



City of Sebastopol

Incorporated 1902

Planning Department

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DESIGN REVIEW BOARD MEETING

MEETING OF: December 21, 2011

SEBASTOPOL CITY HALL

CONFERENCE ROOM

7120 BODEGA AVENUE

4:00 p.m.

APPROVED MINUTES

DESIGN REVIEW BOARD
CITY OF SEBASTOPOL
MINUTES OF DECEMBER 21, 2011

SEBASTOPOL CITY HALL
CONFERENCE ROOM
7120 BODEGA AVENUE
4:00 p.m.

DESIGN REVIEW BOARD:

The notice of the meeting was posted by the City Clerk on December 15, 2011.

CALL TO ORDER: Chair Douch called the meeting to order at 4:01 p.m.

ROLL CALL:

| | |
|-----------------|---|
| Present: | Chair Douch, Vice Chair Deedler & Board Members Schurch, Massey and Beauchamp |
| Absent: | Board Member Basso (excused) |
| Staff: | Jocelyn Drake, Associate Planner Rebecca Mansour, Planning Technician |

APPROVAL OF DESIGN REVIEW BOARD MINUTES: December 07, 2011

Vice Chair Deedler and Board Member Schurch amended the minutes.

Board Member Schurch made a motion to approve the minutes as amended.

Vice Chair Deedler seconded the motion.

Ayes: Chair Douch, Vice Chair Deedler & Board Members Schurch and Beauchamp
Noes: None
Abstain: Board Member Massey

PLANNING DEPARTMENT UPDATE ON MATTERS OF GENERAL INTEREST: There were none.

COMMENTS FROM THE AUDIENCE: There were none.

STATEMENTS OF CONFLICTS OF INTEREST: Board Member Basso was absent due to a proximity conflict with Item 1 on the Regular Agenda.

CONSENT CALENDAR: None.

REGULAR AGENDA:

1. FINAL DESIGN REVIEW - Adoption of Findings (2011-008) - Following a public hearing, the Design Review Board denied an application, submitted by William McDermott, for Final Design Review approval of two buildings, a pharmacy and bank, in addition to site improvements and landscaping, on the property located at 6877 Sebastopol Avenue (the former Chevrolet dealership property). The Board denied the application on December 7th and directed that findings memorializing that action return for approval.

Jocelyn Drake, Associate Planner, presented the staff report.

The Board asked a few questions of staff.

Staff responded.

Chair Douch asked if the applicant would like to make a presentation.

A representative of the applicant, Michelle Moore, gave a brief presentation and was available for questions. She urged for finalization of the Boards findings during this meeting.

The Board had no questions for Ms. Moore at this time.

Chair Douch opened the Public Hearing.

John Kramer, 1256 Rim of the Redwoods Road, commented the following:

- Was present at the Design Review Board meeting of December 7, 2011.
- Given that the Board was not unanimous and voted 4-1 in favor of denying the application he thinks that it is especially important to incorporate individual views in the findings.
- It was clear that the Board would not be in complete agreement on the findings.
- When he listens to the applicant he hears that the applicant will tell the City Council that the Board's findings do not justify denial and will then threaten to sue the City if the Council does not reverse the Board's decision. Given this he stated that the findings need to be as strong as possible.
- Board Member Schurch has expressed serious concerns about traffic and pedestrian safety which the Design Review Guidelines cover however Chair Douch has told Board Member Schurch that those issues are not within the Board's purview. He stated that those issues are within the Board's purview because they are within the project.
- Suggested that the Board cite specific Design Review Guidelines when crafting their findings.
- The first finding appears as a run-on paragraph with no reference to the Design Review Guidelines.
- If he were on the City Council and the Board's findings were being challenged by a lawyer he'd find it difficult to view the findings as being justified as they are currently written.

- Urged the Board to take time to pull the big paragraph apart to further clarify their key issues and how they relate to the Design Review Guidelines.
- Stated that crafting denial findings will take time.

Helen Shane, Neva Street, commented the following:

- She agreed with all of the comments that had been made by Mr. Kramer.

John Eder, a resident of Sebastopol, commented the following:

- Congratulated Vice Chair Deedler, Board Member Beauchamp and Board Member Massey on their recent reappointments to the Design Review Board.
- He read a letter which addressed several points. One point was about how city staff has consistently emphasized the number of meetings that have been held on this application and how the applicant has "gone the extra mile". The tone of the staff reports make it appear as if the applicant has become essentially the "victim" of Sebastopol's process no matter what they do or how hard they try.
- The first design submitted by the applicant was the most situationally insensitive proposal for our town imaginable. He believed that most of the Board would agree that is has been many years, if ever, since the town has seen a more glaring example of this.
- At this point staff should be analyzing and emphasizing how far away are we from getting as good as we can get. Is this project really an appropriate fit for our town?
- The staff report for the City Council meeting of January 23, 2012 should reflect the DRB findings with extreme accuracy and should utilize the current status of this project as a starting point.
- He expects that the staff report for the City Council meeting of January 23, 2012 will read quite differently from the staff report for the Design Review Board meeting of December 7, 2011. It should not merely be the same report turned into a City Council report to accompany the Design Review Board's findings for denial.
- Everything you do in this room today has to be clearly legally defensible. Anybody would be nieve to not think that there is potential litigation in Sebastopol's future on this matter.
- Strongly suggests the the Board's findings be vetted to the Sebastopol City Attorney.
- If there is any concern about the legal grounding of the Board's findings and their ability to be defended in a court of law that the Board convene a special meeting to make any corrections, additions or changes to ensure that the City is on good footing should it wind up in court.
- It is somewhat telling that the only person present on behalf of the applicant tonight is an attorney.

Hearing no additional public comment Chair Douch closed the Public Hearing.

Chair Douch brought it back to the Board to discuss the findings.

Key comments of the Board's discussion and additional public comment which are not directly reflected in the findings are as follows:

- Ms. Shane interrupted the Board's discussion and commented that staff's perspective should not be part of the findings. She stated that staff's perspective should only be included as a side piece.
- Ms. Shane commented that it was a shame that Planning Director, Kenyon Webster, was not present for this meeting. She stated that his presence could've been helpful.
- Mr. Kramer asked if the Board had agreed that the findings would be formatted to match the Design Review Guidelines.
- Chair Douch stated that the Board had discussed formatting the findings to match the Design Review Guidelines but that they had not agreed on doing that.
- Board Member Beauchamp stated that staff has shown excessive bias towards the developer. He expressed a concern with staff's interpretation being forwarded to the City

Council via the appeal staff report. He commented that it would be helpful if the Board were able to review the staff report prior to it being given to the Council.

- Board Member Schurch stated that he'd like to see solar panels on the roof of the two buildings. He stated that additional language about solar arrays should be added to the Design Review Guidelines.
- Board Member Massey stated that this application was lacking natural ventilation as is referenced under B. 6 of the Design Review Guidelines.
- Board Member Schurch stated that a Class 1 Multi-Purpose Bike Path along the east side of Petaluma Avenue would be a strong addition to the project.
- Board Member Schurch does not think that the rock garden is practical. He expressed concern that it could interfere with public safety.
- Vice Chair Deedler and Board Member Beauchamp expressed a major sentiment that staff has shown an extreme bias towards the applicant and questioned if that would continue during the appeal phase of the project. They stated that the Board's perspective needs to be reflected, not staff's.
- Board Member Beauchamp recently wrote a letter to the editor of a local newspaper regarding this item. He stated that his letter was in response to an editorial that had been written in which the Board's actions were being questioned. He stated that he discussed the Board's action with a reporter and that at the conclusion of that discussion the reporter questioned staff's analysis of the project and recommendation to approve the project.
- Board Member Beauchamp stated that the Planning staff's position of influence and the power of their words are very strong and extreme. He expressed issue with the extreme bias shown by the staff in the event of a lawsuit.
- Chair Douch understood the perception of Vice Chair Deedler and Board Member Beauchamp however he stated that he did not agree with the statement of staff showing extreme bias towards the applicant.

After a lengthy discussion the Board agreed on the following changes to the findings:

- e.) Special guidelines for the downtown shall be modified as follows; in that the site plan includes parking spaces along part of the Petaluma Avenue street frontage *and that the visual interaction between the sidewalk areas and interior of the buildings is blocked*, which is discouraged by the guidelines.
- The bottom of a.) Site Planning guidelines regarding neighborhood orientation shall be modified as follows; and by not providing a more continuous storefront-style development appropriate for the site context, *and by not developing the gap between the two buildings into some type of usable "outdoor room"*.
- The following shall be added to finding #1; *the project is designed to attract one-stop car shoppers with little concern toward fitting in with or supporting the small town goals of Sebastopol*; the proposed portico design...
- *The Design Review Board provided the opportunity for the applicant to revise the project design to address several significant concerns with the site plan and architecture; however the applicant indicated he was not willing to make the fundamental revisions recommended by the Board and therefore limited the extent of further architectural review by the Board*; shall be added to the beginning of finding #1.
- Finding #1 shall be revised to include the following; in that the boxy, *dominant building design that serves as advertising*, insufficiently articulated, overbearing and massively-scaled modern project...
- Finding #1 shall be revised to include the following; the proposed portico design *intrudes on the public right-of-way and is not unique and is similar to 'formula' architecture*;
- a.) Site Planning shall be revised to include the following; unsafe interruption to pedestrian flow, *and that generally the pedestrian pathways throughout the project are in excessive conflict with vehicles; the pedestrian plaza proposed at the corner of Petaluma*

Avenue and Sebastopol Avenue is mis-located from the actual area of public assembly, which is between the two buildings; excessive area is devoted to parking...

- Finding #1 shall be revised to include the following; *as revised by the right-out only restriction on Sebastopol Avenue; the design for Abbot Avenue is not sufficient to accommodate project traffic...*
- c.) Circulation and Parking guidelines shall be revised to include the following; in that the site plan devotes excessive area to parking and provides a driveway in a location that unsafely interrupts pedestrian flow *and provides insufficient and unsafe runway length/merging distance for traffic exiting onto Petaluma Avenue; the location of the bank building will negatively impact the neighboring business (Frizell-Enos) in that there will be competition for shared parking on Abbott Avenue; and the proposed number of crosswalks and locations of crosswalks are inadequate; additional crosswalks shall be provided at all adjacent intersections: at Brown Street, Abbott Avenue, Barnes Street, and Burnett Street.*
- Finding #1 shall be revised as follows; the ~~design~~ *architecture* does not sufficiently address the key corner intersection of Sebastopol Avenue/Petaluma Avenue; and by not providing...
- An opening statement will be added to outline that finding #1 is a summary of the Board's comments which relate to the Design Review Guidelines.

Board Member Massey made a motion to approve the findings as amended.

Vice Chair Deedler asked Board Member Massey if she'd be willing to amend her motion to have staff email the revised findings to the Board once prepared.

Board Member Schurch stated that he did not understand why these findings could not be formalized at the next regularly scheduled Design Review Board meeting. He stated that approving them as amended and without seeing them again presents an unnecessary risk.

Ms. Moore strongly urged the Board to approve the findings as revised which would allow the applicant to begin the process of moving forward. She stated that after hours of discussion on the findings it was beginning to feel like the Board was trying to obstruct the project.

Board Member Beauchamp disagreed with Ms. Moore's comments on the Board trying to obstruct the project. He stated that the Board was just being careful.

Mr. Kramer interjected that the City was likely to be sued.

Chair Douch stated that the Public Hearing was closed. He asked that members of the public refrain from making any additional comments.

Chair Douch asked Vice Chair Deedler if he still wanted Board Member Massey to amend her motion.

Vice Chair Deedler stated that he was leaning towards wanting to see the revised findings prior to approval.

Chair Douch seconded Board Member Massey's motion to approve the findings as amended.

Vote: Ayes: Chair Douch and Board Member Massey
Noes: Vice Chair Deedler and Board Members Schurch and Beauchamp
Abstain: None

Board Member Schurch made a motion to have the revised findings return to the Board at their next regularly scheduled meeting for consideration by the Board.

Vice Chair Deedler seconded the motion.

Board Member Schurch further clarified that upon review of the revised findings the Board should limit any additional revisions to be consistent with tonight's discussion and that no additional revisions should be made out of respect for the applicant and for the process.

Chair Douch understood Board Member Schurch's motion as well as his clarifying points. He stated that in his opinion the findings as revised are very thorough and he did not see the need to have them return to the Board.

Ms. Shane interjected that the Board had already voted on the motion.

Chair Douch stated that the Board had not yet voted on this particular motion.

Board Member Beauchamp commented that he was having mixed feelings about having the revised findings return to the Board if the Board would not be allowed to protest staff's interpretation of the revisions.

Chair Douch agreed with Board Member Beauchamp in that he did not see the point of having the revised findings return to the Board for their approval. As per the discussion he felt confident that staff had a clear understanding of what revisions the Board was asking for.

Ms. Shane interjected with all due respect to staff that they were working from 4 sets of notes. Given that she did not feel confident that staff would get the Board's revisions right.

Chair Schurch stated that his motion was not being made with the expectation that the Board would need to amend them further. He stated that he would be more comfortable seeing them in writing prior to approving them.

Board Member Beauchamp asked if individual Board Members would have an opportunity to speak on this item before the City Council.

Chair Douch stated that individual Board Members would be welcome to speak during the Public Hearing when this item goes before the City Council on appeal.

Mr. Eder clarified Board Member Beauchamp's point about speaking before the Council.

Chair Douch asked for a vote on Board Member Schurch's motion to have the revised findings return to the Board at their next regularly scheduled meeting for consideration by the Board. Vice Chair Deedler had seconded the motion.

Vote: Ayes: Vice Chair Deedler and Board Members Schurch and Beauchamp
Noes: Chair Douch and Board Member Massey
Abstain: None

The Board confirmed with staff that the next regularly scheduled Design Review Board meeting would take place on January 04, 2012.

Ms. Moore stated that January 04, 2012 was a workable return date for the applicant.

Mr. Eder asked a few questions of staff.

Staff responded.

DISCUSSION ITEMS: There were none.

REPORTS FROM THE BOARD/STAFF: There were none.

ADJOURNMENT: Chair Douch adjourned the meeting of the Sebastopol Design Review Board at 6:55 p.m. to the next regular Design Review Board Meeting to be held January 04, 2012, at 4:00 p.m., at the City Hall Conference Room, 7120 Bodega Avenue, Sebastopol, CA.

Respectfully Submitted By:

Jocelyn Drake
Associate Planner