

## Woodmark Apartments

### Written Statement

**Dated: December 10, 2020**

**Addresses:** 7716 and 7760 Bodega Avenue, Sebastopol

**APNs:** 004-211-007 and 060-230-067

**Parcel Sizes:** 2.2 and 1.39 acres (3.59 acres total)

**General Plan:** HDR (High Density Residential)

**Zoning:** R7 (allows multi-family housing as a matter of right)

**Approvals:** Design Review, Tree Removal, Sign Permit

**Proposed Use:** 84-unit affordable housing development

**Special Considerations:** Housing Accountability Act

### SUMMARY

Woodmark Apartments is proposed as an 84-unit, 100% affordable housing development, offering 1-, 2- and 3-bedroom units to accommodate families, seniors, and other individuals with incomes ranging between 30% and 60% of the Area Medium Income (“AMI”). Forty-eight units will be reserved for employees or retirees of the agricultural sector, while the remaining affordable housing units will be available to anyone who meets the qualifications for affordable living. The affordable housing units will be deed restricted as affordable units for 55 years. Woodmark Apartments will include six buildings that range from 2-3 stories with centralized community amenities to encourage and enable residents to care for their families in a safe, healthy, and secure environment.

To ensure this addition serves and fits the neighborhood well, the design incorporates local and regional style elements as well as transitions and ample landscaping to limit the visual impact of the multi-family development within an eclectic area with town houses and single-family homes and across the street from another multi-family affordable housing development. In keeping

with the intent of the City of Sebastopol (“City”) to promote walking, cycling and public transit and reduce car traffic, the development will provide more than the required bicycle parking spaces and encourage use of the nearby transit stop.

Section 17.250.010 of the City’s Municipal Code states that “suitable housing at an affordable level is not available” to many Sebastopol residents and that “the [increasing] housing shortage for persons of lower incomes is detrimental to the public health, safety and welfare” making “an adequate supply of housing for all segments of the community” a matter of public policy. This proposed development helps those lower-income households that are “de facto excluded from new housing, creating economic stratification in the City that is detrimental.”

As with most municipalities, “the City finds that there is insufficient Federal and State support for programs to assist the City in meeting its affordable housing needs,” which means the City seeks “assistance and cooperation from the private sector in making available an adequate supply of housing for persons of all economic segments of the community.”

The Association of Bay Area Governments (“ABAG”) in its final Regional Housing Needs Allocation (“RHNA”) allocated to the City 120 housing units for the period 2014 to 2022. Based upon the California Department of Housing and Community Development (“HCD”) Annual Progress Report dated September 24, 2020 (Attachment 2) as well as the Level of Service Report presented to the City Council on May 19, 2020 (Attachment 3), the City is not on pace to meet its RHNA obligations.

State law requires that the City’s Housing Element include “an inventory of land suitable for residential development.” (Gov. Code, § 65583, subd. (a)(3).) In the City’s Housing Element, 7716 Bodega Avenue is included in the inventory of land suitable for residential development as a site for multifamily private development in order for the City to fulfill its RHNA obligations. (2014 Housing Element, IV-3.) According to the City, the inventory (including 7716 Bodega Avenue) demonstrates that that the City has adequate capacity to accommodate the City’s extremely low-, very low-, and low-income needs. (2014 Housing Element, IV-2.)

The City’s Housing Element commits the City to facilitating all types of housing for farmworkers, including multifamily units. (2014 Housing Element, IV-10.) Multifamily farmworker housing is allowed in any zone that permits multifamily housing. (*Ibid.*) Sites identified in the City’s Housing Element inventory demonstrate – according to the City – that the City has adequate capacity to accommodate its RHNA obligations, including housing for farmworkers. (*Ibid.*)

This proposal for an 84-unit affordable housing development facilitates the City meeting its RHNA obligations by providing affordable housing at a site the City identified in its inventory as appropriate for affordable housing development. Moreover, because 48 of the units will be set aside for farmworkers, the proposal facilitates the City’s commitment to facilitating all types of housing for farmworkers.

## **ABOUT THE APPLICANT**

The Pacific Companies is a privately held group of firms dedicated to excellence in multifamily housing. Under the leadership of president and CEO, Caleb Roope, the group has managed the development, construction, and management of over 110 multifamily or mixed-use communities comprising approximately 6,000 units. Mr. Roope’s firm is vertically integrated to ensure the quality of the development and the management of the communities for the decades they service low-income families.

Pacific West Communities employs staff in its asset management division who are exclusively committed to meeting high standards of management with significant attention devoted to each community’s maintenance and appearance. The same level of excellence applied to physical condition of the housing development is also applied to those seeking residency.

As one of America’s most prolific developers of workforce housing, The Pacific Companies is deeply committed to addressing the need of millions of Americans who pay more than 50% of their annual income on housing through the production of attractive, energy-conscious, affordable apartments near parks, schools, and transportation. Every year since 2007, The Pacific Companies’ commitment to affordable workforce and senior housing has placed it proudly in the top 50 nationally in affordable housing production.

The Pacific Companies is accomplished at consistently and reliably providing affordable housing that meets the highest quality standards. Contrary to popular belief, affordable housing funded by State and/or Federal funds must meet extraordinarily higher standards than private market rate housing, ensuring that quality of the appearance of the housing development is maintained over the lifetime of its affordable status.

## **PROPOSAL**

The Pacific Companies proposes Woodmark Apartments as an 84-unit, 100% workforce housing development for families with incomes ranging between 30% and 60% of the Area Medium Income (“AMI”) located at 7716 & 7760 Bodega Avenue.

The development’s units are proposed as follows:

Number of Bedrooms	Approximate Square Feet Per Unit	Number of Units
1-Bedroom Unit	586 sq ft	12
2-Bedroom Unit	749 sq ft	36
3-Bedroom Unit	1,080 sq ft	32
3-Bedroom Unit B	918 sq ft	4

Forty-eight (48) of the units will be set aside for farmworkers, which means they are available to anyone employed in the agricultural sector and their family who meets the income requirements including retired agricultural workers who meet certain qualifications. The placement of tenants in affordable housing, including farmworkers, is a rigorous and closely regulated process. The remaining affordable units will be offered as affordable housing to any qualified persons. The units will be made available at a monthly housing rental cost that does not exceed 30% to 60% of AMI.

The proposed site plan consists of six buildings that will house the 84 units: 2 two- to three-story buildings along Bodega Avenue and four buildings in the center of the site with parking provided around the interior perimeter of the site. The four interior buildings consist of 3 three-story apartment buildings and 1 three-story community building with units above. The community building of approximately 2,045 square feet will contain a large meeting room with a full kitchen, leasing office, men's and women's restrooms, fitness room and laundry room. Outside the community building there will be a children's play area, a bocce ball court, and covered ADA accessible picnic tables. As requested by members of the Design Review Board, the community building has been made accessible from both the exterior community areas and the parking spaces.

It is likely the development will be built in two phases. Further planning must be done to finalize a phasing plan. It is expected that Phase 1 will focus on the front half of the Project and Phase 2 will complete the back half of the Project. There is a tentative phasing line included on the Site Plan. However, a final phasing plan will be submitted to the City once complete.

The grading of the Project site is designed to meet the California Building Code's accessibility standards as well as industry best practices. The buildings were stepped (or terraced) to the maximum extent possible to minimize grading. Retaining wall heights were minimized to the extent possible while still maintaining public safety. The Project proposes to use a method called "soldier piling" to construct the retaining walls in all locations where protected and neighboring trees may be affected so that no excavation is required behind that retaining wall. This common construction method minimizes impacts to existing trees by eliminating the need for further excavation towards the tree and maximizes the distance between the retaining wall and neighboring trees so that there will only be temporary impacts to any trees on neighboring property.

Once in operation, The Pacific Companies' dedicated asset management team will hire an on-site manager to uphold the high standards of both The Pacific Companies and the California Tax Credit Allocation Committee from which the Project has been awarded tax credits.

Included with this Design Review Application are all applicable Tree Removal Permits.

## TECHNICAL STUDIES

A summary of the technical studies used to support the analysis of the Project in this proposal statement follows:

**Arborist Report:** Horticultural Associates prepared a Tree Preservation and Mitigation Report (the "Arborist Report") dated October 8, 2019. The Arborist Report was augmented on June 4, 2020 and August 19, 2020. (Attachments 1.) John C. Meserve, a certified arborist with Horticultural Associates, evaluated 76 trees at the Project site. The evaluation included all trees on the Project site that were 10 inches or greater in diameter with the exception of Acacias, which are not protected under the City's ordinances. Of the trees evaluated, the Arborist Report identified 50 are designated for removal (39 due to development impacts and 11 due to poor

condition) and 26 are being preserved. 35 of the trees being removed require permits herein attached. The Arborist Report provided recommendations and guidelines for tree preservation, tree pruning, and tree fencing.

At the November 19, 2020 Preliminary Design Review hearing, Mr. Meserve stated that the proposed development would not cause long-term impacts to trees located on the neighboring property because the proposed soldier piling method to construct the retaining wall at the back of the property maximizes the distance between the retaining wall and neighboring tree driplines. Mr. Meserve stated he had seen soldier piling used successfully without any long-term impact or damage to trees many times in his career.

**Cultural Resources Study:** Peak & Associates, Inc. prepared a Determination of Eligibility and Effect for the Woodmark Apartments Project, City of Sebastopol, Sonoma County, California dated August 26, 2019 (the “Cultural Resources Study”). (Attachment 4.) Peak & Associates sent a letter to the Native American Heritage Commission (“NAHC”) requesting a check of Sacred Lands files for the Project site and sent letters to several tribes identified by NAHC. NAHC did not identify the Project site as Sacred Lands and no responses expressing concern were received. As part of preparation of the Cultural Resources Study, on August 6, 2019, a senior archeologist from Peak & Associates, Inc. conducted a field survey. The survey found no prehistoric period cultural resources within the Project site. The Cultural Resources Study concluded there were no historic properties recorded in the Project area. The Cultural Resources Study further concluded there will be no impact to important cultural resources from implementation of the Project.

**Noise Assessment:** Illingworth & Rodkin, Inc. prepared a Woodmark Apartments Noise Assessment dated December 12, 2019 (the “Noise Assessment”). (Attachment 5.) The Noise Assessment evaluated the Project’s compatibility with the future noise environment expected at the Project site. The Noise Assessment measured ambient noise levels at the Project site, summarized future noise levels expected at the Project site, and assessed the noise and land use compatibility of the Project with respect to the appropriate regulatory criteria. The Noise Assessment determined that exterior noise levels at the common outdoor activity areas would not exceed noise standards in the City’s General Plan noise and land use compatibility guidelines. For interior noise levels within new residential units, the Noise Assessment found that with incorporation of its recommended noise insulation methods interior noise levels within residential buildings would be maintained within the noise standards in the City’s General Plan noise and land use compatibility guidelines with an adequate margin of safety. Mr. Michael Thill of Illingworth & Rodkin, Inc. provided a memo (the “Noise Assessment Addendum”) on November 30, 2020 stating no further findings or recommendations are required after reviewing the most recent site plan. (Attachment 6.)

**Traffic Impact Analysis Report:** TJKM prepared a Draft Transportation Impact Analysis Report for Woodmark Apartments at 7760 & 7716 Bodega Avenue dated May 22, 2020 (the “Traffic Study”), updated to address W-Trans comments on October 2, 2020. (Attachment 7.) The Traffic Study evaluated six study intersections during weekday morning and weekday evening peak hours. The Traffic Study concluded that based upon the City’s impact criteria, the Project traffic volume on the controlled movement of unsignalized intersections is relatively low

and at the signalized intersections the increase in delay is less than five seconds. Therefore, the Traffic Study concluded that the Project is expected to have a less-than-significant impact at all of the study intersections under existing and cumulative scenarios plus the Project. The Traffic Study concluded that the Project provides adequate vehicle, pedestrian, bicycle, emergency vehicle, and garbage pick-up truck access to, from, and within the Project Site; that sight distances from both the eastern and western Project driveways were adequate; and that there was sufficient parking supply proposed. The Traffic Study further concluded that the Project would have less-than-significant impacts on queue lengths at left- and right-turn pockets, on pedestrians, on bicycle facilities, and on transit services. No comments from W-Trans, the City's traffic consultant, contested the results of these findings.

## **LAND USE CONSIDERATIONS**

### Housing Accountability Act

The Housing Accountability Act ("HAA"), Government Code section 65589.5, implements the Legislature's intent to "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability for local governments to deny, reduce the density for, or render infeasible housing development projects." (Gov. Code, § 65589.5, subd. (a)(2)(K).)

The Legislature intends the HAA be "interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision, of housing." (Gov. Code, § 65589.5, subd. (a)(2)(L).)

"It is the policy of the state that a local government not reject or make infeasible housing development projects . . . that contribute to meeting the need determining pursuant to this article [RHNA obligations] without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d)" of the HAA. (Gov. Code, § 65589.5, subd. (b)).

The HCD has issued a Housing Accountability Act Technical Advisory Memo providing guidance on implementation of the Housing Accountability Act (the "Technical Advisory"). (Attachment 9.) The Technical Advisory provides guidance on implementation of the HAA, including a decision matrix. (*Id.*, p. 4.)

The HAA provides for the imposition of a minimum fine of \$10,000 per unit on local governments that for unjustified reasons deny approval of new homes. (Gov. Code, § 65589.5, subd. (k)(1)(A)(ii).) Additionally, the HAA provides that a multiplier of five may be applied if a local government acts in bad faith. (*Ibid.*)

The HAA applies to "housing development projects," which are defined to include projects with a use consisting of residential uses only. (Gov. Code, § 65589.5, subd. (h)(2).) The proposed project consists of 84 residential units and qualifies as a housing development project under the HAA.

Under the HAA, a local government shall not disapprove or condition approval of the housing development project that complies with objective general plan, zoning, subdivision, design review standards at a lower density without finding based upon a preponderance of the evidence that there is a specific, adverse impact on the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. (Gov. Code, § 65589.5, subd. (j).)

Preponderance of the evidence require that the local government weigh the evidence and conclude that the evidence on one side outweighs or preponderates over the evidence on the other side; evidence that is substantial, but not a preponderance of the evidence, does not meet this standard. (Attachment 9, Technical Advisory, p. 13.)

The HAA further limits a local governments' ability to disapprove or condition approval of projects for the "housing for very low-, low-, or moderate-income households" and farmworker housing. "Housing for very low-, low-, or moderate-income households" means that "either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code." (Gov. Code, § 65589.5, subd. (h)(3).) Health and Safety Code section 50199.7 defines farmworker housing to mean "housing in which at least 50 percent of the units are available to, and occupied, by farmworkers and their households." The proposed Project consists of housing for households of 30% to 60% of AMI (which qualifies as lower income households), the units will be made available at a monthly housing cost that does not exceed 30% to 60% of AMI, and at least 50% of the units will be restricted to farmworkers and their households. (Health & Saf. Code § 50079.5.) Therefore, proposed Project qualifies under the HAA as a project for the "housing for very low-, low-, or moderate-income households" and for farmworker housing.

For housing for very low-, low-, or moderate-income households and farmworker housing, a local government shall not disapprove or condition approval of the project for development of very low-, low-, or moderate-income housing or farmworker housing in manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households without finding based upon a preponderance of the evidence that:

- (1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008;
- (2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households;

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income;

(4) The housing development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

(5) The housing development project is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(Gov. Code, § 65589.5, subd. (d)(1).)

The specific, adverse impact in Subdivisions (d)(2) and (j)(1) of the HAA is defined as “a quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions” existing on the deemed complete date for the application. (Gov. Code, § 65589.5, subd. (d)(2).) The express Legislative intent is that “conditions that would have a specific, adverse impact upon the public health and safety arise infrequently.” (Gov. Code, § 65589.5, subd. (a)(3).) Citing to this express Legislative intent, HCD states that a specific, adverse impact would be rare. (Attachment 9, Technical Advisory, p. 20.)

Under the HAA, a local government may require a housing development project to comply with “objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction’s share of” the RHNA obligations. (Gov. Code, § 65589.5, subd.(f)(1).) Such development standards “shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.” (*Ibid.*) “Objective” is defined until January 1, 2025 as “involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.” (Gov. Code, § 65589.5, subd. (h)(8).) HCD provides that, for example, criteria that the project conform with “neighborhood character” would not be objective because it is not quantifiable. (Attachment 9, Technical Advisory, p. 13).

Under the HAA, a housing development project is “deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that could allow a reasonable person to conclude that the housing development project” is consistent, compliance, or in conformity. (Gov. Code, 65589.5, subd. (f)(4).) An Objective Standards Matrix summarizing the “objective, quantifiable, written development standards, conditions, and policies” applicable to this Project is attached as Attachment 10. The matrix as well as the narrative in this proposal statement demonstrate that the Project is consistent with the City’s objective general plan, zoning, subdivision, and design



standards and criteria. Therefore, the City may not disapprove nor condition approval at a lower density or in a manner that renders the housing development project infeasible for affordable housing without making the specified findings based under the HAA upon the preponderance of the evidence.

### General Plan Consistency

The affordable housing proposal use is allowed in the High-Density Residential land use designation, which allows a residential density between 12.1 to 25 dwelling units per acre. The Project is also following General Plan policies involving subjective and personal judgment:

*Policy LU 1-2: Avoid urban sprawl by concentrating development within the City limits; favor infill development over annexation.*

Response: High Density Residential designations in the Sebastopol Priority Development Area (Policy LU 1-10) help limit sprawl and enable infill development. The Project will avoid urban sprawl by concentrating development within the City limits on sites designated High Density Residential.

*Policy LU 1-3: Require new development to occur in a logical and orderly manner, focusing growth on infill locations and areas designated for urbanization on the Land Use Map (see Figure 2.1), and be subject to the ability to provide urban services, including paying for any needed extension of services.*

Response: The proposed site will allow growth on an infill location in an area designated for High Density Residential, where urban services are available.

*Policy LU 1-4: Assign the following range of land use designations throughout the City and to parcels within the UGB, as shown in the Land Use Map.*

*High Density Residential: Designates areas suitable for multifamily dwellings at a density of 12.1 to 25 units per acre. This designation is suitable for duplexes, apartments, townhouses, and other attached dwelling units.*

Response: As shown on the Land Use Map, the Project site is designated as High Density Residential suitable for multifamily dwellings and apartments. The Project proposes a multifamily dwelling at a density of 23.4 units per acre.

*Policy LU 1-6: Where appropriate, encourage clustered development and the clustering of housing so that larger areas of open space may be permanently preserved. Clustered development may provide flexibility in site design and layout to allow for smaller lot sizes but shall not allow a project to exceed the gross density ranges established under Policy LU 1-4.*

Response: The Project is at an infill site near existing transit and amenities (Policy LU 6-2), allowing the City to meet its housing goals set forth in the General Plan and its RHNA obligations, while allowing larger areas of open space to be permanently preserved. The Project proposes a density that does not exceed the gross density ranges established under Policy LU 1-4.

*Policy LU 1-7:* Encourage new development to be contiguous to existing development, whenever possible.

Response: Utilizing an infill site near existing transit and amenities encourages new development to be contiguous to existing development.

*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.

Response: The Pacific Companies will record a deed restriction, ensuring that it is maintained for a minimum of 55 years as affordable housing. Restrictions and regulations on the funding sources used for this type of development act as a guarantee the housing remains affordable for many decades.

*Policy D-1:* The City will promote the development of new housing units affordable to extremely low, very low, low, and moderate income households and housing units that are affordable to and appropriate for special needs households, including seniors, disabled persons, developmentally disabled persons, farmworkers, large families, and homeless.

Response: The proposed development will restrict more than half the housing units to farmworkers and their families and other housing units will be available to those who meet the unit designated income limits of very low- or low-income housing.

*Policy D-9:* The City will continue efforts to improve housing opportunities for farmworkers in Sebastopol.

Response: The City's Housing Element provides that multifamily housing is appropriate to facilitate all types of housing for farmworkers and that multifamily units would be an appropriate type of housing for farmworkers. (2014 Housing Element, IV-10.) Multifamily farmworker housing is allowed in any zone that permits multifamily housing. (*Ibid.*)

In summary, the proposed affordable housing development Project is consistent with the City's General Plan land use designation of High Density Residential and with the non-objective General Plan policies above.

Land Use (LU) Policy LU 5-4, states that the design of new residential developments are to be consistent with the City's design guidelines, to ensure harmony with Sebastopol's unique, small-town character and compatibility with existing land uses. In the October 21, 2020 Staff Report for the Design Review Committee, County staff stated that because the Project was inconsistent with the City's Design Review Guidelines, the Project was not compatible with the existing land

uses. But, under the HAA, the City may not deny or condition a housing development project for very low-, low-, or moderate-income households or farmworker housing for inconsistency with the general plan land use designation and with the zoning ordinances if the site is identified as suitable for very low, low-, or moderate-income households in the City's housing element and the project is consistent with the density. (Gov. Code, § 65589.5, subd. (d)(5)(A).) Here, 7716 Bodega Avenue has been included in the City's Housing Element inventory identified as suitable for affordable housing development and the proposed 84 units fits within the range of density permissible in the High Density Residential land use designation. Moreover, under the HAA, the City may not deny or condition a housing development for very low-, low-, or moderate-income households or farmworker housing in a manner that renders the project infeasible for use as affordable housing if the housing development is consistent with objective local policies that make it feasible for a developer to build to the density allowed – not policies involving subjective and personal judgment such as the Design Review Guidelines. (Gov. Code, § 65589, subds. (f) & (j).)

### Zoning Ordinance Compliance

The affordable housing proposed use is allowed as a matter of right in the R7 zoning district with a density allowance of 12.1-25 units per acre (or 43-89 units for this size site). City staff in the Staff Report for the December 18, 2019 Preliminary Design Review hearing concurred with determination that the R7 zoning district allows density between 12.1 to 25 units per acre. The land is not zoned for agricultural or resource preservation purposes. Therefore, the Project proposing the development of 84 residential units is consistent with the City's zoning ordinance. The attached Objective Standards Matrix shows the Project's consistency with the objective standards of the City's Development Standards, City Municipal Code section 17.20.030, as well as the City's Off-Street Parking regulations, City Municipal Code section 17.110. (Attachment 10.)

### Design Review Guidelines and Requirements

The design of the Woodmark Apartments reflects the intent of the City's Design Review Guidelines to promote high quality projects.

The City's Design Review Guidelines "are intended to assist the Design Review Board in reviewing applications to promote a high quality of design, and consistency in the Design Review process." The HCD Technical Advisory has identified design changes as conditions that should be analyzed for their potential to affect the density or project feasibility. (Attachment 9, p 10.) The City's Design Review Guidelines "are not intended to be strict standards; they are intended to be used and interpreted with flexibility." The Design Review Guidelines invite the application of personal and subjective judgment by the Design Review Board, are not quantifiable, uniformly verifiable by reference to an external and uniform benchmark or criterion, and therefore do not qualify as objective quantifiable, written development standards under the HAA. (Gov. Code, § 65589.5, subd. (f)(1).)

Additionally, the City's Municipal Code section 17.450.030 sets forth five design review requirements that, similar to the Design Review Guidelines require the application of personal

and subjective judgment, are not quantifiable, uniformly verifiable by reference to an external and uniform benchmark or criterion, and therefore do not qualify as objective quantifiable, written development standards under the HAA:

1. *The design is compatible with the neighborhood and with the general visual character of Sebastopol.*

The design concepts are inspired by – and compatible with – the general visual character of Sebastopol shaped by the agricultural history of the area and prevalent architectural designs that emerged with the Morris Addition to Sebastopol in the late 1800’s that has remained throughout the City.

The Staff Report dated October 21, 2020 prepared for initial Preliminary Review stated, “the block is still transitioning and is currently made up of an eclectic mixture of development.” To integrate the proposed Project into the neighborhood and community, the buildings that front Bodega Avenue are oriented parallel to the street with stepped ground planes created by new concrete retaining wall with textured wood form liner as well as shrubs and abundant landscaping. The wall, shrubs, and landscaping respect the area’s urban pattern while reinforcing the character and context of the existing community and further providing pedestrian-scaled elements.

Further, the Bodega Avenue buildings step down to two stories at their ends to reduce the overall perceived height and bulk, while maintaining a scaled down façade with articulated horizontal and vertical elements at its center portion. Each building at its ground floor has pedestrian-scaled stone or brick and wood lattice elements. The roof lines vary both vertically and horizontally presenting a cohesive link to the Northern California Craftsman style seen in the Morris Addition.

2. *The design provides appropriate transitions and relationships to adjacent properties and the public right-of-way.*

Generous side and rear setbacks transition between the current and planned future higher density uses as do the terracing and articulated, broken down massing and height of the proposed buildings. The proposed perimeter landscaping and cedar fencing on the west, north, and east property lines provide privacy for the new development and for the adjacent single and multi-family communities.

The building’s façades are articulated with color, arrangement, and change of materials while planes of exterior walls are varied in height, depth, and direction. The building’s architectural style is Northern California Craftsman, which is an architectural prevalent in the greater Sebastopol area. The materials, cement board siding, and brick are durable and of high quality. A bay projection at the street front elevations in addition to vertically and horizontally varied rooflines provide visual relief and further reduce the massing. Abundant native landscaping along the front of the development as well as vine covering of all retaining walls smooth the transition from single-family yards to the west and north to blend into the townhome complex to the east.

3. *It would not impair the desirability of investment or occupation in the neighborhood.*

Well-constructed, maintained, and managed housing increases the desirability and occupation of the neighborhood. The redesigned Project provides abundant landscaping, relocates outdoor activities to the center of the site, has ample parking, uses solar energy, and will have an on-site manager. These attributes result in a proposed Project designed to not impair the investment or occupancy of the neighborhood.

4. *The design is internally consistent and harmonious.*

Each of the residential units are provided with useable, easily accessible private open space, such as patios and decks, both of which are partially screened with guardrails from public and common areas.

Porches, stairs, railings, fascia boards, and trim maintain the consistent and harmonious architectural style along with vents, gutters, and downspouts painted to match the trim. The entries to each of the buildings are made prominent and visible with pedestrian-scaled decorative trellis, or a truss at the Community portion of Building D. Stairs with code required railings and handrail extensions are also painted to match adjacent trim. Throughout the site, each building's door and operable windows have trim with decorative white wood sill, jambs, and headers in a Craftsman style.

5. *The design is in conformity with any guidelines and standards adopted pursuant to this chapter.*

Per Design Review Guidelines for Site Planning, Neighborhood Context, Section I.A, the Project has been designed with consideration of neighborhood context. (Sections I.A.1-3.) The two front buildings are oriented parallel to Bodega Avenue, relate to the street, reinforce existing street frontages and setback patterns, provide pedestrian-scale elements and design features, and are designed to comply with accessibility laws. (Section I.B.1-6.)

As mentioned above, a portion of the retaining wall in the northwest corner of the site is brought down to pedestrian scale by utilizing painted steel H-piles with stained decorative wood or concrete horizontal lagging. Existing trees adjacent to the meandering retaining walls and new landscaping atop retaining walls minimize visual monotony and add natural elements to the walls.

Per Design Review Guidelines, Circulation and Parking, Section I.C.1.a-c, the vehicular access for the site is designed in a logical and safe manner. The main entry and exit point are shared with an existing multi-family development immediately opposite Bodega Avenue's intersection with Robinson Avenue that was previously approved as a shared access point in 1992. This maintains site visual access from Bodega Avenue as well as emergency vehicle access in compliance with state and local fire authority requirements and codes. This ingress/egress has been modified to the specifications of the City

Engineer to reduce queuing and increase safety. A right-in and right-out secondary exit towards the southwest corner are provided close to an existing driveway.

Per Design Review Guidelines, Circulation and Parking, Section I.C.1.d-h, the parking area for the development is provided at the rear and sides of the site in order to minimize views of parking and carports from the public right-of-way at Bodega Avenue. Trees and shrubs as well as retaining wall coverings and texture are proposed to soften the overall impact of parking areas and to provide shade and habitat for avifauna. Landscaping permits adequate site distance for motorists and pedestrians entering and exiting and do not interfere with circulation patterns.

Per Design Review Guidelines, Circulation and Parking, Section I.C.3, pedestrian access to and from the street is provided with a walkway on the west, a central staircase off the Bodega Avenue sidewalk and a walkway with steps at the easterly portion of the site adjacent to the driveway. Painted crosswalk style markings within the site offer visibility and safety to pedestrians. Per Design Review Guidelines, Site Planning, Section I.C.4, ample bicycle parking close to each of the buildings is also provided. Over 20%, or a total of 31, future electric vehicle parking spaces are proposed and have roof top solar arrays in compliance with California Energy Code requirements.

Per Design Review Guidelines, Open Space, Section I.D, each unit is provided private open space. And common site amenities such as a barbeque, picnic tables, pergola, children's play structure, and bocce ball court encourage recreational use of the common areas.

Per Design Review Guidelines, Grading and Storm Water Management, Section I.E, the grading is designed to meet the California Building Code's accessibility standards. Buildings are terraced to the maximum extent possible to minimize grading and retaining wall heights.

Per Design Review Guidelines, Auxiliary Structures, Section I.F, auxiliary utility structures such as trash enclosures, retaining walls, and fences are all designed as an integral part of the site improvements. The color, scale, texture, and general configuration of the elements are cohesive with the overall development and in conformance with the objective requirements set forth in the municipal code. Trash enclosures will be covered and limit visibility from the street, pedestrian areas, and neighbors. All mechanical HVAC equipment will be located within screened roof wells to minimize visual impacts. Transformers are located away from the front of the site and will be screened from view with landscaping. Site lighting provides only as much light as necessary for public safety while meeting the California Building Code. All lights including wall-mounted and taller pole mounted luminaries minimize upward glare and are dark sky friendly.

Per Design Review Guidelines, Noise and Privacy, Section I.G., the location of buildings considered preservation of privacy of adjacent development and considered noise sources for the housing development.

Per Design Review Guidelines, Architecture, Section II, the Craftsman architectural style was chosen after research into the history of the City.

Per Design Review Guidelines, Landscaping, Section III, the landscaping respects the area's eclectic and developing pattern while reinforcing the character and context of the existing community and providing pedestrian-scaled elements.

The project will also be pursuing LEED for Homes Platinum Certification, the Department of Energy's Zero Energy Ready Program, full participation in Sebastopol's local California Green Building Standards Code, 81% or more commitment to on-site energy generation using photovoltaics and feature other important sustainable measures such as low flow plumbing fixtures and renewable materials.

### Preliminary Design Review

The Pacific Companies engaged in a preliminary design review before the Design Review Board on December 17, 2019. The Pacific Companies engaged in a subsequent preliminary design review as requested by City Staff before the Design Review Board on October 21, 2020 and November 19, 2020.

For a comprehensive summary of the comments and responses during the preliminary design review process, see Attachment 11.

## **CEQA CONSIDERATIONS**

CEQA's policies require a lead agency to carry out the CEQA process "in the most efficient, expeditious manner" so that resources are expended on the environment. (Pub. Resources Code, § 21003, subd. (f).)

The City's review of the development project should, "to the maximum feasible extent, run concurrently, rather than consecutively" with the project approval process. (Pub. Resources Code, § 21003, subd. (a); *see also* CEQA Guidelines, § 15004, subd. (c).) Consideration of approval of a Project must occur concurrently with the CEQA process because the City must determine whether the project is even subject to CEQA, which requires consideration of whether the approval process confers the agency with discretionary authority over the process. (Pub. Resources Code, § 21080, subd. (a) & (b)(1); CEQA Guidelines, § 15002, subd. (i).) The HAA significantly limits the ability of a local government to deny an affordable housing project that is consistent with the objective planning and zoning requirements. (Attachment 9, Technical Advisory, p. 5.)

CEQA should not be "stretched beyond the 'reasonable scope of the statutory language.'" (*Martin v. City & County of San Francisco* (2005) 135 Cal.App.4th 392, 402.) CEQA and State CEQA Guidelines are not to be interpreted "in a manner which imposes procedural or substantive requirements beyond those explicitly stated" in CEQA or the State CEQA Guidelines. (Pub. Resources Code, § 21083.1; *Berkeley Hillside Preservation v. City of Berkeley*

(2015) 60 Cal.4th 1086, 1107 (“[I]nterpreting the unusual circumstances exception to require environmental review absent unusual circumstances would violate the Legislature’s express direction in section 21083.1.”); *Dry Creek Citizens Coalition v. County Tulare* (1999) 70 Cal.App.4th 20, 36 (requiring more detailed engineered drawings is not mandated by CEQA and would not assist the public and decisionmakers to fully understand the environmental consequences of the entire project).)

Mandatory streamlining procedures implement the CEQA policy that the process should move in an expeditious and efficient manner. As explained below, Woodmark Apartments is eligible for CEQA streamlining under CEQA Guideline section 15183.3.

In addition, public agencies should reduce delay and paperwork by identifying projects which fit within categorical exemptions and are therefore exempt from CEQA processing. (CEQA Guidelines, §15006, subd. (c).) As explained below, the Project is also eligible for the infill categorical exemption contained in CEQA Guidelines section 15332 and the affordable housing exemption under Public Resources Code section 21159.23 and CEQA Guidelines section 15194.

### **1. The Project qualifies as an infill development project under CEQA Guidelines Section 15183.3.**

CEQA Guidelines section 15183.3 provides environmental streamlining for infill developments. CEQA Guideline section 15183.3 subdivision (c), provides that “if an effect was addressed as a significant effect in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR.” Even where a project impact could be more significant than analyzed in the prior EIR, section 15183.3 provides that no further review is required for the impact if uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect. (*Ibid.*) For the purpose of making this finding, “substantially mitigate” means “the policy or standard will substantially lessen the effect, but not necessarily below the level of significance.” (*Id.*, § 15183.3, subd. (d)(1)(E)).)

For a project to qualify under CEQA Guidelines Section 15183.3, it must:

- (a) Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site’s perimeter. For the purpose of this subdivision “adjoin” means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way;
- (b) Satisfy the performance standards provided in Appendix M to the CEQA Guidelines; and
- (c) Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy.

(CEQA Guidelines, § 15183.3, subd. (b)(1-3).)



**a. The Project site is both within an urban area that has been previously developed and adjoins existing qualified urban uses in its entirety.**

For the purpose of CEQA Guidelines section 15183.3, an “urban area” includes an incorporated city such as Sebastopol. (See Pub. Resources Code, § 21094.5, subd. (e)(5).) The site has also been previously developed. Nothing more is required to meet the requirements of CEQA Guidelines section 15183.3, subdivision (b)(1).

Additionally, more than 75% of the project’s perimeter is surrounded by qualified urban uses.

CEQA defines a “qualified urban use” as “any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.” (Pub. Resources Code, § 21072.) Here, the City of Sebastopol’s General Plan Land Use Map categorizes the Project site as within a high-density residential area, surrounded by other high-density residential uses and medium density residential uses. (City of Sebastopol General Plan, Figure 2.1.) A high density (13.1 du/ac) Planned Community consisting of 2- to 3-story multifamily structures lies to the east. To the south, current development consists of a mixture of 1- and 2-story multifamily developments, duplexes, single-family and commercial structures. Development to the west and north is mainly single family residential. For this additional reason, the project meets the requirements of CEQA Guidelines section 15183.3, subdivision (b)(1).

**b. The Project satisfies the performance standards provided in Appendix M to the CEQA Guidelines.**

CEQA Guidelines Appendix M includes performance standards for infill projects eligible for streamlined review. These standards must be supported with substantial evidence and require documentation through the Infill Checklist in CEQA Guidelines Appendix N.

**i. The Project satisfies Appendix M’s renewable energy requirement.**

Under Appendix M’s renewable energy requirement, residential projects are also “encouraged” to include such onsite renewable power generation. (2020 CEQA Guidelines Appendices, Appendix M (III).) The project includes rooftop solar arrays for the residential units and 31 future electric vehicle parking spaces. Thus, the project satisfies this requirement.

**ii. Appendix M’s soil and water remediation requirements do not apply to this Project.**

The site is not included on “Hazardous Waste and Substances site ‘Cortese’ list.”<sup>1</sup> Therefore, the Project is consistent with this criterion. Under Appendix M’s soil and water remediation requirements, if a proposed project site is included on any list compiled pursuant to Section

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<sup>1</sup> Cortese List: Section 65962.5(a), California Environmental Protection Agency (2020) [https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/#:~:text=Section%2065962.5\(a\)\(1,of%20all%20the%20following%3A%20%E2%80%A6](https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/#:~:text=Section%2065962.5(a)(1,of%20all%20the%20following%3A%20%E2%80%A6). (last accessed June 5, 2020).

65962.5 of the Government Code, the lead agency must document how the site has been remediated, if remediation is completed. (2020 CEQA Guidelines Appendices, Appendix M (III).)

**iii. The Project does not place residential units near high-volume roadways and stationary sources.**

Under Appendix M, if a project includes residential units located within 500 feet (or other distance determined to be appropriate by the local agency or air district based on local conditions) of a high-volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution. (2020 CEQA Guidelines Appendices, Appendix M (III).) If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. (*Ibid.*)

Unless more specifically defined by an air district, city or county, Appendix M defines a “high-volume roadway” to mean freeways, highways, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. The Project site is adjacent to and within 500 feet of Bodega Avenue. Pursuant to the 2016 General Plan EIR, Bodega Avenue is an arterial roadway with 12,600 vehicles per day, which is substantially below the counts required to constitute a high-volume roadway pursuant to Appendix M. As demonstrated in the Project’s traffic analysis, traffic on Bodega Avenue has not changed significantly since 2016. Specifically, the average daily traffic on Bodega Avenue is 13,309 vehicles per day between Washington Avenue and Robinson Road, 11,873 vehicles per day between Pleasant Hill Avenue and Golden Ridge Avenue and 11,330 vehicles per day between Florence Avenue and Main Street. Therefore, Bodega Avenue does not meet the definition of a high-volume roadway pursuant to Appendix M.

**iv. The Project qualifies under Appendix M’s residential development-specific requirements.**

Under Appendix M’s residential project-specific criteria, a project must be below average regional per capita vehicle miles traveled (VMT) or be located within a ½ mile of an Existing Major Transit Stop or High-Quality Transit Corridor, **or** qualify as a low-income housing project. (2020 CEQA Guidelines, Appendix M (IV)(A).)

A low-income housing project is defined a residential or mixed-use project consisting of 300 or fewer residential units, all of which are affordable to low-income households. (*Ibid.*) Proposed projects are eligible if the developer provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.

The Project proposes to construct an 84-unit, 100% affordable housing project targeting families with incomes ranging between 30% to 60% of the Area Medium Income, defined as Very Low-

Income and Low-Income households. These units will be deed restricted as affordable units for 55 years.

- c. The Project is likely consistent with its general use designation, density, building intensity, and applicable policies for the project area; including those contained within the City of Sebastopol's General Plan and the applicable sustainable communities' strategy.**

A CEQA streamlining approach (CEQA Guidelines section 15183) that is commonly viewed as a companion to the CEQA infill streamlining approach that we are recommending for this Project (CEQA Guidelines section 15183.3) requires that a project is consistent with the development density established by existing zoning, community plan, or general plan policies. (CEQA Guidelines, § 15183, subd. (a).) For the purposes of this companion exemption, “consistent” means “that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning.” (CEQA Guidelines, § 15183, subd. (i)(2).) This CEQA infill streamlining approach does not include an express general plan or zoning consistency requirement. Instead, it only requires that the Project is “consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy.” (CEQA Guidelines, § 15183, subd. (b)(3).)

The Project is located within Plan Bay Area 2040's Sebastopol Priority Development Area (PDA). PDAs are areas within the Bay Area in which MTC envisions the majority of future housing and employment development to occur. Specifically, PDAs are expected to accommodate 78 percent of new housing production (over 500,000 units) and 62 percent of employment growth (almost 700,000 jobs) in the Bay Area through the year 2040. The Project's affordable residential housing use and proposed density are consistent with the objectives of the Sebastopol Priority Development Area and applicable policies in Plan Bay Area 2040.

While consistency with City zoning and general plan density criteria are technically not qualifying criteria to utilize this CEQA infill streamlining approach, the impacts of the Project are either within the scope of the impacts analyzed in the General Plan EIR or can be substantially mitigated through use of uniformly applicable development policies or standards.

The Project site is designated in the Sebastopol zoning map as Multifamily Residential (R7), which allows for the intensity and type of development proposed by the Project as a permitted use. (City of Sebastopol Municipal Code § 17.20-1.) This zoning designation is intended to “to implement the ‘High Density Residential’ land use category of the General Plan” and “is applicable to those lands within that category which are appropriate for densities from approximately 12.1 to 25 units per acre.” (*Id.* at § 17.20.010.) The Project is consistent with this designation and density because it is a multifamily housing development located with a density of 23.4 units per acre, which falls within the required range.

The Project is consistent with its zoning, Multifamily Residential (R7), which allows multifamily dwellings by right. Per the table below, the Project will comply with objective standards related

to minimum lot area, minimum lot width, maximum building height for an affordable housing project, front and side setbacks, lot coverage, density, open space, and parking.

<b>Objective Development Standards</b>	<b>High Density Residential Standards</b>	<b>Project Proposal dated October and November 2020</b>
General Plan Density	12.1 to 25 DU/acre	23.4 DU/acre
<i>17.20.030 - Development Standards</i>		
<b>Minimum Lot Area</b>	8,000 sq ft	156,270 sq ft (3.59 acres)
<b>Minimum Lot Width</b>	80 ft	482 ft
<b>Maximum Building Height</b> <i>Deed-restricted affordable housing, three stories</i>	40 ft, 3 stories	39'6", 3 stories
<b>Minimum Building Setbacks</b>		
Front	10 ft	10 ft
Side - Interior (west)	9 ft (1)	58'5"
Side - Interior (east)	9 ft (1)	79 ft
Rear - Main Bldg.	30 ft (2)	60'4"
<b>Maximum Lot Coverage</b> On parcels greater than 30,000 sq feet	40%	23%
<b>Minimum Res. Density</b>	1 DU/3,600 sq ft lot area	1 DU / 1,860 sq ft (84 Units)
<b>Maximum Res. Density</b>	1 DU/1,743 sq ft lot area	1 DU / 1,860 sq ft (84 Units)
<b>Minimum Usable Open Space</b>	50 sq ft/DU	95 sq ft/DU
<i>17.110 - Off-Street Parking Regulations</i>		
<b>Minimum Parking Space Requirements - Auto</b>	146 Spaces (3)	149 Spaces
<b>Minimum Parking Space Requirements - Bicycle</b>	38 Spaces (4)	40 Spaces

(1) 10% of lot width or 5 ft, whichever is greater, not to exceed 9 ft

(2) 20% of lot depth, not less than 20 ft not greater than 30 ft

(3) Two- and three-bedroom units are required to provide 2 parking spaces per unit. However, deed restricted affordable housing projects are allowed to provide 90% of the applicable parking requirements.

(4) Deed-restricted affordable housing projects are required to provide 25% of the required vehicle spaces as bicycle parking.

In summary, the Project is consistent with the applicable sustainable communities strategy, Plan Bay Area 2040, as well as with the City's Zoning and General Plan.

**2. The Project may qualify as a categorically exempt infill development project under CEQA Guidelines Section 15332.**

CEQA Guidelines section 15332 provides a categorical exemption for infill development projects. This exemption is referred to as the class 32 categorical exemption or infill exemption. To qualify for this exemption, projects must meet the following criteria:

- (a) The project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The project site must be within city limits and 5 acres or less. Additionally, it must be substantially surrounded by urban uses.
- (c) The project site must not have any value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project must not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The project site can be adequately served by all required utilities and public services.

(CEQA Guidelines, § 15332.)

**a. The Project is consistent with applicable general plan designations, general plan policies, and zoning designations and regulations.**

The City previously found that the Project is consistent with its general plan designation and zoning designations and regulations.<sup>2</sup> At that time, the project did not comply with the 30' rear yard setback. As a result of the project's redesign to reflect the Design Review Board's comments, it now complies with this setback.

**b. The Project is within Sebastopol City limits, is substantially surrounded by urban uses, and is less than 5 acres in size.**

The Project site is located within the City's limits and the parcel is 3.59 acres in size. The Project is substantially surrounded by urban uses, satisfying the requirements of Guidelines section 15532, subdivision (b).

**c. Additional study is required to determine if the Project has value as habitat for endangered, rare, or threatened species.**

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<sup>2</sup> See December 17, 2018 Staff Report for first Preliminary Design Review, pages 2-3.

There is no evidence that the site has value as habitat for any special status species.

**d. Site surveys and environmental study are required to determine if the Project will result in any significant effects relating to traffic, noise, air quality, or water quality.**

The applicant is evaluating this criterion. However, the Office of Planning and Research issued a Technical Advisory for VMT, creating a presumption that affordable housing will not result in significant VMT impacts.<sup>3</sup> The Traffic Report concluded that LOS impacts will be less than significant.

The Noise Assessment concluded that with specific construction techniques and specific doors and windows, the dwelling units along the Bodega Highway will comply with all interior noise requirements. The Noise Assessment also opined that the project meets all exterior noise requirements. There is no evidence of significant air or water quality impacts; the applicant will discuss these areas with city staff.

**e. The Project will be adequately supported by required utilities and public services.**

The applicant previously provided “will serve” letters for water and sewer and the site is already served by PG&E.

**3. The Project may qualify for the affordable housing exemption under Public Resources Code section 21159.23 and State CEQA Guidelines section 15194.**

Public Resources Code section 21159.23 and State CEQA Guidelines section 15194 provides that CEQA does not apply to an affordable housing development project that meets the following criteria:

- (a) The project meets the threshold criteria set forth in section 15192.
- (b) The project meets the following size criteria: the project site is not more than five acres in area.
- (c) The project meets both of the following requirements regarding location:
  - (1) The project meets one of the following location requirements relating to population density:
    - (A) The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.

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<sup>3</sup> [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf) (see pages 14-15).

(B) If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

(2) The project meets one of the following site-specific location requirements:

(A) The project site has been previously developed for qualified urban uses; or

(B) The parcels immediately adjacent to the project site are developed with qualified urban uses.

(C) The project site has not been developed for urban uses and all of the following conditions are met:

1. No parcel within the site has been created within 10 years prior to the proposed development of the site.

2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses.

3. The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses.

(d) The project meets both of the following requirements regarding provision of affordable housing.

(1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.

(2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be “affordable rent” for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code.

(CEQA Guidelines, § 15194.)

**a. The Project meets the threshold criteria set forth in Public Resources Code section 21159.21 and State CEQA Guidelines section 15192.**

The Project meets the threshold criteria set for in State CEQA Guidelines section 15192.

The Project is consistent with the applicable general plan and applicable zoning ordinances. (Pub. Resources Code, § 21159.21, subd. (a); CEQA Guidelines, § 15192, subd. (a).)

The Project is located within Plan Bay Area 2040's Sebastopol Priority Development Area (PDA), which was analyzed in the General Plan EIR. (Pub. Resources Code, § 21159.21(b); CEQA Guidelines § 15192, subd. (b).)

The Project can be adequately served by existing utilities as the Applicant has provided the City with "will serve" letters for water and sewer and the site is already served by PG&E. Pub. Resources Code, § 21159.1(c); CEQA Guidelines § 15192, subd. (c).)

The Project site does not contain wetlands; does not have any value as an ecological community upon which wild animals, birds, plants, fish amphibians, and invertebrates depend for their conservation and protection; does not harm any species protected by the federal Endangered Species Act of 1973, the Native Plant Protection Act, or the California Endangered Species Act. (Pub. Resources Code, § 21159.21, subd. (d); CEQA Guidelines, § 15192, subd. (d).)

The Project site is not included on "Hazardous Waste and Substances site 'Cortese' list." (Pub. Resources Code, § 21159.21, subd. (e); CEQA Guidelines, § 15192 subd. (e).)

The Project site has been subject to a Phase I study prepared by an environmental assessor to determine the existence of any release of hazardous substance on the site and to determine the potential exposure of future occupants to significant health hazards from nearby property or activity. (Pub. Resources Code, § 21159.21, subd. (f); CEQA Guidelines, § 15192 subd. (f).)

As explained in the Cultural Resources Study, the Project does not have a significant effect on historical resources. (Pub. Resources Code, § 21159.21, subd. (g); CEQA Guidelines, § 15192 subd. (g).)

The Project site is not subject to wildland fire hazard. (Pub. Resources Code, § 21159.21, subd. (h)(1); CEQA Guidelines, § 15192, subd. (h).)

The Project site is surrounding by residential uses, so it does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties. (Pub. Resources Code, § 21159.21, subd. (h)(2); CEQA Guidelines, § 15192, subd. (i).)

The Project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency. (Pub. Resources Code § 21159.21, subd. (h)(3); CEQA Guidelines, § 15192, subd. (j).)



The Project site is not within a delineated earthquake fault zone or seismic hazard zone. (Pub. Resources Code, § 21159.21, subd. (h)(4); CEQA Guidelines, § 15192, subd. (k).)

The Project site does not present a landslide hazard, flood plain, floodway or restriction zone. (Pub. Resources Code, § 21159.21, subd. (h)(5); CEQA Guidelines § 15192, subd. (l).)

The Project site is not located on developed open space. (Pub. Resources Code, § 21159.21, subd. (i); CEQA Guidelines, § 15192, subd. (m).)

The Project site is not located within the boundaries of a state conservancy. (Pub. Resources Code § 21159.21, subd. (j); CEQA Guidelines, § 15192, subd. (n).)

And, the entirety of the proposal is to build an 84-unit housing development, so the Project has not been divided into smaller projects. (CEQA Guidelines, § 15192, subd. (o).)

**b. The Project site is not more than 5 acres.**

The Project site is 3.59 acres. (Pub. Resources Code, § 21159.23, subd. (a)(2)(C); CEQA Guidelines §15194, subd. (b).)

**c. The Project meets the specified requirements regarding location because it is located within the incorporated City, the Project site has been developed for residential use, and the adjacent parcels are developed for residential use.**

The Project is located within the incorporated City and as demonstrated in the Cultural Resources Study, Noise Assessment, and Traffic Study, there is no reasonable possibility that the Project would have a significant effect on the environment or the residents of the Project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the Project. (Pub. Resources Code § 21159.23, subds. (b) & (c); CEQA Guidelines § 15194, subd. (c)(1)(C).) Additionally, the Project site has been previously developed for residential use, a qualified urban use, and the parcels immediately adjacent to the Project site are developed for residential use, a qualified urban use. (Pub. Resources Code, § 21159.23, subd. (a)(2); CEQA Guidelines §§ 15191, subd. (m) & 15194 subd. (c)(2).)

**d. The Project meets the requirements regarding provision of affordable housing.**

The Project consists of the construction and use of residential housing consisting of fewer than 100 units that are affordable to low-income housing. (Pub. Resources Code, § 21159.23, subd. (a); State CEQA Guidelines, § 15194, subd. (d)(1).) Additionally, the developer will provide sufficient legal commitments to ensure the continued available and use of the housing for lower income households for a period of 55 years at monthly housing costs of 30% to 60% of AMI

through recordation of a deed restriction. (Pub. Resources Code, § 21159.23, subd. (a)(1); CEQA Guidelines § 15194, subd. (d)(2).)

**\*\*\*\* ATTACHMENTS \*\*\*\***

1. Arborist Report – October 8, 2019 with updates June 4 and August 19, 2020
2. HCD Annual Progress Report dated September 9, 2020
3. Level of Service Report presented to the City Council on May 19, 2020
4. Cultural Resources Study
5. Noise Assessment
6. Noise Assessment Addendum
7. Traffic Study
8. Traffic Study Comment Matrix
9. Housing Accountability Act Technical Assistance Advisory
10. Objective Standards Matrix
11. Preliminary Review Comments and Responses
12. Preliminary Landscape Plan and Plant Schedule – Color
13. Preliminary Architectural Plans
14. Site Concept 1
15. Site Concept 2
16. Preliminary Civil Plans – Grading, Drainage, U
17. Preliminary Storm Water Mitigation Plan
18. Southeastern Driveway Blowup
19. Geotechnical Study