Agenda Report Reviewed by:
City Manager:

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: August 3, 2021
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: Informational Presentation Development Application Process (Woodmark)
Recommendation : Receive Presentation
Funding: Currently Budgeted: _____ Yes _____ No __X__ N/A
Net General Fund Cost: N/A Amount: $0

Account Code/Costs authorized in City Approved Budget (if applicable) _AK_____ (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item before the Council is to receive a presentation from City staff and the City's outside legal firm on the process and requirements of Senate Bill 35 which created a Streamlined Approval Process for Affordable Housing Projects. The substance of this presentation is to outline the SB-35 process, as well as provide a status update on where the proposed "Woodmark" project at 7716/7760 Bodega Avenue is in this SB-35 process. The project itself will not be discussed and the City Council cannot respond to comments or questions about the Woodmark Project in the event the project were to come before the City Council in the future.

BACKGROUND:

SB-35 amended Government Code Section 65913.4 to require local entities to streamline the approval of certain affordable housing projects by providing for a ministerial (non-discretionary) approval process. This streamlined process removes the requirement for CEQA analysis and eliminates the requirement for any discretionary land use permit or other similar discretionary entitlement. Accompanying the requirements of SB-35 are the requirements of SB-168 (2020) which addressed how tribal cultural resources will be addressed through a streamlined review, process. These requirements were incorporated into subsection 65913.4(b). The current text of Section 65913.4 (as subsequently amended) is included in Attachment A.

The process identified in State Law consists of two components. The first is to determine eligibility for the streamlined approval process, the second is the streamlined application review. Both of these components are described in more detail below. A flowchart of the SB-35 Process is also included as Attachment B.

Eligibility for Streamlined Processing

The process begins with the project proponent providing a Notice of Intent to the City of their intention to submit an application for the streamlined review of an affordable housing project. Following the Notice, the project proponent provides evidence that the project qualifies for streamlined processing. To be eligible for a streamlined approval process, a project must comply with a number of site and project requirements outlined in California Government Code (CGC) Section 65913.4(a) :

- Includes affordable housing - Subsection (a)(2) of CGC Section 65913.4
- Be located in a city or urbanized area – Subsection (a)(3) of CGC Section 65913.4.

- Not be located in an environmentally avoid sensitive or hazardous location – Subsection (a)(6) of CGC Section 65913.4.
- Not remove any existing affordable housing – Subsection (a)(7) of CGC Section 65913.4.
- Construction workers will be paid prevailing wages – Subsection (a)(8) of CGC Section 65913.4.

The full text of the Government Code is attached to this report; the City's checklist for eligibility is also attached.

The role of the City in this process is to evaluate whether or not the project complies with the requirements listed above and to conduct the Tribal Consultation process with tribal organizations identified by the California Native American Heritage Commission. This process involves providing project information to identified tribal organizations and notifying them of the opportunity to consult on the project. If the contacted tribal organization request consultation, City staff will meet with tribal representatives to determine how best to address potential tribal cultural resources on the project site.

Only after it has been determined by the affected tribal organizations that tribal cultural resources will either not be adversely affected by the project (or that mitigating measures have been agreed to by the project proponent) can a formal application for streamlined processing be submitted to the City.

Streamlined Application Review

In the City's regular discretionary review process, the evaluation of a project includes the use of both objective and subjective criteria. These different types of review criteria are described below.

- Objective criteria include provisions of the Municipal Code. Examples of these include criteria from Chapter 17 (Zoning) relating to physical design standards such as building height, required yards/setbacks, and lot coverage. Other Municipal Code requirements, such as the procedural standards relating to heritage trees are also objective criteria.

- Subjective criteria include uncodified City policies, board or commission direction, or design guideline criteria which provide a goal or design intention criteria. Examples of these include non-numeric guidance which commonly use the terms: encourage, promote, minimize, community character (unless defined in specific terms), or discourage.

During the SB-35 streamlined review process, City staff will perform project review in a manner similar to the regular application review process, except that staff is limited to requiring compliance with only the objective (non-subjective) development criteria and standards, or comments or any missing information. The provisions of Subsection 65913.4(a)(4)(C)(i) allows a project going through a streamlined review process to also make use of State Density Bonus Law provisions (e.g. development "concessions").

Comments on the initial project submittal shall be provided to the project proponent within 60-days of receipt of the formal application. Following the resubmittal of the project plans, a decision needs to be issued within 90-days of the project submittal. Project approval does not allow for any discretionary public hearings or actions by the Design Review Board, Planning Commission or City Council.

Projects undergoing the streamlined review process are exempt from review under the California Environmental Quality Act (CEQA) because the project approval is non-discretionary and cannot be denied if the project complies with objective standards and requirements. This exemption from environmental review and the requirements of CEQA is not optional, it is required by State law.

DISCUSSION:

The City of Sebastopol has received a Notice of Intent from the project applicant for the Woodmark project, a proposed 84-unit project on the north side of Bodega Avenue near the intersection with Robinson Road (7716/7760 Bodega Avenue). Staff is currently reviewing the qualifying information provided by the project proponent and is conducting a tribal consultation with the Federated Indians of Graton Rancheria (FIGR).

While the Tribal process is confidential, FIGR Tribal representatives have expressed concern with the project considering its proximity to known tribal cultural resources. The Tribal representatives have requested that additional site survey work be conducted to verify if tribal cultural resources are present. Once this is completed, the City anticipates follow-up meeting(s) with the Tribe regarding the findings of the additional site survey. While the outcome of the process is not yet known, the Tribe's requirements will be presented in a binding agreement that addresses the concerns appropriately. The Project Proponent needs to agree to this agreement to be eligible to continue with the SB35 process.

Only after the Tribal Consultation process is complete and the Project Proponent has agreed to a binding agreement related to the Tribal Cultural Resources, can a formal SB35 application be submitted to the City.

COUNCIL GOALS:

This report respond to Goal 5: Provide open and responsive municipal government leadership, by providing an informational update on an item of interest to the community.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comments on the general requirements of SB-35.

However, the City has received numerous public comments from interested parties on the different versions of the proposed Woodmark Project. These public comments are available on the City Planning Department's Special Projects website. The link to the webpage, the previous project plans, and public comments are provided below.
https://www.ci.sebastopol.ca.us/City-Government/Departments-Services/Planning/Special-Projects-Notices

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

FISCAL IMPACT:

There is no fiscal impact associated with the informational presentation.

Recommendation:

That the City Council receive the informational report.

Attachments:

SB-35 Flowchart
City of Sebastopol SB-35 Project Checklist
Text of Government Code Section 65913.4

SB-35 PROCESS FLOWCHART

Tribal Organizations Request Consultation

City conducts Consultation with Tribal Organizations

Tribal Organizations Request Specific Measures/Project Changes

Does Applicant agree to Tribal Project Changes/ Requirements

Yes

Applicant submits SB35 formal application for Streamlined Review

City Reviews Application Materials

City Reviews Application for consistency with Adopted/ Objective Standards, informs applicant of inconsistencies

(60 days from application submittal)

Applicant provides information to resolve inconsistencies

City issues Decision on SB35 Application

(90 days from date of formal submittal)

No

SB-35 Process Ends, Project must apply through regular application process

No

Does Project Meet the Criteria for the SB35 process?

Yes

City Notifies Tribal Organizations of Project

Applicant Provides City a Notice of Intent to submit under SB35

Applicant Provides Information demonstrating that the Project Qualifies for SB-35

City Reviews Applicant Provided Information

City of Sebastopol

Planning Department

7120 Bodega Avenue

Sebastopol, CA 95472

(707) 823-6167

AFFORDABLE HOUSING STREAMLINED APPROVAL PROCESS PURSUANT TO SB 35

WHAT IS SB 35?

Chapter 366, Statutes of 2017 (SB 35, Wiener) was part of a 15-bill housing package aimed at addressing the State's housing shortage and high housing costs. It amended Government Code Section 65913.4 to require the availability of a Streamlined Ministerial Approval Process for developments in localities that have not yet made sufficient progress towards their Regional Housing Need Allocation (RHNA) goal. Sebastopol has not made sufficient progress providing housing at various income levels. Therefore, at this time projects providing on-site affordable housing at 80% area median income (AMI) are eligible for streamlining if they meet all of the eligibility criteria.

WHAT IS AFFORDABLE HOUSING STREAMLINED APPROVAL?

SB-35 requires local entities to streamline the approval of eligible housing projects by providing a ministerial approval process, which eliminates the requirement to conduct CEQA analysis and removing the requirement for a discretionary conditional use permit or other similar discretionary entitlements by the City. Streamlined Affordable Housing projects must comply with existing zoning and objective design standards. This is a voluntary program that a prospective property developer may elect to pursue.

ELIGIBILITY REQUIREMENTS.

To qualify for the ministerial review process, a multifamily housing development must comply with ALL the following criteria.

1. **Consultation with Native American Tribes**. Prior to submitting an application, the applicant must submit a Notice of Intent to submit an application that contains all of the information described in Government Code section 65941.1. Thereafter, the City must engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development. After this process is completed, the applicant must accept the results of the consultation, and then application may be submitted.

1. **Number and Type of Units**. The project a multifamily housing development that contains at least two residential units and complies with the minimum and maximum residential density ranges permitted for the site, plus any applicable density bonus.

2. **Affordability of Units.** If more than 10 residential units are proposed, than either: a) at least 10 percent of the project's total units must be dedicated as affordable to households making less than 80 percent of the area median income, or b) at least 20 percent of the project's total units must be dedicated as affordable to households making less than 120 percent of the area median income, with the average income of the units at or below 100 percent of the area median income . If the project will contain affordable units, the affordability period shall be at least 55 years for rental units and at least 45 years for ownership units. A written agreement shall be required to guarantee and enforce this requirement.

3. **General Plan/Zoning Conformity**. The project must be located on a site that has either a general plan designation or zoning that allows residential or residential mixed-use development, including sites where residential uses are permitted with the approval of a conditional use permit. If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.

4. **Urban Location**. At least 75 percent of the perimeter of the project site shall be surrounded by urban residential, commercial, public institutional, transit or transportation passenger facility, or retail uses . Parcels separated by a street or highway shall be considered to be adjoined.

5. **Appropriate Location**. The project site shall not be located on property containing any of the following:

   A. **Farmland**. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

   B. **Wetlands**. Wetlands, as defined in the United States Fish and Wildlife Service.

   C. **Very High Fire Hazard Areas**. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

   D. **Hazard Waste Sites**. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.

   E. **Delineated Earthquake Fault Zone**. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law

   F. **Designated Floodway**. Within a regulatory floodway as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by the Agency.

   G. **Flood Hazard Area**. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by FEMA on any official maps unless the site is subject to a Letter of Map Revision (prepared by the FEMA and issued to the City) or the site meets FEMA's requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

   H. **Conservation Lands**. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, a habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan, including lands under a conservation easement.

   I. **Protected Species Habitat**. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act, the California Endangered Species Act, or the California Native Plant Protection Act.

   J. **Historic Structure**. Proposes to demolish a historic structure that is listed on a national, state, or local historic register.

K. **Existing Residential Units**. The project would involve the demolition of any of the following:

a. A housing unit that is subject to a recorded covenant or ordinance that restricts rents to levels affordable to households with moderate, low, or very low incomes.

b. A housing unit that is subject to any form of rent or price control through a public agency's valid exercise of its police power.

c. A housing unit that has been occupied by tenants within the past 10 years.

L. **Previously Residential Uses**. The site was previously used for housing, was occupied by tenants and that was demolished within the last 10 years.

M. **Existing Mobile Home Park**. A site regulated under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

6. **No Subdivision Map Act Land Divisions**. The project shall not involve the subdivision of an existing parcel unless under the provisions of the Subdivision Map Act unless: a) the development will receive financing or funding by the means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid to the construction work force, or b) the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used pursuant to Chapter 2.9 of the Public Contract Code.

The above eligibility criteria are intended as a summary of SB 35's requirements are not comprehensive. Please consult Government Code section 65913.4 for the complete requirements.

STREAMLINED AFFORDABLE HOUSING DEVELOPMENT
SB-35 PROJECT SUPPLEMENTAL APPLICATION

PROPERTY INFORMATION

Project Name (If known): _____

Address/Location: _____

Assessor's Parcel Nos.: _____

TYPE OF MULTIFAMILY HOUSING DEVELOPMENT PROPOSED

☐ Multifamily rental; residential only with no proposed subdivision.

☐ Multifamily residential with proposed subdivision (must qualify for an exception to subdivision exclusion)

☐ Mixed-use (at least 2/3 of square footage must be designated for residential. If a subdivision is included, must qualify for an exception to subdivision exclusion.)

Proposed Unit Count: _____

Proposed Affordable Unit Count and AMI Levels: _____

_____

Proposed Residential Square Footage: _____

Proposed Non-Residential Square Footage: _____

PROJECT DESCRIPTION

Is this a 100% Affordable Housing Project?: ☐ Yes ☐ No

Will the Project use SB-35 in conjunction with the State Density Bonus?: ☐ Yes ☐ No

PROJECT NARRATIVE:

Attach a narrative project description that summarizes the project and its purpose. Please include the AMI levels of the populations to be served in the development and describe the project's intended program. Describe the design program, the designer's approach, and how the architectural, landscape and other elements have been integrated in compliance with the City's objective standards. The relationship of the project to adjacent properties and to the adjacent streets should be expressed in design terms. Define the site, building design, and landscape concepts in terms of site design goals and objectives, pedestrian circulation, outdoor-use areas, visual screening and enhancements, conservation of natural resources, mitigation of negative site characteristics, and off-site influences.

SB 35 ELIGIBILITY CHECKLIST *(Include This Checklist with Your Application Submittal)*

Applicants intending to invoke the SB 35 streamlining and ministerial approval process shall fill out this checklist and provide supporting documentation for each question to demonstrate eligibility. To qualify an affordable multifamily housing development must comply with ALL the following criteria.

		YES	NO
0.	Consultation with Native American Tribes. Prior to submitting an application, the applicant must submit a Notice of Intent, and the City must engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.		
	Has the City completed the scoping process?	☐	☐
	Does the Applicant agree, in writing, to accept the results of the Consultation? If an agreement is requested by the affected Tribe, a copy of a fully signed tribal monitoring agreement is required to be part of a complete application.	☐	☐
1.	Number and Type of Units. The project is a multifamily housing development that contains at least two residential units and complies with the minimum and maximum residential density ranges permitted for the site, plus any applicable density bonus.		
	Does the project include at least two residential units?	☐	☐
2.	Affordability of Units**.** If more than 10 residential units are proposed, at least 10 percent of the project's total units must be dedicated as affordable to households making less than 80 percent of the area median income or at least 20% of the proposed units affordable to moderate income households, with the average income of units at or below 100% of AMI.		
	Are at least 10% of the proposed units affordable to lower income households?	☐	☐
	or,		
	Are at least 20% of the proposed units affordable to moderate income households, with the average income of units at or below 100% of AMI?	☐	☐
3.	General Plan/Zoning Conformity. The project must be located on a site that either has a general plan designation or zoning allowing for residential or residential mixed-use development, including sites where residential uses are permitted with the approval of a conditional use permit. If the multifamily housing project is mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.		
	Do the General Plan Designation or Zoning District permit multifamily dwelling units?	☐	☐
4.	Urban Location. At least 75 percent of the perimeter of the project site shall be surrounded by urban residential, commercial, public institutional, transit or transportation passenger facility, or retail uses. Parcels separated by a street or highway shall be considered to be adjoined.		
	Is the site surrounded by at 75% urban land uses?	☐	☐

	YES	NO

5. Farmland. The project site may not contain either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
Does the site contain prime farmland or farmland of statewide importance? ☐ ☐

6 Wetlands. The project site may not contain wetlands, as defined in the United States Fish and Wildlife Service.
Does the site contain a wetland? ☐ ☐

7. Very High Fire Hazard Areas. The project site may not be located in a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.
Is the site located in a Very High Fire Hazard Area? ☐ ☐

8. Hazard Waste Sites. The project site may not contain a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.
Does the site contain or adjacent to an identified hazardous waste site? ☐ ☐

9. Delineated Earthquake Fault Zone. The project site may not be within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law
Does the site contain a delineated earthquake fault zone? ☐ ☐

10. Designated Floodway. The project site may not be within a regulatory floodway as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by the Agency.
Does the site contain a designated floodway? ☐ ☐

	YES	NO

11. Flood Hazard Area. The project site may not be Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (i.e. a 100-year flood event) as determined by FEMA on any official maps unless the site is subject to a Letter of Map Revision (prepared by the FEMA and issued to the City) or the site meets FEMA's requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

Is the site located within a 100-year floodplain as determined by FEMA? | | |

12. Conservation Lands. The project site may not contain lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, a habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan, including lands under a conservation easement.

Is the site identified, or required to be maintained, as conservation land? | | |

13. Protected Species Habitat. The project site may not contain habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act, the California Endangered Species Act, or the California Native Plant Protection Act.

Does the site contain suitable habitat for any special status species? | | |

14. Historic Structure. The project may not Propose to demolish a historic structure that is listed on a national, state, or local historic register.

Does the site contain a designation historic structure? | | |

15. Existing Residential Units. The project may not involve the demolition of any of the following:

a. A housing unit that is subject to a recorded covenant or ordinance that restricts rents to levels affordable to households with moderate, low, or very low incomes.

b. A housing unit that is subject to any form of rent or price control through a public agency's valid exercise of its police power.

c. A housing unit that has been occupied by tenants within the past 10 years.

If there are existing residences on site, were any of these housing units tenant-occupied over the last ten years? | | |

If "No" for Item "c", please provide residency records for the past 10 years that support this response.

16. Previously Residential Uses. The site was previously used for housing, was occupied by tenants and that was demolished within the last 10 years.

Did tenant occupied housing units previously exit onsite in the last ten years? | | |

	YES	NO

17. Existing Mobile Home Park. A site regulated under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.
Is there a mobile home park onsite? ☐ ☐

18. No Subdivision Map Act Land Divisions. The project shall not involve the subdivision of an existing parcel unless under the provisions of the Subdivision Map Act unless the development either: a0will receive financing or funding by the means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid to the construction work force, or b) the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used pursuant to Chapter 2.9 of the Public Contract Code.
Is the project proposing to subdivide the site? ☐ ☐

19. Prevailing Wage. The applicant must certify to the City that all construction workers employed in the execution of the development will be paid at least prevailing wages as determined by the Director of Industrial Relations pursuant to Labor Code sections 1773 and 1773.9.
Will the applicant be paying prevailing wages for all construction workers? ☐ ☐

20. Skilled and Trained Workforce. For projects of more than 50 units (or 25 units beginning in 2022), the applicant must certify that a skilled and trained workforce, as defined by the Public Contract Code, shall be used to complete the project.
If required based on the number of units, will the applicant be using a skilled and trained workforce? ☐ ☐

Applicants must check the box below if the completed checklist demonstrates eligibility for SB 35 streamlining:

☐ As demonstrated by the completed SB 35 eligibility checklist above, the project is eligible for application streamlining and ministerial approval per Government Code §65913.4 and I hereby request that the City of Sebastopol utilize the SB 35 application processing procedures for this application.

Applicant's signature Date

SB 35 PROJECT DESIGN SUBMISSION CHECKLIST

(Include This Checklist with Your Application Submission)

- ☐ Master Application Form (available from the City's Planning Division counter or website)
- ☐ Streamlined Affordable Housing Development SB-35 Project Supplemental Application
- ☐ All applicable fees to be paid (**See Fee Schedule)**:
  - ☐ Affordable Housing Project deposit at the time of submittal of a Notice of Intent
  - ☐ Permit application fees/deposits for other required City Entitlements at the time of application submittal. Note, all SB 35 projects will be processed on a deposit basis.
- ☐ All relevant supplemental applications for entitlements required for the development (checklists and materials). If physical changes are proposed for the site, submit the materials required in the Design Review Checklist.

  In order for the Planning Department to consider an Application accepted, the application must be accompanied by all required supporting materials (e.g. plan sets, letters of authorization, etc.). For projects that are required to submit a Project Application, project review will not begin unless a complete Project Application has been submitted and accepted by the Planning Department.
- ☐ Requirements for all plans:
  - ☐ Submit ten full-size copies of each plan set, one reduced set at 11" x 17" and one digital copy in PDF format on compact disc or USB flash drive.
  - ☐ Legend on the first sheet identifying each sheet in the plan set.
  - ☐ Title for each sheet, scale, north arrow and date.
  - ☐ Name and phone number of person preparing plans (licensed architect and landscape architect/engineers).
- ☐ If your project impacts an historic building, any building over 50 years old, please submit:
  - ☐ Historic documentation for the building or site.
  - ☐ Historic photographs and current photographs of the building or site.
  - ☐ Sonoma County Assessor Parcel Information.
  - ☐ Description of changes proposed to major interior and exterior architectural features.
- ☐ Offsite and Onsite Improvement Plans, including (include on project plans along with Design Review checklist information for site plans):
  - Curb, gutter, sidewalk, and road surfaces.
  - Utility undergrounding.
  - Water, sanitary sewer, onsite wastewater disposal areas, and storm drains.

California Government Code

65913.4.

(a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (c) and is not subject to a conditional use permit if the development complies with subdivision (b) and satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development and the site on which it is located satisfy all of the following:

(A) It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) It is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(3) (A) The development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate income housing units required pursuant to subparagraph (B) of paragraph (4) shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for no less than the following periods of time:

(i) Fifty-five years for units that are rented.

(ii) Forty-five years for units that are owned.

(B) The city or county shall require the recording of covenants or restrictions implementing this paragraph for each parcel or unit of real property included in the development.

(4) The development satisfies subparagraphs (A) and (B) below:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project does either of the following:

(I) The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.

(II) (i.a) If the project is located within the San Francisco Bay area, the project, in lieu of complying with subclause (I), dedicates 20 percent of the total number of units to housing affordable to households making below 120 percent of the area median income with the average income of the units at or below 100 percent of the area median income. However, a local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 120 percent of the area median income, or requires that any of the units be dedicated at a level deeper than 120 percent. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 120 percent of the area median income shall not exceed 30 percent of the gross income of the household.

(i.b) For purposes of this subclause, “San Francisco Bay area” means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

(ii) The locality’s latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the area median income, that local ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to both income levels described in clauses (i) and (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(C) (i) A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Section 65915, provided that the development proponent complies with the applicable requirements in the state or local law.

(ii) A development proponent that uses a unit of affordable housing to satisfy any other state or local affordability requirement may also satisfy the requirements of subparagraph (B), provided that the development proponent complies with applicable requirements of subparagraph (B).

(iii) A development proponent may satisfy the affordability requirements of subparagraph (B) with a unit that is restricted to households with incomes lower than the applicable income limits required in subparagraph (B).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section, or at the time a notice of intent is submitted pursuant to subdivision (b), whichever occurs earlier. For purposes of this paragraph, "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(C) It is the intent of the Legislature that the objective zoning standards, objective subdivision standards, and objective design review standards described in this paragraph be adopted or amended in compliance with the requirements of Chapter 905 of the Statutes of 2004.

(D) The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

(6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing

rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(ii) For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being

performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars ($10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of

Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) (A) (i) Before submitting an application for a development subject to the streamlined, ministerial approval process described in subdivision (c), the development proponent shall submit to the local government a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1, as that section read on January 1, 2020.

(ii) Upon receipt of a notice of intent to submit an application described in clause (i), the local government shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.

(iii) The timeline for noticing and commencing a scoping consultation in accordance with this subdivision shall be as follows:

(I) The local government shall provide a formal notice of a development proponent's notice of intent to submit an application described in clause (i) to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent. The formal notice provided pursuant to this subclause shall include all of the following:

(i.a) A description of the proposed development.

(i.b) The location of the proposed development.

(i.c) An invitation to engage in a scoping consultation in accordance with this subdivision.

(II) Each California Native American tribe that receives a formal notice pursuant to this clause shall have 30 days from the receipt of that notice to accept the invitation to engage in a scoping consultation.

(III) If the local government receives a response accepting an invitation to engage in a scoping consultation pursuant to this subdivision, the local government shall commence the scoping consultation within 30 days of receiving that response.

(B) The scoping consultation shall recognize that California Native American tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue and shall take into account the cultural significance of the resource to the culturally affiliated California Native American tribe.

(C) The parties to a scoping consultation conducted pursuant to this subdivision shall be the local government and any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development. More than one California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development may participate in the scoping consultation. However, the local government, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, shall engage in a separate scoping consultation with that California Native American tribe. The development proponent and its consultants may participate in a scoping consultation process conducted pursuant to this subdivision if all of the following conditions are met:

(i) The development proponent and its consultants agree to respect the principles set forth in this subdivision.

(ii) The development proponent and its consultants engage in the scoping consultation in good faith.

(iii) The California Native American tribe participating in the scoping consultation approves the participation of the development proponent and its consultants. The California Native American tribe may rescind its approval at any time during the scoping consultation, either for the duration of the scoping consultation or with respect to any particular meeting or discussion held as part of the scoping consultation.

(D) The participants to a scoping consultation pursuant to this subdivision shall comply with all of the following confidentiality requirements:

(i) Subdivision (r) of Section 6254.

(ii) Section 6254.10.

(iii) Subdivision (c) of Section 21082.3 of the Public Resources Code.

(iv) Subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations.

(v) Any additional confidentiality standards adopted by the California Native American tribe participating in the scoping consultation.

(E) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to a scoping consultation conducted pursuant to this subdivision.

(2) (A) If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, the development proponent may submit an application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c).

(B) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is documented between the California Native American tribe and the local government on methods, measures, and conditions for tribal cultural resource treatment, the development proponent may submit the application for a development subject to the streamlined, ministerial approval process described in subdivision (c).

The local government shall ensure that the enforceable agreement is included in the requirements and conditions for the proposed development.

(C) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process described in subdivision (c).

(D) For purposes of this paragraph, a scoping consultation shall be deemed to be concluded if either of the following occur:

(i) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.

(ii) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.

(E) If the development or environmental setting substantially changes after the completion of the scoping consultation, the local government shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.

(3) A local government may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:

(A) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application pursuant to subclause (I) of clause (iii) of subparagraph (A) of paragraph (1) did not accept the invitation to engage in a scoping consultation.

(B) The California Native American tribe accepted an invitation to engage in a scoping consultation pursuant to subclause (II) of clause (iii) of subparagraph (A) of paragraph (1) but substantially failed to engage in the scoping consultation after repeated documented attempts by the local government to engage the California Native American tribe.

(C) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be affected by the proposed development pursuant to subparagraph (A) of paragraph (2).

(D) A scoping consultation between a California Native American tribe and the local government has occurred in accordance with this subdivision and resulted in agreement pursuant to subparagraph (B) of paragraph (2).

(4) A project shall not be eligible for the streamlined, ministerial process described in subdivision (c) if any of the following apply:

(A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

(B) There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2).

(C) The parties to a scoping consultation conducted pursuant to this subdivision do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

(5) (A) If, after a scoping consultation conducted pursuant to this subdivision, a project is not eligible for the streamlined, ministerial process described in subdivision (c) for any or all of the following reasons, the local government shall provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the development proponent and to any California Native American tribe that is a party to that scoping consultation:

(i) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project, as described in subparagraph (A) of paragraph (4).

(ii) The parties to the scoping consultation have not documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2) and subparagraph (B) of paragraph (4).

(iii) The parties to the scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development, as described in subparagraph (C) of paragraph (4).

(B) The written documentation provided to a development proponent pursuant to this paragraph shall include information on how the development proponent may seek a conditional use permit or other discretionary approval of the development from the local government.

(6) This section is not intended, and shall not be construed, to limit consultation and discussion between a local government and a California Native American tribe pursuant to other applicable law, confidentiality provisions under other applicable law, the protection of religious exercise to the fullest extent permitted under state and federal law, or the ability of a California Native American tribe to submit information to the local government or participate in any process of the local government.

(7) For purposes of this subdivision:

(A) “Consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between local governments and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural importance. A lead agency shall consult the tribal consultation best practices described in the “State of California Tribal Consultation Guidelines: Supplement to the General Plan Guidelines” prepared by the Office of Planning and Research.

(B) "Scoping" means the act of participating in early discussions or investigations between the local government and California Native American tribe, and the development proponent if authorized by the California Native American tribe, regarding the potential effects a proposed development could have on a potential tribal cultural resource, as defined in Section 21074 of the Public Resources Code, or California Native American tribe, as defined in Section 21073 of the Public Resources Code.

(8) This subdivision shall not apply to any project that has been approved under the streamlined, ministerial approval process provided under this section before the effective date of the act adding this subdivision.

(c) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(3) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d) (1) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(A) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the development is consistent with the requirements of subparagraph (A) or (B) of paragraph (9) of subdivision (a) and is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the

requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in paragraph (1).

(e) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(f) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the area median income.

(2) (A) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making at or below 80 percent of the area median income, that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided that vertical construction of the development has begun and is in progress. For purposes of this subdivision, "in progress" means one of the following:

(i) The construction has begun and has not ceased for more than 180 days.

(ii) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.

(B) Notwithstanding subparagraph (A), a local government may grant a project a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year

extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and processes set forth in this section.

(g) (1) (A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (b) if that request is submitted to the local government before the issuance of the final building permit required for construction of the development.

(B) Except as provided in paragraph (3), the local government shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (a) that were in effect when the original development application was first submitted.

(C) The local government shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (b).

(D) A guideline that was adopted or amended by the department pursuant to subdivision (j) after a development was approved through the streamlined ministerial approval process described in subdivision (b) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the developmental proponent's application requesting a modification, the local government shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(3) Notwithstanding paragraph (1), the local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

(A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more.

(B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modifications.

(4) The local government's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's

consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(h) (1) A local government shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(2) A local government shall issue a subsequent permit required for a development approved under this section if the application substantially complies with the development as it was approved pursuant to subdivision (c). Upon receipt of an application for a subsequent permit, the local government shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved pursuant to this section. Issuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this paragraph, a "subsequent permit" means a permit required subsequent to receiving approval under subdivision (c), and includes, but is not limited to, demolition, grading, encroachment, and building permits and final maps, if necessary.

(3) (A) If a public improvement is necessary to implement a development that is subject to the streamlined, ministerial approval pursuant to this section, including, but not limited to, a bicycle lane, sidewalk or walkway, public transit stop, driveway, street paving or overlay, a curb or gutter, a modified intersection, a street sign or street light, landscape or hardscape, an above-ground or underground utility connection, a water line, fire hydrant, storm or sanitary sewer connection, retaining wall, and any related work, and that public improvement is located on land owned by the local government, to the extent that the public improvement requires approval from the local government, the local government shall not exercise its discretion over any approval relating to the public improvement in a manner that would inhibit, chill, or preclude the development.

(B) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall do all of the following:

(i) Consider the application based upon any objective standards specified in any state or local laws that were in effect when the original development application was submitted.

(ii) Conduct its review and approval in the same manner as it would evaluate the public improvement if required by a project that is not eligible to receive ministerial or streamlined approval pursuant to this section.

(C) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall not do either of the following:

(i) Adopt or impose any requirement that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(ii) Unreasonably delay in its consideration, review, or approval of the application.

(i) (1) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(2) This section shall not prevent a development from also qualifying as a housing development project entitled to the protections of Section 65589.5. This paragraph does not constitute a change in, but is declaratory of, existing law.

(j) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to actions taken by a state agency, local government, or the San Francisco Bay Area Rapid Transit District to:

(1) Lease, convey, or encumber land owned by the local government or the San Francisco Bay Area Rapid Transit District or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or for the lease of land owned by the San Francisco Bay Area Rapid Transit District in association with an eligible TOD project, as defined pursuant to Section 29010.1 of the Public Utilities Code, nor to any decisions associated with that lease, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(2) Approve improvements located on land owned by the local government or the San Francisco Bay Area Rapid Transit District that are necessary to implement a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(k) For purposes of this section, the following terms have the following meanings:

(1) "Affordable housing cost" has the same meaning as set forth in Section 50052.5 of the Health and Safety Code.

(2) "Affordable rent" has the same meaning as set forth in Section 50053 of the Health and Safety Code.

(3) "Department" means the Department of Housing and Community Development.

(4) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(5) "Completed entitlements" means a housing development that has received all the required land use approvals or entitlements necessary for the issuance of a building permit.

(6) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(7) "Moderate income housing units" means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(8) "Production report" means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(9) "State agency" includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

(10) "Subsidized" means units that are price or rent restricted such that the units are affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(11) "Reporting period" means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(12) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(l) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(m) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (c) is not a "project" as defined in Section 21065 of the Public Resources Code.

(n) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply.

(o) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(Amended by Stats. 2020, Ch. 194, Sec. 1.5. (AB 831) Effective September 28, 2020. Repealed as of January 1, 2026, by its own provisions.)

Kari Svanstrom

From: Mary Gourley
Sent: Monday, July 26, 2021 3:32 PM
To: Una Glass (una.glass.seb@sonic.net); sarahgurney.seb@gmail.com; Neysa Hinton; Diana Rich; 'Patrick Slayter (ps.sebcc@gmail.com)'
Cc: Lawrence McLaughlin; Kari Svanstrom
Subject: FW: Proposed Woodmark Apartments

Please see below.

Mary Gourley

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Mary Gourley
Assistant City Manager/City Clerk
7120 Bodega Avenue, Sebastopol, CA 95472
Phone: 707-823-1153

From: Claudia Steward <claudia95472@gmail.com>
Sent: Monday, July 26, 2021 3:29 PM
To: Mary Gourley <mgourley@cityofsebastopol.org>
Subject: Re: Proposed Woodmark Apartments

One correction: The date for evacuation was October 27, 2019, not 2018.

On Mon, Jul 26, 2021 at 2:25 PM Mary Gourley <mgourley@cityofsebastopol.org> wrote:

Good afternoon Claudia

Thank you for your comments. Your email has been received, will be forwarded to the City Council and appropriate City Staff, and made a part of the public record.

Due to the COVID-19 Shelter in Place Orders by the County of Sonoma and State of California, City Administation Offices are closed to the public; but City staff is answering phones and emails and making in person appointments when needed. *Mary Gourley*

From: Claudia Steward[redacted]>
Sent: Monday, July 26, 2021 2:24 PM
To: Mary Gourley <mgourley@cityofsebastopol.org>
Subject: Proposed Woodmark Apartments

To: City Council Members

Mary Gourley, Assistant City Manager

From: Claudia Steward

[redacted]

Re: Woodmark Apartments by Pacific West Companies- Eagle, ID

I recall sitting in my living room on or about the night of October 27, 2018, waiting for the call from the police and fire department to tell our community it was time to evacuate due to the threat of the approaching wildfire. At the time I was listening to KSRO and decided to leave before the official notice, and made it to the shelter at the Santa Rosa Veterans hall. Later I learned from my neighbors it took up to 3.5 hours just to reach the Sebastopol Main Street intersection. Also, the evacuation included not just locals but huge numbers of evacuees from the Coast and surrounding areas. Bodega Avenue was, and will be again the major and the most significant escape route.

This is why the proposed Woodmark Apartments project adding 84 units and adding 150 + automobiles to our community is reckless and irresponsible given the consequences of climate change and our town's vulnerability to seasonal wildfires.

I do not want to think about the nightmare scenario when the next wildfire threatens our city if this project is approved.

I am not opposed to affordable housing, but the Woodmark Apartments by Pacific West Companies is not the right project for this site..

Respectfully,

Claudia Steward

Kari Svanstrom

From: Mary Gourley
Sent: Monday, July 26, 2021 2:24 PM
To: Una Glass (una.glass.seb@sonic.net); sarahgurney.seb@gmail.com; Neysa Hinton; Diana Rich; 'Patrick Slayter (ps.sebcc@gmail.com)'
Cc: Lawrence McLaughlin; Kari Svanstrom
Subject: FW: Woodmark: Please forward to the City Council and the Planning Department

Good afternoon
Please see email below.

Mary Gourley

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Mary Gourley
Assistant City Manager/City Clerk
7120 Bodega Avenue, Sebastopol, CA 95472
Phone: 707-823-1153

From: Janis Dolnick [redacted]
Sent: Monday, July 26, 2021 2:22 PM
To: Mary Gourley <mgourley@cityofsebastopol.org>; Kari Svanstrom <ksvanstrom@cityofsebastopol.org>
Subject: Woodmark: Please forward to the City Council and the Planning Department

Members of the City Council and Planning Department: We are led to believe

- that the City is mandated by RHNA to provide X amount of affordable housing by Y date - if said affordable housing is built, cash incentives will ensue; if not, cash incentives will not be given and/or some other punishment will occur and/or the City cannot oppose the Developer.

- that SB743, mandated to support our environment, cannot supersede SB35 which supports the development of affordable housing.

- that the City cannot demand traffic considerations be taken into account due to increased congestion and for evacuation planning – e.g., *the dangerous bottleneck that will be created at the easement of the Bears Meadow HOA, to be shared by Woodmark residents, which will dump hundreds of new cars onto Bodega Ave.*

- that once the high-density zoning designation was put into place for these parcels, it cannot be changed. In the years since the designation was implemented, you *know* the worsened and worsening situation on Bodega Avenue regarding traffic congestion.

- that the trees on adjoining properties will not be impacted (false).

- that despite the Bicycle Sebastopol proclamations, farmworkers will be driving, not bicycling or taking public transportation to the vineyards far from Sebastopol.

And on and on it goes. *Read all the letters and public comments at your disposal that have been submitted and voiced since 2019. I did. They are illuminating and a good refresher for you.*

So, is all opposition in vain? Can *YOU* do nothing? I do not know what else to say that hasn't been said in letters written and comments voiced since 2019 at City Council meetings and the even earlier DRB meetings. *Are you aware of the deceptions and obfuscations by Pacific West described by Marcia Lavine in her letters? Are you aware of the incorrectly drawn Woodmark property lines, challenged successfully by an individual homeowner whose property borders this development?*

We are not lawyers or land use specialists, yet we are clear-eyed about the negative consequences to Sebastopol, especially the neighborhood and its ring streets. Has the Council, the City Manager and the Planning Department *consulted with attorneys that would support us and the City in its opposition?*

Those opposing *this* development *support affordable housing.* Statistics have been provided by us and alternatives suggested but seem to fall on deaf ears or seem to have no merit.

Only greed and manipulation of Federal and State laws by an out-of-state developer keeps this project intact so far. Woodmark is a travesty in its location *and you know it*. It is a flatland development being shoehorned onto a sloped orchard parcel.

You will remember that it is estimated that 11,000 tons of soil will be removed and 500 truckloads of soil will travel on Bodega Ave through the City. You know that the need for soil and un-hardscaped ground is sorely needed that can take in any rainfall going forward into our drought years and climate catastrophe. This is not hyperbole.

The absolute wrongness-of-fit has been voiced again and again. A goodness-of-fit project would not bring the profits desired by this out-of-state developer. Why else are they here? Again, greed. A goodness-of-fit project, were it to go forward, would be significantly smaller.

I am sure that the developers are waiting for all boxes to be checked by the City and for the opposition to go away. Is that what you really want?

Janis Dolnick
[redacted]

Kari Svanstrom

From: Mary Gourley
Sent: Monday, July 26, 2021 2:19 PM
To: Una Glass (una.glass.seb@sonic.net); sarahgurney.seb@gmail.com; Neysa Hinton; Diana Rich; 'Patrick Slayter (ps.sebcc@gmail.com)'
Cc: Lawrence McLaughlin; Kari Svanstrom
Subject: FW: Woodmark Apartments: letter for August 3,2021 City Council Meeting
Attachments: Email Inadequacies in Woodmark Traffic Study email 1-25-21.docx; Email to city More-than significant February 16.docx; Email High Fire Hazard Severity Zone April 25.docx

Good afternoon
Please see email below and attachments from Katie Sanderson.

Kari – can you please forward to David Hogan, PC and DRB. Thank you

Mary Gourley

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Mary Gourley
Assistant City Manager/City Clerk
7120 Bodega Avenue, Sebastopol, CA 95472
Phone: 707-823-1153

From: katie sander[redacted]
Sent: Monday, July 26, 2021 2:13 PM
To: Mary Gourley <mgourley@cityofsebastopol.org>
Subject: Woodmark Apartments: letter for August 3,2021 City Council Meeting

Hi Mary,

Could you please forward my email to all those listed below.
Thank you,
Katie Sanderson

To:
Members of the Sebastopol City Council
Kari Svanstrom, David Hogan Planning Department
Larry McLaughlin, City Manager
Members of the Design Review Board
Members of the Planning Commission

I again write to voice my strong objections to the proposed development of the Woodmark Apartments by Pacific West.

In my three previous emails that I sent to the City in 2021 my subjects were:

•Inadequacies in Woodmark Traffic Study (Jan.25)
•More-than-significant Not less-than-significant (Feb.26)
•High Fire Hazard Severity Zone (April 25)
(Full text of emails attached for your reference.)

In each of these emails I endeavored to use Objective Facts in my arguments against the project. I did this as a direct response to Pacific's justification that their application can not be denied based on "subjective and personal judgment" (Woodmark Written Statement Dec.10, 2020 pg.11)

I urge City officials and the City Council to fight with Facts and preserve your right & your duty to impose conditions on Pacific West. Do not let this large developer use false & distorted data and egregious tactics to mask their true motive of greed as they hide behind low Income Housing with SB 35.

You must hold them accountable for the lies in their statements and applications. You must fight their lawyers by hiring expert legal advisors.

A legal battle will be costly. But that cost will be nothing compared to the costs our City will face in the years to come to deal with:
Traffic gridlock, soil erosion, runoff flooding onto Bodega Avenue, vastly increased air pollution from idling traffic & long commutes, no useful public transit, impacted and illegal parking, upgrades to heavily eroded ring roads, mandatory installation of an additional traffic light on Bodega, sidewalks for all pedestrians - especially the school routes, police & fire personnel required to deal with accidents, pedestrian injuries and unsafe wildfires evacuations.

There is no question that we need more affordable housing for low income and seniors in Sebastopol.

Will you use all your resources to fight for your right to condition the Woodmark project to fit our needs here in Sebastopol?

Don't let the legacy of your stewardship of the City of Sebastopol be that you allowed Pacific West to disregard our needs through their unrestrained use of SB35 to fit their selfish vision and greed.

Sincerely,
Katie Sanderson, Bears Meadow

From: Katie Sanderson <[redacted]>
Sent: Monday, January 25, 2021 11:11 AM
To: Kari Svanstrom <ksvanstrom@cityofsebastopol.org>; Alan Montes <Amontes@cityofsebastopol.org>
Subject: Inadequacies in Woodmark Traffic Study

Hi Ms Svanstrom,

I have already sent my email below to your attention as input to the staff of the Planning Department.

I would now request that your department also forward my email to all the members of the DRB.

Thank you for your help,
Katie Sanderson

I believe the Traffic Impact Analysis Report presented in the Woodmark Apartments Written Statement of December 10,2020 is inadequate and incorrect.
I call the following to the attention of the Planning Department, Design Review Board, Planning Commission and the City Council of Sebastopol:

• On page 18 the document reads, "The Project site is adjacent to and within 500 feet of Bodega Avenue. Pursuant to the 2016 General Plan EIR, Bodega Avenue is an arterial roadway with 12,600 vehicles per day"....."As demonstrated in the Projects traffic analysis, traffic on Bodega Avenue has not changed significantly since 2016."
I believe that every individual who travels Bodega Avenue would strongly disagree! Woodmark's use of such an outdated piece of data glaringly deficient.
• Traffic study took place on a single weekday May 22, 2020 during the COVID lockdown when traffic was negligible. A span of many days including weekends should have been in their report.
• The study concluded the project is expected to have a less-than-significant impact at all the study intersections.
Due to their narrow vision the study never encompassed the gridlock from the Main Street intersections back to Robinson Way on Bodega Avenue. That impact is more-than-significant and primary to any study of the Bodega corridor.
• The study failed to address the many "ring roads" which are already stressed and which are thoroughfare for residents, seniors, and school children.
•Washington Avenue is a recommenced walking street for elementary and middle students (see map below).
• Cars leaving the Woodmark western driveway to go North or East into town (as there will be no left turn out onto Bodega Avenue) will travel Nelson Way to Washington. Both roads, which are in extremely poor condition, currently have heavy foot traffic and neither has sidewalks on both sides.
The unsafe conditions of Woodmark's additional 162 cars will extend to numerous other neighborhood streets Robinson, Leland, Dutton, etc. These streets are already heavily impacted by vehicles avoiding Bodega Avenue backups.
Predictably the high speeds of vehicles forced onto these ring roads will be disastrous.
• Nowhere is the impact on air quality from the addition of, at a bare minimum, 162 more cars which will start, idle as they que as they try to exit or enter, and search for a place to park on neighborhood streets given a predictable increased volume of cars needed by residents of the

Woodmark Apartments.

Traffic has been the #1 concern raised in every community meeting and the gridlock in Sebastopol is a primary concern of every resident not just our neighborhood.

Our request, and our right, is to insist that City of Sebastopol conduct another Traffic Study to be done by a firm hired by the City (not Woodmark as in the current study) and that such study be funded by the developers who passed off an incomplete report.

Katie Sanderson
Bears Meadow
[redacted]

Sent from my iPhone

February 16, 2021

To: David Hogan

Planning Department of the City of Sebastopol

Design Review Board Members

Members of the City Council

As a concerned Sebastopol resident I have endeavored to compare the January 13, 2021 review by Mr. Weinberger, W-Tran, with the updated Draft Transportation Impact Analysis Report submitted by TJKM on October 2,2020 for the developer, Pacific West.

My focus was drawn to the Conclusions and Recommendations of the TIA in Section 9.0 on pg.55. I strongly disagree with the recurring statement throughout this section that the project will have "a less-than-significant" impact. In my opinion the project will have a More-than-significant impact on the Bodega corridor, surrounding streets, the safety of pedestrians, and pollution.

Note the first item in Section 9.0, Projected Trip Generation. They state that the project "is expected to generate approximately 528 daily trips"...with 34 weekday a.m. peak hour trips (7:00 - 8:15)...and 43 weekday p.m. peak hour trips (4:00-5:45). I have to question such numbers given the projected population of 300+ (192 bedrooms). Will only 73 residents need to exit and enter in those peak hours to get to work, school, childcare, etc.?

Take this gross underestimate of traffic and combine it with an examination of the multitude of pages with graphs and data in the TIA. Each study of the traffic was ONLY done on 2 weekdays, in December 2019, and tracking ONLY the peak hours. Would not an accurate projection of the number of vehicles, many hundred more than included, exiting/entering Woodmark's driveways significantly change this data?

Furthermore, data must be collected throughout the day, not just on weekdays, but also weekends and in a variety of seasons (Bodega is a major route for residents of Sonoma County and beyond who are traveling to the coast.)

Would not the inclusion of accurate numbers of Woodmark's vehicles also significantly change the TIA analysis/data of the project's impact on the several signaled and non-signaled intersections in the study? And the length of the queuing lanes on Bodega, into the development and to Robinson Rd., which have also been grossly underestimated?

Additionally, most certainly the residents traveling to work will be driving. Given that the Sonoma County Transit Stop on Bodega, between Nelson and Virginia, erroneously

noted by Pacific as a transit stop, is in fact just a shuttle stop to a hub and not a viable alternative for getting to work.

I believe that the applicant's repeated conclusions of less- than-significant need full scrutiny.

A review, such a Mr.Weinberger has summited, is severely limited by the fact that he is responding to the TIA produced by TJKM for Pacific West reflecting their self-serving biases. This makes Weinberger's review incomplete.

An in-depth, accurate and independent traffic study, one commissioned by the City, and funded by Pacific West, is vital to the city's decision process. Anything less will result in the disastrous consequence of further gridlock on Bodega and forcing even more dangerous conditions on ring roads throughout the city.

As City staff, dedicated board members, and elected officials, you must take aggressive measures to address the More-than-significant impact of the entire Woodmark development or we will all have a less-than-significant Sebastopol.

Sincerely,

Katie Sanderson

From: Katie Sanderson <[redacted]>
Sent: Sunday, April 25, 2021 2:49 PM
To: Mary Gourley <mgourley@cityofsebastopol.org>
Subject: High Fire Hazard Severity Zone

To:
Kari Svanstrom, Planning Department
Larry McLaughlin, City Manager
Members of Sebastopol City Council

I listened last Tuesday, April 20, to the City Council Meeting which included the presentation on housing laws. My attention was drawn to the listing of specific geographical areas that Do Not allow developers to apply using SB35. In particular the restriction on developing within a High Fire Hazard Severity Zone. (See below quotes of related information.)

I believe that the City of Sebastopol should work to diligently investigate and to employ legal advisors, given the severity and proximity of recent fires, to find the grounds with which to deny the developer of Woodmark Apartments, Pacific West, from applying under SB35.

The Fire Hazard Severity Zones, as outlined in the text below, calls attention too many relevant factors including fire likelihood and fire behavior. In our last three years of anxiety and evacuation we found out just how likely, given the close proximity of devastating fires, the threat of fire is to residents of the City of Sebastopol. And in 2020 the threat of the fires in Forestville, just 7 miles away, hinged on the unpredictability of the wind on the fire's behavior.

Additionally the below text sites property development standards such as road widths in relation to Fire Hazard Zones. This for me points again to the devastating impact of the traffic generated by Woodmark in relation to the currently overly taxed Bodega Avenue. The burden of the addition on a daily basis of a proposed 152 cars turns into a life threatening reality in a fire evacuation. The city's fire evacuation, such as that of 2019, had cars in total gridlock. It took my neighbors up to 3.5 hours to just reach the Sebastopol Main Street intersection. In addition the evacuation included not just locals but huge numbers evacuees (thousands?) from the Coast and surrounding areas. Bodega Avenue was, and will be again (even with outlines of alternative routes) the major and the most Significant Escape route.

Defining the Fire Hazard Zones, given the devastation of recent years, must be a priority for our State Government, CalFire and should also be of paramount concern and area of investigation for our city officials.

I sincerely hope you will give time and careful attention to exploring the High Fire Severity parameters to deny Pacific West's use of SB35.

Sincerely, Katie Sanderson, [redacted]

"Location: The development must be located on a property that is not within a coastal zone, prime farmland, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement."

"The Fire Hazard Severity Zones identify fire hazard, not fire risk. "Hazard" is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts. "Risk" is the potential damage a fire can do to the area under existing conditions, including any modifications such as defensible space, irrigation and sprinklers, and ignition resistant building construction which can reduce fire risk. Risk considers the susceptibility of what is being protected."

"How are zones determined?
The Fire Hazard Severity Zone maps were developed using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Many factors are considered such as fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area. There are three hazard zones in state responsibility areas: moderate, high and very high.
Urban and wildland areas are treated differently in the model, but the model does recognize the influence of burning embers traveling into urban areas, which is a major cause of fire spread.
Fire Hazard Severity Zone maps are intended to be used for:
• Implementing wildland-urban interface building standards for new construction • Natural hazard real estate disclosure at time of sale • 100-foot defensible space clearance requirements around buildings • Property development standards such as road widths, water supply and signage • Considered in city and county general plans"

Kari Svanstrom

From: Mary Gourley
Sent: Sunday, July 25, 2021 1:41 PM
To: Una Glass (una.glass.seb@sonic.net); sarahgurney.seb@gmail.com; Neysa Hinton; Diana Rich; 'Patrick Slayter (ps.sebcc@gmail.com)'
Cc: Lawrence McLaughlin; Kari Svanstrom
Subject: FW: For the City Council

Good afternoon
Please see email below.

Thank you
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Mary Gourley
Assistant City Manager/City Clerk
7120 Bodega Avenue, Sebastopol, CA 95472
Phone: 707-823-1153

From: patty hiller <[redacted]>
Sent: Saturday, July 24, 2021 9:30 PM
To: Mary Gourley <mgourley@cityofsebastopol.org>
Subject: For the City Council

Dear Mary and City Council,

I am very much looking forward to the meeting on August 3rd. It will be good to clear up matters (in so far as they can be cleared up) and get some answers to our concerns.

I wanted to write in advance to let you know the questions I will ask so you can prepare your answers. Here we go:

I live at Burbank Senior Housing across the street from the proposed Woodmark development. In our complex, we have approximately 200 seniors. In so far as we are able, we remain active for as long as we can and this means we are out walking the streets to get our exercise. Nelson, Washington. Virginia, and Robinson are our usual paths. I wonder how you intend to protect us when these small streets will be required to accommodate a couple hundred extra cars. Will sidewalks be put in for our safety?

I am also concerned about the extra cars on Bodega. It is difficult enough to get out of our property now. Will there be any kind of stop light at the Robinson Road intersection or at Bodega and Nelson?

Sun blindness is also a huge concern. I know you have given us a hawk after a couple of our residents were run over. But there are still quite a few close calls due to sun blindness. The hawk is of no use when drivers are looking into the sun. This will only become more dangerous with the addition the Woodmark cars

Thanks for your concern,

Patty Hiller

TO:
City Council Members
City of Sebastopol, Ca

July 22, 2021

To all City Council Members;

I have written before and now I write to you again, as a resident of the Bears Meadow Condominium community. Our land is adjacent, as you well know, to the proposed Woodmark development. Our ingress/egress is conveyed by an easement from part of the property in question.
It is obvious to most people, that increasing the traffic by 100-200 cars onto Bodega Hwy is a dangerous proposition at best. In fire season, it could be catastrophic.

The road is already in poor repair and the sidewalks are worse than the roads.

The insanity in the proposal that there is "public transportation for farm-workers" must not be overlooked either. We all know that is not true.

Yes, we all understand the need for affordable housing in California. Particular for Seniors and low-income families. A development half the size of the one proposed by Woodmark, and undertaken by a company that has local ties, commitments and understanding of the nature of the Sebastopol community would serve that purpose. The main difference is the "greed factor"- the development company would not have as high a tax write-off or make as much profit.

As citizens of Sebastopol, as your neighbors and constituency, we urge you to confront the real issues at hand here and to do what, in your hearts, you know would be the "right thing"—by denying the Woodmark project and taking the time to create housing on that beautiful land that will honor the land, its trees, its history and the community of people who live here.

Thank you,

Judith Redwing Keyssar

Judith Redwing Keyssar, RN, Author
[redacted]

From: CHAS.
To: Mary Gourley; Kari Svanstrom
Subject: Stop the Woodmark Debacle!
Date: Wednesday, July 28, 2021 11:20:35 AM

Dear People in a position to serve/ save our community,

I am writing to express my very strong opposition to the proposed Woodmark Apartments development. It will devastate a central portion of Sebastopol, severely undermine traffic flow throughout the area, and directly threaten pedestrian safety. Importantly, this I'll-advised development would work directly counter to its purported intention to provide affordable housing in a manner that would be meaningfully useful for folks. Instead**, potential residents will be duped into what would be a highly dysfunctional and disruptive community setting, which will overcrowded, very poorly situated and horribly planned for the residents whom it is supposed to serve - let alone the extant surrounding neighborhoods - all of which will lose essential livability and basic safety were this boondoggle actually constructed.**

I am familiar with the intention of an out-of-state Developer to build this inappropriately huge housing development in what will be a highly disruptive location, right on Bodega Ave!, on a lot that is entirely too small. This huge undertaking would end up being absolutely devastating to Sebastopol generally and the surrounding community most particularly. There are a plethora of highly compelling reasons I know you are familiar with to reject this proposal immediately, and yet the threat has not even been appropriately addressed by the City.

In fact, I have seen NO systematic, effective, attempt by the City to fully inform the citizens of Sebastopol and the denizens of the immediate neighborhood of the exact nature of this proposal, of the monetary incentives affecting this decision process (for the out-of-state developer OR for the City itself). Why is this??

I know a range of highly pertinent issues have been brought to your attention regarding the dangers that would obtain from this massive construction project. From the traffic dangers related to the area of the City behind the proposed community, to the extant often impassible bottleneck that already exists on Bodega and the life-threatening impact this development would have on any evacuation efforts for all of those living west of the proposed location. The trees, the building process… Bicycles?? Where? The parking on Bodega Avenue!!?! I could go on and on! Where are you !? What is going on? This project should have been rejected immediately, out of hand, for all of these and other highly concerning issues.

Have you examined the illegal (ok, you don't like that word: highly suspect) concerns regarding Pacific West? Property line concerns? Hey. How about money coming to the City were this travesty to proceed and how this is influencing the decision process? There is an ongoing manipulation of laws to serve this out of state developer who cares not one whit about the horrible devastation that will be visited on our community were this development to be built.

Please. Stop this devastating proposal from destroying Sebastopol.

Sincerely,

Chuck Hoffman
Sebastopol, CA

Sent from my iPad

From: Janis Dolnick
To: Mary Gourley; Kari Svanstrom
Subject: Woodmark Traffic Implications and Mitigation Requests
Date: Wednesday, July 28, 2021 3:51:32 PM

Please forward this letter to the City Council and the Planning Department. Thank you

In light of the upcoming August 3 City Council meeting focused on the Woodmark project, I ask that you address my bullet points below. I am submitting this letter with the assumption that the City will not be able to stop the Woodmark Development from prevailing. Therefore, I am addressing only traffic mitigations that must be implemented to keep drivers and pedestrians from the Bears Meadow HOA, the Woodmark development and the neighboring streets safe. I am not addressing the foreseeable disaster if/when evacuations occur again. You have already been apprised of this in others' letters.

On February 16, 2021 I wrote an email sent to David Hogan, the Planning Department, the City Council and the Design Review Board regarding traffic on Bodega Avenue and the Woodmark development. I was responding to the parts of Mr. Hogan's January 13, 2021 dense reply to Caleb Roope that had to do with traffic: *"Re: 7716, 7760 Bodega Ave./Permit Number 2020-080 Woodmark Apartments Project - Incompleteness Review."* Steve Weinberger's reply to Mr. Hogan is contained in an "Attachment B Memorandum from W-Trans," in which there were significant problematic assumptions, misleading conclusions and recommendations having to do with traffic behavior, flow, counts/volume and a 2016 traffic study and a 12/2019 traffic study.

• I request that the City initiate and select a new independent traffic study to be "done at the applicant's expense, at the appropriate time," requiring the use of the same tables as in the previous study(studies) going from Main Street and/or Jewell to Robinson Road, both eastbound and westbound, as well as Robinson Road both northbound and southbound. Also, that this traffic study include in the "ring road" traffic that was completely ignored in the previous traffic study(studies), including Nelson Way, Washington Street, Leland Street. etc. as these are currently heavily used because of congestion on Bodega Ave. Will you do this?

(I am taking my use of language from the language used in the CEQA compliance requirements response, in which the City states that "To reduce the total cost of these items, *the City will initiate these studies, at the applicant's expense, at the appropriate time.*" [my italics]

• As I said in my letter then, *the City should hire a traffic analyst in "defense of the City" to dispute, in depth, the Transportation Impact Analysis Report of October 2, 2020.* That still stands as prudent and necessary. Will you do this?

• The easement for the Bears Meadow HOA is proposed to be shared with Woodmark's 84 units, approximate population of 300 (192 bedrooms) and 151 cars, all exiting onto Bodega Ave. Queueing up will occur and it will be foreseeably untenable - in other words, a mess. It will be, as David Hogan said in the January 13 letter, "nonsensical." In addition to the queueing referenced in exiting the shared-use driveway by Bears Meadow/Woodmark, left-turn queueing will occur when vehicles going eastbound attempt to turn left into Bears

Meadow/Woodmark, thereby exacerbating the gridlock for those continuing eastbound.

Therefore, I propose that a "smart" traffic signal be installed to stop traffic on Bodega Ave., TURNING RED when a) cars are exiting the shared easement/driveway of Bears Meadow/Woodmark, b) when eastbound cars turn left *from* Bodega Ave. into Bears Meadow/Woodmark or when westbound cars turn left *from* Bodega Ave. onto Robinson Rd. and c) when cars are approaching Bodega Ave. from Robinson Road. I see this as imperative. When I say "smart" I mean that the signal detects when cars have approached and stopped at the intersection of the HOA driveway-easement/Bodega Ave./Robinson Rd. (including turning left from Bodega into Bears Meadow/Woodmark and turning left from Bodega onto Robinson Rd.) *and will turn red for eastbound and westbound Bodega Ave. traffic*, thereby allowing cars from Bears Meadow/Woodmark and Robinson Road to exit and enter safely without creating additional queueing. **Will you do this?**

Thank you,

Janis Dolnick
[redacted]