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PLANNING COMMISSION
MEETING OF: October 23, 2018
SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

UNAPPROVED DRAFT MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF OCTOBER 23, 2018

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on October 18, 2018.

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

1. CALL TO ORDER: Chair Douch called the meeting to order at 7:01 p.m.

2. ROLL CALL:

Present: Chair Douch, and Commissioners Glaser, Wilson, Fernandez, Doyle and Fritz
Absent: Vice Chair Jacob and Commissioner Kelley (excused)
Staff: Kari Svanstrom, Planning Director
Dana Morrison, Assistant Planner
Rebecca Mansour, Planning Technician

3. APPROVAL OF PLANNING COMMISSION MINUTES: There were none.

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

Chair Douch asked for comments from the public on items not on tonight's agenda.

Linda Berg, a resident of Sebastopol, commented:

- Respectfully requested that the Chair asked those in attendance to power off their cellphones for health and safety.

Chair Douch responded in the affirmative and asked those in attendance to power off their cellphones as requested by Ms. Berg.

Ms. Berg comments continued:

- Objects to being cooked alive.
- We're all being fried by our wireless devices.
- This is a trillion-dollar industry that is based on the ignorance of consumers.
 - They depend on the continued ignorance of consumers to keep that money rolling in.
 - This comes at the expense of our public health.
- The cell tower at the hospital has caused a cancer cluster at Petaluma Avenue Homes.
 - A number of people eloquently spoke about this issue at the last City Council meeting.
 - This cell tower should be removed/relocated at least 1,500 feet away from any residence.
 - The City is going to adopt a resolution and write a letter of support for these people.
 - The hospital gets about \$3,000 per month from Crown Castle for hosting that tower.
 - This is just the beginning.
- The City needs to start looking at everything that comes before it for a permit through the lens of how much microwave radiation and magnetic fields the project will bring.
- Demonstrated use of an EMF meter and spoke on the high levels of microwave radiation in the meeting room.
- Thanked the Commission for their time.

Hearing nothing further, Chair Douch closed the public comment period.

5. STATEMENTS OF CONFLICTS OF INTEREST: There were none.

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

Director Svanstrom provided the following updates:

- The Zoning Ordinance was approved by the City Council on October 16, 2018 and will go into effect on November 15, 2018.
 - The second reading will take place on October 30, 2018.
 - Some additional items (errors and omissions) are included in an errata as well as a couple of other minor edits that were raised during the last Commission meeting.
- At the City Council meeting on October 30, 2018, the Council will review:
 - A telecom urgency ordinance establishing a moratorium for any new small cell sites in the public right-of-way. This is intended to be in effect while the telecommunications ordinance is being updated.
 - The last update to our telecommunications ordinance occurred in 1996.

- An initial discussion of the telecommunications ordinance is expected to be before the Commission in late November.
- On Sunday, November 4, a Housing Fair is being held at the Community Center from 1:30 p.m. to 5:00 p.m.
 - Commissioner Fritz will be on the panel.
- Invited Commission members to notify her of any anticipated absences, etc. for purposes of the draft City Council liaison list that she has been working on.
- A revised workplan will be returning to the Commission as well.
- Sonoma State University's Annual Planning Commissioners Conference is being held on Saturday, December 2.
 - Requested that Commissioners let her know if they plan on attending, if they haven't done so already, so she can register everyone later this week.

Commissioner Glaser commented:

- Planning Commission education on telecom is greatly needed.

Director Svanstrom responded in the affirmative and noted that that was being worked out with the City Attorney and consulting firm, Meyers | Nave.

Commissioner Fernandez commented that he plans on attending the Commissioners Conference at Sonoma State University.

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

8. PUBLIC HEARING:

- A. **ESOS [ENVIRONMENTAL AND SCENIC OPEN SPACE] MODIFICATION REQUEST:** This is an application requesting either: a) an exemption for the project from the required ESOS requirements or; b) a reduction in the scope of the ESOS resource analysis study for the site located at 6737 Sebastopol Avenue. The request for exemption is due to the existing character of the property, which was previously developed with industrial uses and remains relatively void of environmental resources. This request is a contemplated request under the ESOS regulations, Section 17.46.070 of the Zoning Ordinance. The application is also requesting a reduction in the 100' setback from the Railroad Forest to 50', as allowed by Section 17.46.050.B(1).

Director Svanstrom presented the staff report and was available for questions.

The Commission asked questions of Director Svanstrom and Assistant Planner Morrison.

Hearing no further questions, Chair Douch asked if the applicant wished to make a presentation.

The applicant, Dan Davis, gave a brief presentation and was available for questions.

The Commission asked questions of Mr. Davis.

Hearing nothing further, Chair Douch asked if members of the public wished to speak on this item.

Ms. Berg commented:

- Expressed feeling sick from having to be in this environment with unhealthy levels of microwave radiation while waiting for her turn to comment on this application.
 - Demonstrated use of an EMF meter and spoke on the high levels of microwave radiation in the meeting room.
 - A growing number of people are sensitive to microwave radiation.
 - Requested that members of the public be allowed to comment earlier in the process.

Chair Douch asked Ms. Berg to limit her comments to those related to the Davis Townhomes application.

- The entire Laguna is an ideal habitat for ticks.
 - Has collected 400 ticks.
 - Has been dealing with Lyme disease for nearly thirty years.
 - Conducted tick tock Tuesday meetings for over four years. More than 1,300 people who were desperately ill participated.
 - There is no cheap and easy treatment for Lyme disease.
 - If this project is built, one can assume that a lot of the residents will have dogs and will use the wonderful trails along the Laguna.
 - Unfortunately, the trails are filthy with ticks.
- Levels of microwave radiation should also be considered.
- If we don't pay attention to these things, we'll end up with more cancer clusters and more Lyme disease.
- Dr. Kenneth Stoller states that more than fifty million Americans have Lyme disease.
- Does not think that this project should be built.
- Has an inactive contractor's license herself.
- There are ways to protect from radiation.
- Thanked the Commission for their time.

Lynn Deedler, a resident of Sebastopol, commented:

- This lot could be a community treasure.
- This lot should be owned by the City of Sebastopol.
- This lot is at the vertex of the two most beautiful lots in all the Laguna.
- This is a really scenic site.
- Sebastopol has considered itself a steward of the Laguna.
- From hotel to hotel, the City Sebastopol has turned its back on the Laguna.
- This site provides the last opening that we have to the prettiest part of the Laguna within our city limits.
- Sebastopol has a lot of public facilities that are aging and too small.
- This would be a location for something that is open to the public.
- This site would be more valuable if owned by the City.
- This project will put two-story buildings along the prettiest part of the Laguna.
- There are many alternative developments that come to mind for him.
- While he is not against this project, he would prefer that the City find a way to make it a public piece of property that we can all share and enjoy.
- Thanked the Commission for their time.

Hearing nothing further, Chair Douch closed the public hearing and brought it back to the Commission for discussion.

Director Svanstrom noted that the Planning Department received one written comment from a member of the public which was provided to the Commission prior to the start of tonight's meeting.

Chair Douch asked for Commission discussion.

Commissioner Glaser commented:

- Supports what has been requested so far.
- A 50' setback seems like more than enough.
- When looking back over the last twenty years you can see that the site has been impacted before.
- It can take a very long time, if ever, before a site can return to its natural state.
- This project gets the site closer to its natural state, in some respects.
- Has additional questions of the applicant, with regards to the project itself, as this project moves forward through the process.
- In looking at aerials and pictures, unlike this project, all adjoining sites run right up against the Laguna.

Commissioner Wilson commented:

- While this property is close to the Laguna, in terms of appearance, this property does not look like a treasure.
- The city desperately needs housing.
- This is a good proposal.
- There are not many 1.7-acre properties available that can accommodate housing inside city limits.
- Reiterated the need for housing.
- Agrees with staff's recommendations on the conditions for approval.

Commissioner Fritz commented:

- Concurred with fellow Commissioner comments.
- While this property is adjacent to the Laguna, it is not in good shape.
- The property is fairly devoid of native habitat.
- It will be important to make sure that the storm water treatment facilities for this parcel are appropriate and adequate to filter any additional runoff water before it gets into the Laguna.
- Agrees with staff's recommendation to move the bioretention area out of the 50' setback.
- We desperately need housing, and this is an appropriate location for it.
- As an advocate for higher density, he'd like to see more than 18 units.
- This project is decently laid out and provides a good amount of open space for the residents to use.
- This will enhance the site over its existing condition.
- Expressed having concerns regarding lot #18 as it slightly encroaches into the 50' setback.
 - In addition, the drop off in landscape in the backyard is not viable as it would render the backyard fairly unusable.
 - It may make sense to move lot #18, and perhaps the lot next to it, forward to the east a little bit.
 - Doing so could make the backyard more usable and would remove it from being within the 50' setback.

- Reducing the depth of lot #18 could accomplish the same thing as it is deeper than some of the other lots.
- Supports staff's recommendation for the 50' setback and modifications to the ESOS study.

Commissioner Fernandez asked staff during which months the nesting period takes place.

Director Svanstrom responded that the nesting period usually takes place from April to November.

Commissioner Fernandez commented:

- Shares concerns on lot #18.
- Concurs with fellow members of the Commission on this request being appropriate.
- 2-story units are not viable for seniors, which is unfortunate as we need housing for them as well.
- Oftentimes enforcement of conditions can be difficult; wants clear provisions that can be realistically monitored and enforced.
- Suggested signage to notify public of sensitive areas near the Laguna.
- Supports 50' setback. A 50' setback will wind up better than requiring 100' and leaving the area as is.

Commissioner Doyle commented:

- Thanked staff for a thorough and clear staff report.
 - The findings were well described and the conditions of approval well written.
- Supports the 50' setback.
- Expressed concern over lot #18 encroaching into the 50' setback.
 - The design of lot #18 is not consistent with the recommended conditions of approval.
 - Seems like there is room in the site to move lot #18.
 - If the applicant considered taking lots #6, 7, 8, and 9 and turning them back to the grid with the other units in the same diagonal grid, lot #18 could be moved next to lot #9 and there would still be space to move the bioretention area (#4) over the line.
 - As it is right now, sees an opening for someone to contest the project.
- Other than the issue he spoke of he expressed being fully supportive of the project.

Chair Douch commented:

- Echoes comments made by fellow Commissioners.
- Supports this application as conditioned.
- Seconded Commissioner Doyle's comments on the staff report being very well done.
- The last time the Commission looked at this application, the Commission requested additional information.
 - Clarifications and additional information within the staff report give him confidence in his sense that the 50' setback is appropriate in this case.
- The issues raised regarding lot #18 need to be remedied for consistency.
- Supports this project.

Commissioner Glaser asked clarifying questions of staff.

Director Svanstrom responded.

Commissioner Doyle made a motion to adopt the conditions of approval as recommended by staff with the following modification:

- Requested the following be inserted as a new b), after a); *b) Lot #18 shall be relocated to be outside of the 50' setback area.*

Commissioner Glaser asked a clarifying question of Commissioner Doyle.

Commissioner Wilson commented:

- Whether or not the ESOS study can be limited to a visual study is what is before the Commission at this time.
- The other issue for the Commission to decide is whether or not this project is entitled to a 50' setback with the conditions as outlined as staff.
- What isn't before the Commission at this time is the tentative map or the conditions of the map.
 - Will defer his questions on the tentative map until the appropriate time.
- Suggested amended language for the motion.

Commissioner Doyle amended his motion to adopt the conditions of approval as recommended by staff with the following modification:

- Requested the following be inserted as a new b), after a); *b) No residential lots, improvements (trails, fences, picnic benches, stormwater facilities, etc.) or structures shall be permitted inside the 50' setback buffer area.*

Director Svanstrom clarified that the motion was to approve the limited ESOS review and the reduction of the 50' setback subject to the recommended conditions of approval with the modification as stated by Commissioner Doyle.

Commissioner Doyle concurred.

Commissioner Glaser seconded the motion.

Commissioner Fernandez commented:

- Supports the motion.
- Wants to ensure systematic monitoring of conditions of approval in the future, not just during the initial stage.

Director Svanstrom spoke on the City's process in terms of monitoring compliance.

Commissioner Glaser commented that that type of general concern, in terms of systematic monitoring, should apply to any project, not just this one.

AYES:	Chair Douch, and Commissioners Glaser, Wilson, Fernandez, Doyle, and Fritz
NOES:	None
ABSTAIN:	None
ABSENT:	Vice Chair Jacob and Commissioner Kelley

Commissioner Wilson commented, for Brown Act purposes, comments or questions should be held until the appropriate point in the process in terms of what is on the agenda.

Director Svanstrom suggested that Commission members submit comments on issues they'd like the applicant to address to her which she could then forward to the applicant. Doing so would not be a Brown Act issue so long as it is done on an individual basis.

9. DISCUSSION: There were none.

10. WRITTEN COMMUNICATIONS: There were none.

11. ADJOURNMENT: Chair Douch adjourned the meeting at 8:27 p.m. The regularly scheduled Planning Commission meeting on Tuesday, November 13, 2018 has been canceled. The next meeting of the Commission will be held on Tuesday, November 27, 2018, at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472.

Respectfully Submitted By:

Kari Svanstrom
Planning Director