

City Council

Mayor Una Glass  
Vice Mayor Patrick Slayter  
Michael Carnacchi  
Sarah Glad Gurney  
Neysa Hinton



Planning Director

Kenyon Webster  
Assistant Planner  
Dana Morrison  
Administrative Assistant  
Rebecca Mansour

## City of Sebastopol Planning Commission Staff Report

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Meeting Date: January 24, 2017  
Agenda Item: 8A  
To: Planning Commission  
From: Kenyon Webster, Planning Director  
Dana Morrison, Assistant Planner  
Subject: Use Permit Amendment  
Recommendation: Approval with Conditions  
Applicant/Owner: Spencer Interests, LLC  
File Number: 2016-106  
Address: 801 Gravenstein Highway South  
CEQA Status: Categorical Exemption: Section 15301: Class 1  
General Plan: Office Commercial  
Zoning: CH: Heavy Commercial

### **Introduction:**

This is a Use Permit Amendment application, requesting approval for Spencer's Fish and Chips to transition from a fish and chips restaurant to one centered on coffee, prepackages, and fresh foods. The applicant requests to amend the existing Conditional Use Permit to alter the store's opening hours from the currently permitted 6:00 A.M. to 5:00 A.M, and to correspondingly reduce the closing time by one hour. No other conditions are proposed to be changed. A Minor Design Review application was approved on January 18, 2017 by the Design Review Board permitting minor façade changes, the addition of an outdoor patio, and new signage.

### **Background:**

In July 1985 the Sebastopol Planning Commission approved a Use Permit application for a drive-in restaurant at 775 Gravenstein Hwy South (now 801). The following March the Planning Commission approved the operating characteristic for the proposed McDonalds restaurant subject to conditions (attached). After nearly 30 years of operation on or about December 31, 2015 the McDonald's fast food restaurant ceased operations.

In July 2016 the owner of the property submitted a Zoning Ordinance Interpretation application, requesting review of planning permits needed to operate a Starbucks coffee shop at the vacant location and utilize the exiting drive through. The City determined that Starbucks could operate under the existing CUP, as long as actual operation of the Starbucks coffee shop commenced on or before December 31, 2016, and that such operation complied with the conditions of

approval for the Use Permit. Negotiations with Starbuck did not come to fruition at that time, and the owner decided to open up a Fish and Chips restaurant, Spencer's. City staff agreed that such a use, again, if put into operation by December 31 of 2016, would constitute sufficient use of the drive-through to maintain its legal non-conforming status. The proposed operations also appeared to be a (non-formula) "fast food"-type business.

Spencer's Fish and Chips has been operating since the end of October 2016.

The Zoning Ordinance prohibits new drive-throughs, as well as physical changes that would intensify or expand existing drive-throughs. The Design Review application (2016-105) shows elimination of one-through window, reducing the scope of use, and this application would not expand hours of operation, simply shift them.

**Project Description:**

The establishment proposes to alter their opening hours from 6:00 A.M. to 5:00 A.M., and have also agreed to a one-hour reduction in closing hours from 11:00 P.M. to 10:00 P.M. Sunday through Thursday, and from 12:00 A.M. to 11:00 P.M. Friday-Saturday.

**Environmental Review:**

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the following:

*Section 15301: Existing Facilities:* Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The project is consistent with this categorical exemption in that it involves a minor modification of the operating hours for an existing restaurant.

**General Plan Consistency:**

The General Plan Land Use Designation for the site is Commercial Office. The General Plan states the following: "This designation provides areas for commercial and office uses with off-street parking and/or clusters of street-front stores. This designation allows primarily local-serving retail establishments, specialty shops, banks, professional offices, motels, professional, administrative, medical, dental, and business offices, bed and breakfast users, and business and personal services, along with ancillary commercial and service uses. This designation is typically assigned to parcels, located on a major arterial street, that can provide sufficient land for commercial establishments that do not benefit from high-volume pedestrian concentrations found Downtown. The following types of retail uses are discouraged in this land use designation: factory outlets; large regional-serving shopping centers; and other similar retail uses generating high traffic volumes. Maximum floor area ratio (FAR) shall not exceed 1.5. Residential uses are permitted as a secondary use to the primary commercial uses permitted in this land use designation if generally located above the ground floor at the High Density Residential density of 12.1-25 units per acre. The residential spaces will not be counted in calculating the FAR for a development."

The project does not have any land use implications because it only involves a change in the opening hours of an existing food establishment and a transition from a restaurant offering fish and chips to one centered on coffee, prepackaged, and fresh foods.

**Zoning Ordinance Consistency:**

The site is located in the CH: Heavy Commercial District. The Zoning Ordinance states the following: The CH District is intended to create, preserve, and enhance areas with a variety of retail and small-scale industrial establishments which are essential to the economy of Sebastopol, but which are frequently incompatible with a retail shopping or office area, and is typically appropriate to areas near industrial neighborhoods.”

The project is consistent with the CH District in that it involves a shift in store opening hours from 6:00 A.M. to 5:00 A.M. and a decrease of one hour in closing times from 11:00 P.M. to 10:00 P.M. (Sunday through Thursday) and 12:00 A.M. to 11:00 P.M. (Friday through Saturday); the restaurant is already a conditionally permitted use under ‘Fast Food Restaurants’.

**Public Comment:**

The Planning Department did the following to comply with Chapter 17.330 of the Zoning Ordinance: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat on January 14, 2017; and (3) posted three written notices publicly on and within vicinity of the subject property. The Planning Department has not received any comments on the application from the public, as of writing the staff report.

**City Departmental Comment:**

The Planning Department circulated the application to the following City department for review: Police Services. The Planning Department has not received any City departmental comments on the application, as of writing the staff report.

**Required Findings:**

The Planning Commission shall determine the following in making its recommendation to the City Council per Zoning Ordinance Section 17.300.030.C (2):

- a. Is compatible with the general objectives of the general plan and any applicable specific plan.
- b. Is in conformity with public convenience, general welfare and good land use practice.
- c. Will not be detrimental to the public health, safety and general welfare.
- d. Will not adversely affect the orderly development of property.

**Analysis:**

The project involves a request to transition from a restaurant serving fish and chips to one centered around coffee, prepackages, and fresh foods; and to increase opening hours from 6:00 A.M. to 5:00 A.M., along with a decrease in closing hours. The request appears to be reasonable in that other coffee establishments in the near vicinity have opening hours starting at 5:00 A.M., and while the opening hours would be earlier, there would not be an increase in

overall operating hours due to the earlier closing hours. The Commission could find the hours to be suitable for the site and compatible with the surrounding uses.

**Recommendation:**

Staff recommends that the Planning Commission approve the proposed Use Permit Amendment based on the facts, findings, and analysis set forth in this staff report, and consistent with the attached conditions of approval. Staff believes that this proposal is compatible with the existing development on the property and the neighboring residential and commercial uses, and will not be detrimental to the health, safety, peace, comfort, or welfare of the persons residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to the property and improvements in the neighborhood or to general welfare of the City.

**CONDITIONAL USE PERMIT AMENDMENT: 2016-106  
801 Gravenstein Highway South**

**Findings for Approval:**

1. That the proposed use is categorically exempt from the requirements of CEQA, pursuant to Section 15301, Class 1, in that it involves a minor modification of the operating hours for an existing restaurant.
2. That the proposed use is consistent with the General Plan in that it involves changing operating hours of an existing permitted food service facility, but with no net change in operating hours but would not result in physical expansion of the drive-through use, and in fact the applicant plans to reduce drive-through components by eliminating one existing drive-through window, reducing the scope of use.
3. That the proposed use is consistent with the Zoning Ordinance in that it involves increasing the operating hours of an existing, permitted food service facility, which is classified as a 'Fast Food Restaurant' use and is a conditionally permitted-use in the Office Commercial District.
4. That the proposed use will not affect the health, safety, and welfare of area residents in that there are several establishments located along Gravenstein Highway South and throughout greater Sebastopol with a similar business model and hours of operation.
5. That the proposed use will not have a detrimental impact on area residents or businesses, and will not adversely affect the orderly development of property in that the establishment is already subject to conditions of approval and this application will increase the opening hours, and decrease closing hours, with no net changes in overall total operating hours.

**Recommended Conditions of Approval:**

1. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.

2. Except as modified herein, the existing conditions of approval set forth in the letter date July 1, 1985 and March 28, 1986 shall remain applicable.
3. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
4. Any new signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate.
5. No sound may emanate from the building, which violates the Noise Ordinance or causes an undue disturbance to site neighbors.
6. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. – 9:00 P.M.
7. Hours of operation shall be consistent with the hours stated in the application, 5 A/M/ opening and 10:00 P.M. closing Sunday-Thursday, and 11:00 P.M. closing Friday and Saturday.
8. The applicant may be required to obtain approval of improvement plans by the Engineering Department, and fulfill any requirements necessary for issuance of a Building Permit, prior to approval of any site improvements or Building Permits. The applicant may need to return to the Planning Commission and/or the Design Review Board for review at City staff's discretion, if any site changes are necessary, as a result of improvement plans.
9. Occupancy limitations shall be established by the Building Official and clearly posted prior to issuance of a Certificate of Occupancy for any building, including a use requiring a Use Permit.
10. A Business License is required and shall be obtained prior to operation of the use.
11. The business owner shall ensure that employees are drug and alcohol free while on duty.
12. The establishment is not approved as an entertainment venue. Dancing and/or regular live music shall not be permitted on the premises without prior City approval. As an incidental use, recorded background music and occasional live acoustic music may be conducted inside the establishment only. All doors and windows shall be closed during any such activity. The Police Department or Planning Director may require termination or modification of such activity.
13. The business owner shall ensure that exterior areas, including the adjacent public street and sidewalk, are free of trash and other debris that may be generated by patrons.
14. The business owner shall ensure that patrons do not loiter outside the business.
15. The business owner shall be responsible for removing any graffiti on the outside of the establishment.

**Attachments:**

- Master Planning Application Form
- Project Proposal Statement
- Location Map and Site Plan
- Original 1986 Conditions of Approval





# City of Sebastopol

Planning Department  
7120 Bodega Avenue  
Sebastopol, CA 95472  
(707) 823-6167 (Phone) or (707) 823-1135 (Fax)  
[www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

## MASTER PLANNING APPLICATION FORM

PROJECT INFORMATION:		FOR CITY USE ONLY	
ADDRESS:	801 Gravenstein HWY S.	PLANNING FILE #:	2016 / 106
PARCEL #:	004-111-020	DATE FILED:	12-29-16
PARCEL AREA:	.21 Acres	TOTAL FEES PAID:	\$ 1050
		RECEIVED BY:	DM
		DATE APPLICATION DEEMED COMPLETE:	

### APPLICANT OR AGENT:

Name: Spencer Interests, LLC

Email Address: casey@pcf-1.com

Mailing Address: 6905 Southpoint Ave.

City/State/Zip: Sebastopol, CA 95472

Phone: (707) 823-0111

Fax: (707) 823-6835

Business License #: 549-60-9216

Signature: *Casey Caruth*

Date: 12/28/2016

### OWNER OF PROPERTY IF OTHER THAN APPLICANT:

Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Business License #: \_\_\_\_\_

Signature: \_\_\_\_\_

*I certify that this application is being made with my consent.*

Date: \_\_\_\_\_

### OTHER PERSONS TO BE NOTIFIED: (Include Agents, Architects, Engineers, etc.).

Name: _____	Name: _____
Email Address: _____	Email Address: _____
Mailing Address: _____	Mailing Address: _____
City/State/Zip: _____	City/State/Zip: _____
Phone: _____	Phone: _____
Fax: _____	Fax: _____

**PROJECT DESCRIPTION:**

**DESCRIBE IN DETAIL**, the proposed project and permit request. (Attach additional pages, if needed):

See attached project description / proposal statement

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This application includes the checklist for the type of application requested:  Yes  No

Please indicate the type(s) of application that is being requested (example: Use Permit, Design Review, Variance, Planned Community Rezone, etc.):

Modification to an existing Conditional Use Permit

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Please describe existing uses (businesses, residences, etc.) and other structures on the property:

Existing fast food restaurant with drive-thru service.

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**DEVELOPMENT DATA:**

<b>SQUARE FEET BUILDING EXISTING:</b>	3,400 sqft	<input type="checkbox"/> N / A
<b>SQUARE FEET BUILDING DEMOLISHED:</b>		<input checked="" type="checkbox"/> N / A
<b>SQUARE FEET BUILDING NEW:</b>		<input checked="" type="checkbox"/> N / A
<b>NET CHANGE IN BUILDING SQUARE FEET:</b>		<input type="checkbox"/> N / A
<b>NUMBER OF DWELLING UNITS EXISTING:</b>	<input type="checkbox"/> 0 Bedrooms <input type="checkbox"/> 2 Bedrooms <input type="checkbox"/> 4+ Bedrooms	<input type="checkbox"/> 1 Bedrooms <input type="checkbox"/> 3 Bedrooms <input type="checkbox"/> N / A
<b>NUMBER OF DWELLING UNITS PROPOSED:</b>	<input type="checkbox"/> 0 Bedrooms <input type="checkbox"/> 2 Bedrooms <input type="checkbox"/> 4+ Bedrooms	<input type="checkbox"/> 1 Bedrooms <input type="checkbox"/> 3 Bedrooms <input checked="" type="checkbox"/> N / A
<b>NET CHANGE IN DWELLING UNITS:</b>		<input checked="" type="checkbox"/> N / A
<b>SETBACKS:</b>	<b>Existing:</b> <input type="checkbox"/> Front Yard _____ <input type="checkbox"/> Side Yard _____ <input type="checkbox"/> Rear Yard _____ <input checked="" type="checkbox"/> N / A	<b>Proposed:</b> <input type="checkbox"/> Front Yard _____ <input type="checkbox"/> Side Yard _____ <input type="checkbox"/> Rear Yard _____ <input checked="" type="checkbox"/> N / A

<b>EXISTING LOT DIMENSIONS:</b>	Front: <u>117ft</u> Left: <u>82ft</u>	Rear: <u>117ft</u> Right: <u>82ft</u>	<input type="checkbox"/> N/A
<b>PROPOSED LOT DIMENSIONS:</b>	Front: _____ Left: _____	Rear: _____ Right: _____	<input checked="" type="checkbox"/> N/A
<b>EXISTING LOT AREA:</b>	<u>9,148</u> Square Feet		<input type="checkbox"/> N/A
<b>PROPOSED LOT AREA:</b>	_____ Square Feet		<input checked="" type="checkbox"/> N/A
<b>BUILDING HEIGHT:</b>	Existing: <u>+/- 16ft</u>	Proposed: <u>N/A</u>	<input type="checkbox"/> N/A
<b>NUMBER OF STORIES:</b>	Existing: <u>1</u>	Proposed: <u>N/A</u>	<input type="checkbox"/> N/A
<b>PARKING SPACE (S):</b>	Existing: <u>10</u>	Proposed: <u>N/A</u>	<input type="checkbox"/> N/A
<b>ZONING</b>	Existing: <u>CH</u>	Proposed: <u>N/A</u>	<input type="checkbox"/> N/A

Will the project involve a new curb cut or driveway?  Yes  No

Are there existing easements on the property?  Yes  No

Will Trees be removed?  Yes  No

If yes, please describe (Example: Type, Size, Location on property, etc.)


Will Existing Landscaping be revised?  Yes  No

If yes, what is square footage of new or revised landscaping?


Will Signs be Changed or Added?  Yes  No

11:00p.m M-Thur

Business: Hours of Operation? Open: 6:00a.m Close: 12:00a.m Fri & Sat

Is alcohol service proposed?  Yes  No

If yes, what type of State alcohol license is proposed? \_\_\_\_\_

If yes, have you applied to the State Alcoholic Beverage Control for a license?  Yes  No

If this is a restaurant, café or other food service, bar, or nightclub, please indicate total number of seats: \_\_\_\_\_

Is any live entertainment proposed?  Yes  No

If yes, please describe: \_\_\_\_\_

# INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

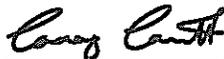
	12/28/2016	2016-106
Applicant's Signature	Date Signed	Planning File Number

**NOTE:** The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

## NOTICE OF MAILING:

Email addresses or facsimiles will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.

**Please sign and acknowledge you have been notified of the Notice of Mailing for applications and have provided an email address or fax number.**

	Casey Costello
Signature	Printed Name

**NOTE:** It is the responsibility of the applicant and their representative to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however the applicant has responsibility for determining and following applicable regulations.

# NEIGHBOR NOTIFICATION

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, resident and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project:

Yes

No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

Personal notification to current Southpoint Shopping Center tenants

## WEBSITE REQUIRED FOR MAJOR PROJECTS

Applicants for major development projects (which involves proposed development of 25,000 square feet of new floor area or greater, or 25 or more dwelling units), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning's, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- √ Project description
- √ Contact information for the applicant, including address, phone number, and email address
- √ Map showing project location
- √ Photographs of project site
- √ Project plans and drawings

# Exemption Questionnaire

## **STORM WATER LOW IMPACT DEVELOPMENT**

**PURPOSE:** This questionnaire will determine *whether* or *not* you need to submit the 'Storm Water Low Impact Development Determination Worksheet' as part of this application. Any application that does not contain this questionnaire OR the Determination Worksheet will be deemed incomplete.

**PROJECT ADDRESS:**

801 Gravenstein HWY S.

**TYPE OF APPLICATION**

Your project is exempt from the 'Determination Worksheet' submittal requirement, if it falls under any of the below listed application categories. However, the City Staff may require the submittal of a 'Determination Worksheet', as determined on a case-by-case basis.

- Administrative Review (Interior Improvements or Use)
- Sign Review
- Temporary Use Permit
- Time Extension Request
- Tree Removal Permit
- Zoning Determination or Interpretation

**The project is exempt from the 'Storm Water Low Impact Development Determination Worksheet' submittal requirement as determined by City Staff.**

I certify this information:

  
\_\_\_\_\_  
APPLICANT SIGNATURE

Casey Costello  
\_\_\_\_\_  
PRINTED NAME

12/28/2016  
\_\_\_\_\_  
DATE



**CITY OF SEBASTOPOL**

7120 Bodega Avenue, Sebastopol, California 95472 707-823-6167

*MWELo: California Model Water Efficient Landscape Ordinance*

*Permit applicants are required to complete this form, or applications may be incomplete.*

**MWELo PRELIMINARY APPLICABILITY DETERMINATION CHECKLIST**

**Applicant Information:**

Name: Spencer Interests, LLC

Phone: (707) 823-0111

Address: 6905 Southpoint Ave., Sebastopol CA 95472

Email: casey@pcf-1.com

**Project Information:**

Site Address: 801 Gravenstein HWY S.

Project Type (*new dwelling, commercial, remodel, etc.*): Commercial

- A.  Currently, this project **does not include new or rehabilitated landscaping**. I am aware that future landscape installations may be required to comply with the Model Water Efficient Landscape Ordinance (MWELo) requirements per California Code of Regulations, Municipal code 15.36 Title 23, Division 2, Chapter 2.7.
- B.  This project is **not** a homeowner project and will include new or rehabilitated landscaping of **2,500 sq. ft. or greater in area**.
- C.  This project is for a **homeowner-provided or homeowner hired single-family or multi-family residential project** with new or rehabilitated landscaping of **more than 5,000 sq. ft.**

*If you checked Item B. or C. above, please provide the information below specific to the new or rehabilitated landscape area which will be completed as part of this project and specify the compliance method to be used (ask Planning staff for compliance options, if you have questions):*

Total Landscape Area (sq. ft.): \_\_\_\_\_ Turf Area (sq. ft.): \_\_\_\_\_

Non-Turf Plan Area (sq. ft.): \_\_\_\_\_ Special Landscape Area (sq. ft.): \_\_\_\_\_

Water Type (*potable, recycled, well*): \_\_\_\_\_

Name of water purveyor (*If not served by private well*): \_\_\_\_\_

**Compliance Method** (*anticipated*):

- Performance (Items required in Performance Checklist to be included on final plans)
- Prescriptive (Items required in Prescriptive Checklist to be included on final plans)

Signature: *Casey Cant* Date: 12/28/2016

*I certify the above information is correct and agree to comply with the applicable requirements of the MWELo.*



## Project Description / Proposal Statement

Spencer Interests, LLC currently owns and operates "Spencer's Fish and Chips," which is a restaurant located in the Southpoint Shopping Center in Sebastopol (801 Gravenstein HWY S.).

After approximately four months in operation as a fish and chips restaurant, the ownership of Spencer's would now like to transition its fast food offering into one centered around coffee, prepackaged and fresh foods.

The modification of the fast food offering will better compliment the existing tenants of the shopping center, which has three other eating establishments.

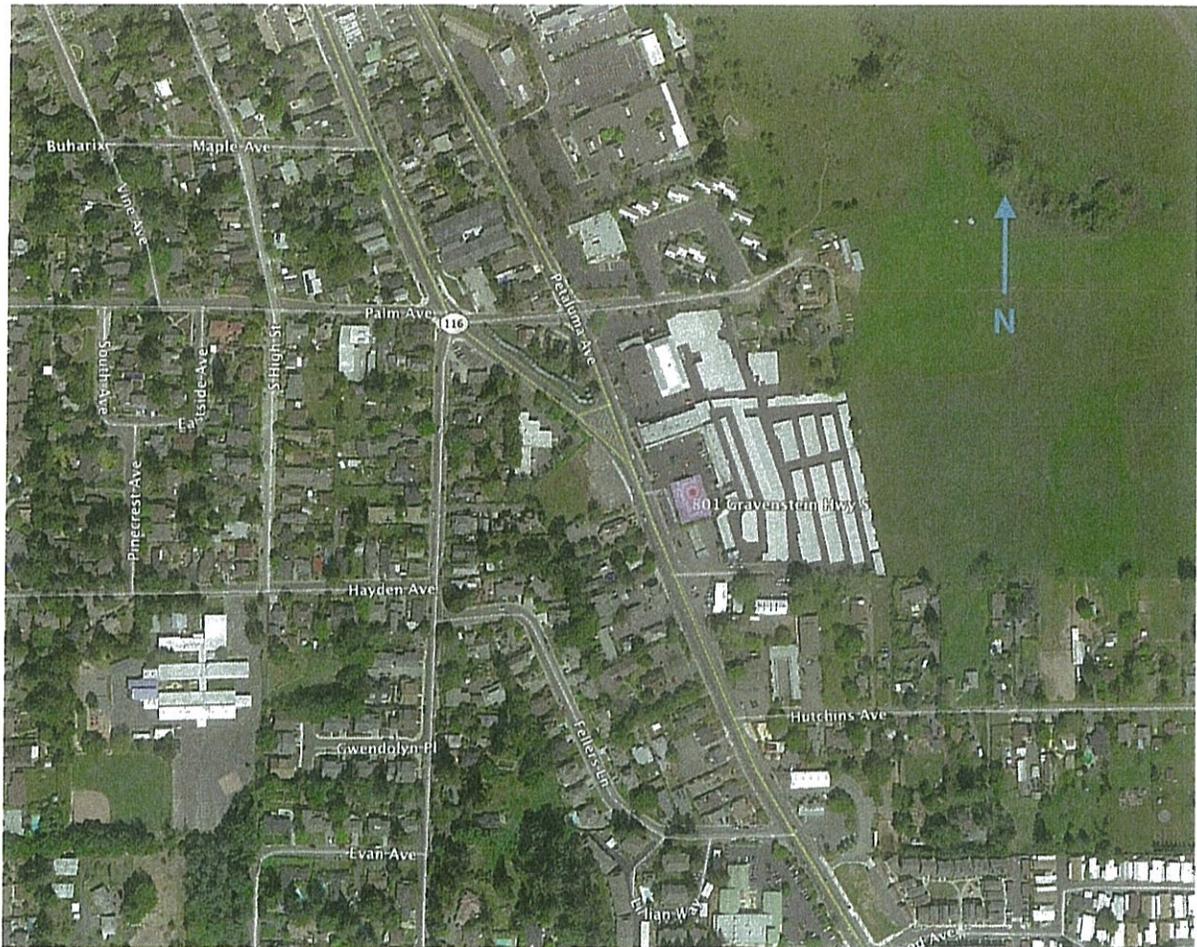
The existing Conditional Use Permit (CUP) limits the hours of operation from 6:00a.m - 11:00p.m Sunday through Thursday, and 6:00a.m - 12:00a.m, Friday and Saturday.

In reviewing other competing coffee operators within the near vicinity of the Spencer's location, the opening times are 5:00a.m.

To be competitive in the coffee market, Spencer's is requesting a modification to the existing CUP to allow for an opening time of 5:00a.m, seven days a week. All other conditions associated with the CUP will remain.

# LOCATION MAP

Spencer's Fish & Chips / 801 Gravenstein HWY. S.

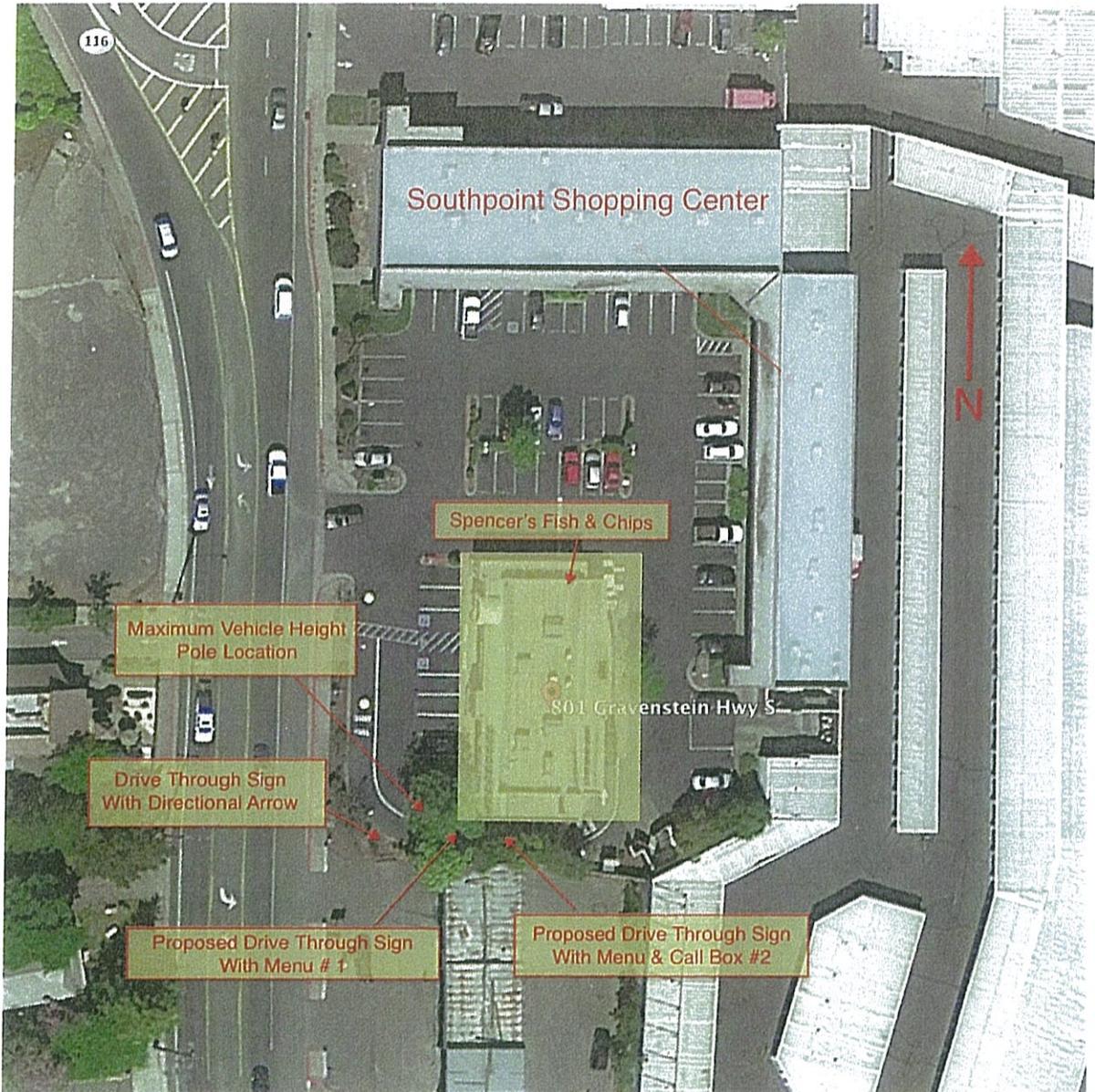


The subject property is noted in the above aerial photograph as "801 Gravenstein HWY. S." and further highlighted.

The subject property is located within the existing Southpoint Shopping Center, which is located south of Sebastopol's downtown core and was the former location of McDonald's.

# SITE PLAN

Spencer's Fish & Chips / 801 Gravenstein HWY. S.



Spencer's Fish & Chips located at 801 Gravenstein HWY S. in the Southpoint Shopping Center, Sebastopol, CA.

The proposed drive through signage is as follows:

- Directional arrow indicator to ensure proper flow of all drive through traffic
- Pole, with attached horizontal cross bar, indicating the maximum height of vehicles allowed to enter the drive through
- Drive through sign number "1" with display menu on the driver's side of the drive isle
- Drive through sign number "2" with menu and call box for ordering, also located on driver's side of drive isle.







## City of Sebastopol

CITY HALL  
7120 BODEGA AVENUE  
SEBASTOPOL, CALIFORNIA 95472  
(707) 823-7863

RICHARD M. JOHNSON, MAYOR

COUNCILMEN  
GWEN A. ANDERSON  
THOMAS F. MILLER  
HOWARD A. REESER  
WILLIAM L. ROVENTINI

CITY MANAGER  
MELVIN K. DAVIS

March 28, 1986

Mr. James P. Costello  
Southpoint Development  
P.O. Box 4461  
Santa Rosa, Calif. 95402

Dear Mr. Costello,

This is to confirm that the Sebastopol Planning Commission, on March 25, 1986, by a 5 - 1 vote approved the operating characteristics for the proposed "McDonalds" restaurant at 775 Gravenstein Highway, South, pursuant to your letter of March 14, 1986, subject to the following conditions:

1. That the hours of operation be limited to 6:00 a.m. - 11:00 p.m., Sunday through Thursday; 6:00 a.m. - 12:00 a.m. Friday and Saturday.
2. That no objectionable cooking or other odor, as determined by the Bay Area Air Quality Management District, be generated beyond the property line of Southpoint Center.

If you are not satisfied with the action of the Planning Commission on the proposed operating characteristics, you may appeal the decision to the City Council by filing a written request for hearing at the Office of the City Clerk, 7120 Bodega Avenue, Sebastopol, California, 95472, within five (5) days, not including Saturdays, Sundays or holidays.

A \$50.00 appeal filing fee payable to the City of Sebastopol must accompany your written request.

Please call the Planning Department if you have any questions.

Very truly yours,

  
Bruce Aspinall,  
Planning Consultant

BA:hr



## City of Sebastopol

CITY HALL  
7120 BODEGA AVENUE  
SEBASTOPOL, CALIFORNIA 95472  
(707) 823-7863

RICHARD M. JOHNSON, MAYOR

COUNCILMEN  
GWEN A. ANDERSON  
THOMAS F. MILLER  
HOWARD A. REESER  
WILLIAM L. ROVENTINI

CITY MANAGER  
MELVIN K. DAVIS

July 31, 1985

Mr. & Mrs. Bill Houghton  
734 Litchfield Avenue  
Sebastopol, Ca. 95472

Subj: Appeal - 775 South  
Gravenstein Highway

Dear Mr. and Mrs. Houghton:

In reply to your letter of June 30, 1985, this is to notify you that the Sebastopol City Council, at their meeting of July 30, 1985, voted to grant the appeal in part, but approve the use permit, with the addition to Condition #2 that the driveway be moved to provide right-turn exit only, and modified Condition #17, with specific emphasis on mitigating any odor problems, when particular use is reviewed by the Planning Commission.

Very truly yours,

Melvin K. Davis  
City Manager

MKD:rf

cc: Mr. Jim Costello



July 1, 1985

*+ new maps  
for City of Sebastopol  
Subj. to U.P.  
approval*

**City of Sebastopol**  
CITY HALL  
7120 BODEGA AVENUE  
SEBASTOPOL, CALIFORNIA 95472  
(707) 823-7863

THOMAS F. MILLER, MAYOR

COUNCILMEN  
GWEN A. ANDERSON  
RICHARD M. JOHNSON  
HOWARD A. REESER  
WILLIAM L. ROVENTINI

CITY MANAGER  
MELVIN K. DAVIS

Mr. James Costello  
Investment Development  
P.O. Box 9072  
Santa Rosa, CA 95405

Dear Mr. Costello:

This is to confirm that the Sebastopol Planning Commission on June 25, 1985, approved your Application for Use Permit for a drive-in restaurant at 775 Gravenstein Highway South, pursuant to the application and supplemental information filed on February 8, 1985, February 27, 1985, June 3, 1985, and June 12, 1985, subject to the following conditions:

1. That an on-site storm drain system be designed together with an off-site extension of a storm drain through the developed easterly property. Permission for the storm drain extension would be necessary from the property owner involved.
2. The access driveway, driveway width, and proposed circulation shall be reviewed and approved by the Sebastopol Traffic Engineer.
3. All utilities to the site shall be underground.
4. Street lighting shall be provided in accord with P.G. & E. and City recommendations. Additional lighting at driveway entrance and at the mini-warehouse entrance may be required.
5. Security lighting shall be provided as recommended by the Police Chief.
6. Full street improvements meeting City Standards shall be required along the frontage of Gravenstein Highway South. Street improvements shall include any required change or alteration of striping. The developer shall obtain an Encroachment Permit, both from the State of California and the City for street improvements. Right-of-way dedication across the frontage of Gravenstein Highway South shall be granted to the City (who in turn will grant to the State) for the required street widening and improvements. An additional 10 foot public utility easement shall be required east of the right-of-way line for future underground of main line utilities.
7. Landscaping shall be reviewed and approved by the Design Review Board.
8. Fire hydrants and on-site fire protection shall be installed to meet Fire Chief's recommendations.

9. A grease trap shall be installed outside the fast food restaurant at a capacity as directed by the Building Official to meet the sub-regional waste water pre-treatment requirements. Inspection access shall be provided for monitoring of condition of grease trap.
10. Parking shall meet requirements of Sebastopol Parking Resolution.
11. Trash area shall be screened in accord with Design Review Board requirements.
12. Preliminary plan indicates that structures will be constructed on the property line. A grading plan shall be submitted to the City for review and approval prior to issuance of a Building Permit. The grading plan shall show that all on-site water is collected in an underground storm drain system and discharged to the Palm Avenue Conduit which is directly north of the project site.
13. New sanitary sewer and water services shall be installed as part of project development.
14. Development plan indicates that mini-warehouses will be constructed virtually on the edge of the "carwash road". It is suggested that a building setback be required which will ultimately meet City standards. This is assuming that this road will be eventually a City street.
15. Application shall be valid for one year after date of approval.
16. The left turn storage lane shall be in accordance with the City Traffic Engineer's and State Department of Transportation requirement (including, but not necessarily limited to a length of 175 feet).
17. That the matter be returned to the Planning Commission for review and approval of the operating characteristics and related land use issues, once the specific tenant/user is known.

If you are not satisfied with the action of the Planning Commission on your Use Permit Application, you may appeal the decision to the City Council by filing a written request for hearing at the Office of the City Clerk, 7120 Bodega Avenue, Sebastopol, California, 95472, within five (5) days after the date of this letter.

A \$50.00 appeal filing fee payable to the City of Sebastopol must accompany your written request.

Please call the Planning Department if you have any questions.

Very truly yours,

*Bruce Aspinall*

Bruce Aspinall  
Secretary to the Planning Commission

cc: City Manager  
Building Inspector  
Mr. Tom Furusho  
Mr. Joe Furusho

*+ final back to my file  
to be Asuba. to be ok by  
DRTS*

*- add Sign Program*