



## City of Sebastopol Planning Department

June 28, 2022

Caleb Roope  
Pacific West Communities  
439 East State Street, Suite 100  
Eagle, ID 83616

Re: 7716, 7760 Bodega Ave./Permit Number 2021-010  
Woodmark Apartments Project – Consistency Determination

Dear Mr. Roope:

The City of Sebastopol has received your re-application for Streamlined Ministerial Approval Process on June 1, 2022. We are required by State law to review your application and notify you within 60 days of that date if the submitted application materials contain all of the required information and comply with all objective standards and criteria in conformity with the requirements contained in Senate Bill 35. To determine compliance with these, staff has reviewed the General Plan, Municipal Code, and other requirements and objective design guidelines.

The Woodmark Project includes 83 income restricted units and a market rate (Manager's) unit. The application materials submitted for a streamlined ministerial review also include materials for three subsequent permits including tree removal permits, a sign permit, and a voluntary parcel merger/lot line adjustment. Phased construction is not being proposed.

The re-submitted information addressed the inconsistency items identified in the City's May 20, 2022, letter. The following discussion summarizes how the six previous inconsistency items were addressed with the June 1, 2022, SB-35 submittal. Note, any information submitted subsequent to the June 1, 2022 submittal may not be reflected in the below information, but will be analyzed as part of the City's final conditions for the project:

- 1) Off-Property Improvements. The project plans showed improvements to be located on an adjacent property. The submitted application is inconsistent with the City's requirements since the application forms were not signed by this adjacent property owner to authorize the use their property for the project.

Evaluation of Resubmitted Materials:

The project plans that identified the off-property improvements have been modified to relocate the project improvements on the project site. The inconsistency has been corrected and removed from the project plans.

- 2) Monument Signage. Plan Sheet E1.00 indicates that electrical service and associated lighting fixture (identified on GR-1) will be used to illuminate the proposed monument sign on Bodega Avenue. Paragraph 17.120.050(C)(4) of the Sebastopol Municipal Code prohibits the illumination of residential signage.

Evaluation of Resubmitted Materials:

The project plans proposed the illumination of the monument sign adjacent to Bodega Avenue. The inconsistency has been corrected by removing the proposed electrical service from the project plans.

- 3) Demolition Plan. The submitted Demolition Plan failed to identify the future status of all existing onsite items. Examples of these missing or incorrectly identified features include, but are not limited to, the existing fence along the northeastern boundary and a seating wall/planter near the northwestern boundary, and the existing street edge improvements. The submitted Demolition Plan was inconsistent with the City's published application material required.

Evaluation of Resubmitted Materials:

The resubmitted Demolition Plan has still not addressed the retention/removal status of all of the onsite components. However, staff believes that this inconsistency can be addressed through conditions of approval requiring the submittal of a complete and accurate Demolition Permit prior to the issuance of the Demolition Permit. The Project can be conditioned to correct these, which would eliminate the inconsistency.

- 4) Existing Waterline Blow Off. This is acceptable, the City will include this as a Condition of Approval. During the City's review of the previous project, the existence of a waterline blow-off on the project site was identified. The existence/fate of this item was not identified on the SB-35 project plans. To be consistent with the City's objective standards, the project would need to consider the location of the existing blow-off. In an effort to address this design issue, the City's Engineering Department suggested a project modification to address this inconsistency.

Evaluation of Resubmitted Materials:

The project proponent has accepted the City's design solution and has agreed to a condition of approval requiring that the solution be incorporated onto the improvement plans. The Project as conditioned will eliminate the inconsistency.

- 5) Assessment of Traffic Impacts. General Plan Policy CIR 1-7 requires that Projects that would substantially impact circulation conditions shall provide a circulation impact report. The purpose of the report is to address the traffic and pedestrian safety issues and assess Level of Service standards identified in the General Plan. The application materials do not include a report. The previous project application included a circulation impact report. This document was peer-reviewed by the City's transportation consultant and specific comments were provided.

Evaluation of Resubmitted Materials:

In response to the City's comment the project proponent provided a lengthy response explaining why this analysis is unnecessary and duplicative with the traffic analysis prepared for the General Plan. After reviewing the response, staff recognized that the request for additional information needed to be clarified. While the large area/citywide traffic impacts from a future project on the site were addressed by the General Plan and related EIR, the project's specific access points and circulation, including the frontage and adjacent intersections (including turning movements, and traffic and pedestrian safety issues, were not addressed in this EIR. Staff met with the applicant's representative to clarify this concern. Following this meeting it was agreed that Project's Traffic Impact Study would be updated for these traffic counts/turning movements, and that frontage/intersection issues need to be addressed prior to the approval of any public improvement plans. This requirement and its timing will be addressed in the conditions of approval. The Project as conditioned will eliminate the inconsistency.

- 6) Update the Preliminary Stormwater Management Plan. The previous project submittal needed to provide a Preliminary Stormwater Management Plan to reflect the current configuration of the project and verify that the design will comply with the requirements of the program.

Evaluation of Resubmitted Materials:

The project proponent has addressed this issue and the resubmitted project is no longer inconsistent with this requirement.

Based on this review, staff has determined, as described above, that the resubmitted Project can be conditioned to be **consistent** with the City's objective standards and submittal requirements. Pursuant to the provisions of Government Code Section 65913.4(d)(1)(A), the City will be providing project approval documents, including comprehensive conditions of approval, to you on or before August 30, 2022.

In addition to the consistency determination component of this letter, there are several other topics that need to be addressed:

- The provisions of Chapter 8.12 (aka the Tree Protection Ordinance) of the Sebastopol Municipal Code sets the standard for which trees will require a Tree Removal Permit. The trees that need updated information include the following: 6, 19, 50, 52 and 58. The approval of a Tree Removal Permits will be required in advance of removing any of these larger trees. This may be because it has been two years since the original Arborist Report was prepared.

The Applicant's response did not agree with the City's Arborist that Trees #4, #5, #14, and #68 will be affected by the Project.

The City's Tree Ordinance, Section 8.12.040, defines: "Tree removal" means the destruction or displacement of a tree by cutting, bulldozing, or other mechanical or chemical means, which results in the removal of more than one-third of the crown or roots of a tree, physical transportation of a tree from its site, and/or death of a tree." This is an objective standard.

From review of the plans, Trees #4, and #68 are all within close proximity to the retaining wall and will be all but certain to have more than 1/3 of the roots disturbed. Trees #5 and #14 have

a high likelihood of exceeding this level of disturbance, given the location of the retaining walls, which are 'cut' walls, not fill walls, and therefore will require elimination of all roots within the excavation and retaining wall locations.

The City will need to condition the project for the applicant and city arborist shall meet on-site to review these trees and ensure that 1) all trees are appropriately marked and measured, and confirm sizes and species. The City will require tree permits for any of these additional trees as required by the Tree Ordinance.

- The resubmitted project materials did not indicate that the project proponent was intending to construct the Project in phases. During the June 23, 2022, meeting, staff was informed of the project proponent's intent to construct the Project in phases, and no phasing plan was submitted with the project application. Consequently, the Project will be conditioned to provide and receive approval of a Phasing Plan prior to the issuance of a building permit.

Anyone dissatisfied with this decision of the Planning Director has the right to file an appeal within seven calendar days of the decision. This requires the submittal of a completed City Appeal Form, written statement, and payment of the applicable fee delivered to the Planning Department at 7120 Bodega Avenue, Sebastopol, California no later than 5:30 P.M. on July 5, 2022.

Should you have any questions please do not hesitate to contact project planner David Hogan at 408.809.9513 or via email at [dhogan@m-group.us](mailto:dhogan@m-group.us), or 707-823-6167, or Kari Svanstrom via email at [ksvanstrom@cityofsebastopol.org](mailto:ksvanstrom@cityofsebastopol.org).

Sincerely,



Kari Svanstrom  
Planning Director

cc:

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City Manager  
Building Department  
Engineering Department  
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