

**SONOMA COUNTY BOARD OF SUPERVISORS
DRAFT CONDITIONS OF APPROVAL**

Staff: Doug Bush

Applicant: KS Mattson Partners LP

Owner: KS Mattson Partners LP

Date: November 17, 2020

File: PLP18-0013

Address: 18285 Highway 12, Boyes Springs

APN: 056-415-016, -017, -018, -020

This project would redevelop an existing mixed-use development in an urban service area by increasing the total number of housing units and increasing the amount of commercial space on the site. The project is located in the Boyes Springs area, approximately $\frac{3}{4}$ of a mile north of the City of Sonoma. The site currently has four parcels (APNs 056-415-016, -017, -018, and -020) totaling approximately 1.26 acres located at 18201, 18271, 18275, 18279, and 18285 Highway 12; 30 and 320 Arroyo Road; and 12, 14, 15, and 16 Calle Del Monte, in Boyes Springs. Current uses on the project site include seven single-family residences and the existing 8,000 square foot, two-story Boyes Springs Food Center. The Food Center is currently comprised of 3,000 square feet of commercial retail space plus two studio apartment units on the ground floor and three rental apartment dwelling units plus additional single room occupancy dwelling units on the second floor.

The project would include the following entitlements: A General Plan Amendment to change land use designations from Limited Commercial, Traffic Sensitive, and Urban Residential, 5 units per acre, to Limited Commercial and Urban Residential, 12 units per acre, A Zone Change from Limited Commercial (LC) Traffic Sensitive (TS) and Low Density Residential (R1), to Planned Community (PC), A Major Subdivision to create 11 parcels, Preliminary and Precise Development Plan for Planned Community Zoning, Design Review, and a Sign Program.

The proposed redevelopment of the project site would result in 37 total residential units, including seven for-sale and one for-rent townhome divided between two detached buildings and 29 rental units distributed between two mixed-use buildings. Eight units, or 21.6% of the residential units would be offered at rents affordable to low-income tenants. None of the residential units would be used as vacation rentals. The redevelopment would also include 7,000 square feet of commercial retail/restaurants. This would include 3,000 square feet of existing commercial space on the ground floor of the existing Boyes Springs Food Center building and 4,000 square feet of new commercial retail/restaurant use within a new three-story, mixed-use building. Eighty Seven parking spaces would be provided throughout the site, including stacked parking inside the new commercial building. Open space would be provided for all tenants including some private yards, private rooftop patios and shared patio areas. All existing tenants would be relocated as needed to complete construction and would be offered first right of refusal of new units at comparable sizes and rents, as detailed in the affordable housing program submitted with the application.

GENERAL

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 for County Clerk processing, and \$2,406.75 because a Mitigated Negative Declaration was prepared, for a total of \$2456.75 made payable to Sonoma County Clerk and submitted to Permit Sonoma. If the required filing fee is not paid for a project, the project will not be operative, determined to be used in accordance with Sonoma County Code Section 26-92-130, or final, and any local permits issued for the project will be invalid. If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

2. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.
3. This "At Cost" entitlement cannot be determined to be used in accordance with Sonoma County Code Section 26-92-130, until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
4. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

BUILDING

"The conditions below have been satisfied BY _____ DATE _____

5. The applicant shall apply for and obtain building related permits from Permit Sonoma for new buildings. The necessary applications appear to be, but may not be limited to accessibility report, site review and building permit(s). Construction inspections shall occur and the building permit(s) finalized prior to occupancy of new or remodeled structure(s).
6. All buildings, structures, sidewalks, curbs, and related facilities, intended for use by the public, shall be accessible to and usable by persons with disabilities. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent CBC as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure. All buildings, structures, sidewalks, curbs, and related facilities, constructed by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities.
 - a. At least ten percent but not less than one of the multi-story dwelling units in apartment buildings with three or more dwelling units or condominiums (i.e. townhouse) with four or more dwelling units shall include a) an entry to the dwelling on an accessible route (unless exempt), b) at least one powder room or bathroom located on the primary entry

level served by an accessible route, c) all rooms or spaces located on the primary entry level (including kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways) shall be accessible, and d) accessible common use areas.

- b. All ground floor dwelling units in non-elevator buildings shall be adaptable and on an accessible route.
 - c. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per CBC requirements.
 - d. All required paths of travel (parking lots, sidewalks) shall comply with State and Federal accessibility guidelines. Grading plans submitted to Permit Sonoma shall include sufficient details of features to validate compliance.
7. Project shall be designed and constructed complying with the Sonoma County Green Building Green Building Standards Code. Plans shall show all required compliance elements.

Advisory Comments:

- Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.
- A soils report will be required for this project.
- A demolition permit will be required to remove existing structure(s).

ENVIRONMENTAL HEALTH:

“The conditions below have been satisfied BY _____ DATE _____

- 8. A review and approval of building plans and/or specification sheets is required for the remodel/ addition of any new retail food facility equipment or expansion of any food storage or food processing areas prior to use of this area or equipment.
- 9. A review and approval of the operational plan is required for the storage and/or composting of food waste material produced from this site. A Solid Waste Facility Permit (SWFP) may be required prior to commencing operations. The SWFP must be consistent with CEQA requirements.

Advisory Comments:

- All owners/operators, managers, supervisors, and employees who sell or serve alcoholic beverages shall complete Responsible Beverage Service (RBS) Training within 90 days from issuance of a new permit and every third year thereafter. All servers/sellers of alcohol hired after the initial 90 day period shall complete the training course within 60 days of employment and every third year thereafter. If alcohol is to be served at special events, all employees and volunteers shall complete special event RBS training prior to the event.

The RBS Training shall meet the standards of the State of California, Department of Alcoholic Beverage Control or other certifying/licensing body which the State may designate. Records of successful completion for each owner/operator, manager, supervisor, employee and volunteer shall be maintained on the premises and shall be presented upon request by a representative of the County or local law enforcement agency.

- A Retail Food Facility Permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans will be required prior to issuance of a retail food facility permit to operate.
- If a retail food facility or wine/beer tasting room is proposed, a Retail Food Facility Permit is required for each facility to store, prepare, package, serve or vend food; however the California Health and Safety Code exempts wine/beer tasting activities, provided the wine/beer tasting activities include no food is being served or sold, with the exception of crackers and pre-packaged non-potentially hazardous beverages. A review and approval of the building plans for each site will be required prior to issuance of a retail food facility permit to operate; or if an exemption is requested, then documents for a wine/beer tasting room exemption shall be submitted and approved prior to concurrence with the exemption and subsequent operation of the facility. Final construction approval is required prior to issuance of a Retail Food Facility Permit.

FIRE

“The conditions below have been satisfied BY _____ DATE _____

10. Permitting or development approval is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:
(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)
11. Applicable Fire Code construction permits shall be obtained prior to any construction that would require such permit required by California Fire Code as adopted and amended by Sonoma County Code.
12. Due to the scope of this project a Fire Services Pre-Construction meeting is required.
13. To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.
14. Prior to occupancy, written approval that the required improvements have been installed shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.
15. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.

16. The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by the fire code official.

Advisory Comments:

- This project is located within the Local Response Area.
- Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction; compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.
- Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code.
- An annual schedule of special events shall be submitted to Sonoma County Fire and/or the local fire district for each calendar year, including the maximum number of participants, times and dates.
- An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.

GRADING & STORMWATER, SANITATION, & WATER SECTIONS

"The conditions below have been satisfied BY _____ DATE _____

Sanitation Conditions:

Sonoma County Water Agency (Water Agency) operates Sonoma Valley County Sanitation District (District) under contract with District. References to District employees are understood to be Water Agency employees acting on behalf of District.

17. Applicant shall obtain a Sonoma County Water Agency **Survey for Commercial/Industrial Wastewater Discharge Requirements** from Permit Sonoma for all business on site and shall submit the completed Survey, along with two (2) copies of the project site plan, floor plan and plumbing plan to the Engineering Division of Permit Sonoma.

If additional sewer pre-treatment, separate process and domestic wastewater lines, and/or monitoring facilities are required by the Sonoma County Water Agency per this Survey, the Applicant shall comply with the requirements of the Survey prior to occupancy of the proposed commercial space. The issuance of building permits is contingent upon completion of the Survey.

18. **NOTE ON MAP:** "A separate Sewer Connection Permit for each lot in this subdivision shall be

obtained prior to occupancy of any building constructed on the lot. All fees shall be paid to, and all sewer construction shall be inspected and accepted by the Sonoma County Permit and Resource Management Department prior to occupancy of the building.”

19. All easements necessary for the installation of proposed sewer facilities shall be granted to the (District) by separate document, and shall be shown on the required Improvement Plans prior to (approval of the Improvement Plans by the Engineering Division of Permit Sonoma) signing of improvement plans by the Sonoma County Water Agency. A copy of each and any easement for sewer construction shall be submitted with the Improvement Plans for the initial sewer design review.
20. The Applicant shall submit improvement plans to the Sanitation Section of Permit Sonoma for review and approval of the sanitary sewer design. Improvement plans shall be blue line or black line drawings on standard bond paper, 24 inch by 36 inch in size, and prepared by a licensed civil engineer registered in the State of California. Sanitary sewer facilities shall be designed and Improvement Plans prepared in accordance with SCWA Design and Construction Standards for Sanitation Facilities. The Applicant shall pay Plan Checking fees to the Sanitation Section of Permit Sonoma prior to the start of Improvement Plan Review.
 - a. Please note that review of the sanitary sewer design is a separate review from that of the buildings, drainage and frontage improvements, and shall be performed by the Sanitation Section of the Permit and Resource Management Department under a separate permit.
 - b. The sewer design originals shall be signed by the SCWA Chief Engineer prior to the issuance of any permits for construction of the public sanitary sewer facilities. The design engineer shall submit improvement plans to the Sanitation Section of Permit Sonoma on 24 inch by 36 inch mylar and bond, as required, for signature by SCWA. All sanitary sewer inspection permits shall be obtained from the Sanitation Section of Permit Sonoma prior to the start of construction.
21. The Applicant shall obtain a Sewer Disconnect Permit from the Sanitation Section of Permit Sonoma when obtaining a Building Demolition Permit for the existing structure. Disconnection of the existing structure from the sewer shall be inspected by the Engineering Division of Permit Sonoma to ensure that disconnection is conducted in compliance with Health and Safety Codes, and to preserve any sewer connection credit that may currently be assessed to the property.
22. If proposed and approved by the SCWA, the Applicant shall construct sanitary sewer mains and appurtenances or post securities to ensure that sewer facilities are installed in accordance with Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities, where applicable, and/or specific details, as shown on approved improvement plans.
23. The Applicant shall obtain a permit to construct sanitary sewer facilities prior to temporary occupancy, or occupancy of the proposed commercial space and residential units. The sewer design, and construction, shall comply with the Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities and Sonoma Valley County Sanitation District Sanitations Code Ordinance. All sewer work shall be inspected and accepted by the Engineering Division of Permit Sonoma. If sewer main/s installed, the Record Drawings shall

be accepted by the Sonoma County Water Agency and the Inspector before occupancy or temporary occupancy is approved for this project.

24. At the time of sewer permit issuance, the Applicant shall provide the Sanitation Section of Permit Sonoma with data related to the floor area of the building, differentiating warehouse space, office space, retail, etc., for the purpose of correctly calculating sewer use fees, as defined by Sonoma County Water Agency Sanitation Codes. Sewer use fees (including Connection and Annual Service fees) shall be paid prior to temporary occupancy, occupancy, and building permit final. No connection to sewer or temporary occupancy, or occupancy shall be allowed until the sewer use fees are paid.
25. The Applicant shall be responsible for the restoration of existing conditions including, but not limited to surfacing, landscaping, utilities and other public improvements that have been disturbed due to the construction of sanitary sewer facilities. Restoration shall be completed prior to the final of the sewer construction permit, unless otherwise specifically approved in advance by the Permit and Resource Management Department. The letter shall be addressed to:

Jay Jasperse
Chief Engineer
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403

Lynne Roselli and Kathy Badger at the same address shall be cc. Additional ESD may be required.
26. Prior to recording the subdivision map the applicant shall provide a letter to the Sonoma County Water Agency clearly stating how the existing Equivalent Single-family Dwelling sewer billing units (ESD) are to be distributed to the resulting subdivision parcels.

Advisory Comments:

- Sewer Use Fees for sewer service shall be calculated at the prevailing Sewer Connection and Annual Sewer Service Charge rates in effect at the time of sewer permit issuance.
- All Sewer Fees per Sonoma Valley County Sanitation District Ordinances (latest revision) shall be paid to the Sanitation Section of the Sonoma County Permit and Resource Management Department (PRMD) prior to building permit final, temporary occupancy, or occupancy of the proposed mix used development.

Water Conditions:

27. The applicant shall construct water mains and appurtenances or post securities to insure that water supply facilities are installed in accordance with the Valley of the Moon Water System Standards where applicable, and/or specific details, as shown on approved improvement plans. The Applicant shall submit the improvement plans to the Valley of the Moon water supplier for review and approval. Valley of the Moon shall review and approve water

improvements to the water meter. A signature block of Valley of the Moon shall be placed on the cover sheet of the improvement plans. Improvement plans shall be blue line or black line drawings on standard bond paper, 24 inch by 36 inch in size, and prepared by a licensed civil engineer registered in the State of California.

28. Prior to recording of the final map, the Applicant shall provide evidence from the Valley of the Moon Water District to the Sanitation Section of Permit Sonoma stating that the Applicant and the water supplier have entered into an agreement for water service.
29. **NOTE ON MAP:** "Water connections for each lot in the subdivision shall be obtained from the Valley of the Moon prior to obtaining building permits."
30. All easements necessary for the installation of proposed water facilities shall be granted to the Valley of the Moon Water District and shall be shown on the required Improvement Plans prior to signing of improvement plans by the Valley of the Moon Water District.

On site water lines and appurtenances (from water meter to structure) shall be permitted under a separate building permit from PRMD Building Department. On-site water lines and appurtenances shown for reference only on the improvements plan shall include said issued building permit number for reference.

31. On site water lines (from meter to structure) shall be inspected by PRMD Building Department. All permit fees paid, all inspection fees shall be paid, and all water inspections finalized prior to occupancy.

ENCROACHMENT CONDITIONS:

32. Prior to the start of construction within the County Right-of-Way of Calle Del Monte, Arroyo Road, the Applicant shall have a licensed general contractor in possession of a valid Public Road bond obtain an Encroachment Permit from the Permit and Resource Management Department (PRMD).
33. Prior to the start of construction within the State Right-of-Way of Hwy 12, the Applicant shall have a licensed general contractor in possession of a valid Encroachment Permit. Encroachment Permits shall be issued by the Caltrans.

Grading & Storm Water Conditions:

34. **NOTE ON MAP:** "Prior to issuance of a grading or building permit, the property owner shall submit any and all required grading/site plans and drainage reports for proposed work to the Permit and Resource Management Department (PRMD) for review. Grading/site plans shall clearly indicate the nature and extent of the proposed work including earthwork, drainage improvements, erosion prevention/sediment control measures, details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Grading, drainage improvements, and erosion prevention/sediment control measures shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations."

35. **NOTE ON MAP:** “The lots shown hereon are subject to storm water Low Impact Development (LID) regulations. Post-construction storm water features to mitigate impacts to the quality and quantity of storm water discharges from the lots and public road have been incorporated into the development of the subdivision. These post-construction storm water features shall not be altered or removed in any manner that may compromise their intended design. Prior to any changes to the location or design of the approved post-construction storm water features, the property owner(s) shall submit a revised Stormwater Control Plan (SCP) in compliance with the Bay Area Stormwater Management Agencies Association (BASMAA) post-construction manual to the Permit and Resource Management Department (PRMD) for review. If any changes to the locations of the approved post-construction storm water features are proposed then the property owner(s) shall revise the subdivision map through a certificate of modification to incorporate the approved changes of the revised storm water control plan.”
36. **NOTE ON MAP:** “The lots shown hereon are subject to storm water Low Impact Development (LID) regulations. Post-construction storm water features to mitigate impacts to the quality and quantity of post-construction storm water discharges must be incorporated as part of the development of each individual lot. Prior to issuance of a grading or building permit, the property owner shall submit a Stormwater Control Plan (SCP) in compliance with the Bay Area Stormwater Management Agencies Association (BASMAA) post-construction manual to the Permit and Resource Management Department (PRMD) for review.”
37. Private storm drain easements are required to convey storm drainage through any neighboring private properties. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed subdivision. Storm drain easements shall be shown and noted on the tentative map and subdivision map.
38. The subdivision map shall delineate areas reserved for LID features as required by the approved improvement plans and Storm Water Control Plan (SCP). If any changes to the design or locations of the approved LID features are made after the subdivision map is filed then the applicant shall submit a revised SCP to the Permit and Resource Management Department (PRMD) for review and revise the subdivision map through a certificate of modification to incorporate the approved changes of the revised SCP.
39. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
40. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD). The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

41. The proposed project is subject to storm water Low Impact Development (LID) regulations. Post-construction storm water LID best management practices (BMP's) to mitigate impacts to the quality and quantity of storm water discharges from the project site shall be incorporated into the drainage design of the project. A final Stormwater Control Plan (SCP) in compliance with the Bay Area Stormwater Management Agencies Association (BASMAA) post-construction manual, based upon the approved preliminary SCP dated **08/21/2019**, shall be submitted with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) prior to the issuance of any grading or building permits. LID BMP's must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.

42. The final Stormwater Control Plan (SCP) shall include, but not limited to, a Maintenance Agreement for Monitoring Storm Water BMP Facilities and Declaration of Covenants (Agreement). The Agreement shall be recorded and filed with Permit and Resource Management Department (PRMD) prior to finaling of the grading permit. Landowner shall accept sole responsibility for all inspection, maintenance, remediation, and replacement of the BMPs including any and all fees and costs arising therefrom. The Agreement shall include at the least the following Exhibits:
 - a. legal description of the subject property;
 - b. location map of BMPs on legally recorded document size either 8.5" x 14" or 8.5" x 11" that is measurable and legible and will include a site plan and details of BMPs, stamped and signed by a civil engineer, currently registered in the State of California;
 - c. an operation and maintenance plan regarding the specific drainage patterns and treatment facilities on the Property (O&M Plan). The O&M Plan will include, but not be limited to the following information:
 - i. identify the responsible parties,
 - ii. figures from the Stormwater Control Plan delineating the Drainage Management Areas on the Property and showing the locations of the bioretention facilities on legally recorded document size either 8.5" x 14" or 8.5" x 11" and that are legible
 - iii. copies of final construction drawings on legally recorded document size either 8.5" x 14" or 8.5" x 11", and
 - iv. schedule of maintenance activities. If any changes and/or modifications to the design or locations of the approved LID features are made after the Agreement is filed then the applicant shall submit a revised Agreement with the revised SCP to (PRMD) for review and approval. Any approved modifications will need to be incorporated into the final Agreement. Nothing herein shall be construed as a waiver of the other requirements applicant must comply with under the SCP.

43. Landowner shall submit to Permit and Resource Management Department (PRMD) annually the results of the Storm Water BMP inspection. Inspection shall include but is not limited to the Inspection and Maintenance Checklists, photo evidence of BMP existing conditions, and a report of any maintenance activity, remediation, or replacement of BMP features.

44. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the improvement plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management

Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit and Resource Management Department's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.

45. The applicant shall provide improvement plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
46. As part of the improvement plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
47. Drainage easements are required to convey storm water runoff through any neighboring properties. Drainage easements shall be clearly shown and noted on the improvement plans. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed project prior to grading or building permit issuance. Any proposed drainage easements shall be private easements unless drainage in the right of way is approved by the Department of Transportation and Public Works.

HEALTH

"The conditions below have been satisfied BY _____ DATE _____

48. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

49. Prior to the issuance of building permits, noise mitigations shall be photocopied from the Noise Study and attached to the building plans submitted for plan check.
50. Prior to final design review, submit a solid waste management plan calculating the total cubic yards of solid waste generated each week by the residential units (projected at 57 people at maximum occupancy), two retail food facilities, and six retail shops. Trash collection *frequency* shall be included in the Solid Waste Management Plan.
51. Prior to final design review, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the Design Review Committee. Areas within refuse enclosures for food facilities, food retailers, and multiple housing units with seen or more bedrooms shall:
 - a. Drain to the sanitary sewer system or other appropriately permitted disposal facility.
 - b. Container areas shall not be less than ten feet (10') wide, seven and one-half feet deep and six feet (6') high.
 - c. Gates, if installed on the container area, shall be double doors, opening at the center and level with the access road.
 - d. The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system.
 - e. The trash enclosure shall be covered with a roof or awning. Overhead clearance and overhangs, wiring or other obstructions on the approach to the container area must be at least fourteen feet (14") high and at least nineteen feet (19') high at the location where the bins are tipped. The containers for refuse and recyclables shall be of sufficient size and adequate number to contain without overflowing all of the refuse and recyclables that are generated on the premises during the designated removal period per the Solid Waste Management Plan.
 - f. Trash trucks must have at least a 34-foot turning radius at the trash enclosure and the dumpster must have 14 feet of overhead clearance with an additional 5 feet of clearance at the location where the bins are tipped.
52. All garbage and refuse on this site shall be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.
53. Prior to the operation of any retail food facility, a Food Industry Permit must be obtained from the Environmental Health Division of the Health Services Department.

Please submit: A letter of approval from the Environmental Health Division to the Project Review Health Specialist verifying compliance with requirements of the California Retail Food Code (CalCode).

OPERATIONAL REQUIREMENTS:

54. A safe, potable water supply shall be provided and maintained.
55. Obtain and maintain all required Food Industry Permits from the Sonoma County

Environmental Health Division prior to serving any food.

56. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any residential or sensitive land use outside the boundaries of the project site:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour.		

57. The commercial and residential buildings shall be constructed in accordance with the Sound Report by Illingworth and Rodkin dated May 9, 2018. Prior to building occupancy the design and final construction of the sound Mitigation Measures must be approved in writing by the consultant. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound mitigations to the Sound Report requirements.

Advisory Comments:

Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). “No Smoking” signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of “No Smoking” signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.

A “Designated Smoking Area” may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans
 Amplified sound is prohibited.

SURVEY

"The conditions below have been satisfied BY _____ DATE _____

58. A Final Map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all easements and parcels shall be filed with the Sonoma County Surveyor. Upon recording of the map, the Subdivision is valid.
59. This subdivision was approved and a finding of site suitability was made based on the representation of the subdivider that he has, or is currently negotiating for and will acquire, the property rights necessary to (1) provide legal access, with a minimum width of 25 feet from a County maintained road to the subdivision, (2) provide the necessary Public Utility easements and (3) make all required offsite improvements. Without this representation, the subdivision would not have been approved. If the subdivider is unable to provide such proof, he shall be deemed to have failed to meet the condition and no subdivision map shall be recorded. The subdivider understands and agrees that the County will not exercise its power of eminent domain to condemn any of the above-described property rights.
60. The subdivider shall retain a registered civil engineer to prepare road construction and drainage plans for submittal to the County Surveyor's Office in accordance with the current adopted Fire Safe Standards Ordinance, Sonoma County Subdivision Ordinance and the following:
 - a) Construct a private road from Calle Del Monte, a public road, through the project to Arroyo Road, including a 'tee-intersection' with a Private Road, to service Lots 3-10, as shown on that Tentative Map and Precise Improvement Plan, prepared as part of the initial submittal to this office and dated February 13, 2018. The road shall have an Asphaltic Concrete surface at least 0.20 feet thick and be 18 feet wide, with two foot shoulders. The structural section of the road improvements shall be designed using a soils investigation which provides the basement soils R-value and expansion pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The traffic index to be used for the design is "4". The designer may use an R-value of "5" and a T.I. of "4" if he wishes to waive the soils investigation for the road section design. After plan approval, the subdivider shall construct the required improvements as shown on said plans. These requirements are the minimum. It is the design engineer's responsibility to design an adequate road for its intended use.
 - b) All engineering plans shall be drawn to a scale no smaller than 1" = 40 feet, shall show contours and cross-sections at a minimum of every 50 feet and extend at least 50 feet each side of the road.
 - c) The easement shall be widened as necessary to contain the road base, all cuts and fills and the required side drainage.
 - d) A grading permit shall be obtained prior to the start of any earthwork.
 - e) Any roadway structure plans approved by the PRMD shall be attached to, and become a part of, the subdivisions improvement plans.
61. Prior to the issuance of a building permit or the recording of the final map, whichever occurs first, all roads necessary to access the subdivision shall be named if they serve 3 parcels or

more (new or existing parcels). All newly named roads must connect to an existing road with an approved name. A road sign shall be posted at all intersections on the existing and/or new access roads. The signs shall meet the Sonoma County Department of Transportation and Public Works standards. All road names and addresses used will have to be approved by the PRMD. This condition may be altered or waived with written approval of the County Fire Chief, the PRMD and the County Surveyor. Any alteration or waiver of this condition may require other conditions to mitigate the required road standards. NOTICE! You will be charged a fee for processing and approval of a road name application.

62. The subdivider shall either complete all required private and public construction or enter into an improvement agreement and post security with the County of Sonoma, prior to the filing of the subdivision map, agreeing to complete the required construction within 24 months after the preparation of the agreement. If the required construction is completed prior to the filing of the subdivision map, the subdivider shall enter into an improvement maintenance agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one year.
63. The width of this/these roads may be altered (12 feet plus 2 foot shoulders is the minimum road width) with written approval of the County Fire Chief and the County Surveyor. Approval of a 12 foot road will require an inspection by the County Fire Chief and the County Surveyor, and may require other conditions to mitigate the required road standards. This mitigation is for width only and cannot mitigate any other road conditions.

TRANSPORTATION AND PUBLIC WORKS

“The conditions below have been satisfied BY _____ DATE _____

Right of Way Requirements:

64. The Applicant shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a. As necessary to create public road right-of-way a total of twenty-five (25) feet wide on the Applicant’s side of the road, as measured from the centerline of the existing right-of-way, for the full length of the property’s frontage on Calle del Monte. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
 - b. To create public road right-of-way along the full length of the project frontage with Arroyo Road that shall be located 1-foot behind the face of curb location described below.;
 - c. To create public road right-of-way to contain the public road improvements at the northwesterly corner of Lot 1; the Applicant shall dedicate the right-of-way as roadway easement as shown on Tentative Map dated June 12, 2019 and made part of the Boyes Food Center Mixed Use application submittal by separate instrument prior to the recording of the final map. The Applicant shall have prepared an easement deed,

together with the required description and shall submit the document to the County Surveyor for review and approval.

- d. To contain the Public drainage facilities located on the northwesterly corner of Lot 1; the Applicant shall dedicate the public storm drain easement as shown on the Tentative Map dated June 12, 2019 and made part of the Boyes Food Center Mixed Use by separate instrument prior to the recording of the final map. The Applicant shall have prepared an easement deed, together with the required description and shall submit the document to the County Surveyor for review and approval.
65. The Applicant shall dedicate County road rights-of-way for Public use on the face of the Final Map and any state right of way by separate document.

Required Improvements:

66. The Applicant shall construct or install improvements described as follows:
- a. The Applicant shall reconstruct, to centerline, Calle Del Monte, for the full length of the project's frontage.
 - b. Supplement the width of Calle Del Monte on the Applicant's side to create the improved roadway described below. The improvements shall extend for the full frontage of the Applicant's property. The road width shall be measured from the existing roadway centerline to new face of curb, a distance of 18 feet, and shall include:
 - 1) 1-eleven (11) foot wide paved travel lane;
 - 2) 1-seven (7) foot wide parking lane.
 - 3) County standard concrete curb and gutter; the two (2) foot wide gutter pan may be used as part of the shoulder, but shall not be considered part of the travel lane.
 - c. The Applicant shall reconstruct the full-width of Arroyo Road for the full length of the project frontage. The minimum centerline radius shall be 75 feet.
 - d. Supplement the width of Arroyo Road on the Applicant's side to create the improved roadway described below. The improvements shall extend for the full frontage of the Applicant's property. The road width shall be measured from the new edge of pavement to new face of curb, a distance of 20 feet, and shall include:
 - 1) 2-nine (9) foot wide paved travel lanes.
 - 2) County standard concrete curb and gutter on the project side of the road; the two (2) foot wide gutter pan may be used as part of the shoulder, but shall not be considered part of the travel lane.
67. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of

the soils report shall be submitted with the first set of improvement plan check prints. The Traffic Index (TI) to be used for the pavement design of Calle Del Monte is 7.0. The TI to be used for the pavement design of Arroyo Road is 6.0. A soils report for public road purposes is not required for a design based on an R-value of 5.0.

68. All public storm drainage facilities shall be designed and constructed in accordance with Sonoma County Water Agency design standards. Public drainage improvements shall be reviewed and cleared by the Grading & Storm Water Section of the Permit and Resource Management Department and by the Department of Transportation and Public Works.
69. Perpetual maintenance of LID drainage features located within the public rights-of-way is the responsibility of the property owner. The Applicant shall establish a means, subject to the approval of PRMD and TPW that provides continuous funding for same. The approved mechanism shall be in place prior to issuance of building permits. This condition is void if LID features are located outside public rights-of-way.
70. An approved storm drain label shall be placed on all surface storm drain structures within the public right-of-way. The Permit Sonoma (PRMD) inspector will provide approved labels.

Curb, Gutter and Sidewalk:

71. The Applicant shall construct minimum 5-foot wide sidewalks along the Applicant's frontage on Calle Del Monte and Arroyo Road as shown on the project plans. Refer to County of Sonoma Department of Transportation and Public Works Construction Drawing No. 220.
72. Sidewalk warps shall be constructed to provide a clear 4-foot walkway around surface obstructions.
73. ADA compliant pedestrian ramps shall be constructed at all improved intersections. Refer to Caltrans Standard Plan RSP A88A and A88B, and Sonoma County Department of Transportation and Public Works Construction Standards 224A and 224B for details.
74. Concrete valley gutters located within the public rights-of-way shall be constructed per County Construction Standard Drawing 406, width per plan.

Intersections of Roads and Driveways:

75. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, the Applicant shall construct a ramp-type driveway approach with a minimum throat width of 24 feet. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 808 (Urban Driveway Light Use, Commercial and Residential) for additional details.

Alternatively, the Applicant may construct a curb-return type driveway having a minimum throat width of 24 feet. Refer to County of Sonoma Department of Transportation and Public Works

Construction Standard Drawing 806 (Urban Driveway Heavy Use, Commercial) for additional details.

76. The Applicant shall not construct, install or place any monuments and/or signs resulting from this proposal within the necessary sight distance triangles required to achieve the minimum AASHTO required sight distance at any project driveway where it intersects a public roadway.
77. The Applicant shall construct a stabilized entrance for on-site construction activity to meet the following criteria prior to issuance of building permits:
 - e. The entrance shall be of sufficient width to accommodate two-way traffic.
 - f. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
 - g. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with current AASHTO requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.

Traffic Control Devices:

78. The Applicant shall install:
 - a. Street lighting as directed by the DTPW Signal and Lighting Coordinator; the County shall have sole ownership of the street light facilities (excluding the service point) upon activation of the system.
 - b. The Applicant shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.

State Highways:

79. The Applicant shall remove the existing driveway ramp on the project's Highway 12 frontage and replace it with Caltrans A2-6 curb and gutter, and sidewalk to match the width of the adjoining sidewalk. The Applicant shall obtain a State of California Encroachment Permit before making any improvements within State highway right-of-way.

Fees:

80. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
81. **Note on Map:** "New construction on the parcels associated with this approval is subject to payment of a development fee (Traffic Mitigation Fee) to the County of Sonoma before

issuance of any building permits, as required by Section 26, Article 98 of the Sonoma County Code."

- 82. The Applicant shall submit payment to the Department of Transportation and Public Works for the total cost of preparation of a no parking ordinance and sign installation to prohibit parking along the project frontage of Arroyo Road and portions of Calle Del Monte where parking is not proposed. Submittal of payment shall be required prior to approval of the improvement plans. Payment amount is subject to Department approval.

Processing:

- 83. The Applicant shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24-inch by 36-inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
- 84. Plans for all required improvements shall be submitted to the office of the County Surveyor in Permit Sonoma (PRMD) for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Applicant shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.

Completion of Required Improvements:

- 85. Prior to the filing of the Final Map, the Applicant shall either:
 - a) Complete construction of the required improvements. (If the required construction is completed prior to filing of the subdivision map, the Applicant shall enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1) year), or,
 - b) Enter into an Improvement Agreement and post acceptable security with the County of Sonoma, agreeing to complete the required construction within the 24-month period following filing of the Final Map. Included in this Improvement Agreement shall be a requirement that the Applicant enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1) year after acceptance of the improvements as being complete, by the County of Sonoma.

PLANNING:

The conditions below have been satisfied BY _____ DATE _____

- 86. This Use Permit allows the applicant to construct the Sonoma Springs Mixed Use project in accordance with the Precise Development Plan and affordable housing program including 37 dwelling units, 8 of which are affordable to low income households and 7,000 square feet of

commercial space. The development shall be constructed and operated in accordance with the proposal statement and Precise Development Plan located in File No. PLP18-0013 as modified by these conditions. The residential unit mix and affordability levels shall be consistent with the approved affordable housing program.

87. The developer and the County Community Development Commission (CDC) shall enter into and record Affordable Housing Agreements (AHA) for all parcels containing proposed deed restricted affordable housing units. Prior to issuance of building permit or recordation of the Parcel/Final Map, the applicant shall submit a fully executed Affordable Housing Agreement to provide (8) affordable units in accordance with Section 26 89 of the Sonoma County Code. Affordable units shall be deed restricted for a 55 year term, including (1) rental townhome, (5) rental apartments, and (2) rental studios, located throughout the project site and made available to (low) income households, including phased construction and tenant relocation assistance as identified in the approved alternative equivalent action. Low income units shall be restricted to low income households at 80% of Area Median Income.

Following the completion of the entitlement approval process for the development, Permit Sonoma will send the CDC a referral that identifies the specific units that would be restricted as affordable units, the number of bedrooms of each unit, and the income group for which the units would be reserved, the Conditions of Approval listing the incentives granted to the project, and any approved variations from the affordability requirements of the Housing Element or Zoning Code.

The CDC shall prepare the AHAs after Permit Sonoma delivers the approved referral and the developer submits AHA applications along with the required application fee. The CDC will then provide a copy of the AHAs to the developer for review by its attorney prior to recording.

There is a yearly \$75 monitoring fee for each affordable unit under contract.

88. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation or modification.
89. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of Permit Sonoma or the Planning Commission, as appropriate. Such changes may require a new or modified Use Permit and additional review.
90. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
91. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip-line, and replacement of damaged or removed trees. The project's grading

and landscape plans shall detail all tree protection implementation measures.

PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

92. A Water Conservation Plan shall be submitted for all buildings and landscaping prior to building permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand to the maximum extent feasible and enhance water resource recovery to maintain sustainable water supplies. Measures that must be evaluated include: installation of low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems and graywater reuse. Landscaping plans must comply with the County Water Efficient Landscape Ordinance.
93. The applicant/owner shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. Landscape plans shall be subject to Design Review approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be required prior to final of grading or building permits.
94. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

95. The applicant shall include these Conditions of Approval and Mitigation Measures on separate sheets of plan sets to be submitted for building and grading permit applications.
96. Hours of operation for commercial uses, deliveries, and refusal disposal activities shall be limited to 7 a.m. to 8 p.m. Hours of operation for restaurant uses shall be limited to 6 a.m. to 10.p.m.
97. The project shall obtain Final Design Review Committee review and approval of the project. All items outlined in the Design Review Committee’s March 7, 2018 Record of Action shall be addressed.
98. Street trees shall be included in the sidewalk on Highway 12 to the extent feasible as determined by PRMD.
99. Trees shall not be planted within sewer easements. Trees and shrubs planted near such easements shall include a continuous root barrier. The root barrier design detail shall be included on the construction plans.
100. Prior to building permit Issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.
101. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted.
102. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
103. The applicant shall demonstrate that the project exceeds 2019 CALGreen + Tier 1 Checklist Requirements by implementing an elective in each category beyond the statutory requirement to comply with General Plan Objective OSRC 14.4 to reduce greenhouse gas emissions.
104. All grading and building permits plans involving ground disturbing activities shall include the following notes:

“If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD)–Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain site

features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

105. Prior to recording the Final Map, a draft Homeowner's Association Agreement and Covenant, Conditions, and Restrictions (CC&R's), or other legal documents acceptable to County Counsel, shall be prepared by the developer to provide for the long term maintenance of all common areas and improvements, including but not limited to the private roadway, the common recreation area/open space areas, bio retention ponds and drainage facilities, perimeter fencing, signage and landscaping. The draft Homeowners Association Agreement and CC&R's, or other legal documents acceptable to County Counsel, shall be submitted for review and approval of the PRMD and County Counsel prior to recording the Final Map. The approved Homeowners Association Agreement and the CC&R's, or other legal documents, shall be recorded along with the Final Map. The CC&R's, or other legal documents, shall list the County as a third party beneficiary, with the right but not the obligation to enforce them.

MITIGATION MEASURES

The conditions below have been satisfied BY _____ DATE _____

Mitigation Measure AIR-1:

The following dust control measures shall be included in the project:

- a) Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c) Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
- d) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.

Mitigation Monitoring AIR-1:

Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, building, or improvement plans prior to issuance of grading or building permits.

Mitigation Measure BIO-1:

1. Prior to issuance of building permits or grading permits, a qualified biologist shall conduct a bird-nesting survey no more than seven days prior to ground-disturbing or vegetation removal activities in a specific construction work area, if such work is to occur between January 15 and September 15. The area to be surveyed shall include all construction activity areas, including staging areas, and soils disposal and stockpiling areas, to a distance of 250 feet outside construction areas. Survey results would remain valid for a period of seven days following the date of the survey.
2. If an active nest is found, consult with the California Department of Fish and Wildlife (CDFW) to determine the appropriate buffer size and then establish the buffer zone using fencing, pin flags, yellow caution tape, or other CDFW-approved material. Vegetation clearing and construction activities shall be postponed within the buffer zone; no construction-related activity shall be allowed to occur within this area until it is determined that the young have fledged, the nest is vacated, and there is no evidence of second nesting attempts. A qualified biologist shall regularly monitor the buffer area during construction activities to evaluate the nest(s).
3. If an active nest is found within the survey area after the completion of the preconstruction surveys and after construction activities have begun, all construction activities shall cease immediately until a qualified biologist has evaluated the nest and, if required, an agency-approved buffer zone has been created. If establishment of a buffer zone is not feasible, contact Fish and Wildlife for further avoidance and impact minimization guidelines (e.g., acceptable noise and activity guidelines).

Mitigation Monitoring BIO-1:

If nesting surveys are required and sites are identified, Permit Sonoma staff will not issue permits for ground disturbing and vegetation removal activities until after the site has been surveyed by a qualified biologist to ensure fencing and buffers are in place as appropriate.

Mitigation Measure CUL-1:

All building and/or grading permits shall have the following note printed on grading or earthwork plan sheets: "If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and Permit Sonoma Staff and County Coroner must be notified immediately pursuant to State law so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a Most Likely Descendant can be designated and the appropriate provisions of the California Government Code and California Public Resources Code would be followed."

Mitigation Monitoring CUL-1:

Building/grading permits shall not be approved for issuance by Permit Sonoma Project Review Staff until the above notes are printed on the building, grading and improvement plans. The applicant shall notify Permit Sonoma if any human remains are discovered. All appropriate measures shall be undertaken, as required.

Mitigation Measure NOISE-1: The following measures are required to reduce traffic noise impacts on the interior of the proposed development to maximum acceptable levels:

Townhomes. Interior noise levels shall be maintained below 45 dBA L_{dn} . The Townhomes must be constructed using windows and doors with a minimum Sound Transmission Class of 28 and must use an adequate forced air mechanical ventilation system in each residential unit.

Grocery and Mixed Use Building. Interior noise levels shall be maintained below 45dba L_{dn}. The following building materials shall be used for the exterior surfaces of the proposed buildings:

- Cement Plaster over Plywood Sheathing at both the refurbished Grocery Building and the two-story portion the mixed-use building facing Highway 12.
- High Pressure Laminate panels over Plywood Sheathing at the three-story portion at the rear of the Mixed Use Building; and a mix of Hardipanel Vertical Siding over sheathing for the Townhome buildings.
- STC 34 rated windows will be needed at the second level residences in the mixed use and refurbished grocery buildings closest to Highway 12.
- STC 28 rated windows will be needed at the second level residences in the Mixed Use and refurbished grocery buildings not adjacent to Highway 12, the third level mixed-use building residences in the refurbished grocery building.
- Standard thermal insulating windows, which typically achieve an STC rating of 24 to 26, will be acceptable at all other residences.

Mitigation Monitoring NOISE-1:

Building/grading permits for ground-disturbing activities shall not be approved for issuance by Project Review staff until the above mitigation are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about building material requirements.

Mitigation Measure NOISE-2:

The following mitigation measure is required to mitigate potential noise impacts related to traffic noise exposure on exterior common outdoor use areas of the Mixed Use building, the 3rd floor decks of the six-townhome building, and the outdoor use areas of the double townhome building:

1. A solid perimeter fence/railing of this upper floor outdoor use area deck of the mixed-use building should be built to a height of 42 inches (3 feet 6 inches) above the use area surface.
2. A solid perimeter fence/railing of the decks at the six townhome building should be built to a height of 36 inches (3 feet) above the deck surface.
3. These barriers must be built without cracks or gaps in the face or large or continuous gaps at the base and have a minimum surface weight of 2.5 lbs. per sq. ft.

Mitigation Monitoring NOISE -2

Building/grading permits for ground-disturbing activities shall not be approved for issuance by Project Review staff until the above mitigation are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about building material requirements.

Mitigation Measure NOISE-3

Interior areas of commercial buildings shall attenuate noise to meet a 50dBA standard. Storefront glazing shall be constructed with a minimum STC rating of 26.

Mitigation Monitoring NOISE-3

Building/grading permits for ground-disturbing activities shall not be approved for issuance by Project Review staff until the above mitigation are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about building material requirements.

Mitigation Measure NOISE-4:

All plans and specifications or construction plans shall include the following notes:

- a) All internal combustion engines used during construction of this project would be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 5:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturdays. Construction work may be permitted on Sundays, only where advance written approval is provided by Planning Staff. The applicant shall notify the project planner of any work done outside of the approved hours for emergency purposes as soon as practical.
- c) There will be no start-up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on Saturdays and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 5:00 p.m. Monday through Friday or prior to 9:00 a.m. nor past 5:00 p.m. on Saturdays and no servicing of equipment past 5:00 p.m. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer- and contractors mobile phone number for public contact 24 hours a day or during the hours outside of the restricted hours.
- d) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- e) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring NOISE-4:

Permit Sonoma Planning staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits. Permit Sonoma staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Any noise complaints would be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

Mitigation Monitoring NOISE- 1 through 4:

Permit Sonoma Project Review Division staff shall ensure compliance with project mitigations as part of condition review and project monitoring. Any noise complaints will be investigated by Permit Sonoma staff. If noise complaints are received from nearby residents, and they appear to be valid complaints in Permit Sonoma's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from Permit Sonoma that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards. (Ongoing)

Mitigation Measure UTL-1: The pipeline identified in the report entitled "Sewer Analysis for Boyes Food Center," as prepared by Adobe Associates Inc. is required to be repaired or replaced to eliminate significant inflow and infiltration during wet weather events.

Mitigation Monitoring UTL-1. Prior to building occupancy, the applicant shall provide a letter from Sonoma Water to the Permit Sonoma Stormwater Division, confirming that the proposed replacement or repair has been completed in accordance with the Sonoma County Water Agency requirements to offset new flows from the project.