

January 14, 2019

Metropolitan Planning Group
1303 Jefferson Street, Suite 100-B
Napa, California 94559

Attention: Ms. Olivia Ervin

**RE: Biological Constraints Analysis Memo
In-N-Out Burger Restaurant Project
325 Yolanda Avenue, Santa Rosa, California
APN: 044-041-010**

Dear Ms. Ervin:

1. INTRODUCTION

Per your request to assist you with the California Environmental Quality Act (CEQA) review of this project, Monk & Associates, Inc. (M&A) has prepared this memo to summarize our findings at the proposed In-N-Out Burger Restaurant portion of the 325 Yolanda Avenue project site located in Santa Rosa, California (Figures 1-3) (the “project site”). The In-N-Out Burger Restaurant development will occupy the approximately 2.06-acre western portion of this 10.46-acre project site. On August 8, 2018, M&A Biologists conducted a field reconnaissance site visit to determine if sensitive biological resources could be present on the project site or within a zone of influence and adversely affected by project site development. Sensitive biological resources include,

- special-status plant or animal species (that is, rare, threatened or endangered plants or wildlife) that are protected by the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), and/or protected pursuant to the California Environmental Quality Act (CEQA) regulations and guidelines.
- “Waters of the United States” (U.S.) and “waters of the State” which includes “wetlands” and “other waters,” as regulated by the U.S. Army Corps of Engineers (Corps) and the California Regional Water Quality Control Board (RWQCB), and
- “protected trees” as defined by the City of Santa Rosa’s Tree Ordinance.

This memorandum presents our findings.

2. PROJECT SITE SETTING AND DESCRIPTION

The project site is located within the geographic region of Sonoma County designated by the Corps and the USFWS as the “Santa Rosa Plain.” The project site has a long history of industrial use dating back to the 1960s. Prior to that this parcel supported an orchard (Source: Google Earth images). Currently this project site is vacant and cordoned off on the western boundary, the Santa Rosa Avenue side, to prevent illegal driving/parking and/or dumping onto the site. The eastern boundary is open, however, and connected to the truck parking portion of this same parcel. The ground is hard-packed gravel surface that is vegetated with herbaceous ruderal (weedy) vegetation. Native herbaceous plant cover is minimal as mostly exotic grasses (*Avena barbata*, *Festuca perennis*, *Phalaris aquatica*, *Holcus lanatus*) and forbs (*Hypochaeris radicata*,

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Lactuca serriola) cover the project site. A few coyote brush (*Baccharis pilularis*) shrubs and the exotic bush, Himalayan blackberry (*Rubus discolor*), grow along the northern fence line.

“Waters of the United States” and “waters of the State,” in the form of a linear wetland ditch, occur along the southern project site boundary. This “waters” provides marginal functions and services and appears mostly man-made or at a minimum its location appears historically altered.

3. BIOLOGICAL RESOURCE ISSUES RELEVANT TO THE PROJECT SITE

In this section we provide a summary of the biological resource issues pertinent to the project site and that will need to be addressed by the applicant prior to site development.

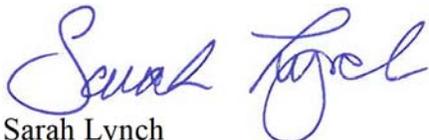
- In October 2018, M&A biologists met on the project site with personnel from the Corps to verify the extent of “waters of the United States” on the project site. The Corps took jurisdiction over approximately 0.01-acre of seasonal wetlands on this portion of the overall property (on the overall 325 Yolanda Avenue property the Corps took jurisdiction over 0.16-acre).
- Development as proposed would impact the entire 0.01-acre waters of the United States on the project site. Authorization from the Corps and RWQCB would be necessary prior to impacting (filling) waters of the United States/State on the project site.
- Mitigation for impacts to waters of the United States/State would be completed by Wolff Enterprises III LLC, the applicant for the adjacent portion of the 325 Yolanda Avenue property that is proposed as an apartment complex. The apartment complex applicant intends to purchase mitigation credits from the agency-approved Hazel Mitigation Bank at a 2:1 ratio, for a total of 0.32-acre of mitigation for impacts from both projects, as approved by both the Corps and the RWQCB (emails from B. Ho of the San Francisco District of the Corps, December 14, 2018, and K. King of the North Coast Region of the RWQCB, December 13, 2018).
- The project site is highly disturbed and does not support any native habitats for plants or wildlife. Thus, development of the project site would not impact any federally or state listed species or their habitats, nor would it impact any special-status plant species of any ranking (that is, California Native Plant Society ranked species or CEQA-protected species).
- The bushes and the ground provide nesting habitat for birds. Active bird nests, eggs and young are protected pursuant to California Fish and Game Codes and many species of birds are protected pursuant to the federal Migratory Bird Treaty Act. Thus, preconstruction surveys for nesting birds must be completed prior to ground disturbance or vegetation removal if these activities would take place during the nesting season (February 1 through August 31).

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- The two major issues for project sites that are located in the Santa Rosa Plain are 1) the State and federally-listed California tiger salamander (*Ambystoma californiense*), and 2) the three federally and State-listed vernal pool plants (*Blennosperma bakeri*, *Lasthenia burkei*, and *Limnanthes vinculans*) of the Santa Rosa Plain. However, the project site is located in an area of the Santa Rosa Plain that is designated in the USFWS' *Santa Rosa Plain Conservation Strategy*¹ as “**Already Developed (no potential for impacts).**” This Conservation Strategy designation correctly describes the project site as it has been a truck storage yard/parking lot since the mid-1960s and prior to that it was an orchard. Accordingly, the USFWS anticipated that the project site would be re-developed when it prepared the Conservation Strategy. The project site does not provide habitat for the California tiger salamander or any of the three federally and State listed plant species since the project site has been under industrial uses with graveled/paved ground for the past 50+ years. As such, the project is not likely to affect or result in “take” of California tiger salamander or the three federally listed plants, and therefore an incidental take permit is not warranted from the USFWS or the CDFW for the proposed project. *Thus, no consultation with the USFWS or CDFW is required for this project site with regards to these species.*

Other than what is summarized above, there should be no other restrictions relating to biological resources on this project site. If you have any questions regarding this memorandum which summarizes biological issues on the project site, please do not hesitate to contact me at Sarah@monkassociates.com or 925-947-4867, ext. 203. Thank you for the opportunity to assist you with this environmental review.

Sincerely,



Sarah Lynch
Associate Biologist

¹ USFWS (U.S. Fish & Wildlife Service) et. al. 2005. Final Santa Rosa Plain Conservation Strategy. Sacramento Office of the U.S. Fish and Wildlife Service, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, North Coast Regional Water Quality Control Board, County of Sonoma, Cities of Cotati, Rohnert Park, and Santa Rosa, Laguna de Santa Rosa Foundation. December 1, 2005.

August 22, 2018

Metropolitan Planning Group
1303 Jefferson Street, Suite 100-B
Napa, California 94559

Attention: Ms. Olivia Ervin

RE: Biological Constraints Analysis
325 Yolanda Avenue, Santa Rosa, California
APNs: 044-041-010 & 044-071-002 (~10.46 Acres)

Dear Ms. Ervin:

1. INTRODUCTION

Monk & Associates, Inc. (M&A) has completed a field reconnaissance of the 325 Yolanda Avenue property located in Santa Rosa, California (Figures 1-3) (the project site). The purpose of M&A's field reconnaissance was to determine if sensitive biological resources could be present on the project site or within a zone of influence. Sensitive biological resources include "waters of the United States" (U.S.) and "State" which includes "wetlands" and "other waters," as regulated by the U.S. Army Corps of Engineers (Corps) and the California Regional Water Quality Control Board (RWQCB), and special-status plant or animal species (that is, rare, threatened or endangered plants or wildlife). This letter-report presents our survey findings, along with recommendations for future surveys.

2. FINDINGS

The project site has a long history of industrial use (Source: Google Earth images); portions of the site are developed and actively used for parking and storage. Based on our August 8, 2018 site visit we have determined that there are no native or naturalized plant communities or wildlife habitats onsite. A few ornamental trees and shrubs occur onsite, as do a few native tree species, but otherwise there is no true plant community on this paved/hard-packed site. The mature, native valley oak (*Quercus lobata*) and redwood (*Sequoia sempervirens*) trees onsite receive protections under the City of Santa Rosa's Tree Ordinance.

A few man-made ditches (linear wetlands) occur along the parcel perimeters. There are also a couple of likely seasonal wetland features near the central portion of the project site (see Exhibit A). Impacts to these features could be regulated by the Corps pursuant to Section 404 of the Clean Water Act and by the RWQCB pursuant to Section 401 of the Clean Water Act. To obtain permits that allow impacts to Clean Water Act regulated areas from the Corps and the RWQCB, it is necessary to have a valid Corps' jurisdictional map. It should be noted that only the Corps can determine the extent of Clean Water Act jurisdictional areas on project sites.

To obtain a Corps' confirmed jurisdictional map, typically applicants must submit an Draft Aquatic Resources Map and Delineation Package to the Corps that is then formally "confirmed" as the Corps' jurisdictional map. *To prepare a Draft Aquatic Resources Map, a three-parameter*

*wetland assessment must be performed following the Corps' wetland delineation manuals^{1 2}. To obtain the jurisdictional map, the Draft Aquatic Resources Map would have to be prepared and submitted to the Corps with soils, hydrology, and wetland plant analyses. **Such an assessment has not been completed on the project site by M&A.** Regardless, for planning purposes M&A mapped areas on the project site that would likely be regulated Corps' jurisdictional features. Ditches and other wetland features that likely would be taken by the Corps as jurisdictional features are shown on Exhibit A. They were mapped using a global positioning system (GPS) with submeter (less than 3 feet) accuracy; their shape and extent on the project site were determined based on vegetation and hydrology indicators that were readily apparent during our August field reconnaissance. Since the three-parameter wetland assessment was not performed following the Corps' wetland delineation manuals, **the actual area of wetland/waters that are taken as jurisdictional features on the project site may decrease or increase under a formal wetland delineation that is confirmed by the Corps.***

While the project site is highly disturbed and does not support any native habitats for plants or wildlife, it does provide nesting opportunities for protected birds and roosting opportunities for special-status bats. Surveys would be necessary for nesting birds and roosting bats prior to site disturbance. See discussion below.

3. PROJECT SITE DESCRIPTION AND SURROUNDING LAND USES

The approximately 10.46-acre project site is located in a mixed-use commercial/residential area of Santa Rosa at the intersection of Yolanda and Santa Rosa Avenues. Commercial, industrial and/or residential development surround the project site on all sides (Figure 3). To the west of the project site along Santa Rosa Avenue is a McDonald's restaurant and several small retail and business services. To the north is commercial retail and a mobile home park. To the east is commercial business, and to the south, across Yolanda Avenue from the project site, is light industrial, heavy commercial businesses, and single-family residences. Existing uses onsite include commercial truck parking and storage facilities for trucking companies.

The ground is paved in most locations and hard-packed gravel surface in others with ruderal (weedy) vegetation growing in the undeveloped/unused portions of the project site. Native herbaceous plant cover is minimal as mostly exotic grasses (*Avena barbata*, *Festuca perennis*) and forbs (*Hypochaeris radicata*, *Lactuca serriola*) cover the project site. A mature valley oak tree (*Quercus lobata*) (approximately 8" diameter at breast height (DBH)) is growing in the northeast project site corner. Other native trees onsite include volunteer willow trees (*Salix* sp.) in the linear ditches/swales and planted redwoods (*Sequoia sempervirens*) along Yolanda Avenue. The City of Santa Rosa has a tree ordinance with protections for native oak trees and redwood trees (among other native species); see the discussion in the section below.

¹ Corps (U.S. Army Corps of Engineers). 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report, Y-87-1. US Army Engineer Waterways Experiment Station. Vicksburg, Mississippi. 100 pp.

² Corps (U.S. Army Corps of Engineers). 2008. Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2). Ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-06-16. Vicksburg, MS: U.S. Army Engineer Research and Development Center. September 2008.

Several linear ditch and swale features that may fall under the Corps' jurisdiction as waters of the U.S. and the RWQCB's jurisdiction as waters of the State are present on the project site (see Exhibit A). These wetland features were mapped during the field reconnaissance by keying in on areas with a prevalence of hydrophytic vegetation and presence of hydrology indicators (e.g., an incised feature or water scour); however, soil pits were not dug and data sheets following the Corps' manuals were not completed during this preliminary survey. *Thus, the boundaries of the wetland polygons/linear features shown on Exhibit A are only an estimate of the extent of waters of the U.S./State on the project site; the extent of waters may change if/when a three-parameter wetland delineation is completed onsite.*

Finally, there are several buildings onsite, some are actively used, and some appear unused or very infrequently used. All of these buildings provide various degrees of nesting bird habitat and/or roosting bat habitat. See the discussion on these species in the sections following.

4. CITY OF SANTA ROSA TREE ORDINANCE

The Santa Rosa City Code, Chapter 17.24, has three articles that pertain to the protection of trees within the City of Santa Rosa to discourage the alteration, removal or relocation of trees, including any heritage, protected, or street tree, without a permit. These articles are discussed below.

4.1.1.1 Article III – Prohibitions – Tree alteration, removal, relocation-Permit required.

Article III has provisions that protect trees which are defined as any woody plant with a single trunk diameter of 4 inches or more or a combination of multiple trunks having a total diameter of 8 inches or more. This article also protects the following types of trees:

- (a) Heritage tree which includes any of the following trees, whether located on public or private property, at a diameter equal to or greater than those listed below:

| Species | Diameter |
|---|----------|
| Valley oak (<i>Quercus lobata</i>) | 6 |
| Coast live oak (<i>Quercus agrifolia</i>) | 18 |
| Black oak (<i>Quercus kelloggii</i>) | 18 |
| Oregon oak (<i>Quercus garryana</i>) | 18 |
| Canyon oak (<i>Quercus chrysolepis</i>) | 18 |
| Blue oak (<i>Quercus douglasii</i>) | 6 |
| Interior live oak (<i>Quercus wislizenii</i>) | 18 |
| Coast redwood (<i>Sequoia sempervirens</i>) | 24 |
| Bay (<i>Umbellularia californica</i>) | 24 |
| Madrone (<i>Arbutus menziesii</i>) | 12 |
| Douglas's fir (<i>Pseudotsuga menziesii</i>) | 24 |
| Red alder (<i>Alnus rubra</i>) | 18 |
| White alder (<i>Alnus rhombifolia</i>) | 18 |
| Big leaf maple (<i>Acer macrophyllum</i>) | 24 |

- (b) Protected tree which means any tree, including a heritage tree, designated to be preserved on an approved development plan or as a condition of approval of a tentative map, a tentative parcel map, or other development.
- (c) Street tree which means any tree having a single trunk circumference greater than 6 and one-quarter inches or a diameter greater than 2 inches, a height of more than 6 feet, and one half or more of its trunk is within a public right of way or within 5 feet of the paved portion of a City street or a public side walk.

The following tree species are exempt from the above provisions (except for those that may exist as street trees): acacia, silver maple, poplar, ailanthus, hawthorn, fruitless mulberry, privet, pyracantha, Monterey pine, Monterey cypress, and fruit and nut trees (except walnut trees). A permit is not required for these tree species alteration, removal or relocation.

4.1.1.1 Article IV – Permit Category II – Tree alteration, removal or relocation on property proposed for development-Requirements.

Article IV requires the following:

- (a) All development proposals and subdivision applications shall clearly designate all trees and heritage trees on the property by trunk location and accurate outline of the dripline and shall indicate those trees proposed to be altered, removed or relocated. The reasons for the removal of any tree shall be stated in writing. The development plan or tentative subdivision map shall indicate the genus and species, shape, drip-line and trunk circumference of each tree and heritage tree. The owner of the property and person in control of the proposed development shall protect and preserve each tree and heritage tree situated within the site of the proposed development during the period the application for the proposed development is being considered by the City. The proposed development shall be designed so that:
 - (1) The proposed lots and/or improvements preserve any heritage trees to the greatest possible extent.
 - (2) The road and lot grades protect heritage trees to the greatest extent possible and the existing grad shall be maintained within each such tree's root zone.
- (b) If the proposed project is approved, the recordation of the final map or issuance of a grading permit or building permit for the project shall constitute a permit to alter, remove or relocate any trees designated for alteration, removal or relocation upon the project's approved plans. Any change in the trees to altered, removed or relocated as designated on the approved development plan or tentative map shall only be permitted upon the written approval of the Director or, when the Director determines that the proposed change may be substantial, by the Planning Commission.

- (c) A tree replacement program that will require the applicant to replace trees and heritage trees approved for removal as part of the approval of the project in accordance with subdivision 1; each protected tree removed or damaged shall be replaced in accordance with subdivision 2. For each 6 inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another approved species), each of a minimum 15-gallon container size, shall be planted on the project site. For each 6 inches or fraction thereof of the diameter of a tree which was not approved for removal, four trees of the same genus and species as the removed tree (or another approved species), each of a minimum 15-gallon container size, shall be planted on the project site.
- (d) If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on the condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City.
- (e) The following requirements will apply any applicant of property upon which a protected tree is located:
 - (1) Before the start of any clearing, excavation, construction or other work on the site, every protected tree shall be securely fenced off at the "protected perimeter" which shall either be the root zone or other limit as may be established by the City.
 - (2) If the proposed development, including any site work for the development, will encroach upon the protected perimeter of a protected tree, special measures shall be utilized, to allow the roots to obtain oxygen, water and nutrients as needed. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the Director, shall be minimized and subject to such conditions as may be imposed by the Director. No significant change in existing ground level shall be made within the dripline of a protected tree.
 - (3) No oil, gas, chemicals or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter. All brush, earth and other debris shall be removed in a manner which prevents injury to the protected tree.
 - (4) Underground trenching for utilities shall avoid major support and absorbing tree roots of protected trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to USFWS as many units as possible. Trenching within the drip line of protected trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.
 - (5) No concrete or asphalt paving shall be placed over the root zones of protected trees. No artificial irrigation shall occur within the root zone of oaks.

- (6) No compaction of the soil within the root zone of protected trees shall occur.
- (7) If the trees proposed to be removed can be economically relocated, the developer shall move the trees to a suitable location on the site shown on the approved plans.

4.1.1.2 Article V – Permit category II – Street trees and plantings on and adjacent to public streets and sidewalks.

Article V pertains to the alteration, removal, and relocation of street trees and entails the following:

- (a) As per Section 17-24.075, no tree growing within a planting strip or within any public right-of-way shall be removed or altered by or at the instigation of the abutting property owner or anyone other than a duly authorized officer, agent or employee of the City, except upon issuance of a permit therefore by the Director of Recreation and Parks who may require, as a condition of permitting the removal or alteration of a tree, the posting of security for such work and the planting, at the expense of the permittee, of a tree to replace the one removed from a list approved under Section 17-24.070 of the city code.
- (b) As per Section 17-24.080, a permit approved by the Director of Recreation and Parks under the provisions of this article shall be valid for a period of 60 days from its issuance unless a longer term is set forth in the permit. If the work to be done under the permit does not commence prior to the permit's expiration and thereafter expeditiously pursued, the permit shall become null and void.

4.2 Applicability to the Proposed Project

A valley oak tree on the project site meets the City's definition of a "heritage tree." There are also several redwood trees planted along Yolanda Avenue on the project site that may either meet the City's definition as "heritage trees" or "street trees." An arborist should be hired, if one hasn't already, to map, measure and quantify the number of street and heritage trees onsite. If any street or heritage trees are proposed for removal, the Applicant will be required to obtain a permit to remove those trees. Finally, according to Article IV, Section 17-24.050 Permit Category II-Tree Alteration, Removal, or Relocation on Property Proposed for Development, (C) requires two 15-gallon size trees to be replanted for every 6 inches of trunk diameter removed.

5. SPECIAL-STATUS SPECIES CONCERNS

The project site is located within the geographic region designated by the Corps and the U.S. Fish and Wildlife Service (USFWS) as the "Santa Rosa Plain." Vernal pool/seasonal wetland habitats within the Santa Rosa Plain support several federally and state listed endangered species, including three federally listed plants: Sebastopol meadowfoam (*Limnanthes vinculans*), Burke's goldfields (*Lasthenia burkei*), and Baker's blennosperma (*Blennosperma bakeri*), as well as the federally and state-listed California tiger salamander (*Ambystoma californiense*). These plants and the California tiger salamander require vernal pools or other seasonal wetland habitats to complete full reproductive cycles. The California tiger salamander also requires grassland or

open oak woodland habitats, typically with burrows³, for over-summering habitat. The USFWS regards all non-developed uplands within 1.3 miles of California tiger salamander aquatic breeding habitats, to constitute dispersal habitat of this endangered salamander. The man-made seasonal wetland, ditches, and swale onsite do not appear to provide the hydrologic conditions necessary to sustain special-status plants or the California tiger salamander. Additionally, the ground's paved and hard-packed surfaces would not support these species.

M&A consulted the most up-to-date version of the California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (RareFind 5) for records of special-status species within three (3) miles of the project site. The closest known records to the project site for the three federally and state listed endangered plants (referenced above) and the California tiger salamander are on the opposite side of Highway 101 from the project site (see Figure 4). This freeway is a USFWS recognized geographical barrier preventing California tiger salamander movements from one side of this freeway to the other. The next closest California tiger salamander record to the project site that is located on the same side of the highway is approximately 2.28 miles to the south at the "Horn Mitigation Bank"; all three federally and state listed plants and the California tiger salamander have been identified at the Horn Mitigation Bank (see Figure 4). *The project site provides none of the necessary habitat components for any of these special-status plants or the California tiger salamander. The project site is also isolated within a developed area that would prevent, in most cases, migratory pathways for the California tiger salamander.*

The project site is located within a heavily developed commercial/industrial/residential area with no natural habitats on or adjacent to the project site. Similarly, the project site itself is currently partially developed and heavily used and has been for many years as an industrial site. It does not provide suitable habitat for either special-status plants or the California tiger salamander. Development or re-development of the project site would not impact any federally or state listed species, nor would it impact any special-status plant species of any ranking (that is, California Native Plant Society ranked species or CEQA-protected species).

It is noteworthy that if a Corps permit is required for the proposed project, as the project site is in the geographically designated Santa Rosa Plain, prior to issuing a permit that allows removal of Corps jurisdictional areas, the Corps can be expected to consult with the USFWS pursuant to Section 7 of the Federal Endangered Species Act. The USFWS in turn can be expected to require mitigation for impacts to California tiger salamander upland habitat. Such a requirement would be incorporated into the Corps' permit conditions. To significantly reduce or eliminate this mitigation requirement for this salamander for the proposed project site, a state and federally permitted California tiger salamander biologist should prepare a "hard-pack" analysis and provide this information with the Corps permit application so that the USFWS can deduct hard-pack areas from any mitigation requirement. M&A prepares hard pack analyses routinely

³ While we state "typically with burrows" for over-summering habitat, it is well-known that within the Santa Rosa Plain that the California tiger salamander in its terrestrial life stage can survive in upland habitats without burrows since it is rare to find California ground squirrel burrows in the Santa Rosa Plain. It is thought that in the Santa Rosa Plain this salamander utilizes Botta's pocket gopher (*Thomomys bottae*) burrows or seeks refuge under downed trees, wood piles, or possibly leafy debris.

obtaining reduced mitigation requirements for clients that have project sites with hard-pack areas (i.e., those areas that are developed or that are gravel impregnated and used as parking areas) Also, the USFWS would be likely to require mitigation for impacts to seasonal wetlands regarded as “suitable” habitat for listed vernal pool plants. Again, any Corps permit application should be carefully prepared demonstrating that any wetland on the project site does not provide habitat that would be expected to support state and federally listed vernal pool listed plant species.

Pursuant to the CEQA, the only special-status species concerns merited for this project would be potential impacts to nesting birds and bats. Both special-status bats and protections for nesting birds are discussed below.

5.1 Townsend’s Big-eared Bat

Townsend’s big-eared bat (*Corynorhinus townsendii townsendii*) is a California “species of special concern.” It has no federal status. The “species of special concern” status designation does not provide any special legally mandated protection for this bat species. However, this status designation likely meets the definition of “rare” pursuant to the California Environmental Quality Act (CEQA) (14 CCR §15380(2)(A)). As such, potential impacts to this bat species should be considered during any CEQA review. Any unmitigated impacts to this species would likely be regarded by the State resource agency (the California Department of Fish and Wildlife) as a significant adverse impact pursuant to CEQA (§21068).

Once considered common in California, this species is found in all but subalpine and alpine habitats. It is believed that roosting sites are the most important limited resource for Townsend’s big-eared bat. This species requires caves, mines, tunnels, high buildings, or other human-made structures for roosting and for maternity sites, potentially using separate sites for day, night, hibernation, or maternity roosts. Although this species shows high site fidelity if undisturbed, it is extremely sensitive to disturbance of roosting sites (a single visit may result in abandonment of the roost).

This bat is not known to occur near the project site (that is, within 3 miles); however, it is a highly mobile species and thus, is a species that must be addressed when buildings are to be demolished. If this bat was present, building removal and construction activities could affect this sensitive bat species. Preconstruction surveys are recommended prior to any building removal or construction activities as a Condition of Project Approval.

5.2 Pallid Bat

The pallid bat (*Antrozous pallidus*) is a California “species of special concern.” It has no federal status. This bat is a locally common species of low elevations in California. It occurs throughout California except for the high Sierra Nevada from Shasta to Kern Counties, and the northwestern corner of the state from Del Norte and western Siskiyou counties to northern Mendocino County. It occurs in a wide variety of habitats. It is most common in open, dry habitats with rocky areas for roosting. Day roosts are in caves, crevices, mines, and occasionally in hollow trees and buildings. Roosts must protect bats from high temperatures. Night roosts may be in more open sites such as porches and open buildings. A social bat; roosts in groups of 20 or more.

This bat is not known to occur near the project site but is a highly mobile species and thus, is still a species that must be addressed when suitable maternal or roosting habitats would be impacted. Thus, building removal and construction activities on the project site could affect this bat species. Preconstruction surveys are recommended prior to any building removal or construction activities as a Condition of Project Approval.

6. PROTECTIONS OFFERED TO NESTING BIRDS

6.1 Federal Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to “take” (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).

Song birds could nest in the bushes and trees onsite, on the buildings, or on the ground. In accordance with the Migratory Bird Treaty Act, as long as there is no direct mortality of species protected pursuant to this Act caused by development of the site, there should be no constraints to site development. To comply with the Migratory Bird Treaty Act, all active nest sites would have to be avoided while such birds were nesting. Upon completion of nesting, the project could commence as otherwise planned.

6.2 California Fish and Game Code § 3503, 3503.5, 3511, and 3513

California Fish and Game Code §§3503, 3503.5, 3511, and 3513 prohibit the “take, possession, or destruction of birds, their nests or eggs.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered “take.” All raptors (that is, hawks, eagles, owls) their active nests, eggs, and young are protected under California Fish and Game Code (§3503.5). Additionally, “fully protected” birds are protected under California Fish and Game Code (§3511). “Fully protected” birds may not be taken or possessed (that is, kept in captivity) at any time.

Song birds could nest in the bushes and trees onsite, on the buildings, or on the ground. If site disturbance (demolition, grading, etc.) would occur between February 1 and September 1 the year the project commences, preconstruction surveys should be conducted for nesting birds to ensure that there is no direct take of adults, eggs, or young. If any active nest(s) are found during preconstruction surveys, such nests would have to be avoided by the project. A qualified biologist should develop suitable non-disturbance buffers around nest sites that would protect the nesting birds until the nesting cycle is completed.

7. RECOMMENDED CONDITIONS OF PROJECT APPROVAL

7.1 Corps Jurisdictional Map and Any Required Clean Water Act Permit

As there are likely Clean Water Act regulated features on the project site (Exhibit A), if these features could be impacted by proposed site development, then a formal Corps jurisdictional map should be obtained for the project. If Corps jurisdictional waters of the U.S. (which outside of tidal areas include wetlands and other waters) would be impacted by the proposed project, then a Corps permit obtained pursuant to Section 404 of the Clean Water Act should become a Condition of Project Approval. Similarly, a RWQCB permit should be acquired pursuant to Section 401 of the Clean Water Act. Proof that both permits have been acquired or are not necessary, should be provided to the City of Santa Rosa by a qualified wetland consultant prior to the time a grading permit is authorized for the project site.

7.2 Pallid Bat and Townsend's Big-eared Bat

Preconstruction surveys of the buildings on the project site are recommended 15 days prior to commencing with any removal, grading, or project construction. This survey should happen regardless of the time of year (there is no defined bat roosting season as there is with nesting birds). All bat surveys should be conducted by a biologist with experience surveying for bats. If no special-status bats are found during the surveys, then there would be no further regard for special-status bat species.

If special-status bat species are found roosting on the project site the biologist should determine if there are young bats present (i.e., the biologist should determine if there are maternal roosts). If young are found roosting in any building that will be removed by the project, the building should be avoided until the young are flying free and are feeding on their own. A non-disturbance buffer fenced with orange construction fencing should also be established around the maternity site. The size of the buffer zone should be determined by a qualified bat biologist at the time of the surveys. If adult bats are found roosting in a building on the project site but no maternal sites are found, then the adult bats can be flushed, or a one-way eviction door can be placed over the roosting space for a 48-hour period prior to the time the building in question would be removed or construction activities commence.

7.3 Tree Removal

It is recommended that an arborist be hired to map, measure, and quantify the number of street and heritage trees onsite as a Condition of Project Approval. If any street or heritage trees are proposed for removal, the Applicant will be required to obtain a permit to remove those trees. Finally, according to Article IV, Section 17-24.050 Permit Category II-Tree Alteration, Removal, or Relocation on Property Proposed for Development, (C) requires two 15-gallon size trees to be replanted for every 6 inches of trunk diameter removed.

7.4 Nesting Birds

A preconstruction nesting survey is recommended 15 days prior to building or tree removal, earth-moving, or the commencement of construction work if this work would occur between February 1 and September 1 (the nesting season). If any birds are found nesting on the project

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site or within a zone of influence of the project site, a 50-foot nest protection buffer should be established around the nest(s) or on the project site where this buffer intersects the project site. The buffer should be demarcated with 4-foot orange construction fencing. No disturbance of any kind should occur within any nest protection buffer until it is determined by a qualified biologist that the nesting cycle is complete and any young that fledge have attained sufficient flight skills to avoid being impacted by the proposed project. For song birds this typically occurs by July 31st. This date may be earlier or later and would have to be determined by a qualified ornithologist.

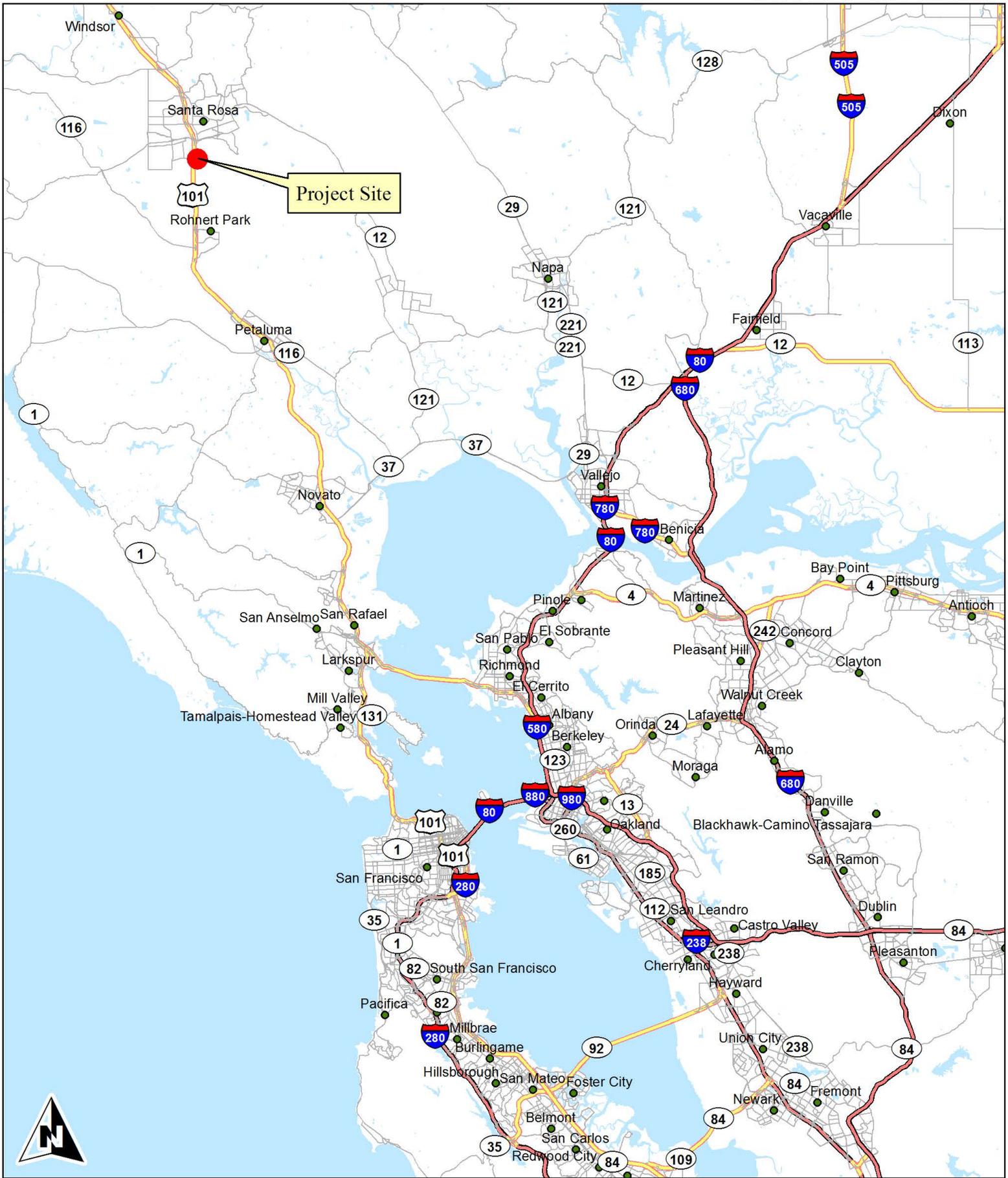
There should be no other restrictions relating to biological resources on this project site. If you have any questions regarding our survey or letter-report, please do not hesitate to contact me at Sarah@monkassociates.com or 925-947-4867, ext. 203. Thank you for the opportunity to assist you with this environmental review.

Sincerely,



Sarah Lynch
Associate Biologist

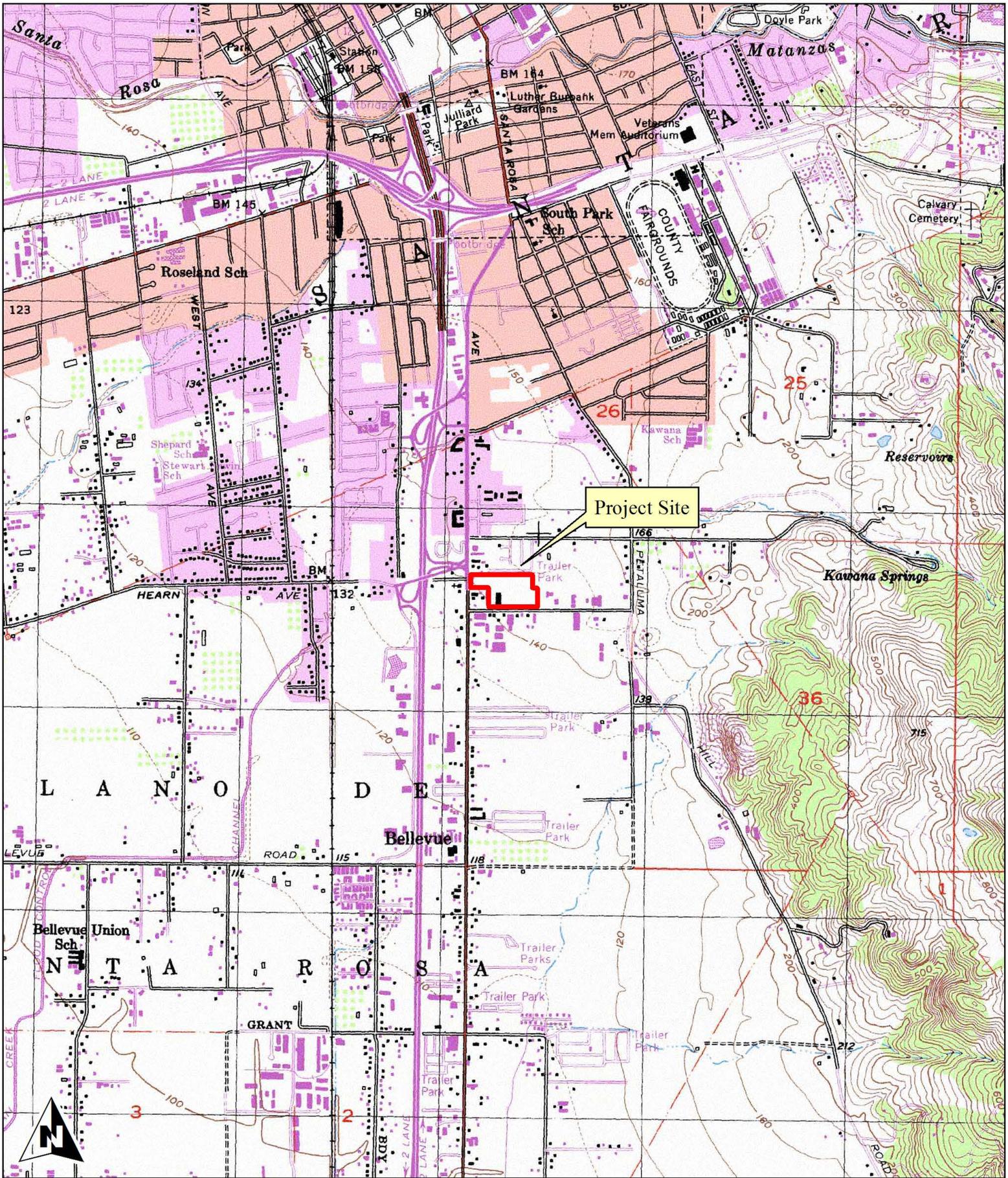
Attachments: Figures 1-4 and Exhibit A



Monk & Associates
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Walnut Creek, California 94595
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Figure 1. Yolanda Avenue Project Site
Regional Map
Santa Rosa, California

County: Sonoma
Map Preparation Date: June 21, 2018



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Figure 2. Yolanda Avenue Project Site
 Location Map
 Santa Rosa, California

0 0.1 0.2 0.4 0.6 0.8 1 Miles

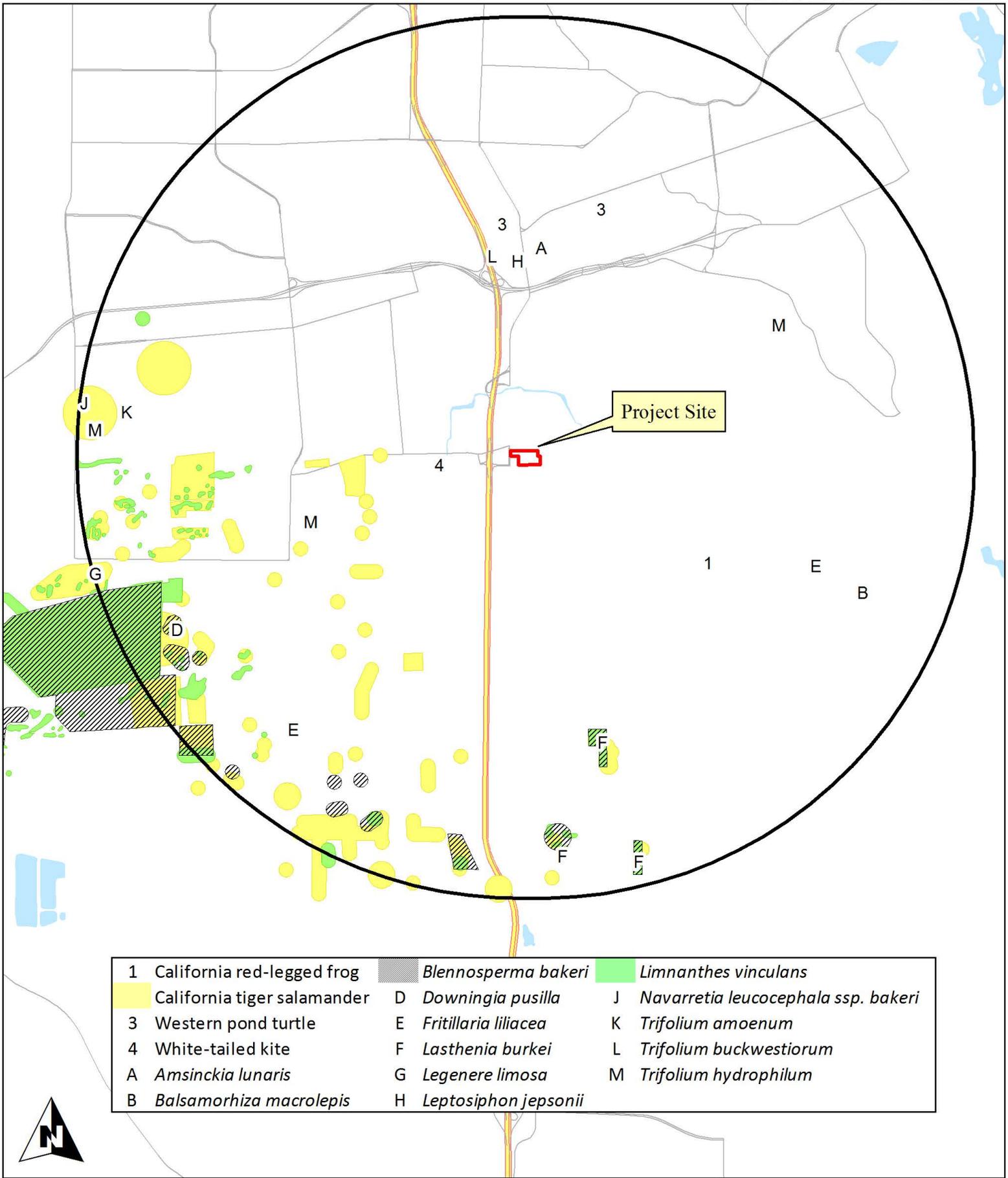
38.414033 -122.711282
 Land Grant
 7.5-Minute Santa Rosa quadrangle
 HUC08 Watershed CA: Russian
 Topography Source: USGS
 Map Preparation Date: June 21, 2018



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Figure 3. Aerial Photograph of the
Yolanda Avenue Project Site
Santa Rosa, California

Aerial Photograph Source: ESRI
Map Preparation Date: June 21, 2018



| | | | | | |
|---|--------------------------------|---|-----------------------------|---|--|
| 1 | California red-legged frog | | <i>Blennosperma bakeri</i> | | <i>Limnanthes vinculans</i> |
| | California tiger salamander | D | <i>Downingia pusilla</i> | J | <i>Navarretia leucocephala ssp. bakeri</i> |
| 3 | Western pond turtle | E | <i>Fritillaria liliacea</i> | K | <i>Trifolium amoenum</i> |
| 4 | White-tailed kite | F | <i>Lasthenia burkei</i> | L | <i>Trifolium buckwestiorum</i> |
| A | <i>Amsinckia lunaris</i> | G | <i>Legenere limosa</i> | M | <i>Trifolium hydrophilum</i> |
| B | <i>Balsamorhiza macrolepis</i> | H | <i>Leptosiphon jepsonii</i> | | |



Figure 4. Known Special-Status CNDDDB Species Within 3 Miles of the Yolanda Avenue Project Site

- Potential Wetlands (1,709 Sq. Ft., 0.039 Acre)
- Potential Linear Wetlands (750 Lin. Ft., 2,523 Sq. Ft., 0.058 Acre)
- Potential Other Waters (308 Lin. Ft., 308 Sq. Ft., 0.007 Acre)
- CMP
- RCP
- Drain Inlet
- Project Site (10.46 Acres)

The water features shown on this map were NOT delineated following the U.S. Army Corps of Engineers' (Corps) Manuals. If a 3-parameter wetland delineation is completed on this project site the amount of "waters" could decrease or increase.

DO NOT RELY on this map: a 3-parameter wetland delineation following the Corps' Manuals should be completed.



0 50 100 200 300 400 500 Feet Scale: 1 inch = 100 feet