

City Council
Mayor Patrick Slayter
Vice Mayor Una Glass
Michael Carnacchi
Sarah Glade Gurney
Neysa Hinton



Planning Director
Kari Svanstrom
Associate Planner
Alan Montes
Senior Administrative Assistant
Rebecca Mansour

City of Sebastopol Planning Commission Staff Report

Meeting Date: October 13, 2020
Agenda Item: 6A
To: Planning Commission
From: Kari Svanstrom, Planning Director
David Hogan, Contract Planner
Subject: Benedetti Car Wash - Conditional Use Permit, Variance, Tentative Parcel Map, Mitigated Negative Declaration (CEQA)
Recommendation: Recommend Project Approval with Conditions to the City Council
Applicant/Owner: Mark Reece
File Number: 2019-27
Address: 6809 Sebastopol Avenue
CEQA Status: Mitigated Negative Declaration
General Plan: Central Core
Zoning: Downtown Core (CD)

Introduction:

Planning Commission first considered the project at its September 22, 2020 meeting. Because of questions/concerns, the project was continued to the next meeting so that the consultants who prepared the technical studies could be available to talk with the Commission. Representatives of Illingworth and Rodkin and W-Trans will be in attendance.

Noise-Related Questions.

The Commission had questions concerning the underlying assumptions used in the study, the relationship between traffic noise and car wash noise, and the origin/source for Mitigation Measure NOI-1 which read:

“NOI-1 Reduce Offsite Noise Effects. Prior to the issuance of a building permit, the applicant shall submit evidence that the proposed car wash drying system incorporates a silencer to achieve operational noise levels no greater than 77 dBA at a distance of 10 feet and 63 dBA at a distance of 50 feet from the entrance and exit to the car wash. Installation of the approved silencer system shall be completed prior to final inspection.”

Noise levels for the Proto-Vest S130 dryer system were provided to Illingworth & Rodkin in response to our typical data request (Benedetti Car Wash Dryer System.pdf). The data sheet from Proto-Vest indicates noise levels for the S130 model when equipped with the optional silencer reach 76.9 dBA (rounded to 77 dBA) at a distance of 10 feet and 63 dBA at a distance of 50 feet. These noise levels, and the listed noise levels for the S130 without the optional silencer, were used as the basis for our noise propagation modeling. The language in the

Mitigation Measure requires that the dryer is equipped with the silencer specified on the data sheet.

The Commission was also concerned about the projected interior noise levels in the upstairs offices of the Ford building to the east. Specifically, what future noise levels might be if the windows were opened when the car wash was in operation. Staff consulted with Illingworth and Rodkin. In response they have provided the following additional information.

Commercial construction typically provides for an exterior-to-interior noise reduction of about 25 dBA with windows closed, and about 15 dBA with windows partially open for ventilation. Without construction of a noise wall anywhere within the car wash site, noise levels at the upper level of the western façade of the 6791 Sebastopol Avenue building would reach about 64 dBA L_{eq} during periods of heavy car wash use. This would correspond to interior noise levels of about 39 dBA L_{eq} with windows closed, and about 49 dBA L_{eq} with windows partially open. A noise wall of sufficient height constructed along the curved path exiting the car wash could provide additional noise reduction if needed. This would be a different wall than that which was previously analyzed for the purpose of reducing noise levels along the neighboring property to below 70 dBA L_{eq} .

Based on the concerns expressed by the Commission, staff met with Illingworth and Rodkin and the applicant's team to review the design of the structure that would further reduce the noise, in addition to the noise reduction from the dryer unit. The recommended design consists of a ten-foot wall projecting from the corner of the building by the car wash exit around driveway approximately fifty feet. Based upon the preliminary analysis, this structure would meet the requirements of the City Noise Ordinance at the property line at and above ground level (i.e. upper stories). The location of the proposed wall is provided in Attachment 1. The preparer of the Noise Impact Assessments will be available to discuss this issue with the Commission as needed.

Traffic-Related Questions

The Commission had questions concerning the underlying assumptions used in the study and the potential traffic impacts/delays caused by patrons of the Benedetti Auto Center making right turns into the site from Sebastopol Avenue. Additional questions were emailed to staff following the meeting. The traffic consultant from W-Trans will be prepared to address these questions at the Commission meeting.

Air Pollution from Water Vapor

The Commission had a question about the generation of polluted water vapor originating from the car wash drying equipment. To attempt to ascertain whether or not there is any information on this subject, staff has conducted an internet search for articles or studies relating to water vapor generated by car wash drying equipment. No articles or studies were identified that addressed this issue from either a quantity or quality perspective.

Additionally, members of Illingworth and Rodkin's Air Quality/Greenhouse Gas Emission team has done multiple car wash projects in the past and has never before come across this as an issue for this type of project. Particulate matter in water vapor would be well below any thresholds. This issue is typically worth concern in different types of projects or projects of much greater scale, such as large industrial facilities or power plants.. As a result, this does not appear to be a pollution issue.

Additional Clarifications and Concerns

1. Why is there is a different distance to residential used in the Noise Assessment and the staff report?

The difference in the approximate distances to residential (e.g. 600 feet vs. 700 feet) is in how the distances were measured. The 600-foot distance is measured from property line to property line. The 700-foot distance is measured from the car wash building to the residential structure. Note, the Sebastopol Inn (hotels are defined as transient residential uses) is approximate 515 feet from the proposed car wash structure (approx. 485 feet from property line to property line).

2. Are there closer residential units to the project site, specifically at 100 Brown Street and 130 Petaluma Avenue?

Staff visited each site and confirmed that there are no residential units in the buildings. The noise environment in each location is determined by traffic noise on Sebastopol Avenue and Petaluma Avenue, respectively. Furthermore, each of these non-residential building is shielded from the car wash location by the existing tire shop building (and other buildings) along the direct line any noise would travel from the proposed car wash.

3. Condition of Approval 78b is unclear and confusing. Staff has revised the condition to read: *“Vehicles accessing the car wash facility shall not make a left turn onto Sebastopol Avenue in order to make a left turn onto Barnes Avenue to enter the car wash.”* This new language has been incorporated into the revised resolution recommending project approval.

Public Comments

At the public hearing, four members of the public addressed the Commission. Their comments focused on the need for the Commission to get additional information on the project, noise impacts on the office tenants in the adjacent building, and a concern that the car wash may preclude residential mixed use development along this portion of Sebastopol Avenue.

Additionally, the Commission received eight additional comments prior to the September 22, 2020 meeting that were supportive of the project, as well as comments related to the concerns of the adjoining property owner. These comments have been previously distributed to the Planning Commission, and are available here:

<https://www.ci.sebastopol.ca.us/getattachment/Meeting-Event/Planning-Commission/2020/Planning-Commission-Meeting-of-September-22,-2020/2019-27-6809-Sebastopol-Ave-Public-Comment-Letters-as-of-9-22-20.pdf.aspx>

The week after the September 22, 2020 Planning Commission meeting, Planning staff was contacted by Tribal Historic Preservation Office for the Federated Indians of Graton Rancheria requesting a consultation on the project. Staff had previously provided the required 30-day project consultation notification on August 6, 2020. Staff expects to be able to consult with Tribal representatives on the Monday before the Commission meeting. Staff will provide an update to the Commission as part of staff's presentation. This update may include recommendations for modified language in the Initial Study document.

Recommendation:

Staff recommends that the Planning Commission consider the following items and, if it is the consensus of the Planning Commission approve the resolution, with findings and conditions of approval, substantially in the form contained in Exhibit A to recommend that the City Council:

- Certify the Mitigated Negative Declaration;
- Approve the Conditional Use Permit, subject to the attached conditions;
- Approve the Variance; and
- Approve the Tentative Parcel Map, subject to the attached conditions.

Alternatively, if the consensus of the Planning Commission is to recommend denial of the application, it should direct staff to develop a resolution recommending denial based on the Commission’s deliberations.

Exhibits

Exhibit A. Draft PC Resolution including Findings and Conditions of Approval (Revised)

Attachments:

1. Site plan diagram of proposed noise wall location

Staff Report and Attachments from September 22, 2020 Planning Commission meeting is available here:

www.ci.sebastopol.ca.us/Meeting-Event/Planning-Commission/2020/Planning-Commission-Meeting-of-September-22,-2020

Public Comments received as of October 8, 2020 can be found here (note, no additional comments have been received since the September 22, 2020 Commission meeting):

[Item 6A Benedetti Public Comment Letters as of 10.08.20](#)

EXHIBIT A

PLANNING COMMISSION RESOLUTION 20-__ Planning File No. 2019-27

USE PERMIT, VARIANCE, and TENTATIVE PARCEL MAP INITIAL STUDY/MITIGATED NEGATIVE DECLARATION Benedetti Car Wash Project 6809 Sebastopol Avenue (APN 004-063-029) CD: Downtown Core Zoning District

Whereas, the Benedetti Tire & Express Lube consists of a tire shop and oil change/maintenance operation; and

Whereas, the project involves additional development as part of the Benedetti Tire & Express Lube, including the construction and operation of an automated car wash with second floor office space on a vacant portion of the site (the "Project"); and

Whereas, the Zoning Code requires a conditional use permit to operate a car wash in the CD: Downtown Core Zoning District; and

Whereas, the Zoning Code requires a minimum floor area ratio of 1.0 in the Downtown Core Zoning District on vacant parcels; and

Whereas, the project applicant is proposing to subdivide the existing lot into three parcels; each lot will accommodate a single building and related landscaping, parking and access; and

Whereas, the subdivision of the existing lot requires that development on the vacant lot is required to comply with the minimum floor area ratio requirement of 1.0 in the Downtown Zoning District in the Zoning Code; and

Whereas, the approval of Project will require the approval of a Variance pursuant to the provisions of the Zoning Code; and

Whereas, the Project was the subject of an Initial Study and Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act (CEQA), which was circulated for public comment consistent with local and State CEQA requirements, which the Planning Commission has reviewed and considered, as well as comments made on it during its public review period; and the Commission has further considered additional cultural resources information provided in the staff report, and included conditions of approval relating to that topic; and

Whereas, the Mitigated Negative Declaration identifies two potentially significant impacts regarding cultural resources and noise/vibration. However, available and feasible mitigation measures will reduce these impacts below a level of significance; and

Whereas, as conditioned, the City finds that the proposed Project is compatible with the character of this part of Sebastopol, and will not impair the desirability of investment or occupation in the downtown; and

Whereas, site access will be improved with the opening of a driveway onto Barnes Avenue which will allow access to the carwash. The carwash will also have access from the tire

shop and car maintenance building, which will reduce the number of vehicle turning movements onto and from Sebastopol Avenue; and

Whereas, the Project is consistent with a number of policies of the General Plan, including but not limited to the following:

Policy LU 1-3: Require new development to occur in a logical and orderly manner, focusing growth on infill locations and areas designated for urbanization on the Land Use Map (see Figure 2.1), and be subject to the ability to provide urban services, including paying for any needed extension of services.

The Project is consistent in that it involves an additional auto-serving use in an existing auto service facility.

Policy LU 1-7: Encourage new development to be contiguous to existing development, wherever possible.

The Project is contiguous to existing commercial land uses and is consistent with this policy.

Policy CIR 1-18: Consider the impacts of traffic and land use growth on the road network, especially in downtown Sebastopol, when evaluating proposals for new development.

Potential traffic impacts were evaluated as part of the review of this Project. A focused traffic study evaluated three intersections around the project. The resulting traffic volumes do not exceed the City's Level of Service (LOS) "D" standard.

Policy CIR 2-14: Provide secure bicycle racks in places such as the Downtown, at commercial areas, park and ride transit facilities, schools, multiple unit residential developments, and other locations where there is a concentration of residents, visitors, students, or employees.

The Project includes bicycle racks consistent with the municipal code.

Policy COS 6-5: Require new development to incorporate trees in landscape plans.

The Project includes the planting of additional landscape and replacement trees.

Policy COS 9-11: Promote the use of reclaimed water and other non-potable water sources.

The Project proposes to reuse approximately 80% of the water from the car wash operation.

Policy N 1-1: Ensure the noise compatibility of existing and future development when making land use planning decisions.

Project noise was considered in the application processing and consideration processes.

Policy N 1-2: Require development and infrastructure projects to be consistent with the Land Use Compatibility for Community Noise Environments standards indicated in Table N-1 to ensure acceptable noise levels for existing and future development.

The Project approval incorporates conditions of approval and design elements to comply with the acceptable noise levels identified in Table N-1.

Policy SA 2-8: Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding.

The Project incorporated measures to retain onsite stormwater runoff consistent with regulatory requirements.

Policy SA 2-9: Prohibit development in the 100-year flood zone unless requirements of the City's Flood Damage Protection Ordinance criteria are met.

The Project is located within the 100-year flood zone and will be conditioned to comply with this requirement.

USE PERMIT

Whereas, Zoning Code Section 17.345.020 contains additional requirements relating to car washes; and

Whereas, Subsection A of Section 17.345.020 requires that adequate queuing and drying areas be provided so that vehicles will not block adjacent walkways and streets. The project provides for queueing for at least a dozen vehicles and will not block site access onto Barnes Avenue; and

Whereas, Subsection B of Section 17.345.020 requires that all washing and automatic drying facilities shall be completely within an enclosed building. The project plans show that all of the washing and drying equipment is enclosed within the proposed building; and

Whereas, Subsection C of Section 17.345.020 requires that any vacuuming facilities shall not be located along public or private streets and shall be screened from adjacent residential properties. The proposed vacuum stations are located onsite on private property along the west side of the car wash building and there are no residential properties adjacent to the site which would require additional screening; and

Whereas, Subsection D of Section 17.345.020 requires compliance with the City's noise standards. The project includes noise reduction equipment and is conditioned to comply with City standards; and

Whereas, Subsection E of Section 7.345.020 requires that car washes use recycled water whenever feasible. The design of the car wash will re-use approximately 80% of the water used in the car wash operation; and

Whereas, the proposed use as conditioned will not, under the circumstances of this particular case, be detrimental to the health, safety, comfort, or general welfare of persons residing or working in the neighborhood or within close proximity in that it will contain an auto-oriented use in an existing auto service center and will not have a detrimental impact or created significant quality of life issues; and

Whereas, the project is an infill development that will not physically divide an established community, and is expected to have positive connectivity impacts on the area by providing direct access to Barnes Avenue and ultimately Petaluma Avenue; and

Whereas, the project will be subject to an extensive list of conditions of approval to ensure that its construction and subsequent operation will not have substantial detrimental impacts on persons working and residing in the area or the environment.

VARIANCE

Whereas, the purpose of a Variance is to establish a procedure for the relaxation of the provisions of the Zoning Code so that the public welfare is secured and that substantial justice done in accordance with the intent of the General Plan and Zoning Code; and

Whereas, the project does not currently comply with the minimum floor area ratio identified for the downtown area; and

Whereas, the minimum floor area ratio requirements were established to facilitate the development mixed use development which includes residential uses; and

Whereas, the inclusion of a residential use in an auto service center would create a land use conflict inconsistent with the intent of the General Plan; and

Whereas, the expansion of the existing auto center is consistent with the intent of the City to retain existing local serving businesses; and

Whereas, the proposed Variance is consistent with the intent and provisions of the General Plan in that there are unusual circumstances applying to the land, building or use which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district, in that the site is an infill development project within an automotive uses, and the use itself, a car wash, is compatible with the other uses on the site but not compatible with other mixed-uses such as office and residential uses. The location of the site is

Whereas, that granting the application is necessary for the preservation and enjoyment of a substantial property right consistent with other auto service uses in an auto service center; and

Whereas, that granting the application as conditioned, will not materially adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood in that the project will comply with established performance standards and is not located adjacent to a sensitive land use.

TENTATIVE PARCEL MAP

Whereas, the project application requests approval to subdivide the existing lot into three parcels; and

Whereas, the proposed subdivision, together with the provisions for its design and improvement, and subject to the Conditions of Approval, will be consistent with the General Plan and other provisions of the Sebastopol Municipal Code; and

Whereas, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the City Council; and

Whereas, the project proposes that the three parcels share access, parking, landscape maintenance, and trash collection; and

Whereas, the project has been conditioned to record a maintenance and access agreement over all three parcels.

PUBLIC PROCESS

Whereas, the project applicant, in advance of their formal application, undertook a voluntary Preliminary Review by the Planning Commission; and prior to the public hearing complied with public noticing requirements; and

Whereas, the applicant made adjustments to the proposal based on community and Planning Commission comments; and

Whereas, on September 22, 2020, the Sebastopol Planning Commission opened a duly-noticed public hearing on the application, considered the written submittals, including but not limited to the Mitigated Negative Declaration, staff report, resolutions, application materials, plans, and public comments and testimony, received a staff report at the hearing, and received a presentation from the applicants, and heard public testimony. The Planning Commission closed the public hearing and deliberated the project, and continued the public hearing to the October 13, 2020 Planning Commission meeting; and

Whereas, on October 13, 2020, the Sebastopol Planning Commission continued the public hearing on the application, considered the written material, including but not limited to the Mitigated Negative Declaration, staff report, resolutions, application materials, plans, and public comments, and received a staff report at the hearing with additional information requested by the Commission, all of which the Commission duly considered; and

Now, therefore, the Planning Commission hereby recommends that the City Council:

- 1) Certify the Mitigated Negative Declaration, and
- 2) Approve the Use Permit, Variance, and Tentative Parcel Map applications for the Benedetti Car Wash project located at 6809 Sebastopol Avenue, subject to the following mitigation measures and conditions of approval:

MITIGATION MEASURES

The following mitigation measures constitute a mitigation program for the project. These measures are incorporated into the condition of approval. The Planning Department, Building Official, and City Engineer shall monitor the project for compliance with the four mitigation measures and shall verify compliance prior issuance of a Certificate of Occupancy.

CR-1: Inadvertent Discovery of Cultural Resources. In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including darkened soil (midden), that

could conceal cultural deposits, animal bone, obsidian and/or mortar are discovered during earth-moving activities, all ground-disturbing activity within 50 feet of the discovery shall be halted immediately and the Planning and Building Divisions notified within 12 hours. Impacts on any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as experts of their cultural traditions.

NOI-1: Reduce Offsite Noise Effects. Prior to the issuance of a building permit, the applicant shall submit evidence that the proposed car wash drying system incorporates a silencer to achieve operational noise levels no greater than 77 dBA at a distance of 10 feet and 63 dBA at a distance of 50 feet from the entrance and exit to the car wash. Installation of the approved silencer system shall be completed prior to final inspection.

NOI-2: Additional Noise Mitigation: Prior to the issuance of a building permit, the applicant shall submit evidence that a noise reducing barrier six feet in height or other method to reduce offsite noise levels to meet City noise criteria along the east property line (south from the adjacent commercial building) to a point at least perpendicular to the northern exit of the proposed car wash, are incorporated into the project. Installation of the approved noise reducing barriers shall be completed prior to final inspection.

NOI-3: Reduce Vibration Impacts. Prior to the issuance of a building permit, the applicant shall identify all heavy construction equipment to be used for this project that have the potential to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.). This information shall be submitted to the City during the building permit process. If the applicant proposes the use of heavy construction equipment with the potential to generate excessive vibration, the applicant shall submit a plan documenting how the use of this equipment will not occur within 18 feet of existing structures.

CONDITIONS OF APPROVAL

Conditions of Approval – Conditional Use Permit:

1. Approval is granted for the Conditional Use Permit described in the application and the following project plans: Architectural plan set (2 sheets) dated 3-21-19, by Patrick Slayter Architect, and Civil plan set (4 sheets) dated 8-12-20, by Adobe Associates, except as modified by these conditions of approval, and is valid for a period of three (3) years during which time the rights granted must be exercised.

Development Conditions

City Planning Department

2. All construction shall conform to the approved plans. The applicant shall obtain a Building Permit prior to the commencement of construction activities.
3. All exterior mechanical equipment shall be screened to the satisfaction of the Planning Department.

4. The project shall comply with the following mitigation measures from the Mitigated Negative Declaration.
 - a. In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including darkened soil (midden), that could conceal cultural deposits, animal bone, obsidian and/or mortar are discovered during earth-moving activities, all ground-disturbing activity within 50 feet of the discovery shall be halted immediately and the Planning and Building Divisions notified within 12 hours. Impacts on any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as experts of their cultural traditions. (Mitigation Measure CR-1)
 - b. Prior to the issuance of a building permit, the applicant shall submit evidence that the proposed car wash drying system incorporates a silencer to achieve operational noise levels no greater than 77 dBA at a distance of 10 feet and 63 dBA at a distance of 50 feet from the entrance and exit to the car wash. Installation of the approved silencer system shall be completed prior to final inspection. (Mitigation Measure NOI-1)
 - c. Prior to the issuance of a building permit, the applicant shall submit evidence that a noise reducing barrier six feet in height or other method to reduce offsite noise levels to meet City noise criteria along the east property line (south from the adjacent commercial building) to a point at least perpendicular to the northern exit of the proposed car wash, are incorporated into the project. Installation of the approved noise reducing barriers shall be completed prior to final inspection. (Mitigation Measure NOI-2)
 - d. Prior to the issuance of a building permit, the applicant shall identify all heavy construction equipment to be used for this project that have the potential to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.). This information shall be submitted to the City during the building permit process. If the applicant proposes the use of heavy construction equipment with the potential to generate excessive vibration, the applicant shall submit a plan documenting how the use of this equipment will not occur within 18 feet of existing structures. (Mitigation Measure NOI-3)
5. This approval does not include any commercial business signs. Any new commercial signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate.
6. Two bicycle parking space is required and shall be installed prior to the issuance of the Certificate of Occupancy.
7. The existing storage trailers shall be removed prior to final inspection.
8. A business license is required and shall be obtained prior to operation of the use.

9. Prior to final inspection the applicant shall submit, and the Planning Director approve, a Good Neighbor Policy Plan describing how the car wash operation will be a good neighbor to adjacent businesses. The Good Neighbor Policy shall be posted at the site in a location visible by employees.

City Building Department:

10. For the building permit submittal, 5 sets of plans are required along with 2 sets of calculations and reports.
11. The accessible parking stall shall be relocated to the front of the building as it's required "to be located on the shortest accessible route from parking to an accessible entrance." CBC 11B-208.3.1.
12. A Floodplain Development Permit application, along with supporting documentation, shall be submitted with the Building Permit application. The Base Flood Elevation (BFE) is 78' and there is a 2' freeboard requirement on top of that for an adjusted BFE of 80'. The finish slab is shown at 78'.
13. All construction and construction related activities shall be in conformance with the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Fire, Energy and Green Building Codes, and the City of Sebastopol Municipal Code.
14. Authorized Construction Hours:
 - a. Monday through Friday – 7:00 a.m. to 6:00 p.m.
 - b. Saturday and Sunday – 8:00 a.m. to 5:00 p.m.
 - c. Includes warm-up or servicing of equipment and any preparation for construction.
15. The Planning Conditions of Approval shall be printed on plan sheets in the plan set.
16. A geotechnical report is required for this project.
17. The project is required to comply with CalGreen at the Tier I level excluding Division A4.2 Energy Efficiency, as adopted and amended by the City. The worksheets can be located on the City's website on the building department page. The worksheets are to be printed on plan sheets in the plan set.
18. Before approval of the foundation inspection: A licensed Land Surveyor or Civil Engineer with proper certification shall conduct a survey of all property lines and install property line markers that can be readily verified by Building Inspection staff to verify setbacks and submit a written (stamped) confirmation to the Building Department that the staking of the property lines has been completed.
19. Before approval of the foundation inspection: The project Geotechnical Engineer shall inspect all foundation excavations and submit a written (stamped) verification that all is in conformance with the approved Construction Documents.

20. Before approval of the foundation inspection: The project Structural Engineer, Architect, or Special Inspector shall inspect all foundation reinforcing and related hardware and submit a written (stamped) verification that all is in conformance with the approved Construction Documents.
21. Before approval of the framing inspection: The project Structural Engineer, Architect, or Special Inspector shall inspect all lateral force resisting elements of the structure and submit a written (stamped) verification that all is in conformance with the approved Construction Documents.

City Fire Department

22. The entire building shall install a fully automatic sprinkler system and fire alarm protection system that shall be monitored 24-7-365 basis.

City Public Works/Engineering Department:

23. 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.
24. Any exceptions or variances from these conditions will require the written approval of the City Engineer or approval of the City Council if required by City Code.

Site Improvement Plans

25. 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.
26. 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.
27. 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.
28. The project shall include post-construction stormwater BMPs in accordance with the City's Low Impact Development manual and Section 15.78 of the Municipal Code.

29. The following notes shall appear on the improvement plan cover sheet: "During construction, the Developer shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and streets."
30. The Sebastopol Avenue drive approach to the site shall be reconstructed to current Caltrans standards. Any failed portions of the sidewalk along Sebastopol Ave shall be removed and replaced.
31. The connection to Barnes Ave at the southwest corner of the site shall be constructed with a 15 ft radius curb return on the northeast corner. Modification of the existing infiltration trench along Barnes Ave will be required. The developer shall provide proof that the adjacent property owner agrees to the construction.

The developer shall provide a flow dissipator at the storm drain outlet at the southeast corner of the site.

The drive aisle at the exit of the carwash shall slope back to the car wash for the first 15 feet. A slot drain shall be installed at the exit of the carwash that connects to the wash water recycling system

Soils

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

The developer shall submit percolation tests for the areas designated for bioretention basins.

Undergrounding

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

Streets, Traffic & Circulation

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

Grading

36. 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.

37. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.
38. The grading plan shall clearly show areas of possible soil contamination, along with the appropriate steps to deal with contaminated soils.
39. 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.
40. 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

41. 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.
42. No drainage may discharge across sidewalks. Roof leaders shall be piped to the adjacent gutter or paved area.
43. Any proposed bioswales must be wholly contained outside of the existing or proposed public right of way.
44. All storm drain inlets shall be permanently marked using a permanent polyurethane marker with the legend, "No Dumping – Drains To Creek."
45. 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

46. The developer shall install new domestic, irrigation and fire service laterals to serve the new building. 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.
47. 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.
48. Fire protection shall be in accord with the requirements of Sebastopol Fire Department. With the submittal of the improvement plans, calculations shall be provided to the City

and the Sebastopol Fire Department to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows.

49. New water mains and fire hydrants must be constructed and functional prior to the issuance of the building permit.
50. 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.
51. All aboveground backflow hardware shall be screened with an architectural screen compatible with the adjacent building.

Wastewater (sanitary sewer)

52. 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.

Miscellaneous

53. The improvement plans shall include detailed landscape construction drawings for work proposed in the public right of way.
54. Any trees planted within 10 feet of a public street curb shall include a root barrier acceptable to the City Engineer and the City Arborist.
55. The improvement plans shall include an onsite signing and striping plan which clearly delineates traffic control and parking restriction requirements.
56. 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.
57. 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.
58. 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:

59. 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.
60. 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.

61. All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.
62. 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.
63. 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.
64. Prior to placing the final lift of asphalt, all 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.
65. The Contractor shall be responsible to provide erosion and pollution control in accordance with the approved plans and permits.
66. 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.
67. 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.
68. 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.
69. 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.
70. If the existing public streets are damaged during construction, the contractor/developer shall be responsible for repair at no cost to the City.
71. 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:

72. Prior to acceptance of improvements or occupancy of building, existing curb, gutter and sidewalk to remain shall be inspected by the City Engineer. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.
73. All streets shall be paved, all public utilities installed and all signage relating to traffic control (stop signs, etc.) shall be installed.
74. 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.
75. The civil engineer/land surveyor shall file an Elevation Certificate for the new building.
76. Prior to acceptance of public improvements, a complete set of **As-Built** or Record, improvement plans on the standard size sheets will be certified by the Civil Engineer and returned to the City Engineer's office prior to final acceptance of the public improvement. In addition, the plans shall be submitted on a CD-ROM in pdf format. These plans shall show all constructive changes from the original plans including substantial changes in the size, alignment, grades, etc. during construction, and any existing utilities that were unknown on the original plans but discovered during construction. The Contractor shall pay a fee for having the improvements put into the City Base Map.

Operational Conditions

77. The use shall be in substantial conformance with the proposed operations as described in the application materials and on file at the City of Sebastopol Planning Department, except as modified herein.
78. The car wash operation shall comply with the following operational requirements.
 - a. The car wash and vacuums shall operate only between the hours of 7:00 a.m. and 7:00 p.m.
 - b. Vehicles accessing the car wash facility shall not make a left turn onto Sebastopol Avenue in order to make a left turn onto Barnes Avenue to enter the car wash.
 - c. Parking spaces and required drive aisles shall not be occupied by storage trailers, containers, sheds, etc.
 - d. Employees shall be allowed to park onsite.

General Conditions

79. 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.

80. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
81. Unless otherwise provided for in conditions of this conditional use permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
82. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this conditional use permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in this title.
83. Minor changes may be approved administratively by the Planning Director or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each relevant Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.
84. The use granted by this conditional use permit must be in operation within three years of the delivery of the signed permit to the Permittee. The applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100. If any use for which a conditional use permit has been granted is not in operation within three years of the date of receipt of the signed permit by the Permittee and no extension has been granted, the permit shall become null and void and re-application and a new permit shall be required to establish the use.
85. The terms and conditions of this conditional use permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.
86. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer.

Conditions of Approval – Parcel Map:

1. A Parcel Map prepared by a licensed surveyor or civil engineer, shall be prepared and submitted for the review and approval of the City Engineer. The map shall conform to the requirements of the Subdivision Map Act and local ordinances. Upon recording of the map, the subdivision is valid.
2. 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.
3. The Parcel Map shall state:
 - a. The assessor's parcel number
 - b. Total area of land being subdivided (in acres)
 - c. Total number of lots being created

4. Developer shall either complete the required construction prior to recordation of the map or enter into an Improvement Agreement and post security with the City of Sebastopol prior to the filing of the Final Map, agreeing to complete the required construction within 24 months after the filing of the map. The Improvement Agreement shall be recorded with the map.
5. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Sebastopol.
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 subdivision into the existing City of Sebastopol Lighting Assessment District.
7. Concurrently with the recordation of the final map the applicant shall record a maintenance and access agreement allowing all three parcels complete and unrestricted access to the other parcels as well as to Barnes and Sebastopol Avenues, onsite parking, and use of the trash enclosure, and define maintenance responsibilities for all shared facilities, including stormwater maintenance. The agreement shall be approved by the City Engineering and Planning Departments prior to recordation.

Adopted by the Planning Commission on October 13, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Certified: Kari Svanstrom, Planning Director

