Exhibit A

# DRAFT ELM TREE STATION
# 874 North Wright Road
# Santa Rosa, CA

## Addendum to the August 2013 Elm Tree Station Mitigated Negative Declaration, Adopted October 24, 2013

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March
2024

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# 1.0 INTRODUCTION

## 1.1 PROJECT INFORMATION

| | |
|---|---|
| **Project Name and File Number:** | Elm Tree Station PRJ21-033; DR21-069; CUP 21-100 |
| **Project Location:** | 874 N. Wright Road Santa Rosa, CA |
| **General Plan Designation:** | Retail and Business Service |
| **Zoning:** | C-2 (CG) – PD 0435 (Policy Statement for Wright-Sebastopol Commercial District) |
| **Project Statement:** | Conditional Use Permit and Design Review for a gasoline and electric charge fueling station, neighborhood market, and a 1-bedroom apartment above (Parcel 1); a privately maintained park for public use with a small retail building and park amenities, including a patio/trellis area, benches and picnic area and bike path (Parcel 2). |

## 1.2 PURPOSE OF THE ADDENDUM

The Project, which is the subject of this review (CUP21-100 and DR21-069), is the same project that was assessed in the Initial Study/ Mitigated Negative Declaration (MND) that was adopted by the Planning Commission on October 24, 2013 (Resolution No. 11653). The site of the current Project is the same site that was evaluated in the 2013 MND. The analysis of the current Project incorporates all reports associated with the 2013 MND.

This Addendum has been prepared pursuant to State CEQA Guidelines Section 15164 and Public Resources Code Sections 21083 and 21166. An Addendum is an appropriate subsequent document to a previously certified MND when some changes to a project are necessary, but those changes do not create new or increased significant environmental impacts that warrant major revisions to the 2013 MND (see State CEQA Guidelines Sections 15162(a), 15164(a); see also Save Our Heritage Organization v. City of San Diego (2018) 28 Cal.App.5th 656, 668.) An addendum is also an appropriate subsequent document to a previously certified MND when circumstances surrounding a project have not substantially changed and when no new information of substantial importance has been uncovered that indicates the project would create new significant impacts or increase the severity of the previously identified significant impacts.

Substantial evidence presented in this Addendum demonstrates that the proposed project does not create any new significant impacts or increase the severity of previously identified significant impacts. Nor are there any new circumstances or new information that would create such impacts or require more robust analysis as discussed in more detail below. (State CEQA Guidelines Section 15162(a).) Therefore, an Addendum is the appropriate CEQA document, and a subsequent or supplemental MND is not warranted. (Id., Section 15164(e).)

## 1.3 ENVIRONMENTAL SETTING

The Project site is in the southwest quadrant of the city of Santa Rosa approximately 440 ft. south of State Highway 12. The site is 0.98 acres in size and zoned C-2 (CG)-PD 0435 (Policy Statement for the Wright-Sebastopol Road Commercial District). The site is situated in a mixed-use area with the primary land use being heavy commercial/light industrial. The Joe Rodota trail, Cal-Trans right-of-way and State Highway 12 lie to the north, an approved residential project (West Entry Planned Development) and NorCal Building Supply are to the east, Blue Star Gas is immediately to the south and North Wright Road and Pacific Supply Company are to the west.

The site is vacant. The site contains three types of soils: 1) Alluvial Land, Clayey; 2) Clear Lake, Ponded, 0 to 2 percent slopes; and 3) Wright Loam, Shallow, Wet, 0 to 2 percent slopes. The site contains a total of twelve (12) trees having a Dbh measurement of 6-inches or greater, which include native tree species (Valley Oak and Oregon Ash) and ornamental species (Chinese Elm, Monterey Pine, and White Poplar). The site also contains approximately 0.22-acre of seasonal wetlands. A more thorough description of the environmental setting is contained in the November 6, 2012, Biological Assessment Report by Monk and Associates, and a more recent Tree Report by Horticultural Associates, dated September 29, 2019.

The environmental setting is unchanged from the previous MND description, except that one Chinese Elm Tree has since deteriorated and is recommended for removal.

## 1.4 CEQA REQUIREMENTS

This Addendum has been prepared pursuant to CEQA and the CEQA Guidelines[1]. Specifically, CEQA Guidelines Section 15164, subdivision (b), provides: An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Consistent with CEQA Guidelines 15164, the following discussion demonstrates that none of the conditions described in Section 15162 have occurred and that only minor technical changes are necessary in order to deem the certified MND adequate to describe the impacts of the project. CEQA Guidelines Section 15164 also states that an Addendum need not be circulated for public review but can be included in or attached to the certified MND for consideration by the hearing body.

The following paragraphs address each of the criteria contained in Section 15162 of the CEQA Guidelines regarding the project.

[1] California Code of Regulations, Title 14, §15000 et seq.

1. No Substantial Change in Circumstances. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. No New Information of Substantial Importance. There is no new information of substantial importance, which was not known or could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, which shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous MND;
    b. Significant effects previously examined will be substantially more severe than shown in the previous MND;
    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 MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the conditions identified in CEQA Guidelines Section 15162(a) would occur with implementation of the current Elm Tree Station Project because:

1. No substantial changes with respect to the circumstances under which the Elm Tree Station Project is being taken will require major revisions of the previously adopted 2013 MND – the changes to the project description are minor in nature, as are changes in circumstances surrounding the project, and neither would involve new significant environmental effects or a substantial increase in the severity of impacts previously identified; and,

2. No new information of substantial importance, which was not known or could not have been known with the reasonable exercise of due diligence at the time of the adoption of the 2013 MND for the Elm Tree Station Project, is known presently and would demonstrate affirmatively any one of the criteria in 2.a – 2.d listed above.

# 2.0 PROJECT DESCRIPTION

## 2.1 INTRODUCTORY PROJECT DESCRIPTION

Tierney/Figueiredo Architects and J. Kapolchok & Associates have filed a Use Permit and Design Review applications for the Elm Tree Station project (the Project). The applications were filed on behalf of the property owner, Mangal Dhillon. The Project is located at 874 N.

Wright Road, which is in the Southwest quadrant of the city of Santa Rosa. The site lies south of State Highway 12 and the Joe Rodota Trail, and east of North Wright Road.

In brief, the Elm Tree Station Project includes the following uses: The development and operation of a gasoline and electric charge fueling station and a neighborhood market with a 1-bedroom apartment above, and the development and operation of a small retail building and park amenities, including a patio/trellis area, benches and picnic area and bike path. A more detailed project description is included below in Section 2.4. The project will be developed on a 0.98-acre parcel at 874 N Wright Road (APN 035-063-001). The applicant has secured an approved Certificate of Compliance with Parcel Map Waiver (CC18-004) which will allow the parcel to be divided into two parcels: Parcel 1 is 0.75 acres and Parcel 2 is 0.23 acres. The project description remains consistent with the previously approved 2013 MND for the Elm Tree Station Project. The map below provides a neighborhood context.

**Figure 1: Neighborhood Context Map**

## 2.2 PROJECT SETTING

### 2.2.1 Location

The project site is located at 874 N. Wright Road in the Southwest quadrant of Santa Rosa. The site is situated at the northeast corner of North Wright Road and the Joe Rodota Trail. The site lies approximately mid-way between the N. Wright Road/ State Highway 12 and the N. Wright Road/Sebastopol Road intersections. The site is accessible from N. Wright Road.

The site is identified as Assessor Parcel No. (APN) 035-063-001. The project location and site are unchanged from the previous 2013 Elm Tree Station MND.

### 2.2.2 Topography and Natural Features

The site is generally level, sloping downward in a southeasterly direction. Site elevations range from 89.76' to 94.57' msl. Vegetation consists of annual grasses, clusters of mature trees and herbaceous plant material. Native species present are Valley Oak and Oregon Ash. Ornamental species include Evergreen Elm, Monterey Pine, and White Poplar. The parcel contains 0.22 acres of defined wetlands. The topography and natural features remain consistent with the previous description within the 2013 Elm Tree Station MND.

### 2.2.3 Surrounding Land and Land Uses

Surrounding land uses consist of the Joe Rodota Trail and State Highway 12 to the north, Bluestar Gas to the south, Honey Bucket Portable Restrooms to the west, and residentially designated, vacant land to the east. All surrounding land and land uses are consistent with the previous description within the 2013 Elm Tree Station MND.

## 2.3 EXISTING PHYSICAL CONDITIONS

As depicted Figure 2 below, the site remains undeveloped. Other than the existing improvements adjacent to the site, the Joe Rodota Trail along the site's northern boundary, a graded driveway and pad along the southern boundary, and curb, gutter, sidewalk, and streetlights along N Wright Road, there remains no on-site improvements. The physical conditions remain consistent with the previous 2013 Elm Tree Station MND.

**Figure 2: Project Site – Existing Conditions**

## 2.4 PROJECT DESCRIPTION - DETAIL

### 2.4.1 Project Description from 2013 Mitigated Negative Declaration

The following project description has been extracted, in total without modification, from the 2013 adopted Mitigated Negative Declaration (MND).

*Overall Site Improvements*

*The proposed project includes a request to subdivide the 0.98-acre site into two parcels. Parcel 1 is proposed at 31,143 square feet in size and would be developed with a gasoline and electric charge fueling station and a neighborhood market with a 1-bedroom apartment above. Parcel 2 is proposed at 11,600 square feet and would be developed with a small retail building and park amenities, including a patio/trellis area, benches and picnic area and bike path.*

*The proposed neighborhood market would be approximately 3,448 square-feet in size, and will include outdoor patio seating. The upper floor of the market is proposed as an 806-square-foot, one-bedroom apartment, which the applicant has stated would potentially be used by staff of the market and gas station.*

*The fueling station includes six pumps and four electric charging stations. The canopy over the fueling pumps will include photovoltaic panels, as will the covered parking area at the east side of Parcel 1.*

*The small retail building on proposed Parcel 2 would be 432 square-feet in size, and, while the intended use is has not yet been determined, would potentially be used for a food service use. Parcel 2 also would include park-like amenities, as noted above, including a bike path that would traverse the eastern and southern boundaries of the project site from the Joe Rodota Trail to North Wright Road.*

*Two existing trees, a Valley Oak and a Chinese Elm, will be retained, and new landscaping will be added along the perimeter of the site, as well as throughout proposed Parcel 2. Proposed landscaping includes a variety of, primarily low water usage, trees, shrubs, groundcover, vines, perennials and grasses. The site will also include a new split-rail fence along the northern property line, adjacent to the Joe Rodota Trail, as well as a 4-foot tall screen panel fence along the eastern property line.*

*There are two proposed driveways to the site off of North Wright Road. The southerly driveway will provide both ingress and egress, while the northerly driveway will provide egress only. The proposal provides for clear circulation for vehicles and fueling trucks, as well as vehicle clearance with the presence of a truck during fueling operations. Eighteen parking spaces are proposed, three of which will be covered, which meets the Zoning Code requirements for the project. The project also proposes eight bicycle parking spaces, including traditional bike racks and one bike locker, which is consistent with Zoning Code requirements.*

*Site lighting includes twelve LED can lights under the fueling canopy, and two under the covered parking area. Decorative wall mounted lights and recessed can down-lights will illuminate the front and eastern side of the market building, while landscaping up-lights will illuminate the back market walls that face the Joe Rodota Trail and the proposed monument sign adjacent to North Wright Road. Ten-foot tall cut-off pole lights will be located along the proposed bike path, and 42-inch tall bollard lights will be located on either side of the proposed outdoor dining area on the eastern side of the proposed market. All lighting will be designed and located to prevent light and glare on neighboring properties.*

*The project has been designed to incorporate temporary, pollution prevention and permanent storm water Best Management Practices to minimize the introduction of pollutants in downstream water bodies. Bioretention areas are proposed along the parking areas, and a pervious concrete gutter pan along the head of the parking areas and some drive aisles will allow storm water to filter into the bioretntion areas and interact with the plants in the*

*landscape strip. Building roof-top water will be collected, conveyed in pipes and allowed to enter the bioretntion areas. In large storm events, when the bioretention areas are at capacity, water will run down the building gutters, collect in catch basins and then be piped to the City of Santa Rosa storm drain system.*

*Surrounding Land Uses and Setting*: (Briefly describe the projects surroundings)
*The currently undeveloped project area is comprised of a single parcel totaling approximately 0.98 acres. The site is bordered to the north by the Joe Rodota Trail and Highway 12, to the south by a propane distribution business, to the west by North Wright Road and a construction product and equipment supplier, and to the east by undeveloped residential land. Topography of the project site varies from previously graded level areas to nearly level undulating terrain, bisected by a man-made ditch that appears to dip to a lower elevation at the southeast comer of the project site. Elevations range from 89.76 to 94.57 feet above sea level, with the highest point occurring at the site of a former home at the northwestern comer of the project site, and the lowest point at the centerline of the man-made ditch.*
*Two topographic depressions on the east side of the project site and the man-made ditch all support seasonal wetlands. Vegetation on the site consists primarily of a mix of non-native annual grassland, seasonal wetland vegetation and ruderal (weedy) vegetation and ornamental plants. There are ten trees on site including Chinese Elm, Valley Oak, Oregon Ash, Mayten, Monterey Pine and White Poplar. The project site is located within the potential range of the California Tiger Salamander, and also provides suitable nesting habitats for the Red Shouldered and Red-Tailed Hawks, as well as the White-Tailed Kite.*
*The project site is designated as Retail and Business Services by the General Plan, and is zoned Planned Development (PD-0435: Wright-Sebastopol Commercial District).*

### 2.4.2 Current Project Description: Changes to the Project since adoption of the 2013 MND

Listed below are the changes to the project description since the adoption of the 2013 MND:

- A Certificate of Compliance and Parcel Map Waiver to divide the parcel into two new parcels (Parcel 1 = 0.75-acre and Parcel 2 = 0.13-acre) was approved on August 11, 2022.
- The Chinese Elm Tree can no longer be saved. The updated arborist report by Horticultural & Associates (September 29, 2019), indicates that the Chinese Elm has decayed, split down the middle, and is recommended for removal.

Also, listed below are changes to policies since 2013 which are relevant to the circumstances under which the current addendum is considered:

- The City of Santa Rosa acted to adopt Ordinance 2022-010 on August 22, 2022, banning all future gas stations within the city limits, except those expressly exempted. The Elm Tree Station Project is deemed a project that is exempt from the Gas Station Ban Ordinance having a complete application date of August 10, 2022.

- The State of California has updated the CEQA Appendix G Environmental Checklist, which is addressed herein below.
- The Bay Area Air Quality Management District (BAAQMD) has updated its 2010 CEQA Guidelines. The most current guidelines are the 2022 CEQA Guidelines, which include updated thresholds of significance.

There have been no other changes to the project description, physical changes, or circumstances under which the project is considered. As such, the Project Description and Surrounding Land Uses and Setting in Section 2.4.1 above remain consistent with the adopted 2013 Elm Tree Station MND.

The adoption of Ordinance 2022-010 by the City Council specifically permits the continuation of processing of gas stations whose applications were deemed complete as provided therein. This project, which contains the Conditional Use Permit, Design Review, and approved Certificate of Compliance, and Parcel Map Waiver, is thereby allowed to continue through the entitlement application process. The Climate Action Plan and the changes to the CEQA Appendix G Checklist are addressed below.

## 2.5. GREEN TECHNOLOGIES AND SANTA ROSA CLIMATE ACTION PLAN (SRCAP)

### 2.5.1 Green Technologies from the 2013 MND

The following is the listing of the CAP policies and the project's consistency with such, as written in the 2013 MND:

*Santa Rosa Climate Action Plan Compliance (CAP)*

The Elm Tree Station project incorporates all the following policy measures contained in the CAP (listed by CAP policy), these include the following:

**Policy 1.1.1** - Comply with CAL Green Tier 1 Standards: Construction documents will be designed to comply with State Energy requirements for Title 24, City of Santa Rosa's Cal Green requirements and CAL Green Tier 1 Standards.

**Policy 1.3.l** - Install real-time energy monitors to track energy use: The project will install a "Smart Meter" system to provide real-time monitoring of energy usage.

**Policy 1.4.2** - Comply with the City's Tree Preservation Ordinance (Santa Rosa Code Section 17-24.020): Existing trees have been preserved to the greatest extent possible and mitigation trees are proposed on site for those trees that are proposed for removal.

**Policy 1.4.3** - Provide public and private trees in incompliance with the Zoning Code: New trees and plantings associated with development of the Elm Tree Station project shown on the Conceptual Landscape Plan will be installed in compliance with the Santa Rosa Zoning Code and Santa Rosa Design Review Landscape Standards for planting private and public trees.

**Policy 1.5** - Install new sidewalks and paving with high solar reflectivity materials: The project includes light colored concrete and light colored paving seal coat.

**Policy 2.1.3** - Pre-wire and pre-plumb for solar thermal or PV systems: The project will include both ·a photovoltaic system and pre-wiring for potential future additional PV system(s).

**Policy 3.2.2** - Improve non-vehicular network to promote walking, biking: The project includes a bicycle and pedestrian path that ties into the Joe Rodota Trail. In addition, the project also includes seating and bicycle racks to serve and support Joe Rodota Trail users.

**Policy 3.2.3** - Support mixed-use, higher-density development near services: The project is mixed use in nature (it combines a retail market, a residential unit and automobile/pedestrian/bicycle uses).

**Policy 3.6.1** - Install calming features to improve ped/bike experience: The project has seating areas, patios and a market that improve the pedestrian/bicyclist experience.

**Policy 4.1.1** - Implement the Bicycle and Pedestrian Master Plan: The project's pedestrian/bicycle path and amenities for users (see Policy 3 .6.1 above) support the Bicycle and Pedestrian Master Plan.

**Policy 4.1.2** - Install bicycle parking consistent with regulations: Proposed Parcels 1 and 2 both have bicycle parking for the two buildings and the Joe Rodota Trail users, consistent with the Zoning Code requirements.

**Policy 4.5.1** - Include facilities for employees that promote telecommuting: The proposed residential unit is intended to be occupied by an employee of the market.

**Policy 5.1.2** - Install electric vehicle charging equipment: The service station on proposed Parcel 1 includes four electrical vehicle charging stations, two of which are covered and dedicated to electric vehicle use only.

**Policy 6.1.3** - Increase diversion of construction waste: A construction waste management plan will be created in compliance with CalGreen Tier 1 Standards.

**Policy 7.1.1** - Reduce potable water for outdoor landscaping: As shown on the landscape plan, lower water usage landscaping will be installed to reduce potable water usage.

**Policy 7.1.3** - Use water meters which track real-time water use: The project will have water meters with real-time usage tracking.

**Policy 9.1.3** - Install low water use landscapes: Low water use native plants will be used to landscape the site. Plant materials and locations are shown on the project landscape plans.

**Policy 9.2.1** - Minimize construction equipment idling time to 5 minutes or less: Construction procedures complying with the Climate Action Plan new development checklist will be noted in the project specifications and construction documents.

**Policy 9.2.2** - Maintain construction equipment per manufacturer's specifications: Construction procedures complying with the Climate Action Plan new development checklist will be noted in the project specifications and construction documents.

**Policy 9.2.3** - Limit Green House Gas (GHG) construction equipment by using electrified equipment or alternate fuels: Construction procedures complying with the Climate Action Plan new development checklist will be noted in the project specifications and construction documents.

### 2.5.2 Relevant Green Technology/ Climate Action Plan Policies that were not considered in the 2013 MND

**Policy 1.1.3 –** After 2020, all new development will utilize zero net electricity. This policy was adopted to coincide with California Energy Codes. Since the adoption of the Climate Action Plan, the California Energy Commission has determined that it is not possible to achieve net zero on a wholesale basis and “"net zero” has been removed from the CA Energy Codes. Appendix E of the Climate Action Plan states “To be in compliance with the CAP, all measures denoted with an asterisk are required in all new development projects unless otherwise specified. If a project cannot meet one or more of the mandatory requirements, substitutions may be made from other measures listed at the discretion of the Community Development Director.” CAP Goal 1.1 requires projects to comply with Tier 1 CALGreen requirements, as amended, for new non-residential and residential development. Tier 1 CALGreen does not include “net zero” GHG assumptions for development. In addition, current CA Green Building Code Standards apply to all projects and has been determined by the Director to be an acceptable substitution for CAP Goal 1 – 1.1.3. Therefore, strict compliance with CAP Goal 1 – 1.1.3 is not achievable and not required.

**Policy 5.2.1 –** Provide alternative fuels at new refueling stations: Electric vehicle charging stations will be provided in the service station. Biodiesel, and/or ethanol fuels may be provided in the future based on customer demand.

## 2.6 PROJECT DURATION

### 2.6.1 Construction

Construction would take approximately 18 months, including on-site grading. Construction is anticipated to take approximately 18 months. Site development would be limited to the hours of 7:00 AM to 7:00 PM, Monday-Friday, and 8:00 AM to 6:00 PM on Saturdays or as allowed by the City’s Municipal Code Section 17-16.030.

## 2.7 OTHER REQUIRED AGENCIES APPROVALS AND PERMITS

The adopted 2013 MND stipulated the following:
In addition to the requisite building and/or encroachment permits, Tentative Map, Conditional Use Permit and Design Review approvals are required for the proposed project.

Other required agency approvals and permits for the current project:
In addition to those identified in the 2013 MND, the project will require permits from the Regional Water Quality Control Board, the US Army Corps of Engineers, and the Bay Area Air Quality Management District. Although these agencies were not identified in the 2013 MND, the fact of their necessity is not negated by the lack of a specific call-out. The project no longer requires a Tentative Map. The subdivision of the project occurred through the Certificate of Modification/Parcel Map Waiver process.

## 2.8 PREVIOUSLY DISCLOSED IMPACTS

The 2013 MND identified potentially significant impacts to the following resources:

1. Air Quality: Less than Significant with Mitigation Measure AQ-1 for Air Quality during construction.
2. Biological Resources: Less than Significant with Mitigation Measures BR-1 through BR-6 for Federally Protected Wetlands, Protected Raptor, Passerine and Migratory Birds, Protection of Local Biological Resources that is, Protected Trees and Heritage Trees, Protection of California Tiger Salamander Habitat; and Protection of Habitat for Special Status Plant Species.
3. Geology and Soils: Less than Significant with Mitigation Measure GS-1 for Foundation Design and Construction.
4. Noise: Less than Significant with Mitigation Measures N-1 and N-2 to mitigate potential noise impact for future residents of Neighboring Residential Land Use from delivery and operational noise.

The 2013 MND also identified Less than Significant Impacts with the incorporation of standard measures to the following resources:

1. Aesthetics: Less than Significant with Standard Measures for Permit Processing for Project Design.
2. Cultural Resources: Less than Significant with Standard Measures for protection of possible Cultural Resources discovered during construction.
3. Noise: Less than Significant with Standard Measures to limit noise from construction.
4. Hazards and Hazardous Materials: Less than Significant with Standard Measures for handling and storage of hazardous materials.
5. Hydrology and Water Quality: Less than Significant with Standard Measures for water quality and consumption.
6. Public Services: Less than Significant with Standard Measures for Fire Department review of Building Permit plans.

7. Transportation/Traffic: Less than Significant with Standard Measures to pay Traffic Impact Fees with Building Permit.

All other potential impacts to resources were found to be less than significant or no impact, including Greenhouse Gas Emissions.

# 3.0 ANALYSIS

This Addendum analyzes the project relative to the previously adopted Mitigated Negative Declaration to determine if the current project includes substantial changes, if there has been a substantial change in circumstances, or if new information exists to such a degree that a new or subsequent mitigated Negative Declaration should be required (CEQA Guidelines sections 15164, subdivision (b) and 15162, subdivision (a)).

This Addendum relies on the Mitigated Negative Declaration adopted by the Planning Commission on October 24, 2013, by Resolution No. 11653.

The Mitigated Negative Declaration is available at:
City of Santa Rosa Department of Planning and Economic Development
City Hall 100 Santa Rosa Avenue, Room 3
Santa Rosa, CA or on the City's web page: srcity.org.

## 3.1 ADDENDUM CRITERIA: Substantial change in the project, circumstances, or new information

According to CEQA Guidelines Section 15164, if none of the conditions described in CEQA Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, then an addendum to an adopted EIR or Negative Declaration can be prepared (CEQA Section 15164 (b)).

CEQA Section 15162 sets forth three conditions, any one of which would cause the preparation of a subsequent EIR or subsequent Negative Declaration. They are:

1. Substantial changes in the project would result in new significant effects or an increase in the severity of the previously identified significant effect.

2. Substantial changes in circumstances under which the project is undertaken that would result in new significant effects or an increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known or could be known, shows:

    a) The project will have one or more significant effect(s) not discussed in the previous Negative Declaration.

b) Significant effects, previously examined, will be more severe than shown.

c) Mitigation measures previously considered not to be feasible are feasible and would reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives.

d) Mitigation measures or alternatives that are considerably different than those analyzed in the previous EIR (or Negative Declaration) that would substantially reduce one or more significant effects on the environment, but the project proponent declined to adopt the mitigation measure or alternative.

### 3.2 ASSESSMENT OF DEGREE OF CHANGE IN: The Project, The Circumstances, or New Information

The following list of impact categories from the CEQA Environmental Checklist: Appendix G will assess the degree of change in the project, change in circumstances, or new information, by impact category, that has occurred since the adoption of the October 2013 mitigated Negative Declaration. Categories are listed in the order they appear in the standard CEQA Environmental Checklist: Appendix G. As appropriate, each impact category has a summary of the following: impacts and mitigation identified in the 2013 MND; an assessment of any changes in the project description; and an assessment of the need for additional analysis based upon new information of substantial importance which could not have been know at the time the 2013 MND was adopted. If the column labeled, "Additional Analysis Required", is answered "Yes", an updated evaluation and discussion of the impact is provided below Table 1; and, if the column is answered in the negative (No), no additional analysis is warranted.

| **TABLE 1: Proposed Project v. Project Analyzed in 2013 MND**<br><br>**Guiding Questions: Changes in Project; Changes in Circumstances; New Information** | | |
|---|---|---|
| **Impact Category** | **Additional Analysis** | **Basis** |
| **1. AESTHETIC** | **NO** | **DISCUSSION** |
| **Summary of Aesthetic Impacts under the 2013 MND:** The 2013 MND found the Aesthetic impacts to be Less than Significant based on the project's setting, the design of the project, the preservation of two of the more significant trees, and the requirement of Design Review as a Standard Measure of approval.<br><br>**Aesthetic Impacts Associated with the Proposed Project:** The project's setting is the same as in 2013, the design is the same and the proposed project will be subject to Design Review. One of the two significant trees to be preserved has decayed and is recommended for removal per the September 2019 Horticultural Associates Tree Preservation and | | |

Mitigation Report. This tree will be replaced in accordance with the city's tree ordinance and will be of a type and size to maintain the aesthetic quality of the site.

**Determination:** Potential impacts to aesthetics were found to be less than significant in the 2013 MND and no mitigations were required. A review of the proposed Project shows a minor change in environment setting which is the decay of a site enhancing tree. This can be addressed through compliance with the City's Tree Ordinance. Subsection C of the 2023 CEQA Guidelines Appendix G for Aesthetics includes a modified analysis framework compared to the 2013 CEQA Appendix G for Aesthetics. Subsection C of the Aesthetics impact category requires the analysis of the project against applicable zoning and other regulations governing scenic quality. The project site is not located within the Scenic Road combining district pursuant to Santa Rosa Zoning Code Section 20-28.050, and is not otherwise regulated by any policies or documents that govern scenic quality. Therefore, no new information which would alter the 2013 MND determination that the project's potential Aesthetic impacts were less than significant was found. No further analysis of potential Aesthetic impacts is warranted.

| 2. AGRICULTURAL AND FORESTRY RESOURCES | NO | DISCUSSION |
|---|---|---|

**Summary of Agricultural and Forestry Impacts under the 2013 MND:** The project site is within the city limits of the city of Santa Rosa, has not been identified as farmland of statewide importance, is not under Williamson Act contract and would not create a conflict to agricultural uses because none occur in the area. The Santa Rosa General Plan 2035 does not identify any agricultural land within the Urban Growth Boundary (UGB) and the project is within the UGB.

**Agricultural and Forestry Impacts Associated with the Proposed Project:** The Project site remains in the city of Santa Rosa and the city's UGB. Since the adoption of the 2013 MND, the existing and/or surrounding properties have not been identified as farmland of statewide importance, there has been no Williamson Act contracts issued and the 2035 Santa Rosa General Plan has not been modified to include lands identified for agricultural use in the UGB. There has been a change in circumstances in that the impact category regarding potential impacts to Agriculture now includes the requirement to analyzed potential impacts to Forestry Resources. The 2013 MND did not analyze the project's potential impact on forestry resources. As in the 2013 MND's assessment of agriculture, the subject property is not within the state's inventory of forest land, there is no TPZ (timber preserve) land within Santa Rosa's UGB, therefore the project would not cause conflict with existing zoning for forest land because there are no lands identified as forest lands within the Santa Rosa UGB.

**Determination:** The 2013 MND found No Impact to Agriculture. The basis for determining No Impact is the same for the Proposed Project. There are No Impacts to Forestry Resources because the Santa Rosa General Plan 2035 does not identify forest lands within the UGB. Because impacts to agriculture were found to have No Impact, no mitigation was or shall be required. Likewise, impacts to forestry resources were found to have No Impact. No mitigation is required. No further analysis is warranted.

| 3. AIR QUALITY | YES | DISCUSSION |
|---|---|---|

**Summary of Air Quality Impacts under the 2013 MND:** The 2013 MND found the Air Quality impacts less than significant with mitigation incorporation. The potential air quality impacts were due to air pollutant emissions during construction activities. The BAAQMD 2010 thresholds of significance, which were the applicable Air Quality CEQA Guidelines at the time, indicated that projects which generate fewer than 2,000 vehicle trips per day were not considered major air pollutant contributors and did not require a technical air quality study. A July 26, 2013, Traffic Impact Study prepared by W-Trans determined that the Project would generate 1,506 vehicle trips per day. Hence, no technical air quality report was prepared. The Air Quality mitigations found in the 2013 MND are protection measures from the 2010 BAAQMD guidelines that mitigate air quality impacts due to construction. A summary of those measures is listed below.

**AQ-1**: The applicant shall implement the following air quality protection measures:

a) Water graded areas twice a day.
b) Cover all hauling trucks.
c) Apply soil stabilizers to unpaved access roads or staging areas.
d) Sweep daily.
e) Cover/water exposed stockpiles.
f) Limit speeds to 15mph on unpaved roads.
g) Suspend construction activities that cause visible dust plumes beyond the construction site.
h) Assign a disturbance coordinator.
i) The disturbance coordinator shall ensure that emissions from diesel powered construction equipment do not exceed 40% opacity for more than 3 minutes per hour.
j) Properly tune and maintain equipment.
k) Limit idling of diesel-fueled vehicles to no more than five minutes.

**Air Quality Impacts Associated with the Proposed Project:** The proposed project is the same project analyzed in the 2013 MND and assessed by W-Trans in their July 2013 traffic impact study. However, the BAAQMD thresholds of significance have changed since the adoption of the original MND and public concern regarding potential air quality impacts of fueling stations, in general, and on adjoining land uses has increased. Although it is

anticipated that the mitigation measures from the 2013 MND applied to mitigation air borne pollutants during construction remain applicable, the project will be analyzed in relation to the applicable Thresholds of Significance established in the latest adopted BAAQMD May 2017 CEQA Guidelines and the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans, April 21, 2022.

**Determination:** The 2013 MND found Less than Significant Impacts to Air Quality with the Incorporation of Mitigation Measures. The basis for this determination and the applied mitigations was the BAAQMD 2010 Thresholds of Significance. This foundational document has been updated. Under CEQA Guidelines sections 15164, subdivision (b) and 15162, subdivision (a)) this would constitute new information. Therefore, further analysis regarding the potential for impacts to Air Quality is warranted.

| 4. BIOLOGICAL RESOURCES | NO | DISCUSSION |
|---|---|---|

**Summary of Biological Impacts under the 2013 MND:** The 2013 MND found the Biological Resources impacts to be less than significant with mitigation incorporation. According to a Biological Resources Analysis prepared by Monk & Associates, November 2012, 0.22 acres of low-quality seasonal wetlands within a man-made ditch occur on the property. In addition, although not found after two years of surveys, the property could be habitat for three special status plants, Sonoma Sunshine, Burke's Goldfields, and Sebastopol Meadowfoam. Although not found after analysis, the property could be suitable habitat for the California Tiger Salamander (CTS). In addition, both on-site and adjacent trees could provide suitable habitat for nesting raptors and nesting passerine birds. Given the above, the MND includes the following mitigations (summarized):

**BR-1:** Nesting Raptors: Nesting surveys shall be conducted 30 days prior to tree removal or start of construction.

**BR-2:** Nesting Passerine Birds: Nesting surveys shall be conducted 15 days prior to tree removal or start of construction.

**BR-3:** Waters of the United States and/or State: The applicant shall purchase 0.45 acres of wetland mitigation credits prior to issuance of a building permit.

**BR-4:** CTS: The applicant shall purchase 1.96 acres of mitigation credits prior to the issuance of a building permit.

**BR-5:** Special Status Plants: The applicant shall purchase 0.33 acres of mitigation credits prior to issuance of a building permit.

**BR-6:** Loss of Protected or Heritage Trees: Prior to issuance of a building permit, the applicant shall comply with the city of Santa Rosa Tree Ordinance and all tree preservation

measures contained in the Horticultural Associates Tree Preservation and Mitigation Report dated June 21, 2007.

**Biological Impacts associated with the Proposed Project:** The proposed project is the same project that was studied under the original MND. The mitigation measures (MM) requiring surveys for the potential presence of nesting raptors and nesting passerine birds will be carried forward from the original MND as standard conditions of approval (COA). The MM for impacting 0.22 acres of seasonal wetlands, the potential impact to 0.98-acre of CTS territory, and the impact to suitable habitat for Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam have been complied with through the purchase of mitigation credits. A 401 certification was issued by the North Coast Regional Water Quality Control Board on August 27, 2019. A Section 404 permit was authorized by the Army Corps of Engineers on January 26, 2022, and remains valid until March 15, 2026. All MM from the Horticultural Associates Tree Preservation and Mitigation Report (September 2019) shall be complied with, as will the requirements of the city of Santa Rosa Tree Ordinance for the removal of any protected or heritage trees. Mitigation for tree removal will be met upon installation of an approved landscape and irrigation plan and, potentially, the payment of in-lieu fees.

**Determination:** The identified biologically sensitive features of the project site are the potential for nesting birds, seasonal wetlands, CTS, Sonoma Sunshine, Burke's goldfields and Sebastopol meadowfoam habitat, and the removal of protected and/or heritage trees. The biological reports and the mitigations for each, have recently been reviewed by the author and conversations had with the project's architect, TFA Architects, engineer, BkF engineer, and biological consultants Monk & Associates as regards the status of the Mitigation Measures required in the original 2013 MND. The mitigation measures for the protection of nesting raptors and nesting passerine birds, that is, the requirement for surveys prior to ground disturbance are the same today as required in 2013 and will be carried forward as conditions of approval (COA). The North Coast Regional Water Quality Control Board, who has permitting authority as regards seasonal wetlands and endangered species issued a 401 certification in August 2019. This certification remains active. The Army Corps of Engineers, who also has permitting authority regarding wetlands, authorized a Section 404 permit in January 2022. Said permit remains valid until March 15, 2026. An updated arborist report was prepared by Horticultural Associates in September 2019. Other than the decay and recommended removal of a protected tree (Chinese Elm) as found in the updated arborist report (Horticultural Associates September 2019), there has been no changes to the project, no changes in circumstances and no new information. No further analysis is warranted.

| 5. CULTURAL RESOURCES | NO | DISCUSSION |
|---|---|---|

**Summary of the Cultural Resources Impacts in the 2013 MND:** A Cultural Resources Evaluation was prepared for the project by Archaeological Services, dated April 23, 2013. The evaluation concluded that there was no evidence of prehistoric cultural materials during two on-site inspections and there were no structures on the property. As a result, the MND found the potential impact to archaeological resources to be less than significant and the potential impact to historical resources to be no impact. A standard condition of approval (COA) was added in the unlikely event that buried archaeological resources or human remains are discovered during site grading.

**Cultural Resources Impacts associated with the Proposed Project:** There have been no changes to the project or to the project site. The 2013 MND found No Impact to historic resources due to the absence of structures and the potential impact to archaeological resources to be Less than Significant. No mitigation measures were recommended. A standard COA was added in the unlikely discovery of archaeological resources and human remains during site grading. There is nothing in the proposed project that would alter these findings.

**Determination:** The proposed project will not result in a change to potential Cultural Resources impacts. The 2023 CEQA Appendix G guidelines for Cultural Resources have been slightly modified since the 2013 MND was adopted, including reorganizing paleontological resources impact analysis from Cultural Resources to Geology and Soils. Therefore, this project's impacts to paleontological resources will be analyzed in that section instead. Otherwise, there have been no changes to the project, no changes in circumstances and no new information. The recommended standard COA regarding the inadvertent discovery of cultural resources or human remains during the construction process will be carried forward. No further analysis is necessary.

| 6. ENERGY | YES | DISCUSSION |
|---|---|---|

This category was added to CEQA Appendix G after adoption of the MND, therefore, it was not addressed in the 2013 MND. This new impact category represents new information, requiring further analysis.

| 7. GEOLOGY AND SOILS | NO | DISCUSSION |
|---|---|---|

**Summary of the Geology and Soils Impacts in the 2013 MND:** The 2013 MND found the potential geology and soil impacts regarding fault zones, seismic shaking, liquefaction,

landslides, unstable soils to be less than significant. Fault zones and landslides were not present and potential impacts regarding seismic shaking, liquefaction and unstable soils were address through the application of standard COA. This determination was based on a Geotechnical Investigation Report prepared by Bauer Associates, dated October 16, 2012, as well as the City of Santa Rosa General Plan 2035 and General Plan Final EIR. The presence of weak and expansive soils remained a concern requiring the incorporation of the following mitigation to achieve a less than significant impact.

**GS-1:** All recommendations outlined in the Geotechnical Investigation Report for Elm Tree Station Retail Market and Fuel Facility, prepared by Bauer Associates, dated October 16, 2012, shall be adhered to.

**Geological and Soil Impacts associated with the Proposed Project:** The proposed project is the same project that was studied in the 2013 MND. There have been no changes to the project or the project site. The 2013 MND found all potential geology and soils impacts to be less than significant. This determination was based on the analysis and recommendations found in the 2012 Bauer and Associates Geotechnical Investigation and the policies and analysis found in the Santa Rosa General Plan 2035 and the Santa Rosa General Plan 2035 Final EIR. The geological make-up of the site has not changed since the 2012 geotechnical report and there has been no notable changes in the physical characteristics of the site. The Bauer and Associates Geotechnical Investigation included, among other things, the observation of the surface conditions and the drilling of four test borings in depth from approximately 13.5 ft. to 51.5 ft. This investigation, in addition to literature research, lead to the conclusion that the presence of weak and expansive soils was of concern. The Geotechnical recommendations found in the report and encapsulated by mitigation measure GS-1 cited above, require the removal of the weak surface soils in the building areas. This geotechnical recommendation as well as the other recommendations found in the report coupled with the implementation of the current Building Code at the time of project construction ensures the project's potential impact to geology and soils remain less than significant. Said mitigation will be carried forward through a standard COA.

**Determination:** The proposed project will not result in a change to potential Geology and Soils impacts with the incorporation of all recommendations of the Bauer geotechnical investigation. This determination mirrors the 2013 MND. The 2023 CEQA Appendix G guidelines have been slightly modified since the adoption of the 2013 MND in that paleontological resource impact analysis has been reorganized from Cultural Resources to Geology and Soils. The Cultural Resources Evaluation prepared by Archeological Services, dated April 23, 2013, concluded that no significant impacts to paleontological resources would occur as a result of the project. Due to the site's environmental setting related to geological and paleontological remaining substantially the same as that of the project in 2013, no impacts to paleontological resources would occur as a result of this project. There

have been no changes to the project, no changes in circumstances and no new information. Mitigation Measure GS-1, namely, to adhere to all recommendations of the Bauer Geotechnical Investigation can be addressed through the application of a standard COA. No further analysis regarding geology and soils is necessary.

| 8. GREENHOUSE GAS EMISSIONS | YES | DISCUSSION |
|---|---|---|

The City Council has adopted a ban on new gasoline service station (Ordinance-2022-010) out of concern of their potential impact on the environment. This represents new information requiring further analysis.

| 9. HAZARDOUS AND HAZARDOUS MATERIALS | NO | DISCUSSION |
|---|---|---|

**Summary of Hazardous and Hazardous Materials Impacts in the 2013 MND:** The project is not in the vicinity of a public or private airport or within an area designated in the General Plan 2035 for Wildland Fire. Because the project site is located approximately 6 miles from the Charles M. Schultz Sonoma County Airport, is not within the jurisdictional boundaries of the Sonoma County Land Use Commission and is not within a Wildland Fire area as designated in the City of Santa Rosa General Plan 2035, the 2013 MND found no impact in these subcategory areas. The 2013 MND also noted that the project would be required to comply with all relevant Fire, Building, and Health and Safety Codes. Furthermore, the MND found that according to the State of California EnviroStor Database of Hazardous Material Cleanup Sites the site is not in or near and Federal or State Superfund sites. A Phase 1 Environmental Site Assessment was prepared by Environmental Geology Services, Inc. dated July 15, 2015. The report concluded that there were no environmental hazards or hazardous conditions found on or near the subject property. Hence, the project was found to have a less than significant impact on hazardous or hazardous materials.

**Summary of Hazardous and Hazardous Materials Impacts associated with the Proposed Project:** The proposed project is the same project that was analyzed in the 2013 MND. No new public or private airports are in the vicinity of the project and the project site is not within the City of Santa Rosa Wildland – Urban Interface Fire Area. The proposed project will be required to meet all applicable Fire, Building, and Health and Safety requirements. Furthermore, a Phase1 Environmental Site Assessment was prepared and no hazardous or hazardous conditions were found.

**Determination:** There have been no changes to the project, no changes in circumstances and no new information that would alter the assessment of the potential impacts of the project on Hazardous and Hazardous Materials from the determination made in the 2013 MND and the subsequent Phase 1 Environmental Site Assessment. Wildfire has since become a separate Appendix G Initial Study category and will be addressed subsequently. No further analysis as regards Hazardous and Hazardous Materials is required.

| 10. HYDROLOGY AND WATER QUALITY | NO | DISCUSSION |
|---|---|---|

**Summary of Hydrology and Water Quality Impacts in the 2013 MND:** The 2013 MND found the potential impacts to hydrology and water quality to be less than significant. This was based on the adequacy of city water supplies to serve General Plan 2035 buildout, the protection of water quality through compliance with all requirements of the City Storm Water Mitigation Plan Guidelines using Low Impact Development (LID) Best Management Practices (BMPs), compliance with the city's Water Efficient Landscape Ordinance (WELO) and submittal of a Final Standard Urban Storm Water Mitigation Plan (SUSMP) using LID BMPs. No mitigations were required.

**Summary of Hydrology and Water Quality Impacts associated with the Proposed Project:** The proposed project is the same as the project that was reviewed in the 2013 MND. On July 10, 2023, an SB 610 Water Supply Assessment for the Santa Rosa General Plan 2050 (WSA) was prepared. The WSA updated projected water demands using the latest water demand data and taking into account potential future drought and climate change impacts. The report found that the city continues to have adequate water to serve General Plan 2050 buildout. The proposed project does not require a General Plan Amendment or rezoning. Hence, the intensity of the project was anticipated in the WSA. Both the city's SUSMP and WELO requirements have been updated. These updated requirements will be complied with through standard conditions of approval (COA). A Final SUSMP was prepared for the project by BkF Engineers, December 2018. This report is required to be submitted at building permit. Any update, if required, to the report will be done at that time. Likewise, all WELO calculations will be done and submitted with the landscape plans at the time of Design Review. Said landscape plan will adhere to the latest WELO requirements from the City's Municipal Code.

**Determination:** Potential impacts to hydrology and water quality were found to be less than significant in the 2013 MND and no mitigations were required. A review of the proposed Project showed no change to the project, no change in circumstances, and an updating of the SUSUMP, the WELO requirements, and the CEQA Appendix G thresholds for impacts to Hydrology and Water Quality. The City of Santa Rosa has adopted an Urban

Water Management Plan (UWMP) (2021) and associated Santa Rosa Plain Groundwater Management Plan (GMP), which describe the City's water system's supply sources, historical and projected water use, and compare water supply to water demands in a variety of circumstances. The proposed project is consistent with the General Plan, which defines projected growth that is analyzed by the UWMP and GMP; therefore, the proposed project would not conflict with or obstruct implementation of the UWMP and GMP. The proposed project will comply with the latest requirements of the City Standard Storm Water Mitigation Plan Guidelines using Low Impact Development (LID) Best Management Practices (BMPs), and the updated WELO requirements. No further analysis regarding the project's potential impact to hydrology or water quality is warranted.

| **11. LAND USE AND PLANNING** | **NO** | **DISCUSSION** |
|---|---|---|

**Summary of Land Use and Planning Impacts in the 2013 MND:** The 2013 MND found the potential impacts to land use and planning to be less than significant. This was based on the project site's General Plan land use designation of Retail and Business Services, the site's location, the surrounding land uses, and the types of development allowed under the Retail and Business Services General Plan designation and the Planned Development (PD-0435: Wright-Sebastopol Commercial District) zoning classification.

**Summary of Land Use and Planning Impacts associated with the Proposed Project:** The General Plan land use designation for the site remains Retail and Business Services. The site's location, surrounding land uses, zoning, and types of uses allowed under the C-2 (CG) – PD 0435 (Policy Statement for Wright-Sebastopol Commercial District) have also remained the same. In October 2022, the City's Ordinance banning the construction of new gasoline service stations took effect. The proposed project was specifically exempted from the measure.

**Determination:** Potential impacts to land use and planning were found to be less than significant in the 2013 MND and no mitigations were required. A review of the proposed Project showed no change to the project and no change in circumstances. There was the advent of new information with the October 2022 adoption of a city ordinance banning the construction of new gas stations. Although this is considered new information, the project was specifically exempted from the ordinance and allowed to proceed through the entitlement application process. Given the exemption, the project remains consistent with existing city land use laws, regulations, and the General Plan. No further analysis is warranted.

| **12. MINERAL RESOURCES** | **NO** | **DISCUSSION** |
|---|---|---|

**Summary of Mineral Resources Impacts in the 2013 MND:** The 2013 MND found no potential impacts to mineral resources. This was based on the assessment that the project site did not contain any locally or regionally significant mineral resources. The General Plan FEIR was used to make this determination.

**Summary of Mineral Resources associated with the Proposed Project:** The location of the project and the project is the same as that which was examined in the 2013 MND. Locally and/or regionally significant resources are absent from the project site.

**Determination:** The 2013 MND found no impact to mineral resources. There has been no change to the project, no change in circumstances or new information regarding mineral resources. The determination under the Mineral Resources section of the adopted MND remain accurate, applicable, and sufficient as regards the proposed Project. No further analysis is necessary.

| 13. NOISE | NO | DISCUSSION |
|---|---|---|

**Summary of Noise Impacts under the 2013 MND:** The 2013 MND found the Noise impacts to be less than significant with mitigation incorporation. Section 17-16.030 of the City of Santa Rosa Municipal Code sets the ambient base daytime and nighttime noise levels by type of land use. The noise levels for Commercial uses are 65 dBA daytime and 55 dBA nighttime. A Noise Study prepared by Illingworth & Rodkin, Inc., dated May 16, 2013, determined the need to construct a sound wall to mitigate noise. This recommendation was supported by staff and adopted by the Planning Commission after consideration of General Plan 2035 Noise Element policy NS-B-5 which reads: Pursue measures to reduce noise impacts primarily through site planning. Engineering solutions for noise mitigation, such as sound walls, are the least desirable alternatives. The Noise Study mitigation is summarized below:

**N-1:** To mitigate potential project noise impacts on future residences and to allow daytime fuel deliveries and daytime, and nighttime market deliveries, a sound wall 10 ft. in height shall be constructed along the eastern property line as illustrated in Figure 2 of the Noise Study. Additionally, fuel deliveries shall be made during the hours of 7 am to 7 pm, only.

The MND also included the city's standard COA limiting construction hours from 7 am to 7 pm Monday through Friday and 8 am to 6 pm Saturdays. No construction on Sundays and holidays.

**Summary of Noise Impacts associated with the Proposed Project:** The project and the project's site surrounding land uses are the same as that which was examined in the 2013 MND. The 2023 City of Santa Rosa Municipal Code Section 17-16.030 sets the same dBA

ambient noise levels for commercial uses as was used in the 2013 MND. The current General Plan Noise Element policy regarding the construction of sound walls is identical to that which existed in 2013. The city's regulation regarding construction hours is also the same as in 2013. Mitigation measure N-1, restrictions on fuel deliveries and construction hours all remain applicable.

**Determination:** The 2013 MND found noise impacts less than significant with the incorporation of mitigation. There has been no change to the project, no change in circumstances, no change in General Plan Noise Element policy regarding sound walls, and the city's municipal code regarding assessment and regulation of noise impacts is the same as were applied in the 2013 MND. The determinations under the Noise section of the adopted 2013 MND remain accurate, applicable, and sufficient as regards the proposed project. No further analysis is necessary.

| 14. POPULATION AND HOUSING | NO | DISCUSSION |
|---|---|---|

**Summary of Population and Housing Impacts in the 2013 MND:** The 2013 MND found a less than significant impact to population and housing. This was based on the types of land uses allowed in the Retail and Business Services General Plan land use category, the uses allowed under the zoning district and the site's surrounding land uses. The 2013 MND found that the project was not anticipated to induce substantial population growth nor displace existing housing given the aforementioned.

**Summary of Population and Housing Impact associated with the Proposed Project:** The location of the project, the project and the project's General Plan land use designation and zoning are the same as that which was examined in the 2013 MND. As in 2013, the project does not eliminate any housing and adds an affordable by design housing unit.

**Determination:** The 2013 MND found the potential impacts to population and housing to be less than significant. There has been no change to the project, no change in circumstances, or new information which would alter the determination. The determinations under the Population and Housing section of the adopted MND remain accurate, applicable, and sufficient. No further analysis is necessary.

| 15. PUBLIC SERVICES | NO | DISCUSSION |
|---|---|---|

**Summary of Public Services Impacts in the 2013 MND:** The 2013 MND found a less than significant impact to public services. This was based on the City of Santa Rosa General Plan and General Plan FEIR. The 2013 MND found that the project was not anticipated to cause a need for new public services or facilities.

**Summary of Population and Housing Impact associated with the Proposed Project:**
The location of the project, the project and the project's General Plan land use designation and zoning are the same as that which was examined in the 2013 MND. The project site is 1.7 miles from City of Santa Rosa Fire Station #10 at 1345 Corporate Center Parkway and 2.0 miles from Fire Station #2 at 830 Burbank Avenue. As a commercial use with a less than significant impact on population growth, the project would not have a significant impact on schools or parks. As a retail commercial business with a market that does not include the sale of alcohol, but includes an on-site caretaker, the MND found police protection to be adequate. There has been no change to the project that has altered this determination.

**Determination:** The 2013 MND found the potential impacts to public services to be less than significant. There has been no change to the project, no change in circumstances, or new information which would alter this determination. The determinations under the Public Services section of the adopted MND remain accurate, applicable, and sufficient. No further analysis is necessary.

| 16. RECREATION | NO | DISCUSSION |
|---|---|---|

**Summary of Recreation Impacts in the 2013 MND:** The 2013 MND found a less than significant impact to recreation. This was based on the City of Santa Rosa General Plan and General Plan FEIR. The 2013 MND acknowledged the connection to the Joe Rodota trail and that seating for pedestrians and bicyclists was being provided.

**Summary of Recreation Impact associated with the Proposed Project:** The location of the project, the project and the project's General Plan land use designation and zoning are the same as that which was examined in the 2013 MND. The proposed project enhances recreational opportunities in Santa Rosa by providing a direct connection to the Joe Rodota Trail, as well as a "rest stop" with seating and a trellised area. An agreement between Sonoma County Parks and Recreation and the applicant for the trail connection and future maintenance of both the private and public land adjoining the project site has been signed by both parties.

**Determination:** The 2013 MND found the potential impacts to recreation to be less than significant. There has been no change to the project, no change in circumstances, or new information which would alter this determination. The project enhances recreational opportunities. The determinations under the Recreation section of the adopted MND remain accurate, applicable, and sufficient. No further analysis is necessary.

| 17. TRANSPORTATION + TRAFFIC | YES | DISCUSSION |
|---|---|---|
| In July 2020, legislation requiring potential traffic impacts to be analyzed based on vehicle miles traveled (VMT) instead of level of service (LOS) was implemented by Cal-Trans. This represents new information, and the potential impact will require further analysis. | | |
| **18 TRIBAL CULTURAL RESOURCES** | **NO** | **DISCUSSION** |
| Early consultation with tribal communities is required per Assembly Bill (AB) 52. Although this represents new information the consultation has been performed by the City of Santa Rosa. On January 31st, 2022, the City received an acknowledgement from a representative of Lytton Rancheria to a referral of the project pursuant to AB 52 that indicated no further consultation on the project was requested. The presence of a tribal monitor during construction, this would be incorporated into the project through a standard COA. No further analysis is required. | | |
| **19. UTILITIES AND SERVICE SYSTEMS** | **NO** | **DISCUSSION** |
| **Summary of Utilities and Service Systems Impacts in the 2013 MND:** The 2013 MND found a less than significant impact to utilities and service systems. This was based on the City of Santa Rosa General Plan and General Plan FEIR. The project is consistent with the General Plan Retail and Business Services land use designation and the site's commercial zoning, C-2 (CG) – PD 0435 (Policy Statement for Wright-Sebastopol Commercial District). Given the consistency, the 2013 MND found the capacity of City services to be adequate to service the project. In addition, the project will be required to comply with the City's Storm Water Mitigation Plan Guidelines, including the implementation of conditions of approval requiring best management practices, and submittal of storm drainage plans to the North Coast RWQCB. Landfill capacity for the use was found adequate as did PG&E's ability to serve the project. No standard measures or mitigations were recommended.<br><br>**Summary of Utilities and Service Systems Impact associated with the Proposed Project:** The location of the project, the project and the project's General Plan land use designation and zoning are the same as that which was examined in the 2013 MND. The project will be required to comply with the most current Storm Water Mitigation Plan Guidelines and Best Management Practices prior to issuance of a building permit. | | |

| | | |
|---|---|---|
| **Determination:** The 2013 MND found the potential impacts to Utilities and Service Systems to be less than significant. There has been no change to the project, no change in circumstances, other than the updating of requirements, or new information which would alter this determination. These new requirements must be met prior to issuance of a building permit. The determinations under the Utilities and Service Systems section of the adopted MND remain accurate, applicable, and sufficient. No further analysis is necessary. | | |
| **20. WILDFIRE** | **YES** | **DISCUSSION** |
| This category was added to Appendix G of the CEQA Guidelines. Further analysis is warranted. | | |
| **21. MANDATORY FINDINGS OF SIGNIFICANCE** | **NO** | **DISCUSSION** |
| If the following analysis determines no significant impacts. | | |

## 3.3. LEVEL OF SIGNIFICANCE

The impact categories identified in the above analysis, which require additional review to determine their potential level of significance, are discussed below in the order they appear in Table 3, above. (Numbering relates to the specific impact category.)

3. AIR QUALITY

The Initial Study format, which is used to determine the significance level of a potential impact within the impact categories established in the CEQA Guidelines, is found in CEQA Guidelines Appendix G. Impact Category III. Air Quality, asks the following: Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
c) Expose sensitive receptors to substantial pollutant concentrations?
d) Result in other emissions adversely affecting a substantial number of people?

The discussion below addresses each of these questions.

A Gas Station Health Risk Assessment was prepared for the Elm Tree Station project by Illingworth & Rodkin, on February 17, 2023. Said assessment analyzed, among other issues, the project's air pollutants utilizing the BAAQMD 2017 CEQA Air Quality Guidelines as well as the 2022 BAAQMD revised GHG thresholds. Air quality impacts and community

health risks are considered potentially significant if they exceed the BAAQMD thresholds of significance shown in Table 1., below.

**Table 1. BAAQMD CEQA Significance Thresholds**

| Health Risks and Hazards | Single Sources Within 1,000-foot Zone of Influence | Combined Sources (Cumulative from all sources within 1000-foot zone of influence) |
|---|---|---|
| Excess Cancer Risk | 10 per one million | 100 per one million |
| Hazard Index | 1.0 | 10.0 |
| Note: $PM_{10}$ = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (μm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5μm or less. | | |

Therefore, if the project's air pollutants exceed 10 parts per million within a 1,000 ft. zone of influence it would be considered in conflict with the implementation of the BAAQMD air quality plan. Likewise, if the project's air pollutants when combined with all other sources within the 1,000 ft. zone of influence exceed 100 parts per million, it would exceed the BAAQMD CEQA threshold of significance and be considered cumulatively considerable.

The project's air quality impacts, particularly those related to increased community risk, can occur by introducing a new source of toxic air contaminants (TACs) with the potential to adversely affect existing sensitive receptors in the project vicinity. The Elm Tree Station project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile, and stationary sources). To determine the potential impact, the location of sensitive receptors must first be identified.

Figure 1., below identifies the project site and the locations of the off-site residential receptors as well as what the report considers the Maximum Exposed Individuals (MEI) receptors.

**Figure 1. Project Site and Sensitive Receptor Locations**

As previously discussed, and shown in Table 1, above, the project would have a significant air quality impact if the TACs exceeded 10 parts per million as measured within a 1,000 ft. radius either during construction or during operation.

The Table below, taken from the Illingworth & Rodkin, February 2023 air quality report, shows that the project could produce 6.34 parts per million emissions at the off-site MEI during construction and 3.35 parts per million during operation over 30 years. These are both below the BAAQMD significance threshold of 10. Furthermore, the combination of TAC emissions from construction and operation would not exceed the single-source thresholds of significance for community risk impacts in terms of excess lifetime cancer risk, annual $PM_{2.5}$ concentrations, and Hazard Index.

**Maximum Health Risk Impacts at the Off-site MEI (Maximally Exposed Individual)**

| Source | Cancer Risk (per million) | Maximum Annual $PM_{2.5}$ ($\mu g/m^3$) | Maximum Hazard Index |
|---|---|---|---|
| Project Impact to Existing Receptors | | | |
| Project Construction (2 years) | 6.34 (infant) | 0.07 | <0.01 |
| Project Operation (28 years) | 0.87 | 0.02 | 0.34 |
| Total (30 years) | 7.21 | 0.07 | 0.34 |
| ***BAAQMD Single-Source Threshold*** | ***10*** | ***0.3*** | ***1.0*** |
| ***Exceed Threshold?*** | *No* | *No* | *No* |
| Future On-Site Residential Occupants | | | |
| Project Operation (30 years) | 3.35 | 0.02 | 0.25 |
| ***BAAQMD Single-Source Threshold*** | ***10*** | ***0.3*** | ***1.0*** |
| ***Exceed Threshold?*** | *No* | *No* | *No* |

As required by CEQA, cumulative impacts were also addressed in the Illingworth & Rodkin, Inc., report. As shown in the report's Table, below, cumulative risks were not exceeded for off and on-site MEI for cancer risk, $PM_{2.5}$ concentrations, or chronic hazards. Likewise, the significance thresholds for cumulative impact were not exceeded for future residential occupants.

**Table 4. Cumulative Health Risk Impacts at the Off- and On-Site MEI**

| Source | Cancer Risk (per million) | Maximum Annual $PM_{2.5}$ ($\mu g/m^3$) | Chronic Hazard Index |
|---|---|---|---|
| Project Impact to Existing Receptors | | | |
| Project Impact | 7.21 | 0.00[a] | 0.34 |
| S.R. 12 (from BAAQMD Raster data) | 3.42 | 0.07 | - |
| N. Wright Rd. (32,460 ADT) | 5.26 | 0.33 | <0.01 |
| Sebastopol Rd. (19,960 ADT) | 4.28 | 0.30 | <0.01 |
| Fulton Road (44,360 ADT) | 1.50 | 0.09 | <0.01 |
| Total | 21.7 | 0.8 | <0.4 |
| ***BAAQMD Cumulative-Source Threshold*** | ***100*** | ***0.8*** | ***10.0*** |
| ***Exceed Threshold?*** | *No* | *No* | *No* |
| Future Residential Occupants | | | |
| Project Impact | 3.35 | 0.00[a] | 0.25 |
| S.R. 12 (from BAAQMD Raster data) | 5.67 | 0.12 | - |
| N. Wright Rd. (32,460 ADT) | 1.89 | 0.11 | <0.01 |
| Sebastopol Rd. (19,960 ADT) | 0.85 | 0.05 | <0.01 |
| Fulton Road (44,360 ADT) | 3.32 | 0.19 | <0.01 |
| Total | 15.08 | 0.5 | <0.28 |
| ***BAAQMD Cumulative-Source Threshold*** | ***100*** | ***0.8*** | ***10.0*** |
| ***Exceed Threshold?*** | *No* | *No* | *No* |

Project emission during construction and operations were determined by inputting the project's defining criteria into the California Emissions Estimator Model (CalEEMod), a statewide land use emissions computer model that quantifies potential criteria pollutant and greenhouse gas emissions (GHG). This modeling was done as part of the Illingworth & Rodkin Health Risk Assessment dated February 27, 2023. The result of the modeling is found in Attachment 2 of the report.

Air Quality Significance Thresholds for criteria air pollutant are:

| Criteria Air Pollutant | Construction Thresholds | Operational Thresholds |
|---|---|---|
| | Average Daily Emissions | Average Daily Emissions |
| ROG | 54 | 54 |
| NOx | 54 | 54 |
| $PM_{10}$ | 82 | 82 |
| $PM_{2.5}$ | 54 | 54 |
| $CO_2e$ | 20.0 ppm | 20.0 ppm |

The project's emissions are:

| Criteria Air Pollutant | Construction Thresholds | Operational Thresholds |
|---|---|---|
| | Average Daily Emissions with mitigation | Average Daily Emissions |
| ROG | 0.56 | 11.6 |
| NOx | 17.2 | 9.15 |
| $PM_{10}$ | 4.14 | 4.8 |
| $PM_{2.5}$ | 1.8 | .98 |
| $CO_2e$ | 8.44 | 14.8 |

As shown in the tables above, the project emissions are significantly below BAAQMD Criteria Air Pollutant Thresholds for both construction and operation.

Based on the above information, the project would:

3. Air Quality:

a) Not conflict with or obstruct implementation of the applicable air quality plan due to the low criteria air pollutant emissions during both construction and operations as well as the project's consistency with the SRCAP.

b) Would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard based on the low level of project criteria air pollutant emissions and the low emission impact of the project when assessed for cumulative impact over 30 years of operation in the Health Risk Assessment. (Contribution of 3.35 out of a BAAQMD Cumulative Source Threshold of 100).

c) Would not expose sensitive receptors to substantial pollutant concentrations as shown in the Health Risk Assessment.

d) Would not result in other emissions adversely affecting a substantial number of people as shown in the data above. Furthermore, the project is not located in a high-density residential area.

The original MND was adopted in October 2013. The 2013 MND Air Quality Analysis could not have used the BAAQMD 2017 CEQA Air Quality Guidelines or the 2022 revised GHG thresholds. This satisfies criterion #3a of CEQA Guideline Section 15162, that is, new information of substantial importance, which was not known or could not be known. Further analysis was required to show if: a) The project will have one or more significant effects not discussed in the previous Negative Declaration.

The Elm Tree Station Gas Station Health Risk Assessment showed the Project to be below the BAAQMD 2017 CEQA Air Quality Guidelines, in addition to the updated BAAQMD 2022 threshold levels of significance. Furthermore, as part of the Health Risk Assessment, the project was run through the CalEEMod for both construction and operations. The data showed the project to be well below the BAAQMD threshold of significance for criteria pollutant emissions. The project is also consistent with the updated SRCAP. The health risk assessment report found that the project's criteria pollutant emissions would not be cumulatively considerable, and mitigation would not be required.

6. ENERGY

CEQA Guidelines Appendix G. Impact category VI. Energy, asks the following: Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Santa Rosa General Plan

The proposed project is subject to the goals and policies of the City of Santa Rosa General Plan. The following are the applicable energy goals and policies from the General Plan's Open Space and Conservation element.

- OSC-K: Reduce energy use in existing and new commercial, industrial, and public structures.
- OSC K-5: Implement measures of the Climate Action Plan which increase energy efficiency, including retrofitting existing buildings and facilitating energy upgrades.
- OSC-M: Reduce Greenhouse Gas Emissions
- OSC-M-1: Meet local, regional, and state targets for reduction of greenhouse gas emissions through implementation of the Climate Action Plan.

Climate Action Plan

A stated purpose of the City of Santa Rosa Climate Action Plan (SRCAP) is to address climate change and energy conservation. The consistency of the project with the SRCAP is discussed in Section 2.5. Green Technologies and Santa Rosa Climate Action Plan Compliance (SRCAP), above.

Santa Rosa Municipal Code

The Santa Rosa Municipal Code includes several sections that relate to energy. They are Chapter 18-42: California Green Building Standards Code, and Chapter 18-33: California Energy Code. The project will be required to meet the applicable requirements in these code sections.

Potential impact category VI Energy a) asks if the project would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. The 2013 MND addressed energy as part of the Greenhouse Gas Emissions discussion and concluded that compliance with the Santa Rosa Climate Action Plan (SRCAP) would ensure that potential impacts were less than significant. Section 2.5 Green Technologies and the Santa Rosa Climate Action Plan Compliance, above, assess the project in terms of the SRCAP. The analysis concludes that the proposed project achieves full consistency with all applicable policies. Given the consistency of the project with SRCAP there is no substantial change relative to the 2013 MND analysis. Implementation of the applicable energy efficiency policies in the SRCAP as well as the California Green Building Standards Code and the California Energy Code ensures that, in regard to energy, the project will not be conducted in a wasteful or inefficient manner either during construction or operations.

Construction

Construction impacts are temporary, and the energy expenditure of such activity is further limited by the equipment maintenance requirements and the idling times restrictions found in mitigation measure AQ-1 from the 2013 MND. The 2013 MND also included a standard measure, found in the Noise section, that limits construction days and hours. The following additional measures through a COA will be added to further reduce energy consumption:

a. Prior to issuance of grading or building permits, all future development projects, to the extent applicable and practical, shall specify on the project plans implementation of BAAQMD recommended construction-related measures to reduce GHG emissions and reduce energy consumption during construction activities. These measures include, as feasible:
    1. Use of alternative-fueled (i.e., biodiesel, electric) construction vehicles and equipment to the maximum extent possible,
    2. Use of local construction materials (within 100 miles) to the maximum extent possible, and
    3. Recycle construction waste and demolition materials to the maximum extent possible.

In addition, compliance with the following policies from the SRCAP ensures that construction will not be performed in a wasteful, inefficient, or energy careless manner:

- **Policy 1.1.1** - Comply with CAL Green Tier 1 Standards: Construction documents will be designed to comply with State Energy requirements for Title 24, City of Santa Rosa's Cal Green requirements and CAL Green Tier 1 Standards.
- **Policy 6.1.3** - Increase diversion of construction waste: A construction waste management plan will be created in compliance with CalGreen Tier 1 Standards**.**
- **Policy 9.2.1** - Minimize construction equipment idling time to 5 minutes or less: Construction procedures complying with the Climate Action Plan new development checklist will be noted in the project specifications and construction documents.
- **Policy 9.2.2** - Maintain construction equipment per manufacturer's specifications: Construction procedures complying with the Climate Action Plan new development checklist will be noted in the project specifications and construction documents.
- **Policy 9.2.3** - Limit Green House Gas (GHG) construction equipment by using electrified equipment or alternate fuels: Construction procedures complying with the Climate Action Plan new development checklist will be noted in the project specifications and construction documents.

Operations

The project is energy efficient by design, utilizing solar power to the extent feasible to power the fuel pumps, providing an expanded pedestrian/bicycle trail by the inclusion of a pedestrian/bicycle connection, a surface street by-pass, and electrical vehicle charging stations. The project also includes a one-bedroom unit, which could be occupied by the manager of the facility. The technology related to vehicle fuel efficiency has increased significantly in the years since the adoption of the 2013 MND, which results in an overall increase in efficiency of fuel consumption. Additionally, in 2022, the California Air Resources Board approved regulations that will ban the sale of new gas-engine vehicles by 2035, requiring that all new cars consume electricity or hydrogen to operate. As the automobile industry responds to these legislative changes, the number of electricity- and hydrogen-powered automobiles on the road will increase. The proposed project is well positioned to respond to these changes by providing electric car charging stations as part of the current project, with the capacity to expand as necessary.

The project complies with the SRCAP. The project will also be required to meet all current building code regulations regarding energy efficiency. The implementation of these measures ensure that the project would not operate in a wasteful, inefficient manner, or will unnecessarily consume energy resources either during construction or operation.

Furthermore, as discussed in the Air Quality section above, and duplicated below, the project is below the BAAQMD thresholds of significance for both Construction and Operation.

Air Quality Significance Thresholds for criteria air pollutant are:

| **Criteria Air Pollutant** | **Construction Thresholds** | **Operational Thresholds** |
|---|---|---|
| | **Average Daily Emissions** | **Average Daily Emissions** |

| | | |
|---|---|---|
| ROG | 54 | 54 |
| NOx | 54 | 54 |
| $PM_{10}$ | 82 | 82 |
| $PM_{2.5}$ | 54 | 54 |
| $CO2_e$ | 20.0 ppm | 20.0 ppm |

The project's emissions are:

| **Criteria Air Pollutant** | **Construction Thresholds** | **Operational Thresholds** |
|---|---|---|
| | **Average Daily Emissions with mitigation** | **Average Daily Emissions** |
| ROG | 0.56 | 11.6 |
| NOx | 17.2 | 9.15 |
| $PM_{10}$ | 4.14 | 4.8 |
| $PM_{2.5}$ | 1.8 | .98 |
| $CO2_e$ | 8.44 | 14.8 |

The project is the same as the project that was analyzed in the 2013 MND. Features that cause the project to be energy efficient are built into the project. The measures that cause the construction of the project to be energy efficient were addressed in the GHG and Noise sections of the 2013 MND, the 2013 SRCAP consistency analysis, the 2023 SRCAP consistency analysis, and the 2023 Air Quality Health Risk Assessment, found the project's emissions to be well below the BAAQMD levels of significance for both construction and operations. No further mitigations are necessary and there is no substantial change from the 2013 MND. A subsequent or new Negative Declaration or mitigated Negative Declaration is not required. The proposed Project qualifies for an Addendum.

## 8. GREENHOUSE GAS EMISSIONS

CEQA Guidelines Appendix G. Impact category VIII. Greenhouse Gas Emissions, asks the following: Would the project:

a) Generate greenhouse gas emissions either directly or indirectly, that may have a significant impact on the environment?
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

VIII. Greenhouse Gas Emissions a)

Under Section 3: Thresholds of Significance of the BAAQMD 2022 California Environmental Quality Act Guidelines, the following is used to determine if a project will have a potentially significant climate impact from GHG emissions:

**Table 3-2 Climate Impact Thresholds of Significance (Project Level)**

| Thresholds of Significance for Land Use Projects (Must Include A or B) |
|---|
| A. Projects must include, at a minimum, the following project design elements:<br>1. Buildings<br>a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).<br>b. The project will not result in any wasteful, inefficient, or unnecessary energy use as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.<br>2. Transportation<br>a. The project will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target that reflects the recommendations provided in the Governor's Office of Planning and Research's *Technical Advisory: Evaluating Transportation Impacts in CEQA*:<br>i. Residential projects: 15 percent below the existing VMT per capita<br>ii. Office projects: 15 percent below the existing VMT per employee<br>iii. Retail projects: no net increase in existing VMT<br>b. The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. |
| B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). |

Note: The project-level thresholds of significance for climate impacts were adopted by the Air District's Board of Directors on April 20, 2022.

The proposed project is the same project that was analyzed in the 2013 MND. The 2013 MND found the Elm Tree Station project to have no impact on Greenhouse Gas Emissions because the project incorporated 14 of the mandatory measures, plus six additional measures from the City of Santa Rosa Climate Action Plan (SRCAP) into the Project. Given this consistency with SRCAP, no mitigation measures and no standard COA were required.

Stated another way, in BAAQMD's performance standard based GHG thresholds defined and justified in "CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (2022)," the District established new thresholds of significance for GHG impact analysis of typical commercial and residential land use projects. Based on communication with BAAQMD[2], a convenience store with gas pumps is a typical commercial land use and these 2022 impact thresholds can appropriately be used to evaluate such projects. Through the incorporation of required and elective measures from the City's SRCAP the project is without significant greenhouse gas emission impacts.

Additionally, in a private communication with James Reyff, Air Quality Consultant with Illingworth & Rodkin, Inc. September 21, 2023, the CalEEMod modeling provided in the Health Risk Assessment quantified emissions and the criteria pollutants are well below thresholds. (See discussion in Air Quality section, above).

[2] Email from BAAQMD dated April 4, 2023

The GHG emissions associated with the Elm Tree Station project were further analyzed by James Reyff of Illingworth & Rodkin, Inc. in a memo dated March 6, 2024, titled GHG Emissions Modeling. The technical analysis, based on CalEEModeling, concluded that the annual project GHG emissions would be 671 metric tons. This level of emission is 39% less than the numeric threshold of significance used by the BAAQMD in the 2017 CEQA Guidelines.

VIII Greenhouse Gas Emissions b.

On August 23, 2022, the City Council of the City of Santa Rosa adopted Ordinance 2022-010, which banned the development of new gas stations city-wide, excepting several gas station applications that were in process and whose applications were considered complete. The ban was a direct action by the City Council to address climate protection.

The City of Santa Rosa is a member of the Sonoma County Regional Climate Protection Authority (RCPA), which was formed in 2009 to coordinate countywide climate protection efforts among Sonoma County's nine incorporated cities and multiple agencies.

On September 9, 2019, the RCPA approved Resolution No. 2019-002 endorsing the declaration of a climate emergency and immediate emergency mobilization to restore a safe climate, which included a commitment to working on improving air quality and reducing ozone precursors, particulate matter, toxic air contaminants, and greenhouse gas emissions.

On January 14, the Santa Rosa City Council adopted Resolution No. 2020-002, the Climate Emergency Resolution, declaring a climate emergency and elevating climate issues to the highest priority in its goal setting. Said resolution commits the city to take action to reach carbon neutrality by 2030.

The RCPA adopted a Climate Mobilization Strategy in March 2021 which outlines 13 countywide strategies that have the potential to significantly reduce GHG emissions by 2030.

On May 12, 2021, City staff provided the Climate Action Subcommittee (CAS) with a presentation which discussed, among other measures, the option of banning gas stations.

On February 9, 2022, the CAS directed staff to draft an ordinance to ban new gas stations and the expansion of fossil fuel infrastructure of existing gas stations within the city.

As indicated, on August 23, 2022, the City Council of the City of Santa Rosa adopted Ordinance 2022-010, which banned the development of new gas stations city-wide, excepting several gas station applications that were in process and whose applications were considered complete. The subject Project is one of those exempt gas station applications.

The impetus for the gas station ban is the commitment of the city to climate protection through the reduction of greenhouse gases. Replete in the gas station ban public discussion

was a concern of the potential health risks through the emission of toxic air contaminants (TAC) on sensitive receptors from gas stations.

To address this issue, the Project applicant commissioned the preparation of a Health Risk Assessment. Said report was prepared by Illingworth and Rodkin, Inc, dated February 27, 2023. The report's Executive Summary states: Potential health risk impacts associated with the construction and operation of a neighborhood commercial development that includes a gas station located at 874 N. Wright Road in Santa Rosa were assessed. Toxic air contaminants that could be emitted from this project primarily include diesel exhaust from construction and traffic and gasoline vapors, primarily benzene, from transfer and storage of gasoline. This health risk assessment predicted increased cancer risk from the Project to be below thresholds of significance recommended by the Bay Area Air Quality Management District (BAAQMD). Other health risk thresholds for increase hazard index and annual fine particulate matter ($PM_{2.5}$) concentrations would not be exceeded.

The proposed Project, which has been exempted from the City's gas station ban, includes several features that aid in the reduction of GHG. These features include:

- Electric vehicle charging stations, which can be expanded in the future.
- Fuel pumps that will be operated using solar power to the extent possible.
- Fresh food market which will be in walking distance to the planned residential development.
- Enhancement of pedestrian and bicycle opportunities by providing a connection to the Joe Rodota trail.
- The creation of a destination or rest stop for bicyclist or walkers by providing a privately maintained public park with picnic tables and benches, drinking fountain, trellised resting area, and bicycle racks.
- The provision of an on-site one-bedroom apartment.

Furthermore, emissions from gas stations on human health was a concern expressed during the public hearing on the gas station ban. The project's emissions from a health risk assessment perspective were analyzed in the project's Health Risk Assessment report prepared by Illingworth & Rodkin, Inc. February 27, 2023. The report showed the emissions from the project to be below the BAAQMD CEQA thresholds of significance. No mitigations were required.

Additional analysis has shown that no mitigation measures other than those found in the 2013 MND are required to reduce GHG Emissions to a less than significant level are required. Based on this finding there is no substantial change from the from the determination made in the 2013 MND. A subsequent or new Negative Declaration or mitigated Negative Declaration is not required. The proposed Project qualifies for an Addendum.

17. TRANSPORTATION/TRAFFIC

A project-specific traffic study was prepared for the project by W-Trans Inc., dated July 26, 2013, W-Trans Inc., also prepared an addendum to this study, dated October 24, 2013. Said study and addendum were considered in the 2013 adopted MND. The mitigation applied was that the applicant was responsible for the payment of traffic impact fees. Said mitigation measure is currently applicable and will be captured through a standard COA.

On October 16, 2023, W-Trans Inc., prepared a new traffic addendum to assess whether conditions have changed sufficiently to require any updates to the previous reports. The report concluded that the findings of the original report and addendum remain valid, and the recommendations are still applicable. The report does note that the city has transitioned from traffic fees to a public facilities fee, the payment of such would be expected to cover the project's proportional share of the cost for infrastructure improvements. This does not represent a material change from the 2013 mitigation. Hence, a subsequent or new Negative Declaration or mitigated Negative Declaration is not required. The proposed Project qualifies for an Addendum.

VMT

The necessity for a VMT assessment was not a consideration when the 2013 MND was adopted. Therefore, criterion #3a of CEQA Guideline Section 15162, that is, new information of substantial importance, which was not known or could not be known, that shows: a) The project will have one or more significant effect not discussed in the previous Negative Declaration could have been engendered as regards TRANSPORTATION/TRAFFIC.

A VMT analysis was prepared for the project by W-Trans, Inc., on July 20, 2022. The report found that under the City's VMT screening criteria the project is classified as local-serving retail. As such, the project is presumed to have a less-than-significant transportation impact on VMT. This being the case, a subsequent or new Negative Declaration or mitigated Negative Declaration is not required. The proposed Project qualifies for an Addendum.

20. WILDFIRE

CEQA Guidelines Appendix G. Impact category XX. Wildfire, asks the following: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

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

Impact Category XX. Wildfire did not exist as a separate CEQA Guidelines Appendix G category in 2013. Wildland fire and emergency evacuation were addressed under in g. and h. of VII. Hazards and Hazardous Materials. The adopted 2013 MND found no impact to wildland fire because the project site is significantly outside the mapped Wildland-Urban Interface Zone. Interference with the implementation of an adopted emergency response plan or emergency evacuation plan was found to be less than significant.

Fire protection services for the project site and surrounding lands are provided by the Santa Rosa Fire Department. The closest Fire Station is Station 10 located at 2373 Circadian Way, approximately 1.5 miles from the project site. The project site is not within the City of Santa Rosa Wildland – Urban Interface Fire Area. The site is fully accessible, and its development would not impede an emergency evacuation route. The site is of minimal slope, does not require the installation of major off-site improvements and is not subject to flooding. The project will be conditioned, as appropriate, by the City of Santa Rosa Fire Department.

Furthermore, the project site is categorized as a non-very high fire hazard zone (Non-VHFHZ) by Cal-Fire and is located over seven miles from lands so designated. The project site is flat; access is provided by two driveways fronting N. Wright Road and a pedestrian-bicycle connection to the Joe Rodota trail. All proposed buildings would be constructed according to the latest California Building Code, which incorporates fire safe measures relative to building materials, fire sprinklers, exterior exiting, etc. There are no factors present such as steep slopes or prevailing winds that would increase fire risk or expose project occupants to the uncontrolled spread of wildfire, pollutant concentration from wildfire, post-fire slope instability, or post-fire flooding. Therefore, there is no change to the determination of less than significant impact reached in the 2013 MND.

Based on the above, a subsequent or new Negative Declaration or mitigated Negative Declaration is not necessary. The proposed Project qualifies for an Addendum.

## 4.0 CONCLUSION

The proposed Project has been evaluated for any related environmental consequences in this Addendum and in the technical reports referenced herein. All such reports are available for public inspection at the City of Santa Rosa Department of Planning and Economic Development or at the City's Web page atsrcity.org.

In Section 3.2 of the Addendum, the 21 impact categories identified in Appendix G of the CEQA Environmental Checklist (2023/2024 CEQA Statutes and Guidelines) were assessed using the criterium found in CEQA Guidelines Section 15162. According to CEQA Guidelines Section 15164, if none of the conditions described in CEQA Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, then an addendum to an adopted EIR or Negative Declaration can be prepared (CEQA Section 15164

(b)). Based on Section 15162 criterium, the Addendum found five of the impact categories, namely, Air Quality, Energy, Greenhouse Gas Emissions, Transportation + Traffic, and Wildfire held the potential to cause new significant environmental effects or substantial increases in the severity of a significant environmental effect not identified in the 2013 Mitigated Negative Declaration prepared and adopted for the project.

The Addendum assessed each of these five impact categories individually.

Air Quality: The potential impacts were assessed using the 2022 BAAQMD Climate Impacts Thresholds of Significance and an Air Quality Health Risk Assessment was prepared by Illingworth & Rodkin Inc., February 27, 2023.

Energy: The applicable policies in the Santa Rosa General Plan, the SRCAP and Chapter 18-42: California Green Building Standards Code, and Chapter 18-33: California Energy Code were reviewed.

Greenhouse Gas Emissions: The February 2023 Health Risk Assessment, communication from BAAQMD regarding fueling stations as a land use (April 4, 2023), a memorandum regarding GHG emissions modeling prepared by Illingworth & Rodkin, Inc., dated March 6, 2024, were used to assess potential impacts.

Transportation + Traffic: On October 16, 2023, W-Trans Inc., prepared a new traffic addendum to assess whether conditions have changed sufficiently to require any updates to the previous reports. In addition, a VMT (Vehicle Miles Traveled) analysis was prepared for the project by W-Trans, Inc., on July 20, 2022.

Wildfire: Cal-Fire: Sonoma County State Responsibility Area Fire Hazard Severity Zones, June 15, 2023, and the City of Santa Rosa Wildland-Urban Interface Fire Area Map, January 28, 2009, were reviewed as was the location of the nearest fire station and response times.

In each and every case, for all five impact categories, there were no substantial changes in circumstances affecting the Elm Tree Station project, which would cause increased environmental impacts. Although there was new information, which was not known and could not have been known at the time of the adopted MND, analysis of that new information or regulations applied to the proposed Project shows no new or more severe environmental effects. Furthermore, no infeasibility of adopted mitigation measures, no new feasible mitigation measures which the applicant declines to adopt, which would substantially reduce effects on the environment were discovered.

Hence, approval of the proposed Project would not meet any of the requirements in Public Resources Code Section 21166 or in CEQA Guidelines Section 15162 for the preparation of a subsequent Negative Declaration or a supplement to the Negative Declaration.

## 5.0 SOURCE DOCUMENTS USED TO PREPARE THE ADDENDUM

1. Project Plans and Design Narrative: Tierney/Figueiredo Architects. Landscape Architect: McNair Landscape Architects. November 2021.
2. Elm Tree Station CAP Checklist. November 2021.
3. 2023 CEQA Statute & Guidelines. Association of Environmental Professionals. 2023
4. City of Santa Rosa General Plan 2035.
5. City of Santa Rosa Zoning Code
6. City of Santa Rosa Climate Action Plan
7. Elm Tree Station Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan. City of Santa Rosa, Community Development Department. August 26, 2013.
8. Resolution No. 11653. Planning Commission, City of Santa Rosa. October 24, 2013.
9. Traffic Impact Study for the Elm Tree Station project, prepared by W-Trans., Inc., dated July 26, 2013.
10. Addendum to the Traffic Impact Study for Elm Tree Station, prepared by W-Trans., Inc. dated October 16, 2023
11. Analysis of Vehicle Miles Traveled (VMT) for the Elm Tree Station Project, prepared by W-Trans, Inc., dated July 20, 2022.
12. Memorandum: Updated Trip Generation and Trip Length Information for Elm Tree Station, prepared by W-Trans, Inc., dated March 7, 2024.
13. Biological Resources Analysis – Elm Tree Station Project, prepared by Monk & Associates, Inc., dated November 6, 2012
14. California Tiger Salamander Larval Survey, prepared by Monk & Associates, Inc. dated February 21, 2011
15. Monk & Associates 401 certification approval by NCRWQCB. August 27, 2019.
16. Department of the Army San Francisco District, U. S. Army Corps of Engineers granting of a Nationwide Permit (NWP). January 26, 2022.
17. Tree Preservation and Mitigation Report – 874 N. Wright Road, prepared by Horticultural & Associates, September 29, 2019.
18. Cultural Resources Evaluation of the Elm Tree Station Project, prepared by Archaeological Resource Services, dated April 23, 2013.
19. Geotechnical Investigation Report – Elm Tree Station, prepared by Bauer Associates, dated October 16, 2012.
20. Santa Rosa Climate Action Plan for New Development Checklist (Appendix E).
21. Standard Urban Stormwater Management Plan for Elm Tree Station, prepared by BkF Engineers, December 2018.
22. Environmental Noise Study, Elm Tree Station, prepared by Illingworth & Rodkin, Inc., dated May 16, 2013.

23. Elm Tree Station Gas Station Health Risk Assessment – 874 N. Wright Road, prepared by Illingworth & Rodkin Inc., dated February 27, 2023.
24. Memorandum: GHG Emissions Modeling for Elm Tree Station, prepared by Illingworth & Rodkin Inc., dated March 6, 2024.
25. BAAQMD correspondence (email) April 4, 2023.
26. City of Santa Rosa Wildland-Urban Interface Fire Area Map. Created January 28, 2009.
27. Cal-Fire: Sonoma County State Responsibility Area Fire Hazard Severity Zones. June 15, 2023.
28. Elm Tree Station Entitlement History with attachments

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| ***Aesthetics*** | | | | | |
| **COA:** Design Review.<br>Design Review is required for the project. Design Review will be obtained prior to issuance of a building permit.<br><br>A standard condition of approval regarding exterior lighting requirements will be placed on the project.<br><br>A standard condition of approval regarding compliance with the City of Santa Rosa Tree Ordinance will be placed on the project.<br><br>Conformance review shall occur at the building permit stage. | Design Review Board<br><br>Incorporate into conditions of approval.<br><br>Conformance review prior to building permit issuance. | Department of Planning and Economic Development | Prior to issuance of building permit. | Deny issuance of building permit. | |
| ***Air Quality*** | | | | | |
| **Mitigation Measures**<br>**AQ -1:**<br>The Applicant shall implement air quality protection measures recommended by the BAAQMD, including but not limited to those listed below, to reduce diesel particulates matter and PM 2.5 from construction operations to ensure that short-term health impacts are avoided:<br>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, | Incorporate into project conditions of approval.<br><br>Incorporate into the design and construction documents.<br><br>On-site observation. | Building Division | Verification of incorporation into design and construction documents prior to issuance of the building permit. | Deny issuance of building permit.<br><br>Stop construction until compliance. | |

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| graded areas, and unpaved access-roads shall be watered two times per day.<br><br>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.<br><br>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.<br><br>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).<br><br>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.<br><br>6. Limit traffic speeds on any unpaved road to 15 mph.<br><br>7. Suspend construction activities that cause visible dust plumes that extend beyond the construction site. | | | Monitor during regularly scheduled inspections. | | |

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| 8. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure<br><br>Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.<br>9. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.<br><br>10. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. | | | | | |

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| 1. Opacity is an indicator of exhaust particulate emissions from off-road diesel-powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Any equipment emitting dark smoke 3 minutes after start-up is in violation of this measure. | | | | | |
| ***Biological Resources*** | | | | | |
| **Mitigation Measures**<br>**BR-1**<br>**Nesting Raptors:** In order to avoid impacts to nesting raptors, a nesting survey shall be conducted 30 days prior to commencing with tree removal or construction work if this work would commence between /February 1st and /august 31st. The raptor nesting survey shall include examination of all trees within 300 ft. of the entire project site (if access is readily available to off-site areas), not just trees slated for removal.<br><br>If nesting raptors are identified during the | Incorporate into project conditions of approval. | Planning and Economic Development (Planning and Building Divisions) | Verification of incorporation into design and construction documents prior to issuance of building permit. | Deny issuance of building permit until compliance. | |

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| survey, the dripline of the nest tree must be fenced with orange construction fencing (provided the tree is on the project site), and a 300 ft radius around the nest must be staked with bright orange lath or other suitable staking. If the tree is adjacent to the project site, then the buffer shall be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is left the nest) and have attained flight skills to avoid project construction zones. This typically occurs by August 1st. This date may be earlier than August 1st, or later, and would have to be determined by a qualified raptor biologist. | A qualified biologist to conduct a preconstruction survey. If earth moving activities and construction are proposed to occur during the nesting season, buffer areas will be established around any nesting site. | | Monitor during regularly scheduled inspections. | | |
| **BR-2**<br>**Nesting Passerine Birds**: If tree removal or site disturbance would occur between February 1st and August 31st, a nesting survey shall be conducted on the project site prior to the disturbance. The nesting surveys should be completed 15 days prior to commencing with the work. If nesting | Incorporate into project conditions of approval.<br><br>A qualified biologist to conduct a preconstruction survey if earth moving activities and construction | Planning and Economic Development | Verification of incorporation into design and construction documents prior to issuance of building permit. | Deny issuance of building permit.<br><br>Stop construction until compliance. | |

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| passerine birds are identified nesting on or near the project site, a 75-foot radius around the nest must be staked with bright orange spray painted lath or construction fencing. If an active nest is found offsite, the portion of the buffer that is onsite must be staked. No construction or earth-moving activity shall occur within this 75-foot staked buffer until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to avoid project construction zones.<br><br>Typically, most birds in the region of the project site are expected to complete nesting by August 1st. However, in the region many species can complete nesting by mid-June to Mid-July. Regardless, nesting buffers should be maintained until August 1st unless a qualified ornithologist determines that the young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st the qualified biologist conducting the nesting surveys shall prepare a report that provided details about the nesting outcome and the removal of buffers. This report shall be submitted to the City of Santa Rosa Planning and Economic Development Department prior to the time that buffers are removed if the date is before August 1st. | is proposed to occur during the nesting season. If found, buff areas will be established around any nesting site. | | Monitor during regularly scheduled inspections. | | |

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| **BR-3**<br>**Waters of the United States and/or State:** The applicant has mitigated the impacts to 0.22 acres (9,623 sq. ft.) of U.S. Army Corps of Engineers and Regional Water Quality Control board jurisdictional wetlands via the purchase of mitigation credits from the Horn Avenue Mitigation Bank. Wetlands on the project site were mostly created by the former resident as a "sink" collecting surface runoff from the surface area of the private residence, which has been removed from the site. Wetland vegetation does not consist of vernal pool species, rather it is mostly comprised of low-value, non-native wetland plant species. As such, the impacted wetlands have low functions and services. They are considered low quality wetlands. Thus, mitigation is at a 2:1 ratio is appropriate. Because mitigation credits are purchased at a minimum of 0.05-acre increments, 0.45 acres of mitigation credits were purchased for the 0.22 acres of impacted wetland. | Incorporate into project conditions of approval.<br><br>Proof of purchase of the mitigation credits shall be provided to the City of Santa Rosa Planning and Economic Development Department, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. | Planning and Economic Development | Verification of purchase. | Deny issuance of building permit. | |
| **BR-4**<br>**California Tiger Salamander:** In accordance with the "Programmatic Biological Opinion of the U.S. Army Corps of Engineer Permitted Projects that may affect California Tiger Salamander and Three Endanger Plan Species on the Santa Rosa Plain (Programmatic Biological Opinion), the applicant will mitigate | Incorporate into project conditions of approval.<br><br>Proof of purchase of the mitigation credits shall be provided to the City of Santa Rosa Planning and Economic | Planning and Economic Development | Verification of purchase. | Deny issuance of building permit. | |

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| impacts on 0.98 acres of CTS habitat with the purchase of 1.96 acres of mitigation credits from a US Fish and Wildlife Service approved mitigation bank. To meet this mitigation requirement, the applicant has purchased 0.33 acres of combined Sebastopol Meadowfoam (Limnanthes Vinculins) and CTS mitigation credits from the Swift/Turner Conservation Bank. The remaining 1.63 acres of CTS credits have been purchased from the Hale Wetland and the Hazel mitigation banks. | Development Department, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. | | | | |
| **BR-5**<br>**Suitable Habitat for Special Status Plants:** Prior to issuance of a building permit, impacts to suitable habitat for Sonoma Sunshine, Burke's Goldfield, and Sebastopol Meadow Foam are required to be mitigated wit 1:1 occupied or established habitat (any combination) and 0.5:1 of established habitat. The mitigation land shall be preserved and managed in perpetuity. The proposed project would result in impacts to 0.22-acres of seasonal wetland. Per the Programmatic Biological Opinion, it would be considered "suitable habitat" for listed vernal pool plant species. Thus, the applicant shall mitigate impacts to 0.22-acres of seasonal wetland/endangered plant habitat by purchasing 0.33-acres of credit from a US Fish and Wildlife Services approved mitigation bank (1.5:1 ratio). An | Incorporate into project conditions of approval.<br><br>Proof of purchase of the mitigation credits shall be provided to the City of Santa Rosa Planning and Economic Development Department, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. | Planning and Economic Development | Verification of purchase. | Deny issuance of building permit. | |

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| agreement with the Swift Turner Conservation Bank to purchase 0.33-acres of Sebastopol Meadow Foam was signed and the purchase has occurred. | | | | | |
| **BR-6**<br>**Loss of Heritage of Protected Trees:** In accordance with Santa Rosa City Code, Chapter 17-24, any alteration, removal, or relocation of heritage, protected, or street trees shall comply with the mitigation ratio requirements for tree removal mandated by the City Code.<br><br>The project developer shall comply with all grading, landscaping, and pruning provisions contained in the Tree Preservation and Mitigation Report prepared by Horticultural Associates, dated June 21, 2007, and updated September 2019 as well as the City Tree Ordinance and any updated thereto. This shall include, but is not limited to the following:<br>a) Install temporary protective fencing at the edge of the illustrated dripline or the edge of approved construction prior to grading on the site. Maintain fencing in place for duration of construction.<br>b) Maintain existing grade within the fenced portion of the dripline. Route drainage swales and underground work outside of the dripline where possible. | Incorporate into project conditions of approval. | Planning and Economic Development | Monitor during regularly scheduled inspections. | | |

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| c) Place a 4-inch layer of chipped bark mulch over the soil surface within the fenced dripline prior to installing temporary fencing. Suitable bark must contain bark "fines". Maintain this layer of mulch throughout construction.<br>d) Prune to clean and raise the canopy, and reduce end weight, per International Society of Arboriculture pruning standards. | | | | | |
| ***Cultural Resources - Standard Measures*** | | | | | |
| **COA-CUL-1**<br>**Archaeological Resources:** If archaeological resources are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds. Prehistoric archaeological site indicators include obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and hand stones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire affected stones. Historic period site indicators generally include fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature | Incorporate into conditions of approval. | Planning and Economic Development | | | |

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| remain such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).<br><br>**COA-CUL-2**<br>**Cultural Resources:** If cultural resources are discovered during the project construction (inadvertent discoveries), all work in the area of the find shall cease and a qualified archaeologist and representatives of the appropriate tribe shall be retained by the project sponsor to investigate the find and make recommendations as to treatment and mitigation of any impacts to those resources.<br><br>**COA-CUL-3**<br>**Human Remains:** If human remains are encountered, all activities in the immediate vicinity of the find and with an adequate buffer zone will be halted and, in accordance with California Health and Safety Code Section 7050.5, the County Coroner will be notified and permitted to assess the remains. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a | | | | | |

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| reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code 5097.98. | | | | | |
| ***Geology and Soils*** | | | | | |
| **GS-1**<br>**Geotechnical Investigation:** All recommendations outlined in the Geological Investigation Report for Elm Tree Retail Market and Fuel Facility, prepared by Bauer Associates, dated October 16, 2012, shall be adhered to. | Incorporate into project conditions of approval, as well as the design and construction documents. | Building Division/Planning and Economic Development | Verification of incorporation into design and construction documents prior to issuance of building permit.<br><br>Monitor during regularly scheduled inspections. | Deny issuance of building permit.<br><br>Stop work. | |
| ***Hazardous and Hazardous Materials – Standard Measures*** | | | | | |
| **COA**<br>**Hazardous and Hazardous Materials:** Two copies of a Phase 1 Environmental Site Assessment shall be required with submittal of the first Engineering plan check. One copy shall be submitted directly to the Fire Department and a review fee paid; a copy of the receipt will be submitted with the remaining copy to the Engineering | Incorporate into conditions of approval. | Planning and Economic Development | | | |

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| Department. Grading, demolition or construction permits will not be issued until the Fire Department have reviewed and approved the Phase 1 study.<br>a) Obtain authorization from the Santa Rosa Fire Department – Hazardous Materials Division for construction to commence.<br>b) Provide a copy of no further action letter from the Regional Water Quality Control Board to the Fire Department.<br>c) Both authorizations above are to ensure that no additional remediation is necessary, and that construction will not entomb contaminated materials which will not be able to be remediated once a building is atop same. | | | | | |
| ***Hydrology and Water Quality – Standard Measures*** | | | | | |
| **COA**<br>**Hydrology and Water Quality:**<br>Developer's engineer shall comply with all requirements of the City Standard Storm Water Mitigation Plan Guidelines using Low Impact Development (LID) Best Management Practices (BMPs). Final Plans shall address the storm water quality and quantity along with maintenance agreement or comparable document to assure | Incorporate into conditions of approval. | Planning and Economic Development | | | |

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| continuous maintenance of the source and treatment.<br><br>Submit landscape and irrigation plans in conformance with the most recently adopted Water Efficient Landscape Ordinance. Plans shall be submitted with the Building Permit application.<br><br>A final Standard Urban Storm Water Mitigation Plan (SUSMP) using Low Impact Development (LID), Best Management Practices (BMPs) is to be included with the Building Permit application. All private SUSMP structures are to be located outside of the Public Right of Way and Public Utility Easements. All SUSMP details and improvements are to be included in the Building Permit Site Plan. The site may be under a Toxic Remediation Order. If so, review and approval of infiltration through on site retention will be required by the Regional Water Quality Control Board before submittal of the Final SUSMP for review and approval by the City. Recommendations received by the Board are to be incorporated into the Final SUSMP submitted to the City for review. | | | | | |
| ***Noise*** | | | | | |
| **N -1:**<br>**Noise Mitigation:** To mitigate the potential noise impacts and allow daytime fuel deliveries and daytime and nighttime | Incorporate into project conditions of approval. | Planning and Economic | Monitor fence construction during | | |

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| market deliveries to comply with the City's Noise Ordinance limits, prior to the occupancy of future residences on the adjacent property to the east, a sound wall shall be located on the eastern property line from the northern edge of the proposed southeast corner pedestrian access point, northward for approximately 160 feet to a point approximately 30 feet north of the southernmost edge of the market footprint (as illustrated in Figure 2 in the Environmental Noise Study, Elm Tree Station, prepared by Illingworth & Rodkin, Inc., dated May 16, 2013).<br><br>To be effective as a noise barrier, the wall shall be built without cracks or gaps in the face or large or continuous gaps at the base and have a minimum surface weight of 3.0 pounds per square foot.<br><br>**N-2**<br>**Deliveries:** To mitigate potential noise impacts to future. Residential uses from heavy (semi-trailer type) truck fuel deliveries, fuel deliveries shall be during the hours of 7 am to 7 pm, only.<br><br>**COA – Standard Measures**<br>**Construction**<br>• Muffle and maintain all equipment used on site. All internal combustion engine-driven equipment shall be | Submit building construction plans to the Building Department | Development Department | regularly scheduled inspections. | | |

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| fitted with mufflers, which are in good condition. Good mufflers shall result in non-impact tools generating a maximum noise level of 80 dB when measured at a distance of 50 feet.<br>• Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.<br>• Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.<br>• Prohibit unnecessary idling of internal combustion engines.<br>• Prohibit construction workers' radios which are audible on adjoining properties.<br>• Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturdays, with no construction is permitted on Sundays and holidays.<br>• Limit the allowable hours for the delivery of materials or equipment to the site and truck traffic coming to and from the site for any purpose to Monday through Friday between 7:00 a.m. and 7:00 p.m. | | | | | |

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| • Allowable construction hours shall be posted clearly on a sign at the construction site.<br>• The construction contractor shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. | | | | | |
| ***Public Services – Standard Measures*** | | | | | |
| **COA**<br>**Public Services:** The Fire Department will review plans for the proposed project and impose standard conditions of approval.<br><br>Other standard conditions of approval will apply, including provision of a fire flow analysis to ensure adequate water pressure and flow rates. | Incorporate into project conditions of approval. | Department of Planning and Economic Development | | | |
| ***Transportation/Traffic – Standard Measures*** | | | | | |
| **COA**<br>**Traffic:** The applicant shall pay their fair share of the Capital Improvement fees to help fund planned future improvements. | Incorporate into project conditions of approval. | Department of Planning and Economic Development | | | |