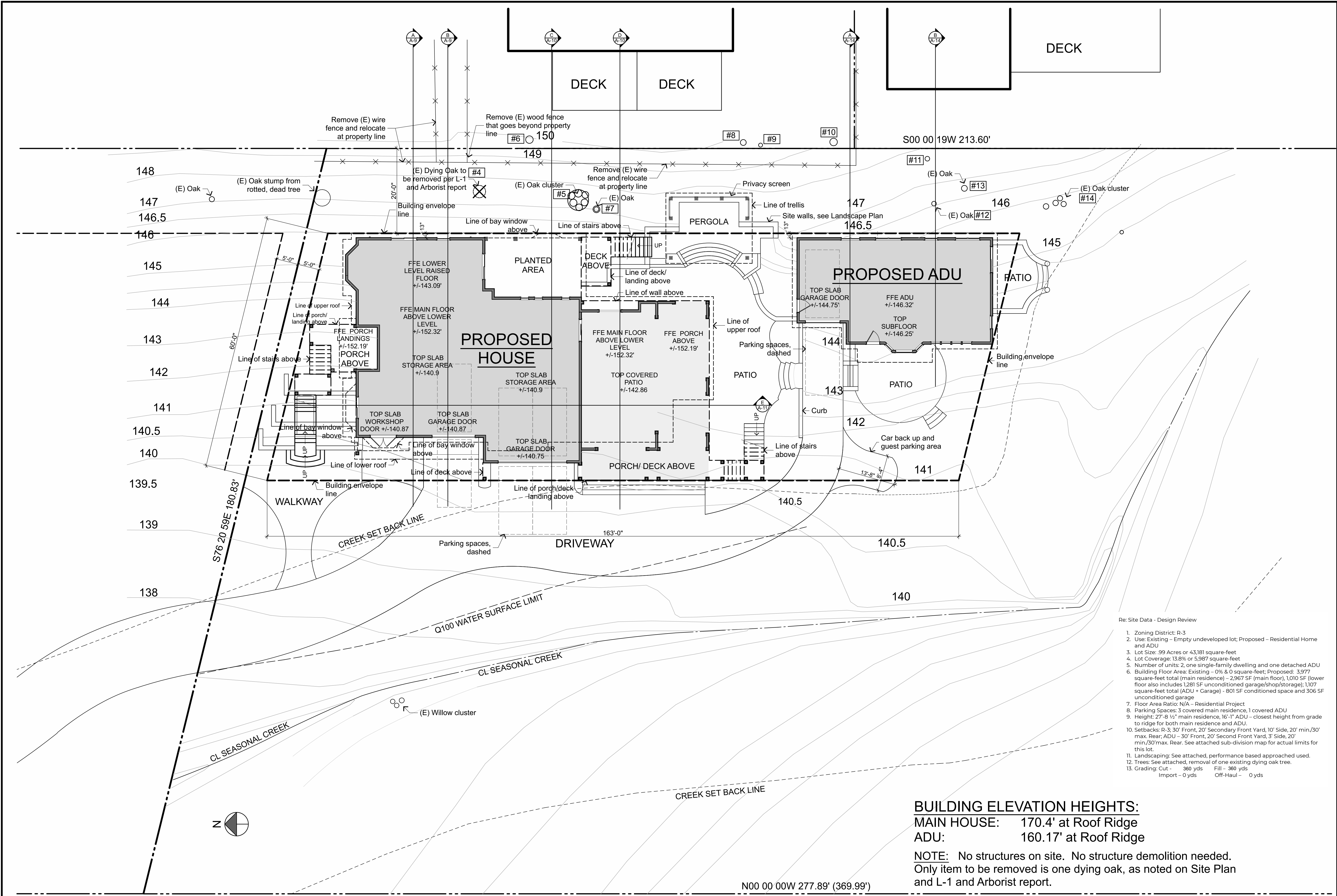


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REV.	DATE	DESCRIPTION	DESIGNED	DRAWN	CHECKED



- Re: Site Data - Design Review
1. Zoning District: R-3
  2. Use: Existing - Empty undeveloped lot; Proposed - Residential Home and ADU
  3. Lot Size: .99 Acres or 43,181 square-feet
  4. Lot Coverage: 13.8% or 5,987 square-feet
  5. Number of units: 2, one single-family dwelling and one detached ADU
  6. Building Floor Area: Existing - 0% & 0 square-feet; Proposed: 3,977 square-feet total (main residence) - 2,967 SF (main floor), 1,010 SF (lower floor also includes 1,281 SF unconditioned garage/shop/storage); 1,107 square-feet total (ADU + Garage) - 801 SF conditioned space and 306 SF unconditioned garage
  7. Floor Area Ratio: N/A - Residential Project
  8. Parking Spaces: 3 covered main residence, 1 covered ADU
  9. Height: 27'-8 1/2" main residence, 16'-1" ADU - closest height from grade to ridge for both main residence and ADU.
  10. Setbacks: R-3: 30' Front, 20' Secondary Front Yard, 10' Side, 20' min./30' max. Rear; ADU - 30' Front, 20' Second Front Yard, 3' Side, 20' min./30' max. Rear. See attached sub-division map for actual limits for this lot.
  11. Landscaping: See attached, performance based approach used.
  12. Trees: See attached, removal of one existing dying oak tree.
  13. Grading: Cut - 360 yds Fill - 360 yds Import - 0 yds Off-Haul - 0 yds

**BUILDING ELEVATION HEIGHTS:**  
 MAIN HOUSE: 170.4' at Roof Ridge  
 ADU: 160.17' at Roof Ridge

**NOTE:** No structures on site. No structure demolition needed. Only item to be removed is one dying oak, as noted on Site Plan and L-1 and Arborist report.

**NOTE:** See Civil Plans for all utilities and drainage  
**NOTE:** See L-1 Landscape Layout Plan for all paving surfaces, heights of site/landscape features & all trees of note

**SITE PLAN**

1"=10'-0"

**SCHOCH RESIDENCE**  
 New Residence and ADU

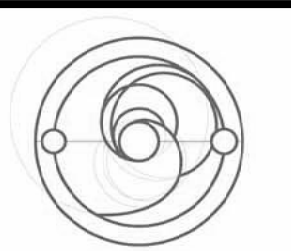


DATE: 10-25-22

Sheet

**A-3**

Scale



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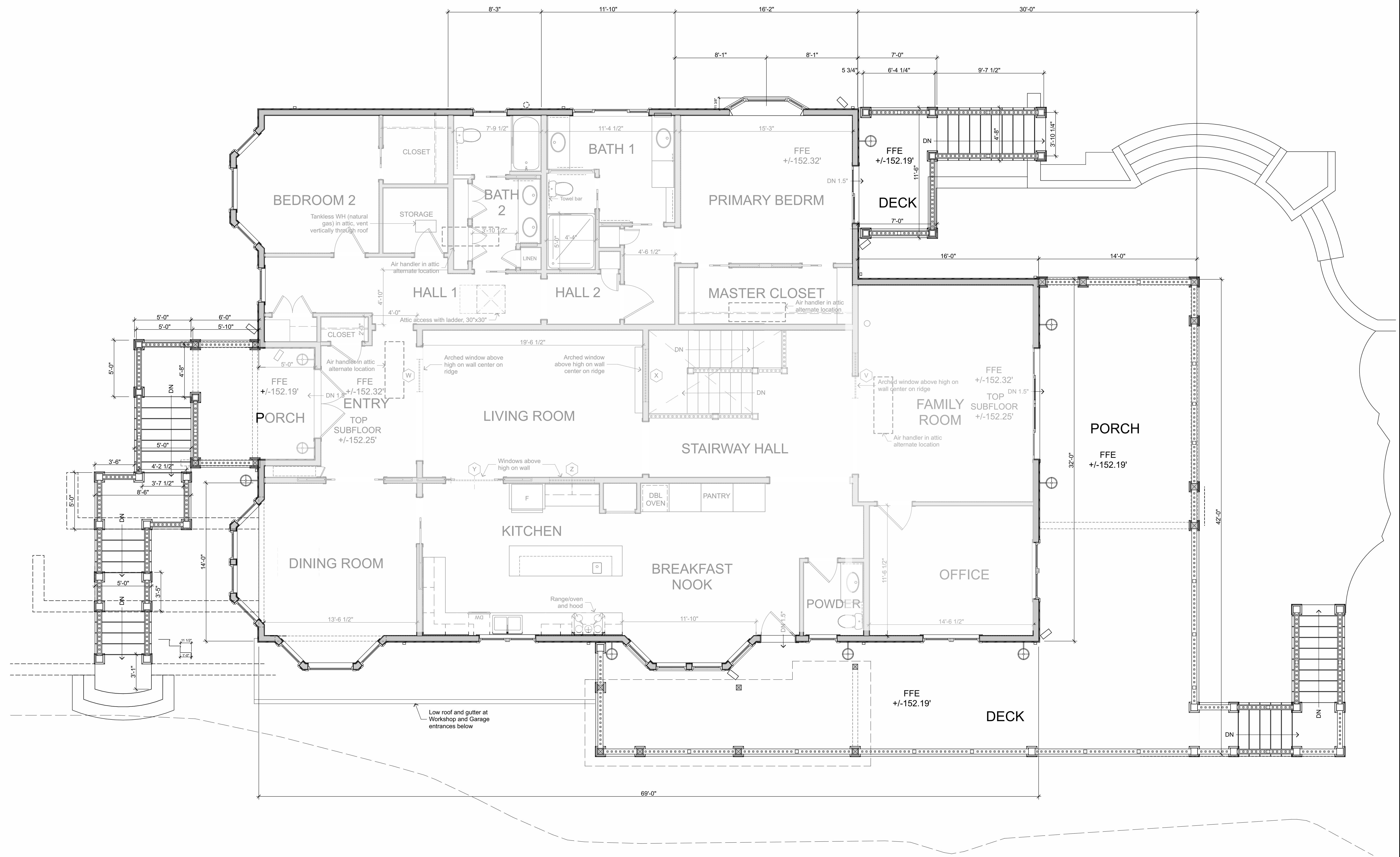


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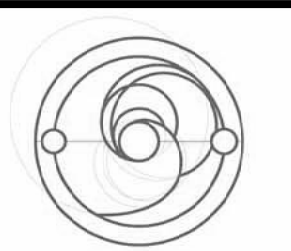
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**A-4**

Scale



**MAIN LEVEL FLOOR PLAN - MAIN HOUSE** 1/4"=1'-0"



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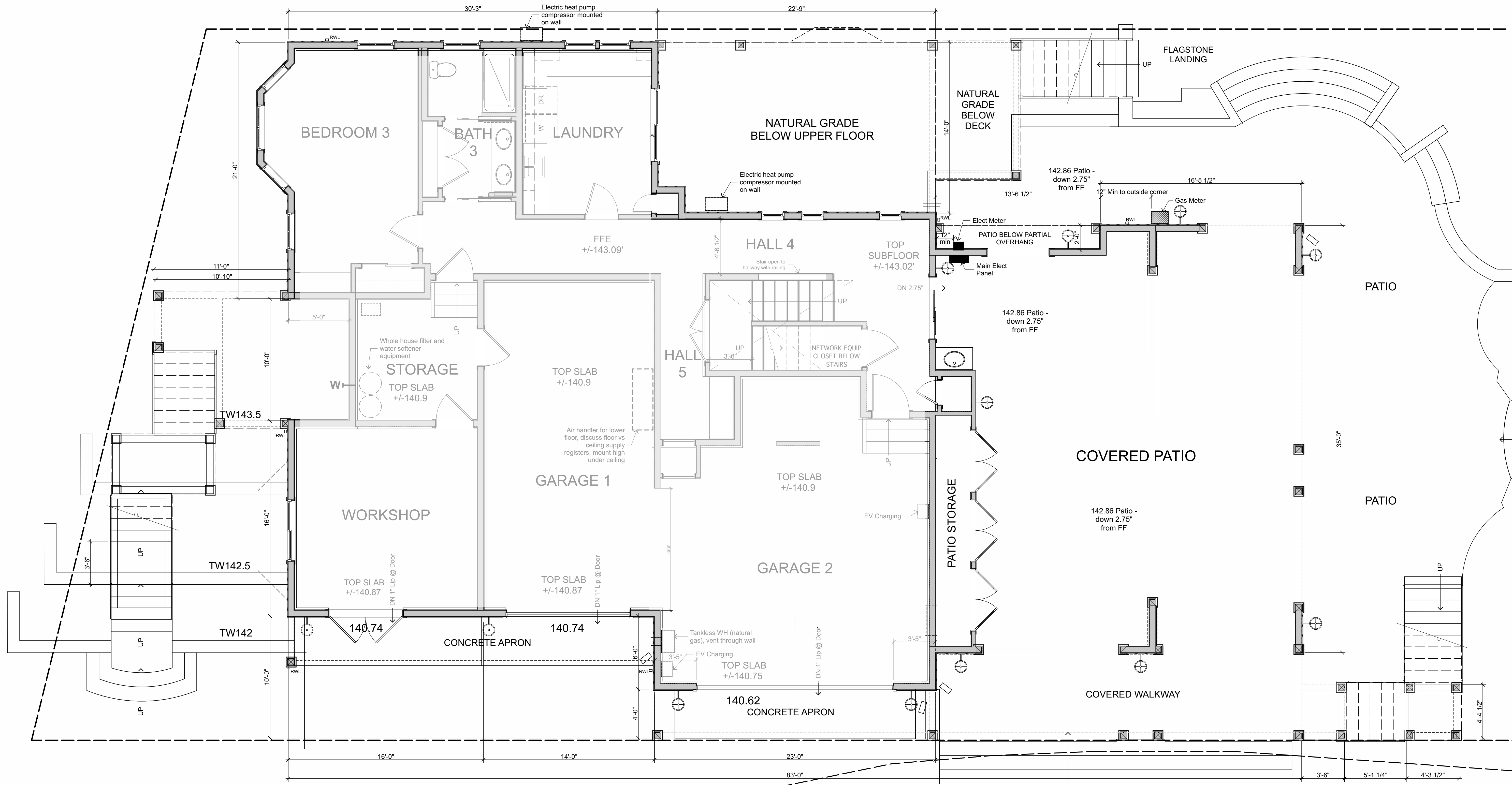
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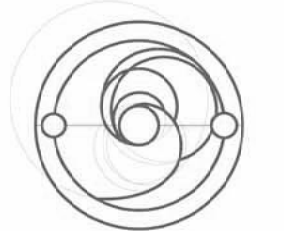
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**A-5**

Scale



**LOWER LEVEL FLOOR PLAN - MAIN HOUSE**

1/4"=1'-0"

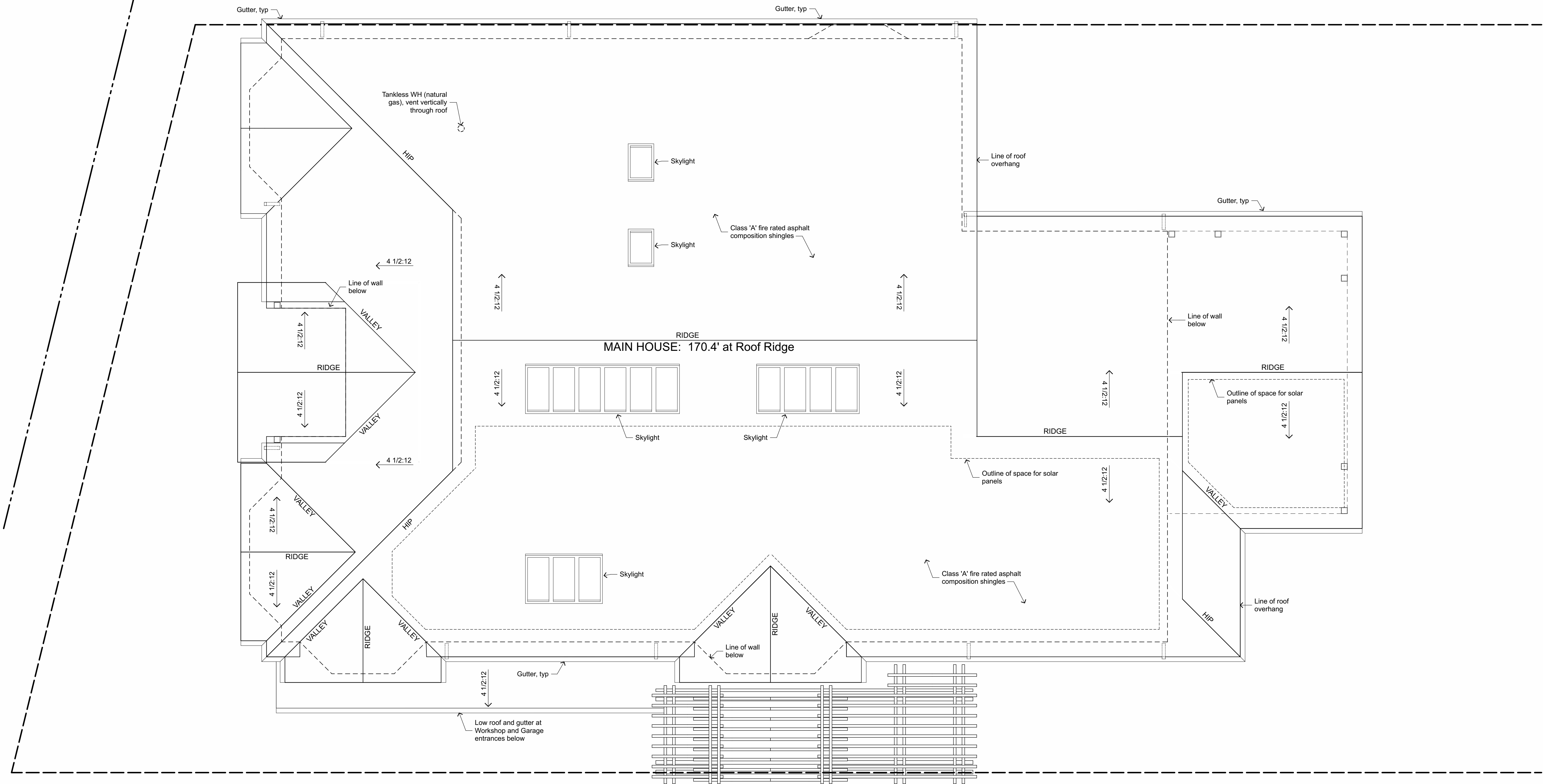


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**BUILDING DRAINAGE:**  
 All roofs slope to gutters and downspouts.  
 Rainwater is collected and directed into drainage system per Civil Plans.



REV.	DATE	DESCRIPTION	DESIGNED	DRAWN	CHECKED

**SCHOCH RESIDENCE**  
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DATE: 10-25-22

Sheet  
**A-6**

Scale

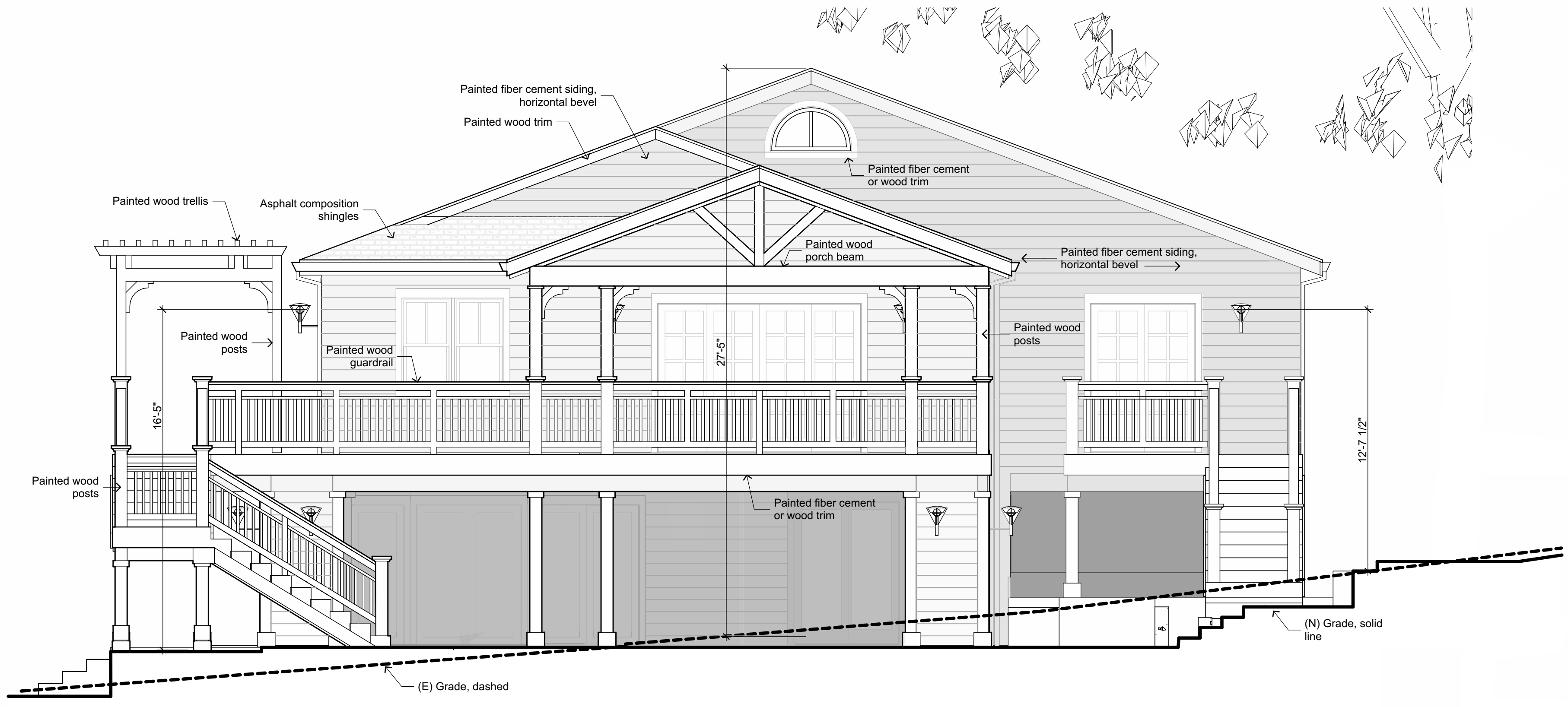
**ROOF PLAN - MAIN HOUSE** 1/4"=1'-0"





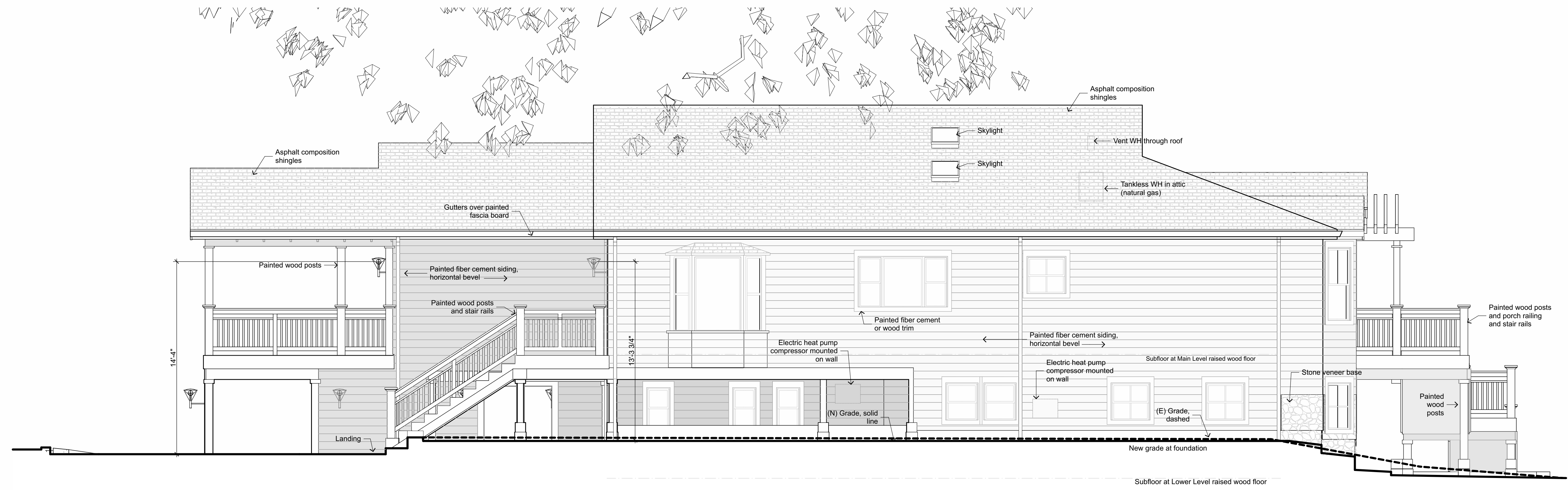
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**SOUTH ELEVATION**

1/4" = 1'-0"



**EAST ELEVATION**

1/4" = 1'-0"

**EXTERIOR ELEVATIONS - MAIN HOUSE**

1/4"=1'-0"

REV.	DATE	DESCRIPTION	DESIGNED	DRAWN	CHECKED

**SCHOCH RESIDENCE**  
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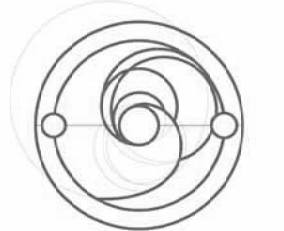


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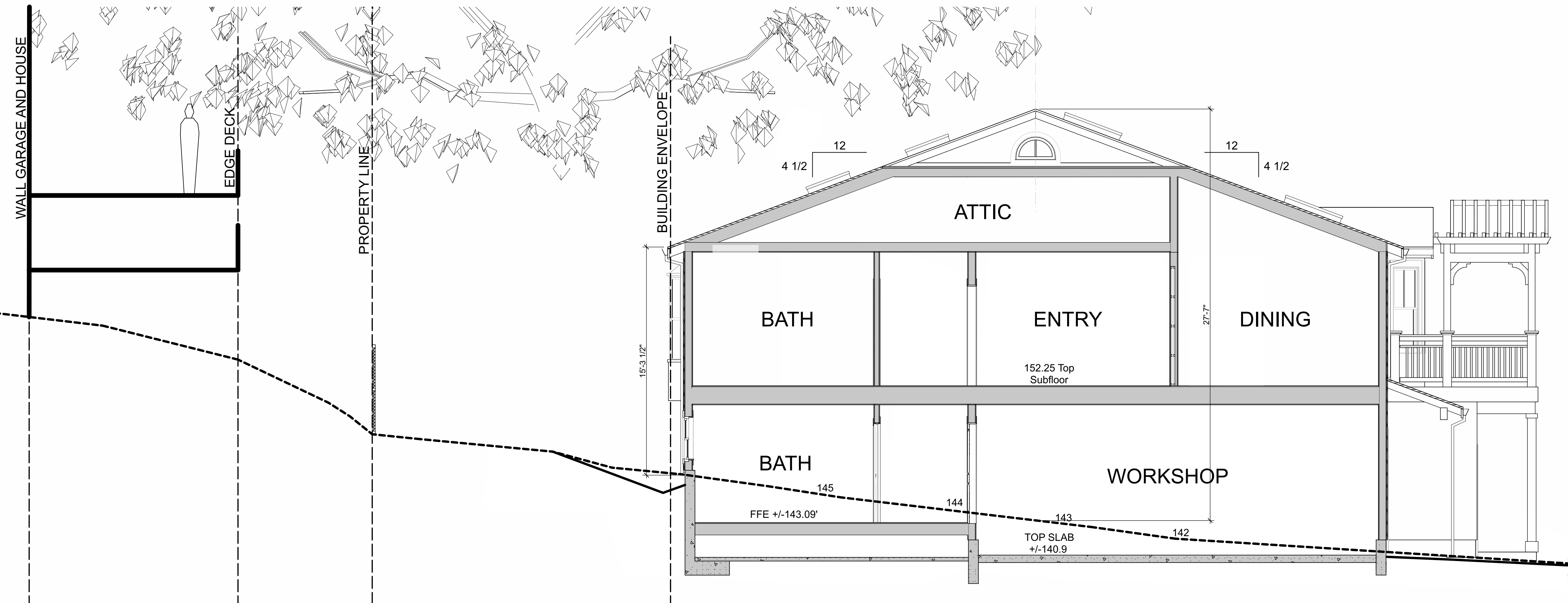
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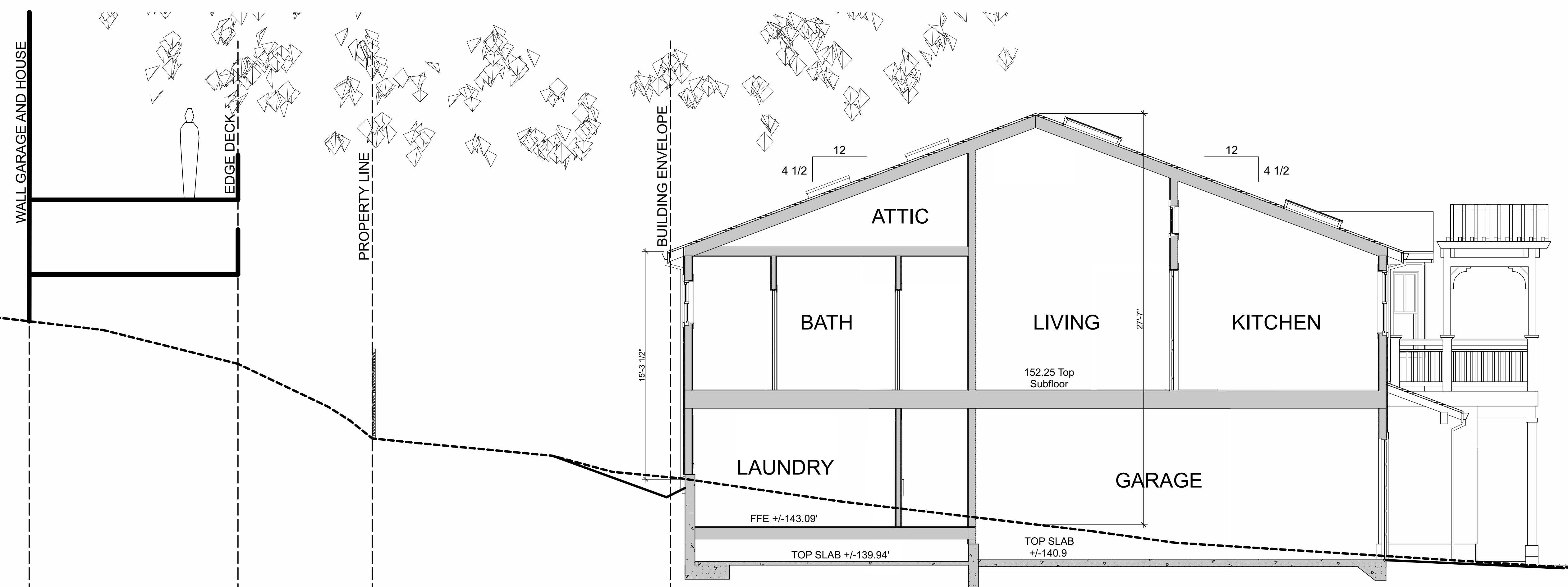
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SECTION A

1/4" = 1'-0"



SECTION B

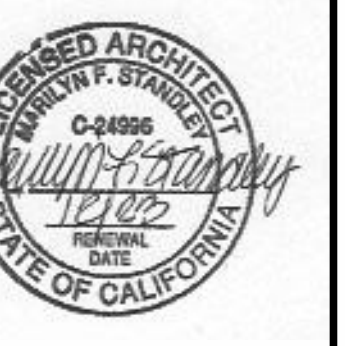
1/4" = 1'-0"

SECTIONS - MAIN HOUSE

1/4"=1'-0"

REV.	DATE	DESCRIPTION	DESIGNED	DRAWN	CHECKED

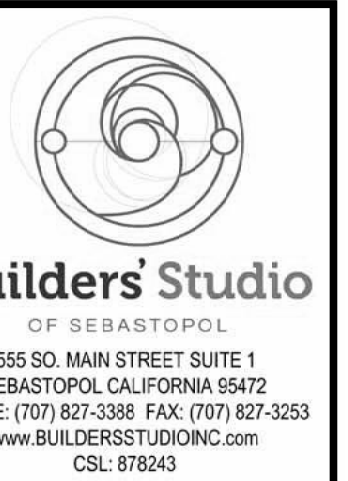
**SCHOCH RESIDENCE**  
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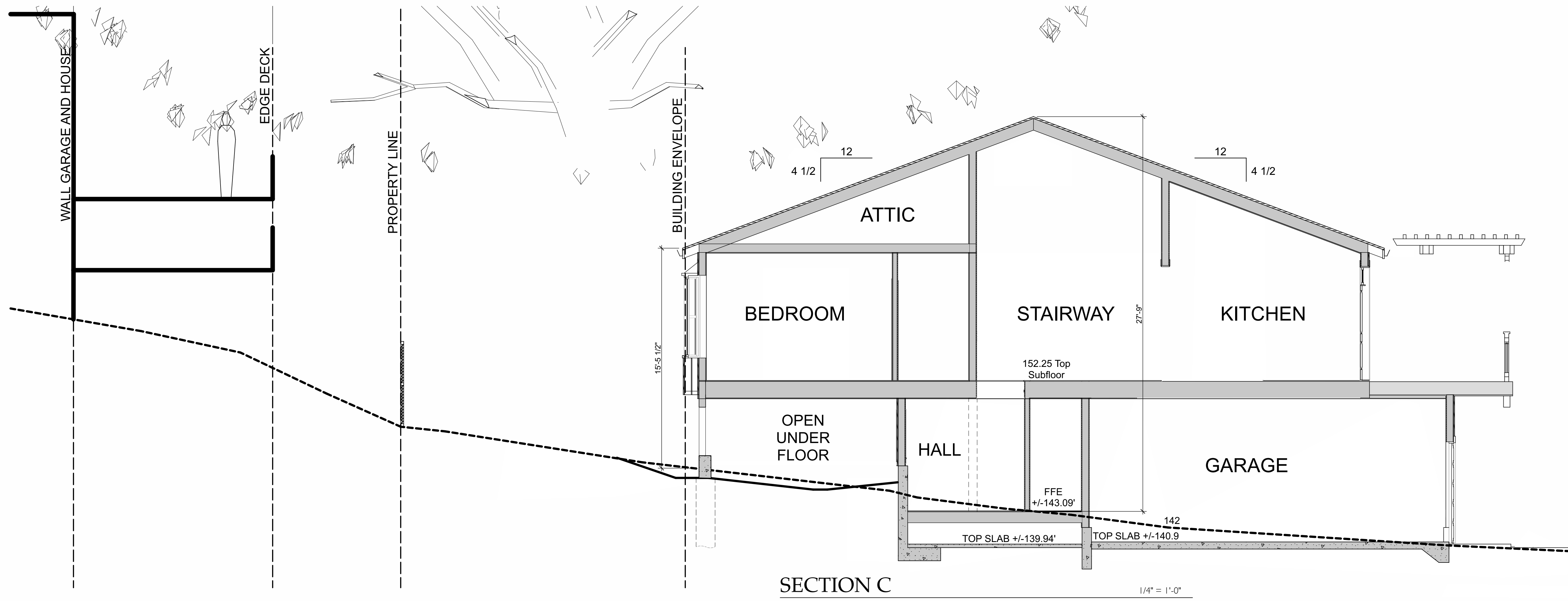
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Scale



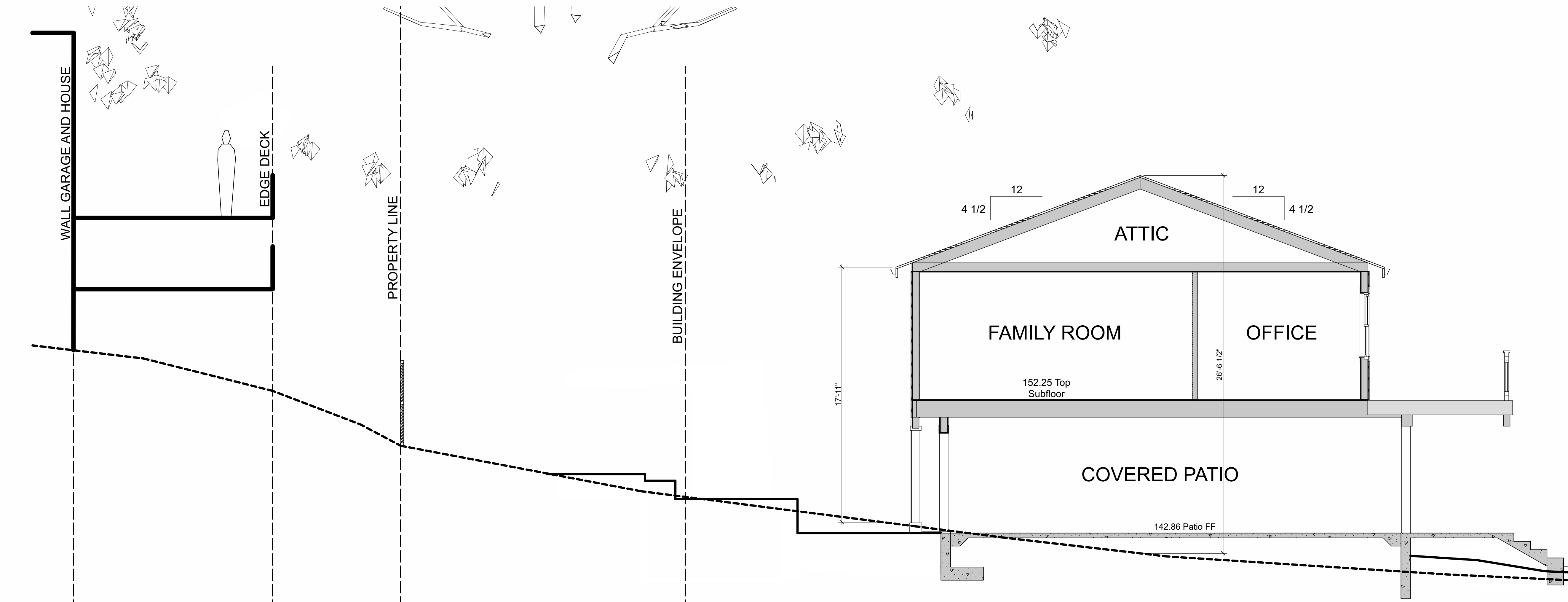
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SECTION C

1/4" = 1'-0"



SECTION D

1/4" = 1'-0"

SECTIONS - MAIN HOUSE

1/4" = 1'-0"

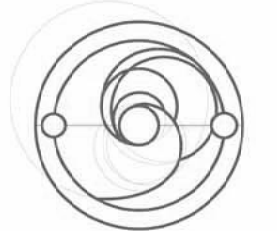
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Sheet  
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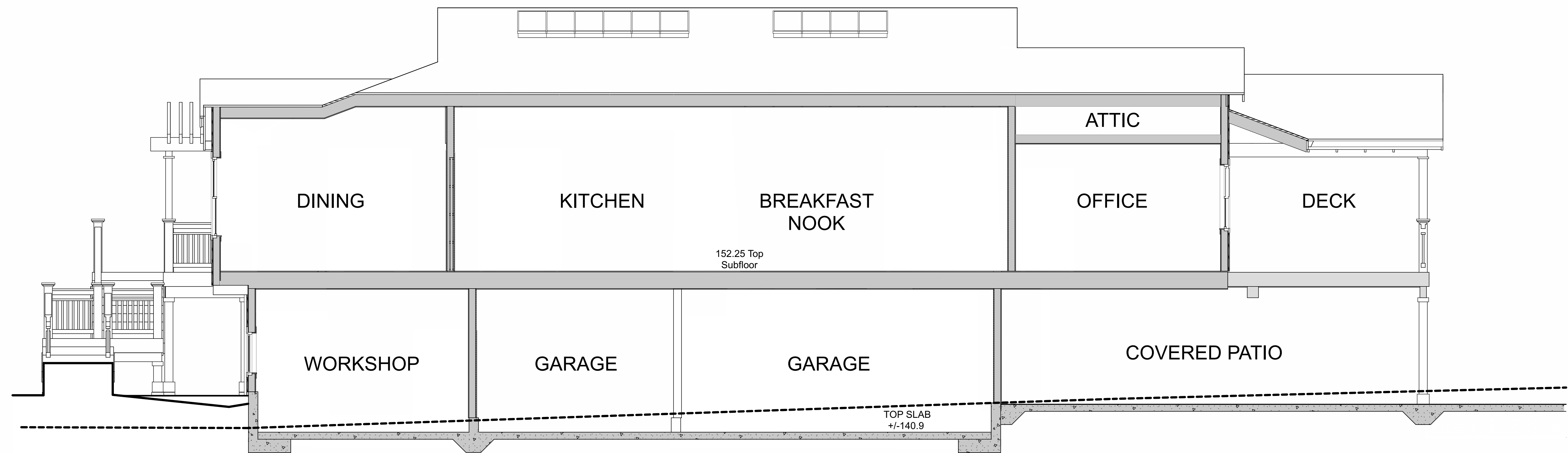
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SECTION E

1/4" = 1'-0"

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 New Residence and ADU  
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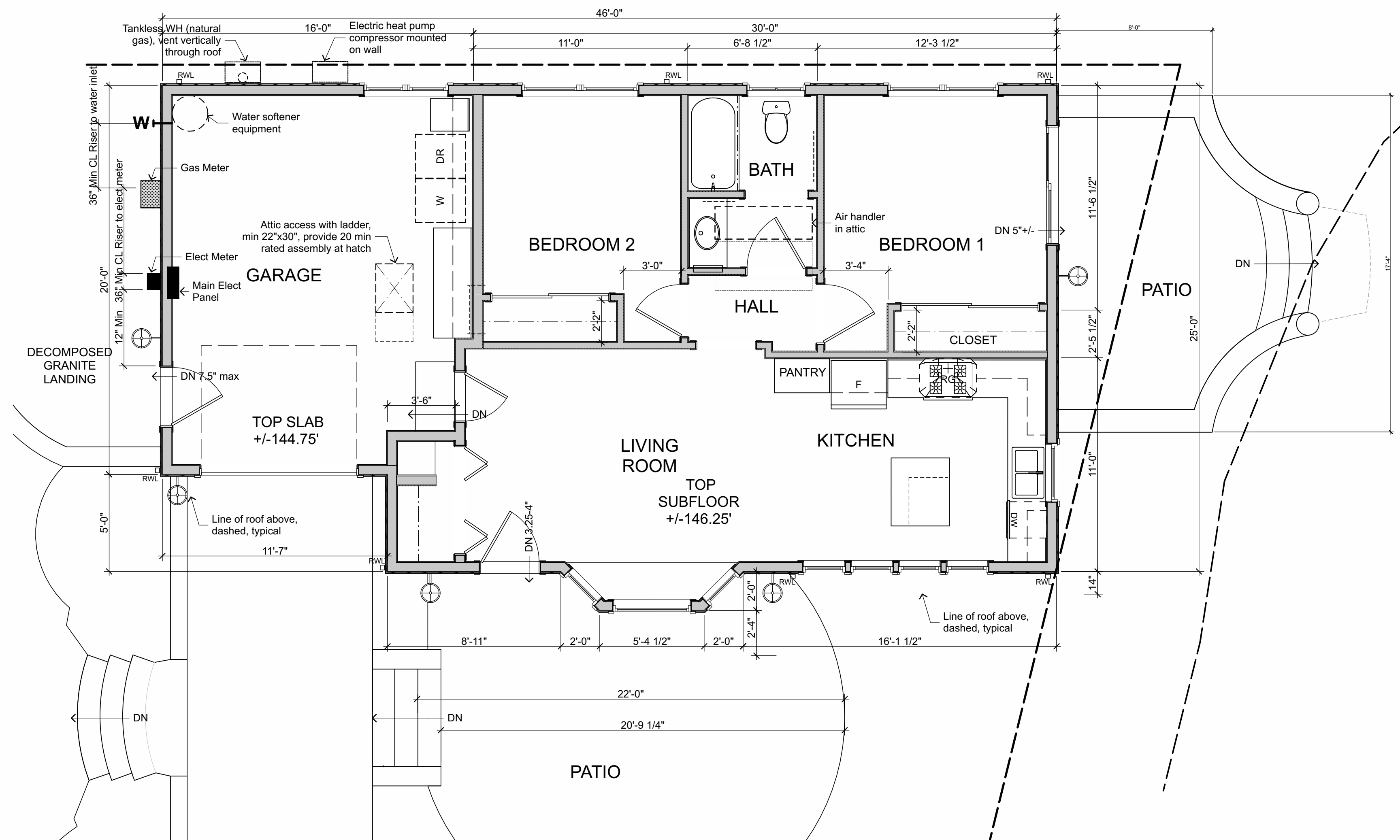
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Scale

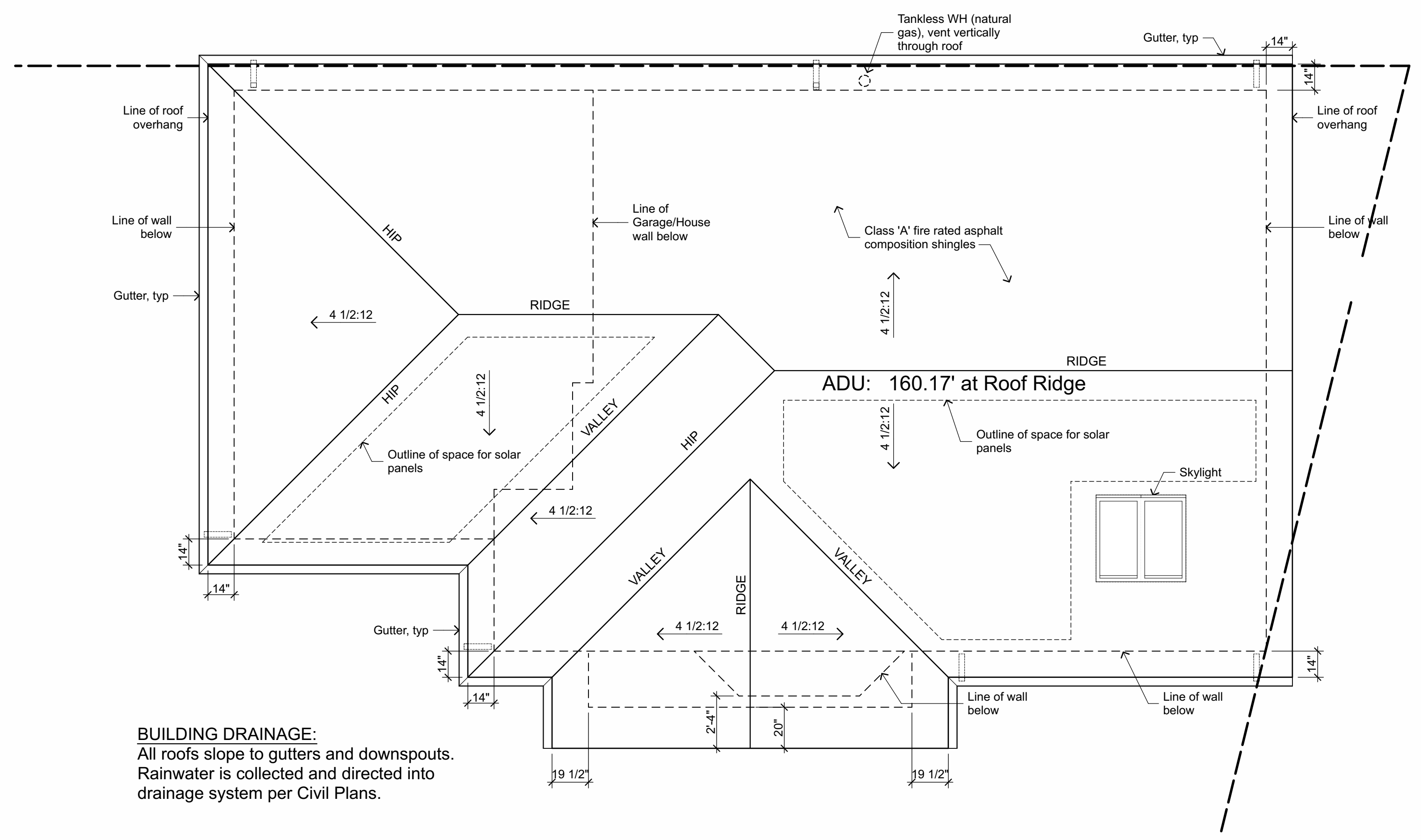
**SECTIONS - MAIN HOUSE**

1/4" = 1'-0"



FLOOR PLAN

1/4" = 1'-0"



ROOF PLAN

1/4" = 1'-0"

**BUILDING DRAINAGE:**  
All roofs slope to gutters and downspouts. Rainwater is collected and directed into drainage system per Civil Plans.

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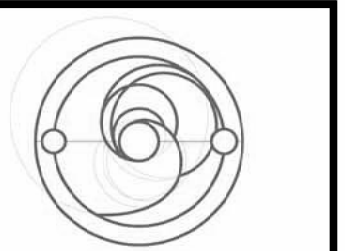
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Sheet  
**A-12**

Scale

**FLOOR PLAN & ROOF PLAN - ADU**

1/4" = 1'-0"



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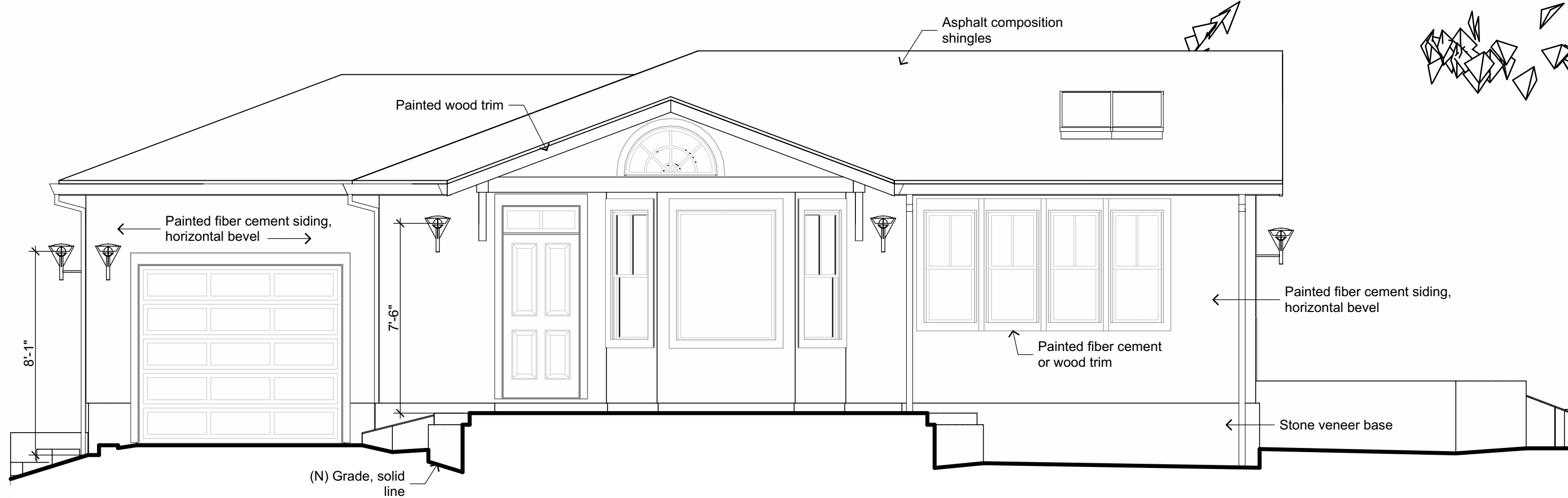
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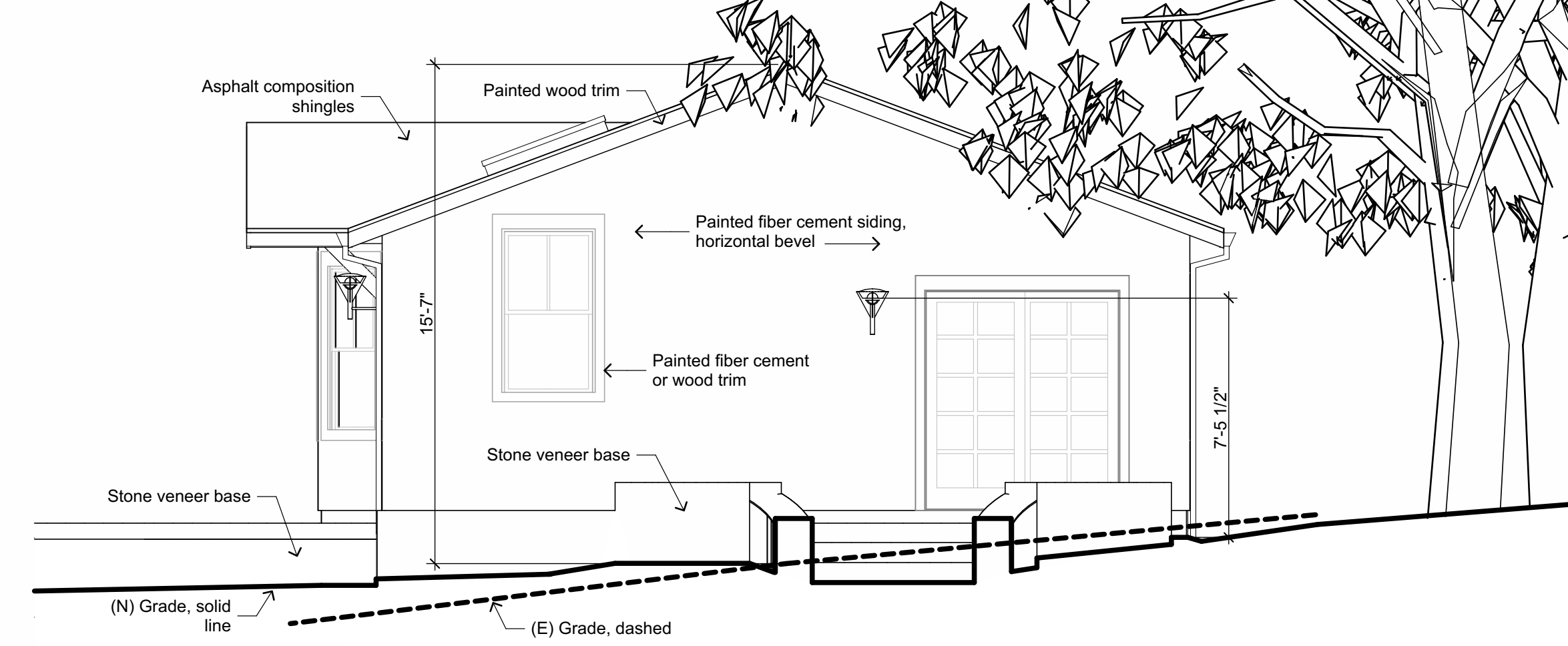
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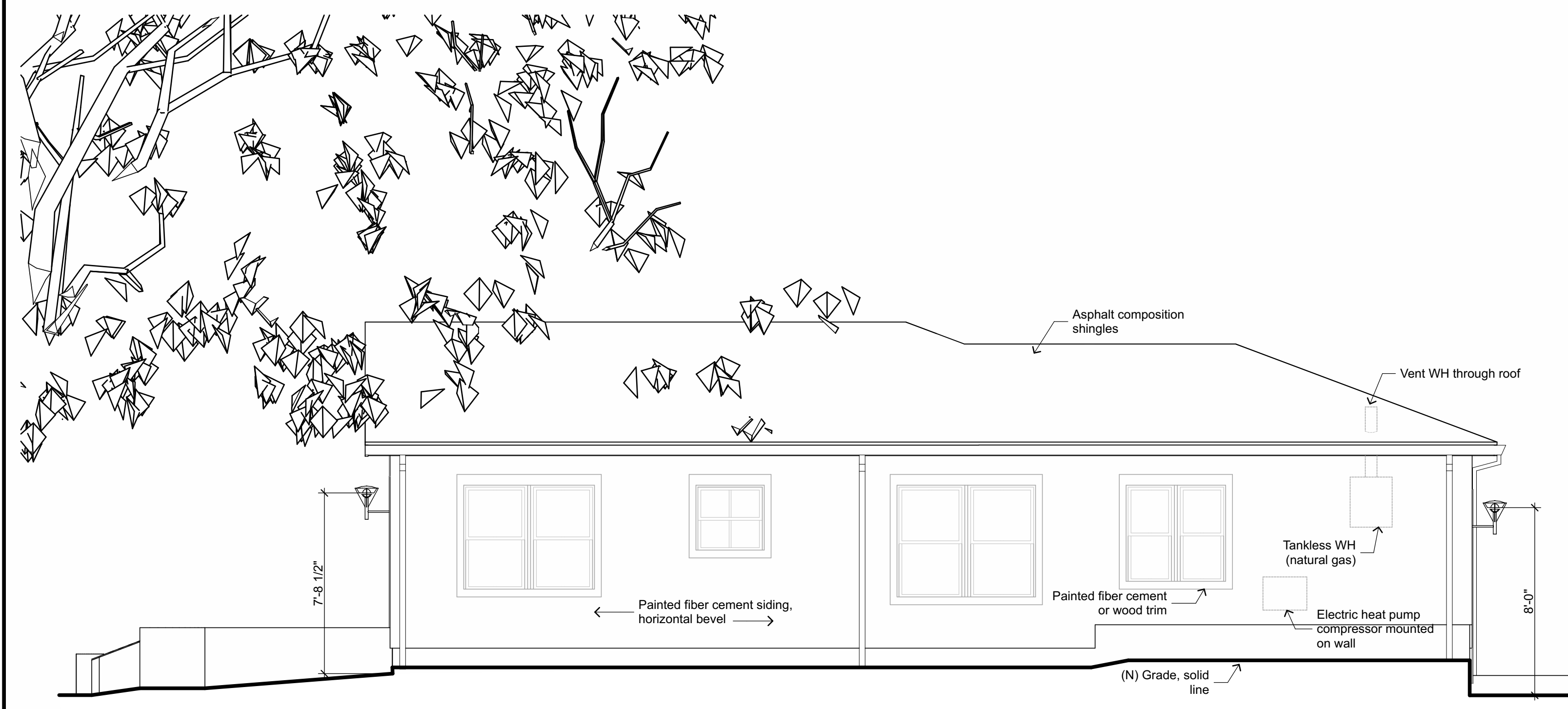
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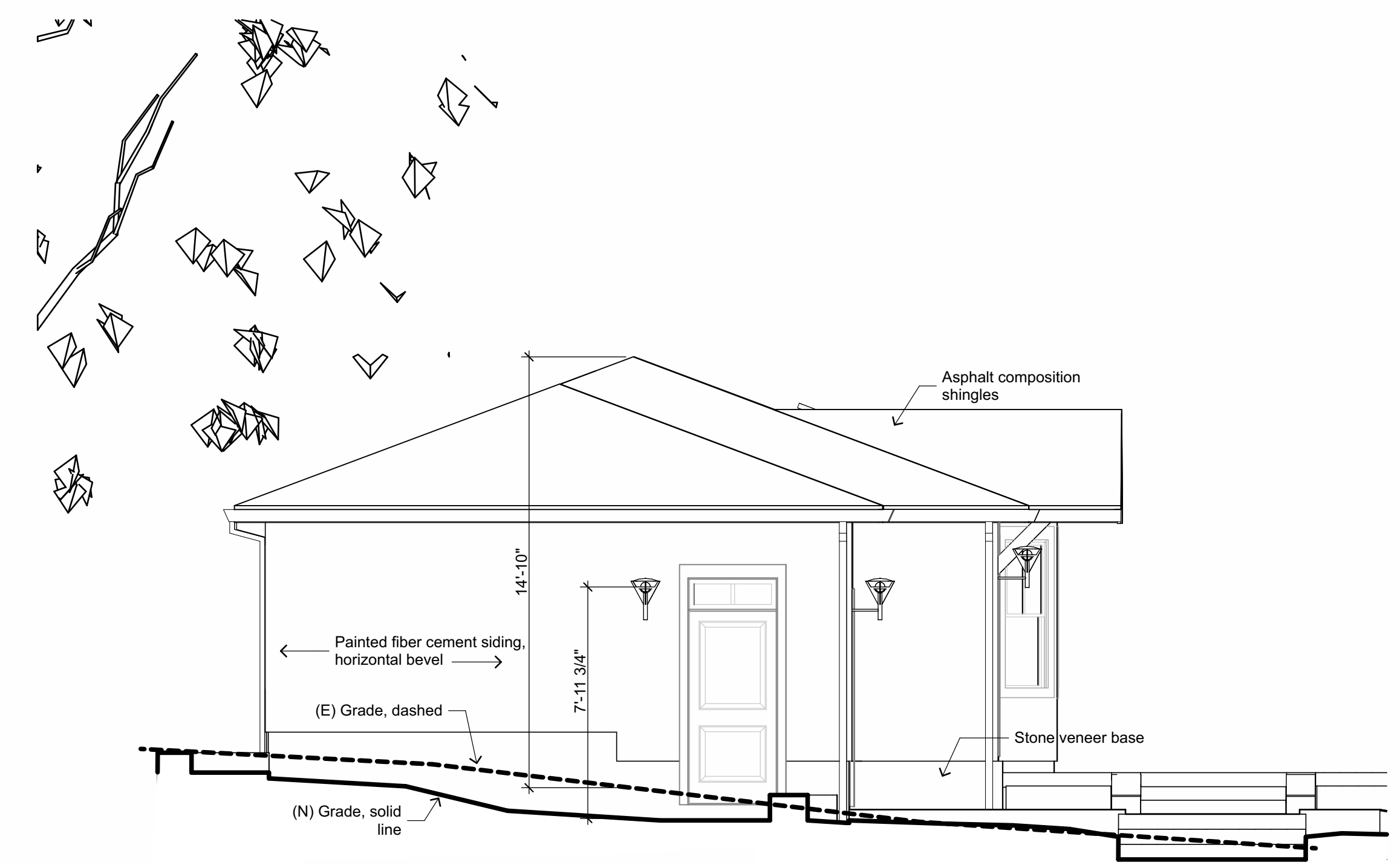
**WEST ELEVATION** 1/4" = 1'-0"



**NORTH ELEVATION** 1/4" = 1'-0"

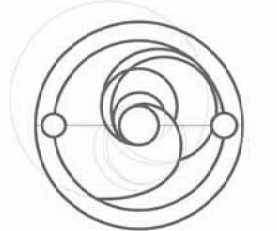


**EAST ELEVATION** 1/4" = 1'-0"



**SOUTH ELEVATION** 1/4" = 1'-0"

**EXTERIOR ELEVATIONS - ADU** 1/4"=1'-0"

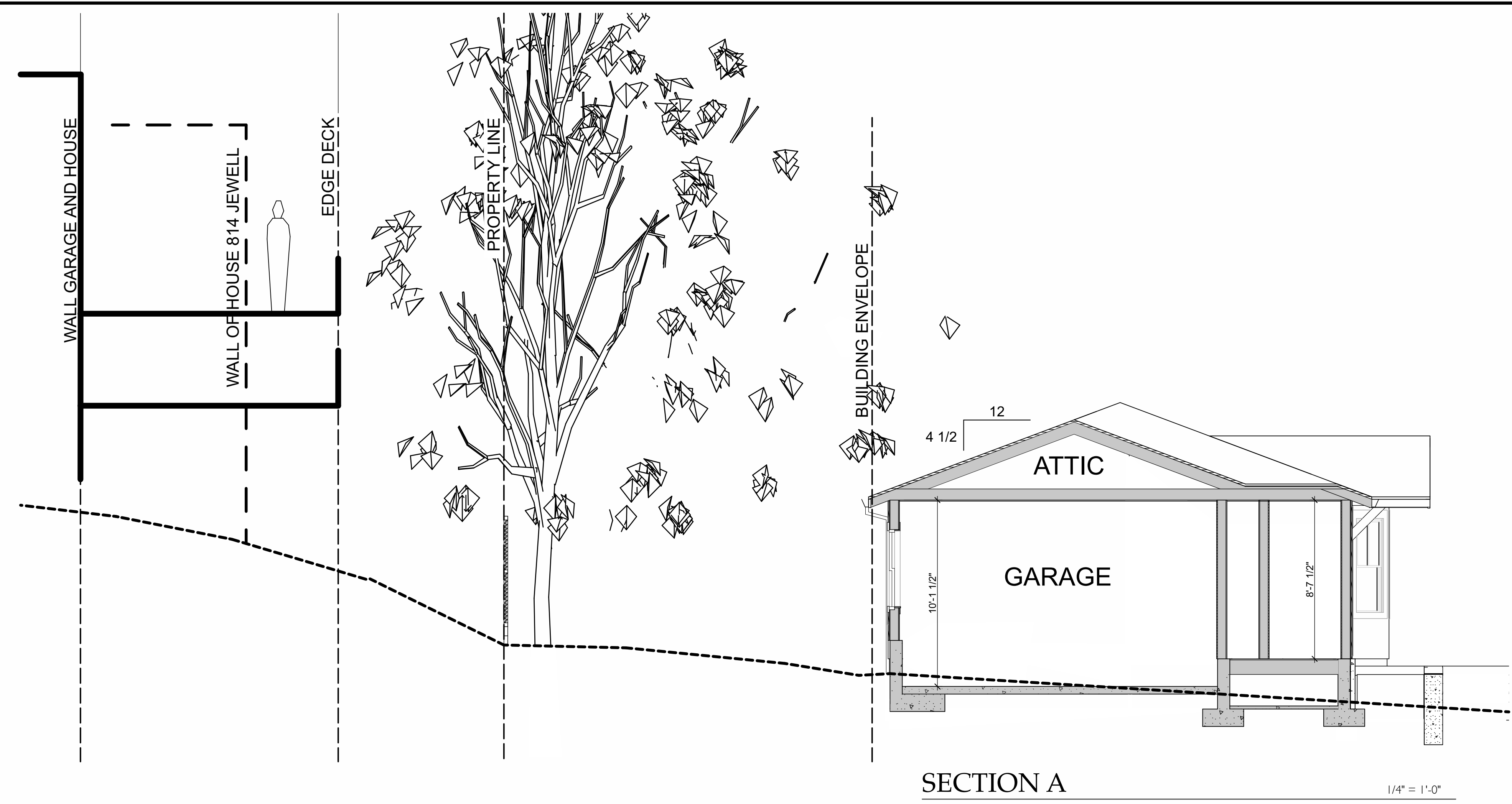


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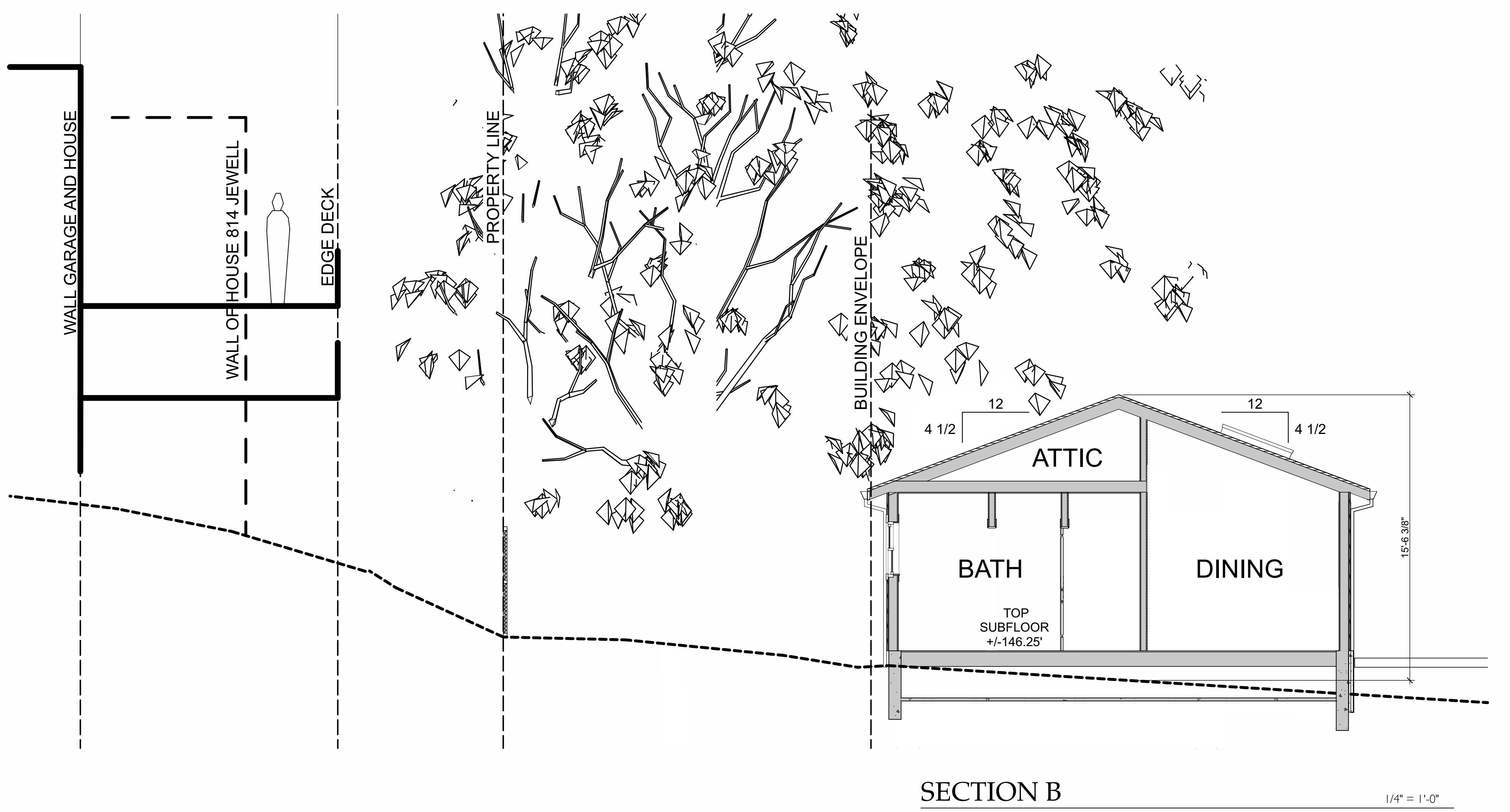
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SECTION A

1/4" = 1'-0"



SECTION B

1/4" = 1'-0"

**SECTIONS - ADU**

1/4"=1'-0"

**SCHOCH RESIDENCE**  
New Residence and ADU  
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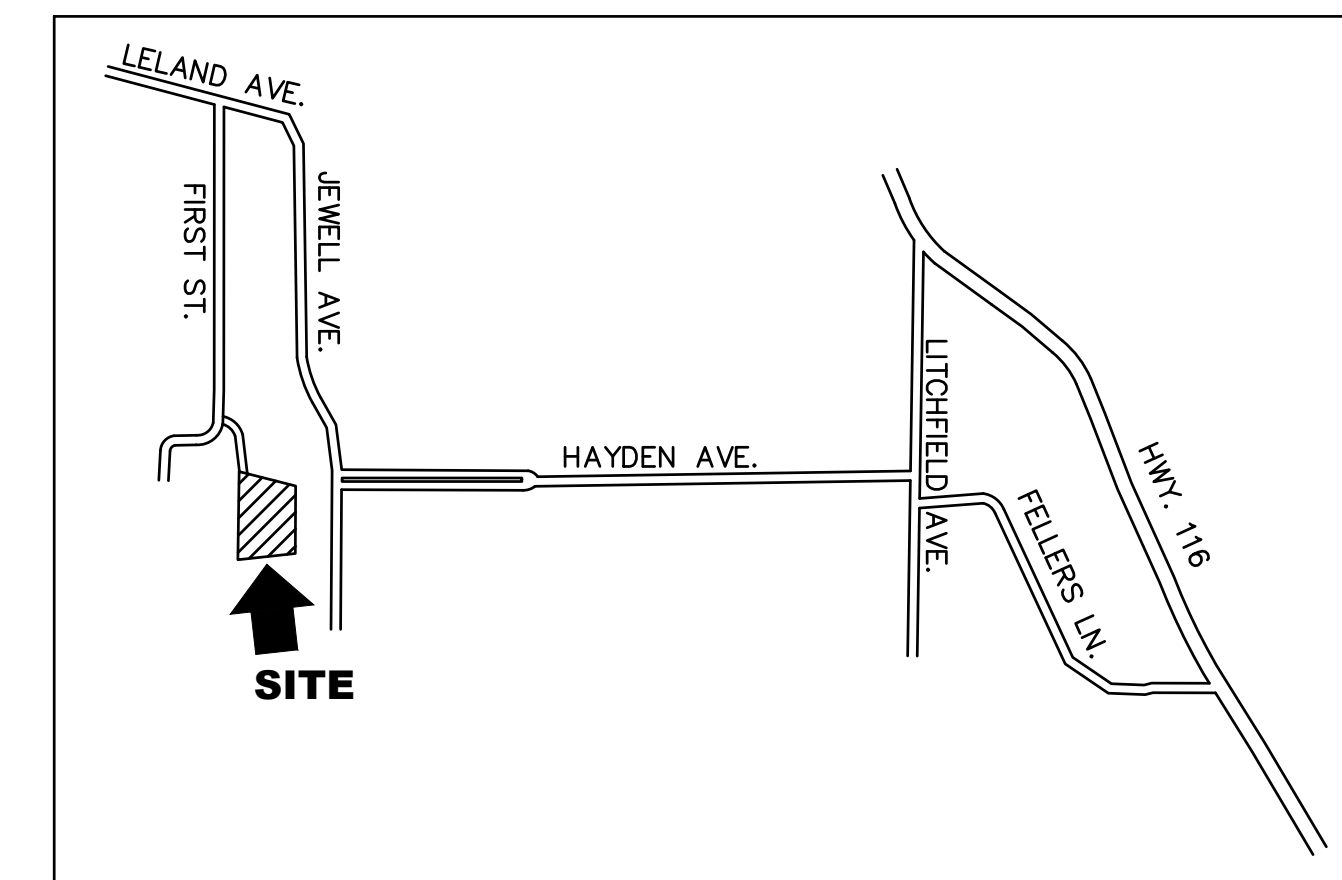
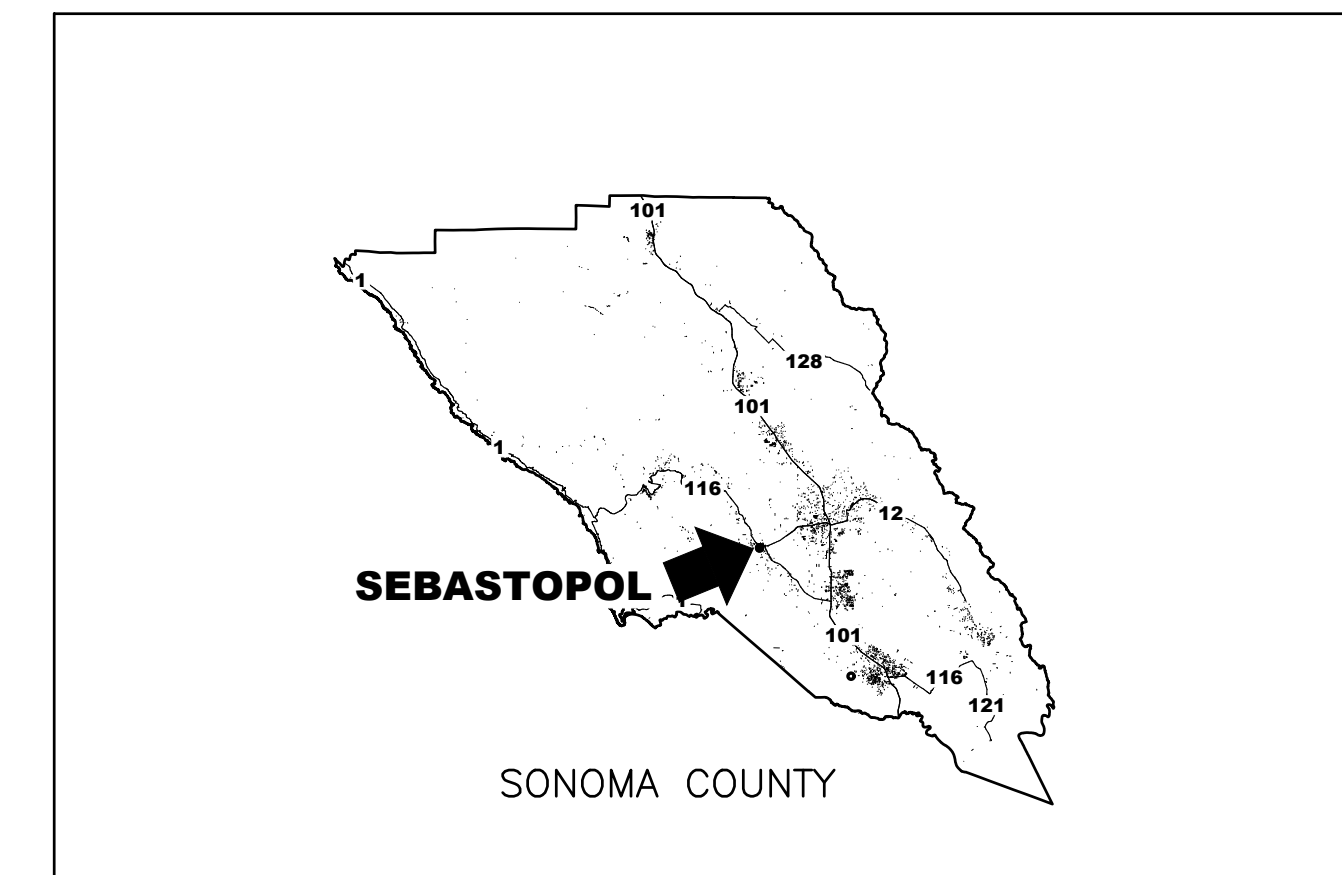
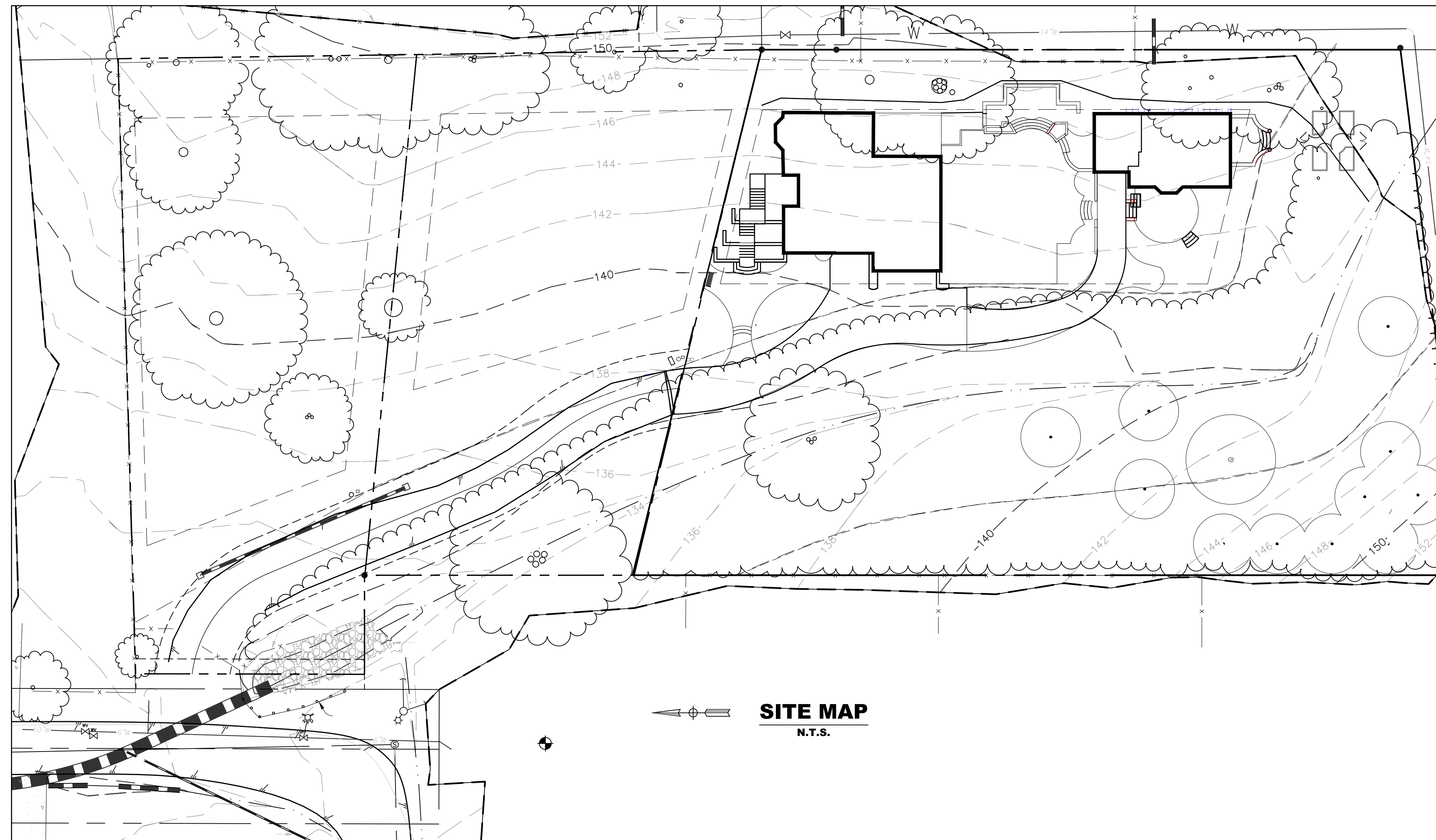
DATE: 10-25-22

Sheet  
**A-14**

Scale

# GRADING, DRAINAGE AND UTILITY PLAN

SCHOCH RESIDENCE  
 7XX FIRST STREET, SEBASTOPOL, CALIFORNIA, 95472  
 AP NO. 004-172-017  
 DESIGN REVIEW BOARD SUBMITTAL



### LEGEND / ABBREVIATIONS

- BOUNDARY LINE
- CONTOUR LINE (ONE FOOT INTERVALS)
- FENCE LINE (WIRE)
- TREE DRIPLINE/EDGE OF VEGETATED AREA
- BUILDING LINE
- CONCRETE SURFACE
- ASPHALT SURFACE
- STRAW MULCH WITH SEED
- SILT FENCE
- FIBER ROLLS
- CP CONTROL POINT
- EL ELEVATION
- SSCO SANITARY SEWER CLEAN-OUT
- GAS REG GAS REGULATOR
- RET RETAINING

### SHEET INDEX

- G0.0 COVER SHEET
- C1.0 GRADING PLAN AND EARTHWORK
- C2.0 CROSS SECTIONS
- C3.0 UTILITY PLAN

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NO.	HISTORY / REVISION	BY	CHK.	DATE

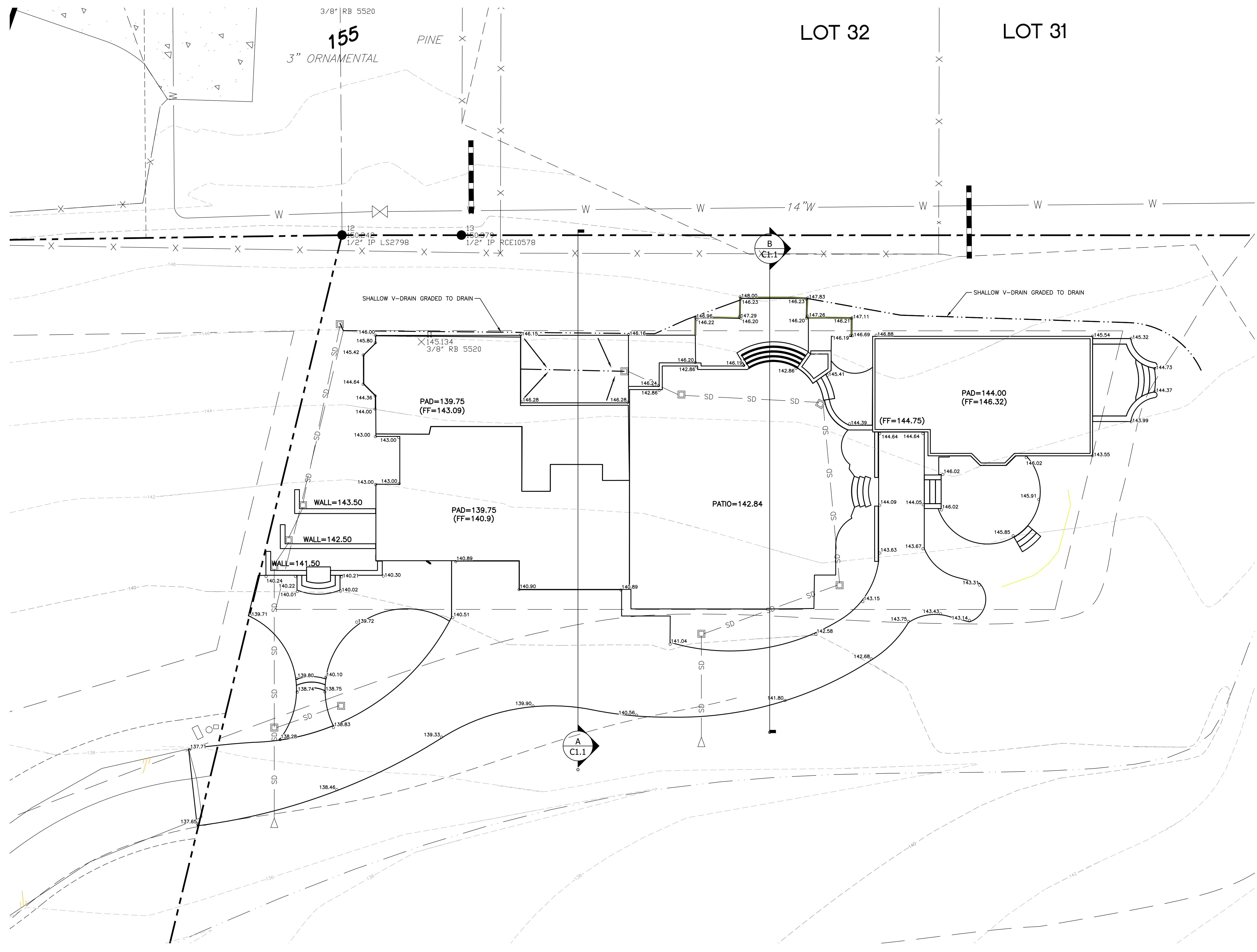
SCHOCH RESIDENCE  
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**COVER SHEET**



DRAWN	DDI
CHECK	CCM
APPROVED	
DATE	10/26/2022
JOB NUMBER	9884.00
DRAWING	G0.0

Oct. 26, 2022 - 10:51am  
 T:\cad\staff\DDI\9884\9884.dwg



Oct 26, 2022 - 11:01am  
T:\California\9884\9884.dwg

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NO.	HISTORY / REVISION	BY / CHK.	DATE

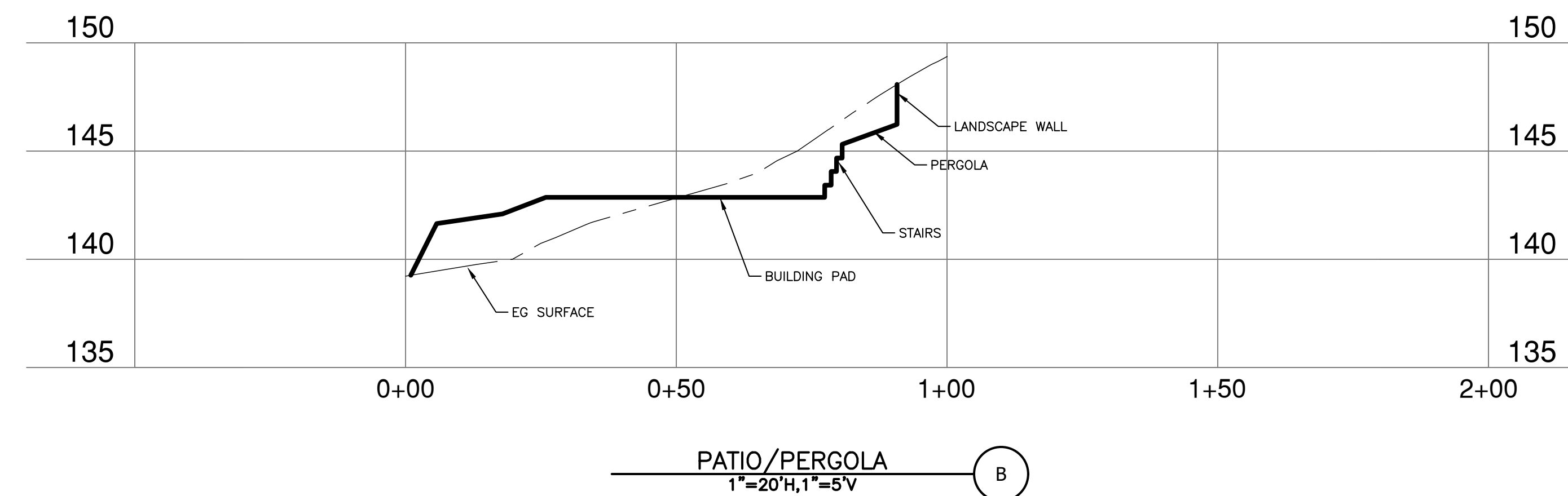
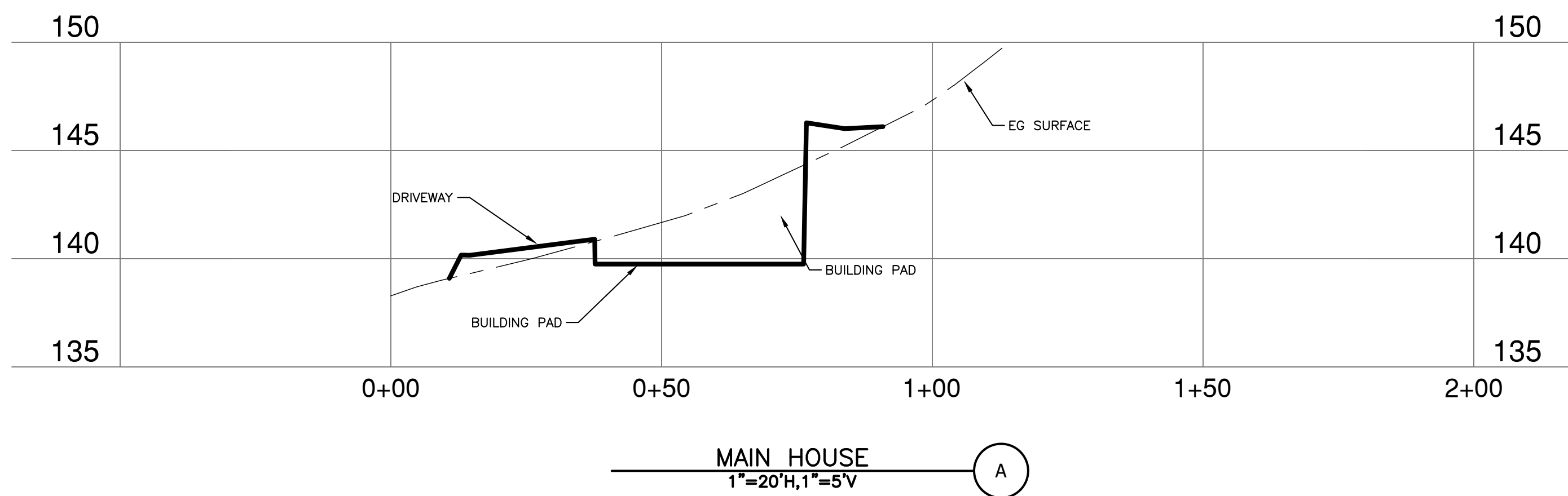
SCHOCH RESIDENCE  
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**GRADING PLAN AND EARTHWORK**



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CHECK	CCM
APPROVED	
DATE	10/26/2022
JOB NUMBER	9884.00
DRAWING	C1.0





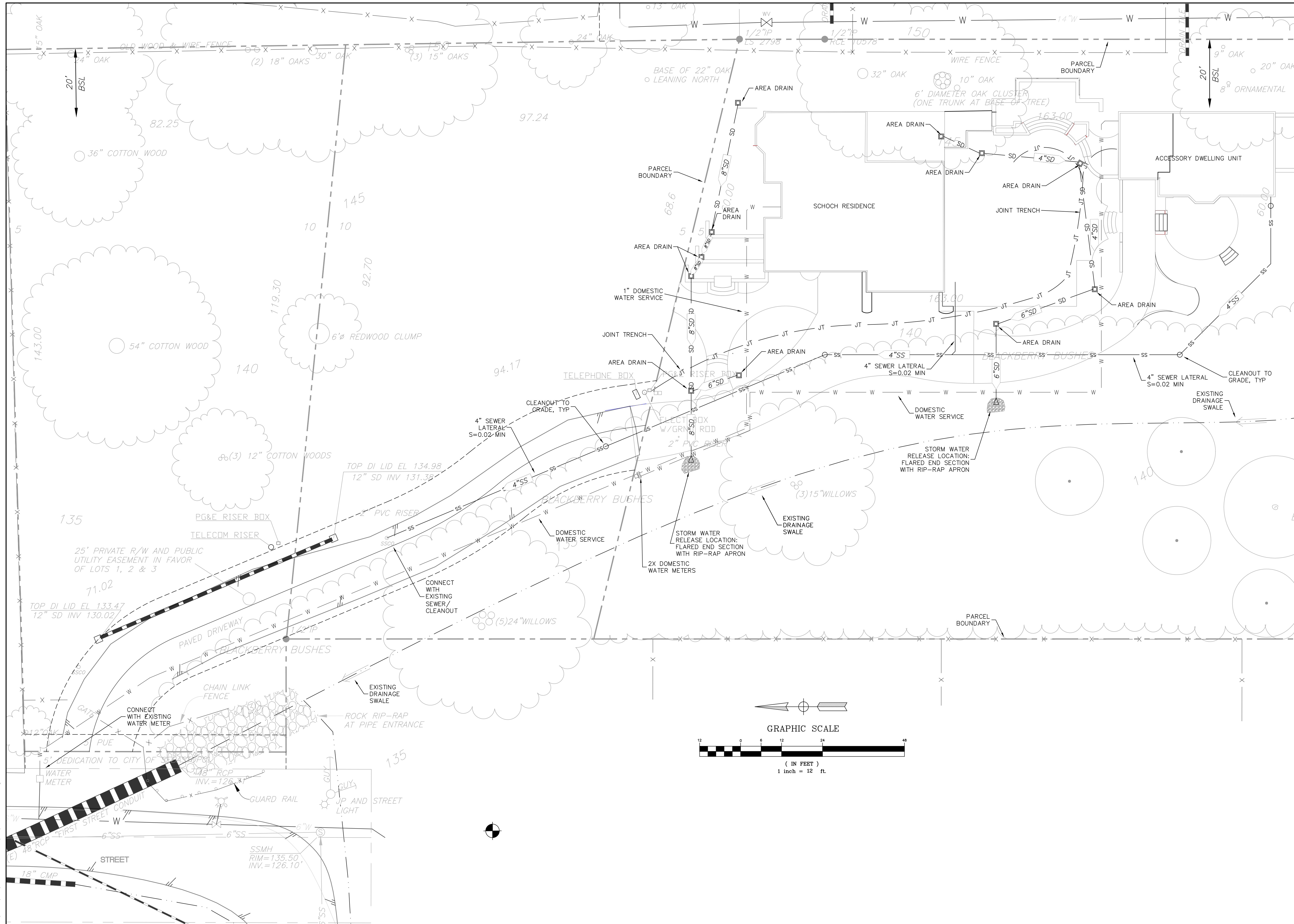
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SCHOCH RESIDENCE  
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**CROSS SECTIONS**



DRAWN	DDI
CHECK	CCM
APPROVED	.
DATE	10/26/2022
JOB NUMBER	9884.00
DRAWING	C2.0



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**SCHOCH RESIDENCE**  
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**UTILITY PLAN**



DRAWN	DDI
CHECK	CCM
APPROVED	
DATE	10/26/2022
JOB NUMBER	9884.00
DRAWING	C3.0



1 MAIN RESIDENCE FRONT ELEVATION

**NOTE:** FOR INFORMATION NOT NOTED PLEASE REFER TO ARCHITECTURAL OR LANDSCAPE SHEETS AND ACCOMPANYING NOTES FOR ADDITIONAL DETAILS DETAILS REGARDING; FINISHES, MATERIALS, LOCATIONS AND HEIGHTS.

FOR '1E' PLEASE SEE ATTACHED SEPARATELY 8.5X11 CUT-SHEETS FOR BULB AND SENSOR INFORMANTION.

PLEASE NOTE A CHANGE IN MATERIALS MAY REQUIRE RESUBMITTAL AND REVIEW FROM PLANNING BEFORE BUILDING PERMIT CAN BE FINALIZED.



1E EXTERIOR LIGHT FIXTURE  
W/ TESLAR OR EQUIVELANT LED BULB 4.5  
WATTS (3) PER FIXTURE



WITH OR WITHOUT CAP PER LANDSCAPE  
DRAWINGS



'New England' STONE VENEER  
OVER CONCRETE

1L RETAINING & LANDSCAPE WALLS  
SEE LANDSCAPE PLANS  
FOR LOCATIONS

Sherwin Williams  
Crushed Ice 7647

D1 BASE COLOR  
Sherwin-Williams 'Crushed Ice' SW7647

Vanillin SW 6371

D2 BASE COLOR  
Sherwin-Williams 'Vanillin' SW6371



Rustic Craftsman Wood Stain  
Weather Gray

E SPA TRELLIS STAIN  
SEE ARCHITECTURAL PLANS  
FOR TRELLIS LOCATION



Idaho Gold Quartzite  
(Only at lower level steps & Patios)



'Road' TILE at steps and porch decks

I PATIO AND STAIR SURFACE  
SEE ARCHITECTURAL AND LANDSCAPE  
PLANS FOR LOCATIONS



MAIN DRIVEWAY (Permeable)  
Techo-Bloc 'Pure' Paver in Sandlewood color (Or Similar)

J DRIVEWAY SURFACE  
SEE LANDSCAPE PLANS  
FOR PAVER DESIGNATIONS & LOCATIONS



TURN AROUND AT ADU  
Lunix Eco permeable pavement (Or Similar)



A SIDING STYLE - 'James Hardie' Horizontal Siding  
'JH' HORIZONTAL V-GROOVE SIDING



B LOWER SIDING - Stone Veneer  
'New England' Stone



C WINDOW STYLE  
'MARVIN' ELEVATE - WHITE



F TRIM - TRELLIS - RAILING COLOR  
Sherwin-Williams Ceiling Bright White SW 7007



G DOOR COLOR  
Sherwin-Williams Festoon Aqua SW 0019



H ROOFING - Asphalt Shingle  
Dark Grey w/ 'Architctural' Shingle



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Drawing scales as indicated are for reference only and are not intended to accurately depict actual or designed conditions. Written dimensions shall govern.

CHECKED	DRAWN	DESIGNED	DESCRIPTION	DATE	REV.

**SCHOCH RESIDENCE**  
New Residence and ADU  
7xx First Street • SEBASTOPOL • CALIFORNIA • 95472

DATE: 10-14-22

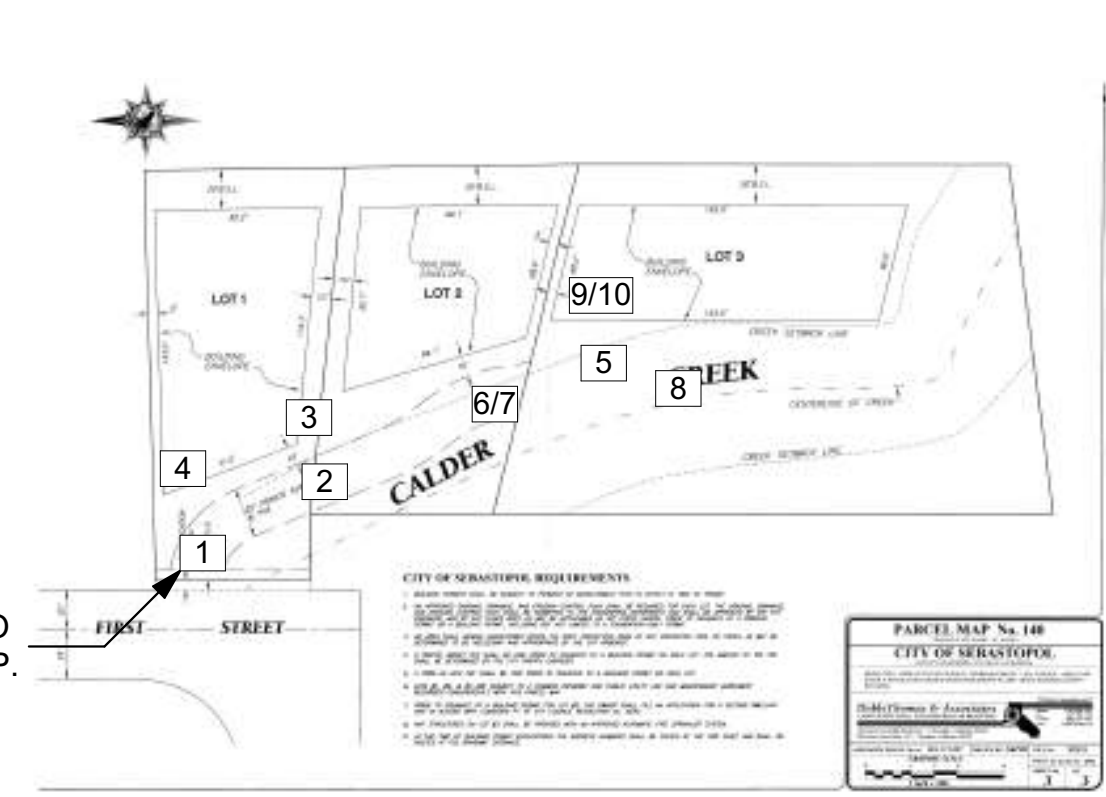
Sheet

**A-DR1**

Scale



**NOTE:** PHOTOS TAKEN ONSITE 4/27/2021 AT APPROXIMATELY 3:30PM ON A SUNNY AND CLEAR DAY.



APPROXIMATE PHOTO LOCATION, TYP.

LOCATION MAP

**Builders Studio**  
 OF SEBASTOPOL  
 555 SO. MAIN STREET SUITE 1  
 SEBASTOPOL, CALIFORNIA 95472  
 OFFICE: (707) 827-3388 FAX: (707) 827-3253  
 www.BUILDERSSTUDIOINC.com  
 CSL: 878243

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Drawing scales as indicated are for reference only and are not intended to accurately depict actual or designed conditions. Written dimensions shall govern.

REV.	DATE	DESCRIPTION	DESIGNED	DRAWN	CHECKED



1 PROPERTY ENTRANCE



2 EXISTING ASPHALT DRIVEWAY (SOUTH)



3 EXISTING VEGETATION AND TREES



4 EXISTING NORTH PROPERTY LINE



5 PROPOSED PROJECT LOCATION



6 EXISTING ASPHALT DRIVEWAY (NORTH)



7 END OF (E) DRIVEWAY



8 PROPOSED PROJECT LOCATION (SOUTH)



9 PROPOSED PROJECT LOCATION (S/E)



10 PROPOSED PROJECT LOCATION (SOUTH)

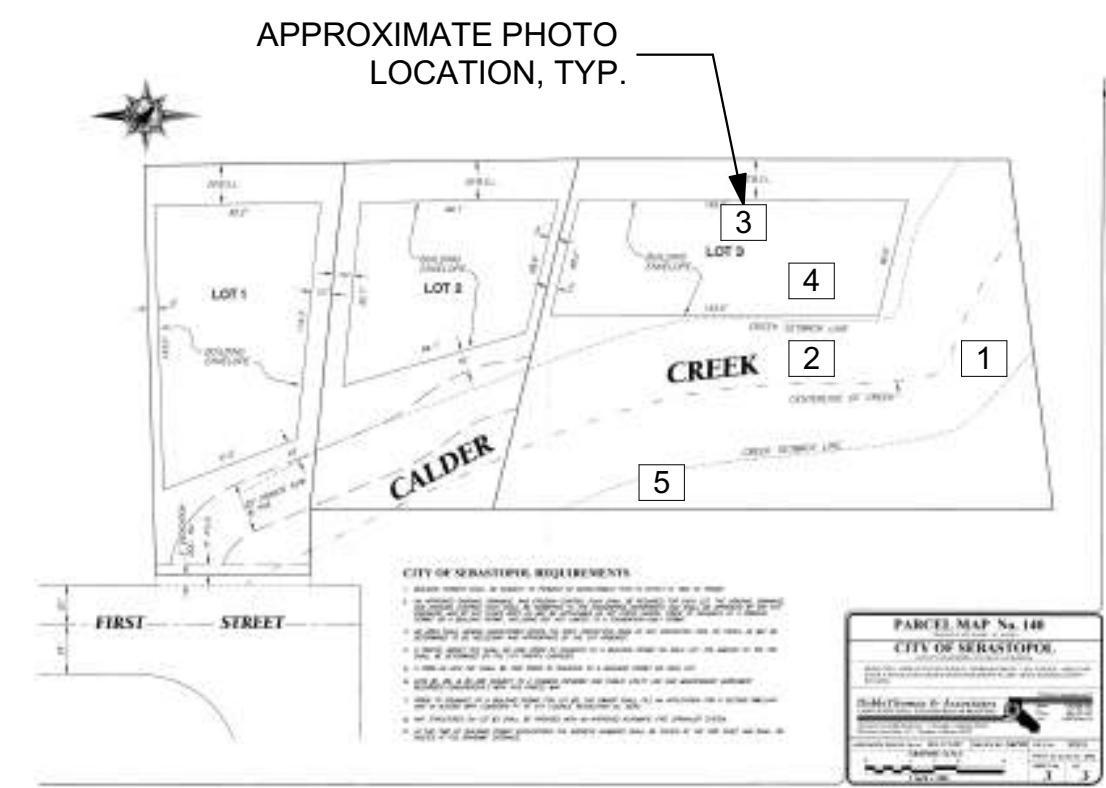
**SCHOCH RESIDENCE**  
 New Residence and ADU  
 7xx First Street • SEBASTOPOL • CALIFORNIA • 95472

DATE: 10-14-22

Sheet  
**A-DR3**

Scale

**NOTE:** PHOTOS TAKEN ONSITE 10/18/2022 AT APPROXIMATELY 3:30PM ON A SUNNY AND CLEAR DAY.



LOCATION MAP



1 TREE NUMBER 5 WITH BROKEN LIMBS



2 TREE NUMBER 5 WITH BROKEN LIMBS



3 TREE NUMBER 5 WITH BROKEN LIMBS



4 TREE NUMBER 5 WITH BROKEN LIMBS



5 TREE NUMBER 7 WITH BROKEN LIMBS

**Builders Studio**  
 OF SEBASTOPOL  
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REV.	DATE	DESCRIPTION	DESIGNED	DRAWN	CHECKED

**SCHOCH RESIDENCE**  
 New Residence and ADU  
 7xx First Street • SEBASTOPOL • CALIFORNIA • 95472

DATE: 10-14-22

Sheet

**A-DR4**

Scale



### City of Sebastopol

Planning Department  
7120 Bodega Avenue  
Sebastopol, CA 95472  
(707) 823-6167

## MASTER PLANNING APPLICATION FORM

### APPLICATION TYPE

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Administrative Permit Review    | <input type="checkbox"/> Lot Line Adjustment/Merger | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Alcohol Use Permit/ABC Transfer | <input type="checkbox"/> Preapplication Conference  | <input type="checkbox"/> Tree Removal Permit  |
| <input type="checkbox"/> Conditional Use Permit          | <input type="checkbox"/> Preliminary Review         | <input type="checkbox"/> Variance             |
| <input checked="" type="checkbox"/> Design Review        | <input type="checkbox"/> Sign Permit                | <input type="checkbox"/> Other _____          |

This application includes the checklist(s) or supplement form(s) for the type of permit requested:  Yes  No

### REVIEW/HEARING BODIES

- Staff/Admin  Design Review/Tree Board  Planning Commission  City Council  Other \_\_\_\_\_

### APPLICATION FOR

Street Address: 763 FIRST STREET Assessor's Parcel No(s): 004-172-017

Present Use of Property: Vacant Lot Zoning/General Plan Designation: R3/MDR

### APPLICANT INFORMATION

Property Owner Name: Steve & Rose Schoch

Mailing Address: 974 Bluebonnet Drive Phone: - 408-732-4479


City/State/ZIP: Sunnyvale, CA 94086 Email: schoch6@gmail.com schochemail@gmail.com

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Agent/Applicant Name: Thrive Construction/Builders' Studio of Sebastopol - Gregory Beale & Marilyn Standley & Ryan Connelly

Mailing Address: 555 S. Main Street Phone: 707-827-3388

City/State/ZIP: Sebastopol, CA 95472 Email: marilyn@buildersstudioinc.com

Signature:  On behalf of Gregory Beale. Date: 12/15/22

Contact Name (If different from above): Ryan Connelly Phone/Email: ryan@buildersstudioinc.com

### PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

New Residence and ADU on an existing R-3 zoned lot of .99 acres (43,181 SF).

1. Locate and construct a new two-story home that is 3,977 SF .
2. Locate and construct a new one-story ADU that is 801 SF.
3. Grading, landscaping, utilities for new residence and ADU.
4. Tree removal of one existing dying oak tree per arborist report.

### CITY USE ONLY

Fill out upon receipt:	Action:	Action Date:
Application Date: _____	Staff/Admin: _____	Date: _____
Planning File #: _____	Planning Director: _____	Date: _____
Received By: _____	Design Review/Tree Board: _____	Date: _____
Fee(s): \$ _____	Planning Commission: _____	Date: _____
Completeness Date: _____	City Council: _____	Date: _____

**SITE DATA TABLE**

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
<b>Zoning</b>	N/A	R3	R3
<b>Use</b>	N/A	Vacant Lot	Residential
<b>Lot Size</b>	8,000 SF Min.	0.99/43,181SF	0.99/43,181 SF
<b>Square Feet of Building/Structures</b> <i>(if multiple structures include all separately)</i>		-	Main Residence - 3,977 ADU - 801
<b>Floor Area Ratio (F.A.R)</b>	<u>    </u> N / <u>    </u> A <u>    </u> FAR	<u>    </u> N / <u>    </u> A <u>    </u> FAR	<u>    </u> N / <u>    </u> A <u>    </u> FAR
<b>Lot Coverage</b>	<u>    </u> 20 <u>    </u> % of lot	<u>    </u> 0 <u>    </u> % of lot	<u>    </u> 13.2 <u>    </u> % of lot
	<u>    </u> sq. ft.	<u>    </u> 0 <u>    </u> sq. ft.	<u>    </u> 5,987 <u>    </u> sq. ft.
<b>Parking</b>	2 Main/ 1 ADU	-	3 Main, 1 ADU
<b>Building Height</b>	30 FT./17 FT.	-	27'-8.5"/16'-1"
<b>Number of Stories</b>	2 MAIN/1 ADU	-	2 MAIN/1 ADU
<b>Building Setbacks – Primary</b>			
<i>Front</i>	30 FT.	-	SEE ATTACHED SUB DIVISION MAP
<i>Secondary Front Yard (corner lots)</i>	20 FT.	-	SEE ATTACHED SUB DIVISION MAP
<i>Side – Interior</i>	10 FT. MAIN	-	SEE ATTACHED SUB DIVISION MAP
<i>Rear</i>	20 FT. MIN./30 FT. MAX.	-	SEE ATTACHED SUB DIVISION MAP
<b>Building Setbacks – Accessory</b>			
<i>Front</i>	30 FT.	-	SEE ATTACHED SUB DIVISION MAP
<i>Secondary Front Yard (corner lots)</i>	20 FT.	-	SEE ATTACHED SUB DIVISION MAP
<i>Side – Interior</i>	3 FT.	-	SEE ATTACHED SUB DIVISION MAP
<i>Rear</i>	20 FT. MIN./30 FT. MAX	-	SEE ATTACHED SUB DIVISION MAP
<b>Special Setbacks (if applicable)</b>			
<i>Other ( Mechanical Equipment )</i>	50% or 5 FT. MIN.	-	50% or 5 FT. MIN.
<b>Number of Residential Units</b>	<u>    </u> N/A <u>    </u> Dwelling Unit(s)	<u>    </u> N/A <u>    </u> Dwelling Unit(s)	<u>    </u> N/A <u>    </u> Dwelling Unit(s)
<b>Residential Density</b>	1 unit per <u>    </u> N/A <u>    </u> sq. ft.	1 unit per <u>    </u> N/A <u>    </u> sq. ft.	1 unit per <u>    </u> N/A <u>    </u> sq. ft.
<b>Useable Open Space</b>	<u>    </u> N/A <u>    </u> sq. ft.	<u>    </u> N/A <u>    </u> sq. ft.	<u>    </u> sq. ft.
<b>Grading</b>	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: <u>    </u> 360 <u>    </u> cu. yds. Cut: <u>    </u> 360 <u>    </u> cu. yds. Fill: <u>    </u> 360 <u>    </u> cu. yds. Off-Haul: <u>    </u> 0 <u>    </u> cu. yds
<b>Impervious Surface Area</b>	N/A	<u>    </u> 0 <u>    </u> % of lot	<u>    </u> 22% <u>    </u> % of lot
		<u>    </u> 0 <u>    </u> sq. ft.	<u>    </u> 9,809 <u>    </u> sq. ft.
<b>Pervious Surface Area</b>	N/A	<u>    </u> 100 <u>    </u> % of lot	<u>    </u> 6.9 <u>    </u> % of lot
		<u>    </u> 37,026 <u>    </u> sq. ft.	<u>    </u> 2,992 <u>    </u> sq. ft.



### CONDITIONS OF APPLICATION

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

**NOTE:** The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> A general plan   | <input checked="" type="checkbox"/> A specific plan    |
| <input checked="" type="checkbox"/> An ordinance affecting building permits or grading permits | <input checked="" type="checkbox"/> A zoning ordinance |

#### Certification

*I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.*

**Property Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.*

**Applicant's Signature:**  On behalf of Gregory Beale. **Date:** 10/14/22

**NOTE:** It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

## Neighbor Notification

---

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project:  Yes  No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

The attached letter was sent to the neighbors last August. We then sent them a Christmas card in December. The letters were sent to: 761, 830, 835, 850, 855, 865, & 885 First Street; 810 & 814 Jewell Ave; and 7480 Hayden Ave.

We received email from Paul & Laurie Olson of 810 Jewell Ave; Jerry Threet & Seth Ubogy of 885 First Street, Delora & Robert Porter of 850 First Street; and Judy & Steve Fabian of 855 First Street.

## Website Required for Major Projects

---

Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots**), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings



August 20, 2020

Greetings from your future neighbors.

We would like to introduce ourselves. We are Steven & Rose Schoch, currently of Sunnyvale. We plan to build a house on our lot near you, the last of 3 lots at the end of the driveway that starts at 763 First Street. (Our house does not yet have an address assigned.)

We are familiar with Sebastopol, as Steve has grown up here, graduated from Analy in 1980, and has parents, and a brother and family who both live on Sparkes Road. Rose grew up in Fremont.

We expect our house to be built next year, if everything goes according to schedule.

For more and to be kept in the loop, please send email to [schoch6@gmail.com](mailto:schoch6@gmail.com) (Steve) and [SchochEmail@yahoo.com](mailto:SchochEmail@yahoo.com) (Rose).

We look forward to being your new neighbors.

Best regards,

*Steve & Rose*

Date: 12/12/2022

Schoch – New Residence and ADU  
763 First Street  
Sebastopol, CA 95472

## **Written Statement – Design Review**

### **New Residence and ADU on an existing R-3 zoned lot of .99 acres (43,181 SF):**

- Construct new two-story home
- Construct new one-story ADU (Requirement of subdivision)
- Grading, landscaping, utilities
- Tree removal of one existing small dying oak tree per arborist report (tree #4).
- Zoning is R3- “Medium Density Residential” 5.4 units per acre

### **Please make note:**

763 First St is one of the **largest lots** within the city limits of Sebastopol.

It has **unique rural character, lack of visibility from the public right of way** and is at a **lower elevation than the closest neighbors.**

The “general area” is **separate of and in addition to**, “Swain Woods Neighborhood” and “First Street Area” per the plain language and meeting with planning and city attorney held June 14, 2022.

The **building envelop was established as part of the subdivision more than 20 years** ago with the restraints influenced by the stream setback, mandatory ADU and special subdivision conditions.

All neighbors that contacted Rose and Steve in response to their original neighborhood mailer had their **concerns met** and did not attend any subsequent DRB meetings or contact planning with objection to the project.

**Tree limbs have continued to break and/or fall** from the east boundary of the property.

**Several meetings have been held** by zoom and on site with planning, city arborist and city attorney.

On April 30<sup>th</sup>, 2022 **Rose, Steve and their extended family hosted a barbeque** on the property and invited neighbors. Many attended and a great time was had.

Rose and Steve **never wanted to remove tree #5** but were advised by arborist that it would pose a risk to them and their home due to its poor and unusual structure. It was advised that it would be easier to remove prior to building their new home. A final decision was not made at the time of the first DRB meeting, and no neighbors contacted them prior to the meeting to express concern. In hindsight we would have approached this differently if we had known what we know now.

## **Summary of updates made to address concerns of the DRB and planning staff:**

Many alternatives have been explored at significant time and expense.

The **proposed project reduces size and mass** from the original design and **is appropriate to the scale and setting of the property.**

- The meditation/prayer room and tower has been eliminated from main level (aka Jeannie room)
- Conditioned and nonconditioned square footage has been substantially reduced at the lower level to accommodate a greater setback to tree #5, and reduce size and mass.

The hot tub has been removed from scope

The DRB's motions to add language to M8 was deemed non-binding by City's outside council.

The plan **accommodates and respects the surrounding trees beyond the city arborist's recommendations by providing a greater setback to structure and drainage than requested by city arborist.**

Tree #5 will be trimmed and not removed.

The amount of **grading has been reduced and importing/hauling has been potentially eliminated.**

**There are many homes with two and three car garages,** and/or large outbuildings in the area.

## **You will also find that:**

The proposed project is **sensitively designed to respect existing patterns and reinforce the character and context of the diverse neighborhood.**

The **proposed project is appropriate to the size and setting of the property.**

The **proposed project conforms with all the mitigation measures** of the 2001 subdivision.

**The proposed project is in compliance with all objective city guidelines and ordinances.**

**TABLE OF CONTENTS****SECTION 1: 2001 SUBDIVISION MITIGATION MEASURES:**

- A. Intent of M8 and how the abandoned Hayden extension influenced many measures
- B. Size of residence: This project is within the allowed parameters
  - c. Letter from Law Offices of Tina Wallace with regards to “size”
  - d. Letter from City’s outside council in response to our appeal of the DRB’s motions with regards to M8
- C. Comparative Areas: Area map showing all three zones- Swain Woods Neighborhood, First St Area & General Area (650’ radius)
- D. Research: On-line research and in-person tours of the areas provided information on lot and home sizes, garages and FAR
  - a./c./e. Property data spreadsheet

**SECTION 2: “STANDARD” DESIGN REVIEW BOARD PROCESS:**

- A. Design Guidelines/Statements
- B. Consistent with Required Findings
- C. Massing
- D. Grading

**SECTION 3: TREE BOARD**

- A. Tree Protection: purpose
- B. Response to accommodate arborist and board comments
- C. Letter from the Law Offices of Tina Wallace with regards to boundary trees

**SECTION 1. 2001 SUBDIVISION MITIGATION MEASURES:**

The proposed project adheres to the word and intent of M8.

- A. M8 was poorly written measure, and evidently the **Hayden extension was still part of the proposed subdivision at the time it was written**. See M9 for example, as it mentions exiting vehicles onto Jewell Ave. Since the Hayden extension did not come to fruition it is believed that the intersection of Jewell and Hayden is less critical than originally intended as it relates to the subdivision.
- B. **Size:** Pertains to conditioned square footage and the proposed home “in general” cannot exceed the size of homes in the area (not the average of select homes from inaccurate publicly available database).
  - a. The proposed project does not exceed the height and size of homes in the area.
  - b. Sizes of homes listed on the GIS map appear to list original square footage and do not track square footage added later.
  - c. You will find the Legal analysis provided by The Law Offices of Tina Wallace on pages 5-7.
- C. **Area:** Per meeting with city attorney and planning, the comparative areas consist of total of three described areas:
  - a. The “general area” includes homes within a 650-foot radius of the subdivision
  - b. “Swain Woods neighborhood”
  - c. And “the First Street area”
  - d. Note: We have determined that the “(Jewell near Hayden)” was included in the description of the areas due to the Hayden extension component, which was later abandoned.
- D. **Research:** We surveyed the homes within the area. See included spreadsheets of data gathered of properties within the above-described areas. No information is available for non-conditioned areas of primary structures or detached accessory structures.
  - a. **Size of home:** We found that the proposed home would not be the largest and there are several others of similar size.
  - b. **Storage or Shop Area:** In our research and in person tours, we have not seen any evidence that the amount of storage or shop space proposed is inconsistent with other homes in the area.
  - c. **Garages:** We also toured these areas in person to tally garages. The number of garages proposed is not unusual:
    - i. Four Car Garages- at least 2 other homes
    - ii. Three Car garages - at least 15 other homes
    - iii. Two Car garages – at least 100 homes
  - d. **Height:** Planning, DRB and applicant all agreed to default to standard city ordinance/guidelines, which the proposed project complies with.
    - i. **Main House:** 30’ max height, 27’- 8 ½” provided
    - ii. **ADU:** 17’ max height, 16’-1” provided
    - iii. **FAR:** The proposed project would have one of the lowest Floor Areas.

December 13, 2022

Design Review Board  
City of Sebastopol  
7120 Bodega Avenue  
Sebastopol, CA 95472  
*Via Electronic Mail: ksvanstrom@cityofsebastopol.org*

RE: 771 and 773 First Street Design Review

Dear Chair Luthin and Distinguished Board Members:

During its January 5, 2022, Design Review Board hearing, the DRB purportedly took the nonbinding action of how it would interpret COA/MM8. The applicant appealed the DRB's actions, but the City rejected the appeal on the grounds that the DRB did not take any action during its January 5, 2022, meeting. The DRB's actions are legally and fatally flawed.

DRB ignored the plain meaning of terms: Rather than utilize the meaning of the word "size" clearly intended by COA/MM8 in reference to the allowed size of the homes within the subdivision, the DRB chose to apply its own interpretation to the word "size" used in COA/MM8. Much like a statute, courts must apply the plain-meaning rule when interpreting conditions of approval. (*Torres v. Parkhouse Tire Serv., Inc.* (2001) 26 Cal.4th 995, 1003.) This means that a court must apply the plain language, or usual or ordinary meaning, of the condition of approval. Only if the language is ambiguous, or if a literal interpretation would lead to an absurd result, may a court look to the intent behind the statute or regulation. (*Castenada v. Holcomb* (1981) 114 Cal.App.3d 939, 942.) Courts are prohibited from inserting or ignoring language in the statute or regulation. (*Harbor Fumigation, Inc. v. County of San Diego Air Pollution Control District* (1996) 43 Cal.App.4th 854, 860.) The DRB must follow basic legal principles of statutory construction. The word "size" is not ambiguous and is defined as, "the relative extent of something; a thing's overall dimensions or magnitude; how big something is." (Oxford Languages Dictionary.) Rather than contrive a formula relative to size based on averages (which DRB staff conceded was not necessarily accurate) to add components to the definition of "size," the DRB is required by the plain-meaning rule to utilize the ordinary meaning of the terms in COA/MM8 instead, including "size."

DRB cannot insert words, unlawfully amending the COA/MM8: The DRB used "average" as a qualifier to the allowed size of homes at the subdivision—an interpretation of COA/MM8 that amounts to an after-the-fact illegal underground amendment. The DRB effectively revises COA/MM8 to read (in pertinent part): In general, the size and height of the homes to be constructed within this subdivision shall not exceed [the average size] those of similar homes of



more recent construction in the general area, including both the First Street area and the Swain Woods neighborhood (Jewell near Hayden). For the DRB to change the COA/MM8, it must provide a legitimate reason for making the change and support those reasons with substantial evidence. (*Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 359.) It has not done so. The DRB's December 15, 2021 staff report contains opinions and recommendations of the staff supporting the use of averages and the formula ultimately used by the DRB related to the size restriction—not substantial evidence or legitimate reasons for amending COA/MM8 after the City Council already adopted it through its Resolution 5220.<sup>1</sup> (*See, e.g.,* DRB Staff Report (Aug. 8, 2021), at p. 6 [citing staff's “belief” and “recommendations” related to the use of averages and related to the sizing formula].)

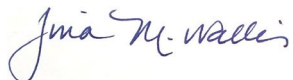
DRB denied the Applicant due process: The DRB's insertion of the word “average” relative to the allowed home sizing denied the applicant due process, decades after the statute of limitations passed to challenge the COA/MM8. The statute of limitations to challenge the language of COA/MM8 is linked to the City Council's adoption of Resolution 5220, which occurred in October 2001. Had the Applicant known that “size” referenced in COA/MM8 would mean the “average home size” of a select few homes, the Applicant could have challenged the language of COA/MM8 at the time of Resolution 5220's approval. Only now—decades later—is the DRB modifying the language of COA/MM8 without due process and without complying with the Brown Act. The City, through the DRB, may not violate the due process rights by applying changes to COA/MM8 decades after its adoption and in such a way that fundamentally impacts the development of the subdivision. This act is precisely the arbitrary and irrational action that the U.S. Supreme Court has established protections against. (*Lingle v. Chevron USA, Inc.* (2005) 544 U.S. 528, 542–43; *North Pacifica, LLC v. City of Pacifica* (9th Cir. 2008) 526, F. 3d 478, 484; *Shaw v. County of Santa Cruz* (2008) 170 Cal.App.4th 229, 284. n.51.) For any such violation of the Applicant's constitutionally protected rights to stand, the DRB must advance a legitimate government interest—which it is not—particularly when the action is based on staff opinion. (*Guggenheim v. City of Goleta* (9th Cir. 2010) 638 F. 3d 1111, 1122; *North Pacifica, LLC v. City of Pacifica* (9th Cir. 2008) 526, F. 3d 478, 484.)

The insertion of “average” into COA/MM8 by the DRB constitutes a compensable taking: By severely limiting the size of the homes in the subdivision based upon the skewed low-end of an “average” selected decades after the City Council set COA/MM8 without any language suggestive of such limitations, the DRB is liable for a compensable taking relative to the subdivision. The impact of the sizing limit is so onerous that it acts as a direct appropriation; it has a monetary impact, interferes with investment expectations, and it lacks clear governmental purpose (especially considering the noted reliance on “belief,” “recommendations,” and lack of substantial evidence to back the after-the-fact use of the average). (*Lingle v. Chevron USA, Inc.* (2005) 544 U.S. 528, 537 [citing *Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104, 124].)

<sup>1</sup> Notably, an earlier staff report, dated August 18, 2021, did not insert the word “average” into the COA/MM and would have allowed a 4,500 square foot structure instead of the much smaller structure the DRB settled on just four months later.

Through the application of the holdings in the seminal Supreme Court cases of *Lingle* and *Penn Central*, it is abundantly clear that the DRB has acted so arbitrarily and with such burdensome effect on the subdivision that a taking is without question.

Very truly yours,

A handwritten signature in blue ink that reads "Tina M. Wallis". The signature is written in a cursive style with a large initial 'T' and 'M'.

Tina Wallis,  
The Law Offices of Tina Wallis, Inc.

555 Capitol Mall, Suite 1200  
Sacramento, California 95814  
tel (916) 556-1531  
fax (916) 556-1516  
www.meyersnave.com

Edward Grutzmacher  
egrutzmacher@meyersnave.com



January 24, 2022

**Via E-mail and U.S. Mail**

Tina M. Wallis  
Law Offices of Tina Wallis  
1400 North Dutton Ave., No. 22  
Santa Rosa, CA 95401  
twallis@twallislaw.com

**Re: Appeal from January 5, 2022 Design Review Board Meeting**

Dear Ms. Wallis:

Meyers Nave serves as outside counsel to the City of Sebastopol (“City”) on various matters. The City has asked Meyers Nave to examine the issues raised in your January 12, 2022 letter and your client’s appeal concerning the January 5, 2022 Design Review Board (“DRB”) meeting in which the DRB was asked by your client to provide direction on the appropriate size of single-family dwellings that meet the requirements of the conditions of approval of Subdivision Resolution No. 5220. I have reviewed your letter, your client’s appeal, as well as the draft minutes of the January 5 meeting and have consulted with City Manager/City Attorney McLaughlin regarding the City’s official position regarding the issues raised in your letter and your client’s appeal.

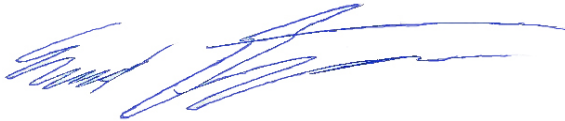
The City considers that the guidance provided by the DRB at the January 5, 2022 DRB meeting was advisory in nature, which is not binding on your clients or others. Therefore, the DRB’s guidance does not constitute an appealable “determination or interpretation” by the DRB. As you are aware, your client sought advice on design parameters for a single-family home that the DRB might find acceptable under Mitigation Measure “M8” attached as a condition of approval for Resolution No. 5220, approving a minor tentative parcel map that created your client’s parcel. M8 requires, in part, that “[i]n general, the size and height of the homes to be constructed within this subdivision shall no exceed those of similar homes of more recent construction in the general area, including both the First Street area and the Swain Woods neighborhood (Jewell near Hayden).” While the DRB made collective decisions regarding what your client should consider when designing a home that would meet the requirements of M8, the DRB made no binding or enforceable “determinations or interpretations” of M8 either generally, or as applied to a specific project proposal. Nor does the DRB’s use of “motions” as a means to determine the majority opinion of the DRB on the appropriate guidance place this advice into the category of an appealable “determination or interpretation” under Municipal Code section 17.455.020.B.

Tina M. Wallis  
January 24, 2022  
Page 2

As such, the City will not be scheduling an appeal before the City Council at this time. Your client is free to propose a project that fits within the guidance offered by the DRB, or not, and to file an appeal of any final DRB determination regarding the proposed project and/or interpretation of the Zoning Code or M8 at such time as the DRB makes such final determinations and/or interpretations.

If you have any questions, or would like to discuss further, please let me know.

Very truly yours,



Edward Grutzmacher  
EAG:mlb

c: Larry McLaughlin

5049142.1

## Section 1D a/c/e

	Smallest	763 First St	Largest
SQ FT	665	3966	4994
LOT SF	7,405	43,124.40	134,600
FAR	0.01	0.09	0.32
GARAGES	0	3	4
YEAR BUILT	1895	2023	2011

Garages		4-car	5 +/-
		3-car	15 +/-
		2-car	100 +/-

ADDRESS	SQ FT	LOT SF	FAR %	# STORIES	# GARAGES	YEAR BUILT
FIRST STREET						
435 First Street	698	38986.2	0.02	1	2 car	1895
520 First Street	1120	21083.04	0.05	1		1913
550 First Street	1879	49658.4	0.04			1986
600 First Street	1216	16901.28	0.07	1	2 car	1917
601 First Street	2298	39988.08	0.06	2	2 car	2011
620 First Street	2313	48351.6	0.05	1	2 car plus carport	1974
630 First Street	2043	30492	0.07			1977
709 1First Street	2340	19166.4	0.12	1	2 car plus barn	1976
711 First Street	1902	19602	0.10	2	2 car	1988
729 First Street	2079	21083.04	0.10	1	2 car	1946
740 First Street	720	40075.2	0.02	1	2 car	1946
749 First Street	1539	34848	0.04	1	2 car	1980
750 First Street	1328	20037.6	0.07	1		1998
754 First Street	2162	19558.44	0.11			2004
760/762 First Street	2214	15246	0.15	1	2+ car	1914
761 First Street	1750	26136	0.07	1	2 car	1983
<b>763 First Street</b>	<b>3966</b>	<b>43124.4</b>	<b>0.09</b>	<b>2</b>	<b>3 car</b>	<b>2023</b>
764 First Street	2296	28531.8	0.08			1993
830 First Street	2464	27181.44	0.09	1	2 car	1991
835 First Street	1732	21387.96	0.08	2	2 car	1985
838 First Street	2917	20037.6	0.15			1990
840/850 First Street	2514	12196.8	0.21	2	3+ car	1978
855 First Street	1872	16901.28	0.11	1	2 car	1986
860 First Street	1691	10105.92	0.17	2	2 car	1954

862 First Street	1469	51400.8	0.03			1977
864 First Street	1971	14810.4	0.13			1999
865 First Street	1527	18730.8	0.08	1	2 car	1978
867 First Street	665	18295.2	0.04	1	2 car	2003
870 First Street	1075	13198.68	0.08	1	2 car	1953
880 First Street	2432	37461.6	0.06	1	3 car	1993
885 Frist Street	2589	11979	0.22			2000
900 First Street	2233	20473.2	0.11	1	2 car	1998
903 First Street	1367	14810.4	0.09	1		1950
909 First Street	815	12196.8	0.07	1		1920
910 First Street	1978	21780	0.09			1997
915 First Street	2653	14810.4	0.18	2	3 car	1999
920 First Street	3732	20037.6	0.19	2	3 car	1998
925 First Street	2532	19602	0.13			1999
930 First Street	3309	22215.6	0.15	2	3 car	1998
1020 First Street	1290	134600.4	0.01	2	2 car	1923
1026 First Street	2057	21780	0.09	2	2 car	1900

900 Bayberry Ct	4400	17859.6	0.25	2	3 car	1990
910 Bayberry Ct	2273	16552.8	0.14	2	2 car	1989
911 Bayberry Ct	2471	17424	0.14	2	2 car	1989
920 Bayberry Ct	2922	16552.8	0.18	2	3 car	1989
921 Bayberry Ct	2379	18295.2	0.13	2	3 car	1989
931 Bayberry Ct	2371	18730.8	0.13	2	2 car	1990

7401 Walnut Ln	1064	7405.2	0.14	2	1 car	1951
7408 Walnut Ln	864	8712	0.10	2	2 car	1951
7409 Walnut Ln	2311	10454.4	0.22	2	2 car	1978
7415 Walnut Ln	1974	8276.4	0.24	1	2 car	1978
7420 Walnut Ln	2143	8712	0.25	1	2 car	1977
7423 Walnut Ln	1990	10890	0.18	2	2 car	1977
7424 Walnut Ln	1990	10018.8	0.20	2	2 car	1977
7427 Walnut Ln	2109	10890	0.19	2	2 car	1977
7428 Walnut Ln	2545	10018.8	0.25	2	2 car	1977

7415 Shaun Ct	2372	8712	0.27	1	3 car	1977
7416 Shaun Ct	2372	10018.8	0.24	1	3 car	1977
7420 Shaun Ct	2846	10018.8	0.28	2	garage converted to living?	1978
7423 Shaun Ct	3066	10018.8	0.31	2	2 car	1978
7424 Shaun Ct	3248	11761.2	0.28	2	2 car	1978
7427 Shaun Ct	2511	10018.8	0.25	2	2 car	1978

7428 Shaun Ct	2511	10890	0.23	2	2 car	1978
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7401 Giusti Ct		65775.6	0.00	2	2 car	
7429 Giusti Ct		13939.2	0.00			
7430 Giusti Ct		12196.8	0.00			
7439 Giusti Ct	2460	10890	0.23	2	2 car	2000
7440 Giusti Ct	2696	10890	0.25	2	2 car	1988

810 Jewell Ave	1990	10018.8	0.20	2	2 car	1977
811 Jewell Ave	2003	9583.2	0.21	1	2 car	1977
814 Jewell Ave	2262	10890	0.21	1	2 car	1978
815 Jewell Ave	2089	9583.2	0.22	2	2 car	1977
818 Jewell Ave	2262	10890	0.21	1	2 car	1978
821 Jewell Ave	3211	10890	0.29	2	2 car	1977
822 Jewell Ave	2520	10890	0.23	2	2 car	1977
825 Jewell Ave	2220	10890	0.20	2	2 car	1978
826 Jewell Ave	2520	13068	0.19	2	2 car	1977
830 Jewell Ave	1524	13068	0.12	1	2 car	1977
831 Jewell Ave	1649	10018.8	0.16	1	2 car	1978
900 Jewell Ave	3332	22215.6	0.15	2	3 car	1989

500 Swain Ave	4994	17424	0.29	2	2 car	1980
501 Swain Ave	2878	19166.4	0.15	2	3 car	1981
520 Swain Ave	2426	11761.2	0.21	2	2 car	1980
521 Swain Ave	1837	10018.8	0.18	2	2 car	1979
540 Swain Ave	2161	10018.8	0.22	2	2 car	1980
541 Swain Ave	1835	10018.8	0.18	2	2 car	1979
560 Swain Ave	3115	10018.8	0.31	2	2 car	1983
561 Swain Ave	2672	10018.8	0.27	2	2 car	1982
580 Swain Ave	1854	10018.8	0.19	2	3 car	1981
581 Swain Ave	2456	10018.8	0.25	2	2 car	1985
600 Swain Ave	2260	10018.8	0.23	2	2 car	1980

7351 Hayden Ave	1089	7840.8	0.14	1	2 car	1952
7400 Hayden Ave	2233	10018.8	0.22	2	2 car	1979
7409 Hayden Ave	1974	9583.2	0.21	1	2 car	1978
7410 Hayden Ave	1938	10018.8	0.19	1	2 car	1978
7415 Hayden Ave	2372	10454.4	0.23	1	2 car	1977
7419 Hayden Ave	2323	10018.8	0.23	2	2 car	1977
7420 Hayden Ave	2016	10018.8	0.20	1	2 car	1978
7423 Hayden Ave	2595	10018.8	0.26	2	4 car	1977

7427 Hayden Ave	1990	10018.8	0.20	2	2 car	1977
7430 Hayden Ave	1916	10018.8	0.19	1	2 car	1978
7440 Hayden Ave	2048	10018.8	0.20	1	2 car	1979
7450 Hayden Ave	1932	10018.8	0.19	1	2 car	1979
7480 Hayden Ave	2765	18295.2	0.15	1	2 car	1980

701 Acorn Ct.	2454	10018.8	0.24	2	2 car	1979
710 Acorn Ct.	2164	10018.8	0.22	2	2 car	1979
711 Acorn Ct.	1743	10018.8	0.17	1	2 car	1984
721 Acorn	2514	16988.4	0.15	2	2 car	1979

530 SWAIN WOODS TER		10018.8	0.00			
531 Swain Woods Terrace	3160	12632.4	0.25	2	2 car	1979
535 Swain Woods Terrace	2643	10890	0.24			1957
560 Swain Woods Terrace	2892	12632.4	0.23	2	2 car	1979
561 Swain Woods Terrace	0	10018.8	0.00			
590 Swain Woods Terrace	2049	10018.8	0.20	2	2 car	1982
591 Swain Woods Terrace	3198	10018.8	0.32	2	2 car	1979
621 Swain Woods Terrace	2424	10018.8	0.24	2	2 car	1979
650 Swain Woods Terrace	2583	10018.8	0.26	2	2 car	1981
651 Swain Woods Terrace	2262	8712	0.26	2	2 car	1978
660 Swain Woods Terrace	976	10018.8	0.10	2	2 car	1982
661 Swain Woods Terrace	1916	8712	0.22	2	2 car	1979
670 Swain Woods Terrace	2746	10890	0.25	2	2 car	1985
671 Swain Woods Terrace	2223	8712	0.26	1	2 car	1979
680 Swain Woods Terrace	1712	10018.8	0.17	2	3 car	1984
681 Swain Woods Terrace	1956	8712	0.22	2	2 car	1979
691 Swain Woods Terrace	2429	11761.2	0.21	2	2 car	1981

7400 Bloomsoom Wood Ave.	1945	10890	0.18	2	2 car	1981
7401 Bloomsoom Wood Ave.	1662	12196.8	0.14	1	2 car	1979
7410 Bloomsoom Wood Ave.	2166	10454.4	0.21	1	2 car	1980
7411 Bloomsoom Wood Ave.	2401	10018.8	0.24	2		1982
7420 Bloomsoom Wood Ave.	1851	10018.8	0.18	2	2 car	2003
7421 Bloomsoom Wood Ave.	2216	10018.8	0.22	2	2 car	1982
7430 Bloomsoom Wood Ave.	2198	10018.8	0.22	2	2 car	1981



7431 Bloomsoom Wood Ave.	1958	10890	0.18	1	2 car	1979
7440 Bloomsoom Wood Ave.	2937	10454.4	0.28	2	2 car	1981
7441 Bloomsoom Wood Ave.	2849	11325.6	0.25	2	2 car	1979
7451 Bloomsoom Wood Ave.	1962	14810.4	0.13	2	2 car	1979
7455 Bloomsoom Wood Ave.	2086	10454.4	0.20	2	2 car	1980
7461 Bloomsoom Wood Ave.	2779	10018.8	0.28	2	2 car	1980
7465 Bloomsoom Wood Ave.	2018	10890	0.19	1	2 car	1981

514 Parquet Street		8276.4	0.00	1		
534 Parquet Street	1932	10890	0.18	1	2 car	1980
535 Parquet Street	2643	10890	0.24	1	2 car	1957
564 Parquet Street	2563	10890	0.24	2	2 car	1980
565 Parquet Street	3199	10890	0.29	2	3 car	1979
574 Parquet Street	2516	10018.8	0.25	2	2 car	1984
585 Parquet Street	1466	11325.6	0.13	1	2 car	1983

7382 Palm Ave	2294	10018.8	0.23	1	2 car	1979
7392 Palm Ave	2277	10018.8	0.23	2	2 car	1979
7393 Palm Ave	2501	10890	0.23	2	4 car	1980
7402 Palm Ave	1896	10454.4	0.18	1	2 car	1980
7403 Palm Ave	2106	13068	0.16	2	2 car	1979
7412 Palm Ave	2213	10018.8	0.22	2	2 car	1979
7413 Palm Ave	2584	13068	0.20	2	2 car	1979
7422 Palm Ave	2704	10018.8	0.27	2	2 car	1984
7423 Palm Ave	1990	11325.6	0.18	1	2 car	1980
7433 Palm Ave	2359	14810.4	0.16	2	2 car	1979
7442 Palm Ave	2178	10018.8	0.22	2	2 car	1980
7460 Palm Ave	2292	10018.8	0.23	1.5	3 car	1984

## SECTION 2. "STANDARD" DESIGN REVIEW BOARD PROCESS"

### A. Design guidelines and statements:

Design Review is not required for the remodel of, addition to, and construction of new single-family homes unless it is part of a subdivision of 3 or more. Therefore the decisions made today will not have any impact on future trends of single-family homes within the city limits.

There is nothing in the city guidelines, codes, ordinances, etc. that limit the size of a single-family home.

There is nothing in the city guidelines, codes, ordinances, etc. that discourage larger homes. In fact, there is significant guidance on how to disguise the mass of larger homes, therefore implying that larger homes are expected.

Small town character does not mean small homes.

The city has chosen to not adhere to one architectural style. In contrast, eclectic styles have been embraced.

### B. Consistent with the required findings:

Required Findings (Section 17.450.030.B.2) of the zoning ordinance states that in considering an application for design review, the Design Review board shall determine whether the project is consistent with the following:

1. *The Design of the proposal would be compatible with the neighborhood and with the general visual character of Sebastopol.*
  - a. Planning:
    - i. "... its design is consistent with several existing dwellings in the area and contributes to the architectural diversity of the community." (Quote from staff report of original submittal)
    - ii. "Staff is aware of several larger barns, garages, and workshops in the general neighborhood: additionally, the County records do not include the square footage for these types of spaces." (Quote from staff report of original submittal)
    - iii. "Staff further recommends the Board discuss tother potential modifications which, in coordination with the reduction of the **size** of the structure, could provide for **modifying massing, reduction in grading,** and potential **reduction in impacts on trees.**" (the current proposal accommodates all of these)
  - b. Applicant:
    - i. **Current proposed plan reduces size, massing, grading and impact on trees.**
      1. **Size:** Current proposed project resulted in 3,977 conditioned SF in comparative area/s. Houses identified in the designated areas have been found with 4,994 SF, 4,400 SF, 3,966 SF, 3732, etc.

2. **Massing:** Eliminated meditation/prayer tower (aka Jeanie room) and ~1/3 of the lower-level structure.
  3. **Grading:** Although we never understood the concern over the amount of grading the current design reduces grading to approximately 390 cubic yards and the potential for no importing or exporting.
  4. **Trees:** We have changed the footings of the ADU to pier and grade beam and moved retaining/footings/drainage to approximately 20' distance from tree #5 (City arborist asked for 15').
- ii. **LOT SIZE:** Proposed project is located on the 6<sup>th</sup> largest lot in comparative area/s.
  - iii. **FAR:** Proposed project would be 130th in comparative area/s.
  - iv. **GARAGES:** Proposed project will have a 1-car garage and a 2-car garage, totaling 3 garage spaces. In the comparative area there are (~2+) residences with 4-car garages, (~15) 3-car garages and (~100) 2-car garages (Note: not all garages and homes are visible from public right of way).
  - v. **Garages/shops/storage:** The proposed project (previous and current) cannot be compared to accessory structures and what zoning ordinances state about their limitations, and therefor does not apply.
  - vi. **Body color and quantity of colors:** We surveyed the homes in the comparative area and did **not** find any with multiple body colors. We also found that the most common body color were variations of beige.
2. *The design provides appropriate transitions and relations and relationships to adjacent properties and the public right of way.*
    - a. Planning:
      - i. "One consideration the Board may wish to consider is the size of the lot, which is larger than most of the lots in the neighborhood, at just under an acre (43,181 SF)" (quote from staff report of original submittal)
      - ii. "Furthermore, staff finds that the design provides appropriate transitions and relationships to adjacent properties and the public right of way in that it contains sizeable setbacks and sets the structure low to the ground for the uphill properties to reduce the massing from adjacent parcels." (quote from staff report of original submittal)
    - b. Applicant:
      - i. Agree with planning. Current proposed project continues to prioritize its impacts to neighboring properties, while the public right of way does not apply due to its proximity to it.

- ii. Distance from proposed primary residence/ADU are a further distance from neighboring structures than existing adjacent structures from one another.
    - iii. Public indoor and outdoor spaces are oriented away from closest neighbors.
    - iv. Garages are secondary features to the primary structure and are oriented to have the least amount of sound, visual and light beam impact on neighbors.
- 3. *It would not impair the desirability of investment or occupation in the neighborhood.*
  - a. Planning: “The design does not impair the desirability if investment or occupation...”
  - b. Applicant: Agree with planning
- 4. *The design is internally consistent and harmonious.*
  - a. Planning:
    - i. “Finally, the design is internally consistent and harmonious in that it utilizes the same exterior colors and materials throughout both the primary residence and accessory dwelling unit.” (quote from staff report of original submittal)
    - ii. “The primary and accessory dwellings incorporate similar design features, articulation, façade style, and are designed to create a cohesive visual relationship while also distinguishing its own visual identity and individual address.” (quote from staff report of original submittal)
  - b. Applicant:
    - i. The current proposed project maintains the internally consistent and harmonious features, while size and mass were reduced from the original submittal.
- 5. *The design is in conformity with any guidelines and standards adopted pursuant to this chapter:*
  - a. Planning:
    - i. “The project is consistent with the design guidelines in that it avoids box-like forms, has extensive articulated facades or large, and varied roofs.” (quote from staff report of original submittal)
  - b. Applicant:
    - i. Agree with planning. By reducing the size and massing of the primary structure we believe that we even further adhere to the intent of these guidelines.

**C. Massing:**

- a. Design Guidelines have several sections with methods in which larger structures can reduce their impression of mass to adjacent properties and public right of ways, but zero wording discouraging larger structures or inferring that larger structures should be discouraged and/or do not adhere to “small town character” or “eclectic” style.
- b. Design Guideline Architecture A1: “Relationships to surrounding Architecture” Architectural design should be compatible with the developing character of the area and should complement the unique aspects of the site. Design compatibility includes complementary building style, form, size, color and materials. Consider architectural styles of existing structures on the site, as well as other structures in the area when designing a new building providing for a harmonious integration of the new improvements.
- c. Proposed structures are downhill from closest adjacent properties to the east
- d. Proposed structures are further than other existing adjacent properties from one another
- e. Partially recessed into slope reduces massing and height relative to the closest adjacent properties.
- f. Example of new home nearby (intersection of Fellers and Litchfield). This example is provided as evidence that size and massing, in relation to lot size and proximity to neighboring structures, does matter:





**D. Grading:**

- a. CBC Appendix J 102: "Regular Grading- Grading involving less than 500 cubic yards"
- b. Previous submittal projected slightly more than this threshold primarily due to poor topsoil and our civil engineer's preference to not construct structures on partial native and partial imported soil.
- c. **Current proposed project reduces grading to approximately 390 yards and potentially eliminates the need to off haul or import.**

### **SECTION 3. TREE BOARD**

#### **A. 8.12 TREE PROTECTION**

Purpose: Encourage preservation of trees for a multitude of reasons including health, environment, beauty, privacy erosion and drainage.

“In order to promote the health, safety, and general welfare of the citizens of the City, while recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent.”

#### **B. Response to Arborist and Board Comments:**

- a. We no longer intend to remove tree #5 but do believe that we meet the majority of the below listed conditions, when only one would be required. Assuming the fire department is not concerned about the tree’s proximity to the proposed structure, we intend to methodically prune, but not to remove. The current design exceeds the requested setback by the city arborist.
- b. Per site meeting with city arborist and planning:
  - Majority of tree roots exist within the top two feet of soil and footings, drainage systems and/or retaining walls do not typically create additional harm to tree if deeper than this depth.
  - Requested 15’ setback from tree #5. Proposed project provides ~20’.
  - Most important roots of tree are uphill from tree while downhill roots do not provide as much as stability.
  - Planning and arborist agreed that the 80’ radius from tree #5 would deem the lot unbuildable no matter the size of the primary residence and ADU.
  - Tree #5 has poor structure and is unusual.

#### **C. Boundary Tree Law:**

- a. Please find document provided by the Law offices of Tina Wallace (pgs 22 & 23)

**NOTE:** The Tree Board guidelines have become more lenient since the original subdivision was considered and approved of in 2001. When the subdivision was acted upon, there were fewer grounds for removal, a lower removal permit size threshold for native trees in some situations, and a more onerous process. Based on info from the City Clerk, there have been two revisions of the original ordinance. Among other changes, as compared to the original, the current ordinance allows the City Arborist to approve some types of removals (only the Board could do that in the original ordinance), increased the removal permit size threshold for native trees in some situations, made the hours/days when removals can occur more reasonable, and expanded the findings for removals.



November 17, 2022

Design Review Board  
City of Sebastopol  
7120 Bodega Avenue  
Sebastopol, CA 95472

*Via Electronic Mail: ksvanstrom@cityofsebastopol.org*

RE: 771 and 773 First Street Design Review: Boundary Tree Law

Dear Chair Luthin and Distinguished Board Members:

I am writing today on behalf of my clients, Steve and Rose Schoch, to clarify information pertaining to the current design review process for the single-family home and accessory dwelling unit proposed for 771 and 773 First Street. We understand that providing clarity regarding the legal status of one or more trees growing at the eastern property boundary will assist the Design Review Board in completing its assessment of the application and will better assist the City staff and the Schoch's neighbors as to the status of the trees.

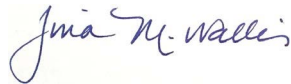
The tree of concern is an oak tree cluster at the eastern boundary of the property, numbered tree four on the relevant site plans. The entirety of the trunks of the oak cluster lies on the Schoch property.

Under California Civil Code section 833, "[t]rees whose trunks stand wholly upon the land of one owner belong exclusively to him, although their roots grow into the land of another." California courts have upheld this legal principle for over a century. (*See e.g., Fick v. Nilson* (1950) 98 Cal.App.2d 683, 685 [adjoining landowner may not enter the property of another to cut down trees even when limbs extend onto adjoining landowner's property]; *Butler v. Zeiss* (1923) 63 Cal.App. 73, 76 [trees leaning over and 'menacing' adjoining landowner did not give adjoining landowner any rights to cut down trees since trunks were wholly on another's property]; *Grandona v. Lovdal* (1886) 70 Cal. 161, 161 [branches of a tree overhanging onto the land of another may give other landowner rights to trim branches but not to cut down the tree on the property of another]; *see also* Cal. Civ. Code § 829 ["The owner of land in fee has the right to the surface and to everything permanently situated beneath or above it."] )

We understand that the Schoch's ability to remove the oak cluster with a tree permit has been well established with the City's arborist pursuant to the requirements of the Tree Board and the City's Municipal Code. While the Schochs understand they have complete ownership of the oak cluster and could remove it with a tree permit from the City, they have chosen another route. The Schochs are making several compromises in an attempt to preserve the oak cluster, pruning it and building around it to the degree possible on their property. We trust that with this letter, all parties are now in complete agreement regarding the Schoch's rights over the oak cluster at the eastern boundary of their property and that the design review of their project can proceed.

Should you have any questions or if we can be of further assistance, please let me know.

Very truly yours,

A handwritten signature in blue ink that reads "Tina M. Wallis". The signature is written in a cursive, flowing style.

Tina M. Wallis,  
Law Offices of Tina Wallis, Inc.

Cc: Steve and Rose Schoch