



City of Sebastopol

CITY COUNCIL MEETING

APPROVED MINUTES

Mayor
Guy Wilson

City Council
Michael Kyes, Vice Mayor
Kathleen Shaffer
Sarah Glade Gurney
Patrick Slayter

City Manager
Jack Griffin

City Attorney
Larry McLaughlin
City Clerk
Mary Gourley

APPROVED MINUTES OF THE February 21, 2012 CITY COUNCIL MEETING

As Approved by the City Council at their regular meeting of March 6, 2012

As a courtesy, please turn off all cell phones and pagers during the meeting.

The public is advised that pursuant to Government Code section 54957.5 all writings submitted to the City Council are public records and will be made available for review.

A notice of the meeting was posted by the City Clerk on March 1, 2012.

6:00 pm: CONVENE CITY COUNCIL MEETING
Meeting Location: Sebastopol Community Center, 390 Morris Street, Sebastopol, CA

CALL TO ORDER: Mayor Wilson called the meeting to order at 6:05 p.m.

ROLL CALL

Present: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson
Absent: None
Staff: City Manager Griffin, City Clerk Gourley, City Attorney McLaughlin, Engineering Director Kelly, Planning Director Webster, And Fire Chief Braga

SALUTE TO THE FLAG: Boy Scouts Lions Den Pack 128 led the salute to the flag.

APPROVAL OF MINUTES OF CITY COUNCIL MEETING(S) OF:

- January 23, 2012 City Council Meeting
- February 7, 2012 City Council Meeting

Councilmember Shaffer moved and Councilmember Slayter seconded the motion to approve the minutes of the January 23, 2012 and February 7, 2012 City Council meetings as submitted.

VOTE:

Ayes: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson
Noes: None
Absent: None
Abstain: None

PUBLIC COMMENT(S) (This is an opportunity for the public to address the City Council on items that are not listed on the agenda. This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to City Council business. Pursuant to the Brown Act, however, the City Council cannot consider any issues or take action on any requests during this comment period. Speakers are encouraged to limit their comments to 3 minutes maximum so that all speakers have an opportunity to address the City Council. It is the



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goal of the Council to conclude the public comments portion of the agenda within 30 minutes. The presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.

Marty Webb, Frankel Lane, commented as follows:

- stated he is a resident and taxpayer of the City
- stated he is calling out the three members of the City Council who voted to appoint Clare Najarian to the Planning Commission
- requested the Council take action against Planning Commission Najarian for her comments to Supervisor Carrillo and to other members of the public who are residents of the City
- stated her comments were rude and uncalled for and that it is her default mode to attack the public when things are not going her way
- stated it is City policy for members of the Boards and Commission to represent the best interests of the City
- requested the Council take a stand and stated if the Council does not it shows that they are spineless
- requested the Council remove Boardmembers and Commissioners who attack members of the public
- stated he was appalled at members of the Design Review Board who live outside City limits and are representing the taxpayers of Sebastopol
- stated he understands there is no policy that members need to be residents of Sebastopol but stated members of the public need to know that these members who represent them live outside City limits
- urged the Council to investigate the fee that is paid for the Farmers Market for the use of City facilities and stated that the person in charge of the Farmers Market made comments that she gave you money and questioned what that is about

Geoffrey Skinner, Strout Street, commented as follows:

- discussed the Chinese American heritage and how it relates to the Pellini property
- urged the Council to pay attention to this history if this property is developed
- stated this issue was ignored in the negative declaration
- stated it is important to acknowledge this history and stated if this property is developed, he requested the Council require the developer to provide a commemorative plaque acknowledging the Chinese history

Timothy Lane, High Street, commented as follows:

- discussed concerns with the Skatepark and the activity that is happening at the rear of the Skatepark
- stated this behavior is becoming indicative of Sebastopol
- discussed the presence of older youths at the Skatepark and stated there is more consumption of tobacco and drugs and more use of bikes and scooters in the park
- discussed vandalism to the community garden plots
- stated the Skatepark needs to be maintained as a positive and safe place for younger people

Chance Everson, Florence Avenue, commented as follows:

- stated she is new to the community
- stated the Skatepark is the gem of Sebastopol
- Stated she is concerned with the conversations at the Skatepark about opium and other hard drugs
- discussed aggressive behavior at the Skatepark
- stated she has seen a lot of resources go to the wayside if something is not done
- stated she has a lot of ideas for the Skatepark
- stated something needs to be figured out for the Skatepark

Ann Magnie, Cleveland Avenue, read a statement from Naomi Lasley, as follows:

- discussed the history of Chinatown in Sebastopol
- discussed the Chinatown population in Sebastopol
- stated it is part of Sebastopol's forgotten history
- stated the City has an opportunity with the proposed development to see if anything is left of Chinatown
- stated the initial CEQA report determined there was no cultural resources but stated the City needs to dig deeper
- provided parcel maps to the City depicting the area of what used to be Chinatown

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Linda Johnson commented as follows:

- thanked the Councilmembers for their hard work on the CVS issue and stated the Design Review Board has also worked diligently
- stated there have been a number of people who have attended these meetings to talk of their interests and what they see as the needs for the City
- stated it has created better communication
- discussed the elimination of redevelopment funds
- stated CVS is working with the community to develop something that will work for everyone and that they are investing into our future
- urged conversation without angst or anger

A resident of Sebastopol commented as follows:

- stated the Skatepark is a magical place
- stated she would like to see an area for bikes next to the Skatepark
- stated there is no where in Sebastopol for older kids to go to play pool, darts, et
- urged the park to stay open longer
- would like to see the Skatepark stay positive

Colleen Fernald, Norlee Street, commented as follows:

- stated she is running for the U.S. Senate
- stated she would like the Council's help in getting the law changed regarding polygraph tests for sexual assault victims
- stated the previous City Council passed a resolution requesting an end to unconstitutional wars but not for this administration
- stated this administration is inappropriately taking war power and striking first
- urged the Council to support a resolution repealing Public Law 107.243
- urged the safe withdraw of our troops without delay
- discussed September 21st International Cease Fire

COUNCILMEMBER ANNOUNCEMENTS(s) (This is an opportunity for any Councilmember to make a brief announcement to the community)

Councilmember Shaffer announced the following:

- February 23, 2012 - Sebastopol Entrepreneurs Project Funk Flash and Facebook Class to be held at O'Reilly's from 6:30 pm - 8:00 pm
- Sebastopol Entrepreneurs Project loaned a computer to the Sebastopol Senior Center for the use by citizens until the Library is relocated back to Bodega Avenue and is available for the public to use

Councilmember Gurney announced the following:

- congratulated the Core Project and thanked Councilmembers Shaffer and Slayter for participating at the Ceremony
- discussed the delegation that attended the collaborative Cittaslow meeting
- stated tickets are available for the Sebastopol Documentary Film Festival which will be held March 29 - April 1st
- Fault-line, Main Street West Production will be presented and stated it is a production about the Polly Klass abduction and murder
- February 23, 2012 - Transition town Elder Salon
- February 23, 2012 - Chamber of Commerce Business After Hours to be held at Copperfields
- February 25th - Sebastopol Walks
- February 25, 2012 - 9:00 am - 1:00 pm- St Stephens Seed Bank
- Transition Town Movie Night - March 1st - 7:00 pm - French Garden Restaurant
- March 27th - Restaurant Week
- April 5th- 7:00 pm - 9:00 pm - Sebastopol Cittaslow Celebration of Design

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Councilmember Slayter announced the following:

- Sonoma County Humane Society will be conducting pet adoptions in Sebastopol
- Rebuilding Together Sebastopol will be conducting their work day late in April and are looking for volunteers
- Smart Train Groundbreaking, Friday, 10:30am in Petaluma at the Train Station

CONSENT CALENDAR ITEM(S): The following items listed on the Consent Calendar are considered routine and action will be taken by the City Council by a single motion. A Councilmember, staff or the public may request that an item be removed from the Consent Calendar and action taken separately. In the event an item is removed, it shall be considered as the first scheduled item in the agenda. Members from the public wishing to speak on a Consent Agenda item should notify the Mayor.

Mayor Wilson stated consent calendar item number 5 has been removed from the agenda as the conference has been cancelled.

Vice Mayor Kyes requested Item(s) Number(s) 2 and 6 be removed from the consent calendar. He requested item number 2 be moved to the end of the agenda and item number 6 be heard after item number 10.

Councilmember Gurney stated she would like to move agenda item number 6 to the next City Council meeting.

Vice Mayor Kyes requested if Item Number 6 was moved to the next agenda he would prefer that Item Number 10 be moved to the next agenda.

Magick requested item number 1 be removed from the consent calendar.

Vice Mayor Kyes moved and Councilmember Gurney seconded the motion to move items number 6 and 10 to the next City Council meeting.

VOTE:

| | |
|----------|---|
| Ayes: | Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson |
| Noes: | None |
| Absent: | None |
| Abstain: | None |

Councilmember Gurney moved and Councilmember Slayter seconded the motion to approve the consent calendar item(s) number(s) 3 and 4.

VOTE:

| | |
|----------|---|
| Ayes: | Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson |
| Noes: | None |
| Absent: | None |
| Abstain: | None |

3. Approval of Request from Sonoma County Library for Waiving of Building Permit Fees for Renovations to the Sebastopol Regional Library (City Manager)

City Council Action: Approved of Request from Sonoma County Library for Waiving of Building Permit Fees for Renovations to the Sebastopol Regional Library

Minute Order Number: 2012-022

4. Approval of Resolution Amending the City Manager Agreement to Comply with Changes in State Law (City Manager)

City Council Action: Approved Resolution Amending the City Manager Agreement to Comply with Changes in State Law

Resolution Number: 5863

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5. ~~Approval of Request for Sponsorship in the Amount of \$250.00 for Climate Protection: Everybody Profits VIII Conference to be held May 21, 2012 at the Citrus Fair, Cloverdale, CA (City Manager)~~

~~City Council Action: None required. This item has been removed from the agenda as the conference has been cancelled.~~

~~Reference Order Number: 2012-023~~

6. Approval of Mid Year Budget Adjustments (City Manager/Administrative Services Department)

City Council Action: Continued this item to the City Council Meeting of March 6, 2012

Minute Order Number: 2012-024

1. Approval of Resolution of the City of Sebastopol Supporting an Amendment to the Constitution to end corporate personhood and to reaffirm that money does not equal speech (Councilmember Shaffer)

Councilmember Shaffer presented the report providing background information on the item and stated that Sheppard Bliss and Larry Robinson both have reviewed the resolution. She stated that Los Angeles and Portland have both passed resolutions to support this item.

Councilmember Gurney thanked Councilmember Shaffer for bringing this item forward and stated that a member of the public, Abraham, brought this item forward in January and made the same request and she stated she supports this resolution.

Mayor Wilson opened for public comment.

Magick commented as follows:

- stated she was made aware of this resolution when she saw the item on Wacco
- discussed her role with the Occupy Movement and stated she has been involved since the beginning
- stated she would like wording added to the resolution and read the wording to the Council
- questioned how Councilmember Shaffer could support this resolution while supporting the CVS and Chase project
- stated CVS and Chase will devastate businesses
- stated she hopes the Council will oppose CVS
- urged the Council to insert the language as she proposed

Colleen Fernald commented as follows:

- stated she appreciates seeing the public in partnership with the Occupy Movement
- stated this is an important issue and sees the resolution as a carrot and stated she would like to see stronger action taken
- stated for the time being, corporations have rights and should have equal responsibility
- discussed PG&E and the San Bruno fire
- stated she would like to see CPUC removed from PG&E oversight
- urged municipal power to take control as the State is negligent

Councilmember Shaffer commented that she brought this item forward on behalf of herself and not the Occupy Movement or Wacco and stated she had the resolution reviewed by Larry Robinson and Sheppard Bliss and stated she would like the language to remain as proposed.

Councilmember Gurney stated she would like to see the additional wording added and proposed amendments to the wording submitted from Magick as follows:

Whereas, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities, thus denying citizens' exercise of our Constitutional rights.

Councilmember Shaffer stated she would accept the proposed wording as this item is too important to quibble about. She requested that if the resolution is approved, that a copy of the resolution be forwarded to the elected officials who represent Sonoma County and the City and State representatives.

Councilmember Gurney moved and Councilmember Shaffer seconded the motion to approve Resolution of the City of Sebastopol Supporting an Amendment to the Constitution to end corporate personhood and to reaffirm that money does not equal speech with amendments to the language as discussed and with a copy to be forwarded to elected representatives.

VOTE:

Ayes: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes
and Mayor Wilson
Noes: None
Absent: None
Abstain: None

City Council Action: Approved Resolution of the City of Sebastopol Supporting an Amendment to the Constitution to end corporate personhood and to reaffirm that money does not equal speech
Resolution Number: 5862

2. Approval of Fiscal Year 2012-2013 Budget SubCommittee Schedule (Administrative Services)

Vice Mayor Kyes requested that an additional meeting be scheduled at the beginning of March or as close to March 1st as possible to begin the budget process and to also discuss general revenue sources and possible sales tax increase. He stated that he discussed the possibility of an earlier meeting with Councilmember Shaffer who is also on the budget sub-committee, and stated that Councilmember Shaffer was in agreement with this also.

Councilmember Gurney stated she appreciates the sub-committee discussing and reviewing revenue enhancing measures and the possibility and likelihood of the success of these ideas and stated she would like to see those ideas brought back to the City Council.

Vice Mayor Kyes moved and Councilmember Shaffer seconded the motion to approve Fiscal Year 2012-2013 Budget Sub-Committee Schedule with the amendment to include an additional budget sub-committee meeting as close to March 1st as possible.

VOTE:

Ayes: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes
and Mayor Wilson
Noes: None
Absent: None
Abstain: None

City Council Action: Approve Fiscal Year 2012-2013 Budget SubCommittee Schedule with the amendment to include an additional budget sub-committee meeting as close to March 1st as possible.
Minute Order Number: 2012-021

DISCUSSION AND/OR ACTION ITEM(s):

7. Discussion and Action of Findings for Denial of Design Review Board Denial of Major Design Review for the CVS-Chase Project; William McDermott, Appellant/Applicant; Pete Pellini, Owner; Planning File 2010-08; Address: 6877 Sebastopol Avenue (Planning Director/City Manager/City Attorney)

Planning Director Webster presented the report recommending the City Council adopt the resolution setting forth the Findings for Denial of Design Review Board Denial of Major Design Review for the CVS-Chase Project; William McDermott, Appellant/Applicant; Pete Pellini, Owner; Planning File 2010-08; Address: 6877 Sebastopol Avenue.

Mayor Wilson opened for public comment.

Helen Shane commented as follows:

- urged the public to keep personal comments out of the discussion
- stated people who serve on the Boards and Commissions do so with no compensation

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- stated these members are human beings who are moved by passion
- urged people to stop berating members and keep names out of the discussion

Colleen Fernald commented as follows:

- surprised and impressed by the Council's results at the last meeting and states she appreciates this
- stated she believes something better can be arrived at

John Eder, Calder Avenue, read a prepared statement to the Council regarding his proposed changes to the findings.

Magick questioned if the public would have another opportunity to comment once the Council makes their revisions.

Mayor Wilson stated no, that the public comment is open now for their public to make their comments on the proposed findings.

City Attorney McLaughlin stated there is no legal requirement to re-open public comments after the Council discusses their changes.

Katherine Austin, High Street, architect, commented as follows:

- stated there are problems with architectural design by planning
- urged the Council to craft the findings to allow the architect to come up with creative solutions and that the findings are not so tightly written to prevent solutions
- urged the Council not to tie the architect's hands

Bill McDermott, commented as follows:

- stated he is at the meeting to listen and assess the comments to review what their options are
- stated he has no comments on the findings
- discussed his concerns with an email from Planning Commissioner Colin Doyle regarding this project and stated this issue ties into the Frizelle-Enos property and stated he has spoken with the owner who is concerned that this will take away parking for his business
- stated that this is an important part of the project and the proposed comments can impact the existing business and stated that we have no intention of impacting Frizelle-Enos

The Council discussed the proposed findings submitted by staff as listed below with the following comments:

Whereas, the project was the subject of an Initial Study and Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act, which was certified by the City Council on July 3, 2011. (Councilmember Gurney stated the City Council Meeting date was July 5, 2012 not July 3, 2012)

Whereas, the Design Review Board conducted six review sessions on the application, allowing for applicant presentations and public testimony in the process. On December 7, 2011, the Board denied the application and subsequently adopted detailed findings setting forth its rationale for this action, in accordance with the Municipal Code.

Whereas, on December 8, 2011, the applicant, William McDermott, for Armstrong Development, filed an appeal of the Design Review Board's denial, and following adoption of formal findings by the Design Review Board, submitted detailed written statements articulating reasons why the appeal should be upheld.

Whereas, on January 23, 2012, the City Council received a staff report on the appeal; considered the applicant's appeal submittals as well as extensive written correspondence on the matter from the applicant (Councilmember Gurney requested the date of the letters received January 13, 2012 and January 17, 2012) and members of the public; and conducted a duly-noticed public hearing, at which the appellant made an extensive presentation, and at which there was extensive public testimony. After all persons present were offered an opportunity to speak, the public hearing was closed.

Whereas, due to the length of the appeal hearing, the matter was continued to a City Council meeting on February 7, 2012, at which the City Council received a supplemental staff report which included additional public correspondence (Councilmember Gurney requested wording be included that public correspondence also included an augmented email list of emails sent from Councilmembers to the City Clerk which were not previously received by the City Clerk); and at which the appellant was provided with an opportunity to respond to the public hearing; the City Council asked questions of its staff and the appellant; and the City Council deliberated, considering all of the material submitted, as well as applicant and public testimony.

Whereas, the City Council, by a 3-2 vote, directed staff to prepare findings denying the appeal and upholding the action of the Design Review Board.

Whereas, on February 21, 2012, the City Council received a staff report transmitting proposed findings, received testimony from the appellant and members of the public, deliberated, and adopted the following findings setting forth its reasons for denial of the appeal as set forth below.

Now, therefore, the City Council finds that the Design Review Board ~~generally~~ (Vice Mayor Kyes requested this word be deleted - (the Council was in favor 3-2 to delete the word) acted appropriately and within the scope of its authority under the Municipal Code. The City Council concurs with the Board that additional design ~~refinement~~ (Vice Mayor Kyes requested this word be deleted - The Council was in consensus) is necessary. The City Council denies the appeal based on the following findings:

- 1. The Design Review application does not comply with the findings required for approval under Municipal Code Section 17.310.030 B. (2.) in that:*
 - a. The Design Review Board provided the opportunity for the applicant to revise the project design to address several significant concerns with the site plan and architecture; however the applicant indicated he was not willing to make the fundamental revisions recommended by the Board and therefore limited the extent of further architectural review by the Board. (This item was changed - see proposed language below - the Council was in concurrence)*
 - b. The site is part of the downtown core and is not peripheral thereto, and the design should better reflect the character of the retail core area by providing additional design changes including more building articulation, reduced height for the pharmacy building, a less massive portico design, additional pedestrian features, and more unblocked windows in the pharmacy building. (This item was changed - see proposed language below - the Council was in concurrence)*
 - c. The proposed design is not compatible with the neighborhood or visual character of the small town of Sebastopol, in that the boxy pharmacy building design is insufficiently articulated and includes some materials more appropriate to an industrial project, and could better address pedestrian design objectives. (This item was changed - see proposed language below. Councilmember Slayter commented he was not in agreement with this finding and stated he would like to remove boxy; Councilmember Shaffer concurred; the Council was in favor 3-2 to retain "boxy")*
 - e. The project architecture is not reflective of the unique character of downtown Sebastopol, in that the downtown includes many buildings designed in styles of the early 20th Century and the design does not sufficiently reflect such styles by virtue of the height of the pharmacy building, which, according to the project architect, could be feasibly reduced by several feet; by having some blocked windows in the pharmacy building; by including an over-scale portico design in the pharmacy building; by not providing an additional feasible pedestrian-oriented feature between the two buildings; and by including some materials in the pharmacy building more suited to an industrial project. (This item was changed - see proposed language below - the Council was in concurrence)*

f. *The proposed portico design is too large, too massive, and too tall; intrudes on the perceived public right-of-way; and as designed, may be perceived as 'formula' architecture. (This item was changed - see proposed language below - the Council was in favor 3-2 to accept language as proposed below.)*

g. *The site plan includes includes street-fronting parking along Petaluma Avenue not appropriate to the downtown, and which is not necessary to comply with Zoning Code parking requirements. No Changes.*

h. *The project design does not sufficiently address solar access/energy conservation considerations, and features such as skylights, light wells, solar tubes, or solar energy systems should be considered; additional shade trees should be considered; and additional unblocked windows should be provided in the pharmacy building to provide the opportunity for additional natural lighting. (Councilmember Slayter discussed his concerns with solar requirements and stated this is required during building permit issuance and stated solar access is provided by the nature of the design. Mayor Wilson stated he believes intent was to seek more solar than the minimum standards. Councilmember Gurney stated this is consistent with previous discussions of the Council. Councilmember Shaffer stated the Design Review Guidelines are guidelines. City Attorney McLaughlin discussed title 24 regarding solar requirements). Planning Director Webster requested clarification on this item and provided proposed language.*

i. *The project includes a full driveway on Petaluma Avenue that interrupts pedestrian flow in a manner not appropriate to the downtown setting, and consideration should be given to the alternative of an 'in-only' driveway which would satisfy emergency access concerns, while reducing impacts on the pedestrian environment. (Councilmember Slayter stated it is the general agreement that the driveway on Petaluma Avenue is not the best design for the site; but at the same time it reflects the existing condition in all but three blocks of downtown and stated he does not believe having a driveway mid block will create pedestrian mayhem. Councilmember Gurney requested consideration of no driveway and stated the driveway interrupts the pedestrian and downtown ambiance and looks suburban.. Mayor Wilson discussed his concerns related to access for Frizelle-Enos. Councilmember Slayter discussed the location of the fire hydrant and direct access to the center of the site which is paramount. (This item was changed - see proposed language below - the Council was in concurrence)*

j. *By not providing more continuous storefronts along the Petaluma street frontage which might be achieved by attaching the two buildings or moving them closer together, or alternatively, developing the space between the two buildings into a plaza or outdoor space or outdoor room, the design is not suitable for the existing downtown urban setting. (Councilmember Gurney discussed the potential for a future lot. Councilmember Shaffer questioned if the Council can require this if the applicant has stated there are no future development plans for this site. Mayor Wilson questioned if this was an editorial comment rather than a finding and stated he did not want to insert that wording into the finding Vice Mayor Kyes stated he would also prefer not to insert that wording as a nice space may be provided with the project that would change in the future. Councilmember Slayter stated he would like to remove the verbiage of putting the buildings together. He discussed the possible void at the corner of Abbott and Petaluma Avenues if that happened and stated it is a terrible urban design and that the buildings should not be connected given the current site. Councilmember Gurney stated if the buildings are joined it may create a potential future building site and that this is a premier location. Councilmember Slayter stated the applicant has repeatedly stated there is no future development for this lot. (This item was changed - see proposed language below - the Council was in favor 3-2 to keep that language in).*

2. *The design of the two buildings does not have a cohesive visual relationship as called for by Section II B. of the Design Guidelines; and as referenced in finding 1) above, and finding 3) below, as proposed, the site plan and architecture are not ~~yet~~ (Councilmember Gurney requested this word be deleted) appropriate for the downtown Sebastopol context. Combining the two buildings, or providing an outdoor space along the Petaluma Avenue frontage between them would improve the cohesiveness of the design.*

3. *As referenced in the above findings, the design is not in conformity with several guidelines and standards adopted pursuant to Chapter 17.310 regarding Design Review Procedure, including but not limited to the following guidelines:*

- a. *Section I. A. of the Design Review Guidelines Site Planning guidelines regarding neighborhood context, in that the project does not provide an appropriate site plan or building design appropriate for an urban, downtown development by including a full driveway on the Petaluma Avenue frontage which creates an interruption to pedestrian flow; while the pedestrian plaza proposed at the corner of Petaluma Avenue and Sebastopol Avenue is a desirable feature, the site plan does not adequately address a likely area of public assembly, which is between the two buildings; and the site plan could be improved by providing a more continuous storefront-style development appropriate to the site context, or alternatively developing the gap along Petaluma Avenue, between the two buildings, into some type of usable "outdoor room" or "plaza". (Vice Mayor Kyes stated he would like to add wording that the front entry be more appropriately located at the intersection of Petaluma and Sebastopol Avenues which is a key intersection. Councilmember Gurney would like to see "full driveway" be a 2-lane; one way; or fire lane as previously discussed. Councilmember Gurney requested "assembly" be changed to gathering. Councilmember Slayter suggested including wording as "space between two buildings." Mayor Wilson suggested adding "shall be considered" and not a requirement that the front entry be at the main intersection of Sebastopol and Petaluma Avenue. (This item was changed - see proposed language below - the Council was in concurrence)*
- b. *Section I. F. of the Design Review Guidelines Site Planning guidelines regarding auxiliary structures, in that the trash and recycling enclosures merit additional screening to reduce visibility from the Sebastopol Avenue sidewalk. (Councilmember Slayter discussed the waste haulers requirements for approved locations and stated this location is a practical location and stated he is finding this proposed finding problematic as it is stating the screening has to be screened. Mayor Wilson suggested "enhancing". Vice Mayor Kyes stated the Design Review guidelines state that enclosures have to be screened and this finding is appropriate. Councilmember Shaffer stated that the way it is worded does not make sense. She stated the location of the trash enclosure is fine and the applicant has indicated he is willing to add more landscaping. (This item was changed - see proposed language below - the Council was in favor 3-2 to keep that language in).*
- c. *Section I. C. of the Design Review Guidelines Circulation and Parking guidelines, in that the site plan provides a full driveway in a location that interrupts pedestrian flow and occupies more frontage than necessary, and this driveway could be redesigned to be a narrower 'in-only' driveway, which would be more appropriate urban design for the site context, while addressing emergency access needs. (Councilmember Gurney requested the "full driveway" be a 2-lane; one way; or fire lane as previously discussed).*
- d. *Section II. of the Design Review Guidelines Architecture guidelines, in that the project has not been sufficiently designed to reduce perceived height and bulk by dividing the building mass of the pharmacy building into smaller-scale components; in that reduction in the height of the pharmacy building by several feet appears appropriate, and feasible based on statements of the applicant's architect; the project includes box-like forms and unvaried roof forms which are discouraged by the Guidelines; the project does not include sufficient levels and planes to reduce massing; and in that as described in prior findings, the project architecture includes features, such as materials, which may be perceived as 'industrial' in nature, which do not create a sufficiently compatible relationship to both the existing and the developing character of the area; and the project includes a portico design which may be perceived as "formula" design, which is specifically discouraged by the Guidelines. (Vice Mayor Kyes stated he would like to remove "by several feet". Councilmember Slayter stated he is not in agreement with this finding and stated the rhythm and elements is in keeping with the space of what is now downtown and the mass reflects the downtown, retail and industrial core.*
- e. *Section IV. A. of the Design Review Guidelines regarding Special guidelines for the downtown, in that the building design and architectural elements include blocked windows, which do not allow visual interaction between the sidewalk areas and interior of the buildings, as recommended by the Guidelines. No Changes.*

Additional Issues addressed by the City Council:

Councilmember Gurney discussed the email provided by Planning Commissioner Doyle regarding Abbott Avenue parking and stated she concurs with the proposed language;
Councilmember Gurney recommended a one lane drive up window for the CVS pharmacy;

Councilmember Shaffer stated she is concerned with the proposed language and stated she would like to see an alternative rather than take parking away; would like to see a wider area and suggested a finding that the applicant consider the design so as not to hurt Frizelle-Enos

Mayor Wilson read Planning Commissioner Doyle's email for the public.

Councilmember Gurney discussed Abbott Avenue and stated she likes the suggestion that this meet City standards; stated she is not concerned with losing parking for Frizelle-Enos; stated perpendicular parking does not work; stated the applicant has stated there will be parking available for the public to walk and shop; stated these are important contributions.

Vice Mayor Kyes commented he would like to see the parking for Frizelle-Enos remain; stated Frizelle-Enos needs to have the loading dock for loading trucks; discussed vehicles backing up to the loading dock; stated the Design Review Board ought to look at curb, gutter and sidewalk issues and make sure it is properly designed.

Councilmember Shaffer stated she likes the curb, gutter and sidewalks and questioned if the street can be widened to keep the parking spaces for Frizelle-Enos.

Mr. McDermott discussed parking design and stated it is proposed to allow Frizelle-Enos to keep the parking spaces.

Councilmember Shaffer questioned if Abbott Avenue can be widened to accommodate both.

Mr. McDermott discussed the 20 feet for parking stalls adjacent to Frizelle-Enos; the 30 feet for road and drive-aisle and the 18 feet for parking on the north side.

Mayor Wilson stated having parking on both sides of Abbott Avenue would be problematic. He stated he concurs with Planning Commissioner Doyle's findings. He stated it is not the Council's intent to hurt Frizelle-Enos's business and discussed the present parking for Frizelle-Enos and potential safety problems.

Councilmember Shaffer stated she discussed with Mr. Tennyson the owner of Frizelle-Enos the memo received from Planning Commissioner Doyle and stated that Mr. Tennyson is concerned with losing the parking for his customers.

Councilmember Gurney stated there is parking available for employees in the Chamber parking lot.

Planning Director Webster stated that Abbott Avenue is an existing street that is not up to City standards and stated if the council wished to have Frizelle-Enos retain the 90 degree parking stalls, it should be understood that the street would not meet the new street standards and requested clarification.

Mayor Wilson discussed grandfathering in the south side parking on Abbott Avenue (the loading dock parking) and that the City can continue to go with this parking.

Vice Mayor Kyes stated he is not interested in removing parking on the north side.

Councilmember Gurney suggested leaving the parking perpendicular to the loading dock, having the street meet City standards and see improvements on the north side and leave the parking on the north side up to the applicant.

Councilmember Shaffer stated she wanted language inserted that states the parking can remain.

The Council discussed parallel parking and potential issues.

Planning Director Webster discussed potential wording regarding designing appropriate street and parking dimensions on the north side to include curb, gutter and sidewalk but allowing the Frizelle-Enos 90 degree parking to be retained.

Councilmember Gurney concurred that the parking at the loading dock can remain.

Planning Commissioner Doyle commented that the first line of the proposed finding makes the finding and starts the premise of the conversation.

The Council discussed the proposed final findings as edited by the Council during this meeting as follows:

1. The Design Review application does not comply with the findings required for approval under Municipal Code Section 17.310.030 B. (2.) in that:

a. The Design Review Board provided the opportunity for the applicant to revise the project design to address several significant concerns with the site plan and architecture. The applicant indicated he was unwilling to make the requested revisions and therefore the Design Review Board's further actions were limited.

b. The site is zoned downtown core and is not peripheral thereto, and the design should better reflect and complement the character of the downtown core area by providing additional design changes including more building articulation, reduced height for the pharmacy building, additional pedestrian features, and more unobstructed and unblocked windows in the pharmacy building.

c. The proposed design is not compatible with the neighborhood or visual character of the small town of Sebastopol, in that the boxy pharmacy building design is insufficiently articulated and includes some materials more appropriate to an industrial project, and could better address pedestrian design objectives.

d. The project architecture is not reflective of the unique character of downtown Sebastopol, in that the downtown includes many buildings designed in styles of the early 20th Century such as small entrances, varied facades, diversity of look and scale, inviting windows and awnings, and the design does not sufficiently reflect such styles by virtue of the height of the pharmacy building, which, according to the project architect, could be feasibly reduced by several feet; or the height be used for the creation of a second story; by having some blocked windows in the pharmacy building; by including an over-scale portico design in the pharmacy building; by not providing an additional feasible pedestrian-oriented feature between the two buildings; and by including some materials in the pharmacy building more suited to an industrial project.

e. The proposed portico design is out of scale with the rest of the project design; is too large, too massive, and too tall; intrudes into the perceived public right-of-way; and as designed, may be perceived as 'formula' architecture designed to dominate the area and designed for advertising purposes.

f. The site plan includes street-fronting parking along Petaluma Avenue not appropriate to the downtown, and which is not necessary to comply with Zoning Code parking requirements.

g. The project design does not sufficiently address solar access/energy conservation considerations, and features such as skylights, light wells, solar tubes, or solar energy systems should be considered; additional shade trees should be considered; and on the second floor additional unblocked functional windows should be considered in the pharmacy building to provide the opportunity for additional natural lighting and natural ventilation.

h. The project includes a full driveway on Petaluma Avenue that interrupts pedestrian flow in a manner not appropriate to the downtown setting, and consideration should be given to site access alternatives that address emergency access concerns while reducing impacts on the pedestrian environment, including but not limited to an 'in-only' driveway, fire lane, or no driveway on Petaluma Avenue.

i. By not providing more continuous storefronts along the Petaluma street frontage which might be achieved by attaching the two buildings or moving them closer together, or alternatively, developing the space between the two buildings into a plaza or outdoor space or outdoor room that could potentially be an additional future lot, the design is not suitable for the existing downtown urban setting.

2. The design of the two buildings does not have a cohesive visual relationship as called for by Section II B. of the Design Guidelines; and as referenced in finding 1) above, and finding 3) below, as proposed, the site plan and architecture are not appropriate for the downtown Sebastopol context. Combining the two buildings, or providing an outdoor space along the Petaluma Avenue frontage between them, would improve the cohesiveness of the design.

3. As referenced in the above findings, the design is not in conformity with several guidelines and standards adopted pursuant to Chapter 17.310 regarding Design Review Procedure, including but not limited to the following guidelines:

a. Section I. A. of the Design Review Guidelines Site Planning guidelines regarding neighborhood context, in that the project does not provide an appropriate site plan or building design appropriate for an urban, downtown development by including a driveway on the Petaluma Avenue frontage which creates an interruption to pedestrian flow; while the pedestrian plaza proposed at the corner of Petaluma Avenue and Sebastopol Avenue is a desirable feature, the site plan does not adequately address a likely area of public gathering, which is between the two buildings; and the site plan could be improved by providing a more continuous storefront-style development appropriate to the site context, or alternatively developing the space between the buildings along Petaluma Avenue into a pedestrian scale outdoor room or plaza. A public entrance for the pharmacy should be considered at the intersection of Sebastopol Avenue and Petaluma Avenue.

b. Section I. F. of the Design Review Guidelines Site Planning guidelines regarding auxiliary structures, in that the trash and recycling enclosures merit additional screening to reduce visibility from the Sebastopol Avenue sidewalk.

c. Section I. C. of the Design Review Guidelines Circulation and Parking guidelines, in that the site plan provides a full driveway in a location that interrupts pedestrian flow and occupies more frontage than necessary, and this driveway could be redesigned to be a narrower 'in-only' driveway, fire lane or no driveway which would be more appropriate urban design for the site context, while addressing emergency access needs.

d. Section II. of the Design Review Guidelines Architecture guidelines, in that the project has not been sufficiently designed to reduce perceived height and bulk by dividing the building mass of the pharmacy building into smaller-scale components; in that reduction in the height of the pharmacy building appears appropriate and feasible based on statements of the applicant's architect; the project includes box-like forms and unvaried roof forms which are discouraged by the Guidelines; the project does not include sufficient levels and planes to reduce massing; and in that as described in prior findings, the project architecture includes features, such as materials, which may be

perceived as 'industrial' in nature, which do not create a sufficiently compatible relationship to both the existing and the developing character of the area; and the project includes a portico design which may be perceived as "formula" design, which is specifically discouraged by the Guidelines.

- e. Section IV. A. of the Design Review Guidelines regarding Special guidelines for the downtown, in that the building design and architectural elements include blocked windows, which do not allow visual interaction between the sidewalk areas and interior of the buildings, as recommended by the Guidelines.*
- 4. The proposed site design includes improvements within the Abbott Avenue right of way which do not meet City Standards for street improvements. The project frontage along the north side of Abbott Avenue should be developed with a curb, gutter and sidewalk, per typical City of Sebastopol standards. The provision of parking on the north side of Abbott Avenue should be reviewed as to the practicality of providing parking in that location and be reviewed by the City Engineer prior to any review by the Design Review Board. The existing 90 degree parking on the south side of Abbott Avenue may be maintained.*
- 5. Consideration shall be given to developing a single lane drive through on the pharmacy building.*

Vice Mayor Kyes moved and Councilmember Gurney seconded the motion to adopt the resolution with proposed changes as discussed tonight and listed below setting forth the Findings for Denial of Design Review Board Denial of Major Design Review for the CVS-Chase Project; William McDermott, Appellant/Applicant; Pete Pellini, Owner; Planning File 2010-08; Address: 6877 Sebastopol Avenue.

Discussion:

Mayor Wilson questioned if this in substance sets forth the findings, and that fixing the format is not substantive.

City Attorney McLaughlin stated that is correct.

Councilmember Shaffer provided the following comments:

- stated she has faith in the City processes and hoped that the appellant would return to the Design Review board
- stated she believes that the applicant would be treated fairly and that both sides can work together to reach a resolution

Councilmember Gurney stated she has faith in architects and that hopefully the Council has done their best to be helpful and clear.

VOTE:

| | |
|----------|--|
| Ayes: | Councilmember Gurney, Vice Mayor Kyes and Mayor Wilson |
| Noes: | Councilmembers Shaffer and Slayter |
| Absent: | None |
| Abstain: | None |

City Council Action: Approved Resolution with proposed changes for Findings for Denial of Design Review Board Denial of Major Design Review for the CVS-Chase Project; William McDermott, Appellant/Applicant; Pete Pellini, Owner; Planning File 2010-08; Address: 6877 Sebastopol Avenue
Resolution Number: 5864

PUBLIC HEARING(s):

- 8. Public Hearing - Waiving of Further Reading and Introduction of Ordinance Amending Chapter 3.08 of the Sebastopol Municipal Code, Real Property Transfer Tax (City Manager)

City Manager Griffin presented the staff report recommending the City Council approve the Waiving of Further Reading and Introduction of Ordinance Amending Chapter 3.08 of the Sebastopol Municipal Code, Real Property Transfer Tax.

Mayor Wilson opened the public hearing.

Hearing no comments, Mayor Wilson closed the public hearing.

Councilmember Shaffer moved and Vice Mayor Kyes seconded the motion to approve the Waiving of Further Reading and Introduction of Ordinance Amending Chapter 3.08 of the Sebastopol Municipal Code, Real Property Transfer Tax.

VOTE:

Ayes: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes
and Mayor Wilson
Noes: None
Absent: None
Abstain: None

City Council Action: Approved Waiving of Further Reading and Introduction of Ordinance Amending Chapter 3.08 of the Sebastopol Municipal Code, Real Property Transfer Tax
Minute Order Number: 2012-025

9. Public Hearing - Waiving of Further Reading and Introduction of Ordinance Creating Complete Streets Advisory Committee (City Manager)

City Manager Griffin presented the staff report recommending the City Council approve the Waiving of Further Reading and Introduction of Ordinance Creating Complete Streets Advisory Committee

Mayor Wilson opened the public hearing.

Hearing no comments, Mayor Wilson closed the public hearing.

Councilmember Shaffer stated she would like to change "elderly" to either elder or senior.

Councilmember Gurney stated there were people in attendance for this item but because of the lateness of the meeting, did not stay for this item. She stated there is a lot of enthusiasm in place for this committee.

Councilmember Slayter moved and Councilmember Gurney seconded the motion to approve the Waiving of Further Reading and Introduction of Ordinance Creating Complete Streets Advisory Committee with the amendment as follows:

Change "elderly" to "seniors".

VOTE:

Ayes: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes
and Mayor Wilson
Noes: None
Absent: None
Abstain: None

City Council Action: Approved Waiving of Further Reading and Introduction of Ordinance Creating Complete Streets Advisory Committee
Minute Order Number: 2012-026

INFORMATIONAL REPORTS *(No Action Required by the City Council):*

10. Informational Report on the City of Sebastopol's Second Quarter Financial Report (City Manager)

CITY COUNCIL MEETING MINUTES OF February 21, 2012

City Council Action: Continued this item to the next City Council Meeting of March 6, 2012.

Reference Order Number: 2012-027

PRESENTATION(S): NONE

DISCUSSION AND/OR ACTION ITEM(s):

11. Presentation and Discussion on Pavement Management Study Results and Future Funding Strategies
(Engineering Director/City Manager)

City Council Action: Continued this item to a future City Council Meeting.

Minute Order Number: 2012-028

12. Discussion and Action on the Water and Sewer Rate Increases and Proposition 218 Process (City
Manager)

City Council Action: Continued this item to a future City Council Meeting.

Minute Order Number: 2012-029

CITY COUNCIL REPORTS

13. City Manager Reports: There were none.

14. City Council Committees: There were none.

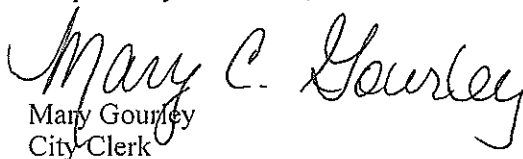
15. Council Reports: There were none.

16. Council Correspondence: There were none.

CLOSED SESSION: NONE

ADJOURNMENT: Mayor Wilson adjourned the City Council Meeting at 10:30 p.m. to the next Regularly Scheduled City Council Meeting to be held Tuesday, March 6, 2012, at 6:00 pm, at the Sebastopol Youth Annex/Teen Center, 425 Morris Street,, Sebastopol, CA.

Respectfully Submitted,


Mary Gourley
City Clerk