



- The Housing Element update was still ongoing, with the second reach-out survey recently completed and the results to be published to the City’s website soon.

Director Svanstrom reported that:

- The City Council discussed hybrid versus remote versus in-person meetings. The Council decided to continue with remote meetings via Zoom through summer 2022 due to potential COVID surges, because public participation has increased with the use of remote meetings, and facilities logistics with going hybrid. Once the government order expires it is expected that meetings will go to the hybrid format, with the possibility of occasional in-person special meetings.
- On May 17<sup>th</sup> the City Council adopted a new ordinance for the Planning Commission to reduce the number of commissioners to five, and changed the eligibility for the out-of-seat members to be within the three school districts, not just the zip code.
- Budget hearings are scheduled for June 7<sup>th</sup> and June 21<sup>st</sup>.
- The Barlow townhomes project has received it’s final walkthrough with certificates of occupancy to be issued soon for 18 2-bedroom, 2.5-bath townhomes and two units deed restricted to the moderate-income level.

The Board asked questions of Director Svanstrom.

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

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

**7. REGULAR AGENDA:**

- A. 7950 Bodega Avenue** – Project #2020-005 – Huntley Square is a 10-unit townhome project with removal of three onsite Coast Live Oaks larger than 10-inches in diameter breast height, and approval of a tree protection plan located at 7950 Bodega Avenue. The project’s entitlements of zoning, amendment to modify the zoning from R7 to a Planned Community, a Conditional Use Permit, a Tentative Map, and Environmental Review pursuant to the California Environmental Quality Act (CEQA), were approved at the March 1, 2022 City Council meeting.

Associate Planner Jay presented the staff report and was available for questions.

Chair Luthin asked for Board questions of staff.

**Lars Langberg, Vice Chair**

The improvements of Bodega Avenue are not changing the width, but just building a better sidewalk and some parking out front?

**John Jay, Associate Planner**

Correct. Bodega Avenue is not getting any wider, it’s just the site would have those improvements on it.

**Kari Svanstrom, Planning Director**

In this case, this section of Bodega Avenue is way forward and is actually part of Bob Massaro’s property, but once they develop that curb the sidewalk would be deeded to the City, so it would become part of the Bodega Avenue right-of-way.

The applicant gave a presentation and was available for questions.

Chair Luthin asked for Board questions of the applicant.

**Cary Bush, Board Member**

I'll start with utilities, and that might go to the civil engineer. We noted before about the water meters being at the entry right off Bodega Avenue, and I think they are the ten meters that are all going to be pulling off that water main. Have you guys struggled with the idea of where the actual meter boxes go and the backflows that come with that sort of stuff? Is that all in-ground in that sidewalk? I know we'll see volts probably as they're located in the utility plan right at the entry going up to the common area. Have you guys considered any other locations for that, or is that just what it is?

**Mike Robinson, Civil Engineer**

The water supply is from Bodega Avenue slightly across the other side of the street and we're bringing it from there and basically running up the middle of the courtyard. The backflow detector, check valves, etc., the best place for the City to read these with a smart meter and have access to it is in the front along Bodega Avenue. The City is responsible for everything up to and including the meter, and then the property owner is responsible for everything after the meter, so the preference was to provide a fire hydrant in the back area where the parking lot is so there is fire protection and they can hook up to the hydrant, but didn't want to add that along the front on Bodega Avenue as another piece of utility, but the maintenance responsible for the City really is best along Bodega Avenue. So yes, these are going to be at and along the back of the curb, and Beth, you mentioned about the 1-foot high curb and then sort of the slope up the back of the wall to make the wall seem not as high, and we envision these meters being a grade at the back of the sidewalk and in front of that little raised curb so that it's at-grade meters that way, and then the detector check backflow would be just behind the raised curb.

**Cary Bush, Board Member**

They'll be at grade, or below grade, or will they be seen?

**Mike Robinson, Civil Engineer**

The detector check valve will be seen, yes. The meter boxes will be at grade.

**Lars Langberg, Vice Chair**

Is there any way to move some of that hardware away from the main pedestrian access?

**Mike Robinson, Civil Engineer**

With a raised detector check backflow device it will be essentially behind the curb, so it's not affecting the pedestrian access, and the meter boxes will be flush, they wouldn't be raised, so it would be like any utility box that's in the sidewalk and we figured the best place is right in front of the raised curb at the back of the sidewalk.

**Cary Bush, Board Member**

I take it that would probably be to the east of the main walk or entrance up, or is it to the west? It's right at the entry one way or the other.

**Mike Robinson, Civil Engineer**

We thought what we would do is put the meters for the east units east of the stairs, and the meters for the west units west of the stairs, so we were thinking it would be split.

**Lars Langberg, Vice Chair**

The backflow preventers are typically covered in the back?

**Mike Robinson, Civil Engineer**

That's correct.

**Lars Langberg, Vice Chair**

So if they're in the back, why can't the City just come up the driveway and access everything back there?

**Mike Robinson, Civil Engineer**

It's up to the City, but the indication from Engineering was they preferred it in front.

**Lars Langberg, Vice Chair**

It's just that you've designed this beautiful entry, landscape, stairway, and then we've got these things sitting right there that don't look so good.

**Cary Bush, Board Member**

The image I'm reviewing doesn't show them, and I know they'll be a visual presence, and I'm just trying to understand where they come from and go to. They would have an impact to the entry to these units, especially from a public access.

**Bob Massaro, Applicant**

Mike, can we not put the backflow preventers for each string of buildings 20 feet to the east and west of the staircase, in other words, get them farther away?

**Mike Robinson, Civil Engineer**

We can locate that anywhere along there we want to. The point of connection in Bodega Avenue can be anywhere in Bodega Avenue. They obviously don't want a bunch of individual waterlines in Bodega Avenue, so the idea is to bring a single line across Bodega, and we can bring it into the frontage of the property literally anywhere 20 feet away. That would be considered the water main, which is going to continue its service to the fire hydrant, and the domestic meters and service and the fire sprinkler suppression systems would be off of that main. You've got to remember that every unit is going to have a fire suppression system in it.

**Beth Farley, Architect**

We could actually look at the civil drawings and see where these meters are. We are working on a condominium project right now in Napa and every water meter has its own check valve and a Christy box next to it, and I'm wondering if maybe we could do that on this project? It's such a tight project to have the big double check valve sticking up in the air, and maybe we could do the check valve in front of each unit as the water line enters the unit in their own little front yard space. They're just little things that sit in the ground, so maybe that's a way we could make these disappear a little bit. I know the meters need to be more public, but those check valves probably could move back in. Is that possible?

**Mike Robinson, Civil Engineer**

It is possible. It would require a variance from the City Engineer, because it doesn't meet the City standard. The engineering could be done to locate those elsewhere that isn't prominent, but that would be a City Engineer variance from their standard; I think it's worth asking. You guys are bringing up a very good point. I think it's valid and I think that would be something that we would do immediately. We haven't asked the engineer about that, but I think it's smart if we could accomplish that.

**Ted Luthin, Chair**

It would be nice if you could pull those meters back away from the staircase and let the staircase be the most heavily landscaped area along Bodega Avenue. The meters are what they are, but it would be good if we could move them away from that pedestrian point.

**Mike Robinson, Civil Engineer**

The meters themselves are in a meter box that's basically a concrete lid flush with the sidewalk, so it's not like they're obstructing or changing any landscaping. There's no landscape plan other than behind the raised curb at the back of the sidewalk, and we were envisioning flush-placed meter boxes where we could locate it anywhere along that frontage to these units at the back of the sidewalk elevation, not into the raised landscape area.

**Ted Luthin, Chair**

I understand that it is a flushed thing, but wherever there is concrete there can't be planting, so it would be good if we could move the concrete lids of the meters away from the front door so people walking up to the front door of their house don't see a meter box.

**Mike Robinson, Civil Engineer**

Let me clarify. The meters are in the Bodega Avenue sidewalk, not the sidewalk that goes between the units.

**Beth Farley, Architect**

Yes, the meter boxes that have concrete lids on them are level with the sidewalk, and they are in the sidewalk on Bodega Avenue.

**Ted Luthin, Chair**

They're not behind that 1-foot curb?

**Beth Farley, Architect**

They are not.

**Ted Luthin, Chair**

I'm sorry; I misread that.

**Mike Robinson, Civil Engineer**

On top of that, I can add that they don't have to be grouped together there. They can be spread out, they can be opened up so there's not a lot of utility feeling at that location where the pedestrians are going up the stairs. I think that's what you guys are saying and I don't see any problem with doing that on the construction drawings.

**Beth Farley, Architect**

I agree. Moving them away from that pedestrian entrance would be nice.

**Cary Bush, Board Member**

With that come the check valve and the backflow and the initial question was do they belong in the planting, or behind the curb at the entry under your entry signage, or do they belong somewhere else?

**Mike Robinson, Civil Engineer**

You make a totally good point, Carey, and we will check with Engineering to see if they would support what you're trying to accomplish, because I like the idea of trying to move those and not be part of the City standard. I don't know how receptive they would be, but I'm hoping that I can influence that.

**Cary Bush, Board Member**

Mike, all your grading looks great. You've targeted the perfect spot elevation for each finished floor and it's right on existing grade in a lot of ways, so you can't really question or even fault the level of sensitivity you guys have done for grading, and even the drainage portion of it, for mitigating trees and targeting the right elevation. My only question concerns the big 38-inch oak, number 780. The connections as it comes down around that tree, you'll probably miss all those roots by hand digging, and you'll have an arborist checking that out, but does that storm drain connect to the main central access through the units and then go out to your level spreader or the bio-retention area?

**Mike Robinson, Civil Engineer**

It does. The idea would be that these area drains behind the units are pretty shallow, so you're on the money where we figured that they would hand dig around that, we'd have tree protection, and we could see where that is and then decide the best location to place the area drain. We have flexibility a little bit in that back yard to move that area drain almost anywhere as long as we can drain the back yard and not pond, so it may be that the whole thing moves away from that tree, and of course the property owners, etc., won't see it. The homeowners have a common drainage easement because of the lot drainage that goes through their pipes, but your comment about the sensitivity, yes, that's exactly the intent, to be relatively shallow there. And the same thing with the next big tree at the southeast corner that's on the neighbor's property. Extremely sensitive about that, but we have some flexibility, number one, and number two, these are pretty small pipes. There is literally area drains and not draining a lot of area as well, so what we're graphically showing here on this tentative map is what we're hoping to do and stay shallow.

**Cary Bush, Board Member**

I didn't see any kind of cut sheet on a "permeable paver". I was curious to hear what that sounds and looks like. Is there infill? What do you specify?

**Beth Farley, Architect**

We have a detail for that. Let me find it quickly. A-3.4, do you see it?

**Cary Bush, Board Member**

Okay. I didn't see this graphic. It's a vehicular-rated paver that basically has sand locking them together?

**Beth Farley, Architect**

Yes.

**Cary Bush, Board Member**

I was curious if you were using any other brand, like Versa-Lok, for example?

**Beth Farley, Architect**

The one that I looked at was a standard permeable vehicle traffic paver.

**Cary Bush, Board Member**

The solar lights, I noticed that there are all sorts of variations in kelvins for those. Has the team reviewed those, and can you explain that vision?

**Beth Farley, Architect**

I'd like it to be softer and more yellow.

**Cary Bush, Board Member**

I've seen everything from 5,000 kelvin to 5,700 to 3,000 to 2,700, based on the fixture.

**Beth Farley, Architect**

I'd like to have 2,700. The more sort of warm sunshine color is what we're looking for and not the really bright daylight light, especially at night.

**Cary Bush, Board Member**

I think the wall pack was your 5,000 there, and the one on the next sheet, the up light, was like 5,700.

**Beth Farley, Architect**

We could talk about the sign now, since we're here. That's just to up light to sign. We can do something warmer, if you'd rather, for the sign. I understand why you don't want it to look like Broadway or something. We can definitely bring it down warmer. I think that's a really good idea.

**Cary Bush, Board Member**

The Board has always targeted 3,000 kelvin for public settings and that sort of thing, and I'm not speaking for the Board here, but I just saw that there were variations in lighting.

**Beth Farley, Architect**

That's a good catch.

**Marshall Balfe, Board Member**

I haven't been around six years, but I reviewed the project today, and I guess I saw it after a lot of heartache went on over the years, because when I looked at it I loved it, didn't want to change anything, thought the architect did an excellent job, and I wanted to approve it right on the spot.

**Lars Langberg, Vice Chair**

Overall it looks awesome. Thank you for the very detailed and elaborate presentation; it's great, and thanks for all your hard work. It looks like there's a SmartSide lap siding, there's sort of an image of that, but the color is pointing to one that looks flat, not lap. I'm trying to make sure I understand those two pieces you have right there on either side of the black square.

**Beth Farley, Architect**

It's a wide lap board siding, so it will have a little bit of a cant to it.

**Lars Langberg, Vice Chair**

So it will look more like the image on the left, but it's the color on the right?

**Beth Farley, Architect**

Yes.

**Lars Langberg, Vice Chair**

That makes sense. And it's a cementitious product, or it's a wood?

**Beth Farley, Architect**

No, the SmartSide is a pressed aspen wood that has some wax and adhesive in it to hold it together, so it's not cementitious. We actually try to stay away from cementitious because

it's really bad for our guys to breath when we saw it, so the SmartSide is much more air-friendly.

**Bob Massaro, Applicant**

The other reason we use SmartSide is it is fire resistant. It's suitable for the WUI zone, so we're doing a lot of it.

**Lars Langberg, Vice Chair**

It's an LP product?

**Bob Massaro, Applicant**

Yes, it is an LP product.

**Lars Langberg, Vice Chair**

What's the thickness of that material? Is it 5/16-inch, like Hardee board?

**Beth Farley, Architect**

I don't know for sure off the top of my head.

**Lars Langberg, Vice Chair**

That's fine, just curious. What is the fencing material that you're proposing? Not the metal, but the wood? Is that redwood fencing?

**Beth Farley, Architect**

It could be either redwood or cedar. It would probably end up being redwood. It's a horizontal fence and we're going to vary the thickness of the boards with a little bit of space between them.

**Lars Langberg, Vice Chair**

And the color will be sealed so it stays?

**Beth Farley, Architect**

Yes. I'd like to seal it so it looks natural.

**Ted Luthin, Chair**

Some of the past concerns of the neighbors were parking. Maybe this is a question for the City and not so much our applicant, but if I'm a resident and I drive in and all the spaces are taken, can I park in the accessible parking area?

**Beth Farley, Architect**

This is going to be an interesting conversation with the Building Department, but all of the units have to be ADA accessible on the ground floor, and one of the units has to be fully ADA accessible, because we're over three, I believe, in tandem. So one of the units may have a person who needs an ADA parking place, so that unit would be assigned to that person. We haven't talked about what the HOA guidelines are going to be. Are we going to assign parking places to people? But the ADA would definitely have to be assigned to the ADA unit.

**Ted Luthin, Chair**

Fair enough. The arborist mentioned something that I didn't quite understand. The arborist report says, "The plan still shows a reduction in grade adjacent to the redwood in the site Section B," and I'm not seeing that there is excavation happening at the base of that redwood. Am I missing something there?

**Beth Farley, Architect**

The section in the middle, Section B, on the very left-hand side of that section you can see the redwood drawn in there. We previously had the top of the permeable pavers about down to where the existing grade is, that dotted line, which meant we would have to go at least 1 foot or maybe 2 feet into the ground to get our pavers in, and the arborist wasn't comfortable with that, so we've adjusted this grade back here so that the parking lot, like I said earlier, is going to roll up just a little bit more back there than we thought we were going to before, but we think we've come to a solution where this will work and the tree won't be impacted.

**Ted Luthin, Chair**

I was looking for that and I wasn't seeing it, so thank you for that explanation. Are these for sale or rent? Not that it matters, I'm just curious.

**Bob Massaro, Applicant**

They're for sale.

**Ted Luthin, Chair**

I want to echo what Carey Bush and a number of other Board Members said: this is a great package right down to lighting and address numbers and the details, so I really appreciate it. I also really appreciate the tree preservation measures diagram; that was very helpful.

**Cary Bush, Board Member**

Mentioning the for sale, how will the site maintenance work? Will it just be like a little HOA between all units?

**Bob Massaro, Applicant**

There's a shared maintenance agreement, and there will be HOA dues paid to take care of the common landscape and to take out the trashcans, things like that.

**Mike Robinson, Civil Engineer**

What we envision is setting up the bio-retention area, the parking lot, the area in the front by the wall, all that when the subdivision map is recorded those are separate parcels, and so it makes it relatively easy to designate the separate parcels to be the responsibility of the HOA as opposed to the individual lots, which are little boxes on the map. So even though there may be drainage easements running through their yards, if there is overall drainage, etc., then it's the HOA's responsibility to maintain, so that's why we set it up as separate parcels, and those parcels are lettered as opposed to numbered.

Chair Luthin asked for further Board questions. Seeing none, he opened public comment. Seeing no public comment, he moved on to Board deliberation.

The Board discussed the application as follows:

**Cary Bush, Board Member**

This project is a great package and it's a wonderful amenity for Sebastopol that meets all the requirements. It's a great project, and with the caveat like we just discussed, it's on track for my approval. There are a few little things I wanted to discuss with the Board that concern the site work, but for the most part it's graded really well, the utilities meet all the requirements that are needed other than the backflow and the meter as we discussed, and the idea of solar lights finding a color quality would make it feel less spotty. When it came to the landscape plan, I think they've done their due diligence there. The water calculations

all work well, but I would discourage using black, brown, or red mulch. The dye doesn't break down to create living soil; instead it adds contaminants to the soil that can leach and go into that system. The only other issue was the Live oaks that are behind the retaining walls. Seeing the three trees, there is one under that redwood tree all the way on the west side, and I'm wonder how that tree will find its way in the world sitting under the roots of that redwood, and if we're going to preserve that redwood, to spot a hole in there to put a nice Live Oak under that redwood doesn't seem like the most contextual or fitting move, so maybe just the two trees. I know they're trying to plant some native oaks, and I support that idea, but I wonder what's a little bit more suitable? Perhaps that space that accepts the BASMAA rated requirements for water and drought or wet or dry season, but also won't blow out that retaining wall in 25-50 years.

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

I have one minor design comment, which is the fencing and the siding should not be the same color, should not look the same. It sort of has a weird sense of blending the building down horizontally into the landscape, and that's only on part of the building because you have the steel fencing on part and you have the wood fence on the other. I would just offset those so they really stand apart as two separate things. Otherwise, I think it's a fabulous project. I really appreciate the sustainability elements: the net zero, all the green building elements; and the compact development: it's close to town, it's walkable, and it's bringing something to the town that's so great. I want to acknowledge that the neighbors there are going to be impacted by this, and that's a bit of a struggle, but I think they live in town—and we talked about this last time—it's unfortunate but comes with the territory; if you have a parcel here something could be built next door. The traffic issue is just a bigger issue than your project can deal with. There's another project just down the road that's going to be a bigger traffic problem. The City and County have to think about this at a much bigger level as to how to deal with traffic, how to make the town more walkable and bikable, and encourage drivers to be elsewhere. But this is the kind of development you could park and leave by foot or bike, so the traffic is actually not constant and daily if all goes to plan. I just want to acknowledge that level of the issues of the project, and the applicant has handled them all smartly and with a nice sense of design.

### **Ted Luthin, Chair**

I agree with everything that's been said. It's a wonderful project and it's very appropriate for town. Like Lars, I do want to acknowledge that there were neighbors that had problems with it. I know there were some access issues, but the access is something that was planned for years ago and it should have been anticipated that that was eventually going to turn into a driveway. If we've got vacant land in the City of Sebastopol, it is my opinion it needs to be developed, and I'd rather see things get developed in town rather than out of town, and I agree with Lars that the County needs to take some measures to encourage in-town development, things like this, developing empty parcels. I get the traffic concerns, but they are what they are and I don't think we can solve that, and not developing empty parcels in town isn't going to help that; we have other issues. The parking has been really well resolved. Providing the parking along Bodega Avenue, which really isn't your responsibility to do, is a nice gesture and it will be really helpful in how this project functions. I suspect that those owners at those front couple of units will probably use that Bodega Avenue parking and just run up to their units very quickly, so I think that's awesome. I understand that there is going to be noise related to construction, but that just comes with the territory. I live in town and I have several neighbors that have had construction projects going on for a while, and it's just what happens in town. I think you've addressed a lot of the neighbors' concerns very well and I'm in support of this. The issues that I heard were coordinate lighting color temperature, no dye mulch, and offsetting the

fence and the building colors are the three constructive criticism items mentioned by the Board. It sounds like we're headed toward approval.

**Lars Langberg, Vice Chair**

There's the question from the staff about a tree bond. Is that something we have to address?

**Ted Luthin, Chair**

We probably should address the tree bond. The arborist was recommending a tree bond, and I don't know that we've ever required such a thing. Kari, could you explain to us how that works?

**Kari Svanstrom, Planning Director**

We have a couple of projects where this is under consideration right now. A tree bond is basically a performance bond to ensure that the trees that they're saying they can preserve actually survive. There are a certain number of years laid out by which time the trees start to feel the impacts of construction, but after that amount of time if the tree is healthy and fine and survives, then that bond is returned to the applicant; it's held in an escrow account. If the tree does die, then they would forfeit the bond for that tree to the City's tree fund.

**Bob Massaro, Applicant**

In 40 years of building I've never been asked to provide a tree bond. The way this project has been designed, we're following all of the recommendations of the civil engineer, the landscape architect, our arborist, and the City's arborist, everything possible to protect the trees. I have two problems with the tree bond. One is as Kari described: it's essentially a insurance policy and if the trees die a sum of money is then put forth to replace the trees, and so there's this long tail. What it does is it adds financial burden to the project. This project has been incredibly burdened with a lot of stuff over these five years, and now we're talking about another burden. The other problem we have is just about every single one of these trees is 40% on the neighbor's property, so if they were to do something to injure their side of the tree and the tree dies, we'd be held responsible for it. I prefer we just trust the process of how the tree protection is done, how the building inspectors are going to inspect, how Public Works is going to inspect, and everything else and not add another layer of burden and risk for us. This project has so much risk already, and now we're talking about adding the risk of if someone else kills a tree we're held responsible for it. I'd like the Board to consider not adding that condition if you are going to approve the project.

**Kari Svanstrom, Planning Director**

A couple of thoughts to make sure you understand how it works. The value of the bond in our code is \$1,500 per tree that's required to be protected by the provisions of the chapter of the value of the tree. That is at the Board's discretion. The one thing I would say is part of the consideration, in talking with Ben Anderson, the City's arborist for this project, is they are property line trees, and so rather than getting permission to potentially have the tree not survive from the adjacent property owners, the applicant in this case has redesigned the project and is telling us that they will be fine. Unfortunately, I've seen people who think that and then it doesn't happen. We encourage them to contact the adjacent homeowners, and I know Heather, the owner of the gorgeous Coast Live oak on the southeast of the property right against Bodega Avenue is doing a lot of proactive care for that tree, so I would doubt she would do anything to harm it. You are allowed to get a Tree Removal Permit but still try to save it as a much cheaper insurance policy; it's \$75 or something. Instead they've opted to redesign the project. The Board could determine yes, the performance bond for some of those trees is very high, because that is the value of the tree, but the Board could set the

amount at \$1,500 for those four or five trees of concern, and part of that is during the construction process it does motivate the contractors to pay attention to that, or owners to make sure that the contractors really pay attention to tree protection measures. We don't do it when the tree is definitively outside of any kind of tenuous situation, but our arborist had enough concerns in this case with that redwood tree at the parking lot and the couple of Douglas firs along the property line on the west.

**Bob Massaro, Applicant**

I'm unclear about something, Kari. We're talking about a minimum bond of \$1,500 per tree and a maximum bond of the value of the tree, which could be hundreds of thousands of dollars?

**Kari Svanstrom, Planning Director**

Correct.

**Lars Langberg, Vice Chair**

And there's a \$51,000 number in the staff report that I guess the arborist came up with as the value number?

**Kari Svanstrom, Planning Director**

Right. The International Landscape Society of Tree and Landscape Appraisers have a guide for planned appraisal for such trees, and Board Member Bush, you may know a little bit more this as well, but it's based on the age, size, health, and a couple of other factors, and so he utilized that methodology for the value that's in the staff report.

**Sierra Hart, Landscape Architect**

How do the values being set on the bond relate to in lieu fees for mitigation?

**Kari Svanstrom, Planning Director**

You mean if you were to remove them?

**Sierra Hart, Landscape Architect**

Right. Is it less than \$1,500 per tree? I'm not suggesting removing the trees; I'm just saying it's kind of a comparative value there.

**Kari Svanstrom, Planning Director**

Correct. John, what's our tree removal for a heritage tree per tree?

**John Jay, Associate Planner**

It's two trees per one removed at \$75 per tree, so \$150 per removal.

**Kari Svanstrom, Planning Director**

Plus the application fee; whatever that is. So it's pretty small, and that's why staff encouraged them to discuss with their adjoining neighbors, particularly to the west. The tree to the east the City would want to keep. Staff wouldn't recommend a Tree Removal Permit for the off chance that that tree gets damaged. The one to the southeast, that's a certainly a wonderful tree we want preserved, but the ones to the west, staff would recommend that the Board consider removal of those, but the applicant chose not to go in that direction.

**Marshall Balfe, Board Member**

How long would the bond go on for?

**Kari Svanstrom, Planning Director**

"If in the opinion of the City Arborist and Planning staff no violation or damage has occurred during construction, the bond shall be returned upon final building inspection. If damage has occurred, the bond for such effective trees shall be held for three years and may be forfeited at the end of this period if in the opinion of the City Arborist permanent damage has occurred. Such forfeited bond money shall be used for replacement of such damaged trees or for tree related purposes within the City at the City's option."

**Marshall Balfe, Board Member**

Since these units are going to be sold, who is being held responsible in the bond? Is it the developer or the homeowners?

**Kari Svanstrom, Planning Director**

The current owners, which are the folks here in this meeting. I'm not necessarily advocating for what the arborist had placed on it, and I guess that's why I'm mentioning there is a minimum amount that you could consider. Yes, it would be a burden, but it may also be a lesser amount for the applicant.

**Ted Luthin, Chair**

Something else to note, I'm looking at the arborist report and the main trees that Ben was concerned about were the redwood and the Douglas fir, but that was when we was saying that there was a significant 2-foot cut happening there for paving, and the current grading plan doesn't show that cut happening anymore. It sounds like the pavers are going on top of existing grade, and his last sentence says, "Note that they can build on top of native grade so long as it's not compacted."

**Bob Massaro, Applicant**

That goes back to my opening statement on this matter. We've done everything the City's arborist has asked of us. We've checked the trees to mitigate any damage to the trees, and we are the builder, we are the ones that are going to be out there every day, and we are the ones that are going to be protecting these trees, which is why we didn't want to cut them down. We think they add great value to the project. To add potentially a \$250,000 bond collateral to the project doesn't feel right.

**Mike Robinson, Civil Engineer**

I wanted to relate this to the 100% performance bond and completion bonds on the Public Works side of things. It is fairly routine in any subdivision to have bonds that the work gets completed in accordance with the plans, specifications, etc., through completion, and I was going to re-mention that we raised the grades around that and I think that was superseded, or that was the intent, so that there wouldn't be as much concern about that redwood back there. Secondly, just to reiterate, I don't know how the City could really say that the developer was the responsible party that might have adversely affected some tree when these trees are clearly shared impacts and benefits of adjoining property owners, so I'm questioning the legality of that. I've also been doing this a long time. I know there are more design elements around trying to protect trees and I'm one of those advocates, but this seems almost like extraction to me that I haven't ever dealt with before. This would be a first for me as well.

**Ted Luthin, Chair**

Let's bring it back to the Board for discussion. What are Board Members' feelings about the tree bond?

**Cary Bush, Board Member**

I'll kick it off by saying I'm not rehearsed in this venue, so I'm going to punt right back to the City, saying this just isn't my level of expertise or purview to a design guideline. I can't approve of it either, just because I don't know what value to access or think of a number. We had the same thing, and I voted again no, to the idea of setting a restriction on a maximum allowable unit size; it's too daunting of a process that doesn't really follow our guidelines.

**Lars Langberg, Vice Chair**

I echo that comment, and I think it's curious that we have a very experienced team of builders and consultants right here. I know all these people and they've been doing this a long, long time, and if nobody has come up against this before, why is this coming up and how do you assign value? How do you evaluate how to move forward with something like that?

**Kari Svanstrom, Planning Director**

This is actually pretty commonplace in a number of communities, not so much in Sonoma, but this has actually been a provision in our code since long before I got here, so I don't know why it hasn't been used before. Just to be clear, the four trees that I think the arborist was most concerned about were 773, 774, 775, and 776. I don't think he had as much with the two Coast Live oaks. If it were for the four trees the minimum amount would be \$5,000 bond. Even if you did all of them, it would be \$50,000, so I'm not sure where the \$250,000 number came from, just to clarify that for the record. This is up to the Board, and if you trust the builders, that's fine. In my professional experience unfortunately I have run into projects where the contractors and owners said everything would be fine and then all of a sudden it wasn't. I'm more concerned because it's a property line tree, so it's not all their tree. It is something that someone else has partially on their property and is probably relying on for shade, and the visual fact, and all of the benefits of trees. If you wanted to do something but weren't comfortable doing something major, I would say you've got four trees of most concern at the minimum amount, or you can say we trust that they're going to do this. No one wants the trees to be harmed, and we'll all hoping that they survive.

**Mike Robinson, Civil Engineer**

For some perspective, one of my projects in Cotati that's under construction right now has a significant oak tree right behind the back of the curb, and we meandered the sidewalk behind the tree, created an easement, etc., but the point is we hand dug to determine where the roots are. Gary Balcerak, the arborist and landscape architect, was there with me and the contractor watching them hand dig around this, and we had several alternate engineering solutions, depending on where the big root was, and I would say the same thing in this case. If we're hand digging these roots around these trees, and the arborist and the engineer in there, we can create a bridge that keeps this root protected, which is the crux of saving the tree and not damaging it. In that particular case we did bridge; we created a curb line with some reinforced steel running through the curb and in the gutter and it was sitting right on that. We didn't even put the base rock under the concrete; it was just essentially a bridge of a gutter across that tree. I wanted to share that experience since it seems to be a little bit new and concerning, but that was an example where they didn't have any prior plans but we recognized the issue and the City of Cotati Planning and Engineering all agreed to a solution on the spot that didn't meet a City standard, the point being we're all sensitive, and I think when it comes to these trees there's an engineering solution that we could provide if it meant saving the tree or not damaging it without putting the project into a deeper money hole.

**Marshall Balfe, Board Member**

I could go into all the reasons, but basically I don't think we should impose a bond requirement on the applicant.

**Ted Luthin, Chair**

I'm feeling more or less the same way. I think we've got plans that show that hand digging is going to happening around those trees. I'm feeling fairly confident in the way those trees are going to be treated just from the plans that I'm seeing here.

**Lars Langberg, Vice Chair**

I don't need to impose a bond because of the level of care that has gone into the project. Everything that I see from civil engineering, landscape, architecture, everything, is very well considered. We know there's an inspection process. Trees die sometimes and that would be terrible, but I don't think given all that that I would feel comfortable imposing the bond.

**Ted Luthin, Chair**

Yes, it feels like there's going to be City Arborist supervision while the excavation is going on. That satisfies me.

**Cary Bush, Board Member**

We deal with a lot of trees and best management practices, but again, I don't understand my role as far as placing an actual, physical dollar amount as a bond. I just have to look back to the City and let that be more of a City request from the applicant or such, not necessarily from the Tree Board. We understand there are placement values and in lieu fees, but I've never had to place a particular bond value on a project and I'm not comfortable doing that.

**Ted Luthin, Chair**

If we don't have any further discussion, back to our main issues. We were about to introduce a motion with coordinating color temperature, lighting, no dyed mulch, and offsetting building and fencing colors.

**Cary Bush, Board Member**

And possibly the idea of working with the City on the location of the water mains and meters and backflows.

**Ted Luthin, Chair**

If those could be as subtle as possible and moved away from that main pedestrian entrance, that would be fantastic with those goals in mind.

Board Member Bush moved to approve the application with conditions of coordinating with the City Planning Department for possible relocation of water meters and backflow check valves, coordinating solar lights and the color temperatures to be more consistent, black mulch shall not be used, and provide an alternative to offsetting fence colors other than the proposed wood.

Vice Chair Langberg seconded the motion.

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

NOES: None

ABSTAIN: None

ABSENT: Board Member Level

- B. Consideration of making Design Review Board meetings** – Consider whether to change meeting to once a month, or to continue with the twice a month format.

**Cary Bush, Board Member**

I'd like to ask staff, are we looking at a busy summer?

**John Jay, Associate Planner**

It's hard to predict with projects that come in, as they come in on an infrequent basis. I can't say for sure if having two a month will fill up every meeting. There are things that come up where meetings get canceled, and I wanted to make sure we're cognizant of the Board Member's schedules as well. It makes sense if we do go to a hybrid format and if we are going to be renting out a facility; if we're not meeting on a regular basis it doesn't make sense to continue that cost upon the City. We can always go about it where we do a once a month meeting with a special meeting every once in a while depending on the need or severity of a project that comes in.

**Ted Luthin, Chair**

For me the once a month with the occasional unplanned meeting is fine. I'm fairly flexible. My schedule doesn't go out that far.

**Cary Bush, Board Member**

That seems really smart and practical.

**Lars Langberg, Vice Chair**

Yes, it seems most projects coming to the Design Review Board do not have a level of urgency. Even a month out should be plenty of time for people to prepare.

**John Jay, Associate Planner**

Correct, and for the most part it's at the end of the process, but having it on a once a month basis, it's an extra week or so that they would be waiting; it's not anything major. The other thing that I put in consideration too is the holiday season. With City scheduling and holidays there are a lot of days where we're canceling a meeting because of a City holiday, and then also taking into consideration peoples' vacation times, etc. Just this last winter we had quite a few meetings we canceled because of scheduling reasons.

**Lars Langberg, Vice Chair**

So if we have once a month, then we can't have one for two months if there's a holiday canceling one. That could be a problem.

**John Jay, Associate Planner**

Correct, but that's where maybe those potential one-off special meetings in between come in.

**Ted Luthin, Chair**

If during some of those holiday months it gets shifted to the second Wednesday instead of the third or whatever, it wouldn't be a problem for me anyway. The repeat meeting would probably happen a lot of times with a continuance. Sometimes we continue something to see a detail or we want a little bit more information, and the applicant is really ready to go, so they say can we drop one in in two weeks? Those are the only meetings that have a sense of urgency.

**John Jay, Associate Planner**

Correct. With my short time managing this group, you guys have been great as far as not continuing, so I feel like rather than having two a month with one item per meeting, if we have one a month with a couple of items per meeting, obviously it's going to go further than they normally do, but I think it works out better that way.

**Ted Luthin, Chair**

Sounds like a plan. Let's go in that direction.

**Cary Bush, Board Member**

John, you mentioned something about the notion of having to rent a space. What happened to our City Hall meeting spot? Does that not meet some requirement these days?

**John Jay, Associate Planner**

There has been some renovations recently within City Hall in the conference room to provide more office space, so we would be looking at either the community center or some other public space to do our hybrid format meetings, and if City Council and Planning Commission are going to use the same building it makes sense to just use one building. City Council and Planning Commission wouldn't be able to use the conference room.

**Lars Langberg, Vice Chair**

If we do it once a month, would it be the first or the third?

**John Jay, Associate Planner**

That's for you to decide. If you want to continue it to the next meeting, that's fine. I know Board Member Level isn't here.

**Cary Bush, Board Member**

That's what I was thinking.

**John Jay, Associate Planner**

With going back to a somewhat hybrid format we want to make sure that we're prepared for when that change happens, and as Kari mentioned earlier on in the meeting, some time in the fall is what we're projecting, so I'd rather be proactive than reactive on how we're going to handle it.

**Ted Luthin, Chair**

Looking and thinking about a calendar and holidays, it seems like the first or second Wednesday night would not be a problem. If we start getting into third and fourth Wednesday night you're going to get Thanksgiving and Christmas. If it's the first Wednesday you might get New Year's.

**John Jay, Associate Planner**

I'm pretty sure it would still have to stick to either the first or third as with the current schedule, so it wouldn't be the first or second Wednesday. Basically you're removing the third Wednesday of every month or you're removing the first Wednesday of every month. The way that the schedule lines up we either meet on the first Wednesday or the third Wednesday.

**Lars Langberg, Vice Chair**

Do we wait and see if Board Member Level has a preference on the first or the third Wednesday? I would prefer the first Wednesday since I already have a public meeting that morning. If I can keep them on the same day, then it frees up my whole month.

**Ted Luthin, Chair**

I don't have a preference.

**Cary Bush, Board Member**

And I can fall into that category as well, but I still think it might be a good idea to have Board Member Level part of the conversation, so I'm leaning toward a continuance to include rather than exclude her.

**Ted Luthin, Chair**

Yes, let's do that.

Board Member Bush moved to continue the item to the next Design Review Board meeting.

Vice Chair Langberg seconded the motion.

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

NOES: None

ABSTAIN: None

ABSENT: Board Member Level

**8. SUBCOMMITTEE UPDATES** – None.

**9. ADJOURNMENT:** Chair Luthin adjourned the meeting at 5:58 p.m. The next regularly scheduled Tree/Design Review Board meeting will be held on Wednesday, June 1, 2022 at 4:00 P.M.