

*City Council Meeting Minutes of March 2, 2021*

CITY COUNCIL MEETING MINUTES

MINUTES FOR Meeting of March 2, 2021

As Approved by the City Council at their regular meeting of March 16, 2021.

The public is advised that pursuant to Government Code Section 54957.5 all writings submitted to the City Council are public records and will be made available for review.

Please note that minutes are not verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting. City Council video recording are kept for a period of one year from date of meeting.

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Notice: All resolutions and ordinances introduced and/or adopted under this agenda are waived of all reading of entire resolution(s) and ordinance(s).

The Sebastopol City Council welcomes you to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

SIMULTANEOUS MEETING COMPENSATION DISCLOSURE (Government Code § 54952.3): Members of the City Council receive no additional compensation as a result of convening a joint meeting of the City Council and Successor Agency to the Former Community Development Agency.

SB 751 Legislative bodies of local agencies must publicly report: (1) any action taken and (2) the vote or abstention on each action taken by each member present for the action at a meeting.

\*\*\*\*[GOVERNOR'S EXECUTIVE ORDER N-29-20](#)\*\*\*\*

\*\*RE CORONAVIRUS COVID-19\*\*

CITY COUNCL MEETINGS WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT.

*This meeting complies with the Sonoma County Health Officer's COVID-19 Order to Shelter in Place issued on March 17, 2020, and pursuant to California Governor Newsom's Executive Order N-29-20 issued on March 17, 2020.*

Government Code Section 54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

CORONAVIRUS DISEASE (COVID-19) ADVISORY

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To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Sonoma's Public Health Officer Order for the Control of COVID-19 restricting group events and gatherings and maintaining social distancing.

Consistent with Executive Order N-29-20, in-person participation by the public will not be permitted and no physical location from which the public may observe the meeting will be available. Remote public participation information is available on the City website.

NOTICE: All Resolutions and Ordinances introduced and/or adopted under this agenda are waived of all reading of entire resolution(s) and ordinance(s).

The Sebastopol City Council welcomes you remotely to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

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City Council Regular Meetings are available in real time and archived on Livestream. Important Notice The City of Sebastopol shows both live broadcasts and Video Archive of City Council Meetings over the Internet. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice.

Here is the link: <http://bit.ly/sebcctv>

*There are times that the meetings may not be live streamed due to technical issues; if that is the case, the meeting will be video-taped and uploaded as soon as possible to the City Web Site.*

*Anyone using abusive, vulgar, offensive, threatening, or harassing language, personal attacks of any kind or offensive terms that target specific individuals or groups will be muted and removed from the meeting.*

### **6:00 pm                      Convene Regular City Council Meeting (ZOOM VIRTUAL FORMAT)**

**CALL TO ORDER:** Mayor Glass called the regular meeting to order at 6:03 p.m.

#### **ROLL CALL:**

Present: Mayor Una Glass – By video teleconference  
Vice Mayor Sarah Glade Gurney – By video teleconference  
Councilmember Neysa Hinton – By video teleconference  
Councilmember Diana Rich – By video teleconference  
Councilmember Patrick Slayter – By video teleconference

Absent: None

Staff: City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley  
Administrative Services Director Ana Kwong  
City Engineer Joe Gaffney  
Fire Chief Bill Braga  
Planning Director Kari Svanstrom  
Police Chief Kevin Kilgore  
Public Works Superintendent Dante Del Prete

**SALUTE TO THE FLAG:** Mayor Glass led the salute to the flag.

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Mayor Glass read protocols for the meeting.

### **PROCLAMATIONS/PRESENTATIONS:**

The following were presented:

- Proclamation Proclaiming March 5-6, 2021 as National Day (24 Hours) of Unplugging
- Proclamation Recognizing March 15-21, 2021 as National Surveyor's Week
- Proclamation Proclaiming March 31, 2021 as Equal Pay Day
- Introduction and Ceremonial Swearing in of Police Chief, Kevin Kilgore.

City Manager McLaughlin commented as follows:

- Mayor and Council and community, it's my pleasure this evening to present to you our new Police Chief, Kevin Kilgore for a ceremonial swearing-in and introduction to the community.
- It looks to me from scanning the seven zoom screens that I have open right now, that there's colleagues, friends, and family here for the ceremony and I'm glad to see that.
- We're very pleased to have Mr. Kilgore as our new Police Chief.
- I invite the community to look at his resume, which has been up on our website for several weeks.
- Mr. Kilgore brings with him 24 years of law enforcement experience to our community.
- Most recently with the University of California Los Angeles Police Department.
- It is a very impressive resume of classes and courses that he teaches and other things that he will be bringing to our community.
- I can tell you from personal experience that Mr. Kilgore has hit the ground running.
- We've had several meetings already and he has barely found his way to his office.
- I'm very happy to present to you for a ceremonial swearing-in this evening our new Police Chief, Kevin Kilgore.

Mayor Glass commented as follows:

- I would like to make a few remarks prior to us swearing in Chief Kilgore.
- I bet Chief Kilgore is pretty excited about hearing the word Chief since I'm sure this has been a lifelong aspiration of yours to become a Police Chief.
- We are very pleased about the hiring of Mr. Kilgore.
- We went through an extensive process of interviewing applicants.
- We included review with other law enforcement professionals.
- We included community members in the process.
- Mr. Kilgore was chosen by so many people, both professionals and community members as their first choice.
- He is an outstanding individual, and we are very happy to be welcoming him into our community.
- He is committed to community policing, law enforcement with integrity, and using an inclusive and inquisitive approach to solving problems in our community.
- He seems to be the right person for our community to look to solving law enforcement issues in partnership with other kinds of professionals so that we can really promote the safety, wellness, and well-being of our community as a whole.
- I can't say how pleased I am that he is joining our team.
- I also want to let the community out there know that we are going to be providing a meet-and-greet opportunity with Chief Kilgore.

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- He is going to be doing that with the community undoubtedly via Zoom and in a safe environment so that members of the public can get to know him and ask questions, and so he can respond to people's questions about law enforcement in our community.
- As many may know, we're going through the process now where we have just hired our new Chief of Police.
- After Chief Kilgore gets to know our community, we will be having a report on an evaluation of our internal policies and procedures.
- After that we will be having a community process to engage the public with the findings of a report that's being put together.
- After that the City Council will be looking at all this information in consultation with Chief Kilgore, staff, and the Council to ensure that we have the best practices and the most innovative thinking about how to make our community safe and to have excellence in law enforcement.

City Clerk Gourley swore in Chief Kilgore.

Chief Kilgore commented as follows:

- I know that the community would like to have time to speak with me, and we will make sure that that time is available.
- I just want to thank everybody who was able to attend this evening.
- I greatly appreciate all the folks that have taken the time out of their schedules to be here.
- There are a lot of people in here who have supported me through the years.
- I didn't get here on my own.
- I got here because of all the people that you see and more that couldn't attend today.
- I thank you for all the support, all the encouragement.
- I look forward to being a part of this community, to leading this Police Department, to being an active member and leader within the City, within the community, and within the county.
- I thank all of you for being here to support me and our department as we move forward in this unprecedented time.
- I look forward to interacting with all of you in person when that time gets around.
- Thank you all, and thank you to City Manager McLaughlin, Assistant City Manager Gourley, Mayor Glass, Vice Mayor Gurney, and all of the Councilmembers for your support and for trusting me with the confidence to lead this department.

**Reference Number: 2021-039**

**PUBLIC COMMENT** (for items not on the agenda).

Written Public Comment Received: David Cary

Mayor Glass opened for public comment for items not on the agenda.

Katie Davis commented as follows:

- I am the Director at the Sebastopol Area Senior Center.
- It's great to see all these beautiful faces welcoming Chief Kilgore.
- I had a bit of an opportunity to meet with him today, to get to know him a little bit better.
- I have a lot of confidence in you.
- Congratulations again.
- This is my bi-monthly reminder that while our building is closed, we are still very busy providing lots of services and classes.

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- Even if you may not be interested, maybe a family member, a neighbor, or someone in your circle could use a little extra support right now.
- We're doing meal deliveries for seniors, about 800 a week. We're doing phone buddy calls.
- People who are isolated, or don't necessarily have someone to check in on them regularly, we can pair a volunteer with them.
- They can get a friendly check-in call.
- We're doing rides for seniors who need to go to doctor appointments, and grocery shopping.
- On top of all that, we've got a great lineup of virtual classes this spring as well including Rumi's Caravan.
- I welcome you all to look at our website.
- We've got a talk on cannabis for seniors.
- A bingo fundraiser with some of the Sisters of Perpetual Indulgence.
- I hope that you guys all check it out and go to our website at [www.sebastopolseiorcenter.org](http://www.sebastopolseiorcenter.org), or give us a call.

Renee commented as follows:

- I would like to speak about the proposed Woodmark Apartment development at 7716 and 7760 Bodega Avenue.
- The developer out of Eagle, Idaho, is proposing Woodmark as an affordable housing project.
- These two small apple orchards are on the north side of Bodega Avenue across from Robinson Road, one-half mile west of downtown.
- As everyone knows, the traffic on Bodega Avenue gets very congested at peak hours of the day, especially eastbound and on weekends.
- There is a joke, which is not really funny, that it takes longer to get through the traffic light at Bodega Avenue and Main Street than it does to get all the way to Santa Rosa, which is seven miles from downtown Sebastopol.
- My fear is that Sebastopol could become like Half Moon Bay in the summer and fall where you are stuck in traffic all the way to the coast on Highway 92 and it takes over an hour to go five miles.
- This project is proposed to have 84 units, almost the maximum density for its size on approximately 3.59 acres with 152 uncovered parking spaces.
- I live next door in townhomes called Bears Meadow.
- We have 27 units on 2 acres with a 1-car garage and outdoor space per unit.
- I find it hard to imagine 84 units on 3.6 acres with 152 uncovered parking spaces.
- It sounds as congested as the traffic will be.
- Bears Meadow shares a driveway with 7716 Bodega Avenue.
- It is the larger of the two apple orchards in question.
- We have solely maintained this easement including paving, landscaping, striping, signage, and building the retaining wall.
- We have shared it with one resident in the house at 7716 whose driveway slopes down and merges with ours to enter and leave the property.
- This project would add 200 plus cars using that driveway.
- There will be more than 152 cars there.
- The other cars will have to park in the neighborhood.
- Using that driveway to enter and leave onto Bodega Avenue, we can barely get out of the driveway to turn left now. We often have to turn right, go west, and turn right on Nelson and

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travel downtown through the side streets, which include two schools, one elementary school, and one junior high.

- With 200 more cars using that driveway, I would truly fear for my life.
- Most of our complex is seniors and, in an emergency, people would be trapped in the driveway.
- It took over an hour to get to Highway 101 when we had to evacuate at 4:00 A.M. in 2018 for the fire that they thought was going to come through to Bodega Bay.
- Out of that driveway easement, this creates an unlivable situation.

Jack Piccinini commented as follows:

- First of all, congratulations to Chief Kilgore and welcome.
- I'm before the Council tonight to request that high budget priority or consideration be given in the upcoming budget specifically for road repairs, and even more specifically to Bodega Avenue from the fire station to the western city limits.
- The current road condition presents, in my opinion, a severe safety hazard to bicyclists as we come down that road.
- It has ruts and potholes.
- It also is beginning to present a safety hazard to the residents not on Bodega Avenue because a number of us are starting to get really tired of using that rough road.
- We're driving through on the surface streets through the basic neighborhoods.
- It also presents a safety issue to our vehicles and begins to create damage or unnecessary maintenance to our vehicles.
- I know what you're going to say, one of the things you're going to tell me is that it's out for design for a complete proper repair.
- By the time you get the design and by the time you find funding to make the proper repairs, we're probably talking a minimum of five years.
- That road just doesn't have five years left in it.
- We're probably very, very fortunate that we have not seen the rains because otherwise that road would just deteriorate.
- Again, we would see significant increases in potholes and other issues.
- Bodega Avenue just does not have five years left in it.
- I think a short term repair or maintenance project is in order.
- Patch paving or slurry sealing is something that can be done without a huge expense and will not trigger ADA or other road construction standards.
- I think it is really what is necessary to make those repairs in order.
- I also know that you'll tell me that you just don't have the money, which, if I had more time, I would challenge you on that a little bit so I'll just leave that.
- In conclusion, I'm asking for the sake of pedestrian safety, bicycle and automotive safety, and to prevent damage to our vehicles, that you give priority to appropriating funds in the budget for a major maintenance project necessary to improve the road condition and safety.
- Again, we don't have five years left on Bodega Avenue.

Jacque commented as follows:

- I sent an email today to you, and it should've gone to the City Council.
- I guess I was in a rush because I left a whole paragraph off of it.
- What I'm addressing is stemming off of what Janice presented at the last meeting regarding the traffic congestion that the Woodmark project would cause.

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- From the traffic congestion that has to do with the density of apartments that would be proposed by Woodmark.
- We have no idea what they're going to come up with for their next proposal.
- Going off what we know so far, living at 7720 Bears Meadow, which is named after the Garloff's who owned both this property, and the one next door that's for sale.
- There are 27 units on our property.
- That's at the low end of the range of density that's allowed for this high-density corridor.
- We have about 13 and 14 units per acre.
- The Woodmark proposal is at the high end with 25 units or apartments per acre.
- What I didn't include is that if we could in any way reduce that number to somewhere in the middle like 16 or 18 units, that would mean that we would have 25 to 35% less cars on the road.
- That's the linkage with the traffic issue.
- I don't know if that could be done, but that's the range that we should be looking at for this property.
- All of us here at Bears Meadow are concerned because we share 388 feet of property line with them in addition to the easement to get on and off the property in addition to the retaining wall, half of which is theirs and half of which is ours.
- David Hogan has said that that's not a problem.
- They would simply take their half off.
- We would need that anyway to have visual safety.

Linda Collins commented as follows:

- First off, welcome Chief Kilgore to our community.
- I think you will be a great addition.
- We are having our first web meeting on March 10th at noon.
- You can find all the detailed information in the next couple days on our website.
- It's for members that want to know more about what their membership includes and how to navigate it.
- We're hoping that you'll take an opportunity to do that.
- The other item that we have March 22nd through March 27th is a silent auction.
- You can also check that out on our website, I will have it populated in the next week or so.
- One of the reasons that I wanted to speak tonight is there were a few of us that went around town and introduced ourselves or reacquainted ourselves with some of our businesses.
- I did more of the north end of town, even outside city limits.
- Our sole purpose, I believe was, to touch base and find out where they were at with some information that the City of Sebastopol puts out.
- How are they doing moving forward with the pandemic?
- I wanted to bring this to the attention of the City. Some of the things that they mentioned were on the Façade Improvement Program and if there was a way that they could be funded at the beginning of the program after their project has been approved instead of waiting.
- People are really strapped for funds right now.
- The other thing that we're seeing in some other areas of California is that these cities are waiving the business license fee and/or severely slashing the permit fees for businesses for the year 2021.
- It would be great if our City could assist businesses by doing this.
- However, I do know that the SDA is funded from business license fees.
- We'd have to work out how that could be mitigated.

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- We are going to be looking to the City to see if they can assist our town in doing some marketing for the whole town.
- We think that that's what some of our businesses have portrayed to us as important to them.
- I just wanted to bring up there's been some talk about CoMission.
- I think given the direction that they were given at the onset, I think they did a great job.
- They helped with the micro loan program, and PPE.
- They put the executive directors together, non-profits together, and service clubs together.
- They did Sip, Shop, Savor, Safe Sebastopol.

Kat commented as follows:

- I am on the board of the Sebastopol Downtown Association and was part of the canvassing of the businesses in the district last week with a questionnaire.
- We have put together a summary of recommendations based on the canvassing.
- We've categorized them.
- One of them is to make Sebastopol welcoming.
- We are looking at the idea of replacing city limit welcome signs with newly improved signs.
- To power wash sidewalks once a year in the business district, and to invest in and install decorative lighting for each season of the year for the business district.
- To rehab/paint the gazebo in the city plaza and invest in new park benches and power washers.
- We're looking at spring cleaning.
- The idea of advertising for the city.
- Another area which is involved in making Sebastopol more welcoming is keeping it clean.
- To enhance the area by replacing garbage receptacles and plants and making paints available to keep the plaza square restrooms clean, to keep trash receptacles clean on all streets, and to clean out trash from the homeless encampments, and to update the receptacles.

Rei Blaser commented as follows:

- Good evening to the Council and welcome Chief Kilgore to the city.
- I'm the current president of the Sebastopol Downtown Association.
- We canvassed over 50 businesses going to the north/south/east, and downtown area.
- Spoke with business owners and a couple of non-profits to get a feel for how they are doing, and what they would like to see more of.
- I want to second what Linda said. If there's a way to ease permit licensing fees for businesses and then to look at how to mitigate funding for the Downtown Association so that we don't lose our annual revenue, or the monies that come to support the Downtown Association through the business licensing costs.
- Secondly, some businesses voiced a need to have a 4-1-1 for businesses to call and ask questions and to navigate financial resources available to them.
- The Chamber could be that resource for the businesses.
- We heard from businesses saying that they don't feel that Sebastopol has an easy path for starting a business. They feel that the path is a bit cumbersome.
- How can the City look at changing that for them?
- Again, many thoughts about the Façade Improvement Program, making it less cumbersome as well.
- There were several businesses that would like to improve their signage or paint, but they do not want to put that full amount of investment up front.

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- They would rather have the City put up the money that they are offering and then ask of the businesses to provide receipts after they do the work to show that they invested that money as stated.
- Many of the businesses had not heard of or been reached out to by CoMission.
- It was pretty surprising.
- I will be bringing those thoughts further to next week's study session regarding CoMission.
- I shared the list to the Council and to staff via email just before the meeting tonight so you can reference everything that Linda and the SDA members are speaking to here.

Jill McLewis commented as follows:

- As part of the Sebastopol Downtown Association, we canvassed over 50 businesses.
- I have to say the one thing that was consistent among all the businesses was gratitude for our reaching out to them.
- They said this was the first time that anyone has personally reached out to them to ask them how things are going with their businesses.
- We all had the same questions.
- I covered the south side of town, and then we also fielded a number of emails from businesses in the downtown area.
- A couple of the things, to reiterate here, one of them was to keep Sebastopol clean.
- One thought was that there are some trash receptacles that are updated to the triple containers.
- They were wondering if we could update all of them for a number of reasons, for the aesthetic side of it, and also for the recycling.
- They said that they felt like the trash receptacles needed to be kept a bit cleaner on the streets and that some of them find that they have to clean up after the homeless trash.
- Some even mentioned feces that they've had issues with.
- Another question has been the parklets.
- I know there's a lot of discussion surrounding those, the pros, the cons.
- There are some businesses that really like them and hope that perhaps, looking into the future, that we can consider keeping them.
- I can say that there are also people who said that it does not help their business.
- I think it's going to warrant a bigger discussion.
- I think that there are some people who feel very passionately about them.
- It's helped them expand their square footage and keep them alive right now.
- They also said if they knew that they were going to stay, they would invest more money into making them look nicer.
- They also wanted to know about quarterly power washing of all the sidewalks, I believe we do it yearly now.
- That was one of the things that came up.
- They are looking forward to getting out of this pandemic.
- They wanted to know if the City could create incentives for new businesses by covering the first year business license, which was mentioned, but also to attract new businesses by creating micro loans for new businesses and grants for existing businesses, just like the City does for non-profits now.
- Instead of reinvesting in consultants, can we reinvest in our community by creating a grant program for businesses?
- Despite all the Federal help, there is still a lot of need out there.

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- If that happens, they ask that that be communicated better because they said they've heard so much about Santa Rosa grants but not a lot from here.

Kyle Falbo commented as follows:

- The third guiding principle of Sebastopol's General Plan is improve traffic conditions in downtown through reduced congestion, reduced speeds, and expanded facilities for bicycles and pedestrians.
- As part of Circulation Goal 1, to provide a transportation system that promotes the use of alternative to the single occupant vehicle, we see policy related to bicycle use.
- Policy 1-3 states that a safety network of pedestrian and bicycle facilities as being more important than accommodating vehicular circulation.
- I can go further but it should be clear that bicycle and pedestrian networks are fundamental to the General Plan of Sebastopol.
- The word bicycle being mentioned a total of 106 times within the document.
- As I continue to research a proposed housing development on Bodega Avenue, a road that is in critical need of both maintenance and repair and upgrade to accommodate both pedestrian and vehicular traffic, I find municipal code 17.110.030 the schedule of off-street parking space requirements.
- As it is currently written, it does not seem to reflect our community values of nonvehicular focused housing that resonates within the General Plan.
- The proposed Bodega development consists of 84 units and will require approximately 150 parking spaces.
- That does not suggest housing that is either pedestrian or bicycle focused.
- Across the country municipalities are recognizing that existing parking requirements that promote one vehicle per person are a self-fulfilling prophecy.
- With the changing dynamics and deemphasis in vehicular-centric housing it's likely time to change the municipal code to one that accurately reflects our values as a community.
- Any development on a transit line or a bicycle network such as Bodega Avenue should by default have a reduced amount of allowable parking spaces.
- I encourage this Council to explore these options as they move forward, hopefully before some developer submits an application bypassing the City of Sebastopol's authority, a development, and we have nothing to do at that point.

Eileen Morabito commented as follows:

- I came tonight because I just learned about a Sebastopol resident who passed away.
- I wanted to honor her, and I thought maybe you might want to, too.
- Her name is Susie Rick Emblem Richters Meyer and she's known as, "sack lunch Susie."
- Today is her birthday.
- She passed away in early December.
- Susie provided lunch for people down in the plaza two days a week for several years.
- She picked up the days that the churches, or at least one of the days that the churches weren't serving lunch.
- Susie was such a sweetheart.
- She lived over in Park Village.
- She was so dedicated to the people down in the plaza that needed something to eat and just needed somebody to be nice to them.
- She was just lovely.

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- She died way too young.
- I just wanted to honor her here tonight.

Mayor Glass commented as follows:

- I just wanted to ask our City Manager/Attorney McLaughlin if he could provide clarification about the proposed development on Bodega Avenue, and if he could say anything to the public about what the restrictions are on our City's jurisdiction regarding that project since there are a number of state laws that have changed and that are restricting our jurisdiction as a municipality because it is a 100% affordable project.

Councilmember Slayter commented:

- Just to make sure that Councilmember Hinton and I are still in conformance with the Brown Act he questioned if they would need to recuse ourselves from the meeting.

City Manager/Attorney McLaughlin commented as follows:

- This is just informational.
- Conflict of interest laws are so broad that even a few comments could potentially create a Brown Act violation.
- I can't, unfortunately, say very much on this topic this evening.
- Any comments at all this evening on this issue would require Councilmembers Slayter and Hinton to check out of the meeting for a few minutes.

Councilmember Slayter and Councilmember Hinton both indicated that if this issue was discussed there would be a 500-foot radius proximity conflict and departed the meeting.

City Manager/Attorney McLaughlin commented as follows:

- I might have to be a little bit cautious in my comments.
- What I can say to the public is we take our responsibilities with respect to this project very, very seriously.
- We have had outside legal counsel assisting the City from day one to make sure that this project gets a proper assessment and that we can exercise all possible municipal powers.
- The extent of our discretion, unfortunately, remains unclear right now.
- We do not have a final application from them.
- We have an indication where it's going.
- There have been a lot of discussions about that.
- It's all tentative because we do not have their final application in yet.
- I'm trying to assure the public that we have heard each and every one of your comments.
- We heard them this evening.
- We have heard them before.
- They are staff's comments as well.
- There are things that are important for us to make sure that we review under what is allowed by law.
- Affordable housing projects of certain descriptions can get an accelerated and diminished approval process.
- That's just the way the laws are written to help support provision of affordable housing.
- Exactly where this project falls in that scenario, however, is still unclear.

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- That's why we're awaiting the final application, and that's why we have invested in having assistance where needed from land use experts so we make sure that we give this project all the scrutiny that it should get.
- It is still premature.

Councilmember Slayter and Councilmember Hinton returned to the meeting.

### **STATEMENTS OF CONFLICTS OF INTEREST BY MAYOR/CITY COUNCILMEMBERS FOR ITEMS ON THE AGENDA**

Councilmember Slayter stated he had a conflict with Item Number 8 and would recuse himself from the meeting.

#### **CONSENT CALENDAR ITEM(S):**

Mayor Glass read the consent calendar.

Mayor Glass questioned if any Councilmember(s) wanted to remove any item(s) from the consent calendar.

Mayor Glass asked for any public comment on the consent calendar items.

David Cary commented as follows:

- I'm commenting to recommend that you take item number 3 off the consent calendar.
- I support the direction that that is going, but I do have some concerns about the proposed contract that Granicus has offered.
- I have detailed several of those concerns in written public comment that I submitted.
- I don't think it accurately protects the City or the public, both in terms of Granicus possibly claiming copyright or other IP rights over the documents that it would be creating and publishing, the privacy of people who visit its website, whether it provides information in a way that can be adequately automated, subject to automated analysis that the City may be buying into a vendor lock-in because it can't export data if it wants to switch vendors.
- Among other things, the City's essentially writing an insurance policy for Granicus in case it's subjected to a strike, under the contract Granicus is not required, if subjected to a strike, to provide the services, but Sebastopol is still required to pay them.
- That is a very one-sided contract, and I think that if you're going to pass this ordinance, then you should make sure that first you're getting a fair contract with the vendor, perhaps Granicus but not the one that is here.
- Thank you.

Assistant City Manager/City Clerk Gourley commented as follows:

- There are many cities that have gone to electronic filing and many use Granicus.
- I have responded to a public records request from Mr. Cary on the contract as well as a list of cities that are using Granicus.
- As with every consultant, they will be required to provide the insurance that we require naming the City of Sebastopol as additionally insured.
- As far as the strike question, the City Attorney would be able to address that.
- This system is what the State of California uses.

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- All forms are submitted to them.
- They will be redacting any required personal information.
- Filers would be going through the City's website to access Granicus.
- People would not be filing directly with Granicus.
- It is similar to our Springbrook program where people access payment of water bills and business licenses.
- They would go through our security, and we have IT who makes sure we have the correct firewall and handles cybersecurity.
- I personally feel very confident with Granicus.
- Other cities have spoken highly of them.
- The only question I have is the strike question.
- I would assume that if they are not providing the services that we would not pay them.

City Manager/Attorney McLaughlin commented as follows:

- Typically, where one side to a contract is no longer obligated to perform because of things beyond their control, strikes being one of them, other things can happen that are beyond a contractor's control, they are relieved of the obligation of fulfilling the contract under a doctrine of impossibility.
- They can't do it so they're relieved of it.
- The typical contract does not provide for payment to that party when they are no longer able to perform.
- It simply relieves them of the obligation of the actual performance.

Mayor Glass called for a motion.

**MOTION:**

Councilmember Slayter moved and Councilmember Rich seconded the motion to approve Consent Calendar Item(s) Number(s) 1, 2, 3, 4, 5, and 6.

Mayor Glass called for a roll call vote. City staff conducted a roll call vote.

**VOTE:**

Ayes: Councilmembers Hinton, Rich, Slayter, Vice Mayor Gurney and Mayor Glass  
Noes: None  
Absent: None  
Abstain: None

1. Approval of Minutes of the City Council Meeting of February 16, 2021 (Responsible Department: City Administration)

**City Council Action: Approved Minutes of the City Council Meeting of February 16, 2021**

**Minute Order Number: 2021-040**

2. Approval of Revised Records Retention Schedule/Destruction Management Policy for the City of Sebastopol (Responsible Department: City Administration)

**City Council Action: Approved Revised Records Retention Schedule/Destruction Management Policy for the City of Sebastopol**

**Minute Order Number: 2021-041**

**Resolution Number: 6329-2021**

3. Approval of Ordinance Number 1132 - An Ordinance of the City Council of the City of Sebastopol Adding Chapter 2.10 (Electronic Filing of Campaign Finance Disclosure and Statements of Economic Interests) to Title 2 (Administration and Personnel) of the City of Sebastopol Municipal

Code Relating to Electronic Filing of Campaign Statements and Statements of Economic Interests  
(Responsible Department: City Clerk)

**City Council Action: Approved Ordinance Number 1132 - An Ordinance of the City Council of the City of Sebastopol Adding Chapter 2.10 (Electronic Filing of Campaign Finance Disclosure and Statements of Economic Interests) to Title 2 (Administration and Personnel) of the City of Sebastopol Municipal Code Relating to Electronic Filing of Campaign Statements and Statements of Economic Interests**

**Minute Order Number: 2021-042**

**Ordinance Number: 1132**

4. Approval to Authorize Mayor to Sign Letter of Support to Save Solar In Sebastopol (Requestor: Agenda Review Committee)

**City Council Action: Approved and Authorized Mayor to Sign Letter of Support to Save Solar In Sebastopol**

**Minute Order Number: 2021-043**

5. Approval of Resolution Appointing the Engineer of Work and Directing the Preparation and Filing of the Engineer's Report and Describing Potential Changes to the City of Sebastopol's Lighting Special Assessment District for FY 2021-2022 (Responsible Department: Administrative Services Director/City Engineer)

**City Council Action: Approved Resolution Appointing the Engineer of Work and Directing the Preparation and Filing of the Engineer's Report and Describing Potential Changes to the City of Sebastopol's Lighting Special Assessment District for FY 2021-2022**

**Minute Order Number: 2021-044**

**Resolution Number: 6330-2021**

6. Award of Contract to Argonaut Constructors for Repaving Local Streets, Contract No 2020-05 and Authorization to City Manager or designee to sign contract documents – Not to Exceed Amount: \$355,397.00 (Responsible Department: Engineering)

**City Council Action: Approved Award of Contract to Argonaut Constructors for Repaving Local Streets, Contract No 2020-05 and Authorization to City Manager or designee to sign contract documents – Not to Exceed Amount: \$355,397.00**

**Minute Order Number: 2021-045**

**INFORMATIONAL ITEMS/PRESENTATION:** (Please Note: Although informational/presentations items are routinely informational in nature, some informational items may contain request for actions such as support, direction to staff, follow up, or receipt of item based on the presentation/information provided.)

**NONE**

**REGULAR CALENDAR AGENDA ITEMS (DISCUSSION AND/OR ACTION):**

7. Presentation from Climate Safe California and Approval of Resolution Endorsing the Overarching Goals and Concepts of the Climate Safe California Platform (Requestor: Vice Mayor Gurney and Councilmember Rich/Responsible Department: Planning)

Councilmember Rich presented the agenda item recommending the City Council receive the Presentation from Climate Safe California and Approval of Resolution Endorsing the Overarching Goals and Concepts of the Climate Safe California Platform.

- I am super excited to be joining Vice Mayor Gurney in bringing this resolution forward.
- This is the Climate Safe California platform.
- We in Sebastopol have a tradition of being forward facing in terms of climate change issues.
- We don't sit back in the shadows.

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- In December of 2019 we declared a climate emergency.
- We are very active in our efforts to address this issue.
- I would urge those who haven't yet looked through the documents that were part of the agenda to take a look at the very detailed list that's included that summarizes everything that Sebastopol has done on this issue.
- We approach it with a sense of urgency.
- It's no surprise to me that this resolution is one that was embraced by our recently pulled-together Climate Action Committee.
- They have endorsed this initiative.
- It comes to us through approval, initially at the Regional Climate Protection Agency, a group that we participate in fully and whose initiatives we have endorsed consistently.
- This particular initiative is consistent with the climate mobilization strategy that's being put together.
- It's consistent with our approaches to dealing with this as an urgency measure.
- We would be joining, if we signed this resolution, 700 other agencies and non-profits, joining our voices with theirs to say to the Governor and to our State Legislature that this is not an issue that can be dealt with in a casual way.
- This is an issue that has to be dealt with in an urgent way, in a way that says pay attention now.
- I don't doubt that the people of Sebastopol would embrace that philosophy.
- We have that tradition here.
- I'm going to outline the basic tenets of the Climate Safe California platform.
- We are very fortunate to have with us today Larry Robinson, former mayor and current board member of the Climate Center.
- Mr. Robinson will be walking us through a presentation.
- He is also an incredible poet and photographer.
- The Climate Safe California initiative takes a commitment that's already been made by us and by the Regional Climate Protection Agency to a higher level.
- We've already, under the Sonoma Climate Mobilization target, committed to carbon neutrality by 2030.
- There are some key tenets to this new Climate Safe California resolution that I'm going to walk us through really briefly.
- Mr. Robinson will fill in all of the details.
- First is we want to be net negative in terms of emissions by 2030, not neutrality but net negative by 2030.
- By 2022, we want to be 80% below our 1990 levels of GHG emissions.
- For this community, super important, an equity lens.
- We want to make sure that any climate policies are implemented with an equity lens, looking to make sure that lower-income communities do not get disproportionately affected by those climate change policies.
- The next item is focusing on, again super important, as we implement these climate change policies, providing a safe, fair transition for workers and their families who rely on fossil fuel jobs in the fossil fuel industry.
- Finally, that we get all of these policies in place by 2025.
- This is moving fast down the runway.
- We're hitting the ground running.

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- This is a message to our State and our Governor, our Legislature, that we join all of these voices because these climate change policies affect us in our community.
- It's us who are going to have to make the changes that these policies reflect.
- We need to join our voices with all of the other local communities, all of the visionaries that are here in California, and get this urgent message out to our Legislature and provide them some support and the impetus to get things done.
- I will reference that in your packet is not just the summary, and staff report, which is very detailed.
- I'm not reading through it, just giving you the high points.
- There is also a letter from Supervisor Gore, and Meghan Sahli-Wells which focuses on the reality of climate change as we here have experienced it through our fires.
- It's right in front of us.
- There's also an endorsement platform from the climate center that I found to be very informative.

Vice Mayor Gurney commented as follows:

- I think the critical point here is that we really start combining all our efforts and working together in a synergistic way statewide.
- When this came from the climate center to the RCPA and the body endorsed it, I thought Sebastopol should do the same so that we all know that we're working together.
- That's how we will be effective, starting right here in Sebastopol and moving countywide and statewide, as Councilmember Rich said.
- I'm very grateful for my colleagues' work on this.
- I'm interested to hear from our former Councilmember.

Larry Robinson, Climate Safe California, made a presentation to the City Council with the following comments:

- I will walk you through some of the essentials of what we're about with the Climate Center.
- You may remember the Climate Center used to be called the Center for Climate Protection and before that the Climate Protection Campaign.
- What our major project at this point had been was establishing community choice power agencies beginning with Marin Clean Energy and then Sonoma Clean Power.
- Now nineteen community power agencies throughout California serving essentially half of the population of California.
- I want to thank all of you on the Sebastopol City Council and the staff, City Manager/Attorney McLaughlin and Assistant City Manager/City Clerk Gourley, and everyone, for your commitment to doing the work that has to be done to create a viable future and for the City of Sebastopol taking the lead in so many ways.
- Councilmember Slayter's introduction of the ordinance several years ago required solar on all-new construction.
- Sebastopol has been consistently in the lead.
- Our citizenry has been, too.
- However, there's only so much that our individual efforts can do to bend the curve, there is only so much that local communities can do.
- Now the Climate Center is redirecting our efforts to state policy.
- The reason we're doing that is because California, as we all know, is really the fifth largest economy in the world.

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- As California goes, America goes.
- We're at a critical juncture where the world is looking for leadership in solving the climate crisis.
- We can set an example here in California.
- We are asking the Sebastopol City Council to join all the other communities that are moving ahead with this and give your endorsement to the Climate Safe California plan.
- Your endorsement is so important because our elected representatives in Sacramento, our State Senators and assembly members look to you to indicate what their constituencies are thinking, feeling, and valuing.
- You are the bell weathers for State policy.
- Former Governor Jerry Brown proclaimed that California should be carbon neutral by 2045, which at that time was probably the most that could be done politically.
- We're facing a situation now where political viability has to take second place to what is necessary.
- What is necessary is that by 2025 California has to establish the policies that will ensure that by 2030 we are beginning to become carbon negative.
- It is through three basic principles that we are going to be basing all of our legislative initiatives on the latest science.
- We know that scientific understanding of climate change is changing rapidly.
- Climate scientists essentially have been wrong.
- They underestimated how rapidly and how completely the climate is changing.
- We need to be up to date on the latest science.
- As Councilmember Rich stated, we also need to ensure that the transition to a carbon-negative economy is a fair one for people who are working in the fossil fuel industry, for their communities and for their families.
- We also have to make sure that lower-income communities and communities of color are not continually disadvantaged.
- One of our hallmark principles is, if it's not working for everybody, it's not going to work for anybody.
- We have to make sure it is working for every Californian.
- The four basic areas of our Climate Safe California plan is accelerate the phase-out of fossil fuels, increase sequestration and drawdown of the carbon that's already in the atmosphere, to invest in community resilience, and to fund climate action.
- The way we'll phase out fossil fuels is by halting all new oil and gas drilling and to cap old wells to ensure that all of our transportation is greenhouse gas-free, to ensure that our electrical grid is greenhouse gas-free, and that we are electrifying all of our buildings in California.
- We need to draw down the atmospheric carbon.
- The best way to do that is by changing our farming and land use practices and protecting our habitat.
- As those of us in the North Bay are well aware, our electrical grid is not nearly as resilient as it can be, as it needs to be.
- As we've found out in the last two major fires, when the grid was shut down for safety reasons.
- Two of the bills that we have introduced that are in committee right now address that.
- One is Senate Bill 99 that Bill Dodd is promoting as the community energy resilience bill.
- Then Assembly Member Burk is sponsoring Assembly Bill 1325, which is the clean energy micro grid incentive program, which, among other things, will provide \$200 million for establishing micro grids initially first in lower-income communities.

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- We need a distributed energy grid, and we need micro grids that allow communities to maintain their vital services, even when the rest of the grid is in flux.
- We need to invest in climate action.
- There are several ways that we're proposing this be done.
- One is by opening up the markets to private investments, establishing a frequent flyer fee by charging passengers on airlines in every California airport a \$10 fee per flight, and there are 240 million flights per year in California.
- That would generate \$2.5 billion to invest in our local communities.
- We need progressive carbon taxes.
- We need clean climate bonds.
- California is the only oil-producing state that does not charge an oil severance tax.
- It does not tax the extraction of fossil fuels.
- We can do that.
- We hope to put that in a bill before the legislature next year.
- As you can see from Congress Member Huffman's statement here, we have the support of our Congressional delegation of numerous legislators.
- We really need your support as City Councilmembers to push this over the top in the legislature, to initially get the framework for what will be a whole suite of policy proposals that we will be introducing over the next three years to get California to the place of carbon negativity by 2030.
- I think you all heard Amanda Gorman, our wonderful youth poet laureate in her inaugural poem, who says, I tell you this not to scare you but to prepare you, to dare you to dream a different reality.
- I won't take up any more of your time, but I thank you so much for your leadership and hope that you will adopt this resolution unanimously.
- I'm open to any questions.
- I'm sorry I forgot to introduce my colleague, Jane Bender, who is with us.
- I thank her for her years of service on the Santa Rosa City Council.
- Jane and I are happy to answer any questions you may have about this.

Jane Bender commented as follows:

- I want to thank the Council for their openness, willingness, and excitement over this, because as you pointed out, the Legislature will listen to the bodies that are doing the hard work and are the contacts with all their constituents.
- I really do want to remind you, this is going to be a battle.
- This is going to be a lot of work, because unfortunately, California has made their money off of the fossil fuel industry for years and years and years.
- We've got Kern County with terrible health conditions as a result of it.
- We have 81,000 oil wells and gas wells in the state and 15 refineries.
- Governor Newsome has signed many contracts for fracking.
- We have work to do, and I'm really grateful to get this kind of support for the Legislature, for them to know how serious we are, that we mean business.
- The Western States Petroleum Association, which is the lobbying arm of the fossil fuel industry, last year spent \$18 million on lobbying in Sacramento.
- This is what we're up against.
- It's the people's power that will counter that.

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Mayor Glass commented that this is very important, and this is just the kind of policy and the kind of action that our constituents in Sebastopol expect of us.

Mayor Glass opened for questions.

Vice Mayor Glass commented as follows:

- I wanted to acknowledge Mr. Robinson and Ms. Bender.
- I'm not sure of the years of leadership that they have demonstrated for us.
- It's at least 30 years, you two have been on the front line here doing this kind of work, and it's your leadership that we're following behind and following up with.
- I'm so grateful for your service and I'm glad the two of you are still out there after all this time, doing what we believe in, and that you urge us to do more and stay with you.
- It's great to be part of a big team like this.

Councilmember Hinton commented as follows:

- I wanted to thank our colleagues for bringing this forward.
- This is the second time I've seen the presentation.
- I saw it sitting in the audience at the RCPA.
- I think we're the first Council to get it on our agenda.
- Vice Mayor Gurney is always great at getting us out in front.
- I want to say thank you for getting it on the agenda quickly, and I am happy to support it tonight.

Mayor Glass commented this is just a great thing, and I'm hoping that we can move this forward tonight.

Mayor Glass opened for public comment.

Laura Goldman commented as follows:

- I just want to say how very proud I am of the Sebastopol community.
- We love our way of leading by serving, and it is so important to all of us.
- I want to extend an invitation, and I have already to Councilmembers, please, come on my radio show.
- Let's get this word out further.

Linda Berg commented as follows:

- My life revolves around avoiding wireless radiation, cell phone signals, and so forth.
- I'm here heavily shielded just to use my land line phone.
- Just a few notes about the solar system.
- I think that's probably a good idea.
- The only thing that would make it even better is that if there were a mandate that they be equipped with a system where the data is sent through wired telephone lines, which can be done and is being done instead of the dangerous wireless pieces of junk known as smart meters, which require replacement every five to seven years.
- They work through wireless signals.
- 2.4 gigahertz, which was used as a military weapon before it was used for communication.
- On the issue of electricity and all of our buildings, we need to do a little bit more research.
- Wherever there's electricity going through a line or a motor, it gives off what's known as a magnetic field, a circular magnetic field.

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- They promote cellular growth, as in cancer.
- We've got a cancer epidemic.
- We have a cancer cluster on Palm Avenue at Petaluma Avenue homes.
- That is a huge thing.
- These magnetic fields can be measured with a gauss meter.
- The City has one.
- We also could use someone to measure the electromagnetic fields in the city and report them to the City and the public.
- We're cooking ourselves alive.

Council Deliberations:

Mayor Glass commented as follows:

- I thank climate protection for mitigating the climate situation like the existential issue of our time that it is.
- It's bigger than COVID, although we're all stuck here in COVID land, which seems more immediately directed to us.
- Climate change is a little more subtle, because it's so big and you don't see it maybe every single day, particularly when you're sitting in your house because of COVID.
- However, this is the existential issue of our time.
- I have always thought of Sebastopol as a little green and progressive petri dish.
- Our job is to show what a truly progressive small town can be.
- We need to sign on and do everything we can to support the campaign.
- Not only as a City, but whatever we can do to nudge Sacramento to taking the right actions.

Councilmember Slayter commented as follows:

- I just don't want to let the opportunity go by to provide props to our colleagues to the south in Petaluma and the action they have taken, making national news regarding fossil fuel gas stations and the lack of need for them anymore.
- It seems like we have plenty.
- Props to them.
- There are lots of things we can all do, and up the scale of the government working properly, in my opinion.

MOTION:

Councilmember Rich moved and Vice Mayor Gurney seconded the motion to Approve Resolution Endorsing the Overarching Goals and Concepts of the Climate Safe California Platform.

Mayor Glass called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Hinton, Rich, Slayter, Vice Mayor Gurney and Mayor Glass  
Noes: None  
Absent: None  
Abstain: None

**City Council Action: Received presentation and Approved Resolution Endorsing the Overarching Goals and Concepts of the Climate Safe California Platform**

**Minute Order Number: 2021-046**

**Resolution Number: 6331-2021**

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Councilmember Slayter recused himself from Item Number 8 and departed the meeting.

Mayor Glass called for a break at 7:45 pm and reconvened the meeting at 8:00 pm.

### **PUBLIC HEARING(s):**

8. Continued Public Hearing – Benedetti Car Wash – Conditional Use Permit, Variance, Tentative Parcel Map, Mitigated Negative Declaration (CEQA)

Planning Director Svanstrom presented the agenda item, which would require the City Council approve the following items:

- Mitigated Negative Declaration;
- Conditional Use Permit;
- Variance; and
- Tentative Parcel Map

Director Svanstrom provided the following recap of the agenda item:

- Provided a brief update of process and project details.
- The City Council previously heard this item at a public hearing on January 5th.
- After deliberations, the Council held a straw poll to determine whether or not members were in favor of approval or not, and there was support for approving the project.
- However, given the concerns during the Council's deliberations, the Council directed staff to bring back a resolution for approval, but also to work with consultants and the City Attorney to draft some additional conditions of approval, specifically related to areas of concern for the project, namely noise, water spray, and landscaping.
- We have gone through that with our consultants, the City Attorney has reviewed the new conditions of approval, and we are here to present those to the Council for consideration.

David Hogan, consultant, summarized the direction that was received from the Council at the last meeting and discussed the resolution and the conditions of approval that were brought to the Council for consideration.

Mayor Glass opened for questions.

Vice Mayor Gurney commented as follows:

- This is about the water, thinking of it as landscaping overspray.
- One of the concerns is related to water, but I think of it more as the perfume and odor.
- Maybe that's in the water spray, maybe it's just from the car wash.
- I'm interested to know how these conditions about the water vapor spray, if it's landscape overspray, would deal with that perfume issue.

Mr. Hogan commented as follows:

- I think the applicant could probably give you a more technical answer.
- This is a newer generation car wash.
- The issue that was raised to staff was really the water being blown off the car in the drying process, rather than any fragrances or scents in the wash water in terms of whatever soap it is.

Director Svanstrom commented as follows:

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- We don't have any specifics regarding odors.
- The Police Department may have a nuisance code.
- If the water droplets is what is carrying that scent, if that's being stopped from going off-site, then at least the majority of that smell would also stay on-site.

Ed Blair, Tunnel Vision (applicant team), commented as follows:

- With regard to what some people call fragrances; there are fragrances that are added to the chemistries provided for cleaning cars.
- It's something that is added per the operator.
- If that were a concern, you can provide chemistries that have no fragrance.
- It's an operator's choice.

Councilmember Hinton commented as follows:

- I had questions about what we're now calling the water droplets also.
- We keep referring to no water off the project.
- We do know that this includes a lot subdivision.
- I wanted to confirm that what we call the "project," we're talking about the car wash parcel?
- My understanding of how you have to drive out, you might have to drive through another lot that is owned by the applicant, right? I wanted to define what the project is.
- I've driven through car washes before with the blower system. I've never seen all the water dissipate. You drive out of the water, drive out on the road, and you still have a little bit of water on your car.
- Now that it's called water drops instead of the vapor, I am a little confused about that.
- I was wondering if they could address the project part.
- Is there really supposed to be no drops?

Mr. Paddon commented as follows:

- We're talking about airborne water versus water that may be on pavement.
- Asked Mr. Blair to address any airborne droplets within the bounds of the parcel that will be the car wash parcel.

Mr. Blair, Tunnel Vision, commented as follows:

- At the blower end, the water quality by design is called spot free rinse, which mean there is zero TDS, which means it's potable water.
- That was the last rinse to the blower.
- Any of the remaining water on the vehicle would be potable, which is clean water.
- Having said that, our blower systems are not like the conventional blower systems that you have seen. They're very much different. We dry the car in a direction that holds the water as best as possible in the wash bay.
- It can be recycled.

Mr. Reece commented as follows:

- We get a little bit of bad information when it comes from the older car wash in town, because it's an old laser jet style system.
- That laser jet style system, if you can imagine, turning your nozzle on full blast and putting it up on your wind shield, you'll get a ton of spray off of it.

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- Our system doesn't work like that. We actually bubble the product onto the car where it's just a soft film inside the car wash. Nothing comes outside the car wash at all, except for what may be at the end of the car wash.
- It really won't be anything to even measure as far as that's concerned.
- You're looking at two totally different animals here. One that uses high pressure that really bounces off the car, and one that uses a very soft, flowy way of putting that soap onto the car and everything stays inside the car wash, just like what Mr. Blair mentioned earlier.

Mayor Glass commented as follows:

- Our last hearing regarding this matter, our concern that whatever mitigations are put in place, the noise mitigations, the droplet mitigations, et cetera, that they continue to work.
- I understand this is going to be an incremental process where you'll try to see how the initial installation goes, do some measurements, make sure that it complies with, for example, our City noise ordinance, and if it doesn't, then will the applicant add on a few more tricks out of the bag to take additional measures to mitigate to make sure they're in compliance?
- My question is, what about ongoing basis?
- What about three years or five years down the road, is there a possibility of the equipment becoming noisier or something like that, and what is built into this Use Permit that will allow us to monitor any change in conditions that might happen over time?

Mr. Hogan commented as follows:

- Staff is recommending that we re-evaluate the car wash noise every five years.
- That should give enough time for things to wear, and if you are going to be looking at some kind of change in ambient noise, the Planning Director has the authority to go in and require them to modify the project and either repair the equipment or modify the project so it will comply with the City's noise standard.

Director Svanstrom commented as follows:

- An assessment will be conducted every five years at a minimum. If we get complaints, I can require a review of the noise or water issues earlier.

Mayor Glass re-opened the public hearing.

Huck Hensley commented as follows:

- Does anybody see the irony of talking about this the same evening you're talking about a climate crisis? Maybe not.
- Never did I think the City Council would approve this.
- The nearest occupant to the proposed car wash is Chimera, which is called civic assembly.
- That's the same as schools, libraries, churches, and so on.
- The reference to appendix d in the State's noise element guidelines, considering the nature of Chimera, the guidelines show that the car wash is unacceptable at eight feet away.
- I defy you to find any car wash in the county that's eight feet from an office building, let alone eight feet from a classroom.
- This isn't orderly and logical development that's required by the General Plan.
- This is a glaring land use conflict waiting for a problem.
- That's among the reasons the Planning Commission recommended denial.
- Parcel three is 22,675 square feet.

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- There's no need for the noisiest portion of that to be squarely aimed at Chimera.
- The impact is going to put them apparently out of the city.
- I recommended that the most cost-effective way to mitigate that is to locate the car wash on the western edge of the proposed lot, number three.
- My second reference dares to dream a different reality.
- All these promises that we heard made by the developers on which you based your approval, should be made conditions of the Use Permit.
- I heard promises that this would use five gallons maximum per car.
- I don't see that in the conditions at all.
- The operation is also expanded to include Sunday's.
- All previous descriptions of it called it a six-day a week operation.
- Noise assessments conducted by the applicant I would say is like having a fox guard the hen house, it has no teeth.
- You started with a request for a road that ended up with a five-foot sidewalk.
- It's like CVS all over again.
- That's all I have to say.

Paul Fritz commented as follows:

- I want to focus on the variance question of this application.
- I was on the General Plan Advisory Committee and I suggested this minimum floor area ratio requirement for the district.
- This is a way to prevent low density from occurring in our downtown.
- People recognize that development type is inappropriate downtown.
- We've been talking about creating a more bike friendly, walkable environment.
- I've been working a long time to support that goal.
- This variance request flies in the face of that.
- It's a big deal to grant a variance request and should only be done in extraordinary circumstances.
- There's nothing extraordinary about this proposal other than the fact that a car wash does not lend itself to a floor area.
- That is the point of this floor area ratio requirement.
- It's low density, suburban type of development.
- Otherwise, what's the point?
- I don't know why we would even be entertaining approving this variance.
- This is not the type of development we wanted in our downtown.
- You're saying we don't think that's important any more.
- If you think about the main blocks of our downtown that we know and love between Burnett and McKinley , that's the way downtown should feel like.
- These other types of development, like CVS, the car wash, they are not what we should be doing in our downtown area.
- We have to stop approving projects like this if we want to have a walkable, pedestrian oriented downtown.
- Mr. Hensley's building next door is the kind of development we want downtown, mixed-use, multistory, higher density type of projects.
- The proposed hotel project, that's the development we want downtown.
- We don't need more auto oriented development downtown.

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- I agree with Mr. Hensley, I think it's ironic that the item before this was the path to Climate Safe California.
- How are we going to get to Climate Safe California if we continue to approve auto oriented development downtown?
- This does nothing to support a bike friendly, alternate transportation friendly environment.
- This is auto oriented, plain and simple.
- These land use decisions will have far-ranging impact.
- We have to be willing to walk the walk, not just talk the talk.

Tonia commented as follows:

- Local resident and I work in Sebastopol in the Ford building.
- I think what strikes me most, and is most frustrating about this issue, is what feels like the complete lack of regard for the Planning Commission's recommendations on this proposed car wash.
- The Planning Commission spent two sessions spanning anywhere from six to eight hours discussing this project.
- At the end of all that time and effort, after so much public comment and thorough review of the plans, of environmental reports, et cetera, they voted 6-1 against the project.
- That sends a powerful message to me.
- What purpose does the Planning Commission serve if its recommendation, as strong as this one is not heeded?
- Our Planning Commissioners have been entrusted to serve as unbiased stewards of the city's best interests.
- We look to them for guidance.
- In this case, the City Council is considering a complete reversal of the Planning Commission's recommendation.
- It just makes me question the legitimacy of this project, this entire process.
- I can't help but wonder if this project was always destined to be approved, because of the former mayor's position as a lead architect for the car wash.
- I think everyone can agree that Sebastopol's main draw is its small-town charm.
- A car wash isn't going to revitalize our downtown corridor.
- Housing, places where people can go and connect and inspire a sense of community, those are the things that are going to revitalize our downtown corridor and keep the heart of Sebastopol in the right place.

Jim Wheaton commented as follows:

- I am against the project.
- I think it's overriding the Planning Commission.
- Allowing the variance should be done in rare circumstances and we as a town should get something when that happens.
- I was on the General Plan Advisory Committee, and what we envisioned for downtown, even though we have some car centric businesses, is not more car centric businesses.
- Every time we have a chance to make a decision one way or another of where our vision is, of how we want the downtown to be, we should air on the side of what we want the downtown to be.
- He's done a lot of work on trying to mitigate the problems here.
- I appreciate that.

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- To me, it's risky.
- A decibel level doesn't calculate what it's like to be a few feet away from a leaf blower.
- A decibel level doesn't tell you that.
- I teach classes and maybe every few minutes there's a whoosh of a sound, maybe that's okay, maybe not.
- It's a risk to me and a risk to potential future developers that might want to build on the two extra lots that Mr. Hensley owns that might be potential housing, the empty lot behind it.
- I do not think anybody will want to bring housing right next to a car wash.
- That's a risk for the future development of the town.
- Finally, I just don't think that we as a town get anything.
- My understanding is that we're not going to get a lot of tax revenue from this.
- I could be wrong about that.
- I don't think there's sales tax generation.
- We're overriding the experts on the Planning Commission.
- We're allowing a variance and it seems like we've done this before in both directions, overruled the Planning Commission's approval, and overruled their denial.
- That's just the way the City Council works.
- They get to say well, we wrote these rules, and they were providing this vision, but in this case maybe this rule is hard to conform to or whatever, so we're going to overrule it.
- I just think it's a risk to the future of the town and we don't get that much out of it.
- I'm against it.

Michael Carnacchi commented as follows:

- I want to second all of the comments that have been in opposition to the project.
- I think they're all well thought out and the Council should consider them.
- I want to point out the irony here as well, considering the trees that will be removed and the carbon sequestration of the trees, the type of tree that is going to be removed, removes a lot of the carbon out of the climate.
- I wanted to point out the irony there.
- The other irony there is when CVS wanted to put through the drive through, the big complaint was the traffic that was going to be put on to the very road the traffic was going to be going in and out of the car wash.
- Considering the COVID restrictions that we have now, wouldn't that have been great for the elders in our community to have been able to use that drive through?
- I think that is something that we should consider, as well, the irony of that.
- When I was on the Council, we had complaints about the car wash, and the people that came before the Council complaining about it asked, how on earth did a project like that ever get approved?
- If the Council opts to approve this tonight, here's the answer.
- Ten years from now, the people in the high density residential type project that the former speaker was talking about, when they ask how did this project ever get approved, here's the answer.
- The final thing is, if the trees are taken down, I think that those are the size that would make really good additions to our park.
- I would want to see some sort of a condition where those trees are either sent over to sturgeons or in some way the City could retain them.

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- They would make really great additions to our parks.

David commented as follows:

- The first thing is I want to say with this stuff, I always say follow the money.
- Everything that's ever happened in the world, follow the money and you'll find out where the real thing is.
- Everyone I've seen and every single one of these sessions I've been at is always people from the adjacent building complaining.
- I've never seen anyone else.
- It's like they're being selfish.
- We might want to develop this property, so we don't want a car wash here.
- That's irritating to me.
- They keep talking about sound.
- If anyone was here before, they'll remember I looked up how loud my air conditioner was, and it makes more noise than the car wash.
- The water coming out, people say the droplets, the smell.
- When the car is done being cleaned, it's rinsed with potable water and then it moves out with the fans blowing back into the system itself.
- I feel like these people are going to grasp at any straw they can get to make it look bad because they don't want it next to them.
- The complaint that we're going to be working on Sunday's, your school won't be open on Sunday's.
- That doesn't affect them at all.
- Aside from shutting down the tires and putting in what they want, Benedetti's is going to be there.
- Best of all, with the environment, which we care about the most, having a more efficient, cleaner car saves gas.
- All that water used by the wash goes back into a bioswale that's filtered and put back into the environment.
- You're stopping people from washing cars in their yard.
- We're using tons of water, soap, right into the sewer system and running down the drain.
- If people would look at this, they would realize it's fine for the town of Sebastopol, and that's what people need.
- Like I said before, many times before, I go there, I get my car worked on, I maybe have a beer or walk over to the CVS, go to the store and grab something.
- I go to Benedetti's, I leave my car there, I spend money in Sebastopol, and I go home.
- I want to thank you for changing your mind in the beginning.

Martin Reed commented as follows:

- We get all types of comments here.
- Cleaner cars save gas, not sure about that.
- Is it greed to not want it next door, or common sense?
- Think about it.
- Clearly, the previous speaker doesn't live or work next door.
- In fact, he doesn't even live in Sebastopol.

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- We've had lots of people calling in or coming to these meetings that don't live in Sebastopol that are on the side of the car wash.
- This whole process has been pretty disappointing.
- It does seem ironic that this vote happens on the same evening we're talking about creating a better planet.
- This car centric, pollution likely project is antithetical.
- The Planning Commission comes to a vote 6-1 against and has the City Council ignore their findings and move towards passing it.
- What happened?
- I spent so much time follow this case and presenting reasons this project is a bad idea, the noise, the water droplets.
- It seemed this project was destined to pass.
- As Mr. Robinson said earlier, if it's not working for everybody, it's not working for anybody.
- This project very clearly doesn't work for the neighbors.
- The people whose voice should matter most.
- I would urge the City Council to do the right thing and not pass this project in its current iteration.

Kyle Falbo commented as follows:

- I want to second Tonia's concern about the complete disregard for the recommendations of the Planning Commission's 6-1 decision to deny this project.
- I'm not surprised.
- It was clear that the priorities of the long-term business owner trump those of our City's General Plan, those of the Planning Commission, whom the Council authorized, as well as numerous community members who chose to speak on both occasions.
- To be clear, I'm a citizen of Sebastopol, and I'm in no way associated with the neighboring property.
- I disapprove because it doesn't fit the standards that our City has set forward through multiple bodies.
- At this point, I think of the voice of our community members who are opposed to this decision will not carry much weight to the Council tonight or in the future as it relates to this project.

Linda Berg commented as follows:

- I didn't know anything about this, but I find it all very interesting.
- I have attended many of the Planning Commission meetings and the City Council meetings, too.
- I didn't even know it was possible for City Council to reverse itself from the determination of what the Planning Commission had done.
- I think it's a wrong-headed idea.
- The use of water, one of our most valuable resources here.
- We've had droughts before and floods and fires and we'll have droughts again.
- It doesn't seem like washing the car is the best use of what is limited water.
- I find it also interesting the name of the architect.
- I suspect how the City Council has come to the conclusion of giving the permits to a project like this.
- I suggest you vote against it.

Laura Goldman commented as follows:

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- I am in favor of this project because my electric vehicle gets dirty.
- I get my tires there, and I walk everywhere.
- Sometimes I need to drive, and that part of Sebastopol is a perfect place to have a quiet, environmentally friendly, established business car wash.
- I endorse this and say yes to this project.

Carrie Wheaton commented as follows:

- I wasn't planning to speak, but I was outraged by David's comment.
- How is it greedy for a non-profit school that teaches classes to object?
- Nobody is making any money over there.
- It's a service to the community.
- It's a great thing, and they do teach classes even on Sunday.
- This is not a school that's out of session on Sunday.
- This fellow that's from out of town obviously doesn't know what's going on over there.
- To accuse people he doesn't even know of greed seems really mean spirited.
- The truth is, this has gone through the normal channels of the Planning Commission, but there's a chance it will be overruled.
- How is that democratic and what are we doing here if we're just going to overrule the will of the people and the expertise of the Planning Commission?

Rei Blaser commented as follows:

- I'm jumping in at the end of the conversation, but I do want to circle back to the earlier agenda item of how the City of Sebastopol would like to be net zero and follow in the steps of the climate census's goals, and just to remember that conversation as they weigh in on this topic and whether or not it's going to align with their greater goals as a city.
- I need to echo other people's comments about trusting the direction of the Planning Commission and letting them be the body of deciding individuals that they are chosen to be and provide direction on these topics.

Hearing no further comments, Mayor Glass closed the public hearing.

### Council Deliberations:

Mayor Glass commented as follows:

- I think that painting this as completely black and white thing is just not terribly accurate.
- The problem is, there are shades of gray here, as I look at this situation, as I weigh which way to vote on this, which I actually haven't quite figured that out.
- Accusing some of our neighbors of being greedy because they don't want a bunch of noise next to them, that's just not really terribly fair.
- On the other hand, they have done a lot of work, so we're hearing there isn't going to be very much noise.
- It's not lots of noise versus no noise. It's not greedy people versus not greedy people. It's just a nuanced decision.
- What is the purpose of the General Plan?
- I think a lot of people that aren't familiar with our planning process, may not understand that our General Plan was directed towards having, as one of our Planning Commissioner's said, a walkable, bikeable community, where we have an opportunity to have a downtown core with mixed-use, with various kinds of buildings, fair housing shops, businesses, et cetera.

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- That is the express goal of our General Plan, and what we are trying to achieve downtown.
- That is something that was developed with a lot of advice from the community, a lot of input from the community, and a lot of technical advice.
- On the other hand, we already got a CVS at the corner, which was not the choice of the Council, but there we have it.
- There's a parking lot many of us didn't know.
- The architecture isn't particularly what we wanted.
- We wanted a building which at least had housing or else offices over it, et cetera.
- CVS didn't give us what we wanted, and that was taken out of the City Council's control.
- Also, we have the tire company there, which is an existing business in the city, that has been successful and provides a good service to our community.
- It's at that location, that is really somewhat inconsistent with the goals of the General Plan.
- What do we do about this really very useful and good business that's providing a good service to us, but it doesn't fit with our goals and the General Plan?
- The business is already there. It's providing a good service.
- I can see why the owners would think that providing a car wash would be a good way to augment the service they have.
- Let's get back to the environment versus not environment.
- There were a lot of people saying this is car centric, that it is very ironic that we're doing this on the same day as our commitment to a climate change resolution.
- However, we're looking at the nuance of this, do we want to have a car wash in town that's considerably more environmentally responsible than the other car wash we have in town?
- Those are the things I'm weighing.
- I drive a very, very high mileage hybrid, and it's mostly something I use as an electric car.
- I still need to wash it every once in a while, so I can see out my window and not run into people.
- It's not like there isn't some need for a car wash.
- I don't want to wash my car all the time, but I need to see out the window and be safe.
- Let's not demonize each other. Let's understand that there are a lot of considerations with this.
- This is an environmentally superior car wash in a location that maybe isn't perfect.
- There is a very similar use right next door, but there is a very not similar use on the other side.
- Let's try to keep this down to not demonizing our neighbors but figuring out what's going to be the best decision for the city both environmentally in terms of business services we need and creating a city that we all can find desirable.
- This is nuanced. Let's not point too many fingers at each other.

Vice Mayor Gurney commented as follows:

- This is one of the areas of decision making and responsibility of the Planning Commission where everyone on the Planning Commission, everyone involved, including the applicant knows by our processes that it's an appealable decision to the Council.
- Those are the rules we're all working by.

Mayor Glass commented as follows:

- The Planning Commission is charged with looking at things in terms of planning.
- Sometimes Council is looking at things bigger than that.
- We might be looking at other kinds of issues that have to do with community vitality or economics or whatever.

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- There is a lot of things at play here, and this is actually an extremely difficult decision I believe, at least it is for me.

Councilmember Hinton commented as follows:

- Some of it you have covered.
- There are already two automotive businesses on the same lot and of course one right across the street.
- The location has been there almost 30 years if I'm remembering what Mr. Reece said in our first meeting, which was long before the latest General Plan update.
- We have a vision for sure but we also have to come down to practical issues.
- We have turned down a car wash in another spot in town since I have been on the Council.
- This is the second time this new updated really fancy car wash that uses recycled water has come up.
- For me, that's very impressive.
- It is already in a spot where you have automotive uses.
- I don't know what else can go there.
- Vice Mayor Gurney addressed that.
- I can think of one time we overturned the recommendations from the Planning Commission, and that was over the franchise business on Main Street.
- This is a rare thing that we're faced with and this is why we're here to make tough decisions.
- It's really difficult.
- We didn't have as many people speak for the project tonight.
- In the last meeting it was 50/50 if not more in support of the car wash.
- I feel like we asked the applicant to make exceptions and come back with our concerns and I feel like they were really well addressed tonight, and we have all these things in play to make sure that the sound isn't over a certain level.
- I feel like the applicant has been really trying to do what they can to make this project a good neighbor in that area.

Councilmember Rich commented as follows:

- I'm really conflicted which I think is capturing what a lot of us are feeling here.
- I'm into aspirational goals, obviously, and big dream policy setting.
- All of that is important.
- I guess my dreams include serving the needs of an established business to expand in a way that's completely consistent with that business in a setting that's like, what else are you going to put there?
- I would have a completely different feeling if there weren't all these factors going on, I'd be saying absolutely not.
- This is for a high-end car wash as part of an existing business.
- We have heard so much information that indicates it is as environmentally responsible as it can be right down to potable water at the very end.
- The real effort from our last meeting was to address some real concerns.
- The noise, the water droplets, the landscaping, and the visual issues.
- The staff report now sets up conditions that allow monitoring.

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- An applicant that's willing to accept those limitations, which those limitations have teeth, he could end up installing this car wash and not be able to meet the obligations that are set up by our Planning Commission.
- Yet, I would love a vision where there was just a nice, small office space that's two stories high that doesn't have a lot of parking.
- It's a nuanced problem.
- By the way, do not impugn my personal objective assessment of every single thing that comes before me on this City Council.
- I will assess all facts. I will listen to everyone and my opinion will be my personal opinion that I base on the facts. I never come in with a predetermined opinion.
- I just want to thank all of the people from Chimera, from the building next door who came to share their opinions because I'm listening and we're all listening.

Vice Mayor Gurney commented as follows:

- I have some questions before I'm really ready to approach a decision and some of these come from comments from our public that we are listening to as Councilmember Rich just said.
- I'm concerned also from our Planning Commissioner, Paul Fritz, to get an explanation on the record of what are the justifiable reasons that would explain a variance here.
- If we're going to say yes, we have to have that variance backed up by facts, by conditions.
- Could you help us understand that in better detail?

Director Svanstrom commented as follows:

- The FAR requirement does not apply to simply enhancing or intensifying an existing property.
- If it was not being subdivided, it would not be subject to the FAR at all.
- The applicant had noted they are subdividing it for financing reasons, not because they intend to sell off different properties.
- This is one where our Variance allows for the specific circumstances of the site and/or the use to be unusual.
- One option would be to try to approach and cover the vacuum areas, the building just for the sake of creating more area. I don't think that's the intent of the floor area in itself.

Vice Mayor Gurney commented as follows:

- I don't understand what happened with Abbott Avenue.
- There was a discussion that from last time that was going to accommodate a road, and now it's being called a five foot sidewalk.

Director Svanstrom commented as follows:

- The city already has 22 feet of right-of-way where the roadway would go.
- That's enough for the drive aisles. But that isn't adequate width to have a sidewalk.
- The general way you get additional right-of-way is to take five feet on each side of the roadway.
- There is a vacant space to the south and if you go east of that there is Railroad Forests with trails, and things like that.
- To get to the needed right-of-way width, to create either a narrow roadway and two narrow sidewalks or a slightly wider travel lanes for the roadway and a wider sidewalk on one side, what's required is five feet from each side, from each of those parcels.
- The parcels to the north, if that were to be the five feet sidewalk would be required on the north side.

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- There would probably also be some sort of turn-around depending on whatever development is proposed on the adjacent parcel to the east.
- That hasn't been determined yet.
- The sidewalk could then be extended and then further to the connected trail on the east.

Vice Mayor Gurney commented as follows:

- Another question about the monitoring.
- I understand the proposal and the condition numbers 81, 82, 84 - that we're looking at a five-year time frame.
- I'm not sure why that's so long?
- I know the explanation has been the need time to settle in and wear and tear, so five years is reasonable.
- If we're meaning to protect the neighborhood from the noise, from the water spray, from the potential, why wouldn't it be monitored every year or every other year?
- Why are we waiting for the neighbors to complain when it irritates them?

Director Svanstrom commented as follows:

- It's simply an expense if they are compliant with the noise ordinance, it does cost money to do.
- This is not the applicant going out there with the testing measure,
- It is a professional acoustic consultant. There is an expense to that.
- In discussions with the applicant, which is hired by the City, not by the applicant, they both felt with the equipment that five years was an appropriate time period.
- Certainly the Council could change that if they desired.
- There is a small potential cost to the applicant if they were to do that.
- To make sure that someone didn't have to wait five years, if it was an issue, that's where we can address if there are complaints or concerns there.
- Our Police Department has a noise meter, so one of the things we can do if we get complaints is to take some, I'll call them non-expert, readings.
- Police Departments usually have them because they need them calibrated appropriately and whatnot, but I have gone out in the field with some folks to monitor acoustic progression.

Vice Mayor Gurney commented as follows:

- In this general neighborhood, we've had complaints about Hop Monk and the live music late at night.
- If people remember the Heart and Soul building now.
- Loud music late at night and all the commotion of people there, so I think we have to acknowledge to some degree that this is a noise sensitive neighborhood, and that's pretty understandable.
- I also was concerned about making sure that we retain enough decision-making responsibility in the condition so that, for instance, the landscaping is adequate, that tree replacing is adequate, if additional structures have to be built, that doors on the building have been mentioned, covers, fins, all these things.
- I just want to make sure that if we get to the point where we need to up the requirements to satisfy our goals for the neighborhood that we have enough teeth in the conditions to do that.

Director Svanstrom commented as follows:

- I believe we do, the City Attorney has reviewed them as well.

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- There are a number of different options for increasing noise protection.
- One is to put fins extended out from the exits or doors.
- I understand from the applicant that doors are quite problematic for this particular car wash.
- It wouldn't be the first thing I would go to simply because that increases the amount of time per wash which would then increase the time for the queue that cars are idling. You wouldn't want even if they are electric cars, electricity comes from somewhere.
- My recommendation of the applicant is if they may need some of these, put in the blocking, the infrastructure in the walls of the building to accommodate them so that it's not a huge expense later on to add if needed.
- One of the things that's also been discussed is a horizontal canopy coming out from the sound wall. Designing that sound wall so it could accommodate something like that.
- We have had a couple conversations with the applicant team to discuss those kinds of measures.

Vice Mayor Gurney commented as follows:

- I think these conversations are good.
- My question is getting to how do we make sure those conversational points are in the conditions?
- Because what we learned from the Rotten Robbie's experience, and I understand that's an old-fashioned, old style car wash, is that the neighbors had to live with it for quite a long time and express their complaints and even organize and petition the Council to get the issues redressed.
- That was really troublesome for them.
- I'm thinking, if we're going to go to the extent here of approving a variance, we have to make sure we're getting all the points right along the way.
- We can't let something be uncovered and not handled so that it falls into a situation where we're dealing with complaints and the avenue of redress takes too long.

City Manager/Attorney McLaughlin commented as follows:

- I just want to assure the Council that I worked with the Director on these conditions with the Rotten Robbie experience in mind.
- Practical application was our goal.
- What was missing from the conditions from Rotten Robbie's, what we learned in the two-year process with Rotten Robbie would have been a good thing to have.
- That's where the verbiage that you're looking at came from, which I think is if we said it once we said it five different ways in these conditions, including adding in, but not limiting to a bunch of specific suggested mitigation measures.
- The thing I learned with Rotten Robbie is the continuing assessment as equipment breaks down and gets replaced, equipment models have to be replaced and are often different from what was installed in the first place.
- As car washes go through an evolution, the equipment will naturally change.
- What is key here is that you continually assess it automatically and that you also assess it when there is complaints.
- I can assure the Council this was written with that experience in mind.
- I will note, not that anyone would want to go there once the project is approved and built, but if they cannot meet those conditions, then that Use Permit can be revoked and then they would not be able to operate.
- There is certainly teeth in the permit with the conditions as noted that they must meet them, as well as the City's noise ordinance.

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Mayor Glass commented as follows:

- The reason why we are here now and why this is before the City Council is that the process was not an appeal, that there was not an approval/denial by the Planning Commission.
- The Planning Commission's review was advisory.
- The reason why it is before the City Council now is because it is a Variance.
- Is that why?

Director Svanstrom commented that it is before the Council because of a subdivision of the land.

Mayor Glass commented it is not an appeal.

Director Svanstrom confirmed that was correct. It is a recommendation from the Planning Commission, not an actual approval.

- When we have multiple entitlements, the highest body hears and acts on all entitlements and the lower bodies provide a recommendation.
- Because the subdivision requires City Council approval to subdivide land, the entirety of the project approvals comes to the Council.

Mayor Glass commented as follows:

- I am understanding that if the applicant were to just apply for putting in the car wash, and they were not subdividing the land, then it would not be going before the City Council.
- Would it then still require a Use Permit?

Director Svanstrom commented as follows:

- It would require a Use Permit.
- However, there would be no Variance.
- It would be intensifying the use of an existing parcel.
- You don't want to make someone have to meet the full FAR with an existing site if they're simply adding to it. Often times they may not be able to do any infill if they have to meet the FAR requirement.

Mayor Glass commented as follows:

- I was trying to understand what our procedural thing is here and whether if it were not the lot split, then the decision-making authority would be the Planning Commission for a Use Permit?
- If the Use Permit were not granted, then it could have been appealed to the Council.

Director Svanstrom stated that is correct.

Councilmember Rich commented as follows:

- I'm troubled by the environmental piece of this, which I understand there is a viability piece, too.
- When you look at this project, is there anything about it that could make it more environmentally better?

Director Svanstrom commented as follows:

- That's a very broad question, but I will focus on the functioning of the car wash itself.
- The systems of car washes have gotten much better and much more environmentally friendly.

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- In fact, it is actually more environmentally friendly to utilize a car wash of this type than it is to wash your car at home where you are going to have soap that's going directly into the ground and contaminating the ground or running off into the sewer.
- Most of them drain to waterways. You see the signs all over the Bay Area because that is the reality of it.
- You end up getting those chemicals that are not treated very well by the time they're released into the actual ground.
- In this particular case, that water is being captured and filtered and indeed recycled a few times so it is a much lower use and it is also treating the water as required.
- That's one of the provisions that we require.

Councilmember Rich commented:

- From that perspective, the modern car washes, and I do not have a comprehensive purview of all the car washes out there, but from a project description of this, it is one of the more environmentally friendly systems out there.

Director Svanstrom commented as follows:

- We don't have to add a condition.
- One of the first conditions we have for all applications is that the project needs to be in substantial conformance to the December application and the project description includes the description of the system of car wash they're using.

Councilmember Rich commented as follows:

- To go to the point made by someone who shared their comments here tonight, do we have any way of monitoring the water use of this car wash, and it may be appropriate but are we simply relying on the efficiency of the chosen system?
- If not, okay, fine. I'm just putting it out there.

Director Svanstrom commented as follows:

- It is the particular system, and it is meant to do that.
- I would say it is certainly in the property owner's interest.
- It's possible to monitor.

Councilmember Rich commented as follows:

- When I look at the concerns about cars being serviced on this property there is the piece that it's if you are giving service to vehicles, to cars, are you then in a way validating the use of cars.
- I'm seeing the direct impact in terms of the way in which cars would be using this particular business is a concern that they would be idling and/or possible creating pollution.
- Is that a concern here, that they would be sitting here idling?

Director Svanstrom commented as follows:

- It's not a significant concern.
- That was analyzed by the traffic consultant in terms of appropriate cueing.
- Part of their business model is that they will be doing, if they are getting a tire change or an oil change, they will provide washes and have their staff do the car wash for you .
- I would assume that as they're doing their servicing, they're not going to go into the car wash if there is a queue of the general public in line.

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- If there are people coming for the lunch hour to get a quick car wash and then go back to work, they will probably not have their staff do car washes at that time.
- They will probably do them either before or after when there is no queue to minimize the queueing.

Councilmember Rich commented as follows:

- I think maybe what we're looking at here is concern about the optics of a business that serves automobiles instead of a business that reinforces our greater vision of what Sebastopol should look like, because it certainly sounds like the environmental pieces have been largely addressed.
- If the applicant had simply not subdivided and just wanted to install a car wash, the FAR would not have applied, it would simply have been an issue of use.

Director Svanstrom commented that is correct.

Vice Mayor Gurney commented as follows:

- The downside to subdividing aside from compelling the variance and the FAR, from our point of view, is that we then have three parcels, each with their own business, any one of which can be sold independent of the other.
- We don't know what the future holds despite representations from the applicant or future generations.
- We're just creating that circumstance. For me that's kind of a downside here.
- My question is about the adjacent uses.
- If Abbott Avenue were to go through, what are the possibilities on that property now?
- How that might change in the future if an applicant wanted to change the proposed uses there how is it zoned right now?

Director Svanstrom commented it is zoned Downtown Core.

Vice Mayor Gurney questioned it could be many things and if it went up stories it could have housing above.

Director Svanstrom commented that is correct.

Vice Mayor Gurney commented it is really important to me that in making this decision we protect and enhance the possibilities for the neighborhood as it moves easterly and connects up with the other neighborhoods down there near Elderberry Commons, Park Village, and that whole area.

Director Svanstrom commented as follows:

- If you look at Abbott Avenue, all the problems on the north side are zoned Downtown Core up through the Barlow Crossing Townhome's property.
- All of those have the potential for commercial development, mixed use development, and a variety of commercial uses.
- They do have the ability to go up.
- The parking area for the Ford building is on the second parcel.
- That would be similar to this newly created parcel.
- In the Downtown Core you can go up to three stories.

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- For normal buildings, 40 feet or three stories is the height so there is a variety of different configurations you can get on that.
- On the south side, the vacant parcel directly across is a vacant parcel zoned for industrial.
- Adjacent to that is the City's property which has a conservation easement.

Vice Mayor Gurney commented as follows:

- If that second parcel next to the property were developed, it would have the Railroad Forest as its neighbor?
- Is that my understanding of the parcel layout, right?
- If Abbott Avenue were to go through to the Ford property.
- The effort I think we're trying to make is to protect possibilities in the future by being careful right now with this decision.

Director Svanstrom commented as follows:

- Provided a brief overview on the screen.
- Showed Abbott Avenue.
- Showed the CVS building.
- Showed the current Benedetti Tire building and oil change.
- Showed where the car wash is proposed to be.
- Showed the Ford building which has two parcels.
- Stated adjacent to that is the front of Sebastopol Avenue and the front of Elderberry Commons and facing what will be to the south of this parcel, there is a parallel line.
- Showed the city right-of-way that extends over to the connector trail.
- Showed the vacant parcel where the 18 townhomes are under construction right now and then Park Village.
- If Abbott Avenue were to extend, all of these parcels up through where this parcel are zoned Downtown Commercial right now.
- Abbott Avenue would be extended and in essence this parcel could front on Abbott Avenue and head out on to Abbott Avenue instead of Sebastopol Avenue which could be useful.
- All of these could be mixed use for housing.
- The vacant parcel here across is on manufacturing and it is just north of the Sebastopol Towing building.

Vice Mayor Gurney commented as follows:

- That's what I was thinking, that if the back of the Ford building were developed as the front of the Abbott building, then they would have the park across, the Railroad Forest across the street from them.
- If this manufacturing parcel wanted to do something other than manufacturing, what would be the process there versus if somebody wanted to propose mixed use housing or something?

Director Svanstrom commented as follows:

- Our manufacturing zones, our industrial districts do allow a number of uses that aren't just manufacturing.
- They allow things like animal hospitals. Commercial manufacturing. Exercise facilities. Offices on the second floor in the industrial zones. Plant nurseries. We can conditionally allow retail sales. Artist studios. Then there is a number of civic uses that are permitted as well as residential uses are conditionally permitted.

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- It is in a floodplain, there is some concern about housing in the floodplain.
- There are a number of uses allowed with the Conditional Use Permit there to outside of what you would think of as manufacturing that would be allowed on that parcel.
- Having said that, I will say the city's manufacturing base and the zoned properties are actually quite limited, so it is certainly an area of where we need to consider businesses to keep good local jobs in town.
- Manufacturing is a source for that and certainly something to be considered with the manufacturing parcels that we do have in town.
- I do know the Sebastopol Tow building just to the south is actually seeing a renaissance in manufacturing.
- The Planning Commission last year approved indoor cannabis cultivation as well as distribution for that site.
- That is certainly a potential opportunity for the manufacturing zones.
- Again, high quality jobs for the community.
- All of this speaks to a livelier downtown.

Councilmember Rich commented as follows:

- We're all just sitting here trying to sort through all of this.
- On one level I kind of wish that there hadn't been a subdivision and our Planning Commission could have just focused on the pure use issue, but here we are having to serve our roles as elected officials and do it as best we can.
- I'm really struggling between that pure vision of the Abbott Avenue extension and I'm envisioning all of these little homes or apartment buildings, two or three stories high that could be along all the back of those properties looking out on to the forest.
- That's a wonderful vision.
- Then I ask myself, would there really be an apartment complex?
- What developer would build an apartment complex at the back of the Benedetti property?
- Is that realistic? What would be the realistic alternative use of that property?
- You end up with a vacant back area there.
- You have the car wash here. It seems like it is pretty environmentally appropriate. There are protections in place. There is continued monitoring.
- The Design Review Board will be in there and we know they are very attentive to detail.
- Maybe that doesn't destroy that vision, even having a car wash along there.
- Assuming the DRB does their job appropriately, that doesn't necessarily mean that you can't set up at the back of the property an apartment complex that just feeds right into the Elderberry Commons.
- We keep hearing about potential, but we have someone real here who is moving forward and trying to be accommodating who has served the community, who is agreeable to making this as good as it possibly could be.

Vice Mayor Gurney commented as follows:

- I think we're in this situation because we have a vision and a dream that we don't market.
- What we do is we wait and then an application comes in years.
- Let's look to the property that was an old train barn in a building that burned up and then it became what it became and the Bradley Video building had the empty spot behind it and now it is the Barlow, Commons, and houses.
- If we want something lively on that manufacturing parcel, I think we need to market it.

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- That's how our community got the hotel complex, by having community meetings about what we wanted to see on that parcel so that our wishes were known to any potential applicant and we avoided being sued by a developer and being sued by the citizens and going through years of CVS.
- We actually marketed that.
- To get our vision, we're going to have to dream it out loud and market for it because it's not going to just walk into our application process.
- In this case we, like you said, a long standing community member held in high regard who contributes to the community who wants to intensify car related uses on a car related property and our job is to make sure, I think, that if we want to go with this, that it is heavily conditioned to protect the neighborhood.
- For me, the conditions would be more frequent monitoring not every five years but every two years about noise, and the overspray.
- I would be interested in a requirement that the product is fragrance free because the car wash fellow said they could easily do that.
- I wonder if we could also have the water volume monitored, if that's lawful, so that the promise that it's environmentally sound in terms of water usage is actually validated for us.
- If we go for it, we get something that's going to work with the vision in the future, it's really important to me whether we're able to open up that area to Abbott Avenue for more possibilities, more mixed uses, and more people, whether they're residents or people coming for work.
- We would have a downtown that is more of a grid of streets and more places to go and hopefully lively here.
- That's my interest, if we're going to go for this, that it be monitored every two years and that the fragrance free option wasn't an option but required.

Mayor Glass asked City staff if we can talk about those kind of additional conditions in this meeting?

City Manager/Attorney McLaughlin commented the Council has a legal right to condition it as you see fit this evening.

Councilmember Rich asked if the applicant could speak to that.

Mr. Reece commented as follows:

- We're open to all of your considerations and what you guys are looking for.
- We want to be a good neighbor.
- We want this project to work.
- We know it can work.
- We just need the go ahead.

Councilmember Rich commented as follows:

- I'm hearing from the applicant that more frequent monitoring, fragrance free, and water volume monitoring would be all right with them.
- I'm in support of adding those conditions.

Director Svanstrom commented as follows:

- If you wanted to change the monitoring time frame from five years to two years, that's a simple substitution of a number for that condition.

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- The fragrance free chemicals shall be required in every car wash usage.

Mr. Hogan commented as follows:

- As I was listening to the Council, what I have come up adding on to condition 85 item e that says only fragrance free cleaning solution shall be used in the operation of the car wash.
- Then the other question was the water consumption assessment.
- The operation of the car wash they're proposing to reuse approximately 80% of the water in the wash operation cycling back through.
- The applicants could be required to verify that 80% of the water used or 75% if you wanted to be a little more reasonable would require that, yes, to submit documentation on that.
- I know the City would be able to determine water consumption based upon its water records.
- I suspect that there is a way then to evaluate water use based upon the number of vehicles that go through.

Mayor Glass commented is there a way of using a monitoring system that records could be generated from or anything like that?

Mr. Blair commented as follows:

- The standard has been 80% recycled.
- Our goal is obviously to recycle that water.
- When the ability to exceed the 80%, we're certainly anxious to apply those means.
- It's basically water used for cars.

Mayor Glass commented as follows:

- The question comes down to how do you zero in on that.
- It is based on the number of cars washed and water in?
- Is there a way to document that to the City?

Mr. Blair commented as follows:

- The City sends a water bill, so I think that the only thing needed would be the number of cars.
- The Council could require annual tallies of all vehicles washed maybe on a monthly basis, the number of vehicles that actually went through.
- Based upon that, we would be able to calculate water use per vehicle.
- I'm not sure if that was done annually, that might be a good way of looking at it.
- Monthly, I'm not sure if that would provide information that would be used or needed.

Councilmember Hinton commented as follows:

- It makes sense to me if we're going to monitor sound every two years, maybe that's the time a report is due.
- We do it all at once, every two years.
- Then the car wash can pull the records and kind of create some sort of report for the City.
- That would make sense to me and then that way we have it on track and on schedule.

City Manager/Attorney McLaughlin commented he agreed with the idea that it would make sense to tally it at the same interval as you do the noise mitigation monitoring.

Vice Mayor Gurney commented as follows:

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- Does that go to the Planning Department?
- How are the neighbors informed?
- How do we do this procedurally?

Director Svanstrom commented as follows:

- Normally, monitoring reports like when we have them for other usage, they would be submitted to the Planning Department.
- I will say it is a little difficult to track and make sure they get done, but we are looking at an electronic permitting system that would help us track these types of things.

Vice Mayor Gurney commented that monitoring system would be tied to some kind of permitting renewal?

Director Svanstrom commented as follows:

- Stated that it could actually be part of their business license review because obviously they will get a business license when they open, so we have the ability to make notes and track in that moment.
- We can track in that system so that when their business license renewal comes up not in year one but in year two, they would need to submit those reports at that time to continue operations.

City Manager/Attorney McLaughlin commented as follows

- Clarified this is not a permit renewal.
- It is a monitoring mitigation measure, which means that if a discrepancy is found, then the applicant, the property owner has to correct it.
- It is not a permit renewal situation.
- Theoretically, yes, a permit can be revoked if all else fails or something, but it is not a permit renewal.
- It is just mitigation monitoring and corrective action if there is a problem.

Councilmember Rich commented as follows:

- I'm reflecting on the concerns expressed by the neighboring parcel and wondering if there is a way to include in that every two-year monitoring some sort of check-in with the owners of the neighboring parcels.
- I don't know if that's even appropriate within our zoning laws, but something to check in with Mr. Hensley and check in with the owners of the property on the other side.
- Is that something that we can incorporate?

Director Svanstrom commented it is her preference is always to not include conditions that have some sort of tie in to a neighbor's approval, that is problematic both legally and logistically.

City Manager/Attorney McLaughlin commented as follows:

- Well, besides the legal issue, it's been my experience in my years with the City that it's not necessary - that neighbors with concerns express them.
- That was actually going to be my other comment and obviously Mr. Hensley and others know, having gone through this process, myself, we are prepared to deal with problems in this matter should they happen.

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Mayor Glass commented as follows:

- We have a methodology determined for the water monitoring and we're making two more conditions in addition to that that have to do with a biannual report that is reviewed by the Planning Department and will be tracked through our business license system.

Director Svansson requested a preference to not include the actual tracking measure in the COAs. I suspect that's how we will do it. I do want to make sure we have some flexibility if we want a better way to track.

Vice Mayor Gurney commented there is not a lot of enthusiasm here, which I think demonstrates our struggle with the vision in the General Plan and the on the ground possibilities.

Mr. Hogan commented as follows:

- When the Council reaches the point of moving to approve the resolution, I would like an opportunity to repeat the language that I have crafted here at the meeting to make sure that the members of the Council are happy with what I have written.
- I have created new condition 85 which reads, every two years the applicant shall provide a count of the number of vehicles washed to the Planning Director for that two-year period. This information will be used to calculate water used per washed vehicles and determine the level of water reuse.
- It seems to make sense to explain in the condition why we're doing it so that ten years from now someone will actually know what they're supposed to be doing with it.
- Then under now what is 86e, only fragrance free cleaning solution shall be used in the operation of the car wash.
- I have also edited the noise assessment from five years to two years.
- Then I had that clarification to condition number 32 so that the applicant knows exactly where the location of the curb is supposed to be.

Mayor Glass commented as follows:

- I think we need to add in that part about the water, the 80% goal for recycling.
- I don't know how you put it in there, but that was part of the concern about water usage.

Mr. Hogan commented as follows:

- The reason 85 would read every two years the applicant shall provide a count of the number of vehicles washed to the Planning Director for that two-year reporting period to calculate water use per washed vehicle and determine compliance with the requirement for 80% water reuse in the operation of the car wash.
- I know this may be an additional complexity, but the other part of that equation, how many gallons of water per wash because that's obviously the other number to calculate the recycled water rate.

Mr. Blair commented as follows:

- I assumed that the City would get that through its own system.
- That would require a separate meter for the car wash.
- They will have a separate meter.
- It is a different development.
- There will be some ancillary use from the rest room and the office upstairs.

Mr. Hogan displayed the conditions on the screen and made the following comments:

- Every two years the applicant shall provide a count of the number of vehicles washed to the planning director for that two-year reporting period.
- This information will be used to calculate water use per washed vehicle and determine compliance with the requirement for 80% water reuse in the operation of the car wash.
- It's direct.
- It explains to future staff what they are supposed to do with the information.

City Manager/Attorney McLaughlin asked shouldn't there be an additional sentence similar to the noise assessment that if the car wash is out of compliance, measures will be taken to the satisfaction of the Planning Director to bring it into compliance?

Mr. Hogan stated yes and stated he would add that.

City Manager/Attorney McLaughlin commented as follows:

- All you have to do is say appropriate mitigation measures will be taken to the satisfaction of the Planning Director. It parallels the language you had for noise.

Vice Mayor Gurney commented that it does go without saying that the remedy of never coming into compliance is revocation of the permit.

City Manager/Attorney McLaughlin commented that we don't say that anywhere in the other conditions, but that is the way the code works.

The Council, staff, and consultant discussed amended conditions of approval.

Vice Mayor Gurney commented as follows:

- Questioned if in the future the use goes out of compliance with the conditions and so it's being tested and failing, is it possible that future Councils could just forgive these conditions?
- Such as future Councils could say "well, those are other people. They required that, but we don't care. You can continue."
- Is that possible?

City Manager/Attorney McLaughlin commented as follows:

- I suppose it is.
- I mean, you can always modify a Use Permit, sometimes you modify a Use Permit because there is a change in conditions.
- Just to make it specific to a car wash, who knows what they will invent in car wash technology 10 or 20 years from now.
- They can go back and seek to modify conditions of approval or parts of the Use Permit, yes, future decision makers could do that.
- Once they don't use water in car washes anymore that water use condition is no longer relevant and could be removed.

Director Svanstrom noted that:

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- In terms of the noise component, even outside of these conditions they would still need to be consistent with the noise ordinance, which I personally don't see that you would find findings for not complying with that.

Vice Mayor Gurney commented as follows:

- I thought of something else that wasn't clear because I think the Wheaton's indicated a concern about the application saying not open on Sunday's and now it is open on Sunday's.
- Can we get clarification on that?
- Possible that was ever changed?

Mr. Hogan commented as follows:

- I can check the original application, but I believe the original application is how it is stated, that they would have Saturday and Sunday hours.
- The original resolution that went to the Planning Commission based on their application had proposed operation hours from 7:00 A.M. to 7:00 P.M. every day.

Vice Mayor Gurney questioned are the other businesses, the tire shop and the oil change station open on Saturday and Sunday as well?

Mr. Reece commented as follows:

- Saturday yes.
- Sunday no.

Vice Mayor Gurney commented the rest of your businesses are closed Sunday?

Mr. Reece stated that is correct.

Vice Mayor Gurney commented would it be possible for the car wash to close Sunday as well?

Mr. Reece commented as follows:

- We would prefer not.
- People like to get their car washed on the weekends, and that is something that I think is a necessity for us.

Mayor Glass commented as follows:

- I'm just thinking about Vice Mayor Gurney's comments about not a lot of enthusiasm here.
- What I'm reminded of is that old adage is that perfect is the enemy of the good.
- The vision is the enemy of the mitigated circumstances or something.
- I think we're trying to this this vision but then we're trying to make our existing businesses viable.
- It just seems to me like our goal needs to be to try and set up this as much, if we are going to approve this, to set this up as much as possible to not conflict with our future vision so that we're balancing something that's existing, an existing use, that if we had our druthers way back 20 years ago, we would have been really happy about Benedetti Tire but we might be happier if it was somewhere else 30 years ago or whatever.
- We got this vision for our downtown core and we have an automobile use that may not be perfect.

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- Meanwhile, we have a successful business that's part of our community and that is adding on to the use that is kind of consistent with what the use is.
- How do we make sure that we're not precluding ourselves from moving ahead with our vision for the downtown?
- That's kind of I think that's the essential question right now.

Councilmember Hinton commented as follows:

- We did the language in the 80%, which was on a generic car system.
- I wanted to make sure the applicant was okay with that because I wouldn't want to approve something that he couldn't meet for sure and if we needed to maybe have a little variance on between 75% and 80%.
- I don't want to vote on something tonight and put it in language that there is a question about whether the applicant can meet it and I want to make sure to hear from the applicant
- I feel really good with the changes we made, but I just want to make sure that he can meet that.
- Could you address that?

Mr. Blair commented as follows:

- Yes, we're comfortable. We would rather it not be written in cement. But we are comfortable because that's an industry standard. It is nothing unusual.
- Obviously less conditions the better off we would prefer.
- But in any case, the 80% is something we can attain.

Councilmember Rich commented as follows:

- Addressed the overall concern, which is trying to come up with an arrangement that doesn't encumber or limit the use of the vision as it applies to the adjoining parcels and the area in general.
- Given the discussion during this meeting regarding the possibility of an extension of Abbott and the redwood forest on that side of the property, the way that this car wash has been set up on this particular parcel with the cars coming along what I think is the south boundary.
- I'm not a north/south person but it looks like they come along the south boundary and come into the limit, is that going to limit what can be done, the enjoyability of whatever happens, if it happens on that extension of Abbott?
- Is there enough room on that parcel to add landscaping?
- Do you have any room there?
- This is a question for the applicant for landscaping to be put on that side of the property or is the plan the moment that the cars just come up against the back edge of your property?
- I'm just looking at the issue, the potential but if the Ford property at the back ends up with some sort of housing that looks out on to the extension of Abbott across into the redwood forest and now you have the potential of a little pathway going along there toward Elderberry Commons, are those people and those cars going to be driving by a new road now that what they see on that side is a bunch of cars lined up for a car wash?

Director Svanstrom commented as follows:

- There may be room for landscaping there.
- The question is what is the setback from where that sidewalk would be in the property line?
- I think this is the important part of the conversation because if we're meaning to protect the possibilities for the future.

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- This is more livable, walkable, friendlier.
- This is the kind of thing we have to look at.
- There is now going to be a five foot sidewalk on the applicant's property, that easement.
- They currently are not proposing any landscaping on that side.
- It would be adjacent to a sidewalk.
- Mr. Paddon may be able to address this revision to this, but I believe it's the lower part of the traffic configuration needs to shift north.

Mr. Paddon commented as follows:

- It will have to be right in the driveway area.
- We'll have to shift it and take five feet out of.
- It is tight, but it's doable.
- We don't have any room to move on the other side as you come out of the car wash.
- We can make that work.
- There is always the potential for a screened fence along there.
- There is not room for a berm or something like that, but there could be one day in the future a green screen fence or some kind of appropriate barrier if that was the Council's preference.

Mayor Glass questioned if there is no real estate there for landscaping.

Mr. Paddon commented as follows:

- There is really not real estate there for a sidewalk, but we will make that work.
- But it's very, very tight right there.
- As has been mentioned, it's industrial warehouse to the south and that's our anticipated neighbor.
- A screening fence would be appropriate.
- We're going to have to squeeze five feet out of this area as it is kind of just on the driveway approach.

Mayor Glass commented that would be changing the circulation of the doughnut hole on the middle of the driveway there, right?

Mr. Paddon commented as follows:

- We're going to have to squeeze it out.
- In that whole area, we will have to shift everything five feet, and we will just have to find a way to do it.
- There is a way, but there is not room to get the walk plus any landscape.

Director Svanstrom commented as follows:

- I believe overall they have an excess of parking spaces on the site, so one of the options they could look at is just north of your property line and the car wash.
- Just north of the sort of gray toned area, you can see a black arrow where the movement in some additional parking spaces.
- There are some excess parking spaces as we look at the parking cars in the zoning code.
- If you bump that whole property line to the North and take out a parking space and move that driveway out to the north to shift that it could provide additional space.

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- I haven't had a chance to talk about that with the applicant, but that could be a possibility in terms of gaining a little bit more space on the South side of the car wash down by Abbott.

Mr. Paddon commented as follows:

- What we will have to work out is the appropriate radius through there and then the ability to exit early and the radius through here.
- Basically, we will have to work with this radius, this radius and this radius.
- Probably the better thing to do is this is going to be a straight line.
- We're taking five feet out of the property there so that everything else is going to have to shift by that five feet
- Basically it is in the zone through here that we will have to find our five feet because the building and this exit radius are pretty well fixed on this end.
- We're committed to doing that. That's not terribly unreasonable.

Mr. Reece commented as follows:

- If I can chime in a little bit here, two things that I want the Council to take into consideration, which is the five foot sidewalk was an addition to begin with, so we are taking parking places away on the other side to gain that feet.
- One of the challenges at Rotten Robbie is the radius that that turn takes to get in and out of the car wash.
- We're trying to make this car wash user friendly.
- To do that, we have to keep those radiuses at a wider range. Otherwise you will have people running into the curbs.
- People could not make that turn.
- We're going to get yourselves in a little bit of a problem here if we continue to chip away at what we want to do as far as land skip screening and taking more feet away from the property.
- The five feet sidewalk seems to be -- we can make it happen.
- It will be a bit of a challenge but we can make it work.
- If we continue on, it will be difficult for people to get in and out.

Vice Mayor Gurney commented as follows:

- I'm not sure I understand and probably because it is hard to see these drawings.
- I think what staff suggested was that there was an extra parking space.
- It was kind of like right in the center of everything there that is more than is required.
- I think her suggestion was if you eliminate a parking place you can shift everything to help resolve the sidewalk issue, the landscaping setback issue and that would help with the other.

Mr. Paddon commented as follows:

- If we took that parking space out, we would have room down on this end of the project.
- But where we run into problems once we get to this point, we don't have anywhere to go.
- We could shift as we come in a little bit there, but once we get here, we're very constrained with turning radiuses and making everything work like Mark was suggesting.

Vice Mayor Gurney commented:

- Still don't understand why you just can't take the whole project and move it like one parking place to the right on my screen to provide for the landscaping setback.

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Mr. Paddon commented as follows:

- So the difficulty is we've got the building.
- It has a certain depth.
- We have the turning radius.
- There is no way to shift.
- We're fixed.

Director Svanstrom commented that I think the question is there a reason you couldn't move the parcel line up to the north. Give a little bit more of the car wash parcel.

Mr. Reece commented as follows:

- Well, maybe the easiest solution for us is to say we can work with staff on how to figure that out if that becomes a necessity or if that's one of your criteria.
- What's going to happen is it will start affecting the staging for the express lube as we start to condense those areas and the transition in between the buildings in between.
- We're already taking a parking place away to get the five feet for the sidewalk.
- Now we will take another parking place away to gain the extra footage that you want for landscape on that particular side.
- I'm not saying it can't be done.
- It will just start to make things condensed on the other side of my facility and work into the stages of the cars at the express lube and also the transition between those cars between the tire and automotive service side and the express lube itself.
- My thought, Mr. Reece, was if the parking space as shown on the drawing is nine foot typical spacing, if you take out one of those spaces that you said you would do for the easement, you have five feet of easement and another four feet.
- Other than the constraint at the industry, which I understand might not be able to have landscaping, but that's where I was asking could you use the remainder of that parking space if it's nine feet or three feet of landscaping is needed.

Mr. Paddon commented as follows:

- Maybe what we could offer is like Mark is suggesting is like work with staff to work all the metrics out including the existing lube and tire center to make sure the on-site flow works and squeeze as much as we can out and very much like we worked with staff on refining the mitigation measures.
- Certainly, that's a commitment.
- It's tough because it's already constrained on the south end.
- I think that's a reasonable commitment to work with staff to squeeze as much out of it as we can without compromising or making, , unsafe vehicle circulation on the rest of the site.

Director Svanstrom commented as follows:

- I will note this will actually be reviewed by the DRB as part of their approval.
- We would work with the applicant on the staff level to see what was possible.
- The Design Review Board would need to approve it and obviously we will be forwarding Council's concerns to them as well.

Vice Mayor Gurney commented as follows:

- We're looking at a requirement.

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- Wouldn't it be help to you if we said something specific like we want a five foot wide landscaping buffer there, some specific measurement?
- We'll work with you to squeeze it out sounds like the whole condition could be squeezed away.
- What I'm interested in knowing and I don't think we can see this on the drawing is Mr. Reece's concern.
- I think it's reasonable to need a staging area.
- On the other hand, if that parcel is overparked, I think we might find a better use for the overparked real estate and if some of that can go to the berm or landscaping to provide fencing along Abbott Avenue, that would be good.

Mr. Reece commented as follows:

- I think also we need to look at we're at the industrial side of the adjacent property across from the thorough fair that the city already owns, so we're Really not at the area where we will have an issue with the park.
- Probably more than anything else, we could take up less space with either a green screen or something like that if it had to be put in at all when and if this gets developed.
- That would be more user friendly for everybody, I think.
- It would completely camouflage the car wash from the opposite side of that particular road and it won't take up as much space as it would by taking away another five foot area.

Vice Mayor Gurney commented as follows:

- I'm not sure what you mean when you say green screen.
- I think of a screen with stakes into it.

Mr. Reece commented as follows:

- There are different variants
- It would be able to be approved by DRB.

Councilmember Rich commented it sounds like the applicant is saying that the parcel isn't even really across from the park. If so, that changes it.

Vice Mayor Gurney commented as follows:

- We want to make sure we're preserving a place that's public access that's ultimately get down to the trail that's pedestrian.
- Walking along a cyclone fence isn't what I would call attractive.
- That's why a four or five foot landscape area is a better idea than whatever fence.

Mr. Paddon commented as follows:

- A green screen fence to me would be a living fence, covered with vines.
- There is a lot of draught tolerant vines that do well in an environment like that.
- They would need to have drip irrigation to them.
- But that would be a reasonable approach for a visual screening.
- Probably better than a three or four foot landscape buffer.

Councilmember Rich commented as follows:

- Is there some way that we could phrase this?

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- Because my concern is if we sit there, if we require a four foot landscape area and it turns out that that's really in conversation between the planning department and the applicant, it turns out that is really inconsistent with safety needs and cars moving around, we don't want them to do that.
- There has to be some way to kind of put out an expectation or a requirement or something that gives preferential treatment, .
- We want it to be visually appealing and look natural.
- That would be landscaping Or leave it up to the DRB, some sort of attractive Green screen.
- There has got to be a way we can leave description

City Manager/Attorney McLaughlin commented as follows:

- I was going to say I suggest that you craft your goal and leave it up to the DRB.
- If you had anything additional that landscaping of some sort will be provided on the Southern boundary of the property, whether that is a strip or green wall, the DRB could review that.

Vice Mayor Gurney commented as follows:

- What I was hoping for when Councilmember Rich raised this point is to have a sidewalk that is not immediately on a driveway.
- It will feel like you are walking through parking lots the whole way.
- Passed the CVS driveway, then across Barnes, and then there will be a queue of cars with a side.
- If we don't put in a physical buffer of several feet, then it will just be all parking lot.
- I think what I'm hearing is that it won't be bushes going high like a hedge or as an alternative, it would be kind of a living fence.
- I mean, I don't really understand the screen green concept but one way or another there is a buffer that is attractive and appealing between the people on the sidewalk and the cars that are driving through.
- All I'm suggesting is we reserve the real estate for that in a condition and let DRB figure out how the landscaping plan works to be beautiful and attractive.
- I think Director Svanstrom was dividing up one parking place with five feet for the sidewalk, that leaves four feet for some kind of landscape something or other, DRB discretion.
- Just as long as it doesn't end up being like a chain link fence with ivy on it.
- I don't want a wall there that's unattractive and just happened to be greened up with something.

Mayor Glass commented:

- My question still comes back to if we're combining the four feet plus the five feet, which is the standard parking lot width, are there radiuses and everything else still going to work?

City Manager/Attorney McLaughlin commented as follows:

- For purposes of this evening, I don't believe you will be able to craft a condition that answers all those questions.
- What I'm suggesting again is that you craft the goal in mind, which is effective visual greening, effective landscaped visual greening to the satisfaction of the Design Review Board and then send it to them because there is going to have to be a lot of work done evidently to figure out how to accomplish it on the site and you need another body to do that work with the applicant and then decide it.

Councilmember Rich commented as follows:

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- I think we need to rely on our DRB we don't know right now in the moment nor can the applicant or the consultants know how much space might be needed.
- If our goal is to create a landscaped barrier along the south boundary of the property along the sidewalk that's been set aside in an attractive manner that allows pedestrians to be screened from cars, I think we would trust the DRB to figure it out.

Director Svanstrom commented as follows:

- The southern edge of this will be developed.
- The sidewalk is not going in at this time.
- That's not a requirement for these projects.
- Right now, the site just sort of dies into open area. The city's right-of-way is a natural kind of area.
- A landscaped wall or some sort of planting will fit right in over there.

Vice Mayor Gurney commented as follows:

- Not sure why isn't the sidewalk going in?
- If it doesn't go in now how would it ever get put in?
- Why would the City pay for it later?
- I thought the sidewalk was a condition of this project?

Councilmember Hinton commented she thought the easement was a condition of the project.

Director Svanstrom commented the easement was a condition of the project.

Councilmember Gurney commented when does the sidewalk go in?

Director Svanstrom commented as follows:

- The entire right-of-way has not been designed by engineering yet so we don't know exactly what that would be in terms of what it would be.
- Yes, it would be up to the city to build a sidewalk in the future unless it's conditioned right now.

Mr. Hogan commented as follows:

- If a project does go in next door to this and they would be required to do the improvements to Abbott they would also realistically be required to install the sidewalk as well since they're the ones building the road.
- We just kick this down to the southerly director.
- There may not be a nexus required of this applicant.
- We would have to take a look at that.
- It is one thing to require an easement.
- It is another thing to require a sidewalk.

Vice Mayor Gurney commented as follows:

- If there can be agreement about an attractive wall or landscape or something natural looking on that south boundary and the easement for a sidewalk, that sets up kind of the frame work for hopefully filling in the rest.
- My goal would be a separation from the pedestrians on the to be sidewalk and the cars in the driveway cue to the car wash.
- We don't need to like build a little cinder block wall there to hide a car wash.

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- We don't need a cyclone sense to hide the car wash.
- I think we need a buffer zone, some space so if a car goes to the curb, the area can be beautified in some way once the sidewalk gets in and goes all the way to the connector trail.
- To use the words Green or finance or wall I think is problematic because to me it is a buffer zone that needs to be beautiful and attractive.
- Does a landscape buffer fit the bill?
- Stated that's why I was wondering if it would be helpful to you to offer a minimum width.

Director Svanstrom commented as follows:

- I'm comfortable with this. The DRB would be reviewing it.
- With a landscape strip, it needs to be enough for plantings and the DRB would be reviewing those.
- It's not necessarily hiding the car wash but it could be a buffer between the exit to the car wash and pedestrians.

Vice Mayor Gurney noted:

- In the same way, for instance the tire shop has a whole landscaped area, from the sidewalk to the building and the front door and the whole parking space is there.
- I'm thinking of a mini version of that kind of thing.

Councilmember Rich questioned if staff has all the details they need from the Council.

Director Svanstrom commented as follows:

- They are the modifications we have shared on the screen earlier, which is every two year bi annual report for the noise, the water vapor and the water usage.
- The water usage condition.
- Into that, the condition of the fragrance free chemicals only shall be used and then the last season is provided between the Southern sidewalk location and the car wash.
- That is what we have in terms of the modifications.
- I have a clarification to condition 32 so that when -- when we go towards everybody will know where the radius is supposed to be.
- Clarifying the location of the radius for the method.

Vice Mayor Gurney commented as follows:

- I'm looking at the staff report.
- On page 5 there is a paragraph at the top, additional landscape screening saying this is going to be reviewed by the DRB.
- I think it's important that we note that the comment about the landscape buffer that you just put together does not replace or address what's in this paragraph in the staff report.
- This is specific conditions on the outside and then obviously the entire meeting of landscaping.
- The landscape screening for the property to be used as well.
- There is the two locations that the DRB would be reviewing for landscaping.
- I wanted to make sure that we understand that we're not taking over that paragraph in that comment about the buffer zone.
- The landscape on the East is shown on the plan so that's already changed.
- What will be reviewed by DRB.
- This one is a change to the plans as shown in exhibit A.

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- You should specify that specific condition.

**MOTION:**

Councilmember Hinton moved and Councilmember Rich seconded the motion to approve:

- Conditions as changed and shown by David Hogan
- Landscape buffer shall be provided between the Southern sidewalk location and the carwash
- #32 Clarification Radius
- Mitigated Negative Declaration;
- Conditional Use Permit with revised conditions as discussed
- Variance; and
- Tentative Parcel Map

Discussion:

Vice Mayor Gurney commented as follows:

- We're looking at a map that it sounds like it could be messed around with in the discussion with Kari about that buffer zone and the five-foot easement.

Director Svanstrom commented as follows:

- You are approving what's called a tentative parcel map.
- It is not the final marking of the subdivision.
- The final parcel map when submitted can have small adjustments like that to address your conditions.
- Will still be consistent with your approval tonight.

Mayor Glass called for a roll call vote. City staff conducted a roll call vote.

**VOTE:**

Ayes: Councilmembers Hinton, Rich, Vice Mayor Gurney and Mayor Glass

Noes: None

Absent: Councilmember Slayter

Abstain: None

**City Council Action: Approved**

- **Conditions as changed and shown by David Hogan**
- **Landscape buffer shall be provided between the Southern sidewalk location and the carwash**
- **#32 Clarification Radius**
- **Mitigated Negative Declaration;**
- **Conditional Use Permit with revised conditions as discussed**
- **Variance; and**
- **Tentative Parcel Map**

**Minute Order Number: 2021-047**

**Resolution Number: 6332-2021**

Councilmember Slayter returned to the meeting.

**CITY COUNCIL REPORTS:**

9. City Manager-Attorney/City Clerk Reports:

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City Manager/Attorney McLaughlin reminded the Council of the closed session meeting tomorrow morning.

10. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards)

Councilmember Rich reported as follows:

- In a summary fashion, the Zero Waste Committee with our wonderful lead in place met and they are very vibrant, engaged and ready to go forward group.
- Talked about SB-1383.
- Talked about the amendment to the ordinance.
- Talked about the CRV, kiosk.
- The group is ready to help education and they're moving forward with various projects.
- The Climate Action Committee has continued to meet.
- They are now getting off into subcommittees focusing on specific topics and coming back quickly with reports out.
- Moving forward to pull together the CRV, kiosk with substantial help from staff.
- Community Church is considering it.
- That's not something that will be coming in front of the City Council.
- It's just going to be a Planning Department process.
- There is a project involving safe parking and possible huts that I'm pursuing with the Community Church and discussing with staff.

Councilmember Hinton reported as follows:

- I attended the Zero Waste meeting for Councilmember Rich as her alternate on the 18th.
- I attended the Sebastopol Downtown Association meeting on the 19th and you heard some of what they're working on with talking to various business owners in town.
- I attended the Russian River Watershed meeting.
- City Manager/Attorney McLaughlin and I had a working meeting which normally would have been attended by former Engineering Manager Mikus on the 24th and we are going to try to get it on agenda to have a presentation about our membership and the projects they're working on.
- I attended the full meeting on the 25th and then on the 26th was the legislative board meeting for the committee for Mayors and Councilmembers and I believe the organization did vote to send a less amended letter for SB 9.
- I think everybody was in favor of that.

Vice Mayor Gurney reported as follows:

- I appreciate Councilmember giving the report on the Zero Waste Committee and the Climate Action Committee.
- I think the Council has done a good job in organizing these committees so our CBA is present at both.
- It helps to have two Councilmembers on because there is overlap but not duplication.
- I think we're really fortunate because our community members are so energetic on this.
- They will give us some action on climate action and zero waist.
- I got an advanced notice from the executive director they read the application we put in.

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- It is not recommended by the staff at the SDTA, so I will be speaking to City Manager/Attorney McLaughlin and Assistant City Manager/City Clerk Gourley about how to deal with that hopefully after tomorrow's closed session.
- I think we should comment to that board about how we get squeezed out as the smallest city and not get on the list for being funded.
- LANTERN continues to meet and look for board members to also deal with issues like the digital divide and equity issues in our future library.
- I mentioned that listening sessions that the regional system is doing to which we have all been invited to participate.
- The Community Center board meets monthly.
- They continue to upgrade all their reporting systems and they are getting ready for reopening.
- When that happens, then they're doing the stage reopening as they can manage now.
- Looking at continuing to work with that age group, is it 6 through 12 complimentary to what the center for the arts is doing.

Councilmember Slayter reported as follows:

- Vice Mayor Gurney's comment about getting squeezed out from SDTA, something else that we need to remind the county of is, hey, we're out here in West County.
- We're not on 101 and that seems to be a bar you need to get over.
- I know that everyone is aware of it. I just want to make sure if there is a letter or something else that's going out that that's also captured.
- It's been a quiet couple of weeks since the last Council meeting.
- I did attend a virtual event with Sebastopol World Friends.
- There is an annual Japanese Emperor birthday party usually hosted in San Francisco.
- This year it was done online and it was a brief program.
- The fire and safety subcommittee continues and that's Councilmember Rich and me with City management.
- I attended the Chamber of Commerce meeting a week and a half ago and we heard from the executive director of that fine organization during public comment, so they seem to be doing pretty well given the inability to hold events, but they also have been able to pare down their expenses and are able to just tread water which is honestly a great place to be right now, so those are my reports.

Mayor Glass reported as follows:

- Since our last City Council meeting amazingly enough I had two mayors' meetings and the first one actually was generally our meeting includes the chair of the board of six who is our Supervisor Hopkins.
- However, she was unable to have that meeting. So we had the first time I have seen him taking on this role is our new Supervisor, Chris Coursey. So it was great to see him and, so, we had a meeting with all nine of us cities plus Supervisor Coursey.
- We talked a bit about COVID issues and he brought up the issue of who is going to be taking over managing basically COVID statewide, so it is now going to be managed by blue shield who is going to manage this website that's called my turn.
- There is some degree of happiness but a lot of degree of trepidation because people are very concerned, they don't understand our issues in our local county so, , it is kind of the feelings.

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- There was some discussion about the COC and how basically funding that is for homeless issues that the county is not particularly good at coordinating that between all of the cities and the county and so there is, , discussion about that going on.
  - We have had quite a bit of collaboration on some of this with our supervisor.
  - We had a second mayor's meeting.
  - At that meeting there was interesting numbers that give one some optimism.
  - As of Thursday there had been 128,000 doses in our country and of those, 66,000 doses and 31,000 second doses and 96,000 people inoculated.
  - Which that's a lot better than it was a few weeks ago, so that was happy news.
  - We had more talk about Blue Shield.
  - I also attended another Sebastopol Inn stakeholders meeting.
  - Everything seemed very positive. Our former Acting Chief was there. Not a single complaint. Not a single problem.
  - The chiropractor whose business is there seemed pretty happy.
  - There was discussion about the fencing and the fencing that's going to go in, the access points from the trail, et cetera, et cetera.
  - DIMA reported they have up to 20, 25 or 26 residents now.
  - Everything seems to be moving along.
  - They are talking with our buddies about supplying food.
  - All of those things seem to be moving forward and it is all sounding quite positive.
  - There were basically no tenants and no property owners that have issues with the project at that time but there were a couple of members of the public that were still unhappy or asking a lot of questions.
11. Council Communications Received: There were none.
12. Future City Meeting Dates/Events (Informational Only): (See Agenda and City Web site for Up-to-Date Meeting Dates/Times)

**CLOSED SESSION:** None

**ADJOURNMENT OF CITY COUNCIL REGULAR MEETING**

Meeting will be adjourned to the City Council Special Meeting – Closed Session Meeting of March 3, 2021 at 9:30 am (VIRTUAL ZOOM PLATFORM); Followed by the City Council Special Meeting – Study Session – CoMission of March 10, 2021 at 8:30 am.

Next regular City Council Meeting is scheduled for Tuesday March 16, 2021 at 6:00 pm

Mayor Glass adjourned the Regular City Council Meeting at 11:17 pm.

Respectfully Submitted:



Mary C. Gourley  
Assistant City Manager/City Clerk, MMC

