parks and recreation beyond those policies outlined in the Santa Rosa General Plan 2035. Because the project will not induce substantial population growth and is within the growth anticipated in the General Plan, there is little expectation that it would put further pressure on recreational amenities. Therefore, impacts related to the increased use, deterioration, construction or expansion of recreational facilities are expected to be less than significant as a result of the proposed project.

**Mitigation Measures:** None Required.

**6.17. TRANSPORTATION**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035; General Plan EIR; General Plan Figure 5-2: Bicycle Corridors; 2018 Santa Rosa Bicycle and Pedestrian Master Plan, adopted March 12, 2019 Moving Forward 2040 Sonoma County’s Comprehensive Transportation Plan, prepared by Sonoma

---

County Transportation Authority, September 2016; Technical Advisory on Evaluating Transportation Impact in CEQA, prepared by Office of Planning and Research, December 2018; Vehicle Miles Traveled Guidelines Final Draft, prepared by the City of Santa Rosa Transportation and Public Works Department, June 5, 2020; Traffic Impact Study, for the Yolanda Mixed-Use Project (includes In-N-Out analysis) prepared by W-Trans, February 7, 2019, and Response to Comments on the In-N-Out Burger Project, prepared by W-Trans, June 11, 2020.

---

### **Transportation Setting:**

The City of Santa Rosa General Plan 2035 establishes a set of goals and policies intended to provide for a safe, efficient transportation system for cars, buses, trains, bicycles, and pedestrians. The city's roadway classification system is designed to disperse traffic across a safe network of transportation options that provides greater access among all modes of transportation.

Level of service (LOS) has historically been used as a standard measure of traffic service within the City of Santa Rosa. However, pursuant to SB 743 a LOS deficiency is no longer considered a potential environmental impact. The city establishes a goal of maintaining a LOS 'D' or better along major corridors where feasible (General Plan Policy Transportation T-D-1). Projects that contribute traffic volumes that would degrade intersections to below LOS D or result in an added delay of five seconds or more to intersections already operating at LOS E or F would conflict with City standards relating to traffic and circulation.

Pursuant to SB 743,<sup>28</sup> the Office of Planning and Research (OPR) was charged with identifying an alternative metric to LOS for evaluating environmental impacts from transportation. In December 2018 the OPR released the Technical Advisory on Evaluating Transportation Impacts in CEQA,<sup>29</sup> which provides technical recommendation regarding assessment of vehicle miles traveled (VMT), as an alternate to LOS, thresholds of significance for VMTs, and mitigation measures.

### **VMT Discussion**

CEQA Guidelines section 15064.3 subdivision (b) describes specific considerations for evaluating a project's transportation impact using a vehicle miles traveled (VMT) metric. To date, neither the City of Santa Rosa nor the Sonoma County Transportation Authority (SCTA) have adopted VMT thresholds. The City of Santa Rosa has released the Final Draft VMT Guidelines, dated June 5, 2020, which provides guidance on VMT metrics, methodology and thresholds. The City's Final Draft VMT Guidelines rely upon information and guidance from OPR's Technical Advisory. CEQA Guidelines section subdivision (b)(1) states that land use projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact.

Public resources code Section 21064.3 defines major transit stop as a site containing an existing rail transit station, a ferry terminal serviced by either a bus or rail transit, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Public resources code Section 21155 defines a high-quality transit corridor as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The project site is located along fixed route #5 (Yolanda Avenue) and within ¼ mile of fixed route #3 (Santa Rosa Avenue). Combined, these two routes provide 15-minute service intervals during commute hours.

---

<sup>28</sup> <http://opr.ca.gov/ceqa/updates/sb-743/>

<sup>29</sup> [http://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

**Traffic Impact Study**

A Traffic Impact Study (TIS) was prepared by W-Trans on February 7, 2019 (**Appendix L2**) which evaluates traffic impacts based on the original mixed-use proposal. Following preparation of the study, the mixed-use project was amended to separate the 252 apartments project located at 325 Yolanda Avenue and the In-N-Out, located at 2532 Santa Rosa Avenue into two distinct projects. Consideration was given to the separation of the projects and a determination was made that two independent analyses would not yield a different conclusion with regard to traffic impacts. The TIS describes existing transportation conditions in the project vicinity and identifies the project’s trip contribution to study area intersections for the following scenarios:

- Existing Conditions and Existing plus Project Conditions
- Baseline Conditions and Baseline plus Project Conditions
- Future and Future plus Project Conditions

W-Trans evaluated traffic conditions at seven (7) signalized intersections during the a.m. and p.m. peak hour of a typical weekday. The study intersections evaluated in the TIS include:

1. Kawana Springs Road/Santa Rosa Ave.
2. Kawana Springs Road/Petaluma Hill Road
3. Hearn Ave./Corby Ave.
4. Hearn Ave./Santa Rosa Ave.
5. US 101 S Ramps/Corby Ave.
6. Yolanda Ave. - US 101 N Ramps/Santa Rosa Ave.
7. Yolanda Ave./Petaluma Hill Road

*Existing Roadway System*

The majority of the project site fronts onto Santa Rosa Avenue, with secondary frontage on Yolanda Avenue. The distance between the proposed driveway on Yolanda Avenue and the intersection of Santa Rosa Avenue/Yolanda Avenue is approximately 350 feet. The approximate distance between the entrance on Santa Rosa Avenue from this intersection is also 350 feet. The west leg of this intersection serves as the on/off ramp to US 101. Two other intersections analyzed along Santa Rosa Avenue include Hearn Avenue and Kawana Springs Road. West of US 101 Corby Ave/Hearn Ave and Corby Ave/ US 101 south bound on/off ramps were analyzed. East of the project site Petaluma Hill Road at its intersection with Yolanda Ave as well as Kawana Springs Road were assessed.

*Existing Intersection Level of Service*

The existing level of service (LOS) for each study intersection is shown in **Table 9**. Under existing conditions, the study intersections operate at acceptable LOS D or greater during the am and pm peak hour traffic.

**TABLE 9: INTERSECTION LOS ANALYSIS – EXISTING CONDITIONS**

Intersection	AM Peak		PM Peak	
	Delay	LOS	LOS Delay	Delay LOS
1. Kawana Springs Road/Santa Rosa Ave.	17.0	B	15.1	B
2. Kawana Springs Road/Petaluma Hill Road	23.6	C	24.7	C
3. Hearn Ave./Corby Ave.	32.4	C	38.1	D
4. Hearn Ave./Santa Rosa Ave.	19.3	B	33.2	C

5. US 101 S Ramps/Corby Ave.	15.4	B	16.8	B
6. Yolanda Ave. - US 101N Ramps/Santa Rosa Ave.	25.7	C	30.6	C
7. Yolanda Ave./Petaluma Hill Road	13.4	B	36.0	D

Source: Traffic Impact Study, prepared by W-Trans, February 7, 2019.

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service

#### Collision Rates at Study Area Intersection

The TIS includes a summary of collision rates for all seven study area intersections. The number of collisions between 2013 and 2017 and the calculated collision rate was compared to the statewide average collision rate are presented below.

**TABLE 10: COLLISION RATES**

Intersection	Number of Collisions (2013-2017)	Calculated Collision Rate (c/mve)	Statewide Average Collision Rate (c/mve)
1. Kawana Springs Road/Santa Rosa Ave.	14	0.27	0.27
2. Kawana Springs Road/Petaluma Hill Road	<b>15</b>	<b>0.32</b>	0.27
3. Hearn Ave./Corby Ave.	<b>30</b>	<b>0.53</b>	0.27
4. Hearn Ave./Santa Rosa Ave.	19	0.26	0.27
5. US 101 S Ramps/Corby Ave.	4	0.11	0.21
6. Yolanda Ave. - US 101N Ramps/Santa Rosa Ave.	<b>25</b>	<b>0.35</b>	0.27
7. Yolanda Ave./Petaluma Hill Road	9	0.23	0.27

Source: Traffic Impact Study, prepared by W-Trans, February 7, 2019.

Note: c/mve = collisions per million vehicles entering; **Bold** text = collision rate higher than the statewide average.

As seen in **Table 10** above, three of the study area intersections (No. 2, 3, and 6) currently experience a collision rate that exceeds the statewide average. Intersection No. 1 is equal to the statewide average and intersection No. 4 falls just below the statewide average.

The TIS summarizes the type of collision and cause of collision and provides the recommendations to reduce frequency of collisions occurring under existing conditions. See **Table 11** below.

**TABLE 11: RECOMMENDATIONS TO REDUCE EXISTING COLLISION RATES**

Intersection	Type of Collision	Cause of Collision	Recommendations
1. Kawana Springs Road/Petaluma Hill Road	Rear-end and broadside	ROW violation and unsafe speeds	Consider left-turn phasing or Flashing Yellow Arrow
2. Hearn Ave./Corby Ave.	Rear-end and broadside	unsafe speeds	Install CIP identified improvements

3. Yolanda Ave. - US 101N Ramps/Santa Rosa Ave.	Rear-end	Congestion during peak periods	Signal timing and enforcement
Source: Traffic Impact Study, prepared by W-Trans, February 7, 2019. Note: Row = Right of Way; CIP = Capital Improvement Program			

**Bike and Pedestrian Facilities**

On March 12, 2019, the City Council adopted the 2018 Bicycle and Pedestrian Master Plan.<sup>30</sup> The Plan addresses facility needs over a 25-year horizon. As depicted in Figure 2-3C of the Plan, in the vicinity of the project site, Petaluma Hill Road and Santa Rosa Avenue are improved with existing Class II bike lanes. Yolanda Avenue between Santa Rosa Ave and Petaluma Hill Road is designated as a planned Class II bike lane. Class II bike lanes provide for a striped and signed lane for one-way bike travel on a street or highway.

In general, a network of sidewalks, crosswalks, pedestrian signals and curb ramps provide access for pedestrians near the project site, with a few gaps in connections. Full sidewalk connectivity is provided along Santa Rosa Avenue. Yolanda Avenue contains intermittent sidewalks with significant gaps in connectivity on both sides of the roadway. Kawana Springs Road provides intermittent sidewalk coverage with large gaps on the south side of the roadway. Hearn Avenue sidewalk connectivity is intermittent with no sidewalk on the north side of the roadway and several gaps on the south side of the roadway.

**Public Transit**

Santa Rosa is served by a variety of public transit systems providing for local, countywide, and regional needs, as well as special user groups. Local transit is provided by Santa Rosa CityBus; countywide inter-city transit service by Sonoma County Transit (SCT); and regional service by Golden Gate Transit (GGT). Santa Rosa CityBus Route 3 runs along Santa Rosa Avenue and Route 5 runs along Yolanda Avenue. The nearest existing bus stops are on Yolanda Avenue, approximately 500 feet west and 1,000 feet east of the project site. Additionally, the project proposes to dedicate a 7' by 15' on-site easement to the City to accommodate a future sidewalk, sign post, bench, and shelter for a bus stop along the frontage of Santa Rosa Avenue.

**Rail Service**

Sonoma-Marin Area Rail Transit (SMART) offers passenger rail service in Sonoma and Marin counties. SMART's initial 43 miles of rail corridor includes 10 stations, from the Sonoma County Airport to Downtown San Rafael. Future extensions include: Larkspur, which is scheduled to be completed towards the end of 2019; Windsor; Healdsburg; and Cloverdale. The full project will provide 70 miles of passenger rail service and a bicycle-pedestrian pathway.

Santa Rosa SMART Stations include the Downtown Station and the North Station which began operating in 2017 and offer passenger rail service along the SMART corridor, which currently extends from Larkspur to the Sonoma County Airport.

Rail freight operation on the SMART rail corridor is overseen by the North Coast Railroad Authority. Freight service currently operates between Lombard (located in Napa County where the North Coast Railroad Authority interfaces with the national rail system) and Petaluma. Several round-trip freight trains per week are expected to pass through Santa Rosa over the next several years as freight service expands.

**Sonoma County Comprehensive Transportation Plan**

Moving Forward 2040, Sonoma County's Comprehensive Transportation Plan (CTP), is a 25-year plan that serves as the vision for transportation throughout Sonoma County, with goals for the transportation system and the well-

<sup>30</sup> Bicycle & Pedestrian Master Plan Update 2018, prepared by the City of Santa Rosa, Final Draft 2.1.19.

being of the communities. Moving Forward 2040 establishes five goals: maintain the existing public transportation system; relieve traffic congestion; meet targets to reduce greenhouse gas emissions in the transportation sector; increase safety and emphasize health aspects of transportation planning strategies; and reduce travel time and cost and increase mobility in communities of concern. Major roadway projects identified in Moving Forward 2040 relative to Santa Rosa include: Petaluma Hill Road (widening from Aston Avenue to Santa Rosa City limit) and Farmers Lane Extension.

**Transportation Impact Discussion:**

**6.17(a) (Conflicts with Plans, Policies, Ordinances) Less Than Significant Impact:** As detailed in the Traffic Impact Study (**Appendix L2**), In-N-Out Burger typically has a higher demand as compared to other fast food restaurants with drive-through service. As such, the typical methodology which utilizes trip generation rates available in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, 2017, were not utilized. To derive a more appropriate trip generation rate, the TIS utilized survey data from nine other In-N-Out Burger locations. The average observed daily, and p.m. peak hour trip rates are greater than rates for other fast food restaurants with drive-through access available in the ITE Trip Generation Manual for “Fast Food Restaurant with Drive-Through Window” (ITE Land Use #934). No trip credits were applied to the project for the trips generated by the existing use onsite as it is considered to be a low traffic generator.

Project trips are summarized in **Table 12**. The proposed project is expected to generate an average of 3,012 trips per day, including 224 during the p.m. peak hour. It should be noted that the analysis includes a.m. peak hour trips, but the project will not generate a.m. peak hour trips due to the proposed hours of operation beginning after the a.m. peak hour is over. As shown below, the number of daily and p.m. peak hours trips generated by the proposed project versus a typical fast food restaurant with drive-through window are approximately 60 percent higher.

**TABLE 12: TRIP GENERATION SUMMARY**

Land Use		Daily		AM Peak Hour			PM Peak Hour				
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
In-N-Out Specific	3.9 ksf	<b>772.37</b>	<b>3,012</b>	-	-	-	-	<b>57.32</b>	<b>224</b>	<b>116</b>	<b>108</b>
Typical Fast Food Restaurant	3.9 ksf	470.95	1,837	<b>40.19</b>	<b>157</b>	<b>80</b>	<b>77</b>	32.67	127	66	61

Source: Traffic Impact Study for Yolanda Mixed-Use, prepared by W-Trans, February 7, 2019.

Notes: Table modified to reflect proposed In-N-Out independent of the 252 residential project, which was analyzed as part of the IS/MND for Yolanda Apartments Project (SCH #2019069009).

Trip rates used for analysis are in **bold**, rates for a typical fast food restaurant with drive-thru window are included as reference only.

**Existing plus Project Conditions**

Intersection levels of service were calculated with the new traffic added by the proposed project to evaluate the operating conditions of the study area intersections. As described above, LOS deficiencies are no longer considered environmental impact. The following LOS data is provided for informational purposes only. Results of the intersection level of service calculations for Existing plus Project Conditions are presented in **Table 13**.

**TABLE 13: EXISTING PLUS PROJECT PEAK HOUR INTERSECTION LOS**

Study Intersection	Existing Plus Project Conditions			
	AM Peak		PM Peak	
	Delay	LOS	Delay	LOS

1. Kawana Springs Road/Santa Rosa Ave.	16.8	B	14.9	B
2. Kawana Springs Road/Petaluma Hill Road	23.7	C	24.9	C
3. Hearn Ave./Corby Ave.	37.0	D	42.0	D
4. Hearn Ave./Santa Rosa Ave.	19.7	B	35.4	D
5. US 101 S Ramps/Corby Ave.	15.6	B	17.4	B
6. Yolanda Ave. - US 101N Ramps/Santa Rosa Ave.	31.7	C	33.6	C
7. Yolanda Ave./Petaluma Hill Road	13.8	B	41.0	D

Source: Traffic Impact Study, prepared by W-Trans, February 7, 2019.

Note: Delay is measured in average seconds per vehicle; LOS = Level of Service.

Includes trips from proposed In-N-Out and 252 Residential project, which is a distinct and independent project.

The study area intersections are expected to continue operating acceptably under existing plus project conditions (project traffic<sup>31</sup> added to existing volumes), generally at the same Level of Service (LOS).

#### **Baseline plus Project Conditions**

Intersection levels of service and delay were calculated with the new traffic added by the proposed project to baseline conditions, which includes existing conditions plus trips generated by projects that have been approved but are not yet construction and projects that have been proposed but not yet approved (see page 9 of the TIS for the list of projects included in the Baseline scenario). Results of the intersection level of service calculations for the Baseline plus Project Conditions are presented in **Table 14**.

**TABLE 14: BASELINE PLUS PROJECT PEAK HOUR INTERSECTION LOS**

Study Intersection	Baseline Conditions				Baseline Plus Project Conditions			
	AM Peak Delay	AM Peak LOS	PM Peak Delay	PM Peak LOS	AM Peak Delay	AM Peak LOS	PM Peak Delay	PM Peak LOS
1. Kawana Springs Road/Santa Rosa Ave.	21.8	C	17.3	B	21.7	C	17.1	B
2. Kawana Springs Road/Petaluma Hill Road	24.4	C	25.8	C	24.5	C	26.0	C
3. Hearn Ave./Corby Ave.	35.3	D	49.0	D	42.0	D	52.4	D
4. Hearn Ave./Santa Rosa Ave.	19.8	B	35.3	D	20.3	C	33.8	C
5. US 101 S Ramps/Corby Ave.	16.0	B	18.3	B	16.1	B	19.4	B
6. Yolanda Ave. - US 101N Ramps/Santa Rosa Ave.	32.9	C	37.3	D	39.1	D	45.4	D

<sup>31</sup> Existing Plus Traffic delay and LOS includes vehicle trips generated by the proposed project (In-N-Out Burger) as well as the approved 252 multi-family units adjacent to the project.

7. Yolanda Ave./Petaluma Hill Road	16.8	B	<b>77.6</b>	<b>E</b>	17.3	B	<b>81.2</b>	<b>F</b>
<i>With southbound right turn lane and overlap phase</i>	12.9	B	39.2	D	13.3	B	41.0	D

Source: Traffic Impact Study, prepared by W-Trans, February 7, 2019.

Note: Delay is measured in average seconds per vehicle; LOS = Level of Service.

Includes trips from proposed In-N-Out and 252 Residential project, which is a distinct and independent project.

Other than intersection No. 7, Yolanda Avenue/ Petaluma Hill Road, the study area intersections are expected to continue operating acceptably under baseline plus project conditions.<sup>32</sup> Under baseline conditions without the project, intersection No. 7 operates unacceptably at LOS E during the PM peak period traffic. Improvements to this intersection are planned by the City and included as part of the Farmers Lane Extension Project. Funding for this project is included in the City's facilities fees, to which the project developer will be contributing. Furthermore, LOS deficiencies no longer indicate an environmental impact. The potential operational conflict will be resolved upon planned improvements to intersection 7. Therefore, the project would not substantially contribute to a potential conflict due to level of service and delays under the baseline scenario.

**Future plus Project Conditions**

Intersection levels of service and delay were calculated with the new traffic added by the proposed project to future conditions, which includes buildout of the Santa Rosa General Plan and planned future roadway improvements. Results of the intersection level of service and delay calculations for the Future plus Project Conditions are presented in **Table 15**.

**TABLE 15: FUTURE PLUS PROJECT PEAK HOUR INTERSECTION LOS**

Study Intersection	Future Conditions				Future Plus Project Conditions			
	AM Peak Delay	LOS	PM Peak Delay	LOS	AM Peak Delay	LOS	PM Peak Delay	LOS
1. Kawana Springs Road/Santa Rosa Ave.	18.6	B	20.3	C	18.6	B	20.3	C
2. Kawana Springs Road/Petaluma Hill Road	28.5	C	30.0	C	28.5	C	30.0	C
3. Hearn Ave./Corby Ave.	50.2	D	48.0	D	54.6	D	52.9	D
4. Hearn Ave./Santa Rosa Ave.	26.5	C	34.4	C	29.0	C	37.8	C
5. US 101 S Ramps/Corby Ave.	19.0	B	14.5	B	19.9	B	14.5	B
6. Yolanda Ave. - US 101N Ramps/Santa Rosa Ave.	43.4	D	41.5	D	44.5	B	46.3	D
7. Yolanda Ave./Petaluma Hill Road	28.4	C	34.2	C	28.9	C	35.1	C

Source: Traffic Impact Study, prepared by W-Trans, February 7, 2019.

<sup>32</sup> Baseline Plus Traffic delay and LOS includes vehicle trips generated by the proposed project (252 multi-family units) as well as the proposed In-N-Out located on an adjacent site and now being considered under a separate application as a distinct and independent project.

---

Note: Delay is measured in average seconds per vehicle; LOS = Level of Service.

Includes trips from proposed In-N-Out and 252 Residential project, which is a distinct and independent project.

---

All study area intersections are expected to operate at acceptable LOS D or above under future plus project conditions.<sup>33</sup> Therefore, the project will not conflict with LOS policies established by the City.

### **Queuing**

The 95<sup>th</sup> percentile queue for the westbound approach to Santa Rosa Avenue/ Yolanda Avenue were evaluated for potential conflicts with proposed driveway access for the project. The nearest driveway for access to the Project site is located approximately 350 feet east of the intersection. The maximum westbound queue would occur under the baseline scenario during the PM peak and would extend 415 feet east of the intersection. Due to the location of the driveway being located within the extent of the maximum queue, the proposed driveway on Yolanda Avenue may further impact vehicle queues at the Santa Rosa Avenue/ Yolanda Avenue intersection.

The project provides additional ingress/egress on Santa Rosa Avenue. Additionally, the combined width of the eastbound Yolanda Avenue through lane and shoulder is approximately 20 feet, which would allow for following vehicles to pass on the right. Lastly, roadway improvements are planned on Yolanda Avenue which includes adding a center two-way left turn lane approaching its intersection with Santa Rosa Avenue. This would allow vehicles turning left into the project site to fully enter the turning lane without backing up eastbound through traffic. Therefore, impacts related to queuing would be less than significant.

### **Drive-Through**

The project proposed to include drive through service. The drive-through aisle queues along the eastern property line and wraps around the northern property line, north of the proposed In-N-Out building for window pick up. The City of Santa Rosa regulated Drive-through retail and service facilities pursuant to Chapter 20-42.064, which provides standards for drive-through aisles, signage, queuing, and screening. As proposed the In-N-Out drive-through aisle conforms with these standards by providing; a) 12 foot wide drive aisle with a 20 foot radius at the curve; b) entrance signage with directional arrow striping; c) separation from driveway egress and ingress points, as well as parking; d) onsite queuing for at least 30 cars without conflicting with internal drive aisles and access points; and e) screening with landscaping and 3-foot tall CMU walls to prevent headlight glare onsite from impacting Santa Rosa Avenue. Therefore, the project is designed in a manner that achieves consistency with the City's standards for drive-through retail and impacts would be less than significant.

### **Parking**

The project proposed to introduce a total of 73 parking spaces onsite inclusive of 3 ADA stalls and 4 electric vehicle parking stalls charging stations. The City's required parking standard for the proposed In-N-Out Restaurant, which will provide a total of 152 seat, is 51 parking spaces.<sup>34</sup> Surveys conducted at three other In-N-Out restaurants with similar characteristics to the proposed use found that the average parking rate during the weekend p.m. peak period is 16.80 spaces per 1,000 square feet or floor area. Using this In-N-Out specific rate, the proposed project would generate a parking demand of 66 spaces. The ITE parking standard for fast food restaurant with drive-through yields a parking rate of 15.13 spaces per 1,000 square feet of floor area, which generates a demand of 59 parking spaces. The proposed project exceeds the City's required parking standard and the proposed parking will be sufficient based

---

33 Future Plus Traffic delay and LOS includes vehicle trips generated by the proposed project (252 multi-family units) as well as the proposed In-N-Out located on an adjacent site and being considered under a separate application as a distinct and independent project.

34 City of Santa Rosa Municipal Code Section 20-36.040 Table 3-4, Restaurant calls for 1 parking space for each 3 dining seats. The project proposes 75 indoor seats and 76 outdoor seats, for a total of 152 dining seats.

on In-N-Out site-specific rates and ITE rates. Therefore, impacts due to a conflict with the parking requirements would result in a less than significant environmental impacts.

***Alternate Modes of Travel (Transit, Bicycle and Pedestrian Facilities)***

Public transit, bicycle, and pedestrian facilities in the project vicinity will not be substantially impacted by the proposed development. Existing bus stops located on Yolanda Avenue and Santa Rosa Avenue are within an acceptable walking distance to the project site. Additionally, the project will dedicate a 7' x 15' on-site easement to the City to accommodate a future sidewalk, sign post, bench, and shelter for a bus stop along Santa Rosa Avenue. The Santa Rosa City Bus and Sonoma County Transit system currently have sufficient capacity and facilities to support increased ridership generated by the proposed project. Thus, impacts to public transit would be less than significant.

The project does not interfere with existing or proposed bicycle facilities in the site vicinity and will not decrease the performance or safety of such facilities. As part of the planned improvements, a curb and sidewalk would be installed along the Yolanda Avenue frontage for pedestrian use. Additionally, the project proposes to dedicate 728 square feet to the City to accommodate the planned Yolanda Avenue widening project. Therefore, impacts due to a conflict in existing or planned bicycle and pedestrian facilities from project development would be less than significant.

The City requires one bicycle parking space per 4,000 square feet of floor area. Based on the size of the building, the required number of bicycle parking spaces is one. However, the proposed project will provide four bicycle parking spaces. Therefore, impacts due to inadequate bicycle facilities would be less than significant.

***Summary***

The proposed project will not conflict with an applicable plan, ordinance or policy. Therefore, the project would have less than significant impacts to the circulation system.

**6.17(b) (Conflict with 15064.3(b) VMT) Less Than Significant Impact:** Vehicle miles traveled were estimated using daily staffing levels and an average trip distance of 9.76 miles. In calculating VMT for retail, employee trips are utilized as they typically make up the majority of new trips, whereas patrons of retail are typically being rerouted from other retail destination, resulting in a negligible impact on VMT at a regional level. As the project would have 36 daily employees, the daily VMT generated by the project would be an estimated 703 miles. Research conducted by OPR shows that infill retail development tends to shift where vehicle trips occur rather than generating new trips and corresponding new VMT. OPR has set forth a screening size of 50,000 square feet as a reasonable screening level for infill retail uses. The City's Draft Final Guidelines identify 10,000 square feet as the screening level. Additionally, the Project site is located within an area of Santa Rosa that has been identified for prescreening based on the SCTA VMT model which shows that employee VMT in the area of the project site are below the citywide average. Because the project site is located within a Priority Development Area (Mendocino/Santa Rosa Avenue Corridor), is within one-half mile of an existing major transit stop, is within the prescreening area for employment VMT, and is consistent with the Sustainable Community Strategy (Plan Bay Area), the project will not conflict with 15064.3(b) and impacts due to VMT will be less than significant.

**6.17(c) (Geometric Design Feature Hazard) Less Than Significant Impact:** The project site will be accessed via two driveways, one on Yolanda Avenue and one on Santa Rosa Avenue. Drive aisles with a width of 26 feet provide internal access to the restaurant, drive-through, and parking stalls. The drive aisles have been designed with sufficient width and turning radius to accommodate emergency vehicles including fire truck access.

The proposed drive-through provides for queueing of 30 vehicles, assuming a 20-foot vehicle length. A survey of three other In-N-Out locations, with similar site operations as the proposed project, determined that an average of 16 to 25 vehicles queue during the p.m. weekday and weekend peak hours, respectively. Based on the average queue length of other In-N-Out locations, the proposed drive-through will be able to accommodate vehicle queues

during the peak hour. Additionally, the proposed In-N-Out is located within four miles of an In-N-Out to the north, and another four miles to the south. Based on the close proximity of other locations, it is anticipated that the proposed location will experience lower frequency than that of the three surveyed locations. In-N-Out operations provide that upon the eighth vehicle entering the queue, an employee will be tasked with taking orders at the customers vehicle using a handheld electronic device. This allows orders to be fulfilled quicker, resulting in a faster turnover of vehicles in the queue. Therefore, on-site circulation impacts due to a geometric design hazard including queuing from the drive-through would result in a less than significant impact.

A clear line of sight must be provided at proposed driveways. Sight distances were evaluated in the TIS based on criteria contained in the *Highway Design Manual* published by Caltrans. Based on the design speed of Yolanda Avenue and Santa Rosa Avenue, 35 mph, the minimum stopping sight distance needed is 250 for each driveway. Sight lines at the driveway along Yolanda Avenue extend approximately 350 feet west toward the intersection with Santa Rosa Avenue and 400 feet east. Sight lines at the driveway along Santa Rosa Avenue extend 350 feet south towards the intersection of Yolanda Avenue. Site lines at both driveways exceed the required site distance for the 35-mph speed limit. Therefore, impacts to site distance would be less than significant.

**6.17(d) (Emergency Access) Less Than Significant Impact:** The increase of construction vehicles traveling to and from the project site on a temporary basis would not result in inadequate emergency access. In order to construct the project, road closure is not anticipated, although temporary encroachment will occur during frontage improvements.

EVA access and parking areas are provided via proposed driveways and internal drive aisles. The project’s internal circulation plan has been reviewed and meets all requirements of Transportation & Public Works and Fire Departments. Site circulation was determined to be adequate, including sufficient drive widths to allow for fire truck access and access to the proposed restaurant building. Therefore, emergency vehicle access is adequate and potential impacts will be less than significant.

**Mitigation Measures:** None Required.

**6.18. TRIBAL CULTURAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Sources: Santa Rosa General Plan 2035; General Plan EIR; and Cultural Resources Study, prepared by Evans & De Shazo, August 6, 2018; and Cultural Resources Memo, prepared by Evans & De Shazo, January 3, 2019.

**Tribal Cultural Resources Setting:**

According to Public Resources Code (PRC) Section 21074, a resource is a tribal cultural resource if it is either:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
  - b. Included in a local register of historical resources as defined in PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.
3. A cultural landscape that meets the criteria of PRC Section 21074(a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
4. A historical resource described in PRC Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a "non-unique archaeological resource" as defined in PRC Section 21083.2(h), if it conforms with the criteria of PRC Section 21074(a).

A search of the Sacred Lands file conducted by the Native American Heritage Commission (NAHC) on July 10, 2018 did not indicate the presence of a Native American Sacred Site within or in the immediate vicinity of the project site.

In accordance with PRC Section 21080.3.1(d), the City of Santa Rosa provided written formal notification to the Federated Indians of Graton Rancheria (FIGR) and Lytton Rancheria of California on July 12, 2018, which included a brief description of the Yolanda Apartments Project and the In-N-Out Restaurant Project, the location of the projects, the City of Santa Rosa contact information, and a notification that the Tribes have 30 days to request consultation.

**Tribal Cultural Resources Impact Discussion:**

**6.18(a.i) (Listed or Eligible for Listing) No Impact:** As stated above, a search of the Sacred Lands file was conducted and did not indicate the presence of a Native American Sacred Site within or in the immediate vicinity of the project site. Therefore, the project would have no impact on a tribal cultural resource that is listed or eligible

for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

**6.18(a.ii) (Significant Resource) Less Than Significant Impact with Mitigation:** The City of Santa Rosa has not identified any tribal cultural resources and there are no known concerns associated with the proposed project impacting tribal cultural resources. In response to the letter sent on July 12, 2018, the Lytton Rancheria of California requested consultation to ensure the protection of tribal cultural resources. Lytton Rancheria of California was provided with the Cultural Resources Study, and on August 13, 2018, responded that the measures identified were acceptable. Other tribes notified of the project on July 12, 2018, did not request consultation under AB 52 indicating that they have no concerns that the project may impact tribal (traditional) cultural resources.

Although no Tribal Cultural resources were encountered during the cultural resources field survey conducted onsite, there remains a potential that tribal cultural resources may be identified during site development. As such, development within the project site has the potential to result in impacts to Tribal Cultural resources if encountered during construction. **Mitigation Measure TCUL-1**, set forth below ensures that all measures provided under section 6.5 Cultural Resources are implemented. Measure TCUL-1 provides protection of cultural resources, including Tribal Cultural Resources, in the event of accidental discovery. Therefore, the proposed project would have less than significant impacts on Tribal Cultural Resources.

**Mitigation Measures:**

**TCUL-1:** To protect buried Tribal Cultural Resources that may be encountered during construction activities, the Project shall implement Mitigation Measures CUL-1 through CUL-3 above.

**6.19. UTILITIES AND SERVICE SYSTEMS**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Sources: Santa Rosa General Plan 2035; General Plan EIR; Santa Rosa 2015 Urban Water Management Plan, prepared by West Yost Associates, June 2016; Santa Rosa Groundwater Master Plan, prepared by West Yost Associates, September 2013; Santa Rosa Water Master Plan Update, prepared by West Yost Associates, August 2014; Santa Rosa Sanitary Sewer System Master Plan Update, prepared by Arcadis, October 2014; Sonoma County Water Agency 2015 Urban Water Management Plan, prepared by Brown and Caldwell, June 2016; and Preliminary Storm Water Low Impact Development Report, prepared by MSL Engineering Inc., November 16, 2018.

### Utilities and Service Systems Setting:

The City of Santa Rosa collects impact fees for water, wastewater, storm drains, and other public utility infrastructure. The one-time impact fee is intended to offset the cost of improving or expanding city facilities needed to accommodate new private development by providing funds for expansion or construction of necessary capital improvements. The project will pay all applicable impact fees.

New storm drainage infrastructure would be installed to accommodate stormwater runoff from the impervious surfaces introduced by the project. The proposed project would not substantially increase utility or service system infrastructure needs or demands relative to the existing conditions. Onsite improvements would capture storm water runoff via bioretention planters and new storm drain overflow inlets, convey flows towards new storm drain lines, and then direct the flows to the regional storm drain facilities in Santa Rosa Avenue and Yolanda Avenue.

Utilities would extend to the new building via existing and proposed utility easements. Wastewater would be accommodated via the installation of new sanitary sewer laterals that would connect to the existing sanitary sewer lines installed within Santa Rosa Avenue. The new sanitary sewer lines would collect wastewater generated onsite and convey flows through the existing sanitary sewer system to the wastewater processing plant for treatment.

Potable water would be accommodated via the installation of new water laterals that would connect the proposed building to the existing water lines installed within Santa Rosa Avenue.

### Water Supplies

Approximately 95 percent of the City's potable water supply comes from the Sonoma Water Aqueduct System, which delivers water from the Russian River to the City through a series of pressure reducing valves and check valves.<sup>35</sup> Additionally, Sonoma Water has three groundwater wells in the Santa Rosa Plain Groundwater Sub-basin, with a total capacity of approximately 2,300 acre-feet per year (afy), which is used on an as-needed basis during periods of drought or when Russian River supplies are otherwise constrained.<sup>36</sup>

Sonoma Water adopted its 2015 UWMP in June 2016. Currently, four water rights permits issued by the State Water Resources Control Board (SWRCB) authorize Sonoma Water to store up to 122,500 afy of water in Lake Mendocino and up to 245,000 afy of water in Lake Sonoma, and to divert up to 180 cubic feet per second (cfs) of water from the Russian River with a limit of 75,000 afy.<sup>37</sup> The permits also establish minimum instream flow requirements for fish and wildlife protection and recreation. Based on the water demand projections described in 2015 UWMP, Sonoma Water estimates that its total annual diversions and re-diversions of Russian River water may exceed the 75,000 afy limit by about 117 afy in 2035 and by about 988 afy in 2040. If the trends in these projections continue,

<sup>35</sup> Santa Rosa Water Master Plan Update, prepared by West Yost Associates, August 2014.

<sup>36</sup> Sonoma County Water Agency 2015 Urban Water Management Plan, prepared by Brown and Caldwell, June 2016.

<sup>37</sup> Ibid.

then it may be necessary for SCWA to make the necessary filings with the SWRCB in approximately 2030, so that Sonoma Water will be authorized to divert and redivert more than 75,000 afy in 2035.

The City currently receives water from Sonoma Water under the Restructured Agreement for Water Supply. Under this agreement, the City is entitled to receive an average-day peak month supply of 56.6 million gallons per day (mgd) with an annual volume limitation of 29,100 acre feet.<sup>38</sup> While the City's current and historical annual purchases from Sonoma Water are well below this level, the projected buildout water demands are greater than 33,000 afy.<sup>39</sup> The City's plans for providing additional supply beyond their allotment are discussed in the City's 2015 Urban Water Management Plan.

The City currently has four active wells which are permitted by the California State Water Resources Control Board to provide potable supply (a fifth emergency well is currently out of service). Two wells can be used only during emergencies. The other two wells can be used as needed to supplement non-emergency supply, up to 2,300 afy.<sup>40</sup>

The City owns and operates the Subregional Water Reuse System, from which the City uses approximately 140 afy of recycled water for urban landscape irrigation.<sup>41</sup> Recycled water is used for landscape irrigation at 26 Urban Reuse Sites. Due in part to the City's success in reducing drinking water demands and the water conservation practices, the City has determined that it is not cost effective to expand the recycled water distribution system. However, the City continues to evaluate other potentially more cost-effective water supply sources for future water supply needs.

Pursuant to the Urban Water Management Plan Act, the City's Utilities Department is required to prepare an Urban Water Management Plan (UWMP) on a 5-year basis. The 2015 Santa Rosa UWMP addresses the City water system and includes a description of the water supply sources, historical and projected water use, and a comparison of water supply to water demands during normal, single-dry, and multiple-dry years. The 2015 UWMP also addresses water use efficiency legislation, including the City's 2015 and 2020 water use targets, as required by the Water Conservation Act of 2009, and the implementation plan for meeting the City's 2020 water use targets.

To ensure that the City of Santa Rosa maintains a sufficient water supply to meet the water demands as the City continues to build out the General Plan, Policy PSF-F-6 stipulates the need for routine evaluation of the City's long-term water supply strategies and implementation of appropriate growth control measures, as necessary.

#### *Wastewater*

The Laguna Wastewater Treatment Plant (WTP) treats all wastewater generated by residential, commercial and industrial uses within the City of Santa Rosa, Rohnert Park, Cotati, Sebastopol and the South Park Sanitation District. The water recycling facility produces tertiary recycled water in compliance with the California Department of Health Services. At present, treatment capacity is at approximately 24 mgd.<sup>42</sup> An Incremental Recycled Water Program (IRWP) has been approved and will be implemented as growth occurs. With the IRWP in place it is expected that the treatment capacity for the plant will increase to 25.79 mgd, 18.25 mgd of which will be allocated to the City of Santa Rosa for beneficial reuse.<sup>43</sup>

#### *Storm Drains*

Within the City of Santa Rosa storm drains convey runoff from impervious surfaces such as streets, sidewalks, and buildings and drain to creeks and ultimately through the Laguna de Santa Rosa. This water is untreated and carries

38 Santa Rosa Water Master Plan Update, prepared by West Yost Associates, August 2014.

39 Ibid.

40 Ibid.

41 Recycled Water, <https://srcity.org/1061/Recycled-Water>, accessed June 26, 2018.

42 Santa Rosa Sanitary Sewer System Master Plan Update, prepared by Arcadis, October 2014.

43 Santa Rosa Incremental Recycled Water Program, prepared by Winzler & Kelly, July 2007.

with it any contaminants picked up along the way such as solvents, oils, fuels and sediment. The City's Stormwater Ordinance, set forth in Chapter 17-12 of the City's Municipal Code, establish the standard requirements and controls on the storm drain system. All existing and proposed development must adhere to the City's Stormwater Ordinance, as well as the policies set forth in the General Plan including:

PSF-I-1 Require dedication, improvement, and maintenance of stormwater flow and retention areas as a condition of approval.

PSF-I-2 Require developers to cover the costs of drainage facilities needed for surface runoff generated as a result of new development.

PSF-I-3 Require erosion and sedimentation control measures to maintain an operational drainage system, preserve drainage capacity, and protect water quality.

PSF-I-4 Require measures to maintain and improve the storm drainage system, consistent with goals of the Santa Rosa Citywide Creek Master Plan, to preserve natural conditions of waterways and minimize paving of creek channels.

PSF-I-6 Require implementation of Best Management Practices to reduce drainage system discharge of non-point source pollutants originating from streets, parking lots, residential areas, businesses, industrial operations, and those open space areas involved with pesticide application.

#### *Solid Waste*

The City of Santa Rosa currently contracts with Recology to provide solid waste collection, green waste collection, and recycling services. Recology collects both residential and commercial waste and delivers it to a transfer station at 500 Meacham Road in Petaluma. The Solid waste generated by the City of Santa Rosa is then transferred to the Redwood Landfill in Marin County, Keller Canyon Landfill in Contra Costa County, or Potrero Hills landfill in Solano County. Per the California Integrated Waste Management Act (Assembly Bill 939) Sonoma County adopted an Integrated Waste Management Plan (CoIWMP) with the goal of achieving a 70 percent diversion rate by 2015.

#### **Utilities and Service Systems Impact Discussion:**

**6.19(a,c) (Relocation/Expansion of Utilities) Less Than Significant Impact:** The proposed project would introduce a 3,900 square foot restaurant and associated site improvements within an area of the City that is well served by utilities and public services. The proposed project is not expected to exceed wastewater treatment requirements set forth by the Regional Water Quality Control Board, nor is the project expected to necessitate the expansion or construction of water or wastewater treatment facilities. The projected wastewater generation of the project falls within the capacity of the existing sanitary sewer lines and the City's wastewater treatment plant. The project's contribution to wastewater flows were anticipated by the General Plan and have been considered for operating capacity of the water treatment plant. The marginal increase in wastewater generated by the proposed project is well within the flow capacity analyzed as part of the General Plan.

The existing water supplies, facilities and infrastructure are sufficient to meet the demands of the project without the need for expansion or new construction of water supply facilities. Water demand on-site will be limited through efficient irrigation of landscaping and water-efficient fixtures and appliances indoors, consistent with requirements established by the CalGreen Building Code. The proposed project's water demands are anticipated in the General Plan and the UWMP and would not increase the City's water needs beyond what has already been anticipated.

The existing water supply and wastewater treatment system have sufficient capacity to meet the limited additional demands generated by the project. Additionally, the project will not require or result in the construction or expansion of new water or wastewater treatment facilities. Therefore, the project will have less than significant impacts related to the adequacy or capacity of water supply facilities and wastewater treatment facilities.

The project is not expected to result in significant environmental impacts due to the expansion of existing storm water drainage facilities or construction of new facilities. Currently, there is no storm drain system located within the project site, and stormwater runoff generally flows in a southwesterly direction following the site's topographical contours. Improvements that will increase impervious surfaces include the building footprint, drive-through, and paved parking lot. Although the proposed development will result in an increase in impervious surfaces relative to existing conditions, the project has been designed in accordance with the City's Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines that encourage the integration of Low Impact Design (LID) measures into site designs.

A Preliminary Storm Water Low Impact Development Report was prepared for the In-N-Out Burger (**Appendix J**). The plan summarizes the existing site conditions, describes the pollution prevention and runoff reduction measures for the project, describes the types of BMPs that will be implemented, and identifies the maintenance and funding for the establishment and ongoing operation of BMPs. Runoff from the flatwork surrounding the building will drain to interior planting areas prior to flowing through the parking lot. Runoff will be treated by bioretention prior to discharging to the City's storm drain system. Trash and recyclables will be stored within an enclosure, which will prevent the introduction of stormwater runoff into the enclosure. Additionally, the enclosure contains a drain inlet to collect non-stormwater runoff.

New storm drainage infrastructure would be installed to accommodate the increase in impervious surfaces that would result from the Project. Onsite improvements would capture storm water runoff via new storm drains within the site, convey the flows towards new storm drain lines, and then direct the flows to the regional storm drain facilities in Santa Rosa Avenue.

#### *Conclusion*

The proposed LID measures and planned/proposed storm drain facilities onsite and in the project vicinity are sufficient to accommodate any increased surface flows generated by the project. The flow of storm water runoff would be retained and continue to be conveyed to the existing regional storm drain facilities within Santa Rosa Avenue and Yolanda Avenue. With the installation of the proposed bioretention areas there will be no net-increase in flows emanating from the project site. The project is well served by existing infrastructure and all utilities including electricity, natural gas and telecommunication facilities. Therefore, impacts related to the relocation, construction, or expansion of utilities will be less than significant.

**6.19(b) (Sufficient Water Supplies) Less Than Significant Impact:** During construction, water would be required primarily for dust suppression and would also be used for soil compaction. Construction water volumes would be minimal and would not require new or expanded water supplies or entitlements.

The project will utilize water obtained from the City's water system to meet onsite water demands. Potable water would be accommodated via the installation of new water laterals that would connect the proposed buildings to the existing water mains within Santa Rosa Avenue.

The proposed project would introduce a new 3,900 square foot restaurant and associated site improvements. As such, the project will increase water demands relative to existing conditions. The increase in onsite water demand resulting from the proposed project will remain consistent with what has been anticipated in the General Plan and the Urban Water Management Plan (UWMP). The existing entitlements for water supplies to the City are sufficient to continue to meet the needs of Santa Rosa during normal, dry and multiple dry years, in addition to the water demands generated by the project. Therefore, impacts due to insufficient water supplies or inadequate entitlements would be less than significant.

**6.19(d,e) (Solid Waste Generation/Compliance with Solid Waste Management) Less Than Significant Impact:** The proposed project is expected to contribute to the generation of solid waste within the UGB. However, the amount of solid waste generated by the project is considered minimal and is consistent with the service needs

anticipated by the General Plan. The project applicant is required to adhere to all regulations governing the disposal of solid waste. Construction-related waste will be reduced through the development of a construction waste management plan, which is a standard requirement of the building code.

At present, the City is under contract with Recology for solid waste disposal and recycling services. Solid waste is collected and transferred to several landfill sites with remaining capacity. Although the waste stream generated by the project is expected to increase during construction and operation, it is not expected to exceed landfill capacity and is not expected to result in violations of federal, state, and local statutes and regulations related to solid waste. Furthermore, as condition of approval, a requirement to divert compostables from the waste stream will be imposed on the project. Therefore, the disposal of solid waste resulting from project construction and operation would have less than significant impacts.

**Mitigation Measures:** None Required.

**6.20. WILDFIRE**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Santa Rosa General Plan 2035 and General Plan EIR.

**Wildfire Setting:** Santa Rosa is susceptible to wildland fires due to the steep topography, abundant fuel load, and climatic conditions, particularly along the northern and eastern edges of the City. The areas most susceptible to fire

hazards are located near Fountaingrove Parkway (in the north), Escalero Road (in the northeast), south of Oakmont Drive (in the east), and north of Eliza Way (in the east); these areas are designated as “Very High Fire Hazard Severity Zone” within a Local Responsible Area by CAL FIRE (Figure B-7 in Appendix B).

In October 2017, the Tubbs Fire (Central LNU Complex) burned approximately 36,807 acres in the northern and eastern portions of the City. Residents were exposed to direct effects of the wildfire, such as the loss of a structure, and to the secondary effects of the wildfire, such as smoke and air pollution. Smoke generated by wildfire consists of visible and invisible emissions that contain particulate matter (soot, tar, water vapor, and minerals) and gases (carbon monoxide, carbon dioxide, nitrogen oxides). Public health impacts associated with wildfire include difficulty in breathing, odor, and reduction in visibility.

As discussed in section 6.9 Hazards/Hazardous Materials, the project site is located within the City’s UGB and surrounded by roadways and developed land uses. The project site is categorized as a Non-VHFHZ by CAL FIRE and surrounded by land designated as Non-VHFHZ on all sides. The project site is located approximately 0.45 mile from a large expanse of land containing grasses and trees that is designated as “Moderate Fire Hazard Severity Zone” by CAL FIRE (Figure B-7 in Appendix B). The project site is located over five miles from areas designated as having a “Very High Fire Hazard Severity Zone.”

**Wildfire Impact Discussion:**

**6.20(a) (Impair Emergency Plans) Less Than Significant Impact:** The project site is categorized as a Non-VHFHZ by CAL FIRE, located approximately 0.45 mile from land designated as “Moderate Fire Hazard Severity Zone,” and located over five miles from areas designated as having a “Very High Fire Hazard Severity Zone.” Therefore, in the event of a wildfire the proposed project is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

**6.20(b-d) (Wildfire Risk Exacerbation, Infrastructure Contributing to Wildfire Risk, Exposure to Wildfire-Related Risks) Less Than Significant Impact:** The project site is relatively flat and located approximately 0.45 mile from the nearest state responsibility area. The proposed improvement onsite would be built in conformance with the latest California Building Code, which contains standards for building materials, systems, and assemblies used in the exterior design and construction of new buildings. There are no factors, such as steep slopes, prevailing winds, or the installation/maintenance of new infrastructure, that would exacerbate fire risk or expose project occupants to the uncontrolled spread of a wildfire, pollutant concentrations from a wildfire, post-fire slope instability, or post-fire flooding. Therefore, impacts would be less than significant.

**Mitigation Measures:** None Required.

**6.21. MANDATORY FINDINGS OF SIGNIFICANCE (CAL. PUB. RES. CODE §15065)**

A focused or full environmental impact report for a project may be required where the project has a significant effect on the environment in any of the following conditions:

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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)?

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

**Mandatory Findings Discussion:**

**6.21(a) (Degrade the Environment) Less Than Significant Impact:** The project is located within the Santa Rosa Urban Growth Boundary and potential impacts associated with its development have been anticipated by the City's General Plan and analyzed in the General Plan EIR. The project is consistent with the General Plan Land Use designation, goals, policies and programs. The proposed development would not adversely impact sensitive habitat, such as wetland or riparian areas, nor would the project result in significant impacts to special-status plant or wildlife species. With implementation of mitigation measures set forth above in air quality, biological resources, cultural resources, geology and soils, hazards/hazardous materials, hydrology and water quality, noise, and tribal cultural resources, as well as adherence to the City's uniformly applied development standards including the Grading and Erosion Control Ordinance and Outdoor Lighting Ordinance, the project's potential impacts to the quality of the environment would be reduced to levels below significance. As such, the project will not degrade the quality of the environment, reduce habitat, or affect cultural resources. Therefore, the project will have less than significant impacts due to degradation of the environment.

**6.21(b) (Cumulatively Affect the Environment) Less Than Significant With Mitigation:** The CEQA Guidelines defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or increase in environmental impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the proposed project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (Guidelines, Section 15355(a)(b)).

The analysis of cumulative impacts for each environmental factor can employ one of two methods to establish the effects of other past, current, and probable future projects. A lead agency may select a list of projects, including those outside the control of the agency, or, alternatively, a summary of projections. These projections may be from an adopted general plan or related planning document, or from a prior environmental document that has been adopted or certified, and these documents may describe or evaluate the regional or area-wide conditions contributing to the cumulative impact.

This Initial Study evaluates cumulative impacts using the General Plan EIR. Development of the proposed project, in combination with past, present, and future development in the City could result in long-term impacts to aesthetics, air quality, biological resources, cultural resources, greenhouse gases, transportation, and tribal cultural resources. Cumulative long-term impacts from development within the City were identified and analyzed in the City's General Plan EIR.

The proposed project is consistent with the City's General Plan land use designation for the site and the City's long-range plan for future development. The project will contribute to cumulative impacts identified in the City's General Plan EIR but not to a level that is considered cumulatively considerable. As described in **Sections 6.1 – 6.20** of this document, development of the In-N-Out Restaurant Project could potentially result in significant impacts; however, those impacts would be reduced to less-than-significant levels with implementation of mitigation measures. The implementation of mitigation measures identified throughout this Initial Study/Mitigated Negative Declaration would ensure that development of the proposed project would not be cumulatively considerable.

Concurrent construction of several projects within the vicinity of the proposed project could result in cumulative short-term impacts associated with construction activities. These include short-term impacts associated with aesthetics, air quality, biological resources, hazardous materials, water quality, land use, noise, traffic, public services, utilities, and service systems. While the mitigation measures identified throughout this document will reduce the proposed project's impacts to less-than-significant levels, should several projects be constructed at the same time as the proposed In-N-Out Restaurant Project, cumulative short-term impacts related to air quality, noise, and traffic would be potentially significant. In order to reduce cumulative impacts to less-than-significant levels, the project will require implementation of **Mitigation Measure CUM-1**. CUM-1 requires that the applicant coordinate the project's construction activities and construction schedule with the City to minimize the concurrent construction of projects in the vicinity of the subject property. Implementation of CUM-1 would ensure that short-term impacts of the proposed project would not be cumulatively considerable.

**6.21(c) (Substantial Adverse Effect on Humans) Less Than Significant Impact:** The project has the potential to result in adverse impacts to humans due to air quality, biological resources, cultural resources, geology and soils, hazards/hazardous materials, noise, and tribal cultural resources. With implementation of those mitigation measures set forth above, the project will have less than significant environmental effect that would directly or indirectly impact human beings onsite or in the project vicinity.

The project site is located in close proximity to existing and proposed sensitive receptors, including existing surrounding residential uses to the north and approved residential uses to the east of the project site. However, with implementation of mitigation measures set forth in the Air Quality and Noise sections, construction activities associated with development of the In-N-Out Restaurant Project would result in short-term air quality emissions and noise levels that fall below levels of significance and would cease once construction is finished. In addition to those mitigation measures set forth herein, the project will be conditioned to achieve city standards with respect to noise, safety, and drainage. Building and improvement plans will be reviewed to ensure compliance with applicable building codes and standards. With implementation of mitigation measures, conditions of approval, and uniformly applied development standards, the project does not present potentially significant impacts that may have an adverse effect upon human beings, either directly or indirectly. Therefore, the project will have less than significant impacts due to substantial adverse environmental effects affecting humans directly or indirectly.

***Mitigation Measure:***

**CUM-1.** The applicant shall coordinate the project's construction activities and construction schedule with the City to minimize the concurrent construction of projects in the vicinity of the subject property and ensure that overlapping road closures, periods of increased noise and dust generation are minimized.

## 7. REFERENCE DOCUMENTS

The following information sources were referenced in the preparation of this Initial Study/Mitigated Negative Declaration and are available for review online or at the City of Santa Rosa, Community Development Department, located at 100 Santa Rosa Avenue, Rm. 3, Santa Rosa, CA, 95402.

### 7.1. TECHNICAL APPENDICES

- A. Site Elevation, Design Review Board Submittal, dated June 2019
- B. Figures B-1 Through B-8, prepared by M-Group 2019
- C. 325 Yolanda Avenue Air Quality & Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, January 8, 2019 and In-N-Out Memo prepared by Illingworth & Rodkin, June 3, 2020
- D. Biological Constraints Analysis and Memo prepared by Monk & Associates, August 22, 2018 and January 4, 2019
- E1. Cultural Resources Memo, prepared by Evans & De Shazo, January 3, 2019
- E2. Cultural Resources Study, prepared by Evans & De Shazo, August 8, 2018 (Confidential)
- F. Preliminary Appendix E New Development Checklist, prepared by project Applicant, June 2019
- G. Phase I Environmental Site Assessment prepared by AEI Consultants, April 30, 2018
- G2. Phase I Environmental Site Assessment prepared by Partner Engineering and Science, Inc., August 3, 2018
- G3. Soils Management Plan prepared by Partner Engineering and Science, Inc., September 15, 2020
- H. Limited Phase II Subsurface Investigation prepared by AEI Consultants, June 18, 2018
- I. Revised Soil & Groundwater Management Plan and Health and Safety Plan, prepared by Environmental Geology Services, May 12, 2017
- J. Preliminary SWLIDS Report for In-N-Out Burger, prepared by MSL Engineering, November 16, 2018
- K. 325 Yolanda Avenue Environmental Noise and Vibration Assessment and In-N-Out Memo, prepared by Illingworth & Rodkin, January 17, 2019 and September 3, 2019
- L1. Transportation Memo prepared by W-Trans, June 11, 2020
- L2. Traffic Impact Study for the Yolanda Mixed-Use Project, prepared by W-Trans, February 7, 2019

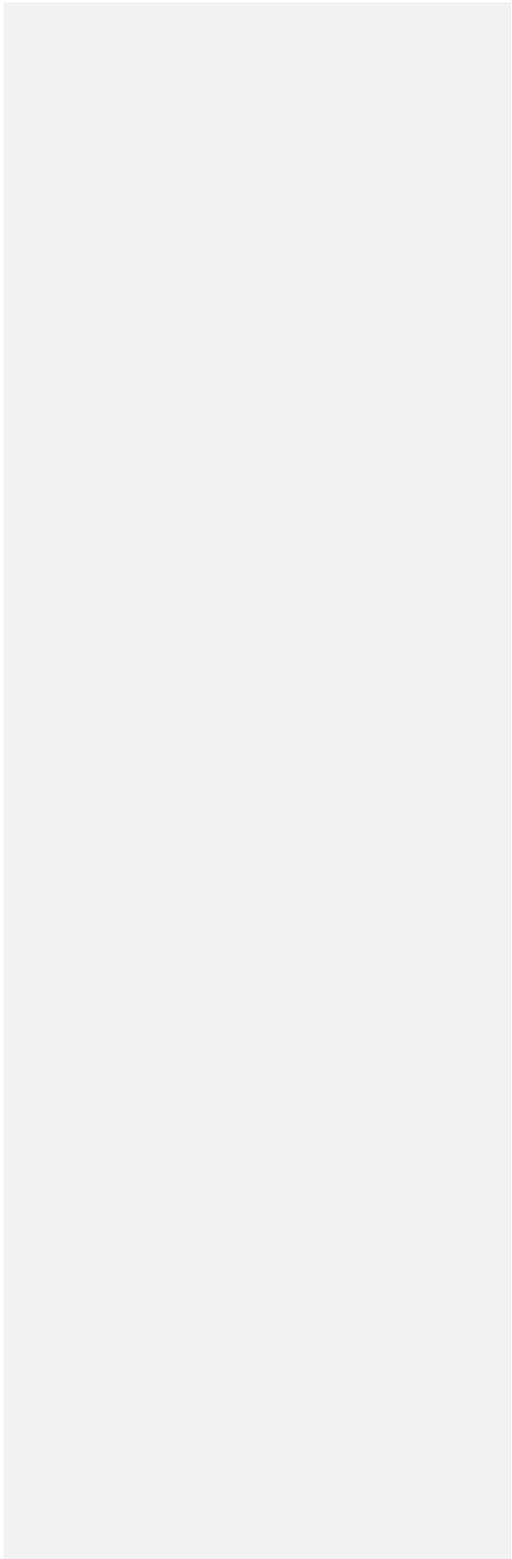
### 7.2. OTHER DOCUMENTS REFERENCED

- 1. Annex to 2010 Association of Bay Area Governments Local Hazard Mitigation Plan Taming Natural Disasters, adopted June 15, 2011
- 2. Association of Environmental Professionals, Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California, October 2016
- 3. Bay Area Clean Air Plan, prepared by the Bay Area Air Quality Management District, 2017
- 4. California Environmental Quality Act Air Quality Guidelines, prepared by the Bay Area Air Quality Management District, May 2017
- 5. California Scenic Highway Mapping System, <http://www.dot.ca.gov>
- 6. California Department of Conservation Farmland Mapping and Monitoring Program (FMMP)
- 7. California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0030, NPDES Permit No. CA0025054, October 8, 2015
- 8. Geotechnical Engineering Report, prepared by Terracon Consultants, Inc., Revised May 29, 2018
- 9. Santa Rosa 2015 Urban Water Management Plan, prepared by West Yost Associates, June 2016
- 10. Santa Rosa Citywide Creeks Master Plan, August 2013
- 11. Santa Rosa Climate Action Plan, prepared by the City of Santa Rosa, June 12, 2012

12. Santa Rosa General Plan 2035 prepared by the City of Santa Rosa, November 3, 2009
13. Santa Rosa General Plan Environmental Impact Report prepared by ESA, March 2009
14. Santa Rosa Groundwater Master Plan, prepared by West Yost Associates, September 2013
15. Santa Rosa Incremental Recycled Water Program, prepared by Winzler & Kelly, July 2007
16. Santa Rosa Local Hazard Mitigation Plan, 2016
17. Santa Rosa Municipal Code, Title 14 Potable and Recycled Water, Chapter 14-30 Water Efficient Landscape
18. Santa Rosa Municipal Code, Title 17 Environmental Protection, Chapter 17-24 Trees
19. Santa Rosa Municipal Code, Title 20 Zoning
20. Santa Rosa Plain Conservation Strategy prepared by U.S. Fish and Wildlife Service, December 2005
21. Santa Rosa Plain Recovery Plan prepared by the United States Fish and Wildlife Service, May 2016
22. Santa Rosa Sanitary Sewer System Master Plan Update, prepared by Arcadis, October 2014
23. Santa Rosa Water Master Plan Update, prepared by West Yost Associates, August 2014
24. Sonoma County Community Climate Action Plan, 2015
25. Sonoma County Transportation Authority, Moving Forward 2040 Sonoma County's Comprehensive Transportation Plan, September 2016
26. Sonoma County Water Agency 2015 Urban Water Management Plan, June 2016
27. Technical Advisory on Evaluating Transportation Impact in CEQA, prepared by Office of Planning and Research, November 2017
28. University of California Museum of Paleontology, Miocene Mammal Mapping Project (MioMap), <http://www.ucmp.berkeley.edu/miomap/>, Accessed August 21, 2018
29. Request for a Preliminary Jurisdictional Delineation, Aquatic Resources Delineation Report, prepared by Monk & Associates, September 20, 2018
30. Preliminary Jurisdictional Determination Letter, U.S. Army Corps of Engineers, November 15, 2018

---

**8. MITIGATION MONITORING AND REPORTING PROGRAM**



[PAGE INTENTIONALLY LEFT BLANK]

# Resolution 12045

Final Audit Report

2021-01-29

Created:	2021-01-29
By:	Mike Maloney (MMaloney@srcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAArUwjgtiVkwAEJcxzuLvrw8FYFmEanL3c

## "Resolution 12045" History

-  Document created by Mike Maloney (MMaloney@srcity.org)  
2021-01-29 - 4:50:11 PM GMT- IP address: 12.249.238.210
-  Document emailed to Patti Cisco (PCisco@srcity.org) for signature  
2021-01-29 - 4:51:17 PM GMT
-  Email viewed by Patti Cisco (PCisco@srcity.org)  
2021-01-29 - 4:52:23 PM GMT- IP address: 73.158.88.197
-  Document e-signed by Patti Cisco (PCisco@srcity.org)  
Signature Date: 2021-01-29 - 4:52:51 PM GMT - Time Source: server- IP address: 73.158.88.197
-  Document emailed to Andrew Trippel (atrippel@srcity.org) for signature  
2021-01-29 - 4:52:57 PM GMT
-  Email viewed by Andrew Trippel (atrippel@srcity.org)  
2021-01-29 - 5:16:17 PM GMT- IP address: 12.249.238.210
-  Document e-signed by Andrew Trippel (atrippel@srcity.org)  
Signature Date: 2021-01-29 - 5:16:24 PM GMT - Time Source: server- IP address: 12.249.238.210
-  Agreement completed.  
2021-01-29 - 5:16:24 PM GMT