



City of Sebastopol

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Planning Department

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PLANNING COMMISSION

MEETING OF: **March 14, 2017**

SEBASTOPOL YOUTH ANNEX

425 MORRIS STREET

APPROVED MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF March 14, 2017

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on March 09, 2017.

ANNOUNCEMENT: Please turn off all cell phones and pagers during the meeting.

1. CALL TO ORDER: Chair Kelley called the meeting to order at 7:04 p.m.

2. ROLL CALL:

Present: Chair Kelley, Vice Chair Fritz (arrived at 7:05 p.m.),
and Commissioners Fernandez, Douch, R. Jacob, Doyle
and M. Jacob (arrived at 7:05 p.m.)

Absent: Commissioner Glaser (excused)

Staff: Kenyon Webster, Planning Director
Rebecca Mansour, Planning Technician

3. APPROVAL OF PLANNING COMMISSION MINUTES: February 28, 2017.

Commissioners Fernandez and Doyle amended the minutes.

Commissioner R. Jacob made a motion to approve the minutes as amended.

Commissioner Fernandez seconded the motion.

AYES: Chair Kelley, Vice Chair Fritz, and Commissioners Fernandez, R.
Jacob, Doyle, Douch and M. Jacob

NOES: None
ABSTAIN: None

4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA - This is for items *not* on the agenda, but that are related to the responsibilities of the Planning Commission or City Council. The Commission and Council receive any such comments, but under law, may not act on them. If there are a large number of persons wishing to speak under this item, speaking time may be reduced to less than 3 minutes, or if there is more than 15 minutes of testimony, the item may be moved to the end of the meeting to allow agendized business to be conducted.

There were none.

5. STATEMENTS OF CONFLICTS OF INTEREST:

Commissioner M. Jacob commented that he would need to recuse himself from any discussion relating to the letter received by Ms. Anderson regarding 7765 Bodega Avenue due to a proximity conflict.

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

Director Webster provided the following update:

- At their last meeting, the City Council:
 - Approved the Accessory Dwelling Unit amendments as recommended by the Commission. A second reading is scheduled for their next meeting.
 - The Council made reference to the possibility of future amendments of various kinds which would follow the work of the Housing Subcommittee.
 - Approved the Pleasant Hill Rezoning request as recommended by the Commission.
- At the next City Council meeting, the Council will:
 - Approve a new resolution relating to the Village Park annexation due to a technical issue with LAFCO.
- Last night, the City Council Housing Subcommittee conducted its first meeting.
 - The planned process for these meetings was outlined.
 - Four meetings on different topics are planned. Those topics may include; affordable housing, the issue of rent control, accessory dwelling units such as tiny homes, and others.
 - The meeting time, dates and location will be publicized once established.
- Assuming the Commission concludes its work on this phase of Zoning Ordinance matters tonight, the next regularly scheduled Planning Commission meeting on March 28 will begin the Commission's work on 'Phase 2' which will include the consultant, De Novo Planning Group. Phase 2 will include discussion of some of the more major, discretionary items relating to the Zoning Ordinance.
- If the Commission does not complete its review tonight, work with the consultant will be postponed.

The Commission asked questions of Director Webster.

- Commissioner Doyle requested that either Commission representative Vice Chair Fritz or Director Webster provide the Commission with regular updates on the Housing Subcommittee's progress.

- Commissioner Doyle requested that the Commission be notified of the Housing Subcommittee's meeting schedule, once established.
- Chair Kelley suggested that the first topic discussed by the Housing Subcommittee be the issue of rent control due to the limited timeframe of the urgency ordinance.
- Commissioner Doyle requested that the Commission see the Housing Subcommittee's recommendations prior to them going to the Council so that they could provide feedback as well, for Council consideration.

7. CONSENT CALENDAR (PUBLIC HEARING IF REQUESTED): There were none.

8. PUBLIC HEARING:

A. MUNICIPAL CODE AMENDMENT TO IMPLEMENT CHANGES TO THE ZONING ORDINANCE TO ACHIEVE CONSISTENCY WITH THE NEW GENERAL PLAN, AND MAKE OTHER CLARIFYING, ORGANIZATIONAL, AND POLICY REVISIONS: In November 2016 the City adopted a new General Plan which called for multiple revisions to the Zoning Ordinance. A 'Phase 1' set of Zoning Ordinance modifications has been developed to implement various straightforward revisions mandated by the General Plan, and to also make other organizational, clarifying, and minor policy revisions. A Phase 2 set of revisions needing more discussion will be considered at a later date. The Commission conducted a Public Hearing and began review of this matter at its February 14, 2017 meeting, conducting additional review and accepting public comment at its February 28, 2017 meeting. The Commission will make recommendations to the City Council, which will also conduct a public hearing on this matter.

Director Webster presented the staff report.

The Commission asked questions of staff.

Commissioner Doyle noted a typo on page 2 of the staff report. In the fourth bullet down, under, 'The Definitions section modifications include,' should read, 'Reference to dining facilities was dropped from the definition of 'dwelling' per Commission direction.'

Director Webster noted the correction.

Chair Kelley asked if members of the public wished to speak on this item.

Hearing none, Chair Kelley closed the public comment period.

Chair Kelley asked to hear from the Commission on the 'Definitions' section.

For the benefit of those in attendance, Commissioner Douch explained the process that has led up to this point.

Chair Kelley asked questions of the members of the public.

The Commission engaged in a back and forth with members of the public, and clarified the scope of the agenda item.

Members of the public asked questions of the Commission and Director Webster.

Comments from members of the public included:

- They were in attendance to hear the Commission's discussion on housing.
- Expressed interest in the work of the City Council's Housing Subcommittee.
- Looking to get involved.
- Looking to be of help.
- Interested in learning about what is going on in Sebastopol.

Commissioner Doyle referred to page 8 of 32 and commented;

- Expressed a concern with the words, 'or energy source' in the definition of, "Automotive gas or fueling station" because an electrical charging station shouldn't be subject to the many restrictions that a gas or other type of fueling station are subject to.

Director Webster commented that he understood Commissioner Doyle's point and agreed that somebody wishing to install a couple of electric charging stations shouldn't be classified as a service station.

- Suggested that the definition of, "Automotive gas or fueling station" be revised as follows, 'means a retail business selling gasoline and/or other motor vehicle fuels and related products.'

Director Webster commented that he didn't see any harm in striking the words, 'or energy source'.

The Commission agreed with the suggested revision.

Chair Kelley referred to page 21 of 32 and commented;

- Suggested that the definition of, "Nicotine, tobacco or smoke shops, vape shops" be revised as follows, 'means any store, stand, booth, concession, or other place at which sales of tobacco, tobacco products, nicotine products, or smoking devices or accessories are made to purchasers for consumption or use.'

The Commission agreed with the suggested revision.

On page 22 of 32, the Commission asked questions of Director Webster and;

- Commissioner Doyle questioned the use of the word, 'designation' at the end of the definition of "Overlay district".

Director Webster responded that the word, 'designation' could be eliminated.

The Commission agreed with the revision as stated by Director Webster.

On pages 23 and 24 of 32, the Commission asked questions of Director Webster and;

- Commissioner Doyle expressed a concern with the way the definition of, “Residential Uses, Permanent” was written due to the potential for it to be used to say that short-term rentals are not allowed.

The Commission agreed to revise the definition of, “Residential Uses, Permanent” as follows, ‘Permanent residential uses include the occupancy of living accommodations on a 30-day or longer basis; and similar uses as determined by the Planning Commission.’

In response to a question raised by Commissioner M. Jacob, Director Webster commented that a reference to the definition of “Hotel” could be added to the end of the, “Residential Uses, Transient” definition.

- Chair Kelley commented that adding that reference, as suggested by Director Webster, may result in people assuming that hotels are a transient residential use, which they are not.

In response to a question raised by Chair Kelley, the Commission agreed to revise the definition of, “Residential Uses, Semi-Transient” as follows, ‘Semi-transient residential uses include the occupancy of living accommodations partly on a weekly or longer basis and partly for a shorter time period, [but with less than 30 percent of the living units]; and similar uses as determined by the Planning Commission.

- Commissioner Fernandez suggested that examples of semi-transient and transient uses be provided.
- Commissioner Doyle cautioned regarding redundancy and inconsistency between the various definitions.

Director Webster agreed that adding examples of semi-transient and transient uses would be useful.

- Commissioner Doyle suggested that definitions of identified uses simply serve as a reference to the overriding definition, for example, ‘See “Residential Uses, Transient” in order to eliminate redundancy and inconsistency.

It was the consensus of the Commission to include examples of covered uses under, “Residential Uses, Semi-Transient,” and “Residential Uses, Transient”.

In addition, it was the consensus of the Commission to include references to the overriding definition, under the definition of each specified use.

- Commissioner Doyle suggested that a new reference for, “Residential Use, Hotel,” See “Hotel,” should be added if hotels do not fit as a residential semi-transient or residential, transient use.
- Commissioner M. Jacob noted inconsistencies with the way things are written now, and commented that consistency in terms of population and the duration should be paid close attention to when making the agreed upon revisions.

Director Webster concurred with Commissioner M. Jacob.

The Commission agreed to revise the definition of, “Residential Uses, Transient” as follows, ‘Transient residential uses include the occupancy of living accommodations primarily on an overnight or less-than-weekly basis, such as bed and breakfast inns, and similar uses as determined by the Planning Commission.’

On page 25 of 32;

Director Webster commented that, at some point in the future, it would make sense to remove sign and antenna-related definitions from the, ‘Definitions’ section in order to focus them within the ordinances in which they apply.

On page 29 of 32, the Commission asked questions of Director Webster and;

- Vice Chair Fritz referred to the definition of, “Transient” and noted that it was formatted in a way similar to that which had been previously discussed by the Commission.
- The Commission noted that it may be appropriate to strike the definition of, “Transient” in light of the changes to “Residential Uses, Semi-Transient,” and “Residential Uses, Transient” as discussed.

Director Webster commented that that would need to be crosschecked with the changes discussed for “Residential Uses, Semi-Transient,” and “Residential Uses, Transient”.

The Commission concurred.

- In response to a question raised by Chair Kelley, the Commission agreed to move, ‘Such uses may also include accessory uses such as beauty and barbershops, restaurants, florists, and small shops’ from the definition of, “Transient” to the definition of, “Hotel”.
- Vice Chair Fritz commented that references to, ‘transient’ and ‘semi-transient’ in the tables should be changed to, ‘residential, transient’ and ‘residential, semi-transient’.

Director Webster concurred.

Hearing nothing further on the, ‘Definitions’ section, Chair Kelley asked to hear from the Commission on the ‘Districts’ section.

As a general comment;

- Commissioner M. Jacob pointed out and expressed frustration over the following;
- The definitions are not listed in alphabetical order.
- The designations are not consistent with the description (i.e. Downtown Core is ‘CD’ rather than ‘DC’).
- Asked if changing that was something that the Commission wanted to work towards changing.

Director Webster agreed with the sentiment and responded that those issues are something that should be looked into at a later date.

On page 9 of 98, the Commission asked questions of Director Webster and;

- Commissioner Douch commented that a minimum lot area for mobile home parks seems huge.

On page 11 of 98;

- Commissioner Doyle referred to the minimum and maximum residential densities shown for RM-M.
- Commissioner Doyle commented that he had previously suggested, and the Commission had agreed, to change the minimum residential density for, 'RM-M' from, '1 DU/4,000 sf lot area' to, '1 DU/5,800 sf lot area'.
- Director Webster commented that that may have been his oversight.
- Commissioner Doyle commented that he was okay with a minimum of 1 DU/5,000 sf lot area and suggested changing the maximum residential density for RM-M to, '1 DU/2,500 sf lot area'. He noted that this change would be consistent with the General Plan's mandate to increase densities.

Director Webster and the Commission agreed with the suggested revision.

The Commission agreed.

On page 17 of 98, the Commission asked questions of Director Webster and;

- Vice Chair Fritz recalled that the Commission agreed to strike, 'Florists within the area bounded by Laguna Park Way, Morris St., Sebastopol Ave., and Petaluma Ave.' at their last meeting because it was specific for The Barlow and florists are allowed elsewhere as a retail use.

Director Webster and the Commission concurred.

- Director Webster noted that there is a policy in the General Plan that anticipates that The Barlow will get some kind of different zoning treatment than the rest of the industrial zone.

In response to a question raised by Commissioner Douch, the Commission agreed to allow, 'Restaurant, fast-food' to remain as a conditional use.

In response to a question raised by Commissioner Douch, via a straw poll, the consensus of the Commission was to strike, 'Automotive gas or fueling station' as a conditionally permitted use, effectively disallowing them, in the 'CD' district.

- Commissioner Doyle commented that his issue with disallowing gas or fueling stations in the downtown is that there is pretty much no place where they would be allowed, outside of the downtown, because they cannot abut residential.
- Vice Chair Fritz commented that an 'Automotive gas or fueling station' could be a conditionally permitted use in the, 'M' and 'O/LM' districts.
- Commissioner Doyle commented that automotive gas or fueling stations should be located along the main corridor near the edge of town.

The Commission agreed to allow, 'Automotive gas or fueling station' as a conditionally permitted use in the, 'M' and 'O/LM' districts.

- Vice Chair Fritz commented that he would not want to see an automotive gas or fueling station in The Barlow.

In response to a letter submitted by Ms. Corinne Anderson, DVM, the Commission discussed allowing veterinary offices in the 'O, Office' district.

The Commission agreed to allow veterinary offices in the 'O, Office' district as a conditionally permitted use as long as there are no long-term kennel or outside facilities.

- Commissioner Doyle commented that a definition of the use, "Veterinarian" should be added.
- Commissioner Douch commented that 'Veterinary offices (no long-term kennel or outside facilities)' should be added to the list of "Office" uses on pages 21 and 22 of 32 in the 'Definitions' section.

Director Webster commented that the Chair may want to reopen the public comment period to see if anyone wished to comment on the matter of allowing veterinary uses in the 'O' district.

Hearing no public comment, the Commission resumed their discussion.

- Director Webster surmised that there was a consensus for creating a new definition of veterinary office use with no exterior activities and making them a conditional use in the 'O' district as well as other, comparable districts.

The Commission agreed.

- Commissioner Douch commented that, 'Exercise facilities' should be conditionally permitted in the, 'O' and 'CO' districts.
- Commissioner Doyle commented that, 'Exercise facilities' should be conditionally permitted in the, 'CN' district as well.

Director Webster and the Commission agreed.

On page 18 of 98, the Commission asked questions of Director Webster and;

- Commissioner Douch commented that, 'Artist work studios and arts-related fabrication' seems overly restrictive and suggested that they be allowed as a conditionally permitted use in the, 'O', 'CN', 'CO', 'CG', 'CD', and 'CH' districts.
- Commissioner M. Jacob commented that, 'Research and development' is only permitted in 'O/LM' and commented that that may be overly restrictive.

- Commissioner Douch agreed and commented that, 'Research and development' should be conditionally permitted in the, 'CH', and 'M' districts.

The Commission and Director Webster concurred.

- Commissioner R. Jacob suggested that, 'Laboratories' may be an appropriate use in the, 'O' district.
- Commissioner Douch agreed and commented that, 'Laboratories' should be allowed as a conditionally permitted use in the, 'O' and 'CH' districts.

The Commission concurred.

- Commissioner Douch commented that, 'Warehouse, wholesaling and distribution' should be allowed in the, 'CH' district.

Director Webster agreed and commented that, 'Warehouse, wholesaling and distribution' could be a conditionally permitted use in the, 'CH' district.

The Commission agreed.

- Commissioner Douch commented that, 'Wineries, distilleries, and brewing facilities' should be a conditionally permitted use in the, 'CH' district as well.

The Commission and Director Webster agreed.

- Commissioner M. Jacob commented that, 'Parking facilities' should be conditionally permitted in the, 'O/LM' district as well.

The Commission and Director Webster agreed.

On page 19 of 98;

- Commissioner Doyle noted that uses such as, 'Homeless shelter' would not need to be listed individually if they are identified under, 'Residential, transient' or, 'Residential, semi-transient'.

Director Webster concurred.

On page 24 of 98;

- Commissioner Doyle suggested that, 'Municipal Parking, Public' be added to Table 17.30-1 as a permitted use.

Director Webster and the Commission agreed.

On page 85 of 98, Chair Kelley asked a question of Director Webster.

The Commission concluded their discussion of the, 'Districts' section.

Chair Kelley adjourned the meeting at 9:05 p.m. for a brief break.

Chair Kelley resumed the meeting at 9:10 p.m.

Chair Kelley asked to hear from the Commission on the, 'Regulations' section.

The Commission asked questions of Director Webster.

As a general comment;

- Commissioner Doyle commented that this section includes a lot of content and is likely full of issues appropriate for discussion at a later time.
- Commissioner Doyle expressed being comfortable with the, 'Regulations' section for this phase of their review.

Director Webster responded in the affirmative.

The Commission asked procedural questions of Director Webster.

On page 40 of 167, Commissioner M. Jacob asked a question of Director Webster.

On page 47 of 167, Vice Chair Fritz asked a question of Director Webster.

- Commissioner Doyle noted that in-depth discussion of parking has been deferred.

Director Webster concurred.

- Chair Kelley noted that in-depth discussion of inclusionary has been deferred.

Director Webster concurred.

Commissioner Douch made a motion to approve the resolution recommending that the City Council adopt the Zoning Ordinance amendments as revised by the Commission.

Vice Chair Fritz seconded the motion.

Commissioner Doyle asked for discussion of the motion.

The Commission asked questions of Director Webster.

The Commission voted on the motion as follows:

AYES:	Chair Kelley, Vice Chair Fritz, and Commissioners Fernandez, R. Jacob, Doyle, Douch and M. Jacob
NOES:	None
ABSTAIN:	None

In response to a question raised by Chair Kelley, Commissioner Doyle commented that the staff report includes a good list of deferred topics.

The Commission asked additional questions of Director Webster.

9. WRITTEN COMMUNICATIONS: There were none.

10. ADJOURNMENT: Chair Kelley adjourned the meeting at 9:19 p.m. to the next regular meeting of the Commission. The meeting will be held on Tuesday, March 28, 2017 at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472.

Respectfully Submitted By:

Kenyon Webster
Planning Director