



## City of Sonoma Planning Commission **AGENDA**

*Regular Meeting of May 14, 2015 -- 6:30 PM*  
*Community Meeting Room, 177 First Street West*  
*Sonoma, CA 95476*

Meeting Length: No new items will be heard by the Planning Commission after 10:30 PM, unless the Commission, by majority vote, specifically decides to continue reviewing items. If an item is not heard due to the length of the meeting, the Commission will attempt to schedule a special meeting for the following week. If a special meeting is necessary, potential dates will be established at the close of this meeting, and a date set as soon as possible thereafter.

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**CALL TO ORDER** – Chair, Bill Willers

Commissioners: Michael Coleman  
James Cribb  
Robert Felder  
Mark Heneveld  
Chip Roberson  
Ron Wellander  
Robert McDonald (Alternate)

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

### **PLEDGE OF ALLEGIANCE**

**COMMENTS FROM THE PUBLIC:** Presentations by audience members on items not appearing on the agenda.

**MINUTES:** Minutes from the meeting of April 9, 2015.

### **CORRESPONDENCE**

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#### **ITEM #1 – PUBLIC HEARING**

**REQUEST:**

Consideration of an Exception to the Floor Area Ratio (FAR) standards to construct a replacement sunroom at the back of a residence.

**Applicant/Property Owner:**

Amy Flores

**Staff:** Rob Gjestland

**Project Location:**

422 York Court

**General Plan Designation:**

Low Density Residential (LR)

**Zoning:**

**Planning Area:** Central-East Area

**Base:** Low Density Residential (R-L)

**Overlay:** None

**RECOMMENDED ACTION:**

Approve with conditions.

**CEQA Status:**

Categorically Exempt

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#### **ITEM #2 – PUBLIC HEARING**

**REQUEST:**

Consideration of a Use Permit Amendment to allow an outdoor seating area for a coffee service trailer (Coffee & Coco).

**Applicant/Property Owner:**

Rocio Fuentes/Northwest Dealerco Holdings LL

**Staff:** Wendy Atkins

**Project Location:**

195 West Napa Street

**General Plan Designation:**

Commercial (C)

**Zoning:**

**Planning Area:** Downtown District

**Base:** Commercial (C)

**Overlay:** Historic (/H)

**RECOMMENDED ACTION:**

Commission discretion.

**CEQA Status:**

Categorically Exempt

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**ITEM #3 – PUBLIC HEARING**

**REQUEST:**

Consideration of a Use Permit to allow an existing residence to be operated as a vacation rental.

**Applicant/Property Owner:**

Benchmark-Hoover LLC/City of Sonoma

**Staff:** David Goodison

**Project Location:**

289 First Street East

**General Plan Designation:**

Park (Pk)

**Zoning:**

**Planning Area:** Northeast Area

**Base:** Park (Pk)

**Overlay:** Historic (/H)

**RECOMMENDED ACTION:**

Approve with conditions.

**CEQA Status:**

Categorically Exempt

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**ITEM #4 – DISCUSSION**

**ISSUE:**

Consideration of an amendment to the Development Code as it pertains to the City's legal authority and ability to comply with National Pollutant Discharge Elimination System Permit 2013-0001-DWQ, a permit regulating discharges of stormwater runoff from the City's storm drains to waters of the United States.

**Staff:** Chris Pegg

**RECOMMENDED ACTION:**

Forward to City Council, with recommendations.

**CEQA Status:**

Not applicable

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**ITEM #5 – DISCUSSION**

**ISSUE:**

Review of possible changes to fence height regulations, including new permit requirements and penalties for illegal construction.

**Staff:** David Goodison

**RECOMMENDED ACTION:**

Review and provide direction to staff.

**CEQA Status:**

Categorically Exempt

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**ISSUES UPDATE**

**COMMENTS FROM THE COMMISSION**

**COMMENTS FROM THE AUDIENCE**

**ADJOURNMENT**

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on May 8, 2015.

CRISTINA MORRIS, ADMINISTRATIVE ASSISTANT

**Rights of Appeal:** Any decision of the Planning Commission may be appealed to the City Council. Appeals must be filed with the City Clerk within fifteen (15) calendar days following the Planning Commission's decision, unless the fifteenth day falls on a weekend or a holiday, in which case the appeal period ends at the close of the next working day at City Hall. Appeals must be made in writing and must clearly state the reason for the appeal. Appeals will be set for hearing before the City Council on the earliest available agenda. A fee is charged for appeals.

*Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Monday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA, (707) 938-3681. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Planning Commission regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the Administrative Assistant office, No. 1 The Plaza, Sonoma CA during regular business hours.*

*If you challenge the action of the Planning Commission 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 Administrative Assistant, 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  
PLANNING COMMISSION  
REGULAR MEETING  
April 9, 2015**

**Community Meeting Room, 177 First Street West, Sonoma, CA**

**Draft MINUTES**

Chair Willers called the meeting to order at 6:30 p.m.

**Roll Call:**

Present: Chair Willers, Comms. Heneveld, Cribb, Wellander, Roberson

Absent: Comms. Felder and McDonald

Others Present: Planning Director Goodison, Senior Planner Gjestland, Administrative Assistant Morris

Chair Willers stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made by the Planning Commission can be appealed within 15 days to the City Council. Comm. Cribb led the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC:**

**APPROVAL OF MINUTES:** Comm. Roberson made a motion to approve the Minutes of February 12, 2015. Comm. Heneveld seconded. The motion was unanimously approved. Comm. Cribb made a motion to approve the Minutes of March 12, 2015. Comm. Heneveld seconded. The motion was unanimously approved (Comm. Roberson abstained).

**CHANGES TO AGENDA ORDER:** None

**CORRESPONDENCE:** Late Mail was received on Items #1, #3 and #4.

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**Item #1 – Consideration of a Use Permit amendment and Parking Exception to allow the following uses associated with the William-Sonoma store and culinary center: 1) conversion of residential area to retail display of home furniture/furnishings; 2) outdoor retail display and other uses in the retail display and other uses in the garden area ; and, 3) special events at 605 Broadway.**

**Applicant/Property Owner: Williams-Sonoma, Inc.**

Senior Planner Gjestland presented staff's report.

**Chair Willers opened the item to public comment.**

Max Crome, Crome Architecture, introduced the Williams-Sonoma representative and land use attorney, who are available to answer questions. He noted that the redevelopment of the site resulted in an additional nine parking spaces. He envisioned special events to include wine

tasting and celebrity chef book signings. He reviewed the results of the neighbor outreach that had been conducted regarding the proposed changes in use.

Comm. Roberson confirmed with the applicant that valet parking for special events would utilize the private, off-street parking lot of a nearby church. The applicant noted that there have been some individual events with valet service that has worked successfully.

Comm. Cribb asked the applicant about existing and proposed business operations, kitchen capacity, staffing levels, deliveries, parking, and how events would be handled. Through this questioning, the applicant confirmed that 1) the commercially rated kitchen can handle all food preparation needed for events (i.e., no outside catering needed); 2) approximately 15 staff are needed for events with 100 people; 3) some staff for events would be contracted out; 4) staff park on street; 5) shipments to the adjoining property leased by Williams-Sonoma at 596 First Street West are limited to standard UPS deliveries 4-5 times per week; 6) food for events is picked up by Williams-Sonoma in a van; 7) take away food operation would offer pre-prepared items from the culinary center area

Comm. Roberson stated that he had seen delivery trucks parked on First Street West. The applicant noted that a refrigerated delivery truck was parked off First Street West for an event that generated a noise complaint but Williams-Sonoma has since addressed that issue to ensure that it won't happen again. Typically, there is space available in the parking lot and they have not heard of other neighbor complaints about parking impacts.

Comm. Wellander confirmed with the applicant that the residential unit was never used as a corporate retreat as was originally intended.

Comm. Cribb asked the applicant if they had considered developing additional parking on the adjoining property leased at 596 First Street West. The applicant said it had been discussed but the property lease is short-term.

Larry Barnett, resident, strongly opposed the proposal. He stated that the property is not an appropriate site for an event center with the levels of attendance proposed and that events are unclear and not quantified. He felt that Williams-Sonoma should accept the limitations of the site and restrict its activities in accordance with the approved use permit.

Pamela Garant, neighbor directly across the street at 617 First Street West, indicated that she does not object to the changes but had some concerns. She objected to the Williams-Sonoma delivery van consistently parked on First Street West taking up two spaces, given limited parking available on street. In addition, she was impacted by a refrigerated delivery truck with loud compressor that parked within the parking lot several days. She felt that such refrigerated trucks should be banned from events, and also noted that some people may not utilize valet parking for events, which could impact street parking along with staff parking on-street.

Lynn Downey, archivist, supported the proposal and was impressed by Williams-Sonoma's reverence for the town and Check William's legacy.

Mary Martinez, resident and nearby property owner, appreciated Larry Barnett's comments and agreed that the scope of the revised proposal is inappropriate. She expressed concern about parking and traffic impacts and doubted that there is sufficient off-site, off-street parking for events using valet parking. She opposed granting an exception from the parking requirements since, in her opinion, it erodes the effectiveness of the Development Code.

Sondra Bernstein, resident/owner of the Girl & The Fig, supported the proposal and commended Williams-Sonoma's investment in upgrading the property and giving tribute to Chuck Williams and Sonoma. She acknowledged that certain issues need addressed but there is room to negotiate some level of events. She noted that parking is always going to be an issue downtown and emphasized Williams-Sonoma's contribution to the local economy.

Comm. Roberson asked Sondra Bernstein, based on her experience, what size event would work on the property. She indicated that 100 people is doable, but less may work better. However, it is hard to put a number on it because people can come and go at different times.

Patricia Cullinan, resident, supported the initial concept, but is concerned about parking impacts with the revised proposal. She opposed allowing a parking exception and suggested that an EIR may be necessary given the intense use now proposed for the small space.

Bob Garant, neighbor/local engineer, followed all parking guidelines for his projects and is disappointed that a parking exception is considered. He expressed concern about the proposal involving so many uses, all of which generate parking demand. He felt that additional details and a parking plan were needed, especially considering that parking is problematic on First Street West.

Jay Rook, resident, appreciated that business plans can change as you get into the details. He supported the proposal and felt that reviewing the allowance for special events after one year makes sense.

Robert Berger, resident, expressed concern that the valet parking service would take over 4-5 public parking spaces on Broadway during events, which could occur frequently.

Max Crome, project Architect, indicated that the valet parking service could be better managed so as not to lose 4-5 public parking spaces on Broadway during events. He clarified that a maximum of 15 mid-size events are proposed per year with no more than 4 mid-size events per month. He explained that the furniture showroom represented the evolution of the Chuck William's legacy.

**Chair Willers closed the public comment.**

Chair Willers requested two separate discussions for the changes to retail and for special events.

**Retail Discussion:**

Comm. Roberson felt challenged to make a decision tonight. He expressed disappointment that the retail display of home furniture and accessories was put in without any approval and that the outdoor garden area is not what the Planning Commission originally considered. He is perplexed that store management is not familiar with where staff parks. He felt that the applicant should come back with more information, including a plan that addresses staff parking and how parking impacts can be mitigated.

Comm. Cribb supported the initial proposal, which he viewed as a "like for like" change with 9 on-site parking spaces gained. However, with the commercial intensification and parking exception now requested he feels that some form of parking mitigation must be provided.

Comm. Wellander noted that he was not involved in the previous review. In general, he feels the project has been beneficial and is he open to additional retail uses but the parking demand needs to be addressed. He likes that the project is not wine related and contributes to the diversity of businesses in town.

Comm. Heneveld agreed with Comms. Roberson and Cribb.

Comm. Roberson indicated that he is challenged by the conversion of the residential unit to retail sales area because it is after the fact. However, he is ok with changing the previously approved café use to take away food service..

Chair Willers was dismayed that the residential unit had been converted to a furniture showroom from opening day and indicated that he would not have approved that use if it had been presented with the original proposal. He felt that on-site parking is working as expected, except that the staff and the delivery van are not utilizing the parking lot, which results in on-street parking impacts. He expressed comfort with the retail furniture display but opposed relocation of the majority of seating for the food service component to the rear yard.

### **Special Events Discussion:**

Comm. Heneveld requested more specifics on the special events and expressed concern about allowing proposed large scale events.

Comm. Roberson expressed willingness to support some events at the facility but agreed with Comm. Heneveld that the intensity of proposed large scale events is problematic and could negatively impact the traffic flow on Broadway. He felt that all three special event categories defined in the project narrative should be scaled back by 20% and that mitigation should be identified.

Comm. Cribb supported allowing Williams-Sonoma to have some special events, provided they are managed well and do not occur too often. In general he viewed events as a benefit that enrich the fabric of the community, citing the Tuesday night Farmer's Market as an example. However, he felt that more details are needed, including the timing of events, if support vehicles are needed, and staff levels. He indicated that the attendance levels set forth in the project narrative are too high.

Comm. Wellander expressed willingness to support some small and medium size events but had difficulty with the large scale events. Regardless, he felt that the details and logistics for events needed clarified.

Chair Willers was not convinced that the property could handle events with over 50 people attending, and opposed large scale events, especially four times per year as proposed. He felt that events requiring valet parking four or more times per month as proposed could negatively impact the area and residential neighbors, and emphasized that the majority of events would occur in the evening at a time when activity on First Street West has finally died down. He felt that the applicant should greatly reduce the number and size of events and develop a plan for how they would be managed, including parking.

Comm. Cribb made a motion to continue the item in order for the applicant to respond to the concerns raised. Comm. Roberson seconded. The motion was unanimously approved.

**Item #2 – Public Hearing – Consideration of a Use Permit to convert a nonconforming detached garage to a pool house, while adding a carport at 330 Patten Street.**

**Applicant/Property Owner: Alan Heoney**

Senior Planner Gjestland presented staff's report.

**Chair Willers opened the item to public comment.**

George Bevan, project architect, emphasized that the owner has no intention of using the accessory structure as a living unit in response to correspondence submitted on the item. He noted that the property is deep and the residence distant from the pool, which is why the conversion is desired. He met with staff prior to the submittal and received positive responses from the neighbors. He noted that no exceptions or variances are proposed, that the request is simply for a change in the use of an existing accessory structure.

**Chair Willers closed the item to public comment.**

Comm. Cribb made a motion to approve a Use Permit for the project as submitted.

Comm. Roberson expressed concern that a more intense use of the structure could occur in the future.

Comm. Heneveld was conflicted by the changes requested by the Use Permit application.

Comm. Wellander supported the plan since there is no visual impact from the street.

Chair Willers noted that an accessory use of the structure would be maintained under the proposal and that the property owner has the right to make future applications.

Comm. Wellander seconded the motion. The motion was approved 4-1. Comm. Roberson abstained.

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**Item #3 – Public Hearing – Consideration of a Use Permit to operate a Bed and Breakfast (B&B) within an historic residence at 827 Broadway.**

**Applicant/Property Owner: Rick Suerth and Pat Coleman**

Chair Willers recused due to proximity and left the room for Item #3 and Item #4.

Senior Planner Gjestland presented staff's report.

**Chair Roberson opened the public comment.**

Rick Suerth, applicant, indicated that they intend to use a spare bedroom on the ground floor for occasional use as a B&B guestroom. He confirmed that food cooking/preparation is not contemplated and that guests would be provided with a remote for gate access. He felt a B&B would integrate well into the Broadway Corridor district.

**Chair Roberson closed the public comment.**

Comm. Heneveld made a motion to approve a Use Permit for the B&B as submitted, Comm. Cribb seconded. The motion was unanimously approved.

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**Item # 4 – Public Hearing – Consideration of a Use Permit to convert office area to a vacation rental unit at 846 Broadway.**

**Applicant/Property Owner: Len Tillem**

Planning Director Goodison presented staffs report.

**Chair Roberson opened the public comment.**

Tom Anderson, representing the applicant, said there is no impact on the housing stock and noted there is reduced demand for office space in Sonoma. He confirmed that one of the three bathrooms must be ADA.

Susan Fagen, co-owner, is pleased to change the uses in the building.

**Chair Roberson closed the public comment.**

Comm. Heneveld is satisfied that the unit is ADA compliant.

Comm. Cribb supported the concept as an appropriate response to changes in the market for office space.

Comm. Wellander agreed with Comm. Cribb's comments.

Chair Roberson supported the change in use.

Comm. Cribb made a motion to approve the conversion subject to conditions of approval. Comm. Heneveld seconded. The motion was unanimously approved.

Chair Willers returned to the dais.

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**Item #5 – Public Hearing – Consideration of an Exception to the fence height standards to allow overweight fencing within the front yard setback of a residential property at 289 Chase Street.**

**Applicant/Property: Mark and Judy Krawec**

Planning Director Goodison presented staffs report.

Mark Krawec, applicant, said the additional space provided more privacy when gardening and is in the sunniest part of the yard.

**Chair Willers opened the public comment.**

Patricia Cullinan, stated that fence companies should be aware of the regulations in Sonoma but often times do not follow them.

Robert Berger, resident, felt the fence is not obtrusive and he supported the application.

**Chair Willers closed the public comment.**

Comm. Roberson is frustrated with the fence contractors non-compliance with the regulations.

Comm. Heneveld opposed the proposal based on the principle of the issue.

Comm. Wellander stated that he evaluated the proposal on its merits and he felt that the findings can be made.

Comm. Cribb respected the owners privacy. He felt the fence was not visually imposing or a public safety issue.

Chair Willers recommended adjusting the fence ordinance and felt local fence companies should pay a fine for building a non-compliant fence since it is a cost to owners and staff.

Comm. Roberson made a motion to approve as submitted. Comm. Cribb seconded. The motion was adopted 4-1. Comm. Heneveld opposed.

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**Item #6 – Public Hearing – Consideration of an amendment to the Development Code that would identify “Vacation Rental” as a conditionally allowed use in the Public zone.**

Planning Director Goodison presented staffs report.

**Chair Willers opened the public comment.**

Patricia Cullinan, President of the Sonoma Valley Historical Society, supported the recommendations to amend the Development Code.

Tom Anderson, resident, supported the proposal.

**Chair Willers closed the public comment.**

Comm. Roberson made a motion to approve. Comm. Heneveld seconded. The motion was unanimously approved.

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**Planning Director Goodison reported the following:**

The City Council will consider the appointment of two new Planning Commissioners at the meeting on April 20<sup>th</sup>.

The Chateau/Sonoma Hotel proposal initial study is underway and the Commission will review the scope of the EIR.

The applicant for the mixed use project on East Spain Street is preparing public improvement plans but is delayed because of a disagreement with The Sanitation District regarding the design of sewer improvements.

Staff is scheduled to meet with a new project manager for the mixed use development at the corner of Broadway and East MacArthur Street.

**Commissioner comments:** None

**Comments from the Audience:** None

**Adjournment:** Comm. Roberson made a motion to adjourn the meeting at 9:33 p.m. to the next meeting scheduled for 6:30 p.m. on Thursday, May 14, 2015. Comm. Wellander seconded. The motion was unanimously adopted.

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

Approved:

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Cristina Morris, Administrative Assistant

**Agenda Item Title:** Application for an Exception to the Floor Area Ratio (FAR) standards to construct a replacement sunroom at the back of a residence.

**Applicant/Owner:** Amy Flores

**Site Address/Location:** 422 York Court

**Staff Contact:** Rob Gjestland, Senior Planner  
Staff Report Prepared: 5/8/15

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**PROJECT SUMMARY**

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**Description:** Application of Amy Flores for an Exception to the Floor Area Ratio (FAR) standards to construct a replacement sunroom at the back of the residence at 422 York Court.

**General Plan Designation:** Low Density Residential (LR)

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

**Site Characteristics:** The subject property is a 6,970-square foot parcel located on the north side of York Court. The site is currently developed with a two-story home with an attached garage in front and a screened sunroom off the back. The house and sunroom were constructed in 1977.

**Surrounding Land Use/Zoning:**

**North:** Pinelli Park/Park  
**South:** Single-family homes (across York Court)/Low Density Residential  
**East:** Single-family home/Low Density Residential  
**West:** Single-family home/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.

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## **PROJECT ANALYSIS**

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### **DETAILED PROJECT DESCRIPTION**

The applicant is requesting an Exception from the FAR standards to construct a 300-square foot replacement sunroom at the back of her residence. The new sunroom would have a dimension of 15 feet by 20 feet, maintaining the same footprint and general height of the existing screened sunroom. Similar to existing, the new sunroom would be setback 37.5 feet from the north property line, 9.5 feet from the east property line and 30 feet from the west property line. The primary difference is that the new sunroom, while still unconditioned space, would be more substantial in construction with exterior walls and operable windows, while the existing sunroom or sunporch consists primarily of screened openings on three sides. Replacement is proposed because the existing sunroom has deteriorated due to age and the owner would like continued enjoyment of a sunroom for three-season use. Additional details on the proposal can be found in the attached project narrative.

### **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 replacement sunroom is consistent 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. The replacement sunroom would be located at the back of the residence, well behind the required front yard setback area.

*Rear Yard Setback:* A 20-foot rear yard setback is required in the R-L zone. The replacement sunroom would maintain the current 37.5-foot setback from the rear (north) property line.

*Side Yard Setback:* 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 replacement sunroom would maintain the current 9.5-foot side yard setback from the east property line, and 30-foot side yard setback from the west property line.

*Lot Coverage:* The maximum coverage in the R-L zone is 40%. The project would not change the current lot coverage (24%).

*Floor Area Ratio (FAR):* The maximum FAR in the R-L zone is 0.35. Under the Development Code, floor area is defined as the horizontal floor area within the outer surfaces of *exterior building walls*. Since the existing sunroom is composed of screened openings on three sides rather than walls (the original building permit actually identifies the structure as a "screened porch"), staff has not included it in the FAR, which currently amounts to 0.35 for the residence

and attached garage. The new, enclosed sunroom addition would increase the FAR to 0.39. Accordingly, the applicant is requesting an Exception from this standard for the project.

*Building Height:* The maximum building height within the R-L zone is 30 feet. The new sun room is one-story with a maximum height of ±12 feet.

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

*Floor Area Ratio (FAR) Exception Approval:* Pursuant to Development Code Section 19.48.050.A.1, the Planning Commission may grant exceptions from the Floor Area Ratio standard, provided that the following findings can be 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 FAR 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;*

The exception request relates to the historic development pattern of the property. The residence and sunroom were constructed in 1977 prior to adoption of the FAR limitation. While the existing sunroom has not been counted toward FAR given its screened openings, it is a feature that adds volume to the home. The proposal seeks to replace the existing sunroom with a similar feature at the same footprint and size and accordingly would not increase the visible mass of the residence. This circumstance 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.*

Granting the Exception would not impact other properties or residents in the vicinity. The new sunroom would replace an existing, similar feature at the back of the residence, while maintaining the same footprint and general height. Accordingly, it would not change the mass of the home and there would little discernable difference from neighboring properties. Staff would also note the adjoining property to the north is a park.

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

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

Pursuant to Section 15302 of the State CEQA Guidelines, the replacement of an existing structure, where the new structure will have substantially the same purpose and capacity, is Categorically Exempt from the provisions of CEQA (Class 2 – Replacement or Reconstruction).

**DISCUSSION OF PROJECT ISSUES**

As noted above, the replacement sunroom, while being of more substantial construction, would not significantly add to the mass of the home or change current site conditions.

**RECOMMENDATION**

Staff recommends approval of the Floor Area Ratio Exception, subject to the attached conditions.

**Attachments**

1. *Findings*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Project narrative*
5. *Photos*
6. *Site Plan, Floor Plan & Building Elevations*

cc: Fred O'Donneell (via email)  
Figo Construction Drawings  
822 Broadway  
Sonoma, CA 95476

Amy Flores  
422 York Court  
Sonoma, CA 95476

City of Sonoma Planning Commission  
**FINDINGS OF PROJECT APPROVAL**  
Flores Sunroom FAR Exception – 422 York Court

May 14, 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.

**DRAFT**

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL**  
Flores Sunroom FAR Exception – 422 York Court

May 14, 2015

1. The sunroom addition 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*

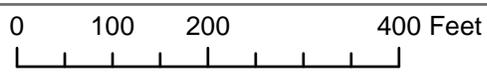
# Vicinity Map



## Project Summary

<i>Project Name:</i>	Flores Sunroom FAR Exception
<i>Property Address:</i>	422 York Court
<i>Applicant:</i>	Amy Flores
<i>Property Owner:</i>	Same
<i>General Plan Land Use:</i>	Low Density Residential
<i>Zoning - Base:</i>	Low Density Residential
<i>Zoning - Overlay:</i>	None

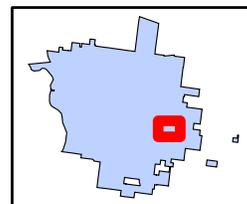
*Summary:*  
 Consideration of Exception to the Floor Area Ratio (FAR) standards to construct a replacement sunroom at the back of a residence.



1 inch = 200 feet

## 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



RE: property at 422 York Court

We would like to submit for a building permit to replace our existing screened-in back sunroom with a new sunroom for three-season use. While the dimensions of the room and the location will remain exactly the same, the current room is in great need of repair as it was built by the original home owner 40 years ago. We do not intend this to be a heated room, but want to install sliding windows over the screens to allow for more use over the year.

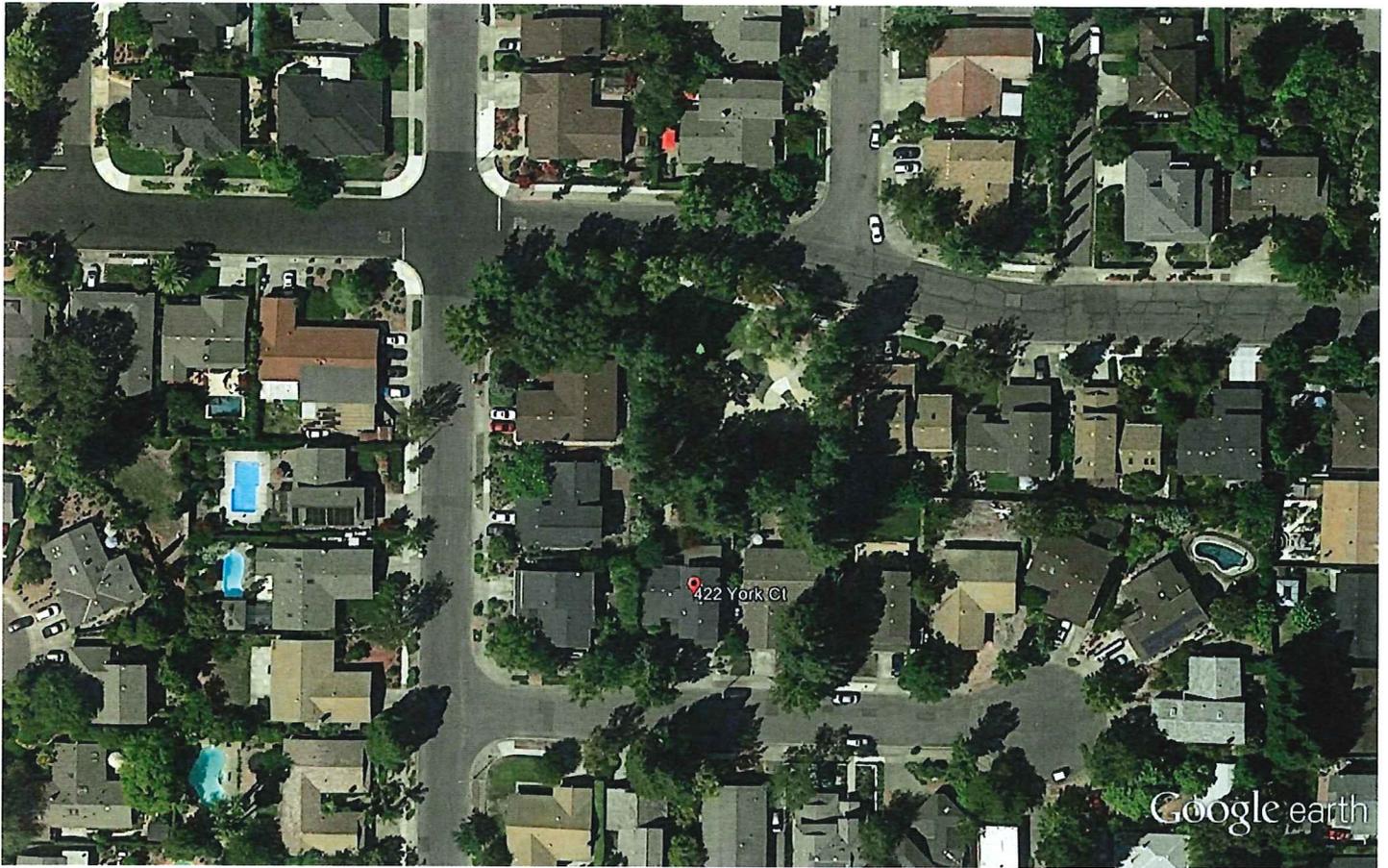
The sunroom was a huge selling point for us when we purchased the house eight years ago. We love it and we eat most of our meals there when the weather is warm. Unfortunately, we also have a large mosquito population flying up through the floorboards for *their* meals while we eat. By pouring a foundation and having the sunroom properly constructed and to today's codes, we should take care of this issue.

The sunroom is directly off our family room in the center of our backyard and will in no way infringe upon our neighbors. If anything, it will enhance the look of our property.

Regards,

Amy Flores and Dennis Fleming

APR 15 2015



Google earth

feet  
meters



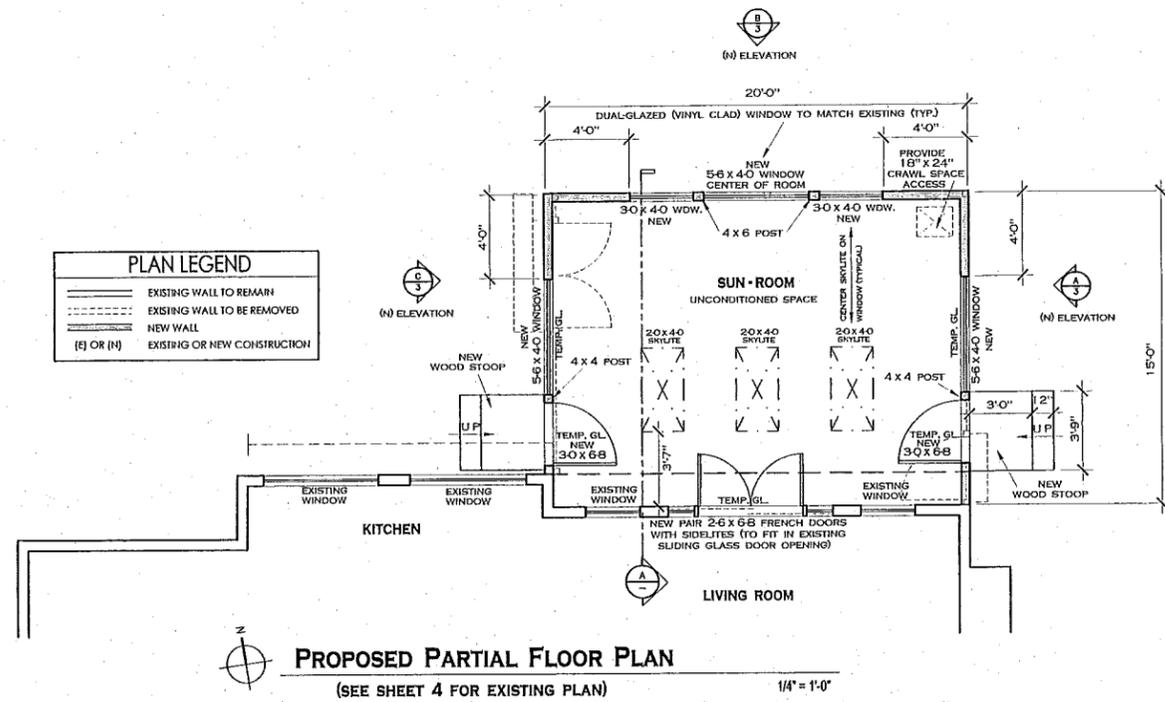


"STREET VIEW"

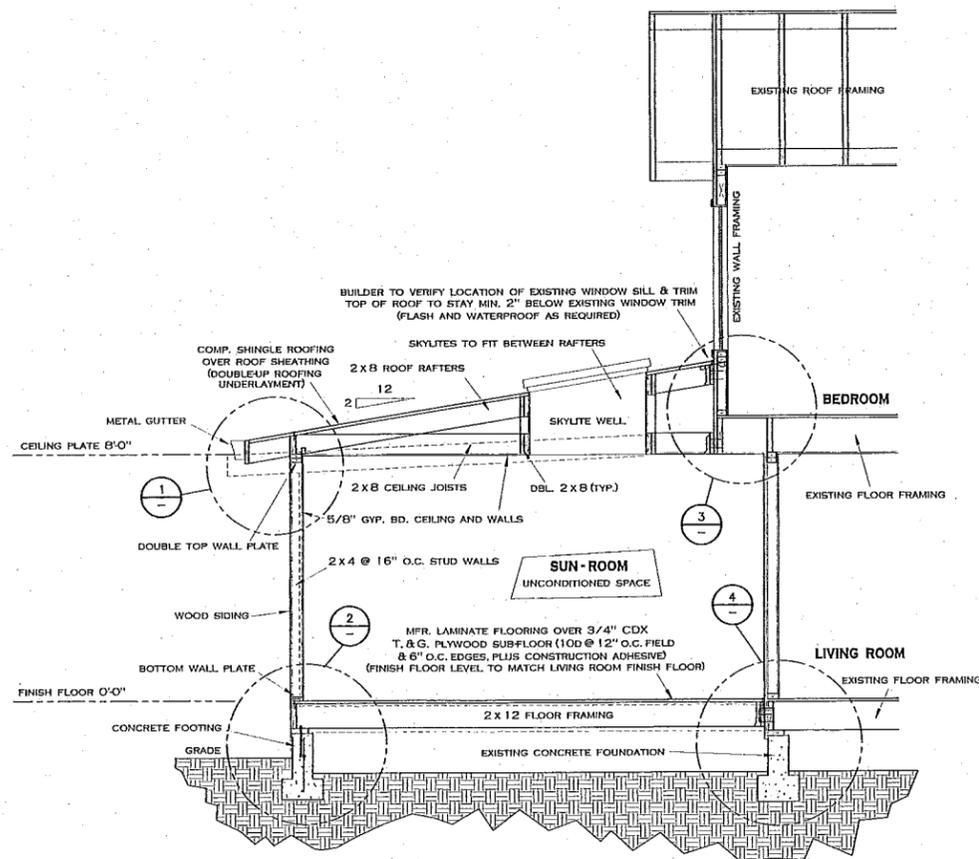


"EXISTING SUN-ROOM"

APR 15 2015

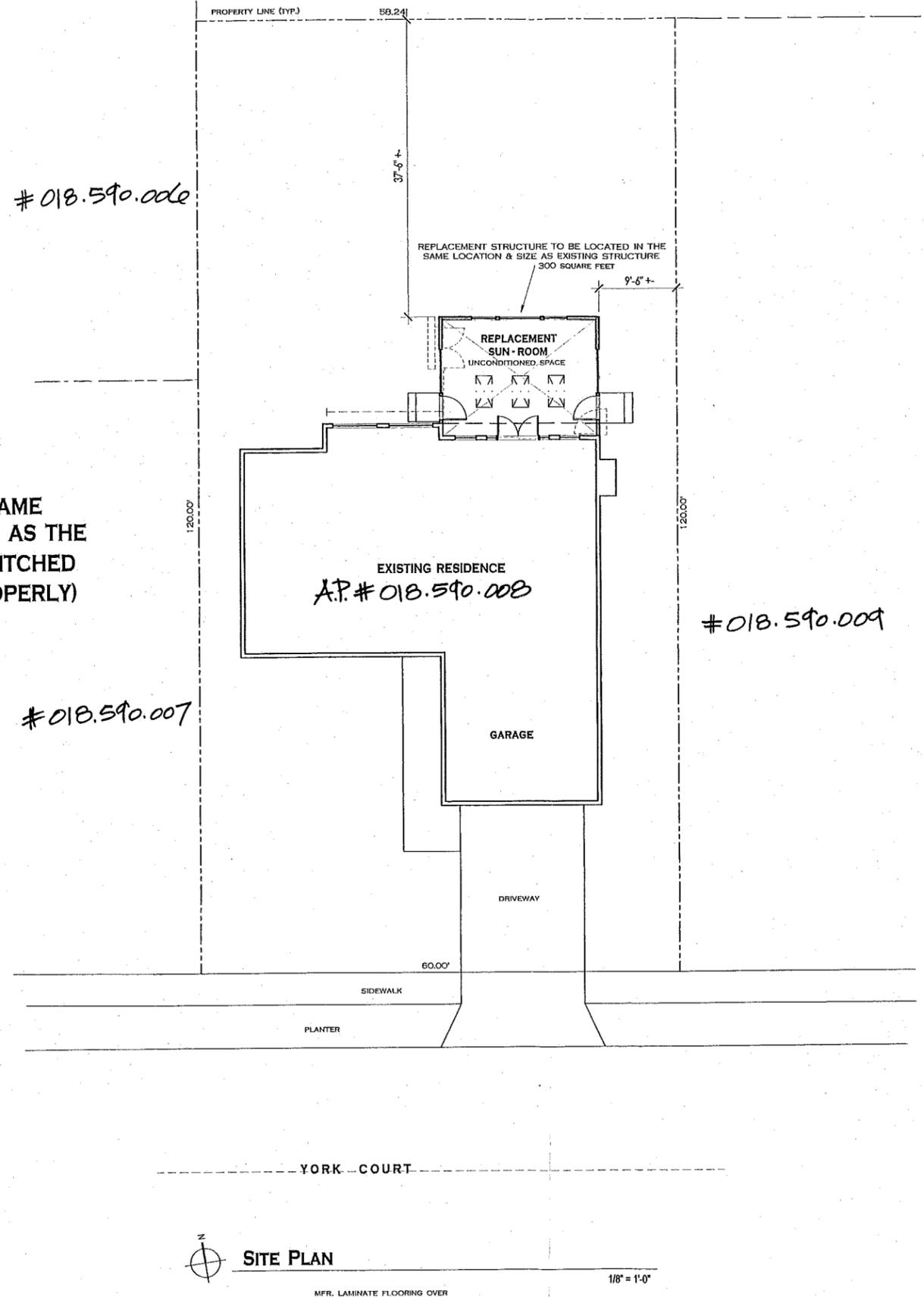


**NEW STRUCTURE WILL BE IN THE SAME LOCATION AND WILL BE THE SAME SIZE AS THE EXISTING STRUCTURE (ROOF WILL BE PITCHED SLIGHTLY HIGHER TO SHED WATER PROPERLY)**



#018.590.008

#018.590.007



#018.590.038

#018.590.009

Revisions:

**F i G O**  
**CONSTRUCTION DRAWINGS**  
FRED O'DONNELL  
822 BROADWAY  
P.O. BOX 898  
SONOMA, CA 95476  
707.996.0103 WORK  
707.996.0112 FAX  
FIGODRAWINGS@GMAIL.COM  
WWW.FIGODRAWINGS.COM

**FLORES RESIDENCE**  
Replacement Sun-Room  
422 York Court  
Sonoma, California

Date: MARCH 2015  
Scale: AS NOTED

Site Plan,  
Proposed  
Plan, Section

**2**

APR 15 2015

Revisions:

F i  
G O

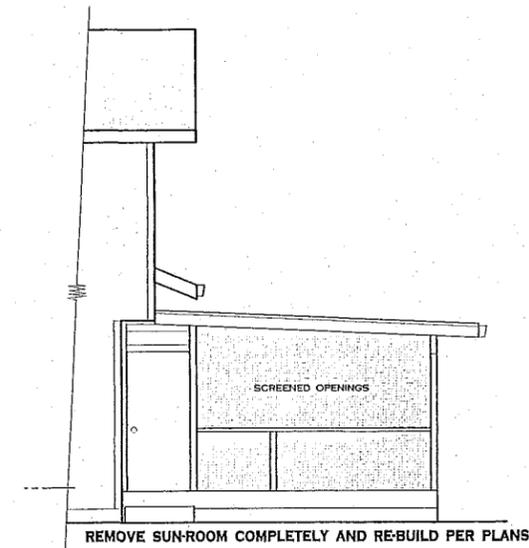
CONSTRUCTION  
DRAWINGS  
FRED O'DONNELL  
822 BROADWAY  
P.O. BOX 898  
SONOMA, CA. 95476  
707.996.0103 WORK  
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WWW.FIGODRAWINGS.COM

FLORES RESIDENCE  
Replacement Sun-Room  
422 York Court  
Sonoma, California

Date: MARCH 2015  
Scale: AS NOTED

Existing &  
Proposed  
Elevations

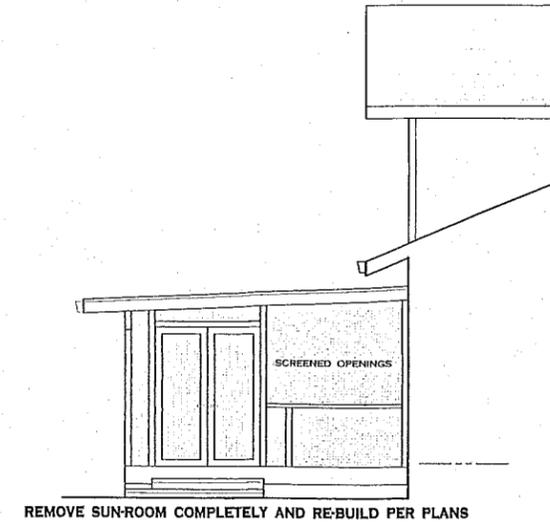
3



1 EXISTING PARTIAL EAST ELEVATION  
1/4" = 1'-0"



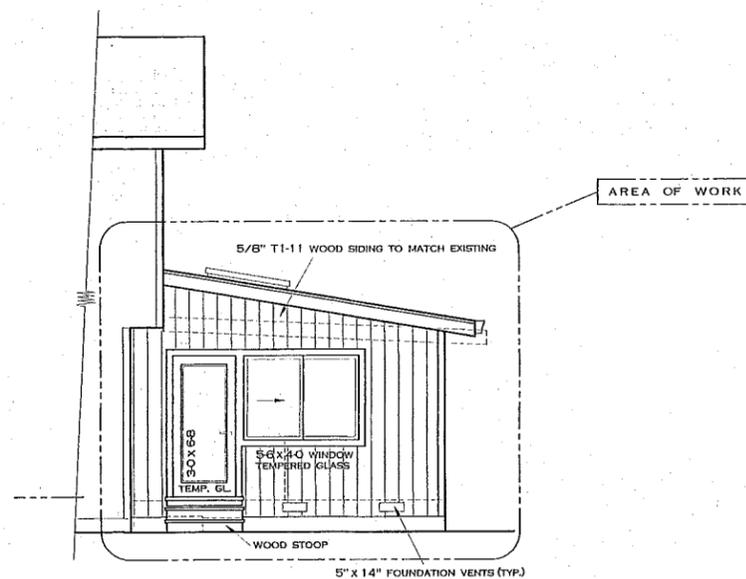
2 EXISTING PARTIAL NORTH ELEVATION  
1/4" = 1'-0"



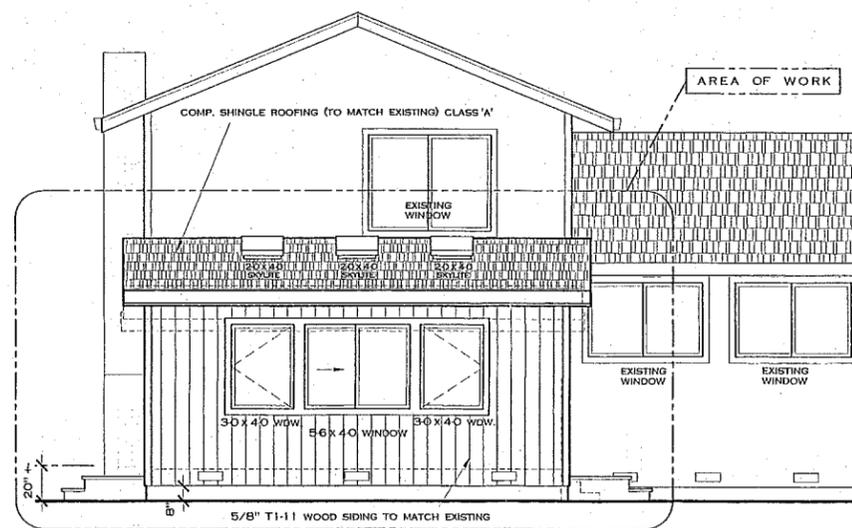
3 EXISTING PARTIAL WEST ELEVATION  
1/4" = 1'-0"

existing conditions

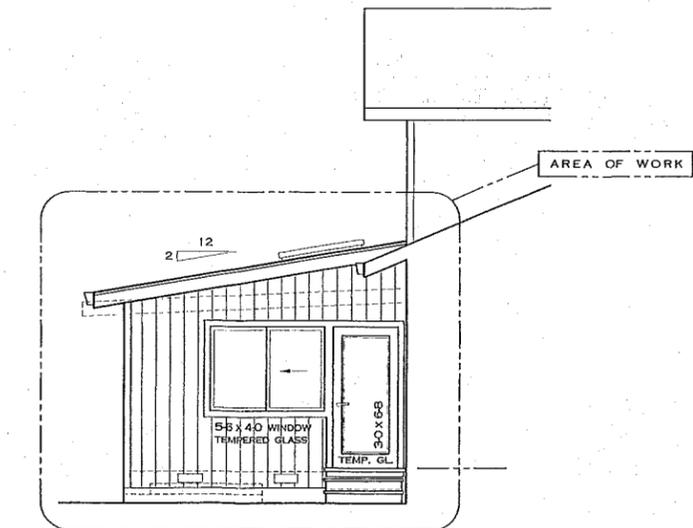
proposed



A PROPOSED PARTIAL EAST ELEVATION  
1/4" = 1'-0"



B PROPOSED PARTIAL NORTH ELEVATION  
1/4" = 1'-0"  
EVERYTHING SHOWN HERE IS EXISTING UNLESS OTHERWISE NOTED



C PROPOSED PARTIAL WEST ELEVATION  
1/4" = 1'-0"

SEE SHEETS 5 & 6 FOR TYPICAL DETAILS & NOTES

APR 15 2015

**Agenda Item Title:** Application for a use permit amendment to allow an outdoor seating area for the coffee service trailer (Coffee & Coco).

**Applicant/Owner:** Rocío Fuentes/ Northwest Dealerco Holdings LLC

**Site Address/Location:** 195 West Napa Street

**Staff Contact:** Wendy Atkins, Associate Planner  
Staff Report Prepared: 05/06/15

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**PROJECT SUMMARY**

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**Description:** Application for a use permit amendment to allow an outdoor seating area for the coffee service trailer (Coffee & Coco) located at 195 West Napa Street.

**General Plan Designation:** Commercial (C)

**Zoning:** **Base:** Commercial (C) **Overlay:** Creek Setback

**Site Characteristics:** The property is located on a ±0.51-acre parcel located on the southeast side of West Napa Street, at the corner of West Napa Street and Second Street West. It is currently developed with a service station building (Sonoma 76), one accessory structure, a storage container, and associated parking and landscaping.

**Surrounding Land Use/Zoning:**  
**North:** 7-Eleven/Commercial (C)  
**South:** Best Western Sonoma Valley Inn/Commercial (C)  
**East:** Meritage Restaurant/Commercial (C)  
**West:** Sonoma Marketplace/Commercial (C)

**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:** Commission discretion.

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## **PROJECT ANALYSIS**

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### **BACKGROUND**

On January 9, 2014, the Planning Commission approved a Use Permit to operate a mobile coffee service trailer on the subject property, with the condition that the allowance was permitted strictly on a temporary basis, subject to reconsideration by the Planning Commission within six months following the date of occupancy (see attached Conditions of Approval). The applicant is now returning to the Planning Commission for the required reconsideration. In addition, the applicant is requesting consideration of a proposal to create a screened seating area that would allow for the placement of six tables and twelve chairs.

### **DETAILED PROJECT DESCRIPTION**

As approved by the Planning Commission, the applicant is operating a self-contained, mobile coffee service trailer adjacent to the Sonoma 76 building. As set forth in the previous project narrative (attached), staffing is limited to three employees (including the owner). Hours of operation are 6 a.m. to 6 p.m. seven days a week, including food deliveries. The trailer is located next to the existing Sonoma 76 building and serves coffee and premade food items. Specifically, the trailer is located on the west side of the building facing Second Street West. Drive-through service is not allowed, so customers who drive to the site are expected to park and purchase products at the trailer location. These aspects of the use would not change. However, the applicant is proposing to expand the current allowance by enclosing a 9 x18 square-foot area north of the coffee trailer, adjacent to the entrance to the gas station, with a four-foot tall iron fence. The purpose of the enclosure is to provide a seating area for customers consisting of six tables and twelve chairs.

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

The property is designated Commercial by the General Plan. The Commercial land use designation is intended to provide areas for retail, hotel, service, medical, and office development, in association with apartments and mixed-use developments and necessary public improvements. Restaurants are allowed in the corresponding Commercial zone with a Use Permit. The proposal does not raise any issues in terms of consistency with the General Plan.

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

*Use:* The property is zoned Commercial (C). Restaurants are allowed in the Commercial Use land use designation with a use permit.

*Building Height/Setbacks/Other Development Standards:* The mobile coffee service trailer and enclosure are not considered permanent structures; therefore, they are not required to meet setback standards.

*Parking:* The City's Parking and Loading Regulations for restaurants and other food serving uses are based on seating. One space is required for each four seats. For outdoor seating, no off-street parking shall be required for up to 25% of the approved number of indoor seats. However, since there is no indoor seating for this use, the 25% rule is not applicable in this situation.

*Service Station Parking Regulations:* Section 19.50.100 of the Development Code states that on-site parking shall be provided at a minimum ratio of one space for each pump island, plus one space for each service bay. Accordingly five on-site parking spaces are required for the service station use. Sixteen parking spaces are provided on-site, which means that eleven spaces are available for the mobile coffee service trailer. Based on the original project narrative, it was estimated that a maximum of seven spaces

would be needed for the coffee service (including employee parking), leaving an excess of four spaces. The Development Code specifies a parking ratio of one space for every four restaurant seats. Based on that formula, the available parking could support 16 seats. However, it has been staff's observation that the service station does regularly make use of more than five parking spaces due the parking of vehicles waiting for repair or pick-up.

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

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

Pursuant to Section of 15301 of the State CEQA Guidelines, the leasing or minor alteration of existing private structures and facilities is Categorically Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

**DISCUSSION OF PROJECT ISSUES**

*Parking and Circulation:* As discussed above, going strictly by the Development Code parking ratios for the various uses on the site, it appears that there may be sufficient parking to support the requested twelve seats. However, as previously mentioned, as a practical matter, the service station use often occupies more than five spaces, which is a circumstance that the Planning Commission should consider in determining the allowed number of seats, if any.

In the previous review, it was noted that the existing on-site parking spaces were not clearly defined as the pavement markings have faded. Therefore, a condition of approval was included requiring that the parking spaces be restriped subject to the City of Sonoma Parking Regulations. As of the date of this staff report only seven parking spaces have been restriped. A condition of approval has been included to require that all sixteen spaces be restriped subject to the City of Sonoma Parking Regulations

The location of the seating area does not appear to interfere with site circulation or access to the pumps.

*No Drive-Through Allowance:* The conditions of approval prohibit the coffee service trailer from operating as a drive-through. Customers in vehicles are required to either park in one of the parking spaces in the southern portion of the property or at the pump island. A condition of approval was included in the previous review by the Planning Commission to require that customers park before approaching the coffee service trailer and that condition remains in place with the Use Permit Amendment. Staff is emphasizing this limitation because, on occasion, we have witnessed what amounts to drive-through service on the site.

*Electrical Connection:* Currently power is supplied to the trailer by a 220-volt outlet and connection located on the outside of the gas station building. The Building Department has determined that issues exist with the current power configuration and that a Building Permit shall be required. A condition of approval has been included to require that the applicant coordinate with the Building Department to obtain a Building Permit.

*Visual Issues/Compatibility/Intensity of Use:* Staff is concerned that the visual component of the outdoor seating and enclosure area may not be compatible with the gas station and the surrounding uses. While the iron fence is simple in design, the combination of the iron fence and umbrellas may appear out of place located in front of the entrance to the gas station cashier area, especially as no other site improvements or landscaping is proposed. Lastly, twelve seats may be excessive, if the purpose, as stated in the narrative, is to provide seating for senior customers. The initial application, which staff

supported, was for a coffee cart. In Sonoma, coffee carts have typically been approved with little or no seating. Staff would not like to see this use morph into an outdoor café.

**RECOMMENDATION**

Commission discretion. Staff has no objection to approving a Use Permit for the coffee cart operation as it currently operates, subject to conditions. However, as discussed above, staff does have concerns about the seating proposal.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Location Map*
4. *Site map*
5. *Project narrative date April 17, 2015*
6. *Project narrative dated*
7. *Pictures of proposed enclosure*
8. *Site Plan*
9. *Drawing of enclosure*
10. *Conditions of Approval from January 9, 2014*
11. *Correspondence*

cc: Rocio Fuentes  
88 Loma Vista Drive  
Sonoma, CA 95476-3250

Northwest Dealerco Holdings LLC  
30343 Canwood Street #200  
Agoura Hills, CA 91301-4329

Bret Sackett, Police Chief

City of Sonoma Planning Commission  
**FINDINGS OF PROJECT APPROVAL**  
Use Permit Amendment for Mobile Coffee Service Trailer – 195 West Napa Street

May 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:

**Use Permit Findings**

1. The proposed uses are consistent with the General Plan and any Specific Plan;
2. The proposed uses are allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of this Development Code(except for approved Variances and Exceptions);
3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and
4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL**  
Use Permit Amendment for Mobile Coffee Service Trailer – 195 West Napa Street

May 13, 2015

1. The use shall be operated in a manner consistent with the project narrative, except as modified by these conditions. The hours of operation, including deliveries, shall be limited to the following hours: 6 a.m. to 6 p.m. seven days per week. The maximum number of employees shall not exceed three (including the owner).

*Enforcement Responsibility: Planning Department*  
*Timing: Ongoing*

2. All Building Division requirements shall be met. A building permit shall be required.

*Enforcement Responsibility: Building Division*  
*Timing: Prior to the issuance of any building permit that may be required*

3. All applicable Fire Department requirements shall be met, including requirements related to the provision of fire extinguishers and fuel storage.

*Enforcement Responsibility: Fire Department*  
*Timing: Prior to operation*

4. All signs shall be subject to the review and approval of the Design Review and Historic Preservation Commission (DRHPC).

*Enforcement Responsibility: Planning Department; DRHPC*  
*Timing: Ongoing*

5. The applicant shall notify the following agencies of its application, and obtain any necessary written approvals prior to operation of the business.
  - a. Sonoma County Health Department (for food-serving establishments)

*Enforcement Responsibility: Planning Division*  
*Timing: Prior to occupancy*

6. The food trailer and surrounding area shall be maintained in a neat and orderly manner. Trash on the site shall be cleaned up on a daily basis.

*Enforcement Responsibility: Planning Division*  
*Timing: Ongoing*

9. The electrical connection for the mobile food service trailer shall be subject to the review and approval of the Building Official. A Building Permit shall be required.

*Enforcement Responsibility: Planning Division; Building Division*  
*Timing: Ongoing*

10. On-site parking spaces shall be restriped to include sixteen spaces subject to the City of Sonoma Parking Regulations. The seven parking spaces available for the coffee service shall be clearly marked for that use.

*Enforcement Responsibility: Planning Division; Building Division*  
*Timing: Prior to occupancy*

11. The coffee service trailer shall not be used as a drive-through use. Customers shall be required to either park in one of the parking spaces in the southern portion of the property or at the pump island.

*Enforcement Responsibility: Planning Division*  
*Timing: Ongoing*

12. Signs shall be required (subject to the review and approval of the DRHPC) directing customers to park in parking spaces in the southern portion of the property or at the pump island.

*Enforcement Responsibility: Planning Division; DRHPC*  
*Timing: Prior to occupancy*

14. The size of the mobile coffee service trailer shall be limited to 6 x 12 feet in area.

*Enforcement Responsibility: Planning Division*  
*Timing: Ongoing*

RECEIVED

APR 17 2015

CITY OF SONOMA

SONOMA CITY HALL / BUSINESS OFFICE

1 The Plaza

Sonoma, CA 95476

DATE: April 16, 2015

RE: COFFEE & COCO, 195 West Napa Street, Sonoma, CA 95476

TO WHOM IT MAY CONCERN:

I would like to incorporate tables and chairs to our business, Coffee & Coco, also add umbrellas to provide shade in the summer and provide protection against any other weather conditions (ie rain etc) for my customers. At the present time I have no place for my elderly customers to sit and enjoy their cup of coffee at this location

I would also like to enclose the area of the tables and chairs with a small 4=ft high brown iron fence surrounded with green shrubs giving the effect of a patio. I will submit a drawing of what I am proposing. I feel that it will provide a nice place for customers to be able to sit and enjoy a cup of coffee and also enjoy our beautiful city of SONOMA.

Thank you for your time!

Sincerely yours,

Rocio Fuentes

Owner / Coffee & Coco

Cc: File

# Coffee & Coco

## Products & Services:

Coffee & Coco will offer high quality of coffee, tea, hot coco for a fair price. We will also sell homemade cookies, brownies, and pastries using our local ingredients. We will strive to be a leader in coffee experience this means we will provide customer service bar none, and support our community. We believe customer service is key.

Fair trade coffee farm to cup

## Operation:

Coffee & Coco proposed hours of operation are Monday - Sunday 6am - 6pm.

## Staff:

Coffee & Coco will have highly trained staff and friendly usually 2-3 employees at different times. Coffee & Coco staff will try to put the best quality of product for our consumer.

## Mobile Unit:

Mobile coffee unit dimensions are 6 x 12 x 83 inches high. Custom trailer that we will make fit in with the look of Sonoma. A walk up coffee unit.

## Plan with leaving cart at location:

The plan with leaving cart at location is to have the cart looking clean every day and the area around the cart.

Note: Page with photos ideas for plants and vegetation.

## Parking:

Coffee & Coco will make sure there is parking available for customers. Owner of 76 gas station Jeff Martinez has giving us use of 7 spots or more if needed.

February 25, 2014

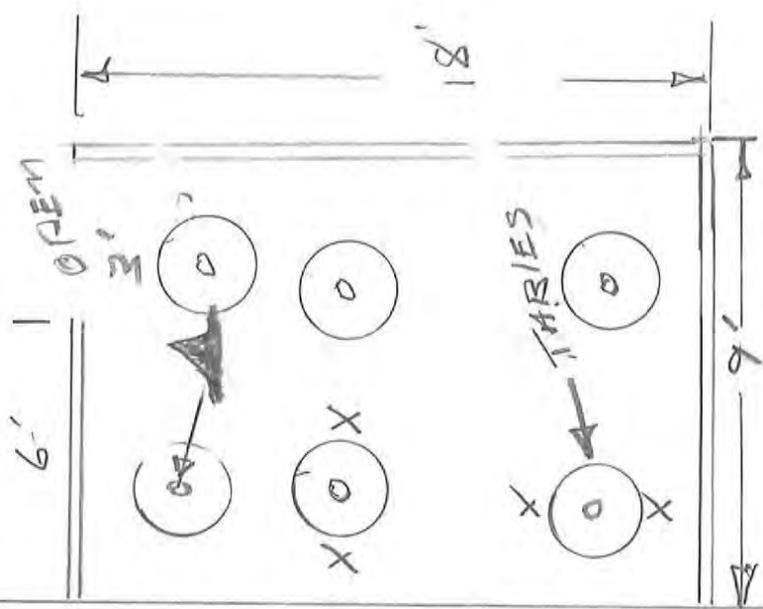




76 GAS STATION

DOORS

SIDE WALK

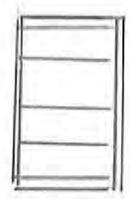


6ea  STEEL TABLE 30" DIA

X CHAIRS STEEL



Umbrellas 4' Dia



STEEL 4' HIGH TOP 1/4" X 2"

BOTTOM 1/4" X 2" RODS - 1/2" DIA

TOP VIEW

2nd ST

Marpa ST APR 17 2015

6 TABLE

12 CHAIRS

6 Umbrellas

Frame STEEL

TOP & BOTTOM

1/4" x 2" x 9' STEEL BAR

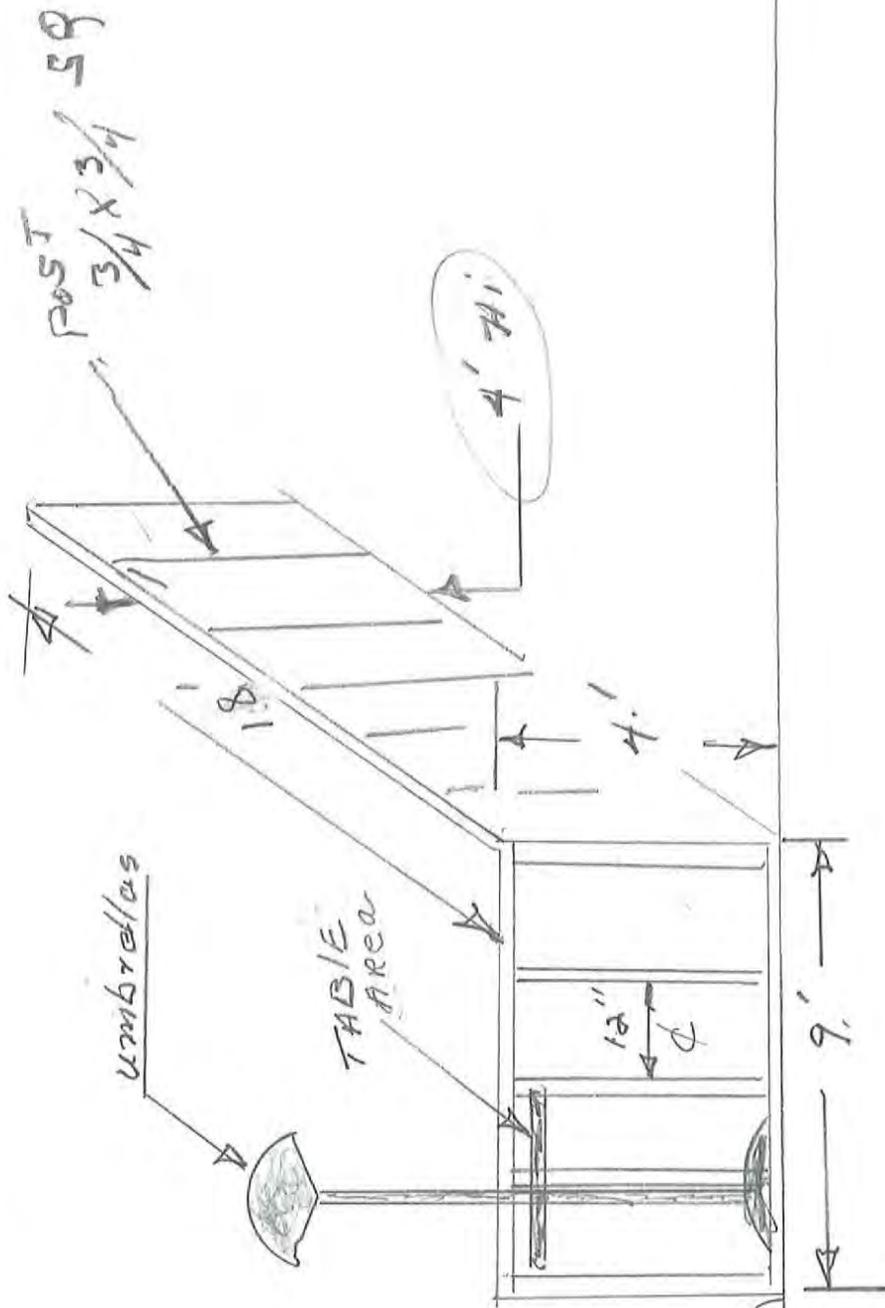
" " 6'

" " 18'

76 GAS STATION

Doors

SIDEWALK



City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL**  
Use Permit for Mobile Coffee Service Trailer – 195 West Napa Street

January 9, 2014

1. The use shall be operated in a manner consistent with the project narrative, except as modified by these conditions. The hours of operation, including deliveries, shall be limited to the following hours: 6 a.m. to 6 p.m. seven days per week. The maximum number of employees shall not exceed three (including the owner).

*Enforcement Responsibility:* Planning Department  
*Timing:* Ongoing

2. All Building Division requirements shall be met. A building permit may be required.

*Enforcement Responsibility:* Building Division  
*Timing:* Prior to the issuance of any building permit that may be required

3. All applicable Fire Department requirements shall be met, including requirements related to the provision of fire extinguishers and fuel storage.

*Enforcement Responsibility:* Fire Department  
*Timing:* Prior to operation

4. All signs shall be subject to the review and approval of the Design Review and Historic Preservation Commission (DRHPC).

*Enforcement Responsibility:* Planning Department; DRHPC  
*Timing:* Ongoing

5. The project shall be subject to the review and approval of the DRHPC. This review shall encompass trailer elevations, colors, and materials, the trash enclosure design, and landscaping.

*Enforcement Responsibility:* Planning Division; DRHPC  
*Timing:* Prior to the issuance of any building permit

6. No table or chairs shall be allowed.

*Enforcement Responsibility:* Planning Division  
*Timing:* Ongoing

7. The applicant shall notify the following agencies of its application, and obtain any necessary written approvals prior to operation of the business.
  - a. Sonoma County Health Department (for food-serving establishments)

*Enforcement Responsibility:* Planning Division

*Timing: Prior to occupancy*

8. The food trailer and surrounding area shall be maintained in a neat and orderly manner. Trash on the site shall be cleaned up on a daily basis.

*Enforcement Responsibility: Planning Division*

*Timing: Ongoing*

9. The electrical connection for the mobile food service trailer shall be subject to the review and approval of the Building Official. A Building Permit shall be required, if applicable.

*Enforcement Responsibility: Planning Division; Building Division*

*Timing: Ongoing*

10. On-site parking spaces shall be restriped to include sixteen spaces subject to the City of Sonoma Parking Regulations. The seven parking spaces available for the coffee service shall be clearly marked for that use.

*Enforcement Responsibility: Planning Division; Building Division*

*Timing: Prior to occupancy*

11. The coffee service trailer shall not be used as a drive-through use. Customers shall be required to either park in one of the parking spaces in the southern portion of the property or at the pump island.

*Enforcement Responsibility: Planning Division*

*Timing: Ongoing*

12. Signs shall be required (subject to the review and approval of the DRHPC) directing customers to park in parking spaces in the southern portion of the property or at the pump island.

*Enforcement Responsibility: Planning Division; DRHPC*

*Timing: Prior to occupancy*

13. The allowance for a mobile coffee service use as provided herein shall be permitted strictly on a temporary basis, subject to reconsideration by the Planning Commission within six months following the date of occupancy and shall be of no further force and effect unless extended by the Planning Commission prior to the date of expiration.

*Enforcement Responsibility: Planning Division*

*Timing: Ongoing*

14. The size of the mobile coffee service trailer shall be limited to 6 x 12 feet in area.

*Enforcement Responsibility: Planning Division*

*Timing: Ongoing*

RECEIVED

APR 29 2015

CITY OF SONOMA

**NO**

**Rocio Fuentes USE PERMIT SHOULD NOT BE ALLOWED for any outdoor seating for his coffee service trailer at 195 West Napa Street.**

This area should be used for its intent and purpose which is to provide gas and vehicle repair with coffee on the side.

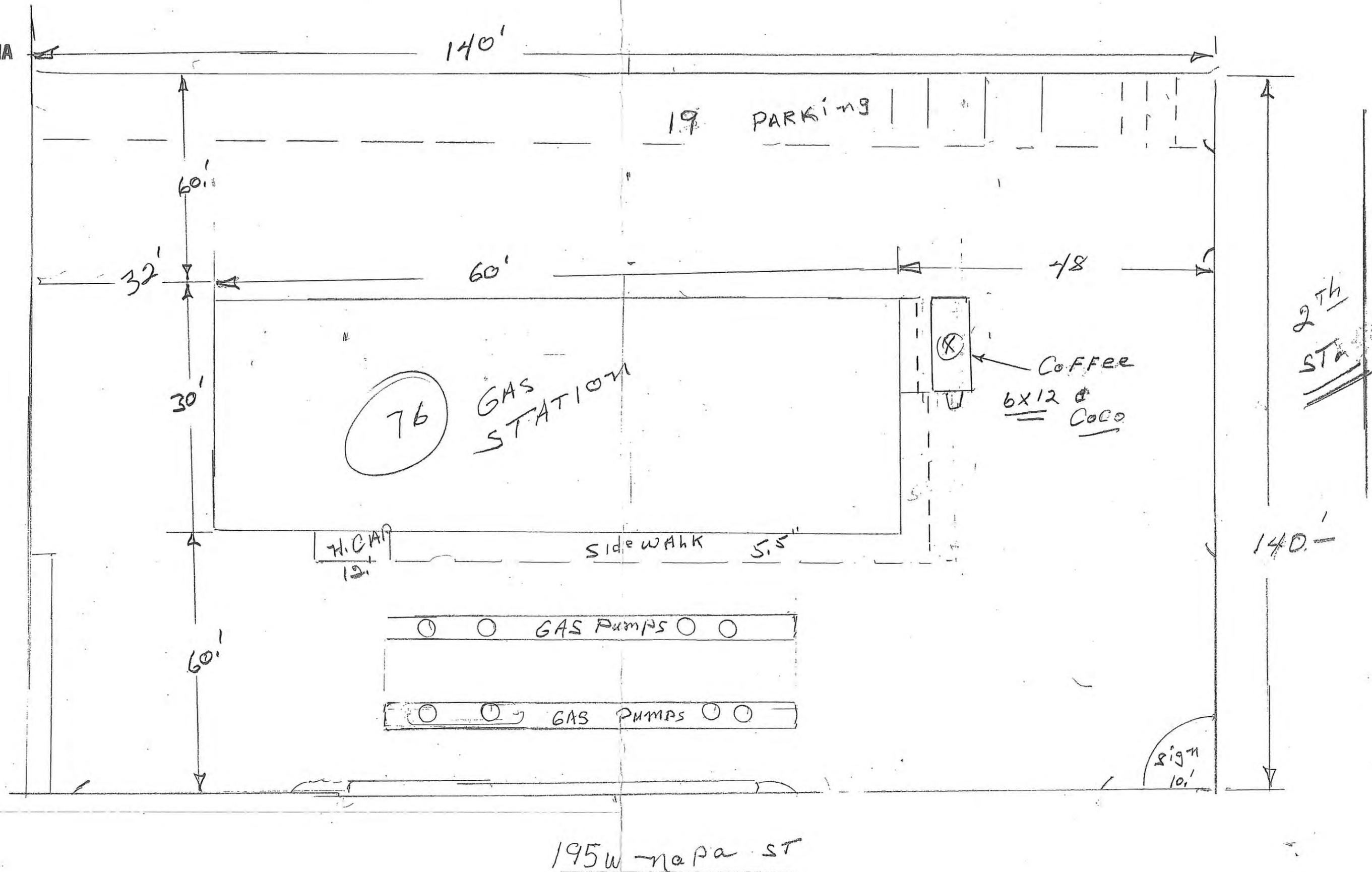
This is not in the best interest of the City of Sonoma and is already a safety hazard. Now they want you to sit and breathe in the car fumes coming in for gas or waiting at the light. Ridicules.

What's next...? He wants his taco truck too?

PLEASE.....let make sure the feedback is from people who are living here LEGALLY.

A concerned citizen of the United States and the City of Sonoma.

RECEIVED  
DEC 13 2013  
CITY OF SONOMA



**Agenda Item Title:** Application for a Use Permit to allow a residential unit to be operated as a vacation rental.

**Applicant/Owner:** Benchmark-Hoover LLC/City of Sonoma

**Site Address/Location:** 289 First Street East

**Staff Contact:** David Goodison, Planning Director  
Staff Report Prepared: 05/11/15

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**PROJECT SUMMARY**

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**Description:** Application of Benchmark-Hoover for a Use Permit to convert a residence into vacation rental.

**General Plan Designation:** Park (Pk)

**Planning Area:** Northeast Area

**Zoning:** **Base:** Park (Pk) **Overlay:** Historic (/H)

**Site Characteristics:** The subject site is located off First Street East, south of Depot Park. It does not have street frontage, as it is located behind the Maysonnave residence (leased by the League for Historic Preservation). The site has an area of approximately 12,000 square feet and is developed with the Maysonnave Cottage, a 1,090 square foot secondary unit built in 1910.

**Surrounding Land Use/Zoning:** **North:** Depot Park/Park  
**South:** Casa Grande Parking Lot, vacation rental/Park, Medium Density Residential  
**East:** Senior apartments (across First Street East)/Mixed Use  
**West:** Petanque/Bocce Courts/Park

**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***

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### ***BACKGROUND***

In 1991 Henri Maysonnave bequeathed to the City two adjoining properties located at 289 and 291 First Street East. The City leases the Maysonnave Home (291 First Street East), located on the east parcel, to the Sonoma League for Historic Preservation for use as a museum/heritage center. The western portion of the subject property (289 First Street East) is leased to the Sonoma Pétanque Association who, in association with the Sonoma Sister Cities Association, had developed pétanque and bocce courts. The remaining portion of the subject property, which is the subject of this application, encompasses approximately 12,000 square feet. It contains a residence, known as the Maysonnave Cottage, having an area of 1,090 square feet, which is no longer occupied due to safety concerns and lack of compliance with State Housing Law. Since February of 2012, when the City Council declined to proceed with its demolition, the Council has been exploring alternative uses of the Maysonnave Cottage as a means of facilitating its renovation and continued preservation. Because the renovations required to upgrade the building to a public use standard are cost-prohibitive (estimated at as much as \$700,000), the focus has been on identifying approaches that would enable the cottage to be used in a manner that would justify the cost of upgrading it, while maintaining compatibility with neighboring uses.

After considering a number of options, the City Council accepted a proposal from Benchmark/Hoover LLC, which calls for a twenty-year lease of the property with an allowance for the cottage to be used as a vacation rental in exchange for lease payments and the renovation of the cottage to a residential occupancy standard. After the conclusion of the lease, the City would then use the accumulated lease payments to improve the cottage to a public standard. The City Council approved the lease at its meeting of April 6, 2015. Under the terms of the lease, the City has several obligations, which include processing an amendment to the Development Code to allow for the vacation rental use. This amendment, very simply, adds “Vacation Rental” as a conditionally-permitted use in the “Park” zone. It was reviewed by the Planning Commission at its meeting of April 9, 2015, at which time the Planning Commission voted unanimously to forward it to the Council for adoption. The Council, at its meeting of May 4, 2015, voted to introduce the ordinance. It is scheduled for adoption at the meeting of May 18, 2015.

### ***DETAILED PROJECT DESCRIPTION***

The applicant is requesting approval to operate the residence as a two-bedroom vacation rental. As a vacation rental, the unit would be rented on a short-term basis for periods of less than 30 consecutive days. In order to accommodate the proposed use, the applicants would renovate the cottage as it is in a dilapidated condition. As shown on the attached site plan, the applicants also propose to create a landscaped seating area at the back of the cottage. A single parking space is proposed, which would be located on the north side of the cottage and accessed via an gravel drive that connects to First Street East.

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

The property is designated “Park” by the General Plan. The “Park” land use designation is intended to accommodate parks and related facilities, including community gardens, museums, and recreational facilities and buildings, as well as natural and undeveloped areas intended for walking, biking, and other low intensity recreational uses. The following goals and policies of the General Plan are applicable to the project:

*Community Development Element, Policy 5.4:* Preserve and continue to utilize historic buildings as much as feasible. (Note: The building is listed in the local survey conducted by the Sonoma League for Historic Preservation in 1979; however, it apparently does not qualify as a State historic resource.)

*Community Development Element, Policy 5.8:* Encourage the designation and preservation of local historic structures and landmarks, and protect cultural resources.

*Local Economy Element, Policy 1.5:* Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma.

In staff's view, the proposal does not raise any significant issues in terms of compatibility with the goals and policies of the 2020 General Plan.

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

*Use:* The property is zoned Park (Pk), which is primarily intended for various types of parks and recreation facilities. However, as amended, vacation rentals are an allowed use in the Park zone, subject to review and approval of a Use Permit by the Planning Commission.

*Development Standards:* The proposed use would convert an existing residence. As a result, the project does not raise any issues in terms of compliance with building setback, FAR, lot coverage, open space, and building height standards.

*On-Site Parking:* One parking space is normally required for each bedroom within a vacation rental. Accordingly, two on-site parking spaces would be required for the proposed vacation rental. As shown on the site plan, only one parking space is shown. Although not indicated as such on the site plan, the parking space will need to be handicapped accessible, meaning that an additional seven feet of width will be required for drop-off area. Due to this requirement, there is insufficient area on the site for a second parking space. Therefore, staff is recommending that an Exception to the parking standards be considered.

*Parking Exception Findings:* Pursuant to Development Code Section 19.48.050.A.1, the Planning Commission may grant exceptions from setback standards, provided that the following findings can be 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 vacation rental use associated with the setback exception request is consistent with the property's "Park" 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;*

With regard to property conditions, as discussed above, there is not sufficient space north or south of the cottage to provide a second parking space, due to the requirement that the first parking space be handicapped accessible. (Note: it would not be signed for exclusive use as handicapped parking, but it does need to meet the dimensional requirements.) Staff would also note that due to the small size of the cottage, it is likely that it would typically be rented by one or two persons, so a second parking space would not often be utilized.

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 nature of the vacation rental use is such that the property will be occupied far less often than was the case when it was used as a single-family residence. Based on the nature of the use and the location of the property, staff does not anticipate any compatibility issues.

In summary, it is staff's view that the findings necessary to support the setback Exception may be made.

*Vacation Rental Standards:* The general standards and requirements pertaining to vacation rental set forth under Section 19.50.110 of the Development Code have been included as conditions of approval. These include requirements related to fire and life safety, maintaining a business license, payment of Transient Occupancy (TOT) taxes, and limitations on signs.

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

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

Pursuant to Section of 15303 of the State CEQA Guidelines, conversion of an existing small structure from one use to another is considered Categorical Exempt from the provisions of CEQA (Class 3 – Conversion of Small Structures).

**DISCUSSION OF PROJECT ISSUES**

In staff's view, the proposal does not raise any significant issues. Neighboring uses include a park, a museum/office, and a complex of five vacation rentals, plus a manager's quarters (the Brickhouse Bungalows). Normally, the conversion of a residence to a vacation rental unit could raise issues with respect to preserving the City's rental housing stock. However, the Maysonnave Cottage is located on a park property and its long-term use as a residence is not consistent with the terms of the bequest through which the City received the property. The primary issue, in staff's view, is the parking Exception. However, as discussed in the review of the Exception findings, the site does not have sufficient area to accommodate a second parking space and due to the small size of the cottage, staff expects that it will usually be rented by 1-2 persons.

**RECOMMENDATION**

Staff recommends approval of the Use Permit and parking Exception subject to the attached conditions.

Attachments

1. Findings of Project Approval
2. Draft Conditions of Approval
3. Location map
4. Project Narrative
5. Site Plan/Floor Plan/Elevations

cc: Benchmark-Hoover (via email)

City of Sonoma Planning Commission  
**FINDINGS OF PROJECT APPROVAL**  
Maysonnave Cottage Vacation Rental Use Permit – 289 First Street East  
May 14, 2015

Based on substantial evidence in the record, including but not limited to the staff report, 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:

**Use Permit Approval**

1. That the proposed use is consistent with the General Plan and any Specific Plan;
2. That the proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code (except for approved Variances and Exceptions).
3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and
4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL**  
Maysonnave Cottage Vacation Rental Use Permit – 289 First Street East  
May 14, 2015

1. The vacation rental shall be operated in conformance with the project narrative and the approved site and floor plan.  
*Enforcement Responsibility: Planning Department*  
*Timing: Ongoing*
2. One handicapped accessible parking space shall be provided.  
*Enforcement Responsibility: Planning Department*  
*Timing: Ongoing*
3. The applicant/property owner shall obtain and maintain a business license from the City for the vacation rental use, and shall register with the City to pay associated Transient Occupancy Taxes (TOT), as well as required payments to the Tourism Improvement District.  
*Enforcement Responsibility: Finance Department*  
*Timing: Prior to operation of the vacation rental and ongoing*
4. The conversion of the residence to a vacation rental unit shall comply with all applicable requirements of the Building Code. Fire and life safety requirements administered by the Fire Department and the Building Department shall be implemented.  
*Enforcement Responsibility: Building Department; Fire Department*  
*Timing: Prior to operation and ongoing*
5. The vacation rental shall comply with the annual fire and life safety certification procedures of the Fire Department.  
*Enforcement Responsibility: Fire Department*  
*Timing: Ongoing*
6. One sign, with a maximum area of two square feet, may be allowed subject to the approval of the City's Design Review and Historic Preservation Commission (DRHPC). Exterior changes associated with the conversion shall be subject to the review and approval of the DRHPC, consistent with SMC 19.54.080.  
*Enforcement Responsibility: Planning Department; DRHPC*  
*Timing: Prior to installation of a sign or the issuance of any Building Permit*
7. Visitor occupancy shall be limited to a maximum of twenty-nine consecutive days.  
*Enforcement Responsibility: Planning Department; Finance Department*  
*Timing: Ongoing*

# Vicinity Map

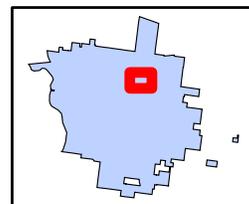


## Project Summary

<i>Project Name:</i>	Maysonnave Cottage Use Permit
<i>Property Address:</i>	289 First Street East
<i>Applicant:</i>	Benchmark-Hoover
<i>Property Owner:</i>	Same
<i>General Plan Land Use:</i>	Park
<i>Zoning - Base:</i>	Park
<i>Zoning - Overlay:</i>	Historic
<i>Summary:</i>	Consideration of a Use Permit to allow an existing residence to be operated as a vacation rental.

## 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

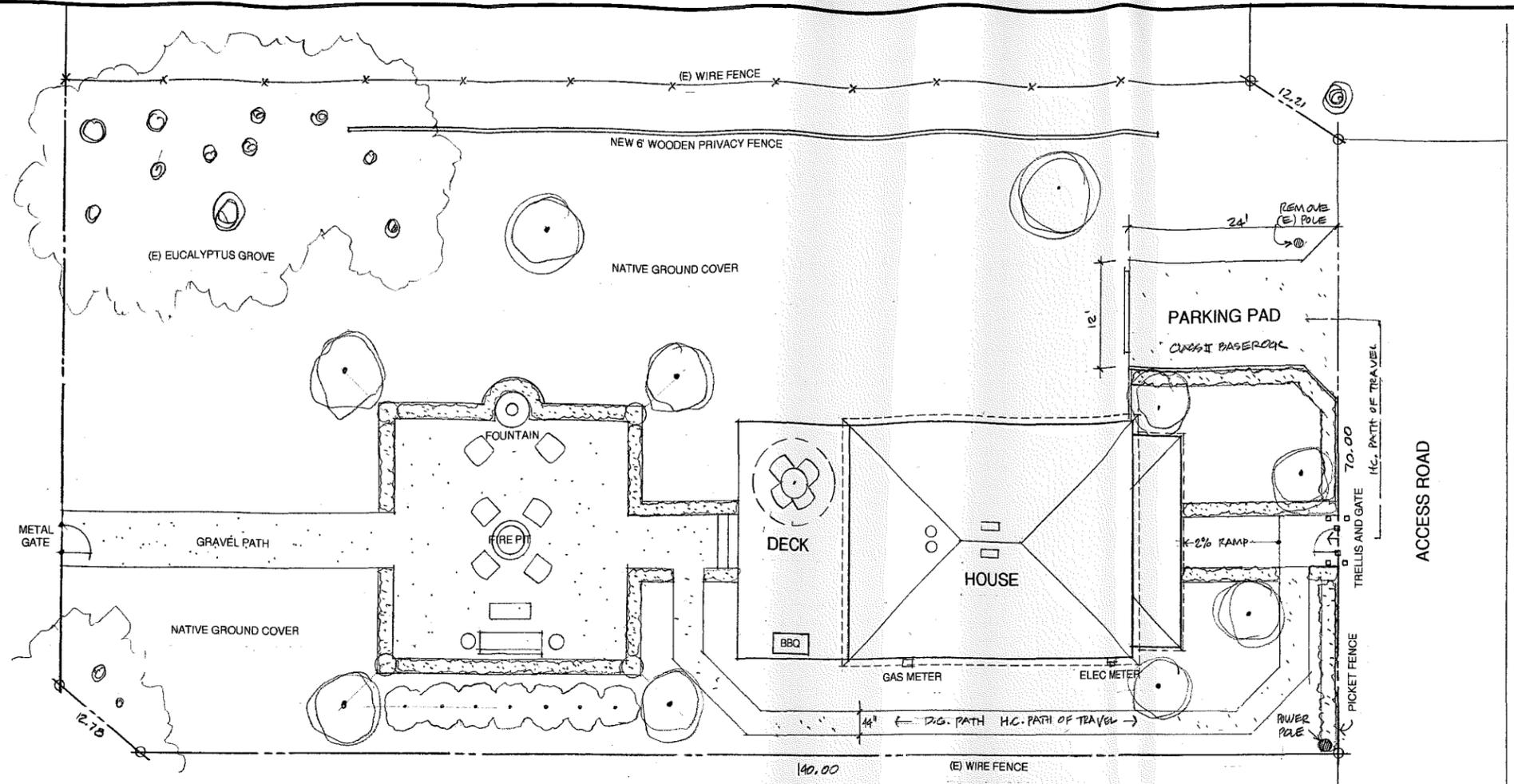


0 95 190 380 Feet

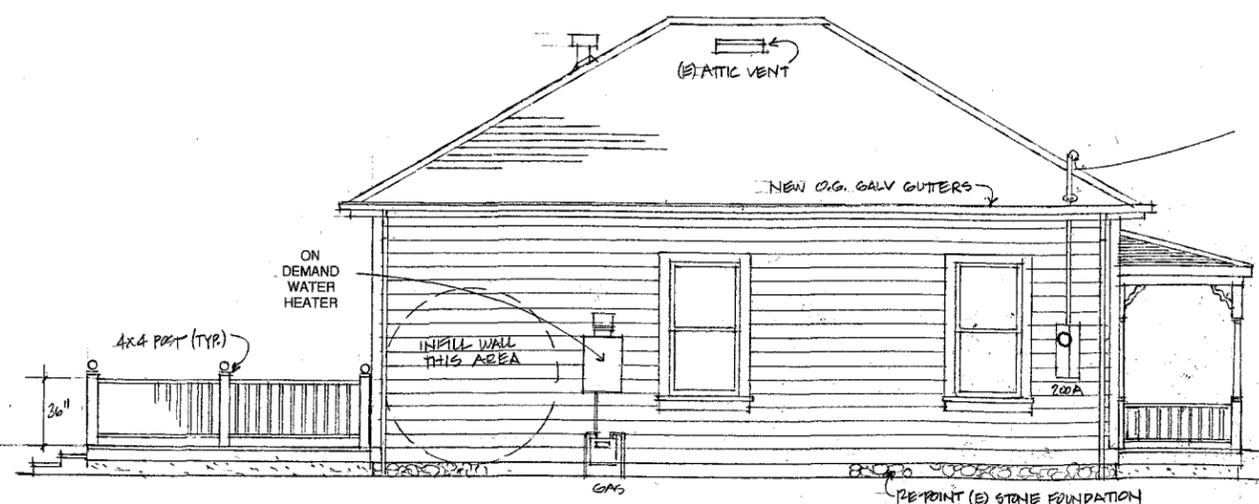
1 inch = 200 feet

## **PROJECT DESCRIPTION**

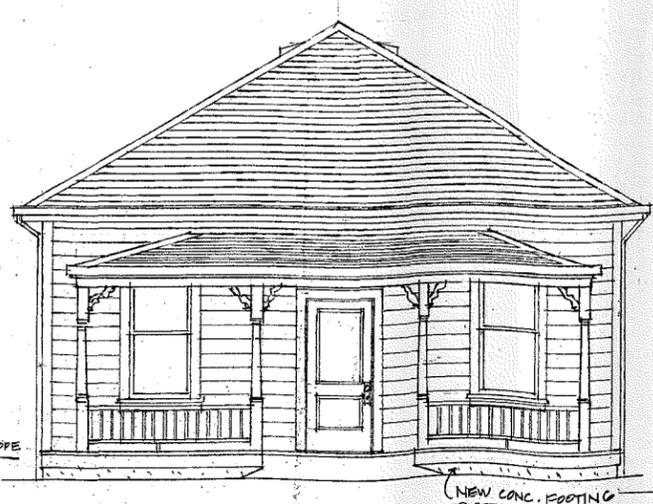
This project consists of remodeling and additions to the historic Maysonnave Cottage located adjacent to the remodeled Maysonnave House, now used by the Sonoma League for Historic Preservation. The house will be extensively rebuilt inside to accommodate the leased use as a vacation rental property. The existing siding, trims, windows and front porch columns and brackets will be preserved or repaired as needed. A new accessible front door and entry path will be part of the site landscape, parking area and garden improvements. A new rear porch will be accessible from the dining area and lead to a new garden with sitting areas, a fountain and native plantings as appropriate for the Sonoma area. Electrical, plumbing and HVAC, as well as a new gas fireplace will bring the house up to current codes.



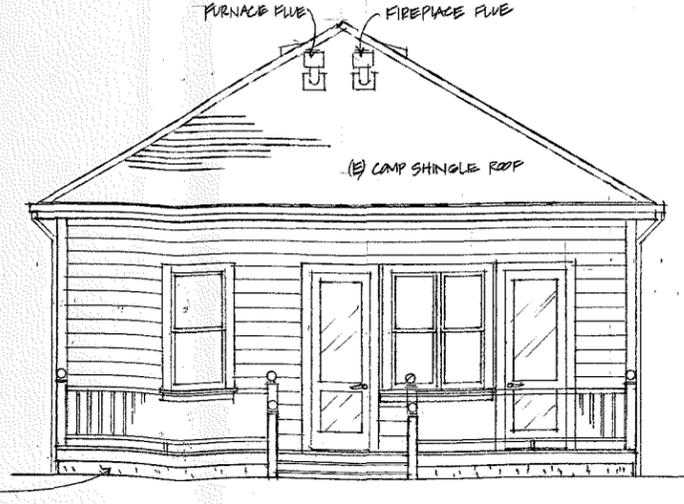
SITE DEVELOPMENT PLAN 1/8"  NORTH



EAST ELEVATION (WEST SIM)



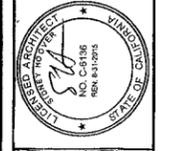
NORTH ELEVATION



SOUTH ELEVATION

REVISIONS	BY

SIDNEY HOOVER ARCHITECTS AIA  
 ARCHITECTURAL DESIGN STUDIO  
 3090ms CA 95476  
 707-939-9995 sidhoo@verizon.net



EXTERIOR ELEVATIONS  
 SITE DEVELOPMENT PLAN

RESTORATION AND REMODELING  
 THE MAYSONNAVE COTTAGE  
 SONOMA, CA 95476

Date	4/15/15
Scale	AS SHOWN
Drawn	
Job	



## MEMO

**To:** Planning Commission

**From:** Chris Pegg, Stormwater Compliance Specialist

**Subject:** Consideration of an amendment to the Development Code as it pertains to the City's legal authority and ability to comply with National Pollutant Discharge Elimination System Permit 2013-0001-DWQ, a permit regulating discharges of stormwater runoff from the City's storm drains to waters of the United States.

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### **Background**

The City of Sonoma operates a storm drain system that collects stormwater during rain events and discharges it to Nathanson, Fryer, and Sonoma creeks. This storm drain system protects the public safety and reduces flood-related property damage; however, discharges from urban storm drain systems are generally known to contain pollutants such as sediment, pesticides, heavy-metals, pathogens, and motor oil. The Federal Clean Water Act prohibits discharges of these and other pollutants to a broad class of waterbodies known as Waters of the United States, which includes Nathanson, Fryer, and Sonoma creeks.

In California, the State Water Resources Control Board is authorized to implement Section 402 of the Federal Clean Water Act, also known as the National Pollutant Discharge Elimination System (NPDES). NPDES rules allow operators of storm drain systems to discharge stormwater to Waters of the United States when a permit has been issued ensuring that the operator has limited the quantity of pollutants in the discharge to the maximum extent practicable.

The State Water Resources Control Board issued NPDES Permit 2013-0001-DWQ to the City of Sonoma in 2013. NPDES Permit 2013-0001-DWQ requires City of Sonoma to establish legal authority to implement all requirements therein and update relevant ordinances to remove gaps or impediments to full permit compliance.

### **Amendment to the Development Code**

A comprehensive review of Title 19 of the Sonoma Municipal Code (the Development Code) revealed a number of minor gaps or impediments to full permit compliance. Staff has crafted an amendment to the Development Code that resolves these gaps and impediments.

The amendment to the Development Code would:

- a. Modify open space requirements to promote development that provides open spaces with beneficial stormwater and groundwater recharge impacts. (SMC 19.38.010 & 19.40.080)
- b. Modify screening requirements for trash enclosures to better prevent stormwater pollution. (SMC 19.40.100)
- c. Modify off-site parking requirements to close a loophole that may be exploited to reduce stormwater mitigation requirements for some development projects. (SMC 19.48.030)
- d. Modify discretionary review requirements for wheel stops in parking lots when parking areas are adjacent to landscaped areas and drainage is directed to the landscaped area. (SMC 19.48.070)
- e. Modify subdivision requirements to protect natural channels from a process called “hydromodification” whereby the shape and size of a natural channel is altered when it conveys increased flows due to storm drain improvements. (SMC 19.62.140)
- f. Modify subdivision requirements to require off-site improvements if off-site stormwater impacts to abutting properties cannot be mitigated on-site. (SMC 19.62.140)

**Recommendation:**

Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council.

**Attachments:**

ORDINANCE NO. XX - 2015 : AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLES 13, 14, AND 19 OF THE SONOMA MUNICIPAL CODE BY AMENDING THE STORMWATER AND DEVELOPMENT REGULATIONS AS THEY PERTAIN TO THE CITY’S LEGAL AUTHORITY AND ABILITY TO COMPLY WITH NPDES PERMIT 2013-0001-DWQ

# CITY OF SONOMA

ORDINANCE NO. \_\_\_\_ - 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLES 13, 14, AND 19 OF THE SONOMA MUNICIPAL CODE BY AMENDING THE STORMWATER AND DEVELOPMENT REGULATIONS AS THEY PERTAIN TO THE CITY'S LEGAL AUTHORITY AND ABILITY TO COMPLY WITH NPDES PERMIT 2013-0001-DWQ

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

...

**NOTE: SECTIONS 1 AND 2 OF THIS DRAFT ORDINANCE HAVE BEEN OMITTED HEREIN FOR PURPOSES OF CONSIDERATION BY THE PLANNING COMMISSION INASMUCH AS SECTIONS 1 AND 2 DO NOT PERTAIN TO THE CITY OF SONOMA DEVELOPMENT REGULATIONS.**

...

Section 3. Section 19.38.010 of Chapter 19.38 (Open Space Districts) of Title 19 of the Sonoma Municipal Code is hereby amended to read as follows (revisions indicated through the use of strikeouts and underlining):

### **19.38.010 Existing conditions, desired future, potential changes.**

A. Existing Conditions. The three open space districts are characterized by large areas of land in public ownership devoted to open space and recreational uses. The Maxwell district has an area of approximately 89 acres, all of which is owned by Sonoma County and dedicated to use as a regional park. The Maxwell Farms Regional Park encompasses a range of recreational uses, including playing fields, a Boys and Girls Club, and natural hiking areas.

The Vallejo district is dominated by the 57-acre Vallejo Home State Park. The historic buildings within this park are set off by expansive vistas. North of the park are several large, vacant parcels, currently used for grazing but having a zoning of Hillside Residential. Other uses within the district include a complex of city buildings (the police station and the city council chambers) and playing fields, a church, and a small amount of residential development.

The third open space district is comprised of the Mountain Cemetery. This city-owned property, which has an area of approximately 60 acres, has been developed with a historic public cemetery on the lower portion, with the remainder devoted to oak woodlands. The property is a key part of the hillside backdrop north of the city.

B. Desired Future. The general objective for the three districts is to preserve and enhance their value as public open space and recreational resources. A secondary objective for these districts is to maintain significant areas within the city with non-hardscape groundcovers to minimize increased quantities of urban runoff and downstream flooding.

C. Intended Changes. Maxwell Farms Regional Park will continue to be managed by the county department of parks and recreation. The city will maintain its partnership with the county to ensure that future improvements address valley recreational needs while preserving the unique environmental features of the park. Similarly, the city will continue to work with the State Parks

Department to ensure that historic resources and open space values associated with the Vallejo Home State Park are preserved. If the privately owned hillside properties behind the park cannot be acquired as open space, the city will need to carefully monitor their development through its hillside regulations in order to minimize visual impacts on the backdrop.

Within the Cemetery district, the Old Mountain Cemetery will continue to be operated as a public cemetery and has recently been expanded to include a veterans' component. The portion of the property that had been used as a landfill will be restored to a natural condition. Within the property, off of Norrbom Road, the development of a water tank has recently been completed. The tank site has been carefully selected to minimize visual impacts. It is intended that the upper portion of the property, which encompasses approximately 60 acres, will be preserved in its natural condition as an oak woodland, with public access provided through a hiking trail. Portions of this area which have been damaged by illegal four-wheel drive activity will be restored over time. (Ord. 2003-02 § 3, 2003).

Section 4. Section 19.40.080 of Chapter 19.40 (General Property Development and Use Standards) of Title 19 of the Sonoma Municipal Code is hereby amended to read as follows (revisions indicated through the use of strikeouts and underlining):

**19.40.080 Open space for commercial and mixed use projects.**

This section provides requirements and guidelines for the provision of open spaces and related amenities for newly developed or redeveloped commercial uses, including mixed use and live-work development, throughout the city. The intent is to make commercial and mixed use environments more livable, pedestrian-oriented, and humane through the provision of public and private open spaces, including plazas, courtyards, and outdoor dining and seating areas.

A. Open Space Required. All commercial and mixed use projects shall provide permanently maintained outdoor open space, except as provided for in subsection (F) of this section, Exemptions. Unless different standards are applied through planning area regulations found in Division III, Project Design, usable outdoor open space shall be provided as set forth in Table 4-2, below:

Table 4-2 Minimum Open Space Requirements for Commercial and Mixed Use Development	
Type	Area Required
<b>Commercial</b>	
Change in use, with no increase in building area	N.A.
New development, on site <10,000 sq. ft.	7%
New development, on site 10,000 to 20,000 sq. ft.	9%
New development, on site >20,000 sq. ft.	11%
<b>Mixed Use</b>	
New development	300 sq. ft. per unit, any combination public and

Table 4-2 Minimum Open Space Requirements for Commercial and Mixed Use Development	
Type	Area Required
	private
Live-Work1	
New development	250 sq. ft. per unit, any combination public and private
Notes:	
1. See SMC <a href="#">19.50.050</a> for specific regulations pertaining to live/work development.	

Project proponents are encouraged to provide open space areas that exceed the minimum amount required. The city may offer incentives in compliance with subsection (E) of this section. B. Configuration of Open Space. To ensure that required open space is well-designed, usable, and accessible, the review authority shall employ the following standards and guidelines in evaluating proposed open space:

1. Required open space shall be located on-site.
2. Open space should be provided as continuous, usable site elements that reinforce or enhance other aspects of the site plan, such as pedestrian networks, view corridors, and environmental features.
3. Common open space areas should be oriented to pedestrian circulation and should incorporate seating, enhanced paving materials, lighting, shade trees and/or trellises, and landscaping. Fountains, works of art, and similar features are also encouraged.
4. Private open space for residential and live-work units should be immediately accessible from a kitchen, dining room, family room or master bedroom within the unit it serves.
5. Open space areas intended for residents shall be of sufficient size to be usable by residents:
  - a. Private open space areas should have a minimum dimension of seven feet and a configuration that would accommodate a rectangle of at least 100 square feet;
  - b. Common open space areas should have a minimum dimension of 15 feet.
6. The orientation of private and common open space should take advantage of natural sunlight and should be sheltered from incompatible uses.

C. Allowed Uses. Required open space shall not include driveways, public or private streets, utility easements where the ground surface cannot be appropriately used for open space, parking spaces, or other areas primarily intended for other functions, except for stormwater detention and infiltration functions where the ground surface can be appropriately used for open space during dry weather.

D. Maintenance. Required common open space shall be controlled and permanently maintained by the owner of the property or by multiple project owners through a condominium association or maintenance agreement.

E. Open Space Incentives. Development incentive bonuses to encourage pedestrian-oriented open spaces, open spaces which preserve areas in a pristine natural condition, intensive green roofs that reduce stormwater runoff while providing accessible open space for pedestrians, and open spaces that reduce stormwater runoff through detention or infiltration that exceed the above requirements may be granted at the discretion of the planning commission. The types of bonus incentives that may be available to eligible projects include:

1. Reduced parking requirements (for pedestrian-oriented open space and amenities of an especially high quality);
2. Increased lot coverage;
3. Reduced setbacks.

F. Exemptions. The provision of required open space may be reduced or waived by the review authority (planning commission or design review and historic preservation commission) under the following circumstances:

1. Minor commercial development or additions involving less than 500 square feet of new building area;
2. Infill or replacement development in the Downtown district. (Ord. 06-2013 § 3, 2013; amended during June 2011 supplement; Ord. 2003-02 § 3, 2003).

Section 5. Section 19.40.100 of Chapter 19.40 (General Property Development and Use Standards) of Title 19 of the Sonoma Municipal Code is hereby amended to read as follows (revisions indicated through the use of strikeouts and underlining):

### **19.40.100 Screening and buffering.**

This section provides standards for the screening and buffering of adjoining land uses, equipment and outdoor storage areas, and trash storage areas.

A. Screening Between Different Land Uses. Fences and walls shall be provided and maintained between different zoning districts in the following manner:

1. Wall Height. An opaque screen consisting of plant material and a solid masonry wall or wooden fence, a minimum of six feet in height, shall be installed along parcel boundaries whenever a commercial or industrial development adjoins a residential zoning district and whenever a multifamily zoning district adjoins a single-family residential zoning district. The maximum height of the walls shall comply with the provisions of Chapter 19.46 SMC, Fences, Hedges and Walls.
2. Wall Treatment. The walls or fences shall be architecturally treated on both sides, subject to the approval of the city planner or the design review and historic preservation commission, as applicable.
3. Pedestrian Access. Pedestrian access may be provided between the commercial properties and adjoining common open area(s) within residential developments.
4. Waiver by Planning Commission. The planning commission may waive or modify the requirements for screening walls or fences if one or more of the following findings can be made:
  - a. The development plan adequately provides for the integration of different land uses (e.g., shared parking areas) in such a way that conflicts between the different uses will be avoided;
  - b. An existing wall or fence is in place that meets or would be modified to conform to the intent of this section;
  - c. A lesser level of screening is appropriate due to the nature of the adjoining uses.

B. Mechanical Equipment.

1. Screened from Public View. Roof- or ground-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, water heaters, etc.), loading docks, service yards, storage and waste areas, and utility services shall be screened from public view from adjoining public rights-of-way, and adjoining area(s) zoned for residential or open space uses, including views from above the subject project.
2. Architectural Compatibility. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, architectural style, and shall include appropriately installed and maintained landscaping subject to SMC 19.40.060, Landscape standards, and the approval of the city planner or the design review and historic preservation commission, as applicable.

C. Solar Equipment. The placement of solar heating or electrical generation equipment shall be regulated as follows:

1. Roof-Mounted Equipment. Roof-mounted solar collector panels shall be flat, matching the roof pitch, and placed as close as possible to the surface of the roof. All plumbing, piping, and

other connections shall be suitably covered with metal flashing painted to match the color of the roof.

2. Ground-Mounted Equipment. Ground-mounted solar collector panels and related equipment shall be placed no closer than five feet to any property line and shall be screened from public view. The height of ground-mounted structures, including collector panels, shall not exceed seven feet.

3. Appurtenant Equipment. Appurtenant equipment and fixtures shall be screened from public view.

4. Use Permit Requirements. The placement of solar equipment shall be subject to design review as set forth in SMC [19.54.080](#) under the following circumstances:

a. Roof-mounted solar panels proposed for any structure located in the Historic Overlay district.

b. Roof-mounted solar panels with an area of greater than 200 square feet.

c. The proposed placement of solar equipment that does not comply with the provisions set forth in subsections (C)(1) or (C)(2) of this section.

D. Outdoor Storage and Work Yards. Uses with outdoor storage of materials or operations shall comply with the following:

1. Solid Sight-Obscuring Wall and Gate(s). Outside uses shall have a solid sight-obscuring masonry wall or wooden fence not less than six feet, or more than eight feet in height, of a type and design approved by the review authority. The wall shall include sight-obscuring gates. The wall and gate(s) shall be maintained to continuously conform to the satisfaction of the city planner; and

2. All Operations Within Walled Area. Site operations in conjunction with the outdoor uses, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled area.

E. Outdoor Building Supply Area(s). Outdoor building supply areas shall be screened with walls, fencing, meshing, landscaping, or similar material to minimize visibility of the storage area(s), subject to the approval of the review authority.

F. Trash Enclosures. Any outdoor storage of garbage cans, dumpsters, recycling bins or other similar containers shall be enclosed by a solid wooden fence, masonry wall, or other similar enclosure. The enclosure shall be located on the site so as to minimize potential noise, odor, and visual impacts on adjacent properties and prevent the transport of trash, spilled materials or leaks outside of the designated trash area either by wind or stormwater runoff. (Ord. 06-2013 § 3, 2013; amended during June 2011 supplement; Ord. 2003-02 § 3, 2003).]

Section 6. Section 19.48.030 of Chapter 19.48 (Parking and Loading Standards) of Title 19 of the Sonoma Municipal Code is hereby amended to read as follows (revisions indicated through the use of strikeouts and underlining).

#### **19.48.030 General parking regulations.**

A. Parking and Loading Spaces to Be Permanent. Required parking and loading spaces shall be permanently available, marked, and maintained for parking or loading 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. Where stormwater runoff management, detention, or infiltration is a requirement, parking facilities approved to be located off-site shall be included in all associated runoff calculations.

B. Parking and Loading to Be Unrestricted. Owners, lessees, tenants, or persons having control of operation of a premises for which parking or loading spaces are required by this chapter shall

not prevent, prohibit, or restrict authorized persons from using those spaces, except that temporary restrictions may be allowed subject to the approval of the city planner.

C. Existing Parking. Existing parking or loading spaces shall not be reduced to an amount below that which is required by this chapter. The city planner may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for a period of not more than 30 days. Longer periods may be allowed with the approval of a temporary use permit (SMC 19.54.030).

D. Maintenance. Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaped areas shall be kept free of dust, graffiti, and litter; and striping, paving, walls, light standards, and all other facilities shall be permanently maintained.

E. Use of Commercial Parking. Parking developed under this chapter for commercial uses shall be available for use by the general public during business hours without charge and without reservation by individual tenant space, unless otherwise authorized by the planning commission. (Ord. 2003-02 § 3, 2003).

Section 7. Section 19.48.070 of Chapter 19.48 (Parking and Loading Standards) of Title 19 of the Sonoma Municipal Code is hereby amended to read as follows (revisions indicated through the use of strikeouts and underlining):

**19.48.070 Development standards for parking facilities.**

Parking facilities shall be provided in the following manner:

A. Access. Access to off-street parking areas shall be provided in the following manner:

1. Parking areas shall provide suitable maneuvering room so that vehicles enter an abutting street or alley in a forward direction. The review authority may approve exceptions for single-family homes and duplexes, and for nonresidential uses where parking areas immediately adjoin a public alley.

2. A minimum unobstructed clearance height of 14 feet shall be maintained above vehicle lanes and parking spaces.

B. Parking Space and Driveway Dimensions. Parking spaces and access driveways shall be dimensioned in compliance with current city standards on file with the city clerk and made a part hereof. Two-way traffic aisles shall have a minimum width of 20 feet.

C. Drainage.

1. Surface water from parking lots shall not drain over sidewalks or adjacent parcels.

2. Parking lots shall be designed in compliance with the storm water quality and quantity standards of the city's best management practices.

D. Directional Arrows and Signs.

1. Parking spaces, driveways, circulation aisles, and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.

2. The city planner may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

E. Location. Off-street parking areas shall be located as follows:

1. Required parking shall be located on the same parcel as the uses served, except that parking may be located on a parcel adjacent to, or within 300 feet of, the use served subject to approval of the commission and the recording of a covenant with the county recorder guaranteeing that the required parking will be maintained exclusively for the use served. The agreement shall be approved by the city attorney and a copy shall be filed with the planning division.

2. Uncovered parking spaces shall be set back from any street a minimum distance of five feet. The setback area shall be fully landscaped.

3. Parking facilities shall be separated from buildings by either a raised walkway, landscape strip, or preferably a combination of both. Situations where parking aisles or spaces directly about the building are prohibited.
4. Parking for multifamily uses shall be located within 200 feet of the units they are intended to serve.
5. Bicycle spaces shall be situated so that they do not obstruct the flow of pedestrians at entrances or sidewalks.
- F. Striping and Identification. Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Parking spaces for the disabled shall be striped and marked according to the applicable state and federal standards.
- G. Surfacing. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing in compliance with city standards. Alternative surfaces may be allowed subject to the review and approval of the planning commission.
- H. Wheel Stops/Curbing. In parking lots of more than 10 spaces, continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops or a continuous curb with periodic depressions to the level of the adjacent parking surface may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area, ~~subject to the approval of the design review and historic preservation commission.~~ Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. (Ord. 06-2013 § 3, 2013; amended during June 2011 supplement; Ord. 2003-02 § 3, 2003).

Section 8. Section 19.62.140 of Chapter 19.62 (Subdivision Design and Improvement Requirements) of Title 19 of the Sonoma Municipal Code is hereby amended to read as follows (revisions indicated through the use of strikeouts and underlining):

**19.62.140 Storm drainage.**

Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The storm drain system shall be designed for ultimate development of the drainage area. The storm drain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development, including natural channel morphology that may be modified as a result of increased stormwater runoff from the subdivision; off-site storm drain improvements including stormwater runoff detention and/or infiltration may be required to satisfy this requirement. Any easement for drainage or flood control shall be improved as specified by the city engineer. All storm drainage facilities shall be designed in accordance with the Sonoma County water agency "flood control design criteria." (Ord. 2003-02 § 3, 2003).

Section 9. CEQA Determination.

This action to adopt an ordinance amending titles 13, 14, and 19 of the Sonoma Municipal Code by amending the stormwater and development regulations as they pertain to the City's legal authority and ability to comply with NPDES Permit 2013-0001-DWQ is exempt from the provisions of the California Environmental Quality Act in accordance with California Code of Regulations §15307.

Section 10. Severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 11. 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 \_\_\_<sup>th</sup> 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, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2015 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Gay Johann  
Assistant City Manager / City Clerk

## M E M O

**To:** Planning Commission

**From:** Planning Director Goodison

**Re:** Review of possible changes to fence height regulations, including new permit requirements and penalties for illegal construction

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The Planning Commission regularly reviews applications for exceptions to the fence height standards, but too often these applications involve the legalization of fences built out of compliance with the City's fence height rules. Since 2010, the Planning Commission has reviewed 19 fence height exception requests. Of these, eight involved fences that were illegally constructed and brought before the Planning Commission as a result of an abatement action, which means that nearly half of all fence height exception applications were made after the fact. There seems to be little reason for this poor rate of compliance on the part of contractors, as Sonoma's fence height regulations are not unusually restrictive (except, perhaps, with respect to corner lots) and the current standards have been in place for more than 20 years. The Planning Commission has become understandably frustrated with this situation, in which homeowners are burdened with responding to the abatement process and the Planning Commission is placed in the position of either requiring costly changes to existing construction or attempting to make approval findings for fences that do not comply with the normal requirements and push the boundaries of what may be approved through the exception process. Rarely in such cases does the contractor face any consequences whatsoever.

To address the problem of illegal fence construction, the Planning Commission has asked staff to prepare recommendations for updated regulations, including potential new permit requirements and penalties.

1. *Corner Lots.* A large proportion of fence height exception requests involve corner lots. Fences within required front/street side yards are limited to a maximum height of 3.5 feet, unless the Planning Commission approves an exception from the fence height standards. Corner lots have, in essence, two front yards in which fence height is restricted, which often results in privacy issues with respect to outdoor open space. For that reason, the Planning Commission routinely grants fence height exceptions for corner lots as means of providing private open space for the residence. Typically, the Planning Commission requires a ten-foot landscaped setback and limits the fence height to six feet. If the Planning Commission agrees that this is a reasonable standard for corner lots, it could be codified thereby reducing the number of applications for fence height exceptions.
2. *Repair vs. Replace.* There are many non-conforming fences within city limits and property owners and fence contractors often assume that any existing fence can be replaced in-kind and that such replacement should be considered maintenance. However, in such cases, it often difficult to verify whether the replacement fence was built to the same height of the previous fence and, in any event, a fence replacement should normally comply with the current standards unless a fence height exception is granted *prior* to replacement.
3. *Arbors.* Prior to the adoption of the current fence height standards in 2003, there was a period of several years in which entry arbors and similar features were allowed without use permit review. The Planning Commission may wish to consider re-introducing such an allowance.

4. *Fence Compliance Permit.* The Planning Commission has suggested that an over-the-counter permit be required for the construction or replacement of any fence that exceeds 3.5 in height. This would enable staff to verify that fence construction complies with City standards and it would provide a mechanism to assess fines for those who construct fences illegally. However, it should also be noted that the average number of “after-the-fact” fence applications amounts to two per year. Staff is concerned that establishing a permit requirement that applies to almost all new fence construction could actually result in a greater number of enforcement actions, since even a fence that complies with the rules would be subject to the permit requirement and would therefore be subject to enforcement action if no permit was obtained.

Staff is looking for direction for the Planning Commission on the issues identified above and any others of interest to the Planning Commission regarding fence height regulations. While staff has developed draft revisions for the Commission’s review (attached), they are not proposed for introduction at this meeting, because, in staff’s view, further discussion is needed on the permit concept and because it would be desirable to obtain feedback from local fence contractors.

Attachments:

1. Draft Revisions to Fence Height Regulations

cc: Arbor Fence Company  
22725 8th Street East  
Sonoma, CA 95476

Kenwood Fence Company  
2380 Bluebell Drive  
Santa Rosa, CA 95403

Kenwood Fence Company  
PO Box 732  
Kenwood, CA 95452

Access Control Systems  
21600 8th St. East  
Sonoma, CA 95476

Step 1 Residential Design  
527 Broadway  
Sonoma, CA

## Fences, Hedges and Walls

### Sections:

- 19.46.010—Purpose
- 19.46.020—Applicability
- 19.46.030—General Height Limitations
- 19.46.040—Height Limitations for Retaining Walls
- 19.46.050—Measurement of Fence or Wall Height
- 19.46.060—Special Wall and Fencing Requirements
- 19.46.080—Prohibited Fence Materials
- 19.46.090—Authority to Waive or Modify Requirements

### 19.46.010 Purpose

This Chapter establishes requirements for fences, hedges, and walls to ensure that these features do not block views and sunlight, provide adequate buffering between different land uses, provide screening of outdoor uses and equipment, and are designed and appropriately maintained to provide aesthetic enhancement of the City.

### 19.46.020 Applicability

The provisions of this Chapter apply to all fences, hedges, and walls unless otherwise stated.

### 19.46.030 General Height Limitations

- A. *Maximum heights.* Fences, hedges, and walls (except retaining walls) may be constructed to the heights shown in Table 4-3 (following page). See also Section 19.46.040 (Height Limitations for Retaining Walls).
- B. *Modifications to fence height standards.* The Planning Commission may modify the fence height standards referenced in subsection A, subject to the approval of a Use Permit (Section 19.54.040) and in compliance with the provisions of this section.
- C. *Findings and decision.* The applicant shall demonstrate, to the satisfaction of the Planning Commission, that the following findings are met in addition to those required for all Conditional Use Permits (Subsection 19.54.040.E.):
  - 1. That the fence will be compatible with the design, appearance, and physical characteristics of the site and other existing structures in the surrounding neighborhood;
  - 2. That the height, orientation, and location of the fence is in proper relation to the physical characteristics of the site and surrounding properties.
  - 3. That the fence will be a planned architectural feature and would not dominate the site or overwhelm surrounding properties, structures, or passersby; and
  - 4. That the fence will be of sound construction and located so as not to cause a safety hazard.

Maximum Height of Fences, Hedges and Walls	
Location	Maximum Height
Rear and interior side setbacks	7 feet, plus 1 foot of fence material that is 75% open (e.g., lattice).

Front setbacks	3.5 feet
Street-side setbacks	3.5 feet within 10 feet of the streetside property line; otherwise, 5 feet, plus 1 foot of fence material that is 75% open (e.g., lattice).
At intersections of streets, alleys, and driveways within traffic safety sight areas	30 inches if solid; otherwise the maximum height normally allowed, if the fence material is 75% open (e.g., lattice).

**19.46.040 Permit Required**

In order to verify compliance with the provisions of this Chapter, a permit shall be required prior to the construction or replacement of any fence having a height of greater than 3.5 feet. For those fences found to comply with the provisions of this Chapter, the permit shall be issued administratively. Otherwise, an application shall be made to the Planning Commission in accordance with section 19.46.020.B.

**19.46.050 Height Limitations for Retaining Walls**

A. *Maximum height—six feet.* Retaining walls shall not exceed a height of six feet measured from the finished grade at the base of the wall. The City Planner may approve additional height up to one foot in consideration of varying topographical features.

B. *Fence or wall topping.*

1. Wall for a cut in grade. Where a retaining wall protects a cut below the finished grade and is located on a front, side, or rear property line, the retaining wall may be topped by a fence or wall of the same height that would otherwise be allowed if no retaining wall existed.
2. Wall for a fill of grade. Where a retaining wall contains a fill, the height of the retaining wall shall be considered as contributing to (counting towards) the allowable height of a fence or wall.
3. Safety protection. Regardless of the height of the retaining wall, an open-work, non-view-obscuring fence may be erected at the top of the retaining wall for safety protection to a maximum height of 42 inches.

C. *Located within setback.*

1. Setback. Where a wall or fence is located in a required setback area adjacent to a retaining wall containing a fill, in compliance with Section 19.40.110 (Setback Regulations and Exceptions) , the wall or fence shall be set back from the retaining wall a distance of one foot for each one foot in height.
2. Landscaping. The area between the wall or fence and the retaining wall shall be landscaped and continuously maintained in good condition.

**19.46.060 Measurement of Fence or Wall Height**

A. *Determination of height.* Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of a fence or wall constructed along the property line shall be determined by using the finished grade at the base of the fence or

wall on the highest parcel.

- B. *Determination by Building Official.* When there is a difference in the ground level between two adjoining parcels of two feet or more, the height of a fence or wall shall be determined by the Building Official.
- C. *Averaging*
  - 1. Variations. To allow for variation in topography, the height of a fence or wall may vary up to six inches.
  - 2. Average finished grade. The variation shall be dependent on the average finished grade, which shall be determined by adding to the lowest grade adjacent to the fence or wall, one-half of the difference in elevation of the grade on each side of the fence.
  - 3. Maximum height. The average height of a fence or wall shall not exceed the maximum height allowed.

#### **19.46.070 Special Wall and Fencing Requirements**

- A. *Swimming pools, spas, and similar features.* Swimming pools, spas, and other similar features shall be fenced in compliance with requirements of the City's adopted Uniform Building Code.
- B. *Outdoor equipment, storage, and work areas.* Screening of outdoor uses and equipment and activities shall be provided in compliance with Section 19.40.100 (Screening and Buffering) and Section 19.50.060 (Outdoor Dining, Display, and Sales Standards) .
- C. *Temporary fencing.* Temporary fencing used during site preparation and construction shall be subject to the approval of the City Planner.

#### **19.46.080 Special Wall and Fencing Guidelines**

In new development for which architectural review is required (see Section 19.54.080), the Architectural Review Commission shall make reference to the following guidelines:

- A. *Uniformity.* Fence or wall designs should be consistent throughout a multi-family or nonresidential development, or single-family subdivision, although multiple designs may be employed in large projects.
- B. *Mix of materials.* The design should include a mix of materials and finishes that are compatible with the overall design of the project.
- C. *Articulation.* Perimeter fences and walls adjoining public rights-of-way should be articulated.

#### **19.46.090 Restrictions on Fence Materials**

- A. *Security fences.* Barbed wire, electrified, or razor wire fences, and other similar types of security fences are prohibited in all residential zoning districts and on commercial properties adjoining a residential zoning district. The use of such fence materials on commercial properties that do not adjoin a residential zoning district shall be subject to use permit review, in compliance with Section 19.54.040.

B. *Chain-link*. Except for temporary fencing associated with construction, the use of chain-link fencing shall not be allowed on a residentially zoned or developed property within a required setback adjoining public rights-of-way.

#### **19.46.100 Authority to Waive or Modify Requirements**

The Planning Commission may waive or modify the requirements of Section 19.46.080 (Prohibited Fence Materials), above in compliance with the provisions of Section 19.54.040 (Use Permits) for nonresidential projects where evidence is presented that a higher degree of security is required and that the security may only be achieved through the use of barbed wire or similar security-type fencing materials.

#### **19.46.110 Penalties**

At its discretion, the City Council may establish administrative penalties for the failure to obtain a fence compliance permit as required under Section 19.46.040.