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JOINT PLANNING COMMISSION &
SPECIAL DESIGN REVIEW BOARD MEETING
MEETING OF: APRIL 28, 2020

APPROVED MINUTES

JOINT PLANNING COMMISSION &
SPECIAL DESIGN REVIEW BOARD MEETING
CITY OF SEBASTOPOL
MINUTES OF April 28, 2020

JOINT PLANNING COMMISSION & SPECIAL DESIGN REVIEW BOARD MEETING:

The notice of the meeting was posted on April 21, 2020.

1. CALL TO ORDER: Chair Wilson called the meeting to order at 7:00 p.m.

Chair Wilson spoke on the process for tonight’s meeting.

2. ROLL CALL:

- Present:**
 - Planning Commission:** Chair Wilson and Commissioners Fernandez, Kelley, Oetinger, Fritz, Douch, Lindenbusch
 - Design Review Board:** Chair Luthin, Vice Chair Langberg and Board Members Beale, Hari and Bush
- Absent:**
 - Planning Commission:** Commissioner Haug (excused)
 - Design Review Board:** Board Member Level (excused)
- Staff:** Kari Svanstrom, Planning Director

At the suggestion of Chair Wilson, items 3 and 4 were moved to the end of the agenda to allow item 8A to come first without objection.

PLANNING COMMISSION & DESIGN REVIEW BOARD:

5. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA: There were none.

6. STATEMENTS OF CONFLICTS OF INTEREST: There were none.

7. PLANNING DIRECTOR’S REPORT (Update on Future Agendas, Action of Other Boards and City Council)

Director Svanstrom updated the Board and Commission as follows:

- All City departments are open and operating, some are operating virtually.
- City offices remain closed to the public however, staff from every department is available to the public via phone or email.
- The County Health Officer announced a revision to the park closure order; as of tomorrow, parks will be open for walking, biking where it is allowed, and hiking only.
 - Parks will remain closed in terms of community gathering spaces such as BBQ’s picnic areas, playgrounds, etc.
- The City Council will hold a meeting next Tuesday, May 5, 2020. As part of this meeting the Council will be looking at some of the economic impacts of the current pandemic.
- On the last City Council agenda, the Council extended the application deadline for the Climate Action Subcommittee.
 - At this time, the deadline is set for three weeks after the shelter in place order ends.

Hearing no further updates, Chair Wilson asked for questions of Director Svanstrom.

Commissioner Oetinger asked if the park closure order revisions were for the city, county, or both.

Director Svanstrom responded:

- The County Health Order is what allows the city to have its parks accessible for walking, biking where it’s allowed, and hiking.
- Under the order parking lots are remaining closed.
- The intent of the order as revised is to open some of the local parks for local access.
- To be consistent with the order, people should bike or walk to the parks, not drive.
- Regional Parks that are high attraction areas, such as beaches, will remain closed.

Vice Chair Fernandez asked if the Joe Rodota trail is open for biking.

Director Svanstrom responded that she would check the order and get back to the Board and Commission on that.

Commissioner Oetinger commented:

- Some pedestrians have concerns related to cyclists in that there is a lot more air moving past when somebody rides by.
- They’re also concerned because 6’ of separation isn’t being maintained.

8. DISCUSSION:

A. HOUSING LAW PRESENTATION

Chair Wilson provided an introduction.

Director Svanstrom commented, in answer to an earlier question, that the City Clerk has indicated that the Joe Rodota and West County trails are now open to cyclists as well as pedestrians.

Director Svanstrom spoke on process and presented the staff report.

Alex Mog of Meyers Nave gave a presentation and was available for questions.

Chair Wilson asked for questions of Mr. Mog from the Commission.

Commissioner Douch asked about existing overlays and whether they would have to be complied with.

Mr. Mog responded in the affirmative and commented:

- The City can issue new overlays.
- SB-330 might prevent overlays if they would limit housing development.
- A preexisting overlay would be considered an objective standard and would have to be complied with.

Vice Chair Fernandez expressed having no questions at this time.

Commissioner Fritz referred to application time period changes under the Housing Accountability Act (HAA) and asked when the 180-day clock to submit a complete application would begin.

Mr. Mog responded that the complete application would need to be submitted within 180-days of when the preliminary application was received.

Commissioner Fritz asked if the City's plans to update its design guidelines would be impacted by these new laws.

Mr. Mog responded:

- Subjective design standards can be done for non-housing projects.
- For a mixed-use project there is likely a threshold by which subjective design standards can apply.
- Objective design standards for residential projects can be done as well.
- Developers are often willing to comply with certain subjective design standards.

Chair Fritz commented that Mr. Mog mentioned 100% affordable for the density bonus for low-, very-low, and likely extremely low, but not moderate.

Mr. Mog responded in the affirmative and commented:

- Every unit would have to be affordable for someone making 80% of less of the area median income based on household size.

Commissioner Fritz asked about voter-approval requirements for the finance authorities' ability to levy ballot measures for taxes.

Mr. Mog responded that it would require 2/3 approval for a special tax because the proceeds would have to be used for housing.

Commissioner Kelley thanked Mr. Mog for the presentation.

Commissioner Lindenbusch expressed having no questions and thanked Mr. Mog for the presentation.

Commissioner Oetinger expressed having no questions.

Chair Wilson commented:

- Mr. Mog gave an extreme example of a 100-unit, 80% affordable project which would be eligible for a density bonus. In that he suggested that the developer could request a severe reduction in parking requirements.
 - In this scenario, where would people park?
- Asked if any of these laws have any effect on CEQA?

Mr. Mog responded in the affirmative and commented that the major way these laws implicate CEQA is that CEQA only applies when the City makes a discretionary decision.

Hearing nothing further from the Commission, Chair Luthin thanked Mr. Mog for the presentation and asked for comments or questions from the Board.

Board Member Bush thanked Mr. Mog for the great presentation and asked if these bills and measures are truly inventive to today's times or if they have been used in other States, Countries, or elsewhere globally.

Mr. Mog responded that some have been used elsewhere and some are original.

Board Member Beale asked about impacts related to reductions in parking requirements or a lifting of height limitations in terms of neighboring properties that may not share the same zoning.

Mr. Mog responded:

- Those impacts do not really apply, unfortunately.
- There is not much that can be done to stop that.
- If the property is zoned a certain way the developer can get the bonus.
- In his experience, any project that comes in at more than 10% or even 20% affordable will usually need financial support of some kind.
- The City can withhold that financial support in exchange for some modifications.
- While there will always be exceptions to that, most of the time, especially an 100% affordable project will need financial support of some kind.

Director Svanstrom mentioned that the City is about to embark on an update to the City's objective design standards and asked:

- If the City had an objective standard that included transitioning up or down regarding height limits (i.e., the closer you get to a setback line the lower the height is), how would that interact with the density bonus, or would it not because they can ask for the concession?

Mr. Mog responded:

- Under the HAA developers have to comply, however, if they are entitled to a density bonus, they can then ask for either a concession or a waiver to get out of complying if it prevents them from being able to build the project.
- This is a law that is being used more and more.

- Developers are looking to maximize their profits as things get more and more expensive.
- Developers are realizing that it might be worth putting in 10% affordable units to get these benefits.
- Communities will be frustrated by the impacts on viewshed, and lack of parking, etc.
- Unfortunately, the hands of the City are often tied based on State Law requirements.

Vice Chair Langberg asked how cities and jurisdictions are responding to these changes.

Mr. Mog responded:

- A lot of cities are using the funds that were given for planning purposes.
- Almost every city he works with is using those funds to develop objective standards to try to take what had been subjective and turn it into objective so community design values can still be applied.
- The legislature wants to ensure that the rules are clear to allow developers to design their project knowing what the City will require.
- Has seen a mix of compliance and noncompliance from cities.

Vice Chair Langberg commented that the City is in line with developing its design guidelines.

Mr. Mog responded in the affirmative.

Vice Chair Langberg thanked Mr. Mog for the presentation.

Chair Luthin referred to Mr. Mog's comment about the 180-day clock starting when a preliminary application is submitted and asked if there are specific requirements that are mandated, or if each city sets their own requirements.

Mr. Mog responded:

- Each city can set their own requirements; however, the legislature has limitations on what can be asked for.
- Believes the City has already developed a checklist for these types of applications.

Director Svanstrom commented:

- The City has a Preliminary Review Checklist.
- Staff can work with the Planning Commission and/or Design Review Board on updating it.
- Both the Planning Commission and Design Review Board have recently seen preliminary review applications.
- The Design Review Checklist was changed at the start of the year to be much more comprehensive than it used to be.

Commissioner Douch referred to the 180-day shot clock and the limit on the number of hearings can be held, and asked if there any time constraints placed on the City for approvals?

Mr. Mog responded:

- For smaller projects, the City has 30 days to review the application and ensure completeness.

- Once this 30-day period has passed the City cannot require the applicant to provide additional information.

Commissioner Douch asked if there is a time constraint for the date of approval from when the application was accepted.

Mr. Mog responded:

- An existing law called the Permit Streamlining Act has limitations on how quickly applications need to be processed.
- The only change to the Permit Streamlining Act as a result of these laws is that the timeline is 30 days less than they used to be for affordable housing projects.

Director Svanstrom commented:

- Those various timelines are managed by staff.
- It is important to note that the City's ability to request additional information as an application works its way through the process may be limited by these new laws in terms of timelines and when an application is deemed complete.

Chair Wilson asked if the City can have an objective standards on how to handle increased heights (in the case of an incentive to increase the height of a building significantly beyond what the neighbors might have expected) with things like window treatments, etc.?

Mr. Mog responded in the affirmative and commented:

- There are a limited number of incentives that have to be given.
- A developer will have to decide what incentive(s) they want to use because their choices will be limited.
- There may be situations where a developer uses an incentive to not have to comply with a standard.
- In addition, all projects will have to comply with the Building Code as well.

Chair Wilson asked if members of the public wished to speak on this time.

Hearing none, Chair Wilson closed the public comment period.

Chair Wilson asked for discussion from the Board and Commission.

Board Member Beale commented:

- Referred to the impact that some of these incentives could have on neighboring properties.
- Unlike larger municipalities where there are larger blocks of similar zoning, in Sebastopol it's very much a zigzag of that.
- Referred to a recent application for a high-density apartment complex off of Bodega Avenue that would neighbor homes that are zoned, 'R1'.
- Thinks of people who own property (whether commercial or residential) and how their investment and the value of those properties could be significantly impacted by these types of incentives (whether parking, height, or something else).
- This is a difficult and unique thing that this community may have to face.

Director Svanstrom asked Mr. Mog if there is anything in the law that talks about financial impacts on adjoining properties.

Mr. Mog responded that the law does not address that.

Director Svanstrom commented:

- Sebastopol went through a major rezoning process in 2018.
- SB-330 states that cities cannot downzone properties to make them less unless the overall density in town is being maintained (thus meaning other areas would need to be up zoned to balance overall potential impacts to the community).

Commissioner Douch commented:

- Over the years the State legislature has hamstrung the ability of the Planning Commission or in this case, the Design Review Board in many ways.
- The impacts are potentially unavoidable.
- This speaks to the need to try and be effective in the areas Mr. Mog discussed when creating our objective design standards (things like massing on three stories and above, etc).
- Asked Director Svanstrom for an update on the Design Review Guidelines update process.

Director Svanstrom commented:

- At the prior Design Review Board meeting, the Board appointed Vice Chair Langberg and Board Member Level to the subcommittee.
- Late last week the City received approval from State Housing and Community Development for the grant. Once the grant has been finalized, the work can begin.

Commissioner Fritz asked who else is on the subcommittee.

Director Svanstrom responded that Commissioner Fritz and Mayor Slayter are on the subcommittee as well.

Commissioner Lindenbusch asked if the subcommittee will be able to proceed remotely or if it will be affected by the pandemic.

Director Svanstrom responded that the subcommittee should be able to proceed remotely.

Board Member Bush asked if there is a timeline in place for the subcommittee and update.

Director Svanstrom responded:

- There is not a specific timeline.
- The bulk of this work will be in next year's budget.
- If we have a significant reduction in planning applications, we may be able to leverage staff to do more of the work which will mean a lesser scope for the consultant(s).
- The budget subcommittee's discussions on this will be coming up shortly too.

Vice Chair Langberg commented:

- There is legislation about cities identifying parcels that they own that could be available for housing potentially, there are also private parcels.
- There could also be an effort by the City to identify parcels that they would like to see developed more densely than the ones that are closer to the residential properties ('R1' zoning).
- Seems like advocacy could be done to focus development where the city would prefer rather than having neighborhood conflicts.

Director Svanstrom responded that Vice Chair Langberg made a good point and recalled

Mayor Slayter having done a Sebastopol Walks tour of potential housing sites last year, a lot of which were identified in the Housing Element.

Commissioner Fernandez asked what impact these laws have on green building requirements, solar requirements, and the like.

Mr. Mog responded that those items are generally part of the larger Building Code so some developers would still have to comply with those items.

Director Svanstrom commented that the City has had a solar requirement for new construction for several years now.

Hearing nothing further, Chair Wilson thanked Mr. Mog for taking the time to provide this very helpful presentation and discussion on housing law. In addition, things like electrical vehicle charging stations and CAL Green Tier 2 would still apply to any project.

Chair Wilson referred to discussion about The Barlow potentially add a residential component upstairs in some places and asked how that would be counted in terms of mixed-use with the existing commercial development.

Mr. Mog responded:

- It's usually 2/3's of the square footage in the project needs to be residential.
- Generally, there would need to be residential on the second and third floors to qualify as residential.
- The existing commercial would be factored into the calculation.
- Believes it is on a parcel by parcel basis, however, it is possible that more than one parcel could be counted in part of one application.

9. WRITTEN COMMUNICATIONS: (None)

10. DESIGN REVIEW BOARD ADJOURNMENT: Chair Luthin adjourned the meeting at 8:32 p.m. to the regular meeting of the Design Review Board which will be held on May 06, 2020, at 4:00 p.m.

Director Svanstrom noted the regular Design Review Board meeting of May 6 will take place and added that the meeting is expected to be held virtually as well.

PLANNING COMMISSION:

4. APPROVAL OF PLANNING COMMISSION MINUTES of: February 25, 2020

Director Svanstrom noted a correction to the minutes.

Vice Chair Fernandez made a motion to approve the minutes as amended.

Commissioner Lindenbusch seconded the motion.

AYES: Chair Wilson, Vice Chair Fernandez, and Commissioners Oetinger, Douch, Fernandez, Kelley, Lindenbusch and Fritz
NOES: None
ABSTAIN: None

ABSENT: Commissioner Haug

3. ELECTION OF OFFICERS

Chair Wilson asked for nominations for Chair.

Commissioner Fritz nominated Vice Chair Fernandez.

Commissioner Lindenbusch and Commissioner Kelley seconded the nomination.

With no discussion or further nominations, the Commission voted as follows:

AYES: Chair Wilson, Vice Chair Fernandez, and Commissioners Oetinger,
Douch, Fernandez, Kelley, Lindenbusch and Fritz
NOES: None
ABSTAIN: None
ABSENT: Commissioner Haug

Chair Wilson asked for nominations for Vice Chair.

Commissioner Douch nominated Commissioner Fritz.

Commissioner Kelley nominated Commissioner Oetinger.

Commissioner Oetinger thanked Commissioner Kelley for the nomination but declined the opportunity.

Chair Wilson asked for a second to the nomination of Commissioner Fritz as Vice Chair.

Commissioner Fernandez seconded the nomination.

With no discussion or further nominations, the Commission voted as follows:

AYES: Chair Wilson, Vice Chair Fernandez, and Commissioners Oetinger,
Douch, Fernandez, Kelley, Lindenbusch and Fritz
NOES: None
ABSTAIN: None
ABSENT: Commissioner Haug

Director Svanstrom noted the regular Planning Commission meeting of May 12 will have at least one item on the agenda and added that the meeting is expected to be held virtually as well.

Members of the Commission thanked Chair Wilson for his excellent service as Chair.

PLANNING COMMISSION:

Chair Wilson adjourned the meeting at 8:39 p.m. to the regular meeting of the Planning Commission which will be held on May 12, 2020, at 7:00 p.m.

Respectfully Submitted By:

Kari Svanstrom
Planning Director