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RESOLUTION NO. 5220

A RESOLUTION OF THE SEBASTOPOL CITY COUNCIL  
APPROVING A MINOR TENTATIVE PARCEL MAP  
TO ALLOW THE 3-LOT SUBDIVISION OF  
763 FIRST STREET,  
APN 004-172-007

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WHEREAS, an application for Minor Tentative Parcel Map was filed by Paul Schoch on May 10, 2000, to divide a 1.86 acre parcel located at 763 First Street (APN 004-172-007) into 3 lots;

WHEREAS, the Environmental Coordinator has prepared a Mitigated Negative Declaration for the project, based on an Initial Study dated May 22, 2001, performed pursuant to the California Environmental Quality Act (CEQA);

WHEREAS, on June 19<sup>th</sup>, 2001, the Planning Commission of the City of Sebastopol held a duly noticed Public Hearing to consider the application of Paul Schoch for the 3-lot subdivision of the property located at 763 First Street, heard public testimony and considered the staff report;

WHEREAS, the Planning Commission of the City of Sebastopol, at their meeting of June 19, 2001, reviewed and adopted said Mitigated Negative Declaration, along with all recommended Mitigation Measures contained therein, finding it to be appropriate for the project as conditioned;

WHEREAS, after hearing said application for subdivision, staff report, and public testimony, and after finding adequate and adopting the Mitigated Negative Declaration, the Planning Commission did find and determine that the proposed Minor Tentative Parcel Map, together with the provisions for its design and improvements, as conditioned, is consistent with the Sebastopol General Plan, the State Subdivision Map Act, and with the Sebastopol Subdivision and Zoning Ordinances;

WHEREAS, having made the necessary findings of consistency, the Planning Commission did adopt Resolution No. 02-2001, recommending to the City Council adoption of the Mitigated Negative Declaration and approval of the Minor Tentative Parcel Map, together with the provisions for its design and improvements, subject to the conditions set forth therein; and,

WHEREAS, on July 18, 2001, the Sebastopol Tree Board held duly noticed public hearing to consider the separate request of Paul Schoch for removal of a 49" d.b.h. Black Oak tree from just beyond the Hayden Avenue Extension on the easterly side of this same property, said request having been filed as a separate application from that of the proposed subdivision of land, and thus to be considered on its own merits, pursuant to the Sebastopol Tree Protection Ordinance;

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WHEREAS, after due consideration of the facts, findings, analysis, staff report, expert testimony and recommendations, and public testimony, the Tree Board found that the subject tree, having been declared hazardous, did qualify for the issuance of a Tree Removal Permit under the requirements of the Tree Protection Ordinance, and having so found, the Sebastopol Tree Board did grant the requested Tree Removal Permit, subject to conditions to ensure the adequate and timely planting of the required replacement trees; and,

WHEREAS, the Sebastopol City Council held a duly noticed public hearing on September 18<sup>th</sup>, 2001, received public testimony and considered the environmental document, staff report, and the recommendations of the Planning Commission; and

WHEREAS, the City Council continued its discussion and deliberations on the project to October 16, 2001; and

WHEREAS, the City Council has determined and hereby declares that the proposed Mitigated Negative Declaration is both adequate and appropriate for this project;

WHEREAS, the City Council finds that the application for Minor Tentative Parcel Map, together with the provisions for its design and improvements, as conditioned, is consistent with the goals, policies and objectives of the Sebastopol General Plan;

WHEREAS, the City Council finds that the application is consistent with the State Subdivision Map Act, and with the Land Use Designation of the Sebastopol General Plan; and that it meets all requirements and development standards of the Subdivision and Zoning Ordinances;

WHEREAS, the City Council finds that the granting of the Tree Removal Permit by the Sebastopol Tree Board eliminates the necessity of the design and access limitations imposed by the Planning Commission in the absence of such an approval for tree removal, and also eliminates the necessity of certain conditions recommended by the Planning Commission related to the placement of the proposed Jewell Avenue driveway and the protection of the subject tree;

WHEREAS, the City Council further finds that the subject division of property represents a residential infill project, such as is encouraged by the policies and programs set forth in the 1994 Sebastopol General Plan; and further, that it maintains consistency with the land use type and scale of adjacent development, and as such is consistent with the intent of the Land Use Chapter of the General Plan, and compatible with adjacent and surrounding land uses.

NOW, THEREFORE BE IT RESOLVED, after due consideration of the facts and analysis, and finding the proposal to be consistent with the Sebastopol General Plan, the State Subdivision Map Act, the Sebastopol Zoning Ordinance No. 913, and the

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Subdivision Ordinance No. 944, the Sebastopol City Council hereby approves the Minor Tentative Parcel Map application, together with the provisions for its design and improvements, subject to the conditions of approval set forth below:

**Conditions of Approval**  
Tentative Parcel Map  
763 First Street  
APN 004-172-007

*October 16, 2001*

**Planning Department Conditions of Approval:**

**General Conditions**

- P1. Approval is granted for the application date stamped May 10, 2000, except as amended herein.
- P2. All access for the subdivision shall be provided from First Street, and the subdivision map shall be revised to so indicate. No access shall be provided from the Hayden Avenue Extension.

**Prior to Issuance of a Grading Permit**

- P3. A Tree Protection Plan (TPP), including a TPP Map Sheet, is required to be submitted as a part of the Grading and/or Improvement Plans. The Map Sheet containing the Grading Plan shall reference the TPP Sheet with the following large, boxed note:

“NOTE: Contractor is responsible for compliance with the approved Tree Protection Plan (Sheet x). Failure to fully comply with the restrictions, conditions, and mitigation measures of the Tree Protection Plan, as reflected on Sheet x, may result in the issuance of a stop-work order, or the imposition of fines and penalties, or both.”

- P4. The Grading and Improvement Plans, including the Tree Protection Plan Sheet (TPP Map Sheet), shall be reviewed and approved by the City Engineer, the City Planning Director, and the City Arborist prior to issuance of a Grading Permit. The Grading Plans may be referred to the Design Review Boards, the Sebastopol Tree Board, or both, if, in the sole opinion of the Planning Director, the proposed site grading is excessive, and/or will impact the privacy of surrounding residents, and/or does not afford the maximum level of protection to existing trees.
- P5. Any tree shown to be removed which is 8" or larger d.b.h. (unless named as exempt under the Sebastopol Tree Protection Ordinance) shall receive a Tree Removal Permit from the Sebastopol Tree Board prior to issuance of a Grading

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Permit.

Prior to Issuance of a Building Permit

- P6. The new residential development shall be subject to the review and approval of the Design Review Board. Design Review shall include consideration of the maintenance of privacy for adjacent properties, as well as compatibility with the existing neighborhood. Fencing materials at project boundaries shall also be subject to Design Review.
- P7. Prior to issuance of a Building Permit for Lot #3, the applicant for a Building Permit for this Lot shall file an application for a Second Dwelling Unit that is consistent with all applicable provisions of the City's Second Dwelling Unit Ordinance; if approved, the unit may be provided either simultaneous to the primary home, and rented out; or, it may be provided as a finished-space extension of the primary home, in such a manner that the provision of kitchen appliances and the construction of a simple firewall division between the units shall render it fully self-contained as a separate unit; or, it may be framed, plumbed, wired, ducted & insulated and closed in, but left unfinished until such time as the property owner elects to finish it and provide it as a rental unit, whether for a family member, or for any other person or household of approximately one to three persons, as the unit may be provided to, so long as the availability, advertisement, and rental or lease terms and practices associated therewith prohibit discrimination of any kind, and comply with all other applicable Fair Housing Laws.
- P8. A Traffic Impact Fee shall be paid prior to issuance of a building permit on each lot. The amount of the fee shall be determined by the City Traffic Engineer.
- P9. A Park In-lieu Fee shall be paid prior to issuance of a building permit on each lot.
- P10. Access to Lot 1-3 shall be provided to the satisfaction of the City Engineer, Fire Chief, and Planning Director.
- P11. The potential impacts associated with increased traffic along First Street shall be reviewed by the City Traffic Engineer, with recommendations made to address any increased impacts.
- P12. This condition deleted.
- P13. This condition deleted.
- P14. This condition deleted.

Mitigation Measures.

- M 1. A Geotechnical/Soils Report shall be submitted with the application for Final Map, if appropriate, or with each individual application for Building Permit, if

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applicable. The Report shall identify and discuss site soils, slopes, geological features and any other site conditions, and shall make recommendations as to the type of construction best suited for the site conditions; the recommendations shall be followed, and shall become conditions of approval of the project to be incorporated into the plans submitted with the Building Permit application, to the satisfaction of the Building Official. Notwithstanding, if circumstances and conditions so warrant, the soils report requirement may be duly waived, in writing with a copy of said waiver provided to the Environmental Coordinator, by the Building Official pursuant to and consistent with all applicable provisions of the UBC and the Subdivision Map Act, provided that the Building Official verifies that he has sufficient knowledge of soils in the area, such data having been previously provided by Geotechnical and/or soils reports for construction in the general area, and having had experience with similar or proximate sites, and appropriate knowledge of appropriate construction requirements, as specified in the UBC. In the case that no engineering-level soils report is required to be submitted with the application for Building Permit, then prior to the acceptance of an application for Design Review as complete, the applicant shall submit written verification from the Soils Engineer that the proposed type and size of construction is consistent with standard Geotechnical or Soils Report recommendations, as well as with any specific recommendation made for the particular Lot, as applicable.

- M 2. The Final Map shall indicate the approved areas upon which building may occur for each Lot (“building envelopes”), in order to reflect the following, as applicable:
- a) the exclusion of building construction within the SCWA-required 30’ creek setback;
  - b) the required front, rear, and/or side yard setbacks for each future home on each Lot, being those yards required in the Rural Residential (RR) Zone District unless another set of requirements are established as a part of the project and approved by the City Council, with only those approved shown and labeled;
  - c) the area to remain undisturbed, if any, within the root protection zone of any protected tree or trees, as may be required by the approved Tree Protection Plan; or, if there be no approved Tree Protection Plan for any particular Lot, as may be determined to be necessary and appropriate by the City Arborist; and
  - d) such other specific construction limit(s), restriction(s) or allowance(s), as may be applicable, whether requested by the applicant and approved by the Council, or by request of the Council and agreed to by the applicant, or as a condition of project approval, without which there would be no approval. The intent of this measure is to delineate, in an appropriate format, such specific criteria as are or may be established for any or all Lot(s) as may be related to building footprint limitations or allowances; reduced or increased setback(s), whether in general or as may be imposed for second stories; limitation(s) and/or allowance(s) as may be related to rooflines, such as ridge heights, roof slopes, and the like.

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- M3. All project-related grading, excavation, trenching, backfilling, compaction, and the like shall be conducted in strict accordance with City design specifications, and shall be approved in advance of work by the City Engineer. In general, all grading and excavation activities shall be limited to the "dry" season (between April 15 and October 15) in order to minimize wind or water erosion; any exceptions to the above time period shall only be allowed with the express written advance approval of the City Engineer upon his review and approval of the appropriate Engineered Grading Plans, including a weatherization plan; if applicable, such winterization plan shall be submitted as a part of the application for Grading Permit, and shall be approved as a part thereof. The winterization plan(s), if used, shall include specifications for the seeding and/or re-seeding of all exposed soil surfaces, both on-site and off-site, prior to the onset of normal winter rains, with supplemental fill-ins following any new exposure of soil surface area. Specifications shall adhere to the requirements that:
- a) native grasses are to be used whenever possible; and,
  - b) in no case shall any seed or seed mix containing greater than 0.1% noxious weeds be used for this purpose.
- M4. For any home proposed on any Lot(s) within this subdivision, if the proposal includes a fireplace/chimney, and said fireplace is not intended (and gas service provided for) decorative use only, the following requirement shall be made, and shall be noted on the plans submitted for Building Permit: Woodstoves, pellet stoves, and/or fireplace inserts are required to be installed in all non-decorative (i.e., not solely gas-serviced) fireplaces within the home(s). All stoves and inserts used shall be of the maximum efficiency type, certified as meeting or exceeding the requirements of the BAAQMD, or as otherwise deemed satisfactory by the Building Official. This restriction shall continue to apply to each Lot(s) until such time as the applicable standard is no longer valid, or the BAAQMD ceases to exist and there is no similar successor agency.
- M5. Prior to issuance of any Grading Permit or Building Permit for any particular Lot within this project, the Sebastopol Tree Board shall review and approve a Tree Removal and Tree Protection Plan, or, if applicable, a Specific Tree Protection/Contingent Removal Plan and Permit, unless such Plan does not involve removal or contingent removal of any protected tree such that the Tree Board has delegated review authority of the Tree Protection Plan to staff. The Tree Protection Plan and/ or Tree Removal Permit/Contingent Removal Permit shall meet all submittal requirements of the Tree Ordinance and the Tree Board. The Tree Protection Plan shall reflect any tree-related limitations to building envelope, as required by Conditions above. If site development will involve the removal of any protected tree, the Tree Removal Permit shall be required to be approved, with performance and protective bonds (if any) set and paid, prior to the commencement of any site clearing or site work on that Lot, and prior to

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issuance of any grading or building permit for that Lot, including a foundation-only permit.

- M6. A tree replacement plan consistent with the minimum replacement requirements discussed herein, and any required tree protection bonding or other performance/protection guarantees as may be required, shall be in place prior to issuance of any permit for grading or construction activities, to the satisfaction of the Planning Director. If the Tree Removal Permit is denied such that a re-design of site improvements is required, the re-design shall not be subject to further discretionary reviews so long as the changes are limited to those needed in order to provide tree protection.
- M7. For each tree heritage tree, if any, approved to be removed, the Tree Board shall require Tree Replacement at a rate equal to or exceeding the ratio established by the Ordinance, as provided for within the Ordinance, when a different requirement is warranted related to the size and age of the subject tree. The replacement program shall consist of a variety of tree sizes, including but not limited to the use of at least one 24" box tree (or equivalent) and two 15 gallon trees for each protected heritage-size tree removed; and of a variety of types and sizes to mitigate both short-and long-term effects of the loss of protected trees.
- M8. The homes to be built within this project shall be subject to the review and approval of the Sebastopol Design Review Board. The Board will be guided in their review of the proposal by their adopted Project Review Guidelines; by the design criteria set forth in the General Plan, and by the following infill development standard: In general, the size and height of the homes to be constructed within this subdivision shall not exceed those of similar homes of more recent construction in the general area, including both the First Street area and the Swain Woods neighborhood (Jewell near Hayden).
- M9. Garages and other off-street parking areas planned to serve the new residential development shall be located in such a way that vehicles entering or exiting the site from Jewell Avenue or First Street will not unduly produce direct, sustained headlight glare into the living areas of surrounding homes. If necessary, screening devices and/or plantings may be used to help dissipate any such direct glare, to the satisfaction of the Design Review Board.

**Fire Department Conditions of Approval:**

**General**

- F1. Fire protection for the homes to be built on Lots 2 and 3 shall be to the satisfaction of the City Fire Chief.

**Engineering Department Conditions of Approval:**

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General

- E1 Submittals for Engineering Plan Check shall be made at the Engineering Department. Plan Check deposit shall be paid at the time of submittal. Call 823-2151 for information.
- E2 Any exceptions or variances from the conditions stated herein will require the written approval of the City Engineer or approval of the City Council if required by the City Code.
- E3 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 designee.
- E4 All construction shall conform with the City Standard Details and Standard Specifications dated July 1998, all City Ordinances, the State Subdivision Map Act, and the approved plans.
- E5 Public Utility easements shall be provided as requested by the Public Utility Agencies and shall be offered for dedication on the map.
- E6 All underground utilities within the private access street shall be installed prior to street construction.
- E7 All utility distribution facilities, within the Hayden Street access and in the new private access from First Street, shall be placed underground except for surface mounted transformers, pedestal mounted terminal boxes, meter cabinets, fire hydrants, and street lights. Appropriate easements shall be provided to facilitate these installations. Existing overhead utilities on the First Street frontage of the project are not required to be placed underground because this requirement would result in an additional pole and guy wires, defeating the intended purpose.
- E8 Any existing septic tank(s) shall be abandoned under permit and inspection by the Sonoma County Health Department prior to map recordation.
- E9 Any existing well(s) shall be abandoned under permit and inspection of the Sonoma County Health Department.
- E10 The applicant shall submit to the City of Sebastopol for review and approval by the City Engineer, improvement plans prepared by a Registered Civil Engineer. Plans shall show all street, drainage, water, wastewater and grading improvements.



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- E11 The following notes shall appear on the improvement plan cover sheet: “All utilities on site shall be placed underground”.  
“During construction, the Developer shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and streets”.
- E12 The subdivider shall either complete the required construction or enter into an Improvement Agreement and post security with the City of Sebastopol prior to the filing of the Parcel Map, agreeing to complete the required construction within 24 months after the filing of the map. The Improvement Agreement shall be recorded with the map.
- E13 The developer shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any buildings to the City water or wastewater system.

#### Grading and Site Work

- E14 All grading work shall be shown on a grading plan to be incorporated into the improvement plans.
- E15 Grading plan shall include the location and size of all existing trees to be removed, and trees to remain. The plans shall show all measures identified in the Tree Protection Plan as needed, to protect trees during construction.
- E16 Improvement plans shall be submitted showing all proposed improvements including grading, paving, utilities, drainage, structures to be built, lighting and trash collection. Improvement plans shall include a winterization and erosion protection plan.
- E17 The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.

#### Streets

- E18 Construction of curb, gutter, and sidewalk on First Street shall be deferred to such time as other portions of First Street are improved. The Subdivider shall guarantee eventual construction of these improvements through an agreement, to be recorded against the lots taking access from First Street. The Subdivider shall also provide a preliminary design, including plan, profile and cross-sections, for the future improvements on First Street.
- E19 Driveway entrances shall meet the requirements of the City Traffic Engineer.
- E20 The access easement on Lots 1 and 2 in favor of Lots 2 and 3 shall be a minimum width of 25 feet.

#### Storm Drainage/Flood Damage Protection

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- E21 Drainage facilities shall be provided within the subdivision to eliminate the effects of additional stormwater runoff on adjacent properties.
- E22 Calder Creek shall be protected from water quality impacts due to additional stormwater runoff. Subject to feasibility (as determined by the geotechnical engineer, the Sonoma County Water Agency, the Regional Water Quality Control Board, and/or the State Department of Fish & Game, as applicable), drainage shall be filtered by natural vegetation or infiltration prior to entering Calder Creek.
- E23 If any work is necessary in Calder Creek, the subdivider shall be responsible for obtaining any and all permits deemed necessary, including but not limited to the following:  
State Department of Fish and Game, Streambed Alteration Permit  
Regional Water Quality Control Board, Section 401 Permit

#### Water Distribution

- E24 Fire protection facilities shall be in accord with the requirements of Sebastopol Fire Department.
- E25 Backflow prevention devices will be required in accordance with the requirements of the City of Sebastopol's Backflow Prevention Ordinance.
- E26 Water services to serve this development shall be connected to the existing mains. Meter locations shall be subject to approval by the Sebastopol Public Works Department.

#### Sewer Collection

- E27 Sanitary sewer to serve this development shall be extended from the existing mains.
- E28 New sewer laterals shall be constructed in accordance with City Standards.

#### Parcel Map

- E29 A Parcel Map as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing at all parcel rights-of-way and easements, shall be filed with the City of Sebastopol Engineer's Office. The Parcel Map shall conform to the requirements of the State Subdivision Map Act and the City Subdivision Ordinance. Upon recordation of the Map, the Subdivision is valid.
- E30 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.
- E31 The Parcel Map shall show:                      The assessor's parcel number

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Total area of land being subdivided (in acres)  
Total number of lots being created

E32 NOTE ON PARCEL MAP: "Building permits shall be subject to payment of development fees in effect at time of permit issuance."

E33 The following covenant shall be recorded with each lot:  
An approved Grading, Drainage, and Erosion Control Plan shall be required for each lot (if such a plan has not already been approved for the entirety of this minor subdivision). The Grading, Drainage and Erosion Control Plan shall be submitted to the Engineering Department and shall be approved by the City Engineer, and by any other body as may be applicable as set forth herein, prior to issuance of a Grading Permit or a Building Permit, including but not limited to a foundation-only permit. (Note, recordation of this covenant may be waived if an inclusive Grading, Drainage, and Erosion Control Plan has been approved for the entirety of this subdivision, and work to be performed is consistent with the approved Plan.)

E34 The owner shall record contemporaneously with the Parcel Map an irrevocable offer of dedication to the City of Sebastopol to provide additional right-of-way along the First Street frontage as necessary to provide a width of 25 feet from the centerline of the street. Additionally, a 5-foot-wide public utility easement shall be provided outside of (and adjacent to) the right-of-way.

DULY ADOPTED by the Sebastopol City Council on this 16<sup>th</sup> day of October, 2001, by the following vote:

APPROVED:   
Mayor

VOTING AYE: Councilmembers Roventini, Spooner and Mayor Robinson

VOTING NO: Councilmember Litwin

ABSENT: None

ABSTAIN: Councilmember Anderson

ATTEST:   
City Clerk

