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PLANNING COMMISSION
MEETING OF: June 11, 2019
SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

APPROVED MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF June 11, 2019

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on June 06, 2019.

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

1. CALL TO ORDER: Chair Wilson called the meeting to order at 7:00 p.m.

2. ROLL CALL:

Present: Chair Wilson, Vice Chair Doyle, and Commissioners
Glaser, Kelley, Douch, Fernandez, Fritz and Oetinger
Absent: None
Staff: Kari Svanstrom, Planning Director
Rebecca Mansour, Senior Administrative Assistant

3. APPROVAL OF PLANNING COMMISSION MINUTES: April 23, 2019

Several members of the Commission amended the minutes.

Commissioner Fritz made a motion to approve the minutes as amended.

Commissioner Oetinger seconded the motion.

AYES: Chair Wilson, Vice Chair Doyle, and Commissioners Kelley, Fritz,
Fernandez, and Oetinger
NOES: None

ABSTAIN: Commissioners Douch & Glaser
ABSENT: 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 Wilson asked if members of the public wished to speak on items not on the agenda.

Hearing none, Chair Wilson closed the public comment period.

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

Commissioner Fritz commented that he confirmed with staff that while he is close to the boundary, he does not have a proximity conflict with item 8A on the agenda.

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

Director Svanstrom provided the following updates:

- The Davis Townhomes project went before the City Council on May 7.
 - The City Council approved the project and all its entitlements.
 - The Council wound up requiring an irrevocable offer of dedication for a public sidewalk which is something that the Commission had called out and suggested that the Council decide on.
 - Outside of this project and related to recent flooding, the Council directed staff to look into potential emergency access.
 - Thanked the Commission for their work on this project.
 - The Council appreciated how thorough the Commission's deliberations were.
- The Commission's approval of the Johnson Street vacation rental was appealed and went before Council.
 - The Council upheld the appeal and denied the application.
- The Council asked for a moratorium on non-hosted whole house rentals for more than 30-days in a year to give the Commission time to deliberate without the pressure of new applications coming in.
 - The moratorium is tentatively scheduled to go before the City Council in August.
- The City Council had the first of at least two budget hearings at their last meeting.
- The City Council approved an on-call consultant list for Planning projects.
 - These consultants would be used for things like EIR, ESOS and CEQA studies.
 - One telecommunications consultant did respond but it was very clearly not aligned with where the City wants to go on that.
- The City is working with a firm in the interest of completing the Telecommunications Ordinance update.
- Happy to answer any questions the Commission may have.

Chair Wilson asked for questions of Director Svanstrom.

Commissioner Kelley commented that she heard that a developer was looking into amending the City's rules around dispensaries to allow a third and asked for an update on the status of said request.

Director Svanstrom thanked Commissioner Kelley for the questions and responded as follows:

- The City did receive an application for a Zoning Amendment and Use Permit for a third retail cannabis dispensary plus the potential for other ancillary services.
- Because the Council, during a recent annual review of the cannabis ordinance, indicated that they weren't interested in making changes to the ordinance, the project will go before Council for Preliminary Review to see if they're amenable to it.
 - If the Council is amenable to the project, the project will proceed through the regular process for a Zoning Amendment and Use Permit.
 - Anticipates that the Council hearing will occur in August or later.

Commissioner Doyle asked a clarifying question of Director Svanstrom on vacation rentals.

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

8. PUBLIC HEARING:

- A. USE PERMIT:** This is an application, submitted by Highland Farms Wellness, for Use Permit approval to allow for the operation of an (office-only) Type 3 Cannabis (medical and adult-use) Retail Delivery Business. This use would allow for a delivery-only use (no store front/on-site sales). The proposed cannabis business would be located at 523 South Main Street, a former medical office. The application has been filed in accordance with Chapter 17.360, the proposed use is permitted in the district with Conditional Use Permit approval.

Chair Wilson explained the process for tonight's discussion.

Director Svanstrom presented the staff report.

The Commission asked questions of Director Svanstrom.

Director Svanstrom made some procedural comments as well.

Hearing nothing further Chair Wilson commented that the applicant would be allowed 10 minutes to make a presentation.

The applicant, Douglas Degnan apologized for his partner, Troy Tenga being unable to attend, gave a brief presentation and was available for questions.

The Commission asked questions of Mr. Degnan. In addition, the Commission asked several clarifying questions of staff.

A member of the public interjected that the applicant's time had far exceeded the 10-minute timeframe stated by the Chair.

Chair Wilson responded that the 10-minute timeframe was for the applicant to present and commented that the Commission can take the time they need to ask questions of the applicant.

The Commission asked additional questions of Mr. Degnan.

Hearing nothing further, Chair Wilson noted that members of the public wishing to speak would be allowed three minutes to make their statement and opened the public comment period.

Roger Greenbaum, a resident of Sebastopol, commented:

- Thanked the Commission for the opportunity to share his concerns.
- Thanked the Commission for the hard work that they do in carrying the responsibilities that they do as a Commissioner.
- Is a friend to five residential neighbors in the immediate vicinity of the proposed project.
- Is a customer of many businesses in the vicinity as well.
- The Commission has enough information to deny this application.
- The Commission does not have enough information to approve this application.
- Urges denial of this application.
- As extensive as it is, the staff report has two glaring omissions.
 - These omissions do not equip the Commission adequately to go forward with this application.
- At a minimum, more information should be required.
- The Commission has asked excellent questions of the applicant.
- This application, as characterized by the applicant, is incredibly optimistic.
 - This characterization is accurate.
- Calling this a retail/office use is an artful form of spin and should not be accepted.
 - Advocacy is to be expected from an applicant.
 - Staff should not accept such an assertion without question, neither should the Commission.

Mr. Greenbaum's time expired.

Mr. Greenbaum asked for a bit more time.

Chair Wilson granted Mr. Greenbaum additional time.

Mr. Greenbaum comments continued:

- Office/retail is where people come and go, the proposed use is not office or retail.
- This use is warehouse or light industrial, as such, it is an incompatible use per zoning.
 - The staff report should have discussed this issue.
- The staff report fails to address public safety; in particular the drivers that are carrying valuable merchandise and cash, will they be armed, what are the implications of that for our community?
 - The report should have discussed this for the benefit of the residents and those that pass through the heart of Sebastopol.
- Thanked the Commission for their time.

Consuelo Francesa, 533 South Main Street, commented:

- With the intent to protect our community and to keep our community intact she wished to address some of the issues of the proposed use at 523 South Main Street calls into question.
- She and her family are strongly opposed to this Highland Farms business.
- The entire building just north of the proposed use, which includes two owners, is opposed to the proposed use.

- The owners have asked her to speak on their behalf as they could not attend this hearing.
- People live here, families raise their children here, the first and most important issue is security and safety.
- This business will hold/house a large volume of marijuana product.
- Crime is on the rise in this county like never before.
- From police reports and the news, she concludes that criminals come to California from all over the US with their guns and weapons to rob places like the proposed establishment with their large volumes of product.
- Urged the Commission to base their decision on the above fact alone.
- The proposed business will be a magnet for future crime in our community.
- As a resident and community members she fears for the safety of her family and her neighbors.
- Would not feel safe having this type of business next door to her home.
- Although they could not attend this meeting, the owners at 501/503/505/511/513/515/517 and 545 South Main Street oppose this business.
- The neighbor directly behind the proposed use raised the issue of security and told her via email that he definitely agrees that a doctor or dentist office may be preferable.
- All the residents that border the proposed project site have issues with the proposed business and would prefer that it not be established here.
- Has spoken with other people in this great community who would also not be okay with this business.
- This business
- This business could be more appropriately placed in many other places which are not surrounded by residences.
- The seller of this property told her that he needed to sell the property and conveyed that this business would be a wellness center.
- A delivery-only business is not a wellness center.
- This delivery-only business will disrupt and negatively affect the local residents, in fact it already has.
- The current owner of the building did not seem to care when she expressed her unease with the proposed use.
- The owner indicated that he had not heard of anyone having a problem with the proposed use.
- She and her fellow neighbors object to their neighborhood being sold out.
- Reiterated her concerns with this application.
- The proposed owners don't seem to care about how this will impact the surrounding residents.

Ms. Francesa's time expired.

Ms. Francesa asked for more time.

Chair Wilson granted Ms. Francesa additional time.

Ms. Francesa's comments continued:

- Traffic will be increased.
- Parking will be impacted.
- This use will bring a lot more fear and stress to the neighborhood.
- People live her and the subject property could be better utilized with a dense doctor or therapist's office or even a daycare center.
- Would be nicer to hear the sounds over children over sirens.

- Highland Farms will not enrich our community.
- Please keep our community intact and deny this application.
- Thanked the Commission for their time.

Doug Gyule, 520 Petaluma Avenue, commented:

- Back fence neighbor to proposed project site.
- His property is not zoned office/commercial.
- Mr. Degnan spoke about outreach during his opening remarks.
- Spoke with Mr. Degnan and Mr. Tenga at some length.
- One of the issues that he pointed out was that he did not want the fence height raised.
- Blind sighted by the fact that staff has indicated that the fence height will be raised.
- Staff also mentioned removing the shed in back to improve visibility.
- Asked if the existing trees in the back would be removed to improve visibility as well?
- Was very supportive of this project.
- Reiterated that he does not want the fence height raised.
- The fence height is already as high as the residential zoning allows it to be.
- Has no desire to see that change.
- Upset that Mr. Degnan and Mr. Tenga do not appear to be honoring his request regarding the fence height issue.

Mr. Degnan asked to respond to Mr. Gyule.

Chair Wilson grated Mr. Degnan's request.

Mr. Degnan commented:

- Believes the fence along the back property line meets the height requirement.
- The fence height between the subject property and Ms. Francesa's property is low and needs to be raised some.

Mr. Gyule comments continued:

- Those are his concerns.
- Surprised to hear about the change in fence height as he thought he was clear with Mr. Degnan and Mr. Tenga on the issue.
- Thanked the Commission for their time.

Lil Fischmann, owner of 548 South Main Street, commented:

- Purchased the property about 4 ½ years ago.
- She and her husband take great pride in the fact that they put a lot of money into the property in order to upgrade it and make it habitable with the objective of providing affordable housing here.
- Currently in their 4-unit complex they have an 11-month-old baby, families, and one that is about to welcome a grandchild that will be cared for on the property daily.
- Very concerned about this project.
- Not opposed to cannabis and cannabis dispensaries.
 - Less sure about the need for cannabis delivery services.
- Opposed to this project being located within the surrounding residential community.
- 548 South Main Street is a precious property.
- Main Street has been upgraded a lot in recent years.

- There are now a lot of families living on Main Street.
- Main Street is one of the more affordable places to rent and buy in Sebastopol.
- This project will degrade the residential feel that many people are trying to instill in this area.
- Very concerned regarding parking; it's already bad and recent zoning changes have made it even worse.
- Wishes the applicant the best of luck.
- Would like to see this project located somewhere else.
- Urged the Commission to consider the families that will be impacted when making their decision.
- Thanked the Commission for their time and for their hard work.

Ed Breslin commented:

- Mr. Degnan and Mr. Tenga are his friends.
- For those that follow the cannabis industry; referred to the Compassionate Use Act of 1996 and commented that since the passing of Prop 64, compassion has gone by the wayside.
 - Happy to report that as of this morning, the legislature is looking to bring compassion back.
- Mr. Degnan and Mr. Tenga will be the best operators because they're responsible and will be proactive when it comes to addressing any concerns.
- This property is zoned commercial and the proposed use is appropriate.
- Is a licensed manufacturer from the State of California in Sacramento.
- Lives in Novato.
- Has been doing this a long time.
- Understands concerns.
- Commends the City.
- The City was one of the first in the area with its approval of Peace in Medicine.
- The community will receive a boost from these responsible operators that will be responsive to the needs of the community.
- Recently reviewed Sebastopol's Crime Report, there were three assaults and one theft.
 - It doesn't appear that Peace in Medicine or Solful have had issues with their delivery service.
- The cannabis industry is ever-changing.
- Mr. Degnan has been a contractor for a long time.
- Mr. Tenga has been in business in San Diego and knows how to operate a cannabis entity appropriately.
- The State requires 90 days cloud storage of security footage for cannabis businesses.

Mr. Breslin's time expired.

Mr. Breslin asked for more time.

Chair Wilson granted Mr. Breslin additional time.

Mr. Breslin comments continued:

- Urged the Commission to consider the validity and honor of the applicant when making their decision.
- Asked the Commission to approve this request for a Use Permit with conditions.
- Thanked the Commission for their time.

ila Benavidez-Heaster, Bodega Avenue, commented:

- This is seductive.
- It is important to look at what we're really talking about here.
- People are commenting on what it means to be in a town that allows for children.
- We're not saying that this applicant is not responsible, willing or capable.
- We're talking about what it is that we are doing here in our town.
- Understands financial benefit of a use like this.
- Listen to these families that are concerned about their children living near the proposed use.
- We need a use in the proposed location that will allow our community to grow and blend.
 - The proposed use is not that.
- This applicant is trying to do a good job here.
- The proposed location is not the best location for a cannabis business.
- There are plenty of other places that this applicant could run his business out of and they may even be able to better facilitate what he's trying to accomplish.
- Between the number of employees, number of parking spaces, and the idea of having their employees carpool, the numbers don't make sense.
- We need to focus on what is important, on why we're growing our town.
- Understands growing the town and diversifying; urged the Commission to think deeply about this request.
- Respects the Planning Commission and their work.
- Feels strongly about this application.
- We need to assess what we're doing, how we're doing it, why we're doing it, and what we want to accomplish.
- Thanked the Commission for their time.

Hearing nothing further, Chair Wilson closed the public comment period and brought it back to the Commission for discussion.

Commissioner Glaser commented:

- Doesn't get a vote tonight.
- Would vote to approve this application if he had a vote.
- This uses matches the zoning in that it's off-site retail.
- The properties in the area are commercially zoned.
- The zoning asks the Commission to place this type of use in the proposed location, even though there are residences nearby.
- Communities change over time.
- The time to make the argument against this type of use and/or this zoning designation would have been when the Zoning Map was being updated.
- Doesn't see the risk from the financial side as far as the money.
- The security that is required by code for cannabis businesses is extraordinary when compared to a pharmacy for example.
- Recently disposed of some oxycodone.
 - One of his friends optimizes pharmaceutical costs and told him that the street value for oxycodone is \$100 per pill.
- Is not a cannabis user.
- In the case of cannabis, because of the way it's been in our society so far, it has a mystique of being high risk.
 - This mystique is starting to disappear.
 - Cannabis retail will eventually look more like a liquor shop.
- Our code is designed to protect kids from cannabis uses, however, this use won't have people going in and out of it.

- There are issues around parking which warrant conditions of approval.
- Agreed with a comment made by Commissioner Kelley during questions of staff and the applicant in which she suggested that smoking of cannabis shall not be allowed on-site.
- Was unable to find the staff report for this item on the City's website.

Director Svanstrom apologized for the issue with online posted and noted that the staff report was uploaded this morning.

Commissioner Glaser comments continued:

- The applicant has done a lot of research on the neighborhood.
- The applicant has done a lot of research on how to have as little impact, and even how to have a positive impact on the community.
- Believes this applicant will be a good neighbor.
- Reiterated that he does not get to vote on this application as he is the alternate member on the Planning Commission.

Commissioner Fritz commented:

- With regards to the opaqueness of the fence, he suggested a more visually open fence around the perimeter from a security standpoint.
 - Wouldn't want to give people places to hide with this type of use.
- The proposed use is appropriate for the zoning district even though there is a lot of residential around it.
- Believes the mix in uses is a good thing.
- This application meets the parking requirements in our code.
 - Does not have a problem with the proposed parking.
 - Certain the owner will be sensitive to the community's concerns regarding parking.
 - This business won't have customers coming to it.
 - Parking along Main Street generally seems to work.
 - It is not completely unreasonable to have to walk a block.
- Appreciates thoroughness of the staff report and application materials.
- It's obvious that a lot of thought has gone into this application.
- Doesn't sound like there has been an increase in crime due to the two cannabis delivery businesses we already have in town.
- By law, and from the business owner's standpoint, a lot of thought has gone into the security of and for this use.
- The applicant doesn't want trouble either.
- Reiterated his concern about people being able to hide along the perimeter of the building.

Commissioner Oetinger commented:

- Likes a lot of what Commissioner Fritz had to say.
- Agrees on the security benefits of being able to see through the fence.
- The site looks bleak right now.
 - Hopes that can improve through the design review process.
 - Improvements to the site can make the site feel friendlier to the neighborhood.
- Would like the fence to be setback some to be closer to the building and where the loading and unloading occurs.
- Any other use for the site that she can think of will be more impactful.
- This will be a low impact use.
- Limiting the number of employees to 4-6 as a condition of approval may work.
- Expressed being sympathetic to the neighbors.

- A mix of housing and commercial is the future.
- Supports this application.
- Wants to limit the number of number of employees due to parking constraints.

Commissioner Kelley commented:

- Her support for this application will have to do with the hours of operation.
- The hours of operation should be closer to what a neighborhood can accommodate.
- Suggested hours of operation from 10 a.m. to 8 p.m.
- 7 a.m. feels early for them to receive deliveries.
- Suggested delivery hours from 9 a.m. to 8 p.m.
- Would like a condition of approval prohibiting smoking of cannabis on-site.
- It's really unfortunate that the sales tax rules will make it so that the City only gets about 25% of its business given the impacts it will have on the residential neighborhood.
- Believes this is the wrong place for this use.
- Cannot support this application.
- Spoke on her personal experience with people trying to steal crop from one of her neighbors that were growing cannabis.
- Expressed having security concerns especially with it being in a residential neighborhood.
- Urged the applicant to keep looking for a more suitable location.
- If the majority of the Commission supports this, the hours of operation should be looked at.

Commissioner Glaser commented:

- If the business can open at 10 a.m. and deliveries cannot begin until 9 a.m., the business may not have enough time to use the material that came in during that day.
 - In this case the business may be forced to store more inventory on-site than may otherwise be the case.

Commissioner Kelley commented:

- If this was in an appropriate commercial or industrial area, she would not have the concerns that she does surrounding hours.
- Her issue is not with the hours.
- Her issue is with the compatibility of the proposed use with the surrounding area.

Mr. Degnan interjected and asked if he could respond to some of what he'd heard.

Chair Wilson asked Mr. Degnan to refrain from commenting during Commission deliberations.

Mr. Degnan apologized for the interruption.

Vice Chair Doyle commented:

- Expressed being on the fence with this application.
- Wants to encourage businesses in Sebastopol.
- This use seems to meet the General Plan land use designation as well as the City's zoning and cannabis ordinances.
- The Planning Commission has discretion here.
- Has some concerns.
- Hears concerns of the neighbors.
- There are fences, even at 7 ½ feet that can be pretty easily jumped.

- To get to the fence for this property, from the rear and sides, a person would have to go through residential areas.
 - The fact that a person would have to go through residential areas to access the rear and side of the property makes it stand out from Peace in Medicine and Sparc in terms of security.
- Parking and vehicle circulation generally seem very tight.
- Depending on the logistics for employee vehicles, and potential company vehicles, parking may well be inadequate.
- As an architect he is pretty familiar with a lot of ADA requirements.
- As he understands it, the pathway from the handicap space to the front door has to be 4' wide to be ADA compliant.
- Does not believe there will be an excess of parking.
- Believes parking will meet the minimum code requirement
- The minimum code requirement may not provide enough parking to meet the requirements of this business.

Commissioner Fernandez commented:

- Some of his concerns have been talked about already.
- With the proposed use, vehicle traffic will be a lot less and there will be less people coming and going than would be if it were a medical office.
- In going down the list of required findings this application seems to be okay until he gets to Finding B. which talks about the use not being detrimental to the peace, morals and comfort of persons residing or working in the area.
 - This is a determination that he does not feel he can make.
- Has to acknowledge the concerns of the neighbors.
- If this application is going to be approved, the Commission needs to acknowledge that those concerns exist.
- The Commission would have to believe that the benefit to the community would be far greater than the concerns expressed if they were to approve this application.
- Does not have an issue with this type of business.
- There is a lot of good here.
- Does not believe this is the right location for this use.
- Understands that the use complies with the zoning.
- Shares Vice Chair Doyle's concern of having to go through residential areas in order to access this building from the rear or side.
- Expressed being uncomfortable with this use being placed amongst so many residential properties.
- Will vote to deny this application.

Commissioner Douch commented:

- Has thought quite long and hard about this application.
- The Commission must address a finding about the use not being detrimental to the health, safety, peace, more, comfort or general welfare of persons residing or working in the area with every application they review.
 - The above referenced finding gave him pause when considering this application.
- Appropriateness of site and the building for the use, including but not limited to adequacy of pedestrian and vehicle circulation, parking, and other aspects must be evaluated for Conditional Use Permit applications as well.
- Compatibility with surrounding uses must also be evaluated.
 - There are items in the above referenced criterion to prevent him from getting to a favorable answer.
- Appreciates application and the level of detail that the applicant went into.
- Believes there are some shortcoming in terms of the nuance of how it will operate.

- Those things would be less important if this was proposed in a more compatible location.
- There are plenty of places in town where this use could operate successfully.
- Wished the applicant good luck.
- Will vote against this application based on the items he just articulated.

Chair Wilson commented:

- Thanked Commission Douch for his comments and expressed being in concurrence with him.
- Will vote no on this application.
- The proposed is a poor location for this use given the residential uses that surround it.
- There are parking and traffic issues as well.
- Struck by the applicant's comment that 75% of the business will likely be outside the 95472 area.
 - The City of Sebastopol represents a small area within 95472.
- The amount of fiscal benefit to the City from this use would be slight, probably 10-15% of all their business.
- It may be more efficient for the applicant to locate closer to where most of their customers are.
- Given the impacts that the immediate neighbors have expressed, he believes that the applicant should locate elsewhere.

Director Svanstrom commented that the Commission could direct staff to draft Findings for denial or, the Commission could read findings directly into the record.

Chair Douch made a motion to deny the application as submitted based on the application not being supported by the following:

- Finding B. The establishment, maintenance and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- Criteria A. Appropriateness of site and building for the use, including but not limited to adequacy of pedestrian and vehicle circulation, parking, and other aspects.
- Criteria B. Compatibility with surrounding uses.

Commissioner Fernandez seconded the motion.

Director Svanstrom commented that the Commission could take a brief break to allow staff to put together the Findings as stated by Commissioner Douch and present them to the Commission after the break.

Chair Wilson commented that staff could instead bring the Findings to the Commission for approval at their next meeting.

Director Svanstrom concurred.

Commissioner Fritz commented:

- Has been on the fence with this application.

- Appreciates concerns of neighboring residents and their participation in the public process.
- In his experience on the Commission, it's always easy to get people who are against something to come out and speak at a Planning Commission meeting.
- This application was noticed to people within 600' of the proposed use.
- There are a lot of people that were noticed that did not choose to make their voices heard.
 - A percentage of them would likely be in support of this project.
- It's hard to get people to come to a meeting on a Tuesday night to speak in support of something.

Commissioner Douch commented:

- Agreed with Commissioner Fritz.
- Feels quite strongly about the issue Commissioner Fritz spoke of and expressed grappling with that very issue prior to his hearing.
- The Commission often finds itself having to respond to only the negative.
- The applicant has done a lot of work to try and be a good and strong applicant which he appreciates.
- His vote against this project is not based on its merits, it is based very much on the items he highlighted in his motion.
- Appreciates the point that Commissioner Fritz made and commented that it was important to highlight that fact.
- His decision was not just based on what he heard during this hearing.
- His decision was based on the findings that the Commission is required to consider when reviewing an application.

Commissioner Glaser commented:

- Concurred with Commissioner's Fritz and Douch.
- As a Commissioner he has consistently seen how often a handful of people will come out in opposition to a project, yet a bunch of people may support it.
- As the alternate he does not get a vote on this application.
- Does not think that this project will have the impact that people are anticipating.
- While he sees mechanical problems with the site, he does not consider them insurmountable.
- Would have voted in support of this project.

Commissioner Oetinger commented:

- There are probably better locations for this use.
- Any other use would probably be more impactful than this one.
- Sees this use as a very mild and occasional activity.
- Concerns regarding safety might not be all that warranted this day and age with the kind of security that we have.
- Understands concerns of the neighbors.
- This use matches the zoning.
- Every business and home has the potential for a break-in.
- Confused about what the Commission does going forward when evaluating impacts for a use that matches the zoning.
- Understands that this use is more a warehouse which isn't office/retail.
- Believes that a true office/retail use would be more impactful than this use.

Commissioner Douch commented:

- Appreciates Commissioner Oetinger's question about evaluating impacts for a use that matches the zoning in the future.

- That question is an important one and is exactly why these types of applications are subject to a Conditional Use Permit.
- This type of use brings with it issues and sensitivities that there wouldn't be for a different use, such as a dentist office.
- This use requires a Conditional Use Permit to allow the type of discussion that the Commission is having tonight.

Chair Wilson commented:

- In terms of future uses, the Commission will have to take them one at a time.

Commissioner Fritz commented:

- There are many different types of uses that would be allowed without any sort of Use Permit.
- Most allowed uses would be more impactful than what is being proposed.

Chair Wilson asked for additional comments from the Commission.

Commissioner Fernandez commented:

- The key component is the immediate neighbors and they have been heard loud and clear.
- In this case the location is not appropriate for the proposed use.

Commissioner Kelley commented:

- With regards to public noticing; the property owners are noticed, not the occupants. Because there is a high percentage of renters in this town, a lot of people are being bypassed.
- This has been a longstanding problem.

Vice Chair Doyle asked Director Svanstrom if Commissioner Douch's motion was adequate.

Director Svanstrom responded that Commissioner Douch articulated the reasons well and noted that staff could come up with wording and bring it back to the Commission for final approval at their next meeting.

Vice Chair Doyle asked if that meant that the Commission would be continuing this application in that case.

Chair Wilson suggested that the Commission act on the motion and that the final wordsmithing of the language be consistent with Commissioner Douch's comments.

Director Svanstrom responded in the affirmative.

The Commission voted on the motion to deny the use permit for a Type 3 cannabis retail, (office-only/delivery) business at 523 South Main Street follows:

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

Chair Wilson stated that the application has been denied and noted that the actual language would be brought back for final ratification on the consent calendar at their next meeting.

Chair Wilson adjourned for a brief recess at 9:30 p.m.

Chair Wilson reconvened the meeting at 9:35 p.m.

9. DISCUSSION: (none)

10. WRITTEN COMMUNICATIONS:

A. 2018 ANNUAL LEVEL OF SERVICE REPORT

Director Svanstrom presented the report and was available for questions.

The Commission asked questions of Director Svanstrom.

Comments from the Commission included:

Commissioner Glaser commented:

- Has been a Sebastopol resident for almost three years and has been a property owner for almost five years.
- In terms of Fire and Police and the ongoing concern about funding for additional staff; in Sunnyvale all Firefighters are trained as Police officers and vice-versa.
 - This allows response times to improve without additional money needing to be spent.
 - Suggested that the City look into that model as a way to leverage the limited funds that the City has to maintain the desired service level.

Chair Wilson commented that the City of Rohnert Park has that model as well although he was not sure how successful it has been for them.

Commissioner Glaser commented that data from the Climate Action Plan would be good to include in the LOS report in the future.

Director Svanstrom responded:

- The City of Sebastopol is part of the Sonoma County Climate Protection Agency.
 - Through that there is a Climate Action Plan which includes greenhouse gas emission targets, etc.
- The City Council asked for more information related to the Climate Action Plan in future LOS reports as well.

Commissioner Fernandez asked if the City has a list of all incomplete sidewalks in town.

Director Svanstrom responded that such a list exists in the Bicycle & Pedestrian Master Plan. She noted that the City is currently engaging in preliminary design and engineering work on the Bodega Avenue sidewalk gap project.

Commissioner Fernandez commented that he would be curious to see the list and the priorities. He also asked about potential modifications to the Barlow's flood plan to ensure that flood damage doesn't happen again like it did earlier this year.

Director Svanstrom responded that the City's Building Department has been reviewing what happened and is looking into modifications to ensure that that doesn't happen again.

The Commission asked for status updates on several pending development projects. Director Svanstrom provided various updates.

Commissioner Glaser commented that it would be helpful for the Commission to have community indicator information such as the percentage of residents that are renters, how much retail is vacant, the occupancy rate of our hotels, etc. This would allow the Commission to better understand where the needs are.

Director Svanstrom responded that the Economic Development Board puts together some statistics such as population and our retail environment. She noted that once the final version of that is released, she could share it with the Commission.

Commissioner Doyle asked if the Chamber of Commerce tracks community indicators like what Commissioner Glaser mentioned.

Director Svanstrom responded that she did not know.

Commissioner Fernandez commented that the Economic Development Board tracks it.

Commissioner Kelley commented:

- The City of Rohnert Park is currently dealing with in-lieu fee's and commercial linkage fees.
- The nexus that they just did showed that they should charge \$29.00 per square foot versus what they charge now which is \$3.23 per square foot.
- The City of Sebastopol may want to look into theirs as well.
- Hopes that the few larger commercial projects that we have had had to pay a commercial linkage fee.

Director Svanstrom commented:

- The Planning Department has budgeted for an impact fee study. This is being done in combination with a user fee study, which will likely to start in July or August.
- In terms of the inclusionary housing fee; the City's current fee for inclusionary is set at approximately \$22 per square foot. Sebastopol's fee is one of the highest in the county. She did not see a need to update the City's inclusionary fee.

Commissioner Doyle commented that the City's inclusionary fee should be reduced.

Hearing nothing further on the 2018 Annual Level of Service Report, Chair Wilson thanked former Assistant Planner, Dana Morrison for her service and wished her well at her new job.

The Commission concurred.

11. ADJOURNMENT: Chair Wilson adjourned the meeting at 10:00 p.m. The next regularly scheduled Planning Commission meeting will take place on Tuesday, June 25, 2019, at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472

Respectfully Submitted By:

Kari Svanstrom
Planning Director