



City of Sebastopol Planning Commission Staff Report

Meeting Date: January 10, 2022
Agenda Item: 5A
To: Planning Commission
From: John Jay, Associate Planner
Subject: Addendum to Conditional Use Permit to allow the café/kitchen container and Type 51 Alcohol License.
Recommendation: Approval with conditions

Applicant/Owner: Christy Laborda Harris/St Stephens Episcopal Church
File Number: 2021-035 (The Playground)
Address: 500 Robinson Rd
CEQA Status: Exempt
General Plan: High Density Residential
Zoning: R7 – Multifamily Residential

Introduction:

The St. Stephen's Episcopal Church is proposing on café and "beer garden" for church members, called "The Playground". This café will be on site near a large children's playground area that was recently installed on the northeast area of the site that provides children with a place to play. The café will serve coffee, food, beer, and wine to members of the church. The provision of food and beverages to members will be within the church's new model of "doing church", as part of the non-profit ministry of the church.

Project Description:

The Playground, which will use 7,800 square-feet of the St Stephens Church property, is a proposed café and will be composed of a 320 square foot permanent container kitchen / café, a 160 square foot beverage kitchen container, and outdoor seating adjacent to the existing outdoor play area. This proposed space will be used as a place for community gathering as an accessory use in support of the church. As described by the applicant, the intent is to have a place to bring children where they can have fun, interact with each other, and play safely; a place where their parents can have a cup of coffee during the day, and can feed their children a simple meal at dinner time and have a beer, glass of wine, or kombucha.

The applicant will be applying for a Type 51 license through the ABC (Alcohol Beverage Control), also known as a 'club license' which is defined as follows; "License that authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale [retail] privileges. Food service is not required. Minors are allowed on the premises". It will serve as a social space where people create community: where neighbors of all ages get to know each other, where patrons can play together, and where there is time to slow down from the hectic pace of life.

The Playground's hours of operation are proposed to be 7am to 10pm Daily.

Project Location and Surrounding Land Uses:

The St. Stephen's Episcopal Church's proposed project is located on the southwestern portion of Sebastopol, southwest of the intersection between Leland Street and Robinson Road, and is surrounded by medium to high density residential land uses, with Burbank Orchards and Heights senior housing to the west, multi-family housing to the north, and single family residential to the east and south.

General Plan Consistency:

The project is consistent with the following General Plan goals and policies listed below:

- **Goal LU 5:** Preserve the unique character and ambiance of residential areas and maintain residential neighborhoods as safe and attractive places to live with convenient access to services, recreation, and employment.
- **Goal CSF 6:** Enhance the quality of life for all city residents through the provision of cultural and social resources including quality schools, libraries, and other community services and facilities.
- **Goal CD 1:** Preserve and enhance Sebastopol's unique character, design, and sense of place as a small compact town.
- **Goal CHW 1:** Support a comprehensive and diverse approach to community health and wellness in Sebastopol.
- **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally.
- **Policy EV 4-4:** Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism.

The General Plan Land Use Goal 5 is to This project is consistent with these land use goals and policies in that it provides recreational and food and beverage services within a local residential neighborhood, as well as working to serve as a common gathering space for community members to build community, and host meetings and community celebrations.

Zoning Ordinance Consistency:

The site is in the R7 Multifamily Residential district. The purpose of the R7 District is to implement the "High Density Residential" land use category of the General Plan. This district is applicable to those lands within that category which are appropriate for densities from approximately 12.1 to 25 units per acre. The structures are consistent with this zoning district in that accessory structures are a permitted use within this district. As part of the life and ministry of St. Stephens Episcopal Church, the "Playground" requests a conditional use permit for a "community assembly" use for the accessory use of the property.

Parking

The *Restaurants, cafes seated service* use is required to provide 1 parking space per 125 square feet of net floor area and the per Table 17.110-2 in the Sebastopol Municipal Code (SMC). However, the intent of this is the Planning Commission can, as part of a Use Permit, may require additional parking be allocated to a use through the Use Permit process, per SMC 17.110.020.D.1:

The St Stephens Episcopal Church campus will provide adequate overflow parking throughout the site, the 20 spaces required for this use would be accommodated by the 75 total parking spaces available to be allocated to dedicated food pantry, church, and playground use(s).

Signage

The proposed project's signage is not to be approved as part of this Use Permit application. Modification of current church signage to include The Playground or additional new signage to be submitted to Design Review Committee at later date The sign permit application is subject to the following provisions of SMC Section 17.120.060(A)(5).

Environmental Review:

The project is categorically exempt from the requirements of CEQA pursuant to Section 15303 New Construction or Conversion of Small Structures, which includes construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The amendment of the current use permit would fit this exemption as it is for the use of the proposed outdoor kitchen and adult

City Departmental Comments:

The Planning Department sent this application to the following City departments prior to January 10, 2023 meeting Building and Safety, Engineering, Public Works, Fire, Police, Sonoma County Health Department, City Manager, and Assistant City Manager. The following departments have provided their comments below.

Fire Department:

- A. Fire alarm system required.

Public Works Department:

- A. Grease interceptor on sewer connection.
- B. Reduced Pressure Backflow device on water service to building
- C. ADA path of travel.

Sonoma County Health Department:

- A. A Retail Food Facility Permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans will be required prior to issuance of a retail food facility permit to operate. Please contact Environmental Health & Safety to talk with one of our food inspectors in plan review.

Required Findings:

Section 17.415.030 of the zoning code requires the findings below for a conditional use permit:

- A. The proposed use is consistent with the General Plan and all applicable provisions of this title.
- B. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or

injurious to property and improvements in the neighborhood or to the general welfare of the City.

Section 17.350.020 Alcohol Use Permits of the Sebastopol Municipal Code lays out the additional findings applicable to Alcohol Use Permits as follows:

- A. On and after the effective date of the ordinance codified in this chapter, no place wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption, shall be established without first obtaining a conditional use permit from the City. Further, no existing site which substantially changes its mode or character of operation shall continue to operate without first obtaining a conditional use permit.
- B. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishments and posted in a place where it may readily be viewed by any member of the general public.
- C. In making any of the findings required pursuant to this chapter, the Planning Commission, or the City Council on appeal, shall consider whether the proposed use will adversely affect the health, safety or welfare of area residents or will result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine. The Planning Commission, or City Council on appeal, shall also consider whether the proposed use will detrimentally affect nearby residentially zoned communities in the area, after giving consideration to the distance of the proposed use from the following:
 - 1) Residential buildings;
 - 2) Churches, schools, hospitals, public playgrounds and other similar uses; and
 - 3) Other establishments dispensing, for sale or other consideration, alcoholic beverages including beer and wine.
- D. In all determinations pursuant to this section, the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities.
- E. The Planning Commission, or City Council on appeal, may impose any conditions on the applicant or proposed location reasonably related to the health, safety or welfare of the community.
- F. Except as set forth in SMC 17.350.070, applications for conditional use permits herein shall be made in accordance with Chapter 17.415 SMC, together with amendments thereto. The applicant shall submit a processing fee as specified in the most current Planning Department schedule of fees. Any costs for processing an application that exceed the conditional use permit fee paid by the applicant shall be deemed a debt to the City and shall be paid within 30 days of issuance of the conditional use permit or said permit shall be revoked.

Analysis:

The applicant proposes that they will provide a restful pace in the best interest of the community by offering the “Playground”, and the indoor and outdoor spaces of St Stephens Episcopal Church available to the Sebastopol Community for celebrations, funerals, gatherings, musical performances, and various community events. The Playground will also benefit the Sebastopol community by creating jobs at both the beverage dispensing portion of the business and the Playground “café” and aims to hire a local full-time chef impacted negatively by the pandemic. The applicant believes that the food, drink, and outdoor elements of the Playground will not only attract residents but will invite communities to patron this local gathering space.

The container being proposed for the kitchen is a prefabricated shipping container outfitted with a commercial kitchen. The dimension of the container is 40 feet in length and 8 feet in width and roughly 9 and a half feet tall. The exterior of the container will be a corrugated metal and color choice will blend in with surrounding buildings. The container will include one door that opens into the kitchen and has a serving window on one side of the structure. The typical floor plan layout has been included within the application materials of this staff report. The container for the beverages measures 20 feet in length, 8 feet in width and 8 and a half feet tall. The internal layout and exterior materials will be the same as the kitchen container. The applicant also proposes to provide string café lighting to help provide wayfinding and site lighting for the evening hours. An example of one of the proposed containers is below.



The applicant has also included mitigation measures to help with sound attenuation along the northern property line. As mentioned in the application materials, St Stephens has planted “hedgerows”, which are closely planted shrubs and trees that provide a visual and sound barrier. Along with the plant material, the site will have fencing to delineate where alcohol can be consumed, and parents can still watch their children safely.

The Playground’s hours of operation are proposed to be 7am to 10pm. However, given that the site is located in a residential zone (and the surrounding uses are all residential), and all of the seating areas are outdoors, staff recommends the Commission consider limitations on the hours of the café as follows:

- No alcohol served prior to 10 am; and/or,
- Hours should be limited to either conform to the Noise ordinance (8 am – 10 pm Monday through Friday, 9 am to 10 pm Sat and 9 am to 7 pm Sundays);
- Or other time limitations as may be determined by the Commission.

Lastly, they will be applying for a Type 51 ABC alcohol license which allows them to sell beer and wine on site to members and guests of the church only. The license does not allow for off-sale and food service is not required and minors are allowed on premises. Although this is not a commercial venue, as alcohol sales would be restricted to members, staff recommends that food service be required at all times the café is serving alcohol, which is a standard requirement for commercial venues that serve alcohol within the City.

Parking

The parking requirements for the Church use is as follows, *One space per every 4 fixed seats, or one space per each 40 square feet of seating area if not fixed seats*. The church has 130 total seats and therefore would be required to provide 32.5 parking spaces.

The *Restaurants, cafes seated service* use is required to provide 1 parking space per 125 square feet of net floor area and the per Table 17.110-2 in the Sebastopol Municipal Code (SMC). The total area of the café and beverage container is 480 square feet and would require 4 parking spaces.

The St Stephens Episcopal Church will provide adequate overflow parking throughout the site, the 36.5 spaces required for this use would be accommodated by the 75 total parking spaces available to be allocated to dedicated food pantry, church, and playground use(s).

Public Comment:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat; and (3) posted three written notices publicly on and within vicinity of the subject property.

Additionally, when the applicant first approached staff regarding this concept, staff recommended the church reach out to adjoining property owners, since the zoning of this parcel and surrounding parcels is all residential, and the addition of a semi-commercial use to the church's use permit for a church is somewhat unusual, and could present issues to neighbors. The church has reached out to the neighbors along Robinson Road informing them of their project and inviting them to comment on it.

Public comments have been received regarding this addendum to Conditional Use Permit and are added to attachments below.

Recommendation:

Staff believes the proposed use could be compatible with the site, and recommends approval, subject to the following key conditions:

1. Requirement of the applicant to provide a traditional bartender and/or server that has completed the proper RBS training.
2. System in place to limit the number of drinks per person as it relates to the RBS Training requirements.
3. Hours as determined by the Commission.

4. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.

If it is the consensus of the Planning Commission that the proposed use is compatible with the site and surrounding uses, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and as found in Exhibit A - Recommended Findings of Approval, and subject to the Recommended Conditions of Approval found in Exhibit B, and any additional or modified conditions the Planning Commission determines is appropriate.

Attachments:

Application Materials

Exhibit A – Findings of Approval

Exhibit B - Conditions of Approval

Exhibit C – Standard Conditions of Approval

Public comments

EXHIBIT A
RECOMMENDED FINDINGS OF APPROVAL

Playground and Cafe
500 Robinson Road
004-400-042, 2021-035

Based on the evidence in the public record, the Planning Commission finds that:

1. The proposed project/use is categorically exempt from the requirements of CEQA under Section 15303 New Construction or Conversion of Small Structures, which exempts construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
2. The project/use/proposal is consistent with the provisions of the General Plan as follow:
 - **Goal LU 5:** Preserve the unique character and ambiance of residential areas and maintain residential neighborhoods as safe and attractive places to live with convenient access to services, recreation, and employment. In that the site will provide additional amenities that support gathering around the children's playground.
 - **Goal CSF 6:** Enhance the quality of life for all city residents through the provision of cultural and social resources including quality schools, libraries, and other community services and facilities. In that the café and playground will increase the gathering and community that the church already provides.
 - **Goal CD 1:** Preserve and enhance Sebastopol's unique character, design, and sense of place as a small compact town. In that the playground and café will bring members of the church together and invite others to participate in the activities around the playground.
 - **Goal CHW 1:** Support a comprehensive and diverse approach to community health and wellness in Sebastopol. In that the playground and café will strengthen the sense of community the church has already established.
 - **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally. In that the café will focus on providing local foods and drinks to its members.
 - **Policy EV 4-4:** Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism. In that the café and playground will introduce a new way of meeting and gathering around the church.
3. The project is consistent SMC 17.415.030 of the zoning code requires the findings below for a conditional use permit
 - A. The proposed use is consistent with the General Plan and all applicable provisions of this title. In that the proposed use meets the following General Plan policies and goals listed above.
 - B. As conditioned, the establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety,

peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. In that the proposed use will bring together the neighborhood and members of the church by providing a safe place for children to play on the playground and parents a place to eat and drink while watching their children.

4. The project is consistent SMC 17.350.020 Alcohol Use Permit
 - A. On and after the effective date of the ordinance codified in this chapter, no place wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption, shall be established without first obtaining a conditional use permit from the City. Further, no existing site which substantially changes its mode or character of operation shall continue to operate without first obtaining a conditional use permit.
 - i. As conditioned this criterion will be met as the first step will be obtaining a use permit before operation and sale of alcohol begins.
 - B. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishments and posted in a place where it may readily be viewed by any member of the general public.
 - i. As conditioned this criterion will be met.
 - C. In making any of the findings required pursuant to this chapter, the Planning Commission, or the City Council on appeal, shall consider whether the proposed use will adversely affect the health, safety or welfare of area residents or will result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.
 - i. As conditioned this criterion will be met.
 - D. In all determinations pursuant to this section, the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities.
 - i. As conditioned this criterion will be met as the applicant will be required to complete RBS training.
 - E. The Planning Commission, or City Council on appeal, may impose any conditions on the applicant or proposed location reasonably related to the health, safety or welfare of the community.
 - i. As conditioned this criterion will be met.
 - F. Except as set forth in SMC 17.350.070, applications for conditional use permits herein shall be made in accordance with Chapter 17.415 SMC, together with amendments thereto. The applicant shall submit a processing fee as specified in the most current Planning Department schedule of fees. Any costs for processing an application that exceed the conditional use permit fee paid by the applicant shall be deemed a debt to the City and shall be paid within 30 days of issuance of the conditional use permit or said permit shall be revoked.
 - i. As conditioned this criterion will be met.

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL

Cafe and Alcohol Use Permit
500 Robinson Road
004-400-042, 2021-035

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Christy Laborda Harris, and stamped received on June 8, 2021, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a. Setting operating hours to avoid lighting and noise concerns for neighbors (To be determined by the Planning Commission)
 - b. The Church shall develop and maintain a 'good neighbor policy', including providing neighbors with an on-site contact available during hours of operation as well as a church authority who may be contacted to discuss and resolve any issues.
2. The applicant shall provide a system to limit the number of alcoholic drinks served per person.
3. The applicant shall provide a bartender/server that has completed the required Reasonable Beverage Service training.
4. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
5. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.
6. This approval does not include any signs. Any new signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate.
7. Approval is valid for three (3) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.400.100 of the Zoning Ordinance.
8. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer.
9. The applicant shall provide a fire alarm system as required by the Fire Department.
10. The applicant shall provide a grease interceptor on the sewer connection as required by the Public Works department.
11. The applicant shall provide a reduced pressure backflow device on water service to the building as required by the Public Works department.
12. The applicant shall provide a Retail Food Facility Permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans will be required

prior to issuance of a retail food facility permit to operate. Please contact Environmental Health & Safety to talk with one of our food inspectors in plan review as required by the Sonoma County Health Department.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Playground and Cafe
500 Robinson Road
004-400-042, 2021-035

1. All plans shall include a brief description of the project on the cover sheet.
2. All submitted building permit plan check sets shall include a plan sheet incorporating these conditions of approval.
3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be in substantial conformance to those approved by the review body. If any changes are made to submitted plans which were approved by the review body the applicant shall work with the Planning Department to determine if the changes are significant enough to once again be seen by the review body, or if staff can approve the changes. Any changes that have not been approved by Planning staff are not approved. Construction or demolition work that does not conform to the Planning approval is not valid and shall be subject to stop work orders and may require removal.
4. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the field conditions or other previously unknown conditions require a modification or a departure from the accepted plans, the applicant shall provide the modifications or departure and specify the correction of mistakes errors, or omissions in compliance with the CBC and City Standards.
5. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
6. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
7. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
8. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

Planning Department Standard Conditions of Approval:

9. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year

extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.

10. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.

Fire Department. Standard Conditions of Approval:

11. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
12. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
13. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 25Hr to 50% - Class C minimum
 - iii. 50% or more — Non-Combustible
 - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code and approved by the Building Department.

14. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.

Building Department Standard Conditions of Approval:

15. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal. It is the responsibility of the designer(s) to ensure that all applicable Title 24 codes, as well as any applicable Sebastopol Municipal Codes are incorporated into the design.
16. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time of building permit submittal.

END OF STANDARD CONDITIONS OF APPROVAL

From: Maggie Fleming Luce [REDACTED]
Sent: Friday, December 30, 2022 8:12 AM
To: John Jay
Subject: Support for 500 Robinson Rd playground

Hi John,

I'm writing this letter as a neighbor of St. Stephens church. We spend a lot of time at the property, walking our dog, walking the labyrinth, and hanging out with our kids at the play area. It's been lovely to meet other parents and families when we are there. As working parents, it's challenging to find to gather others outside work. I am a big supporter of their proposal for a Cafe and Kitchen, including food and alcohol.

Thanks,
Maggie Luce, [REDACTED]