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PLANNING COMMISSION
MEETING OF: April 25, 2017
SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

APPROVED MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF APRIL 25, 2017

SEBASTOPOL YOUTH ANNEX
425 MORRIS STREET

PLANNING COMMISSION:

The notice of the meeting was posted on April 20, 2017.

ANNOUNCEMENT: Please turn off all cell phones and pagers during the meeting.

1. CALL TO ORDER: Chair Kelley called the meeting to order at 7:04 p.m.

2. ROLL CALL:

Present:	Chair Kelley, Vice Chair Fritz, and Commissioners Fernandez, Doyle, Glaser and M. Jacob (arrived at 7:13 p.m.)
Absent:	Commissioner R. Jacob (excused) Commissioner Douch (excused)
Staff:	Kenyon Webster, Planning Director Rebecca Mansour, Planning Technician Beth Thompson, De Novo Planning Group Elise Carol, De Novo Planning Group

The Commission agreed to modify the agenda order.

4. APPROVAL OF PLANNING COMMISSION MINUTES: March 28, 2017.

Commissioner Fernandez and Vice Chair Fritz amended the minutes.

Vice Chair Fritz made a motion to approve the minutes as amended.

Commissioner Doyle seconded the motion.

AYES:	Chair Kelley, Vice Chair Fritz, and Commissioner Fernandez, Glaser, Doyle and Douch
NOES:	None
ABSTAIN:	None

5. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA - This is for items *not* on the agenda, but that are related to the responsibilities of the Planning Commission or City Council. The Commission and Council receive any such comments, but under law, may not act on them. If there are a large number of persons wishing to speak under this item, speaking time may be reduced to less than 3 minutes, or if there is more than 15 minutes of testimony, the item may be moved to the end of the meeting to allow agendized business to be conducted.

ila Benavidez-Heaster, Bodega Avenue, commented:

- Referred to the Commission's previous discussion on food trucks and suggested that the Commission say what it is that they're after.
- In chatting with people at some of the local restaurants that she patrons, she found that some may consider food trucks an intrusion while others may be willing to roll with whatever the allowance for them may be.
- It is important to understand the needs of our restaurants before making a decision on food trucks because we wouldn't want our existing restaurants to be negatively impacted by them.
- Food trucks could bring about some revitalization which could be awesome.
- We really need to think about the needs of the community.
- It is important to articulate what you are really after when talking about these things.
- It is important to consider the needs of our infrastructure as well.
- Thinks that food trucks will be a nice addition, however, she suggested that we move slowly in order to assess how well they will integrate before adding more.
- The members of the Commission do not know what it feels like to live tightly.

Hearing nothing further, Chair Kelley closed the public comment period.

6. STATEMENTS OF CONFLICTS OF INTEREST: Vice Chair Fritz commented that, with regards to the Airbnb issue, while not a regular thing, he has rented out his home in past years. In addition, he noted that he has a hobby beehive on his property and asked Director Webster if either of those would constitute a conflict of interest.

Director Webster asked clarifying questions of Vice Chair Fritz.

Based on the information given, Director Webster stated that neither of those would constitute a conflict of interest for purposes of tonight's discussion.

Chair Kelley commented that the City Attorney is quick to address questions regarding possible conflicts and suggested that members of the Commission ask him, when needed.

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

Director Webster provided the following update:

- Beginning with tonight's meeting, the City will now be live streaming Planning Commission meetings. Interested persons will also be able to recall the recording online after the live stream has ended.
- Last night, the City Council Housing Subcommittee held one of their forums.
  - The Subcommittee had two guest speakers, one from Habitat for Humanity, and another from Sonoma Land Trust.
  - The guest speakers spoke about how they produce affordable housing, and provide repairs to low income person's households.
  - These are all contributing to the mix of ideas and initiatives that may come out of that process.
  - At the next meeting, the Subcommittee is expecting a presentation from Burbank Housing and is hoping to hear from someone from the Sonoma County Community Development Commission.
- The City Council:
  - Adopted the 'Phase 1' Zoning Ordinance amendments. The Council made a few minor changes to the Commission's recommended version.
  - On a recent agenda, approved an agreement with Airbnb for collection of transient occupancy tax (TOT) through their platform.
- An agreement to transfer management of Village Mobile Home Park to West County Community Services is happening. Their official takeover as management will happen in July. The City will be doing some capital improvements to the manager's unit as well.
- On May 15, the Council is going to have a special meeting focusing on long-term liabilities associated with the Public Employee Retirement System (PERS) to get a better understanding of what those long-term implications are for the City. Depending on what the conclusions are, the City may adjust their plans for how to address those.
- On May 16, the Council will begin their budget deliberations.
- The next regularly scheduled Planning Commission meeting will take place on May 9. At least one Use Permit will be on that agenda.
- Parklet implementation in front of several Main Street businesses will be taking place this upcoming Saturday, April 29.

The Commission asked questions of Director Webster.

Commissioner Doyle noted that he would be out of town for both Planning Commission meetings in May.

3. ELECTION OF OFFICERS: The Commission's rules of order specify that election of officers should take place at the first meeting of April each year, or at a later meeting as necessary.

Chair Kelley asked a clarifying question of Director Webster and thanked the Commission for their support during her time as Chair.

Chair Kelley asked for nominations for Chair.

Commissioner Fernandez nominated Commissioner Fritz to serve as Chair.

Commissioner M. Jacob seconded the nomination.

Chair Kelley asked for other nominations.

Hearing none, Chair Kelley asked Commissioner Fritz if he accepted the nomination.

Commissioner Fritz accepted the nomination.

The Commission voted as follows:

AYES:	Commissioner Kelley, Fernandez, Glaser, Doyle, M. Jacob and Fritz
NOES:	None
ABSTAIN:	None

Commissioner Kelley turned the gavel over to Chair Fritz.

Chair Fritz asked for nominations for Vice Chair.

Commissioner Doyle nominated Commissioner Douch to serve as Vice Chair.

Commissioner Glaser seconded the nomination.

Chair Fritz asked for other nominations.

There were none.

Commissioner Fernandez stated that Commissioner Douch should be present to accept the nomination before the Commission votes.

The Commission agreed to defer election of a Vice Chair to their next meeting.

8. CONSENT CALENDAR (PUBLIC HEARING IF REQUESTED): There were none.

9. DISCUSSION:

A. REVIEW OF SELECTED ZONING ORDINANCE POLICY ISSUES TO IMPLEMENT THE NEW GENERAL PLAN: A new General Plan was adopted in 2016. The General Plan calls for consideration of new or revised Zoning Ordinance standards relating to a number of issues. Several topics needing discussion and Planning Commission policy direction are the subject of the April 25 Commission meeting. These include: how short-term visitor rentals should be regulated; whether special zoning standards should be added for The Barlow area; potential standards for beekeeping; whether any revisions to the formula business regulations should be considered; and other issues. De Novo Planning Group, the City's consultant, has provided a memorandum discussing these issues, and providing background information. The intent of the April 25 meeting is to obtain policy direction that will lead to drafting of actual Zoning regulations.

Director Webster presented the staff report and was available for questions.

Beth Thompson of De Novo Planning Group listed the topics that were up for discussion this evening and provided an introduction on the topic of 'how the City should regulate short-term vacation rentals'.

The Commission asked questions of Director Webster and Ms. Thompson.

Commissioner Fernandez noted the importance of using the microphone, especially given that the meetings are now being live streamed.

Director Webster concurred.

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

Kit Carson, a resident of Sebastopol, commented:

- This whole process has been really confusing.
- Did Airbnb for almost two years, however, she is no longer doing it.
- Unsure about whether or not she'll do it again because it was hard work.
- The largest number, which is a growing number, of hosts for Airbnb are senior women, not corporations.
- Many of those senior women are looking for ways to earn extra income, by renting out a room in their house, in order to remain in their homes.
- Likes the Airbnb platform because it is simple.
- Guests can be high-maintenance.
- Does not like the idea of being forced to provide housing for people that need housing, when it is in her own home.
- Likes to maintain a certain quality of life.
- Simplicity is important to her.
- Since first being introduced to the idea of Airbnb, she tried for two years to get the City of Sebastopol to streamline the permit process and has been totally unsuccessful.
- Wanted to be in compliance and pay the tax but couldn't because the process was too confusing and she couldn't get any help with it.
- Is still unsure, if she were to do it again, what would be required to be in compliance.
- May not have been able to stay in her house without the income she generated through Airbnb.
- Has been in her house since 1975.

Chair Fritz asked Ms. Carson to wrap up her comments as her three minutes were up.

Ms. Carson comments continued:

- Hopes that the City will help the people that have been in their houses for so long, remain in their houses, instead of pushing them out.
- You talk about affordable housing, it is important to take care of the aging population too, as they have done much to make this the wonderful city that it is.
- Don't just make way for the people that can afford a $600 per night hotel.

Megan Finaly, a resident of Sebastopol, commented:

- Moved to Sebastopol indirectly from Seattle.
- Loves Sebastopol.

- Sebastopol is a great community.
- Still owns her property in Seattle.
- Has been doing Airbnb since 2011.
- Working with Airbnb has been an incredible experience in more ways than one.
- Is a single mom.
- Airbnb is a great way to generate income as she has found it difficult to find work here.
- Hopes that Sebastopol will find a way to allow Airbnb's.
- Would like to add some type of accessory dwelling unit to her property in Sebastopol.
- Her current primary residence is just under 1,000 square feet.
- Sebastopol's rules around accessory dwelling units are hard to understand.
- Would be great for Sebastopol to create a chart of some kind in order to help guide people through the accessory dwelling unit parameters and process.
- Questioned whether or not an operator could have a business license for other revenue generating businesses and expressed a concern with people not being able to conduct more than one business as that may discourage people from becoming Airbnb operators.
- Glad that Airbnb has agreed to collect TOT for the City.
- Pays taxes for doing Airbnb in Seattle and it is automatic, which is great.
- Expressed thanks for the meetings being live-streamed.
- Suggested that each Commission member introduce themselves at the start of the meeting for benefit of those viewing the live stream.
- Questioned whether the current TOT was 10% or 12%.
- Thanked the Commission for their time.

Commissioner Doyle responded that it is 10%.

Hearing nothing further, Chair Fritz closed the public comment period and brought it back to the Commission.

The Commission asked additional questions of Director Webster.

The Commission discussed their process for this discussion.

Commissioner Doyle commented:

- There are advantages and disadvantages to short-term rentals such as Airbnb.
- Advantages include tourism, supplements the income of some of our residents, and brings revenue to the community as well as our local government. All of which are great things.
- Has stayed at many, many Airbnb's over the years. Airbnb's are great and they allow you to have a different perspective on the places that you're visiting.
- Disadvantages can include, particularly if there is an oversaturation of them, parking and noise related issues. In addition, if it is rental of a full-unit, there is a concern with reducing our housing stock for long-term rentals.
- Expressed not being in support of heavily regulating Airbnb's.
- We need to find a balance.
- Spoke on definitions; bed and breakfasts for residential zones (between 3 and 5 units), bed and breakfasts for certain commercial zones (between 3 and 10 units),

hotels (over 10 units), and then the leftover (1 to 2 units) which aren't really defined which he refers to as 'short-term' or 'vacation' rentals.

- Likes the way the system is now.
- There needs to be a clearer emphasis on registering them.
- Suggested that staff develop an agreement for operators to sign which would include language about the requirement to pay the transient occupancy tax and noted that a small fee for administering the program may be appropriate.
- The regulations are pretty good as is.

Commissioner Fernandez commented:

- Appreciates the comments that were made by the members of the public.
- Has not personally stayed in a lot of Airbnb's himself.
- Has spoken to a lot of people who rent out their property via Airbnb as well as people who stay in them.
- Totally supports them.
- Like what was heard during the public comment period, he too concluded that operators are not trying to make a killing, they are trying to make a living and to make rooms available for people who wish to stay in an Airbnb.
- Expressed being a little bit bothered by all of the people that want a piece of the revenue that is being gained through this process. Like a member of the public said, that may be enough to keep many people from choosing to do it at all.
- Cautioned that rooms may be left empty due to overregulation and perhaps too many costs.
- So many taxes lead to unintended consequences.
- Wants the process simplified so that it can be easily understood.
- Wants to create a process that encourages people rather than discouraging them.
- Didn't believe that Airbnb's would result in displacement of long-term rentals in that they are two totally different things and appeal to different people. There are a lot of people who would leave a room or unit vacant rather than having to commit to a long-term renter because they want their space, they want their privacy.
- The public speaker that asked about a person's ability to have more than one business license raised a good question that he had not thought of. Unless one business license could cover multiple business types, the process could get pretty expensive and lead people to think that it would not be worth it.
- An increase in TOT from 10 to 12% may not seem like much, but it could be a big deal for some.
- Encourages keeping things simple.
- Rather than overregulating them and anticipating everything that could possibly go wrong, the City should make things as easy as possible. Issues, if/when they arise, can be addressed at that time.
- Airbnb has a rating system for both operators and renters which results in some self-policing as well.

Commissioner Kelley commented:

- Expressed a concern over the fact that accessory dwelling units are receiving a lot of forgiveness in terms of fees, infrastructure, setbacks, and the like.
- Expressed a concern over the impacts on our infrastructure and commented that it is important that we all contribute in order to keep our infrastructure going.
- Accessory dwelling units should be kept available for housing stock.
- Airbnb rentals should only be allowed within the primary dwelling unit.

Commissioner Glaser commented:

- Agreed with the comments that were made by Commissioner Doyle.
- With tiering, it is not about the business so much as it is about the neighborhood, and it is absolutely necessary.
- Has stayed in Airbnb's all over.
- Questioned the language about not allowing kitchens and commented that kitchens may be a desirable amenity for some.
- Can see somebody staying in a short-term rental for 28 days.
- Expressed being unsure about the clause which states that people can stay in a short-term rental for 28 days, leave for 7 days, and then return for another 28 days as it may affect the nature of the use.
- The zoning regulations should clarify the number of different use types and circumstances. Doing so will help us to ensure that the nature of our neighborhoods does not change.

Commissioner M. Jacob commented:

- Spoke on process.
- When Commissioner Doyle listed the pros and cons, those were in part, part of the values and goals in the General Plan which is very helpful.
- Also, as mentioned by Commissioner Doyle, the gap related to the leftover (1 to 2 units) which aren't really defined, needs to be looked at. The other stuff is pretty clear.
- Once the work is done, a handout for the public, meant to simplify the process, should be created and made available.
- The Airbnb model is really a marketing tool.
- Enforcement needs to be discussed as it can be complicated and burdensome to the City.
- We need to uncomplicate these.

Chair Fritz commented:

- Agreed with not overregulating them.
- Having the ability to have a rental in your home is a good thing and can allow people to supplement their income and stay in their homes.
- Sebastopol and its surrounding areas are desirable and attract tourists.
- Sebastopol doesn't have a lot of hotels and because we generally want to encourage tourists here, this is a way for us to allow that to happen.
- Expressed some concern with whole houses becoming vacation rental properties as that would reduce our housing stock for people that actually live in the area.
- Likes the idea of 'hosting' meaning that somebody has to be there, either the owner or renter, with their landlord's approval, living on the property. That might be a way to mitigate the issue of investors that buy up properties with the sole intention of renting them out.
- We need to work towards having enough housing for people that want to live here long-term.
- With regards to the July 1 deadline; he noted that Accessory Dwelling Units would still be allowed for transient occupancy after that date with a Use Permit.
- It is good for the City to monitor how much of and where this use is taking place.
- With regards to concerns related to noise; the City already has rules relating to noise.
- The City does not have staff to enforce all of these rules.
- It is beneficial to keep things simple.

Commissioner Fernandez commented that he too would have concerns regarding homes used exclusively as short-term rentals and asked Chair Fritz if he was opposed to people renting out their entire house solely while they're away on vacation.

Chair Fritz responded that he would be okay with that.

Commissioner Glaser clarified that the issue is with people who buy a property as a commercial enterprise, not with people who buy a property and occasionally rent it out.

Chair Fritz concurred.

Commissioner Doyle commented:

- All of this just goes to show how difficult this really is.
- Properties that are purchased to be used exclusively as short-term rentals will reduce our housing stock.

Commissioner Fernandez commented:

- He would rather provide a long-term living situation for a family versus a high turnover rental.

Commissioner Kelley cautioned loosening up the regulations too much.

Commissioner Glaser suggested that any whole home short-term rental, defined as 28 days or less, could be limited to a certain number of months, perhaps 7, out of a 12-month period, if unhosted. This would eliminate the concern regarding them being used exclusively as short-term rentals.

Commissioner's expressed support for the idea but expressed a concern with enforcement of that idea.

Commissioner Doyle commented that enforcement for any of this is an issue.

Chair Fritz commented:

- Perhaps there could be a way to consider a property 'hosted' if the owners go away on vacation.

Commissioner Glaser responded that the time limitation he suggested could accomplish the same thing.

Commissioner Fernandez commented that enforcement will come when issues are raised by the neighbors and noted the importance of having rules in place so that they could be legitimately enforced, if needed.

Commissioner Doyle commented:

- Leaning towards requiring 'hosted' for short-term rentals, if 1 or 2 rooms, with no Use Permit being required.
- Wants the requirement to have a Use Permit for all new accessory dwelling units proposed to be used as short-term rental units stricken.
- Most people that have an available accessory dwelling unit on their property will opt for a long-term rental. Short-term rentals can be a big hassle.

Commissioner M. Jacob made a suggestion related to the process for this discussion and commented:

Director Webster commented:

- Through their discussion, the Commission has given them a pretty good sense of where they are at.
- The Commission will have an opportunity to review what is written up specifically to see if it fits with what they are.

Ms. Thompson agreed and commented:

- We have heard good discussion that we can use as a starting point.
- Discussion by the Housing Subcommittee will be folded into the edits as well.
- The Commission will have the opportunity to review what is crafted based on Commission and Housing Subcommittee discussion.
- Summarized what she had heard thus far.

The Commission concurred.

Chair Fritz asked a question of Ms. Thompson.

Commissioner Doyle commented:

- Supports allowance over restriction.
- If there are going to be some situations where there would be restrictions, he would like it to be through the Use Permit process rather than prohibition.
- If through a Use Permit, it is especially important to craft clear findings which can keep the discretionary aspect to a minimum.
- Spoke on potential findings.

Commissioner Fernandez commented:

- Like Commissioner Doyle, he would like to see the requirement to have a Use Permit for all new accessory dwelling units proposed to be used as short-term rental units stricken.

Commissioner Kelley commented:

- There is too much of an incentive to rent out an accessory dwelling unit as an Airbnb.
- We have to be very, very careful.
- The reason we reduced the ability for people to do that with accessory dwelling units after July 1 is because the new rules really give a freebie to the homeowner and that is not really fair because it is on the back of the taxpayers. In addition, it can affect our comfort in terms of density and housing.
- Airbnb's should only be allowed if hosted within the primary residence.

Commissioner Glaser commented:

- In our findings we can specify what the allowable saturation is for different zones.
- Doing so will protect against all of the things that the Commission has been talking about.

Commissioner Doyle commented:

- Commissioner Glaser's idea of limiting the number of days is a good concept to discuss.
- Expressed being all for providing flexibility to property owners.

Seeing members of the public who wished to comment on the Commission's discussion, the Commission agreed to reopen the public comment period.

Terri Tachovsky, a resident of Sebastopol, commented:

- Asked for the ratio of accessory dwelling units currently in the city and what the effective impacts of any changes would be.
- If we are building more housing in the community, why wouldn't you let homeowners use accessory dwelling units as Airbnb's?
- Considered adding an accessory dwelling unit to her property
- Agreed with Commissioner Doyle in that a Use Permit should not be required for new accessory dwelling units after July 1. If a Use Permit is required, one should be required for all of them, not just the new ones.
- Thanked the Commission for their time.

Chair Fritz asked a question of Director Webster.

Kit Carson, a resident of Sebastopol, commented:

- Thanked Commissioner Fernandez for understanding the position a lot of people, herself included, are in. Appreciates really feeling heard by a member of the Commission.
- Airbnb's in more than just a marketing gimmick, its whole concept is about providing a home experience to tourists which is one of the reasons she likes it.
- Came to Sebastopol in 1974 and planned to stay for one year. She wound up staying because she likes it here so much. Other people like it too.
- Hopes for distinction between hosted rentals within people's homes and all of the other possible ways that a person can create a short-term rental on their property.
- Please don't overregulate these. If you do, as was already mentioned, rooms will sit vacant.
- All Airbnb operators get reviewed by each guest that they house online. Operators review each guest online as well. Knowing that is an incentive to be good and works really well for self-regulating.
- Urged the Commission not to get carried away.
- Suggested that a category be created for homeowner's over 60 who rent out a room in their house on a short-term basis.

Megan Finaly, a resident of Sebastopol, commented:

- Airbnb is not just doing rentals these days, they are now offering 'experiences'.
- Many people are drawn to the idea of small houses simply because of the cost of building. She clarified that she was not referring to what is known as a 'tiny house'.
- Expressed being torn on what to do with her property in terms of an accessory dwelling unit.
- Asked for consideration of an allowance for 'small homes'.

Hearing nothing further, Chair Fritz closed the public comment period and brought it back to the Commission.

Chair Fritz adjourned the meeting at 8:49 for a brief break.

Chair Fritz reconvened the meeting at 8:57.

Ms. Thompson provided an introduction on the topic of 'whether a subset of M District regulations should be created for the Barlow development area'.

The Commission asked questions of Director Webster and Ms. Thompson.

Commissioner Glaser suggested that an overlay could be used.

Director Webster responded that an overlay zone could be applied, or the area itself could be described geographically within the 'M' district.

Commissioner Doyle expressed support and advocated for creation of a new zone.

Ms. Thompson agreed that creation of a new zone would be the most straightforward way to go about it.

The Commission reviewed 'Table 2: Summary of Use Regulations for Industrial (M) Zoning District' and suggested the following revisions which would apply to the new 'Barlow' zone:

Under 'Permitted' uses;

- Add – 'Retail sales (up to 1,500 sf)'
- Modify – 'Office when located on second floors existing as of May 21, 2013, within the area bounded by Sebastopol Avenue, Petaluma Avenue, McKinley Street, and Morris Street' to, 'Office when located on second floors'.
- Remove – 'Automotive repair and services'
- Change – 'Warehouse, storage and transport' to a 'Conditionally Permitted' use.
- Add – 'Convenience Sales and Service (under 1,500 sf)

Under 'Conditionally Permitted' uses;

- Remove – 'Automotive gas or fueling stations'
- Remove – 'Animal hospitals and kennels'
- Add – 'Veterinary office or animal hospital, office only'
- Add – 'Warehouse, storage and transport'
- Remove – 'Storage, personal or vehicle'
- Modify – 'Retail Sales' to, 'Retail Sales (over 1,500 sf)'
- Suggested clarification of 'General Industry' as being food-related.
- Remove – 'Heavy industrial'
- Remove – 'Extensive impact civic'
- Remove – 'Sports park'
- Remove – 'Parking facilities'

- Modify – ‘Residential, Transient in buildings existing as of July 23, 2013, within the area bounded by McKinley Street, Morris Street, Sebastopol Avenue, and Depot Street’ to, ‘Residential, Transient’
- Add – ‘Convenience Sales and Service (over 1,500 sf)

Under ‘Development Standards’;

- Modify – ‘Maximum residential density: 1 du/2,000 sf of lot area’ to, ‘Maximum residential density: 1 du/1,750 sf of lot area’ to be consistent.
- Modify – ‘Floor area ratio: 0.75 (not including residential)’ to, ‘Floor area ratio: 1.0 (not including residential)’

Additional comments included:

- Chair Fritz commented that he would be okay with office uses on the first floor so long as they were off of main thoroughfares.
- Commissioner Doyle expressed a concern with allowing too many things, like office space which has a high value per square foot, because that may be all you end up with and that is not something that we want for an industrial area.
- Chair Fritz commented that Sebastopol doesn’t have enough demand for everything to become high value per square foot office space like Commissioner Doyle suggested.
- Commissioner Kelley commented that she would be okay with permitting retail uses up to 600 sf, not 1,500 sf.
- Ms. Thompson commented that language related to ‘warehouse, storage and transport’ or ‘warehouse, wholesaling and distribution’ that is secondary to a permitted use needs to be clarified as something that would be appropriate as a permitted use. The Commission concurred.
- Ms. Thompson commented that ‘laboratories’ currently fall under the ‘light industrial’ category and stated that that could be moved to its own category.
- Commissioner Doyle commented that he would not want residential uses allowed on the street level. Chair Fritz and Director Webster commented that flood regulations already would not allow residential on the street level at the Barlow.
- Commissioner Doyle and Chair Fritz agreed that it would be great to have residential at the Barlow so long as it was above commercial.
- Commissioner M. Jacob suggested including the fourth-story bonus for affordable housing in the Barlow.
- Commissioner Kelley commented that she could only support a fourth-story bonus for affordable housing on the end closest to the Downtown Core because development should step-down as it gets closer to nature so as not to impact the viewshed.
- Commissioner Doyle expressed support for removal of ‘live-work dwelling units in a mixed-use development as a ‘Conditionally Permitted’ use. The rest of the Commission supported leaving it in.
- Commissioner Fernandez asked staff to ensure that ‘walk up food service’ is covered under, ‘food sales’ as a permitted use. Director Webster responded that

he believed that it was covered and agreed that it should be added, if not already there, to be consistent with other sections of the Zoning Ordinance.

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

Michael Carnacchi, a resident of Sebastopol, commented:

- Cautioned changing retail sales to being a permitted use because doing so could affect downtown businesses greatly.
- Ideally, retail sales should remain a conditionally permitted use.

Ms. Thompson provided an introduction on the topic of 'whether updates to the formula business regulations should be considered'.

There were no questions of Director Webster or Ms. Thompson at this time.

Commissioner M. Jacob commented:

- Our definition of a formula business has to do with being similar to 25 or more establishments across the country.
- Believed that being similar to 25 or more establishments across the country was too restrictive and suggested that it be increased to 100 or more establishments.

Commissioner Fernandez commented that there are other factors too and expressed not being in agreement with increasing the number of outlets.

Commissioner Kelley commented that some jurisdictions are even more restrictive than the 25 or more that we currently state.

Commissioner M. Jacob commented that, other than the number of establishments, he would not want to change anything else about the formula business ordinance.

The Commission asked questions of Director Webster and Ms. Thompson.

Chair Fritz commented:

- Expressed being torn.
- Tends to agree with Commissioner M. Jacob.
- There are certain formula businesses that we would not want to encourage, but there are others that may not be so bad.
- Would not want a formula tax business, which is currently exempted, in the 'CD' zone, especially on the street level.

Ms. Thompson responded that they could delete the current exemption for offices, banks, credit unions and tax preparation services and allow them with a Use Permit.

Commissioner Fernandez expressed support for that approach.

The Commission asked questions of Director Webster.

Commissioner Doyle commented:

- Supports less restrictive like Commissioner M. Jacob.
- Does not want to make it hard for businesses to come here.

Commissioners M. Jacob, Doyle and Chair Fritz expressed being in support of modifying the definition of 'formula business' to increase the number of establishments from 25 or more to a yet to be agreed upon number.

Commissioner Kelley commented:

- Expressed being opposed to that.
- Without research, changing the number is asking way too much.

Commissioner Doyle commented that he would like to see some research on the numbers.

The Commission asked questions of Ms. Thompson.

Ms. Thompson agreed to research this and report back to the Commission. She also commented that they may be other ways such as regional businesses, versus national, etc.

After some discussion, the consensus of the Commission was to allow office and tax preparation uses to remain as exempt if outside the 'Downtown Core'. If within the 'Downtown Core', office and tax preparation uses would require a Use Permit in order to be on the ground floor.

Hearing nothing further, Chair Fritz asked if members of the public wished to speak on this item.

Hearing none, Chair Fritz closed the public comment period and brought it back to the Commission.

Ms. Thompson provided an introduction on the topic of 'appropriate standards for beekeeping'.

The Commission asked questions of Director Webster and Ms. Thompson.

Commissioner M. Jacob commented that it should be left unaddressed, unless the City is receiving a lot of complaints, and noted that there is a Sonoma County Beekeepers' Association.

Director Webster responded that the City has received a lot of questions, not complaints, regarding keeping bees within the City limits.

Commissioner Kelley commented:

- Has heard complaints from people who live near Bee Kind, a commercial establishment, who have been negatively affected by the nearby use.

Ms. Thompson stated that commercial beekeeping is not addressed currently, but could be added.

Commissioner Doyle commented that commercial beekeeping should require a Use Permit.

Commissioner Kelley commented that commercial beekeeping enterprises should follow best management practices for this type of use.

The Commission asked additional questions of Director Webster.

The Commission agreed to leave residential beekeeping unregulated.

Ms. Thompson commented that she would craft language for commercial beekeeping.

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

Hearing none, Chair Fritz closed the public comment period and brought it back to the Commission.

Ms. Thompson provided an introduction on the topic of 'whether there are any changes to use allowances (beyond those approved in the Phase 1 Zoning Ordinance amendments) that should be considered'.

The Commission had no questions of Director Webster or Ms. Thompson.

Commissioner Kelley suggested that the consultant look into appropriate places for cannabis-related uses.

Director Webster responded that cannabis-related issues were excluded from this update because it warrants its own significant discussion.

10. WRITTEN COMMUNICATIONS:

A. **ANNUAL LEVEL OF SERVICE REPORT:** Information regarding a variety of City services and development activity, no action required.

Commissioner M. Jacob noted that he would not attend the Planning Commission meeting on May 9.

11. ADJOURNMENT: Chair Fritz adjourned the meeting at 10:30 p.m. to the next regular meeting of the Commission. The meeting will be held on Tuesday, May 9, 2017 at 7:00 p.m. at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472.

Respectfully Submitted By:

Kenyon Webster
Planning Director