

City of Sebastopol City Council
Resolution No. 5888

Findings of the City Council of the City of Sebastopol
Upholding an Appeal from the Design Review Board's Denial of an
Application for Design Review for Application No. 2012-021 at 6877 Sebastopol Avenue

Whereas, the project includes the redevelopment of a 2.45 acre property with two new single-story buildings for a retail pharmacy and a bank. Existing on-site buildings would be demolished. The site includes Barnes Avenue, a narrow street which will be abandoned as part of the project; and

Whereas, the pharmacy building (a CVS pharmacy) would be approximately 15,000 sq. ft.; the bank (Chase Bank) would be approximately 4,000 sq. ft., for a total of approximately 19,000 sq. ft.; and

Whereas, the project was the subject of an Initial Study and Mitigated Negative Declaration prepared in full compliance with the California Environmental Quality Act, which was subject to a public review period, including review coordinated by the California State Clearinghouse, and was certified by the City Council on July 5, 2011; and

Whereas, a previous project application for Design Review was denied on appeal by the City Council, and the City Council adopted Resolution 5864 to set forth its findings, and to provide instruction as to design revisions which would make the project acceptable; and

Whereas, at the time the City Council adopted Resolution 5864, the Council did not know whether or how the applicant would respond to the general design guidance provided in said Resolution, or how various design elements would interact in any redesign, or what information or comments on the redesign would be provided by the Design Review Board, members of the public, City staff, or other interested parties; and

Whereas, following adoption of Resolution 5864, the applicant chose to submit a revised project design; and

Whereas, the Design Review Board received a staff report, applicant presentation, and public testimony on the new application on May 16, 2012; and

Whereas, the Design Review process included significant opportunity for both written and oral public comment, as evidenced by the project file and meeting minutes; and

Whereas, on May 30, 2012, the Board deliberated on the application; and denied it, and adopted findings memorializing its rationale on June 6, 2012; and

Whereas, the project applicant filed a timely appeal of the Board's denial; and

Whereas, on July 17 and July 19, 2012, the City Council conducted a public hearing on the appeal, considering the findings of the Design Review Board, and receiving a staff report and an extensive presentation from the appellant/applicant, extensive written submittals by members of the public, including emails, extensive public testimony at the public hearings, and an extensive response from the applicant in response to public testimony; and

Whereas, at their public meeting on August 7, 2012, the City Council deliberated on the matter, considering public and applicant comments and information and conducting a detailed review of each substantive finding set forth in Resolution 5864, comparing the applicant's detailed written response to the Resolution, which was provided as part of their appeal materials, to each of the findings of Resolution 5864, as well as reviewing the project plans, and including City Council member questions of the applicant to clarify various aspects of the design response; and

Whereas, the land use laws and policies of the City of Sebastopol, including but not limited to the General Plan, Zoning Codes, and Downtown Portfolio, regulate development, including Design Review applications, and are intended to balance a variety of objectives and concerns to protect the public health, safety, and welfare, to protect and improve the character and environment of the City, to provide predictability to residents, businesses, landowners, and developers, and to ensure a fair and consistent process. These laws and policies were established by the people of Sebastopol by their elected representatives, through community workshops, public hearings, and other public forums, and in reviewing the subject application, the City Council has maintained consistency with these requirements; and

Whereas, state and national government have also passed laws that affect land use decisions in Sebastopol. Local laws and policies must be consistent with applicable laws of the United States, and the State of California. For example, due process and equal protection under the law are guaranteed by the Constitution of the United States, are applied in land use proceedings in Sebastopol, and have been observed in the City Council's review of the subject application; and

Whereas, upon completion of its lawful, careful and thorough deliberations, the City Council determined that, subject to the conditions set forth in this Resolution, the subject application is in substantial conformance with all of the design directives set forth in City Council Resolution 5864, and further is in compliance with the City of Sebastopol Design Review Guidelines, as more specifically detailed in findings below; and

Whereas, Section 2.a. of Resolution 5864 called for consideration of an entry to the pharmacy at the corner of Sebastopol Avenue and Petaluma Avenue; and Section I. B. 4. of the Sebastopol Design Review Guidelines regarding Site Planning states that "The first floor should

relate to the street by providing pedestrian-scale elements, design features, and amenities;” and

Whereas, Section I. C. 1. a. of the Design Review Guidelines states that “An access plan should be designed for the site that logically and safely accommodates pedestrians and vehicles, as well as providing visual access to the site from the street. Circulation routes should focus upon main entries and exits and also identify secondary access points” and Section I. C. 3. f. states that “In commercial developments, frequent street-facing pedestrian entrances should be provided;” however the proposed pharmacy building, a relatively large tenant space in the context of downtown Sebastopol, was proposed to have only one pedestrian entry on Petaluma Avenue near the pedestrian plaza and parking areas, lacking a pedestrian entry at the major intersection of Sebastopol Avenue and Petaluma Avenue, where pedestrian patrons seeking to access the store from major parts of Sebastopol’s downtown would logically seek entry to the building; and

Whereas, as documented in adopted findings, meeting minutes, written comments from members of the public, and staff reports, in reviewing the revised design, the Design Review Board, members of the public, and City staff recommended provision of such an entry point as being consistent with the Design Guidelines and with the design character of Sebastopol’s downtown. Provision of a pedestrian entry at this location in addition to the other proposed public pedestrian entry to the building will implement the applicant’s stated objective of pedestrian orientation, and achieve consistency with the referenced Design Review Guidelines policies. and therefore the City Council has determined that the design should include a public building entry at the subject location; and

Whereas, Sections 1.h., 2.a., and 2.c. of Resolution 5864 found that the previously-proposed full two-way driveway on Petaluma Avenue conflicted with the Design Review Guidelines and interrupted pedestrian flow in a manner not appropriate to the downtown setting. The Resolution identified three potential concepts for site access alternatives at this location that would potentially address concerns for emergency access while reducing impacts on the pedestrian environment: an in-only driveway; a fire lane; or no driveway; and

Whereas, at the time the City Council adopted Resolution 5864, the Council had no design including such driveway design alternative elements before it, and therefore, provided general design guidance without the benefit of a fully-revised project design including various elements called for by Resolution 5864, such as removal of parking spaces fronting on Petaluma Avenue and provision of a pedestrian plaza between the two proposed buildings. The City anticipated that any revised project design would be subject to Design Review as to whether the revised design elements integrated into a cohesive and aesthetically-appropriate design, which review process would also include the opportunity for members of the public to comment on any revised design, provide information, or raise concerns; and

Whereas, in the project site plan under appeal, an in-only driveway was proposed by the applicant. In addition, consistent with Resolution 5864, the parking spaces fronting on Petaluma

Avenue were removed, and a pedestrian plaza was proposed between the pharmacy building and the proposed in-only driveway. These were substantial changes, and how the new pedestrian plaza and driveway related to each other had not been previously reviewed. The provision of the plaza is consistent with the applicant's stated objective of providing a pedestrian-oriented design that will fit within Sebastopol's downtown, however, of the three concepts regarding the driveway identified in the Resolution, the in-only driveway concept is least appropriate, in that, particularly when considered in combination with the pedestrian plaza, it would continue to raise concerns about impacts on the pedestrian environment, and pedestrian safety, including possible conflict between vehicles and pedestrians, as well as maintaining a site plan circulation feature which is less aesthetically desirable, and which is not desirable in a downtown urban environment in which promotion of pedestrian activity and amenities is an important consideration; and

Whereas, as documented in its findings, the Design Review Board identified the proposed driveway as an important design issue, as did a number of members of the public, as documented by written submittals and meeting minutes of the Design Review Board and City Council. Given these concerns, and considering the availability of approved vehicle access to the site from Abbott Avenue and Sebastopol Avenue, which will provide adequate access for patrons and employees of the planned businesses as well as emergency access, and, further, considering the interaction of this proposed feature with the approved building placement, pedestrian entries, the location of the pedestrian plaza on Petaluma Avenue, the location of the public sidewalk along Petaluma Avenue, and the applicant's stated intent to provide a pedestrian-oriented project that fits within Sebastopol's downtown and is aesthetically appropriate, this feature raises several concerns; and

Whereas, considering that the City of Sebastopol Fire Chief has indicated that provision of emergency fire vehicle access from Petaluma Avenue is necessary, the City Council hereby determines that provision of a fire lane rather than a public, in-only driveway would address emergency access needs while reducing impacts on the pedestrian environment by not creating a point of potential regular vehicle-pedestrian conflict, and would thereby establish a more harmonious pedestrian setting, and furthermore would be more appropriate aesthetic design for the downtown, urban environment. This design determination is specifically supported by City of Sebastopol Design Review Guidelines Section 1.C. 1. f. which states that "...the number of driveways should be minimized, consistent with traffic safety", and by Design Review Guidelines Section 1.C.1.h. which states that "Redundant circulation which unnecessarily reduces the amount of site available for landscaped areas should be minimized" and elimination of the driveway may provide the opportunity for additional landscaping area; and

Whereas, based on these considerations, the City Council finds that the fire lane option would be more appropriate urban design for the subject development, and is required to achieve consistency with Resolution 5864 and the City of Sebastopol Design Review Guidelines; and

Whereas, the City Council acknowledges that various elements of the proposed project located in the State Right of Way will require that the applicant obtain a Caltrans Encroachment Permit; and

Whereas, as conditioned, the City Council finds that the proposed design is compatible with the neighborhood and visual character of Sebastopol, and will not impair the desirability of investment or occupation in the neighborhood, in that as discussed in applicant submittals, public testimony, and staff report analysis provided to the City Council, current site conditions, including large expanses of unlandscaped asphalt, buildings and sidewalks in poor condition, an excessive number of driveways, one driveway located too close to an intersection and having an excessive width, a street (Barnes Avenue) having inadequate width, some sidewalks narrower than desirable for the downtown area, buildings lacking modern fire protection systems, unsightly overhead utilities, lack of modern stormwater runoff mitigation, and lack of street trees have a blighting influence on the area, and the project represents a substantial improvement to the site which is compatible with the neighborhood and will enhance the visual character of Sebastopol through the architectural design, landscaping, stormwater runoff measures, and public right of way and site improvements; and

Whereas, the proposed project will renew the site with new buildings and site improvements, will substantially reduce the number of driveways; and will include unique, site-specific, and downtown-appropriate rather than formulaic architecture for the two project buildings that is substantially consistent with local design guidelines; and

Whereas, the streetscape improvements will substantially enhance the pedestrian environment on both project street-fronts and improve connectivity with the downtown, with two 'Street Smart' -type crosswalks and one new standard crosswalk, together with street trees and other landscaping in the sidewalk areas; with these major pedestrian improvements provided at no cost to the City of Sebastopol; and further, that the on-site landscaping will promote enhanced stormwater quality related to site runoff, and will also include large trees and native plants; and

Whereas, the building setbacks are appropriate due to site conditions and provision of pedestrian amenities, in that the project design provides appropriate and site-specific transitions and amenities at this prominent location, including a corner space and entry door at the Sebastopol Avenue/Petaluma Avenue intersection which will be a pedestrian and streetscape amenity appropriate to the downtown; a substantial pedestrian plaza area along Petaluma Avenue which will be a pedestrian and visual amenity; wide sidewalks appropriate to the downtown with planters, rain gardens, selected special paving, and street trees, where currently no street trees are provided. The streetscape improvements will provide shade to pedestrians and create a sense of separation from vehicles, both of which elements are now lacking, enhancing the downtown pedestrian environment; and

Whereas, the design of the proposal is compatible with the neighborhood and with the general visual character of Sebastopol, in that it utilizes materials and design elements which reference historic early 20th Century commercial architecture, and is proposed at a modest scale reflective of and compatible with surrounding development, and well below maximum heights and floor area that might otherwise be permitted; and with setbacks, landscaping, paving, limited driveways, windows with clear glass with a design appropriate to the downtown area, and with door placement for both buildings which will relate to and support the pedestrian environment, all of which features create a design which provides an appropriate relationship to the existing urban setting which also complies with the General Plan, with Zoning standards, and with the City of Sebastopol Design Review Guidelines, resulting in a development which will be compatible with Sebastopol's downtown; and

Whereas, the design provides appropriate transitions and relationships to adjacent properties and the public right of way in that the overall project scale, as documented by the project plans and the staff reports, is substantially lower than the maximums permitted under the Zoning Ordinance, is reasonable and appropriate for the site context; new curb, gutter and sidewalk will be provided to replace existing deteriorated facilities, and street trees, rain gardens and planters will be installed along the public right of way; driveways appropriate to provide reasonable customer access as well as necessary emergency access are provided; and the design includes building entries and windows oriented to streets; and

Whereas, the design is internally consistent and harmonious, including internally-integrated access, landscaping, parking and paving, lighting and other features, and with different but compatible and harmonious designs for the two project buildings; and

Whereas, the design is consistent with design-related policies of the General Plan, including but not limited to the following:

Land Use Goal 2: Maintain Sebastopol as a small town. The proposed project does not involve expansion of the town or an over-scale development. The project is an infill development on a previously developed site. The project will have less square footage than is on the site currently. The project complies with the City's adopted development standards as well as with the City of Sebastopol Design Review Guidelines. Building height and floor area would be substantially lower than the maximum permitted and will be compatible with the existing buildings of the area, as well as with its developing character. As established by the staff reports on the application, the size of project buildings is far below the City's restrictions on 'big box' structures. The project would not re-categorize Sebastopol as a large town.

Transportation Goal 7: Make it easier and safer for people to travel by bicycle. The project site plan includes bike racks in excess of Zoning code requirements and poses no conflict with future planned bike lanes; bicyclists wishing to use crosswalks will benefit from the planned 'Streetsmart' crossings and new standard crosswalk to be provided by the project that provide improved access to and from the downtown; in addition, the relocated and improved Barnes

Street will likely serve as a component of an informal bicycle route (also using the improved Abbott Avenue) between the Joe Rodota Trail and Sebastopol Avenue. These improvements will make it easier and safer for people to travel by bicycle.

Transportation Goal 8: Make it easier and safer for people to walk. The project includes 'Street Smart Sebastopol' -type crossing improvements at two crosswalks, and one new standard crosswalk, enhancing safety and connectivity in the downtown; the project will reconstruct deteriorated sidewalks in a wider format suitable to the downtown; the project will provide street trees and sidewalk planters (now completely lacking), providing sidewalk shade and a sense of separation from adjacent traffic; the project will provide internal pedestrian walkways, including a sidewalk along the relocated Barnes Avenue which in its current configuration lacks any such sidewalk. The project will make it easier and safer for people to walk, achieving consistency with, and implementing this Goal.

Conservation Goal 5: Conserve, protect and enhance trees and native vegetation. The 2.45-acre site has only one tree presently, a native tree which will be preserved. The project would provide 75 new trees, as well as other landscaping including native plants, substantially improving the appearance of the site, as well as providing shade. The project would conserve, protect and enhance trees and native vegetation, achieving consistency with, and implementing this Goal.

Community Identity Goal 5: Improve the appearance and effectiveness of parking facilities. The project places its parking to the rear and interior of the site, and sets back and screens parking spaces. In addition, trees and other landscaping and pedestrian walkways are provided in the parking areas. In contrast to current site conditions, with large expanses of completely unlandscaped asphalt, the project would improve the appearance and effectiveness of parking facilities, in full compliance with this Goal.

Community Identity Goal 12: Retain and enhance the quality of life and environment in the Downtown area. The project includes replacement of deteriorated sidewalks with wider sidewalks more suitable to the downtown area, demolition and replacement of outmoded and deteriorating buildings, undergrounding of unsightly overhead utilities, provision of public right of way and on-site landscaping that will also reduce stormwater runoff and increase water recharge as compared to current conditions, preservation of the format of existing parking along Abbott Avenue with improved dimensions including wider and deeper parking spaces and wider right-of-way; replication of Barnes Avenue in an improved location which places it farther from intersections and with improved dimensions; installation of street trees, now completely lacking, that will provide shade and an aesthetic amenity, and provision of pedestrian crossing improvements that will enhance the downtown area, and improve connectivity. The project will retain and enhance the quality of life and environment in the Downtown area and is fully consistent with this Goal.

Community Identity P.27: Location of Parking: Locate additional parking facilities on the periphery of the Downtown Core. This policy calls for supplemental parking to serve the needs of the downtown. By providing parking above Zoning Code requirements and making a commitment that this parking will be available for general public use, the project will help fulfill this objective. The site is located at the periphery of the Downtown Core, and the project would provide additional parking available to the general public, thereby facilitating "...a more intimate, pedestrian-oriented Downtown..." in full conformity with the stated intent of this policy.

Community Identity P.29.4: Incorporate surface runoff in landscaping where feasible. The project substantially increases landscaped area on the site, and includes extensive landscaping (the 'raingardens') specifically designed to incorporate surface runoff in full and exemplary conformance with this policy, and which will enhance stormwater quality as compared to current conditions where no such features exist on the site.

Community Identity Goal 13: Support Public Art and Sculpture. The project is required to comply with the City's percent for art ordinance by either paying an in-lieu fee or providing approved on-site art. Conformance with this requirement will support public art and sculpture in compliance with this Goal; and

Whereas, the design is in conformity with any guidelines and standards adopted pursuant to the Zoning Ordinance, in that the project is consistent with the City of Sebastopol Design Review Guidelines, which guide Design Review, including review of the subject application; and these Guidelines state that they are intended to be interpreted with flexibility, and balance a variety of objectives; and the application is consistent with the Guidelines, including but not limited to the following guidelines:

Site Planning guidelines regarding neighborhood context, in that the project is an infill development that respects existing development patterns, and provides appropriate transitions by use of setbacks, landscaping including street trees and planters, building massing and height well within development standards and not out of scale relative to surrounding development, and improved driveway locations and numbers while maintaining appropriate site access including emergency access, while reducing the number of driveways.

Site Planning guidelines regarding building orientation, in that the buildings are generally parallel to the streets they face; appropriate street-oriented building entries are provided; site- and street-appropriate setbacks are provided; windows providing views into the buildings from the sidewalk are provided, and pedestrian-scale amenities along and adjacent to the sidewalks are provided.

Circulation and Parking guidelines, in that the site plan logically and efficiently accommodates vehicles and pedestrians; accommodates access requirements of emergency vehicles including a fire lane on Petaluma Avenue identified as a requirement for emergency access by the Fire Department; places buildings and a pedestrian plaza rather than parking fronting most of the site;

provides a relocated Barnes Street in a superior location that will reduce potential vehicle conflicts and with more adequate dimensions; provides parking spaces that will serve as a resource for the area, including several nearby buildings lacking any on-site parking; locates service functions in a manner that minimizes conflicts with vehicles and pedestrians; and eliminates existing redundant driveways at the site while providing appropriate site access, including emergency access.

Open space guidelines, in that the project will provide sidewalks of generous width appropriate to the downtown; provide a substantial pedestrian plaza area between the two buildings; and provide appropriate pedestrian walkways in the parking areas.

Storm water management guidelines, in that the project will substantially increase pervious landscaped area on the project site, including areas specifically designed to promote partial retention and filtration of stormwater.

Architecture guidelines, in that the project architecture includes materials, massing, simple form and other features which reflect the site's location in a transition area between commercial and industrial uses, as well as historic materials and architectural elements which will ensure a compatible relationship to the developing character of the area; that design details are coordinated; and that the two buildings have a cohesive visual relationship while maintaining separate identities.

Landscaping guidelines, in that appropriate plant selections, including native species, are provided; street trees (now completely lacking) are provided; parking lot landscaping including large native tree species, is provided; the single existing native tree is preserved; and the landscaping includes rain gardens which are designed to provide stormwater retention and filtering far superior to existing site conditions, which include no such features.

Special guidelines for the downtown, in that buildings, rather than parking, occupy key street frontages; pedestrian-oriented features including wide sidewalks, street trees, a substantial mid-block plaza; and planters are provided; the first floor of the buildings is at substantially the same elevation as the sidewalks; street-oriented building entries are provided; and windows are provided along the ground-floor street frontages.

Now, therefore, the City Council hereby upholds the appeal and approves application 2012-021 for Design Review, subject to the following conditions:

Conditions:

Planning:

P1. Approval is granted for the Design Review described in this report and in the plans date-stamped May 3, 2012. This approval is valid for a period of two years, except that the applicant

may request one 1-year extension of this approval from the Planning Director, pursuant to Zoning Ordinance §17.250.050.

P2. All construction shall conform to the referenced plans, unless the design is modified herein. The applicant must obtain a Building Permit prior to the commencement of construction activities. The site plan submitted with the Building Permit application shall indicate the Project Number (2012-032) and the date of approval of this Design Review application.

P3. All fees associated with processing this project, and any applicable impact fees shall be paid prior to issuance of a building permit.

P4. Signage has not been reviewed nor approved as part of this approval. The applicant shall return to the Design Review Board with, and receive approval of, a Sign Program application prior to installation of signage. The Design Review Board shall apply its normal standard of review for any such application.

P5. Lighting has not been approved as part of this approval. The applicant shall provide an exterior lighting plan which shall be subject to the review and approval of the Planning Director and Police Chief prior to issuance of an project building permit. Lighting fixtures shall be compatible with the project design and shall limit 'night sky' impacts.

P6. An Encroachment Permit shall be obtained if the work will be performed, or materials placed, in any City or State right-of-way, which includes the public sidewalk. Please call the Engineering Department at 823-5331 for additional information. If Caltrans does not approve aspects of planned improvements in the State right-of-way, the Planning Director, Engineering Director and City Engineer shall determine whether modifications may be administratively approved, or whether City Council review is required.

P7. Prior to issuance of a building permit, the applicant shall provide a statement of conformity with the Water Efficient Landscape Program to the Planning Department. Per said program, a Certification of Completion of the landscaping and irrigation improvements shall be provided to the Planning Department at completion of the project.

P8. No removals of protected trees are approved as part of this application. Should any such trees be proposed for removal, application for a Tree Removal Permit shall be made.

P9. Prior to construction of the trash enclosure, the applicant shall submit a site plan indicating the trash enclosure to Redwood Empire Waste Management for their review and approval.

P10. All conditions of approval set forth in the July 5, 2011 City Council Statement of Official Action shall remain in force and effect. The term of said approval shall be valid for the term of this Design Review approval.

P11. Turns out of the Sebastopol Avenue driveway (the relocated 'Barnes Avenue') shall be restricted to right turns only. The project improvement plans shall include appropriate signage, striping, or other improvements for review of the City Engineer. The City shall monitor circulation at this location, and if left turns into the driveway from Sebastopol Avenue become a substantial circulation issue, the City may require the project applicant or operator to post a sign or signs prohibiting left turns into the site, and may request that Caltrans implement signs or physical roadway restrictions to prohibit left turns into the driveway, with any cost of such measures to be borne by the project owner. It is acknowledged that a Caltrans Encroachment Permit is required for improvements at this location.

P12. Unless disallowed by Caltrans, an additional crosswalk, designed to the satisfaction of the City Engineer as part of the project Improvement Plans, shall be provided on Petaluma Avenue at its southerly intersection with Abbott Avenue. Unless disallowed by Caltrans, 'keep clear' or similar markings shall be provided on Petaluma Avenue at the intersection with Abbott Avenue. It is acknowledged that a Caltrans Encroachment Permit is required for improvements at this location.

P13. The relocated Barnes Street shall include signs with said name, to the satisfaction of the City Engineer.

P14. Compliance with the Public Art ordinance shall be demonstrated at the time of issuance of a building permit application. If on-site art is proposed, the applicant is advised to initiate review prior to that point in the permit process.

P15. It is noted that the application allows members of the public unrestricted parking in all on-site spaces. The parking spaces cannot be leased or rented to third parties.

P16. The construction area shall be monitored to identify potential impacts to any subsurface archeological, Native American or paleontological artifacts. A qualified archeologist approved by the City Planning Director shall be present during rough grading to monitor the site. If such an artifact is identified at any time in the course of construction, work on the Project shall cease within 25 feet of the find until the discovery can be identified and evaluated by a qualified discipline specialist. If the discovery appears eligible for the California Register of Historical Resources, or meets the definition of a unique archeological resource (Public resources Code 21083.2 (g)), a resource protection plan shall be prepared by a qualified archeologist and/or paleontologist and approved by the Sebastopol Planning Director. Project work may be resumed in compliance with such plan. Human remains shall be treated in accordance with state law (Health and Safety Code 7050.5 and Public Resources Code 5097.98).

P17. Prior to approval of project Improvement Plans or Building Permits, the Petaluma Avenue driveway shall be eliminated, and shall be redesigned to be a fire lane. The design of such fire lane shall be subject to the review and approval of the City Fire Chief and City Engineer prior to review and approval of its design by the City Council. As the fire lane will be partly located in

the State right-of-way, it is acknowledged that a Caltrans Encroachment Permit is also required. The fire lane design shall include such signs, striping, paving materials, lighting, landscaping materials, and other features as determined appropriate by the City to ensure safe and appropriate emergency access while restricting use of the fire lane by the general public. No gates and no locked bollards shall be employed. Any bollards shall require the approval of the Fire Chief and if utilized, shall only consist of 'drive-over' types that will not damage fire vehicles. Use of 'turf block' that can accommodate emergency vehicles should be considered for portions of the fire lane to differentiate the fire lane from public circulation areas and to increase landscaped area. The approved design shall be included in the project Improvement Plans. After a minimum 90-day period from the date that both businesses are fully operational, project owner may apply to the City Council to request a change to this condition to allow an in-only driveway, and provide such information as owner may consider appropriate relating to such request.

P18. Applicant is advised that the City may alter street striping or parking arrangements in the Abbott Avenue right of way in the future, at its discretion.

P19. Prior to issuance of a Building Permit for either building in the project, the design shall be revised pursuant to Condition P17 above, and the Conditions P19 a. - j. as follows, subject to the review of the City staff, and approval of the City Council, whose review shall be limited to finding whether or not there is substantial conformance with the specified design changes in this Condition and Condition P17.

- a. Add two street trees on the pharmacy's Sebastopol Avenue sidewalk frontage between the driveway and the end of the building. The applicant agreed to this change at the August 7, 2012 City Council meeting.
- b. Rather than a freestanding trash enclosure at the pharmacy building, incorporate the enclosure into the building. The applicant agreed to this change at the August 7, 2012 City Council meeting.
- c. Relocate the pharmacy drive-through driveway onto the relocated Barnes to the south. The applicant agreed to this change at the August 7, 2012 City Council meeting.
- d. Provide additional landscaping to soften portions of the north, south and west building walls of the pharmacy building. The applicant agreed to this change at the August 7, 2012 City Council meeting.
- e. LED lighting shall be provided in the interior of both buildings.
- f. Enlarge the plaza along Petaluma Avenue, expanding its width by approximately 10' to the east, and provide additional seat wall elements. It is acknowledged that this may result in the loss of parking spaces. The applicant agreed to this change at the August 7, 2012 City Council meeting.
- g. Enhance the width of parking spaces on Abbott Avenue, for revised dimensions of 10' wide by 18' deep. The applicant agreed to this change at the August 7, 2012 City Council meeting.
- h. Enhance the width of the travel area of Abbott Avenue, for a revised width for this element of 32'. The applicant agreed to this change at the August 7, 2012 City Council meeting.

- i. Provide a public entry door to the pharmacy at the corner of Sebastopol Avenue/Petaluma Avenue.
- j. The basic bank building design is approved, however limited added detailing should occur. The design of the bank building shall be enhanced to provide some additional detailing in design, materials or other elements while maintaining consistency with the approved design.

Engineering:

GENERAL

1. Submittals for Engineering Plan Check shall be made at the Public Works Department. Plan Check Deposit shall be paid at the time of submittal. Call (707) 823-2151 for information.
2. Any exceptions or variances from these Engineering conditions will require the written approval of the City Engineer or approval of the City Council if required by City Code.

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

Lot Line Adjustment/Merger

3. The existing parcels shall be merged, and a Lot Line Adjustment filed to result in the parcel boundaries shown on the site plan. The grant deeds shall be accompanied by a current title report covering all lots to be adjusted.
4. All property corners of the new parcels 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. A Record of Survey shall be filed with the County Surveyor showing the locations of the new property corners.
5. The applicant shall transmit by certified mail a copy of the conditionally approved Lot Line Adjustment/Merger together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Sebastopol.
6. The applicant shall execute a covenant running with the land on behalf of itself and its successors, heirs, and assigns agreeing to annex this development into the existing City of Sebastopol Lighting Assessment District.
7. The developer shall grant a Public Utility Easement over the northerly fifteen (15) feet of the project, and any other areas where public sewer, water or storm drain falls outside the existing public rights of way.

8. The developer shall prepare and submit the required documentation to effect the vacation of the Barnes Street right of way, per Section 8320ff. of the Streets and Highways Code. A Public Access Easement shall be granted over the westerly drive aisle. Utility easements shall be recorded to provide for any utilities that will remain within the vacated right of way.

Improvement Plans – General

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

10. The improvement plans for work in the State right of way shall also be submitted to Caltrans for Encroachment Permit review. The developer shall obtain an Encroachment Permit for the work within the State right of way prior to approval of the improvement plans by the City. The developer's contractor shall obtain an Encroachment Permit to perform the work in the State right of way prior to beginning that work.

11. The developer shall obtain a Recordable Encroachment Permit from the City of Sebastopol which stipulates maintenance responsibility for sidewalk and landscape improvements within the public right of way along Petaluma and Sebastopol Avenues.

12. Prior to submittal of the improvement plans for City review, the Developer shall obtain the approval of the Fire Marshall for the drive aisle layout.

13. The site plan shall designate parking spaces on each lot. Reciprocal parking easements shall be recorded as required to provide each lot with the minimum number of parking spaces required in the Zoning Code.

14. The Developer shall submit CC&Rs or Easement/Maintenance Agreements, as approved by the City Engineer, with the improvement plan package, for review by the City Engineer and City Attorney. The CC&Rs or Agreements shall include provisions for the maintenance of the private drive aisles and utilities within the project.

15. The improvement plans must be evaluated by an arborist to assess the impact of the development on any existing trees and develop a site specific Tree Protection Plan. Improvement Plans shall include the location and size of all existing trees to be removed, and trees to remain. Trees on adjacent property which overhang the project boundary shall be afforded equal

protection. Improvement plans shall show all measures identified in the Tree Protection Plan as needed, to protect trees during construction.

16. In conjunction with submittal of improvement plans, an Urban Runoff Mitigation Plan consistent with the requirements of Municipal Code Chapter 15.77 shall be provided.

17. In the demolition and removal of the existing site improvements, including buildings and pavement, the existing materials shall be recycled to the maximum extent possible.

18. The following notes shall appear on the improvement plan cover sheet:

a) "During construction, the Developer shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and streets."

Improvement Plans – Specifics

19. Sebastopol Avenue: The developer shall replace the existing sidewalk along Sebastopol Avenue with a sidewalk consistent with the approval and having a minimum width of 5 feet. Any sidewalk outside the State right of way shall be within a sidewalk easement dedicated to the City of Sebastopol. Any broken or damaged curb or unused driveways along Sebastopol Avenue shall be replaced. A full sidewalk return shall be constructed at the southeast corner of Sebastopol Avenue and Petaluma Avenue. The asphalt surface at the existing crosswalk on Sebastopol Avenue east of Brown Street shall be treated to match the crosswalk constructed by the City at the intersection of North Main Street and Keating Avenue. The in-roadway warning lights proposed for the existing crosswalk shall match the installation on the City project, and shall be pedestrian-activated.

20. Petaluma Avenue: The developer shall replace the existing sidewalk along Petaluma Avenue with a sidewalk consistent with the approval and having a minimum width of 5 feet. Any sidewalk outside the State right of way shall be within a sidewalk easement dedicated to the City of Sebastopol. Any broken or damaged curb or unused driveways along Petaluma Avenue shall be replaced. A new sidewalk access ramp shall be constructed at the existing crosswalk at Burnett Street. The asphalt surface at the existing crosswalk shall be treated to match the crosswalk constructed by the City at the intersection of North Main Street and Keating Avenue. An in-roadway warning lights shall be installed at the existing crosswalk, and shall match the installation at the Sebastopol Avenue crosswalk.

21. Abbott Avenue: Abbot Avenue shall be reconstructed along the entire project frontage and to the south to tie in to the existing improvements. The street shall have a crowned section, 32 feet wide, with curb, gutter and sidewalk along the north side. On the south side, adequate provisions shall be made to join the existing improvements. At the perpendicular parking spaces, a concrete valley gutter shall be installed to provide for drainage. A driveway shall be improved at the east end of the street to serve APN 004-063-029. A full sidewalk return shall be

constructed at the northeast corner of Abbott Avenue and Petaluma Avenue, and the sidewalk shall be extended along Abbott Avenue.

Soils

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

23. The developer shall submit a Phase I Environmental Site Assessment with the improvement plans.

Undergrounding

24. During construction all utility distribution facilities along the project frontage shall be placed underground, except surface-mounted transformers, pedestal mounted terminal boxes, meter cabinets, and fire hydrant. Appropriate easements shall be provided to facilitate these installations.

All onsite utilities shall be installed underground.

New street lights shall be installed along Sebastopol and Petaluma Avenues per Caltrans standards, and shall be served underground.

25. Any above-ground transformer visible from the public right of way shall be painted to match the building façade immediately behind it.

Streets, Traffic & Circulation

26. The street structural section for the interior drive aisles shall be designed based on a minimum Traffic Index of 5.5.

27. No pervious paving shall be installed in the existing or future public right of way. Any stamped concrete or stamped asphalt in the public right of way shall require approval of the City Engineer and Caltrans.

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

Grading

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

Storm Drain

34. The applicant shall submit to the City of Sebastopol for review and approval, drainage plans, hydrologic, and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:
 - a) Quantities of water, water flow rates, drainage areas and patterns and drainage courses. Hydrology shall be per current Sonoma County Water Agency Standards.
 - b) Project drainage shall be designed using the 10-year storm average flow and 100 year peak flow.
35. No drainage may discharge across sidewalks. Roof leaders shall be piped to the adjacent gutter or paved area. The runoff from the roofs of the buildings shall be directed to the bioswale along the east boundary to the greatest extent possible.
36. Post-development storm water flows shall be limited to pre-development levels unless calculations are provided that show that downstream facilities can adequately handle the increased runoff.
38. All bioswales next to paved areas or adjacent structures shall include some device to prevent migration of moisture laterally.
39. All existing unused private storm drains on the site shall be abandoned.

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

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

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

Water

42. The developer shall install new domestic, irrigation and fire service laterals to serve the new buildings. All water mains shall be sized to provide adequate fire flows to the buildings. All water services shall be provided with backflow prevention devices in accordance with State and City standards.

43. All existing water services to be abandoned shall be removed to the main line.

44. New water laterals shall be constructed in accord with City Standards. Meter locations shall be subject to approval by the Sebastopol Public Works Department. The improvement plans shall show water services to each building.

45. Fire protection shall be in accord with the requirements of Sebastopol Fire Department. With the submittal of the improvement plans, calculations shall be provided to the City and the Sebastopol Fire Department to ensure that adequate water pressures are available to supply hydrant and sprinkler flows.

46. New water mains and fire hydrants must be constructed and functional prior to the issuance of the building permit.

47. All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved.

Wastewater (sanitary sewer)

48. A sanitary sewer application shall be submitted to the Building Department for review and approval. Discharge permits for individual uses shall be subject to the requirements of the City of Santa Rosa Utilities Department, Environmental Compliance Division, for Sewer Use Permits.

49. The onsite sewer system shall be private, and shall be constructed in accordance with City standards. All existing unused onsite sewers shall be abandoned.

50. The improvement plans shall show a sanitary sewer lateral to each building constructed in accord with City Standards (minimum slope shall be 2 %).

Miscellaneous

51. The improvement plans shall include detailed landscape construction drawings for work proposed in the public right of way.

52. The improvement plans shall include an onsite signing and striping plan which clearly delineates traffic control and parking restriction requirements. All onsite striping shall be thermoplastic.

53. The improvement plans shall include an onsite lighting plan, including specifications for fixtures to be used. If applicable, the onsite lighting shall be energized from a meter separate from the commercial units.

PRIOR TO CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY

54. No construction shall be initiated until the Improvement Plans have been approved by the City, all applicable fees have been paid, an encroachment permit and/or grading permit has been issued and a project schedule has been submitted to the City Engineer and a pre-construction conference has been held with the City Engineer or his designee.

55. Developer shall secure encroachment permits from the City and from Caltrans prior to performing any work within the City or State right of way or constructing a City facility within a City easement.

56. Applicant must file a Notice of Intent To Comply With the Terms of General Permit to Discharge Storm Water Associated with Construction Activity (NOI) with the State of California Water Resources Control Board, and obtain a permit, prior to commencement of any construction activity.

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

57. All construction shall conform to the City Standard Details and Specifications dated July, 1998, all City Ordinances and State Map Act and the approved plans.

58. 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 systems.

59. All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.
60. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
61. Prior to placing of asphalt, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
62. Prior to placing the final lift of asphalt, all public sanitary sewer lines shall be video inspected at the expense of the contractor/developer. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
63. The Contractor shall be responsible to provide erosion and pollution control in accordance with the approved plans and permits.
64. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
65. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
66. Hours of work for both public improvements and private improvements shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday. Work on Sunday will only be permitted with written permission from the City. Violation of these working hours shall be deemed an infraction and upon conviction thereof, shall be punishable as prescribed by law.
67. Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur.
68. If the existing public streets are damaged during construction, the contractor/developer shall be responsible for repair at no cost to the City.

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

PRIOR TO OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

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

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

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

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

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

74. A complete set of As-Built or Record, improvement plans on the standard size sheets will be certified by the Civil Engineer and returned to the City Engineer's office prior to final acceptance of the public improvement. These shall show all constructive changes from the original plans including substantial changes in the size, alignment, grades, etc. during construction. The Contractor shall pay a fee for having same put into the City Base Map.

It is hereby certified that the foregoing Resolution Number 5888 was introduced and duly adopted by the City Council of the City of Sebastopol at their regular meeting held this 21st day of August, 2012, following a roll call vote:

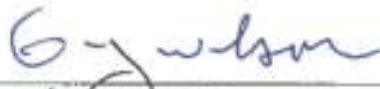
City of Sebastopol City Council:

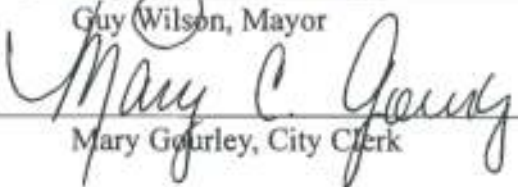
Ayes: Councilmembers Shaffer, Slayter and Mayor Wilson

Noes: Councilmember Gurney and Vice Mayor Kyes

Abstain: None

Absent: None

APPROVED: 
Guy Wilson, Mayor

ATTEST: 
Mary Gourley, City Clerk

APPROVED AS TO FORM:


Larry McLaughlin, City Attorney