



City of Sonoma Planning Commission **AGENDA**

Regular Meeting of October 8, 2015 -- 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, Bill Willers

Commissioners: Michael Coleman
James Cribb
Robert Felder
Mark Heneveld
Chip Roberson
Ron Wellander
Robert McDonald (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 August 13, 2015.

CORRESPONDENCE

ITEM #1 – PUBLIC HEARING

REQUEST:

Consideration of a Use Permit to allow a residence to operate as a one-room bed and breakfast, in conjunction with an Exception from the parking standards.

Applicant/Property Owner:

Pierrette Duriez

Staff: David Goodison

Project Location:

688 Broadway

General Plan Designation:

Mixed Use (MU)

Zoning:

Planning Area: Broadway Corridor

Base: Mixed Use (MX)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Approve with conditions.

CEQA Status:

Categorically Exempt

ITEM #2 – PUBLIC HEARING

REQUEST:

Consideration of a Use Permit Amendment to allow a restaurant use in conjunction with CocoaPlanet's chocolate production facility and retail tasting room.

Applicant/Property Owner:

CocoaPlanet, Inc./McKibben Holdings LLC

Staff: Rob Gjestland

Project Location:

921 Broadway

General Plan Designation:

Mixed Use (MU)

Zoning:

Planning Area: Broadway Corridor

Base: Mixed Use (MX)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Approve with conditions.

CEQA Status:

Categorically Exempt

ITEM #3 – PUBLIC HEARING

REQUEST:

Consideration of Exceptions from: 1) the garage setback standard to allow a garage addition; and, 2) the fence height standards to allow an overheight fence within a front-yard setback.

Applicant/Property Owner:

Belinda Rodman

Staff: David Goodison

Project Location:

341 Nicoli Lane

General Plan Designation:

Low Density Residential (LR)

Zoning:

Planning Area: Central-West Area

Base: Low Density Residential (R-L)

Overlay: None

RECOMMENDED ACTION:

Approve with conditions.

CEQA Status:

Categorically Exempt

ITEM #4 – STUDY SESSION

REQUEST:

Study session on a proposal to develop a 26-unit multi-family project on a 1.86-acre site.

Applicant/Property Owner:

Olympic Residential Group

Staff: David Goodison

Project Location:

870 Broadway

General Plan Designation:

Mixed Use (MU)

Zoning:

Planning Area: Broadway Corridor

Base: Mixed Use (MX)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Provide direction to applicant.

ISSUES UPDATE

COMMENTS FROM THE COMMISSION

ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on October 2, 2015.

JUDY MORGAN, 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: Application for a Use Permit to allow a residence to operate as a one-room bed and breakfast, including consideration of a one-space parking Exception.

Applicant/Owner: Pierrette Duriez

Site Address/Location: 688 Broadway

Staff Contact: David Goodison, Planning Director
Staff Report Prepared: 10/01/15

PROJECT SUMMARY

Description: Application of Pierrette Duriez for a Use Permit to allow a residence to operate as a one-room bed and breakfast, including consideration of a one-space parking Exception.

General Plan Designation: Mixed Use (MU)

Planning Area: Broadway Corridor

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

Site Characteristics: The subject property is a ±7,775-square foot parcel located on the east side of Broadway, north of France Street. The property is developed with a residence and a detached second unit. A driveway on the south provides access to two-stall carport at the rear of the property.

Surrounding Land Use/Zoning: **North:** Office and apartments/Mixed Use
South: Single-family residence/Mixed Use
East: Single-family residences/Low Density Residential
West: Restaurant (across Broadway)/Mixed Use

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

The subject property is a 7,775 square-foot parcel developed with a two-story single-family residence constructed in 1998 and an older cottage at the back of the property that is rented as a second unit. The applicant/property-owner lives on-site within the main residence and also operates a skin-care salon as a home-occupation. Recently, the applicant began advertising the property on AirBnB, renting out a bedroom on a short-term basis. When the applicant learned that this activity required permits that she did not have, she contacted the City to find out if there was any option to offer short-term room rentals in a manner consistent with zoning regulations.

DETAILED PROJECT DESCRIPTION

The applicant is requesting approval to operate a one-room bed and breakfast. Consistent with the Development Code standards for a bed and breakfast, the applicant would continue to reside in the home and would offer one bedroom for short-term rental. The floor plan would not change and there would be no exterior changes to the residence. Additional off-street parking is not proposed. (Note: the applicant is not proposing to provide any meal service, but that is optional under the bed and breakfast regulations.) Because a bed and breakfast is considered to be a residential use under the Building Code, ADA improvements are not required.

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

The property is designated Mixed Use by the General Plan. The Mixed Use land use designation is intended to accommodate uses that provide a transition between commercial and residential districts, to promote a pedestrian presence in adjacent commercial areas, and to provide neighborhood commercial services to adjacent residential areas. Bed and breakfast establishments are allowed in the corresponding Mixed Use zone with a Use Permit. The following goals and policies of the General Plan are applicable to the project:

Local Economy Element, Policy 1.5: Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma.

In staff's view, the proposal does not raise any significant issues in terms of compatibility with the goals and policies of the 2020 General Plan. Because the property owner would continue to reside in her home, the proposal would have no impact on the City's housing stock.

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

Use: The property is zoned Mixed Use (MX), which allows for a variety of residential and commercial uses, including Bed and Breakfast Inns, subject to review and approval of a Use Permit by the Planning Commission.

Development Standards: The proposed use would occur within an existing building, with no expansion of building area. As a result, the project does not raise any issues in terms of compliance with building setback, FAR, lot coverage, open space, and building height standards.

On-Site Parking/Exception: One parking space is required for each guestroom of a bed and breakfast inn, plus one space for the resident manager. Therefore, in order to accommodate the bed and breakfast use, a total of three parking spaces would normally be required. Currently, parking on the property is limited to a two-stall carport located at the back of the property. In light of the one-space shortfall, the applicant is requesting an Exception from the parking standards Under the Development Code, the Plan-

ning Commission may grant an Exception from parking standards, provided that the findings below can be made (§19.54.050):

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.

In staff's view, there is sufficient basis to allow a minor Exception from the parking standards. The intensity of use associated with a one-guestroom bed and breakfast is expected to be minimal. Although an additional parking space could be developed by removing the yard area between the residence and the second unit, the narrow width of the lot and the driveway would afford limited back-up distance. It seems likely that guests of the bed and breakfast would park on the street anyway due to greater convenience. To the extent that the home occupation may be of concern with regard to parking in conjunction with the proposed new use, it is staff's understanding that the business serves a small clientele and that the typical hours of use do not significantly overlap with the bed and breakfast use, which would mainly be active on weekends.

Bed and Breakfast Inn Standards: The Development Code defines a "Bed and Breakfast Inn" as a residential structure with one family or resident-manager in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided. In addition to the provisions for an on-site manager, the Development Code sets forth the following standards and requirements:

1. A business license is required for the establishment and operation of a bed and breakfast inn.
2. Visitor occupancy shall be limited to a maximum of 29 consecutive days.
3. Food service shall be limited to breakfast served to registered overnight guests only.
4. Cooking facilities in individual rental guestrooms are prohibited.
5. Amplified music, lawn parties, outdoor weddings, or similar activities shall not occur on site unless specifically allowed by the required conditional use permit.
6. Where the site of a proposed bed and breakfast inn adjoins a residential zoning district, a six-foot high solid decorative fence of masonry and wood or solid masonry shall be erected and permanently maintained along the side and rear property lines.
7. Signs shall be limited to two square feet, shall be subject to the approval of the city's design review and historic preservation commission, and shall comply with the applicable standards of SMC Title 18, Signs and Display Advertising.
8. Waste collection areas shall be clearly designated on the proposed site plan. Areas shall be clearly accessible for pickup and shall be screened from view with solid walls and landscape materials.
9. Low-intensity safety and security lighting for parking areas and structures shall be required as a security and safety measure, shall not reflect on adjoining properties, and shall be confined to ground lighting wherever possible.
10. Applicants for bed and breakfast inns shall receive written approval of the county public health department and sanitation district before the business becomes operational.
11. Bed and breakfast inns on contiguous lots are discouraged.
12. A concentration of bed and breakfast inns that would damage the residential character of a neighborhood is discouraged.

13. Bed and breakfast inns are limited to the adaptive conversion and reuse of, or reproductions of, architecturally or historically unique residential structures, which are compatible with the surrounding neighborhood.
14. New structures, or additions to existing structures, shall maintain the established residential character and scale, consistent with other on-site structures and the surrounding neighborhood.
15. Accessory structures shall not be used for rental guest rooms.

These requirements are met in the proposed use and have been incorporated as conditions of project approval. With respect to item #13, while the residence is not a historic structure, in staff's view its Queen Ann design qualifies as a reproduction of a historically unique structure that is compatible with its surroundings.

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

ENVIRONMENTAL REVIEW (**Not Applicable to this Project**)

Pursuant to Section of 15301 of the State CEQA Guidelines, the leasing, permitting, or operation of existing private structures involving negligible or no expansion of use is considered Categorical Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

DISCUSSION OF PROJECT ISSUES

Parking Exception. In staff's view, the small-scale nature of the proposed use is such that a one-space parking Exception would not create any problems with respect to the operation of the proposed use or for any neighboring properties. That said, there is room to create an additional parking space in the area between the residence and the second unit, if that is deemed necessary by the Planning Commission. However, the back-up distance from this space would be limited and it seems likely that patrons of the bed and breakfast would be more likely to park on street even if the additional space was available.

Compatibility. Unless managed properly, short-term rentals can cause compatibility issues with neighboring residential properties due to late-night noise. In staff's experience, complaints typically cite late-night noise from activities in outdoor areas. The subject proposal appears unlikely to result in compatibility issues for several reasons:

- The property owner will reside on site.
- Only one guest room is proposed.
- The outdoor area on the property is relatively small and does not lend itself to noisy activities.
- The hours of use of outdoor areas will be limited per the conditions of approval.

To further address any issues in this regard, the conditions of approval would require that the owner's contact information be shared with neighbors upon request.

RECOMMENDATION

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

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Project Narrative*
5. *Evaluation of Exterior Changes with Respect to Historic Significance*
6. *Neighborhood Plan/Site Plan/Floor Plan/Elevations*

cc: Pierrette Duriez
688 Broadway
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Duriez Bed and Breakfast Use Permit/Parking Exception – 688 Broadway
October 8, 2015

Based on substantial evidence in the record, including but not limited to the staff report, and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Approval

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

Parking Exception Approval

1. That 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. That the 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. That the granting of 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.

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Duriez Bed and Breakfast Use Permit/Parking Exception – 688 Broadway
October 8, 2015

1. The bed and breakfast shall be operated in conformance with the project narrative and the approved site plan and floor plans, except as modified by these conditions and the following:
 - a. The bed and breakfast establishment shall be limited to a single guestroom within the primary residence.
 - b. Outside activity/noise shall cease by 10p.m. daily.
 - c. The owner/manager's contact information, including phone number shall be maintained with the Planning Department and provided to neighboring property owners and residents upon request.

Enforcement Responsibility: Planning Department; Building Department
Timing: Ongoing

2. The applicant/property owner shall obtain and maintain a business license from the City for the bed and breakfast inn, and shall register with the City to pay associated Transient Occupancy Taxes (TOT), as well as required payments to the Tourism Improvement District.

Enforcement Responsibility: Planning Department; Finance Department
Timing: Prior to operation of the B&B and ongoing

3. An on-site manager shall maintain residence on the subject property within the primary residence.

Enforcement Responsibility: Planning Department; Building Department
Timing: Ongoing

4. Visitor occupancy shall be limited to a maximum of twenty-nine consecutive days.

Enforcement Responsibility: Planning Department; Finance Department
Timing: Ongoing

5. Food service shall be limited to breakfast served to registered overnight guests only. Cooking facilities in individual guestrooms are prohibited.

Enforcement Responsibility: Planning Department; Building Department; Sonoma County Environmental Health Division
Timing: Ongoing

6. Amplified music, lawn parties, outdoor weddings, or similar activities shall not occur on site. This permit does not constitute an approval for a Music Venue or Special Event Venue as defined under Section 19.92.020 of the Development Code.

Enforcement Responsibility: Planning Department; Police Department
Timing: Ongoing

7. Any proposed signs shall identify the establishment as an inn and not as a hotel, lodge, motel, or similar use. Signs shall be limited to two square feet, and shall be subject to review and approval by the City's Design Review & Historic Preservation Commission or Planning Department staff, as applicable.

Enforcement Responsibility: Planning Department; DRHPC
Timing: Ongoing

8. Garbage and recycling bins shall be screened from view and shall not occupy any required parking spaces or intrude into required access drives.

Enforcement Responsibility: Planning Department
Timing: Ongoing

9. Safety and security lighting shall be low-intensity and confined to ground lighting wherever possible, and shall not reflect on adjoining properties.

Enforcement Responsibility: Planning Department
Timing: Ongoing

10. The bed and breakfast shall comply with all applicable Fire Department and Building Code requirements, including those related to fire and life safety.

Enforcement Responsibility: Fire Department; Building Department
Timing: Prior to operation and ongoing

Vicinity Map

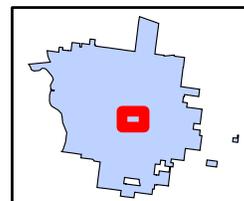


Zoning Designations

- 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

Project Summary

<i>Project Name:</i>	Duriez
<i>Property Address:</i>	688 Broadway
<i>Applicant:</i>	Pierrette Duriez
<i>Property Owner:</i>	Pierrette Duriez
<i>General Plan Land Use:</i>	Mixed Use
<i>Zoning - Base:</i>	Mixed Use
<i>Zoning - Overlay:</i>	Historic
<i>Summary:</i>	Consideration of a Use Permit to allow the operation of a one-room bed and breakfast in conjunction with a one-stall parking Exception.



1 inch = 200 feet

RECEIVED

SEP 16 2015

CITY OF SONOMA

9-14-15

Dear Planning Commission,

I am hoping to be granted a permit to use part of my home as an Air BnB. It is a room with bath, but no breakfast.

My house is located on Broadway, in a mix-use area where I have already practiced skin care for 18 years. I am sad to say that at this point, my business is at its lowest point ever. Please, don't make this public, it is humiliating.

I need to increase my income to make ends meet. I know that the few faithful clients who still come will not prevent an AirBnB guest from often finding parking right in front of the house.

I have already met with Mr. Goodeson who helped me fill the form. I explained my situation to him this morning. Not knowing if I would be able to see him, I had also written a letter---which he read and gave back to me. I am enclosing it with my application.

This is a scary situation for me, having always done the right thing. As I said to Mr. Goodeson, I love paying my bills and my taxes, because it means that I have the money to do so.

Sincerely

A handwritten signature in black ink, appearing to read 'Pierrette Duriez', written in a cursive style.

Pierrette Duriez
688 Broadway
Sonoma CA 95476
707-939-3551

RECEIVED

SEP 16 2015

September 14, 2015

CITY OF SONOMA

Dear Mr Goodison,

I am a 75 years old woman who will have to keep working forever to make ends meet. I have a mortgage and would like to put some money toward my "old age".

Self employed, I have operated a skin care business on Broadway (mix use area) as part of my wonderful home for about 18 years. With increasing competition, and after the 2008 panic and a divorce, my income has tanked.

I still have a small but faithful clientele, but so far have managed staying afloat only by cutting my personal expenses close to the bone. I am already receiving social security checks but it is not enough to put money aside for when I am forced to retire.

In May I opened what used to be the salon (which I moved into my office in another part of the house) as an Air BnB. The income is helping fill the gaps in both my work schedule and my income. I am already paying IRS taxes on that particular income.

Because I live in mix use area I had no idea I was in violation of city code by having occasional paying guests, and was appalled and scared when a friend showed me a paper article about it (I don't buy newspapers--another savings).

Please help me. I want to do the right thing.

If I have to cancel the reservations that are already in the book, it is going to cost thousands in penalties with Air BnB and going to ruin me. I was hoping that this year extra income was going to cover most of my property taxes for this year.

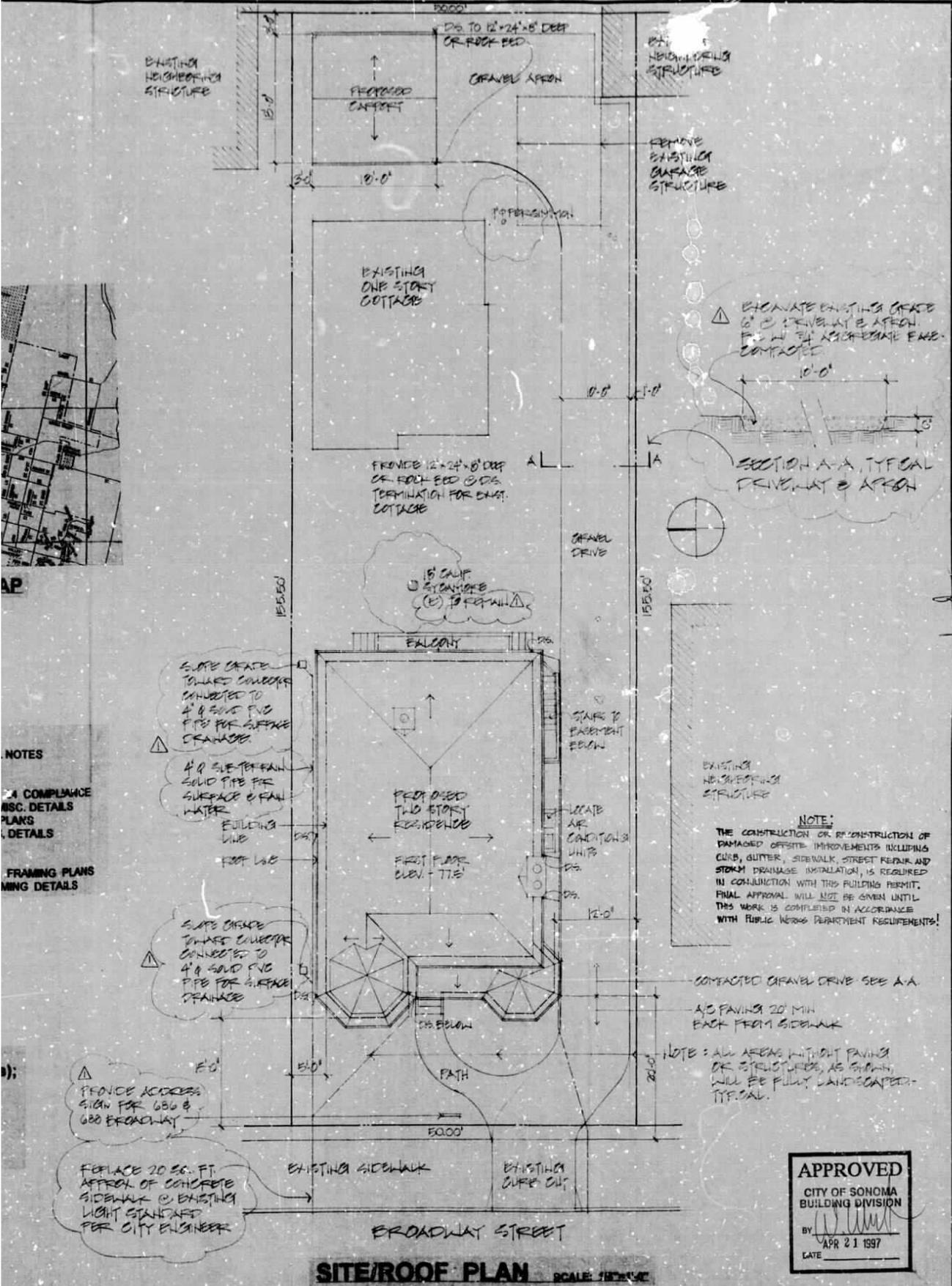
Thank you for any help you can provide to square things up. Getting old is not easy.

Sincerely,



Pierrette Duriez
688 Broadway
Sonoma CA 95476
707-939-3551

P.S I do not cook breakfast or offer meals to the guests.



NOTES

1. COMPLIANCE
MISC. DETAILS
PLANS
DETAILS

FRAMING PLANS
MING DETAILS

REVISIONS	BY
Δ 4/9/97	JL

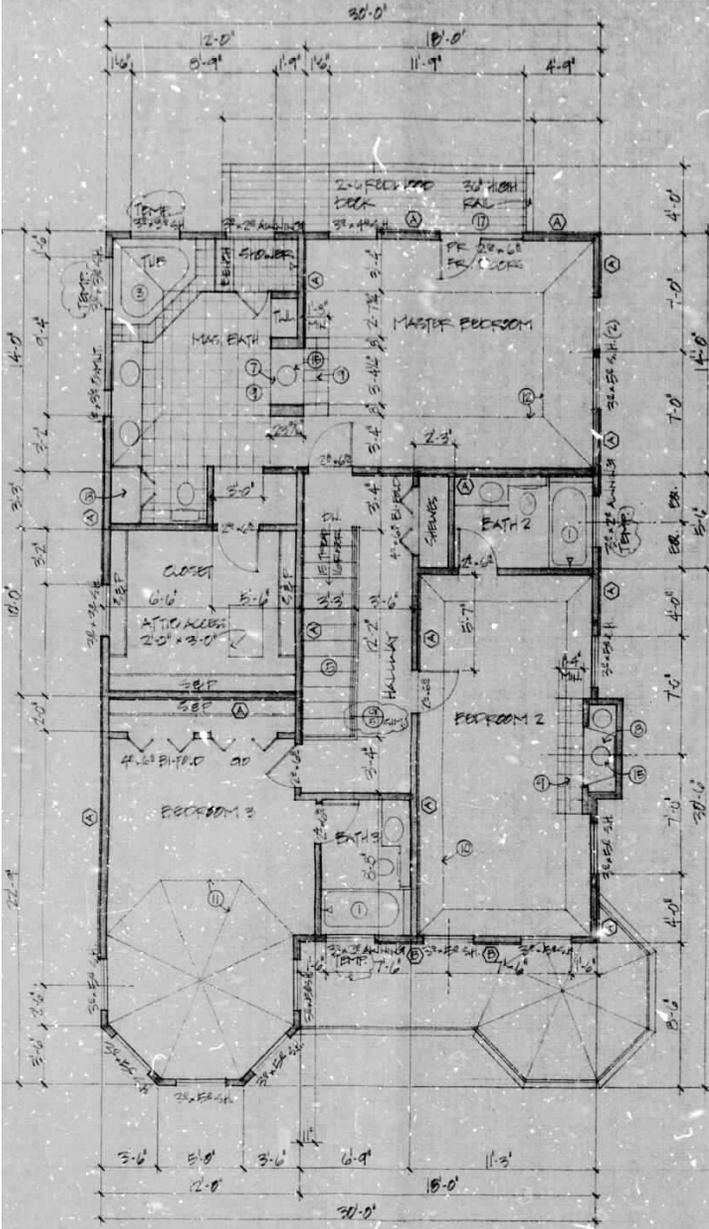
JWL Associates
 Planning and Design (707) 999-1533
 18957 Robinson Rd. Sonoma, CA 95476



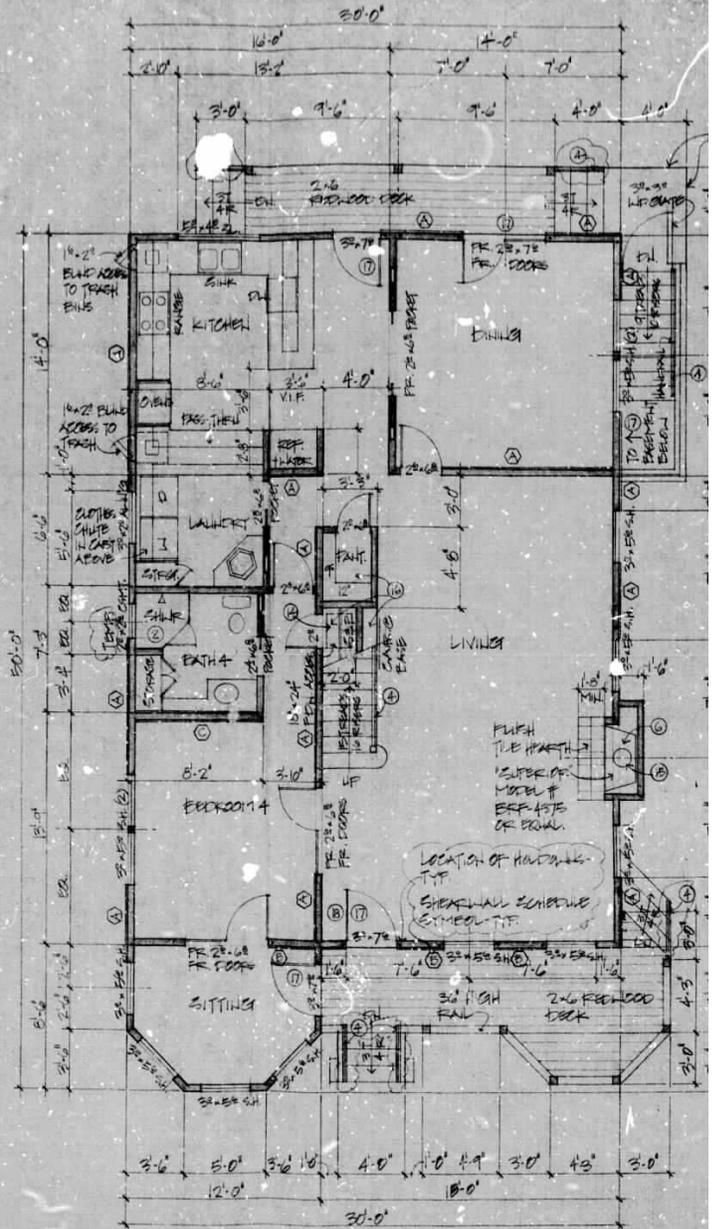
Proposed Residence for:
Robert Aicher and Pierrette Duriez
 688 Broadway Street Sonoma, CA 95476

APPROVED
 CITY OF SONOMA
 BUILDING DIVISION
 BY: [Signature]
 APR 21 1997
 DATE

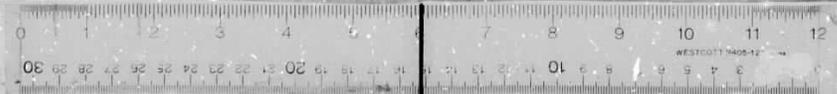
Date	FEB 28 1997
Scale	AS SHOWN
Drawn	JWL
Job	AICHER
Sheet	1
Of	Sheets



UPPER FLOOR PLAN SCALE: 1/4"=1'-0"



LOWER FLOOR PLAN SCALE: 1/4"=1'-0"



MEMO

To: Planning Commission

From: Senior Planner Gjestland

Re: Application of CocoaPlanet, Inc. for a Use Permit Amendment to allow a restaurant use in conjunction with CocoaPlanet's chocolate production facility and retail tasting room at 921 Broadway.

Site Description

The subject property is a ±13,050-square foot parcel located on the west side of Broadway just south of West MacArthur Street. The site is developed with a commercial building that is currently being remodeled and an adjacent parking area on the north. The property frontage is improved with curb, gutter and sidewalk. Adjoining land uses consist of a music school and office to the north, convenience store and sandwich shop to the south, office complex to the west and MacArthur Place Inn to the east (across Broadway).

Background

On December 11, 2014, the Planning Commission approved a Use Permit for CocoaPlanet to remodel and convert the commercial building at 921 Broadway to allow for the production and retail sale of chocolates. In review of that application, the applicants clarified their intent to hold small promotional events on the property (both indoors and/or outdoors) with a focus on wine and chocolate pairings. In subsequent consultation with the Department of Alcoholic Beverage Control (ABC) they found that, as a commercial business, the only license types that would allow this type of event are Type 41 (restaurant), Type 42 (bar/tavern), or Type 02 (winery). Because promotional events with wine service are an integral part of CocoaPlanet's concept for the property, the applicants are pursuing the Type 41 license, and an associated Use Permit amendment to allow a restaurant element.

Project Description

CocoaPlanet Inc. is requesting a modification to their Use Permit to allow a restaurant use in conjunction with their chocolate production and retail tasting room operations at 921 Broadway. Restaurant seating would consist of 20 indoor seats and 28 outdoor seats for table service. As previously noted, the addition of this element stems from ABC licensing requirements in relation to accommodating wine and chocolate pairing. The Type 41 license would allow on premises sale of beer and wine to customers, while also requiring the establishment to be a bona fide eating place offering an assortment of food, which would be prepared and cooked in kitchen facilities that also support the manufacturing use. The front room would serve both as a retail tasting room and café, and additional outdoor seating would also be available seasonally in the garden area. The hours of operation requested for the retail tasting room and restaurant use are 8a.m. to

9p.m. Sunday through Thursday, and 8a.m. to 11p.m. on Friday and Saturday (the current approved retail tasting room hours are 8a.m and 7p.m. daily). Chocolate manufacturing operations would not occur on the same days as the café use since both require use of the same kitchen facilities. Further details are provided in the attached project narrative.

Issues

Parking: Under the City's parking standards, restaurants must provide one parking space per each four seats, while the chocolate manufacturing use must provide one space per 500 square feet of floor area. Since manufacturing operations would not occur in conjunction with the café use, the parking requirement is 11 spaces based on the amount of table seating proposed (20 indoor and 28 outdoor seats). As shown on the revised site plan, a total of nine parking spaces would be provided on the property. Accordingly, the applicants are requesting a parking Exception for the two-space shortfall.

Pursuant to Development Code Section 19.48.050.A.1, the Planning Commission may grant exceptions from parking 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;*
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.*

With respect to these findings, staff would note that the majority of seating (roughly 60%) would be outdoors and therefore used only seasonally. The applicants also anticipate that indoor seating will be used less during the warmer months when customers choose to be outside, and note that street parking on this portion of Broadway is not heavily used. In general, the Planning Commission has supported two space exceptions for other restaurant uses in the past (typically in the downtown area), and the ratio of indoor to outdoor seating provides a basis for an Exception in staff's view.

Concurrent Uses: As noted in the project narrative, chocolate manufacturing would not occur on the same days that the café operates because the same kitchen facilities are needed for both uses. This limitation has been included in the conditions of approval. Staff has also included a draft condition that would prohibit promotional events when the café and/or retail tasting room are open to the general public. The intent of these conditions is to ensure that the intensity of use on the property remains at level that would not create parking or other adverse impacts.

Compatibility: While adding the restaurant element will certainly intensify use of the property, including use of the outdoor garden area, all immediately adjoining land uses are commercial in nature (the nearest residential sites are roughly 160 feet from the subject property). Staff would

also note that music is not proposed. Accordingly, the restaurant use and later hours of operation should not raise significant issues of compatibility.

Promotional Events: The Planning Commission's 2014 approval allows private, invitation-only events associated with the business up to 11p.m. indoors and/or outdoors in the rear garden area. No other limitations were applied though the applicants anticipated that events would occur twice per month with approximately 25 guests. Since the current proposal will intensify use of the property, staff recommends that additional specifications and clarification on events be applied at this time, including a limitation on no more four events per month, and a maximum attendance of 48 guests per event.

Recommendation

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

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Vicinity Map*
4. *Project Narrative*
5. *Building Perspective*
6. *Revised Site Plan*
7. *Indoor Seating Plan*
8. *Outdoor Seating Plan*

cc: Anne McKibben (via email)
CocoaPlanet Inc.
1198 Ingram Drive
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Use Permit Amendment for CocoaPlanet
921 Broadway

October 8, 2015

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

Use Permit Approval

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

Parking Exception Approval

1. That 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. That the 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. That the granting of 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.

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL

CocoaPlanet Use Permit
921 Broadway

As Amended on October 8, 2015

1. The building and property shall be improved and used in conformance with the project narratives dated 11/14/14 and 9/11/15, revised site plan dated 9/18/15, interior and garden seating plans dated 9/20/15, and exterior building elevations, except as modified by these conditions and the following:
 - a. Production/manufacturing activities shall be limited to the hours between 8a.m. and 5p.m. daily.
 - b. Hours of operation for the restaurant and retail tasting room shall be limited to the hours between 8a.m and 9p.m. Sunday through Thursday, and 8a.m. to 11p.m. on Friday and Saturday.
 - c. Restaurant seating for table service shall be limited to 20 indoor seats and 28 outdoor seats.
 - d. The restaurant use shall not operate on the same days that chocolate production/manufacturing occurs.
 - e. Invitation-only promotional events associated with the business shall be allowed up to 11p.m. no more than four times per month with a maximum attendance of 48 guests per event. Such events are allowed only for the purpose of promoting products manufactured on the site. The rental of the facility to third-parties is prohibited.
 - f. Promotional events shall not occur when the restaurant and/or retail tasting room are open to the general public.
 - g. The driveway shall be shifted to the south and the northerly landscape bulb at the frontage extended to the south to protect on-site parking spaces, consistent with the revised site plan. The relocated driveway shall comply with applicable Caltrans requirements and conform to City of Sonoma Standard Plan 112 (Commercial Driveway Approach) with a minimum width of 24 feet.
 - h. Parking areas shall be restriped consistent with the City's dimensional parking standards and ADA requirements specific to accessible parking.
 - i. The low wall/bench (planter) proposed north of the building shall be removed or relocated outside the required back-up distance.
 - j. The chain link/barbed wire fence and junk currently located behind the building shall be removed.
 - k. All inoperable vehicles shall be removed from the property.
 - l. The bamboo and overgrown vines along the north and west property lines shall be removed.

Enforcement Responsibility: *Planning Dept.; Building Dept.; Pubic Works Dept., City Engineer*
Timing: *Ongoing*

2. All Building Department requirements shall be met, including applicable Building Code requirements related to the change in use of the structure, CALGreen standards, and ADA requirements (i.e. disabled access, handicap parking, accessible paths of travel, bathrooms, etc.). A building permit shall be required.

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

3. All Fire Department requirements shall be met, including applicable requirements related to automatic fire sprinkler systems, and water line/connections for fire service.

Enforcement Responsibility: *Fire Department; City Engineer; Building Department*
Timing: *Prior to issuance of any building permit; Prior to operation*

4. An encroachment permit from both the City of Sonoma and the Department of Transportation (Caltrans) shall be required for any work within the public right-of-way on Highway 12/Broadway.

Enforcement Responsibility: Caltrans; City Engineer; Public Works Dept.; Building Department
Timing: Prior to any work/construction within the public right of way

5. The applicant shall obtain any necessary permits, licenses, and/or clearances from the Sonoma County Environmental Health Division for the chocolate production and chocolate tasting. Business operations shall conform to the limitations of those permits.

Enforcement Responsibility: Sonoma County Health Division; Planning Department
Timing: Prior to operation; Ongoing

6. The applicant shall comply with all sanitation conditions of the Sonoma County Permit and Resource Management Department as set forth in their letter dated September 16, 2015 (attached). A sewer clearance shall be provided to the City of Sonoma Building Department verifying that all applicable sewer fees have been paid prior to the issuance of any building permit. **Note: Substantial fees may apply for new sewer connections and/or the use of additional ESDs from an existing sewer connection. The applicant is encouraged to check with the Sonoma County Sanitation Division immediately to determine whether such fees apply.**

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

7. The Applicant shall pay any required increased water fees applicable to the changes in use in accordance with the latest adopted rate schedule.

Enforcement Responsibility: Public Works Dept.; Water Operations Supervisor; City Engineer
Timing: Prior to finaling any building permit; Prior to operation

8. In addition to those already identified, the following agencies must be contacted by the applicant to determine permit or other regulatory requirements of the agency prior to issuance of a building permit, including the payment of applicable fees:

- a. Sonoma Valley Unified School District [For school impact fees]
- b. Caltrans [For encroachment permits on State Highway 12/Broadway]

Enforcement Responsibility: Building Department
Timing: Prior to issuance of a building permit

9. The project shall be subject to design review by the Design Review & Historic Preservation Commission (DRHPC), encompassing elevation details, exterior colors and materials, landscaping (including fences and walls), lighting, trash enclosure and bicycle parking.

Enforcement Responsibility: Planning Department; DRHPC
Timing: Prior to the issuance of a building permit

10. A landscape plan shall be prepared by a licensed landscape architect. The plan shall be subject to the review and approval of the Design Review & Historic Preservation Commission (DRHPC). The plan shall address site landscaping (including planters/containers), hardscape improvements, pedestrian furniture/amenities, and any fencing/walls. The landscape plan shall comply with City of Sonoma's Water Efficient Landscaping Ordinance (Municipal Code §14.32) and Development Code Sections 19.46 (Fences, Hedges, and Walls), 19.48.090 (Landscaping of Parking Facilities), and 19.40.060 (Landscape Standards).

Enforcement Responsibility: Planning Department; DRHPC
Timing: Prior to the issuance of a building permit

11. Onsite lighting shall be addressed through a lighting plan, subject to the review and approval of the Design Review & Historic Preservation Commission (DRHPC). All proposed exterior lighting for the building and/or site shall be indicated on the lighting plan and specifications for light fixtures shall be included. The lighting shall conform to the standards and guidelines contained under Section 19.40.030 of the Development Code (Exterior Lighting). No light or glare shall be directed toward, or allowed to spill onto any offsite areas. All exterior light fixtures shall be shielded to avoid glare onto neighboring properties, and shall be the minimum necessary for site safety and security. Light standards shall not exceed a maximum height of 15 feet.

Enforcement Responsibility: Planning Department; DRHPC
Timing: Prior to the issuance of a building permit

12. Any outdoor storage of garbage cans, dumpsters, recycling bins or other similar containers shall be enclosed by a solid wooden fence, masonry wall, or other similar enclosure. The enclosure shall be located on the site so as to minimize potential noise, odor and visual impacts on adjacent properties. The location and design of the enclosure shall be subject to review and approval by the Design Review & Historic Preservation Commission (DRHPC). All dumpsters, garbage and/or recycling bins shall have lids, which shall remain closed at all times

Enforcement Responsibility: Planning Department; Stormwater Coordinator; DRHPC
Timing: Prior to the issuance of a building permit; Ongoing

13. As normally required, any signage for the business/property shall be subject to review and approval by Planning Department staff or the Design Review & Historic Preservation Commission as applicable.

Enforcement Responsibility: Planning Department; DRHPC
Timing: Prior to installation of signage

14. All applicable stormwater requirements shall be met and implemented on site prior to final occupancy.

Enforcement Responsibility: Stormwater Coordinator; City Engineer
Timing: Prior to final occupancy



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403-2829
(707) 565-1900 FAX (707) 565-1103

RECOMMENDED SANITATION CONDITIONS FOR PROJECT REVISION IN SEPTEMBER 11, 2015

Date: September 16, 2015

Planner: Rob Gjestland, Senior Planner for City of Sonoma
From: Keith Hanna, Junior Engineer, County of Sonoma, Permit and Resource Management Department

File Number: Not provided.
Applicant: Unknown; Revised Project information provided by Anne McKibben, CEO, CocoaPlanet, Inc.
Owner: Not provided.
Site Address: 921 Broadway, Sonoma, CA
A.P.N. 128-082-011

Project description: The applicants previously received approval to remodel and convert the commercial building at 921 Broadway (APN 128-082-011) to allow for the production and retail sale of chocolates (also with a tasting room). They are now requesting to add a restaurant element, with food preparation and service well beyond chocolates samples and associated chocolate desserts.

1. The Applicant shall obtain a Sonoma County Water Agency **Survey for Commercial/Industrial Wastewater Discharge Requirements** from the Sonoma County Permit and Resource Management Department (PRMD), and shall submit the completed Survey, along with two (2) copies of the project site plan, floor plan and plumbing plan to the Engineering Division of PRMD.

If additional sewer pre-treatment and/or monitoring facilities are required by the Sonoma County Water Agency per this Survey, the Applicant shall comply with the requirements of the Survey prior to occupancy of the proposed chocolate manufacturing, tasting, and restaurant. The issuance of tenant improvement permits is contingent upon completion of the Survey.

2. The Applicant may be required to construct Sampling Manhole with dual waste lines for discharge of domestic and "process" wastewater from the proposed chocolate manufacturing, tasting, and restaurant. If required, the Sampling manhole shall be constructed in accordance with Sonoma County Water Agency (SCWA) Design and Construction Standards for Sanitation Facilities, and shall be constructed under a separate permit issued by the Engineering Division of PRMD.

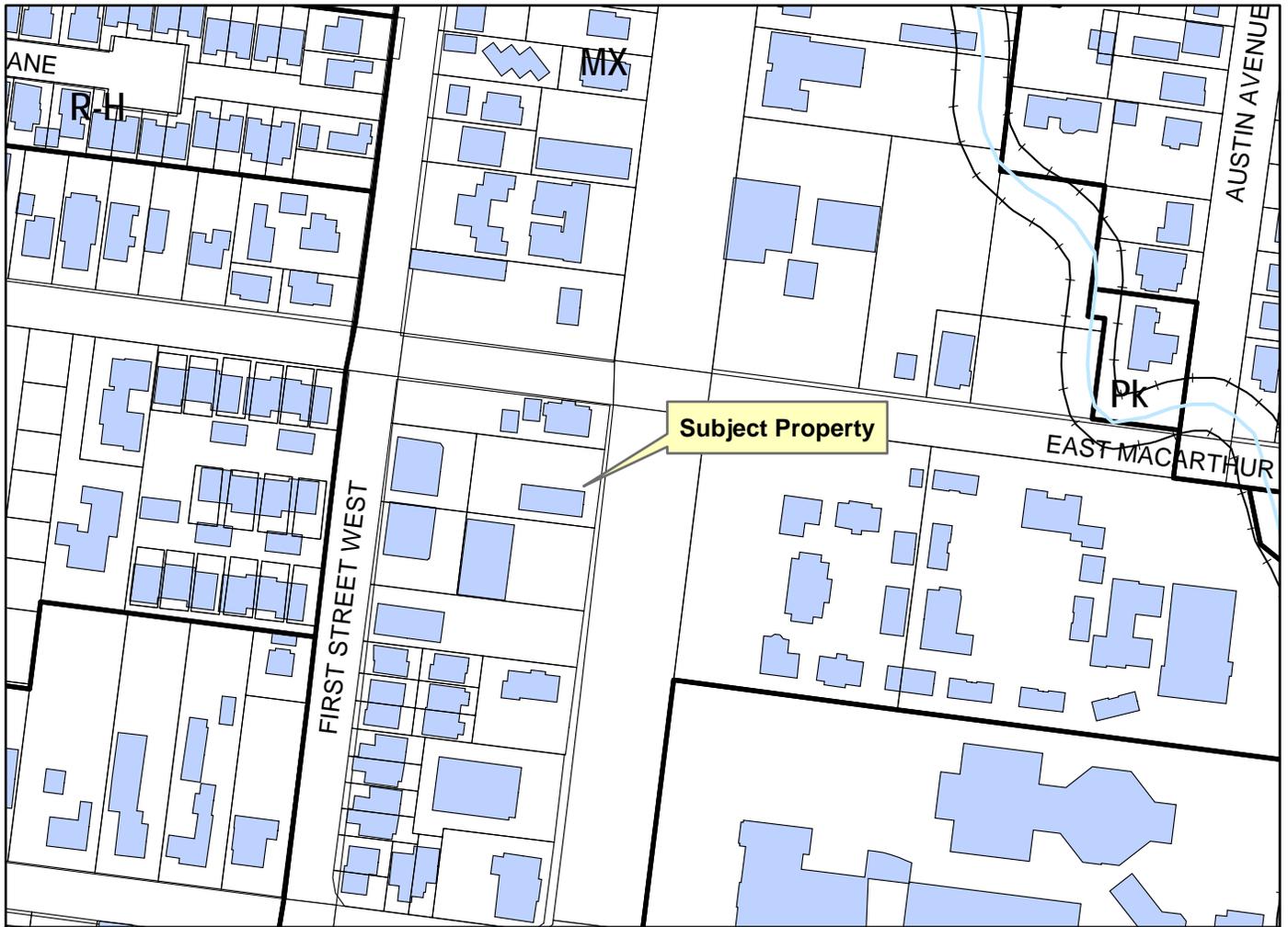
Further division of the proposed chocolate manufacturing, tasting, and restaurant into tenant space producing "process" waste, as defined in the SCWA Sanitation Code shall require installation of additional sampling manholes for the subject tenant spaces, constructed in accordance with sanitation district standards.

3. In accordance with the requirements of the **Survey for Commercial/Industrial Wastewater Discharge Requirements**, the Applicant shall install a grease trap or interceptor sized for the proposed chocolate manufacturing, tasting, and restaurant. The manufacturer, size and location of the grease trap or interceptor shall be approved by the Sonoma County Water Agency, and the

grease trap or interceptor shall be installed under a separate permit issued by the Engineering Division of PRMD, prior to occupancy of the proposed chocolate manufacturing, tasting, and restaurant.

4. The Applicant shall obtain a permit to construct any needed sanitary sewer facilities prior to occupancy of the proposed chocolate manufacturing, tasting, and restaurant.. The sewer design, and construction, shall comply with the Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities and Sonoma Valley County Sanitation District Sanitations Code Ordinance. All sewer work shall be inspected and accepted by the Engineering Division of PRMD, and a Sewer Completion Notice shall be issued by the Inspector before occupancy or temporary occupancy is approved for this project.
5. At the time of sewer permit issuance, the Applicant shall provide the Sanitation Section of the Permit and Resource Management Department (PRMD) with data related to the floor area of the building, differentiating warehouse space, office space, restaurant seating, etc., for the purpose of correctly calculating sewer use fees, as defined by Sonoma County Water Agency Sanitation Codes.
6. Sewer Use Fees for sewer service shall be calculated at the prevailing Sewer Connection and Annual Sewer Service Charge rates in effect at the time of sewer permit issuance.
7. All Sewer Fees per Sonoma Valley County Sanitation District Ordinances (latest revision) shall be paid to the Sanitation Section of the Sonoma County Permit and Resource Management Department (PRMD) prior to occupancy of the chocolate manufacturing, tasting, and restaurant.
8. The Applicant shall be responsible for the restoration of existing conditions including, but not limited to surfacing, landscaping, utilities and other public improvements that have been disturbed due to the construction of sanitary sewer facilities. Restoration shall be completed prior to the issuance of a Completion Notice, unless otherwise specifically approved in advance by the City of Sonoma.
9. A sewer clearance shall be provided to the City of Sonoma Building Department verifying that all applicable sewer fees have been paid prior to the issuance of any building permit. **Note: Substantial fees may apply for the new sewer connections and/or the use of additional ESDs from an existing sewer connection. The applicant is encouraged to check with the Sonoma County Sanitation Division immediately to determine whether such fees apply.**

Vicinity Map

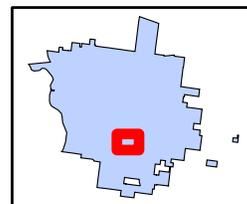


Zoning Designations

- 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

Project Summary

<i>Project Name:</i>	CocoaPlanet Restaurant Use
<i>Property Address:</i>	921 Broadway
<i>Applicant:</i>	CocoaPlanet, Inc.
<i>Property Owner:</i>	McKibben Holdings LLC
<i>General Plan Land Use:</i>	Mixed Use
<i>Zoning - Base:</i>	Mixed Use
<i>Zoning - Overlay:</i>	Historic
<i>Summary:</i>	Consideration of a Use Permit Amendment to allow a restaurant use in conjunction with CocoaPlanet’s chocolate production facility and retail tasting room.



1 inch = 200 feet



COCOAPLANET, INC.

921 Broadway, Sonoma, CA 95476

voice (707) 721-1275

fax (707) 721-1338

September 11, 2015

Re: 921 Broadway – Modification of Existing Use Permit

We are requesting modification of the existing use permit for 921 Broadway to include use as a restaurant in addition to the approved use for manufacturing and retail.

Our initial application was presented during the December 11, 2014 Planning Commission meeting. We presented a concept for the CocoaPlanet Chocolate Factory and Tasting room at 921 Broadway. In addition to a craft chocolate manufacturing facility, we discussed retail offerings including chocolate tastings, hot and cold beverages (e.g. espresso drinks), desserts made with CocoaPlanet chocolate and also wine and chocolate events. The discussion concluded with the Commission's approval of the use permit.

Tastings that feature pairings of chocolate with wine or beer are central to the retail concept we presented. During the planning commission meeting, we discussed the possibility of getting event-based licenses to serve wine and beer. However, as we researched licensing options with the California Department of Alcoholic Beverage Control (ABC), we just learned that event-based licenses are only available to non-profit organizations.

The ABC told us that only two options for licenses would allow us to offer pairings of chocolate with wine and beer. The first requires restricting service within a contained area where entry is permitted only to customers that are 21 years of age or older. While this would allow the chocolate pairings without additional food items, it would not be consistent with the "family friendly" atmosphere we want to encourage, nor would it be pragmatic within the constraints of the building and property. We don't want to have the only chocolate factory that doesn't welcome children!

The other option requires that the facility become a "bona fide eating place," and that food be available whenever wine or beer are served. The ABC suggest that to qualify, all we need to do is add a few entrée/appetizer items such as quiche and salad, panini, artisanal pizza, cheese and charcuterie platter, and a few other small plates. This second option is the most consistent with the original concept of offering chocolate pairings with wine and beer, but it also requires modification of the existing use permit to include use as a restaurant.

This modification will have very little impact. We are not seeking to expand the number of employees, customers or seats. The manufacturing facility already includes all of the kitchen equipment, floor sinks, etc. that are needed for a restaurant. Based on consultation with the City Planning and Building Departments, and the County Health Department, the manufacturing requirements for plumbing, equipment, bathrooms, etc. will also satisfy my proposed restaurant requirements. So the primary

difference from the original request for use permit and is that we would like to add a few entrée/appetizer/small plates that will satisfy the requirements of ABC, in order to receive the wine and beer license #41.

The only other change we are requesting is a slight expansion of operating hours. The approved operation hours are 8:00am to 5:00pm daily, with extended hours to 11:00pm for events. We request to extend the daily hours from 8:00am to 9:00pm on Sunday through Thursday and 8:00am to 11:00pm on Friday and Saturday.

We have attached a seating plan for the Tasting Room for your review. We are requesting 20 seats inside the Tasting Room, and we are requesting 28 seats outside in our large seasonal garden. We anticipate that when customers are outside in the warmer weather months, our inside seating area will be primarily for retail customers that want to purchase chocolate and that the interior seating will be used less.

We plan to run our manufacturing operations on the two days each week that food service will not be offered. This is because we use the same kitchen for both purposes but on different days. Therefore, on days when the tasting room is open, parking can be fully available to tasting room customers.

Based on consultation with the Planning Department staff, the 20 seats inside require 5 parking spaces, and the 28 outside require an additional 6 spaces, for a total of 11 spaces. We have been able to expand our parking to 9 spaces on the property. We are requesting an exception for an additional 2 spaces to accommodate our seating plan.

In support of this exception request, we ask that the Commission consider the following. There are several spaces on the street (see image to right). Three are in front of the building, two are in front of the music school to the north and two in front of the Subway/One Stop to the south (not pictured). While street parking isn't strictly counted towards our parking, in this neighborhood very few people use these parking spaces. Furthermore, since we have started construction, 10-12 neighbors have come up to us and said they are excited about us opening and can't wait to walk or bike to our tasting room when it opens.

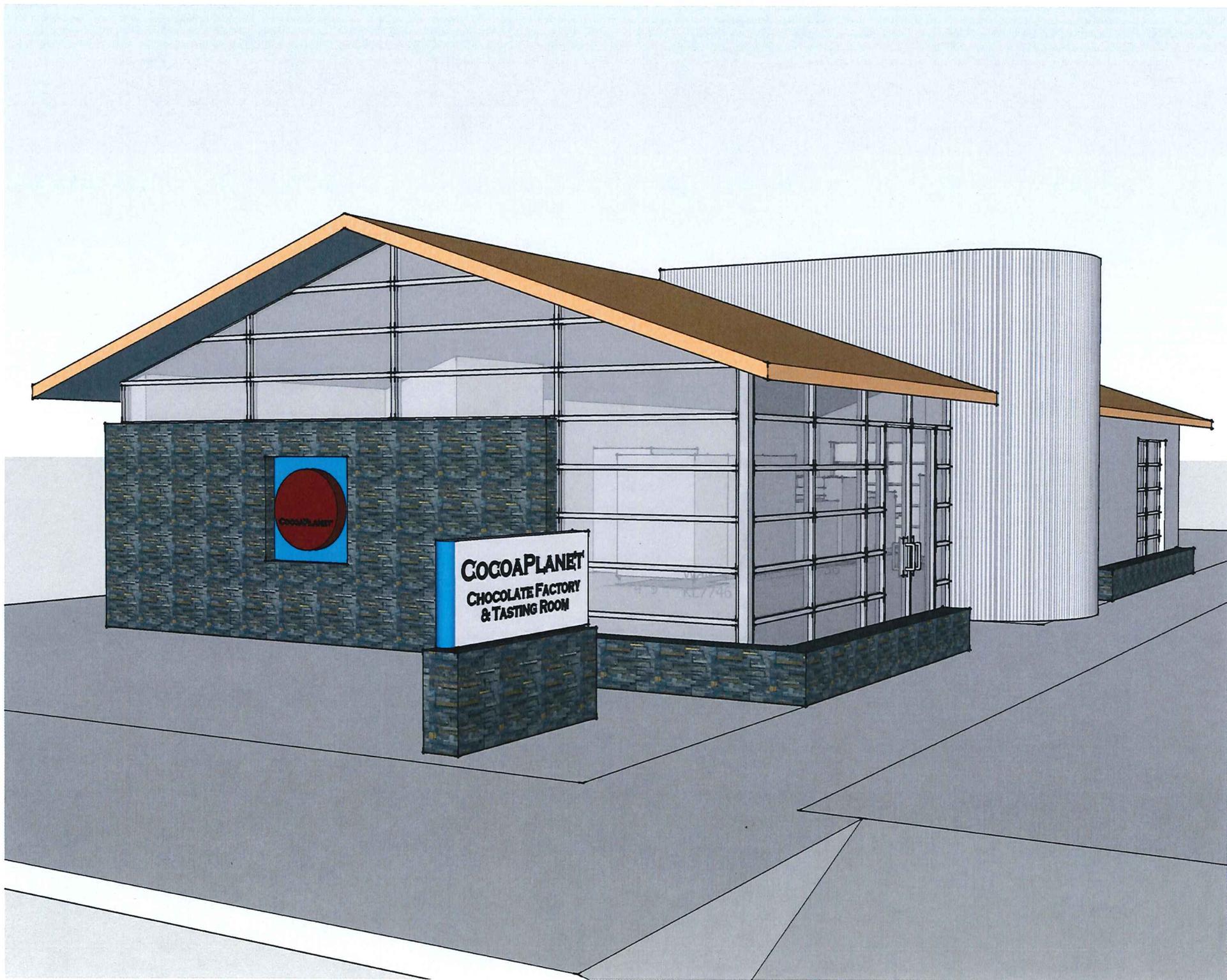


We appreciate your time to review our request. We want to make CocoaPlanet a fun place to visit and a welcome addition to the community.

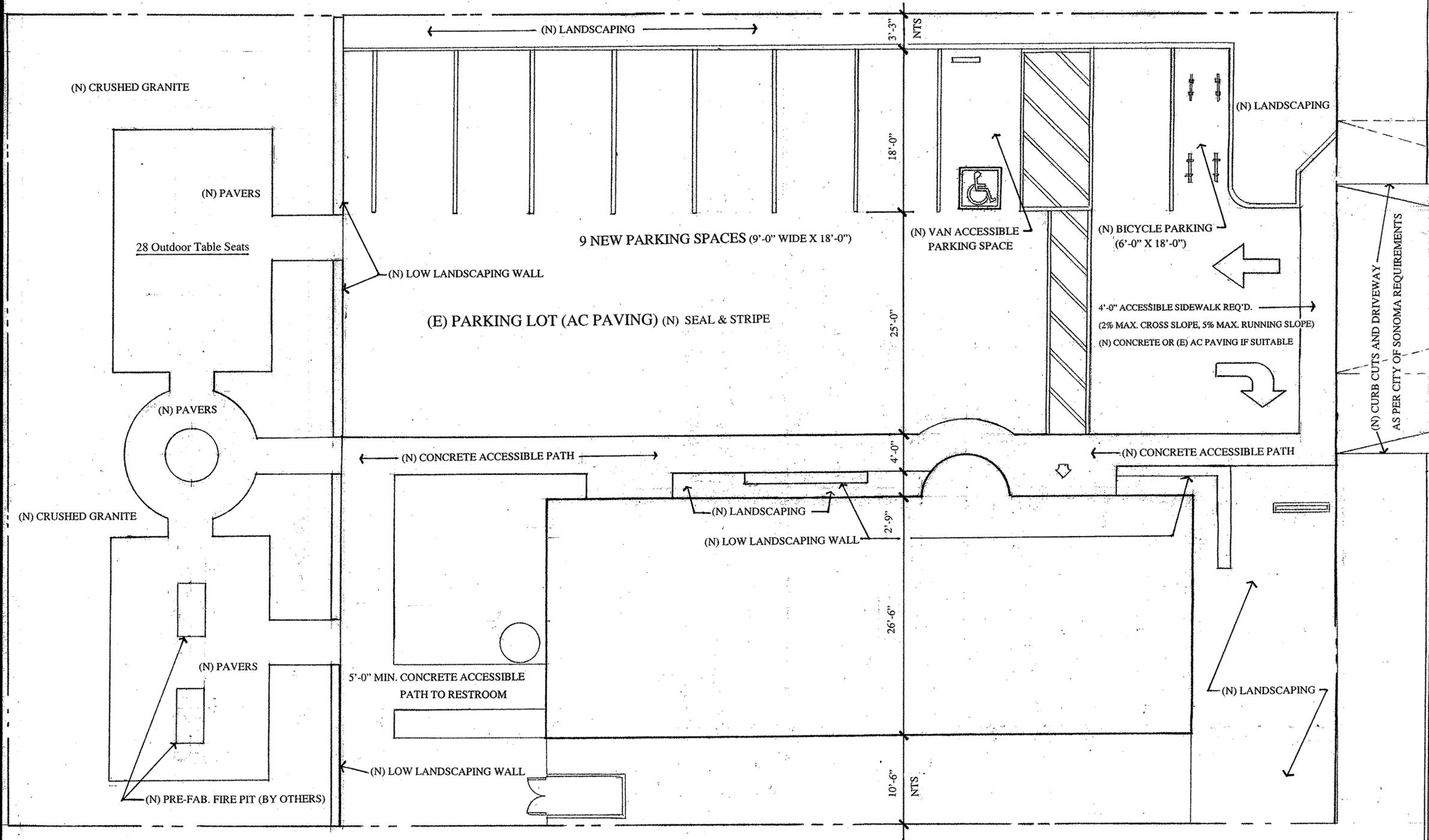
Best regards,

A handwritten signature in black ink, appearing to read "Anne McKibben". The signature is stylized and cursive.

Anne McKibben
CEO, CocoaPlanet, Inc.



COCOPLANET
CHOCOLATE FACTORY
& TASTING ROOM

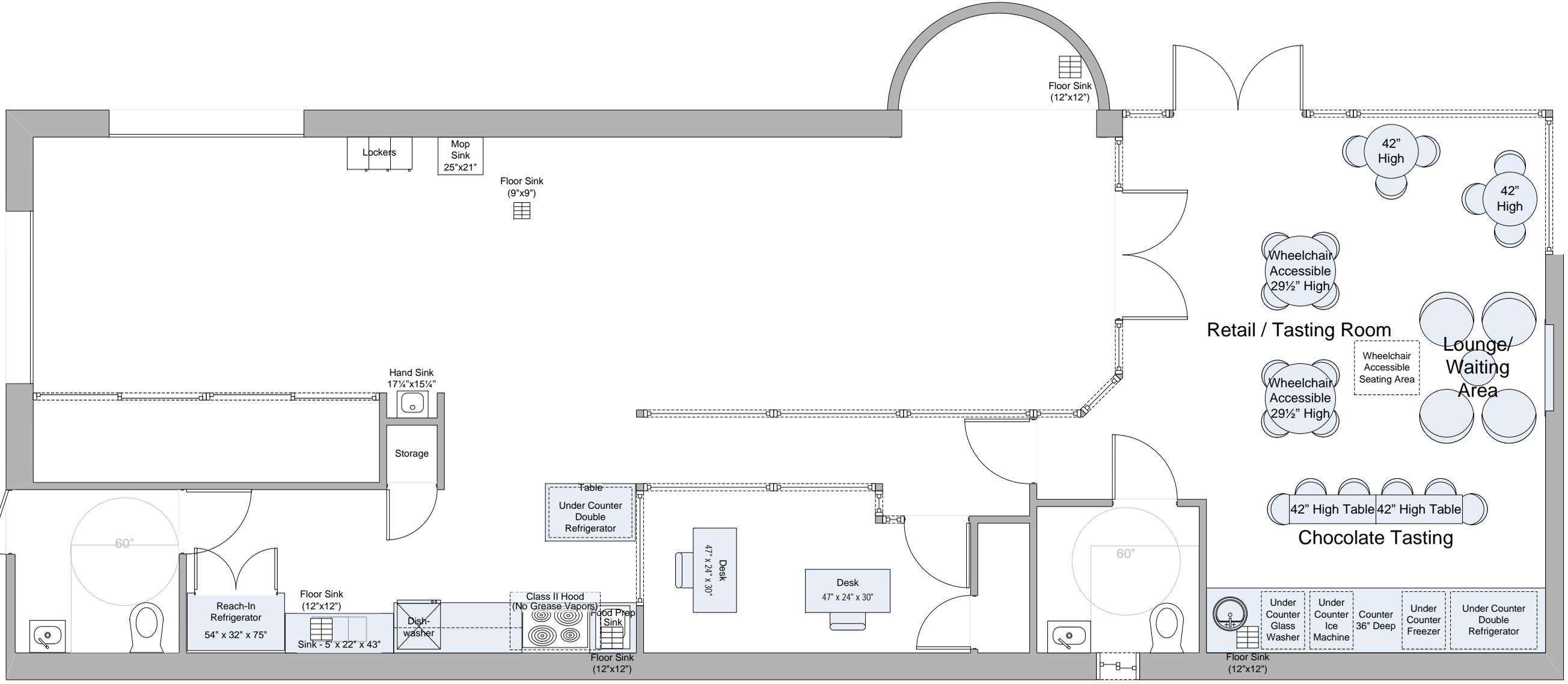


REVISIONS	BY

COCOAPLANET, INC.
 921 BROADWAY
 SONOMA, CA 95476

Jack McGillis – Architect
 484 Lakepark Ave. #159
 Oakland CA 94610
 925-766-7416 – jamcgillis@aol.com

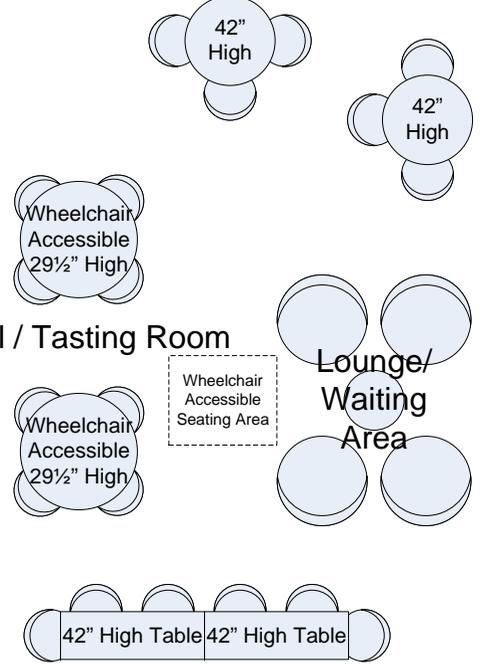
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CHECKED
DATE September 18, 2015
SCALE 1/8" = 1'-0"
JOB NO.
SHEET
OF SHEETS

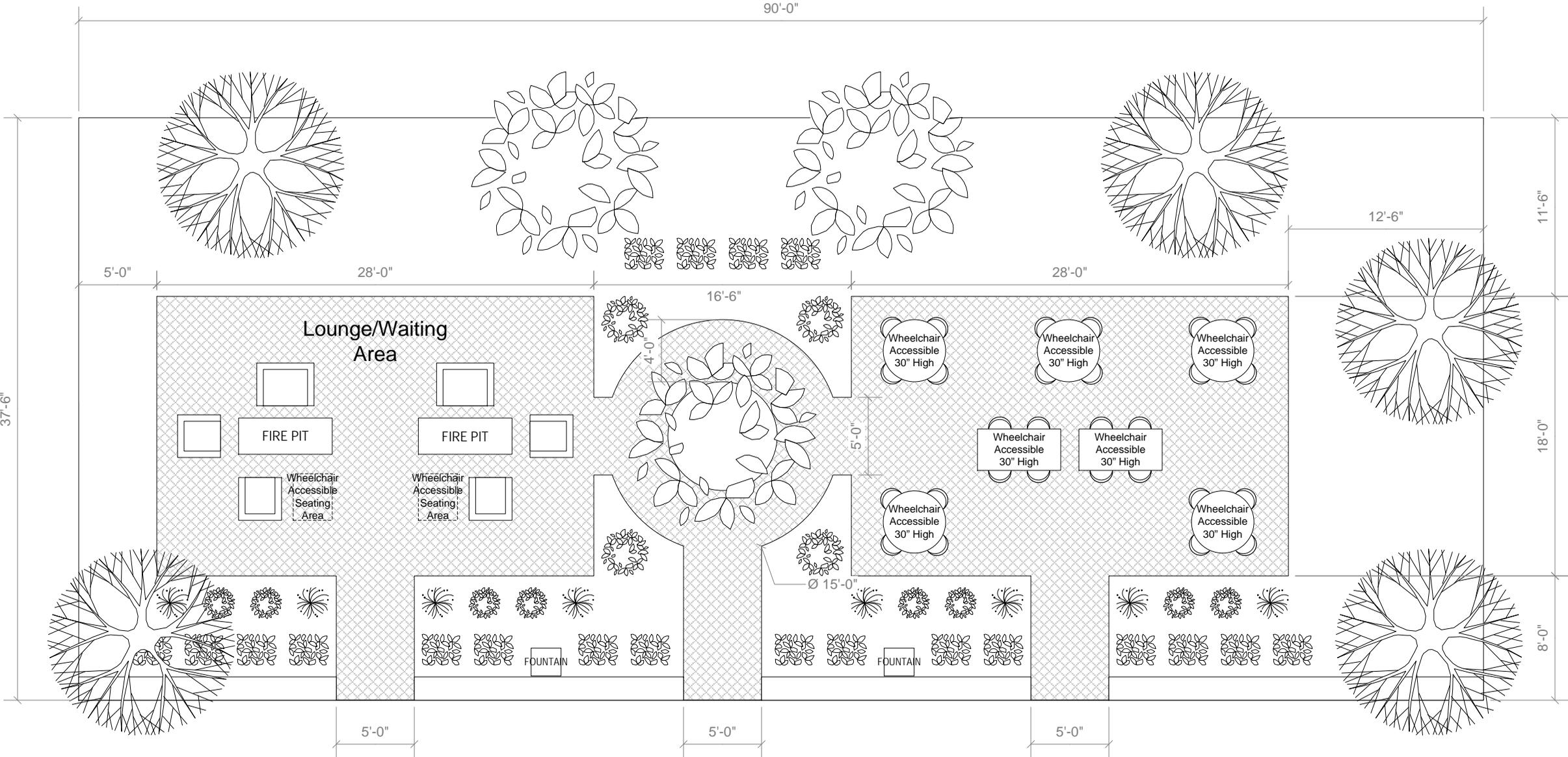


Retail / Tasting Room

Lounge/
Waiting Area

Chocolate Tasting





Agenda Item Title: Application for Exceptions to: 1) the garage setback standard; and, 2) fence height standards allow an existing 4'-9" fence with a 15" trellis within a required front-yard setback area.

Applicant/Owner: Belinda Rodman

Site Address/Location: 341 Nicoli Lane

Staff Contact: David Goodison, Planning Director
Staff Report Prepared: 10/08/15

PROJECT SUMMARY

Description: Application for Exceptions to: 1) the garage setback standard; and, 2) fence height standards allow an existing 4'-9" fence with a 15" trellis within a required front-yard setback area.

General Plan Designation: Low Density Residential

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

Site Characteristics: The property is a ±5,663 square foot lot located on the south side of Nicoli Lane, east of Fourth Street West. The property is currently developed with a one-story residence.

Surrounding Land Use/Zoning: **North:** Single-family home/Low Density Residential (R-L)
South: Single-family home/Low Density Residential (R-L)
East: Single-family home/Low Density Residential (R-L)
West: Single-family home/Low Density Residential (R-L)

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 Exceptions, subject to conditions.

PROJECT ANALYSIS

BACKGROUND

The applicant purchased the property earlier in 2015. As part of the due-diligence process, she learned that a previous property owner had constructed an unpermitted bathroom addition that encroached into the garage. In consulting with staff, she was informed that it would be necessary to either reverse the remodeling or apply to the Planning Commission for a garage setback Exception, as the bathroom addition reduced the depth of the garage to the point where it would need to be extended in order to actually accommodate a vehicle. At the time, neither planning staff nor the applicant were aware that a carport/ pergola structure and fence had also been constructed illegally within the front yard by a previous property owner. However, these issues emerged in subsequent conversations with staff—after she had completed purchase of the property—in the course of preparing for the garage setback Exception application.

DETAILED PROJECT DESCRIPTION

There are three areas of illegal construction that the current property owner is attempting to correct, two of which may be addressed through the Exception process:

1. *Garage:* As discussed above, an unpermitted bathroom remodel encroaches into the single-car garage to the point where it is no longer possible to park a vehicle within it. Reversing the remodel would require the removal of an elevated concrete slab as well as extensive plumbing and electrical work. Therefore, the applicant is proposing to extend the garage approximately five feet outward to make it functional again. The extension would be designed to match the residence, so apart for the five-foot change in its length, the appearance of garage and the residence would not be substantially altered. In the Central-West Planning Area, garages are supposed to be set back five feet from the face of the residence, a standard which is currently met. In the proposed design, the garage would align with the face of the residence, necessitating consideration of an Exception.
2. *Fence:* A previous property constructed an over-height fence within the front yard setback of the subject property. This fence, which is constructed of wood, has a height of 4'-9" in solid construction, with a 15" open trellis above. It is set back eight feet from the back of sidewalk and has a length of 25 feet. The yard area in front of the fence is well-landscaped and the fence and the landscaping appear to have been installed several years ago. The normal fence height limit within a front yard setback is 3.5 feet. The applicant is seeking an Exception to legalize the fence.
3. *Carport/Pergola:* A wooden carport/pergola has been constructed over the driveway. Although this structure is substantial and well-designed, there is no provision in the Development Code for this type of encroachment within a front yard setback; therefore, it must be removed.

These elements are shown on the attached site plan and depicted in the other materials provided by the applicant.

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

The property is designated Low Density Residential by the General Plan, which permits single-family homes and related accessory structures. The proposal does not raise any issues in terms of consistency with regard to General Plan goals and policies.

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

The provisions of the Development Code relevant to this application are: 1) those related to fence height and design, and 2) the standard Exception provisions, which are applicable to requests involving garage setbacks.

Fence Height/Design Requirements: A 20-foot front yard setback is required within the R-L zoning district. Fences within required front/street side yards are limited to a maximum height of 3.5 feet, unless the Planning Commission approves an exception from the fence height standards. As discussed above, the fence under consideration was constructed by a former property owner several years ago. The applicant would like to legalize the fence rather than remove it because she feels it is an attractive feature and because it provide a degree of privacy and buffering for the master bedroom, which adjoins the front yard. In order to approve an Exception to the fence design standards, the Planning Commission must make the following findings:

1. *The fence will be compatible with the design, appearance, and physical characteristics of the site and other existing structures in the surrounding neighborhood;*

The front-yard fence is well-designed and is compatible with the design of the residence.

2. *The height, orientation, and location of the fence/wall is in proper relation to the physical characteristics of the site and surrounding properties;*

The solid portion of the fence has a height of 4'-9" and the trellis element is quite open. Although the fence exceeds the normal height limit, in staff's view it does not appear excessive or out-of-character with its surroundings.

3. *The fence/wall is a planned architectural feature and does not dominate the site or overwhelm adjacent properties, structures, or passersby;*

The fence is well-designed and is compatible with the appearance of the residence. Because it is set back eight feet from the sidewalk and because the solid portion of the fence is somewhat less than five feet in height, it does not appear overwhelming in relation to the site or passersby. The area in front of the fence is well-landscaped, which also helps support this finding.

4. *The fence/wall will be of sound construction and located so as not to cause a safety hazard.*

The fence does not raise any safety concerns.

While fence height Exceptions on properties that are not corner lots are unusual, they are not unprecedented and it is staff's view that the required findings for Exceptions to the fence design standards may be made.

Garage Setback Exception: In the Central-West Planning Area, garages are to be set back five feet from the face of the residence. (This is in contrast to the Central-East Planning Area, where garages are to be set back 20 feet from the face of a residence.) As proposed by the applicant, the garage extension would align with the face of the home. 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 garage 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.*

Most of the residences on Nicoli have been developed with relatively narrow one-car garages, which is the case with the subject property. Because of this, extending the garage to align with the front of the residence will not result in a visually obtrusive condition.

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.*

Because the garage in question accommodates only one car and because many of the garages on Nicoli Lane align with the face the residence, it is staff's view that its extension would not be visually incompatible with the residence or the neighborhood.

It is staff's view that the Exception findings may be made.

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

ENVIRONMENTAL REVIEW (Not Applicable to this Project)

Pursuant to Section of 15303 of the State CEQA Guidelines, construction of accessory structures, including fences, are categorically exempt from the provisions of CEQA (Class 3 – New Construction).

DISCUSSION OF PROJECT ISSUES

The applicant and now the Planning Commission are in the position of having to address issues created by illegal construction performed by a previous property owner. That is frustrating and difficult, and the fact the construction was unpermitted obviously does not provide a basis for approving it after the fact. That said, the garage Exception request is relative minor and presents no issues of compatibility or otherwise. Similarly, the fence Exception relates to a well-designed fence, set back 8 feet from the sidewalk, with a solid element of less than five feet in height. It is not obtrusive on the site or in the neighborhood. The carport/ pergola, a feature that cannot be legalized, will be removed. The new property owner is making a good faith effort to correct existing problems and it is staff's view that the public interest is also served in working with her to bring the property into compliance.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Exception requests, subject to the attached conditions.

Attachments

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

cc: Belinda Rodman
341 Nicoli Lane
Sonoma, CA 95476

John Mangiantini
P.O. Box 900
Sonoma CA 95476

DRAFT

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Rodman Fence Design/Garage Setback Exceptions – 341 Nicoli Lane

October 8, 2015

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:

Findings for an Exception to the Fence Design Standards

1. The fence will be compatible with the design, appearance, and physical characteristics of the site and other existing structures in the surrounding neighborhood;
2. The height, orientation, and location of the fence is in proper relation to the physical characteristics of the site and surrounding properties;
3. The fence is a planned architectural feature and does not dominate the site or overwhelm adjacent properties, structures, or passersby; and
4. The fence will be of sound construction and located so as not to cause a safety hazard.

Findings for Setback 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; and
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 APPROVAL
Rodman Fence Design/Garage Setback Exceptions – 341 Nicoli Lane

October 8, 2015

1. All elements of the project shall be constructed in conformance with the approved site plan, design details, and project narrative, subject to the following modifications and requirements:
 - a. The garage extension shall be designed and finished to match the residence.
 - b. A building permit shall be obtained for bathroom remodel and garage extension.

Enforcement Responsibility: Planning Department; Building Department.

Timing: Prior to the issuance of any Building Permit.

Vicinity Map



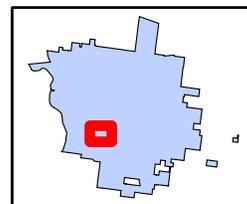
Zoning Designations

- 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

Project Summary

<i>Project Name:</i>	Rodman Exception
<i>Property Address:</i>	341 Nicoli Lane
<i>Applicant:</i>	Belinda Rodman
<i>Property Owner:</i>	Belinda Rodman
<i>General Plan Land Use:</i>	Low Density Residential
<i>Zoning - Base:</i>	Low Density Residential
<i>Zoning - Overlay:</i>	None
<i>Summary:</i>	

Consideration of the following: 1) an Exception to the fence height requirements for an overheight fence within the front yard setback; and, 2) and Exception to the garage setback requirements to expand an attached garage.



1 inch = 200 feet

Project Description

341 Nicoli Ln, Sonoma, CA 95476

Sunday, September 27, 2015

Dear Planning Committee,

I knew I would buy this house the moment I walked up the driveway, saw the beautiful secluded front yard and pergola. It was a serene and inviting setting. As I was opening the front door, I turned and said to Bari Williams (my agent and dear friend now), I am going to buy this house – I love it!!!

I made an offer. During the sales process, I worked with Bari and John Mangiantini (General Contactor). I had met John at an open house where he was the GC and we'd become colleagues. I knew that I wanted to engage with him, if I ever needed a GC as I loved his work. As part of my due diligence, we called Dave Goodison at the planning department to pull permits. We learned that the garage work and bathroom attached were never permitted. Plus the electrical work wasn't permitted either. The buyer had drawn up plans to add another bedroom to the illegal bathroom. We modified those plans to extend the garage out a little over 5 feet, as it was a more cost effective solution. My intention was never to hide the illegal work but get it permitted and redo the bathroom as it was done cheaply and didn't look nice. I was very honest with the planning department from day 1. We showed the plans in a meeting. On the phone, I had told them once the garage was approved, we would draw up new architecture plans to reflect the work to be done to correct the situation.

My goal was to add a bedroom but I wasn't working full-time, and realized I liked the house as is. The intention for building the garage out was so that as a single woman I could park in the garage for safety and have guests park in the driveway. Secondly going out a few extra feet would mean less work in making the bathroom legal. The had added a step up so if I had to extend inwards, there would be huge expense in demolishing the work they had done, moving plumbing around etc. It's a simpler job to extend the garage out plus permit the bathroom and make it legal.

In real life, having one bathroom is not practical. Case and point. I came home from a trip this week and the master bath toilet overflowed and I had to shut off the water until a plumber could come out the next day. Without a 2nd bathroom, I would have been in a lot of trouble.

The front fence. As I mentioned earlier, when I walked into the house I fell in love with the little private yard in the front. I had no idea that this wasn't allowed or needed permitting. No one in the sales process advised me of this regulation. All around Sonoma, there are high fences. We have a few here to show. In fact we counted 30 plus. Even to this day, there are new properties going up and higher

fences being allowed. I probably wouldn't have bought the house had I know I was required to take it down. My house is near the end of the street. It's beautifully maintained. It's been this way for over 15 years I was told and the neighbors don't mind.

In addition, our street is filled with little kids who ride their bikes and play right outside my yard. This Sunday morning it was 8 am and they were already at it. My bedroom is right by the road, and this affords me privacy and dulls the sound somewhat.

Lastly the pergola in the front. Another reason why I bought the house - the beautiful pergola with Bougainvilleas which were planted many years ago. I was not aware that this was illegal either. Nor did anyone know that was until I submitted plans to Dave Goodison in the planning department. Again. I wouldn't have bought the house had I known I would have to remove it. Dave tells me that this has to go and there's no way around it. While this saddens me from the aesthetic and cost to remove, having a workable garage where I can park my car, makes this palatable at least.

I live my life with the principles of honesty, respect, kindness, fairness and integrity. I visited Sonoma for years, every year, and it was my dream to afford and buy a house here one day. I had worked for the County of Napa in 1996 as a consultant implementing their new finance systems and started coming out since then. I made that dream come true and this is where I plan to retire. It's my little bit of peace as it is.

Thank you for reading my story and I appreciate your time and the job you do in keeping us honest here.

Sincerely

Belinda Rodman

9/28/15

Planning Commission

David Goodison

Sonoma, CA 95476

My name is Bari Williams, I am a real estate agent at Pacific Union in town. I represented Belinda Rodman in the sale of her home on Brockman lane, and also to purchase the said property at 341 Nicoli Way.

We learned of the unpermitted second bathroom and the portion of the garage that was used to create the bathroom/laundry space in the seller's disclosures, prior to writing our offer. The listing agent had all potential buyers sign off on the sellers disclosures and to accompany them with the offer.

After closing escrow, my clients every intention was to legalize the space, and hopefully add on another bedroom on the east side of the property. She engaged Jon Magiantini as her contractor for the project.

Once Ms Rodman and Magiantini Construction submitted her plans to the planning department, she was told by Dave Goodison that the covered parking pergola had to go, and that the pony wall partial fence in front of her bedroom is also illegal.

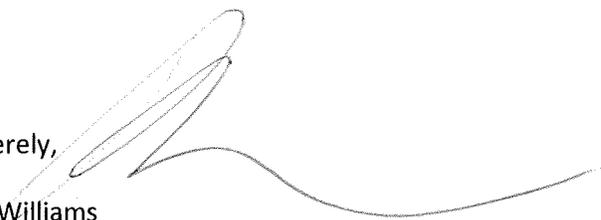
There was absolutely no disclosure stating that these two important aesthetic pieces were illegal from the seller of Nicoli. As an agent in town for almost 20 years, I have always understood that the city requires a covered parking if a garage is converted, and or taken away. This pergola and carport did not raise any red flags for me, for that very reason. Certainly the fence did not either. It seemed to qualify with the setbacks of the city, and not being a complete fence, the height did not concern me either.

In fact, I have enclosed pictures of several similar fences all within city limits that you can witness all over town. They are literally everywhere. Belinda's bedroom is right up on the street, and being a single lady she would like the section of fence to remain for privacy. As for the carport, this is also a necessity for her, and creates an ambiance for the curb appeal that she really responded to when seeing the property, as well as covered parking for her car.

Please consider her appeal to the City of Sonoma to allow her to keep her fence and covered parking.

Sincerely,

Bari Williams



Williams, Bari

From: Williams, Bari
Sent: Tuesday, September 29, 2015 10:35 AM
To: Williams, Bari



Bari Williams
Luxury Property Specialist

Pacific Union | Christie's International Real Estate
[135 West Napa Street, Suite #200 ~](#)
[Sonoma, CA 95476](#)
[707.738.9709](#) Direct | [707.934.2321](#) Office
License # [01263855](#)
[BariWilliams.com](#)

*Subject
Property*

Williams, Bari

From: Williams, Bari
Sent: Tuesday, September 29, 2015 10:33 AM
To: Williams, Bari



Bari Williams
Luxury Property Specialist

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Williams, Bari

From: Williams, Bari
Sent: Tuesday, September 29, 2015 10:37 AM
To: Williams, Bari



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Sent: Tuesday, September 29, 2015 10:40 AM
To: Williams, Bari



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Agent Detail with Addl Pics Report

Listings as of 09/29/15 at 12:34pm

Sold 07/07/15	Listing # 21514295	341 Nicoli Ln Sonoma, CA 95476-6824	Listing Price: \$625,000
County: Sonoma		Cross St: 4th St West	Original Price: \$625,000

	Property Type	Residential	Property Subtype	Single Family
	Area	Sonoma	Approx Square Feet	990 Not Verified
	Beds	3	Price/Sq Ft	\$615.15
	Baths(FH)	2 (2 0)	Lot Sq Ft (approx)	5663
	Year Built	1956	Lot Acres (approx)	0.1300
	APN	018-392-021		
	Occupant	Owner		
	DOM/CDOM	15/15		





Directions From West MacArthur turn onto 4th St West & then right onto Nicoli Lane

Marketing Remarks Cool mid-century, ranch style home just blocks from Sonoma Plaza w/ it's great restaurants, wonderful shopping & acclaimed wineries. This well appointed home boasts 3 beds, 2 baths, an open LR/Kitchen, utility room, indoor fireplace for the cozy winter evenings and an outdoor hot-tub. The big & sunny south facing garden is large enough to add a pool. New wood floors & fireplace redone. Architectural plans for expansion available. Don't miss it!

Agent-Only Rmrks OFFERS DUE Wed June 24th Call/text Vikki Hoven for showing and offer instructions. 415-794-0416 Offers MUST be submitted with fully signed disclosure package, pre-approval letter and proof of funds. Please note shower and utility room off garage are unwarranted. Architectural plans for expansion available.

Listing Agent Vikki Hoven (ID:806491) Primary:415-794-0416 Secondary:415-552-9500 Other:415-794-0416, FAX: 415-552-9912
Listing Office Zephyr Real Estate (ID:ZEPH) Phone: 415-552-9500, FAX: 415-552-9912
Listing Type Exclusive Right **Listing Date** 06/12/15

Commission 2.5 **Dual Var CommNo**

Pending Date 07/01/15 **Estimated Selling Date**

Sold Price 609,000 **Selling Date** 07/07/15
Original Price 625,000 **SP % OP** 97.44
Selling Agent Bari Williams (ID: B314399) Phone: 707-939-9500 **Selling Office** Pacific Union International (ID: BPUR01) Phone: 707-939-9500
Selling Co-Agent **Selling Co-Office**
Financing Cash (No Loan) **Selling Comments**

Selling Information

Multiple Offers Y/N Yes **Number of Offers** 3
Sales Concessions Yes **Concess.Total Amt** \$1.00
Concess.Description one week free rent back to seller **New Construct/Resale** Resale
Probate Sale No **City Transfer Tax** Yes
Senior No **Construct/Condition** Completed
Year Built Source Realist Public Rec

2nd Unit Information

2nd Unit on Lot No

General Information

Common Int Dev No **Planned Unit Develop** No
HOA No **TIC** No
Occupant Name Contact Listing Agent **Occupant Phone** 415-794-0416
Address on Internet Full

Features

Attach/Detach Home Detached **Stories/Levels** 1 Story
Style Ranch **Construction Type** Unknown
Exterior Stucco **Main Level** Bath(s), Bedroom(s), Dining Room, Garage, Living Room, Master Suite(s), Street Entrance, Kitchen
Floors Wood **Fireplace** Yes
Fireplace(s) 1 Fireplace **Spa/HotTub Y/N** Yes
Pool No **#Garage Spaces** 1
#Carport Spaces 1 **Gar/Prk** 1 Car
Other Rooms None **Heat/Cool** Central Air, Fireplace(s)
Laundry/Appliance In Laundry Room **Other Structures** None
Lot Description City **Fencing** Wood Board
Water Source Water Public **Sewer/Septic** Sewer Public
Utilities City **Sale Conditions** None
Possession Close Escrow, Negotiable **Showing** Contact List Agent, See Confidential Rmk
Lockbox Location Lockbox See Conf Rmk

Presented By: Bari Williams Lic: 01263855 / Pacific Union International Phone: 707-939-9500 Office Lic.: 01866771

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 U.S. Patent 6,910,045

M E M O

To: Planning Commission

From: David Goodison, Planning Director

Re: Study session on a multi-family development proposed for 870 Broadway

Background

In October and November of 2014, the Planning Commission conducted study sessions on a mixed-use proposal addressing the properties located at 870 Broadway and 899 Broadway. The initial development concept envisioned a 36-room hotel, a food-oriented commercial component, and 15 apartment units, on-site parking areas at 870 Broadway, with an off-site parking lot at 899 Broadway operated with a valet service. The service station on the 899 Broadway site was proposed to be retained. In response to concerns raised regarding the use of the 899 Broadway site as a parking lot, the adequacy of parking provided, and the practicality of the valet service, a revised proposal was presented. In this alternative, the 870 Broadway site would have been developed with 20 townhomes and an expanded culinary promenade, with seven live-work units above. The hotel component was eliminated. The 899 Broadway site would have been redeveloped with 10 townhomes and a small retail space. This proposal, too, provoked significant concerns regarding building mass, intensity of use, parking adequacy, and conformance with the design guidelines for the Broadway Corridor. In light of these concerns, the property owner decided to re-think the approach to the site and gather a new development team. This group has taken a different approach to the redevelopment of the property, which is the subject of this latest study session.

Property Description and Environs

The proposed project, now known as MacArthur Court, is proposed for a 1.86-acre site located at the northeast corner of Broadway and MacArthur Street. (The 899 Broadway site is no longer envisioned as part of the project.) This square-shaped site is comprised of two parcels with frontage on Broadway and East MacArthur Street. The site had been used for auto sales, rentals, and repairs since 1925, but that use closed approximately three years ago. Development on the property currently consists of a 6,000 square-foot auto showroom, a 3,000 square-foot building with the appearance of barn that had been used for storage and as an automotive paint shop, and a 1,000 square-foot wood-framed garage building. Large areas of the site have been paved for use as vehicle display areas and storage. Adjoining uses include a mixed-use development to the north (offices and apartments), a single-family residence and an open space preserve to the east, a hotel development to the south, and apartments and commercial development to the west (across Broadway). The site has a General Plan land use designation of Mixed Use and a corresponding Mixed Use zoning designation. In addition, both sites are located within the Historic Overlay zone. The northeast corner of 870 Broadway lies within a creek setback area associated with Nathanson Creek.

Revised Development Concept

The proposal envisions the redevelopment of 870 Broadway site with 26 multi-family residences. No commercial component is proposed and the 899 Broadway site is no longer part of the project. The conceptual development plan calls for 26 units divided between 11 “house” units and 15 “townhouse” units. Each type includes three floor plan variations, for a total of six floor plans. The units would be grouped in six clusters arranged along the edges of the site, with a seventh cluster at the center of the property. The northeast corner of the site, which lies within a creek setback, would be used as a common space area. A breakdown of the unit mix is set forth below, with additional details provided in the attached site plan, floor plans, and elevations.

Mix of Unit Types				
Unit Type	# of Units	Area (sq. ft.)	# of Bedrooms	% of Total
House 1A	3	2,820	3	12%
House 1B	5	3,350	3	19%
House 2	3	2,700	3	12%
Townhouse A	10	2,500	3	38%
Townhouse B	2	2,050	2	8%
Townhouse C	3	1,800	2	10%

As shown on the table, unit sizes (including garage area) range from 1,800 square feet to 3,350 square feet, with 50% of total units at 2,500-2,700 square feet in area. The townhouse units all feature tuck-under garages. While these are effectively 3-story units, they are designed to read as being two-story. The “house” units have ground-level garages. House plans 1A and 2 are two-story structures, while House plan 1B includes a third-story element.

A network of interior sidewalks would allow pedestrian circulation throughout the site. For vehicular circulation, two main access driveways are proposed, one on Broadway and one on East MacArthur Street. (Two units on East MacArthur Street would be served by separate driveways.) These access points would be connected with internal private drives, including a landscaped parking court. Each unit would have a one or two-car garage and ten of the units would have driveway aprons that could support parking. In addition, a six-stall guest parking area is proposed off of the East MacArthur Street entrance and a handicapped accessible stall is provided.

In order to accommodate the proposed development, all of the structures on the site would be demolished.

General Plan Policies

As noted above, the site has a land use designation of “Mixed Use,” a designation intended to accommodate uses that provide a transition between commercial and residential districts, to promote a pedestrian presence in adjacent commercial areas, and to provide neighborhood commercial services to adjacent residential areas. The designation allows a density up to 20 residential units per acre. Although the proposed multi-family use is consistent with the Mixed Use land use designation, there are General Plan policy issues that will need to be considered in the review of this development, especially those related to design compatibility and traffic issues.

Design Guidelines for the Broadway Corridor

In addition to quantified zoning requirements regarding setbacks, coverage, Floor Area Ratio limitations, and so forth, the Development Code sets forth design guidelines tailored to each Planning Area. Within the Broadway Corridor, key guidelines applicable to the proposed development are as follows:

- Buildings should reinforce the scale, massing, proportions and detailing established by other significant historic buildings in the vicinity.
- The massing of larger buildings should be broken down to an appropriate scale through the use of breaks in the facade.
- Architectural styles and details that reflect the Sonoma vernacular should be used. The use of durable, high quality materials is encouraged.
- Site design and architectural features that contribute to pedestrian comfort and interest, such as awnings, recessed entrances, and alleys, are encouraged.
- Building types, architectural details and signs having a generic or corporate appearance are strongly discouraged.

While the site plan and elevations are conceptual, they provide a basis for evaluating consistency relative to many of the guidelines, as discussed below.

Issues

The following issues have been highlighted by staff in order to generate discussion and feedback as part of the study session on the project. However, it is not intended as a complete list of the issues that that will need to be evaluated in the course of the planning process, nor should it preclude discussion of other topics of interest to the Planning Commission or interested members of the public.

Use and Density. The revised proposal is 100% residential, which is allowed for in the Mixed Use zone. The proposed density is 14 units per acre, which is below the maximum of 20 units per acre allowed for in the district.

Floor Area and Coverage. The maximum FAR in the MX zone is 1.0. The project would result in a FAR of 0.81. The maximum coverage in the MX zone is 60% of the total lot area. While a coverage calculation has not been performed, this standard is certainly met.

Setbacks: The setback standards of the Mixed Use zone are met.

Height and Mass. Building heights range from 20 feet, 30 feet, and 34 feet. The maximum building height in the Mixed Use zone is normally 30 feet, except that a height of 36 feet may be allowed in order to accommodate third-floor multi-family residential development. However, this allowance is at the discretion of the Planning Commission. In previous the review of previous alternatives, the Planning Commission expressed concern about the height and massing of various building elements. In this proposal, building mass overall has been significantly reduced. In addition, the units along the Broadway and MacArthur frontages would all read as

two-story structures (despite having tucked-under garages). However, the Planning Commission still needs to consider whether the project is in scale with the area.

Inclusionary Units. Under the Development Code, 20% of the units within residential developments having five or more units must be designated as affordable housing at the low or moderate income level. Accordingly, five affordable units would be required of the project.

Design and Visual Compatibility. As discussed above, the Development Code sets forth a number of design directions for new development in the Broadway Planning Area against which this project will need to be evaluated. To begin with overall site planning, the clustering and arrangement of units is intended to break down the mass of the building area to a scale that fits the site and is compatible with its surroundings. The creek setback/floodway area is preserved and used as a landscaped amenity for the residences. All elements of the site are well-connected with pedestrian paths. More generally, staff would note that moving to a purely residential development concept creates a number of advantages. Potential incompatibilities between uses are avoided, site circulation is easier to plan for, and the intensity of use is greatly reduced.

With respect to architecture, the Development Code neither mandates nor prohibits specific architectural styles, in part because a wide variety of styles exist in Sonoma. However, the Development Code does suggest that new development make use of the “Sonoma vernacular”, meaning that there should be local and preferably historic references to be found in the architectural approach. The proposed architectural concept may be described as farmhouse-style, with wooden siding and gable roofs, echoing the nearby MacArthur Place hotel/spa. In staff’s view, the project does a good job of addressing the Broadway and East MacArthur Street frontages. Along Broadway, the townhouse types are used. These units all feature raised front porches, which helps them read as two-story units and provides a sense of separation from the sidewalk. The porches, recessed entries, and variations in setbacks and building height help reduce mass, as does the separation between the unit clusters (30 and 38 feet). The 1B house plan, which includes a third-story element, is only used in the interior of the site.

Range of Unit Sizes. 20% of the units would have an area of 2,050 square feet or less, 50% range from 2,500 – 2,700, and 30% range from 2,820 – 3,500. Staff would note that even the smaller units within the project are relative large. The Planning Commission needs to provide early direction on the range of units sizes and the overall mix of unit types.

Open Space: The townhouse units fronting on Broadway and East MacArthur Street would have limited open space, essentially consisting of decks. These units all have front yards, but staff would not want to see these areas walled off, as the development needs to engage the street. While a relatively large common open space area would be provided at the northeast corner of the site, consideration should be given to improving this condition.

Cultural Resources. The 870 Broadway site has an interesting history dating back to 1864 when it was developed as college that later served as Sonoma’s first public high school. However, through the conversion of the site to auto sales in the 1920’s, the structures associated with the school use were either torn down or substantially modified. A cultural resources analysis commissioned by the former property owner concluded that the buildings on the site are not historically significant. However, this evaluation will need to be independently assessed as part

of the environmental review of the proposed project. In addition, it will be necessary to verify that the service station at 899 Broadway (built in 1962) is not historically significant, since it is now proposed to be removed.

Circulation and Parking. The project is located on Highway 12 adjoining a busy, signalized intersection. Given these circumstances, traffic issues will need to be carefully evaluated, to include consultation with Caltrans. That said, by moving to a purely residential development, traffic generation is greatly reduced in comparison to the previous alternatives. With regard to parking, the total number of spaces provided exceeds the parking standards set forth in the Development Code. However, compliance with parking requirements will need to be explored in greater depth and there are some issues that are already apparent. For example, back-up distances are tight, especially with regard to the guest parking area. In addition, the amount of guest parking provided is rather limited. Staff would also note that a relatively large area of the site is devoted to private drives and that consideration should be given to improving the efficiency of site circulation.

Operational Issues: Garbage/recycling storage and pick-up need needs to be addressed.

Stormwater. Addressing storm water retention and filtration requirements can be a challenging issue. An engineering proposal will need to be developed and analyzed as part of the planning review process, to include a preliminary grading and drainage plan.

Utilities. The adequacy of water and sewer availability will need to be confirmed as part of the environmental review process. A water demand analysis, prepared by a qualified engineer, will need to be provided.

Recommendation

The applicants are before the Planning Commission in a study session in order to obtain feedback from the Commission and comments from the public at the earliest stage of the review process. Staff recommends that the Planning Commission provide direction to the applicant on the issues identified in the staff report and any other issues identified through Commission discussion or public comment.

Attachments

1. Location Map
2. Project Narrative/Site Plan/Floor Plans/Elevations

870 BROADWAY

SONOMA, CALIFORNIA

PROJECT TEAM

DEVELOPER
OLYMPIC RESIDENTIAL GROUP
618 WALNUT ST.
SUITE 201
SAN CARLOS, CA 94070
P: 650.486.1907

ARCHITECT
SEIDEL ARCHITECTS
545 SANSOME ST.
SUITE 901
SAN FRANCISCO, CA 94111
P: 415.397.5535

CIVIL ENGINEER
ADOBE ASSOCIATES, INC.
1220 NORTH DUTTON AVE.
SANTA ROSA, CA 95401
P: 707.541.2300

DRAWING INDEX

- A0.0 PROJECT INFO
- A1.0 CONCEPTUAL SITE PLAN
- A2.1 CONCEPTUAL BROADWAY STREETSCAPE
- A2.2 CONCEPTUAL ELEVATIONS
- A3.0 CONCEPTUAL UNIT PLANS

PROJECT INFORMATION

ZONING: MU DISTRICT
LOT AREA: ± 1.86 ACRES
APN: 018-412-025
018-412-030
DUA: 13.98 DU/ACRE

PROJECT NARRATIVE

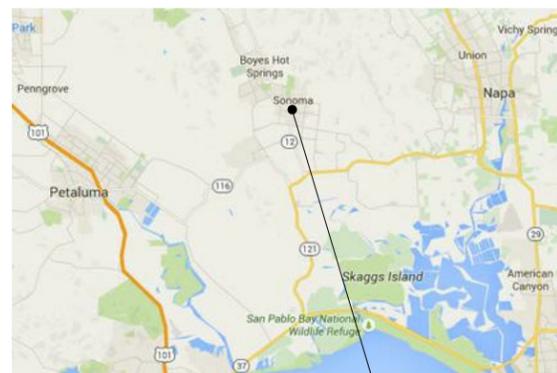
MacArthur and Broadway is planned as a residential community of townhouses and residences. The townhouses will front onto Broadway and MacArthur, and have porches, bay windows and stoop entries. Lanes behind them will provide access to the garages. The exterior material will be wood. Broad gabled roofs with overhanging eaves tie the architectural character to a number of the older homes along Broadway, a number of which have been converted to commercial uses. The intent is to create a more continuous and appropriate urban design character on Broadway, where there is now a gap created by paved parking lots and obsolete commercial structures.

Four of the townhouses will be designed as affordable; three of which will be fully accessible.

The eastern portion of the site is planned as larger 3 bedroom homes grouped around an intimate courtyard that also provides vehicular access. Most of the houses are two story. Four of the houses have a third loft level. The wood clad gabled houses each have a front entry porch, as well as a backyard. There is also typically a second floor roof terrace above the garage.

Nathanson Creek is located at the Northeast corner of the site. Adjacent to the creek, an outdoor amenity is proposed to be shared in common by the homeowners. Preliminary ideas for the development of this area include native planting and treatment of the creek bank and space for outdoor cooking and socializing. The development and design team are very interested in coordinating the eastern side of the property with the adjacent parcel owned by the City of Sonoma which is in the process of being positioned as a permanent open space resource.

AREA MAP



PROJECT SITE

VICINITY MAP



PROJECT SITE

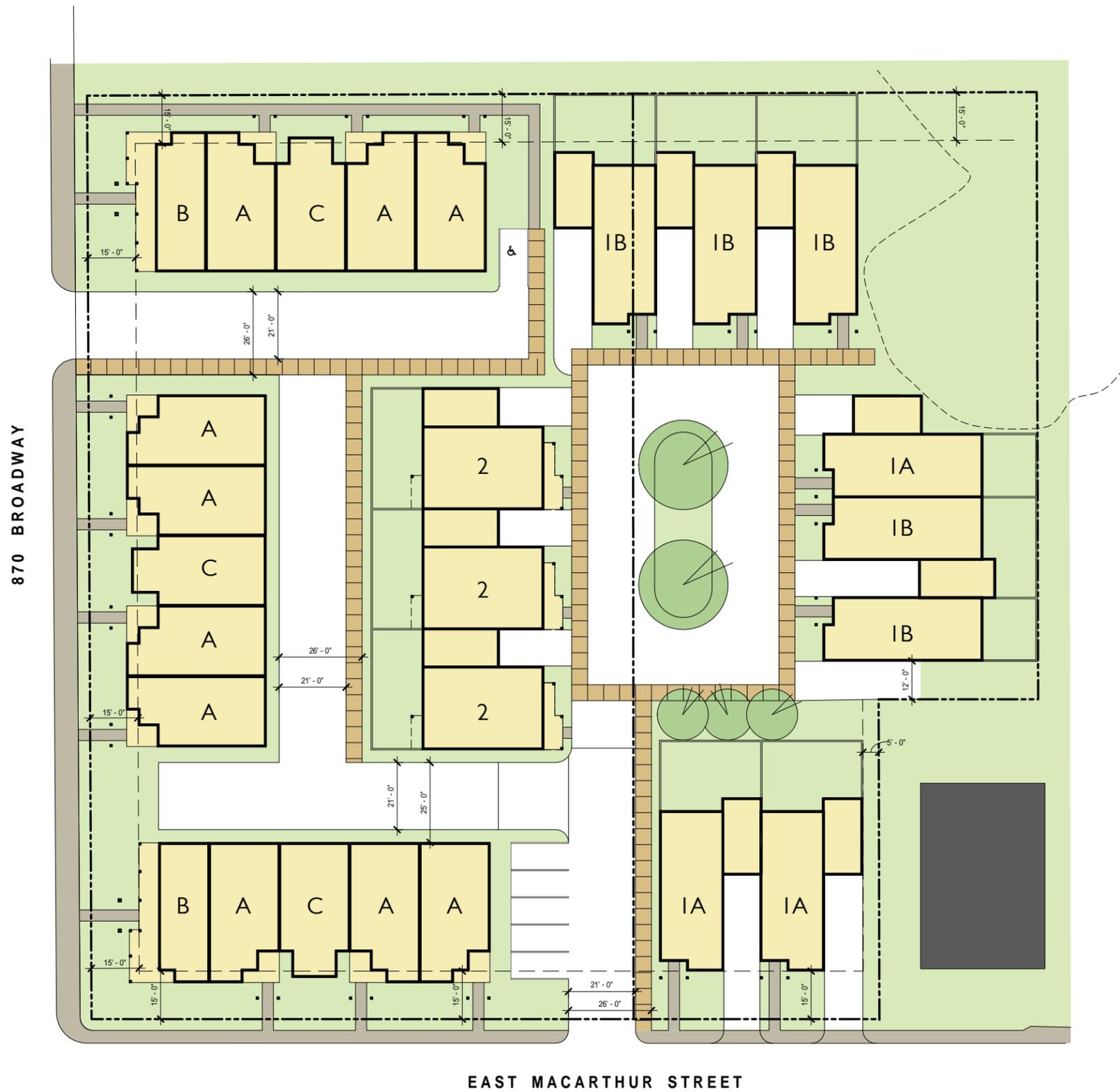
CONCEPTUAL PROJECT TABULATION

	UNIT #	UNIT MIX %	GSP*		BEDROOMS	
			PER UNIT	TOTAL	PER UNIT	TOTAL
House Plan 1A	3	12%	2,820	8,460	3	9
House Plan 1B	5	19%	3,350	16,750	3	15
House Plan 2	3	12%	2,700	8,100	3	9
Townhouse A	10	38%	2,500	25,000	3	30
Townhouse B	2	8%	2,050	4,100	2	4
Townhouse C	3	12%	1,800	5,400	2	6
Totals	26	100%		67,810		73

*GROSS SQUARE FOOTAGE IS MEASURED FROM OUTSIDE FACE OF EXTERIOR WALLS, CENTERLINE OF PARTY WALLS, AND INCLUDES GARAGE AREA.

	COVERED PARKING PROVIDED	UNCOVERED PARKING PROVIDED
House Plan 1A	3	3
House Plan 1B	4	6
House Plan 2	3	3
Totals	10	12
	22	
	2.0 SPACE / UNIT	

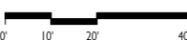
	COVERED PARKING PROVIDED	UNCOVERED PARKING PROVIDED
Townhouse A	20	
Townhouse B	2	
Townhouse C	3	
Unassigned		6
Totals	25	6
	31	
	2.06 SPACE / UNIT	



SITE PLAN

EAST MACARTHUR STREET

870 BROADWAY





BROADWAY STREETSCAPE





HOUSE 1A / 1B / 2

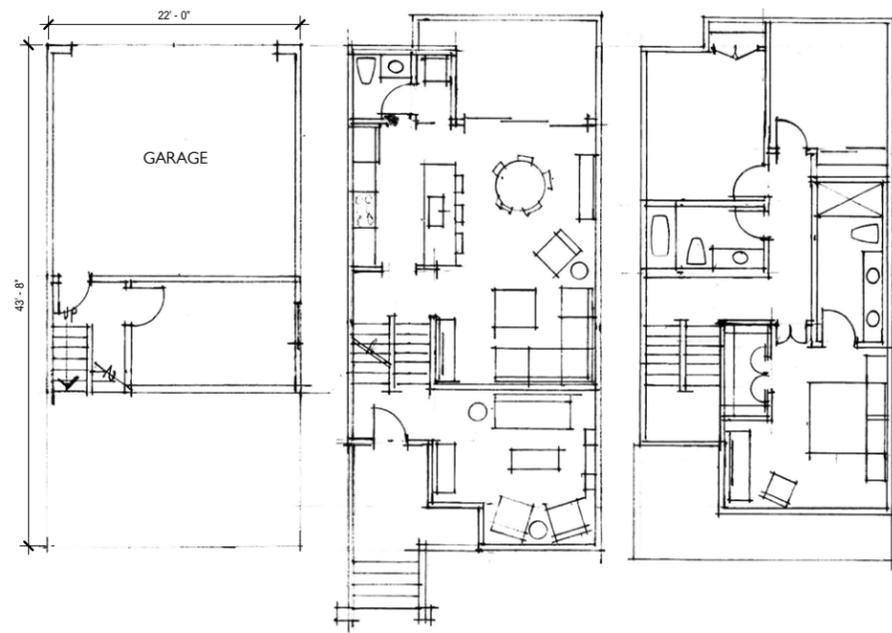


TOWNHOUSE A / A / C / A / A



TOWNHOUSE B

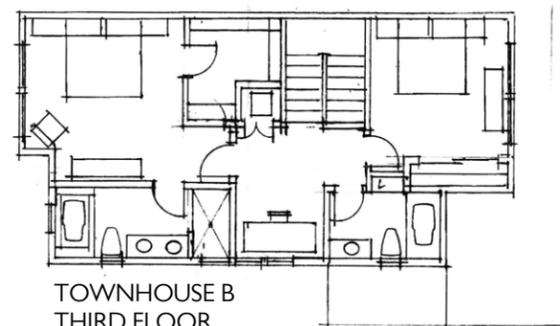




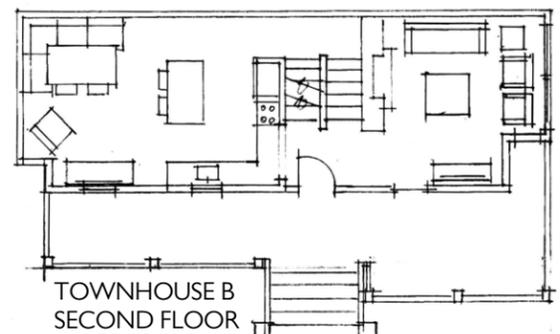
TOWNHOUSE A
FIRST FLOOR

TOWNHOUSE A
SECOND FLOOR

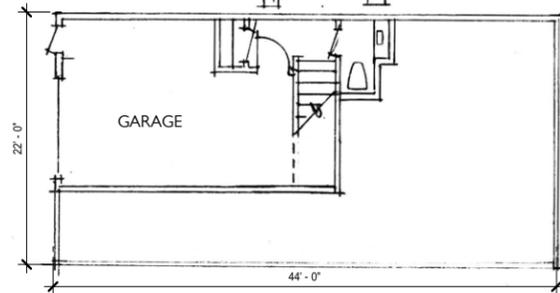
TOWNHOUSE A
THIRD FLOOR



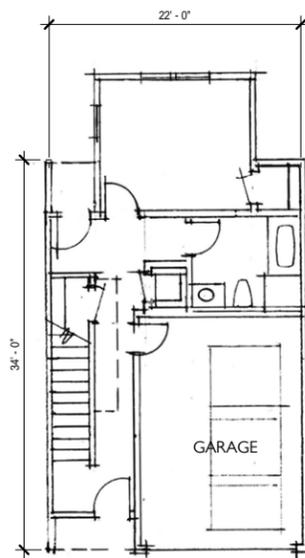
TOWNHOUSE B
THIRD FLOOR



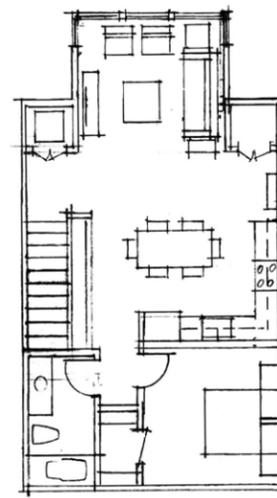
TOWNHOUSE B
SECOND FLOOR



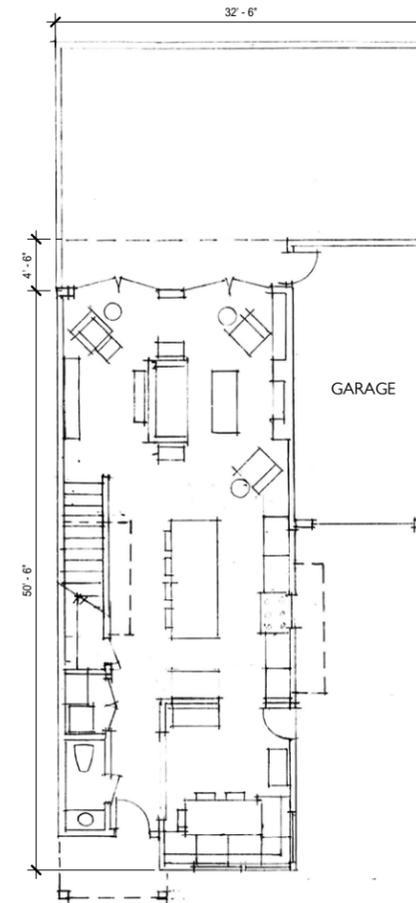
TOWNHOUSE B
FIRST FLOOR



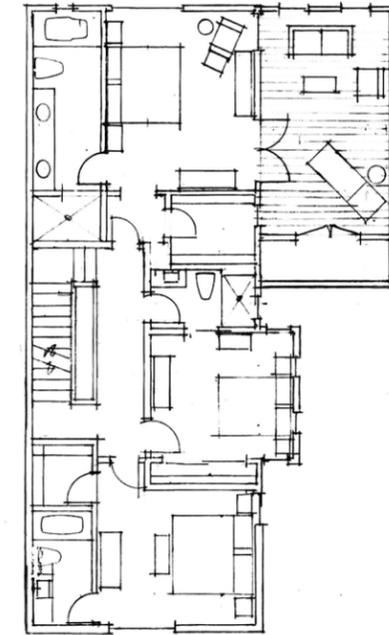
TOWNHOUSE C
FIRST FLOOR



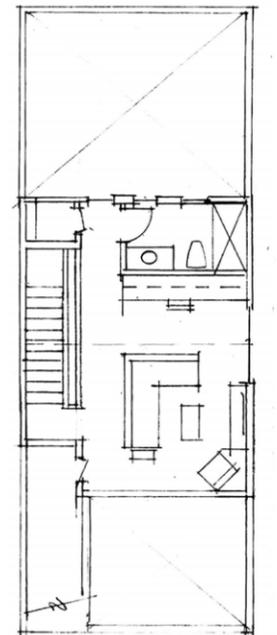
TOWNHOUSE C
SECOND FLOOR



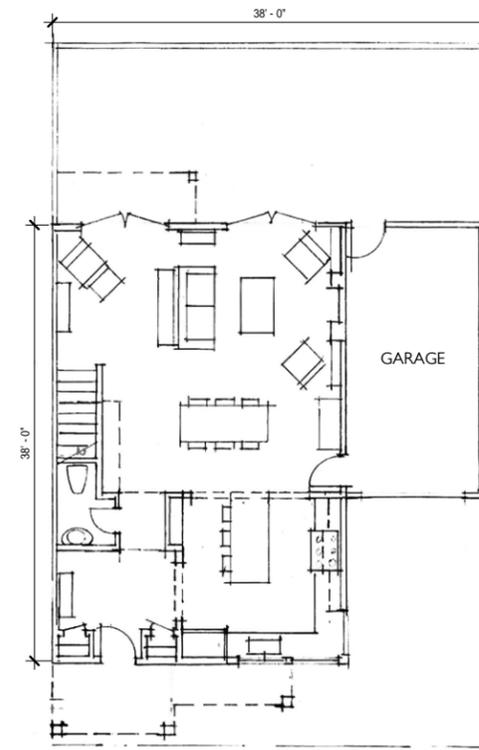
HOUSE PLAN IA & IB
FIRST FLOOR



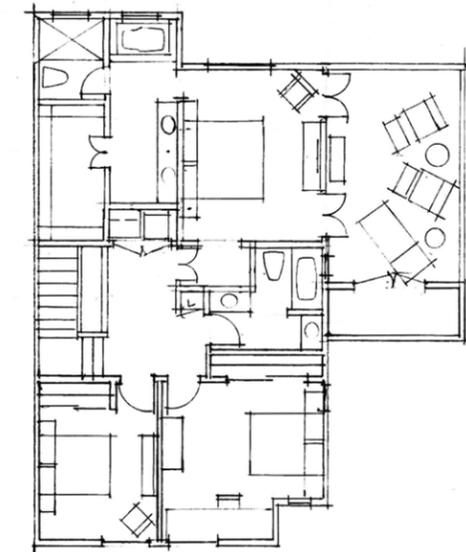
HOUSE PLAN IA & IB
SECOND FLOOR



HOUSE PLAN IB
THIRD FLOOR
(OMITTED AT IA)



HOUSE PLAN 2
FIRST FLOOR



HOUSE PLAN 2
SECOND FLOOR

