



**City of Sebastopol**  
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Planning Department  
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## **APPROVED MINUTES**

PLANNING COMMISSION  
CITY OF SEBASTOPOL  
MINUTES OF February 8, 2022

### **PLANNING COMMISSION:**

The notice of the meeting was posted on February 3, 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:**

#### **December 14, 2021**

Members of the Commission amended the minutes.

Vice Chair Oetinger moved to approve the minutes as amended

Commissioner Fernandez seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burns, Fernandez, Kelly  
NOES: None  
ABSTAIN: None  
ABSENT: None.

- 4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA:** None.

**Commissioner Douch joined the meeting at 6:07 P.M.**

- 5. STATEMENTS OF CONFLICTS OF INTEREST:** None.

## **6. REGULAR AGENDA ITEMS:**

- A. STANDARD CONDITIONS OF APPROVAL** – Consider and provide input to staff regarding Standard Conditions of Approval for development projects.

Associate Planner Jay presented the staff report.

### **Paul Fritz, Chair**

These Standard Conditions of Approval are only for applications that require some kind of planning, either staff or Planning Commission or design review? Like if you're applying for a building permit for a residential remodel or addition, these things don't apply to you, it's for bigger projects that either the Planning Commission or staff would see to be able to approve a use permit or something like that?

### **John Jay, Associate Planner**

Correct. It would be most entitlement projects where they're going through some sort of design review or conditional use permit or something like that. It wouldn't be subject to building permit applications where a lot of these conditions frankly either wouldn't apply or they're already put forth within the building permit review process.

### **Kari Svanstrom, Planning Director**

Things like the indemnification language that we have in this document. I believe the building permit process has very similar, if not the exact same, language when you sign your name to pre-issuance of a building permit.

Chair Fritz asked for Commission questions or comments.

### **Kathy Oetinger, Vice Chair**

The only thing that really struck me was under the Engineering and Public Works section where it talked about deviations from City standards, so it seems like almost any item in these standards an application could deviate from them, but I suppose now we've got a process for that. Is that what that is about? If those are the standards, then it seems like we shouldn't be deviating from them, but I'm guessing that's why that is there, because occasionally something is going to deviate from it, even though the state is going to say you just have to approve it?

### **Kari Svanstrom, Planning Director**

Yes, and I can offer one example. I don't know which condition in particular you're talking about, but one of the engineering standards we have in our zoning ordinance is to underground utilities from the pole to the new structure. It also says in that code, "...unless otherwise approved by the City Engineer." There are instances where it is so cost prohibitive or doesn't make sense because the City's project is going to go forward, and in that case there's an in lieu fee, but it also requires the City Engineer's approval, so that would be a deviation from the standard. Then there are times where the City Engineer can approve things like that. You're correct, the way it's written is that you're subject to the standard no matter what planning process you go through, whether it's a discretionary design review; a use permit; or a ministerial SB 35 or SB 9 process, where you would normally go through design review, but under state law you're allowed to go through a different process. We still want to make sure all of these same standard conditions apply to all those projects.

### **Kathy Oetinger, Vice Chair**

That was one thing that jumped out to me. As I was reading through it, it occurred to me that if you're working with a document like that it might be good to have a heading at each

section. They're numbered. Are they always numbered the same? If I were working with that document I'd want to be able to scan through and see is that landscaping or is that infrastructure, or where is the PDF plan submission paragraph? My only thought was add a subtitle to each defining section to make it useful.

**Kari Svanstrom, Planning Director**

Do you mean like engineering has Roadway Improvements and Drainage Improvements, that kind of heading?

**Kathy Oetinger, Vice Chair**

Yes. I came up with the idea in the first section and I wrote like #4 was Landscaping, #5 was Corrections and Modifications, and #6 was Indemnity, things like that so that when you're working with a document you can easily jump to that section to review it without trying to remember what number it was. I know we get into that when we're looking at conditions of approval and there are 48 of them. It's just an idea; I know normally it's not standard to do that.

**Paul Fritz, Chair**

They are sort of in categories, so you're thinking about further subdivision within each category?

**Kathy Oetinger, Vice Chair**

Yes, just like one or two boldface words that describe what that section is about. Is it Exterior Lighting, or is it Encroachment, or is it Public Right-of-way.

**Kari Svanstrom, Planning Director**

There may be some that are so general when there's one of them it might not make sense to have a category, but certainly there are a couple related to construction management and plan submittal, the actual permitting process.

**Paul Fritz, Chair**

I see that helping for some, but some of them might be a little hard, so it would be a little bit inconsistent.

**Evert Fernandez, Commissioner**

I defer to Chair Fritz and Commissioner Douch for items in this section; it's totally out of my expertise. On page 3, Standard Conditions of Project Approval, Item #6 where it starts, "The City of Sebastopol and its agents." Do any of those agents include the Planning Commission?

**Kari Svanstrom, Planning Director**

Yes, that would include any of the Commission, Board, and Council members, consultants that are hired, all of that doing the work of the City.

**Evert Fernandez, Commissioner**

Is there any definition anywhere of what an agent is?

**Kari Svanstrom, Planning Director**

I would have to ask the City Attorney, because this language is directly from them, so I would imagine that it's a legal term of art.

**Evert Fernandez, Commissioner**

I really wasn't sure who or what you were talking about on that.

**Kari Svanstrom, Planning Director**

Zach is nodding. I think in the industry it's generally understood what that means.

**Paul Fritz, Chair**

Yes, like in all of my contracts there's an indemnification clause, and that's very standard. And probably this exact same language is in every city's standard conditions of approval. There's definitely been a cut and paste kind of thing.

**Linda Kelley, Commissioner**

On page 7 or 9 it's about existing wells, septic tanks, and underground fuel storage tanks. Is that existing language in terms of permanently being disabled or destroyed? Don't some property owner's have private wells?

**Kari Svanstrom, Planning Director**

This would happen if there was, say, someone in your sphere of influence who is on a well and annexes into the City, then they would have the existing well. There are about a dozen properties or so in the City that are on septic, because they're downhill a certain distance from the sewer mains, so that's outlined in our code. Then, obviously, underground fuel storage tanks are more of a gas station kind of an issue.

**Linda Kelley, Commissioner**

If the property is in our sphere of influence, has an existing well, and they want to do some improvements that would be standard and discretionary by the Building Department, will they be required to destroy their wells and hook up to City?

**Kari Svanstrom, Planning Director**

That is a good question. John, did you discuss this with Tony as to why this is here?

**John Jay, Associate Planner**

I did not. I would assume if they were going to connect to City sewer and water that the use for that well or septic tank would no longer be needed.

**Zachary Douch, Commissioner**

Can I jump in? This is pretty typical language for any building type permit, and what it's saying is if you have an existing tank, or existing well, or other facility that is not part of the improvement plans and does not exist in a way that is up to par, it needs to be destroyed. For instance, if you are developing a site and bring in a new septic system and there's an old septic system, you have to destroy the old one, and that's what this condition is about. It's saying any obsolete or unused infrastructure of that kind that's not part of the permit would be taken out. You wouldn't need to take out a perfectly good well if you were going to continue to use it for irrigation or something.

**Paul Fritz, Chair**

I wonder if there should be some clarifying language about that, because this says, "all existing wells."

**Kari Svanstrom, Planning Director**

I absolutely agree, and for those who are on septic, they're not going to have them destroy it, obviously, if they're using it in good condition and that's their access instead of sewer. Or the underground storage tank, the way it reads, you can make a gas station destroy those

even if they're in use, so thank you, Commissioner Douch. I think we can work with Tony with find some language to clarify that.

**Paul Fritz, Chair**

Or maybe it could be like, "or as waived by the City Engineer," or something like that. Say I have a well, I'm using this well, or I want to use this well for irrigation. The City Engineer could waive that requirement to abandon it or possibly destroy it.

**Linda Kelley, Commissioner**

I have a friend in Santa Rosa, right in Roseland, who happens to have a well and has updated a little bit, and I don't think she pulled any permits, but with this drought going on it was the only way she was going to keep her fruit trees alive, so I wouldn't want to stop somebody that can use it. They may not even be using it for irrigation, but may have to. I don't know, I can see both sides.

**Kari Svanstrom, Planning Director**

I was just doing a quick search of our municipal code. We have in our health and safety that we have adopted certain chapters of the county code in terms of wells, so I suspect that's part of what's going on here, but we can definitely clarify this language a little bit more.

**Kathy Oetinger, Vice Chair**

On 52, the third line at the bottom of the page says, "A waiver for CCTV inspection may be waived." Kind of a double negative, so I thought it might just read, "The City Engineer may waive the CCTV inspection."

**Kari Svanstrom, Planning Director**

Or, "A waiver may be requested and may be approved by the City Engineer."

**Paul Fritz, Chair**

That makes sense.

**Deborah Burnes, Commissioner**

Regarding my question about the wells, it seems like there are two separate issues: the septic and the well. Why you would want to dismantle a septic makes sense, because we don't want someone putting illegal buildings on and tapping into an old septic system, but for a well I think they should be handled separately. One is septic and one is well. Especially with the drought, nobody would want to dismantle the well right now. So, could they be addressed separately?

**John Jay, Associate Planner**

I'm not completely sure, I'd have to check with the City Engineer and see if that's something that can be separated or if it has to be one of those all inclusive kind of package items.

**Kari Svanstrom, Planning Director**

And if it's about unused or disused or non-functioning, then it's probably a moot point, because that means it's not functioning anyway, and the point is to get it out of the ground so it doesn't cause any groundwater contamination, and the same goes for septic. You would normally break up the concrete septic tank and fill it in with concrete, but you either have to remove it or fill it in.

**Zachary Douch, Commissioner**

Yes, the standards for the destruction of those things are referenced. I can't remember the paragraph, but I think I saw that it referenced the PRMD standards.

**Kari Svanstrom, Planning Director**

That's correct. If we have any of those we require them to get the permit from PRMD before issuing the building permit here.

**Zachary Douch, Commissioner**

I think the language of how it's destroyed is defined by that permit process, but probably more importantly, I believe this language is standard and the City Engineer or one of our local septic consultants should be able to provide that language. I'm sure it says some specific language about unused or replaced infrastructure, and I think that's what's missing there is it shouldn't start with "all," it should start with "all unused," or whatever the right terminology is. I know this condition is a very standard piece, it's just a question of getting the correct standardized language that describes when you would need to destroy those things.

Chair Fritz asked for further Planning Commission questions.

**Zachary Douch, Commissioner**

I have a couple. Number 42, 43, and 51, these are storm water standards, and they all use the language, "if applicable," and, "if possible." I'd rather say, "if applicable under Section X," or, "if applicable under Standard X." If applicable is subjective and referencing why it would be applicable, does that make sense? If I'm reading this as a layperson, "If applicable, provide evidence of notice of intent," how would I know if it's applicable?

**Kari Svanstrom, Planning Director**

Right, how do you know? It's either a standard you can look up to see if you have a project site larger than an acre then you're subject to the ongoing storm water protection plan, so you can understand if it is applicable to you or not. I think that's a good suggestion.

**Zachary Douch, Commissioner**

In paragraph 51, which relates to storm water standards and those kinds of things, I know there is a standard trigger, so I think we should reference that trigger rather than using the words, "if applicable."

**Paul Fritz, Chair**

Page 41 doesn't say, "if applicable," but to your point I think it could, because it doesn't necessarily applies to every single project. I think there is probably some threshold or something that would kick that in, and maybe that, again, should be referenced or clarified as to what that standard is that makes that a requirement.

**Zachary Douch, Commissioner**

The language on page 46, "Grading more than 50 cubic yards shall be subject to a City Grading Permit." I'm not sure if the right terms are "grading more than," "disturbing," or, "cutting more than." I'm thinking of the county standard here. It's a little more complex than just grading 50 cubic yards, because it's not quite specific enough. Then it should be, "shall require a City Grading Permit," rather than "be subject to."

**Kari Svanstrom, Planning Director**

I've seen in a lot of building, planning, and engineering departments the cut for a foundation isn't treated as creating, because it's not disturbing the ground, so it's not always included in that 50 cubic yards.

**Zachary Douch, Commissioner**

Exactly, and I think that's why this should be clarified. PRMD have essentially a grading questionnaire that has the language, what triggers a grading permit, and they have a survey that you have to fill out for all applications. I don't know if the City of Sebastopol has that, but if they don't, perhaps they should, and perhaps it should be referenced here.

**Kari Svanstrom, Planning Director**

This is PRMD's website. They actually specify it as "cut or fill exceeding 50 cubic yards," and that by nature cut and fill is what either cuts the landscape or fills the landscape, not within the building footprint.

**Zachary Douch, Commissioner**

Agreed, but also we've got greater than three feet in depth, and cuts creating slopes greater than five feet, and it seems to me you would want to mimic this standard.

**Kari Svanstrom, Planning Director**

John, I'm going to send you this link and we can discuss this with Tony.

**Zachary Douch, Commissioner**

There's also a grading permit questionnaire that would help an applicant; I don't know whether this is something you could have as part of the permit process. It's a very simple document to fill out. This is a really important area, because this comes up, and I can think of a number of sites in Sebastopol that are ripe for development where this discussion would come up, and I think having these clear standards is important.

**Kari Svanstrom, Planning Director**

That's an excellent point, and I have no problem asking my colleagues if I can steal their forms. We do it all the time, and I'm sure they steal ours too.

**Evert Fernandez, Commissioner**

Is this like a hard copy version, electronic version, or both? If this was the electronic version and something references, say, in accordance with the most current requirements, does this have a link to those requirements? I know this would be what somebody would see as a hard copy. Is this also what someone would see as an electronic version? Is there an electronic version that also has links to some of the areas that they reference to?

**Kari Svanstrom, Planning Director**

We don't have a link version, so it would just be this as a PDF. The way the Commission would see this going forward is that you still have your Exhibit A, which are the findings for approval. You would have an Exhibit B that is specific conditions of approval, so that might be like specific operating hours, or good neighbor policies, or something specific to that particular project or site; like for Lon Chapman's project, the condition about the acoustic insulation buffer between the music room and the ADU is a specific condition. This would then be in Exhibit C, which are the standard conditions. We don't have them with hyperlinks, but most people in the construction industry, the contractors and architects, will understand what standards apply, and we have links to those things on the City's website.

**Evert Fernandez, Commissioner**

As you're making corrections or changes is it that it tends to add a link and then just improve it as you go along, or is it better just to leave it all the same?

**Zachary Douch, Commissioner**

From my perspective, a document like this should not have links, just because the standards change, they get moved, the links break. It should simply reference whatever the code or standard section is so that the applicant is responsible for looking up and understanding the current version. Part of the way these standards are written is the onus is on the applicant to find the right information. There's a section in here that talks about an applicant who is building adjacent to a lagoon, for example, and ascertaining what permits they would need from Fish and Wildlife, etc., so that if the City then finds itself in a position of saying did you get this permit, the applicant doesn't get to come back and say I didn't know that that was a thing. That's the diligence of the applicant.

**Paul Fritz, Chair**

Page 4 of the staff report has to do with the construction management plan. In the middle of the page it talks about a 24x36 inch sign of the approved CMP being posted at the site. One of my concerns is that one of the things the CMP would require is a construction schedule, and those can change a lot. If the construction schedule changes you can update your CMP with the Planning Department, but basically every time it rains you add days to your construction schedule, so do they have to come out here and replace that sign every single time? It seems onerous and tedious. I was thinking the sign has Items A-F that are listed there, but for the CMP maybe just a reference to say, "A construction management plan is on file with the City Planning Department. Contact this number if you'd like to see a copy of the construction management plan," or something like that, just so it doesn't have to be such a regularly updated thing. Do you have any thoughts about that, Zach? Is that onerous or is it not onerous to keep that sign updated?

**Zachary Douch, Commissioner**

It's what you might call a soft condition. This is one of those conditions that's there in theory and that few people follow to the letter of the law; they simply post an approximation of what their construction management plan might be. The items listed under that section where it says the 24x36, I think this information is appropriate, but I agree with you, having the full CMP laminated is probably not reasonable. The way I would improve upon this is to have the requirement be a laminated plan with Items A-F, and the other CMP is available onsite, or something like that. I think it's a good idea that there be an email and phone number for the contractor and who is responsible for managing the project, that kind of thing. We certainly would do that on our sites as a matter of course to the responsible neighbor type of standard. I don't know whether I saw it in here, but does the standard under construction management plan reference the City's noise ordinance?

**Kari Svanstrom, Planning Director**

It does insomuch that it has the hours of construction, which construction is exempt from the noise ordinance during those hours.

**Paul Fritz, Chair**

Item 15, at the very end, change "building application" to "building permit application." The issue with Item 16, and Item 17 is similar, is the original condition said you have to hire a surveyor to make sure your building is the right height, and if it's close, it's reasonable, but if the height allowance is 35 feet and you're building is only 20 feet tall, we don't need to require a surveyor to tell you that. If the proposed building height is within two feet of the allowable building height, that's a good standard. There should be something for the



setback as well. You could have a big property where you're nowhere near the property line, and it makes no sense to require a survey to tell you that. I don't know if it's like within 10% or 5 feet of a property line, or 5 feet from a setback line, I don't know exactly what the metrics should be, but we need some metric rather than requiring a surveyor for every project that we already know is not going to be an issue.

**John Jay, Associate Planner**

That's why I left this one unchanged, to get more input on what that rough number should be. You could dice it a dozen ways, but I agree with you that if it's obviously outside of what the building setback would be, it doesn't make sense to have a surveyor come out and tell you that you're 35 feet away from the property line when it's obvious you're not even close to it.

**Zachary Douch, Commissioner**

I think the first question here would be do we have a requirement? It says that the property line shall be physically identified. How do you identify a property line? You can look at the fence and say that's the property line, but that may or may not be correct. It's good to have site staking done, and on anything other than a very minor project it would be the standard step. I generally like the idea of it needing to be done properly, because so often in these sites it's unclear where the property line is. The point here would be maybe the language should be, "For any project that includes new foundations or retaining walls within ten feet of the required setback, a survey shall be required," something like that.

**Paul Fritz, Chair**

I met with clients today who want to do an addition, but the property line is at an angle to the house and it's questionable whether they can do the addition where they want or if it has to be set in, so I told them they need to get a survey, because I don't know exactly where the property line is. But there are also situations, like with larger properties where there is an acre or half acre, and they are doing a ten-foot addition on the back of the house that is still 30 feet from the rear setback line; we don't need to require a survey in that situation, because it's obvious it's nowhere near the setback line. I don't know if the standards you have are within ten feet of a setback line, or if that's a good number.

**Zachary Douch, Commissioner**

I take your point, but I also have seen situations where someone builds something that they believe to be miles out of the way of their property line, only to find that they've built in a PG&E or septic easement, so it's not just property lines. From the City's perspective, requiring some sort of surveying makes very good sense, because they're going to do a quick records search and see if there are any easements or other things to know about when establishing lines. I don't think it's onerous to have a surveyor find the monuments; that's all they have to do.

**Paul Fritz, Chair**

The site I was at today, I was looking for monuments and couldn't find any, so they're going to have a surveyor come out. It could be easy or it could be difficult. I'm concerned for someone that just wants to do a simple addition, and they're spending \$5,000 to \$7,500 to get a survey done when they were only hoping to add a bedroom for \$30,000 or something. Now they've just added a lot of cost, and in some cases you need to do it. I don't want to discourage people or put an onerous requirement. Maybe we just leave it in there and if people want to complain about it, maybe we give them exception.

**Kari Svanstrom, Planning Director**

Part of this condition is because we don't have a condition requiring a survey. Having someone find a monument or the property pin, some homeowners are able to do that if it's a newer subdivision, but Paul is right, if it's an older subdivision it can be more difficult. I've seen someone who assumed the fence was a property line. They did an addition for just a small water heater bump-out. It turned out it was on their neighbor's property and it ended up being a really big deal. They thought it was like more than five feet away, because they were going on that fence. While people sign indemnification, it does create a big mess for City staff if we were to allow something like that. I know of one instance where someone was permitted to build a deck and it ended up being over our water main. Well, the City ends up having to pay for that. If we permit something over our water main, it's a very difficult situation to fix.

**John Jay, Associate Planner**

Before I was with the City of Sebastopol I worked with the City of Santa Rosa during the fire rebuild projects, and we had a project that went off of what they assumed to be their pins. They started construction and got all the way to framing. The neighbor next door got a survey done and the neighbor that was framing ended up using the next-door neighbor's pins instead and 40 feet of their home was within the side yard setback and had to be demolished and rebuilt. I always let people know that if you're that close to the property line it's always recommended to get something like that, and I typically don't recommend people build that close to your minimum setback line anyway. Like you said, the \$5,000-\$7,500 is a steep price, but if you have a house that's at framing and you've got 40 feet of wall that you need to redesign and redo, \$5,000 is pennies.

**Kari Svanstrom, Planning Director**

A couple of ways we might be able to handle this one is: 1) there's ten feet from a setback line, that's probably the easiest and clearest, or 2) something like the waiver from the City Engineer that if you're more than five or seven feet, or the ten feet, from a setback—and I would want it to be from the setback, not from the property line—that you can apply for a waiver from the Planning Department and we can handle it from there. Part of it is how much scrutiny a project is under, but to have some standard. This is not a new struggle. I've been dealing with this kind of thing for ten years. You want to make projects doable for the public. It's their property and they have the right to develop it, but at the same time we are the regulatory body and we need to make sure we're holding everyone to the same standards.

**Zachary Douch, Commissioner**

So your proposition would be to leave the standard essentially as written, but basically say if you're building more than ten feet away from any property setback line you could apply for a waiver from the City Engineer?

**Kari Svanstrom, Planning Director**

Correct.

**Zachary Douch, Commissioner**

I like that idea. I think that's actually quite a safe way of making sure it's addressed.

**Paul Fritz, Chair**

Yes, I think that makes sense. To my earlier example, if someone is just doing a bedroom addition or whatever, that's not a discretionary permit, so these wouldn't necessarily apply. We can still recommend people do a survey if it's a situation that's important, but not every situation does warrant a survey.

**Kari Svanstrom, Planning Director**

You're correct, Paul. Even though I'm on a pretty large property I got a (inaudible) record and a surveyor to verify when I did my ADU, because it was two or three feet away from an easement line, even though there's a huge heritage tree in between the actual roadway easement and where I was building. I think it was \$750 or \$1,000 to get that done, and that's where having the surveyor verify it will save money to the applicants over the full survey and setting property pins. You've got property pins, which for those of you who aren't land use folks, are literally a rod set into the ground with the surveyor's identification pinned on top of it, and you can find those with a metal detector or by just scraping on the ground. Then if you have two of those you can literally put a string up between them, that's a physical manifestation, and then you can measure off of that to where the building foundation is. But outside of requiring a survey for every project this is the next step down for the application cost while still ensuring that the project is done according to the zoning ordinance.

**Deborah Burnes, Commissioner**

Sebastopol's property lines make no sense. I had a friend went to build and they thought they were ten feet in, but it turned out that they really weren't, so it is important to have some of that language in there, because nothing is clear here with the property line. And we did look for those stakes, but we could not find them. It's like a needle in a haystack, so we tried the string and the stake and that didn't work.

**Paul Fritz, Chair**

They often don't exist, especially in older neighborhoods; the pins aren't there and you have to have someone survey.

**Kari Svanstrom, Planning Director**

I've seen a subdivision where they put a pin—and this is the early eighties—in a tree.

**Deborah Burnes, Commissioner**

We knew there were supposed to be pins, but it was finding them that was the trick, so it turned out that it legitimately looked like she built in on her land.

**Paul Fritz, Chair**

Item 26 refers to DPW, which I think we call our Public Works Department.

**Kari Svanstrom, Planning Director**

It is the Department of Public Works, but I think we call it the Public Works Department.

**Paul Fritz, Chair**

Then this goes back to the categories. Under Roadway Improvements, Items 28-37, some of those aren't really roadway improvements. Number 32 talks about public utility easements, #33 talks about sidewalks, and #36 talks about retaining walls. I'm thinking those should be moved to a different section, not under Roadway Improvements. Then #54, I think the first three lines can be taken out; it's basically repeating itself.

**Kari Svanstrom, Planning Director**

What we're trying to do there is we do require certain clearances for the Fire Department vehicles, sight lines, those types of things, and the eight feet over sidewalks that pedestrians would have to walk through, or if you have a visual impairment that they're not going to walk into branches, and 12 feet over street for trees is a standard thing, but we do want to make sure that it's trimmed in accordance with our tree trimming standards, or

arborist standards, but you're right, Chair Fritz, there is some duplicative language in there we can clean up.

Chair Fritz opened public comment.

Seeing no speakers, Chair Fritz closed public comment.

**Paul Fritz, Chair**

Do you need a motion to move this to the City Council or Design Review? Where does it go from here?

**John Jay, Associate Planner**

It will go to the Design Review Board next, and then City Council after that. Kari and I spoke about potentially adopting these standards and implement them as of now, or with the changes that need to be made—that way we can start using it—or wait until we get a full approval from City Council to move forward with these as a full document.

**Kari Svanstrom, Planning Director**

Again, if you approve this for the Planning Commission projects, we'll simply just start using these as conditions for projects as we're making some of the corrections and amendments suggested here tonight, and that would be good from the perspective of any projects. Again, it will be simpler for your review, because we've already gone through those and you won't have to go through them each time, and it also provided some consistency for staff review. So, Chair Fritz, that would be a motion to recommend to City Council and also to authorize staff to use these as standard conditions for Planning Commission projects.

Chair Fritz asked for a motion.

Commissioner Douch made a motion to recommend to City Council approval of the standard conditions of approval as amended, and authorization for the Planning Department to use them as standard conditions for Planning Commission projects going forward.

Vice Chair Oetinger seconded the motion.

**Paul Fritz, Chair**

Is this something that needs to go to the Council or can we just say start doing this?

**Kari Svanstrom, Planning Director**

I think we can just starting using them. We could technically put these on as regular conditions and have you approve them every time; the Planning Commission is authorized to do that. I believe this is going to City Council for a couple of reasons. One is the Design Guideline Subcommittee said yes, they should see these and know about these as well. I think whatever the recommendations DRB and Planning Commission have, I suspect they'll be more than happy to accept. And then there are certain projects that do go to the City Council, like the Huntley Square or other subdivision type things, so they'll then have this and be familiar with it as well and understand what this exhibit is when they see it in the future.

Chair Fritz called the question.

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

NOES: None

ABSTAIN: None  
ABSENT: None

**B. PLANNING COMMISSION TRAINING** – First in a series of Planning Commission training videos.

Director Svanstrom presented the staff report and a Planning Commissioner training video.

Chair Fritz asked for Planning Commission questions and comments.

**Kari Svanstrom, Planning Director**

I can comment on a couple of things that are specific to our city. The Planning Commission is in essence a Board of Zoning Appeals, because you are quasi-judicial when you're acting on a use permit, a variance, those types of actions, and while some communities have that separated out, others don't. I've also seen where there is no Design Review Board, instead it's the Planning Commission, so there are a lot of different structures, but that was one difference. I will send out the Planning Commission resolution for you all, and I know you've probably looked at the ordinance. Those are the two documents that govern the Planning Commission actions here. The Planning Commission Ordinance we've been looking at this last year, but we haven't reviewed the resolution, and so I will make sure I send that out, so if there are any questions about that at the next meeting we can review that as well.

**Paul Fritz, Chair**

I know we have to do the ethics training periodically. Is there like a summary sheet or something, or like the Brown Act requirements? Do you have anything like that handy? It might be useful for us to refresh ourselves as well.

**Kari Svanstrom, Planning Director**

I do have a couple presentations. I can see if the City Clerk or City Manager has like a quick guide. There are quick guides for running a Roberts Rules of Order meeting, but it's the basics. I'll see if there's something like that for the Brown Act. I do have Brown Act in the Age of Social Media, which is actually pretty helpful with electronic communication. The next session I think is ethics, so the next time we talk will be a good time to talk about communications. If you do ever have a Brown Act question or potential conflict question, especially if you're in the development industry, those are things you can email to John or me. If you don't feel comfortable talking to us directly in the Planning Department, you can always email Larry McLaughlin, the City Manager; he's also the City Attorney, and I go to him when I have those types of questions. Between us we can usually give an answer.

**Paul Fritz, Chair**

It's important, especially when there are more contentious issues that come before us, to remember what our role is and what it is we're here to do. We're here to enforce the Zoning Code and the General Plan, and there are always the meetings that become more intense and you can get swept up in a lot of that. We have a specific role to play and sometimes it's hard to keep focus on that, but it's important to keep emphasizing that. Often our mandate is actually relatively narrow for what we can and can't do on a specific project.

**Zachary Douch, Commissioner**

I would echo some of that. The concept it's sometimes hard to bring is that of having an open mind when you go into a meeting. We all know we have opinions about various things, and we have things that are near and dear to us, and we may in reading the packet have those triggered, but it's really important to recognize we have this opinion but that's separate from what we're reading and considering. We're not robots, those things are going

to affect us of course, but for me very often it's the process of the meeting, the process of staying open. I almost think of it like peeling the layers off an onion as we're hearing the discussion, and you very often end up knowing and understanding better what the right decision is, and sometimes it's not the decision you would have made without going through the process and learning more about it. That's the hardest part of being on any board and when you talk about contentious issues; we unfortunately have to remember that half of the room is going to think we're idiots and the other half are going to think we geniuses, and that's why we have to find what we believe to be the right decision, because it's all we get to fall back on with a contentious issue. There are hard parts, but I think the training as a whole really helps us start to understand that, so I commend Chair Fritz and Kari for finding the material and I strongly support these kinds of trainings.

**Paul Fritz, Chair**

I also want to point out that sometimes it's not two halves of a room, sometimes only one group is in the room and you've made them all mad with your decision. It's easy when it's a split room, but sometimes the room is not split and you have to go against the majority of the room; that's the most uncomfortable.

**Kari Svanstrom, Planning Director**

With the Zoom meetings it's actually been more balanced, and that's because we've had that higher rate of participation when we have larger projects and more contentious issues. In my experience we've gotten much better participation online than in person, and more balanced on both side.

**Paul Fritz, Chair**

I agree with that and I hope if and when we go back to in-person meetings there is some way to maintain some level of interaction where people can do it from their home, because that does get community participation when we don't have to physically go to another place for a meeting.

**Kari Svanstrom, Planning Director**

The City Clerk is working on that, and most cities are struggling with how do we do a hybrid meeting where people can participate? The COVID event has certainly changed that perspective of work and how we do business, but that is something that I think we'll carry forward as a city, because the Council also recognizes that, and it makes it easier for those who have children, are elderly, or disabled to attend meetings.

**Zachary Douch, Commissioner**

The combination of the application standards and the staff report are two things that warrant very careful reading, because especially with contentious issues people will tend to read the staff report and believe staff has made up its mind already, but staff's job is to give a recommendation not based on their opinion, but based on the planning law, the standards, and their understanding of the General Plan. It's not a subjective opinion; it's an objective opinion that requires very careful reading and very careful question asking. In understanding why a certain staff recommendation exists, it usually rests in the application of standards. With a complicated issue it can be difficult when, for example, a staff recommendation maybe is not what we would recommend, so we keep an open mind, but sometimes it will be almost counter to our instinct.

**Evert Fernandez, Commissioner**

My issue has always been how it's presented to the public. When a staff report says we recommend approval, they mean based on the zoning, their review of it, but the general public doesn't know that and it's like how can you recommend for approval if you haven't

even had public comment or discussion? I thought that should be worded differently to say based on our review of the plan it meets all standards or zoning. They're not saying that they recommend approval of the project, because that's how it comes across. It was clearly stated in the training that you should not use any information gained outside of the meeting to make your decision, but then they said you should go to site visits to get more perspective. Isn't that gaining outside information? Or doing research to try to understand terminology or what other communities do? That was conflicting to me and didn't make sense.

**Paul Fritz, Chair**

I think it was maybe more that in terms of feedback or input from outside the meeting. There's a separation there, and that's what they mean. I think it's advisable to go to sites and do that kind of outside reconnaissance.

**Evert Fernandez, Commissioner**

I know that over a time period, depending on when a new commissioner comes in, there may or may not be a standard as to what they get, what training is recommended or required, and that might be something good to add to our procedures; and also for existing commissioners on an annual basis as a refresher, to be discussed as a group. The City puts out public notices for a development stating how many yards away, construction timeframe, etc., but every time the public says they didn't hear about it. Is noticing getting out to the general public in the way we think it is, or are there other avenues? A lot of it is people don't pay attention until something that they're interested in, or against, comes up, and at that point they're like, "I didn't know about this," when it had been going on for six months. It's always important to get as much of the word out as possible and in different ways.

**Kari Svanstrom, Planning Director**

Our noticing requirement for the City is to post a sign at the property and in two other public locations; usually we use the library and City Hall. We have all our agendas posted at City Hall. For a project we mail out notices to 600 feet from any border of the property, so that's usually a couple of blocks, and then we post in the Sonoma West Times, which is available on their website and also in their print edition that they do once a week. I think the state only requires 500 feet; we do 600 feet. Usually if Planning staff knows of people who are interested in a certain type of project, we notify them, and that's above and beyond what is required, but it's trying to make sure people who are interested know what's happening.

**Paul Fritz, Chair**

Do we have any kind of social media posting that happens on any stuff?

**Kari Svanstrom, Planning Director**

We do have some items that are of broader interest, like the gas station ban and the Calder Creek naturalization, and we have that in the City newsletter, when the various meetings were going to be, so we have that as a tool. Our PR person has a City of Sebastopol Facebook page, so she can post our meetings. There are certain costs for some of those, like the Housing Fair, but we certainly got the word out. If it's a larger policy issue, like a Zoning Ordinance memo, like the gas station ban, again, that's noticed in the newspaper and beyond, and we mail out to the existing gas station owners so they all know about it. I also contacted the Press Democrat about the gas station ban and the climate action framework. For those items that clearly have a broader appeal to folks, we're trying to do broader outreach as we can on those. Social media is a little bit tricky in some regard, because there is public record retention of comments and things like that that a city

government has to do, and so in social media it gets a little difficult, so we have one person for the City who is doing that. I think the Police Department has a Facebook page.

## **7. SUBCOMMITTEE UPDATES** None.

### **Ives Park Subcommittee, Commissioner Fernandez**

It might make sense to include a member of the Little League organization to the Ives Park Subcommittee, because their area takes up so much of the park and it might be good to get their input and support, and to have better communication.

### **Kathy Oetinger, Vice Chair**

I was talking with someone today who thought they might be interested in being involved on the Ives Park Subcommittee, but until we reach the point where we have an action to work on, then we could announce public participation.

### **Kari Svanstrom, Planning Director**

That is something the City allows and encourages. It's your subcommittee, and city councils actually encourage that for other boards like the Public Art Committee. The Climate Action Committee already has members of the public.

### **Paul Fritz, Chair**

I think that's a good idea.

### **Climate Action Committee, Vice Chair Oetinger**

I'll add that the Climate Action Committee had a public forum online last Wednesday. My only takeaway was that we're such a small town and we're talking about doing all these little things, and I suppose if everybody else did all those little things it would add up to something, but I feel like there's got to be a big stroke of a pen that's going to make a lot more difference, and maybe we could spend our time figuring out what stroke that is to implement statewide, nationally, or worldwide that could make a bigger difference than the little tiny tweaky things that we're doing.

## **8. PLANNING DIRECTOR'S REPORT**

Director Svanstrom provided updates.

The Commission asked questions of Director Svanstrom.

**9. ADJOURNMENT:** Chair Fritz adjourned the meeting at 8:42 p.m. The next regularly scheduled Planning Commission meeting will take place on Wednesday, February 22, 2022 at 6:00 p.m.