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PLANNING COMMISSION
 MEETING OF: April 23, 2019
 SEBASTOPOL YOUTH ANNEX
 425 MORRIS STREET

APPROVED MINUTES

PLANNING COMMISSION
 CITY OF SEBASTOPOL
 MINUTES OF April 23, 2019

SEBASTOPOL YOUTH ANNEX
 425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on April 18, 2019.

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

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

2. ROLL CALL:

- Present:** Chair Wilson, Vice Chair Doyle, and Commissioners Glaser, Kelley, Fernandez, Fritz and Oetinger
- Absent:** Commissioner Douch (excused)
- Staff:** Kari Svanstrom, Planning Director
 Dana Morrison, Assistant Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES: March 26, 2019

Vice Chair Doyle and Commissioner Oetinger amended the minutes.

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

Commissioner Glaser seconded the motion.

- AYES: Vice Chair Doyle and Commissioners Kelley, Glaser, Fernandez, and Oetinger
- NOES: None

ABSTAIN: Chair Wilson and Commissioner Fritz
ABSENT: Commissioner Douch

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

At the request of a member of the public, Chair Wilson requested that those in attendance power off their cellphones, if willing.

Linda Berg, a resident of Sebastopol, commented:

- Thanked Chair Wilson for requesting that those in attendance power off their cellphones during the meeting.
- Spoke on her rights under the Americans with Disabilities Act.
- There is a growing number of electrosensitive people and Sebastopol should have a sanctuary zone for them.
- We are all being cooked.
- People are buying the propaganda that the telecommunications industry is putting out and are becoming dependent on their wireless devices.
- Kids are being cooked while at school due to Wi-Fi in their classrooms.
- An International Action Day opposing 5G is coming up.
- Most of the Commission doesn't even know what 5G is.
- 'G' stands for 5th generation wireless.
- The telecommunications industry stands to make trillions of dollars on 5G.
- At the last City Council meeting, Verizon had their San Francisco based lawyer here to intimidate the City Council and the City's outside legal counsel.
- Has personally picketed Verizon and 5G for weeks.
- There have been a number of deaths at Petaluma Avenue homes, which is located near Crown Castle's tower which is located on the Palm Drive Hospital property.
- Crown Castle isn't doing anything about it.
- The City needs to recognize and do something about this.
- Spoke on a cell tower that was shut down over parents' cancer concerns in Ripon, CA.
- Showed the microwave radiation reading from a meter which she'd brought to the meeting.
- Thanked the Commission for their time.

Kathy Oetinger, a resident of Sebastopol, commented:

- Sebastopol Walks is having a walk this Saturday, April 27th.
 - The Walk will be led by Geoffrey Skinner and is called, "The Nature of Sebastopol - an Ecosystem Walk."
 - The Walk is to explore how Sebastopol's built environment works (or doesn't work!) with our natural environment both historically and in the present day.
 - This will be very interesting.
 - Brought flyers on the Walk for those interested.
- Thanked the Commission for their time.

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

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

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

Director Svanstrom provided the following updates:

- One of the items on tonight's agenda is a discussion of the telecommunication ordinance that was adopted by the Council on an urgency basis at their last meeting.
- The Davis Townhomes project, which was recently recommended for approval by the Commission, will be on the Council agenda of May 7th.
- The annual Level of Service will also be on the Council agenda of May 7th.
 - The LOS report will come before the Planning Commission at a later date.
- Bike to Work Week will take place from May 13th through May 17th.
- The City Council approved a Temporary Use Permit for the IPA 10k & Beer Mile Invitational.

The Commission asked questions of Director Svanstrom. The Commission asked questions of Engineering Manager, Henry Mikus as well.

Commissioner Fernandez commented:

- Commissioner Kelley has mentioned this turn issue a number of times.
- Coming in from Santa Rosa (westbound), people often turn left into the CVS parking lot.
- Recalled that left-hand turns were not supposed to be allowed in that location. Left-hand turns in that location can and do cause traffic to become backed up.

Engineering Manager Mikus responded:

- It is his understanding as well that left-hand turns are not supposed to be allowed there for the CVS project.
- The striping indicates that left turns are not allowed there.
- The problem is that there isn't a good way to install a sign there and there is already a lot of sign clutter in the area.
- Has had conversations with law enforcement; law enforcement will issue a citation if they catch a driver turning left there.

Commissioner Kelley commented:

- Brought this matter up to the City Manager/City Attorney.
- There was an issue with Caltrans as well.
- There are ways, other than striping, that could be used to deter drivers from turning left there.
- These left-hand turns can create huge traffic backups.
- Suggested further exploration of ways to further address this issue.
- No left-hand turns in that location was a condition of approval for the CVS project and as such, it should be enforced.
- Concerned about public safety and emergency vehicles being able to get to where they need to go.

Vice Chair Doyle commented:

- In his recollection the striping is a double yellow line. A left-hand turn would be allowed in that case.
- It should be a double-double yellow line if we don't want people to turn left there.

Engineering Manager Mikus responded:

- Has asked Caltrans about the idea of a barrier.
- Can look into changing the double yellow line to a double-double yellow line.
- Shares concern and agreed on it being an issue that needs to be addressed.

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

8. PUBLIC HEARING:

- A. USE PERMIT AMENDMENT:** This is an application submitted by Richard Prather for Occidental Road Cellars requesting approval to amend their existing Use Permit to allow for the existing tasting room and production facility to be shared with a new wine brand. In addition, the applicant is requesting an increase to their allowed production. Their current Use Permit allows 2,000 cases per year; the applicant is requesting an additional 8,000 cases per year, for a total of 10,000 cases per year over the next 10 years. No proposed changes to the existing operating hours are proposed, and no physical changes are proposed to occur to the actual production or tasting room facility. The facility is located at 870 Gravenstein Highway North.

Assistant Planner Morrison presented the staff report.

The Commission asked questions of Assistant Planner Morrison and Director Svanstrom.

The applicant, Richard Prather gave a brief presentation and was available for questions.

The Commission asked questions of Mr. Prather.

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

Hearing none, Chair Wilson closed the public comment period and brought it back to the Commission for discussion.

Chair Wilson commented:

- Suggested adding a condition of approval which would limit truck deliveries to Monday through Friday from 7:00 a.m. to 5:00 p.m.
- Has no objection to the project.

Vice Chair Doyle commented:

- Condition of Approval 1. mentions two different dates, December 20, 2018 and February 8, 2019.
 - The materials that he's seen are date stamped January 15, 2019.

Commissioner Fernandez commented:

- Expressed a concern regarding granting an approval for something that will take ten years to implement.
- Suggested limiting the approval to a smaller amount in order to see how it goes, after which point the applicant could return and ask for more.

Commissioner Glaser expressed disagreement with Commissioner Fernandez.

Chair Wilson commented:

- Disagreed with Commissioner Fernandez.
- Likes that implementation will move slowly.

Commissioner Glaser commented:

- The increase isn't an increase to a heavy manufacturing level.
- Having the applicant return in five years will be an expense to the applicant and more work for staff.
- The applicant has done a reasonable job at keeping production at a reasonable level.

Commissioner Fernandez concurred with Commissioner Glaser.

Vice Chair Doyle commented:

- The impression that he got from the applicant is that a production of 10,000 case might be a little over the maximum for that space.
 - The applicant is asking for the allowance to go up to the maximum production that that space can handle.
 - At that point, if they need more, the applicant may need to find a different production facility.

Commissioner Fernandez concurred with Vice Chair Doyle.

Commissioner Glaser commented:

The Planning Commission should be looking at the space and how the site will be used when deciding what is appropriate, rather than responding to a specific request.

- This would allow the Commission to decide based on the appropriateness for a site.
- The applicant could or could not go up to whatever maximum the Commission decides is appropriate.

Vice Chair Doyle made a motion to approve the application as submitted with the following:

- Condition of Approval #1. shall reflect that the materials are date-stamped January 15, 2019.
- Suggested striking the second sentence from Condition of Approval #2.
- Add a Condition of Approval that reads; "The applicant shall manage grape waste products to prevent a public nuisance as it relates to the attraction of pest and flies."
- Add a Condition of Approval that reads; "The applicant shall ensure that no odors emanate from the buildings, and that no other operation of the winery shall result in a nuisance or disturbance to neighbors."
- Add a Condition of Approval that reads; "The maximum number of cases of wine to be produced shall be 10,000 cases per year.
- Add a Condition of Approval that reads; "Truck deliveries shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m."

Chair Wilson asked Mr. Prather if he was amenable to the conditions as stated by Vice Chair Doyle.

Mr. Prather responded in the affirmative.

Commissioner Glaser seconded the motion.

The Commission voted on the motion as follows:

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

9. REGULAR CALENDAR:

- A. TDA3 GRANT APPLICATION:** The City is requesting that the Planning Commission adopt a resolution that the Planning Commission concurs that the Sebastopol ADA Curb Ramp upgrade work along SR 116, by virtue of its being a portion of a greater bicycle lanes project, is consistent with the City and County Bicycle and Pedestrian Plans.

Engineering Manager, Henry Mikus presented the staff report and was available for questions.

The Commission asked questions of Mr. Mikus.

Commissioner Glaser asked about the planned update to the Bicycle Plan. He specifically wanted to know if more Class I bicycle paths would be installed and commented that people don't really care about Class II and Class III bicycle paths.

Mr. Mikus commented that more Class I bicycle paths were planned along Bodega Avenue in the future.

Chair Wilson asked for comments from the public on this item.

Hearing none, Chair Wilson closed the public comment period and brought it back to the Commission for discussion.

Hearing none, Commissioner Fritz made a motion to approve the resolution as stated.

Commissioner Oetinger seconded the motion.

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

10. DISCUSSION:

- A. TELECOMMUNICATIONS ORDINANCE UPDATE:** Receive a staff report, receive public comment, and discuss updates to the City's Telecommunications Ordinance (Sebastopol Municipal Code 17.130). **This is a discussion item only – no action will be taken by the Planning Commission at this meeting.**

Director Svanstrom presented the staff report.

Director Svanstrom commented:

- Depending on tonight's discussion, either a study session or a public hearing for further detailed review of the ordinance by the Commission would be scheduled.

Staff provided copies of copious notes that Commissioner Glaser had provided to the rest of the Commission.

Chair Wilson asked a procedural question of Director Svanstrom.

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

Hearing none, Chair Wilson closed the public comment period and brought it back to the Commission for questions of staff and discussion.

Commissioner Oetinger referred to *Table 17.130-1 Permitted and Conditionally Permitted Telecommunications Uses* and asked a clarifying question.

Director Svanstrom provided clarification.

Commissioner Glaser commented:

- Supports moving the Table on use because it didn't make a lot of sense where it was before.
- Spoke on concerns regarding height, specifically the visual versus the perceived health impact.
- Suggested dropping the height component from our ordinance in order to not force an applicant to build a tall tower, while allowing them to do so, if that was their preference.
 - The ordinance can be changed later if needed.
- Would be nice to integrate California's version of Federal Sections 6402 and 6409 into our ordinance.

Commissioner Glaser asked additional clarifying questions of Director Svanstrom.

Director Svanstrom provided clarification.

In response to Commissioner Glaser's comment on height, Director Svanstrom commented:

- There were some Council members that expressed concerns regarding height.

Commissioner Glaser asked additional clarifying questions of Director Svanstrom.

Director Svanstrom provided clarification.

Commissioner Glaser commented:

- The appeal process should be explained explicitly in the ordinance.

Vice Chair Doyle commented:

- Referred to Federal Section 6409 and another and stated that his understanding was that they could not, by law, be discretionary approvals, they'd have to be ministerial.
 - The Planning Commission is a discretionary body.
 - The Planning Director is a ministerial body.
 - Appeal of a ministerial approval would have to go to the City Manager as that is the highest one can go without having a discretionary body involved.

Chair Wilson commented that he had not read the letter that was submitted by Verizon, and asked Director Svanstrom if Verizon was objecting to the City's approach on this ordinance.

Director Svanstrom responded:

- Crown Castle and Verizon had very similar comments.
- Telecommunication companies want specific language on the aesthetic of these towers that they could meet and then proceed with installation.
- The above would be a departure from the current process which involves location considerations, etc.
- Verizon expressed that requiring a preapplication conference is not allowed.
 - Requiring a preapplication conference is allowed, but starts the review clock.
- Verizon expressed that including findings on public health and safety concerns are not allowed.
 - The FCC has concerns regarding public health and safety so those findings could be talking about that.
- Verizon requested that a lot of things be stricken to simplify the process.
- Verizon had several comments on the language surrounding aesthetics needing to be more specific, as opposed to community compatibility.
- Staff wants to work with the Commission on fine-tuning language on aesthetics.
- Verizon had some technical comments on definitions, etc.

Commissioner Oetinger asked Director Svanstrom if other cities fine-tune their aesthetic requirements at the request of telecom companies.

Director Svanstrom responded:

- A number of our new aesthetic related requirements are very similar to the requirements in an urgency ordinance that the City of Sonoma adopted in November 2018.
 - Unsure if the City of Sonoma is planning on refining them at all.
- Some carryover language from the older ordinance on community compatibility and similar matters is included. That language will probably need to be modified a bit to be more in line with what current regulations are.
- Verizon and Crown Castle were happy that additional work is taking place before the ordinance is finalized.
- Spoke on a court case, brought by San Jose, that is currently in the Ninth Circuit Court.
 - This case has an amicus brief by about two hundred cities, including the League of Cities, which is challenging FCC regulations and what they have said about a variety of things.
 - This case has not yet been decided.
 - The decision may impact our ordinance.

Director Svanstrom asked if members of the Commission wanted copies of the letters that were sent to staff from Verizon and Crown Castle along with public comments received for the Council hearing .

The Commission responded in the affirmative.

Director Svanstrom responded that she would email the material, in the form of a PDF, to members of the Commission the following day.

Commissioner Doyle asked a clarifying question of Director Svanstrom.

Director Svanstrom provided clarification.

Hearing nothing further, Chair Wilson concluded this discussion item.

11. ADJOURNMENT: Chair Wilson adjourned the meeting at 8:37 p.m. The next regularly scheduled Planning Commission meeting will take place on Tuesday, May 14, 2019, at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472

Respectfully Submitted By:

Kari Svanstrom
Planning Director