

June 30, 2006

Public Notice for Water Quality Certification and/or Waste  
Discharge Requirements (Dredge/Fill Projects)  
Bariz Todd Road LLC  
Industry West Commerce Center Project  
Sonoma County (WDID # 1B05066WNSO)

On May 17, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Vince Rizzo and Associates LLC and Bariz Todd Road LLC, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Industry West Commerce Center Project located at 237 Todd Road in Santa Rosa (APN 134-102-45). The proposed project causes disturbances to Waters of the State associated with the Russian River Hydrologic Unit No. 114.00.

The proposed project is located at the Industry West Commerce Center at 237 Todd Road in Santa Rosa, California. The purpose of the project is to develop three modern industrial buildings totaling approximately 193,264 square feet on a site of 10.97 acres.

The buildings in their design will be partitioned to a maximum 18 tenant spaces, including attendant infrastructure of parking lots and utilities. These buildings will be of concrete tilt construction and are intended to supplement the existing industrial center. The uses conform to the W-2 zoning, and it is expected that the office build out be approximately 10%, which is historically consistent with the existing center. Other site developments include the construction of 269 parking spaces, truck and loading docks, and perimeter landscaping. The proposed project includes the installation of separators at all loading docks and construction of vegetated swales on all four sides of the property.

Grading of the site has already been initiated, without required permits, and resulted in fill placement and grading of approximately 0.28 acres of seasonal wetlands. According to the applicant, there is no practical alternative to the placement of fill materials in the seasonal wetlands on the site as they are in locations that cannot be avoided by the project and still make the project economically viable.

According to the application, federally listed plant and animal species that are likely found within the vicinity of the project area are not likely to be present within the project area due to isolation. The site is bordered by railroad tracks to the east, industrial facilities to the north and west, and Todd road to the south isolating the site from other suitable habitats. Therefore, the proposed project will not likely impact endangered plant and animal species commonly found within the Santa Rosa Plain (Notification for Nationwide Permit 39, September 19, 2005).

Compensatory mitigation for this project has been attained through the purchase of mitigation bank credits according to the mitigation ratios set by the United States Fish and Wildlife Service (USFWS) programmatic Biological Opinion for the Santa Rosa

Plain (July 17, 1998). Preservation and creation credits have been purchased at a ratio of 2:1 from the Margaret and Davis Preserves.

Non-compensatory mitigation measures include the use of erosion control Best Management Practices (BMPs) to prevent sedimentation from leaving the construction site. Post-construction storm water treatment BMPs will be installed to treat storm water runoff from the 24 hour/85<sup>th</sup> percentile storm event. The proposed project includes the installation of drainage swales at two low points onsite which are 2-4 feet below elevations that would result in runoff to adjacent properties, as these low areas could rapidly fill in the event of sustained heavy rains. Winterization plans call for the installation of an additional drop inlet, and selective grading of the site in order to create a runoff gradient towards two drop inlets and the drainage swale. Erosion and siltation controls will be used and maintained in effective operating condition during construction. All exposed soil will be permanently stabilized at the earliest practicable date.

The Water Quality Certification, when issued, will be the settlement of an enforcement case. Enforcement activities were initiated by the Regional Water Board upon discovering wetlands filled, without required permits, at the site.

The Sonoma County Permit and Resource Management Department, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Negative Declaration pursuant to CEQA.

Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act Authority. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Mona Dougherty at (707) 570-3761 or at [mdougherty@waterboards.co.gov](mailto:mdougherty@waterboards.co.gov) within 21 days of the posting of this notice.

The related documents and comments received are on file and may be inspected or copied at the Regional Water Board office, 5550 Skylane Blvd., Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.