



City of Sebastopol
Incorporated 1902
Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472

www.ci.sebastopol.ca.us

APPROVED MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF January 25, 2022

PLANNING COMMISSION:

The notice of the meeting was posted on January 20, 2022.

1. **CALL TO ORDER:** Chair Fritz called the meeting to order at 6:00 P.M. and read a procedural statement.
2. **ROLL CALL:**

Present:	Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley
Absent:	None.
Staff:	Kari Svanstrom, Planning Director John Jay, Associate Planner
3. **APPROVAL OF MINUTES:** None.
4. **COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA:** None.
5. **STATEMENTS OF CONFLICTS OF INTEREST:** None.
6. **CONTINUED PUBLIC HEARINGS:**
 - A. **709 FIRST STREET** - A Public Hearing to consider an application from Lon Chapman at 709 First Street. The applicant is seeking Planning Commission approval for Variance of setback reduction. The project proposes to use the existing footprint of the accessory structure to create 658 square feet of storage space along with a 974 square foot accessory dwelling unit. The structure's foundation is located 2'6" from the northern property line on the parcel.

Associate Planner Jay presented the staff report.

Chair Fritz asked for Planning Commission questions of staff.

Kathy Oetinger, Vice Chair

On the first page of the resolution, the second to the last paragraph doesn't make a lot of sense. Am I reading it wrong?

Paul Fritz, Chair

Yes, I agree with that, page 2 of the staff report. It says "provides housing for all residents."

John Jay, Associate Planner

I tried to find a General Plan use that was a way that we could see this project as an ADU providing housing for residents within the City of Sebastopol, so that's from our General Plan housing goal. The special needs part is not directly for people with disabilities, it's for folks who may have a hard time finding affordable options for housing, and this project, as presented with it converting an old barn structure to another housing unit was the reasoning behind that.

Kathy Oetinger, Vice Chair

I think the word "and" in the second line needs to be deleted.

Paul Fritz, Chair

I would say, "all residents of the community," or, "to residents of the community," because I wasn't sure if it was the residents of the existing house, people who are already living on the property kind of residents, or the broader community residents, so that would be clarified as, "repair to nonconforming structure and providing housing for members of the community."

Kari Svanstrom, Planning Director

Or you could say, "housing opportunities."

Paul Fritz, Chair

That would be fine too, just, "provides housing opportunities." I like that.

Evert Fernandez, Commissioner

Could I ask a question of the applicant, Mr. Chapman? Are you okay with all the conditions? Do you have any concerns or questions at this point?

Lon Chapman, Applicant

No, in fact the plans as we submitted take into account a number of these already, so there will be no problem at all. Thank you for asking.

Paul Fritz, Chair

I had another clarification on Condition #1A that talks about adequate insulation in the north and east walls. Is that thermal insulation or acoustic insulation, or both, and is there some definition of what that is instead of just adequate, which is a vague term?

John Jay, Associate Planner

Since there is that music room on that portion of the structure having some sort of acoustic insulation there to block any noise going to the neighbor on that side would be more of a direct condition rather than it being a vague "adequate" insulation.

Paul Fritz, Chair

Thermal insulation provides acoustic qualities as well, so I'm trying to clarify, are we expecting them to go beyond what's required from a thermal standpoint, and if so, do we have some definition of what that is? As an architect, I would read that as I don't know how much insulation to provide because I'm not being given any sort of guidance. I don't know if we know what that is right now or if we could just say there shall be acoustic insulation in addition to the thermal insulation.

Kari Svanstrom, Planning Director

I think acoustic insulation is fine. With respect to the wall between the music room and the ADU, both of which are conditioned spaces, an internal partition doesn't need to have insulation in it necessarily. Given some of the comments from the Commissioners, even though right now it's only being used for guitar, we took that into consideration and thought the north wall, the thermal insulation is probably the same, and frankly, if they use something like a rockwool instead of fiber glass it's going to have a better acoustic property, and we in the Planning Department saw something like that as adequate, if there's some direction for that. But between the music room and the ADU, because the ADU is a residence, there was insulation in that wall as well where by code it's not required.

Paul Fritz, Chair

The way that reads is in the north and east wall of the structure, so that would be like the overall building. I would say, "There should be acoustic insulation in the north wall and the wall between the ADU and the music room," just to make it clear what east wall we're talking about.

Commissioner Fernandez made a motion to approve for variance of setback reduction for 709 First Street, with the modifications:

- In the seventh whereas on the first page of the resolution, "Whereas the Planning Commission finds that the proposed maintenance and repair to a nonconforming structure provides housing opportunities consistent with the General Plan."
- Condition 1A shall be revised to say, "There shall be adequate insulation in the north wall and the wall between the music room and accessory dwelling unit."

Committee Member Kelley seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Fernandez, and Kelley
 NOES: None
 ABSTAIN: Commissioner Douch
 ABSENT: None.

7. PUBLIC HEARINGS:

- A. ZONING ORDINANCE UPDATE TO BAN NEW GASOLINE STATIONS AND RESTRICT EXPANSION OF EXISTING GASOLINE STATIONS** – A Public Hearing to consider amending the Zoning Ordinance to consider a potential ban on new fossil fuel (gasoline) stations and the expansion of fossil fuel infrastructure at existing stations within the City of Sebastopol.

Director Svanstrom presented the staff report.

Evert Fernandez, Commissioner

Say Rotten Robbie wanted to expand their carwash. How would this impact that ability?

Kari Svanstrom, Planning Director

This would not change their ability to apply for an expansion or modification of their car wash. This is simply for the fossil fuel component, so you can add more vehicles.

Evert Fernandez, Commissioner

Is there any current language that if modifications are made that they didn't have to conform to the new standard, or do they get grandfathered in?

Kari Svanstrom, Planning Director

If existing carwashes want to modify, that would come to the Planning Commission. If Rotten Robbie wants to improve the circulation or install significantly different equipment, that kind of thing, we would want to make sure it was coming closer into conformance in areas where they are currently nonconforming. In areas where they do conform to this code they would still need to maintain the site design standards that are in that zoning ordinance.

Evert Fernandez, Commissioner

So, if they want to replace an existing piece of equipment, they don't necessarily have to meet the standards of someone that is new?

Kari Svanstrom, Planning Director

Right, if it's permitted prior to these standards being in place.

Evert Fernandez, Commissioner

And is that something that can be added to it?

Kari Svanstrom, Planning Director

If they were to do something that would require a building permit, normally the Building Department would forward that to the Planning Department. At that point we would look at it and see if they have an option that would meet our standards and work with them to do that. That wouldn't necessarily come to the Planning Commission, as it's normal maintenance. A nonconforming code section allows a property owner to make repairs when it's not a nonconforming use, such as a carwash, but nonconforming facility that doesn't conform to the standards. Our Nonconforming Ordinance allows an owner to make ordinary repairs, which can include equipment replacements up to 10% of the property value. If it goes beyond a certain level of changes to the facility, that's when it would trigger and we would need to work with them specifically to see where they could become more compliant. City staff is certainly aware of some of the noise and circulation issues, which is probably why we added these standards.

Evert Fernandez, Commissioner

Same question for the abandoned station. The 365 days, is that a requirement, or how is that amount of time determined?

Kari Svanstrom, Planning Director

Our nonconforming code actually says anything that requires a use permit, if it's abandoned for more than 12 months, or 365 days, it is considered that the use permit is expired. During COVID there were some places, like the Barlow Event Venue, that needed to be closed for a certain amount of time, and we waived those types of things in extraordinary circumstances. But in this case, if one of our existing gas stations were to close down and not be operated for more than 365 days, then that would trigger this. For a gas station that pays sales tax, we would know when they closed.

Evert Fernandez, Commissioner

If a gas station closes and falls into disrepair and chemical leaks happen, how is that handled?

Kari Svanstrom, Planning Director

There are state regulations that govern this, and actually a lot of the underground tanks that exist in gas stations need to be upgraded. There are state codes and requirements for that, and so they would need to mitigate to those standards. I have seen at least one of

those in my professional career where a gas station closed down and turned into a bank, and so they did have to do the tank mitigation, which is either fill them or line them or remove them from the ground and do any required soil remediation.

Evert Fernandez, Commissioner

Let's say Chevron sells to Shell and they come in and rebrand. Does that trigger a review? It's the same operation; just a new owner.

Kari Svanstrom, Planning Director

All planning entitlements run with the land, not with the owner. Their use permit would still be valid.

Evert Fernandez, Commissioner

Can it warrant a little more scrutiny with a new ownership, or would that have to apply to all business ownerships?

Kari Svanstrom, Planning Director

It would have to be consistent across all. I think a good example is with our drive-throughs. We used to have a McDonald's down at the Southpoint shopping center, but Starbucks bought it and they didn't change the drive-through in a way that increased the capacity of the drive-through, so because it hadn't been closed for more than year they were able to just take that over and there was no triggering of the fact that it's a nonconforming use.

Paul Fritz, Chair

There's no need to take care of this today, but you've crossed out all the service station references, however we do have some service station references in other places in the zoning code, so I want to add that to the needs to be taken care of list: the search for all the service station references in the zoning code and get rid of them somehow.

Kari Svanstrom, Planning Director

Thank you, Chair Fritz. We can go through our code and make sure we catch the rest of those and add those to the ordinance so that it's a clean break.

Paul Fritz, Chair

I have a question on the resolution. Pages 8 and 9 of the staff report both refer to the City Council resolution declaring a climate emergency. The one on page 8 has a little bit more information about it than the one on page 9. It seems somewhat redundant. Maybe we can delete the one on page 9.

Kari Svanstrom, Planning Director

That makes sense.

Deborah Burnes, Commissioner

The gas station that's across from Rite Aid on Main Street, that hasn't been operational for much longer than a year. It's a smog check, but at one time there was a gas station. I understand if it's 365 days they loose their permit to have gas there ever again, is that correct?

Kari Svanstrom, Planning Director

Yes, and in fact right now they would need to come to the City to apply for a conditional use permit so you can get them back again. If we pass this, they just simply would not be able to even apply for that.

Chair Fritz asked for further Planning Commission questions of staff.

Hearing none, Chair Fritz opened the public hearing.

Woody Hastings, a member of the public

I live just outside of Sebastopol city limits; we moved here in 2009. I am a co-coordinator of the Coalition Opposing New Gas Stations and am here tonight in full-throated support of the Planning Commission voting yes to move this forward to the City Council. I appreciate the Planning Commission and all of the leadership in Sebastopol keeping it simple in stopping the construction of new gas stations and not trying to add in other things that can bog it down.

Sunny Galbraith, Chair of Sebastopol Zero Waste Committee

I'm so happy you're considering this and I'm very appreciative of Woody and Jenny Blaker and others that have been leading on this. From my experience on the Zero Waste Committee, our town is small but mighty and we are often the first people to do awesome things, and then it gives other cities permission to do it; they don't have to feel like the radical first City. We were the first city to pass the zero waste ordinance, polystyrene ban, updated our event policy to make it so events had to do certain zero waste things, and that's now being used at the county level and other cities have passed them. You can be a wonderful example to other cities. I used to live next door to a gas station some years back, the Rotten Robbie, and I would say it's also an environmental justice issue for people that have to live right near a gas station, that it is a significant air quality issue, so it's not just better for our carbon footprint as a whole to not build out more gas infrastructure, it's also a justice issue for people that have to live adjacent to gas stations.

Chair Fritz asked for additional public comments. Hearing none, Chair Fritz closed public comment.

Commissioner Fernandez made a motion to approve a Zoning Ordinance Update to Ban New Gasoline Stations and Restrict Expansion of Existing Gasoline Stations, with the addition of language changes as discussed in this hearing.

Committee Member Douch seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Kari Svanstrom, Planning Director

This item will likely be heard on the March 1st City Council agenda.

8. REGULAR AGENDA ITEMS:

- A. CLIMATE ACTION FRAMEWORK PRESENTATION** – CivicSpark Fellow Phoebe Goulden will provide a presentation as part of the kickoff to the public participation aspect of this project.

Director Svanstrom presented the staff report.

CivicSpark Fellow Phoebe Goulden gave a presentation and was available for questions.

Evert Fernandez, Commissioner

I appreciate what you're doing and I wanted to publicly reiterate my support and offer my help.

Zachary Douch, Commissioner

I'm not sure I can answer all these questions, but resiliency choices in the City need to be considered carefully to be equitable. The Catch-22 is finding answers that don't generate obstacles to low-income or other marginalized groups who are less able to accommodate new restrictions or costs or obstacles to cover transport or services in the City, so that's something that should be front and center as we integrate new systems or processes into our city in regard to those things. Some of them are constraining, some of them mean giving things up, giving up conveniences, but giving up conveniences is easy for some of us and less easy for others.

Kathy Oetinger, Vice Chair

We were recently looking at the Ives Park proposals and discussing barbeques and the need to have barbeques burning in the park versus using other types of fuels sources for cooking in the park, or not having them at all, and those are hard decisions to make, but they're things that we need to keep thinking about when we're planning for new structures and new homes. Should they be all electric or gas? Should they all have hookups? It's important that we put this information into our planning documents and our zoning code so that we do start implementing and making these hard choices. We know it's difficult for people, but we don't have a lot of alternatives to surviving on Planet Earth, so it's important that we do it and take the responsibility.

Deborah Burnes, Commissioner

I'd like to thank Phoebe because I am on the Climate Action Committee, so I get to talk about this a lot, but watching what you've done from beginning until now, I thank you so much for your work on this. Also, to add to what Kathy said, one thing that's very concerning when we talk about barbeques is the quality of our air with fires and the effect it has, especially on our young children, and taking those type of adverse health effects that we're getting from barbeques and all that, the more that we can mitigate... I was looking at our air this week and it was red, and I saw everybody's fireplaces on because it was so cold, and I did see people barbequing, and I think these are things, anything we can do to help with that.

Linda Kelley, Commissioner

Phoebe, thanks for all the hard work. It's an issue we've all been working on and it's so nice to have the next generation behind us who have been working on these issues forever. Years ago, when I was on the City Council, a wood-burning appliance ordinance—that you might want to look at—was one of the strictest ones around because not only did we require at sale to have the old, polluting wood stoves changed out, but also at sale of a house it had to be changed out, and boy, we got push-back from the Realtors Association and the county threatening to sue us on that. It was quite a fight. On these Spare the Air days so many members of the public would do the right thing, but they really don't know, so we have to always be mindful to remind the public through our ways of advertising what our requirements are on so many things in the City, not just wood stoves. Thanks again for taking the reins and moving forward.

Paul Fritz, Chair

As the Planning Commission we obviously have a lot to do with land use and how development happens in town, and the slide you shared that showed how much of our

greenhouse gases comes from transportation was interesting. Obviously, that's a huge percentage of our emissions in town, and that speaks a lot to how we've been developing over the past 80 years: the single-family subdivision, everything kind of spread out, and uses all separated from each other. We need to think hard about how do we encourage more infill developments and having more people live in places where they don't need to get in a car to get someplace, because the fewer car trips people are able to make directly ties to the amount emissions coming out from our cars. Even though we're seeing more and more electric cars, most of the cars out there are still fossil fuel burning cars, so every time people get in their cars it adds to climate change pollutants. We need to push hard on getting more people living in town so we don't have people driving into town and through town to get other places, and also making sure that we have the goods and services that people need and want in our community so they're not driving to Santa Rosa or wherever to get things they can't get in Sebastopol. That's an important piece, and something that we have to play with as a Planning Commission. That also speaks to the public transportation aspect as well; we just don't have the population density to support more transit service. We don't get more transit service until we get more housing along transit lines, and we don't get housing on transit lines if we don't have a lot of transit, so as much as we can try to build housing, along the Highway 116 corridor in particular, since that's where of the bus route runs, I think that will encourage more people. When buses run more than once an hour or once every hour-and-a-half people will be more likely to take the bus, so that's important to look at. When I first moved to Sebastopol 20 years ago I was still working in San Francisco and I was able to take a bus two blocks from my house to the Financial District in San Francisco, and you can't do that anymore. Why did Golden Gate Transit kill that transit line and is there a way to get it back so we can have a direct connection between Sebastopol and San Francisco? People still work in San Francisco and most of them probably drive themselves, so how we increase those kind of public transportation opportunities is an important piece of the pie, particularly given how much of our emissions come from transportation.

Deborah Burnes, Commissioner

I agree with you. One thing we really need to look at is we don't have enough electric fueling stations, and we don't have the amount of electric cars. They're expensive and a lot of people can't afford them, so how could we support more people driving alternative cars? Sebastopol is not going to be able to accommodate every need that people have. They're going to drive to Santa Rosa to go to Costco, or wherever it is that they go, and people are going to drive, they're used to driving, so we can get alternative vehicles out there, and how can we support that through infrastructure with stations is also really important.

Paul Fritz, Chair

If I can tag onto that, an interesting way to look at that is like an electric car share program. We don't have the population density, so it might be harder to do in Sebastopol. Obviously, an electric car is a lot more efficient than fossil fuel burning cars, but there are a lot of emissions and environmental issues that go into producing electric cars as well. So, is there a way that we can have a car share program in Sebastopol that people can use an electric car when they need to do a longer run to Santa Rosa or someplace out of town? A car share program that people can pay into and be able to rent a car and take it on those shorter trips to run errands around the county. I don't know the financial aspects of that or how that would possibly work or be funded, but something like that could be interesting to look at.

Chair Fritz asked for further Planning Commission comments. Hearing none, Chair Fritz opened public comment. Hearing none, Chair Fritz closed public comment and moved to the next item.

9. SUBCOMMITTEE UPDATES: None.

10. PLANNING DIRECTOR'S REPORT

Director Svanstrom provided updates.

The Commission asked questions of Director Svanstrom.

11. ADJOURNMENT: Chair Fritz adjourned the meeting at 7:24 p.m. The next regularly scheduled Planning Commission meeting will take place on Wednesday, February 8, 2022 at 6:00 p.m.