

**CITY OF SONOMA  
PLANNING COMMISSION  
REGULAR MEETING  
July 9, 2015**

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

**MINUTES**

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

**Roll Call:**

Present:	Chair Willers, Comms. Heneveld, Cribb, Wellander, Roberson, Felder, Coleman
Absent:	Comm. McDonald
Others Present:	Planning Director Goodison, Associate Planner Atkins, Administrative Assistant Morris

Chair Willers stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made by the Planning Commission can be appealed within 15 days to the City Council. Comm. Heneveld led the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC: None**

**APPROVAL OF MINUTES:**

Chair Willers asked if there was any comment from the public on the minutes.

Larry Barnett stated that he is concerned with the accuracy of the minutes since he felt the City Council would rely upon the information for his appeal of the Planning Commission decision by the City Council. He presented a suggested list of amendments to the minutes.

Planning Director Goodison clarified that the minutes are not a transcript but a summary of the discussion points. He noted the video will be available. He stated that since the Williams-Sonoma item had been appealed, he would prepare a transcript of the motion that would be included in the materials submitted to the City Council.

Comm. Roberson made a motion to approve the Minutes of June 11, 2015 with the changes noted. Comm. Heneveld seconded. Comm. Felder abstained. The motion was approved 6-0-1.

**CORRESPONDENCE:** Late mail was received on Items 1 and 2.

---

**Item #1 – Public Hearing – Consideration of an application to revise the conditions of approval for a four-lot subdivision to allow the removal of 6 trees on the property at 1028 Fifth Street East and 7 trees on the property at 1032 Fifth Street East.**

**Applicant/Property Owner:** Chris Dluzak/1032, 1028 & 1036 Fifth Street East LLC

---

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

Associate Planner Atkins presented staff's report.

**Chair Willers opened the item to public comment.**

Chris Dluzak, applicant, accepted responsibility for not noticing that trees were removed without permission by the previous owner.

Heidi Rizo, resident, opposed removing the Black Oak tree on Lot 4. Staff noted that this tree was designated for retention and was not proposed for removal.

**Chair Willers closed the item to public comment.**

Comms. Roberson and Heneveld recalled that a significant effort was made to preserve the trees and they are disappointed that more trees are requested to be removed.

Comm. Wellander recommended preserving the Platynus (tree #4) since it provides screening and would interfere with the development.

Chair Willers agreed with Comm. Wellander about the value of retaining the Playtnus (tree #4), but he is not opposed to removing the other trees.

Comm. Roberson noted that the objective was twofold; preserve privacy screening and situate the homes within the landscape.

Comm. Coleman is concerned with the aesthetics from Fifth Street East, but felt that landscaping decisions should be the homeowner's responsibility.

Comm. Wellander made a motion to approve the removal of trees with the exception of removing tree #4, with the referral of the landscaping plan to the Design Review and Historic Preservation Commission. Comm. Roberson seconded. The motion was approved 5-1, Comm. Coleman opposed and Comm. Felder recused.

Comm. Felder returned to the dais.

---

**Item #2 – Public Hearing – Consideration of an Exception to Floor Area Ratio limitations associated with a second-story residential addition at 348 Patten Street.**

**Applicant/Property Owner: Darrel Jones**

Planning Director Goodison presented staff's report. He apologized for the staff error that led to this situation.

Comm. Roberson confirmed that the actual FAR of the building is 0.4. Planning Director Goodison stated that this was correct if the Planning Commission accepted the concept of only counting stairs and the elevator once, which is the normal practice.

Comm. Roberson asked whether the information on FAR was included with the building plan submittal. Planning Director Goodison stated information on building area was provided, but that staff had either misread the table or used incorrect lot-size information from a different source.

Comm. Roberson asked whether moving interior building walls to increase the area of attic space would be an appropriate method of remediating the FAR discrepancy. Planning Director Goodison stated that this might be a possible method of correcting the discrepancy, perhaps in combination with other measures. In response to a follow-up question from Comm. Roberson, the Planning Director stated that, generally speaking, planning staff would look skeptically at any building plan submittal that indicated an usually large attic area with no apparent purpose.

Comm. Felder asked whether, in the event that the application was denied, it would be possible for the project to be modified to meet the FAR limit in a manner that did not reduce its apparent mass in terms of views from neighboring properties. Planning Director Goodison stated that there probably were ways to achieve compliance that would not significantly change the apparent mass of the structure.

**Chair Willers opened the item to public comment.**

Darrel Jones, property owner, stated that he had tried to present thorough supporting materials for the application and he was available to answer questions. He noted that while the Development Code generally gives good guidance, it is also his experience that Exceptions may be granted based on unusual property configurations and other unique circumstances. He stated that the request is reasonable, has negligible impacts, and that an Exception is necessary to achieve the design goals of the project.

Catherine Jones, resident, stated that if the interior configuration of the residence was changed, it could not accommodate an elevator or other ADA features, which in her view are important to the project.

Zac Weinberg, neighbor, asked if the letter he had submitted had been distributed to the Planning Commission. He stated that while he understood that there might not ultimately be a change that substantially alters the appearance of the structure, it is important to examine the process that led to this situation, including the plan review by the City. He stated that the residence invades the privacy of his house due to an overlooking second-floor window and he wants the Planning Commission to be aware that there is a second property that is impacted by the project.

Greg Brennon, resident, stated that he opposes approval of an Exception. In his view, approval would contribute to a pattern of developers acting first and seeking permission after the fact. With regard to the concept of increasing the attic, in his view it is human nature that sometime down the road the walls would be shifted again to increase living space. The issue is building mass and the property in question abuts eight other lots. The size of the building is beyond the scope of the neighborhood.

Dan Florence, neighbor to the north, stated that he has a two-story residence with windows that has been there for many years. In his view, the subject residence does not create any new issues.

Joy Donnelly, neighbor, thanked the Planning Department staff for answering their questions. She stated that if Commissioners have seen the project in question, then they will know that there is an elephantine structure bordering our back fence. This project is the result of a series

of oversights by the developer, the designer, and the City, and now it appears we are being asked to live with these mistakes. It is hard to believe that the designer and the builder, both of whom have extensive local experience, would submit non-compliant plans to the City. Specifically, plans that do not meet FAR limits. Furthermore, it is hard to believe that these non-compliant plans were approved by City staff. The FAR limit is intended to make sure that buildings are in scope with lot size and prevent overcrowding. These requirements are important and to deviate from them to extent proposed by Mr. Jones is unacceptable. We live in the Historic Overlay zone. What does that mean anymore? This is about preserving the uniqueness of eastside Sonoma. None of those neighbors who have written in support of the project have viewed it from our back yard, nor are they in our situation. We need a solution that does not compromise our privacy and our common air space. She urged the Commission to deny this exception.

Chair Willers asked Ms. Donnelly what her preferred solution would be. Ms. Donnelly stated that that the City is ultimately responsible and the City should help Mr. Jones financially to re-work the building to a size that fits in the neighborhood. However, she is concerned that this will not happen.

Rick Schafer, neighbor, stated that from his property what he sees is an enormous blue roof. He suggested dropping the roof line in order to make the second floor less obtrusive, as it is out of proportion to its surroundings.

Fred O'Donnell, the project designer, stated that the owner developed the remodel concept and that his role as designer was to draw up plans in a manner suitable for submitting to the Building Department. In order to accommodate the ADA concept, halls are wider, walls are taller, and there is an elevator. Mr. Jones also crunched the numbers and he (Fred O'Donnell) put them on the cover sheet of the building plans to acknowledge them. He noted that the building complies with height and setback requirements and is of the opinion that the living space/non living space is the only point of contention and that all regulations/building codes were followed. Shrinking the building height should not be the issue, as the building height is allowed.

Planning Director Goodison asked Mr. O'Donnell whether he was aware when the plans were submitted that the FAR was exceeded. Fred O'Donnell stated that he was not aware at the time that the FAR had been exceeded.

Lolly Jones stated that she worked with her father on this project. She lives directly across from the subject property and she stated that she would not have been part of a project that was out of scale with the neighborhood that she lives in. She stated that they tried to speak with neighbors about the project and would have tried to mitigate these concerns at an earlier stage if they had been aware of them. With regard to the colors, what neighbors are seeing now does not incorporate the final finishes and once it is completed, it will fit in.

Dennis Donnelly, neighbor, stated that he and his wife have lived in their home for more than 30 years and they try to be good neighbors. The request tonight is for an FAR Exception. Ideally, they would have been notified about the project at the time a building permit was issued, but we understand that there is no obligation to do so. They were not informed of the Jones's remodeling prior to seeing the construction and the second story. They then went to the City to review the plans and it was at that time the FAR discrepancy was discovered. However, no stop-work order was issued, although the City did offer to assist with landscape screening. They ask that the Exception not be granted as the structure invades our privacy, blocks our view of the sunset and view, all of which are injurious to our property.

Darrell Jones, owner, stated that to clarify Fred O'Donnell's testimony, when he developed the design he did so with the Development Code in hand with the intent of meeting all requirements, including the FAR limitation. However, he mistakenly thought he could exclude the garage, since it is unconditioned, non-living space. He stated that he made an effort to communicate with all of the neighbors before construction. The home is temporarily wrapped in a bright blue air-barrier during this phase of the construction, but the exterior paint will be in green earth tones and a dark beige metal roof is proposed. Once completed, the residence will be far less obtrusive than the two-story residence that he owns next door, on the south. Based on the survey of properties in the area submitted as part of the application, there are a number of residences in the neighborhood with two stories and a greater mass. The subject residence is approximately 120 feet from the Donnelly residence.

**Chair Willers closed the item to public comment.**

Comm. Roberson stated that he is very sensitive to the creeping featurism that sometimes occurs with projects. In his view there are two issues. One is the FAR. The other has to do with concerns about height, massing, and setbacks. He noted that in the absence of the FAR issues, the project could have been approved as-is in terms of height and setbacks and other design features because it complies with those rules. While he is sympathetic to the neighbors who have expressed concerns about the proposal, the complaints he is hearing are actually about the Code, because the Code allows for that height and those setbacks. However, the issue before the Planning Commission is the FAR discrepancy and while there are multiple ways to address that if the application were denied, these would not necessarily result in any change to the height, the roofline, or the window placement. After hearing the testimony, while he is sympathetic to everyone's position, at this time he is inclined to support the Exception.

Comm. Cribb agreed with Comm. Roberson. As he listened to the testimony, the concerns about massing and scale would not necessarily be changed by requiring compliance with the FAR limit. He is disinclined to vote against the application, as he believes that if it had come to the Commission in the normal manner, he would have supported it.

Comm. Coleman stated that he had toured the property. In his view the project is well-designed and he agrees that the Exception request should be approved.

Comm. Heneveld stated that he concurs with Comm. Roberson. The building meets the setback requirements and it complies with the height limit. Correcting the FAR discrepancy would not necessarily change any of the conditions that some neighbors have expressed concern about.

Comm. Felder stated that he too concurred with most of what was said by his fellow Commissioners, in that the neighbor concerns in many instances were unrelated to the FAR Exception. He would not like to see remediation that would diminish the ADA features of the design. He supports granting an Exception.

Comm. Wellander concurred with his fellow Commissioners and expressed support for approving the Exception.

Chair Willers opposed the Exception. In particular, in response to the applicant's comment that if the FAR Exception had been presented to the Planning Commission prior to issuance of the Building Permit, that the Commission would likely have approved it—he disagreed. In his view, the FAR discrepancy is directly related to the mass of the building and it seems likely to him that, at a minimum, the Planning Commission would have required changes in the building design to improve its compatibility. The Commission would have had the opportunity to review

the design in terms of its mass, which the FAR is intended to control, as well as the impacts on its surroundings and the Commission would have had the opportunity to mitigate it. Instead, this project slipped through the cracks. In his opinion it is the responsibility of the applicants to fully present the relevant Code compliance information. If this building were brought into compliance, the massing would have changed and it would change the feeling of the building on the property. Unfortunately, mistakes were made by the City that allowed it to be built, but he feels that it is an imposition on its surroundings in terms of its massing. The purpose of the FAR is to allow second stories to be built, but to limit their volume relative to the site and surrounding properties. Therefore, he disagrees that nothing would have changed. In addition, the photographs presented by the applicant of existing craftsman buildings in the neighborhood are not comparable, in his view, to what is proposed.

Comm. Cribb made a motion to approve the Exception. The motion was seconded by Comm. Coleman.

Planning Director Goodison noted that the conditions of approval require that the building be completed in conformance with the site plan, floor plans, and elevations as submitted. However, while the elevations indicate a composition shingle roof, the applicant, in his comments this evening, stated that a metal roof was proposed.

The Commission discussed whether or not to consider an amended motion, but ultimately concluded that there was insufficient information to allow for the metal roof as an option at this time. Planning Director Goodison noted that the applicant would have the option of applying for a subsequent amendment to the conditions of approval, if the Exception request was granted.

Comm. Cribb made a motion to approve as submitted with the conditions of approval. Comm. Coleman seconded the motion. The motion was approved 6-1, Chair Willers opposed.

---

**Item #3 – Public Hearing – Consideration of a Use Permit to allow new and replacement commercial floor area for the Sonoma Cheese Factory as part of a multi-tenant marketplace, including consideration of a restaurant use and Parking Exception at 2 West Spain Street.**

**Applicant/Property Owner: APPA Development/Viviani Trust**

Planning Director Goodison presented staff's report.

**Chair Willers opened the item to public comment.**

Michael Ross, Ross Drulis Cusenbery Architecture, Inc. stated that the applicant was returning to the Planning Commission to seek approval of phases 2 and 3 so that the project can be built out all at once.

Comm. Felder inquired about the number of seats proposed.

Michael Ross responded that 156 seats indoors are requested, with no cap on the outdoor seating.

Comm. Cribb confirmed with staff that it is impractical to require as a condition of approval that vendors be local artisans.

**Chair Willers closed the item to public comment.**

The Planning Commission engaged in a lengthy discussion regarding the requested amount of seating. Ultimately, the Commission determined that the maximum allowance for seating given the parking credit available for existing and replacement building area, was 201 seats, of which not more than 152 seats may be allowed indoors.

Comm. Felder made a motion to approve the Use Permit and Parking Exception, subject to the attached conditions, including the seating allowance specified in the discussion. Comm. Roberson seconded. The motion was unanimously approved.

---

**Item # 4 –Discussion- Circulation Element update: review of draft policy changes.**

Comm. Roberson made a motion to table Item #4. Comm. Heneveld seconded. The motion was unanimously approved.

---

**Issues Update:** In the discussion of the Issues Update, it was suggested that the Planning Commission review the conditions of approval related to tree protection measures.

**Commissioner comments:** None

**Comments from the Audience:** None

**Adjournment:** Comm. Heneveld made a motion to adjourn the meeting at 10:15 p.m. to the next meeting scheduled for 6:30 p.m. on Thursday, August 13 ,2015. Comm. Roberson seconded. The motion was unanimously adopted.

I HEREBY CERTIFY that the foregoing minutes of July 9, 2015 were duly and regularly adopted at a regular meeting of the Sonoma Planning Commission on the 10<sup>th</sup> day of September, 2015.

Approved:

---

Cristina Morris, Administrative Assistant