

ENVIRONMENTAL CONDITIONS OF APPROVAL
Hearn Veterans Village Project
November 2021

Air Quality

AQ-1: BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during all construction activities shall be incorporated into all demolition, building and grading construction plans and require implementation of the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
1. All haul trucks transporting soil, sand, or other loose material shall be covered.
2. 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.
3. All vehicle speeds on unpaved roads shall be limited to 15 mph.
4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used.
5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.
7. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2: The following BAAQMD additional mitigation measures shall be implemented throughout project construction:

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
1. All excavation, grading, and/or demolition activities shall be suspended when the average wind speed exceeds 20 mph.
2. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
3. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

4. The simultaneous occurrence of excavation, grading, and ground disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any given time.
5. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
6. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

Biological Resources

- BIO-1:** To offset the loss of grassland habitat (native forbs and native shrubs) for the special-status western bumble bee (*Bombus occidentalis*), native shrubs and herbaceous (forb) species, including lavender (*Lavendula sp.*), shall be identified in a revised landscaping plan and introduced onsite including plants known to benefit native bees shall be selected and may include but are not limited to coyote brush (*Baccharis pilularis*), sage (*Salvia spp.*), lupines (*Lupinus spp.*), various species of *Lotus* and *Acmispon*, gumplant (*Grindelia spp.*), and *Phacelia spp.* As part of the update to the landscaping plans, selected bee-friendly species and planting locations shall be confirmed by a qualified biologist.
- BIO-2:** Prior to the start of construction, a qualified biologist with a minimum of two years' experience surveying for badgers shall conduct a preconstruction survey of the site and adjacent habitat to identify any occupied burrows. Avoidance of occupied burrows shall be required, and a sufficient buffer as approved by CDFW shall be established, maintained, and monitored during construction. Should avoidance be infeasible and relocation of American Badger be proposed, a CDFW-approved relocation plan shall be developed for review and approval by the CDFW. Offsite habitat compensation shall be required for any impacts to occupied habitat. Habitat compensation acreage shall be approved by CDFW prior to the start of construction including establishment of a conservation easement and preparation and implementation of a long-term management plan, as required.
- BIO-3:** Consistent with requirements set forth by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to prevent loss of California tiger salamander habitat within the Santa Rosa Plain, mitigation credits shall be purchased at a Service/CDFW-approved mitigation bank at a 2:1 ratio from a mitigation bank that is within the Critical Habitat for the species, unless different mitigation ratios are identified by the Service/CDFW during the ITP process. At a minimum, mitigation credits shall comply with the 2:1 ratio identified above. The total acreage to be developed is 2.01-acres, and as such the required mitigation shall be a minimum of 4.02-acres, unless otherwise specified by the Service/CDFW.
- BIO-4:** Prior to commencement of project construction, an Incidental Take Permit (ITP) shall be obtained from both the CDFW and the USFWS as prescribed in Section 2081 subdivision (b) of the Fish and Game Code and Section 10 of the Endangered species Act, respectively. Additionally, the following Reasonable and Prudent Measures for Avoidance and Minimization of Effects as described in the Programmatic Biological Opinion and Reinitiation of the Programmatic Biological Opinion or as otherwise directed by the USFWS and/or CDFW through Section 10 Consultation and the Fish and Game Code Incidental Take Permit provisions shall be implemented during project construction to avoid or minimize potential impacts of the project to the special-status CTS individuals that have the potential to occur or migrate onsite:

1. **Wildlife Exclusion Fencing (WEF).** Prior to the start of construction, WEF will be installed at the edge of the project footprint in all areas where Sonoma County California tiger salamanders could enter the construction area.

A conceptual fencing plan shall be submitted to the Service/CDFW for review and approval prior to WEF installation.

2. **Relocation Plan.** The Applicant shall prepare and submit a Relocation Plan for the Service/CDFW review and written approval. The Relocation Plan shall be consistent with the Guidelines for the relocation of California tiger salamanders (*Ambystoma californiense*) (Shaffer et. al. 2008). The Relocation Plan shall contain the name(s) of the Service/CDFW-approved biologist(s) to relocate Sonoma County California tiger salamanders, method of relocation (if different than number 3 below), a map, and description of the proposed release site(s) and burrow(s), and written permission from the landowner to use their land as a relocation site.
3. **Protocol for Species Observation, Handling, and Relocation.** Only Service/CDFW-approved biologists shall participate in activities associated with the capture, handling, relocation, and monitoring of Sonoma County California tiger salamanders. If a Sonoma County California tiger salamander is encountered, work activities within 50 feet of the individual shall cease immediately and the onsite Project Manager and Service/CDFW-approved biologist shall be notified.
4. **Biological Monitors.** Qualified Service/CDFW-approved biological monitor(s) will be on site each day during all earth moving activities. The biological monitor(s) shall conduct clearance surveys at the beginning of each day and regularly throughout the workday when construction activities are occurring that may displace, injure, or kill Sonoma County California tiger salamanders through contact with workers, vehicles, and equipment. All aquatic and upland habitat including refugia habitat such as small woody debris, refuse, burrow entries, etc., shall be duly inspected.
5. **Biological Monitoring Records.** The biological monitor(s) shall maintain monitoring records that include: (1) the beginning and ending time of each day's monitoring effort; (2) a statement identifying the listed species encountered, including the time and location of the observation; (3) the time the specimen was identified and by whom and its condition; (4) the capture and release locations of each individual; (5) photographs and measurements (snout to vent and total length) of each individual; and (6) a description of any actions taken. The biological monitor(s) shall maintain complete records in their possession while conducting monitoring activities and shall immediately provide records to the Service/CDFW upon request. All monitoring records shall be provided to the Service/CDFW within 30 days of the completion of monitoring work.
6. **Work Windows.** Ground disturbance will be conducted between April 15 and October 15, of any given year, depending on the level of rainfall and/or site conditions. This restriction is not applicable for areas within 1.3 miles of potential or known Sonoma County California tiger salamander breeding sites once the Applicant encircles the site with Wildlife Exclusion Fencing.
7. **Proper Use of Erosion Control Materials.** Plastic or synthetic monofilament netting will not be used in order to prevent Sonoma County California tiger salamanders from becoming

entangled, trapped, or injured. This includes products that use photodegradable or biodegradable synthetic netting, which can take several months to decompose. Acceptable materials include natural fibers such as jute, coconut, twine, or other similar fibers. Following site restoration, any materials left behind as part of the restoration, such as straw wattles, shall not impede movement of this species.

8. **Wildlife Passage Improvement.** When constructing a road improvement, wherever possible, and as directed by the Service/CDFW the Applicant will enhance or construct wildlife passage for the Sonoma County California tiger salamander across roads, highways, or other anthropogenic barriers. This includes upland culverts, tunnels, and other crossings designed specifically for wildlife movement, as well as making accommodations in curbs, median barriers, and other impediments to terrestrial wildlife movement at locations most likely to provide a net benefit to wildlife.
9. **Vegetation Removal.** A Service/CDFW-approved biologist will be present during all vegetation clearing and grubbing activities. Grasses and weedy vegetation should be mowed to a height no greater than 6 inches prior to ground-disturbing activities. All cleared vegetation will be removed from the project footprint to prevent attracting animals to the project site. Once the qualified biologist has thoroughly surveyed the area, clearing and grubbing may continue without further restrictions on equipment; however, the qualified biologist shall remain onsite to monitor for Sonoma County California tiger salamanders until all clearing and grubbing activities are complete.
10. **Nighttime Activities.** Construction and ground disturbance will occur only during daytime hours and will cease no less than 30 minutes before sunset and will not begin again prior to no less than 30 minutes after sunrise. Night lighting of Environmental Sensitive Areas should be avoided.
11. **Avoidance of Entrapment.** If a water body (e.g., pond or ditch) is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh smaller than 5 millimeters and intake placed within a perforated bucket or other method to attenuate suction to prevent Sonoma County California tiger salamander larvae from entering the pump system.
12. **Reduce Non-Native Aquatic Predators/Competitors.** A qualified biologist shall permanently remove from within the project area, any individuals of non-native species, such as bullfrogs, crayfish, and centrarchid fishes, to the maximum extent possible. The Applicant shall have the responsibility to ensure that these activities are in compliance with the California Fish and Game Code.
13. **Trash.** All foods and food-related trash items will be enclosed in sealed trash containers at the end of each day and removed from the site every three days.
14. **Agency Access.** If verbally requested before, during, or upon completion of ground disturbance and construction activities, the Applicant will ensure that Service/CDFW personnel can with 24 hour advance notice immediately and without delay, access and inspect the project site for compliance with the project description, Conservation Measures, and reasonable and prudent measures of the programmatic biological opinion and appendage, and to evaluate project effects to the Sonoma County California tiger salamander and its habitat.

BIO-5: To avoid or minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:

1. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 and August 31.
2. If grading between August 31 and February 1 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird survey (migratory species, passerines, and raptors) of the potentially occupied habitat (trees, shrubs, grassland) shall be performed by a qualified biologist within 7 days of groundbreaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent "take" of individual birds that could begin nesting after the survey.
3. If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the occupied habitat until the young have fledged, as determined by a qualified biologist.
4. The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-500 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW.
5. To delineate the buffer zone around the occupied habitat, orange construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.
6. Biological monitoring of active nests shall be conducted by a qualified biologist to ensure that nests are not disturbed and that buffers are appropriately adjusted by a qualified biologist as needed to avoid disturbance.
7. No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed.

BIO-6: Should construction activities occur during the burrowing owl wintering season (September 1 to January 31), a qualified biologist with a minimum of two years' experience implementing the CDFW 2012 survey methodology for burrowing owls shall conduct a habitat assessment for the entirety of the project and vicinity consistent with the Habitat Assessment and Reporting Details identified in the Staff Report on Burrowing Owl Mitigation, prepared by the State of California Natural Resources Agency Department of Fish and Game (now CDFW) on March 7, 2012.

If burrowing owl habitat is identified in the habitat assessment, a qualified biologist shall conduct surveys consistent with the Non-breeding Season Surveys and Reports contained in the 2012 CDFW Staff Report. Should there be a lapse in time between surveys and project activities, subsequent surveys shall be conducted as determined by a qualified biologist, including, but not limited to 24-hours prior to ground disturbing activities. Should burrowing owls be detected onsite, an avoidance buffer zone consistent with the CDFW 2012 Staff Report shall be established, unless otherwise approved in writing by CDFW. Should relocation be proposed, an eviction plan shall be prepared and subject to review and approval by CDFW. Offsite habitat compensation shall be required for any impacts to burrowing owls. Habitat

compensation acreage shall be approved by CDFW prior to the start of construction including establishment of a conservation easement and preparation and implementation of a long-term management plan, as required.

BIO-7: Indirect impacts to the seasonal onsite wetlands and the drainage ditch along West Hearn Avenue shall be avoided by implementation of best management practices (BMPs) prior to earth-work to protect jurisdiction waters of the U.S./State that will remain. Construction exclusion zones shall be established by installing appropriate construction fencing, silt fencing, wildlife friendly hay wattles (no monofilament netting), gravel wattles, and other protective measures between project activities, seasonal wetlands, and the drainage ditch along West Hearn Avenue.

All non-native, invasive vegetation removed shall be discarded offsite and away from wetland areas to prevent reseeding.

Prior to implementation of the construction project, a biological monitor shall inspect installation of BMPs to ensure proper protection of the seasonal wetlands and drainage ditch are in place. BMPs shall thereafter be routinely inspected by the construction manager to ensure BMPs remain in place for the duration of the construction project. Upon completion of project construction all exclusion fencing shall be removed along with any temporary BMPs.

Cultural Resources

CUL-1: To ensure the project does not result in impacts to potential buried archaeological resources onsite, the following shall be implemented:

1. **Cultural Resource Awareness Training.** Prior to commencement of ground-disturbing activities, a professional archaeologist shall conduct a preconstruction Cultural Resource Awareness Training for project supervisors, contractors, equipment operators, and other construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and procedures to follow if archaeological deposits and/or artifacts are observed during construction.
2. **Archaeological Monitoring.** During initial grading and grubbing activities, a Secretary of the Interior-qualified archeologist shall be onsite to monitor activities.
3. **Post-review Discoveries.** If an archaeological deposit is encountered during Project-related, ground-disturbing activities, all work within 50 feet of the discovery shall be redirected until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess its historical significance, consults with Tribes and other stakeholders as needed, and provides recommendations for the treatment of the discovery in accordance with the Secretary of Interior Standards for the Treatment of Historic Properties.

CUL-2: In the event that human remains are encountered within the Project Area during Project-related, ground-disturbing activities, all work must stop, and the Sonoma County Coroner must be notified immediately. If the remains are suspected to be those of a prehistoric Native American, then the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified

Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations and the Secretary of Interior Standards for the Treatment of Historic Properties.

Geology and Soils

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

GEO-2: All applicable recommendations set forth in the Design Level Geotechnical Investigation prepared by PJC & Associated, Inc. on February 18, 2021, for the subject property, including, but not limited to recommendations related to grading, drainage, excavation, foundations systems, and compaction specifications shall be incorporated. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports have been incorporated into the design of the project and to the satisfaction of the City of Santa Rosa City Engineer.

GEO-3: In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations.

Hazards/Hazardous Materials

HAZ-1: In the event previously unknown contaminated soil, groundwater, or subsurface features are encountered or have the potential be present during ground-disturbing activities at any site, work shall cease immediately, and the developer's contractor shall notify the City of Santa Rosa Fire Department for further instruction. The City shall ensure any grading or improvement plan or building permit includes a statement specifying that if hazardous materials contamination is discovered or suspected during construction activities, all work shall stop immediately until the City of Santa Rosa Fire Department has determined an appropriate course of action. Such actions may include, but would not be limited to, site investigation, human health and environmental risk assessment, implementation of a health and safety plan, and remediation and/or site management controls. The City of Santa Rosa Fire Department shall be responsible for notifying the appropriate regulatory agencies and providing evidence to the City Planning and Economic Development Department that potential risks have been mitigated to the extent required by regulatory agencies. Work shall not recommence on an impacted site until the applicable regulatory agency has determined further work would not pose an unacceptable human health or environmental risk. Deed restrictions may be required as provided under mitigation measure MM 3.8.4a.

Hydrology and Water Quality

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

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

Noise

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

1. Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturdays. No construction activities are permitted on Sundays and holidays.
2. Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible.
3. Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers would provide a 5-dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
4. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
5. Unnecessary idling of internal combustion engines shall be strictly prohibited.
6. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near

receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

7. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
8. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
9. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.
10. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
11. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Transportation

TRANS-1: To maintain adequate sight lines at the project driveways, signage and landscaping introduced onsite within close proximity of the driveways shall be maintained such that low-lying shrubs remain at a height lower than three feet from ground level and that tree branches be no less than seven feet in height from ground level. The applicant shall be responsible for maintaining adequate sight lines from the project driveways.

Tribal Cultural Resources

TCUL-1: To protect buried Tribal Cultural Resources that may be encountered during construction activities, the Project shall implement COA CUL-1.