

**SONOMA COUNTY PLANNING COMMISSION
DRAFT CONDITIONS OF APPROVAL, EXHIBIT A**

Staff: Cecily Condon

File No.: PLP21-0014

Applicant: Christian Bertrand

Address: 13670 Arnold Dr. & 5465 O'Donnell Ln., Glen Ellen

Owners: Christian & Karen Bertrand

APNs: 054-290-008 & -009

Date: ■

Project Description: 1) A Use Permit modification to expand the Glen Ellen Inn by converting the existing restaurant to two new guest rooms, a new check-in and lounge area, and also expanding building D onsite to add a new guest room, for a total of three new guest rooms. 2) a General Plan Amendment and Zone Change to change the land use and zoning from LC (Limited Commercial) to RVSC (Recreation and Visitor Serving Commercial) land use and K (Recreation and Visitor Serving Commercial) zoning for one parcel. The 0.32 acre and 0.22 acre parcels are to be merged through a Voluntary Merger application.

GENERAL

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 for County Clerk processing, and \$2,548.00 because a Mitigated Negative Declaration was prepared; for a total of \$2,598.00 made payable to Sonoma County Clerk and submitted to Permit Sonoma. If the required filing fee is not paid for a project, the project will not be operative, determined to be used in accordance with Sonoma County Code Section 26-92-130, or final, and any local permits issued for the project will be invalid. If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
2. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Additionally, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.
3. This "At Cost" entitlement cannot be determined to be used in accordance with Sonoma County Code Section 26-92-130, until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
4. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit. The owner/operator and all

successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

PERMIT SONOMA BUILDING

“The conditions below have been deemed satisfied by _____ on _____”

5. The applicant shall apply for and obtain building permits from Permit Sonoma for each of the work requiring permits. The necessary applications appear to be, but may not be limited to, building permit applications for the new addition to building “D” and remodel of the “main building” to accommodate two inn units. Construction inspections shall occur and the building permits finalized (or approved for occupancy) prior to occupancy of the new and altered structures.
6. The proposed uses and occupancies of all building areas shall be accurately identified on the proposed plans. Building areas and exterior areas shall identify all proposed uses and occupant loads associated with all proposed uses. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied.
7. The means of egress from all proposed occupied areas within the facilities (interior and exterior) shall comply with the applicable sections of the California Building Code (CBC).
8. The fire-resistance rating of proposed walls separating the proposed occupancies from adjacent uses, structures, and property lines shall comply with the applicable sections of the CBC.
9. The project shall be designed in accordance with the geotechnical requirements from the CBC.
10. The California Business & Professions Code requires plans and calculations affecting structural elements or required exiting provisions to be prepared by California licensed design professionals (architects, engineers).
11. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the CBC, as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and all interior and exterior routes of travel. All proposed guest rooms shall be on an accessible route, and adequate guest rooms with accessible mobility features and accessible communication features shall be provided, as required by CBC Section 11B-224. These guest rooms shall be adequately dispersed among various classes of guest rooms, as required per CBC 11B-224.5.
12. If, after Building Division approval, any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Additionally, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

PERMIT SONOMA FIRE PREVENTION

“The conditions below have been deemed satisfied by _____ on _____”

- 13.** The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the buildings and use of the property without written approval by a fire code official.

 - a. A fire inspection shall be conducted by the Sonoma County Fire Prevention Division to determine if the subject property (*or properties*) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
 - b. The Sonoma County Fire Prevention Division may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.
 - c. The Buildings shall be fire sprinklered and contain a fire alarm system consistence with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.
- 14.** Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code.

 - a. Emergency responder radio coverage
 - b. Fire protection systems
 - c. Hotels and motels
 - d. Place of assembly
 - e. Private fire hydrant: service, use or operation
 - f. Refrigeration equipment regulated by CFC, (Chapter 6 105.6.38)
 - g. Residential occupancy housing 10 or more occupants
 - h. Special events
- 15.** The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by a fire code official.
- 16.** To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.
- 17.** Local Responsibility Area (LRA). Compliance with the general defensible space clearances per CCR Title 19 Div. 1, Chapter 1, Subchapter 1 §3.07.
- 18.** Prior to occupancy, written approval that the required improvements have been installed shall be provided to Permit Sonoma from a fire code official.

PERMIT SONOMA GRADING & STORMWATER

“The conditions below have been deemed satisfied by _____ on _____”

- 19. Grading and building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.

PERMIT SONOMA PROJECT REVIEW HEALTH

“The conditions below have been deemed satisfied by _____ on _____”

- 20. A safe, potable water supply shall be provided and maintained.

FOR BUILDING PERMITS:

- 21. Portable toilets and portable hand-washing facilities shall be placed and maintained for employees as needed on the construction sites, but in no case shall they be serviced less than once per three days when 24 hour operations are conducted, and once per seven days when only daytime operations are conducted. The permittee shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.

- 22. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour.		

- 23. Special events were not requested in this entitlement and therefore are not authorized at this time.

- 24. If noise complaints are received from nearby residents, and they appear to be valid complaints in

Permit Sonoma's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Planner within sixty days of notification from Permit Sonoma that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

25. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall not accumulate or be stored for more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS (DTPW)

"The conditions below have been deemed satisfied by _____ on _____"

Right of Way Requirements:

26. The Applicant shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a. As necessary to create public right-of-way matching the right-of-way line shown on the proposed site plan on the Applicant's side of the road for the full length of the property's frontage on Arnold Drive. The right-of-way shall not exceed 30' from the existing implied right-of-way centerline.
 - b. To contain all existing bus related facilities including the bus pad noted below. Additional dedication to contain sidewalk shall be granted as sidewalk easement.

This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.

27. The Applicant shall dedicate right-of-way as roadway easement. The Applicant shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded deed shall be submitted to the Land Development Section of Permit Sonoma (PRMD) prior to clearance of these conditions.

Required Improvements:

28. The Applicant shall construct or install improvements described as follows per the Frontage Improvement Plan by Adobe Associates Inc. dated September 23, 2019:
 - a. The existing public disabled parking space on Arnold Drive shall be relocated southerly along the project's frontage to allow for the bus stop relocation. The new ADA parking space shall meet all current ADA standards.
 - b. The existing crosswalk striping shall be restriped in kind and realigned using thermoplastic per the most current Caltrans Standard Specifications as needed to accommodate the required improvements.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, etc., all as necessary to create the required widths and structural section(s).

Sonoma County Transit Requirements:

29. The Applicant shall relocate, in conjunction with Sonoma County Transit, the existing bus stop at the southwesterly corner of the Arnold Drive/Warm Springs Road intersection southerly to the project's northeasterly corner (in the location of the current public disabled parking space) per the Frontage Improvement Plan by Adobe Associates Inc dated September 23, 2019. Provide a minimum 8-foot long by 6-foot wide concrete pad for a future bus bench.
30. The Applicant shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and the new pavement.

Curb, Gutter and Sidewalk:

31. The Applicant shall construct an Americans with Disabilities Act (ADA) compliant walkway from the relocated bus stop to the crosswalk across Arnold Drive. A report prepared by a civil engineer, containing sufficient information to demonstrate that the existing public facilities along the Applicant's public street frontage meet the current ADA requirements, shall be submitted to the land development section at Permit Sonoma (PRMD; located at the Survey Counter). The report shall clearly identify the project by planning file permit number and assessor's parcel number. The Applicant shall obtain an encroachment permit and correct all identified deficiencies prior to clearance of these conditions.
32. ADA compliant pedestrian warning features or an ADA compliant ramp shall be constructed on the project frontage at the crosswalk across Arnold Drive. Refer to Caltrans Standard Plan RSP A88A and A88B, and Sonoma County Department of Transportation and Public Works Construction Standards 224A and 224B for details.
33. The walkway may be constructed with asphalt concrete in accordance with Department of Transportation and Public Works standards.

Traffic Control Devices:

34. The Applicant shall install:
 - a. Traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
 - b. Signing indicating that no stopping will be permitted within the bus stop (R28C (CA)).

Fees:

35. The Applicant shall pay Traffic Mitigation fees to the County of Sonoma, as required by Chapter 26, Article 98 of the Sonoma County Code, prior to issuance of a building permit for any new building or prior to any new use of an existing building. Evidence of payment shall be submitted to the Land Development Section of Permit Sonoma prior to clearance of these conditions. Credit is granted for

existing, legal uses.

Processing:

- 36. Plans for all required improvements shall be submitted to the office of the County Surveyor in Permit Sonoma for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any building permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Applicant shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.
- 37. The project engineer shall submit improvement plans for all required improvements to the office of the County Surveyor in Permit Sonoma for review and approval.
- 38. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma prior to constructing any improvements within County road right-of-way.

Completion of Required Improvements:

- 39. The Applicant shall complete construction of all the required public improvements prior to occupancy of any new building or new use of an existing building, which results from this application.

COUNTY BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (SCBPAC)

“The conditions below have been deemed satisfied by _____ on _____”

- 40. Install adequate bicycle racks near the entrance to the Glen Ellen Inn.

PERMIT SONOMA PLANNING

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- 41. The development shall be constructed and operated in accordance with the proposal statement and project plans located in File No. PLP21-0014 as modified by these conditions.
- 42. Hours to the public for the bar lounge and check-in lobby area shall be limited day to 3 to 10 p.m.
- 43. Prior to issuance of the building permit for the new addition to “Building D,” the Applicant shall apply for, obtain approval for, and record a voluntary lot merger for Assessor Parcel Numbers 054-290-008 and 054-290-009.
- 44. The hotel and bar uses shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation or modification.
- 45. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit

shall require the prior review and approval of Permit Sonoma or the Planning Commission, as appropriate. Such changes may require a new or modified Use Permit and additional review.

46. At the time of submitting a building permit application, the Applicant shall submit to Permit Sonoma a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
47. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip-line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
48. Permit Sonoma shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). Permit Sonoma shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.
49. The Applicant shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way.
50. This permit shall be subject to revocation or modification by the Planning Commission if: (a) the Commission finds that there has been noncompliance with any of the conditions or (b) the Commission finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
51. Notwithstanding any overriding countywide ordinance providing automatic permit extension, in any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the three year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Prior to building permit issuance:

52. The Applicant shall include these Conditions of Approval and Mitigation Measures on separate sheets of plan sets to be submitted for building and grading permit applications.
53. The Applicant shall demonstrate visuals of the exterior design of the buildings in question to ensure the original intent of the design review approval is followed; this would be via a site visit from Project Review staff or photographs. Additionally, follow-up evidence shall be provided prior to building permit "final" (issuance of occupancy).

MITIGATION MEASURES

54. Mitigation Measure AIR-1:

The following dust control measures shall be included in the project:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction generating dust outside of the buildings.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

Mitigation Monitoring AIR-1:

Dust control measures shall be listed on all grading, building or improvement plans prior to issuance of grading or building permits.

55. Mitigation Measure GEO-1:

All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code). All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring GEO-1:

Building and grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

56. Mitigation Measure GEO-2:

If paleontological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of Permit Sonoma project review staff and paleontologist shall visit the site to determine the extent of the resource and to develop proper mitigation measures required for the discovery. No further grading in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and project review staff.

Mitigation Monitoring GEO-2:

Permit Sonoma shall be consulted if a paleontological resource is discovered onsite, and shall review and approve paleontologist-recommended measures to recover or preserve any data or paleontological resources before ground-disturbing activities may continue.

57. Mitigation Measure NOISE-1:

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 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. and motorized equipment shall be limited to the hours of 7:00 a.m. and 5:00 p.m. on weekdays. All construction activities shall be restricted to the hours of 9:00 a.m. and 7:00 p.m. on weekends and holidays. Construction activities shall be limited to non-motorized activities on Sundays and holidays, and motorized equipment shall be limited to the hours of 9:00 a.m. and 5:00 p.m. on Saturdays. 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 Saturdays; no delivery of materials or equipment prior to 7:00 a.m. nor past 5:00 p.m., Monday through Friday or prior to 9:00 a.m. nor past 5:00 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 5:00 p.m. weekdays.
- 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) Utilize reduced noise air compressors and other stationary noise sources where technology exists. Sound blankets, shrouds, shields, or mufflers shall be used for loud operations, air compressors, or mechanical equipment wherever feasible. Construction workers' radios volume will be reduced to a point where they are not audible at existing residences bordering the project site.
- g) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager will notify neighbors located adjacent to the construction site of the construction schedule in writing. 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.

Mitigation 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. 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.

58. Mitigation Measure NOISE-2:

Construction activities for this project shall be restricted as follows:

All plans and specifications or construction plans shall include the following notes:

- a) Place operating equipment on the construction site as far as possible from vibration sensitive receptors.
- b) Use smaller equipment to minimize vibration levels below the limits.
- c) Minimize use of vibrating rollers. Avoid using vibratory rollers and tampers near sensitive areas.
- d) Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- e) Avoid dropping heavy objects or materials near shared property lines.

Mitigation Monitoring NOISE-2:

Same as Monitoring for Mitigation Measure NOI-1.

59. Mitigation Measure TRAF-1:

Traffic safety guidelines compatible with Section 12 of the Caltrans Standard Specifications, "Construction Area Traffic Control Devices" shall be followed during construction. Project plans and specifications shall also require that adequate signing and other precautions for public safety be provided during project construction.

Mitigation Monitoring TRAF-1:

Site visit by staff or photographs as evidence will have to be provided during construction, showing compliance with the measure is attained.

60. Mitigation Measure TCR-1:

A Tribal Monitor from a culturally affiliated Tribe, or in the event a tribal monitor is not available an archaeological monitor shall be retained to be on site to monitor all project-related ground disturbing construction activities (i.e., grading, excavation, potholing, etc.) within previously undisturbed soils. In the event the Tribal Monitor identifies tribal cultural resources, the monitor shall be given the authority to temporarily halt construction in the immediate vicinity and within 50 feet of the discovery and to determine if it is a tribal cultural resource under CEQA in consultation with Permit Sonoma and, if necessary, the qualified archaeologist. Construction activities can continue in areas 50 feet away from the find and not associated with the cultural resource location. If the discovery proves to be significant, additional work such as testing or data recovery may be warranted. Any resources found should be treated with appropriate dignity and respect. At the completion of monitoring activities, all artifacts of Native American origin shall be returned to the culturally affiliated tribe through the tribal monitor.

Mitigation Monitoring TCR-1:

Prior to issuance of building or grading permits, the applicant shall provide appropriate agreements with a culturally affiliated Tribe, or if unavailable an archaeological firm to Permit Sonoma for review and approval. Mitigation Measure TCR-1 shall be listed as a note on all grading and building plan sheets submitted for permitting. Prior to final inspections and use permit certificate issuance the applicant shall provide documentation in writing including photos demonstrating that the mitigation was implemented during construction activities.