

RESOLUTION NO. 22-001

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL APPROVING
A CONDITIONAL USE PERMIT TO ALLOW FOR MAINTENANCE AND REPAIR OF A
NONCONFORMING BUILDING

WHEREAS, on October 28th, 2021, the City of Sebastopol Planning Department received a Variance application for a project at 709 First Street; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 11th, 2022, heard a staff report and took public testimony, and deliberated the project; and

WHEREAS, the Planning Commission found that the project met the criteria for approval through the non-conforming structure provisions of the Zoning Ordinance, and recommended the project be revised as a conditional use permit as allowed through the zoning ordinance; and,

WHEREAS, the Planning Commission continued the hearing to the next regularly scheduled meeting of January 25th, 2022; and

WHEREAS, on January 25th, 2022, the Planning Commission conducted a continued public hearing on the revised Conditional Use Permit application for 709 1st Street, received a written staff report, resolution, and providing an opportunity for public comments; all of which the Planning Commission duly considered; and

WHEREAS, the Planning Commission finds that the project is categorically exempt pursuant to the California Environmental Quality Act Section 15301 (d) restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.; and

WHEREAS, the Planning Commission finds that the proposed maintenance and repair to a nonconforming structure provides housing opportunities consistent with the General Plan and that the projects therein are consistent with the following General Plan Policies:

Housing goal D2: Support Housing to Meet Special Needs: The City of Sebastopol strives to increase the range of housing opportunities for all residents, including those with special needs and those unable to afford market rate housing within the community. The City of Sebastopol will place a priority on construction of housing that is appropriate to meet the needs of special needs populations.

WHEREAS, the Planning Commission finds that the proposed maintenance and repair to a

nonconforming structure consistent with the Zoning Ordinance, and that the projects therein are consistent with the following Zoning Ordinance Policies:

The project is a non-conforming structure that was legally created and the modifications to this project will not increase the overall non-conformity of the structure as all the work is within the existing footprint.

NOW, THEREFORE, the Planning Commission does hereby approve this Conditional Use Permit to allow the maintenance and repair of a Non-conforming Structure that has been destroyed more than 50% and to allow the addition of a Dwelling Unit (an Accessory Dwelling Unit) within the Accessory Structure, subject to the Conditions of approval in Exhibit A.

Approved on January 25th, 2022, by the following vote:

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

NOES: none

ABSTAIN: Commissioner Douch

ABSENT: none

Certified:  _____

Kari Svanstrom, Planning Director

EXHIBIT A
RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit
709 1st Street
004-172-011, 2021-062

1. Plans and elevations shall be in substantial conformance with plans prepared by Robert Ost/Ost Engineering, and stamped received on October 28th, 2021, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a) There shall be adequate insulation in the north wall and the wall between the music room and the accessory dwelling unit.
 - b) The building shall have a 1-hour fire rating along the property line facing wall.
 - c) The building shall be sprinklered.
 - d) No windows shall be installed along the north property line.
2. All construction shall conform to the approved plans.
3. The applicant shall obtain a Building Permit prior to the commencement of construction activities.
4. 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.
5. Minor changes may be approved administratively by the Planning Director or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each relevant Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.
6. The terms and conditions of this conditional use permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the permittee.
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 Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.