



City of Sebastopol Planning Commission Staff Report

Meeting Date: July 11th 2023
Agenda Item: 6A
To: Planning Commission
From: John Jay, Associate Planner
Subject: Downtown Noise Permit
Recommendation: Approval with conditions

Applicant/Owner: Bill DeCarli/Martin Sanchez LLC
File Number: 2023-043
Address: 230 Petaluma Ave
CEQA Status: Exempt
General Plan: Central Core (CC)
Zoning: Downtown Core (CD)

Introduction:

The applicant is requesting approval for a Downtown Noise permit for the Hopmonk Restaurant located at 230 Petaluma Ave in Sebastopol. Currently, the location is approved under permit 2007-049 to allow live music but is conditioned as such; "No music may be played outside after 9:00 PM. No amplified music shall be played inside after 1:00 AM Friday and Saturday, or after 12:30 AM Sunday through Thursday." The Downtown Noise permit allows locations within the Downtown Core Zoning Districts to exceed the noise ordinance for two days per month and no more than three hours in a 24-hour period.

Project Description:

As noted above, the applicant is requesting a Downtown Noise permit to exceed the noise ordinance level two times a month. Per their application the owner would notify the Planning Department at least 30 days prior to each event which would allow the Planning Department to review the applications and provide notice to potentially affected neighbors. These events would take place on Saturdays and Sundays and a timeline of those events are as follows;

- Sound Checks: Approximately 1:00 PM (last up to an hour)
- Doors open: 3:30 PM
- Music starts: 4:30/5:00 PM
- Events end: 7:00 PM

The applicant also will provide security staff of one guard per 100 guests along with all performances being professionally sound engineered. Lastly, the applicant is also designing a sound baffling wall on the western edge of the beer garden to help attenuate sound.

Project Location and Surrounding Land Uses:

The project is located at 230 Petaluma Ave and is surrounded by other business uses within the Downtown Core. To the East is the Feedstore and Chase Bank. To the North is an office building and CVS. To the West is Funk and Flash and UPS store. To the South is Post office

Annex building and West County Museum building. The nearest residential area is on Fannen Ave/Eleanor Avenue. The City has received noise complaints regarding the Hopmonk in the past and recent past from this neighborhood (see details below).

General Plan Consistency:

The project is consistent with these General Plan policies:

- **Policy N 1-18:** *Ensure that an acceptable noise environment is maintained in residential areas and areas with sensitive uses by ensuring that uses, operations, and fixed equipment maintain compliance with City standards and by providing for the regulation of short-term increases in non transportation noise levels through the Municipal Code.*
- **Policy N 2-1:** *Through the use permit process, consider establishing a mechanism that provides flexibility for Downtown businesses to occasionally exceed the Table N-1 exterior noise standards on weekend nights (Friday and Saturday).*

Zoning Ordinance Consistency:

The City updated the Zoning Ordinance to adopt Municipal Code Section 17.330 “Outdoor Music and Noise in the Downtown” in regards to the above policies in 2018. This is the City’s first request for a Downtown Noise Permit per these provisions.

The project is located within the Downtown Core (CD) of Sebastopol where a variety of uses are allowed by permitted and use permit requirements. Per section 17.330.010 of the Sebastopol Municipal Code “A downtown noise permit shall be required for uses in the downtown that request periodic exceedances of the noise standards contained in SMC 8.25.060 and that are not subject to a temporary use permit as established by Chapter 17.430 SMC. Chapter 17.435 SMC establishes the procedure for consideration of downtown noise permits.” As the applicant is applying for a use permit for this allowance the project, if approved and met with conditions, would be compliant with this section of the Zoning Ordinance and consistent with the General Plan.

Required Findings:

Section 17.415.030 of the Sebastopol Municipal Code states the following findings must be made for all conditional use permits:

- 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:

Over the years Hopmonk has had music events on weekends within their beer garden and has mostly been in compliance with the noise ordinance. When the Planning or Police department have received complaints about the noise coming from the events the owners have been receptive of turning down the music to not disrupt their neighbors. Generally, the noise complaints come from individuals in the Fannen/Eleanor Avenues. These individuals have been reasonable in their patience as city staff has been working with the Hopmonk management and ownership to try to resolve the issue, some of which appear to come from reflective acoustics rather than unreasonable decibel levels at the site (i.e. reflective sounds and topographic

causing sound to carry more than it normally would). Along with that the owners have been receptive to working with both departments in developing noise mitigations and plans to help with the noise complaints that have been increasing over the years. The Hopmonk has engaged an acoustical engineer who has provided recommendations to reduce these acoustic issues.

With that, the Downtown Noise permit was offered as a part of that solution to allow events to occur but also allow neighbors to plan for these louder events. The Downtown Noise permit allows for private events/businesses to operate in two different ways the first being a one-time event that is no more than three days and the second is a reoccurring event that is held no more than twice per month. The applicant is requesting the second which would allow them to operate events on the weekend two times a month and would provide the Planning Department with a minimum of a 30 day notice. Within Section 17.330.030 of the SMC it offers three reasonable methods of sound attenuation, which staff is recommending as conditions of approval, and they are as follows;

- Orienting the activity or event, including speakers and other noise generating equipment, so that noise is directed away from residential areas.
- Use of noise barriers when noise will be generated outdoors or in a building that is open to the outdoors (windows, doors, etc., that are held open during the event or will be opened on a regular basis during the event) to ensure that off-site noise levels are minimized.
- Having a sound engineer on site during the event to review and adjust settings on the soundboard, amplifiers, and other noise-generating and noise-modulating equipment to ensure that the interior noise standard at affected areas is not exceeded.

Lastly, the Downtown Noise permit shall only allow for an exceedance of 10 dBA's from what is allowed by the SMC Noise Ordinance. For reference the daytime dBA's for commercial zones is 55 and nighttime is 45 with this approval it would allow for 65 dBA's during the day and 55 during the nighttime.

- "Daytime hours" means the hours between 8:00 a.m. and 10:00 p.m., Monday through Friday, the hours between 9:00 a.m. and 10:00 p.m. on Saturday and the hours between 9:00 a.m. through 7:00 p.m. on Sundays. On Sundays preceding recognized Federal, State or local holidays that fall on Mondays, the daytime hours for those Sundays shall be considered to be the hours between 9:00 a.m. and 10:00 p.m.
- "Nighttime hours" means the hours between 10:00 p.m. and 8:00 a.m., Monday evening through Friday morning, the hours between 10:00 p.m. and 9:00 a.m., Friday evening through Sunday morning and the hours between 7:00 p.m. and 8:00 a.m., Sunday evening through Monday morning. On Sundays preceding recognized Federal, State or local holidays that fall on Mondays, the nighttime hours for those Sundays shall be considered to be the hours between 10:00 p.m. Sunday evening and 8:00 a.m. Monday morning.

Environmental Review:

The project is categorically exempt from CEQA (the California Environmental Quality Act) Section 15301(a), which exemption "interior or exterior alterations involving such things as partitions, plumbing, and electrical conveyances for the acoustic improvements, and Section 15304, Class 4, in that the event will take place on a temporary basis and limited number of days/times per month.

City Departmental Comments:

The Planning Department routed this application to the various city departments and no comments or additional conditions were provided.

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.

Public comments received as of this staff report are included in the Attachments to this staff report.

Recommendation:

Staff believes the proposed use is compatible with the site, and recommends approval, subject to the following key conditions:

Noise attenuation shall be incorporated into the site plan and event in order to minimize excessive noise exposure to nearby residences. Such methods may include, but not be limited to:

- a. The event, including speakers and other noise generating equipment, shall be oriented so that noise is directed away from residential areas.
- b. Use of noise barriers, such as installation of the proposed fencing to keep sound from being directed towards the City Parking Lot (as noted by the acoustic engineer is the likely source/path of the noise issues at Fannen/Eleanor Avenue) or other locations the acoustic engineer may determine to ensure that off-site noise levels are minimized.
- c. A sound engineer shall be on site during the events to review and adjust settings on the soundboard, amplifiers, and other noise-generating and noise-modulating equipment to ensure that the interior noise standard at affected areas is not exceeded.

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 application be approved based on the facts, findings, and analysis set forth in this staff report and as found in Exhibit A - Recommended Findings of Approval, and subject to the Recommended Conditions of Approval found in Exhibit B, and any additional or modified conditions the Planning Commission determines is appropriate.

Attachments:

Application Materials
Email regarding potential acoustic baffling measures from the Hopmonk
Exhibit A – Findings of Approval
Exhibit B – Conditions of Approval
Exhibit C – Standard Conditions of Approval tenant improvements
Application materials
Public Comment

EXHIBIT A
RECOMMENDED FINDINGS OF APPROVAL

Conditional Use Permit
230 Petaluma Ave
APN 004-071-017, File 2023-043

1. That the project is categorically exempt from the requirements of CEQA under Section 15301 Class 1 (a) existing facilities “interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. In that the project is taking place in an existing building with minor modifications.
2. That the project, as conditioned, will be consistent with the provisions of the General Plan, in that the project proposes to allow noise level exceedance for two events per month and meets the following General Plan policies:
 - **Policy N 1-18:** *Ensure that an acceptable noise environment is maintained in residential areas and areas with sensitive uses by ensuring that uses, operations, and fixed equipment maintain compliance with City standards and by providing for the regulation of short-term increases in non transportation noise levels through the Municipal Code.*
 - **Policy N 2-1:** *Through the use permit process, consider establishing a mechanism that provides flexibility for Downtown businesses to occasionally exceed the Table N-1 exterior noise standards on weekend nights (Friday and Saturday).*
3. That the project is consistent with the Zoning Ordinance, in that it requires a conditional use permit for a music and noise permit within the Downtown Core district of Sebastopol.
4. 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 in that the project, as conditioned, will not be a detriment to the neighborhood, as the events will be limited to two days per month for a maximum of three hours. Additionally, the Use Permit is conditioned on acoustic engineering solutions be implemented as well.

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit
230 Petaluma Ave
APN 004-071-017, File 2023-043

1. The Use permitted by this Downtown Noise Permit shall be in substantial conformance with application documents prepared by Bill DeCarli, and stamped received on June 15, 2023, and on file at the City of Sebastopol Planning Department, except as modified herein:
2. All construction shall conform to the approved plans, unless the design is modified by the City for compliance with code requirements. The applicant shall obtain a Building Permit prior to the commencement of construction activities. Minor changes may be approved administratively by the Planning Director or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each relevant Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.
3. All other Conditions of Approval from Permit 2007-049 shall remain in effect.
4. The Downtown Noise Permit shall be limited to two events per month, for up to three hours of music, with music to go no later than 7:00 PM. Events shall be limited to be between the hours of 9:00 a.m. to 7 p.m. on a Friday and/or Saturday, and/or Sunday only. Noise levels shall not be exceeded on a Monday, Tuesday, Wednesday, or Thursday.
5. The exterior noise standards established at SMC 8.25.060 shall not be exceeded by more than 10 dBA at any time. An exceedance of more than 10 dBA is not eligible for a downtown noise permit and shall require a variance.
6. Noise attenuation shall be incorporated into the site plan and event in order to minimize excessive noise exposure to nearby residences. Such methods may include, but not be limited to:
 - a. The event, including speakers and other noise generating equipment, shall be oriented so that noise is directed away from residential areas.
 - b. Use of noise barriers, such as installation of the proposed fencing to keep sound from being directed towards the City Parking Lot (as noted by the acoustic engineer is the likely source/path of the noise issues at Fannen/Eleanor Avenue) or other locations the acoustic engineer may determine to ensure that off-site noise levels are minimized.
 - c. A sound engineer shall be on site during the events to review and adjust settings on the soundboard, amplifiers, and other noise-generating and noise-modulating equipment to ensure that the interior noise standard at affected areas is not exceeded.
7. The applicant shall continue to work with city staff and to implement sound attenuation measures to ensure that events (both those permitted through the original Use Permit and those permitted through this Downtown Noise Permit) achieve compliance with the Noise Ordinance.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Conditional Use Permit
230 Petaluma Ave
APN 004-071-017, File 2023-043

1. All plans shall include a brief description of the project on the cover sheet.
2. All submitted building permit plan check sets shall include a plan sheet incorporating these conditions of approval.
3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be in substantial conformance to those approved by the review body. If any changes are made to submitted plans which were approved by the review body the applicant shall work with the Planning Department to determine if the changes are significant enough to once again be seen by the review body, or if staff can approve the changes. Any changes that have not been approved by Planning staff are not approved. Construction or demolition work that does not conform to the Planning approval is not valid and shall be subject to stop work orders and may require removal.
4. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the field conditions or other previously unknown conditions require a modification or a departure from the accepted plans, the applicant shall provide the modifications or departure and specify the correction of mistakes errors, or omissions in compliance with the CBC and City Standards.
5. 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.
6. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
7. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
8. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

Planning Department Standard Conditions of Approval:

9. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. 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.
10. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.

Engineering and Public Works Department Standard Conditions of Approval:

11. All projects are subject to Impact Fees as adopted by the City Council, which are due at the time of issuance of the Building Permit unless otherwise stipulated by the City.
12. An Encroachment Permit is required from the Public Works Department for any and all work within the public right-of-way. If the work is within a CalTrans right-of way, an Encroachment Permit from CalTrans shall also be procured by the applicant. Encroachment Permit shall not be issued until the City Engineer approves the applicant's site improvement plans.

Fire Department. Standard Conditions of Approval:

13. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
14. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
15. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 25% to 50% - Class C minimum
 - iii. 50% or more — Non-Combustible
 - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code and approved by the Building Department.

16. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.

Building Department Standard Conditions of Approval:

17. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal. It is the responsibility of the designer(s) to ensure that all applicable Title 24 codes, as well as any applicable Sebastopol Municipal Codes are incorporated into the design.
18. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time of building permit submittal.

END OF STANDARD CONDITIONS OF APPROVAL



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 Outdoor Live Music Permit

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: 230 Petaluma Ave
Assessor's Parcel No(s):
Present Use of Property: Restaurant/ Music Venue
Zoning/General Plan Designation:

APPLICANT INFORMATION

Property Owner Name (Steve and Tammy Martin/ Steve and Lisa Sanchez) Martin-Sanchez, LLC
Mailing Address: 130 S. Main St. Phone: 707-824-9730
City/State/ZIP: Sebastopol, Ca. 95472 Email: tammy@smassociates.net
Signature: [Signature] Date: 6/14/23
Authorized Agent/Applicant Name: HopMonk Presents/ Bill DeCarli, Director of Music
Mailing Address: 230 Petaluma Ave Phone: 707-321-8046
City/State/ZIP: Sebastopol, Ca. 95472 Email: bill@hopmonk.com
Signature: [Signature] Date: 5/14/23
Contact Name (if different from above): Phone/Email:

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

See Attachment:

CITY USE ONLY

Fill out upon receipt:
Application Date: 6/15/23
Planning File #: 2023-043
Received By: [Signature]
Fee(s): \$ 3,000
Completeness Date:
Action:
Staff/Admin:
Planning Director:
Design Review/Tree Board:
Planning Commission:
City Council:
Action Date:
Date:
Date:
Date:
Date:

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	On File	N/A
Use	N/A	On File	N/A
Lot Size	N/A	N/A	N/A
Square Feet of Building/Structures <i>(if multiple structures include all separately)</i>	N/A	N/A	N/A
Floor Area Ratio (F.A.R)	N / A FAR	N / A FAR	N / A FAR
Lot Coverage	N/A % of lot	N/A % of lot	N/A % of lot
	N/A sq. ft.	N/A sq. ft.	N/A sq. ft.
Parking	N/A		
Building Height	N/A	N/A	N/A
Number of Stories	N/A	N/A	N/A
Building Setbacks – Primary			
Front	N/A	N/A	N/A
Secondary Front Yard (corner lots)	N/A	N/A	N/A
Side – Interior	N/A	N/A	N/A
Rear	N/A	N/A	N/A
Building Setbacks – Accessory			
Front	N/A	N/A	N/A
Secondary Front Yard (corner lots)	N/A	N/A	N/A
Side – Interior	N/A	N/A	N/A
Rear	N/A	N/A	N/A
Special Setbacks (if applicable)			
Other (_____)	N/A	N/A	N/A
Number of Residential Units	N/A Dwelling Unit(s)	N/A Dwelling Unit(s)	N/A Dwelling Unit(s)
Residential Density	1 unit per N/A sq. ft.	1 unit per N/A sq. ft.	1 unit per N/A sq. ft.
Useable Open Space	N/A sq. ft.	N/A sq. ft.	N/A 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: N/A cu. yds. Cut: N/A cu. yds. Fill: N/A cu. yds. Off-Haul: N/A cu. yds
Impervious Surface Area	N/A	N/A % of lot	N/A % of lot
		N/A sq. ft.	N/A sq. ft.
Pervious Surface Area	N/A	N/A % of lot	N/A % of lot
		N/A sq. ft.	N/A 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: _____

6/14/23

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: _____

5/14/23

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:

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

From: Bill DeCarli [REDACTED]
Sent: Thursday, June 15, 2023 4:43 PM
To: John Jay
Subject: Additional Use Permit Items
Attachments: [Sebastopol Beergarden Stage.heic](#); [Sebastopol Beergarden Stage.pdf](#)

Hi John,

Attached are the items you requested. Please let me know if the Google Earth shot of the stage works.

Below are the shows we have scheduled to date. The most pressing one is Wonder Bread 5 on July 2nd.

1. 7/2/23 Wonder Bread 5. Doors 4:00/ Hard stop at 7:00.
2. 7/23/23 Sol Horizon. Doors 3:00/ Hard stop at 7:00. This is a memorial for a local musician.
3. 8/6/23 Fortunate Youth. Doors 3:00/ Hard stop 7:00
4. 11/18/23 Les Claypool's/ Claypool Cellars Annual event. Doors 3:00/ Hard Stop 7:00
5. 12/3/23 Dragon Smoke. Doors 3:00/ Hard stop 7:00

If there is anything else needed, Please feel to reach out to me by email or phone

All the best,
Bill

hopmonk
PRESENTS

Bill DeCarli

[REDACTED]

[REDACTED]

[REDACTED] 6

bill@hopmonk.com

www.hopmonk.com



HopMonk Project Description and Permits Requested

HopMonk was approached to apply for, and conform to, the new City of Sebastopol Live Music and Downtown Noise Permit. We are applying for 2 outdoor shows per month permitted under Chapter 17.330.

1. Notification: We will commit to notifying the Planning Department at least 30 days prior to each event. This is to ensure that your department has ample time to review application, and to inform area residents in advance our performance dates and times.

2. Days and Times:

- Saturday or Sunday (No Fridays)
- Sound checks: Approximately 1:00 PM (lasting up to an hour)
- Doors open: 3:30 PM
- Music starts: 4:30/5:00 PM
- Event's end: 7:00 PM (hard stop)

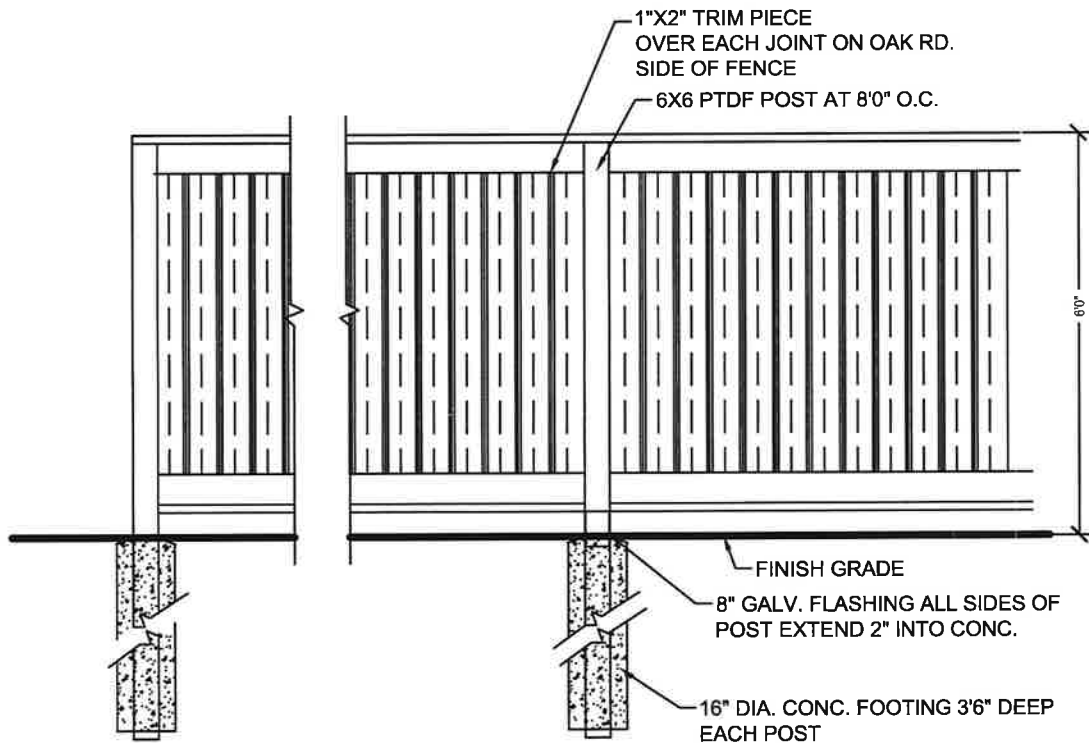
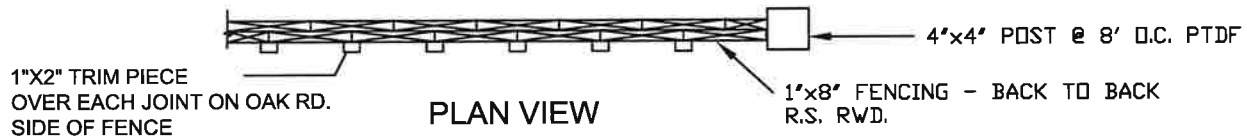
3. Sound Engineering: All performances will be professionally sound engineered.

4. Security Staff: We intend to provide a full security staff for these events, generally 1 guard per 100 guests.

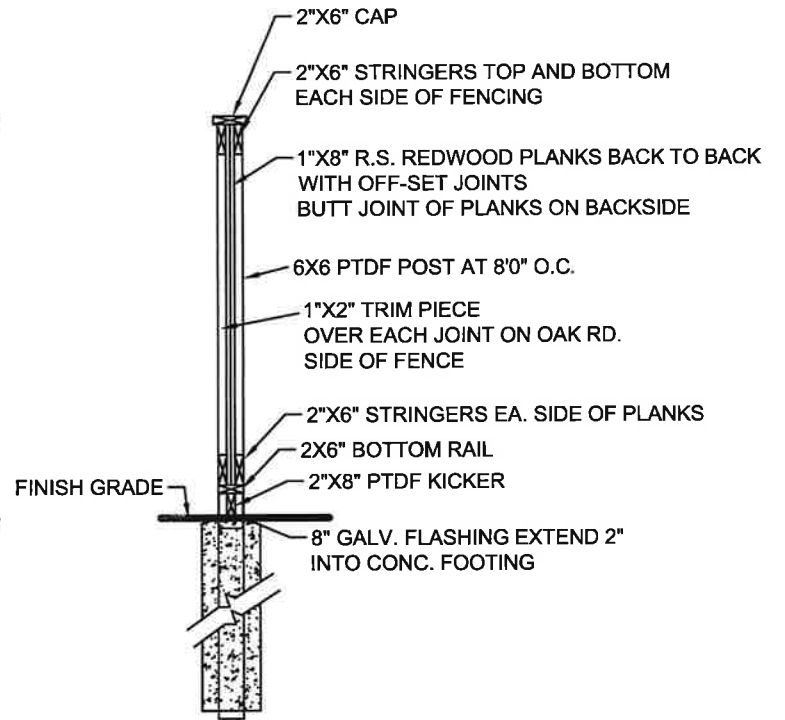
5. We are currently designing a sound baffling wall behind our stage on the western edge of the beergarden. While our completed design is expected to be taller, we've attached a drawing showing the general construction and material anticipated.



Imagery ©2023 Airbus, Map data ©2023 20 ft



ELEVATION



SECTION





From: Susan <[REDACTED]>
Sent: Wednesday, July 5, 2023 11:06 AM
To: John Jay
Subject: Pertaining to Tues. July 11, 6 PM, Project 230 HopMonk

A few things worth noting in consideration of Downtown Noise Permits

#1

An awareness that whatever is decided, this will set a precedent for the future Noise Ordinances, this may include the music venue at "The Livery", local bars, etc.

#2

The translation of noise from outdoors to indoors is something to be considered and factored in. For example:

On Saturday, July 1 at 9:45 PM the music outdoors within 3 blocks of HopMonk was loud but manageable, unfortunately inside my home it interpreted as a repetitive BASS hammering my head. Sound waves have a strange way of moving. I doubt this is blatant disregard but perhaps some education could take place?

#3. Heavy Metal, Hip-Hop and Electronic Music are not desirable for an OUTDOOR venue and noise impact on Sebastopol

02.24.23

Kari Svanstrom - City of Sebastopol - Planning
Ron Nelson - Chief of Police - Sebastopol

Dear Kari and Ron -

The following is in response to your request that HopMonk Tavern acknowledge certain complaints about our live music performances and the sound impact such performances have on the surrounding neighborhoods.

While we have always considered sound attenuation measures integral to our performance environments, employing for example wall-mounted acoustic sound baffles, extensive curtain systems and 2k square feet of acoustically integrated ceiling tiles installed during our original 2007 venue construction; we also appreciate there may be additional measures and procedures, ie designated doors closed during performances and 'hard stops' for beergarden live music — which could help mitigate our sound levels.

In order to identify and prioritize actionable items like those above, we recently hired a highly regarded acoustical engineer to comprehensively review our situation. Brian Grzebik has recently wrapped up a similar venue review for the City of Healdsburg; his review of our property cited several actionable items for us to consider.

I've asked Bill DeCarli, who has worked as Director of Entertainment on-site since our Apple Blossom Fest 2008 opening -- to identify and prioritize actionable items that we can undertake now.

In addition, we propose we meet with the City, the Police Department and a neighborhood representative or two in person. Our intention will be to reach agreement upon certain new operational directives such as the total number of feature events per year, and specific performance time frames. We also wish to propose the City issue us a variance that would allow for the construction of a 9' tall acoustic wall behind and around our beergarden stage, to baffle sound at the source.

I am out of the country for the month of March. I propose we continue the conversation in the meantime with Bill and his team while moving forward with what we can, then plan to more formally meet in early April?

HopMonk is one of two historical (1905) buildings in Sebastopol's downtown core. We completely restored and revitalized the property in 2007. Three former businesses at the site featured live music in some form or another. We employ 58 locals, 26 of which are full time salaried staff. We are proud of the 5,000 plus performances we have produced including local, national and international touring talent such as Little Feat, Leon Russel, Jackie Greene and Sebastopol's own Les Claypool — and our contributions to the local community, both monetarily and culturally.



Dean Biersch
HopMonk Tavern

February 24, 2023

Dear Kari and Chief Nelson,

I am the Director of Entertainment for HopMonk Presents. I have worked with Dean Biersch and HopMonk on the Sebastopol property for over 15 years. I have lived and worked in and around Sebastopol for over 35 years. I have deep-rooted feelings and a strong sense of gratitude and respect for the people who live and work here.

I have always been proud that Sebastopol has celebrated the artist community and that I have the privilege of being part of it. Sebastopol is an exceptional culturally aware community; I am certain that we can find common ground.

Sincerely,

A handwritten signature in black ink that reads "Bill DeCark". The signature is written in a cursive style with a large, sweeping initial "B".

Bill DeCark

HopMonk Presents

Winner of 14, Best Music Venue in Sonoma County Awards.

Actionable Items

1. Lower the volume inside the venues.

Abbey Max 95db

Beergarden 90db

In the beergarden we will add fill speakers halfway through the space which will allow us to lower the volume of the main speakers and will help the overall projected volume. We will also limit the level of bass volume by significantly turning down the subs.

2. We are upgrading our decibel meter to one that self-calibrates and will provide training on how to properly use the equipment.
3. We will purchase and install a wall mounted decibel meter in the mixing booth which will continuously monitor the indoor volume level.
4. We will check the parameters of the building and the outlying neighborhood to make sure we are as close to compliance as possible.
5. We will modify the beergarden stage by filling in the top of the back of the stage and add soundproofing material such as theatrical curtains. This will help absorb some of the sound escaping through the back of the stage and into the neighborhood.
6. Further soundproof the Abbey by adding gaskets around the doors and plugs in the windows.
7. Propose to raise the fences surrounding the beergarden to 9 feet and treat them with sound absorbing material. This will help contain some of the sound.

From: Bill DeCarli [REDACTED]
Sent: Wednesday, May 10, 2023 12:25 PM
To: Kari Svanstrom; Ron Nelson; Lawrence McLaughlin
Cc: Dean Biersch; Javier Silva; Jess Gordon; Kylie Schlobohm; Amber Fenex; Patrick Malone
Subject: HopMonk Update

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Kari,

I hope this message finds you well. I am writing to follow up on a letter that my team and I sent to you and Chief Nelson on February 24th regarding noise complaints we received from our neighbors. We apologize if there was any miscommunication, as we did not receive a response to our initial letter.

We got your note yesterday regarding an open door on Petaluma Avenue @ 6:30pm. While it is common to use the door at various times, we have made the point to management that the door is to be closed when not in use.

We are committed to finding a solution to address the noise complaints we have received and have been actively working to lower the volume of our outdoor events.

In order to address the new complaints in a timely manner, we would greatly appreciate it if you could inform us when we are experiencing complaints in real-time or provide time and location information for follow up.

Our use permit allows us to have outdoor music until 9 PM, but we have been making a conscious effort to end performances much earlier. Our current hard stop times are as follows:

- Hard-stop 7:30pm Thursday, Friday, Saturday, and Sunday - mostly soloists and duos.
- Hard-stop 8pm Wednesday's Peacetown Weekly - mostly acoustic-based.
- Hard-stop 7pm Ticketed events - some electric - 1 to 2 events per month.

As part of the follow up to our previous conversation, we have taken several steps to address the noise concerns, including hiring an acoustic engineer and advisor to conduct an early morning noise study. We have also purchased a new DB meter and are monitoring the noise levels on-site and in the surrounding neighborhood. Our staff has been trained on the use of the DB meter, and we have begun keeping a log of decibel

readings taken from three designated locations for each event - please see the map attached.

To ensure compliance with city ordinance noise requirements, we have communicated to all our managers, house engineers, visiting engineers, and artists about the volume limitations. We have added gaskets to doors and windows in the Abbey, and we have updated all our contracts with bands and agencies to inform them of our volume limitations.

We have also added fill speakers midway through the beergarden, which enables us to lower the volume level from the main speakers for all our feature shows. This week we will fill in the small opening at the back of the beergarden stage to directly absorb sound from our wedge monitors on stage. We will soon propose a variance from the Building Department to construct a taller 9' tall 'sound wall' for noise abatement along the west side of the beergarden.

We appreciate any help or suggestions you might have to guide us to solutions that are beneficial to all parties. We would like to schedule a second meeting with you, Chief Nelson and Larry McLaughlin at your earliest convenience to review your concerns.

Thank you for your time and consideration.

Sincerely,
Bill DeCarli

hopMONK
PRESENTS

Bill DeCarli
Director
HopMonk Holdings LLC

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City of Sebastopol

Planning Department
714 Johnson Street
Sebastopol, CA 95472
707-823-6167
707-823-4721 (Fax)
www.ci.sebastopol.ca.us

October 1, 2007

Tamara Martin
130 South Main Street, Suite 202
Santa Rosa, CA 95407

Dear Ms. Martin:

This letter is to inform you that the Sebastopol Planning Department has approved your application for a Use Permit – Sale or Transfer of Alcoholic Beverages in Same Building for the Hopmonk Tavern, located at 230 (a.k.a. 268) Petaluma Avenue. The project description submitted with the transfer application is similar to that of the previous business, the *Sebastopol Brewing Company*, therefore the Planning Department has determined that a new Use Permit will not be necessary and a transfer is acceptable. The Sebastopol Brewing Company shall be subject to the same Alcohol Use Permit conditions as the previous business, attached below:

- P1. This approval for Transfer of Use Permit is valid for a period of one (1) year. However, you may request one (1) 6-month extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.250.050.
- P2. No physical modifications to the subject property have been considered or approved with this Amendment. Any exterior modifications must be reviewed by the Planning Department, and Design Review may be required.
- P3. No new signage has been considered or approved with this Amendment. No signs advertising the availability of alcohol shall be displayed such that they can be seen from the outside of the premises, except as may be previously approved by the Design Review Board prior to installation.
- P4. On-site consumption of alcohol, including beer, wine and spirits, is permitted during the hours of 11:30 AM and 2:00 AM daily.
- P5. Food service shall remain available during all hours that alcohol is served.
- P6. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 a.m.–10:00 p.m.
- P7. Any minimum purchase requirement may be satisfied by the purchase of food or beverages; in no case shall a “drink minimum” be imposed.
- P8. The applicant shall be responsible for implementing a staff training program to the satisfaction of the Police Department and ABC.
- P9. The applicant shall consult with the Police Department to determine appropriate security measures prior to the commencement of any live music events or other events which may require the implementation of additional crowd control measures. A security plan, including appropriate

security staffing and qualifications, shall be submitted to the Police Chief for his review prior the commencement of live music events. The security plan shall include measures in which the security personnel will communicate with each other in the case of an incident, and with the Police Department.

- P10. No music may be played outside after 9:00 PM. No amplified music shall be played inside after 1:00 AM Friday and Saturday, or after 12:30 AM Sunday through Thursday.
- P11. No sound may emanate from the building which can be heard more than 50' from the business site.
- P12. All applicable permits shall be obtained from other approving agencies prior to commencement of this use, including but not limited to Building Department, Health Department, and Fire Department clearance.
- P13. All fees associated with processing this project, and all applicable impact fees, including, but not limited to school, traffic, water and sewer fees, shall be paid prior to issuance of a certificate of occupancy.

Based on these conditions of approval, the Planning Department finds that the public convenience and necessity will be served by issuance of the alcohol license at the address described above.

If you are dissatisfied with the decision of the Sebastopol Planning Department, you have the right to appeal this decision to the City Council within five (5) working days. This is by Tuesday, October 9, 2007 at 5:00 p.m. Said appeal must be made in the form of a complete appeal form (available at the Planning Department office) and a \$150.00 processing fee, and must be delivered to the Planning Department office at 714 Johnson Street.

Please contact me if you have any questions.

Sincerely,

Jocelyn Immacolato
Associate Planner

cc: Project file
ABC
Dean Biersch