

Subject: October 6 Agenda Item 11 — Please Choose Option 3 and Resume Enforcement

Dear Mayor and Councilmembers:

I am writing regarding Agenda Item 11 concerning outdoor commercial barbecues and A&M BBQ.

The staff report makes an important fact clear: **A&M's outdoor commercial barbecue operation is prohibited in the Office Commercial (CO) district under the City's current zoning code. It cannot be permitted at this location under the existing code, even with a Use Permit.**

For that reason, I ask the Council to **choose Option 3: do not change the zoning rules to accommodate the existing operation, and resume enforcement of the City's current zoning code.**

The City has already stayed enforcement for months while A&M explored possible solutions. Staff now estimates that changing the zoning code would take another **120–150 days**. Neighboring residents should not be asked to bear the impacts of an admittedly prohibited operation for another four or five months while the City considers changing its law.

The staff report says that the City's original enforcement action was based on the zoning violation rather than directly on smoke or air-quality conditions. **That should not be understood to mean that the smoke impacts have been resolved or found acceptable.** The same staff report acknowledges identified air-quality and odor impacts and proposes smoke-control, operating-hour, complaint-response, monitoring and enforcement requirements to address them.

There is also an important gap in the proposed enforcement stay. Staff proposes allowing the stay to continue while A&M pursues a Use Permit and ultimately demonstrates compliance with new performance standards. **But those standards do not exist yet.** If the zoning process takes 120–150 days, what protects neighboring residents during that period?

There is a reasonable solution. **If Council wants to continue studying a zoning change, A&M should move its commercial smoking off-site during that process.** This would allow the restaurant to continue operating while it pursues relocation, an engineered smoke-control system, or a future Use Permit if the zoning law is ultimately changed.

If Council ultimately decides to change the zoning code, any future approval should require strong and enforceable protections, including effective smoke and odor control, all required permits, objective testing before operation, ongoing maintenance and recurring performance testing, monitoring, reasonable operating hours, and prompt cessation of outdoor smoking whenever required performance is not maintained.

Considering a future change to the zoning law is one question. Allowing an existing prohibited operation to continue while the City considers changing that law is another.

Please **choose Option 3 and resume enforcement.** At a minimum, please require commercial smoking to move off-site while any zoning change and permitting process is considered.

Thank you for your consideration.

Sincerely,

Jake de Souza
Sebastopol resident

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Sent from my iPhone