

RESOLUTION NO. -2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL CERTIFY THE ENVIRONMENTAL IMPACT REPORT (EIR) AND ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
FOR THE PROPERTY AT 1009 AND 1011 GRAVENSTEIN HIGHWAY NORTH
(APN 060-261-026, 060-261-028)

WHEREAS, the City of Sebastopol completed a comprehensive General Plan update with adoption of a new General Plan on November 15, 2016; and

WHEREAS, the City of Sebastopol completed a Housing Element Update to the General Plan with adoption of a new Housing Element on January 3, 2023, and Certified by the State of California Department of Housing and Community Development (HCD) on March 7, 2023; and,

WHEREAS, an application for a Conditional Use Permit for residential development in a Office Light Industrial district, a State Density Bonus for building height, and a Vesting Tentative Map for an 80-Unit townhome project known as Canopy (the "Project"), was filed on April 21st, 2023, by Samantha Hauser / City Ventures, which consists of subdividing two vacant parcels, 6.1 acres (APN 060-261-026, 060-261-028) into a two-lot subdivision with a condominium map for 80 units plus common areas, with 107,200 square feet of private open space. The Project will develop 80 townhome units, landscaped areas, and parking. Parking will be provided via a surface parking lot on site as well as garage parking for all of the units; and

WHEREAS, the Project was the subject of an Environmental Impact Report prepared in compliance with the California Environmental Quality Act (CEQA), which was circulated for public comment from December 7, 2023 to January 24, 2024, including CEQAnet and the Federated Indians of the Graton Rancheria, consistent with local and State CEQA requirements;

WHEREAS, two comments were received from State agencies (CalTrans and Department of Toxic Substances) and are included within the Final EIR response to comments, 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, thirteen written public comments and one written memo of comments received via phone call were received related to the Draft Environmental Impact Report component of the Project; and

WHEREAS, the Environmental Impact Report identifies significant impacts reduced to less than significant with the implementation of mitigation measures for the following sections; Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and

Soil, Greenhouse Gas, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Tribal Cultural Resources; and

WHEREAS, there are available feasible mitigation measures listed below that would reduce these impacts below less than significant and would be applied to the Project as conditions of approval refer to the MMRP (Exhibit D) for the full mitigation measures identified in the Final EIR and adopted and incorporated into the project:

1. **Aesthetics Impact AES-2.** The proposed project would not substantially damage scenic resources including trees, rock outcroppings, or historic buildings within view of a state scenic highway. Potentially significant impacts related to trees would be reduced to a less than significant level with implementation of Mitigation Measure BIO-2.
2. **Aesthetics Impact AES-4.** The proposed project would introduce nighttime light sources associated with lighting of proposed buildings and could introduce glare associated with onsite residences and associated passenger vehicles. The project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. Potentially significant impacts related to outdoor lighting would be reduced to a less than significant level with Mitigation Measure AES-4.
3. **Air Quality Impact AQ-3.** The project would not increase carbon monoxide concentrations such that it would create carbon monoxide hotspots. However, project construction could potentially expose sensitive receptors to substantial pollutant concentrations in the form of toxic air contaminant emissions given the proximity to surrounding and future onsite sensitive receptors. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure AQ-1.
4. **Biological Resources Impact BIO-1.** The project would have the potential to result in a substantial adverse effect on special status animal species. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure BIO-1(a), BIO-1(b), and BIO-1(c).
5. **Biological Resources Impact BIO-3.** The project could conflict with the City of Sebastopol Municipal Code tree protection ordinance. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure BIO-2.
6. **Cultural Resource Impact CUL-2.** Grading and excavation required for the proposed project would have the potential to unearth and adversely change or damage previously unidentified historical and archaeological resources. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure CUL-2.
7. **Geology and Soils Impact GEO-1.** The project has the potential to significantly impact paleontological resources. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure GEO-1.
8. **Greenhouse Gas Impact GHG-1.** The proposed project would be consistent with

BAAQMD's GHG thresholds for buildings and transportation with implementation of Mitigation Measure GHG-1. Therefore, the project would not generate GHG emissions that may have a significant impact on the environment. Potentially significant impacts related to electrical vehicle parking requirements would be reduced to a less than significant level with implementation of Mitigation Measure GHG-1 and in accordance with CALGreen Tier 2.

9. **Hazards and Hazardous Materials Impact HAZ-2.** Sebastopol Independent Charter School is located within 0.25 mile of the proposed project. The proposed project would not emit or handle hazardous or acutely hazardous materials. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure HAZ-3(b).
10. **Hazards and Hazardous Materials Impact HAZ-3.** While not listed on Government Code Section 65962.5(a), which constitutes DTSC's portion of the Cortese List, the project site is associated with an active Voluntary Agreement cleanup case with regulatory agency oversight by the DTSC (DTSC 2023a). There are known hazardous material impacts to soil at the project site. However, compliance with applicable regulations and mitigation for impacts from potential soil and/or groundwater contamination at the project site would minimize hazards from the proposed project. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measures HAZ-3(a) and HAZ-3(b).
11. **Hydrology and Water Quality Impact HYD-5.** The proposed project would alter drainage patterns and increase runoff in the area but would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional polluted runoff. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measures HAZ-3(a) and HAZ-3(b).
12. **Hydrology and Water Quality Impact HYD-6.** The proposed project would not conflict with or obstruct the North Coast RWQCB Basin Plan or Santa Rosa Plain Subbasin GSP, pursuant to compliance with applicable water quality regulations. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measures HAZ-3(a) and HAZ-3(b).
13. **Noise Impact NOI-1.** Construction of the project would temporarily increase ambient noise levels, but noise levels would not exceed applicable standards. Ambient noise in the project vicinity would increase from on-site activities and increased traffic. Traffic noise increases would be less than significant. operational stationary source noise would exceed standards established by the City. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure NOI-1.
14. **Transportation Impact TRA-1.** The project would conflict with General Plan Action CIR 1f relating to pedestrian facilities. Incorporation of Mitigation Measure TRA-1 would ensure compliance with all relevant plans, programs, ordinances and policies. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure TRA-1.

- 15. Tribal Cultural Resources Impact TCR-1.** Grading and excavation required for the proposed project would have potential to unearth and impact or damage Tribal Cultural Resources. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measure TCR-1.

WHEREAS, the Project complies with CEQA Guidelines Section 15090 as detailed below:

- a. Prior to approving a project the lead agency shall certify that:
 - a. The final EIR has been completed in compliance with CEQA;
 - b. The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - c. The final EIR reflects the lead agency's independent judgment and analysis.

WHEREAS, the project complies with CEQA Guidelines Section 15091 as detailed below:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - i. *In that the attached Mitigation Monitoring Responsibility Program (MMRP) labeled Exhibit D requires modifications to mitigate potential significant environmental effects; the MMRP, and*
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - i. *In that the attached Mitigation Monitoring Responsibility Program identifies the City Department or outside agency responsible monitoring the mitigation.*
 - c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
 - i. *in that no mitigations required to reduce any potentially significant impacts to less than significant are found to be infeasible.*
- b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
 - a. *In that the project will be required to submit the final subdivision map to the City Engineer for approval pursuant to the Subdivision Map Act.*
- c) The finding in subdivision (a)(2) shall not be made if the agency making the

finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- d) When making the findings required in subdivision (a)(1), the 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 avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - a. *In that the attached Mitigation Monitoring Responsibility Program is attached to this Resolution as Exhibit D.*
- e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
 - a. *In that a copy of the Final EIR and MMRP's will be on file with the City of Sebastopol Planning Department for public viewing.*

WHEREAS, on August 21, 2019, the Design Review Board and on October 8, 2019, the Planning Commission conducted a preliminary review of the proposed project, heard public comment, and provided comments to the applicant; and

WHEREAS, on January 23rd, 2024, the Planning Commission held a duly noticed public hearing to receive comments on the Draft Environmental Impact Report; and,

WHEREAS, on March 12, 2024, the Planning Commission held a duly noticed public hearing to review the proposed residential development with the following entitlements of a use permit, tentative map, and density bonus for building height, and the Final Environmental Impact Report, heard a staff report and public testimony, and deliberated; and,

WHEREAS, The City of Sebastopol Planning Commission adopted Resolution 24-02 recommending the Certification of the Final Environmental Impact Report for the "Canopy" Project (the "Project") located at 1009 and 1011 Gravenstein Highway North based on the findings of fact of the adopting Resolution No. 24-02. And,

WHEREAS, the City of Sebastopol Planning Commission also adopted Planning Commission Resolution 24-03 recommending the City Council approve the use permit, Tentative Map, and Density Bonus for building height entitlements, subject to Exhibit A, Findings in Resolution 24-03, Exhibit B Specific Conditions of Approval, as modified by the Planning Commission, and Exhibit C Standard Conditions of Approval.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sebastopol, California, hereby adopt this Resolution Certifying the Environmental Impact Report and adopting findings of fact pursuant to the California Environmental Quality Act as set forth

above, with the mitigation measures set forth above and in the Environmental Impact Report, 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 2nd day of April 2024, by the following vote:

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED:

Diana Rich, Mayor

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk,

MMC

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney

Attachments:

Exhibit D: Mitigation Monitoring Reporting Program

RESOLUTION NO. -2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING A USE PERMIT, VESTING TENTATIVE MAP, AND DENSITY BONUS FOR THE PROPERTY AT 1009-1011 GRAVENSTEIN HIGHWAY NORTH (APN 060-261-026, 060-261-028)

WHEREAS, the City of Sebastopol completed a comprehensive General Plan update with adoption of a new General Plan on November 15, 2016; and

WHEREAS, the City of Sebastopol completed a Housing Element Update to the General Plan with adoption of a new Housing Element on January 3, 2023, and Certified by the State of California Department of Housing and Community Development (HCD) on March 7, 2023; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA, codified at Public Resources Code § 21000 et seq.) and the State CEQA Guidelines (14 CCR, § 15000 et seq.), on November 15, 2016, the City Council certified and adopted an Environmental Impact Report (EIR) for the Sebastopol General Plan (the "Project"; State Clearinghouse No. 2016032001); and

WHEREAS, an application for a Conditional Use Permit for residential development in a Office Light Industrial district, a State Density Bonus for building height, and a Vesting Tentative Map for an 80-Unit townhome project known as Canopy (the "Project"), was filed on November 9th, 2023, by Samantha Hauser / City Ventures. The Project consists of subdividing two vacant parcels of approximately 6.1 acres (APN 060-261-026, 060-261-028) into two-lot subdivision with a condominium map for 80 units plus common area, with 107,200 square feet of private open space. The Project will develop 80 townhome units, landscaped areas, and parking. Parking will be provided via surface parking lots as well as garage parking for all of the units; and

WHEREAS, the project, as conditioned, is consistent with the General Plan, in that it conforms to the following goals/programs/policies; and,

- *Goal LU1 - Maintain Sebastopol as a unique, charming, and environmentally sensitive small town that provides residents, businesses, and visitors with opportunities to enjoy a high quality of life, in that the project will provide housing opportunities that are environmentally friendly with the low water landscape, all electric development, and improvements to existing pedestrian facilities.*
- *Policy LU 1-2: Avoid urban sprawl by concentrating development within the City limits; favor infill development over annexation, in that the project is an infill development as it intends to develop two vacant parcels within city limits.*
- *Policy LU 1-7: Encourage new development to be contiguous to existing development, whenever possible, in that the project reflects similar*

characteristics to the existing development of the O'Reilly media office buildings to the west, and utilizes existing access points for both vehicles and pedestrians through the site, and enhances the connectivity to the existing urban resources.

- *Policy LU 5-5: Strongly encourage residential development in a balanced and efficient pattern that reduces sprawl, preserves open space, and creates convenient connections to other land uses, in that the project provides connections to the West County Trail, pedestrian access to an adjacent bus line, and is within walking distance of a major shopping center.*
 - *Policy LU 6-1: Promote increased residential densities in that the project provides a residential development of 13.11 dwelling units per acre, which is within the minimum and maximum densities allowed in the R7 multifamily zoning district and Office/Light Industrial Land Use designation and Zoning district.*
 - *Policy LU 6-2: Promote compact urban form that provides residential opportunities in close proximity to jobs, services, and transit, in that the project is a compact design of townhomes located in close proximity to a large shopping center, bus stop and two schools.*
 - *Policy CIR 1-5: When analyzing impacts to the circulation network created by new development or roadway improvements, consider the needs of all users, including those with disabilities, ensuring that pedestrians, bicyclists, and transit riders are considered preeminent to automobile drivers in that the project provides connectivity to the West County Trail and adjacent to a bus transit line.*
 - *Housing Element Policy C-4: The City will encourage development of new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types, in that the project includes both market-rate housing as well as fifteen percent of the units to be sold at 120% or less of the average median income (AMI) in perpetuity.*
 - *Housing Element Goal D-1: Promote Housing Affordability for both Renters and Homeowners, in that fifteen percent of the units to be sold at 120% or less of the average median income (AMI).*
 - *Community Design Policy 1-2: Ensure that new residential and commercial development is sensitive to the surrounding architecture, topography, landscaping, character, scale, and ambiance of the surrounding neighborhood, in that it is the same scale or lower than the adjacent office buildings, it has significant setbacks from adjoining residential structures, it breaks down the massing of the development by proposing twenty separate structures for the units, it retains the majority of trees between the site and the adjoining residential uses, and maintains two-thirds of the site as open space, and will be planting additional trees.*
- And,

WHEREAS, granting a Conditional Use Permit for the Project is appropriate as it complies with SMC 17.415.030 as detailed below:

1. The proposed use is consistent with the General Plan and all applicable provisions of this title, in that residential development in an Office Light Industrial zoning district is allowed with the approval of a Conditional Use Permit.
 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 that:
 - i. The proposed use of a residential development is compatible with the surrounding uses of residential, office, and scholastic.
 - ii. The Project maintains the existing trees and screening to the adjoining residential areas, as well as appropriate setbacks from adjoining properties.
 - iii. The Project maintains pedestrian and bicycle connections to the West County Trail which will remain public, and will enhance the pedestrian connectivity by providing new pedestrian and bicycle access to both Gravenstein Highway north and Hurlbut Avenue.
 - iv. The Project will provide a range of housing, including market rate townhomes, Accessory Dwelling Units, and deed-restricted Moderate income housing.
 - v. The Project is consistent with the R7 Multi-family housing zoning requirements.
 - vi. The Project, with the approval of a Use Permit, is consistent with the Office and Light Industrial Zoning District.
 - vii. The Project underwent an Environmental Impact Report (EIR), which requires mitigations related to noise, drainage, soil remediation, air quality, and light glare to ensure health and safety to the community and the new residents.
- And,

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

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan as detailed above, and other applicable provisions of SMC Chapter 16 and the State Subdivision Map Act (SMA); and
2. 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 2 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:
 - All-electric construction
 - Low water use landscape
 - Native Plant materials
 - Accessible/adaptable features in all buildings

WHEREAS, the project was subject to an Environmental Impact Report (EIR) prepared in compliance with the California Environmental Quality Act (CEQA), which was circulated for public comment on December 7, 2023, to January 24, 2024, 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; and,

WHEREAS, on January 23rd, 2024, the Planning Commission held a duly noticed public hearing to receive comments on the Draft Environmental Impact Report; and,

WHEREAS, on August 21, 2019, the Design Review conducted a preliminary review of the proposed project and provided comments to the applicant; and,

WHEREAS, on October 8, 2019, the Planning Commission conducted a preliminary review of the proposed project and provided comments to the applicant; and,

WHEREAS, on March 12, 2024, the Planning Commission held a duly noticed public hearing to review the proposed residential development with the following entitlements of a use permit, tentative map, and density bonus for building height, and Final Environmental Impact report; heard a staff report and public testimony, and deliberated; and,

WHEREAS, The City of Sebastopol Planning Commission adopted Resolution 24-02 recommending the Certification of the Final Environmental Impact Report for the “Canopy” Project (the “Project”) located at 1009 and 1011 Gravenstein Highway North based on the findings of fact of the adopting Resolution No. 24-02. And,

WHEREAS, the City of Sebastopol Planning Commission also adopted Planning Commission Resolution 24-03 recommending the City Council approve the use permit, Tentative Map, and Density Bonus for building height entitlements, subject to Exhibit A,

Findings in Resolution 24-03, Exhibit B Specific Conditions of Approval, as modified by the Planning Commission, and Exhibit C Standard Conditions of Approval.

NOW, THEREFORE, BE IT RESOLVED THAT, The City of Sebastopol City Council hereby adopts a Resolution approving the following, based on the Findings above and subject to the Conditions of Approval in Exhibit B and Exhibit C:

1. A Use Permit for residential development in an Office Light Industrial district.
2. A Tentative Map for the creation of two new lots and 80 condominium units as shown in Exhibit A.
3. A Density Bonus for the increase in building height from the allowable 30' and two stories as required in the zoning ordinance to 40' and three stories.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 2nd day of April 2024, by the following vote:

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Diana Rich, Mayor

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney

Phased Vesting Tentative Map

For Condominium Purposes:

80 Residential Condo Units and Associated Accessory Dwelling Units

1009 & 1011 Gravenstein Highway North, Sebastopol Ca.

Assessor's Parcel Number 060-261-026 & 028

Per Gov. Code Section 66456.1, the subdivider intends to file and reserves the right to file multiple final maps.

CURRENT ZONING
OLM (Office/Light Industrial)

OWNER/SUBDIVIDER:

City Ventures Homebuilding, LLC
c/o Samantha Hauser
3121 Michelson Drive, Suite 150
Irvine, CA 92612
samantha@cityventures.com

SURVEYOR/ENGINEER:

ADOBE ASSOCIATES, INC.
1220 N. Dutton Avenue
Santa Rosa, CA. 95401
(707)541-2300 phone
(707)541-2301 fax
asmith@adobeinc.com

General Notes

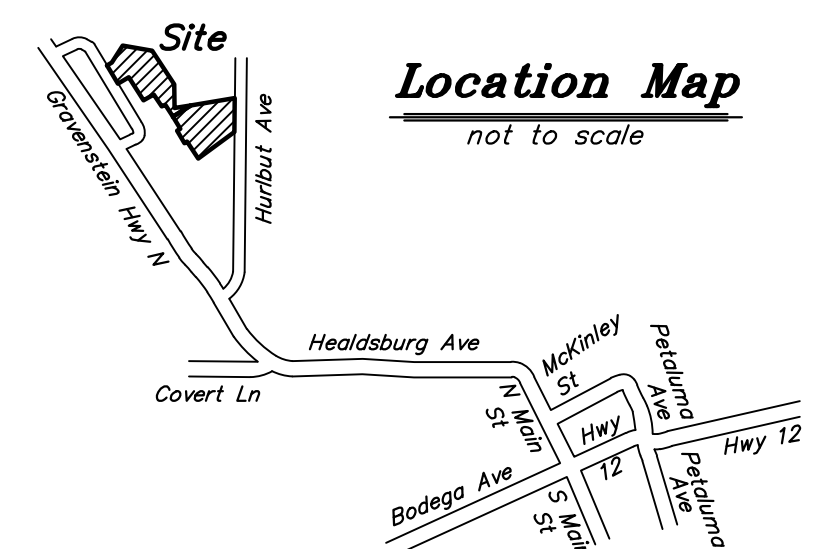
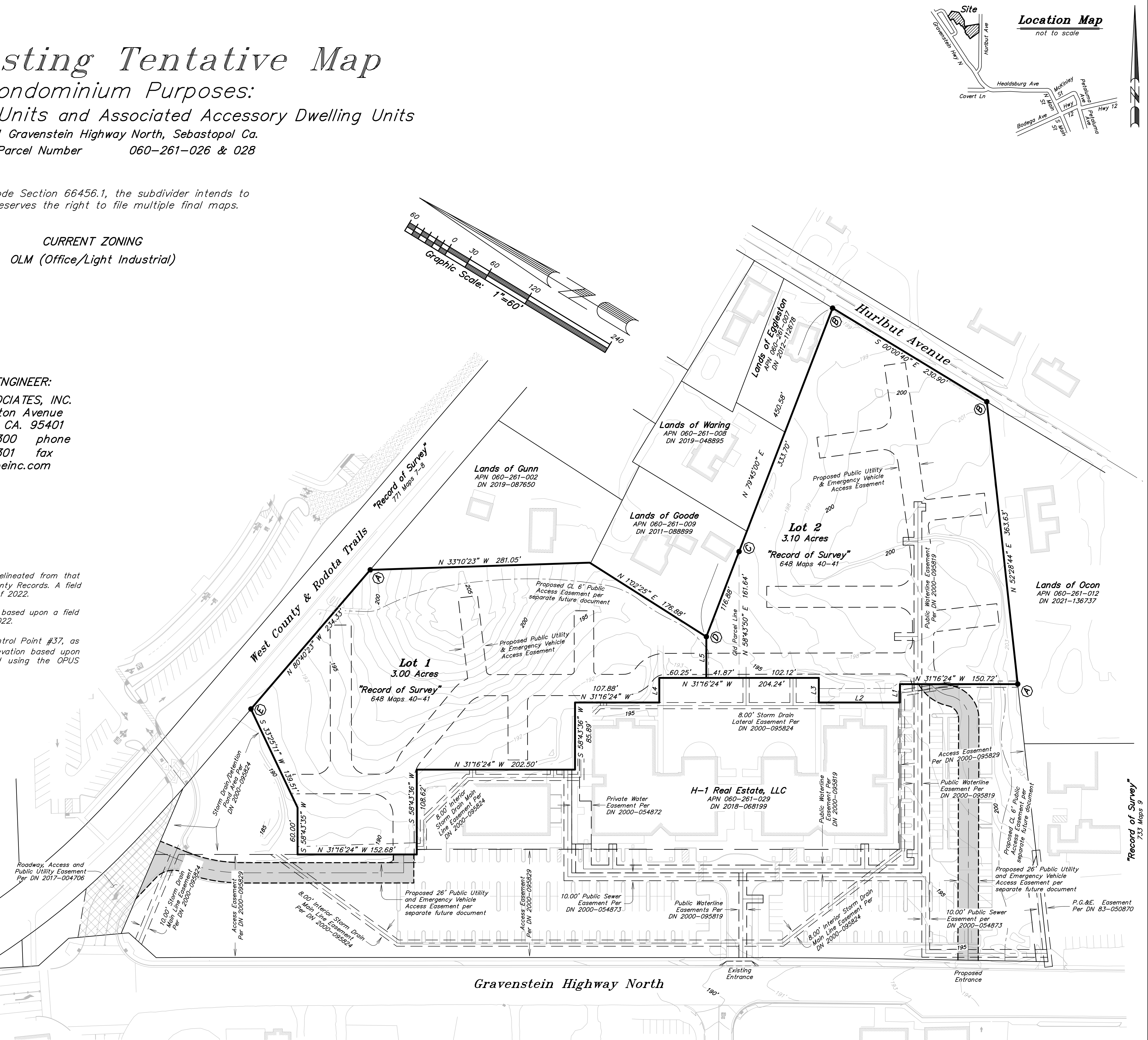
Property lines shown hereon are based upon found monumentation and delineated from that "Record of Survey" recorded in Book 119 of Maps at Page 16, Sonoma County Records. A field survey was performed by Adobe Associates, Inc. in August and September of 2022.

Contours shown hereon are a 1' (one foot) vertical interval and are shown based upon a field survey performed by Adobe Associates, Inc., in August and September of 2022.

Bench Mark: Set "Mag" Nail & Flagging, Adobe Associates, Inc. Control Point #37, as shown hereon. Elevation = 198.0'. This elevation is a GPS NAVD 88 elevation based upon static GPS measurements collected September 7, 2022 and adjusted using the OPUS Adjustment tool according to Geoid 18.

Monument Table:

		Line Table		
		No.	Direction	Length
(A)	Found 1/2" Iron Pipe, LS 4483	L1	S 58°43'36" W	23.50'
(B)	Found 1/2" Iron Pipe, LS 5143	L2	N 31°16'24" W	103.88'
(C)	Found 1/2" Iron Pipe, No Tag, In Fence Line	L3	N 58°43'36" E	31.50'
(D)	Found 3/4" Rebar & Flagging	L4	S 58°43'36" W	31.50'
(E)	Found 1/2" Iron Pipe, No Tag, Bent, Set Nail At Point Of Rotation	L5	N 58°43'36" E	52.68'



Revisions	No.	Date	Description	Approved

adobe associates, inc.
civil engineering | land surveying | wastewater
1220 N. Dutton Ave., Santa Rosa, CA 95401
P. (707) 541-2300 F. (707) 541-2301
Website: www.adobeinc.com
"A Service You Can Count On!"

Aaron R. Smith
AARON R. SMITH
No. L 7901
STATE OF CALIFORNIA
Professional Land Surveyor

Vesting Tentative Map
City Ventures Homebuilding LLC
1009 & 1011 Gravenstein Highway North, Sebastopol Ca.
Assessor's Parcel Number 060-261-026 & 028

Scale: 1" = 60'
Date: April 2023
Design by: Jaggis
Drawn by: Jaggis
Checked by: ARS

C4.0
10 of 10 sheet
Job No. 22181

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL
Conditional Use Permit, Vesting Tentative Map, Density Bonus
1009-1011 Gravenstein Highway North
060-261-028, 060-261-026, **File# 2022-095**

PLANNING:

1. Plans and elevations shall be in substantial conformance with plans prepared by WHA Architects, and stamped received on April 21st, 2023, as revised on February 20th, 2024, and on file at the City of Sebastopol Planning Department, except as modified herein:
2. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Samantha Hauser/City Ventures, and stamped received on April 21st, 2023, as revised on February 20th, 2004, and on file at the City of Sebastopol Planning Department, except as modified herein:
3. All measures in the Mitigation Monitoring Reporting Program (MMRP) for the Environmental Impact Report approval for application 2022-095 shall remain applicable.
4. The project's open spaces shall be maintained by the property owner, not by the City.
5. 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.
6. A Tree Removal permit is required for the any trees proposed for removal.
7. Design Review approval is required by the Design Review Board for the design of the units, site features, landscaping, and other amenities.
8. The Vesting 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
9. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in the conditions of approval.
10. 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.
11. All other approvals than the Vesting 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. As required by the Sonoma County Regional Parks Department the applicant shall install a 42" fence along the northern property line between the County property and the applicant's property to prevent the creation of "social trails" on County property. No fencing is needed at

the existing trail intersection. For avoidance of doubt, this condition applies to the property line adjacent to the West County Trail.

PUBLIC WORKS:

13. The applicant shall label all onsite sewer lines as private.
14. The applicant shall install two master water meter connections for the project.
15. Fire Hydrants will be part of the private onsite system. The City will provide hydrant testing to ensure fire protection.
16. All projects are subject to Impact Fees as adopted by the City Council at the time the preliminary application was submitted, which are due at the time of issuance of the Building Permit unless otherwise stipulated by the City.

ENGINEERING:

17. Prior to Final Map approval provide proof of recorded easements for access (i.e. vehicular and pedestrian access) in connection with and in favor of the Project, including future public water & sewer, public utilities, and storm drain easement, through adjacent private properties, including 1003-1007 Gravenstein Hwy, N (APN 060-261-029).
18. Prior to Final Map approval provide proof of recorded joint maintenance agreement (JMA) for off-site private easements through adjacent private properties, including 1003-1007 Gravenstein Hwy, N (APN 060-261-029), including modifications to any existing recorded agreements. JMA shall extend to proposed new lots to be established by the Final Map. The JMA shall specify and allocate rights, duties and obligations for maintenance of the private easement.
19. The Final Map shall include reference to the recorded covenant restriction along the frontage of Hurlbut Avenue, which shall read as follows: "There shall be no vehicular access from subject property to Hurlbut Avenue. This vehicular access restriction shall not be removed without the express approval of the City of Sebastopol by a resolution of its City Council."
20. No lot-to-lot drainage will be allowed between the project site and any adjacent parcels without an easement. 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.
21. The improvement plans for each phase of development shall include and provide for the construction of offsite improvements as approved by the City Engineer such that each phase of development shall construct sufficient onsite roadway and utility improvements.

GENERAL:

22. Applicant shall apply for any permits required for permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW). The proposed project will add a new driveway connection off SR-116, it will require an encroachment permit. As part of the

encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

Building Department:

23. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time the preliminary application was submitted.

EXHIBIT C STANDARD CONDITIONS OF APPROVAL

Conditional Use Permit, Vesting Tentative Map, Density Bonus
1009-1011 Gravenstein Highway North
060-261-028, 060-261-026, **File# 2022-095**

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. 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.
5. 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.
6. 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).
7. 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.
 8. 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.
 9. 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.
10. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
 11. 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.
 12. 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:

13. 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.
 14. 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.
 15. 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.
 16. 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.
17. 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:

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. City Public Water and Sewer and Drainage utility easements, if required by the City

Engineer, shall be provided within the development. Easement locations shall be subject to review and approval by the City Engineer.

Roadway Improvements:

27. 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.
28. An emergency vehicle access, meeting the requirements of the Sebastopol Fire Department shall be constructed.
29. All private driveway areas less than 24-foot wide shall require the approval of the Sebastopol Fire Department.
30. Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations where mailboxes, street furniture, streetlights, street signs and fire hydrants are to be installed, or as otherwise approved by the City Engineer.
31. 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.
32. 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.
33. 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.
34. Pedestrian curb ramps, meeting City standards and current accessibility requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.

Drainage Improvements:

35. 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.

Stormwater Quality:

36. 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.
37. 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.
38. 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:

39. 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
40. 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.
41. 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.
42. 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.
43. 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.

44. 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.

Fire Department. Standard Conditions of Approval:

45. 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.
46. 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.
47. 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. 25Hr 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.

Building Department Standard Conditions of Approval:

48. 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.

END OF STANDARD CONDITIONS OF APPROVAL

Mitigation Monitoring and Reporting Program

The Environmental Impact Report (EIR) for The Canopy Project (project) identifies the mitigation measures required to reduce the environmental impacts associated with the project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6(a)(1) of the Public Resources Code:

“the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of making findings or adopting a mitigated negative declaration. The mitigation monitoring table lists the identified mitigation measures for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The first column, “Mitigation Measure”, identifies mitigation measures that were identified in the EIR. The second column, “Action Required,” refers to the monitoring action that must be taken to ensure the implementation of the mitigation measure. The third column, “Timing,” refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, “Frequency”, refers to how often the mitigation will be implemented. The fifth column, “Responsibility,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The remaining “Compliance Verification” columns are where the City verifies that the measures have been implemented.

					Compliance Verification			
Mitigation Measure		Action Required	Timing	Frequency	Responsibility	Initial	Date	Comments
Air Quality								
AES-4	Lighting Specifications							
Exterior lighting installed on the project site must be of low intensity, low glare design, and must be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels and must otherwise meet dark night sky requirements. Exterior lighting fixtures must be kept to the minimum number and intensity needed to ensure public safety. Upward directed exterior lighting is prohibited. The final lighting plan must be amended to include identification of all types, sizes, and intensities of wall mounted building lights and landscape accent lighting, and a photometric map must be provided.		Confirm lighting meets the requirements of the General Plan and design guidelines.	After the completion of construction activities.	Once	City of Sebastopol Planning Department			
Air Quality								
AQ-1	Construction TACs Reduction							
The applicant and project engineer shall include the measures listed below on the grading plan, building plans, and specifications. Prior to issuance of grading permits, the City Engineer and the Chief Building Official shall confirm that the grading plan, building plans, and specifications stipulate that the measures listed below shall be implemented during project construction. The construction contractor shall implement these measures for the duration of construction.		Confirm construction contractors implement applicable construction measures throughout the duration of construction activities.	Prior to and during the duration of construction activities	Once prior to the issuance of grading permits, then periodically throughout construction activities.	City of Sebastopol Planning Department			
1. All mobile off-road equipment (wheeled or tracked) used during construction activities shall meet the USEPA Tier 4								

Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Compliance Verification		
					Initial	Date	Comments
<p>final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards.</p> <p>2. Alternative Fuel (natural gas, propane, electric, other non-diesel fuels) construction equipment shall be incorporated where available. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site.</p> <p>3. Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.</p>							
Biological Resources							
BIO-1(a) Western Bumble Bee Preconstruction Survey							
<p>A qualified biologist(s) shall conduct a pre-construction survey for western bumble bee prior to the onset of work activities at the project site. The pre-construction survey effort shall be conducted for a minimum of one hour. If bumble bees of any species are</p>	<ul style="list-style-type: none"> Confirm preconstruction survey is conducted prior to the start of construction activities. If construction occurs during March 1 through November 1, confirm a 	<p>Prior to and during the duration of construction activities</p>	<p>Once prior to the start construction activities as needed if bumble bees are identified.</p>	<p>City of Sebastopol Planning Department</p>			

Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Compliance Verification		
					Initial	Date	Comments
observed, they shall be photographed for identification following the USFWS guidance in Appendix A <i>Standardized Bee Photography in the Survey Protocols for the Rusty Patched Bumble Bee (Bombus affinis)</i> (USFWS 2019). If construction begins between March 1 and November 1, the ground shall also be searched during the survey for active bumble bee colonies. No capture or handling of bumble bees shall be conducted, and western bumble bee, if identified, shall be avoided during construction. Foraging bees shall be allowed to leave work areas undisturbed.	<p>ground survey is completed.</p> <ul style="list-style-type: none"> If bumble bees are found during the pre-construction survey, confirm they are photographed for identification and avoided during construction. 						
BIO-1(b) Roosting Bat Surveys and Avoidance Prior to Removal							
Prior to tree removal or ground disturbance, a qualified biologist shall conduct a focused survey of all trees within the project site, to determine whether active roosts of special status bats are present. If tree removal is planned for the fall or winter, the survey shall be conducted in September to ensure tree removal would have adequate time to occur outside periods of hibernation and during seasonal periods of bat activity (March 1 to April 15, September 1 to October 15, or in any month when evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs, as described below). If tree removal is planned for the spring, then the survey shall be conducted during the earliest feasible time in March to allow for suitable conditions for the detection of bats, and	During tree removal or ground disturbance, the City shall ensure that a qualified biologist has conducted a survey to detect active bat roosts. If roosts are present, construction will commence only after the City approves a roosting bat protection plan or proper bat boxes are installed when large amounts of bats are present.	Prior to construction	Once	City of Sebastopol Planning Department			

Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Compliance Verification		
					Initial	Date	Comments
subsequent tree removal. Trees containing suitable potential bat roost habitat features shall be clearly marked or identified. If day roosts are found to be potentially present, the biologist shall prepare a site-specific roosting bat protection plan to be implemented by the contractor following the City's approval. The plan shall incorporate the following guidance as appropriate:							
1.	When feasible, removal of trees and structures identified as suitable roosting habitat shall be seasonally timed to avoid disturbance during the hibernation and breeding seasons, including the following:						
a)	Between September 1 and about October 15, or before evening temperatures fall below 45 degrees Fahrenheit and/or more than 0.5 inch of rainfall within 24 hours occurs.						
b)	Between March 1 and April 15, or after evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs.						
2.	If a tree must be removed during the breeding season and is identified as potentially containing a maternity roost, then a qualified biologist shall conduct visual or acoustic						

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Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Compliance Verification		
					Initial	Date	Comments
<p>emergence surveys or implement other appropriate methods as determined by the biologist to further evaluate if the roost is an active maternity roost. If it is determined that an active maternity roost of a colonial roosting species is present, the roost shall not be disturbed during the breeding season (April 15 to August 31). If it is determined to not be an active maternity roost, the tree or structure may be removed under the guidance of the qualified biologist.</p> <p>3. Potential non-colonial hibernation roosts shall only be removed during seasonal periods of bat activity outside the hibernation and breeding seasons. Potential non-colonial roosts that cannot be avoided shall be removed on warm days in late morning to afternoon when any bats present are likely to be warm and able to fly. Appropriate methods as determined by the qualified biologist shall be used to minimize the potential harm to bats during tree or structure removal. For trees, such methods may include using a two-step tree removal process. This method is conducted over two consecutive days and works by creating noise and</p>							

Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Compliance Verification		
					Initial	Date	Comments
vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (i.e., no excavators or other heavy machinery) on the first day with the remainder of tree removal occurring on the second day.							
BIO-1(c) Nesting Bird Survey							
If construction, vegetation trimming, or tree removals are scheduled to occur during the nesting bird season (February 1 through August 31), the project applicant shall retain a qualified biologist to conduct a pre-construction nesting bird survey no more than 14 days prior to the start of construction to determine the presence/absence of nesting birds and raptors within the project site and adjacent areas. The survey shall include the entire site plus a 100-foot buffer, as accessible. If active nests are found, the qualified biologist shall establish an appropriate avoidance buffer, considering the species sensitivity and physical location of the nest (e.g., line of site to the work area), to comply with CFGC 3503 and 3503.5. The buffer shall be at least 50 feet for non-raptor bird species and 250 feet for raptor species, unless a smaller buffer is determined protective of nesting birds by the qualified biologist. To prevent encroachment, the established buffer(s) shall be clearly marked by high visibility material installed by the contractor. The established buffer(s) shall remain in	<ul style="list-style-type: none"> If initial ground disturbance occurs during February 1 through August 31, confirm a qualified biologist has been retained to conduct a nesting bird pre-construction survey in the disturbance footprint and buffer area. Confirm a report of the nesting bird and raptor survey results is submitted to the City. If nests are found during the pre-construction survey, confirm the locations are flagged and mapped, and confirm avoidance buffers are established. Confirm that all construction work is conducted outside the established avoidance buffers. 	<ul style="list-style-type: none"> Prior to construction: Confirm initial ground disturbance timing; confirm retention of qualified biologist for pre-construction surveys, confirm a report detailing results of the nesting bird and raptor surveys is submitted to the City (prior to grading activities), confirm identified nests are flagged and mapped, confirm avoidance buffers are established. During construction: confirm retention 	Once: confirm construction start date; confirm retention of biologist; confirm pre-construction survey is completed; confirm survey results report is submitted; confirm identified nests are flagged and mapped; confirm retention of biologist for on-site monitoring, if required.	City of Sebastopol Planning Department			

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Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Compliance Verification		
					Initial	Date	Comments
effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. The City shall review and approve the biologists' findings and buffer during construction, as appropriate.		of qualified biologist for on-site monitoring, if required.					
BIO-2 Tree Replacement							
All protected ordinance-sized trees removed from the project site shall be replaced as appropriate for the size class and species of the tree removed, based on the City of Sebastopol tree mitigation requirements for protected native trees, as determined by the Tree Board or the City Arborist. Two replacement trees shall be either planted onsite for each protected tree removed or at a City-approved offsite location, or a fee of \$75 per replacement tree would be provided to the City of Sebastopol tree fund in-lieu for off-site tree planting in the community. If onsite/offsite planting is implemented, a replacement tree planting plan shall be approved by the City along with landscape plans prior to Project implementation	<ul style="list-style-type: none"> Confirm that all protected trees are replaced in accordance with City requirements. Confirm that all removed trees are replaced by two trees onsite, an approved offsite location, or an in-lieu fee is paid. Confirm City approval of landscape plans 	Prior to project implementation	Once	<ul style="list-style-type: none"> City of Sebastopol Tree Board City of Sebastopol Arborist/Planning Department 			
Cultural Resources							
CUL-2 Archaeological Resources Assessment, Evaluation, and Treatment							
In the event that archaeological resources are unexpectedly encountered during ground-disturbing construction activities, the construction contractor shall halt work within 100 feet of the find, and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to	<ul style="list-style-type: none"> Confirm work is halted if any archaeological resources are identified during project construction, until the resource can be evaluated by a qualified archaeologist and the Native American monitor. 	<ul style="list-style-type: none"> Confirm work is halted if a resource is identified and evaluated during construction. Confirm prehistoric resources are evaluated by a 	As needed during construction	City of Sebastopol Planning Department			

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Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Compliance Verification		
					Initial	Date	Comments
<p>evaluate the find, as well as the Sebastopol Planning Department. If the find is determined by the qualified archaeologist to be Native American in origin, then a Native American representative shall also be contacted to participate in the evaluation of the find. If necessary, archaeological testing for CRHR eligibility shall be completed. If the discovery proves to be eligible for the CRHR and impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the deposit, per the requirements of PRC Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and, in consultation with approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per PRC Section 15126.4(b)(3)(C).</p>	<ul style="list-style-type: none"> Ensure that all identified prehistoric resources are also evaluated by a Native American representative. 	<p>Native American monitor following discovery.</p>					

					Compliance Verification		
Mitigation Measure	Action Required	Timing	Frequency	Responsibility	Initial	Date	Comments
Geology and Soils							
GEO-1 Paleontological Resources Monitoring and Mitigation							
<p>Qualified Professional Paleontologist. Prior to excavation, City Ventures shall retain a Qualified Professional Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP; 2010). The Qualified Professional Paleontologist shall draft a Paleontological Resources Mitigation and Monitoring Plan, which shall direct all mitigation measures related to paleontological resources.</p> <p>Paleontological Worker Environmental Awareness Program. Prior to the start of construction, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction personnel.</p> <p>Paleontological Monitoring. Full-time paleontological monitoring shall be conducted during ground disturbing construction activities within previously undisturbed sediments. Paleontological monitoring shall be conducted by a paleontological monitor with experience with collection and salvage of paleontological resources and who meets the minimum standards of the SVP (2010) for a Paleontological Resources Monitor. The Qualified Professional Paleontologist may</p>	<ul style="list-style-type: none">• Confirm a Paleontological Resources Mitigation and Monitoring Plan has been prepared.• Confirm WEAP training has been conducted.• Confirm paleontological monitoring occurs and work is halted if any paleontological resources are identified during project construction, until the resource can be evaluated by a qualified paleontologist.• Confirm any paleontological resource discovered during construction is examined by a Qualified Professional Paleontologist and mitigated appropriately.• Confirm City receipt of a Final Paleontological Mitigation Report.	<ul style="list-style-type: none">• Draft a Paleontological Resources Mitigation and Monitoring Plan prior to excavation.• Conduct WEAP training prior to the start of construction.• Monitor during the duration of ground disturbing activities.• Prepare the final report upon completion of ground-disturbing.	Prior to the start of construction activities, during the duration of ground disturbing activities, and then as needed during construction	City of Sebastopol Planning Department			

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<p>recommend that monitoring be reduced in frequency or ceased entirely based on geologic observations. Such decisions shall be subject to review and approval by the City of Sebastopol. In the event of a fossil discovery by the paleontological monitor or construction personnel, all construction activity within 50 feet of the find shall cease, and the Qualified Professional Paleontologist shall evaluate the find. If the fossil(s) is (are) not scientifically significant, then construction activity may resume. If it is determined that the fossil(s) is (are) scientifically significant, the following shall be completed:</p> <ul style="list-style-type: none"> Fossil Salvage. The paleontological monitor shall salvage (i.e., excavate and recover) the fossil to protect it from damage/destruction. Typically, fossils can be safely salvaged quickly by a single paleontological monitor with minimal disruption to construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically sensitive deposits. After the fossil(s) is (are) salvaged, construction activity may resume. Fossil Preparation and Curation. Fossils shall be identified to the lowest (i.e., most-specific) possible taxonomic level, prepared to a curation-ready condition, and 							

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<p>curated in a scientific institution with a permanent paleontological collection along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Professional Paleontologist.</p> <p>Final Paleontological Mitigation Report.</p> <p>Upon completion of ground-disturbing activities (or laboratory preparation and curation of fossils, if necessary), the Qualified Professional Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts. The report shall include a summary of the field and laboratory methods employed; an overview of project geology; and, if fossils were discovered, an analysis of the fossils, including physical description, taxonomic identification, and scientific significance. The report shall be submitted to the City of Sebastopol and, if fossil curation occurred, the designated scientific institution.</p>							
Greenhouse Gas Emissions							
GHG-1 CALGreen Tier 2 EV Requirements							
Prior to issuance of building permits, the City Engineer and the Chief Building Official shall confirm that the applicant shall include the following design feature as part of the project to be consistent with CALGreen Tier 2 EV standards:	Confirm project design includes a minimum of 15 percent of total parking spaces be equipped with EV charging stations.	Prior to issuance of building permits	Once	City of Sebastopol Building Department			

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A minimum of 15 percent of the total number of parking spaces shall be equipped with EV charging stations.							
Hazards and Hazardous Materials							
HAZ-3(a) DTSC Regulatory Agency Submittal							
The DTSC shall continue to be utilized for agency oversight of assessment and remediation of the project site through completion of grading and site construction activities. Prior to commencement of construction and grading activities at the project site, the project applicant shall submit the following documents to the DTSC project manager of the open Voluntary Agreement cleanup case: <ul style="list-style-type: none">• Current development plan and any modifications to the development plan• All environmental documents completed for the project, including this EIR document• Any future environmental documents completed for the project Upon submittal of the information above, and in accordance with the project’s 2023 DTSC Standard Voluntary Agreement, DTSC may require actions such as: development of subsurface investigation workplans; completion of soil, soil vapor, and/or groundwater subsurface investigations; installation of soil vapor or groundwater monitoring wells; soil excavation and offsite disposal; completion of human health risk assessments; and/or completion of remediation reports or case closure	Confirm applicant submits relevant cleanup case documents to the DTSC	Prior to the issuance of grading permits; prior to the start of construction and grading activities	Once	<ul style="list-style-type: none">• City of Sebastopol Planning Department			

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documents. The DTSC approval shall be submitted to and reviewed and accepted by the City prior to issuing grading permits.							
HAZ-3(b) Soil Management Plan							
Prior to commencement of construction and grading activities at the project site, the project applicant shall retain a qualified consultant (Professional Geologist [PG] or Professional Engineer [PE]) to prepare a Soil Management Plan (SMP) for the project site. The SMP shall address: 1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors) if such soils or impacted wastes are encountered, and 2. Specific actions to reduce hazards to construction workers and offsite receptors during the construction phase. The SMP must establish remedial measures and soil management practices to ensure construction worker safety, the health of future workers and residents, and prevent the off-site migration of contaminants from the project site. These measures and practices may include, but are not limited to: • Stockpile management, including stormwater pollution prevention and the installation of BMPs • Proper disposal procedures for contaminated materials	• Confirm the applicant has retained a qualified consultant to prepare a SMP. • Confirm the SMP includes remedial measures and soil management practices. • Ensure the DTSC has reviewed and approved the SMP	Prior to the issuance of grading permits the City shall review Prior to the construction (grading) activities at the project site the DTSC shall review.	Once prior to the issuance of grading permits; once prior to the start of construction activities; then periodically during the duration of construction activities.	• City of Sebastopol Engineering Department			

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<ul style="list-style-type: none">Investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activitiesMonitoring and reportingA health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of project site construction activities with the requirements and procedures for employee protectionThe health and safety plan shall outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. <p>The DTSC shall review and approve the SMP prior to construction (grading) activities at the project site. The City shall confirm that DTSC has approved the SMP prior to issuing grading permits. The project applicant shall implement the SMP during , grading and construction at the project site.</p>							
Noise							
NOI-1	Mechanical Equipment Noise Reduction						
For outdoor condensing units (HVAC) and transformers directly adjacent to noise-sensitive receptors, provide a solid barrier with a height blocking the line-of-sight to the nearby noise-sensitive receptors. The minimum density of the barrier shall be 2 pounds per square foot with no holes or gaps. Once final	<ul style="list-style-type: none">Confirm solid barriers are between sensitive receptors and HVAC and/or transformers.Confirm an acoustical analysis is conducted prior to final design to verify compliance with the City's	Once after final equipment selection is made.	Once	City of Sebastopol Planning Department			

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equipment selection is made, an acoustical analysis of the noise from project mechanical and electrical equipment to surrounding properties must be completed by a qualified acoustical consultant prior to final design to verify compliance with the City's nighttime exterior noise standard of 45 dBA.	nighttime exterior noise standard of 45 dBA.						
Transportation							
TRA-1 Pedestrian Connectivity and Safety							
A new pedestrian path shall be added to link the project and mixed commercial office park to the new HAWK crossing across the north leg of the intersection of SR 116/Danmar Drive before an occupancy permit is issued.	Confirm a new pedestrian pathway is added to the project.	Prior to issuance of an occupancy permit.	Once	City of Sebastopol Planning Department			
Tribal Cultural Resources							
TCR-1 Suspension of Work Around Tribal Cultural Resources							
If cultural resources of Native American origin are identified during implementation of the proposed project, all earth-disturbing work within 50 feet of the find shall cease and desist until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. Staking of the area of discovery will be implemented with stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the City, in consultation with local Native American tribes, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in	<ul style="list-style-type: none"> Confirm work is halted within 50 feet of any identified cultural resource of Native American origin during construction, until the resource can be evaluated by a local Native American representative. Confirm a mitigation plan is prepared and implemented if the City and local Native American representative determine the identified resources is a tribal cultural resource. 	<ul style="list-style-type: none"> Confirm work is halted if a cultural resource of Native American origin is identified during construction. Confirm a mitigation plan is prepared and implemented following determination that a discovery is a tribal cultural resource. 	As needed during construction	City of Sebastopol Planning Department			

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accordance with state guidelines and in consultation with local Native American group(s). The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.							