



City of Sebastopol Planning Commission Staff Report

Meeting Date: January 13, 2026
Agenda Item: 6A
To: Planning Commission
From: John Jay, Associate Planner
Subject: Time Extension Request
Recommendation: Approval with Conditions

Applicant/Owner: Beth Farley/Huntley Square LLC
File Number: 2025-057
Address: 7950 Bodega Ave
CEQA Status: Initial Study/Mitigated Negative Declaration
General Plan: High Density Residential (HDR)
Zoning: R7 (Existing); PC (Approved)

Introduction:

The Planning Department has received an additional Time Extension Request permit from Beth Farley on behalf of Huntley Square LLC, to extend the approval on the Tentative map for their project (Huntley Square) at 7950 Bodega Ave. This approval was made final by the City Council at their March 1st, 2022, meeting, where they approved a Tentative Map, Zoning Amendment from R7 Multifamily to Planned Community (PC), and Initial Study/Mitigated Negative Declaration. The Planning Commission previously granted a two-year extension of the Tentative Map approval on February 13, 2024.

Project Location and Surrounding Land Uses:

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

Background:

The City Council approved the following entitlements for the project on March 1, 2022:

Mitigated Negative Declaration (IS/MND)

Pursuant to California Environmental Quality Act (CEQA) Guidelines §15063, staff prepared an IS/MND to assess and mitigate the potential adverse environmental effects of the project. The IS/MND identified potentially significant impacts regarding Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources, and Noise. However, mitigation measures were

identified that would reduce these potential impacts to a less than significant level. The CEQA approval is still valid.

Zoning Amendment

The applicant is requesting a zoning amendment to modify the zoning from Multifamily Residential (R7) to a Planned Community (PC). This Zoning Amendment is adopted, and no extensions are necessary.

Conditional Use Permit

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

Project Description:

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

The Planning Commission previously granted a two-year extension of the Tentative Map approval on February 13, 2024, valid until March 1, 2026. As the use permit allows for the Planned Community its expiration date is tied to the Tentative Map extension and both will expire on March 1, 2026 if not extended.

The applicant is requesting this extension to allow for additional time to complete required public improvements and obtain City Council approval of the Final Map. This one-year extension request is allowed by the Subdivision Map Act.

Required Findings:

Sebastopol Municipal Code 16.28.100 allows for Extensions of Subdivision Maps subject to the following findings:

A. Upon application of the subdivider filed prior to the expiration of the tentative map, the time at which such map expires may be extended by the Planning Commission up to three years. If less than a three-year extension was approved, the subdivider may request additional extensions; provided, that no extension shall entail a new expiration date greater than three years from the original expiration date; and provided, that an extension request is filed prior to permit expiration.

The Planning Commission previously approved a two-year extension of the Tentative Map on February 13, 2024. The applicant is applying for a one-year extension of the map. This criterion is met.

B. Once an application for extension is timely filed, the map shall be automatically extended as provided in Section 66452.6(e) of the State Subdivision Map Act.

This criterion is met.

C. An extension of time may be granted if the Planning Commission finds the subdivision, at the time the application for the extension of time is heard, conforms to the then-existing General Plan, is consistent with the zoning of the parcels, and conforms to the improvement standards that are being imposed upon similar new subdivisions. The Planning Commission may condition its approval by subjecting the subdivider to any increase in applicable development fees or to new development fees that have occurred since the approval of the map.

Additional Development fees are not applicable to this project under State Law.

This project is consistent with the General Plan, in that it meets the following goals:

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

D. Extensions of vesting maps shall comply with Section 66498.1 of the Subdivision Map Act.

The City Engineer has found the extension meets this criterion.

E. The Planning Commission's action on the extension request may be appealed if such appeal is filed pursuant to Chapter 17.455 SMC within 15 days from the date of the Planning Commission action on the extension request.

This criterion is met.

Analysis:

The applicant is applying for a one-year extension of the map, which meets the requirements of Criteria A above, which allows for a three-year extension. No changes have been made to the General Plan, except for the updated Housing Element, and the Findings of Consistency adopted by the City Council remain valid. Additionally, the project is listed in the site inventory of the Housing Element, so is consistent with that Chapter of the General Plan.

The City Engineer has reviewed the request, and found the extension to comply with the Subdivision Map Act.

Environmental Review:

A Mitigated Negative Declaration was adopted for the project by the City Council on March 1, 2022, which remains valid. The one-year time extension requested is exempt from environmental review as it relies on the previously adopted Mitigated Negative Declaration.

Public Comment:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat; and (3) posted three written notices publicly on and within vicinity of the subject property.

No public comments have been received as of the writing of this staff report.

Recommendation:

That the Planning Commission approve a one-year extension, with no revision to the Conditions of Approval other than extending the Tentative Map Expiration date to March 1, 2027.

If it is the consensus of the Planning Commission that the proposed use is compatible with the site and surrounding uses, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and as found in Exhibit A - Recommended Findings of Approval. The Project will be subject to the Original Approval documents with the exception of modifying the Condition of Approval number 10 to read "The Tentative Map shall expire on March 1, 2027 and will not be eligible for any additional extensions through the Subdivision Map Act as this is the third and final year eligible for extension."

Attachments:

Application Materials

City Council Approval March 1, 2022

Planning Commission Approval of Previous Two-Year Extension February 13, 2024

Exhibit A: Findings for Approval

Exhibit B: Conditions of Approval



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167

MASTER PLANNING APPLICATION FORM

APPLICATION TYPE

- | | | |
|--|---|---|
| <input type="checkbox"/> Administrative Permit Review | <input type="checkbox"/> Lot Line Adjustment/Merger | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Alcohol Use Permit/ABC Transfer | <input type="checkbox"/> Preapplication Conference | <input type="checkbox"/> Tree Removal Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Sign Permit | <input checked="" type="checkbox"/> Other <u>Time Extension Request</u> |

This application includes the checklist(s) or supplement form(s) for the type of permit requested: ☐ Yes ☐ No

REVIEW/HEARING BODIES

- ☐ Staff/Admin ☐ Design Review/Tree Board ☒ Planning Commission ☐ City Council ☐ Other _____

APPLICATION FOR

Street Address: 7950 Bodega Ave Assessor's Parcel No(s): 004-350-024-000

Present Use of Property: vacant land Zoning/General Plan Designation: PC

APPLICANT INFORMATION

Property Owner Name: Huntley Square LLC, LISA Massaro - co managing member

Mailing Address: 2779 Kilburn Ave Phone: 707-287-5526

City/State/ZIP: Napa, CA 94558 Email: lisa@griddesignbuild.com

Signature: Lisa Massaro Date: 11/5/2025

Authorized Agent/Applicant Name: Beth Farley

Mailing Address: 2779 Kilburn Ave Phone: 707-291-8326

City/State/ZIP: Napa, CA 94558 Email: beth@griddesignbuild.com

Signature: Beth Ann Farley Date: 11/5/2025

Contact Name (If different from above): _____ Phone/Email: _____

PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

See attached narrative & justification for Tentative Map extension.

CITY USE ONLY

Fill out upon receipt:

Application Date: _____

Planning File #: _____

Received By: _____

Fee(s): \$ _____

Completeness Date: _____

Action:

Staff/Admin: _____

Planning Director: _____

Design Review/Tree Board: _____

Planning Commission: _____

City Council: _____

Action Date:

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

SITE DATA TABLE

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A	PC	N/A
Use	N/A	Multi-family	
Lot Size	N/A	16,912 SF	
Square Feet of Building/Structures (if multiple structures include all separately)	N/A	Bldg 1 = 2835 Bldg 2 = 2835	
Floor Area Ratio (F.A.R.)	FAR	33 FAR	FAR
Lot Coverage	% of lot sq. ft.	33 % of lot 5670 sq. ft.	% of lot sq. ft.
Parking		10	
Building Height		23'	
Number of Stories		2	
Building Setbacks – Primary			
Front		10'	
Secondary Front Yard (corner lots)		8'	
Side – Interior		8'	
Rear		50'	
Building Setbacks – Accessory			
Front		N/A	
Secondary Front Yard (corner lots)		N/A	
Side – Interior		N/A	
Rear		3'	
Special Setbacks (if applicable)			
Other ()		N/A	
Number of Residential Units	Dwelling Unit(s)	10 Dwelling Unit(s)	Dwelling Unit(s)
Residential Density	1 unit per sq. ft.	1 unit per 1691 sq. ft.	1 unit per sq. ft.
Useable Open Space	sq. ft.	8960 sq. ft.	sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: cu. yds. Cut: cu. yds. Fill: cu. yds. Off-Haul: cu. yds.
Impervious Surface Area	N/A	33 % of lot 5670 sq. ft.	% of lot sq. ft.
Pervious Surface Area	N/A	38 % of lot 4521 sq. ft.	% of lot sq. ft.

CONDITIONS OF APPLICATION

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

☐ A general plan

☐ A specific plan

☐ An ordinance affecting building permits or grading permits

☐ A zoning ordinance

Certification

I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.

Property Owner's Signature: Lein Massano Date: 11-5-2025

I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant's Signature: Beth Ann Farley Date: 11/5/2025

NOTE: It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

Neighbor Notification

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project: ☒ Yes ☐ No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

Neighbors were noticed for all city hearings in 2022 and we had a neighbor meeting on the site.

Website Required for Major Projects

Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots**), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

November 5, 2025

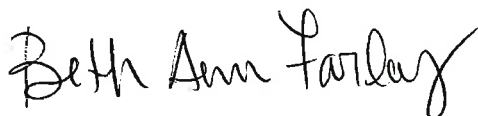
Huntley Square Narrative and Justification for Tentative Map Extension

Huntley Square is a 10 unit mini (studio) townhome project to be located at 7950 Bodega Avenue in Sebastopol. It is designed to be one of the greenest multi-family projects in the country. A solar array will be installed on the rooftops to bring the project to "Net Zero Energy" consumption. The project will be targeted for first time home owners and buyers who otherwise want to downsize. It will be a much needed entry level housing solution for the City of Sebastopol. The project will also complete the Public Improvements of sidewalk and other street improvements at the property frontage.

The Tentative Map was approved by Sebastopol City Council on March 1, 2022 and approved by Design Review on May 18, 2022. The Tentative Map was granted a 2 year extension in February 2024, with an expiration date of February 13, 2026. The grading and building permits are ready to be issued.

The project has secured the funding to get the project started and will be working on getting the public improvements done as soon as possible. We are asking for an additional one year extension of the tentative map to finish up the public improvements and get City Council approval of the final map.

Respectfully Submitted



Beth Farley, Project Architect
beth@griddesignbuild.com, 707-291-8326

RESOLUTION NO. 6410-2022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL ADOPTING A MITIGATED
NEGATIVE DECLARATION (MND) AND ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT,
FOR THE PROPERTY AT 7950 BODEGA AVENUE (APN 004-350-024)

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

WHEREAS, the Project was the subject of an Initial Study and Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act (CEQA), which was circulated for public comment from September 28, 2021, to October 27, 2021, including CEQAnet and the Federated Indians of the Graton Rancheria, consistent with local and State CEQA requirements;

WHEREAS, no comments were received from any State, Tribal, or other responsible agency, and no tribal consultation pursuant to California Public Resources Code Section 21080.3.1 was requested by the Federated Indians of Graton Rancheria; and

WHEREAS, one public comment was received related to the Draft Initial Study/Mitigated Negative Declaration component of the Project and three general comments related to the overall Project; and

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

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

1. **Aesthetics** – *Aesthetic concerns are associated primarily with temporary construction impacts.*
 - a. AES-1: Construction fencing shall be placed along the periphery of the project site to screen construction activity from view.
2. **Air Quality** – *Air quality concerns are associated primarily with temporary construction impacts.*
 - a. AQ-1: Basic measures to control dust and exhaust shall be utilized during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less

than significant level. The contractor shall implement the following best management practices that are required of all projects:

- i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited.
- iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- v. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- vi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- vii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

3. Biological Resources – *Biological Resources concerns are associated with special-status and common bats, nesting birds, and native trees.*

- a. BIO-1: Special-status and Common Bats
 - i. To avoid impacts on special-status and common bat species within the project site, the following protection measures shall be implemented.
 - ii. Prior to tree removal or trimming (for all trees greater than 6 inches DBH), a qualified biologist shall survey for bat roosts. If active bat roosts are identified, disturbance shall not be allowed until the roost is abandoned or unoccupied. If the qualified biologist determines special-status bat species are present, CDFW consultation may be required.
 - iii. If occupied roosting habitat is identified by the qualified biologist, disturbance of roost trees shall not be allowed until the roost is abandoned or unoccupied and/or CDFW is consulted. If bats are present, a number of deterrent methods can be used to encourage bats to relocate (for non-CDFW listed species). This could include changes to lighting, air flow patterns, and noise disturbance. Exclusion methods shall be developed based on the species present and location of occupied roosts. Bat exclusion shall not be performed during the maternity season (June through August) or during winter hibernation (November through February). Bat exclusion shall be overseen by a qualified biologist. This could only occur in March, April, May, September, and October.

- iv. If tree trimming or removal is postponed or interrupted for more than two weeks from the date of the initial bat survey, the biologist shall repeat the pre-construction survey.
- v. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats and other nocturnal wildlife.

b. BIO-2: Nesting Birds

- i. To the extent feasible, vegetation and tree removal shall occur during the non-breeding season (late August to early March) to limit the potential for birds to nest within the project site.
- ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around it.
- iii. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
 - If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance.
 - If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.
 - If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.

c. BIO-3: Native Trees

- i. Where compatible with safety requirements, pruning instead of removal for mature oaks shall be considered. To offset the impacts from removal of

protected trees, replacement trees shall be planted, following the Tree Ordinance ratios and species with replacement of native oaks with native oaks, to provide similar benefits to the site and community. If on-site planting of an adequate number of native trees is not possible, off-site planting of native oaks in a suitable nearby location (e.g., a City park) shall be considered.

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

4. **Cultural Resources** - *Cultural Resources concerns are associated with any potential prehistoric or historic-era resources and human remains encountered during construction activities.*

a. CR-1: Post-Review Discovery

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

b. CR-2: Human Remains

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

5. **Noise** – *Noise concerns are associated primarily with temporary construction impacts.*

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

- i. Construction hours are specified as 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays.
- ii. During construction, the contractor shall ensure all construction equipment is

equipped with appropriate noise attenuating devices that will reduce noise levels 3 to 10 dBA.

- iii. The contractor shall locate equipment staging areas in order to create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
- iv. Idling equipment shall be turned off when not in use.
- v. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

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

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

- f. When a non-elected official or decisionmaking body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decisionmaking body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

WHEREAS, on April 21, 2021, the Design Review Board conducted a preliminary review of the proposed Planned Community zoning for the Project and provided a recommendation to the Planning Commission and City Council to approve the proposed Planned Community Zoning as proposed; and

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

WHEREAS, on March 1, 2022, the City Council held a duly noticed public hearing, received a staff report, accepted public testimony, and duly considered the application.

NOW, THEREFORE, BE IT RESOLVED THAT, The City Council of the City of Sebastopol, California, does hereby adopt the Mitigated Negative Declaration and adoption of findings pursuant to the California Environmental Quality Act as set forth above, with the mitigation measures set forth above and in the Mitigated Negative Declaration, which are hereby incorporated into the Project and made Conditions of the Project.

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

VOTE:


Ayes: 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



Larry McLaughlin, City Attorney

Attachments:

Exhibit A: Mitigation Monitoring Reporting Program

Exhibit A

<u>MITIGATION MONITORING AND REPORTING PROGRAM</u> <i>Huntley Square – 7950 Bodega Avenue – file 2020-005</i>					
<i>Mitigation Measure</i>	<i>Implementation Procedure</i>	<i>Monitoring Responsibility</i>	<i>Monitoring / Reporting Action & Schedule</i>	<i>Non-Compliance Sanction/Activity</i>	<i>Monitoring Compliance Record (Name/Date)</i>
I. AESTHETIC RESOURCES					
AES-1: Construction fencing shall be placed along the periphery of the project site to screen construction activity from view.	<i>Require as a condition of approval</i>	<i>Planning Division</i>	<i>Incorporate as condition of project approval</i>	<i>Deny issuance of building permit</i>	
II. AIR QUALITY					
AQ-1: Basic measures to control dust and exhaust shall be utilized during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects: <ul style="list-style-type: none"> i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered. ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited. iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. v. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 	<i>Require as a condition of approval</i>	<i>Planning Division</i>	<i>Incorporate as condition of project approval</i>	<i>Deny issuance of building permit</i>	
		<i>Engineering Division</i>		<i>Stop Work Order</i>	

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13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. vi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. vii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.					
III. BIOLOGICAL RESOURCES					
BIO-1: Special-status and Common Bats i. To avoid impacts on special-status and common bat species within the project site, the following protection measures shall be implemented. ii. Prior to tree removal or trimming (for all trees greater than 6 inches DBH), a qualified biologist shall survey for bat roosts. If active bat roosts area identified, disturbance shall not be allowed until the roost is abandoned or unoccupied. If the qualified biologist determines special-status bat species area present, CDFW consultation may be required. iii. If occupied roosting habitat is identified by the qualified biologist, disturbance of roost trees shall not be allowed until the roost is abandoned or unoccupied and/or CDFW is consulted. If bats are present, a number of deterrent methods can be used to encourage bats to relocate (for non-CDFW listed	<i>Require as a condition of approval</i>	<i>Planning Division</i> <i>Qualified Biologist</i>	<i>Incorporate as condition of project approval</i>	<i>Deny issuance of building permit</i> <i>Stop Work Order</i>	

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

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iii. it. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions. <ul style="list-style-type: none"> • If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance. • If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated. • If the site is left unattended for more than one week following the initial surveys, additional 					

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

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

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willful disturbance of human remains is a felony (Section 7052). An archaeologist shall also be retained to evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site in coordination with the MLD.					
V. NOISE					
NOI-1: Prior to Grading Permit issuance, the applicant shall demonstrate, to the satisfaction of the City Engineer, that the project complies with the following: <ul style="list-style-type: none"> i. Construction hours are specified as 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. ii. During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices that will reduce noise levels 3 to 10 dBA. iii. The contractor shall locate equipment staging areas in order to create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction. iv. Idling equipment shall be turned off when not in use. v. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging. 	<i>Require as a condition of approval</i>	<i>Planning Division</i> <i>Engineering Division</i>	<i>Incorporate as condition of project approval</i>	Deny issuance of building permit Stop Work Order	

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MITIGATION MONITORING AND REPORTING PROGRAM

Huntley Square – 7950 Bodega Avenue – file 2020-005

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II. AIR QUALITY					
AQ-1: Basic measures to control dust and exhaust shall be utilized during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:	<i>Require as a condition of approval</i>	<i>Planning Division</i> <i>Engineering Division</i>	<i>Incorporate as condition of project approval</i>	<i>Deny issuance of building permit</i> <i>Stop Work Order</i>	
<ul style="list-style-type: none"> i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered. ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited. iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. v. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 					

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<p>13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>vi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>vii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>					
III. BIOLOGICAL RESOURCES					
BIO-1: Special-status and Common Bats	<i>Require as a condition of approval</i>	<i>Planning Division</i>	<i>Incorporate as condition of project approval</i>	<i>Deny issuance of building permit</i>	
i. To avoid impacts on special-status and common bat species within the project site, the following protection measures shall be implemented.					
ii. Prior to tree removal or trimming (for all trees greater than 6 inches DBH), a qualified biologist shall survey for bat roosts. If active bat roosts area identified, disturbance shall not be allowed until the roost is abandoned or unoccupied. If the qualified biologist determines special-status bat species area present, CDFW consultation may be required. If occupied roosting habitat is identified by the qualified biologist, disturbance of roost trees shall not be allowed until the roost is abandoned or unoccupied and/or CDFW is consulted. If bats are present, a number of deterrent methods can be used to encourage bats to relocate (for non-CDFW listed		Qualified Biologist		Stop Work Order	
iii.					

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

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<p>it.</p> <p>If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.</p> <ul style="list-style-type: none"> If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance. If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. <p>Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.</p>					
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BIO-3: Native Trees					
i. Where compatible with safety requirements, pruning instead of removal for mature oaks shall be considered. To offset the impacts from removal of protected trees, replacement trees shall be planted, following the Tree Ordinance ratios and species with replacement of native oaks with native oaks, to provide similar benefits to the site and community. If on-site planting of an adequate number of native trees is not possible, off-site planting of native oaks in a suitable nearby location (e.g., a City park) shall be considered.	Require as a condition of approval	Planning Division Qualified Arborist	Incorporate as condition of project approval	Deny issuance of building permit Stop Work Order	
ii. Protective measures defined in the Tree Preservation and Mitigation Report shall be followed during construction activities to minimize impacts to trees that will be retained.					
IV. CULTURAL RESOURCES					
CR-1: Post-Review Discovery					
i. If a prehistoric or historic-era resource(s) is encountered by equipment operators during project-related ground-disturbing activities, work shall be halted within 50-feet of the discovery area until a Secretary of Interior-qualified Archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource.	Require as a condition of approval	Planning Division Secretary of Interior-qualified Archaeologist	Incorporate as condition of project approval	Deny issuance of building permit Stop Work Order	

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

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

RESOLUTION NO. 6411-2022

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

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

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

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

- a) Goal LU 6 as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.
- b) Policy LU 6-2 as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.
- c) Policy LU 6-3 as it supports the construction and occupation of very small houses.
- d) Housing Goal A-1 as it is an adequate site for housing development in the City of Sebastopol.
- e) Housing Action A-1 as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.
- f) Housing Goal C-1 as it facilitates new housing production.
- g) Housing Policy C-4 as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.
- h) Housing Goal F-1 as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.

- i) Housing Goal G-1 as it promotes land use policies and development standards to facilitate housing production.
- j) Housing Goal G-3 in that if the rezoning is approved, the Project removes government constraints that affect the amount of land required for new housing.
- k) Housing Policy G-1 in that if the rezoning is approved, the Project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.
- l) Goal CIR 2 in that as part of the Project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.
- m) Goal COS 9 as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.
- n) Policy COS 9-1 as it will meet and comply with CALGreen Tier 1 standards.
- o) Policy COS 9-2 as energy conservation is an important criterion in the development review process.

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

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

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

- a) The proposed use is consistent with the General Plan and all applicable provisions of SMC Chapter 17 as the project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed

above in the Analysis section of the Staff Report. The project complies with all applicable provisions of SMC Chapter 17 as detailed in the Staff Report.

- b) The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. The requested changes to the Zoning regulations were found to meet the above findings by the City's Design Review Board at its April 21, 2021 meeting; by the Planning Commission at its November 9, 2021, meeting; and, by the City Council at its March 1, 2022, meeting:
 - i) The Zoning Ordinance allows for multi-family residential development of the same density and the same general site development characteristics, with no major discrepancies proposed.
 - ii) The size and use of the proposed development is appropriate for the site. The proposed project includes one- and two-story residential structures and the surrounding properties are occupied by one- and two-story residential structures.
 - iii) The Project will utilize existing fencing, or provide new as needed, and provide landscaping to serve as a buffer and provide compatibility between adjacent properties.
 - iv) The Project will provide sufficient amenities including landscaping, the required number of parking spaces, private yards, and storage space for each unit.
 - v) The lot is 16,972 sq. ft. and exceeds the 12,000 sq. ft. minimum lot size.
 - vi) As shown in the Lot & Unit Area Calculations table on sheet A1.0 of the site plan, the Project will provide 1,989 sq. ft. of open space, so the 50 square feet of open space per unit requirement is met.
 - vii) The proposed project will provide additional for-sale housing opportunities within walking distance of existing residential, commercial, and recreational uses.
 - viii) The change from a 9 foot to 8 foot setback is minimal and will not create a significant change in the development pattern or have significant impacts to surrounding properties.
 - ix) The minimum lot size of the individual lots combined with the common area is appropriate for the development is appropriate for a smaller lot subdivision.
 - x) The reduction of the project's internal sideyard setbacks to 0' is appropriate for an attached single family (townhome) development.
- c) The Design Review Board/Tree Board reviewed this proposed change at their April 21, 2021 meeting, determined this adjustment was appropriate, and unanimously voted to forward this recommendation to the Planning Commission.
- d) The Planning Commission held a public hearing on November 9, 2021, and unanimously found the PC zoning to be compatible with the surrounding uses and zoning, and unanimously recommended approval of the PC zoning and Conditional Use Permit to City Council.
- e) The City Council, at its March 1, 2022, meeting, found that the PC Zoning is compatible with the surrounding uses and zoning, and meets the requirements for the granting of a Conditional Use Permit.

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

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

WHEREAS, the Project was the subject of an Initial Study and Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act (CEQA), which was circulated for public comment from September 28, 2021, to October 27, 2021, including CEQAnet and the Federated Indians of the Graton Rancheria, consistent with local and State CEQA requirements, and complies with CEQA Guidelines Section 15074 as detailed in the CEQA resolution.

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

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

- Concerns about no parking space for guests

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

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

WHEREAS, on November 9, 2021, the Planning Commission conducted a duly-noticed Public Hearing, received a staff report, heard public testimony and considered the applications for a zoning amendment to modify the zoning from R7-Multifamily to PC - Planned Community District', a Conditional Use Permit for development in a PC district and a Tentative Map and proposed Mitigated Negative Declaration (MND) for CEQA; and

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

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

WHEREAS, on March 1, 2022, the City Council held a duly noticed public hearing, received a staff report, accepted public testimony, and duly considered the application for a Conditional Use Permit for development in a PC district and a Tentative Map, as well as the Mitigated Negative Declaration for the California Environmental Quality Act; and

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

6410-2022.

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

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

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

VOTE:

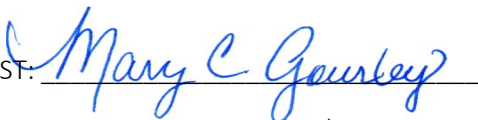
Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

APPROVED:

Handwritten signature of Mayor Patrick Slayter in black ink.

Mayor Patrick Slayter

ATTEST:

Handwritten signature of Mary C. Gourley in blue ink.

Mary Gourley, Assistant City Manager/City Clerk, MMC

Handwritten signature of Larry McLaughlin in blue ink.

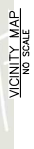
Larry McLaughlin, City Attorney

Attachments:

Exhibit A: Tentative Map

Exhibit B: Conditions of Approval

7950 BODEGA AVE
SEBASTOPOL CALIFORNIA



SITE INFORMATION

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

1	SITE PLAN
2	TOPOGRAPHIC MAP
3	PROPOSED LOT LINES
4	UTILITY PLAN
5	GRADING AND DRAINAGE PLAN
6	SITE SECTIONS



BODEGA AVENUE CROSS SECTION (LOOKING WEST)



EXHIBIT B
CONDITIONS OF APPROVAL

7950 Bodega Avenue
File # 2020-005

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

1. Plans and elevations shall be in substantial conformance with plans submitted by Healthy Buildings Management Group, Inc. on August 31, 2021, and on file at the City of Sebastopol Planning Department, except as modified herein. Any modifications to the plans shall be reviewed and approved by Staff prior to modification. Any modifications to the approved plans shall be submitted to the Planning Department in writing detailing the changes prior to submitting to the Building Division.
2. The applicant shall provide documentation as needed for compliance with the environmental mitigations listed in the Initial Study / Mitigated Negative Declaration prepared for the project, as detailed in condition #16.
3. The project's open spaces shall be maintained by the property owner, not by the City.
4. The project site includes protected trees intended to remain. Protective measures are required for these trees. All final tree protection measures shall be submitted for review and approval by the City Arborist prior to issuance of Improvement Plans.
5. A Tree Removal permit is required for the any trees proposed for removal.
6. Design Review approval is required by the Design Review Board for the design of the units, site features, landscaping, and other amenities.
7. Granting the Certificate of Compliance does not imply approval of any development plan for the subject properties. Any proposed development plan must comply with all current Planning, Engineering, Building, and Fire Department standards.
8. The project shall be subject to impact fees as adopted by Council.
9. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Sebastopol.
10. The Tentative Map shall expire 24 months after its approval or conditional approval unless an extension is approved as provided in SMC 16.28.100 and in accordance with the State Subdivision Map Act.
11. All other approvals than the Tentative Map shall be valid for three years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.250.050 of the Zoning Ordinance.

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

13. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.

14. Building and Safety:

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

15. Fire Department. The following shall be required:

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

16. CEQA Mitigation Measures

Aesthetics

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

Air Quality

AQ-1: Basic measures to control dust and exhaust shall be utilized during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated

with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited.
- iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- v. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- vi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- vii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

BIO-1: Special-status and Common Bats

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

BIO-2: Nesting Birds

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

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

- ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around it.
- iii. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
 - a. If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance.
 - b. If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.
 - c. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.

BIO-3: Native Trees

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

Cultural Resources

CR-1: Post-Review Discovery

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

CR-2: Human Remains

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

Noise

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

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

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

Final Map

17. A Final Map and prepared by a licensed surveyor or civil engineer, shall be prepared and submitted for the review and approval of the City Engineer. The map shall conform to the requirements of the Subdivision Map Act and local ordinances. The Final Map submitted for review and approval shall be substantially consistent with the Tentative Map approval which is granted for 10 residential townhouse lots; common parcel areas for parking and vehicle egress, landscaped open space, and pedestrian and bicycle access. Upon recording of the map, the subdivision is valid.

18. All property corners of lots within the subdivision shall be monumented with no less than 3' long by 1/2" diameter galvanized steel pipe imbedded no less than 24" into the earth, except as expressly permitted in writing by the City Engineer.
19. The following notes shall appear on the Local Agency sheet of the Final Map:
 - a. "Building Permits shall be subject to payment of development fees in effect at the time of permit issuance."
20. The Final Map shall state:
 - a. The assessor's parcel number
 - b. Total area of land being subdivided (in acres)
 - c. Total number of lots being created
21. The applicant shall either complete the required construction prior to recordation of the Final Map or enter into an Improvement Agreement and post security with the City of Sebastopol prior to the filing of the Final Map, agreeing to complete the required construction within 24 months after the filing of the Final Map. The Improvement Agreement shall be recorded with the Final Map.
22. Prior to approval of a Final Map, final CC&R's shall be submitted for review and approval by the City Attorney, Planning Department, and City Engineer that implement the project as presented in the project application materials and these conditions of approval. This shall include ongoing obligations of the homeowners associated to maintain improvements within the subdivision.
23. The Final Map and CC&Rs for the development shall specify that the units must be owner-occupied for a minimum of one year, following which they may be rented to long-term renters with a minimum of a six-month lease.
24. The CC&Rs for this development to include details regarding the maintenance of common and/or private open space located on the project site, which must also include a prohibition of the use of nonbiodegradable and toxic chemicals in maintenance of both common and private open space areas.
25. The applicant shall execute a covenant running with the land on behalf of itself and its successors, heirs, and assigns agreeing to annex this subdivision into the existing City of Sebastopol Lighting Assessment District.
26. Easement and Driveway Maintenance Agreement recorded on June 23, 1993 with Recorder's Serial Number 93-77433 shall be dedicated on the Final Map and via a separate easement deed.
27. The applicant shall dedicate a Public Utilities Easement for the onsite public waterlines up to and including the fire hydrants and water meters.

Improvement Plans — General

28. Improvement Plans prepared by a Registered Civil Engineer shall be submitted for the review and approval of the City Engineer showing grading, paving, utilities, and drainage. The Improvements Plans shall include street and utility information including all concrete

curb and gutter, sidewalk, striping and signing, paving, water lines and sewer lines, erosion control and any necessary transitions for the portion of the public street fronting the development. All improvements shall be in accordance with the City of Sebastopol Standard Improvement Details. Improvement Plans shall include a Storm Water Pollution Prevention Plan including winterization and erosion protection.

29. The Improvement Plans must be evaluated by an arborist to assess the impact of the development on any existing trees and develop a site-specific Tree Protection Plan. Improvement Plans shall include the location and size of all existing trees to be removed, and trees to remain. Trees on adjacent property which overhang the project boundary shall be afforded equal protection. Improvement Plans shall show all measures identified in the Tree Protection Plan as needed, to protect trees during construction.
30. The Improvement Plans shall include detailed landscape construction drawings for work proposed in the public right of way.
31. Any trees planted within 10 feet of a public street curb shall include a root barrier acceptable to the City Engineer and the City Arborist.
32. The Improvement Plans shall include an onsite signing and striping plan which clearly delineates traffic control and parking restriction requirements.
33. The project shall include post-construction stormwater BMPs in accordance with the City's Low Impact Development manual and Section 15.78 of the Municipal Code.

Improvement Plans — Specifics

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

Soils

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

Undergrounding

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

Streets, Traffic & Circulation

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

right of way.

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

Grading

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

Storm Drain

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

Water

- 49.** The applicant shall install new domestic, irrigation and fire service laterals to serve the new buildings. All water mains shall be sized to provide adequate fire flows to the buildings. All water services shall be provided with back flow prevention devices in accordance with State and City standards.
- 50.** New water laterals shall be constructed in accord with City Standards. Meter locations shall be subject to approval by the Sebastopol Public Works Department. The Improvement Plans shall show water services to each building.
- 51.** Fire protection shall be in accord with the requirements of Sebastopol Fire Department. With the submittal of the improvement plans, calculations shall be provided to the City and the Sebastopol Fire Department to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows.
- 52.** New water mains and fire hydrants must be constructed and functional prior to the issuance of the building permit.
- 53.** All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved.
- 54.** All aboveground back flow hardware shall be screened with an architectural screen compatible with adjacent buildings.

Wastewater (Sanitary Sewer)

- 55.** A sanitary sewer application shall be submitted to the Building Department for review and approval. Discharge permits for individual uses shall be subject to the requirements of the City of Santa Rosa Utilities Department, Environmental Compliance Division, for Sewer Use Permits.
- 56.** Any new sewer mains shall be private and shall be so noted on the improvement plans.

PRIOR TO CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

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

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

60. All construction shall conform to the latest approved edition of City Standard Details and Specifications, all City Ordinances, the State Map Act, and the approved plans.
61. The applicant shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any buildings to the City water or wastewater systems.
62. All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.
63. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
64. Prior to placing of asphalt, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
65. Prior to placing the final lift of asphalt, all sanitary sewer lines shall be video inspected at the expense of the contractor/applicant. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
66. The contractor shall be responsible for providing erosion and pollution control in accordance with the approved plans and permits.
67. The contractor shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
68. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
69. Hours of work for both public improvements and private improvements shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. This includes warm-up or servicing of equipment and any preparation for construction. Violation of these working hours shall be deemed an infraction and upon conviction thereof, shall be punishable as prescribed by law.
70. Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur.

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

PRIOR TO OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

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

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

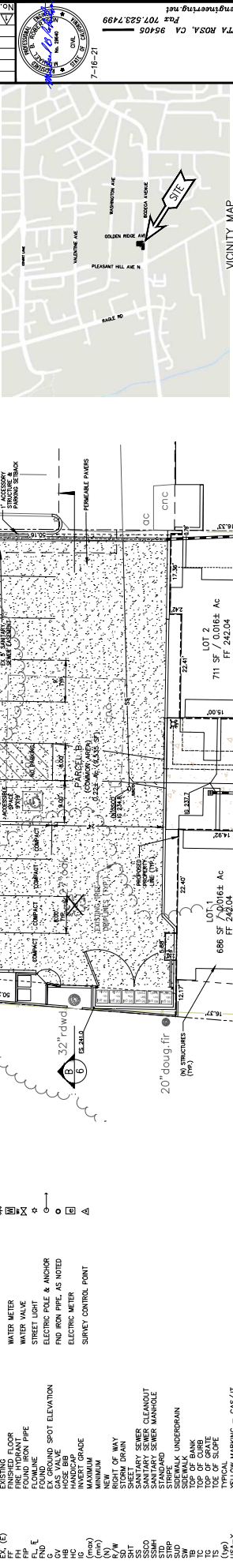
- 77.** Sufficient surety guaranteeing the public improvements for a period of one year shall be provided.
- 78.** A complete set of As-Built or Record Improvement Plans on the standard size sheets will be certified by the Civil Engineer and returned to the City Engineer's office prior to final acceptance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

DATE: Aug 2020
SCALE: As Shown
DESIGNED: MBR
DRAWN: KT
CHECKED: MBR
PROLEGATOR: MBR
PROJECT NO: 18165

EXHIBIT A

TENTATIVE MAP
FOR
7950 BODEGA AVE
SEBASTOPOL CALIFORNIA

SEBASTOPOL
7950 BODEGA AVE
SONOMA COUNTY
CALIFORNIA



NOTES

1. THERE ARE NO EXISTING STRUCTURES ON THE SITE.
2. THERE ARE NO KNOWN WELLS OR SEPTIC SYSTEMS ON THE SITE.
3. THERE ARE NO WATER COURSES OR OPEN AREAS ON THE SITE.
4. THERE ARE NO AREAS ON THE SITE SUBJECT TO INUNDATION.

SITE INFORMATION

TOTAL SITE AREA: 0.531 ACRES

CONSULTANT INFORMATION

ARCHITECT:
HEATH BUILDINGS
NAPA, CA 94959
BETH@HEATHB.COM

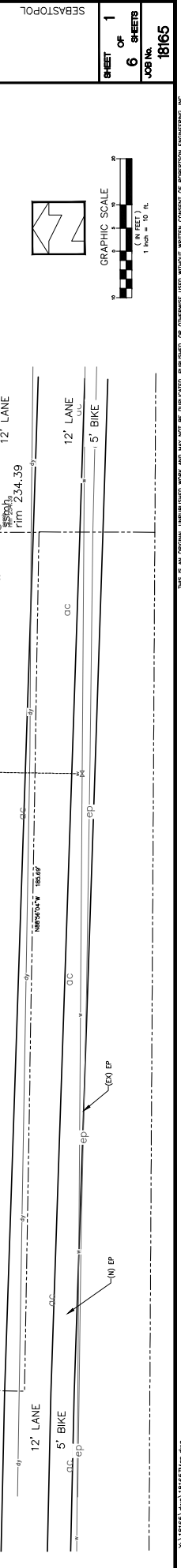
CIVIL ENGINEER AND SURVEYOR:
ROBERTSON ENGINEERING
NAPA, CA 94959
SANTA ROSA, CA 95405
WWW.ROBERTSONENGINEERING.NET

OWNER/SUBDIVIDER

7950 BODEGA AVE, SITE A
650 WILSON AVE, SITE A
NAPA, CA 94959
707-676-8889

SHEET INDEX

- 1 SITE PLAN
- 2 TOPOGRAPHIC MAP
- 3 PROPOSED LOT LINES
- 4 UTILITY PLAN
- 5 GRADING AND DRAINAGE PLAN
- 6 SITE SECTIONS



ABBREVIATIONS

ASPHALT CONCRETE
ANGLE POINT
APPROXIMATE
BEGINNING OF CURVE
BACK OF SIDEWALK
C&G
CONCRETE
CORNER
DRAINAGE EASEMENT
DRAINAGE INLET
EDGE OF PAVEMENT
FINISHED FLOOR
FOUND IRON PIPE
FLOWLINE
GAS VALVE
HANDICAP
MINIMUM
RIGHT OF WAY
STORM DRAIN
STANDARD
SIDEWALK UNDERDRAIN
SIDEWALK
TOP OF CURB
TOP OF DRIVE
TOP OF SCOTCH
TYPICAL
WATER METER
WATER VALVE

SYMBOLS LEGEND

SCHEDULED AND/OR EXISTING FEATURES

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

THIS IS AN UNPUBLISHED MAP AND MAY NOT BE REPRODUCED, PUBLISHED, OR OTHERWISE USED WITHOUT WRITTEN CONSENT OF ROBERTSON ENGINEERING, INC.

Introduction and Waiving of First Reading

*City of Sebastopol
Ordinance No. 1138*

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

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

SECTION 1. The City of Sebastopol City Council has adopted a Mitigated Negative Declaration (MND) for the “Huntley Square” Project (the “Project”) located at 7950 Bodega Avenue in a separate Resolution based on the findings of fact of the Adopting of Resolution No. 6410-2022.

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

1. The proposal is consistent with Goal LU 6 as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.
2. The proposal is consistent with Policy LU 6-2 as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.
3. The proposal is consistent with Policy LU 6-3 as it supports the construction and occupation of very small houses.
4. The proposal is consistent with Housing Goal A-1 as it is an adequate site for housing development in the City of Sebastopol.
5. The proposal is consistent with Housing Action A-1 as it helps ensure sufficient developable land is planned and zoned to accommodate the City’s RHNA.
6. The proposal is consistent with Housing Goal C-1 as it facilitates new housing production.
7. The proposal is consistent with Housing Policy C-4 as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.
8. The proposal is consistent with Housing Goal F-1 as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.

9. The proposal is consistent with Housing Goal G-1 as it promotes land use policies and development standards to facilitate housing production.
10. The proposal is consistent with Housing Goal G-3 in that if the rezoning is approved, the Project removes government constraints that affect the amount of land required for new housing.
11. The proposal is consistent with Housing Policy G-1 in that if the rezoning is approved, the Project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.
12. The proposal is consistent with Goal CIR 2 in that as part of the Project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.
13. The proposal is consistent with Goal COS 9 as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.
14. The proposal is consistent with Policy COS 9-1 as it will meet and comply with CALGreen Tier 1 standards.
15. The proposal is consistent with Policy COS 9-2 as energy conservation is an important criterion in the development review process.

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

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

- d. Will not adversely affect the orderly development of property, as the site will be residential within a block of other residential development of similar scale.
- i. The proposed project will provide additional for-sale housing opportunities within walking distance of existing residential, commercial, and recreational uses.
 - ii. The Design Review Board/Tree Board conducted a preliminary review of the project and provided a recommendation to the Planning Commission and City Council to approve the project as proposed as compatible to the R7 zoning standards. The Planning Commission held a public hearing on November 9, 2021, and also found the PC zoning to be compatible with the surrounding uses and zoning, and unanimously recommended approval of the PC zoning to City Council.

SECTION 3.

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

Allowed Uses Table:

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

Development Standards Table:

Development Standards	Huntley Square PC District Standards
Minimum Lot Area	<ul style="list-style-type: none"> 686 to 848 sq. ft. for individual lots 9,535 sq. ft. for common area
Maximum Building Height	<ul style="list-style-type: none"> 30', 2-stories
Accessory Buildings Height	<ul style="list-style-type: none"> Not permitted on individual lots 17' for common area (parking area)
Front Yard Setback*	<ul style="list-style-type: none"> Common area (frontage on Bodega Avenue) = 10' Individual lots (interior to project, east and west) = 0'
Interior Side Yard Setback*	<ul style="list-style-type: none"> 8' (east/west sides) 0' (setback between the new lots/units)
Rear Yard Setback*	<ul style="list-style-type: none"> Common area setback (original rear yard/ north property line) = ~47' Individual lots (east and west property lines) = 8'
Accessory Structure Side Setback	<ul style="list-style-type: none"> Not permitted on individual lots

	<ul style="list-style-type: none"> • 3' on common parcel
Accessory Structure Rear Setback	<ul style="list-style-type: none"> • Not permitted on individual lots • 3' for common area (north property line)
Max Lot Coverage	<ul style="list-style-type: none"> • 38.2%
Density (DU per acre)	<ul style="list-style-type: none"> • 5 DU (SMC 17.200.020 counts studio units as .5 DU)
Parking	<ul style="list-style-type: none"> • 1 space per studio unit = 10 spaces required • 10 off street spaces + 9 on-street spaces = 19 spaces provided • Applicant will be required to provide electric vehicle charging spaces, as discussed later in this report
Bicycle Parking	<ul style="list-style-type: none"> • 5 spaces proposed
Open Space	<ul style="list-style-type: none"> • 140 sq. ft./DU minimum, including covered rear patio

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

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

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

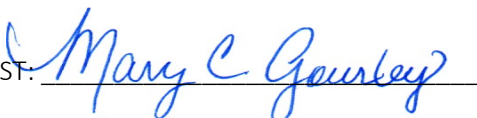
Approved for First Reading and Introduction on this 1st day of March, 2022.

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

VOTE:

Ayes: 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

A handwritten signature in blue ink, appearing to read 'Larry McLaughlin', with a stylized, flowing script.

Larry McLaughlin, City Attorney



City of Sebastopol Planning Department

March 4, 2024

Beth Farley
Huntley Square, LLC
1500 Third Street, Suite A
Napa, CA 94559

Re: Time Extension Application

Dear Beth Farley:

The Planning Commission approved your Time Extension Request application 2023-073 at their February 13th, 2024, meeting, requesting approval for a two-year time extension for a tentative map to subdivide the parcel at 7950 Bodega Avenue into 10 townhome units and a common area was approved by City Council at their March 1st 2022, meeting. This approval is in accordance with the findings and subject to the conditions contained in this letter.

This approval is not effective until the Appeal Period has officially expired. Anyone dissatisfied with the decision of the Planning Commission has the right to file an appeal to the City Council within 7 calendar days of the decision. This requires the submittal of a completed City Appeal Form, written statement, and payment of the applicable fee delivered to the Planning Department at 7120 Bodega Avenue, Sebastopol, California no later than 5:00 P.M. on Tuesday, February 20, 2024.

Please feel free to contact me if you have any questions at 707-823-6167, or via email at jjay@cityofsebastopol.gov.

Sincerely,

John Jay, Associate Planner

cc:
Property Owner
City Departments



EXHIBIT A
RECOMMENDED FINDINGS OF APPROVAL
Huntley Square Time Extension for Tentative Map
7950 Bodega Avenue
004-350-024, File #2023-073

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

1. The project is consistent with the Sebastopol Municipal Code 16.28.100 allows for Extensions of Subdivision Maps subject to the following findings:

A. Upon application of the subdivider filed prior to the expiration of the tentative map, the time at which such map expires may be extended by the Planning Commission up to three years. If less than a three-year extension was approved, the subdivider may request additional extensions; provided, that no extension shall entail a new expiration date greater than three years from the original expiration date; and provided, that an extension request is filed prior to permit expiration.

The applicant is applying for a two-year extension of the map. This criterion is met.

B. Once an application for extension is timely filed, the map shall be automatically extended as provided in Section 66452.6(e) of the State Subdivision Map Act.

This criterion is met.

C. An extension of time may be granted if the Planning Commission finds the subdivision, at the time the application for the extension of time is heard, conforms to the then-existing General Plan, is consistent with the zoning of the parcels and conforms to the improvement standards that are being imposed upon similar new subdivisions. The Planning Commission may condition its approval by subjecting the subdivider to any increase in applicable development fees or to new development fees which have occurred since the approval of the map.

Additional Development fees are not applicable to this project under State Law. Additionally, the project is consistent with the General Plan as follows:

This project is consistent with the General Plan, in that it meets the following goals:

- **Goal LU 6** as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.
- **Policy LU 6-2** as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.
- **Policy LU 6-3** as it supports the construction and occupation of very small houses.
- **Housing Goal A-1** as it is an adequate site for housing development in the City of Sebastopol.
- **Housing Action A-1** as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.
- **Housing Goal C-1** as it facilitates new housing production.
- **Housing Policy C-4** as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.



- **Housing Goal F-1** as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.
- **Housing Goal G-1** as it promotes land use policies and development standards to facilitate housing production.
- **Housing Goal G-3** in that if the rezoning is approved, the project removes government constraints that affect the amount of land required for new housing.
- **Housing Policy G-1** in that if the rezoning is approved, the project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.
- **Goal CIR 2** in that as part of the project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.
- **Goal COS 9** as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.
- **Policy COS 9-1** as it will meet and comply with CALGreen Tier 1 standards.
- **Policy COS 9-2** as energy conservation is an important criterion in the development review process.

D. Extensions of vesting maps shall comply with Section 66498.1 of the Subdivision Map Act.
The City Engineer has found the extension meets this criterion.

E. The Planning Commission's action on the extension request may be appealed if such appeal is filed pursuant to Chapter 17.455 SMC within 15 days from the date of Planning Commission action on the extension request.
This criterion is met.



EXHIBIT B
CONDITIONS OF APPROVAL

Huntley Square Time Extension for Tentative Map
7950 Bodega Avenue
004-350-024, File #2023-073

- 1) Zoning amendment to modify the zoning from R7 to a Planned Community (PC), 2) Conditional Use Permit, 3) Tentative Map, and 4) Initial Study/Mitigated Negative Declaration (IS/MND)
1. Plans and elevations shall be in substantial conformance with plans submitted by Healthy Buildings Management Group, Inc. on August 31, 2021, and on file at the City of Sebastopol Planning Department, except as modified herein. Any modifications to the plans shall be reviewed and approved by Staff prior to modification. Any modifications to the approved plans shall be submitted to the Planning Department in writing detailing the changes prior to submitting to the Building Division.
2. The applicant shall provide documentation as needed for compliance with the environmental mitigations listed in the Initial Study / Mitigated Negative Declaration prepared for the project, as detailed in condition #16.
3. The project's open spaces shall be maintained by the property owner, not by the City.
4. The project site includes protected trees intended to remain. Protective measures are required for these trees. All final tree protection measures shall be submitted for review and approval by the City Arborist prior to issuance of Improvement Plans.
5. A Tree Removal permit is required for the any trees proposed for removal.
6. Design Review approval is required by the Design Review Board for the design of the units, site features, landscaping, and other amenities.
7. Granting the Certificate of Compliance does not imply approval of any development plan for the subject properties. Any proposed development plan must comply with all current Planning, Engineering, Building, and Fire Department standards.
8. The project shall be subject to impact fees as adopted by Council.
9. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Sebastopol.
10. The Tentative Map shall expire 24 48 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.

City Hall, 7120 Bodega Avenue, Sebastopol, CA 95472

T 707-823-6167 / www.ci.sebastopol.ca.us



11. All other approvals than the Tentative Map shall be valid for three years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.250.050 of the Zoning Ordinance.

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

13. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.

14. Building and Safety:

a. All construction and construction related activities shall be in conformance with current California Building, Residential, Electrical, Mechanical, Plumbing, Fire, Energy and Green Building Codes, and the City of Sebastopol Municipal Code.

b. For the building permit submittal, 5 sets of plans are required along with 2 sets of calculations and reports.

c. The Planning Conditions of Approval shall be printed on plan sheets in the plan set.

d. The project is required to comply with CalGreen at the Tier I level excluding Division **A4.2** Energy Efficiency, as adopted and amended by the City. The worksheets can be located on the City's website on the building department page. The worksheets are to be printed on plan sheets in the plan set.

e. The project is required to comply with the City's Mandatory Photovoltaic System Requirements.

f. The project is required to comply with the City's Row House Policy.

g. A geotechnical report is required along with the building permit submittal.

15. Fire Department. The following shall be required:

a. Automatic Fire Sprinklers Suppression System.

b. Fully monitored Building:

c. Fire Alarm Control Panel (FACP)

d. Smoke and Heat Detection

e. Horns and Strobes Notification

f. Rapid Entry SupraSafe System (Knox Box)

g. 24/7/365 Monitoring by Alarm Company

h. Additional New Fire Hydrants as required

i. Include a condition for tentative map re: hydrant maintenance

16. CEQA Mitigation Measures

Aesthetics

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

Air Quality



AQ-1: Basic measures to control dust and exhaust shall be utilized during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited.
- iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- v. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- vi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- vii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

BIO-1: Special-status and Common Bats

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



BIO-2: Nesting Birds

- i. To the extent feasible, vegetation and tree removal shall occur during the non-breeding season (late August to early March) to limit the potential for birds to nest within the project site.
- ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around it.
- iii. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
 - a. If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance.
 - b. If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.
 - c. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.

BIO-3: Native Trees

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

Cultural Resources

CR-1: Post-Review Discovery

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

CR-2: Human Remains

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

Noise

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

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

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

Final Map

17. A Final Map and prepared by a licensed surveyor or civil engineer, shall be prepared and submitted for the review and approval of the City Engineer. The map shall conform to the requirements of the Subdivision Map Act and local ordinances. The Final Map submitted for review and approval shall be substantially consistent with the Tentative Map approval which is granted for 10 residential townhouse lots; common parcel areas for parking and vehicle egress, landscaped open space, and pedestrian and bicycle access. Upon recording of the map, the subdivision is valid.

18. All property corners of lots within the subdivision shall be monumented with no less than 3' long by 1/2" diameter galvanized steel pipe imbedded no less than 24" into the earth, except as expressly permitted in writing by the City Engineer.



- 19.** The following notes shall appear on the Local Agency sheet of the Final Map:
 - a.** “Building Permits shall be subject to payment of development fees in effect at the time of permit issuance.”
- 20.** The Final Map shall state:
 - a.** The assessor’s parcel number
 - b.** Total area of land being subdivided (in acres)
 - c.** Total number of lots being created
- 21.** The applicant shall either complete the required construction prior to recordation of the Final Map or enter into an Improvement Agreement and post security with the City of Sebastopol prior to the filing of the Final Map, agreeing to complete the required construction within 24 months after the filing of the Final Map. The Improvement Agreement shall be recorded with the Final Map.
- 22.** Prior to approval of a Final Map, final CC&R’s shall be submitted for review and approval by the City Attorney, Planning Department, and City Engineer that implement the project as presented in the project application materials and these conditions of approval. This shall include ongoing obligations of the homeowners associated to maintain improvements within the subdivision.
- 23.** The Final Map and CC&Rs for the development shall specify that the units must be owner-occupied for a minimum of one year, following which they may be rented to long-term renters with a minimum of a six-month lease.
- 24.** The CC&Rs for this development to include details regarding the maintenance of common and/or private open space located on the project site, which must also include a prohibition of the use of nonbiodegradable and toxic chemicals in maintenance of both common and private open space areas.
- 25.** The applicant shall execute a covenant running with the land on behalf of itself and its successors, heirs, and assigns agreeing to annex this subdivision into the existing City of Sebastopol Lighting Assessment District.
- 26.** Easement and Driveway Maintenance Agreement recorded on June 23, 1993 with Recorder’s Serial Number 93-77433 shall be dedicated on the Final Map and via a separate easement deed.
- 27.** The applicant shall dedicate a Public Utilities Easement for the onsite public waterlines up to and including the fire hydrants and water meters.

Improvement Plans — General

- 28.** Improvement Plans prepared by a Registered Civil Engineer shall be submitted for the review and approval of the City Engineer showing grading, paving, utilities, and drainage. The Improvements Plans shall include street and utility information including all concrete curb and gutter, sidewalk, striping and signing, paving, water lines and sewer lines, erosion control and

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any necessary transitions for the portion of the public street fronting the development. All improvements shall be in accordance with the City of Sebastopol Standard Improvement Details. Improvement Plans shall include a Storm Water Pollution Prevention Plan including winterization and erosion protection.

29. The Improvement Plans must be evaluated by an arborist to assess the impact of the development on any existing trees and develop a site-specific Tree Protection Plan. Improvement Plans shall include the location and size of all existing trees to be removed, and trees to remain. Trees on adjacent property which overhang the project boundary shall be afforded equal protection. Improvement Plans shall show all measures identified in the Tree Protection Plan as needed, to protect trees during construction.

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

31. Any trees planted within 10 feet of a public street curb shall include a root barrier acceptable to the City Engineer and the City Arborist.

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

33. The project shall include post-construction stormwater BMPs in accordance with the City's Low Impact Development manual and Section 15.78 of the Municipal Code.

Improvement Plans — Specifics

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

Soils

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

Undergrounding

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

Streets, Traffic & Circulation



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

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

Grading

39. The applicant shall submit to the City of Sebastopol for review and approval, a grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall post sufficient surety guaranteeing completion.

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

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

42. Both temporary and permanent erosion control plans shall be submitted for review and approval along with the grading plan. Permanent erosion control measures shall include hydroseeding of all graded slopes within 60 days of completion of grading.

43. If the site will require import or export of dirt, the applicant shall submit in writing the proposed haul routes for the trucks and equipment. The haul routes must be approved by the City prior to import/export work commencing.

Storm Drain

44. The applicant shall submit to the City of Sebastopol for review and approval, drainage plans, hydrologic, and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:

a. Quantities of water, water flow rates, drainage areas and patterns and drainage courses. Hydrology shall be per current Sonoma County Water Agency Standards.

b. Project drainage shall be designed using the 10-year storm average flow and 100-year peak flow.

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

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

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

48. The applicant shall demonstrate for each building pad to the satisfaction of the City of Sebastopol as follows:

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- a. Feasible access during a 10-year frequency storm.

Water

- 49.** The applicant shall install new domestic, irrigation and fire service laterals to serve the new buildings. All water mains shall be sized to provide adequate fire flows to the buildings. All water services shall be provided with back flow prevention devices in accordance with State and City standards.
- 50.** New water laterals shall be constructed in accord with City Standards. Meter locations shall be subject to approval by the Sebastopol Public Works Department. The Improvement Plans shall show water services to each building.
- 51.** Fire protection shall be in accord with the requirements of Sebastopol Fire Department. With the submittal of the improvement plans, calculations shall be provided to the City and the Sebastopol Fire Department to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows.
- 52.** New water mains and fire hydrants must be constructed and functional prior to the issuance of the building permit.
- 53.** All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved.
- 54.** All aboveground back flow hardware shall be screened with an architectural screen compatible with adjacent buildings.

Wastewater (Sanitary Sewer)

- 55.** A sanitary sewer application shall be submitted to the Building Department for review and approval. Discharge permits for individual uses shall be subject to the requirements of the City of Santa Rosa Utilities Department, Environmental Compliance Division, for Sewer Use Permits.
- 56.** Any new sewer mains shall be private and shall be so noted on the improvement plans.

PRIOR TO CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

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

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Water Resources Control Board, and obtain a permit, prior to commencement of any construction activity.

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

- 60.** All construction shall conform to the latest approved edition of City Standard Details and Specifications, all City Ordinances, the State Map Act, and the approved plans.
- 61.** The applicant shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any buildings to the City water or wastewater systems.
- 62.** All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.
- 63.** If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
- 64.** Prior to placing of asphalt, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
- 65.** Prior to placing the final lift of asphalt, all sanitary sewer lines shall be video inspected at the expense of the contractor/applicant. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
- 66.** The contractor shall be responsible for providing erosion and pollution control in accordance with the approved plans and permits.
- 67.** The contractor shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
- 68.** Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
- 69.** Hours of work for both public improvements and private improvements shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. This includes warm-up or servicing of equipment and any preparation for construction. Violation of these working hours shall be deemed an infraction and upon conviction thereof, shall be punishable as prescribed by law.



70. Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur.

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

72. If, during construction, the contractor damages any existing facilities on the neighboring properties (i.e. fences, gates, landscaping, walls, etc.) contractor shall be responsible to replace all damaged facilities.

PRIOR TO OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

73. Prior to acceptance of improvements or occupancy of the buildings, existing curb, gutter and sidewalk to remain shall be inspected by the Public Works Superintendent. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.

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

75. All improvements shown in the Improvement Plans for any individual parcel deemed necessary for the health, safety and welfare of the occupant and general public shall be completed prior to occupancy of that parcel.

76. The civil engineer/land surveyor shall file Elevation Certificates for the dwellings in the subdivision.

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

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

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



EXHIBIT C
STANDARD CONDITIONS OF APPROVAL
Huntley Square Time Extension for Tentative Map
7950 Bodega Avenue
004-350-024, File #2023-073

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.

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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. 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.

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

EXHIBIT A
RECOMMENDED FINDINGS OF APPROVAL

Huntley Square Time Extension for Tentative Map
Permit Number: 2025-057

7950 Bodega Avenue
APN (004-350-024)

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

The project is consistent with the Sebastopol Municipal Code 16.28.100 allows for Extensions of Subdivision Maps subject to the following findings:

- A. Upon application of the subdivider filed prior to the expiration of the tentative map, the time at which such map expires may be extended by the Planning Commission up to three years. If less than a three-year extension was approved, the subdivider may request additional extensions; provided that no extension shall entail a new expiration date greater than three years from the original expiration date; and provided that an extension request is filed prior to permit expiration.

The Planning Commission previously approved a two-year extension of the Tentative Map on February 13, 2024. The applicant is applying for a one-year extension of the map. This criterion is met.

- B. Once an application for extension is timely filed, the map shall be automatically extended as provided in Section 66452.6(e) of the State Subdivision Map Act.

This criterion is met.

- C. An extension of time may be granted if the Planning Commission finds the subdivision, at the time the application for the extension of time is heard, conforms to the then-existing General Plan, is consistent with the zoning of the parcels, and conforms to the improvement standards that are being imposed upon similar new subdivisions. The Planning Commission may condition its approval by subjecting the subdivider to any increase in applicable development fees or to new development fees that have occurred since the approval of the map.

Additional Development fees are not applicable to this project under State Law.

This project is consistent with the General Plan, in that it meets the following goals:

- **Goal LU 6** as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.
- **Policy LU 6-2** as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.
- **Policy LU 6-3** as it supports the construction and occupation of very small houses.
- **Housing Goal A-1** as it is an adequate site for housing development in the City of Sebastopol.
- **Housing Action A-1** as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.

- **Housing Goal C-1** as it facilitates new housing production.
- **Housing Policy C-4** as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.
- **Housing Goal F-1** as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.
- **Housing Goal G-1** as it promotes land use policies and development standards to facilitate housing production.
- **Housing Goal G-3** in that if the rezoning is approved, the project removes government constraints that affect the amount of land required for new housing.
- **Housing Policy G-1** in that if the rezoning is approved, the project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.
- **Goal CIR 2** in that as part of the project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.
- **Goal COS 9** as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.
- **Policy COS 9-1** as it will meet and comply with CALGreen Tier 1 standards.
- **Policy COS 9-2** as energy conservation is an important criterion in the development review process.

D. Extensions of vesting maps shall comply with Section 66498.1 of the Subdivision Map Act.

The City Engineer has found the extension meets this criterion.

E. The Planning Commission's action on the extension request may be appealed if such appeal is filed pursuant to Chapter 17.455 SMC within 15 days from the date of the Planning Commission action on the extension request.

This criterion is met.

EXHIBIT B

CONDITIONS OF APPROVAL

Huntley Square Time Extension for Tentative Map
7950 Bodega Avenue
004-350-024, File #2023-073

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

1. Plans and elevations shall be in substantial conformance with plans submitted by Healthy Buildings Management Group, Inc. on August 31, 2021, and on file at the City of Sebastopol Planning Department, except as modified herein. Any modifications to the plans shall be reviewed and approved by Staff prior to modification. Any modifications to the approved plans shall be submitted to the Planning Department in writing detailing the changes prior to submitting to the Building Division.
2. The applicant shall provide documentation as needed for compliance with the environmental mitigations listed in the Initial Study / Mitigated Negative Declaration prepared for the project, as detailed in condition #16.
3. The project's open spaces shall be maintained by the property owner, not by the City.
4. The project site includes protected trees intended to remain. Protective measures are required for these trees. All final tree protection measures shall be submitted for review and approval by the City Arborist prior to issuance of Improvement Plans.
5. A Tree Removal permit is required for the any trees proposed for removal.
6. Design Review approval is required by the Design Review Board for the design of the units, site features, landscaping, and other amenities.
7. Granting the Certificate of Compliance does not imply approval of any development plan for the subject properties. Any proposed development plan must comply with all current Planning, Engineering, Building, and Fire Department standards.
8. The project shall be subject to impact fees as adopted by Council.
9. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Sebastopol.
- ~~10. The Tentative Map shall expire 24 48 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. The Tentative Map shall expire on March 1, 2027 and will not be eligible for any additional extensions through the Subdivision Map Act as this is the third and final year eligible for extension.~~
11. All other approvals than the Tentative Map shall be valid for three years, except that the

applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.250.050 of the Zoning Ordinance.

12. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
13. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
14. Building and Safety:
 - a. All construction and construction related activities shall be in conformance with current California Building, Residential, Electrical, Mechanical, Plumbing, Fire, Energy and Green Building Codes, and the City of Sebastopol Municipal Code.
 - b. For the building permit submittal, 5 sets of plans are required along with 2 sets of calculations and reports.
 - c. The Planning Conditions of Approval shall be printed on plan sheets in the plan set.
 - d. The project is required to comply with CalGreen at the Tier I level excluding Division A4.2 Energy Efficiency, as adopted and amended by the City. The worksheets can be located on the City's website on the building department page. The worksheets are to be printed on plan sheets in the plan set.
 - e. The project is required to comply with the City's Mandatory Photovoltaic System Requirements.
 - f. The project is required to comply with the City's Row House Policy.
 - g. A geotechnical report is required along with the building permit submittal.
15. Fire Department. The following shall be required:
 - a. Automatic Fire Sprinklers Suppression System.
 - b. Fully monitored Building:
 - c. Fire Alarm Control Panel (FACP)
 - d. Smoke and Heat Detection
 - e. Horns and Strobes Notification
 - f. Rapid Entry SupraSafe System (Knox Box)
 - g. 24/7/365 Monitoring by Alarm Company
 - h. Additional New Fire Hydrants as required
 - i. Include a condition for tentative map re: hydrant maintenance

16. CEQA Mitigation Measures

Aesthetics

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

Air Quality

AQ-1: Basic measures to control dust and exhaust shall be utilized during construction. During any construction period ground disturbance, the applicant shall ensure that the project

contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited.
- iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- v. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- vi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- vii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

BIO-1: Special-status and Common Bats

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

BIO-2: Nesting Birds

- i. To the extent feasible, vegetation and tree removal shall occur during the non-breeding season (late August to early March) to limit the potential for birds to nest within the project site.
- ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around it.
- iii. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
 - a. If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance.
 - b. If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.
 - c. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.

BIO-3: Native Trees

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

Cultural Resources

CR-1: Post-Review Discovery

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

CR-2: Human Remains

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

Noise

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

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

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

Final Map

17. A Final Map and prepared by a licensed surveyor or civil engineer, shall be prepared and submitted for the review and approval of the City Engineer. The map shall conform to the requirements of the Subdivision Map Act and local ordinances. The Final Map submitted for review and approval shall be substantially consistent with the Tentative Map approval which is granted for 10 residential townhouse lots; common parcel areas for parking and vehicle egress, landscaped open space, and pedestrian and bicycle access. Upon recording of the map, the subdivision is valid.

18. All property corners of lots within the subdivision shall be monumented with no less than 3' long by 1/2" diameter galvanized steel pipe imbedded no less than 24" into the earth, except as expressly permitted in writing by the City Engineer.
19. The following notes shall appear on the Local Agency sheet of the Final Map:
 - a. "Building Permits shall be subject to payment of development fees in effect at the time of permit issuance."
20. The Final Map shall state:
 - a. The assessor's parcel number
 - b. Total area of land being subdivided (in acres)
 - c. Total number of lots being created
21. The applicant shall either complete the required construction prior to recordation of the Final Map or enter into an Improvement Agreement and post security with the City of Sebastopol prior to the filing of the Final Map, agreeing to complete the required construction within 24 months after the filing of the Final Map. The Improvement Agreement shall be recorded with the Final Map.
22. Prior to approval of a Final Map, final CC&R's shall be submitted for review and approval by the City Attorney, Planning Department, and City Engineer that implement the project as presented in the project application materials and these conditions of approval. This shall include ongoing obligations of the homeowners associated to maintain improvements within the subdivision.
23. The Final Map and CC&Rs for the development shall specify that the units must be owner-occupied for a minimum of one year, following which they may be rented to long-term renters with a minimum of a six-month lease.
24. The CC&Rs for this development to include details regarding the maintenance of common and/or private open space located on the project site, which must also include a prohibition of the use of nonbiodegradable and toxic chemicals in maintenance of both common and private open space areas.
25. The applicant shall execute a covenant running with the land on behalf of itself and its successors, heirs, and assigns agreeing to annex this subdivision into the existing City of Sebastopol Lighting Assessment District.
26. Easement and Driveway Maintenance Agreement recorded on June 23, 1993 with Recorder's Serial Number 93-77433 shall be dedicated on the Final Map and via a separate easement deed.
27. The applicant shall dedicate a Public Utilities Easement for the onsite public waterlines up to and including the fire hydrants and water meters.

Improvement Plans — General

28. Improvement Plans prepared by a Registered Civil Engineer shall be submitted for the

review and approval of the City Engineer showing grading, paving, utilities, and drainage. The Improvements Plans shall include street and utility information including all concrete curb and gutter, sidewalk, striping and signing, paving, water lines and sewer lines, erosion control and any necessary transitions for the portion of the public street fronting the development. All improvements shall be in accordance with the City of Sebastopol Standard Improvement Details. Improvement Plans shall include a Storm Water Pollution Prevention Plan including winterization and erosion protection.

29. The Improvement Plans must be evaluated by an arborist to assess the impact of the development on any existing trees and develop a site-specific Tree Protection Plan. Improvement Plans shall include the location and size of all existing trees to be removed, and trees to remain. Trees on adjacent property which overhang the project boundary shall be afforded equal protection. Improvement Plans shall show all measures identified in the Tree Protection Plan as needed, to protect trees during construction.
30. The Improvement Plans shall include detailed landscape construction drawings for work proposed in the public right of way.
31. Any trees planted within 10 feet of a public street curb shall include a root barrier acceptable to the City Engineer and the City Arborist.
32. The Improvement Plans shall include an onsite signing and striping plan which clearly delineates traffic control and parking restriction requirements.
33. The project shall include post-construction stormwater BMPs in accordance with the City's Low Impact Development manual and Section 15.78 of the Municipal Code.

Improvement Plans — Specifics

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

Soils

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

Undergrounding

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

Streets, Traffic & Circulation

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

Grading

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

Storm Drain

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

Water

- 49.** The applicant shall install new domestic, irrigation and fire service laterals to serve the new buildings. All water mains shall be sized to provide adequate fire flows to the buildings. All water services shall be provided with back flow prevention devices in accordance with State and City standards.
- 50.** New water laterals shall be constructed in accord with City Standards. Meter locations shall be subject to approval by the Sebastopol Public Works Department. The Improvement Plans shall show water services to each building.
- 51.** Fire protection shall be in accord with the requirements of Sebastopol Fire Department. With the submittal of the improvement plans, calculations shall be provided to the City and the Sebastopol Fire Department to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows.
- 52.** New water mains and fire hydrants must be constructed and functional prior to the issuance of the building permit.
- 53.** All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved.
- 54.** All aboveground back flow hardware shall be screened with an architectural screen compatible with adjacent buildings.

Wastewater (Sanitary Sewer)

- 55.** A sanitary sewer application shall be submitted to the Building Department for review and approval. Discharge permits for individual uses shall be subject to the requirements of the City of Santa Rosa Utilities Department, Environmental Compliance Division, for Sewer Use Permits.
- 56.** Any new sewer mains shall be private and shall be so noted on the improvement plans.

PRIOR TO CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

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

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

- 60.** All construction shall conform to the latest approved edition of City Standard Details and Specifications, all City Ordinances, the State Map Act, and the approved plans.
- 61.** The applicant shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any buildings to the City water or wastewater systems.
- 62.** All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.
- 63.** If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
- 64.** Prior to placing of asphalt, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
- 65.** Prior to placing the final lift of asphalt, all sanitary sewer lines shall be video inspected at the expense of the contractor/applicant. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
- 66.** The contractor shall be responsible for providing erosion and pollution control in accordance with the approved plans and permits.
- 67.** The contractor shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
- 68.** Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
- 69.** Hours of work for both public improvements and private improvements shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. This includes warm-up or servicing of equipment and any preparation for construction. Violation of these working hours shall be deemed an infraction and upon conviction thereof, shall be punishable as prescribed by law.
- 70.** Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur.

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

PRIOR TO OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

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

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

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