

**City of Sebastopol**  
*Incorporated 1902*  
Planning Department  
7120 Bodega Avenue  
Sebastopol, CA 95472  
707-823-6167  
707-823-4721 (Fax)  
[www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

PLANNING COMMISSION MEETING  
**MEETING OF: December 09, 2014**  
SEBASTOPOL YOUTH ANNEX  
425 MORRIS STREET

**UNAPPROVED DRAFT MINUTES**

PLANNING COMMISSION  
CITY OF SEBASTOPOL  
MINUTES OF December 09, 2014

SEBASTOPOL YOUTH ANNEX  
425 MORRIS STREET

**PLANNING COMMISSION:**

The notice of the meeting was posted by the City Clerk on December 04, 2014.

**1. CALL TO ORDER:** The meeting was called to order at 7:02 p.m.

**2. ROLL CALL:**

<b>Present:</b>	Chair Jacob, Vice Chair Pinto and Commissioners Fernandez, Williams van Aggelen and Doyle
<b>Absent:</b>	Commissioners Stegeman (not excused) and Kelley (excused)
<b>Staff:</b>	Kenyon Webster, Planning Director Rebecca Mansour, Planning Technician

**3. APPROVAL OF MINUTES of: November 20, 2014**

Commissioner Williams van Aggelen made a motion to approve the minutes as submitted.

Vice Chair Pinto seconded the motion.

Vote:	Ayes:	Chair Jacob, Vice Chair Pinto and Commissioners Fernandez, Doyle and Williams van Aggelen
	Noes:	None
	Abstain:	None

**4. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON AGENDA** - This is for items *not* on the Commission agenda. The Commission receives any such comments, but under law, may not act on them. If there is a large number of persons wishing to speak under this item, speaking time may be reduced or the item may be moved to the end of the meeting to allow agendized business to be conducted.

There were none.

**5. STATEMENTS OF CONFLICTS OF INTEREST:** There were none.

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

Director Webster provided the following updates:

- Agenda Item 8A has been withdrawn by the applicant. He noted that the project is still happening, however, the applicant moved the screening material and a variance is no longer required.
- At the last City Council meeting, the Council;
  - Selected a new Mayor and Vice Mayor. Patrick Slayter will serve as Mayor for the next year, and Sarah Glade-Gurney will serve as Vice-Mayor.
  - Approved selection of a consultant for the Laguna Management Plan. The Planning Commission will have a significant role in the formulation of that plan. Work is scheduled to begin in January 2015 and is expected to take 9-months to one year.
  - Received the Commission's recommendations on the Skatepark expansion project. The Council accepted most of the design, however, they took a different viewpoint on sports lighting being that there's interest in possibly including it. They also took a different viewpoint on the fence that currently divides the two properties. The Council is interested in retaining the fence that separates the two properties with some wide openings, if possible. Additionally, the Council does not want a fence along Flynn Street. The Council requested more information on play equipment and other site furnishings as well.
  - For the Monument and Public Arts Policy; the Council substantially approved the version recommended by the Commission.
  - Gave direction to develop a 'naming' policy to determine what process the City should use for naming streets, parks and buildings.
- At the next City Council meeting, the Council is expected to:
  - Receive the Commission's recommendations on the drive-through ordinance.
  - Provide feedback to the County on a new school which the Sebastopol Independent Charter School is hoping to build just north of the O'Reilly development. He noted that the school isn't asking for any City services.
- The regularly scheduled Planning Commission meeting of December 23rd will be canceled due to the Christmas holiday.
- The next Planning Commission meeting will be held on January 13, 2015.
- Tonight is probably Commissioner Williams van Aggelen's last meeting after having served three terms on the Commission. Thanked Commissioner Williams van Aggelen for her work on the Commission and wished her well.
- Weather predictions are that there may be some significant rain Thursday and Friday, possibly some flooding.

The Commission asked questions of staff.

**7. DISCUSSION:**

**A. DISCUSSION OF SERVICE STATION AND CAR WASH STANDARDS** - The Commission has requested discussion of Zoning Ordinance standards for service stations and car washes. This discussion may lead to proposals for revisions of existing standards.

Director Webster presented the staff report.

Chair Jacob discussed the format for tonight's discussion.

The Commission asked questions of staff.

Chair Jacob opened the Public Hearing.

Susanne Tolksdorf, 539 Cleveland Avenue, commented:

- Lives next to Rotten Robbie.
- Appreciates discussion being on the agenda and thanked the Commission for requesting it.
- Rotten Robbie is located within an Office/Commercial Zoning District. Requested that the Commission review said zoning because the operation itself seems more industrial to her.
- A recent renovation at the Rotten Robbie site has reduced its setback from their property which has resulted in a greater impact on them.
- Numerous renovations have occurred within the past couple of years.
- An Evergreen Ash, which was planted per the Use Permit to provide visual impact relief for the residents, was recently removed.
- Removal of the Evergreen Ash has had an unbelievable impact on her and her family.
- The City needs more regulations on car washes.
- Asked the Commission to examine how the impacts that they have been dealing with can be allowed under Rotten Robbie's Use Permit.
- Cut her comments short due to the time limit but expressed having much more to say.

Chair Jacob stated that he'd invite Ms. Tolksdorf back to conclude her comments at a later time.

Ms. Tolksdorf comments continued:

- Thanked the Commission for their time and for allowing her another opportunity to speak later on.

Donna Fisher, 545 Cleveland Avenue, commented:

- All of the neighbors feel very frustrated and kind of adrift in this process, like Ms. Tolksdorf.
- Addressing the issue for future requests or modifications is a good idea, but we need help with an existing use.
- The impact of Rotten Robbie is greater with other gas stations in town being shutdown due to contamination, etc.
- Rotten Robbie is not being held to the conditions in their original Use Permit.
- Needs help in identifying what can be done to deal with the issues she and her neighbors are dealing with with Rotten Robbie.
- Questioned if Commission action could or would have a material effect on Rotten Robbie as it is an existing use.
- The dilemma in dealing with Rotten Robbie is that it's an existing use.
- Rotten Robbie still has unresolved contamination issues.
- Rotten Robbie should be regulated and monitored.
- Rotten Robbie shouldn't be allowed to do whatever it wants to do just because it provides tax revenue to the City.
- Thanked the Commission for their time.

Nathan Rank, 559 Cleveland Avenue, commented:

- Doesn't live as close to Rotten Robbie as some of the other speakers.
- Not disturbed by Rotten Robbie as intensely as his neighbors although he can hear some of their equipment while inside his home.
- The operating hours for the car wash at Rotten Robbie's are particularly odious.
- Shared Mrs. Fisher's concern with Commission action not having a material effect on Rotten Robbie.
- The decreased number of gas stations is increasing the use of the gas station that he and his neighbors suffer under.
- Would love to see a carwash at the edge of town.

Jack Fisher, 545 Cleveland Avenue, commented:

- The conditions of approval for Rotten Robbie's Use Permit, which was granted roughly 25 years ago, calls for gates to close the pumps in the back at 9 p.m. every night. In addition, access to the car wash should cease at 9 p.m., or earlier in some seasons.
- Rotten Robbie has a history of not adhering to the 9 p.m. time outlined in the conditions of approval in their Use Permit.

Mr. Fisher comments continued:

- Gave examples of how Rotten Robbie can be observed violating the conditions of approval in their Use Permit in numerous ways on a daily basis.
- The constant violations, and lack of help from the City, are why the Commission is hearing frustration and desperation from him and the other neighbors.
- Another condition, for businesses in transition zones, meaning that they're adjacent to residential, is that there shall be no nighttime deliveries.
- Nighttime deliveries have been a big problem with Rotten Robbie.

Mr. Rank interjected in agreement with Mr. Fisher and commented that the nighttime deliveries were horrible.

Robbie McGavin, 536 Cleveland Avenue, commented:

- Thanked the Commission for requesting discussion of this issue and for inviting public comment.
- Painted a picture of what it's like living near Rotten Robbie.
- The Noise Ordinance should be looked at, especially with how it pertains to the carwash.
- Carwashes are extremely toxic.
- We don't want to shut Rotten Robbie down, we just want them to be a good neighbor.
- Urged the Commission to help bring Rotten Robbie into compliance.
- Thanked the Commission for their time.

Konrad Schöpfer, 539 Cleveland Avenue, commented:

- Married to Ms. Tolksdorf.
- Lives directly behind Rotten Robbie.
- Has two children, ages 12 and 15.
- Surprised that the original Use Permit covered the new equipment that was installed within the past couple of years as it is much more powerful than what was previously installed.
- The impact that Rotten Robbie has on its surrounding neighborhood are significant.
- The hours of operation are too long.
- The sound of the blower is constant and is very disruptive.
- Blown away by what's been ok'd for this use.
- The issue of noise pollution is a big one and should be addressed.
- Thanked the Commission for their time and for having this discussion.

An unidentified man commented:

- Has spoken before the City Council several times.
- Expressed having to deal with a situation similar to the one that the Rotten Robbie neighbors were speaking of.
- To have good neighbors you have to be a good neighbor.
- Urged the Commission to look into issues regarding noise.
- Thanked the Commission for their time.

Ms. Tolksdorf comments continued:

- Urged the Commission to review the Zoning and Noise Ordinances; specifically with how they pertain to the carwash blower used by Rotten Robbie.
- Urged the Commission to look at what rights the residents have.
- Maybe the City needs an Oversight Committee.
- Thanked the Commission for their time.

Ms. McGavin comments continued:

- The residents live up in elevation from Rotten Robbie.
- It's important to remember that noise levels increase as you go up in elevation.
- If noise studies are to be conducted she'd like them to be at the elevation of the neighbors, not just at the ground level for Rotten Robbie.
- Thanked the Commission for their time.

Hearing nothing further, Chair Jacob closed the Public Hearing and brought it back to the Commission for additional questions of staff. He also asked staff to respond to a number of questions heard during the Public Hearing.

Director Webster responded.

Hearing nothing further, Chair Jacob brought it back to the Commission for discussion.

Commissioner Williams van Aggelen commented:

- The City needs better enforcement.

Commissioner Fernandez commented:

- Acknowledged that this discussion was not meant to be about a particular business.
- Given comments heard from members of the public, it appears as though Rotten Robbie has been in violation of the conditions in their Use Permit.
- Asked about discussion and possible revocation of Rotten Robbie's Use Permit.

Director Webster stated that he could ask City Manager/City Attorney, Larry McLaughlin, for feedback on the procedure for revocation of a Use Permit.

Commissioner Fernandez commented:

- The neighbors are being reasonable.
- Rotten Robbie's Use Permit should be looked at.

Board Member Doyle commented:

- There have been at least three gas stations that have been closed since he's lived in town.
- Modifying the City's ordinance will not solve the current problem.

Commissioner Williams van Aggelen commented:

- Making changes to the ordinance now could prevent future issues such as the one that the neighbors have spoken of.
- Reiterated her comment that the City needs better enforcement, including followup on conditions of approval, etc.
- Carwash and service stations should not abut residential zoning districts.
- Parameters are needed.
- Enforcement is critical.

Chair Jacob asked if the Commission was in agreement on the need to proceed with discussion of this ordinance in order to put forth more specific regulations.

Commissioners Fernandez and Williams van Aggelen agreed.

Vice Chair Pinto expressed not being in agreement while acknowledging that the wider issue seemed to be with enforcing the conditions of the Use Permit in question.

Commissioner Fernandez agreed with the need for discussion and commented that there is much to discuss.

Commissioner Fernandez suggested that this discussion be continued to give the Commission more time to come up with what changes they may wish to see.

Chair Jacob suggested that the Commission look at the following:

- Limiting hours of operation for service/gas stations and carwashes.
- Perhaps a section which specifically deals with the noise that comes from these types of uses should be included in the City's Noise Ordinance.

A member of the public interjected in agreement.

Chair Jacob comments continued:

- Clarification of when a Use Permit would be required.
- The issue of sound and physical barriers should be looked at as well.

Commissioner Doyle commented:

- Provision 17.96.090 (2) The site shall not adjoin an existing residential zone district, or single or two- family residential use at the time the service station use is established; is already super restrictive.
- It may be appropriate to relax provision 17.96.090 (2).
- Gas stations should be open 24 hours.
- Limiting carwash hours makes sense.

Commissioner Williams van Aggelen disagreed in the need to have gas stations be open 24 hours per day and commented that there are many communities that do not have 24 hour gas stations.

Chair Jacob commented:

- By talking about hours of operation he wasn't specifically saying that they should be limited, however, he felt that it was important as a future area of focus.

Commissioner Doyle commented:

- Was struck by the example from the City of Sonoma as it was the most specific.
- The City of Sonoma's example felt as though it came from their Design Review Guidelines rather than their Zoning Ordinance.
- Some of the more aesthetic specifics may be more appropriate under the City's Design Review Guidelines.

Commissioner Pinto read provision #10 from the City of Sonoma; Noise. Service station noise (e.g., bells, loudspeakers, tools, etc.) shall not be audible from residentially zoned or occupied parcels between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and before 10:00 a.m. and after 7:00 p.m. on Sundays and nationally recognized holidays. He asked members of the public if that language would help address their concerns.

Mr. Fisher responded:

- Rotten Robbie's Use Permit already includes some of that language.
- The issue lies with their unwillingness to comply.
- Urged the Commission to make some adjustments to the Zoning Ordinance for future uses.
- The neighbors deserve and need a public hearing on the issues that they've been dealing with with Rotten Robbie.
- Asked for the Commission's support in getting a public hearing

Mr. Rank commented:

- Reiterated his comment that the operating hours for the car wash at Rotten Robbie are particularly odious.

Commissioner Williams van Aggelen commented:

- Liked provision (a) from Inglewood, California; Setbacks. No automated car wash building or structure shall be located within twenty-five feet of any public street right-of-way or within twenty-five feet of a residentially-zoned or developed property.
- Liked provision (e) from Inglewood, California; Water Recycling. Recycling of water used for vehicle washing shall be maximized. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal guidelines/standards and must be approved by the Inglewood Department of Public Works.
- Liked provision (f) from Inglewood, California; Air Quality. All mechanical ventilating equipment shall be directed to exhaust vents and cannot face adjacent residential properties. Exhaust systems shall be equipped with appropriate control systems to minimize or eliminate noxious pollutants that may impact ambient air quality and must adhere to all applicable local, state and federal air quality standards.
- Liked provision (h) from Inglewood, California; Outdoor Loudspeakers. There shall be no outdoor loudspeakers or public address systems allowed at the subject automated car wash sites.
- A minimum of 10% of the site should be landscaped.

Commissioner Williams van Aggelen comments continued:

- Visual and sound barriers are important.

Commissioner Fernandez commented:

- Liked provision 16.50.050.4.8 from City of St. Petersburg; Control of Airborne Particles. All carwash bays and tunnels and all carwash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust.

Mr. Fisher commented:

- He and his neighbors have had to abandon outdoor living.

Mr. Rank commented:

- The owner is not willing to modify his hours of operation.
- The owner will do what he can, at a minimum, to keep the City happy.
- The owners behavior all along has shown clearly that there is no interest in keeping their neighbors happy.
- We'd be happy with reduced hours but that won't solve all of the issues.
- Late night and early morning deliveries are a big problem.

Mr. Fisher commented:

- They'd appreciate reduced hours, however, what they really want is for Rotten Robbie to comply with the conditions in their Use Permit.
- Rotten Robbie has ruined their lives.
- The Commission has been able to track some good information from the sample ordinances that were provided which is a good thing.
- The Commission should identify good and effective ordinances, not just sample ordinances which they have no real understanding of, before building their own.
- Encouraged the Commission to come up with an ordinance that is done in such a way so that it would read positively and show opportunities for stations rather than highlighting limitations and restrictions.
- Asked the Commission to be careful not to come up with some big, long, odious list of rules which may result in the residents near Rotten Robbie having to suffer with their current condition for that much longer.
- Compliance is the biggest issue.
- The City needs someone, board or other body, to oversee adherence to Use Permits.
- The neighbors want public acknowledgment from the City because the City has let them down.

Mrs. Fisher commented:

- Recent tree removals have resulted in hideous light pollution.
- The trees that were removed were part of the original tree protection plan that were meant to shield the neighbors from the visual blight that is Rotten Robbie.
- All of this is just adding insult to injury and there seems to be no escaping it.

Mr. Fisher interjected in agreement with Mrs. Fisher and commented that Rotten Robbie has not had a single day of compliance since their Use Permit was granted.

An unidentified man commented:

- This issue extends beyond carwashes and gas stations.
- The issue of noise pollution needs to be dealt with.
- This is an infringement of rights.
- We all need to get back to being good neighbors.

Chair Jacob thanked the public for their comments and asked the Commission if they wanted to bring discussion of these regulations back at a future date.

The majority of the Commission agreed.

Ms. McGavin commented:

- The neighbors have not seen anything in writing from the City Attorney on this use being in compliance.

An unidentified man commented:

- A lot of our policies are out of date, don't make sense, or need a fresh look.

Mrs. Fisher commented:

- Referred to a service station/carwash in Oakland that was cited in the noise study that Rotten Robbie did. She stated that they'd visited the location and found it quite impressive and very nicely designed, executed.

Mr. Rank asked how best to reach the Commission outside of these meetings.

Chair Jacob stated that staff would ensure that any correspondence reached the Commission in a timely manner.

Chair Jacob closed the Public Hearing and asked staff if he'd followup with Mr. McLaughlin and commented that the Commission would like to continue discussion of these regulations at a future date.

Director Webster agreed.

Chair Jacob adjourned the meeting at 8:54 p.m. for a brief break.

Chair Jacob resumed the meeting at 9:06 p.m.

~~**B. DISCUSSION OF DEVELOPMENT OF PARKLETS PROGRAM** – The City Council has directed formulation of a 'parklets' program, to create standards and procedures for conversion of street or parking areas to outdoor seating, mini-parks or other such uses. The Commission is requested to provide comments on parameters of such a program.~~

~~Director Webster presented the staff report.~~

~~The Commission asked questions of staff.~~

~~With regards to process, Chair Jacob suggested that the Commission discuss each of the nine items discussed in the staff report.~~

~~Chair Jacob asked the Commission for their thoughts on whether parklets should be public and/or private.~~

~~Commissioner Fernandez said that there should be both.~~

~~Commissioner Doyle commented:~~

- ~~• Doesn't support the concept.~~
- ~~• The concept is an artsy/faddy take away of parking spaces.~~
- ~~• Would rather the City use public funds to beautify oddball areas, such as the space in front of Screamin' Mimi's.~~
- ~~• Sebastopol does not have an excess parking situation.~~

~~Commissioner Williams van Aggelen commented:~~

- ~~• It's absurd to look at parklets before we deal with bicycle lanes.~~
- ~~• Parklets are less important than bicycle lanes.~~

~~Chair Jacob commented that he'd like Sebastopol's Pedestrian and Bike Lane Master Plan noted as a priority over parklets.~~

~~Chair Jacob opened the Public Hearing.~~