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PLANNING COMMISSION
MEETING OF: January 14, 2020
SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

UNAPPROVED DRAFT MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF January 14, 2020

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on January 09, 2020.

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, Fernandez, Kelley, Oetinger, Fritz and Douch
Absent: None
Staff: Kari Svanstrom, Planning Director
Alan Montes, Associate Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES: None

4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA: There were none.

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

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

Director Svanstrom commented:

- Introduced Associate Planner, Alan Montes who was hired on November 18, 2019.

Associate Planner Montes greeted the Commission.

Members of the Commission welcomed Associate Planner Montes.

Director Svanstrom commented:

- The General Plan Implementation Plan Update went to the Council at their last meeting.
- The General Plan Implementation Plan Update will be coming to the Commission as a written report for their next meeting.
- The design review body for Peet's Coffee and Supercuts signage in the 231 Petaluma Avenue building was the City Council per the settlement with CVS. As such, signage for both went before the Council at their last meeting and both applications were approved with various conditions.
- The Planning Commission's recommendation for Libby Park and authorization to bid for the Super Playground will be before the Council on January 21, 2020.
- The Council has adopted a Climate Emergency Resolution and has authorized the formation of a Climate Action Subcommittee. This matter will be discussed further under agenda item 9A.
- Staff has submitted a Senate Bill 2 Planning Grant Funding application. The application is currently under review. If awarded, the funds would be use for both an online permitting system as well as objective design guidelines which would be worked through with the Design Review Board. Hopes to hear an update on the application within the next month.
- The City issued an RFP for a Local Hazard Mitigation Plan (LHMP) consultant. The City received four (4) proposals and is currently reviewing them. The Planning Commission will be serving as an advisory committee to that project. Selection is scheduled for the Council meeting on February 4, 2020.
- The County of Sonoma has received a grant from Cal OES (Office of Emergency Services) to do a multijurisdictional hazard plan. The City will be engaging with the County on things like coordinating mutual aid, etc.
- The Tree/Design Review Board meeting of December 18, 2019 included preliminary review of a large project (an 84-unit, 100% affordable housing project at 7716/7760 Bodeag Avenue). This project is subject to design review and CEQA. Significant changes were requested by the Board.

Commissioner Kelley asked Director Svanstrom why the project at 7716/7760 Bodega Avenue would not be subject to Planning Commission review.

Director Svanstrom responded:

- The proposed is a rental project.
- The required entitlements are design review, CEQA review, and a lot merger as it is two parcels.

Commissioner Kelley commented that she'd heard that the project was supposed to be 100% farmworker housing and asked Director Svanstrom if that was true.

Director Svanstrom responded:

- Doesn't believe that that has been determined as of yet.
- The applicant said that it would be, however, she has heard that that may not be the case.
- The City has not yet received a formal application for this project.

Commissioner Kelley commented that 100% farmworker housing isn't a bad thing, but she was surprised when she'd heard that.

Director Svanstrom responded that their submittal for Preliminary Review indicates that the units would be at 30% and 60% of AMI.

Commissioner Glaser commented:

- Knows some people who attended that meeting.
- For benefit of the public, it would be nice to clarify the process in terms of who the reviewing body or bodies will be.

Commissioner Oetinger commented that she was under the impression that having 100% farmworker housing would make the project eligible for USDA funding.

Director Svanstrom responded that there are a lot of different tax credit funding options so the terms will depend on where they get their money from. She added that the City does not require to know the funding source(s) as part of their application.

The Commission had no further questions of staff at this time.

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

8. PUBLIC HEARING:

- A. USE PERMIT: VINESHIFT (180 Morris Street, #160 and #170) – Project #2019-102** – This is an application, submitted by Johan Eide, requesting to operate a wine tasting room for local wineries, which is classified as an 'Alcoholic Beverage Tasting Establishment', at 180 Morris Street, #160 and #170, in the Commercial Industrial (CM) Zoning District. No hard alcohol will be served, and no cooking will be done in the tasting room facility. The application has requested to provide a limited offering of live music, which also requires a Use Permit.

Associate Planner Montes presented the staff report.

The Commission asked questions of Associate Planner Montes and Director Svanstrom.

Commissioner Douch commented that, if the 26 surplus parking spaces in the Barlow as indicated fall mostly within the gated area between the two Kosta Browne buildings, parking should be addressed in the future because those spaces are not actually available for parking as they keep the gate closed and use the area as a courtyard.

Commissioner Fritz commented that Condition 17 and 19 are very similar and asked if both were necessary.

Commissioner Fritz questioned the use of the word, 'restaurant' in Condition 24.

In response to a suggestion from Director Svanstrom, the Commission agreed to change Condition 24 as follows, "The business owner shall be responsible for removing any graffiti on the outside of the premises."

Commissioner Glaser commented that if anybody were to measure the number of establishments in the Barlow that serve alcohol it would be considered undue concentration by any measure. He added that the term, 'undue concentration' doesn't fit in the area. Suggested addressing that in the City's Zoning Ordinance so that it doesn't necessarily become a finding in the future for this area. The definition of concentration in the Barlow is entirely different than what you might find in a neighborhood.

Director Svanstrom responded:

- Yes, there is a neighborhood context in terms of when it becomes problematic.
- There is also a case to be made for how many tasting establishments are appropriate within the City.

Commissioner Fernandez referred to condition 24 which speaks on removal of graffiti and suggested that a timeframe for removal be specified for all projects as timeliness is important.

Hearing nothing further, Chair Wilson asked if the applicant wished to make a presentation.

The applicant, Johan Eide, provided a brief presentation and was available for questions.

The Commission asked questions of Mr. Eide.

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

Hearing none, Chair Wilson closed the public comment period and asked for Commission deliberation.

Commissioner Douch commented:

- Supports application.
- Supports parking reduction based on the amount of available parking and how parking seems to get used in the Barlow.
- Referred to condition 14 and expressed support for use of the word, 'primarily' and/or the addition of 'neighboring counties'.
- Referred to condition 6 and commented that he'd like it to be clarified to include menus for food delivery as indicated by the applicant to ensure that the availability of food is on the venue, not the patrons.

Commissioner Glaser commented:

- Supports this application as well.
- As the alternate he does not get to vote on this item.
- This is a great proposal.
- Looks forward to its opening.
- There is a comparable kind of facility in South Lake Tahoe for beer tasting and it's a lot of fun as it provides an opportunity for its patrons to sample different types of beers while finding new beverages to enjoy.

Commissioner Fritz commented:

- Referred to condition 2 in that the conditions of approval should not have to be posted in a place where they may be readily viewed by any member of the general public.
- Supports requiring that the conditions of approval be kept on the premises of the establishment and that they be available for review by anyone wishing to do so.
- Expressed concern regarding food availability.
- Referred to condition 10 and suggested that it be revised to allow them to operate recognizing that reexamination by the Planning Commission may need to occur if an increase in incidents relating to intoxication or sale of alcohol to minors relating to this use are to occur at any point in time.

- The City has not imposed a condition like this on any of the other establishments that he is aware of.
- The City has the purview to address issues regardless of when they are to occur.
- Suggested revising condition 10 to be silent on a time period while maintaining the City's ability to address issues should they arise.

Vice Chair Doyle asked a clarifying question of staff.

Commissioner Fernandez comments continued:

- Doesn't like the idea of specifying a 6-month period as spelled out in condition 10.
- Supports change to condition 14 as discussed.
- Supports this business proposal and believes it will be a good addition to Sebastopol that will fit well with the community.

Vice Chair Doyle commented:

- Concurs with some of the comments that have already been made.
- Referred to condition 2 which he did not recall seeing for prior approvals.
- Concurred with Commissioner Fernandez on not requiring the establishment to post the conditions of approval and noted that simply making them available to all who wish to view them should be enough.
- Condition 10 is fine the way it is.
- Very supportive of this project.
- Concerned regarding loss of parking spaces.
- Has heard about a potential plan for the Barlow to add residential units which would presumably occur through use of multistory buildings in order to keep residential uses out of the flood zone.
- Could see the parking go from a surplus to a deficit pretty quickly.
- Referred to condition 3 as suggested that it be revised as follows, 'This approval allows for the installation of an outdoor seating deck over two (2) existing parking spaces as identified on the plans, subject to Design Review approval. This use of the parking spaces may remain in effect for the duration of the Use Permit. Upon expiration of the Use Permit the two (2) parking spaces shall be restored to their original function unless approved otherwise by the Planning Commission.'
- His suggested revision to condition 3 would allow the applicant to use it now while ensuring that the parking spaces can return should the use change and the spaces no longer be needed for a patio.

Members of the Commission expressed support for the revision to condition 3 as suggested by Vice Chair Doyle.

Chair Wilson commented

- Vice Chair Doyle's suggested revision to condition 3 would allow the applicant to do what they want while calling for removal of the patio if they cease their use.
- Because the Barlow is located on Morris Street, people having difficulty finding parking within the Barlow will park along Morris Street which leads him to be less concerned about parking.

Vice Chair Doyle commented that street parking along the frontage are already included in the calculation.

Associate Planner Montes responded in the affirmative.

Vice Chair Doyle commented that the parking calculation methodology is very liberal.

Commissioner Fritz commented:

- Supports Vice Chair Doyle's suggested revision to condition 3.
- Supports revision to condition 14 to include the word, 'primarily' as discussed.
- Doesn't have a big concern about condition 10.
- Referred to condition 5 and asked a clarifying question of staff.

Commissioner Kelley expressed being in support of this application.

Vice Chair Doyle commented:

- If the Commission supports his recommended revision to condition 3, the applicant should be encouraged to construct the patio in a way that can be easily moved or removed.

Commissioner Fernandez commented that the Commission should come to a consensus on the various revisions discussed prior to a motion being made.

Director Svanstrom referred to condition 2 and commented that it came directly from the City's Municipal Code as a required condition of approval for an Alcohol Use Permit.

While some members of the Commission did not agree with requiring that the conditions of approval be posted in the establishment, they agreed that being consistent with what the Municipal Code requires is important.

Commissioner Fernandez referred to condition 5 and asked if the language should be revised for clarification.

Director Svanstrom suggested that, 'other than signage approved through a Sign Permit' be added for clarification.

Members of the Commission responded in the affirmative.

Commissioner Douch suggested that condition 6 be revised as follows, 'Food must be made available during all times that alcohol is served through the provision of menus from adjacent food venues and with a provision for delivery of such food.'

After further discussion, Vice Chair Doyle suggested that condition 6 be revised as follows, 'Food must be made available during all times that alcohol is served which may include the provision of menus and delivery.'

Commissioner Fernandez suggested that condition 6 be revised as follows, 'Food must be provided or made available during all times that alcohol is served.'

After further discussion, the Commission was in consensus on revising condition 6 as follows, 'Food must be provided or made available during all times that alcohol is served which may include through the provision menus and delivery of food to customers.'

Commissioner Fernandez referred to condition 10 and commented:

- This condition is not standard and similar businesses have not been subject to it.
- Perhaps every business should be reviewed by the Planning Department after six months in operation.
- This should not be a condition of approval.

Chair Wilson and Vice Chair Doyle suggested that condition 10 be revised as follows, 'The RFID wine dispenser use shall be monitored by City staff to verify that there is no increase in incidents relating to intoxication or sale of alcohol to minors relating to this use. Should there be an increase in incidents in relation to this use permit the use may be reexamined by the Planning Commission.'

Members of the Commission responded in the affirmative.

Commissioner Fernandez referred to condition 14 and asked for the consensus of the Commission.

Vice Chair Doyle suggested that it be revised as follows, 'The wine sold shall be from small wine producers located primarily within Sonoma County.'

Members of the Commission responded in the affirmative.

Commissioner Fernandez referred to condition 24 and asked for the consensus of the Commission.

Director Svanstrom commented that 48-hours has been specified as a required timeframe for removal of graffiti in other Use Permits.

The Commission agreed to revise condition 24 as follows, 'The business owner shall be responsible for removing any graffiti on the outside of the restaurant within 48-hours.'

Vice Chair Doyle asked if the Commission was in agreement on his suggested revision to condition 3.

Members of the Commission responded in the affirmative.

Chair Wilson noted the applicant's clarification about off-site sales.

Because condition 8 already states that wine is permitted to be sold for on-site or off-site consumption, Director Svanstrom commented that she would request a corrected application from the applicant.

Vice Chair Doyle made a motion to approve the application as submitted per the findings in the staff report and with the modified of conditions of approval as stated.

Commissioner Fernandez seconded the motion.

Chair Wilson asked for further discussion.

Hearing none, the Commission voted on the motion as follows:

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

9. WRITTEN COMMUNICATIONS:

A. Climate Emergency Resolution and Formation of Subcommittee

Director Svanstrom presented the staff report.

The Commission asked questions of Director Svanstrom.

Chair Wilson asked if members of the public wished to comment on this item.

Hearing none, Chair Wilson closed the public comment period.

Members of the Commission discussed this matter as follows:

Chair Wilson commented:

- Under the Brown Act, an Ad Hoc Committee is exempt from the Brown Act only if it's composed entirely of the members of the legislative body.
- Because there would be non-Councilmembers on this Committee, it would be subject to the Brown Act.
- Spoke further on a 40-year-old case that speaks to this issue, Joiner v. the City of Sebastopol.

Commissioner Glaser asked clarifying questions of Chair Wilson.

Chair Wilson responded:

- The Brown Act applies to all formal committees of a legislative body.
- The only exemption is for Ad Hoc committees that are composed solely of members of the legislative body.
- This issue comes up a lot.
- All meetings of a legislative body, which is City Council or Planning Commission, are subject to the Brown Act and have to have an agenda.
- Any committee of a legislative body is subject to the Brown Act as well, unless the committee is an Ad Hoc committee composed solely of members of the legislative body in which case they would not be subject to the Brown Act.

Director Svanstrom indicated that she would discuss this matter with City Attorney, Larry McLaughlin. She added that appointments to this subcommittee would be on a future agenda and encouraged members of the Commission to think it over in the meantime.

Commissioner Fernandez asked Director Svanstrom if the Council appointment to this subcommittee had been made.

Director Svanstrom responded that she did not believe so and noted that she would report back to the Commission at their next meeting if that was not the case.

Commissioner Kelley commented:

- In looking at the List of Climate Actions for the City of Sebastopol, she referred to item 1. All Electric Reach Code and commented that some would seem to require Planning Commission approval if Code revisions are required.

Director Svanstrom responded:

- Building Code amendments don't typically require Planning Commission approval.
- Zoning or Subdivision amendments would require Planning Commission approval.
- Building and Fire Code updates go directly to Council.

10. APPRECIATION OF OUTGOING COMMISSION MEMBERS (Vice Chair Doyle and Commissioner Glaser)

Chair Wilson recognized Commissioner Glaser for his contributions via a prepared statement and extended his sincere appreciation and gratitude for his years of service and all that came along with it.

Members of the Commission concurred.

Commissioner Douch recognized Vice Chair Doyle for his contributions via a prepared statement and extended his sincere appreciation and gratitude for his years of service and all that came along with it.

Members of the Commission concurred.

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

ila Benavidez-Heaster commented:

- Vice Chair Doyle is professor-like in the amount she has learned from him over the years.
- Vice Chair Doyle is the most prepared and everyone benefits from his preparedness.
- Thanked Vice Chair Doyle for his many contributions.
- Vice Chair Doyle is needed on this Commission and will be greatly missed.
- Commissioner Glaser has brought so much impudence to the Commission.
- While she hasn't always agreed with Commissioner Glaser, she has adored some of the things he has done.
- Appreciates Commissioner Glaser for his vast repertoire.
- Is grateful for Commissioner Glaser's many contributions.
- Thanked both for their service.

Vice Chair Doyle thanked Ms. Benavidez-Heaster and the rest of the Commission for their kind words.

Commissioner Glaser thanked Ms. Benavidez-Heaster and the rest of the Commission for their kind words as well.

Commissioner Fernandez commented:

- Has had the pleasure of working with Vice Chair Doyle for ten of his twenty years.
- Vice Chair Doyle is always very thorough and comes up with things that other people never seem to.
- Vice Chair Doyle will be hard to replace and will be greatly missed.
- Vice Chair Doyle has made significant changes to projects and policy which have added to his legacy of positive contributions.
- Vice Chair Doyle was invaluable during the General Plan Update.
- Vice Chair Doyle has been a great Chair.
- Vice Chair Doyle has done a great job of being unbiased.
- Appreciates Vice Chair Doyle for his contributions and has enjoyed working with him all these years.

Vice Chair Doyle thanked Commissioner Fernandez for his kind words.

Commissioner Fernandez commented:

- Commissioner Glaser brought a fresh perspective with him.
- Commissioner Glaser has asked a lot of really good questions that have served to educate more than just himself.
- Commissioner Glaser has brought up a lot of really good points during his time on the Commission.
- Looks forward to Commissioner Glaser's continued involvement in the public process.
- Appreciates Commissioner Glaser's difficult position of being an alternate.
- Does not believe the Commission needs an alternate.
- Has appreciated working with Commissioner Glaser.
- Reiterated his thanks to both Commissioner Glaser and Vice Chair Doyle.

Commissioner Glaser commented:

- Meetings will probably be a lot shorter with him gone.
- Sat next to Vice Chair Doyle for almost a year and would frequently lean in and ask him questions.
- Vice Chair Doyle was always very helpful and his knowledge very useful.
- Learned a lot from Vice Chair Doyle.
- Has served on a Planning Commission before and the Commissioners there did not know nearly as much as the Commissioners here know.
- Interviewed to serve on this Commission because he wanted to learn about this community and to become more integrated.
- Didn't expect to have the amount of fun that he's had.
- Arguing is healthy.
- Sometimes he's disappointed about how some people don't seem to recognize how deeply the Commission gets into matters and really thinks about them in the context of what would be best for the city.
- Loved every second of his time on his Commission.
- Excited by the fact that every member of the Commission seems to bring something different to the table.
- Thanked everyone for their time.

Chair Wilson reiterated his thanks and wished Commissioner Glaser and Vice Chair Doyle. He added that he is looking forward to meeting the newest members of the Commission.

11. ADJOURNMENT: Chair Wilson adjourned the meeting at 8:31 p.m. The next regularly scheduled Planning Commission meeting will take place on Tuesday, January 28, 2020, at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472.

Respectfully Submitted By:

Kari Svanstrom
Planning Director