September 22, 2022

City of Sebastopol
Planning Department
RE: Conditional Use Permit, 6782 Sebastopol Ave
File: 2022-039

Dear City of Sebastopol,

The Barlow has received your Incompleteness Letter in response to our Conditional Use Permit application for 6782 Sebastopol Avenue relating to our hotel proposal. The following letter includes responses to the outstanding questions posed by City staff.

**Planning Department:**

The various Conditional Use Permits require additional explanation / justifications for why the conditional use permits should be granted, including as follows:

1. The current classification of the Guayaki use is as an Industrial use, as the Guayaki building is a food manufacturing and warehouse facility.

> This appears to be a statement rather than expressing a need for information. Please clarify if otherwise. We concur that the Guayaki warehouse use is industrial. Guayaki has been shifting its warehousing functions to locations outside Sebastopol, so regardless of the status of the hotel application, the warehousing use will be terminated by them. They no longer wish to utilize the warehouse space, although they do want to retain offices in the Barlow.

2. There is no explanation of how the parking for the site would work other than 'valet' at 385 Morris Street. Please provide detailed plans showing the layout of the proposed parking, Please provide an explanation of how parking and traffic would function as following:
a. How valet parking will work.:
   i. How many valet parking staff attendants.

> There would be anywhere from 2-5 valet parking staff available, depending on the time of day and the day of the week. During the busy hours of hotel check in and departure, more staff will be available. One valet will staff the lot, and at least one valet will be at the Hotel during valet hours. Hotel guests may also notify the front desk what time they plan to arrive/depart to ensure that valet staff can be scheduled appropriately and vehicles can be prepared for guests in advance.

   ii. What are hours of operation.

> Hotel valet hours will be from 8am-8pm. Prior to/after these hours, hotel guests may park in available parking throughout The Barlow. Additional Barlow customers may use the Barlow valet parking by pulling up directly to 385 Morris between 11am-9pm to use these valet services for overflow parking

   iii. Where on the site will they be located.

> Hotel valet drop off is located to the east of the building across from Acre Pizza. Hotel guests will drive by, drop off their vehicle and immediately be greeted by valet.

   iv. Will they shuttle back and forth, or stay at one location until a return trip is needed.

> Valet will also be stationed at the valet lot at 385 Morris Street. See page A1.01 "Site Plan", subject to valet manager's discretion

b. How will Community Market parking be monitored.

> The Community Market parking lot will be monitored by valet and with enforced designated parking.

c. When Barlow Events close down portions of McKinley Street. How is traffic then handled (what route for valet parking).

> The address of the building is 6782 Sebastopol Avenue. We anticipate most traffic for the hotel to come from Sebastopol Avenue, routed down to Gravenstein Court where the valet will be stationed. This will ensure that regardless of McKinley closures, guests will always use the same route for check in and valet service. Then they will exit right on Sebastopol Avenue and turn right on Hwy 116 to Laguna Park Way. They will then cross Morris Street to the parking lot. The route back to the hotel will be south down Morris Street, right on Hwy. 12 and into Gravenstein Court.

d. What happens when a customer of the hotel does not use the valet parking – for instance when there is a wait, when they are only coming to their room for a brief time (dropping something off, changing clothes, etc.) and elect not to use valet. What are their options?

> The front desk will ask where the guest is parked at check in and asked to use the valet service during their stay. All hotel guests will be required to use the valet parking. This includes a short-term pickup/drop off zone for hotel guests.

3. The project is requesting a Use Permit for exceeding the height limit, with appropriate transitions. Please provide a description/justification on why you believe the transitions and relationships to adjoining parcels is/are appropriate.

> According to Table 17.25-2 'Development Standards in the Commercial, Office, and Industrial Zones'- Four stories and 50 ft. is allowed for projects with residential uses, including hotel rooms, on upper floors, provided a Conditional Use Permit is obtained, and the planning commission find that the project provides appropriate massing, height transitions and variations, and suitable relationships to neighboring areas.
>
> The proposed project is not designed as a single large monolithic building that packs the maximum allowable building envelope. Instead, it is designed as careful ensemble of 2-, 3- and 4- masses creating a picturesque image of multiple buildings on the site, with each component standing as its own compositional whole. 2-story buildings front both McKinley Street and Sebastopol Avenue, responding to the scale of the buildings on the other side of these streets, and transition up to 3- and 4-stories in the middle of the lot. The 3-story component uses dormers as a means of further visually reducing its overall massing and scale.
>
> The 4-story component in the center of the lot abuts an alley adjacent to the Woodfour Brewing Company and the Gravenstein parking lot. This four-story component will primarily be seen from the parking lot and will be screened by regularly planted trees along the east façade.

4. In accordance with Section 17.46 of the Zoning Ordinance (ESOS), a project cannot be deemed complete until the ESOS report has been completed and accepted by the Planning Commission. As the project relies on off-site parking at 385 Morris St which is subject to this provision, the application cannot be deemed complete until the ESOS has been completed.

> We understand. As has been recently communicated to Planning staff, the 'project' identified in the ESOS proposal is not current. Based on Planning Commissioner comments and concerns expressed by City staff and consultants, we eliminated the parking structure version of the project, and are proposing a valet-operated surface parking lot. As with the parking structure project, the valet parking lot footprint does not extend beyond the previously disturbed portions

of the site and includes native landscaping and other features respecting the environmental setting. Information on this proposal, and our request that the ESOS consultant's proposal be revised, has been previously transmitted to the Planning Department on July 14th, and we are still awaiting a revised proposal.

5. Staff believes the hotel would be classified as commercial for purposes of FAR compliance. This is consistent with the classification of hotels for this purpose in prior applications. Therefore, the FAR for the project does not comply with the zoning ordinance (.75 maximum, where over 2.0 is proposed). (Note, if it were classified as residential, the maximum residential density within the CM zone is 1 DU/1750 sf lot area which would allow 31 units, where 85 are proposed. Staff does not believe the intent of the zoning ordinance is to have unlimited FAR/density for hotels, or in the Commercial Industrial zone.

The incompleteness letter states that staff "...believes the hotel would be classified as commercial for purposes of FAR compliance." This is not an issue of 'completeness' rather it is concerning a code interpretation. We respectfully disagree with this interpretation.

Further, as a residential use, hotels are not subject to FAR standards.

In addition, the letter states that if the hotel were classified as residential, it would be limited to "...31 units, where 85 are proposed." We differ from that interpretation as well. Information on these issues is provided below for your consideration.

The plain language of the Zoning Ordinance clearly classifies hotels as a residential use. Further, the Zoning Ordinance definition of 'dwelling' does not encompass a hotel room. We will address these provisions further below, but first will identify part of the legislative history for the adopted Zoning Ordinance provisions.

It appears that under the former Zoning Code, there was an issue or inconsistency in how to classify hotels. The City's 2016 General Plan contains a policy directive to consider clarifying whether hotels should be considered commercial or residential uses. See General Plan Action LU 1d, which states:

*Action LU 1d: Review and update the Zoning Code to add definitions and descriptions for the following:*
*• Update definition of what constitutes a 'permanent dwelling';*
*• Clarify whether hotels are treated as residential or commercial uses;*
*• Define 'retail use';*
*• Revise definition of restaurant, and consider separate definitions for ice cream shops and coffee shops;*
*• Define 'secondary use';*
*• Review definitions for child care uses to ensure consistency with State law;*
*• Generally review all definitions in relation to consistency with list of allowed uses and to provide increased clarity (e.g., all uses identified in the Zoning Code shall be defined in the Zoning Code).*

Following adoption of the General Plan, the City went through a process to update its Zoning Code. This involved numerous hearings by both the Planning Commission and the City Council. Highly relevant to the origin of the current classification of hotels as residential uses is the Planning Department staff report for the March 14, 2017 meeting of the Planning

Commission.  On page 17 of Attachment 1 of Item 8A on that agenda, the specific change to the definition of hotels was proposed to clarify that they are a residential use.  The then-current Zoning Code stated hotels "...mean a building..."  The proposed revised wording stated hotels "...mean a *residential* building..."  In addition, the definition was proposed to be enhanced by the following phase:  "These uses are treated as residential land uses."  The intent to classify hotels as residential is crystal clear.

The proposed Zoning Code amendments went through extensive review, and the adopted definition (now in effect) in Municipal Code Section 17.08.100 reads as follows:

> *"Hotel" means a residential building other than a bed and breakfast inn containing six or more guest rooms which are used, rented or hired for sleeping purposes by transient guests or travelers for generally less than 30 consecutive days. Such uses may also include accessory uses such as beauty and barber shops, restaurants, florists, small shops, and indoor athletic facilities. Hotel includes "motel" uses.*

Consistent with the direction of the General Plan for clarification of the use status of hotels, the adopted Zoning Code definition clearly specifies that hotels are a residential use.

This is reinforced by the definition of "Residential Uses, Transient" in Municipal Code Section 17.08.119:

*Residential Uses, Transient. "Transient residential uses" include the following residential uses occupied primarily on an overnight or less-than-weekly basis, and similar uses as may be determined by the Planning Commission. Also see "Hotel," "Hostel" and "Bed and breakfast inn" definitions.*

1. *Motels.*

2. *Hotels.*

3. *Hostels.*

4. *Bed and breakfast inns*

This definition plainly states that several specified uses, including hotels, are residential uses.

Further, residential uses are not subject to FAR limits. The Zoning Code definition of FAR at Municipal Code Section 17.08.100 reads as follows:

*"Floor area ratio (FAR)" means the measure of the intensity of nonresidential uses which is the maximum gross floor area of a building permitted on a site divided by the total area of the site, expressed in decimals to one or two places.*

The definition specifically applies FAR to *nonresidential* uses (thereby excluding residential uses including hotels).

The incompleteness letter also contended that if hotels were a residential use, they would be subject to housing density limitations. However, hotel rooms are not housing units per the Zoning Code's definition of dwelling unit in Municipal Code section 17.08.060:

*"Dwelling" or "dwelling unit" means a room or group of internally connected, habitable rooms that have sleeping, cooking, and sanitation facilities, but not more than one kitchen occupied by or intended for one household on a long-term basis. A "dwelling" is the same as an independent housekeeping unit.*

In addition to the fact that transient residential uses are defined separately from permanent residential uses (which are subject to density limits), the proposed hotel rooms have no kitchens, therefore they are not dwellings subject to density limitations.

We hope this information clarifies the use classification of hotels, and the fact that they are not subject to FAR limitations.

6. Grading cut and fill numbers do not add up (500 'net' cy, with 700 cut and 800 fill and 600 off-haul), please explain.

These are very early, preliminary numbers for reference to general scale and magnitude of earthwork only. Expected earthwork will involve cutting 1,300 cy of soil, of which 600 of those yards will not be needed/will need to be off-hauled as they are expected to be unsuitable for use as fill. The other 700 yards of cut are expected to be used as part of the 800 cy of fill material needed on site. With a total cut of 1, 300 cy and a total fill of 800 cy, the difference is 500 cy of cut…the project will result in a numeric "net" of 500 cy of cut.

7. Existing parking – please correct existing Parking Summary map/diagram and count to remove parking spaces which no longer exist (several areas have been converted to outdoor dining area, such as Crooked Goat, Region, etc.).

On June 17, 2020, the Planning Department conducted a parking overview with the Design Review Board which determined that The Barlow had a surplus of 71 parking spaces. Since then, an additional 3 parking spaces have been permanently used for parklets at The Barlow for Region Wines. Other parklets are temporary as a result of the pandemic. This means The Barlow has a surplus of 68 parking spaces to be made available.

8. While a planting plan is provided, the application does not include an irrigation plan or MWELO calculations.

We understand that a detailed irrigation plan and MWELO calculations will be required for the Design Review application. For the hotel Use Permit application, we relied on the Planning Department's Use Permit checklist, which states that only "Preliminary Landscape Plans" are required. The list of components of such plans does not include irrigation plans or MWELO calculations. Thus, it appears that our submission is complete in this regard; please confirm.

9. Lighting plan will be further reviewed at the Design Review stage (along with other design elements), however all lighting should be dark-sky compliant. Some of the fixtures do not appear to be such fixtures.

Full lighting plans will be provided at the DRB stage with detail clarifying the fixtures are dark-sky compliant.

**THE BARLOW**

**Engineering Department:**

1. Parking and Traffic Circulation studies will be required. The City will initiate these studies as part of the project review. However, there needs to be a thorough description from the applicant regarding how the parking and traffic routing is proposed in various scenarios (see above) so a proper scope and analysis of how the overflow parking will work and impacts to adjacent streets / areas. The traffic circulation description should also address pedestrian circulation/connectivity to the downtown area.

> From both McKinley Street and Sebastopol Avenue, there is a two-way road which enters the Gravenstein Court Parking Lot.
>
> For guests being dropped off at the hotel or using the valet services, cars enter the Gravenstein Court Parking Lot from McKinley Street. Once inside the lot, guests take a right turn to enter the one-way valet drop off area. When McKinley Street is closed for special events, cars enter the lot from Sebastopol Avenue and make a left turn into the valet drop-off area. This drop off area has two lanes. One is for passengers to unload in front of the hotel entrance with its wide sidewalk and the other is a through lane. Upon leaving the valet area, cars can exit the parking lot onto Sebastopol Ave or they can return around the parking lot and exit the lot onto McKinley Street.
>
> For those not using the valet drop-off area, a continuous two-way circulation loop is maintained within the Gravenstein Court Parking Lot, as shown in the attached diagram.

2. The plans should be referred to Caltrans for the driveway improvements along Sebastopol Avenue (SR 12). Caltrans may have specific comments for right in/right out ingress/egress, as well as other frontage improvements and modifications. It is recommended that the Applicant reach out to Caltrans early in the process rather than wait until the Caltrans encroachment permit process.

> The width of the existing driveway along Sebastopol Avenue has been reduced. The current condition is an open curb cut along the entire width of the Gravenstein parking lot measuring 48' in width. The proposed design shows one driveway with a provided 24' driveway width. The parking lot driveways have been redesigned to allow for a new median with trees while maintaining appropriate turning radius for trucks.

3. The proposed development is in a FEMA Regulatory Flood Zone area and what was approved when the original Barlow commercial development was approved may be different now, particularly for a hotel with 24-hour occupants and not just retail/commercial occupants. In addition, utility plans for water and sewer systems must be designed to minimize or eliminate infiltration of floodwaters in the systems as well as prevent discharges from the systems into floodwaters.

> We understand that the issues listed in this part of the incompleteness letter are of concern and will be evaluated in the upcoming CEQA analysis.  Thus, as stated, they do not constitute 'incomplete' application information. Please also note our additional information about parking, traffic, and flood issues provided in other responses herein.
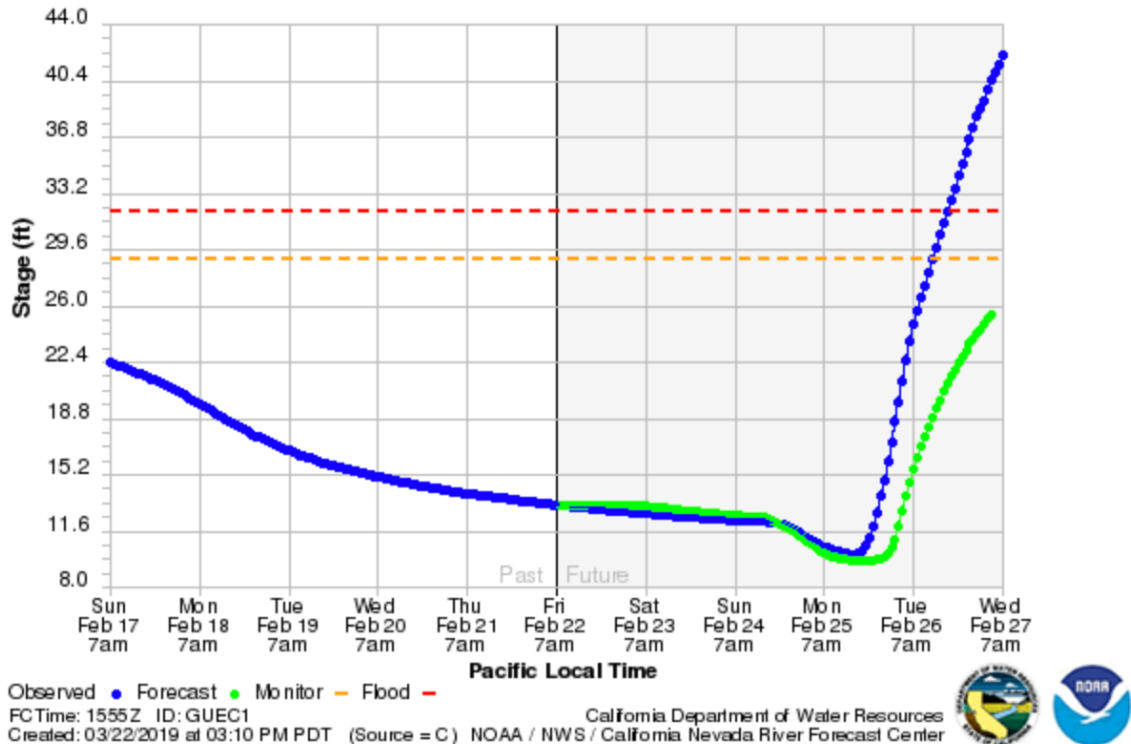>
> On February 22, 2019, NOAA's river forecast center projected that the Russian River would crest up to 42 feet on Wednesday, February 27, the date in which The Barlow flooded. Had The Barlow understood how the Russian River flooding would translate at The Barlow campus and

the Laguna de Santa Rosa, like we do now; The Barlow would have had 4 days to prepare for flooding.



The Hotel will follow The Barlow's Emergency Flood Operation Plan similarly with other Barlow Tenants. Just like other tenants, The Hotel Operator will be encouraged to create and administer their own internal operation plan suitable for their business's operations. At a minimum, the following procedures may be adopted by the Hotel operator:

1. At any time when the Russian River is forecast to crest over 39 feet at the Russian River/ Guerneville Bridge, then the hotel will immediately begin evacuation procedures. We would anticipate having warning of up to 4 days in advance of flooding for the Hotel operator to efficiently vacate the hotel and implement their emergency procedures.
2. Front desk staff will notify valet of the flood warning. Valet will begin transferring first floor hotel guest vehicles closer to the Hotel from the valet lot for easy access.
3. Starting with first floor guests, and guests who may require extra time to vacate, Front desk staff will begin notifying hotel guests of flood warning and the need to evacuate via hotel room phones and with guest personal contact information provided at the time of check in.
4. Once the first-floor hotel guests have begun to vacate, front desk staff will notify second floor guests of the need to vacate the hotel, valet will begin transferring second floor hotel guest vehicles closer to the Hotel from the valet lot, and so on until all floors have been notified and the valet lot has been emptied.
5. Following evacuation orders, hotel staff will begin going to door to door to ensure vacancy. Each hotel room will be opened and personally cleared by the Hotel Flood Evacuation Coordinator for further confirmation.

6. Upon first warning, hotel kitchen and janitorial staff will begin preparing areas beneath the flood plain for the possibility of flooding. This would include moving sensitive documentation, computer systems, etc. above the base flood elevation.
7. Hotel staff will be the last to vacate the hotel.
8. Any vehicles that have not been removed from the valet lot or the Barlow parking lot will be subject to the procedures documented in the Barlow Emergency Flood Operation Plan, and will be towed to a location outside the flood zone.
9. Upon confirmation of vacancy, the Hotel operator will notify The Barlow and The Barlow will install flood barriers on the three hotel openings within the flood plain. (The estimated time required to assemble these flood barriers is 15 minutes with 2 men).
10. Upon vacating the hotel, front desk staff may provide guests with alternative lodging accommodations in the area that are outside of the flood plain, should hotel guests choose to relocate until the flood warning has ceased. Average occupancy in Sonoma County Hotels is known to be lower annually in Fall and Winter.

**Public Health and Safety Issues:**

2. The City currently is in a Mandatory Drought Stage 2, which does not allow for filling (or refilling) of pools (Regardless of where the water is procured). While it is unknown what stage the City may be at in the future, we recommend eliminating this from the project given the environmental and water conservation goals of the City.

> The applicant will respect and abide by whatever laws and/or regulations are in place; but drought conditions are hopefully temporary/periodic and if at the time of completion, it is necessary or required, the applicant will not fill the pool until such time as the regulations are lifted.

4. Consistency with General Plan/Conditional Use Permit Criteria: The Planning Commission will need to determine that the larger number of CUPs are consistent with the criteria for said CUPs, including being operationally sound

> This appears to be a statement about the Planning Commission's authority rather than a completeness issue. If so, noted. Please clarify if otherwise.

Staff believes the Planning Commission may have concerns related to the General Plan policies regarding universal access and design of public projects, given the 'split level' nature of the first floor

> The proposed building is ADA compliant, using a lift between the two first floor levels at 74 and 80. The lift is 60" x 72" and complies with A117.1- 410.5.2 (min. 42" x 60"). Elevator Cars are 72" x 102" clear interior dimension and comply with A117.1- 407.4.1(A) (min. 80" x 54").

> Additionally, the proposed building adheres to the Universal Design requirements outlined in SMC 15.80 in the following ways:

> Per 15.80.060 - Primary Entrance, the building provides an "exterior" accessible route from the sidewalks of McKinley Street and the Gravenstein parking lot with a width no less than 40 inches wide. The entrance ramp into the front courtyard from the McKinley sidewalk complies with the required 1:20 running slope.
> Per 15.80.070 – Interior Routes, all provided hallways are consistent with the requirements of CBC Chapter 11A

Per 15.80.080 – Primary Floor, powder room, bathroom entry and facilities, one common-use bathroom is provided on the entry level which complies with the requirements of CBC Chapter 11A.

Per 15.80.090 – Kitchen and Facilities, an accessible route is provided to the kitchen.

Per 15.80.100 – Common Use Room, the lobby, bar, restaurant, and common courtyard spaces are all provided along accessible routes.

Per 15.80.110 – Bedrooms, at least one of each hotel room type is provided with all the ADA components

Per A117.1- 406.4 & 406.5, a blended transition is located along the Gravenstein parking lot with detectable warnings

5. Consistency with the City's adopted Local Hazard Mitigation Plan: This plan guides mitigation, and potential prevention, of the impact of both natural and manmade hazards in the City. One of the key goals is to minimize development in the Flood Plain.

There is currently a development (the existing structure) already located in the floodplain. The project site is already developed in a manner that is similar in terms of impacts to the natural environment as the proposed project will be (i.e., site is paved, includes a structure, has utility services, does not have any habitat or protected environmental features). However, it seems as though the concern expressed elsewhere in the letter is for human safety in the event of a flood at time of need for evacuation. The civil design will only be able to reasonably address this concern so much; a plan for evacuating and getting emergency services to the building seems like the way to further address this concern.

6. Floodplain Development Permit: There are concerns regarding adding additional floodplain mitigations which require human interaction (ie flood logs) rather than automatic features which do not rely on human actions. This was raised at a prior community meeting the Barlow held in 2019 regarding potential development of the site, and is also a concern of City staff.

As currently designed, the hotel rooms are all above the FEMA flood height. The only areas beneath are the courtyard (74'), restaurant (74'), lobby (74'), bar (74'), kitchen (74') and lobby restrooms (74') and retail spaces all located along the northern portion of the hotel on the first floor. All hotel and meeting rooms are above the flood height (80') and would not be impacted by flooding. Flood barriers similar to the ones used for the rest of the project are proposed for the entries within the flood zone including 2 retail and 2 courtyard openings. Furthermore, the redevelopment and repurposing of this building removes approximately 25,000 square footage of commercial space that currently sits unprotected in the flood plain from approximately 73' to 75'.

Concerns regarding lowering the existing finish floor lower into the Flood Plain. This area is currently a few feet up for the existing warehouse building, but it appears this would be lowered in the proposal. As this is an area that flooded in the 2019 flood, this is of concern.

We are in FEMA flood zone AE. The base flood elevation is at 78 feet. Per Code, all residential construction is required to have the lowest floor elevated 2 feet above the base flood elevation (El. 80.00). Per SMC15.16.170C, our residential uses in the proposed building sit at the required El. 80.00.

The McKinley Street-facing commercial retail space, restaurant, lobby, and bar are proposed sit at El. 74.00. The current level of the sidewalk of McKinley at the entry point of the courtyard is El. 73.00. Our proposed courtyard sits 1 foot above the sidewalk level at El. 74.00. Flood logs will be

used to prevent flooding in the areas with finish floor levels located at 74.00, in keeping with the other commercial uses located in the Barlow.

The structure is in the flood plain, and subject to flooding events. What is the plan for transient residents in such a circumstance? What do you anticipate the day prior to or day of a flooding event operationally? Is there a parking lot evacuation plan in the event of a disaster?

See above response with recommendations for the Hotel Flood Emergency Operation Plan.

Additionally, the proposed operation raises new concerns with traffic for the site and adjoining roadways to and from the proposed off-site parking on Morris Street.

This sentence in the incompleteness letter notes concerns about traffic and parking. This appears to be a statement rather than an incompleteness issue. We understand that these are issues of concern, which we share, and that they will be carefully evaluated in the CEQA process, by City staff, and by decision-makers. Please also note the additional parking and traffic information we have provided in this letter.