



**City of Sebastopol**  
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Planning Department  
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## **APPROVED DRAFT MINUTES**

TREE/DESIGN REVIEW BOARD  
CITY OF SEBASTOPOL  
MINUTES OF August 18, 2021  
4:00 P.M.

The notice of the meeting was posted on August 12, 2021.

### **DESIGN REVIEW BOARD:**

**1. CALL TO ORDER:** Chair Luthin called the meeting to order at 4:00 P.M. and read a procedural statement.

**2. ROLL CALL:**

<b>Present:</b>	Ted Luthin, Chair Lars Langberg, Vice Chair Marshall Balfe, Board Member Christine Level, Board Member Cary Bush, Board Member
<b>Absent:</b>	None.
<b>Staff:</b>	Kari Svanstrom, Planning Director Jeff Setterlund, Contract Planner Becky Duckles, City Arborist

### **3. APPROVAL OF MINUTES**

**June 16, 2021**

Vice Chair Langberg moved to approve the minutes as submitted.

Board Member Bush seconded the motion.

Chair Luthin noted that he had not received the minutes and would therefore recuse himself from approving them.

AYES: Vice Chair Langberg, and Board Members Balfe, Bush, and Level

NOES: None

ABSTAIN: Chair Luthin

ABSENT: None.

### **4. PLANNING DEPARTMENT UPDATE ON MATTERS OF GENERAL INTEREST:**

Director Svanstrom suggested this item be moved to the end of the meeting and Chair Luthin agreed.

**5. COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THE AGENDA:** None.

**6. STATEMENTS OF CONFLICTS OF INTEREST:** None.

**7. REGULAR AGENDA:**

**A. DESIGN REVIEW, TREE REMOVAL, AND TREE PROTECTION PLAN – Thrive Construction/Builders’ Studio: 771 and 773 First Street** – Project No. #2021-028 – The applicant is seeking approval of Design Review, Tree Removal, and Tree Protection Plan to construct a new single-family residence and accessory dwelling unit at 771 and 773 First Street. *This item was continued from the regular meeting of August 04, 2021.*

Director Svanstrom provided a brief introduction.

Contract Planner Setterlund presented the staff report.

The Board had no questions for Contract Planner Setterlund.

City Arborist Duckles presented and was available for questions.

The Board asked questions of staff.

The applicant provided a presentation of the project.

The Board asked questions of the applicant.

Chair Luthin opened public comment.

**Paul Olson**

Hi, my name is Paul Olson, 810 Jewel Avenue, directly east of the proposed development. We’ve lived there for 34 years. I want to thank the Board for their work for the City of Sebastopol and considering our concerns, and I want to thank Becky for her comments about the tree. The inevitability of the residence behind our house was apparent to us for a long time. We did not contest their right to build the home, but in the last few weeks our level of concern went from zero to one hundred when we finally saw plans that detailed the size and the scope of the project and we have several concerns that we indicated in our letter. Number one was the size of the project. I’m concerned about the size of the structure compared to the surrounding residences. At 5,321 square feet for the main house it is 92% to 248% larger than any adjacent home on First Street or Jewell. Comments about Swain Woods and other places within a quarter mile are not going to be looking at that house. The staff analysis that was presented in the plan cites concerns that “the overall mass of the primary dwelling is considerably larger than the surrounding homes,” and it recommends review and discussion of modified mass. I wish to cite Ken Jacobs letter which you have in your packet from the Resolution 2001 about the approval for the Schoch subdivision that the size and height in the subdivision shall not exceed those of similar homes in the general area. Ken Jacobs was a member of the planning commission at the (inaudible) Board at the time of that application. I contend it doesn’t fit with the neighborhood design. Number two, the tree planting and the foundation location. The arborist report regarding trees number four through twelve shows four removals and others that may require removal if they do not

survive. The tree root pruning process to accommodate the close proximity of the foundation wall makes it very likely that these trees will require extensive pruning and therefore threaten their health, the stability of the tree, and ultimately removal. These trees have provided my property with shade and privacy for over three decades. The arborist further states regarding trees five to fourteen that the minimal distance from the east foundation wall to the trunk of the tree is presumed extensive root removal may be necessary and he adds, "A large percentage of these trees' roots are in harm's way from the project." While I understand the desirability to save the trees I feel it is in the developer's interest to have them removed. Property line: we see in the plans that our property line is being claimed by the Schochs. No communication has been received about this issue and I have no idea of how much of our fence line is going to be moved. That fence has been there since 1987 or before. Finally, my concerns about the grading and Calder Creek with the slope and the scope of the excavation. I have seen over the last 34 years that creek flood many times and I'm concerned about the creek's health, the water flow, and the riparian system that it supports.

### **Jo McCormick**

Hi, I'm Jo McCormick. I'll put on a timer for three minutes. This is my husband, Armand Gilinsky. We live directly opposite the driveway that we've looked at for 22 years and wondered what's happening? I'm very pleased to say hi to who will be our new neighbors, Steve and Rose. Thanks for the communications, the little notes; that's very nice. We knew nothing about the size and scale of this project and now I know why, because you don't have to tell us about it. So, my concerns are twofold: One, for 22 years we've lived here and we've looked at that driveway and we've wondered what's going on? At least it's a single-family home and not eight dwelling units at some point and some years ago it was considered appropriate. Our driveways will face one another like this. It is on a blind corner of First Street. I wonder if that's been taken into account. It's a very unsafe corner. If anyone has ever tried to walk on First Street we have no sidewalks, or anyone who's tried to just drive the other driveway could attest. Second, I'm wondering now that I understand better the guidelines about shall not in general exceed a reference point for square footage of surrounding homes, when homes are built, and you could consider ours a large home but it is 2,646 square feet, when homes are built and others are allowed or not based on a reference point that keeps getting bigger and bigger, isn't there a sort of precedent being set by squeezing in a 5,000 square foot home on that property? I completely worry about that for the long term. Well, the future of our town, the character of our town, and more importantly, our neighborhoods. With that I wanted to pass to my husband, but otherwise I'm glad for the opportunity. It's the first chance we've had to really understand what was planned.

### **Armand Gilinsky**

And I'm just curious why a couple who are planning to retire need a home with such a large size and a three-car garage, which will add to the traffic in addition to whoever is going to be renting out and staying in the ADU. So, there could be up to four or five cars coming back and forth through that area. This is a neighborhood where a lot of people walk around with strollers and dogs and pigs, among others. I'm just concerned about the amount of noise, pollution, and impact on what is essentially a bucolic area in a city of a moderate size.

### **Jo McCormick**

If we have any seconds left I do want to just clarify the main entrance and egress from that property, from that lot on that property, will be on First Street, right?

Director Svanstrom indicated that that is correct.



**Jo McCormick**

That's a question. Okay, so we will be getting to know you, Steve and Rose, because we'll be coming out at the same time and going in. Luckily we have one car, and on that I'll put my concerns to the group.

**Steve Fabian**

Hi, I'm Steve Fabian. I live on First Street pretty just west of these three lots. What I'm concerned about is that the size of this structure is going to be 6,800 square feet. You know, you can talk about the living part and you can talk about the attached garage and workshop, but it's a huge structure and what I'm afraid is going to happen is that we're going to wind up having what's going on in Silicon Valley and the Peninsula where people buy houses and then they wind up taking small houses and getting bigger and putting mcmansions in, and frankly that's exactly what this house is going to be. I mean, it's just huge. The total mass of these two structures is going to be almost 8,000 square feet. That's a lot of structure being put on this property and I think it's very much out of character with the rest of the neighborhood. I really believe that even though we want the Schochs to have a nice place to live in, and I'm not trying to take that away from them, I think that if you look at mitigation eight, that is not trying to envision a situation where the houses keep getting bigger and bigger, because if you're going 150% over what the average house is in this neighborhood, between 2,000 and 3,000 square feet, the next people that want to build a house they're going to start going from 2,000 to 3,000 square feet, it's going to be between 2,000 and 4,500 square feet, and it's just going to keep moving us to having Sebastopol be a city of mcmansions instead of the residential character that we have now. I'm done, but Judy may want to speak.

**Judy McCann**

Hi. I want to say hi to the Schochs. I was extremely surprised by the size of the dwelling and the ADU, and I personally do not feel like that design and size fits with our neighborhood. There was mention of Swain Woods having large houses as larger or bigger or comparable but we're really not Swain Woods. Swain Woods is a different neighborhood, and you know that when you're out on a walk you're okay we're in Swain Woods now, and that is where big houses are. I'm concerned about the trees mainly, and I think there's going to be a lot more discussion and work on that and maybe more understanding about the impact on the oak. I'm certainly no expert, in fact far from it, but I just want to express my concern that we are seriously considered that the oaks maintain their health and can shade both properties and also create a curtain between the properties. It is pretty close to the properties on the east side. That's all I have to say.

**Daniel Celidore**

Thank you. I'm here with Dale Jewel and we bought the house at 814 Jewell Avenue, which is just to the east of the proposed Schoch residence. Hi Steve, and hi Rose. Generally it seems to me a lot of the issues could be solved by reducing the size of this place. If you've got a 6,700 square foot building that includes the multipurpose room, the garage space and the living area, that's an enormous structure. If you add up the 38 houses that are directly around it, across the street on First Street, on Jewell Avenue, and you add up these 38 homes you get an average size of 2,140 square feet and the size of this thing at 6,700 square feet of structure is just enormous compared to those. It's huge. Even if you guys somehow say the average size is 3,000 square feet, which it is not, it's 2,400 square feet of every single house around it. There are some that are 1,075 and others that are even smaller on First Street, so that's one thing. Making this a smaller place would solve that. Secondly, we're right up against the eastern wall of this place, its foundation wall, and the existing heritage trees. If we take all the necessary steps to assure their long term survival, and that's advocated by the City of Sebastopol Tree Protection Plan, then you would not be

excavating the roots and pruning their roots. You would not be pruning their roots to allow for the eastern foundation wall by quite a bit and a very short distance from those trees; you're going to kill those trees. In addition to that you also take out the overhead umbrella of these trees and then balance them on the other side by removing more limbs, which is all suggested in the arborist's report, then you are really doing a lot of damage to those trees and their chance of overall survivability is hugely lessened by those practices. Now, Paul's got trees on his property that are going to be then on the Schoch's property when they move the fence, and those trees are also going to need root pruning and they're going to need overhead canopy pruning, and so those trees are in danger as well. Then we've got the whole business about Calder Creek. The issue is that excavating soil and debris produced by the construction phase may find its way into Calder Creek, which runs through that lot, which is Lot Three. Reducing the size of the project would make that less likely. It's also possible that runoff from landscaping may find its way into the creek and reducing landscaping may make that less likely. So, here's Dale and she's got a few things to say.

### **Dale Jewel**

I don't have too much more to add. I was concerned about comparing our neighborhood to Swain Woods, which is not a good comparison. Swain Woods is a different kind of animal altogether. I'm not opposed to having a home go into that lot but I just wonder how suitable it is to have a home there given the fact that the creek and the trees are so susceptible to damage, and there is also they are a home to the endangered tiger salamander. It's just the last riparian area in Sebastopol and I'm worried about it, about its survivability and its viability, so anything that could be done to preserve the area, the trees, the creek, the salamanders, the beauty of that area, will be really important to me. It seems like a smaller dwelling would do that, so that's my concern, that the smaller footprint would be beneficial.

### **Loretta Wilson**

I'm Loretta Wilson. My husband and I, we were here for 35 years on the other side of town and built a house. We've raised our family here. We moved back on July 9<sup>th</sup>. We were not informed of any of this, number one. Number two, we are on the south side of this and it's adjacent to this property; full impact for us as far as watershed is concerned. We've already had issues in Sebastopol many years ago about culverts and things like that because we're in a gully here. That's where this house happens to be, our house that we just purchased, and we're returning to Sebastopol for our golden years, bringing our grandchildren here to learn all about Sebastopol. The only person that notified us was Daniel who last Sunday came and knocked at our door while our grandchildren were here. We all just moved in and now we find we're in a really bad position as far as watershed, and those beautiful trees back there, I can't imagine that anybody living in Sebastopol would approve removing any trees that have been here longer than all of us put together. We are exposed in a declining position and I would love to see Gregory Beale come and show me that my house and my yard is not going to get flooded by Calder Creek. It is going to. It's going to be backed up, it's going to be horrific for us, and we're in our seventies. We spent a lot of time in this town raising our kids. I worked at Brook Haven School. I know Paul's wife Laurie and I know all his children. It's just amazing to me that Sebastopol of all towns would actually be okay with this. I would love to talk to the arborist, Becky. I would invite anybody to come to my property, even the Schochs, and have them tell me we're not going to be flooded. I can tell we'll be flooded; it's a no brainer. It backs up. The whole thing is going to be backed up. Those poor trees, it's just ridiculous. I get the shade thing but we didn't buy this home to be flooded, we bought this home as our last home. This is our forever home and we are in our seventies. When I retired we did leave, but we left to follow our children. Now are children are coming back to follow us, and this is not okay. It's just not okay. We've been in this home for six weeks; we're still unpacking. Daniel was kind enough to come to our front door

and share what the heck is going on and I think it's absurd. I'm sorry that the Schochs own the property, but something smaller, maybe, with a guarantee that the watershed is not going to impact us. It's going to impact us greatly as it does everybody else.

**Stephen Wilson**

Hello. Hi Rose and Steve. We had experienced over at 666 Ellis Court where we lived when the Garman project was developed behind us, I think they subdivided back there about ten homes, and the loss of watershed was just devastating to our property. Everyone guaranteed me they were going to exchange the culvert and everything and I wouldn't have a problem. Well, I had a massive buildup of water because of loss of watershed, so I'm sort of like a quasi type expert on watershed in Sebastopol based upon the soil and rain. We had to order in like two double loads of rocks. Now, I don't know how many tons of rocks we had to order, but that's all the soil we lost with all the big rains and everything. I'm wondering what inspection or consideration has been given to downstream owners with the 6,700 feet of loss of watershed, excluding driveway land? What consideration has been given to the downstream owners on possible increase in water and probably maybe an increase in flow speed? Because on our property it just devastated us. It was all at my expense and I was guaranteed everything was going to be taken care of. I went to the City and I got no satisfaction. I think I even spoke with Paul. And another thing here, when we came into this property we had a gardener come and clean it up and on the north side there is a big, gigantic culvert like this. I have no idea what it is doing over there and it's all rusted out and I have grandchildren. I'm just curious what department of the City do I discuss that with? I'm just about finished. Plus there was a big fallen tree over there, but I'm just wondering what City department do I speak to about this unsafe culvert on my property, and I don't even know whether it's a water culvert or a gas culvert. You see, we just moved here like five weeks ago and we're finding about all of these things all of a sudden and we're unpacking boxes and now we're spending time with you guys and everything because of our concerns, but I would appreciate knowing what department I could speak to. Thank you.

Chair Luthin closed public comment.

The Board discussed the application as follows:

**Ted Luthin, Chair**

It seems like the big ticket items here are footprint sized, which I think speaks to building envelope and impact on trees and the square footage issue is obviously related to that, but maybe we can just kind of go around and give some initial comments on first thoughts.

**Christine Level, Board Member**

I would like to ask a question of Becky Duckles. I would like to hear Becky's comments on this tree root pruning business and what she thinks about it because it seems like it's going to be fairly substantial under the current proposal.

Director Svanstrom indicated that she had the tree map with the trees identified that she could put on the screen.

City Arborist Duckles responded that she would appreciate that.

**Becky Duckles, City Arborist**

I have two concerns. One is for after consulting about trees and all of that for more than 30 years I'm really uncomfortable with the idea of when a construction project is underway and plans are approved and the contractors are just trying to do their job that an arborist on the

site says a tree is losing too many roots, too many branches, too many trunks, and needs to be removed. I think this needs to be addressed proactively ahead of time in the planning, and thank you all for addressing it and inviting me to participate. I think that it's really important because even the project arborist said some of the trees might need to be removed if they are losing too many roots and too many branches. Well, again, these are property line trees and this is something that really should be addressed early on in the planning in the design stages, so that's my one little message from the pulpit. My second is that black oaks, interestingly in more than 30 years of looking at oaks, are a species that are particularly intolerant of construction impact, grading, filling, and all those things, so we need to look closely at them, and they are property line trees owned by other people too. My suggestion is that we just look closely at the planning, closely at the excavation, grading, plane construction, and we figure out what's going to happen. I'll just give you one of my little factoids about trees and that is that 90% of their roots are in the top two feet of soil, so if that zone is impacted by construction, grading, retaining walls and all that, then you need to look at what's going to be happening to the roots, and retaining walls are particularly important because, and Christine can address this, they have different methods of construction and design and they might have T footings or L footings and they might be this or that, but it's important to think about how they're designed and what the detail is and how that is going to impact the tree roots within the top two feet of soil. One last thing is that these trees on that east property line are really important for screening and privacy and protecting heritage native trees, and we can go into detail about the tree health and condition and things like that later but just as a planning construction description discussion I'd like you to think about the roots as well as everything else. Thank you.

**Christine Level, Board Member**

My understanding, and actually I have you to thank for my vastly increased knowledge of trees, is the tree itself is creating its own internal balance by way of its root systems and its trunk systems, and if I'm understanding this correctly if you start cutting off roots or trunks, especially some that may be substantial, you are running the risk of imbalancing that tree and it could just go over. Is that reasonable thinking?

**Becky Duckles, City Arborist**

That's a really good question and I run into that almost every day. Tree services are really fond of using the words balance and structure and lightening and thinning and cleaning and clearing, and so balance and all those things are kind of relative and our ideas of balance and structure and stability and anchorage really aren't quite the same as what the tree does to hold itself upright. We have to look at the tree root structure, and Chip Sandborn is really good at that and he really knows about tree roots and things, but we have to look at how those trees are maintaining themselves at an upright position and receiving water, so we have to look at that in terms of where potential grading is going to be. But also, when I do inventories of trees I look at tree's structure very differently from tree health and condition. A tree can be really healthy and look really green and full of leaves but be truly unsound, so we have to look at those things separately.

Chair Luthin asked Board Member Level for her preliminary comments.

**Christine Level, Board Member**

I'm going to go back to this language in the conditions of approval for the subdivision. First of all, in general I have to pick a bone with that a little bit because its general meaning is—I'm reading here from the Collins Dictionary meaning—that you are talking about something as a whole rather than a part of it. So, I don't really think that that language goes towards allowing you to change the meaning of the rest of the sentence, and the rest of the sentence goes back to this subdivision, "shall not exceed those of similar houses," and then



it gets specific, "of more construction in the general area, including both the First Street area and the Swain Woods neighborhood, Jewell Avenue near Hayden Avenue." That language to me says that it's looking in a specific close proximity to this residence in this subdivision, not all over Swain Woods, but Swain Woods, Jewell near Hayden. I feel like Gregory came up and he ran through all these houses that were larger sizes but it would be helpful to see some kind of a map, like further in this document here there's a map showing the square footage of the houses that are in close proximity to this subdivision. Gregory mentioned some street names but it would be helpful to have a map that showed where those were, because I'm stuck on this square footage things because this is very specific language, "shall not exceed." That's my initial comment on the size. Additionally, I'm concerned about the trees of course, and the grading and the pruning, and those trees are essential, obviously, being heritage trees, but also for the properties to the east because if something were to happen to those trees those people are going to be overcome with a westward exposure and that's going to be really difficult in terms of energy and heat gain and the impact upon their homes. That's the hardest exposure around here. Then I'm also concerned about this property line survey because it seems like we have this existing condition that's been accepted generally going on since the eighties at some point in time and now suddenly we're moving the property line over, and it doesn't seem like the neighbors have had any say so in this or understanding where this came from or really anything. It's almost like a taking to that, so I'd like to see some further discussion about this. Then finally, because of the couple that just spoke that are just to the south, it's an interesting issue of having the water because we're taking a lot that has the water coming down and absorbing into the soil and going into the creek and now we have all this hardscape and that water's going to be collected, and I'm curious to know where does that water go? Where is it daylighted? That's a question for the civil engineer and this might help to mitigate some of the concerns of the property to the south, or not if it's being dumped into the creek. I don't know where that water drainage goes, and I'd like to know. So, those are my initial preliminary comments.

Chair Luthin thanked Board Member Level for her comments and asked Board Member Balfe for his initial comments.

**Marshall Balfe, Board Member**

I really am focused on what is to me the major asset of this house, the tree behind it with the seven trunks. The problem as I see it is the sewing and crafts room. I think that could be basically eliminated and the master suite above could stay. If you get rid of that down there then there's plenty of room around the tree for the roots and there's square footage to burn down there. I think with a little bit of puzzling around that could be put somewhere else, but if you just had the natural grade under the master suite and the retaining wall did a jog there you'd have incredible space for those roots below that master bedroom, incredible space for the tree and there's a good chance it could survive. The way this retaining wall is in there it's definitely going to die or fall over. At my house I have two of those big trees and I only live where I live because of those trees. I just can't imagine somebody on purpose killing that tree. So, that's my main comment. I think everyone else has addressed the other issues thoroughly, so I'll just be quiet at this point. Thank you.

Chair Luthin thanked Board Member Balfe for his initial comments and asked Board Member Bush for his thoughts.

**Cary Bush, Board Member**

Well, there's a lot to talk about here, but I'd like to start with the applicants; I'd like to thank them for their submittal. It's important to recognize the amount of time and energy and effort that goes into these submittals. There's a lot of work and a lot of money, so we

try to respect that and understand that. I also feel like you guys threaded a needle with your program and the program is a rather large one. You've got a lot of wants and needs in a very small space, and I think Builders' Studio did a heck of a job really responding to that site plan. When I think of site planning for our own firm we look at context and we think about how structures really kind of marry sites, and the big question to me is how does a structure like this respond to a site like that? And is it a structure that responds to a creek or is a structure that responds to a much bigger open flat space? So, that's something to consider as an architect and a site planner: how does it really respond to a site? And here we are, we're sitting before each other, and I think the program is a large program and to avoid any conflict being a neighbor, because that's what makes a home are your neighbors. You're talking to a guy who lives in a home that's less than 950 square feet, and just for perspective and full disclosure it's a large structure on a very restricted site, so the pushback is not to me quite abnormal, it's quite normal, especially when you have mature over-story trees that are being monitored and protected by the City, as they should and that's why the Board is here, it's understanding how that responds to the overall site plan. If we all had to really look at that as the biggest picture of all, it's the response to a program and how it responds to a site. We can get into the details. I wanted to ask Ms. Duckles if she felt like tree number seven, a black oak that's kind of marrying a white oak, it's really kind of an anomaly in that way but it's a rather large six-foot diameter prong, but is it considered mature or over-mature? As you mentioned earlier, Ms. Duckles, black oaks in particular don't respond to people; they hate people and construction. Most trees do and that's understood. So, if I could, would you consider this a mature black oak or is it an over-mature black oak?

**Becky Duckles, City Arborist**

It's mature and possibility over-mature, but it's well worth preserving because it has value not only to the property owners on this site but the adjacent property owners who share ownership. And again, it's a black oak that's not tolerant of construction. I think it's worth preserving and I think that the analysis by the project arborist, Chip Sandborn, was interesting and based on his experience with tree service, and he tried to evaluate the trees a little bit in terms of their survivability and quality, and so I agree with you, or not. It is a heritage tree, it's worth preserving, it's worth looking at further in terms of protection and keeping it onsite upright, intact, but without providing hazard to other people. One small comment about construction is that when roots are cut on a tree during construction, over my 30 years experience doing this, it might be five years before the tree declines or dies or falls over because of root loss, and so when a tree experiences root loss during construction there's a wound to the roots and usually oak root fungus infects those roots and then it takes a while to progress to the main stem and destabilize the tree, and so we try to prevent that. Thank you.

**Cary Bush, Board Member**

Something's go to give, right? You've heard it from an arborist that we have a significantly worth preserving black oak. It's all over the critical root zone. The foundation of anything is without a doubt within the critical root zone. I did a quick calculation from the optimal tree protection zone for a mature, and not an over-mature, tree, but I could be seventy-two feet based on a six foot diameter trunk, but it's just that I think the program is trying to force too much in a very confined space and this is the result. We can talk about possibly all the other issues that come with it, but size of structure is one thing, and the architecture itself, the colors, there's a lot to talk about, so overall those are my just general comments and we'll likely be looking at a continuance in my opinion.

Chair Luthin thanked Board Member Bush for his comments and asked Vice Chair Langberg for his initial thoughts.

### **Lars Langberg, Vice Chair**

Thanks very much for the very detailed application. There's a lot to look at. It's a tricky place for sure and also has a very different feel from First Street as the access, but it's closer to Jewell and trying to mitigate those two things I think is pretty challenging. I agree that tree needs to be preserved. You walk onto that site and that's the thing you look at, and for the site and for the Olsons right behind, like if that tree comes down everything changes for them and for the uphill side. But really, I think you can have a square footage discussion and then you can play that a lot of different ways and I appreciate Gregory's analysis of all that, but it's not just the size, it's the scale of the building. If you come onto this site—and the 3D renderings are great, they're so helpful to look at—it's a big project, it's a big house and I appreciate that the program is driving that. We all want different spaces in our homes to do different things but I think given the restrictions of the creek and tree that it's too big of a house for this site; it just is. I think even if you're only living in 3,000 of the 5,300 square feet there is still 2,300 square feet in addition to the 3,000. You can't just say that's sort of dismissive. It's not; it's a big house. The downstairs put it up high, it's part of the project and you can't just kind of brush it aside. I understand in our purview it's challenging and it meets the height restrictions and the setbacks, it's doing a lot right, but as an overall sense on the property it feels like it's too much. That's my overall impression.

Chair Luthin thanked Vice Chair Langberg for his comments and gave his own thoughts.

### **Ted Luthin, Chair**

I'm feeling much the same way. As you both said, it's a very complete application. I could definitely hear it in Gregory saying that first floor, that upper floor, and getting these spaces and these orientations is what drove this whole thing, and I totally understand that. It is a big piece of property, it's an acre site, and I think if someone said I've got a big, flat acre piece of property and I want to put up a 5,000 square foot house, I wouldn't think twice about it. But this isn't just any one-acre property, this is a heavily encumbered one-acre property that has an envelope of a third of that and it has tree issues that carve into that envelope even more. Everything isn't doable everywhere and I think what we've got is something that someone really wants trying to get put in place that it's just not going to fit, because I do think that those heritage trees along the east side are enormously valuable to not only this property but the other. We've talked a lot about the root pruning and those sorts of things, but the other thing that needs to happen is some severe canopy work to get up and over this building, because this is a two-story building and a lot of those branches are not up that high on a lot of those trees, so not only is there going to be root pruning but there's going to be canopy pruning and I think you're just going to have a real problem. I really think it just comes from trying to pack too much single-story program into an encumbered site; that's kind of what we have. I do agree that the condition of approval issue with the square footage is something we should take seriously; these things are written into agreements for a reason. I agree with Christine's observation that the in general text means in general to these three properties in this subdivision, in general these houses shall not exceed, so that's my interpretation of that. I understand that the first floor drives it, because on the second floor there's just space everywhere. On the lower floor there's just storage space after storage space after unconditioned space. There's just space everywhere down there, so I don't think it's an issue of overall square footage or what's conditioned or what's not conditioned, I think it's an issue of the area of the footprint when this thing hits the ground, that's what's driving the problem; at least for me it is. So, I agree with Cary that I think a continuance is in order. What I would like to see would be something that gives those heritage trees the space they need, and also not only addresses

the root systems but addresses the canopy and starts showing some of those things happening so we know what the impact up top is going to be as well.

Chair Luthin summarized that members of the Board were in agreement that a continuance is in order.

Members of the Board concurred.

Chair Luthin said before he asks the Board if there were specifics that could be addressed he would allow the applicant to speak.

**Gregory Beale, Applicant**

Thank you. So much of this I feel like in-person conversations and dialogue could have helped, and I don't blame many of the comments that have been made both by neighbors and by the Board. I think interpretation of the parameters that we are allowed legally and just as a respectful neighbor is really complicated, and we were aware of that throughout this design process, and I just want to say we'd be crazy if we weren't exponentially more aware of that with everybody's concerns and comments here. This is a really unique site. The subdivision three years ago provides the legal right to build on this and an envelope to build with it. We worked within those parameters and we interpreted the words of the subdivision as well as everything related to the City. I just want everybody to hear, and I think that Steve and Rose will not object to me saying this, that all of us want to preserve every tree we can on this property. I learned a lot. I was on the Design Review Board and Tree Board for years, and Becky, I always appreciate your feedback. Christine, I appreciate yours, and Lars and Cary. I haven't met Marshall yet, and Ted. This is really helpful to us to understand how this project comes off, and I actually feel like I let my client's down by how this project was presented, especially with the square footages being all over the place and not telling more of a story of how we got to this point. They have an RV, that's a third garage, and to preserve the RV but also not have the neighbors look at RVs, because I know most neighbors don't want to stare at RVs, we created a space for that. We found in studies that providing parking and storage and shop for all these things as a separate building, yes, on paper would result in three smaller masses of structures, but we felt very, very confident, and maybe mistakenly so, that the impact of putting this underneath the house would be less to the neighbors, especially on the east side of the property. I appreciate Marshall's comment about the sewing/craft room. I have 3D renderings now if and when it's worthy, but we've explored a number of options. We want that tree to stay too; I don't think there's any question about that. We've learned a lot from Becky and I've read a lot of Chip's reports both as a Tree Board member but also on this side of things, and I learned every time looking at it I'm trying to understand it. There is terminology in there I don't understand and Becky helps explain it and her perspective as well. Cary bringing up the question of seventy-two feet of clearance needed to be away from this tree to not affect it at all, well, the building envelope and the location, which we didn't choose that location, pretty much limits it so significantly, but we want to take that into consideration. I think we're completely open to doing more research and more testing, and I agree with Becky that when construction is there and everybody is hot to trot and money is on the line it's hard to make decisions about what to do with trees, and I didn't even actually ever know about common ownership of trees until this evening, so I'm just kind of offering some humble pie here. I have a laundry list from listening to everybody's comments, the public as well as each Board member, about what I was feeling, like justifications or a story behind how we got to certain things. With what I've heard from the community and heard from the Board I think those comments would be better served as a follow up in a continuance and I would really like to invite a way to communicate more with the neighbors now that we understand how this is being perceived and felt by everybody. As I mentioned at the

beginning of this, I live in this neighborhood, I work in this neighborhood, my kids go to school here, and it's really important to Steve and Rose that they be part of the community. I feel like a lot of people have taken offense to this project, if that's fair to characterize it, and none of us meant that, and I think once again there's a story and a rhyme and a reason behind a lot of those points, but I think this has been going on for two hours. I want to respect everybody's points. I want to meet with our clients and our team. I'd love to be able to talk with Becky more if she's available, and I would really like to proactively come up with some options and scenarios, which we already were, but I feel like there's even more information we've learned here and at the end of the day this delay is going to cause some hardship for our company and the chances of being able to start this before the winter, and it's going to cause some hardship for our clients who are going to delay the start of this project and them moving back into their neighborhood and being welcomed and glad to see the neighbors and feeling like everybody's been heard. There are limitations. A lot of these requests we can't meet, and I understand why you guys are bringing these comments up. I'm talking about public comment. This is private property; there are all of these things that the City and the subdivision allows a private owner to do there. Another public comment is design review doesn't participate in new construction, so this is setting a precedent of what other people are going to do and you won't have a chance to say anything in all of those. This is a unique situation because of it being part of the subdivision. And like I said, as a human being and as a neighbor I'm glad it was, because we learned a lot tonight, and I know Steve and Rose really well now after this last year or more working with them. This is a community thing, and I just feel horrible for how all of you have felt not being notified about this, feeling like you're having to come up in strong defense of all this. I'll stop there. I think I've said what I need to say, Ted. Go ahead.

Chair Luthin called on Board Member Bush.

**Cary Bush, Board Member**

Thanks, Gregory. I want to say something hopefully useful and also something to take back to the arborist. Having read through the arborist report I know it's kind of contingent on the trees, but it's legit and I've read the report. I won't say we because I'm not speaking for the Board but for myself. It's a legit report; Sandborn does great work. Their approach and strategy I felt seemed adequate. The idea of air spading and understanding what the root systems are doing, having read that report is valuable. It's not a real dogmatic approach to how they're going to approach the construction and the impact to the trees, that's one thing, so that's tree number seven. Tree number four, it was half removed and is half gone anyway, so that's a simple removal in my opinion, so as for giving you some feedback and some guidance to move forward as a designer I feel like that's pretty straightforward. Also, the cottonwoods and the acacias that we're asked to review or at least discuss as a board, they're exempt from protection. There are significant trees but I see them as weedy species and I think there are always opportunity to do better, and I see from the plan and the site plan that you're going to try to populate valley oaks within the creek watershed and that is a great idea. These are great values for moving forward in the project, so I just wanted to note that and hopefully that gives you a little bit of feedback to build up.

**Gregory Beale, Applicant**

It does. Thank you, Cary. Appreciate it.

Chair Luthin thanked Board Member Bush for his comments and called on Director Svanstrom.

**Kari Svanstrom, Planning Director**

I do just want to make a couple of notes. Cary, your comment about acacias, they are actually a pyrophytic tree and so I fully support removing acacias along with some of the other invasive species like eucalyptus. I know that can be controversial because some people like their big eucalyptus trees, but obviously all you have to do is look out your window today to know that we need to be cautious of those things. I did just want to clarify a couple of things for the Board and the members of the public. One is we do require design review for certain residential projects in town. If it's a subdivision I believe of four or more lots, or in this case three lots, as part of the subdivision approval it does require design review for each of the homes. That is not an everyday occurrence, but given we do have a few vacant lots that are not subject to that but more and more of our vacant lots will be subject to that in the future, just for the Board's context on why this single-family home is coming. It's not simply that subdivision ordinance; it is in our code as well. In terms of the property line question, I know this is not always fun to hear, but fences are not property lines. We do go by a site survey and what the actual property line is. Most fences were just built over time and no one knows where they came from. I mean, my own property, my neighbors and I are working together because half the fence is on her property and half the fence is on my property and we agreed over time as we replace it we'll try to fix it. But that does not designate property line; we do go by a site survey, such as was done for the subdivision on that. And then I do want to note one thing. Unfortunately my planning director report is at the end of the meeting, but for this particular neighborhood and maybe of use to the applicant and owners as well, next Tuesday at the Planning Commission meeting at 6:00 P.M. we are having a presentation on Calder Creek. The project for the City is focused on naturalization in Ives Park but the presenters will also be talking about upstream and downstream, so for those who might be interested in this neighborhood that information will be posted tomorrow on the City's website and the Zoom link won't be confusing, so please join us there. One of the members of the public had a question about storm water and who to contact at the City department, and that would be the City engineer for storm water related issues, so I did just want to make sure we got that information out there. Thank you.

**Gregory Beale, Applicant**

Just to clarify, Kari, I think what the neighbor was commenting on is actually not a culvert. The City easement on their property just south of the Schoch's property, I'm not sure if it's a water or sewage line, but that was I think on the public records. I think it's water, not a culvert.

**Kari Svanstrom, Planning Director**

Thank you for clarifying. If there is an easement on your property it should be on your title report. It sounds like they just purchased the property, so they have a title report, but if you do have questions about if it's sewer, storm water, or water easement of any sort the City engineer would still be the right person to talk to to get more information on that. Thank you, Greg.

Chair Luthin thanked Director Svanstrom and asked the Board for a motion for continuance.

Board member Bush moved to continue the public hearing for 771 and 773 First Street, Project #2021-028, to a date uncertain.

Vice Chair Langberg seconded the motion.

**Kari Svanstrom, Planning Director**

It would help staff as we work with the applicant if there was discussion or direction regarding square footage limits for the home. I realize it's maybe somewhat nebulous given it still needs to be placed in the right location.

**Christine Level, Board Member**

That's what my comment was going to be regarding. We're continuing, but shouldn't we have some direction for the applicant? My general feeling is we've got this document and we have available the person that was involved in producing that planning document, Ken Jacobs. It might be interesting to hear from him. He couldn't be here today I guess you said.

Director Svanstrom confirmed that Mr. Jacobs could not be at the meeting.

**Christine Level, Board Member**

The intent of the thinking behind that, the words, the language.

**Kari Svanstrom, Planning Director**

Oh, you mean the language. I was going to say we actually redid the analysis of the sizes. Yeah, I hear what you're saying. Thank you, Christine.

Chair Luthin called on the applicant.

**Gregory Beale, Applicant**

I just wanted to say that I feel like that is a very complicated topic. I would like to ask permission to find a way to discuss that with the Board and to make that public to neighbors and everybody else prior to our next meeting. Ken Jacobs was the biggest opponent to this subdivision to begin with, so him being biased to his interpretation of this he may not be the right person to talk to, but we should involve the City attorney to establish this, because I think this is so critical and important to our project I don't think it's fair to rush a (inaudible) and I want to make sure everybody knows about it before next meeting and I want to give it its due diligence.

**Ted Luthin, Chair**

On the subject of maximum square footage, I for one am hesitant to do that. For me it's more about the footprint than it is square footage, and I think that's the issue we have right now, that conditioned air space is 4,000 square feet or whatever it is, but that's very different than the mass of the size of the footprint, and that's what's driving the problem. It's not the overall square footage that's the issue; it's the footprint on hitting the ground that's the problem. If I had direction to add to the motion it would be to resolve the impacts on protected trees along the eastern frontage, however they choose to do that. We've got a building envelope that they have to stay within. I guess to me the overall square footage can be sliced and diced all sorts of different ways, so I'm less inclined to put a limit on that. It seems like the driver is the envelope.

**Christine Level, Board Member**

I would just like to reiterate the point that the language in this planning document, which is law, is very specific, and so I'm trying to get to the point where we have an accurate understanding and interpretation of what that language means. English language has words with meaning and those words are pretty specific and definite, and that's law. That planning document is the law, so that's why I'm being particular about this. On the other side we have people that are paying very close attention to what that law is, so yes, I think it would be useful to include Larry McLaughlin possibly in this conversation, because he's the legal

interpreter for the City of Sebastopol. That's where I'm going with this and I think it's very important. Generalities are nice about footprints and things like that, but this is a very specific legal language.

**Ted Luthin, Chair**

You're right. Point taken. I agree it would be a good thing to get to the bottom of because it has impact on the footprint, but also just like you said, words mean something and they have to.

**Lars Langberg, Vice Chair**

So how is that done? Is that the responsibility of the Board, the City, the client, or the applicant? What is the way it's done?

**Christine Level, Board Member**

Excellent question, Lars.

**Ted Luthin, Chair**

Yeah, who is the arbiter of that?

**Kari Svanstrom, Planning Director**

I'm not raising my hand because I'm the arbiter of that, that is discretionary, but just in terms of the process one option that we could look at is setting a special meeting, and I'm hesitant to continue it to a date certain for the purposes not for the project review but of discussing the square footage issue when the City attorney can be available. I'm not going to be able to get ahold of him right now to see when that is, so that is an option. I would probably still do it as a date uncertain. I have a lot of emails from folks, however if you want to be notified by email we can certainly do a radius mailing; even though it's not required it doesn't prohibit us from doing that and so we can certainly do that. But if you also want to be notified by email send your email to Rebecca Mansour—she's on our website—or myself and my email is also on the website. Or Jeff who is a Planning temp at cityofsebastopol.org; probably the easiest of all of us to know. We'll make sure that you get an email notification of future meetings as well. But Chair Luthin, that's one option, to continue this to be able to discuss the square footage issue.

**Ted Luthin, Chair**

I think that would be beneficial. Does everybody agree?

Members of the Board concurred.

**Ted Luthin, Chair**

That sounds good. So, Kari, step one would be a continuance to have that square footage discussion, and then we would move forward from there, or do we need a general continuance?

**Kari Svanstrom**

You can continue it just with the motion that Board Member Bush has already made, and what you would talk about in that meeting is up to you, and I think we've clarified maybe what that next step is.

**Ted Luthin, Chair**

Perfect, okay. So, back to our motion. We have a motion and a second. I think we are all in agreement we would like to have that legal conversation about square footage, and any further discussion? Hearing and seeing none, let's call the question.



AYES: Chair Luthin, Vice Chair Langberg, and Board Members Balfe, Level, and Bush  
NOES: None  
ABSTAIN: None  
ABSENT: None.

**Kari Svanstrom, Planning Director**

Thank you. This is to be continued to a date uncertain and we'll work with the City attorney and the applicant as well as the DRB members to find a time that will work to continue that, and then we'll let people know both via email and public notice.

**Ted Luthin, Chair**

Sounds great. Once again, I'd like to thank our applicant. I'd like to thank our neighborhood participants, and also staff and Becky for an excellent planning report, so I really appreciate it.

**8. DISCUSSION:**

**A. TOUR OF PAST PROJECTS**

**Kari Svanstrom, Planning Director**

The only thing I wanted to talk about was Calder Creek and the water conservation. If you are a resident in Sebastopol you probably got a big packet from BayREN and you can take the opportunity to have someone come to your house and look at potential ways to save water, and there is financing available as well through that. The other thing that I wanted to talk about with the Board, and I'll just leave it at this for now, is that I had suggested I think in a conversation with Cary Bush the idea of doing tours of past projects to talk about design review guidelines, how they're implemented, what the outcome was, and things like that. For right now, if the Board members, especially those of you who have been on for a while, know of addresses of projects you'd like to include in that kind of a walking or driving tour, please just send those suggestions to me and we'll pick that up at a future meeting.

**9. ADJOURNMENT:** Chair Luthin adjourned the meeting at 6:22 p.m. The next regularly scheduled Tree/Design Review Board meeting will be held on Wednesday, September 1, 2021 at 4:00 p.m.