

RESOLUTION NO. 2022-03

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL  
RECOMMENDING ADOPTION OF AN EXEMPTION FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA) AND RECOMMENDING THAT THE CITY COUNCIL  
OF SEBASTOPOL APPROVE THE CONDITIONAL USE PERMIT FOR RESIDENTIAL ONLY IN A  
COMMERCIAL ZONE; A TENTATIVE MAP FOR THE PROPERTY AT 333 NORTH MAIN STREET  
(APN 004-670-022)

WHEREAS, an application for 1) a Conditional Use Permit to allow a residential only development in a Commercial District, 2) Tentative Map for a 4-Unit Townhome project know as Habitat for Humanity Townhomes, and 3) Environmental Review, was filed by Jeff Katz on January 24, 2022 which consists of subdividing a vacant 0.17 acre parcel (APN 004-670-022) into 4 lots to be developed into 4 townhome-style three bedroom units, landscaped areas, private rear yards, front porches, and 4 one car garages (the "Project"); and,

WHEREAS, the Project, as conditioned, is consistent with the Central Core Land Use designation of the General Plan and General Plan goals and policies, in that the Project is consistent with the General Plan as follows:

1. Goal LU1 - Maintain Sebastopol as a unique, charming, and environmentally sensitive small town that provides residents, businesses, and visitors with opportunities to enjoy a high quality of life, *by developing housing opportunities for four families in a townhouse format that fits within the town's character.*
2. Policy LU 1-2: Avoid urban sprawl by concentrating development within the City limits; favor infill development over annexation, *by developing a vacant site within city limits.*
3. Policy LU 5-5: Strongly encourage residential development in a balanced and efficient pattern that reduces sprawl, preserves open space, and creates convenient connections to other land uses, *by developing an existing vacant lot within the central core of the City.*
4. Policy LU 6-2: Promote compact urban form that provides residential opportunities in close proximity to jobs, services, and transit, *in that the projects proposed are townhouse development in the Downtown Core and nearby to employment opportunities, schools, retail, and along the City's main transit corridor.*
5. Policy C-3: The City will encourage long-term and permanent affordability of extremely low, very low, low, and moderate income and special needs housing, *by providing moderate home ownership opportunities. The project also provides affordable housing to a variety of families through the Habitat for Humanity program.*
6. Policy C-4: The City will encourage development of new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and

- types, by developing four townhome units available to moderate or low income households.*
7. Goal D-1: Promote Housing Affordability for both Renters and Homeowners
  8. Policy D-5: The City will promote the ability for lower and moderate-income households to become homeowners, *by the project also provides affordable housing to a variety of families through the Habitat for Humanity program.*

WHEREAS, the Project, with the approval of a Conditional Use Permit, would be consistent with the applicable provisions of SMC Chapter 17, including:

1. SMC 17.25.020, Allowed uses  
Residential-only uses are allowed within a Commercial Zoning District with the approval of a Use Permit, and if the Findings can be made that it will not create adverse effects on commercial uses or street-front vitality and that the project will be compatible with nearby uses and development.
2. SMC 17.25.030, Development Standards  
The Project meets the height, setbacks, minimum Floor Area Ratio (1.0), open space, and other provisions of the Downtown Zone and the R7 zoning district (as required for residential-only development).

WHEREAS, granting a Conditional Use Permit for the Project is appropriate as it complies with the Sebastopol Municipal Code (SMC) 17.415.030 as detailed below:

3. The proposed use is consistent with the General Plan and all other applicable provisions of SMC Chapter 17 as detailed in these Findings.
  - a. The project as proposed meets the height requirements in that 40ft is allowed and 23ft is proposed.
  - b. The project meets the setback requirements as followed
    - Required Front: 0'                      Proposed: 5'
    - Required Side: 0'                      Proposed: 5'
    - Required Rear: 5'                      Proposed: 16.5'
  - c. The project as proposed meets the FAR of downtown 1.0 when using the Net FAR of the site.
4. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City as it complies as follows:
  - a. This project, as proposed, will not be detrimental to the health and safety of the community as it will increase the housing stock available to workers in the area, and will develop a vacant lot and provide housing to a variety of income levels.
  - b. The Project meets this finding in that the site is at the end of the Downtown Core district and currently is a vacant lot. The lots around this

project are residential multifamily and the Masonic Lodge to the north and as proposed would be compatible with nearby uses. The Project would therefore not be detrimental to the viability of nearby businesses.

- c. The site would be difficult to develop as a commercial use due to the lot configuration and size, and potential for required parking.

WHEREAS, granting a Tentative Map for the Project is appropriate as it complies with SMC 16.28.070(A) in that:

1. The proposed subdivision, as conditioned, together with the provisions for its design and improvement, is consistent with the General Plan as detailed above, and will be consistent with applicable provisions of SMC Chapter 16 and the State Subdivision Map Act (SMA); and
2. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the City Council.
3. As conditioned, the Project will comply with the California Green Building Standard Code (CalGreen) requirements for energy efficient buildings and appliances, including Tier 1 standards required by the City of Sebastopol (which are higher than the base State requirements for green design). CalGreen Standards require that buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant - emitting finish materials.

WHEREAS, the Project is exempt from the California Environmental Quality Act, under CEQA Guidelines, Section 15303(b) which exempts "A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for no more than six dwelling units." In that;

1. The Project consists of four townhome units on a vacant lot surrounded by developed properties in an urban setting. The Project would be consistent with this exemption as it proposes four attached multi-family residential units and will not create any new environmental impacts as it will be in an already developed area.

WHEREAS, the Planning Commission held a duly noticed preliminary public hearing on September 28, 2021 and provided comments to the applicant about parking concerns, accessory dwelling unit options, and grading requirements; and

WHEREAS, the Design Review Board held a duly noticed preliminary public hearing on November 3, 2021 and provided comments to the applicant on the design of the building, landscaping options, and tree protection options; and

WHEREAS, the Planning Commission held a duly noticed preliminary public hearing on

June 14, 2022, heard a staff report, received public testimony, and considered applications for a Conditional Use Permit, Tentative Map, and Environmental Review.

NOW, THEREFORE BE IT RESOLVE THAT, the Planning Commission of the City of Sebastopol, California, does hereby recommend the City Council find the Project exempt from the California Environmental Quality Act (CEQA), under CEQA Guidelines, Section 15303(b) which exempts "A duplex or similar multi-family residential structure, totaling no more than four dwelling units."

NOW, THEREFORE, BE IT FUTHER RESOLVED THAT, The Planning Commission of the City of Sebastopol, California, does hereby recommend approval, based on the findings above and subject to the Specific Conditions of Approval in Exhibit B and Standard Conditions of Approval in Exhibit C:

1. A Conditional Use Permit to permit residential only in a CD district;
2. A Tentative Map, included in Exhibit A, to subdivide a vacant 0.17-acre parcel into 4 lots, to be developed with 4 townhome-style studio units, landscaped areas, and parking.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the Planning Commission on the 14<sup>th</sup> day of June, 2022, by the following vote:

AYES: Chair Fritz, Vice Chair Oetinger, Commissioners Douch, Fernandez, Burnes, Kelly  
NOES: None  
ABSTAIN: None  
ABSENT: None

Certified: \_\_\_\_\_

Kari Svanstrom, Planning Director