

**CITY OF SONOMA  
PLANNING COMMISSION  
REGULAR MEETING OF  
Community Meeting Room, 177 First Street West  
January 10, 2013  
MINUTES**

I hereby declare under penalty of perjury that the agenda for this meeting was posted on Friday, February 4, 2013, on the bulletin board outside the front of Sonoma City Hall, No. 1 The Plaza, Sonoma, California. Chair Felder called the meeting to order at 6:30 p.m. in the Community Meeting Room, 177 First Street West.

**Roll Call:**

Present:	Chair Felder, Comms. Edwards, Henevald, Roberson, Tippell, Howarth, Willers (Alternate)
Absent:	None.
Others Present:	Planning Director Goodison, Senior Planner Gjestland, Associate Planner Atkins, Administrative Assistant Morris

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

**COMMENTS FROM THE PUBLIC: None**

**APPROVAL OF MINUTES: None**

**CORRESPONDENCE: None**

**Item #1 – Public Hearing – Consideration of an Exception to the fence height standards to allow an over-height fence within a street-side setback at 19241 Fifth Street West.**

**Applicant/Property Owner: Mark and Annalee Huber**

Associate Planner Atkins presented staff's report.

Comm. Howarth confirms that the fence is currently on the property line.

**Chair Felder opened the public hearing.**

Annalee Huber, applicant, revised the fence plan previously submitted and denied by the Planning Commission at the October meeting. She explained her rationale for why they feel compelled to revise the site plan. The City requested them to file for an exception after discovering the fence was not in compliance. The applicant reviewed the requirements online and moved the fence based on that information.

Comm. Howarth confirms with the applicant that they do not want to put the fence back because it would compromise the lot size.

**Chair Felder closed the public hearing.**

Comm. Edwards is pleased that the applicants returned with a compromise proposed and confirms that the City has no immediate plans to put in sidewalks.

Comm. Tippell agreed with Comm. Edwards and appreciates the applicant's efforts with neighbors. He recommends a minimal setback at the corner.

Comm. Howarth appreciates the applicant's decision to revise the proposal, but he is still uncomfortable with the design because the City has rarely if ever approved an exception for a fence on a property line for a corner lot. Normally, some set back is required.

Comm. Willers asks if the City Engineer has looked at this corner or is committed to future public improvements (sidewalks).

Planning Director Goodison stated that sidewalks are an option at the location will someday likely be installed.

Comm. Henevald concurred with Comm. Howarth. He would like to see an 11-foot setback.

Chair Felder feels the main objections from Commissioners were that the fence was on the property line and planters could obstruct the public right of way. He is concerned that since this is a relatively large parcel it may be developed in the future.

Comm. Willers would like to maintain a buffer space that would provide for landscaping and suggests moving the fence back the minimum to meet ADA requirements.

Chair Felder asks the applicant if they would consider a 5-foot setback.

Comm. Henevald proposes the fence coming back to line up with the first house seen on an aerial photo. He agrees with Chair Felder that a 5-foot setback would be acceptable.

Comm. Willers made a motion to approve a 5-foot setback with the proposed landscaping and acceptance of the conditions of approval. Comm. Howarth seconded the motion. Roll call vote. Ayes: Comms. Willers, Howarth, Chair Felder. Noes: Comms. Tippell, Roberson, Edwards, Henevald. The motion failed 3-4.

Comm. Edwards made a motion to approve the Exception subject to the attached conditions of approval, including the requirement to move the existing fence back four feet from the property line. Comm. Tippell seconded the motion. Roll call vote: Ayes: Comms. Willers, Tippell, Edwards, Howarth, Chair Felder Noes: Comms. Roberson, Henevald. The motion was approved 5-2.

---

**Item #2 – Public Hearing – Consideration of a Music Venue License to allow regularly-scheduled live music performances inside a restaurant (Burgers and Vine) at 400 First Street East.**

**Applicant/Property Owner: Carlo Cavallo/Richard Cuneo**

Senior Planner Gjestland presented staff's report.

Comm. Henevald confirmed with staff the other music permits/licenses that have been approved by the Planning Commission in the Plaza area since 2006: Plaza Bistro, Jonathan Smith Cellars, The Sunflower Café, Maya Restaurant, Taste of the Himalayas, El Dorado Hotel & Kitchen and Epicurean Connection (just off the Plaza).

Comm. Howarth confirmed that the Planning Commission has not approved any Music Venue Licenses allowing music after 11 p.m.

**Chair Felder opened the public hearing.**

Cody Binkley, applicant and co-owner of Burgers and Vine Restaurant, is willing to schedule a demonstration performance so that the commission and residents can get a better understanding of what the music performances would be like. He will manage the music venue and noted his experience with audio equipment. He is fine with having music performances end by 11pm on Thursdays but stressed the importance of being able to have performances go until midnight on Friday and Saturday for their business. The maximum indoor seating capacity is 100.

Tiza Karas, resident, would like to see more quality music in Sonoma and supports the type of entertainment that is being proposed.

Joseph Costello, 128 Mission Terrace, representing the North of the Mission Neighborhood Association, indicated that last year noise impacts were the worst in his 32 years in Sonoma, primarily from amplified music at Depot Park and the Plaza. He does not know if the proposed music venue will create noise impacts though when Cucina Viansa had music there on Friday nights he was not impacted. He is also concerned about the potential for additional traffic, parking, and public intoxication. He is glad the applicant is willing to do a demonstration performance as suggested in his letter. He inquired if there would be dancing as part of the venue.

Chair Felder confirmed that the greatest noise impacts Mr. Costello has experienced have been from outdoor amplified music, especially at the Swiss Hotel, the Plaza, and Depot Park.

Comm. Edwards received calls from residents complaining about noise from events at the Vintage House. He recognizes that compatibility with neighbors in terms of potential noise impacts is an important consideration.

Comm. Tippell, leases a space near the subject property, and stated that he cannot hear music from Murphy's Irish Pub. Mr. Costello agreed.

Keith Ridenour, non-resident, played in swing bands there for six years when it was Cucina Viansa and there were no complaints or volume issues so it seems like an appropriate place for a music venue.

Danny Fay, local business owner and resident, feels there is not a lot to do in the evening in Sonoma and welcomes the addition of another entertainment venue on the Plaza.

Linda Seymour, resident on Second Street West, is a musician and fully supports the proposal for the following reasons

1. The building has 6-inch thick concrete walls with limited window area for noise insulation.
2. The business owner intends to have control over the music venue and sounds system.

3. The building has been vacant a long time and it is difficult to run a business.
4. It is an alternative for people downtown with entertainment later until midnight.

She noted that not all of the music entertainment downtown occurs at the same time.

John Gallagher, resident, wants somewhere to go after work so favors allowing music until midnight.

**Chair Felder closed the public hearing.**

Comm. Roberson noted that jazz music was played there before without any problems. He is in favor of the application but is willing to consider modifying the hours if the Commission feels that it is necessary.

Comm. Willers supports the application as presented and does not want to place further limitations, at least at the outset. The music played in the building before was not audible and having the License return for review in October provides flexibility. If the applicant is not successful addressing potential noise impacts, then it will be limited by the Planning Commission at a later date.

Comm. Tippell agreed with Comms. Roberson and Willers. He leases an office adjoining the subject building and noted that thickness of the walls should mitigate noise impacts. He views it as a good alternative to other venues in the area.

Comm. Howarth is conflicted about the later hours proposed for the music venue, noting the Planning Commission had set precedent by having music end at 11pm for Hopmonk Tavern. At the same time, he recognizes that the License would return to the Planning Commission for review, which would allow for the community to speak up again and ultimately the proof will be on the applicant. As a result, he will support the application as presented but with the License returning for review by the Planning Commission in October.

Comm. Edwards feels that it is an appropriate place for a music venue. He and Comm. Howarth expect the applicant to maintain the building and adjoining public right of way.

Comm. Henevald would like to see music at the site. His main concern is the outflow of patrons onto the street after performances. He supported reviewing it again in October to see how it goes.

Comm. Roberson made a motion to approve the Music Venue License to allow regularly-scheduled indoor live music performances subject to the conditions of approval prepared by Staff with the following amendments: music performances on Friday and Saturday shall be allowed from 9pm to 12am. Comm. Edwards seconded the motion. The motion was unanimously approved 7-0.

---

**Item #3- Discussion- Consideration of amendments to Title 2 and Title 19 of the Sonoma Municipal Code strengthening provisions related to historic preservation and adding provisions establishing a process for the designation of locally significant historic resources.**

Planning Director Goodison presented staff's report.

Any Title 19 Ordinance amendments must be approved by the Planning Commission and City Council. The locally established process is for the Design Review Commission to review the site design and architectural features.

Staff is awaiting comments from the City Attorney's Office.

Comm. Howarth confirmed that the goal of this exercise is to meet the Certified Local Government guidelines administered by the State Office of Historic Preservation (OHP) in partnership with the National Park Service.

All City committees have structural diversity in order to broaden the expertise of the panel.

Comm. Willers finds the draft language on Commission qualifications overly restrictive.

**Chair Felder opened the public hearing.**

Patricia Cullinan, resident, feels there is a difference between "cultural heritage" and "historic preservation" when discussing historic preservation in the City of Sonoma. She commends City staff for applying for Certified Local Government status.

Carla Noyes, historian and realtor, expressed support for the changes.

Barbara Wimmer, President of The League of the Historic Preservation, supports this concept and process. Petaluma, Benicia, Monterey, Napa, and Palo Alto all have attained Certified Local G Status, which opens the door to government grant programs.

**Chair Felder closed the public hearing.**

Comm. Roberson confirmed that this process would not have affected a prior decision made by the Planning Commission. (i.e. Three Sticks Winery-adaptive re-use principle findings).

Chair Felder expressed support for the revisions as drafted by City staff.

Comm. Willers supports the idea in theory but feels that the interpretation of the code, Secretary of State standards, should more clearly distinguish between the differences in new and historic structures. He suggests simplifying the document by incorporating the Federal guidelines directly into the document and he suggested altering the language related the qualifications for the Design Review Commission to make it more broad-based.

**Issues Update:**

1. The Chateau Sonoma project will be reviewed at a future study session.
2. The applicants for the Ledson subdivision on West Spain Street held a follow up meeting with neighbors and staff had a conversation with the applicant's architect.
3. Building permits are issued for the Ledson subdivision on West MacArthur Street.

**Comments from the Audience: None**

Comm. Roberson made a motion to adjourn. Comm. Henevald seconded.

**Adjournment:** The meeting adjourned at 8:05 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, February 14, 2013.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Planning Commission on the 14<sup>th</sup> day of February, 2013.

Approved:

---

Cristina Morris, Administrative Assistant