Agenda Report Reviewed by:
City Manager:

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date:	March 1, 2022
To:	Honorable Mayor and City Councilmembers
From:	Kelly Hickler, Senior Planner Kari Svanstrom, Planning Director
Subject:	7950 Bodega Avenue - Zoning Amendment to Modify the Zoning from Multifamily Residential (R7) to a Planned Community (PC), Conditional Use Permit to develop in a PC district, Tentative Map, and Initial Study/Mitigated Negative Declaration (Environmental Review pursuant to the California Environmental Quality Act /CEQA) for a 10-Unit Townhome Project known as "Huntley Square"
Recommendation:	Approval with Conditions
Applicant/Owner:	Bob Massaro/Huntley Square LLC
File Number:	2020-005
Address:	7950 Bodega Avenue
CEQA Status:	Mitigated Negative Declaration
General Plan:	High Density Residential (HDR)
Zoning:	R7 (Existing); PC (Proposed)

Funding: Currently Budgeted: _____ Yes _____ No ___X___ N/A

Account Code/Costs authorized in City Approved Budget (if applicable) __AK_____ (verified by Administrative Services Department)

INTRODUCTION:

This is a request for the City Council to review: 1) a zoning amendment to modify the zoning from Multifamily Residential (R7) to a Planned Community (PC), 2) a Conditional Use Permit to develop in a PC district, 3) a Tentative Map, and 4) an Initial Study/Mitigated Negative Declaration (IS/MND) for a 10-Unit Townhome project known as Huntley Square located at 7950 Bodega Avenue. These requests require City Council review to ensure that they meet the required findings as detailed later in this Staff Report. The project will also require Design Review Board (DRB)/Tree Board review to ensure that it meets the City's design and tree preservation objectives.

The Planning Commission held a public hearing for this application at their November 9, 2021 meeting as required prior to the City Council public hearing and adopted a Resolution recommending approval to the City Council for items 1-4 above. Minutes from the Planning Commission meeting are attached for reference and more details pertaining to this meeting will be discussed later in this Staff Report. The project was also presented to the DRB/Tree Board as a conceptual review on April 21, 2021, as required prior to the Planning Commission public hearing. Minutes from the DRB/Tree Board meeting are attached for reference.

The applicant is also requesting the City Council provide direction on the previously reviewed request from the applicant for financial assistance in constructing the frontage improvements. This direction can be done by minute order after the Entitlements have been reviewed and determined.

SUMMARY OF ENTITLEMENTS:

Zoning Amendment
The applicant is requesting a zoning amendment to modify the zoning from Multifamily Residential (R7) to a Planned Community (PC).

Conditional Use Permit
The applicant is proposing to develop a residential project in the PC zoning district. A Conditional Use Permit is required for development in the PC zoning district to ensure that the changes from the base zoning (R7) to PC meet the criteria of the Zoning Ordinance.

Tentative Map
The applicant proposes to develop a 10-lot subdivision with lot sizes ranging from 686 to 848 sq. ft. and a 9,535 sq. ft. common area.

Initial Study/Mitigated Negative Declaration (IS/MND)
Pursuant to California Environmental Quality Act (CEQA) Guidelines §15063, staff prepared an IS/MND to assess and mitigate the potential adverse environmental effects of the project. The IS/MND identified potentially significant impacts regarding Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources, and Noise. However, mitigation measures were identified that would reduce these potential impacts to a less than significant level. These mitigation measures will be applied to the project as Conditions of Approval.

PROJECT HISTORY/PRIOR REVIEW:

Planning Commission
The Planning Commission conducted a public hearing for the proposed project on November 8, 2021 and voted unanimously to recommend the City Council certify the CEQA Initial Study and Mitigated Negative Declaration, approve the PC zoning amendment, the Conditional Use Permit, and the Tentative Map. The Planning Commission recommended for City Council to consider whether to allow left turns from Golden Ridge Avenue eastbound onto Bodega Avenue. At one time there were pavement markings prohibiting left hand turns, but these are now faded, and the prohibition is no longer enforced. The City's traffic consultant, W-Trans, noted this intersection has been functioning with allowing left turn lanes for years, and does not see a need to retain a 'no left turn' designation. The Planning Commission also recommended for City Council to consider coordinating with the adjacent neighbors on preferred construction days and times on weekend days.

Design Review Board (DRB)/Tree Board
The project was presented to the DRB/Tree Board as a conceptual review of the PC Zoning (and other issues) on April 21, 2021, as required prior to the Planning Commission public hearing. The DRB/Tree Board provided a unanimous recommendation to the Planning Commission to approve the proposed PC Zoning. Minutes from the meeting are attached for reference. If the project is approved by City Council, the applicant will need to return to the DRB/Tree Board for a formal Design Review public hearing and approval.

SITE AND SURROUNDING USES:

The project site is one of the few remaining vacant parcels in an established residential neighborhood fronting on the north side of Bodega Avenue about a mile west of downtown Sebastopol. The tract on the south side of Bodega Avenue is the privately owned Sebastopol Memorial Lawn Cemetery. To the east of the cemetery is the City's Burbank Farm historic site and city park and Burbank Heights & Orchards senior housing complex. The project site is presently notable for its elevation above the street level and the prominent embankment that interrupts the pedestrian sidewalk and supports a thick a cluster of mature oak trees.

The neighborhood is notable for its residential environment amid a consistent canopy of mature trees, with small neighborhood commercial developments interspersed along the corridor. The surrounding properties are all residential in character occupied by one- and two-story structures. The current underlying zoning of the properties along the north side of Bodega Avenue is R7 Multifamily Residential, and within that district are several planned community developments. The adjacent parcel on the east side at 120-132 Golden Ridge Avenue is a planned community of six two-story townhome condominiums on small zero lot line lots with a common area. The adjacent parcel on the north side is also a planned community of seven one- and two-story condominium residences. The adjacent parcel on the west side is also occupied by several multiple family residences. There is another planned community of residential apartments on the north side of the block at 220 Golden Ridge Ave.

PROJECT DESCRIPTION:

The project proposes to construct two ownership residential buildings on a 0.39-acre parcel. Each building will include five attached townhome-style studio units for a total of ten units. (For purposes of calculating allowable densities, SMC 17.200.020 counts studio units as one-half of a dwelling unit (DU); therefore, the project is considered to have five DU). All units will be under 600 sq. ft. Six of the units will include lofts, while the remaining four units will be single story units. The entrances to the four single story units will be at grade and wheelchair accessible/adaptable. The residential structures would be located along the southern two thirds of the property. The driveway entrance to the resident parking is off Golden Ridge Avenue across a deeded 25' easement along the northern third of the property and includes 10 parking spaces. The project includes nine parallel public parking spaces on Bodega Avenue for guests and deliveries. There will be a landscaped pedestrian access path going from Bodega Avenue that connects to a shared courtyard between the residential structures and to the resident parking area. The project will be designed to mitigate urban runoff and includes a Priority 1 Swale with Bioretention for on-site stormwater treatment so that overland runoff is minimized before being dissipated off-site.

Currently, there are no sidewalks on the south side of Bodega Avenue and on a section of the north side of Bodega Avenue from 260 feet east of Pleasant Hill Avenue North to approximately 100 feet west of Golden Ridge Avenue. As part of the project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes, on-street parking, and a new sidewalk to fill this gap.

ANALYSIS:

The following sections analyze the project for consistency with the City's General Plan and Zoning Ordinance.

General Plan Consistency

The General Plan Land Use Designation for the site is High Density Residential (HDR). The General Plan states that the HDR designation includes "areas suitable for multifamily dwellings at a density of 12.1 to 25 dwelling units (DU) per acre. This designation is suitable for duplexes, apartments, townhouses, and other attached dwelling units." The project is consistent with the intent of the HDR designation in that it would provide 10 townhome-style studio units. The project is also consistent with the density requirements of the HDR designation in that the 10 studio units would count as five DU (per SMC 17.200.020), which would be equivalent to 12.8 units per acre (5 DU / 0.39 acres).

The project is also consistent with the following General Plan goals and policies as follows:

- Goal LU 6 as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.
- Policy LU 6-2 as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.
- Policy LU 6-3 as it supports the construction and occupation of very small houses.
- Housing Goal A-1 as it is an adequate site for housing development in the City of Sebastopol.
- Housing Action A-1 as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.
- Housing Goal C-1 as it facilitates new housing production.
- Housing Policy C-4 as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.
- Housing Goal F-1 as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.
- Housing Goal G-1 as it promotes land use policies and development standards to facilitate housing production.
- Housing Goal G-3 in that if the rezoning is approved, the project removes government constraints that affect the amount of land required for new housing.
- Housing Policy G-1 in that if the rezoning is approved, the project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.
- Goal CIR 2 in that as part of the project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.
- Goal COS 9 as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.
- Policy COS 9-1 as it will meet and comply with CALGreen Tier 1 standards.
- Policy COS 9-2 as energy conservation is an important criterion in the development review process.

Zoning Ordinance Consistency

While much of the project conforms with the standards and context of the existing R7 district, there are key elements essential to the configuration of the project that fall outside the parameters of the current R7 district standards, which is why the applicant is requesting to amend the zoning to a Planned Community (PC) district. The table below provides a comparison of the R7 and PC district development standards and is followed by an outline of the key similarities and differences.

Development Standards Comparison		
	Current R7 District Standards (SMC 17.20)	Proposed PC District Standards (SMC 17.40)
Minimum Lot Area	• 8,000 sq. ft. • 1,500 sq. ft./unit, with smaller lot sizes allowed for attached units, (Small Lot Subdivisions, SMC 17.230.090)	• 686 to 848 sq. ft. for individual lots • 9,535 sq. ft. for common area
Maximum Building Height	• 30', 2-stories	• 30', 2-stories
Accessory Buildings Height	• 17'	• Not permitted on individual lots • 17' for common area (parking area)
Front Yard Setback*	• 10' (frontage on Bodega Avenue)	• Common area (frontage on Bodega Avenue) = 10' • Individual lots (interior to project, east and west) = 0'
Interior Side Yard Setback*	• 9' (10% of lot width, or 5 ft., whichever is greater, not to exceed 9 ft.), at east / west sides	• 8' (east/west sides) • 0' (setback between the new lots/units)
Rear Yard Setback*	• 25' (20% of the lot depth, no less than 20 ft. nor greater than 25 ft)	• Common area setback (original rear yard/ north property line) = ~47' • Individual lots (east and west property lines) = 8'
Accessory Structure Side Setback	• 3'	• Not permitted on individual lots • 3' on common parcel
Accessory Structure Rear Setback	• 3'	• Not permitted on individual lots • 3' for common area (north property line)
Max Lot Coverage	• 40%	• 38.2%
Density (DU per acre)	• 1 DU/3,600 sq. ft. min. (4.7 DU) • 1 DU/1,743 sq. ft. max. (9.75 DU)	• 5 DU (SMC 17.200.020 counts studio units as .5 DU)
Parking	• 1 space per studio unit = 10 spaces	• 1 space per studio unit = 10 spaces required

		• 10 off street spaces + 9 on-street spaces = 19 spaces provided • Applicant will be required to provide electric vehicle charging spaces, as discussed later in this report
Bicycle Parking	• 0.5 spaces/DU = 5	• 5 spaces proposed
Open Space	• 50 sq. ft./DU minimum	• 140 sq. ft./DU minimum, including covered rear patio

*Current lot configuration: Front yard (south property line); Interior sideyards (west/east); Rear Yard = north property line). The "proposed" column presents both the setbacks proposed to external adjacent properties as well as internal to the units. Within the units, the front yards will be east/west at the center of the site, the rear yards will face adjoining east/west external properties (currently interior side yard).

Key similarities between R7 and PC district standards

1) Attached single-family dwellings are a permitted use in the R7 district and a conditionally permitted use in the PC district.
2) Height maximum is the same at 30', 2-stories.
3) Front yard setback (for common area) is the same at 10'.
4) North setback (current rear yard setback) is the same at 25' (with ~47' proposed from the main structures to the north property line).
5) Required parking spaces (vehicle and bicycle) are the same at 5 spaces.
6) Proposed lot coverage is consistent with the R7 maximum of 40% (38.2% is proposed).
7) Proposed open space (140 sq. ft./DU private space, plus the front yards) exceeds the 50 sq. ft./DU minimum.

Key differences between R7 and PC district standards

1) While the overall lot size meets the R7 lot size, the minimum individual lot size for the PC district is smaller than the R7 district; however, it would meet the requirements for a Small Lot Subdivision as it is proposing attached units. If the project site is rezoned to PC, it would not be subject to Small Lot Subdivision standards; however, this comparative information is being included as the City Council may find it useful.
2) The interior side yard setbacks between the units would be zero as they are townhomes.
3) The current interior side yard setbacks on the east and west sides are 9 ft. The applicant is proposing these be the rear yards of the units, and to change this setback to 8'. The DRB reviewed this proposed change at their April 21, 2021 meeting, determined this adjustment was appropriate, and unanimously voted to forward this recommendation to the Planning Commission.

PC District Development Criteria (SMC 17.40.040)

Below is a list of the development criteria that must be adhered to in all PC districts and an analysis of how the project meets those criteria.

1) *Buffering, which may include fencing, landscaping, or open space, between the proposed project and the surrounding area shall be provided by the proposed project so as to be compatible with adjacent uses.*

The project will provide fencing and landscaping to serve as a buffer and provide compatibility between adjacent properties.

2) *Proposed projects shall provide amenities on site to include landscaping, parking, and, as appropriate, storage space for residential units.*

   The project will provide sufficient amenities including landscaping, the required number of parking spaces, private yards, and storage space for each unit.

3) *A PC District is required to be a minimum of 12,000 square feet in size.*

   The lot is 16,972 sq. ft. and exceeds the 12,000 sq. ft. minimum lot size.

4) *Proposed projects shall provide not less than 10 percent of the gross site area for private open space and/or community or site-user activity. Individual yards that comply with the guidelines set forth in SMC 17.20.040 may be counted toward this requirement. Such activity space may be planned and designed for active or passive recreational use by employees, site visitors, and/or the general public. The space shall be in addition to parking and storage areas.*

   The gross site area is the total area of land that is proposed for development, including access, parking, and landscape areas, which is 16,972 sq. ft. Ten percent of the gross site area equals 1,697.2 sq. ft. As shown in the Lot & Unit Area Calculations table on sheet A1.0 of the site plan, the project will provide 1,989 sq. ft. of private open space, so this requirement is met.

The purpose of the PC District is to allow for comprehensively designed and well-planned residential developments which create an integrated community wherein all land uses are planned and designed in a comprehensive "master plan" approach, including such aspects as shared access and roadways, open space, infrastructure, architecture, and landscaping. The PC District provisions are intended to encourage, through utilizing freedom of design which may deviate from the strict requirements of, but which will surpass the quality required by, the existing R7 zoning. Staff finds that the project, as conditioned in Exhibit B, Conditions of Approval, would be consistent with the Zoning Ordinance.

Off-Street Parking Regulations (SMC 17.110)

The project is required to provide one off-street parking space per studio unit. The project proposes 10 studio units, which requires 10 parking spaces, and these will be provided on the northern portion of the property. The parking area will be accessed via a deeded 25' easement that connects to Golden Ridge Avenue. There is an existing maintenance agreement for the easement and it is included as an attachment.

The project is required to provide a minimum of five bicycle parking spaces, which the applicant is aware of and has provided for. The details of the bicycle parking will be finalized during Design Review. Staff does highly recommend *all* units have some sort of provision for bicycle parking if possible. For instance, in addition to the shared bicycle racks in the center of the site, the two southernmost units (closest to Bodega Avenue) have access to the rear yards from the courtyard and could use their yards for bicycle storage.

The Code requires parking lots with 10 or more parking spaces to provide electric vehicle charging (EVC) stations. The applicant is aware of this and their Design Review application must identify one of the following options:

1) Electric vehicle charging infrastructure shall be sized to accommodate a minimum 40-amp 220 VAC charging to a minimum of 50 percent of parking spaces.
2) A minimum of 20 percent of vehicle parking spaces and at least one ADA space shall have a fully operational 30-amp electric vehicle service equipment (EVSE) unit installed with a functioning payment system. All electric vehicle charging systems and infrastructure shall be sized for adequate capacity to meet all safety requirements.
3) A 20 percent reduction in the total electric vehicle charging spaces required shall be provided for each 50 kW or above DC fast charger, up to a maximum reduction of 40 percent.

In addition to the off-street parking, the applicant is providing nine on-street public parking spaces on Bodega Avenue to be used for guest parking and deliveries. The City has had discussions with the applicant about striping one or two of the spaces and adding signage to designate it as a loading zone, and also adding signage at the driveway entry on Golden Ridge Avenue to direct deliveries to the loading zone. The applicant is agreeable to this, and details will be finalized during Design Review.

Residential Density Allowances (SMC 17.200.020)
As previously stated, Section 17.200.020 establishes that studio units count as one-half of a dwelling unit for the purposes of calculating allowable density. The applicant is proposing to construct 10 studio units, which means that for the purposes of calculating density, the project is counted as a density of five DU, which would be equivalent to 12.8 DU per acre (5 DU / 0.39 acres), and within the allowable density range for multifamily dwellings in the HDR General Plan land use (12.1 to 25 DU per acre). Additionally, the project would fall within the allowable density range for the existing R7 district (4.7 – 9.75 DU, rounded to 5-10 DU per SMC 17.10.030(E)).

Inclusionary Housing (SMC 17.250)
The project is exempt from the City's inclusionary housing requirement per SMC 17.250.030(B)(7) as it consists of single-family dwelling units that are less than 840 square feet and will be owner-occupied for a minimum of one year, following which they may be rented to a long-term renter with a minimum of a six-month lease. This requirement will be included as a condition of approval of the Final Map and CC&Rs (Codes Covenants and Restrictions) for the project.

TREE REMOVAL AND PRESERVATION:

The applicant submitted a Tree Preservation and Mitigation Report prepared by Horticultural Associates in August 2020. The Report evaluated a total of 15 trees, which includes all trees present on the site and overhanging the site. A peer review of the Report was prepared by Urban Forestry Associates, Inc., the City's consulting arborist for this project, in September 2021. During the DRB/Tree Board conceptual review on April 21, 2021, concerns were expressed regarding impacts of the retaining wall at the southeast portion of the site on a mature tree on the adjoining property. The DRB/Tree Board will provide final review and conditions related to tree protection and tree removal at a subsequent Design Review hearing, however, staff wanted to ensure that the project did not impact off-site trees prior to hearings on the Tentative Map configuration. The applicant has submitted revised plans with updated retaining wall construction details to avoid impacts to the tree, and this issue has been resolved to the satisfaction of both the project arborist and the City's arborist.

The project site currently contains numerous mature trees including native coast live oaks. Six of the eight coast live oaks present are planned for removal, including several large trees of diameter at breast height (DBH) ranging from 21" to 42". Two apple trees will also be removed. Other trees may be damaged by grading and construction. All trees on the project site are regulated under the City's Tree Protection Ordinance, which includes trees on a Protected Native Tree list with a DBH of 10" or greater, or any tree with a DBH of 20" or greater (except those identified as "escaped exotics"). Most of the trees proposed for removal meet these criteria, so proposed removals will require a permit from the City with review by the Tree Board, and replacement trees or fees as determined by the Tree Board or City Arborist. Impacts are expected to be less than significant with incorporation of mitigation measure BIO-3 from the IS/MND which states:

> "Where compatible with safety requirements, pruning instead of removal for mature oaks shall be considered. To offset the impacts from removal of protected trees, replacement trees shall be planted, following the Tree Ordinance ratios and species with replacement of native oaks with native oaks, to provide similar benefits to the site and community. If on-site planting of an adequate number of native trees is not possible, off-site planting of native oaks in a suitable nearby location (e.g., a City park) shall be considered.
>
> Protective measures defined in the Tree Preservation and Mitigation Report shall be followed during construction activities to minimize impacts to trees that will be retained."

IMPACT FEE REDUCTION / FINANCIAL ASSISTANCE:

The applicant previously requested a reduction to the impact fees for the project given the anticipated costs of the frontage improvements (particularly due to the unique parcel configuration along the frontage), and the City's desire to see adequate sidewalks for this project. This was discussed at Planning Commission meeting on November 12, 2019 and a City Council meeting on December 17, 2019. At that time, both Planning Commission and a majority of the City Council were supportive of Option #2 in the City Council staff report, as described below:

- Financial assistance in the amount of $69,550 of $160,000 of the improvements (43% of the total cost)
    - Funded through waiver of the Traffic Impact fee of $23,140 and reduction of the Underground Utility Fee of $92,500 to half, or $46,250)

City Council can, and should, determine this element after the hearing on the other project entitlements (adoptions of resolutions and ordinance readings). The Council can make a decision on the impact fee reduction now or at a future meeting. A decision on this element can be made via minute order. Links to staff reports and minutes for both meetings are provided below.

Link to Planning Commission November 12, 2019 staff report:
https://ci.sebastopol.ca.us/getattachment/Meeting-Event/Planning-Commission/2019/Planning-Commission-Meeting-of-November-12,-2019/PC-Staff-Report-with-Attachments_Item-7B_11-12-19.pdf.aspx

Link to Planning Commission November 12, 2019 minutes:
https://ci.sebastopol.ca.us/getattachment/Meeting-Event/Planning-Commission/2019/Planning-Commission-Meeting-of-November-12,-2019/11-12-19-PC-Minutes-Final-(1).pdf.aspx?lang=en-US&ext=.pdf

Link to City Council December 17, 2019 staff report:
https://ci.sebastopol.ca.us/getattachment/Meeting-Event/City-Council/2019/City-Council-Meeting-December-17,-2019/Agenda-Item-Number-7-Huntley-Square-Development-Agreement.pdf.aspx

Link to City Council December 17, 2019 minutes:
https://ci.sebastopol.ca.us/getattachment/Meeting-Event/City-Council/2019/City-Council-Meeting-December-17,-2019/Approved-December-17-2019-City-Council-Meeting-Minutes.pdf.aspx?lang=en-US&ext=.pdf

GOALS:

In addition to the General Plan policies and actions noted above, this action supports the following City Council Goals: Goal 9 - Enhance housing opportunities in Sebastopol and, when possible, provide assistance to housing projects.

PUBLIC COMMENT:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Sonoma West Times; and (3) posted three written notices publicly on and within vicinity of the subject property. Additionally, pursuant to CEQ.A Guidelines §15070, staff prepared an IS/MND which was filed with the State Clearinghouse and the Sonoma County Clerk/Recorder and available for public review from September 28, 2021 through October 27, 2021. The IS/MND is included as an attachment.

Several public comments have been received as of the writing of this staff report and the full text of the comments are provided as an attachment. No comments were received from any state agencies or responsible agencies on the IS/MND.

CITY DEPARTMENTAL COMMENTS:

The Planning Department circulated the application to the following City departments for review: Building and Safety, City Manager/City Attorney, Engineering, Fire, and Public Works. The Planning Department received comments from Building and Safety and the Fire Department, and these have been added as Conditions of Approval (Exhibit B).

REQUIRED FINDINGS AND STAFF ANALYSIS:

The required findings for the Zoning Amendment, Conditional Use Permit, Tentative Map, and IS/MND are presented below along with staff's analysis of whether each finding is met.

Zoning Amendment (SMC 17.445.030(B)(2))
The City Council shall determine whether the proposed amendment from R7 to PC:

1) Is compatible with the general objectives of the General Plan and any applicable specific plan.

   Staff analysis: Meets finding. The project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed above in the Analysis section of this Staff Report. There is no specific plan for the project site.

2) Is in conformity with public convenience, general welfare and good land use practice.

   Staff analysis: Meets finding. The existing zoning allows for the same residential use and density as is being proposed under the PC zoning.

3) Will not be detrimental to the public health, safety and general welfare.

   Staff analysis: Meets finding. The project will not have significant environmental impacts with the incorporation of mitigation measures and conditions of approval, including construction management requirements.

4) Will not adversely affect the orderly development of property.

   Staff analysis: Meets finding. The site will be residential within a block of other residential development of similar scale.

Conditional Use Permit (SMC 17.415.030)
Conditional Use Permits are discretionary and shall be granted only when the City Council determines that the proposed use or activity complies with the following findings:

1) The proposed use is consistent with the General Plan and all applicable provisions of SMC Chapter 17.

   Staff analysis: Meets finding. The project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed above in the Analysis section of this Staff Report. The project complies with all applicable provisions of SMC Chapter 17 as detailed above in this Staff Report.

2) The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), 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. In this instance, the Conditional Use Permit is associated with the change from the R7 zoning district to a PC zoning district, which allows for the modification of certain zoning regulations as discussed above and outlined in the table.

As noted above, the key differences between R7 and the project's proposed PC district standards are:

- The minimum individual lot size for the PC district is smaller than the R7 district. However, the overall lot size meets the R7 lot size, and it would meet the requirements for a Small Lot

Subdivision as it is proposing attached units (note, the project is not applying through this provision). If the project site is rezoned to PC, it would not be subject to Small Lot Subdivision standards; however, this comparative information is being included as the City Council may find it useful.

- The interior side yard setbacks between the units would be zero as they are townhomes.
- The current interior side yard setbacks on the east and west sides are 9 ft. The applicant is proposing these be the rear yards of the units, and to change this setback to 8'. The DRB reviewed this proposed change at their April 21, 2021 meeting, determined this adjustment was appropriate, and unanimously voted to forward this recommendation to the Planning Commission.

Staff analysis: Meets finding.

i. The Zoning Ordinance allows for multi-family residential development of the same density and the same general site development characteristics, with no major discrepancies proposed.
ii. The size and use of the proposed development is appropriate for the site. The proposed project includes one- and two-story residential structures and the surrounding properties are occupied by one- and two-story residential structures.
iii. The proposed project will provide additional for-sale housing opportunities within walking distance of existing residential, commercial and recreational uses.
iv. The Design Review Board/Tree Board conducted a preliminary review of the project and provided a recommendation to the Planning Commission and City Council to approve the project as proposed as compatible to the R7 zoning standards. The Planning Commission held a public hearing on November 9, 2021, and also found the PC zoning to be compatible with the surrounding uses and zoning, and unanimously recommended approval of the PC zoning to City Council.

Tentative Map (SMC 16.28.070(A))

In approving or conditionally approving a tentative map, the City Council shall find:

1) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, and other applicable provisions of this code; and

Staff analysis: Meets finding. The project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed above in the Analysis section of this Staff Report. The project complies with all applicable provisions of SMC Chapter 17 as detailed above in this Staff Report. There is no specific plan for the project site.

2) Except for condominium conversion projects where no new structures are added, that the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the City Council.

Staff analysis: Meets finding.

i. The project is required to comply with the California Green Building Standard Code (CalGreen) requirements for energy efficient buildings and appliances, including Tier 1 standards required by the City of Sebastopol (which are higher than the base State requirements for green

design). CalGreen Standards require that buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The project also incorporates many sustainable features which help reduce energy consumption, such as:

- A highly insulated, tightly sealed building envelope, with heat recovery fresh air ventilation
- High quality windows
- Solar photovoltaic system
- LED lighting throughout
- Energy efficient appliances and low flow water fixtures
- Durable and low maintenance exterior materials
- There will be No Natural Gas installed at the site, which coupled with the solar array will push the project to true "Zero Net Energy" which are homes that produce as much energy as they consume

IS/MND

Pursuant to California Environmental Quality Act (CEQA) Guidelines §15063, staff prepared an IS/MND to assess and mitigate the potential adverse environmental effects of the project. The IS/MND identified potentially significant impacts regarding Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources, and Noise. However, mitigation measures were identified that would reduce these potential impacts to a less than significant level. These mitigation measures will be applied to the project as Conditions of Approval. As mitigated by the IS/MND and by additional COAs, the project is consistent with the City's General Plan and Zoning Ordinance. The City Council should review the IS/MND and determine if it is adequate.

Updated Information After Public Review Period For IS/MND

The vehicle trip generation calculation was updated after the public review period ended for the IS/MND. The original estimate of 73 trips per day was based on rates in the ITE Trip Generation Manual for multi-family residential projects with a range of 1 to 3 bedroom units, which assumes 2.72 residents per unit and 7.32 daily trips per unit (10 units x 7.32).

Since the project only includes studio units, this calculation has been updated based on further analysis by the City's traffic consultant, W-Trans, to reflect studio units only, which assumes 1.75 residents per unit and 4.7 trips per unit, bringing the estimated number of daily trips to 47 (10 units x 4.7). This number represents a decreased impact and is less than the significance threshold of 110 trips per day, so no further action is necessary under CEQA.

Staff analysis: Meets finding. The project complies with CEQA Guidelines Section 15074 as detailed below:

i. Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
    a. The IS/MND is provided as an attachment to this Staff Report.

ii. Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the

environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

b. The City Council should consider any public comment received during public review period for the IS/MND and during the public hearing before making a recommendation.

iii. When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

c. The IS/MND and any other material which constitute the record of proceedings will be kept on file with the Planning Department at 7120 Bodega Avenue, Sebastopol, CA 95472

iv. When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

d. A Mitigation Monitoring Reporting Program is attached to this Staff Report.

v. A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

e. Not applicable. The project site is not within the boundaries of a comprehensive airport land use plan or within two nautical miles of a public airport or public use airport.

RECOMMENDATION:

Staff recommends that the City Council receive a presentation from the applicant, conduct a public hearing and consider any public comments, and deliberate. If it is the consensus of the City Council that the proposed project meets the required findings, the City Council should take the following steps including any modifications that City Council may wish to incorporate; and waive the first reading and introduce an Ordinance rezoning the parcel:

1) Adopt Resolution 22-XX approving the IS/MND, subject to the Findings and Mitigations included therein, as well as the Mitigation Monitoring Reporting Program; and

2) Adopt Resolution 22-XX approving the Conditional Use Permit and the Tentative Map, subject to the Findings and Conditions included in Exhibit A: Recommended Findings for Approval, and the Conditions of Approval included in Exhibit B: Recommended Conditions of Approval; and

3) Introduce and waive the first reading of an Ordinance rezoning the parcel from R7 to PC zoning, subject to the findings and Conditions included in Exhibit A: Recommended Findings for Approval, and the Conditions of Approval included in Exhibit B: Recommended Conditions of Approval.

Alternatively, the City Council could continue action on the project to obtain additional information or for other specified reasons; or find that the project does not meet the required findings and determine that a denial is appropriate. In that event, the City Council should articulate its rationale for denying the application, and staff will subsequently prepare findings in the event of a denial.

Lastly, the City Council should consider whether to approve the fee reduction request by the applicant to assist with the frontage improvements to the project. Should the Council move to approve this, they should make a motion to approve, by minute order, financial assistance for the frontage improvements that will be dedicated as public right-of-way in the amount of $69,550 funded through waiver of the Traffic lmpact fee of $23,140 and reduction of the Underground Utility Fee of $92,500 to half, or $46,250).

Exhibits

City Council Resolution 22-XX Approving the IS/MND (including Mitigation Monitoring Reporting Program exhibit)
City Council Resolution 22-XX Approving the Conditional Use Permit and Tentative Map (including Exhibit A: Tentative Map, Exhibit B: Recommended Conditions of Approval)
City Council Ordinance Rezoning the Parcel from R7 – Multifamily to PC - Planned Community

Attachments

1) Application Materials, including Easement Maintenance Agreement / Supplemental information from applicant
2) Project Drawings
3) Planning Commission Resolutions 21-02 and 21-03
4) Minutes from 11/8/21 PC meeting
5) Minutes from 4/21/21 DRB/Tree Board Meeting
6) Public Comments
7) IS/MND and Attachments

RESOLUTION NO. ___

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 7950 BODEGA AVENUE (APN 004-350-024)

WHEREAS, an application for a zoning amendment to modify the zoning from Multifamily Residential (R7) to a Planned Community (PC), a Conditional Use Permit for development in a PC district, and a Tentative Map for a 10-Unit townhome project known as Huntley Square (the "Project"), was filed on January 21, 2020, by Bob Massaro, which consists of subdividing a vacant 0.39 acre parcel (APN 004-350-024) into 10 lots and four common areas, to be developed with 10 townhome-style studio units, landscaped areas, and parking. Parking will be provided via a surface parking lot on a common area lot; and

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 September 28, 2021, to October 27, 2021, including CEQAnet 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, 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, one public comment was received related to the Draft Initial Study/Mitigated Negative Declaration component of the Project and three general comments related to the overall Project; and

WHEREAS, the Mitigated Negative Declaration identifies potentially significant impacts regarding Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources, and Noise as outlined in the Initial Study/Draft Mitigated Negative Declaration; and

WHEREAS, there are available feasible mitigation measures listed below that would reduce these impacts below a level of significance and would be applied to the Project as conditions of approval:

1. Aesthetics – *Aesthetic concerns are associated primarily with temporary construction impacts.*
    a. AES-1: Construction fencing shall be placed along the periphery of the project site to screen construction activity from view.

2. Air Quality – *Air quality concerns are associated primarily with temporary construction impacts.*

a. AQ-1: Basic measures to control dust and exhaust shall be utilized 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 City 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 special-status and common bats, nesting birds, and native trees.*
    a. BIO-1: Special-status and Common Bats
        i. To avoid impacts on special-status and common bat species within the project site, the following protection measures shall be implemented.
        ii. Prior to tree removal or trimming (for all trees greater than 6 inches DBH), a qualified biologist shall survey for bat roosts. If active bat roosts area identified, disturbance shall not be allowed until the roost is abandoned or unoccupied. If the qualified biologist determines special-status bat species area present, CDFW consultation may be required.

iii. If occupied roosting habitat is identified by the qualified biologist, disturbance of roost trees shall not be allowed until the roost is abandoned or unoccupied and/or CDFW is consulted. If bats are present, a number of deterrent methods can be used to encourage bats to relocate (for non-CDFW listed species). This could include changes to lighting, air flow patterns, and noise disturbance. Exclusion methods shall be developed based on the species present and location of occupied roosts. Bat exclusion shall not be performed during the maternity season (June through August) or during winter hibernation (November through February). Bat exclusion shall be overseen by a qualified biologist. This could only occur in March, April, May, September, and October.

iv. If tree trimming or removal is postponed or interrupted for more than two weeks from the date of the initial bat survey, the biologist shall repeat the pre-construction survey.

v. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats and other nocturnal wildlife.

b. BIO-2: Nesting Birds

i. To the extent feasible, vegetation and tree removal shall occur during the non-breeding season (late August to early March) to limit the potential for birds to nest within the project site.

ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around it.

iii. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.

- If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance.

- If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.
- If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.

c. BIO-3: Native Trees
    i. Where compatible with safety requirements, pruning instead of removal for mature oaks shall be considered. To offset the impacts from removal of protected trees, replacement trees shall be planted, following the Tree Ordinance ratios and species with replacement of native oaks with native oaks, to provide similar benefits to the site and community. If on-site planting of an adequate number of native trees is not possible, off-site planting of native oaks in a suitable nearby location (e.g., a City park) shall be considered.
    ii. Protective measures defined in the Tree Preservation and Mitigation Report shall be followed during construction activities to minimize impacts to trees that will be retained.

4. Cultural Resources - *Cultural Resources concerns are associated with any potential prehistoric or historic-era resources and human remains encountered during construction activities.*
    a. CR-1: Post-Review Discovery
        i. If a prehistoric or historic-era resource(s) is encountered by equipment operators during project-related ground-disturbing activities, work shall be halted within 50-feet of the discovery area until a Secretary of Interior-qualified Archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource.

    b. CR-2: Human Remains
        i. If human remains are encountered within the project area, all work shall stop within 100-feet of the discovery area, the area shall be secured to prevent further disturbance, and the Sonoma County

Coroner shall be notified immediately. The Coroner will determine if the remains are pre-contact period Native American remains or of modern origin and if there are any further investigation by the Coroner or Sonoma County Sheriff is warranted. If the remains are suspected to be those of a pre-contact period Native American, the Coroner shall contact the NAHC by telephone within 24-hours. The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48-hours to make recommendations to the landowner for treatment or disposition of the human remains. If the MLD does not make recommendations within 48-hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052). An archaeologist shall also be retained to evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site in coordination with the MLD.

5. Noise – *Noise concerns are associated primarily with temporary construction impacts.*
    a. NOI-1: Prior to Grading Permit issuance, the applicant shall demonstrate, to the satisfaction of the City Engineer, that the project complies with the following:
        i. Construction hours are specified as 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays.
        ii. During construction, the contactor shall ensure all construction equipment is equipped with appropriate noise attenuating devices that will reduce noise levels 3 to 10 dBA.
        iii. The contractor shall locate equipment staging areas in order to create the greatest distance between construction - related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
        iv. Idling equipment shall be turned off when not in use.
        v. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

WHEREAS, the Project complies with CEQA Guidelines Section 15074 as detailed below:

a. Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
    i. The IS/MND is provided as an attachment to the staff report.

b. Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.
    i. The City Council should consider any public comment received during public review period for the IS/MND and during the public hearing before making a recommendation.
c. When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
    i. The IS/MND and any other material which constitute the record of proceedings will be kept on file with the Planning Department at 7120 Bodega Avenue, Sebastopol, CA 95472
d. When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
    i. A Mitigation Monitoring Reporting Program is attached to this resolution at Exhibit A.
e. A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.
    i. Not applicable. The Project site is not within the boundaries of a comprehensive airport land use plan or within two nautical miles of a public airport or public use airport.
f. When a non-elected official or decisionmaking body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decisionmaking body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

WHEREAS, on April 21, 2021, the Design Review Board conducted a preliminary review of the proposed Planned Community zoning for the Project and provided a

recommendation to the Planning Commission and City Council to approve the proposed Planned Community Zoning as proposed; and

WHEREAS, on November 9, 2021, the Planning Commission held a duly-noticed Public Hearing and considered the request, including, but not limited to, the application materials, Mitigated Negative Declaration, staff report, and public comments, and unanimously adopted PC Resolution 21-02 recommending the City Council adopt the Mitigated Negative Declaration, and PC Resolution 21-03 recommending approval of the Project to the City Council; and

WHEREAS, on January 18, 2022, 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 adoption of 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 1st day of March, 2022, by the following vote:

VOTE:
Ayes:
Noes:
Abstain:
Absent:

APPROVED:_____
Mayor Patrick Slayter

ATTEST:_____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

Attachments:
Exhibit A: Mitigation Monitoring Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

Huntley Square – 7950 Bodega Avenue – file 2020-005

Mitigation Measure	*Implementation Procedure*	*Monitoring Responsibility*	*Monitoring / Reporting Action & Schedule*	*Non-Compliance Sanction/Activity*	*Monitoring Compliance Record (Name/Date)*
I. AESTHETIC RESOURCES					
AES-1: Construction fencing shall be placed along the periphery of the project site to screen construction activity from view.	*Require as a condition of approval*	*Planning Division*	*Incorporate as condition of project approval*	*Deny issuance of building permit*	
II. AIR QUALITY					
AQ-1: Basic measures to control dust and exhaust shall be utilized 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	*Require as a condition of approval*	*Planning Division* *Engineering Division*	*Incorporate as condition of project approval*	*Deny issuance of building permit* *Stop Work Order*	

Agenda Item Number 8

MITIGATION MONITORING AND REPORTING PROGRAM
Huntley Square – 7950 Bodega Avenue – file 2020-005

Mitigation Measure	*Implementation Procedure*	*Monitoring Responsibility*	*Monitoring / Reporting Action & Schedule*	*Non-Compliance Sanction/Activity*	*Monitoring Compliance Record (Name/Date)*
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 City 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.					
III. BIOLOGICAL RESOURCES					
BIO-1: Special-status and Common Bats i. To avoid impacts on special-status and common bat species within the project site, the following protection measures shall be implemented. ii. Prior to tree removal or trimming (for all trees greater than 6 inches DBH), a qualified biologist shall survey for bat roosts. If active bat roosts area identified, disturbance shall not be allowed until the roost is abandoned or unoccupied. If the qualified biologist determines special-status bat species area present, CDFW consultation may be required. iii. If occupied roosting habitat is identified by the qualified biologist, disturbance of roost trees shall not be allowed until the roost is abandoned or unoccupied and/or CDFW is consulted. If bats are present, a number of deterrent methods can be used to encourage bats to relocate (for non-CDFW listed	*Require as a condition of approval*	*Planning Division* *Qualified Biologist*	*Incorporate as condition of project approval*	*Deny issuance of building permit* *Stop Work Order*	

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MITIGATION MONITORING AND REPORTING PROGRAM
Huntley Square – 7950 Bodega Avenue – file 2020-005

Mitigation Measure	*Implementation Procedure*	*Monitoring Responsibility*	*Monitoring / Reporting Action & Schedule*	*Non-Compliance Sanction/Activity*	*Monitoring Compliance Record (Name/Date)*
species). This could include changes to lighting, air flow patterns, and noise disturbance. Exclusion methods shall be developed based on the species present and location of occupied roosts. Bat exclusion shall not be performed during the maternity season (June through August) or during winter hibernation (November through February). Bat exclusion shall be overseen by a qualified biologist. This could only occur in March, April, May, September, and October. iv. If tree trimming or removal is postponed or interrupted for more than two weeks from the date of the initial bat survey, the biologist shall repeat the pre-construction survey. *v.* Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats and other nocturnal wildlife.					
BIO-2: Nesting Birds i. To the extent feasible, vegetation and tree removal shall occur during the non-breeding season (late August to early March) to limit the potential for birds to nest within the project site. ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around	*Require as a condition of approval*	*Planning Division* *Qualified Biologist*	*Incorporate as condition of project approval*	*Deny issuance of building permit* *Stop Work Order*	

Agenda Item Number 8

MITIGATION MONITORING AND REPORTING PROGRAM
Huntley Square – 7950 Bodega Avenue – file 2020-005

	Mitigation Measure	*Implementation Procedure*	*Monitoring Responsibility*	*Monitoring / Reporting Action & Schedule*	*Non-Compliance Sanction/Activity*	*Monitoring Compliance Record (Name/Date)*
	it.					
iii.	If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions. • If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance. • If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated. • If the site is left unattended for more than one week following the initial surveys, additional					

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MITIGATION MONITORING AND REPORTING PROGRAM
Huntley Square – 7950 Bodega Avenue – file 2020-005

Mitigation Measure	*Implementation Procedure*	*Monitoring Responsibility*	*Monitoring / Reporting Action & Schedule*	*Non-Compliance Sanction/Activity*	*Monitoring Compliance Record (Name/Date)*
surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.					
BIO-3: Native Trees i. Where compatible with safety requirements, pruning instead of removal for mature oaks shall be considered. To offset the impacts from removal of protected trees, replacement trees shall be planted, following the Tree Ordinance ratios and species with replacement of native oaks with native oaks, to provide similar benefits to the site and community. If on-site planting of an adequate number of native trees is not possible, off-site planting of native oaks in a suitable nearby location (e.g., a City park) shall be considered. ii. Protective measures defined in the Tree Preservation and Mitigation Report shall be followed during construction activities to minimize impacts to trees that will be retained.	*Require as a condition of approval*	*Planning Division* *Qualified Arborist*	*Incorporate as condition of project approval*	*Deny issuance of building permit* *Stop Work Order*	
IV. CULTURAL RESOURCES					
CR-1: Post-Review Discovery i. If a prehistoric or historic-era resource(s) is encountered by equipment operators during project-related ground-disturbing activities, work shall be halted within 50-feet of the discovery area until a Secretary of Interior-qualified Archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource.	*Require as a condition of approval*	*Planning Division* *Secretary of Interior-qualified Archaeologist*	*Incorporate as condition of project approval*	*Deny issuance of building permit* *Stop Work Order*	

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MITIGATION MONITORING AND REPORTING PROGRAM

Huntley Square – 7950 Bodega Avenue – file 2020-005

Mitigation Measure	*Implementation Procedure*	*Monitoring Responsibility*	*Monitoring / Reporting Action & Schedule*	*Non-Compliance Sanction/Activity*	*Monitoring Compliance Record (Name/Date)*
CR-2: Human Remains i. If human remains are encountered within the project area, all work shall stop within 100-feet of the discovery area, the area shall be secured to prevent further disturbance, and the Sonoma County Coroner shall be notified immediately. The Coroner will determine if the remains are pre-contact period Native American remains or of modern origin and if there are any further investigation by the Coroner or Sonoma County Sheriff is warranted. If the remains are suspected to be those of a pre-contact period Native American, the Coroner shall contact the NAHC by telephone within 24-hours. The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48-hours to make recommendations to the landowner for treatment or disposition of the human remains. If the MLD does not make recommendations within 48-hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and	*Require as a Condition of Approval*	*Planning Division* *Qualified Archaeologist* *Coroner*	*Incorporate as condition of project approval*	*Deny issuance of building permit* *Stop Work Order*	

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MITIGATION MONITORING AND REPORTING PROGRAM
Huntley Square – 7950 Bodega Avenue – file 2020-005

Mitigation Measure	*Implementation Procedure*	*Monitoring Responsibility*	*Monitoring / Reporting Action & Schedule*	*Non-Compliance Sanction/Activity*	*Monitoring Compliance Record (Name/Date)*
willful disturbance of human remains is a felony (Section 7052). An archaeologist shall also be retained to evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site in coordination with the MLD.					
V. NOISE					
NOI-1: Prior to Grading Permit issuance, the applicant shall demonstrate, to the satisfaction of the City Engineer, that the project complies with the following: i. Construction hours are specified as 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. ii. During construction, the contactor shall ensure all construction equipment is equipped with appropriate noise attenuating devices that will reduce noise levels 3 to 10 dBA. iii. The contractor shall locate equipment staging areas in order to create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction. iv. Idling equipment shall be turned off when not in use. v. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.	*Require as a condition of approval*	*Planning Division* *Engineering Division*	*Incorporate as condition of project approval*	Deny issuance of building permit Stop Work Order	

Agenda Item Number 8

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING A CONDITIONAL USE PERMIT FOR A RESIDENTIAL DEVELOPMENT IN A PLANNED COMMUNITY (PC) ZONE DISTRICT AND A TENTATIVE MAP FOR THE PROPERTY AT 7950 BODEGA AVENUE (APN 004-350-024)

WHEREAS, an application for a zoning amendment to modify the zoning from Multifamily Residential (R7) to a Planned Community (PC), a Conditional Use Permit to develop a residential development in a PC district and a Tentative Map for a 10-Unit townhome project known as Huntley Square (the "Project"), was filed on January 21, 2020, by Bob Massaro, which consists of subdividing a vacant 0.39 acre parcel (APN 004-350-024) into 10 lots and four common areas, to be developed with 10 townhome-style studio units, landscaped areas, and parking. Parking will be provided via a surface parking lot on a common area lot; and

WHEREAS, with the approval of the Conditional Use Permit, the proposed Project will be consistent with the subject property's General Plan designation of High Density Residential and proposed Zoning Designation of Planned Community; and,

WHEREAS, the Project, as conditioned, is consistent with the High Density Residential Land Use designation of the General Plan and General Plan goals and policies, as follows:

a) Goal LU 6 as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.

b) Policy LU 6-2 as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.

c) Policy LU 6-3 as it supports the construction and occupation of very small houses.

d) Housing Goal A-1 as it is an adequate site for housing development in the City of Sebastopol.

e) Housing Action A-1 as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.

f) Housing Goal C-1 as it facilitates new housing production.

g) Housing Policy C-4 as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.

h) Housing Goal F-1 as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.

i) Housing Goal G-1 as it promotes land use policies and development standards to facilitate housing production.

j) Housing Goal G-3 in that if the rezoning is approved, the Project removes government constraints that affect the amount of land required for new housing.

k) Housing Policy G-1 in that if the rezoning is approved, the Project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.

l) Goal CIR 2 in that as part of the Project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.

m) Goal COS 9 as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.

n) Policy COS 9-1 as it will meet and comply with CALGreen Tier 1 standards.

o) Policy COS 9-2 as energy conservation is an important criterion in the development review process.

WHEREAS, granting a zoning amendment to modify the zoning from R7 to PC is appropriate as in accordance with SMC 17.445.030(B)(2), the Project:

a) Is compatible with the general objectives of the General Plan, as it implements residential development in a residential zone; the units are smaller units which will provide additional variety to the City's housing stock by providing smaller for-sale units; and
b) Is in conformity with public convenience, general welfare and good land use practice, in that the site is zoned for the proposed residential use and density; and
c) Will not be detrimental to the public health, safety and general welfare, as the use will not have significant environmental impacts with the incorporation of mitigation measures and conditions of approval, including construction management requirements; and
d) Will not adversely affect the orderly development of property, as the site will be residential within a block of other residential development of similar scale.

WHEREAS, granting a Conditional Use Permit to permit development within a PC zoning district, which allows for the modifications of certain zoning regulations for the Project is appropriate as it complies with SMC 17.415.030 as detailed below:

a) The proposed use is consistent with the General Plan and all applicable provisions of SMC Chapter 17 as the project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed above in the Analysis section of the Staff Report. The project complies with all applicable provisions of SMC Chapter 17 as detailed in the Staff Report.

b) The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), 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. The requested changes to the Zoning regulations were found to meet the above findings by the City's Design Review Board at its April 21, 202,1 meeting; by the Planning Commission at its November 9, 2021, meeting; and, by the City Council at its January 18, 2022, meeting:

   i) The Zoning Ordinance allows for multi-family residential development of the same density and the same general site development characteristics, with no major discrepancies proposed.

   ii) The size and use of the proposed development is appropriate for the site. The proposed project includes one- and two-story residential structures and the surrounding properties are occupied by one- and two-story residential structures.

   iii) The Project will utilize existing fencing, or provide new as needed, and provide landscaping to serve as a buffer and provide compatibility between adjacent properties.

   iv) The Project will provide sufficient amenities including landscaping, the required number of parking spaces, private yards, and storage space for each unit.

   v) The lot is 16,972 sq. ft. and exceeds the 12,000 sq. ft. minimum lot size.

   vi) As shown in the Lot & Unit Area Calculations table on sheet A1.0 of the site plan, the Project will provide 1,989 sq. ft. of open space, so the 50 square feet of open space per unit requirement is met.

   vii) The proposed project will provide additional for-sale housing opportunities within walking distance of existing residential, commercial, and recreational uses.

   viii) The change from a 9 foot to 8 foot setback is minimal and will not create a significant change in the development pattern or have significant impacts to surrounding properties.

   ix) The minimum lot size of the individual lots combined with the common area is appropriate for the development is appropriate for a smaller lot subdivision.

   x) The reduction of the project's internal sideyard setbacks to 0' is appropriate for an attached single family (townhome) development.

c) The Design Review Board/Tree Board reviewed this proposed change at their April 21, 2021 meeting, determined this adjustment was appropriate, and unanimously voted to forward this recommendation to the Planning Commission.
d) The Planning Commission held a public hearing on November 9, 2021, and unanimously found the PC zoning to be compatible with the surrounding uses and zoning, and unanimously recommended approval of the PC zoning and Conditional Use Permit to City Council.
e) The City Council, at its January 18, 2022, meeting, found that the PC Zoning is compatible with the surrounding uses and zoning, and meets the requirements for the granting of a Conditional Use Permit.

WHEREAS, granting a Tentative Map for the Project is appropriate as it complies with SMC 16.28.070(A) in that:

a) The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, and other applicable provisions of this code as the Project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed in the Analysis section of the Staff Report. The Project complies with all applicable provisions of SMC Chapter 17.
b) There is no specific plan for the Project site.
c) The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the City Council.
    i. The Project is required to comply with the California Green Building Standard Code (CalGreen) requirements for energy efficient buildings and appliances, including Tier 1 standards required by the City of Sebastopol (which are higher than the base State requirements for green design). CalGreen Standards require that buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant - emitting finish materials. The project also incorporates many sustainable features which help reduce energy consumption, such as:
        - A highly insulated, tightly sealed building envelope, with heat recovery fresh air ventilation
        - High quality windows
        - Solar photovoltaic system
        - LED lighting throughout
        - Energy efficient appliances and low flow water fixtures
        - Durable and low maintenance exterior materials
        - There will be No Natural Gas installed at the site, which coupled with the solar array will push the project to true “Zero Net Energy” which are homes that produce as much energy as they consume

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 September 28, 2021, to October 27, 2021, including CEQAnet and the Federated Indians of the Graton Rancheria, consistent with local and State CEQA requirements, and complies with CEQA Guidelines Section 15074 as detailed in the CEQA resolution.

WHEREAS, on April 21, 2021, the Design Review Board conducted a preliminary review of the proposed Conditional Use Permit and Tentative Map for the Project and provided a recommendation to the Planning Commission and City Council to approve the proposed Conditional Use Permit and Tentative Map as proposed; and

WHEREAS, the applicant made adjustments to the proposal based on Design Review Board and community comments as follows:

- Concerns about no parking space for guests
  - The City has no guest parking ordinance, but the applicant added nine public parking spaces on Bodega Avenue that can be used by guests.
- Concerns over the mature oak tree on the adjacent property to the east
  - The applicant will hand dig for piers as recommended by the City's Arborist.
- Concerns about delivery trucks using the access easement
  - The applicant has included site signage prohibiting delivery trucks on the easement and has created a delivery zone on Bodega Avenue.
- Concerns about garbage trucks using the access easement
  - The applicant reworked how trash will be collected so that it will be rolled out to Golden Ridge Avenue and garbage trucks will not enter the Project site.
- Concerns over damage to the access easement by construction vehicles
  - The applicant has committed to repairing any damage caused during construction and will abide by the easement maintenance agreement signed in 1993, attached to the staff report.
- Neighbors requested that residents and guests of the Project have access to the Project site by a means other than the easement
  - The applicant added stairs to the retaining wall along Bodega Avenue so guests can walk up the stairs to the homes from the street; and

WHEREAS, the Project has been considered at additional previous preliminary review public meetings including Planning Commission preliminary review on October 25, 2016 and October 8, 2019; City Council Preliminary review on February 7, 2017 and October 29, 2019; and

WHEREAS, on November 9, 2021, the Planning Commission conducted a duly-noticed Public Hearing, received a staff report, heard public testimony and considered the applications for a zoning amendment to modify the zoning from R7-Multifamily to PC -

Planned Community District', a Conditional Use Permit for development in a PC district and a Tentative Map and proposed Mitigated Negative Declaration (MND) for CEQA; and

WHEREAS, the Planning Commission unanimously adopted PC Resolution 21-02 recommending the City Council adopt the a Mitigated Negative Declaration (MND) for the Project based on the findings of fact; and,

WHEREAS, The City of Sebastopol Planning Commission further unanimously adopted a separate Resolution 21-03 recommending City Council approve of the Project entitlements, including a zoning amendment to modify the zoning from R7-Multifamily to PC - Planned Community District', a Conditional Use Permit for development in a PC district, and the Tentative Map; and

WHEREAS, on January 18, 2022, the City Council held a duly noticed public hearing, received a staff report, accepted public testimony, and duly considered the application for a Conditional Use Permit for development in a PC district and a Tentative Map, as well as the Mitigated Negative Declaration for the California Environmental Quality Act; and

WHEREAS, The City of Sebastopol City Council has adopted a Mitigated Negative Declaration (MND) for the Project in a separate Resolution based on the findings of fact of the Adopting of Resolution No. ____.

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 Conditional Use Permit to allow the residential development in a PC district with the zoning standards as specified in the proposed Ordinance;
2. A Tentative Map, included in Exhibit A, to subdivide a vacant 0.39-acre parcel into 10 lots and four common areas, to be developed with 10 townhome-style studio units, landscaped areas, and parking.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 1st day of March, 2022, by the following vote:

VOTE:
Ayes:
Noes:
Abstain:
Absent:

APPROVED:_____
Mayor Patrick Slayter

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

Attachments:
Exhibit A: Tentative Map
Exhibit B: Conditions of Approval

EXHIBIT A

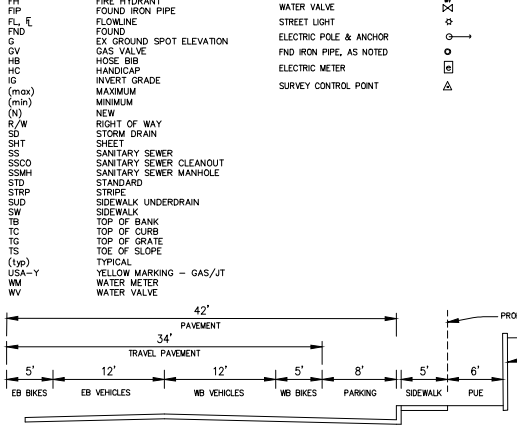
TENTATIVE MAP
FOR
7950 BODEGA AVE
SEBASTOPOL CALIFORNIA

ABBREVIATIONS
SCREENED AND/OR lower case DENOTES EXISTING FEATURES

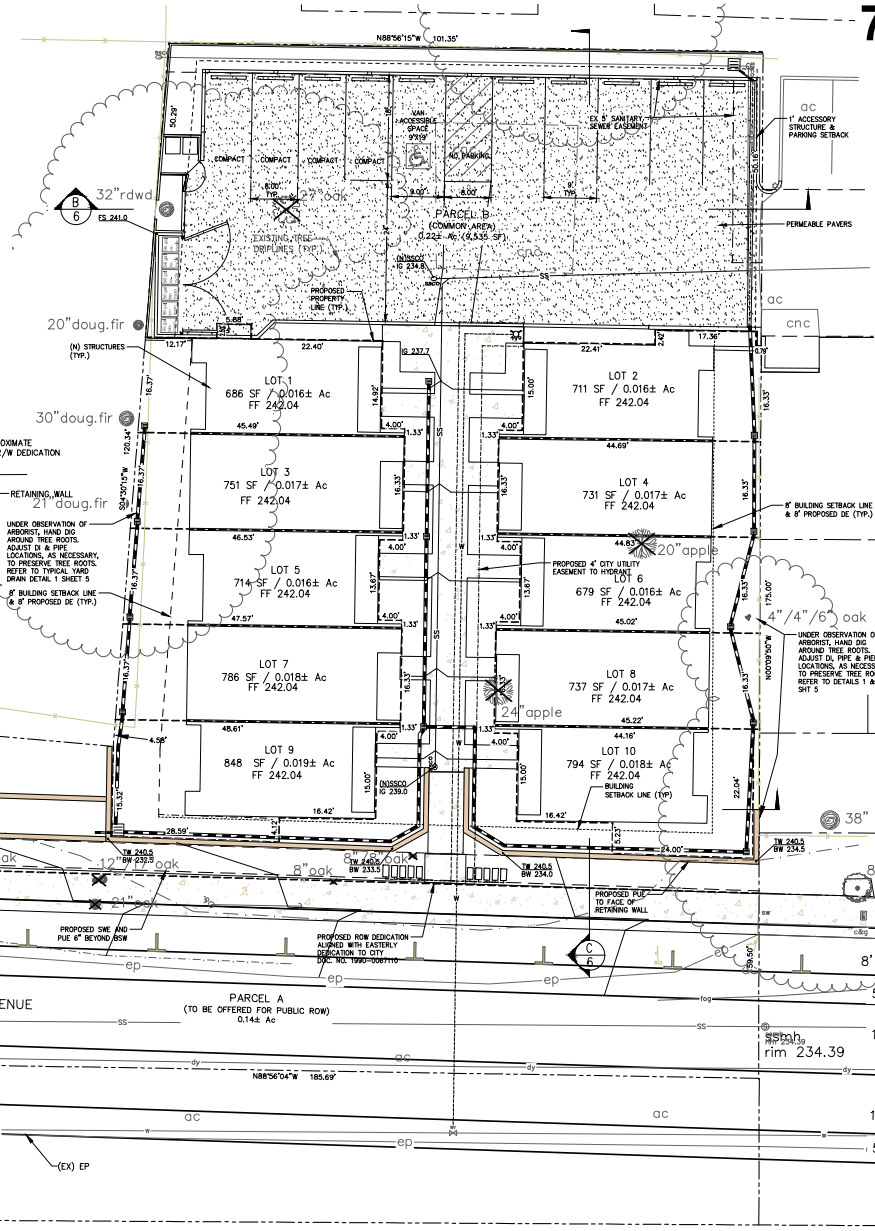
AC	ASPHALT CONCRETE
AP	ANGLE POINT
APN	ASSESSOR PARCEL NUMBER
APPROX	APPROXIMATE
BC	BEGINNING OF CURVE
BLDG	BUILDING
BSW	BACK OF SIDEWALK
CB	CATCH BASIN
C&G	CURB & GUTTER
CNC	CONCRETE
CL, ℄	CENTERLINE
COR	CORNER
CP	CONTROL POINT
DE	DRAINAGE EASEMENT
DI	DROP INLET
DWY	DRIVEWAY
EBX	ELECTRIC BOX
EP	EDGE OF PAVEMENT
EX, (E)	EXISTING
FF	FINISHED FLOOR
FH	FIRE HYDRANT
FIP	FOUND IRON PIPE
FL, ℄	FLOWLINE
FND	FOUND
G	EX GROUND SPOT ELEVATION
GV	GAS VALVE
HB	HOSE BIB
HC	HANDICAP
IG	INVERT GRADE
(max)	MAXIMUM
(min)	MINIMUM
(N)	NEW
R/W	RIGHT OF WAY
SD	STORM DRAIN
SHT	SHEET
SS	SANITARY SEWER
SSCO	SANITARY SEWER CLEANOUT
SSMH	SANITARY SEWER MANHOLE
STD	STANDARD
STRP	STRIPE
SUD	SIDEWALK UNDERDRAIN
SW	SIDEWALK
TB	TOP OF BANK
TC	TOP OF CURB
TG	TOP OF GRATE
TS	TOE OF SLOPE
(typ)	TYPICAL
USA-Y	YELLOW MARKING – GAS/JT
WM	WATER METER
WV	WATER VALVE

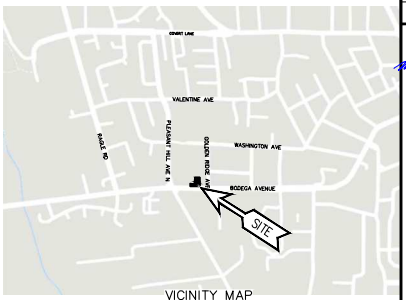
SYMBOLS LEGEND
SCREENED AND/OR lower case DENOTES EXISTING FEATURES

PROPERTY LINE
CENTERLINE
CONTOUR & ELEVATION
SETBACK LINE
SWALE
DROP INLET
SANITARY SEWER CLEANOUT
SANITARY SEWER MANHOLE
JOINT UTILITY POLE
TELEPHONE MANHOLE
GAS VALVE
FIRE HYDRANT
WATER METER
WATER VALVE
STREET LIGHT
ELECTRIC POLE & ANCHOR
FND IRON PIPE, AS NOTED
ELECTRIC METER
SURVEY CONTROL POINT



BODEGA AVENUE CROSS SECTION (LOOKING WEST)
NTS





VICINITY MAP
NO SCALE

NOTES
1. THERE ARE NO EXISTING STRUCTURES ON THE SITE.
2. THERE ARE NO KNOWN WELLS OR SEPTIC SYSTEMS ON THE SITE. PROPOSED STRUCTURES TO BE CONNECTED TO CITY UTILITIES.
3. THERE ARE NO WATER COURSES OR OPEN DRAINAGE CHANNELS, EXISTING OR PROPOSED ON OR NEAR THE SITE.
4. THERE ARE NO AREAS ON THE SITE SUBJECT TO INUNDATION.

SITE INFORMATION
TOTAL SITE AREA: 0.53± ACRES

CONSULTANT INFORMATION
ARCHITECT:
HEALTHY BUILDINGS
630 AIRPARK RD, STE A
NAPA, CA 94559
707-676-8999
BETH@HBUSA.NET

CIVIL ENGINEER AND SURVEYOR:
ROBERTSON ENGINEERING
2300 BETHARDS DR, STE L
SANTA ROSA, CA 95405
707-523-7490
MIKE@ROBERTSONENGINEERING.NET

OWNER/SUBDIVIDER
HUNTLEY SQUARE, LLC
630 AIRPARK RD, STE A
NAPA, CA 94559
707-676-8999

SHEET INDEX

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 inch = 10 ft.

DATE:	Aug 2020
SCALE:	As Shown
DESIGNED:	MBR
DRAWN:	KF
CHECKED:	MBR
PROJ.ENGR.:	MBR
PROJ.MGR.:	MBR

No.	DATE	REVISION
1	8/31/20	REVISED PER CITY COMMENTS

REGISTERED PROFESSIONAL ENGINEER MICHAEL B. ROBERTSON No. 29640 CIVIL STATE OF CALIFORNIA
7-16-21

ROBERTSON ENGINEERING INC
2300 BETHARDS DRIVE, SUITE L, SANTA ROSA, CA 95405
Tel 707.523.7490 Fax 707.523.7499
E-mail office@robertsonengineering.net

SITE PLAN
7950 BODEGA AVE
SONOMA COUNTY CALIFORNIA
SEBASTOPOL

SHEET 1
6 SHEETS
JOB No. 18165

Agenda Item Number 8

EXHIBIT B

CONDITIONS OF APPROVAL

7950 Bodega Avenue
File # 2020-005

1) Zoning amendment to modify the zoning from R7 to a Planned Community (PC), 2) Conditional Use Permit, 3) Tentative Map, and 4) Initial Study/Mitigated Negative Declaration (IS/MND)

1. Plans and elevations shall be in substantial conformance with plans submitted by Healthy Buildings Management Group, Inc. on August 31, 2021, and on file at the City of Sebastopol Planning Department, except as modified herein. Any modifications to the plans shall be reviewed and approved by Staff prior to modification. Any modifications to the approved plans shall be submitted to the Planning Department in writing detailing the changes prior to submitting to the Building Division.

2. The applicant shall provide documentation as needed for compliance with the environmental mitigations listed in the Initial Study / Mitigated Negative Declaration prepared for the project, as detailed in condition #16.

3. The project's open spaces shall be maintained by the property owner, not by the City.

4. 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.

5. A Tree Removal permit is required for the any trees proposed for removal.

6. Design Review approval is required by the Design Review Board for the design of the units, site features, landscaping, and other amenities.

7. Granting the Certificate of Compliance does not imply approval of any development plan for the subject properties. Any proposed development plan must comply with all current Planning, Engineering, Building, and Fire Department standards.

8. The project shall be subject to impact fees as adopted by Council.

9. 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.

10. 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.

11. 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.

12. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

13. 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.

14. Building and Safety:

a. All construction and construction related activities shall be in conformance with current California Building, Residential, Electrical, Mechanical, Plumbing, Fire, Energy and Green Building Codes, and the City of Sebastopol Municipal Code.
b. For the building permit submittal, 5 sets of plans are required along with 2 sets of calculations and reports.
c. The Planning Conditions of Approval shall be printed on plan sheets in the plan set.
d. The project is required to comply with CalGreen at the Tier I level excluding Division A4.2 Energy Efficiency, as adopted and amended by the City. The worksheets can be located on the City's website on the building department page. The worksheets are to be printed on plan sheets in the plan set.
e. The project is required to comply with the City's Mandatory Photovoltaic System Requirements.
f. The project is required to comply with the City's Row House Policy.
g. A geotechnical report is required along with the building permit submittal.

15. Fire Department. The following shall be required:

a. Automatic Fire Sprinklers Suppression System.
b. Fully monitored Building:
c. Fire Alarm Control Panel (FACP)
d. Smoke and Heat Detection
e. Horns and Strobes Notification
f. Rapid Entry SupraSafe System (Knox Box)
g. 24/7/365 Monitoring by Alarm Company
h. Additional New Fire Hydrants as required
i. Include a condition for tentative map re: hydrant maintenance

16. <u>CEQA Mitigation Measures</u>

Aesthetics

AES-1: Construction fencing shall be placed along the periphery of the project site to screen construction activity from view.

Air Quality

AQ-1: Basic measures to control dust and exhaust shall be utilized 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 City 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.

Biological Resources

BIO-1: Special-status and Common Bats

i. To avoid impacts on special-status and common bat species within the project site, the following protection measures shall be implemented.
ii. Prior to tree removal or trimming (for all trees greater than 6 inches DBH), a qualified biologist shall survey for bat roosts. If active bat roosts area identified, disturbance shall not be allowed until the roost is abandoned or unoccupied. If the qualified biologist determines special-status bat species area present, CDFW consultation may be required.
iii. If occupied roosting habitat is identified by the qualified biologist, disturbance of roost trees shall not be allowed until the roost is abandoned or unoccupied and/or CDFW is consulted. If bats are present, a number of deterrent methods can be used to encourage bats to relocate (for non-CDFW listed species). This could include changes to lighting, air flow patterns, and noise disturbance. Exclusion methods shall be developed based on the species present and location of occupied roosts. Bat exclusion shall not be performed during the maternity season (June through August) or during winter hibernation (November through February). Bat exclusion shall be overseen by a qualified biologist. This could only occur in March, April, May, September, and October.
iv. If tree trimming or removal is postponed or interrupted for more than two weeks from the date of the initial bat survey, the biologist shall repeat the pre-construction survey.
v. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats and other nocturnal wildlife.

BIO-2: Nesting Birds

i. To the extent feasible, vegetation and tree removal shall occur during the non-breeding

season (late August to early March) to limit the potential for birds to nest within the project site.

ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around it.

iii. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.

   a. If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance.
   b. If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.
   c. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.

BIO-3: Native Trees

i. Where compatible with safety requirements, pruning instead of removal for mature oaks shall be considered. To offset the impacts from removal of protected trees, replacement trees shall be planted, following the Tree Ordinance ratios and species with replacement of native oaks with native oaks, to provide similar benefits to the site and community. If on-site planting of an adequate number of native trees is not possible, off-site planting of native oaks in a suitable nearby location (e.g., a City park) shall be considered.

ii. Protective measures defined in the Tree Preservation and Mitigation Report shall be followed during construction activities to minimize impacts to trees that will be retained.

Cultural Resources

CR-1: Post-Review Discovery

i. If a prehistoric or historic-era resource(s) is encountered by equipment operators during project-related ground-disturbing activities, work shall be halted within 50-feet of the discovery area until a Secretary of Interior-qualified Archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource.

CR-2: Human Remains

i. If human remains are encountered within the project area, all work shall stop within 100-feet of the discovery area, the area shall be secured to prevent further disturbance, and the Sonoma County Coroner shall be notified immediately. The Coroner will determine if the remains are pre-contact period Native American remains or of modern origin and if there are any further investigation by the Coroner or Sonoma County Sheriff is warranted. If the remains are suspected to be those of a pre-contact period Native American, the Coroner shall contact the NAHC by telephone within 24-hours. The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48-hours to make recommendations to the landowner for treatment or disposition of the human remains. If the MLD does not make recommendations within 48-hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052). An archaeologist shall also be retained to evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site in coordination with the MLD.

Noise

NOI-1: Prior to Grading Permit issuance, the applicant shall demonstrate, to the satisfaction of the City Engineer, that the project complies with the following:

i. Construction hours are specified as 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays.
ii. During construction, the contactor shall ensure all construction equipment is equipped with appropriate noise attenuating devices that will reduce noise levels 3 to 10 dBA.
iii. The contractor shall locate equipment staging areas in order to create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
iv. Idling equipment shall be turned off when not in use.
v. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

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

Final Map

17. 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. The Final Map submitted for review and approval shall be substantially consistent with the Tentative Map approval which is granted for 10 residential townhouse lots; common parcel areas for parking and vehicle egress, landscaped open space, and pedestrian and bicycle access. Upon recording of the map, the subdivision is valid.

18. 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.

19. 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."

20. 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

21. The applicant shall either complete the required construction prior to recordation of the Final 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 Final Map. The Improvement Agreement shall be recorded with the Final Map.

22. Prior to approval of a Final Map, final CC&R's 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.

23. The Final Map and CC&Rs for the development shall specify that the units must be owner-occupied for a minimum of one year, following which they may be rented to long-term renters with a minimum of a six-month lease.

24. The CC&Rs for this development to include details regarding the maintenance of common and/or private open space located on the project site, which must also include a prohibition of the use of nonbiodegradable and toxic chemicals in maintenance of both common and private open space areas.

25. 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.

26. Easement and Driveway Maintenance Agreement recorded on June 23, 1993 with Recorder's Serial Number 93-77433 shall be dedicated on the Final Map and via a separate easement deed.

27. The applicant shall dedicate a Public Utilities Easement for the onsite public waterlines up to and including the fire hydrants and water meters.

Improvement Plans — General

28. 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.

29. 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.

30. The Improvement Plans shall include detailed landscape construction drawings for work proposed in the public right of way.

31. 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.

32. The Improvement Plans shall include an onsite signing and striping plan which clearly delineates traffic control and parking restriction requirements.

33. 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.

Improvement Plans — Specifics

34. Interior Drive Aisle: The applicant shall construct the drive aisle over the Access Easement with a minimum of 3 inches of asphalt over a minimum of 12 inches of aggregate base. Because the drive aisle also serves as emergency vehicle access, the surface shall be constructed to the satisfaction of the Fire Marshall.

Soils

35. 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

36. 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

37. No pervious paving or stamped concrete shall be installed in the existing or future public

right of way.

38. Any additional proposed pavement removal and re-paving will be subject to the review and approval of the City Engineer.

Grading

39. 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.

40. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.

41. The grading plan shall clearly show areas of possible soil contamination, along with the appropriate steps to deal with contaminated soils.

42. 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.

43. 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

44. 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.

45. No drainage may discharge across sidewalks. Roof leaders shall be piped to the adjacent gutter or paved area.

46. Any proposed bioswales must be wholly contained outside of the existing or proposed public right of way.

47. All storm drain inlets shall be permanently marked using a permanent polyurethane marker with the legend, “No Dumping – Drains To Creek.”

48. 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

49. The applicant shall install new domestic, irrigation and fire service laterals to serve the new buildings. All water mains shall be sized to provide adequate fire flows to the buildings. All water services shall be provided with back flow prevention devices in accordance with State and City standards.

50. 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 building.

51. 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.

52. New water mains and fire hydrants must be constructed and functional prior to the issuance of the building permit.

53. 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.

54. All aboveground back flow hardware shall be screened with an architectural screen compatible with adjacent buildings.

Wastewater (Sanitary Sewer)

55. 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.

56. Any new sewer mains shall be private and shall be so noted on the improvement plans.

PRIOR TO CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

57. 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.

58. Applicant shall secure encroachment permits from the City prior to performing any work within the City right of way or constructing a City facility within a City easement.

59. 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:

60. All construction shall conform to the latest approved edition of City Standard Details and Specifications, all City Ordinances, the State Map Act, and the approved plans.

61. The applicant 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.

62. All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.

63. 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.

64. 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.

65. Prior to placing the final lift of asphalt, all sanitary sewer lines shall be video inspected at the expense of the contractor/applicant. 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.

66. The contractor shall be responsible for providing erosion and pollution control in accordance with the approved plans and permits.

67. The contractor 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.

68. 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.

69. Hours of work for both public improvements and private improvements shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. This includes warm-up or servicing of equipment and any preparation for construction. Violation of these working hours shall be deemed an infraction and upon conviction thereof, shall be punishable as prescribed by law.

70. 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.

71. If the existing public streets are damaged during construction, the contractor/applicant shall be responsible for repair at no cost to the City.

72. 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:

73. Prior to acceptance of improvements or occupancy of the buildings, 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.

74. All streets shall be paved, all public utilities installed and all signage relating to traffic control (stop signs, etc.) shall be installed.

75. 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.

76. 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:

77. Sufficient surety guaranteeing the public improvements for a period of one year shall be provided.

78. 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 electronically 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.

Introduction and Waiving of First Reading

City of Sebastopol
Ordinance No._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL REZONING 7590 BODEGA AVENUE (APN 004-350-024) FROM MULTIFAMILY RESIDENTIAL (R7) TO A PLANNED COMMUNITY (PC) ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF SEBASTOPOL does hereby ordain as follows:

SECTION 1. The City of Sebastopol City Council has adopted a Mitigated Negative Declaration (MND) for the "Huntley Square" Project (the "Project") located at 7950 Bodega Avenue in a separate Resolution based on the findings of fact of the Adopting of Resolution No. _____.

SECTION 2. The City of Sebastopol City Council finds that the rezoning is consistent with the General Plan and the Municipal Code based on the following facts:

1. The proposal is consistent with Goal LU 6 as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.

2. The proposal is consistent with Policy LU 6-2 as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.

3. The proposal is consistent with Policy LU 6-3 as it supports the construction and occupation of very small houses.

4. The proposal is consistent with Housing Goal A-1 as it is an adequate site for housing development in the City of Sebastopol.

5. The proposal is consistent with Housing Action A-1 as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.

6. The proposal is consistent with Housing Goal C-1 as it facilitates new housing production.

7. The proposal is consistent with Housing Policy C-4 as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.

8. The proposal is consistent with Housing Goal F-1 as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.

9. The proposal is consistent with Housing Goal G-1 as it promotes land use policies and development standards to facilitate housing production.

10. The proposal is consistent with Housing Goal G-3 in that if the rezoning is approved, the Project removes government constraints that affect the amount of land required for new housing.

11. The proposal is consistent with Housing Policy G-1 in that if the rezoning is approved, the Project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.

12. The proposal is consistent with Goal CIR 2 in that as part of the Project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.

13. The proposal is consistent with Goal COS 9 as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.

14. The proposal is consistent with Policy COS 9-1 as it will meet and comply with CALGreen Tier 1 standards.

15. The proposal is consistent with Policy COS 9-2 as energy conservation is an important criterion in the development review process.

The Project is consistent with the provisions of the Zoning Ordinance, in that:

1. Granting a zoning amendment to modify the zoning from R7 to PC is appropriate as in accordance with SMC 17.445.030(B)(2), the Project:
    a. Is compatible with the general objectives of the General Plan, as it is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed in the Analysis section of the Staff Report. There is no specific plan for the project site; and
    b. Is in conformity with public convenience, general welfare and good land use practice, in that the existing zoning allows for the same residential use and density as is being proposed under the PC zoning; and
    c. Will not be detrimental to the public health, safety and general welfare, as it will not have significant environmental impacts with the incorporation of mitigation measures and conditions of approval, including construction management requirements; and
    d. Will not adversely affect the orderly development of property, as the site will be residential within a block of other residential development of similar scale.

i. The proposed project will provide additional for-sale housing opportunities within walking distance of existing residential, commercial, and recreational uses.

ii. The Design Review Board/Tree Board conducted a preliminary review of the project and provided a recommendation to the Planning Commission and City Council to approve the project as proposed as compatible to the R7 zoning standards. The Planning Commission held a public hearing on November 9, 2021, and also found the PC zoning to be compatible with the surrounding uses and zoning, and unanimously recommended approval of the PC zoning to City Council.

SECTION 3.
The zoning regulations for the new Planned Community "PC" District located at 7950 Bodega Avenue shall be as listed in the below "Huntley Square PC District":

Allowed Uses Table:

Allowed Uses	**Huntley Square PC District**
Single-family dwelling, attached	Conditional Use Permit required for all development types

Development Standards Table:

Development Standards	**Huntley Square PC District Standards**
Minimum Lot Area	• 686 to 848 sq. ft. for individual lots • 9,535 sq. ft. for common area
Maximum Building Height	• 30', 2-stories
Accessory Buildings Height	• Not permitted on individual lots • 17' for common area (parking area)
Front Yard Setback*	• Common area (frontage on Bodega Avenue) = 10' • Individual lots (interior to project, east and west) = 0'
Interior Side Yard Setback*	• 8' (east/west sides) • 0' (setback between the new lots/units)
Rear Yard Setback*	• Common area setback (original rear yard/ north property line) = ~47' • Individual lots (east and west property lines) = 8'
Accessory Structure Side Setback	• Not permitted on individual lots • 3' on common parcel
Accessory Structure Rear Setback	• Not permitted on individual lots • 3' for common area (north property line)
Max Lot Coverage	• 38.2%

Density (DU per acre)	• 5 DU (SMC 17.200.020 counts studio units as .5 DU)
Parking	• 1 space per studio unit = 10 spaces required • 10 off street spaces + 9 on-street spaces = 19 spaces provided • Applicant will be required to provide electric vehicle charging spaces, as discussed later in this report
Bicycle Parking	• 5 spaces proposed
Open Space	• 140 sq. ft./DU minimum, including covered rear patio

*Current lot configuration: Front yard (south property line); Interior side yards (west/east); Rear Yard = north property line). The "proposed" column presents both the setbacks proposed to external adjacent properties as well as internal to the units. Within the units, the front yards will be east/west at the center of the site, the rear yards will face adjoining east/west external properties (currently interior side yard).

The site and uses shall comply with all other regulations in the Sebastopol Municipal Code and Zoning Ordinance.

SECTION 4. The City of Sebastopol City Council hereby modifies the Zoning Map of the City of Sebastopol to rezone 7590 Bodega Avenue (APN 004-350-024) from Multifamily Residential (R7) to the Planned Community (PC) zoning designation and subject to the Allowed Uses and Development Standards as described above.

Approved for First Reading and Introduction on this 1st day of March, 2022.

Scheduled for Second Reading and Approval on the 15th day of March, 2022.

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Mayor Patrick Slayter

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:_____

Larry McLaughlin, City Attorney