City of Sonoma Planning Commission
AGENDA

Regular Meeting of May 9, 2013 -- 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.

CALL TO ORDER – Chair, Chip Roberson

Commissioners: Gary Edwards
Robert Felder
Mark Heneveld
Matt Howarth
Mathew Tippell
Bill Willers (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 11, 2013.

CORRESPONDENCE

ITEM #1 – PUBLIC HEARING **REQUEST:** Consideration of a Use Permit allowing the conversion of a building into a vacation rental as an adaptive reuse of an historic structure. **Applicant/Property Owner:** Moona O'Toole **Staff:** Wendy Atkins	**Project Location:** 180 East Napa Street **General Plan Designation:** Medium Density Residential (MR) **Zoning:** **Planning Area:** Downtown District **Base:** Medium Density Residential (R-M) **Overlay:** Historic (/H)	**RECOMMENDED ACTION:** Commission discretion.
ITEM #2 – PUBLIC HEARING **REQUEST:** Consideration of a Use Permit to operate a nano-brewery in conjunction with an existing restaurant use. **Applicant/Property Owner:** Carlo Cavallo/Richard Cuneo **Staff:** Rob Gjestland	**Project Location:** 400 First Street East **General Plan Designation:** Commercial (C) **Zoning:** **Planning Area:** Downtown District **Base:** Commercial (C) **Overlay:** Historic (/H)	**RECOMMENDED ACTION:** Approve with conditions.

ITEM #3 – PUBLIC HEARING	Project Location:	RECOMMENDED ACTION:
REQUEST: Consideration of a Use Permit to expand an auto service use by legalizing a repair bay and associated structure. **Applicant/Property Owner:** Sonoma Truck & Auto Service/Stu Lambert Inc. **Staff:** David Goodison	899 Broadway **General Plan Designation:** Mixed Use (MU) **Zoning:** **Planning Area:** Broadway Corridor **Base:** Mixed Use (MX) **Overlay:** Historic (/H)	Deny.

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 3, 2013.

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 **STAFF REPORT**	Agenda Item #1 Meeting Date: 05/09/13

Agenda Item Title: Application for a Use Permit allowing conversion of the building into a vacation rental as an adaptive reuse of an historic structure.

Applicant/Owner: Moona O'Toole

Site Address/Location: 180 East Napa Street

Staff Contact: Wendy Atkins, Associate Planner
Staff Report Prepared: 04/29/13

PROJECT SUMMARY

Description: Application for a Use Permit allowing the conversion of the building into a vacation rental located at 180 East Napa Street as an adaptive reuse of an historic structure.

General Plan Designation: Medium Density Residential

Planning Area: Downtown District

Zoning: **Base:** Medium Density Residential (R-M) **Overlay:** Historic

Site Characteristics: The site is a 13,068 square foot (0.30-acre) parcel located on the north side of East Napa Street, just west of the intersection of East Napa Street and Second Street East. The parcel, which is long and narrow (having a depth of 250 feet), adjoins residential parcels on the north and east and Mixed-Use zoned parcels on the west. It has been developed with a single-family residence converted to commercial use in 1983. This structure is located toward the front of the property. The large yard area behind the building is landscaped, but not otherwise developed. A driveway cut on the east side of the structure provides access to the rear of the site.

Surrounding Land Use/Zoning:

North: Single Family Residence/Low Density Residential (R-L)
South: Single Family Residence/Low Density Residential (R-L)
East: Single-family residences, vacant parcel/Low and Medium Density Residential (R-L and R-M)
West: Vacant commercial building, public parking/Mixed Use (MX)

Environmental Review:

- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Environmental Impact Report
- ☐ Not Applicable
- ☐ Approved/Certified
- ☒ No Action Required
- ☐ Action Required

Staff Recommendation: Commission discretion.

PROJECT ANALYSIS

BACKGROUND

The subject property is the site of the historic Bates family home. Built in 1870, the residence was damaged by a fire in 1985 and then refurbished in its present configuration. The building is a two-story structure constructed in 1870, with a total building area of 2,403 square feet. The building was used a single-family residence until 1983, when the current property owner took possession of the property and obtained a use permit to convert the residence to a retail establishment. In the mid-1980's Global Pacific obtained a use permit to change the use to an administrative office for their record company. The early 1990's, The Young School obtained a use permit to operate a private elementary school on the site. In December 2009, the Planning Commission considered and denied an application for a use permit to allow special events on the site. Subsequently in February 2010, the item was appealed to the City Council and the Planning Commission's decision upheld. In June 2011, the Planning approved an application for a Use Permit to allow an existing school to be operated as a wine tasting facility and gift shop.

DETAILED PROJECT DESCRIPTION

The applicant is requesting approval to operate the residence as a vacation rental. The home has ±2,403 square feet of living area with four bedrooms and a large rear yard area. As a vacation rental, it would be rented on a short-term basis for periods of less than 30 consecutive days. More details on the proposal can be found in the attached project narrative.

In addition to being on the League for Historic Preservation's inventory of historic structures, it has been identified as a contributing building to the Plaza National Landmark District and is eligible for listing on the California Register of Historic Resources. Based on these factors, a vacation rental use may be allowed subject to use permit review as an adaptive re-use of a historic structure.

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

The property is designated Medium Density Residential (R-M) by the General Plan. This designation is intended to provide opportunities for multi-family housing and related public improvements. Although vacation rentals are not identified as a permitted use within the Medium Density Residential land use designation, this use may be allowed in the Historic Overlay Zone subject to the review and approval of the Planning Commission, provided that a historic building is being utilized for adaptive reuse purposes. If the findings necessary to approve an adaptive re-use can be made by the Planning Commission, then the proposal would conform with the goals and policies of the *2020 Sonoma General Plan* and the purpose of the district in which the subject property is located.

The following goals and policies of the General Plan are potentially 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, it is identified as a contributing building to the Plaza National Landmark District, and is eligible for listing on the California Register of Historic Resources.)

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.

Housing Element, Goal 3: Maintain and enhance the existing housing stock.

DEVELOPMENT CODE CONSISTENCY **(☐Not Applicable to this Project)**
Use: The property is zoned Medium Density Residential and it is also located within the Historic Overlay Zone. Pursuant to Section 19.42.020 of the Development Code (Adaptive Reuse of Historic Structures), limited nonresidential uses (including vacation rentals), are allowed in the Historic Overlay Zone with a use permit, provided that the use is consistent with the intent of preserving existing historic structures and the historic context of the site. Structures eligible for adaptive reuse within the Historic Overlay Zone include officially designated structures and structures with potential historical value. Because the structure is listed on the Sonoma League for Historic Preservation's inventory of historic structures, is located within the Historic Overlay zone, is identified as a contributing building to the Plaza National Landmark District, and is eligible for listing on the California Register of Historic Resources the proposal to use the property as a vacation rental is eligible for consideration under the adaptive reuse provisions.

In order to approve the adaptive reuse of an historic structure, the Planning Commission must make findings that the alteration or adaptive reuse will:

1. Enhance, perpetuate, preserve, protect, and restore those historic districts, neighborhoods, sites, structures, and zoning districts which contribute to the aesthetic and cultural benefit of the City;
   The building on the subject property is identified in the Sonoma League for Historic Preservation's inventory of historic structures, is located within the Historic Overlay zone, is identified as a contributing building to the Plaza National Landmark District, and is eligible for listing on the California Register of Historic Resources. Allowing an intensified use of the property by allowing a vacation rental could increase the value of the property, therefore making it more likely that the building will be preserved in the long-term. However, the property already has value due it its existing allowance for long-term rentals. In addition other uses, such as retail, could be considered under the adaptive re-use provisions. It is not clear that intensifying the use of the property as a vacation rental is necessary to assure its preservation.

2. Stabilize and improve the economic value of historic districts, neighborhoods, sites, structures, and zoning districts;
   As discussed above, allowing an intensified use of the property could increase its economic value.

3. Preserve diverse architectural design reflecting phases of the City's history, and encourage design styles and construction methods and materials that are compatible with the surrounding neighborhood(s);
   The proposal for a vacation rental would not result in any exterior alterations to the building.

4. Promote and encourage continued private ownership and utilization of structures now so owned and used.
   As discussed above, allowing an intensified use of the property could increase its economic value. However, whether this change is significant in terms of encouraging the continued private ownership and utilization of the property seems questionable.

5. Restore and rehabilitate a historic structure and/or property, which is listed or eligible for listing on the State Register of Historic Places, that has fallen into such a level of disrepair that the economic benefits of adaptive reuse are necessary to stem further deterioration, correct deficient conditions, or avoid demolition as implemented in the conditions of project approval.
   While the applicant has indicated in the project narrative (attached) that $88,261 has been spent over the past year to restore and rehabilitate the structure, this work was accomplished with the intent of using the property as a long-term rental (30 days or more). The applicant further states that because the building was not rented out during the repair of the building a loss of income was incurred and may only be recovered if the adaptive reuse as a vacation rental is allowed. While the applicant has clearly made a significant investment in preserving the building as a historic structure, it is not clear to staff that the economic benefits of adaptive reuse as vacation rental are necessary to stem further deterioration, correct deficient conditions, or avoid demolition because there are other options for uses available such as a long-term rental or retail uses.

On-Site Parking: One parking space is required for each bedroom within a vacation rental. Accordingly, four on-site parking spaces would be required for the proposed vacation rental. The applicant is proposing to provide six parking spaces in the rear yard of the property.

Vacation Rental Standards: The applicable standards 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 existing small structures from one use to another is considered Categorically Exempt from the provisions of CEQA (Class 3 – Conversion of Small Structures).

DISCUSSION OF PROJECT ISSUES
Compatibility with Surrounding Properties: Because vacation rentals are sometimes the subject of noise complaints, a potentially significant issue associated with this application is compatibility with residential uses in the neighborhood, particularly with the residences that adjoin the property on the east and north. As of the date of this staff report one piece of correspondence has been received (attached) that indicates support of the vacation rental use. In addition, the property owner has indicated that she has spoken to the neighbors and no one has raised objections.

RECOMMENDATION
Commission discretion.

Attachments
1. *Findings/Draft Conditions of Approval*
2. *Location map*
3. *Correspondence*
4. *Project Narrative*
5. *Pictures of existing conditions*

6. *Development code excerpts for the Center-East Area*
7. *Aerial photographs*
8. *Site plan*
9. *Floor plan*

cc: Moona O'Toole
19021 Seventh Street East
Sonoma, CA 95476

City of Sonoma Planning Commission

FINDINGS OF PROJECT APPROVAL

O'Toole Vacation Rental Use Permit – 180 East Napa Street

May 9, 2013

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.

Adaptive Reuse Use Permit Approval

5. Enhance, perpetuate, preserve, protect and restore those historic districts, neighborhoods, sites, structures, and zoning districts which contribute to the aesthetic and cultural benefit of the City;

6. Stabilize and improve the economic value of historic districts, neighborhoods, sites, structures, and zoning districts;

7. Preserve diverse architectural design reflecting phases of the City's history, and encourage design styles and construction methods and materials that are compatible with the surrounding neighborhood(s); and

8. Promote and encourage continued private ownership and utilization of structures now so owned and used.

DRAFT

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
O'Toole Vacation Rental Use Permit – 180 East Napa Street
May 9, 2013

1. The vacation rental shall be operated in conformance with the project narrative and the approved site and floor plan.

   Enforcement Responsibility: *Planning, Building and Public Works*
   Timing: *Ongoing*

2. Four on-site parking spaces shall be provided and maintained for the vacation rental.

   Enforcement Responsibility: *Planning, Building, and Public Works*
   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).

   Enforcement Responsibility: *Planning, Building, and Public Works; Finance Department*
   Timing: *Prior to operation of the vacation rental and ongoing*

4. Fire and life safety requirements administered by the Fire Department and the Building Division shall be implemented. Minimum requirements shall include approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room.

   Enforcement Responsibility: *Building Division; 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 Commission.

   Enforcement Responsibility: *Planning Department; DRC*
   Timing: *Prior to installation of a sign for the vacation rental*

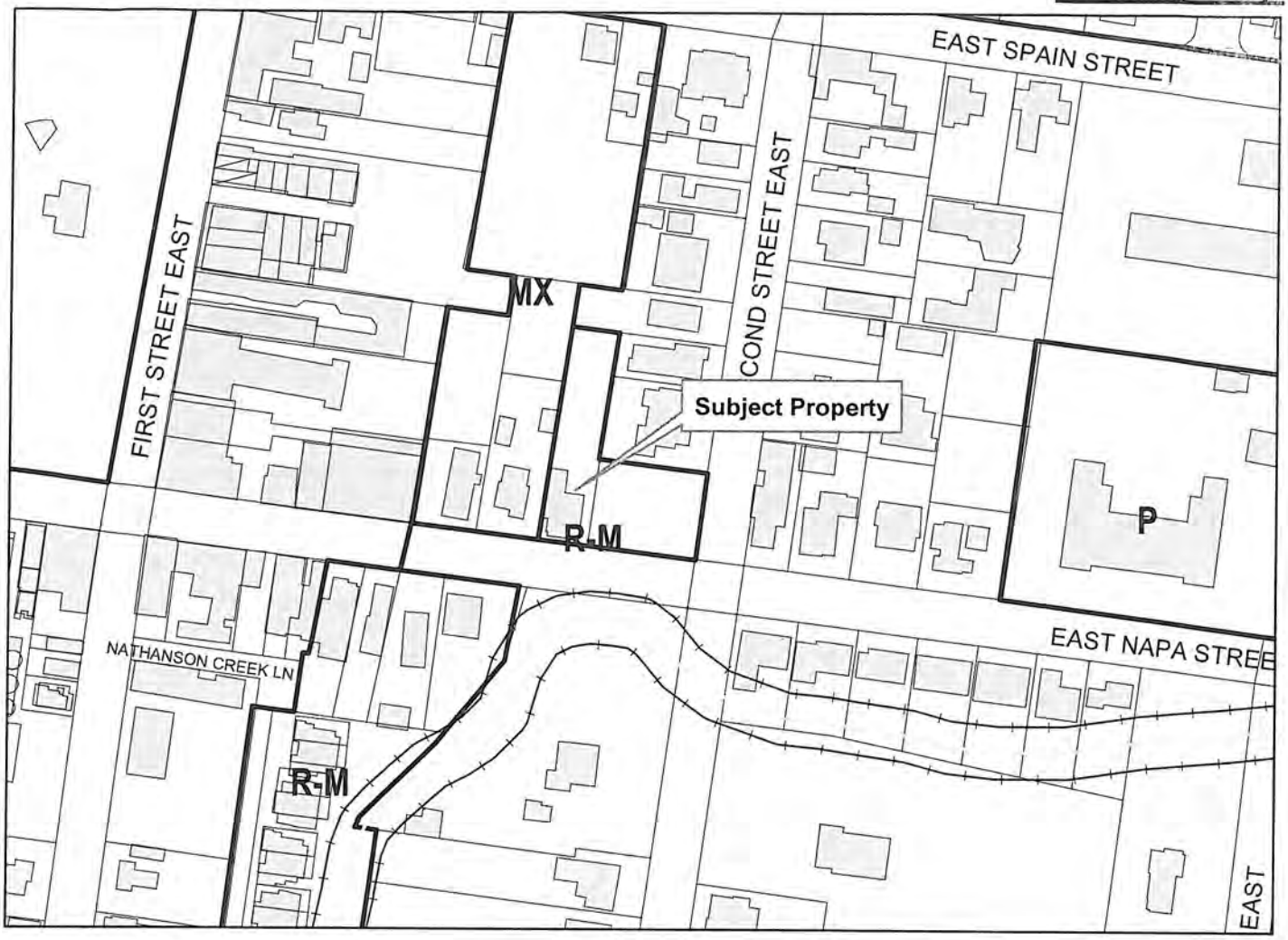
7. The project shall comply with all applicable Fire and Building Code requirements.

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

9. The use shall operate in compliance with the noise limits and standards of the City's Noise Ordinance.

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

Vicinity Map



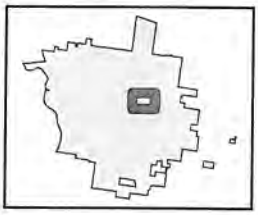
Project Summary

Project Name:	O'Toole Vacation Rental
Property Address:	180 East Napa Street
Applicant:	Moona O'Toole
Property Owner:	Same
General Plan Land Use:	Mixed Use
Zoning - Base:	Mixed Use
Zoning - Overlay:	Historic

Summary:
Application for a Use Permit allowing the conversion the building into a vacation rental.

Zoning Designations

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



N

0 100 200 400 Feet

1 inch = 200 feet

To: Sonoma Planning Commission
From: Moona O'Toole
180 East Napa St., Sonoma, CA 95476
Re: Application for Adaptive Re-Use Permit,
Historic Building 180 E. Napa St.
Date: April 8, 2013

Project Description & Concerns

As the owner for more than 35 years of one of Sonoma's historic structures located within the Historic Overlay district at 180 East Napa St., known as the Bate's House, which is officially designated as one of the city's existing historic structures, I am requesting an Adaptive Re-Use Permit to be able to use the house as a vacation rental.

The historic home would be available for guests and visitors to Sonoma. This could include relatives of local residents, business people involved in the wine industry, tourists etc. There are 4 bedrooms and 2 bathrooms. It can sleep 9 people including children and no extra overnight visitors allowed.
Although I prefer longer rental times of 1 or 2 weeks to 31 days or more and will always encourage them, I have found it not to be economically viable to limit vacation stays only to longer time frames. It is not in my interest, the neighbor's or the city's to have the building sitting empty.
Considering that I will personally manage the rentals, having guests sign a rental agreement which complies with city ordinances, the rates I am charging, an extended time frame when possible and the elegant sophisticated décor, it will not be a "wild party house". I expect less disruption to the neighbors than could occur having a family living there full time.

Noise issue
The advantage of the large, deep lot with the nearest neighbor's house being located approximately 150ft. back from the building, and an empty lot to the East of the house mitigates most excessive noise that could bother neighbors. In addition, the open space element of the property consists of the middle and rear portions and is surrounded by many bushes and trees including a redwood grove which helps protect 2 of the houses on the east side. Staying there and being so close to the Plaza, guests can walk to the

plaza and it is likely that there will be less car noise than that from the many day visitors.

Parking - 4 bedrooms require 4 parking spaces
There are 3 possible parking spaces in the driveway and another located just inside the gate. As there are only 4 bedrooms, each with 1 double or1 queen bed, I expect that guest will usually be couples and families who would not bring a car for each person. Although there still exists some spaces towards the back of the property, due to the historic narrowness of the lot and the growth of important trees over the many years, access is not practical and would require destruction of many trees of landmark character and re landscaping of established bushes and plants.

Character of the Neighborhood

The property is located on the boundary line between the Downtown District and the Central -East Planning Area. It is 1 of only 5 parcels zoned Medium Density residential in the Central-East Planning Area. The parcel is located one parcel from the edge of the Plaza Area Overlay Zone. It fonts East Napa St. and is next to 2 historic structures moved to the site by a developer. The closest has been unoccupied since having been moved there about 10 years ago. The lot to the East is vacant and there are no houses immediately across the street. There is a private residence that was formerly a Bed and Breakfast across the street on the far side of Nathanson Creek, to the south. The nearest residence is a house recently built by Suzanne Brangham which adjoins the property to the East and is a rental. It is located 150ft towards the back of the property from the back of the building. The 100 East Napa St. block has various older houses of residential character which are converted into businesses including one Bed and Breakfast.
At the far back of the property there is one family home directly to the North and 1 house to the East. However, these are located at least 200ft. from the back of the building on 2nd St. East. To the West is the City Parking lot which connects to the West side fence of the property.

This block of East Napa St. has a variety of different uses including commercial mixed use properties, historic buildings used commercially, a vacant lot, rentals, single family dwellings and a Bed and Breakfast. With this in mind, the use as a Vacation Rental for this historic building in terms of character of the other properties in the area is compatible. It preserves and enhances the downtown Districts' historic character and promotes it's economic vitality.

Adaptive Reuse Issues

As the owner of one of Sonoma's officially designated historic structures known as the Bate's House located within the Historic Overlay district at 180 East Napa St., I am requesting an Adaptive Re- Use Permit to be able to use the house as a Vacation Rental.

#1.
I recently completely restored the interior building to closely reflect it's historical character as an Early California Spanish Colonial home thus enhancing it's contribution to the historic character of the downtown area while retaining it's residential character. In 1984 after a fire in the back of the building, the back portion was rebuilt in it's original character and design for the purpose of maintaining it's historical importance. I received an award from the Historic Society in appreciation and have always considered maintaining, preserving and protecting it's historical character a priority.

#2.
Stabilize and improve the economic value of historic districts, neighborhoods, structures...
Using the house as a vacation rental has the possibility of opening the historic building for use by visitors who can easily enjoy the many local restaurants, shops, museums wineries etc. just steps from the Plaza without even getting into their cars .It could also accommodate visiting families of local residents who would appreciate the experience of staying in one of Sonoma's oldest homes. It would also help insure the maintenance of the historic property.

#3.

Preserve the diverse architectural design reflecting phases of the city's history...

According to the Sonoma League for Historic Preservation the house was probably built in the 1850s and it's adobe in the walls links it to the Nash Patton Adobe era. It's wood siding may have occurred in the 1880s. According to the Society "this property is deserving **valuable** city landmark status".

#4.

Promote and encourage continued private ownership and utilization now so owned and used.

I have owned and maintained and restored the home since 1983 always being aware of my historical and aesthetic responsibility to the historic structure. Even through it's various incarnations, I have tried to use it or rent it in a way that it could be seen, appreciated and enjoyed by being open to the local community and visitors. I feel that at this time it's best economic viability would be as a vacation rental which I could closely control and not be obligated by a long term lease.

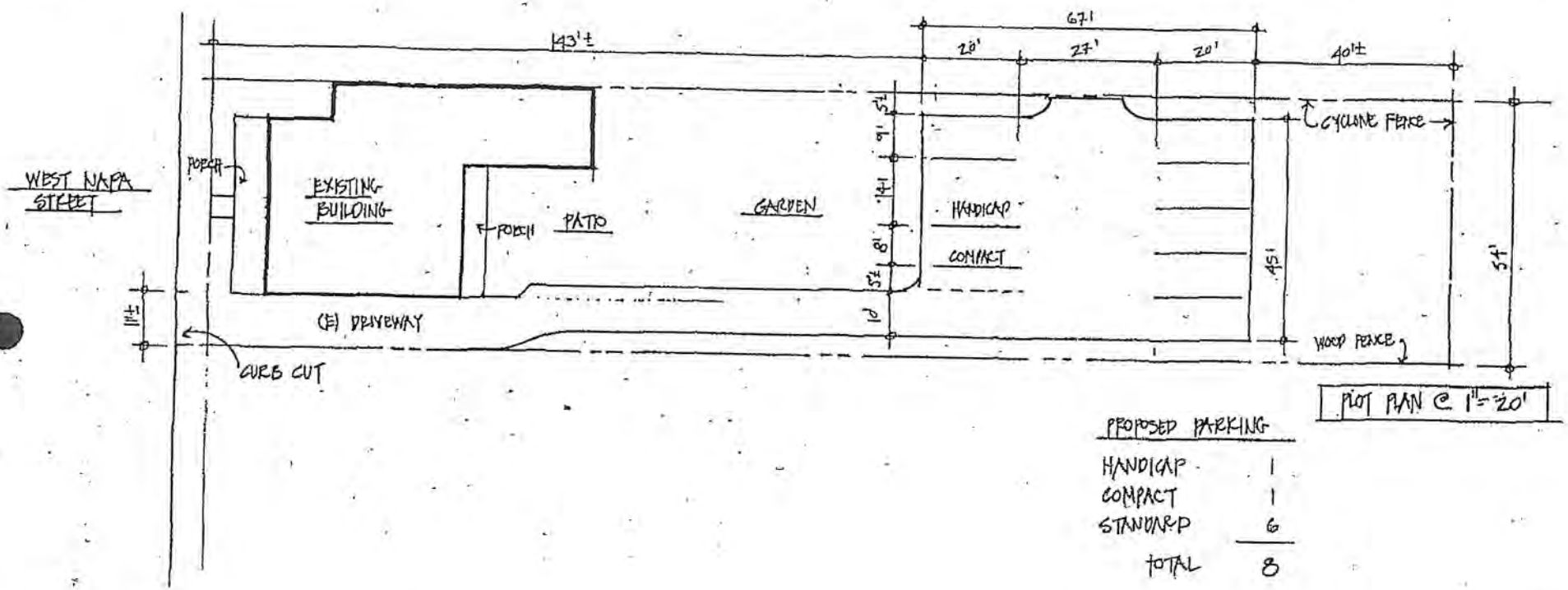
#5. Restore and rehabilitate a historic structure and property...

Due to the serious need to restore and rehabilitate both the structure and the property upon the leaving of the last tenants, I have in the last year incurred great expenses in repairing and restoring the building and property. Everything that needed building permits and inspector approval has been approved and completed. I was not able to rent the building while working on it for more than a year and incurred loss of income while using savings to repair the building. At this stage, the economic benefits which could come from the approval of adaptive reuse are necessary to continue the rehabilitation of the property, help with the unpaid expenses, and of course aide in my continued ownership and maintenance of the building.

RECEIVED
APR 19 2013
CITY OF SONOMA

To: Sonoma Planning Commission
From: Moona O'Toole
180 East Napa St., Sonoma CA 95476
Re: Application for Adaptive re-Use Permit
Historic Building 180 E. Napa St.
Date: April 19, 2013

Further study of Parking Issue – need for 4 parking spaces
No need for Parking Exception
Although I still believe that access to the back of the property is not very practical, with the trimming and lifting of some branches, I have found that most cars can reach the available back parking spaces. In testing this with a variety of cars, I have discovered that they can get down the narrow driveway. The larger SUVs can use the driveway. Considering that 2 could easily park in the main driveway and 1 inside the gate, should it be necessary, there are still at least 6 spaces in the back. With this in mind, I will not need to request a Parking Exception.



PROPOSED PARKING

HANDICAP	1
COMPACT	1
STANDARD	6
TOTAL	8

PARKING PLAN / 180 EAST NAPA STREET

MONA O'TOOLE, OWNER
ADRIAN MARTINEZ / ARCHITECT 04 SEPT. 1987

RECEIVED
APR 19 2013
CITY OF SONOMA

Options

It has been my intention to make 180 E. Napa St. a monthly 31 days vacation rental, however, after having the building sit empty for 9 months I have found that 31 days is too long to draw vacation guests. Having spent a considerable sum of money, time and energy in restoring and renovating the historic building, this has had a disastrous effect on my ability to continue to maintain and further restore the property. I have been advised by various marketing experts in the vacation rental business that this time frame does not suit the needs of most visitors and will be a continuing problem.
As for the option of renting it year to year, due to my experience with long term leases, I am no longer willing or able to put myself in a position of losing control of the property or having the expense and problem of evicting tenants who have made it their home or business.

After due consideration and 35 years of experience in this location, I am convinced that a shorter term vacation rental is a proper historic use as well as most viable economic use for the building and is preferable to the other nonresidential uses such as bed and breakfast inns or hotels which are allowable.

Having had my own retail business there as well as having rented it to other retail businesses, I am well aware of the difficulties of retail for that location due to it's being so far from the plaza.
After renting it as an office to Global Pacific, I realize the unique and historic character of the building as well as it's availability to the local community and visitors is sacrificed to efficient use of space and storage.

Forget a wine tasting facility. Not only are there too many and the neighbors objection, the winery I had considered found the rules too constraining.

Due to the amazing rise in the number of visiting tourists, the building's closeness to the Plaza, restaurants, wineries and shops the use as a vacation rental which would be available to tourists and local residents would definitely benefit the value of the historic district as well as contribute to the cultural, aesthetic and financial benefit of the city of Sonoma

Partial list of work completed & expenses incurred during the preservation and restoration of 180 E. Napa St. 2011/2012 This does not include furnishings, appliances or fixtures.

INTERIOR

Walls & wanes coating - repair of all walls in main room and back bedroom including patching & replacing dry wall, re- plastering & painting, patching & sanding& re-painting wood wanes coating $8,000
Repair of holes & gashes in sheetrock on other walls, re-plaster & paint including faux finishes throughout building
$5,000

Repairing and painting of exterior of building $3,000

Windows & glass repair $1,280

Floors - repairs and replace $1,862.64 + $2,000

Screen replace & repair $900

Construction supplies (partial 2011 only) $19,865.78

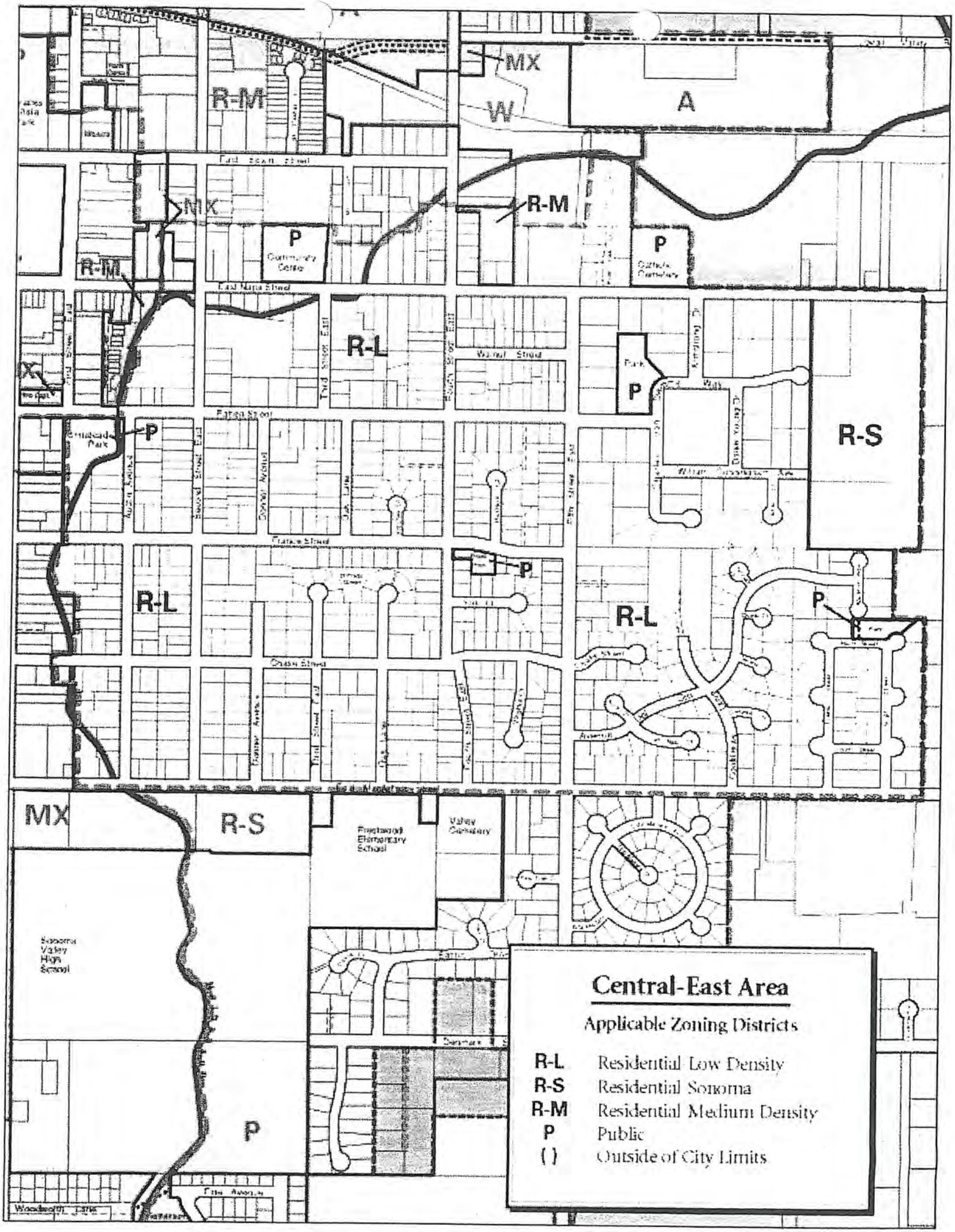
Electrical- Northern Lights $15,718 (2011 & 2012)
Plumbing- APES $7,053.93

Architect: Adrian Martinez $920
City Permits: $1,232.35
Personal Assistant: $3,000
Exterior
Minimal landscaping and removal of debris $700
Repairs of broken and leaking faucets $350
Minimal irrigation repair $400
Additional salaries of workers 2011 - $16,979

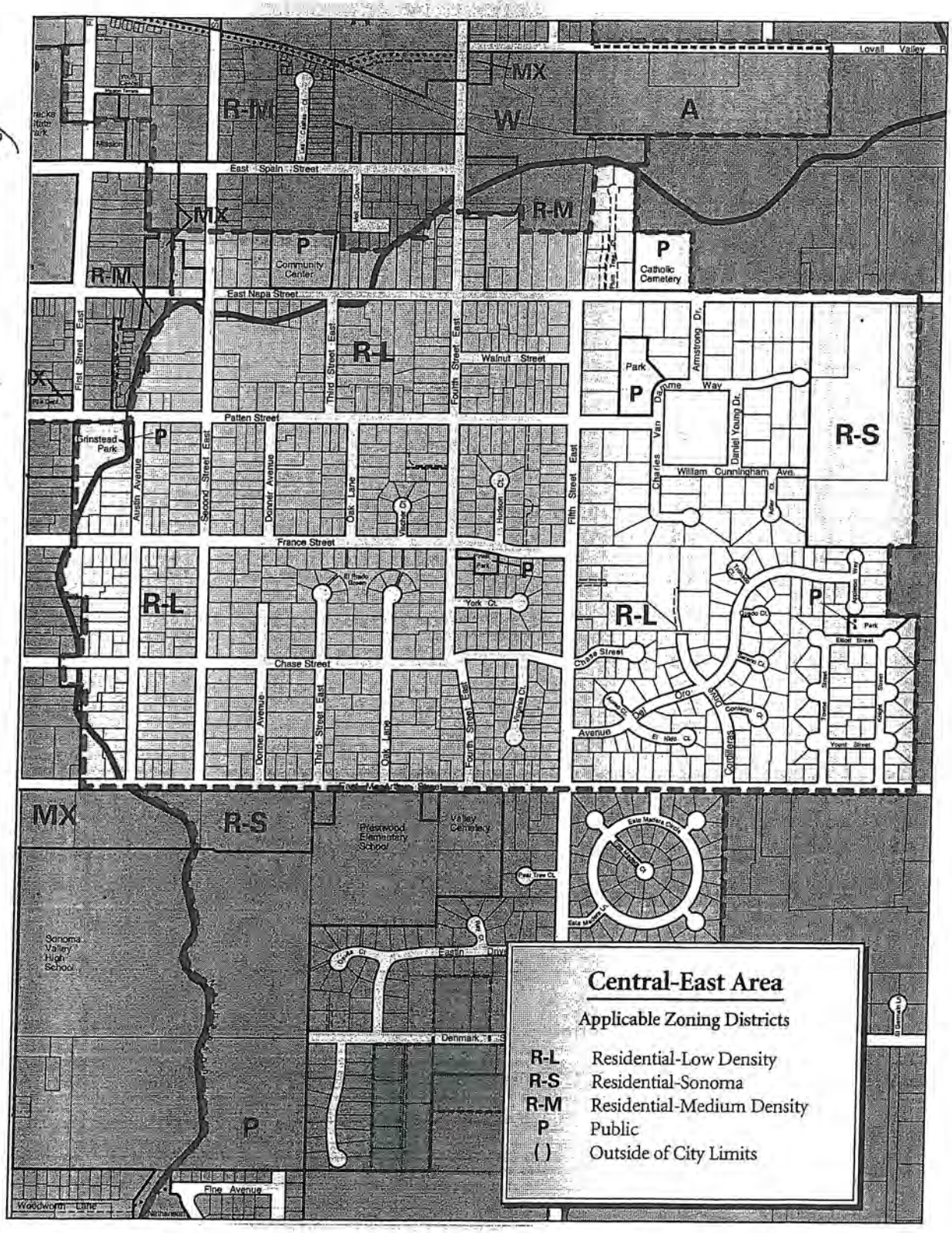
TOTAL:$88,261.71

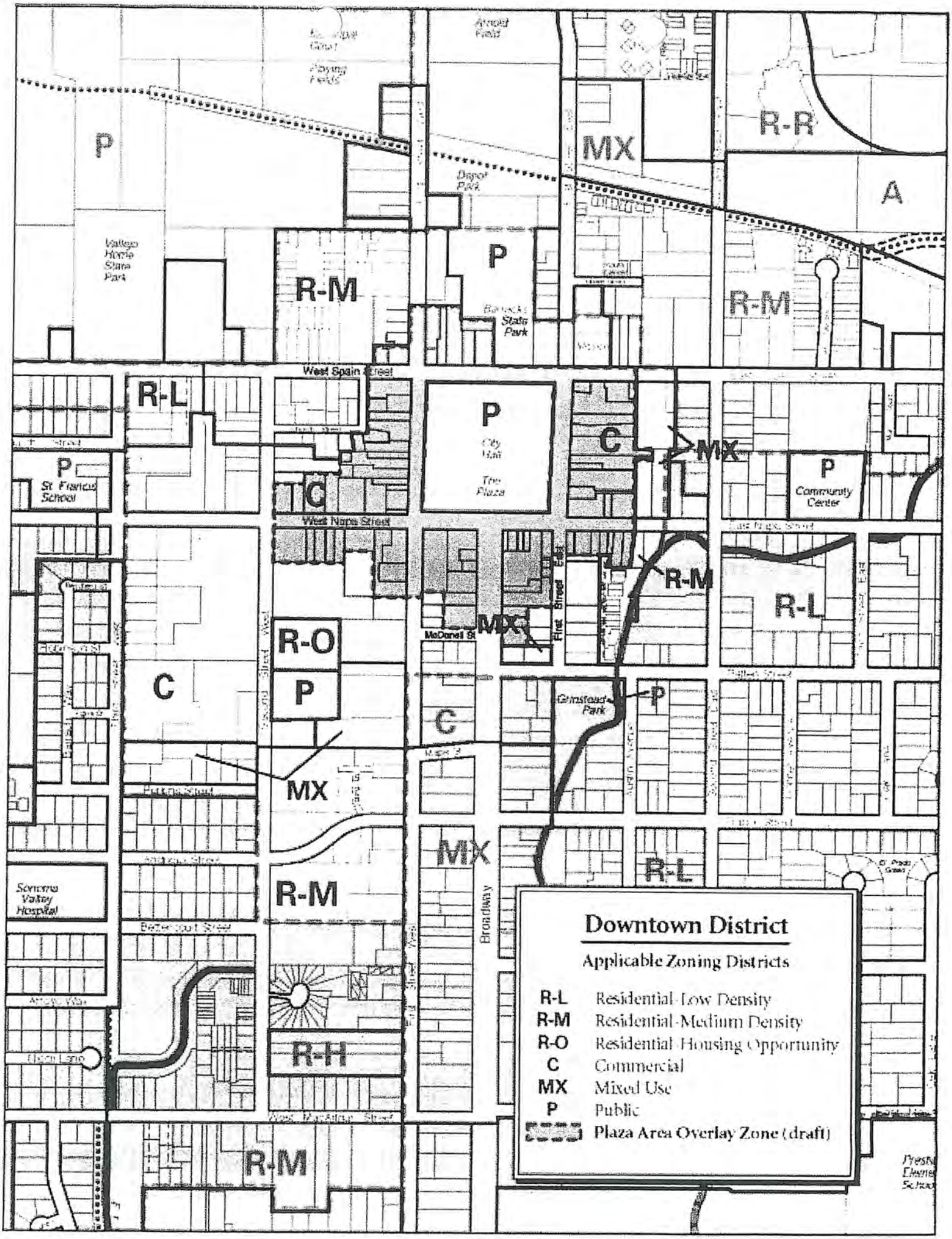
To further restore and rehabilitate the property it is necessary to continue working on the following issues:

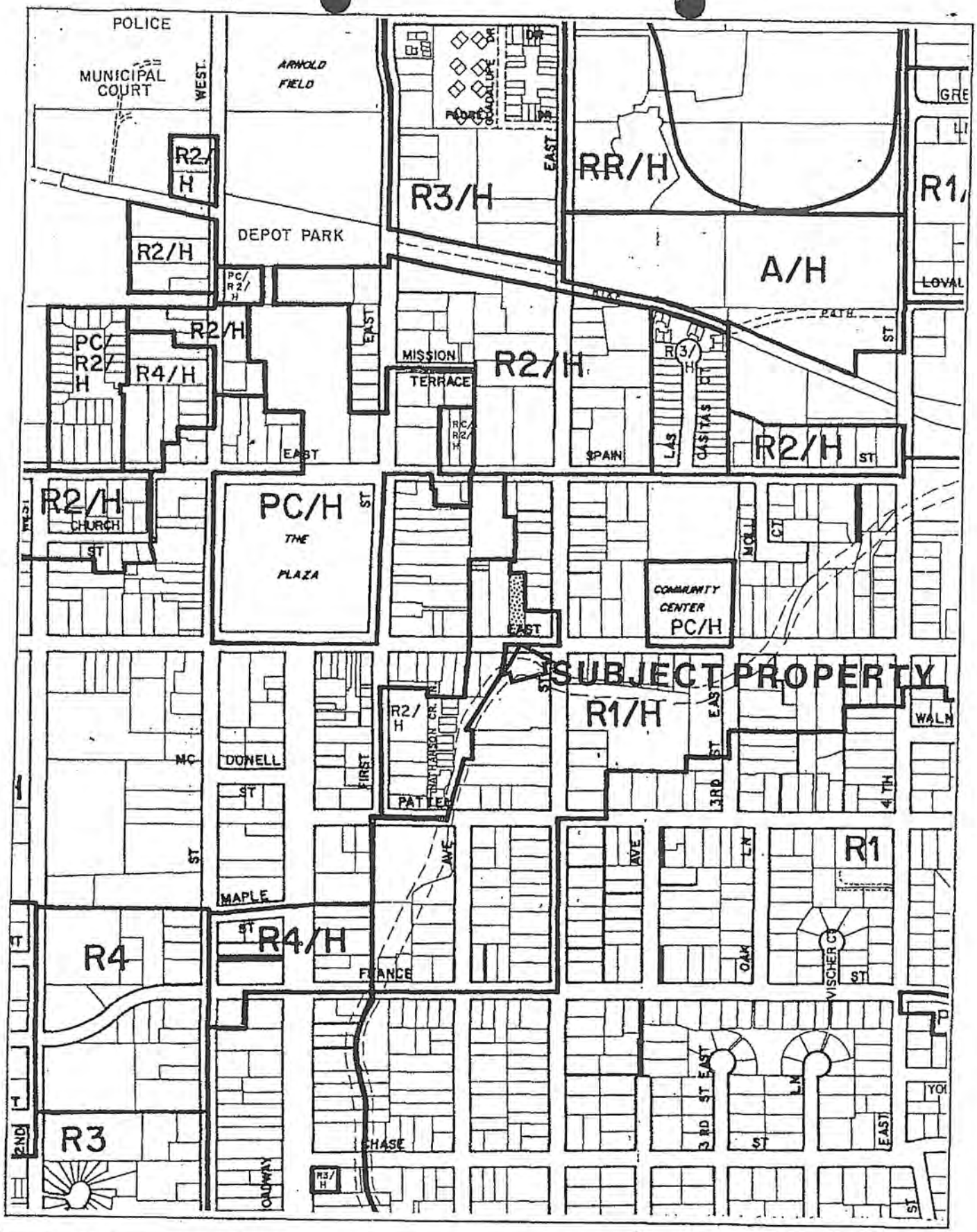
Replacement of missing gutters
Treating for termites
Repairing and replacing fencing
Replacing gravel to avoid flooding
Replacing upstairs insulation
Replacing broken fountain
Repairing pond and replacing pump
Repairing & expanding irrigation system
Landscaping far back area



MX
W
A
R-M
R-M
MX
R-M
P
P
R-M
R-L
P
R-S
P
P
R-L
R-L
P
MX
R-S
Prestwood Elementary School
Valley Cemetery
Sonoma Valley High School
P
Central-East Area
Applicable Zoning Districts
R-L Residential Low Density
R-S Residential Sonoma
R-M Residential Medium Density
P Public
( ) Outside of City Limits


Central-East Area
Applicable Zoning Districts
R-L Residential-Low Density
R-S Residential-Sonoma
R-M Residential-Medium Density
P Public
( ) Outside of City Limits
MX
W
A
R-M
R-L
R-S
P
Lovall Valley
East Spain Street
East Napa Street
Community Center
Catholic Cemetery
Walnut Street
Patten Street
Grinstead Park
Austin Avenue
Second Street East
Donner Avenue
Oak Lane
Third Street East
Fourth Street East
Fifth Street East
First Street East
Armstrong Dr.
Daniel Young Dr.
William Cunningham Ave.
Charles Van Damme Way
France Street
York Ct.
Chase Street
Cordilleras Avenue
Prestwood Elementary School
Valley Cemetery
Sonoma Valley High School
Denmark
Fine Avenue
Woodworth Lane

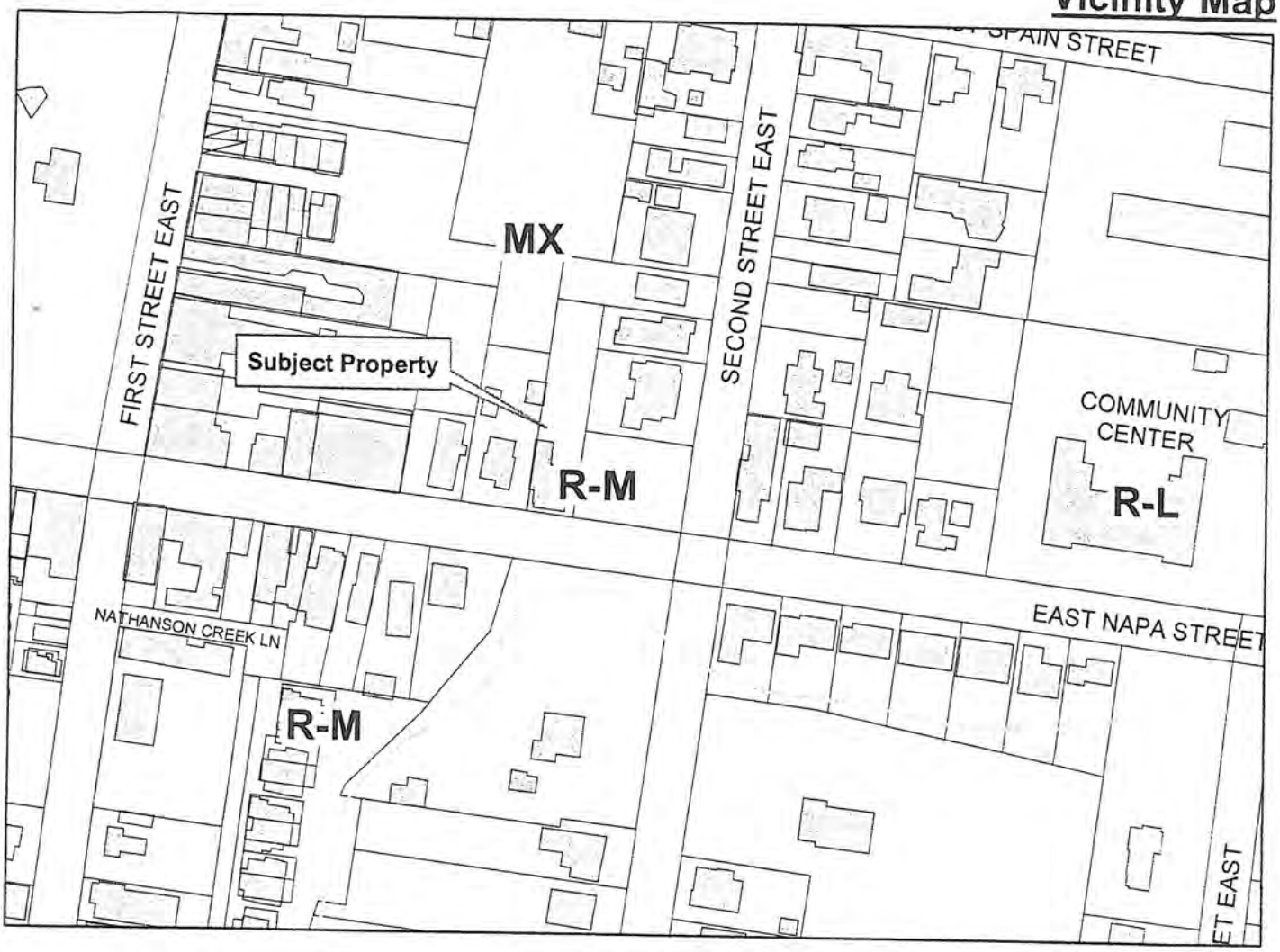

Downtown District
Applicable Zoning Districts
R-L Residential-Low Density
R-M Residential-Medium Density
R-O Residential-Housing Opportunity
C Commercial
MX Mixed Use
P Public
Plaza Area Overlay Zone (draft)
West Spain Street
West Napa Street
McDonell St
First Street East
Broadway
Sonoma Valley Hospital
St Francis School
Community Center
Grinstead Park
Depot Park
Valley Home State Park
Barracks State Park
City Hall
The Plaza
Arnold Field
Playing Fields
Bettencourt Street
Andrews Street
Parking Street
Arroyo Way
West MacArthur Street
Napa St
Patten Street
Hobson St
Ballard Way
Second Street West
Second Street East
Austin Avenue
Prestwood Elementary School
P
MX
R-R
A
R-M
R-L
C
R-O
R-H



180 East Napa Street

Use Permit

Vicinity Map



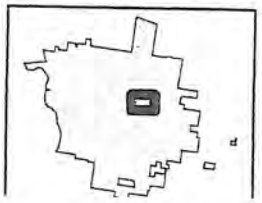
Project Summary

Project Name:	O'Toole Use Permit Application
Property Address:	180 East Napa Street
Applicant:	Moona O'Toole
Property Owner:	Same
General Plan Land Use:	Medium Density Residential
Zoning - Base:	Medium Density Residential
Zoning - Overlay:	Historic

Summary: Adaptive use permit Aplication for a VAcation Rental [redacted]

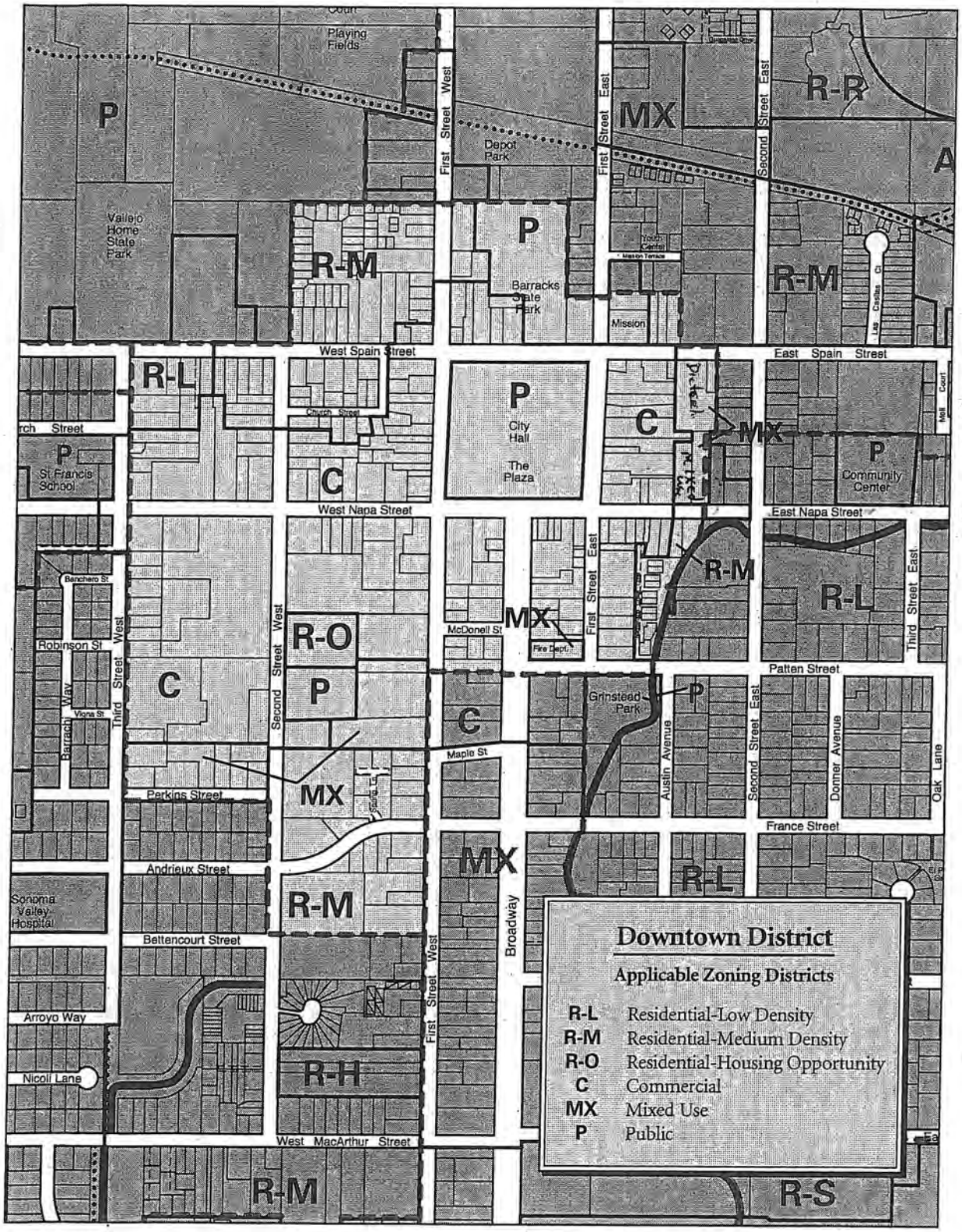
Zoning Designations

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



N

0 100 200 400 Feet



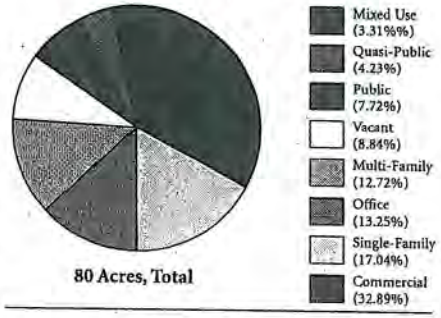
Mixed use
Historic
Overlay
adaptive
re-use

Downtown Area

Overview of Conditions

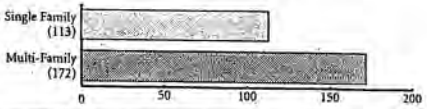
Land Use

(By % of Total Acreage)



80 Acres, Total

Residential Development



Other Features

- Parks
- 20-foot Contour Interval
- Creek Setback Overlay (approximate)
- Planning Area Boundary
- City Limits

City of Sonoma

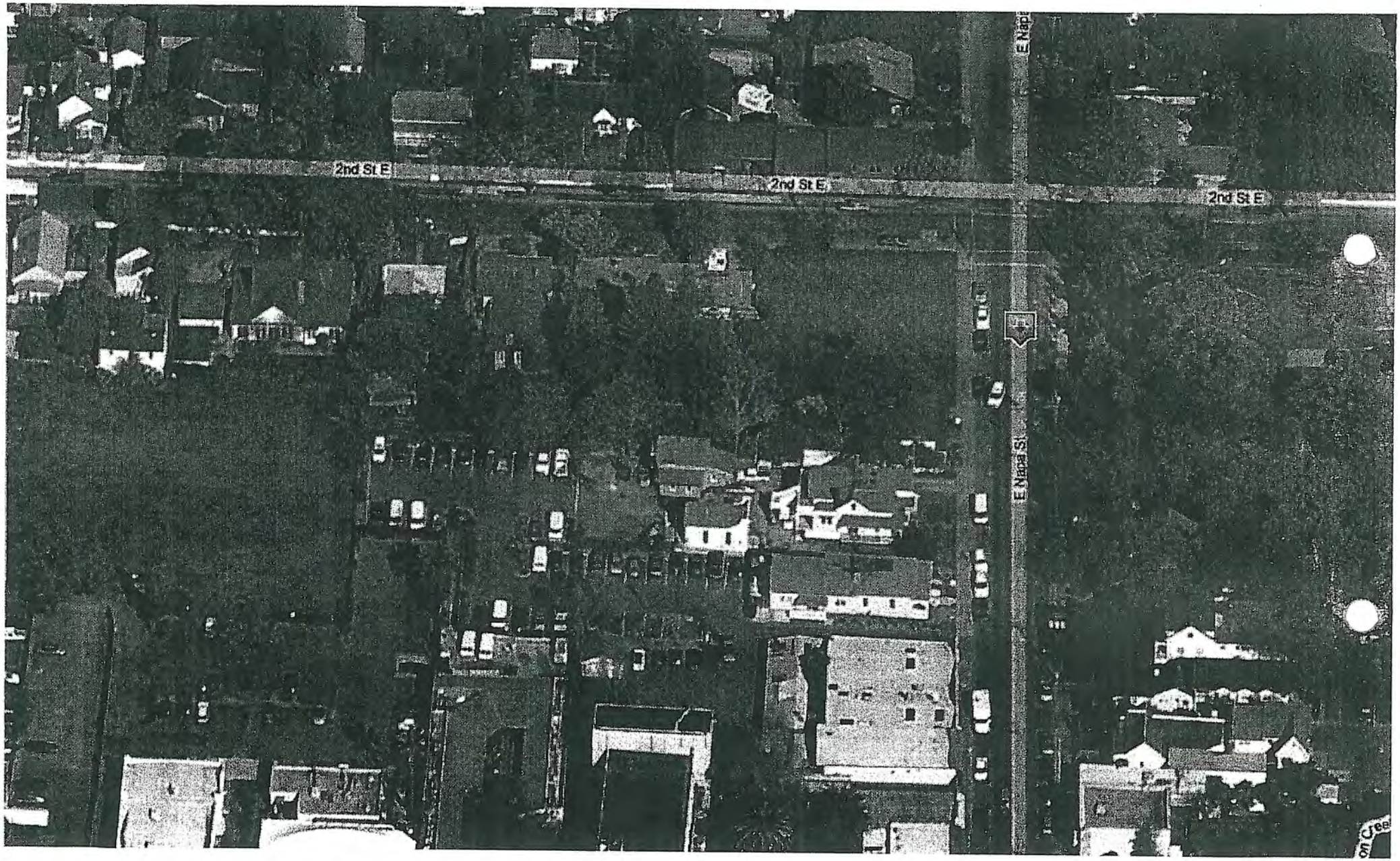
Planning, Building, and Public Works

0 1300 2600 3900 5200 6500

Scale in Feet

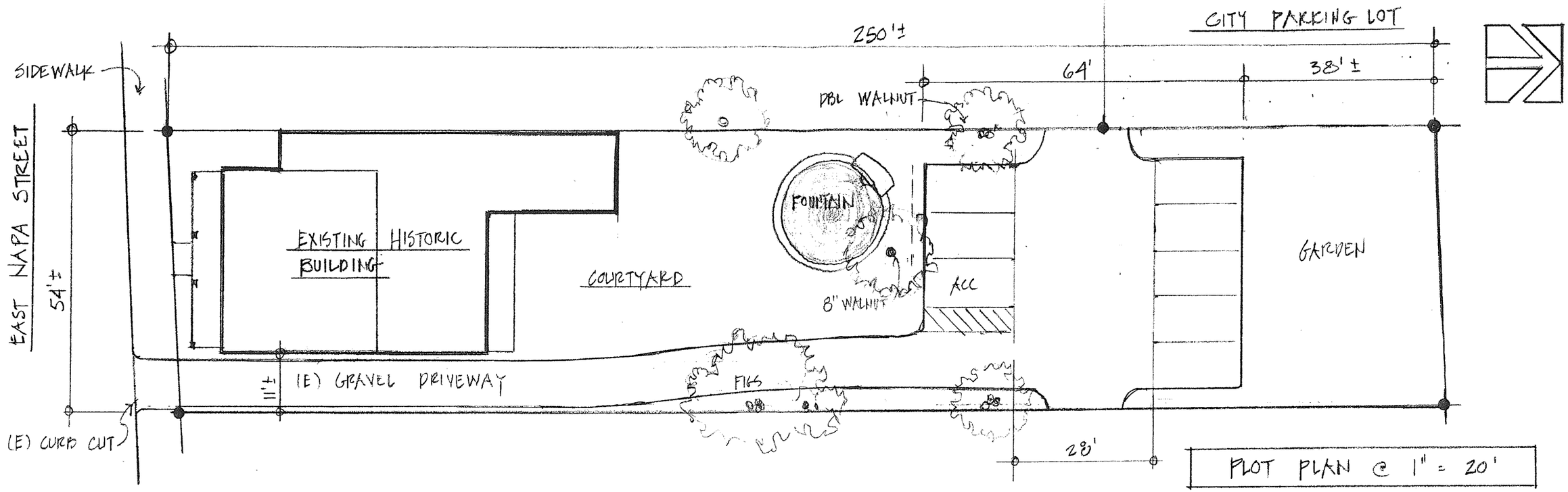
N

E Napa St
2nd St E
2nd St E
2nd St E
E Napa St


2nd St E
2nd St E
2nd St E
E Napa St

490 2nd St E, Sonoma, CA, United States
Address is approximate
2nd St E

Traffic
More...
Map
Satellite
Terrain
Show labels
E Spain St
Church St
Sunflower Cafe
Sonoma Plaza
W Napa St
Harvest Moon Cafe
Murphy's Irish Pub
La Salette Restaurant
Basque Boulangerie Cafe
Trinity Episcopal Church
Sebastiani Vineyards
E Napa St
Red Grape Pizzeria
Sonoma Valley Museum of Art
Broadway
Nathanson Creek Ln
Hidden Oak Inn
Sonoma Community Center
Victorian Garden Inn
Sonoma Valley Academy
Sonoma City Opera
St Francis Catholic
Plum Tree Ct
4th St E
3rd St E
2nd St E
1st St E
2nd St W
Walnut St
Report a problem



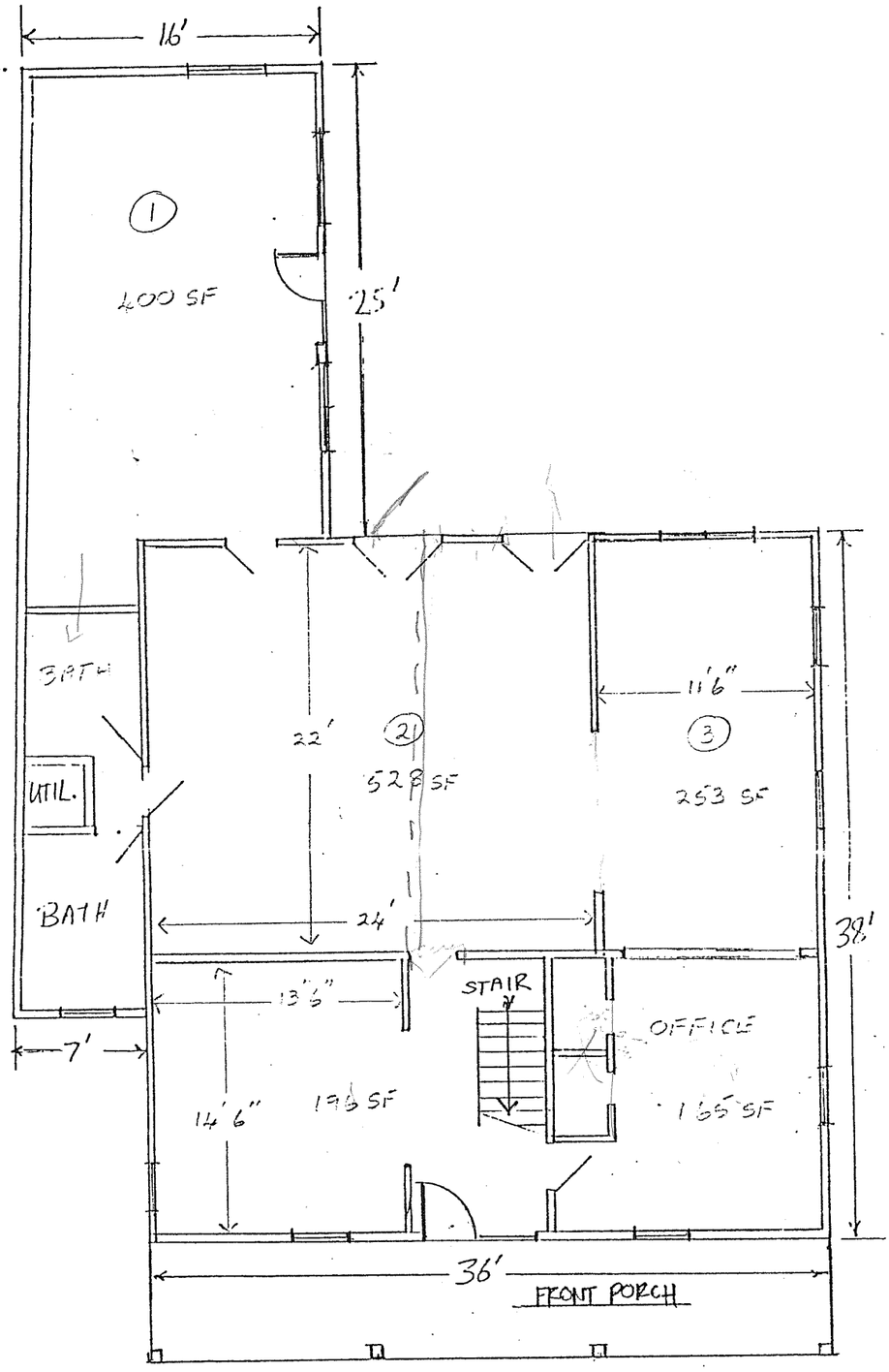
PLOT PLAN @ 1" = 20'

7 PARKING SPACES
1 ACCESSIBLE SPACE
8 TOTAL SPACES

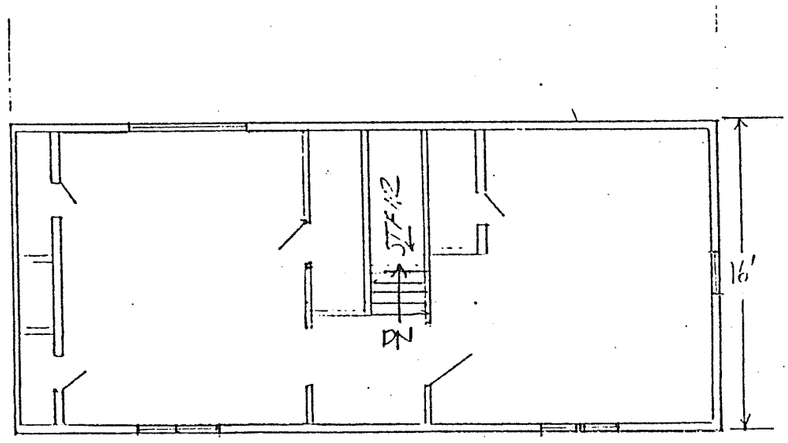
MOONA O'TOOLE ☐ 180 EAST NAPA STREET, SONOMA

ADRIAN MARTINEZ / ARCHITECT

REVISED 09 MARCH 2005



FIRST FLOOR PLAN
1,827 SQ FT.



1/8" = 1 FT.

2ND FLOOR PLAN
576 SQ. FT.

120 E NAPA ST.
FLOOR PLAN

City of Sonoma Planning Commission **STAFF REPORT**	Agenda Item #2 Meeting Date: 5-9-13

Agenda Item Title: Application for a Use Permit to operate a nano-brewery in conjunction with an existing restaurant use (Burgers & Vine).

Applicant/Owner: Carlo Cavallo/Richard Cuneo

Site Address/Location: 400 First Street East

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 5/3/13

PROJECT SUMMARY

Description: Application of Carlo Cavallo for a Use Permit to operate a nano-brewery in conjunction with an existing restaurant use at 400 First Street East (Burgers & Vine).

General Plan Designation: Commercial (C)

Zoning: **Base:** Commercial (C) **Overlay:** Historic

Site Characteristics: The subject property is a ±3,800-square foot corner lot on the Plaza at the intersection of First Street East and East Spain Street. It is currently developed with the historic "Old Sonoma Creamery" building, which most recently has accommodated restaurant uses.

Surrounding Land Use/Zoning:
North: Mission San Francisco Solano/Park
South: Commercial businesses and offices within the El Paseo complex/Commercial
East: La Casa Restaurant/Commercial
West: The Plaza (opposite First Street East)/Park

Environmental Review:

- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Environmental Impact Report
- ☐ Not Applicable
- ☐ Approved/Certified
- ☒ No Action Required
- ☐ Action Required

Staff Recommendation: Approve subject to conditions.

PROJECT ANALYSIS

DETAILED PROJECT DESCRIPTION

The applicant is requesting approval of a Use Permit to operate a nano-brewery in conjunction with a new restaurant opening on the Plaza (Burgers & Vine). According to the applicant, the brewing system would consist of one or two small, custom-designed electric units that would occupy an area of ±30 square feet within either the basement or a storage area. The applicant intends to brew the minimum amount of beer required by the Type 75 ABC Brewpub-Restaurant license, which is 100 barrels per year (ABC uses the federal unit of measure for a barrel of beer which is 31 U.S. gallons). This is the equivalent of 3,100 gallons per year or just under four typical 15.5-gallon kegs per week on average. As proposed, beer would only be sold and consumed on-site and would not be distributed to other locations. The brewing processes would be handled by the restaurant management and staff. As noted in the attached project narrative, one purpose of incorporating the brewery element is to acquire the Type 75 license which, in addition to beer manufacturing, allows for the service of beer, wine, and distilled spirits but at a fraction of the cost of a Type 47 ABC General-Restaurant license, which is essentially a full liquor license. It is staff's understanding that the availability of Type 47 licenses is very limited, which contributes to their high cost.

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. Microbreweries and beverage manufacturing are allowed in the corresponding Commercial zone subject to review and approval of a Use Permit by the Planning Commission. The proposal does not raise any significant issues in terms of consistency with the General Plan.

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

Use: The property is located within a Commercial (C) zoning district, which is applied to areas appropriate for a range of commercial land uses including retail, tourist, office, and mixed-uses. Microbreweries and beverage manufacturing are allowed in the Commercial zone subject to review and approval of a Use Permit by the Planning Commission.

Development Standards: The brewing system would occupy part of an existing commercial building. 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.

Parking Requirements: The restaurant use is pre-existing and grandfathered in with respect to parking (there is no on-site parking as the historic building occupies the entire site). As proposed, the nano-brewery would be accessory to the restaurant and not significantly intensify the use. In this regard, staff would emphasize that production levels would be roughly the minimum allowed by the ABC license and no distribution or off-site delivery would occur (conditions of approval have been included to this end). Accordingly, it is staff's view that the proposal would not increase the parking demand for the restaurant.

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, permitting, operation, or minor alteration of existing private structures involving negligible or no expansion of use is considered Categorically Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

DISCUSSION OF PROJECT ISSUES
Compatibility with Surrounding Uses: The use would occur on a property appropriately located in the downtown commercial district and in conjunction with an existing restaurant use. As previously noted, the brewing component would be accessory to the restaurant use with low production levels. Off-site distribution is not proposed and any additional activity associated with the brewery would be negligible. For these reasons, staff does not anticipate that brewing activities would adversely impact properties in the vicinity.

Other Required Permits/Approvals: Depending on the type of brewing system, a building permit may be required for its installation and additional water fees may apply subject to review by the City Engineer/Public Works Director. In addition, the brewing system and operation will be subject to any applicable requirements of County PRMD Sanitation Division and County Environmental Health Division in terms wastewater discharge and the production of beverages for public consumption. The draft conditions of approval reflect these items.

Police Department Comments: The application was referred to the Police Chief for comment, who recommended ABC Responsible Beverage Service training and appropriate identification checking procedures for staff/employees of the business (a condition of approval has been included to this end). In addition, he expressed concern about late hours of operation for the brewpub-restaurant in conjunction with live music and liquor service and suggested the Planning Commission apply a limitation on closing hours. This is an item the Planning Commission may consider as part of the review process.

RECOMMENDATION
Staff recommends approval of the Use Permit, subject to the attached conditions.

Attachments
1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Vicinity Map*
4. *Project Narrative*

cc: Carlo Cavallo (via email)
400 First Street East
Sonoma, CA 95476

Richard Cuneo
708 Broadway
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Burgers & Vine Nano-Brewery – 400 First Street East

May 9, 2013

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 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.

DRAFT

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Burgers & Vine Nano-Brewery – 400 First Street East

May 9, 2013

1. The nano-brewery shall operate in conformance with the project narrative, except as modified by these conditions and the following:

   a. Beer brewed on the premises shall not be distributed or delivered to off-site locations. There shall be no delivery vehicles associated with the brewery.
   b. On-site beer production shall not exceed 110 barrels per year. For purposes of this condition, the Federal unit of measure for a barrel shall apply, which is 31 U.S gallons.

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

2. The applicant shall obtain a Type 75 License from the California Department of Alcoholic Beverage Control (ABC) and operate the brewpub-restaurant in conformance with the requirements of that license.

   Enforcement Responsibility: *ABC*
   Timing: *Prior to operation; Ongoing*

3. The applicant shall coordinate with the Police Chief on opportunities for ABC Responsible Beverage Service Training and appropriate identification checking procedures for employees/staff.

   Enforcement Responsibility: *Police Department*
   Timing: *Prior to operation; Ongoing*

4. All Building Code and Fire Department requirements shall be met. A building permit may be required for installation of the brewing equipment/system, as determined by the Building Official.

   Enforcement Responsibility: *Building Department; Fire Department*
   Timing: *Prior to operating and/or issuance of occupancy permit*

5. The applicant shall pay for any necessary City water upgrade fees, as determined by the City Engineer/Public Works Director.

   Enforcement Responsibility: *City Engineer; Public Works Director*
   Timing: *Prior to operating and/or issuance of occupancy permit*

6. The applicant shall obtain any necessary approvals from the Sonoma County Environmental Health Division for the brewery element.

   Enforcement Responsibility: *Building Division; Sonoma County Environmental Health Division.*
   Timing: *Prior to operating and/or issuance of occupancy permit*

7. The applicant shall comply with all applicable requirements of the Sanitation Division of Sonoma County Permit & Resource Management Department (PRMD) and the Sonoma County Water Agency (SCWA), which may include the following:

   a. The applicant shall submit a Wastewater Discharge Survey to PRMD. The Applicant shall obtain a **Survey for Commercial/Industrial Wastewater Discharge Requirements** ("Green form") from PRMD, and shall submit the completed Survey, along with two (2) copies of the project site plan, floor plan and plumbing plan to the Sanitation Section of PRMD. The Survey evaluation must be completed by the Sonoma County Water Agency and submitted to the PRMD Engineering Division before a building permit for the project can be approved.

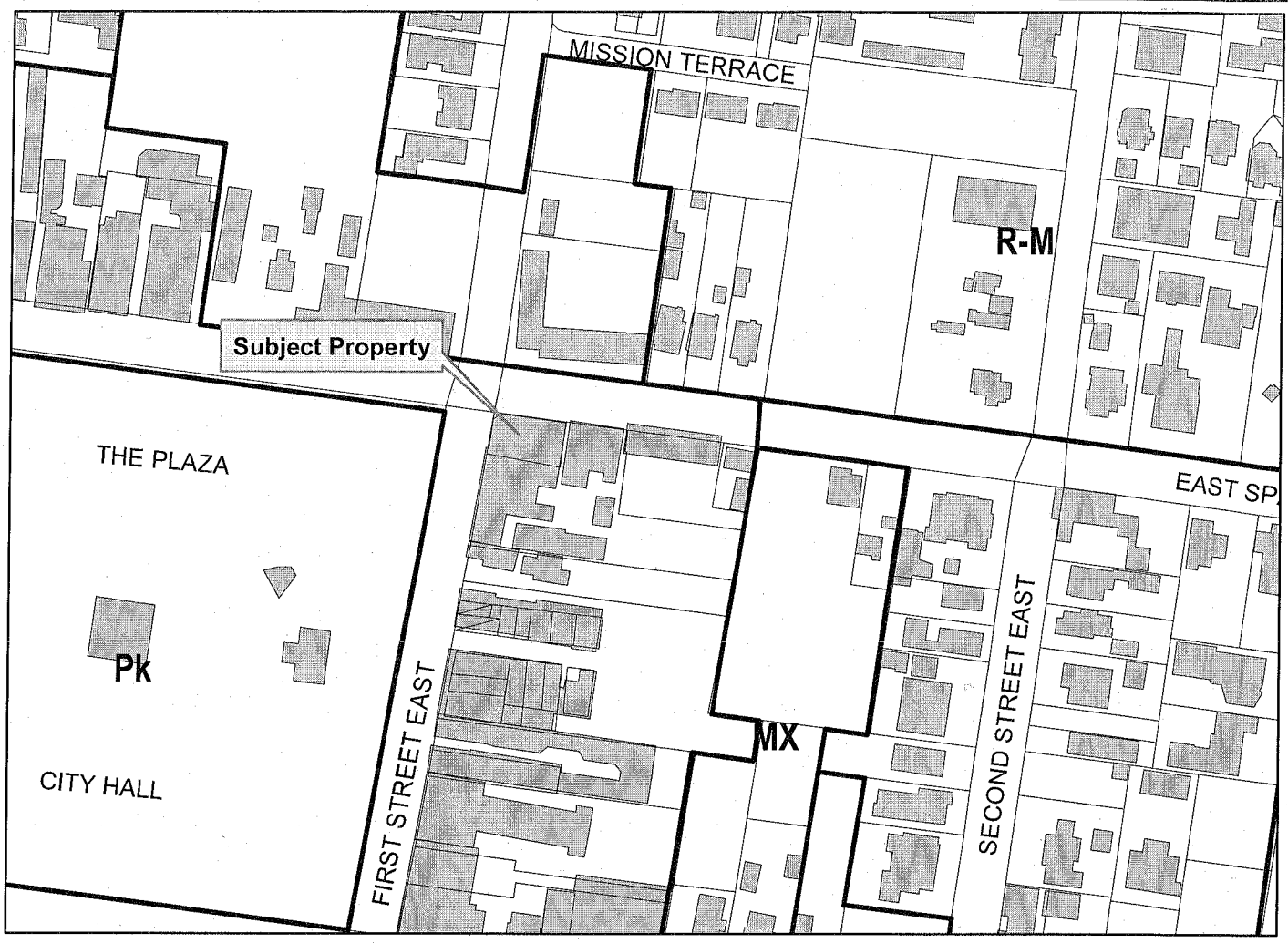
b. If additional sewer pre-treatment and/or monitoring facilities (i.e. Grease trap, Sampling Manhole, etc.) are required by the Sonoma Valley County Sanitation District per this Survey, the Applicant shall comply with the terms and requirements of the Survey prior to commencing any brewing activities. If required, the Sampling Manhole shall be constructed in accordance with Sonoma County Water Agency *Design and Construction Standards for Sanitation Facilities*, and shall be constructed under a separate permit issued by the Engineering Division of PRMD.

c. In accordance with Section 5.05, "Alteration of Use", of the Sonoma Valley County Sanitation District Ordinances, the Applicant shall pay any increased sewer use fees that may apply for the new brewery element. The increased sewer use fees shall be paid the Engineering Division of PRMD prior to the commencement of the use(s).

d. A sewer clearance shall be provided to the City of Sonoma Building Department verifying that all applicable sewer fees have been paid prior to the issuance of any building permit. **Note: Substantial fees may apply for new sewer connections and/or the use of additional ESDs from an existing sewer connection. The applicant is encouraged to check with the Sonoma County Sanitation Division immediately to determine whether such fees apply**.

Enforcement Responsibility:	*Sanitation Division of Sonoma County Planning & Management Resource Department; Sonoma County Water Agency: City of Sonoma Building Department*
Timing:	*Prior to issuance of a building permit*

Vicinity Map



Project Summary

Project Name:	Burgers & Vine Nano-Brewery
Property Address:	400 First Street East
Applicant:	Carlo Cavallo
Property Owner:	Richard Cuneo
General Plan Land Use:	Commercial
Zoning - Base:	Commercial
Zoning - Overlay:	Historic
Summary:	

Application for a Use Permit to operate a nano-brewery in conjunction with an existing restaurant use.

Zoning Designations

R-HS	Hillside Residential (1 D.U./10acres, maximum)
R-R	Rural Residential (2 D.U./acre, maximum)
R-L	Low Density Residential (2-5 D.U./acre)
R-S	Sonoma Residential (3-8 D.U./acre)
R-M	Medium Denisty Residential (6-10 D.U./acre)
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R-P	Mobile Home Park (7 D.U./acre, maximum)
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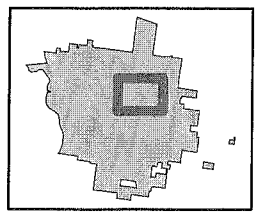


N

0 100 200 400 Feet

1 inch = 200 feet

C² Hospitality Partners LLC dba Burgers & Vine

RECEIVED
MAR 21 2013
CITY OF SONOMA

3-21-13

To whom it may concern:

We are applying for a conditional use permit to set up a Nano Brewery in 400 First Street East "The Creamery Building" for Burgers & Vine BBQ Joint. We have obtained a Type 75 Brew Pub license from California ABC which allows us to operate a Restaurant and Bar that serves Liquor, Beer, and Wine. This license does require us to Brew a small amount of beer on premise 100 5L Barrels per year for the license minimum. Due to the lack of availability and prohibitive costs of Type 47 license (Full service restaurant) we needed to pursue this license for our restaurant

This is a unique opportunity for Sonoma as we will be the only Licensed Brew Pub on the square. The Beer produced will only be sold at Burger's & Vine.

Thank you for your consideration

Sincerely,

Carlo Cavallo

400 First St East
Sonoma, CA 95476
www.burgersandvine.com
chefcc@pacbell.net
(707) 338-11

City of Sonoma Planning Commission **STAFF REPORT**	Agenda Item #3 Meeting Date: 5-9-13

Agenda Item Title: Application for a Use Permit to legalize the addition of a repair bay in conjunction with an existing non-conforming service station.

Applicant/Owner: Rigoberto Bravo/Stu Lambert, Inc.

Site Address/Location: 899 Broadway

Staff Contact: David Goodison, Planning Director
Staff Report Prepared: 5/03/13

PROJECT SUMMARY

Description: Application for a Use Permit to legalize the addition of a repair bay in conjunction with an existing non-conforming service station.

General Plan Designation: Mixed Use (MU)

Zoning: **Base:** Mixed Use (MX) **Overlay:** Historic

Site Characteristics: The subject property is a 0.56-acre parcel located at the northwest corner of Broadway and West MacArthur Street (see attached location map). The eastern portion of the property is developed with a service station. The remainder of the parcel, which extends to First Street West, consists of a fenced gravel yard with a large accessory building in the northwest corner of the property. There are three secured entrances to the yard: one off of First Street West, one at the northeast corner of the yard, and one at the southeast corner of the yard near West MacArthur Street.

Surrounding Land Use/Zoning:
North: Apartments/Mixed Use
South: A music school/Mixed Use
East: A former car dealership (opposite Broadway)/Mixed Use
West: Residential development of various types, including single-family and condominiums/Medium-Density Residential

Environmental Review:

- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Environmental Impact Report
- ☐ Not Applicable
- ☐ Approved/Certified
- ☒ No Action Required
- ☐ Action Required

Staff Recommendation: Deny.

PROJECT ANALYSIS

BACKGROUND

The service station use on the property's Broadway frontage has been in place for at least 40 years. The back of the property was once used as a fueling area, but that use has long been abandoned. In 1999, the service station use was closed for a year while underground storage tanks were removed and remediated. Following the completion of this work, the property owner applied for a use permit to resume the service station use on the property, which had been suspended while the underground storage tanks were removed and replaced. This use permit was approved in the year 2000 and the conditions associated with that approval are attached.

In 2003, when the City adopted updated zoning regulations, service stations were no longer identified as a conditionally-allowed use in the Mixed Use zone. Because the service station at 899 Broadway has a valid use permit, it is considered to be a legal non-conforming use, a status that results in a number of restrictions on the use and expansion of activities on the site. The Development Code does identify, as a separate use category from service stations, "vehicle services—auto repair." Whether considered integral to the service station use or as a separate activity, there are two service bays in the existing service station building. The repair business is operated under separate ownership from the fuel dispensing business, however.

While not directly relevant to the subject application, staff would also note as background information that the property was the subject of two abatement actions: one in 1991 and the other in 2003. Both involved the use of the back portion of the property for vehicle storage in conjunction with a towing operation, which is not an allowed use on the site. The back portion of the property may be used for employee parking and for the short-term parking of vehicles that are awaiting or have completed repair.

DETAILED PROJECT DESCRIPTION

The applicant is requesting approval of a Use Permit to legalize a covered service bay that was created through the installation of a large carport structure immediately behind the existing service station building. (This structure was installed without a building permit and no building permit may be issued until and unless the use of the structure is authorized.) As stated in the attached project narrative, the purpose of the structure is to expand the available work area for the auto repair activity. According to the applicant, a vehicle lift was already in place in the area covered by the carport structure, but he replaced it with a new lift as it was in poor condition. The carport would further facilitate the use of that area for vehicle repair. (Note: the Building Department has no record of a permit for a lift at that location, nor is there any reference that staff has found in the planning files on the property to a lift being used in that area. So while may have been a vehicle lift, it does not appear to have received any permits.) The business hours of the repair service are 8:00 a.m. to 5:00 p.m., Monday through Friday, and from 8:00 a.m. to 3:00 p.m. on Saturday. The repair business supports four employees. No additional employees would be brought on as a result of the proposal.

The carport structure is approximately 19 feet by 19 feet, with a height of 19 feet. As noted above, it is located immediately behind the service station building and was placed on an existing concrete slab. It is setback 22 feet from the northern property line, 43 feet from the southern property line, and 148 feet from the western property line.

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

The property is designated Mixed Use by the General Plan. The Mixed Use land use designation is intended to accommodate uses that provide a transition between commercial and residential districts, to promote a pedestrian presence in adjacent commercial areas, and to provide neighborhood commercial

services to adjacent residential areas. It is also intended to provide additional opportunities for affordable housing, and a residential component is required in new development. This application does not raise any particular issues with respect to General Plan policies.

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

Use: The property is zoned Mixed Use (MX). Service stations are prohibited in the Mixed Use zone, while vehicle repair services are allowed, subject to review and approval of a Use Permit by the Planning Commission. The provisions in the Development Code concerning non-conforming uses are found in section 19.82.020:

> Nonconformities may be continued subject to the following provisions, except as otherwise provided by Section 19.82.030 (Loss of Nonconforming Status).
>
> ***A. Nonconforming uses of land.*** A nonconforming use of land, or within a structure, may be continued, transferred, or sold, provided that:
>
> 1. The use shall not be enlarged, increased, or extended to occupy a greater floor area or portion of the site than it lawfully occupied before becoming a nonconforming use, except as otherwise provided by Subsection C., below; and
>
> 2. Additional uses on the site shall not be allowed unless the nonconforming use is first discontinued, and any replacement use complies with all applicable provisions of this Development Code.

In staff's view, these restrictions preclude the addition of a new repair area. If the repair service is considered integral to the service station (fuel dispensing use), it cannot be enlarged because the service station use is non-conforming. If the repair service is considered to be a separate activity (which is staff's view), it cannot be enlarged because under section A.2, the non-conforming service station use would need to be discontinued.

Site Development Standards: The structure slightly increases site coverage, but since the allowable coverage limit on the property is 60% and the existing level of development is well below that amount, there is no issue in this regard. As an open structure, the carport would not be considered to increase FAR (although there are other issues with the fact that it is open, as discussed below). The carport structure does not exceed the 30-foot height limit in the Mixed Use zone.

On-Site Parking: The Development Code requires three on-site parking spaces per service bay. While the back portion of the property can accommodate quite a bit of parking, well in excess of the nine spaces that would be required for three service bays, currently there are no marked parking spaces.

Requirements for Service Stations: In section 19.50.100, the Development Code sets forth specific requirements for service stations, including the provision that *"... all activities and operations be conducted entirely within the enclosed service station structure."* While some limited exceptions are specified, these do not include vehicle repair. The carport structure does not meet this standard. As a related matter, it is staff's understanding that the carport structure could not meet Building Code requirements applicable to vehicle repair bays even if the expansion were otherwise allowable with respect to the Development Code.

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

ENVIRONMENTAL REVIEW **(☐Not Applicable to this Project)**
Staff is recommending that this application be denied. The denial of an application is exempt from environmental review.

DISCUSSION OF PROJECT ISSUES
Non-conforming Use Limitations: The most significant issue associated with this application is that the limitations on properties that host a non-conforming use simply do not allow this expansion to occur. The only way that this proposal could be considered would be for the service station use to be discontinued. Because there is no variance or exception process associated with use limitations, in staff's view this issue cannot be overcome. **Note:** when the applicant was first advised that the carport structure required a building permit and would also be subject to planning review, planning staff had not yet performed the analysis of how the Development Code restrictions on non-conforming uses would effectively preclude the proposal. When this determination was made, following the submittal of the use permit application, staff informed the applicant of our finding and offered a full refund of the application fee. However, the applicant decided to proceed to the Planning Commission review because of the investment he has made in the carport structure and the new lift and because he feels that the additional workspace is vital to his repair business.

Service Station Standards: As discussed above, the Development Code requires that vehicle repair activities associated with a service station be conducted within the service station structure. The carport structure does not comply with this standard.

Other Issues: There are other issues associated with the proposal, such as the height of the structure, but in staff's view it is not worthwhile to evaluate these given the finding that the use is simply not allowable.

RECOMMENDATION
Staff recommends that the application be denied.

Attachments
1. *Location Map*
2. *Project Narrative*
3. *Site Plan/Carport Plan*
4. *Photographs*

cc: Sonoma Truck and Auto Service
Rigoberto Bravo
899 Broadway
Sonoma, CA 95476

Stu Lambert, Inc.
Attn. Marie Lambert
899 Broadway
Sonoma, CA 95476

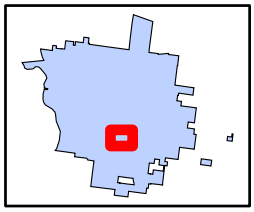
Vicinity Map

Project Summary

Project Name:	Sonoma Truck & Auto Service Use Permit
Property Address:	899 Broadway
Applicant:	Sonoma Truck & Auto
Property Owner:	Stu Lambert Inc
General Plan Land Use:	Mixed Use
Zoning - Base:	Mixed Use
Zoning - Overlay:	Historic
Summary:	
Application for a Use Permit to expand an auto service use.	

Zoning Designations

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



N

0 100 200 400 Feet

1 inch = 200 feet

April 3, 2013

From:
Rigoberto Bravo
Owner
Sonoma Truck And Auto Service
899 Broadway
Sonoma Ca 95476

To:
City of Sonoma
Planning and Community
Development
No. 1, The Plaza
Sonoma Ca 95476

Re: Sonoma Truck And Auto Service / Services / Locations

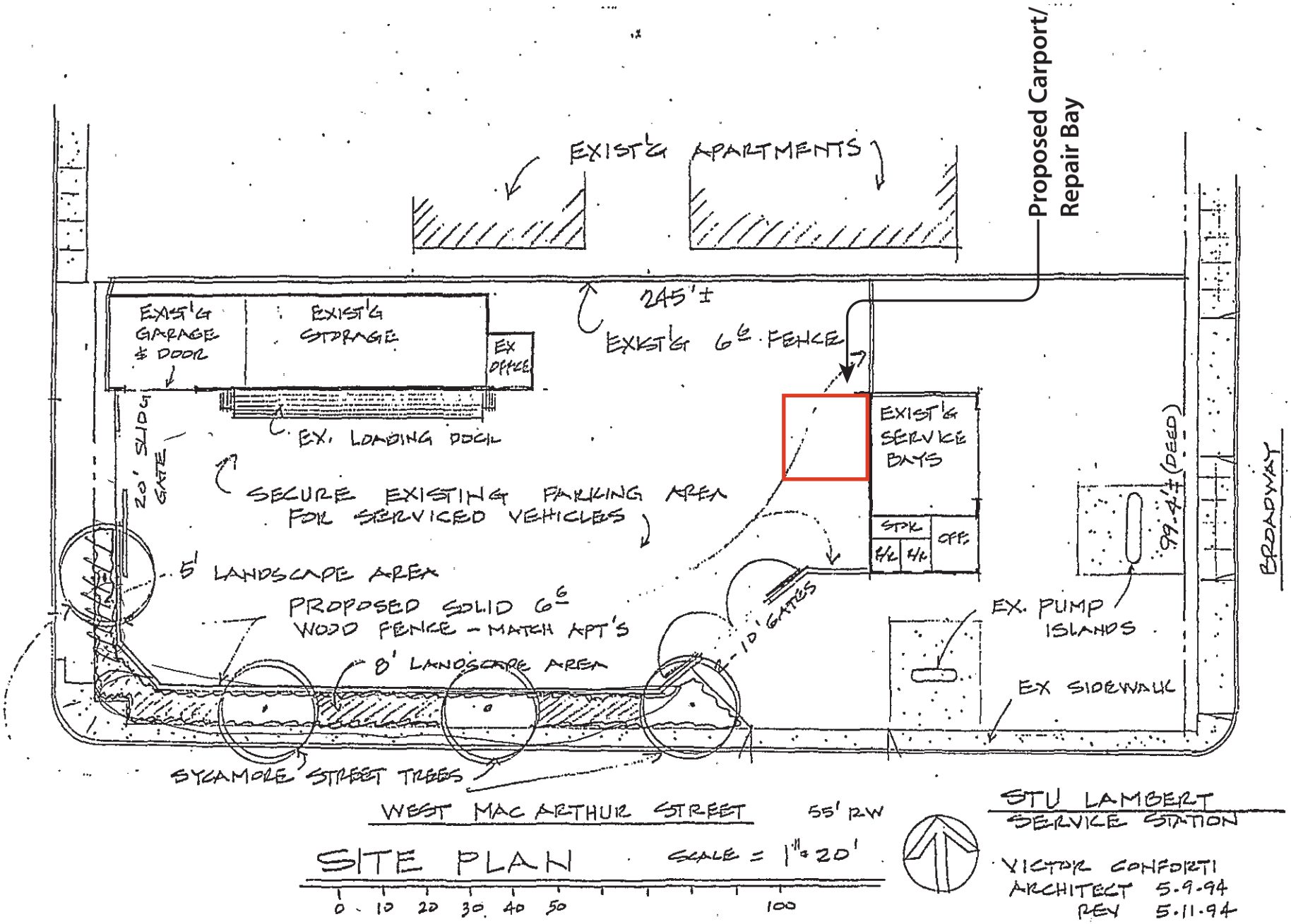
To whom it may concern;

Sonoma Truck And Auto Service is a full service repair shop. We have two locations located on 899 Broadway and 870 Broadway in Sonoma. At the location 870 Broadway, we are renting a small shop temporarily where we have an alignment machine; we patch tires and install tires. At location 899 Broadway, we have three automobile racks which two are inside the garage and one is outside. Here we do oil changes, transmission service, air condition service, auto tune-ups, smog check, suspension service, brake service and diagnostics.

I am asking to get a permit for a carport to expand my repair shop work area. We will be working with it during business hours Monday through Friday 8:00am to 5:00pm Saturdays 8:00 am to 3:00pm. Shipping and delivery for automobile parts will be during business hours. There will not be any out of control noise. We have four employees working at our service department. We use our back lot to park our personal cars and to park our customers cars we do not use the 1st Street West or Broadway to park cars.

Thank you,

Rigoberto Bravo
Owner



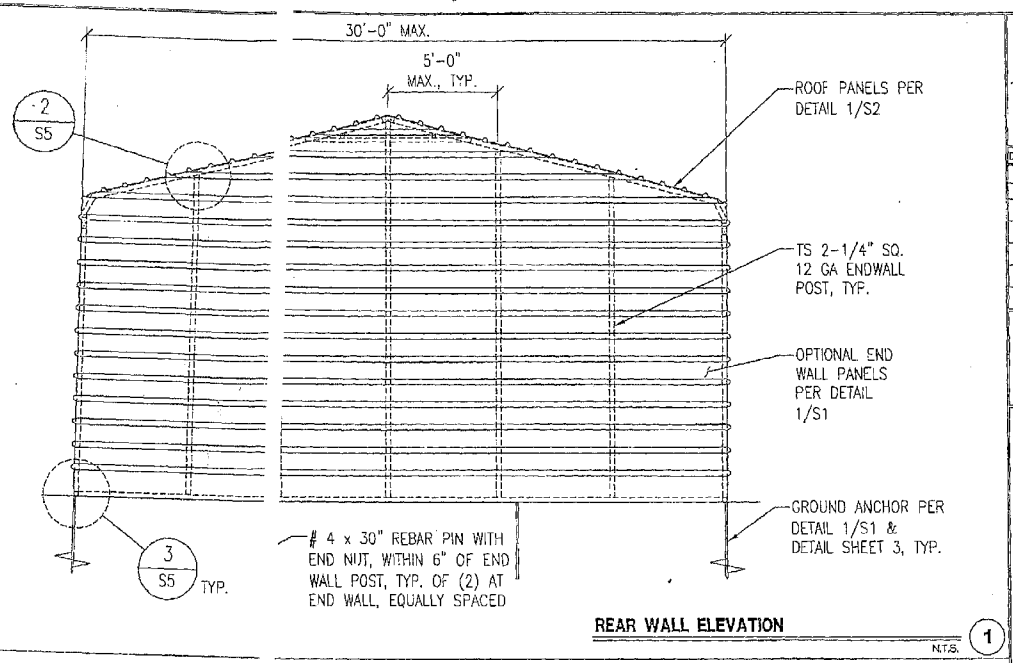
Proposed Carport/
Repair Bay
EXIST'G APARTMENTS
245'±
EXIST'G 6' FENCE
EXIST'G GARAGE & DOOR
EXIST'G STORAGE
EX OFFICE
EX. LOADING DOCK
20' SLIDG GATE
SECURE EXISTING PARKING AREA FOR SERVICED VEHICLES
EXIST'G SERVICE BAYS
STOR
OFF
R/R
R/R
99.4'± (DEED)
BROADWAY
5' LANDSCAPE AREA
PROPOSED SOLID 6' WOOD FENCE - MATCH APT'S
8' LANDSCAPE AREA
10' GATES
EX. PUMP ISLANDS
EX SIDEWALK
SYCAMORE STREET TREES
WEST MAC ARTHUR STREET
55' RW
SITE PLAN
SCALE = 1" = 20'
0 10 20 30 40 50 100
STU LAMBERT SERVICE STATION
VICTOR CONFORTI
ARCHITECT 5-9-94
REV 5-11-94

NOTE:

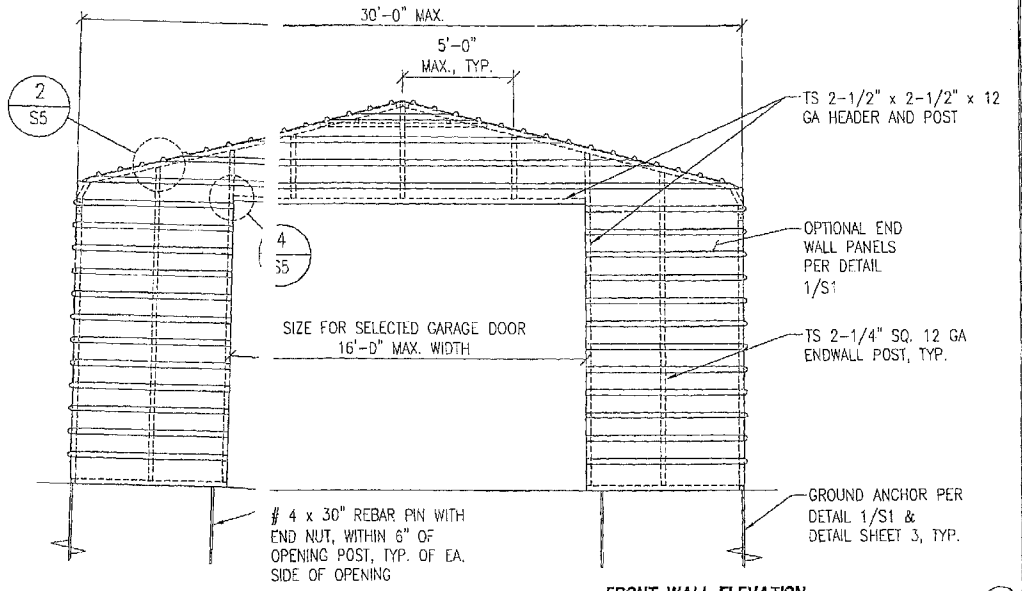
EXTERIOR WINDOWS AND GLASS DOORS SHALL BE TESTED BY AN APPROVED INDEPENDENT TESTING LABORATORY, AND BEAR AN AAMA OR WDMA OR OTHER APPROVED LABEL IDENTIFYING THE MANUFACTURER, PERFORMANCE CHARACTERISTICS AND APPROVED PRODUCT EVALUATION ENTITY TO INDICATE COMPLIANCE WITH THE REQUIREMENTS OF THE FOLLOWING SPECIFICATION:

ANSI/AAMA/NWWDA 101/IS2 2/97
THE CONSTRUCTION SHALL BE TESTED IN ACCORDANCE WITH ASTM E 330, STANDARD TEST METHODS FOR STRUCTURAL PERFORMANCE OF EXTERIOR WINDOWS, CURTAIN WALLS, AND DOORS BY UNIFORM STATIC PRESSURE.

DOOR TABLE	
CARPORT WIDTH	MAX. DOOR WIDTH
12'-0" TO 18'-0"	10'-0"
20'-0"	12'-0" OR (2) 8'-0"
22'-0"	12'-0" OR (2) 9'-0"
24'-0" TO 28'-0"	16'-0" OR (2) 10'-0"
30'-0"	16'-0" OR (2) 12'-0"



REAR WALL ELEVATION (1)
N.T.S.



FRONT WALL ELEVATION (2)
N.T.S.

VECTOR ENGINEERS
9136 S. State St., Suite 101 Sandy, UT 84070
(801) 990-1775 (801) 990-1778 FAX
www.vectorse.com

DATE: 01-16-2012 | DESIGNED: BDV | DRAFTER: MGP

REVISIONS

DATE	DESCRIPTION

DESIGNED EXCLUSIVELY FOR
TRISTATE CARPORTS
336 RIVER INN LANE
DOBSON, NC 27017
1-877-494-2997

REGISTERED PROFESSIONAL ENGINEER ROGER T. ALWORTH S 3814 STRUCTURAL STATE OF CALIFORNIA

MAR 0 7 2013

END WALL ELEVATIONS

STANDARD CARPORT WITH OPTIONS

STANDARD LOAD RATING

U1390-001-121

S4

REV 0

FINAL

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Lambert Use Permit – 899 Broadway

April 13, 2000

1. The use shall be constructed and operated in substantial conformance with the site plan and narrative description, except as amended by these conditions, and subject to the following:
   a. Hours of operation for the entire site/property shall be 7:30 a.m. to 7:30 p.m.
   b. Street trees and/or landscaping to enhance the appearance of the site along Broadway shall be required, as feasible.
   c. No noise shall be produced that is audible to the residential neighborhoods behind the site outside of the permitted hours of operation.
   d. Screening and landscaping of the rear of the property along West MacArthur and First Street West shall be maintained in good condition.
   e. No changes in use or intensity, including extra pumps, replacement of any structure, or changes to the site plan, shall be allowed without further use permit review.

   Enforcement Responsibility: *Planning, Building, and Public Works*
   Timing: *Prior to occupancy, and Ongoing*

2. All Building Division requirements shall be met.
   Enforcement Responsibility: *Building Division*
   Timing: *Prior to issuance of building permit*

3. All Fire Department requirements shall be met.
   Enforcement Responsibility: *Fire Department*
   Timing: *Prior to issuance building permit and/or occupancy, as determined by the Fire Dept.*

4. All necessary federal, state and county requirements and permits must be met and obtained.
   Enforcement Responsibility: *Planning, Building and Public Works*
   Timing: *Prior to issuance of Building permit*

5. All sidewalk, street, storm drainage, water, sewer and public utility easements shall be dedicated to the City of Sonoma or to other affected agencies as required. No structures of any kind shall be constructed within the public easements dedicated for public use, except for structures for which the easements are intended.
   Enforcement Responsibility: *Building Division, and Public Works*
   Timing: *Prior to issuance of building permit*

6. Reconstruction of curb, gutter, sidewalk, and street section as necessary shall be required as deemed necessary by the City Engineer.
   Enforcement Responsibility: *City Engineer and Public Works*
   Timing: *Prior to issuance of occupancy permit*

7. The applicant shall be required to pay for all inspections prior to the acceptance of public improvements, all plan checking fees at the time of the plan checks, and all other fees imposed by the City of Sonoma within 30 days of receipt of invoice.
   Enforcement Responsibility: *Public Works Division, Building Division*
   Timing: *As specified above.*

8. Dust control measures, subject to review and approval of the Building Official and City Engineer, shall be implemented during the construction of the project, as deemed necessary by the City Engineer.
   Enforcement Responsibility: *Building Division, City Engineer and Public Works*
   Timing: *Ongoing, through construction*

9. All construction equipment shall be maintained and operated so as not to generate unacceptable noise levels in the vicinity of the project site. Construction equipment shall be situated as far as possible from inhabited areas, and shut down when not actively in use to reduce unnecessary noise.
   Enforcement Responsibility: *City Engineer, Planning Division, and Public Works*
   Timing: *Ongoing, through construction*

10. All noise-producing equipment or machinery used on the site shall be situated as far as possible from inhabited areas, and shut down when not actively in use, to reduce unnecessary noise.
   Enforcement Responsibility: *Planning Division, City Engineer and Public Works*
   Timing: *Ongoing*

11. Changes or additions to landscaping, street trees, signs, site enhancements, and lighting on the site shall be subject to review and approval of the Architectural Review Commission.
   Enforcement Responsibility: *Planning Division, City Engineer and Public Works*
   Timing: *Prior to issuance of occupancy permit*