

- All DRB members should have received a reminder regarding the ethics training. Director Svanstrom provided background on this requirement.
- The City has extended an offer for a full time planning technician, which was accepted, and the new staff member should be on Board by the beginning of July or earlier.

The Board asked questions of Director Svanstrom.

5. COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THE AGENDA:

Glen Pinnow, Healdsburg Avenue:

I live catty-corner from the project on Murphy and Healdsburg Avenue. The Planning Commission has approved the conversion of the two lower units to residential, and I don't think there are any required conditions that go along with that. The neighborhood's contention is there were an extraordinary number of unshielded exterior lights that are seen as overkill; but the project architect, Kathy Austin, has committed to speaking with the owners of the property. I met with the superintendent of the building to express my concerns about the 14 exterior lights that are on 24/7 and the effect they have on the neighbors. I suggested the two brightest lights on the side of building be removed and they were; it toned it down, but the lights have not been downshielded and there has been no adoption of night sky policies. This building still feels very commercial, because a residential building does not need this level of security lighting that is very glaring to the neighbors. I ask the DRB to look at this issue and consider it in the approval of the next project and in future conversion projects.

Kari Svanstrom, Planning Director

Yes, the Planning Commission approved this project to be 100% residential, and architect Kathy Austin was there. She designed the building when it initially came to the Design Review Board for approval. The property was then sold to a new owner who did not engage her during the construction process, and he added a bunch of lights. The project does not need to come back to design review because it's all interior work, so the Planning Commission required a use permit for 100% residential in a commercial corridor, however, they put a condition on the project that they need to fix the lighting and submit a plan for staff approval. I am a huge advocate of dark sky, and so we'll definitely make sure those are corrected and a number of those taken down. If the lights still are not being turned off, I can communicate with the architect. She's working with the new owner who owns both of those sites, and I'll make sure we get on that to turn those lights off at certain times. We do have a dark sky policy in our General Plan and generally in our standard DRB conditions of approval for any project, so this is out of compliance with that; it's almost a code enforcement issue. It won't be coming to this board, but it will be coming to the Planning Department so that we can review it and make sure we approve that.

6. STATEMENTS OF CONFLICTS OF INTEREST: None.

7. REGULAR AGENDA:

A. OBJECTIVE DESIGN STANDARDS (ODS) Update (Existing Conditions Memo Completed And Update)

Director Svanstrom presented the staff report and was available for questions.

Lars Langberg, Chair

New laws prohibit more than five hearings on any one project, but if they're meeting the objective standards they don't come to the DRB, so what hearings would that refer to?

Kari Svanstrom, Planning Director

By objective standards it means zoning standards, so the density, the setbacks. It also applies to those projects. But according to our counsel it does not apply to any hearings that were held before this went into effect in 2022. So if someone has just been hanging out for a long time, like Huntley Square took years and years, you don't have to go back to 2015 when their original preliminary hearing was. It's considered a new project after it hasn't been around for six months, so a developer doesn't get to do a preliminary review with a really crap project that they know is not ready just to get under the wire for something and then not submit for three years; that would reset and it would be considered a new project.

Christine Level, Board Member

Kari, can you comment on that sunset date that was noted?

Kari Svanstrom, Planning Director

This law was originally adopted to be effective during the Housing Crisis Act of 2019. It was passed with the assumption that it would sunset at the end of 2024. There is now State legislation to eliminate the sunset and just have it be a permanent requirement, and I believe that's in this year's set of housing laws. The same applied to SB 35 and there's also a proposal to do the same thing where it would not have a sunset date.

Christine Level, Board Member

Regarding SB 35, the onus is being put on the jurisdiction to produce this housing, but it's also then dependent on people applying for permits for it, right?

Kari Svanstrom, Planning Director

Correct.

Christine Level, Board Member

So how does the jurisdiction deal with that? If nobody applies for a permit, you can't meet the requirements, correct?

Kari Svanstrom, Planning Director

It's kind of a conundrum we are in. This law assumes that people want to build housing, are capable of building housing, that you as a city have made it too onerous, and therefore if you're so onerous that you're not able to meet your targets the State is going to come in and say you don't have any more discretion because you aren't doing a good job of letting people through the gate. It does not take into account economics, what we had here in Sonoma County where we had fires and people couldn't get ahold of contractors to build even their ADUs and JADUs after the fires, and that people just couldn't afford to build the units; it does not account for that at all.

Lars Langberg, Chair

Where do they come up with this number that we're supposed to meet?

Kari Svanstrom, Planning Director

That's a very good question. The number starts out with the Housing and Community Development and the Department of Finance Demographics. They assign a really large RHNA number, presumably based on demographic analysis, to regional governments. Our regional government is ABAG, Association of Bay Area Governments; made up of the Bay

Area nine counties. They do that throughout the State and have different cycles so everyone is not doing it all at once. ABAG puts together a Methodology Committee that includes both political and staff representatives from each County to come up with a methodology for distribution of the numbers and the factors they should account for. Once the ABAG board approved that methodology they did the growth modeling and all the inputs and game out with draft allocations. Sebastopol's original draft allocation was 413 units. Our cycle that had just ended in January 31st of this year was 120 units, so it was four times as big and more than 10% of our housing stock. I had a lot of meetings with ABAG to argue the number, but also to understand the methodology of what modeling they were doing, and it turns out they actually had a lot of areas in flood plains and industrial areas. Because we have a conditional use permit where you can allow housing at 29 units per acre they assumed we would allow 29 units per acre of housing in all of those areas that would flood. They ended up adjusting our RHNA number down to 213, which I think is reasonable and doable; we did our Housing Element and we can certainly accommodate that. The Woodmark project is 48 units, and we have the 80-unit City Ventures proposal that we're processing right now, so we've got things and I think we'll do a really good job on that.

Christine Level, Board Member

When they are designating all of these units, how are they taking into account each jurisdiction's ability to deal with infrastructure such as sewer, electric, schools, fire, policing? I see infrastructure failing everywhere around me, and now we're going to put a new imposition on infrastructure with all these units that are decided through this committee.

Kari Svanstrom, Planning Director

One of the primary things that a city is responsible for is planning and providing infrastructure. Sebastopol has aging stormwater, sewer, and water master plans that need updating; Engineering knows that and I'm sure we'll work through that in the next few years. The General Plan that was adopted in 2016 outlines potential growth through 2035 and ideas for accommodating that. The City has a list of infrastructure projects, determines the cost, and then figures out how to apply that as a development impact fee to new development for the expansion of that infrastructure. Development impact fees cannot be applied to maintenance of existing infrastructure; that is the responsibility of taxes. The only thing a development that is creating more traffic, more demand for water, sewer, government facilities, fire, etc., is charged is for expanding the capacity you might need to accommodate that. We did a development impact fee study based on that in 2020 and adopted it in 2021 for the next five or six years of development, and it significantly changed our structure, particularly for single-family homes. The multi-family changed a bit, but overall the impact fee per unit was fairly consistent. That development impact study is available on the Planning Department website. We also had some fees that we aren't collecting anymore, but we have some new fees; one is the stormwater impact fee, which we set on the basis of square footage and impervious surface, because we want to reward good design that keeps pervious surface. We also added the fire facility fee and a general government fee.

Melissa Hanley, Vice Chair

I would like to know what the general government fee that's being assessed to developers is.

Lars Langberg, Chair

It's kind of a balance of encouraging development through a less restrictive process, but then are we charging so much money to a developer that they don't want to build?

Kari Svanstrom, Planning Director

Right, and the City can choose not to pay the full fee or to discount certain developments if they want to, however the way the development impact fee works is they have to basically make it up through the general fund, so you can't charge more to the rest of the development to not charge affordable housing. On our Planning Department website there is a downloadable fee schedule in the sidebar. The general government fee for a single-family dwelling unit is \$3,000, and for a multi-family it's \$2,000.

Melissa Hanley, Vice Chair

I guess my question is why are we assessing general government fees? What does it cover?

Kari Svanstrom, Planning Director

It covers things like expanding City hall, police, fire, and public works as the community grows. Where will the people live and work out of? The fire station would have to expand significantly to accommodate staff if the City merges with Gold Ridge. There is no money for this, and this general government fee would cover that. The fire facility fee is the same thing; that actually applies to the capital improvements, which do apply to fire engines. Those fees can be used for library expansions as well, and Sonoma County has recommended we expand our library significantly, more than double, but there is no money for that. Well, this is something that could be used forwards that.

Lars Langberg, Chair

You're saying that no matter what project comes to the City, if it's like a Woodmark type project it will go through the typical discretionary review process because we've met these goals?

Kari Svanstrom, Planning Director

Because we've met our RHNA process. Now, remember, it's in the State right now that SB 35 be a permanent law and not sunset in 2025, which is probably likely to happen. There are two requirements to not be subject to SB 35; one is that you meet those RHNA targets or the proportion thereof, and the second is that you do your annual reporting to the State, which Sebastopol has always done.

Melissa Hanley, Vice Chair

Kari, are you seeing applications year to date over 2023 slowing down compared to prior years?

Kari Svanstrom, Planning Director

I would say no.

Melissa Hanley, Vice Chair

So economics aside, projects are moving forward?

Kari Svanstrom, Planning Director

Correct. We did get the 80 units from City Ventures; that's at market rate with inclusionary housing, so I think it's 15% of the units would be moderate and the rest would be market. They're also designing it as a minimum of 80 units. Some of their market rate units, I think it's up to 17 of them, have three bedrooms where you have an option of having a two-bedroom and an ADU, and ADUs count as dwelling units, so there's some flexibility in there for whoever moves into that project. We just started the environmental impact report for that project and they're moving forward with it. The Barlow Hotel withdrew their application. I don't know if that has something to do with economics; they said their focus was elsewhere right now. In terms of housing, we have not seen a slowing down. Council did

approve the City partnering with Saint Vincent de Paul to submit a Project Home Key round three for new construction at what is currently the Safe Parking for RVs at 845 Gravenstein. They will be coming to DRB. That was originally approved in 2016. There was a mixed-use building approved for that and they are basically utilizing the same site plan and layout with the building up front and the parking behind, and modifying it so that instead of 110,000 commercial and 11 units, it would be 11 units below and 11 units above, so 22 units. They may also look at potentially adding a third story on the back part of that so it is stepped back from all of the sides to get a few more units; it's consistent with the zoning and everything. That will be coming to you in a couple months time. That's obviously State funding, so that's not the same economics as market rate housing. Then of course we just had the 22-unit preliminary review for the Kathy Austin project that you saw. When I got here in 2018 the only thing on the books was the 18-unit Barlow Townhomes, and then the Huntley Square that was just approved. We continue to see people interested in potential projects for other sites as well.

Christine Level, Board Member

One thing I'm trying to understand is the density bonus. It seemed like it applied when the developer was offering to make some sort of improvement to the City, like if they were going to widen the road or put in a traffic light. We had this discussion in our last meeting where I was talking about the retaining walls and the sensitivity of slope sites and could we be somewhat restrictive about the retaining walls instead of going into all that detail? It was mentioned that this could affect the density bonus law, but when I looked it up it didn't seem like the two things crossed over with each other.

Kari Svanstrom, Planning Director

Density bonus law is a State law that if you meet certain affordability you can increase the number of units. We did not see that with Woodmark, and I haven't seen that used very often, although it is being used more. The other component of it that does affect is a qualifying project that has their affordable housing is entitled to up to three incentives, sometimes called concessions. That's basically saying here are your objective standards; I can't meet this requirement. The only density bonus concession that Woodmark asked for was to overhang the parking into the landscape area, and in our municipal ordinance that can only be approved through the discretionary Design Review Board process, so I asked them to do a density bonus concession and they waived it through that. So this does play into you can't be the community that makes your objective standards so onerous that no one can go through it because people will just use this density bonus law to get around that, so you do need to be reasonable.

Lars Langberg, Chair

The housing targets the City is trying to hit, you had said if we hit those targets then SB 35 doesn't apply?

Kari Svanstrom, Planning Director

Correct. That's the carrot. If you're doing a good job and you're meeting your targets, then we're not going to make you streamline because your process is working. I am hoping the State doesn't say you can't use your discretionary, you can only use objective. You can't introduce discretionary design standards now, so we're lucky that we adopted them in 2010.

Lars Langberg, Chair

But in our case right now, if we keep meeting our numbers we never have to use these objective design standards?

Kari Svanstrom, Planning Director

Correct.

Lars Langberg, Chair

But we're spending a lot of time and money developing objective design standards. That's just as a fail-safe, so to speak, if we don't meet our numbers one cycle?

Kari Svanstrom, Planning Director

It helps us defend if someone is completely ignoring all of this stuff with their development, going through their five hearings and then saying you denied our project and we think it's valid under the Housing Accountability Act, this will help us in that kind of litigation. My hope is to make sure it's something that never has to be used. There are things in here that may inform adjustments to our discretionary design guidelines, because it's a professional consultant who is helping us.

Christine Level, Board Member

Playing the devil's advocate, these objective design standards cross-jurisdictionally are pretty much exactly the same. Does this not assist developers because they can say I can make this cookie cutter because I know the objective design standards are all the same?

Kari Svanstrom, Planning Director

The work we're doing now is modifying that. The consultant has done a lot of modifications based on conversations staff has had. There are certainly things that are consistent among the jurisdictions, but the process we're going through right now is making sure that they are customized to meet Sebastopol's needs, because that's the point. We have our Tree Ordinance for property line trees, etc. for protection, but I believe there should be some objective standard number that they can take out one or two, but beyond that they get kicked out of this process and they have to come before the DRB. That is definitely a section I want to add for our customization to this document.

Melissa Hanley, Vice Chair

Does the SB 9 apply to folks who have built ADUs in their back yard and now you can split it? One of the conditions of building ADUs was that you couldn't split in the future.

Kari Svanstrom, Planning Director

Correct. It is possible, depending on the standards of how it was laid out. I know some jurisdictions used to have a deed restriction that it couldn't be split and not just part of their municipal code; I don't know if that's handled differently. There are definitely things the State has said one can't do, even if it's in their deed restriction, such as discrimination, prohibit solar, and prohibit ADUs.

Lynn Deedler, Board Member

I'm a little bit blown away by the changes that are going to be happening in this town.

Christine Level, Board Member

In the SB 9 zone it says, "The single-family zoning districts that are subject to SB 9, which allows up to two lots on any single-family parcel and up to two units per lot." That's taking an existing lot and potentially making it four residential units instead of one. So what qualifies somebody for an SB 9 lot?

Kari Svanstrom, Planning Director

Any single-family lot can be split. There are requirements, like you need to actually be owner-occupied for a certain number of years after you do the split. The law is fairly open,

but you can limit, and that's why we're working on some of those standards. You have to allow at least two 800 square foot units on those lots. What this essentially says is when you create a single-family lot each of those lots can have a single-family home and an ADU.

Christine Level, Board Member

So let's say you have your lot, and the minimum lot is 1,200 square feet. Could you hypothetically have a 1,200 square foot lot with two 800 square foot back units?

Kari Svanstrom, Planning Director

If you have an existing...

Christine Level, Board Member

Let's say you have a 5,000 square foot lot.

Kari Svanstrom, Planning Director

Five thousand is pretty typical of what we have in town.

Christine Level, Board Member

So you're going to comply. I assume that you will comply with SB 9 if it's just purely zoned residential; it can't be in a zoning that's mixed?

Kari Svanstrom, Planning Director

Correct. For us, we have R2, R3, and R4 single-family zones. R5 allows both single-family and duplex, but that is considered a multi-family zone, so that is under the objective design standards. Same with the multi-family R6 and R7, and the commercial zones, so that would all need to be multi-family. SB 9 will apply to R2, R3, and R4.

Christine Level, Board Member

Let's just say hypothetically you're got a 5,000 square foot lot. Under SB 9, if you met all of the conditions, whatever they were, you could hypothetically create a 1,200 square foot lot and then accommodate two 800 square foot units?

Kari Svanstrom, Planning Director

This is actually a minimum size of 1,200. What most people are doing is saying that if you have a 5,000 square foot lot the lot split needs to be proportional, so you can't make a really tiny lot.

Christine Level, Board Member

Is this something that we could address in our specific objective design standards?

Kari Svanstrom, Planning Director

Yes, however, you would need to waive those if someone can't build the 800 square foot based on your regulations and their lot, and it's not likely to happen.

Christine Level, Board Member

Hypothetically you have a huge heritage oak tree in the middle of your 5,000 square foot lot. We have in our standards that we can't cut that tree down.

Lars Langberg, Chair

We'd have to build a tree house then.

Christine Level, Board Member

This would be something I would like to see, because my concern about the objective design standards is they are limiting creativity, but if we could start to do more creative things, I'd like to see that.

Kari Svanstrom, Planning Director

You do have certain setbacks. They are like the 4-foot setbacks that an ADU is allowed to have, but you can say things like if you have an existing house and you're maintaining it, you can't put the ADU 4 feet against the neighbors that is further away from your house. SB 9 says that needs to be spaced out appropriately; crowd yourself and not your neighbors. So there is definitely stuff that we can do with those standards, and the State law doesn't regulate any of that stuff, it's more of the minimum lot size. The reality is if you can't do that, you can still do a duplex and divide it like a condo or a townhome.

Christine Level, Board Member

So you could basically do a duplex and make your lot line the common wall?

Kari Svanstrom, Planning Director

Yes, you could do like a townhome or a side-by-side or a duplex, and that's part of what people are potentially looking at doing.

Lars Langberg, Chair

I think over all this is a huge effort, but our consultants are really good and the goal is not to suddenly make Sebastopol something that it's not to accommodate people who need housing, it's to analyze very carefully what's here and how could you fit in more housing in a way that is complementary in each neighborhood and zone. All in all, to Lynn's point, it could change, it could densify, but the goal is not to suddenly have it be like a bigger East Bay community, but to try to work with what is here.

Kari Svanstrom, Planning Director

One of my professors talked about "elegant density," where you don't realize something has as many units as it does. There is density and there is size, and density does not equal look. This is saying we can't control the density but we can control what it looks like. How can we get that to look and be more sensitive to the actual location? That, to me, is the point of these objective standards.

Lars Langberg, Chair

We'll get to see more of it as we go along, what these standards actually are, how they come together, their architectural character, etc.

Kari Svanstrom, Planning Director

That will probably be early fall, like September or October. We will not spring this document on you without two or three weeks to review it, and it will probably take a couple of meetings to get through it.

Melissa Hanley, Vice Chair

I'd love to know who is taking the photos and choosing what is representative of a stoop and what isn't representative of a stoop.

Lars Langberg, Chair

I think we brought that up, like are flat roofs allowed, or shed roofs allowed, or is it all going to be cute little gable roofs with a certain look, so I would encourage you to take pictures or send pictures to the consultants.

Kari Svanstrom, Planning Director

Yes, and they've actually asked us for that, so if you have pictures of things you would like to be included. Even at our last meeting we said our Design Review Board doesn't like to regulate style, but they want quality design, and they don't want this to limit good design. Again, this does have the slant of the new urbanism for sure, and that's part of what we're having to modify is make sure that it doesn't discourage shed roofs, etc. We want to prevent bad design; we don't want to limit good design.

8. SUBCOMMITTEE UPDATES

None.

9. ADJOURNMENT: Chair Langberg adjourned the meeting at 5:20 p.m. The next regularly scheduled Tree/Design Review Board meeting will be held on Tuesday, June 27, 2023 at 3:30 P.M.