

RESOLUTION NO. 6240-2019

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING
A USE PERMIT FOR A SOLELY-RESIDENTIAL DEVELOPMENT IN A COMMERCIAL ZONE;
AN ENVIRONMENTAL AND SCENIC OPEN SPACE STUDY; AND
A TENTATIVE SUBDIVISION MAP
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; and

WHEREAS, with the approval of the Use Permit and ESOS Visual Resource Analysis, the proposed residential-only development will be consistent with the subject property's General Plan designation of Central Core and Zoning Designation of Downtown Core; and,

WHEREAS, the Project, as conditioned, is consistent with the Central Core Land Use designation of the General Plan and General Plan policies, in that:

- a) The proposal is consistent with Policy LU 1-7 as the site is located at the edge of the Downtown Core District and is surrounded on three sides by existing residential and commercial developments.
- b) The proposal is consistent with Policy LU 6-2 as it provides much needed housing located in close proximity to various community services and transit.
- c) The proposal is consistent Policy COS 12-9 as only one tree is slated for removal. Additionally, Condition of Approvals have been added in regards to the 50' Railroad Forest setback which require this area to be maintained in its natural state, and which requiring buffer plantings / mitigation planting in said 50' setback.
- d) The proposal is consistent with Policy COS 12-12 as the development is clustered in the center of the project site, with the townhomes arranged in the three clusters with open space located in the center, and around the perimeter of the property. The southern edge of the site will have the largest open space, with a 50' setback from the Railroad Forest property. As conditioned, an open space easement shall be required on this section of the property which would prevent

disturbance of this area with the exception of restoration and removal of invasive species.

- e) The proposal is consistent with Policy CD 1-7 as it an infill development which provides much needed housing located in close proximity to pedestrian and bicycle trails and has convenient access to local amenities and transit. The project includes the requirement to construct a bicycle/pedestrian connection to the existing connector trail located at the west side of the site.
- f) The proposal is consistent with Policy CD 3-4 as the project was subject to a Cultural Resource Evaluation which found that the site did not contain any known or evident cultural, archeological or historic resources. 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.
- g) The proposal is consistent with the City's Housing Element, in that the site is identified as a site in the Site Inventory as land suitable for residential development.
- h) The proposal is consistent with the City's Housing Element, in that, as conditioned, the proposal would meet the City's Inclusionary Housing requirements by providing on-site Inclusionary Unit(s) and providing housing opportunities at a variety of income levels.

WHEREAS, the development of the project as residential-only in a commercial zone is appropriate, in that the establishment, maintenance, and operation of the Use applied for, a solely residential development in a commercial zone, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; due to the following reasons:

- a) The Zoning Ordinance allows for a solely-residential development on a commercially zoned parcel, provided it does not detract from the intent of the commercial spaces on the street. The property is located behind existing commercial and the residential development to the northeast and east. No commercial frontages are shared with this property or would be disrupted by the use of this site as solely residential.
- b) The project site is unique as it is located on the edge of an urbanized area and is considered part of the City's Downtown but abuts an environmentally sensitive habitat.

- c) The project will result in the removal of 1 existing tree and result in the planting of an additional 50+ trees, as currently proposed.
- d) The proposed site is located within walking distance of existing commercial, recreational uses and will provide additional housing opportunities for locals.
- e) It is not well suited for commercial development but does appear to be an appropriate location for much needed housing.
- f) The proposed development is appropriate for the site.

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

WHEREAS, on October 23, 2018, the Planning Commission conducted a duly-noticed Public Hearing, heard public testimony, deliberated, and approved a reduction of the Environmental Scenic Open Space (ESOS) study to require a Visual Analysis only, and approved a reduction in the ESOS buffer setback to be 50 feet; and

WHEREAS, the applicant made adjustments in the proposal based on community comments and Planning Commission review of the ESOS reduced setback request; and

WHEREAS, a Visual Analysis was prepared in compliance with the requirements of the ESOS overlay zoning and considering the preliminary review comments from the public comments and Planning Commission and Design Review Board reviews held on October 23, 2018 and November 14, 2018; and

WHEREAS, the applicant submitted a revised Tentative Map on December 19, 2018 for the subdivision of the 1.74 acre lot into 19 parcels, including 18 residential parcels for townhomes and a common area lot and other related improvements; and

WHEREAS, the Visual Resource Analysis (VRA) found that the Project will be consistent with the Zoning Ordinance ESOS Study requirements in that:

- a) The application proposes only two stories (as opposed to the 4 stories permitted in the district) and was designed with colors that would blend into the natural landscaping.
- b) Considerable open space and an extensive planting plan (including the addition of 50+ trees, along with other shrubs and vines) is included as part of the proposed development.
- c) The site is predominantly blocked from the main view corridor of Bodega Ave/Highway 12 by a residence and a mobile home park, as well as commercial and retail facilities; and

WHEREAS, the Visual Resource Analysis further found that the Project would not result in potentially significant impacts on visual resources in the Sebastopol community, due to the following:

- a) The Project would not result in the introduction of features that would significantly detract from or contrast with the visual character of the surrounding community by conflicting with visual elements or quality of an existing area (i.e., through conflicting style, size, coverage, scale, building materials, etc.) given that the proposed project is of a similar size and scale to the surrounding development.
- b) The Project would not result in the removal of or substantial adverse change to one or more features that contribute to the valued visual character or image of the Project area, including but not limited to designated landmarks, historic resources, trees, or rock outcroppings in that there are no designated landmarks, historic resources or rock outcroppings located on the property; the Project only proposed the removal of one (1) tree and includes a planting plan for 56 more tree (this is not including any plantings that will be required in the 50' Railroad Forest setback).
- c) The Project does not substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista from a public road, trails within an adopted County or State trail system, scenic vista or highway, or recreational area.
- d) The Project as designed and Conditioned would also not result in an inconsistency with any goals, standards, or policies related to visual resources as given in the General Plan.
- e) While affecting the visual character of the Project area on a short-term basis, Project construction activities would not substantially alter or degrade the existing visual character or quality of the Project Site and surrounding area, for the following reasons:
 - i. views of construction would be limited in duration and locations;
 - ii. the Project Site appearance would be typical of construction sites in urban areas;
 - iii. construction fencing would be placed along the periphery of the Project Site to screen much of the construction from view at street and bike path level.

WHEREAS, on April 9, 2019, the Planning Commission conducted a duly-noticed Public Hearing, received a staff report, heard public testimony and considered the applications for a Use Permit for a solely-residential development in a commercial zone; Visual Analysis for an ESOS overlay district; Tentative Subdivision Map, Planned Community Zoning designation, and CEQA Mitigated Negative Declaration, 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 for a Use Permit for a solely-residential development in a commercial zone; Visual Analysis for an ESOS overlay district; Tentative Subdivision Map, Planned Community Zoning designation, and CEQA Mitigated Negative Declaration; and

WHEREAS, The City of Sebastopol City Council has adopted a Mitigated Negative Declaration (MND) for the "Davis Townhomes" Project (the "Project") located at 6737 Sebastopol Avenue in a separate Resolution based on the findings of fact of the Adopting of Resolution No. 6239-2019

NOW, THEREFORE, BE IT RESOLVED THAT, The City Council of the City of Sebastopol, California, does hereby Approve, based on the findings above and subject to the Conditions of Approval in Exhibit B:

1. A Use Permit to permit a solely-residential development in a commercial zone;
2. The ESOS Visual Resources Analysis; and
3. Approve the Tentative Map, included in Exhibit A, to subdivide a 1.74 acre parcel to create a 19 lot subdivision, to include 18 residential townhome lots and a common area parcel.

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

LEGEND / ABBREVIATIONS

- EXISTING FEATURES SHOWN SOLE SCREENED
- BOUNDARY LINE
 - CONTOUR LINE
 - FENCE LINE (TYPE WAIVES)
 - EDGE OF PAVEMENT
 - BUILDING LINE
 - STORM DRAIN
 - 6" SANITARY SWER
 - SS LATERAL
 - GRASS SWALE
 - WATERLINE
 - PERVIOUS PAVEMENT
 - NEW CONCRETE
- ASPHALTIC CONCRETE
 - INSERT
 - WATER METER
 - SANITARY SEWER CLEAN-OUT
 - CONCRETE
 - JOINT SERVICE POLE
 - IRON PIPE MONUMENT
 - ELEVATION
 - FIRE HYDRANT
 - TC TOP OF CURB
 - TP TOP OF PAVEMENT
 - EP EDGE OF PAVEMENT
 - EG EXISTING GRADE
 - FG FINISHED GRADE
 - FL FLOW LINE
 - RV INSERT
 - (E) EXISTING
 - (C) CONCRETE
 - B.R.A. BIO RETENTION AREA
 - DRAINAGE FLOW
 - SSWH SANITARY SEWER MANHOLE
 - DI DROP INLET
 - TOG TOP OF GRATE

TREE ABBREVIATIONS

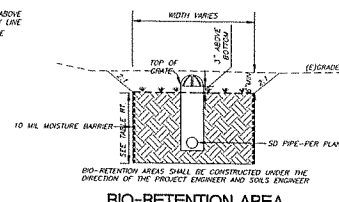
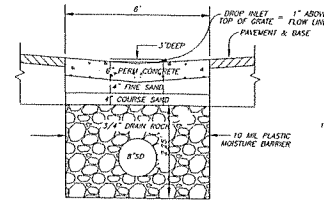
- 30" DIAMETER LINE ON WITH 40" DIAMETER DRIFLINE
- LINE ON
- WHITE OAK
- MAPLE
- MELLOW

NOTES

BOUNDARY LINES / LOT LINES SHOWN ON THIS MAP DERIVED FROM FOUND MONUMENTS AND RECORD DATA

BENCH MARK
SURVEY CONTROL POINT #5 3/8" REBAR TAGGED "PLS 5520"
ELEVATION=76.28 HAKD OS (BY OGIS SOLUTION)

PAVEMENT TO MATCH (EGRADE TO EXIST) FENCE TO BE REMOVED TO PROVIDE ACCESS & EGRESS TO APN 004-063-017



SOIL DEPTH TABLE

BMP ID	SOIL DEPTH	SF
BRA#1	2.0'	400
BRA#2	2.0'	284
BRA#3	1.5'	450
BRA#4	2.0'	300

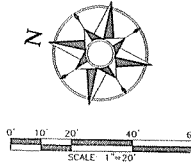
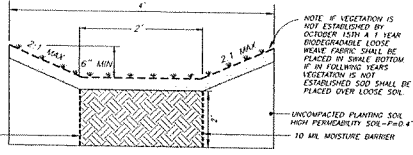
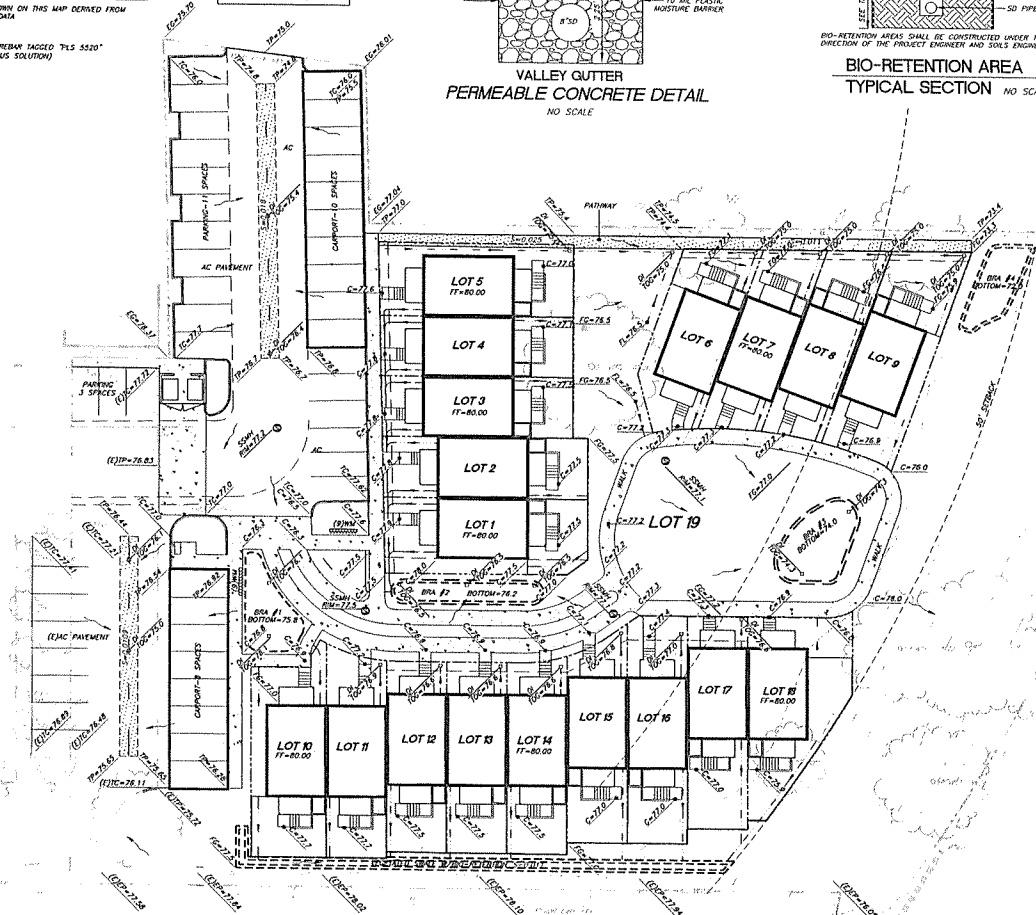


EXHIBIT A



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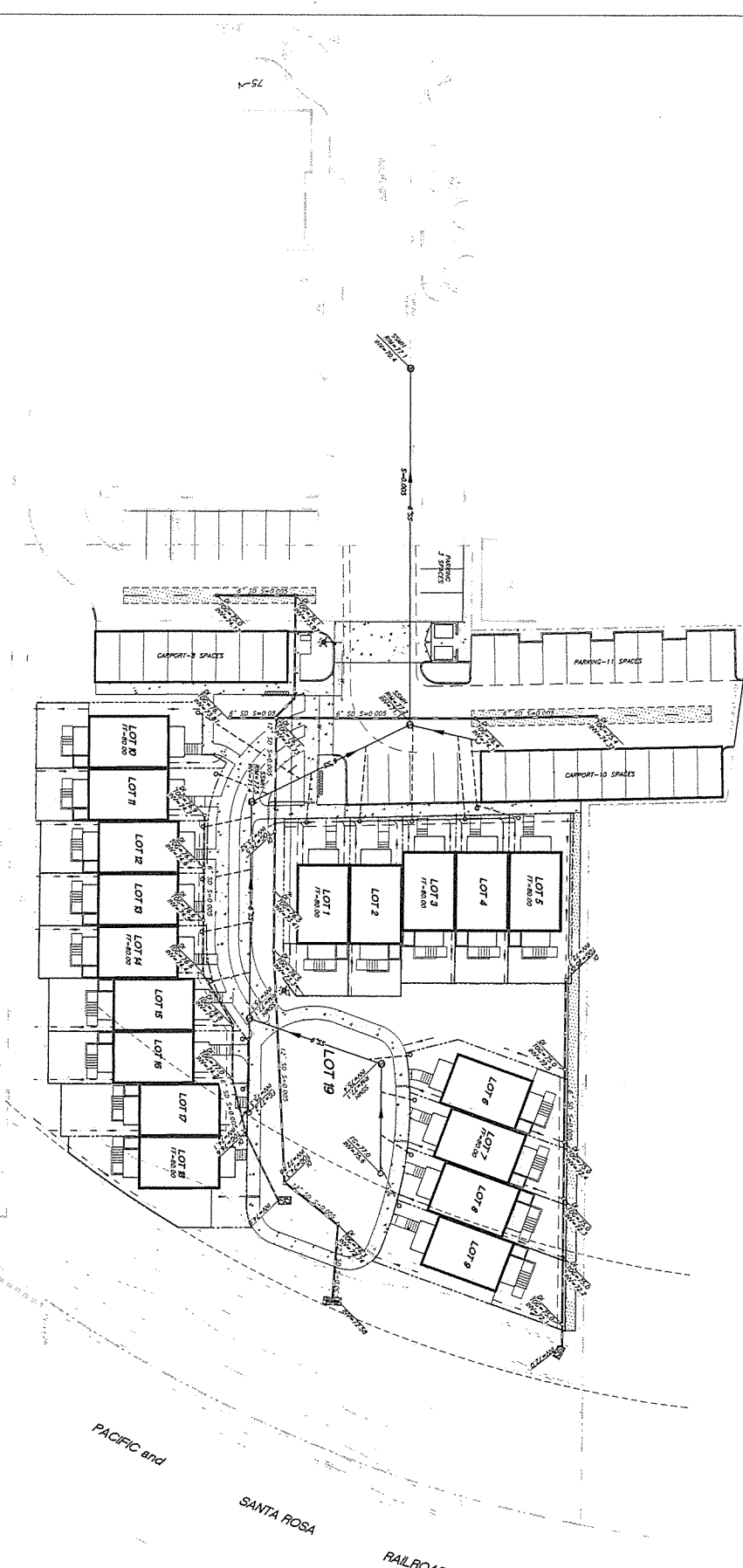
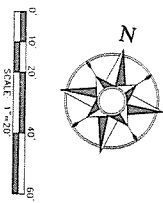
NO.	DATE	BY	CHK.	REVISION

DAVIS TOWNHOMES
A PLANNED COMMUNITY
GRADING, DRAINAGE and STORM WATER TREATMENT
DANIEL DAVIS
1051 TODD ROAD, SANTA ROSA, CA. 95407

DRAWN	GG
CHECKED	KD
APPROVED	BAT
DATE	12-18-2018
JOB NUMBER	9054.00
SHEET	2 OF 3

GRAPHIC SCALE MEASURES 1 INCH ON FULL-SIZE PLANS

EXHIBIT A



GRAPHIC SCALE DIMENSIONS IN INCH
ON TOTAL SHEET FOLDERS

NO.	HISTORY / REVISION	BY	CHK.	DATE

DAVIS TOWNHOMES
A PLANNED COMMUNITY
UTILITY PLAN

DANIEL DAVIS
1051 TODD ROAD, SANTA ROSA, CA. 95407

NO.	HISTORY / REVISION	BY	CHK.	DATE

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EXHIBIT B
FINAL CONDITIONS OF APPROVAL

Use Permit for solely-residential development in a commercial district, Planned Community Zoning Designation, Visual Resource Analysis Study Approval, Tentative Subdivision Map, and Adoption of a Mitigated Negative Declaration
6737 Sebastopol Avenue
APN 004-063-036, File 2018-82

Conditions of Approval:

1. Plans and elevations shall be in substantial conformance with plans prepared by Katherine Austin, and date-stamped received on December 19, 2018, and on file at the City of Sebastopol Planning Department, except as modified herein or by the Design Review Board. Any modifications to the plans shall be reviewed and approved by Staff prior to modification.
2. No additions to habitable space shall be allowed. Additions to exterior decks, porches, and patios, as well as accessory structures, shall be subject to the development standards included in Exhibit A Findings for Approval.
3. The Final Map submitted for review and approval shall be substantially consistent with the Tentative Map approval which is granted for 18 residential townhouse lots; common parcel areas for parking and vehicle egress, and pedestrian and bicycle access; common landscaped open space; emergency egress; and a restricted open space environmental buffer as indicated on the tentative map and these conditions.
4. The applicant shall provide an Irrevocable Offer of Dedication of the sidewalk extending from the Joe Rodota Trail to the east side of the property.
5. Aesthetics
 - 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. Any future modification of exterior colors shall require approval of the Planning Director prior to the application of such colors.
 - 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.
6. Air Quality
 - 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.

7. Biological Resources

- 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 or structures shall be permitted inside the 50' setback buffer area. Passive recreation uses (pedestrian trails, benches, etc.) may be allowed with a Use Permit approved by the Planning Director.
- 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 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); *Setophaga petechia* (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.

8. Cultural 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.

9. Transportation/Traffic

- 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 Village Park Mobile Home Park and the Davis Townhomes properties shall be unlocked and opened in case of emergencies to allow for emergency evacuation.

10. The project lighting shall use downcast (“dark sky compliant”) lighting and conscientious placement of any proposed lighting. The detailed lighting plan shall be reviewed by the Design Review Board for compliance this requirement.
11. The applicant shall provide documentation as needed for compliance with the environmental mitigations listed in these conditions and the Project’s Mitigated Negative Declaration.
12. Inclusionary Housing
 - a. The applicant shall fulfill the Inclusionary Housing requirements by providing the Inclusionary Units on-site. The number of units shall be in compliance with SMC 17.250.050(A).
 - b. Inclusionary Units shall be constructed at the same time as the market rate units.
 - c. The exterior appearance of the Inclusionary Units shall be the same as the market rate units in exterior materials and finish. This condition shall be maintained as an on-going condition.
 - d. Prior to approval of the Final Map by City Council, the applicant shall file a plan, for review and approval by the City Council, outlining how the Project will meet the Inclusionary Housing requirements listed in SMC 17.250. These requirements include, but are not limited to, number of units and rate of affordability; distribution and location of the units within the development; any requests for alternative amenities or modification to the size of the units.
 - e. Prior to approval of the Final Map by City Council, the applicant shall file a plan for review and approval by the City Council, of the on-going affordability administration through the Housing Land Trust of Sonoma County.
 - f. The Final Map shall bear a note indicating whether compliance with this section must be met prior to issuance of a building permit for each lot created by such map, and, as applicable, shall designate which lots are required to be developed with inclusionary units.
 - g. Prior to recording of the Final Map, the City Council shall approve an Inclusionary Housing Agreement governing and encumbering the project, as well as the form of an Affordable Housing Agreement and “Regulatory Agreement” governing and encumbering each of the Inclusionary Units. The Inclusionary Housing Agreement shall be executed by and between the City and Developer and recorded concurrently with the recording of a Final Map.
13. Prior to approval of a Final Map, final CCR’s (Codes, Covenants and Restrictions) shall be submitted for review and approval by the City Attorney, Planning Department, and City Engineer that implement the project as presented in the Project application materials and these conditions of approval This shall include ongoing obligations of the homeowners associated to maintain improvements within the subdivision.
14. The development’s CCRs shall include details regarding the maintenance of common and/or private open space located on the project site. This shall include a prohibition of the use of non-biodegradable and toxic chemicals in maintenance of both common and private open space areas.
15. The development’s open spaces (including the 50’ buffer from the Railroad Forest) shall be maintained by the property owner, not by the City. Maintainance shall be consistent with the City’s adopted Laguna Wetlands Preserve Restoration and Management Plan.

16. The project site includes protected trees intended to remain. Protective measures are required for these trees. All final tree protection measures shall be submitted for review and approval by the City Arborist prior to issuance of Improvement Plans.
17. A Tree Removal permit is required for the one tree proposed for removal.
18. Design Review approval is required by the Design Review Board for the design of the units, carports, site features, landscaping, and other amenities.
19. A Flood Plain Development Permit shall be required prior to any construction, and the Project shall comply with the City's Floodplain Ordinance (SMC 15.16).
20. The project shall be subject to impact fees as adopted by Council.
21. 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.
22. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
23. The Tentative Map shall expire 24 months after its approval or conditional approval unless an extension is approved as provided in SMC 16.28.100 and in accordance with the State Subdivision Map Act.
24. All other approvals than the Tentative Map shall be valid for three years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.250.050 of the Zoning Ordinance.

Public Works/ Engineering Department:

25. Submittals for Engineering Plan Check shall be made at the Public Works Department. Plan Check Deposit shall be paid at the time of submittal. Call (707) 823-2151 for information.
26. Any exceptions or variances from these conditions will require the written approval of the City Engineer or approval of the City Council if required by City Code.

PRIOR TO APPROVAL OF THE SITE IMPROVEMENT PLANS, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

Final Map

27. A Final Map and prepared by a licensed surveyor or civil engineer, shall be prepared and submitted for the review and approval of the City Engineer. The map shall conform to the requirements of the Subdivision Map Act and local ordinances. Upon recording of the map, the subdivision is valid.
28. All property corners of lots within the subdivision shall be monumented with no less than 3' long by 1/2" diameter galvanized steel pipe imbedded no less than 24" into the earth, except

as expressly permitted in writing by the City Engineer.

29. The following notes shall appear on the Local Agency sheet of the Final Map:
 - a. "Building Permits shall be subject to payment of development fees in effect at the time of permit issuance."
 - b. "A 20 foot setback for fences greater than 3 feet in height is required on all street frontages and corner lots if required by the City Engineer."
30. The Final Map shall state:
 - a. The assessor's parcel number
 - b. Total area of land being subdivided (in acres)
 - c. Total number of lots being created
31. Developer shall either complete the required construction prior to recordation of the map or enter into an Improvement Agreement and post security with the City of Sebastopol prior to the filing of the Final Map, agreeing to complete the required construction within 24 months after the filing of the map. The Improvement Agreement shall be recorded with the map.
32. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Sebastopol.
33. The applicant shall execute a covenant running with the land on behalf of itself and its successors, heirs, and assigns agreeing to annex this subdivision into the existing City of Sebastopol Lighting Assessment District.
34. The developer shall submit CC&Rs for the project, which provide for the maintenance of the private facilities, including, but not limited to, the private streets and utilities.
35. The Access Easement in favor of APN 004-063-017 shall be dedicated on the Final Map and via a separate easement deed.
36. The developer shall dedicate a Public Utilities Easement for the onsite public waterlines from the west end of the Morris St right of way, up to and including the fire hydrants and water meters, and the public line that extends east to serve APN 004-063-017.

Improvement Plans – General

37. Improvement Plans prepared by a Registered Civil Engineer shall be submitted for the review and approval of the City Engineer showing grading, paving, utilities and drainage. The improvements plans shall include street and utility information including all concrete curb and gutter, sidewalk, striping and signing, paving, water lines and sewer lines, erosion control and any necessary transitions for the portion of the public street fronting the development. All improvements shall be in accordance with the City of Sebastopol Standard Improvement Details. Improvement Plans shall include a Storm Water Pollution Prevention Plan including winterization and erosion protection.
38. The improvement plans for work in the State right of way shall also be submitted to Caltrans for Encroachment Permit review. The developer shall obtain an Encroachment Permit for the work within the State right of way prior to approval of the improvement plans by the City. The

developer's contractor shall obtain an Encroachment Permit to perform the work in the State right of way prior to beginning that work.

39. The improvement plans must be evaluated by an arborist to assess the impact of the development on any existing trees and develop a site specific Tree Protection Plan. Improvement Plans shall include the location and size of all existing trees to be removed, and trees to remain. Trees on adjacent property which overhang the project boundary shall be afforded equal protection. Improvement plans shall show all measures identified in the Tree Protection Plan as needed, to protect trees during construction.
40. The project shall include post-construction stormwater BMPs in accordance with the City's Low Impact Development manual and Section 15.78 of the Municipal Code.
41. The following notes shall appear on the improvement plan cover sheet:
"During construction, the Developer shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and streets."

Improvement Plans – Specifics

42. Morris St: Any failed portions of Morris St shall be removed and replaced up to the intersection at Sebastopol Ave/HWY 12.
43. Interior Drive Aisles: The developer shall construct the drive aisle over the Access Easement in favor of APN 004-063-017 with a minimum of 3 inches of asphalt over a minimum of 12 inches of aggregate base.
44. Emergency Vehicle Access: The surface of the Emergency Vehicle Access shall be constructed to the satisfaction of the Fire Marshall.

Soils

45. The applicant shall submit to the City of Sebastopol for review and approval, a detailed Soils Report certified by a Civil Engineer registered in the State of California and qualified to perform soils work. The report shall include a minimum of geotechnical investigation with regard to liquefaction, expansive soils, and seismic safety. The report shall also include pavement recommendations based on anticipated subgrade soils and traffic loads. The grading and improvement plans shall incorporate the recommendations of the approved Soils Report.

Undergrounding

46. During construction all utility distribution facilities on site shall be placed underground, except surface-mounted transformers, pedestal mounted terminal boxes, meter cabinets, and fire hydrants. Appropriate easements shall be provided to facilitate these installations.

Streets, Traffic & Circulation

47. No pervious paving or stamped concrete shall be installed in the existing or future public right of way.
48. Any additional proposed pavement removal and re-paving will be subject to the review and approval of the City Engineer.

Grading

49. The applicant shall submit to the City of Sebastopol for review and approval, a grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall post sufficient surety guaranteeing completion.
50. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.
51. The grading plan shall clearly show areas of possible soil contamination, along with the appropriate steps to deal with contaminated soils.
52. Both temporary and permanent erosion control plans shall be submitted for review and approval along with the grading plan. Permanent erosion control measures shall include hydroseeding of all graded slopes within 60 days of completion of grading.
53. If the site will require import or export of dirt, the applicant shall submit in writing the proposed haul routes for the trucks and equipment. The haul routes must be approved by the City prior to import/export work commencing.

Storm Drain

54. The applicant shall submit to the City of Sebastopol for review and approval, drainage plans, hydrologic, and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:
 - a. Quantities of water, water flow rates, drainage areas and patterns and drainage courses. Hydrology shall be per current Sonoma County Water Agency Standards.
 - b. Project drainage shall be designed using the 10-year storm average flow and 100 year peak flow.
55. No drainage may discharge across sidewalks.
56. Any proposed bioswales must be wholly contained outside of the existing or proposed public right of way.
57. All storm drain inlets shall be permanently marked using a permanent polyurethane marker with the legend, "No Dumping – Drains To Creek."
58. The applicant shall demonstrate for each building pad to the satisfaction of the City of Sebastopol as follows:
 - a. Feasible access during a 10-year frequency storm.

Water

59. The developer shall install new domestic, irrigation and fire service laterals to serve the new building. All water mains shall be sized to provide adequate fire flows to the buildings. All water services shall be provided with backflow prevention devices in accordance with State and City standards.
60. New water laterals shall be constructed in accord with City Standards. Meter locations shall be subject to approval by the Sebastopol Public Works Department. The improvement plans shall show water services to each lot.

61. Fire protection shall be in accord with the requirements of Sebastopol Fire Department. With the submittal of the improvement plans, calculations shall be provided to the City and the Sebastopol Fire Department to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows.
62. New water mains and fire hydrants shall be constructed and functional prior to the issuance of the building permit for any above-ground structures.
63. All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved.
64. All aboveground backflow hardware shall be screened with an architectural screen compatible with the adjacent building.

Wastewater (sanitary sewer)

65. A sanitary sewer application shall be submitted to the Building Department for review and approval. Discharge permits for individual uses shall be subject to the requirements of the City of Santa Rosa Utilities Department, Environmental Compliance Division, for Sewer Use Permits.
66. The sewer main in Morris St east of the existing manhole shall be private, and shall be so noted on the improvement plans.

Miscellaneous

67. The improvement plans shall include detailed landscape construction drawings for work proposed in the public right of way.
68. Any trees planted within 10 feet of a public street curb shall include a root barrier acceptable to the City Engineer and the City Arborist.
69. The improvement plans shall include an onsite signing and striping plan which clearly delineates traffic control and parking restriction requirements.

PRIOR TO CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY

70. No construction shall be initiated until the Improvement Plans have been approved by the City, all applicable fees have been paid, an encroachment permit and/or grading permit has been issued and a project schedule has been submitted to the City Engineer and a pre-construction conference has been held with the City Engineer or his designee.
71. Developer shall secure encroachment permits from the City and from Caltrans prior to performing any work within the City or State right of way or constructing a City facility within a City easement.
72. Applicant must file a **Notice of Intent To Comply With the Terms of General Permit to Discharge Storm Water Associated with Construction Activity** (NOI) with the State of California Water Resources Control Board, and obtain a permit, prior to commencement of any construction activity.

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

73. All construction shall conform to the City Standard Details and Specifications dated July, 1998, all City Ordinances and State Map Act and the approved plans.
74. The developer shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any buildings to the City water or wastewater systems.
75. All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.
76. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
77. Prior to placing of asphalt, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
78. Prior to placing the final lift of asphalt, all sanitary sewer lines shall be video inspected at the expense of the contractor/developer. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
79. The Contractor shall be responsible to provide erosion and pollution control in accordance with the approved plans and permits.
80. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
81. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation 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.
82. Hours of work for both public improvements and private improvements shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday. Work on Sunday will only be permitted with written permission from the City. Violation of these working hours shall be deemed an infraction and upon conviction thereof, shall be punishable as prescribed by law.
83. Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur.

84. If the existing public streets are damaged during construction, the contractor/developer shall be responsible for repair at no cost to the City.
85. If, during construction, the contractor damages any existing facilities on the neighboring properties (i.e. fences, gates, landscaping, walls, etc.) contractor shall be responsible to replace all damaged facilities.

PRIOR TO OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

86. Prior to acceptance of improvements or occupancy of building, existing curb, gutter and sidewalk to remain shall be inspected by the Public Works Superintendent. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.
87. All streets shall be paved, all public utilities installed and all signage relating to traffic control (stop signs, etc.) shall be installed.
88. All improvements shown in the improvement plans for any individual parcel deemed necessary for the health, safety and welfare of the occupant and general public shall be completed prior to occupancy of that parcel.
89. The civil engineer/land surveyor shall file Elevation Certificates for the dwellings in the subdivision.

PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

90. Sufficient surety guaranteeing the public improvements for a period of one year shall be provided.
91. A complete set of **As-Built** or Record, improvement plans on the standard size sheets will be certified by the Civil Engineer and returned to the City Engineer's office prior to final acceptance of the public improvement. In addition, the plans shall be submitted on a CD-ROM in pdf format. These plans shall show all constructive changes from the original plans including substantial changes in the size, alignment, grades, etc. during construction, and any existing utilities that were unknown on the original plans but discovered during construction. The Contractor shall pay a fee for having the improvements put into the City Base Map.