



City of Sebastopol
Incorporated 1902
Planning Department
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UNAPPROVED DRAFT MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF June 13, 2023

PLANNING COMMISSION:

The notice of the meeting was posted on June 8, 2023.

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

2. ROLL CALL:

Present:	Chair Fernandez and Commissioners Burnes and Oetinger
Absent:	Vice Chair Fritz (excused)
Staff:	Kari Svanstrom, Planning Director John Jay, Associate Planner

3. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA: None.

4. STATEMENTS OF CONFLICTS OF INTEREST: None.

5. APPROVAL OF MINUTES:

January 10, 2023

Chair Fernandez continued Approval of Minutes to a future Planning Commission meeting.

6. REGULAR AGENDA ITEMS:

A. PEACETOWN CONDITIONAL USE PERMIT – 2023-040 (Multiple Addresses)

– The applicant is requesting a Temporary Use Permit for a summer concert series every Wednesday from June 14th to August 16th from 4:30pm-8:30pm. The application is to permit music stages at the parking lots of Crooked Goat Brewing (120 Morris Street, #120); Foundry/Woodfour Building (6780 Depot Street, #160); the Community Market south lawn (6762 Sebastopol Avenue, #100); and The Barlow Event Center (6770 McKinley Street, #100) from 4:30-8pm. Music is also proposed to be provided at the Hopmonk (230 Petaluma Avenue) outdoor beergarden from 6-8:30pm; The Third Pig (116 South Main Street) indoors from 8-10pm, and Gravenstein Grill (8050 Bodega Avenue) outdoor patio from 7-9pm.

The event is categorically exempt from the requirements of CEQA, pursuant to Section 15304, Class 4, in that the event will take place on a temporary basis and limited number of days and will not require any permanent improvements.

Associate Planner Jay presented the staff report.

Chair Fernandez asked for Planning Commission questions of staff.

Evert Fernandez, Chair

That was a recommendation to not close McKinley. Could you address how that came about and why that recommendation is being made?

Kari Svanstrom, Planning Director

The Peacetown folks submitted their permit at the end of May, and the very first hearing they could get with appropriate public notice is tonight. There is a seven-day appeal period, but they have an event scheduled for tomorrow night, so the only way that that could be approved was by my extending last year's event and all of the conditions of approval, because I don't have the authority to modify those conditions of approval, so tomorrow's event will need to adhere to last year's rules, which include not closing McKinley Street. Then for future events they are requesting the closure, and so that is on your agenda tonight.

The applicant gave a presentation and was available for questions.

Evert Fernandez, Chair

As far as you're aware of all the stipulations for Noise Ordinance and so forth? I know it's different to put on some community events and stay within that, but I want to reiterate that. Hopefully we can all make it work.

Jim Corbett, Peacetown, Applicant

I really appreciate the City stepping up and helping us out, because this is our 12th year and there is a little twinkling in the air about going back to Ives Park for our last three concerts of this season, so we may be doing that and you'll be the first to know.

Evert Fernandez, Chair

It's been a great community event, so hopefully we can keep it going.

Chair Fernandez asked for further Planning Commission questions of the applicant. Seeing none, he opened public comment.

Suzie Bellomo

I'm the owner of Il Fusti, the oil and vinegar store on McKinley Street. My concern is what time McKinley Street is proposed to close to traffic, because it would be really difficult on my business. We are between the oyster restaurant and Endless Energy Crystals, and people that walk by when there are booths and craftspeople set up during HEAD WEST, it really hurts our business and takes away from our business, because nobody looks up. HEAD WEST is usually our worst weekend. I'm the sole owner and the sole person who runs the business and can't have a booth down there and be in two places at once, so any time there's a street closure or an event, our business does suffer, so my concerns is the closure of McKinley Street, and why it has to be that part of McKinley Street and not farther down where the theaters are. I know my neighbor at Endless Energy Crystals feels likeminded, so we're wondering what time it would close, when the streets would be closed, and we're just worried about how it would affect our business, as HEAD WEST does.

Roxanne Goodfellow, the Rialto

I wanted to reiterate that we're appreciative of the support that we've received from the City with regard to our major concern, which is parking. The shout-out that we got in the paperwork saying that they would gladly be providing parking monitors, I did notice that the approval of the TOP from last year specifically noted Rialto Cinemas' parking lot, and this year it just says "private lots." I can't speak for the landlord, because she has an interest for Johnson Street—which isn't a parking lot at all, it's a legal street—not having parking there, but I just want to make sure that when people talk about the private parking versus the public parking for Rialto Cinemas, that the private parking lot is private, and we just need to know and make sure that parking monitors will be there to help us.

Jennifer Adametz, The Barlow

I wanted to specifically address Roxanne's concern and let her know that I have pre-scheduled the parking monitors for the Rialto Cinemas parking lot for the remaining Wednesdays for all of the Peacetown events.

Chair Fernandez closed public comment and asked staff to address McKinley Street closure hours.

Kari Svanstrom, Planning Director

The question was what will be the time frame for the McKinley Street closure?

Elizabeth, Peacetown, Applicant

Last year I believe we shut it down at 3:00 o'clock, is that correct, Jennifer?

Jennifer Adametz, The Barlow

Yes, that's correct.

Elizabeth, Peacetown, Applicant

I think we were hoping to close it just a little bit earlier, because what was happening is people would leave their cars, and then we're trying to set up the kids' area and there would still be cars there and people leaving and children playing. I don't know how that changes the element with us closing McKinley, because we were only doing Pink Lady Court, so I think the latest would be 3:00 o'clock to give us ample time to set up.

Kari Svanstrom, Planning Director

And Elizabeth, when do the vendors start? I know your concerts start at 5:00.

Elizabeth, Peacetown, Applicant

We've been telling them 3:30, and the concerts actually start at 4:30.

Evert Fernandez, Chair

Then the street will stay closed until what time?

Elizabeth, Peacetown, Applicant

The shows go until 7:30, so probably 8:00. Right, Jim? What do you think? 7:45, okay.

Evert Fernandez, Chair

Because you guys have the concert series time listed as 4:30 to 8:30. You obviously don't have to go that long, but just so that you know that's the time.

Elizabeth, Peacetown, Applicant

Thank you. We added that extra time to give us time to clean up, like the children's area.

Deborah Burnes, Commissioner

It is a legitimate concern for the vendors. Usually you would think parades and events bring business to your retail establishment, but it actually is quite the opposite. People are so focused on what's going on that they don't go to the stores, so I think we're asking a lot from the vendors in The Barlow to continually pay the high rent that they're paying and take a hit for GO WEST and Peacetown; there are just a lot of events. I'm wondering if there is some kind of a win-win situation we can look at? Ms. Bellomo spoke tonight that she's a sole proprietor, so it's unrealistic for her to have a booth. My first thought is could they have a free booth and be able to take advantage of maybe getting some new clientele and have a way to bring money in? I do think that is something that should be sorted out. It's obviously not just Peacetown, but the more The Barlow is bringing on these events, it really does hurt the retailers there, so we have to be mindful of that and find a way that we can forge forward and be inclusive. Even if you guys didn't have the vendors down there, it's historically proven that people don't shop when there's another event on a site, so that would be my concern.

Jim Corbett, Peacetown, Applicant

I'm really glad I got to talk to Ms. Bellomo, because what we had hoped for when we did Peacetown at The Barlow was that it would bring lots of people in, which it does, and that would help all the shop owners, but it clearly hasn't in your case. Ms. Bellomo talked about where we put our vendors and suggested we could put them at a different location farther up the street; that may help mitigate her place being blocked out, because she's got a good location there.

Deborah Burnes, Commissioner

Traditionally onsite events deter from the regular retailers there, because it splits their finances, it splits their attention. Like the Apple Blossom Parade is one of the worst days for everybody. You would think all those people are on the streets, but they don't walk into the stores, they leave, because they came to see the parade. Is there a situation where you guys can look at that and be inclusive of the merchants? Something you guys can hash out, but I think that is a reasonable request.

Elizabeth, Peacetown, Applicant

I think that's been on our radar for sure to make this collaborative and make this work for everyone, Peacetown, The Barlow, the vendors, the storefronts; we want this to work for all of us. I think our idea to close the street, as Jim said, was primarily from a safety standpoint, because we do have so many different stages and there have been so many close calls. People think it's a festival, so they're walking in the middle of the street, and people are drinking and driving; that was the primary focus. They're not just going to close the street for that reason, we need to fill the street, so that's where we conceptualized that idea of a farmers market and the artists and crafts vendors. Certainly I think having a booth out there and what that looks like, and we want this to work, so that's a conversation we could have. I also understand and respect in her case that's not always so easy when you're in business for yourself and you're the sole employer and employee, so that's a conversation we're very open to having. Maybe The Barlow and we could get together with some of these businesses and listen to them on how we could make this collaboration work; we're definitely open to it.

Chair Fernandez asked for additional Commission questions of the applicants. Seeing none, he closed public comment.

The Commission discussed the application as follows:

Kathy Oetinger, Commissioner

I am excited about the possibility of people coming to Ives Park, because I hear that a lot from people, that they really wish it were back at Ives, so having some of those would be great. Kari, there were some concerns about closing McKinley Street because of health and safety and getting emergency vehicles in. Is that not an issue during this time frame?

Kari Svanstrom, Planning Director

There are requirements that there be folks stationed who can open up McKinley Street during that time in case there is an emergency, and so that this one of the conditions of approval for the closure, and that's the same for HEAD WEST when they do those. Of note, I know the Rialto have a comment about the parking monitor being specific to the Rialto. I do know we changed it to private lots, because if there are issues at other private lots those need to be addressed as well, but I don't know if the Commission wanted to consider being specific, that that shall include the Rialto lot since that certainly was the concern last year.

Evert Fernandez, Chair

Where do you think we can add that in?

Deborah Burnes, Commissioner

Last year when we heard from the Rialto and there were the issues with some of the security guards like sleeping and not doing their job, did that get better? I never heard after that. Did it get better with the parking and Rialto?

Kari Svanstrom, Planning Director

We did not hear complaints later on in the season, but I guess that's actually where maybe the Chair could ask the Rialto representative, Roxanne, if you wanted to hear her comments on that.

Evert Fernandez, Chair

Roxanne, did you hear that comment? Do you have any feedback on that?

Roxanne Goodfellow, The Rialto

Yes, and Kari was really responsive, as was The Barlow. I think it all got ironed out pretty much, and we're hoping that will be a continued situation. Some of the parking monitors were really great, some of them were not, but it all seemed in the end to work out, and we were happy about that.

Evert Fernandez, Chair

I know there was also discussion about signage, making it clearer as to what is the private lot, because next to those spaces is a public lot.

Kari Svanstrom, Planning Director

Right, and the City has installed additional signage right at that break, and the Rialto has on the other side. It's better signs now at this point where that split is between the two.

Evert Fernandez, Chair

If you have the item where we could add specifically about that, where would that be?

Kari Svanstrom, Planning Director

It's Condition 4 for this year. Last year what we had is, "A professional security firm shall be present and monitor parking areas to ensure the public does not park in private lots, including the Rialto lot, for the event," is what I would suggest.

Evert Fernandez, Chair

Yes.

Commissioner Oetinger made a motion to approve a Conditional Use Permit for the Peacetown Concert Series with the suggested change to Condition of Approval 4 regarding parking lot monitoring.

Chair Fernandez seconded the motion.

AYES: Chair Fernandez and Commissioners Oetinger and Burnes

NOES: None

ABSTAIN: None

ABSENT: Vice Chair Fritz

B. WOODSTONE CORNERS – PLANNED COMMUNITY ZONING AMENDMENT AND USE PERMIT (1121-1171 Gravenstein Highway South) –

The Planning Commission will consider an application from Patrick Slayter for a Zoning Text Amendment and Use Permit. The applicant is seeking approval to modify the Use Permit/Planned Community Zoning at Woodstone Corners to all the ground floor units to be either office or residential. This would also fulfill the requirement for a use permit approval for 100% residential within a commercial zone, should all six of the residential units be converted to residential. The Planning Commission will make a recommendation to City Council, who is the approval body for this application. The Zoning Amendment (the "Project") would be exempt with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1, which exempts existing facilities, and Section 15183, because it is consistent with the General Plan for which an Environmental Impact Report was certified by Council in 2016, a zoning Amendment consistent with the General Plan shall not require additional environmental review except as might be necessary to examine whether there are project specific sign effects which are peculiar to the project or its site.

Associate Planner Jay presented the staff report.

Chair Fernandez asked for Planning Commission questions of staff.

Kathy Oetinger, Commissioner

I was wondering whether it's okay to ask that the residents even of all these other buildings do not have short-term rentals in the new residential units that are created. Is that something that we should be looking into?

Kari Svanstrom, Planning Director

The question is would it be appropriate to consider not allowing short-term rentals in these new residential units that can be created? So, vacation rentals. I did ask the applicant, and he can answer that. He did indicate that would not be an issue for them.

Kathy Oetinger, Commissioner

So that is something we could consider?

Kari Svanstrom, Planning Director

Yes, absolutely.

Evert Fernandez, Chair

And that would be if they did have it, it would be non-owner occupied?

Kari Svanstrom, Planning Director

Yes, it would be considered an unhosted rental anyway, which would require a conditional use permit approved by the Planning Commission, but because the development requires a conditional use permit you can place reasonable and related conditions onto the project as part of your approval tonight.

The applicant gave a presentation and was available for questions.

Chair Fernandez asked for Planning Commission questions of the applicant.

Evert Fernandez, Chair

As far as the integration of living unit and possible office unit, I'm familiar with the site but not as far as how is the noise from one area to the other? I know it's usually just daytime that there is any business there, right?

Greg Dabel, Applicant

Yes, they're like tax accountants, a tree service, etc. All of the upstairs units are residential already. They're completely separate from the downstairs units. Each owner owns up and down and they have different addresses, different utilities, separate entrances, separate everything, so the conversion of a downstairs unit would be very easy. I've got access underneath to put plumbing and wiring in for a kitchen, and there is already a bathroom, so it made sense to me and that's why I'm looking at that as an option in the future.

Patrick Slayter, Applicant

I'm the architect for the project. I have an additional comment related to what the Planning Director noted about changes to the building, and it would largely be tenant improvement, interior only, with the small caveat of a potential of a change of a window in order to meet code egress requirements for our residents. I haven't surveyed all the buildings precisely, but where the bedrooms would logically lay out, I know in the application address it's possible to meet the code without any exterior changes, but it would be installing a window with a lower sill or something like that, a very, modest change to the outside potentially if these would go on, so I think that's the only reason that anything on the exterior would have to change at all.

Evert Fernandez, Chair

I assume that once the changes are made that the intent is not to be able to convert it back to commercial some day in the future? It's hard to imagine that we would need that. If you're adding a kitchen and so forth, does that mean that then it just becomes permanently residential?

Patrick Slayter, Applicant

I believe the way that the staff report is written is if an owner wanted to go back to commercial use that would continue to be an allowed use the way that this is written, so what it's doing is opening up the option to become either residential or commercial, and in this climate I can't believe that any property owner once converted to residential would ever

want to reconvert it to office space, but it is in a commercial zone, it's in a logically office space type of location within the City, so I think that would be reasonable.

Kari Svanstrom, Planning Director

And I can confirm that is the intent of this zoning amendment, that it could be flexible, it could be either, because the current residential use is suitable. I can also note that the exterior, our intent was to make sure that patios and additional exterior space wasn't then captured and rearranged that would potentially impact the commercial space and things like that.

Deborah Burnes, Commissioner

I'm not sure I heard this right, but did you say the upstairs is currently being rented out to residents and the downstairs is commercial?

Greg Dabel, Applicant

There are six parcels. I own one. Each one is a residential upstairs and small office downstairs. Separate entrances, separate addresses already.

Deborah Burnes, Commissioner

I think you're absolutely right, there is a real issue with housing in Sebastopol, but office space you can't get rid of at this moment; what we really lack here is moderate- to low-income housing. I'm wondering how large the units are now, what the rent is, and what your thought is on market value or renting?

Greg Dabel, Applicant

I rent the upstairs for \$1,600; it's a two-bedroom. I could probably rent the downstairs for about that as well. I have a couple of other properties in town that I rent residential as well in that range: \$1,600-\$1,800 tops, depending on location and amenities.

Chair Fernandez asked for further Planning Commission questions of the applicant. Seeing none, he opened public comment.

Dana O'Gorman

I also own one of the units and wanted to echo that if we can get approval it would be fabulous. When we purchased it it was obviously vacant, and we rented the apartment immediately and had multiple applications, and it took about eight months for us to rent the downstairs, so with the housing needs the way they are I'm in full support if we get approval.

Chair Fernandez asked for further public comments. Seeing none, he closed public comment and asked for Commission deliberation.

The Commission discussed the application as follows:

Deborah Burnes, Commissioner

To make sure I understood, there are six different owners and not necessarily every owner wants to do this? But the operating use would be that all if them could potentially if they wanted?

Patrick Slayter, Applicant

That's the way the staff report is written. It is six different parcels in three different buildings, and it was approved as a planned unit development, a PUD, so you have three buildings, and there are two parcels within each building. Each parcel is a downstairs and an

upstairs, and each of the six, as I understand it, have different owners. The applicant owns one.

Deborah Burnes, Commissioner

But this would be for everybody? All six owners would have the ability to do this, or would they all have to come individually?

John Jay, Associate Planner

As the staff report is written it was proposed as one address, and then the staff report in the conditions would allow the other owners the ability to do the same conversion if they wanted to without having to go through this same process again, so it's just kind of streamlining the process so it's not as difficult for them to go through as well.

Evert Fernandez, Chair

That makes sense to me. We're always talking about creating additional living spaces and trying to use low hanging fruit, and this is one of those ideas that I think deserves support and a way to be able to convert something pretty quickly and still have it integrated with that, so I'm definitely in favor of that.

Chair Fernandez made a motion to approve a Planned Community Zoning Amendment and Use Permit for Woodstone Corners at 1121-1171 Gravenstein Highway South.

Commissioner Oetinger seconded the motion.

Kathy Oetinger, Commissioner

Kari, would it be a given that they couldn't rent it as a short-term rental, or do we need to put that within this document?

Evert Fernandez, Chair

It would just have to go by the rules of whatever replaced that, right?

Kari Svanstrom, Planning Director

Correct. For multi-family, which this would be considered, because there you have potential for one residential and one residential, and actually this would apply to the upper floor residential as well, it would be considered a nonhosted rental, which would require a conditional use permit from the Planning Commission. So it is possible they would have to go through that process, and as you all know, it's highly unlikely to get either staff support or Commission approval for an unhosted rental in the current climate.

Evert Fernandez, Chair

I personally would rather not have that as a stipulation, because we already have that. We can make that decision at the time.

Kathy Oetinger, Commissioner

Because as one parcels and two residences I wanted to make sure that the upstairs resident wasn't going to be considered a host.

Kari Svanstrom, Planning Director

Yes, when we had our discussions about nonhosted rentals a while back the Commission interpreted, and we have been using that interpretation, that multi-family each unit needs to have a host within that unit for it to be considered a hosted rental, otherwise it's a nonhosted rental.

AYES: Chair Fernandez and Commissioners Burnes and Oetinger
NOES: None
ABSTAIN: None
ABSENT: Vice Chair Fritz

Kari Svanstrom, Planning Director

This motion passes, and to be clear, this is a resolution that recommends that City Council adopt this zoning amendment. They are the only folks who can do that, and so we will let you know when that is scheduled, but we have it on the forward calendar. It cannot be on the Consent Calendar because it requires the same public hearing at that level. I believe it is the second meeting in July, just because they are going to start budget discussions and then they do not have a meeting on July 4th, so that is the date we have requested.

Evert Fernandez, Chair

Would it be more accurate to say a motion not necessarily for approval, it's a recommendation to City Council.

Kari Svanstrom, Planning Director

To adopt the resolution, which is in itself a recommendation to City Council, so if you wanted to redo that motion.

Evert Fernandez, Chair

Yes, it might make sense to do that.

Chair Fernandez made a motion to adopt the resolution recommending the City Council approve the Zoning Text Amendment and Use Permit for Woodstone Corners at 1121-1171 Gravenstein Highway South.

Commissioner Oetinger seconded the motion.

AYES: Chair Fernandez and Commissioners Burnes and Oetinger
NOES: None
ABSTAIN: None
ABSENT: Vice Chair Fritz

7. REGULAR AGENDA ITEMS

A. Planning Commission Rules Update Resolution

Chair Fernandez continued Item A to a future Planning Commission meeting.

B. Adopt Resolution to Find the Capital Improvement Plan for Fiscal Year 2023-2024 is Consistent with the General Plan.

Director Svanstrom presented the staff report.

Chair Fernandez asked for Planning Commission questions of staff.

Kathy Oetinger, Commissioner

During COVID we were going to fund the improvement to the pathways in Ives Park from High Street to the children's area, and it still isn't done. Will it ever be done? Is that money still sitting there waiting to do it, or have we lost that?

Kari Svanstrom, Planning Director

That money is there, and actually Mario, our City Engineer, has just gone through the process of putting the segment 1, which is from the southwest corner, to the pool building. That has been bid and I believe that bid has been awarded. Mario, can you talk to schedule on that?

Mario Landeros, Contract City Engineer

That is correct, we did bid that first segment and it was awarded to Piazza Construction. They have done some work recently in Sebastopol and have been awarded that. We are right now in the process of contract review and expectation is that we will be issuing a notice to proceed probably within a week to ten days.

Kari Svanstrom, Planning Director

Then for the rest of it, segments 2 and 3, I am actually—and Mario has helped as well—working with the grant writer the City hired to submit a recreational trail grant application, which is due on Friday of this week, which would fund 88% of the rest of the trail, so it would fund, I believe, the total cost for the estimated cost based on what we just bid is about \$210,000, so the City’s share for that would be about \$25,200, and then if we get the State grant it would cover the rest of it. In the Capital Improvement Plan we are looking at the project costs for the Americorp Trail and Ives Park and some of the others that our park improvement fund, which is the development impact fees, would be close to zero at the end of this fiscal year, but our Measure M park fees, which is the County sales tax for parks, would be at a higher level, and the reason for doing that is because the Measure M is a lot more flexible. For example, it can be used for maintenance that isn’t eligible for a lot of grants or it’s only for new construction. Fortunately for Ives Park, because it’s replacement, they’re both eligible for grants, but in terms of park funding I do know we’ll be getting development impact fees and have been projecting that out. When the Woodmark finishes their project their fees will be due.

Chair Fernandez opened public comment. Seeing none, he closed public comment.

Evert Fernandez, Chair

You’re looking just for a resolution that it does meet the General Plan?

Kari Svanstrom, Planning Director

Yes, this would be adopting the resolution we’ve prepared for you, which finds that the Capital Improvement Plan is consistent with the General Plan.

Commissioner Oetinger made a motion to adopt a resolution finding that the Capital Improvement Plan for fiscal year 2023-2024 is consistent with the General Plan.

Commissioner Burnes seconded the motion.

- AYES: Chair Fernandez and Commissioners Burnes and Oetinger
- NOES: None
- ABSTAIN: None
- ABSENT: Vice Chair Fritz

8. SUBCOMMITTEE UPDATES

Chair Fernandez continued Subcommittee Updates to a future Planning Commission meeting.

9. PLANNING DIRECTOR'S REPORT

Director Svanstrom provided updates.

The Commission asked questions of Director Svanstrom.

9. ADJOURNMENT: Chair Fernandez adjourned the meeting at 7:02 p.m. The next regularly scheduled Planning Commission meeting will take place on Tuesday, June 27, 2023 at 6:00 p.m.