

City Council
Mayor Patrick Slayter
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Planning Director
Kari Svanstrom
Associate Planner
Alan Montes
Senior Administrative Assistant
Rebecca Mansour

City of Sebastopol Design Review Board Staff Report

Meeting Date: April 15, 2020
Agenda Item: 7A
To: Design Review Board
From: Alan Montes, Associate Planner *AM*
Subject: Outdoor Patio for Vineshift (The Region)
Recommendation: Approve with Conditions
Applicant/Owner: Johan Eide/Barlow (Yolanda Mathew)
File Number: 2020-009
Address: 180 Morris Street, Suites 160 & 170
CEQA Status: Categorical Exemption: Section 15303: Class 3
General Plan: LI: Light Industrial
Zoning: CM: Commercial Industrial

Introduction:

This is a Design Review application, requesting approval to construct an outdoor patio within the Barlow. The proposal would eliminate two parking spaces in the Barlow (Fuji Court parking lot).

Background:

The project applied for a Conditional Use Permit (2020-102) to operate a wine tasting room at 180 Morris St., Suites 160 and 170, and to eliminate two parking spaces for an outdoor patio. The Planning Commission approved the request on January 14, 2020 with the following condition for approval pertaining to the patio:

This approval allows for the installation of an outdoor seating deck (patio) over two (2) existing parking spaces, as identified on the plans, subject to Design Review approval. This use of the parking spaces may remain in effect for the duration of the use permit. Upon expiration of the use permit the two (2) parking spaces shall be restored to their original function unless approved otherwise by the Planning Commission.

The Planning Commission did not approve the design of the patio, as the design requires approval from the Design Review Board.

Project Description:

The project proposes to create a 426 net sq. ft. outdoor patio within the Fuji Court parking lot, Figure 1, eliminating two parking spaces. The patio will be a concrete patio with a cedar fence (clear stain) enclosure and will utilize a portion of the sidewalk in front of the building. There will be approximately 29 seats and have two concrete fire pits within the patio area.

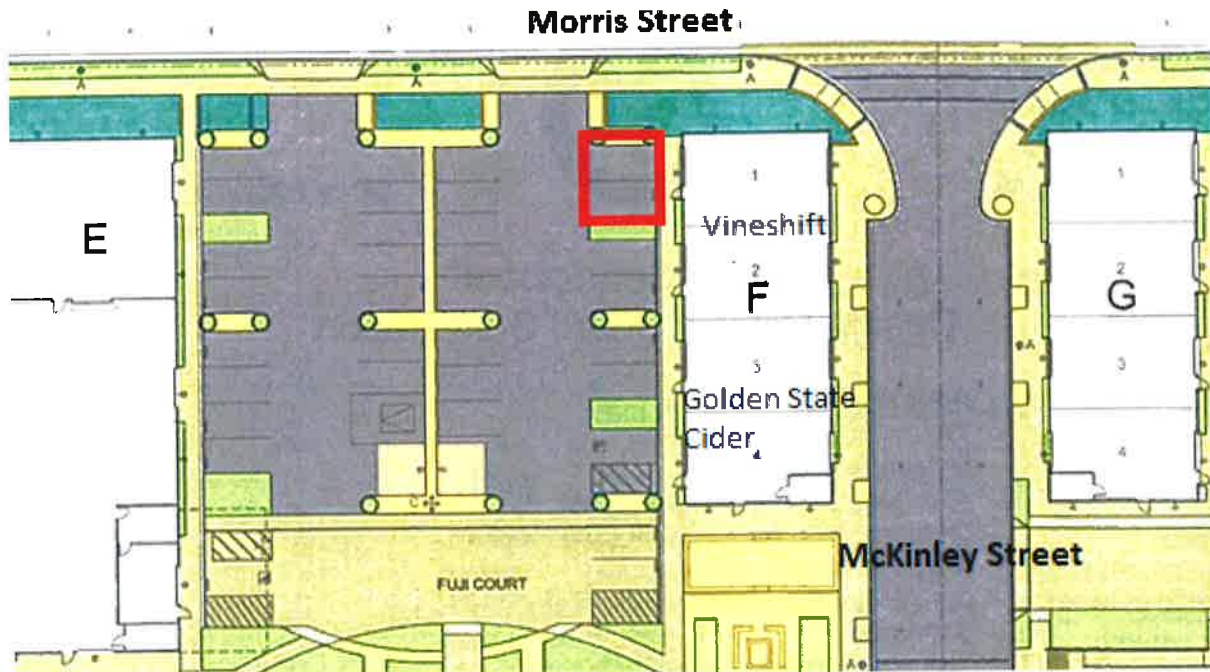


Figure 1

Environmental Review:

The project is categorically exempt from the requirements of CEQA pursuant to Section 15303, Class 3, which includes construction of accessory structures such as garages, carports, patios, and fences. The patio would be considered an accessory structure and will not create any new environmental impacts as it will be in an already developed area.

General Plan Consistency:

The General Plan Land Use Designation for the site is Light Industrial. The General Plan states the following: "This designation provides for a wide variety of commercial, wholesale, service, and processing uses which do not generate excessive adverse environmental impacts. Other uses allowed in this designation include office ancillary to industrial uses; warehousing and agricultural products sales and services; auto sales and repair; food and drink processing; construction yards; research and development, laboratories, light manufacturing; and similar uses." The alterations to the courtyard/parking lot are minor and do not change the existing use. The minor changes are consistent with the Light Industrial Land Use Designation in that it will be a gathering area located in an area that contains an array of office, commercial and industrial use, in addition to food and retail services.

Zoning Ordinance Consistency:

The site is in the CM: Commercial Industrial District. The Zoning Ordinance states the following: "The CM District is intended to encourage local production, innovation, and sales of local art, textile, food, beverage, and other tangible goods by allowing a range of complementary, community-oriented building types and spaces that accommodate small- and mid-size makers, fabricators, producers, and manufacturers, as well as specified commercial, residential, and other uses. (Ord. 1111, 2018)." The Planning Commission has determined that the wine tasting room and patio are an appropriate and consistent use within the Zoning District.

Parking: Uses in the CM District are subject to the following parking requirement (per SMC 17.110-2: Central Core District and Commercial-Industrial District): One space per 500 square feet for all uses, except residential. The requirement applies to industrial, food, retail, and other uses. The Barlow currently has a surplus of parking spaces throughout the campus at this time. The tasting room for Vineshift (1,972 square feet) requires four (4) parking spaces, which are already accounted for in the required parking; the proposed patio would eliminate two (2) surplus parking spaces. The total surplus parking for the Barlow campus will be over 20 parking spaces, above the City's minimum parking requirement. The parking reduction was approved by the Planning Commission on January 14, 2020.

Public Comment:

The Planning Department has not received any comments on the application from the public as of writing this report.

City Departmental Comment:

The following City departments reviewed the application: Building and Safety, Fire, Engineering, Public Works, and City Manager. Staff has received the following comments:

Public Works:

- Any work within a City Easement will require an encroachment permit.
- Stormwater protection shall in place during construction.

Building and Safety:

- The design and construction shall comply with the 2019 California Code of Regulation, Title 24: California Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, California Electric Code, California Building Energy Standards and the California Green Building Standards.
- A minimum of 5% of the seating spaces and standing spaces at the dining surfaces shall be accessible in compliance with CBC chapter 11B and must be dispersed throughout the space at each type of seating a functional area. Where food or drink is served for consumption at a counter exceeding 24 inches in height, a portion of the main counter shall be in compliance with CBC section 11B-902.3. The route to the accessible seating and the surface below the accessible seating area shall be level, firm, and stable with compliant maximum slopes in all directions.
- When alterations or additions are made to existing buildings or facilities, an accessible path or travel to the specific area of alteration or additional shall be provided. Unless meeting one of the exceptions to CBC section 11B-202.4, the primary accessible path or travel shall include: 1. A primary entrance to the building or facility, 2. Toilet and bathing facilities serving the area, 3. Drinking fountains serving the area, 4. Public telephones serving the area, and 5. Signs.

Fire:

- The project shall comply with the 2019 Building and Fire Codes.
- The patio shall be "open-air". Enclosures are not allowed without permits.
- The firepits and other fire appliances shall be UL approved.

No other comments were received.

Required Findings:

Design Review: Section 17.450.030(B) of the Zoning Ordinance states the following: "In considering an application for design review, the Design Review Board, or the Planning Director, as the case may be, shall determine whether: 1) The design of the proposal would be compatible with the neighborhood and with the general visual character of Sebastopol; 2) The design provides appropriate transitions and relationships to adjacent properties and the public right of way; 3) It would not impair the desirability of investment or occupation in the neighborhood; 4) The design is internally consistent and harmonious; and 5) The design is in conformity with any guidelines and standards adopted pursuant to this Chapter."

Analysis:

The project appears to be compatible with the site as it enhances and creates a more engaging area within The Barlow. The patio will have cedar fence around the perimeter of the patio. The fence will have a maximum height of 3'-6" and will have spaces between the boards in order to allow people to see into the patio, which creates a more open and welcoming environment. A portion of the fence will sit on top of the concrete floor and will have a maximum height of 4'-7" from grade.

The applicant is aware that a percentage of the standing and seating space is required to be ADA compliant and will revise the application for the building permit to ensure compliance.

Staff has recommended several conditions of approval requiring that the applicant demonstrate that the flood logs storage and installation will not be impacted by the improvements. The conditions include:

- That the sidewalk between the building and patio remain open and clear to allow for the storage and installation of the flood logs when needed.
- It is the applicant's responsibility to ensure that the improvements will not impact the ability to install the flood logs.
- A Planning Final Inspection is required in order to ensure that the flood logs can be adequately stored and installed, prior to building permit final.

The project will eliminate two parking spaces; however, The Barlow has surplus parking to absorb the lost spaces which was approved by Planning Commission. The Planning Commission required that the patio be easily removable and tied the patio to Use Permit (2019-102), stating that it would need to be removed or reapproved by the Planning Commission should a new use, not conforming to the use permit, move in. The patio is proposed to be constructed of a concrete foundation poured over a 40 mil. high strength membrane placed over the asphalt. Staff is seeking the Board's input on whether they find this to be an easily removable structure or whether the design needs to be revised to be easily removable.

Pending the Board's input on the removability of the design, staff finds that the proposed project is compatible with the neighborhood and greater Sebastopol it that it expands amenities and enhances The Barlow.

Recommendation:

If it is the consensus of the Board that the proposed patio is compatible with the site and easily removable, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report, and subject to the conditions of approval outlined.

Alternatively, the Board may find that revisions are necessary, and a continuance is appropriate. Staff recommends that the Board provide direction for redesign to the applicant in the event of a continuance or rationale in the event of a denial.

Attachments:

- Master Planning Application
- Photographs of material board
- Submitted Plans
- Staff Report and Approval for Vineshift Use Permit 2019-102

DESIGN REVIEW: 2020-009
Wine Tasting Room – Outdoor Patio
180 Morris Street, Suites 160 & 170

Recommended Findings of Approval:

1. The proposed use is categorically exempt from the requirements of CEQA, pursuant to Section 15303, Class 3, which includes construction of accessory structures such as garages, carports, patios, and fences, as the proposed patio is located in an already developed area and is a small structure it is exempt from CEQA.
2. That the proposed project is consistent with the General Plan policies Community Design (CD) 1-9, which states the City should “promote an attractive system of public and quasi-public spaces throughout the community that support public gatherings and social interaction. Encourage new development to include accessible and attractive common areas including unique courtyards, pocket parks and plazas.” This project is consistent in that the outdoor patio will create an attractive outdoor patio area that will foster social interaction.
3. The project is consistent with the Zoning Ordinance, in that the project is proposing an accessory structure in the CM district and complies with the findings in the Sebastopol Municipal Code Section 17.450.030B, identified below.
4. That the proposed project is consistent with Section 17.450.030.B of the Zoning Ordinance in that the project appears to be compatible with the site because it beautifies and creates a more engaging patio area within The Barlow, which will enhance the facility. The design of the project provides an appropriate transition and relationship to the area in that it continues to utilize the existing landscaping, utilizes the footprint of two surplus parking spaces (converts it to a patio). The project will incorporate an existing private walkway and will maintain ADA accessibility. The Barlow has surplus parking to absorb said loss and the Planning Commission has approved the reduction of two parking spaces on their January 14, 2020 hearing. The seating will be located out of the public right-of-way and will help create a gathering space which is aesthetically pleasing and inviting. The proposed project is also compatible with the neighborhood and greater Sebastopol in that it expands amenities and enhances The Barlow.

Recommended Conditions of Approval:

1. Approval is granted for the patio described in the application materials date-stamped January 23, 2020, except as modified by the conditions of approval, and is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Design Review Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
2. This approval allows for the installation of an outdoor seating deck over two (2) existing parking spaces, as identified on the plans. This use of the parking spaces may remain in effect for the duration of the Use Permit (2019-102). Upon expiration of the Use Permit (2019-102) the two (2) parking spaces shall be restored to their original function unless approved otherwise by the Planning Commission.
3. The sidewalk between the patio and building shall remain open/clear in order to allow the storage and installation of the flood logs when needed.
4. It is the applicant’s responsibility to ensure that the improvements will not impact the ability

to install the flood logs.

5. A Planning Final Inspection is required in order to ensure that the flood logs can be adequately stored and installed, prior to building permit final.
6. Hours of operation for the patio shall be the same as the business.
7. Amplified live music is permitted on the deck subject to the conditions of approval specified in Use Permit 2019-102.
8. The business owner and/or property owner shall maintain the deck and keep it in sound condition.
9. The business owner/or property owner shall be responsible for removing any graffiti on the patio within 48 hours.
10. The project shall comply with the 2019 Building and Fire Codes.
11. The patio shall be "open-air". Enclosures are not allowed without obtaining all required permits.
12. No umbrellas are approved as part of this application. Should the applicant desire to add umbrellas or other minor temporary items an administrative design review is required.
13. Should the applicant desire to add permanent improvements to the patio the improvements shall be acted on by the Design Review Board.
14. The firepits and other fire appliances shall be UL approved.
15. Any work within a City Easement will require an encroachment permit.
16. Stormwater protection shall be in place during construction.
17. The design and construction shall comply with the 2019 California Code of Regulation, Title 24: California Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, California Electric Code, California Building Energy Standards and the California Green Building Standards.
18. A minimum of 5% of the seating spaces and standing spaces at the dining surfaces shall be accessible in compliance with CBC chapter 11B and must be dispersed throughout the space at each type of seating a functional area. Where food or drink is served for consumption at a counter exceeding 24 inches in height, a portion of the main counter shall be in compliance with CBC section 11B-902.3. The route to the accessible seating and the surface below the accessible seating area shall be level, firm, and stable with compliant maximum slopes in all directions.
19. When alterations or additions are made to existing buildings or facilities, an accessible path or travel to the specific area of alteration or additional shall be provided. Unless meeting one of the exceptions to CBC section 11B-202.4, the primary accessible path or travel shall include: 1. A primary entrance to the building or facility, 2. Toilet and bathing facilities

serving the area, 3. Drinking fountains serving the area, 4. Public telephones serving the area, and 5. Signs.



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167 (Phone) or (707) 823-1135 (Fax)
www.ci.sebastopol.ca.us

MASTER PLANNING APPLICATION FORM

PROJECT INFORMATION:

ADDRESS:	180 Morris Street Sebastopol
PARCEL #:	004-041-095
PARCEL AREA:	2.28 acres

FOR CITY USE ONLY

PLANNING FILE #: 2020 / 009
DATE FILED: 01/23/20
TOTAL FEES PAID: \$ 1,405 -
RECEIVED BY: [Signature]
DATE APPLICATION
DEEMED COMPLETE: _____

APPLICANT OR AGENT:

Name: Johan Eide
Email Address: johan@vineshift.com
Mailing Address: 180 Morris St. Suite 170
City/State/Zip: Sebastopol, CA 94952
Phone: 707-234-5733
Fax: _____
Business License #: _____
Signature: [Signature]
Date: 1/23/2020

OWNER OF PROPERTY

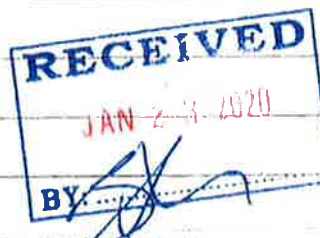
IF OTHER THAN APPLICANT:

Name: Jolanda Mathew
Email Address: jolanda@mekanaw.net
Mailing Address: 6706 Depot St #110
City/State/Zip: Sebastopol, CA 95472
Phone: (707) 824-5000
Fax: _____
Business License #: _____
Signature: [Signature]
I certify that this application is acceptable with my consent.
Date: 1/23/20

OTHER PERSONS TO BE NOTIFIED: (Include Agents, Architects, Engineers, etc.)

Name: Steve Carter
Email Address: scarter@farrellarc.com
Mailing Address: 1 Commercial Dr., Suite 106
City/State/Zip: Novato, CA 94949
Phone: 707-291-3111
Fax: _____

Name: [Signature]
Email Address: _____
Mailing Address: _____
City/State/Zip: _____
Phone: _____
Fax: _____



PROJECT DESCRIPTION:

DESCRIBE IN DETAIL, the proposed project and permit request. (Attach additional pages, if needed):

DESIGN PERMIT REVIEW - PATIO

Patio Already Approved By Planning Commission 1/14/2020

This application includes the checklist for the type of application requested:

☒ Yes

☐ No

Please indicate the type(s) of application that is being requested (example: Use Permit, Design Review, Variance, Planned Community Rezone, etc.):

Design Review

Please describe existing uses (businesses, residences, etc.) and other structures on the property:

F-1 - vacant - former Retail sales

Public Restrooms

F-2 - vacant - former wine tasting room

F-3- Golden State Cider tasting room

DEVELOPMENT DATA:

SQUARE FEET BUILDING EXISTING:	1,972 gsf (F1-F2)	<input type="checkbox"/> N / A
SQUARE FEET BUILDING DEMOLISHED:	0	<input checked="" type="checkbox"/> N / A
SQUARE FEET BUILDING NEW:	0	<input checked="" type="checkbox"/> N / A
NET CHANGE IN BUILDING SQUARE FEET:	0 sf	<input checked="" type="checkbox"/> N / A
NUMBER OF DWELLING UNITS EXISTING:	<input type="checkbox"/> 0 Bedrooms <input type="checkbox"/> 2 Bedrooms <input type="checkbox"/> 4+ Bedrooms	<input type="checkbox"/> 1 Bedrooms <input type="checkbox"/> 3 Bedrooms <input checked="" type="checkbox"/> N / A
NUMBER OF DWELLING UNITS PROPOSED:	<input type="checkbox"/> 0 Bedrooms <input type="checkbox"/> 2 Bedrooms <input type="checkbox"/> 4+ Bedrooms	<input type="checkbox"/> 1 Bedrooms <input type="checkbox"/> 3 Bedrooms <input type="checkbox"/> N / A
NET CHANGE IN DWELLING UNITS:		<input checked="" type="checkbox"/> N / A
SETBACKS:	Existing: <input type="checkbox"/> Front Yard _____ <input type="checkbox"/> Side Yard _____ <input type="checkbox"/> Rear Yard _____ <input checked="" type="checkbox"/> N / A	Proposed: <input type="checkbox"/> Front Yard _____ <input type="checkbox"/> Side Yard _____ <input type="checkbox"/> Rear Yard _____ <input checked="" type="checkbox"/> N / A

EXISTING LOT DIMENSIONS:	Front: _____ Left: _____	Rear: _____ Right: _____	<input checked="" type="checkbox"/> N / A
PROPOSED LOT DIMENSIONS:	Front: _____ Left: _____	Rear: _____ Right: _____	<input checked="" type="checkbox"/> N / A
EXISTING LOT AREA:	_____ Square Feet		<input checked="" type="checkbox"/> N / A
PROPOSED LOT AREA:	_____ Square Feet		<input checked="" type="checkbox"/> N / A
BUILDING HEIGHT:	Existing: _____	Proposed: _____	<input checked="" type="checkbox"/> N / A
NUMBER OF STORIES:	Existing: _____	Proposed: _____	<input checked="" type="checkbox"/> N / A
PARKING SPACE (S):	Existing: <u>46</u>	Proposed: <u>44</u>	<input type="checkbox"/> N / A
ZONING	Existing: _____	Proposed: _____	<input checked="" type="checkbox"/> N / A

Will the project involve a new curb cut or driveway?

☐ Yes ☒ No

Are there existing easements on the property?

☐ Yes ☒ No

Will Trees be removed?

☐ Yes ☒ No

If yes, please describe (Example: Type, Size, Location on property, etc.)

Will Existing Landscaping be revised?

☐ Yes ☒ No

If yes, what is square footage of new or revised landscaping?

Will Signs be Changed or Added?

☒ Yes ☐ No

Business: Hours of Operation? Open: 1 pm Close: 9pm Tu-Th; 11pm F-Sa

Is alcohol service proposed?

☒ Yes ☐ No

If yes, what type of State alcohol license is proposed? DUP-02

If yes, have you applied to the State Alcoholic Beverage Control for a license? ☒ Yes ☐ No

If this is a restaurant, café or other food service, bar, or nightclub, please indicate total number of seats: _____

Is any live entertainment proposed?

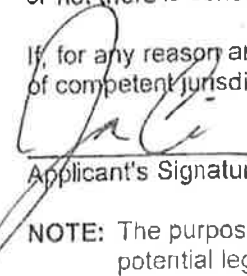
☒ Yes ☐ No

If yes, please describe: Live music for special events at various time throughout the calendar year.

INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.


Applicant's Signature

1/23/2020
Date Signed

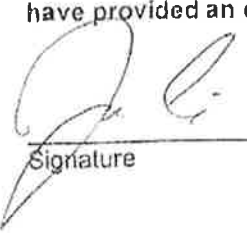
Planning File Number

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

NOTICE OF MAILING:

Email addresses or facsimiles will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.

Please sign and acknowledge you have been notified of the Notice of Mailing for applications and have provided an email address or fax number.


Signature

1/23/2020
Printed Name

NOTE: It is the responsibility of the applicant and their representative to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however the applicant has responsibility for determining and following applicable regulations.

NEIGHBOR NOTIFICATION

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, resident and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project:

☒ Yes

☐

No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

WEBSITE REQUIRED FOR MAJOR PROJECTS

Applicants for major development projects (which involves proposed development of 25,000 square feet of new floor area or greater, or 25 or more dwelling units), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning's, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

Exemption Questionnaire

STORM WATER LOW IMPACT DEVELOPMENT

PURPOSE: This questionnaire will determine *whether* or *not* you need to submit the 'Storm Water Low Impact Development Determination Worksheet' as part of this application. Any application that does not contain this questionnaire OR the Determination Worksheet will be deemed incomplete.

PROJECT ADDRESS:

180 Morris Street Sebastopol, CA


TYPE OF APPLICATION

Your project is exempt from the 'Determination Worksheet' submittal requirement, if it falls under any of the below listed application categories. However, the City Staff may require the submittal of a 'Determination Worksheet', as determined on a case-by-case basis.

- ☐ Administrative Review (Interior Improvements or Use)
- ☐ Sign Review
- ☐ Temporary Use Permit
- ☐ Time Extension Request
- ☐ Tree Removal Permit
- ☐ Zoning Determination or Interpretation

The project is exempt from the 'Storm Water Low Impact Development Determination Worksheet' submittal requirement as determined by City Staff.

I certify this information:


APPLICANT SIGNATURE

SOHAN EIDE
PRINTED NAME

1/23/2020
DATE



CITY OF SEBASTOPOL

7120 Bodega Avenue, Sebastopol, California 95472 707-323-6167

MWELQ: California Model Water Efficient Landscape Ordinance

Permit applicants are required to complete this form, or applications may be incomplete.

MWELQ PRELIMINARY APPLICABILITY DETERMINATION CHECKLIST

Applicant Information:

Name: Johan Eide
Phone: 707-234-5733
Address: 180 Morris St. SUITE 170, Sebastopol, CA 95472
Email: johan@drinkyourregion.com

Project Information:

Site Address: 180 Morris Street, Sebastopol
Project Type (new dwelling, commercial, remodel, etc.): Tenant Improvement

- A. ☒ Currently, this project **does not include new or rehabilitated landscaping**. I am aware that future landscape installations may be required to comply with the Model Water Efficient Landscape Ordinance (MWELQ) requirements per California Code of Regulations, Municipal code 15.36 Title 23, Division 2, Chapter 2.7.
- B. ☐ This project is **not** a homeowner project and will include new or rehabilitated landscaping of **2,500 sq. ft. or greater in area**.
- C. ☐ This project is for a **homeowner-provided or homeowner hired single-family or multi-family residential project** with new or rehabilitated landscaping of **more than 5,000 sq. ft.**

If you checked Item B. or C. above, please provide the information below specific to the new or rehabilitated landscape area which will be completed as part of this project and specify the compliance method to be used (ask Planning staff for compliance options, if you have questions):

Total Landscape Area (sq. ft.): 0 new Turf Area (sq. ft.): _____

Non-Turf Plan Area (sq. ft.): _____ Special Landscape Area (sq. ft.): _____

Water Type (potable, recycled, well): _____

Name of water purveyor (If not served by private well): _____

Compliance Method (anticipated):

- ☐ Performance (Items required in Performance Checklist to be included on final plans)
- ☐ Prescriptive (Items required in Prescriptive Checklist to be included on final plans)

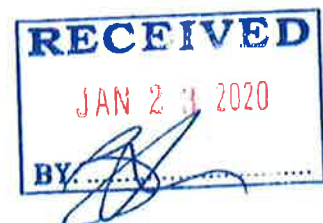
Signature: _____

Date: 1/23/2020

I certify the above information is correct and agree to comply with the applicable requirements of the MWELQ.

PLANNING FEES – FY 2018/19

CHECK ALL THAT APPLY	PERMIT TYPE	FEE TYPE	AMOUNT	SUPPLIES AND MAILING LIST PREPARATION FEE*	TOTAL
<input type="checkbox"/>	Adjustment	Fee	\$445.00	\$170.00	\$615.00
<input type="checkbox"/>	Administrative Permit Review – Minor	Fee	\$140.00	\$15.00	\$155.00
<input type="checkbox"/>	Administrative Permit Review	Fee	\$360.00	\$15.00	\$375.00
<input type="checkbox"/>	Administrative Time Extension	Fee	\$185.00	\$15.00	\$200.00
<input type="checkbox"/>	Annexation Request – Preliminary	Deposit	\$3,390.00	\$15.00	\$3,405.00
<input type="checkbox"/>	Annexation/Pre-zone Request	Deposit	\$6,615.00	\$215.00	\$6,830.00
<input type="checkbox"/>	Antenna Permit – Administrative	Fee	\$740.00	\$170.00	\$910.00
<input type="checkbox"/>	Appeal of Board, Commission or Staff Decisions	Fee	\$400.00	\$215.00	\$615.00
<input type="checkbox"/>	Building Permit Review Fee – Major	Fee	\$260.00	N/A	\$260.00
<input type="checkbox"/>	Building Permit Review Fee – Minor	Fee	\$100.00	N/A	\$100.00
<input type="checkbox"/>	Business License Application Review	Fee	\$35.00	N/A	\$35.00
<input type="checkbox"/>	Certificate of Compliance	Deposit	\$1,905.00	\$15.00	\$1,920.00
<input type="checkbox"/>	Design Review – Administrative	Fee	\$205.00	\$15.00	\$220.00
<input type="checkbox"/>	Design Review – Major Project	Deposit	\$1,370.00	\$35.00	\$1,405.00
<input type="checkbox"/>	Design Review – Minor Amendment	Fee	\$235.00	\$15.00	\$250.00
<input type="checkbox"/>	Design Review – Minor Project	Fee	\$350.00	\$15.00	\$365.00
<input type="checkbox"/>	Development Agreement	Deposit	\$12,505.00	\$215.00	\$12,720.00
<input type="checkbox"/>	Environmental Impact Report Review	Deposit	\$9,685.00	\$215.00	\$9,900.00
<input type="checkbox"/>	Filming Permit	Fee	\$555.00	\$15.00	\$570.00
<input type="checkbox"/>	Filming Permit – Non-Profit or Student	Fee	\$150.00	\$15.00	\$165.00
<input type="checkbox"/>	Filming Permit – Still	Fee	\$445.00	\$15.00	\$460.00
<input type="checkbox"/>	Filming Permit – Amendment	Fee	\$140.00	\$15.00	\$155.00
<input type="checkbox"/>	General Plan Map or Text Amendment	Deposit	\$4,370.00	\$215.00	\$4,585.00
<input type="checkbox"/>	Historic Interest Site	Fee	\$720.00	\$170.00	\$890.00
<input type="checkbox"/>	Initial Study Preparation	Deposit	\$3,670.00	\$215.00	\$3,885.00
<input type="checkbox"/>	Landmark Designation	Fee	\$830.00	\$170.00	\$1,000.00



CHECK ALL THAT APPLY	PERMIT TYPE	FEE TYPE	AMOUNT	SUPPLIES AND MAILING LIST PREPARATION FEE*	TOTAL
<input type="checkbox"/>	Use Permit – Major	Deposit	\$1,770.00	\$215.00	\$1,985.00
<input type="checkbox"/>	Use Permit – Minor	Deposit	\$1,155.00	\$170.00	\$1,325.00
<input type="checkbox"/>	Use Permit – Temporary	Fee	\$285.00	\$170.00	\$455.00
<input type="checkbox"/>	Use Permit – Temporary, for occupancy of recreational vehicles for Sonoma Fire Victims	Fee	\$75.00	N/A	\$75.00
<input type="checkbox"/>	Variance	Deposit	\$1,155.00	\$215.00	\$1,370.00
<input type="checkbox"/>	Water Efficient Landscape Plan Review	Fee	\$355.00	\$15.00	\$370.00
<input type="checkbox"/>	Zoning Determination	Fee	\$125.00	\$15.00	\$140.00
<input type="checkbox"/>	Zoning Ordinance Interpretation	Fee	\$515.00	\$15.00	\$530.00

In addition, such fees as required by Local Agency Formation Commission and State Board of Equalization are to be paid to City of Sebastopol by the applicant prior to City filing annexation documents with Local Agency Formation Commission.

* For multiple applications (in most cases), only one supplies and/or mailing list preparation fee per application.

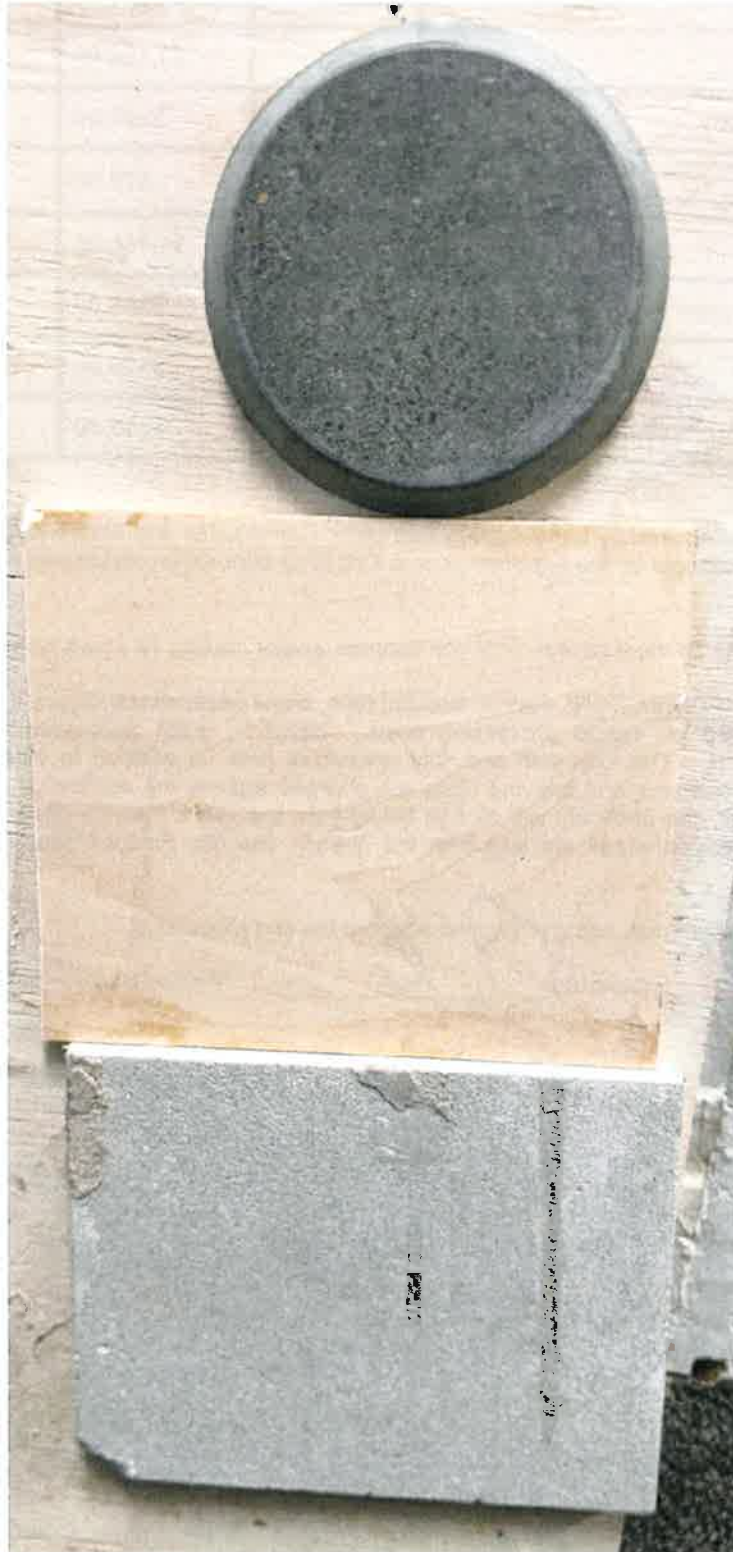
DEPOSIT ACCOUNT INFORMATION: Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies.

Sign and acknowledge agreement with the Deposit Account fee and procedure:

Signature  Printed Name STAN EDE Date 1/23/2020

180 Morris, Suite 170

Vineshift (Region.) – Material sample



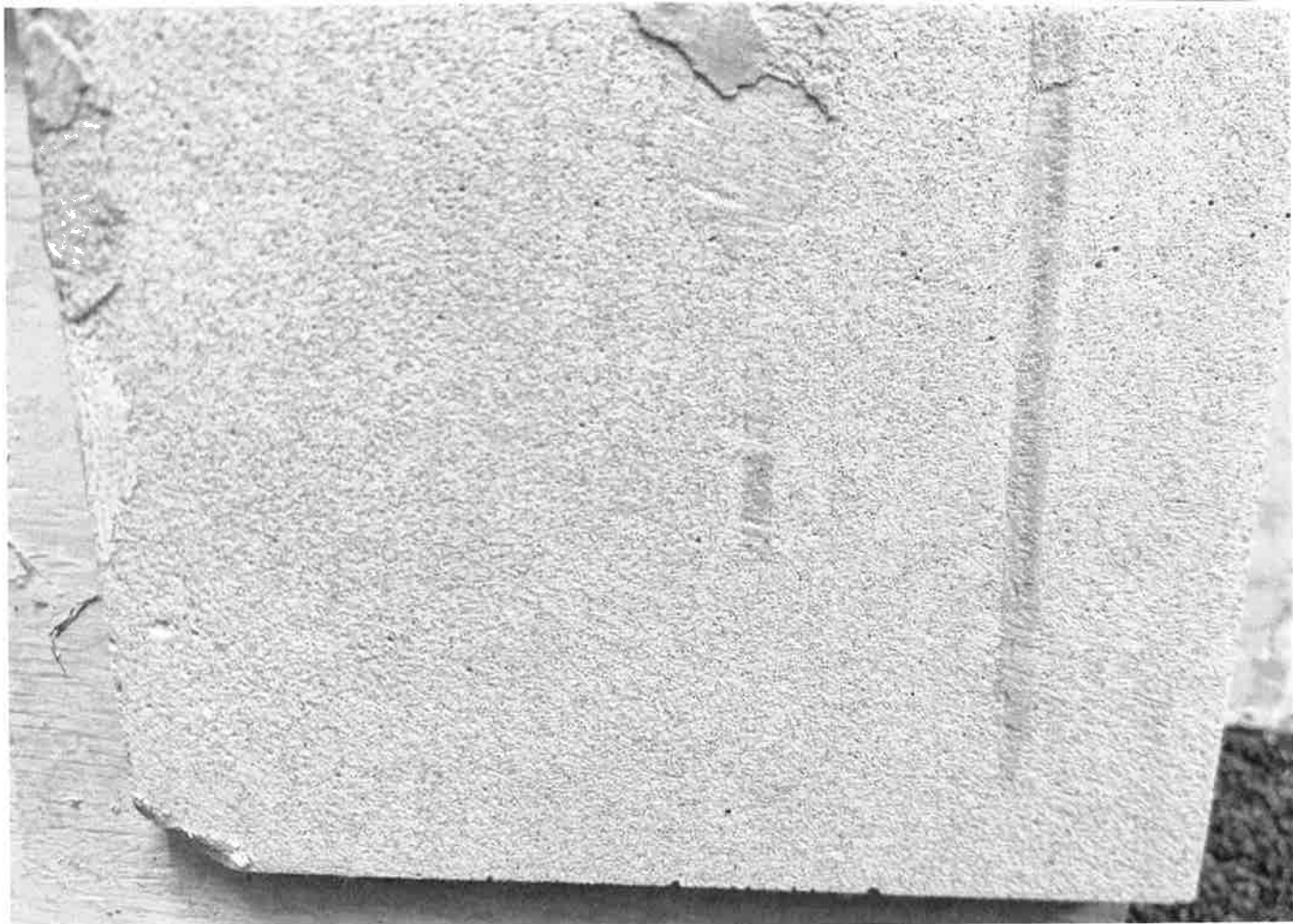


Precast Concrete Counter - Sample



Fencing

Wood Cedar – Clear Stain



Concrete Floor

Outdoor Patio

Design Review

for

Vineshift at the Barlow

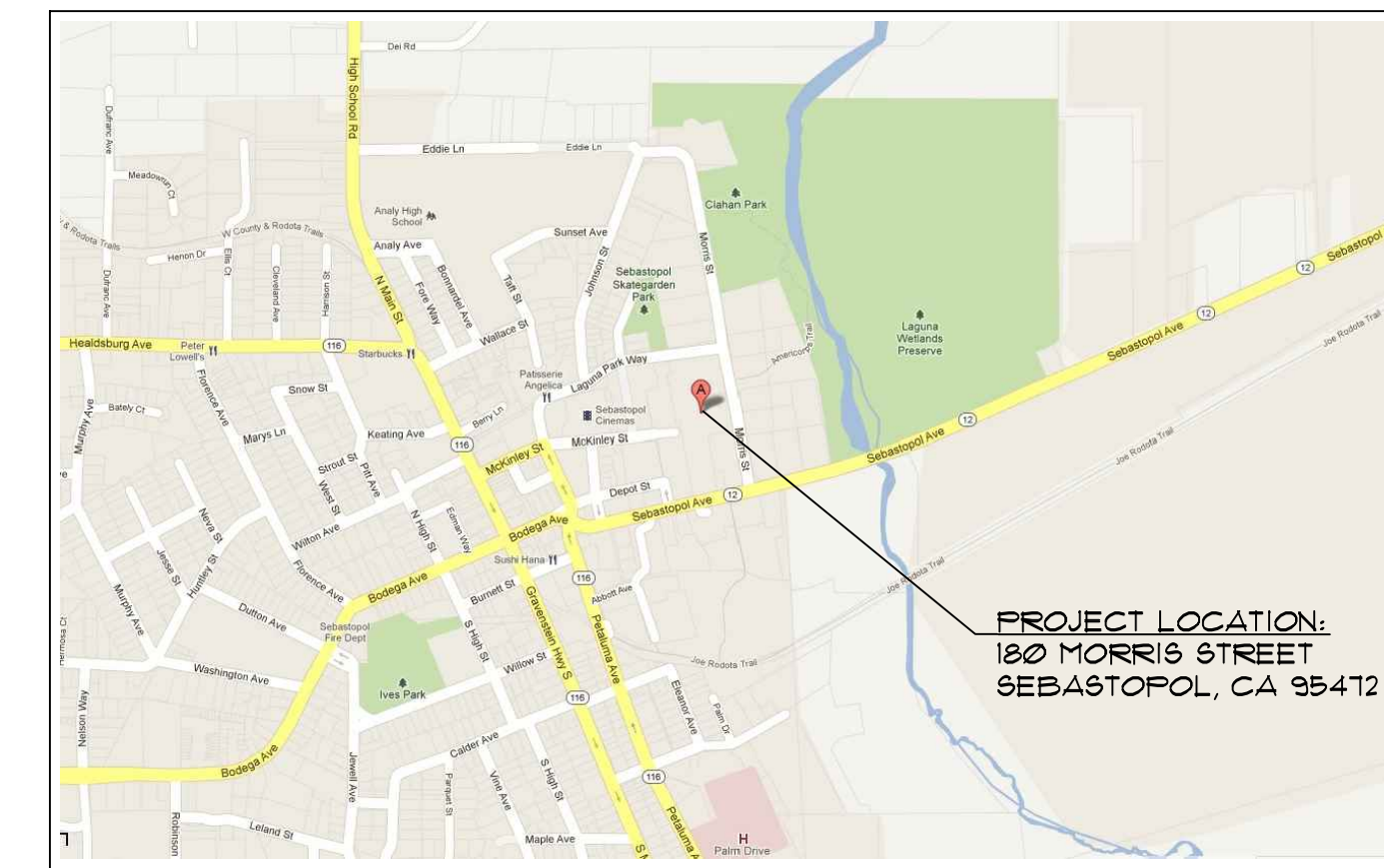
170 Morris Street

Sepbastopol, California

Barlow Center - Overall Site Map



Vicinity Map



Sheet Index

- A-00 COVER SHEET and OVERALL SITE PLAN
- A-10 PARTIAL SITE PLAN, EXISTING PHOTOGRAPHS and
COLORS & MATERIALS
- A-20 PROPOSED FLOOR PLAN, EXTERIOR ELEVATIONS,
SECTION and DETAIL.

Project Directory

Owner

JOHAN EIDE and DYLAN MATHIAS
140 KELLER STREET, SUITE 234
PETALUMA, CA 94952
(707) 234-5133
johan@mypatentguys.com

Architect

JOSEPH P. FARRELL, ARCHITECT
1 COMMERCIAL BLVD., SUITE 106
NOVATO, CA 94949
(415) 884-2860
jfarrell@farrellarc.com

Project Info

ADDRESS: 170 MORRIS ST, SEBASTOPOL, CA 95412
APN: 004-041-035
LOT AREA: 228 ACRES (BUILDING F= 4,000 SF)
ZONING: CM 'COMMERCIAL INDUSTRIAL DISTRICT'
OCCUPANCY GROUPS: A2 - ASSEMBLY; NO FIXED SEATS
S-2 STORAGE
CONSTRUCTION TYPE: V-B (SPRINKLERED)
SPRINKLER: DEFERRED SUBMITTAL - MODIFY EXISTING AS REQUIRED
EXITS: 2 EXIT ROAD. IF GREATER THAN 49 OCCUPANTS

PROJECT DESCRIPTION:
EXTERIOR PATIO

- OUTDOOR SEATING AREA IN 2-ADJACENT PARKING SPACES

LANDSCAPING:
ALL LANDSCAPING IS EXISTING TO REMAIN.

SEE A-2.0 FOR FLOOR AREAS AND OCCUPANCY CLASSIFICATIONS.

Proposal Statement

VINESHIFT IS A SEBASTOPOL OWNED BUSINESS STARTED BY JOHAN EIDE AND DYLAN MATHIAS, BOTH BORN/ RAISED WITHIN SEBASTOPOL AND CURRENT RESIDENTS. SEBASTOPOL VINESHIFT IS A TASTING EXPERIENCE FOR ONLY SMALL PRODUCERS IN SONOMA COUNTY. VINESHIFT IS SHIFTING THE CLASSIC OUTDATED TASTING ROOM MODEL UPSIDE DOWN, BY ONLY FEATURING HARD-TO-FIND WINE OF LOCAL WINERIES. WE GIVE THE CONSUMER THE ABILITY TO DISCOVER 100%'S OF LOCAL WINES. OUR MISSION IS TO MAKE TASTING LOCAL WINE COMPARATIVE, AFFORDABLE AND NON-INTIMIDATING. WE WANT OUR CUSTOMERS TO KNOW THEY ARE SUPPORTING SUSTAINABLE PRACTICES & SMALL PRODUCERS, AT REASONABLE PRICES.

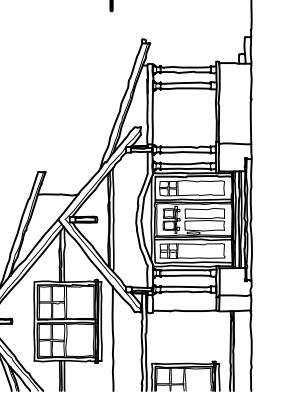
VINESHIFT IS PROPOSING AN OUTDOOR SEATING AREA WITHIN FUJI COURT. THE SEATING AREA WILL BE A REMOVABLE CONCRETE PATIO WITH A WOOD FENCE ENCLOSURE ENCOMPASSING THE 2 SOUTHEAST MOST PARKING STALLS OF FUJI COURT DIRECTLY TO THE NORTH OF THE TENANT IMPROVEMENT PROPOSED (UNDER SEPARATE COVER) FOR SPACE 110 MORRIS STREET.

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF JOSEPH P. FARRELL, ARCHITECT, AND THE SAME MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF JOSEPH P. FARRELL, ARCHITECT

[illegible]

Joseph Farrell
ARCHITECTURE

Novato, CA 94949
Voice (415) 884-2860



Enant Improvement

170 Morris Street
Sebastopol, CA APN: 004-041-095

cover
sheet

REVIEW THE DRAWINGS CAREFULLY.
DO NOT SCALE THE DRAWINGS. ANY DISCREP-
ANCIES IN DIMENSIONS AND DETAILS SHALL BE
BOUGHT TO THE IMMEDIATE ATTENTION OF
JOSEPH P. FARRELL, ARCHITECT

DATE: 01-21-2020

SCALE: NONE

RAWN: STC

DB NO. 1916

SHEET NO:

A-0.0

70 Morris Street
Sebastopol, CA



5. North elevation looking West



4. North elevation spaces F-1 and F-2 with Proposed Outdoor Seating Area



3. North elevation- Roll up doors.



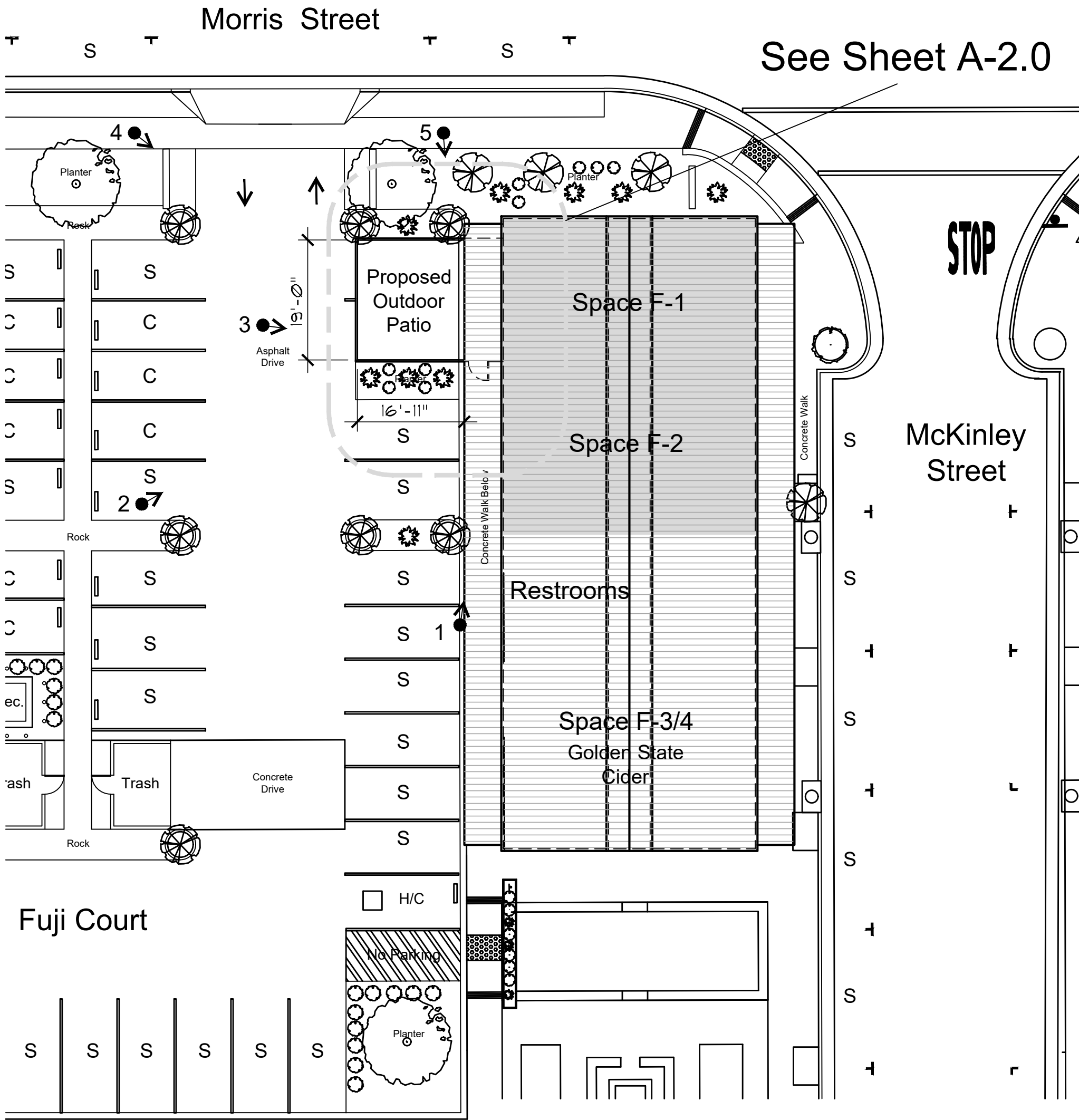
2. North elevation spaces F-1 and F-2 with Proposed Outdoor Seating Area



1. North elevation looking East.



6. East elevation



Partial Site Plan

Outdoor Deck (Unconditioned/uncovered)- 426 gsf

EXISTING PARKING ADJACENT TO BUILDING F:
ADJACENT STREET PARKING - 5 STANDARD SPACES
FUJI COURT - 28 STANDARD SPACES
11 COMPACT SPACES
2 VAN ACCESSIBLE DISABLED SPACES

(PROPOSED REMOVAL OF 2 STANDARD SPACES IN FUJI CT. FOR OUTDOOR SEATING.)



SCALE: 1"=16'-0"

Colors and Materials:

Fence Image

Wood -Cedar - clear stain



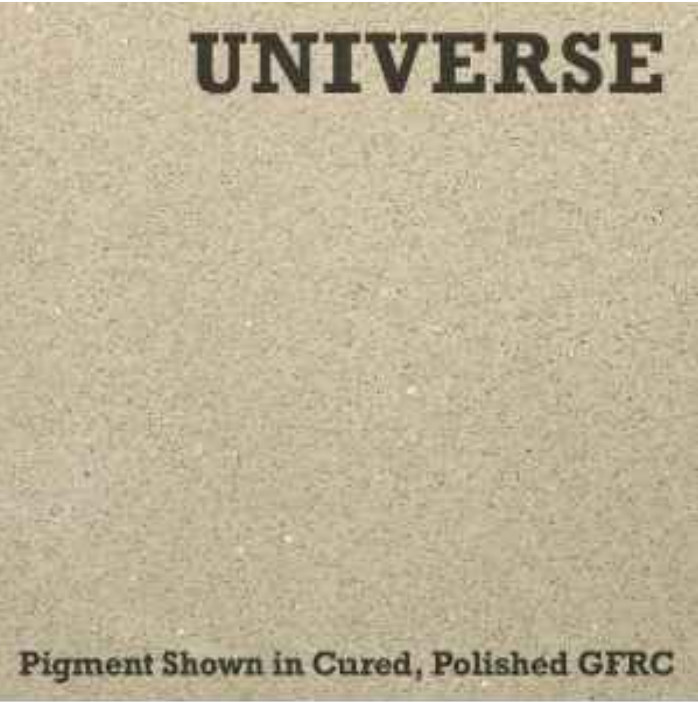
Fire Appliance

Bloc Firepit or Equal - Concrete



Precast Concrete Counters

Buddy Rhodes Precast Concrete - 'Universe' or equal



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REVISIONS	DATE	BY

Joseph Farrell
ARCHITECTURE
1 Commercial Blvd. Suite 106
Novato, CA 94949
Voice (415) 884-2860

Tenant Improvement
The Barlow - Spaces F1 & F2
170 Morris Street
Sebastopol, CA APN: 004-041-095

Partial
Site Plan,
Photographs &
Color/Mtrls.

DATE: 01-21-2020
SCALE: AS NOTED
DRAWN: STC
JOB NO. 1916
SHEET NO:

A-1.0
170 Morris Street
Sebastopol, CA



5 North elevation looking West



4 North elevation spaces F-1 and F-2 with Proposed Outdoor Seating Area



3 North elevation- Roll up doors



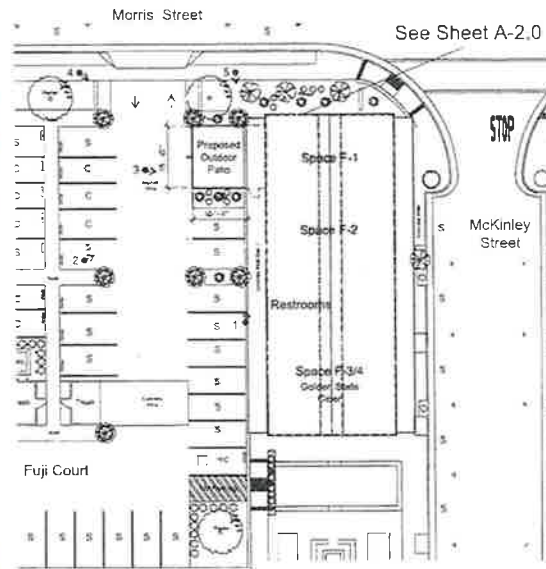
2 North elevation spaces F-1 and F-2 with Proposed Outdoor Seating Area



1 North elevation looking East



6 East elevation



Partial Site Plan

Outdoor Deck (Unconditioned/uncovered)- 426 gsf

EXISTING SURFING ADVANTAGE 12 BUILDING
ADJACENT STREET PARKING
Full Access
1 STANDARD SPACES
12 STANDARD SPACES
1 COMPACT SPACES
1 VAN ACCESSIBLE DISABLED SPACE
PROPOSED REMOVAL OF 1 STANDARD SPACES IN FUL ST FOR OUTDOOR SEATING



Colors and Materials:

Fence Image

Wood - Cedar - clear stain



Fire Appliance

Bloc Firepit or Equal - Concrete



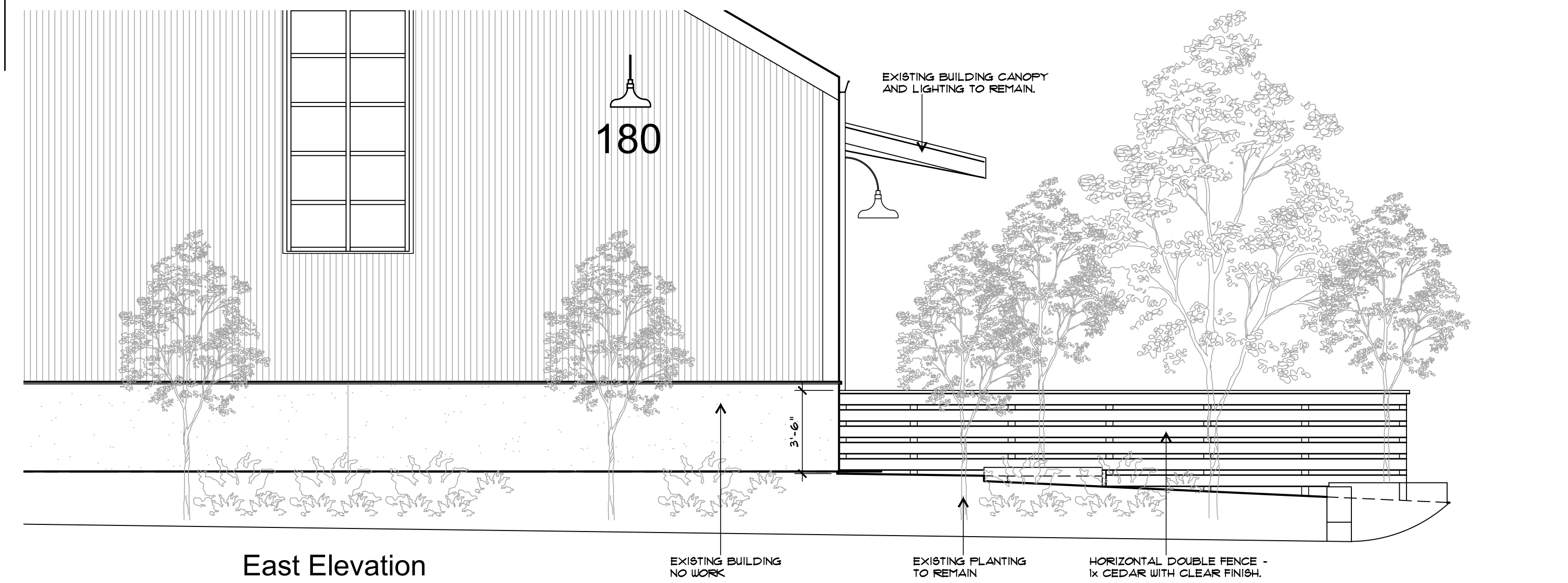
Precast Concrete Counters

Buddy Rhodes Precast Concrete - 'Universe' or equal

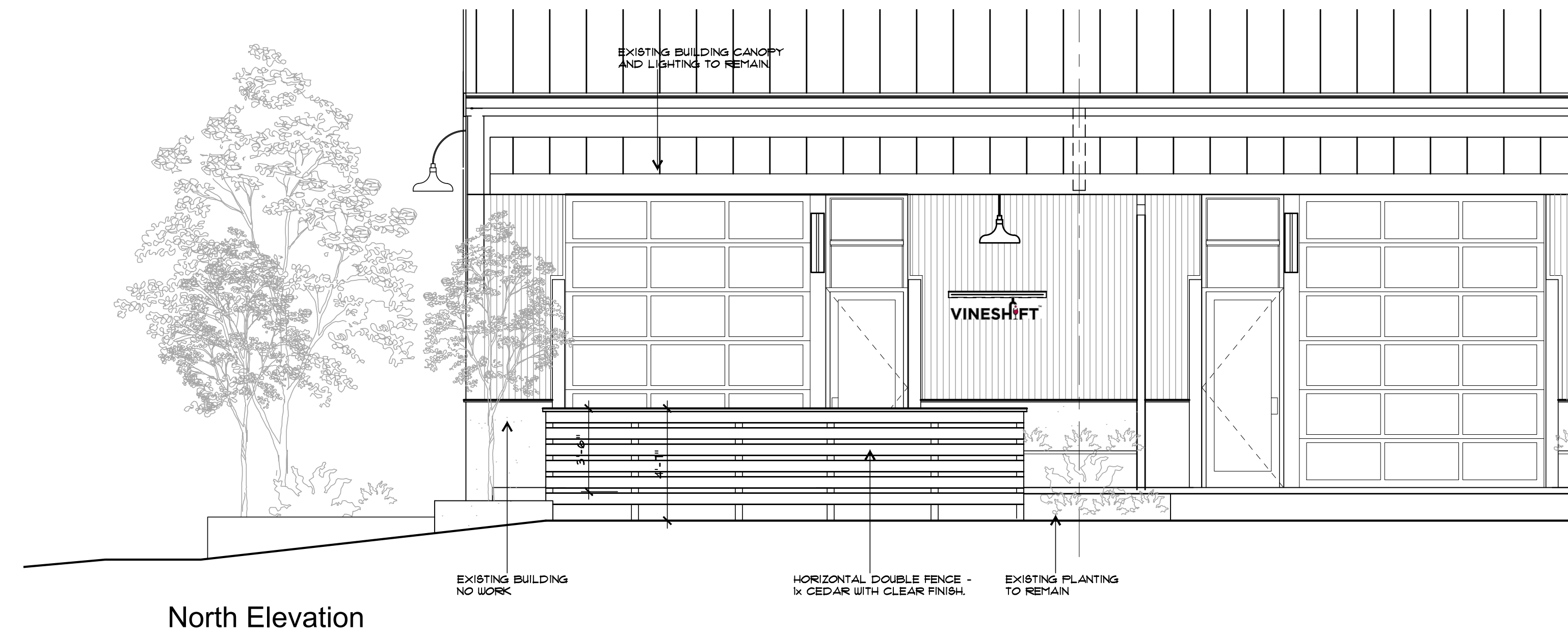
UNIVERSE

Reynolds Masonry Co. Temecula, California (2016)

REVISION		DATE	BY
Joseph Farrell ARCHITECTURE 1 Cambridge Blvd. Suite 100 San Francisco, CA 94102 Phone: (415) 864-0283			
Tenant Improvement The Barlow - Spaces F-1 & F-2 170 Morris Street Sebastopol, CA APN 004-041-095			
Partial Site Plan, Photographs & Color/Mtrls			
A-1.0 170 Morris Street Sebastopol, CA			

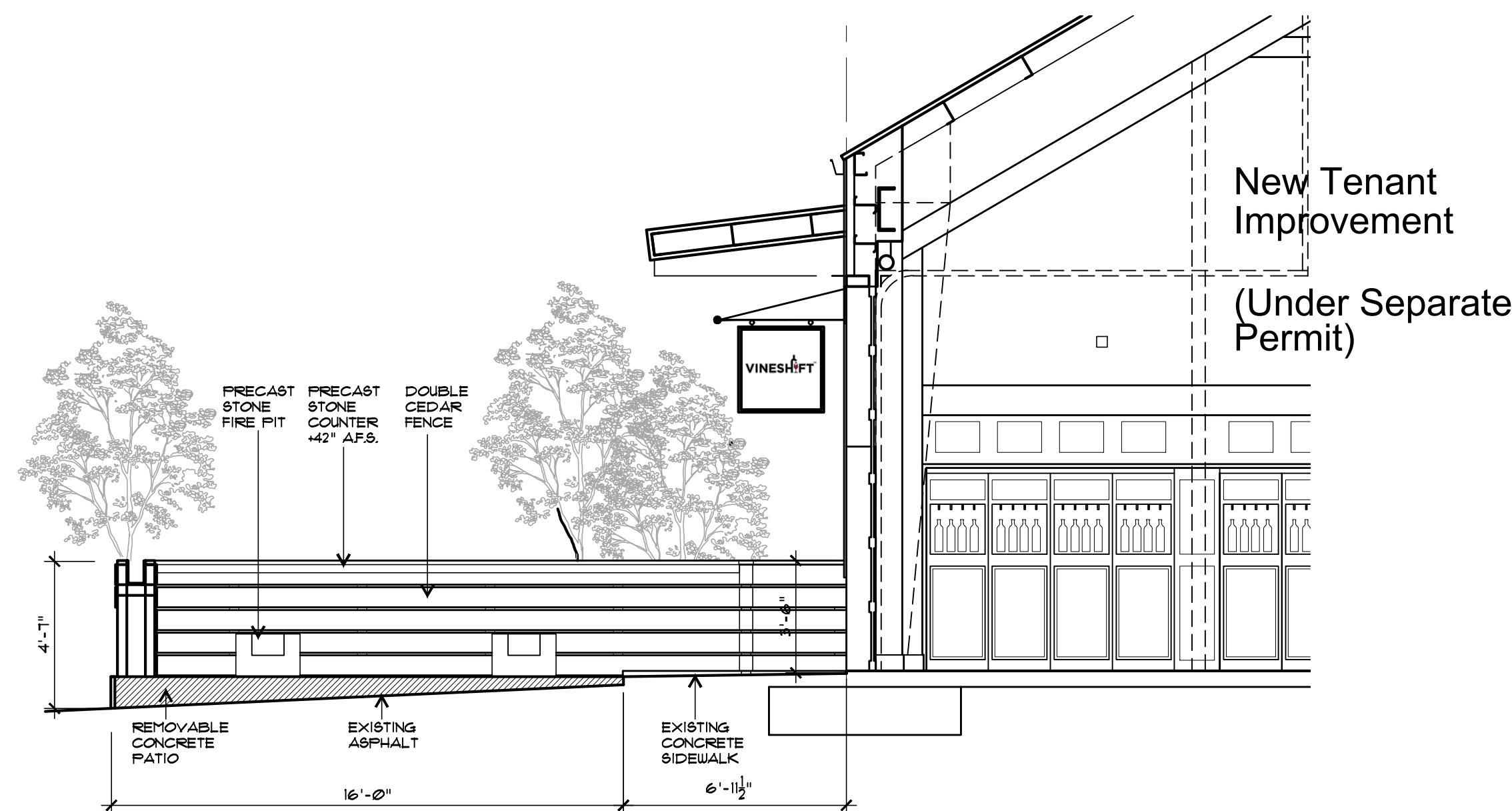


East Elevation



North Elevation

Proposed Partial Exterior Elevations

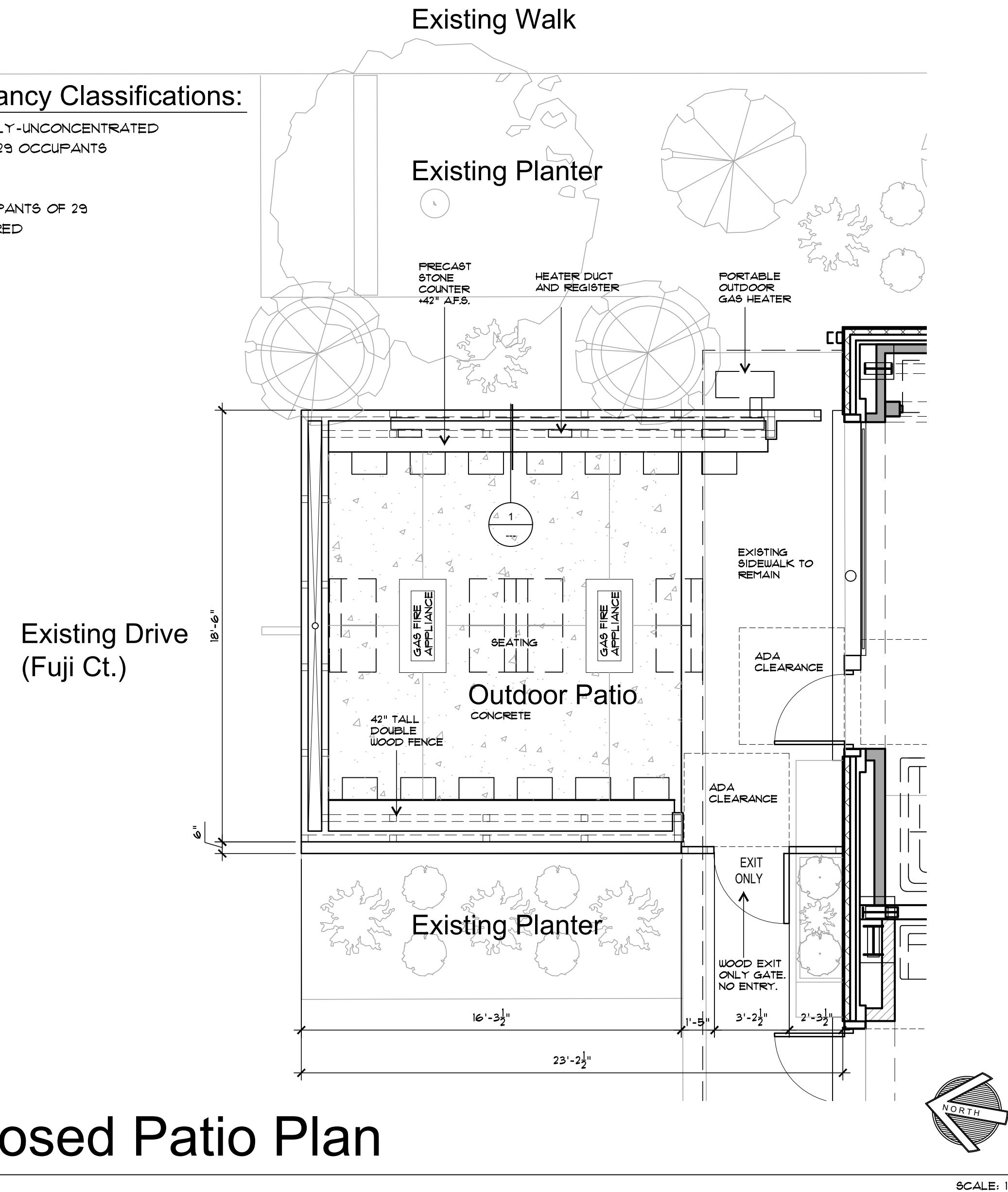


Proposed Patio Section

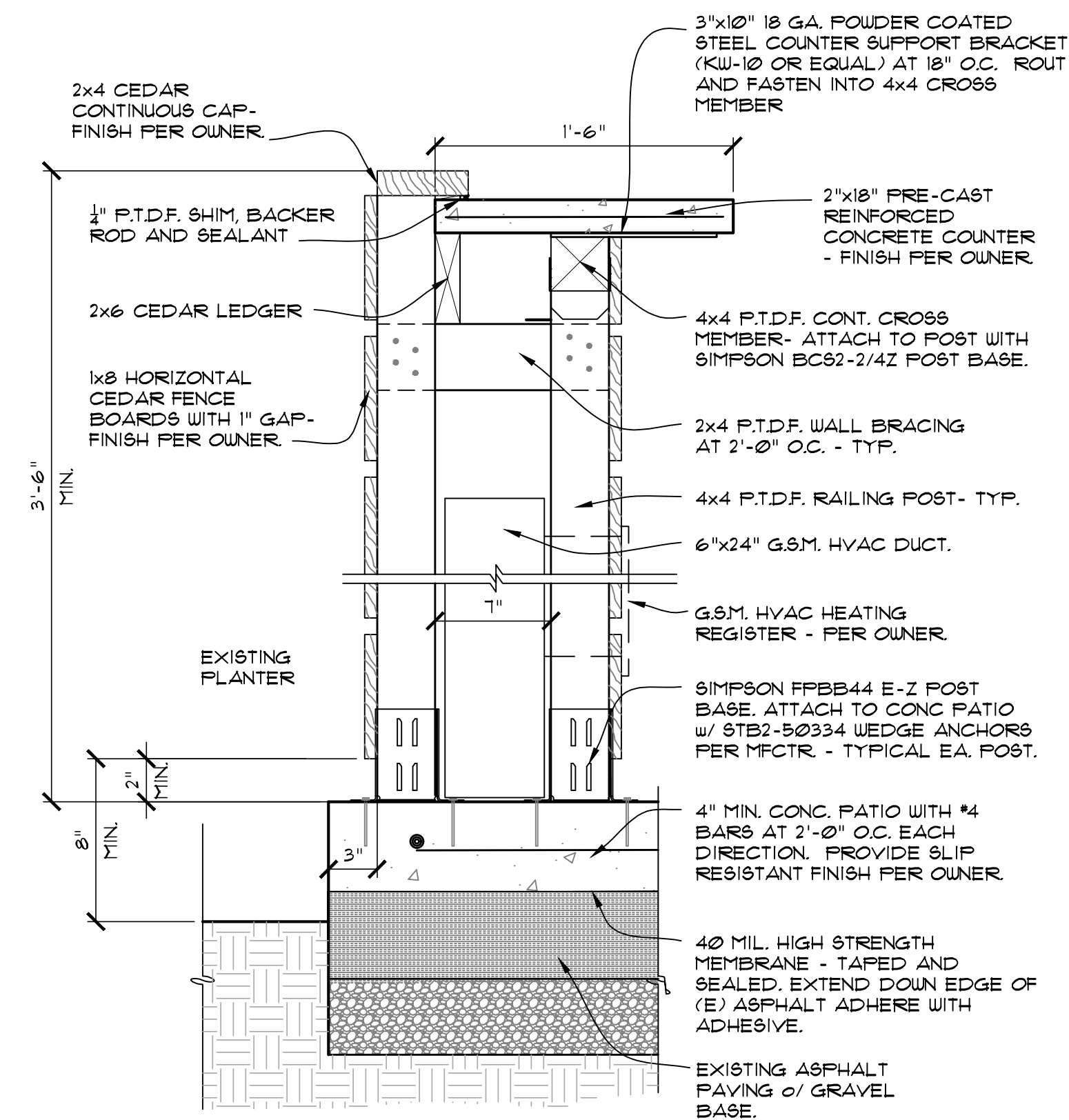
Floor Areas and Occupancy Classifications:

OUTDOOR SEATING: A2: ASSEMBLY-UNCONCENTRATED
426 sqft/15 = 29 OCCUPANTS

EXISTING:
OUTDOOR AREA TOTAL OCCUPANTS OF 29
1 EXIT REQUIRED



Proposed Patio Plan

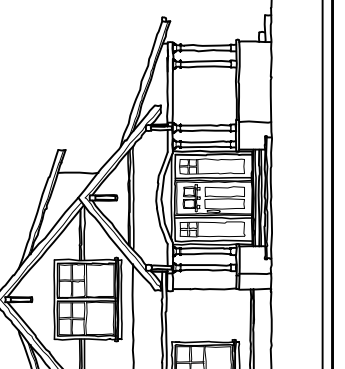


1 Outdoor Counter Section
SCALE: 1-1/2"=1'-0"

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REVISIONS	DATE	BY

Joseph Farrell
ARCHITECTURE
1 Commercial Blvd. Suite 106
Novato, CA 94949
Voice (415) 884-2860



Tenant Improvement
The Barlow - Spaces F1 & F2
170 Morris Street
Sebastopol, CA APN: 004-041-095

Patio Plan,
Elevations,
Section and
Detail

BEFORE THE DRAWINGS ARE USED, THE USER SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF JOSEPH P. FARRELL, ARCHITECT.

DATE: 01-21-2020
SCALE: AS NOTED
DRAWN: STC
JOB NO. 1916
SHEET NO:

A-2.0
170 Morris Street
Sebastopol, CA

City Council
Mayor Patrick Slayter
Vice Mayor Una Glass
Michael Carnacchi
Sarah Glade Gurney
Neysa Hinton



Planning Director
Kari Svanstrom
Associate Planner
Alan Montes
Senior Administrative Assistant
Rebecca Mansour

City of Sebastopol Planning Commission Staff Report

Meeting Date: January 14, 2020
Agenda Item: 8A
To: Planning Commission
From: Alan Montes, Associate Planner
Kari Svanstrom, Planning Director
Subject: Use Permit: Wine Tasting Room
Recommendation: Approval with Conditions
Applicant/Owner: Johan Eide / Vineshift
File Number: 2019-102
Address: 180 Morris Street, Suite 160 & 170
CEQA Status: Categorical Exemption: Section 15301: Class 1
General Plan: Light Industrial
Zoning: CM: Commercial Industrial

Introduction:

This is a Minor Use Permit application, requesting approval to operate a wine tasting room, Vineshift, at 180 Morris Street Suites 160 & 170, in The Barlow. A Use Permit is required as the use is classified as an 'Alcoholic Beverage Tasting Establishment', which is a Conditionally Permitted Use in the CM: Commercial Industrial District, as well as for the proposed occasional live music. Suite 160 was previously a wine tasting room (La Follette and Friedeman Wines) and previously operated under Permit # 2012-15. Suite 170 was previously a clothing store (Tamarind). The project will need a separate Design Review permit for the design of the patio structure proposed along the northeast side of the building.

Project Description:

Vineshift is proposed to be a local wine tasting room exclusively featuring small wine producers from Sonoma County. Vineshift also proposes to sell the bottles of wine. Vineshift is proposed to operate from 1:00PM to 9:00PM Tuesday to Thursday and from 1:00PM to 11:00PM Friday through Saturday. The use proposes to have occasional live music throughout the year. The establishment proposes to have interior and outdoor seating. The tasting room will be split into two sections, half of the tasting area will feature one (1) winery a week, while the other half will feature 52 wines from Sonoma County wine, which will be dispensed from automated RFID (radio-frequency identification) dispensers. The RFID dispensers allow customers to purchase by-the-ounce wine tastings using a RFID card that is provided by Vineshift staff. The RFID cards are active for the day that they are purchased and deactivate each evening at midnight. The project proposes to eliminate two (2) parking places in order to construct a 457 sq. ft. patio to be used by their customers. Should the Planning Commission be supportive of the elimination of two (2) parking spaces for a patio the applicant will need a separate Design Review Permit approval for the patio. The applicant has prepared a written statement, which is attached to the report.

Environmental Review:

The proposed use is categorically exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The tasting room is proposed to be located in an existing tenant space within The Barlow/Commercial Industrial Zoning district and will require minor interior improvements.

General Plan Consistency:

The General Plan Land Use designation for this site is LI: Light Industrial. The General Plan describes Light Industrial as the following: *"This designation provides for a wide variety of commercial, wholesale, service, and processing uses which do not generate excessive adverse environmental impacts. Other uses allowed in this designation include office ancillary to industrial uses; warehousing and agricultural products sales and services; auto sales and repair; food and drink processing; construction yards; research and development, laboratories, light manufacturing; and similar uses".* The proposed use is consistent with this designation in that it is a tasting room facility, which is a commercial use, located in an area that contains an array of industrial and commercial uses.

Zoning Ordinance Consistency:

The site is in the CM: Commercial Industrial Zoning District. The Zoning Ordinance states the following: *"The CM District is intended to encourage local production, innovation, and sales of local art, textile, food, beverage, and other tangible goods by allowing a range of complementary, community-oriented building types and spaces that accommodate small- and midsize makers, fabricators, producers, and manufacturers, as well as specified commercial, residential, and other uses."* With the approval of a Use Permit, the proposed use will be consistent with the CM District in that it is classified as an 'Alcoholic Beverage Tasting Establishment', which is a conditionally permitted use.

Parking: Uses in the CM District are subject to the following parking requirement (per SMC 17.110-2: Central Core District and Commercial-Industrial District): One space per 500 square feet for all uses, except residential. The requirement applies to industrial, food, retail, and other uses. On the February 26, 2019, Planning Commission hearing for Golden State Cider it was determined that The Barlow had a surplus of 28 parking spaces throughout the campus, with the approval of Golden State Cider. The proposed tasting room for Vineshift (1,972 square feet) requires four (4) parking spaces, which are already accounted for in the required parking, as the use is going into previously occupied tenant spaces. However, the proposed patio would eliminate two (2) surplus parking spaces bringing the total surplus parking for the Barlow campus to 26 parking spaces, above the City's minimum parking requirement.

Public Comment:

The Planning Department complied with Section 17.460 of the Zoning Ordinance: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Sonoma West Times; and (3) posted three written notices publicly on and within vicinity of the subject property. The Planning Department has not received any comments from the public as of writing this report.

City Departmental Comment:

The following City departments reviewed the application: Building and Safety, Fire, Engineering, Police, and City Manager. The Public Works Department made the following comments:

- Show Water and Sewer connections on Building Permit Plans.

- Must have current backflow test results on file for water service prior to occupancy.
- Show back water check and service results for sewer flood protection prior to occupancy.

No other comments were received.

Required Use Permit Findings:

Section 17.350.020.C of the Zoning Ordinance states: *"In making any of the findings required pursuant to this chapter, the Planning Commission, or the City Council on appeal, shall consider whether the proposed use will adversely affect the health, safety or welfare of area residents or will result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine."*

The Planning Commission, or City Council on appeal, shall also consider whether the proposed use will detrimentally affect nearby residentially zoned communities in the area, after giving consideration to the distance of the proposed use from the following: (1) Residential buildings; (2) Churches, schools, hospitals, public playgrounds and other similar uses; and (3) Other establishments dispensing for sale or other consideration, alcoholic beverages including beer and wine."

Analysis:

The application, Vineshift, involves a request to establish a wine tasting room and outdoor patio at 180 Morris Street, Suites 160 & 170, in The Barlow, which is an area that contains an array of industrial, retail and commercial uses. Tasting establishments are not a new use for The Barlow, it is currently home to Pax Wines, Crooked Goat Brewery, Golden State Cider, Seismic Brewing Company and formerly MacPhail Wines.

Vineshift proposes to serve hard-to-find local wines exclusively from Sonoma County and to utilize RFID wine dispensers, which will allow customers to self-serve their wine by acquiring prepaid RFID cards that are issued by tasting room employees. Staff has some concerns regarding RFID wine dispensers related to obviously intoxicated persons serving themselves and the risk of minors acquiring and using the RFID customer cards. To mitigate these concerns staff has proposed several conditions of approval, listed below:

- 1) The RFID wine dispenser room shall be actively monitored by tasting room staff to ensure that obviously intoxicated individuals and minors are not consuming alcohol.
- 2) The RFID wine dispenser use shall be examined at 6-months after opening to verify that there is no increase in incidents relating to intoxication or sale of alcohol to minors relating to this use. Should there be an increase in incidents in relation to this use permit the use of RFID dispensers may be reexamined by the Planning Commission.
- 3) When creating an RFID customer card, tasting room staff shall check the customer's ID and add the customer's legal name to the RFID customer card.
- 4) The RFID customer card shall expire at midnight each day.
- 5) When reactivating or reloading a RFID customer card, tasting room staff shall verify that the name on the card matches the customer's ID.

The application proposes to operate 1:00PM to 9:00PM Tuesday to Thursday and from 1:00PM to 11:00PM Friday through Saturday. However, given the type of use staff recommends approving the use to operate up to seven (7) days a week with operating hours limited to 12:00PM to 9:00PM Sunday to Thursday and from 1:00PM to 11:00PM Friday through

Saturday. This would allow the use to have some flexibility in the days of operation and wouldn't require an amendment to this use permit should they desire to extend the days of operation at a future time.

The application requests approval for a limited offering of live music throughout the calendar year. The applicant has expressed an interest in doing modest live acoustical music inside the facility and occasional outdoor/amplified events. Staff recommends limiting the number of outdoor/amplified events to four (4) per calendar year and limiting the events to "daytime hours", which end at 10:00PM. This would be consistent with what the City permitted for Golden State Cider. Any additional events or extension of hours will require a temporary use permit. Regarding the live acoustical (non-amplified) music inside the building, staff has included a condition of approval reiterating that acoustical music shall not violate the City's noise ordinance or disturb neighbors.

The proposed patio would eliminate two (2) parking spaces. As discussed in the parking section above, The Barlow campus exceeds the City's minimum parking requirement. One additional consideration in considering this request is the distribution of parking spaces throughout the campus. In addition, The Barlow is currently made up of a mixture of uses that have complementing parking demand hours. The existing uses along Morris St. includes a mixture of tasting rooms, brewpubs, tap rooms, manufacturing and storage. The manufacturing and storage uses are primarily generating parking demand during the day, whereas the other existing uses are generating demand in the afternoon and evening. Staff believes that an outdoor patio area would be consistent with the character of The Barlow and that elimination of two (2) surplus parking spaces is appropriate, given the surplus parking for the Barlow campus and the existing complementing uses. Should the Planning Commission be supportive of the reduction of parking the patio will require a Design Review permit.

The Planning Commission will need to determine if the establishment of a new and expanded wine tasting room will result in an undue concentration of establishments offering alcohol service. The term "undue concentration," as it is used in SMC 17.350 is undefined, but is generally associated with a correlation with crime, and neighborhood and public safety concerns (such as loitering, public drunkenness, DUI's, etc.), and an overconcentration of alcoholic establishments to the detriment of other community-serving uses, such as food or other stores. "Undue concentration" could also include such issues as business and economic diversity and impacts on the community's character. As mentioned, there are several establishments in The Barlow and in the abutting Downtown Core District that offers tastings of or serve beer, wine, and distilled spirits; to date these have not created any major documented issues or had a detrimental impact on the quality of life. The proposed business is also a locally based business which will partner with small wine producers in Sonoma County.

The Commission could find the proposed use to be suitable for the site and compatible with the surrounding uses for several reasons. While there is a fairly high concentration of businesses which offer sales of alcoholic beverage in The Barlow, the existence of these establishments have not contributed to any significant peace, health, safety and general welfare problems, such as loitering, littering, public drunkenness, defacement and damaging of structures, or pedestrian obstruction. Additionally, the application was routed to the Sebastopol Police Department, and they had no law enforcement concerns. It is the opinion of staff that the wine tasting room is an appropriate use for The Barlow, which, based on the zoning ordinance (CM district definition), is *"intended to encourage local production, innovation, and sales of local art, textile, food, [and] beverage"*, and, that furthermore, it is appropriate for this District to contain a mix of uses, including restaurants, bars, wineries, tasting rooms, distilleries, and breweries.

In addition, Vineshift will be subject to conditions of approval that will ensure that it does not have an adverse impact on the surrounding area, such as requiring that food be made available to their clients and the conditions on the RFID dispensers. If the Use Permit application is approved, Vineshift will be required to submit an Alcohol Awareness and Security Plan to the Chief of Police for approval. Approval of the Use Permit application for the expansion of a previous tasting room does not appear to be detrimental in that there are already a variety of restaurants, winetasting rooms, wineries, breweries, distilleries, and convenience markets that operate in close vicinity without any issues. The tenant space is currently unoccupied, and this business will help to further activate The Barlow.

One recreational amenity is located within a 600-foot radius: The Laguna Skategarden to the north-west. The Laguna Skategarden is located within close proximity to a number of alcohol-related businesses and has not been adversely affected as a result. There are no churches, hospitals, or schools within a 600-foot radius of the site.

Recommendation:

If it is the consensus of the Planning Commission that the proposed use is compatible with the site, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and subject to the conditions of approval outlined.

Attachments:

- Master Planning Application Form
- Written Statement
- Plan Submittal
 - Site Plan/Vicinity Map
 - Partial Site Plan/Site Photos
 - Floor Plan/Elevations
 - Building Sections

USE PERMIT: 2019-102
Wine Tasting Room
180 Morris Street, Suites 160 & 170

Final Findings of Approval:

1. That the proposed use is categorically exempt from the requirements of CEQA, pursuant to Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination in that it would occur in an existing building long-planned for a restaurant or similar use.
2. That the proposed use is consistent with the General Plan and Zoning Ordinance in that the tasting room is considered a commercial use, that will be located in an area that allows and contains a number of industrial and commercial uses.
3. That the proposed use will not result in an undue concentration of establishments in the area that sell alcoholic beverages in that it is a tasting room, and it is appropriate for The Barlow to contain a mix of uses, including restaurants, bars, wineries, tasting rooms, distilleries, and breweries.
4. That there are several establishments in Sebastopol with a similar business model that serve alcohol, including in and around The Barlow, and none of these businesses have been the source of substantial enforcement and/or other problems.
5. That the proposed use is in close proximity to the Laguna Skatepark but this amenity has existed near The Barlow and Downtown Core for several years without identified issues related alcohol outlets or the number of alcohol outlets, and no aspects of the taproom have been identified that would create new detrimental impacts.
6. That the proposed use will not have a detrimental impact on area residents or businesses in that the establishment is subject to conditions of approval that are intended to ensure its safe and successful operation, such as requiring employees to undergo ABC-certified 'Responsible Beverage Service' training or an equivalent program, and the submittal of an Alcohol Awareness and Security Plan to the Police Chief for approval.

Final Conditions of Approval:

Continuous and Ongoing Conditions of Approval

1. Approval is granted for the Alcohol Use Permit described in the application materials date-stamped November 4, 2019, except as modified by the conditions of approval, and is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishments and posted in a place where it may readily be viewed by any member of the general public.
3. This approval allows for the ~~elimination of two (2) surplus parking spaces for a patio~~ installation of an outdoor seating deck over two (2) existing parking spaces, as identified on

the plans, subject to Design Review approval. This use of the parking spaces may remain in affect for the duration of the use permit. Upon expiration of the use permit the two (2) parking spaces shall be restored to their original function unless approved otherwise by the Planning Commission.

4. Any new signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate. Any and all future signage shall be consistent with the approved Barlow Sign Program.
5. No signs advertising the availability of alcohol shall be displayed such that they can be seen from the outside of the premises, other than signage approved by a sign permit.
6. Food must be provided or made available during all times that alcohol is served, which may include through the provision of menus and delivery of food to customers.
7. Hours of operation shall be limited to 12:00PM to 9:00PM, Sunday to Thursday and 12:00PM to 11:00PM, Friday to Saturday.
8. Wine is permitted to be sold for on-site and off-site consumption.
9. The RFID wine dispenser room shall be actively monitored by tasting room staff to ensure that obviously intoxicated individuals and minors are not consuming alcohol.
10. The RFID wine dispenser use shall be ~~examined at 6 months after opening~~ monitored by City Staff to verify that there is no increase in incidents relating to intoxication or sale of alcohol to minors relating to this use. Should there be an increase in incidents in relation to this use permit the use may be reexamined by the Planning Commission.
11. When creating an RFID card for a customer the tasting room staff shall check the customer's ID and add the customer's legal name to the RFID customer card.
12. The RFID card shall expire at midnight each day.
13. When reactivating or reloading a RFID card, tasting room staff shall verify that the name on the card matches the customer's ID.
14. The wine sold shall be from small wine producers located primarily within Sonoma County.
15. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a "drink minimum" be imposed.
16. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 AM – 9:00 PM.
17. Live acoustical music is allowed inside the business but shall not violate the noise ordinance or disturb neighbors. The doors and windows shall be closed during live music starting at 9:00 PM to minimize noise.
18. This approval allows the wine tasting room to hold four (4) annual events per calendar year, no extended hours are approved for these special event days and the events shall cease by 10:00 PM. Any additional events, or late-hours, beyond what is conditioned here shall

require the submittal of a Temporary Use Permit to the Planning Department for approval.

19. No sound may emanate from the building, which violates the Noise Ordinance or causes a disturbance to site neighbors.
20. The Police Department has the authority to require modifications or require termination of the noise source in the event of a noise issues.
21. The business owner shall ensure that employees are drug and alcohol free while on duty.
22. The business owner shall ensure that exterior areas, including the adjacent street and sidewalk, are free of trash and other debris that may be generated by patrons.
23. The business owner shall ensure that patrons do not loiter outside the business.
24. The business owner shall be responsible for removing any graffiti on the outside of the ~~restaurant~~ premises within 48 hours.
25. All wall mounted fire extinguishers must be current with inspections.
26. The applicant shall be responsible for implementing an Alcohol Awareness and Security Plan, which shall be submitted to the Police Department for review and approval within 60 days from the effective date of the Use Permit approval. The Plan shall describe building security and fire safety; how the operation will address staff training relative to alcohol consumption and operational security; and how the operation will coordinate with the Police Department.
 - a. The applicant shall submit a copy of said approved Plan to the Planning Department to be placed in the project file.
27. A staff-training program shall be implemented and followed to the satisfaction of the Police Department. Training shall include mandatory training of all managers and servers in an ABC-certified Responsible Beverage Service training program.
28. A Business License is required.
29. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
30. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.

Prior to Construction/Building Permit Conditions

31. All applicable permits shall be obtained from other approving agencies prior to commencement of this use, including, but not limited to, ABC, Building, Health, and Fire Department clearances.

- 32.** All fees associated with processing this project, and all applicable impact fees, including, but not limited to school, traffic, water and sewer fees, shall be paid prior to issuance of a certificate of occupancy.
- 33.** Show Water and Sewer connections on Building Permit Plans.
- 34.** Must have current backflow test results on file for water service prior to occupancy.
- 35.** Show back water check and service results for sewer flood protection prior to occupancy.