



City of Sebastopol Planning Commission Staff Report

Meeting Date: April 11, 2023
Agenda Item: 5A
To: Planning Commission
From: John Jay, Associate Planner
Subject: Variance request
Recommendation: Approval

Applicant/Owner: Thrive Construction/Builders' Studio (Gregory Beale & Marilyn Standley & Ryan Connelly) / Steve and Rose Schoch
File Number: 2021-28
Address: 771 and 773 First Street
CEQA Status: Exempt
General Plan: Medium Density Residential (MDR)
Zoning: Single Family Residential (R3)

Introduction:

The request is for a variance from the Sebastopol Municipal Code section 17.100.060 for construction within a creek setback. As noted within the Code section buildings, mobile homes, garages, swimming pools, storage tanks, parking spaces, driveways decks, retaining walls and other similar structures shall have a minimum of a 30' setback from the top of bank.

Project Description:

The project as proposed is to develop a single-family residence and an accessory dwelling unit on a vacant residentially zoned parcel. The project parcel was part of a 3-lot subdivision that was approved by City Council in 2001 and that resolution which includes specific conditions is attached to this report.

Project Location and Surrounding Land Uses:

The project is located on First Street on the southwest end of Sebastopol and is surrounded by residential uses. The parcel is currently undeveloped and has been to the Design Review Board for the construction of a single-family dwelling with a detached accessory dwelling unit and associated site improvements, including vehicle access and other site amenities. All three parcels are adjacent to the Calder Creek that runs north and south on the property which limits all three lots buildable envelope.

General Plan Consistency:

The General Plan Land Use Designation for this site is Medium Density Residential. The General Plan describes Medium Density Residential as the following: "Designates areas suitable for single family dwellings at a density of 2.1 to 6.0 units per acre. Smaller existing parcels within this designation would not be precluded from developing one housing unit. Population density for this designation for this density would range from 5.0 to 14.4 persons per acre." The project is

consistent with the Medium Density Residential Designation in that it involves the development of a single-family dwelling in an area that contains an array of residential uses.

Zoning Ordinance Consistency:

The project is consistent with the Zoning Ordinance in terms of building height, lot coverage, and required parking. It is also consistent with the Building Envelope designated in the Parcel Map and consistent with the R3: Single-Family Residential zoning district in that it proposes to develop a single-family dwelling and accessory dwelling, both of which are permitted uses.

However, the project would not be consistent with current zoning code standards as the proposed driveway and parking area will be located within the 30' setback from the creek. Therefore, is required to request a variance as the site would be undevelopable as it would provide no access to First Street for all three lots.

Required Findings:

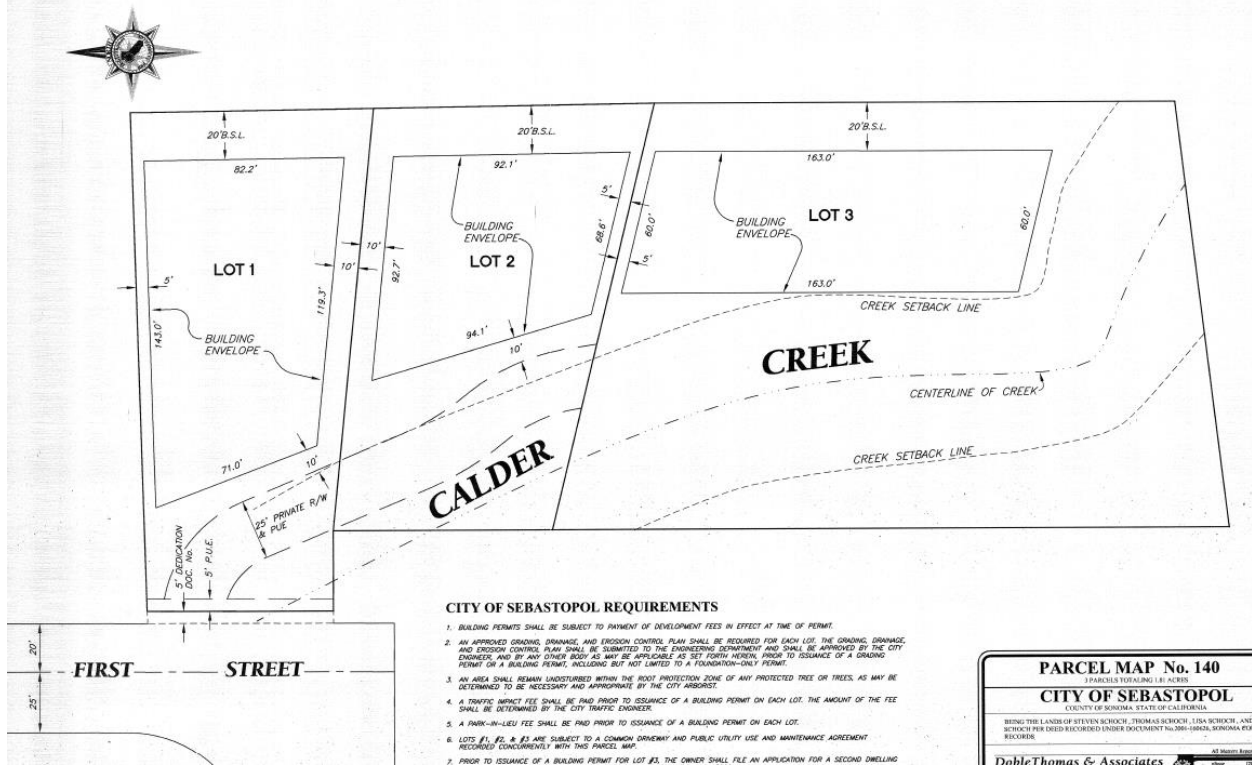
Section 17.420.020 of the SMC provides the required findings for all Variances as follows:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.
- C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Project History and Analysis:

Project History

A subdivision was approved by the City Council that created three lots along first street as part of a subdivision map in 2001. The City Council approved a shared driveway for the three lots, which includes a driveway easement across the two northern lots and would then continue onto Lot 3. The alignment of the driveway easement is almost entirely within the creek setback as approved by Council and recorded in the final Subdivision Map.



However, the subdivision approval never included a Variance to allow the construction of that driveway, which is required to be located within the recorded easement and would be located within the creek setback for Calder Creek.

The Subdivision was the subject of a Mitigated Negative Declaration (MND) for the purposes of environmental review (California Environmental Quality Act, CEQA), which was also adopted by the City Council as part of the 2001 approval. This MND included a set of specific mitigation measures within the City Council signed Resolution (Resolution No. 5220), including that the creek areas be replanted with natural plantings that were approved along with the subdivision approval for this project (See attached Resolution for additional detail). This includes:

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.

Additionally, the configuration of Lot 3, which will soon become 771/773 First Street, has a unique building envelope, informed by the adjacency to Calder Creek and desire to keep the building out of that area. However, as noted above, the driveway for all of the lots was approved and required to be within the Creek Setback area.

Variance

The City's Creek Ordinance, SMC Section 17.100.060, states that "A minimum setback of 30 feet from top of bank shall be provided for any buildings, mobile homes, garages, swimming pools, storage tanks, parking spaces, driveways, decks more than 30 inches above natural grade, retaining walls, or other similar structures for property adjacent to Zimpher Creek, Calder

Creek, or Atascadero Creek.” However, the Council did not approve a Variance to the Creek Ordinance when they approved the Subdivision which necessitates this when the City Council approving the final map in 2001.

Therefore, this variance is being brought to the Planning Commission for a public hearing to consider approval of the Variance. Of note, since the parcels would not be developable without the variance, on recommendation from the City Attorney a denial of the Variance could constitute a “taking”, possibly resulting in the right to monetary or other compensation.

Staff believes this Variance meets all the criteria of the required findings for a Variance as follows:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.

Staff finds that this can be met, as the lot does show a condition on the land that limits its development to street access (First Street) due to the creek location between the street and these lots. The Creek runs at the rear property lines for other lots to the south (the rear property lines of lots fronting First Street and Jewell), such that the creek setback requirements for most other properties in the area is in the rear yards and does not disrupt street access. The creek is then in a culvert under First street for several properties until it daylight west of First Street, such that no other parcels in this neighborhood have access cut off to the street by the creek.



There are projects further north that include bridges over the creek, which are allowed by the creek ordinance (bridges and utilities are allowed within the setback).

As there are other lots located in proximity to Calder Creek, these three lots are the only three along this span of the creek that would exclusively prohibit the development of the parcel. The applicant has shown consideration of the importance of the creek setback in that the building itself being located outside of the creek setback and instead has located the parking spots and driveway within the designated creek setback area.

- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Staff finds that this can be met as the approval of this Variance would allow the applicant to develop the parcel with the proposed single-family residence and detached accessory dwelling unit and a denial would deem the lot undevelopable.

- C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Staff finds that this can be met as the Variance would not affect the health or safety of persons residing or working in the neighborhood as the variance would only allow the construction of the proposed driveway and parking spots to be located within the creek setback.

Environmental Review:

The project is categorically exempt from the requirements of CEQA, pursuant to Section 15303, Class 3, which includes the construction and location of limited numbers of new, small facilities or structures. One single-family residence, or a second dwelling unit in a residential zone constitutes as a categorical exemption of CEQA under Section 15303(a). The project is consistent with this categorical exemption in that it involves the development of a single-family dwelling in a single-family residential zoning district.

The project will adhere to the Mitigations included in the Subdivision approval and associated Mitigated Negative Declaration.

City Departmental Comments:

The Planning Department previously circulated the application to the following City departments for review prior to the August 4th DRB meeting: Building and Safety, Engineering, Fire, City Manager and Assistant City Manager, and Public Works. The following comments were received.

- Fire sprinklers, smoke detectors, and carbon monoxide detectors are required for both residences. 2019 California Building and Fire Codes apply.
- Developer shall submit a grading plan prepared by a registered civil engineer to the Public Works Department, and pay all fees associated with a grading plan check (may be deferred to building permit application).
- Developer's contractor shall obtain a Grading Permit from the Engineering/Public Works Department before beginning any work on the property.

The second revision, submitted on December 15, 2022, was routed out to the same city departments and comments are as follows:

- Remove proposed building/grading activities from the 20' building setback area on the east setback side.
- Grading, drainage and erosion control plans shall be required for Lot 3, submitted to the Engineering Department for review and approval by the City Engineer prior to issuance of a building permit, including but not limited to a foundation-only permit.
- A traffic impact fee, the amount of which shall be determined by the City Traffic Engineer, shall be paid prior to issuance of a building permit on Lot 3.
- New water meter installations shall be located in or adjacent to the public right of way (First St.)
- Provide storm drainage design calculations supporting the proposed storm drain design.

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.

Public comments received as of this staff report are included in the Attachments to this staff report.

Recommendation:

Staff believes the proposed use is compatible with the site, and recommends approval, subject to the following key conditions:

- As noted in the Design Review Board recommended conditions
- California native grasses and shrubs planted within the creek Riparian zone.
- No further structures shall be allowed within the creek setback.
- Any grading within the creek setback area shall be subject to the review and approval of the City Engineering Director, who shall review the application in regards to its potential effects on the waterway and native plants.

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, and subject to the Recommended Conditions of Approval found in Exhibit B, and any additional or modified conditions the Planning Commission determines is appropriate.

Exhibits:

Resolution for approval

Exhibit A – Conditions of Approval
Exhibit B – Standard Conditions of Approval

Attachments:

Recorded Subdivision Map
City Council resolution approving the Subdivision “PM-140”
Application materials
Creek ordinance (Section 17.100.060)
Public comments

Additional information regarding the Design Review for this project, including public comments pertaining to the Design Review aspects of the project, can be found at:

<https://www.ci.sebastopol.ca.us/Meeting-Event/Design-Review-Board/2023/Design-Review-Tree-Board-Meeting-March-28,-2023>

RESOLUTION NO. 23-xx

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL APPROVING
A VARIANCE AT 771-773 FIRST STREET TO ALLOW CONSTRUCTION OF A DRIVEWAY AND
PARKING SPACES WITHIN A REQUIRED CREEK SETBACK

WHEREAS, the City Council Resolution No. 5220 approved a three lot subdivision located off First Street. This resolution was approved by the City Council on October 16th, 2001, and approved a Mitigated Negative Declaration, with mitigation measures, for the California Environmental Quality Act (CEQA) and a Subdivision Map; and

WHEREAS, the Subdivision Map was recorded on April 25, 2003 as Parcel Map Number 140, thereby establishing the shared driveway easement and public utility easement in favor of Lots 1, 2, and 3, and located within the creek setback; and,

WHEREAS, on May 18th, 2021 the Planning Department received an application from Thrive Construction to build a single-family home with a detached accessory dwelling unit at 771 First Street; and,

WHEREAS, on April 11th, 2023, the Planning Commission held a duly noticed public hearing to consider a Variance request to allow the driveway along Lots 1, 2 and 3, as established on the approved subdivision map and as required on Lot 3 for continuity of the driveway and vehicle access to the Lot; and parking within the 30' Creek Setback, ; heard a staff report and public testimony, and deliberated; and,

WHEREAS, the Planning Commission finds that the proposed variance to allow the construction of a driveway and parking spaces allows these lots to be developed and create housing opportunities consistent with the General Plan and that the projects therein are consistent with the following General Plan Policies:

Policy LU 1-2: Avoid urban sprawl by concentrating development within the City limits; favor infill development over annexation; and

The adopted Land Use Map designation of Medium-Density Residential, as the development proposes a single family residence and an accessory dwelling unit as allowed under this land use designation; and,

Policy C-4: The City will encourage development of new housing to meet a range of income levels, including market-rate housing and a variety of housing sizes and types; and,

WHEREAS, the Planning Commission finds that the proposed Variance is consistent with the Zoning Ordinance and meets the required findings for a Variance as follows;

- That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district, in that the location of Calder Creek on the property and the creek setback along the adjoining properties, necessitates the location of the driveway within the creek setback. Additionally, the location of the driveway easement as approved by City Council and recorded in public records is almost fully within in the creek setback area and, without the Variance to allow the shared driveway, the required driveway to Lots 2 and 3 would not be possible.
- That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner in that if the Variance is not approved, Lots 2 and 3 would not be developable as they would have no vehicular access to First Street.
- That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood in that the project proposes to develop a lot that has previously been vacant and would add to the housing stock of Sebastopol. Additionally, the granting of the Variance is necessary to implement the improvements as required by the approved Subdivision Map.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY ADOPT THIS RESOLUTION finding the proposed project is consistent with the required findings for a variance as noted above, and Approving a Variance for the development and maintenance of a driveway on Lots 1, 2, and 3 of the Subdivision established in Parcel Map No. 140 recorded on April 25, 2003 and as shown on the Site Plan for 771/773 First Street, subject to the Conditions of Approval attached as Exhibit A and B.

Approved on April 11, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Certified: _____

Kari Svanstrom, Planning Director

EXHIBIT A
RECOMMENDED CONDITIONS OF APPROVAL

Variance
771 and 773 First Street
APN 004-172-017, 2021-028

1. Plans and elevations shall be in substantial conformance with plans prepared by Thrive Construction, and stamped received on December 15, 2022, and on file at the City of Sebastopol Planning Department, except as modified herein:
2. All conditions of approval for Design Review approval for application 2021-028 shall remain applicable.
3. California native grasses and shrubs planted within the creek Riparian zone.
4. All construction shall conform to the approved plans, unless the design is modified by the Design Review Board. The applicant shall obtain a Building Permit prior to the commencement of construction activities.
5. Any grading within the creek setback area shall be subject to the review and approval of the City Engineering Director, who shall review the application in regard to its potential effects on the waterway and native plants.

EXHIBIT B
STANDARD CONDITIONS OF APPROVAL

Variance
771 and 773 First Street
APN 004-172-017, 2021-028

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

This CMP shall be a binding document. Failure to adhere to the CMP may result in a "Stop Work Notice" being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the City, and may be posted to the city's website. The CMP shall be updated as project conditions warrant. Updates to the CMP shall be provided to the City for review and approval. The CMP shall include but not be limited to:

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

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

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

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

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

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

Planning Department Standard Conditions of Approval:

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

possible.

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

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

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

Engineering and Public Works Department Standard Conditions of Approval:

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

26. Any improvements, public or private, damaged during construction shall be replaced, by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Public Works Department prior to the first submittal of project improvement plans to identify the extents and limits of replacement.
27. An erosion and sediment control plan are required as part of the building permit application. The plan shall be prepared by a certified erosion control specialist and in full compliance with CASQA standards, The plan is subject to review and approval by the Engineering Department prior to the issuance of the building or grading permit. No modifications to the approved plans shall be made without approval of the City Engineer.
28. Mailbox plans and locations shall be approved by the Sebastopol Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Sebastopol Postmaster approving mailbox locations.
29. City Public Water and Sewer and Drainage utility easements as required by the City Engineer utility companies shall be provided within the development. Easement locations shall be subject to review and approval by the City Engineer.

Roadway Improvements:

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

determined by a licensed Arborist. All retaining structures shall be designed and constructed to minimize damage to trees.

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

Drainage Improvements:

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

Stormwater Quality:

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

Grading:

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

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

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

Fire Department. Standard Conditions of Approval:

55. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
56. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
57. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 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

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT TITLE OR INTEREST IN AND TO THE REAL PROPERTY SHOWN UPON THIS PARCEL MAP ENTITLED "PARCEL MAP No. 140"; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID REAL PROPERTY AND THAT WE HEREBY CONSENT TO THE PREPARATION AND RECORDING OF SAID PARCEL MAP, AND HEREBY OFFER FOR DEDICATION FOR PUBLIC USE THE PUBLIC UTILITY EASEMENT, AS SHOWN HEREON.

Steven Schoch
STEVEN SCHOCH

Thomas Schoch
THOMAS SCHOCH

Lisa Schoch
LISA SCHOCH

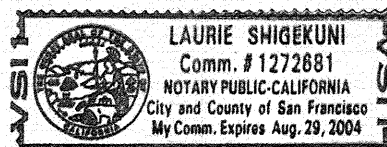
David P. Schoch
DAVID SCHOCH

NOTARY PUBLIC CERTIFICATE

STATE OF California
COUNTY OF San Francisco

ON THIS 21st DAY OF November, 2002 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, COUNTY OF SONOMA, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Lisa Schoch AND Steven Schoch, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE AND OF A CALIFORNIA CORPORATION, AND ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED WITHIN INSTRUMENTS AS OWNERS. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, COUNTY OF SONOMA
MY COMMISSION EXPIRES 8/29/04

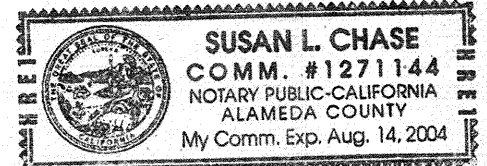


NOTARY PUBLIC CERTIFICATE

STATE OF California
COUNTY OF Alameda

ON THIS 25th DAY OF Nov. 2002 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, COUNTY OF SONOMA, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Steven Schoch AND Lisa Schoch, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE AND OF A CALIFORNIA CORPORATION, AND ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED WITHIN INSTRUMENTS AS OWNERS. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, COUNTY OF SONOMA
MY COMMISSION EXPIRES Aug. 14, 2004

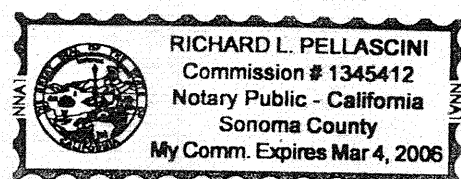


NOTARY PUBLIC CERTIFICATE

STATE OF California
COUNTY OF Sonoma

ON THIS 29 DAY OF Nov. 2002 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, COUNTY OF SONOMA, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Steven Schoch AND Lisa Schoch, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE AND OF A CALIFORNIA CORPORATION, AND ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED WITHIN INSTRUMENTS AS OWNERS. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, COUNTY OF SONOMA
MY COMMISSION EXPIRES March 4, 2006



NOTARY PUBLIC CERTIFICATE

STATE OF California
COUNTY OF Yolo

ON THIS 23rd DAY OF December 2002 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, COUNTY OF SONOMA, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED David Schoch AND Lisa Schoch, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE AND OF A CALIFORNIA CORPORATION, AND ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED WITHIN INSTRUMENTS AS OWNERS.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public in and for the State of California, County of Sonoma

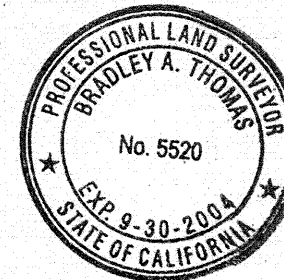
MY COMMISSION EXPIRES Mar. 21, 2005

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF PAUL L. SCHOCH ON 23 DECEMBER, 1999. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY, AND THAT ALL MONUMENTS ARE OF THE CHARACTER AND DO OCCUPY THE POSITIONS INDICATED. I HEREBY CERTIFY THAT THE MONUMENTS SHOWN HEREON HAVE BEEN SET AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Bradley A. Thomas, PLS 5520
MY LICENSE EXPIRES: 9/30/04

DATED: 12/28, 2002

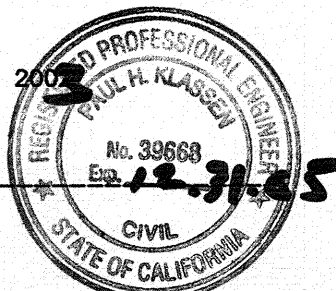


CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT THE MAP OF THIS SUBDIVISION WAS EXAMINED BY ME; THAT IT IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AS AMENDED AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

THIS 27 DAY OF FEBRUARY 2003
Paul H. Klassen, PCE 39668
CITY ENGINEER
CITY OF SEBASTOPOL, CALIFORNIA



PUBLIC UTILITY EASEMENT STATEMENT

A PUBLIC UTILITY EASEMENT IS PROPERTY TO CONSTRUCT, INSTALL, INSPECT, MAINTAIN, REPLACE, REMOVE AND USE FACILITIES OF THE TYPE HEREINAFTER SPECIFIED, INCLUDING BUT NOT NECESSARY LIMITED TO THE FOLLOWING:

CONSTRUCT CURB, GUTTER, AND SIDEWALK, INSTALLATION OF TRANSMISSION AND DISTRIBUTION FACILITIES SUCH AS ELECTRICAL, GAS, WATER, TELEPHONE, CABLE TELEVISION, SEWER, STREET LIGHTING, DRAINAGE, ROADWAY, LANDSCAPING; ALSO USES FOR PEDESTRIAN, AND NON-POWERED VEHICLE PURPOSES.

SAID EASEMENT SHALL ALSO INCLUDE THE RIGHT TO EXCAVATE OR FILL THE EASEMENT FOR THE FULL WIDTH AND TO A REASONABLE DEPTH THEREOF.

IMPROVEMENT CERTIFICATE

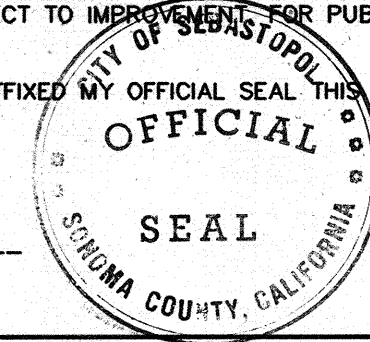
THE FOLLOWING IMPROVEMENTS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF A PERMIT OR OTHER GRANT OF APPROVAL FOR THE DEVELOPMENT OF ANY PARCEL SHOWN ON THIS MAP IN ACCORDANCE WITH SECTION 66411.1 OF THE SUBDIVISION MAP ACT: COMMON DRIVEWAY, STORM DRAIN, SANITARY SEWER, WATER, AND PUBLIC UTILITIES (ELECTRIC, GAS, TELEPHONE, TV) SERVING LOTS 1, 2, & 3 AS REQUIRED BY TENTATIVE MAP APPROVED ON OCT. 16, 2001 BY CITY COUNCIL RESOLUTION #5220 AND ALL ASSOCIATED CONDITIONS OF APPROVAL. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH APPROVED PLANS ON FILE IN THE OFFICE OF THE CITY ENGINEER AND/OR CITY FIRE DEPARTMENT.

CITY CLERK'S STATEMENT

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF SEBASTOPOL, STATE OF CALIFORNIA, ON THIS 4th DAY OF MARCH 2003 BY RESOLUTION DULY PASSED AND ENTERED IN THE MINUTES OF SAID COUNCIL, DID APPROVE THIS PARCEL MAP, AND ACCEPT, SUBJECT TO IMPROVEMENTS FOR PUBLIC USE THE PUBLIC UTILITY EASEMENT AS SHOWN HEREON.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 5th DAY OF MARCH 2003

Halle Fiori
CITY CLERK OF THE CITY OF SEBASTOPOL
STATE OF CALIFORNIA



COUNTY RECORDER'S STATEMENT

FILED THIS 25th DAY OF APRIL, 2003 AT 8:00 AM

IN BOOK 697 OF MAPS AT PAGE(S) 31-33

AT THE REQUEST OF THE CITY ENGINEER.

FEE \$ 12.00 PAID. DOCUMENT NUMBER 2003082788

SIGNED: J. E. T. Lewis
COUNTY RECORDER
COUNTY OF SONOMA, CALIFORNIA

Deputy: [Signature]

COUNTY CLERK'S CERTIFICATE

I CERTIFY THAT ALL BONDS, MONEY OR NEGOTIABLE BONDS REQUIRED UNDER THE PROVISIONS OF THE SUBDIVISION MAP ACT TO SECURE THE PAYMENT OF TAXES AND ASSESSMENTS HAVE BEEN FILED WITH AND APPROVED BY, THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, NAMELY; BOND(S) UNDER GOVERNMENT CODE SECTIONS 66493(a) AND 66493(c) IN THE SUMS OF:

\$ 2,500.00 AND \$ 0 RESPECTIVELY.

4-16-03
DATE

Clerk of the Board of Supervisors
County of Sonoma
State of California

COUNTY TAX COLLECTOR'S CERTIFICATE

ACCORDING TO THE RECORDS IN THE OFFICE OF THE UNDERSIGNED, THERE ARE NO LIENS AGAINST THIS SUBDIVISION, OR ANY PART THEREOF, FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOT YET PAYABLE. MY ESTIMATE OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES AND NOT YET PAYABLE IS

\$ 2500.00 THE LAND IN SAID SUBDIVISION IS NOT SUBJECT TO A SPECIAL ASSESSMENT OR BOND WHICH MAY BE PAYABLE IN FULL.

DATE 4/16/03

Stacy Appavanna, Deputy
TAX COLLECTOR
COUNTY OF SONOMA
STATE OF CALIFORNIA

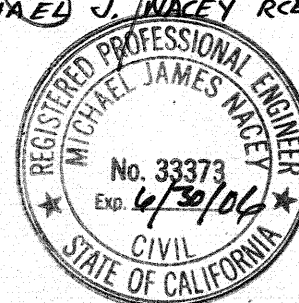
TRUSTEE' CERTIFICATE

TRUSTEE: TITLE COMPANY, A CALIFORNIA CORPORATION UNDER THOSE DEEDS OF TRUST RECORDED UNDER OFFICIAL RECORDS DOCUMENT Nos. SONOMA COUNTY RECORDS.

BY: BY:

I, MICHAEL J. NACEY DO HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP ON BEHALF OF THE CITY OF SEBASTOPOL AND THAT THE SURVEY DATA SHOWN UPON SAID MAP IS TECHNICALLY CORRECT ACCORDING TO THE REQUIREMENTS OF SECTIONS 8769 OF THE LAND SURVEYORS ACT SIGNED THIS 2nd DAY OF February 2003

Michael J. Nacey, PCE 33373



PARCEL MAP No. 140

3 PARCELS TOTALING 1.81 ACRES

CITY OF SEBASTOPOL

COUNTY OF SONOMA STATE OF CALIFORNIA

BEING THE LANDS OF STEVEN SCHOCH, THOMAS SCHOCH, LISA SCHOCH, AND DAVID SCHOCH PER DEED RECORDED UNDER DOCUMENT No. 2001-160626, SONOMA COUNTY RECORDS

Doble Thomas & Associates

LAND SURVEYING, ENGINEERING & MAPPING

134 South Cloverdale Boulevard • Cloverdale, California 95425
9940 Starr Road, Suite 110 • Windsor, California 95492

All Matters Regarding Land™

phone (707) 894-3182
fax (707) 894-3340
toll free (800) 757-8783
www DobleThomas.com

ASSESSOR'S PARCEL No.(s) 004-172-007 DRAWN BY: GK/VR FILE No. 99121

SHEET INDEX:
SHEET 1 CERTIFICATE SHEET
SHEET 2 SUBDIVISION SHEET
SHEET 3 SUPPLEMENTAL SHEET

DATE: 23 AUGUST, 2002

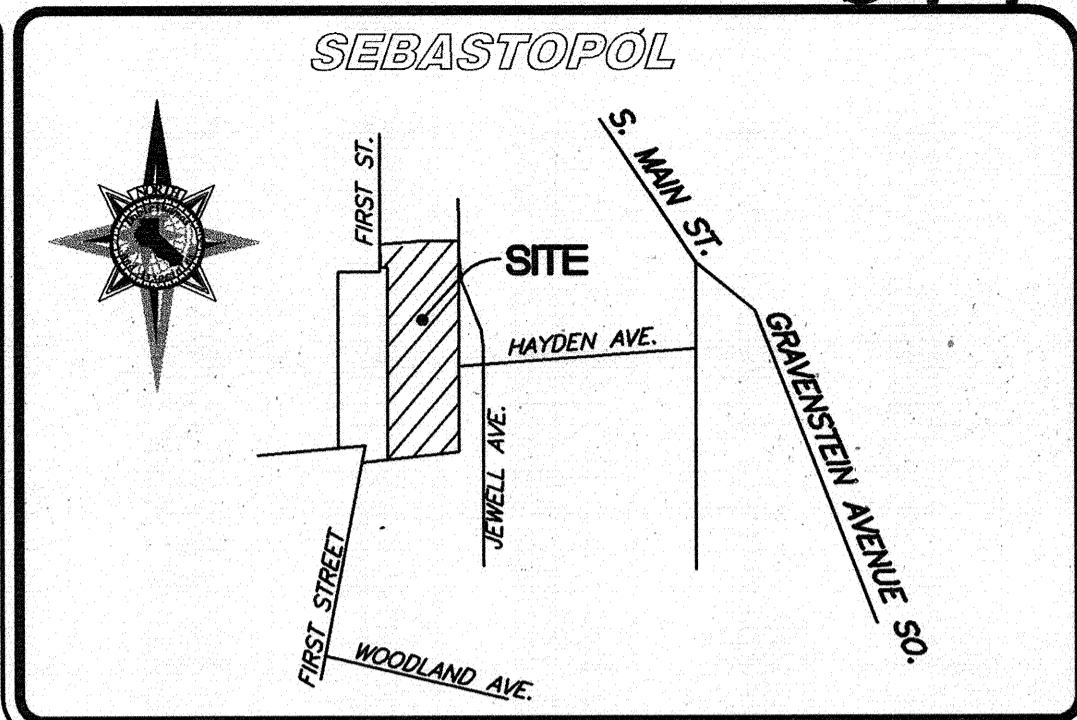
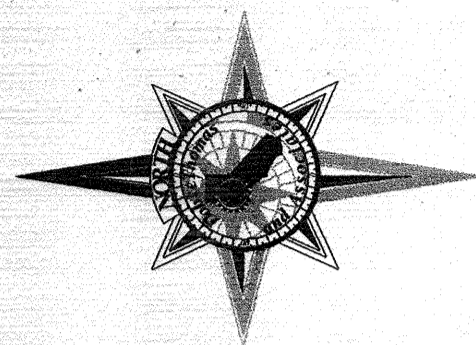
SHEET No. OF
1 3

BASIS OF BEARING (R1)

A BEARING OF NORTH, BETWEEN TWO FOUND IRON PIPES AS SHOWN ON CITY OF SEBASTOPOL PARCEL MAP No. 101 RECORDED IN BOOK 361 OF MAPS PAGES 20 & 21, SONOMA COUNTY RECORDS

GENERAL NOTES

1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. ALL OFF-SET DISTANCES SHOWN HEREON ARE MEASURED PERPENDICULARLY UNLESS OTHERWISE NOTED.



SWAIN WOODS SUBDIVISION
276 maps 1
LOT 52

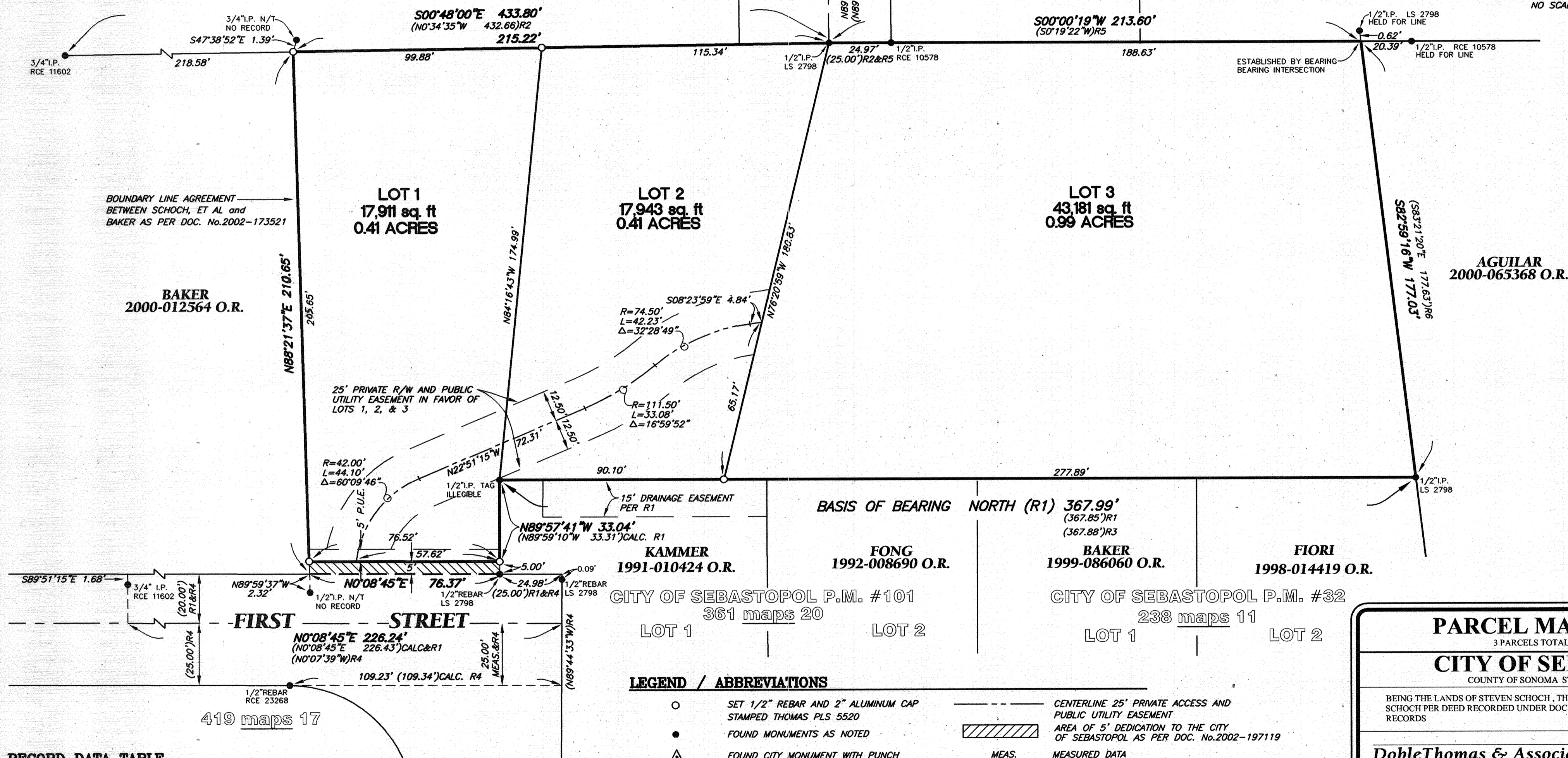
APPLETON PARK ESTATES SUBDIVISION
244 maps 40

JACOBS TRUST
1999-092859 O.R.

LOT 32
OLSON TRUST
1999-099303 O.R.

LOT 31
SHANROCK
2001-024980 O.R.

LOCATION MAP
NO SCALE



RECORD DATA TABLE

R1	PARCEL MAP 101, BOOK 361 OF MAPS PAGE 20 S.C.R.
R2	SWAIN WOODS SUBDIVISION, BOOK 276 OF MAPS PAGE 1 S.C.R.
R3	PARCEL MAP 32, BOOK 238 OF MAPS PAGE 11 S.C.R.
R4	PARCEL MAP 113, BOOK 419 OF MAPS PAGE 18 S.C.R.
R5	APPLETON PARK ESTATES, BOOK 244 OF MAPS PAGE 40 S.C.R.
R6	PARCEL MAP 135, BOOK 555 OF MAPS PAGE 25 S.C.R.

LEGEND / ABBREVIATIONS

○	SET 1/2" REBAR AND 2" ALUMINUM CAP STAMPED THOMAS PLS 5520	---	CENTERLINE 25' PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT
●	FOUND MONUMENTS AS NOTED	▨	AREA OF 5' DEDICATION TO THE CITY OF SEBASTOPOL AS PER DOC. No.2002-197119
△	FOUND CITY MONUMENT WITH PUNCH	MEAS.	MEASURED DATA
—	LIMITS OF THE LANDS OF SCHOCH	()	RECORD DATA
—	PROPERTY LINE THIS SUBDIVISION	O.R.	OFFICIAL RECORDS OF SONOMA COUNTY
---	FORMER PROPERTY LINE	S.C.R.	SONOMA COUNTY RECORDS
---	NEIGHBORING PROPERTY LINE	CALC.	CALCULATED
---	EASEMENT LINE	P.M.	PARCEL MAP
---	SURVEY TIE	P.U.E.	PUBLIC UTILITY EASEMENT
---	CENTERLINE OF RIGHT OF WAY	I.P.	IRON PIPE
		N/T	NO TAG

PARCEL MAP No. 140

3 PARCELS TOTALING 1.81 ACRES

CITY OF SEBASTOPOL

COUNTY OF SONOMA STATE OF CALIFORNIA

BEING THE LANDS OF STEVEN SCHOCH, THOMAS SCHOCH, LISA SCHOCH, AND DAVID SCHOCH PER DEED RECORDED UNDER DOCUMENT No.2001-160626, SONOMA COUNTY RECORDS

DobleThomas & Associates
LAND SURVEYING, ENGINEERING & MAPPING

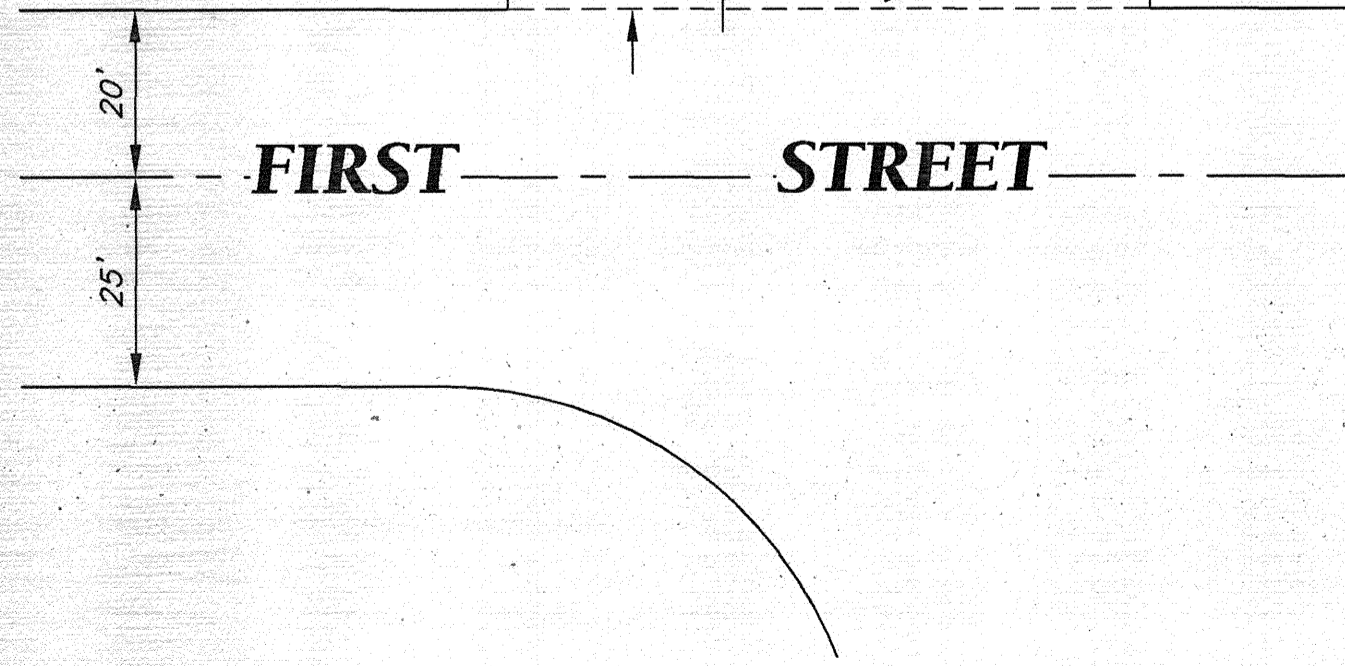
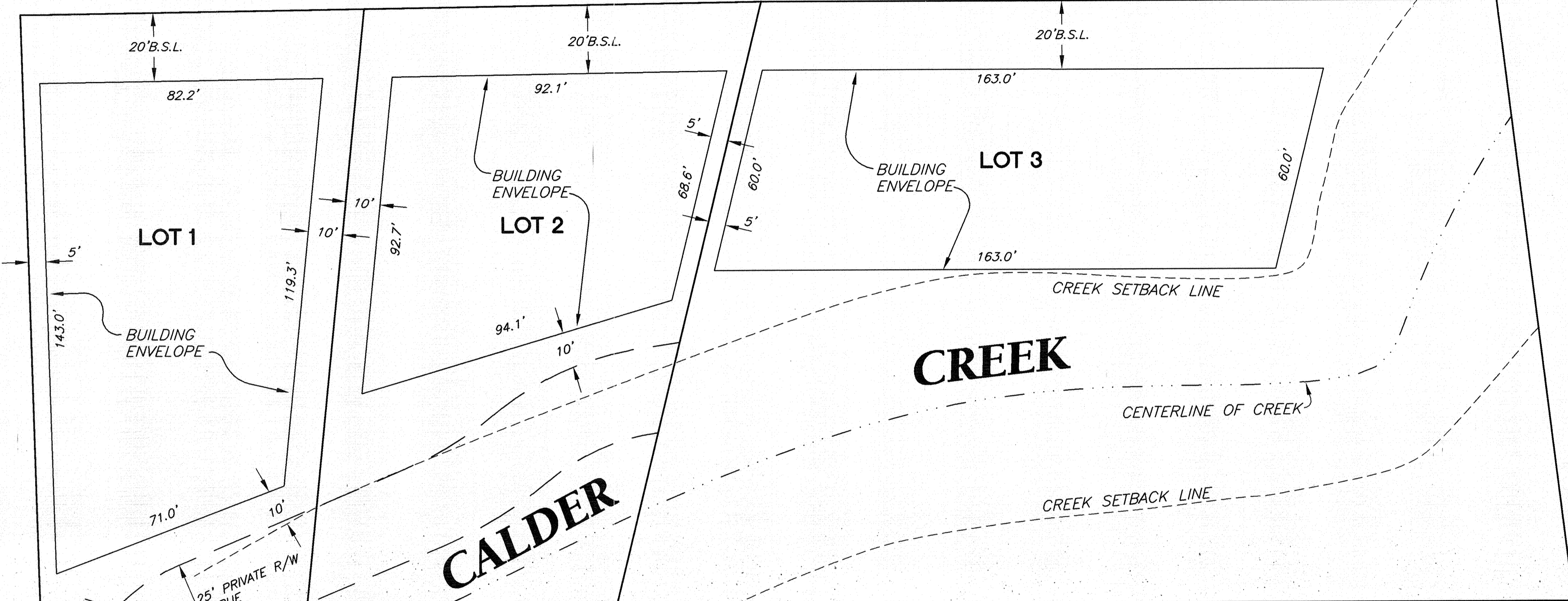
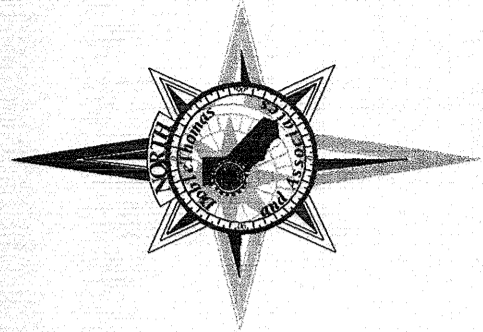
134 South Cloverdale Boulevard • Cloverdale, California 95425
9940 Starr Road, Suite 110 • Windsor, California 95492

phone (707) 894-3182
fax (707) 894-4240
toll free (800) 757-8783
www.DobleThomas.com

ASSESSOR'S PARCEL No.(s)	004-172-007	DRAWN BY:	GK/VR	FILE No.	99121
--------------------------	-------------	-----------	-------	----------	-------

GRAPHIC SCALE		DATE:	23 AUGUST, 2002
1 inch = 30 ft.		SHEET No.	2 OF 3

647
33



CITY OF SEBASTOPOL REQUIREMENTS

1. BUILDING PERMITS SHALL BE SUBJECT TO PAYMENT OF DEVELOPMENT FEES IN EFFECT AT TIME OF PERMIT.
2. AN APPROVED GRADING, DRAINAGE, AND EROSION CONTROL PLAN SHALL BE REQUIRED FOR EACH LOT. 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.
3. AN AREA SHALL REMAIN UNDISTURBED WITHIN THE ROOT PROTECTION ZONE OF ANY PROTECTED TREE OR TREES, AS MAY BE DETERMINED TO BE NECESSARY AND APPROPRIATE BY THE CITY ARBORIST.
4. 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.
5. A PARK-IN-LIEU FEE SHALL BE PAID PRIOR TO ISSUANCE OF A BUILDING PERMIT ON EACH LOT.
6. LOTS #1, #2, & #3 ARE SUBJECT TO A COMMON DRIVEWAY AND PUBLIC UTILITY USE AND MAINTENANCE AGREEMENT RECORDED CONCURRENTLY WITH THIS PARCEL MAP.
7. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR LOT #3, THE OWNER SHALL FILE AN APPLICATION FOR A SECOND DWELLING UNIT IN ACCORD WITH CONDITION P7 OF CITY COUNCIL RESOLUTION No. 5220.
8. ANY STRUCTURES ON LOT #3 SHALL BE PROVIDED WITH AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM.
9. AT THE TIME OF BUILDING PERMIT APPLICATIONS THE ADDRESS NUMBERS SHALL BE ISSUED BY THE FIRE CHIEF AND SHALL BE POSTED AT THE DRIVEWAY ENTRANCE.

PARCEL MAP No. 140
3 PARCELS TOTALING 1.81 ACRES

CITY OF SEBASTOPOL
COUNTY OF SONOMA STATE OF CALIFORNIA

BEING THE LANDS OF STEVEN SCHOCH, THOMAS SCHOCH, LISA SCHOCH, AND DAVID SCHOCH PER DEED RECORDED UNDER DOCUMENT No. 2001-160626, SONOMA COUNTY RECORDS.

All Matters Regarding Land™

DobleThomas & Associates
LAND SURVEYING, ENGINEERING & MAPPING

134 South Cloverdale Boulevard • Cloverdale, California 95425
9940 Starr Road, Suite 110 • Windsor, California 95492

phone (707) 894-3182
fax (707) 894-4140
toll free (800) 757-8783
www DobleThomas.com

ASSESSOR'S PARCEL No.(s) 004-172-007	DRAWN BY: GK/VR	FILE No. 99121
GRAPHIC SCALE		DATE: 23 AUGUST, 2002
1 inch = 30ft.		SHEET No. 3 OF 3

0024

File

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

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 19th, 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;

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 18th, 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

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

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

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.

-
- 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

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:

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.

-
- 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

-
- 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


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 16th 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

17.100.060 Creek setback.

A minimum setback of 30 feet from top of bank shall be provided for any buildings, mobile homes, garages, swimming pools, storage tanks, parking spaces, driveways, decks more than 30 inches above natural grade, retaining walls, or other similar structures for property adjacent to Zimpher Creek, Calder Creek, or Atascadero Creek. Any grading within the creek setback area shall be subject to the review and approval of the City Engineering Director, who shall review the application in regards to its potential effects on the waterway and native plants. Where the top of bank is not defined, the Engineering Director shall determine the appropriate setback area. Bridges and utilities may cross through, over, or under a waterway setback area, provided permits are obtained from relevant State and Federal agencies, and the project has received all necessary City approvals. Storm drainage, erosion control, and creek bank stability improvements that have been approved as required by law by the governmental agencies having jurisdiction over them shall not be subject to this section. (Ord. 1111, 2018)

The Sebastopol Municipal Code is current through Ordinance 1142, and legislation passed through May 17, 2022.

Disclaimer: The City Clerk's Office has the official version of the Sebastopol Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

[Code Publishing Company, A General Code Company](#)

April 4, 2023

To the City of Sebastopol Planning Commission

I must write against granting the variance the applicant is requesting for 771-773 First Street for three reasons:

1 - Granting a variance to the minimum 30 foot setback rule for Calder Creek will further endanger the creek and downstream properties by exposing them to pollutants generated by runoff from the driveway and parking spaces and from the cars that use them.

2 - The applicant can build their residence according to the square foot recommendations unanimously voted on by the DRB at the March 28, 2023 DRB meeting. Then, due to the reduction in square footage to the main structure, the variance itself along with greater risk to the creek can be eliminated, and the driveway and parking spaces could be placed outside the 30 foot setback requirement for Calder Creek.

3 - I believe there needs to be a comprehensive hydrology study and report on how to mitigate flooding anywhere along Calder Creek. The knowledge gained by a comprehensive hydrology report will enable the City of Sebastopol to give **consistent guidance** not only to this project, but also to all future projects along Calder Creek. All future applicants can then be instructed exactly how to proceed to mitigate flooding at any point along Calder Creek.

Daniel Celidore

Ken Jacobs
[REDACTED]
Sebastopol, CA 95472
[REDACTED]
[REDACTED]

March 16, 2023

DRB/Tree Board
City of Sebastopol
VIA EMAIL to jjay@cityofsebastopol.org; kvanstrom@cityofsebastopol.org

RE: Design Review, Tree Removal, Tree Protection Plan for 771 and 773 First Street
File 2021-28

Dear DRB/Tree Board,

I am fully in favor of Steve and Rose Schoch being approved to build a home on their First Street property¹. However, to be approved that home must comply with both our Zoning Ordinances, and with the Conditions of Approval which were agreed to by Steve's father and the City when the Schoch Subdivision was negotiated and eventually approved back in 2001. The current plan as submitted violates both Section 17.100.060 of the Sebastopol Municipal Code (Creek Setback) and Condition M8 of the Conditions of Approval. Therefore, I urge the DRB to deny this application in its current form.

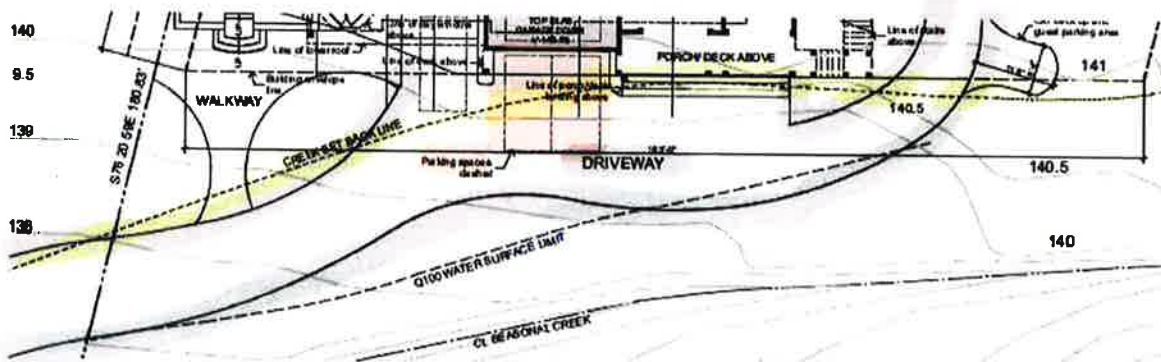
**1. This Application Must Be Denied Pursuant to
Sebastopol Municipal Code Section 17.100.060.**

Sebastopol Municipal Code Section 17.100.060 (Creek Setback) provides in part:

“A minimum setback of **30 feet** from top of bank **shall be provided** for any buildings, mobile homes, garages, swimming pools, storage tanks, **parking spaces, driveways, decks** more than 30 inches above natural grade, retaining walls, or other similar structures for property adjacent to Zimpher Creek, **Calder Creek**, or Atascadero Creek....” (emphasis added)

¹ The applicant's representative Greg Beale stated incorrectly at the June 16, 2021, DRB meeting that “Ken Jacobs was the biggest opponent to this subdivision to begin with...”. If Mr. Beale were to review the public record of the city hearings on this subdivision from 2000 and 2001 he would see that while Paul Schoch and I had a disagreement as to the access to the property via First Street or the Hayden Extension, I was never opposed to the subdivision nor the property owner's right to develop their property. Likewise, Mr. Beale's assertion in his 12/12/2022 Written Statement that “the Hayden extension was still part of the proposed subdivision at the time it was written” (apparently in order to alter which neighboring homes are to be considered for purposes of applying Condition M8) is patently untrue as evidenced by Condition P2 of the Subdivision Approval which states, “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.”

The applicant's design shows the 30 foot set-back line, and Calder Creek, as follows:



The creek setback is indicated on the subdivision map and labeled CREEK SET BACK LINE. The proposed structure is shown to be placed right up to the setback. However, the plans as submitted also show a driveway, parking spaces, and a portion of a deck within the required 30 foot setback. Because of this, the plans do not comply with the requirement of Section 17.100.060 that **driveways, parking spaces, and decks shall be set back at least 30 feet from the top of bank of Calder Creek²**. Further, the driveway appears to not only encompass the entire mandatory setback, it actually intrudes into the creek bed itself where it extends westerly over the Q100 Water Surface Limit line.

The plans as presented clearly violate Municipal Code Section [17.100.060](#) with regard to the mandatory Calder Creek setback, and therefore cannot be approved in their current form.

2. This Application Must Be Denied in that it Fails to Comply With Condition of Approval M8

Condition of Approval M8, which limits the size of the houses to be built on this subdivision, has been the topic of much discussion and debate. Condition M8 reads as follows:

"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)."

² It should be noted this is the same Calder Creek that just downstream is subject to a Restoration Project currently being implemented by the City.

There was extensive discussion at the August 18, 2021 meeting regarding Condition of Approval M8. Further, the entire three hour meeting on January 5, 2022 was solely devoted to this issue. In fact, at the January 5, 2022 meeting, you gave this applicant specific guidance regarding your interpretation of condition M8. **You agreed that condition M8 means that the proposed house cannot exceed 125% of the average size of homes built within 600 feet since 1990.**

Little has changed since you interpreted condition M8 over fourteen months ago. Other than lawyer letters and litigation threats, there is really nothing new here. They did make a few minor design changes, including creating a "cave" on the ground floor, which slightly reduces the square footage but does not change the overall footprint or mass at all. In any event this slight reduction in square footage does not meet or address your advice regarding M8, nor did the applicant compile the neighborhood data you requested at the January 2022 meeting.

Furthermore, the applicant's 12/12/2022 Written Statement states, "The DRB's motions to add language to M8 was deemed non-binding by City's outside council." This statement is misleading for two reasons:

One, the DRB did not "add language" to M8. Rather you interpreted M8, as you would interpret any other condition of approval or ordinance. This is in fact the responsibility of the DRB and something you do each and every time you review a project.

Second, while the January 24, 2022 letter from the outside counsel does say that your interpretation of M8 is "non-binding", mentioning that out of context is totally misleading. A complete reading of that letter clearly shows the issue was whether your interpretation of M8 at the January 5, 2022 meeting was something that could be appealed to the City Council. What happened was the applicant didn't like your interpretation of M8, so they tried to appeal to the City Council by making all kinds of accusations against you, the DRB. However, the outside council and city attorney determined that they could not appeal since the DRB had not taken a final action on the application. This is an important distinction. The issue in that letter was simply and only whether your interpretation of M8 was something that could be appealed, and not whether your interpretation was appropriate. The conclusion was it was not a final action so it could not be appealed³. But that does not mean anything was wrong with your interpretation of M8.

Through this twisted interpretation the applicant now seems to be asking you to re-do your January 5, 2022 meeting by throwing out your well-reasoned interpretation and reinterpreting M8 to meet their demands. Remember, you spent three hours discussing and debating this last January. Your interpretation of M8 was consistent with recommendations of the city planners in the staff report for the January 2022 meeting. You had long conversations about things such as the fact that the phrase "those of

³ Once you take final action, including a denial of the application, the Applicant can appeal to the City Council pursuant to Municipal Code section 17.455.020(B)

similar homes” as used in M8 is plural, inferring an average. And you talked about how in the Conditions of Approval the City Council could have said “no larger than the largest home” if that was what they intended, but they didn’t, they used the word “homes”. You talked about a common sense approach, and the common understanding that the homes to be built on the Schoch subdivision would be similar in size to the neighbors.

Again, nothing has changed except for lawyer letters. I submit to you that a threat of litigation is not something the DRB needs to consider, or even should consider, in the analysis of any design application. You gave your design guidance, you interpreted M8 as it applies to this project, and you did your job as the DRB. But the applicant did not follow your guidance. Instead, their attorney wrote letters. You are the Design Review Board, not the city attorney’s office. Last January you did your design review, and instead of accepting your design guidance, or even coming back to discuss or negotiate, they brought in their lawyer. If I were you, I would be outraged.

3. Conclusion

As mentioned, I am not opposed to Steve and Rose Schoch building their home. But thus far they have been unwilling to design a home that fits within the limited footprint available due to the mandatory setbacks, and with a size that is similar to the neighbors. Frankly, the home as designed cannot work on that property. It is simply too massive.

I understand Rose & Steve are frustrated with the process. I received a “Dear Neighbors” email from them on March 10 in which they express their dismay, a copy of which is attached. While I sympathize, I hope Rose & Steve are willing to take a another look at this, and design a house that better fits this location.

In the meantime, I urge the DRB to deny this application based its failure to comply with Section 17.100.060 of the Sebastopol Municipal Code (Creek Setback) and Condition M8 of the Conditions of Approval.

Respectfully,



Ken Jacobs

From: [REDACTED]
Subject: Status of First Street Project
Date: March 10, 2023 at 6:47 PM
To: [REDACTED]



Dear Neighbors:

It has come to our attention that the DRB meeting on Feb. 26th regarding our project on First Street was once again totally unproductive and a complete waste of time. We were traveling at the time and did not have access to the internet. Now that we are back, we feel it important to share with you the status of our project.

Regarding the timing and notification about the DRB meetings, the DRB does not tell us their schedule and we only find out about it at around the same time as all of you. We've been trying to get a meeting going with them without success since last year. All the necessary documents were given to them 5 months ahead of time, yet they claim they need more time and continue to delay us. This has been going on for over three years and is extremely frustrating and stressful. Not only does it delay the project but also costs us more money with every delay.

Some of the neighbors had issues with the size of the house. The permitted building envelope for our property is very small, relative to the size of the lot due to the creek setback. The ratio of the building envelope to lot size is the lowest compared to all other properties in the area. Not only that, but the rules require us to build an ADU, reducing the size for our main house even further. Because of this, our design puts the garage and workshop together in the same building as the main house. This keeps the affected area smaller as the other alternatives would be to build multiple outbuildings as you see in many other lots in the area, which leads to a more "junky" appearance, and also has a bigger effect on the natural habitat. We have already eliminated several highly desirable rooms to reduce the overall size and footprint. Every consideration in our design was given to maximizing the preservation of the natural habitat. This, however, never ended up being discussed because the members of the DRB neglected to review the documents. The DRB are the ones who is delaying this project, not us. Their neglect is one of the reasons why we stopped attending the DRB meetings.

To require a DRB for a single family home is extremely unusual in the first place. It was a requirement by the City of Sebastopol as a result of the subdivision of the lot into three parts. It is our opinion that the DRB is incompetent and disorganized. We are not responsible for their incompetence. Right from the very start, they had made up their minds that we are from some dot com company coming to taking over the town; never mind that Steve is a native Sebastopolian. We have been more than patient but our patience is running thin. According to the initial proposed plans, the house should have been built by now. Here we are three years later and we still have not even received approval yet.

The general feeling we get from some of the neighbors is that they would prefer to have absolutely no development on our lot, and leave it as a natural "park". For this to happen, the best way would be to have a government or non-government entity purchase our lot, maintain it, and turn it into a real park or a nature preserve. In the 20+ years that we have owned the lot, we have never received an offer to purchase it for such a purpose. Should we receive such an offer for the right price, we would welcome it. So if any one of you know someone or some organization who might be interested, please let us know. This whole situation has left a bad taste in our mouths both with the City and with some of the neighbors.

We hope this letter gives you all a glimpse of the challenges we are dealing with and why this project has stalled for such a long time. Please don't hesitate to reach out to us with any comments or concerns. Our contact info is as follows:

Steve [REDACTED]
Rose [REDACTED]

Best regards,

Steve & Rose Schoch