

RESOLUTION NO. 6239-2019

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL ADOPTING A
MITIGATED NEGATIVE DECLARATION (MND) AND ADOPTING FINDINGS PURSUANT TO
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
FOR THE PROPERTY AT 6737 SEBASTOPOL AVENUE (APN 004-063-036)

WHEREAS, an application for a Tentative Subdivision Map, Use Permit to allow a fully residential project in a commercial zone; Planned Community Zoning designation; and, approval of an Environmental Scenic Open Space (ESOS) study modification and approval of ESOS requirements (the "Project"), was filed on August 15, 2018, by Dan Davis. This proposal consists of subdividing a vacant 1.74 acre parcel (APN 004-063-036) parcel, into 19 lots, to be developed with 18 townhomes and a common area lot. Parking will be provided via a surface parking lot on the common area lot.

WHEREAS, the project was the subject of an Initial Study and Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act (CEQA), which was circulated for public comment from March 7, 2019 and April 8, 2019, including the California State Clearinghouse and the Federated Indians of the Graton Rancheria, consistent with local and State CEQA requirements;

WHEREAS, no comments were received from any State, Tribal, or other responsible agency, nor any members of the public, and no tribal consultation pursuant to California Public Resources Code Section 21080.3.1 was requested by the Federated Indians of Graton Rancheria; and

WHEREAS, the Mitigated Negative Declaration identifies potentially significant impacts regarding aesthetics, biological resources, and hydrology/water quality issues related to the Environmental and Scenic Open Space designation and proximity to the Laguna de Santa Rosa, cultural resources, construction period air quality issues, and traffic as outlined in the Initial Study/Draft Mitigated Negative Declaration; and

WHEREAS, there are available feasible mitigation measures that would reduce these impacts below a level of significance and, as conditioned, which would be applied to the project, as described below:

1. *Aesthetics - Aesthetics concerns are associated with any scenic vistas in relation to its proximity to the Laguna de Santa Rosa.*
 - a. Building height shall be limited to 2 stories.
 - b. Exterior colors shall be selected which blend with the natural surroundings. Final colors shall be approved by the Design Review Board.
 - c. Plantings shall be included along the eastern property line, in addition to the proposed 6' fence, to provide additional screening.

- d. Construction fencing shall be placed along the periphery of the Project Site on the north, east and west property lines to screen construction activity from view. The southern construction fencing shall run along the required 50 setback buffer from the Railroad Forest property and not from the property line.
 - e. Any signage will be minimal and will meet the City's Sign Ordinance guidelines as set forth in SMC 17.120. Signage lighting shall be restricted to external illumination, if applicable.
2. Air Quality – *Air quality concerns are associated primarily with construction of the project.*
- a. Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:
 - i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
 - ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited.
 - iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - v. 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.
 - vi. 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 condition prior to operation.
 - vii. 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.

3. **Biological Resources** – *Biological Resources concerns are associated with any scenic vistas in relation to its proximity to the Laguna de Santa Rosa.*
- a. A 50-foot environmental setback from the south property line shall be maintained in perpetuity as a buffer to the environmental resources of the adjacent Railroad Forest property (APN 004-072-014). The open space area and this restriction shall be designated on the Final Map.
 - b. No residential lots, improvements (trails, picnic benches, etc.) or structures shall be permitted inside the 50' setback buffer area.
 - c. Maintenance of this 50' setback and buffer area shall include the following restrictions and requirements:
 - i. Submittal of a plan, to be incorporated into the CCR's for the project, for the maintenance and control of exotic plant species within this setback area. This plan shall be required with the Final Map application.
 - ii. The buffer area shall be replanted with native species appropriate to provide a buffer to the Railroad Forest area prior to final inspection.
 - iii. The removal and replanting plan shall be developed by, or reviewed and approved by, a qualified biologist and City Staff prior to issuance of a building permit.
 - iv. CCR's shall include provisions for post-construction maintenance and control of exotic plant species within this setback area.
 - v. CCR's shall include the prohibition of the development of walking paths, hardscapes, play structures, or accessory structures; or the placement of permanent fixtures or furniture within this buffer. Only restoration shall be permitted in the 50' buffer.
 - vi. Stormwater maintenance requirements in Applicant materials are required and shall be included in the CCR's.
 - d. During construction, heavy equipment undercarriages and tires shall be washed prior to entering the site in order to remove any invasive plant seeds.
 - i. Applicant shall submit a Construction Management Plan that includes the provision for cleaning of heavy equipment undercarriages and tires prior to entering the site in order to remove any invasive plant seeds.
 - e. A pre-construction survey of on-site trees and trees within the immediate vicinity as determined by a qualified biologist, shall be required if project disturbances occur during the breeding season of the following special-status species: *Selaphorus sasin* (Allen's Hummingbird); *Botaurus lentiginosus* (American Bittern); *Pelecanus erythrorhynchos* (American White Pelican); *Nycticorax nycticorax* (Black-crowned Night-Heron); *Larus californicus* (Californian Gull); *Hydroprogne caspia* (Caspian Tern); *Accipiter cooperii* (Cooper's Hawk); *Phalacrocorax auratus* (Double-crested Cormorant); *Aquila chrysaetos* (Golden Eagle); *Ammodramus savannarum* (Grasshopper Sparrow); *Ardea herodias* (Great Blue Heron); *Ardea alba* (Great Egret); *Lanius ludovicianus* (Loggerhead Shrike); *Numenius americanus* (Long-billed Curlew); *Falco columbarius* (Merlin); *Picoides nuttallii* (Nuttall's Woodpecker); *Contopus*

cooperi (Olive-sided Flycatcher); *Falco peregrinus* (Peregrine Falcon); *Passerculus sandwichensis* (Savannah Sparrow); *Accipiter striatus* (Sharp-shinned Hawk); *Asio flammeus* (Short-eared Owl); *Egretta thula* (Snowy Egret); *Chaetura vauxi* (Vaux's Swift); *Elanus leucurus* (White-tailed Kite); *Setophagapetechia* (Yellow Warbler); *Icteria virens* (Yellow-breasted Chat). The survey shall be completed within 15 days prior to beginning construction during the breeding season, and shall be done by a qualified biologist. Surveys shall be conducted according to a protocol developed in consultation with the DFW. Any active nests discovered during the pre-construction survey shall be marked on a map, and appropriate construction-free setbacks shall be established where no construction activities shall be permitted until all young have fledged and are observed by the qualified biologist to be foraging independently of their parents.

- f. Construction mitigations shall include temporary fencing at the 50-foot setback, with no construction staging or travel permitted within this area.
4. **Cultural Resources** - *Cultural Resources concerns are associated with any potential archeological resources.*
 - a. In the event that any unanticipated artifacts or cultural features are discovered during grading or underground excavations all work in the vicinity of the find shall be stopped until the discovery area can be evaluated by an archaeologist and appropriate actions are taken.
 5. **Transportation/Traffic**- *Traffic concerns are associated with potential increase to traffic and the Morris Street/Sebastopol Avenue intersection, pedestrian and bicycle access to the site; and, emergency access to/from Park Village site.*
 - a. Prior to final inspection, the Project shall restripe the southbound Morris Street approach to create two 15-foot lanes (one outbound and one inbound), and if needed, re-install the traffic signal detector position.
 - b. Project shall be modified prior to submitting for Design Review to include a walkway/sidewalk connection between the Project Site and the existing multi-purpose trail on the west side of the Project Site.
 - c. The locked access gate between the Park Village Mobile Home Park and the Davis Townhomes properties shall be unlocked and opened in case of emergencies to allow for emergency evacuation, and

WHEREAS, on March 13, 2018, the Planning Commission conducted a preliminary review with the Planning Commission to review the project; and

WHEREAS, on April 9, 2019, the Planning Commission held a duly noticed public hearing, received a staff report, accepted public testimony, and duly considered the application, including, but not limited to, the application materials, Mitigated Negative Declaration, staff report, and public comments, duly considered the application, and unanimously adopted PC Resolution 19-03 recommending approval of the Project to the City Council;

and

WHEREAS, on May 7, 2019, the City Council held a duly noticed public hearing, received a staff report, accepted public testimony, and duly considered the application.

NOW, THEREFORE, BE IT RESOLVED THAT, The City Council of the City of Sebastopol, California, does hereby adopt the Mitigated Negative Declaration and adopt findings pursuant to the California Environmental Quality Act as set forth above, with the mitigation measures set forth above and in the Mitigated Negative Declaration, which are hereby incorporated into the Project and made Conditions of the Project.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 7th day of May, 2019, by the following vote:

VOTE:

Ayes: Councilmembers Carnacchi, Glass, Gurney and Vice Mayor Slayter
Noes: None
Abstain: None
Absent: Mayor Hinton

APPROVED: _____



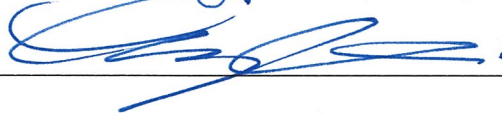
Vice Mayor Patrick Slayter

ATTEST: _____



Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____



Larry McLaughlin, City Attorney