

City Council
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Planning Director
Kari Svanstrom
Associate Planner
Alan Montes
Senior Administrative Assistant
Rebecca Mansour

City of Sebastopol Planning Commission Staff Report

Meeting Date: March 9, 2021
Agenda Item: 7A
To: Planning Commission
From: Alan Montes, Associate Planner
Subject: Fern Bar Use Permit Amendment
Recommendation: Conditional Approval
Applicant/Owner: Lowell Sheldon/Barney Aldridge
File Number: 2020-074
Address: 6780 Depot St. Suites 120, 130 and 140
CEQA Status: Categorical Exemption: Section 15301: Class 1
General Plan: Light Industrial (LI)
Zoning: Commercial Industrial (CM)

Introduction:

This is an Alcohol Use Permit application submitted by Lowell Sheldon, requesting approval to expand the Fern Bar by incorporating 6780 Depot St. Suite 140, a 2,300 sq. ft. space, which is intended to be used for events, such as wedding receptions, corporate catering, dance parties and live music. Suite 140 was previously occupied by Scout, a retail clothing store, which vacated the site in 2020. An Alcohol Use Permit is required because the existing restaurant is substantially increasing their square footage.

Background:

In 2018 the Planning Commission approved an Alcohol Use Permit (2017-93) for a restaurant in Suite 120 and portions of Suite 130. The restaurant was approved for: 1) a Type 75 ABC License, which allows sale of beer, wine, distilled spirits, and limited brewing; 2) approximately 3,000 sq. ft.; 3) 100 seats (indoor); 4) amplified music; and 5) operation from 11:00am to 2:00am.

Project Description:

The current application is seeking to incorporate Suite #140 to be part of the Fern Bar. Suite #140 is approximately 2,300 sq. ft. and is proposed to be used for special events, such as wedding receptions, corporate catering, dance parties, and live music. The use would maintain the Type 75 ABC License. Staff had inquired with the applicant if this space could also be used for general seating and the applicant confirmed that would be desirable.

General Plan Consistency:

The General Plan Land Use designation for this site is Light Industrial. The General Plan describes Light Industrial as the following: "This designation provides for a wide variety of commercial, wholesale, service, and processing uses which do not generate excessive adverse

environmental impacts. Other uses allowed in this designation include office ancillary to industrial uses; warehousing and agricultural products sales and services; auto sales and repair; food and drink processing; construction yards; research and development, laboratories, light manufacturing; and similar uses.” The restaurant is consistent with the Light Industrial designation in that restaurants are considered a commercial use.

Zoning Ordinance Consistency:

The site is located in the CM: Commercial Industrial District. The Zoning Ordinance states the following: “the CM District is intended to encourage local production, innovation, and sales of local art, textile, food, beverage, and other tangible goods by allowing a range of complementary, community-oriented building types and spaces that accommodate small- and mid-size makers, fabricators, producers, and manufacturers, as well as specified commercial, residential, and other uses.” The restaurant is consistent with the CM District in that restaurants are permitted uses in this zone. A Use Permit is required because the facility will be serving alcohol.

Parking:

The Barlow is subject to the following parking requirement: One space per 400 square feet for all uses, except residential. The project is proposing to move into an existing space and is not proposing to expand the existing space, therefore, as the prior and current use have the same parking requirement, no additional parking is required.

Note: The Barlow currently has a surplus of either 42 or 67 parking spaces depending on how the 25 spaces in the Kosta Browne private lot are accounted for.

Environmental Review:

The proposed use is categorically exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The restaurant is proposed to be located in existing, connected, tenant spaces within The Barlow.

City Departmental Comments:

The following Departments reviewed the application: City Manager’s Office, Environmental Health, Building and Safety, Fire, and Police Services. The received comments are provided below:

Building Department:

- Plans for the building permit submittal shall be prepared by a licensed architect.
- The Planning Conditions of Approval shall be printed on plan sheets in the plan set.
- All construction and construction related activities shall be in conformance with the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Fire, Energy and Green Building Codes, and the City of Sebastopol Municipal Code.
- For the building permit submittal, 5 sets of plans are required along with 2 sets of calculations and reports.
- The project will require accessibility upgrades where serving the area of remodel or alteration per CBC §11B-202.4. When the actual construction cost is less than or equal to \$170,466 (2020), the cost of access compliance improvements shall not be required to exceed 20% of the cost of the overall improvements. Priority is to be given to those elements that will provide the greatest access in the following order:
 - An accessible entrance;

- An accessible route to the altered areas;
- At least one accessible restroom.
- Accessible parking and path of travel to the entrance.
 - Full compliance is required when the construction cost exceeds the valuation threshold.
- Authorized Construction Hours:
 - Monday through Friday – 7:00 a.m. to 6:00 p.m.
 - Saturday and Sunday– 8:00 a.m. to 5:00 p.m.
 - Includes warm-up or servicing of equipment and any preparation for construction.
 - The project will require accessibility upgrades where serving the area of remodel or alteration per CBC §11B-202.4. When the actual construction cost is less than or equal to \$170,466 (2020), the cost of access compliance improvements shall not be required to exceed 20% of the cost of the overall improvements. Priority is to be given to those elements that will provide the greatest access in the following order:

Fire:

- A Fire inspection is required.

Environmental Health:

- The site must comply with the current Health Officer's Orders related to COVID-19.
- If applicable, a review and approval of building plans and/or specification sheets is required for the remodel/ addition of any new retail food facility equipment or expansion of any food or alcohol storage or food processing areas prior to use of this area or equipment.
- If the site participates in, or hosts, a special event that is two or more days, it must be approved as a community event. Community events require additional permits and inspections from this Department (Environmental Health).

Required Findings:

Section 17.350.020.C of the Zoning Ordinance establishes the following Alcohol Use Permit Criteria:

- A. 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.
- B. 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.

Section 17.415.030 of the Zoning Ordinance establishes the following Conditional Use Permit Criteria:

- A. The proposed use is consistent with the General Plan and all applicable provisions of this title.

- B. The establishment, maintenance or operation of the proposed use or development applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Analysis:

The Fern Bar currently serves beer, wine, and distilled spirits as part of its menu. However, its primary focus is food as it is a restaurant. The restaurant is currently approved for late night hours, alcohol, and amplified music, as long as it is consistent with the noise ordinance. The proposed expansion will operate within the regulations established in the current use permit (2017-93), with the addition of Suite 140 which is proposed to be used primarily as special events which is an accessory use to the restaurant and general seating.

Approval of the Alcohol Use Permit application does not appear to be detrimental in that there are already a variety of restaurants, wine tasting rooms, wineries, breweries, distilleries, and convenience markets that operate in close vicinity without any issues.

Public Comment:

The Planning Department did the following to comply with Section 17.460 of the Zoning Ordinance: (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 Sonoma West Times; and (3) posted three written notices publicly on and within vicinity of the subject property. The Planning Department has not received any comments from the public as of writing this report.

Recommendation:

Staff believes the proposed use is compatible with the site and recommends approval.

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.

Exhibits:

- A. Recommended Findings of Approval
- B. Recommended Conditions of Approval

Attachments:

- Planning Application
- Alcohol Use Permit (2017-93) Staff Report

Exhibit A
Findings for Alcohol Use Permit
Application Number 2020-074
Approval of Alcohol Use Permit (Type 75 ABC License)
at 6780 Depot Street, Suites 120, 130 and 140

Recommended Findings

1. That the proposed use is categorically exempt from the requirements of CEQA under Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination in that the restaurant kitchen and seating facilities will require minor alterations to an existing tenant space.
2. That the proposed use is consistent with the General Plan and Zoning Ordinance in that the restaurant operation and its incidental-brewing component are commercial uses, that will be located in an area that contains a number of industrial and commercial uses.
3. That the proposed use will not 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, in that the business is primarily a restaurant.
4. That the restaurant will maintain late night hours, but the business is intended to be an eating establishment with alcoholic beverage service and a limited brewing operation, not a late-night bar.
5. That there are several establishments in Sebastopol with a similar business model that serve beer, wine, and distilled spirits, including in and around The Barlow, and none of these businesses have been the source of significant enforcement and/or other problems.
6. That the restaurant will be required to submit an Alcohol Awareness and Security Plan to the Chief of Police for approval, in addition to compliance with a number of conditions that will ensure that it does not have an adverse impact on the surrounding area.

Exhibit B
Conditions of Approval for Alcohol Use Permit
Application Number 2020-074
Approval of Alcohol Use Permit (Type 75 ABC License)
at 6780 Depot Street, Suites 120, 130 and 140

Recommended Conditions of Approval:

1. Approval is granted for the Alcohol Use Permit described in the application date-stamped November 10, 2020 and resubmitted on January 5, 2021 except as modified by the conditions of approval and 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 §17.250.050.
2. 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. Any and all future signage shall be part of an approved Sign Program, which shall be submitted to the Planning Department for Design Review Board approval prior to installation. No signs advertising the availability of alcohol shall be displayed such that they can be seen from the outside of the premises, except as may be previously approved by the Design Review Board prior to installation.
3. 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.
4. The primary permitted use is a restaurant. Such use shall be maintained, and food must be made available during all times that alcohol is served.
5. Maximum hours of operation shall be from 11:00am to 2:00am as stated in the application.
6. Alcohol shall be sold for on-site consumption only. No alcoholic beverages may be sold for consumption beyond the premises without appropriate City and ABC approvals.
7. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a "drink minimum" be imposed.
8. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 AM – 9:00 PM.
9. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
10. All applicable permits shall be obtained from other approving agencies prior to commencement of this use, including, but not limited to, ABC, Building, Health, and Fire Department clearances.
11. No sound may emanate from the building, which violates the Noise Ordinance or causes an undue disturbance to site neighbors.

12. The applicant shall be responsible for implementing an Alcohol Awareness and Security Plan, which shall be submitted to the Police Department for review and approval within 60 days from the effective date of the Use Permit approval. The Plan shall describe building security and fire safety; how the operation will address staff training relative to alcohol consumption and operational security; and how the operation will coordinate with the Police Department.
13. A staff-training program shall be implemented and followed to the satisfaction of the Police Department. Training shall include mandatory training of all managers and servers in an ABC-certified Responsible Beverage Service training program.
14. Prior to approval of any site improvement or building permits, the applicant may be required to obtain approval of improvement plans by the Engineering Department, and fulfill any requirements necessary for issuance of a Building Permit. If any site changes are necessary as a result of the improvement plans, the applicant may need to return to the Planning Commission and/or Design Review Board for review of those changes, at staff's discretion.
15. The business owner shall ensure that employees are drug and alcohol free while on duty.
16. The business owner shall ensure that exterior areas, including the adjacent public street and sidewalk, are free of trash and other debris that may be generated by patrons.
17. The business owner shall ensure that patrons do not loiter outside the business.
18. The business owner shall be responsible for removing any graffiti on the outside of the restaurant.
19. All fees associated with processing this project, and all applicable impact fees, including, but not limited to school, traffic, water and sewer fees, shall be paid prior to issuance of a certificate of occupancy.
20. A Business License is required.
21. Plans for the building permit submittal shall be prepared by a licensed architect.
22. The Planning Conditions of Approval shall be printed on plan sheets in the plan set.
23. All construction and construction related activities shall be in conformance with the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Fire, Energy and Green Building Codes, and the City of Sebastopol Municipal Code.
24. For the building permit submittal, 5 sets of plans are required along with 2 sets of calculations and reports.
25. The project will require accessibility upgrades where serving the area of remodel or alteration per CBC §11B-202.4. When the actual construction cost is less than or equal to \$170,466 (2020), the cost of access compliance improvements shall not be required to exceed 20% of the cost of the overall improvements. Priority is to be given to those elements that will provide the greatest access in the following order:
 - a. An accessible entrance;
 - b. An accessible route to the altered areas;

City Hall, 7120 Bodega Avenue, Sebastopol, CA 95472

T 707-823-6167 / F 707-823-1135 / dmorrison@cityofsebastopol.org / www.ci.sebastopol.ca.us

- c. At least one accessible restroom.
 - d. Accessible parking and path of travel to the entrance.
 - i. Full compliance is required when the construction cost exceeds the valuation threshold.
26. Authorized Construction Hours:
- a. Monday through Friday – 7:00 a.m. to 6:00 p.m
 - b. Saturday and Sunday– 8:00 a.m. to 5:00 p.m.
 - i. Includes warm-up or servicing of equipment and any preparation for construction.
 - ii. The project will require accessibility upgrades where serving the area of remodel or alteration per CBC §11B-202.4. When the actual construction cost is less than or equal to \$170,466 (2020), the cost of access compliance improvements shall not be required to exceed 20% of the cost of the overall improvements. Priority is to be given to those elements that will provide the greatest access in the following order:
27. A Fire inspection will be required.
28. The site must comply with the current Health Officer's Orders related to COVID-19.
29. If applicable, a review and approval of building plans and/or specification sheets is required for the remodel/ addition of any new retail food facility equipment or expansion of any food or alcohol storage or food processing areas prior to use of this area or equipment.
30. If the site participates in, or hosts, a special event that is two or more days, it must be approved as a community event. Community events require additional permits and inspections from this Department (Environmental Health).



City of Sebastopol

Alcohol Use Permit – Application Supplement

Purpose: This application supplement applies to any establishment that serves alcoholic beverages.

Please answer yes or no to the following questions:

1. The premises contain a kitchen or food-serving area in which a variety of food is prepared and cooked on the premises. Y ☒ N ☐
2. The primary use of the premises is for sit-down service to patrons, and the establishment is not a drive-up, drive-through, or fast-food restaurant. Y ☒ N ☒
3. The establishment serves food to patrons during all hours the establishment is open for customers. Y ☒ N ☐
4. The establishment only serves alcohol in a dining area and not in an alcohol serving area that is separate from the dining area. Y ☐ N ☒
5. Adequate seating arrangements for sit-down patrons are provided on the premises, not to exceed a seating capacity of 50 persons. Y ☐ N ☒
6. Any take-out service is only incidental to the primary sit-down use and does not include the sale or dispensing for consideration of alcoholic beverage or beer or wine.
Y ☒ N ☐
7. No alcoholic beverages or beer or wine are sold or dispensed for consumption beyond the premises. Y ☒ N ☐
8. No dancing or live entertainment is permitted on the premises except with approval by the Chief of Police and Planning Director, who may impose conditions controlling such activities. Y ☒ N ☐
9. An employee alcohol awareness training program and security plan is approved by the Chief of Police. (Ord. 1116 § 7, 2018; Ord. 1111, 2018)

If yes to all of above and you're applying for an establishment with 50 or Less seats you are eligible for an Administrative Alcohol Permit: The following information shall be provided to the Planning Department for an application to be deemed complete:

Master Planning Application Form

- Completed and signed by the applicant and property owner.
- 📄 **Written Statement:** *The written statement shall include the following information:*
 - *Description of Business*
 - *Food Service:* Please describe the type of food served at the establishment.
 - *Type of ABC License*
 - *Time of Operation:* Describe the days and times that the establishment will operate.
 - *Employee Training for Alcoholic Beverage Service:* Describe all alcohol service training that will be provided for employees.
 - *Operational Security Measures:* Describe security measures that will be implemented to ensure the safety of establishment employees and patrons.
 - *Entertainment Features:* Describe all entertainment features of the establishment. These may include but are not limited to live music, amplified music, dancing, bar games, and video games.



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167

MASTER PLANNING APPLICATION FORM

APPLICATION TYPE

- ☐ Administrative Permit Review
☒ Alcohol Use Permit/ABC Transfer
☐ Conditional Use Permit
☐ Design Review

- ☐ Lot Line Adjustment/Merger
☐ Preapplication Conference
☐ Preliminary Review
☐ Sign Permit

- ☐ Temporary Use Permit
☐ Tree Removal Permit
☐ Variance
☐ Other _____

This application includes the checklist(s) or supplement form(s) for the type of permit requested: ☐ Yes ☐ No

REVIEW/HEARING BODIES

- ☒ Staff/Admin ☐ Design Review/Tree Board ☒ Planning Commission ☐ City Council ☐ Other _____

APPLICATION FOR

Street Address: 6780 Depot St. Ste 120 + 140

Assessor's Parcel No(s):

Present Use of Property: Bar and Restaurant with Applied Music

Zoning/General Plan Designation:

APPLICANT INFORMATION

Property Owner Name: Barney Aldridge /Barlow Star

Mailing Address: 6780 Depot St

Phone: (707) 824-5600

City/State/ZIP: Sebastopol CA 95472

Email: jennifer@thebarlow.net

Signature: *J. Aldridge*

Date: 1/5/21

Authorized Agent/Applicant Name: Lowell Sheldon

Mailing Address: 779 Dufranc Ave

Phone: 7073385456

City/State/ZIP: Sebastopol CA 95472

Email: lowell@fernbar.com

Signature: *Lowell Sheldon*

Date: 1/13/20

Contact Name (if different from above):

Phone/Email:

PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

We are looking to expand the footprint of Fern Bar to the suite adjacent. The additional will add 2300sq ft of indoor space to Fern Bar's existing foot print. The use will be as an open space for events including wedding receptions, corporate catering, dance parties, live music.

Prior use of Ste 140 was retail.

CITY USE ONLY

Fill out upon receipt:

Application Date: _____

Planning File #: _____

Received By: _____

Fee(s): \$ _____

Completeness Date: _____

Action:

Staff/Admin: _____

Planning Director: _____

Design Review/Tree Board: _____

Planning Commission: _____

City Council: _____

Action Date:

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

SITE DATA TABLE

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A		
Use	N/A		
Lot Size			
Square Feet of Building/Structures (if multiple structures include all separately)		3,000	2,300
Floor Area Ratio (F.A.R.)	FAR	FAR	FAR
Lot Coverage	% of lot sq. ft.	% of lot sq. ft.	% of lot sq. ft.
Parking			
Building Height			
Number of Stories			
Building Setbacks – Primary			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
Building Setbacks – Accessory			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
Special Setbacks (if applicable)			
Other ()			
Number of Residential Units	Dwelling Unit(s)	Dwelling Unit(s)	Dwelling Unit(s)
Residential Density	1 unit per sq. ft.	1 unit per sq. ft.	1 unit per sq. ft.
Useable Open Space	sq. ft.	sq. ft.	sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: cu. yds. Cut: cu. yds. Fill: cu. yds. Off-Haul: cu. yds.
Impervious Surface Area	N/A	% of lot sq. ft.	% of lot sq. ft.
Pervious Surface Area	N/A	% of lot sq. ft.	% of lot sq. ft.

CONDITIONS OF APPLICATION

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

☐ A general plan

☐ A specific plan

☐ An ordinance affecting building permits or grading permits

☐ A zoning ordinance

Certification

I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.

Property Owner's Signature: Iselameth

Date: 1/5/21

I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant's Signature: [Signature]

Date: 11/31/20

NOTE: It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

Neighbor Notification

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project: ☒ Yes ☐ No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

I have spoken to our neighboring businesses in the Barlow.

Website Required for Major Projects

Applicants for major development projects (which involves proposed development of 10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

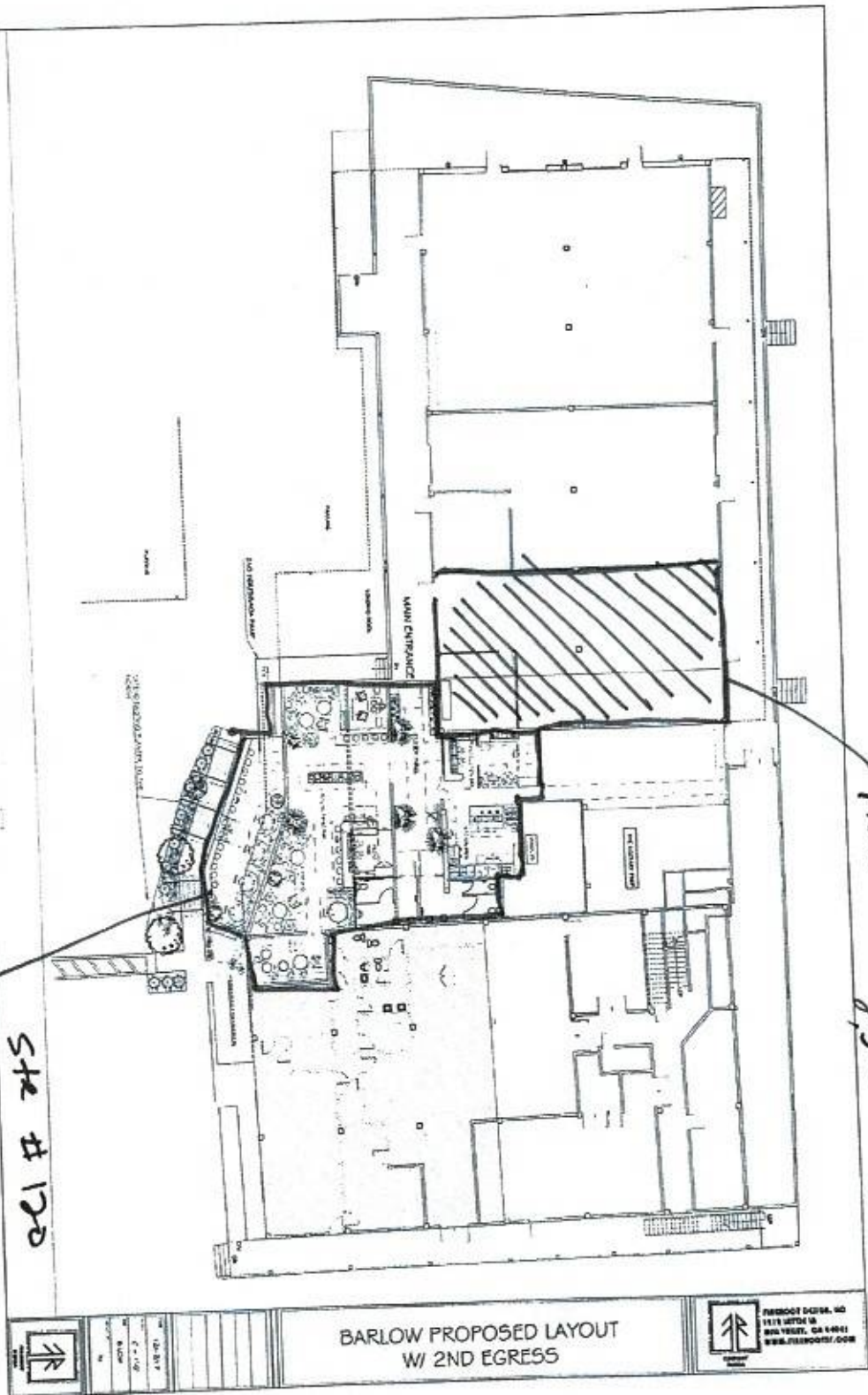
- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

1

existing space
3,000 sq. ft.

Site # 120

Site # 110
Additional space
2,300 sq. ft.

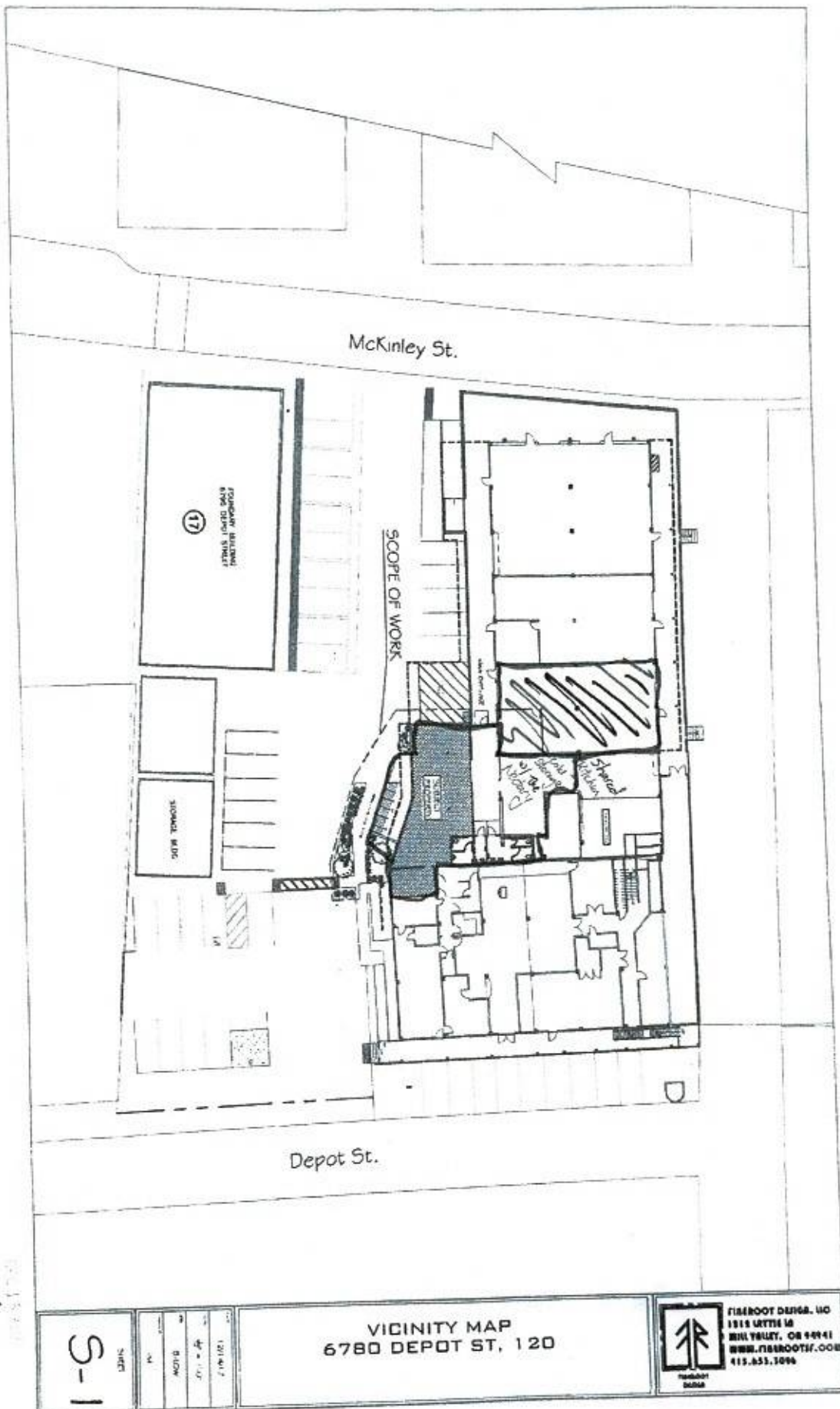


BARLOW PROPOSED LAYOUT
W/ 2ND EGRESS

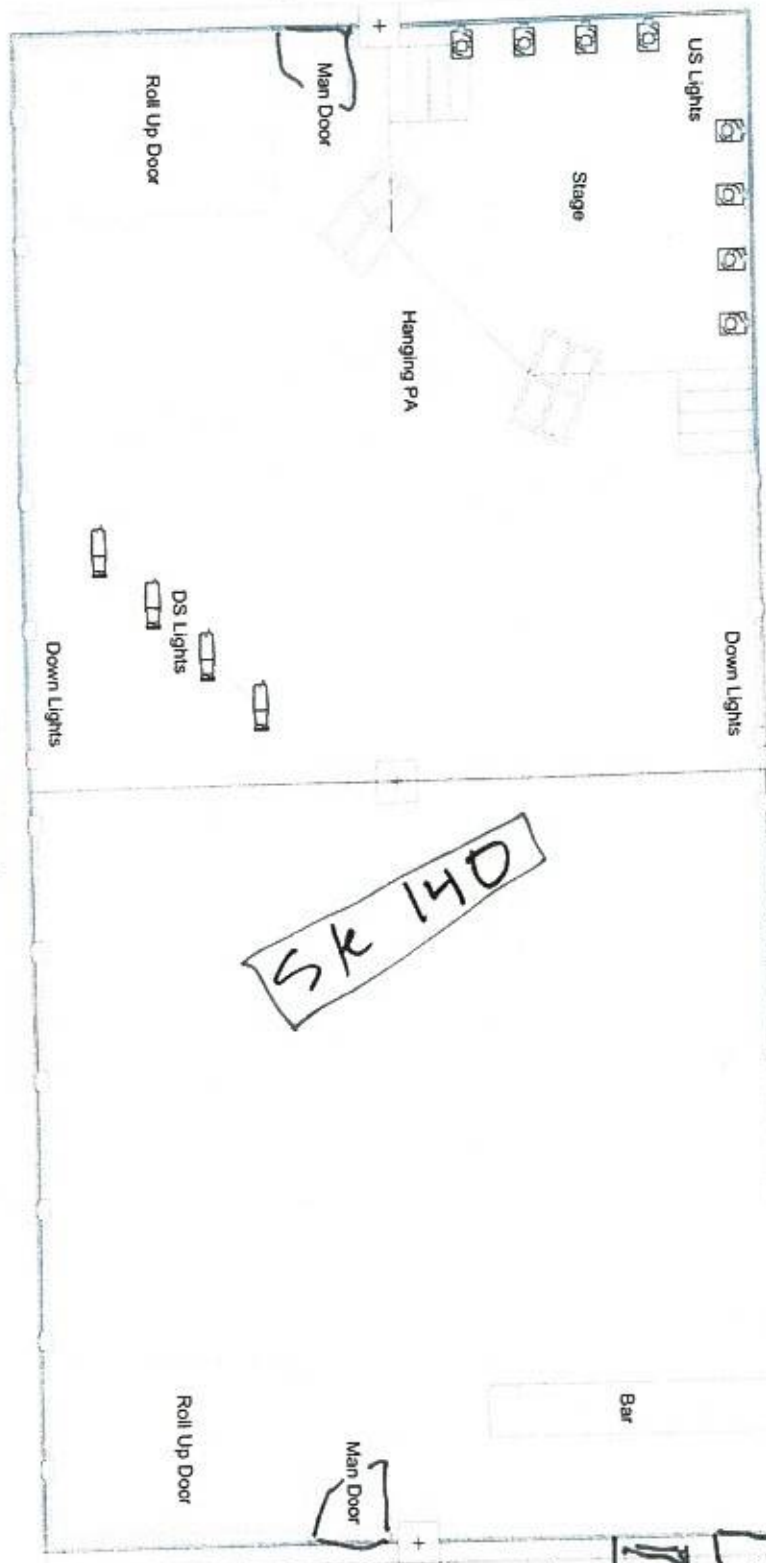


FIREBOOT 042016, 00
1515 10TH ST
SAN FRANCISCO, CA 94103
WWW.FIREBOOT.COM

2



existing door to outside



1 AV Layout
Scale: 1:55

door connects
to inside Fern
Bar

existing door to
outside

Fern Bar entrance
Main Interior

Fern Bar Design Top View Scale: 1:55 Fern Bar Music Venue 6780 Chapel St. Suite 120 San Diego, CA 92121 619.594.1234 619.594.1234	
Project Name Project Number Project Date Project Status Project Location Project Manager Project Designer Project Engineer Project Architect Project Contractor Project Consultant Project Vendor Project Supplier Project Installer Project Maintainer Project Operator Project User Project Owner Project Sponsor Project Stakeholder Project Partner Project Client Project Customer Project Beneficiary Project Stakeholder Project Partner Project Client Project Customer Project Beneficiary	1 2 3

From: Lowell Sheldon <lowell@peterlowells.com>
Sent: Monday, January 04, 2021 3:26 PM
To: Alan Montes; Jennifer Adametz
Subject: Resubmittal for Fern Bar
Attachments: Adobe Scan Jan 4, 2021.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Alan,

Here are my responses:

1. Fern Bar Existing Suite #120 New Space Suite #140
 2. Fern Bar Existing Area 3,000 Sq Ft. Additional space is 2300 Sq Ft.
 3. Prior use of Ste. #140 was a retail space selling mens clothing.
 4. Please see attached drawing.
 - i. Internal connection currently exists between the spaces and is shown on the drawing
 - 3.
 5.
 - a. Expanded use will comply with all prior requirements in the Use Permit # 2017-93.
- Food will
be served in tandem with all events.
- b. Space Bar will not be used for general seating for Fern Bar and will only be used for events (wedding receptions, corporate catering, dance parties and live music).
6. See attached Alcohol Use Permit Supplemental Form.

Written Statement:

Fern Bar is a Restaurant, Brew Pub and Cocktail bar offering full menu and live music. We offer new American cuisine designed to pair well with our world class cocktail program. We possess a Type 75 Brew Pub License. We operate from 11am-2am 7 days a week. All employees are trained and certified with by the city of Sebastopol Police department in the safe service of alcohol. We offer live and amplified music to our guests 7 days a week in the restaurant.

City Council

Mayor Patrick Slayter
Vice Mayor Neysa Hilton
Michael Carnacchi
Sarah Glade Gurney
Una Glass



Planning Director

Kenyon Webster
Assistant Planner
Dana Morrison
Administrative Assistant
Rebecca Mansour

City of Sebastopol Planning Department

Meeting Date: January 23, 2018
Agenda Item: 8B
To: Planning Commission
From: Kenyon Webster, Planning Director
Dana Morrison, Assistant Planner
Subject: Minor Use Permit to permit Alcohol Service and Limited Brewing in a Restaurant: Type 75 ABC License
Recommendation: Approval with Conditions
Applicant / Owner: Gia Bsiocchi / The Nectary
File Number: 2017-93
Address: 6780 Depot Street, Suite 120
CEQA Status: Categorical Exemption: Section 15301- Class 1
General Plan: Light Industrial
Zoning: M: Industrial

Introduction:

This is a Minor Use Permit application, requesting approval to sell distilled spirits, wine and on-site brewed beer for a Tapas restaurant (Laguna Libations). The business is proposed to be located at 6780 Depot Street Suite 120, and parts of Suite 130, in The Barlow. The site is currently home to the Feed Sonoma (a produce distributor), and The Nectary. The tenant space is located within a larger building which contains a number of additional tenant spaces, such as: office space, a gym, and Woodfour Brewing Company. A Use Permit is required because the restaurant proposes to sell distilled spirits through a Type 75 ABC license (on-sale General Brew-Pub), is proposing to craft a small amount of beer on site, and is requesting to have amplified music.

Project Description:

The restaurant proposes to sell beer, wine, and distilled spirits, as well as brew a limited amount of beer under a Type 75 ABC license. The restaurant proposes to have a seating capacity of approximately 100 (indoor only) and proposes to open at 11:00 AM daily and close at 2:00 AM.

The existing building has a floor area of 24,501 square feet, 1,486 of which makes up Suite 120's tenant space. With the addition of the 475 square feet of converted loading dock (approved through Minor Design Review application 2017-94), the new square footage of the tenant space will be 1,961 square feet. The tapas restaurant will also be utilizing part of Suite 130 (approximately 1000 square feet). This area will house the kitchen, cold storage, and beer brewing facilities, this space is shared with The Nectary, which will also be providing 'elixirs' and

juices for the restaurant. Suites 120 and 130 are connected. Suite 120 will be serve as the seating area and bar for the restaurant, which will offer a variety of seating options.

The applicant is also seeking to permit amplified music on-site.

The applicant has prepared a written statement, which is attached to the report.

Environmental Review:

The proposed use is categorically exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The restaurant is proposed to be located in existing, connected, tenant spaces within The Barlow. The proposed restaurant, brewing equipment, and conversion of the loading dock to an addition will require minor modification of the existing tenant spaces.

General Plan Consistency:

The General Plan Land Use designation for this site is Light Industrial. The General Plan describes Light Industrial as the following: "This designation provides for a wide variety of commercial, wholesale, service, and processing uses which do not generate excessive adverse environmental impacts. Other uses allowed in this designation include office ancillary to industrial uses; warehousing and agricultural products sales and services; auto sales and repair; food and drink processing; construction yards; research and development, laboratories, light manufacturing; and similar uses. Residential uses are permitted as a secondary use to the primary light industrial uses allowed in this land use designation at a density of 12.1 to 25 units per acre. Maximum FAR shall not exceed 0.75 (not including the residential use)." The tapas restaurant is consistent with the Light Industrial designation in that restaurants are considered a commercial use.

Zoning Ordinance Consistency:

The site is located in the M: Industrial District. The Zoning Ordinance states the following: "the purpose of the M District is to implement the "Industrial" land use category of the General Plan and to provide areas for the manufacture, assembly, packaging, or storage of products which, in the opinion of the Planning Commission, are not harmful, injurious, or detrimental to property or the general welfare of the City and its residents; and other general commercial uses that are compatible with the industrial uses. This district is applicable to light and general industrial areas of the City." The tapas restaurant is consistent with the M District in that it is classified as Food Sales, which is a permitted use in this zone.

Parking:

The Barlow is subject to the following parking requirement: One space per 400 square feet for all uses, except residential. The requirement applies to industrial, food, retail, and other uses. The number of parking spaces being provided at The Barlow meets the overall parking requirement in terms of building square footage. Parking is shared by the tenants via reciprocal easements. On a practical level, some of the approved uses at The Barlow will require more parking, such as a restaurants, while others will require less parking, such as industrial productions and warehousing facilities. As such, The Barlow already has sufficient parking to cover the restaurant use proposed.

A parking study was conducted by Peter Stanley in March 2017, to assess the status of surplus parking within The Barlow. Based on that study, and taking into account recent improvements to tenants' spaces (Crooked Goat Parklet, the addition to Kosta Browne and the approved addition for this project) there are currently 30 surplus parking spaces available within The Barlow.

Public Comment:

The Planning Department did the following to comply with Section 17.260.030.B (5) of the Zoning Ordinance: (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 Sonoma West Times on January 11, 2018; and (3) posted three written notices publicly on and within vicinity of the subject property. The Planning Department has not received any comments from the public as of writing this report.

City Departmental Comment:

The following City departments reviewed the application: Building and Safety, Fire, Engineering, and Police Services. The following comments were received from the Building and Safety Department:

“There are some significant flood zone construction requirements that will need to be addressed. The additional square footage will need to be structural adequate for the flood water loads. The interior space may need to be connected to the flood seepage system. The engineer of record for the project should be consulted on the proposed alterations to the structure to assure they are adequate and meets the flood construction design criteria.” In addition the Building and Safety Department included a more detailed list of concerns which are attached to the end of this staff report.

The following comments were received from the Fire Department:

- “Maintain Fire Sprinkler Suppression System. Add or move sprinkler heads as needed.
- Maintain Fire Alarm System. Add or move required Smoke and Heat Detectors, Manual Pull Stations, Horns/Strobes, Emergency Lighting, Fire Extinguishers, Kitchen Suppression System (if required).
- Second ADA Compliant Entrance and Egress.
- Full Fire Inspection required.”

These comments have been added as conditions to the end of this staff report. As of writing this report no comments have been received from the Engineering Department.

Required Findings:

Section 17.120.020.C of the Zoning Ordinance states: “In making any of the findings required pursuant to this Ordinance, 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.”

Analysis:

Laguna Libations proposes to serve beer, wine, and distilled spirits as part of its menu (working closely with its neighboring tenant The Nectary); in addition to brewing a limited amount of beer on-site. However, its primary focus will be food as it is a bona-fide tapas restaurant. The applicant is asking for approval for late night hours, but the business is intended to be a full-service restaurant, not a late night bar. The intent of the project appears to be compatible with the neighborhood and greater Sebastopol in that there are a number of restaurants in proximity and throughout the community that contain dining areas of a similar size; and none of these businesses have been the source of enforcement and/or other significant problems. If the Use Permit application is approved, Laguna Libations will be required to submit an Alcohol Awareness and Security Plan to the Chief of Police for approval.

Laguna Libations also proposes to have expand the restaurant seating capacity by converting approximately 475 square feet of existing loading dock and small portion of asphalt to an addition to the restaurant. This addition was reviewed by the Design Review Board on January 3, 2017 and was approved with conditions. Finally, the restaurant will be subject to a number of conditions that will ensure that it does not have an adverse impact on the surrounding area. Approval of the Use Permit application does not appear to be detrimental in that there are already a variety of restaurants, winetasting rooms, wineries, breweries, distilleries, and convenience markets that operate in close vicinity without any issues.

One recreational amenity is located within a 600-foot radius: The Laguna Skategarden to the north-east. The Laguna Skategarden is located within close proximity to a number of alcohol-related businesses, and has not been adversely affected as a result. There are no churches, hospitals, or schools within a 600-foot radius of the site.

Recommendation:

If it is the consensus of the Planning Commission that the proposed use is compatible with the site, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and subject to the conditions of approval outlined.

Attachments:

- Building and Safety Department Comments
- Master Planning Application Form
- Written Statement
- Location Map
- Site Photos
- Site, Landscape, Elevations, and Floor Plans