



**City of Sebastopol**  
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**APPROVED MINUTES**

PLANNING COMMISSION  
CITY OF SEBASTOPOL  
MINUTES OF April 26, 2022

**PLANNING COMMISSION:**

The notice of the meeting was posted on April 21, 2022.

**1. CALL TO ORDER:** Chair Fritz called the meeting to order at 6:00 P.M. and read a procedural statement.

**2. ROLL CALL:**      **Present:**      Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley  
                                 **Absent:**              None.  
                                 **Staff:**                 Kari Svanstrom, Planning Director  
                                                              John Jay, Associate Planner

**3. APPROVAL OF MINUTES:**

**January 11, 2022**

Vice Chair Oetinger moved to approve the minutes as presented.

Commissioner Burnes seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, Commissioners Burnes, Fernandez, and Kelley  
NOES: None  
ABSTAIN: Commissioner Douch  
ABSENT: None.

**April 12, 2022**

Vice Chair Oetinger moved to approve the minutes as presented.

Commissioner Fernandez seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, Commissioners Burnes, Fernandez, and Kelley  
NOES: None  
ABSTAIN: Commissioner Douch  
ABSENT: None.

**4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA:** None.

**5. STATEMENTS OF CONFLICTS OF INTEREST:** None.

**6. REGULAR AGENDA ITEMS:**

**A. Vacation Rental Policy Update** – Introduction of and Discussion with Consultant

Director Svanstrom indicated that the Vacation Rental Policy Update had been postponed until the next Planning Commission meeting on May 10, 2022.

**7. PUBLIC HEARINGS:**

**A. 385 Morris Street – Environmental Scenic Open Space Combining Zone** – Consideration of a request to modify the Environmental and Scenic Open Space Zone (ESOS) study requirements for a proposed parking structure for The Barlow at 385 Morris Street. The request is for exempting the project from the ESOS study requirements or a modification in the study requirements.

Director Svanstrom provided a brief introduction.

Associate Planner Jay presented the staff report.

Chair Fritz asked for Planning Commission questions of staff.

**Kathy Oetinger, Vice Chair**

I'm looking at page 3 of the staff report, which requirements apply and which didn't. Did any of these change? Do any of Conditions A, B, C, D, and E apply right now?

**John Jay, Associate Planner**

The one condition that would apply is Condition B, which is construction on already paved land and/or impermeable surfaces.

**Kari Svanstrom, Planning Director**

John, can you clarify is the entirety of the construction on already paved or impermeable, or just a portion of the garage?

**John Jay, Associate Planner**

I will let the applicant answer that question, but I believe the construction is already on the previously paved surface.

**Zachary Douch, Commissioner**

Can you remind us what the setback requirements are or the extent of the ESOS study is? Is it described as being from the development or from the edge of the property? I'm assuming the request for reduction would be to reduce that distance from 150 feet.

**John Jay, Associate Planner**

In the code section it says, "A minimum 100-foot setback buffer shall be provided from the edge of the wetland identified riparian drip line, identified endangered species population, or State Department of Fish and Wildlife preserve, except on the Laguna Youth Park site where no building shall extend beyond 200 feet from the center line of Morris Avenue."

**Zachary Douch, Commissioner**

So the buffer is from the edge of the Laguna into the site 100 feet, or from 100 feet from that location? And where would that 100 feet line fall on this site?

**Kari Svanstrom, Planning Director**

Correct, it's 100 feet from the resource, whether that's wetland, riparian zone, or whatnot. Because the study hasn't been done yet we're not entirely sure where that line would be. The wetlands are not delineated in that particular area. We do know that they go beyond the channel area for sure and there are some riparian zones on the west side of the channel, and so that's part of what the ESOS study would allow for it, or would identify in particular, and provide that information to the Commission.

**Evert Fernandez, Commissioner**

What is the difference between a full ESOS and what is being requested, or is there a standard term for when it isn't full standard requirements?

**Kari Svanstrom, Planning Director**

We did outline what the requirements were for the entire ESOS study in the report. The range can be from requiring that full study to the code does allow for an entire exemption. In that case, a scenic and visual resource component is still required, but like that identification of the biotic resources, riparian zones and wetlands can be eliminated. For those of you who were on the Commission when the Barlow Townhomes, which was called the Davis Townhomes at that time, went through a similar request to the Planning Commission, in that particular case the resource of the Railroad Forest was very clearly the potential resource, and that was 50 or more feet from where the main development was happening. They had requested a 50-foot setback and exemption from this ESOS. Their entire site was clearly beyond 50 feet from that property line and there was the Railroad Forest, which is a lot of Himalayan blackberries and the actual resources are further into it. In that case, the Commission did approve the exemption. We still did the scenic, and we still did some biotic along the edge of that resource, the Railroad Forest, to understand what the requirements should be for that. It was a slightly different site; it didn't come onto the property at all is what I'm trying to say.

**Evert Fernandez, Commissioner**

So either we cannot have any ESOS or elements are recommended. Can you say which ones you do want to recommend?

**Kari Svanstrom, Planning Director**

Yes, looking at pages 4 and 5 of the report, which outlines the requirements, the Commission could go through and look at which elements to require and which they could exempt, so it doesn't have to be all or none; it can be something in between as well.

**Evert Fernandez, Commissioner**

Is there any record of what currently runs off of the property as is, or any information about that?

**Kari Svanstrom, Planning Director**

I think that's probably best answered by the applicant. I don't know if they have engaged a civil engineer yet or not, but usually you would have the stormwater requirements and analysis done by a civil engineer.

**Evert Fernandez, Commissioner**

Could you summarize the process for this particular application and how it would go through?

**Kari Svanstrom, Planning Director**

This property is zoned Industrial, and then it has the ESOS overlay or combining district, casually called an overlay. That means that it needs to meet the requirements of both of those zones. The ESOS is what we're talking about tonight. If they did a study but decided to change the use, the use would need to be consistent with the Industrial zoning. In this particular case, a standalone parking lot on a parcel does require a conditional use permit approval by the Planning Commission as well, and that actually is something to note. We're not discussing the logistics or design of the parking garage at all; it's just sort of an envelope of where the footprint and heights sort of volumetrically may be, and potential impacts with the ESOS and concerns the Commission may have. We would come back with subsequent review, usually both the ESOS study and analysis of a formal submitted project in relationship to the ESOS and the environmental components of it, and then we would do any entitlements, if that's a use permit, a variance, or something else, all of those together at the same time. Maybe it's possible to do a hearing on the ESOS and determine for the requirements without an actual application; I haven't looked through that. Like I said, the Davis Townhomes got the study and then they revised their project in a couple of ways to respond to that, and then we brought it to the Commission with the conditions to make sure it was consistent with the ESOS.

Chair Fritz opened public comment.

The applicant gave a presentation and was available for questions.

Chair Fritz asked for Planning Commission questions of the applicant.

**Kathy Oetinger, Vice Chair**

I'm looking at the staff report page 68, and I'm looking at the eastern border, which has a 100-foot open space setback, so I see that as 100 feet and I'm wondering is it the northern boundary that needs to be reduced to 50 feet?

**Kenyon Webster, Planning Consultant**

We've been calling it the eastern boundary. There's the ponded area that's below the property on the site, but further to the east and downslope from where the parking structure would be developed, and we understand the setback would be calculated from that point.

**Kathy Oetinger, Vice Chair**

Could you indicate where the point is where the setback isn't 100 feet?

**Paul Fritz, Chair**

I think what they're showing as 100 feet is actually from their rear property line up to what is the currently developed area at the southeast corner, but that has nothing to do with their request of a 50-foot setback. That hasn't been defined yet, so they're just showing that from the back of the property to the previously developed area there's 100 feet that's has not been developed, but that is not related to the 50-foot for the 100-foot setback from the resource, because we haven't really defined the resource exactly.

**Kathy Oetinger, Vice Chair**

I think I understand that. I think we should figure out where that is.

**Zachary Douch, Commissioner**

My question relates exactly to Vice Chair Oetinger's question. Kenyon, in your understanding or analysis, the area of study would go from the edge of the resource, which we could probably approximately call the western line of that open space area, and would go to the west from there approximately. Is that your analysis as you considered what the area of study would be?

**Kenyon Webster, Planning Consultant**

The area of study could be the entire property, both parcels involved with this project, or it could be something less than that. You could exclude the previously developed area and focus a study on the areas basically to the east and to the north, so it's really up to the Commission on what the scope of any study would be in that we're not proposing to touch those natural areas. It's our recommendation that the study doesn't appear to be necessary, because there would be no development impact to those areas.

**Zachary Douch, Commissioner**

I may misunderstand the concept. If the 100 feet or 50 feet define the study area, if we allow a reduction it wouldn't cover the whole site, it would only cover the 100 feet the closest to the resource, is that correct?

**Kenyon Webster, Planning Consultant**

The study area and the setback are two different things. The setback is intended to protect nearby resources of concern, if there are any, on a development site, so the ESOS study could look at an entire property whether or not there are resources right on it, but what are the impacts of this development going to be to the surrounding natural areas? The ESOS presumes that that 100 feet, or maybe 50 feet, if there are resources of concern like a wetland that are on the property or nearby, that those kinds of setbacks are presumed adequate to protect those resources and provide an appropriate buffer, so there are two different things.

**Kari Svanstrom, Planning Director**

I might be able to help clarify. There are two things going on. One is there is the 100 feet that is right here from the back of the property, and that may be confusing people. The ESOS 100-foot needs to be from the resource, and I think what Kenyon said was that a Wetlands Research Associates (WRA) study found that there weren't any resources on the site. Kenyon, did they look all the way back through this 100-foot area?

**Kenyon Webster, Planning Consultant**

Yes, they looked at the entire property, but they focused on whether there are resources of concern within the development. That was a major issue, but there are wetland areas down below.

**Kari Svanstrom, Planning Director**

Correct, and so identifying where that is is helpful. I think particularly on the north side where the resource is and where that edge there needs to be 100 feet, or at a minimum 50 feet from that, that is part of what an ESOS might look at. Typically, like with the Davis Townhomes, we exempted the areas that was already concrete paving and the area that's clearly disturbed. I know The Barlow has been using this for special event parking with their use permits, and possibly a little bit of other parking, but just looking at the state of it I would feel comfortable exempting the concrete paved areas, and that's what we did with the David Townhomes. We did look at that back area of the setback area for the Davis Townhomes. It was a little bit different in that there is development on both sides that

extend farther south, and I believe because of that they were comfortable at the time of the ESOS request determining a setback. To me it's not quite as clear with this, because we do have a pending conservation easement and restoration activities happening along the Americorps and to the north of the site, but the area within the concrete paving, debris piles, concrete block, those are certainly things we would generally be fine exempting from the study.

**Evert Fernandez, Commissioner**

Kenyon, you had mentioned that at this point there's no drainage and it basically drains as it naturally is. Not having the project in front us, how do we determine where that runoff is going to be, and if so, is that going to affect the setback or not from this situation? I'm curious as to what is proposed to be done and could be done, and how would that affect or not affect the setback?

**Kenyon Webster, Planning Consultant**

As I mentioned, there are expensive regulations about the stormwater and not having more runoff from sites post-development as opposed to pre-development, so that would all have to be carefully analyzed by a civil engineer and checked by the City engineer. If anything, it would be an improvement from existing conditions that appear to be unregulated and random. Who knows exactly where the water is flowing in that case, but if this project moved forward, then it would be subject to all those standards, requirements, and careful review. I don't know that the stormwater issues in particular would dictate the setback in and of itself.

**Evert Fernandez, Commissioner**

And even though there is drainage at this point, is it fair to assume that what is going to be drained off, let's say with the new project, will be different? For example, there may be oils, gas, liquids, or anything that might be spilled that would run off into the stormwater. How do you account for that?

**Kenyon Webster, Planning Consultant**

Yes, the site has been occasionally used for parking for special events, but that's not very often, and of course the trucks back in the day with the batch plant were driving every day around the site and up onto the street. There is no doubt that the character of the stormwater would be different given the parking lot use, and cars do drip oil and rubber and all that. Very often parking lot developments are required to have special filtration to address those issues, so I believe that would be part of the project design to address that, and that's not an unusual kind of impact or mitigation.

**Deborah Burnes, Commissioner**

A follow up to Evert's question. I was thinking of the gas and the leakage on the concrete and the water, the contamination. Is that taken into consideration when you're looking at the impact on the natural environment and wildlife that is currently there? And has the traffic impact and flow been looked at? It's really not a very well designed street right there for all of that traffic, especially with that big turn coming into it.

**Kenyon Webster, Planning Consultant**

No, we have not done any studies on traffic flow and existing traffic conditions, and that may be part of what comes later.

**Deborah Burnes, Commissioner**

And do the studies on the environmental impact also study what will happen not only with the drainage, but also on the wildlife, what the impact of that water would have on the Laguna and the existing wildlife there?

**Kenyon Webster, Planning Consultant**

That's what the filtration requirements are about, the amount of stormwater and not having greater flow from the site. When you do a new project you're not supposed to exceed the same rate of flow as exists today, so you've got to find a way to hold the water back or pond it, filter it certainly if there are pollutants. My understanding is that those things are part of the standard stormwater regulations in the City of Sebastopol and California, and that that would be part of the standard mitigation for stormwater flow.

**Deborah Burnes, Commissioner**

It may be a 100-year flood zone, but I'm not 100 years old nor have I lived in Sebastopol a hundred years, but I've already witnessed it flood and have taken a boat to get to work six times, so it is something that is greatly impactful with the cars and the traffic and the flood water.

**Kenyon Webster, Planning Consultant**

Yes, and that is somewhat of a plus for this particular project in terms of flood safety and risk. It's not a building, it won't be occupied by people, cars can be driven off the site or maybe just upstairs to the higher level, so in terms of flood risk it's the kind of activity that is permitted to be in the floodplain and has less potential for damage and risk as compared to an occupied building.

**Deborah Burnes, Commissioner**

Definitely. I'm just worried about the toxicity of the groundwater.

**Kathy Oetinger, Vice Chair**

I was looking at the first option. I was concerned about the night sky and whether this parking lot would be used in the evenings. Would it be only for events at The Barlow, or could it also be used at the community center? Secondly, would we allow lighting, even dark sky lighting, that close to the Laguna in the evening on the second floor, or on the first floor would the light be blocked from insects and animals outside of the facility? There is concern with not only dark skies, but for light in the habitat where insects and such need darkness?

**Kenyon Webster, Planning Consultant**

Yes, and definitely any lighting would comply with night sky requirements and be the minimum necessary and shielded down to minimize glow. There is a level of lighting needed for safety for parking lots and parking structures. As far as use by other parties, I'll pass that question onto Yolanda.

**Yolanda Matthew, The Barlow**

Hello. It would definitely be an operational question and we'd need to discuss it with the ownership on how they'd want to manage that and go into further detail, but I don't think we've quite gotten that far. We believe that the City as a whole does need more parking, not only The Barlow, but generally parking is needed, so we would want to be good neighbors. How that shapes up I couldn't say today for sure, so unfortunately I don't have a solid answer for you at this point.

**Kathy Oetinger, Vice Chair**

But I still am not clear on if the upper deck were being lit for nighttime use, if that light is going to extend over the building into habitat where some birds and insects need it to be dark, the same reason we don't have lighting on the ball fields at night, and so I wonder how this would be addressed on this facility?

**Paul Fritz, Chair**

I think this is getting into more of a specific design. I wouldn't expect them to have this answer to this question, but I think when they bring an actual design and application forward we'll have light fixtures to review, and photometrics, and things like that that I think we can maybe respond or react to that at that point.

**Kathy Oetinger, Vice Chair**

Let me change my question then. Would the presence of light in the area be something that would be studied in the ESOS, and would they also consider viewsheds for a specific project? Would viewsheds and lighting be considered in a full study?

**Kari Svanstrom, Planning Director**

I can actually answer this one, because that would still need to be looked at through the long lens of CEQA, and so yes, any light mitigation that would be needed. One question I would have for Kenyon, I know you said it's 12 feet, but I'm assuming that's the deck of the second parking deck, not the height that any light fixtures would be?

**Kenyon Webster, Planning Consultant**

Yes, that's correct.

**Kari Svanstrom, Planning Director**

So with the railings it's actually going to be about 15 or 17 feet, and then the lights however far above the 12-foot deck?

**Sandra Reed, ZAC Landscape Architects**

In the case of lighting, we will do photometrics on the project, and also there are quite stringent regulations on how to do it so that there isn't overlighting in adjacent areas, so that's an important thing that we'll look at. There are also quite a few fixtures that are quite useful in that. We have used bollards before in parking lots that are low level and lighting very little of the pavements that are needed rather than the entire ballpark kind of lighting that you mentioned. We have also used pole lights, so there are quite a few solutions to that kind of situation, and I think we would go through a pretty careful design round on that when the project gets to that stage.

**Paul Fritz, Chair**

I've used light fixtures in projects before that are actually either motion or infrared sensed, and so they actually are at a very dim level until there's some movement and then they ramp up if there's someone in the vicinity, so those are design possibilities and we can wait to see what they bring forward and evaluate it at that time.

**Evert Fernandez, Commissioner**

Is there going to be any fencing along that area that is proposed for the setback?

**Kenyon Webster, Planning Consultant**

That's a design detail that we haven't gotten to yet. There hasn't been discussion of having fencing, that I'm aware of, but it's something we could look at.



**Evert Fernandez, Commissioner**

I'm just curious from the standpoint of what we were talking about, animals or whatever having access to it now, or do they use that to cross over?

**Linda Kelley, Commissioner**

We're looking at the viewshed, and what I'm particularly interested in is the concrete wall, the massing of that and what it obstructs and doesn't obstruct versus the large two-story development. Do you have any comments on that?

**Kenyon Webster, Planning Consultant**

The existing concrete block wall is 8 feet tall and it's butted up right against the sidewalk, so it's closer to the street. The parking structure would have a minimum 15-foot setback and there would be native landscaping in front of it to some extent, so it's set back a little farther. The visual difference between a concrete block wall and a parking structure that's open, probably that's a landscape broken up with trees and shrubs. I would think it might be an improvement over having that concrete block wall right against the sidewalk, but that's something that can be looked at down the road.

**Linda Kelley, Commissioner**

I know sometimes viewshed studies include distances away from the development, like we did at Laguna Vista, and where the viewshed analysis would include even looking to the structure from the east on the other side and to the open space, and then would of course include higher areas to the west of town that would be looking down into this project. How tall is the building on the southern border, and that is not included in this project?

**Kenyon Webster, Planning Consultant**

No, that's a different property owner. My guess is it's something like 20 feet tall, maybe a little bit taller.

**Linda Kelley, Commissioner**

But single-story?

**Kenyon Webster, Planning Consultant**

Yes, I believe so.

**Yolanda Matthew, The Barlow**

I think it's also a higher elevation.

**Kenyon Webster, Planning Consultant**

That's right, it is at a higher elevation.

**Linda Kelley, Commissioner**

With all the disturbed development, to the south especially, I didn't see a horizontal view of it to see how it would change, how we'd look at that whole area. Not that you're necessarily required to do that, but I was wondering what your sense might be of the complementary aspects in terms of height along that whole north North Street, not as far as the youth center of course, but the community center?

**Kenyon Webster, Planning Consultant**

As far as the view impacts, part of our use permit application package could be exactly what you're talking about of photo-simulations, inserting this proposed parking structure into your view from different vantage points, so from Morris Street, from the Laguna Preserve, from the north and the south, so that the Commission could get a sense of how it fits and

what its visual impact would be. At 12 feet, or if it's a few feet higher than that, 17 feet tall, the structure is really pretty small. A lot of sheds are that tall or even taller, so it's a pretty modest structure compared to some, and if you look on the other side of Morris Street, those properties are sitting on 10 or 12 feet of fill above the street and then they're rising another 20 feet or so probably, so they have a far greater visual impact than this project would have.

**Linda Kelley, Commissioner**

Is this going to be a covered two-story that maybe some solar panels and things can go on and create some additional shading, or have you gotten that far yet?

**Kenyon Webster, Planning Consultant**

Right now the concept is that it would be open to minimize structure and minimize height and visual impacts. I suppose it's possible that there could be like wires with vines or something on top, but the concept is to keep it simple and not to create more structure above that top level.

**Kathy Oetinger, Vice Chair**

Would some or all of the walls and structures that were built to maintain material components of the concrete along the edges that help shore up that landfill, which is what it is, be removed, and what affect that would have on the stability of the site during flooding? I'm looking at the existing concrete debris and material piles at the northeast corner and in the north corner. I assume you're going to be removing those, and I wonder about the stability of those edges and how it might affect the Laguna since this is a liquefaction area. Won't that kind of thing be studied, not as part of the ESOS study, but as part of the CEQA studies?

**Kenyon Webster, Planning Consultant**

Yes, those structures would be removed, and the wall on Morris Street and the north wall as well would be removed. I doubt that there would be any real meaningful impact to the earth conditions by their removal, but the Building Department and Engineering Department would review the soil conditions, the soils report typically required for projects like this, to ascertain its stability and provide appropriate foundations. I don't think that removal of those open walls would have in impact on the stability or the floodability of the site.

**Kari Svanstrom, Planning Director**

Part of it will depend on the grading plan, so how does that grading get resolved once the retaining part of it is removed? And yes, that would need to be engineered by a civil engineer, and it would be reviewed by our City Engineer to make sure that it's still stable. Similarly, parking garages within a floodplain and a flood zone like this would typically either have a hydrostatic barrier underneath, or their foundations would need to be piers or something that goes down far enough that it's going to hold fast should the water flow through or fill it up, which we unfortunately know is a potential here. So yes, there is some heavy engineering that would need to be done to the structure itself, and there is the steep grading by those piles and at the sides, and those would need to be resolved.

**Kathy Oetinger, Vice Chair**

I imagine they can resolve those things, but it would be a shame if they weren't resolved properly.

**Paul Fritz, Chair**

I'm sure the applicant would want to resolve them properly too, because they don't want their parking garage floating away.

**Kari Svanstrom, Planning Director**

And in terms of the debris piles and any grading in that area, that's something we would also look at in terms of the Laguna impacts.

Chair Fritz opened public comment.

**Wendy Trowbridge, Laguna Foundation**

I'm not a planner, so I'm a little out of my depth here, but some of this discussion has raised concerns for me as a scientist and also in my position at the Laguna Foundation. I share the Commissioner's concern for the light pollution and traffic issues, but the largest issue that I have is the flooding and stormwater. This particular site is anything but a normal stormwater situation. It goes underwater, and so ponding of stormwater and filtration is going to act differently when it's completely underwater, and to be clear, all 12 feet of this could go completely underwater, and that is a lot of automotive runoff going directly to the Laguna and bypassing even the best laid stormwater plans. Also, the Laguna Foundation's mission to connect people the Laguna rather than to cut people off from the Laguna, and while I realize that there are rules of the road and this is certainly an industrially zoned area, we're more and more recognizing that the Laguna is an asset to the City of Sebastopol and to the wildlife. To build a two-story structure in the middle of the floodplain that cuts people off from connection to the Laguna feels like a step backwards, and so I would urge The Barlow to consider a single-story option. I realize that as the cement batch plant currently is, it's not awesome, but it's also not a two-story structure, so I would encourage you to consider any available alternatives.

Chair Fritz closed public comment.

The Commission discussed the application as follows:

**Evert Fernandez, Commissioner**

A question of staff. If this setback was set at 50 feet, does that then stay with the property? If in the future the nature of the property or the development changed, then that 50 feet would be set, or would it be reviewed? How would that function?

**Kari Svanstrom, Planning Director**

Just to remind the Commission, there are two areas that you're talking about, the north side and the east side, as well as a little bit on the southeast side of it. It would stay with this project, just like CEQA, for a number of years and then it generally expires. An approval within the City of Sebastopol is valid for three years for this type of entitlement, so it would stay at least with that, because you wouldn't want to tie the hands of a future Commission as situations change, so it would have the normal entitlement life. Of course any future Commission could, and likely would, look back at any analysis that was done here. And just to be clear, this is a little unusual. If the Commission decides tonight to set setbacks, there is an appeal period, and then once that is set it would become final and that would be good for three years, plus any extensions that were granted. The Commission could always decide to set it later and at any time when they come back to you, or tonight, so those are the Commission's options on the setback portion of it.

**Zachary Douch, Commissioner**

I'd be fairly comfortable with reducing the scope of the ESOS study to possibly exempt the previously developed areas, in principle. I am struggling with the setback reduction, because we don't really know where that is being set from and to. I would be particularly concerned about the setback reduction with a two-story scheme. We don't have quite

enough information to understand what a setback reduction actually means, so I would generally be interested in possibly getting some better information to make that decision. The scope of the development, as we had with the Davis Townhomes, is a pretty heavily used industrial footprint that is more or less not changing. I don't think there is a need to study biotic resources associated in those specific areas, understanding of course that flooding and stormwater runoff and those types of things will be studied either by us in the CEQA process or other portions of the review. The setback question, I'm just struggling to understand what the decision would mean for the actual study.

**Evert Fernandez, Commissioner**

I was going to comment the same thing. I know they need some direction before they can decide their plans, but then we need plans before we can give our direction. I would like some additional information as well, because I don't feel comfortable just blindly saying there's not going to be any affect, just from a standpoint of due diligence. As far as the ESOS, I don't know that I would be supportive of completely eliminating it, but I think that there are portions of it that may not be needed or make sense.

**Deborah Burnes, Commissioner**

I would like to see the whole environmental study, because I feel like it's very important. It's been said that it was a very busy industrial site, but the impact with the huge trucks coming in was never as impactful as the cars when The Barlow uses it; there just wasn't that much traffic there. There is no crosswalk there either, so I wonder how people are going to get from where the parking lot is over to The Barlow. I see kids in strollers and cars going super fast, and there are some safety issues there as well, but with the first phase of this and the environmental impact I think it's really important to do our due diligence and to make sure that we're making a choice based on gathering all the information with everything from the light concerns and the toxicity level in the water to the environment there.

**Kathy Oetinger, Vice Chair**

I agree with the effort to gather as much information as possible. We've lost so much resource through the development that currently exists in the floodplain, and it is important to our community. I understand The Barlow is also important to our community, as is the community center and the things that we provide that create culture in our community. I know parking is important, but I'm wondering to what extent we're willing to put another two-story structure in an area which is a floodplain, and I think we should be studying it as much as possible.

**Evert Fernandez, Commissioner**

I wanted to respond to a comment made about cutting off the public from that area. I think based on the intent of the design it would actually be the opposite. It would allow public viewing from that area, so it makes it more accessible from that standpoint as far as the Laguna, but I still have the same concerns as some of the other Commissioners. I just wanted to address that part of it, if I'm correct in that assumption.

**Paul Fritz, Chair**

I'm okay with reducing the scope of the ESOS study, and the WRA report supports this. There are obviously no resources on the actual area where the development is proposed to occur. There are no species of concern, either animal or vegetation, so I would be totally fine eliminating those from that scope. I think the visual resource is important, and some of these things that some of the other Commissioners are bringing up I think are not necessarily related to the ESOS study, they're related to CEQA, which is a whole other thing that the applicant will have to go through. Things like traffic, how to safely cross the street,

the light pollution, all those things are more CEQA issues and not ESOS study issues, so I think it's important to not necessarily say we don't want to reduce the ESOS study when there are CEQA things that we certainly want to know about, so I just want to make sure those two things are clear. I also agree with Commissioner Douch about the 50-foot reduction to the setback. We don't really know what the resource is at this point, so while I'm open to the concept of reducing the setback I'm not a hard we have to have a 100-foot setback; I want to know what are we setting it back from that was. The Davis Townhome project is another example of a similar development in a similar kind of situation where we didn't make this exception previously, and I want to respect that precedent. And again, that townhome project had to do a traffic study, they had to do the photometric for the lighting, they had to do all these other studies as part of the development process, but that was separate from the ESOS, so I want to make sure we're clear on what we're deciding tonight versus what we'll decide once we get an application.

**Evert Fernandez, Commissioner**

I was wondering, Chair Fritz, if you could identify those items on pages 4 and 5 of the ESOS that you feel either are important or are not?

**Paul Fritz, Chair**

My initial take is that where they're proposing to develop the parking structure, I don't think we need a study of any of these items. There is obviously no natural drainage, there are no threatened or endangered plant species, and there are no threatened or endangered animal species. I think Item C we want to know. We want to know the location and boundaries of wetlands adjacent to the site. Obviously, there are no wetlands on the part they're developing, but knowing where the wetlands are outside of the developed area is important, because that's going to tell us where we take the setback from, so then we can say 50 feet is adequate or we need 100 feet. Item D, the archeological resources, I don't think there are going to be any archeological resources unless someone wants to study the history of concrete batch plants, and that's not very likely. We obviously know it's a flood hazard area; it's on the FEMA map, so I don't think any study needs to be done in that capacity. There are also no native trees in the developed area. I guess my big thing would be the boundaries of vernal pools or wetlands or things that are outside the developed area, so we can understand what the setback is being set back from. And then I guess also visual impact; I think that's part of the ESOS thing as well. So I would be okay limiting it to those things, establishment of wetlands and a visual impact analysis.

**Evert Fernandez, Commissioner**

What about Item 5, the resource analysis?

**Paul Fritz, Chair**

It's important to define the biotic resources of the wetlands or sensitive areas so we can determine the setback issue. I'm interested in finding out where the locations of those wetlands and resource areas are, but what they're proposing; they're not going to have an impact on those. There may be CEQA items that we want to take a look at, like lighting and traffic and those kinds of things, but from what they're proposing, there's not going to be any worse impact than already exists. We made this exception for the Davis Townhome project and I'm willing to do the same thing for this property as well.

**Zachary Douch, Commissioner**

I would concur. I'm generally of the opinion that a 50-foot setback would be adequate and that we can exempt the previous developed area, but we need some kind of a plan that shows a shaded area that would be the 50-foot setback and a shaded area that would be the 100-foot setback so we can fully understand what the reduction means. If we have that

here tonight, I would be comfortable making a decision. I would echo Chair Fritz's sentiment that I'm very comfortable reducing the scope of the study to be areas previously undeveloped, and in those areas I would think all of the elements in the ESOS criteria would be studied.

**Deborah Burnes, Commissioner**

When you say that there is nothing that needs to be studied on the existing developed land, do you just study what is actually living on that existing land, or do you study the impact of whatever the infrastructure that's built there would have by ways of water runoff to the rest of the property? While there might not be a native species or anything on that piece developed land, impacts from this project could affect the non-developed land, so is that something you would take into consideration, or is it just that there is nothing there?

**Kari Svanstrom, Planning Director**

The ESOS study is looking more at existing resources for the first part of it, and most of the Commissioners are saying we need to know exactly where the resources are and then we can look at what the proposed setbacks might be. Item 5 of the ESOS study does include looking at determining where the resources are and recommends measures that would mitigate impacts of any development on the site, but also when you get into the Item 4, looking at are there measures that would help restore things, this is one of my issues that I've always had with CEQA. It takes a look at where you are and don't make it worse, but there's nothing in CEQA that talks about actually making things better. In this case, the Planning Commission and City Council had the foresight to ask if there is a way to make things better? Could development be balanced with making some things better? The Barlow is certainly, looking at this high level, asking how can they do that with looking at that back section and Americorps Trail, so I think The Barlow is cognizant of that as they're looking at it, but that is one of the objectives of the ESOS zoning, and the intent of it is lets not just keep things status quo but let's see how we can design a project that does make things better. Some of the items that Commissioner Burnes is concerned with are dealt with in CEQA, and that includes the traffic, and I will note the City is currently looking at our Local Road Safety Plan, which is going to be presented to the Council on May 3<sup>rd</sup>, and I believe one of the intersections is the Laguna/Morris Street intersection in terms of crossing safety there, so staff is aware of it. Certainly if a parking lot is developed here and there's going to be a lot more traffic we'd want to make sure that and the additional car traffic is included. The stormwater and pollutants and flooding is also here in our ESOS, but it's also covered by CEQA and how do we make sure we're not having impacts there?

**Deborah Burnes, Commissioner**

I'm just wondering what I take into consideration. Is it like if that plot of land doesn't have anything on it, or is it the effect of what you do on that plot of land would affect other lands?

**Kari Svanstrom, Planning Director**

We will look at that one way or the other, the ESOS, when we're talking about biologic resource kind of stuff. We don't necessarily need to look at biology and whatnot, the existing stuff, on that previously developed area.

**Evert Fernandez, Commissioner**

I appreciate those comments, Kari, because I was trying to keep my thoughts along those lines as well in that just because it was a site that wasn't very environmentally friendly that we should be okay with continuing that or that that's like our base mark, that's what we're staring with. I do think in some ways it will be better, but I just reiterate that some of the provisions of the ESOS would be helpful information. As Commissioner Douch also said, I'm

not against reducing the setback, but I'm looking to get a little bit more information to base that decision on.

**Kari Svanstrom, Planning Director**

The Commission knows how we've dealt with that in the past, as we keep referencing the Davis Townhomes. We did do a series through the ESOS or CEQA, I don't remember which, I believe it was probably in both, but in combination. So the 50-foot setback for that particular project was about here, and you can see there was already development on either side of that, further south than where they were proposing. I think their development was limited to right around where that informal trail is, but one of the mitigations that they're doing is they are within this area, they didn't remove any of the trees within that setback area, and I think The Barlow would be fine with that as well within their scope. But then they also are replanting with natives and restoring it to extend the buffer up. Right now it's not really buffer, it's more of a stormwater swale, but the idea is let's use that setback buffer as a way or actually making improvements, and so section 5-4, that is one of the things we'll look at as we're coming back in the project, and it may be is it limited there or are there other things? The townhome project has a lot of natives that they're replanting, and they're changing their lawn area that they had approved to native grasses as well, both for drought issues, but also obviously that helps.

**Zachary Douch, Commissioner**

A question for staff, but also to understand if this is workable for the applicant as well. Are we able tonight to approve a reduction in the scope of the ESOS, for example, by exempting the previously paved area, and ask to defer the decision on the second part pending additional information? I imagine this might allow the applicant to bring forward something to enlighten us a little regarding the setback question, but also proceed with the beginnings of this study. So my question to staff is can we do that? And to the applicant, would that be workable?

**Kari Svanstrom, Planning Director**

If you look at the options, it's kind of Items 3 and 4 in combination. Item 3 is, "Exempt a portion of the site (such as the previously developed areas)". Then in this case Item 4 would be to, "Defer the determination of setback reduction," until the study is available. So from staff's perspective, yes, that would be perfectly acceptable.

**Paul Fritz, Chair**

If we decided to go with Items 3 and 4, exempt a portion of the site from study, what will be different from the WRA study that already looked at this? They had a list of plants and animals that were found in that area to the east. They didn't specifically identify wetland resources, so how will the ESOS study differ from what we already know about that?

**Kari Svanstrom, Planning Director**

We would look at delineating where the resources of concerns are, whether that is the riparian zones or the wetlands, within those areas. I think that is what Commissioners have been discussing, where those limits are. We'll come back with a clear determination on that.

**Paul Fritz, Chair**

I want to be clear on what we're asking them to study, because I feel like they've already looked at the plants and animals that are there, so at this point we just want to know what are the wetland or riparian resources and how close are they to the proposed development? That will help us determine whether or not the 50-foot setback reduction is acceptable. That's my interpretation of what we're asking.

**Kari Svanstrom, Planning Director**

Right. And I know Commissioner Douch had a question to the applicant.

**Paul Fritz, Chair**

Kenyon or Yolanda, do you want to weigh in on what we're talking about? Is it okay with you to split this decision?

**Kenyon Webster, Planning Consultant**

We hear what you're saying, and yes, it's something we could work with.

**Linda Kelley, Commissioner**

I agree with most everything that most of you have said, however, we don't even know if a 100-foot setback is the appropriate one without further study. The ESOS was created to preserve closer to 100 feet as a minimum and it got changed over the years, and now it is looking at pushing it to the 50-foot, and without adequate studies how we make a decision about that? My opinion is that parts not covered in the ESOS need to be done, and we don't know where the resources are and exactly what they are. I want to make sure that the viewshed analysis is as vigorous as possible, because we can never get it back. To me, moving ahead with a 50-foot setback somehow is totally inappropriate without further studies. How can we even know what that is?

**Paul Fritz, Chair**

It sounds like we're all in general agreement on that issue.

Commissioner Douch made a motion to approve the reduction in the scope of the ESOS study, to exempt the previously paved areas of the site, and to defer a decision on the extent of the setback pending further information to be provided by the applicant.

**Evert Fernandez, Commissioner**

Can I clarify something on that motion? Do you just want additional information, or is it something that we would wait until the study was completed?

**Zachary Douch, Commissioner**

If my understanding is correct, we would need to know what the setback ultimately was to finalize the study, because it would either include all of that area or not, so the applicant might be desirous to come back as soon as they can and provide some better information. I don't know if this is something the City would need to look at, or they'd work with the Planning Commission on that, and I assume they would, to agree that we have some illustration of what that setback area is exactly, but I'm not sure the ESOS study will be complete until after that determination.

**Paul Fritz, Chair**

What we're asking them to do is define the resources either on or adjacent to the site, so they need to go through that process, determine what the resources area, show us a plan that shows how far they are from the proposed development, and then we can make a decision about the 50-foot setback, so they do need to go through the ESOS piece of this before we agree to any setback reduction. Am I correct, staff?

**Kari Svanstrom, Planning Director**

Yes, that's correct.

**Zachary Douch, Commissioner**

With that understanding, then yes, I would amend the motion accordingly.



**Kathy Oetinger, Vice Chair**

I don't think I would be comfortable changing the setback until I could see the whole scope of the project and CEQA study as well in order to make that determination, so I don't know, I guess I would just vote no if it came up before all of that was available to us.

**Paul Fritz, Chair**

It's kind of like a chicken and egg thing. They can't design the project if they don't know what the setback is.

**Kathy Oetinger, Vice Chair**

Well, the setback is 100 feet.

**Paul Fritz, Chair**

Yes, the setback is 100 feet, and if they want to reduce it to 50 feet they have to have reasoning for that, and that's what they're going to bring forward with their proposal. They're going to say we think it's okay, but we'll have to make a decision.

**Kari Svanstrom, Planning Director**

Chair Fritz, if I can clear up a couple of things that might be helpful. One is that the use they propose is parking and that requires a use permit, and so that and the CEQA would be done at that time. CEQA includes the concerns of lighting, floodplain issues with the stormwater as well as any other flooding issues, traffic, and those types of things, so those would be reviewed based on a specific project. And it's still a use permit, which is a discretionary entitlement for the Planning Commission, so just to give that level of comfort. Secondly, the research analysis is actually directed by the City, so staff can make sure that we're communicating appropriately to make sure that we're getting what I'm hearing as direction from the Commission.

Chair Fritz asked for a second to the motion.

Vice Chair Oetinger seconded the motion.

**Kenyon Webster, Planning Consultant**

Just a clarification. Commissioner Douch's motion was to exempt the "previously paved area". That's only a portion of the development footprint where the plant operated, so we'd prefer "previously developed area" to that.

**Paul Fritz, Chair**

Is that clarification okay with you, Commissioner Douch?

**Zachary Douch, Commissioner**

I was just going back and looking at the WRA report, and I think it says, "previously developed area," so it looks to be fine.

**Paul Fritz, Chair**

And are you okay with that modification, Vice Chair Oetinger?

**Kathy Oetinger, Vice Chair**

My question is does that include the areas where the landfill has put in the large concrete barriers?

**Paul Fritz, Chair**

Yes.

**Kathy Oetinger, Vice Chair**

I don't feel comfortable with eliminating that area. It seems like that's not really the development, that's part of the landfill that created the development. They didn't build on their concrete barricades. That's kind of the retaining wall. They didn't build on that, they built inside of that, and I feel like that area with those retaining walls should be studied.

**Paul Fritz, Chair**

So we have a motion. Commissioner Douch agreed to the amendment, and you seconded it, so you have to agree to the amended motion, we need to make a different motion, or someone else has to second it. We need to discuss it more, but I guess you'd have to accept the amendment to the motion and then we can have a conversation about it.

**Kathy Oetinger, Vice Chair**

If we're just talking about the asphalted areas.

**Paul Fritz, Chair**

I think what Kenyon is saying is there's a portion that's paved with concrete. The rest of the area that we're looking at that's kind of gray in this plan is maybe not concrete, but it's asphalt or gravel or whatever random development. It's not the green areas, which is obviously vegetation. The motion currently is to exempt basically what you're looking at that's gray on this photograph, because what we're trying to do is determine where the resources are, if there's a wetland, a vernal pool, or a riparian zone. That's clearly not in the gray area, that's only going to happen in the green area, so that is what they're studying to determine what that is. At least that's the motion at this point.

**Kathy Oetinger, Vice Chair**

I'll go along with that if we're only looking at the biological resources, and hope that CEQA will deal with the rest of it later.

**Kari Svanstrom, Planning Director**

Something the Commission may wish to clarify is that second part of the ESOS portion, which is Section 5-4 that I was speaking about. What I'm hearing is that Vice Chair Oetinger's concern is Item 5 of the resources, potential mitigations related to and how that area might be resolved, or do you think that there might be biotic resources in those concrete areas?

**Kathy Oetinger, Vice Chair**

I think that they may have an effect on what exists now, and that we can't pretend like they don't exist.

**Kari Svanstrom, Planning Director**

So that would be the avoidance of impacts and mitigation, so the 5(a)(b) part of this is for the ESOS study mitigations to make sure we're avoiding impacts on the natural areas farther out.

**Kathy Oetinger, Vice Chair**

And floodplains. Those higher elevations are really important to biotic resources as well, and so even though they're there today, when it floods they could be there, and maybe that's a CEQA issue. But yes, I think there are areas that just because they aren't paved doesn't mean they aren't...

**Yolanda Matthew, The Barlow**

I actually was just informed that those are no longer there. That's an old image, and those at the back of the site do not exist today.

**Kari Svanstrom, Planning Director**

But the topography hasn't changed greatly, right?

**Paul Fritz, Chair**

It's just the walls that are gone.

**Yolanda Matthew, The Barlow**

It sounds like it. Sandy will know more than I do. Is that correct, Sandy?

**Sandy Reed, ZAC Landscape Architects**

Yes, what happened back there are those walls were just those concrete chunks, barriers that kept their materials from going down that slope. Those were removed a long time ago and what's there now is just the edge of the cut slope, and we called it debris just because there are piles of things here and there. But you can see to the left of this image where you see the trunks of the oak trees there.

**Paul Fritz, Chair**

Thank you for the clarification.

**Linda Kelley, Commissioner**

Ordinarily when we did ESOS analysis in the past, the City decided who the consultant was to do that rather than the applicant, but the applicant paid for it, is that correct?

**Kari Svanstrom, Planning Director**

That is how the procedure is written, Commissioner Kelley. I did not include that, but I'll share that portion of the code under Procedures. We did a Request for Qualifications for consultants in early 2019 and we did get a list, we reviewed the qualifications, and Council approved them, so we do have a list of on-call consultants. We will not need to do an entire RFP for this, which usually takes a big length of time, because we have a list of consultants right at the scope that are pre-qualified. Unfortunately, I do not think RWA submitted for that, so they are not on that list, but we certainly have folks who would be available for this is a pretty short order.

**Deborah Burnes, Commissioner**

I am going to clarify one more time, because I'm with Vice Chair Oetinger. I don't feel comfortable voting on it not knowing the whole scope, so I just want to clarify, Kari, what I think I heard you say is this is step one, and if we eliminate the so-called developed land from step one, step two will be CEQA, and CEQA will look at the impact that that developed land could potentially have on the resources that are around that land, is that accurate?

**Kari Svanstrom, Planning Director**

Usually CEQA looks at larger scale issues, and the ESOS is more site-specific. As you can kind of see from this, it looks like parts of the land are starting to revert back to a more natural state. This is a 2019 image, so it's not terribly dated. Is the concern that the developed area on the diagrams are showing all the way back to these built edges of retaining walls there but there is some sort of sense of nature onto the site, and is that something that perhaps the Commission can lend some flexibility I think in terms of Item 5,

the mitigation of impacts wouldn't be limited to the only not developed areas, but it could include the developed areas?

**Deborah Burnes, Commissioner**

That's a good point about the nature reestablishing itself there. My concern is more about the impact that we talked about earlier, like the chemicals from the cars and the rubber and whatnot the runoff would have. How do we know what type of setback we need until we see a full report?

**Kari Svanstrom, Planning Director**

Yes, there will be.

**Deborah Burnes, Commissioner**

That's part of CEQA?

**Kari Svanstrom, Planning Director**

That would be part of CEQA and part of your use permit review for any development at the site, yes.

**Paul Fritz, Chair**

So we have a motion and a second, and the motion is to reduce the scope of the ESOS to the undeveloped area in order to establish any nearby biotic resources, wetlands or riparian areas, so that's what we are voting on. Is everyone clear on that?

**Kari Svanstrom, Planning Director**

Chair Fritz, I always try to write down the motion, which was to approve a reduction of the ESOS scope to exempt the previously paved and now developed areas, and defer a decision on any ESOS setback until the ESOS study is completed. And Commissioner Douch, please correct me if I misspoke on that.

**Zachary Douch, Commissioner**

That's correct.

**Linda Kelley, Commissioner**

Question before we vote. With that reduction of the study area, how does the viewshed analysis get in there?

**Kari Svanstrom, Planning Director**

The viewshed is not part of that reduction. Even if something isn't completely exempt from the rest of the study it still requires the scenic and view study, so that won't be a part of any sort of reduction.

The Planning Commission voted as follows:

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, and Fernandez.

NOES: Commissioner Kelley

ABSTAIN: None

ABSENT: None

## **8. REGULAR AGENDA ITEMS:**

### **A. Planning Commission Rules – Discussion**

Commissioner Douch indicated that he would excuse himself from the meeting.

Director Svanstrom provided the staff report.

#### **Paul Fritz, Chair**

The way Rule 3, Agenda and Order of Business, is currently written it talks about the Planning Director may consult with the Chairperson regarding scheduling, and I was trying to make that more concrete, like having regular meetings between the Chair and the Planning Director so the Chair can understand what's coming up on future agenda items, but also if the Chair wants to bring specific items forward there is an opportunity to do that on a more regular basis, so just trying to codify that. Evert has suggested some language I can't find. Do you have that handy, Evert?

#### **Evert Fernandez, Commissioner**

Yes. "The Director of Planning shall prepare an agenda for each meeting with advance consultation with the Chairperson regarding scheduling the various items, both as to the meeting and which items are to be scheduled and the specific scheduling within the meeting agenda." The rest of that would be eliminated.

#### **Paul Fritz, Chair**

Rule 3(a) is what Evert is referring to. So kind of combining (a) and (b), but making it more definitive that the Chair and Planning Director shall have regular meetings.

#### **Kari Svanstrom, Planning Director**

One other note on the Rule 3, Agenda and Order of Business, my preference is to make things simple, not more complex, and right now there's a very specific order to things. There are Planning Commissioner announcements, written communications, those types of things. Most of the time these are the same, but there are times when an applicant isn't available until a later time, or like tonight's meeting there is a discussion scheduled before the actual hearing and I may know that a heck of a lot of people are going to show up. So sometimes I have a reason for doing things to make sure that we get to all of the items and we get to them in the order that's needed. Generally, this is the same, but I'd like a little bit of flexibility rather than having it in some rules that are set in stone.

#### **Evert Fernandez, Commissioner**

Basically what I was trying to get at is you have the flexibility to determine the items and the order, but I wanted to make sure to just consult on, say, the order of the items and what is going to be published, canceled meetings, and if there's no concern or questions about it, you go with it, so you do get to do that. I'm just trying to include that the Chairperson at least be advised of that. You have reasons for that, what works and what doesn't, but in the past, as one time I served as the Chair, I wouldn't know of a meeting being canceled until Thursday, and then I would get questions from the Commissioners as to why it was canceled and I had no answer to that. I think that a Chair running this Commission should be involved. We're not trying to have this person have to approve everything you do, but at least be advised of it and have knowledge of it.

#### **Kari Svanstrom, Planning Director**

I've probably been lax with meeting with Paul with everything going on, and my apologies for that. The Chairs have always understood in terms of if there are conflicts or things going on within the department or other committees, or things that come into play.

**Evert Fernandez, Commissioner**

So maybe just the Director shows the current agenda for each meeting and confers with the Chairperson. Basically it's a way to word it to let the person know this is what's going on before it's sent out or published, and if for whatever reason you don't hear back, you can move along and do what you need to do to meet your timelines. My experience in the past has been we all understand that, it doesn't have to be written, let's just go with that and it works fine as long as those people are around, but then down the road it's like didn't we discuss this? And then it completely changes, so that's my reason to have some of this written down, so it's not forgotten or someone, sometime in the future, can at least say we're supposed to be doing it this way.

**Kari Svanstrom, Planning Director**

I know one of the things that we do that isn't codified here is the Planning Commission liaison for items that are recommended or appealed from the Planning Commission body, and while I don't feel that's necessary, if the Commission feels that's important, that is something you can have in the rules.

**Evert Fernandez, Commissioner**

Absolutely, that should be included.

**Kari Svanstrom, Planning Director**

The same with the work plan if that's helpful to the Commission.

**Evert Fernandez, Commissioner**

Yes, I think all those things. I think to basically go through and say these are the things that we're considering, and then it would come back for a review of those items. Is that how it would work? We're not going to approve something tonight, right?

**Kari Svanstrom, Planning Director**

Correct. This was just to start the discussion actually. When I talked with Chair Fritz earlier about the agenda with the vacation rental policy on the agenda, we both thought we would get to introduce this item and people would take it away, think about it, and then come back for a more in depth discussion.

**Paul Fritz, Chair**

Can you clarify, the bullet point you have is, "Update terminology to reflect current titles"? What is that?

**Kari Svanstrom, Planning Director**

Frankly, I'm referred to as Planning Director everywhere in the City documents, including the Zoning Ordinance, so that it says Director of Planning here is a little weird. Or like the 6:00 o'clock meeting time versus the 7:00 o'clock, it's just those minutia kinds of things. You and I also spoke about something about a Sergeant at Arms that is a little bit archaic in my mind. If I know that something has a potential for civil disobedience or disruption I'm going to call the chief of police and ask him to have an officer go by the meeting. Obviously, that hasn't been an issue, other than the Zoom bombing the last couple of years. That's how I handle it. I don't necessarily need it written into with the Sergeant at Arms. I'm not that formal of a person and if the Commission agrees with my methods, then it would be to eliminate a little bit of the bureaucracy that's in this document. If we go to hybrid meetings

we can include that Zoom stuff into here, like if you use vulgar language you'll get kicked out of the meeting.

**Paul Fritz, Chair**

I'm not sure how to proceed on this item. Do you want us to discuss these issues to get feedback on specific items?

**Kari Svanstrom, Planning Director**

Since there's no public here, I think just open it up for general questions or discussion.

**Paul Fritz, Chair**

I think updating terminology to reflect current titles is certainly reasonable, and providing flexibility in the order of items, I'm okay with that as well. We've kind of switched them around already anyway, probably against this document.

**Kari Svanstrom, Planning Director**

I did notice that. We should probably maybe just update it.

**Paul Fritz, Chair**

Either update it or make it a little bit more flexible. I think it's good to include all those items, because we need to cover these things, but they can be modified, or it can be modified as seen to be appropriate by the Chair and the Planning Director. I guess when the hybrid meeting potentially comes up we'll have to figure out how to integrate whatever that is into this document.

**Kari Svanstrom, Planning Director**

I know the Council is set to discuss hybrid meetings May on 3<sup>rd</sup> and I think the Clerk is proposing for the order of public comment that if it's a hybrid meeting you take in-person comment first and then remote comment, so those types of things would be included. Is there anything that we do as Commissioners that you would like to see me add to this? If you have comments over the next couple of weeks you can send them to me and I can create a redlined version of this that shows proposed changes for the next discussion.

**Evert Fernandez, Commissioner**

In Rule 1, Time and Place for Holding Regular Meetings, the second paragraph says, "Regular meetings may be canceled on termination of Planning Director, a quorum would not be present, or that there is not sufficient business to conduct a meeting." I think that's also important to talk to the Chair about.

**Kari Svanstrom, Planning Director**

In consultation with the Chair?

**Evert Fernandez, Commissioner**

Yes, because in the past we've decided why don't we just do an educational kind of thing. Rule 2 should be not four members, but majority, right?

**Kari Svanstrom, Planning Director**

Yes, that's exactly the intent of my discussing the number of members.

**Evert Fernandez, Commissioner**

I always was under the impression that once you start with a quorum that it maintains the quorum, but in that same Rule 2, the second paragraph says, "The absence, temporary or

permanent, of any Commissioners previously recorded as present, shall be noted in the minutes for the purposes of determining the presence of a quorum at all times.”

**Kari Svanstrom, Planning Director**

I think we can clarify that. I’m not even quite sure what that means, but I think you have to have a quorum whenever you’re taking a vote that requires a quorum, and if someone needs to depart and if we were to not have a quorum, then we would be able to continue information and discussion, but we could no longer have votes. I think that’s the intent of what this is, but it’s not terribly clear, so I would advise revising that language.

**Evert Fernandez, Commissioner**

Should something be added on here a little bit more explanatory about being the Parks Commission?

**Kari Svanstrom, Planning Director**

This is included in the Municipal Code. I think when they disbanded the Parks Commission the Planning Commission Ordinance adopted the Planning Commission as that, but I think it’s not a bad piece of information, because this can then become a handout for new Commissioners as well for like when you’re looking at things like the ex parte communications of a site visit. It’s not very widely known, so that’s a good point.

**Evert Fernandez, Commissioner**

It’s not really clear what our responsibilities are. Are we supposed to be actively touring the parks? Are we supposed to be getting reports? It says we’re a Parks Commission, but that’s pretty much where it ends as far as description.

**Kari Svanstrom, Planning Director**

And I’m bringing the Park’s Commission budget to you, but I don’t know if Directors have done that or not.

**Evert Fernandez, Commissioner**

Then Rule 4, because of certain setbacks we haven’t gotten to this agenda item, but it seems odd to me. We wait until April, and I can understand that you’re trying to get Commissioners installed and so forth, but what has happened a couple of times is in April you vote for Vice Chair and Chair, and then if that person either decides not to renew if it’s their year, or they don’t get renewed, then we immediately have a change for just a few months where I think the Vice Chair takes over, or if it’s the Vice Chair situation, then a new Vice Chair is appointed, so it disrupts things. I don’t know if it’s possible to do something closer to the beginning of the year, if that makes sense, then we could make sure that announcements for filling vacant spots are set up in a proper timeline so that by the end of the year or January we could do that.

**Kari Svanstrom, Planning Director**

I can answer that very last piece. All boards and commissions—and we’ve actually been working to get the new Climate Action Committee and other groups on this—if someone’s term is ending, it ends of December 31, and so that way the City Clerk isn’t advertising for positions three or four times a year. We’re going to do the final workup and she’s going to have a normal announcement time. They usually do the interviews so that the person can be appointed and ready to go by the January 1<sup>st</sup> date after the December 31<sup>st</sup> term expiration. One of the issues is if we don’t receive any applications or sufficient applications to fill vacancies. Our rules for that automatically extend that time period by two weeks, and then if we still don’t receive anything, then the Clerk goes back to Council to see how they want to handle it. We have had a couple of vacancies where it’s a longstanding vacancy



because we're not getting applicants, and that does roll over. Usually when that happens I ask the existing commissioners if they would continue their service. Probably 80-90% of the time that is the case. In a normal December expiration most folks are happy to just continue on, like Commissioner Douch, for a couple of more months as needed. We could say after the seating of new Commissioners, or whatever.

**Evert Fernandez, Commissioner**

Yes, but with the flexibility and understanding that if everybody is not seated and that could be added, you don't have five, or if there are vacancies or whatever, then wait until a time that there is, but at least consider January.

**Kari Svanstrom, Planning Director**

I believe Linda Kelley's name was at the bottom of this, as so was yours, Evert. I might ask if there is an understanding of why that was set in April from those who may have been a part of these discussions previously. Commissioner Kelley, do you know why the Chair was elected in April instead of January?

**Linda Kelley, Commissioner**

I do not.

**Kari Svanstrom, Planning Director**

All right, there's no reason that we're not thinking of unintended consequences.

**Evert Fernandez, Commissioner**

The reason was to let new Commissioners get the hang of it, but Council immediately picks Mayor and Vice Mayor, and I think once you have a full Commission presence, I don't think we need to wait. And if we are going to do it April, I think it makes more sense to do it in July if we have to change over, but my first preference would be when we have a full Commission after the new year, something like that.

**Kari Svanstrom, Planning Director**

We'll get something proposed for that.

**Evert Fernandez, Commissioner**

Anything additional that you saw from a Planning Director's perspective?

**Kari Svanstrom, Planning Director**

I don't think so, unless it says that I have to sign the minutes. That's another thing that I unilaterally stopped doing, because it was just adding time to my administrative staff having to print them out, have me sign them, reprint, rescan them, and all that kind of stuff. I'd rather do work than that formal of a thing.

**Evert Fernandez, Commissioner**

On Rule 14(b), where it says each person desiring to address the Commission shall state his or her name and address for the record, when people talk at Council is it optional, or is that also a requirement?

**Kari Svanstrom, Planning Director**

The address is usually optional. We don't require addresses.

**Evert Fernandez, Commissioner**

I guess we can review this and send stuff to you up to a certain point?

**Kari Svanstrom, Planning Director**

Yes, definitely. Like I said, I think we would want to wait to adopt this until the Council has adopted the five Commissioners thing the way we're revising this, so we have a little bit of time to mull it over and think about it.

**9. SUBCOMMTTEE UPDATES:** None.

**10. PLANNING DIRECTOR'S REPORT**

Director Svanstrom provided updates.

Associate Planner Jay provided updates.

The Commission asked questions of Director Svanstrom.

**11. ADJOURNMENT:** Chair Fritz adjourned the meeting at 8:38 p.m. The next regularly scheduled Planning Commission meeting will take place on Wednesday, May 10, 2022 at 6:00 p.m.