

**CITY OF SONOMA
PLANNING COMMISSION
REGULAR MEETING
May 8, 2014**

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

MINUTES

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

Roll Call:

Present: Chair Tippell, Comms. Felder, Howarth, Edwards, Heneveld, Willers, Roberson, Cribb (Alternate)

Absent:

Others

Present: Planning Director Goodison, Administrative Assistant Morris

Chair Tippell 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. He reminded everyone to turn off cell phones and pagers. Comm. Howarth led the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC: No Public Comments

APPROVAL OF MINUTES: Comm. Howarth made a motion to approve the minutes of April 10, 2014. Comm. Roberson seconded. The motion carried 5-0-2 (Comms. Edwards and Heneveld abstained).

CHANGES TO AGENDA ORDER: None

CORRESPONDENCE: None

Item #1 – Public Hearing – Appeal of the interpretation of planning staff regarding whether the issuance of a Type 67 ABC License applied for by the Cottage Inn & Spa, which would allow the sale of bottles of wine to registered guests of the establishment but not to the general public, is consistent with the Development Code.

Applicant/Property Owner: Jon Diederich and Joseph Costello

Planning Director Goodison presented staff's report.

Chair Tippell opened the item to public comment.

Joseph Costello, appellant/neighbor, contends that the issuance of a Type 67 license would authorize a retail use, an activity that is not allowed in the Medium Residential zone. He noted that ABC board public noticing did not specify that the sale of wine to guests of the Cottage Inn

would be limited to bottles of wine. In his opinion, there might be unintended consequences associated with the license that would be difficult to monitor.

Zac Weinberg, the owner of The Cottage Inn & Spa, interprets the issue as a disagreement over whether or not serving wine to guests constitutes an intensification of use. The purpose is to provide wine for his guests for celebratory occasions, which is not a new activity since guests already have the option of enjoying wine that they bring themselves. He is not interested in pursuing the hypothetical scenarios presented by Mr. Costello.

Comm. Heneveld confirmed with Mr. Weinberg that bottles of wine would only be sold to registered guests of the facility.

Chair Tippell closed the item to public comment.

Chair Tippell confirmed with Planning Director Goodison that planning staff has received no complaints about the operation of the Cottage Inn either recently or in conjunction with the new owner.

Comm. Edwards stated that in his experience the proposed service reflects a normal expectation that a guest might have and raises no issues of use intensity or compatibility.

Comm. Howarth agreed with Comm. Edwards, stating that in his view this allowance does not constitute an intensification of use.

Comm. Willers stated the he sees no impact associated with the allowance provided by the type 67 permit and he noted that the finding that this permit type was consistent with the zoning of the property does not mean that other permit would be found to be consistent.

Chair Tippell expressed his appreciation for the time and effort spent by the appellant in preparing and presenting the appeal.

Comm. Edwards made a motion to uphold the staff interpretation regarding the issuance of a Type 67 ABC License and deny the appeal. Comm. Willers seconded. The motion was unanimously adopted.

Item #2 — Discussion- Discussion of the Tree Ordinance and policies for the on-going protection of trees designated for protection in new development.

Planning Director Goodison presented staff's report. He noted that the concern about on-going tree protection is mainly an issue in private residential yard areas.

Comm. Willers initially discussed the current tree policies with Planning Director Goodison and the topic was forwarded to the Planning Commission for review. He recommended that the Planning Commission and staff be more explicit and specific regarding the preservation of trees in the approval of a project and require on-going preservation in most cases.

Comm. Edwards places a high value on trees, even those in private yards, as views of trees have value to the neighborhood and the community.

Comm. Howarth noted that in the case of trees in residential yards, it is the property owner's responsibility to maintain them and they should have some rights with respect to their removal.

Chair Tippell opened the item to public comment.

Fred Allebach, resident, is disappointed that the City has proposed to cut down the large pine trees adjoining the Marcy House.

Patricia Cullinan, resident and contractor, is opposed to removing trees prematurely before developments are approved.

Pat Pulvirenti, resident, supports this discussion and is hopeful it will result in an improvement to the Tree ordinance. She confirmed with Planning Director Goodison that the large tree at Brockman Lane and Engler Street is preserved with an on-going requirement for its protection.

Chair Tippell closed the item to public comment.

Comm. Felder agreed that he would like to see this addressed in conditions of project approval going forward.

Comm. Willers noted that such measures would still allow a property owner to apply for the removal of a private tree through the City's Tree Committee, but he would like to see on-going preservation be the default requirement.

Comm. Tippell recognized that trees in residential developments are a sensitive issue. He is a proponent of preserving as many trees as possible since they benefit the future value of the home and enhance the community. However, he noted that not every tree provides the neighborhood benefit mentioned by Commissioner Edwards and that some trees can create nuisance and safety problems.

Planning Director Goodison stated that this issue will be addressed moving forward in project conditions, when applicable, and that the Commission can evaluate it at that time.

In discussing the matter, the Planning Commission expressed support for the suggestions made for designating trees for preservation and mitigation measures.

Issues Update: Planning Director Goodison reported the following:

1. The City Council hearing on June 2nd will discuss AT & T's revised proposal and lawsuit update.
2. The City received offers for 32 Patten Street that will be reviewed/negotiated in a closed session, with Councilmembers Cook & Barbose serving as the review committee.

Comments from the Audience: Pam Gibson, Index Tribune reporter, is retiring and thanked the Planning Commission for their work over the years.

Adjournment: Comm. Roberson made a motion to adjourn. Comm. Heneveld seconded. The motion carried unanimously.

The meeting adjourned at 8 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, June 12, 2014.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma Planning Commission on the 12th day of June 2014.

Approved:

Cristina Morris, Administrative Assistant