



City of Sebastopol Planning Commission Staff Report

Meeting Date: April 26th, 2022
Agenda Item: 7A
To: Planning Commission
From: John Jay, Associate Planner
Subject: Request for ESOS Exemption or ESOS Reduction of Study
Recommendation: Reduction or modification of resource analysis

Applicant/Owner: Yolanda Mathew/The Barlow/Sebastopol Industrial Park LLC
File Number: 2021-072
Address: 385 Morris St
CEQA Status: Not yet determined
General Plan: LI – Light Industrial
Zoning: M – Industrial, Environmental and Scenic Open Space Overlay (ESOS)

Introduction:

In December 2021 the City received an application from Yolanda Mathew of The Barlow proposing to turn a vacant lot at 385 Morris St into a parking lot to support overflow parking of the Barlow. With this site being so close to the Laguna Wetlands, a special study under the City's Environmental and Scenic Open Space (ESOS) zoning regulations is required. This specific meeting is requesting for the Planning Commission to either: a) exempt the project from the required ESOS study or; b) to reduce the scope of the study, which is a contemplated request under the ESOS regulations in the Sebastopol Municipal Code (SMC) Section 17.46.090. Additionally, the applicant is requesting the ESOS buffer setback be reduced from 100 feet to 50 feet, as allowed by SMC 17.46.050.B(1).

Project Description:

The location of this project is along the northern end of Morris Street, and was formally the Sebastopol Ready Mix site. A large portion of the lot is paved from the previous use and has been used by the Barlow for excess parking for short term events. The site also shares access to the Lagunas AmeriCorps trail, which cuts across the back portion of the property.

The December 2021 submittal contemplates a 156-space surface lot. However, on March 16th, 2022, the Planning Department received a revised version of the parking lot layout which contemplates a two-story parking garage. Both are included in the packet. Note, either of these uses (a stand-alone Parking Lot) requires a Conditional Use Permit, however an application for such is not submitted at this time (and would require the ESOS study).

Project Location and Surrounding Land Uses:

The site is located on the northeast corner of town. To the West is an autobody shop along with a spa and massage production shop. To the East is the Laguna Preserve which has the AmeriCorps trail along the rear of the property, and is currently undergoing restoration along the

Laguna channel and bank. The City is in the process of finalizing a Conservation Easement over the parcel to the north and east /south-east of this parcel with Sonoma County Ag + Open Space, and it is likely future restorations projects will be done in these areas. To the North there is a continuation of the Preserve and the Community Center. To the South are other industrial businesses.

The property is within the regulatory floodplain (often called the “100-year’ flood plain), with most of the site at an elevation of 68.’ The base flood elevation (the elevation that demarks elevation of the floodplain), is 78.’



General Plan Consistency:

The following General Plan policies below relate to the Environmental and Scenic Open Space (ESOS) study requirement laid out in our Municipal Code and under discussion tonight. Any subsequent project would also be subject to these, and potential other, General Plan Policies.

Policy COS 1-2: *Consider the effects of planning decisions on the overall health and wellbeing of the natural environment and regional ecosystems.*

Policy COS 2-6: *Maintain Zoning Ordinance provisions to ensure that development proposals for land which is located within, or adjacent to, an environmentally sensitive area include a resources analysis that contains all of the information required in order for the City to determine that impacts to sensitive habitat and natural resources have been reduced, avoided, or mitigated to the greatest extent feasible.*

- The application follows requirements set forth in Section 17.46 of the Sebastopol Municipal Code for requesting the modification or exemption of a site that is already developed within the Environmental and Scenic Open Space combining district.

Policy COS 3-10: *As appropriate, consult with State and Federal agencies during the development review process to help identify wetland and riparian habitat that has candidacy for restoration, conservation, and/or mitigation. Focus restoration and/or conservation efforts on areas that would maximize multiple beneficial uses for such habitat.*

- Staff is working with the Laguna Foundation and Environmental Consultants to provide feedback on what would best suit the site for development and still consider the needs of the ecosystem. This will carry through to the ESOS study and any subsequent proposal reviews.

The above policies relate to the ESOS zoning. Additional policies will be reviewed at the time of a formal project proposal based on a proposed project.

Zoning Ordinance:

Any project submitted in conjunction with the site would need to be consistent with the Industrial (M) zoning, as well as the ESOS provisions, as outlined in Section 17.46.050(D):..

An application for a conditional use permit in the ESOS Combining District shall not be determined complete until a resource analysis of the visual, vegetative, and biotic characteristics of the property is prepared and undergoes review by the Planning Commission. The resource analysis shall be prepared at the applicant's expense by an independent professional biologist who has met qualifications established by the City and, as appropriate, other professional consultants selected by, and under the direction of, the City. The Planning Commission shall make findings relative to the development constraints of the site through review of the resource analysis.

The objectives of the ESOS combining zoning are to protect the quality of natural environment of critical parcels identified within the General Plan. The procedure for the ESOS review tasks the Planning Commission to review a resource analysis consisting of visual, vegetative, and biotic characteristics of the property.

The applicant may ask the Planning Commission to either exempt or modify the project based on the following:

- A. Repair, maintenance, and replacement projects, interior improvement projects, installation of minor mechanical equipment.
 - Not applicable.
- B. Construction on already paved land and/or impermeable surfaces, except that the project shall be subject to the visual and scenic resources analysis and shall be required to be reviewed under the resource analysis process set forth in this chapter.
 - Applicable
- C. Additions or changes to existing structures or improvements where the new footprint and elevations do not extend into or adversely affect resources of concern.
 - Not applicable
- D. Replacement of existing structures involving substantially the same use, location, square footage, and height.

- E. Projects of the City unless they involve construction of buildings for occupancy.
- Not applicable

The applicant provided a resource analysis document from WRA Environmental Consultants which note the first design is within the footprint of the previous development. It is also mentioned in this document that it will not impact the biological resources associated with the Laguna Wetlands Preserve. The resource analysis mentions that careful grading will be needed around the boundary of the site as to minimize the impacts to the mature oaks. The final conclusion of this study is that the 50' setback reduction is a valid request in that the scope of the proposed project is within the previously developed footprint. Note, however, that this study reviewed only option 1 (and a prior option not submitted by the applicant), and does not review a parking garage concept.

Required Findings:

Sebastopol Municipal Code Section 17.46.090 Modification of analysis requirements states:

Upon application for a modification of analysis requirements, where the applicant demonstrates to the satisfaction of the Planning Commission that, due to the existing character of the property or the size, nature, or scope of the proposed project or previous development of the property, the full scope of studies called for by SMC 17.46.050(D) is not necessary, the Commission may modify study requirements of this chapter if it finds, on the basis of substantial evidence provided by a qualified professional, that specific resources of potential concern do not occur on the property or will not be affected by the project. Any such decision shall be subject to appeal to the City Council under procedures set forth in Chapter 17.455 SMC.

The below (SMC Sections 17.46.050) further describes the scope of a full ESOS Resource analysis study:

The resource analysis shall be prepared pursuant to a methodological guidance document that has been approved by the City Council and shall include the following:

- 1. Characterization of the significant visual elements of the land in terms of scale, form, color, and relation to surrounding terrain.*
- 2. Characterization of the relative significance of the land in terms of visibility from the primary scenic perspective and existing settlement areas, and considering the relationship to any scenic view corridors identified by the General Plan.*
- 3. If proposed project information is available, characterization of the change in the above which the proposed project may effect, and identify any specific project modifications or conditions that may be appropriate to address identified issues. If proposed project information is not available, such analysis shall be prepared for any subsequent project, which analysis shall be subject to the review process established by this chapter.*
- 4. The resource and constraints analysis will identify and map the following using, where applicable, information collected during the season of potential visibility or availability of the resource:*

- a. *Identify the type and location of threatened or endangered plant and animal species and their habitats;*
- b. *Drainage patterns, creeks, streams, and riparian vegetation on and within 50 feet of subject property;*
- c. *The location and boundaries of wetlands and vernal pools on the site, if applicable, and if such resources are identified, a delineation of them in accordance with standards of and verified by the U.S. Army Corps of Engineers;*
- d. *Potential archaeological resources, if applicable, as identified through records review and a site inspection;*
- e. *Flood hazard areas on the site as identified in Federal Emergency Management Agency and City official maps;*
- f. *Identification of native trees of six inches in diameter or greater, including those protected under Chapter 8.12 SMC, Tree Protection.*

5. *The resource analysis will contain the following types of investigations and mitigations:*

a. *Determine, if applicable, the area and location of existing undeveloped land required to preserve, protect, and enhance the continued viability of significant biotic resources, wetlands, and environmentally sensitive areas. (This involves identifying land that is functionally a part of the wetlands ecosystem and which should be preserved in a natural state.)*

b. *Recommend measures for proposed development that will mitigate impacts on identified resources in the following in order of preference:*

- i. *Avoidance of impacts;*
- ii. *Minimization of impacts;*
- iii. *Removal with on-site mitigation;*

iv. *Removal with off-site mitigation. Any such measures should have the objective of restoring and enhancing resources to a level equal or better than existing conditions, and should include specific and measurable performance criteria and recommendations for any appropriate monitoring.*

6. *The above analysis, as well as any other analysis deemed appropriate by the Planning Director, shall be presented to the Planning Commission for review, and if required by the Planning Commission, thereupon to the Design Review Board for review and comment on visual, scenic, and protected tree issues. Review of this analysis shall occur prior to any action by the Planning Commission on a conditional use permit for the proposed project.*

8. *Review of Resource Analysis. The Planning Commission shall review the resource analysis report in relation to the requirements of this chapter. Following a public hearing, the*

Commission may provide comments regarding the content of and issues identified in the report. In its review, the Commission shall make findings whether the report adequately reviews each of the required topics set forth in this subsection D, and may require revisions to the report if it is incomplete. Such determinations shall be subject to appeal to the City Council under SMC 17.455.020(B).

Analysis:

A portion of the site has been previously developed, as noted above, while other portions of the site, specifically the north and east portions of the site, include natural resources.

The objective of the “Setback Buffer” from Laguna resources is two-fold:

To protect the character and quality of the natural environment of critical parcels as identified within the General Plan:

- 1. The elements of scale, form and color derived from the topography and native vegetation of the land shall be preserved.*
- 2. Development should be located in such a manner that the overall natural features and processes of the land can still be accommodated. (SMC 17.46.050(A)).*

While it is clear that certain parts of the site (generally the current gravel/foundation areas), at this time, the exact nature of the resources on or adjacent to the site is not known in detail. The setback buffer is from the ‘edge’ of wetlands, riparian driplines, endangered species population, or State Department of Fish and Wildlife Preserve areas. Therefore, it is difficult for staff to provide a recommendation for a reduction of the ESOS setbacks at this time. Staff believes an ESOS analysis would provide guidance to the Commission in this matter.

Staff, in conjunction with staff from Prunuske Chatham, which developed the Laguna Wetlands Preserve Restoration and Management Plan, have done a preliminary review of the intensity of the two proposals submitted to the City, and their potential impact/concerns related to the Laguna area, which may help guide the Commission’s discussions.

The surface parking lot that was submitted in December of 2021 had minimal impacts on the site as it was proposed. New paving and landscaping were included within the submittal and the site was utilized to its basic needs of providing overflow parking for uses at the Barlow. As submitted the site would be surfaced with permeable surfaces for the parking aisles and asphalt would be used for the driving aisles. The landscaping proposed would blend the site within the natural landscape of the Laguna while still providing parking spots. The project development is geared towards the street side of the lot facing Morris Street and intends to keep the natural look of the site towards the rear.

From the topography map that is provided in the submittal the project doesn’t appear to introduce any major grading work on the site other than the work that would be done at the south end of parcel where larger storage pits from the previous batch plant are currently located. The application does include a grading plan but does not provide any earth work numbers. Staffs feels that this should be a consideration that the Planning Commission consider when deciding on the ESOS review. The project proposes to have a total of 156 parking spaces

and 20 bike spaces. Of that 156, 122 will be full size spaces, 23 compact spaces, 5 bus spaces, and 6 ADA spaces (3 van). The proposal does include a note for safety lighting within the parking area and those devices would need to be flood resistant.

In March of 2022 the applicant requested the Planning Department place the project on hold as they were preparing new designs for the parking lot. The design submitted is attached to this staff report indicates a similar footprint but as a two-story parking structure. Staff has a list of overall concerns with this revised proposal as a two-story parking structure does not fit within the landscape of a natural open space. The southern property line will require a severe amount of grading to provide the alley way that leads to the storage area.

Staff has concerns related to the following elements:

- Light pollution from the parking lot lights
The applicant should consider limiting the lighting to dark sky-friendly types which has multiple benefits of lessening the impacts on wildlife as well as the dark sky views. This would also allow the site to be developed and not disrupt the nocturnal wildlife. This will need to be considered in both the ESOS and CEQA review for any project. Of note, the City's treatment of these areas on its own property as well as other development applications has been to respect the Dark Sky policies in the General Plan and minimize lighting that can impact biotic species (the ballfields are unlit for this reason, etc.).

- Storm water runoff with potential contamination from automobiles.
If the site is used for a parking lot, the oils and chemicals of vehicle runoff are a concern for possible contamination into the Laguna. This should be a consideration in any proposal from the applicant in terms of management/containment of these., particularly given its location in a floodplain.

Additionally, a a larger setback from the Laguna this could also allow for more extensive filtration of water runoff quality. Additional considerations could be made to ensure to protect the quality of water from vehicle runoff.

- Grading concerns, especially with option two.
As the site is within the floodplain and would not be allowed to bring in fill, the grading must be minimal and still respect the natural landscape. The first design (surface lot) appears to show minimal grading work as some existing features do need to be repaired or replaced. However, the second design does not fit the character of minimal site work and could cause major concerns. As mentioned above this site is within the floodplain and when cuts are made on the site you are not only affecting the surface, but since this is an environmentally sensitive area the natural habitat should also be considered for potential disruption.
- Visual and scenic disruptions
As this site has been vacant for quite some time, the proposal to put something on this site will inherently disrupt the visual and scenic views. However, that shouldn't dissuade anyone from developing the site, but it should be considered of how that development fits within the land and natural environment. The scope of the first design does respect the environment in that it provides landscaping that is closely found within the general area and is site appropriate. Also, the added lighting on the site would negatively impact the existing views and loss of night-time dark sky views.

- Appropriate landscaping within the Laguna habitat area
The applicant's first proposal includes site-appropriate native trees and shrubs, which would help improve both view issues and provide additional habitat restoration. However, the native oaks and buckeyes are ecologically more site-appropriate than the maple trees, in addition to being more drought tolerant than most maples.

Additionally, the Commission may wish to consider that the redevelopment of the site could provide the opportunity to better meet ESOS standards, and to improve conditions along the Laguna, rather than just not worsening them relative to historic uses. Staff believes this could be done in partnership with The Barlow and development of the site.

Public Comment:

No public comments have been received as of the writing of this staff report.

Planning Commission Options:

As noted above, the consideration before the Commission at this time is the level of analysis required by the Planning Commission for an ESOS study, including any exemptions or reductions, and any potential reduction to the setback buffer on the north and east side of the site.

Planning Commission Options include:

- 1) Require a full ESOS study and no provision for a reduction in the setback (or defer decision as noted in option 4);
- 2) Exempt the project from the biological elements of an ESOS study requirements (visual analysis is still required per Code) and allow a reduction from 100' down to a minimum of 50' setback from resources (this could be different on the north and east sides, and southeast corner);
- 3) Exempt a portion of the site (such as the previously developed areas) from Study;
- 4) Defer any determination of setback reduction until such time as an ESOS study has been completed to allow for additional information on which to base this decision (this can be done in combination with option 1 or 3)

If it is the consensus of the Planning Commission that a reduction in the scope of the resource analysis is appropriate, they will need to determine what aspects of the analysis are appropriate given the information presented on the past development of the site.

In the event the Commission determines that option 2 or 3 is selected, the Commission should provide direction to staff for the basis of this determination.

Attachments:

Application Materials
Laguna Preserve diagrams (excerpts)

Additional information regarding the Laguna Wetlands Preserve Restoration and Management Plan can be found here: <https://www.ci.sebastopol.ca.us/City-Government/Departments-Services/Planning/Parks-Planning> under "Documents"