

From: [hammoose](#)
To: [CityCouncilListPublic](#)
Subject: [EXTERNAL] Hearn Veterans Village
Date: Thursday, March 10, 2022 4:37:26 PM

City Council Members,

Hi. I've written to you multiple times expressing my concerns regarding the development of the Hearn Veterans Village project. As I've stated before...I am NOT opposed to this project, just the scope of the project, the lack of outreach to the surrounding neighborhood, the disregard of the professional experts our neighborhood community has hired to raise questions about the impact of the proposed development on the flora and fauna, the legal concerns our attorney has raised, and the seemingly lack of impact, (as determined by the City of Santa Rosa), this project will have on the vehicle, pedestrian, and cyclist traffic. In all honesty, it feel like this project was designed and pushed through before the neighbors were consulted or any opportunity for collaboration was past. Now it feels like we are trying to just have our voices heard. We are smart, educated people. Our concerns are serious and valid. This is not a case of "Not In Our Neighborhood". It's about doing what is right not only for the veterans, the overall City plan, AND, those who will be directly impacted by this development—us! To have the City Planners, the Planning Commission, and potentially the City Council, negate our research, the voices of experts in their field, (Biologist, Attorney), our existing quality of life, etc., does not build community or is conducive to a welcoming atmosphere for our new neighbors. I understand that you are under much pressure from the State of California and our community to provide more affordable housing and to deal with the homelessness problems, especially the veterans who served our Country. This must be challenging. What's the balance?

You have an opportunity to help make the Hearn Veterans Village a welcome reality in our neighborhood, not by pushing a development that does not fit within the character of the neighborhood, does not provide a good model for what our Rural Heritage (RH) designated lands could be preserved as, does not respect and preserve parts of the natural flora and fauna, disregards any feedback and perspective given by those who will be directly impacted by this development, disregards a professional Biologists analysis of the site and an Attorney's review of the legal standing, by scaling the scope of the project back. There is over 18,000 square feet of new development proposed, with at least thirty-three new residents.

Please look carefully and consider all of those who will be impacted. Thank you,

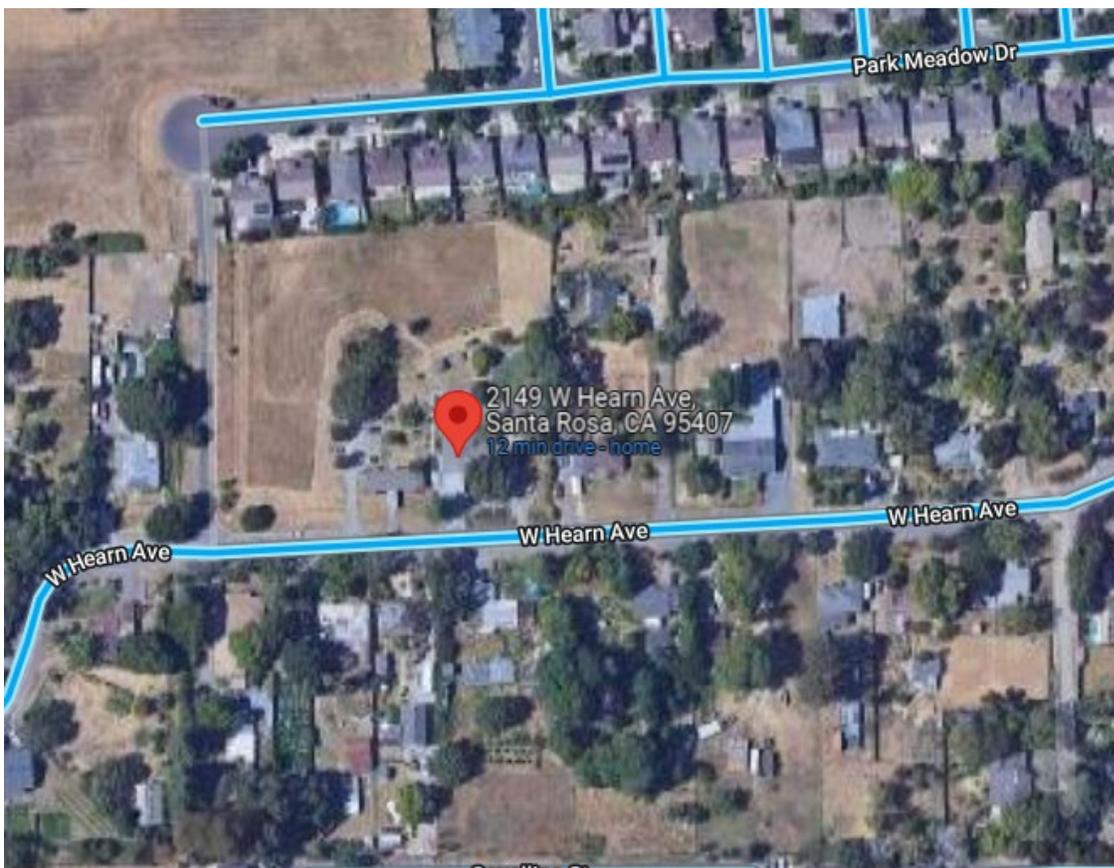
Paul Moosman
W. Hearn Avenue neighbor

From: [Lauren Fuhry](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Re: 2149 West Hearn
Date: Friday, March 11, 2022 11:29:27 AM
Attachments: [image.png](#)

Apologies for multiple emails. However I would also like to include a comment that this proposed development is surrounded by existing development on all four sides. This infill location is an ideal site for additional, badly needed affordable housing. Below image shows the proposed development address, with existing development surrounding it.

Sonoma County has a wonderful park system which allows for wildlife, vernal pools, carbon sinks. Small grassy plots surrounded by residential development *do not* significantly support wildlife or carbon sink efforts. The people of our community, on the other hand, would benefit greatly from the additional housing created by the 2149 West Hearn project.

I also imagine the developer is paying impact fees to the city, which can help support public improvements like pothole filling and repaving. Once again, I urge the council to reject this appeal!



On Fri, Mar 11, 2022 at 11:20 AM Lauren Fuhry <la.fuhry@gmail.com> wrote:

Good morning,

I would like to voice my support for this project. Santa Rosa has a special responsibility to ensure local veterans have access to quality housing. The Hearn Veterans Village would provide permanent supportive housing for up to 32 veterans and is therefore an important

part of fulfilling that responsibility. I strongly recommend the City Council follow the recommendation of the Planning Commission and the Planning and Economic Development Department, and *reject* this appeal.

Thank you,
Lauren Fuhry

██████████ Rd, Santa Rosa, CA 95405

From: [Rena](#)
To: [Alvarez, Eddie](#); [Sawyer, John](#); [MacDonald, Dianna](#); [Fleming, Victoria](#); [Rogers, Chris](#); [Schwedhelm, Tom](#); [Rogers, Natalie](#); [_CityCouncilListPublic](#)
Subject: [EXTERNAL] West Hearn Ave Heritage Neighborhood & proposed Hearn Veterans Village 3/15/22 planning Commission Appeal meeting
Date: Saturday, March 12, 2022 11:06:32 PM

Dear Mayor Rogers,

Vice Mayor Alvarez,

and

Council members; Rogers, Sawyer, MacDonald, Fleming & Schwedhelm,

THE PROJECT IS NOT CONSISTENT WITH THE CITY'S ZONING CODE of Santa Rosa & General Plan 2035 Land Use Diagram (October 18, 2016), the Project site is designated Very Low Density Residential which is intended to accommodate single-family detached units at a density of 0.2 to 2.0 dwelling units per acre.

2017 the adoption of its new designation; Rural Residential Heritage very Low Density designation: RR-20-RH

This zoning standard is specifically applied to the West Hearn Avenue neighborhood in which the Project is located.

This is an urgent matter!

Nature, endangered listed wild life, our natural world, rural street and community is being threatened!

Let me be clear...We as a neighborhood take seriously the issues that may impact our rural way of life in concert with all of nature! 2017 concluded the City's mandatory annexation of w. Hearn ave., and the adoption of its new designation; Rural Residential Heritage Low Density designation: RR-20-RH.

In light of this oversized development threat - of the CHSC Veteran's Village on West Hearn ave - to our Rural Residential Low Density Heritage Neighborhood, we have hired Rebecca L. Davis, Attorney with Lozeau Drury, and Shawn Smallwood PhD in Ecology with 35yrs experience to keep you, our City representatives informed of the miss doings of this

proposed project so far. Our Attorney's findings in concert with Dr. Smallwood in short are as follows...(please refer to and read their full briefs sent to you directly)

Re: Public Comment on Initial Study/Mitigated Negative Declaration for Hearn Veterans Village (City Project File # MIN21-001)

III. THE PROJECT IS NOT CONSISTENT WITH THE CITY'S ZONING CODE AND WILL CHANGE THE CHARACTER OF THE NEIGHBORHOOD. Per the City of Santa Rosa General Plan 2035 Land Use Diagram (October 18, 2016), the Project site is designated Very Low Density Residential which is intended to accommodate single-family detached units at a density of 0.2 to 2.0 dwelling units per acre. This designation was changed to Very Low Density Residential (allowing 0.2 to 2 units per acre) from Low Density Residential (allowing 2 to 8 units per acre) following lengthy negotiations between the City and the West Hearn Avenue residents prior to approval of the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Project. West Hearn Avenue residents wanted to ensure that the rural character of the neighborhood was maintained if annexation occurred. In addition to designating the area as Very Low Density Rural Residential, the City also agreed to create a "Rural Heritage combining district," which it applied to the neighborhood. The purpose of the Rural Heritage combining district is "to recognize, preserve, and enhance Santa Rosa's rural communities." Santa Rosa Mun. Code sec. 20-28.090(A). This zoning standard is specifically applied to the West Hearn Avenue neighborhood in which the Project is located. Id. at (C)(1). The Project violates both the spirit and the letter of the agreement and the Zoning Code. It would create eight new residential units (four primary residences and four ADUs) on 2.01 acres of land, creating a density of 4 units per acre, which is twice the maximum density permitted on land designated Very Low Density Residential. The Project's violation of the Very City of Santa Rosa Hearn Veterans Village MND June 7, 2021 Page 19 Low Density standard is a significant impact under CEQA because density standards are meant to avoid or mitigate a variety of environmental impacts. In addition, the Project will change the existing character of the neighborhood., which is distinctly rural. Every other property on this street has a single family home that is one-story on parcels of .5 acres, with houses ranging in size between 1,000 and 1,200 square feet. Most have small family farms that include sheep, goats, chicken, pigs, cows, and horses. In contrast, the proposed Project will include four main houses of 3,139 square feet, over two stories, with accessory units being 1,008 square feet. The Project buildings will be massive compared to the existing homes. The Project will house 37 people on 2 acres, or nearly double the population currently living on West Hearn. By violating the agreed upon land use designation, and failing to protect the rural character of the

neighborhood, the City and Applicant are acting in bad faith.

CONCLUSION The West Hearn Residents for Rural Integrity are not opposed to the type of use proposed. Instead, they are opposed to the density of the Project, its failure to maintain the character of the neighborhood, and the Project's environmental impacts, particularly impacts to the abundant wildlife that uses the Project site. Despite a willingness to discuss their concerns with the Applicant, over the past five years, the applicant never reached out to neighborhood residents. Instead, it waited until the proposal was complete, after decisions had already been made about density, location, mitigation, etc. Rather than asking for true input, the Applicant is now merely presenting the predetermined plan to neighbors. For the foregoing reasons, we respectfully request the City: 1. Prepare an EIR to address the MND's inadequacies, as described above; 2. Require the Applicant to resubmit the Project only once a new design is prepared that complies with the City of Santa Rosa's zoning requirements; 3. Direct the Applicant to undertake good faith discussions with the West Hearn Avenue Neighbors to resolve their concerns; 4. Postpone the Planning Commission's hearing on the Project until the above corrections have been made.

Below I have included my own brief...

A quick background:As you know, we are newly incorporated into the City of Santa Rosa, with the designation of Rural Residential Heritage Neighborhood. West Hearn Ave is one of those little know rural-gem neighborhoods built in the late 50's with a mix of 1/2 to 1acre+ parcels, on a dead end country style street, with a narrow old road and open drainage ditches and the natural tributary called Rosaland Creek running through it. For 27 years I have called this neighborhood community with all the wildlife, natural habitats and supportive close knit neighbors, my home.

Annexation: In 2017, the City of Santa Rosa adopted & created a new Rural Residential Heritage Low Density designation: RR-20-RH. Our neighborhood's annexation is in keeping with all the conditions of a rural quality of life, in concert with nature's beauty, riparian corridor, vernal pools, natural creeks and all the wild life and plant life supported by the rural nature of the area.

Neighborhood Protection:The City of Santa Rosa's new Rural Heritage (RR-20-RH) district designation is intended to reduce threats of urban renewal, and other federally funded projects. And, in more detail, it is aimed at controlling the size, quality, and scale of new construction in the district... thus protecting the character and quality of the area.

CHSC- Veterans Village:CHSC has an honorable vision: to create "... permeant supportive housing development for the homeless veterans."

CHSC's vision for, idea of, creating more permanent supportive housing

for these Veterans makes me wonder...?? ~How do we as an entire City Community support our Homeless Veterans, while maintaining the quality of our rural neighborhood's, & their natural resources and wildlife's natural habitats while supporting specific development needs? ~How do the developers and the greater community create a win-win outcome within a Low Density, Rural Residential Heritage Neighborhood designation? ~How does a property with not only 1, but 2 beautiful & naturally occurring vernal pools and the host of species dependent on them for survival co-exist, supporting each-other? ~How do we naturally coexist in harmony to support the greatest outcome on a property with specific zoning Characteristics? ~How do we support all its inhabitants, humans, animals and nature...? thus protecting the character and quality of the area for all to co-exist and enjoy?

These are questions worth considering! Don't you think?

Mitigation: I understand it is common practice to mitigate Habitats to build more buildings... but at what cost to the wildlife who depend on us? ~Have we all truly considered the full scope of this proposal, and how it will impact our little Rural-Heritage Neighborhood? ~What if we work with & protect these natural resources?...Use our innate genius to figure out a true win-win outcome for the people and animals that call this Rural-Heritage Neighborhood home!

In my humble opinion, there seems to be plenty of room on this proposed property to build a smaller facility in keeping with the City of Santa Rosa's adopted Rural Heritage (RR-20-RH) district designation and all that this designation supports and rejects with appropriate residential footprints (air & land), thus protecting and supporting the character and quality of the area for all. Vernal pools included!

Park meadow & Roseland Creek:We are located within the 100 year floodplain of the Laguna de Santa Rosa, where tributaries like the Rosalind Creek are naturally occurring, important and supportive to our local area's habitat. The proposed parking and opening up of the fire lane, aka Park Meadow dr., which is built right alongside Roseland Creek, was never meant to be a through road much less a driveway or parking lot.Using this for any type of constant traffic, parking or drive through has a detrimental impact on the wildlife & creek being contaminated directly by the high activity of cars and their oils, gas & liquids. These effluents will negatively affect the immediate area and those down line of the Creek tributaries.

Although it may look like a great option on paper, to use this existing fire road to expand the functionality for the proposed Village, but in actuality, it has disastrous consequences! We are smarter than that! And there are other solutions yet to be explored, more in keeping with the existing area.

West Hearn ave:Our little dead end rural street is not built for this type of increased traffic. It is old, tattered and narrow. As it is, when the service

trucks for the existing veteran's facility arrive, they block 1/2 the street to unload.

*****Please consider creating the entrance to the Veteran Village from Park Meadow dr. with its newer infrastructure and large turnaround which meets the fire road from the north and the southern boundary on West Hearn Heritage Road fire Gate can remain intact thus saving our country road from further ruin.***

Part of our natural habitats are supported by the simple open ditch type storm drains that effectively allow rain water to soak into the soil, replenishing our aquifers and the Laguna de Santa Rosa. Removing them is counter to the innate Rural habitat.

20-22.020 Purposes of the residential zoning districts.The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.**A. RR (Rural Residential) district.** The RR zoning district is applied to areas of the City intended to accommodate residential neighborhoods with compatible agricultural uses, but where the primary uses are residential, and compatible accessory uses. The maximum allowable density ranges from 0.2 to two dwellings per acre... The RR zoning district implements and is consistent with the Residential—Very Low Density along with the Rural Heritage land use classification of the General Plan.

Neighborhood Protection:the City of Santa Rosa's new Rural Heritage (RR-20-RH) district designation is intended to reduce threats of urban renewal, and other federally funded projects. And, in more detail, it is aimed at controlling the size, quality, and scale of new construction in the district... thus protecting the character and quality of the area.

My Conclusions:When CHSC chooses a site, it is not only about their project's end game vision and how it will affect their mission, bottom line & those few fortunate individuals that will benefit, but it is also about integrating the project into the existing area. Taking everything into consideration, including; animals, nature, our fresh water ways, and the existing Rural Heritage Neighborhood's people.

I welcome the Veterans to our neighborhood.

Done properly, and in accordance with the primary zoning RR-20-RH, (where uses are residential and designations control size, quality, and scale of new construction, to protect the character and quality of the area) the health and well being of these amazingly brave people will be served & supported as will the health and well being of the existing natural wildlife, habitat's & rural neighborhood and current residents. Done properly, this

Veteran's Village with-in the Rural Residential Heritage Low Density designated Neighborhood (RR-20-RH), -resplendent with natural beauty and resources- will create a supportive environment for our Veteran's to heal and have a beautiful place to call home! Just as the CHSC Veteran Village's honorable mission/vision states to create; "...permeant supportive housing development for the homeless veterans." as it works to impact individual lives, families, community health and safety.

Thank you for your kind attention to this matter. And being willing to think creatively & holistically for all involved! Albeit, perhaps a bit 'out-side the box'... But, oh...doesn't that feel good!?!

**Sincerely, Rena Radich
West Hearn ave Resident for Rural Integrity
[REDACTED], Santa Rosa, CA 95407**

"I firmly believe, from what I have seen, that this is the chosen spot of all this earth as far as Nature is concerned." Luther Burbank

From: [Lennie Moore](#)
To: [CityCouncilListPublic](#)
Cc: [Rebecca Davis](#); [Johanna Greenberg](#)
Subject: [EXTERNAL] Hearn Veterans Village Appeal addendum evidence
Date: Sunday, March 13, 2022 12:28:57 AM

Dear Councilmembers,

I wanted to include this as an additional piece of evidence for our Appeal to include in the record.

During the December 9th 2021 Planning Commission meeting comment period, CHSC Board member Shirlee Zane said the following comments:

 [ShirleeZaneComments_PlanningCommission_12-09-20...](#)

I found her comments unprofessional and extremely disrespectful towards our community. She completely and deliberately mischaracterizes the residents of West Hearn Ave., despite major evidence to the contrary. We have always supported the Hearn House Veterans, and will support any future Veterans living there. The issue isn't about whether they are Veterans. It is the size, scope and consequent environmental impact that we are concerned about, as we've stated numerous times.

We also support and love the many veterans who own properties here and have chosen to live a rural life on our street these many 50+ years or more. We support the many medical personnel who give their lives every day to keep our community healthy. They deserve just as much attention and support as any other hero.

Her calling us "immoral" and singling out a highly respected neighbor was out of line. My response is, really? Because we care about our neighborhood and our environment we're immoral?

Unfortunately, this is just another example of the bad faith behavior of this applicant and reinforces our position in this Appeal. CHSC's interests are not in being a good partner with our community.

Please consider this as you evaluate this applicant.

Sincerely,

--

Lennie Moore
www.lenniemoore.com



From: [Samantha Feld](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Public comment - March 15 - Veteran's housing on Hearn Ave
Date: Sunday, March 13, 2022 9:06:47 AM

To the City Council:

I live and work in Santa Rosa and I believe Santa Rosa has a special responsibility to ensure local veterans have access to quality housing. The Hearn Veterans Village would provide permanent supportive housing for up to 32 veterans and is therefore an important part of fulfilling that responsibility. I strongly recommend the City Council follow the recommendation of the Planning Commission and the Planning and Economic Development Department, and ***reject*** this appeal.

Thank you,

Samantha Feld
Santa Rosa, CA

From: [Maria Sisson](#)
To: [CityCouncilListPublic](#)
Subject: [EXTERNAL] Comments on Hearn Ave Housing
Date: Sunday, March 13, 2022 6:16:12 PM

To everyone in/at the City Counsel who needs to hear/see this:

I am writing you with the Great Hope that you would please respect the Annexation agreement you, the City of Santa Rosa, made with our street (West Hearn Ave), by respecting the ecosystem here, following environmental laws, and stop building multi family apartment housing on a rural street!!”

“We love our rural wildlife-filled street and life here and strongly feel it should not be disrupted with something as crucially out-of-place as the consideration of this project being forced on this little community at this time! There are so many other locations that will not scramble the ecosystem and our little island we are trying to maintain per our agreement with you on the Heritage(Grandfathered In)Annexation of this street.

Praying you can see beyond the dollar signs & motives of thinking we are not worthy of or the ease of displacing so much beautiful life here and allowing us to be heard in doing what's best for our community. Put yourselves in our place.....

Thank you in advance for taking into account and consideration the numerous ways this is so wrong.

Sent from Yahoo Mail on Android

Maria Sisson

[REDACTED]

Santa Rosa, CA 95407

In residence since 1976

From: [Brenda Fowler-hart](#)
To: [_CityCouncilListPublic](#)
Subject: [EXTERNAL] Hearn Veterans Village
Date: Sunday, March 13, 2022 8:00:56 PM

Hello, I am writing in regards to the Hearn Veterans Village that is being proposed at 2149 W. Hearn Ave. My husband is a 100% disabled, Purple Heart Vietnam Veteran, my nephew is a 100% disabled Iraq Veteran so I am not opposed to having a facility for Veterans living in our neighborhood that I have lived in for the last 35 years. We welcomed the 15 Veterans that are currently living in the Hearn House now and are proud to call them our neighbors, we are not NIMBY's, what I am opposed to is the current plans to house 36 Veterans in the monstrous buildings that are planned on being built on that site. In 2017 this neighborhood was designated as "Rural Heritage," to keep it in its natural state. How does this 24,000 sq. ft. facility fit in with our quaint little neighborhood. It doesn't. Please reconsider the size of this project and how it will impact the natural state of our neighborhood before approving these plans. Thank you, Brenda Fowler-Hart, [REDACTED] Ave.

From: [Sheikhali, Monet](#)
To: [Manis, Dina](#); [Maloney, Mike](#)
Subject: FW: [EXTERNAL] Hearn House
Date: Monday, March 14, 2022 9:49:13 AM

Good morning,

Please see the email below. Can you add it as a late correspondence for CC meeting?

Thanks,

Monet Sheikhali (she,her) | Senior Planner

Planning and Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543- 4698 | Fax (707) 543-3269 | msheikhali@srcity.org



Counter Hours

Monday/Tuesday/Thursday: 8 a.m. – 4:30 p.m.

Wednesday: 10:30 a.m. – 4:30 p.m. (No new permits are accepted after 3:30 p.m.)

Friday: 8 a.m. to noon (No new permits are accepted after 11:00 a.m.)

From: Sheikhali, Monet
Sent: Monday, March 14, 2022 9:48 AM
To: 'KIM PETERS' <luckybug2075@comcast.net>
Subject: RE: [EXTERNAL] Hearn House

Kim,

Thank you for your comments and concerns regarding the proposed four-lot subdivision for four single-family units with four accessory dwelling units.

The Traffic Division has reviewed the proposal and determined that the project would not result in any traffic impact. The access cannot be through Park Meadow because that access is only for emergency vehicles.

I will add your email as late correspondence to the packet to be reviewed by the City Council.

Thanks,

Monet Sheikhali (she,her) | Senior Planner

Planning and Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543- 4698 | Fax (707) 543-3269 | msheikhali@srcity.org



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Wednesday: 10:30 a.m. – 4:30 p.m. (No new permits are accepted after 3:30 p.m.)

Friday: 8 a.m. to noon (No new permits are accepted after 11:00 a.m.)

From: KIM PETERS <luckybug2075@comcast.net>

Sent: Sunday, March 13, 2022 10:14 AM

To: Sheikhal, Monet <msheikhali@srcity.org>

Subject: [EXTERNAL] Hearn House

I am writing regarding the Hearn House project. I am opposed to this project because of the loss of our rural neighborhood. To put a high density apartment complex on this small neighborhood and double the population in one project is for me heartbreaking! Having said that, I know you have heard for other neighbors who feel the same way. One of the most concerning things to me is the drastic increase in traffic this will bring. We have a very narrow lane with a road that has not been maintained well for the 42 years I have been here!

As we all want to be good neighbors and as your future tenants would like to be welcome instead resented, I can't say strong enough the access should be on Park Meadow Drive!!!!!! That has the infrastructure already in place and will not have the dreaded impact to us on West Hearn Ave.

This project has kept me up nights worrying about the future of my neighborhood and the safety of our pets and people walking down the street and the HUGE impact of added noise the traffic brings.

Please, please make the access off Park Meadow Drive!! PLEASE!

Kim Peters

██████████ Ave

From: [Sheikhali, Monet](#)
To: [Maloney, Mike](#); [Manis, Dina](#)
Subject: FW: [EXTERNAL] Appellant Letter re: Agenda Item 15.1 for 5/15 CC meeting - Hearn Veterans Village
Date: Monday, March 14, 2022 11:21:05 AM
Attachments: [2022.03.14 Appeal Comment on Addendum Hearn Vet. Village-Final.pdf](#)

Late correspondence.

Monet Sheikhali (she,her) | Senior Planner

Planning and Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543- 4698 | Fax (707) 543-3269 | msheikhali@srcity.org



Counter Hours

Monday/Tuesday/Thursday: 8 a.m. – 4:30 p.m.

Wednesday: 10:30 a.m. – 4:30 p.m. (No new permits are accepted after 3:30 p.m.)

Friday: 8 a.m. to noon (No new permits are accepted after 11:00 a.m.)

From: Rebecca Davis <rebecca@lozeaudrury.com>

Sent: Monday, March 14, 2022 10:59 AM

To: Rogers, Chris <CRogers@srcity.org>; Alvarez, Eddie <EAlvarez@srcity.org>; Sawyer, John <jsawyer@srcity.org>; MacDonald, Dianna <dmacdonald@srcity.org>; Fleming, Victoria <VFleming@srcity.org>; Schwedhelm, Tom <tschwedhelm@srcity.org>; Rogers, Natalie <NRogers@srcity.org>

Cc: Sheikhali, Monet <msheikhali@srcity.org>

Subject: [EXTERNAL] Appellant Letter re: Agenda Item 15.1 for 5/15 CC meeting - Hearn Veterans Village

Dear Mayor Rogers and Honorable Members of the City Council,

On behalf of Appellants West Hearn Residents for Rural Integrity, please find the attached letter in support of their appeal of the Hearn Veterans Village Project, listed as Agenda Item 15.1 on tomorrow's City Council Agenda. Please contact me if you have any questions.

Sincerely,

Rebecca Davis

Rebecca L. Davis
Lozeau | Drury LLP
1939 Harrison St., Suite 150
Oakland, CA 94612
P: 510.836.4200
F: 510.836.4205

rebecca@lozeaudrury.com

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T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
rebecca@lozeaudrury.com

March 14, 2022

Via Email

Mayor Chris Rogers
Eddie Alvarez, Vice Mayor
John Sawyer, Councilmember
Dianna MacDonald, Councilmember
Victoria Fleming, Councilmember
Tom Schwedhelm, Councilmember
Natalie Rogers, Councilmember
City of Santa Rosa
100 Santa Rosa Avenue
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crogers@srcity.org
ealvarez@srcity.org
jsawyer@srcity.org
dmacdonald@srcity.org
vfleming@srcity.org
tschwedhelm@srcity.org
nrogers@srcity.org

Monet Sheikhal, City Planner
City of Santa Rosa: Planning and Economic
Development Department
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404
Phone: (707) 543-4698
Email: msheikhal@srcity.org

**Re: Public Comment on Hearn Veterans Village (File # MIN21-001)
AGENDA ITEM 15.1**

Dear Mayor Rogers, Honorable Members of the City Council, and Ms. Sheikhal:

I am writing on behalf of West Hearn Residents for Rural Integrity (“West Hearn Residents”), including its members living on West Hearn Avenue and in the West Hearn Neighborhood regarding our appeal of the proposed Hearn Veterans Village Project proposed for 2149 West Hearn Avenue (“Project”) and the inadequacy of the Addendum to the 2016 Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Projects Final Environmental Impact Report (“Addendum”) prepared for the Project.

West Hearn Residents are appealing the Planning Commission’s decision approving the Project and adopting the Addendum. Through this letter, West Hearn Residents inform the City of Santa Rosa (“City”) that it may not approve the Project because it is inconsistent with the City’s General Plan and Zoning laws and because the Addendum violates CEQA.

These comments were prepared with the assistance of expert wildlife biologist Shawn Smallwood, Ph.D. West Hearn Residents previously submitted Dr. Smallwood’s review of the

mitigated negative declaration (“MND”), which was previously prepared for the Project and relied on the same biological analysis as the Addendum. Dr. Smallwood’s comment on the MND is attached hereto as Exhibit A (“Smallwood Comment”). Dr. Smallwood also reviewed the Addendum and the City’s responses to his comment on the MND. Dr. Smallwood’s reply to the City’s responses as well as his analysis of the Addendum is attached hereto as Exhibit B. Dr. Smallwood’s review of the Addendum found that the Addendum, like the MND, failed to adequately address the Project’s impacts to birds and other wildlife.

In addition to the inadequacy of the Addendum, the Project violates the City’s General Plan and Zoning law, and is inconsistent with the rural character of the neighborhood. Without adequate analysis and mitigation, the Project will have a real and significant negative impact on the lives of everyone living in the West Hearn neighborhood, as well as on the biological resources that make the historically rural neighborhood and Santa Rosa what it is.

PROJECT DESCRIPTION

According to the Addendum, the Project site is located on a 2.01-acre¹ parcel at 2149 West Hearn Avenue, in Santa Rosa, California. The Project site consists of two parcels (APN 134-011-012; -013). The larger of the two parcels (APN 134-011-012) is developed with a 17-bed transitional housing facility for veterans, including an existing 4,870 square foot building and a 1,405 square foot building. The City is currently processing a lot line adjustment (LLA20-009) for the larger of the two parcels (APN 134-011-012). The lot line adjustment will result in a 1.04-acre parcel for the existing housing facility, which would be operated separately from the proposed Project.

The Project would subdivide the remaining property into four individual lots ranging in size from 20,000 to 25,000 square feet. The Project includes four six-bedroom detached residential units and four two-bedroom detached accessory dwelling units, one of each type on each proposed lot. Each residential unit includes bedrooms, a kitchen sink and counter space, as well as individual bathrooms. A full kitchen, laundry room, living room, dining room, and office space are provided in each unit and will be shared among occupants. The six-bedroom residential units will be two stories, totaling 3,518 square feet, while the ADUs will be 1,130 square feet.² For comparison, most homes in the neighborhood are 1,000-1,200 square feet.

This development will provide housing for 32 residents, one onsite property manager, and four peer managers, for a total of 37 new residents, in addition to the 15 people currently residing at the Project site. The Project also includes onsite amenities such as a basketball court, gathering areas, parking, and landscaping.

¹ See discussion below at section I., *ante*, regarding lack of evidence that the site is actually 2.01-acres.

² <https://ch-sc.org/hearn-veterans-village/>.

The Project site is biologically-rich undeveloped land including non-native grassland, native valley oak, coast live oak, arroyo willow, Himalayan blackberries, poison oak, toyon, and coyote brush. Existing trees and shrubs include ornamental fruit trees, magnolia, palm, and walnut. The Project site also contains two vernal pools along West Hearn Avenue at the southwest portion of the site. Directly north of the Project site is an established wetland preserve, the North Point Mitigation Site.

The site is located within the critical habitat area for the California Tiger Salamanders, which has a high potential to occur on site and is listed as a federally endangered and state threatened species. Northwest of the Project site is a FEMA conservation site, which is an established habitat preservation area for rare and endangered plants and the California Tiger Salamander breeding and upland habitat.

For review of the Project pursuant to CEQA, the City is relying on an Addendum to the Final EIR prepared for the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Projects, which was certified by the City in 2016 (“2016 FEIR”). The 2016 FEIR analyzed environmental impacts associated with implementation of the Roseland Area/Sebastopol Road Specific Plan, associated General Plan and Zoning amendments, and annexation of five unincorporated County islands in southwest Santa Rosa. The Hearn Veterans Village Project site is located within the West Hearn Avenue annexation area for which the 2016 FEIR included an analysis of the change in land use from Low Density Residential to Very Low Density Residential. The 2016 FEIR concluded that the implementation of the Specific Plan and Annexation would result in significant and unavoidable impacts to traffic and cumulative air quality.

I. THE PROJECT VIOLATES THE CITY’S GENERAL PLAN AND ZONING ORDINANCE.

“The Legislature has mandated that every county and city must adopt a ‘comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.’” *Citizens of Goleta Valley v. Bd. of Sups.* (1990) 52 Cal.3d 553, 570 (quoting Gov. Code §65300). The Supreme Court has described the general plan as “the constitution for all future developments within the city or county.” (Id. [internal quotation marks omitted].) The “propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Citizens of Goleta Valley v. Bd. of Sups.*, 52 Cal.3d 553, 570 (1990). General plan consistency is “the linchpin of California’s land use and development laws; it is the principle which infused the concept of planned growth with the force of law.” (See *Debottari v. Norco City Council* (1985) 171 Cal.App.3d 1204, 1213.) Where a project is inconsistent with the general plan, the project cannot be approved. (See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal.App.3d at 1184.)

A. The Project Conflicts with the Site's Very Low Density General Plan Designation and Zoning Because County Records Demonstrate that the Acreage Owned by the Applicant is Less than that Claimed in the Addendum and Less Than What is Required to Construct the Project.

The Applicant is seeking a lot line adjustment that will create a 1.04-acre parcel for the existing transitional housing facility, and a separate parcel with 2.01 acres to be subdivided into four lots for the proposed Project. (Staff Report, p. 2.) Accordingly, the total acreage should amount to 3.05 acres. However, the Staff Report states: "The Gross Site Acreage (2.01 acres) results from a Lot Line Adjustment affecting Parcel 134-011-012 (2.49 acres) and Parcel 134-011-013 (0.62 acres)."³ (Id.) This amounts to 3.11 acres – not 3.05 acres. But the critical discrepancy is that both of these numbers are inconsistent with the County Assessor acreages which indicate that parcels 134-011-12 is 2.36 acres and 134-011-13 is 0.5743 acres, for a total of 2.9343 acres. A copy of the Parcel Report obtained from the City's Parcel Report website for each parcel can be found on the following two pages.

With a total of 2.9343 acres, when the Applicant's 1.04-acre lot line adjustment is complete, the Applicant will be left with a parcel size of only 1.8943 acres.⁴ Because the site is listed as Very Low Density Residential under the General Plan, four units on less than two acres would exceed the maximum density of 2 units per acre. Under this scenario, the Project cannot be approved without a use permit because it does not comply with the General Plan and Zoning requirements.

Further, when the total 1.8943-acres is converted to square feet, it amounts to only 82,515.81 square feet, while the tentative parcel map proposes four lots totaling 88,848 square feet. This discrepancy must be addressed.

Moreover, the Project's violation of the Very Low Density standard is a significant impact under CEQA because density standards are meant to avoid or mitigate a variety of environmental impacts. (See CEQA Guidelines Appendix G, Section X.b.)

Despite repeated requests, the City has not provided evidence that the minimum lot sizes needed to permit this Project are owned by the Applicant. Without any evidence that sufficient acreage is available, the Project is inconsistent with the City's General Plan and zoning and must be denied. (*DeVita v. Cty. of Napa*, 9 Cal. 4th 763, 803 (1995).)

³ No citation or evidence is provided to indicate where the City obtained these acreage numbers.

⁴ 2.9343 acres - 1.04 acres = 1.8943 acres.

Property Address: 2149 W HEARN AVE SANTA ROSA 95407
Assessor's Parcel Number (APN): 134-011-012



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Resources

- General Resources
 - Resilient City Permit Center & Rebuilding Information
 - Resilient City Fire Recovery
 - Permit Santa Rosa
 - Resilient City Recovery Maps

General

Associated Addresses

- 2149 W HEARN AVE SANTA ROSA 95407
- 2153 W HEARN AVE SANTA ROSA 95407
- 2155 1/2 W HEARN AVE SANTA ROSA 95407
- 2155 W HEARN AVE SANTA ROSA 95407

Pre-fire County Assessor Information
(October 2017 archived data is not current)

- County Land Use: ROOMING HOUSE, CONVENT, ETC
- Jurisdiction: COUNTY (ROSELAND ANNEXATION)
- Lot Acres: 2.3600
- Land Value: \$1,358,120.00
- Bldg Value: \$486,092.00
- Bldg Sq Ft: 6241
- Year Built: 1949
- Residential Units: 0
- Bedrooms: 12
- Bathrooms: 9
- Commercial Units: 4
- GIS Lot Acres: 2.5256
- GIS Sq Ft: 110015.1360
- Latitude: 38.41137212
- Longitude: -122.74643991

Current County Assessor Information

- County Land Use: ROOMING HOUSE, CONVENT, ETC
- Tax Area: 004313
- Jurisdiction: SANTA ROSA
- Recording#: 2008R013240
- Rec Date: 02/15/2008
- Lot Acres: 2.3600
- Land Value: \$1,456,177.00
- Bldg Value: \$521,187.00
- Bldg Sq Ft: 6241
- Year Built: 1949
- Residential Units: 0
- Bedrooms: 12
- Bathrooms: 9
- Commercial Units: 4
- GIS Lot Acres: 2.5256
- GIS Sq Ft: 110015.1360
- Latitude: 38.41137212
- Longitude: -122.74643991
- Census Tract: 153300
- Census Block: 4056
- Street Sweep:
- Elementary School: MEADOWVIEW, KAWANA, TAYLOR MOUNTAIN & BELLEVUE

Got Questions?

Resilient City Permit Center: (Fire Recovery Area) 707-543-4649 rebuild@srocity.org	Planning & Development Permit Center: 707-543-3200	Fire Department Permit Center: 707-543-3500 FDpermits@srocity.org
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Resilient City Parcel Report

Print Report

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Property Address: 0 W HEARN AVE SANTA ROSA 95407
 Assessor's Parcel Number (APN): 134-011-013



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 - [Resilient City Fire Recovery](#)
 - [Permit Santa Rosa](#)
 - [Resilient City Recovery Maps](#)

General

Associated Addresses

Pre-fire County Assessor Information

(October 2017 archived data is not current)

County Land Use: VACANT RESIDENTIAL LOT/UNDEVEL
 Jurisdiction: COUNTY (ROSELAND ANNEXATION)
 Lot Acres: 0.5743
 Land Value: \$22,742.00
 Bldg Value: \$0.00
 Bldg Sq Ft.: 0
 Year Built: 0
 Residential Units: 0
 Bedrooms: 0
 Bathrooms: 0
 Commercial Units: 0
 GIS Lot Acres: 0.5366
 GIS Sq Ft.: 23374.2960
 Latitude: 38.41133147
 Longitude: -122.74717206

Current County Assessor Information

County Land Use: VACANT RESIDENTIAL LOT/UNDEVEL
 Tax Area: 004313
 Jurisdiction: SANTA ROSA
 Recording#: 2009R069547
 Rec. Date: 07/15/2009
 Lot Acres: 0.5743
 Land Value: \$23,845.00
 Bldg Value: \$0.00
 Bldg Sq Ft.: 0
 Year Built: 0
 Residential Units: 0
 Bedrooms: 0
 Bathrooms: 0
 Commercial Units: 0
 GIS Lot Acres: 0.5366
 GIS Sq Ft.: 23374.2960
 Latitude: 38.41133147
 Longitude: -122.74717206
 Census Tract: 153300
 Census Block: 4056
 Street Sweep: 0
 Elementary School: MEADOWVIEW, KAWANA, TAYLOR MOUNTAIN & BELLEVUE

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 (Fire Recovery Area)
 707-543-4649
 rebuild@sricity.org

Got Questions?
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B. County Records Demonstrate that the Applicant is Relying on Land Owned by Neighboring Property Owners.

In addition to the size of the lots, there is also a discrepancy as to where the property boundary lies between the Applicant's property and the properties located directly east of the Project site. Nearly every map, including the City's records and the proposed Tentative Parcel Map, show that the Project site's boundary goes well beyond the neighboring property-owner's property line and fence, which has been in place for over 20 years. (See, e.g. Addendum, pp. 13 and 19.) The image on the following page is taken directly from the Addendum (page 19) and indicates the Project site boundary falls on the other side of the neighboring properties' fence lines. Indeed the Applicant's own survey map prepared by BKF surveyors clearly indicates the Project boundary going over the exiting neighboring fence line. A copy of the Tentative Parcel Map is attached hereto as Exhibit C and is attached as Attachment 3 to the City Council for Agenda Item 15.1.

These maps indicate that the Applicant is relying on land owned by neighbors in order to make up the supposed total acreage needed for the Property. As previously stated, if the Applicant does not actually own the full stated acres, it does not have the acreage required to build all four of the proposed housing structures and accompanying ADUs. This issue must be resolved prior to approving the Project.

Moreover, if the Applicant is claiming to own land on the east side of the neighbors' fence, this too would not suffice, as the long-standing doctrine of adverse possession has almost certainly rendered the land on the other side of the fence as part of the neighboring property owners' land. (See Cal. Code Civ. Proc. §§ 318, 325, 328.)

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FIGURE 5



II. THE PROJECT'S ADDENDUM VIOLATES CEQA.

A. CEQA LEGAL STANDARD

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment. (Pub. Res. Code § 21082.2; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) (“*Laurel Heights IP*”) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.)

1. Tiering Under CEQA

CEQA permits agencies to ‘tier’ CEQA documents, in which general matters and environmental effects are considered in a document “prepared for a policy, plan, program or ordinance followed by narrower or site-specific [environmental review] which incorporate by reference the discussion in any prior [environmental review] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR].” (Cal. Pub. Res. Code (“PRC”) § 21068.5.) “[T]iering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous [environmental reviews].” (*Id.* § 21093.) CEQA regulations strongly promote tiering of environmental review.

“Later activities in the program must be examined in light of the program [document] to determine whether an additional environmental document must be prepared.” (14 CCR § 15168(c).) The first consideration is whether the activity proposed is covered by the program. (*Id.* § 15168(c)(2).) If a later project is outside the scope of the program, then it is treated as a separate project and the previous environmental review may not be relied upon in further review. (See *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320–21.) The second consideration is whether the “later activity would have effects that were not examined in the program.” (14 CCR § 15168(c)(1).) A program environmental review may only serve “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project” (*Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [quoting *Citizens for Responsible Equitable Env'tl. Dev. v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615].) If the program environmental review does not evaluate the environmental impacts of the project, a tiered [CEQA document] must be completed before the project is approved. (*Id.* at 1184.)

For these inquiries, the “fair argument test” applies. (*Sierra Club*, 6 Cal.App.4th at 1318; see also *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1164 (“when a prior EIR has been prepared and certified for a program or plan, the question for a court reviewing an

agency's decision not to use a tiered EIR for a later project 'is one of law, i.e., 'the sufficiency of the evidence to support a fair argument.'" [quoting *Sierra Club*, 6 Cal.App.4th at 1318].) Under the fair argument test, a new EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact. (*Sierra Club*, 6 Cal.App.4th at 1316 [quotations and citations omitted].) When applying the fair argument test, "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (*Id.* at 1318.) "[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence." (*Id.* at 1319.)

2. Preparation of an Addendum Under CEQA

In contrast to tiering, which applies when a *programmatically* EIR has been certified, where a lead agency previously certified an EIR for a *project*, CEQA's subsequent review provisions determined when "[a] subsequent EIR shall be prepared for *that project*." (14 CCR 15162 [emphasis added].) Based on CEQA's subsequent review provisions, the City prepared an Addendum to the previously certified 2016 FEIR.

In addition to being improper when a prior EIR has not been prepared for a specific project, an addendum is also not appropriate when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to **the involvement of new significant environmental effects or a substantial increase** in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) **New information of substantial importance**, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have **one or more significant effects not discussed in the previous EIR or negative declaration**;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) **Mitigation measures or alternatives which are considerably different**

from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(14 CCR § 15162.)

B. UNDER CEQA’S TIERING PROVISIONS, THE PROJECT REQUIRES AN EIR—NOT AN ADDENDUM—BECAUSE THE PROJECT MAY RESULT IN SIGNIFICANT ENVIRONMENTAL IMPACTS THAT WERE NOT PREVIOUSLY ANALYZED IN THE 2016 FEIR.

In preparing an Addendum to the 2016 EIR, the City improperly relied upon CEQA’s subsequent review provisions (PRC § 21166; 14 CCR §§ 15162, 15164). The 2016 FEIR is not a project-specific document, and it did not analyze *this Project*. Rather, the 2016 FEIR describes itself as a “program EIR pursuant to CEQA Guidelines Section 15168” (“PEIR”) (DEIR, 1.0-1) that analyzed the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Projects. As such, an Addendum to the EIR is not appropriate.

Instead, CEQA’s tiering standards are applicable. Under those standards, the first question to ask is whether the project is within the program analyzed in the programmatic EIR. (14 CCR § 15168(c)(2).) If not, then it is treated as a separate project and the previous environmental review may not be relied upon in further review. (*See Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320–21.)

Here, no specific project has ever been proposed for the Project site. Instead, without analyzing any specific project, the 2016 EIR merely analyzed a *reduction* in the Project site’s land use designation from Low Density Residential to Very Low Density Residential. The 2016 EIR never contemplated this Project and never analyzed its environmental impacts. Because, as discussed below, there is a fair argument that the Project will result in impacts not analyzed in the 2016 FEIR, an EIR is required. (*See Sierra Club v. Cnty. of Sonoma* (1992) 6 Cal.App.4th 1307, 1318 [in reviewing an agency’s decision whether to prepare a tiered EIR, the “fair argument” test applies].) But even if the subsequent review provisions did apply – which they do not – an EIR would still be required because there is substantial evidence of new impacts not previously analyzed in the 2016 EIR.

1. An EIR is required Because there is Substantial Evidence Supporting a Fair Argument that the Project Will Have Significant Impacts on Environmental Resources that the EIR and Addendum Fail to Adequately Analyze and Mitigate.

- i. The EIR and Addendum are both incomplete and inaccurate in its characterization of the environmental setting as it relates to wildlife.

The evening of June 1, 2021, Dr. Smallwood visited the project site and its vicinity and performed a reconnaissance-level survey of wildlife in the area of the Project. Ex. A, p. 1. His notes and photographs of special status and other species seen during his site visit are included in his attached comments. For three hours, Dr. Smallwood walked the western perimeter with binoculars, stopping periodically to perform visual scans for vertebrate wildlife. *Id.* During that brief visit, he observed the presence of 34 species of vertebrate wildlife at the Project site. *Id.* at 2. Of the species he observed, 7 were special-status species. *Id.* He observed a red-shouldered hawk, white tailed kite, Nuttall's woodpecker, willow flycatcher, Oak titmouse, and San Francisco common yellowthroat, among other species. Dr. Smallwood described the site's vegetation cover as consisting of grassland with a dense cluster of oaks and willows in its interior, and shrubs, and bordered by a remnant streambed to the west. *Id.* at 1. He observed "Evidence of breeding was abundant. The site is rich in wildlife." *Id.* at 2. Dr. Smallwood also forecasted that had he stayed at the project site longer, or conducted surveys at different times of day, he could have observed many additional species. *Id.* at 6-8.

Dr. Smallwood first notes that the biological resources survey conducted by WRA Environmental Consultants ("WRA") was missing "the most basic information" necessary for the public and decision-makers to adequately assess the Project's impact on biological resources. *Id.* at 9. Specifically, Dr. Smallwood states that the survey should have included information on the time of day the survey took place and how long the biologists were on site. *Id.* at 9. This lack of information about the details of WRA's survey also meant that Dr. Smallwood was unable to assess why the WRA found such a small number of species in their survey – WRA reported that its two biologists – who had direct access to the site - detected only 7 species, while Dr. Smallwood detected 34 species in only three hours on the perimeter of the site. *Id.* Based on the limited information, Dr. Smallwood concludes that "WRA's (2020) findings regarding wildlife are not credible." *Id.* (emphasis added.)

The WRA survey seems to acknowledge its inadequacy, adding the caveat that "The reconnaissance-level site visit was intended only as an evaluation of on-site and adjacent habitat types, and no special status animal species surveys were conducted as part of this effort." WRA, p. 13. As Dr. Smallwood explains, "no detection surveys were performed; and by detection surveys I mean the types of surveys that were formulated by species' experts and natural resource agencies to ensure reasonable likelihood of detection at reasonable cost. Detection surveys have been developed to detect a species that is present, to support absence determinations, and to inform preconstruction surveys to minimize take and to inform compensatory mitigation. Detection survey protocols are available for California tiger salamander, burrowing owl, Swainson's hawk, and multiple other special-status species with potential to occur at the site." Smallwood, Ex. A, p. 9.

The unreliability of the WRA report was bolstered by Dr. Smallwood's review of WRA's list of potentially occurring species. Smallwood, Ex. A., p. 10. Multiple species and subspecies were considered even though they do not occur in the region. *Id.* For example, "WRA also misapplied the US Fish and Wildlife Service's lists of Bird Species of Conservation Concern, including species that are listed for other regions of the USA." *Id.* at 10.

Dr. Smallwood also found error in the literature and database reviews conducted by WRA regarding potentially occurring species. *Id.* Dr. Smallwood identified 63 special-status species of vertebrate wildlife with the potential to use the Project site. *Id.* at 10-13. He formulated this list based on his own observations, and by reviewing eBird and iNaturalist for sighting records in the area. Of the 63 species on his list, 15 have either been seen on the Project site or on a directly adjacent property. *Id.* at 10. Particularly troubling, Dr. Smallwood explained:

WRA considered the occurrence potential of only a third of these 15 species documented on or next to the site, and of the 5 species considered, WRA determined 3 to have no potential (white-tailed kite, Nuttall’s woodpecker, and San Francisco common yellowthroat) and one to have low potential (Cooper’s hawk). The biologists who visited the site saw Cooper’s hawk next to it, and yet WRA still determined it has only low potential to occur. They were aware of the white-tailed kites, and yet WRA still determined the species has no occurrence potential. These determinations defy reality.

Smallwood, p. 10 (emphasis added).

Overall, WRA determined the occurrence potential for only 18 (29%) of the 63 species Dr. Smallwood listed, and for nearly every one of those 18 species, WRA determined the species to have no occurrence likelihood. Smallwood, p. 10. “These determinations are inconsistent with my own experience and with the occurrence records that are publicly available on data bases of sightings records.” *Id.*

Every CEQA document must start from a “baseline” assumption. The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. *Communities for a Better Env’t. v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Unfortunately, the 2016 EIR does not contain additional information about wildlife at the Project site, and the Addendum’s failure to explain the details of their survey resulted in an unclear baseline. An unclear baseline such as the one used by the City here ultimately “mislead[s] the public” by engendering inaccurate analyses of environmental impacts and mitigation measures for biological resources. *See San Joaquin Raptor Rescue Center*, 149 Cal.App.4th 645, 656; *Woodward Park Homeowners*, 150 Cal.App.4th 683, 708-711.

- ii. The EIR and Addendum’s biological resources section premised its conclusions about possible impacts on overly narrow characterizations of California Tiger Salamander habitat.

The first flaw that Dr. Smallwood found was in the Addendum’s discussion of the California tiger salamander (“CTS”) and its conclusion that the CTS would likely not be impacted. The Addendum admits that the Project is located within the CTS’s designated critical habitat. However, the Addendum concluded that the Project site was only suitable for upland habitat and not breeding habitat because “Suitable breeding habitat for CTS are water bodies that typically support inundation during winter/spring and hold water for a minimum of 12

consecutive weeks in a year of average rainfall, which results in water remaining until May or longer. None of the drainage ditches within the proposed project area supported that type of ponding.” WRA, p. 26. Dr. Smallwood points out numerous problems with this conclusion.

The first problem with WRA’s conclusion is that “its characterization of ponding on the site was based on a single site visit in late April during a drought year.” Smallwood, p. 14. Dr. Smallwood has monitored many ponds for CTS. *Id.* In one study, he monitored 64 ponds for CTS over two years. *Id.* “Whether ponds remained inundated through May varied between years. In the second year I found CTS larvae in ponds that did not remain inundated through May of the previous year. Therefore, ponds that were dry when WRA visited them in April 2020 could be inundated in another year, and they could support CTS. A single site visit is insufficient for determining the potential of the site for supporting breeding CTS.” Smallwood, p. 14.

Dr. Smallwood also disagrees with WRA’s conclusion that “The mitigation will be purchased from a mitigation bank that is within the Critical Habitat for the species. Therefore, no net loss of CTS Critical Habitat will occur.” Smallwood, p. 14. He explains that “The habitat that would be purchased in a conservation bank already exists. The loss of habitat at the project site will not be replaced by new habitat. Therefore, a net loss of habitat will occur.” Smallwood, p. 14.

Overall, Dr. Smallwood concludes that “WRA’s characterization of the wildlife community at the project site was grossly incomplete and misleading. A fair argument can be made for the need to prepare an EIR to more appropriately characterize the environmental setting, analyze impacts and formulate mitigation measures.” Smallwood, p. 14. Dr. Smallwood’s comments constitute substantial evidence supporting a fair argument that the Project may have significant impacts on biological resources that were not analyzed in the 2016 EIR or the Addendum. An EIR is required.

2. An EIR is required because the Project will have significant impacts on birds from collisions with windows that were not previously analyzed in 2016 FEIR.

Neither the Addendum nor the 2016 FEIR addressed the impacts to birds from collisions with glass windows. Due to the special-status species of birds that are known/likely to occur at or near the Project site, the impact that the Project may have on these species should be addressed. Analyzing the potential impact on wildlife of window collisions is especially important because “[w]indow collisions are often characterized as either the second or third largest source of human-caused bird mortality.” (Ex. A, p. 16.) Nevertheless, the Project’s amount of glass façades and panels are inconsistent with the Bird-Safe guidelines reviewed by Dr. Smallwood. As a result, the impacts to birds from window collisions remain potentially significant, unaddressed, and unmitigated by the Addendum.

Dr. Smallwood reviewed a number of studies in order to calculate the number of bird collisions per m² of glass windows per year. (Ex. A, p. 16.) According to his calculations, each

m² of glass would result in 0.073 bird deaths per year. (*Id.*) Based on the estimated 368 m² of glass windows and the 0.073 bird deaths per m² of glass windows, Dr. Smallwood estimates that the project could result in 27 bird deaths per year, which would continue until the homes were either renovated to reduce bird collisions, or demolished. (*Id.*)

To mitigate these impacts, Dr. Smallwood suggests adherence to available guidelines on building design intended to minimize collisions hazards to birds, such as those by the American Bird Conservancy (“ABC”). (Ex. A, p. 19.) ABC recommends: (1) minimizing use of glass; (2) placing glass behind some type of screening (grilles, shutters, exterior shades); (3) using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) turning off lights during migration seasons. (*Id.*) Dr. Smallwood also suggests that the City look to the guidelines developed by the City of San Francisco, based on guidelines produced by the New York City Audubon Society, to minimize injuries and fatalities to bird species. (*Id.*)

Because the Addendum and 2016 FEIR did not address this impact, Dr. Smallwood’s analysis provides substantial evidence of a fair argument that the Project will have a significant impact on special status birds from window collisions. As such, the City must prepare an EIR to analyze, disclose, and mitigate this impact.

3. The 2016 EIR and Addendum fail to complete a full analysis of the degree of habitat loss that would occur on the Project site, and ignore substantial evidence that the Project will have significant impacts on wildlife from loss of reproductive capacity that were not previously analyzed in the 2016 FEIR.

Neither the EIR nor the Addendum analyze the lost reproductive capacity of birds that would result from the loss of 2.01 acres of habitat through construction of the Project. (Ex. A, p. 14.) While habitat loss results in the immediate decline in birds and other animals, it also results in a permeant loss of reproductive capacity. (*Id.*) Dr. Smallwood cites two studies that show that total bird nesting densities were between 32.8 and 35.8 nests per acre, for an average of 34.3 nests per acre. (*Id.*) When multiplied by the Project’s 2.01 acres of habitat that would be lost, Dr. Smallwood predicts a loss of 200 fledglings per year. (*Id.*) This loss would repeat each year. (*Id.*) Based on an average of 2.9 fledglings per nest, and an average generation time of 5 years, “the project would deny California 22,760 birds over the next century due solely to the loss of terrestrial habitat.” (*Id.* at p. 15.)

Because the Addendum and 2016 FEIR did not address this impact, Dr. Smallwood’s analysis provides substantial evidence of a fair argument that the Project will have a significant impact from loss of reproductive capacity. As such, the City must prepare an EIR to disclose and mitigate this impact.

4. An EIR is required because the Project will have significant impacts on wildlife from house cat predation that were not previously analyzed in the 2016 FEIR.

Neither the Addendum nor 2016 FEIR addressed the impacts on wildlife as a result of house cats that may be brought to the Project site by future residents. House cats are one of the largest sources of avian mortality in North America. (Ex. A, p. 17.) Studies show that in the US alone, an estimated 139 million house cats killed an estimated 16.95 billion vertebrate wildlife annually. (*Id.*) Dr. Smallwood made the following calculations based on average cat ownership in the US:

In 2012 there were 0.44 house cats per human, and 122 vertebrate animals were killed per cat, free-ranging members of which killed disproportionately larger numbers of vertebrate wildlife. According to the IS/MND, the proposed project would add 32 new residents and 5 staff. The above rates applied to 37 new residents/staff **would add 16 cats, which would kill 1,952 vertebrate wildlife per year.**

(*Id.*)

Going beyond just the averages, Dr. Smallwood notes that during his three hour site visit, he observed three house cats hunting for wildlife on the Project site, one of which captured a pocket gopher. This observation led Dr. Smallwood to conclude, “Even now, free-roaming house cats are taking a toll on wildlife at the project site. Adding more cats would intensify the impacts.” (*Id.*)

Because the Addendum and 2016 FEIR did not address this impact, Dr. Smallwood’s analysis provides substantial evidence of a fair argument that the Project will have a significant impact from house cat predation. As such, the City must prepare an EIR to disclose and mitigate this impact.

C. THE PROJECT REQUIRES AN EIR—NOT AN ADDENDUM—BECAUSE NEW INFORMATION SINCE 2016 DEMONSTRATES THAT THERE HAVE BEEN SUBSTANTIAL CHANGES IN CIRCUMSTANCES SINCE CERTIFICATION OF THE 2016 EIR.

Even if the City was not required to tier from the 2016 programmatic FEIR, an addendum would still violate CEQA because new information since the 2016 FEIR was prepared demonstrates that there have been substantial changes in circumstances necessitating an EIR.

Dr. Smallwood identified two significant changes in circumstances that warrant the preparation of an EIR for the Project rather than an Addendum. (Ex. B, p. 15.) First, the California Migratory Bird Protection Act was not enacted until 2019, when the governor signed AB 454. (*Id.*) AB 454 amended the Fish & Game Code section 3513 to read,

It is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act.

(*Id.*) This is new information since the 2016 FEIR, yet the Addendum makes no mention of the California Migratory Bird Protection Act nor does it incorporate the Act into its analysis. Due to this new information, an EIR is necessary in order to adequately assess the Project's impacts to the species protected under the California Migratory Bird Protection Act, which were not addressed in the 2016 FEIR or Addendum

Second, it was not until 2019 that new scientific research reported a 29% loss of overall bird numbers across North America during the preceding 48 years. (Ex. B, p. 15.) This new information, which became available after certification of the 2016 FEIR, demonstrates the precarious position that countless wildlife find themselves in and underscores the importance of preserving habitat to the extent possible for these species. As Dr. Smallwood explains, even the removal of 2.01 undeveloped acres results in taking another 3% to 5% of a typical species breeding habitat. (*Id.* at pp. 1-2.) The severity of the decline of the North American avian population was not known in 2016 and could not be incorporated into the analysis provided by the 2016 FEIR. As such, the City must prepare an EIR to disclose this new information and to reassess the Project's impacts to biological resources in light of this new information.

D. THE ADDENDUM'S CONCLUSIONS ABOUT THE PROJECT'S IMPACTS TO BIOLOGICAL RESOURCES ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

West Hearn Residents for Rural Integrity's previous comment on the now-abandoned MND described in detail the shortcomings of the biological report prepared for the Project by Wildlife Research Associates ("2020 WRA Report"). To the extent that the Addendum relies on the 2020 WRA Report in its analysis of the Project's impacts on biological resources, West Hearn Residents incorporate their prior comment and the prior analysis of Dr. Smallwood. Specifically, the 2020 WRA Report failed to provide substantial evidence by (1) failing to establish an accurate baseline for sensitive biological resources, (2) improperly analyzing the Project's impacts on wildlife movement, and (3) failing to analyze the Project's cumulative impact on biological resources.

Dr. Smallwood's review of the Addendum found that the 2020 WRA Report and the subsequent survey performed by WRA in 2021 ("2021 WRA Report") still fail to provide the requisite substantial evidence needed to support the Addendum's conclusions. As Dr. Smallwood concluded, "[T]he biological resources assessment inadequately characterizes existing site conditions . . . [and] the evaluations that are claimed to have been performed were either not performed or their findings inadequately reported." (Ex. B, p. 16.)

First, WRA's attempt to evaluate small mammal burrows on the Project site was inadequate. (Ex. B, p. 16.) The 2020 WRA Report's sole evaluation of small mammal burrows "consisted of the phrase, 'evidence of which [pocket gophers] was observed primarily on the west side of the parcel (Fig. 7),' where Fig. 7 depicted a plugged burrow of a pocket gopher." (*Id.*) The 2021 WRA Report made no further attempt to describe the distribution of pocket gophers on the Project site. (*Id.*) The WRA reports made no attempt to quantify the number of small animal burrows or even to make a qualitative analysis beyond disclosing that burrows were observed "on the west side". (*Id.*)

Second, the 2020 WRA Report seemingly made no attempt to detect birds nesting on the Project site. (Ex. B, p. 16.) The 2021 WRA Report did identify eight bird species over the course of four person-hours, however, this number is shockingly small given the fact that Dr. Smallwood detected *thirty* bird species over the course of only three person-hours. (*Id.*) The WRA reports fail to identify several species observed by Dr. Smallwood including white-tailed kite, red-shouldered hawk, Nuttall's woodpecker, willow flycatcher, and San Francisco common yellowthroat. (*Id.*) The WRA reports also failed to identify several species that were recently added to the US Fish and Wildlife Service's list of Birds of Conservation Concern and have been observed in the Project area, including northern harrier, western screech-owl, wrentit, California thrasher, and Bullock's oriole.

Third, although the Addendum recognized that the Monarch butterfly was designated a Candidate species for listing under the federal Endangered Species Act in 2020 (four years after certification of the 2016 FEIR), WRA's analysis for the Monarch butterfly was inadequate. As Dr. Smallwood explains, "The time to survey for Monarchs in the Santa Rosa area would have been during the fall months." (Ex. B, p. 17.) However, the Addendum's entire analysis of the Project's impacts to the Monarch butterfly is based on the 2021 WRA Report, which surveyed the Project site in *April*—precisely the wrong time of year to survey for Monarch butterfly. As such, the Addendum's conclusions as to the Project's impacts on the Monarch butterfly cannot be relied upon.

Fourth, the WRA reports incorrectly described the denning ecology of several species. (Ex. B, p. 17.) For example, WRA claimed that burrowing owls have high nest fidelity and reuse the same burrows year after year. However, as Dr. Smallwood explains, burrowing owls will typically move to new nests after a few years. (*Id.*) Similarly, WRA incorrectly claimed that American badgers will reuse the same burrow year after year. However, Dr. Smallwood "cannot recall ever finding a den burrow that was used by badgers two years consecutively." (*Id.*) By mischaracterizing the behavior of these species, WRA's conclusions as to the impacts to these species cannot be relied upon.

Lastly, the Addendum claims, "No special-status animal species have been mapped or previously recorded on the project site." (Addendum, p. 48.) This claim is unfounded considering the fact that West Hearn Residents' previous comment contained Dr. Smallwood's observations of the Project site, including photographic evidence of special-status species at the Project site, including the turkey vulture, red-shouldered hawk, white-tailed kite, Nuttall's

woodpecker, willow flycatcher, oak titmouse, and San Francisco common yellowthroat. (Ex. A, p. 2.) The picture below was taken by Dr. Smallwood on June 1, 2021 and depicts a white-tailed kite hunting at the western edge of the Project site:



The above shortcomings of the 2020 WRA Report and 2021 WRA Report demonstrate that the City cannot rely on those reports to support the Addendum's conclusions. The City should provide an updated biological analysis based on updated biological reports in an EIR in order to adequately disclose the Project's impacts to biological resources to the public and decision makers.

E. THE CITY'S CONCLUSION THAT THE ENVIRONMENTAL CONDITIONS OF APPROVAL WILL REDUCE THE PROJECT'S IMPACTS TO LESS THAN SIGNIFICANT IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

The City, in an implicit admission that the Project will have significant impacts not covered by the 2016 FEIR, has included an "Environmental Conditions of Approval" to be applied to the Project. However, the Environmental Conditions of Approval are merely a repackaging of the mitigation measures from the now-abandoned MND for the Project. Even if the City has changed the name of the measures (from mitigation to conditions of approval), the measures are still mitigation measures and must meet CEQA's standards.

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and mitigation measures. (14 Cal. Code Regs. § 15002(a)(2), (a)(3).) Mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (14 Cal. Code Regs. § 15370.) Mitigation measures must be feasible, enforceable, and effective. A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727) [finding groundwater

purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available[.]) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (14 Cal. Code Regs § 15364.)

A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727.) This approach helps “ensure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug.” (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

To ensure mitigation measures are feasible and certain, CEQA disallows deferring the formulation of mitigation measures to post-approval studies. (14 Cal. Code Regs. § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-09.) Deferral of the development of specific details of a mitigation measure is only permitted when “it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure.” (14 CCR § 15126.)

Moreover, “mitigation measure[s] [that do] no more than require a report be prepared and followed” do not provide adequate information for informed decisionmaking under CEQA. (*Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 794; 14 Cal. Code Regs. § 15126.4(a)(1)(B).) By deferring the development of specific mitigation measures, the City has effectively precluded public input into the development of those measures. CEQA prohibits this approach. As explained by the court in *Communities for a Better Env't v. Richmond* (2010) 184 Cal.App.4th 70, 92:

[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.

1. Many of the Environmental Conditions of Approval Constitute Improperly Deferred Mitigation.

Condition of Approval BIO-1 requires the preparation of a landscaping plan that would offset the loss of grassland habitat for the special-status western bumble bee. (Conditions of Approval (“COA”), p. 2.) The measure requires native shrubs and herbaceous species to be identified in a landscape plan, and plants known to benefit native bees shall be selected, which may include, but are not limited to, coyote brush, sage lupines, various species of Lotus and

Acmispom gum plant, and Phacelia. (*Id.*) BIO-1 constitutes deferred mitigation because it defers the formulation of the landscape plan until after the CEQA process is complete, and the City has not shown it is impractical or infeasible to include those details during the City’s environmental review process. (*See* 14 CCR § 15126.)

Condition of Approval BIO-3 includes a requirement that the Applicant “prepare and submit a Relocation Plan for the Service/CDFW review and written approval.” (COA, p.2.) The Relocation Plan is supposed to contain the method of relocation, a map, and a description of the proposed release site(s) and burrow(s), and written permission from land owners to use their land. (*Id.*) This measure also constitutes deferred mitigation because it defers the formulation of the Release Plan until after the CEQA process is complete, and the City has not shown it is impractical or infeasible to include those details during the City’s environmental review process. (*See* 14 CCR § 15126.) There is also no evidence that the City will be able to obtain the required written permission from landowners, making the feasibility of BIO-3 uncertain.

Moreover, deferral of mitigation is also impermissible if it removes the CEQA decision-making body from its decision-making role. The City may not delegate the formulation and approval of mitigation measures to address environmental impacts because an agency’s legislative body must ultimately review and vouch for all environmental analysis mandated by CEQA. (*Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 306-08.) Thus, the Addendum may not rely on programs to be developed and implemented later without approval by the City. Yet that is precisely what BIO-3 does. The lead agency—the City—has improperly delegated its legal responsibility of determining what constitutes adequate mitigation to USFWS and CDFW. BIO-3 calls for USFWS and CDFW to have a final say in mitigation requirements, while the public is given no opportunity to comment. The Addendum may not rely on a Relocation Plan to be developed, approved, and implemented later, at some future time after the Project has been approved. Without valid mitigation, the Project’s significant impact on California Tiger Salamanders remains significant.

Condition of Approval GEO-1 requires the Applicant to prepare an Erosion Control Plan and submit it to the Building Division of the City’s Department of Planning and Economic Development. COA, p. 7.) Again, there is no reason that the deferral of the Erosion Control Plan is warranted. Moreover, rather than the legislative body of the lead agency approving the plan, GEO-1 delegates approval of the Erosion Control Plan to City staff who work in the Department of Planning and Economic Development.

Condition of Approval NOI-1 requires the Project Applicant to “[l]imit use of the concrete saw to a distance of 50 feet or greater from residences, *where feasible*,” to “[c]onstruct temporary noise barriers, *where feasible*,” and to muffle stationary noise-generating equipment with enclosures “*where feasible*.” (COA, p. 8 [emphasis added].) There is no standard of guidance for what is or is not “feasible,” leaving that determination entirely up to the Applicant. Without standards for what is feasible, there is no evidence that the resulting noise levels after mitigation is implemented that the applicant thinks is “feasible” will be sufficiently low to mitigate the Projects noise impacts.

2. There is no Evidence that the Project's impacts on habitat for California Tiger Salamander and other species have been Mitigated to a Less-Than-Significant Level.

Condition of Approval BIO-3 requires the Applicant to purchase mitigation credit at a 2:1 ratio "from a mitigation bank that is within the Critical Habitat for the species." (COA, p. 2.) Courts have rejected this mitigation, particularly where, as here, there is no evidence that sufficient mitigation credits exist and that the credits are linked to a reasonable plan for mitigation. (*See King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 877.)

Moreover, the purchase of mitigation credits does not actually mitigate the loss of habitat, either for CTS or for other species. The Biological Assessment is incorrect when it states that "[t]he mitigation will be purchased from a mitigation bank that is within the Critical Habitat for the species. Therefore, no net loss of CTS Critical Habitat will occur." (Biological Assessment, p. 28.) Dr. Smallwood explains that "The habitat that would be purchased in a conservation bank already exists. The loss of habitat at the project site will not be replaced by new habitat. Therefore, a net loss of habitat will occur." (Ex. A, p. 14; *see* Ex. B, p. 14.) Moreover, purchasing credits for habitat elsewhere outsources the benefits of the Project site to another community. For example, the fire mitigation, flood protection, and groundwater benefits currently provided by the site will be lost to another community.

Second, as Dr. Smallwood explains:

[M]any more special-status species would be significantly and adversely affected by this project. Compensatory mitigation would also be needed for impacts to these other species. Habitat should be permanently protected in the form of fee title or conservation easement, or a combination thereof. Habitat impacts should also be mitigated as near as possible to the project footprint, and it should be strategically implemented to reduce the effects of habitat fragmentation (Smallwood 2015).

(Ex. A, p. 19.)

Additional mitigation is required to mitigate the Project's impacts on habitat to a less-than-significant level. As currently presented, the Addendum fails to provide substantial evidence that the Project's impacts would be less than significant.

III. THE PROJECT WILL CHANGE THE CHARACTER OF THE NEIGHBORHOOD.

Per the City of Santa Rosa General Plan 2035 Land Use Diagram (October 18, 2016), the Project site is designated Very Low Density Residential. This designation was changed to Very

Low Density Residential (allowing 0.2 to 2 single-family units per acre) from Low Density Residential (allowing 2 to 8 single-family units per acre) following lengthy negotiations between the City and the West Hearn Avenue residents prior to approval of the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Project. West Hearn Avenue residents wanted to ensure that the rural character of the neighborhood was maintained if annexation occurred. In addition to designating the area as Very Low Density Rural Residential, the City also agreed to create a “Rural Heritage combining district,” which it applied to the neighborhood. The purpose of the Rural Heritage combining district is “to recognize, preserve, and enhance Santa Rosa’s rural communities.” (Santa Rosa Mun. Code § 20-28.090(A).) This zoning standard is specifically applied to the West Hearn Avenue neighborhood in which the Project is located. (*Id.* at (C)(1).)

The Project violates both the spirit and the letter of the agreement and the Zoning Code. The Project will change the existing character of the neighborhood., which is distinctly rural. Every other property on this street has a single family home that is one-story on parcels of .5 to 2 acres, with houses ranging in size between 1,000 and 1,200 square feet. Most have small family farms that include sheep, goats, chicken, pigs, cows, and horses. In contrast, the proposed Project will include four main houses of 3,518 square feet,⁵ over two stories, with accessory units being 1,130 square feet. The Project buildings will be massive compared to the existing homes. The Project will house 37 people on 2 acres, or nearly double the population currently living on West Hearn. Currently, West Hearn Avenue houses approximately 100 people on 33 acres (excluding the Project site), or about 3 people per acre. The Project’s population together with the existing Hearn House, will be over 50 people on approximately 3 acres, which amounts to a density of 16.7 people per acre – ***more than 555% greater density than the rest of the neighborhood.***

In addition, as discussed above, the Project also violates the letter of the zoning code by proposing densities that exceed that permitted by law. By violating the agreed upon land use designation, and failing to protect the rural character of the neighborhood, the City and Applicant are acting in bad faith.

IV. THE PROJECT REQUIRES A MINOR USE PERMIT.

A. The exception to the requirement for a Minor Use Permit for supportive housing in Rural Residential zones is not applicable because each of the requirements of Government Code section 65651 are not met.

The Addendum improperly states that supportive housing uses are permitted by-right within the RR-20-RH Zoning District. (Addendum, p. 4.) Santa Rosa Municipal Code section 20-22.030 specifies in Note 4 to Table 202 that:

A Minor Use Permit is required for the construction of new multi-family supportive or transitional housing units in an RR or R-1-6 Zoning District.

⁵ <https://ch-sc.org/hearn-veterans-village/>

similar to construction of a new traditional multi-family unit in an RR or R-1-6 Zone. The construction of new multi-family supportive housing units does not require a Minor Use Permit when the proposed use meets each of the requirements of Assembly Bill 2161, as specified in Government Code Section 65651.

The exception to the requirement for a Minor Use Permit for supportive housing in Rural Residential zones is not applicable because each of the requirements of Government Code section 65651 are not met. Specifically, Government Code section 65651 applies only when supportive housing is proposed “in zones where multifamily **and** mixed uses are permitted.” Cal. (Govt. Code § 65651(a) [emphasis added].) Mixed uses are not permitted in Rural Residential zones in Santa Rosa. Accordingly, the exception to the requirement that a supportive housing proposed to operate in a Rural Residential zone must obtain a Minor Use Permit. The Project cannot be approved without a Minor Use Permit.

B. The Project is Inconsistent with the General Plan and Zoning Code Because the Units Are Not Single-Family Homes.

A minor use permit is also required because the Project includes multi-family housing. Located in Zone RR-20-RH, only single-family dwellings are permitted by right. (Santa Rosa Mun. Code section 20-22.030 Table 2-2.) Multifamily dwellings require a conditional use permit. (Id.) These enormous buildings will be operated as apartments and must be treated as such.

The Staff Report claims that “The project proposes to construct four detached, single-family dwelling units, as defined above, with each consisting of six bedrooms with shared cooking, eating, and sanitation facilities.” But this is not true. Each unit will have its own sanitation facilities (i.e. bathroom) as well as its own kitchen sink and counter.

Moreover, in a July 26, 2021 letter from the Community Housing Sonoma County to the City, the Applicant itself describes the units as “hyper-efficient apartments.” (July 26, 2021 Letter from Paula Cook, CHSC to Monet Sheikhali, p. 3, attached here to as Exhibit D.) In addition, the Tentative Map for Hearn Veterans Village prepared by BKF Engineers/Surveyors/Planners, and attached to the City Council’s agenda as Attachment 3 for Agenda Item 15.1, indicates that the Tentative Map is for “4 Multifamily Residential Lots.” (See bottom right corner of Tentative Map, attached hereto as Exhibit C and with relevant portion enlarged [Exhibit E] [emphasis added].) The number of parking spaces being provided also indicates this is a multi-family development. If these were single-family homes, only 16 parking spaces would be required, yet here 28 spaces are required.

The City would be acting ultra vires by allowing multifamily dwellings without a permit, in direct violation of the City’s General Plan and Zoning Code.

V. THE PROJECT REQUIRES NEPA REVIEW.

According to the now-abandoned MND prepared for the Project, the Project will be federally funded through the United States Department of Housing and Human Development. (MND, p. 50.) There is no mention of this funding in the Addendum. If the Project is still being funded by the Department of Housing and Human Development, this federal funding triggers the National Environmental Policy Act (“NEPA”), 42 USC §§4321-4370j. An environmental assessment must be prepared to determine if an EIS is required.

CONCLUSION

The West Hearn Residents for Rural Integrity are not opposed to the type of use proposed. Instead, they are opposed to the density of the Project, its failure to maintain the character of the neighborhood, and the Project’s environmental impacts, particularly impacts to the abundant wildlife that uses the Project site. Despite a willingness to discuss their concerns with the Applicant, over the past five years, the applicant has refused to engage with or negotiate in any meaningful way with residents of West Hearn Avenue to find reasonable solutions that address the concerns of the neighbors, nor has the City taken any action to facilitate such a dialogue.

The City and the Applicant similarly ignored the West Hearn Residents’ comments on the original MND and then the Addendum. Again, rather than engage with the residents on their legitimate concerns, the City and Applicant played games with CEQA, switching from an MND to an addendum, in an effort to get a more favorable standard of review if the Project is challenged in court. Making matters worse, the City provided a paltry amount of time for the public to review and comment on the Addendum, with some of the few days allotted falling over the Thanksgiving holiday. Public engagement is key to the CEQA process, but the City appears to have done all it can to avoid public comment on this Project.

The City and Applicant’s actions do not help their cause. The Addendum is not appropriate under CEQA because CEQA’s tiering provisions require an EIR where there is a fair argument that the Project may result in significant impacts that were not analyzed in the 2016 FEIR. Furthermore, even if the City were allowed to proceed under CEQA’s subsequent review provisions rather than its tiering provisions, the Addendum is still improper because of new circumstances since certification of the 2016 EIR. Furthermore, the Project’s inconsistency with applicable general plan and zoning laws, potential property boundary issues, the need to obtain a minor use permit, and the need to conduct review under NEPA all preclude approval of the Project at this time.

As such, West Hearn Residents respectfully request that the City Council grant its appeal, refrain from approval of the Project and Addendum at this time. Rather, West Hearn Residents respectfully requests that the City direct the Applicant to meaningfully engage in discussions with the residents of West Hearn Avenue, and that the Project be sent back to staff to prepare an EIR prior to approval of the Project including additional mitigation measures to reduce the

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Project's significant impacts on biological resources, and reducing the scale of the Project.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal line that curves slightly upwards at the end.

Rebecca L. Davis

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

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

7 June 2021

RE: Hearn Veterans Village

Dear Ms. Sheikhali,

I write to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed Hearn Veterans Village Project (City of Santa Rosa 2021). I understand this project would add 4 single-family homes and an accessory dwelling unit on 2.01 acres. I also reviewed WRA and Jane Valerius Environmental Consulting (2020) (hereafter referred to as WRA 2020).

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I subsequently worked for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I authored numerous papers on special-status species issues. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I've been a part-time lecturer at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-five years, including at many proposed project sites. My CV is attached.

SITE VISIT

I visited the site of the proposed project for 3 hours on 1 June 2021, starting at 17:32 hours. With binoculars, I walked the western perimeter, stopping periodically to perform visual scans for vertebrate wildlife.

Based on my visual scan of the site, its vegetation cover consists of grassland with a dense cluster of oaks and willows in its interior, and shrubs. It is bordered by a remnant streambed to the west. According to the IS/MND, the site also includes wetlands with plant species that grow only on wetlands. Otherwise, the site is surrounded by various densities of housing, and vernal pool/grassland complexes remain intact to the northwest and southwest.

While visiting the site, I detected 34 species of vertebrate wildlife, 7 of which were special-status species (Table 1). The site supports Anna’s hummingbirds and hooded orioles (Photos 1 and 2), California towhees and American crows (Photos 3 and 4), black phoebes and bushtits (Photos 5 and 6), and a family of white-tailed kites (Photos 7 - 10), among other species. Evidence of breeding was abundant. The site is rich in wildlife.

Table 1. Species of wildlife I observed during 3 hours on 1 June 2021.

Species	Scientific name	Status (see Table 2)
Mallard	<i>Anas platyrhynchos</i>	
Great egret	<i>Ardea alba</i>	
Snowy egret	<i>Egretta thula</i>	
Ring-billed gull	<i>Larus delawarensis</i>	
Turkey vulture	<i>Cathartes aura</i>	BOP
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP
White-tailed kite	<i>Elanus leucurus</i>	CFP, BOP
Mourning dove	<i>Zenaida macroura</i>	
Rock pigeon	<i>Columba livia</i>	Non-native
Eurasian collared-dove	<i>Streptopelia decaocto</i>	Non-native
Anna's hummingbird	<i>Calypte anna</i>	
Nuttall’s woodpecker	<i>Picoides nuttallii</i>	BCC
Willow flycatcher	<i>Empidonax traillii</i>	CE, BCC
Black phoebe	<i>Sayornis nigricans</i>	
Oak titmouse	<i>Baeolophus inornatus</i>	BCC
Bewick’s wren	<i>Thryomanes bewickii</i>	
Bushtit	<i>Psaltriparus minimus</i>	
California scrub-jay	<i>Aphelocoma californica</i>	
American crow	<i>Corvus brachyrhynchos</i>	
Violet-green swallow	<i>Tachycineta thalassina</i>	
Barn swallow	<i>Hirundo rustica</i>	
Northern mockingbird	<i>Mimus polyglottos</i>	
MacGillivray's warbler	<i>Oporonus tolmiei</i>	
San Francisco common yellowthroat	<i>Geothlypis trichas sinuosa</i>	SSC3
California towhee	<i>Pipilo crissalis</i>	
House sparrow	<i>Passer domesticus</i>	Non-native
Hooded oriole	<i>Icterus cucullatus</i>	
Great-tailed grackle	<i>Quiscalus mexicanus</i>	
House finch	<i>Carpodacus mexicanus</i>	
American goldfinch	<i>Carduelis tristis</i>	
Bats	<i>Chiroptera</i>	
Botta's pocket gopher	<i>Thomomys bottae</i>	
Gray fox	<i>Urocyon cinereoargenteus</i>	
House cat	<i>Felis catus</i>	Non-native



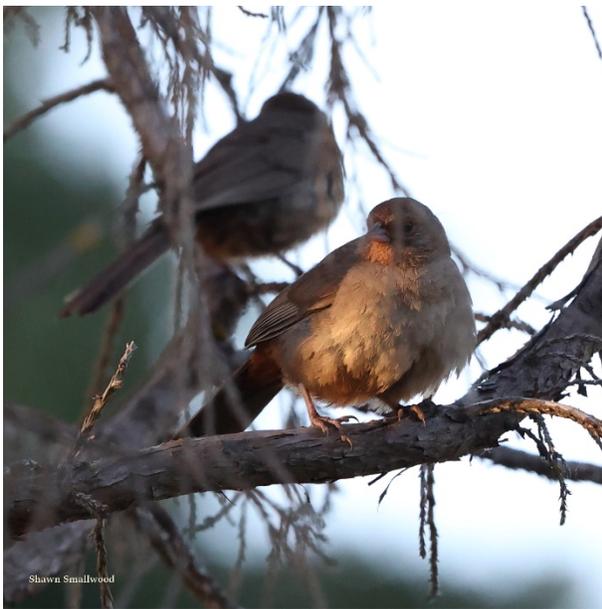
Shawn Smallwood



Shawn Smallwood

Photos 1 and 2. Anna's hummingbird and hooded oriole on the project site, 1

June 2021.



Shawn Smallwood



Shawn Smallwood

Photos 3 and 4. California towhees and American crow at the project site, 1 June 2021.



Photos 5 and 6. Black phoebe and bushtit at the project site, 1 June 2021.

Photo 7. A family of white-tailed kites, including both parents and 3 fledglings at the site, 1 June 2021. The center of activity is an adult kite dangling a pocket gopher it caught on the project site





Photo 8. A closer view of an adult white-tailed kite using a pocket gopher to train 2 of its fledglings at the site to capture and manage a prey item, 1 June 2021.



Photos 9 and 10. White-tailed kite preparing to pounce (left) and preparing to eat a pocket gopher (right) next the project site, 1 June 2021.

The white-tailed kites nested in a tree located just west of the project site, but the kites hunted on the project site. The adults invested considerable time and effort to train their fledglings on pocket gophers they caught on the site (see Photos 7 through 10). The success of the nest would have been less likely without access to forage on the site proposed for the project.

Another species of raptor also nested in a tree just west of the project site, and that was red-shouldered hawk. I did not determine whether that nest was successful, but the location of the nest near the project site was unlikely a coincidence. Red-shouldered hawks prey on a variety of vertebrate species, but it is known as the species of the genus *Buteo* that most specializes on birds. Because the project site is rich in bird species, the nearness of the red-shouldered hawks' nest site makes sense.

Nesting on or very near the site are most of the bird species listed in Table 1. I saw fledglings or territorial defense or other behaviors indicative of breeding expressed by Anna's hummingbird, hooded oriole, California towhee, black phoebe, mourning dove, oak titmouse, Bewick's wren, American crow, house sparrow and house finch. Other species were less clearly breeding, but probably were doing so. And other species did clearly forage on site, including bushtit, willow flycatcher, Nuttall's woodpecker, California scrub-jay, violet-green swallow, barn swallow, and bats.

A few species simply flew over the project site, such as turkey vulture, great egret, snowy egret, mallard, great-tailed grackle, and ring-billed gull. However, this type of use of the project site can be just as important as any other, because that portion of the atmosphere that composes a species' aerohabitat is essential for home range patrol, foraging, dispersal and migration. If none of these essential functions can be achieved, then an animal in the wild cannot successfully breed. In my experience, volant wildlife select aerohabitat over open spaces more so than over residential rooftops and other impervious surfaces.

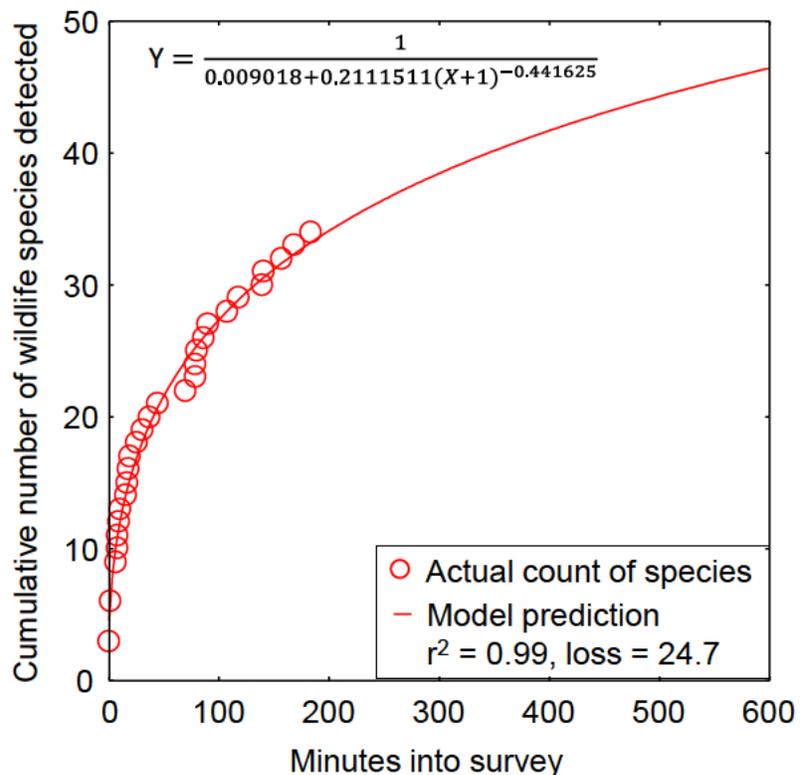
My gray fox identification was uncertain. From the west edge, I saw a large extruded soil mound near the cluster of willows on the site. The soil mound formed a ramp typical of the entrance to a fox den. Locals informed me that a gray fox has been seen in the area recently, so there is a reasonable likelihood that the soil mound I saw had been excavated by gray fox. Another candidate species would be American badger (*Taxidea taxus*), and a third would be coyote (*Canis latrans*).

My detection of 34 species of vertebrate wildlife needs to be interpreted within the context of her survey effort. The results of a single survey qualify as an absurdly thin empirical foundation for characterizing the environmental setting of any given site, including one proposed for a project. A single survey can serve only as a starting point toward characterization of a site's wildlife community. I had only 3 hours available to perform a visual scan survey on 3 June 2021, so there were only so many species I was likely to detect. It would have been inappropriate of me to have reported that the site supports only 34 species of wildlife. However, when a reconnaissance-level survey is diligently performed, and when the outcome is analyzed appropriately and fully reported, the number of species detected within a given reconnaissance survey effort can

inform of the number of species that likely would have been detected with a larger survey effort during the same time of year.

By recording when I detected each species, I was able to forecast the number of species that could have been detected with a longer effort using the same visual scan method. Figure 1 shows my cumulative count of species detected at the site with increasing time into my survey. Just as I have seen for many other survey efforts, a nonlinear regression model fit the data very well, explaining 99% of the variation in the data, and it showed progress towards the inevitable asymptote of the number of species detectable over a longer time period using the same survey method. In this case, my model predicted I would have eventually detected 111 species had I continued performing evening surveys during early June. I actually detected only 30.6% of what the pattern in my data predicts I could have detected with an expanded effort.

Figure 1. Actual and predicted relationships between the number of vertebrate wildlife species detected and the elapsed survey time based on a visual-scan survey on 3 June 2021. Note that the relationship would differ if the survey was based on another method, another time of day, or during another season. Also note the cumulative number of vertebrate species across all methods, times of day, and seasons would increase substantially.

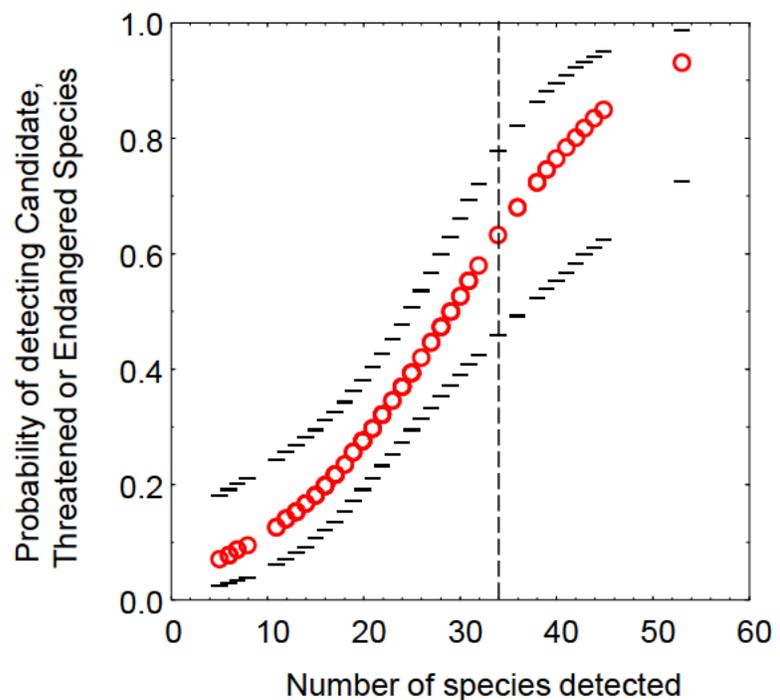


I could have detected many more species than I predicted by also performing surveys at different times of day to detect diurnal, nocturnal and crepuscular species, or surveys in different seasons and years to detect migrants and species with multi-annual cycles of abundance, or surveys of different methods such as use of acoustic detectors or thermal-imaging for bats, owls, and nocturnally migratory birds, and live-trapping for small mammals. My reconnaissance-level survey, performed carefully and analyzed appropriately, informs me that the site is rich in wildlife but also that its environmental setting remains insufficiently characterized as foundation for analysis of impacts to special-status species (more on this later). What my survey does not inform me, and

what detection surveys could, is which of the potentially occurring special-status species actually occur at the site in addition to those I had the good fortune to detect.

The likelihood of detecting special-status species is typically lower than that of more common species. This difference can be explained by the fact that special-status species tend to be rarer than common species. Special-status species also tend to be more cryptic, fossorial, or active during nocturnal periods when reconnaissance surveys are not performed. Another useful relationship from careful recording of species detections and subsequent comparative analysis is the probability of detection of listed species as a function of an increasing number of vertebrate wildlife species detected (Figure 2). (Note that listed species number fewer than special-status species, which are inclusive of listed species.) As demonstrated in Figure 1, the number of species detected is a function of survey effort. Therefore, greater survey effort increases the likelihood that listed species will be detected (which is the first tenet of detection surveys for special-status species). Based on the outcomes of 106 previous surveys that I performed at sites of proposed projects, my survey effort at the project site carried a 63% chance of detecting a listed species. As it turned out, I beat the odds by detecting not only one, but two listed species at the site: willow flycatcher (California Endangered) and white-tailed kite (California Fully Protected).

Figure 2. Probability of detecting ≥ 1 Candidate, Threatened or Endangered Species of wildlife listed under California or federal Endangered Species Acts, based on survey outcomes that I logit-regressed on the number of wildlife species I detected as an expert witness during 106 site visits throughout California. The short-dashed vertical line represents the cumulative number of species I detected on 3 June 2020, and the long-dashed line represents the cumulative number of species both WRA (2020) and I detected.



I am confident that with greater survey effort, including surveys during other times of year and using additional methods, and including the appropriate detection survey protocols, multiple additional special-status species would be detected, including merlin, burrowing owl, multiple additional species of bats, and most of the species listed in Table 2. A larger survey effort is needed to inform the public and decision-makers about the potential project impacts to wildlife and how to mitigate them.

BASELINE CONDITIONS AND BIOLOGICAL IMPACTS ASSESSMENT

On the one hand, City of Santa Rosa (2021) appears to understand the biological values of the project site, and on the other hand to have given little effort toward analyzing potential project impacts to biological resources. According to the IS/MND (p. 39), “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.” And, “...the project site is identified as an area potentially containing sensitive species and potentially containing high quality vernal pool habitat.” But after acknowledging the importance of the site, the IS/MND’s conclusions are based on a highly cursory site survey and a weak analysis of potential impacts.

Other than reporting the date of the survey (27 April 2020) and how biologists walked over the site (“meandering”), WRA (2020) neglected to report the most basic information needed to assess the rigor and focus of the biological survey. The reader needs to know what time of day the survey took place, and how long the biologists were on site. All the reader knows is that the biologists who performed the survey did not see much in the way of plants and wildlife. However, as I pointed out earlier, the number of wildlife species detected is largely a function of survey effort. WRA (2020) should have reported the level of effort committed to the site.

The reporting of the field survey should be improved, but the only remedy for an unreliable survey outcome is to perform appropriate surveys. Given what I saw at the site during my 3-hour visit, I found it astounding that the two biologists who surveyed the site on 27 April 2020 detected a mere 7 species of wildlife (WRA 2020). The two biologists who surveyed the site – and who had direct access to it – detected a fifth of the species I saw and heard in only 3 hours on the evening of June 3rd. Perhaps the two visiting biologists were not experienced with wildlife, or perhaps they were focused on plants or soils, but for whatever reason they did not see more than a tiny fraction of the wildlife community that uses the site. Admittedly, I also detected only a fraction of the species that compose the local wildlife community but at least I put my findings in context of the survey effort. WRA’s (2020) findings regarding wildlife are not credible.

The biologists who visited the site likely knew that their wildlife species list was too short. WRA (2020:13) added the caveat, “The reconnaissance-level site visit was intended only as an evaluation of on-site and adjacent habitat types, and no special status animal species surveys were conducted as part of this effort.” Indeed, no detection surveys were performed; and by detection surveys I mean the types of surveys that were formulated by species’ experts and natural resource agencies to ensure reasonable likelihood of detection at reasonable cost. Detection surveys have been developed to detect a species that is present, to support absence determinations, and to inform preconstruction surveys to minimize take and to inform compensatory mitigation. Detection survey protocols are available for California tiger salamander, burrowing owl, Swainson’s hawk, and multiple other special-status species with potential to occur at the site. Additionally, methods are available for detecting classes of

wildlife that WRA's field visit neglected. Acoustic detectors, thermal-imaging cameras, mist-netting and evening visual scans would enable detections of bats. Live-trapping would have enabled detections of small terrestrial mammals. Point counts would have helped with birds.

The inexperience hypothesis for WRA's short list of detected wildlife species gained support upon my review of WRA's (2020) list of potentially occurring species. Multiple species and subspecies were considered even though they do not occur in the region. WRA considered subspecies with special-status because they are endemic to San Clemente Island, for example. WRA also misapplied the US Fish and Wildlife Service's lists of Bird Species of Conservation Concern, including species that are listed for other regions of the USA. It would help to assign an experienced biologist to those performing the field survey and to those analyzing potential impacts.

The analysis of potential impacts also went astray in the determinations of species' occurrence likelihoods. I identified 63 special-status species of vertebrate wildlife with potential to use the site (Table 2). I identified these species through my own observations and by reviewing eBird and iNaturalist for sighting records in the area. Of the 63 species in Table 2, 15 have been seen either directly on the project site or on property immediately adjacent to it. WRA considered the occurrence potential of only a third of these 15 species documented on or next to the site, and of the 5 species considered, WRA determined 3 to have no potential (white-tailed kite, Nuttall's woodpecker, and San Francisco common yellowthroat) and one to have low potential (Cooper's hawk). The biologists who visited the site saw Cooper's hawk next to it, and yet WRA still determined it has only low potential to occur. They were aware of the white-tailed kites, and yet WRA still determined the species has no occurrence potential. These determinations defy reality.

In all, WRA determined the occurrence potentials of only 18 (29%) of the 63 species I listed in Table 2. Nearly all of the 18 species considered by WRA were also determined to have no occurrence likelihood. These determinations are inconsistent with my own experience and with the occurrence records that are publicly available on data bases of sightings records. One plausible explanation for WRA's determinations was that they were based narrowly on whether the species is likely to breed on site. However, no animal can successfully breed at any location without also surviving the non-breeding season and migration, and without having found sufficient forage and opportunities in refugia, stopover during migration, staging, mate-selection and all the other functions the animal must perform to successfully breed. If WRA determined occurrence potential based on whether a species would breed on site, then WRA made its determinations based on an unrealistic view of wildlife habitat.

Table 2. Occurrence likelihoods of special-status species at the project site, based on WRA’s assessments and by records of sightings in eBird and iNaturalist and actual site visits by biologists.

Species	Scientific name	Status ¹	Occurrence likelihood	
			WRA	eBird, iNaturalist, site visits
California tiger salamander	<i>Ambystoma californiense</i>	FT, CT	High	Recent nearby
California red-legged frog	<i>Rana draytonii</i>	FT, SSC	None	Nearby
Foothill yellow-legged frog	<i>Rana boylei</i>	CE, SSC	None	Nearby
Western pond turtle	<i>Emys marmorata</i>	SSC	None	Nearby
Caspian tern	<i>Hydroprogne caspia</i>	BCC		Nearby
California gull	<i>Larus californicus</i>	WL		Very close
Turkey vulture	<i>Cathartes aura</i>	BOP		On site
Osprey	<i>Pandion haliaetus</i>	WL, BOP	None	Nearby
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA, BCC, CE, CFP		Nearby
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, BCC, CFP	None	Nearby
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP		Adjacent
Ferruginous hawk	<i>Buteo regalis</i>	BCC, WL, BOP		Nearby
Swainson’s hawk	<i>Buteo swainsoni</i>	BCC, CT		Nearby
Rough-legged hawk	<i>Buteo regalis</i>	BOP		Nearby
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP		Adjacent
Sharp-shinned hawk	<i>Accipiter striatus</i>	WL, BOP		Adjacent
Cooper’s hawk	<i>Accipiter cooperi</i>	WL, BOP	Low	Adjacent
Northern harrier	<i>Circus cyaneus</i>	SSC ₃ , BOP		Adjacent
White-tailed kite	<i>Elanus leucurus</i>	CFP, BOP	None	On site
American kestrel	<i>Falco sparverius</i>	BOP		Adjacent
Merlin	<i>Falco columbarius</i>	WL, BOP		Nearby
Prairie falcon	<i>Falco mexicanus</i>	BCC, WL, BOP		Nearby
Peregrine falcon	<i>Falco peregrinus</i>	BCC, CFP		Adjacent
Burrowing owl	<i>Athene cunicularia</i>	BCC, SSC ₂	None	Nearby
Great-horned owl	<i>Bubo virginianus</i>	BOP		Nearby
Long-eared owl	<i>Asio otus</i>	SSC ₃ , BOP		In region
Short-eared owl	<i>Asio flammeus</i>	SSC ₃ , BOP		Nearby
Barn owl	<i>Tyto alba</i>	BOP		Nearby
Western screech-owl	<i>Megascops kennicotti</i>	BOP		Nearby

Species	Scientific name	Status ¹	Occurrence likelihood	
			WRA	eBird, iNaturalist, site visits
Costa's hummingbird	<i>Calypte costae</i>	BCC		Nearby
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC	None	Nearby
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC	None	Nearby
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC	None	On site
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC		Nearby
Vaux's swift	<i>Chaetura vauxi</i>	SSC2		Nearby
Willow flycatcher	<i>Epidomax trailii</i>	CE, BCC		On site
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SSC2		Nearby
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	High	On site
Horned lark	<i>Eremophila alpestris</i>	WL		Nearby
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC, SSC2		Nearby
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC		In region
San Francisco common yellowthroat	<i>Geothlypis trichas sinuosa</i>	SSC3	None	On site
Yellow warbler	<i>Setophaga petechia</i>	BCC, SSC2		Nearby
Yellow-breasted chat	<i>Icteria virens</i>	SSC3		Nearby
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	SSC2		In region
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2		Nearby
Summer tanager	<i>Piranga rubra</i>	SSC1		Nearby
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC	None	Nearby
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC3		In region
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC		Nearby
Pallid bat	<i>Antrozous pallidus</i>	SSC, WBWG H	None	Nearby
Townsend's big-eared bat	<i>Plecotus t. townsendii</i>	SSC, WBWG H		Nearby
Silver-haired bat	<i>Lasionycteris noctivagans</i>	WBWG:M		In region
Western red bat	<i>Lasiurus blossevillii</i>	SSC, WBWG H		Nearby
Little brown bat	<i>Myotis lucifugus</i>	WBWG:M		Very close
Canyon bat	<i>Parastrellus hesperus</i>	WBWG:M		In region
Small-footed myotis	<i>Myotis cililabrum</i>	WBWG M		In region
Miller's myotis	<i>Myotis evotis</i>	WBWG M		In region
Fringed myotis	<i>Myotis thysanodes</i>	WBWG H		In region

Species	Scientific name	Status ¹	Occurrence likelihood	
			WRA	eBird, iNaturalist, site visits
Long-legged myotis	<i>Myotis volans</i>	WBWG H		In range
Yuma myotis	<i>Myotis yumanensis</i>	WBWG LM		In range
Hoary bat	<i>Lasiurus cinereus</i>	WBWG LM	None	In region
American badger	<i>Taxidea taxus</i>	SSC	None	Nearby

¹ Listed as FT or FE = federally Threatened or Endangered, BGEPA = Bald and Golden Eagle Protection Act, BCC = US Fish and Wildlife Service's Bird Species of Conservation Concern, CT or CE = California Threatened or Endangered, CFP = California Fully Protected (California Fish and Game Code §3511 – birds; §4700 – mammals), BOP = California Fish and Game Code 3503.5 (Birds of prey), and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3 (Shuford and Gardali 2008), WL = Taxa to Watch List (Shuford and Gardali 2008), WBWG = Western Bat Working Group with low, medium and high conservation priorities.

I disagree with WRA's (2020) analysis of potential impacts to California tiger salamander (CTS). According to WRA (2020:26), "Suitable breeding habitat for CTS are water bodies that typically support inundation during winter/spring and hold water for a minimum of 12 consecutive weeks in a year of average rainfall, which results in water remaining until May or longer. None of the drainage ditches within the proposed project area supported that type of ponding. As a result, the site is only suitable for upland habitat." The first problem with this conclusion is that its characterization of ponding on the site was based on a single site visit in late April during a drought year. I monitored many ponds for CTS. In one study (Smallwood and Morrison 2007), I monitored 64 ponds for CTS over two years. Whether ponds remained inundated through May varied between years. In the second year I found CTS larvae in ponds that did not remain inundated through May of the previous year. Therefore, ponds that were dry when WRA visited them in April 2020 could be inundated in another year, and they could support CTS. A single site visit is insufficient for determining the potential of the site for supporting breeding CTS.

I also disagree with WRA's (2020:27) assertion that "the small size of the parcel and the lack of tall trees preclude the potential for raptors to nest on the site." In my experience over several decades, I have often found raptors nesting in trees of stature similar to those on the project site, and on parcels even smaller than that of the project site. One can look to the successful nest of white-tailed kites right next door on an even smaller parcel and in a tree no larger than the trees on the project site. WRA's assertion lacks credibility.

Furthermore, I disagree with WRA's (2020:28) assertion that "The mitigation will be purchased from a mitigation bank that is within the Critical Habitat for the species. Therefore, no net loss of CTS Critical Habitat will occur." The habitat that would be purchased in a conservation bank already exists. The loss of habitat at the project site will not be replaced by new habitat. Therefore, a net loss of habitat will occur.

WRA's characterization of the wildlife community at the project site was grossly incomplete and misleading. A fair argument can be made for the need to prepare an EIR to more appropriately characterize the environmental setting, analyze impacts and formulate mitigation measures.

HABITAT LOSS

The project would eliminate 2.01 acres of wildlife habitat. Habitat loss not only results in the immediate numerical decline of wildlife, but also in permanent loss of productive capacity (Smallwood 2015). For example, grassland/wetland/woodland complexes at two study sites had total bird nesting densities of 32.8 and 35.8 nests per acre (Young 1948, Yahner 1982) for an average 34.3 nests per acre. Applying this density to the project site, then 34.3 nests/acre multiplied against 2.01 acres would predict a loss of 69 bird nests. The average number of fledglings per nest in Young's (1948) study was 2.9. Assuming Young's (1948) study site typifies bird productivity, the project would prevent the production of 200 fledglings per year.

After 100 years and assuming an average generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from the following formula: $\{(nests/year \times chicks/nest \times number\ of\ years) + ((2\ adults/nest \times nests/year) \times (number\ of\ years \div years/generation))\}$. In the case of this project, this formula would predict **the project would deny California 22,760 birds over the next century due solely to loss of terrestrial habitat**. This predicted loss would be substantial, and would qualify as significant impacts that have yet to be addressed by the IS/MND. A fair argument can be made for the need to prepare an EIR.

WILDLIFE MOVEMENT

Based on WRA's (2020) analysis, the IS/MND's determination of less than significant impacts to wildlife in the region is flawed. For example, WRA (2020:16) concludes, "The study area is not located in an Essential Connectivity Area (defined as areas that are essential for ecological connectivity between blocks) (Spencer et al. 2010)." However, WRA misapplied the California Essential Habitat Connectivity Project. At [https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18486 &inline](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18486), the California Essential Habitat Connectivity Project very specifically pointed out that it is not: "A California Department of Fish and Game or US Fish and Wildlife Service response to potential impacts to a habitat or species from a project subject to the California Environmental Quality Act (CEQA)," nor "Fine scale, with every important piece of habitat identified" nor "Essential", meaning the only places of importance" nor "A solution by itself for how to provide necessary linkages for any given species of plant or animal... Linkage designs will vary depending on focal species chosen and the goal of providing connected habitat for a chosen species might be met several different ways" nor "The final word on connectivity for California." With analytical grid cells of 2,000 acres, the spatial grain of the California Essential Habitat Connectivity Project is much too coarse for the conclusion drawn from it by WRA (2020).

In another example, WRA (2020:16) asserts, "The proposed construction will not be an impediment to any movement corridors in this area based on the separated nature of the individual units and a lack of fencing around the proposed development." WRA (2020) implies that whether a project would interfere with wildlife movement depends on whether it occurs within a movement corridor. This implication invokes a false CEQA standard. The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. A site such as the proposed project site is critically important for wildlife movement because it composes an increasingly diminishing expanse of open space within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site as stopover and staging habitat during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014). The project would cut wildlife off from stopover and staging habitat, forcing volant wildlife to travel even farther between remaining patches of stopover habitat. The project would interfere with wildlife movement in the region. An EIR needs to be prepared to more carefully analyze this impact.

WINDOW COLLISIONS

The IS/MND includes no analysis of potential impact so birds that would be caused by bird-window collisions. Window collisions are often characterized as either the second or third largest source of human-caused bird mortality. The numbers behind these characterizations are often attributed to Klem's (1990) and Dunn's (1993) estimates of about 100 million to 1 billion bird fatalities in the USA, or more recently by Loss et al.'s (2014) estimate of 365-988 million bird fatalities in the USA or Calvert et al.'s (2013) and Machtans et al.'s (2013) estimates of 22.4 million and 25 million bird fatalities in Canada, respectively. The proposed project would impose windows in the airspace normally used by birds.

Other factors can add to bird-window collision risk. For example, homes with birdfeeders are associated with higher rates of window collisions than are homes without birdfeeders (Kummer and Bayne 2015, Kummer et al. 2016a), so the developed area might pose even greater hazard to birds if it includes numerous birdfeeders.

Project Impact Prediction

By the time of these comments, I had reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m² of glass per year could be calculated and averaged (Johnson and Hudson 1976, O'Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Gomez-Moreno et al. 2018, Schneider et al. 2018, Loss et al. 2019, Brown et al. 2020, City of Portland Bureau of Environmental Services and Portland Audubon 2020, Riding et al. 2020). These study results averaged 0.073 bird deaths per m² of glass per year (95% CI: 0.042-0.102). This average and its 95% confidence interval provide a robust basis for predicting fatality rates at a proposed new project, because the basis includes a variety of building sizes and heights and various window glass and window settings.

The IS/MND provides no information on the types and extents of windows that would be built into the dwelling units, but it does provide the square footage (s.f.) of floorspace of the homes. I therefore applied my own measurements of 0.0147368 m² of glass window extent per s.f. of floorspace in modern homes to the 25,000 s.f. of the proposed new home floorspace. Based on my measured rate, the proposed project would add 368 m² of new glass windows. Applying the mean fatality rate (above) to my estimate of 368 m² of glass windows predicts **27 bird deaths per year (95% CI: 16-38)**. The 100-year toll from this average annual fatality rate would be 2,700 bird deaths (95% CI: 1,600-3,800). The vast majority of these deaths would be of birds protected under the Migratory Bird Treaty Act and under the recently revised California Fish and Game Code section 3513, thus causing significant unmitigated impacts. Given the predicted level of bird-window collision mortality, and the absence of proposed mitigation in the IS/MND, it is my opinion that the project would result in potentially significant adverse biological impacts. An EIR needs to be prepared to appropriately address this impact.

Given the magnitude of bird-window collision impacts, there are obviously great opportunities for reducing and minimizing these impacts going forward. Proposed new structures can be more carefully sited, designed, and managed to minimize impacts. However, the costs of some of these measures can be high and can vary greatly, but most importantly the efficacies of many of these measures remain uncertain. Both the costs and effectiveness of all of these measures can be better understood through experimentation and careful scientific investigation. Post-construction fatality monitoring should be an essential feature of any new building project.

HOUSE CATS

House cats likely would be brought to the project site by residents of the proposed residential units. However, the IS/MND does not address the impacts of house cats on wildlife. House cats serve as one of the largest sources of avian mortality in North America (Dauphiné and Cooper 2009, Blancher 2013, Loss et al. 2013, Loyd et al. 2017). Loss et al. (2013) estimated 139 million cats in the USA in 2013 (range 114 to 164 million), which killed an estimated 16.95 billion vertebrate wildlife annually (range 7.6 to 26.3 billion). In 2012 there were 0.44 house cats per human, and 122 vertebrate animals were killed per cat, free-ranging members of which killed disproportionately larger numbers of vertebrate wildlife. According to the IS/MND, the proposed project would add 32 new residents and 5 staff. The above rates applied to 37 new residents/staff **would add 16 cats, which would kill 1,952 vertebrate wildlife per year.**

If the above prediction seems unrealistic, I will add my own observations of the site while I visited it. I watched 3 house cats hunting for wildlife on the site while I was there. There were likely others I did not see. One captured a pocket gopher and carried it to a neighboring home. Even now, free-roaming house cats are taking a toll on wildlife at the project site. Adding more cats would intensify the impacts.

House cats also contribute to downstream loading of *Toxoplasma gondii*. According to a UC Davis wildlife health research program, "*Toxoplasma gondii is a parasite that can infect virtually all warm-blooded animals, but the only known definitive hosts are cats – domesticated and feral house cats included. Cats catch the parasite through hunting rodents and birds and they offload it into the environment through their feces... and ...rain that falls on cement creates more runoff than rain that falls on natural earth, which contributes to increased runoff that can carry fecal pathogens to the sea*" (<http://www.evotis.org/toxoplasma-gondii-sea-otters/>). An EIR needs to be prepared to address the impacts of house cats to wildlife.

CUMULATIVE IMPACTS

The IS/MND characterizes cumulative effects as simply residual impacts of incomplete mitigation of project-level impacts. It asserts that environmental review performed for the City's General Plan will serve as an umbrella review to ensure adequate protection and management of biological resources in the City of Santa Rosa. If this was CEQA's standard, then cumulative effects analysis would be merely an analysis of mitigation

efficacy. And if that was the standard, then I must point out that few of the project-level impacts would be offset to any degree by the proposed mitigation measures. But the IS/MND's implied standard is not the standard of analysis of cumulative effects. CEQA defines cumulative impacts, and it outlines two general approaches for performing the analysis. Neither approach is implemented in the IS/MND. An EIR needs to be prepared to address potential cumulative impacts.

MITIGATION

The proposed mitigation measures are largely premature and incomplete, having not been informed by adequate characterization of the environmental setting and analysis of potential impacts. Whether special-status species occur on site needs to be better established, as well as approximately how many of each species. Whether vernal pools occur on the project site needs to be determined. Whether bats roost on site needs to be determined.

The formulations of multiple mitigation measures are deferred to unspecified later dates, thereby precluding meaningful public participation with one of the most important aspects of CEQA review. An EIR should be prepared, and it should include more details of each mitigation measure.

BIO-4 – Preconstruction surveys for nesting birds and raptors. Whereas I agree that preconstruction surveys would be appropriate, I must add that preconstructions should not be performed without first having performed detection surveys, as I explained earlier. Preconstruction surveys are no substitute for detection surveys. Prior to certification of an EIR, which I suggest needs to be prepared, species detection surveys are needed to (1) support negative findings of species when appropriate, (2) inform preconstruction surveys to improve their efficacy, (3) estimate project impacts, and (4) inform compensatory mitigation and other forms of mitigation. Detection survey protocols and guidelines are available from resource agencies for most special-status species. Otherwise, professional standards can be learned from the scientific literature and species' experts.

Preconstruction surveys ought also to be performed for bats, but the IS/MND proposes no such surveys.

It should be understood that preconstruction surveys, although warranted, actually achieve very little. Birds are very capable of hiding nest sites, and bats are very capable of hiding roost sites. Most bird nests and bat roost sites would be missed by preconstruction surveys. For this reason, compensatory mitigation is needed for those bird nests and bat roosts that will be missed by preconstruction surveys. Additionally, preconstruction surveys accomplish nothing in terms of mitigating mortality caused by collisions with windows and automobiles, predation by house cats, and by habitat loss. Compensatory mitigation is needed for these types of project impacts to wildlife.

RECOMMENDED MITIGATION

Habitat Protection

The IS/MND promises that CTS habitat would be conserved by payment of a compensatory mitigation fee to a conservation bank. However, many more special-status species would be significantly and adversely affected by this project. Compensatory mitigation would also be needed for impacts to these other species. Habitat should be permanently protected in the form of fee title or conservation easement, or a combination thereof. Habitat impacts should also be mitigated as near as possible to the project footprint, and it should be strategically implemented to reduce the effects of habitat fragmentation (Smallwood 2015).

I also recommend that 15 years of monitoring be performed for targeted special-status species on and around the conserved lands and within the neighborhood itself to further assess cumulative impacts. If the project goes forward, we should at least learn of the cumulative impacts as well as the performance of mitigation measures.

Guidelines on Home Design to Minimize Bird-Window Collisions

If the project goes forward, it should at a minimum adhere to available Bird-Safe Guidelines, such as those prepared by American Bird Conservancy and New York and San Francisco. The American Bird Conservancy (ABC) produced an excellent set of guidelines recommending actions to: (1) Minimize use of glass; (2) Placing glass behind some type of screening (grilles, shutters, exterior shades); (3) Using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) Turning off lights during migration seasons (Sheppard and Phillips 2015). The City of San Francisco (San Francisco Planning Department 2011) also has a set of building design guidelines, based on the excellent guidelines produced by the New York City Audubon Society (Orff et al. 2007). The ABC document and both the New York and San Francisco documents provide excellent alerting of potential bird-collision hazards as well as many visual examples. The San Francisco Planning Department's (2011) building design guidelines are more comprehensive than those of New York City, but they could have gone further. For example, the San Francisco guidelines probably should have also covered scientific monitoring of impacts as well as compensatory mitigation for impacts that could not be avoided, minimized or reduced.

Monitoring and the use of compensatory mitigation should be incorporated at any new building project because the measures recommended in the available guidelines remain of uncertain efficacy. Also, even if these measures are effective, they will not reduce collision fatalities to zero. The only way to assess mitigation efficacy and to quantify post-construction fatalities is to monitor the project for fatalities at residential homes.

House Cats

If the project goes forward, a fund should be established for long-term management of house cats in the project. Management could include public education about the

environmental effects of outdoor and free-ranging cats. It could also include a program to spade and neuter cats, especially free-ranging cats. It could also involve some removals of feral cats.

Measures to Rectify Impacts

Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that would be delivered to these facilities for care. Most of the injuries likely would be caused by collisions with windows and automobiles, and by attacks by house cats. Many of these animals would need treatment by wildlife rehabilitation facilities.

Thank you for your attention,



Shawn Smallwood, Ph.D.

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Curriculum Vitae

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Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 668 professional publications, including:
 - 88 peer reviewed publications
 - 24 in non-reviewed proceedings
- 554 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 87 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities based on ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a \$718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founts of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a \$553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a “properly functioning HCP.” Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson’s hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersed of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

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Comments on Environmental Documents (Year; pages)

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- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);

- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
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- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
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- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);
- 2nd comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
- Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 3);
- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses on Casmalia and Linden Warehouse (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);

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- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19);
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);
- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
- Desert Highway Farms IS/MND, Imperial County (2019; 12);
- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);

- Replies to responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otoy 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
- SDG Commerce 330 Warehouse IS, American Canyon (2019; 21);
- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
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- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombro Apartments EIR, Walnut Creek (2019; 23);
- Otoy Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
- The Retreat at Sacramento IS/MND (2019; 26);
- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
- Sunroad – Centrum 6 EIR Addendum, San Diego (2018; 22);
- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);
- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd replies to responses on Dove Hill Road Assisted Living Project MND (2018; 11);
- Replies to responses on Dove Hill Road Assisted Living Project MND (2018; 7);
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- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);
- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
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- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);

- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);
- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);
- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR “Peer Review”, Los Angeles County (2018; 9);
- Replies to responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
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- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
- The Villages of Lakeview EIR, Riverside (2017; 28);
- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Geronio Crossings EIR, Riverside County (2017; 22);
- Replies to responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);

- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
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- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
- Jupiter Project IS and MND, Apple Valley, San Bernardino County (2016; 9);
- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);
- Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 31);
- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
- White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 9);
- Proposed Section 24 Specific Plan Agua Caliente Band of Cahuilla Indians DEIS (2015, 9);
- Replies on 24 Specific Plan Agua Caliente Band of Cahuilla Indians FEIS (2015, 6);
- Willow Springs Solar Photovoltaic Project DEIR, Rosamond (2015; 28);
- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
- Columbia Business Center MND, Riverside (2015; 8);
- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);

- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
- Tule Wind project FEIR/FEIS (Declaration) (2013; 31);
- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);
- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects Ism Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);

- Mount Signal and Calxico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);
- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Declaration) (2008; 16);
- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses on North Table Mountain MND, Butte County (2006; 5);

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- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
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- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);
- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Sky ranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);

- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.’s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);
- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California’s 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed “No Surprises,” “Safe Harbor,” and “Candidate Conservation Agreement” rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No.

103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County, California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-

2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife

Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

“No Surprises” -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomysidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asyloamar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion;

Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm, Sweden, February 2013.
- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.
- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.
- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.
- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.
- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Reviews of Journal Papers (Scientific journals for whom I've provided peer review)

Journal	Journal
American Naturalist	Journal of Animal Ecology
Journal of Wildlife Management	Western North American Naturalist
Auk	Journal of Raptor Research
Biological Conservation	National Renewable Energy Lab reports
Canadian Journal of Zoology	Oikos
Ecosystem Health	The Prairie Naturalist
Environmental Conservation	Restoration Ecology

Journal	Journal
Environmental Management	Southwestern Naturalist
Functional Ecology	The Wildlife Society--Western Section Trans.
Journal of Zoology (London)	Proc. Int. Congress on Managing for Ecosystem Health
Journal of Applied Ecology	Transactions in GIS
Ecology	Tropical Ecology
Wildlife Society Bulletin	Peer J
Biological Control	The Condor

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of \$553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation

Honors and Awards

Fulbright Research Fellowship to Indonesia, 1987
J.G. Boswell Full Academic Scholarship, 1981 college of choice
Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Northern California Athletic Association Most Valuable Cross Country Runner, 1984
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
CIF Section Champion, Cross Country in 1978
CIF Section Champion, Track & Field 2 mile run in 1981
National Junior Record, 20 kilometer run, 1982
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

Representative Clients/Funders

Law Offices of Stephan C. Volker	EDF Renewables
Blum Collins, LLP	National Renewable Energy Lab
Eric K. Gillespie Professional Corporation	Altamont Winds LLC
Law Offices of Berger & Montague	Salka Energy
Lozeau Drury LLP	Comstocks Business (magazine)
Law Offices of Roy Haber	BioResource Consultants
Law Offices of Edward MacDonald	Tierra Data
Law Office of John Gabrielli	Black and Veatch
Law Office of Bill Kopper	Terry Preston, Wildlife Ecology Research Center
Law Office of Donald B. Mooney	EcoStat, Inc.
Law Office of Veneruso & Moncharsh	US Navy
Law Office of Steven Thompson	US Department of Agriculture
Law Office of Brian Gaffney	US Forest Service
California Wildlife Federation	US Fish & Wildlife Service
Defenders of Wildlife	US Department of Justice
Sierra Club	California Energy Commission
National Endangered Species Network	California Office of the Attorney General
Spirit of the Sage Council	California Department of Fish & Wildlife
The Humane Society	California Department of Transportation
Hagens Berman LLP	California Department of Forestry
Environmental Protection Information Center	California Department of Food & Agriculture
Goldberg, Kamin & Garvin, Attorneys at Law	Ventura County Counsel
Californians for Renewable Energy (CARE)	County of Yolo
Seatuck Environmental Association	Tahoe Regional Planning Agency
Friends of the Columbia Gorge, Inc.	Sustainable Agriculture Research & Education Program
Save Our Scenic Area	Sacramento-Yolo Mosquito and Vector Control District
Alliance to Protect Nantucket Sound	East Bay Regional Park District
Friends of the Swainson's Hawk	County of Alameda
Alameda Creek Alliance	Don & LaNelle Silverstien
Center for Biological Diversity	Seventh Day Adventist Church
California Native Plant Society	Escuela de la Raza Unida
Endangered Wildlife Trust	Susan Pelican and Howard Beeman
and BirdLife South Africa	Residents Against Inconsistent Development, Inc.
AquAlliance	Bob Sarvey
Oregon Natural Desert Association	Mike Boyd
Save Our Sound	Hillcroft Neighborhood Fund
G3 Energy and Pattern Energy	Joint Labor Management Committee, Retail Food Industry
Emerald Farms	Lisa Rocca
Pacific Gas & Electric Co.	Kevin Jackson
Southern California Edison Co.	Dawn Stover and Jay Letto
Georgia-Pacific Timber Co.	Nancy Havassy
Northern Territories Inc.	Catherine Portman (for Brenda Cedarblade)
David Magney Environmental Consulting	Ventus Environmental Solutions, Inc.
Wildlife History Foundation	Panorama Environmental, Inc.
NextEra Energy Resources, LLC	Adams Broadwell Professional Corporation
Ogin, Inc.	

Representative special-status species experience

Common name	Species name	Description
Field experience		
California red-legged frog	<i>Rana aurora draytonii</i>	Protocol searches; Many detections
Foothill yellow-legged frog	<i>Rana boylei</i>	Presence surveys; Many detections
Western spadefoot	<i>Spea hammondi</i>	Presence surveys; Few detections
California tiger salamander	<i>Ambystoma californiense</i>	Protocol searches; Many detections
Coast range newt	<i>Taricha torosa torosa</i>	Searches and multiple detections
Blunt-nosed leopard lizard	<i>Gambelia sila</i>	Detected in San Luis Obispo County
California horned lizard	<i>Phrynosoma coronatum frontale</i>	Searches; Many detections
Western pond turtle	<i>Clemmys marmorata</i>	Searches; Many detections
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	Protocol searches; detections
Sumatran tiger	<i>Panthera tigris</i>	Track surveys in Sumatra
Mountain lion	<i>Puma concolor californicus</i>	Research and publications
Point Arena mountain beaver	<i>Aplodontia rufa nigra</i>	Remote camera operation
Giant kangaroo rat	<i>Dipodomys ingens</i>	Detected in Cholame Valley
San Joaquin kangaroo rat	<i>Dipodomys nitratoideus</i>	Monitoring & habitat restoration
Monterey dusky-footed woodrat	<i>Neotoma fuscipes luciana</i>	Non-target captures and mapping of dens
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i>	Habitat assessment, monitoring
Salinas harvest mouse	<i>Reithrodontomys megalotus distichlus</i>	Captures; habitat assessment
Bats		
California clapper rail	<i>Rallus longirostris</i>	Thermal imaging surveys Surveys and detections
Golden eagle	<i>Aquila chrysaetos</i>	Numerical & behavioral surveys
Swainson's hawk	<i>Buteo swainsoni</i>	Numerical & behavioral surveys
Northern harrier	<i>Circus cyaneus</i>	Numerical & behavioral surveys
White-tailed kite	<i>Elanus leucurus</i>	Numerical & behavioral surveys
Loggerhead shrike	<i>Lanius ludovicianus</i>	Large area surveys
Least Bell's vireo	<i>Vireo bellii pusillus</i>	Detected in Monterey County
Willow flycatcher	<i>Empidonax traillii extimus</i>	Research at Sierra Nevada breeding sites
Burrowing owl	<i>Athene cunicularia hypugia</i>	Numerical & behavioral surveys
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	Monitored success of relocation and habitat restoration
Analytical		
Arroyo southwestern toad	<i>Bufo microscaphus californicus</i>	Research and report.
Giant garter snake	<i>Thamnophis gigas</i>	Research and publication
Northern goshawk	<i>Accipiter gentilis</i>	Research and publication
Northern spotted owl	<i>Strix occidentalis</i>	Research and reports
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>	Expert testimony

EXHIBIT B

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

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

6 December 2021

RE: Hearn Veterans Village

Dear Ms. Sheikhali,

I write to reply to responses to my comments on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed Hearn Veterans Village Project, and I write to respond to an Addendum to a 2016 EIR. I begin with my replies, which are organized in the order of the responses. I end with comments on the Addendum.

Response regarding *Presence of a remnant streambed to the west (paragraph 4, page 1)*. According to WRA, “There is no stream course to the west of the project site.”

Reply: Whatever WRA wishes to call it, there is a water channel where I described, and it is densely lined by vegetation. In 1994 aerial imagery, a depression is visible from the site’s northwest corner and extending to the northeast. Slough or swale, it appears that water sometimes flowed along the west side of the project site and veering to the northeast from the northwest corner of the project site. Later development eliminated most of that wetland feature, and all that remains is a very clearly defined channel along the west side of the project site. According to WRA (2020), the USACE took jurisdiction over it as a Section 404 waters of the U.S.

Response regarding *The success of the (white-tailed kite) nest would have been less likely without access to forage on the site proposed for the project. (Paragraph 1, page 6)*. The 2.01-acre parcel is a small portion of the larger grasslands in the area. Based on walking transect surveys spaced 10-15 feet apart conducted in 2021, the site does not contain a higher proportion of pocket gophers than the surrounding habitats to the north and west. It is likely that white-tailed kites foraging on the 2.01-acre parcel are more easily observed by neighbors than on the more open grasslands to the west and north.

Reply: The response is the typical claim that taking a little more habitat is not going to cause any adverse effects to white-tailed kite or to [name your species]. The result of many actions justified by this same reasoning has been the continued decline of white-tailed kites and the continued decline of avian abundance across North America (Rosenberg et al. 2019). Taking another 2 acres is taking another 3% to 5% of a typical

breeding territory, which is even more of a problem in this case due to the severe habitat fragmentation that these white-tailed kites have already had to face.

The response reports that pedestrian transects were used to quantify pocket gopher abundance both on and off the project site, and that pocket gopher density was no higher on the project site as compared to the areas to the north and west of the site. If such data exists, it would help for WRA to provide a summary of them, or better yet, the complete data set. Until I see the data, I will remain skeptical that WRA actually counted pocket gophers. I have counted and mapped the locations of pocket gophers at many locations and over many years going back to the 1980s (Smallwood and Erickson 1995, Smallwood 1997, Smallwood and Morrison 2013, 2018, Smallwood et al. 2001, 2009) as part of my efforts to understand pocket gopher density (Smallwood and Morrison 1999a) and their contributions to soil bioturbation (Smallwood and Morrison 1999b). Throughout all of my efforts to quantify pocket gopher density and distribution, I have encountered similar concurrent efforts from absolutely nobody else. Again, if WRA counted gophers, it would help for WRA to share the data, or at least share summaries of the data.

Even if WRA actually counted and compared gopher densities, I fail to see the significance of gopher density being no higher on the project site than in grasslands near the site. Even if gopher density on site is half that off site, so what? The loss of the site would still result in the loss of an important food source for breeding white-tailed kites, and the loss would occur right next to site where white-tailed kites successfully bred and produced at least 3 fledglings.

Likewise, I fail to see the relevance of white-tailed kites being more visible to neighbors while they forage on the project site compared to their foraging elsewhere. I did not base my comments on what neighbors see of the white-tailed kites; I based them on what I saw.

Response regarding *This type of use (aerohabitat) of the project site can be just as important as any other, because that portion of the aerosphere that composes a species' aerohabitat is essential for home range patrol, foraging, dispersal and migration (paragraph 4, page 6).* "...value of aerohabitat is not based on undeveloped areas alone."

Reply: True. But the value of aerohabitat over open space is usually more valuable to volant wildlife than is that portion of the aerosphere over built areas. Of course, species of volant wildlife vary in their use of the aerosphere, with some species making ample use of the aerosphere over built areas and others making more use of it over open space. And the type of use varies. Where I study white-tailed kites, for example, white-tailed kites fly over residential areas from nest sites in town to foraging areas outside of town. I have carefully tracked these kites from their foraging areas to their nest sites, because doing so has been the principal means for me to locate their nest sites. As a rule, white-tailed kites maximize their time over available open space while in route to and from their foraging areas, and they do this by carefully selecting their flight routes. In another example, my colleagues and I are quantifying golden eagle flight routes as a

function of available open space compared to built-over portions of the landscape. We have not yet quantified use of open space versus availability, but we have noticed time and again that our GPS-telemetered golden eagles thread the needle to fly over open spaces rather than over residential, commercial and industrial spaces.

Response regarding *Rigor and focus of the biological survey not reported (paragraph 2, page 9)*. “Time spent on site on April 27, 2020, was to determine what habitats are present and if they could be occupied by special status species”

Reply: Given that habitat is defined by a species’ use of the environment (Hall et al. 1997, Morison et al. 1998, Krausman 2016), the most effective habitat assessment of a site is to detect species using the site. The main purpose of reconnaissance-level surveys is to document as many of the species using the site as reasonably feasible. Each species detected on site confirms the site’s use as habitat by that species. This approach is far more efficient than cross-walking onsite vegetation cover with vegetation cover types that are associated with a species in some canned table, because this approach relies on assumptions, qualitative judgements about how to categorize vegetation cover, and guesswork. Actual sightings of members of a species cut through the guesswork and bypass the assumptions, because they go directly to sound interpretation of what is habitat.

For the reasons just stated, it is routine of reconnaissance-level surveys to culminate with the reporting of species detected during the survey. And for these reasons, WRA reported a list of species detected at the project site. A problem with WRA’s (2020) species list was that it was reported without meeting the minimum professional standards of the profession. Another problem with it was that it was unbelievably short.

Response regarding *Rigor and focus of the biological survey not reported (paragraph 2, page 9)*. WRA also quotes from CEQA Guidelines Section 15125(a) on the definition of environmental setting and what constitutes baseline environmental conditions.

Reply: The quoting of §15125(a) is unsatisfactory. One should also look to the definition of environment, which can be found in §15360. According to CEQA, ““Environment” means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and man-made conditions.” Furthermore, under §15125(c), “Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.” I cannot think of a site attribute that is more likely to uniquely represent the environmental setting of the site than its suite of resident and visiting biological species.

And I cannot think of a more effective means to demonstrate satisfactory investigation of a site than to describe the survey methods that were used.

Response regarding *Rigor and focus of the biological survey not reported (paragraph 2, page 9)*. “The survey involved searching all habitats on the site and recording all wildlife species observed.”

Reply: But this is part of the problem I addressed in my comments. Reporting the species observed without describing methods used, time on site, and time of arrival prevents sound interpretation of the list of species reported. The way the 2020 reconnaissance-level survey was reported, the reader cannot tell whether the biologists visited the site for 5 hours or 5 minutes, or whether the survey was at dawn, noon or dusk. Reporting of the 2021 survey is much improved, but the list of species detected remains unbelievably short.

Response regarding *Two biologists only came up with 7 species not good biology not enough time spent on site to determine all species e.g., Smallwood 34 species vs 7 species in Biological Resource Assessment. (Paragraph 2, page 9)*. “Time spent on the site is not to determine how many species one can see when standing on the site, or how many may be flying overhead.”

Reply: The purpose of time spent on site is to detect as many of species using the site as possible. If survey personnel are not using their time to detect what occurs on a project site, then they are not pursuing the principal objective of a reconnaissance-level survey that is performed to inform a CEQA review.

Response regarding *Two biologists only came up with 7 species not good biology not enough time spent on site to determine all species e.g., Smallwood 34 species vs 7 species in Biological Resource Assessment. (Paragraph 2, page 9)*. “Of the 34 species observed by Smallwood, several species were flying overhead and would never use the site (i.e., ring-billed gull (*Larus delawarensis*), mallard (*Anas platyrhynchos*), great-tailed grackle (*Quiscalus mexicanus*), etc.)”

Reply: But the species at issue *did* use the site. They used that portion of the aerosphere that exists at the site. Again, habitat is defined by a species’ use of the environment (Smallwood 2002), and part of the environment is atmosphere. Every species on Earth is morphologically adapted through thousands of generations of life and death to exist within environmental media such as water, soil, air and other organisms. The species mentioned in the response happen to have wings, which is the morphological adaptation that suits these species to thrive by moving through the medium of the aerosphere, which is obviously a very important medium of life (Davy et al. 2017, Diehl et al. 2017). Indeed, an entire discipline of ecology has emerged to study this essential aspect of habitat – the discipline of aeroecology (Kunz et al. 2008).

Perhaps the response goes to whether the three species mentioned would use resources on the ground at the site. If so, this narrowly defined value of the site to wildlife is

contrived. However, all 3 of the species that were singled-out likely do, at times, use resources on the ground at the site. Although the response characterizes great-tailed grackle as a water-dependent species, it is not tied to water bodies to the degree claimed in the response. And besides, there are sources of water in the area; otherwise, I would not have seen great-tailed grackles at the project site. Whereas I have seen great-tailed grackles at water bodies, I have also recorded them at considerable distances from water. As for ring-billed gull and mallard, I see no reason why these species would not use resources on the ground at the project site, especially over winter and spring months when water may pool at the site. Where I live, mallards daily feed on dry ground, and where I worked for 20 years in Alameda County and Contra Costa County, ring-billed gulls routinely exploited resources on dry ground.

Response regarding *Two biologists only came up with 7 species not good biology not enough time spent on site to determine all species e.g., Smallwood 34 species vs 7 species in Biological Resource Assessment. (Paragraph 2, page 9).* “The assessment was to determine what habitats were present on the site and to assess whether special status species could occupy those habitats based on surrounding habitats. This is the appropriate focus under CEQA Guidelines Section 15125(a), which requires that the CEQA document prepared for a project discuss the “baseline” environmental conditions at and in the vicinity of the project site.” And in the next paragraph, “Of the 34 species observed by Smallwood, several are of interest because of the habitats they are typically associated with, such as great-tailed grackle, a species that has only been observed at large water bodies such as Roberts Lake in Rohnert Park or Spring Lake Regional Park (eBird), where they are associated with wetlands with water.”

Reply: This logical flow from premise to conclusion exemplifies the need to perform habitat assessments that are based on observations of species at a site. In this example, the responder dismisses what I saw – great-tailed grackles – because my sighting did not comport with responder’s assumption about where great-tailed grackles should be located. Responder’s assumption is not entirely correct, but instead of questioning the incorrect assumption, responder questions my sighting. The absurdity of the approach taken by responder is that the very habitat association upon which responder trusts could not have been formulated without observations of the species. The habitats assignments and rankings in Wildlife Habitat Relationships (WHR), which WRA also reportedly relies, were also ultimately based on sightings of wildlife. Descriptions of habitat follow from observations of the species, not the other way around (there actually is no other way around unless one is simply speculating). If habitat was assigned to species in the absence of observations, then there certainly would be no need for reconnaissance-level surveys to inform CEQA reviews, and WRA would have wasted their client’s money for having performed an unneeded survey. But the survey was needed because it is the species’ use of the environment that informs us of their habitat.

As to the habitat association that responder trusts, it is often repeated in the scientific literature that water bodies are important to great-tailed grackle, but it is also true that great-tailed grackles are also often seen far from water bodies. Great-tailed grackles make use of chaparral, woodlands and open fields, as well as residential yards and

urban parks. In my surveys, I have recorded great-tailed grackles far from water, as well as at the sides of ponds. I saw great-tailed grackles at the project site.

Response regarding *Two biologists only came up with 7 species not good biology not enough time spent on site to determine all species e.g., Smallwood 34 species vs 7 species in Biological Resource Assessment. (Paragraph 2, page 9).* “The other species of interest is the willow flycatcher (*Empidonax traillii*) which has never been known to breed in Sonoma County (Sonoma County Breeding Bird Atlas) (Grinnell and Miller 1944) and has only been identified as an autumn migrant only in Sonoma County, based on sightings in eBird. In addition, one species, the gray fox (*Urocyon cinereoargenteus*), was an assumption and not an actual sighting.”

Reply: I appreciate the challenges of the species I reported having detected at the project site. This is the type of debate that should further inform a CEQA review, rather than a debate over whether surveys should be performed at all, or whether a reasonable effort was committed to detect the species that make use of a project site. No matter how experienced, our sightings are not always how we interpret them nor are they always as relevant as we first believe they are.

The above said, I made no claim that the willow flycatcher I saw was breeding, but I certainly would not rely on a reference that is nearly a century old to make my case that the species never breeds in Sonoma County. I agree that willow flycatchers are rarely seen in spring in the area of Santa Rosa. But I am not alone in seeing one there in spring. According to eBird records, one was seen in May 2015 only a few miles from the project site. Towards where I live, which is not very far from the site as the flycatcher flies, sightings in spring have been more common. All this said, whether the bird I saw was breeding is not terribly important. To breed successfully, willow flycatchers must survive long enough to do so.

As for the gray fox, I honestly reported my uncertainty of the species assignment, but I also described the sign I relied upon to do it. Having surveyed for fossorial mammals over decades, I bring more experience to my species assignment than most biologists, but I acknowledge that my species assignment could be wrong. And if it was not a gray fox den, then – as I reported – it was likely the den of an American badger or coyote. Whatever it was, it was another species that WRA did not detect, not even in 2021.

Response regarding *No detection surveys were conducted (paragraph 3, page 9).* “No ground nesting birds were observed in April 2020 (Wildlife Research Associates) or in June 2021 (Smallwood).”

Reply: The response tries to have it both ways. After earlier claiming that reconnaissance-level surveys were not performed for the purpose of detecting species, the response now reports that no ground-nesting birds were observed in WRA’s survey. If WRA did not look for ground-nesting birds, then it stands to reason that WRA would not have seen any. And certainly, the short list of wildlife species WRA saw at the site fails to instill confidence that WRA was looking for ground-nesting birds.

The response adds into evidence my own failure to detect ground-nesting birds. This is unfair, because I did not have access to the site, so I did not search for nest sites on the ground. I might have seen birds that had nested on the ground, but I did not have the means to confirm that any of them had done so.

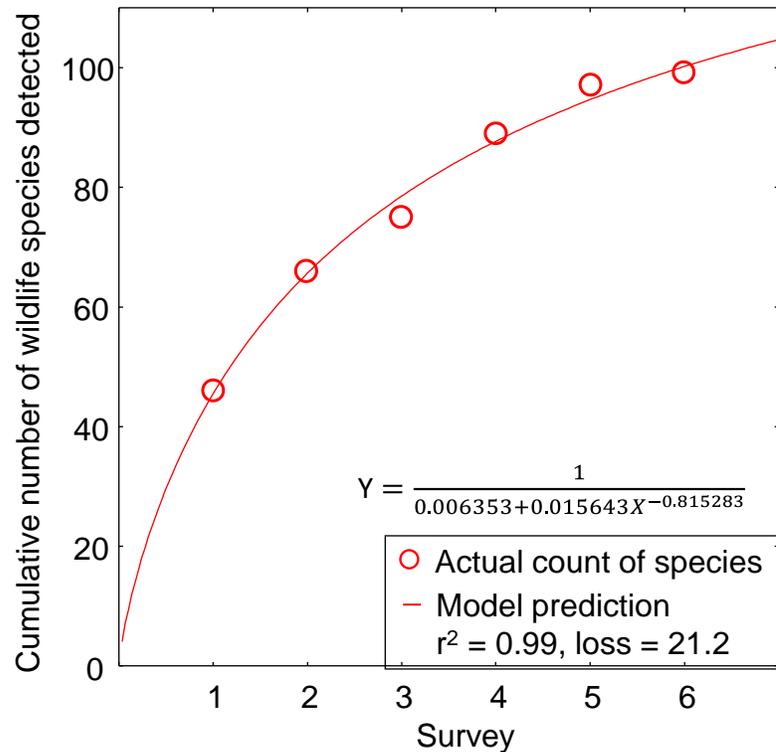
Response regarding *No detection surveys were conducted* (paragraph 3, page 9). “There is no need for exhaustive focused surveys as Smallwood stated (i.e., thermal imaging for bats)”

Reply: I made no such statement. The response mischaracterizes what I wrote by taking it out of context and attaching to it an unintended meaning. The point I was making was that reconnaissance-level surveys, although necessary for informing CEQA review, need to be interpreted carefully. Any biologist performing a visual scan for wildlife on a particular day at a particular site will detect only a fraction of the species that use the site. Knowing this, one can choose from several options to more carefully investigate how many species and which species make use of a site.

For example, one can choose to perform additional surveys to detect more of the species that use the site. I have done this, including at a site near Sacramento, California (Figure 1), and I have done it in the context of research and involving many repeat surveys at many sites. This approach is more rigorous than the single site visit that typifies the reconnaissance-level surveys performed by WRA, and it is not overly expensive. It offers diminishing returns on species detections with each successive search, but this very pattern also provides the means to predict how many species likely use the site and how many have yet to be detected. For example, the number of species predicted at the Sacramento site in Figure 1 was 157. My initial survey outcome of 46 species was many fewer than the 157 species predicted by the pattern in the data from multiple surveys. However, Figure 1 is based on only one survey method. Adding other methods as well as nocturnal surveys can add to the species list. Therefore, one could also choose to perform surveys using multiple methods to approach the true list of species that make use of the site. This approach is more expensive, but more thorough and more likely to approach the true list of species that use the site.

A third option is to forego additional surveys, but to carefully interpret the outcome of the reconnaissance-level survey. The third option is to acknowledge the shortcomings of the survey, and to acknowledge that many more species occur at the site than were detected during the survey. The third option is to more often assume presence of each conceivable species because insufficient effort was made to prove absence.

Figure 1. Cumulative number of species detected as a function of the number of visual-scan surveys performed through one year at one site near Sacramento, California.



Response regarding No detection surveys were conducted (paragraph 3, page 9). “Foraging habitat for birds is not protected unless the species is State listed. Standard protections are provided for all nesting birds pursuant to California Fish and Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act; however, the protection is for the occupied nest, eggs, nestlings and adults during the nesting season. Although the white-tailed kite is State listed as a fully protected species, the foraging habitat is not protected and CDFW has not established protections for foraging habitat for this species.” And, “Merely observing sensitive birds flying over a property (as Dr. Smallwood reported), or foraging over or on the site, does not warrant protection because the sightings are not of permanent breeding/nesting/larval development habitat (dependent on what type of animal it is).”

Reply: I do not see how the response addresses the issue at hand – that detection surveys were not performed. Certain conclusions of species’ absences were unfounded and certain mitigation measures should not be passed off as detection surveys when they are only preconstruction take-avoidance surveys.

Nevertheless, the response raises the issue of whether foraging habitat is of concern under CEQA, so I will reply to it. AB 454 was signed into law in 2019, enacting the California Migratory Bird Protection Act. According to California Fish and Game Code §3513, “It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.” The Code amended by AB 454 reads, “It is

unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act.” Under the Code, ““Bird” means a wild bird or part of a wild bird,” and ““Wildlife” means and includes all wild animals, birds, plants, fish, amphibians, reptiles, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.” It looks to me like the habitat of most birds in California is protected.

Let’s take a look at whether the habitat of white-tailed kite, in particular, is protected. According to California Fish and Game Code §3503.5, “It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted thereto.” And according to §3511, “a fully protected bird may not be taken or possessed at any time.” The word *take* applies to animate and inanimate entities, and all of us in the business of wildlife conservation understand what it means to take a nest. Taking a nest translates into taking the reproductive capacity of birds that would have relied on that nest. The nest is a critical component of the life of a bird; without the nest there is no bird, or worse yet, there are no birds for years to come. Furthermore, the nest cannot succeed without successful foraging, so the areas over which white-tailed kites forage constitute an essential component of any given nest site. I submit that the land over which breeding white-tailed kites forage is protected, but I encourage the responder to cite the Code that states it is not.

Response to Multiple species and subspecies were considered even though they do not occur in the region. WRA also misapplied the US Fish and Wildlife Service’s lists of Bird Species of Conservation Concern, including species that are listed for other regions of the USA. (Paragraph 2, page 10).

“The Bird Species of Conservation Concern (BCC) list was created from the US Fish and Wildlife Service Information for Planning and Conservation. Wildlife Research Associates did not generate the BCC list.”

Reply: I agree that WRA did not generate the BCC list. WRA misapplied it. The BCC list includes many birds that would never occur at Santa Rosa, so addressing them in the CEQA review is misleading. The BCC, like the CNDDDB’s special animals list, needs to be used with discretion.

Response to Identification of more species based on eBird and iNaturalist for sighting records in the area. (Paragraph 3, page 10). “Both eBird and iNaturalist are citizen-based applications for documenting bird observations. There are inherent differences in these checklists (e.g., time spent surveying, distance covered, observer skills).”

Reply: The response does not expound on the inherent differences alleged between CNDDDB and the more publicly accessible data bases of eBird and iNaturalist. However, I have studied these data bases a bit, so I can speak to them. Before I do, I must note that differences are often helpful. The CNDDDB’s care towards sightings records is

helpful, but the vastly larger numbers of participants contributing records to eBird and iNaturalist is also helpful.

Compared to eBird and iNaturalist, CNDDDB is less available to the public because the CDFW subscription for it is too expensive for those of us working outside government agencies and environmental consulting firms. Like eBird and iNaturalist, CNDDDB relies on volunteer reporting, and is limited in its spatial coverage by the access of biologists to private properties. Another limitation of its coverage, in my opinion, are the nondisclosure agreements often required of biologists working on private properties. These nondisclosure agreements conflict with Scientific Collecting Permits issued by CDFW to biologists who perform surveys for special-status species. The specific conflict is with CDFW's requirement of reporting detections of special-status species to CNDDDB. I have discovered spectacular examples of biologists not reporting their findings to CNDDDB, but so far without consequence as far as I know.

Also like eBird and iNaturalist, the findings reported to CNDDDB are not from any sort of randomized or systematic sampling across California. There is no study design underlying the findings, although the results of location-specific studies can be reported, and those can be based on a randomized study design that is specific to the location. And because there is no California-wide study design, and because of the wording on Scientific Collecting Permits, there is no reporting to CNDDDB of negative findings. By not reporting negative findings, there is no means to weight survey outcomes for survey effort among sites. All CNDDDB can do is to show a trail of detections wherever biologists happened to survey, wherever they were fortunate enough to detect the species, and from wherever the biologists were allowed to – or from wherever they opted to – issue reports of their findings to CNDDDB.

Another limitation of CNDDDB is its focus on special-status species. Most members of any of California's wildlife communities are not reported to CNDDDB, because CNDDDB is not interested in them and Scientific Collecting Permits do not require reporting of them. This means that any species recently designated with special status will not be as well represented in CNDDDB as are other species that were assigned special status decades ago. Unlike CNDDDB, records in eBird and iNaturalist can be of any species of wildlife, and can therefore more comprehensively represent the wildlife community at a site. eBird has the added advantage of the public being able to report sightings of birds using private properties that the birder cannot access. So long as line-of-sight or sound permits, a birder can detect a bird 200 m distant on private property, and a record of that detection can end up reported to eBird. And because eBird and iNaturalist are so much more accessible to the public, these data bases include many more observations than does CNDDDB.

As to the issue of credibility, CNDDDB deserves credit for the screening it requires of posted records. The standards are appropriately high. However, postings to eBird and iNaturalist are also scrutinized by built-in filters and by other users of the data bases. Documentation of observations are also often provided in the form of photographs and written notes. I have found a few errors in both data bases, usually involving immature birds mistaken as other species. Overall, however, accuracy has been high and

sufficiently trustworthy to have resulted in a large and growing list of papers published in the peer-reviewed scientific literature. Hundreds of peer-reviewed papers have resulted from analysis of eBird data over the past decade (<https://ebird.org/science/research-and-conservation/publications>). The same cannot be said of CNDDDB.

Response to Identification of more species based on eBird and iNaturalist for sighting records in the area. (Paragraph 3, page 10). “Smallwood’s Table 2 also includes species *that are listed for other regions of the USA* and do not occur in Sonoma County, such as...” vesper sparrow and yellow-billed magpie.

Reply: I will concede the yellow-billed magpie as a species unlikely to occur in Santa Rosa, even though there is an eBird record of the species nearby. My usual standard is to rely on more than a single eBird record, so in hindsight I should not have included yellow-billed magpie in Table 2. Oregon vesper sparrow, on the other hand, has been reported at multiple times and locations near the project site.

Response to Identification of more species based on eBird and iNaturalist for sighting records in the area. (Paragraph 3, page 10). “If detections were conducted by professionals, they would have been reported to the California Natural Diversity Data Base (CNDDDB) for the habitats that they occupied at the time of the observation.”

Reply: I disagree. As a professional, I used to report my sightings to CNDDDB, and I have reported hundreds of sightings to it, but I stopped doing so years ago. The process is too time-consuming and I get nothing back from the effort. Much of the potential scientific value of CNDDDB is lost by not including the reporting of survey attributes underlying the sightings, and by not reporting negative findings. Furthermore, project proponents often abuse CNDDDB without consequence, and so doing they diminish the value that many professionals used to see in it. I often see postings by professionals to eBird and iNaturalist.

As an example of the type of abuse I often see of CNDDDB, WRA (2020) used CNDDDB records to weight the occurrence likelihoods that WRA assigned to species at the project site. A species with CNDDDB records within 5 miles of the site could be assigned a high likelihood of occurrence, but those without CNDDDB records within 5 miles of the site could be assigned likelihoods of moderate, low or none. WRA is using absence of CNDDDB records within 5 miles of the site to determine occurrence likelihoods of special-status species. This practice is inappropriate for the reasons I explained earlier – that sightings records are not weighted by survey effort nor are negative findings recorded. The limitations of CNDDDB are well-known, and summarized by California Department of Fish and Wildlife in a warning presented on its CNDDDB web site (<https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>): “*We work very hard to keep the CNDDDB and the Spotted Owl Database as current and up-to-date as possible given our capabilities and resources. However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers...*” WRA’s use of CNDDDB records to filter out

species from its characterization of the environmental setting is inconsistent with CNDDDB's purpose.

Response to *Species with no occurrence potential were based narrowly on whether the species is likely to breed on site and is based on an unrealistic view of wildlife habitat. (Paragraph 4, page 10).* “As stated above, the habitats to be impacted (non-native grasslands) were evaluated for their occupancy by special status species.”

Reply: Without having implemented detection surveys, the grassland was inadequately evaluated for occupancy by special-status species. Without detection surveys, the evaluation was speculative. Occupancy can be determined only by surveys to detect the species or by assuming presence. Absence, on the other hand, can only be determined by implementation of protocol-level detection surveys, and cannot be assumed.

Response to *Species with no occurrence potential were based narrowly on whether the species is likely to breed on site and is based on an unrealistic view of wildlife habitat. (Paragraph 4, page 10).* “Occupancy, under CEQA, relates to breeding habitat, not foraging habitat and the analysis for the overall suitability of a site for other wildlife requirements is not required.”

Reply: It would help for the response to cite the portion of CEQA that supposedly requires analysis of impacts onto to breeding habitat. Also note that the distinction between breeding and foraging habitat is more of a contrivance than scientific. Habitat is habitat, as recently noted again by Krausman (2016).

Response to *Species with no occurrence potential were based narrowly on whether the species is likely to breed on site and is based on an unrealistic view of wildlife habitat. (Paragraph 4, page 10).* “All nesting birds, except non-native, invasive bird species, such as English house sparrow (*Passer domesticus*), rock dove (*Columba livia*) and European starling (*Sturnus vulgaris*), are protected under the federal Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) and California Department of Fish and Wildlife (CDFW) Codes 3503 (passerines = perching birds) and 3503.5 (raptors = birds of prey).”

Reply: The protections cited do not distinguish nesting and foraging habitat. They refer to nesting birds, but nesting birds must also be foraging birds, and birds forage so that they can successfully nest.

I will also add the most recent protection is that of California Fish and Game Code §3513: the California Migratory Bird Protection Act.

Response to *Characterization of ponding on the site was based on a single site visit in late April during a drought year and pools could support California tiger salamander. (Paragraph 1, page 14).* “There is no ponding of water on the site. None of the wetlands are deep enough to support ponding. There were no plants associated with deeper water that could support California tiger salamander.”

Reply: Ponds where I recorded California tiger salamanders, including at Concord Naval Weapons Station (Smallwood and Morrison 2006) and elsewhere, were not always regularly inundated, nor were the ponds always very deep. I found California tiger salamander larvae in ankle-deep ephemeral ponds such as in rain pools. What's needed are for ponds to remain inundated long enough into the spring for larvae to reach maturity, but this need not happen every year. I suggest that the responder is defining conditions that are too narrow for California tiger salamander, and that WRA's one visit in April was unsatisfactory for determining whether sufficient ponding occurs at the project site.

WRA (2020) reports having found common lippia (*Phyla nodiflora*) and lots of creeping wildrye (*Elymus triticoides*) where historical imagery shows a wetlands feature. WRA (2020) reports that these plant species are not typically associated with vernal pools. However, this lack of association with vernal pools does not mean the site is something other than a wetland and that pooling never happens there. WRA (2020) also reports the soils of the site to be Wright loams, which are "typically associated with vernal pool type wetlands." In fact, WRA's (2020) Figure 2 depicts the northwest corner of the project site as a "wetland."

Response to *Successful nest of white-tailed kites right next door and in a tree no larger than the trees on the project site would have been less likely without access to forage on the site.* (Paragraph 2, page 14). "This statement is disingenuous. The white-tailed kite nesting tree is a Monterey pine more than twice the height of the oak trees on the site. The nest is not next door, it is more than 350 feet to the west. In addition, of the four pictures of the kites food exchanging, only one is showing the kites over the project area, based on Smallwood being on the west side of the project area. Three of the four kite photographs show the birds with the sun behind them, to the west, compared to the sun behind Smallwood and the birds to the east, on the project site. The kites are not conducting a food transference over the project site, but over the mitigation lands to the north and west."

Reply: My statement was not disingenuous. I have performed research on white-tailed kites for many years, beginning in 1989 (Erichsen et al. 1996, Smallwood et al. 1996). Over the past two years I have surveyed intensively for white-tailed kite nest sites as a repeat effort to Erichsen et al. (1996). White-tailed kites nest in a variety of tree species, including in oaks, and in trees of various heights. Based on the patterns of nest-site selection I have seen, the white-tailed kites next door to the project site could nest in the Monterey pine this next year, or they might very well nest in the oaks on the project site. And *next door* they were. The response points out the nest site was 350 feet to the west, although I have the distance at 310 feet. Either way, these distances are of no significance to white-tailed kites, which can casually traverse 350 feet in 14 seconds.

Next, the response challenges my comment based on where the white-tailed kites must have been located when I took the photographs I shared in my comment letter. The response implies that my photographs define the locations where I observed the white-tailed kites. In fact, I happened to take the photographs where the birds are shown

because I ran into a problem with my camera's focusing point. I typically use center-point focus for wildlife photography, but my center-point somehow got moved from the center of the framing window to the upper-left portion of it. It took me 15 or 20 minutes of frustrating time to identify and adjust for the problem, and all the while the white-tailed kites foraged over the project site without my getting anything other than blurry photos. Just because I shared no photos of the white-tailed kites foraging on the project site does not mean I failed to observe them doing so. I did see them there, and I saw them capture prey items on the project site. The photo I shared of an adult training its young on a pocket gopher was as I reported – a gopher that had been captured on the project site. This gopher was carried all over the place by an adult white-tailed kite, usually with fledgling white-tailed kites in tow.

Response to *The loss of habitat (for California tiger salamander) at the project site will not be replaced by new habitat. (Paragraph 3, page 14).*

“mitigation credits purchased according to parameters stated in Conservation Strategy will compensate for loss of habitat. The overall philosophy of the approved mitigation requirements by federal and State regulators is beyond the scope of the BRA.”

Reply: The response does not refute my comment. The habitat would not be replaced.

Response to *Habitat loss (paragraph 5, page 14).* “Dr. Smallwood cites two studies on bird nesting densities (Young 1948 and Yahner 1982) that are irrelevant to the proposed project site.”

Reply: The studies I cited are relevant. Scientists routinely draw inferences from studies such as the studies I cited. This is how science works, and it is why such studies are performed. For example, the habitat associations that WRA is so fond of, and which WRA lists in its Appendices A and B, originated from inferences drawn from various studies performed elsewhere.

Regardless, and more important than which studies I cited, I demonstrated an approach to predicting the numerical impacts of habitat loss. I do not claim that my analysis is the best possible analysis for the project site, but I do assert that an analysis of the impacts of habitat loss is feasible and that it is necessary to inform the CEQA review. I further submit that WRA provides no such analysis. If WRA believes my analysis compares apples and oranges, then instead of complaining about it, WRA can perform its own analysis. If WRA believes that the true nesting density at the project site is some fraction of the mean from the two studies I cited, then WRA ought to apply that fraction and recalculate the predicted loss of birds as a result of the project. Instead, WRA speculates wildly about the effect of house cats on nesting birds.

Response to *Wildlife movement corridor (paragraph 2, page 15).* “The CA Essential Habitat was a collaboration of CDFW and 62 other agencies.”

Reply: Whereas I am sure many wonderful people worked on the California Essential Habitat Connectivity Project, this fact does not justify using it to dismiss the site's importance to wildlife movement in the region. As I pointed out in my comment, the

minimum grid cell size of the Essential Habitat Connectivity Map was 2,000 acres. The project size is 2 acres. One thousand projects the size of the proposed project would fit into a single grid cell of the Essential Habitat Connectivity Map. The Essential Habitat Connectivity Project is intended for analyses at much larger spatial scales than that of the project site. It is grossly unsuitable for the purpose WRA uses it.

Response to *Bird-window collisions not addressed in development design (paragraph 1, page 16)*. “Smallwood references Dunn’s (1993) study that analyzed winter data from homes with bird feeders, which found that the frequency distribution of birds at the feeders closely paralleled the distribution of species killed by nearby windows.”

Reply: I’m gratified that the one reference was read by the responder. Dunn (1993) was an important contribution to the literature on bird-window collisions. I cited Dunn (1993) for her nation-wide estimate of annual mortality caused by window collisions, but the responder found additional value in the reference, which is great. But in my original comment letter, I also cited another 25 research papers and guidelines documents that go into much greater detail of the factors contributing to bird-window collisions and how to minimize and reduce them. Much more is needed than the banning of bird-feeders in the project, the use of window screens, and the promise to apply tape to windows should a problem arise. The latter measure is meaningless without fatality monitoring and a threshold level of mortality that would prompt the application of tape.

Response to *Whether special-status species occur on site and whether vernal pools occur on the project site. (Paragraph 2, page 18)*. “The non-native grasslands do not support ground nesting birds (as a nursery site), therefore nesting use will not be impeded.”

Reply: This response is unfounded. No suitable surveys were performed to detect ground-nesting birds. There is no basis for concluding that the site does not support ground-nesting birds.

COMMENTS ON THE ADDENDUM TO THE 2016 EIR

The Addendum (page 43) identifies statutes protecting biological resources, but it makes no mention of the California Migratory Bird Protection Act which was enacted in 2019 but did not exist at the time of the 2016 EIR. ABA 454 was signed by the Governor in 2019 to enact the California Migratory Bird Protection Act. This Act came into being at about the same time that Rosenberg et al. (2019) reported a 29% loss of overall bird numbers across North America during the preceding 48 years. The ecological and economic impacts of this decline have yet to be quantified, but are likely substantial. The revelation of Rosenberg et al. (2019) and the timely enactment of the California Migratory Bird Protection Act are both new circumstances since the 2016 EIR. They warrant a closer look at the proposed project, and the preparation of a project-specific EIR.

The Addendum (page 44) reports, “A site-specific Biological Resources Assessment was prepared by Wildlife Research Associates for the Hearn Veterans Village property and characterizes the existing site conditions and evaluates potential impacts to biological resources that would result from the proposed development. The Assessment includes a review of available data from the California Natural Diversity Database (CNDDDB), USFWS, California Department of Fish and Wildlife (CDFW), and the California Native Plant Society (CNPS), and also included a reconnaissance-level site survey which was conducted on April 27, 2020 and included an evaluation of the property for small mammal burrows, potential habitat for nesting birds, and seasonal protocol level surveys for special status plants.” Based on only one site visit in April 2020 and only one visit in April 2021, the biological resources assessment inadequately characterizes existing site conditions. Furthermore, as detailed below, the evaluations that are claimed to have been performed were either not performed or their findings inadequately reported.

WRA’s (2020) evaluation of the property for small mammal burrows consisted of the phrase, “evidence of which [pocket gophers] was observed primarily on the west side of the parcel (Fig. 7),” where Fig. 7 depicted a plugged burrow of a pocket gopher. This is no evaluation of small mammal burrows; it is merely an unsurprising finding that small mammal burrows are present. The 2021 report provides no additional insight into the distribution of pocket gophers at and around the site. There has been no reported quantification of small mammal burrows, nor has there been even a qualitative assessment of relative abundance other than to report that most gopher burrows were on the west side. No linkage has been attempted between the numbers and distribution of small mammal burrows and whether and to what degree California tiger salamanders might find aestivation opportunities on the project site.

WRA’s (2020) evaluation of the potential habitat for nesting birds was summarized by the sentence, “Non-native grasslands typically provide foraging, hunting and nesting habitat for a wide variety of wildlife species.” Otherwise, the evaluation consisted of speculated species that might nest on the ground and in tree cavities. It does not appear that WRA attempted to detect nesting birds. Even if WRA did search for nesting birds, doing so on one day was hardly a committed effort. The 2021 survey effort was no better, having detected only 8 species of birds in 6 person-hours. (I detected 30 species of birds in 3 person-hours.) Searching for nesting birds while also searching the ground for pocket gopher burrows would have been difficult.

The Addendum (page 46) lists 6 special-status species of birds it says have potential to occur on site. This list is short. It fails to include white-tailed kite, which nested only 310 feet west of the site last spring, and it fails to include special-status species I saw at the project site, including red-shouldered hawk, which is protected by California Fish and Game Code 3503.5, and Nuttall’s woodpecker, willow flycatcher, and San Francisco common yellowthroat. It also fails to include multiple additional species identified in Table 2 of my comment letter. Additionally, it fails to include species of birds that were recently added to the US Fish and Wildlife Service’s list of Birds of Conservation Concern (BCC). The 2021 list of BCC added northern harrier, western screech-owl, wrentit, California thrasher, and Bullock’s oriole. All of these species have been

reported to eBird as occurring in the area of the project. Northern harrier was reported on the grassland across the street, northwest of the project site. The Addendum is incomplete and needs to be revised.

WRA (2021) and the Addendum (page 47) address Monarch butterfly (*Danaus plexippus*), which in 2020 was designated a Candidate species for listing under the federal Endangered Species Act. WRA and the Addendum address Monarchs because the Candidate designation is a new circumstance since the 2016 EIR, but the effort to address this new circumstance is rushed, and as a consequence it is inadequate. Discussion of the occurrence likelihood of Monarchs is based on a site visit in April 2021. However, WRA (2021) visited the site to assess monarch occurrence likelihood at the wrong time of year. The time to survey for Monarchs in the Santa Rosa area would have been during the fall months. Based on iNaturalist records, monarchs have recently been detected in the area of the project as close as Bayer Park.

WRA (2021) reportedly relied upon the “survey protocol Western Monarch Overwintering Habitat Assessment of the Xerces Society(www.xerces.org).” At the website that is cited, I found instructions for recording data, but there were no instructions on how to assess the collected data. The protocol appears designed to contribute to a larger data set that will presumably be analyzed by someone at the Xerces Society. The protocol does not recommend a range of dates during which to assess overwintering habitat, but the Thanksgiving Count identifies 9 January as the latest date for that count. WRA (2021) surveyed the site on 16 April 2021, which was in spring, not winter. Finally, WRA’s conclusion that no winter aggregating habitat occurs at the project site might be premature. The survey protocol appears designed to acquire sufficient data to eventually identify the range of overwintering habitat conditions used by Monarchs. WRA (2021) cited no source for their conclusion, nor have I seen one that would support WRA’s finding.

WRA (2021) surveyed the site again to assess occurrence likelihood of burrowing owl. Citing outdated references, WRA mischaracterizes burrowing owl habitat and nesting ecology. Burrowing owls do not have high nest site fidelity, nor do breeding burrowing owls reuse the same burrows year after year. Burrows might be reused for several years, but then burrowing owls typically shift to new nest sites (Smallwood unpublished data collected inclusive of and since Smallwood et al. 2013).

WRA (2021) surveyed the site again to assess occurrence likelihood of American badger. Like with burrowing owl, the denning ecology of badgers is mischaracterized. In my experience in California, American badgers do not reuse the same den burrow year after year. I cannot recall ever finding a den burrow that was used by badgers two years consecutively. Den locations typically shift between years.

WRA (2021) reportedly found no burrows suitable for burrowing owl or American badger on 16 April 2021. On 1 June 2021, I observed the soil ramp of a large burrow on the site (Photo 1). I could not access the site, so I could not view the burrow up close, but I know from experience that the mound was piled from a burrow that was excavated

by a mammalian Carnivore. I guessed that the species was a gray fox, but I also suggested in my original comment letter that it could have been excavated by an American badger. Most likely the burrow was excavated after WRA's site visit, because otherwise WRA would have detected and reported this burrow.



Photo 1. Soil ramp piled by the excavation of a burrow by a mammalian Carnivore, possibly by an American badger, which is a California Species of Special Concern and known to occur in the area.

Given the burrow that occurred on the site on 1 June 2021 (Photo 1), the site obviously supports at least one burrow that can be used by nesting burrowing owls. In 2021 the burrow was used by a Carnivore, but in 2022 it very likely would be available for use by nesting burrowing owls. A detection survey is warranted for burrowing owl at the site, consistent with the available survey guidelines (CDFW). The WRA (2021) survey came nowhere close to meeting the minimum standards of CDFW (2021).

Finally, on page 48, the Addendum claims, “No special-status animal species have been mapped or previously recorded on the project site.” But this is not true. I recorded multiple special-status species of wildlife on the project site, including white-tailed kite (Photo 2).



Photo 2. *White-tailed kite hunting at the western edge of the project site, 1 June 2021.*

Thank you for your attention,

Shawn Smallwood

Shawn Smallwood, Ph.D.

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WRA (Wildlife Research Associates) and Jane Valerius Environmental Consulting. 2021. Biological Resource Assessment Hearn Veterans Village, 2149 West Hearn Avenue, Santa Rosa. Prepared for Community Housing Sonoma County, Santa Rosa, California.

EXHIBIT C

NORTHPOINT VILLAGE
586 MAPS 7-16

172 LANDS OF DOYLE
APN 035-740-055

173 LANDS OF SHUDONG/XIAODONG
APN 035-740-056

174 LANDS OF FUETTE
APN 035-740-057

168 LANDS OF MYERS
APN 035-740-051

169 LANDS OF RICO
APN 035-740-052

170 LANDS OF MENDOZA/CHAVEZ
APN 035-740-053

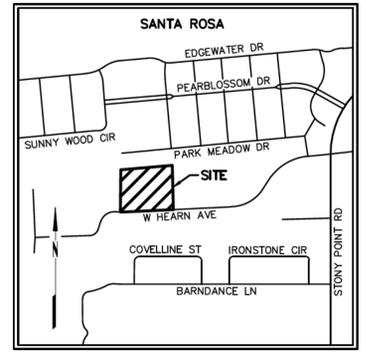
171 LANDS OF SINGH
APN 035-740-054

OWNER: COMMUNITY HOUSING SONOMA COUNTY
131-A STONY POINT CIRCLE, SUITE 500
SANTA ROSA, CA 95401
PH: 707-578-2338

CIVIL ENGINEER: BKF ENGINEERS
200 4TH ST, STE. 300
SANTA ROSA, CA. 95401
PH: 707-583-8500
FAX: 707-583-8539

ARCHITECT: FRITZ ARCHITECTURE
P.O. BOX 1074
SEBASTOPOL CA, 95473
PH: 707-975-6220

LANDSCAPE ARCHITECT: QUADRIGA
1212 4TH STREET
SANTA ROSA, CA 95404
PH: 707-546-3561



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

THE PROPOSED DEVELOPMENT WILL BE IN CONFORMANCE WITH THE CITY OF SANTA ROSA ZONING CODE, GENERAL PLAN AND DESIGN & CONSTRUCTION STANDARDS OR AS MODIFIED BY THIS TENTATIVE MAP AND AS APPROVED BY THE REVIEWING AGENCY.

WATER SUPPLY CITY OF SANTA ROSA

SEWAGE DISPOSAL CITY OF SANTA ROSA

PRESENT ZONING RR-20-RH

PROPOSED ZONING RR-20-RH

THIS SUBDIVISION IS NOT WITHIN AN AREA DESIGNATED AS A HIGH FIRE SEVERITY ZONE.

GRADING NOTES

SOILS ON THIS SITE ARE NOT ANTICIPATED TO PROHIBIT THIS TYPE OF DEVELOPMENT.

NO SOILS REPORT HAS BEEN PREPARED, BUT USGS WEB SOIL SURVEY IDENTIFIES SOIL AS "WRIGHT LOAM" WHICH IS TYPICALLY CLASSIFIED AS A TYPE "D" SOIL HAVING AN INFILTRATION RATE -0.05IN/HR OR LESS.

THE ENGINEER AND DEVELOPER ARE NOT AWARE OF HAZARDOUS MATERIALS ON THIS SITE.

FEMA FLOOD MAPS REVEAL THAT THE SITE IS NOT SUBJECT TO INUNDATION.

STREET TREES WILL BE PROVIDED AT THE FRONTAGE OF LOT 1 ALONG HEARN AVENUE IN ACCORDANCE WITH THE MUNICIPALITY STANDARDS.

PROVISIONS FOR EROSION CONTROL WILL BE INCORPORATED INTO THIS PROJECT.

UTILITY NOTES

EXISTING SEWER AND WATER SERVICES WHICH WILL NOT BE USED WITH THESE SUBDIVISION IMPROVEMENTS WILL BE ABANDONED AT THE MAIN IN ACCORDANCE WITH THE CITY OF SANTA ROSA DESIGN AND CONSTRUCTION STANDARDS.

EXISTING SEPTIC SYSTEMS WILL BE ABANDONED IN ACCORDANCE WITH PERMITS FROM THE CITY BUILDING DEPARTMENT AND THE SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT.

EXISTING WELLS WILL BE ABANDONED (UNLESS OTHERWISE NOTED ON THESE DRAWINGS) IN ACCORDANCE WITH CITY WELL ORDINANCE AS ADMINISTERED BY THE CITY BUILDING OFFICIAL.

ELECTRICAL SERVICE FOR THIS SUBDIVISION WILL BE UNDERGROUND.

PROPOSED UTILITIES WILL CONFORM WITH CITY OF SANTA ROSA DESIGN AND CONSTRUCTION STANDARDS.

GENERAL MAP INFORMATION

UNAUTHORIZED CHANGES & USES: THE PROFESSIONAL PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. CHANGES TO THIS MAP MUST BE REQUESTED IN WRITING AND MUST BE APPROVED BY THE PROFESSIONAL.

THE LOCATIONS OF EXISTING UNDERGROUND FACILITIES SHOWN ON THESE DRAWINGS ARE APPROXIMATE AND ARE BASED ON OBSERVED TOPOGRAPHIC SURFACE FEATURES AND AVAILABLE INFORMATION. THE PROFESSIONAL PREPARING THIS MAP ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THESE FACILITIES OR FOR THE INADVERTENT OMISSION OF RELATED INFORMATION.

TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48"). DRIPLINE DIAMETERS AND TREE SPECIES ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED BY A CERTIFIED ARBORIST.

TOPOGRAPHIC INFORMATION SHOWN HEREON WAS MAPPED BY BKF ENGINEERS ON 08/22/19.

DISTANCES AND ELEVATIONS ARE SHOWN IN FEET AND DECIMALS THEREOF. DISTANCES HAVE BEEN ROUNDED TO THE NEAREST FOOT.

BOUNDARY INFORMATION SHOWN HEREON WAS OBTAINED FROM MAP OF VOLKERTS HOMESITES, FILED IN BOOK 57 OF MAPS, PAGES 25-26, SONOMA COUNTY RECORDS. THE BEARINGS AND DISTANCES DO NOT REFLECT A FIELD SURVEY AND DO NOT CONSTITUTE A FORMAL BOUNDARY DETERMINATION.

BASIS OF BEARINGS: MAP OF VOLKERTS HOMESITES, FILED IN BOOK 57 OF MAPS, PAGES 25-26, SONOMA COUNTY RECORDS.

TEMPORARY BENCHMARK: MAG NAIL IN AC AT INTERSECTION OF W HEARN AVE AND PARK MEADOW DR, LOCATION SHOWN HEREON, ELEVATION 104.48 (DATUM NAVD 88 BY GPS OBSERVATIONS UTILIZING THE CALIFORNIA SURVEY & DRAFTING SUPPLY VSN).

LOT SIZE SUMMARY

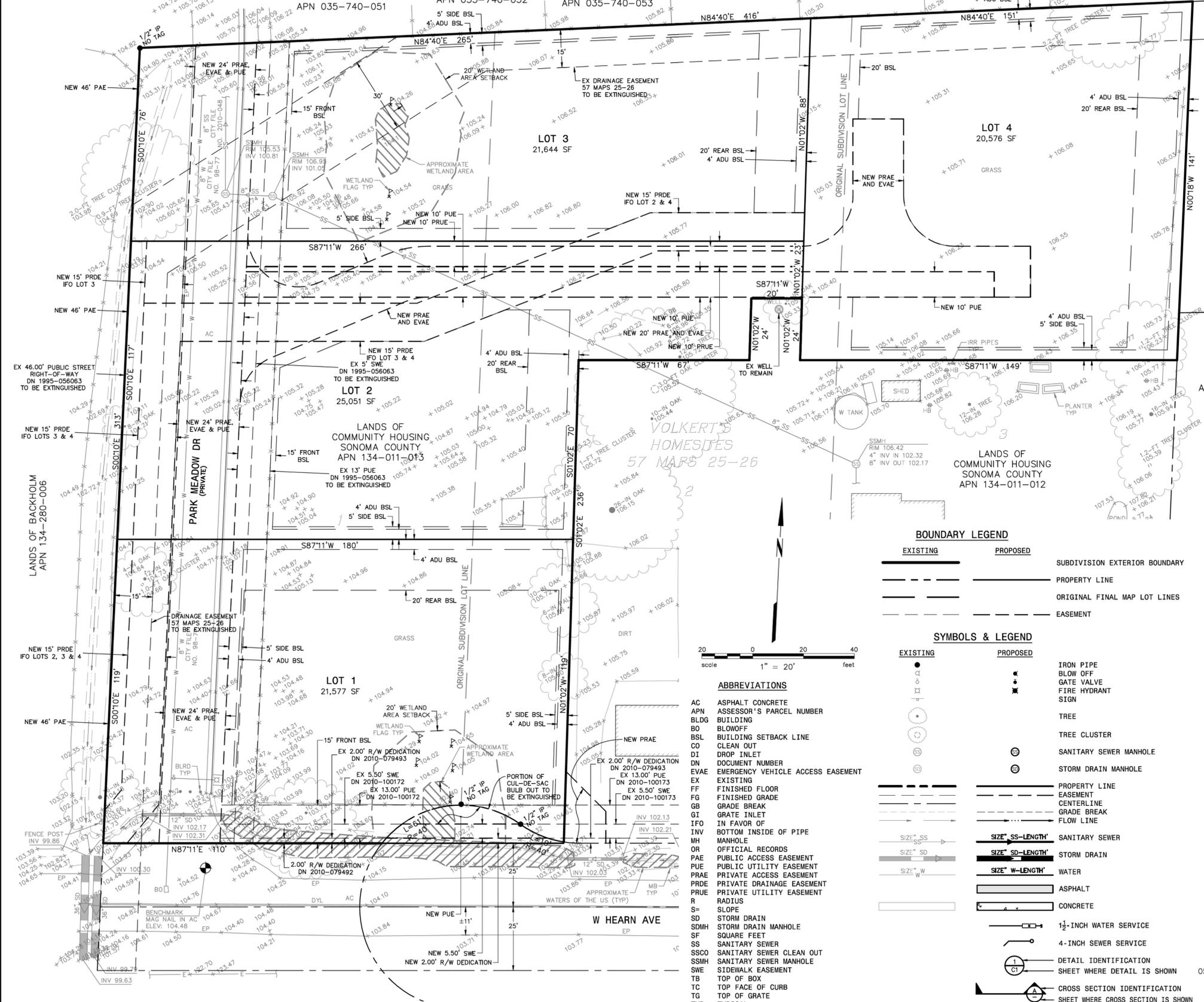
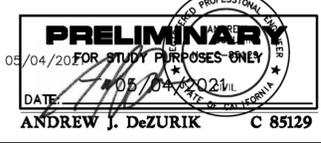
SMALLEST.....20,576 SF
LARGEST.....25,051 SF
AVERAGE.....22,200 SF

TENTATIVE MAP
FOR
HEARN VETERANS VILLAGE
BOUNDARY AND EXISTING CONDITIONS SHEET
4 MULTIFAMILY RESIDENTIAL LOTS

BEING A RE-SUBDIVISION OF LOT 1, AND PORTIONS OF LOTS 2 & 3 AS SHOWN ON THE FINAL MAP OF VOLKERTS HOMESITES, FILED IN BOOK 57 OF MAPS AT PAGES 25 & 26, SONOMA COUNTY RECORDS, ALSO BEING THE LANDS OF COMMUNITY HOUSING SONOMA COUNTY, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION, AS DESCRIBED IN DOCUMENT NO. 2009-013240 & 2009-069547, SONOMA COUNTY RECORDS.

2149 WEST HEARN AVENUE
CITY OF SANTA ROSA, CALIFORNIA
APN 134-011-012 AND 013
CONTAINING 3.05 ACRES
MAY 2021

PREPARED BY



BOUNDARY LEGEND

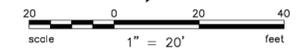
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---	---	PROPERTY LINE
---	---	ORIGINAL FINAL MAP LOT LINES
---	---	EASEMENT

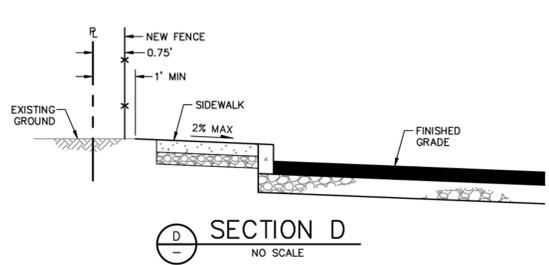
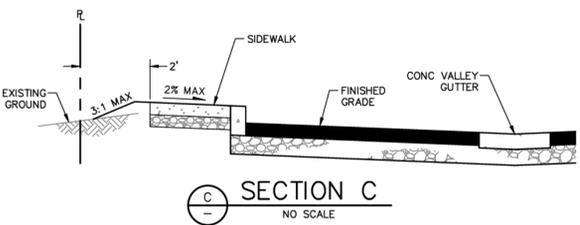
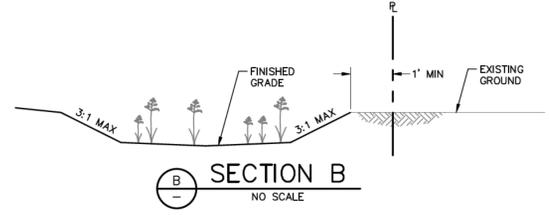
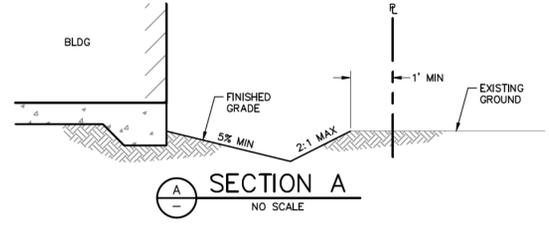
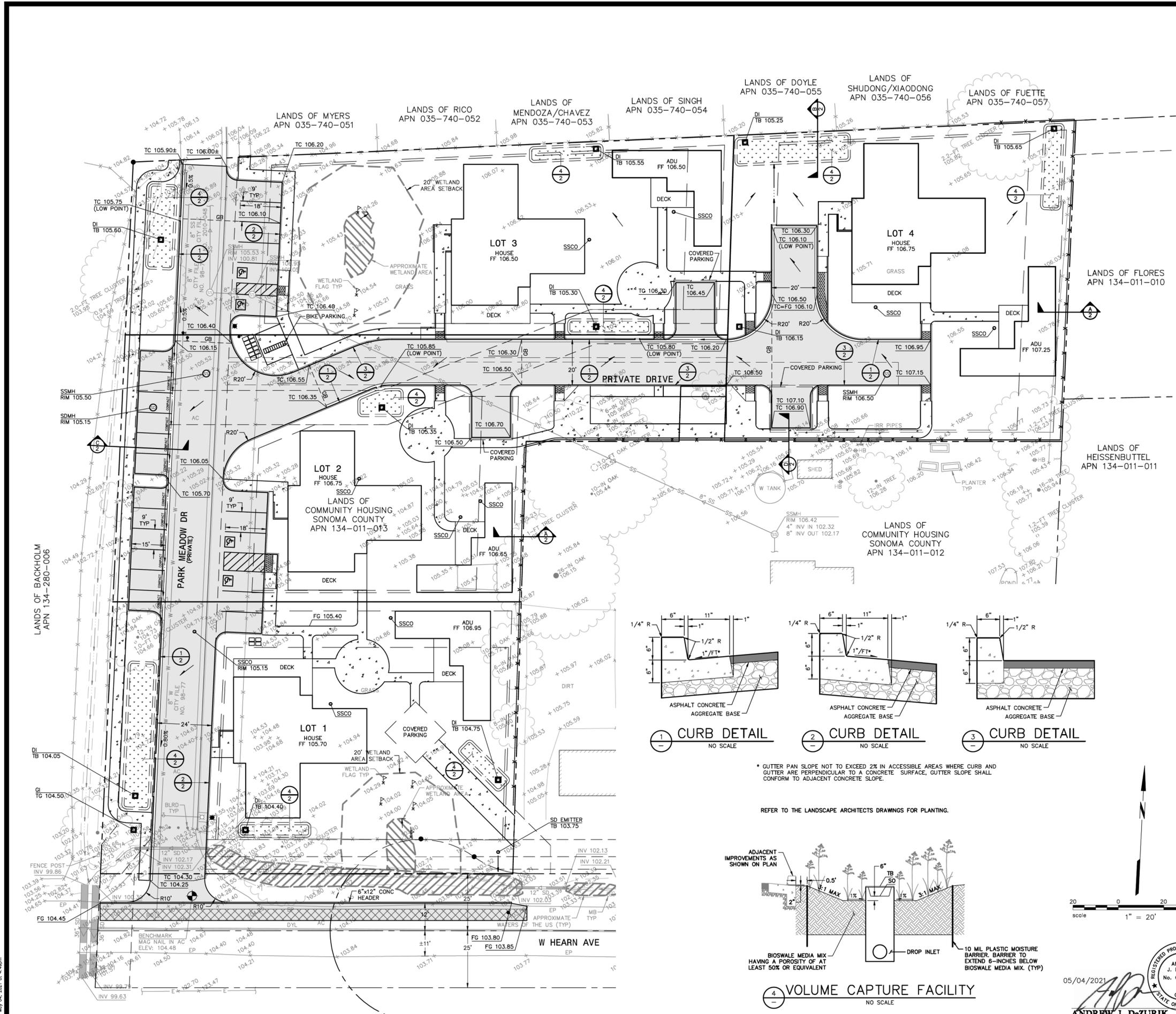
SYMBOLS & LEGEND

EXISTING	PROPOSED	
●	●	IRON PIPE
○	○	BLOW OFF
□	□	GATE VALVE
■	■	FIRE HYDRANT
○	○	SIGN
○	○	TREE
○	○	TREE CLUSTER
○	○	SANITARY SEWER MANHOLE
○	○	STORM DRAIN MANHOLE
---	---	PROPERTY LINE
---	---	EASEMENT
---	---	CENTERLINE
---	---	GRADE BREAK
---	---	FLOW LINE
---	---	SIZE" SS-LENGTH' SANITARY SEWER
---	---	SIZE" SD-LENGTH' STORM DRAIN
---	---	SIZE" W-LENGTH' WATER
---	---	ASPHALT
---	---	CONCRETE
---	---	1 1/2-INCH WATER SERVICE
---	---	4-INCH SEWER SERVICE
○	○	DETAIL IDENTIFICATION
○	○	SHEET WHERE DETAIL IS SHOWN
○	○	CROSS SECTION IDENTIFICATION
○	○	SHEET WHERE CROSS SECTION IS SHOWN

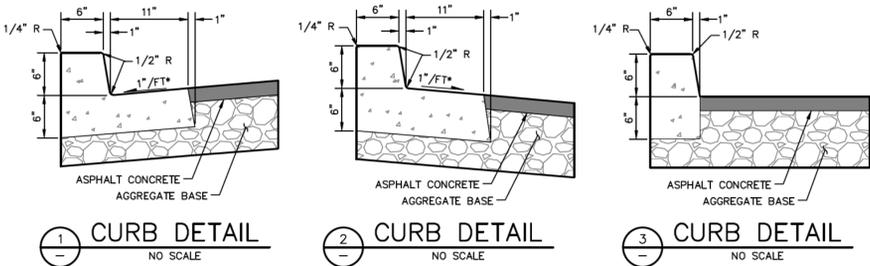
ABBREVIATIONS

AC	ASPHALT CONCRETE
APN	ASSESSOR'S PARCEL NUMBER
BLDG	BUILDING
BO	BLOWOFF
BSL	BUILDING SETBACK LINE
CO	CLEAN OUT
DI	DROP INLET
DN	DOCUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FF	FINISHED FLOOR
FG	FINISHED GRADE
GB	GRADE BREAK
GI	GRATE INLET
IFO	IN FAVOR OF
INV	BOTTOM INSIDE OF PIPE
MH	MANHOLE
OR	OFFICIAL RECORDS
PAE	PUBLIC ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PRAE	PRIVATE ACCESS EASEMENT
PRDE	PRIVATE DRAINAGE EASEMENT
PRUE	PRIVATE UTILITY EASEMENT
R	RADIUS
S	SLOPE
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
SS	SANITARY SEWER
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
SWE	SIDEWALK EASEMENT
TB	TOP OF BOX
TC	TOP FACE OF CURB
TG	TOP OF GRATE
TYP	TYPICAL



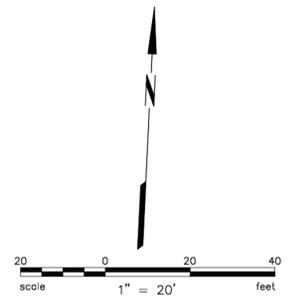
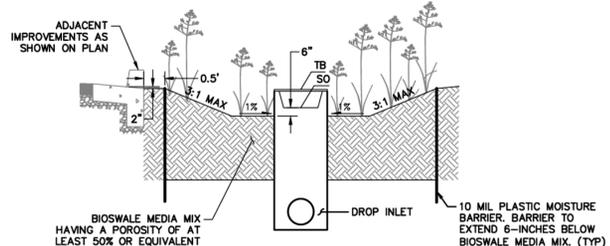


NOTE: SEE SHEET 3 FOR TYPICAL STREET SECTIONS.



* GUTTER PAN SLOPE NOT TO EXCEED 2% IN ACCESSIBLE AREAS WHERE CURB AND GUTTER ARE PERPENDICULAR TO A CONCRETE SURFACE, GUTTER SLOPE SHALL CONFORM TO ADJACENT CONCRETE SLOPE.

REFER TO THE LANDSCAPE ARCHITECTS DRAWINGS FOR PLANTING.



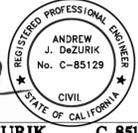
TENTATIVE MAP FOR HEARN VETERANS VILLAGE GRADING SHEET

4 MULTIFAMILY RESIDENTIAL LOTS

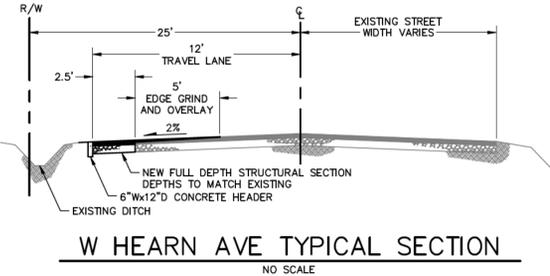
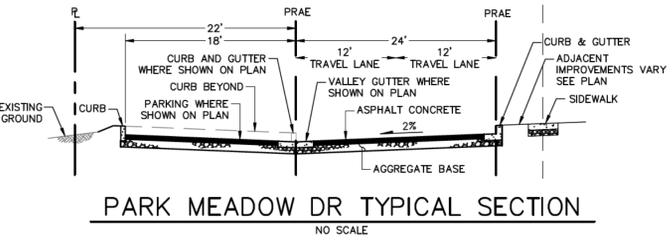
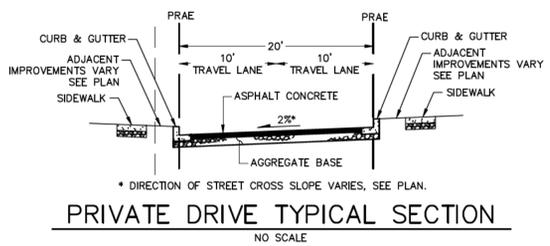
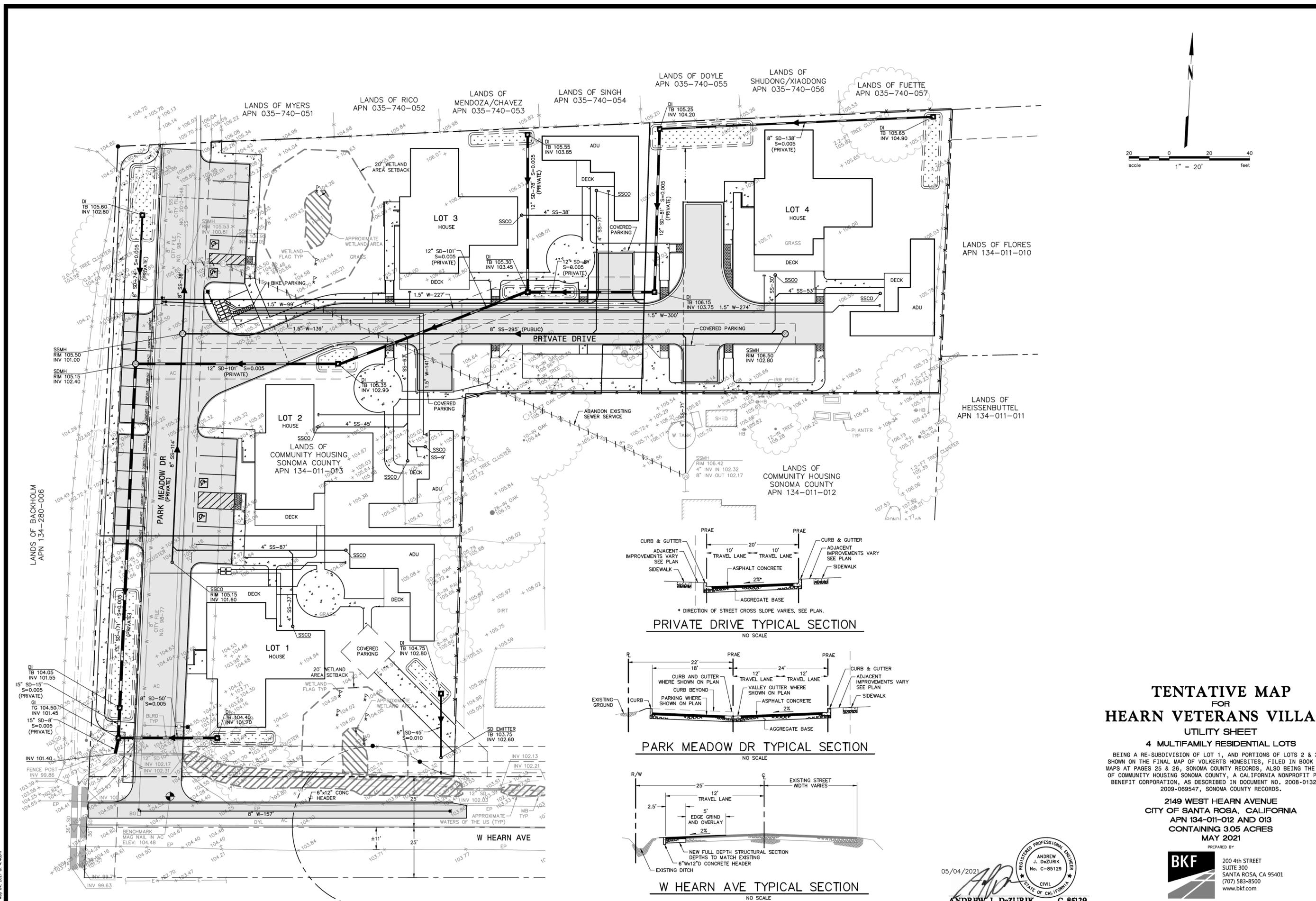
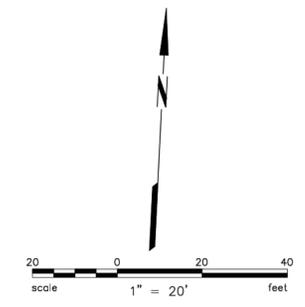
BEING A RE-SUBDIVISION OF LOT 1, AND PORTIONS OF LOTS 2 & 3 AS SHOWN ON THE FINAL MAP OF VOLKERT'S HOMESITES, FILED IN BOOK 57 OF MAPS AT PAGES 25 & 26, SONOMA COUNTY RECORDS, ALSO BEING THE LANDS OF COMMUNITY HOUSING SONOMA COUNTY, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION, AS DESCRIBED IN DOCUMENT NO. 2008-013240 & 2009-069547, SONOMA COUNTY RECORDS.

2149 WEST HEARN AVENUE
CITY OF SANTA ROSA, CALIFORNIA
APN 134-011-012 AND 013
CONTAINING 3.05 ACRES
MAY 2021

PREPARED BY
BKF
200 4th STREET
SUITE 300
SANTA ROSA, CA 95401
(707) 583-8500
www.bkf.com



05/04/2021
ANDREW J. DEZURIK
C 85129



**TENTATIVE MAP
FOR
HEARN VETERANS VILLAGE
UTILITY SHEET**

4 MULTIFAMILY RESIDENTIAL LOTS

BEING A RE-SUBDIVISION OF LOT 1, AND PORTIONS OF LOTS 2 & 3 AS SHOWN ON THE FINAL MAP OF VOLKERT'S HOMESITES, FILED IN BOOK 57 OF MAPS AT PAGES 25 & 26, SONOMA COUNTY RECORDS, ALSO BEING THE LANDS OF COMMUNITY HOUSING SONOMA COUNTY, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION, AS DESCRIBED IN DOCUMENT NO. 2008-013240 & 2009-069547, SONOMA COUNTY RECORDS.

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05/04/2021

ANDREW J. DEZURIK

C 85129

EXHIBIT D

July 26, 2021

Monet Shekhali, Planner
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95401

Dear Ms. Shekhali:

Per your email request of 06/08/2021, we have provided responses to comments that have been made both prior to the circulation of the Mitigated Negative Declaration ("MND") and during the MND comment period. We have responded with Project Modifications first, and then with answers to other comments that have been made about aspects of the project that already are part of the project design.

The following Project Modifications to Hearn Veterans Village are a substantial attempt to balance CHSC's wish to be part of the neighborhood with its mission to develop more quality affordable supportive housing for homeless veterans, which provides a substantial public benefit. Although this is a by-right affordable housing project, CHSC has committed to integrate these Project Modifications into Hearn Veterans Village.

PROJECT MODIFICATIONS MADE PRIOR TO MND CIRCULATION

Neighbor Concern	CHSC Response
Safety for children and families who currently walk and play along the Park Meadow Drive EVA owned by CHSC	CHSC has added a new walking path to the west of the parking spaces along Park Meadow Drive. Bollards will remain along the north end of Park Meadow Drive; this will never be a through street. Path will be paved and maintained by CHSC. This reflects substantial construction cost to design, build, and maintain.
Over flow parking will spill onto West Hearn Avenue	CHSC has added 6 additional parking spaces to insure there are enough spaces for more than 50% of the 32 people who will reside at the property. Staff from Nation's Finest will park at Hearn House and walk around to Park Meadow Drive or use the gate between the two properties when accessing Hearn Veterans Village.
Veterans residing will be able to watch young girls swimming in backyard pools or playing in backyards	To provide privacy both for veterans residing at Hearn Veterans Village and for adjacent back yards of neighbors in Northpoint Village, CHSC has shifted all second-story windows from their originally designed locations to obscure views. For those windows that



located along the commonly shared fence line between Northpoint Village and Hearn Veterans Village

cannot be moved without completely re-designing floor plans, exterior free-standing metal screening has been designed to obscure views into and out of second-story windows.

PROJECT MODIFICATIONS MADE IN RESPONSE TO COMMENTS ON THE MND

Neighbor Concern	CHSC Response
<p>Second-story on the Hearn Veterans Village houses are incompatible with this single-story neighborhood</p>	<p>The proposed design is not incompatible with the current neighborhood. The building height complies with City Code and the existing neighborhood does have some two-story buildings on the street as well as other two-story buildings visible from the street. The second story was added to minimize building footprint, providing maximum open space for residents and space to preserve the wetlands with a 20' buffer zone. The houses are set apart from each other minimizing the visual impact of the second story. The second story does not impact the health and safety of the residents or neighborhood. Further, under the Housing Accountability Act, this aesthetic concern is not sufficient to deny the housing or require a lower unit count.</p>
<p>Development is too dense with 32 veterans</p>	<p>Hearn Veterans Village is consistent with the development potential anticipated by the General Plan 2035 population projections and the slightly reduced (due to the change from Low Density to Very Low Density Residential) population projections of the Roseland Specific Plan and Annexation project (as analyzed in the corresponding EIR's prepared for the General Plan and Specified Plan). CEQA addresses project impacts with regard to substantial unplanned population growth rather than population density. Development of the Hearn Veterans Village site as proposed is consistent with the established land use, zoning regulations, and planned population growth.</p>

OTHER COMMENTS SUBMITTED TO CHSC

Neighbor Concern	CHSC Response
<p>There are no plants for bees, butterflies, or birds</p>	<p>CHSC initially developed a low-water sustainable landscape plan that integrates drought tolerant native plants that provide habitat for at-risk species, including lavender and native grasses. A list of habitat-</p>



supporting plants has been attached to this letter. The final planting plan will be developed later in the process, and will include additional habitat-supporting plants for bees, butterflies, and birds.

California Tiger Salamander ("CTS") credits

CTS mitigation bank credits are available in sufficient amount to satisfy the required acreage to be mitigated, per CHSC's consultations with CTS mitigation bank agent.

Outdoor cats belonging to veterans at Hearn Veterans Village will kill neighborhood bird population

CHSC allows Emotional Support Animals and Service Animals. Cats that qualify as Emotional Support Animals are not allowed unaccompanied outside any veteran's unit. When outside, they must be on a leash or otherwise contained in a carrier, and the veteran must clean up after their Emotional Support or Service Animal.

The project does not prioritize energy efficiency

In fact, the project is being designed to meet Zero Net Energy standards. The residents, by virtue of living in small hyper-efficient apartments, will be among the least-energy-consuming residents in Sonoma County, using roughly 1/4th as much energy as a resident of a standard sized, existing house in Santa Rosa.

Expected vehicle ownership

In CHSC's experience, rarely do more than 50% of their veterans have cars, either at initial occupancy or later in tenancy.

CHSC is considering a shared van service with the program operated by Nation's Finest at Hearn House.

One neighbor, Lennie Moore, has stated that he did not receive any outreach or communication from CHSC

- CHSC engaged Susan Barnes of Barnes & Company to reach out to neighbors via email and telephone.
- Ms. Barnes left a voicemail message for Mr. Moore on April 6, 2021 that was never returned.
- Ms. Barnes sent an email to Mr. Moore on April 6, 2021 that was not returned.
- Ms. Barnes sent another email to Mr. Moore on April 12, 2021. Mr. Moore's April 12 reply confirmed he had received the April 6, 2021 email and would address his concerns in the Neighborhood Meeting.
- Mr. Moore sent an email to Ms. Barnes on April 15, 2021 requesting a recording of the Neighborhood Meeting.



- Ms. Barnes replied to Mr. Moore's April 15, 2021 email on April 23, 2021
- Chris Cabral of Nation's Finest, the planned Lead Services Provider, provided responses to Mr. Moore's questions about services provision in two extensive emails on April 28, 2021.
- Mr. Moore sent an email to Ms. Barnes and Paula Cook on May 10, 2021 with comments and questions regarding the selection of tenants and provision of services, neither of which relate to the land use request made by CHSC to the City of Santa Rosa and considered in the Hearn Veterans Village MND.
- Barbara Towner, project manager for the Hearn Veterans Village development, replied to Mr. Moore's questions and comments by email on June 28, 2021, citing Ms. Cook's recent back surgery, complications, and hospitalization for her delayed responses, many of which were previously provided in Ms. Cabral's April 28, 2021 emails.

CHSC has diligently attempted to reach out and respond to neighbor fears, concerns, and issues, and has done so with respect and professionalism. CHSC made substantial – and expensive – modifications, including adding parking spaces, adding a walking path, re-orienting windows, and adding screening. Despite these efforts and changes, it appears that CHSC's truthfulness and intentions are still doubted and questioned. CHSC has responded to as many neighbor concerns as we believe is financially feasible and frankly, fair.

CHSC looks forward to being a good neighbor, as we are at all of our supportive housing properties. The primary contact for CHSC is Barbara L. Towner, project manager, barbara@craigmeltzner.com, 707.526.6336. The primary contact for Nation's Finest is Chris Cabral, CCabral@nationsfinest.org, 707.623.1757.

Thank you for the opportunity to respond to comments about Hearn Veterans Village.

Sincerely,

A handwritten signature in black ink that reads "Paula Cook".

Paula Cook
Executive Director

Candidate Plant List

Trees

Botanical Name	Common Name	HxW	Type	Exposure	Seasonality	Habitat Type	Native	Layer	Habitat Uses
<i>Aesculus californica</i>	California buckeye	40'x40'	Tree	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	High	Habitat
<i>Arbutus menziesii</i>	Madrone	20'x20'	Tree	Sun/Pt. Shade	Evergreen	Bird	yes	High	Fruit, Habitat
<i>Cercis occidentalis</i>	Western Redbud	6-25' tall/wide	Tree	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	High	seeds (fall), Flowers (spring)
<i>Liriodendron tulplifera</i>	Tulip Poplar	50'x30'	Tree	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	no	High	seeds (fall)
<i>Nyssa sylvatica</i>	Black/Sour Gum	45'x25'	Tree	Sun/Pt. Shade	Evergreen	Bird	no	High	Fruit
<i>Quercus agrifolia</i>	Coast Live Oak	50'x30'	Tree	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	High	Habitat, Seeds, Insects
<i>Quercus douglasii</i>	Blue Oak	50'x30'	Tree	Sun/Pt. Shade	Deciduous	Bird	yes	High	Habitat, Seeds, Insects
<i>Quercus lobata</i>	Valley Oak	80'x50'	Tree	Sun	Deciduous	Bird	yes	High	Habitat, Seeds, Insects
<i>Sequoia sempervirens</i>	Redwood	70'x30'	Tree	Sun/Pt. Shade	Evergreen	Bird	yes	High	Habitat
<i>Tilia americana</i> 'Redmond'	Redmond American Linden	80'x50'	Tree	Sun/Pt. Shade	Deciduous	Bird	no	High	Habitat, Seeds, Insects

Site Plantings

Botanical Name	Common Name	HxW	Type	Exposure	Seasonality	Habitat Type	Native	Layer	Habitat Uses
<i>Abutilon</i> spp. & cvs	Flowering Maple	Varies	Shrub	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	varies	Mid	
<i>Achillea millefolium</i> & cvs	Yarrow	3'x3'	Perennial	Sun/Pt. Shade	Perennial	Bird/Bee/Butterfly	varies	Low	Insects
<i>Amelanchier alnifolia</i>	Western Service Berry	3'x2'	Shrub	Pt. Shade	Deciduous	Bird	yes	Mid	Fruit
<i>Arctostaphylos manzanita</i>	manzanita	6'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird	yes	Mid	Habitat, Nectar
<i>Artemisia californica</i>	California Sagebrush	2'x4'	Shrub	Sun	Deciduous	Bird/Bee/Butterfly	yes	Low	Leaves, Flowers (spring-fall), Seeds (fall-winter)
<i>Arctostaphylos uva-ursi</i>	Southern Kinnikinnick	1'x6'	Groundcover	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Nectar
<i>Baccharis pilularis</i>	coyote brush	2'x8'	Groundcover	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Seeds (summer-fall)
<i>Ceanothus</i> sp.	California Lilac species	6'-25' tall/wide	Shrub	Sun/Pt. Shade	Evergreen	Bird and Bee	yes	High	Habitat, Seeds, Insects
<i>Chaenomeles speciosa</i>	Flowering Quince	8'x8'	Shrub	Sun/Pt. Shade	Evergreen	Bird and Bee	yes	Mid	
<i>Correa</i> 'Dusky Bells'	Red Australian fuchsia	18"x3'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Low	Nectar
<i>Dietes bicolor</i> , <i>D. iridioides</i>	Fortnight lily	3'x3'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Low	Habitat
<i>Epilobium canum</i>	California fuchsia	12"x2'	Perennial	Sun	Perennial	Bird/Bee/Butterfly	yes	Low	Nectar
<i>Eriogonum arborescens</i>	Santa Cruz Island Buckwheat	2'x3'	Shrub	Sun	Evergreen	Bird/Bee/Butterfly	yes	Mid	Nectar, Insects, seeds (fall), leaves
<i>Eriogonum giganteum</i>	St. Catherine's Lace	4'x6'	Shrub	Sun	Evergreen	Bird/Bee/Butterfly	yes	Mid	Nectar, Insects
<i>Eschscholzia californica</i>	California Poppy	1'x1'	Perennial	Sun	Annual	Bird/Bee/Butterfly	yes	Low	Nectar, Insects, Seeds (summer)
<i>Festuca californica</i> cvs.	CA Fescue and cultivars	3'x3'	Grass	Sun/Pt. Shade	Perennial	Bird	yes	Low	Seeds, Insects
<i>Galvezia speciosa</i>	island bush snapdragon	3'x8'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Mid	flowers (spring)
<i>Grevillea noellii</i>	Grevillea	4'x4'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Mid	Nectar
<i>Heteromeles arbutifolia</i>	Toyon	8'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	High	Habitat, Fruit (Fall/Winter)

Heuchera maxima	Island Alum Root	1'x2'	Perennial	Pt. Shade	Evergreen	Bird	yes	Low	Flowers (spring)
Lavandula sp.	Lavender species	3'x3'	Shrub	Sun/Pt. Shade	Evergreen	Bee	no	Mid	
Mahonia aquifolium	Oregon Grape	6'x6'	Shrub	Pt. Shade	Evergreen	Bird	yes	Mid	Berries (summer)
Mimulus aurantiacus	sticky monkeyflower	5'x5'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Mid	Nectar
Monardella linoides	Willow Monardella	1'x2'	Perennial	Sun	Evergreen	Bird/Bee/Butterfly	yes	low	Nectar
Muhlenburgia rigens	Deer Grass	4'x4'	Grass	Sun	Semi-evergreen	Bird	yes	Low	Seeds, shelter
Rhamnus californica	CA Coffeeberry	6'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird	yes	Mid	Habitat, Fruit (Summer/Fall), Insects
Rhus ovata	Sugar Bush	10'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	High	Fruit (Summer/Fall)
Ribes aureum	Golden Currant	8'x8'	Shrub	Pt. Shade	Evergreen	Bird	yes	High	Habitat, Nectar, Fruit (Summer/Fall)
Ribes speciosum	Fuchsiaflower Gooseberry	6'x4'	Shrub	Pt. Shade/Shade	Deciduous	Bird	yes	Mid	Habitat, Nectar, Fruit (Summer/Fall)
Ribes viburnifolium	Catalina Currant	2'x8'	Shrub	Pt. Shade/Shade	Evergreen	Bird	yes	Low	Habitat, Nectar, Fruit (Summer/Fall)
Rosa californica	wild rose	8'x10'	Shrub	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	High	Hips (summer-fall)
Salvia apiana	White Sage	4'x4'	Shrub	Sun	Deciduous	Bird/Bee/Butterfly	yes	Mid	Habitat, Nectar, Seeds, Insects
Salvia clevelandii	Cleveland Sage	4'x6'	Shrub	Sun/Pt. Shade	Evergreen	Bird	yes	Mid	Habitat, Nectar, Seeds, Insects
Salvia leucophylla	Purple Sage	3'x6'	Shrub	Sun	Evergreen	Bird	yes	Mid	Habitat, Nectar, Seeds, Insects
Salvia spathacea	Hummingbird Sage	2'x3'	Perennial	Pt. Shade/Shade	Evergreen	Bird	yes	Low	Habitat, Nectar, Seeds, Insects
Trichostema lanatum	wooly blue curls	5'x5'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Mid	Flowers (summer)
Vitis californica	CA Grape	15' tall	Vine	Sun/Pt. Shade	Deciduous	Bird	yes	Mid	Fruit, Summer, Insects

Bioretention Plantings

Botanical Name	Common Name	HxW	Type	Exposure	Seasonality	Habitat Type	Native	Layer	Habitat Uses
Achillea millefolium & cvs	Yarrow	3'x3'	Perennial	Sun/Pt. Shade	Perennial	Bird/Bee/Butterfly	varies	Low	Insects
Asclepias speciosa	Milkweed	2'x1'	Perennial	Sun/Pt. Shade	Perennial	Bird/Bee/Butterfly	yes	Low	Habitat and Butterflies
Asclepias fascicularis	Narrowleaf Milkweed	2'x2'	Perennial	Pt Shade	Perennial	Bird/Bee/Butterfly	yes	Low	Habitat and Butterflies
Carex divulsa	Berkeley sedge	2'x2'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat and cover - year round
Carex pansa	California meadow sedge	1'x1'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat and cover - year round
Carex subfusca	Rusty sedge	1'x1'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat and cover - year round
Chondropetalum tectorum	Cape rush	4'x4'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Mid	Thicket habitat cover
Deschampsia cespitosa	Tufted hairgrass	2'x2'	Grass	Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Low	Seeds, nesting, habitat
Dietes bicolor, D. iridioides	Fortnight lily	3'x3'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Low	Habitat
Elymus glaucus	Blue wild rye	2'x2'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Seeds, nesting, habitat
Festuca californica	California fescue	2'x3'	Grass	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Low	Seeds, nesting, habitat
Juncus effusus	Pacific rush	12"x12"	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat
Juncus patens	Blue rush	12"x12"	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat
Physocarpus capitatus	Pacific ninebark	8'x8'	Shrub	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Mid	Larger cover
Sisyrinchium bellum	Blue-eyed grass	6"x12"	Grass	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Low	Habitat, pollinator

EXHIBIT E

NOTE: SEE SHEET 3 FOR TYPICAL STREET SECTIONS.

**TENTATIVE MAP
FOR
HEARN VETERANS VILLAGE
GRADING SHEET**

4 MULTIFAMILY RESIDENTIAL LOTS

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CONTAINING 3.05 ACRES
FEBRUARY 2021**

PREPARED BY



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85129

JOB NO. 20190686

SHEET 2 OF 3 SHEETS



From: [Lennie Moore](#)
To: [_CityCouncilListPublic](#); [Sheikhali, Monet](#); [Rogers, Natalie](#)
Cc: [Rebecca Davis](#)
Subject: [EXTERNAL] Hearn Veterans Village attorney comments
Date: Monday, March 14, 2022 11:56:43 AM

Our attorney, Rebecca Davis of Lozeau Drury has submitted commentary this morning on behalf of us, the West Hearn Residents for Rural Integrity.

We request that the City Council, and City Attorney, please review this material in preparation for tomorrow's appeal hearing.

We would like to thank Councilwoman Rogers and Vice-Mayor Alvarez for meeting with our neighbors at the site, and Mayor Rogers for meeting with us as well. We appreciate that you listened to our position and engaged with us.

Sincerely,

--

Lennie Moore and Johanna Greenberg, VMD
www.lenniemoore.com
Cell (323) 428-4832

From: [Sheikhali, Monet](#)
To: [Manis, Dina](#); [Maloney, Mike](#)
Subject: FW: [EXTERNAL] Hearn House
Date: Monday, March 14, 2022 12:24:17 PM

From: KIM PETERS <luckybug2075@comcast.net>
Sent: Monday, March 14, 2022 12:23 PM
To: Sheikhali, Monet <msheikhali@srcity.org>
Subject: RE: [EXTERNAL] Hearn House

Monet,

Thank you for your response.

I am dumbfounded that the traffic department determined there would be no significant impact on the neighborhood! This would almost DOUBLE the population! There are no sidewalks no traffic monitoring by SRPD and we have kids walking to and from school in the street. Unless the city wants another terrible tragedy like what happened by Elsie Allen high school, where kids had to walk to school in the street in a busy traffic area, this can not end well!!

This is a burden in our small little street that has taken over by people who I think do not really care!

Kim Peters

On 03/14/2022 9:48 AM Sheikhali, Monet <msheikhali@srcity.org> wrote:

Kim,

Thank you for your comments and concerns regarding the proposed four-lot subdivision for four single-family units with four accessory dwelling units. The Traffic Division has reviewed the proposal and determined that the project would not result in any traffic impact. The access cannot be through Park Meadow because that access is only for emergency vehicles.

I will add your email as late correspondence to the packet to be reviewed by the City Council.

Thanks,

Monet Sheikhali (she,her) | Senior Planner

Planning and Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404

Tel. (707) 543- 4698 | Fax (707) 543-3269 | msheikhali@srcity.org



Counter Hours

Monday/Tuesday/Thursday: 8 a.m. – 4:30 p.m.

Wednesday: 10:30 a.m. – 4:30 p.m. (No new permits are accepted after 3:30 p.m.)

Friday: 8 a.m. to noon (No new permits are accepted after 11:00 a.m.)

From: KIM PETERS <luckybug2075@comcast.net>

Sent: Sunday, March 13, 2022 10:14 AM

To: Sheikhali, Monet <msheikhali@srcity.org>

Subject: [EXTERNAL] Hearn House

I am writing regarding the Hearn House project. I am opposed to this project because of the loss of our rural neighborhood. To put a high density apartment complex on this small neighborhood and double the population in one project is for me heartbreaking!

Having said that, I know you have heard for other neighbors who feel the same way.

One of the most concerning things to me is the drastic increase in traffic this will bring. We have a very narrow lane with a road that has not been maintained well for the 42 years I have been here!

As we all want to be good neighbors and as your future tenants would like to be welcome instead resented, I can't say strong enough the access should be on Park Meadow Drive!!!!!! That has the infrastructure already in place and will not have the dreaded impact to us on West Hearn Ave.

This project has kept me up nights worrying about the future of my neighborhood and the safety of our pets and people walking down the street and the HUGE impact of added noise the traffic brings.

Please, please make the access off Park Meadow Drive!! PLEASE!

Kim Peters

2075 West Hearn Ave

From: [Maria Sisson](#)
To: [CityCouncilListPublic](#)
Subject: [EXTERNAL] Hearn Ave? Vet Housing Project-resend
Date: Monday, March 14, 2022 1:04:26 PM

My name is Maria Sisson and I've resided at 2285 W. Hearn Avenue since 1976. I'm writing in concern for the project stated on the above subject line and how it will affect our small (small being the operative word) neighborhood we've TRIED to preserve for too many years now. It appears my neighbors and I are being denied what little rights we have here for the benefit of individuals who will be profiting off the sales of the parcel in question to house homeless veterans.

This little neighborhood already houses veterans, (I believe at least 15 if not more), as well as a retirement home for the infirm and a home for mentally challenged individuals. This, I don't believe is a problem but, adding to this will be at least 32 more people who will need 24 hour supervision along with medical staff, property management and guests, not to mention parking which this street is in no position or condition to be able to maintain for several reasons.

Also, the fire lane connecting W. Hearn to Park Meadow, I've been told will be, if not already so, sold by the city to the development company and used for parking. This puts this neighborhood at a risk no neighborhood should be put in. The fire lane was developed for our safety.

I'm thinking there are so many other more suitable locations for a development as this and trying to figure out why this location, not near any grocery stores, medical or other facilities is being considered for the project. It's not like we aren't doing our share in providing a neighborhood for the less fortunate.

I'm also concerned about my grandkids, who I take care of here at my house while my daughter and son-in-law work to make ends meet. I'm not comfortable knowing many of these veterans have issues through no fault of their own. I am a senior citizen and really only want to be stress-free of the concerns this project brings to light.

I know several neighbors are also writing about the preserve in this neighborhood so won't even go into those.

I'm asking for your serious consideration at the hearing for this project and praying you can understand how this just isn't the ideal location for a facility such as is being proposed for our neighborhood.

Thanking you in advance and please feel free to contact me with questions (or information) you might want to have answered by me.

Warm regards,

Sent from Yahoo Mail on Android

Maria Sisson

ve.

Santa Rosa, CA 95407

(707) 527-8551

From: [Johanna Greenberg](#)
To: [CityCouncilListPublic](#); [Sheikhali_Monet](#)
Cc: [Rebecca Davis](#); [Lennie Moore](#)
Subject: [EXTERNAL] Comment for West Hearn Ave Veterans Village
Date: Monday, March 14, 2022 5:06:41 PM
Attachments: [W Hearn Ave and Surrounding Areas and Water Assets in Relation to Hearn House Veterans Project copy.png](#)

Members of the SR City Council:

I'd like to add a specific informational comment to the other comments and evidence we have already given to the City Council.

The reason the environmental issues in SW Santa Rosa are so critically important to address and the green space and wetlands with their associated wildlife and plant life are so important to preserve are:

W Hearn Ave and its surrounding Western and South Western areas are part of the lowland wetland areas termed "Vernal Pool ecosystems", "Oak Woodland vernal pool systems", "Wetland Oak woodland savanna systems" and so on.

West Hearn Ave is particularly important because it is also surrounded and bordered by City and State wildlands, the Roseland Creek, and farmlands which together with West Hearn Ave provide a critically needed buffer between urban and nature and is a source of food, habitat and support for the little remaining local wildlife in Santa Rosa.

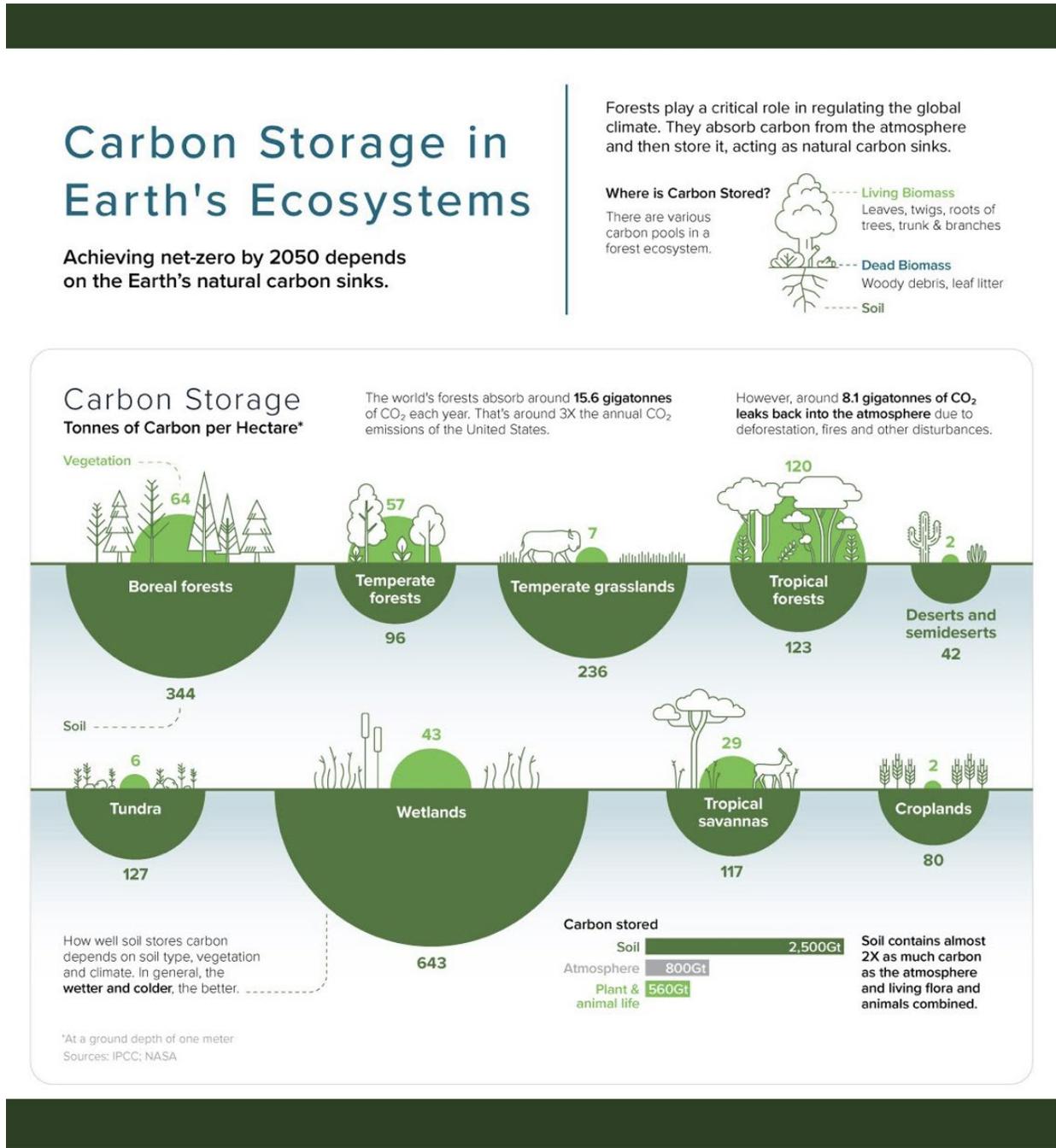


These systems are critical to the health of Santa Rosa, Sonoma County, and California at large, because they are the water collection, water soaking systems for the entire region.

Via flat topography, clay nutrient and microbiota-filled soils, special tree systems including the mighty Valley Oaks and other Oaks, special water tolerant shrubs like Willow and Coyotebrush, and unique positions around streams and creeks, these vernal pool wetland systems store an incredible amount of water and carbon, mitigate drought, prevent severe fires, soaks in /absorbs waters that might normally flood, and provide food and support to the wildlife and plant systems that support us humans.

Yes, wildlife and plant life supports the health of humans and keeps us alive. Especially THIS kind of ecosystem.

This is a graphic that shows just how much MORE Carbon these wetland systems store, than other environments:



This research shows 8 times more Carbon Storage in wetland soils than cropland, 6 times more than forests, 3 times more than non-wetland grasslands, twice as much as mountain (boreal) forests!

Soil Carbon storage is important as Carbon is the primary gas responsible for causing climate change when it remains in the air.

It is a devastating fact that there are less than 10% of these vernal pool wetland systems remaining in Sonoma County and California.

Santa Rosa and Sonoma County have built on and paved over the rest of this precious land (>90%). This prevents water soakage, increases

drought, decreases available water for drinking, irrigation, and fighting fires, increases flooding drastically, and increases fire occurrence and severity.

It severely decreases Carbon storage for the entire region and for California, making US in Santa Rosa, MORE liable for climate change effects than other regions that don't have these unusual and critical wetlands.

To continue to build on these lands without considering the appropriateness of the project for the ecosystem and surrounding area, without building IN SUPPORT of these ecosystems, is in fact criminal. In this case the applicant's multi family, city-style development is SO inappropriate, it should never even have been considered. That the City can contribute to and support the applicant's deceptive behavior is both devastating and heartbreaking.

Words are not sufficient to describe just how important this particular topic is RIGHT NOW with global warming and climate change accelerating ever more quickly.

Building housing on these lands inappropriately as this project is, will not solve the housing shortage or homeless problem as most of these homes are not affordable.

Building more houses by directive of the new California laws, will only increase the population in a state where we do not have enough water to serve those that are already here. We will have even less water shortly, as climate change effects continue to exponentially march on. Especially considering the massive amount of terrible, non-green, fully paved building on wetlands currently happening in Santa Rosa. Including this current apartment style, inappropriate monstrosity being built on the applicant's site.

The best course of action is not only to limit building on valuable lands, farmlands, wildlands, and especially wetlands, but also to join other California cities in suing the state for requiring more development on land we truly cannot spare for this purpose.

If more building is to be done it should be in already populated areas, not on valuable lands.

Reduce the scale and size of this project, make sure green building techniques are used, plant native vernal pool trees and appropriate shrubs for this ecosystem IN the GROUND, not in boxes!
And better yet, move move this project or the remainder of it, next to the new Veterans Medical building on Northpoint/Corporate Parkway.

This would be doing our part both for homeless veterans, for the local neighborhood and ecosystem, and for the planet.

Thank you

Johanna Greenberg, VMD
West Hearn Ave
Santa Rosa, CA