

**CITY OF SONOMA
PLANNING COMMISSION
REGULAR MEETING OF
Community Meeting Room, 177 First Street West
December 12, 2013
MINUTES**

I hereby declare under penalty of perjury that the agenda for this meeting was posted on Friday, December 6, 2013, on the bulletin board outside the front of Sonoma City Hall, No. 1 The Plaza, Sonoma, California. Chair Roberson called the meeting to order at 6:30 p.m. in the Community Meeting Room, 177 First Street West.

Roll Call:

Present:	Chair Roberson, Comms. Edwards, Felder, Tippell, Willers, Cribb (Alternate)
Absent:	Comm. Henevald, Howarth
Others	Planning Director Goodison, Administrative Assistant Morris, Police Chief
Present:	Sackett

Chair Roberson stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made tonight can be appealed within 15 days to the City Council. He reminded everyone to turn off cell phones and pagers. Comm. Cribb led the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC: No Public Comments

APPROVAL OF MINUTES: None

CHANGES TO AGENDA ORDER: None

CORRESPONDENCE: Late mail was received regarding Item #1 & #2. Revisions to Item #1 & Draft zoning regulations are available for public review.

Item #1 – Public Hearing – Consideration of amendments to the Development Code establishing definitions and zoning regulations for wine tasting facilities.

Comm. Tippell confirmed that the proposed criteria for triggering a review of non-conforming wine tasting rooms include a change in the type of the ABC license, but not the issuance of a music license.

Comm. Felder confirms that there is currently no limit on operating hours for wine tasting rooms in retail/commercial spaces.

Chair Roberson opened the public hearing.

Carla Noyes, local realtor, wants to limit the number of tasting rooms in the Plaza area. She recommends establishing some type of designated driver program for patrons.

Danny Faye, resident and co-owner Envolve winery, thanked the Commissioners for evaluating this issue. He agreed that tasting facilities operating with a type 42 permit should be subject to use permit regulation, but felt that tasting rooms operating with a type 2 ABC permit should not be subject to use permit review as they are sufficiently regulated by the ABC. With respect to limitations on hours, it is his experience that during the hours of 7-10 p.m. many tasting rooms would like the opportunity to allow customers wine taste and participate in wine-maker dinners. He believes that by requiring a Use Permit the free market is compromised and it will become a more expensive and timely process. He does not think that parking restrictions should be the same as for retail and restaurants. He noted that there is no data to suggest an increase in crime or DUI's associated with wine tasting facilities and he stated that current businesses are in compliance with all regulations.

Fred Allebach, resident, (19550 Eight St. East), wants discretion used to limit wine consumption on the Plaza. He feels that a balance needs to be maintained between economic development and social equity and he considers wine tasting as more of an "elite experience". He recognizes that Sonoma Valley is recognized as a top wine producing region in the world, but feels that its identity needs to be broader than that.

Patricia Cullinan, resident (425 Denmark St.), says that local zoning considers tasting rooms as places for "recreational drinking". She wants more of a distinction between retail activity and special events.

Mary Martinez, resident, (414 First St. East), feels that tasting rooms in the Historic District should better adhere to the regulations. She is concerned with parking and occupancy.

Regina Baker, resident, (673 First St. West), is disappointed with the increase of tasting rooms around the Plaza and that children are being brought into the facilities. With increased business activity and traffic, a traffic signal at the intersection of First Street West and West Napa Street is inevitable in her opinion. She questioned whether staff, the Planning Commission and the City Council have an appropriate vision for Sonoma.

Tom Hill, local winery owner, supports the comments of Mr. Faye and is considering opening a wine tasting room in Sonoma. He feels that tourists appreciate the wine tasting businesses. He agrees that the Planning Commission should evaluate this issue very carefully and more work should be done on the subtler issues associated with the use.

Richard Idell, resident and Wine Vintners Association member (1890 Carriage Street) had a productive meeting with Planning Director Goodison this afternoon which resulted in some positive revisions to the draft ordinance. However, he felt that additional discussions should be held in order to reach a consensus on appropriate regulations. He discussed the differences between an establishment operating under a type 2 ABC license and an establishment operating with a type 42 license. In his view, the ABC limitations on type 2 establishments are quite comprehensive, to the point where local regulations may be redundant. He stated that it was not clear what problems the new regulations are intended to solve. He noted that the wine industry is changing and that small winemakers need to have flexibility to respond to new conditions and find new ways to reach customers. In this regard, he feels that limiting after-hour wine-club events to two per month is arbitrary and overly-restrictive. He hopes that there can be some additional discussion to resolve these issues.

Chair Roberson closed the public hearing.

Comm. Edwards's requested that Chief Sackett obtain the number of existing type 42 licenses versus type 2 licenses. Chief Sackett stated that he would obtain the information from the ABC and report back.

Comm. Tippell confirmed with Mr. Goodison that the public cannot walk into the wine tasting business during special events (i.e. wine club member dinners).

Comm. Cribb recognizes the change in the wine industry. The smaller wine producers are focusing their resources on making the wine and introducing their selection to the public by operating small tasting rooms in order to have a presence. He believes that there is a valid distinction to be made between business operating under a type 2 permit and those operating with a type 42 permit, as the problem of morphing is much more of an issue with the latter.

Comm. Edwards says that the traditional way wine businesses owners promoted their goods and services was to partner with restaurants hosting small events. He continues to support free market enterprise. He recognizes that there is an increase in support staff and parking demand when tasting rooms host special events. He sees minimal of the rules since the City relies on complaints rather than being proactive, as a result of staffing resources. He does not want to see tasting rooms turning into restaurants or bars. He believes there is a good energy in the Plaza that can be preserved with limited and appropriate regulation. He feels that the use permit process is fair and allows for an evaluation of both business needs and potential impacts.

Comm. Tippell agrees with Comm. Edwards that the Commission is objective and fair in its implementation of use permit review.

Chair Roberson feels there is justification for a clearer focus since some tasting rooms conduct their businesses more as restaurants and bars. He agrees that certain types of tasting facilities should come before the Planning Commission.

Chief Sackett says there is a lapse in the wine bar/tap room distinction with respect to City regulations. He clarified that it includes on and off site sales of beer and wine.

Comm. Felder stated that tasting rooms having either type of license may currently operating until 2 a.m., as there are currently no local regulations to the contrary. In his view, this type of issue is an appropriate subject of local regulation.

Mr. Goodison states that there is no general limitation on retail hours built into the Development Code.

Comm. Willers stated that he supported with the revised definitions provided in the packet. He stated that Use Permits evaluate adjoining uses for compatibility on the neighborhood and community level and is an appropriate review when extended hours are proposed.

Comm. Tippell made a motion to continue the item to the meeting of January 9, 2014, in order promote further dialogue from staff and the public. Comm. Edwards seconded. The motion was unanimously approved 6-0. (Comm. Henevald and Comm. Howarth absent.)

Item #2 – Public Hearing – Application for a Use Permit allowing a formula restaurant to operate at a commercial property located at 711 Broadway.

Applicant/Property Owner: Lippow Development/RJF Enterprises, Inc. (dba Dutch Bros. Coffee)

Planning Director Goodison presented staff's report.

Chair Roberson opened the public hearing.

Robert Fulton, Franchisor, is proposing to purchase the business from Dave Mock of Hot Shots. Dutch Brothers Coffee is a small business based in the Northwest region. He will have local ownership, with his daughter and son-in-law operating.

Comm. Cribb asked whether products would be sourced locally. Robert Fulton stated that the milk would initially be trucked in from Oregon, but that ultimately a local supplier would be found. He stated that baked goods would be sourced locally.

Comm. Felder confirmed that the employees would not go out to drivers, but would instead only serve them from the drive-through window.

Johana Patri, property owner (621 Broadway), has a good relationship with the current operator, Dave Mock. She contacted Mr. Goodison who was very receptive and helpful and facilitated a productive conversation with the applicant. While many of her issues have been addressed, she remains concerned that the proposed building colors are somewhat garish, which would be inconsistent with the findings for the approval of a formula business.

Fred Allebach, resident, likes Dutch Brothers Coffee and hopes it might drive the prices down.

Regina Baker, neighbor, supports the use as long as there is no restaurant food service and no noise amplification.

Mr. Fulton confirms there will be no order box or window service and that food items will be strictly limited and incidental to the coffee service.

Dave Mock, owner of Hot Shots locally owned and operated, has been a Sonoma resident for 18 years. He prides himself on promoting personable service and endorses Dutch Brothers Coffee franchise for the site.

The prospective manager, who is a resident of Sonoma (18988 Carrillo Court), relocated to open Dutch Brothers, which he described as a unique coffee company. The color palette is flexible for the Franchise and they are happy to work with the Design Review Commission to ensure that the colors are appropriate.

Johanna Patrini, neighbor, asks about a single lane as opposed to two access points for the driveway access.

Chair Roberson closed the public hearing.

Comm. Edwards is familiar with the Dutch Brothers concept and has been to the Grants Pass Oregon store.

Comm. Tippell had never heard about Dutch Brothers Coffee before reviewing the proposal. He strongly feels that the findings for approval of a formula business need to be met and that the company's reputation and people associated with the business should not be the focus.

Comm. Cribb's main concern is with extended hours of operation and car noise for the neighbors. However, it appears from the staff report that these issues might not be significant.

Comm. Willers does not oppose the continued use of a coffee business on the site. He discussed the local identity of the community. He recommends that some changes to the color scheme be made so that the building visually recedes into the site rather than protruding out onto Broadway. He felt that the Planning Commission could highlight this issue, but that it could be addressed by the Design Review Commission. He agrees with Comm. Cribb about lights from cars and extended hours of operation being potential negatives.

Comm. Felder concurs with Comm. Willers about delegating the building color issue to the Design Review and Historic Preservation Committee for branding of the business.

Chair Roberson supports the change in use but has some concern about queuing.

Comm. Edwards made a motion to approve with revised Conditions of Approval to include language requiring "heightened scrutiny of color and corporate branding" as part of the requirement for design review. Comm. Willers seconded. The motion was approved 5-1. Comm. Tippell opposed. (Comm. Henevald and Comm. Howarth absent).

Issues Update:

1. The City Council will hear the appeal for the AT&T cell tower at its second meeting in December.
2. The City Council will hear the appeal of the Mission Square project at its first meeting in February.
3. A consultant team has been identified for the update of the Housing and Circulation elements of the General Plan and for the preparation of a downtown parking study.
4. Comm. Edwards thanked Cristina for organizing the annual Planning Commissioners conference at Sonoma State.

Comments from the Audience: None

Comm. Edwards made a motion to adjourn. Comm. Felder seconded. The motion was approved 6-0. (Comm. Henevald and Comm. Howarth absent)

Adjournment: The meeting adjourned at 9:00 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, January 9, 2013.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Planning Commission on the 9th day of January, 2014.

Approved:

Cristina Morris, Administrative Assistant