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NOTICE OF HEARING

Agenda Item #3

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Notice is hereby given that the City Council of the City of Sebastopol will hold a Public Hearing on a Negative Declaration and the proposal initiated by the Planning Commission to rezone property at 105 Morris Street (fronting on Sebastopol Avenue) to the "W-2" (Secondary Wetlands) Combining District in conjunction with the Application of John G. Taylor for Zone Change to rezone said property from the "M" (Industrial) to the "C-2" (Central Commercial) District (AP #04-011-37).

The City Council will hold their hearing on:

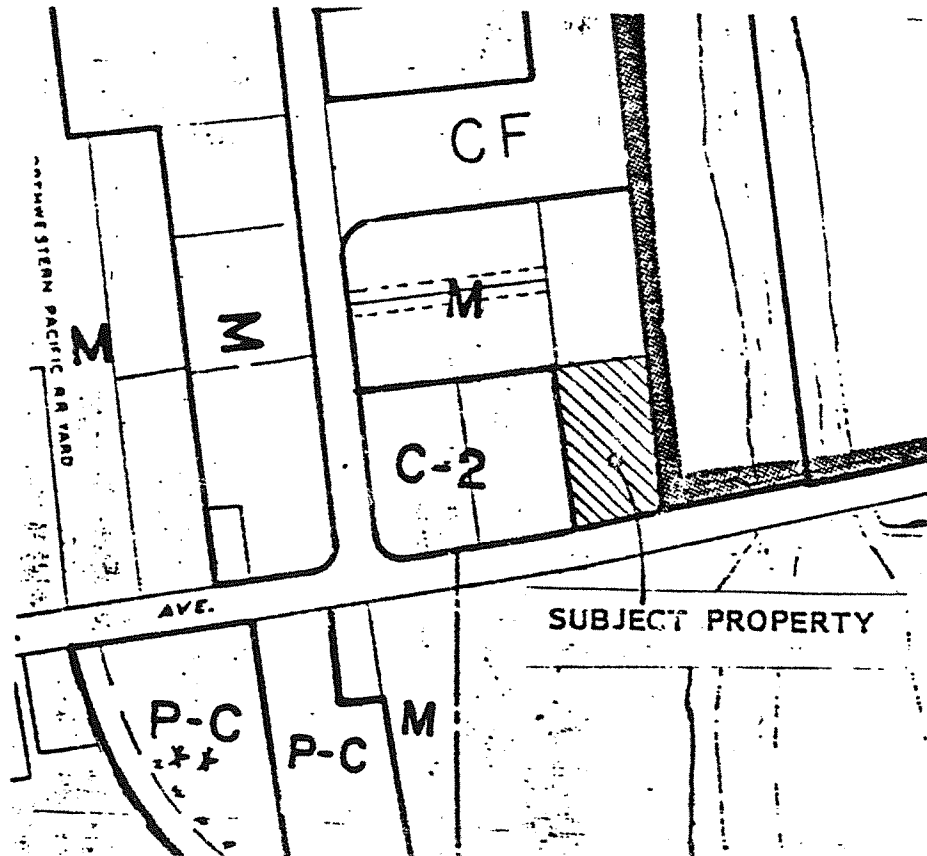
Tuesday, May 2, 1989 ✓
At or after 8:30 p.m.
Library Forum Room
7140 Bodega Avenue
Sebastopol

Anyone interested may attend and be heard.

A copy of the application is available for public review at the Reference Desk, Sebastopol Public Library, 7140 Bodega Avenue, Sebastopol.

Melvin K. Davis

Melvin K. Davis
City Clerk



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NEGATIVE DECLARATION

City of Sebastopol

March 10, 1989

PROJECT DESCRIPTION: Proposal initiated by the Planning Commission to rezone property at 105 Morris Street to the "W-2" (Secondary Wetlands) Combining District in conjunction with the application of John Taylor to Rezone said parcel (AP 004-011-37) from "M" District (Manufacturing District) to "C-2" District (General Commercial District). The parcel fronts off Sebastopol Avenue (Highway 12). No development plans have been submitted to date.

A copy of the application and staff reports are available for public review at the Reference Desk, Sebastopol Public Library, 7140 Bodega Avenue, Sebastopol, for public review.

The Planning Commission will consider approval of this Negative Declaration and hold a public hearing on the rezoning application on:

Tuesday, March 28, 1989
7:00 p.m. or thereafter
Sebastopol Veterans' Memorial Building
282 South High Street
Sebastopol

Anyone interested may attend and be heard.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator finds and determines that there will be no significant adverse impact on the environment with the approval of rezoning to the "C-2, W-2" District, that it is consistent with the Sebastopol General Plan, of downtown commercial, and consistent with the zoning along Morris Street. This determination does not include any finding at this time on any development plans, which to date have not been submitted.

Bruce Aspinall
Environmental Coordinator

DATE: March 24, 1989
TO: Planning Commission
FROM: Bruce Aspinall, Planning Consultant
SUBJECT: Application for Zone Change - 105 Morris St.
(fronting Sebastopol Avenue) -
John G. Taylor/City of Sebastopol

BACKGROUND:

1. Complete background of land use decisions on this property included in February 24, 1989 staff report.
2. February 28, 1989 - Application for Zone Change from "M" to "C-2" deferred by Planning Commission, pending initiation of concurrent rezoning to "W-2."
3. March 14, 1989 - Resolution of Intention to adopt "W-2" in conjunction with "C-2" adopted by Planning Commission by 4-2 vote.

GOVERNMENT CODE DATE: Not applicable to Application for Zone Change.

ENVIRONMENTAL STATUS:

Negative Declaration for initial proposal to rezone only from "M" to "C-2" prepared - February 7, 1989. Subsequent Negative Declaration for both the "C-2" and "W-2" Zone Changes prepared March 10, 1989. Negative Declaration is for rezoning only; any development proposal would be subject to further environmental review.

GENERAL PLAN CONSIDERATIONS:

As noted in the earlier (February 24) agenda report, there were a number of General Plan issues with rezoning just to the "C-2" District. With the addition of the "W-2" Combining District, there are no known General Plan issues.

ANALYSIS:

1. As noted in the earlier agenda report, while the underlying Zone district on the parcel should be C-2, the proximity of the parcel to the Laguna demands that a "W" District be applied concurrently, in order to achieve General Plan consistency.
2. Concurrent with, but technically unrelated to, this action, the City Council has initiated amendments to the text of the "W" Districts. If this rezoning to the "W-

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2" District is approved, any change in the "W" text would affect this property.

3. Also as noted in the earlier agenda report, the question of vehicular access to the subject parcel is not addressed by this application. To some extent, staff believes that there should be some discussion by the Planning Commission with the applicant on this point. Because of the nature of the application (Zone Change), however, requirements of access cannot be tied to the application. In any event, it is doubtful that environmental clearance could ever be granted for any development of the property with access directly onto Sebastopol Avenue. Some mitigation measure, for access -- probably to Morris Street-- would be needed.

RECOMMENDATION

Recommend to the City Council adoption of the Negative Declaration dated March 10, 1989, and approval of the Zone Change from "M" to the "C-2, W-2" District.

RESOLUTION 5-89

RESOLUTION OF THE SEBASTOPOL PLANNING COMMISSION
RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION
AND APPROVAL OF REZONING OF AP#04-011-37 FROM THE "M"
(INDUSTRIAL) TO THE "C-2" (CENTRAL COMMERCIAL), AND THE
"W-2" (SECONDARY WETLANDS COMBINING) DISTRICTS

105 Morris Street - John G. Taylor

WHEREAS, an Application for Zone Change of AP#04-011-37 from the "M" District to the "C-2" District was filed on January 18, 1989 by John G. Taylor, and

WHEREAS, California Government Code Section 65860 requires that the Zoning must be consistent with the General Plan,

WHEREAS, the Planning Commission finds that the existing "M" District is currently inconsistent with the General Plan, and

WHEREAS, the Planning Commission on February 28, 1989 determined that the requested "C-2" District, by itself, would be inconsistent with the General Plan in that goals and objectives regarding protection of the Laguna de Santa Rosa, and development along Scenic Roadways and City Entries would not be furthered, and

WHEREAS, the Planning Commission further determined on February 28, 1989 that the requested "C-2" District would be inconsistent with the General Plan with the addition of the "W-2" (Secondary Wetlands) Combining District, and

WHEREAS, in accordance with Section 7.61 of the Zoning Ordinance of the City of Sebastopol, the Planning Commission by Resolution No., 4-89 initiated an Amendment to Zoning

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Ordinance No. 353 to reclassify AP#04-011-37 to the "W-2" (Secondary Wetlands) District, in conjunction with the rezoning of said parcel to the "C-2" (Central Commercial) District, and

WHEREAS, the Environmental Coordinator, on March 10, 1989, found and determined that there would be no significant adverse effect on the environment, resulting from the proposed Zone Change to the "C-2" District in conjunction with the "W-2" District and consequently prepared a Negative Declaration, and

WHEREAS, the Planning Commission on March 28, 1989 conducted a Public Hearing on the proposed Zone Changes and considered staff reports, Negative Declaration, and public comments and testimony, and

WHEREAS, the Planning Commission finds that the subject parcel is within the "General Commercial" General Plan land use category.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Sebastopol hereby recommends to the City Council, adoption of a Negative Declaration, and

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Sebastopol hereby recommends to the City Council, rezoning of AP#04-011-37 from the "M" (Industrial) District to the "C-2" (Central Commercial) and the "W-2" (Secondary Wetlands Combining) Districts.

DULY ADOPTED by the Planning Commission at its meeting of March 28, 1989 by the following vote:

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Voting Aye: Commissioners Apodaca, Black, Gilliam, Gurney
and Chairman Seidler
Voting No: Commissioners Haigwood and Pacatte
Absent: None
Abstain: None

ATTEST: *Bruce Aspinall*
Bruce Aspinall
Secretary to the Planning Commission

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Meeting of March 28, 1989

1. PUBLIC HEARING - REZONING TO "C-2/W-2" DISTRICT
105 Morris Street - John G. Taylor

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Reference: Staff Report by Mr. Aspinall dated March 24, 1989; Resolution No. 4-89; Negative Declaration, dated March 10, 1989 Notice of Hearing.

Mr. Aspinall reviewed the staff report, recommending that the Planning Commission recommend to the City Council adoption of the Negative Declaration and approval of the Zone Change from "M" to the "C-2/W-2" District.

John G. Taylor, applicant, stated that he adamantly feels that this parcel is not in the Wetlands and was never part of the Wetlands. He stated that this went through the Wetlands and Laguna Studies and still this property remained in the C-2 General Plan land use and should be zoned C-2. He noted that to overlay with a Wetlands District, every tenant will require a Use Permit.

Commissioner Black stated that the Commission would not be choosing his tenants, but would be approving them.

Mr. Taylor stated that in the C-2 District, certain tenants are allowed with certain uses; now with the W overlay; all tenants

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would have to apply for a Use Permit, with a 30-day time frame to come before the Planning Commission.

Chairman Seidler stated that this particular parcel has a direct impact, it is immediately adjacent to the Laguna and they have to be sensitive to public concern. He stated that this is not an easy issue to address, the General Plan guides what they do and they need to adhere to it.

Commissioner Haigwood stated that he is sympathetic with the applicant, and that making subjective opinions results in unfair imposition to the applicant. He noted that for this to come up after the applicant has submitted application is throwing an extra burdon on the applicant.

a. Open Public Hearing

Robert E. Anderson, 7070 Fircrest, stated that the rezoning to C-2, brings this property into compliance with the General Plan. He noted that rezoning was necessary to get a Building Permit because the General Plan land use was commercial.

Mr. Aspinall replied that there was more to the General Plan than the General Plan Map. He stated that there were other aspects of the General Plan that have to do with interface of the Laguna, entry to the City, etc. He noted that as far as land use is concerned, C-2 is the correct zone.

Mr. Anderson stated that this was a land use issue, there seems to be a penalty of ownership. He asked what has changed since the "W" overlay was applied before? He stated that if the Commission adopts Section 5.60 of the "W" District on the next item, they will be designating 3 specific zones that require Use Permits, noting that it seems a moot point to establish now if they adopt the Ordinance.

Chairman Seidler noted that the item 2 on the agenda has not been approved yet.

Richard Nichols, 1389 Cooper Road stated that two years of public awareness and knowledge is what has changed, also new information; per CEQA laws. He noted that this will guarantee sensitivity to the laguna.

b. Close Public Hearing

Mr. Aspinall stated the City Council directed that the Commission initiate review of the "W" District at the same time that the application for rezoning was applied for. He then reviewed city Council Policy 58. He stated that agenda item #2 is amendment to the text only and would affect property already zoned "W", it would not apply to any new properties; that would be a subsequent action. He stated that this application is not being held hostage and will not tie up the property; it does place further

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PLANNING COMMISSION MINUTES
Meeting of March 28, 1989

restriction on development. He noted that the "W-2" responds to the General Plan and City Council Policy 58.

Commissioner Gilliam reiterated that the Commission is responding to the General Plan.

Commissioner Black stated that in addition to responding to City Council Policy 58 and the General Plan, they are also responding to the growing public concern to protect the Laguna. He noted that this is a sensitive area and in the end the applicant will be more protected.

Commissioner Haigwood stated that his argument is not with the W-2 overlay, but with timing and fairness to the applicant. He supports the objective of protecting the Laguna.

Chairman Seidler stated that he believes that this particular action will expedite the development, the backside of not acting responsibly puts applicant in a position of jeopardy, referring to the Palm Terrace Subdivision. He stated that this insures applicants position and protection of the Laguna. He noted that he is sympathetic with the applicant and also sympathetic to the General Plan objectives.

Commissioner Gilliam moved and Commissioner Black seconded to recommend to the City Council adoption of the Negative Declaration dated March 10, 1989, and approval of the Zone Change from "M" to the "C-2/W-2" District.

- Voting Aye: Commissioners Apodaca, Black, Gilliam, Gurney and Chairman Seidler
- Voting No: Commissioners Haigwood and Pacatte
- Absent: None
- Abstain: None

Mr. Aspinall stated that this matter would be forwarded to the City Council in the near future.

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ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 353 OF THE
CITY OF SEBASTOPOL REZONING CERTAIN PROPERTY
FROM M DISTRICT TO C-2 AND W-2 DISTRICTS
(AP 04-011-37)

THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS
FOLLOWS:

SECTION 1: All the conditions precedent of law having
been met and all the requirements of the Zoning Ordinance of
the City of Sebastopol having been complied with, said
Ordinance No. 353 is amended by the map entitled "Zoning Map
of the City of Sebastopol, California" as provided in
Section 3.2 of said Ordinance to make the changes in the
district as set forth in the following section.

SECTION 2: The property described hereinafter shall be
rezoned from its present zoning of "M" (Industrial) District
to the "C-2" (Central Commercial) and the "W-2" (Secondary
Wetlands Combining) District:

Real Property located at 105 Morris Street,
Sebastopol, California,
AP 04-011-37

and the lands hereinabove described are specifically rezoned
from their present zoning of M District to C-2, W-2
District, and all the provisions of Ordinance No. 353 as
amended pertaining to C-2, W-2 District shall apply
hereafter.

SECTION 3: The City Council finds that the zoning as
set forth above is consistent with the Sebastopol General
Plan and the elements thereof. On recommendation of the

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Planning Commission a Negative Declaration is adopted for this specific rezoning.

SECTION 4: This ordinance shall be in force and effect thirty (30) days from and after the date of its passage.

IN COUNCIL DULY PASSED this _____ day of _____, 1989.

APPROVED: _____
MAYOR

AYES: _____

NOES: _____

ABSENT: _____

ATTEST: _____
City Clerk