

RESOLUTION NUMBER: 6472-2022

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DENYING THE APPEAL
AND UPHOLDING THE APPROVAL FOR AN ALCOHOL USE PERMIT FOR PIALA, LLC
AT 7233 HEALDSBURG AVE (FILE 2022-020, -033, 060)

WHEREAS, the applicant, Piala ,Inc., represented by Lowell Sheldon, submitted an application for an Alcohol Use Permit / Transfer Permit on March 29, 2022; and

WHEREAS, the City of Sebastopol Planning Department processed the application in accordance with the Sebastopol Municipal Code (SMC), Section 17.350 and, on May 4, 2022, the Planning Director denied the application as the application did not meet findings that required the use to be a 'bona fide restaurant' and that the applicant had not met the burden of proof for an Alcohol Use Permit as noted in SMC Section 17.350.020.c and D ", "the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities"; and

WHEREAS, the applicant appealed the denial on May 11, 2022, and provided additional information on May 23, 2022, including changing the name of the restaurant from "Piala Wine Bar" to "Piala Georgian Cuisine", provided an updated menu, and provided was evidence that the kitchen will be maintained to prepare food and no "bar" would be constructed. The applicant also provided information in relation to the use permit criteria noted in SMC 17.350.020.C. and D; and,

WHEREAS, the Planning Commission held a duly-noticed public hearing on June 28th, 2022 meeting where the Commission heard a staff report, heard a presentation from the applicant, and heard public comments, and deliberated on the project. The Commission concurred with staff's recommendation that the proposed use as modified in the appeal met the criteria for a 'bona fide restaurant'. The Commission further deliberated the 'burden of proof' that the applicant presented and the public testimony regarding concerns of Mr. Sheldon's position at the restaurant, in regards to "clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities." And,

WHEREAS, the Planning Commission voted to close public comment and continue the item to its July 12, 2022 Planning Commission meeting, and directed staff to work with the applicant to draft conditions of approval for the Commission's review that would meet the findings for approval, and

WHEREAS, the Planning Commission continued its deliberations at the July 12, 2022 meeting, including in-depth discussion of the conditions of approval proposed by the applicant as well as additional conditions recommended by Planning staff, and vote 3-1-0 to approve the use permit (Ayes: Chair Oetinger, Commissioner Fritz, Kelly; Nay: Burnes; Absent: Vice Chair Fernandez. And,

WHEREAS, an appeal was received on July 19, 2022 from Jesse Hom-Dawson appealing the Planning Commission's decision on the basis that 1) that the applicant did not meet the burden of proof to show the use would not adversely affect the health, safety, or welfare of the community, and 2) that the provisions of the conditional use permit are unenforceable.

WHEREAS, the City Council held a duly-noticed public hearing on August 31st, 2022, held a public hearing, heard a staff report, heard a presentation from the applicant, and heard public testimony; and,

WHEREAS, the project is categorically exempt from the requirements of CEQA pursuant to Section 15301 Existing Facilities which includes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The alcohol transfer permit would fit this exemption as it is for the use of a restaurant where one has existed in the past and will not create any new environmental impacts as it will be in an already developed area. And,

WHEREAS, the City Council finds that the proposed use is subject to the following provisions of the General Plan:

Action CHW 6c: Continue to require that all new or transferred Alcoholic Beverage Control (ABC) licensees and their employees participate in Responsible Beverage Service training, to promote public health and safety by reducing incidence of sales and service to minors and sales and service to obviously intoxicated persons, in that,

As conditioned, all servers would be required to participate in Responsible Beverage Service training.

Action CHW 6e: Continue to require bars to serve food in order to help counter the effects of alcohol consumption, in that:

The establishment is structured with table seating for dining. As conditioned, the establishment would be required to be maintained as a bona fide restaurant, serving full meals and with a balanced wine/beer and food menu.

Goal CHW 6: Reduce the Harmful Impacts of Alcohol, Tobacco and Drug Use on Individuals, Their Families, and the Larger Community

Policy CHW 6-1: Address responsible alcohol consumption through outreach and efforts intended to reduce adult high-risk drinking and its related problems, in that

As conditioned, alcohol consumption will be prohibited while on site by Lowell Sheldon, who would not otherwise be able to meet the criterion established in the Alcohol Use Permit section related to the applicant's burden of proof. And,

WHEREAS, the City Council finds that the proposed use meets the requirements of SMC 17.350, in that, as conditioned, Lowell Sheldon, part owner, will be prohibited from consuming alcohol on the proposed location the alcohol use permit is granted. His interactions with staff will also be limited, and an outside human resources firm will be monitoring the employee operations. As conditioned, this criterion can be met. And,

WHEREAS, the City Council further finds that, as conditioned, the applicant is able to meet the burden of proving by clear and convincing evidence that the proposed use, including its operations, will not adversely affect the health, safety, or welfare of the community, by limiting interaction for a minimum of one year of Mr. Sheldon with staff involving any human resource or supervision/direction; prohibiting alcohol consumption by same; engaging an outside human resources firm; and, maintaining the venue as a bona fide restaurant. And,

WHEREAS, the City Council further finds that, as modified, the Conditions of Approval contained in Exhibit B are reasonably related to the health, safety, and welfare of the community, and that these conditions of approval are clear and enforceable.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol City Council hereby denies the Appeal and Upholds the Approval of the Alcohol Use Permit for Piala, LLC (Planning File 2022-020, -033, and -060), subject to the Findings in this Resolution and Exhibit A, and the Conditions of Approval in Exhibit B and C.

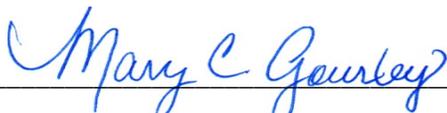
The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 31st day of August, 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

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

APPROVED: 
Mayor Patrick Slayter

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

APPROVED AS TO FORM: 
Larry McLaughlin, City Attorney

EXHIBIT A
FINAL FINDINGS OF APPROVAL
Piala Restaurant
Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-020)

Based on the evidence in the public record, the Planning Commission finds that:

1. The project is categorically exempt from the requirements of CEQA pursuant to Section 15301 Existing Facilities which includes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The alcohol transfer permit would fit this exemption as it is for the use of a restaurant where one has existed in the past and will not create any new environmental impacts as it will be in an already developed area.
2. The project/use/proposal is consistent with the following provisions of the General Plan:

Action CHW 6c: Continue to require that all new or transferred Alcoholic Beverage Control (ABC) licensees and their employees participate in Responsible Beverage Service training, to promote public health and safety by reducing incidence of sales and service to minors and sales and service to obviously intoxicated persons.
As conditioned, all servers would be required to participate in Responsible Beverage Service training.

Action CHW 6e: Continue to require bars to serve food in order to help counter the effects of alcohol consumption.

The establishment is structured with table seating for dining. As conditioned, the establishment would be required to be maintained as a bone fide restaurant, serving full meals and with a balanced wine/beer and food menu.

Goal CHW 6: Reduce the Harmful Impacts of Alcohol, Tobacco and Drug Use on Individuals, Their Families, and the Larger Community

Policy CHW 6-1: Address responsible alcohol consumption through outreach and efforts intended to reduce adult high-risk drinking and its related problems.

As conditioned, alcohol consumption will be prohibited while on site by Lowell Sheldon, who would not otherwise be able to meet the criterion established in the Alcohol Use Permit section related to the applicant's burden of proof.

As conditioned, this criteria is met.

3. The use is consistent with the Sebastopol Zoning Ordinance, including the specific criteria of the following sections as described:

Section 17.350.020 Alcohol Use Permits of the Sebastopol Municipal Code the additional findings applicable to Alcohol Use Permits as follows:

- A. *On and after the effective date of the ordinance codified in this chapter, no place wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption, shall be established without first obtaining a conditional use permit from the City.*

Further, no existing site which substantially changes its mode or character of operation shall continue to operate without first obtaining a conditional use permit.

As conditioned, the establishment would be maintained as a bone fide restaurant at all times. The granting of this Alcohol Conditional Use Permit satisfies this criterion.

- B. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishments and posted in a place where it may readily be viewed by any member of the general public.*

As conditioned, this criterion will be met.

- C. In making any of the findings required pursuant to this chapter, the Planning Commission, or the City Council on appeal, shall consider whether the proposed use will adversely affect the health, safety or welfare of area residents or will result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.*

As conditioned, Lowell Sheldon, part owner, will be prohibited from consuming alcohol on the proposed location the alcohol use permit is granted. His interactions with staff will also be limited, and an outside human resources firm will be monitoring the employee operations. As conditioned, this criterion can be met.

- D. In all determinations pursuant to this section, the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities.*

As conditioned, the applicant is able to meet the burden of proving by clear and convincing evidence that the proposed use, including it's operations, will not adversely affect the health, safety, or welfare of the community, by limiting interaction for a minimum of one year of Mr Sheldon with staff involving any human resource or supervision/direction; prohibiting alcohol consumption by same; engaging an outside human resources firm; and, maintaining the venue as a bone fide restaurant.

- E. The Planning Commission, or City Council on appeal, may impose any conditions on the applicant or proposed location reasonably related to the health, safety or welfare of the community.*

- F. Except as set forth in SMC 17.350.070, applications for conditional use permits herein shall be made in accordance with Chapter 17.415 SMC, together with amendments thereto. The applicant shall submit a processing fee as specified in the most current Planning Department schedule of fees. Any costs for processing an application that exceed the conditional use permit fee paid by the applicant shall be deemed a debt to the City and shall be paid within 30 days of issuance of the conditional use permit or said permit shall be revoked.*

As conditioned, this criterion will be met.

EXHIBIT B
FINAL CONDITIONS OF APPROVAL

Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-020)

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Piala, LLC, and stamped received on March 29, 2022, as modified on May 11, 2022 appeal letter, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a) The applicant shall be modified in all application materials to the City to be Jeffery Berlin. All references to the Applicant's responsibilities below shall be assigned to said Applicant.
 - b) Lowell Sheldon's right to enter the premises shall be no greater than any other member of the public (during business hours, as a customer with access to only public areas). Lowell Sheldon may be on premises when the restaurant is closed and no employees are present (Jeffrey Berlin shall also be present).
 - c) Staff shall review the CUP after the restaurant commences operations to ensure conditions of approval are being adhered to as follows:
 - a. Every quarter for the first two quarters then every 6 months thereafter.
2. Applicant shall not permit Lowell Sheldon to exercise, directly or indirectly, any personnel-related responsibilities in connection with the ownership, management, or operation of the subject business, including without limitation:
 - a. the hiring, training, management, supervision, review, discipline, or termination of any employee; or
 - b. the fielding, review, investigation of, or response to any employee complaints or concerns.
3. Lowell Sheldon shall not serve or consume alcohol in any capacity while on the premises.
4. This Use permit shall be reviewed after a period of one year after the restaurant commences operations by the Planning Commission. At that time, the Planning Commission may modify the Conditions of Approval to allow Lowell Sheldon to consume alcohol on the premises as a member of the dining public. This shall constitute a request for an Amendment to a Use Permit, with the applicant responsible for applying for this review.
5. Violation of any of Conditions 2 and/or 3 may, by itself, constitute a ground for revocation of the subject use permit.
6. Piala LLC shall engage and at all times retain an outside human resources firm to manage all aspects of employee complaints, issues, or concerns, including without limitation receiving, reviewing, investigating, and recommending appropriate action, if any, in response to such issues or concerns.
7. The establishment shall be maintained as a bone-fide restaurant as described in the revised application materials supplied by the applicant on May 11, 2022, including the requirements of Section 17.350.080.C, and as follows:

- a) The menu shall at all times serve full meals, in addition to any such smaller plates proposed.
 - b) The beer/wine list shall remain in proportion with the menu as generally submitted in the revised application materials.
 - c) The seating in the restaurant shall continue to accommodate dining at table seating, and shall not transition to 'bar' style seating for more than 20% of the seating.
8. The applicant shall be responsible for implementing an Alcohol Awareness and Security Plan, which shall be submitted to the Police Department for review and approval within 60 days from the effective date of the Use Permit approval. The Plan shall describe building security and fire safety; how the operation will address staff training relative to alcohol consumption and operational security; and how the operation will coordinate with the Police Department.
 - a. Applicant shall submit a copy of the approved plan to the Planning Department, to be added to the project file.
 9. All persons serving or distributing alcoholic beverages are required to attend the Responsible Beverage Service training program or an equivalent, either in-person or online to the satisfaction of the Police Chief.
 10. No sound may emanate from the building, which violates the Noise Ordinance or causes an undue disturbance to site neighbors.
 11. Hours of operation shall be consistent with the hours stated in the application. The Planning Director shall have the authority to modify the hours of operation.
 12. A Business License is required and shall be obtained prior to operation of the use.
 13. Food, including meals, must be made available during all times that alcohol is served. This may include incidental food items.
 14. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a "drink minimum" be imposed.
 15. Off-sale of beer and wine is not permitted with this approval.
 16. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. – 9:00 P.M.
 17. The business owner shall ensure that employees are drug and alcohol free while on duty.
 18. The establishment is not approved as an entertainment venue. Dancing and/or regular live music shall not be permitted on the premises without prior City approval. As an incidental use, recorded background music and occasional live acoustic music may be conducted inside the establishment only. All doors and windows shall be closed during any such activity. The Police Department or Planning Director may require termination or modification of such activity.
 19. The business owner shall ensure that exterior areas, including the adjacent courtyard area and sidewalk, are free of trash and other debris that may be generated by patrons.

20. The business owner shall be responsible for removing any graffiti on the outside of the establishment.
21. A copy of the conditions of approval for the Alcohol Use Permit must be kept on the premises of the establishment and posted in a place where any member of the general public may readily view it.
22. Occupancy limitations shall be established by the Building Official and clearly posted prior to issuance of a Certificate of Occupancy for any building, including a use requiring a Use Permit.
23. All applicable permits shall be obtained from other approving agencies prior to commencement of this use, including, but not limited to Building and Safety Department, Department of Alcoholic Beverage Control, Fire Department, and County Health Department.
24. As required by the Sonoma County Department of Health Services;
 - a. A review and approval of the menu, plans, and/or specification sheets is required for any changes to the food service operation, facility remodel, addition of any equipment or expansion of any food or alcohol storage or food preparation areas prior to use of the area of equipment.
25. 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.
26. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
27. This approval does not include any signs. Any new signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate.
28. Approval is valid for three (3) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.400.100 of the Zoning Ordinance.
29. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer or otherwise rescinded.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Alcohol Use Permit
7233 Healdsburg Ave
(file 2022-020)

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

This CMP shall be a binding document. Failure to adhere to the CMP may result in a

“Stop Work Notice” being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the City, and may be posted to the city’s website. The CMP shall be updated as project conditions warrant. Updates to the CMP shall be provided to the City for review and approval. The CMP shall include but not be limited to:

- a) Work schedule (start of construction date, road or lane closure intent/dates, important milestones and proposed final dates)
- b) Construction Hours
- c) Travel routes and turn-around locations with staff approval
 - Impact to state highways
- d) Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
- e) Worker auto parking space locations/construction parking
- f) Phasing (if applicable)
- g) If construction improvements are located in areas of slopes 15% or greater, the Contractor shall provide safe temporary hard surface stair access to the improvements, unless waived by the Building Official. This access shall be shown on the CMP.
- h) Projects that require a grading permit shall comply with the City’s grading ordinance.

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

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

A **24-inch by 36-inch** weatherproof copy with items A-F posted on site. The remaining Construction Management Plan shall be made available on site. The Construction Management Plan shall be posted on the site as part of the job site signage and should include:

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

9. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
10. A pre-construction meeting is required with city staff for projects that:
 - a) Require a City encroachment permit, a Caltrans encroachment permit, or a City grading permit; or
 - b) Have 5 dwelling units or more; or
 - c) Have a total of 5,000 square feet of building or more; or
 - d) Have a creek setback requirement; or
 - e) Are required to have a pre-construction meeting under a specific condition of approval.
11. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
12. All required construction signage and any required tree-protection shall be posted and available for City inspection at the time of the Pre-construction meeting or, if no pre-construction meeting is required, prior to commencing construction. If these measures are not in place at the time of the pre-construction meeting, a re- inspection fee will be required, and issuance of building permit will be delayed.
13. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

Planning Department Standard Conditions of Approval:

14. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
15. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.
16. For projects with new foundations or retaining walls less than 10' away from a required setback property lines shall be physically identified (string line or equal), and the applicant shall submit a letter or certificate from a licensed surveyor that confirms that the structure complies with the approved setbacks prior to placing the foundation. For any project that includes new foundations or retaining walls more than 10' away from a required setback, the applicant may apply for a waiver from this requirement from the City Engineer and Planning Department.
17. For any project that includes new structures within 2 feet of the allowed height limit, a letter or certificate from a surveyor confirming that the height of the roof complies with the approved plans shall be submitted to the Planning Department at the earliest point possible.

18. All landscape and irrigation plans must be designed in accordance with the most current City of Sebastopol landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the Planning Department must review and approve the project's working drawings for planting and irrigation systems. Any question regarding the City of Sebastopol current water conservation and Landscape Ordinance should be directed to the Planning Department.

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

19. For any new housing unit development, the developer/owner shall submit the total amount of fees and exactions associated with the project prior to issuance of certificate of occupancy or final inspection.

Engineering and Public Works Department Standard Conditions of Approval:

20. All projects are subject to Impact Fees as adopted by the City Council, which are due at the time of issuance of the Building Permit unless otherwise stipulated by the City.
21. An Encroachment Permit is required from the Public Works Department for any and all work within the public right-of-way. If the work is within a CalTrans right-of way, an Encroachment Permit from CalTrans shall also be procured by the applicant. Encroachment Permit shall not be issued until the City Engineer approves the applicant's site improvement plans.
22. Construction within the public right-of-way is limited to that necessary to support the lot's use. This may include but is not limited to: driveways, sidewalks and any utility connections. For all improvements within the public right of way, the applicant shall submit plans to adequately describe the work. Plans shall include but not be limited to drainage details, cross-sections, driveway/roadway grades and utility locations as necessary.
23. The applicant shall prepare and submit site improvement plans for the construction of all improvements including water, sanitary sewer, storm drain, water quality facilities, roadway improvements, curbs, gutters, sidewalks, elevated or structural pedestrian walkways, landscaping, landscape irrigation, signing, striping, joint trench and streetlights. All design and construction shall conform to the latest edition of the City of Sebastopol Design and Construction Standards and other applicable codes, standards, guidelines and specifications. Public improvement drawings shall be drafted in the City-approved sheet format.
24. Once approved by the City Engineer, the applicant shall submit PDF files of the signed improvement plans. As-Built record drawings shall also be submitted as PDF files.
25. Deviations from City Standards and applicable Code requirements shall be approved by the City Engineer. The applicant's engineer shall request all design exceptions in writing.
26. Any improvements, public or private, damaged during construction shall be replaced,

by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Public Works Department prior to the first submittal of project improvement plans to identify the extents and limits of replacement.

27. An erosion and sediment control plan are required as part of the building permit application. The plan shall be prepared by a certified erosion control specialist and in full compliance with CASQA standards, The plan is subject to review and approval by the Engineering Department prior to the issuance of the building or grading permit. No modifications to the approved plans shall be made without approval of the City Engineer.
28. Mailbox plans and locations shall be approved by the Sebastopol Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Sebastopol Postmaster approving mailbox locations.
29. City Public Water and Sewer and Drainage utility easements as required by the City Engineer utility companies shall be provided within the development. Easement locations shall be subject to review and approval by the City Engineer.

Roadway Improvements:

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

constructed to minimize damage to trees.

38. Pedestrian curb ramps, meeting City standards and current accessibility requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.

Drainage Improvements:

39. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Management Design Manual (FMDM). Public and private drainage improvements shall be shown on the improvement plans and the City Engineer may require the applicant to acquire the review and recommendations by the Sonoma County Water Agency (Sonoma Water) prior to approval by the City Engineer. Private storm drain easements will be required for any portions of the private storm drain not entirely located with the lot being served or for any portion of a private utility located on an adjacent parcel.
40. No lot-to-lot drainage will be allowed between the project site and any adjacent parcels. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system or discharged through the face of curb or to an established waterway.
41. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the City's Flood Ordinance, to the satisfaction of the Building Official and City Engineer. Building finished floor elevations shall be constructed at a minimum of 2 foot above the 100-year storm event water surface elevation as determined by the City and certified by the project engineer. The Engineer of Record shall provide a signed and stamped letter indicating the project meets the requirements of the Ordinance before plan approval.

Stormwater Quality:

42. Projects that create or replace 10,000 square feet or more of impervious surface area are subject to design and construction requirements of the most recent edition of City of Sebastopol Low Impact Development (LID) Technical Design Manual. Improvement plans with required LID design features shall be approved by the City Engineer.
43. Projects that will disturb 1.0 acre or more of developed or undeveloped land shall provide evidence that a Notice of Intent (NOI) has been submitted by the applicant and received by the State Water Resources Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan (SWPPP) shall be provided to the City prior to issuing a grading permit, encroachment permit, or building permit.
44. For required LID features constructed on private property or on street frontage, the owner shall provide a Declaration Letter to the City Manager regarding the owner's commitment to ongoing maintenance of said LID features (LID Declaration) prior to occupancy.

Grading:

45. The improvement plans shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings. Lots shall be generally designed to drain to public and private streets or parking areas, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
46. The City of Sebastopol shall require a grading permit for projects that meet these requirements.
 - a) Cut or fill exceeding 50 cubic yards
 - b) Cut or fill greater than 3 feet in depth
 - c) Cut creating a cut slope greater than 5 feet in height and steeper than 2 units horizontal to 1 unit vertical
 - d) Fill intended to support a structure or surcharge greater than 1 foot in depth or placed on terrain with a natural slope steeper than 15 percent
47. When required by the Building Official the applicant shall submit to the City for review and approval, a detailed Geotechnical Report prepared by a Geotechnical Engineer registered in the State of California. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.
48. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the Geotechnical Report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
49. Existing wells, septic tanks and/or underground fuel storage tanks that are defective or will no longer be in use shall be permanently destroyed or removed under permit and inspection by the Sonoma County Permit and Resource Management Department, Well and Septic Division and/or Sonoma County Environmental Health or other designated agency. Underground fuel storage tanks are subject to UST regulations of the State Water Resources Control Board.
50. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved. Should monuments be damaged or destroyed during construction, they shall be replaced by the developer.
51. Improvements plans shall include an erosion control (winterization) plan. The plan shall include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed.
52. Sewer services and laterals shall be CCTV inspected to determine if the service needs to be removed and replaced. A copy of the CCTV report shall be provided to the City Engineer. A waiver for CCTV inspection may be waived by the City Engineer, if the sewer lateral has been replaced within ten years of the submittal of the improvement plans. A copy of the documentation evidencing such replacement shall be included in the submittal package.
53. If the proposed project is located in or adjacent to a waterway, within an area designated as habitat for threatened or endangered species, or other special status

area, it possibly falls under the jurisdiction of another agency such as the United States Army Corps of Engineers, the California Regional Water Quality Control, or the California Department of Fish & Wildlife, U. S. Fish & Wildlife Service, etc. These agencies shall be contacted to determine if the project lies within their respective jurisdictions. All necessary permits and/or approvals shall be obtained prior to the City issuing any permits. If permits are not required, a letter stating so shall be submitted to the City as part of the record.

54. Trees and vegetation shall be trimmed according to Section 8.12 of the Sebastopol Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet over sidewalks and not less than twelve (12) feet over streets.

Fire Department. Standard Conditions of Approval:

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

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

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

Building Department Standard Conditions of Approval:

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

END OF STANDARD CONDITIONS OF APPROVAL