

**CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM**

**Meeting Date:** September 7, 2021

**To:** Honorable Mayor and Honorable City Councilmembers

**From:** City Administration  
Planning Director

**Subject:** Approval of Deferring Vacancy on the Design Review Board to the Recruitment for the December 2021 Vacancies (No applications received for Vacancy) and Approval of Deferring Vacancy on the Planning Commission until the Council has revised the Planning Commission composition

**Recommendation :** That the Mayor and City Council Accept Staff’s Recommendation to Defer Recruitment

**Funding:** Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No XX N/A  
 Net General Fund Cost: N/A  
 Amount: \$0

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

**INTRODUCTION/PURPOSE:**

This item is to request that the City Council defer recruitment for recent vacancies on the Design Review Board and Planning Commission.

**BACKGROUND:**

Design Review Board:

The Design Review Board meets the First and Third Wednesday of each month at 4:00 pm.

The Board shall consist of five members or such other number as the City Council shall, from time to time, determine by resolution, but in no event less than five members. The Board members shall serve a term of two years or until their successors are appointed. Initially, three members of the Board shall be appointed for two years and two members shall be appointed for one year. Thereafter, the terms shall be staggered in accordance with their expiration dates. In making the appointments the City Council shall select, insofar as possible, the following:

- A. Two persons, at least one of whom shall be a licensed architect and at least one of whom shall be a licensed landscape architect.
- B. One person who may be any of the following: architect, landscape architect, building designer, building contractor, landscape contractor.
- C. Two persons not in subsection A or B of this section.
- D. One alternate who may be in subsection A of this section or who possesses a particular expertise in the area of design, land use patterns, urban development or other related fields to serve at any meeting or on any matter in the absence of a Board member, or in the event a member has a conflict of interest.
- E. In the event suitable candidates satisfactory to the City Council in the above categories are not available to serve, the City Council may then select any person or persons in their discretion. All terms of office shall terminate December 31st of the last year of the term of appointment.

The Board shall have the following duties:

- A. To perform all of the duties as required under SMC \*17.450.030 as the same exists now or may hereafter be amended.
- B. To review all environmental findings including the issuance of a negative declaration; provided, however, if a project requires an environmental impact report it shall automatically be referred to the Planning Commission for environmental review only.
- C. Conceptual landscape plans shall be part of the initial building design review by the Board; provided, however, that all landscape plans may be delegated by the Board to the City Planning staff for review and approval. Final landscape and irrigation plans may be approved by the Planning staff unless, in the opinion of the City Planner, they should be referred to the Design Review Board.
- D. Sign review shall be subject to all sign requirements and ordinances and resolutions of the City of Sebastopol. The sign review may be approved by the City Planning staff unless, in the opinion of the City Planner, a sign needs to be referred to the Design Review Board.
- E. To review all condominium applications for design review purposes.
- F. The Planning staff may approve all minor building modifications or additions unless, in the opinion of the City Planner, they should be referred to the Design Review Board.
- G. Any decision of the City Planning staff or City Planner may be appealed in writing to the Design Review Board.

\*SMC 17.450.030

- A. The Design Review Board may delegate to the Planning Director the authority to approve applications for design review for minor exterior alteration of any building or structure in any district requiring design review, or to approve any other application for design review which has been approved in concept by the Design Review Board.
- B. In considering an application for design review, the Design Review Board, or the Planning Director, as the case may be, shall determine whether:
  - 1. The design of the proposal would be compatible with the neighborhood and with the general visual character of Sebastopol;
  - 2. The design provides appropriate transitions and relationships to adjacent properties and the public right-of-way;
  - 3. It would not impair the desirability of investment or occupation in the neighborhood;
  - 4. The design is internally consistent and harmonious;
  - 5. The design is in conformity with any guidelines and standards adopted pursuant to this chapter.
- C. The Design Review Board, or the Planning Director, as the case may be, shall render approval only in conformity with subsection (B)(2) of this section, and such other resolutions and actions of the Design Review Board establishing standards and guidelines.
- D. The Design Review Board, or the Planning Director, as the case may be, may designate such condition(s) in connection with the design review application it deems necessary to secure the purposes of this code, and may require such guarantee and evidence that such conditions are being, or will be, complied with.

Planning Commission:

The Planning Commission composition is currently under review by the City Council, which recently eliminated the Alternate position as recommended by the Planning Commission, and is scheduled to further review requirements (residency and out of town geography) and, once these are complete, direct staff to revise the authorizing ordinance, SMC 2.24, to reflect the changes.

The Planning Commission has the following duties:

SMC 2.24.070:

The Commission shall have the following duties:

- A. To recommend special studies and amendments to the General Plan.
- B. To perform such duties and functions as prescribed by law.
- C. To perform such other functions and duties with respect to zoning and other matters as prescribed by City ordinance or as may be directed by the City Council.
- D. To act in an advisory capacity to the City Council on public park regulatory issues, improvement needs, and on public park development projects; and to serve as a forum for members of the public to voice their comments regarding such matters.

**DISCUSSION:**

On April 22, 2021, City Administration received an email from Ron Hari indicating he was resigning from the Design Review Board effective immediately.

Mr. Hari was a member of the Design Review Board in the Category C seat : Category C: Two persons not in subsection A or B of this section. The recruitment will be to fill the remainder of the term of Mr. Hari (December 31, 2021).

The Category C member is intended to be a member of the general public with interest in City Design Review/Tree Board matters.

City Staff initiated the process to advertise for the vacancy. The City did not receive any applications after the first recruitment. City staff extended the deadline for an additional two weeks but still did not receive any applications. As seen with other committees recently, the City has not received interest in members of the community applying for these positions. However, the DRB includes an 'alternate' who attends meetings when there is a regular DRB member absent or recused from an item, and this alternate is available to serve while the vacancy exists.

The Design Review Board has two upcoming vacancies in December 2021. It is requested that the Council defer recruitment for the current vacant position due to resignation of Ron Hari and conduct a recruitment for this position as well as the two upcoming Design Review positions in October 2021 timeframe.

Similarly, the City recently received notice of resignation from Luke Lindenbusch as of August 25, 2021, due to a conflict under Government Code 1090, which prohibits employees of a consultant under contract with the City to serve on a City board or commission. The Planning Commission does not have any further terms ending in December 2021. However, the City Council will be discussing Planning Commission composition at a future meeting (tentatively scheduled for September 21, 2021), and staff recommends delay of any advertising of the open position until that discussion and any Council actions related to revising the Planning Commission ordinance (SMC 2.24) have taken place. In the interim, the Planning Commission has six members, and staff does not anticipate quorum issues in the coming month(s) until such action can be taken by the City Council.

**PUBLIC COMMENT:**

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the "Public Comment" portion of the City Council discussion.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

**FISCAL IMPACT:**

There is no direct fiscal impact associated with the recommended action tonight.

**RECOMMENDATION:** Staff recommends that the Mayor and Council Approve Deferring Vacancy on the Design Review Board to the Recruitment for the December 2021 Vacancies (No applications received for Vacancy), and Deferring Vacancy on the Planning Commission until the Council has acted on changes to the Planning Commission Ordinance, or until December 2021.

**Attachments:** None