



City of Sonoma Planning Commission **AGENDA**

Regular Meeting of February 13, 2014 -- 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
James Cribb (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 January 9, 2014.

CORRESPONDENCE

ITEM #1 – PUBLIC HEARING

REQUEST:

Consideration of a year-end review of a seasonal outdoor food truck event (Food Truck Fridays) and an application for the 2014 outdoor food truck event for the Sebastiani Winery.

Applicant/Property Owner:

Foley Family Wines Inc.

Staff: Wendy Atkins

Project Location:

389 Fourth Street East

General Plan Designation:

Wine Production (WP)

Zoning:

Planning Area: Northeast Area

Base: Wine Production (W)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Approve with conditions.

CEQA Status:

Categorically Exempt

ITEM #2 – PUBLIC HEARING

REQUEST:

Consideration of a Use Permit to operate a mobile food trolley on a commercial property.

Applicant/Property Owner:

TIPS Tri-Tip/Innovative Properties & Development LLC

Staff: Rob Gjestland

Project Location:

455 West Napa Street

General Plan Designation:

Commercial (C)

Zoning:

Planning Area: West Napa/Sonoma Corridor

Base: Commercial (C)

Overlay: N.A.

RECOMMENDED ACTION:

Approve Temporary Use Permit, with conditions.

CEQA Status:

Categorically Exempt

ITEM #3 – PUBLIC HEARING

REQUEST:

Consideration of an Exception to the side yard setback requirements to construct a residential addition.

Applicant/Property Owner:

John Ryan

Staff: David Goodison

Project Location:

19330 Natalina Court

General Plan Designation:

Low Density Residential (LR)

Zoning:

Planning Area: Northwest Area

Base: Low Density Residential (R-L)

Overlay: N.A.

RECOMMENDED ACTION:

Approve with conditions.

CEQA Status:

Categorically Exempt

ITEM #4 – DISCUSSION

ISSUE:

Response to the concerns raised by Janet Wedekind regarding the elimination of a driveway cut at 639 Third Street West.

Staff: David Goodison

RECOMMENDED ACTION:

Uphold staff's determinations with respect to the requirement for the removal of a driveway cut at 639 Third Street West.

CEQA Status:

Not applicable.

ITEM #5 – DISCUSSION

ISSUE:

Discussion of appeals of Planning Commission decisions.

Staff: David Goodison

RECOMMENDED ACTION:

Discuss.

CEQA Status:

Not applicable.

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 February 7, 2014.

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.

Agenda Item Title: Year-end review of a seasonal outdoor food truck event (Food Truck Fridays) and an application for the 2014 outdoor food truck event through the approval of a temporary use permit for the Sebastiani Winery.

Applicant/Owner: Sebastiani Winery/Foley Family Wines, Inc.

Site Address/Location: 389 Fourth Street East

Staff Contact: Wendy Atkins, Associate Planner
Staff Report Prepared: 02/04/14

PROJECT SUMMARY

Description: Year-end review of a seasonal outdoor food truck event (Food Truck Fridays) and an application for the 2014 outdoor food truck event through the approval of a temporary use permit for the Sebastiani Winery.

General Plan Designation: Wine Production (WP)

Zoning: **Base:** Wine Production (W) **Overlay:** Historic (/H)
Site

Characteristics: The Sebastiani Winery is located on Fourth Street East between East Spain Street and Lovall Valley road. The winery consists of a number of properties used for the winery and wine making. The area of the Winery involved in the subject application is at the southeast corner of Fourth Street East and Lovall Valley Road.

Surrounding Land Use/Zoning: **North:** Single Family Residences/ Low Density Residential
South: Single Family Residences/ Low Density Residential
East: Winery Building/ Wine Projection
West: Winery Office/ Low Density Residential

Environmental Review:

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> No Action Required
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

Staff Recommendation: Approve subject to conditions.

PROJECT ANALYSIS

BACKGROUND/POST-EVENT REVIEW

The “Food Truck Friday” event at the Sebastiani Winery began in 2011. The initial approval of the event was granted by the Planning Commission on April 14, 2011, as a Temporary Use Permit. This event takes place in conjunction with a Friday evening music series, which occurs indoors, in the tasting room. Most recently on December 13, 2012, a six-month review of the 2012 event and a Temporary Use Permit for the 2013 event was approved by the Commission. Conditions of approval were as follows:

1. The allowance for a once per month food truck event (April through September or May through October) as provided herein shall be permitted strictly on a temporary basis, subject to a post-event reconsideration shall be conducted by the Planning Commission no later than November 14, 2013.
2. The food truck event shall be operated and managed in accordance with the project narrative, except as modified by the conditions of approval.
3. Up to six food vendors (including food trucks) shall be allowed to park and operate from the main Winery parking lot on the fourth Friday of each month. The vendors shall be located along the Fourth Street East side of the parking lot, south of the parking lot entrance, or in front of the tasting room. Hours of operation in terms of being open to the public shall not exceed 6 p.m. to 9 p.m.
4. The applicant shall designate an on-site manager with responsibility for managing the food truck event and ensuring compliance with all applicable rules and conditions.
5. Recycling bins and trash bins shall be provided and the parking lot shall be cleaned of trash and debris at the conclusion of each event. Trash bins and recycling receptacles shall be located away from adjoining residential properties.
6. Compliance with the decibel limits of the Noise Ordinance is required.
7. Each participating vendor shall obtain a City of Sonoma Business License. Each vendor shall post their business license in a readily visible location at or upon the vending station.
8. Each participating vendor shall obtain a Sonoma County Health Department Permit to Operate. Each vendor shall post an SB180-“public right to know” sign in a readily visible location at or upon the vending station.
9. Food vendors shall be fully self-contained with respect to food preparation and shall be operated in compliance with all applicable health regulations and permit requirements.
10. Alcoholic beverages shall not be served or consumed, except within the confines of the tasting room area.
11. No other outdoor activities, including the performance of live music or the playing of pre-recorded music, are authorized under this permit.
12. The use of generators on the property shall be prohibited.

13. The doors on the northeastern portion of the tasting room building located directly adjacent to the band area shall remain closed when music is played.

The post-event review is a requirement of the temporary use permit. As approved under the temporary use permit, the trucks are parked within the main Winery parking lot along the rock wall that fronts on Fourth Street East and/or directly in front of the tasting room. The event is managed by an on-site Sebastiani hospitality manager whose responsibilities include confirming that each food vendor has a valid City of Sonoma business license and ensuring that the business license is readily visible at or upon each vending station. In addition, the food trucks must use existing electricity on site rather than generators. Planning staff reviewed a number of the Food Truck Friday events over the course of the season and, in staff's view, the applicant substantially complied with all of the conditions of approval associated with the temporary use permit with the exception of the requirement for a post-event reconsideration conducted by the Planning Commission no later than November 14, 2013 (which is equally a staff oversight). Instead, the post-event review has been included as an element of the application for the 2014 outdoor food truck event.

DETAILED PROJECT DESCRIPTION/2014 FOOD TRUCK FRIDAY SERIES

The Sebastiani Winery is requesting use permit approval to host six food trucks on the fourth Friday of each month, in conjunction with its existing Friday evening music series (which occurs indoors, in the tasting room). As proposed in the project narrative (attached), the 2014 Food Truck Friday event would operate largely as it has for the last three years (with the exception of the starting time, see discussion below), including the flexibility to operate the six events within a seven-month time frame (from April through October). The trucks would be parked within the main winery parking lot along the rock wall that fronts on Fourth Street East and directly in front of the tasting room. The applicant is proposing new hours for the food trucks this year; the applicant is proposing to have the food trucks open from 5:30 p.m. to 9 p.m. (previous food truck events consisted of hours from 6 p.m. to 9 p.m.). Apart from the food trucks, no other outdoor activities are proposed.

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

The property is designated Wine Production by the General Plan. This designation is intended to recognize the Sebastiani Winery. Within this land use designation, agricultural or food processing, wineries, and winery accessory uses are allowed subject to use permit review. The scope of this proposal does not raise issues with regard to General Plan goals and policies.

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

Use: The property is zoned Wine Production (WP). "Winery Accessory Uses" are allowed in the Wine Production land use designation with a use permit. This use category is defined as follows: *Uses and activities conducted in conjunction with a winery, including wine tasting, food service and restaurants, gift sales and special events.*

On-Site Parking: Parking for the Friday evening music event is provided on the Winery's main parking lot. Because of the large amount of off-street parking available at the winery, it is staff's view that the proposal does not raise any parking issues, even with the loss of some of the parking spaces to the food trucks.

Development Standards: Because the proposal does not involve the construction of any new or expanded structures, coverage, setback, height, and other development standards are not applicable.

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

ENVIRONMENTAL REVIEW (Not Applicable to this Project)

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

DISCUSSION OF PROJECT ISSUES

In staff's view, the primary issue to be considered in review of this event is compatibility with neighboring residential uses with respect to noise and parking. As discussed above, the Planning Commission first approved a Temporary Use Permit for this event in December, 2011. When it first began, there were problems, especially with regard to communicating the requirement to obtain a business license to the food vendors, especially as they would change from month to month. Staff worked with the management of the Winery to address this problem and is satisfied with the measures Sebastiani Winery has taken to correct the concerns. Sebastiani Winery employees manage the event on-site and have ensured that business licenses have been purchased for each of the food vendors. Staff has attended a number of events and observed ample parking within the Winery lot to support the use. With regard to noise, generators were prohibited by the Planning Commission in its approval of a temporary use permit for the 2012 and 2013 seasons. This prohibition would remain in place for the 2014 season. Staff is recommending a requirement for a post-event reconsideration no later than November 13, 2014, a requirement that has been included as a condition of approval. It should be noted that as of the date the staff report one letter (attached) was received describing issues related to noise and that the doors on the northeastern portion of the tasting room building located directly adjacent to the band remaining open when music is played. The Police Department does not have a record of receiving any noise complaints for the Sebastiani Winery from June 1 to October 1, 2013. Sebastiani Winery has indicated that, as has been the practice in previous seasons, a notice will be placed on the doors stating that the doors shall remain closed during music events.

Note: As in previous seasons, Staff has informed the Winery that any additional out-door events will be subject to Planning Commission review and that no further administrative approvals will be granted. This policy was subject to a notable lapse in 2013, in conjunction with a vintage car event, but it is staff's understanding that the internal communication issues within the Winery that contributed to that incident have been corrected.

RECOMMENDATION

Approve the temporary use permit for 2014 season, subject to conditions.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Project narrative*
5. *Site plan*
6. *Correspondence*

cc: Sebastiani Winery
Attn: Christopher Johnson
389 Fourth Street East
Sonoma, CA 95476

Linda McGarr
486 Lovall Valley Road
Sonoma, CA 95476

Ken and Patricia McTaggart
402 Fourth Street East
Sonoma, CA 95476

Erin McTaggart
380 Church Street
Sonoma, CA 95476

Cliff and Gloria Knuckles
431 San Lorenzo court
Sonoma, CA 95476

Michael Kalyk
16008B Shore Drive
Lynnwood, WA 98087-6627

John and Laura Dunning
272 Fourth Street East
Sonoma, CA 95476

Bret Sackett, Police Chief

Lyn Freed, via email

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Use Permit for Sebastiani Winery Special Events Venue Use Permit – 389 Fourth Street East

February 13, 2014

Based on substantial evidence in the record and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Findings

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

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Use Permit for Sebastiani Winery Food Truck Event – 389 Fourth Street East

February 13, 2014

1. The allowance for a maximum of six food truck events (April through September or May through October) as provided herein shall be permitted strictly on a temporary basis, subject to a post-event reconsideration shall be conducted by the Planning Commission no later than November 13, 2014.

Enforcement Responsibility: Planning Department
Timing: Ongoing

2. The food truck event shall be operated and managed in accordance with the project narrative, except as modified by these conditions of approval.

Enforcement Responsibility: Planning Department
Timing: Ongoing

2. Up to six food vendors (including food trucks) shall be allowed to park and operate from the main Winery parking lot on the fourth Friday of each month. The vendors shall be located along the Fourth Street East side of the parking lot, south of the parking lot entrance, or in front of the tasting room. Hours of operation in terms of being open to the public shall not exceed 5:30 p.m. to 9 p.m.

Enforcement Responsibility: Planning Division
Timing: Ongoing

3. The applicant shall designate an on-site manager with responsibility for managing the food truck event and ensuring compliance with all applicable rules and conditions.

Enforcement Responsibility: Planning Division
Timing: Ongoing

4. Recycling bins and trash bins shall be provided and the parking lot shall be cleaned of trash and debris at the conclusion of each event. Trash bins and recycling receptacles shall be located away from adjoining residential properties.

Enforcement Responsibility: Planning Department
Timing: Ongoing

5. Compliance with the decibel limits of the Noise Ordinance is required.

Enforcement Responsibility: Planning Department
Timing: Ongoing

6. Each participating vendor shall obtain a City of Sonoma Business License. Each vendor shall post their business license in a readily visible location at or upon the vending station.

Enforcement Responsibility: Planning Department

Timing: Ongoing

7. Each participating vendor shall obtain a Sonoma County Health Department Permit to Operate. Each vendor shall post an SB180-“public right to know” sign in a readily visible location at or upon the vending station.

Enforcement Responsibility: Planning Department

Timing: Ongoing

8. Food vendors shall be fully self-contained with respect to food preparation and shall be operated in compliance with all applicable health regulations and permit requirements.

Enforcement Responsibility: Planning Department

Timing: Ongoing

9. Alcoholic beverages shall not be served or consumed, except within the confines of the tasting room area.

Enforcement Responsibility: Planning Department

Timing: Ongoing

10. No other outdoor activities, including the performance of live music or the playing of pre-recorded music, are authorized under this permit.

Enforcement Responsibility: Planning Department

Timing: Ongoing

11. The use of generators on the property shall be prohibited.

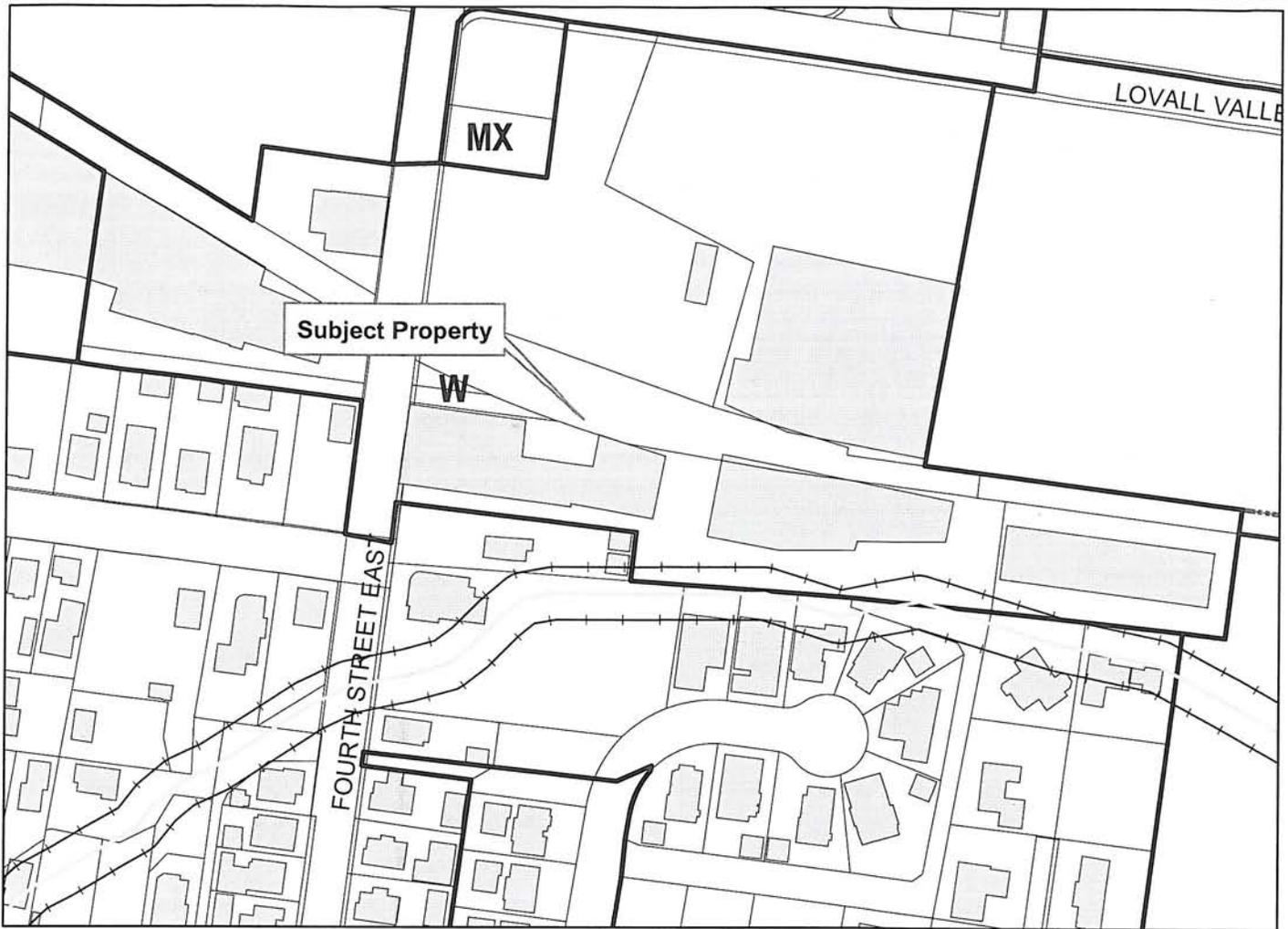
Enforcement Responsibility: Planning Department

Timing: Ongoing

12. The doors on the northeastern portion of the tasting room building located directly adjacent to the band area shall remain closed when music is played.

Enforcement Responsibility: Planning Department

Timing: Ongoing



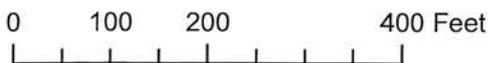
Project Summary

<i>Project Name:</i>	Food Truck Friday
<i>Property Address:</i>	389 Fourth Street East
<i>Applicant:</i>	Sebastiani Winery
<i>Property Owner:</i>	Same
<i>General Plan Land Use:</i>	Wine Production
<i>Zoning - Base:</i>	Wine Production
<i>Zoning - Overlay:</i>	Historic

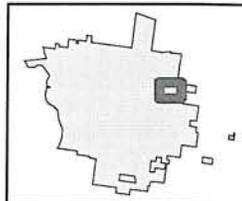
Summary:
 Year-end review of a seasonal outdoor food truck event (Food Truck Friday), and an application for the 2014 outdoor food truck event for the Sebastiani Winery.

Zoning Designations

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



1 inch = 200 feet



January 17th, 2014

Planning Commission
City of Sonoma
#1 The Plaza
Sonoma, CA 95476

To whom it may concern:

This short narrative is to request another "Use Permit" for the food truck Friday events at Sebastiani Winery and Hospitality center for 2014 season. As you know over the past 3 years on the last Friday of the month during our summer/ fall season we've had 6 food trucks parked in our parking lot to supply food to our Friday night patrons. As you know we've worked very closely with the Planning Commission and the community to come up with a specific outline on how these events are run. During these events we have worked with and supported local food vendors to offer options to our guests. This event has truly become a popular one with a many of the patrons being members of the neighborhood and the Sonoma community at large. It's a place where families, friends and neighbors can gather for a few hours on Friday night to enjoy each other's company. The feedback we have received over the last three year is that the majority of the neighbors feel this has been a wonderful addition to Sonoma's Friday night offerings and has had no true negative impact on the neighborhood or neighbors. In fact I've received many comments of support from the neighborhood which I have submitted in the past.

Food Truck Friday's would happen only on the Fourth Friday of every month which is exactly how we've held this event over the last three years. The time frame we would like for the food trucks is from 5:30 to 9pm between April and October 2014. There would only be six food truck events between that time I'm just not certain if we are going to start in May and go to October or start in April and go to September as we did this year. In keeping with the Planning Commission's decision over the last three years we would like maintain the 6 food truck limit in the Parking lot of the Sebastiani Vineyard property. The area where the trucks will be parked is the same as year's prior and outlined on the attached map on the southwest corner of the parking lot nearest to the entry of the fountain area.

We would like to continue to use this area because it encourages and confines our patrons to use of the tasting room, courtyard and picnic area of the property all of which are well away from lovall Valley rd.

JAN 21 2014

Conditions already established over the last three years are:

- * **Allowance for one Food Truck Friday event per month limited to 6 FTF events**
- * **Limited to six Food Trucks**
- * **Applicant shall oversee the onsite management of the events**
- * **Recycling Bins and Trash bins will be located throughout the property**
- * **Compliance with decibel limits and noise ordinance**
- * **Each participating vendor shall purchase a City Business license**
- * **Food vendors shall be self contained with respect to food preparation and operate with required health permits**
- * **Alcohol must be kept within the confines of the established Sebastiani ABC license**
- * **No outdoor activities including live or recorded music are authorized under the use permit**
- * **Food trucks will be operating from 5:30pm to 9pm.**
- * **Food Trucks will operate on electricity only.**
- * **Sebastiani winery will hire staff to monitor the grounds in order to keep alcohol in authorized areas only**

We've worked closely over the last two years with the Planning Commission and respect their guidance on these events. As a result we've built a wonderful early evening venue for the neighborhood which we can be proud of so I am asking for your approval for another "Use Permit" for 2014.

Thank you for your time!

Sincerely,

Christopher Johnson

Senior Hospitality Manger

Sebastiani Vineyard and Winery

389 Fourth Street East

Sonoma, CA 95476

Phone 707-933-3207 f 707-933-3390



food truck

food truck

food truck

food truck

food truck

food truck

JAN 21 2014

© 2011 Google

Google earth

Cliff Knuckles

January 24, 2014

RECEIVED
FEB 07 2014
CITY OF SONOMA

Planning Commission
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

RE: Hearing on Sebastiani Food Truck Friday

We continue our support for the Sebastiani Friday night food truck events.

These events continue to provide an enjoyable departure from the other Friday night venues in our town. The once a month only event allows it to maintain its freshness and provides a fun event while working within the guidelines of the City Planners.

Cordially,



Cliff and Gloria Knuckles

707-935-3502
cliff431@comcast.net

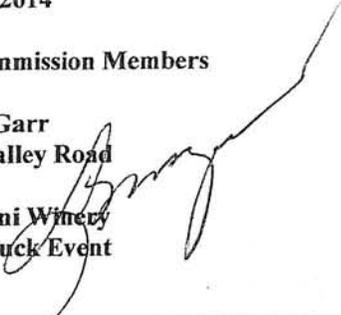
431 San Lorenzo CT
Sonoma, CA 95476

RECEIVED

FEB 03 2014

CITY OF SONOMA

DATE: February 3, 2014
TO: Planning Commission Members
FROM: Linda L. McGarr
486 Lovall Valley Road
RE: Foley Group/Sebastiani Winery
Friday Night Food Truck Event



I am in full compliance with David Goodison's July 11, 2013 memo to the Planning Commission regarding consideration of amendments to the temporary use permit for the Food Truck Friday.

Planning Commission has continually specified certain conditions for the temporary use permit including "each participating vendor shall obtain a City of Sonoma Business license ... shall post in a readily visible location" and "each participating vendor shall obtain a Sonoma County Health Department Permit ...shall post an SB180 in a readily visible location".....

I audited the 2013 Friday Night Food Truck Events (6 and not 7 as incorrectly reported in the Conditional Temporary Project Approval dated December 13, 2012) and forwarded reports indicating 3 to 4 vendors did not have the required Sonoma License and County Health Certificate **visibly displayed**.

The music situation during the Friday Night Food Truck events was "somewhat ?" improved, however, in response to a City Councilmember's question as to how this situation was coming along, my personal response was as follows:

"I audited each Friday Night event with the exception of August, which I left alone in an attempt to experience what Foley would allow in September." True to form, a call to the Sonoma Police was necessary to control the music.

Obviously, the doors were allowed to be opened and the band located next to the open doors instead of in the back of the room.

In addition, I take this opportunity to inform the Planning Commissioners that my presence was anything but welcomed. Should this temporary permit again be issued, you are assured I shall continue to audit each event and should the County Health Certificate for the current year (2014) not be **visibly displayed**, the Health Officer will be notified.

Agenda Item Title: Application of TIPS Tri-Tip for a Use Permit to operate a mobile food trolley on a commercial property.

Applicant/Owner: TIPS Tri-Tip (Andrew & Susie Pryfogle)/Innovative Properties & Development LLC

Site Address/Location: 455 West Napa Street

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 02/07/14

PROJECT SUMMARY

Description: Application of TIPS Tri-Tip for a Use Permit to operate a mobile food trolley on the property located at 455 West Napa Street.

General Plan Designation: Commercial (C)

Zoning: **Base:** Commercial (C) **Overlay:** None

Site Characteristics: The subject property is an ±8,840-square foot parcel located on the south side of West Napa Street in front of the Safeway parking lot. The property is currently developed with a retail scooter shop and drive through coffee service.

Surrounding Land Use/Zoning: **North:** Bank and office buildings (across West Napa St.)/Commercial
South: Safeway parking lot and vacant parcel/Commercial
East: Bank/Commercial
West: Safeway parking lot/Commercial

Environmental Review:

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> No Action Required
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

Staff Recommendation: Approve Temporary Use Permit with conditions.

PROJECT ANALYSIS

BACKGROUND

In November 2008 the Planning Commission approved a Use Permit allowing a retail scooter shop (Sorento Imports) to operate on the property. Subsequently, in November 2011 the Planning Commission approved a Use Permit to allow drive-through coffee service on the property (Café Scooteria) in conjunction with the retail scooter shop.

DETAILED PROJECT DESCRIPTION

TIPS Tri Tips recently acquired a 30' trolley that is in the process of being converted into a certified mobile kitchen (at this time, it is parked at the back of the subject property). The applicants are proposing to operate the mobile food trolley from the site serving tri-tip sandwiches/bowls, corn, fries, salads and other items to drive-up and walk-up customers. According to the project narrative (attached), staffing would consist of two to four employees. Proposed hours of operation are from 5 p.m. to 10 p.m. Thursday through Sunday, with the possibility of additional evenings. Staff would note that Café Scooteria's approved hours of operation are 5 a.m. to 5 p.m. Monday-Friday and 7 a.m. to noon on Saturday, so there would be no overlap of business hours. The trolley would be located in the southwest corner of the property (parallel to the south property line where it is currently located), occupying one of four striped parking spaces that serve the site. There would be no seating inside or outside the trolley. Further details can be found in the attached narrative and accompanying materials.

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. Food/beverage serving uses are allowed in the corresponding Commercial zone with a Use Permit. The proposal does not raise any issues in terms of consistency with the General Plan. However, consideration must be given to parking adequacy and how the food trolley would relate to the other uses already operating on the property.

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

Use: The property is zoned Commercial (C). Food/beverage serving uses are allowed in the Commercial zone subject to review and approval of Use Permit by the Planning Commission.

Building Height/Setbacks/Other Development Standards: The mobile food trolley is not considered a permanent structure; therefore, it is not subject to setback or other development standards.

On-Site Parking: The City's parking standards for food/beverage serving uses are based on seating. Because seating is not proposed with this application, there is no specific parking requirement. However, the use will clearly generate parking demand from employees and customers, and most customers would be expected to drive to the site given its location. Formal parking for the property consists of four spaces west of the building, including three standard spaces plus a handicap space with adjacent loading zone. Three of these spaces would be available for the proposed use (the trolley would occupy the fourth space) and the applicant indicate that cones would be used to designate up to five additional parking spaces in front of the building. Under this approach, up to eight spaces would be available, which seems sufficient provided that the parking is not obstructed or used by the scooter shop or coffee service (see "Discussion of Project Issues" below).

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

ENVIRONMENTAL REVIEW (Not Applicable to this Project)

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

DISCUSSION OF PROJECT ISSUES

Multiple Uses: At present, use of the property is fairly intense with the scooter shop and drive-through coffee service operating concurrently on the site. Accordingly, it is important from staff's perspective that the proposed food trolley not operate at the same time as the other businesses, which appears to be the applicant's intent. A condition of approval has been included to make this explicit, especially since the approval for Sorento Imports allows for hours up to 6 p.m. daily, while the food trolley use proposes to commence at 5 p.m.

On-Site Parking: As previously noted, up to eight parking spaces could be made available for the use, which appears to be adequate. However, it has been staff's observation that the formal parking area west of the building is often obstructed or misused by the scooter shop/coffee service during and after business hours (the trolley occupying one of the spaces for months now is an example). If this additional use is to be allowed for the property it is important that required parking be maintained and kept available for employees and customers of the existing and proposed businesses, consistent with §19.48.030.A of the Development Code.

Trolley Location During Off Hours: It is unclear if the applicants intend to park the trolley on the site overnight and during the day when not in operation. Staff would note that the four parking spaces west of the building are considered the minimum required for the scooter shop and coffee service and there have been issues with those spaces being available for use as noted above. Accordingly, staff cannot support the trolley parked at this location outside of the proposed evening hours of operation. A condition has been included in this regard.

Aesthetics: In review of other mobile food/beverage applications, the Planning Commission has expressed a desire for units that are unique and attractive rather than a typical food truck/van. The trolley is unique in this regard and exterior colors, graphics and signage would be subject to subsequent review by the Design Review and Historic Preservation Commission.

Electrical Connection: It is unclear how power would to be supplied to the food trolley. It has been the Planning Commission's standard practice to prohibit the use of generators for this type of use and instead have an electrical service provided from the building. In certain cases this can require review and approval of a building permit by the Building Department, which is reflected in the conditions.

RECOMMENDATION

Due to the concerns noted above about parking and multiple uses on-site, staff recommends approval of the Use Permit on a provisional 8-month basis (returning for reconsideration by the Planning Commission after summer in October 2014), subject to the attached conditions of approval.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Executive Summary/Project narrative*
4. *Site Plan and Photo of Site*
5. *Trolley Equipment Plan*

cc: TIPS Tri-Tip
Andrew & Susie Pryfogle
P.O. Box 1569
Glen Ellen, CA 95442

Dave Mendrin
Innovative Properties & Development LLC
4460 West Shaw Ave. #201
Fresno, CA 93722-6210

Café Scoteria/Sorento Imports
Nick Grimm
455 West Napa Street
Sonoma, CA 95476

Bret Sackett, Police Chief

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Temporary Use Permit for TIPS Tri-Tip Mobile Food Trolley – 455 West Napa Street

February 13, 2014

Based on substantial evidence in the record and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Findings

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

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Temporary Use Permit for TIPS Tri-Tip Mobile Food Trolley – 455 West Napa Street

February 13, 2014

1. The use shall be operated in a manner consistent with the project narrative, except as modified by these conditions and the following:
 - a. The hours of operation for the food trolley shall be limited to the hours between 5pm to 10pm daily but in no case shall those hours overlap with the hours of operation of Café Scooteria and/or Sorento Imports.
 - b. The food trolley shall not be parked on the site overnight or during the day when the scooter shop and coffee service are open for business.
 - c. Use of generators shall be prohibited.
 - d. The use shall not be operated as a drive through.
 - e. The approval is specific to the proposed trolley vehicle. Any alternative unit/vehicle that may be proposed for the site in the future shall be subject to review and approval of Use Permit by the Planning Commission.

Enforcement Responsibility: Planning Department
Timing: Ongoing

2. All Building Division requirements shall be met. The electrical connection for the mobile food trolley shall be subject to the review and approval of the Fire Marshall and Building Official. A Building Permit shall be required, if applicable

Enforcement Responsibility: Building Department; Fire Department
Timing: Prior to issuance of any building permit that may be required and Prior to operation

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

Enforcement Responsibility: Fire Department
Timing: Prior to operation; Ongoing

4. The project shall be subject to the review and approval of the DRHPC. This review shall encompass all signs, exterior trolley colors/graphics, and any proposed amenities, such as landscape planters and trash receptacles.

Enforcement Responsibility: Planning Department; DRHPC
Timing: Prior to operation

5. No table or chairs shall be allowed.

Enforcement Responsibility: Planning Department
Timing: Ongoing

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

Enforcement Responsibility: Planning Department
Timing: Prior to operation

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

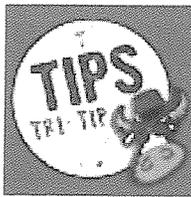
Enforcement Responsibility: Planning Department
Timing: Ongoing

8. The four on-site parking spaces located west of the building shall be restriped consistent with the dimension requirements of the City parking standards. These required spaces shall be permanently available and maintained for parking purposes and free of obstructions.

Enforcement Responsibility: Planning Department
Timing: Prior to Operation

9. The allowance for a mobile food trolley use as provided herein shall be permitted strictly on a temporary basis, subject to reconsideration by the Planning Commission in October 2014 and shall be of no further force and effect unless extended by the Planning Commission prior to the date of expiration.

Enforcement Responsibility: Planning Department
Timing: Ongoing



City of Sonoma, California
Application for Special Use Permit
January 17, 2014

Executive Summary

TIPS Tri-Tip is a Sonoma based, family-owned business that is submitting this request for a conditional use permit to the City of Sonoma. TIPS currently operates under a Sonoma business license. TIPS has acquired a 30' Trolley and is in the process of converting it into a certified mobile kitchen and food truck. TIPS is seeking approval to locate and operate the trolley at one location within Sonoma city limits as listed below

Cafe Scooteria
455 W. Napa Street
Sonoma, CA 95476
Owner: Nick Grimm
(707) 938-0800

A detailed site plan and use description can be found later in this proposal.

TIPS is currently working with Sonoma County to secure a health permit to operate the trolley as a certified mobile kitchen. Plans for the trolley buildout are included in the appendices of this proposal.

The physical buildout of the trolley is currently being performed by Nick Grimm at Cafe Scooteria with expected completion in February, 2014. It is our desire to put the trolley into full approved service immediately following completion.



The TIPS Tri-Tip Story

TIPS Tri-Tip is a family owned business that started five years ago in San Ramon, CA. Andrew always loved cooking and his wife Susie loves to entertain. When Andrew suddenly lost his tech job in the summer of 2008, he found himself unemployed and searching for what was next. It was then that he got the crazy idea of opening a food booth at a local street fair and seeing if they could turn a profit by selling their Tri-Tip sandwich. As rookies to the food business, they lost their shirts, and at the worst possible time. However, they saw the line of people and heard what they thought of the sandwich and saw them leave and bring friends back....instinctively, they knew they were on to something.

Fast forward to June, 2009. Andrew & Susie were strolling in downtown St. Helena during a new event called CHEERS! St. Helena. It was a lovely evening tasting great wine with over 40 wineries pouring, but they noted there were no food options for all the attendees other than the crowded restaurants. Andrew approached the event organizer and offered to come to the next event and set up on a side street and grill tri-tip sandwiches. "You'd do that?", responded the organizer. And away they went.

That first CHEERS! St. Helena event they did, they turned a profit...just barely. And then they kept doing them and kept getting smarter and learning from their mistakes. By the end of that first season, they were serving 250 sandwiches in about 3 hours and had begun to build a "cult" following in the Napa valley. They just recently completed their 5th season with CHEERS! St. Helena.

In January, Andrew & Susie moved from San Ramon, CA to Glen Ellen. Andrew works full-time as a Senior Vice President for Petaluma-based Intelisys, a company founded by Sonoma resident, Rick Dellar. He reports to the president of the company and Sonoma resident, Jay Bradley. They can't believe how lucky they are to be living in the Sonoma Valley...they pinch themselves every day!

As new residents, they were eager to give back to their community. Their neighbor, Holly Bennett, a realtor with Sotheby's in Sonoma, told them about Sonoma's awesome farmer's market on Tuesday nights...it sounded like a perfect fit for them. They applied with Valley of the Moon Certified Farmer's Market and were approved. TIPS just completed their first season at the farmer's market, serving a growing base of Sonoma fans 26 Tuesday's in a row.

TIPS success at the VOMCFM Tuesday farmer's markets has helped TIPS build a brand and following in Sonoma. They are excited about taking the business to a whole new level with the TIPS Tri-Tip Trolley!

TIPS Tri-Tip Business Overview

- **Mobile Kitchen**
 - 2006 Double-K Trolley
 - Chevy 454, V-8, Gas Engine
 - License Plate: in progress
 - Currently registered in California
 - Dimensions: 30' long, 7' wide, 12' tall.
- **Design**
 - TIPS intends to keep the current fire-engine red color of the Trolley. The above photo is a mock design that shows a possible graphic layout.
 - We plan on maintaining the classic trolley look and feel, including keeping all the windows as a signature trolley characteristic.
- **Staffing**
 - Andrew & Susie Pryfogle - Owners
 - Susie is serving as the chief executive for the overall business.
 - Andrew is responsible for all recipes and overall business strategy.
 - Daniel Chamoff - Lead Tipster
 - Daniel, a Sonoma resident, will be serving as the day to day manager of all trolley operations. He is also a professional graphics designer and will be directing TIPS marketing and social media presence.
 - Trolley Staff
 - TIPS will continue to provide part-time employment to Sonoma residents. They will work as cashiers, grillers and food preparers.
 - Depending on customer volume, TIPS will employ between 2 and 4 people per shift.
- **Menu**
 - Dinner
 - Tri-Tip Sando - 1/2 lb of tri-tip on a toasted roll with slaw and chipotle sauce. Our signature Sando.
 - Tri-Tip Bowl - Same as the Sando but without the bread. Gluten & dairy free
 - Veggie-Bowl - Grilled seasonal vegetables on a bed of quinoa served with slaw and chipotle sauce
 - Fusion Bowl - Grilled seasonal veggies and tri-tip with slaw and chipotle sauce
 - Street Corn - Grilled corn-on-the-cob, with light chipotle sauce, cotija cheese and cayenne.
 - Baked Sweet Potato Fries with chipotle sauce
 - Tri-tip Chopped Salad - Tri-tip served over a chopped garden salad with Chipotle vinaigrette
 - Veggie Chopped Salad - Fresh seasonal vegetables served over a chopped garden salad with Chipotle vinaigrette
 - Occasional Specials
 - NOTE: WE WILL NOT BE SERVING ANY ALCOHOL FROM THE TROLLEY
- **Sourcing**
 - Glen Ellen Village Market/Sonoma Market
 - Beef
 - Sauce & Marinade Ingredients
 - Dry & Paper Goods
 - Fat Pilgrim & Paul's Produce

- We intend to contract with Fat Pilgrim and Paul's Produce for all of our organically grown, seasonal vegetables
- **Service**
 - The trolley is designed to serve customers quickly, a great stop-and-go option for Sonoma residents and visitors.
 - Customers are welcome to stand at the trolley to eat their food, or more likely will take the food with them.
 - We will not be providing table seating at the proposed location.

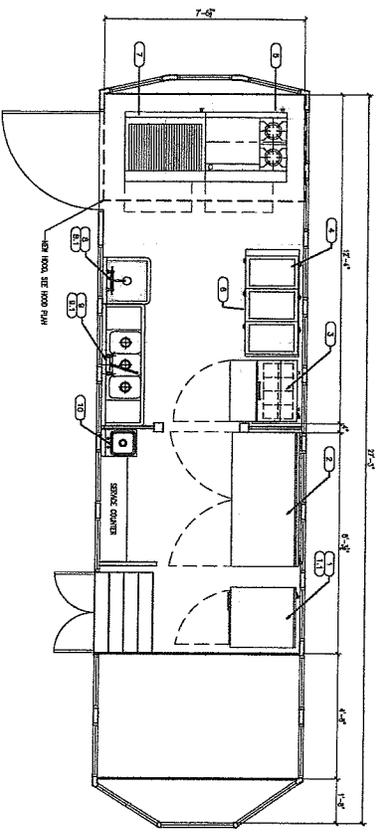
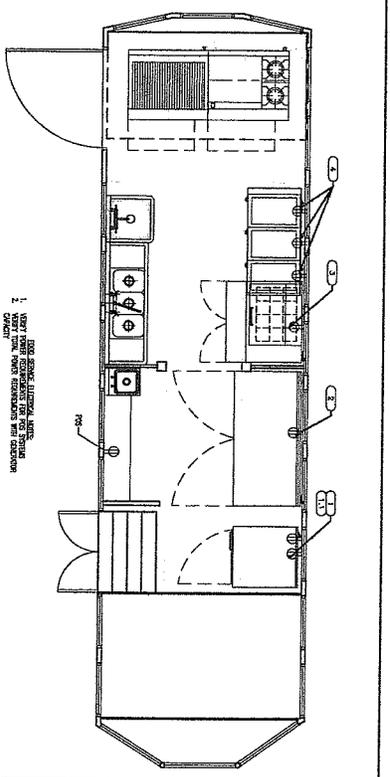
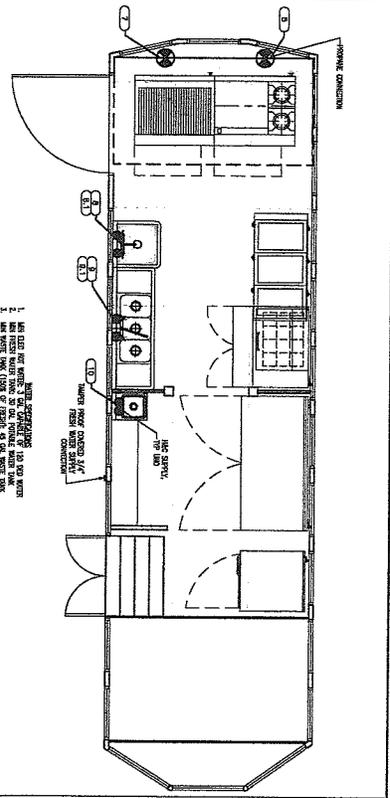
Site Plan

Location: Cafe Scooteria

Cafe Scooteria
455 W. Napa Street
Sonoma, CA 95476
Owner: Nick Grimm

- Site Description - Cafe Scooteria has become a very hip and unique location for italian coffee and vintage scooters. They have a vibrant business serving espresso drinks to Sonoma residents. Their current hours of operation are from 5:00 AM to 5:00 PM, seven days a week.
- Projected Use - TIPS Tri-Tip Trolley will be parked here and open for service following the close each day of the Scooteria. We intend to be open evenings, from 5:00 PM to 10:00 PM. It is currently planned to operate Thursday through Sunday at this site, although that may be expanded to other evenings as demand dictates. Location of the trolley is depicted in the attached site plan.
- Parking & Traffic Overview
 - Parking: During trolley hours, there is generous onsite parking available to customers and employees alike. The attached site plan depicts the available parking spaces. Note that while there is sufficient parking onsite for employees, most employees will arrive to the site already onboard the trolley, will be bicycling in, or will be driving in on scooters.
 - Traffic Flow: It is expected that our busiest hours will be from 7:00 PM to 9:00 PM each evening we're open, long after normal commute traffic has subsided. There is easy ingress and egress from the parking lot to W. Napa Street as depicted in the attached site plan.
- Other Considerations
 - In the past, Cafe Scooteria has parked vehicles for sale in front of the projected trolley space. These vehicles are being removed and that space will no longer be used for that purpose.
 - The owner is re-striping all the parking spots so they are clearly visible. There will be 3 standard parking spots in addition to a handicap spot. The trolley will take up one of those spots at the rear of the property line.
 - We will use cones to cordon off additional parking spots as needed in the front of the building where the drive-through normally operates. These spots would be in place only after the 5:00 PM close of the Scooteria. We can park an additional 5 cars onsite with this method.
 - There is a bathroom onsite that will be available to workers and customers.





NORTHBAY RESTAURANT DESIGN EQUIPMENT SCHEDULE

ITEM NO.	DESCRIPTION	MANUFACTURER	MODEL NUMBER	NEW	EXISTING	OWNER	AMPS	KW	PH	VOLTS	PHASE	CYCLE	DIRECT	PLUG	NEMA	COLD WATER SIZE (IN)	HOT WATER SIZE (IN)	DIRECT DRAIN SIZE (IN)	UNDER DRAIN SIZE (IN)	GAS SIZE (IN)	HIGH TEMPERATURE EQUIPMENT
1	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
2	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
3	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
4	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
5	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
6	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
7	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
8	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
9	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
10	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
11	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
12	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
13	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
14	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
15	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
16	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
17	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
18	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
19	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							
20	REFRIGERATOR, UNDERCOUNTER, COMPACT	FRIGIDAIRE	REF-22			8.0	0.25	110	1.00	110	1	60	X	2-18P							

NORTHBAY
Restaurant
Design
STAN CAROLINE
707-464-0573
JIM WINKEL
707-332-0020

Design@northbayrestaurant.com
CONSULTANTS

PROJECT
TIPS TRI TIP
SANTA ROSA

DATE: _____
DRAWN BY: _____
CHECKED BY: _____
SCALE: 1/2"=1'-0" UNO
SHEET: _____

Agenda Item Title: Application for an Exception to the side-yard setback requirements to allow for the construction of an addition on a residential property.

Applicant/Owner: John Ryan

Site Address/Location: 19330 Natalina Court

Staff Contact: David Goodison, Planning Director
Staff Report Prepared: 02/07/14

PROJECT SUMMARY

Description: Application John Ryan for an Exception to side-yard setback requirements to allow for the construction of a residential addition at 19330 Natalina Court.

General Plan Designation: Low Density Residential (LR)

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

Site Characteristics: The subject property is a ±6,534 square foot parcel located on the north end of Natalina court, off of Joaquim Drive. The property is currently developed with a 1,916-square foot residence (including an attached garage).

Surrounding Land Use/Zoning: **North:** Single-family residence/Low Density Residential
South: Single-family residence (across Joaquim Drive)/Low Density Residential
East: Single-family residence/Low Density Residential
West: Single-family residence/Low Density Residential

Environmental Review:

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> No Action Required
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

Staff Recommendation: Approve, subject to conditions.

PROJECT ANALYSIS

DETAILED PROJECT DESCRIPTION

The applicant is proposing to construct a single-story, 371-square addition on the east side of the property. The purpose of the addition is to expand the area of an existing bonus room, which currently has a width of only 8 feet, and to add a guest bedroom. The applicant is requesting an Exception from the normal setback standards to allow for the addition, which would feature the same exterior design and stucco finish as the existing residence. The tallest element of the addition would have a height of 15 feet, matching the roofline of the existing residence. However, it would step down to a 13 feet at the secondary roof peak and would have a plate height of 8 feet. The existing side-yard setback along the east side of the residence ranges from 8' - 7" to 27' - 10". This range results from the fact that the subject property (which is located at the end of a small cul-de-sac) is pie-shaped, with a narrow frontage and a more expansive interior. With the proposed addition, the setback would range from 5'- 0" to 12'- 9", as a portion of the addition would be inset. In the Northwest Planning District, the normal side-yard setback requirement is for a 5-foot minimum and 15-foot combined. Although the minimum standard is met, portions of the residence would no longer comply with the combined setback requirement. The applicant is seeking an Exception to this standard.

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

The property is designated Low Density Residential by the General Plan, which allows for single-family homes and related accessory structures. The project does not raise any issues in terms of consistency with the *City of Sonoma 2020 General Plan*.

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

The residence, with the proposed addition, would comply with limits on coverage, Floor Area Ratio, and height. The only issue raised by the proposal is consistency with the side-yard setback requirement, as discussed below.

Setback Exception Approval: Pursuant to Development Code Section 19.48.050.A.1, the Planning Commission may grant exceptions from setback standards, provided that the following findings can be made:

1. *The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;*

The residential accessory use associated with the setback exception request is consistent with the property's Low Density Residential land use designation and zoning.

2. *An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;*

With regard to property conditions, there are two circumstances that lend support to the Exception request. First, the property as a whole is relatively small, having an area of 6,534 square feet compared to the normal minimum lot size of 7,500 square feet. Second, the property's pie-shaped configuration, which includes a very narrow street frontage (46 feet), makes compliance

with the normal side-yard setback standards difficult. Staff would also point out that stepped design of the addition reduces its visual impact and provides for some variation in the side-yard setback.

3. *Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.*

The modest size of the addition and its stepped design, with finishes that would match the existing residence, make it relatively unobtrusive. Only one small window is proposed on the east side of the addition, which limits compatibility issues with the neighboring residence, which is important as the adjoining home is set back 5 feet from the shared property line. The applicant has discussed the addition with his neighbors and they have provided a written statement in support of the proposal (attached). No other properties are potentially affected by the addition.

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

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

ENVIRONMENTAL REVIEW (Not Applicable to this Project)

Pursuant to Section 15305 of the State CEQA Guidelines, minor setback variances not resulting in the creation of a new parcel are Categorically Exempt from the provisions of CEQA (Class 5 – Minor Alterations in Land Use Limitations).

DISCUSSION OF PROJECT ISSUES

Apart from the Exception findings themselves, it is staff's view that the main issue associated with this proposal is that of compatibility with the neighbor to the east. As discussed above, the proposed addition is small, designed to blend in with the existing residence, and features only one window on its east side. It would be visually unobtrusive and the neighboring property owners to the east have written in support of the proposal.

RECOMMENDATION

Approve the Exception, subject to conditions.

Attachments

1. *Findings*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Project narrative*
5. *Correspondence*
6. *Site Plan/Floor Plan/Elevations*

cc: John Ryan
19330 Natalina Court
Sonoma, CA 95476

Tom Antoni
4239 3rd Avenue
Lakeport, CA 95453

Lee and Grace Amari
19326 Natalina Court
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Ryan Setback Exception – 19330 Natalina Court

February 13, 2014

Based on substantial evidence in the record and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Exception Approval:

1. The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;
2. An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;
3. Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

DRAFT

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Ryan Setback Exception – 19330 Natalina Court

February 13, 2014

1. The addition shall be constructed in conformance with the project narrative, site plan and elevations.

Enforcement Responsibility: Planning Department; Building Department

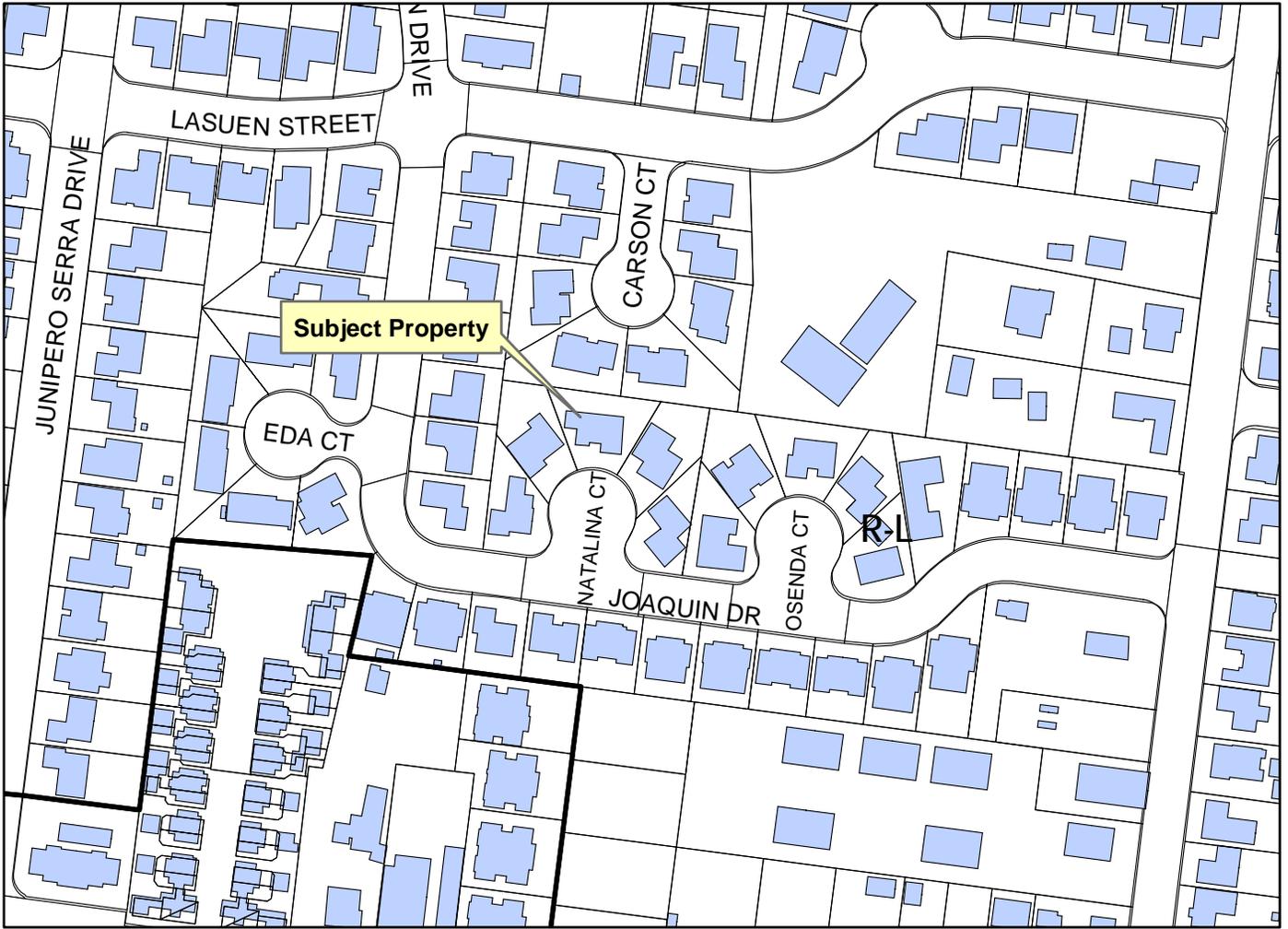
Timing: Prior to issuance of a building permit & final occupancy

2. All Building Department and Fire Department requirements shall be met. A building permit shall be required for the construction.

Enforcement Responsibility: Building Department

Timing: Prior to construction

Vicinity Map



Project Summary

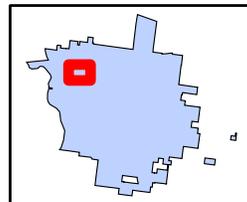
<i>Project Name:</i>	Ryan Exception
<i>Property Address:</i>	19330 Natalini Court
<i>Applicant:</i>	John Ryan
<i>Property Owner:</i>	Same
<i>General Plan Land Use:</i>	Low Density Residential
<i>Zoning - Base:</i>	Low Density Residential
<i>Zoning - Overlay:</i>	N/A
<i>Summary:</i>	Application for an Exception to the side yard setback requirements to construct an addition to the residence.

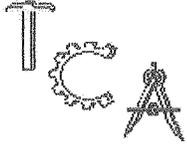
Zoning Designations

- 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



1 inch = 200 feet





DESIGN DRAFTING SERVICE

Residential Commercial Industrial

Thomas C. Antoni PBD/AIBD
4239 Third Avenue
Lakeport , Ca. 95453

Telephone Phone/Fax 707-262-1314
Email : design drafting@pacific.net

January 16, 2014

Attn: City of Sonoma
Planning Department

Subject : Project Narrative
19330 Natalina Ct.

The proposed addition will consist of widening an existing limited use Bonus Room and adding a Guest Room with Bath. The existing Bonus Room is 8' wide and increasing it to the proposed 15' in width will convert it into a 15'x 15'-6" Family Room. Proposed Guest Room is 12'-8" x 9'-8" with adjacent 5'x7' Bath. Due to current City Ordinances project has been limited to a 371 square feet of addition and in regards to maintaining neighbors' privacy a single story approach has been kept.

The proposed design has maintained a minimum of 5' sideyard setbacks on both sides measured from closest projecting corners to the property lines of an irregular shaped lot as shown on attached Site Plan. Property owners to the East have been shown Site Plan along with Exterior Elevations and have no objections to the project. They are pleased that a two story concept has not been approached.

With the size of project, irregular lot shape and no objections from the neighbors on the East proposed will not be detrimental to the public health, safety, welfare or injurious to the property and vicinity if the Exception to the 15' combined sideyard setback is granted.

Respectfully


Thomas C. Antoni PBD/AIBD

Copies : File 2306-1

JAN 21 2014

January 8th, 2014

City of Sonoma

No. The Plaza

Sonoma, Ca. 95476

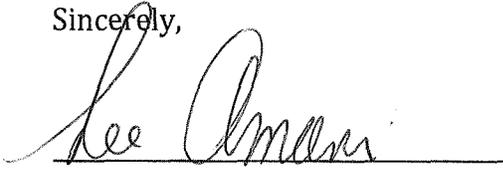
Attn: City Planning Staff

Subject: 19330 Natalina Ct.

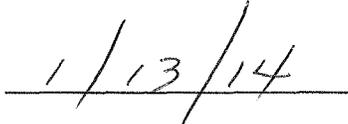
Ryan Addition Project

We have reviewed the proposed Site Plan and Exterior Elevations of the proposed addition for subject property. Our property borders on the East property line and we have no objections to the proposed addition. We have been made aware that the design does not conform with the city of Sonoma 15' combined sideyard setback ordinance.

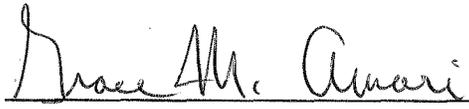
Sincerely,



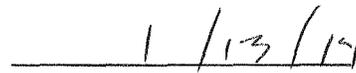
Lee Amari



Date



Grace Amari

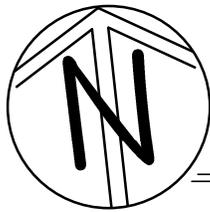
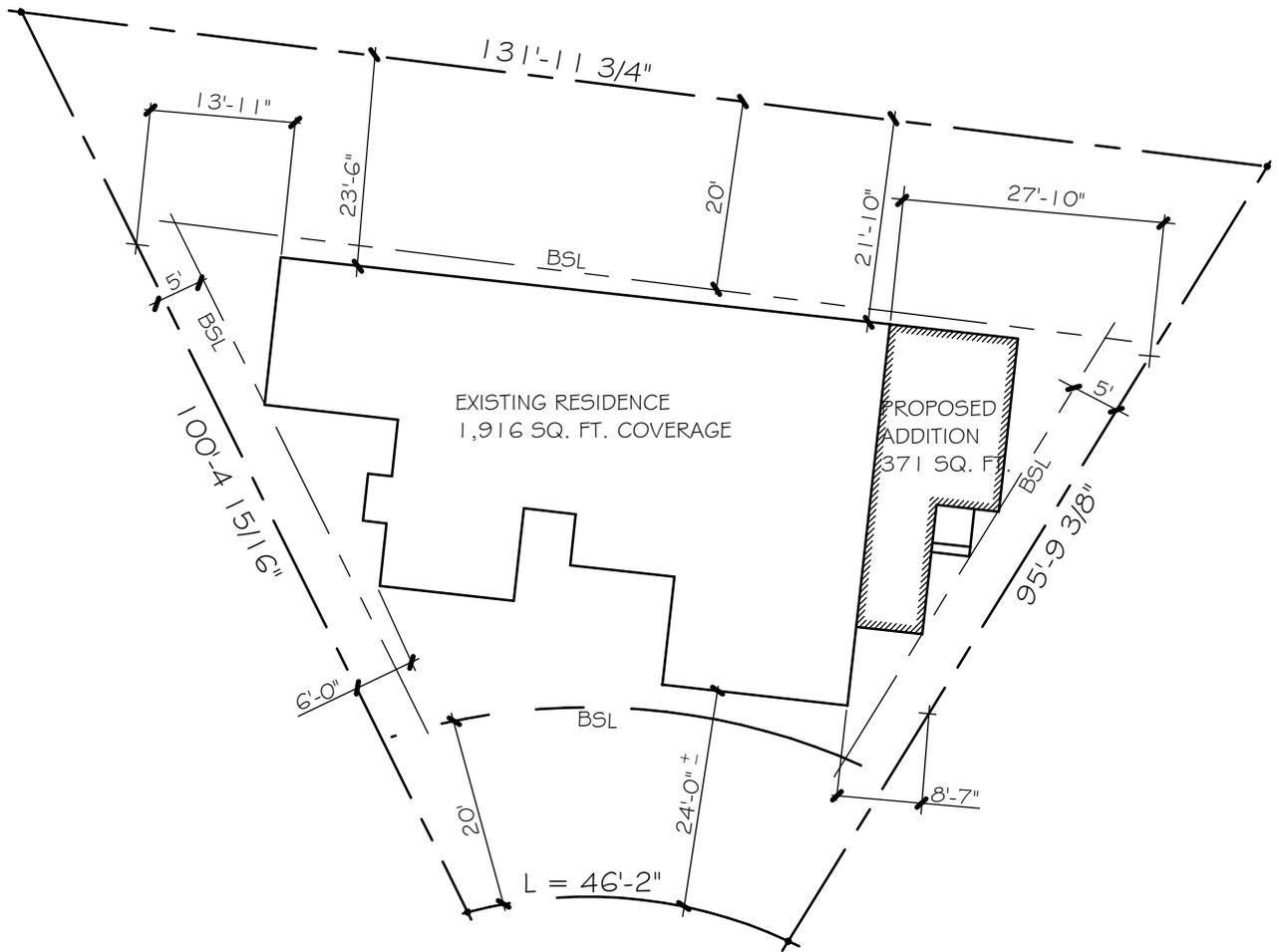


Date

19326 Natalina Ct.

Sonoma, Ca 95476

JAN 21 2014



SITE PLAN

@ 1" = 20'-0"

APN: 127-471-013

BSL = BUILDING SETBACK LINE
PER TABLE 3-2

REVISION Δ UPDATED WITH FIELD MEASUREMENTS TCA 12/04/13

Design Drafting Service

Residential Commercial Industrial

4239 3rd Avenue Phone / Fax (707) 262-1314
Lakeport, Ca. 95453

Customer: JOHN RYAN

Project: 19330 NATALINA CT. SONOMA

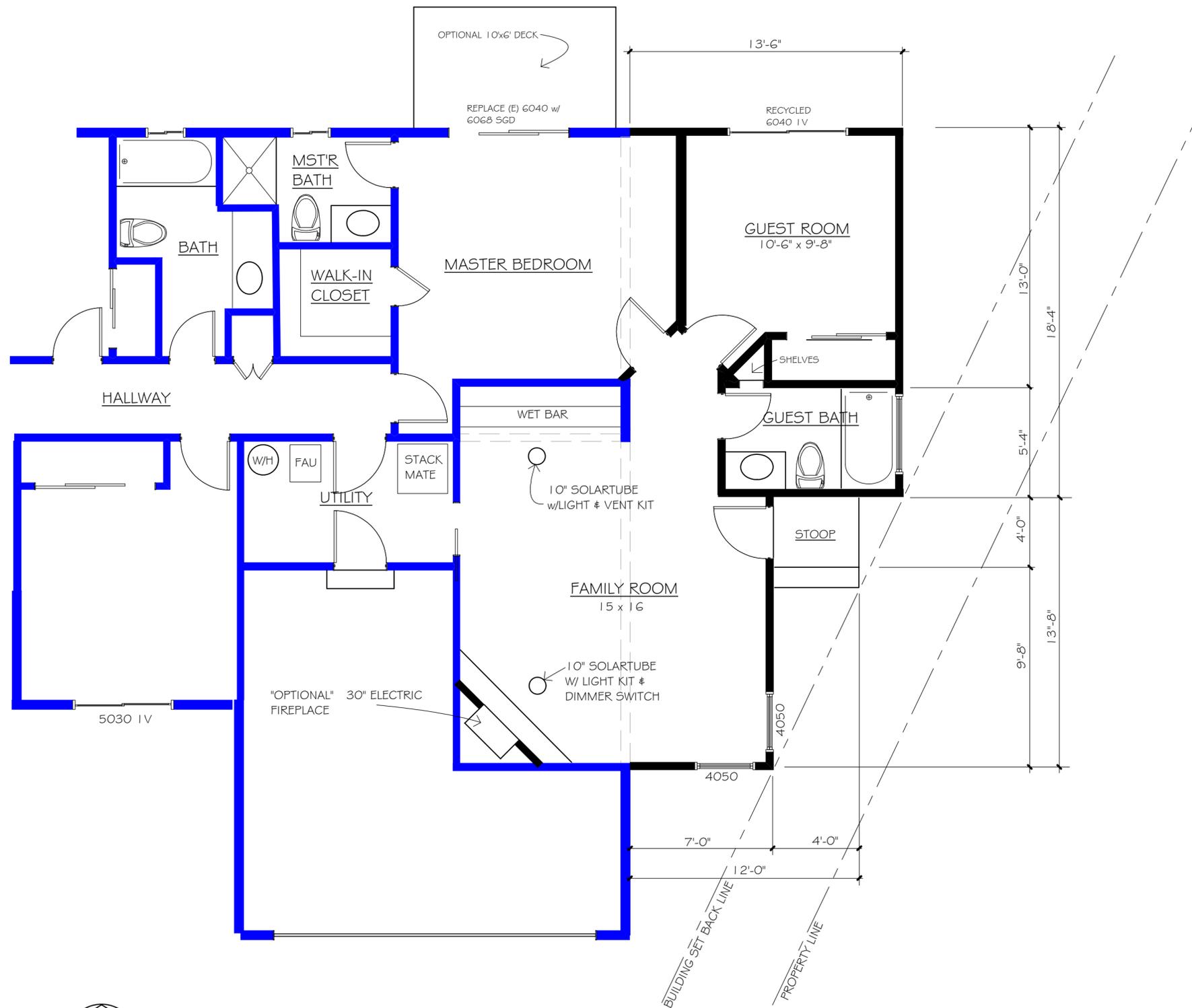
Drwg Title: SITE PLAN

Drwn: T C Antoni

Date: 11/07/13

Drwg No:

SKI-RYAN



MODIFIED OPTION "B" FLOOR PLAN

@ 1/4" = 1'-0"

REVISION Δ

ADDITION = 371 SQ. FT.

EXISTING CONSTRUCTION
NEW CONSTRUCTION

REVISIONS	BY
REVISED PER CUST. COMMENTS	TCA 1/23/13

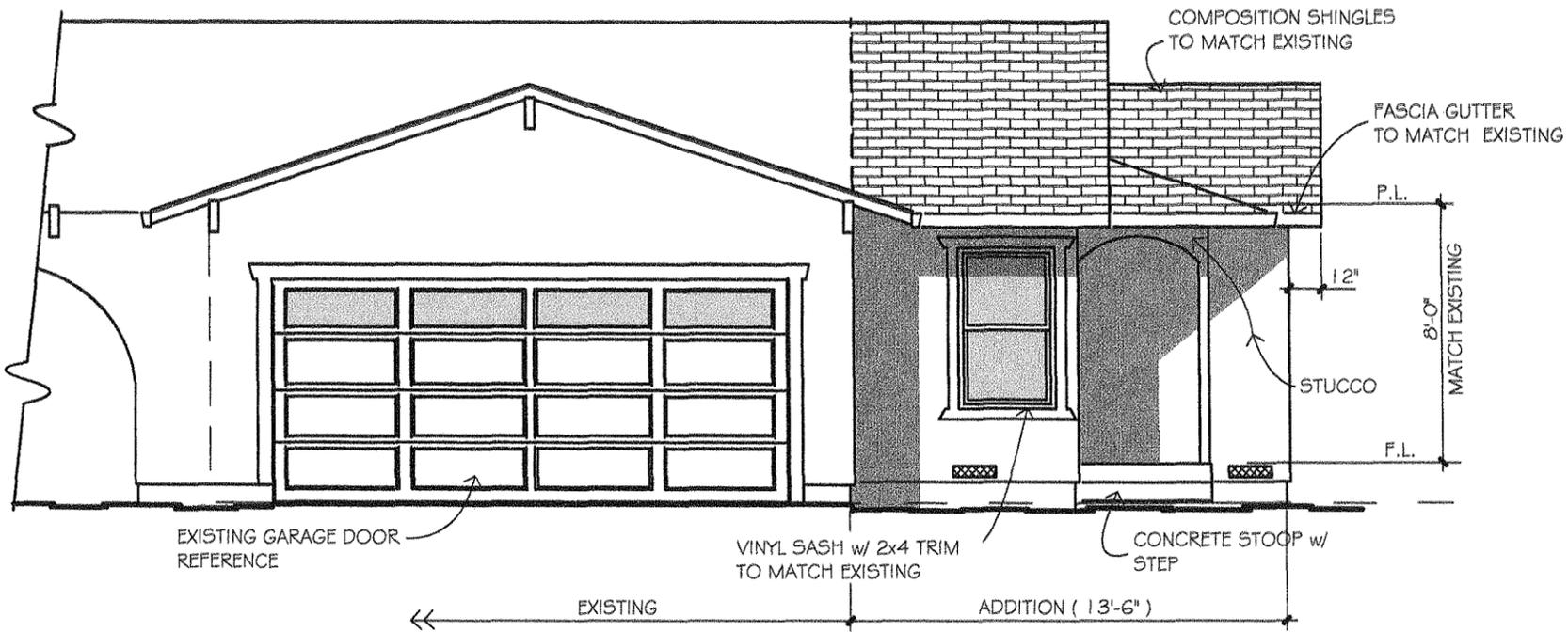
DESIGN DRAFTING SERVICE
 RESIDENTIAL COMMERCIAL INDUSTRIAL
 429 3RD AVE. LAKEPORT, CA 95453-6448
 PHONE / FAX (707) 262-1314
 "Better by Design"
 Thomas C. Antoni

CLIENTS: RYAN RESIDENCE
 LOCATION: 19330 NATALINA CT. SONOMA
 TITLE: PROPOSED ADDITION FLOOR PLAN

DRAWN	T.C. ANTONI
CHECKED	TCA
DATE	11/16/2013
SCALE	AS NOTED
JOB NO.	RYAN- PRELIM.
SHEET	

SK-3
 OF 3 SHEETS

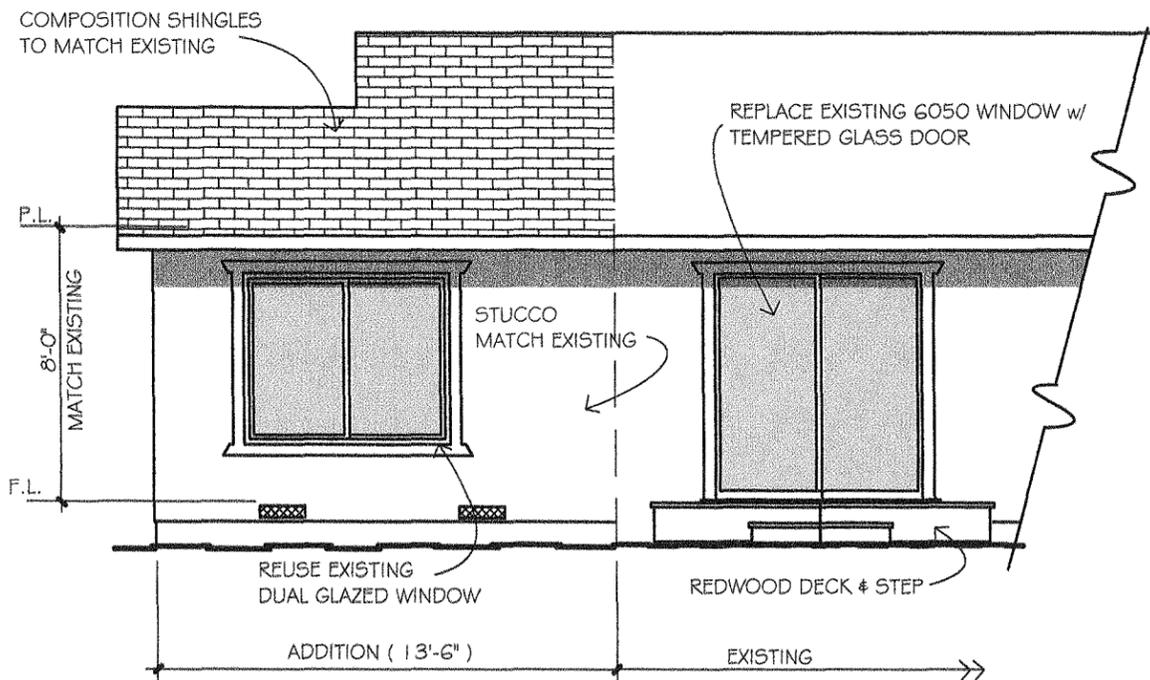
REVISION Δ



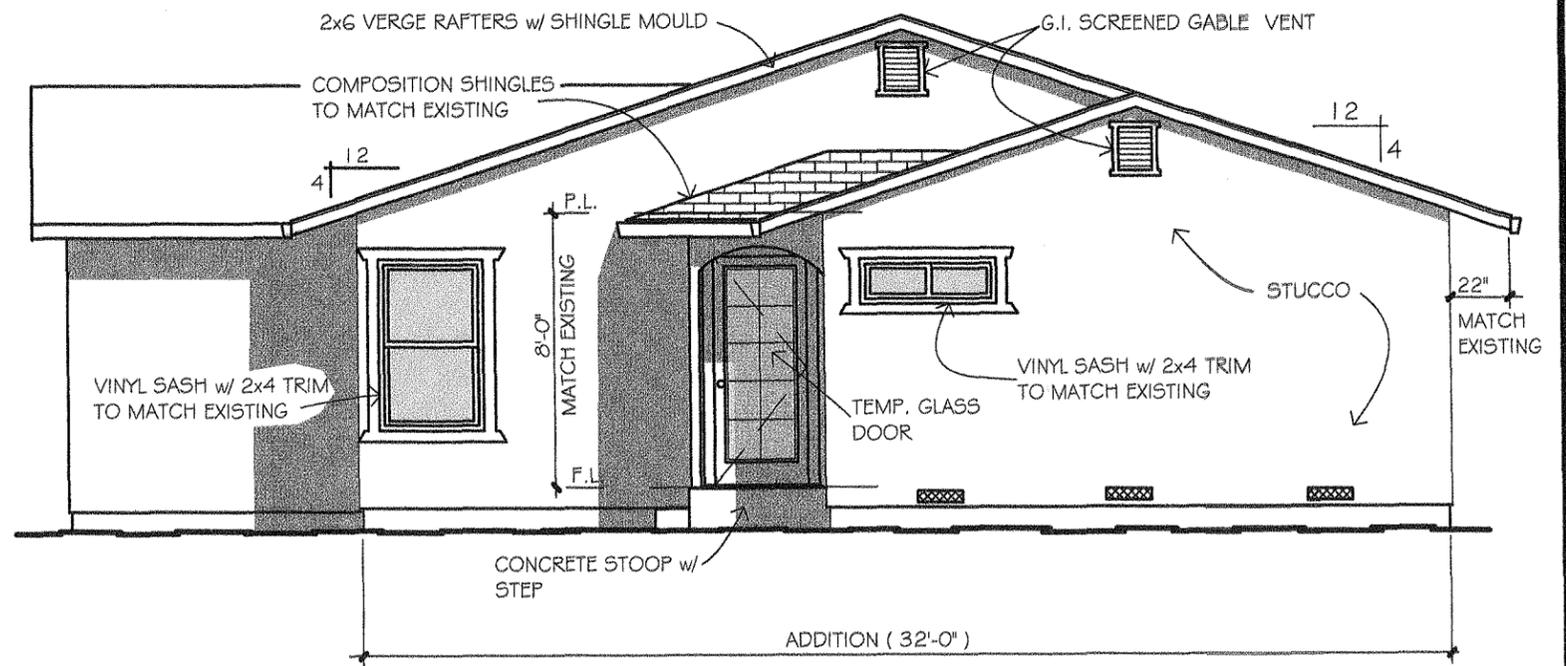
NOTE

MATCH EXISTING STRUCTURE IN DESIGN AND CONSTRUCTION MATERIALS AS CLOSE AS POSSIBLE.

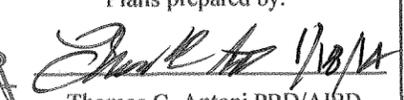
SOUTH ELEVATION @ 3/16" = 1'-0"
FRONT



NORTH ELEVATION @ 3/16" = 1'-0"
REAR



EAST ELEVATION @ 3/16" = 1'-0"
RIGHT

Plans prepared by:

 Thomas C. Antoni PBD/AIBD

REVISIONS	BY

DESIGN DRAFTING SERVICE
 RESIDENTIAL COMMERCIAL INDUSTRIAL
 4299 3RD AVE. LAKELAND, CA 94543-4445
 PHONE / FAX (707) 262-1314
AIBD
 "Better by Design"
 Thomas C. Antoni

CLIENTS: MR. & MRS. JOHN RYAN
 LOCATION: 19330 NATALINA CT. SONOMA, CA.
 TITLE: EXTERIOR ELEVATIONS
 PROPOSED ADDITION

DRAWN
 T.C. ANTONI
 CHECKED
 TCA
 DATE
 01/10/2014
 SCALE
 AS NOTED
 JOB NO.
 2306
 SHEET

2
 OF 2 SHEETS

MEMO

To: Planning Commission
From: Planning Director Goodison
Re: Response to the concerns raised by Janet Wedekind regarding the elimination of a driveway cut at 639 Third Street West

Background

The property located at 639 Third Street West is a residential parcel having an area of 7,200 square feet. A corner lot, it is located on the southwest corner of Third Street West and Vigna Street. Although the residence on the property is oriented toward Third Street West, the narrow frontage of the parcel is on Vigna Street. In 1978, the Planning Commission approved a use permit allowing the conversion of the residence to a medical office. The approved site plan for this conversion called for the provision of an on-site parking area that included the installation of a driveway cut, used as a one-way entrance, at the west side of the Vigna Street frontage. An existing carport, accessed from a driveway cut on the south side of the Third Street West frontage, was removed in conjunction with the office parking improvements. (See attached site plan.) The zoning rules that allowed for this use permit changed over time and the office use became legal-nonconforming.

In 2013, the property was purchased by its current owner, Diann Sorenson, who converted the building back to use as a single-family residence. This conversion involved changes to the interior of the building, but did not entail any expansion of the floor area of the structure. When the building plans for this conversion were submitted for review, planning staff noted that the southeast corner of a proposed porch extended into the driveway apron off Third Street West, which was of concern because a car parked in the shortened driveway would likely interfere with the sidewalk. This problem was brought to the attention of both the contractor and Public Works staff. The policy of the Public Works Department is to require the elimination of redundant or secondary driveways on residential properties of less than two acres in conjunction with projects having a building valuation of \$40,000 or greater. The Third Street West driveway was considered to be the redundant one, because as set forth in section 19.48.100 of the Development Code, driveway access is generally supposed to be located on the street having the lowest traffic volume.

A neighboring property owner residing at 313 Vigna Street, Janet Wedekind, has written to protest the staff interpretations that led to the removal of the driveway cut on the Third Street West frontage. In her view, the appropriate course of action would have been to require the removal of the driveway cut on the Vigna Street frontage. Because that driveway cut was introduced with the conversion of the residence to a medical office, it should therefore, in her view, have been

considered to be a non-conforming feature in need of correction. Her letter, which addresses this argument in greater detail, is attached for the Planning Commission's consideration.

Discussion

There are two areas of the Development Code that are relevant to this issue. The first is the section dealing with the loss of non-conforming status and the second is the section that regulates driveways and driveway cuts.

1. *Non-conforming Use Regulations.* The loss of the non-conforming status of a property or structure is addressed in section 19.82.030 of the Development Code, which reads as follows:

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, it shall be concluded that the use has been abandoned. Without further action by the city, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this development code.

The subject property was non-conforming both with respect to land use and the use of the structure, but its status as legal-non-conforming has lapsed. The question that has been raised is what does this section require now that the property is no longer legal-nonconforming? In staff's view, the operative phrase is "... *further use of the site or structure shall comply with all of the regulations...*" (emphasis added). It is only the *use* of the site and the structure as a single-family residence that is required. Under this section of the Development Code, the use of the site and structure as a residence does not mandate or provide the City with the authority to mandate any particular change to the site or structure. As an example, the paved areas formerly used for office parking can no longer be used as such. However, that does not mean that they have to be removed and nor does it mean that the resident may not park there. As long as the use is in compliance with current zoning rules, the property improvements, even those that seem anomalous, may remain. In the same way, this section does not provide the City with the authority to require the development of a covered parking space. The City could only require a covered parking space under Section 19.82.020.A (Non-conforming uses of land), which would apply if the residence was proposed to be enlarged.

2. *Driveway Regulations.* As discussed above, the driveway cut on Vigna Street was not required to be removed under the non-conforming use regulations. Instead, the Public Works Department relied on Section 19.48.100.A (Number of Driveways) of the Development Code, which reads as follows:

Up to two driveways shall be allowed for each parcel two acres or more in size unless the city engineer determines that more than two driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s). Whenever a property has access to more than one street, access shall be generally limited to the lowest volume

street, where the impact of a new access will be minimized, unless otherwise approved by the city engineer.

It is the policy of the Public Works Department to require conformity with this section in conjunction with the issuance of any Building Permit having a valuation of \$40,000 or more. As suggested in the Code section, the Vigna Street driveway cut was retained because it adjoins the street having the lower traffic volume. In addition, as noted above, the Third Street West Driveway apron would not have been functional due to the proposed porch construction. That said, the Section provides sufficient discretion that the removal of the Third Street West driveway cut rather than the Vigna Street driveway cut represents a choice not a mandate. (And had the Third Street West driveway served a covered parking space, that would have been determinative.) It remains staff's view, however, the choice was the correct one given the circumstances of the site.

Lastly, with respect to the provision in the City's standard plans that require the removal of abandoned driveways, the driveway cut on Vigna Street has not been abandoned. While it may no longer be used to serve an office parking lot, it serves a legal and useful function for the conforming use of the property as a single-family residence.

Recommendation

Staff recommends that the Planning Commission uphold staff's determinations with respect to the requirement for the removal of a driveway cut at 639 Third Street West.

cc: Janet Wedekind
313 Vigna Street
Sonoma, CA 95476

Diann Sorenson
639 Third Street West
Sonoma, CA 95476

Attachments

1. Location Map
2. Letter from Janet Wedekind
3. Medical Office Site Plan
4. Existing Site Plan



Project Summary

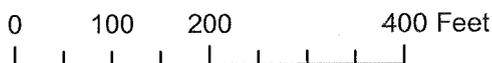
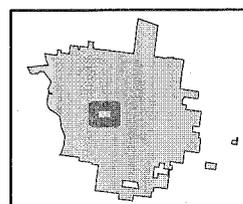
<i>Project Name:</i>	Step One Residential Design and Construction Fence Height Exception
<i>Property Address:</i>	639 Third Street West
<i>Applicant:</i>	Step One Residential Design and Construction
<i>Property Owner:</i>	Diann Sorenson
<i>General Plan Land Use:</i>	Low Density Residential
<i>Zoning - Base:</i>	Low Density Residential
<i>Zoning - Overlay:</i>	None

Summary:

Application for an Exception to the fence height standards to allow over-height fencing within the front and street-site yard setbacks of the property.

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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- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture



1 inch = 200 feet

Janet Wedekind

313 Vigna Street
Sonoma, CA 95476
707-938-1100
jpwsonoma@aol.com

RECEIVED
JAN 13 2014
CITY OF SONOMA

January 10, 2014

Sent via email

dgoodison@sonomacity.org

Mr. David Goodison
Planning Department
c/o Sonoma City Hall
No. 1 The Plaza
Sonoma, CA 95476

Re: Newly Created Parking Area/Two-Way Driveway at 639 Third Street West

Mr. Goodison,

I am writing to you with my concerns regarding the parking area/two-way driveway that has been created in the rear setback at 639 Third Street West. I have resided at 313 Vigna Street for over 20 years, moving there when the building at 639 Third Street West was an active medical office.

In 1978 the City of Sonoma granted a Conditional Use Permit to Dr. and Mrs. Jerome Solomon allowing them to convert the residence at 639 Third Street West into a medical office. As part of that Conditional Use Permit the City required additional parking for the medical office. Thus, the garage at the south end of the residence was removed and an **entrance only** driveway (one-way only as required by the City, see photo showing arrow attached) was installed along the rear of the building to facilitate accessing the additional parking spaces.

That medical office has long been abandoned, therefore, when the remodeling work began at 639 Third Street West the Municipal Code regarding Nonconforming Structures, Uses and Parcels should have been enforced. Section 19.82.030 Loss of nonconforming status states: **"If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, it shall be concluded that the use has been abandoned. Without further action by the city, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this development code."** Therefore, the entrance driveway which was installed as part of the Conditional Use Permit is deemed abandoned. The City of Sonoma Residential Driveway Standard Plan states, **"Abandoned driveways shall be removed and replaced with standard curb, gutter and sidewalk"**. As part of the remodeling project at 639 Third Street West the driveway entrance on Vigna Street should have been removed and the sidewalk on Vigna Street restored.

In addition, the City of Sonoma should have enforced compliance of the regulations of an R-L zoning, which includes a covered parking area, as required by Municipal Code (Section 19.48.040, Table 4-4, Parking Requirement by Land Use). The required covered parking area should have been constructed at the south end of the residence, where the garage was originally located.

I respectfully request that the Planning Commission take an in-depth look into these matters.

Sincerely,



Janet Wedekind



