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PLANNING COMMISSION
MEETING OF: February 13, 2018
SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

APPROVED MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF FEBRUARY 13, 2018

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on February 08, 2018.

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

1. CALL TO ORDER: Chair Fritz called the meeting to order at 7:03 p.m.

2. ROLL CALL:

- Present:** Chair Fritz, and Commissioners Glaser, Wilson, Fernandez, and Doyle
- Absent:** Vice Chair Douch, and Commissioners Kelley and Jacob (excused)
- Staff:** Kenyon Webster, Planning Director
Rebecca Mansour, Planning Technician

3. APPROVAL OF PLANNING COMMISSION MINUTES: January 23, 2018.

Commissioner Glaser made a motion to approve the minutes as submitted.

Commissioner Wilson seconded the motion.

- AYES: Chair Fritz, and Commissioners Glaser, Wilson, Fernandez and Doyle
- NOES: None
- ABSTAIN: None

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

Deborah Tavares, a resident of Sebastopol, commented:

- Referred to, and read excerpts from, an article called, 'Population Engineering and the Fight against Climate Change' which can be found online at www.stopthecrime.net.
 - The article is very disturbing.
 - Urged the Commission to read the article.
- Thanked the Commission for their time.

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

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

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

Director Webster provided the following update:

- In preparation for their discussion of the draft Zoning Map, the Commission is being provided with an enlarged version of the draft Zoning Map. The Commission will also be given an enlarged version of the current Zoning and General Plan maps as well.
- At the next City Council meeting, the Council will:
 - Conduct a public hearing on the proposed comprehensive cannabis ordinance.
 - Consider a draft Request for Proposals for the next public art project.
 - The Public Arts Committee has identified the Bodega-fronting wall of the Sebastopol Library as their desired location for the next public art project.
 - Consider changes to the City's Housing Impact fees.
- At the City Council meeting on March 6, the Council will:
 - Consider an appeal of the Use Permit that was recently approved by the Planning Commission to allow an Anytime Fitness to operate at 131 South Main Street.
- Discussed the potential timeline for upcoming Planning Commission items, including initial review of the draft Zoning Map, a couple of Use Permits, Preliminary Review of a proposed development of 18 townhomes, as well as final review of the Zoning Map and the updated package of Zoning Ordinance text amendments.

The Commission asked questions of Director Webster.

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

8. PUBLIC HEARING:

A. ZONING ORDINANCE UPDATE, GENERAL REVISIONS: The Commission is in receipt of, and conducted a public hearing on, proposed comprehensive revisions to the policies and procedures of the Zoning Ordinance. The Commission has discussed a number of the amendments, and will continue to work towards completion of its first round of review. After a revised draft returns for Commission review, the Commission's recommendations on the amendments will be forwarded to the City Council for final action.

Director Webster provided a brief introduction.

Beth Thompson, De Novo Planning Group, discussed process and provided an introduction.

The Commission asked questions of Ms. Thompson and Director Webster throughout their discussion.

Ms. Thompson asked to hear from the Commission on, 'Chapter 17.330 Outdoor Music And Noise In The Downtown.'

Commissioner Wilson commented that 8 a.m. seemed quite early to allow an exceptionally loud noise event.

Commissioners expressed concern over the impacts of noise on surrounding neighborhoods but agreed to leave the language as drafted with the following:

- Requested that a figure be included which clearly defines the 'Downtown Area' as was done in the recently updated General Plan.
- Suggested that the first sentence under, '17.330.020 Downtown Noise Permit Standards – Community Events' be revised as follows, 'The following standards apply to community-wide events that occur on public or private property which are not otherwise approved by the City.'

Chair Fritz asked to hear from the Commission on, 'Chapter 17.355 Mobile Food Truck Regulations.'

Commissioner Glaser commented:

- Limiting food trucks on a temporary basis to less than one hour is too restrictive and does not make any sense.

Chair Fritz and Commissioner Fernandez concurred with Commissioner Glaser on the one hour time limit being too limiting.

Commissioner Doyle agreed on an hour-long window being pretty tight for what could be a popular food truck.

Commissioner Fernandez commented:

- Has spoken to quite a few food truck owners recently.
- The County of Sonoma has pretty liberal rules for food trucks.
- The hours should be extended until 2:30 a.m. to allow food trucks to remain open past the time when our local bars are shutting down.
- Every single one of the food truck vendors that he spoke with echoed the sentiment that Sebastopol is not a friendly place for them to operate.
 - They also echoed their belief that Sebastopol has a need for food trucks.
- Food trucks and restaurants can co-exist.

- Wants to make it easier for food trucks to operate in town.
 - Doing so will benefit the city.
- Expressed concern over establishments that are required to, 'serve food to patrons during all hours the establishment is open for customers,' in that they often don't.
- Suggested that, 'B. Hours of Operation. a.' be revised as follows, 'Downtown Core District: All mobile food truck vendors within the Downtown Core District shall cease operation between the hours of 2:30 AM and 7:00 AM.'

Commissioner Doyle suggested that, 'J. A mobile food vendor shall not vend in any one location for more than one hour.' be stricken as it did not make sense.

Ms. Thompson agreed that, 'J.' should have been eliminated once, 'I.' was added.

The Commission agreed to revise, '17.355.020 Mobile Food Trucks Operating within the Public Right-of-Way or Operating Short-term on Public or Private Property.' as follows, 'The following standards apply to mobile food vendors that operate within the public right-of-way or on other public property and to mobile food vendors that operate on a temporary basis (less than one hour) with the permission of the property owner on private property.'

Ms. Thompson responded in the affirmative and commented that she would ensure that the intent of that language was clear.

Commissioner Glaser requested that the reference to, 'Downtown Core District' under, 'b. Elsewhere: All mobile food truck vendors outside of the Downtown Care District shall cease operation between the hours of 10:00 PM and 7:00 AM.' Be revised to read, 'Downtown Area' to be consistent with other references.

The Commission and staff concurred.

Chair Fritz commented that there seemed to be consensus on increasing the allowable time, from one hour, for mobile food vendors to operate on a temporary basis.

Commissioner Fernandez commented:

- Supports eliminating the time restriction altogether.
- Clarified that food truck operators would be allowed additional time to set up and close down.

Ms. Thompson responded in the affirmative.

The Commission agreed to increase the allowable time for mobile food vendors that operate on a temporary basis to remain in one place from one hour to two.

Commissioner Doyle commented that this, similar to the outdoor music and noise in the downtown issue, is somewhat experimental and could be revisited at any point in the future.

Commissioner Wilson concurred.

In response to a question raised by Chair Fritz, the Commission agreed to revise, 'C.' as follows, 'C. Mobile food vendors shall not operate directly in front of any building-enclosed restaurant, except when the restaurant is closed for business or if the mobile food vendor has written authorization from the building-enclosed restaurant.'

In response to a question raised by Commissioner Fernandez, the Commission agreed to revise, 'G.' as follows, 'G. Mobile food vendors shall not operate on public land or within the public right-of-way within three hundred fifty (350) feet of a public or private school within thirty minutes of the beginning and end of the school day without written permission of the School Principal.

Commissioner Doyle noted an incorrect reference under, '17.355.030 Mobile Food Truck Court Requirements, G.'

Ms. Thompson responded in the affirmative and commented that it should read, '17.355.020'.

Commissioner Fernandez commented that allowing establishments to satisfy their requirement to have food service while serving alcohol via a pad for a food truck or trucks may be worth considering.

Commissioner Doyle responded:

- While Commissioner Fernandez's suggestion was fine, he did not believe that was necessary as establishments can satisfy the requirement with things like pretzels or nuts.
- Agreed on the issue of bars not serving food after 9 p.m. being a problem which he wished the City would enforce.

Commissioner Fernandez responded:

- The types of foods that can be served to satisfy the requirement are not spelled out.
- Wants to encourage establishments to offer more food options.
- Food service not being available to people that are consuming alcohol can present a safety issue as well.
- Asked if there was interest in allowing food trucks to operate before 7:00 AM for coffee carts, etc.

Commissioner Glaser commented that that could be addressed later, if needed.

The Commission concurred.

Ms. Thompson asked to hear from the Commission on Chapters 17.400 through 17.470. These chapters all govern the City's permits, approvals and zoning actions.

Commissioner Doyle commented:

- It may be helpful to review these sections from an unexperienced person's perspective.
- Suggested adding references to, 'Table 17.400-1: Zoning Approval – Decision-Making Authority,' throughout, where appropriate.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.400 Procedures And Administration – General Provisions'.

Chair Fritz suggested that the language under, 'A. 1. Multiple Approvals' be clarified.

Mrs. Thompson commented that it could be revised to read, '1. Multiple Approvals. If more than one planning approval is required for a single project, the applications may be processed concurrently, with all the permits being considered and acted upon by the

highest applicable review authority with the exception of the Tree or Design Review Board.'

Commissioner Glaser and Chair Fritz noted that 'footnote 1' was missing from Table 17.400-2: Public Notice, Public Comment, and Public Hearing Requirements.

Ms. Thompson responded that she would look into that.

Chair Fritz noted that there is a reference to, 'Sections 17.400 through 17.495' under, 'D. Zoning Approval Decision Procedures. 2.' and commented that the sections do not go up that high. He noted that he may have seen that same reference elsewhere too.

Mrs. Thompson responded that she would correct that reference and any others that may exist.

Commissioner Doyle commented:

- Minor subdivisions are not listed under, 'Table 17.400-1: Zoning Approval – Decision-Making Authority' and it seems like they should be now that the Commission has recommended that they be approvable by the Planning Commission and appealable to the City Council.

Ms. Thompson responded that subdivisions are under, 'Title 16' of the Municipal Code which is typical.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.405 Administrative Permit'.

Commissioner Glaser commented that the reference to Section, '17.405.040' does not exist and should be stricken.

Ms. Thompson responded in the affirmative.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.410 Adjustment Procedure'.

There were no comments.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.415 Use Permit Procedure'.

Commissioner Doyle commented that, '17.415.030' should read, '17.415.020'.

Ms. Thompson noted the correction.

Commissioner Glaser commented that, '17.315.30 Findings.' should read, '17.415.30.'

Ms. Thompson noted the correction.

Commissioner Wilson referred to, 'B. Standards Conditions. 4.' and suggested that it be revised to read, 'The use granted by this permit must be in operation within three years of the delivery of the signed permit to the Permittee. If any use for which a Use Permit has been granted is not in operation within three years of the date of receipt of the signed permit by the Permittee, the permit shall become null and void and re-application and a new permit shall be required to establish the use.'

Ms. Thompson concurred.

In response to a question from Chair Fritz, Ms. Thompson commented that the way it is written precludes extensions, which she would fix.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.420 Variance Procedure'.

Commissioner Wilson commented that a supermajority vote of the Commission could be required to further discourage these requests.

The Commission expressed being comfortable leaving it as is.

Commissioner Doyle commented that he had difficulty finding information on appeal and variance processes and suggested that the consultant look into ways to make those topics more easily found and/or referenced.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.425 Reasonable Accommodation Under The Fair Housing Acts'.

There were no comments.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.430 Temporary Use Permits'.

Commissioner Fernandez referred to, '17.430.020 Term' and commented that, 'terms in excess of six months shall be subject to Planning Commission review.' should be clarified as Planning Commission review comes in after the initial term of up to six months with one extension of up to six months being approvable administratively.

Ms. Thompson responded in the affirmative.

Commissioner Glaser referred to, '17.430.010 Purpose – Applicability.' and suggested striking the specific reference to, 'circuses, carnivals, and festivals,' and replacing it with the word, 'events' instead.

The Commission concurred.

Commissioner Glaser referred to, '17.430.010 Purpose – Applicability.' and suggested that a definition of what it means for an event to be, 'sponsored by the City of Sebastopol' be added.

Commissioner Doyle commented that adding a definition of that was not necessary.

The Commission concurred with adding a definition of what it means to be, 'sponsored by the City of Sebastopol'.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.435 Downtown Noise Permits.'

Commissioner Wilson stated that the area that this section applied to should be clearly defined.

Ms. Thompson responded in the affirmative.

Chair Fritz commented:

- '17.435.050 Complaints' should read, '17.435.060 Complaints'.
- '17.435.050 Findings' and, '17.435.060 Complaints' are missing under, 'Sections:'

Ms. Thompson noted those corrections.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.440 Development Agreements'.

There were no comments.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.445 General Plan And Zoning Amendment Procedure'.

There were no comments.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.455 Administrative Appeal Procedure'.

Commissioner Doyle suggested that a reference to, 'Table 17.400-1: Zoning Approval – Decision-Making Authority' be included in this section.

Ms. Thompson responded in the affirmative. She stated that the reference could be added in, 'Chapter 17.460 Public Hearing Procedure' as well.

Chair Fritz commented that, 'C. Filing of Appeals.' should read, 'D. Filing of Appeals'.

Ms. Thompson responded in the affirmative.

In response to a question raised by Commissioner Fernandez, specific references to the, 'Secretary of the Planning Commission, or Design Review Board,' shall be changed to the, 'Planning Director'.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.460 Public Hearing Procedure'.

There were no comments.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.470 Enforcement/Penalties'.

There were no comments.

Chair Fritz asked to hear from the Commission on, 'Chapter 17.500 City Growth Management Program'.

Chair Fritz referred to, '17.500.030 General provisions. C. 6.' and suggested that it be revised to read, '6. Residential units in the Downtown Core.'

Ms. Thompson responded in the affirmative.

In response to questions raised, the Commission agreed to eliminate the section, '17.500.020 Findings'.

Hearing nothing further from the Commission, Chair Fritz asked if members wished to speak on this item.

Hearing none, Chair Fritz closed the public hearing.

The Commission concluded their discussion of this item.

B. ZONING ORDINANCE UPDATE, EMERGENCY-RELATED PROVISIONS: The consultant and staff have developed supplemental potential Zoning Ordinance revisions regarding response to potential future emergencies, for the Commission's review and comment.

Beth Thompson, De Novo Planning Group, presented the staff report.

The Commission asked questions of Ms. Thompson and Director Webster throughout their discussion.

Commissioner Glaser commented that he recalled that the Commission had included an allowance to construct accessory dwelling units in advance of principal dwelling units in the revised housing package they had sent to the Council.

Ms. Thompson commented that she would check to ensure that, 'G. a.' was not duplicative.

Commissioner Glaser referred to Government Code 65858 and asked if the proposed was in conformance with it.

Ms. Thompson commented that she would review conformance with the above referenced Government Code.

Commissioner Wilson commented:

- Suggested that this be enacted by an ordinance declaring a disaster, rather than an urgency ordinance as that would require a supermajority vote.
- In response to a clarifying question that he asked of Ms. Thompson, he commented that it should be clear that this ordinance can take effect following declaration of a local emergency by the City Council.

Ms. Thompson responded in the affirmative.

Commissioner Wilson referred to, '17.48.030 F.' and suggested that it be revised as follows, 'Continuance of Legal Nonconforming Activities or Uses. Notwithstanding SMC 17.160, structures within the -R Combining District that are occupied by legal nonconforming activities or uses and have been damaged or destroyed may be reconstructed or repaired in-kind, and reoccupied with a similar or less intense activity or use provided that:'

Ms. Thompson noted the correction.

Commissioner Wilson commented that he was not okay with price gouging. Chair Fritz concurred.

Commissioner Doyle commented:

- This should be an Urgency Ordinance with a defined completion date attached to it.

- Does not support ongoing rental control.
- Regulating rental prices is a big deal and has been the subject of a lot of litigation.
- Particularly concerned with the price gouging aspect in terms of adding a time constraint to it.
- Would support a defined completion date for all of the aspects of this.

Commissioner Glaser commented:

- Suggested that the time period be 2 years.

In response to an earlier comment from Commissioner Glaser, Ms. Thompson confirmed that language similar to, 'G. a.' had already been included in the housing-related Zoning Ordinance package that the Commission forwarded to the Council.

Commissioner Glaser referred to, '17.48.030 E. 3.' and recalled that that was specified in Government Code 65858 as well.

Commissioner Wilson referred to, '17.295.030 B.' which reads, 'B. If a primary dwelling unit is not constructed within four years of completion of the accessory dwelling unit, the accessory dwelling unit will be determined to be the primary dwelling unit on the property and shall be subject to the fees applicable to a primary dwelling unit at the time the unit was permitted.' and commented that it can be very hard to collect fees after the fact.

Commissioner Fernandez noted that State law deals with price gouging in the event of a local emergency as well.

Director Webster concurred.

Commissioner Doyle suggested that Chapter 17.48 Recovery (-R) Combining District be renamed as it is inconsistent with our other combining districts.

The Commission agreed to rename the Chapter to, '17.48 Recovery (REC) Combining District'.

Ms. Thompson clarified this this includes three different sections within the Zoning Ordinance.

- Chapter 17.48 Recovery (REC) Combining District
- Chapter 17.290 Prohibition On Rental Housing Price Gouging
- Chapter 17.295 Disaster Recovery Housing Provisions
- The Council can choose to activate any or all of these at the time of a disaster.

Commissioner Doyle clarified that Chapter 17.290 would be activated as an urgency ordinance for a period of six months which could be extended for an additional six months by the Council.

Director Webster responded that he was not certain of the time constraints of an urgency ordinance and agreed with adding a statement to Chapter 17.290 which would read, 'prohibition on rental housing price gouging shall expire after six months unless renewed for an additional six months by the Council'.

The Commission concurred with adding that language to Chapter 17.290.

Commissioner Doyle referred to, '17.295.030 Accessory Dwelling Units. A.' and suggested that the following be removed, 'An accessory dwelling unit may be built on parcels zoned

for single-family, duplex, or multifamily use, or on non-residentially zoned properties which are currently used only for a single-family residential use.’ and commented:

- In the case of allowing an accessory dwelling unit to be built on non-residentially zoned properties, he expressed being in disagreement with allowing further non-conformance in terms of long-range planning.

Ms. Thompson commented that she could strike that sentence, as requested by Commissioner Doyle, because the standard accessory dwelling unit provisions in the Zoning Ordinance will apply regardless.

Chair Fritz asked if members wished to speak on this item.

Hearing none, Chair Fritz closed the public hearing.

Ms. Thompson spoke on process and what will be upcoming for the Commission.

Commissioner Glaser noted that the greater than/less than symbols on the draft Zoning Map that had been provided were incorrect.

Ms. Thompson noted the correction.

9. DISCUSSION: (none)

10. WRITTEN COMMUNICATIONS: (none)

11. ADJOURNMENT: Chair Fritz adjourned the meeting at 9:41 p.m. to the next regular meeting of the Commission. The meeting will be held on Tuesday, February 27, 2018 at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472.

Respectfully Submitted By:

Kenyon Webster
Planning Director