



March 11, 2025

SENT VIA EMAIL

Henry Shepard
4880 Bodega Avenue
Petaluma, CA 94952

Re: File No. MNS17-0004
Site Address: 4880 Bodega Avenue, Petaluma
APN: 021-110-012

Please sign the Mitigation Measure and Monitoring Program below and return to me by 8:00 am on March 10, 2025. In addition to the Mitigation Measures included in the Initial Study, there are also Conditions of Approval unrelated to CEQA. A copy of the draft Conditions of Approval will be provided for your review at a later date.

I, Henry Shepard, am the owner and have reviewed the Initial Study for the above named project. In accordance with the California Environmental Quality Act (CEQA) Section 15070(b) (1) I agree to accept the Mitigation Measure and Monitoring Program listed in this checklist as a Condition of Approval of the proposed project and to obtain all necessary permits.

I agree to notify all employees, contractors and agents involved in project implementation, and any new owners should the property be transferred, regarding the required Mitigation Measures and conditions, and I agree to ensure compliance with such measures and conditions. I further agree to return this signed and dated affidavit to the project planner at the Permit and Resource Management Department (Permit Sonoma).

Mitigation Measure and Monitoring Program accepted by:

_____ Date: _____
Property Owner

Sincerely,
Joshua
Miranda

Digitally signed by Joshua
Miranda
DN: cn=Joshua Miranda,
o=PRMD, ou=Project Review,
email=joshua.miranda@sonoma-county.org, c=US

Joshua Miranda
Project Planner
707-565-1948
Joshua.Miranda@sonoma-county.org

c: Kurt Kelder, and Ken Eaton
File No. MNS17-0004

Attach.: Attachment A- Mitigation Measure Monitoring Program 03-06-2025



March 11, 2025

Initial _____

Initial _____

Attachment "A"

File No. MNS17-0004

4880 Bodega Ave, Petaluma

AESTHETICS

Mitigation VIS-1 Exterior Lighting Plan: Note on the Map:

Prior to issuance of building permits, an exterior lighting plan shall be submitted for review by Permit Sonoma Project Review staff. Exterior lighting shall be Dark Sky compliant, or otherwise low mounted, downward casting, full-cutoff, and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted.

Monitoring VIS-1:

The Project Review Planner shall review the map to ensure that the note is shown correctly on the map. Permit Sonoma Staff shall not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. Permit Sonoma shall not sign off final occupancy on the Building Permit until it is demonstrated that improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, Permit Sonoma shall conduct a site inspection and require the property be brought into compliance or initiate procedures to revoke or modify the permit.

AIR QUALITY:

Mitigation Measure AIR-1 Construction Dust and Air Quality Control: NOTE ON MAP: The following BAAQMD recommended basic construction measures and air quality control measures shall be included in the construction contract specifications for all projects onsite and implemented during construction:

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust, trackout, and air quality complaints. The Coordinator shall respond and take corrective action within 48 hours. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- c. Trucks hauling soil, sand and other loose materials over public roads shall cover the loads, or shall keep the loads at least two feet below the level of the sides of the container, or shall wet the load sufficiently to prevent dust emissions.
- d. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
- e. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.



March 11, 2025

Initial _____

Initial _____

- f. Final surfacing (i.e., pavement or concrete, gravel, landscaping) shall be completed as soon as possible after earthwork is finished, unless seeding or soil binders are used.
- g. Idling time of diesel-powered construction equipment shall be limited to five minutes. Signs shall be posted reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall have a CARB-certified visible emissions evaluator check equipment prior to use at the site.

Monitoring AIR-1: Permit Sonoma staff shall verify that the AIR-1 measures are noted on the subdivision map prior to recordation and on subsequent site alteration, grading, building, and subdivision improvement plans prior to issuance of permits.

BIOLOGICAL RESOURCES:

Mitigation Measure BIO-1 California Red Legged Frog & Western Pond Turtle Preconstruction Survey: NOTE ON MAP: "The project proponent shall implement the following measures to minimize and avoid take of individual California Red Legged Frog (CRF), and Western Pond Turtle (WPT).

- Immediately prior to the start of ground disturbing activities, a pre-construction survey will be conducted in the construction area for CRF, and WPT by a USFWS –approved biologist. If CRF, and/or WPT are found the USFWS shall be notified, the project work shall stop and the relocation of the individual shall be completed with approval by the USFWS.
- A USFWS-approved biologist shall conduct an Employee Education Program for all construction personnel. At a minimum, the training will include a description of the CRF and their habitat, the importance of the species and their habitats, and the general measures that are being implemented to protect the CRF, and WPT as they relate to the project. Instruction shall include the appropriate protocol to follow in the event CRF, and WPT are found onsite.
- The number of access routes, number and size of staging areas and the total area of activity shall be limited to the minimum necessary to achieve the project goal. The Service-approved biological monitor will identify the boundaries of the work and staging area and ensure that that contractor does not disturb any ground outside the designated construction area. The contractor shall obtain approval from the monitor to go outside designated areas.
- A USFWS-approved biologist shall be present during initial grading activities. Thereafter, an onsite person shall be designated to monitor onsite compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training consistent with that outlined in the Biological Opinion.
- Best Management Practices will be implemented during construction to prevent any construction debris or sediment from impacting adjacent habitat.
- During all phases of project operations, all trash that may attract CRF, and WPT predators shall be properly contained and removed from the site.



March 11, 2025

Initial _____

Initial _____

- The fueling and maintenance of vehicles and other equipment shall occur at least 20 meters from any riparian habitat or water body. “

Mitigation Monitoring BIO-1 California Red Legged Frog: Permit Sonoma staff shall review the map to ensure that the note is shown correctly on the map. Prior to issuance of any building or grading permit(s), staff shall ensure that the preconstruction survey has been complete, and the above measures, if applicable, have been complied with.

Mitigation Measure BIO-2 California Red-Legged Frog, and Western Pond Turtle USFWS Consultation: NOTE ON MAP:

“Consultation with the USFWS is recommended several months in advance of construction and may involve focused surveys by a qualified biologist to determine occupancy of the site. The following mitigation measures should be followed in order to mitigate for potential loss of habitat of CRF, and WPT, as described in the Programmatic Biological Opinion (USFWS 2014).

The total acreage of impacts to CRF habitat will be calculated and will include areas of hardscape and landscaping. To mitigate for loss of habitat permanent effects will be mitigated for between 1:1 and 3:1, that is for every acre (or portion) lost, between one and three acres will be set aside in perpetuity. This can be at a mitigation bank or on site through a Conservation Easement between the project proponent and a third party, such as the Sonoma Land Trust.”

Mitigation Monitoring BIO-2 California Red-Legged Frog USFWS Consultation:

Permit Sonoma staff shall review the map to ensure that the note is shown correctly on the map. Prior to issuance of any building or grading permit(s), staff shall ensure that consultation with USFWS has been complete, and the above measures, if applicable, have been complied with.

Mitigation Measure BIO-3 Nesting Bird and Raptors: NOTE ON MAP:

“The following mitigation measures should be followed in order to avoid or minimize impacts to passerines and raptors that may potentially nest in the trees:

- 1) Grading or removal of nesting trees 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 (both passerine and raptor) survey of the grasslands and adjacent trees shall be performed by a qualified biologist within 7 days of ground breaking. 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 nest tree(s) 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 200-300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW.



March 11, 2025

Initial _____

Initial _____

- 5) To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude.

After the fencing is in place there will be no restrictions on grading or construction activities outside the prescribed buffer zones.”

Mitigation Monitoring BIO-3 Nesting Bird and Raptors:

Permit Sonoma staff shall review the map to ensure that the note is shown correctly on the map. Prior to issuance of any building or grading permit(s), staff shall ensure that preconstruction surveys for nesting birds and raptors has been complete if applicable, and the above measures, if applicable, have been complied with.

Mitigation Measure BIO-4, Preconstruction American Badger Survey: NOTE ON MAP:

1. If feasible, conduct all ground-disturbing activities between September 1 and February 28 to avoid the natal season for American badger. If it is not feasible to conduct ground-disturbing activities to avoid natal season for American badger, complete the following:
 - a. Conduct a survey by a qualified biologist for natal burrows within seven days prior to any ground-disturbing activity. The area to be surveyed will include all construction sites and staging areas, to a buffer of 50 feet outside the boundary of the disturbance area. Survey results will remain valid for a period of 21 days following the date of the survey.
 - b. In the event that an active natal burrow is discovered in the surveys area, postpone all ground-disturbing construction activities within this area until the Operating Entity consults with the California Department of Fish and Wildlife to determine the appropriate size of a no-disturbance buffer. This area will be flagged and no ground-disturbing activity will be allowed to occur here until it is determined that the young have dispersed the natal burrow.
2. Outside the natal season, conduct a survey for active badger burrows within seven days prior to any ground-disturbing activity. The area to be surveyed will include all construction sites and staging areas, to a buffer of 50 feet outside the boundary of the disturbance area. Exclusion techniques will be used to passively relocate any badgers that are present in the disturbance area or within 50 feet of project activities. Exclusion techniques, such as installation of a one-way door in the burrow entrance, would exclude badgers from entering the burrow. Burrows with exclusion techniques will be monitored to confirm badger usage has been discontinued. After badger use has been discontinued, burrows outside the disturbance area, but within 50 feet of construction activities, will be temporarily covered with plywood sheets or similar material. Burrows within the project work area will be hand-excavated and collapsed to prevent reoccupation.
3. A qualified biologist shall conduct a worker environmental awareness program to provide construction personnel with information on their responsibilities with regard to the American badger. At a minimum, the training shall describe the species and their habitat, the importance of the species and its habitat, measures that are being implemented to conserve the species, and actions to take in the event badgers are observed in the work area.



March 11, 2025

Initial _____

Initial _____

Mitigation Monitoring BIO-4:

Permit Sonoma staff shall review the map to ensure that the note is shown correctly on the map. Prior to issuance of any building or grading permit(s), staff shall ensure that measures 1-3 above are complied with prior to building or grading permit issuance.

CULTURAL RESOURCES:

Mitigation Measure CUL-1: NOTE ON MAP: All building and/or grading permits shall have the following note printed on grading or earthwork plan sheets:

“If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (Permit Sonoma) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to Permit Sonoma. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify Permit Sonoma and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

Monitoring CUL-1: Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above note is printed on the subdivision improvement plans, on the recorded subdivision map, and future building/grading permit plans on the project site.

NOISE:

Mitigation Measure NOISE-1 Reduce Construction Noise Levels: NOTE ON MAP: All plans and specifications or construction plans shall include the following notes:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the



March 11, 2025

Initial _____

Initial _____

Vehicle Code. Equipment shall be properly maintained and turned off when not in use.

- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. (use this if no nearby receptors, or 5:00 pm if nearby receptors) on weekdays and 9:00 a.m. and 7:00 p.m. (same note as above) on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma Project Review Division as soon as practical.
- c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, (same note as above) Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer- and contractors mobile phone number for public contact 24 hours a day or during the hours outside of the restricted hours.
- d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only (same note as above).
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Monitoring NOISE-1: Permit Sonoma Project Review Division staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits and listed on the subdivision map prior to recordation. Permit Sonoma staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate

I/We, _____, the property owner(s), hereby agree to the above listed Mitigation Measures as conditions for the project approval of File No.



File No. MNS17-0004

March 11, 2025

Initial _____

Initial _____

Signed: _____
Property Owner
Date

Signed: _____
Property Owner
Date

