



## City of Sonoma Planning Commission **AGENDA**

Regular Meeting of March 10, 2016 -- 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.

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**CALL TO ORDER** – Chair, Robert Felder

Commissioners: Michael Coleman  
James Cribb  
Mark Heneveld  
Chip Roberson  
Ron Wellander  
Bill Willers  
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.

### CORRESPONDENCE

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#### ITEM #1 – PUBLIC HEARING

**REQUEST:**

Consideration of an Exception to the Floor Area Ratio (FAR) standards to construct a residence and related accessory structures/uses on a vacant 2-acre property.

**Applicant/Property Owner:**

Josef and Jessica Cuneo

**Staff:** Wendy Atkins

**Project Location:**

579 Lovall Valley Road

**General Plan Designation:**

Agriculture (A)

**Zoning:**

**Planning Area:** Northeast Area

**Base:** Agriculture (A)

**Overlay:** None

**RECOMMENDED ACTION:**

Withdrawn by applicant.

**CEQA Status:**

Categorically Exempt

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#### ITEM #2 – PUBLIC HEARING

**REQUEST:**

Consideration of a Music Venue License change of ownership for Sonoma Speakeasy and American Music Hall.

**Applicant/Property Owner:**

Jodi Stevens/Lea Rubin

**Staff:** Rob Gjestland

**Project Location:**

452 First Street East, Suite G

**General Plan Designation:**

Commercial (C)

**Zoning:**

**Planning Area:** Downtown District

**Base:** Commercial (C)

**Overlay:** Historic (/H)

**RECOMMENDED ACTION:**

Approve with conditions.

**CEQA Status:**

Categorically Exempt

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**ITEM #3 – PUBLIC HEARING****REQUEST:**

Consideration of 1) a Use Permit to convert part of an existing detached garage and workshop into guestrooms/residential use; and 2) an Exception from the front yard setback standard for a new pool house.

**Applicant/Property Owner:**

Glenn Ikemoto

**Project Location:**

314 and 324 Second Street East

**General Plan Designation:**

Medium Density Residential (MR)

**Zoning:**

**Planning Area:** Northeast Area

**Base:**

Medium Density Residential (R-M)

**Overlay:** Historic (/H)

**RECOMMENDED ACTION:**

Approve with conditions.

**CEQA Status:**

Categorically Exempt

**Staff:** Rob Gjestland

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**ITEM #4 – PUBLIC HEARING****ISSUE:**

Consideration of Development Code amendments updating provisions related to affordable housing and clarifying provisions related to the Mixed Use zone and Planned Developments.

**Staff:** David Goodison

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**ITEM #5 – DISCUSSION****ISSUE:**

Discussion of Affordable Housing Overlay zone and related concepts.

**Staff:** David Goodison

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**ITEM #6 – DISCUSSION****ISSUE:**

Review of draft Circulation Element update: revised policies.

**Staff:** David Goodison

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**ITEM #7 – DISCUSSION****ISSUE:**

Continued discussion of the parameters and conduct of study sessions.

**Staff:** David Goodison

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**RECOMMENDED ACTION:**

Forward to City Council, with recommendations.

**CEQA Status:**

Categorically Exempt

**RECOMMENDED ACTION:**

Discuss and provide direction.

**CEQA Status:**

Not applicable

**RECOMMENDED ACTION:**

Discuss and provide direction.

**CEQA Status:**

Not applicable

**RECOMMENDED ACTION:**

Discuss.

**CEQA Status:**

Not applicable

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**ISSUES UPDATE****COMMENTS FROM THE COMMISSION****COMMENTS FROM THE AUDIENCE****ADJOURNMENT**

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on March 4, 2016.

CRISTINA MORRIS, ADMINISTRATIVE ASSISTANT

**Rights of Appeal: Any decision of the Planning Commission may be appealed to the City Council.** Appeals must be filed with the City Clerk within fifteen (15) calendar days following the Planning Commission's decision, unless the fifteenth day falls on a weekend or a holiday, in which case the appeal period ends at the close of the next working day at City Hall. Appeals must be made in writing and must clearly state the reason for the appeal. Appeals will be set for hearing before the City Council on the earliest available agenda. A fee is charged for appeals.

*Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Monday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA, (707) 938-3681. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Planning Commission regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the Administrative Assistant office, No. 1 The Plaza, Sonoma CA during regular business hours.*

*If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the Administrative Assistant, at or prior to the public hearing.*

*In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

**Agenda Item Title:** Application of Jodi Stevens to change ownership of the Music Venue License for Sonoma Speakeasy and American Music Hall.

**Applicant/Owner:** Jodi Stevens/Robert Ryan

**Site Address/Location:** 452 First Street East, Suite G

**Staff Contact:** Rob Gjestland, Senior Planner  
Staff Report Prepared: 3/4/16

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**PROJECT SUMMARY**

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**Description:** Application of Jodi Stevens to change ownership of the Music Venue License for Sonoma Speakeasy and American Music Hall at 452 First Street East, Suite G.

**General Plan Designation:** Commercial (C)

**Zoning:** **Base:** Commercial (C) **Overlay:** Historic

**Site Characteristics:** The subject property is a commercial condominium located within the Mercato shopping center off First Street East opposite the Plaza. Suite G is a 550-square foot unit with small courtyard located on the south side of the complex at the end of an alley running between The Chocolate Cow and La Salette Restaurant. The parking lot serving the complex is located east of the shopping center.

**Surrounding Land Use/Zoning:**

**North:** Other commercial units/businesses within the Mercato, including The Chocolate Cow, Footcandy Shoes, Angelique Clothing, and La Salette Restaurant/Commercial

**South:** Commercial businesses within the Place des Pyrenees, including Basque Boulangerie Cafe and Murphy’s Irish Pub/Commercial

**East:** Walled outdoor storage area for La Salette Restaurant, with Mercato parking lot beyond /Commercial

**West:** Other commercial units/businesses within the Mercato, including an office space/Commercial

**Environmental Review:**

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

**Staff Recommendation:** Approve subject to conditions.

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## **PROJECT ANALYSIS**

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### **BACKGROUND**

A wine tasting room operated in this suite for several years, first as Jonathon Smith Cellars and then Erik K. James Vineyards. In November 2012, the Planning Commission approved a Music Venue License for the tasting room to have evening jazz performances. Subsequently, in February 2015, the Planning Commission approved a Use Permit for a beer and wine bar (operating under a Type 42 ABC license), in conjunction with modifications to the Music Venue License to allow a broader entertainment venue known as Sonoma Speakeasy and American Music Hall. A change in ownership of the Music Venue License from Robert Ryan, the current license holder, to Jodi Stevens is now proposed.

### **DETAILED PROJECT DESCRIPTION**

The application requests a change in ownership of the Music Venue License for Sonoma Speakeasy and American Music Hall from Robert Ryan, the current license holder, to Jodi Stevens (the business is also being sold). No other changes to business operations or the music venue are proposed. Under the approved Use Permit, hours of operation for the beer and wine bar are noon to midnight (12p.m-12a.m.) Monday through Wednesday, and 11a.m. to 1a.m. Thursday through Sunday. Additionally, the Music Venue License allows the following types of music entertainment within the suite:

- Regular amplified performances typically with 3-4 musicians between 6pm and midnight (12a.m.) Thursday through Sunday, and also on Tuesday evenings when the Farmer’s Market is in session.
- Restricted/unplugged performances between noon (12p.m.) and business close daily.

The music venue would continue to focus on unique vintage jazz, rhythm and blues, 1960’s and 1970’s classic rock and roll covers, and New Orleans music with Robert Ryan employed as music director. The new owner and management team would oversee operations, security and music performances consistent with the current management plan and music license limitations as reflected in the draft conditions of approval. The Type 42 ABC License, which allows for the sale of beer and wine but not distilled spirits/liquor, would also be transferred to Jodi Stevens; however that transfer is not subject to review by the Planning Commission or Police Chief. Further details can be found in the attached project narrative.

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

The property is designated Commercial by the General Plan. The Commercial land use designation is intended to provide areas for retail, hotel, service, medical, and office development, in association with apartments and mixed-use developments and necessary public improvements. Music venues are allowed in the corresponding Commercial zone subject to review and approval by the Planning Commission. The proposal does not raise any significant issues in terms of consistency with the General Plan

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

*Use:* The property is located within a Commercial (C) zoning district, which is applied to areas appropriate for a range of commercial land uses including retail, tourist, office, and mixed-uses. Music Venues are allowed in the Commercial zone subject to review and approval of a Music Venue License by the Planning Commission.

*Music License Regulations:* In February 2012, the City Council adopted Ordinance 02-2012, which established regulations and a licensing process for live music venues. In part, the ordinance amended the Development Code to allow music venues in the Commercial, Gateway-Commercial, and Mixed-Use

zones, subject to review and approval of a Music Venue License by the Planning Commission. The purpose of the licensing requirements is to ensure that live music performances are conducted in a manner compatible with adjacent land uses. In contrast to a Use Permit, a Music Venue License:

- Is not an approval that runs with the land.
- Is approved for a specific business/entity/site and must be reconsidered by the Planning Commission with any change of ownership.
- Is subject to reconsideration by the Planning Commission one-year after being exercised and must be renewed annually thereafter.
- May be terminated by the Planning Commission at any time subject to certain findings.

As previously noted, a Music Venue License was initially approved for jazz performances at this location in November 2012 and the Planning Commission subsequently broadened that allowance in February 2015 for Sonoma Speakeasy & American Music Hall. The venue has operated without any complaints or calls for service from the Police Department since its inception. The current application simply requests a change in ownership of the Music Venue License with no other changes.

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

*Noise Ordinance:* Chapter 9.56 of the Sonoma Municipal Code addresses allowable noise levels within the City to control adverse effects on the public. The bar and music venue would continue to be subject to the maximum noise/dba limits set forth in the noise ordinance, which are enforced by the Police Department. This requirement is included the draft conditions of approval.

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

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

**DISCUSSION OF PROJECT ISSUES**

*Change of Ownership:* Pursuant to Section 5.34.090 of the Sonoma Municipal Code, while approval of a new music license is required upon a change in control of the ownership of a Music Venue, such approval shall not be unreasonably withheld by the Planning Commission, as long as the Commission can make the following findings, based on substantial evidence in the record:

- A. There was no pattern of violations associated with the Music Venue as operated by the predecessor business, operator, and/or licensee; and

*There have been no violations, complaints, or Police Department calls for service associated with the Music Venue since its initial approval in 2012.*

- B. No substantial changes are proposed by the proposed, new licensee with respect to: 1) the nature, scale and operating characteristics of the music venue, and 2) the previously-approved management plan, unless those changes are necessary to remedy problems or shortcomings of the previous licensee's management plan and/or operations; and

*No changes are proposed by the new licensee.*

- C. The proposed new licensee possesses the resources, background and qualifications to comply with the previously-approved management plan (as may be amended by the Commission) and this

Chapter; and

*The new licensee is a local musician with a music background and experience working in retail, bars, and restaurants around the Plaza.*

- D. There is no evidence that the proposed new licensee has violated the material terms and conditions of any permit, license or entitlement relevant to the operation of a music venue and previously granted to the proposed new licensee by any public agency.

*Staff is not aware of any such violations by the proposed new licensee.*

*Ongoing Compatibility with Surrounding Uses:* As previously noted, the music venue has operated for the past four years without any complaints or Police Department calls for service, including over the past year as Sonoma Speakeasy and American Music Hall with a Type 42 ABC license. Since the request only involves a change in ownership of the music venue license with no other modifications, staff does not anticipate that this change will adversely impact properties, residents, or businesses in the vicinity. With respect to potential noise impacts, it was noted during previous Planning Commission reviews that the commercial unit is not in close proximity to residential uses, many nearby commercial businesses would be closed at the time of amplified performances, and there are preexisting walls and other building elements that function as sound barriers. In addition, music performances would be strictly indoors and the relatively small size of the room inherently requires moderate volume levels to avoid overwhelming patrons. Lastly, the Music Venue License would also be subject to reevaluation by staff in one year to ensure compatibility and address any issues that could come up.

### **RECOMMENDATION**

Staff recommends approval of a new Music Venue License reflecting the proposed change in ownership, subject to the attached conditions.

### **Attachments**

1. *Findings of Project Approval*
2. *Draft Conditions of Approval for Music Venue License Change of Ownership*
3. *Vicinity Map*
4. *Project Narrative*
5. *Site Plan*
6. *Floor Plan*

cc: Sonoma Speakeasy & American Music Hall  
Attn: Robert Ryan & Jodi Stevens  
452 First Street East, Suite G  
Sonoma, CA 95476

City of Sonoma Planning Commission  
**FINDINGS OF PROJECT APPROVAL**  
Music Venue License – Change of Ownership  
Sonoma Speakeasy & American Music Hall  
452 First Street East, Suite G

March 10, 2016

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:

**Music Venue License Findings**

1. The proposed Music Venue License is consistent with the General Plan and the Development Code (SMC Chapter 19);
2. The nature, scale and operating characteristics of the proposed Music Venue are compatible with the existing and future land uses in the vicinity; and
3. When implemented, the management plan sufficiently assures ongoing compliance with hours of operation, security, noise control, and all other conditions that may be attached to the License.

**Music Venue License – Change of Ownership Findings**

1. There was no pattern of violations associated with the Music Venue as operated by the predecessor business, operator, and/or licensee; and
2. No substantial changes are proposed by the proposed, new licensee with respect to: 1) the nature, scale and operating characteristics of the music venue, and 2) the previously-approved management plan, unless those changes are necessary to remedy problems or shortcomings of the previous licensee's management plan and/or operations; and
3. The proposed new licensee possesses the resources, background and qualifications to comply with the previously-approved management plan (as may be amended by the Commission) and this Chapter; and
4. There is no evidence that the proposed new licensee has violated the material terms and conditions of any permit, license or entitlement relevant to the operation of a music venue and previously granted to the proposed new licensee by any public agency.

City of Sonoma Planning Commission  
**CONDITIONS OF LICENSE APPROVAL**  
Music Venue License – Change of Ownership Change  
Sonoma Speakeasy & American Music Hall  
452 First Street East, Suite G

March 10, 2016

1. The music venue shall operate in conformance with the approved management plan (aka project narrative), except as modified by these conditions.

*Enforcement Responsibility:*      *Planning Department; Police Department*  
*Timing:*                              *Ongoing*

2. Doors shall remain closed to the extent feasible when music is performed within the commercial unit/building. Doors shall not be propped open.

*Enforcement Responsibility:*      *Planning Department; Police Department*  
*Timing:*                              *Ongoing*

3. The outdoor patio shall not be used: 1) during evening music performances involving amplified music, and 2) after 10 p.m. daily.

*Enforcement Responsibility:*      *Planning Department; Police Department*  
*Timing:*                              *Ongoing*

4. The music venue shall operate in compliance with the noise limits and standards of the City's Noise Ordinance.

*Enforcement Responsibility:*      *Planning Department; Police Department*  
*Timing:*                              *Ongoing*

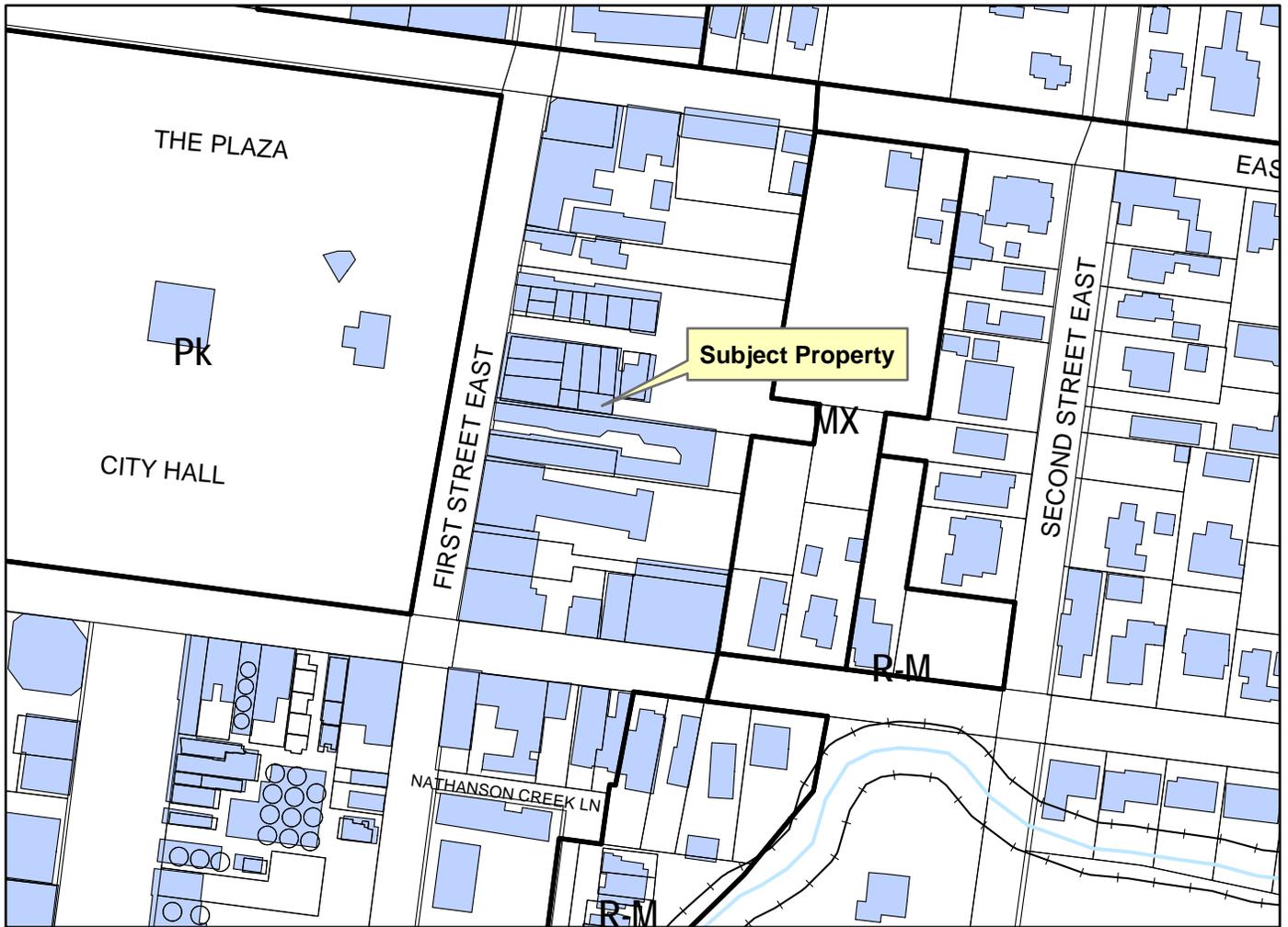
5. Live music performances shall be allowed indoors only within the following timeframes and subject to the following limitations:

- a. Regular amplified performances with up to five (5) musicians shall be allowed between the hours of 6pm and midnight (12a.m.) Thursday through Sunday, and also on Tuesday evenings when the Farmer's Market is in session.
- b. Acoustic/unplugged performances shall be allowed between the hours of noon (12p.m.) and close of business daily.

6. The Music Venue License shall be reevaluated by staff one year after approval/commencement of operation.

*Enforcement Responsibility:*      *Planning Department; Police Department*  
*Timing:*                              *One year after approval/commencement of operation*

# Vicinity Map

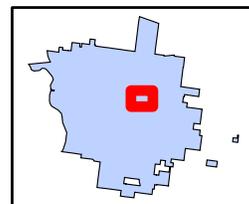


## Zoning Designations

- 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>	Sonoma Speakeasy & American Music Hall Music License Change
<i>Property Address:</i>	452 First St. East, Ste. G
<i>Applicant:</i>	Jodi Stevens/Robert Ryan
<i>Property Owner:</i>	Lea Rubin
<i>General Plan Land Use:</i>	Commercial
<i>Zoning - Base:</i>	Commercial
<i>Zoning - Overlay:</i>	Historic
<i>Summary:</i>	Application to change ownership of the Music Venue License for Sonoma Speakeasy and American Music Hall.



1 inch = 200 feet

## UNIFORM APPLICATION NARRATIVE

Type of Application: Other/Music Venue Transfer

I, Robert W Ryan (O'Maoilriain), am seeking a transfer of my existing Music Permit to Sonoma Resident Jodi Lynn Stevens for Sonoma Speakeasy and American Music Hall located at 452 1<sup>st</sup> STREET EAST, Suite G, Sonoma CA 95476. No new changes are to be made in the current music permit narrative, guidelines or restrictions. With over 1000 shows in the past five years we haven't received any noise complaints or had any police incidents. Sonoma Speakeasy will continue to offer unique vintage Jazz, Rhythm & Blues, New Orleans Music and other cultural vintage music types to our mature local audiences.

### SONOMA POLICE

I have spoken with the Sonoma Police Chief Bret Scheff by phone on January 25<sup>th</sup> 2016 about the transfer of Music Permit and type 42 and he said we didn't need to file anything with his office and that he had no problem with the transfer.

### ABC

I am currently working with the Santa Rosa ABC office to transfer the type 42 license to Jodi Stevens as sole-proprietor. The ABC transfer will begin the 30 day public notice period and ABC transfer process on 2-1-16 and will be complete as soon as 3-1-16.

### LICENSE ADDITIONAL BACKGROUND INFORMATION

A type 42 license is a low alcohol, beer and wine license, which allows the permit holder to sell low alcohol beverages both on (served on premise) and off premise (retailed closed container) including beer, wine, cider, sake, etc. Distilled Spirits or Liquors such as Whiskey, Tequila or Vodka are not allowed to be sold or serve with this type 42 permit. Additionally it does not allow food service or retail beyond small retail bar snacks such as peanuts, chips, etc in repacked, sealed containers. No food preparation or full food service is allowed on premise or by staff.

### TRANSFER APPLICANTS BACKGROUND INFORMATION

Jodi Stevens has been hand selected for her music background, singing talent and interest in vintage and cultural music to continue Sonoma Speakeasy current model as a small, community-oriented, vintage music venue. Jodi lives a few

JAN 25 2016

doors off the plaza and has worked in retail, bars and restaurants around the plaza for 10 plus years. While I have received much higher offers to buy my business from people who are neither long term locals or musically inclined, I have chosen to sell to Jodi Steven as I know she will continue my vision of a community music venue into the future.

#### ENTERTAINMENT MANAGEMENT

I will be staying on as paid employee after the sale of my business to help continue the music selection, acting as Music Director.

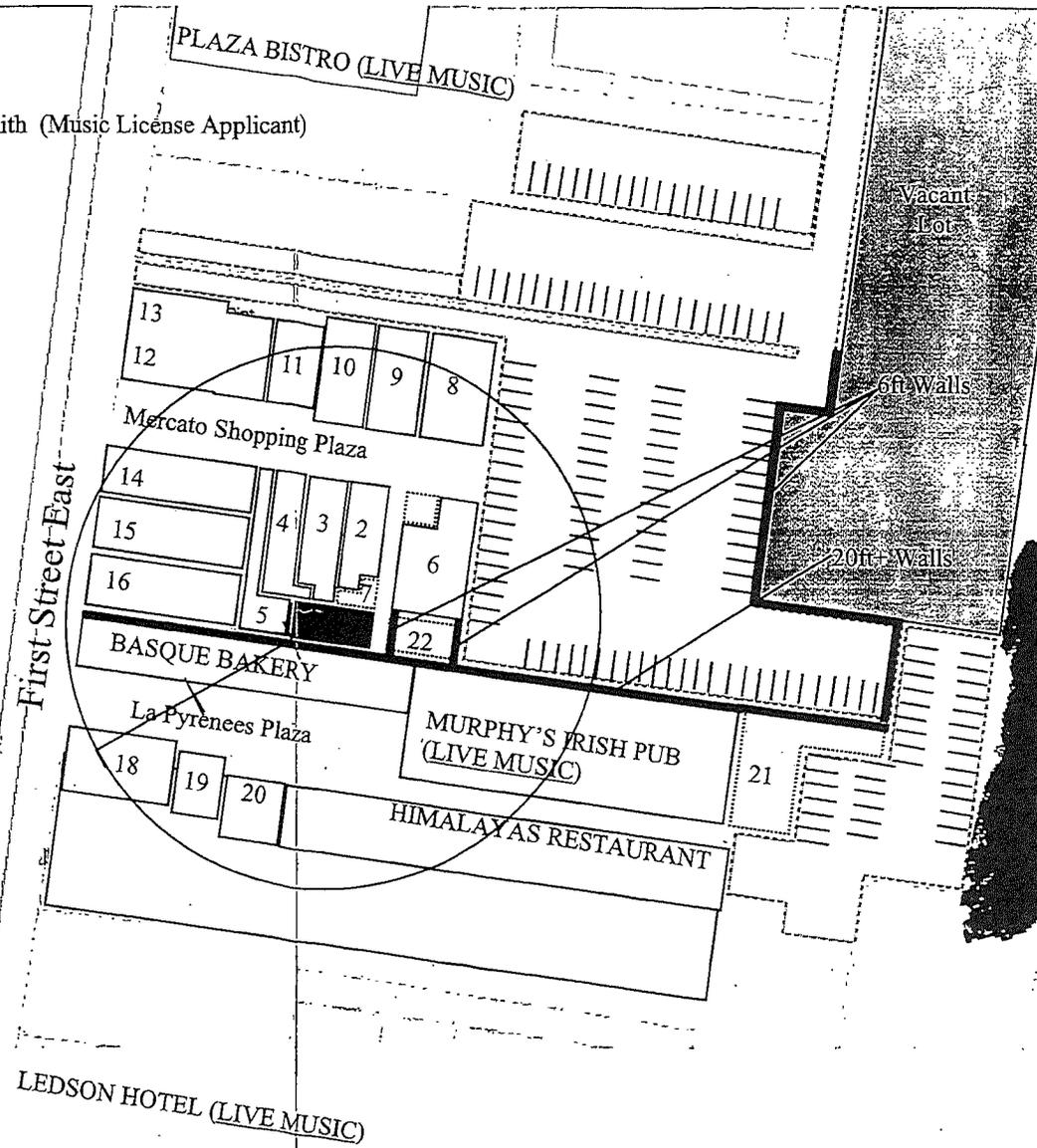
Robert W Ryan (O'Maoilriain) - Current License Holder

 Date 1-25-16

Jodi Stevens- License Transfer Applicant

 Date 1-25-16

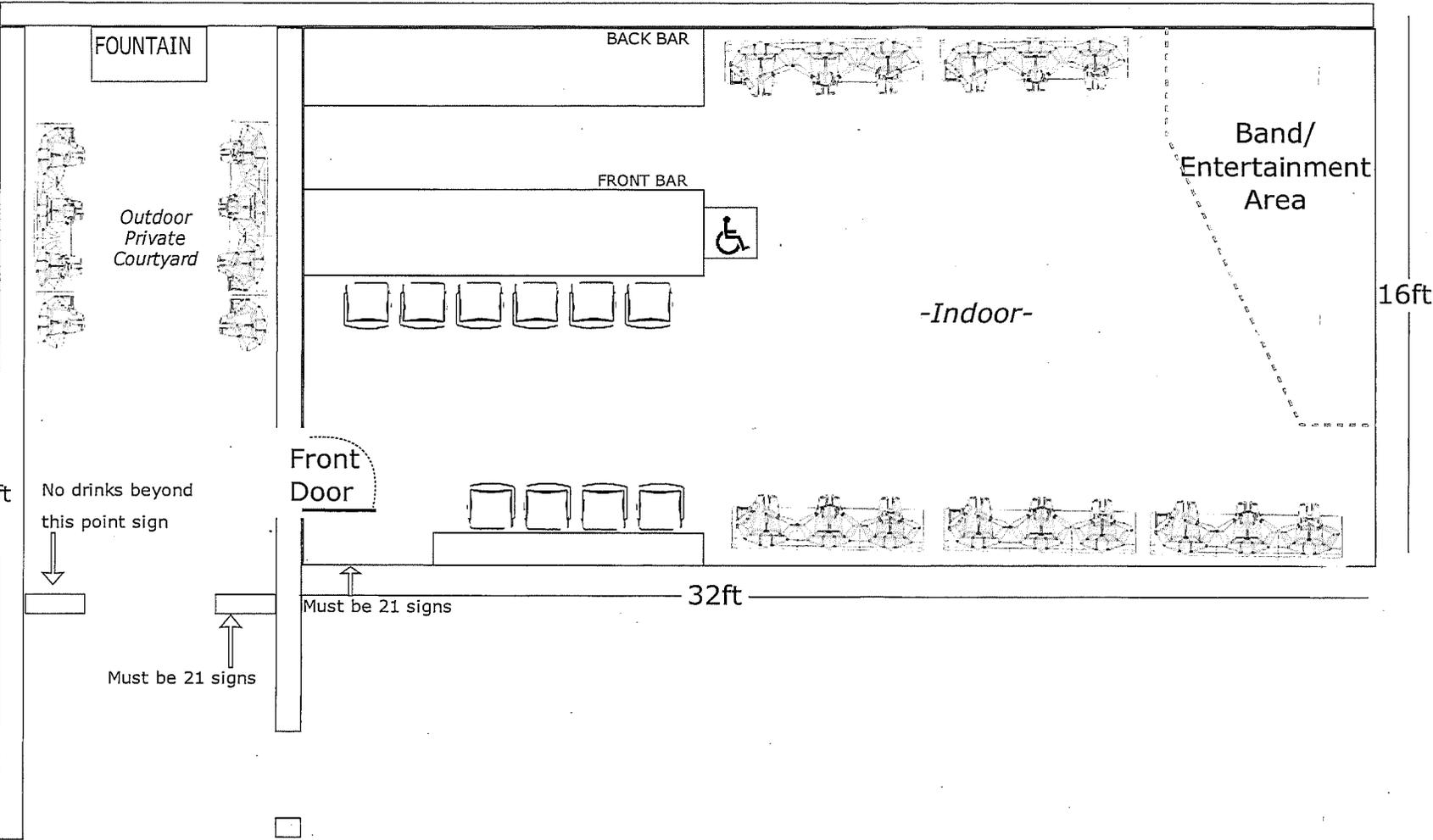
1. Eric K James Tasting Room/Jonathan Smith (Music License Applicant)
2. The Chocolate Cow
3. Footcandy Shoes
4. Angelique Clothing
5. Terra Firma Office Space
6. La Salette Restaurant
7. Bathrooms
8. Energy Fitness Studio
9. Venus Envy Clothing
10. Eminent Design
11. The Total Look
12. Half Pint
13. Artifax
14. Message-Envy
15. Lisa Kristine Gallery
16. Terra Firma Gallery
17. Basque Bakery
18. Law Office
19. Parmelee Aryco. Rugs
20. Briar Patch
21. Outdoor storage for Murphys Pub
22. Outdoor storage for La Salette



JAN 25 2011

SONOMA SPEAKEASY AND AMERICAN MUSIC HALL  
452 1<sup>st</sup> ST. E., STE G, SONOMA CA 95476  
Robert Ryan (O'Maoilriain) cell: 707-307-8768

FLOOR PLAN



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CITY OF SONOMA

**Agenda Item Title:** Application for: 1) a Use Permit to convert part of an existing detached garage and workshop into guestrooms/residential use; and 2) an Exception from the front yard setback standard for a new pool house.

**Applicant/Owner:** Glenn Ikemoto

**Site Address/Location:** 314 and 324 Second Street East.

**Staff Contact:** Rob Gjestland, Senior Planner  
Staff Report Prepared: 03/04/16

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### **PROJECT SUMMARY**

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**Description:** Application of Glenn Ikemoto for: 1) a Use Permit to convert part of an existing detached garage and workshop into guestrooms/residential use; and 2) an Exception from the front yard setback standard for a new pool house at 314 and 324 Second Street East.

**General Plan Designation:** Medium Density Residential

**Zoning:** **Base:** Medium Density Residential (R-M) **Overlay:** Historic

**Site Characteristics:** The project site is comprised of two adjoining parcels on the east side of Second Street East just south of the bike path (the parcels would be merged to accommodate the overall development plan). The parcel fronting Second Street East has an area of ±7,361 square feet and is largely paved over. The larger interior parcel has an area of ±28,700 square feet and is developed with a residence, swimming pool, and a detached garage/workshop. Numerous trees are located on the site, including a large oak and rows of Italian cypress.

**Surrounding Land Use/Zoning:**

**North:** Duplex, single-family home and bike path/Medium Density Residential  
**South:** Single-family homes/Medium Density Residential  
**East:** Condominiums/Medium Density Residential  
**West:** Vella Cheese Factory and apartments (across Second St. East)/Mixed Use and Medium Density Residential

**Environmental Review:**

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

**Staff Recommendation:** Approve, subject to conditions.

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## **PROJECT ANALYSIS**

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### **DETAILED PROJECT DESCRIPTION**

The overall development plan for the site involves a number of elements including:

1. Demolition of the existing residence (constructed in 1955 per Assessor's records).
2. Construction of a one-story replacement residence with covered porch and patio.
3. Partial conversion of an existing  $\pm 1,900$ -square foot detached garage and workshop into guestrooms/residential use (the structure would be linked to the main residence by a covered breezeway).
4. Construction of an additional residence (over garage) in the front/vacant portion of the site.
5. Construction of various detached accessory structures including a new swimming pool, pool house, gym, and shed with arbor.
6. Access and landscaping improvements throughout.
7. Merging the two parcels into a single lot.

It is important to note that demolition of the existing home and all proposed building/site improvements will be subject to Site Design & Architectural Review and by the Design Review & Historic Preservation Commission (DRHPC) as normally required. However, the proposed conversion of use for the existing detached garage/workshop requires Use Permit review by the Planning Commission and the applicant is also requesting a setback Exception for a new pool house. These two aspects of the plan are subject to the Planning Commission's discretion and are the focus of this report and review.

In general, the intent of the overall project is to create a residential complex for use by the owners and their family. Further details can be found in the attached project narrative and accompanying material.

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

The project site is designated Medium Density Residential by the General Plan. This designation is intended to provide opportunities for multi-family housing and related public improvements, especially in transition areas between higher density and single-family development. Under the corresponding Medium Density Residential (R-M) zoning, single-family dwellings and residential accessory structures are permitted without a Use Permit. The project involves uses allowed in the Medium Density Residential land use designation/zoning and does not raise issues of inconsistency with the *City of Sonoma 2020 Sonoma General Plan*.

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

*Use:* The property is zoned Medium Density Residential (R-M). Single-family dwellings and residential accessory structures are allowed in the R-M zone without a Use Permit. The project is consistent with the property's zoning in terms of use.

*Development Standards:* With the lots are merged as planned, the project complies with all applicable zoning regulations and development standards, except for the two issues that are the subject of this application (i.e., the Use permit for guestroom conversion and setback Exception for the pool house).

*Demolition Permit:* The Assessor's records indicate that the existing residence was constructed in 1955 and substantially remodeled in the late 1970's. Because, the structure is over 50 years in age its demolition will be subject to review and approval of a Demolition Permit by the DRHPC. An historic resource evaluation of the residence prepared by Juliana Inman has found that the structure is not historically significant.

*Site Design & Architectural Review:* Under Section 19.54.080 of the Development Code, the overall in-fill project will be subject to site design and architectural review by the DRHPC. The DRHPC will be responsible for reviewing and acting upon the project site plan, building massing, building elevations, elevation details, exterior colors and materials, landscaping (including fences and walls), lighting, and site details. All proposed building/site improvements will be subject to this review, including the new pool house and exterior renovation of the existing accessory building. This requirement has been included in the conditions of approval.

*Detached Guest Rooms:* Under Section 19.50.080.F of the Development Code, detached guest rooms are limited to ground-floor construction, unless a Use Permit allowing a second floor is obtained from the Planning Commission. In addition, no more than one guest room is allowed on a single parcel unless a Use Permit is obtained. Accordingly, partial conversion of the existing detached garage and workshop to guest rooms is subject to review and approval of the Planning Commission because the conversion includes a second floor element and more than one guest room would be provided in the structure (a sitting room and two bedrooms would be provided, along with a two-car garage). Pursuant to Development Code Section 19.54.040.E, the Planning Commission may grant a Use Permit, provided that the following findings can be made:

1. *That the proposed use is consistent with the General Plan and any Specific Plan;*

Guest rooms and other residential accessory structures/uses are allowed in the Medium Density Residential land use designation and zoning district.

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).*

More than one guest room and guest rooms on a second floor may be allowed in the R-M zone with a conditional Use Permit. The existing accessory building was constructed in conformance with applicable zoning regulations in effect at the time.

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*

The proposed guest rooms would occupy an existing building rather than involve construction of a new structure. The partial two-story structure is located on the south side of the property, adjacent to a driveway and guest parking for the New Cottages subdivision. The nearest residence is ±50 feet to the southeast and most other neighboring units are well in excess of that. Existing trees along the nearby property boundaries, including Italian cypress and flowering pear, would continue to provide some screening/buffering and additional screening plantings are proposed such as conifers and yew. It is also anticipated that that the guestrooms would not be occupied continuously and staff would emphasize the structure would not contain a kitchen nor would it function as an independent living unit. In general, the proposal conversion represents a relatively minor intensification in the use of an existing accessory building. Accordingly, it is staff's view that the proposed conversion would be compatible with other residential land uses in the vicinity and not adversely impact neighbors.

4. *The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.*

The building exterior would be renovated as part of the larger project. Proposed exterior alterations would be subject to architectural review by the Design Review & Historic Preservation Commission (DRHPC).

*Front Yard Setback:* A 15-foot front yard setback is required in the R-M zone. With the lots merged as planned, it has been staff's interpretation that this minimum 15-foot setback does not just apply to the frontage on Second Street East, but is also required from the north-south property line segments of where the property widens (i.e., at the "T"). Detached accessory structures are normally prohibited within front or street side yard setback under the Development Code and the applicant is requesting an exception from this standard for a 270-square foot pool house that would encroach up to 4.5 feet into the 15-foot required setback. Pursuant to Development Code Section 19.48.050.A.1, the Planning Commission may grant exceptions from setback standards, provided that the following findings may be made:

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

The residential accessory use associated with the setback exception request allowed in the Medium Density Residential land use designation and zoning district

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;*

In part, the exception request relates to site conditions. The site has an irregular shape with the majority of the property interior to the block. In general, detached accessory structures are prohibited within front or street side yard setbacks to ensure that auxiliary buildings do not degrade the streetscape and remain less prominent than primary structures. In this case, the pool house would not be in proximity to Second Street East, but rather in the interior of the site at a location not visible from the public right of way.

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, granting the setback exception would not be detrimental to the public or significantly impact other properties or residents in the vicinity. As noted above, the pool house would not be visible from the public right of way due to the site's irregular shape. The building would also have a low profile, not exceeding nine feet in height (complying with the height criteria that allow it to be located as close as five to a side or rear property line). In addition, a minimum 10.5-foot setback is provided on the west and perimeter plantings along this edge, both existing and proposed, would almost entirely obscure views of the structure from the adjacent duplex.

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

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

Pursuant to Section 15303 of the State CEQA Guidelines, the construction of limited numbers of new structures and the conversion of existing small structures from one use to another are Categorically Exempt from the provisions of CEQA (Class 3 – New Construction). Pursuant to Section 15305 of the State CEQA Guidelines, minor setback variances not resulting in the creation of a new parcel are Categorically Exempt from the provisions of CEQA (Class 5 – Minor Alterations in Land Use Limitations).

Staff would note that a historic resource evaluation prepared by Juliana Inman determined that the residence is not eligible for inclusion on the California Register and therefore is not considered a historical resource under CEQA.

### **DISCUSSION OF PROJECT ISSUES**

As noted in the analysis above, it is staff's view that the findings for approval can be made for both the Use Permit and Setback Exception, and that the specific uses/structures involved would not raise any significant issues of compatibility with adjoining residential uses and neighbors. That said, the owner of the duplex to the north, Ron Albert, has expressed concern about the positioning of the front unit adjacent to the rear yard of the duplex. The other adjoining neighbor to the north, Claudia Rannikar, has expressed concern about existing and proposed screening trees/vegetation along the common property boundary in terms of shading her garden. While neither of these issues are pertinent to the Planning Commission's discretion over the guestroom conversion or pool house setback, they can be considered by the DRHPC in their review of the larger development proposal (i.e., Site Design and Architectural Review and Landscape Plan Review).

### **RECOMMENDATION**

Staff recommends approval of the Use Permit and setback Exception, subject to the attached conditions of approval.

### **Attachments**

1. *Draft findings of project approval*
2. *Draft conditions of approval*
3. *Location map*
4. *Project narrative*
5. *Aerial photo with distances to neighboring units*
6. *Site plans, floor plans, and building elevations*

cc: Glenn Ikemoto (via email)  
324 Second Street East  
Sonoma, CA 95476

Ron Albert (via email)

City of Sonoma Planning Commission  
**FINDINGS FOR PROJECT APPROVAL**  
Ikemoto Use Permit & Setback Exception for Guestrooms and Pool House  
314 and 324 Second Street East

March 10, 2016

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.

**Exception Approval:**

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

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL**  
Ikemoto Use Permit & Setback Exception for Guestrooms and Pool House  
314 and 324 Second Street East

March 10, 2016

1. The existing accessory building shall be converted and used in conformance with the project narrative, and approved floor plan and elevation concepts (Sheets 8 dated 12/2/15 and Sheet 9 dated 11/4/15). The pool house shall be constructed in conformance with the site development plan (Sheet 1 dated 2/12/16), and approved floor plan and elevation concepts (Sheet 10 dated 1/25/16).

*Enforcement Responsibility: Planning Department; Building Department*

*Timing: Prior to issuance of a building permit; Prior to final occupancy*

2. The overall infill project shall be subject to site design and architectural review by the DRHPC as normally required. The DRHPC shall be responsible for reviewing and acting upon the project site plan, building massing, building elevations, elevation details, exterior colors and materials, landscaping (including fences and walls), lighting, and site details. All proposed building/site improvements shall be subject to this review, including the new pool house and the exterior renovation of the existing accessory building.

*Enforcement Responsibility: Planning Department; DRHPC*

*Timing: Prior to the issuance of a building permit*

3. All Building Department requirements shall be met, including Building Code requirements related to compliance with CALGreen standards. A building permit shall be required.

*Enforcement Responsibility: Building Department*

*Timing: Prior to construction*

4. All Fire Department requirements shall be met, including the provision of fire sprinklers if necessary.

*Enforcement Responsibility: Fire Department; Building Department*

*Timing: Prior to issuance of a building permit; Prior to final occupancy*

5. 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 County PRMD, Engineering Division [For sewer connections and modifications and interceptor requirements];
- a. Sonoma Valley Unified School District [For school impact fees]

*Enforcement Responsibility: Building Department*

*Timing: Prior to issuance of a building permit*

6. A sewer clearance shall be provided to the City of Sonoma Building Division verifying that all applicable sanitary sewer fees have been paid prior to the issuance of a building permit for the new pool house and the exterior renovation of the existing accessory building. **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 PRMD, Engineering Division immediately to determine whether such fees apply.**

*Enforcement Responsibility: Building Department*

*Timing: Prior to the issuance of a building permit*

7. The Applicant shall pay any required increased water fees applicable to the new uses and 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*

# Vicinity Map

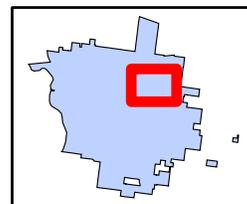


## Zoning Designations

- 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>	Ikemoto Guestroom Conversion & Pool House
<i>Property Address:</i>	314 & 324 Second St. East
<i>Applicant:</i>	Glenn Ikemoto
<i>Property Owner:</i>	Same
<i>General Plan Land Use:</i>	Medium Density Residential
<i>Zoning - Base:</i>	Medium Density Residential
<i>Zoning - Overlay:</i>	Historic
<i>Summary:</i>	Application for: 1) a Use Permit to convert part of an existing detached garage and workshop into guestrooms/residential use; and 2) an Exception from the front yard setback standard for a new pool house.



1 inch = 200 feet

## **314-324 Second Street Remodel**

### **Owner's Narrative:**

The Applicants, Kim Belchamber and Glenn Ikemoto, have been married for 28 years. We have two daughters, ages 19 and 24, both away at college. They were raised in Piedmont, CA in our home of 27 years.

Five years ago, we made the decision to move to Sonoma for our retirement. We were looking for a large lot with the opportunity for a guest house, because in addition to being our primary residence, our home anchors gatherings of our extended families. For that purpose, we need at least 5 bedrooms and other rooms that can act as temporary bedrooms. Rather than build a massive house, we preferred to have a guest house.

We purchased the subject property in April 2011. It had a 3-bedroom house, a 2-story workshop and detached garage. We have used the property as a second home until it became our primary residence in March of last year. We have been planning our new house for four years. During that time, our plans have evolved through many many different designs. We are delighted with the final plan, which exceeds all of our hopes for an informal, open and welcoming home.

For budgetary and environmental reasons, the final plan is a compound. To us, this layout evokes the rural history of Sonoma. By spreading our lifestyle needs across several structures, we have reduced the overall impact of the main house. The site is entered through a grove of mature olive trees on a driveway intended to look like a gravel farm road. The multiple buildings on the site mimic a farmhouse with its out-buildings.

As our residency in Piedmont indicates, we are long term stable residents. This will be our last home. For that reason, the design includes wheel chair accessible bathrooms and ramps connecting the main buildings on the site. In Piedmont, we were active supporters of, and participants in, the community. We look forward to doing the same in Sonoma.

### **Architect's Narrative:**

My clients, Kim and Glenn, found an amazing "T" shaped property a short walk from the Plaza. My first impression of the property was that it was closed in, but if you looked northwest there was a nice view of the hills. There was also a huge oak tree in the center of the site that had to be saved. Both of these factors argued for placing the home at an angle.

Kim and Glenn need a home for themselves that will also accommodate a multi-generational family. My goal was to provide everyone with their own space.

My first plan located their daughters' bedrooms near the front entry. Glenn pointed out that the proposed girl's bedroom wing was close to an existing structure, so we decided to reuse that structure rather than tear it down. It is only 21 years old and in very good condition. We will remodel the interior into a two-bedroom suite for their daughters and re-clad the building with a stucco base and board and batten siding above.

The main house and the girl's bedroom wing will be linked by a covered breezeway. This link frames a view all the way to the rear of the 300' deep naturally landscaped property. This area of the garden will be studded with fruit trees, meadow grasses and wildflowers. The accessory structures, like the pool and terraces, are completely hidden from public view.

Another advantage of reusing the existing building is to reduce the mass of the home. The gym is a separate building for the same reason. The main house now only has one-bedroom. Also, saving the existing 2-car garage will be extremely useful for Glenn's hobby, fishing, because he's not allowed to clean his catch in the house. He's already envisioning his stainless steel cleaning station next to his boat.

The main house is narrow allowing the occupants to enjoy views to the North and sunshine from the South. The North side of the site will contain a shaded outdoor living space, a pool and bocce ball court.

In order not to block the view towards the hills from the outdoor living area, I have made the pool house long and narrow. It is located 10.5' from the heavily planted West property line. Although this line is at least 110' from the sidewalk on Second Street, technically the code considers this a front property line needing a 15' front yard setback. We request an Exemption allowing a 10.5' setback (as more fully described below).

From Second Street the first 50 feet of the property will be an orchard of mature olive trees. I hope they give the impression of a surviving orchard and further back an informal arrangement of buildings that might have been a farm. The style hopefully gives the relaxed feeling of scattered buildings in a place that grew over time.

### **Requested Approvals:**

The Applicants request the Planning Commission's approval for two issues: to grant a Use Permit to convert an existing accessory building to occupancy and to grant an Exemption to the front yard setback applicable to a 9' high Pool House.

As background information, the project site is comprised of two lots totaling approximately 38,000 sq ft (0.86 acres) and are zoned R-M /H. These two lots will be merged if the necessary approvals for the project are received from the Planning Commission and the Design Review and Historic Preservation Commission.

Approval #1 - Use Permit. The site includes an existing combination detached garage and workshop. The two-car garage (36' X 24') was constructed in 1977 and included a bathroom, storage room and photo lab. A two-story workshop (22' X 24') was added in 1995.

The Applicants propose to repurpose the structure to become a two-bedroom, two-bathroom suite, which will be connected to the one-bedroom Main House by a 30' breezeway. The stucco building will be re-clad in board and batten siding to give it a more barn-like appearance.

Conversion of the existing structure to residential use is consistent with the general objectives of Sonoma's Northeast Planning Area. As an existing structure, it clearly

meets the test of “preserv(ing) the quality and context of land uses and buildings.” The overall project helps preserve the variety of residential structures in the area.

Repurposing the building also has the environmental benefits of avoiding landfilling a demolished building and making the overall project more energy efficient. The structure will be lightly used and does not need to be heated or cooled very often. It will not have a kitchen.

At the same time, residential use of the structure will have little or no impact on the neighbors. The building sits next to a wide driveway servicing the adjacent townhouse development. The structure is 68’ from the nearest home. In addition, an existing eight foot fence and existing mature landscaping (that exceeds the height of the roofs) help shield the building from the neighboring properties.

Approval #2 – Setback Exception. The site has unique features making it appropriate to request an Exception from the 15’ front yard setback that would normally be applied to the Pool House. The site is “T” shaped. The branches of the “T” are at least 110’ from the street and are not visible from the street. The area of the proposed Pool House abuts the neighboring property’s back yard. This is clearly not a front yard and the street side considerations requiring a 15’ setback need not apply.

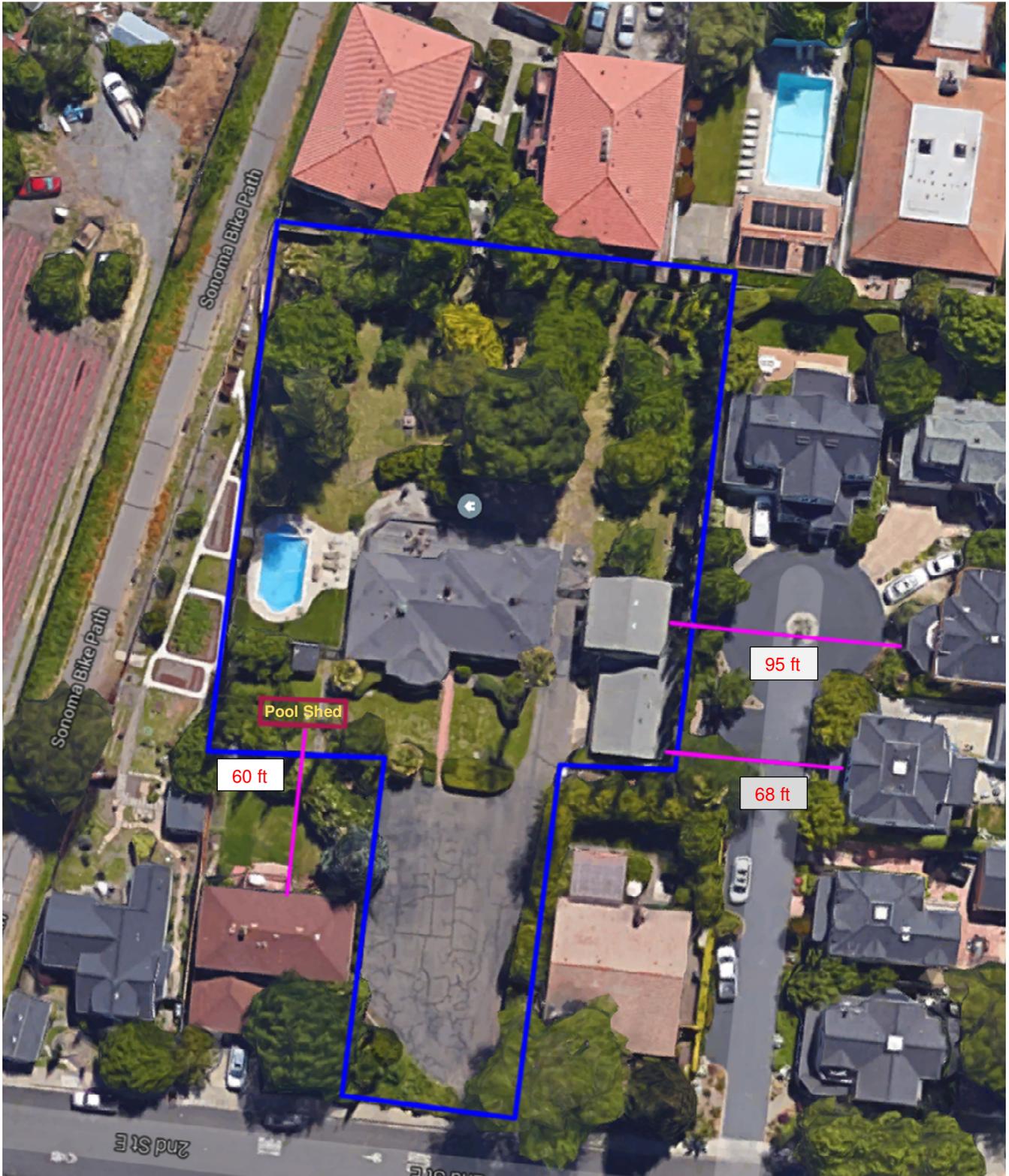
The Pool House is a 9’ X 30’ structure that houses a bathroom, pool equipment, storage and sauna. It is a shed-style building with a maximum height of 9’. The existing mature landscaping behind the Pool House is at least 15’ high. This landscaping will remain in place. The nearest house is approximately 60’ away. Also, the equipment room will be sound dampened. The requested reduction in setback is important to preserve the view corridor and provide lounging space around the pool.

**Attachments:**

- Satellite View of Neighboring Properties
- Pictures of Setback Areas

# 324 SECOND ST E

## Distance to Neighboring Houses



**324 Second St E.  
Setback Views**



**GIRLS WING**

Nearest house: 63 ft  
to property line.

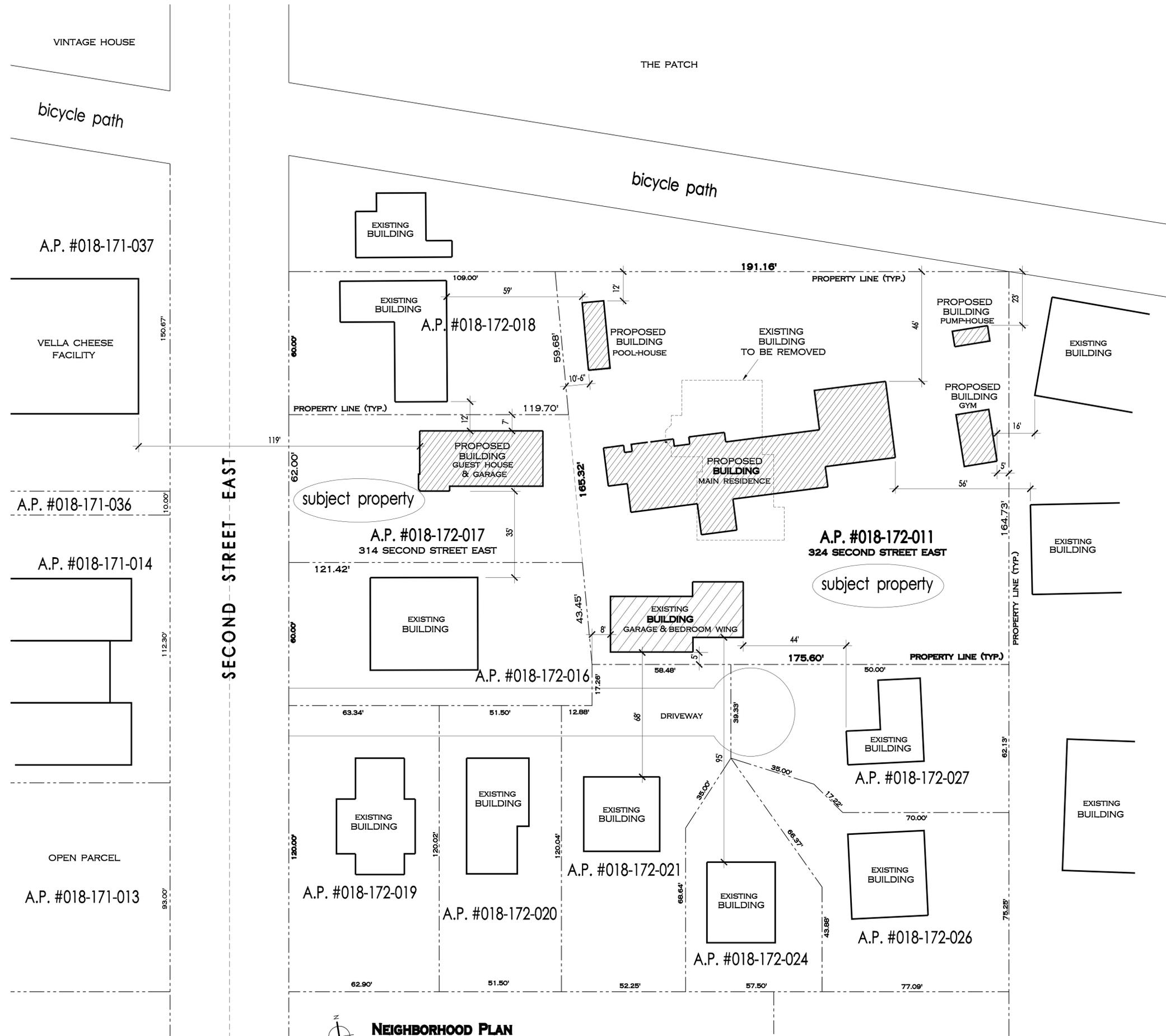


**Pool House**

Structure Height: 9 ft

Plant height: 15 ft

Nearest house: 49 ft  
to property line.



dimensions to houses shown are +-



**NEIGHBORHOOD PLAN**

1" = 20'-0"

Revisions:



**CONSTRUCTION DRAWINGS**  
 FRED O'DONNELL  
 622 BROADWAY  
 P.O. BOX 898  
 SONOMA, CA 95476  
 707.996.0103 WORK  
 707.996.0112 FAX  
 FIGODRAWINGS@GMAIL.COM  
 WWW.FIGODRAWINGS.COM

**IKEMOTO RESIDENCE**  
 Neighborhood Site Plan  
 314 & 324 Second Street East  
 Sonoma, California

Date: FEBRUARY 2016  
 Scale: 1" = 20'-0"

Neighborhood Plan



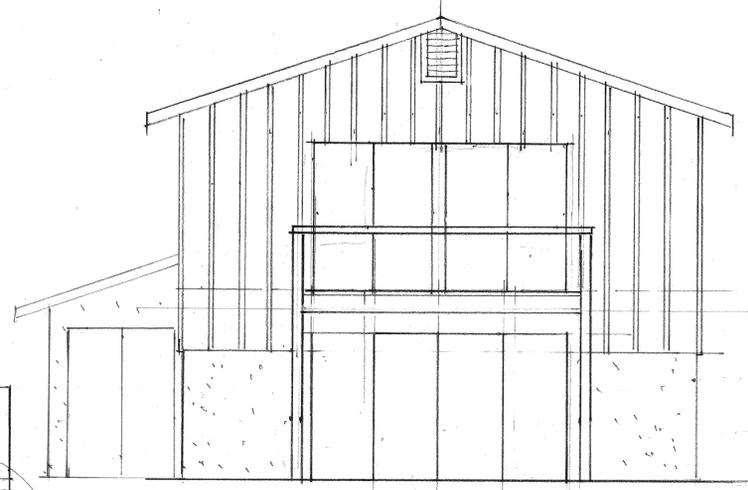
314 2ND ST EAST, 018-172-017	7,567.720 SF
324 2ND ST EAST APN 018-172-011	30,211.855 SF
<b>TOTAL AREA</b>	<b>37,779.575 SF</b>
<b>TOTAL ENCLOSED SPACE</b>	<b>9,475 SF</b>
<b>FAR</b>	<b>25%</b>

<p><b>MAGRANE ASSOCIATES LANDSCAPE DESIGN</b> WWW.MAGRANE.COM LIC. #437488</p>	<p>SAN FRANCISCO PO BOX 40549 SAN FRANCISCO, CALIFORNIA 94140 TEL. 415.821.0233 FAX. 415.821.7438</p>	<p>SONOMA 746 BROADWAY SONOMA, CALIFORNIA 95476 TEL. 707.935.7309 FAX. 707.935.6380</p>	<p><b>IKEMOTO RESIDENCE</b>  324 SECOND STREET EAST CITY OF SONOMA SONOMA, CA 95471</p>	<p>design north</p>	<p><b>REVISIONS</b></p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									<p>DATE: 2/12/16 SCALE: 1" = 10'-0" DRAWN:</p>	<p><b>SITE DEVELOPMENT PLAN</b></p>	<p><b>1</b></p> <p>All written material appearing herein constitutes original unpublished work of the landscape architect and may not be duplicated, used or disclosed without the written consent of the landscape architect.</p>

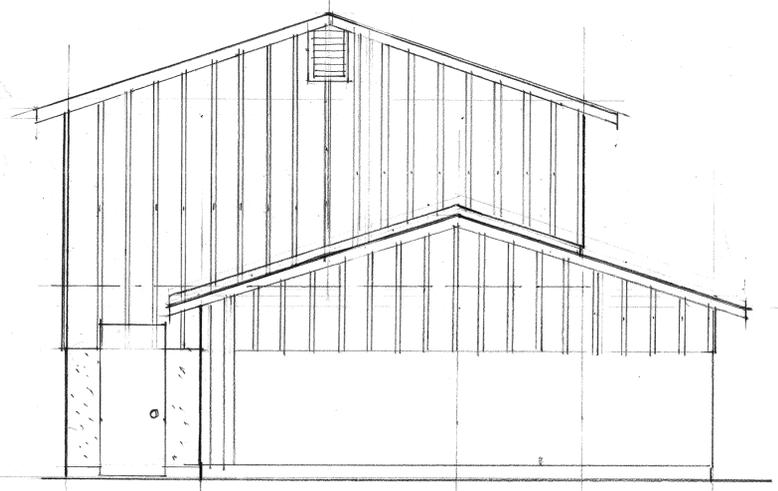
REVISIONS	BY

EXISTING BEDRM, WING, PANS, EXTERIOR ELEVATIONS, 1/4"=1'-0"  
 IKEMOTO RESIDENCE 324 SECOND ST EAST, CITY OF SONOMA, SONOMA, CA

Date	12/2/15
Scale	
Drawn	
Job	
Sheet	8
Of	Sheets



EAST ELEV.



WEST ELEV.

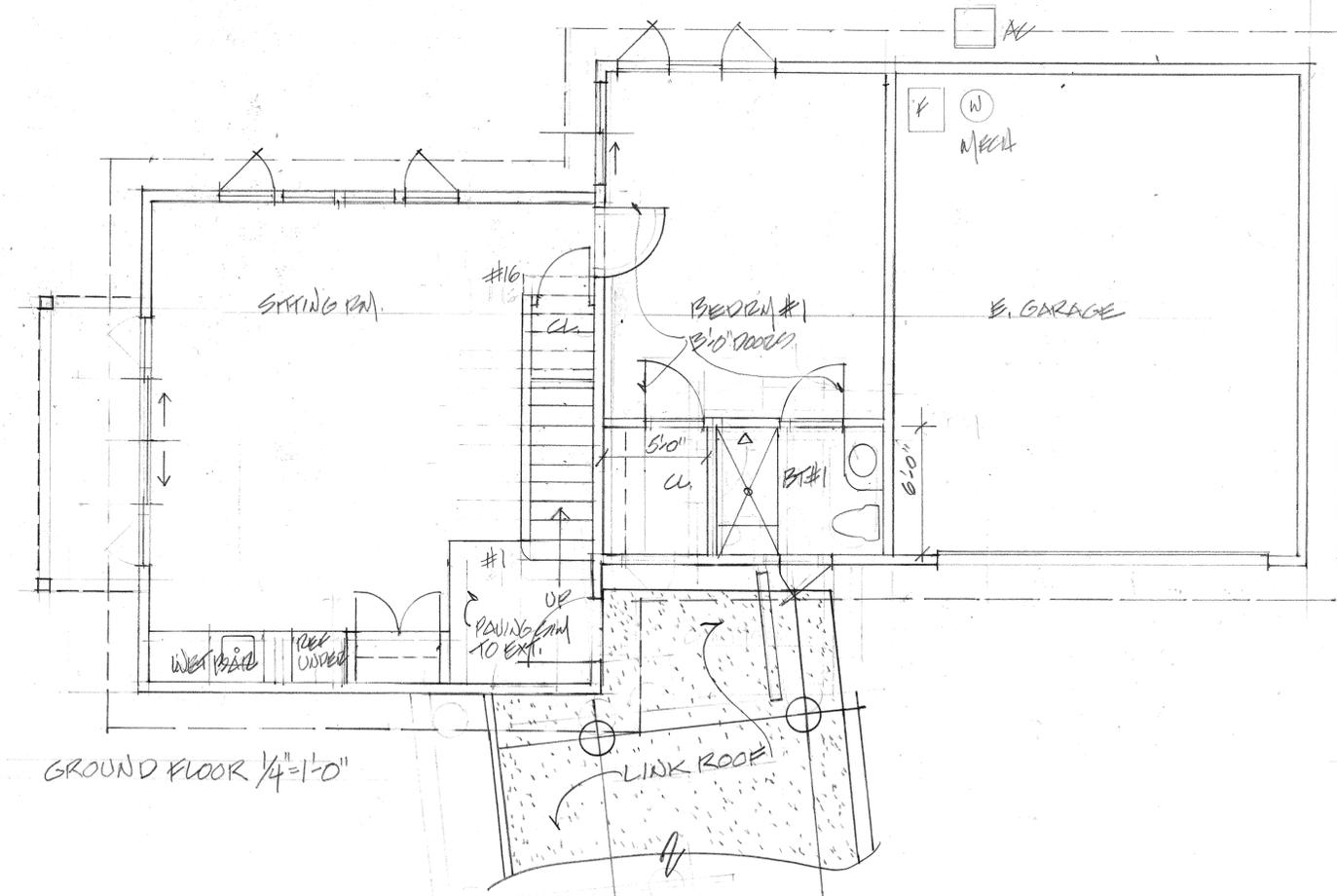


NORTH ELEV.

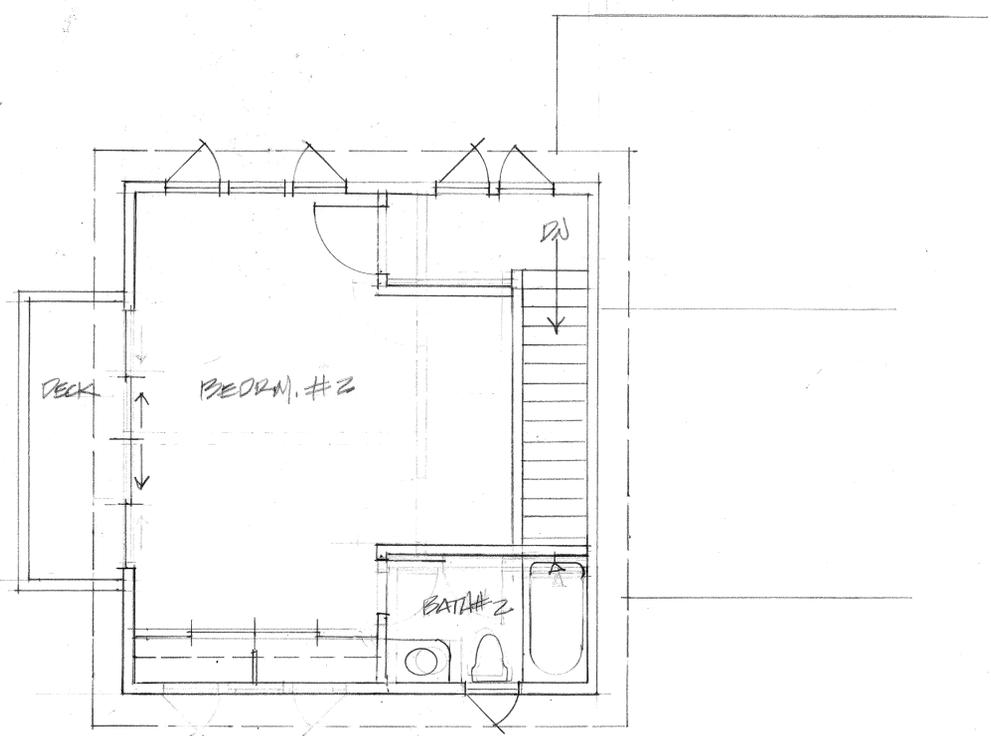
WARM GREEN STAIN  
 ROUGH PLANK  
 W/ XG BATTENS  
 @ 16" OC

GREY RAISED SEAM METAL ROOF

STUCCO

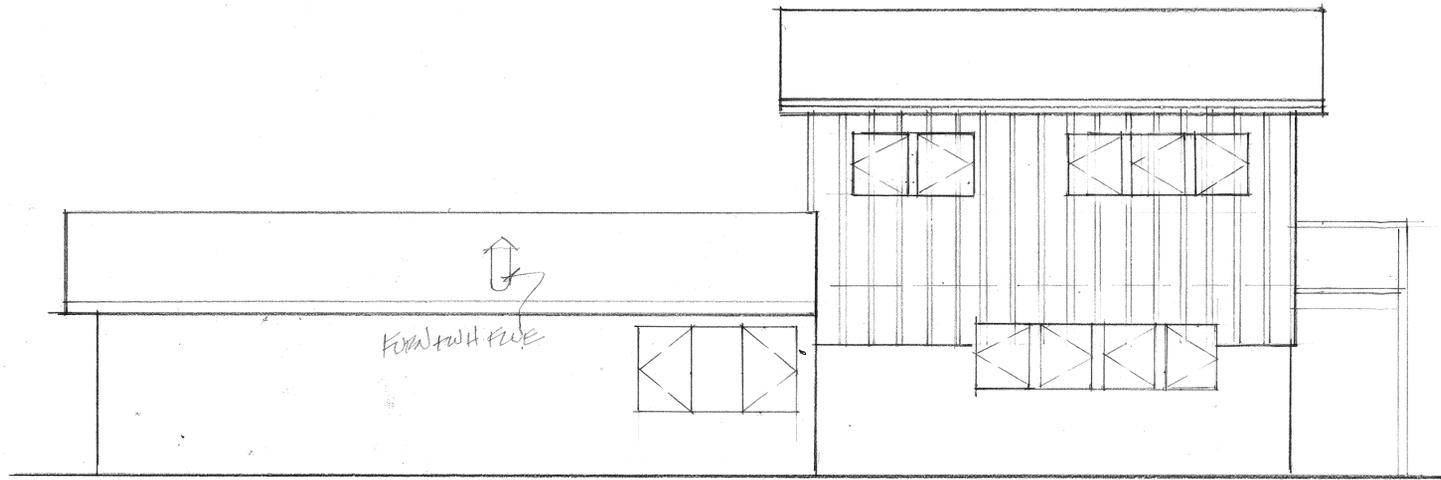


GROUND FLOOR 1/4"=1'-0"

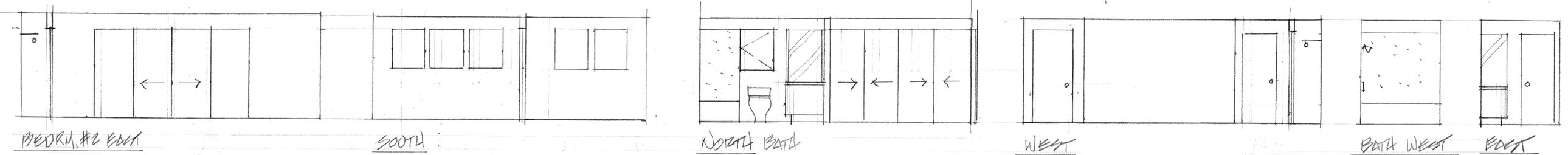


UPPER FLOOR 1/4"=1'-0"

REVISIONS	BY

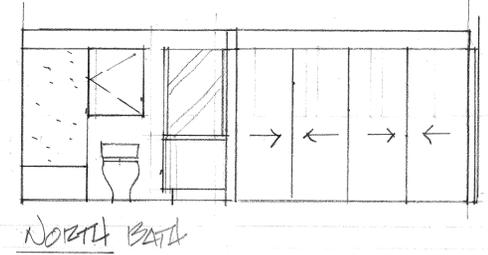


South Elev.

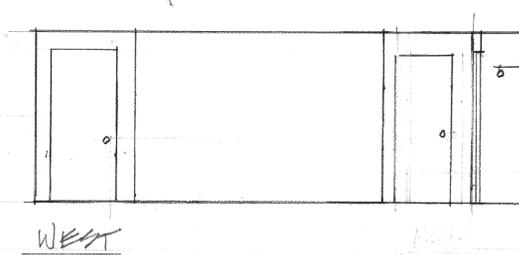


Bedrm #2 East

South



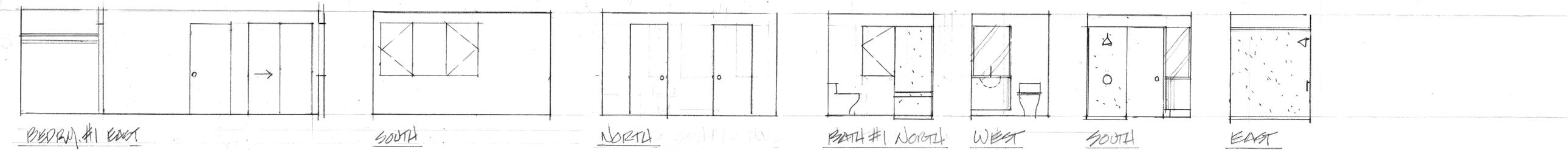
North Bath



West

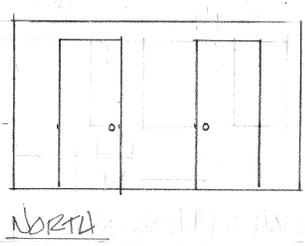


Bath West East

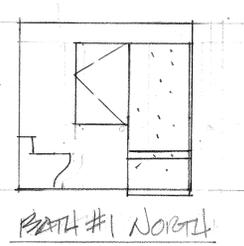


Bedrm #1 East

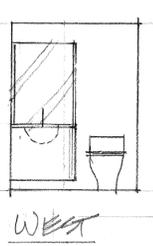
South



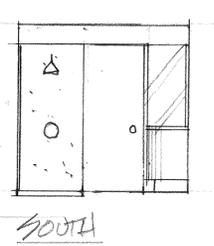
North



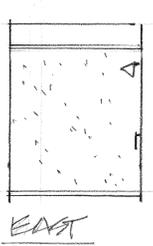
Bath #1 North



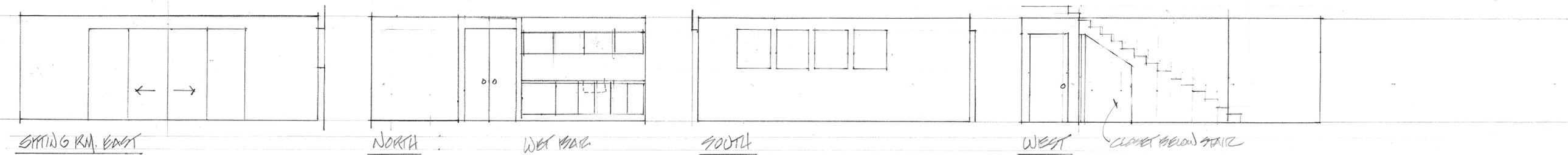
West



South

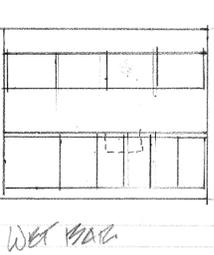


East

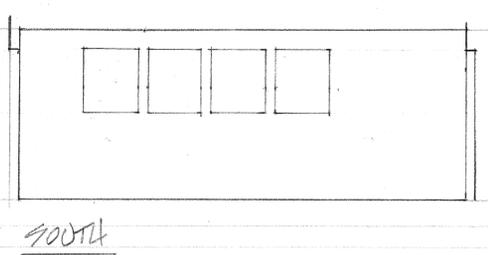


Sitting Rm. East

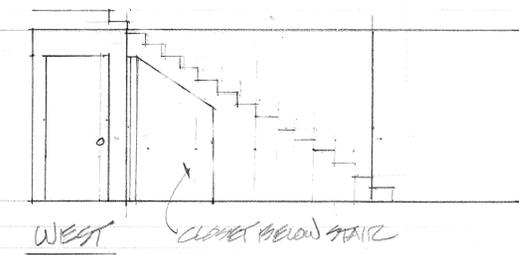
North



West Bed



South



West

CLOSET BELOW STAIR

EXISTING BEDRM, WING, EXTERIOR ELEV., INTERIOR ELEV. 1/4"=1'-0"  
 IKEMOTO RESIDENCE 324 SECOND ST EAST CITY OF SONOMA, SONOMA CA

Date	11/4/15
Scale	
Drawn	
Job	
Sheet	9
Of	Sheets



**M E M O**

**To:** Planning Commission  
**From:** Planning Director Goodison  
**Re:** Review of proposed amendments to the Development Code implementing Housing Element directions and clarifying provisions related to the Mixed Use zone and Planned Development permits

---

At its meeting of February 11, 2016, the Planning Commission reviewed a set of draft amendments to the Development Code addressing several issues under discussion recently pertaining to Housing Element implantation measures, the Mixed Use Zone, and Planned Development Permits. The Commission gave direction to staff on changes that it wished to see, so staff has drafted an updated set of amendments for consideration by the Planning Commission. In addition, staff has added a proposed change to the City's inclusionary affordable housing requirements that would increase the term off affordability. The issue areas are summarized below, along with the directions received from the Planning Commission.

1. *Prohibition on the use of Second Units as Vacation Rentals*

The Housing Element includes two implementation measures that call for prohibiting the use of second units as vacation rentals. Implementation measure #4 relates to the adaptive re-use of historic structures and implementation measure #6 addresses second units generally. The attached ordinance would enact the restrictions called for in the Housing Element.

*Discussion and Changes Directed by the Planning Commission:* No changes were suggested.

2. *Amending the description of the Mixed Use to make it clear that 100% residential development is an allowable use*

Recently, several members of the Planning Commission have raised the question of whether a 100% residential development may be applied for and approved in the Mixed Use zone. From staff's perspective, it has never been in question that the Mixed Use zone allows for 100% residential development, based on the following considerations:

- A. With regard to the Mixed Use, the Housing Element of the General Plan expressly states "*Stand-alone residential development is permitted, as well as integrated residential/commercial mixed use.*" This has been the policy direction since at least 2003, when the Development Code was adopted, as the 2004 Housing Element includes the following passage: "*Stand-alone residential development is already permitted in the MU, C, and GC land use designations.*" Since the General Plan establishes the City's basic land use policies, in the event of ambiguity, provisions of the Development Code should be interpreted in a manner consistent with the General Plan.
- B. The description of the Mixed Use zone in the Development Code may fairly be read as allowing 100% residential development. Section 19.10.020.C.1, of the Development Code, in which the Mixed Use zoning District is established, reads as follows:

*MX (Mixed Use) District. The MX zoning district is intended to allow for higher density housing types, such as apartments and condominiums, in conjunction with commercial and office development, in order to increase housing opportunities, reduce dependence on the automobile, and provide a pedestrian presence in commercial areas. Under this designation, long-standing commercial and industrial uses in otherwise residential areas may be preserved and, subject to use permit review, modified or intensified. The maximum residential density is 20 dwelling units per acre. The MX zoning district is consistent with the Mixed Use land use designation of the General Plan.*

As is the case with the other zoning district descriptions found in the Development Code, the language sets forth in broad strokes examples of the types of uses that may be allowed in the Mixed Use zone. The description should not be read as defining a single type of use encompassing each feature. This reading underscored by the fact that Table 2-3, which goes on to list each use that may be applied for in the Mixed Use zone, includes separate entries for different types of residential and commercial development. In other words, it is not contemplated that a single application could or should encompass the broad range of uses that are possible within the zoning district. The description of the Mixed Use zoning district goes on to specify that a housing component is normally required, which suggests that residential development is the default in the Mixed Use zone, rather than secondary.

- C. If applications for 100% residential development are considered as prohibited in the Mixed Use zone, that suggests that existing purely residential developments within the zone are non-conforming. There are a great many existing 100% residential developments in the Mixed Use and it is inconceivable to staff that it was the intent of the City Council and the Planning Commission to render them non-conforming.
- D. Over the years, the Planning Commission has approved a number of purely residential developments in the Mixed Use zone. Restricting examples to the Broadway corridor, staff has identified at least four separate project approvals for 100% residential projects, including a 6-unit condominium development approved in 2006 (just three years after the Development Code was adopted) and the Merlo apartments at 830 Broadway, approved by the Planning Commission in 2015.

*Discussion and Changes Directed by the Planning Commission:* The Planning Commission appeared to agree that 100% residential development is and should continue to be an option in the Mixed Use zone. However, as noted by Comm. Roberson, because the Mixed Use is an extremely flexible zoning designation that allows for a wide range of land use alternatives, it would benefit from language providing additional direction. Specifically, it was suggested that just as factors are listed that provide guidance as to when a residential component may be reduced or eliminated, the zoning description should be amended to include guidance as to when a commercial component may be omitted. This language has been added.

### 3. *Planned Development Permit Clarification*

Although the Planning Commission has approved Planned Development permits on many properties having a Mixed Use zoning designation in the past, this allowance has been called into question. As set forth in section 19.54.070.B of the Development Code, residential and commercial zones are cited as being eligible for the Planned Development Permit, but the Mixed Use zone is not specifically mentioned. Until and unless this provision is modified, the City Attorney has recommended against processing applications Planned Development permit on properties having a

zoning of Mixed Use. The Planned Development permit is a valuable tool that has particular relevance to potential developments in the Mixed Use zone. For example, with developments that combine residential and commercial uses, it is often desirable to separate those uses on lots that might not meet the normal lot size requirements. As with any discretionary permit, the Planning Commission is under no obligation to ever grant approval of a Planned Development permit. To the contrary, the findings for approval of a Planned Development permit set the highest standard of any of the discretionary permits in the Development Code. Staff would also note, as stated in the attached memo to the Planning Commission from 2002, it was the City's stated intent to extend the Planned Development permit allowance to the both the Mixed Use zone and the Commercial zones (as it had previously been restricted to residential zones). However, the language as adopted was not sufficiently clear and needs to be corrected.

*Discussion and Changes Directed by the Planning Commission:* The Planning Commission appeared to agree that the Planned Development permit should be an option in the Mixed Use zone. However, the Commission wanted to see specific guidance incorporated addressing the circumstances of when that type of permit was appropriate for properties having a zoning of Mixed Use. Draft language has been added in response to that direction.

5. *Increasing the Required Term of Affordability for Inclusionary, Density Bonus, and City-funded Units*

Currently, the required term of affordability for inclusionary and density bonus units is 30 years, while the minimum required term for affordable units built with City funding is 40 years. Staff recommends that the minimum term of affordability be increased to 55 years for each of these unit types, which is consistent with recent changes in State Density Bonus law.

*Discussion and Changes Directed by the Planning Commission:* This issue has not been previously discussed by the Planning Commission.

## **Environmental Review**

The adoption of amendments to the Development Code implementing revisions that are called for in the Housing Element and that clarify provisions regarding the Mixed Use zone and the Planned Development permits and that are necessary to comply with State law is exempt from environmental review, because there is no reasonably foreseeable likelihood that such actions would result in any significant environmental impact.

## **Recommendation**

In staff's view, each of these changes improves the City's ability to provide affordable housing. Staff recommends that the Planning Commission hold a public hearing on the proposed amendments to the Development Code, direct any further revisions that may be necessary, and recommend to the City Council that they be adopted.

### Attachments:

1. Draft Ordinance
2. Memo to the Planning Commission dated February 27, 2002

# CITY OF SONOMA

## ORDINANCE NO. X - 2016

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY MAKING REVISIONS IN ACCORDANCE WITH IMPLEMENTATION MEASURES OF THE CITY'S HOUSING ELEMENT AND CLARIFYING PROVISIONS RELATED TO THE MIXED USE ZONE AND PLANNED DEVELOPMENT PERMITS

The City Council of the City of Sonoma does ordain as follows:

**Section 1.** Amendments to “Adaptive Reuse” (Title 19, Section 19.42.030) of the Sonoma Municipal Code.

Section 19.42.030 is hereby amended as set forth in Exhibit “A”.

**Section 2.** Amendments to “Vacation Rentals” (Title 19, Section 19.50.110) of the Sonoma Municipal Code.

Section 19.42.030 is hereby amended as set forth in Exhibit “B”.

**Section 3.** Amendments to “Zones and Allowable Use” (Title 19, Chapter 19.10) of the Sonoma Municipal Code.

Section 19.10.020.C.1 (MX (Mixed Use) District) is hereby amended as set forth in Exhibit “C”.

**Section 4.** Amendments to “Planned development permit” (Title 19, Section 19.54.070).

Section 19.54.070.B is hereby amended as set forth in Exhibit “D”.

**Section 5.** Amendments to “Continued Availability” (Title 19, Section 19.44.040).

A. Section 19.44.040.A is hereby amended to read as follows:

Development Projects with City Funding – ~~40~~ 55 Years. Projects receiving a direct financial contribution or other financial incentives from the city, or a density bonus and at least one other concession or incentive, shall maintain the availability of the lower income density bonus units for a minimum of ~~40~~ 55 years, as required by state law (Government Code Sections 65915(c) and 65916);

B. Section 19.44.040.B is hereby amended to read as follows:

Private Development Projects – Inclusionary and Density Bonus Only – ~~30~~ 55 Years. Privately financed projects that receive a density bonus as the only incentive from the city shall maintain the availability of lower income density bonus units for ~~a minimum of 30~~ a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; and

C. Section 19.44.040.C.5 is hereby amended to read as follows:

Standards for Incomes and Rents/Sales Prices. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices consistent with the most recently adopted affordability policies of the city of Sonoma and Section 50053 of the Health and Safety Code.

**Section 5.** Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that the proposed revisions to the Development Code, which are intended to implement directions set forth in the Housing Element, ensure that the City's density bonus and inclusionary regulations are consistent with State Law, and to clarify provisions related to planned development permits, will not have any significant impact on the environment.

**Section 6.** Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of XX, 2016.

## **Exhibit A**

### 19.42.030 Adaptive reuse.

The adaptive reuse of historic structures within the historic overlay district, involving uses not otherwise allowed through the base zone, may be allowed subject to the approval of a conditional use permit, in compliance with SMC 19.54.040 and as set forth below.

A. Eligible Structures. The following types of structures are eligible for adaptive reuse:

1. Officially Designated Structures. Those structures of officially designated historical significance as indicated by (a) listing with the State Office of Historic Preservation, or (b) listing as a locally significant historic resource, regardless of whether they are located within the historic overlay zone.

2. Structures with Potential Historical Value. In addition to officially designated structures, there are other structures that may have historical value because of their age (usually more than 50 years old), and their contribution to the overall historic character of the community due to their unique architectural scale and style, use of design details, form, materials, or proportion, as may be documented through listing on the Sonoma League for Historic Preservation's inventory of historic structures. Such structures shall only be eligible for adaptive reuse if located within the historic overlay zone and shall not be eligible for consideration as a vacation rental.

B. Allowable Use. The following uses may be considered in an application for the adaptive reuse of a historic structure:

1. Residential Uses and Densities.

a. Allowable Residential Uses. Single- and multifamily dwellings and residential condominiums.

b. Allowable Residential Densities. The allowable residential density within the historic overlay district may exceed the normally allowable density under the subject general plan designation and zoning district, subject to the approval of the planning commission.

2. Nonresidential Uses.

a. Bed and breakfast inns;

b. Hotels;

c. Limited retail;

d. Mixed use (residential over commercial) developments;

e. Professional and service-oriented offices;

f. Restaurants (with or without outdoor dining facilities);

g. Vacation rentals (limited to structures listed or eligible for listing on the State Register of Historic Places), and

h. Wine tasting facilities.

C. Retention of Residential Character, Scale, and Style. Adaptive reuse projects shall retain a residential character, scale, and style (e.g., off-street parking areas would be prohibited in the front and street side setbacks, new construction would have a residential appearance, signs would be limited, etc.). The guidelines set forth in SMC 19.42.040 shall be considered by the planning commission in applications for adaptive reuse.

D. Compliance with Parking Standards. The above-listed uses shall be provided with suitable parking, in compliance with Chapter 19.48 SMC (Parking and Loading Standards).

E. Findings and Decision. The planning commission shall approve, with or without conditions, the adaptive reuse of an historic structure only if all of the following findings can be made, in addition to those identified in SMC 19.54.040 (Use permits). The alteration or adaptive reuse would:

1. Enhance, perpetuate, preserve, protect, and restore those historic districts, neighborhoods, sites, structures, and zoning districts which contribute to the aesthetic and cultural benefit of the city;
2. Stabilize and improve the economic value of historic districts, neighborhoods, sites, structures, and zoning districts;
3. Preserve diverse architectural design reflecting phases of the city's history, and encourage design styles and construction methods and materials that are compatible with the surrounding neighborhood(s);
4. Promote and encourage continued private ownership and utilization of structures now so owned and used; and
5. Substantially comply with the applicable Secretary of the Interior Standards and Guidelines for the Treatment of Historic Properties as well as the applicable requirements and guidelines of this chapter.

The following additional finding is required for applications for adaptive reuse as a vacation rental:

5. Restore and rehabilitate a historic structure and/or property, excluding second units, which is listed or eligible for listing on the State Register of Historic Places, that has fallen into such a level of disrepair that the economic benefits of adaptive reuse are necessary to stem further deterioration, correct deficient conditions, or avoid demolition as implemented in the conditions of project approval.

## **Exhibit B**

### 19.50.110 Vacation rentals.

This section sets forth requirements for the establishment and operation of vacation rental facilities.

A. Permit and Operational Requirements. The approval and operation of a vacation rental shall be subject to the following requirements and restrictions:

1. Conditional Use Permit Required. The establishment and operation of a vacation rental shall require the approval of a conditional use permit in compliance with SMC 19.54.040;
2. Maximum Number of Units. A vacation rental shall consist of no more than two complete residential units;
3. Business License Required. A business license is required for the establishment and operation of a vacation rental;
4. Transient Occupancy Tax. A transient occupancy tax registration form shall be completed, and the owner or manager shall pay transient occupancy tax;
5. Maximum Length of Stay. Visitor occupancy shall be limited to a maximum of 29 consecutive days;
6. Fire and Life Safety. Fire and life safety requirements as required by the fire department and the building division shall be implemented. Minimum requirements shall include approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room;
7. Annual Inspection. Each vacation rental shall comply with the annual fire and life safety certification procedures of the fire department;
8. Signs. One sign, with a maximum area of two square feet, shall be allowed subject to the approval of the city's design review and historic preservation commission;
9. Secondary Use. A vacation rental in the Commercial zone shall be allowed only in conjunction with an approved commercial use.
10. Second Units. Second units shall not be eligible for use as a vacation rental.

B. Licensed Vacation Rentals. Existing, licensed vacation rentals shall be allowed to continue as a legal, nonconforming use provided they comply with the requirements set forth in subsection (A)(4) through (A)(8) of this section. For the purpose of this section, "licensed" shall mean a vacation rental which as of November 3, 1999, has a valid business license and has registered to pay transient occupancy tax pursuant to SMC 3.16.060.

## Exhibit C

### 19.10.020.C. Mixed Use Zoning District.

1. MX (Mixed Use) District. The MX zoning district is intended to allow for higher density housing types, such as apartments and condominiums, both separately and in conjunction with commercial and office development, in order to increase housing opportunities, reduce dependence on the automobile, and provide a pedestrian presence in commercial areas. Under this designation, long-standing commercial and industrial uses in otherwise residential areas may be preserved and, subject to use permit review, modified or intensified. The maximum residential density is 20 dwelling units per acre. The MX zoning district is consistent with the Mixed Use land use designation of the General Plan.
2. Residential Component. In applications for new development for which a discretionary permit is required, a residential component is required, unless waived by the planning commission. A residential component should normally comprise at least 50 percent of the total proposed building area. Circumstances in which the residential component may be reduced or waived include, but are not limited to, the following:
  - a. The replacement of a commercial use within an existing tenant space with another commercial use.
  - b. The presence of uses or conditions incompatible with residential development on or adjacent to the property for which a new development is proposed.
  - c. Property characteristics, including size limitations and environmental characteristics, that constrain opportunities for residential development or make it infeasible.
  - d. Limitations imposed by other regulatory requirements, such as the Growth Management Ordinance.
3. Commercial Component. In applications for new development for which a discretionary permit is required, a commercial component may be required, unless waived by the planning commission. Circumstances in which a commercial component may be waived include, but are not limited to, the following:
  - a. The replacement, expansion, or alteration of a residential use within an existing residential or mixed-use development.
  - b. The presence of uses or conditions incompatible with commercial development on or adjacent to the property for which a new development is proposed.
  - c. Property characteristics, including size limitations and environmental characteristics, that constrain opportunities for commercial development or make it infeasible.
  - d. Interference with the objective of maximizing housing opportunities, especially affordable housing and other housing types that meet identified community needs and contribute to housing diversity.
  - e. Limitations imposed by other development regulations, including applicable requirements and guidelines of the Development Code.

## Exhibit D

### 9.54.070 Planned development permit.

A. Purpose. The planned development permit is intended to provide a process for allowing greater flexibility in site planning and design than afforded by the general development standards of this development code, to encourage more innovative and desirable projects, and efficient use of land than may be possible through strict application of conventional zoning regulations. In general, planned development permits are intended to address development under the following circumstances:

1. Properties with unique, challenging, or valuable topographic or environmental features;
2. Infill properties that are oddly shaped, narrow, or otherwise difficult to design for using normal development standards;
3. Site plans or building designs that are clearly responsive to the objectives of this development code, but which require variations from the normal development standards in order to achieve a useful innovation or a higher level of design quality than would otherwise be possible;
4. Developments that include affordable housing, where departures from normal development standards are used to reduce development costs while maintaining design quality.

A planned development permit shall not be granted solely for the purpose of maximizing development potential or for merely allowing the development of individual units on separate lots.

B. Applicability. Planned development permits may be requested for any development project in any residential, mixed use, or commercial zoning district. Flexibility in the application of development standards may only be authorized with regard to the following requirements of Divisions II, III, and IV:

1. Structure location and setbacks, yard areas, and open spaces;
2. Parking and loading requirements, ingress and egress location;
3. Fences, walls and screening;
4. Landscaping requirements;
5. Lot area and dimensions.

The power to modify development standards through grant a planned development permit does not include allowed land uses, ~~or~~ residential density regulations, or building heights.

C. Application Requirements. An application for a planned development shall be filed in compliance with SMC 19.52.040, Application preparation and filing. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (F) of this section, Findings, Decision.

- D. Project Review, Notice and Hearing. Each planned development application shall be reviewed by the city planner to ensure that the application is consistent with the purpose and intent of this section. The planning commission shall hold a public hearing in compliance with Chapter 19.88 SMC, Public Hearings, and may approve, approve with conditions, or disapprove the planned development permit in compliance with this section.
- E. Objectives. In the course of reviewing an application for a planned development permit, the planning commission shall evaluate it in terms of the following objectives, as applicable:

1. General Objectives

- a. Integrating environmental features and other site characteristics into the development plan;
- b. Establishing appropriate relationships between the development and adjoining properties, in terms of setbacks, yard orientation, and building heights;
- c. Creating high quality common and/or private open space; and
- d. Appropriately relating building mass to lot size and to adjacent development.

2. Objectives for Residential and Mixed-Use Development

- a. Providing well-designed affordable units ~~(if any)~~;
- b. ~~Providing or~~ Contributing toward variety in housing types and tenure, especially through the provision of a substantial component of smaller, attached units and unit types that address identified community needs, to the extent compatible with neighborhood conditions;
- c. Facilitating mixed-use development that is well-integrated internally and with respect to adjoining uses in terms of the type, siting, and arrangement of uses.

Any application for a planned development permit shall be shall be considered in relation to these objectives, the development standards and design guidelines of this development code, other applicable ordinances of the city, and applicable General Plan policies.

- F. Findings, Decision. Following a public hearing, the planning commission may approve, approve subject to conditions, or disapprove the planned development permit. The planning commission shall record the decision and the findings upon which the decision is based. The planning commission may approve a planned development permit application with or without conditions, only if the planning commission finds that:
1. The planned development permit is consistent with the General Plan, any applicable specific plan, and the intent and applicable objectives of this section;
  2. The design of the development is consistent with the intent of applicable regulations and design guidelines of the development code;
  3. The various use and development elements of the planned development relate to one another in such a way as to justify exceptions to the normal standards of the development code;

4. The design flexibility allowed by the planned development permit has been used to creatively address identified physical and environmental constraints and/or meet identified housing needs; and
  5. The proposed development will be well-integrated into its setting, will relate appropriately to adjacent uses, and will retain desirable natural features of the site and the surrounding area.
- G. Expiration. A planned development permit shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved in compliance with Chapter 19.56 SMC, Permit Implementation, Time Limits, Extensions.

February 27, 2002  
Agenda Item 1

## MEMO

**To:** Planning Commission  
**From:** City Planner Goodison  
**Subject:** Review of the draft Development Code—Article V (Planning Permit Procedures)

### Overview

In Article V, the various planning permits required for the use or development of property are defined, along with procedures and requirements for permit filing, processing, approval or disapproval, and expiration. Many of the permit types established in this Article are already in use by the City, but a few new permits are proposed. This Article does not address permits and procedures associated with the subdivision of land, as those are set forth in Article VI.

### **Applications: Filing and Processing (Chapter 19.52)**

This Chapter establishes the basic requirements and procedures applicable every planning application. The procedures set forth in this chapter are substantially similar to those currently in place. Based on previous direction from the Planning Commission, changes were made to the “Preapplication Review” section (19.52.040). The subsection describing the opportunity for Planning Commission study sessions was added at the suggestion of the Commission.

### **Planning Permit Approval or Disapproval (Chapter 19.54)**

In this chapter, the various planning permits are established, as follows:

- *Zoning Clearance:* This is a “new” permit but it reflects current practice. In essence, the Zoning Clearance is a way of documenting that a building permit or other non-discretionary permit has been checked for conformance with applicable requirements of the Development Code. For example, a building permit for a single-family residence is reviewed by Planning

staff in terms of height, coverage, and setbacks. There are no special submittal requirements and approval of the permit would normally consist of a signature on a building permit.

- *Temporary Use Permit:* Currently, there are many temporary activities that take place outside of the Municipal Code. Christmas Tree lots and temporary construction yards are two examples. The Temporary Use Permit recognizes this type of activity and establishes an administrative process for approving them. For uses that would exceed a certain time period, neighborhood notice of the activity would be required. Currently, this type of activity is regulated with a Zoning Permit, if at all (see Section 10 of the current Zoning Ordinance). However, there is no time restriction inherent to a Zoning Permit.
- *Use Permits:* The current Use Permit procedures are found in Section 13 of the Zoning Ordinance. Use Permits allow the Planning Commission to consider uses that may be desirable and appropriate within a certain Zoning District, yet have the potential to create conflicts with neighboring uses unless carefully regulated. The findings for approval are basically the same as those in place now, except that a fourth finding is added: *“The proposed use will not impair the architectural integrity and character of the of the Zoning District in which it is to be located.”*
- *Exceptions:* The “Exception” permit creates flexibility in the quantitative requirements of the Zoning Ordinance without the very restrictive findings associated with approving a Variance. In the current Zoning Ordinance, exceptions are defined in Section 13.B as a variant of a Use Permit. In the draft Development Code, new findings are provided, along with a limitation on the extent to which an Exception may vary from the normal requirement (30% is proposed).
- *Variances:* Variances allow the Planning Commission to authorize adjustments to the physical standards established by a Zoning Ordinance. The findings needed to approve a Variance are established by State law.
- *Planned Development Permit:* A Planned Development or Planned Unit Development process allows the Planning Commission to review a proposed development and allow changes in setbacks, coverage, and other quantified development standards (but not use or density). In the current Zoning Ordinance, PUD regulations are found on page B-7. Portions of this section were re-written in response to previous comments from the Planning Commission.

As a reminder, in a change from the provisions of the current Zoning Ordinance, the Planned Development process as set forth in the draft Development Code can be used for commercial and mixed use developments, as well as purely residential developments.

- *Site Design and Architectural Review.* Currently, many of the key provisions related to design review are found in Chapter 2.60 of the Municipal Code, in which the ARC is established. In the draft Development Code, the basic division of design review responsibilities between the Planning Commission and the ARC are retained.
- *Demolition Review:* Currently, the review of a discretionary demolition permit is only required for properties within the Historic District Overlay and the review is conducted by the ARC. The responsibility of the ARC to review applications for demolition is retained, but the findings for approval have been modified. The criteria for determining whether a structure is historically significant are new. Another difference between the draft code and current regulations is that, under the code, historically-significant structures located outside of the Historic District Overlay would be subject to demolition permit review requirements.

### **Permit Implementation, Time Limits, Extensions (Chapter 19.56)**

This chapter establishes generic requirements and procedures, applicable any planning permit, for performance guarantees, time limits and extensions, and revisions to approved project plans. The provisions addressing this last item are new to Sonoma, but this language has been previously reviewed by the Planning Commission.

### **Recommendation**

It is recommended that the Planning Commission review Article V of the draft Development Code and identify any final revisions prior to referring it to the City Council.

**M E M O**

**To:** Planning Commission  
**From:** Planning Director Goodison  
**Re:** Discussion of Affordable Housing Overlay Zone and Related Concepts

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**Background**

*Housing Element Law:* A key issue addressed in Sonoma’s Housing Element is the City’s Regional Housing Needs Assessment (RHNA) allocation, also known as the “fair share” requirement. State law requires all regional councils of governments, including the Association of Bay Area Governments (ABAG) to periodically update the existing and projected housing need for its region (Government Code Section 65580 et. seq.) and determine the portion allocated to each jurisdiction within the ABAG region. When these updates occur, State Law further requires that each affected jurisdiction update its Housing Element to address the revised housing needs assessment. Based on the most recent RHNA, which was issued in 2013, the fair share allocation for the development of affordable housing that is addressed in Sonoma’s Housing Element update is as follows:

<b>Sonoma’s Regional Housing Needs Allocation by Household Income Category: 2015-2023</b>				
Very Low	Low	Moderate	Above-Moderate	Total
24	23	27	63	137

It should be emphasized that the City’s legal responsibility with regard to the Housing Element and its fair share allocation is to show that opportunities exist that allow for the units to be built. A significant element of this analysis is a site inventory, which is described by the the Department of Housing and Community Development (HCD) as follows:

*The element must include a detailed land inventory and analysis including a site specific inventory listing properties, zoning and general plan designation, size and existing uses; a general analysis of environmental constraints and the availability of infrastructure, and evaluation of the suitability, availability and realistic development capacity of sites to accommodate the jurisdiction’s share of the regional housing need by income level.*

*Housing Element Sites Inventory:* The site inventory in Sonoma’s Housing Element identifies nine sites within city limits having an estimated development capacity to accommodate an estimated 314 very low and low income units, 15 moderate income units, and 72 above-moderate income units (see attached). An additional 10 sites are identified in the inventory located outside of city limits but within the sphere of influence. In combination with projects that were approved but built at the time the Housing Element was adopted, the inventory demonstrates that there is sufficient land capacity within city limits at the proper density to accommodate Sonoma’s RHNA.

<b>Site Capacity Compared to RHNA</b>			
Income Level	Very Low/Low	Moderate	Above-Moderate
RHNA	47	27	63
Site Capacity	314	15	72
Units in Process	1	15	96
Capacity v. Net RHNA	+280	+3	+105

As shown in the table above, the inventory shows excess development capacity compared to the RHNA objectives. Having excess capacity is necessary because the City cannot necessarily dictate that any particular site included in the inventory will be developed at a particular level of affordability. To put it another way, the inclusion of a site in the inventory does not represent a mandate that it be developed with affordable housing or with housing of any particular type or density, except as regulated by the site's land use and zoning designation. The inventory is simply a demonstration of land capacity. It should also be noted that affordable units can and will be developed in sites that are not included in the inventory. For example, the Planning Commission recently reviewed a development concept for a property at 870 Broadway, not included in the inventory, that called for 30 residential units (at a density of 16 units per acre), including six inclusionary affordable units.

*Housing Opportunity Site Overlay Zone:* When the Development Code was first adopted in 2003, the densities of various land use designations were somewhat different than they are today.

<b>Density Changes by Land Use Designation (Units per Acre)</b>					
	Medium Density	High Density	Housing Opportunity	Mixed Use	Commercial
<b>2003 Densities</b>	6-10	9-12	15-20	12 Max.	15 max.
<b>2020 General Plan Density Increase</b>	7-11	11-15	15-25	20 max.	20 max.

These changes were called for in the City's 2004 Housing Element and implemented in the 2020 General Plan Update (and accompanying changes to the Development Code), adopted in 2006. The changes in allowed densities were made partly in response to guidance from HCD to the effect that low and very low income could only feasibly be developed through land use designations have a density of at least 20 units per acre. In the 2004 Housing Element, the City could not demonstrate that it had sufficient land available with a suitable zoning to accommodate its RHNA objective. Therefore, the Housing Element included policies directing density increases and rezonings. In addition, the 2004 Housing Element included the following related implementation measure aimed at increasing land availability for affordable housing:

3. *The City shall implement an Affordable Housing Opportunity Overlay Zone for selected multifamily sites that would require that at least forty percent (40%) of the total units in the development are affordable to households in the very low-, low- and moderate-income categories. At least 50% of the units shall be affordable to households in the low-income category, and at least 25% of the affordable lots or units shall be affordable to households in the very low-income category. In return, the City shall target funding as a subsidy for all projects within the Overlay Zone.*

Currently, there are no longer any policies or implementation measures in the Housing Element or elsewhere in the General Plan that support or even make reference to the AHO zone, as it was not carried forward in subsequently-adopted Housing Elements. Presumably, this is because the City has several land use designations in place that support densities sufficient to accommodate affordable housing. In addition, the City does not need to use an overlay zone to facilitate providing financial support for an affordable housing development.

*Housing Opportunity Site Land Use Designation:* Although the overlay zone concept was abandoned, the 2020 General Plan includes a land use designation called “Housing Opportunity”, which is defined as follows:

*Housing Opportunity: This designation identifies sites suitable for higher density and affordable development, especially close to commercial centers and mixed use areas, and is intended to provide opportunities for low and very low income households. Uses other than housing and associated improvements are not allowed. Home occupations are allowed.*

This land use designation is implemented in the Development Code with the Housing Opportunity zone. The density range is 15-25 units per acre and only multi-family residential uses are allowed. The Housing Opportunity land use designation and zoning are currently applied to a group of parcels on Sonoma Highway, one of which has been developed with the Sonoma Valley Oaks affordable project, to the Firehouse Village affordable apartment site on Second Street West, and to the Wildflower affordable ownership project on Napa Road. The Housing Opportunity land use designation does not correspond to the inventory of affordable housing sites, which identifies properties having a variety of General Plan land use designations.

### **Concepts for Promoting Affordable Housing**

The Planning Commission has expressed interest in discussing concepts for promoting the development of affordable housing, including housing that may not be income restricted by covenant, but that is likely to be relative affordable due to a smaller size or based on unit type (e.g., apartments and condominiums). As a starting for discussion, some broad concepts that the Planning Commission may wish to discuss are as follows:

1. *Cottage Housing:* As suggested by the Planning Commission, the recently updated Housing Element includes a new program though which Development Code would be amended to accommodate “Cottage Housing”. This direction is set forth in “Implementation Measure 5—Alternative Housing Models:”

*Sonoma recognizes the changing housing needs of its population, including a growing number of non-family households, aging seniors in need of supportive services, and single-parent families in need of childcare and other services. To address such needs, the City can support the provision of non traditional and innovative housing types to meet the unique needs of residents, such as co-housing, shared housing, and assisted living for seniors, among others. Two unique housing typologies the City is particularly interested in pursuing are cottage housing and junior second units.*

*Cottage housing developments are groupings of small, attached or detached single-family dwelling units, often oriented around a common open space area, and with a shared area for parking. Cottage housing is typically built as infill development in established residential zones and can provide increased density and a more affordable alternative to traditional single-family housing. Rather than codifying all parameters of cottage development, a more flexible approach of design guidelines and design review may be appropriate.*

Per the Housing Element, the objective is to have Development Code amendments in place by 2017. A Cottage Housing ordinance represents an allowance/incentive, not a requirement.

2. *Update Inclusionary Requirement:* The Housing Element calls for a review and update of the inclusionary requirement, in which residential developments of 5 or more units provide a percentage of affordable housing. This review is proposed because the moderate income affordable units that are typically provided by developers under this program are often comparable in price to market-rate condominium units, making them difficult to sell. It may be preferable to require fewer units at the low income level of affordability. Other options to be investigated are the establishment of an in-lieu fee, as well as an affordable impact fee potentially applied to projects of 2-4 units. The implementation of this program is in process, as the City is currently evaluating proposals for consultant assistance.
3. *Minimum Density Requirement:* The City could consider establishing a minimum density requirement for development in the Mixed Use zone. This could be a difficult problem, however, as the Mixed Use zone is applied to a wide range of property types, not all of which are appropriate for residential development. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction. Amendments to the General Plan would be required to implement this concept.
4. *Overlay Zone Requirements and Incentives:* The City could consider reviving the affordable housing overlay concept. Typically, a housing overlay zone combines incentives, such as density increases, allowances for greater height and reduced parking, and even fee waivers, with requirements for a minimum number or percentage of covenanted affordable housing units at designated income levels. Staff would note that most if not all of the zoning incentives available through a housing overlay zone are already allowed for through the density bonus process. Depending on how it is implemented, this approach could establish requirements, not just incentives. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction. Amendments to the General Plan would be required to implement this concept. Information and examples of the housing overlay zone concept are attached.
5. *Redesignate Additional Sites as “Housing Opportunity”:* The City already has a General Plan designation of “Housing Opportunity” that establishes a relatively high minimum density and prohibits uses other than housing. This designation could be applied to other parcels within city limits or the sphere of influence through a General Plan amendment process. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction.

6. *Maximum Unit Sizes/Limitations on Unit Types:* The City could consider developing General Plan and zoning requirements that specify a maximum median unit size in certain zoning districts, possibly in conjunction with limitations on unit types. Staff is looking for examples of this approach, but have yet to find any relevant to Sonoma. Amendments to the General Plan and the Development Code would be required to implement this concept. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction.

With respect to the concepts discussed under #4 and #5, staff would note that the Housing Opportunity Land use designation has in the past typically been employed in situations where the City owned or controlled the property or following extensive consultation with the property owner.

### **Recommendation**

Discuss and provide feedback to staff.

#### Attachments:

1. Housing Opportunity Site Inventory
2. Affordable Housing Overlay Information and Examples

Table H-2: Housing Opportunities - City Limits

SITE NO.	Site Address	Gross Acres	Existing Use	Current GP Designation	Current Zoning	Max. Density	Realistic Density (DU/AC)	Realistic Development Potential (Units)	Income Categories		
									Very Low & Low	Mod	Above Mod.
<b>NORTHEAST PLANNING AREA</b>											
1	216, 226 & 254 First Street East	2.63	Underutilized; 0.5 acre vacant, 0.5 acre parking; main commercial building is vacant	Mixed Use	R-S	20	20	53	53		
<b>CENTRAL-WEST PLANNING AREA</b>											
2	No address assignment	4.1	Vacant	Sonoma Residential	R-S	8	8	22	22		
3	19910 Fifth Street West	1.51	Underutilized; vacant field	Medium Density Residential	R-M	11	10	15	15	15	
4	700 Curtin Lane	6.28	Underutilized; currently 1-2 units/6.28 acres; primarily agricultural	Sonoma Residential	R-S	8	8	50	50		
<b>GATEWAY DISTRICT</b>											
5	45 & 69 Napa Road	3.53	Vacant	Gateway Commercial	C-G	20	20	71	71	71	
<b>BROADWAY CORRIDOR</b>											
6	20269 Broadway	1.97	Vacant	Mixed Use	MX	20	20	39	39	39	

SITE NO.	Site Address	Gross Acres	Existing Use	Current GP Designation	Current Zoning	Max. Density	Realistic Density (DU/AC)	Realistic Development Potential (Units)	Income Categories			TOTAL OPPORTUNITY SITES*	
									Very Low & Low	Mod	Above Mod.		
<b>WEST NAPA STREET / SONOMA HIGHWAY CORRIDOR</b>													
7	477 West Napa Street	3.02	Vacant	Commercial	C	20	20	60	60	60	15	72	401
8	19320 & 19330 Sonoma Highway	2.52	Underutilized; Western part of site developed with several residential buildings. Resident relocation required.	Housing Opportunity	R-O	25	20	50	50	50	27	63	137
9	590 West Napa Street	2.04	Underutilized; has 1 home fronting West Napa St., most of lot is vacant; accessible from opposite block.	Mixed Use	MX	20	20	41	41	41	-	105	388
									314	15	72	401	
									47	27	63	137	Total RHNA
									1	15	96	112	Approved, Permitted since Jan 2014.**
									12	-	-	12	Projected Second Units
									280	3	105	388	"NET RHNA"

\*The unit distribution only serves to demonstrate that RHNA figures by income level could be accommodated by the unit capacity of the site inventory. New projects on these sites are not mandated to accommodate the exact units by income level as shown in the table.

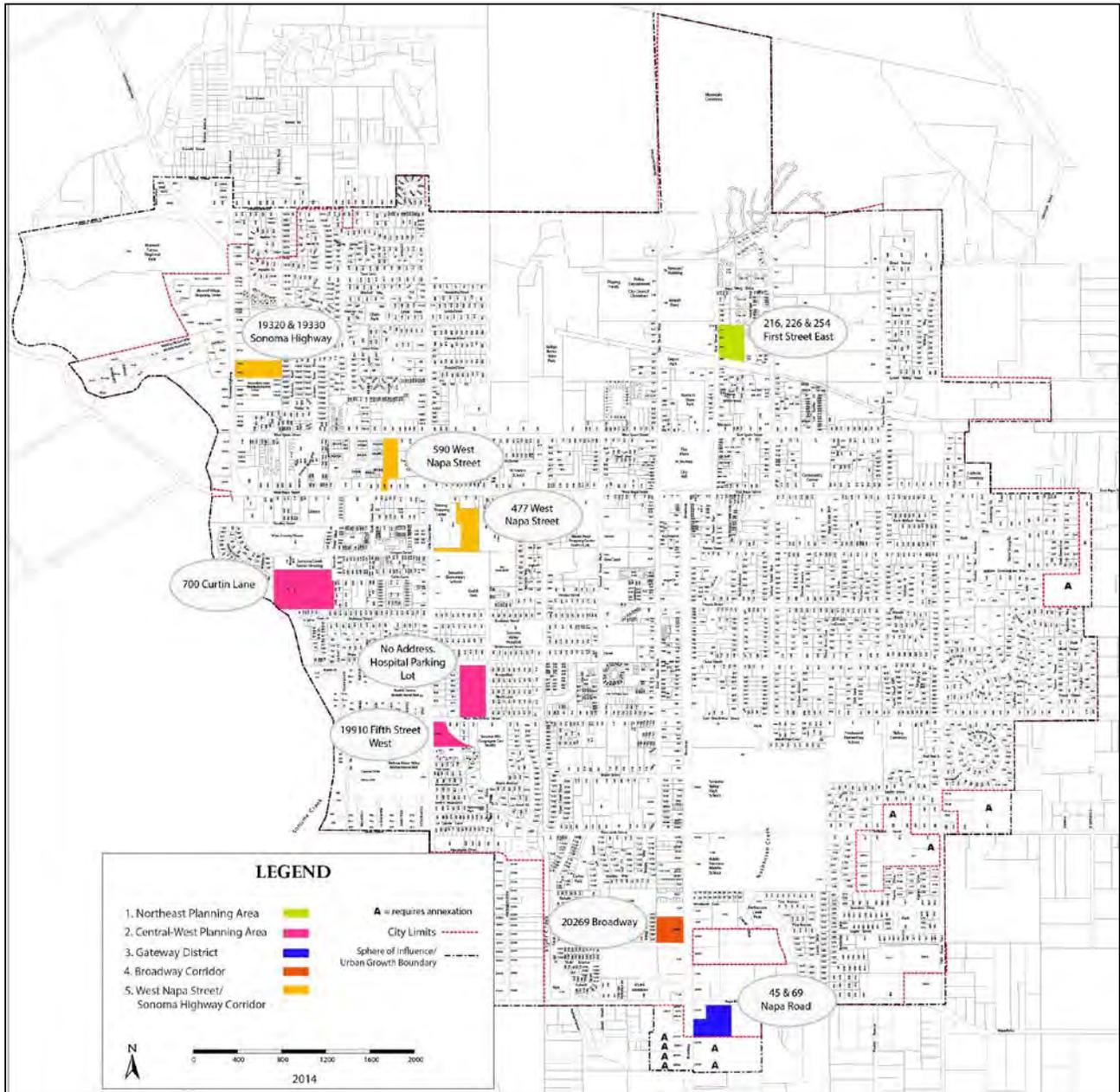
\*\* See Table H-5 for projects approved or under construction since January 2014.

Table H-3: Housing Opportunities Sites – Within Sphere of Influence

SITE NO	Site Address	Gross Acres	Existing Use	Current GP Designation	Current Zoning	Max. Density	Realistic Density (DU/ AC)	Realistic Development Potential (Units)
<b>CENTRAL-EAST PLANNING AREA</b>								
10	885 East Napa Street	7.06	Underutilized	Sonoma Residential	R-S*	8	8	56
<b>SOUTHEAST PLANNING AREA</b>								
11	438 Denmark Street	1.66	Underutilized	Low Density Residential	R-L*	8	4	8
12	455-475 Denmark Street (3 parcels)	5.5	Underutilized	Low Density Residential & Sonoma Residential	R-L & R-S*	7.2	5	30
13	600 Denmark Street	4.89	Vacant	Sonoma Residential	R-S*	8	5	39
14	20455 Fifth Street East	2.88	Underutilized	Mixed Use	MX*	20	10	28
<b>GATEWAY DISTRICT</b>								
15	20535 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
16	20549 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
17	20559 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
18	20563 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
19	20564 Broadway	2.5	Underutilized	Gateway Commercial	C-G*	20	20	50
20	20540 Broadway	5	Underutilized	Gateway Commercial	C-G*	20	20	100
							<b>TOTALS</b>	<b>391</b>

\* Zoning designation that would apply to the property/site upon annexation to the City.

Figure H-1: Housing Opportunity Site Map



## **Housing Overlay Zone (HOZ)**

### ***Summary and Benefits:***

Using a “carrot,” rather than a “stick,” approach to encourage the creation of additional affordable housing, Housing Overlay Zones (HOZ) provide a flexible tool that sits on top of conventional zoning designations. These areas offer developers incentives to provide the community with specific amenities and community benefits in exchange for specific concessions by the city. On sites where land is not zoned for residential use but a city would like to see affordable housing built, a housing overlay district may eliminate the time consuming process of amending a general plan to construct such housing.

Public Advocates, a Bay Area law firm specializing in social justice issues, points out:

To achieve these goals, HOZ policies are centered around four basic parameters that can be customized to best fit local needs:

1. Geographic scope of applicability;
2. Baseline affordability qualifications for developments to access HOZ incentives;
3. Incentives given to qualified developments; and
4. The extent of exemptions from discretionary project-level approvals.

Determining the most effective balance of these factors will depend on work by local communities; however, in general, more effective HOZs will have broad geographic applicability including in lower-density or commercial zones, meaningful affordability qualifications, valuable incentives, and reliable exemptions from discretionary approvals.

### ***Potential Policies:***

- Consider the implementation of a Housing Overlay Zone over locally designated Priority Development Areas (PDAs), and transit-accessible areas, to incentivize affordable housing inclusion in areas close to amenities and transit alternatives.
- Among the potential incentives it could include:
  - Enhanced density bonuses - possibly to encourage [parcel assembly](#) as well
  - Reduced parking ratios
  - Expedited permit processing
  - Increased allowable heights
  - By-right zoning or administrative approval of projects
  - In-lieu fees
  - Impact fee waivers

### ***Model Ordinances/Useful Sources:***

- **City of Menlo Park**, link: [http://www.menlopark.org/departments/pln/he/amendments/993\\_HE\\_Affordable\\_Housing\\_Overlay.pdf](http://www.menlopark.org/departments/pln/he/amendments/993_HE_Affordable_Housing_Overlay.pdf), <http://www.codepublishing.com/CA/menlopark/?MenloPark16/MenloPark1698.html>
- **City of Alameda**, link: [http://alameda.granicus.com/MetaViewer.php?meta\\_id=37217&view=&showpdf=1](http://alameda.granicus.com/MetaViewer.php?meta_id=37217&view=&showpdf=1)
- **King County, Washington**, link <http://www.kingcounty.gov/socialservices/Housing/ServicesAndPrograms/Programs/HousingDe>

[velopment/Incentives.aspx](#)

- **Orange County**, Affordable housing incentive withing commercially zoned properties, Link: [http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZO\\_CO.html#TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZOCO\\_S7-9-148.1PUIN](http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE_DIV9PL_ART2THCOZO_CO.html#TIT7LAUSBURE_DIV9PL_ART2THCOZOCO_S7-9-148.1PUIN)
- **Public Advocates**, *Factsheet: Housing Overlay Zones*, [http://www.publicadvocates.org/sites/default/files/library/affordable\\_housing\\_overlay\\_zone\\_fact\\_sheet\\_7-27-10.pdf](http://www.publicadvocates.org/sites/default/files/library/affordable_housing_overlay_zone_fact_sheet_7-27-10.pdf)

## Chapter 17.20 AHO AFFORDABLE HOUSING OVERLAY DISTRICT

### Sections:

- [17.20.010](#) Purpose.
- [17.20.020](#) Applicability.
- [17.20.030](#) Definitions.
- [17.20.040](#) Uses permitted with a development agreement.
- [17.20.050](#) Development incentives.
- [17.20.060](#) Assurance of affordability.
- [17.20.070](#) Pre-application procedure.
- [17.20.080](#) Application – Development plans and map required.
- [17.20.090](#) Findings.

### **17.20.010 Purpose.**

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- A. The affordable housing overlay (AHO) district is intended to facilitate the provision of affordable housing units as defined in Section [17.20.030](#) through the retention and rehabilitation of existing units, or the construction of new units. The AHO district is intended to provide the opportunity and means for the city to meet its regional fair share allotment of such units, and to implement the policies and goals of the housing element of the city's general plan.
- B. These regulations are intended to encourage the development of affordable housing units by assisting both the public and private sector in making the provision of these units economically viable, while providing assurances to the city that these units will maintain a high degree of quality and will remain affordable to the target population over a reasonable duration of time.
- C. These regulations are further intended to encourage the provision of affordable housing through the combination of the AHO district with multiple-family residential zoning districts within the city where the affordable housing projects are determined to be feasible and are consistent with the city's general plan.
- D. The affordable housing overlay provides a density increase for affordable housing development that in most cases exceeds density bonuses permitted by state law (Government Code Section [65915](#)). Consequently, a development may utilize the affordable housing overlay as an alternative to the [use](#) of state density bonus but may not utilize both the affordable housing overlay and state density bonuses.
- E. The affordable housing overlay is intended to provide a means of directing and simplifying the process for creating and maintaining affordable housing.
- F. The affordable housing overlay is also intended to provide incentives to developers whether in new or rehabilitated housing, to maintain rental units for the long term, e.g., not less than fifty-five years, and affordable ownership units in perpetuity. (Ord. [950](#) § 1, 2010)

### **17.20.020 Applicability.**

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The regulations set forth in this chapter may be applied to specific sites meeting the following criteria:

- A. Be located in the multiple-family residential zoning districts;
- B. Is not located in the R-1 zoning district;
- C. One acre in size. (Ord. [950](#) § 1, 2010)

#### **17.20.030 Definitions.**

- A. "Affordable housing" means housing capable of being purchased or rented by a household with "very low," "low," or "moderate" income levels at an "affordable housing cost" or "affordable rent," as those terms are defined by the state of California.
- B. "Affordable housing overlay district" means a zoning district that applies in addition to existing zoning designation where the city encourages the provision of affordable housing units as described in this chapter.
- C. The "very low," "low," and "moderate" income levels are defined by the state of California in Sections 50105, 50079.5, and 50093, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900. These income levels are:
  - 1. Very Low Income. Up to and including fifty percent of the Santa Cruz County median income, adjusted for [family](#) size, as defined by the state law;
  - 2. Lower Income. Fifty-one percent to eighty percent of Santa Cruz County median income, adjusted for [family](#) size, as defined by the state law;
  - 3. Moderate Income. Eighty-one percent to one hundred twenty percent of Santa Cruz County median income, adjusted for [family](#) size, as defined by state law.
- D. "Affordable housing cost" and "affordable rent" are defined in Sections 50052.5 and 50053, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900.
- E. All of the state laws and regulations referenced above, or their successors, as the same from time to time may be amended, are incorporated herein as though fully set forth. In the event of any inconsistency or discrepancy between the income and affordability levels set forth in this chapter and the levels set in state laws and regulations, the state provisions shall control. (Ord. [950](#) § 1, 2010)

#### **17.20.040 Uses permitted with a development agreement.**

The following [uses](#) are permitted with the execution of a development agreement by the city and the developer in accordance with the provisions of California Government Code Section [65864](#) et seq.

- A. Residential developments at a density greater than normally permitted by the underlying, multiple-family zoning district (up to twenty units per acre), when the development provides a substantial level of affordable housing units, as defined in Section [17.20.030](#). A substantial level is defined herein as a minimum of fifty

percent of the units in the project be income restricted affordable housing, of which, no less than fifty percent of those units (twenty-five percent of the total) shall be affordable to households earning low, very low and extremely low incomes. A greater level of affordability will not allow a greater level of density. The twenty units/acre limit shall be based on a calculation that includes all existing and all new units on the land area that is being included in the calculation.

B. Accessory [uses](#) or [structures](#) incidental to the principally permitted [use](#). (Ord. [950](#) § 1, 2010)

### **17.20.050 Development incentives.**

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A. General. In order to reduce costs associated with the development and construction of affordable housing, the property development standards set forth in subsection C of this section are established for the AHO district. These property development standards represent a relaxation of standards normally applied to housing in the city and are established in order to facilitate and promote the development of affordable housing in the city and shall be extended upon issuance of a design permit for architectural and site review. As a further inducement to the development of affordable housing beyond the relaxation and flexibility of development standards, the city, where appropriate, may also extend one or more of the development incentives set forth in subsection D, the selection of which shall depend on the quality, size, nature, and scope of the project being proposed. Incentives shall be targeted to improve the project design or to yield the greatest number of affordable units and required level of affordability, so as to permit the city to meet its regional fair share allotment of affordable housing and the goals of the housing element of the city's general plan. It is also the intent of the city to facilitate affordable housing by encouraging developer involvement with the city's redevelopment [agency](#) and other public and private entities concerned with the provision of affordable housing and by cooperating with such entities.

B. Eligibility. To be eligible for the property development standards set forth in subsection C of this section requires the developer to propose a housing development containing at least fifty percent affordable units. All affordable units can be in a single category or there can be a mixture of affordable unit types (although twenty-five percent of total must be affordable to low, very low or extremely low income households) which include:

1. Moderate income households; or
2. Lower income households; or
3. Very low income households; or
4. Extremely low income households.

C. Property Development Standards. The following development standards shall apply to affordable housing units in the AHO district:

1. General Design Standards. The affordable housing units shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse

influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and [use](#) of passive solar heating and cooling through proper placement of walls, windows, and landscaping. [Building](#) design and materials shall blend with the neighborhood or existing [structures](#) on the site.

2. Minimum Design Standards. Unless modified by the planning commission, the following design standards shall apply to a project that utilizes the density increases allowed by this section.

- a. The front facade and main entrance of [dwellings](#) adjacent to the front property line shall face the [street](#) and must be clearly articulated through the [use](#) of architectural detailing.
- b. The front entrance of the [dwelling](#) facing the [street](#) should be defined by at least one of the following: a porch of at least eight feet in width and depth, roof overhang, or similar architectural element.
- c. Except for a basement-level garage below grade, any garage, [carport](#) or other accessory [structure](#), attached or detached, shall be located at least fifteen feet behind the front of the principal [building](#) facing the front property line.
- d. Sidewalks shall be installed along all [street](#) frontages.
- e. Existing vegetation on perimeter shall be preserved to maintain a buffer to existing surrounding [structures](#). Existing significant trees are to remain whenever feasible.
- f. The planning commission may waive, or modify, any, or all, of these requirements when the commission finds it is infeasible to comply due to physical or other constraints on the [lot](#).

3. Minimum [Building Site](#) Area and [Lot Area](#) Per [Dwelling](#) Unit. There shall be no minimum [building site](#) area requirement for individual [lots](#) or individual [dwelling](#) sites in an affordable housing development. The [building site](#) area shall be designated on a site plan approved by the planning commission pursuant to Chapter [17.63](#), Architectural and Site Review.

4. Density. In multiple-family residential districts, overall density of site development within an AHO district shall not exceed twenty units per acre. A development may utilize the affordable housing overlay as an alternative to the [use](#) of state density bonus but may not utilize both the affordable housing overlay and state density bonuses. Density averaging may be used to achieve an overall acceptable density level for a project. As used herein, "density averaging" means meeting the density requirements by averaging the density on a project-wide basis so as to permit higher density levels in certain project portions in exchange for advantageous project design features. In all zoning districts, density permitted by the AHO district shall not exceed what can be accommodated by the site while meeting parking, unit size, and other development standards.

5. Building Height. The [building height](#) shall not exceed two-stories or twenty-seven feet from existing grade or finish grade, whichever is more restrictive.

6. Setbacks. The minimum setbacks from the [lot line](#) of the project shall be determined through

approval of a design permit/architectural and site review with the exception of setbacks from property lines adjacent to R-1 zoned property, which shall be a minimum of twenty feet for first floors and fifty feet for second floors.

7. Lot Coverage. The maximum [lot](#) coverage for a proposed project shall be determined through the design permit/architectural and site review.

8. Parking. R-1 parking standards shall apply with a minimum two spaces per unit. In addition, a minimum of one visitor [parking space](#) for every seven units shall be required.

9. Common Open Space. Common open space shall comprise the greater of: (a) ten percent of the total area of the site; or (b) seventy-five square feet for each [dwelling](#) unit. Land occupied by [buildings](#), [streets](#), driveways, [parking spaces](#), utility units, and trash enclosures shall not be counted in satisfying the open space requirement; land in landscaping and passive and active recreation/open space with a minimum depth/width of five feet shall be counted, and land occupied by recreational [buildings](#) and [structures](#) shall be counted.

10. Streets. All public [streets](#) within or abutting the proposed planned development shall be dedicated and improved to city specifications for the particular classification of [street](#); all private [streets](#) shall meet fire code and access standards.

11. Accessory [Uses](#) and [Structures](#). [Accessory uses](#) and [structures](#) shall be located as specified on the site plan as approved by the planning commission.

12. Signs. Signs shall be permitted only to the extent allowed under Chapter [17.57](#) and must be approved by the planning commission.

D. Additional Development Incentives. In addition to the relaxed and flexible development standards set forth in subsection C of this section, the city may offer other development incentives should the developer meet the eligibility requirements. For example, exceptions, waivers or modifications of other development standards which would otherwise inhibit density and achievement of affordable housing goals for the development site, including, but not limited to, placement of [public works](#) improvements. (Ord. [950](#) § 1, 2010)

#### **17.20.060 Assurance of affordability.**

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Affordable housing units developed under this chapter shall remain available to persons and families of very low, low and moderate income, at an affordable housing cost or affordable rental cost, as those income and affordability levels as defined in Section [17.20.030](#), for a period of not less than fifty-five years, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, California Redevelopment Law, or housing grant, loan or subsidy program. The period of affordability required hereunder shall run concurrently with any period of affordability required by any other [agency](#); provided, however, that the affordability period shall not be less than as set forth in this section. The project developer shall be required to enter into an appropriate agreement with the city to ensure affordability is maintained for the required period. (Ord. [950](#) § 1, 2010)

### **17.20.070 Pre-application procedure.**

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Prior to submitting an application for an affordable housing development, the applicant or prospective developer should hold preliminary consultations with the community development department, redevelopment [agency](#), and other city staff as may be desirable, to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should include information on potential federal, state, and local affordable housing funding availability, and program requirements in guaranteeing the project's consistency with the objectives of this overlay district. (Ord. [950](#) § 1, 2010)

### **17.20.080 Application – Development plans and map required.**

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An application for an affordable housing development must be for a parcel or parcels of land, is under the control of the person, corporation, or entity proposing the development. The application shall be accomplished by the submittal of the following plans and maps with the city's standard application form:

- A. A boundary survey map of the property or, if the applicant proposes to subdivide the property, a subdivision map;
- B. Topography of the property and the preliminary proposed finished ground shown at contour intervals of not to exceed two feet;
- C. The gross land area of the development, the present zoning classification and land [use](#) of the area surrounding the proposed development, including the location of [structures](#) and other improvements;
- D. A general development plan with at least the following details shown to scale and dimensions:
  - 1. Location of each existing and each proposed [structure](#) in the development area, the [use](#) or [uses](#) to be contained therein, the number of stories, gross [building](#) and [floor areas](#), approximate location of entrances thereof,
  - 2. All [streets](#), curb cuts, driving lanes, parking areas, public transportation points and illumination facilities for the same,
  - 3. All pedestrian walks, malls and open areas for [use](#) of occupants and members of the public,
  - 4. Location and height of all walls, fences and screen planting, including a detailed plan for the landscaping of the development and the method by which such landscaping is to be accomplished,
  - 5. Types of surfacing, such as paving or turfing to be used at various locations,
  - 6. A preliminary grading plan of the area;
- E. Plans and elevations of [building](#) and [structures](#) sufficient to indicate the architectural style and construction standards;
- F. The proposed means for assuring the continuing existence, maintenance and operation of the project as an affordable housing project;

G. Such other information as may be required by the director to allow for a complete analysis and appraisal of the planned development. (Ord. [950](#) § 1, 2010)

### **17.20.090 Findings.**

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In approving a development project which utilizes the affordable housing overlay zone, the city council, upon the recommendation of the planning commission, shall make the following findings to ensure that the application is appropriate to the purpose and the location:

- A. The concessions granted for density and deviation from design standards, are commensurate with the level of affordability. Specifically, the greater the extent of concessions and incentives, the greater the level of affordability.
- B. The design of the proposed project, even with the concessions for density and deviation from design standards, is appropriate for the scale and style of the site (where additional units are being added to an existing development) and surrounding neighborhood. Specifically, the development will provide an attractive visual transition and will not significantly impact the integrity of the surrounding neighborhoods.
- C. The developer has agreed to enter into an agreement to maintain the affordability of the project specific to the requirements of the city and any funding sources with greater or longer affordability requirements.
- D. If located within the coastal zone, the project is found to be in conformity with the Local Coastal Program, including, but not limited to, sensitive habitat, public viewshed, public recreational access and open space protections. (Ord. [950](#) § 1, 2010)

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**The Capitola Municipal Code is current through Ordinance 1004, passed September 24, 2015.**

Disclaimer: The City Clerk's Office has the official version of the Capitola Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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## Chapter 16.98 AFFORDABLE HOUSING OVERLAY

### Sections:

- [16.98.010](#) Purpose and goal.
- [16.98.015](#) Applicability.
- [16.98.020](#) Affordable housing requirement.
- [16.98.030](#) Density bonus.
- [16.98.040](#) Incentives.
- [16.98.050](#) Fee waivers.
- [16.98.060](#) Continued affordability.
- [16.98.070](#) Design.

### **16.98.010 Purpose and goal.**

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The purpose of the affordable housing overlay ("AHO") zone established by this chapter is to encourage the development of affordable housing for low, very low and extremely low income households. The AHO serves to implement the housing element goal of providing new housing that addresses affordable housing needs in the city of Menlo Park by establishing development regulations for designated housing opportunity sites. The AHO is also intended to address those housing projects which provide a greater percentage of low and very low income units than identified in Government Code Section [65915](#). (Ord. 993 § 2 (part), 2013).

### **16.98.015 Applicability.**

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This chapter shall apply to the Menlo Park El Camino Real and Downtown specific plan area and those properties zoned R-4-S (AHO) (high density residential, special—affordable housing overlay). (Ord. 993 § 2 (part), 2013).

### **16.98.020 Affordable housing requirement.**

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(a) For smaller projects that propose more than five (5) but less than one hundred (100) residential dwelling units, to qualify for the AHO and the density bonus and incentives provided pursuant to this chapter, a residential development project shall provide a minimum of twenty-one percent (21%) low income units or twelve percent (12%) very low income units. If a smaller project proposes to provide both low and very low income units, the minimum percentage of units to qualify for the AHO shall be more than the additive amount necessary to achieve a thirty-five percent (35%) density bonus as described in Government Code Section [65915](#). For example, a project that proposes to provide ten percent (10%) low (twenty percent (20%) density bonus) and five percent (5%) very low (twenty percent (20%) density bonus) would qualify for the AHO because the total additive density bonus under Government Code Section [65915](#) would be a forty percent (40%) density bonus.

(b) For larger projects that propose one hundred (100) or more residential dwelling units, to qualify for the AHO and the density bonus and incentives provided pursuant to this chapter, a residential development project shall provide a minimum of twenty-one percent (21%) low income units or twelve percent (12%) very low income units. If a larger project proposes to provide both low and very low income units, the minimum

percentage of units to qualify for the AHO shall be the additive amount necessary to achieve more than a thirty-five percent (35%) density bonus. For purposes of this subsection (b), to determine the additive percent density bonus required to qualify for the AHO, the density bonus percentages shall be as described in Government Code Section [65915](#) and as described in Table 1 below. For example, a project that proposes to provide ten percent (10%) low (twenty percent (20%) density bonus pursuant to Government Code Section [65915](#)) and four percent (4%) very low income (seventeen and one-half percent (17.5%) density bonus pursuant to Table 1) would qualify for the AHO because the total additive density bonus pursuant to Government Code Section [65915](#) and Table 1 would be a thirty-seven and one-half percent (37.5%) density bonus.

**Table 1**

<b>Low Income (%)</b>	<b>Density Bonus (%)</b>
5	12.5
6	14
7	15.5
8	17
9	18.5
<b>Very Low Income (%)</b>	<b>Density Bonus (%)</b>
2	12.5
3	15
4	17.5

(c) The percentage of low or very low income units shall be calculated as a percentage of the maximum base unit density of the property, not including any public benefit density. The low or very low income percentage required to qualify for the AHO shall not include the below market rate units required to be provided by for-sale residential development projects and commercial development projects pursuant to the city's below market rate housing program, Chapter [16.96](#).

(d) Those projects located in the Menlo Park El Camino Real and Downtown specific plan area that qualify for the AHO shall be eligible for the density bonus and incentives identified in this chapter. The density bonus applies only to the residential component of a project in the Menlo Park El Camino Real and Downtown specific plan area and does not act to entitle a project to more office, retail or other nonresidential density.

(e) To qualify for the AHO, a project must accommodate a full range of income levels. At least twenty-five percent (25%) of the affordable units in a project must be very low and/or extremely low income units or at least fifteen percent (15%) of the affordable units in a project must be extremely low income. (Ord. 993 § 2 (part), 2013).

### **16.98.030 Density bonus.**

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- (a) **Low Income.** A project that provides twenty-one percent (21%) low income units shall be entitled to a thirty-six and one-half percent (36.5%) density bonus. For each additional percentage of low income units above twenty-one percent (21%) or above the percentage of low income units provided to qualify for the AHO where a mix of low and very low income units is provided, the project shall be entitled to an additional one and one-half percent (1.5%) density bonus, up to the maximum density bonus identified in subsection (c) of this section.
- (b) **Very Low Income.** A project that provides twelve percent (12%) very low income units shall be entitled to a thirty-seven and one-half percent (37.5%) density bonus. For each additional percentage of very low income units above twelve percent (12%) or above the percentage of very low income units provided to qualify for the AHO where a mix of low and very low income units is provided, the project shall be entitled to an additional two and one-half percent (2.5%) density bonus, up to the maximum density bonus identified in subsection (c) of this section.
- (c) The maximum density bonus available pursuant to this chapter, whether achieved by provision of low, very low or a mix of low and very low income units, is sixty percent (60%). The density bonus percentages used to calculate the total additive density bonus for a project that proposes a mix of low and very low income units shall be calculated pursuant to Section [16.98.020](#) and this section. The density bonus provided pursuant to the AHO is not additive with and shall not be combined with the density bonus provided pursuant to state density bonus law, Government Code Section [65915](#).
- (d) For purposes of this chapter, any decimal fraction of less than one-half (0.5) shall be rounded down to the nearest whole number and any decimal fraction of one-half (0.5) or more shall be rounded up to the nearest whole number. (Ord. 993 § 2 (part), 2013).

### **16.98.040 Incentives.**

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- (a) **Floor Area Ratio.** A project shall be permitted to increase the floor area ratio by an amount that corresponds to the increase in allowable density identified in Section [16.98.030](#) and an additional five percent (5%) or other increase reasonably sufficient to make development of low and very low income multiple-bedroom units and family housing feasible.
- (b) **Stories/Height.** A project that is entitled to up to a forty-five percent (45%) density bonus under this AHO shall be entitled to a maximum height of four (4) stories, but not more than forty-eight (48) feet. A project that is entitled to a density bonus above forty-five percent (45%) under this AHO and in which at least fifty percent (50%) of the affordable units are very low and extremely low income or at least twenty-five percent (25%) of the affordable units are extremely low income, shall be entitled to a maximum of five (5) stories, but not more than sixty (60) feet.
- (c) **Parking.** Unless modified herein, the parking requirements in the underlying zoning designation of the property shall apply. The parking requirements in the AHO shall be modified for each affordable unit as follows:

- (1) **Number of Spaces.**

- (A) A studio requires 0.8 parking spaces.
  - (B) A one (1) bedroom requires one (1) parking space.
  - (C) A two (2) bedroom or larger unit requires one and one-half (1.5) parking spaces.
  - (D) For projects located in the station area or station area sphere of influence, each affordable unit shall be granted a reduction of 0.2 parking spaces from the minimum that would otherwise be required.
- (2) In the Menlo Park El Camino Real and Downtown specific plan area, projects qualifying for the AHO shall be required to provide either the number of spaces per subsection (c)(1) of this section, or as specified in the Menlo Park El Camino Real and Downtown specific plan, whichever is less.
  - (3) A senior citizen housing project as defined in Sections [51.3](#) and [51.12](#) of the Civil Code shall be required to provide no more than 0.8 parking spaces per dwelling unit.
  - (4) The spaces required for the affordable units need not be covered or located in a garage or carport.
  - (5) If two (2) spaces are being provided for any one (1) affordable dwelling unit, the spaces may be in tandem.
  - (6) Long-term bicycle parking shall be required at no more than one-half (0.5) space per unit.
  - (7) Any requirement for electric vehicle parking or plug-in hybrid recharging stations shall be reduced by fifty percent (50%) or may be met by providing an equivalent number of car sharing spaces.
- (d) Contiguous parcels that touch or contiguous parcels in the same zone that are in close proximity may calculate density, floor area ratio, building coverage, paving, landscaping and required parking across the parcels; provided, that there is a recorded agreement among the owner(s) of the parcels to transfer development rights between the parcels such that the maximum overall density of the combined parcels is not exceeded.
  - (e) Coverage. In addition to the amount necessary to physically accommodate the increased density provided for by this chapter, any applicable maximum building coverage and/or allowable paving requirement shall be increased by five percent (5%) and the minimum open space/landscaping requirement reduced by ten percent (10%) from the underlying zoning designation.
  - (f) Setbacks. In addition to the amount necessary to physically accommodate the increased density provided for by this chapter, required setbacks shall be reduced to five (5) feet, except when the parcel subject to the AHO abuts a parcel zoned single-family residential, in which case the setbacks identified in underlying zoning shall control.
  - (g) Open Space. In addition to the amount necessary to physically accommodate the increased density provided for by this chapter, any common and/or private open space may be reduced by up to fifty percent (50%) from the underlying zoning.

(h) **Maximum Facade Height.** Where an increase in the overall height is permitted to be above forty (40) feet, the building profile shall be set at a height of thirty-two (32) feet and the maximum number of major step backs shall be one (1).

(i) The incentives provided pursuant to the AHO are not additive with and shall not be combined with the incentives provided pursuant to state density bonus law, Government Code Section [65915](#).

(j) **Specific Plan Exemptions.** Notwithstanding the foregoing, certain requirements in the Menlo Park El Camino Real Downtown specific plan area shall not be modified pursuant to this section:

(1) The maximum FAR shall be limited to the public benefit levels.

(2) The front and side setbacks facing a public right-of-way.

(3) Building facade height.

(4) Massing and modulation standards including major portions of a building facing a street should be parallel to the street, building breaks, building facade modulation and building profile, and upper story facade length. (Ord. 993 § 2 (part), 2013).

#### **16.98.050 Fee waivers.**

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(a) **Processing Fees.** Those projects that provide at least fifty percent (50%) of the units in the base project for low income households or twenty percent (20%) for very low income households shall be entitled to a fee waiver for all the processing fees associated with the various applications for development.

(b) **Other Fees.** Projects qualifying for the AHO shall be entitled to a reduction in all other fees in an amount that corresponds to the increase in allowable density identified in Section [16.98.030](#). Any project requesting a reduction or waiver of the traffic impact fee, park dedication fee, building construction street impact fee, Menlo Park El Camino Real Downtown specific plan preparation fee, or other fee(s) in excess of that percentage reduction shall apply for the requested reduction or waiver, which shall be subject to a discretionary review and approval process. The city council shall be the final decision maker regarding any such request. (Ord. 993 § 2 (part), 2013).

#### **16.98.060 Continued affordability.**

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Prior to issuance of building permits, the applicant shall execute an agreement with the city, to be executed by the city manager without review by the housing commission, planning commission or city council, in a form acceptable to the city attorney ensuring the continued affordability of the affordable dwelling units for a period of not less than fifty-five (55) years. (Ord. 993 § 2 (part), 2013).

#### **16.98.070 Design.**

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Development utilizing the AHO shall be subject to compliance review relative to adopted objective design standards and such compliance shall be determined by the community development director or his/her designee. Development in the Menlo Park El Camino Real Downtown specific plan area shall be subject to the architectural control process identified in the Menlo Park El Camino Real Downtown specific plan. No

other discretionary action shall be required, unless the applicant requests a variance from the requirements of the AHO or requests architectural control for modification of the objective design standards. Low and very low income units must be constructed concurrently with market rate units and shall be integrated into the project and be comparable in construction quality and exterior design to any market rate units. The low and very low income units may be smaller in size and have different interior finishes and features than market rate units so long as the features are durable, of good quality and consistent with contemporary standards for new housing as determined by the community development director in his/her sole and absolute discretion. Notwithstanding the foregoing, the number of bedrooms in the low and very low income units shall at minimum be consistent with the mix of market rate units. For example, if the market rate units consist of fifty percent (50%) one (1) bedroom, twenty-five percent (25%) two (2) bedroom and twenty-five percent (25%) three (3) bedroom units, the low and very low income units must match this breakdown. Applicants may elect to include a higher percentage of units with more bedrooms. (Ord. 993 § 2 (part), 2013).

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**The Menlo Park Municipal Code is current through Ordinance 1013, passed January 27, 2015.**

Disclaimer: The City Clerk's Office has the official version of the Menlo Park Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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## MEMO

**To:** Community Services and Environment Commission  
**From:** Planning Director Goodison  
**Re:** Update on the Circulation Element, focusing on revisions to policies made in response to Planning Commission direction

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### Background

A General Plan is a state-mandated document that sets forth a community's vision and goals with regard to its future development. Under the law, it is intended to be a comprehensive document that addresses land use, circulation, housing, open space preservation, and other aspects of the community in a cohesive manner. Last year, the City began the process of updating the Housing Element and the Circulation Elements of its General Plan, with consultant assistance from the M-Group and W-Trans. The updates of the two Elements have been on separate tracks, because the adoption of the Housing Element is subject to a State-mandated timetable that does not apply to the Circulation Element. For this reason, the Housing Element update was prioritized in the schedule and was completed in March 2015. Now that work on the Housing Element is complete, the focus is on the Circulation Element and the preparation of a downtown parking study.

The purpose of any Circulation Element is to coordinate development of the city circulation system with existing and planned land uses. Areas of particular focus include pedestrian, bicycle, and transit improvements, as well as auto use. The Circulation Element serves as the policy basis for the development of an integrated circulation system and it specifies the improvements necessary to resolve existing deficiencies and accommodate planned growth. The element emphasizes the importance of promoting alternatives to auto use as a means of avoiding the need for or minimizing road improvements while maintaining adequate service levels.

A key objective of the Circulation Element update is ensuring that it complies with State General Plan guidance concerning "Complete Streets" principles, as this will be necessary to qualify for many types of transportation improvement funding. The term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families. The concept of Complete Streets does not imply that every single street will have bike paths or even sidewalks, but it does mean that the circulation network as a whole has been designed with the needs of all users in mind.

The update of the Circulation Element includes the following components:

- Updated traffic counts and existing intersection LOS for the street segments and intersections addressed in the current Circulation Element (16 intersections and 22 street segments). (Complete.)

- Updated traffic projections for the year 2020 and the year 2040 based on updated land use information and the Sonoma County Traffic Model. (Complete.)
- Identification of needed intersection and roadway improvements. (Draft recommendations are complete and were presented to the Planning Commission for review in September 2015.)
- Development of updated information on bicycle use and bicycle facilities, pedestrian use and pedestrian facilities, and transit use and transit facilities. (Complete.)
- Analysis of existing polices and programs in the Circulation Element and identification of needed revisions and additions. (Draft recommendations are complete and were presented to the Planning Commission for review in September 2015.)
- Analysis of the intersections of Broadway/West Napa Street and West Napa Street/First Street West with respect to traffic and pedestrian safety conditions and develop options for improving those intersections. (A joint study session of the Planning Commission and the Traffic Safety Committee was conducted on this subject last September. Direction was given to provide additional information and options.)

A related task is the preparation of a downtown parking study assessing existing parking resources and community needs to determine future parking needs and goals for a parking management plan. Elements of this study include the following:

- Conducting an inventory/survey of existing off-street parking and on-street parking supply, utilization and duration/turnover (usage) within the study area. (Complete)
- Determining current parking needs and deficiencies and estimating future parking needs. (In progress)
- Conducting public outreach to identify and prioritize parking issues/problems. (Complete.)
- Evaluating spillover effects on surrounding neighborhoods. (In progress.)
- Developing recommendations for parking management goals. (In progress.)

The Parking Management Plan is not actually part of the Circulation Element update, but its findings and recommendations will help inform policies and programs in the Circulation Element related to the downtown area.

### **Continued Review of Updated Policies**

Although the existing Circulation Element already incorporates many Complete Streets principles, as discussed above, a key task of the update is to undertake a comprehensive review to ensure that this philosophy is fully integrated in policies and implementation measures. To this end, the consultants prepared a draft set of updates initially reviewed by the Planning Commission at its meeting of November 18, 2015. Key directions include the following:

- Look for opportunities to improve all transit modes when designing circulation improvements.

- Maintain LOS D as the improvement threshold for intersection operation, while increasing flexibility to accept a lower level of service in order to enhance multi-modal operation or avoid significant environmental impacts in other areas.
- Explicitly prioritize pedestrian safety and convenience with respect to circulation improvements on the Plaza area.
- Include policies and implementation measures addressing disabled access and compliance with ADA requirements.
- Provide additional implementation measures regarding the implementation of improvements for bicyclists and pedestrians.
- Emphasize the use of roundabouts and mini-roundabouts where appropriate and feasible.
- Improve monitoring and data collection in order to better track and analyze the need for safety improvements.

Staff would emphasize that the draft policies are intended to give the City maximum flexibility with respect to potential intersection and roadway improvements. In its review of the draft policies at the meeting of November 15, 2015, the Planning Commission endorsed the overall approach, while suggesting revisions and refinements in several areas, as follows:

- Broaden the policy language related to intersection Level of Service standards so that is not focused exclusively on peak periods.
- Take a more proactive approach to prevent utility placements from becoming obstacles to bicyclists.
- Rather than implementing a continuous five-lane section for south Broadway, pursue a road diet approach that would enhance conditions for pedestrians and improve the overall visual quality of the corridor.
- Work with Caltrans and Sonoma County to promote regional alternatives to the use of Highway 12 through Sonoma.
- Clarify that substantial roadway improvements should only be undertaken when a clear need has been demonstrated.

Notes from the September 24<sup>th</sup> meeting are attached, which set forth the Commission's comments in greater detail.

### **Recommendation**

Discuss and provide feedback.

#### Attachments:

1. Draft updated policies
2. Meeting Notes, September 24, 2015

# Goal 1: Maintain a Citywide Roadway System that Provides for the Safe and Efficient Movement of People and Goods to All Parts of Sonoma

## Policies

Policy 1.1: Ensure that the City's circulation network is a well-connected system that effectively accommodates vehicular and non-vehicular traffic in a manner that considers the context of surrounding land uses and the needs of all roadway users.

Policy 1.2: Promote safety for all users of the street system.

Policy 1.3: Maximize efficient use of the existing circulation system and avoid widening streets to the extent possible.

Policy 1.4: When analyzing the circulation network, consider the needs of all users including those with disabilities, ensuring that pedestrians, bicyclists, and transit riders are considered at an equal level to motor vehicle drivers.

Policy 1.5: Establish a motor vehicle Level of Service (LOS) standard of LOS D at intersections. The following shall be taken into consideration in applying this standard:

- Efforts to meet the vehicle LOS standard shall not result in diminished safety for other modes including walking, bicycling, or transit (see Policy 1.6).
- The standard shall be applied to the overall intersection operation and not that of any individual approach or movement.
- Consideration shall be given to the operation of the intersection over time, rather than relying exclusively on peak period conditions.
- The five intersections surrounding the historic Sonoma Plaza shall be exempt from vehicle LOS standards in order to maintain the historic integrity of the Plaza and prioritize non-auto modes.

Policy 1.6: Intersections may be exempted from the vehicle LOS standards established in Policy 1.5 in cases where the City Council finds that the infrastructure improvements needed to maintain LOS D operation (such as roadway or intersection widening) would be in conflict with goals of for improving multimodal circulation, or would lead to other potentially adverse environmental impacts. For those locations where the City allows a reduced motor vehicle LOS or queuing standard, additional multimodal improvements and/or transportation demand management (TDM) measures may be required in order to reduce impacts to mobility.

Policy 1.7: Continue to seek context-sensitive solutions to reduce traffic congestion and improve pedestrian circulation at the intersection of Broadway (SR 12)/Napa Street.

Policy 1.8: Consider all transportation improvements as opportunities to enhance safety, access, and mobility.

Policy 1.9: Design intersections to provide adequate and safe access for all users including pedestrians, bicyclists, and motorists of all ages and abilities, and in a manner that is appropriate for the surrounding land use and cultural context.

David Goodison 3/4/2016 3:07 PM  
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Zack Matley 3/4/2016 10:51 AM  
**Comment [1]:** This policy language has been generalized somewhat at the request of the Planning Commission

David Goodison 3/4/2016 11:10 AM  
**Comment [2]:** Added at the direction of the Planning Commission.

Zack Matley 3/4/2016 11:05 AM  
**Comment [3]:** This is a new policy added to address Planning Commission comments



Policy 1.10: Consider the use of roundabouts and mini-roundabouts to maximize intersection efficiency, maintain continuous but moderate traffic flow, reduce accident severity, and enhance pedestrian and cyclist circulation.

Policy 1.11: Ensure that new development contributes its proportional share of the cost of improvements necessary to address cumulative transportation impacts on the multimodal circulation network.

Policy 1.12: Design and implement road diets along the Broadway corridor, in coordination with Caltrans, to enhance pedestrian and bicycle facilities, provide additional opportunities for landscaping, and potentially increase parking supply.

## Implementation Measures

Implementation Measure 1.1 Prioritize and implement circulation improvements through the five-year capital improvement program.

Implementation Measure 1.2: Prepare and adopt a transportation impact fee program that establishes a mechanism for new development to pay its proportional share of circulation improvements.

Implementation Measure 1.3: Routinely monitor collision trends in order to proactively respond to safety problems and changing conditions. Prioritize locations with high collision rates for safety improvements.

Implementation Measure 1.4: Continually seek opportunities to fund maintenance of and improvements to the circulation network, including through pursuit of grants.

Implementation Measure 1.5: if and when deemed clearly necessary, complete the following roadway improvements to maintain the safety and efficiency of the current circulation system, and to support buildout of the General Plan.

### Roadway Segments

- Sonoma Highway (SR 12) from Riverside Drive to Maxwell Village Center: widen street to two lanes in each direction, including a center turn lane and bicycle lanes
- West Napa Street (SR 12) from Riverside Drive to Fifth Street West: widen street to two lanes in each direction, including a center turn lane and bicycle lanes
- Broadway (SR 12) from MacArthur Street to West Napa Street: implement a "road diet" consisting of one travel lane in each direction plus center turn lane and bicycle lanes
- Broadway (SR 12) from Napa Road-Leveroni Road to MacArthur Street: limit further widenings to spot improvements such as adding turn lanes where needed to maintain traffic flow and safety. Design and implement a plan that reduces the paved section, where possible, enhances conditions for pedestrians and bicyclists, and improves the visual quality and consistency of the corridor.

### Intersections

- Fifth Street West/West Spain Street: restripe the eastbound and westbound approaches to add right-turn lanes, or install a mini-roundabout within the available right-of-way
- Fifth Street West/West Napa Street (SR 12): construct a southbound right-turn pocket and add an eastbound right-turn signal overlap phase
- Fifth Street East/Napa Road: install a traffic signal; this intersection is under County of Sonoma jurisdiction and the costs of designing, funding, and implementing the improvement should be shared by the City and County

David Goodison 3/4/2016 11:00 AM

**Comment [4]:** Added in response to Planning Commission direction.

David Goodison 3/4/2016 11:01 AM

**Comment [5]:** Modified in response to Planning Commission direction.

David Goodison 3/4/2016 10:59 AM

**Deleted:** Complete

Zack Matley 12/7/2015 5:36 PM

**Comment [6]:** The wording of the following section in green text has not yet been reviewed by Staff, though the improvements that are identified have been vetted with Staff and the Planning Commission

Zack Matley 3/4/2016 2:25 PM

**Comment [7]:** Added policy to implement a road diet on Broadway that would increase available space within the public right-of-way, coordinate with Caltrans to implement additional measures to enhance pedestrian and bicycle facilities and potentially increase parking supply (see policy 1.12)

Zack Matley 12/7/2015 11:40 AM

**Comment [8]:** Eliminated reference to a five-lane section at the request of the Planning Commission

David Goodison 3/4/2016 2:20 PM

**Deleted:** maintain the ability to widen the street to two lanes in each direction if proven necessary in the future, but otherwise prioritize on making spot

Zack Matley 12/7/2015 6:08 PM

**Comment [9]:** Broadway/Napa not included in this list since a specific improvement is not identified (handled separately through policy and implementation measure)



Implementation Measure 1.6: Review plans for new or modified intersections to ensure that lane configurations are limited where possible to provide for moderate speeds and pedestrian and cyclist safety, and that curb extensions are installed where appropriate to reduce driving speeds and shorten pedestrian crossing distances.

Implementation Measure 1.7: Require development projects to mitigate circulation impacts through installation of necessary associated improvements or payment of in-lieu fees, consistent with a nexus between the level of impact and required improvements and/or contributions.

Implementation Measure 1.8: As part of the development review process, the Planning and Public Works Departments shall review development projects to ensure that developers:

- Construct transportation improvements along property frontages when appropriate
- Address the project's proportional share of impacts to the City's circulation network through payment of traffic mitigation and other fees
- For local project-related circulation impacts requiring improvements that are not included in an adopted impact fee program, either complete the necessary improvements or pay a proportional share of the cost
- Provide for complete streets to the extent feasible, facilitating walking, biking, and transit modes
- Fund transportation impact studies that identify on-site and off-site project effects and mitigation measures
- Provide adequate emergency vehicle access

Implementation Measure 1.9: Engage the community in discussions to evaluate alternatives to alleviate congestion and improve pedestrian circulation at the intersection of Broadway (SR 12)/Napa Street in a context-sensitive manner, and if so, work with Caltrans to fund and implement the improvement.

Implementation Measure 1.10: Monitor ongoing efforts to establish multimodal LOS methodologies and assess whether implementation of multimodal LOS is appropriate for application in Sonoma. Should the City deem a multimodal LOS methodology to be suitable for application, the LOS standards described in Policy 1.5 shall be amended to include quantitative evaluation of designated non-auto modes where deemed applicable.

Zack Matley 3/4/2016 11:01 AM

**Comment [10]:** This is a new implementation measure added in response to Planning Commission direction

David Goodison 3/4/2016 10:41 AM

**Deleted:** determine if a roundabout can be implemented to

## Goal 2: Create a Circulation Network that Supports and Encourages Travel by Non-Automobile Modes

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### Policies

Policy 2.1: Implement the extensions and upgrades to the bicycle network identified in the City's Bicycle and Pedestrian Master Plan, with a focus on establishing safe routes to popular destinations.

Policy 2.2: Improve city streets as necessary to preserve safety and expand opportunities for **non-automobile modes** of transportation.

Policy 2.3: Preserve and establish short-cuts that give pedestrians and bicyclists alternatives to traveling along major streets.

Policy 2.4: Improve pedestrian circulation and safety at major intersections.

Policy 2.5: Establish a system of hiking trails through major public open space.

Policy 2.6: Eliminate gaps and obstructions in the sidewalk system.

Policy 2.7: **Proactively work with utility providers to reduce or eliminate barriers to pedestrian and bicyclist mobility created by utility infrastructure.**

Policy 2.8: **Prioritize pedestrian safety and convenience when considering circulation improvements near the Sonoma Plaza.**

Policy 2.9: **Prioritize bicycle and pedestrian safety for students traveling to and from school.**

Policy 2.10: **Create an accessible circulation network that is consistent with guidelines established by the Americans with Disabilities Act (ADA).**

Policy 2.11: Promote bicycling as an efficient alternative to driving.

Policy 2.12: Expand the availability of sheltered bicycle parking and other bicycle amenities.

Policy 2.13: Resolve potential conflicts between bicycles and vehicles and pedestrians.

Policy 2.14: Incorporate bicycle facilities and amenities in new development.

Policy 2.15: Promote transit use and improve transit services.

Policy 2.16: **Ensure that adequate lighting is provided at all bus stops.**

### Implementation Measures

Implementation Measure 2.1: Create and fund pedestrian and bicycle improvement categories in the five-year Capital Improvement Program as a mechanism for identifying, budgeting, and implementing specific pedestrian and bicycle improvements, including constructing pathways and repairing and completing sidewalks.

Implementation Measure 2.2: Require the preservation or replacement of cut-through paths in conjunction with proposed development projects.

Zack Matley 12/7/2015 11:42 AM

**Comment [11]:** Added word "proactively" in response to Planning Commission request to strengthen this policy language



Implementation Measure 2.3: Monitor and prioritize the need for pedestrian improvements through the Traffic Safety Committee.

Implementation Measure 2.4: Work with Caltrans, the County of Sonoma, Sonoma County Transit, Sonoma County Bicycle Coalition, and the SCTA to coordinate bicycle improvements within Sonoma Valley, to provide connections to regional routes, and to incorporate bicycle facilities such as carriers and racks on transit buses and at bus stops.

Implementation Measure 2.5: Work with schools and other interested organizations to establish safe bike routes and to promote bicycle use, registration, safety, and etiquette in accordance with the Police Department bicycle education program.

Implementation Measure 2.6: Coordinate with the Sonoma Valley Unified School District to fund new Safe Routes to School plans for schools within the City of Sonoma.

Implementation Measure 2.7: Review all transportation improvements to ensure installation in accordance with current accessibility standards.

Implementation Measure 2.8: Review transportation corridors to identify barriers encountered by persons with disabilities, including locations with damaged sidewalk surfaces and non ADA-compliant curb cuts and ramps, and address such obstacles in the Capital Improvement Program as funding permits.

Implementation Measure 2.9: Require development projects to provide all rights-of-way and improvements necessary to comply with the Bicycle and Pedestrian Master Plan and Development Code requirements pertaining to bicycle and pedestrian amenities.

Implementation Measure 2.10: Implement Development Code requirements for bicycle access and amenities in commercial and multi-unit residential developments and update the provisions as necessary.

Implementation Measure 2.11: Work with Sonoma County Transit to improve transit coverage and headways on routes serving Sonoma.

Implementation Measure 2.12: Coordinate with Sonoma County Transit to construct attractive and consistently designed lighted bus shelters along Highway 12 and other transit corridors.

Implementation Measure 2.13: Review traffic signal timing plans to ensure adequate crossing times for all users at signalized intersections.

Implementation Measure 2.14: Prepare an inventory of bicycle and pedestrian facilities at signalized intersections, and develop a program to install crosswalk actuators, bicycle detectors with stencils, and bicycle safety signs as appropriate where they currently do not exist.

### **Goal 3: Coordinate circulation and land use patterns to ensure safe and convenient access to activity centers while maintaining Sonoma’s neighborhoods and small-town character.**

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#### **Policies**

Policy 3.1: Encourage a mixture of uses and higher densities where appropriate to improve the viability of transit, pedestrian and bicycle travel.

Policy 3.2: Ensure that new development complements and extends the historic street grid pattern, where feasible, while minimizing cut-through traffic.

Policy 3.3: Protect residential areas by keeping traffic speeds low and discouraging through truck traffic.

Policy 3.4: Encourage shared and “park once” parking arrangements that reduce vehicle use.

Policy 3.5: Improve parking availability and traffic and pedestrian circulation around the Plaza area while maintaining the historic, small-town character of the area.

Policy 3.6: Recognize the role of streets not only as vehicle routes but also as parts of a system of public spaces, with quality landscaping, street trees, and bicycle and pedestrian amenities.

Policy 3.7: If necessary, utilize traffic calming techniques to control vehicle speeds on residential streets as well as on collector streets within residential areas.

#### **Implementation Measures**

Implementation Measure 3.1: Work collaboratively with Caltrans to ensure that the City’s vision for the design and implementation of Highway 12 improvements is achieved.

Implementation Measure 3.2: Establish and enforce truck routes and regulations that apply to all heavy vehicles, including delivery trucks and tour buses.

Implementation Measure 3.3: Evaluate requests and proposed approaches to traffic calming through the Traffic Safety Committee.

Implementation Measure 3.4: Work with the State Parks Department to retain and expand the use of the Casa Grande lot for public parking.

Implementation Measure 3.5: Provide maps, signage, entrance lighting, and other improvements that advertise off-street public parking.

Implementation Measure 3.6: Work with property-owners to acquire land and/or develop public off-street parking to serve the Plaza area.

Implementation Measure 3.7: Explore the feasibility of creating a downtown improvement district to fund acquisition and development of parking as well as other types of improvements.

## GOAL 4: Effectively Integrate the City's Circulation System with Surrounding Regional Networks

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### Policies

Policy 4.1: Actively work with Sonoma County and SCTA in coordinating improvements to major roads in the unincorporated areas surrounding Sonoma.

Policy 4.2: Collaborate with Caltrans and the County in exploring potential ways to accommodate regional pass-through traffic on routes other than Highway 12 through the Sonoma Plaza area.

Policy 4.3: Continue to consult with Caltrans and Sonoma County on transportation planning, operations, and funding to improve automobile and non-automobile circulation on the Sonoma Highway corridor.

### Implementation Measures

Implementation Measure 4.1: Work with the County of Sonoma and the Sonoma Valley Citizens Advisory Commission to monitor potential traffic impacts of proposed development, to identify options for circulation improvements, and to implement methods of alleviating traffic congestion, such as improved signal timing along Highway 12.

Implementation Measure 4.2: Work with Caltrans and the County of Sonoma to establish a unified directional signage scheme in the Sonoma Valley that directs through drivers to peripheral routes instead of through downtown Sonoma.

Implementation Measure 4.3: Provide land use and circulation data to the Sonoma County Transportation Authority (SCTA) as requested, and coordinate with SCTA in implementing and updating the regional Comprehensive Transportation Plan.

Zack Matley 3/4/2016 10:57 AM

**Comment [12]:** Added at the request of the Planning Commission (PC comment was specific to signing, which is handled separately below as an accompanying implementation measure)

Zack Matley 12/7/2015 11:53 AM

**Comment [13]:** Added at the request of Planning Commission



**Notes for the Planning Commission Study Session on the Circulation Element  
September 24, 2015**

*Review of Policies and Implementation Measures*

Comm. Cribb: The Circulation Element projections encompass a long planning period, going out to 2040. Has there been any consideration given to reductions in traffic volumes that may come about through the use of services such as Uber and driverless car technology?

Zack Matley: The traffic model does not explicitly address this, because there are too many unknowns.

Planning Director Goodison: The policy language needs to be clear that substantial road improvements such as widenings would only be implemented when and if necessary.

Chair Willers: Policy 1.4 appears to privilege roundabouts.

Comm. Roberson: The policy begins with the word "consider". I am OK with that, as roundabouts are often less obtrusive than traffic signals and the policy does not mandate a particular approach.

Chair Willers: The policy that discusses signal warrants focuses on the peak hour. Are there alternatives to that approach?

Zack Matley: The policy intent is to use signal warrants as to flag the potential need for improvements. But it will not mandate improvements. For example, the City may choose to maintain an unsignalized intersection where the main flows work well, but with poorly operating side streets.

Chair Willers: My general view is that Sonoma is a relatively small community and we measure traffic at intersections, the focus is on a peak period that is not primarily local. But this measurement drives major, character-defining improvements. I would prefer to keep narrower, more crowded streets during peak periods that add lanes to accommodate commuter traffic. Could a longer evaluation period be used, e.g., four hours?

Zack Matley: At that point, it is not a warrant analysis. However, the operation of the intersection over a longer period of time may be a factor that the City uses to evaluate the need for improvements.

Comm. Roberson: The chart on page 6 of the Background Report shows that the peak period on Highway 12 lasts longer than an hour anyway. So it's not all necessarily commute traffic.

Comm. Felder: I would like to see the policy generalized somewhat so that the focus is not all on the peak hour.

Comm. Roberson: I agree.

Comm. McDonald: Will the Element provide definitions of the different level of service operations?

Zack Matley: Yes. They are set forth on page 23 of the Background Report and will be summarized in the policy section when it is finalized.

Comm. McDonald: Have we looked at curbing the tendency of drivers to avoid Highway 12? For example, Fifth Street West and West Spain are often used as alternate routes, which can have an adverse effect on neighborhoods.

Comm. Cribb: I am skeptical of that approach. For example, I get frustrated in Berkeley when I have to go several blocks out of my way due to arbitrary restrictions.

Planning Director Goodison: Fifth Street West and West Spain are both identified in the Circulation Element as collector streets. That is an important role and a long-standing policy. In addition, the Circulation Element promotes the use and extension of the historic grid system as a means of dispersing traffic.

Chair Willers: Highway 12 is the elephant in the room. Do we make it easier for regional traffic or more difficult for regional traffic? For my part, I don't want to make Highway 12 work better as a regional feature.

Comm. Roberson: Highway 12 divides Sonoma to a degree, but not to the extent of Highway 101. At the same bypasses can make a city die.

Chair Willers: If the goal is to raise the level of service, you are moving traffic at a higher rate of speed or in greater volumes. I think we should emphasize regional improvements to address through traffic.

Planning Director Goodison: Sonoma Valley has a population of more than 40,000. There are many local residents who commute to jobs outside the valley and many workers who come to the valley from other areas. None of that is strictly speaking regional traffic. Of course there is a regional or through component, but that is probably not as significant as locally generated traffic.

Comm. Roberson: We need to find a balance in terms of improvements. In terms of what is suggested in the Circulation Element, I don't see any big red flags as long as we are judicious and only implement what we really need to do.

Comm. McDonald: Are the projections consistent with those of Sonoma County?

Zack Matley: Yes, we are using the same traffic model and regional assumptions.

Comm. Wellander: Given that Highway 12 is of such importance in this discussion, how are relations with Caltrans addressed? Can Caltrans dictate what happens in terms of improvements?

Planning Director Goodison: The City has developed a good working relationship with Caltrans. In terms of improvements on Highway 12, any improvement that the City wants to pursue will need to be consistent with Caltrans design standards. That said, Caltrans has not and will not unilaterally install traffic improvements such as signals that are not supported by the City.

Comm. Roberson: With regard to the regional traffic issue, what about encouraging Caltrans to implement signage for alternative routes?

Planning Director Goodison: We will add that language.

Comm. Roberson: I am concerned that the counts in the Background Report under-represent bike use. The counts focus on major intersections, but local bicyclists will often use alternative routes to stay out of heavily-trafficked areas.

Zack Matley: That's a good point, but regardless of the counts, the proposed policies support bicycle improvements throughout the City.

Comm. McDonald: I support the measures that call for traffic impact fees. These should be applied broadly.

Comm. Roberson: I am happy to see the policy addressing the removal of utility barriers that affect bicycling.

Chair Willers: I like that policy too, but I would like to see us addressing that issue in project design, not just after the fact.

#### *Review of Potential Traffic Improvements*

Comm. Heneveld: In my experience, smaller roundabouts often work well. I am happy to see that more consideration will be given to this option.

Comm. Roberson: I am a fan.

Comm. Wellander: Signage is important as many people are still not experienced in using them.

Chair Willers: The roundabout at Arnold Drive is over-scaled and changes the character of that area for the worse.

Comm. Roberson: In many settings, a roundabout will feel more rural. For example, a mini-roundabout at the T-intersection of Fifth Street East/East Napa Street would slow traffic and improve safety in a graceful way.

Comm. McDonald: It is important to distinguish between roundabout and traffic circles, as the latter could feel very urban and potentially over-scaled.

Comm. Felder: I agree that driver education is important. The intersection of Highway 116 is another potential candidate.

Chair Willers: Do roundabouts lead to continuous traffic flows?

Zack Matley: In circumstances where there are high traffic volumes, stop signs and roundabouts meter traffic. Signals do not.

Comm. Roberson: You have to look at it holistically. A slow flow of traffic through a roundabout may improve the feeling of an intersection compared to the bursts of traffic that a signal

produces, even though the average travel time might not be that different. Roundabouts don't have infinite capacity. When things are congested, traffic goes slower.

Comm. McDonald: Is it possible to modify the timing for left-turns at the intersection of West Napa Street and Fifth Street West?

Zack Matley: Not by much. That is an example of something that Caltrans controls.

Comm. Cribb: It seems possible to me that that intersection would be a good candidate for a roundabout.

Comm. Roberson: What is the logic behind widening Broadway south of MacArthur to five lanes?

Zack Matley: There are a lot of discontinuities in that section right now and the traffic volumes are actually higher on south Broadway than they are once past MacArthur Street.

Chair Willers: Again, I don't want to see widenings just to accommodate commute traffic. However, I agree that the section needs to be made more coherent.

Comm. Roberson: Does it need to be a continuous five lanes? What about incorporating pedestrian refuges?

Zack Matley: Yes, that is the intent.

Comm. Roberson: I am thinking of situations where the number of travel lanes has actually been reduced. Is that an option?

Zack Matley: Yes, instead of widening to a five-lane section, a road-diet could be considered. However, there are specific conditions that need to be addressed, such as entering and exiting the High School and Middle School. To accommodate these movements, it may be necessary to keep two lanes along certain segments on the east side of Broadway.

Comm. Roberson: When you look at south Broadway, it is not very compelling for pedestrians. The space made available from a road diet could be used to improve pedestrian conditions.

Comm. Felder: Will Caltrans accept a road diet along that segment?

Zack Matley: That's unclear, but Caltrans has changed a lot over the years. They are far more open to such concepts than before. However, as with any major change, it would be up to the City to demonstrate that it would work.

**M E M O**

**To:** Planning Commission  
**From:** Planning Director Goodison  
**Re:** Continued discussion of the parameters and conduct of Study Sessions

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**Background**

At its meeting of February 11, 2016, the Planning Commission held a general discussion on the purpose and conduct of study sessions. Study sessions are addressed in the Development Code as follows:

*19.52.040.B. Planning Commission Study Session. Prospective applicants and agents considering development applications that are large, complex, or potentially controversial, are encouraged to request a study session with the planning commission prior to or immediately following the submittal of a formal application. Such sessions are structured so as to provide an opportunity for a free dialog between an applicant and the planning commission in order to explore issues and alternatives related to site design, building massing and architecture, environmental mitigation, and other planning issues at an early stage of project review.*

However, apart from that reference, there are no adopted rules pertaining to study sessions. In its discussion of the matter, the Planning Commission gave general direction to staff on a variety of issues that it wished to see structured as a set of guidelines that will be used by staff, prospective applicants, and the Planning Commission in the conduct of study sessions moving forward. As directed by the Planning Commission, draft guidelines have been prepared for its review.

**Recommendation**

Review and revise draft study session guidelines.

## Study Session Guidelines (3/4/2016)

*Purpose:* Study sessions are encouraged in order to provide an opportunity for early feedback on a project concept by the Planning Commission and the public prior to or immediately after the filing of an application. Study sessions are appropriate for development proposals that are large, complex, or potentially controversial. Planning Commission feedback provided in a study session will focus on:

- Site planning
- Compatibility with neighboring uses
- Overall consistency with the General Plan policies and Development Code standards and guidelines
- Scale and mass
- Potentially significant environmental impacts

In order to qualify for a study session, the project concept should demonstrate reasonable understanding of and adherence to applicable Development Code requirements and guidelines. Staff may reject project concepts that are over-scaled, require multiple Variances or Exceptions, or that clearly conflict with General Plan policies or Development Code standards and guidelines.

*Conduct:* The prospective applicant is expected to provide an overview of the project concept and answer questions from the Planning Commission. Because a study session is not a formal public hearing, the Planning Commission Chair has the discretion to invite the applicant to return for further comments and questions following initial comments from the public and the Planning Commission. Similarly, the Planning Commission Chair has the discretion to invite additional comments from the public after initial feedback from the Planning Commission has been given.

*Submittal Materials, Required:* 1) Project narrative, including project objectives, schedule of land uses, schedule of residential unit sizes, estimated FAR and coverage, # of off-street parking spaces; 2) Site plan, showing the project in the context of its surroundings, including at a minimum, building envelopes on adjoining properties.

*Submittal Materials, Encouraged:* 1) Preliminary pedestrian-level massing studies (using Sketch-up or similar); 2) Alternative site plans.

*Submittal Materials, Discouraged:* 1) Landscaping plans; 2) Detailed building elevations showing specific architecture; 3) Submittal materials that are overly-detailed or unrelated to the basic issues of land use and compatibility.

*Fees:* There shall be no fee for an initial study session. Follow-up study sessions for a project proposal will only be allowed in cases where the site plan or other key projects components have been substantially modified. A fee shall be required for any follow-up study session.