

**CITY OF SONOMA
PLANNING COMMISSION
REGULAR MEETING OF
Community Meeting Room, 177 First Street West
March 14, 2013
MINUTES**

I hereby declare under penalty of perjury that the agenda for this meeting was posted on Friday, March 8, 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:
Others Planning Director Goodison, Administrative Assistant Morris
Present:

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. Roberson led the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC: No Public Comment

APPROVAL OF MINUTES: Comm. Howarth made a motion to approve the minutes of February 14, 2013. Comm. Howarth seconded. The motion was approved, 5-0 (Chair Felder abstaining).

CORRESPONDENCE: None

Item #1 – Public Hearing – Consideration of a Use Permit to convert an existing second unit into a full residence, including possible exception to covered parking requirements.

Applicant/Property Owner: Bill Dimick AIA/Anton Hoffman

Comm. Tippell recused due to proximity and left the room.

Planning Director Goodison presented staff's report.

Comm. Howarth confirmed with staff that there is not an affordable unit history for the property.

Comm. Roberson agreed with condition #4 and confirmed with staff that condition #2 should be struck and condition #3 should be amended to refer to the second residence.

Chair Felder opened the public hearing.

Bill Dimick AIA, local Architect, stated that in his view the covered parking requirement is the only issue. He noted that the completed structure would have an area of 2,684 square feet.

Anton Hoffman, owner, stated that we would like to convert an existing two-story accessory structure into a second residence with home office space, swapping a top floor unit for a bottom floor unit, for easier accessibility to accommodate a relative's living needs.

Charlotte Flynn, adjacent property owner, stated that she does not oppose the site proposal and confirmed with Planning Director Goodison that if normal setbacks are met than no further discretionary review is required for any required carport.

Comm. Willers confirmed with Bill Dimick, Architect that the current parking from the site plan includes a two-car garage (full size) that is attached to the main residence.

Chair Felder closed the public hearing.

Comm. Willers expressed support for the overall concept, but questions whether requiring a carport would be advantageous. The new structure will replace four parking spaces that ultimately converts parking space to residential use and may affect future uses.

Comm. Roberson questioned the need for covered parking, while noting that he would like to hear further discussion of that issue.

Comm. Howarth asked if the second residence were used as a rental unit, whether a carport would be required.

A discussion ensued regarding the size of the unit and the lack of constraints associated with locating a carport in proximity to it.

Comm. Roberson made a motion to approve the application subject to the Conditions of Approval. Comm. Edwards seconded. Ayes: Comms. Roberson, Edwards, Willers, Howarth, Chair Felder Noes: Comm. Henevald (Comm. Tippell recused) The motion was approved 5-1.

Comm.Tippell returned to the dais.

Item #2 – Discussion – Continued Review and discussion of wine tasting-facilities.

Planning Director Goodison presented staff's report. In response to a question from Comm. Howarth, he stated that at the request of Councilmember Barbose this discussion item will be heard at the next City Council meeting (3-18).

Chair Felder opened the public hearing.

No Public Comments

Chair Felder closed the public hearing.

A discussion ensued about having a clear definition of a "tasting room" and allowing existing legal non-conforming uses to remain. It was noted that there is no definition of wine tasting facilities in the Development Code and that while that use has traditionally been regarded as falling under the "general retail", this may not be an optimal approach due to the specific characteristics of wine tasting uses and their potential to evolve into wine bars.

Comm. Howarth is primarily concerned with Type 42 ABC licenses since this is the same type of license required to operate a bar or tavern. He agrees with Chief Sackett's concern regarding the concentration of alcohol-serving establishments.

Comm. Edwards sees wine tasting rooms around the Plaza often being a method to generate members for wine clubs, which may mean that normal market considerations may not always apply to them.

Comm. Tippell, while noting that he had been absent from the previous discussion at the December meeting, offered his observations/recommendations:

1. Provide a definition in the Development Code for wine tasting as a specific category of use.
2. Basic operating standards for wine tasting facilities, such as those outlined by staff, should be put into place.
3. He is concerned that other retail uses may be squeezed out by the increase of wine tasting rooms.
4. He is opposed to retroactively changing rules for existing establishments, unless there is a transfer in the ABC license or an intensification of the use.

Comm. Roberson agrees with Comm. Tippell's summary/comments.

Comm. Tippell clarified that he wants to require a conditional use permit if it deviates from operating standards.

Comm. Willers agrees with Comms. Tippell and Roberson except that he favors the use permit process for any new wine tasting use.

Comm. Tippell agrees with Comm. Willers but wants to limit the need for a use permit to the Plaza area.

Comm. Edwards is concerned that other businesses may be forced out because of the potential for higher rents due to an influx of wine-tasting establishments. He supports a use permit requirement for any new tasting facility, as well as operating standards. For existing facilities, he does not feel that a single ABC violation should trigger use permit review, but perhaps two violations would be an appropriate threshold.

Comm. Henevald confirmed that the concept of operating standards would include normal hours of operation.

Comm. Howarth noted that many wine tasting establishments have not come before the Planning Commission because currently a use permit is not required. In his view, the operating characteristics of the wine tasting use warrant a use permit review requirement.

Comm. Edwards believes that more employees are associated with tasting rooms vs. purely retail businesses, which places greater demand on the limited number of parking spaces available around the Plaza.

Chair Felder agrees with his fellow Commissioners about a use permit requirement for wine tasting and spirits and suggested that a majority of the Commission had reached consensus on the following points:

1. Use Permit Requirement. A majority of the Planning Commission felt that use permit review should be required for any new wine tasting facility. Comm. Tippell felt that a two-tier system would be used (in which a use permit would only be required for facilities that wanted to go beyond specified operating standards) and that the use permit requirement should only be applied within the Plaza area.
2. Operating Standards. The Commission agreed that that operating standards should be developed and applied to wine tasting facilities, addressing such issues as limitations on pourings, limitations on food service, hours of operation, training requirements, and compliance with ABC regulations.
3. Applicability to Existing Business. With respect to wine tasting facilities already in operation, the Commission recommended that they be considered legal non-conforming, except that a use permit would be required in compliance with any new regulations under the following circumstances: 1) change/transfer in ABC license; 2) violation of ABC license (one Commissioner suggested that two violations should be the threshold); and 3) any expansion or intensification of the use.

Comm. Howarth confirms that current rules apply and that it could take up to 90 days to adopt new regulations. The Commission discussed whether a moratorium would be appropriate while new regulations are developed, but no consensus emerged on this question. Staff will simply report that option to the City Council.

Item #3-Discussion- Continued review and discussions of City parking standards.

Planning Director Goodison presented staff's report. He distributed an updated parking standards layout diagram and will have it further reviewed by the City Engineer.

Chair Felder opened the public hearing.

No Public Comment

Chair Felder closed the public hearing.

Comm. Howarth notes that there are two electric charging stations in Sonoma and that these facilities should be addressed in the update.

Chair Felder confirms that accessory definitions for Hotels/Motels are found in the development code. He would like to see greater clarity with respect to the parking requirements for accessory hotel uses, such as conference facilities.

Comm. Edwards discussed parking limitations for car wash services.

Comm. Tippell expressed the view that dollars generated by parking in lieu fees could include bicycle parking and pedestrian safety, not just the development of public parking spaces. He would like to see the broadest definition possible with respect to how such funds may be used.

Comm. Roberson discussed the section addressing requirements for best practices in stormwater runoff, citing an example of runoff killing fish because of the intensity of pollutant content of the water. Water quality is important and needs to be protected.

Comm. Howarth discussed the section providing a parking credit for unreinforced masonry buildings and buildings facing the Plaza. He noted that Councilmember Cook has suggested consideration of a three hour limit for parking in the Plaza District.

Comm. Edwards spoke with longtime retailers in the Plaza District about some concerns regarding Police enforcement of existing two-hour limit in the Plaza area.

Direction was given to staff to proceed with the update of parking standards taking into account the feedback provided.

Issues Update:

1. The applicants for the Chateau Sonoma Hotel proposal have not yet completed modifications to their proposal, but it is possible these will be done in time to hold a study session in April.
2. The City Manager and City Attorney recently met to discuss the Planning Commission vacancy. Options for resolving that situation should be presented to the City Council within the next 60 days.
3. Revisions to the Nicora Place project on West Spain Street will be submitted this week. A revised draft of the Mission Square EIR is also anticipated.
5. Wine Tasting Facilities discussion will be presented at the City Council meeting of March 18th.
6. Staff has received inquiries regarding the development of a hotel on the Sonoma Auto Center site.
7. The Board of Supervisors approved the transfer of the Montini Preserve to the City of Sonoma. The City Council has pre-zoned the property and amended sphere of influence to allow for the annexation of the Preserve.

Comments from the Audience: None

Motion to adjourn: Comm. Edwards made a motion to adjourn the meeting and Comm. Roberson seconded.

Adjournment: The meeting adjourned at 7:55 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, April 11th, 2013.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Planning Commission on the 11th day of April, 2013.

Approved:

Cristina Morris, Administrative Assistant