



## City of Sebastopol Planning Commission Staff Report

Meeting Date: September 13, 2022  
Agenda Item: 6A  
To: Planning Commission  
From: John Jay, Associate Planner  
Kari Svanstrom, Planning Director  
Subject: Conditional Use Permit  
Recommendation: Denial

Applicant/Owner: Shawn Moaveni  
File Number: 2022-053  
Address: 736 South Main Street  
CEQA Status: Exempt  
General Plan: Commercial Office (CO)  
Zoning: General Commercial (CG)

### **Introduction:**

This is a request to amend the use permit that was granted in 2020 which allowed for 1172 square feet of personal storage and 2100 square feet of exercise facilities. The request is to remove the 2100 square feet originally permitted for exercise facilities from the use permit and allow the full 3000 square feet of space for personal storage.

### **Project Description:**

In 2020 this project was first reviewed by staff and submitted to the Planning Commission. At that meeting the Planning Commission granted the property a mixed use of storage and exercise facilities. Sue's Circuit, which was across the street from the subject property at the time, was the intended use for the 2100 square feet of exercise space. However, with COVID restrictions in place during that time Sue's Circuit didn't pursue the lease, and that space has been empty since. The Commission at that time was generally okay with adding in a potential outside gym company but was not willing to permit the entire facility as a self-storage.

### **Project Location and Surrounding Land Uses:**

The project is located within the Highway 116 corridor on the southern end of the city of Sebastopol and is in a General Commercial district. Behind the subject property is a residential neighborhood and as mentioned in the previous Planning Commission meeting, the Commission felt both uses would not have a negative impact on those neighbors as there is a tall concrete retaining wall in between both uses.

### **General Plan Consistency:**

The General Plan Land Use Designation for this site is CO: Commercial/Office. The General Plan describes the CO districts as follows:

*“This designation provides areas for commercial and office uses with off-street parking and/or clusters of street-front stores. This designation allows primarily local-serving retail establishments, specialty shops, banks, professional offices, motels, professional, administrative, medical, dental, and business offices, bed and breakfast users, and business and personal services, along with ancillary commercial and service uses. This designation is typically assigned to parcels, located on a major arterial street, that can provide sufficient land for commercial establishments that do not benefit from high-volume pedestrian concentrations found Downtown. The following types of retail uses are discouraged in this land use designation: factory outlets; large regional-serving shopping centers; and other similar retail uses generating high traffic volumes”.*

The proposed use is consistent with this designation in that the personal storage will primarily serve the local community and storage is an allowed use within this district with a conditional use permit.

**Zoning Ordinance Consistency:**

The site is in the CG: General Commercial Zoning District this zoning district allows for local serving businesses along major thoroughfares. The use would be that of a small business owner and not a formula business, staff feels that this project does meet the intent of the CG zoning district requirements.

When the project was first reviewed staff looked at the parking requirements and determined that the project would meet the needed spaces required by section 17.110.030 of the Sebastopol Municipal Code. That recommendation holds true for the revision of this project. For context the parcel was originally constructed with 34 parking spaces, six of those were dedicated to the repair bays by Big-O tires. With the combined use of the tire repair shop and the storage facility it would equate to 29 total parking spaces, five more parking spaces than required for the two uses.

**Required Findings:**

As outlined in section 17.415.030 the required findings for all Conditional Use Permits are as follows.

- A. The proposed use is consistent with the General Plan and all applicable provisions of this title.
- B. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**Analysis:**

The project as proposed would be to request an amendment to the previously approved use permit 2020-053 which was approved by the Planning Commission for the use of 2,100 square feet of exercise facilities space and 1,172 space of personal storage on site. Staff reviewed the previously approved project in relation to the amendment request and noted during the public hearing that the Planning Commission had concerns about approving a full personal storage facility at this site. While the use is allowed in this zoning district and is consistent with the findings that are required to be made for a use permit. Staff feels that the specific use is not

consistent with the surrounding area as the direct land use to the west is residential "the Planning Commission did not want the entire facility to be self-storage, which was requested at the time by the applicant as a fall-back in case the exercise facility did not move in, as the Commission felt at the time that the space should continue to contain some form of retail." With that retail space, as conditioned, the operating hours of the self-storage are from 8am to 6pm so that no late night or early morning loading would be allowed. Staff is also concerned with the potential of over concentration of storage facilities in the area as there is a larger permitted storage facility, Southpoint Self Storage, just to the east of this project on Highway 116.

**Environmental Review:**

The proposed use is categorically exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed project will operate within the existing building with no increase to the size of the structure.

**City Departmental Comments:**

The Planning Department previously circulated the application to the following City departments for review: Building and Safety, Engineering, Fire, City Manager and Assistant City Manager, and Public Works, no comments or additional conditions were received.

**Public Comment:**

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat; and (3) posted three written notices publicly on and within vicinity of the subject property.

No public comments have been received as of the writing of this staff report.

**Recommendation:**

Staff believes the proposed use is not compatible with the site, and recommends denial, given the prior Planning Commission's specific concern regarding the overconcentration of self-storage and the amount of self-storage at the site, as well as the Condition of Approval which limits the square footage of on self-storage in the Conditions of Approval on record (2020-030). If the Commission concurs, it should direct staff to return with Findings for Denial, based on the staff report, public hearing, and Commission's deliberations.

However, if it is the consensus of the Planning Commission that the proposed use is compatible with the site and surrounding uses, staff recommends that the Commission provide staff with direction on crafting the appropriate conditions of approval and revisit the project at its next scheduled meeting.

**Attachments:**

Application materials  
Minutes from June 9, 2020 Planning Commission hearing on original CUP  
Approval letter from 2020-030



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167

MASTER PLANNING APPLICATION FORM

APPLICATION TYPE

- Administrative Permit Review
Alcohol Use Permit/ABC Transfer
Conditional Use Permit
Design Review
Lot Line Adjustment/Merger
Preapplication Conference
Preliminary Review
Sign Permit
Temporary Use Permit
Tree Removal Permit
Variance
Other

This application includes the checklist(s) or supplement form(s) for the type of permit requested: Yes No

REVIEW/HEARING BODIES

- Staff/Admin
Design Review/Tree Board
Planning Commission
City Council
Other

APPLICATION FOR

Street Address: 736 S. main st. Sebastopol Assessor's Parcel No(s):

Present Use of Property: mini storage (partial) Zoning/General Plan Designation:

APPLICANT INFORMATION

Property Owner Name: Sebastopol self storage.

Mailing Address: 736 S. main st. Phone:

City/State/ZIP: Sebastopol, CA 95472 Email: smoraveni@sonic.net

Signature: [Signature] Date: 5-14-2022

Authorized Agent/Applicant Name: Same as above

Mailing Address: Phone:

City/State/ZIP: Email:

Signature: Date:

Contact Name (if different from above): Phone/Email: 707-318-0437

PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

To use the balance of unused floor space for storage facilities. I was told a new use permit is required.

CITY USE ONLY

Table with 3 columns: Action, Action Date. Rows include Application Date, Planning File #, Received By, Fee(s), Completeness Date, Staff/Admin, Planning Director, Design Review/Tree Board, Planning Commission, City Council.

## SITE DATA TABLE

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A		
Use	N/A		
Lot Size			
Square Feet of Building/Structures <i>(if multiple structures include all separately)</i>			
Floor Area Ratio (F.A.R)	_____ FAR	_____ FAR	_____ FAR
Lot Coverage	_____ % of lot	_____ % of lot	_____ % of lot
	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Parking			
Building Height			
Number of Stories			
<b>Building Setbacks – Primary</b>			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
<b>Building Setbacks – Accessory</b>			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
<b>Special Setbacks (if applicable)</b>			
Other (_____)			
Number of Residential Units	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)
Residential Density	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.
Useable Open Space	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: _____ cu. yds. Cut: _____ cu. yds. Fill: _____ cu. yds. Off-Haul: _____ cu. yds
Impervious Surface Area	N/A	_____ % of lot _____ sq. ft.	_____ % of lot _____ sq. ft.
Pervious Surface Area	N/A	_____ % of lot _____ sq. ft.	_____ % of lot _____ sq. ft.

## CONDITIONS OF APPLICATION

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

**NOTE:** The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

A general plan

A specific plan

An ordinance affecting building permits or grading permits

A zoning ordinance

### Certification

*I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.*

**Property Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.*

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**NOTE:** It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

## Neighbor Notification

---

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project:     Yes                       No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

*y will inform my neighbors.*

## Website Required for Major Projects

---

Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots**), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

## REQUEST FOR USE PERMIT

This request for a further use permit is being submitted for an additional portion of the building on 736/742 S. main street, generally referred to as "BIG-O-TREE."

A portion of the building, approximately 3200 SF, was originally occupied by SLEEP CITY MATTRESS STORE. The business of the locally owned store was deteriorating rapidly and several years ago and they vacated the building in June 2018.

It stayed vacant for two years and J (the owner) decided to turn the place into a self storage.

At the same time, SUE'S CIRCUIT, a senior fitness center across the street, showed interest to rent half of the place. J therefore submitted an application for conditional use permit for the 3200 SF for either fitness place or storage place or both.

This request was eventually approved with some of each business. But unfortunately the COVID hit in WINTER of 2020/2019 and the owner of fitness center decided to sell her equipment and close the business.

The self storage portion was established and after getting approval from the Building department, a business license was issued on Jan. 6, 2021. The self storage business has been running for 17 months successfully.

The space allocated for fitness center has been vacant all this time in addition to the 2 1/2 years prior to this time.

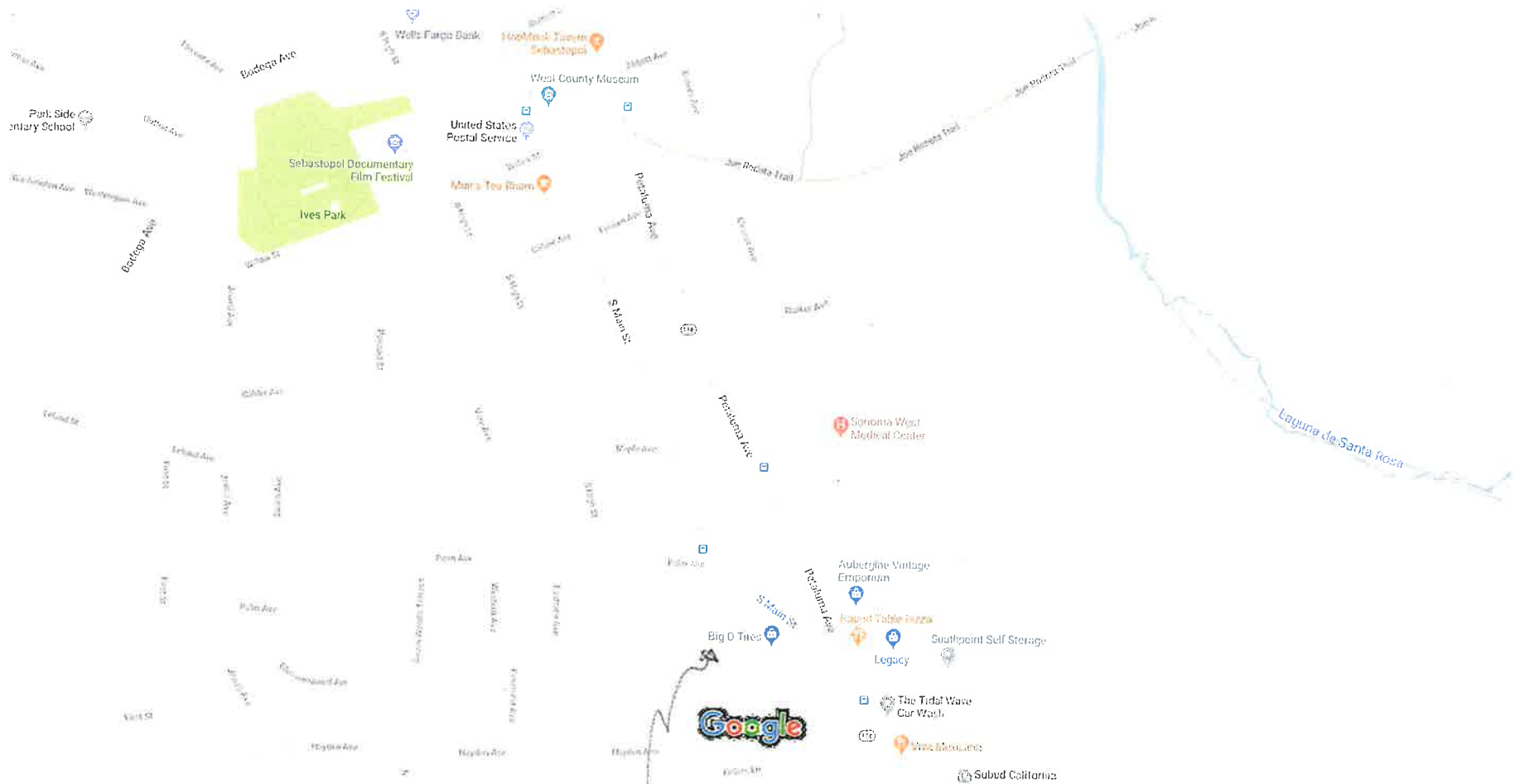
This application is requesting permission to use the additional



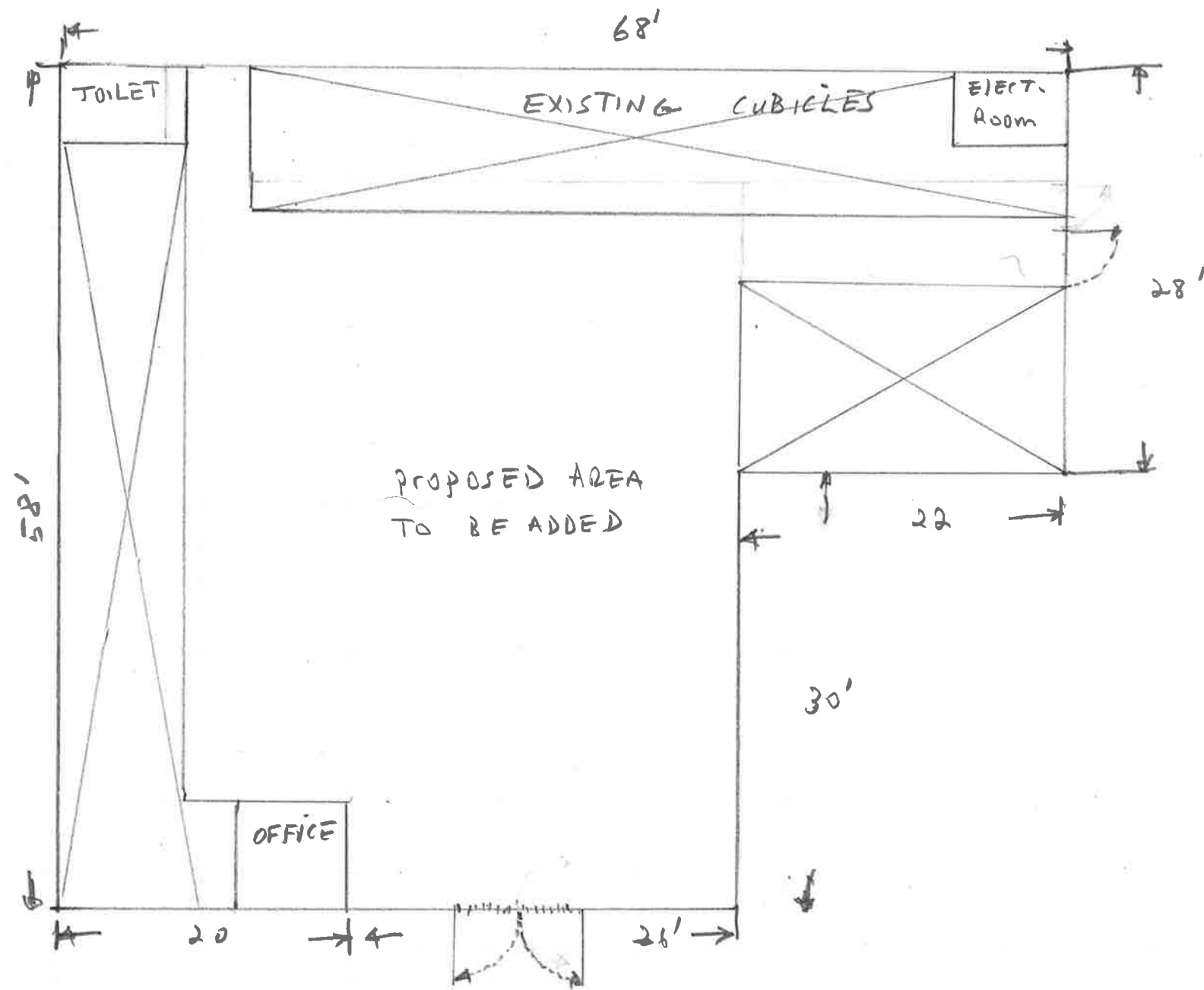
2000 sq ft of vacant space. to erect the small cubicles and add them to the existing self storage business.

A copy of the Business license certificate for 2021 and 2022 is attached.

The location plan and site plan are exactly the same as submitted before and no changes to the outside of the building are required.



PROPERTY LOCATION  
736 / 742 S. MAIN ST



SITE PLAN OF THE AREA TO BE PARTITIONED FOR additional self storage facility.



**City of Sebastopol**  
*Incorporated 1902*  
Planning Department  
7120 Bodega Avenue  
Sebastopol, CA 95472  
707-823-6167  
707-823-1135 (Fax)

[www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

Email: [kvanstrom@cityofsebastopol.org](mailto:kvanstrom@cityofsebastopol.org)

PLANNING COMMISSION  
MEETING OF: June 09, 2020

## APPROVED MINUTES

PLANNING COMMISSION  
CITY OF SEBASTOPOL  
MINUTES OF June 09, 2020

### **PLANNING COMMISSION:**

The notice of the meeting was posted on June 04, 2020.

**1. CALL TO ORDER:** Chair Fernandez called the meeting to order at 7:00 p.m. and read an opening statement.

### **2. ROLL CALL:**

**Present:** Chair Fernandez, Vice Chair Fritz, and Commissioners Kelley, Oetinger, Douch, Lindenbusch and Haug  
**Absent:** Commissioner Wilson (excused)  
**Staff:** Kari Svanstrom, Planning Director  
Alan Montes, Associate Planner

Chair Fernandez commented that items 7A and 8A on the agenda will be switched.

### **3. APPROVAL OF MINUTES:** May 26, 2020

Commissioner Lindenbusch amended the minutes.

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

Commissioner Douch seconded the motion.

The Commission voted on the motion as follows:

**AYES:** Chair Fernandez, Vice Chair Fritz, and Commissioners Oetinger, Douch, Kelley, Lindenbusch, and Haug

NOES: None  
ABSTAIN: None  
ABSENT: Commissioner Wilson

**4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA:** There were no members of the public in attendance who wished to speak. In addition, Associate Planner Montes and Director Svanstrom responded that no written comment had been received.

**5. STATEMENTS OF CONFLICTS OF INTEREST:**

Chair Fernandez will recuse himself from Item 7A due to a proximity conflict.

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

Director Svanstrom updated the Commission on the following:

- Provided updates related to COVID-19.
- Recent and upcoming Council actions.

Chair Fernandez asked for questions of Director Svanstrom from the Commission.

Commissioner Haug commented:

- Thanked Director Svanstrom for the report.
- After a prior Planning Commission discussion on parks, the Commission had requested a potential agenda item to include a walking tour of Ives Park as well as a tour of the Joe Rodota Trail connectors that are in Sebastopol.
  - With restrictions related to COVID-19 being relaxed, she asked if it would be possible to schedule these items for a future Commission agenda.
- Parks are essential in providing people with much needed outdoor space, as is being highlighted by the pandemic, and it would be good to work towards improving the outdoor spaces we have.

Director Svanstrom commented:

- Those are flagged internally as items that need to be placed on an upcoming Planning Commission agenda.
- In addition, the consultant that is working on the pathway redesign for Ives Park will be bringing the schematic design to the Commission for their review before proceeding with construction drawings or redesign.
- The health order does not yet allow for group gatherings.
- Those items will be scheduled when the health order allows it and when the logistics of doing so can be worked out.
- Anticipates that the next couple of Planning Commission meetings to be virtual.
- The current health order limits group gatherings to no more than 10 people.

Commissioner Lindenbusch commented:

- Asked a clarifying question about the proposed gas station at Hwy 12 and Llano Road.
- This is the first Planning Commission meeting since the Governor's eviction moratorium which expired on May 31, 2020 as well as being formally in a recession.
- Asked if staff or the City Council have addressed the wellbeing of our community at risk of eviction or foreclosure.

Director Svanstrom responded:

- The City has not addressed that directly.
- The County Board of Supervisors also has a moratorium on evictions which covers the whole county.
- Believes the County's eviction moratorium expiration date goes beyond what the Governor's was.

Commissioner Lindenbusch commented:

- The expiration dates may have been extended and reiterated his interest in knowing what the City may be doing about that.
- Referred to the June 2, 2020 Weed Abatement Ordinance and asked if there were broad plans to provide information to the community about it.

Director Svanstrom commented:

- The City sends out two different types of newsletters.
- Additional information on fire season preparedness is included.
- The City's Fire Chief has been doing site visits and working with property owners on getting in compliance with the Weed Abatement Ordinance.
- A lot of the owners of the properties on the list of needing weed abatement are not local.

Commissioner Lindenbusch commented:

- At the last meeting, Commission Haug asked if the Commission was going to meet with the City's new Economic Vitality consultant.
  - Echoed support for agendizing a meeting between the Commission and CoMission.
  - Will be looking at CoMission's presentation to the City Council next Tuesday as well.
- Interested in hearing what is on the horizon for the Commission for the next couple months.

Director Svanstrom responded:

- Future forecasts are usually shared with the Chair of the Commission so agenda management can be coordinated.
- Forecasts can change, particularly with applications, which is why staff does not share specifics until legal notices have gone out and agendas are set.
  - Doing so in advance of that could cause confusion.
  - For items such as presentations, advance notice is usually provided.

Commissioner Lindenbusch commented:

- Understands, especially in terms of permit timelines which can be subject to a variety of factors.
- On other items, he requested that the Commission and staff work as collaboratively as possible to figure out what is on the horizon, especially with the pandemic and recession, it is important for everyone to be on the same page.

Director Svanstrom responded in the affirmative and commented:

- The Commission will be having a study session on development impact fees.
- The City has a consultant working on the required updates for that.
- This will be a bigger, comprehensive discussion as the update is not limited to one type of fee.
- This study session is anticipated to occur at one of the two Commission meetings in July.

Chair Fernandez confirmed that Commissioner Lindenbusch would be attending the next Council meeting as he is listed as the Commission's liaison and commented that Commissioner Lindenbusch could provide an update to the Commission at their next meeting.

Commissioner Lindenbusch responded in the affirmative.

Chair Fernandez commented that Commissioner Lindenbusch could email any topics he would like to be agendaized to him so they could be considered for a future agenda.

There were no further questions of Director Svanstrom.

## **8. REGULAR AGENDA:**

### **A. RECEIPT OF ANNUAL LEVEL OF SERVICE REPORT**

Director Svanstrom provided an overview of the Annual Level of Service Report.

Vice Chair Fritz asked if staff had any updates on the proposed project by City Ventures at the north end of town.

Director Svanstrom responded that she has had conversations with them and that they are doing their due diligence (soils report, etc.) right now and believes they are planning on moving forward with the project.

Vice Chair Fritz asked how ADUs are counted towards the RHNA (Regional Housing Needs Allocation).

Director Svanstrom responded:

- ADUs are counted and, for income level, are categorized based on rent surveys that have occurred in surrounding areas.
- While Sebastopol has not yet conducted a rent survey, she would like to.

Commissioner Haug referred to a prior agenda item which involved a request for a whole house to be used as a vacation rental and asked if the City's moratorium is still in effect.

Director Svanstrom responded:

- COVID-19 has brought a lot of restrictions to vacation rentals.
  - As of now, short-term rentals cannot be rented for tourism.
  - They can only be rented for people who are trying to quarantine from the rest of their family and cannot do it otherwise, for health care workers, or for homeless people who need to quarantine.
- The City's moratorium is still in place.
- The consultant that the City was hoping to work with on this has not been available to meet and work with the Commission.
- The moratorium may need to be extended until that work can occur.
- A Use Permit, reviewed and approved by the Planning Commission, is required for short-term rental of an ADU.
- Both the Use Permit and moratorium apply to ADUs currently.
- A property owner can live in an ADU and rent out their main home as that would be considered a hosted rental which is not restricted.

- The City has seen a lot more applications for vacation rentals since beginning its work with Host Compliance, which is a monitoring service, although the pandemic has changed that.

Commissioner Haug commented:

- With the housing shortage, it seems odd to offer up vacation rentals which do not do anything to address our goals of providing more long-term housing.
- Suggesting incentivizing a developer to build a multi-unit property by allowing them to use it for vacation rentals for a period before converting it to long-term housing.
- Tourist dollars do not equate to a community benefit when it comes to our housing stock.

Director Svanstrom commented:

- Appreciates the sentiment.
- Knows of others that feel that way.
- Those comments are best saved for discussions specific to that matter.

Commissioner Douch expressed having no comments or questions.

Commissioner Kelley asked about our sewer and water capacity in terms of future development.

Director Svanstrom responded:

- Spoke on limitations while noting that the city does have sewer and water capacity to accommodate future development.

Commissioner Lindenbusch asked if staff had a sense of the numbers in terms of ADUs and how many were attached versus detached.

Associate Planner Montes stated that that information is being tracked but was not readily available and offered to send it out to Commissioner Lindenbusch and any others who may be interested at a later date.

Commissioner Haug referred to the fire department's concern about recruiting volunteers and asked if outreach has been done to young people who might not be able to find jobs now that we're entering into a recession and could use the experience for community and resume building that could lead towards a career down the road.

Director Svanstrom responded:

- The hiring age has been reduced from 21 to 18.
- Volunteer fire fighters are paid a stipend.
- Volunteer fire fighters would need to live within a certain radius to ensure a timely response.
- The City is in the process of hiring its first paid fire fighter, other than the Fire Chief.
- Not sure what the Fire Chief does in terms of recruitment.
- The fact that Sebastopol still has an all-volunteer fire force is pretty amazing.
- Our fire fighters have good equipment and training available to them.
- Community outreach is also a part of it.

Commissioner Douch commented:

- Knows it is a regional problem, more than a personnel problem having recently attended SRJC's EMT Program.



- There is great outreach to get placement in volunteer fire departments, et cetera.
- It is more about the number of interested and qualified people in the vicinity of the fire department that is doing the recruitment.

Commissioner Oetinger expressed appreciation for receiving the Level of Service report every year as she finds the snapshot it provides to be very helpful.

Commissioner Douch commented in past years we have had a pretty good spreadsheet that shows information on level of service with respect to traffic in the downtown which he did not see this time.

Director Svanstrom responded that that was not included but could be requested next time.

Associate Planner Montes concurred and commented that that information was not received this year.

Commissioner Douch commented:

- It is an interesting piece of information because we hear a lot of concern around traffic and it is often very unscientific.
- It is interesting to see the trends and how slowly the trends have changed.
- Generally speaking, there has been a decrease in level of service over the last number of years and it hasn't been as dramatic as you might expect on the one hand.
- On the other hand, it is at least quantified and gives a good snapshot which is helpful when looking at applications when they come through and on how traffic may or may not be impacted.

Director Svanstrom responded:

- Regionally the SCTA (Sonoma County Transportation Authority) has commissioned a county-wide traffic modeling.
- The City asked for information on how many passthrough trips we have as a gateway to the coast for many in the area.
- That data showed a significant number of passthrough trips.
- Looking at ways to divert traffic away from the heart of our community for passthrough trips.
- Can check on the status of that and send a link out once it has been finalized.

Commissioner Douch responded that that sounds excellent.

Chair Fernandez asked if the Railroad Forest project is the type of project that would be listed in the Level of Service report.

Director Svanstrom responded:

- Normally a project like that would be included in our Capital Improvement Program document.
- The City does not currently have a long-range parks and recreation master plan.
- Railroad Forest is a pretty new open space acquisition for the City, and it needs a lot of work in terms of vegetation management and removal of invasive species.
- That work would generally be identified in a longer-range master plan.
- Does not believe the City has ever had a parks and recreation master plan other than something site specific.
- The Railroad Forest is mentioned in the Laguna Master Plan, but that was prepared before the City acquired it.

- We will have to see where things are with the City budget over the next couple years due to COVID-19.
- The General Plan had identified a Parks and Recreation Master Plan as something we should be doing.

Chair Fernandez commented:

- Railroad Forest could also fall under the title of environmental issues which is why he asked if inclusion of it would be appropriate.

Commissioner Lindenbusch asked if WSCUHSD (West Sonoma County Union High School District) has communicated their intent for the Laguna High School property if they are to close the school.

Director Svanstrom responded that WSCUHSD has not been in communication with the City on that.

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

Suzanne Houston, a resident of Sebastopol, commented:

- Thanked the Commission for the opportunity to speak.
- Comments are not specifically on this agenda item.
- Unsure if this is the appropriate forum for her remarks.
- Works at O'Reilly Media.
- Approached Barney Aldridge of The Barlow about the possibility of working with the City on indefinitely closing McKinley Street (through The Barlow channel) to avail that space to restaurants, tasting rooms, and breweries that are there to create a pedestrian byway.
- Does not see the need for car traffic along that thoroughfare at all given the parking that surrounds the area.
- Closing McKinley Street would provide for more social distancing and opportunities for those businesses to expand their seating capacity.
- Thanked the Commission for their time.

Chair Fernandez suggested that Ms. Houston attend the next City Council meeting as they will be receiving a report on community vitality and her suggestion would seem to fit in with that.

Director Svanstrom commented:

- Provide an update on recent Council action to allow businesses to use parking spaces and sidewalks, with an expedited review process, to be able to create parklets.
- An article on this action was in today's Sonoma West.
- Most of McKinley Street (from Taylor Lane down to Morris Street) is owned by The Barlow.
- On a temporary basis, closing that section of McKinley Street for the reason described, is something that the City would be willing to look at.
- Some businesses at The Barlow have already contacted the City about expanding their outdoor seating areas.

Ms. Houston responded:

- The Barlow has done a beautiful job.
- The number of parking spaces on McKinley Street is 29 by her count and it seems like the offset of removing them would be worth considering.

- Did not realize that that section of McKinley Street was owned by The Barlow.
- Thanked staff for the information.

Hearing nothing further, Chair Fernandez closed public comment.

Hearing no further questions or comments, Chair Fernandez closed this item and departed the meeting.

## **7. PUBLIC HEARING:**

### **A. USE PERMIT: Shahrokh Moaveni (742 South Main Street) – Project #2020-030**

This is an application, submitted by Shahrokh Moaveni, requesting approval to allow a fitness facility and personal storage use to co-locate and occupy the northmost suite in an existing building at 742 South Main Street (formerly occupied by a mattress store). The fitness center is proposed to be open 24/7 and will occupy 2,052 sq. ft. within the existing building. In addition, 1,172 sq. ft. will be for a personal storage use within the existing building. This property is in the General Commercial Zoning District.

Vice Chair Fritz introduced this item and asked to hear from Associate Planner Montes.

Associate Planner Montes presented the staff report.

Commissioner Douch asked for the current situation with the potential tenant (Sues Circuit) and asked if the use type would be identical to a fitness facility like Coaches Corner.

Associate Planner Montes concurred on the use type being the same and commented:

- Condition of Approval #4 in the staff report reads that the personal storage use shall not exceed approximately 3,200 sq. ft. however, it was supposed to read 1,172 sq. ft. unless the Commission found the increase appropriate.

Commissioner Douch reiterated his question about the status of the potential tenant and commented that he could hold his question until the Commission has an opportunity to ask questions of the applicant. He further asked, if approval of this as a gym use would stand for future gyms which could include formula businesses such as 24 Hour Fitness.

Associate Planner Montes concurred in that is how the conditions are written and noted the opportunity for additional conditions that could be more specific in terms the type of use if that is the desire of the Commission.

Commissioner Douch commented:

- Sues Circuit is a very specific kind of use that may be more compatible as a 24-hour business than a 24 Hour Fitness type of facility.

Commissioner Haug asked if the applicant is someone who has a master lease on the space and is trying to sublease the space, or if they own the property and are trying to obtain people to lease the space.

Associate Planner Montes responded that the applicant is the property owner and noted that they have been in preliminary discussions with Sues Circuit and that the personal storage portion was being added to accommodate that use.

Commissioner Haug asked if the applicant would be operating the personal self storage facility themselves.

Associate Planner Montes responded in the affirmative as that was his understanding from the applicant.

Commissioner Haug asked what hours of operation Sues Circuit has in their current location.

Associate Planner Montes responded that he understood that their clients have 24-hour access to their facility as has been approved. He noted that he did not believe that they have specific classes scheduled at this time.

Commissioner Kelley asked for the boundary of the Downtown Core for purposes of the Formula Business Ordinance.

Associate Planner Montes commented that this property is outside of the boundary for the Downtown Core.

Vice Chair Fritz commented that the Downtown Core goes to Willow Street (near the Post Office).

Director Svanstrom commented:

- This site is outside the Downtown Core.
- As Commissioner Douch commented, while Sues Circuit may be a potential tenant, any Use Permit approved, unless specifically conditioned otherwise would allow for any type or brand of fitness center.

Commissioner Kelley recalled that Sues Circuit was at one time a franchise business.

Commissioner Oetinger recalled that Sues Circuit was once a Curves for Women which is a national brand until Sue broke off from that organization.

Commissioner Kelley commented:

- Uncomfortable reviewing and deciding on this application without knowing who the tenant will be.
- A lot of the proposed improvements have not been presented to the Commission, probably because this is preliminary.
- This is an unusual type of application for the Commission to review.

Commissioner Lindenbusch asked staff how the parking surplus, if this were to become a 100% storage facility, would match up with the broader goals of the southern gateway district in the General Plan.

Associate Planner Montes responded that he did not have specific thoughts on that.

Commissioner Oetinger referred to a comment letter that was sent to staff from a woman named Lynda Kanzler who resides in Sebastopol and asked if staff knew where she lives.

Associate Planner Montes responded that Ms. Kanzler did not provide her address.

Commissioner Oetinger confirmed that Ms. Kanzler's main concern was with the fitness use being 24-hours.

Associate Planner Montes responded in the affirmative.

Commissioner Oetinger asked if staff had any updates on the storage facility that was proposed at the south end of town near Sequoia Burger.

Director Svanstrom responded:

- The Council submitted a letter of concern for a preliminary design review application for that use.
- Believes the applicant is planning on moving forward with the application in some form although she was not sure of the current status of it.

Commissioner Oetinger commented that that would put three storage unit facilities at the south end of town, especially if the whole building (for this application) were to become a storage facility which could be a concern.

Director Svanstrom commented:

- The City revised its Formula Business Ordinance to now require a Conditional Use Permit for a formula business anywhere in town, not just in our Downtown Core.
- A specific condition can be added to this approval to indicate that this is not to allow a formula business.
- Suggested that a specific condition be added to clarify that point for the applicant and any future business.

Associate Planner Montes referred to Condition of Approval #9 which states that a Conditional Use Permit shall be required for any formula business, not otherwise prohibited, unless in conformance with the Formula Business section.

Director Svanstrom thanked Associate Planner for including that in the Conditions of Approval for this application.

Vice Chair Fritz commented:

- Found it a little unusual that an exercise facility would need a Use Permit in a General Commercial district.
- Realizes that that is not something that should be discussed during their review of this application.
- Expressed confusion over the various definitions of storage which he would like to see clarified in the future.

Director Svanstrom responded:

- Has worked for other communities that require a Use Permit for this type of use.
- There are a few issues that can and do come up with fitness facilities.
- One has to do with class scheduling and possible overlapping which can lead to issues around parking.
- Completed a Planning Director level review of a yoga studio and one of the concerns was ensuring appropriate conditions for impacts to neighboring uses if it was to be bikram (hot) yoga.
- There could be similar issues with loud noise including music.
- The requirement for a Use Permit is more about making sure that the specific operating conditions are appropriate to the location.
- The conversation around different types of storage uses and their definitions was confusing and should be clarified in the future.
  - He noted that there were conflicting uses under the same definition.

Director Svanstrom concurred with Vice Chair Fritz on the need for clarification.

Associate Planner Montes commented:

- Exercise facilities are listed in three different places in our Zoning Ordinance.
  - This can be confusion as well, and for that reason it has also been added as a future ZO cleanup item.

Vice Chair Fritz commented that there is a reference to complying with the City of Larkspur's Municipal Code on page 4 from the Building Department.

Associate Planner Montes thanked Vice Chair Fritz for pointing that out.

Vice Chair Fritz referred to Findings of Approval #3 and commented that it refers to an office use which is not mentioned anywhere else in the staff report.

Associate Planner Montes thanked Vice Chair Fritz for catching that as well and commented:

- That reference was a leftover from when he first drafted the Findings of Approval as the initial intent was for the applicant to be looking for an office or retail use while potentially doing the gym and/or personal storage facility.
- Office uses are allowed in the district without the need for a Use Permit.
- That reference should be stricken if the Commission decides to act on this.

Commissioner Kelley commented:

- The Commission had not talked about the compatibility of this use with the neighborhood (residential, automotive repair, tire shop, et cetera).
- The automotive repair and tire shop that are next door have a higher risk of toxic chemicals being released
- Suggested that some kind of mitigation be included to ensure that air doesn't get drawn into the ventilation system or if in fact, increased filtration is necessary.

Director Svanstrom responded that the applicant may be able to address those concerns.

Hearing nothing further, Vice Chair Fritz asked if the applicant wished to make a presentation.

The applicant, Mr. Moaveni, gave a brief presentation and was available for questions.

The Commission asked questions of Mr. Moaveni.

Vice Chair Fritz opened the public hearing.

Robert Jacob commented that he was present to observe the process and had no comment on this item.

A woman named Anita commented that she was present to observe the process and had no comment on this item.

Hearing nothing further, Vice Chair Fritz closed public comment and asked for Commission deliberation.

Commissioner Douch commented:

- Considering the application generally, based on what he has heard, the storage use, whether occupying part of all the facility, sounds like an appropriate use which he did not have any concerns over.
- Sues Circuit itself sounds like an okay use.
- Expressed being supportive of allowing Sues Circuit to operate either 24-hours or extended hours so they can serve their clientele.
- Expressed having a slight issue with granting a Use Permit for a 24-hour gym in this location from a cart blanch point of view.
- While Sues Circuit may be an appropriate use for the neighborhood, a 24 Hour Fitness or gym like it may generate more noise and more traffic and would be less easy to regulate.
- While he understands that a Conditional Use Permit would be needed for a formula business, he expressed being reluctant to approve a fitness facility here that can be open for 24-hours per day.
- Could be comfortable with granting approval if they could condition the use to Sues Circuit as the specific tenant, if possible.
- Otherwise he would be willing to grant specific hours of operation to accommodate Sues Circuit clientele.
- Generally, in favor of both uses.
- 24-hours per day hours of operation for a more conventional gym is a concern to him.

Commissioner Haug commented:

- Both uses sound like they fit the zoning.
- Interested in limiting the hours while still providing some flexibility given the demographic of their clientele.
- Echoed Commission Douch's comments on not wanting to grant a Use Permit for a 24-hour gym cart blanch which could allow another type of gym facility that may overwhelm the space.

Commissioner Kelley commented:

- Agreed with fellow Commissioners.
- Her preference would be to see retail int his location.
- The fact that it is located next to an automotive repair facility makes it less appealing for retail.
- In terms of hours, likes requiring some sort of break rather than allowing it to be open 24-hours.
- In general, agrees with limiting the hours of operation for the fitness use.
- Expressed concerns about opening up the fitness use to a larger formula business like 24 Hour Fitness.

Commissioner Lindenbusch commented:

- Agreed with the concern about having a 100% storage facility resulting in a bit of a dead space on the corridor of the southern gateway that has been identified in the General Plan as an area of economic vitality.
- Inclined to support approval of the long-term storage facility that sticks with the original allocation of 1,172 sq. ft.
- Primary concern with the recommended conditions of approval is Condition of Approval #3 as 6 a.m. to 10 p.m. seems a little bit like arbitrary numbers given the noise limits that are stipulated.
- It would make sense to limit this use to daytime hours.
- Supports the addition of a 24-hour gym in Sebastopol.

- The current location of Sues Circuit is directly across the street from where the applicant is asking for it to be moved.
- A gym facility with longer hours would be appropriate, provided that security would be sufficient for the space.
- Cannot necessarily assume that this application will indefinitely be for Sues Circuit as the applicant noted, or even that it will be for a primarily senior clientele moving forward.
- This town has a fair share of super commuters, people who commute very far distances, and people who work out before 6 a.m. and after 10 p.m.
- A 24-hour business model might be able to allow for greater competition in terms of finding a tenant for the space thus allowing lower membership rates just because the business model would allow for that which is an important consideration.
- As it stands, most of the fitness facilities in Sebastopol to date are geared to a more senior clientele.
- Even if we are not going to go for 24-hours, extending a little beyond 6 a.m. to 10 p.m. would be appropriate especially in that it would be able to compete a bit more with some of the 24-hour facilities we see in Santa Rosa and Rohnert Park because that is where a lot of our population is going to work out at this point.
- Would support extending morning operating hours to as early as 4 a.m. for counter commuters, if the Commission is not in support of a 24-hour model.

Commissioner Oetinger commented:

- It is difficult to evaluate this application based on a lack of information in terms of what type of storage facility or gym is planned.
- It would be a shame for the whole facility to be turned into storage because doing so would mean that we would lose that retail potential with the big storefront windows.
- Perhaps another smaller use, other than a gym, could fit in there to offer some opportunity for retail.
- If the application is for all storage, she could probably live with it since it's specialized air-conditioned storage.
- Regarding the fitness use and the residences behind, there is only one building that is very close to where the gym is.
- As it was pointed out, the building is concrete block and there are no windows on the back or so, except for one door to the storage unit on the side.
- Doubts that any noise from this use would be louder than the noise that comes from being near the highway.
- Open to changing the hours of operation.
- Without knowing who the fitness tenant will be, it seems appropriate to limit the opening hours to 5:00 or 6:00 a.m. and leaving the closing hour at 10:00 p.m.
- If Sues Circuit is the tenant and they decided that they would like their opening hours to begin at 4:00 a.m. to accommodate their clientele that can be looked at.

Vice Chair Fritz commented:

- Does not support this being a 100% storage facility as it would be dead space as pointed out in the staff report.
- Would like to see a more active use in the facility.
- Does not support the possible future conversion to 100% storage.
- Does not have a concern about 24-hour operating hours for the fitness use.
- A 24-hour fitness facility is something that is lacking in town.



- The Commission reviewed a proposal for an Anytime Fitness and during that time he had a lot of people come up to him and tell him that they were looking forward to having a 24-hour gym in town.
- People are going to Santa Rosa and Rohnert Park for 24-hour gyms.
- In addition to commuters, there are people that work different shifts that may get off work at 11 p.m. or midnight and want to go work out before returning home but they can't do that here.
- There is a need for a 24-hour fitness facility in town.
- Is not opposed to this being a 24-hour facility.
- Cannot imagine a large number of people working out here at late night or early morning hours.
- Does not see this use as something that would generate any more noise than what can be heard off the highway nearby during late night or early morning hours.
- If not a gym, there should be some other use rather than this becoming a 100% storage facility.

Commissioner Douch commented:

- It is great to hear everybody's thoughts.
- The utility and need for a 24-hour fitness facility does exist.
- Given that a formula business would have to come back to the Commission for a Use Permit, there is an opportunity to attach particular conditions at that time to ensure it wouldn't become a nuisance.
- His concern about allowing this fitness facility to operate 24-hours might be misjudged.
- Agrees with Vice Chair Fritz on the need to accommodate a use that would be more than just 100% storage.
- Granting a 24-hour fitness facility a Use Permit seems like an appropriate compromise.
- Almost every nearby residence is setback from this facility.
- There is a vacant property adjacent to this to the south.
- This is a commercial corridor.
- On balance, he would be inclined to approve the application as submitted for the dual use.
- Would want to reference and reinforce that Condition #9 is very important.

Associate Planner Montes commented:

- Because the Commission seems to be somewhat favorable to the 24-hour use, he suggested adding a Condition that would limit classes to daytime hours.

Vice Chair Fritz responded that he would be okay with limiting the classes to 5:00 a.m. or 6:00 a.m. to 10 p.m. or something along those lines.

Commissioner Douch commented that he would be in support of that as well.

Director Svanstrom noted the requirement for a good neighbor policy so that if there are concerns related to noise (car doors slamming, etc.) the City would be able to work with the applicant on addressing that with their customers.

Commissioner Oetinger noted the need to clarify Condition #8 if the Commission is considering extending the hours for the fitness use to 24 hours.

Vice Chair Fritz concurred.

Chair Douch made a motion to approve the application with the fitness facility and 1,172 sq. ft. storage facility as submitted with the following:

- The 24-hour gym use should limit the classes between the hours of 6:00 a.m. to 10:00 p.m.

Commissioner Oetinger seconded the motion.

Director Svanstrom asked if Commissioner Douch's motion was to include the modification about no afterhours access to the storage area being allowed to Condition #8.

Commissioner Douch responded in the affirmative and commented that the storage use would have the hours as outlined in the application of 8:00 a.m. to 6:00 p.m.

Commissioner Oetinger clarified that the correct figure would be shown for Condition #4.

Director Svanstrom responded in the affirmative and noted that the square footage would be shown as 1,172 sq. ft.

Commissioner Kelley asked about the possibility of having it turn into 100% storage.

Vice Chair Fritz commented that there is a specific Condition which states that the storage facility shall not exceed 1,172 sq. ft.

Commissioner Kelley thanked Vice Chair Fritz for that clarification.

Vice Chair Fritz referred to Conditions of Approval #17, 18 and 20 and noted redundancies between them.

Director Svanstrom responded:

- These Conditions of Approval are meant to be advisory while letting them know our regulations.
- Referred to Condition of Approval #18 and commented that a licensed architect is required because it is for a commercial building.
- Condition of Approval #20 is outlining those requirements because a lot of applicant's do not necessarily know that.

Hearing nothing further, the Commission voted on the motion as follows:

AYES: Vice Chair Fritz, and Commissioners Oetinger,  
Douch, Kelley, Lindenbusch, and Haug

NOES: None

ABSTAIN: Chair Fernandez

ABSENT: Commissioner Wilson

Director Svanstrom commented that she expected to know when the next Planning Commission meeting would be held (either June 23<sup>rd</sup> or July 14<sup>th</sup>) within the next day or two.

Commissioner Kelley asked if the virtual meeting format was expected to continue.

Director Svanstrom responded that the virtual format is expected to continue for the next few meetings, at least, due to technical issues such as separation for the Commission, staff, and members of the public.

**9. ADJOURNMENT:** Vice Chair Fritz adjourned the meeting at 8:59 p.m. The next regularly scheduled Planning Commission meeting will take place on Tuesday, June 23, 2020 at 7:00 p.m.

Respectfully Submitted By:

Kari Svanstrom  
Planning Director

City Council  
Mayor Patrick Slayter  
Vice Mayor Una Glass  
Michael Carnacchi  
Sarah Glade Gurney  
Neysa Hinton



Planning Director  
Kari Svanstrom  
Associate Planner  
Alan Montes  
Senior Administrative Assistant  
Rebecca Mansour

## City of Sebastopol Planning Department

June 10, 2020

Shahrokh Moaveni  
2613 Hastings Ct.  
Santa Rosa, CA 95405

**Re: Approval of Use Permit Application to Allow an Exercise Facility and Personal Storage Uses. 742 S. Main Street; File: 2020-030**

Dear Shahrokh Moaveni:

The Planning Commission approved your Use Permit application (2020-030) at their June 09, 2020 meeting, requesting approval for an exercise facility and personal storage use at 742 S. Main Street. This approval is in accordance with the findings and subject to the conditions contained in this letter.

This approval is not effective until the Appeal Period has officially expired. Anyone dissatisfied with the decision of the Planning Commission has the right to file an appeal to the City Council within 7 calendar days of the decision. This requires the submittal of a completed City Appeal Form, written statement, and payment of the applicable fee delivered to the Planning Department at 7120 Bodega Avenue, Sebastopol, California no later than 5:00 P.M. on Tuesday, June 16, 2020.

Please feel free to contact me if you have any questions at 707-823-6167, or via email at [amontes@cityofsebastopol.org](mailto:amontes@cityofsebastopol.org).

Sincerely,

Alan Montes  
Associate Planner

cc:  
City Manager's Office  
Planning Department  
Fire Department  
Building Department  
Public Works

**CONDITIONAL USE PERMIT: 2020-030**  
**FITNESS FACILITY USE AND PERSONAL STORAGE USE**  
**742 SOUTH MAIN STREET**

**Final Findings of Approval:**

1. That the proposed use is categorically exempt from the requirements of CEQA, pursuant to Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving no expansion of use beyond, in that there is no expansion of the structure or use.
2. That the proposed uses are consistent with the General Plan in that the project is located in the Commercial Office land use designation, which encourages commercial, office, and personal service uses that serve the local community, the proposed uses are consistent with this designation in that the fitness facility and a personal long term storage use are local serving commercial uses.
3. That the project also complies with the Zoning Ordinance in that; 1) the exercise facility and personal storage uses are permissible subject to a Use Permit; 2) the site has adequate parking to accommodate the proposed uses; and 3) the proposed uses, as conditioned, will comply with the noise ordinance.
4. That the establishment, maintenance or operation of the proposed use, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City, in that the proposed use has been adequately reviewed and conditioned to ensure its safe operation.

**CONDITIONAL USE PERMIT: 2020-030  
FITNESS FACILITY USE AND PERSONAL STORAGE USE  
742 SOUTH MAIN STREET**

**Final Conditions of Approval:**

**Ongoing Conditions of Approval:**

1. Approval is granted for the Conditional Use Permits described in the application and project plans dated March 11, 2020, except as modified by these conditions of approval.
2. The exercise facility use shall not exceed 2,100 sq. ft.
3. The hours of operation for the fitness facility shall be up to 24 hours a day, 7 days a week. Classes shall be limited to 6:00am to 10:00pm.
4. The personal storage use shall not exceed ~~3,224~~ 1,172 sq. ft.
5. The hours of operation for the personal storage use shall be limited to 8:00am to 6:00pm.
6. The personal storage use shall be for long term storage of personal items.
7. The personal storage use is not approved for regular daily pick-up and drop-off of items.
8. No afterhours access to ~~either~~ the personal storage use shall be allowed.
9. A conditional use permit shall be required for any formula business not otherwise prohibited, unless in conformance with Sebastopol Municipal Code Section 17.340.030(I).
10. All uses shall comply with the City's Noise Ordinance.
11. The operator shall maintain a Good Neighbor Policy and train all employees periodically on these policies. The Good Neighbor Policy shall be posted at the site in a location visible by employees. If nuisances arise, the operator shall work with the Planning Department to update the Good Neighbor Policies as needed to resolve any issues. An operator liaison to the community shall also be established as part of the Good Neighbor Policy. The Good Neighbor Policy shall be completed and submitted to the Planning Department for review prior to the issuance of the Certificate of Occupancy.
12. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
13. A copy of the approved use permit shall always be kept on the project site.
14. This approval is valid for a period of three (3) years during which time the rights granted must be exercised for each use independently. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
15. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its

agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.

16. The Use Permits shall be in effect unless the uses are abandoned or closed for 12 months or longer. This shall apply to each use independently.

### **Prior to Building Permit Issuance**

17. Building and Fire Permits with inspections are required.
18. A complete set of construction documents are to be prepared by a licensed architect.
19. The Planning Conditions of Approval shall be printed on plan sheets in the plan set.
20. The project will require accessibility upgrades where serving the area of remodel or alteration per CBC §11B-202.4. When the actual construction cost is less than or equal to \$170,466 (2020), the cost of access compliance improvements shall not be required to exceed 20% of the cost of the overall improvements. Priority is to be given to those elements that will provide the greatest access in the following order:
  - a. An accessible entrance;
  - b. An accessible route to the altered areas;
  - c. At least one accessible restroom.
  - d. Accessible parking and path of travel to the entrance.Full compliance is required when the construction cost exceeds the valuation threshold.
21. Gym / fitness facilities require County Health Department approval.
22. An encroachment permit shall be required for any work within the public right of way.
23. Current backflow device inspection reports are required for fire, domestic and irrigation.