



## City of Sebastopol Planning Commission Staff Report

Meeting Date: February 8<sup>th</sup>, 2022  
Agenda Item: 7A  
To: Planning Commission  
From: John Jay, Associate Planner  
Subject: Standard Conditions of Approval  
Recommendation: Provide input to Staff, recommend for approval by Council with recommendations

### **Introduction:**

The Design Guideline Subcommittee and staff have developed a list of standard conditions of approval that can be applied to Planning projects. These Standard Conditions of Approval will help streamline condition writing for various Planning projects, both discretionary (those that go before a Board, Commission, or Council) and ministerial (those subject only to objective standards and conditions adopted by the City, such as SB35 projects), Discretionary projects such as the Planning Commission reviews would still have specific site conditions along with this document of the standard conditions.

### **Discussion:**

Staff has been working with all the various city departments on crafting a document that would allow all projects to have a list of standard conditions to follow. With that said, each project would still have its site-specific conditions that would accompany this document to ensure each specific project meets the City's regulations and any required criteria for approval ("Findings for Approval").

This document is being developed for several reasons: to ensure the City has appropriate "adopted objective standards and conditions" for ministerial projects; to have consistent conditions of approval for all projects; and, to streamline review by staff and by the various Commissions and Boards in the City.

The State of California has adopted various laws in the last few years that limit City discretion on certain housing projects and requires approval of such projects at a ministerial level (staff level), such as those going through a streamlined review process such as "SB35" projects. These projects can only be subject to adopted and published standards and objective guidelines. By adopting a standard set of "Conditions of Approval", the City can ensure that the City's standard conditions (normally placed on the project through a discretionary review process, such as Design Review or review of a Conditional Use Permit) can be applied to these projects.

Additionally, staff believes the development of a standard set of conditions for all projects will help streamline review of projects, as this list of conditions will not need to be applied by staff or reviewed by decisionmakers (Commissions/Boards/Council) in detail for each application once adopted.

Staff worked with the Design Review Committee which consists of members from the Design Review Board, Planning Commission, and City Council to provide feedback on clarity and the intent of the document. That feedback was extremely valuable in that it provided staff with guidance on how members of the public would interpret this document and how it would better help developers, contractors, and homeowners.

If approved, this document would be attached to all discretionary entitlement projects as an Exhibit C and each project would still have its specific Exhibit's A "Findings for Approval" and B "Specific Conditions of Approval" (which would be only those conditions specific to the project/use).

These Standard Conditions of Approval are also scheduled for Design Review Board review and City Council review and approval. Planning staff will recommend that Council authorize future amendments to this document be done at the Planning Commission/Design Review Board level so they can be modified as needed in the future.

**Recommendation:**

Staff is requesting the Planning Commission review the proposed conditions of approval and provide any additional feedback that can be added or revised to make the document.

**Attachments:**

Standard Conditions of Approval

## **Standard Conditions of Project Approval:**

1. All plans shall include a brief description of the project on the cover sheet.
2. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval, as well as any Specific conditions of approval.
3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be in substantial conformance to those approved by the review body. If any changes are made to submitted plans which were approved by the review body the applicant shall work with the Planning Department to determine if the changes are significant enough to once again be seen by the review body, or if staff can approve the changes. Any changes that have not been approved by Planning staff are not approved. Construction or demolition work that does not conform to the Planning approval is not valid and shall be subject to stop work orders and may require removal.
4. Site landscaping shall be generally consistent with the Landscape Plan included as part of "Exhibit A" on file with the Sebastopol Planning Department. The final landscape plan shall be stamped by a licensed landscape architect and filed with the Planning Department prior to occupancy. Plans for any irrigation of the site shall be incorporated into the landscape plan. All planting shown on the approved plan shall be installed prior to occupancy of the proposed residence. Upon the request of an Applicant to receive a Temporary Certificate of Occupancy and at discretion of the Planning Director, landscape installation may be suitably guaranteed by posting a cash bond equal to 100% of the cost and installation of any landscape improvements.
5. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the field conditions or other previously unknown conditions require a modification or a departure from the accepted plans, the applicant shall provide the modifications or departure and specify the correction of mistakes errors, or omissions in compliance with the CBC and City Standards for City review and approval.
6. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
7. A Construction Management Plan (CMP) shall be submitted to the City as part of the Building Permit and/or Grading Permit and shall be incorporated into the plans, unless waived by staff. The City's CMP template, provided by the Planning Department, may be used for small, infill projects. Revisions to the CMP to increase or add on time to the construction timeline shall be coordinated with the Building Official and any additional requests will be at the applicant's responsibility.

This CMP shall be a binding document. Failure to adhere to the CMP may result in a "Stop Work Notice" being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the City, and may be posted to the city's website. The CMP

shall be updated as project conditions warrant. Updates to the CMP shall be provided to the City for review and approval. The CMP shall include but not be limited to:

- a) Work schedule (start of construction date, road or lane closure intent/dates, important milestones and proposed final dates)
- b) Construction Hours
- c) Travel routes and turn-around locations with staff approval
  - Impact to state highways
- d) Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
- e) Worker auto parking space locations/construction parking
- f) Phasing (if applicable)
- g) If construction improvements are located in areas of steep slopes, the Contractor shall provide safe temporary hard surface stair access to the improvements. This access shall be shown on the CMP.
- h) Projects that require a grading permit shall comply with the City's grading ordinance.

The CMP may be more stringent if the project is located close to schools or in impacted neighborhoods. A CMP may be required to be modified if a neighborhood becomes "impacted" during the course of the construction. Impacted neighborhoods are defined as areas in geographic proximity (i.e. using the same streets for access) with a significant number of simultaneous construction projects.

The hours of construction activity shall be limited 7:00 a.m. to 8:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturdays with staff approval, depending on scope of work being done, or unless modified by a project's Specific Conditions of Approval.

A **24 inch by 36 inch weatherproof copy** of the approved Construction Management Plan shall be posted on the site as part of a job site sign and located so as to be clearly readable from the public right-of-way. In addition to the approved Construction Management Plan, the sign shall include the following information:

- a) Address of the project site.
  - b) Permitted hours of construction and of deliveries/off-haul.
  - c) Name, e-mail address and direct phone number of the General Contractor.
  - d) Name, e-mail address and direct phone number of the person responsible for managing the project.
  - e) Name and direct phone number of the party to call in case of an emergency.
  - f) City of Sebastopol Building Department (707-823-8597).
8. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Public Works Department prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. The fee for using the right-of-way for storage of construction materials or equipment is \$10.00 per day. A minimum of 11' passable auto traffic clearance (paved travel way) shall be maintained at all times along the roadway. The placing of portable restroom facilities in the City right-of-way will not be permitted.
9. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction

materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.

10. A pre-construction meeting is required for projects that:
  - a) Require a City encroachment permit, a Caltrans encroachment permit, or a City grading permit; or
  - b) Have 5 dwelling units or more; or
  - c) Have a total of 5,000 square feet of building or more; or
  - d) Have a creek setback requirement or within the ESOS zoning overlay; or
  - e) Are required to have a pre-construction meeting under a specific condition of approval.
11. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted.
12. All required construction signage and any required tree-protection shall be posted and available for City inspection at the time of the Pre-construction meeting or, if no pre-construction meeting is required, prior to commencing construction. If these measures are not in place at the time of the pre-construction meeting, a re- inspection fee will be required, and issuance of building permit will be delayed.
13. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

**Planning Department Standard Conditions of Approval:**

14. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
15. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Building Application.
16. For any project that includes new foundations or retaining walls, property lines shall be physically identified (string line or equal), and the applicant shall submit a letter or certificate from a licensed surveyor that confirms that the structure complies with the approved setbacks prior to pouring the foundation.
17. For any project that includes new structures within 2 feet of the allowed height limit, or with a specific condition of approval limiting height, a letter or certificate from a surveyor confirming that the height of the roof complies with the approved plans shall be submitted to the Planning Department prior to roofing (prior to roof nailing is recommended).
18. All landscape and irrigation plans must be designed in accordance with the most current City of Sebastopol landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the Planning Department must review and approve the project's working drawings for planting and

irrigation systems.

New construction and rehabilitated (renovations or changes made to sites with an existing irrigation system) landscape projects will be affected by these requirements if the altered landscape area is greater than 500 square feet.

**Engineering and Public Works Department Standard Conditions of Approval:**

19. All projects are subject to Impact Fees as adopted by City Council, which are due at the time of issuance of the Building Permit unless otherwise approved by the City.
20. An Encroachment Permit is required from the Public Works Department for any and all work within the public right-of-way. If the work is within a CalTrans right-of way, an Encroachment Permit from CalTrans shall also be procured by the applicant. Encroachment Permit shall not be issued until the City Engineer approves the applicant's site improvement plans.
21. Construction within the public right-of-way is limited to that necessary to support the lot's use. This may include but is not limited to: driveways, sidewalks and any utility connections. For all improvements within the public right of way, the applicant shall submit plans to adequately describe the work. Plans shall include but not be limited to drainage details, cross-sections, driveway/roadway grades and utility locations as necessary.
22. The applicant shall prepare and submit site improvement plans for the construction of all improvements including water, sanitary sewer, storm drain, water quality facilities, roadway improvements, curbs, gutters, sidewalks, elevated or structural pedestrian walkways, landscaping, landscape irrigation, signing, striping, joint trench and streetlights. All design and construction shall conform to the latest edition of the City of Sebastopol Design and Construction Standards and other applicable codes, standards, guidelines and specifications. Public improvement drawings shall be drafted in the City-approved sheet format.
23. Once approved by the City Engineer, the applicant shall submit PDF files of the signed improvement plans. As-Built record drawings shall also be submitted as PDF files.
24. Deviations from City Standards and applicable Code requirements shall be approved by the City Engineer. The applicant's engineer shall request all design exceptions in writing.
25. Any improvements, public or private, damaged during construction shall be replaced, by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Public Works Department prior to the first submittal of project improvement plans to identify the extents and limits of replacement.
26. An erosion and sediment control plan is required as part of the building permit application. The plan shall be prepared by a certified erosion control specialist and in full compliance with CASQA standards, The plan is subject to review and approval by the DPW prior to the issuance of the building or grading permit. No modifications to the approved plans shall be made without approval of the City Engineer.

27. Mailbox plans and locations shall be approved by the Sebastopol Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Sebastopol Postmaster approving mailbox locations.

***Roadway Improvements:***

28. The improvement plans for the first phase of development shall include and provide for the construction of all offsite improvements as required to support full project build-out. Each subsequent phase of development shall construct sufficient onsite roadway and utility improvements to support the cumulative development proposed to be constructed as approved by the City Engineer.
29. Road closures, if permitted by the Project Approval, will only be permitted with prior authorization from the Public Works Department consistent with the City's road closure policy. Signs containing details of the proposed closure must be posted 48 hours in advance. Coordinate road closures with the Sebastopol Public Works Department. Contact the Public Works Department at 707-823-5331 to obtain a road closure permit.
30. An emergency vehicle access, meeting the requirements of the Sebastopol Fire Department shall be constructed.
31. All private driveway areas less than 24-foot wide shall require the approval of the Sebastopol Fire Department.
32. City Public Water, Sewer, and Drainage utility easements as required by the utility companies shall be provided within the development. Easement locations shall be subject to review and approval by the City Engineer.
33. Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations, including areas where mailboxes, street furniture, streetlights, street signs and fire hydrants are to be installed, or as otherwise approved by the City Engineer.
34. The structural section of all public road improvements shall be designed using a soil investigation which provides the basement soils R-value and expansion pressure test results. A copy of Geotechnical report and structural section calculations shall be submitted with the first improvement plan check.
35. The structural section of the private on-site drive aisles and parking areas shall meet the requirements and recommendations of the geotechnical report for the project.
36. Retaining walls and retaining curbs may be required to protect damage to trees as determined by a licensed Arborist. All retaining structures shall be designed and constructed to minimize damage to trees.
37. Pedestrian curb ramps, meeting City standards and current accessibility requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.

***Drainage Improvements:***

38. All project-related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Management Design Manual (FMDM). Public and private drainage improvements shall be shown on the improvement plans and the City Engineer may require the

applicant to acquire the review and recommendations by the Sonoma County Water Agency (Sonoma Water) prior to approval by the City Engineer. Private storm drain easements will be required for any portions of the private storm drain not entirely located with the lot being served or for any portion of a private utility located on an adjacent parcel.

39. No lot-to-lot drainage will be allowed between the project site and any adjacent parcels. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system or discharged through the face of curb or to an established waterway.
40. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the City's Flood Ordinance, to the satisfaction of the Building Official and City Engineer. Building finished floor elevations shall be constructed at a minimum of 2 foot above the 100-year storm event water surface elevation as determined by the City and certified by the project engineer. The Engineer of Record shall provide a signed and stamped letter indicating the project meets the requirements of the Ordinance before plan approval.

***Stormwater Quality:***

41. All design and construction shall meet the requirements of the most recent editions of City of Sebastopol, Phase I MS4 permit and the City of Santa Rosa Low Impact Development Technical Design Manual. Prior to approval of the improvement plans, the applicant shall submit a Final Storm Water Mitigation Plan (FSWMP) subject to review and approval by the City Engineer. The plan shall include post-construction storm water treatment and peak reduction measures and shall address maintenance of private and/or public storm water facilities. The FSWMP shall be approved by the City Engineer prior to issuance of any City permit (i.e., encroachment, building/demolition, grading).
42. **If applicable**, provide evidence that a Notice of Intent (NOI) has been submitted and received by the State Water Resources Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City prior to issuing a grading permit, encroachment permit, or building permit.
43. **If applicable**, a Declaration of Covenants Regarding Maintenance of Storm Water Best Management Practices (BMP) Facilities (LID Declaration) shall be submitted to the City Engineer for review and approval prior to approval of each final map phase. The LID Declaration shall be executed by the owner of each lot created and shall be recorded contemporaneously with each final map phase and shall run with the land in perpetuity. The LID Declaration shall include, but shall not be limited to covenants, legal exhibit, LID site plan and a schedule of maintenance requirements and reporting.
44. If a permeable paving system is to be used as a part of the site development strategy to meet stormwater requirements the analysis shall include but not be limited to the following:
  - a. For drainage purposes, the underlying intent, either retention or detention, shall be fully quantified. If retention is to be used, a soils report, including percolation of the soils shall be submitted as a part of the plans. If detention is to be used, peak runoff quantities, storage capacity of the system, discharge rates, discharge points, impacts

- to existing facilities etc. shall be included.
- b. The structural adequacy of the system that accommodates vehicle loading including emergency response vehicles (i.e., fire trucks) if the access to be designated for that purpose.
  - c. Provisions for ongoing maintenance of the pavers shall be included in the submittal package.

**Grading:**

45. The improvement plans shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings. Lots shall be generally designed to drain to public and private streets or parking areas, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
46. Grading more than 50 cubic yards, shall be subject to a City grading permit.
47. All new construction on undeveloped lots, or developed lots with expansive soil and steep slopes shall submit to the City for review and approval, a detailed Geotechnical Report prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical evaluation. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.
48. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the Geotechnical Report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
49. All existing wells, septic tanks and/or underground fuel storage tanks shall be permanently destroyed under permit and inspection by the Sonoma County Permit and Resource Management Department, Well and Septic Division and/or Sonoma County Environmental Health or other designated agency. If there are none, the project engineer shall provide a letter to the City Engineer describing the scope of the research done to make this determination.
50. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved. Should monuments be damaged or destroyed during construction, they shall be replaced by the developer.
51. Improvements plans shall include an erosion control (winterization) plan. The plan must include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed. **If applicable**, a separate Rain Event Action Plan (REAP) shall be required and prepared as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the REAP shall be kept on-site throughout the duration of construction activities.
52. Sewer services and laterals shall be CCTV inspected to determine if the service needs to be removed and replaced. A copy of the CCTV report shall be provided to the City Engineer. A waiver for CCTV inspection may be waived by the City Engineer, if the

sewer lateral has been replaced within ten years of the submittal of the improvement plans. A copy of the documentation evidencing such replacement shall be included in the submittal package.

53. If the proposed project is located in or adjacent to a waterway, within an area designated as habitat for threatened or endangered species, or other special status area, it possibly falls under the jurisdiction of another agency such as the United States Army Corps of Engineers, the California Regional Water Quality Control, or the California Department of Fish & Wildlife, U. S. Fish & Wildlife Service, etc. These agencies shall be contacted to determine if the project lies within their respective jurisdictions. All necessary permits and/or approvals shall be obtained prior to the City issuing any permits. If permits are not required, a letter stating so shall be submitted to the City as part of the record.
54. Trees and vegetation shall be trimmed according to Section 8.12 of the Sebastopol Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet. Trees and vegetation shall be trimmed according to Section 8.12 of the Sebastopol Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet over sidewalks and not less than twelve (12) feet over streets.

**Fire Dept. Standard Conditions of Approval:**

55. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
56. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
57. Noncombustible roofing shall be provided for:
  - a. All new roofs shall be non-combustible.
  - b. Roof Repairs or replacement:
    - i. Less than 25% - no requirement
    - ii. 25% to 50% - Class C minimum
    - iii. 50% or more — Non-Combustible
  - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code and approved by the Building Department.

58. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.

**Building Department — Standard Conditions of Approval:**

59. All construction shall comply with the California Building Code, Plumbing Code, Electrical Code, and Mechanical Code, and other applicable Title 24 Codes in effect at the time of building permit submittal. It is the responsibility of the designer(s) to ensure that all of the above Title 24 codes, as well as any applicable Sebastopol Municipal Codes are incorporated into the design.
60. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time of building permit submittal.

END OF STANDARD CONDITIONS OF APPROVAL