

**CONCURRENT REGULAR MEETINGS OF THE
SONOMA CITY COUNCIL
&
SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE
DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY**

Community Meeting Room, 177 First Street West, Sonoma CA



**Monday, September 21, 2015
6:00 p.m.**

AGENDA

City Council
David Cook, Mayor
Laurie Gallian, Mayor Pro Tem
Madolyn Agrimonti
Gary Edwards
Rachel Hundley

Be Courteous - **TURN OFF** your cell phones and pagers while the meeting is in session.

OPENING

CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Agrimonti, Edwards, Gallian, Hundley, Cook)

1. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please step to the podium and speak into the microphone. Begin by stating and spelling your name.

2. MEETING DEDICATIONS

3. PRESENTATIONS

Item 3A: Sonoma Music Festival Weekend Proclamation

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 4A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only. (Standard procedural action - no backup information provided)

Item 4B: Approval of the Minutes of the September 9, 2015 City Council Meeting.
Staff Recommendation: Approve the minutes.

Item 4C: Adoption of a resolution distributing Growth Management allocations for the 2015-16 development year.
Staff Recommendation: Adopt the resolution.

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL, Continued

- Item 4D:** Adoption of a Resolution denying an appeal of the Planning Commission’s decision to approve the application of Darrel Jones for an Exception to the FAR standards associated with a residential addition at 348 Patten Street.
Staff Recommendation: Adopt the resolution.
- Item 4E:** Adoption of a Resolution upholding an appeal of the Planning Commission’s approval of an amendment to the Use Permit for Williams-Sonoma (605 Broadway) allowing events subject to a one-year review, among other conditions.
Staff Recommendation: Adopt the resolution.
- Item 4F:** Adopt Resolution Approving a Program Supplement Agreement 011-N to Administering Agency-State Agreement No. 04-5114R between the City of Sonoma and the State of California related to the Reimbursement of \$250,000 in Federal Aid Funding for the Napa Road Rehabilitation Project.
Staff Recommendation: Adopt the resolution.
- Item 4G:** Approve a Resolution Authorizing the City Manager to Acquire and Certify Right-of-Way and to Execute Utility Agreements for Federally Funded Projects Administered by Caltrans.
Staff Recommendation: Adopt the resolution.
- Item 4H:** Approve the Job Specification for the Classification of a Public Works Administrative Manager Position to the City’s Classification Plan and Establish a Salary Range.
Staff Recommendation: Adopt the resolution.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

- Item 5A:** Approval of the Portions of the Minutes of September 9, 2015 City Council Meeting Pertaining to the Successor Agency.
Staff Recommendation: Approve the minutes.
- Item 5B:** Adoption of the FY 15-16B Recognized Obligation Payment Schedule [ROPS] for the period January 1, 2016 through June 30, 2016.
Staff Recommendation: Adopt the resolution.

6. PUBLIC HEARINGS

- Item 6A:** Discussion, consideration and possible action on an appeal of the Planning Commission’s decision to deny the application of Richard Konecky for an Exception to the garage setback requirements associated with a residence located at 753 Third Street East. (Planning Director)
Staff Recommendation: In accordance with the standard practice of supporting Commission decisions, staff recommends that the City Council deny the appeal, thereby upholding the decision of the Planning Commission.

6. PUBLIC HEARINGS, Continued

Item 6B: Discussion, consideration and possible action on an Ordinance amending the Development Code to define “Prescribed Grazing” and identify it as a conditionally-allowed use in the Park zone. (Planning Director)
Staff Recommendation: Introduce the ordinance.

7. REGULAR CALENDAR – CITY COUNCIL

(Matters requiring discussion and/or action by the City Council)

Item 7A: Discussion, consideration and possible action to introduce an ordinance relating to the automatic appointment of commission alternates. (City Manager)
Staff Recommendation: Introduce the ordinance.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

(Matters requiring discussion and/or action by the Council as the Successor Agency)

9. COUNCILMEMBERS’ REPORTS AND COMMENTS

10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

11. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on September 17, 2015. Gay Johann, Assistant City Manager/City Clerk

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are normally available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk’s office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the City Clerk, at or prior to the public hearing.

In accordance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 3A

Meeting Date: 09/21/2015

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

Sonoma Music Festival Weekend Proclamation

Summary

B.R. Cohn Charity Events will be conducting the Sonoma Music Festival at the Field of Dreams October 2-4, 2015 and a proclamation has been prepared to recognize the event.

In keeping with City practice, the proclamation recipients have been asked to keep the total length of their follow-up comments and/or announcements to no more than 10 minutes.

Recommended Council Action

Mayor Cook to present the proclamation.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Proclamation

cc:

Michael Coats (via email)

City of Sonoma



Proclamation

SONOMA MUSIC FESTIVAL WEEKEND

WHEREAS, Bruce Cohn and B.R. Cohn Charity Events have held annual fundraising concerts in Sonoma Valley for 28 years and during that time have raised over 6.5 million for charities benefiting Veterans and children; and

WHEREAS, Bruce Cohn has rebranded and moved his annual festival to the Field of Dreams in Sonoma and is calling it the 2015 Sonoma Music Festival; and

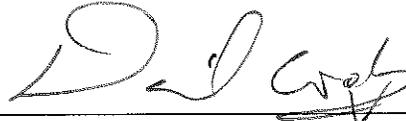
WHEREAS, some of the biggest performers in the world including Ringo Starr and His All-Starr Band, Chicago and the Doobie Brothers and Gregg Allman will be headlining this new annual fall Sonoma event this year.

NOW, THEREFORE, I, David Cook, Mayor of the City of Sonoma, do hereby proclaim Oct 2-4, 2015

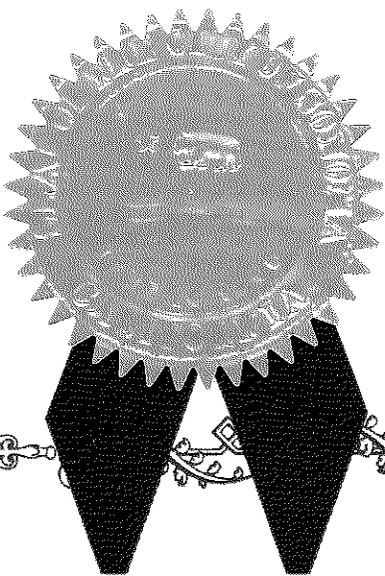
SONOMA MUSIC FESTIVAL WEEKEND

in the City of Sonoma and do further encourage our citizens to support this great annual fundraiser.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 21st day of September 2015.



DAVID COOK, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 09/21/2015

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Minutes of the September 9, 2015 City Council Meeting.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Minutes

Alignment with Council Goals: N/A

cc: N/A

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Community Meeting Room, 177 First Street West, Sonoma CA



Wednesday September 9, 2015

6:00 p.m.

MINUTES

City Council
David Cook, Mayor
Laurie Gallian, Mayor Pro Tem
Madolyn Agrimonti
Gary Edwards
Rachel Hundley

OPENING

Mayor Cook called the meeting to order at 6:00 p.m. Georgia Kelly led the Pledge of Allegiance.

CITY COUNCIL MEMBERS PRESENT: Edwards, Gallian, Hundley, Agrimonti and Mayor Cook
ABSENT: None

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Planning Director Goodison, Public Works Director Takasugi

1. COMMENTS FROM THE PUBLIC

Ken Brown encouraged the Council to do whatever it could regarding the need for affordable housing.

Joanne Sanders announced that it was Library Card Signup Month and invited those interested to attend the September 26 Sonoma County Library Advocacy Summit. She stated there was a vacancy on the Library Advisory Board and encouraged persons to apply.

Cecelia Ponicsan thanked the sponsors of Freedom Week.

Jack Wagner stated he had been working on legislation to advance public banking.

Mark Marthaler stated his opposition to SB 277 which eliminated all non-medical vaccine exemptions for children.

2. MEETING DEDICATIONS

Clm. Edwards dedicated the meeting in the memory of two-year old Aylan Kurdi a young Syrian who drowned in Turkey as his family was trying to escape their war-torn country into Europe.

3. PRESENTATIONS - None

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

- Item 4A:** Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.
- Item 4B:** Approval of the Minutes of the August 17, 2015 City Council Meeting.
- Item 4C:** Approval and ratification of the appointment of Denise Wilbanks to the Community Services and Environment Commission for a two-year term.
- Item 4D:** Second Reading and Adoption of an Ordinance Adding Chapter 14.27 to the Sonoma Municipal Code providing an Expedited Review Process for Small Residential Rooftop Solar Energy Systems and finding the adoption thereof exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301, 15268 AND 15061(B)(3). (Ord. No. 06-2015)
- Item 4E:** Approval and ratification of the reappointment of Christopher Johnson to the Design Review & Historic Preservation Commission for a four-year term. (Removed from Consent)
- Item 4F:** Request by Sonoma Valley High School for temporary use of City streets on October 23, 2015 to conduct the annual Homecoming Parade. (Res. No. 30-2015)
- Item 4G:** Adopt resolution approving the Final Parcel Map for the 18-lot Parcel Map at 845 West Spain St. known as Nicora Place Subdivision Parcel Map No. 442. (Res. No. 31-2015 adopted 4-0, Mayor Cook recused)

Mayor Cook announced that he would recuse from voting on Item 4G because of a financial conflict of interest. City Manager Giovanatto removed Item 4E and explained that action on this item was not needed at that time.

The public comment period opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Hundley, to approve the items remaining on the Consent Calendar. The motion carried unanimously except that Mayor Cook recused himself on Item 4G.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

- Item 5A:** Approval of the Portions of the Minutes of August 17, 2015 City Council Meeting Pertaining to the Successor Agency.

The public comment period opened and closed with none received. It was moved by Clm. Hundley, seconded by Clm. Edwards, to approve the Consent Calendar as presented.

6. PUBLIC HEARINGS

- Item 6A:** Discussion, consideration and possible action to adopt a resolution amending the 2015 Fee Schedule by the addition of a Tobacco Retailer License fee and a Police Department parking lot rental fee, revising the Encroachment Permit fee and finding that appropriate ordinances, permit fees, and processes are in place to streamline the submittal and approval of permits for solar energy systems.

Assistant City Manager Johann reported that staff was recommending a few revisions to the 2015 adopted fee schedule. The proposed revisions included: 1) Addition of a Tobacco Retailer License fee in the amount of \$246; 2) Addition of a Police Department parking lot rental fee in the amount of \$100; and 3) An increase of the Major Encroachment Permit Fee to \$346. Also, to comply with California Government Code §66015(c) and the ordinance presented on the Consent Calendar for adoption related to the expedited permitting procedures for small residential rooftop solar systems, the proposed resolution includes a finding of the City Council that appropriate ordinances, permit fees, and processes were in place to streamline the submittal and approval of permits for solar energy systems.

The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Edwards, to adopt Res. No. 32-2015 entitled RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING THE PREVIOUSLY ADOPTED SCHEDULE OF USER FEES, LICENSES AND PERMIT CHARGES. The motion carried unanimously.

Item 6B: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve the application of Darrel Jones for an exception to the FAR standards associated with a residential addition at 348 Patten Street.

Planning Director Goodison reported in May of 2014, Darrel Jones applied for a building permit to remodel and expand an existing single family residence at 348 Patten Street. The residence was a one-story structure having an area of 1,660 square feet, including the attached garage. As set forth on the building permit submittal, the second-floor addition was identified as adding 1,290 square feet of living space. The building plans were routed to various City departments for review, including the Planning Department. Planning staff signed off on the plans on June 5, 2014. Unfortunately, an arithmetic error or other oversight was committed by planning staff when calculating the Floor Area Ratio (FAR) In the Low Density Residential zone, the normal limit on FAR was 0.35 meaning that residential floor area may not exceed 35% of lot area. Because the subject property had an area of 6,808 square feet the normal limit on residential building area was 2,382 square feet. The residence, with the second floor addition, exceeded that limit by 458 square feet or 368 square feet if the elevator and stairs were only counted once. Goodison stated that this error was not discovered until February 2015 when Dennis Donnelly, a neighboring resident, inquired about the construction project. In reviewing the plans with Mr. Donnelly, staff realized that the FAR had not been calculated correctly and informed Mr. Donnelly and Mr. Jones of that fact. By that time the structure was essentially complete as it had been fully framed and sheathed. Mr. Jones subsequently applied for an exception from the normal limits on Floor Area Ratio in order to legalize the expansion of the residence. The Planning Commission considered the application for an exception on July 9, 2015. After holding a public hearing on the matter, the Commission voted 6-1 to approve the application. This decision was subsequently appealed by Dennis and Joyce Donnelly. Goodison also noted that the Planning Commission had subsequently approved an amendment to the roof design to allow a metal roof rather than the composition shingle shown in the original plans. This decision was made contingent upon the outcome of the appeal. Goodison stated that in accordance with the standard practice of supporting Commission decisions, staff recommended that the City Council deny the appeal, upholding the decision of the Planning Commission.

Planning Director Goodison stated that the findings Council would have to make if it were Council's decision to deny the appeal included: 1. The adjustment authorized by the exception was consistent with the General Plan, any applicable Specific Plan, and the overall objectives of

this Development Code. 2. An exception to the normal standards of the Development Code was justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development. 3. Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

CIm. Gallian confirmed that one method of addressing the issue which would achieve compliance with FAR would be to convert the garage into a carport and do a lot line adjustment with the property to the south.

CIm. Hundley confirmed that the FAR was calculated by dividing the gross area of a lot by the maximum gross floor area of a building excluding porches, cellars, attics, second units, detached garages up to 400 square feet and accessory structures with an area of 120 square feet or less.

Mayor Cook invited comments from the public. Appellant Dennis Donnelly stated he and his wife raised their three children in their home and had maintained a neighborly relationship with the Jones family until now. He stated that Jones should not have moved ahead with the project and then tried to fix it with an exception at the expense of other citizens for whom the City Code had been established. He said the system, at times, denied participation by those who were negatively impacted by projects. He asked the Council to uphold the appeal and thus deny the exception.

Joy Donnelly stated it had been a compilation of mistakes beginning with Jones' submittal of non-compliant building plans which were approved by the City. Once construction began and they realized the extent of the project they went to City Hall, reviewed the plans and saw that it was oversized. Ms. Donnelly stated that the City did not issue a stop work order and instead sent it as a retroactive referral to the Planning Commission. She said that it was not going to be given the same consideration after the fact as it would have if it had gone to the Planning Commission at the appropriate time. If all their neighbors did what Jones did, their home would be buried on three sides. The expansion of the Jones' home was an imposition on their surroundings and the neighborhood. She asked the City to assist Jones financially in making modifications to the home because it was unfair to her and her husband. She also requested that changes be made to require Planning Commission review prior to issuance of building permits in a historic overlay zone and to provide better definitions of the words demolition and remodel.

Darryl Jones stated that his project was consistent with the Development Code's goal of preserving the existing quality and fabric of the neighborhood. He conducted a survey of ninety-five homes for conformance of lot size, FAR, setbacks, etc. to City codes and found only eighteen that conformed. He stated that he designed the remodel and addition to conform to all elements of the Planning and Development Code including setbacks and height. It was a LEED certified environmentally sustainable net-zero energy use home and they included a solar photovoltaic array, a rainwater recovery system, ductless HVAC and heat recovery whole-house ventilation, and the home was fully accessible in accordance with ADA guidelines. Mr. Jones stated that he filed for the exception because the Donnellys had threatened to sue the City unless the home was brought into compliance. They claim loss of privacy although they have a clear view from their existing first floor and they have more privacy now because he built a new fence. He said they also claim loss of view of sunsets; however the sunsets were screened by trees and when there is no foliage sunsets are to the south so they can see them. He stated

that when he applied for a mother-in-law addition in 1983 the Donnellys were the only ones to complain even though they do not live on his street and there had been a negative campaign this time around. Mr. Jones stated that approval of the exception would not set a precedent because 80% of the homes in that area did not conform to the City's codes. The right to view a sunset did not override their right to enjoy their home. He asked the Council to deny the appeal so he could continue to work on his exceptional home.

Joanne Sanders spoke in support of the appellant stating that the project effected as many as a half dozen properties. She questioned the number of exceptions that had already been approved for the property and said she was curious about a pattern of not following the Development Code. Scott Pommier and Bob Edwards also spoke in support of the appeal.

Dan Florence spoke in support of the Donnellys stating that they were improving the neighborhood.

CIm. Agrimonti stated she had watched the Planning Commission meeting and felt they did a good job dealing with the matter. She did not understand why Mr. Jones did not notice the mistake in the beginning.

CIm. Edwards stated the home met the thirty feet height limit and noted there were many two story homes in the neighborhood. He said that changing the garage and forcing additional costs onto the builder would not change the Donnelly's view and he noted that the community was changing every day and would continue to do so. He made a motion to deny the appeal.

CIm. Agrimonti stated that the attic area scared her. Planning Director Goodison stated it was his opinion that due to the slope of the roof the attic area was not very usable with no incentive to open it up. CIm. Hundley added that even little kids could not hang out there. She added that a change to the FAR would leave the house exactly the same and would have no effect on the views. It was a good project and agreed the appeal should be denied.

CIm. Gallian seconded the motion made by CIm. Edwards and stated that the exception did meet the required findings. She added that second stories were allowed and that neighborhoods change as time goes by. CIm. Agrimonti stated her preference would have been conflict resolution to try and work out the differences between the neighbors.

Mayor Cook agreed with denial of the appeal and inquired what the Donnellys had to pay to file the appeal. Goodison responded that in light of the mistake by staff, the City Manager used her discretion to waive the appeal fee. Being put to a vote, the motion to deny the appeal carried unanimously.

RECESS: The meeting recessed from 7:26 to 7:35 p.m.

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| 7. REGULAR CALENDAR – CITY COUNCIL |
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Item 7A: Discussion, Consideration and Possible Action to Grant Conceptual Approval to Erect a Monument to Sonoma's Founder, General M. G. Vallejo.

City Manager Giovantto reported that a group of citizens formed a committee to erect a monument in honor of Sonoma's founder General Mariano Vallejo. The committee requested approval to place the monument in the Sonoma Plaza and were seeking conceptual approval

for the project. Should Council grant this conceptual approval, the project could move forward for review by the Community Services and Environment Commission. In addition, the committee would be required to enter into a long-term maintenance agreement and meet all permitting and insurance requirements of the City.

George McKale stated the goal of the committee was to install a life-sized statue of General M.G. Vallejo on the north side of the Plaza and across Spain Street from the former location of Vallejo's Casa Grande, his original Sonoma home. He reported that local artisan Jim Callahan had designed the monument.

Clm. Hundley confirmed that CSEC would review the project and staff would oversee it and handle any liability issues. City Manager Giovanatto added that, after all details were in place, the final project would come back to Council for approval. Clm. Gallian questioned the placement of proposed donor plaques in the area surrounding the monument. Mr. McKale responded that was the type of issue that would be worked out as the project moved along.

Mayor Cook invited comments from the public. Patty Dufern suggested the monument be placed across the street on State property. It was moved by Clm. Hundley, seconded by Clm. Edwards, to approve the project conceptionally. The motion carried unanimously.

Item 7B: Discussion, consideration and possible action to review the draft of an Ordinance adding Chapter 9.60 of the Sonoma Municipal Code to regulate and prohibit the use of leaf blowers within the City limits.

City Manager Giovanatto reported that staff had developed a draft ordinance incorporating Council's prior directions regarding a ban on leaf blowers; however, there were areas which needed further clarification. She and City Attorney Walter provided additional information regarding the contents of the ordinance and each area needing further clarification.

Mayor Cook invited comments from the public. The following people spoke in support of a ban on leaf blowers: Marilee Ebert whose son had compromised lungs. Pat Coleman who stated that MacArthur Place did not use them in favor of customer experience. Rick Suerth who compared it to smoking. Cece Ponicsan who claimed her health had been compromised. Ray Schuster who reported Los Altos' ban had worked out. Jack Wagner who said it was not always easy to talk to your neighbors. Georgia Kelly who cited the pollutants and negative effects on health. Caroline Wampone, Tamara Unger and Chris Pinard who stated they made it impossible to work from their homes. Lisa Summers who also wanted Roundup banned. Lynn Clarey who said we should strive for reduction of all forms of pollution. Sarah Ford who cited various ailments they cause and the manufacturer's warnings that came with one. Bob Edwards who said the citizens had spoken. Darryl Ponicsan said it was the Council's responsibility.

The following people did not support a ban on leaf blowers: Stan Pappas who asked what was next. Allen Ollenger and Eric Garcia who urged negotiations within the effected neighborhoods. Patty Dufern who noted that most of the cities that had banned them did not have as many trees. Mike Fanucchi, Pete Saibene and Andrew Johnson who urged negotiation and compromise, use the enforcement money for rebates. Bill Boteif who said the proponents of the ban should have to do an EIR. Scott Bonnoit who said they were no different than motorcycles and diesel trucks.

George Thompson, Chambolla Gardening Company, did not have an opinion on the ordinance, but just wanted to report that he had operated his landscape business for thirty years without using leaf blowers. Bill Wood demonstrated his invention called the Peacebroom. Chris Petlock, and Craig Martin encouraged better enforcement of the current regulations. Peter Hodgins suggested validating the science prior to making a decision.

Councilmembers weighed in with the following: Clm. Gallian and Clm. Agrimonti supported a complete ban. Clm. Edwards did not support a ban, wanted it to go to a vote and stated that the enforcement money would be better spent on affordable housing. Clm. Hundley stated concern about banning them on commercial/mixed use and public property because of liability issues. Mayor Cook did not support a ban and also felt it should be a ballot measure.

Mayor Cook then led Council through a list of possible components of the draft ordinance with the following results determined through straw voting. All leaf blowers would be banned in residential areas. They supported the following: Maintaining the current time restrictions and decibel level. Imposing penalties on property owners as well as landscapers. Having an effective date of February 1, 2016. There would not be any additional permit or license required. Would not include additional language "*prohibiting leaf-blowers from being operated in a manner that directs dust and debris onto any neighboring parcel or public street*". They remained undecided on a total ban in commercial/mixed use and public property. Should electric be permitted in those areas, they agreed the operating hours should be 8 a.m. to 3:00 p.m.

In response to the question by Clm. Hundley, City Manager Giovanatto stated that a ban would have a significant impact on staff and noted that the City's liability issues for public property were significantly higher than private property. The City may have to hire additional staff or contract out for assistance but would not ignore the public welfare and potential liabilities. Attorney Walters stated that staff would incorporate the direction given by Council and bring the ordinance back for future consideration.

Item 7C: Discussion, consideration and possible action regarding designation of the voting delegate and alternate for the 2015 League of California Cities Annual Conference.

Because there were no Councilmembers attending the conference, there was no action taken on this item.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Gallian encouraged all to recognize the dedicated Police and Firefighters this coming anniversary of 9-11.

Clm. Agrimonti reported on the offering of free recycled water by the County and the recently completed survey on Farmworker Health and Wellness.

10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF - None

11. COMMENTS FROM THE PUBLIC

Bob Edwards and Sarah Ford thanked the Council for their hard work.

12. ADJOURNMENT

The meeting was adjourned at 10:25 p.m. in the memory of Aylan Kurdi.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the day of 2015.

Gay Johann
Assistant City Manager / City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 09/21/15

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Adoption of a resolution distributing Growth Management allocations for the 2015-16 development year.

Summary

The Growth Management Ordinance establishes a process for annually distributing development allocations for the purpose of determining which large residential projects may apply for planning approval, while limiting residential development to an average of 65 units per year. In essence, the Growth Management allocations correspond to potential residential units, with one allocation equaling one unit that may be applied for in a proposed development. As provided for in the Ordinance, there are 84 allocations to be distributed for the 2015-16 development year, beginning with the annual base amount of 65 allocations, plus 19 unused allocations carried over from the previous development year. As required by the ordinance, the base amount of allocations is reduced by the amount of small development (four units or fewer) constructed within the last 12 months and 30 allocations are reserved for "infill" developments. Next, any remaining allocations are distributed first to properties which have received some but not all of their requested allocations and then to properties on the waiting list, on a first-come, first-served basis. After deducting small development units constructed in the preceding 12 months and of the set-aside for infill development, 52 allocations are available to be distributed for the 2015-2016 development year. The attached resolution would distribute those allocations in the manner prescribed by the Growth Management Ordinance.

Recommended Council Action

Adopt resolution distributing Growth Management allocations.

Alternative Actions

Modify the resolution consistent with the parameters of the Growth Management Ordinance.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Alignment with Council Goals:

The implementation of the Growth Management Ordinance aligns with the "Policy and Leadership" goal of the City Council, as the Ordinance promotes local control of the pace of development in Sonoma, while complying with State housing law.

Attachments:

1. Supplemental Report
2. Resolution

cc: Bennett Martin
Paul Norrbom

SUPPLEMENTAL REPORT

Distribution of 2015-16 Growth Management Allocations

For the City Council meeting September 21, 2015

Background

Pursuant to the City's Growth Management Ordinance (Chapter 19.94 of the Sonoma Municipal Code), the City annually distributes allocations for the purpose of determining which projects of five or more units will be eligible to proceed through the planning review process. The ordinance establishes a "development year," running from September 1st to August 31st, with the distribution of allocations occurring in September of each year. Growth management allocations correspond to residential units that may ultimately be built, after a project receives planning approvals. While in prior years the annual distribution began with a base of 88 allocations, an amendment to the ordinance adopted by the City Council in 2008 reduced the annual base to 65 allocations, plus any carry over of unused allocations from the previous development year. The process used to distribute allocations is as follows:

1. Small developments (four units or fewer) constructed during the preceding twelve months are deducted from the base of 65 allocations.
2. 30 allocations are reserved for infill development for the development year.
3. Up to 20 allocations per project are allocated to prospective developments that have not already received their full number of allocations, including projects that benefited from a processing exemption, as defined in the ordinance.
4. Any remaining allocations are distributed on a first-come, first-served basis to prospective developments on the Pre-application Waiting List (not to exceed twenty allocations per project per year). If not all of the allocations are distributed, the remainder is carried forward to the next development year, except that the total number of allocations may not exceed 165.

A development application may not be filed until 50% of the requested allocations have been received.

Distribution of Allocations for the 2015-16 Development Year

The base allocation for the 2015-16 development year is 79 units, as fourteen unused allocations are carried over from the previous year. There were 2 units of small development over the last twelve months and 30 allocations are set aside for infill development. With these deductions, a net allocation pool of 47 is available. As discussed above, these allocations are first assigned (at a maximum of 20 per year) to prospective developments that have received some, but not all of their allocations. This year, there is one such development, the Cresson property, at 424 Denmark, for which 30 allocations have been requested and 20 have been received. Lastly, allocations are distributed to properties that have applied for allocations but that have not yet received

any. This year, there is one property in this category, at 590 West Napa Street, for which 40 allocations are requested.

Recommendation

Adopt the attached Resolution distributing Growth Management allocations for the 2015-16 development year.

CITY OF SONOMA

RESOLUTION XX-2015

**DISTRIBUTION OF GROWTH MANAGEMENT ALLOCATIONS
FOR THE 2015-16 DEVELOPMENT YEAR**

WHEREAS, the City of Sonoma Growth Management Ordinance (Chapter 19.94 of the Sonoma Municipal Code) establishes procedures for the distribution of allocations on an annual basis; and,

WHEREAS, the City Council has considered the information presented by staff on the proposed distribution of available allocations for the 2015-16 development year and has found that the recommendations adopted herein are consistent with the provisions, intent, and application of the Growth Management Ordinance as most recently amended.

NOW, THEREFORE, BE IT RESOLVED, that the allocation for the 2015-16 development year shall be distributed as follows:

| | | |
|---|-----------------|---------------------------------|
| 2015-16 Base Allocation: | +65 units | |
| Carry-over from 2014/15 Distribution: | +14 units | |
| Unused Infill Allocations, 2014/15: | +5 units | |
| Small Development (September 1, 2014 to August 31, 2015): | -2 units | |
| Allocations reserved for "Infill" projects: | -30 units | |
| Net available allocation: | 52 units | |
| Distribution: | 10 units | (Cresson, 475 Denmark Street) |
| | 20 units | (Norrbom, 590 West Napa Street) |
| Remainder: | 22 units | |

The foregoing Resolution was duly adopted this 21st day of September 2015, by the following roll call vote:



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4D

Meeting Date: 09/21/15

Department

Planning

Staff Contact

Planning Director Goodison

Agenda Item Title

Adoption of a Resolution denying an appeal of the Planning Commission's decision to approve the application of Darrel Jones for an Exception to the FAR standards associated with a residential addition at 348 Patten Street.

Summary

In May of 2014, Darrel Jones applied for a building permit to remodel and expand an existing single-family residence on the subject property. The building plans were routed to City departments for review, including the Planning Department. Planning staff signed off on the plans on June 5, 2014. Unfortunately, an arithmetic error or other oversight was committed by planning staff when calculating the FAR (Floor Area Ratio). In the Low Density Residential zone, the normal limit on FAR is 0.35, meaning that residential floor area, may not exceed 35% of lot area. Because the subject property has an area of 6,808 square feet, the normal limit on residential building area is 2,382 square feet. The residence, with the second floor addition, exceeds this limit by 458 square feet (or 368 square feet if the elevator and stairs are only counted once). This error was discovered in February of 2015, when Dennis Donnelly, a neighboring resident, inquired about the construction project. In reviewing the plans with Mr. Donnelly, staff realized that the FAR had not been calculated correctly and informed Mr. Donnelly and Mr. Jones of that fact. Mr. Jones subsequently applied for an Exception from the normal limits on Floor Area Ratio in order to legalize the expansion of the residence. The Planning Commission considered this application at its meeting of July 9, 2015. After holding a public hearing on the matter, the Commission voted 6-1 to approve the application. This decision was subsequently appealed by Dennis and Joyce Donnelly. The appeal was heard by the City Council at its meeting of September 9, 2015. After holding a public hearing on the matter, the Council voted 5-0 to deny the appeal and to direct staff to prepare a Resolution formalizing its decision.

Recommended Council Action

Adopt the Resolution denying the appeal.

Alternative Actions

Council discretion.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

1. Draft Resolution
-

Alignment with Council Goals:

N.A.

cc: Darrel Jones (via email)
Fred O'Donnell (via email)
Dennis and Joy Donnelly
567 Fourth Street East
Sonoma, CA 95476

CITY OF SONOMA

RESOLUTION NO.

A RESOLUTION OF THE SONOMA CITY COUNCIL DENYING THE APPEAL OF DENNIS AND JOYCE DONNELLY REGARDING THE PLANNING COMMISSION DECISION TO APPROVE AN EXCEPTION TO FLOOR AREA RATIO STANDARDS IN ORDER TO LEGALIZE A RESIDENTIAL ADDITION ON THE PROPERTY LOCATED AT 348 PATTEN STREET

WHEREAS, in May of 2014, Darrel Jones applied for a building permit to remodel and expand an existing single-family residence with a second-floor addition on property that he owns located at 348 Patten Street; and

WHEREAS, in the Low Density Residential zone, the normal limit on Floor Area Ratio ("FAR") is 0.35, meaning that residential floor area may not exceed 35% of lot area; and

WHEREAS, in its review of the building plans, an arithmetic error or other oversight was committed by planning staff when calculating the FAR in that the residence, with the second floor addition, exceeds the FAR allowed by the Development Code by as much as 458 square feet; and

WHEREAS, a building permit for the project was issued on July 24, 2014 and construction subsequently commenced; and

WHEREAS, in February of 2015, as a result of a neighbor inquiry, planning staff determined that the FAR had been calculated incorrectly and informed the property owner of that fact; and

WHEREAS, section 19.54.050.B.1 of the City of Sonoma Municipal Code (part of the Development Code) sets forth a permit process known as an "Exception", which provides an allowance for Planning Commission approval of variations from specified quantified standards including floor area; and

WHEREAS, Mr. Jones applied for an Exception from the normal limits on Floor Area Ratio in order to legalize the expansion of the residence; and

WHEREAS, when the Planning Commission considered the application for an Exception at its meeting of July 9, 2015, it voted 6-1 to approve the application; and

WHEREAS, this decision was subsequently appealed to the City Council by Dennis and Joyce Donnelly; and

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held on September 9, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby finds, determines and declares as follows:

Section 1. The City Council hereby finds and declares that the circumstances of the project comply with the findings specified in SMC 19.48.050.E which are required to be made in order to approve an Exception, as follows:

A. The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of the Development Code in that the use (namely, residential) for which the Exception request was requested is consistent with the property's General Plan land use designation (Low Density Residential) and zoning (Low Density Residential).

B. Granting an exception in this case to the normal standards of the Development Code is justified by environmental features or site conditions, historic development patterns of the property or neighborhood, or the interest in promoting creativity and personal expression in site planning and development, in that:

(i) Environmental Features or Site Conditions. The property is unusual in that it is an interior lot. Based on this condition as well as the footprint and orientation of the first floor, any expansion of the residence would necessitate the construction of a second floor, which in turn would have the potential to create issues with respect to views to and from adjoining properties. However, the Craftsman-style

architecture used in the design of the addition, due to its sloping rooflines, minimizes massing and potential view conflicts with neighbors.

(ii) Historic Development Patterns. The record, including a spreadsheet provided by the project applicant as part of the application submittal, shows that two-story construction is found throughout the neighborhood in which the subject property is situated and that there are a number of instances of properties in the neighborhood where the FAR limit, which was established in 2003, is exceeded.

(iii) Creativity and Personal Expression. The design of the second floor is proportionate to that of the overall residence. Although reducing the FAR by requiring the applicant to remove or slice off a 458 square feet portion of the second floor would compromise the design, it would not necessarily bring any benefit to any neighboring property owner with respect to adverse view and massing impacts, since even after removing the 458 square feet, the second floor could remain with the width and height that currently exists. This is the case because the increment of FAR that exceeds the 0.35 limit cannot be tied to any particular portion of the second-story, and, as a result, were the Council to require the 458 square feet to be eliminated, the applicant would be able to do so in a variety of ways, including some that do not involve the removal of any portion of the second floor, but rather, the closing off of certain habitable spaces in either or both of the second or first floor, or alternatively, eliminating portions of the second floor without affecting the overall height, width or massing of the structure. In addition, the project was designed to incorporate a number of handicapped accessibility features, including an elevator and reducing the area of the second floor could defeat this design goal.

C. Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district because the residence complies with height and setback requirements and there is no particular feature of the residence that can be expressly linked to the increase in FAR that would have a detrimental impact on any adjoining property. Furthermore, a second story, in and of itself, cannot be considered as incompatible with neighboring structures because second story homes are relatively common in the area and the second floor complies with setback and height limits specified in the Development Code.

Section 2. Based on the findings and determinations set forth above, the City Council hereby denies the appeal, thereby upholding the decision of the Planning Commission to approve the Exception.

Section 3. The project is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15305 of the State CEQA Guidelines (Class 5 - Minor Alterations in Land Use Limitations: minor alterations in development requirements not resulting in the creation of a new parcel).

The foregoing Resolution was duly adopted this 21st day of September 2015, by the following roll call vote:

AYES:
NOES:
ABSENT:

David Cook, Mayor

ATTEST:

Gay Johann, CMC
City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4E

Meeting Date: 09/21/15

Department

Planning

Staff Contact

Planning Director Goodison

Agenda Item Title

Adoption of a Resolution upholding an appeal of the Planning Commission's approval of an amendment to the Use Permit for Williams-Sonoma (605 Broadway) allowing events subject to a one-year review, among other conditions.

Summary

On October 10, 2013, the Planning Commission approved a Use Permit for Williams-Sonoma to rehabilitate and upgrade the subject property with a retail store (including the recreation of the original Williams-Sonoma shop), café, cooking school, a residential unit, and parking lot. Design review approvals were subsequently obtained for the building, outdoor features, and landscaping. Upon final inspection by City staff, it was found that the residential unit had been set up for the retail display of interior furnishings. In addition, through discussions with City staff, it became clear that Williams-Sonoma's desired other adjustments to the use of the property. Accordingly, the applicant filed an application to amend the Use Permit. The proposed amendment had two elements: 1) changes to the base operation of the property (including an allowance to use the residential unit and outdoor garden for retail display); and 2) an allowance for events related to store activities. This application was initially considered by the Planning Commission on April 9, 2015, at which time the Commission expressed concerns about the unpermitted conversion and the revised proposal, including the lack of parking mitigation and the scope of special events. The Planning Commission continued the item, directing the applicant to address the Commission's concerns and provide additional information. Williams-Sonoma returned with a revised proposal that the Planning Commission considered at its meeting of June 11, 2015. Following a public hearing on the matter, the Commission, on separate motions, voted 5-1 (with one commissioner abstaining) to approve the changes to the base operation of the store and 4-3 to approve an allowance for events, subject to a review after one year, among other conditions. (The minutes for both meetings are attached.) Subsequently, an appeal was filed by Larry Barnett regarding the approval for events. That appeal was heard by the City Council at its meeting of August 17, 2015. After holding a public hearing on the matter, the Council voted 5-0 to direct the preparation of a resolution upholding the appeal.

Recommended Council Action

Adopt the attached Resolution, thereby upholding the appeal and denying the Use Permit amendment allowing events.

Alternative Actions

Council discretion.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

- A. Draft Resolution
-

Alignment with Council Goals:

N.A.

cc: Max Crome (via email)
Chrome Architecture
905 Fourth Street
San Rafael, CA 94901

Steve Atkinson (via email)
Arent Fox LLP
55 2nd Street, 21st Floor
San Francisco, CA 94105-3470

Bud Cope (via email)
Williams-Sonoma, Inc.
3250 Van Ness Avenue
San Francisco, CA 94109

Larry Barnett (via email)

David Eicher (via email)

CITY OF SONOMA

RESOLUTION NO.

A RESOLUTION OF THE SONOMA CITY COUNCIL UPHOLDING THE APPEAL REGARDING THE PLANNING COMMISSION DECISION TO APPROVE A USE PERMIT AMENDMENT ALLOWING SPECIAL EVENTS AT THE WILLIAMS-SONOMA STORE LOCATED AT 605 BROADWAY

WHEREAS, On October 10, 2013, the Planning Commission approved a Use Permit for Williams-Sonoma to rehabilitate and upgrade the subject property with a retail store (including the recreation of the original Williams-Sonoma shop), café, cooking school, a residential unit, and parking lot; and

WHEREAS, On October 10, 2013, Williams-Sonoma filed an application to amend the Use Permit having two elements: 1) changes to the base operation of the property (e.g., allowance to use the residential unit and outdoor garden area for retail display as well as seating and cooking classes/demonstrations in the garden); and 2) an allowance for events related to store activities; and

WHEREAS, This application was considered by the Planning Commission on April 9, 2015 and June 11, 2015, at which meeting the Planning Commission, on separate motions, voted 5-1 (with one commissioner abstaining) to approve the changes to the base operation of the store and 4-3 to approve an allowance for events, subject to review after one year, among other requirements and limitations; and

WHEREAS, the part of the Commission's decision allowing certain special events at the store was appealed to the City Council by Larry Barnett; and

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held on August 17, 2015; and,

WHEREAS, on a vote of 5-0, the City Council determined to uphold the appeal, thereby denying the Use Permit amendment as it relates to allowing special events on the subject property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby finds and declares as follows:

Section 1. The City Council hereby finds and declares the following:

1. The uses proposed in the application with respect to events do not clearly correspond to land use definitions found in the Development Code. There are no existing standards in the Development Code or in the General Plan against which Williams-Sonoma's use permit application can be measured. Therefore, at least three of the findings the Council is required to make in order to approve this Use Permit, namely, that the proposed use is consistent with the General Plan, is allowed with a use permit in the applicable zoning district and complies with all applicable standards and regulations of the development code, cannot be made.
2. Because the scale of the proposed events is such that it is clear that the normal off-street parking associated with the existing business would be insufficient, Williams-Sonoma proposed using valet parking as an alternative to providing actual parking spaces on the subject property or as would otherwise be required under the parking standards set forth in Chapter 19.48. For example, under SMC section 19.48.030.A, "required parking . . . spaces shall be permanently available, marked, and maintained for parking . . . purposes and shall be located on the site they are intended to serve unless otherwise approved by the planning commission. Parking facilities approved to be located off-site shall be located within 300 feet of the use they are intended to serve." The use of valet parking as a method of meeting parking requirements is not clearly addressed in Chapter 19.10 of Development Code (Zones and Allowable Uses) nor in Chapter 19.48. Furthermore, the City has not developed regulations pertaining to or allowing valet parking to substitute for otherwise applicable off-street parking requirements. Additionally, although Williams-Sonoma representatives indicated that the U.S. Postal Service was amenable to Williams-Sonoma utilizing the Service's next door parking lot to accommodate Williams-Sonoma's valet parking proposal, there was sufficient evidence to the contrary such that the Council is precluded from finding that the valet parking proposal could be implemented as proposed. Finally, because the scope and nature of the valet parking proposal had not been adequately developed, with binding agreements with appropriate property owners allowing Williams-Sonoma to use their

properties for valet parking purposes, and because the evidence was unclear where these parking sites would be located, the Council is unable to find, as it is required to find in order to grant the requested Use Permit, that the location, size and operating characteristics of the proposed use are compatible with existing and future land uses in the vicinity.

3. The application does not adequately demonstrate compliance with the requirements of the Americans with Disabilities Act. Thus, the proposed use is not in compliance with all applicable standards and regulations of the City's development code.
4. The applicant proposes valet parking on Broadway and it is not clear whether this activity requires a Caltrans Encroachment Permit and, further, if such a permit is required, it was not clear whether Caltrans would grant it for this purpose. As part of its Use Permit application, Williams-Sonoma proposes to set aside two parking spaces along Broadway, in front of its existing store, to operate its proposed valet parking operation during the special events that require such parking to be provided. Broadway is located in and is part of a Caltrans' right of way – namely, State Highway 12. There was evidence adduced at the hearing that in order to dedicate parking spaces in a State highway to private use (such as valet parking), Williams-Sonoma would be required to obtain an encroachment permit from Caltrans. There was evidence that such a permit might be difficult to obtain. Thus, it remains uncertain whether valet parking would be allowed for the special events for which Williams-Sonoma was seeking the Use Permit. Without certainty as to these issues, the scope, nature and effect of the uses being proposed by Williams-Sonoma cannot be determined, thus precluding the Council from making the required finding that the proposed uses are compatible with existing and future uses in the vicinity and are consistent with the General Plan and allowed under the City's development code.
5. Based on the preceding determinations, the findings set forth in section 19.54.040.E of the Sonoma Municipal Code, which are required to approve the Use Permit amendment allowing events on the subject property, cannot be made.

Section 2. For the foregoing reasons and findings, the City Council upholds the appeal, denying the Use Permit amendment allowing special events.

The foregoing Resolution was duly adopted this 21st day of September 2015, by the following roll call vote:

AYES:
NOES:
ABSENT:

David Cook, Mayor

ATTEST:

Gay Johann, CMC
City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4F

Meeting Date: 09/21/2015

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director/City Engineer

Agenda Item Title

Adopt Resolution Approving a Program Supplement Agreement 011-N to Administering Agency-State Agreement No. 04-5114R between the City of Sonoma and the State of California related to the Reimbursement of \$250,000 in Federal Aid Funding for the Napa Road Rehabilitation Project.

Summary

The Napa Road Rehabilitation Project No. 1301; Federal Project No. STPL-5114A was awarded with \$250,000 in Federal Aid funding through the One Bay Area Grant (OBAG) Program. A Program Supplement Agreement is required by Caltrans prior to the City invoicing for grant funding. The attached Resolution will authorize the City Manager to sign the Program Supplement Agreement.

Recommended Council Action

Adopt Resolution

Alternative Actions

Council discretion.

Financial Impact

The City must execute the Program Supplement Agreement in order to invoice for \$250,000 in federal funding through the One Bay Area Grant (OBAG) Program for the Napa Road Rehabilitation Project.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Alignment with Council Goals:

Supports the Council Infrastructure Goals to provide reliable, safe, and effective streets infrastructure. Promotes bicycling riding and walking by creation of Class II bike lanes / Class III bike routes and pedestrian accessibility.

Attachments:

Resolution
Program Supplement Agreement No. 011-N

CITY OF SONOMA

RESOLUTION NO. ____ - 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SONOMA APPROVING A PROGRAM
SUPPLEMENT AGREEMENT NO. 011-N TO
ADMINISTERING AGENCY-STATE AGREEMENT
NO. 04-5114R AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE AGREEMENT**

WHEREAS, Program Supplement Agreement No. 011-N to Administering Agency-State Agreement No. 04-5114R between the City of Sonoma and the State of California is required to establish the terms and conditions applicable to the City of Sonoma in order to receive Federal Aid funds for a designated project;

WHEREAS, as individual Federal Aid projects are developed, Program Supplement Agreements shall be executed outlining specific details for each individual project; and

WHEREAS, the delegated authority to execute Program Supplement Agreements must be approved by Resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby approves Program Supplemental Agreement No. 011-N to Administering Agency-State Agreement No. 04-5114R, and authorizes the City Manager to execute the Program Supplement Agreement for and on behalf of the City of Sonoma.

ADOPTED this 21st day of September 2015 by the following vote:

AYES:
NOES:
ABSENT:

David Cook, Mayor

ATTEST:

Gay Johann, Assistant City Manager/City Clerk

PROGRAM SUPPLEMENT NO. N011
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 04-5114R

Adv Project ID **Date:** May 6, 2015
0414000172 **Location:** 04-SON-0-SON
Project Number: STPL-5114(017)
E.A. Number:
Locode: 5114

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 03/20/08 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Napa Road from west of Broadway Avenue to Jones Street

TYPE OF WORK: Road Rehabilitation

LENGTH: 0.0(MILES)

| Estimated Cost | Federal Funds | | Matching Funds | |
|----------------|---------------|--|----------------|--------|
| | M23E | | LOCAL | OTHER |
| \$735,350.00 | \$250,000.00 | | \$485,350.00 | \$0.00 |

CITY OF SONOMA

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer  **Date** 5/6/15' **\$250,000.00**

| Chapter | Statutes | Item | Year | Program | BC | Category | Fund Source | AMOUNT |
|---------|----------|------|------|---------|----|----------|-------------|--------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

D. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

E. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal

SPECIAL COVENANTS OR REMARKS

obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

F. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

G. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

H. STATE and ADMINISTERING AGENCY agree that any additional funds which are made available for any new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a Federal Highway Administration-approved "Authorization to Proceed" (E-76) STATE Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4G

Meeting Date: 09/21/15

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director/City Engineer

Agenda Item Title

Approve a Resolution Authorizing the City Manager to Acquire and Certify Right-of-Way and to Execute Utility Agreements for Federally Funded Projects Administered by Caltrans

Summary

The City is embarking on the Chase Street Bridge replacement project with Federal grant funding, and requires that the Council designate signature authority to the City Manager for Right-of-Way activities.

Specific procedures for Right of Way Acquisition, Certification and Utility Relocation are required by the Federal Highway Administration and Caltrans, including identification of signature authority and verification that the Local Agency will follow the Caltrans Local Assistance Procedures Manual and Caltrans Right of Way Manual.

Per the requirements of Caltrans for Federally Funded Projects, each Local Agency is to designate signature authority to responsible persons within the Local Agency to make Right of Way Acquisition agreements, certify Right of Way clearance, and make agreements with Public Utilities for relocation. The Chase Street Bridge replacement project will require signature approval as will future projects administered by Caltrans.

The Caltrans Right-of-Way Manual states that a local agency may adopt a blanket resolution giving the responsible agency official authority to execute right-of-way certifications for Federal or State funding administered by Caltrans. Blanket signature authority for the City Manager is requested in order to move Federally Funded projects forward more efficiently.

Recommended Council Action

Approve Resolution

Alternative Actions

Council discretion.

Financial Impact

None.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Resolution

CITY OF SONOMA

RESOLUTION NO. ____ - 2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AUTHORIZING THE CITY MANAGER TO ACQUIRE AND CERTIFY RIGHT OF WAY AND TO EXECUTE UTILITY AGREEMENTS FOR FEDERALLY FUNDED PROJECTS ADMINISTERED BY CALTRANS

WHEREAS, the City of Sonoma administers and constructs Federally Funded Capital Improvement and Maintenance Projects;

WHEREAS, the projects administered may require impacts to private property and public utilities;

WHEREAS, State of California regulations allow local agencies to acquire properties as needed to allow construction of Capital Improvement Projects;

WHEREAS, State of California regulations allow local agencies to relocate utilities as needed for maintenance and construction on public roadways; and,

WHEREAS, the City Council desires to minimize adverse impacts to property owners and public utilities and insure close cooperation with all owners affected by Capital Improvement Projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma proposes to conduct all Right of Way acquisition and utility relocation procedures required for Federally Funded Capital Improvement and Maintenance Projects in conformance with the Caltrans Local Agency Assistance Procedures and Right of Way Manuals; and,

BE IT FURTHER RESOLVED the City Manager is hereby authorized to petition Caltrans and execute all documents on behalf of the City for all signature authority required for all Federally Funded Capital Improvement and Maintenance Projects.

ADOPTED this 21st day of September 2015 by the following vote:

AYES:
NOES:
ABSENT:

David Cook, Mayor

ATTEST:

Gay Johann, Assistant City Manager/City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4H

Meeting Date: 09/21/15

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director/City Engineer

Agenda Item Title

Approve the Job Specification for the Classification of a Public Works Administrative Manager Position to the City's Classification Plan and Establish a Salary Range

Summary

The Public Works Department was reorganized in 2013 to bring more engineering expertise in-house and reduce delays and costs from outsourcing consultant engineering services. Staff has been successful at executing capital projects and development projects with efficiency and effective control. Certain engineering and public works administrative support services are not capable of being met with current staffing and are not easily outsourced. Due to various circumstances, a Management Analyst position in the Public Works Department has been vacant for the past several months and is anticipated to remain vacant for an undetermined time into the future. That Management Analyst position was not structured to meet the in-house engineering support services without significant outsourcing of consultant services. The salary range for this Public Works Administrative Manager position is proposed at \$5,358 to \$6,513.

Recommended Council Action

Approve the Resolution.

Alternative Actions

Council discretion.

Financial Impact

The cost of this new Public Works Administrative Manager position is offset by the extended vacancy of the Management Analyst position and reduction of consultant outsourcing. It is anticipated that this change will result in an overall budget neutral position.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Resolution
Position Description for Public Works Administrative Manager Position

Alignment with Council Goals:

Supports the Council Policy and Leadership Goal to continue efforts to streamline internal processes.

CITY OF SONOMA

RESOLUTION NO. ____ - 2015

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SONOMA APPROVING A JOB SPECIFICATION
FOR THE CLASSIFICATION OF A
PUBLIC WORKS ADMINISTRATIVE MANAGER TO
THE CITY'S CLASSIFICATION PLAN AND ESTABLISHING
A SALARY RANGE

BE IT RESOLVED by the City Council of the City of Sonoma that the job specification for the classification of a Public Works Administrative Manager has been attached hereto and by this reference made a part hereof is hereby approved.

BE IT FURTHER RESOLVED that the monthly salary range for the Public Works Administrative Manager shall be set at \$5,358 to \$6,513.

ADOPTED this 21st day of September 2015 by the following vote:

AYES:
NOES:
ABSENT:

David Cook, Mayor

ATTEST:

Gay Johann, City Clerk

PUBLIC WORKS ADMINISTRATIVE MANAGER

DEFINITION

Under general direction of the Public Works Director/City Engineer, plans and organizes administrative services in the Public Works Department including project management, drafting staff reports, preparing and managing budgets, independent research to support staff recommendations, coordinating and staffing various committees, processing land development documents for City Engineer review, researching and writing grant proposals, interacting with external agencies and regional committees, drafting agreements for review, managing contracts and agreements, risk management, code enforcement, managing building and vehicle maintenance; analyzes and recommends changes in policies, procedures, work methods and budgeting allocations; and performs related duties as assigned.

CLASS CHARACTERISTICS

Work is performed with a wide degree of latitude for the exercise of independent judgment and action. Problems encountered range from routine to complex in nature.

SUPERVISION RECEIVED AND EXERCISED

Administrative direction is provided by the Public Works Director. Supervisory responsibility includes indirect supervision of professional, technical and support services positions.

EXAMPLE OF ESSENTIAL DUTIES

- Assists in the preparation of the annual budget for the assigned organizational area, including compiling data, recommending service levels and enhancements; monitors and tracks expenditures, ensuring the department remain within approved budget allocations. Performs revenue forecasting and fee analysis.
- Interacts with Caltrans and Sonoma County on transportation project coordination. Manages Federal and State grants in accordance with complex Caltrans Local Agency Procedures. Coordinates CEQA/NEPA environmental and cultural compliance on capital projects.
- Coordinates and supports the Public Works Director on general liability program administration; reviews contract language regarding insurance, indemnification, hold harmless provisions, requirements for endorsements, and subrogation; review certificates of insurance for adequacy.
- Coordinates the receipt of improvement plans, final maps, lot line adjustments, parcel splits, and other land development applications for City Engineer review, ensures that staff time is charged against sufficient developer deposit, communicates with developers and other City departments on the status of applications, and ensures timely recordation of land development documents.

- Confers with City staff regarding assigned areas of responsibility; represents the City in meetings with vendors, contractors, public agencies and other public and private organizations.
- Assists the Public Works Director to negotiate public easements, leases, and agreements for City projects and City property.
- Prepares and reviews a variety of correspondence and reports. Prepare and coordinate departmental staff reports, resolutions, and ordinances for the City Council Agenda.
- Participates in the development of short and long range planning documents to meet City objectives.
- Performs research on Grants to help fund City capital projects. Writes grant proposals and follows up with additional information to maximize competitive opportunity.
- Procurement and management of contracts related to the upkeep, equipping and operation of the Corporation Yard, building maintenance, vehicles and related equipment consistent with City ordinances, policies and procedures in coordination with the Finance Department.
- Supervises and participates in purchasing activities for the City; prepares specifications and requests for proposal; analyzes formal and informal bids and recommends awards; approves purchase orders and follows up to ensure delivery of appropriate supplies, materials and equipment.
- Develops, revises, interprets and enforces divisional policies and procedures; devises systems and methods to accomplish the work and monitor the results pertaining to the processing of vehicle and equipment purchase requests, acquisition, assignment, usage, operation, repair, preventative maintenance, fueling and replacement of City vehicles.
- Enforces City Municipal Code provisions under the purview of the Public Works Department, writing enforcement letters, and following up with interpersonal communication to seek compliance. Administers penalties as appropriate.
- Prepare personnel documents and the maintenance of personnel records for the Public Works Department. Coordinate personnel interviews and participate in selections.
- May take a lead staff role at various City Committees or Commissions, coordinating attendance, developing and noticing an agenda, taking minutes, and following up on staff action items.
- Perform other duties as required.

QUALIFICATIONS

Knowledge of:

Principles and practices of governmental organization and administration;
Budget management and governmental accounting principles;
Operational methods and procedures involved in the procurement for a public agency;
Contract administration and bid preparation;
Organizational planning and analysis;
Grant sources, grant funding methodology and requirements, grant administration principles and practices;
Principles of efficient and effective program and project management;
Computerized management information systems;
Personnel training and performance evaluation;
Standard office administrative practices and procedures;
Codes, policies, regulations and procedures related to the department to which assigned;
Records management principles and practices;
Risk management standards and practices including insurance requirements and indemnifications; and
Contract oversight requirements for general and public works projects.

Ability to:

Apply the principles, practices, methods, and techniques of public administration, management, and human resource management to solve problems of unusual difficulty related to management and administration;
Develop sound fiscal strategies that anticipate problems and propose solutions;
Develop and implement operational programs;
Assist in the overall management of the Public Works Department;
Exercise sound independent judgment and creativity in making decisions;
Communicate effectively orally and in writing of complex reports;
Interact professionally with various levels of employees and outside representatives;
Prepare comprehensive reports and correspondence;
Analyze situations, identify problems, recommend solutions, and evaluate outcome;
Plan financial and staffing needs;
Understand, interpret, and apply laws, rules regulations, policies, procedures, contracts, budgets, and labor/management agreements; and
Understand procurement methods and procedures of a centralized purchasing function including buying, quality assurance, contract administration and contract law.

License or Certificate:

This classification requires the use of a vehicle while conducting City business. In order to drive individuals must be physically capable of operating the vehicle safely and must possess a valid, Class C, California driver's license.

Working Conditions/Physical Demands:

In addition to sufficient mobility to work in a typical office setting and use standard office equipment, including a computer, vision sufficient to read printed materials and a PC monitor, and hearing and speech sufficient to communicate in person or over the telephone, duties require sufficient mobility to inspect various work sites.

Some of these requirements may be accommodated for otherwise qualified individuals who require and request such accommodation.

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way of gaining the knowledge and abilities outlined above would be; at least two years of progressively responsible experience administering central service functions such as, budget management, project management, purchasing, risk management, or building and fleet maintenance in an organization comparable in size or complexity to the City of Sonoma and education equivalent to a Bachelor's Degree from an accredited college or university with major course work in business, public administration, accounting, or a closely related field.



CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 5A

Meeting Date: 09/21/2015

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Portions of the Minutes of September 9, 2015 City Council Meeting Pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

See Agenda Item 4B for the minutes

Alignment with Council Goals: N/A

cc: NA



City of Sonoma
City Council
as Successor Agency
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 09/21/2015

Department

Finance

Staff Contact

DeAnna Hilbrants, Finance Director

Agenda Item Title

Adoption of the FY 15-16B Recognized Obligation Payment Schedule [ROPS] for the period January 1, 2016 through June 30, 2016

Summary

As required by legislation AB1x26, the Recognized Obligation Schedule [ROPS] must be prepared and approved for each prospective six month period of the fiscal year. The ROPS under consideration tonight covers the period January 1, 2016 through June 30, 2016 [FY 15-16B] and includes updates to all previously approved projects and expenditures. Once the ROPS is approved by the Successor Agency, it will be presented to the Oversight Board on September 24, 2015 for approval and submittal to Department of Finance, the State Controller's office and the County Auditor-Controller.

Recommended Council Action

Acting as the Successor Agency, approve the ROPS for the period January 1, 2016 through June 30, 2016 as submitted for presentation to the Oversight Board on September 24, 2015.

Alternative Actions

N/A

Financial Impact

Unknown at this time.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Resolution

Recognized Obligation Schedule #15-16B is on file with the City Clerk.

cc:

CITY OF SONOMA

RESOLUTION NO. SA __ - 2015

A RESOLUTION OF THE CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF SONOMA APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JANUARY 1, 2016 THROUGH JUNE 30, 2016

WHEREAS, pursuant to Health and Safety Code Section 34180(g), the City Council as the Successor Agency is required to review and approve the Recognized Obligation Payment Schedule prepared by the Successor Agency covering a six month period;

WHEREAS, the Successor Agency to the dissolved Redevelopment Agency of the City of Sonoma is requested to approve the Recognized Obligation Payment Schedule [FY 15-16B] for the six month period January 1, 2016 through June 30, 2016; and

WHEREAS, on September 24, 2015, the ROPS will be presented to the Oversight Board for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency as follows:

SECTION 1. The Successor Agency hereby approves the Recognized Obligation Payment Schedule for the period January 1, 2016 through June 30, 2016, as set forth in Exhibit "A" to this Resolution and by this reference incorporated herein.

SECTION 2. The Board Secretary, or the City's City Manager (as the person appointed by action of the Oversight Board at its meeting of April 4, 2012, to be the designated contract person to the Department of Finance), shall transmit the approved Amended Recognized Obligation Payment Schedule to the Department of Finance, State Controller, and County Auditor-Controller in compliance with the requirements of Part 1.85 of Division 24 of the California Health and Safety Code. The staff of the Successor Agency shall take such other and further actions and sign such other and further documents as appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule approved hereby on behalf of the Successor Agency.

SECTION 3. The adoption of this Resolution by the Successor Agency shall not impair the right of the Successor Agency to assert any claim or pursue any legal action challenging the constitutionality of Assembly Bill 26 from the 2011-12 First Extraordinary Session of the California Legislature ("AB 1x26") or challenging any determination by the State of California or any office, department or agency thereof with respect to the Recognized Obligation Payment Schedule approved hereby.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Successor Agency hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

PASSED AND ADOPTED by the Successor Agency at a meeting held on the 21st day of September 2015 by the following vote:

AYES:
NOES:
ABSENT:

David Cook, Mayor

ATTEST:

Gay Johann
Assistant City Manager/City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 09/21/15

Department

Planning

Staff Contact

Planning Director Goodison

Agenda Item Title

Discussion, consideration and possible action on an appeal of the Planning Commission's decision to deny the application of Richard Konecky for an Exception to the garage setback requirements associated with a residence located at 753 Third Street East.

Summary

On August 13, 2014, the Planning Commission approved an application for Exceptions to side yard setback requirements in conjunction with a proposal to substantially remodel and expand a residence located at 753 Third Street East. As presented to the Planning Commission, the project called for increasing the gross living area of the home from ±1,200 to ±2,320 square feet. The project design, as approved by the Planning Commission, included an attached carport on the north side of the property in line with the front of the home. The carport fulfilled a requirement for covered parking, as the garage associated with the residence was to be converted to living space as part of the remodel project. A carport was proposed at that time, rather than a garage, because the Development Code requires that in new construction garages be placed 20 feet back from the face of the residence, a requirement that does not apply to carports. (The original garage on the property met that requirement.) In February 2015, while the project was under construction, the applicant applied for an Exception to enclose the carport as a garage. Although the applicant was able to demonstrate broad neighbor support for the proposal, it was ultimately not supported by the Planning Commission, which voted 5-0 to deny the application. This decision was not appealed. Subsequently, the applicant filed a second application to enclose the carport. Although this limitation is not specifically set forth in the Development Code, staff discourages the re-application for a proposal that has been denied, especially during the first 12 months following the decision. However, because the applicant modified the request by changing the design of the proposed garage enclosure and raised a second and previously un-discussed alternative, the application was accepted and reviewed by the Planning Commission at its meeting of August 13, 2015. After holding a public hearing on the matter, the Commission voted 6-1 to deny the application (Comm. Coleman dissenting). This decision was appealed by the property owner and is now before the City Council.

Recommended Council Action

In accordance with the standard practice of supporting Commission decisions, staff recommends that the City Council deny the appeal, thereby upholding the decision of the Planning Commission.

Alternative Actions

1. Deny the appeal, thereby denying the Exception application.
2. Uphold the appeal, thereby approving the Exception application.
3. Refer the project back to the Planning Commission for further consideration.

Except in the case of option #3, staff will return on the following Council meeting with a Resolution formalizing the Council's decision, including the necessary findings.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Appeal
2. Draft minutes of the August 13, 2015 Planning Commission meeting
3. Late mail presented to the Planning Commission
4. Planning Commission Staff Report, of August 13, 2015, including:
 - A. Findings
 - B. Draft Conditions of Approval
 - C. Location map
 - D. Correspondence
 - E. Applicant's Submittal (includes project narrative, photographs, elevations)
5. Planning Commission Staff Report of August 14, 2014 (Note: to reduce file size, some photographs and perspectives were omitted, as well as the Historic Resources Evaluation. These may be obtained from the Planning Department, if desired.)

Alignment with Council Goals:

N.A.

cc: Richard Konecky (via email)

Matt McGinty (via email)

Item #4 – Public Hearing – Consideration of an Exception to the garage setback requirements to enclose a carport at 753 Third Street East.

Applicant/Property Owner: Richard Konecky

Planning Director Goodison presented staff's report.

Chair Willers opened the item to public comment.

Richard Konecky, property owner, apologized for not attending the previous meeting due to unexpected personal commitments and was unable to file a timely appeal. He thanked the Planning Commission for hearing his revised proposal. He acknowledged that mistakes were made in the initial application for setback Exceptions in which a carport was proposed due to bad advice from the previous architect, but he disagreed with the notion that he intended to piecemeal the panning process. This application is based on changed circumstances. The remodel that has been accomplished is a tremendous improvement that adds to the neighborhood. One issue is that the residence was burglarized, which made him realize that a carport was not adequate in terms of security. In addition, after the remodel was substantially complete, he learned that his neighbors would prefer a garage. The project design was based on keeping with the character of the neighborhood, which included maintaining a single-story. The correspondence received demonstrates strong support for a garage. In addition, the proposal to enclose the carport as a garage is consistent with neighborhood conditions and would not increase building mass or encroachment. In his view, the findings for project approval can be met, as the proposal is consistent with the General Plan, consistent with neighborhood conditions, and compatible with neighboring properties.

Comm. Roberson asked if it was his intention to live on the property. Mr. Konecky stated that while it had originally been his intention to use the property as a second home, his personal circumstances had changed and he now had the house on the market.

Comm. Cribb asked about the safety concern and how a garage door would make a difference when there are many other points of entry. Mr. Konecky stated that his concern was that the carport itself was vulnerable with respect to vehicle break-ins and storage. Motion sensors can be activated by animals and are a potential disturbance to his neighbors.

Matt McGinty, contractor, represented Mr. Konecky at the previous Planning Commission review. He disagreed with statements made at the previous review. The residence was not demolished and the remodeling was completed in accordance with the approved plans and renderings. The floor area ratio (FAR) is less than the plans indicated. While he understands that in new developments the garage setback standard adopted in 2003 makes sense, it is not as applicable in an existing neighborhood where few if any of the homes have garages that are set back. The neighbors in the area support enclosing the carport, because that approach is consistent with neighborhood conditions, as are the side yard setbacks of the residence. Most of the houses in the vicinity have garages that are actually set forward. In the revised proposal, windows are provided to lighten the feel of the garage. He noted that the neighbors opposed having a gate, which has been mentioned as an alternative to enclosing the garage, and they preferred an enclosed garage.

Comm. Wellander asked whether it was felt that if there had been a garage there would not have been a burglary. Mr. McGinty stated that in his view, the carport is an attractive nuisance.

He noted that while the house was not occupied at that time of the break-in, construction was substantially complete.

Comm. Coleman asked staff if the garage setback requirement applied to a remodel. Planning Director Goodison stated that it did and it was applicable to this project.

Bruce Tenenbaum, 747 Third Street East, stated that the remodel was a substantial improvement over the previous condition of the house. However, the carport feels unfinished and anomalous. He supports the carport conversion and viewed it as an improvement for the neighborhood that will also enhance safety. He encouraged the Planning Commission to approve the exception since in his view it is a minor change that would complete the house without creating harm to any neighbor.

Chair Willers closed the item to public comment.

Comm. Roberson stated that his opinion had not changed. Prior to the remodeling project the house had a garage and there was an opportunity to develop a design early on that would have provided for a garage as part of the renovation. The City has a code that establishes a garage setback, but that also grants a different allowance for a carport. The carport path was chosen by the applicant. If the original remodel proposal made to the Planning Commission had been to convert the garage at the back to living space and replace it with a garage at the front, he would not have approved that then and therefore he would not vote to approve it today.

Comm. Cribb concurred. He has not been persuaded to change his opinion.

Comm. Felder noted that prior to the remodel the residence had a garage that complied with the setback requirements. That was the historical condition. It had a garage that met the setback requirement. When this request was presented to the Planning Commission in February of 2015 there was no mention of the burglary, so bringing it up now feels more like a justification than a true impetus. In any event, that incident does not change the circumstances of the original approval and so he is still not inclined to approve this Exception.

Comm. Coleman appreciated the contractor's efforts and felt that an Exception should be considered because the original proposal was flawed as a result of bad advice from the project architect. He is of the opinion that Exceptions should be considered neighborhood by neighborhood. In this instance, neighbors support the Exception and to his mind it is consistent with neighborhood conditions. He supports the proposal.

Comm. Wellander noted that he did not participate in the previous reviews of the project. He has read the entire record and he is having a difficult time accepting the argument that the carport is a detriment to the neighborhood. In his view the existing design looks good and it is not an intrusion to the neighborhood.

Comm. Heneveld stated that he remained opposed to the Exception for the reasons stated by his fellow Commissioners.

Chair Willers noted that the consideration of this request cannot be separated from the review of the original remodeling project. Whatever the reasons were, a trade-off was made in the original proposal. The design called for converting the existing, Code-complaint garage into living space, and replacing it with a carport, which in turn was Code complaint. That trade-off enabled the Planning Commission to make the findings to approve the other setback Exceptions that were requested. If at that time a garage had been proposed at the location of the carport, he could

not have made the findings approval and he cannot make them now. A different design would have been required. The issues have not changed.

Comm. Cribb made a motion to deny the request for an Exception to the garage setback requirements to enclose a carport. Comm. Roberson seconded. The motion was approved 6-1. Comm. Coleman dissenting

Item #5 – Public Hearing – Study session on a proposal to construct a mixed-use building with ground floor commercial use and three upstairs condominiums.

Applicant/Property Owner: Kibby Road, LLC

Planning Director Goodison presented staff's report.

Chair Willers said that the study session will provide input from the Planning Commission and public to the property owners.

Alicia Hansel, property co-owner, said the proposed use is allowed in the zoning district.

Levi Conover, Project Architect, reviewed the design.

Chair Willers opened the item to public comment.

Joan Jennings, resident/Villas de Luna, opposed the project. She felt Sonoma needed more residential housing not retail space. Her efforts to purchase the site were unsuccessful.

Brian Rowlands, resident/Villas de Luna, stated that parking is the biggest issue facing the residents.

Frosty Sabo, resident/HOA President Villas de Luna, is concerned with overflow parking since the townhomes have no designated guest parking. He is dismayed that the preliminary site design has a garbage enclosure across from his unit.

Steve Jennings, resident/Villas de Luna, appreciated staff's availability to discuss the project. He opposed a commercial/retail use since in his view it will generate more traffic. He recommended residential housing that would provide for a percentage allocated for affordable housing units.

Nick Dolata, resident/HOA board member Villas de Luna, opposed a mixed-use development and recommended another traffic study before any proposal is considered. He is optimistic that a compromise can be made with continued dialogue between the residents and Developer.

Kelly Dolata, resident/Villas de Luna, said the existing gate is not adequate. She encouraged the Planning Commission to oppose any development since traffic and parking is already problematic for the residents.

Tom Elster, neighbor, expressed his concern about traffic and garbage issues. He pays the developer for a space to park his vehicle on the vacant lot.

Junhui Ding, resident/Villas de Luna, Sonoma Valley Citizens Advisory Committee member, is disappointed with the current proposal for the site since he feels it will increase traffic

Late Mail

830 Oak Lane
Sonoma, Ca. 95476
August 14, 2015

Item #4

Planning Commission
Sonoma, CA. 95476

Dear Sir or Madam:

We would like to oppose the proposed exception to garage set back at 753 3rd. Street East.

There is a continuous line of requests posted on our telephone poles for exceptions for this and that. We have codes for a purpose, to maintain the integrity of the neighborhood.

We neighbors are perfectly aware that someone designed a spec house so they could charge an exorbitant amount of money for persons who can pay cash for their 2, 3rd. or 4th house. They will probably not even live here or God forbid, use it as vacation rental, but I think that is illegal.

The car port enclosed will crowd the lot and probably increase street parking.
We are opposed.

Sincerely,

Dan and Bobbie Jenkins

MEMO

To: Planning Commission

From: David Goodison, Planning Director

Subject: Revised Application of Richard Konecky for an Exception to the garage setback requirements to enclose a carport under construction at 753 Third Street East

Background

On August 14, 2014, the Planning Commission approved an exception from the side yard setback requirements to substantially remodel and add onto the residence at 753 Third Street East. The approved project design included an attached carport on the north side of the property in line with the front of the home. In February 2015, while the project was under construction, and the applicant applied for an Exception to enclose the carport as a garage. Although the applicant was able to demonstrate broad neighbor support for the proposal, it was not well received by the Planning Commission. Some Commissioners noted that they were taken by surprise by the removal and reconstruction of most of the residence, as they had viewed the proposal as a remodeling that was therefore subject to greater design constraints, which justified the side-yard setback Exception. At least one Commission expressed the view that the proposal amounted to “piecemeal planning”, in which one Exception approval is used to justify a subsequent proposal. Ultimately, the Commission voted 5-0 to deny the application. This decision was not appealed. Although this limitation is not specifically set forth in the Development Code, staff discourages the re-application for a proposal that has been denied, especially during the first 12 months following the decision. In this instance, the applicant has made some changes to the previous proposal and has raised a second and previously un-discussed alternative, so staff has brought this matter back to the Planning Commission.

Garage Setback Exception

The applicant would like to modify the approved plan to enclose the attached carport and create a garage for secure vehicle parking/storage and aesthetic considerations. However, the property’s R-L zoning requires garages to be setback 20 feet from the face of the residence (a provision that does not apply to open carport structures). Because the new carport is in line with the front of the home, enclosing it is subject to Planning Commission review of an Exception from the garage setback standard. The findings required for approval of an Exception are set forth below:

1. *The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;*
2. *An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property*

or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;

3. *Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.*

The project narrative sets forth the following arguments in support of the revised proposal:

Creating a garage in line with the front of the home would be consistent with conditions in the cul-de-sac as most homes have forward or in-line garages (residences in the neighborhood were constructed prior to adoption of the garage setback standard). The narrative includes a map and photographs illustrating conditions within the cul-de-sac.

- A number of of property owners/residents within the cul-de-sac continue to prefer an enclosed garage. No neighbor has expressed opposition.
- The design of the conversion has been modified by the placement of windows on the face of the garage and on the north elevation (see attached elevations).
- The residence was broken into in September 2014 and the applicant is concerned that the carport creates a security issue.

Although these circumstances weigh in favor of the proposed modification, as previously discussed the remodel project was originally designed and presented to the Planning Commission with a carport to avoid the garage setback requirement or another exception. In addition, the original home was conforming in this regard. Staff's evaluation of the side yard setback request in August 2014 suggested that the proposal would result in more building mass across the front of the property than typical of conditions within the cul-de-sac, but that increase would be somewhat offset by the open carport feature. That being said, the applicant explains that the original plan was rushed and/or misguided by the designer, which resulted in reconsideration of this matter during the construction phase.

A second alternative, presented to staff by the applicant's contractor, is the concept of installing a metal gate on the front-facing opening of the carport, leaving the north opening clear. The gate would be solid for the first six feet in height, but would feature lattice-like open-work for the remainder. (Note: a specific design has not been provided.) In the Development Code, a carport is defined as "*carport is an attached or detached accessory structure enclosed on no more than two sides.*" If the Planning Commission is interested in this alternative, it would need to decide if the use of a gate would still allow the carport to be defined as such, or, whether approval of an Exception would still be necessary.

Recommendation

Commission discretion.

Attachments

1. *Findings*
2. *Draft Conditions of Approval*
3. *Vicinity Map*
4. *Planning Commission Minutes, February 12, 2015*
5. *Project Narrative (includes site plan and elevations)*
6. *Correspondence/Letters of Support (Recent and Previous)*

cc: Matt McGinty (via email)
950 Harley Street
Sonoma, CA 95476

Richard Konecky (via email)
1000 Chestnut St. #4B
San Francisco, CA 94109

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Konecky Garage Setback Exception – 753 Third Street East

August 13, 2015

Based on substantial evidence in the record and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Exception Approval:

1. The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;
2. An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;
3. Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Konecky Garage Setback Exception – 753 Third Street East

August 13, 2015

1. Conversion of the carport into a garage shall be constructed in conformance with the project narrative, approved site plan and building elevations.

Enforcement Responsibility: Planning Department; Building Department

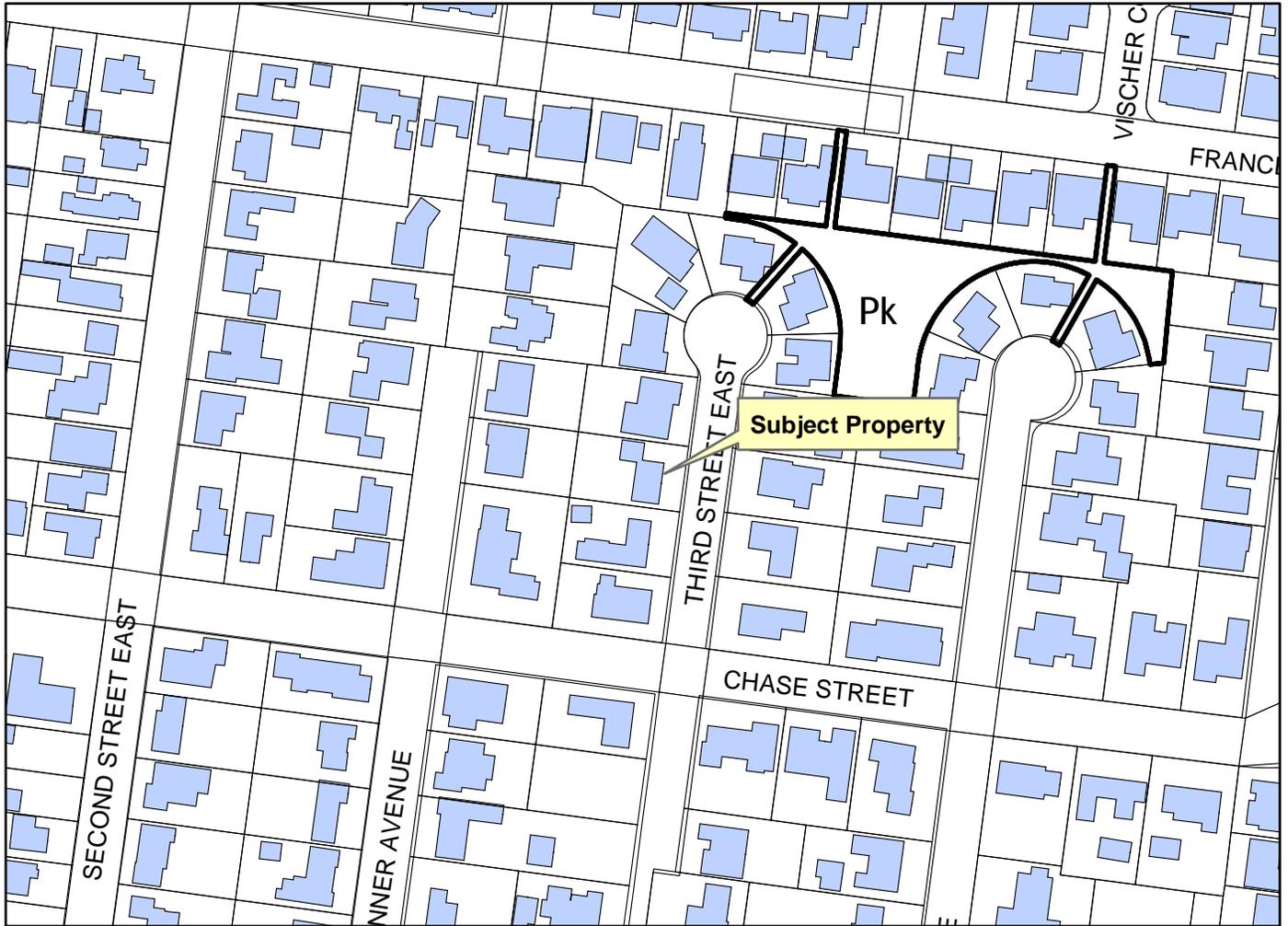
Timing: Prior to construction; Prior to final occupancy

2. All Building Department requirements shall be met. A design change application/building permit shall be required.

Enforcement Responsibility: Building Department

Timing: Prior to construction

Vicinity Map

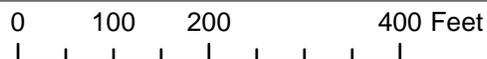


Project Summary

| | |
|-------------------------------|----------------------------------|
| <i>Project Name:</i> | Konecky Garage Setback Exception |
| <i>Property Address:</i> | 753 Third Street East |
| <i>Applicant:</i> | Richard Konecky |
| <i>Property Owner:</i> | Richard Konecky |
| <i>General Plan Land Use:</i> | Low Density Residential |
| <i>Zoning - Base:</i> | Low Density Residential |
| <i>Zoning - Overlay:</i> | None |

Summary:

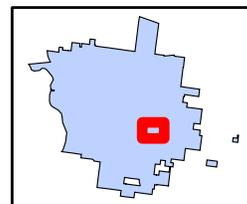
Consideration of an Exception to the garage setback requirements to enclose a carport under construction as part of a residential remodel project.



1 inch = 200 feet

Zoning Designations

- R-HS Hillside Residential (1 D.U./10acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Denisty Residential (6-10 D.U./acre)
- R-H High Density (9-12 D.U./acre)
- R-O Housing Opportunity (15-20 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (12 D.U./acre, maximum)
- C Commercial (15 D.U./acre, maximum)
- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture



Item #6 – Public Hearing – Consideration of an Exception from the garage setback requirements to enclose a carport currently under construction on a residential property at 753 Third Street East.

Applicant/Property Owner: Richard Konecky

Senior Planner Gjestland presented staff's report.

Comm. Howarth questioned carport requirements for the development. Staff responded that the Development Code is silent on carports.

Chair Willers opened the item to public comment.

Matthew McGinty, General Contractor, described the proposed change. He noted that the property owner has reached out to neighbors on the block and that they support the application.

Elizabeth Fenton, neighbor, supported the plan and is pleased with the construction project.

Chair Willers closed the item to public comment.

Comm. Roberson is uncomfortable with the proposal since he did not expect the home to be taken down to the foundation when it was initially approved. He considered this piecemeal planning and is not persuaded to grant the exception.

Comm. Howarth concurred with Comm. Roberson's comments.

Comm. Cribb opposed granting the Exception.

Chair Willers agreed with Comm. Cribb and expressed his opposition to the application.

Comm. Cribb made a motion to deny the application. Comm. Howarth seconded. The motion was unanimously adopted.

Item #7 – Public Hearing – Consideration of a Use Permit to relocate the Boys & Girls Club teen program to a commercial tenant space at 19245 Sonoma Highway.

Applicant/Property Owner: Boys & Girls Club of Sonoma Valley/ S & N II Ltd.

Planning Director Goodison presented the staff report.

Chair Willers opened the public hearing.

Rachel Cusick, representing the applicant, explained that the Teen program has been an integral part of Sonoma Valley since 2009. She is excited to relocate from the temporary trailer to a permanent 3,000 square foot space that requires minimal tenant improvements and agreed with the revised conditions of approval in the staff report.

Michael Ross, project Architect/RDC Architects, said the shopping center location is an ideal location for the use and he agreed that bike racks could be easily provided.

Comm. Roberson recommended covered bicycle parking.

Linda Corrado, resident, is concerned with safety since the traffic flow is problematic at the shopping center driveway connection to Sonoma Highway.

Robert Berger, Berger Concrete, offered to install the bicycle racks.

Nick Haley, Teens Program Director, said the program has outgrown the existing space.

Magda, student, is excited to relocate to a more comfortable environment to do homework and participate in sports.

Jennifer, student/ten year member, considered the center her second home. She stated that more space and privacy is needed for the students.

Dusty Niles, Maxwell Village property manager, is excited to venture with the Boys and Girls club on this project.

Chair Willers closed the public hearing.

Comm. Roberson supported the proposal and recognized the existing traffic issues.

Comm. Howarth concurred with Comm. Roberson and supported the expansion efforts.

Comm. Felder made a motion to approve with amended conditions of approval for bicycle parking (minimum of four). Comm. Cribb seconded. The motion was unanimously approved.

Item #8 – Public Hearing – Consideration of a Use Permit to operate a micro-brewery in conjunction with an established restaurant use at 165 West Napa Street.

Applicant/Property Owner: Sherpa Hospitality, LLC/Anne Thornton

Senior Planner Gjestland presented staff's report and noted that, since application submittal, the applicant determined that brewing activities would be better accommodated within the detached accessory building off the patio rather than in the restaurant building.

Comm. Howarth confirmed with staff that the previous restaurant at this location, Meritage, had a full liquor license.

Chair Willers opened the public hearing.

Ngima Sherpa, applicant/30-year restaurant owner, thanked the community and staff. He indicated that he has a restaurant in St. Helena, and this is an opportunity for a second business focusing on a different type of cuisine.

Comm. Howarth confirmed with the applicant that the property east of the building is under different ownership but under lease to provide parking for the restaurant.

Bennett Martin, resident, fully supported the proposal and said that the applicant is a first class business owner.



753 3rd Street East | Sonoma, CA 94576

Owner:
Richard Konecky

JUL 17 2015

RICHARD KONECKY

1000 Chestnut Street
Apt 4B
San Francisco, CA 94109
Telephone: 415-847-5303
Email: rmkonecky@gmail.com

July 17, 2015

To: The City of Sonoma Planning Commission

RE: 753 Third Street East, Sonoma CA

I am the owner of 753 Third Street East and am writing this in connection with my Application for an exception to enclose the previously approved (and now existing) carport with a garage.

I am mindful that the plans as originally submitted provided for a carport (on what turns out to be incorrect professional advice) and that the plans were approved substantially as submitted. The house is now completed and I am making this application at the request and consensus of the neighbors and based on changed circumstances since the date the plans were first submitted.

In designing and building this house, my intent was to build a home that was in keeping with the character and scale of the neighborhood, based in part on the previously submitted Historical/Architectural Evaluation performed by Tom Origer & Associates, to listen to the concerns of my neighbors, and to add value to my home and the neighborhood. It was in addressing these concerns that I did not build to the full permitted FAR. Nor did I seek to build a second story as would have been permitted per code and which would have accommodated a full garage. The impact on the neighborhood is negligible compared to what was otherwise allowable.

Throughout the process, my neighbors have expressed their concerns about the negative visual impact of the carport. The majority of the homes on the street now have garages which tend to be neater, look better and are more secure. It should be pointed out that the proposed setback of the carport enclosure is equal to or greater than the majority of homes in the neighborhood, and that the proposed design is nearly identical in size, location, setback and style to my neighbors directly to the north. In fact, there is only one home remaining on the block with a carport which is no longer in keeping with the character and style of the rest of the neighborhood.

It had been my intent to use the property as a second home and a much needed escape from the City. While personal circumstances have changed requiring me to put the home on the market, security is still of paramount concern given the fact that my property was broken into in 2014 (see the attached police report).

While I have added security lighting controlled with motion sensors (per the Building Department requirements), the house is still open and vulnerable, certainly more so than it would be if the carport were enclosed with a garage. In addition, the lighting in the carport is a concern to the neighbors directly adjoining to the north.

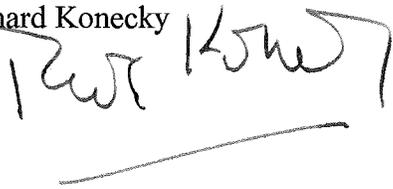
In sum, by enclosing the carport with a garage, I will not be adding to building envelope but merely enclosing what has been approved and built in keeping with the character of the neighborhood; I will be addressing the concerns of the neighbors who overwhelmingly support this application; and the threat of break-in will be significantly reduced.

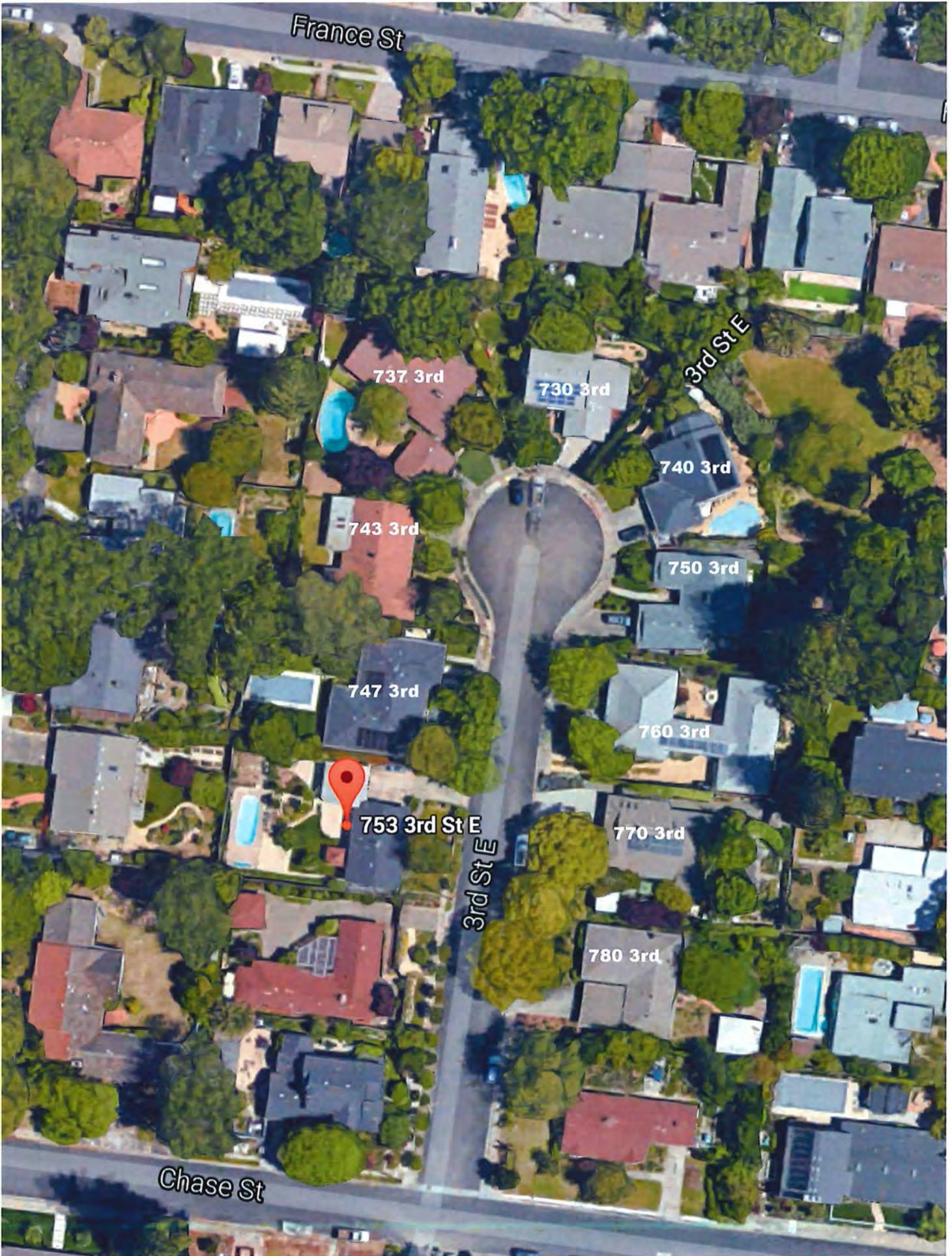
Please do not hesitate to contact me or my contractor, Matt McGinty, should you have any questions or wish to see the home. I'm certain that you will find it to be a tasteful and beneficial addition to the neighborhood. I hope you will see the proposed enclosure of the carport to to be in the best interests of the neighborhood.

Thank you.

With best regards,

Richard Konecky

A handwritten signature in black ink, appearing to read "R. Konecky", with a horizontal line underneath it.





753 3rd Subject Property



747 3rd

Garage forward of house set back 3ft



743 3rd
Garage flush with set back



737 3rd
Garage detached and forward of house with 16ft setback



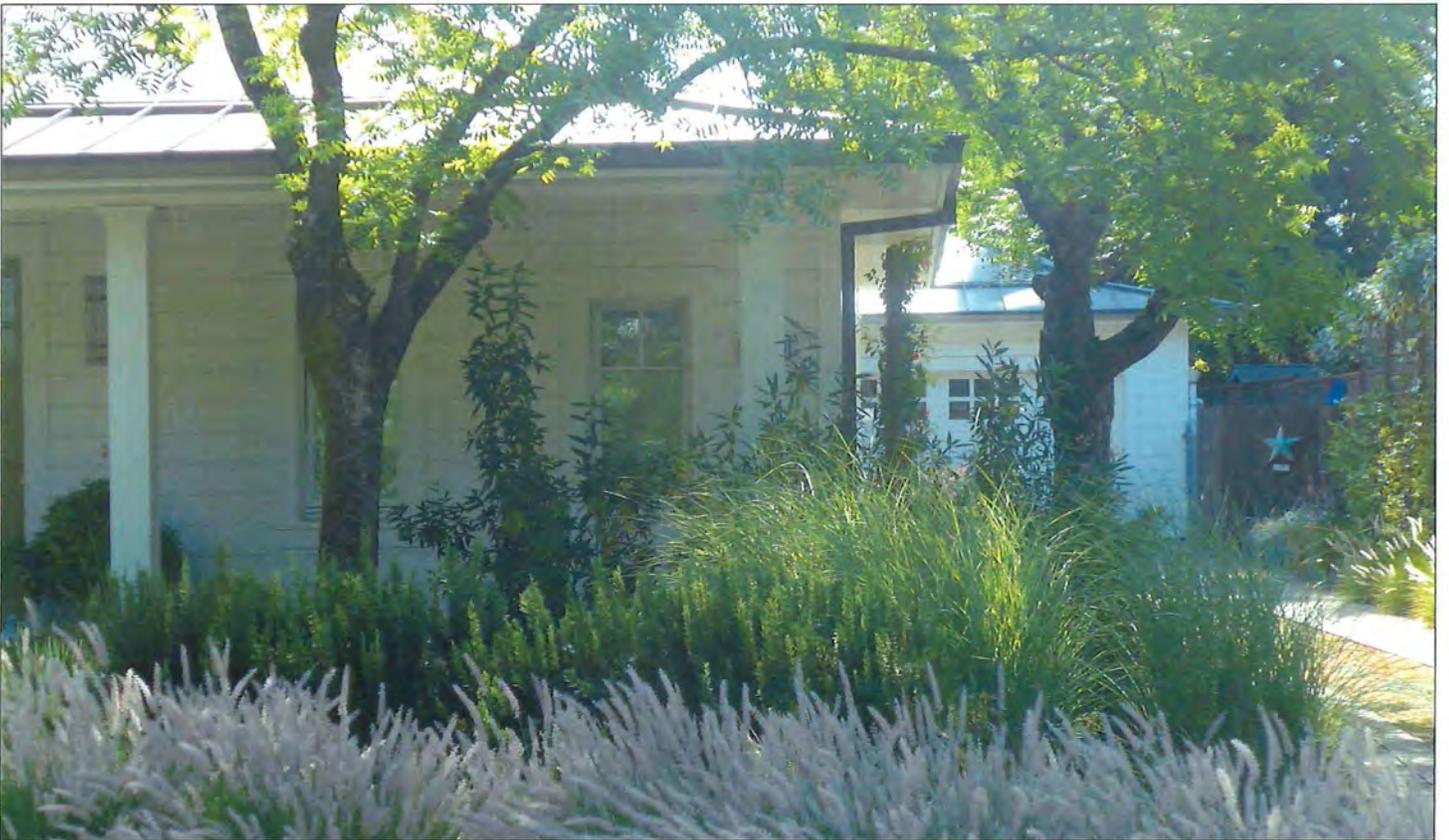
730 3rd St
Garage 15ft forward of front of house



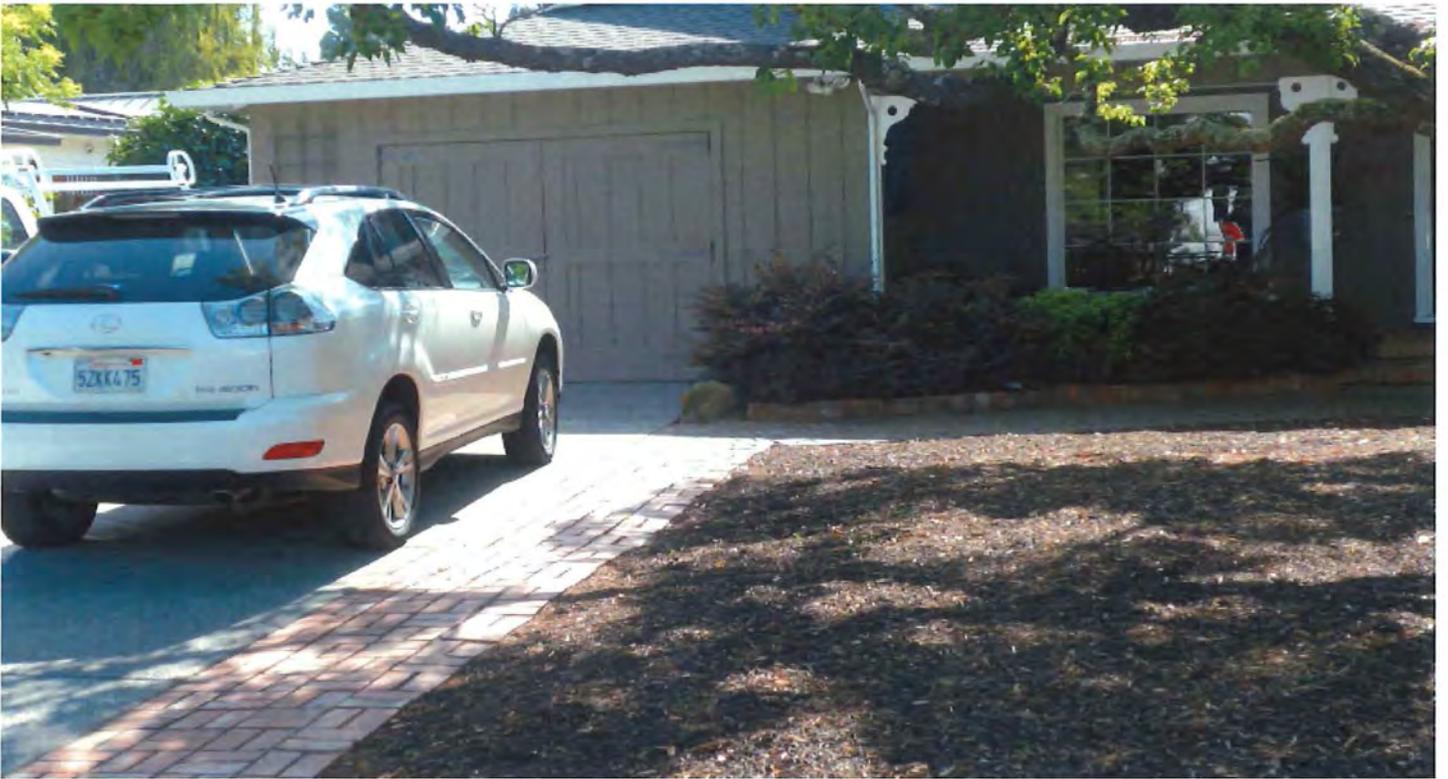
740 3rd St
Garage forward 12ft



750 3rd st
Garage forward 16 ft



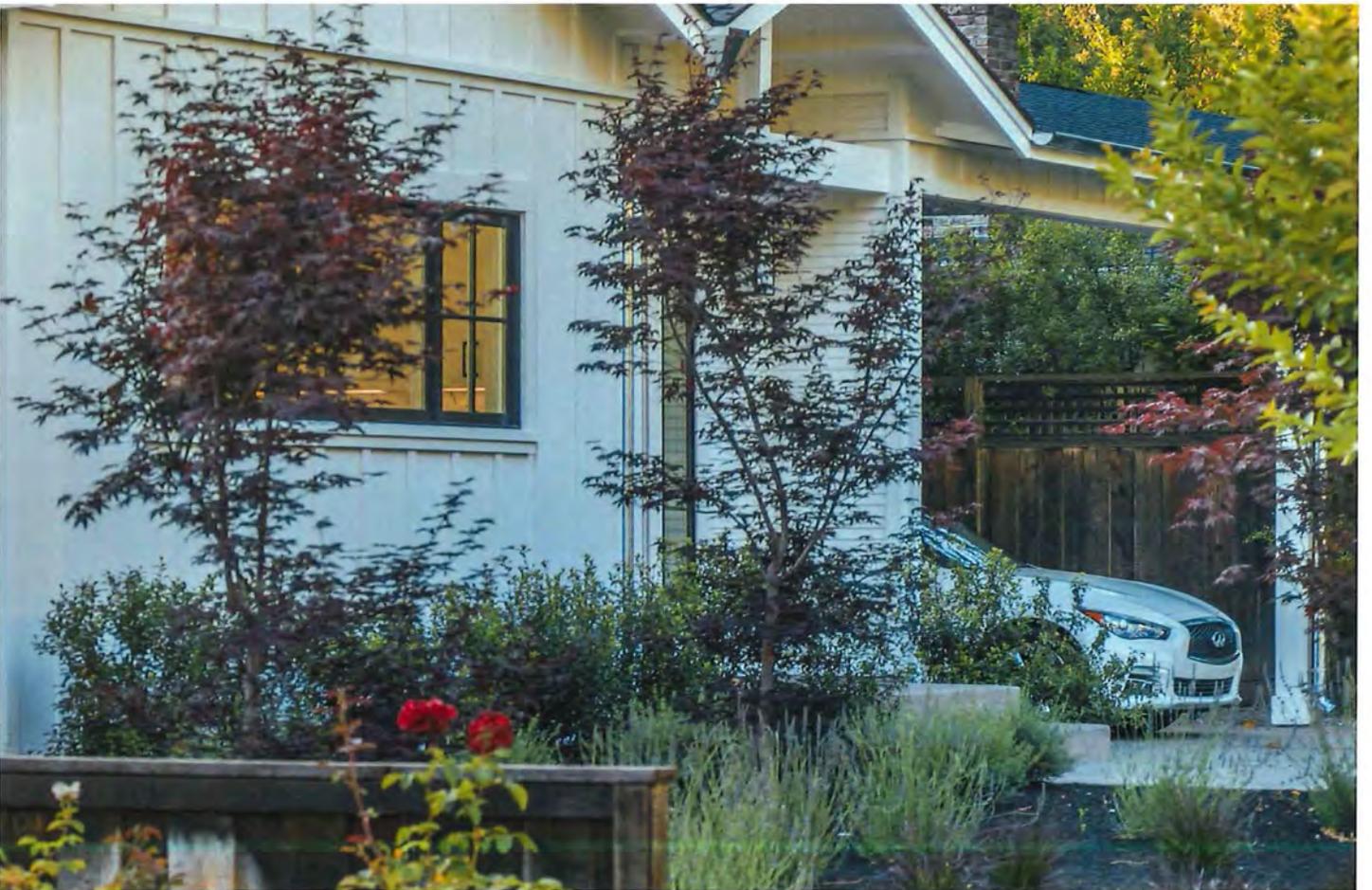
760 3rd St
New construction garage set to rear



770 3rd St
Garage flush with front of house



780 3rd St
Original garage closed in semi-detached carport.



JUL 17 2015

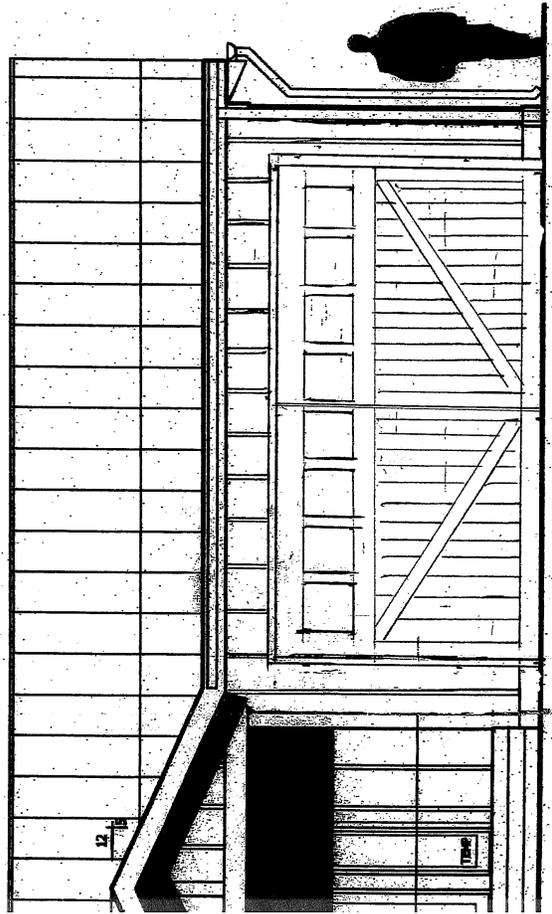
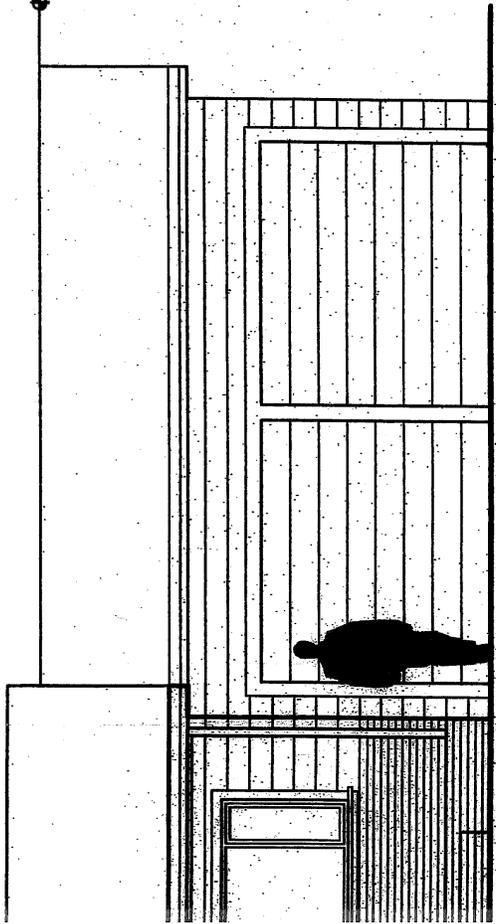
730 3rd St E
C.M.H.

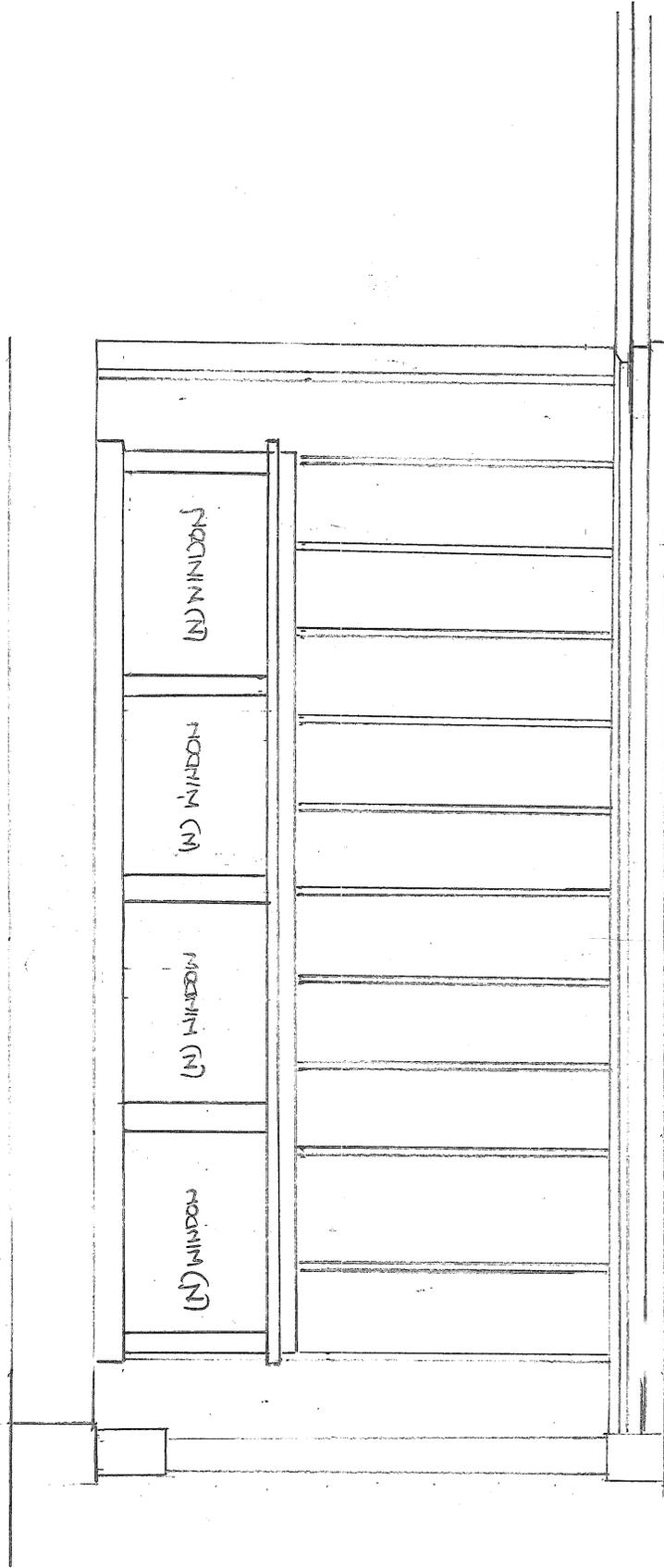
Catherine McNeill 766 Third St. East

Schumacher 770 8th St E

V. Gant 740-36 St E

RIDGE 12'-3 1/4"





NORTH ELEVATION
753 3RD ST EAST

Victor and Dale Zarzana
740 Third Street East
Sonoma, CA
938.2241

Dear Sir or Madam:

This letter is to demonstrate our support for an enclosed garage at the address of 753 Third Street East, Sonoma CA

We reviewed the initial plans and found them pleasing and in conformance with our neighborhood. When asked if we'd be in favor of an enclosed garage we also indicated we would. We are now putting into writing our agreement that an enclosed garage both conforms to and supports existing structures and designs in our neighborhood.

After 60 years as east side Sonoman's (Dale's family has been on Chase Street since the 1950's) we understand the nature of what constitutes conformance in a neighborhood such as that found on the east side of Sonoma.

This design modification maintains that conformance.

We support approval.

Sincerely,

Dale and Victor Zarzana

Subject: 753 Third Street East

Date: Tuesday, August 4, 2015 at 5:43:52 PM Pacific Daylight Time

From: Lou & Donna Maricle

To: David Goodison

CC: matt@rs-brand.com

I am the owner of the home at 743 Third Street East, Sonoma. I understand there is a request before the planning commission to create a garage at the residence of 753 Third Street East.

I am in complete support of this construction and would encourage the planning commission to grant this request. We feel that an enclosed garage would make the home more attractive for selling purposes and would enhance the neighborhood

Thank you for your consideration.

Sincerely,

Donna Giorgi Maricle

dlmaricle@gmail.com

Elizabeth M. Fenton

August, 5 2015

730 3rd Street E.

Sonoma, CA 95476

To Whom It May Concern,

My husband Andrew and I live on the cul de sac adjacent to 753 3rd Street E and have been thrilled with the progress and completion of the home's redesign and remodel. It truly is a beautiful addition to our neighborhood and of course to Sonoma.

As a close neighbor, we are privy to the homes construction and from the beginning we witnessed it exquisitely take shape. However one aspect of the build was of concern—a carport in lieu of an enclosed garage. Aesthetically the house is perfect other than this small, and easily altered, item. I'm asking the planning commission to consider allowing the construction and design team to change the exterior of the home so that it encloses the garage with a garage door. It would be more secure, more complete and will truly make this home a community gem.

We are so fortunate to live in Sonoma and have such creative talent that strive to make it more beautiful while maintaining neighborhood character, quality and tradition. I ask that you consider our request, as ultimately it is our homes, neighborhoods and communities that make Sonoma so special.

Thank you,

Elizabeth Fenton

Hi Matt,
Thanks for sharing the plans to the house on Third St East with me tonight.
I do not have an objection to the addition of the garage door.
Thanks again,

--

Victor Zarzana
740 Third St East
Sonoma, CA 95476
707 815-9012

Hi Matt - Looks good. We approve.

On Jan 22, 2015, at 6:44 PM, Matt McGinty <matt@rs-brand.com> wrote:

Julie,

Take a look at the rough dwg.

We aren't changing the foot print of the house, just closing side and adding 16' carriage style door.

Thanks for your help.

Matt McGinty

RS Brand

<SCAN0004.PDF>

To whom this may concern:

My residence is located south of the house being re-modeled at 753 3rd Street East. I do not object to the change in plans with regards to building a garage instead of a carport at the afore mentioned address. I think it would be more appropriate to the neighborhood to include a garage to the newly remodeled house.

Sincerely,

Karen A. Pedersen/homeowner
767 3rd Street East
Sonoma, CA 95476
#707/938-1967

My name is Catherine M O'Neill and I live at 760 Third Street East, across for the above named address

I have reviewed the plans to enclose the carport and put on a garage door and I have no opposition to the plan and in fact endorse it. I view the house directly and the change/addition will only enhance the building project.

If y have any questions, please do not hesitate to call me.

Cathy O'Neill
415/846-6552

Sent from my iPad

Agenda Item Title: Application for an Exception to the side yard setback requirements associated with additions to a single-family home.

Applicant/Owner: Richard Konecky

Site Address/Location: 753 Third Street East

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 8/8/14

PROJECT SUMMARY

Description: Application of Richard Konecky for an Exception to the side yard setback requirements associated with additions to the residence at 753 Third Street East.

General Plan Designation: Low Density Residential (LR)

Zoning: **Base:** Low Density Residential (R-L) **Overlay:** None

Site Characteristics: The subject property is a ±9,150-square foot parcel located on the west side of Third Street West in a cul-de-sac north of Chase Street. The site is currently developed with a Ranch-style home with attached two-car garage constructed in 1960.

Surrounding Land Use/Zoning: **North:** Single-family residence/Low Density Residential
South: Single-family residence/Low Density Residential
East: Single-family residence/Low Density Residential
West: Single-family residence/Low Density Residential

Environmental Review:

| | |
|---|--|
| <input checked="" type="checkbox"/> Categorical Exemption | <input type="checkbox"/> Approved/Certified |
| <input type="checkbox"/> Negative Declaration | <input checked="" type="checkbox"/> No Action Required |
| <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> Action Required |
| <input type="checkbox"/> Not Applicable | |

Staff Recommendation: Approve subject to conditions.

PROJECT ANALYSIS

DETAILED PROJECT DESCRIPTION

The project involves completely remodeling and adding onto the existing residence. Under the proposal, the garage would be converted to living space and three areas of addition would be constructed, along with an attached carport. The current architectural style, roof form, and exterior materials would be updated and modified. Overall, the project would increase the gross living area of the home from $\pm 1,200$ to $\pm 2,320$ square feet and provide a carport of 415 square feet. The maximum building height would increase slightly by ± 1.5 feet, while maintaining the one-story design. An exception from the side yard setbacks requirements is requested as the additions proposed on the north and south sides of the structure would extend the current non-conforming ± 5 -foot setbacks. All other zoning standards would be met. Additional details on the proposal can be found in the attached project narrative and accompanying materials.

GENERAL PLAN CONSISTENCY (**Not Applicable to this Project**)

The property is designated Low Density Residential by the General Plan, which allows for single-family homes and related accessory structures. The project does not raise any issues in terms of consistency with the *City of Sonoma 2020 General Plan*.

DEVELOPMENT CODE CONSISTENCY (**Not Applicable to this Project**)

Use: The property is zoned Low Density Residential (R-L). Single-family homes and related accessory structures are permitted uses in the R-L zoning district. The proposed residential addition and remodel project does not raise issues of consistency with the property's zoning in terms of use.

Front Yard Setback: A 20-foot front yard setback is required for additions in the R-L zone. As modified, the residence would be setback a minimum of 20.5 feet from the front property line.

Rear Yard Setback: A 20-foot rear yard setback is required for R-L properties in the Central-East Planning Area. The south addition and converted garage would be setback ± 40 feet from the rear property line.

Side Yard Setbacks: A seven-foot side yard setback is required for single-story construction in the R-L zone, and combined side yard setbacks must total 18 feet. The project does not comply with these requirements in that additions proposed on the north and south sides of the home would be setback 5 - 5.5 feet from the side property lines, generally in line with existing building walls. The combined side yard setback would also not be met with a total ± 10 feet. Accordingly, the applicant is requesting an Exception from the side yard setback standards for the project.

Coverage: The maximum coverage in the R-L zone is 40%. The project would increase the lot coverage from 18% to 30%, including the area of the carport.

Floor Area Ratio (FAR): The maximum FAR in the R-L zone is 0.35. The project would increase the FAR from 0.18 to 0.25. Staff would note that as an open feature the area of the carport is excluded from the FAR calculations under the Development Code.

Building Height: The maximum building height within the R-L zone is 30 feet. The proposal would increase the maximum height of the structure from 14'-9" to 16'-2" as measured from grade.

Design Review: Additions to single-family homes constructed after 1944 are exempt from architectural review by the Design Review Commission (§19.54.080.B).

Setback Exception Approval: Pursuant to Development Code Section 19.48.050.A.1, the Planning Commission may grant exceptions from setback standards, provided that the following findings are made:

1. *The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;*

The residential use associated with the setback exception request is consistent with the property's Low Density Residential land use designation and zoning.

2. *An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;*

In part, the exception request relates to the historic development pattern of the property and neighborhood. Five-foot side yard setbacks are common for homes within the Greendale subdivision, as they were constructed between 1946 and 1967 prior to the current side yard setback requirements (adopted in 2003). This condition provides a basis for allowing an exception from the setback requirements.

3. *Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.*

The proposal would result in more building mass across the front of the property than is typical of conditions within the cul-de-sac. However, the northern addition features an open carport component, FAR and lot coverage would remain well below allowable limits, and the project generally maintains a low building height and profile. The applicant has engaged neighbors and gained the support of several residents in the immediate area (see attached petitions/correspondence). This includes the adjoining neighbor to the north at 747 Third Street East who would be most impacted by the project (although significant vegetative screening exists along the northern boundary). For these reasons, staff feels that the project would be generally compatible with adjoining properties and neighborhood conditions.

**CONSISTENCY WITH OTHER
CITY ORDINANCES/POLICIES** (Not Applicable to this Project)

ENVIRONMENTAL REVIEW (**Not Applicable to this Project**)

Pursuant to Section 15305 of the State CEQA Guidelines, minor side yard and setback variances not resulting in the creation of a new parcel are Categorical Exempt from the provisions of CEQA (Class 5 – Minor Alterations in Land Use Limitations). Staff would note that an historic resource evaluation recently prepared by Tom Origer & Associates (attached) determined that the residence is not eligible for inclusion on the California Register and therefore is not considered a historical resource under CEQA.

DISCUSSION OF PROJECT ISSUES

Setback Exception: As discussed above, the proposal is supported by setback conditions within the neighborhood and would be generally compatible with properties in the vicinity.

Roof Material & Other Design Considerations: The plans show the use of standing seam metal roofing; however the project narrative indicates that either standing seam metal roofing or composition shingles could be used. Based on the correspondence received, two neighbors prefer composition shingles while the adjoining neighbors to the west appear to prefer standing seam. In addition, the letter submitted by the neighbors to the west at 770 Donner Avenue (attached), while generally supporting the project, expresses some project specific and broader concerns/observations about potential visual impacts associated with higher roofs, light pollution, and tree removal. Staff would note that, while the setback exception request brings the overall project before the Planning Commission for discretionary review, an addition/remodel project at this location would not normally be subject to design review or landscape plan review. With respect to tree removal, within low-density residential neighborhoods only the removal of large-stature trees (as defined in the Tree Ordinance) within front or street side yards are subject to review and approval by the City's Tree Committee.

RECOMMENDATION

Staff recommends approval of the setback Exception, subject to the attached conditions.

Attachments

1. *Findings*
2. *Draft Conditions of Approval*
3. *Vicinity Map*
4. *Project Narrative*
5. *Correspondence/Letters of Support*
6. *Photos of Existing Residence & Condition Along North Property Boundary*
7. *Perspective Renderings*
8. *Historic Resource Evaluation prepared by Vicki Beard, July 2014*
9. *Site Plans, Floor Plans, Roof Plans & Building Elevations*

cc: Richard Konecky (via email)
1000 Chestnut St. #4B.
San Francisco, CA 94109

George Bevan (via email)
Bevan & Associates
P.O. Box 605
Sonoma, CA 95476

Doug Braley and Jim Otwell (via email)
770 Donner Avenue
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Konecky Side Yard Setback Exception – 753 Third Street East

August 14, 2014

Based on substantial evidence in the record and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Exception Approval:

1. The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;
2. An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;
3. Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

DRAFT

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Konecky Side Yard Setback Exception – 753 Third Street East

August 14, 2014

1. The additions and remodel project shall be constructed in conformance with the approved site plan and building elevations, except as modified by these conditions.

Enforcement Responsibility: Planning Department; Building Department

Timing: Prior to issuance of a building permit; Prior to final occupancy

2. All Building Department requirements shall be met, including Building Code requirements related to compliance with CALGreen standards. A building permit shall be required.

Enforcement Responsibility: Building Department

Timing: Prior to construction

3. All Fire Department requirements shall be met, including the provision of fire sprinklers if necessary.

Enforcement Responsibility: Fire Department; Building Department

Timing: Prior to issuance of a building permit; Prior to final occupancy

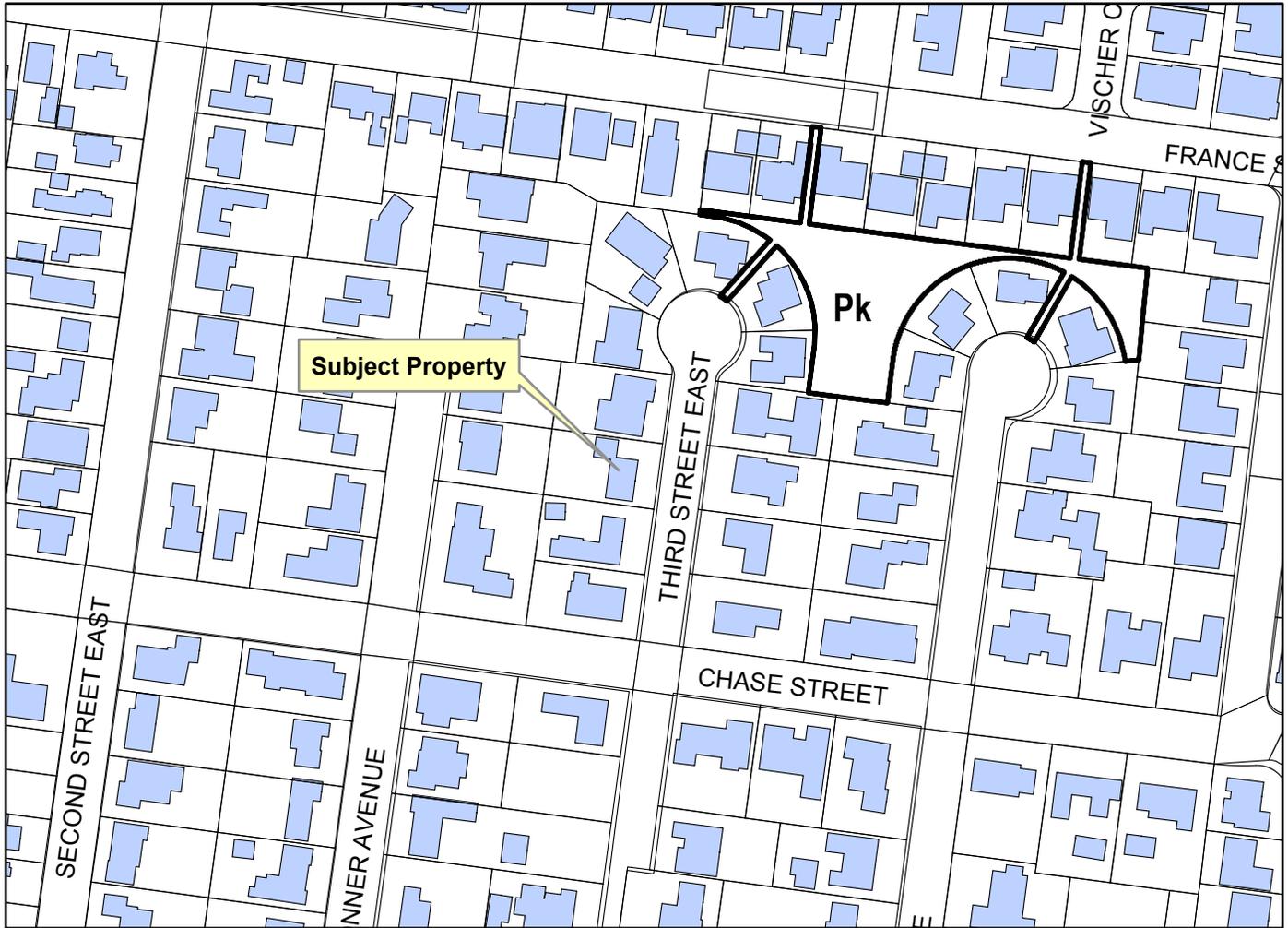
4. The following agencies must be contacted by the applicant to determine permit or other regulatory requirements of the agency prior to issuance of a building permit, including the payment of applicable fees:

- a. *Sonoma Valley Unified School District* [For school impact fees]

Enforcement Responsibility: Building Department

Timing: Prior to issuance of a building permit

Vicinity Map

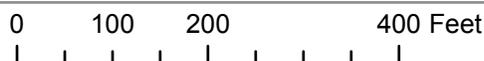


Project Summary

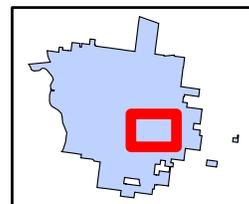
| | |
|--|---------------------------|
| <i>Project Name:</i> | Konecky Setback Exception |
| <i>Property Address:</i> | 753 Third Street East |
| <i>Applicant:</i> | Richard Konecky |
| <i>Property Owner:</i> | Richard Konecky |
| <i>General Plan Land Use:</i> | Low Density Residential |
| <i>Zoning - Base:</i> | Low Density Residential |
| <i>Zoning - Overlay:</i> | None |
| <i>Summary:</i> | |
| Consideration of an Exception from the side yard setback requirements to allow additions to a residence. | |

Zoning Designations

- R-HS Hillside Residential (1 D.U./10 acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Density Residential (6-10 D.U./acre)
- R-H High Density (9-12 D.U./acre)
- R-O Housing Opportunity (15-20 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (12 D.U./acre, maximum)
- C Commercial (15 D.U./acre, maximum)
- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture



1 inch = 200 feet



PROJECT NARATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030

June 13, 2014



The proposed project is the remodel of a 1561sq.ft. single family home located at 753 Third Street, East in Sonoma.

The project includes the following: 1) Complete Remodel of interiors, 2) Addition of approximately 1094sq.ft. which includes the conversion of an existing attached garage into conditioned bedroom space, 3) Replacement of the entire roof structure and 4) New carport.

The home is located on the eastside in a residential neighborhood. We have taken careful study at proportions, scale and material selections that will fit within the surrounding cul-de-sac. The exterior shall be a traditional lap siding with board & batt accents, painted a tasteful off-white. The roof shall be either metal standing seam, or composition shingle. Quality materials and construction shall be exercised as expected to a home in this location.

We are well within the maximum allowable lot coverage and height dimensions, however the existing setbacks of the home are non-conforming (10'-9" existing combined vs. 15'-0" required combined). As part of this Planning Application, we are asking for Planning "exception" to maintaining the (E) setbacks for our proposed additions, being that they are 30% and under the minimum allowed. A variance to this situation is not required. The majority of additions are to the rear of the property, as well as some square footage added towards the front setback. The minimum front setback of 20'-0" shall be maintained.

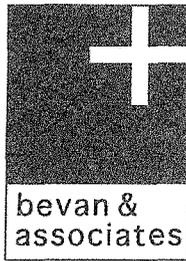
Lastly, this Planning Application shall consider the conversion of the existing attached garage into conditioned bedroom space. This will be a change in use from a garage (unconditioned) to a master bedroom space (conditioned). A new carport will be built to replace the attached garage, to meet the covered parking requirement.

Thank you for your review efforts of our project.

George Bevan, principal
B+A

PROJECT NARATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030



June 13, 2014

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The home is located on the eastside in a residential neighborhood. We have taken careful study at proportions, scale and material selections that will fit within the surrounding cul-de-sac. The exterior shall be a traditional lap siding with board & batt accents, painted a tasteful off-white. The roof shall be either metal standing seam, or composition shingle. Quality materials and construction shall be exercised as expected to a home in this location.

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Thank you for your review efforts of our project.


Neighbor Support Signature

George Bevan, principal
B+A

730 3rd St. E Sonoma CA 95476
Address

JUL 22 2014

July 10, 2014



TO: East Side Neighbors
FROM: George Bevan
Bevan + Associates
RE: RESIDENTIAL REMODEL
753 Third Street East, Sonoma

Greetings Neighbor,

We wanted to take the time to introduce our project and ask for your support. The project is required to go to the Planning Commission hearing for the following reasons:

-While our project maintains the existing side yard setbacks, the original setbacks do not meet current Planning Code. We are asking for an exception.

-The projects massing respects the neighborhood context with respectfully maintaining a single story.

-The project introduces a carport, allowable by the Planning Code. There is precedence for this covered parking solution within this neighborhood.

-Our project only uses quality materials and superior craftsmanship, commonly found on the Eastside of the Plaza. The overall design aesthetic is a quiet farmhouse with simple finishes.

I support this project as proposed:

NAME

Andrew and
Elizabeth Fenton

SIGNATURE

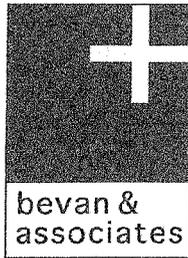
ADDRESS

730 3rd St E

COMMENTS

PROJECT NARATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030



June 13, 2014

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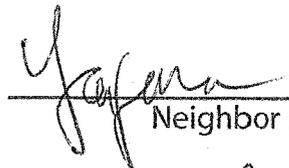
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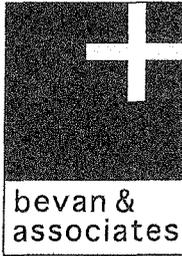
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Thank you for your review efforts of our project.

George Bevan, principal
B+A


Neighbor Support Signature
742 - 3RD ST E
Address

July 10, 2014



TO: East Side Neighbors
FROM: George Bevan
Bevan + Associates
RE: RESIDENTIAL REMODEL
753 Third Street East, Sonoma

Greetings Neighbor,

We wanted to take the time to introduce our project and ask for your support. The project is required to go to the Planning Commission hearing for the following reasons:

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- The project introduces a carport, allowable by the Planning Code. There is precedence for this covered parking solution within this neighborhood.
- Our project only uses quality materials and superior craftsmanship, commonly found on the Eastside of the Plaza. The overall design aesthetic is a quiet farmhouse with simple finishes.

I support this project as proposed:

NAME *Victor ZARZANA* SIGNATURE *Victor Zarzana*
Dale ZARZANA *D Zarzana*

ADDRESS *740.3RD SEE.*

COMMENTS

The plan looks good and will fit in well w/ existing houses.
We would prefer comp roof w/ steel.

PROJECT NARRATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030

June 13, 2014



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The project includes the following: 1) Complete Remodel of interiors, 2) Addition of approximately 1094sq.ft. which includes the conversion of an existing attached garage into conditioned bedroom space, 3) Replacement of the entire roof structure and 4) New carport.

The home is located on the eastside in a residential neighborhood. We have taken careful study at proportions, scale and material selections that will fit within the surrounding cul-de-sac. The exterior shall be a traditional lap siding with board & batt accents, painted a tasteful off-white. The roof shall be either metal standing seam, or composition shingle. Quality materials and construction shall be exercised as expected to a home in this location.

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Thank you for your review efforts of our project.


Neighbor Support Signature

George Bevan, principal
B+A

747 3rd Street East
Address
SONOMA, CA 95476

July 10, 2014



TO: East Side Neighbors
FROM: George Bevan
Bevan + Associates
RE: RESIDENTIAL REMODEL
753 Third Street East, Sonoma

Greetings Neighbor,

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-Our project only uses quality materials and superior craftsmanship, commonly found on the Eastside of the Plaza. The overall design aesthetic is a quiet farmhouse with simple finishes.

I support this project as proposed:

BRUCE & JULIE TENENBAUM *Bruce Tenenbaum & Julie Tenenbaum*
NAME SIGNATURE

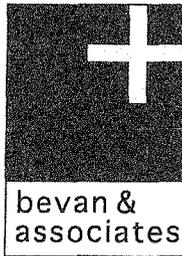
747 3rd Street East.
ADDRESS Sonoma CA 95476

COMMENTS
Looks terrific! We approve as presented. Thank you.

PROJECT NARRATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030

June 13, 2014



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Thank you for your review efforts of our project.

Catherine M O'Neil

Neighbor Support Signature

George Bevan, principal
B+A

753 Third St. East

Address

Sonoma, CA. 95476

PROJECT NARRATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030

June 13, 2014



The proposed project is the remodel of a 1561sq.ft. single family home located at 753 Third Street, East in Sonoma.

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Thank you for your review efforts of our project.


Neighbor Support Signature

George Bevan, principal
B+A


Address

July 10, 2014



TO: East Side Neighbors
FROM: George Bevan
Bevan + Associates
RE: RESIDENTIAL REMODEL
753 Third Street East, Sonoma

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I support this project as proposed:

NAME KAREN PEDERSEN SIGNATURE Karen A. Pedersen

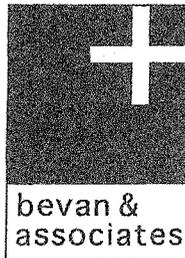
ADDRESS 767-3rd Street East

COMMENTS : I'd prefer a composition roof as metal roofing is rare on the eastside.

PROJECT NARATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030

June 13, 2014



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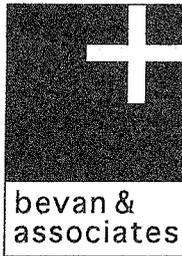
Neighbor Support Signature

George Bevan, principal
B+A

770 THIRD ST. EAST
Address

JUL 22 2014

July 10, 2014



TO: East Side Neighbors
FROM: George Bevan
Bevan + Associates
RE: RESIDENTIAL REMODEL
753 Third Street East, Sonoma

Greetings Neighbor,

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I support this project as proposed:

NAME *Ed Clay*
Sofon Setu Recht SIGNATURE *Ed Clay*
Sofon Setu Recht
ADDRESS
770 Third St. E.
COMMENTS

PROJECT NARRATIVE

753 Third Street, East
Sonoma, CA 95476
APN: 018-361-030



June 13, 2014

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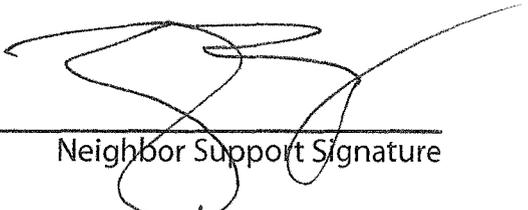
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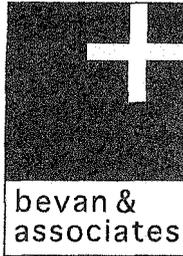
George Bevan, principal
B+A



Neighbor Support Signature
780 3rd St E

Address

July 10, 2014



TO: East Side Neighbors
FROM: George Bevan
Bevan + Associates
RE: RESIDENTIAL REMODEL
753 Third Street East, Sonoma

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I support this project as proposed:

NAME

Zachary Bevan

SIGNATURE

ADDRESS

780 3rd ST East

COMMENTS

TO: Sonoma City Planning Commission
FROM: Doug Braley and Jim Otwell
RE: 753 Third Street East, Sonoma – Planned Development
DATE: August 7, 2014

We live at 770 Donner Avenue, Sonoma. Our property is directly behind the planned development at 753 Third Street East. We have received and reviewed drawings and have briefly met with Mr. Bevan and Mr. Konecky. We do not object to the variance requested (indeed, we were granted a similar one in 2009).

Overall, we appreciate the aesthetics and care of the design. We think the character and style of the design of the home is appropriate for the area. We hope the owners will enjoy their new home and look forward to welcoming them to the neighborhood.

We recognize that this development is not being subjected to a design review. However, we would like to share a couple of observations that can, perhaps, add to the dialogue for future developments:

1. Building Height – first, we (and all surrounding neighbors) appreciate the owner's intent to retain a single story. The planned elevated roof line, however, is high in comparison to surrounding homes. It may not be the highest roofline, but the land grading will make it appear as such. We are observing a number of new homes in the area being erected with significant roof height. With the continued loss of mature trees in the surrounding area (see #2 below), we worry about the pressure on neighbors to plant and nurture ever-taller hedges to hide the rising rooflines – this in an effort to manufacture some sense of that wonderful natural open-space the mature neighborhoods represented when we first bought.

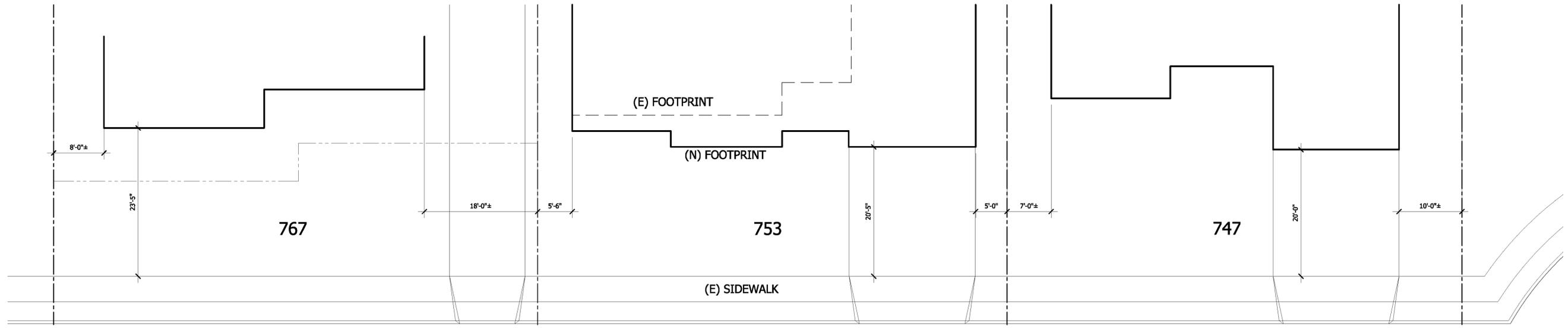
For this project, the architect and owner stated that the roofing material is changing to composition (as opposed to standing seam metal). I expect this means the roof line will now include traditional venting/chimney, adding greatly to the roofline's visibility to neighbors. In addition, as a composition roof, there remains the option to add skylights and solar panels in the future. Because the roof is higher than surrounding homes, this could create an imposing visual.

2. The backyard deck/patio area is designed as a larger open area surrounded by glass doors on three areas. This is certainly the prerogative of the owner. Our thoughts with this design are:
 - a. The open/glass concept may represent a design effort to bring the outdoor into the home, but it also tends to deliver the inside out to the neighbors. We worry about the increasing potential for light pollution represented by these "glass wall" designs (against open-room concepts) currently favored by designers/architects (note the recent addition of a Blu home on Donner). This style is made more problematic by what appears to be a current trend to clear-cut mature trees that would otherwise block some of the light. We've counted four properties in our neighborhood in the past 18 months that have cleared their lots of mature trees. It's as if new owners are relying on existing homes to provide the surrounding nature. We anticipate the new owners will remain attentive to minimizing outside night light and help maintain the existing peacefulness and ambiance currently enjoyed by surrounding neighbors.
 - b. The drawn plans do not show any landscaping. The current design will require removal of trees. The backyard faces west. Without proper shading, the space will be unusable during the day in the summer. We encourage Mr. Bevan and Mr. Konecky to speak with the owner of the Blu home on Donner (Barbara Aliza, who has volunteered) on the perils of having a west-facing patio area without any proper shading (real and/or manufactured). Planting/nurturing mature trees will not only make the space usable, but can assist with some of the light and visual concerns expressed previously, as well as restore habitat for birds.

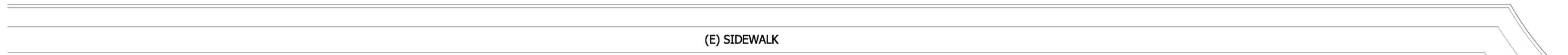
Thank you for the opportunity to provide feedback on a development in our neighborhood. We support the new design and offer this input in the spirit of neighborly advice and learn-from-our-mistakes. We look forward to the completion of the project and being the first to welcome the new owners.







THIRD STREET EAST



(E) SIDEWALK

SITE CONTEXT 1/8" = 1'-0"

KONECKY RESIDENCE

753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030

The designs, details and specifications contained in this drawing are confidential. The recipients of this drawing hereby acknowledge and agree that it is the sole property of Bevan + Associates and that they shall neither use nor reveal any of the designs, details and specifications contained in this drawing outside of the contractual agreement with Bevan + Associates and without expressed written permission from Bevan + Associates. Deviations from this drawing shall not be made without consulting Bevan + Associates. In case of incongruities between drawings, specifications and details included in contract agreements, Bevan + Associates shall decide which indication must be followed and their decision shall be final.

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REVISIONS:

PRE PERMIT: 6/12/14

PERMIT: 7/3/14

DRAWN BY: PA
DATE: 7/21/14

SCALE: 3/16"=1'
CHECK:

SHEET TITLE:

(E)/(E)+(N) SITE CONTEXT

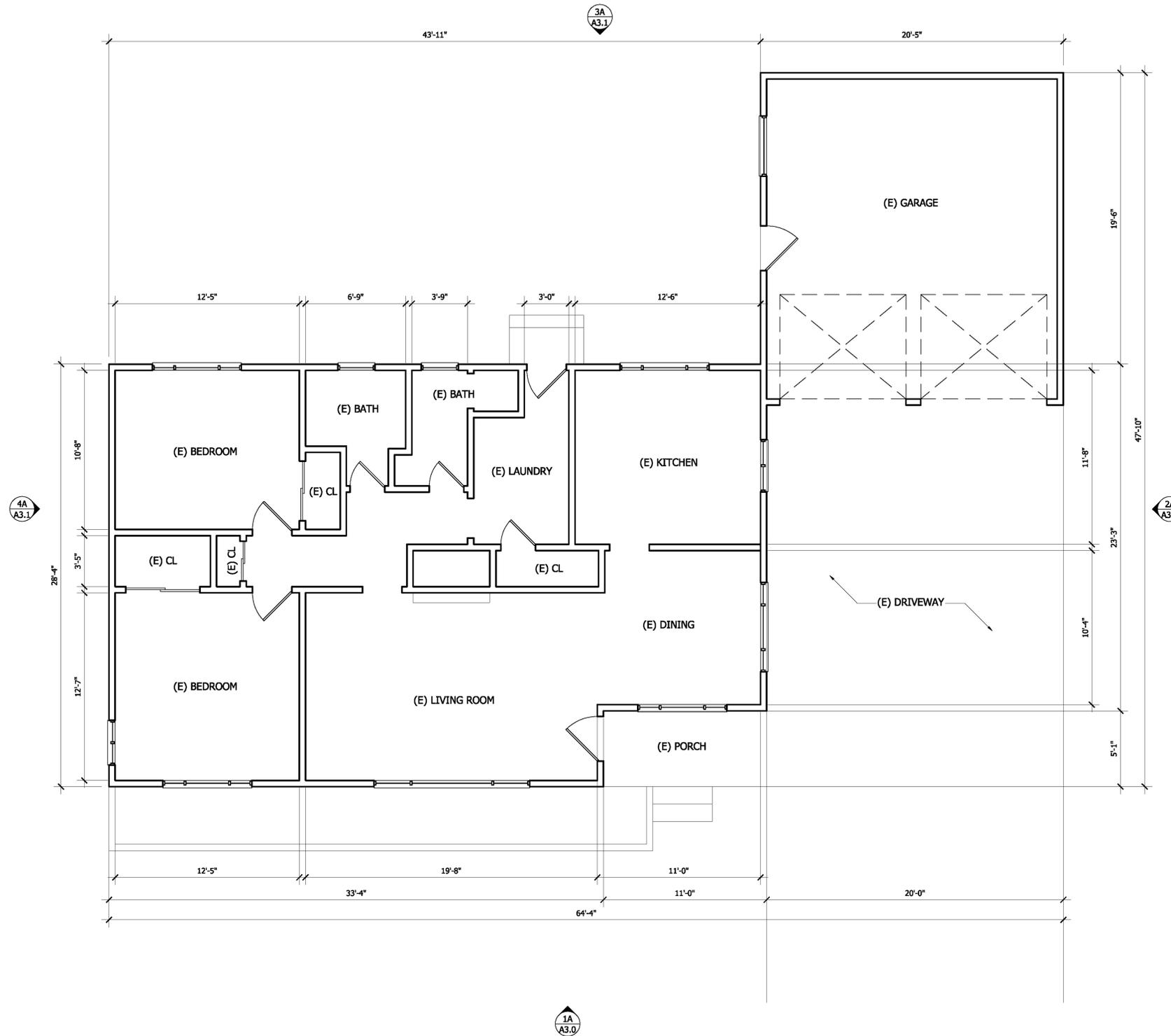
SHEET NUMBER:

A1.1



KONECKY RESIDENCE

753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030



(E) FLOOR PLAN 1/4" = 1'-0" 1140 SF

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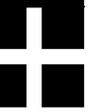
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DATE: 7/21/14 CHECK:

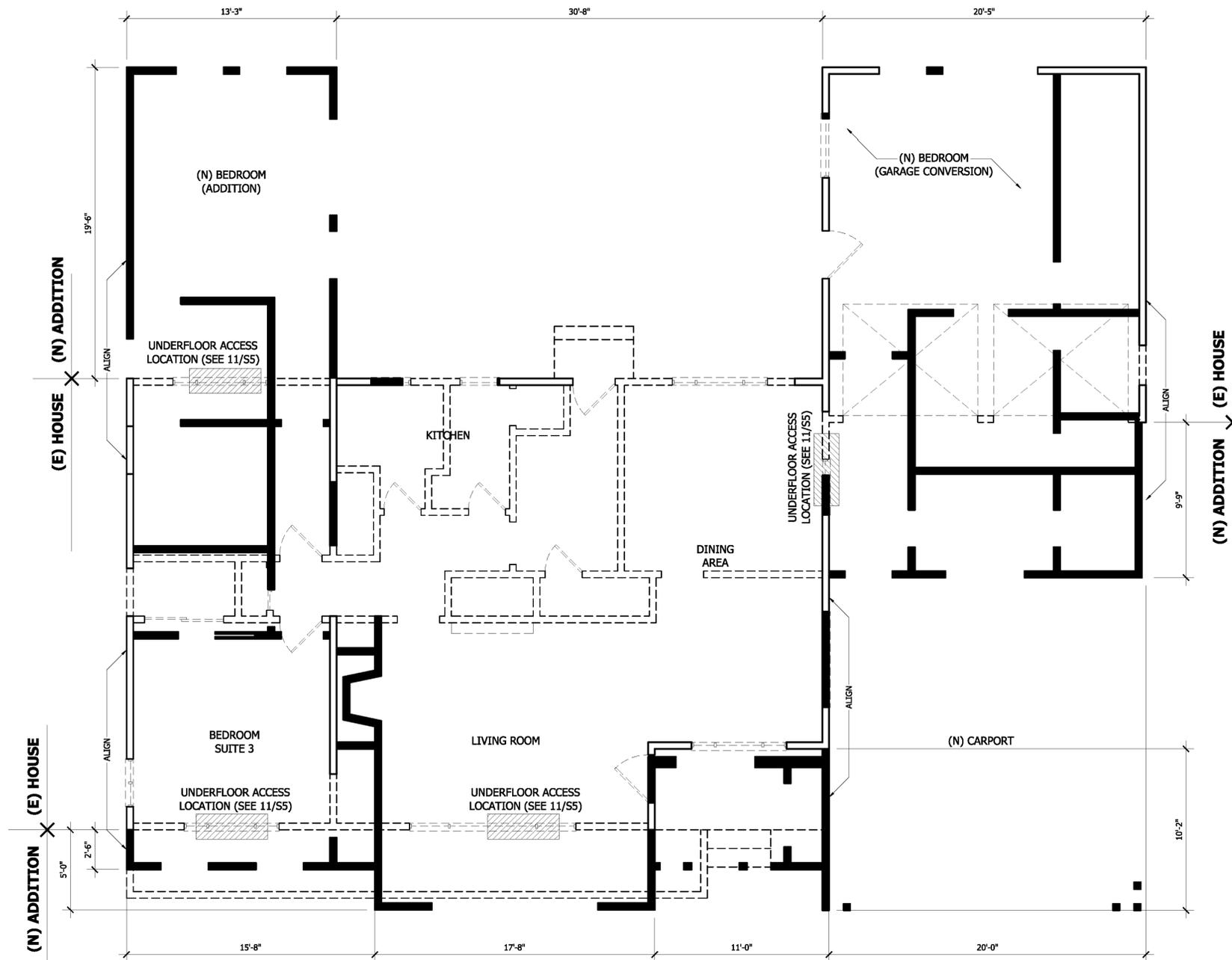
SHEET TITLE:
(E) FLOOR PLAN

SHEET NUMBER:
A2.0



KONECKY RESIDENCE

753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030



- EXISTING CONSTRUCTION TO REMAIN
- - - EXISTING CONSTRUCTION TO BE REMOVED
- (N) CONSTRUCTION TO BE ADDED;
2x6 DOUG FIR @ 16" O.C. TYP.
LAP SIDING EXTERIOR+5/8 DRYWALL INTERIOR,
R19 INSULATION MIN.

(E)+(N) DEMO PLAN 1/4" = 1'-0"

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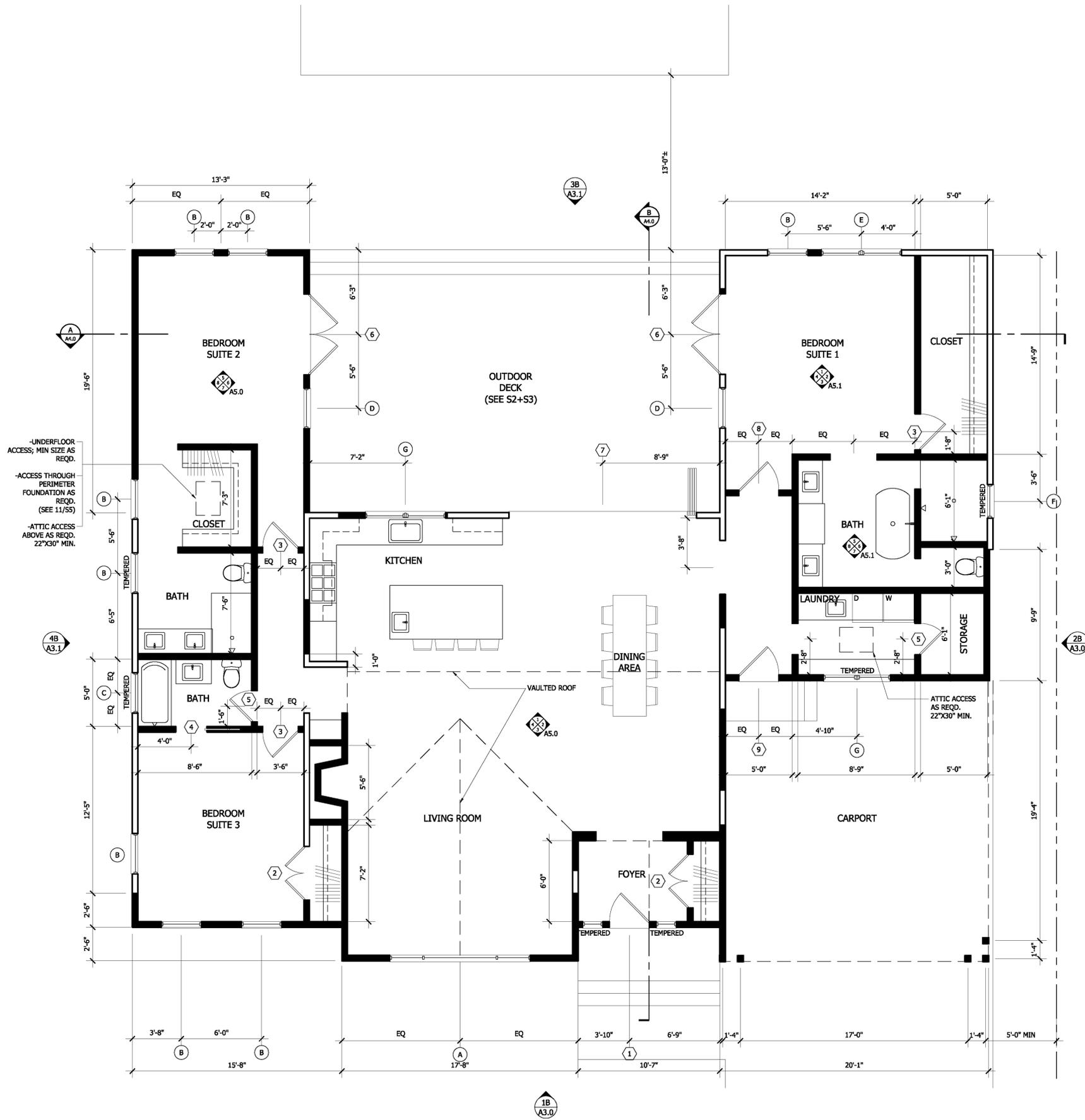
SHEET TITLE:
(E) DEMO PLAN

SHEET NUMBER:
A2.1



KONECKY RESIDENCE

753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030



WINDOW SCHEDULE

| SYM | DESCRIPTION | NOM SIZE | REMARKS |
|-----|---|--------------|---------|
| A | AWNING OVER CHENT PICTURE AWNING OVER CHENT | 10'-6"x5'-0" | |
| B | AWNING OVER CASEMENT | 3'-0"x5'-0" | |
| C | AWNING | 3'-0"x3'-0" | |
| D | PICTURE | 3'-0"x6'-0" | |
| E | AWNING OVER CASEMENT X2 | 6'-0"x5'-0" | |
| F | AWNING | 2'-6"x2'-6" | |
| G | AWNING X2 | 5'-0"x2'-0" | |

DOOR SCHEDULE

| SYM | DESCRIPTION | NOM SIZE | REMARKS |
|-----|-----------------------------|--------------|----------------|
| 1 | FRENCH DOOR W/ SIDELITES | 7'-0"x6'-8" | |
| 2 | CLOSET X2 | 4'-0"x6'-8" | |
| 3 | INTERIOR | 2'-8"x6'-8" | |
| 4 | POCKET | 2'-4"x6'-8" | |
| 5 | INTERIOR | 2'-4"x6'-8" | |
| 6 | FRENCH DOORS | 6'-0"x6'-8" | TEMPERED GLASS |
| 7 | FOLDING FRENCH DOORS | 14'-0"x6'-8" | |
| 8 | INTERIOR | 3'-0"x6'-8" | |
| 9 | FRENCH DOOR | 3'-0"x6'-8" | |

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DRAWN BY: PA

DATE: 7/21/14

SCALE: 1/4"=1'

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SHEET TITLE:

(E)+(N) FLOOR PLAN

SHEET NUMBER:

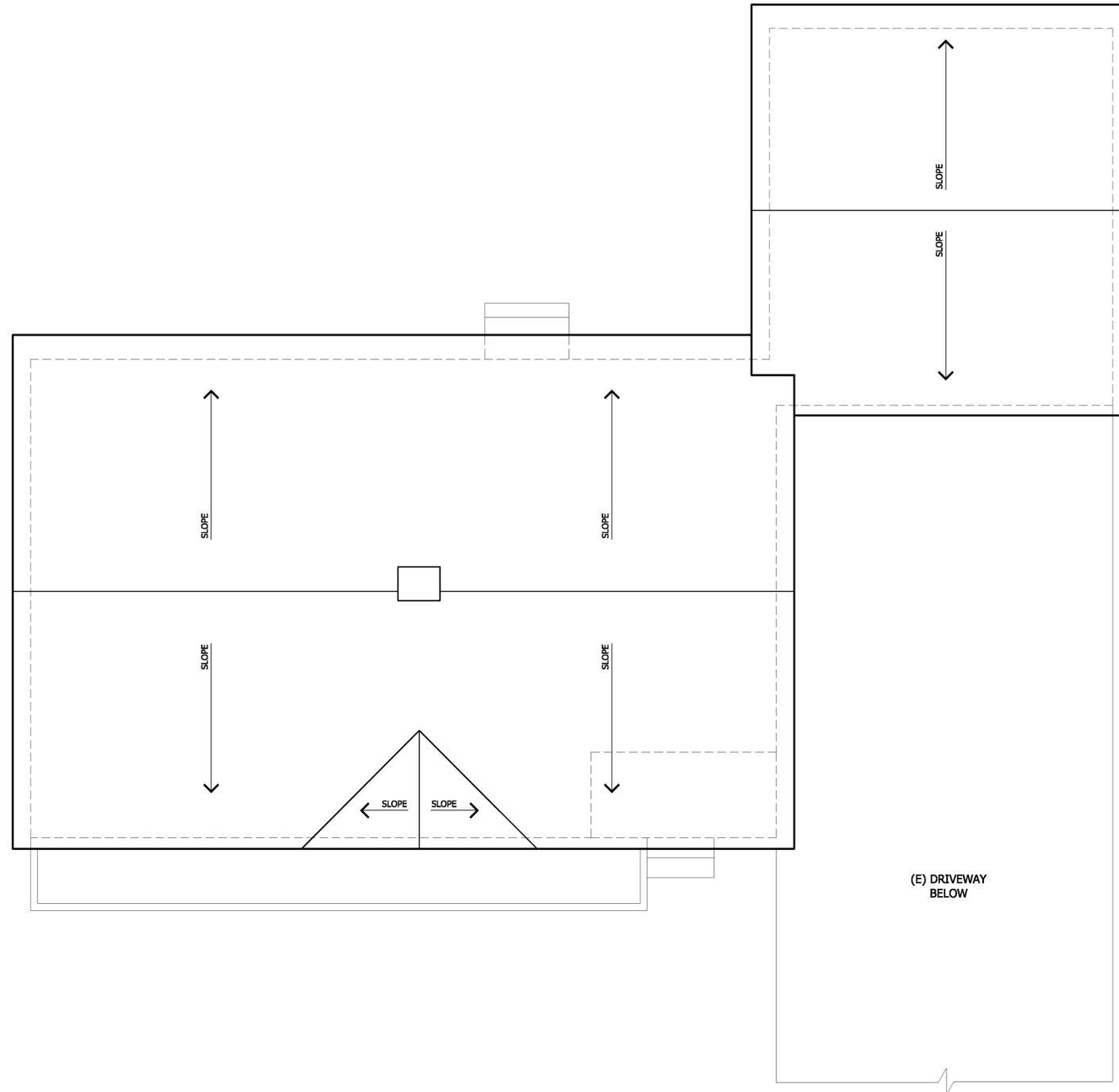
A2.2

(N) FLOOR PLAN 1/4" = 1'-0" (E)1140 +(N)1064 = 2204 SF TOTAL



KONECKY RESIDENCE

753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030



(E) ROOF PLAN 1/4" = 1'-0"

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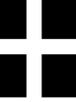
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DATE: 7/21/14 CHECK:

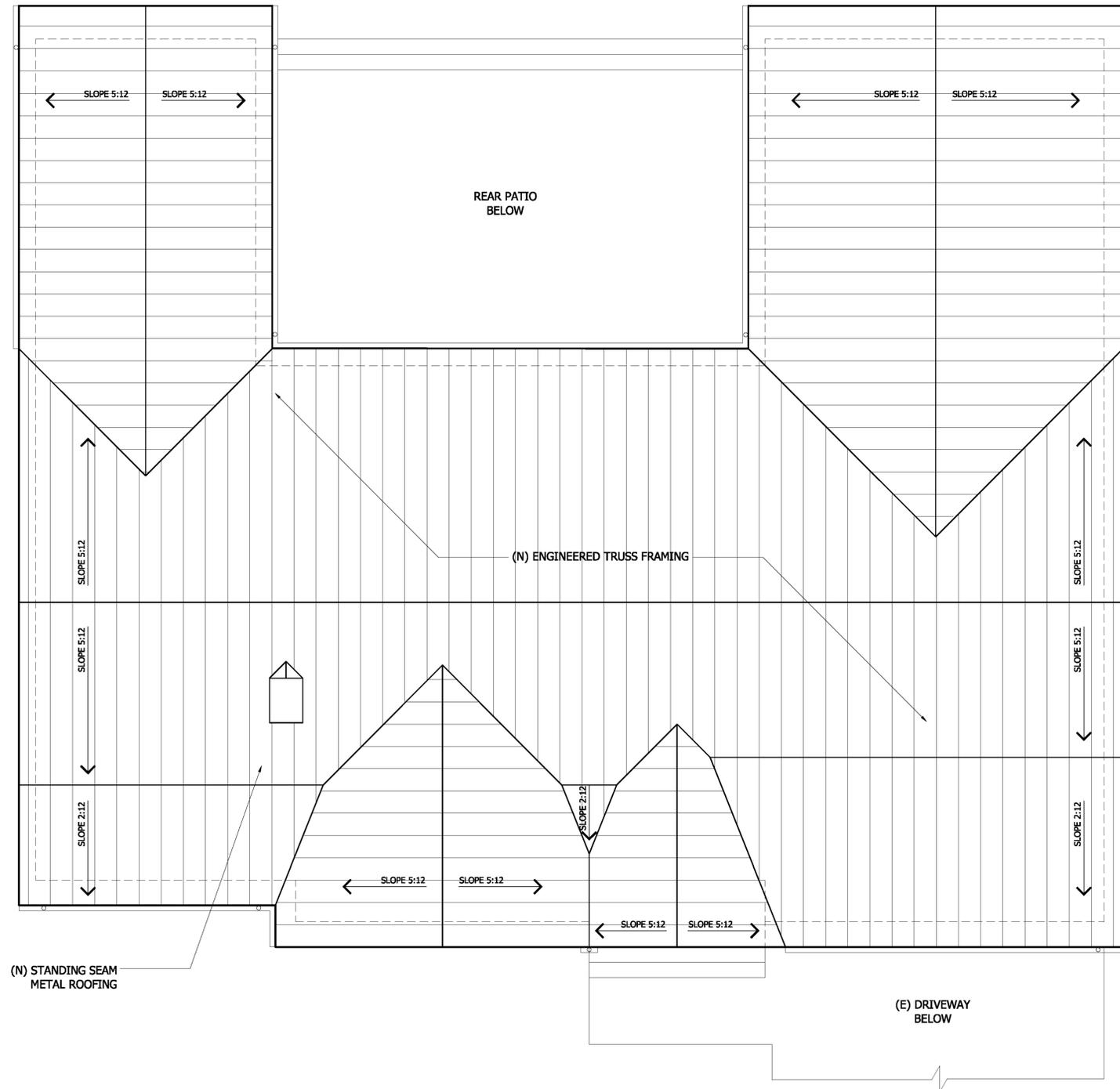
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(E) ROOF PLAN

SHEET NUMBER:
A2.3

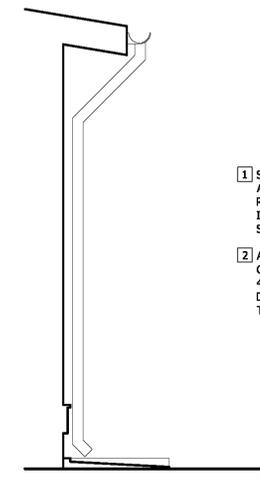


KONECKY RESIDENCE

753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030



(N) ROOF PLAN 1/4" = 1'-0"



DRAINAGE DETAIL 1/2" = 1'-0"

- 1 SPLASH BLOCK TO SHED WATER AWAY FROM THE HOUSE AS REQUIRED. WATER TO BE DIRECTED INTO (E) NATURAL PATH TOWARDS STREET.
- 2 ALL PROJECT SITE DRAINAGE TO CONFORM TO CALGREEN SECTIONS 4.106.2 AND 4.106.3. ALL NEW SITE DRAINAGE TO TIE INTO (E) SWALE TOWARDS STREET.

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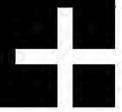
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DATE: 7/21/14 CHECK:

SHEET TITLE:
(E)+(N) ROOF PLAN

SHEET NUMBER:
A2.4

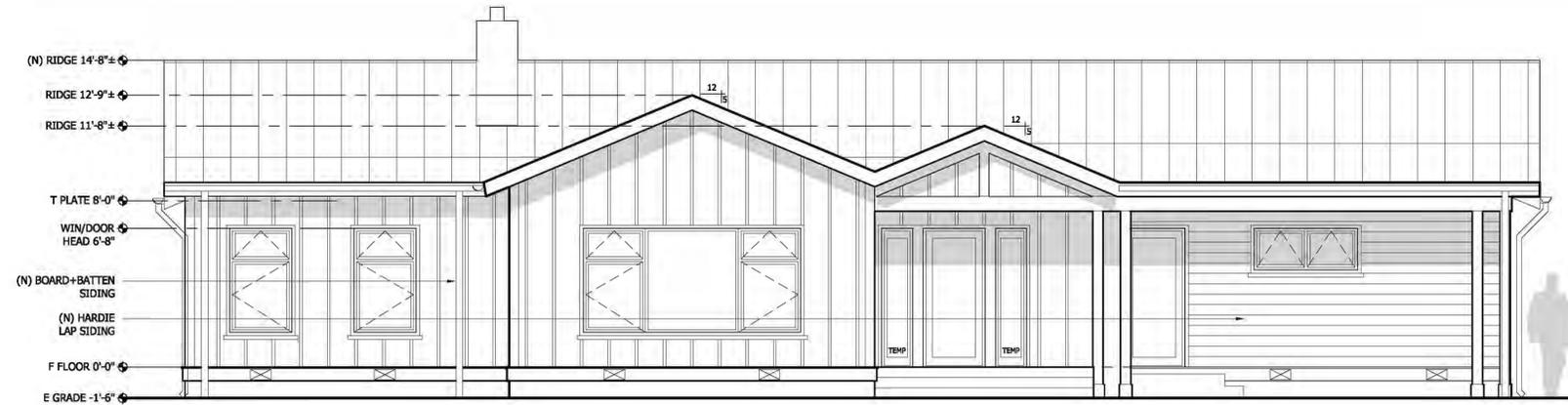


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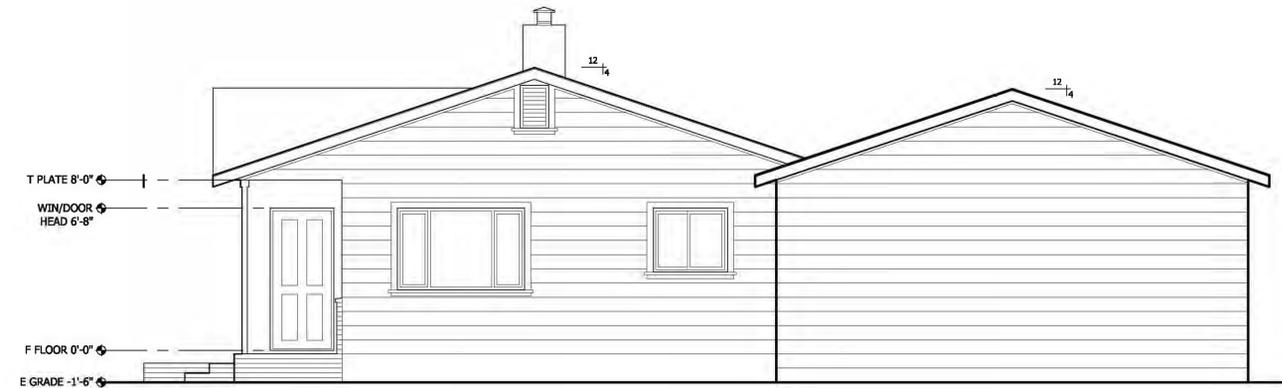
753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030



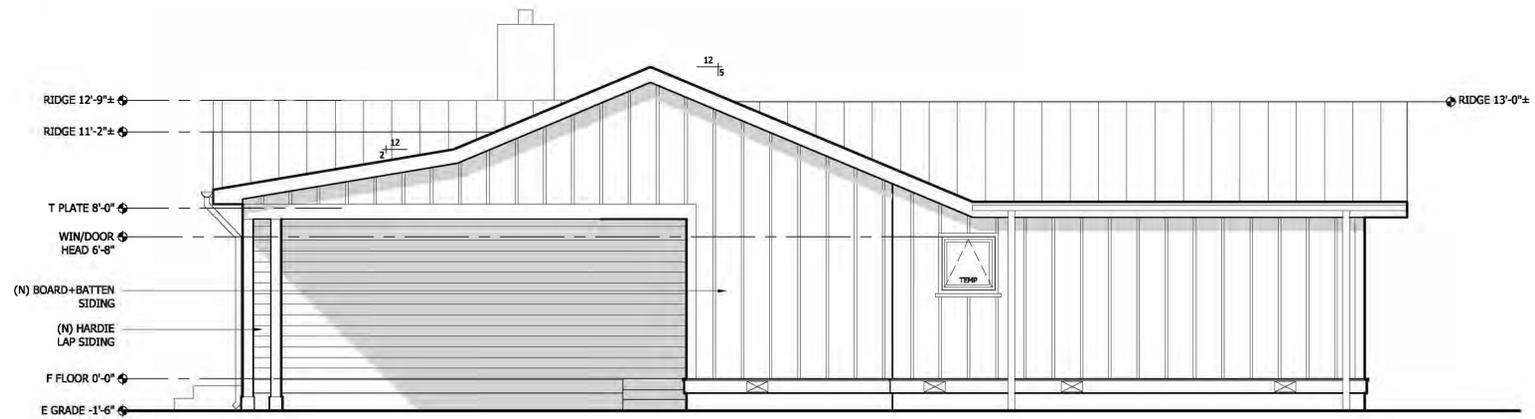
(E) ELEVATION 1A 1/4" = 1'-0"



(E)+(N) ELEVATION 1B 1/4" = 1'-0"



(E) ELEVATION 2A 1/4" = 1'-0"



(E)+(N) ELEVATION 2B 1/4" = 1'-0"

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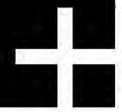
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SHEET TITLE:
ELEVATIONS

SHEET NUMBER:
A3.0

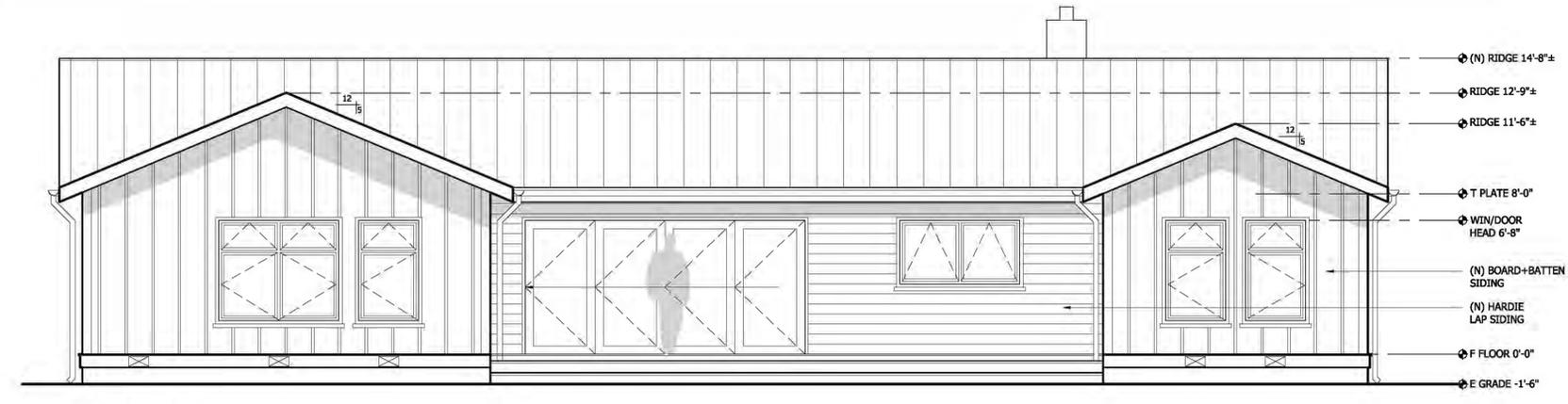


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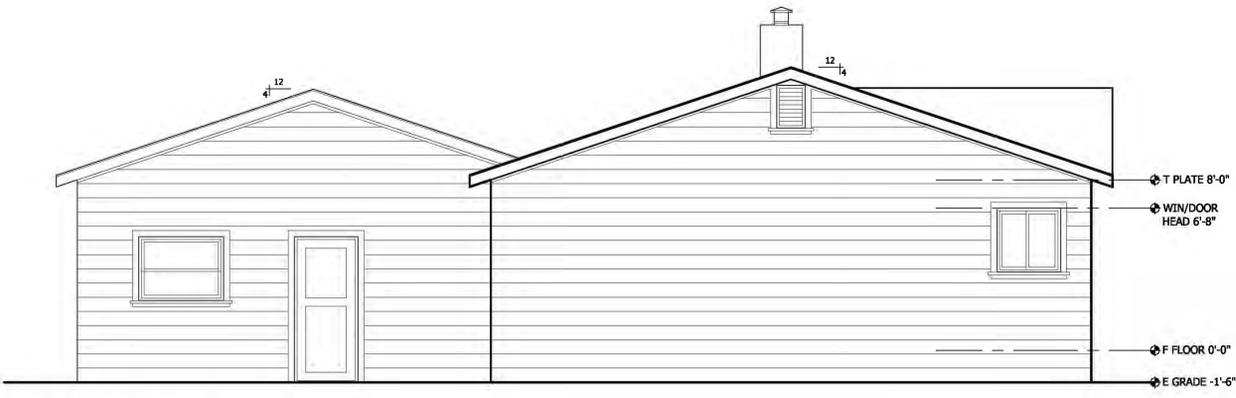
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SONOMA, CA 95476
APN:018-361-030



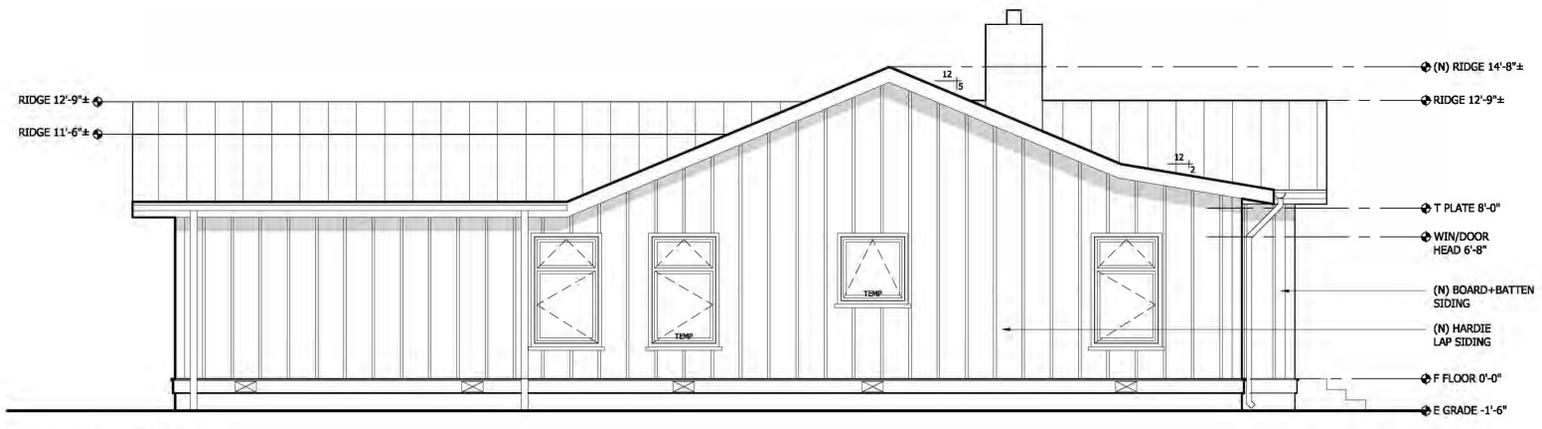
(E) ELEVATION 3A 1/4" = 1'-0"



(E)+(N) ELEVATION 3B 1/4" = 1'-0"



(E) ELEVATION 4A 1/4" = 1'-0"



(E)+(N) ELEVATION 4B 1/4" = 1'-0"

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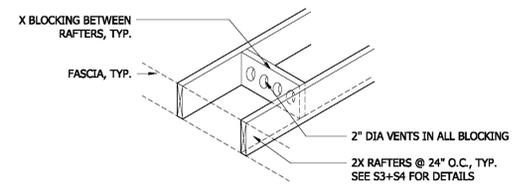
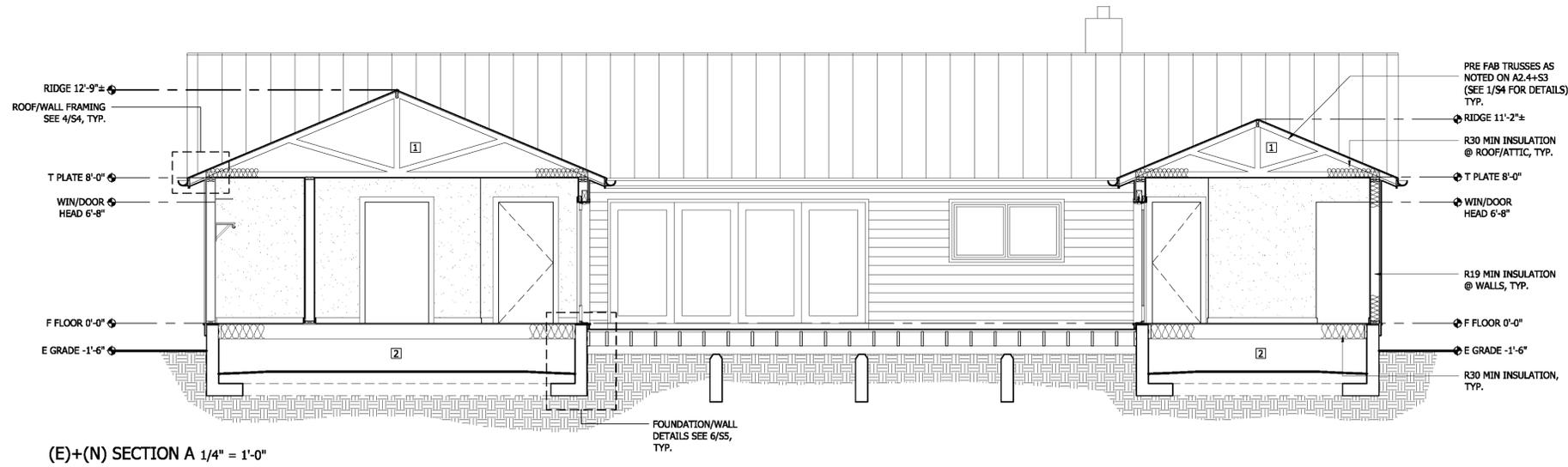
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ELEVATIONS

SHEET NUMBER:
A3.1

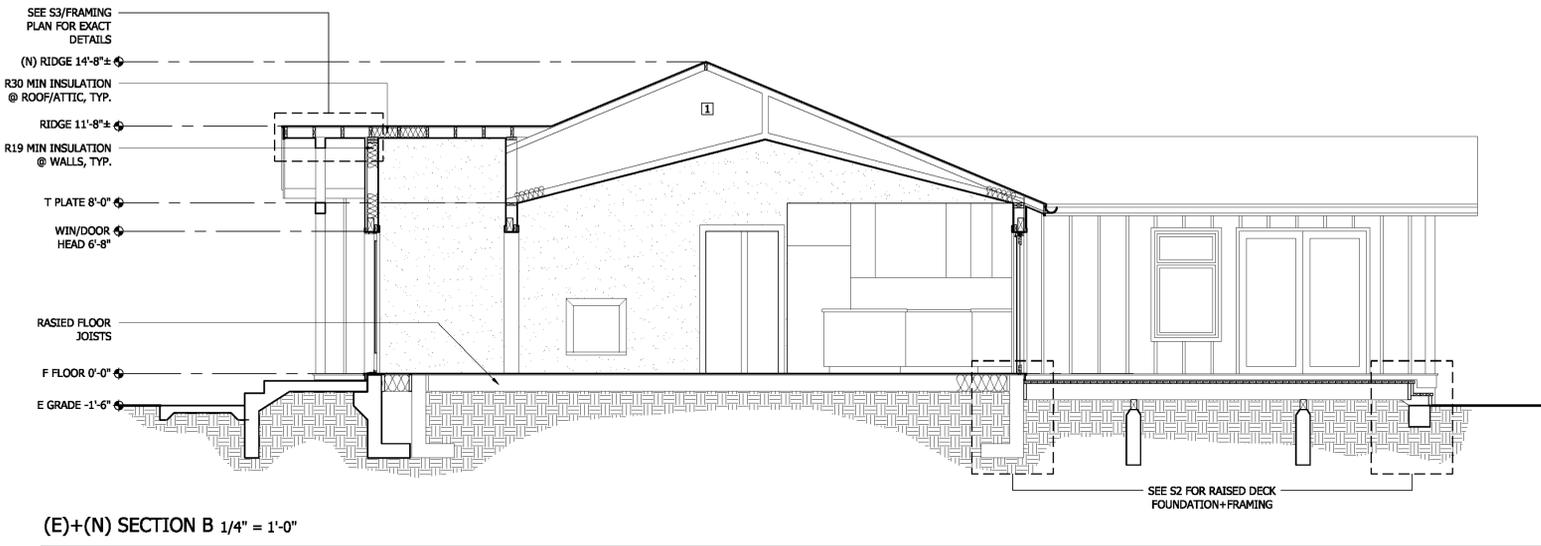


KONECKY RESIDENCE

753 3RD STREET EAST
SONOMA, CA 95476
APN:018-361-030



ROOF VENTILATION DETAIL 1/2" = 1'-0"



SHEET NOTES:

- ROOF VENTILATION SHALL BE PROVIDED BY A MIN. OF ONE (1) SF PER 150 SF OF FLOOR SPACE.
2204 SF / 150 SF = 14.69 SF
14.69 SF = 15 NO. VENTS
- UNDERFLOOR VENTILATION SHALL BE PROVIDED BY A MIN. OF ONE (1) SF PER 150 SF OF FLOOR SPACE.
2204 SF / 150 SF = 14.69 SF
14.69 SF = 15 NO. VENTS
- UNDERFLOOR ACCESS, MIN SIZE AS REQUIRED. SEE A2.2 FOR LOCATIONS AND 11/S5 FOR DETAIL THROUGH (E)(N) FOUNDATION

INDEX:

- CONTINUOUS FRAMING MEMBER — SEE DIRECTION OF FRAMING ON S2
- BLOCKING

(E)+(N) SECTION B 1/4" = 1'-0"

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| DATE: 7/21/14 | CHECK: |
| SHEET TITLE: SECTIONS | |
| SHEET NUMBER: A4.0 | |



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 6B

Meeting Date: 09/21/15

Department

Planning

Staff Contact

Planning Director Goodison

Agenda Item Title

Discussion, consideration and possible action on an Ordinance amending the Development Code to define "Prescribed Grazing" and identify it as a conditionally-allowed use in the Park zone.

Summary

The Montini Preserve encompasses approximately 98 acres of open space lands, including a significant portion of Sonoma's hillside backdrop. The Sonoma County Agricultural Preservation and Open Space District (SCAPOD) acquired the Preserve from the Montini family in 2005, with financial assistance from the California State Coastal Conservancy and the City of Sonoma. Ownership of the Preserve was transferred to the City of Sonoma in 2014. The parcels comprising the Preserve, along with the adjoining property on the west, which is still owned by the Montini family, have been grazed for many years. Grazing is not only a historic agricultural use of the Preserve, it also has benefits in terms of vegetation management and fire protection. In the acquisition of the Preserve, it was anticipated that grazing would continue and this activity is specifically authorized in the approved Management Plan for the Preserve. However, grazing is not recognized as an allowed use in the "Park" zone, which means that it is a legal non-conforming use that cannot be expanded and cannot be re-instituted if the activity lapses for one year. Because the City Council has stated that it would like to allow for the continued grazing of the Montini Preserve, staff developed a draft ordinance that would identify "Prescribed Grazing" as a conditionally-allowed use in the "Park" zone. "Prescribed Grazing" refers to the practice of grazing as a means of vegetation management. This activity, as defined, would not conflict with the prohibition on dairies, stockyards, and animal farms established by Section 8.08.020 of the Municipal Code. The draft Ordinance was reviewed by the Planning Commission at its meeting of August 13, 2015, at which time the Commission voted 7-0 to recommend to the City Council that the ordinance be adopted. (Note: in its discussion, the Planning Commission considered whether to establish a minimum site area for the allowance for Prescribed Grazing, but ultimately decided that the requirement for Use Permit review was sufficient.)

Recommended Council Action

Staff recommends that the City Council introduce the Ordinance.

Alternative Actions

Council discretion.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

1. Draft Ordinance
-

Alignment with Council Goals:

This item relates to the Council's goal regarding "City Character", in that it is intended to preserve an element of Sonoma's unique character, incorporate a historical activity into current operations, and strengthen Sonoma's sense of place.

cc: Bill Montini
18950 Fifth Street West
Sonoma, CA 95476

CITY OF SONOMA

ORDINANCE NO. X - 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY ESTABLISHING ‘PRESCRIBED GRAZING’ AS A CONDITIONALLY-ALLOWED USE IN THE “PARK” ZONE

The City Council of the City of Sonoma does ordain as follows:

Section 1. Amendments to “Zones and Allowable Uses” (Title 19, Section 19.10.050) of the Sonoma Municipal Code.

Table 2-4 (Special Purpose Uses and Permit Requirements) is hereby amended as follows:

| Allowed Uses and Permit Requirements for Special Purpose Zoning Districts | Permit Required by District | | | | Use Permitted UP Use Permit required L License required — Use not allowed |
|---|-----------------------------|-----------|----------|----------|--|
| | A | Pk | P | W | |
| Land Use (1) | A | Pk | P | W | Specific Use Regulations |
| <i>Agricultural and Open Space Uses</i> | | | | | |
| Crop Production and Horticulture | P | — | — | P | |
| Livestock Raising | P | — | — | — | |
| <u>Prescribed Grazing</u> | <u>—</u> | <u>UP</u> | <u>—</u> | <u>—</u> | <u>19.50.020</u> |
| Produce Stands for On-site Production | P | — | — | — | |
| Trails, Hiking, and Bicycling | P | P | P | — | 19.50.070 |
| <p>Notes:</p> <p>1. See Section 19.10.050.C regarding uses not listed. See Division VIII for definitions of the listed land uses.</p> <p>2. New residential developments subject to the City’s Growth Management Ordinance (SMC 19.94).</p> <p>3. Supportive and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.</p> | | | | | |

Section 2. Amendments to “Definitions” (Title 19, Division VIII) of the Sonoma Municipal Code.

Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended as follows:

“Prescribed Grazing: The application of livestock (cattle, sheep or goats) to feed on standing forage as a landscape management technique to control invasive plant species and reduce wildland fire hazards in a manner that preserves desirable natural characteristics.”

Section 3. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that the proposed revisions to the Development Code will not have any significant impact on the environment.

Section 4. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of XX, 2015.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 09/21/2015

| | |
|-------------------------------------|--|
| Department Administration | Staff Contact Carol Giovanatto, City Manager |
|-------------------------------------|--|

Agenda Item Title

Discussion, consideration and possible action to introduce an ordinance relating to the automatic appointment of commission alternates.

Summary

At the June 1, 2015 meeting the City Council discussed procedures pertaining to appointments to City boards and commissions. As a result of that discussion, the Council voted to make appointment of alternate commissioners automatic. Staff has prepared and is presenting an ordinance for introduction and first reading.

Per the Sonoma Municipal Code, non-City, Sonoma Valley residents may fill positions on the various commissions as follows:

- Planning Commission: Seven members of which six shall be qualified electors of the City plus one Alternate
- Design Review and Historic Preservation Commission: Five members of which four shall be qualified electors of the City plus one Alternate
- Cultural and Fine Arts Commission: Seven members of which five shall be qualified electors of the City plus one Alternate
- Community Services and Environment Commission: Nine members of which five be qualified electors of the City plus one Alternate
- Traffic Safety Committee: Five members of which four shall be qualified electors of the City plus one Alternate

When the alternate position was created, the Council determined that alternates must be qualified electors of the City {an elector is a US citizen, 18 years of age and a resident of the City}. For that reason staff is recommending and has drafted the ordinance to effectuate the automatic appointment of an alternate only when the vacancy is that of an elector position. To do otherwise would, in some instances, result in there not being any non-electors on the commissions.

Recommended Council Action

Introduce the ordinance.

Alternative Actions

- Do not introduce the ordinance.
- Amend the ordinance prior to introduction.

Financial Impact: N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

- Draft ordinance
- SMC Chapter 2.40 {redlined version}

Alignment with Council Goals: N/A

CITY OF SONOMA

ORDINANCE NO. xx - 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING SECTION 2.40 OF THE SONOMA MUNICIPAL CODE RELATING TO THE APPOINTMENT OF ALTERNATE COMMISSIONERS

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

Section 1. Section 2.40.010 of the City of Sonoma Municipal Code (“SMC”) is amended to read as follows:

2.40.010 Attendance.

Attendance by members at the regular and special meetings of all boards, commissions, and advisory or assisting groups of the city (hereinafter sometimes collectively referred to as “commissions” or “commission” and their members referred to as “commissioners” or “commissioner”) appointed by the city council now in existence, or hereafter established, shall be subject to the following rule:

If a member of any board or commission of the city fails to attend the regular or special meetings of such a board or commission for three consecutive meetings or one-third of any calendar year’s meetings, the office becomes vacant automatically, without any declaration to that effect, and shall thereafter be filled as any other vacancy. Upon request by a commissioner, the council may waive the attendance rules due to special circumstances.

Section 2. Section 2.40.100 of the SMC, shall be amended to read as follows:

2.40.100 Appointments.

Except when filling a vacancy on a commission of a city elector position as described in Section 2.40.110.D below, appointments to city commissions shall be filled by nomination of the mayor and ratification by the city council.

Section 3. Section 2.40.110.D of the SMC, shall be amended to read as follows:

D. Appointment to fill vacancies.

1. The alternate to a commission, if willing to accept the position, shall automatically fill a vacancy of a position on the commission when said vacancy is created by the resignation, removal or expiration of the term of office of a commissioner who is an elector of the city without further recruitment, application, nomination or Council action. If an alternate who is otherwise qualified to fill such a vacancy declines to do so, then that vacant position shall be filled pursuant to the procedures established under SMC 2.40.100.
2. The alternate may apply for and be considered for appointment to fill a vacancy of a position of the commission designated as one which may be filled by a non-electror of the City; however non-electror applicants shall be given preference for the appointment.

Section 4. Existing SMC Section 2.40.110.D shall be re-lettered as Section 2.40.110.E and shall read as follows:

E. For the purpose of determining the term of office pursuant to SMC 2.40.070, the time served as an alternate member shall not be counted toward the term to be served as a regular member. An alternate who declines to fill a vacancy shall continue serving as an alternate to the commission on which s/he sits under the same terms and conditions upon which s/he began her/his service.

Section 5. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in the Sonoma Index Tribute, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption, or
publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 7. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage. PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this _____ day of _____ 2015.

David Cook, Mayor

ATTEST:

Gay Johann
Assistant City Manager/City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Gay Johann, Assistant City Manager/City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on the _____ day of _____ 2015 by the following vote:

AYES:
NOES:
ABSENT:

Gay Johann
Assistant City Manager/City Clerk

Chapter 2.40

BOARDS AND COMMISSIONS – GENERAL PROVISIONS

Sections:

- 2.40.010 Attendance.
- 2.40.020 Meeting schedules.
- 2.40.030 Removals.
- 2.40.040 Quorum.
- 2.40.050 Public meetings.
- 2.40.060 Compensation.
- 2.40.070 Term of office.
- 2.40.080 Commission officers.
- 2.40.090 City council may waive limitation on successive terms of office.
- 2.40.100 Appointments.
- 2.40.110 Alternates.
- 2.40.120 Effect of tie votes as a result of absences.

2.40.010 Attendance.

Attendance by members at the regular and special meetings of all boards, commissions, and advisory or assisting groups of the city (hereinafter sometimes collectively referred to as “commissions” or “commission” and their members referred to as “commissioners” or “commissioner”) appointed by the city council now in existence, or hereafter established, shall be subject to the following rule:

If a member of any board or commission of the city fails to attend the regular or special meetings of such a board or commission for three consecutive meetings or one-third of any calendar year’s meetings, the office becomes vacant automatically, without any declaration to that effect, and shall thereafter be filled as any other vacancy. Upon request by a commissioner, the council may waive the attendance rules due to special circumstances. (Ord. 84-8 § 2, 1984).

2.40.020 Meeting schedules.

Regular meetings of the planning commission shall be held monthly with special meetings being scheduled on call by the chair or in the absence of the chair, on call by the vice chair. Regular meetings of other boards and commissions shall be held once each calendar quarter, unless a more frequent meeting schedule is approved by the city council. Special meetings of any commission can be called by the chair or a majority of the commission members. (Ord. 84-8 § 2, 1984).

2.40.030 Removals.

All commissioners serve at the pleasure of the council and may be removed from any commission by a three-fifths vote of the full council. (Ord. 84-8 § 2, 1984).

2.40.040 Quorum.

A quorum shall consist of a majority of eligible commissioners serving at such time as any meeting is scheduled or called. (Ord. 84-8 § 2, 1984).

2.40.050 Public meetings.

All commission meetings shall be properly noticed, at least 72 hours in advance of any meeting, held in full view of the public on city property or such other place as approved by the city council, and comply with applicable city and state laws. (Ord. 99-15 § 1, 2000; Ord. 84-8 § 2, 1984).

2.40.060 Compensation.

All commissioners shall serve without compensation. (Ord. 84-8 § 2, 1984).

2.40.070 Term of office.

No commissioner shall serve for a total of more than eight years. A commissioner shall first be appointed for a two-year term; the council may reappoint a commissioner to a second term of four years and may also reappoint a

commissioner to a third term of two years. All reappointments shall be made at the sole discretion of the city council utilizing the procedures contained in SMC 2.40.100. Members of the mobilehome park rental review board shall be exempt from the term limits and appointment schedule provided herein and shall instead serve at the sole discretion of the city council. (Ord. 99-15 § 2, 2000; Ord. 87-8 § 1, 1987).

2.40.080 Commission officers.

Each commission shall select a chairman and vice chairman from the eligible members of their respective commissions during a regularly scheduled meeting. (Ord. 84-8 § 2, 1984).

2.40.090 City council may waive limitation on successive terms of office.

Notwithstanding any limitation on the length of the term which an individual member of a board or commission may serve, or any limitation on the number of successive terms which may be served, the city council may, by a four-fifths vote of its membership, appoint or reappoint any incumbent member of a city board or commission to continue in office beyond the prior limitation or to fill the unexpired term of any office vacated by any other member of a board or commission. (Ord. 2003-03 § 1, 2003; Ord. 84-8 § 2, 1984. Formerly 2.40.100).

2.40.100 Appointments.

Except when filling a vacancy on a commission of a city elector position as described in Section 2.40.110.D below, appointments to city commissions shall be filled by nomination of the mayor and ratification by the city council.

~~Appointments to city commissions shall be filled by nomination of the mayor and ratification by the city council.~~ (Ord. 2003-03 § 1, 2003; Ord. 84-8 § 2, 1984. Formerly 2.40.110).

2.40.110 Alternates.

A. In addition to regular members, the city council shall appoint one alternate member to each city board or commission now in existence or hereafter established.

B. The alternate shall, like regular members, attend the regular meetings and special meetings of the board or commission to which he/she is appointed. The alternate shall review staff reports and documents and otherwise prepare for such meetings. At such meetings, the alternate shall be identified for the record. That alternate shall publicly announce any items on the agenda that he/she is disqualified from participating in because of a conflict of interest. If, as a result of absences, one or more regular members cannot participate at a regular or special meeting, the alternate shall move to any vacant seat and shall participate as a regular member until the completion of the agenda. If the alternate participates due to a conflict of interest of a regular member, the alternate shall participate as a regular member only until the affected item is completed. In the event an absent member arrives after the commencement of an agenda item, the alternate shall participate as a regular member until the completion of the current item, at which time the alternate shall move back to the alternate's seat and shall stop participating as a regular member. In the event an item on which the alternate member has participated as a regular member is continued to a subsequent meeting, the alternate shall continue to participate as a regular member on the item at any and all such subsequent meetings.

C. The qualifications, appointment, term of office, attendance, removal and other requirements applicable to the alternate shall be the same as those for regular members of the board or commission, except that the alternate position may be filled only by a qualified elector of the city. The alternate shall also be subject to the requirements of and shall abide by the Ralph M. Brown Act, the Political Reform Act and other law applicable to the regular members of the board, commission or group.

~~D. In the event that a vacancy occurs on the board or commission, upon nomination by the mayor and ratification by the city council, the alternate may be appointed to the vacancy without further recruitment for a replacement for the regular member. For the purpose of determining the term of office pursuant to SMC 2.40.070, the time served as an alternate member shall not be counted toward the term to be served as a regular member. (Ord. 03-2007 § 1, 2007; Ord. 2003-03 § 1, 2003; Ord. 2000-14 § 1, 2000. Formerly 2.40.120).~~

D. Appointment to fill vacancies.

1. The alternate to a commission, if willing to accept the position, shall automatically fill a vacancy of a position on the commission when said vacancy is created by the resignation, removal or expiration of the term of office of a commissioner who is an elector of the city without further recruitment, application, nomination or Council action. If an alternate who is otherwise qualified to fill such a vacancy declines to do so, then that vacant position shall be filled pursuant to the procedures established under SMC 2.40.100.

2. The alternate may apply for and be considered for appointment to fill a vacancy of a position of the commission designated as one which may be filled by a non-electror of the City; however non-electror applicants shall be given preference for the appointment.

E. For the purpose of determining the term of office pursuant to SMC 2.40.070, the time served as an alternate member shall not be counted toward the term to be served as a regular member. An alternate who declines to fill a vacancy shall continue serving as an alternate to the commission on which s/he sits under the same terms and conditions upon which s/he began her/his service.

2.40.120 Effect of tie votes as a result of absences.

When the action of any commission is a tie vote as a result of absences of one or more members of that commission, the matter shall be rescheduled for commission reconsideration at a meeting at which all, or an odd number of, commissioners will be in attendance. This section shall not apply when a tie vote is a result of recusal necessitated by conformance with the California Political Reform Act. (Ord. 09-2008 § 1, 2008).



CITY OF SONOMA
 City Council
 Agenda Item Summary

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|----------------------|-------------------|
| Agenda Item: | 9 |
| Meeting Date: | 09/21/2015 |

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| Department Administration | Staff Contact Gay Johann, Assistant City Manager/City Clerk |
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Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

Council members will report on activities, if any, of the various committees to which they are assigned.

| MAYOR COOK | MPT GALLIAN | CLM. AGRIMONTI | CLM. EDWARDS | CLM. HUNDLEY |
|--|--|---|--|--|
| City Audit Committee | ABAG Delegate | North Bay Watershed Association | ABAG Alternate | Sonoma Clean Power Alt. |
| City Facilities Committee | Cittaslow Sonoma Valley Advisory Council, Alt. | Sonoma County Health Action & SV Health Roundtable | Cittaslow Sonoma Valley Advisory Council | Sonoma County M & C Assoc. Legislative Committee |
| LOCC North Bay Division Liaison | City Audit Committee | Sonoma County Trans. & Regional Climate Protection Authority, Alternate | City Facilities Committee | S. V. Citizens Advisory Commission |
| Oversight Board to the Dissolved CDA | LOCC North Bay Division Liaison, Alternate | Sonoma County Waste Management Agency | | S.V. Economic Dev. Steering Committee, Alt. |
| Sonoma Clean Power | Oversight Board to the Dissolved CDA, Alt. | VOM Water District Ad Hoc Committee, Alternate | | S. V. Library Advisory Committee, Alternate |
| Sonoma County Mayors & Clm. Assoc. BOD | Marin/Sonoma Mosquito & Vector Control District | Water Advisory Committee, Alternate | | |
| Sonoma Disaster Council | Sonoma County Mayors & Clm. Assoc. BOD, Alt. | | | |
| Sonoma Housing Corporation | Sonoma County M & C Assoc. Legislative Committee, Alt. | | | |
| Sonoma Valley Citizens Advisory Comm. Alt. | Sonoma County Trans. Authority & Regional Climate Protection Authority | | | |
| S.V.C. Sanitation District BOD | Sonoma Disaster Council, Alternate | | | |
| S.V. Economic Dev. Steering Committee | Sonoma Housing Corporation | | | |
| S.V. Fire & Rescue Authority Oversight Committee | S.V.C. Sanitation District BOD, Alt. | | | |
| S. V. Library Advisory Committee | S.V. Fire & Rescue Authority Oversight Committee | | | |
| | LOCC North Bay Division, LOCC E-Board (M & C Appointment) | | | |
| | Ag Preservation and Open Space (M & C Appointment) | | | |
| | VOM Water District Ad Hoc Committee | | | |
| | Water Advisory Committee | | | |

Recommended Council Action – Receive Reports

Attachments: None