



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: September 13, 2024

TO: Mendocino County Planning Commission

FROM: Planning and Building Services

SUBJECT: Vacation of Adoption of Resolution #PC_2024-0010 for U_2019-0006 - Redwood Coast Wellness Center

During the afternoon of September 5, 2024, after the Planning Commission hearing that day concluded, Department staff received additional comments from the State Water Resources Control Board regarding this case. These comments also stated that according to the State Clearinghouse, the California Environmental Quality Act (CEQA) review period for this project only concluded on September 6, 2024.

In subsequently reviewing its files and submissions for this project, staff input an incorrect review period into CEQANet that only ended on September 6th. As such, the project was improperly noticed for September 5th. With the required review period not complete, the Commission lacked the authority as of that date to adopt a mitigated negative declaration or make its required findings.

The most appropriate way to resolve this infirmity is to vacate the resolution adopted on September 5 and to renotice the project for a future Planning Commission meeting, likely in November. Staff have discussed this issue with the applicant and the applicant supports this course of action.

It is recommended that the Planning Commission adopt a motion vacating the adoption of Resolution #PC_2024-0010 for U_2019-0006, which adopted a mitigated negative declaration and mitigation monitoring and reporting program and granted a coastal development use permit.

Attachment: Resolution #PC_2024-0010 for U_2019-0006

Resolution Number PC 2024-0010

County of Mendocino
Ukiah, California

SEPTEMBER 5, 2024

U_2019-0006 – REDWOOD COAST WELLNESS CENTER (RCWC)

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM RELATED THERETO, AND GRANTING A COASTAL DEVELOPMENT USE PERMIT FOR AN OPEN PAVILION WITH A COMMERCIAL KITCHEN, STORAGE FACILITIES, RESTROOMS, A SEPTIC SYSTEM FOR EFFLUENT DISPOSAL, CONCRETE SIDEWALK ALL AROUND, ACCESSIBLE PARKING SPACE, IMPROVED GRAVEL DRIVEWAY AND GRAVEL PARKING AREA, PUMP HOUSE WITH WELL, INSTALLATION OF TWO 5,000-GALLON WATER STORAGE TANKS, ELECTRICAL POLE, AND UNDERGROUND SERVICES.

WHEREAS, RCWC, the applicant, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, installation of two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well. Located in the Coastal Zone, 2.1± miles northeast of the Gualala town center, on the north side of Ocean Ridge Drive (CR 514), 0.1± miles west of its intersection with Old Stage Road (CR 502), located at 38381 Ocean Ridge Drive, Gualala. APN: 144-256-13; General Plan Rural Residential (RR 5-PD [SR-PD]); Zoning Rural Residential (RR-5:PDAZ); Supervisorial District 5; (the “Project”); and

WHEREAS, an Initial Study and Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on August 2, 2024 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, the Planning Commission held a public hearing on September 5, 2024, at which time all relevant testimony and evidence presented orally or in writing was heard and received regarding the Mitigated Negative Declaration and the Project, and

WHEREAS, in accordance with applicable provisions of law, on September 5, 2024, the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and closed the continued public hearing. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings;

1. Pursuant with MCC Section 20.532.095(A)(1), Coastal Community Recreation use Types are conditionally permitted in the Rural Residential classification; commercial recreation land uses conform to the goals and policies of the certified Local Coastal Program, including policies identified in the Coastal Element Chapter 2.2 (Rural Residential Land Use) Chapter 3.4 (Hazards Management), Chapter 3.5 (Visual Resources, and Archaeological Resources) and Chapter 3.6 (Shoreline Access and Trail/Bikeway System), Chapter 3.8 (Transportation, Utilities and Public Services) and Chapter 4.12 (Anchor Bay-Gualala Planning Area). The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage

tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well, and is a conditionally permitted use within the Rural Residential land use classification and is consistent with the intent of the Rural Residential Use Classification; and

2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The proposed project will be served by an existing well, two above ground water storage tanks as noted above and an on-site sewage disposal system, consisting of a septic tank and leach lines. A new commercial road approach is required for the development, as recommended by the Department of Transportation. Drainage and other necessary facilities have been considered in project design; and
3. Pursuant with MCC Section 20.532.095(A)(3), the project is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code. The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The proposed development preserves the integrity of the Rural Residential Use Zoning District by allowing the use of conditionally permitted uses in the Rural Residential Zoning District; With compliance with the conditions of approval, the proposed recreation facilities, would satisfy all development requirements for the district; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study has been prepared which identified potentially significant impacts, which can be reduced to less than significant levels with the incorporation of several mitigation measures. The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000 gallon water storage tanks, electrical pole and underground services, and the project will have a less than significant impact on the environment with mitigation measures incorporated into the conditions of approval. As such, a Mitigated Negative Declaration was prepared; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. Previously, an Archaeological Resources Study was completed in 2019 by the Anthropological Studies Center. This report was completed as part of the review for the previous project, which proposed a much larger area of ground disturbance than the current project described in this staff report. This survey included the entire parcel associated with the proposed development. The conclusion of this study was that: *"The records search and literature review identified no recorded archaeological or architectural resources in the project area. The pedestrian archaeological survey located no archaeological resources in the project area. Background research indicates a moderate sensitivity for prehistoric archaeological resources on the surface, but a low sensitivity for buried prehistoric resources. Sensitivity for historic-era archaeological resources on the surface within the project area is moderate, but low for buried resources."* The report was reviewed by the Mendocino County Archaeological Commission at their December 11, 2019, meeting. At that time, the survey completed by the Anthropological Studies Center was accepted with the additional comment that at the discretion of the project archaeologist, an archaeological monitor shall be present for any future ground disturbing activities. As the current project's scope and size has been greatly reduced, staff feels that the aforementioned determination would still suffice for this project and has added conditions of approval to address the Archaeological Commissions recommendation.

6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Solid waste service is available either as curbside pick-up or at the South Coast Transfer Station on Fish Rock Road approximately 2.5 miles north of the project site. The existing level of service at peak hour conditions at this location is considered Level of Service B. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site.
7. Pursuant with Section 20.532.100(A)(1)(a), (b), and (c), the proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The proposed development will maintain reduced buffers to identified Environmentally Sensitive Habitat Areas. There is no feasible less environmentally damaging alternative. An Environmentally Sensitive Habitat Area (ESHA) Survey was written by WRA Environmental Consultants and dated August 2022. This report stated in part: *"The areas of proposed impacts are within ESHA and ESHA buffer. Therefore, avoidance of ESHA buffers is not feasible to complete the project. The project will provide the community with a gathering place in a parcel already utilized for recreation purposes and enhance degraded ESHA buffer habitat. A reduced buffer analysis was performed in this report as development is proposed within ESHA buffers. Mitigation measures are included as part of the project and provided herein to ensure that wetland, streams, and man-made pond (aquatic resources collectively) special-status species and sensitive terrestrial resources (e.g., Bishop pine forest) within the project are protected or not significantly impacted. A complete listing of natural resources or potential ESHA within the study area is included."*

A Report of Compliance was prepared by WRA Environmental Consultants for the project, consistent with Mendocino County Code Section 20.532.060(E), to determine if the proposed development is consistent with ESHA policies pursuant to MCC Section 20.532.100(A)(1). All feasible mitigation measures capable of reducing or eliminating project related impacts are recommended for adoption with Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

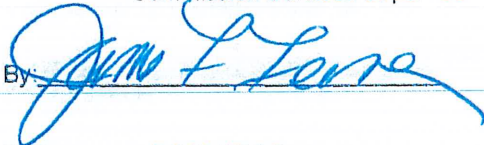
BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit, subject to the Conditions of Approval and Mitigation Measures in Exhibit "A" and the Mitigation Monitoring and Reporting Program in Exhibit "B", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

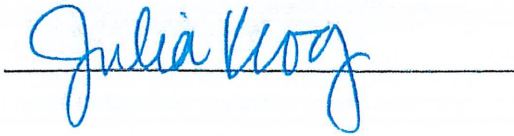
BE IT FURTHER RESOLVED that the Planning Commission action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: 

BY: JULIA KROG
Director of Planning & Building Services



CLIFFORD PAULIN, Chair
Mendocino County Planning Commission

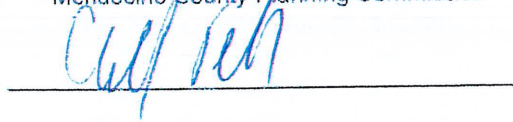


EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MEASURES

U_2019-0006 - REDWOOD COAST WELLNESS CENTER

SEPTEMBER 5, 2024

Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, installation of two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well.

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, installation of two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*”):**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
5. Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil should be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g., coconut fiber, jute or weed free straw).
6. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
7. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

8. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Transportation

9. Prior to the start of Phase 4 of the Project, a commercial road approach shall be constructed onto Ocean Ridge Drive (CR 514) in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by the applicant and approved by Department of Transportation staff during field review, to be paved with asphaltic concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
10. The Permit holder shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within the County right-of-way.

Archaeological

11. During any ground disturbing activities, at the discretion of the project archaeologist, a tribal monitor shall be present.
12. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

CAL FIRE

13. All requirements of California Resources Code 4290 shall be followed for commercial development.

Biological Resources

14. ** BIO-1: Minimize vegetation removal to the greatest extent practical by targeting vegetation only within the grading footprint of development. Minimize the number of Bishop pine trees to be removed for the installation of the leach fields to the greatest extent practical. Erect temporary fencing around the project boundary to prevent unnecessary impacts to Bishop pine forest and the associated buffer.
15. ** BIO-2: All staging and laydown areas for all construction materials and planning shall utilize the non-native grassland and developed areas.
16. ** BIO-3: Replacement of all Bishop pine trees removed for the installation of the leach field or any other project activity will have the requirement of a minimum ratio of 2:1 (trees restored:trees removed). Replacement may include natural regeneration or supplemental plantings of trees from local seed stock.

Prior to ground disturbance in the proposed leach fields, characteristics of the Bishop pine forest shall be collected (i.e., species present, absolute cover of each species, overall cover for each stratum) to visually monitor re-establishment progress.

Natural recruitment will be the preferred method of replacement. Should natural recruitment not succeed, supplemental plantings shall be necessary.

Limbs with cones and cones present on the forest floor will be collected and retained to be burned within the replacement area (and enhancement area, if possible). Limbs and cones will be stored in the shade and covered on bottom and top to reduce potential seed loss from heat. Following completion of topsoil placement, burn piles will be located throughout the replacement area in sizes that conform to County burn regulations. Burn piles should be small and numerous across the enhancement area to replicate a site wide fire and promote regeneration across a large portion of the area. The number of piles and area covered should be determined by the size of the enhancement area but should cover a minimum of fifty percent of the area to be enhanced. Burning will be conducted in the late fall or early winter to create natural burn conditions.

Container plants to be installed for supplemental planting within the replacement and enhancement areas will be native tree, shrub and herbaceous species that are ecologically appropriate for the site and be from local seed or rootstock. Bishop pine trees should be planted in sunny locations due to low shade tolerance. The proposed plant palette with container sizes is:

COMMON NAME	SCIENTIFIC NAME	CONTAINER SIZE
Bishop pine	<i>Pinus muricata</i>	15 gallon
Tan oak	<i>Notholithocarpus densiflorus</i>	15 gallon
Coast redwood	<i>Sequoia sempervirens</i>	15 gallon
Shrub Species		
Coyote bush	<i>Baccharis pilularis</i>	5 gallon
Blue blossom	<i>Ceanothus thrysiflorus</i>	5 gallon
Redwood manzanita	<i>Arctostaphylos columbiana</i>	5 gallon
Shatterberry	<i>Arctostaphylos nummularia</i> var. <i>nummularia</i>	5 gallon
Chaparral pea	<i>Picheingia montana</i>	5 gallon
Wavy leaved ceanothus	<i>Ceanothus foliosus</i> var. <i>foliosus</i>	5 gallon
Herb Species		
Bear grass	<i>Xerophyllum tenax</i>	1 gallon
Modesty	<i>Wipplea modesta</i>	1 gallon
Rose flowered lotus	<i>Hosackia rosea</i>	1 gallon
Braken fern	<i>Pteridium aquilinum</i> var. <i>pubescens</i>	1 gallon
Milkwort	<i>Polygala californica</i>	1 gallon

Planting will occur in the late fall to take advantage of seasonal rains and improve conditions for plant establishment. Three inches of mulch will be placed in planting basins to hold and conserve water around the plants, and foliage protection cages will be installed, if needed, to protect the plants from wildlife browsing. One-year time release fertilizer tablets will be placed in each pit prior to installation of container plantings.

The enhancement area will be the same size as the actual area of impact caused by the project, meeting a 1:1 ratio of impacted to enhanced area. One or more areas may be used. Success criteria are based on baseline conditions, which are to be enhanced through re-vegetation on native species.

17. ** BIO-4: Where feasible, tree roots greater than 2-inches diameter will be avoided during trenching by going around the tree roots or under. If avoidance is not feasible, roots shall be cut by hand to reduce exposed surfaces and reduce potential introduction of pathogens.

18. ** BIO-5: Leach fields located within the Bishop pine forest shall limit the area of disturbance and tree removal to the greatest extent practicable. Machinery (i.e., excavators and backhoes) used within the Bishop pine forest shall be limited to the smallest size appropriate to complete the work.
19. ** BIO-6: Bishop pine forest vegetation within the leach fields shall be allowed to naturally re-establish.
20. ** BIO-7: Any topsoil disturbed shall be set aside to be placed back onto disturbed areas. Areas of ground disturbance shall be replaced to pre-construction conditions using local soil (i.e., no off-parcel soil shall be placed in the disturbed areas). The following requirements for topsoil treatment will be conducted:

- Subsoil should be separated from the topsoil to reduce dilution of seed stock and changes in soil chemistry.
- Topsoil will be stored in shaded area, kept covered and placed in rows no more than 3-feet high.
- Topsoil should be re-applied within six months of excavation.
- No off-site (off-parcel) topsoil will be brought in.

Following completion of topsoil placement, the disturbed area will be covered with jute netting to prevent erosion. As plant species of Bishop pine forest are adapted to germinate in exposed mineral soil, no other soil cover (i.e., hay, hydroseed) should be applied. Following placement of jute, the replacement area will be fenced off with orange construction fencing to inhibit entry and signage will be placed to indicate area of restoration.

21. ** BIO-8: Areas of ground disturbance shall be monitored for five-years for invasive species establishment. Invasive species include any species on the California Invasive Species Council (Cal-IPC) list which are known to impact Bishop pine forest habitat. Any individuals of these invasive species that becomes established during those five years shall be eradicated. Supplemental planting will occur if natural recruitment actions are deemed insufficient, as determined by success criteria. Site preparation for supplemental planting should avoid impacts to native vegetation to the greatest extent feasible. Prior to planting, invasive species should be removed from the area to be planted. If irrigation is necessary, installation of an irrigation system will avoid native vegetation to the greatest extent feasible.

Permanent photo-documentation points will be established at several locations in order to visually track the progress toward meeting final success criteria. Annual site visits will be conducted to monitor progress; the monitoring site visit will be conducted in late summer or early fall. A brief letter report will be submitted to the Redwood Coast Recreation Center board each year to report on progress in meeting success criteria. Photos from designated photo points will be included as an appendix. Other relevant information pertaining to the revegetation effort, such as a summary of invasive species control actions and corrective measures taken when success criteria were not met. If necessary, recommendations to help achieve final success criteria will be made in the annual letter. All monitoring and report preparation shall be conducted by a qualified biologist.

Reports that discuss monitoring results will be submitted to the RCRC board by December 31 of each monitoring year. These reports will assess the progress in meeting success criteria, will identify any problems with erosion, sedimentation and/or general causes of poor plant survival. If necessary, annual reports will include recommendations to improve success in achieving final success criteria.

After five years, a final monitoring report, describing the success of meeting the success criteria and an evaluation of the success of any necessary corrective measures undertaken will be prepared and submitted to the Mendocino County Planning Department and any other relevant public agency (CDFW, CCC).

22. ** BIO-9: Tree/vegetation removal and initial ground disturbance shall occur from August 16 to January 31, outside of the general bird nesting season. If tree/vegetation removal and initial ground disturbance during this time is not feasible, a pre-construction nesting survey should be performed by a qualified

biologist no more than seven days prior to the initiation of tree removal or ground disturbance. The survey should cover the area of disturbance and surrounding areas within 500-feet. If active bird nests are found during the survey, an appropriate no-disturbance buffer should be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest otherwise becomes inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer. If vegetation removal or land disturbance activities have ceased for more than fourteen days during the nesting season, an additional nesting survey should be conducted as a nest may have been built and occupied within that time frame.

23. ** BIO-10: Construction and ground disturbing activities shall be conducted during the dry season (June 1 through October 15). If work is to be conducted within the wet season (November through May), a qualified biologist shall conduct a pre-construction survey of the project area no more than forty-eight hours prior to initiation of ground disturbance. A biological education program shall be provided by a qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. Following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a CRLF be observed. The worker education program shall include information regarding the identification and natural history of CRLF (including photographs), the potential for occurrence of this species within work areas, protocols to be followed for daily surveys, the legal status, and the ramifications for take, the purpose of the exclusion fencing and importance of maintaining it and specific measures being implemented to avoid impacts to the species. If CRLF is observed in the course of pre-construction or daily surveys or during work, all ground disturbance shall halt and CDFW shall be notified immediately.
24. ** BIO-11: All ground disturbing activities shall cease for forty-eight hours following a rainfall event where 0.25-inches or greater precipitation within a twenty-four-hour period was predicted.
25. ** BIO-12: If work is to be conducted within the wet season, exclusion fencing shall be installed prior to October 15 around the proposed development area in such a manner as to preclude California Red Legged Frog (CRLF) from entering ground disturbance areas. The fencing shall have a minimum height above ground of thirty-eight inches, the bottom of the fence buried at a minimum depth of four inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. The area(s) of fence installation will be inspected by a qualified biologist to ensure that it is effective. The fencing shall remain installed until on-site mechanized ground disturbance is completed.
26. ** BIO-13: A pre-construction Sonoma Tree Vole (STV) survey should be performed by a qualified biologist no more than fourteen days prior to the initiation of tree removal. The survey should cover the trees proposed for removal and surrounding areas within 100 feet. If evidence of nests is found during the survey, one of the following should occur:
 1. The tree should not be cut (if planned to do so) and be avoided with a fifty-foot no disturbance buffer and occurrence should be submitted to the California Natural Diversity Database (CNDDB).
 2. If the tree cannot remain or be avoided, a qualified biologist will determine the best method and location for relocation. This information will be provided in a letter to CDFW for approval.

If no evidence of nesting is found, no consultation is necessary, and construction can proceed. If more than six months pass between the survey and a period of no disturbance or tree removal, an additional survey should be conducted.

27. ** BIO-14: Four Western Pond Turtle (WPT) surveys should be conducted by a qualified biologist on sunny days prior to initiation of ground disturbance to determine if WPT are present. Surveys should focus on the pond and immediate areas. If WPT is not observed, absence can be presumed, and no further measures are necessary. If WPT is observed, see Mitigation measure 28 below.
28. ** BIO-15: WPT requires aquatic habitat but may move away from such areas and disperse to nest in adjacent uplands. To prevent WPT (if present) from entering the proposed development area and thereby

reducing the potential for an impact to such, the following measures are recommended:

- Exclusion fencing shall be installed around the area of development during the wet season, prior to WPT nesting season (prior to April 1).
 - Following fencing installation and within forty-eight hours of the initiation of ground disturbance, a pre-construction survey covering all ground disturbance areas shall be performed by a qualified biologist. If WPT is observed within the covered areas, ground disturbance shall not proceed, and permission to relocate WPT shall be requested from CDFW.
 - Following the pre-construction survey and prior to the initiation of work, a biological education program shall be provided by the qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. Following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a WPT be observed. The worker education program shall include information regarding the identification and natural history of WPT (including photographs), the potential for occurrence of this species within work areas, the legal status and the ramifications for disturbance/kill, the purpose of the exclusion fencing and the importance of maintaining it and specific measures that are being implemented to avoid impacts to such species (which will include halting all ground disturbance and work immediately alerting CDFW if the species is observed in the course of the work).
29. ** BIO-16: Populations of California sedge within twenty-five feet of the leach line shall be fenced off prior to land disturbance associated with leach line installation; no construction related activities shall occur within the fenced areas and all disturbance shall occur the farthest distance possible from the fenced areas. Land disturbance for the leach line shall be limited to the smallest footprint possible.
 30. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
 31. The project site address must be posted at the beginning of construction and maintained thereafter. It shall be posted on both sides of a mailbox or posted at the driveway entrance, so it is visible from both directions of travel with minimum three (3) inch letter height, a 3/8-inch stroke and reflectorized contrasting with the mailbox color.
 32. Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the present plant communities.
 33. Prior to issuance of a building permit, an exterior finish schedule shall be submitted for proposed materials and colors which will be visually compatible with the character of the surrounding area.
 34. Exterior lighting shall be kept to the minimum necessary size and wattage for safety and security purposes and shall be downcast, shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
 35. Construction shall be limited to the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.
 36. If no view-obscuring fencing exists between the kitchen and parking areas of the project and the residential lots to the east, the applicant shall install a six-foot high view-obscuring fence prior to final inspection of building permits for kitchen and/or parking areas.