



## City of Sebastopol Design Review Board Staff Report

Meeting Date: May 18, 2022  
Agenda Item: 7A  
To: Design Review Board  
From: John Jay, Associate Planner

Subject: Design Review Application, Tree Protection, Sign permit  
Recommendation: Approve with Conditions  
Applicant/Owner: Bob Massaro/Huntley Square LLC  
File Number: 2020-005  
Address: 7950 Bodega Ave  
CEQA Status: IS/NMD (Certified)  
General Plan: High Density Residential (HDR)  
Zoning: Planned Community (PC)

### **Introduction:**

This project went through a preliminary review in 2016. Since then, it has been reviewed by the Planning Commission and City Council for its entitlements of a Tentative Map, Fee Agreement, Zoning Amendment (to rezone the parcel from R7 Multifamily to PC – Planned Community), and Initial Study/Mitigated Negative Declaration (IS/NMD) for a 10-unit Townhome project. Those entitlements were approved at the public hearing held by the City Council at their March 1<sup>st</sup>, 2022, meeting, with the rezoning adopted on March 15, 2022. The Design Review Board reviewed this item for preliminary review of the PC zoning, and preliminary design review at its April 21, 2021, meeting.

### **Project Description:**

The project as proposed is for a 10-unit Townhome development where all units will be under 600 square feet. The project will have 6 units with lofts and the remaining 4 units will be single story units at grade and wheelchair accessible/adaptable. The project includes 10 parking spaces at the north end of the parcel and is accessed through a deeded driveway easement off Golden Ridge Ave. The project is also subject to the city's tree protection plan as there are 6 trees on site which have been evaluated by the applicant's arborist as well as the city's contract arborist. The project also includes signage for the frontage of the property on Bodega Ave with the name of the development and address.

### **Environmental Review:**

The project was subject to an Initial Study/Mitigated Negative Declaration as set by the California Environmental Quality Act. The CEQA Initial Study/Mitigated Negative Declaration was completed in October of 2021 and certified by City Council on March 1, 2022. A Mitigation

Monitoring and Reporting Program (MMRP) was adopted, along with conditions of approval that the project must adhere to (see attachments).

**General Plan Consistency:**

The project is also consistent with the following General Plan goals and policies as follows:

- **Goal LU 6** as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.
- **Policy LU 6-2** as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.
- **Policy LU 6-3** as it supports the construction and occupation of very small houses.
- **Housing Goal A-1** as it is an adequate site for housing development in the City of Sebastopol.
- **Housing Action A-1** as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.
- **Housing Goal C-1** as it facilitates new housing production.
- **Housing Policy C-4** as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.
- **Housing Goal F-1** as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.
- **Housing Goal G-1** as it promotes land use policies and development standards to facilitate housing production.
- **Housing Policy G-1** in that the project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.
- **Goal CIR 2** in that as part of the project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.
- **Goal COS 9** as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.
- **Policy COS 9-1** as it will meet and comply with CALGreen Tier 1 standards.
- **Policy COS 9-2** as energy conservation is an important criterion in the development review process.

**Zoning Ordinance Consistency:**

The project was re-zoned to be Planned Community, with the following development standards.

The project is consistent with these standards.

**Allowed Uses Table:**

Allowed Uses	Huntley Square PC District
Single-family dwelling, attached	Conditional Use Permit required for all development types

**Development Standards Table:**

Development Standards	Huntley Square PC District Standards
<b>Minimum Lot Area</b>	<ul style="list-style-type: none"> <li>• 686 to 848 sq. ft. for individual lots</li> <li>• 9,535 sq. ft. for common area</li> </ul>
<b>Maximum Building Height</b>	<ul style="list-style-type: none"> <li>• 30', 2-stories</li> </ul>
<b>Accessory Buildings Height</b>	<ul style="list-style-type: none"> <li>• Not permitted on individual lots</li> <li>• 17' for common area (parking area)</li> </ul>
<b>Front Yard Setback*</b>	<ul style="list-style-type: none"> <li>• Common area (frontage on Bodega Avenue) = 10'</li> <li>• Individual lots (interior to project, east and west) = 0'</li> </ul>
<b>Interior Side Yard Setback*</b>	<ul style="list-style-type: none"> <li>• 8' (east/west sides)</li> <li>• 0' (setback between the new lots/units)</li> </ul>
<b>Rear Yard Setback*</b>	<ul style="list-style-type: none"> <li>• Common area setback (original rear yard/ north property line) = ~47'</li> <li>• Individual lots (east and west property lines) = 8'</li> </ul>
<b>Accessory Structure Side Setback</b>	<ul style="list-style-type: none"> <li>• Not permitted on individual lots</li> <li>• 3' on common parcel</li> </ul>
<b>Accessory Structure Rear Setback</b>	<ul style="list-style-type: none"> <li>• Not permitted on individual lots</li> <li>• 3' for common area (north property line)</li> </ul>
<b>Max Lot Coverage</b>	<ul style="list-style-type: none"> <li>• 38.2%</li> </ul>
<b>Density (DU per acre)</b>	<ul style="list-style-type: none"> <li>• 5 DU (SMC 17.200.020 counts studio units as .5 DU)</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• 1 space per studio unit = 10 spaces required</li> <li>• 10 off street spaces + 9 on-street spaces = 19 spaces provided</li> <li>• Applicant will be required to provide electric vehicle charging spaces, as discussed later in this report</li> </ul>
<b>Bicycle Parking</b>	<ul style="list-style-type: none"> <li>• 5 spaces proposed</li> </ul>
<b>Open Space</b>	<ul style="list-style-type: none"> <li>• 140 sq. ft./DU minimum, including covered rear patio</li> </ul>

\*Current lot configuration: Front yard (south property line); Interior side yards (west/east); Rear Yard = north property line). The “proposed” column presents both the setbacks proposed to external adjacent properties as well as internal to the units. Within the units, the front yards will be east/west at the center of the site, the rear yards will face adjoining east/west external properties (currently interior side yard).

**Required Findings:**

As set forth in section 17.450.030.B of the Sebastopol Municipal Code, Design Review projects are required to meet the following findings.

*In considering an application for design review, the Design Review Board, or the Planning Director, as the case may be, shall determine whether:*

- 1. The design of the proposal would be compatible with the neighborhood and with the general visual character of Sebastopol;*
- 2. The design provides appropriate transitions and relationships to adjacent properties and the public right-of-way;*
- 3. It would not impair the desirability of investment or occupation in the neighborhood;*
- 4. The design is internally consistent and harmonious;*
- 5. The design is in conformity with any guidelines and standards adopted pursuant to this chapter.*

The project will also be subject to the findings set forth in Chapter 8.12.060(D) for tree removal:

*Tree Removal Criteria.*

An application for a tree removal permit may be approved only when at least one of the following conditions is satisfied, and that condition has been verified by the City Arborist. In the case of single-family and duplex properties, upon noticing the tree removal request, the City Arborist shall consider the application and its merits under the requirements of this chapter. For all other applications, the Tree Board shall conduct a public hearing, consider the concerns of the applicant, as well as the value of the tree to the greater community during its review of a tree removal permit, and issue a determination.

- 1. The tree is diseased or structurally unsound and, as a result, is likely to become a significant hazard to life or property within the next two years.*
- 2. The tree poses a likely foreseeable threat to life or property which cannot be reasonably mitigated through pruning, root barriers, or other management methods.*
- 3. The property owner can demonstrate that there are unreasonably onerous recurring maintenance issues, which are deemed necessary for safety or protection of property. The property owner is responsible for providing documentation to support such a claim.*
- 4. A situation exists or is proposed in which structures or improvements, including, but not limited to, building additions, second units, swimming pools, and solar energy systems, such as solar panels, cannot be reasonably designed or altered to avoid the need for tree removal.*
- 5. The tree has matured to such an extent that it is determined to be out of scale with adjacent structures and utilities, or with other landscape features.*

**Analysis:**

The proposed project has been reviewed against the Zoning Ordinance along with the Design Review Guidelines. These Guidelines set the framework for how projects should be designed within the city limits of Sebastopol. The applicant received preliminary feedback on the project design in relation to these Guidelines at the April 21, 2021 DRB/Tree Board meeting. These comments have been addressed by the applicant as follow:

- *Concerns with the large oak tree on the southeast corner of the property. This also includes the concern with the retaining wall proposed along the rear property line of Lot 10.*  
The applicant has resolved this by removing two thirds of the retaining wall along the rear of Lot 10's property line.
- *Concerns with the retaining wall along Bodega Avenue and its scale could be mitigated with stepping or more landscape.*  
Additional landscaping has been added into the frontage of the site to minimize the scale of the retaining wall as much as possible. (see sheet A1.3)
- *Consideration for the applicant to add a 1' curb from the back of the sidewalk to give a terracing effect.*  
The applicant has proposed this recommendation from the board into their plan set. (see sheet A1.3)
- *The pedestrian nature of the site only works for walking up the stairway from Bodega Ave as the bicycle and ADA access would be through the driveway access off Golden Ridge.*  
Due to the constraints and topography of the site, it is difficult to address this concern and staff feels the applicant has done its best to work with the site conditions they are given. There is an ADA parking space included in the parking lot for the project.

Additionally, the project meets and exceeds many these guidelines, below are outlined guidelines met.

- *Buildings should generally be oriented parallel to the streets they face.*  
While the units front an interior courtyard, the south elevation includes fenestration and includes breaks and changes in surface elevations rather than blank side elevations. Additionally, a central walkway from the street is provided for the entry to the development with appropriate landscaping. The DRB may wish to review the design of the fencing plan and design at the frontage.
- *All site facilities and amenities should be universally accessible.*
- *Each residential household should be provided with some form of useful private open space, such as a patio, porch, deck, balcony, or yard.*
- *Lighting fixtures should be shielded or otherwise designed to minimize upward glare.*
- *Design elements and detailing should be continued completely around the structure. Such design elements should include window treatments, trim detailing, and exterior wall materials.*

- *Exterior materials should be durable and of high quality.*
- *Solar equipment should be designed to avoid reflecting onto nearby buildings, streets, open space or pedestrian areas.*  
The solar panels are behind parapets and will not have reflections off of the roof area.
- *Landscaping should be designed to complement the architecture and create and define both public and private spaces.*
- *New signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building and are not in visual competition with other signs in the area.*
- *The units are Zero Net energy, ultra-low water consumption, and electric charging for vehicles is included on site.*
- *Highly insulated walls and floors to reduce heat loss and benefit sound attenuation.*
- *The project uses non-toxic materials, low maintenance and low water landscaping.*

However, there are parts of the project where the proposal falls short of the guidelines. While most of the concerns fall around the neighboring trees on the lot there are a few issues with the grading work that is being done at the front of the lot. The applicant has reduced the perceived height of the retaining wall based on the DRB's recommendations, with a tiered retaining wall (1' at the sidewalk) and landscaped area with 2:1 slope leading to the taller retaining wall. The additional grading is being done to install the curb/gutter/sidewalk/parking at Bodega Avenue, with grading at the upper part of the lot where the structures are located minimized.

Lastly, the major concerns as raised by the City Arborist are regarding the neighboring lot line trees. While these trees are offsite, the applicant is still responsible for the safety and well-being of the trees. The applicant has provided revisions on the southeastern portion of the site to preserve the large oak tree, the north and western portion of the site are still potential areas of concern as noted below by the City's Arborist:

- *Trees 773-776 will require weekly irrigation during the dry construction months.*
- *The natural grade needs to be preserved within eight feet of the Redwood (773) and six feet of the Douglas Fir (774) or they will need to call these two tree removals. Note that they can build on top of the grade so long as it is not compacted.*
- *Tree protection fencing should be metal, not plastic.*
- *The tree protection plan requires the following language "A contractor is responsible for compliance with the Tree Protection Plan (Sheet T1). Failure to fully comply with the restrictions, conditions, and mitigation measures of the Tree Protection Plan, as reflected on (Sheet T1), will result in the issuance of a stop-work order, and may also result in the imposition of fines, penalties, or both."*

It is staff's understanding that the applicant is prepared to integrate these into the project, and these items have been included in the Recommended Conditions of Approval.

The City Arborist also provided an appraisal value for each of the trees that would directly be affected by the proposed development. The DRB/Tree Board can require a “performance bond” for one or all of these trees should they feel this, or another amount, is appropriate as provided for in the City’s tree ordinance:

*8.12.050(D). Performance Bond. A performance bond, consistent with the specifications of SMC [16.44.100\(B\)](#), shall be required prior to issuance of an entitlement, to assure protection of trees on the site. The amount of any bond shall be \$1,500 per tree that is required to be protected by the provisions of this chapter, or the value of affected tree(s), as defined in the most recent edition of the Council of Tree and Landscape Appraisers’ “Guide for Plant Appraisal,” whichever is greater. This publication is available for review in the Planning Department office. To avoid unnecessary hardship, the Tree Board may reduce the amount of such bond or substitute other security. If, in the opinion of the City Arborist or Planning staff, no violation or damage has occurred during the construction, the bond shall be returned upon final building inspection. However, if damage has occurred, the bond for such affected tree(s) shall be held for three years and may be forfeited at the end of this period, if it is the opinion of the City Arborist or Planning staff that permanent damage has occurred. Such forfeited bond monies shall be used for replacement of such damaged tree(s), or for tree-related uses within the City, as the City may elect.*

Please see below:

Tree	Species	DBH			Total
		Stem 1	Stem 2	Stem 3	
773	Coast redwood	32			\$ 10,640.19
774	Douglas fir	20			\$ 3,923.87
775	Douglas fir	30			\$ 8,328.72
776	Douglas fir	21			\$ 4,285.07
779	Coast live oak	6	4	4	\$ 1,148.82
780	Coast live oak	38			\$ 22,662.08
				Total	\$ 50,988.76

**Public Comment:**

As of writing this staff report the Planning Department has not received any public comment. The Planning Department had previously received comments regarding the project for prior hearings, which are attached to this report.

**City Departmental Comment:**

This application was routed to the various city departments for review on April 12<sup>th</sup>, 2022, and no new comments were received. The previous Conditions of Approval for the previous entitlements would still apply.

The contract Arborist did have additional comments for the project and has been submitted as an attachment.

**Recommendation:**

Staff requests that the Board provide direction on if the full amount, or an amount agreed upon by the Board, City staff, or City Arborist shall be. The evaluation of the trees being affected by the development is within the table mentioned in the staff report. If the Board determines a Performance Bond is appropriate for the Trees noted above, the Board should indicate the amount, and add the following condition to the project:

- A performance bond shall be required for trees # \_\_\_\_\_, in the amount of \_\_\_\_.

If it is the consensus of the Board that the proposed 10-unit Townhome development is compatible with the site, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report, and subject to the conditions of approval outlined.

Alternatively, the Board may find that revisions are necessary, and a continuance is appropriate. Staff recommends that the Board provide direction for redesign to the applicant in the event of a continuance or rationale in the event of a denial.

**Attachments:**

Application Materials  
Exhibit A Recommended Findings of Approval  
Exhibit B Recommended Conditions of Approval  
Exhibit C Standard Conditions of Approval  
City Arborist review  
City Council Approval of other entitlements