



City of Sebastopol
CITY COUNCIL MEETING
APPROVED MINUTES
SPECIAL MEETING

Mayor

Guy Wilson

City Council

Michael Kyes, Vice Mayor

Kathleen Shaffer

Sarah Glade Gurney

Patrick Slayter

APPROVED MINUTES OF THE January 23, 2012 CITY COUNCIL SPECIAL MEETING

As approved by the City Council at their regular meeting of February 21, 2012

City Manager

Jack Griffin

City Attorney

Larry McLaughlin

City Clerk

Mary Gourley

As a courtesy, please turn off all cell phones and pagers during the meeting.

6:00 pm - CONVENE CITY COUNCIL SPECIAL MEETING. Sebastopol Community Center, 390 Morris Street, Sebastopol, CA

CALL TO ORDER: Mayor Wilson called the meeting to order at 6:15 p.m.

ROLL CALL:

Present: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson

Absent: None

Staff: City Manager Griffin, City Clerk Gourley, City Attorney McLaughlin, Engineering Director Kelly, Fire Chief Brad, Police Chief Weaver and Planning Director Webster

SALUTE TO THE FLAG: Mayor Wilson led the salute to the flag.

CONSENT CALENDAR ITEM(s): NONE

PRESENTATION(S): NONE

PUBLIC HEARING(s):

1. PUBLIC HEARING - the City Council will conduct a Public Hearing on an appeal of the Design Review Board's denial of an application for Design Review for the CVS-Chase project at 6877 Sebastopol Avenue.

The proposed project includes the redevelopment of a 2.45 acre property with two new single-story buildings for a retail pharmacy and a bank. The pharmacy building would be approximately 15,000 sq. ft.; the bank would be approximately 4,000 sq. ft., for a total of 19,000 sq. ft. The pharmacy would have a 'drive-through' component and the bank would have an ATM accessible by vehicle. The existing buildings on the site comprising 32,237 sq. ft., which were utilized for a former car dealership, are currently vacant and would be demolished. Thus there would be a net square footage reduction on the site of over 13,000 sq. ft. If the project is approved, CVS would relocate its present operations from Redwood Marketplace in Sebastopol to the new site.

The applicant, Armstrong Development, filed an appeal of this action, and the City Council will consider the appeal.

Mayor Wilson outlined the procedures and process for the meeting tonight and stated that if



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the Council did not get through the meeting tonight, it would be continued to the February 7, 2012 City Council Meeting to be held at 6:00 pm at the Sebastopol Community Center. He stated that the time limitations for public comment would be three minutes and that he has allowed an exception for five minutes for public comments from Design Review Boardmembers. He stated that he had been requested to allow for power point presentations from members of the public, but stated he will be not be allowing power point presentations other than from the appellant.

Planning Director Webster presented the staff report recommending the City Council conduct a public hearing, grant the appeal and approve the application, the findings and conditions provided by staff. Staff provided information as to the history of this project and highlighted the following:

- The City Council has already approved a Mitigated Negative Declaration and an Alcohol Use Permit for the project, and in addition has initiated abandonment of Barnes Avenue on the project site.
- A lawsuit challenging the Council approval is pending, but it does not prevent further project processing.
- This appeal does not involve decisions about the proposed uses (which are a Chase bank and a CVS/ pharmacy), the type of ownership involved, traffic impacts, or the adequacy of the CEQA analysis. These matters are not within the parameters of the appeal tonight.
- This is also not about hypothetical alternative designs or uses that the City might discuss if it were the property owner or developer.
- The proposed project consists of two one-story buildings, as well as site improvements. A small part of the pharmacy building is two stories.
- In addition, the site has 8 driveways onto the streets now; the project would cut this in half to 4 driveways, reducing vehicle and pedestrian conflict points.
- Another key aspect is that the project will allow the public to park in its on-site parking spaces, providing a resource to the downtown and implementing a General Plan policy which states: Locate additional parking facilities on the periphery of the Downtown Core;
- The project also complies with the Zoning Ordinance:
 - Uses. The uses are permitted. The pharmacy and bank are permitted uses under the Zoning Ordinance. The City has no regulations prohibiting chain stores or branch bank offices.
 - Floor area. The floor area is permitted. The project square footage is far below the maximum allowed.
 - Size. The building sizes are permitted. The proposed buildings are far below the 35,000 square foot threshold set by the City to prohibit 'big box' stores.
 - Heights. The building heights are permitted. The bank building is one story and 18 feet high; the pharmacy building is primarily one story and is 26 to 22 feet high. These heights are well below the maximum Zoning Ordinance allowance of 3 stories and 40 feet for the Downtown area.
- The Design Review Board conducted three Preliminary Review sessions and three Final Design Review sessions on the project, as well as two other meetings to discuss findings. The Board's work resulted in a significantly-improved project design.
- At the conclusion of the process, the Board found several fundamental aspects of the design to be unacceptable. The applicant indicated that while they were willing to continue to work on the design, they were not willing to make several key design changes desired by the Board. Since these changes were important to the Board, the Board denied the application.
- The Board's resolution, in your packet, provides a detailed rationale for the Board's denial.
- Staff had recommended approval to the Board, and respectfully differs from the final evaluation of the Board. In staff's analysis, the project complies with relevant Design Guidelines. In staff's analysis, the project is superior to existing conditions and provides a design consistent with the City's Design Guidelines, and will improve the property and public right of way.
- The City's Zoning Ordinance requires that you render a decision on the appeal within 30 days of this hearing, unless a longer period is agreed to by the Council and the appellant.

Vice Mayor Kyes stated the appellant's appeal is based upon three points:

- Design Review Board abused their discretion by applying the Design Review Board guidelines too strictly
- Design Review Board abused their discretion by reviewing items that were outside their scope and purview

- Design Review Board abused their discretion by not basing their denial on factual evidence in the record Vice Mayor Kyes questioned if this is what the appeal is based upon and the scope of what the Council is looking at are the findings of the Design Review Board.

City Attorney McLaughlin stated Vice Mayor Kyes' comments are an accurate summarization of the basis for the appeal and stated that some of the issues outlined in the appeal may be relevant to the findings and some may not be relevant. City Attorney McLaughlin addressed Vice Mayor Kyes' comments as follows:

- Read a portion of the Design Guidelines from the Zoning Ordinance and stated that the guidelines are intended to be used and interpreted with flexibility by the Design Review Board and staff and are not intended to be strict standards such as code requirements
- Stated the appeal states the Board abused their discretion of authority by reviewing items such as traffic and stated the City Council at their meeting of July 5th, certified the Mitigated Negative Declaration and stated that issue was not before the Design Review Board
- Stated the appeal contests that the Board's decision was based on opinion and not factual evidence in the record and that they did not apply guidelines reasonably and did not have substantial evidence to support the denial and that their denial was based upon opinion

City Attorney McLaughlin stated that this project is a permitted use and that the project has received the necessary approvals other than approval of the design.

Vice Mayor Kyes questioned if the factual record ended on December 4, 2011 with the Design Review Board's decision and questioned if the Council was listening to arguments as to why the facts are relevant or not relevant. He asked the City Attorney to explain the difference between facts, argument and opinion and how it is related to this appeal.

City Attorney McLaughlin stated the Council's focus tonight is the decision of the Design Review Board and if their decision was supported by evidence in record and not based upon opinion but factual, substantial evidence.

Vice Mayor Kyes stated the appeal is based on the Design Review Board exceeding their discretion but stated at the July 5, 2011 City Council Meeting, he stated he questioned what level of discretion did the Design Review Board have in controlling what the actual building looks like and stated the Planning Director answered that the Board follows adopted guidelines and determines if it is consistent with the Zoning Ordinance allowances. Vice Mayor Kyes commented that the Planning Director stated the Board could not change the standards but can discuss aesthetics and compatibility of how the buildings relate. Vice Mayor Kyes stated the Planning Director answered that the Board has a fair amount of discretion. Vice Mayor Kyes questioned if the Council can interpret this to mean that the Board may have an opinion as to what the building looks like and that this is a difference of opinion rather than the Design Review Board exceeding their discretion.

City Attorney McLaughlin re-read the excerpts from the Zoning Ordinance related to Design Review guidelines and stated that these are flexible and should not be strict standards. He stated that it is up to the Design Review Board to determine what guidelines apply and interpret and use those guidelines reasonably and exercise discretion and make decisions on the elements of the guidelines. He stated the question is if the applicant met the City guidelines and stated again the guidelines are not to be restrictive. He stated the Board members should not substitute their own opinions.

Councilmember Gurney questioned the four options outlined in the staff report for the Council's determination and questioned what might be the next steps for each option:

1. Uphold appeal and approve the application with recommended findings and conditions.
2. Uphold appeal and approve the project with recommended findings and conditions, and specific required changes to be reviewed by staff. This approach is appropriate when there are specific minor changes needed to an otherwise acceptable application.
3. Denial of the appeal, upholding the decision of the Design Review Board. Findings such as those approved by the Board should be utilized, although staff recommends that they be modified to delete

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findings that the driveway is unsafe or the traffic analysis was inadequate, which would not be consistent with the Council-certified environmental impact analysis, and that other findings that may not be supportable also be modified. Revised findings should return for Council action at a future meeting.

4. Continuance for redesign. The Council would need to identify specific desired design changes and obtain concurrence on a continuance from the applicant, with revisions to return for Council review.

Planning Director Webster commented as follows:

1. If the appeal is upheld, the design would be approved, with the exception of certain specifics such as lighting, signs, etc. He stated there would be limited issues that could be addressed through a Council condition of approval but that the applicant can go through the building permit process and plan check.
2. If the appeal is upheld, the Council can return the application to staff or the Design Review Board with specific conditions and recommended changes for a modified project.
3. If the application were denied, staff would return to the Council with findings for denial for the Council's consideration.
4. If this option were approved, the City Council could request that the application be returned to the Board for their review. Staff would recommend that the Council obtain concurrence from the applicant.

Councilmember Gurney stated the Council has the option of making a decision but not having to vote no on the project. She questioned if the Council would then act as the Design Review Board, analyze the aesthetics and features of the project and make a determination or would the Council be submitting new recommendations of their own.

City Attorney McLaughlin stated the Council must first determine the issue in front of the Council tonight which is the determination of the denial of the Design Review Board. He stated the Council would not be formulating a new design for the project, but would make their determination on the existing design and determine if this existing design meets the City design guidelines or not. He stated if the Council determines that the design does not meet the City's guidelines, then there must be substantial evidence in the record and that the Council can recommend design changes and return the application to the Design Review Board or staff. He stated the Council has 30 days to act on this appeal.

Councilmember Gurney questioned if the Council can make a determination and return this project to the Design Review Board for further discussion or that the Council can make a decision tonight.

City Attorney McLaughlin stated that is correct.

Councilmember Gurney questioned if the Council denies the appeal would the Council need to make their findings tonight or would this be returned to a future Council meeting.

Director Webster stated that the Council would provide direction to staff to return to a future Council meeting with findings for denial.

Councilmember Gurney questioned the status of the project if the appeal is upheld if the site plan is not approved.

City Attorney McLaughlin discussed the options for the Council as follows:

- The appellant can request no design revisions and since they have exhausted their administrative remedies, the applicant could file suit against the City
- He stated the appellant could voluntarily return to the Design Review Board with a revised design
- The appellant could withdraw their project

Councilmember Gurney questioned the status of the first decision granted in July 2011 and stated that appeal had a general site plan and was that general site plan approved.

City Attorney McLaughlin stated the City Council certified the Mitigated Negative Declaration at their July 5, 2011 meeting and stated that the applicant cannot significantly modify the project that would impact that

determination.

Councilmember Gurney questioned what would happen if the Council continued the project for redesign to either the City Council or the Design Review Board.

Director Webster stated the City Council would retain jurisdiction and could refer the application back to the Design Review Board with the applicant's concurrence. Director Webster discussed the 30 day requirement in making a decision on an appeal by the City Council.

Councilmember Shaffer questioned if the design would need to be returned to the Design Review Board or could it be returned to staff.

Director Webster stated the design could be returned to staff if the Council was confident in describing the changes that they would like to see in the conditions. He stated the conditions should be concrete and not ambiguous.

Councilmember Shaffer questioned if there is a 60 day time limit for the Design Review Board to grant a decision.

Director Webster discussed the State streamline permitting act that contains certain deadlines. He stated the appellant has contended there are issues with the Design Review Board's length of time in making their decision, but staff stated the appellant has made changes in the process which staff believes extends the deadline.

The following were in attendance:

Bill McDermott, Armstrong Development
Kevin Kellogg, Architect
Michelle Moore, Legal Counsel

Mr. McDermott commented as follows:

- Discussed the Design Review Board guidelines and stated the Design Review Board's decision to deny the project was not based on the document
- Stated this is the 13th public meeting discussing the CVS/pharmacy/Chase project
- Stated the major changes in the project's design, both in the site plan and buildings signifies their ongoing willingness to listen to feedback about the project and improve the design for the benefit of our surrounding neighbors and the City of Sebastopol
- Discussed economic and social benefits for the Community and the City of Sebastopol
- Discussed the Design Review Board Meetings and stated ineffectiveness and lack of preparedness by some of the Board Members truly impacted the hearing process and stated at several of the hearings Board Members openly stated that they had not reviewed the documentation presented to them
- Stated that the Design Review Board acted out of personal or imposed beliefs and not the Guidelines and Standards they were appointed to uphold

Ms. Moore provided information on the legal issues of the project as follows:

- On July 5th, the City Council certified the mitigated negative declaration which included a comprehensive transportation impact study analyzing the Project's site plan, driveways and traffic circulation as currently proposed
- The Design Review Board's scope of review does not extend to traffic issues which were analyzed and certified by the City Council in July. Even though the design review board went beyond its scope of review by commenting on traffic, the City's traffic consultant still analyzed their concerns and confirmed that the project's traffic impacts remain less than significant
- the Design Review Board went beyond its purview by commenting on General Plan policies
- the issue before you tonight is the appeal of the Design Review Board's denial of the Project's design, not the denial of the Project

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Mr. Kellogg presented a video slide show depicting the design of the proposed project and an architectural drive by of what the project will look like as people drive, walk or bike on Sebastopol and Petaluma Avenue.

Bill McDermott provided the following additional comments:

- Stated this project meets and exceeds the design guidelines
- Stated the Design Review Board denied the project for inappropriate reasons
- Stated the design encourages people to get off the road
- Stated the City does not have any restrictions on corporate businesses
- Stated this move will improve CVS and Chase's ability to serve the community
- Stated the project has been modified as a direct result of staff, the community, and neighbors
- Stated the applicant has used a local designer, reduced the parking, designed two unique buildings, and are voluntarily installing a street smart crosswalk at their own expense
- Discussed personal emotion versus objective facts
- Urged the Council to assess what the project is and what it offers
- Stated the applicant has followed the process and the denial decision is unwarranted
- Stated the amount of people in attendance tonight is testament to the support and efforts of the community to see this project completed

Vice Mayor Kyes requested to review the video presentation which was done by the applicant.

Councilmember Shaffer questioned the width of the sidewalk under the trellis and also the width of the sidewalk not under the trellis.

Mr. McDermott stated both sections of the sidewalk are six foot each and then corrected himself that it was ten feet under the trellis.

Vice Mayor Kyes questioned the location of the trash enclosures.

Mr. Kellogg discussed the location of the trash enclosure and stated they would be screened with a six foot architectural wall.

Councilmember Gurney questioned if there is enough room for three lanes at Petaluma Avenue.

Engineering Director Kelly stated yes.

Councilmember Shaffer asked the applicant to describe the trash enclosure.

Mr. Kellogg stated the trash enclosures would be galvanized, corrugated metal similar to the material on the shed at Frizelle Enos, West America Bank and the Pellini Building. He stated they would be similar in color to the entry on the tan color of the building.

Councilmember Slayter discussed the call outs for the windows and questioned the glass called out (4-12" and also 2-4') and questioned if the elevation does not indicate the different materials. He questioned if the glass is clear or opaque.

Mr. McDermott stated the windows are all clear and that the call outs are varying heights. He discussed the 2' deep window boxes that could contain art work, photos, etc for display and that the clear glass up higher will allow for seeing into the store.

Councilmember Slayter questioned the floor plans and questioned if the 2-12' glass is indicative of the element at the rear portion of the internal column such as a shadow box.

Mr. McDermott stated that is correct. He discussed the 2' wall behind and the access door and stated the 8-12' glass would fit into the interior of the space.

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Mayor Wilson called for a break at 7:30 pm and reconvened the meeting at 7:40 pm.

Mayor Wilson opened the public hearing.

Helen Shane, Neva Street, commented as follows:

- Read a prepared statement objecting to the Mayor's edict of no power point presentations by the public
- Stated she understands it is the Mayor's right to set this condition, however, it does not over-ride the First Amendment and free speech
- Stated it is wrong to recognize only oral speech as free speech
- Stated if the Mayor does not allow for free speech, she will pursue it after the fact
- Discussed recharacterization of events to achieve the desired outcome
- Stated staff is not parents and the Council are not children
- Urged the Council not to supersede the judgement of the community members or members of the Design Review Board
- Urged the Council to listen to the sensitive, informed community members
- Discussed the human element and urged the Council to listen to their qualified members

Martin Webb, Frankel Lane, commented as follows:

- Stated he is a voter in the City and is in favor of the development
- Stated the Design Review Board process was flawed and the meetings were like a circus
- Stated people in support of the project were confronted and yelled at
- Stated there was no decorum
- Urged the Council to use common sense
- Stated the applicant did everything that was needed to be done
- Stated it is time the Council shows the public that we want businesses in the City
- Stated this proposal will create new buildings, new construction, new jobs

Magick commented as follows:

- Concurs with Helen Shane's objection to not have power point presentations allowed from the public
- Stated she is protesting against civil rights
- Urged the Council to allow for power point presentations
- Stated she is not leaving the podium until the Mayor answers why he is not allowing power point presentations
- Requested the other Councilmembers discuss this issue
- Questioned why the civil rights of the community are being denied
- Questioned if other Councilmembers felt the same
- Requested the public be allowed to use power point presentations such as the applicant did

Councilmember Gurney commented that she would welcome power point presentations.

Vice Mayor Kyes concurred with Councilmember Gurney. He stated the issue is appeal of the design of the project and that it would be helpful to see the aesthetics visually.

Mayor Wilson stated he would not be allowing power point presentations from the public and continued with the public hearing.

Magick commented that the hearing is not fair, illegal, and is denying the rights of the citizens.

Peter Schurch, Design Review Board, commented as follows:

- Stated the developer has not addressed some serious issues about how customers will exit from the site and merge into ongoing traffic on Petaluma Ave especially considering the right out only restriction on Sebastopol Avenue.
- Believes believe the project's impact on Abbott Ave has not been assessed.
- Discussed the traffic issues and stated his studies show that with the right out only restriction on Sebastopol Ave there is a car exiting onto Petaluma Ave every 31 seconds at peak PM flow; of the traffic exiting onto

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Petaluma Ave 22% will need to merge left one lane and 49% will merge left two lanes in order to head north, west or south; stated the merge will take place within a space of 100 feet to Burnett Street or 280 feet to Sebastopol Ave from the proposed Curb Cut on Petaluma Ave; discussed peak traffic and stated that these merging lanes are often blocked with through traffic; stated he expects drivers to attempt to merge and turn left at Burnett; stated this is dangerous; stated the site plan should be modified accordingly.

- Stated Abbott traffic hasn't been studied with the right out only restriction in mind; stated it appears that the Abbott roadway is 58 feet wide which is less than the required 62 foot minimum and stated cars back out of the parking spaces into the road there
- Stated he believes that Abbott should be widened to accommodate the total peak traffic on Abbott
- Stated the driveway on Petaluma Avenue should be eliminated and Abbott should be made to accommodate all the through traffic from Petaluma Avenue

Vice Mayor Kyes questioned if the concern is with cars only exiting the driveway or entering and exiting the driveway.

Mr. Schurch stated he is concerned with cars merging.

Councilmember Shaffer stated she has viewed the site with Planning Commissioner Colin Doyle and stated she was also concerned with the driveway but stated that the applicant will be marking the street with keep clear signs on Abbott Avenue and that the restrictions will help with this issue.

Lynn Deedler, Design Review Board, commented as follows:

- Stated there are many good things in the project and that the architecture is good, but that it is not appropriate for Sebastopol
- Stated he reviewed the design guidelines in making his decision as a Boardmember, and stated the project is not compatible
- Stated his primary concern is the site and how cars will be parked along the frontage site on Petaluma Avenue and questioned the screening for the cars
- Discussed the buildings opposite this site
- Stated there is a road in the center of two separate buildings
- Discussed giving priority to store fronts being contiguous in the downtown core
- Stated the portico and entry feature is massive, too wide and too high
- Stated this is not a franchise feature we want in town and that 2/3 of CVS building practices have massive entries
- Discussed their advertising for investors as buildings that stand alone on street corners
- Stated Sebastopol is unique and that there does not have to be a corporate model on this corner
- Discussed Whole Foods and stated this is a large building that is broken up on the outside and is well articulated

Jeanie Fernandez, Stone Station Road, commented as follows:

- Encouraged the Council to approve the appeal
- Stated the Design Review Board went outside their boundaries
- Urged the Council to please do the right thing and let this beautiful project take place
- Stated this project is long overdue and is a welcome project

Linda Johnson commented as follows:

- Thanked all the Councilmembers for their hard work
- Thanked City staff and stated they are qualified and experienced
- Stated it is a testament to this full room tonight that the public supports this project
- Stated the Council represents the 7200 other members of the community who are not represented here tonight because they count on the City Council to make the best decisions for them
- Urged the public to stand up and show the Council how many people want this project
- Stated the City currently has a pathetic entry into the City, looks run down and people do not want to stop
- Stated it is hard to make decisions when your decision goes against your friends
- Questioned if the information is the truth and stated the Council approved the Mitigated Negative

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Declaration already

- Questioned if this is fair and stated this project has been two years in the making
- Stated it is time for the Council to make a decision
- Questioned if this will build good will and friendship and stated if you look around this room it has
- Stated people care about the City and City growth

Frank Mayhew, Graton, commented as follows:

- Stated the Council is doing a great job
- Stated he has spoken with the owner of the welding shop who has told him that there is no problem getting in and out of Burnett Street
- Questioned if the appeal was not granted, how long would it take to get something else there and how much longer would the community need to put up with the old building there now
- Questioned the length of time for City processes
- Urged the Council to look out for unintended consequences of denying the appeal

Christine Nelson, Sebastopol Area Chamber of Commerce Board, read a prepared letter from the Chamber that supports this project.

Bill Shortridge, Pleasant Hill Road, commented as follows:

- Stated the arguments in support of this project are not articulated with well based reasoning
- Stated the developer has refused to consider solar panels
- Stated the photos shown on the presentation have nothing to do with this building
- Stated this is not organic to Sebastopol but is a big box store that came to town
- Stated he does not want to see this monstrosity come to the middle of town
- Stated he is disturbed about an email sent by Councilmember Shaffer in an effort to drum up support for this project
- Questioned this email and her “under the radar” comment to draw up support and stated the email included flyers for the project
- Stated that Councilmember Shaffer is no longer neutral; her decision has already been made; she is in violation of the Brown Act and ethics rules and requested that she recuse herself from this project

Eric Sheffield, Litchfield Avenue, commented as follows:

- Stated Sebastopol is a charming town and that is instrumental for tourism
- Discussed her efforts in the maintenance of Gold Ridge Farm and stated that tourism to the farm is important
- Questioned what is instrumental in attracting tourists and stated a CVS/Chase business is a highly visible corporate image and the Council should make the statement that this is not attractive
- Discussed the Healdsburg Plaza and asked the public to consider a development like this on that plaza and would they want that
- Stated CVS and Chase provide valuable services but that they should stay where they are
- Urged the Council to keep Sebastopol beautiful

John Eder, Calder Avenue, commented as follows:

- Discussed the email from Councilmember Shaffer and stated he provided a copy to the Council tonight on their table and stated this was a personal campaign
- Provided a handout to the Council on this item and urged the Council to deny the appeal
- Discussed this project as a plaid suit
- Stated there are issues between the Design Review Board and Planning Commission members who voted to deny the project and staff who is recommending approval
- Stated there has been an inordinate amount of staff time spent on this project and stated this is problematic in nature as there have been no changes to the proposal
- Stated the City should have what is best long term for the City at heart for the development of this location
- Stated this would fit in Turlock, Modesto or Palmdale
- Urged the Council to take a long term view

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Dale Miller commented as follows:

- Stated there are issues with the site map and ingress/egress
- Stated Petaluma Avenue is already gridlocked and cars get backed up
- Stated there will be issues with delivery vehicles
- Stated this is a busy intersection and needs to be re-thought and downsized
- Stated people do not adhere to the keep clear signs

Jim Pacatte, Watertrough Road, commented as follows:

- Stated the project has changed substantially with positive changes
- Stated he was on the Design Review Board at one time and stated the Design Review Board has exceeded their authority such as that they are doing tonight
- Stated the traffic is not Design Review Board issues and that this issue was resolved months ago with the certification of the Negative Declaration
- Stated this project will be a big improvement to that part of town and is compatible with the area
- Stated the buildings across the street could be this project
- Stated the current design is what we are seeing now
- Stated the Council is being faced with moving forward with a more modern design which is a great project
- Stated the design of the project is in the eye of the beholder
- Stated he believes the people in support of this project are the majority

Ellen Storz, Lillian Way, commented as follows:

- Stated she is against this CVS project and that the City is missing a huge opportunity to put something we can live with in the middle of Sebastopol such as buildings with stores on the bottom floors and living units or assisted living on top
- Suggested a green roof top park
- Stated this site is isolated and suggested a pedestrian bridge above the traffic
- Stated parking garages can be attractive
- Urged the Council to put the heart in the heart of Sebastopol
- Urged people in opposition to this project to stand up

Lori Fessfield commented as follows:

- Trusts the City Council to do the right thing
- Argued that development of the Pellini site is a given and that development will happen there and that we are not discussing whether this site will be developed or not
- Stated this is a precious opportunity to approve what should be developed there
- Stated it is odd that the support based group came out tonight as there are many that are against the project
- Stated this is a massive building
- Stated the City has a wonderful CVS where it is now and questioned why the City would want to put it in the heart of a golden opportunity
- Urged the Council to expand on what is good in Sebastopol

Denise, Golden Ridge Avenue, commented as follows:

- Stated she is not anti corporate and not anti business
- Stated she has no opinion on the Chase portion of this project
- Stated she questions CVS at this location
- Stated she does not believe that this is the best location for their customers
- Stated the current location is better as it is away from the congested traffic
- Stated this area is heavily congested

Rob Carey, Norlee Street, commented as follows:

- Stated he has attended the City meetings on this issue and appreciates the Planning Department and City Attorney for the amount of effort and thoroughness that goes into their reports
- Stated the reports are rock solid
- Stated he is in support of the project
- Stated the buildings are not like any version of CVS or Chase

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- Stated there is much passion for the project pro and con and stated it has resulted into a better project

Jane Nielson, Burnside Road, commented as follows:

- Stated she was concerned with the lack of transparency
- Stated the City was not informed that this was two separate projects
- Discussed the requirement for the driveway for safety issues for the bank
- Stated Armstrong is the developer not the tenant and questioned who would ensure the agreements are kept
- Stated no findings were produced for the Planning Commission and stated that it needs to be looked into why blunders such as this happens in the process
- Stated it is not a right under California law to develop a commercial property any way you want to, but that it is a privilege
- Encouraged the City Council to turn down the project
- Urged the Council to meet the requirements of the future for Sebastopol that Sebastopol has put into its General Plan and Design Review Guidelines

Steven Pierce, Jesse Street, commented as follows:

- Commended the Design Review Board, Planning Commission and City Council's efforts to determine the legal definitive reasons to reject the project
- Stated the project does not meet urban design
- Stated the building across the street is not a box
- Discussed traffic concerns
- Discussed vehicle turn in and turn outs
- State the traffic study was not codified by any party
- Discussed issues with the traffic that will be on happening on High Street as a result of this project especially during commute hours
- Urged the Council not to give in to these restrictions that would mitigate the project

Vice Mayor Kyes questioned if it is a requirement that when this Mitigated Negative Declaration was approved, it was approved with right in and right out only.

Mr. McDermott stated the City Council approved the Mitigated Negative Declaration with a right in right out only, but that it allowed for a left in and that this issue would be addressed by Planning and Public Works if it became an issue.

Vice Mayor Kyes questioned if the Planning Department restrictions are not recommended by the City Council.

Mr. McDermott stated it was approved by the City Council.

Director Webster clarified that the traffic study recommended restrictions were for a right in right out for that particular driveway but that it is not a required mitigation measure and that it was a suggestion. He stated that Caltrans' letter would prefer not to have restrictions on the left turn into the project on Sebastopol Avenue. He stated the condition of approval recognizes Caltrans' concerns.

Vice Mayor Kyes stated he is concerned the left turn in will create additional congestion and that the Council made that restriction of right in and right out turns.

Mayor Wilson questioned if that is within the purview of the City Council's Design Review Board appeal.

Director Webster stated this is addressed in the conditions of approval for the project.

Vice Mayor Kyes stated it his recollection that it was right in right out only. He stated that Mr Kellogg stated this at the Planning Commission Meeting. He stated he would like staff to review the restriction and agreement with Caltrans. He requested staff review the Caltrans letter closely.

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Staff stated they will review the letter and provide an analysis at the next meeting.

Carol Weeks, Wynona Lane, commented as follows:

- Grew up in Sebastopol and owns a building and business in Sebastopol
- Stated she used to work at Pellini's and that she used to cross Petaluma Avenue to Burnett Avenue twice a day with no problem
- Questioned what is the problem with this building when there is a monstrosity being built next to Sushi Tozai
- Stated there is no real specific architecture in Sebastopol
- Stated if this is not approved, she doubted the City would be able to find someone to put money into a project there as it is hard to get anything approved in Sebastopol
- Discussed the closure rates of small businesses and restaurants and urged the Council to look to what is happening in Windsor
- Stated cute little shops are not helping Sebastopol
- Urged the Council to approve the appeal and get on with this project

Tim Ryan, West County, commented as follows:

- Stated he is surprised to see more supporters for the project and stated these people do not reflect the silent majority and stated this could be attributed to Councilmember Shaffer's email
- Stated there are any legal reasons why this should be denied and stated there are also logical reasons to deny the project
- Questioned the repercussions this will have on the community
- Stated this project is an example of the larger fight in the country and urged the Council to say no to economic enslavement
- Urged the Council to represent their constituents and vote to deny the appeal
- Discussed predatory capitalism and stated this does not provide jobs and stated Sebastopol will suffer
- Stated we do not want bankers and drug dealers in the center of town
- Urged the Council to side with common sense and the silent majority
- Stated Sebastopol does not want this project to move forward and urge the Council to deny the project

Cie Cary, Norlee Street, commented as follows:

- Stated she has attended many meetings on this issue and stated she has sorted through the many details to try to understand the project
- Stated she concentrated on the staff report which is written by the people who work for the citizens and stated it was written in a way that the common citizen could understand
- She read three quotes from the staff report regarding the issue that the City Council cannot act on hypotheticals and also the fact the City Council previously found that this project conforms to the General Plan and CEQA analysis and urged the Council to uphold the approval of the application.

Garry Ballaren commented as follows:

- Stated he opposes the project
- Stated as you travel toward this project you will see well designed trash enclosures by a large wall that will create shadows and will be dark in the winter
- Stated this is imposing industrial into the downtown area and the City does not want this
- Stated this is a prominent corner in the City and deserves more
- Stated the design and use are not separate issues
- Stated the center pivot point in town will be a pharmacy
- Questioned if this project is something that we will be proud of in the long run

Mayor Wilson called for a break at 9:00 pm and reconvened the meeting at 9:10 pm.

Mark Reece, Owner, Benedetti Tires, commented as follows:

- Stated he is not speaking to offend anyone for or against the project
- Stated he does support the project and that good business supports good business
- Stated the City needs to keep good businesses in town
- Discussed Benedetti Tire's move 20 years ago from Healdsburg Avenue to Sebastopol Avenue and stated

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they have opened two businesses at the new site and stated the business has thrived in this town and believes it will continue to thrive

- Stated these are two businesses that are looking to do the same thing
- Stated he would like to see the businesses move here, they fit on this site and the project fits well in this area
- Stated his buildings are in an industrial area and that he tries hard to make his buildings look nice and believe CVS and Chase will also
- Urged the Council to support the project

Randy Coffman, Sebastopol Avenue, commented as follows:

- Stated his office is across the street from this project and that the project has his full support
- Stated the support tonight is not about undue influence from a Councilmember but from people who want to see this project work
- Discussed tax revenues, increased parking, and that the area is in need of redevelopment
- Encouraged the Council to stand up and allow this project to move forward

Marcia Mengleberd, Fellers Lane, commented as follows:

- Read an email she sent to the Council
- Questioned where all the supporters were during the previous meetings
- Discussed these are big, ugly boxes
- Stated the City is already receiving revenues from these businesses and urged the redevelopment of Redwood Market Place instead
- Stated this corner should be developed to make people proud
- Suggested Center for the Arts and Community Center move to this location to make this an arts social center
- Suggested small businesses spaces that would not impact traffic
- Urged Councilmember Shaffer to abstain from the vote

Councilmember Shaffer addressed the comments made regarding an email that was distributed and stated ever since she has been on the Council, she has always encouraged the community to come out and speak and get involved and stated she will not stop doing that. She stated people have an expectation that a Councilmember has a position but that in this application, she has to listen to the Design Review Board findings and judge them.

City Attorney McLaughlin stated he was informed of this email by Councilmember Shaffer and in response to her question regarding this email, he stated he had researched the issue and stated Councilmember Shaffer's email does not constitute a bias or a common law conflict of interest and does not violate the Brown Act. He stated there definitively is no bias issues to prevent Councilmember Shaffer from participating fully in the decision making process for this application and stated in his opinion this issue is closed.

Robert Green, North High Street, commented as follows:

- Stated he has worked with the Planning staff for four years while on the Planning Commission and stated staff has always been professional and that the City should pay more attention to what they say
- Stated he was Chair of the Planning Commission when this project came through and stated the Commission was instructed to follow the law but four members voted against the law
- Stated that one Planning Commissioner listed the impacts to Redwood Market Place which is a violation of California Law regarding the Mitigated Negative declaration
- Stated members of the community were allowed to mock the Planning Department during Design Review Board meetings when staff was providing truthful, honest statements on the project
- Stated staff has been criticized for providing a professional staff report
- Stated staff has been criticized because their views may not reflect the views of others but stated staff provides land use guidelines as required by law whether they agree or not
- Thanked the Planning Department staff for their work

Bob Beauchamp, Design Review Boardmember, commented as follows:

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- Stated in the three years he has been on the Board, all projects were approved except this one
- Stated the Design Guidelines are a well crafted example of enlightened approaches to set up standards for a better designed community
- Stated these guidelines protect the community from insensitive development
- Stated the members of the Design Review Board are special by their background, skills and awareness of the extra measures of analysis and how projects comply with these guidelines
- Discussed the history of the application and stated in the beginning the applicant was cooperative but then as the building progressed, the applicant became less cooperative and refused to cooperate further once the building was 50% design completed
- Stated the applicant stopped abruptly and would not change anything except minor things
- Stated the staff report is the best example of staff making the uncanny point that there is nothing wrong with CVS but everything wrong with the Design Review Board
- Stated he questioned staff's point of view and how they interpret the guidelines
- Stated the staff report does not serve as objective or factual and should not be taken seriously
- Urged the Council to deny the appeal or encourage the applicant to eat humble pie and return to the Design Review Board

Jim Wheaton, Jesse Street, commented as follows:

- Does not support the project here
- Sees the Planning Commission and Design Review Boardmembers as pro growth who likes to see things built
- Stated it is similar to Republicans approving tax increases
- Stated the traffic study was flawed and that the Council did not know what they were voting on
- Stated the change to the intersection will impact the whole town
- Stated he is not okay with this project and that something is not necessarily better than nothing
- Opposes the businesses that are going in there and stated these businesses are run by crooks and use bad business practices
- Stated the businesses have been sued for bad business practice
- Stated there is no reason to give that corner to them as they are already in town
- Urged the Council to vote no

Scot Stegeman, High School Road, commented as follows:

- Stated there is disconnect between the Board and staff that is recognizably wrong
- Stated the Council must take command of the situation
- Stated this appeal kills the messenger who is the Design Review Board
- Stated the Design Review Board did not exceed their authority as traffic is in their purview in regards to the parking lot and circulation
- Stated it is not mandatory that this be allowed to happen
- Urged a good approach
- Discussed enforcement power when necessary
- Discussed the Board's mandate and not exceeding their authority
- Stated Design Review can be frustrating
- Stated Design Review policy is enforceable by the Design Review Board and should be when applicable
- Applicant's appeal does not outline what they want or their areas of dispute

Doug Emory commented as follows:

- Stated we are at the crossroads of the City and the character of the town
- Questioned if this is the best that we can do
- Stated this is an embarrassment for this town
- Stated this issue has divided the town again
- Stated if this had been a campaign issue, Councilmembers would not be sitting here now
- Stated it was awful what was done to the Design Review Board and Planning Commission
- Stated there is a failure of this institution when staff does not advise the Planning Commission to come up with findings for denial and stated he resents this
- Stated the Design Review Board put as much lipstick onto the pig as they could

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- Stated Design Review Board came up with 12 pages of findings for denial
- Stated there is no exit to get out and that people will go round and round
- Questioned why so much time has been spent on this
- Stated the slide show presented tonight is glittered
- Stated the Council should listen to the Planning Commission and Design Review Boardmembers who are the Council's advisors
- Urged the Council to vote against this project

A member of the community commented as follows:

- Stated she opposed the project and concerned with the amount of parking proposed
- State this is not one stop shopping
- Stated there are many parking areas in town
- Stated she would like to see higher density here
- Urged the Council to continue to vitalized the downtown area
- Discussed pedestrian and bike access and stated this project will not allow people to enjoy alternative modes of transportation
- Urged the Council not to allow this project

Mack Thompson, Bodega Avenue, commented as follows:

- Stated his kids bike and walk to school
- Encouraged the Council to look at the influences of any project and how it affects bike and pedestrian safety
- Discussed traffic safety and stated this could pose a risk to pedestrian increased traffic congestion as it is easy to take short cuts around town
- Stated this will affect other areas of town such as the bike trail, Ives Park, charter school, etc.
- Urged the Council to hold bike and pedestrian safety as a high priority

Gavin Caruthers, West Hills Circle, commented as follows:

- Questioned the comments that project design is not compatible with the character of Sebastopol
- Saying that Sebastopol has a specific design or character is difficult
- Stated there are many different types of architecture in Sebastopol found in one block
- Sated these buildings were built at different times for different reasons
- Stated that new buildings may not fit the modern ways

Paul Fritz, High Street, commented as follows:

- Stated he is not anti development but pro-appropriate kinds of development
- Suggested mixed uses and a higher density
- Stated this is a sprawling nature of parking and a single story building that wastes valuable land in the urban core
- Stated the project lacks serious vision of what is wanted in the downtown core
- Urged the Council to be pro-active and create a vision for the downtown core
- Stated if the Northeast Area Plan was approved, this project would not even be considered as proposed
- Stated the General Plan and Zoning Ordinance supports the vision for the core and this site is not appropriate for this development
- Stated the City needs to come together and and figure out what it wants
- Stated there is a lot of emotion in the community for people to come together and make change

Ted Luthin, High Street, commented as follows:

- Stated it was apparent at the beginning that the site plan was flawed
- Stated the downtown core has buildings pushed up against the street
- Stated the Board went to work on a flawed concept and never got to the core of the problem
- Stated the behavior we want is for people to park elsewhere, walk to the sidewalk and access buildings from the sidewalk and interact with the building
- Stated this behavior is not working in this project
- Questioned how much of this is a windowless building and how much is storefront
- Stated the role of the Design Review Board is to address what is the best and worst attributes of a project

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for the downtown

- Stated this project has a mid walk driveway, gaps between buildings and a drive through

Bob Aita, Thorn Road, commented as follows:

- Thanked City staff for their work, integrity and due diligence
- Apologized for people's expressions of Kenyon Webster's integrity and stated shame on them to use this tactic for division
- Voiced his support for Councilmember Shaffer
- Stated this is a private piece of property and a business wants to be on this commercial piece of property
- Stated if this project meets the City requirements then it is a no brainer to approve the project
- Stated whether people like the project or not is immaterial if the project meets the criteria
- Urged the Council to discuss the design if it is flawed
- Stated there is no continuity of design in the City
- Stated the entrance to the City is industrial on the edge of the downtown
- Stated there are ugly buildings that do not have exceptional architectural standards
- Stated this is an eclectic City and that this is no Main Street Disneyland
- Stated he supports the project

Barry Lutz commented as follows:

- Stated he supports this plan
- Discussed the concerns about the O'Reilly project, Safeway, Redwood Market Place, etc when they first went in and stated this is similar
- Stated this is a good plan that conforms to the General Plan and Zoning Ordinance
- Stated there is no certain plan or no specific architecture for Sebastopol
- Stated this project fits well with the surrounding areas
- Stated traffic cannot be the issue as the City has an intersection of two major highways already
- Stated this is the Pellini's property and they should have the trump card as to what goes there
- Stated Design Review is subjective and that everyone has their own wish list but that they need to be objective
- Stated this design works well
- Stated the applicant is using a first class architect who has done other nice projects
- Stated the Planning Department has done a good job and is objective

Elaine Hall, Lynch Road, commented as follows:

- Stated she wished she grew up here as this is a great town
- Stated the ugliness is not relevant or that having CVS in the downtown is not relevant but that traffic is her major concern and worry
- Stated she questioned the statements that there would be no impact to the traffic if this project was approved
- Stated there will be ripple effects felt around town
- Urged the Council to consider the larger impacts of this development
- Stated there will be more congestion and more impacts
- Urged the Council to create a safer, more walkable town

John Kramer, Rim of the Redwoods, commented as follows:

- Provided a hand-out to the Council
- Stated he is dedicated to this town
- Discussed the angles of the buildings; stated the windows are fake; stated the portico hides 120 feet; and discussed the one pedestrian entrance
- Discussed Main Street at night, multiple entrances to different shops, and discussed visions of architecture
- Discussed the CVS building, history of the store, and defining architecture
- Discussed the Brown Street building across the street
- Stated the current Pellini building is broken up with windows and doors
- Discussed architectural guidelines

Craig Hall, Lynch Road, commented as follows:

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- Discussed growing up in San Ramon and the strip malls there
- Stated there was no sense of community
- Discussed why people come to Sebastopol
- Stated he explained to his children why people want to live in this town
- Urged the Council to get to the crystal elements of the argument
- Stated there are right and wrong alternatives
- Stated he does not want to live in a city like Rohnert Park
- Would like to see shops on the ground floor
- Stated industrial is important here
- Stated the decision is circumspect

Bryan Fikes commented as follows:

- Stated he wanted to bring his business to Sebastopol but was too difficult to get it approved
- Stated this move could change and allow the downtown to thrive
- Stated this project helps parking and will help the downtown
- Stated he would like to be able to move back here with his business

Kathy Austin, South High Street, commented as follows:

- Stated she is proud to be a citizen of Sebastopol and to see the pros/cons of the citizens
- Stated she supports a number of the points of views tonight and that she supports this project
- Stated this is not her style of architecture but she understands the changes and stated it is going in a good direction
- Stated she respects the Design Review Board and encouraged portions of the project to be returned to the Board
- Stated the project is approved, modern and needs to go forward
- Stated this project will improve the streets, landscaping and corner of this area
- Stated the world will not come to end if this project is approved
- Stated it will add a great deal to the downtown area
- Urged the Council to provide clear direction to staff if they want to see changes so that it can be approved at the staff level
- Stated she hopes to see this application move forward and get this project completed
- Stated it meets the current General Plan and Zoning Code
- Stated the upcoming General Plan and Zoning Code could includes changes that will bring a future vision for the City
- Stated the applicant has met what has been asked of them

Paula Downing, High School Road, commented as follows:

- Stated she respects the Design Review Board and stated the Board has been trashed by the applicant
- Stated it is heartbreaking to see this is the middle of town
- Stated this will look like a strip mall
- Discussed the Barlow project which will bring people to Sebastopol and questioned if the City wanted to have those people see Chase and CVS as Sebastopol's centerpiece
- Stated the Mayor was elected because of his reaction to the Northeast Area Plan and because of his honor and respect to the people in the community and stated it is disrespectful not to support the community now and keep his word

Thomas Morabito commented as follows:

- Read a prepared statement from the Occupy Movement general assembly
- Stated he supports the Planning Commission and Design Review Board to oppose the relocation of CVS and Chase
- Stated the applicant has responded with threats of lawsuits
- Questioned the motives of these two giant corporations
- Stated they are acting in an adversarial manner
- Urged the Council to deny this project of these two corporations that are seeking the maximum profit at the expense and safety of the citizens of Sebastopol

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- Stated he has an issue with the recommendation by staff
- Stated the public hearing is a sham as City staff has already recommended approval
- Stated it does matter what businesses move into town
- Discussed the decline of the economy
- Stated CVS is taking over the drug world
- Questioned why the City should give these two corporations the most prominent corner in Sebastopol
- Urged the Council to support the occupy movement and run Chase out of town

Justin Diehl, Norlee Street, commented as follows:

- Thanked the Council and urged the Council to get to the heart of this matter
- Stated CVS and Chase are not a good idea to have in this location
- Stated the residents of Sebastopol do not feel this is the direction Sebastopol should be heading
- Stated this is not a pretty building and could be better
- Stated CVS does not belong in Sebastopol and that there are other pharmacies in town
- Stated this will hurt surrounding businesses
- Stated this will create a vacuum of traffic
- Stated this project is auto-centric
- Stated he is against the proposed project
- Urged the Council to protect fair trade
- Stated the City is invested in more than the denial of the plan and urged the Council to strike this down

Clare Najarian, Neva Street, commented as follows:

- Stated she is not against the Pellini's and stated they have provided a wonderful legacy to town and that she respects them and their business
- Stated this project is not the right thing for the General Plan or Zoning Ordinance
- Stated this would be a suburban strip mall
- Stated this is two buildings in a sea of asphalt and that it is not okay in the downtown core
- Stated she respects the Planning Commission and Design Review Board
- Discussed the staff report and stated it is opinion and not the guidelines of town
- Stated there has not been any transparency in this project
- Urged the Council to listen to the people

Yvette Williams van Aggelen commented as follows:

- Stated the email sent out by Councilmember Shaffer was sent to more than one person
- Stated this feels like she is at a joint Rotary meeting
- Stated it was an organized, targeted effort to have people come out to this meeting to support the project
- Discussed truth, fairness to all, building good will and friendships and is this project beneficial to all
- Discussed United States Supreme Court and California State Supreme Court cases of property development and stated development of a property is a privilege not a right as long as it does not prevent the individual from using the property and is not a taking
- Urged the Council to listen to the testimony of experts and to give that equal weight when making a decision
- Stated the Planning Commission and Design Review Board stated this is unsafe for the community
- Questioned the configuration of the left turn and the safety of pedestrians
- Stated she would not continue to use CVS if it moved downtown

Glenn, Owner, Frizelle Enos, commented as follows:

- Stated all three owners of Frizelle Enos are in support of this project
- Thanked the Council for their time
- Stated he was initially concerned about traffic when he purchased Frizelle Enos but stated the traffic has been a good thing
- Stated he makes about 6-8 trips a day onto Petaluma Avenue from Abbott and stated this movement is not an issue
- Stated the stop lights and pedestrian crossings have helped the traffic a lot
- Stated pedestrians, bikers and traffic all respect each other

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- Stated he has heard rumors that Frizelle Enos is not in favor of this project and he stated that is incorrect
- Stated he and the other two owners of Frizelle Enos are all in full support

Bob Hirsch commented as follows:

- Stated he owns businesses on Abbott and that he sees this project as a great improvement for this area
- Stated he goes into and out of Abbott a lot and that there is no issue with traffic
- Stated Barnes will be redesigned which will be a great improvement especially for large trucks
- Stated he cannot speak to the architecture of the project but that he supports this project
- Stated statements made tonight are inconsistent with reality
- Urged the Council to support the plan as proposed

Colin Doyle, Frankel Lane, commented as follows:

- Stated he is in support of the project and that it is consistent with the General Plan and Zoning Ordinance
- Stated he has concerns with the vehicle circulation and would not like to see the driveway as proposed on Petaluma Avenue and stated the key to exiting the project is Abbott Avenue
- Discussed his concerns with exiting the project onto Petaluma Avenue and then making a left turn
- Stated traffic will be a problem and urged the design to include everything it can to ensure traffic is as efficient as possible
- Stated the City encourages in fill and this project meets that
- Urged the widening of Abbott Avenue, possibly making the driveway “in” only, and a “keep clear” marking

Dan Davis, Barnett Valley Road, commented as follows:

- Every neighbor around this project has been supportive of this application
- Stated he has worked with Councilmember Shaffer on a previous Board and stated it is unfair to come down on her tonight as people have
- Stated that he looks to staff for their experience and expertise in land use items and looks to the legal counsel for their expert advice on projects
- Stated he has personally studied this project and that the proposed project is way better than what the City has now
- Urged the Council to support this project

Hearing no further comments, Mayor Wilson closed the public comment.

Vice Mayor Kyes questioned when the minutes from this meeting would be available.

Staff stated as soon as possible.

Vice Mayor Kyes questioned if staff can provide a drawing of the three keep clear areas as mentioned tonight. Staff stated they would provide those to the Council.

Vice Mayor Kyes stated he was unclear as to the submittal of nineteen pages of back up information on the design guidelines from the applicant.

Mr. McDermott clarified the appeal was denied based upon Design Review Board findings that the application did not meet the Design Review Board guidelines and stated this document addressed the Design Review Board guidelines and how the project met not only those guidelines that the Design Review Board stated it did not, but also that the project met the all the guidelines as listed in the attached report and how the project is applied to those guidelines.

Vice Mayor Kyes questioned how this applies to the appeal.

Mr. McDermott stated the Design Review Board denied the project upon findings that the project did not conform to the Design Review Board guidelines and stated this document shows that the project applies to the sections called out by the Design Review Board and to all design guidelines applicable to this project.

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This item was continued to the City Council Meeting of February 7, 2012 at 6:00 pm at the Sebastopol Community Center, 390 Morris Street, Sebastopol, CA.

City Council Action: Continued this item to the February 7, 2012 City Council Meeting

Minute Order Number: 2012-015

PUBLIC COMMENT(S) (This is an opportunity for the public to address the City Council on items that are not listed on the agenda. This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to City Council business. Pursuant to the Brown Act, however, the City Council cannot consider any issues or take action on any requests during this comment period. Speakers are encouraged to limit their comments to 3 minutes maximum so that all speakers have an opportunity to address the City Council. It is the goal of the Council to conclude the public comments portion of the agenda within 30 minutes. The presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.

There was none.

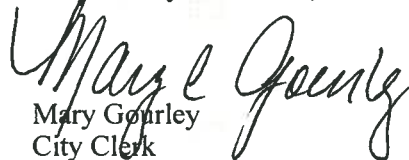
INFORMATIONAL REPORTS (No Action Required by the City Council): NONE

DISCUSSION AND/OR ACTION ITEM(s) NONE

CLOSED SESSION: NONE

ADJOURNMENT: Mayor Wilson adjourned the City Council Meeting at 10:40 p.m. to the City Council Meeting of Tuesday, February 7, 2012, Monday, at 6:00 pm at the Sebastopol Community Center, 390 Morris Street, Sebastopol, CA.

Respectfully Submitted,


Mary Gourley
City Clerk