



**City of Sebastopol**  
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## **UNAPPROVED DRAFT MINUTES**

PLANNING COMMISSION  
CITY OF SEBASTOPOL  
MINUTES OF March 8, 2022

### **PLANNING COMMISSION:**

The notice of the meeting was posted on March 3, 2022.

**1. CALL TO ORDER:** Chair Fritz called the meeting to order at 6:00 P.M. and read a procedural statement.

**2. ROLL CALL:**      **Present:**      Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley  
                                 **Absent:**              None.  
                                 **Staff:**                 Kari Svanstrom, Planning Director  
                                                              John Jay, Associate Planner

### **3. APPROVAL OF MINUTES:**

#### **January 25, 2022**

Members of the Commission amended the minutes.

Vice Chair Oetinger moved to approve the minutes as amended.

Commissioner Burnes seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley

NOES: None

ABSTAIN: None

ABSENT: None

#### **February 22, 2022**

Members of the Commission amended the minutes.

Vice Chair Oetinger moved to approve the minutes as amended.

Commissioner Burnes seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley  
NOES: None  
ABSTAIN: None  
ABSENT: None

**4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA:** None.

Director Svanstrom commented that staff had received one written comment from the public, from Kate Howe, which was forwarded to the Commissioners and posted to the City website.

**5. STATEMENTS OF CONFLICTS OF INTEREST:**

Chair Fritz recused himself from Item B, 700 Gravenstein Highway North/Starbucks Drive-through, as one of the owners of the shopping center is a client.

**6. REGULAR AGENDA ITEMS:**

- A. 400 Morris Street, Suite A & J – Seed to Leaf** – Public Hearing to consider a request for a Conditional Use Permit for Cannabis Distribution. The request would add distribution to an existing Cannabis manufacturing business at 400 Morris Street to support distribution of cannabis products. This modification would allow Seed to Leaf to control the safety and quality of its distribution network. The distribution portion of the project would be 172 square feet of the suite.

Associate Planner Jay presented the staff report.

The Commission had no questions of staff.

Chair Fritz opened public comment.

The applicant gave a presentation and was available for questions.

Chair Fritz asked for Planning Commission questions of the applicant.

**Evert Fernandez, Commissioner**

For the record I wanted to say that I visited the site.

**Kathy Oetinger, Vice Chair**

I just want to make sure I understand, we're basically looking at third party people driving their truck and they're not delivering and picking up items, and now we're talking about Seed to Leaf doing their own delivery, pick up, and distribution?

**John Jay, Associate Planner**

Yes.

**Deborah Burnes, Commissioner**

I think you gave a very thorough presentation and your business seems well thought out. I do have a couple of questions about the distribution there. We have had the fire chief come by with their concerns about the growth of cannabis there; it's a fire hazard and we have had fires from cannabis growth. We also have had issues with chemicals during the growth

process. I realize this is not part of the new request that you have, you guys are already permitted for that, but my question is are you growing cannabis, and when you say you want to distribute this, would it be to individuals or are you distributing to clubs? I'm trying to get an idea of the traffic that would be coming in and out and how it would be distributed.

**Ryan Long, Seed to Leaf (Applicant)**

Just to clarify, we are not doing any cultivation at the property. We don't have the license for that activity, nor do we intend to acquire one. What we do currently under our manufacturing license is bring in raw material and then produce finished products with it, so we extract it into oil and sell those to dispensaries. We don't sell directly to any consumers; we're not allowed to do that. We're only able to sell to a licensed retailer who then would sell it to the consumer.

**Deborah Burnes, Commissioner**

So the only difference now is you have a third party that's actually transporting your product to the dispensaries as opposed to you being able to have your own transportation vehicles and do the deliveries yourself, is that accurate?

**Ryan Long, Seed to Leaf (Applicant)**

That is accurate.

**Kari Svanstrom, Planning Director**

And to clarify that, Commissioner Burnes, we would call distribution to individuals retail, and they are not requesting a retail license. Distribution could be both the self-distribution like this, or it could also be—if you think of Amazon—bringing in a bunch of products and then distributing them out to retailers as well. They fall under the same category in our code.

**Deborah Burnes, Commissioner**

I did try to look at it to see if it was retail, wholesale, shipping, but I didn't see it.

**Kari Svanstrom, Planning Director**

Business-to-business only.

**Zachary Douch, Commissioner**

You talk about two to three weekly delivery trips of raw materials coming in. How many outgoing distribution trips would you anticipate?

**Ryan Long, Seed to Leaf (Applicant)**

We would anticipate about that many as well right now.

**Zachary Douch, Commissioner**

And is that about in line with the current activity?

**Ryan Long, Seed to Leaf (Applicant)**

Yes.

**Linda Kelley, Commissioner**

What kind of odor control will your own personal delivery trucks have?

**Johnny Nolen, Seed to Leaf (Applicant)**

The trucks themselves don't have a specific odor control. There are regulations from the state that require all product and distribution bins to be inside of an additional cage that is

inside of the van and then locked as well, and there are regulations as well about stoppage and the vans, so when the van comes onsite it will move immediately into the receiving vestibule through the roll-up bay doors that are then closed, and then it will be subjected to the facility's odor control system in there before any of the product is removed and handled.

**Linda Kelley, Commissioner**

Are you planning to, or could you be allowed to, use solar to help offset some of your energy consumption?

**Ryan Long, Seed to Leaf (Applicant)**

I believe we have spoken to the landlord about that. I wasn't the one involved in those conversations, so I don't have a specific answer for you, but I could look into it and get back to you with that information.

**Linda Kelley, Commissioner**

I'm sure you appreciate having solar in every application in terms of having to use fossil fuels for creating energy. I'm just asking the question to see if it can help you out at all. Next question: I'm not familiar with what you're currently manufacturing there, and if you're using nonvolatile or solvent-less procedures to do extraction, if that's what you're doing?

**Ryan Long, Seed to Leaf (Applicant)**

Yes, we are currently doing extraction there. Right now we are doing ethanol extraction, which is considered nonvolatile, but it's not considered solvent-less. We use ethanol to extract and then we use equipment after that to refine the oil and pull out the non-cannabis portions of it, and then that cannabis oil is used to manufacture other products, which we will be doing onsite there. We are in the process of building what we call an "infusion kitchen" where we're able to make certain edible products by infusing them with that cannabis oil. Then we have been doing some R&D work around solvent-less extraction using ice water hash, but we haven't done that on any scale yet.

**Linda Kelley, Commissioner**

I know it used to be pretty expensive to do the solvent-less, but I'm sure as more and more manufacturing is happening with that hopefully the cost will come down. Back to what you're manufacturing now, you did mention manufacturing oils for cartridges, but what else are you doing or planning to do? Things change over time, but I want to make sure you're covered for what you need.

**Ryan Long, Seed to Leaf (Applicant)**

We're not doing anything on scale yet, because we just got our manufacturing license and we're still building out our facility and getting it ready to do all the products we want to be able to do, but we intend to do the cartridges, like you said, and then edibles, such as gummies and things like that.

**Linda Kelley, Commissioner**

And that's what you'll need the commercial kitchen for, is that true?

**Ryan Long, Seed to Leaf (Applicant)**

Correct.

**Deborah Burnes, Commissioner**

I was wondering, the application mentioned that the warehouse was 5,000 square feet and this portion of your business was going to be 172 square feet. Are you currently renting the entire 5,000 square feet, or are they just saying that's the size of this particular warehouse?

**Ryan Long, Seed to Leaf (Applicant)**

That's the size that we are currently renting. We're a suite within a greater warehouse. I'm not sure exactly how large the square footage is for the entire space, but I imagine somewhere around 15,000-20,000 square feet is the total space.

**Deborah Burnes, Commissioner**

There has been a big change in this industry, and we have another grower who is in a suite not too far away and they ended up not being able to make any margin because the price had bottomed out on cannabis. They did not do edibles or the type of things that you are doing, but it became problematic. As far as you perceive the future of the edibles with all of the mass people entering this sector of the industry, is that some of the reason you want to take on your own distribution, to increase your profit margins, because they're being reduced? Or how do you foresee that piece of this? You probably see it because the raw goods you're buying are a lot less expensive than they were five years ago.

**Ryan Long, Seed to Leaf (Applicant)**

Correct, and yes, that is a big part of why we want to do distribution, to lower our costs, but I'll let Johnny speak to that a little bit further.

**Johnny Nolen, Seed to Leaf (Applicant)**

I think you're right, and great question, Commissioner Burnes. I'm representing also 421 Group supporting Seed to Leaf with their application. What we've seen across a lot of different operators is that while there have been some major dips in the supply chain prices consumer packaged goods have remained stable, and so moving towards edibles and direct distribution to dispensaries of edibles is a really solid business strategy to help make sure that this business is able to be successful.

**Deborah Burnes, Commissioner**

Because one of the things that we've seen happen here locally in Sebastopol is that when the bottom dropped out they were transporting it across state lines, which of course isn't legal, and it became big issues for some landlords here in Sebastopol.

**Johnny Nolen, Seed to Leaf (Applicant)**

It sounds like you had some negative experiences with some not pleasant operators.

**Deborah Burnes, Commissioner**

No fault of theirs, it's just the market is shifting so much. Just curious, because I don't know anything about the edibles sector of it, so that's why I ask where you see stability of that with the price dropping so much on the raw goods, and you see that that is a stable way to maintain your cannabis business and stay in the industry.

**Johnny Nolen, Seed to Leaf (Applicant)**

I worked with Seed to Leaf also to develop really robust compliance programming. If you recall, one of the owners, Dennis Hunter, is a longstanding operator in Sonoma County cannabis and has his products and operations reaching statewide. Dennis is well respected and acknowledged as understanding compliance, so we'd like to reaffirm our dedication to compliance.

**Evert Fernandez, Commissioner**

Just wanted Ryan to comment on the number of additional employees that you will be hiring down the road, and what type of employees and employment you will be operating.

**Ryan Long, Seed to Leaf (Applicant)**

It will be a mix of operators and technicians that will be operating the equipment, and then also administrative staff to support the business operations. We intend to hire somebody to help with the accounting and bookkeeping once we get to that level, and then I would say within the near future we want to have about four or five operators on staff that will be managing the equipment. We currently have a couple of guys right now, and our goal, and I mentioned in our presentation, is to hire from the local community to create a roster that reflects our local community.

**Evert Fernandez, Commissioner**

I appreciate the philanthropy and helping other organizations, and I would just encourage you to look closely at Sebastopol first. I'm very impressed with the amount of community involvement that you're in, and thank you for that.

**Ryan Long, Seed to Leaf (Applicant)**

Of course. I'm proud to be from Sebastopol and am always impressed when I'm outside the area how many people know about our little town, and so I'm excited to be able to come back here and work here and reflect positively on the community.

**Paul Fritz, Chair**

Ryan, I saw that you had the manufacturing processing approvals. I'm wondering how long you've been in operation? It sounds like you're still kind of ramping up. Have you been producing product for a while now? Just give me a little bit of history of what's been happening.

**Ryan Long, Seed to Leaf (Applicant)**

We actually rented the facility back in 2019, and since then we have been in the process of acquiring the licenses to operate and doing the tenant improvements necessary to run our operations. We received our Type 6 manufacturing license from the state. Obviously, we received local approval prior to that, and then received our manufacturing license from the state I don't know the exact date, but it was sometime last year, and that is when we began producing at the facility. Most of it has been small scale, just because we've been constrained with what we were able to do there as we continued to build out the facility and acquire the necessary licenses, so we kept our scale small and kept our costs low and have dialed in our products, a lot of R&D work, things like that, and we're working towards building out these other operations. Once we are able to and have the facility where we want, then we plan to ramp up those activities.

**Deborah Burnes, Commissioner**

We're talking about the amount of deliveries you're expecting today while you're ramping up in your limited capacity, but do you have investors and plans, your three-, four-, five-year plans for ramping up even greater, and then what would the deliveries look like at that point? If we're thinking about two to three times a week now, what are we looking at in five years time, and wondering if there are investors who really want to grow this and how will what we're looking at today will be different down the line?

**Ryan Long, Seed to Leaf (Applicant)**

At this point we're not looking to bring in any outside investors. We're planning to self-fund for the foreseeable future, and because most of the activities we're doing is bringing in bulk biomass for processing we don't foresee the amount of deliveries really ramping up too much as we scale our operations. It's hard to say exactly what kind of level we'll be at a few years from now, but the goal is to not have a lot of deliveries coming and going for one-off accounts. So we'd have one delivery come in with a bunch of biomass at the beginning of

the week. We would process and work through that biomass and then have a few deliveries going out that week to service accounts and hitting multiple accounts in a single day. It's hard to say exactly what level we'll be at in the future, but I don't imagine that we would need to increase it too much more in order to fulfill our business needs.

**Linda Kelley, Commissioner**

With your extraction that you're doing right now, and you said that you're using ethanol, are you able to secure enough organic ethanol to actually go that direction, or are there a lot of constraints with that?

**Ryan Long, Seed to Leaf (Applicant)**

I don't believe we've had any issues securing our ethanol source, which I do believe is organic; I'd have to check on that. But at this time, no, we haven't had any issues with our supply chain and securing the input materials that we need.

**Linda Kelley, Commissioner**

Your biomass, as you refer to it, is it local sourced, or what percentage do you think is locally sourced?

**Ryan Long, Seed to Leaf (Applicant)**

Most of it is locally sourced. We work with farmers here in Sonoma County. I would say probably about 70% of it is sourced locally.

Chair Fritz opened public comment. Hearing none, Chair Fritz closed public comment.

The Commission discussed the application as follows:

**Kathy Oetinger, Vice Chair**

I'm looking at Exhibit B, the conditions of approval, and I'm seeing something that we haven't really discussed, and that's Item 1 requiring the industrial waste permit and the solid waste permit and all those things. That means to me this is a whole area outside of just the trucks coming in and going out, so I'm wondering why those conditions have been added? Is that something that is required now that wasn't required earlier?

**John Jay, Associate Planner**

For the industrial waste permit, that was one of the comments that were directed from the Public Works Department for the industrial kitchen. I'm not sure if there's a full-on structure outside or if it's like a clean-out trap sort of thing, but that was one of their comments as a condition for that industrial kitchen within the facility.

**Paul Fritz, Chair**

If this use permit is for distribution, why do we have conditions related to the kitchen? It sounds like that would have been a condition when they applied to have the kitchen, which would have been part of the manufacturing process and not part of the distribution process.

**John Jay, Associate Planner**

That might just be a miscommunication on the application routing that had the industrial kitchen located within the floor plan set, which would have triggered that condition of approval.

**Kari Svanstrom, Planning Director**

Perhaps the applicant can address whether or not these things are already being done at the site, just for clarification.

**Paul Fritz, Chair**

Ryan, it sounds like you're still building out the commercial kitchen, but I assume under your previous application to the City that was part of your plan at that time, correct?

**Ryan Long, Seed to Leaf (Applicant)**

Yes, we are in the process of building out the commercial kitchen, and I believe that was a part of that requirement when we received the building permit and the approval for that, but I can't remember off the top of my head, but that's something I could definitely look into and get back to you on.

**Paul Fritz, Chair**

Is it possible for staff to look that up now?

**Kari Svanstrom, Planning Director**

If it was a condition of the building permit, I don't have access to that, but I can check the 400 Morris planning administrative permit.

**Zachary Douch, Commissioner**

Either way, I would propose that be struck, because it's not relevant to this application.

**Kathy Oetinger, Vice Chair**

Would that mean that they would have to come back and complete this formality that wasn't completed previously?

**Zachary Douch, Commissioner**

I think if the City is requiring an industrial waste for the commercial kitchen, correct me if I'm wrong, Kari, that would be something that would be a discussion with the client to do with their processing.

**Kari Svanstrom, Planning Director**

Yes, with the building permit.

**Paul Fritz, Chair**

Along the same lines, I think Items B and C are also related to that. Items B and C don't have anything to do with distribution as well, so I feel like this whole section needs to be struck from the conditions of approval.

**Evert Fernandez, Commissioner**

That was going to be my comment as well.

**Kathy Oetinger, Vice Chair**

Yes.

**Zachary Douch, Commissioner**

Section B does reference deliveries of cannabis and cannabis products as part of a retail sale and/or facility that manufactures cannabis, so I think B is relevant.

**Paul Fritz, Chair**

But it has to do with the manufacturing, which again, should have been under our previous permit. This permit is not about the manufacturing; it's about the distribution, and this references delivery but as part of a retail sale, and we've learned this is not a retail.



**Zachary Douch, Commissioner**

Well, it's retail or manufacturing, so I think it is relevant because it references deliveries specifically separate from any manufacturing. And the composting, yes, I agree, it doesn't seem relevant.

**Kari Svanstrom, Planning Director**

I can confirm, looking at their approval of their 2020 application, that the composting and the waste collection requirements were included as conditions on that, so those certainly are redundant.

**Paul Fritz, Chair**

So I guess we're saying strike A and C and keeping B. Does that makes sense to people then?

**Zachary Douch, Commissioner**

I think B is just informational. I simply says that there's a permit required, which of course they know.

**Kari Svanstrom, Planning Director**

Right.

**Zachary Douch, Commissioner**

So I don't feel that strongly about it.

**Paul Fritz, Chair**

Ryan, do you have something to say about it?

**Ryan Long, Seed to Leaf (Applicant)**

Yes, I'm fine keeping that in there. I do believe the way it's written it's referring to cannabis dispensary service, which would fall under a retail service. It says, "An establishment that delivers cannabis and cannabis products as part of a retail sale," so we aren't doing that as part of retail sale, but I just wanted to clarify that.

**Kari Svanstrom, Planning Director**

Chair, we could also simplify that to state that, "The applicant shall secure any permits from EHS that are required for the operation." That's what I recommend.

**Paul Fritz, Chair**

Yes, that makes sense.

**Deborah Burnes, Commissioner**

We have some bigger issues as a city on how we tackle this distribution, because I don't think they'll be the first business to come and want this type of variance. I did call the fire department and tried to figure out what our overall strategy is, because we've seen here in Sebastopol that it's been very hard for small cottage industries to compete. They've been thrown out of long-term leases because the cannabis industry comes in and pays this exorbitant amount for rent, so I think there needs to be—and I couldn't find one, so forgive me if there is—some overall strategy and plan that we mitigate some of these issues with this very popular growing business that is now a legitimate part of our community. How do we ensure that it is becoming an attribute to the whole business community as opposed to things like fire issues, ethanol extraction issues, rent caps? Just looking at these things so that when we make a decision like this, it has ramifications of what happens down the line, that we're thinking what will this look like unified for our whole community, not just this one

business? I think this will be the stepping stone for future to come, so I'd love to know what our overall plan is when it comes to this.

**Zachary Douch, Commissioner**

Yes, I would say that the Planning Commission specifically did exhaustive work on first the Medical Marijuana Ordinance and then the private Recreational Use Marijuana Ordinance, and we really went quite in depth into the licensing structure, how it interacts with the state structure, and the types and the numbers of the different types of licenses. Really the reason this is coming back is because of the work the Commission did to ensure that we had an incremental approach and we were aware as licenses were added that we had a good understanding of the quantities and the numbers and how close they were and those kinds of things, so I would encourage you to, if you haven't already, have a look at that. Paul and Evert, I think you were both on the Commission when we did that work.

**Deborah Burnes, Commissioner**

I did try to find it today. Can you direct me to where I can find it? You can do it offline, but yes, that would be fantastic. Thank you.

**Zachary Douch, Commissioner**

I'm sure Kari can point you in the right direction on that.

**Paul Fritz, Chair**

It's chapter 17360 in the Zoning Code. That's our full cannabis regulation section of the Zoning Code. I certainly hear what you're saying. This application is for distribution; it's a very small component of what they're doing. They're a cannabis business; they've been authorized to operate. They get raw material and they send out final products, so it's happening already and it's just a change in how it's happening. Instead of a third party, they're going to do it themselves, so while I appreciate we don't want to have cannabis as our only business in town, I feel like this is a fairly minor use permit in terms of the bigger picture questions that you're asking, Deborah.

**Deborah Burnes, Commissioner**

I'm not thinking that would be the only business in town, it's just there's already been issues with the amount of rent that they can offer compared to other businesses, so I just want to read this and understand did we cap what landlords can take as a premium from a cannabis operation as opposed to someone who has been there? These type of things are important to keep the diversity, the equity, the small business, the culture, all of that.

**Evert Fernandez, Commissioner**

Deborah, regarding that, we did do some work, and I have encouraged Council and other organizations to be a little forward thinking and think ahead to where we want to be positioned, and that might include tasting rooms, as an example. Is that something that we want to support? If so, then we should regulate that way. If not, then we should regulate another way. Rather than sit and wait until these things come to us, and then by that time it's a little bit late. It doesn't necessarily have to do with this, but it does have to do with planning ahead and putting some thought into it.

**Deborah Burnes, Commissioner**

Totally agree. My point is let's look at the bigger picture so we can make these decisions that all fall in line instead of going oh my gosh, what did we do?

**Evert Fernandez, Commissioner**

And that would be something that not only perhaps a subcommittee of Commissioners would be involved in, but also some of the business owners in town, because they know and have that knowledge that would be helpful.

**Zachary Douch, Commissioner**

Regarding this application, when we did the comprehensive Cannabis Ordinance I was in favor of an incremental approach, and here we have an application that I fully support. It's well presented and all of the planning work, security, odor control, health and safety, etc., has been comprehensively addressed.

Commissioner Douch made a motion to approve the application as submitted.

Commissioner Fernandez seconded the motion.

**Paul Fritz, Chair**

Thank you. I have a couple other notes. In the conditions of approval there's kind of a typo. The first sentence reads a little strange with, "The plan shall be substantial conformance with plans prepared by Seed to Leaf." I think it should be "and the" not "the and" attached plans. Then in the findings, Finding 2, page 6 of the staff report, the very end I think we can strike "or be detrimental or" I think that must have been a cut and paste confusion.

**Kari Svanstrom, Planning Director**

Yes, thank you. "and such use" period, is what it should say.

**Paul Fritz, Chair**

Then Finding 4 is kind of worded strangely. "Compatibility with surrounding uses and that the proposed use is consistent with the surrounding industrial uses the project site is zoned." Maybe there should be a period there after "uses," and then, "The project site is zoned." Does everyone else see that, or is that just me?

**Kathy Oetinger, Vice Chair**

No, it's weird.

**Paul Fritz, Chair**

I understand the point, but it says it in a strange way.

**Kari Svanstrom, Planning Director**

Can I suggest a reword, Chair Fritz?

**Paul Fritz, Chair**

Yes.

**Kari Svanstrom, Planning Director**

"The use is compatible with surrounding uses in that it's consistent with surrounding industrial uses. Additionally, this project site is zoned Industrial and is occupied by other industrial and commercial uses."

**Paul Fritz, Chair**

That sounds better.

Chair Fritz asked for additional Commission comments or discussion. Hearing none, he asked Director Svanstrom to take the roll call vote.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley.

NOES: None

ABSTAIN: None

ABSENT: None.

**B. 700 Gravenstein Highway North – Elizabeth Valerio/Starbucks** – Public Hearing to consider a request for a Conditional Use Permit to allow modifications to the existing restaurant and drive-through (to be reopened as Starbucks), with the proposal relocating the drive-through window and extending the existing drive-through lane, outdoor patio seating and restripe parking area in front, to include reduction of 2 parking spaces.

Chair Fritz recused himself and left the meeting. Vice Chair Oetinger assumed control of the meeting.

Associate Planner Jay presented the staff report.

Vice Chair Oetinger asked for Planning Commission questions of staff.

**Evert Fernandez, Commissioner**

Are there any requirements for solar, water conservation, or rainwater capture? I don't know if that's part of one of the portions there and/or regarding the Zero Waste Ordinances. I didn't see that specifically spelled out, but that might be written in a different manner. Then there was a recommendation to perhaps consider more than the four bicycle parking spaces. I'm wondering is there is room there to add those?

**John Jay, Associate Planner**

For the zero waste and landscaping portion of it, I believe that would go through the Design Review Board portion of the project, as this is just for the Conditional Use Permit to allow the nonconforming use of drive-throughs as they were no longer allowed to be constructed after 2012. In regard to the bicycle parking, with the reduction of parking spots we felt that adding some more bicycle parking, more than what is allowed within the Zoning Code—it's 20% of the parking spots that are available there—would also be something that could be approved. Then also, an approval for the parking reduction would be required within this Conditional Use Permit.

**Evert Fernandez, Commissioner**

This is a brand new location?

**John Jay, Associate Planner**

Correct, it would be a brand new facility from the one that is already in operation on the south end of town.

**Evert Fernandez, Commissioner**

And also Safeway, right?

**John Jay, Associate Planner**

Correct, yes. As a full outside of an already operating business.

Vice Chair Oetinger opened public comment.

The applicant gave a presentation and was available for questions.

Vice Chair Oetinger asked for Planning Commission questions of the applicant.

**Zachary Douch, Commissioner**

The parking as it is in that design now, it's difficult to access the existing parking, if I understand the layout correctly and if my memory is serving me correctly. Is that right?

**Elizabeth Valerio, Valerio Architects (Applicant)**

I think the only access to this spot is on Gravenstein. You'd have to enter from there and then make a left into this corner area.

**Zachary Douch, Commissioner**

Part of the improvement you've made by removing those two spots is that the parking is now more accessible to the non-drive-through traffic, whereas in the existing there's no way to get into that parking without going around the drive-through circle.

**Elizabeth Valerio, Valerio Architects (Applicant)**

Yes, exactly. What we've done, which is kind of an odd configuration, is close this off completely so you won't have this confusion of driving head first into the drive-through, but to head directly into the customer parking area, so this divider.

**Evert Fernandez, Commissioner**

Are there any considerations as to adding any charging stations or anything as far as any of the parking spaces?

**Elizabeth Valerio, Valerio Architects (Applicant)**

We have not, but it's something that we have done in the past in other sites all over, so that's not anything new. So yes, we can.

**Evert Fernandez, Commissioner**

Any plans for solar?

**Elizabeth Valerio, Valerio Architects (Applicant)**

Not this store specifically. Starbucks is testing out solar on some of their newer stores and trying to incorporate that into remodels of their existing stores and of course their new stores, but not in this site specifically at this time.

**Evert Fernandez, Commissioner**

Out of curiosity, I'm assuming that Starbucks came to the conclusion that the demand is adequate or necessary to open an additional facility on this side of town. Do you know anything about that?

**Elizabeth Valerio, Valerio Architects (Applicant)**

No, I'm not very familiar with what additional stores will be opened. We do a lot of work in this area and all over California. I know that there is one nearby, but I'm not privy to any closures or openings of more stores. This is sort of the latest.

**Kari Svanstrom, Planning Director**

I can note for the Commission that we do have a strong Formula Business Ordinance, which would not allow Starbucks in most parts of town, however, it does not apply to the Redwood Marketplace shopping center, the Southpoint, and I believe there's one other shopping center, so it does not apply to this particular site.

**Evert Fernandez, Commissioner**

My question was more of how did they come to the conclusion that another site was needed in Sebastopol?

**Elizabeth Valerio, Valerio Architects (Applicant)**

In general, what they see is a demand for their existing stores. What they like to do is see if there's a high demand and they like to relieve that store of too much traffic, and that's when they look at another site. That's one of the criteria. There are many criteria, but we have had many cases in some cities where if it's a drive-through the queue may be too long, or if it's a walk-up maybe the line is too long. So there is a way to relieve some of these demands for the existing stores.

**Linda Kelley, Commissioner**

Are these franchise businesses from Starbucks, or does Starbucks own the business?

**Elizabeth Valerio, Valerio Architects (Applicant)**

Starbucks do not have any franchisees. I think most of the stores are corporate owned. The only franchisees that I'm aware of would be if you go into airports, I believe, or stadiums. They may work with sort of an agreement contract, but I can't say the percentage of the numbers. Most of their stores are corporate owned and operated. This particular store is not a franchise.

**Linda Kelley, Commissioner**

And is there going to be food served—I guess this is called a café—that is cooked onsite, or is it just reheated?

**Elizabeth Valerio, Valerio Architects (Applicant)**

It's reheated. There's no cooking onsite. Starbucks of course will serve the site's coffee and tea. They have ready-made salads and sandwiches. You could ask for the sandwich to be reheated. They also have their pastries that can be heated, and other drinks, juices, and cookies I believe, bakery items.

**John Jay, Associate Planner**

I also wanted to clarify that staff didn't include the parking adjacent to the Verizon store as available parking spaces, so I wanted to make sure that was clear to the Commission.

Vice Chair Oetinger asked for further Commission questions of the applicant.

Hearing none, Vice Chair Oetinger opened public comment.

There being no public comment, Vice Chair Oetinger closed public comment.

The Commission discussed the application as follows:

**Zachary Douch, Commissioner**

These applications sometimes get caught up in the drive-through ban. Where I picture this particular application is putting aside whether it was Starbucks or an independent coffee merchant or whoever it was making an application such as this. The improvements that this offers are a positive for that site. I think the car stacking there, if you've ever driven through there at a busy time, is quite often problematic. The cars going into Burger King, you're got three or four of them out in that front area, and the access to the parking itself is essentially nonexistent, so no one utilizes that parking either for the coffee shop or any

other use other than perhaps the staff that work there. The way I picture this is that it is an overall improvement to that building, and Starbucks may come and go, and whoever else may end up being there. In the south end of town we've seen the drive-through there go through some changes too. I think I'm generally in favor of this application, because I view it as an improvement and it's certainly in conformance with the conditions. I don't see the parking as an issue either, particularly for that complex. It's very rare that it's impacted in my experience. And I think lastly, it's just a good thing for the Redwood Marketplace, which needs some other businesses to come in to that area since the CVS closed, so this is a positive in that regard as well. So again, I'm generally in favor of this.

**Evert Fernandez, Commissioner**

I have a question for staff. In conditions of approval I'm kind of comparing this agenda item to the last one as far as the wording. For example, on the last one for conditions of approval it said in addition to Conditional Use Permits there were such things as appropriateness of the site, compatibility with surrounding use, whether the application results in an overconcentration of such uses, and energy conservation and other environmental aspects, which I don't see in this one. Is it just because it's a different type of application, or why did one have and one did not?

**John Jay, Associate Planner**

The additional conditions on the last application are taken directly from the required findings and conditions for cannabis permits, and so they have their own additional findings and recommended conditions for approval as opposed to other uses. The use is different overall, so even though it is a Conditional Use Permit, this is a nonconforming use of a drive-through, whereas the other one is for distribution of cannabis, which is completely different.

**Evert Fernandez, Commissioner**

The energy conservation and environmental aspects, is that something that is in here or is that something that maybe we should be taking the opportunity to encourage, like charging stations or zero waste components, those types of things? Is that one of the standard items on here?

**John Jay, Associate Planner**

I don't think it would apply directly for the use permit of the drive-through continuance, but as a design review portion that would go next where our Design Review Board reviews a building. Kari, correct me if I'm wrong, but those could be conditions that they would put forth in that review session.

**Kari Svanstrom, Planning Director**

That's correct in regard to the energy and building design, and landscape design as well, however, because the Commission would be approving a decrease in the required parking you can certainly add requirements related to EV parking to make sure there is appropriate distribution as well as use of a couple of EV chargers, but they're very close to the Lucky entry, so as part of this, which is a pretty major remodel, I think that would be appropriate. Additionally, as staff pointed out, the bicycle parking should be a consideration.

**Evert Fernandez, Commissioner**

There was mention of modification of the parking that patrons could park there where the two spaces would be taken and then walk over to the building, but they have to walk across the drive-through area. Is that clearly marked, or again, would that be more for design review to address that?

**Kari Svanstrom, Planning Director**

I think it's clearer than it is now, so it's definitely an improvement, as Commissioner Douch pointed out, it was a great detail that we weren't necessarily thinking of. I don't know if there needs to be a crosswalk or anything like that. That's something we can talk with our building official regarding ADA, or just safe crossing, and the ADA spaces are closest to the building, and then we can address that during design review as they do a more detailed site plan review.

**Linda Kelley, Commissioner**

It was a restaurant initially and now it's going to be a café, and how is that decision made in terms of that as a compatible use, or does it have to be exactly what it was before in terms of this is a heat 'em up kind of food thing from actually being a family restaurant and now we're replacing it with something that seems not a family restaurant and that has a drive-through? So a little illumination would be helpful.

**Kari Svanstrom, Planning Director**

In terms of replacement of one use with another, both uses are allowed in that zone, and so that's what we look at. Neither of them requires a use permit. Actually, let me confirm that. The current restaurant is considered a fast food restaurant, and I think in general anything that has a drive-through is still going to be considered a fast food restaurant even if it's kind of a café, so from that perspective I would tend to classify them as the same use as opposed to sort of a sit down only restaurant. But the fast food is a Conditional Use Permit in that zone. A table/counter/walk up is permitted by right, so it's not a more intense use than the current use, if you wanted to classify it as a different type of restaurant that's actually more easily allowed in the zone. And we can take the drive-through separately, separate from what the actual use is, so the intensification of the drive-through isn't allowed, but modifications for safety or aesthetics are. In this case, staff felt that it's not an intensification. They're not opening another windows so they have, say, a payment window and then a pickup window like some McDonald's or other restaurants have. I don't even know if Starbucks does that model. Or adding a second lane would be intensifying the use of the drive-through by increasing its capacity. I know I have certainly observed the same thing that Commissioner Douch noted, that the current drive-through actually creates a lot of traffic issues with the queuing line backing up into the travel lane between the Verizon store and the Burger King, and this does improve that, and so therefore we felt without increasing the capacity of the drive-through, because the queuing lane is there whether it's tucked in behind the restaurant or whether it's in the travel lane of the regular parking lot, and we felt this design does improve that traffic flow.

**Linda Kelley, Commissioner**

In terms of everything you said about improving the traffic flow, the queuing, and all the thoughtfulness put into that I think is actually very good. I'll be supporting this application.

**Deborah Burnes, Commissioner**

I agree with the other Commissioners that this is an upgrade in the usage of that building, and I guess my question is back to the beginning—and I think it was answered very well—about the usage of two Starbucks in this small of a town that they obviously saw that there was some need for it, but do we ever look into the impact it would have on our other coffee shops? I'm wondering about our Retrograde Coffee, Mendocino coffee company, and all the very many small shops, and I was talking to some of the proprietors about the impact of more coffee coming into town. Do we do anything around that? I agree that this is a great use and it's an upgrade in the building and all of that, but what is our consideration about the other small coffee businesses in town?



**John Jay, Associate Planner**

Kari mentioned the formula business model of not allowing those companies within the downtown area, so those smaller scale stores don't get starved out from the large corporation Starbucks, Peet's, whatever they may be, so I think outlying them to outside of that downtown corridor area and putting them in the outskirts of general commercial zoning districts doesn't create an overall overconcentration of coffee shops.

**Kari Svanstrom, Planning Director**

Commissioner Burnes, one other thing that I would note is that the Conditional Use Permits that are being requested tonight do not include what type of restaurant it is, so that isn't a criteria that you can consider. We do have a couple of types of Conditional Use Permits where intensity and overconcentration can be a consideration, but general retail restaurants are not one of those.

**Evert Fernandez, Commissioner**

That was exactly my point as well, to clarify that if it's just a matter of looking at the drive-through and safety and so forth, absolutely it's an upgrade and I wanted to be clear. Also just for public record, because some of the public is like do we need another Starbucks and why is this being allowed, to make sure that that's been addressed, that that's not what we're looking at or able to look at, that we're looking at the drive-through condition. So with that, yes, I'm definitely supportive if that's what we're looking at, and I'm just wondering regarding some of the other things I had mentioned, charging stations and so forth, if anybody else feels like that should be a consideration or anything else that we would have or if that's just simply a recommendation to the Design Review Board that we pass on?

**Zachary Douch, Commissioner**

I think it would be great to recommend it. There are fast chargers in that parking area already. I drive an electric car and if you're stopping for coffee you're looking for a fast charger, but the fast chargers require a significant piece of infrastructure as you will have seen outside Lucky; there are two big booths which obviously could be problematic as a requirement in a sort of retail space like that. But it makes perfect sense to put the regular chargers in there so someone can get a few minutes of charging while they're there, or an employee, or whatever it is, so I would support the recommendation. I'm not sure I would make it a condition, but I wouldn't shy away from that. Also, in the conditions of approval I believe it does say "outside improvements are subject to design review," but I think also the signage presumably will be subject to Design Review Board approval as well. It's not specific in there. I'm assuming that you are referring to outside improvements to include the signage. I just wanted to clarify that point.

**Evert Fernandez, Commissioner**

My opinion is that they should look at that, because we need to offset the idle vehicles going through the drive-through and so forth, and so I think it's important to consider those things, and hopefully the Design Review Board will just take a look that here's a business that could be able to make some changes to make sure that their energy consumption is in line with the Sebastopol community and try to offset some of those cars in the queue. But as far as if we're just here for the drive-through, it's a great improvement and I support it.

**Zachary Douch, Commissioner**

I just wanted to follow up from the public record perspective that Evert and Deborah brought up regarding the Formula Business Ordinance. Again, the Formula Business Ordinance was introduced perhaps four or five years ago, just after the CVS approval, and really as a result of the CVS approval. The discussion was in depth and detailed, and as John pointed out, it was recognized that formula businesses are an important part of the

community, often providing a less boutique opportunity, shall we say, so perhaps for cost purposes they're good to have around and are a part of the community that generates taxes, etc. One of the proposals when the Formula Business Ordinance was being discussed was to designate specific areas for formula businesses, to say formula business can be in this location and this location, and Redwood Marketplace was one of those locations that were discussed. It was decided ultimately not to be that prescriptive with regard to formula businesses, but I just raise it that it has been considered and from the Planning Commission's perspective at that time this was an appropriate place for formula businesses.

**Kathy Oetinger, Vice Chair**

I would agree with that, and I think the real purpose from my point of view is to maintain the downtown as the small community that has interest to people, it's not just a cookie cutter place, but to recognize the value of our shopping centers, which are conveniently located at the edges of town where the rest of the community comes and does their business. That's why I think it's important that a place like Starbucks is right there on the highway. I volunteer at the Legacy and I see Starbucks right from the get-go on a Sunday morning all the way to mid-afternoon and it's packed. I can see people coming in from the city stopping in and getting their jolt before they go out to the coast, and the same thing when they're coming back before they hit the traffic they definitely want to park their car to use the facilities, so it becomes one of those things where people do actually stop in Sebastopol before they hit the freeway. It's also located very close to the West County Trail, and so I think that's why it's even more important to have a few more bicycle parking areas for that market. When I am in the Redwood Marketplace and the Pacific Market shopping center, which is right adjacent to it, I see a lot people on bicycles, especially with their children, moving between those parking lots, and so for that reason I really think it's important to have maybe a little bit more space for bicycle parking if you can find that. As to the rest of the conditions, I think that the change in the parking lot is significant and a trade-off for reducing the numbers of spaces, and I think it's important to recognize that this is close to a transit stop as well and that there is quite a bit of housing nearby with the prospect of more housing, so I think many people are more likely now and in the future to come to this location as pedestrians. It's interesting that we are classifying this as lesser intensity than the previous business, is that correct?

**Kari Svanstrom, Planning Director**

Staff actually classified it as the same as a fast food restaurant. Fast food is coming and going in a few minutes, and with the drive-through we definitely have that same level of intensity.

**Kathy Oetinger, Vice Chair**

It might just be at different hours of the day from the other.

**Kari Svanstrom, Planning Director**

Yes.

**Kathy Oetinger, Vice Chair**

I know that the other Starbucks is pretty busy even at 4:00 o'clock, so it could actually have more cars and maybe more business, but less intensity? I'm not sure how that is, but we'll see. I think the stacking and queuing is important. We've reduced some parking spaces, but yet we've increased the number of cars that can stack, which is kind of a tradeoff on the carbon emissions right now, but I think overall this is a great improvement to what's there now and is much appreciated for that shopping center right now, so I'm definitely in support of this.

Commissioner Douch made a motion to approve the application with a recommendation to add a charging facility and to maximize the number of bicycle parking spaces with the reduction in parking.

Vice Chair Oetinger seconded the motion.

**Kari Svanstrom, Planning Director**

Vice Chair Oetinger, I did just check on the use for that per your question before and coffee shops are classified as a counter service, not as fast food, in our code, so yes, it would be a slightly different use.

AYES: Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley.

NOES: None

ABSTAIN: Chair Fritz.

ABSENT: Commissioner X.

Chair Fritz returned to the meeting.

**7. SUBCOMMITTEE UPDATES**

**Evert Fernandez, Ives Park Subcommittee**

At the last Commission meeting we spoke about some action items that we had looked at for Ives Park and tried to decide whether or not to continue with those or if they were not prudent based on changes to the creek. Vice Chair Oetinger and I got together at Ives Park to review the list and will come back with an update on what has been completed and get feedback on other items from the Commission.

**Kathy Oetinger, Ives Park Subcommittee**

They painted the lamp poles black. Thank you to the Public Works staff for its work, because the park is in a much better place than it was a year-and-a-half ago. Evert and I were wondering if the Parks Commission could have some study sessions to visit a number of parks in person to see the issues they might have, and we've made a list of the ones we think might work. I don't know whether we want to begin doing that on our own as a group or whether we want to invite the public and entire Planning Commission, but I think it's an idea to look forward to.

**Evert Fernandez, Ives Park Subcommittee**

We're supposed to be a Park Commission as well, but it doesn't seem to be addressed very much, so I think it would be good to do our due diligence. When we walked around at Ives Park, for example, it was treated as a public event, so we posted it and the public was invited and able to give comments at the park, and that allowed all the Commissioners to be able to go. It might be good to have Public Works staff meet us at the location to talk about any maintenance issues.

**Paul Fritz, Chair**

I think that's a good idea.

**Kathy Oetinger, Ives Park Subcommittee**

I noticed the plaza is actually green on the map, so I added it to the park list that we might want to look at, because sometimes it looks a little shabby.

**Kathy Oetinger, Climate Action Subcommittee**

A number of us are on the Climate Action Subcommittee, and you may all be aware of the compost giveaway that's coming up on Saturday.

**Evert Fernandez, Zero Waste Subcommittee**

The Zero Waste Subcommittee is looking at a number of things. We have the Apple Blossom Festival coming up and we are looking to try to make that environmentally positive. We will have committee members there from Zero Waste, countywide possibly, to monitor and direct people for recycling. There was discussion of combining with the Climate Action Subcommittee, but we haven't come to a conclusion about that and there will be more discussion. Most of the restaurants in town are conforming to zero waste. There was an art contest for drawing kind of a design, and it will be brought up in a different session, but the amazing end result was created by an Analy student.

Chair Fritz assumed control of the meeting.

**8. PLANNING DIRECTOR'S REPORT**

Director Svanstrom provided updates.

The Commission asked questions of Director Svanstrom.

- 9. ADJOURNMENT:** Chair Fritz adjourned the meeting at 8:01 p.m. The next regularly scheduled Planning Commission meeting will take place on Wednesday, March 22, 2022 at 6:00 p.m.