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

UNAPPROVED DRAFT MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF July 23, 2019

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

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

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

2. ROLL CALL:

- Present:** Chair Wilson, Vice Chair Doyle, and Commissioners Glaser, Kelley, Douch, Fernandez, and Fritz
- Absent:** Commissioner Oetinger
- Staff:** Kari Svanstrom, Planning Director

3. APPROVAL OF PLANNING COMMISSION MINUTES: June 11, 2019

A couple members of the Commission amended the minutes.

Commissioner Fernandez requested that staff expound on the questions that are asked, and answers that are provided proceeding the Planning Director’s Report as that may be helpful for the Commission to be able to refer to and follow up on.

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

Commissioner Fritz seconded the motion.

AYES: Chair Wilson, Vice Chair Doyle, and Commissioners Kelley, Douch, Glaser, Fritz, and Fernandez

NOES: None
ABSTAIN: None
ABSENT: Commissioner Oetinger

4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA: (none)

5. STATEMENTS OF CONFLICTS OF INTEREST:

Commissioner Kelley stated that she has property within 500' of Item 8B on tonight's agenda and would be recusing herself from that discussion.

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

Director Svanstrom provided the following updates:

- The City has an adopted budget for FY 19/20.
- The Council is working on their goals and priorities.
- The Council has requested a status report from the Planning Department on the Implementation chapter of the General Plan.
 - This is scheduled to go before the Council in September.
 - This will also come before the Planning Commission as an informational item.
- Invited members of the Commission to the Council meeting of August 6th as there are a couple of items of interest on the agenda.
 - Commissioner Oetinger will be in attendance as the official Planning Commission liaison.
 - One item of interest is the Vacation Rental Moratorium.
 - The moratorium will be directed at non-hosted rentals of more than 30 days per year.
 - The Planning Commission meeting of August 13th will include discussion of the City's vacation rental regulations.
 - The other item of interest is the Planning Commission Work Plan which will be reviewed by the Council.

Commissioner Glaser asked Director Svanstrom to provide an update on the recent open house at The Barlow.

Director Svanstrom provided the following updates:

- Two open house events have been held recently.
- A developer is looking at doing a residential development on the open space behind the O'Reilly site.
 - Their open house was held in June and through it initial concepts were discussed.
 - The City has received an initial application that focuses mostly on how they want to work with existing site elements like trees.
 - The application will be going before the Tree Board in August.
- The Barlow held an open house event last month to talk about potential ideas for the Foundry building and the north half of the Guayaki building, both of which are currently vacant.
 - Their general idea is to look at some sort of mixed-use development with housing above.
 - Thanked members of the Commission that attended the open house.
 - The Barlow noted that they would likely hold a second open house.
 - The Barlow received good feedback from the people in attendance.

- People are very interested in housing right now.
- People expressed concerns related to flooding.
- Will provide updates to the Commission if it progresses.
- Additionally, the City has received an application to reuse the Fircrest Convalescent Hospital building (which has been vacant for over a year) as a mental health facility.
 - An open house will be held on July 31, 2019.
 - Encouraged members of the Commission to attend the open house if they can.
 - Any members of the Commission who attend can ask questions but should refrain from entering a dialogue since it will be coming before the Commission for their review.
 - The application will be coming before the Commission in late-August.

After conclusion of Agenda Item 8B, Director Svanstrom provided the following additional staffing updates:

- Krystle Rizzi is working in the Planning Department as the Assistant Planner from one of the City's on-call consulting groups.
 - Ms. Rizzi works in City Hall on Tuesday and Thursday.
 - Encouraged members of the Commission to stop by and introduce themselves and say hi to Ms. Rizzi.
- Last week the City Council approved recruitment at the Associate Planner level which is a slightly higher position than the previously held one of Assistant Planner.

7. CONSENT CALENDAR (PUBLIC HEARING IF REQUESTED):

- A. APPROVAL OF A RESOLUTION ADOPTING FINDINGS OF DENIAL OF A USE PERMIT AT 523 SO MAIN STREET:** Adoption of a Resolution and Findings of Denial for a Use Permit for a Type 3 Cannabis (office-only) use in accordance with the Findings of Denial and vote to deny the Use Permit read into the record at the June 11, 2019, Planning Commission meeting.

Chair Wilson asked if anyone wished to remove this item from consent.

Commissioner Glaser commented:

- As a non-voting member during the discussion on June 11, 2019 he wished to reiterate a comment that he'd stated at that time regarding the General Plan, the Zoning Ordinance, and so on.
- The application fits closely with what is expected to be in the area it was proposed for.
- The argument for denial was that this use did not fit in with what surrounds it.
- In this case, the property should be zoned to match the use the City would like to see there.

Hearing nothing further, Chair Wilson asked for a vote.

The Commission voted as follows:

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

Vice Chair Doyle commented that he did not believe that this item should have been placed on consent and asked a procedural question of Director Svanstrom.

Vice Chair Doyle made a motion to approve the Consent Calendar.

Commissioner Douch seconded the motion.

The Commission voted as follows:

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

8. PUBLIC HEARING:

A. USE PERMIT: This is an application, submitted by Timo Marshall/Spirit Works Distillery, for an amendment to an existing Conditional Use Permit to increase production of a single-user production distillery from 5,000 cases to 40,000 cases at Spirit Works Distillery, located at 6790 McKinley St, Suite 100. The original Conditional Use Permit was granted December 13, 2011 (file 2011-060). Additional cases include increased production for Spirit Works and contract distillery work for other labels. Staffing is anticipated to increase from 10 to 12 employees; no physical modifications to the facility are proposed.

Director Svanstrom presented the staff report.

The Commission asked questions of Director Svanstrom.

Vice Chair Doyle commented that Condition 1 and Condition 10 are redundant.

Director Svanstrom concurred and commented that the Commission could remove one. The Commission agreed to strike Condition 10.

The applicant, Timo Marshall, provided a presentation and was available for questions.

The Commission had no questions for Mr. Marshall.

Chair Wilson opened the public hearing.

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

Hearing none, Commissioner made a motion to approve the application as submitted with removal of Condition 10.

Commissioner Fernandez seconded the motion.

The Commission voted on the motion as follows:

AYES: Chair Wilson, Vice Chair Doyle, and Commissioners Kelley, Douch, Glaser, Fritz and Fernandez

NOES: None
ABSTAIN: None
ABSENT: Commissioner Oetinger

Commissioner Kelley recused herself from Item 8B and left the dais.

B. USE PERMIT: This is an application, submitted by Kia Bolan & Lizette De Arkos/Sebastopol City Limits, Inc., for a Conditional Use Permit to operate a Cannabis Distribution operation at 6871 Abbott Avenue, Suite 4. The applicant has an approved Cannabis Cultivation (indoor) permit on file (2018-99), which has not yet begun operations, which would share the suite with the distribution use. The proposed uses would occupy approximately 11,750 square feet of the existing building plus a proposed 1,600 square foot two-story addition (800 sq. ft. on each level) for a total of 13,350 square feet for both the cultivation and distribution operations. Per Chapter 17.360, the proposed use is permitted in the district with Conditional Use Permit approval. The application has been filed in accordance with Chapter 17.360, the Comprehensive Cannabis Ordinance. Per Chapter 17.360, the proposed use is permitted in the district with Conditional Use Permit approval.

Director Svanstrom presented the staff report.

Director Svanstrom noted several additional handouts that had been received after packets were distributed. Those handouts were distributed to the Commission by being placed on the dais prior to the start of tonight's meeting.

The Commission asked questions of Director Svanstrom.

Hearing no further questions of Director Svanstrom, Chair Wilson asked if the applicant wished to make a presentation.

The applicant, Lizette De Arkos, provided a presentation and was available for questions.

The Commission asked questions of Ms. De Arkos.

Commissioner Glaser commented:

- The applicant may want to look into Sonoma Clean Power as they are currently recruiting participants for a study on energy-saving technology in which businesses can receive free energy-efficient equipment.

Commissioner Fernandez commented:

- Asked the applicant to keep the nearby Railroad Forest Bike Path in mind.
 - Perhaps at some point in the future more work will be done there.
 - At one point a volunteer effort was able to do a lot to clean up the area which has since become overgrown again.
 - May be a project the applicant wants to keep in mind as their project site is right next door.

The Commission asked questions of Project Architect, Lars Langberg.

The Commission asked additional question of Ms. De Arkos.

Chair Wilson opened the public hearing.

Bill Robie, Eleanor Avenue, commented:

- Appreciates Director Svanstrom's summary of the letter he submitted during her presentation of the staff report.
- The applicant's presentation was very good.
- Disappointed to hear the applicant's response on their being a stigma on the cannabis community in the context of limiting delivery hours.
- Limiting delivery hours is not an uncommon practice for businesses that are near residential areas.
- Director Svanstrom mentioned that there is a residential area within a 600' radius of the proposed project site.
- There are homes much closer than 600'. There are homes easily within 100' of the building.
- The building itself is within 50' of the Joe Rodota Trail.
 - Begged to differ with Director Svanstrom that the building cannot be missed when walking by on the Joe Rodota Trail.
 - Perhaps a cyclist wouldn't notice the building if riding by on the Joe Rodota Trail.
- Happy to hear Commissioner Fernandez asking questions about the Joe Rodota Trail and Railroad Forest Bike Path.
- The letter that he wrote stating some of his concerns was signed by fifteen of his neighbors.
- Some of the other neighbors that probably would have signed as well have been out of town and unreachable.
- Expressed concern over use of alarms if that was something that would cause a disturbance to the neighbors.
- Primary concern of he and his neighbors is the impact that this use could have on them.
- Appreciates the Commission being mindful of potential impacts on the neighbors.
- Reiterated how close some residential properties are to this project site.
- Urged the Commission to keep an eye on parking, especially as the business grows because people will park in residential neighborhoods if they can't find anywhere else to park.
- Sebastopol has enough issues when it comes to parking already.
- Thanked the Commission for their time.

Barbara Dunham, Eleanor Avenue, commented:

- Appreciates the applicant's presentation and the number of questions they were able to answer through it.
- The Joe Rodota trail is right over the fence on Eleanor Avenue.
- Eleanor Avenue is raised so in terms of the noise factor residents of Eleanor Avenue will be more impacted by some of the noise.
- Asked if there are setback requirements from The Joe Rodota trail as it is a linear park.
- Concerned regarding Abbott Avenue and coming in from the east because people making a left-hand turn into the CVS parking lot is already a problem.

Chair Wilson clarified that Ms. Dunham was referring to people proceeding westbound and making a left-hand turn into the CVS parking lot.

Ms. Dunham responded in the affirmative and continued her comments as follows:

- Asked a clarifying question regarding placement of the loading dock.

Mr. Langberg responded to Ms. Dunham's question on the loading dock.

Craig Litwin, a resident of Sebastopol, commented:

- Principal and CEO of 421 Group.
- Believes in these applicant's so much that they've been volunteering their time to help them over the past month.
- Submitted 36 more signatures of support and three more letters of support to the record.
- The applicant team consists of all really good people.
- Has worked full-time in the cannabis industry since 2008 throughout California.
- His company, 421 Group, looks for people who are going to give back to the community with their time and their money, who works with sincerity and who takes the rules seriously.
- Happy to support this application.
- Thanked the Commission for their time.

Hearing nothing further, Chair Wilson closed the public comment period and asked for Commission deliberation.

Commissioner Glaser commented:

- Concerned regarding parking.
- Our Zoning Ordinance is missing something in terms this type of use when it comes to parking.
- This type of use is like a warehouse.
- The applicant has indicated the number of employees they expect to have, and that number is not the same as it would be if they were involved in production, as such the number of parking spaces they're requesting should be sufficient.
- The rear of the building is closer to the Joe Rodota Trail and the area back there is paved.
- Asked about seeing a parking plan versus just knowing the number of spaces they have available to them.
- As somebody who walks the Joe Rodota Trail a lot, he commented that the building can be seen although it is pretty remote from the trail.
- Does not consider parking to be an issue in that our parking calculation for a growing space (agricultural) ought to be 1 space per 1,000 square feet as opposed to 1 space per 500 square feet.
 - If this were the case the applicant would be well within the requirement.

Commissioner Fernandez asked Director Svanstrom a question regarding the conditions of approval for the neighboring tow company.

Commissioner Fernandez commented:

- There is likely to be more of an impact in terms of noise from the neighboring tow truck business than there would be from this project.
- In terms of a maximum number of deliveries; because this is a new business, he would like to give the applicant some latitude while they figure all of that out.
- The City has policies and ordinance in place that can be used if issues arise.
- Requested that operational manuals instruct all delivery and any other transport vehicles that left turns from westbound Highway 12 (Sebastopol Avenue) onto Barnes Avenue be prohibited.
- This will be a great business to have in Sebastopol.
- Very much in support of this application.

Director Svanstrom commented that Sebastopol Towing is listed as a 24-hour business.

Vice Chair Doyle commented:

- This appears to be a very good location for this use.
- The applicant gave a great presentation on what they're going to do and how they're going to do it.
- Suspects that the cargo van loading area is too small.
- There may be circulation issues in the back.
- Does not believe that the parking reduction is necessary and does not want to vote in support of the request.
- Wishes the applicant could make the parking work without the requested reduction.
- If the parking reduction is granted, Condition of Approval #18 provides language that could be utilized if problems arise which makes him more comfortable with supporting the application.

Commissioner Fernandez commented:

- Follows what Vice Chair Doyle is saying with regards to parking and circulation.
- It sounds like the issue with the parking spaces has more to do with the next-door tenant, not the building owners.
- By granting the exception we'd be missing the opportunity to have the property owner step in and work out the parking issue so that an exception would not be required.
- Doesn't want to holdup the project over the parking issue.

Vice Chair Doyle commented:

- Concurred with Commissioner Fernandez.
- Would support encouraging the property owner to step in in-lieu of granting the exception.
- Suspects that much of the Commission would not want to hold up this project over parking.
- Falls back on Condition of Approval #18 if issues with parking and/or circulation arise.

Commissioner Glaser commented:

- With regards to Condition of Approval #18; as a Planning Commission we want to look to the future in terms of reducing vehicle miles traveled (VMT).
- A primary method to reduce VMT is reducing and charging for parking.
- Many City's now have maximum parking allowances in order to force VMT reduction.
- Development of a TDM (Transportation Demand Management) shows good insight.
- This should serve as a model instead of requiring the addition of more and more parking.
- We don't want to be like Sunnyvale where 30% of the city is paved to ensure that there is enough parking.
- We want Sebastopol to be walkable and this application coincides with that goal.

Vice Chair Doyle commented:

- An alternative way of looking at this is to consider that this project is proposing to add an addition where there would be room to add additional parking spaces.
- This project is proposing to add to their footprint without providing the parking for doing so.

Commissioner Fritz commented:

- Appreciates the thoroughness of the application.

- The Commission has had other applications before them for cannabis uses and the appropriateness of the site is always a big consideration.
- This site is zoned industrial and the building is industrial.
- The site is appropriate for the proposed use.
- Appreciates that there is residential nearby.
- While the building can be seen from the Joe Rodota trail, the applicant is not doing anything that would draw more attention to the building.
- Appreciates thoroughness of their TDM.
- It's great to think about ways to encourage your employees to take alternate transportation.
- Concurred with Commissioner Glaser with regards to park.
- Has zero concerns on parking being an issue.
- Parking calculations can be very arbitrary.
- Based on what the applicant has presented it sounds like they'll have adequate parking.
- Has walked by the project site several times and there's usually less than a handful of cars parked out front.
- There seems to be about 30 parking spaces available at any given time.
- Director Svanstrom mentioned that the previous use would have had a higher parking requirement.
- Doesn't have a concern regarding truck trips and does not think that they need to be limited.
- 10, or even 40 trips per week would probably be negligible in terms of the impact.
- The neighboring Post Office has way more trips coming out of it every day and it's not an issue.
- Appreciates neighbor concerns regarding trucks and noise but the applicant is proposing to use cargo vans, not semitrucks.
- Does not think that people are going to hear when deliveries are being made and does not think any additional conditions are needed.
- Suggested adding a condition that would require loading and unloading to occur inside.
- Does not have concerns regarding truck traffic to the site.
- Reiterated his appreciation for the thoroughness of this application.
- This seems like a good business that is being proposed on an appropriate site.
- Supports this project.

Commissioner Douch commented:

- Concurs with Commissioner Fritz on all counts.
- Loading and unloading should be conditioned to be inside.
- The security measures as presented are already very robust.
- If loading and unloading does not occur inside, it should be an element of the security plan in terms of how it will be handled.
- 16' is tight for a truck.
- Limiting the number of trips does not feel appropriate.
- If there are operational concerns regarding noise, time constraints could help to address those.
- The proposed hours of operation are currently conditioned as 6 a.m. to 9 p.m. which may warrant a bit of discussion.
- Perhaps 7 a.m. to 8 p.m. or 7 a.m. to 8 p.m. would be more appropriate.
- Reducing their hours to 9 a.m. to 5 p.m. does not seem necessary based on the likely impact.
- The concerns regarding noise may be a moot point given that the neighboring business is a 24-hour towing service.

- Supports this application.

Chair Wilson commented:

- Asked if the Commission would like to have specific conditions regarding the following;
- Delivery vans must load and unload inside the building.
- Being explicit about the type of delivery vans that can be used.
- The path of travel for the delivery vehicles does not include Eleanor Avenue, as such, this should help to mitigate some of the noise for the nearby residential neighbors.
- Would like a condition that states that left turns from westbound Highway 12 onto Barnes Avenue are prohibited.
- Appreciates Vice Chair Doyle's point about Condition #18 which will allow the City to revisit the issue of parking if an exception is granted and issues arise.
- The visibility of the building isn't an issue to him because it's already visible.

Commissioner Glaser made a motion to approve the application as submitted with the following:

- All unloading and unloading of deliveries shall occur within the enclosed building envelope.
- Operational manuals shall instruct all delivery and any other transport vehicles that left turns from westbound Highway 12 (Sebastopol Ave) onto Barnes Ave are prohibited.

Commissioner Fernandez seconded the motion.

The Commission voted on the motion as follows:

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

9. DISCUSSION: (none)

10. WRITTEN COMMUNICATIONS: (none)

11. ADJOURNMENT: Chair Wilson adjourned the meeting at 9:05 p.m. The next regularly scheduled Planning Commission meeting will take place on Tuesday, August 13, 2019, at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472

Respectfully Submitted By:

Kari Svanstrom
Planning Director