

**Chair Cribb closed the item for public comment.**

Comm. Sek supported the master bedroom addition since it would be unobtrusive and would have no impact on any adjoining properties.

Comm. McDonald made a motion to approve the Exception, subject to conditions. Comm. Roberson seconded. The motion was unanimously approved 7-0.

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**Item #2 – Public Hearing – Consideration of a Use Permit to install a commercial kitchen for the preparation and sales of food at Putter’s mini golf within the Maxwell Village Shopping Center at 19171 Sonoma Highway.**

**Applicant/Property Owner: Lori and Eric Solis**

Associate Planner Atkins presented the staff report.

**Chair Cribb opened the item for public comment.**

Eric Solis, applicant, is pleased to offer a child-friendly menu (no alcohol is proposed) for parties.

**Chair Cribb closed the item for public comment.**

Comm. Wellander supported the proposal as in his view Sonoma needs more and better venues for children and families.

Comm. Roberson, Willers and Chair Cribb concurred and are satisfied with the proposed use.

Comm. McDonald appreciated staff providing a parking space survey for the shopping center.

Comm. Roberson made a motion to approve a Use Permit to approve the Use Permit, subject to conditions. Comm. Willers seconded. The motion was unanimously approved, 7-0.

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**Item 3 – Public Hearing – Consideration of a Use Permit to construct a residence and related accessory structures on a hillside property at 149 Fourth Street East (APN: 018-091-018).**

**Applicant/Property Owner: Nick Lee Architecture/Bill Jasper**

Senior Planner Gjestland presented the staff report.

Comm. Wellander inquired if safeguards were in place to prevent removing trees in the future.

Planning Director Goodison responded there are no built-in tree protection provisions in the Hillside standards addressing the long-term preservation of trees, but there may be options to address this issue in the conditions of approval.

**Chair Cribb opened the item for public comment.**

Nick Lee, Nick Lee Architecture, applicant, described the design intent and the measures that had been taken to respond to the Hillside Design Guidelines.

Jim Bohar, XXX First Street West, valued the bucolic setting and hoped to maintain the natural contours of the land. He stated that while he believed the homes would be fairly well shielded from public view, he had questions about grading and erosion impacts, compliance with the Hillside Design regulations, and potential visual impacts as viewed from paths and roads in the vicinity. He asked if this had been verified with visual simulations.

Richard Peters, 196 Second Street East, believed the citizens are the “guardian of the hills” and the City’s guiding principles should direct the Commission. He is disappointed with the proposal and felt it did not meet the Hillside guidelines.

Arthur Grandy, neighbor, (131 Fourth Street East), adjoining property owner, is disappointed with the change in the location of the detached garage location, especially as viewed from his property.

Vic Conforti, resident/local architect, posed questions related to site development and is concerned with the large building pads infringing on the view corridors of the hillside. He asked if story poles were recommended.

Karin Skooglund, resident/The North of the Mission Neighborhood Association President, is concerned with tree preservation and loss of protected habitat.

Ed Routhier, 302 Hatchery Lane, expressed the view that the proposal was in compliance with the Hillside development standards and was consistent with other examples of hillside development in the vicinity. He noted that the garage was a small, detached structure and stated that it would not have a significant impact on views from any property.

Bill Jasper, property owner, stated the hillside will continue to be maintained and the abundance of oak trees will be preserved following construction.

**Chair Cribb closed the item for public comment.**

Comm. Sek stated that she had conducted a visual inspection of the site and neighborhood and had met the applicant. She felt that the residence would be well-screened and felt the proposed grading is within an acceptable range. She suggested meetings between the applicant and the neighbor to resolve the neighbor concern about the garage.

Comm. Willers opposed the project as not meeting the intent of the Hillside regulations and guidelines. In his view, the application is over-scaled in terms of grading and does not do enough to respect the natural contours of the site. The ordinance calls for stepping building elements to preserve the natural contours, while in his view, the proposal flattens the portion of the site proposed for development. In his view, this issue should be addressed through an environmental review.

Comm. Wellander asked about the history of the Hillside parcels and the ten-acre minimum lot size set forth in the Development Code.

Planning Director Goodison stated that the historic parcels date back to the 1800’s and that the 10-acre minimum lot size was put into place to prevent further subdivision.

Comm. Wellander walked the site and is satisfied that views of the residence will be quite limited, but he had some concern that amount of grading proposed was excessive.

Comm. Roberson is satisfied that the project will not result in view impacts, because of the placement of the residence. His main concern is with the amount of proposed grading as a percentage of the lot area. In his view, the concerns expressed about the relationship of the garage to the neighboring property show that the site is relatively small. While he is satisfied with the project architecture and materials, he has qualms about the scale of the grading as being potentially inconsistent with the intent of the Hillside regulations and guidelines.

Comm. McDonald thanked the applicant and staff for the comprehensive information. He feels that the proposed architecture and proposed materials of the residence are tasteful and that it has been broken up to reduce its massing and blend with the surroundings. However, he is concerned with the overall amount of grading and potential negative impacts for the environment. While the proposed building sites are on the flattest portion of the site, there is still a great deal of topographic variation and it appears that extensive fill will be required. This is of particular concern to him with respect to the long-term health and success of the trees that are proposed to be preserved, as these trees provide needed screening. He wanted to make sure that if an environmental analysis is required for this site, similar reviews should be conducted for the other two vacant lots so that a complete understanding of the issues is available.

Chair Cribb visited the site and agreed with his fellow commissioners that although the residence does not raise concerns with respect to view impacts, the amount of grading may be excessive given the configuration of the property and that impacts on trees should be studied.

Planning Director Goodison noted that environmental review is an option, if the Planning Commission wishes to see additional analysis on specific topics.

Comm. Willers believes that a focused environmental analysis is necessary and he concurred with Comm. McDonald's comments with respect to looking at long-term tree health relative to grading and changes in drainage. This review should include an arborist review.

Comm. Roberson agreed with his fellow commissioners that while the general location of the proposed residence is appropriate, more scrutiny with respect to potential grading and erosion impacts on trees is needed before making a decision.

Comm. McDonald is of the opinion that the home is situated correctly in terms of minimizing impacts, but he questioned the size of the pad areas and expressed concern that the grading, compaction, and potential changes to drainage could affect the long-term health of the trees.

In response to a question from the Planning Director, Comm. Willers stated that he agreed that the grading analysis should focus on impacts to trees. In addition, he reiterated his view that the regardless of impacts on trees, he felt that the overall scale of the development was excessive and not in keeping with the intent of the Hillside regulations and guidelines.

Comm. McDonald inquired if the analysis would include the grading and drainage for the roadway to the adjoining site.

Planning Director Goodison explained that since the sites are the subject of separate applications, each must be addressed with its own initial study, if that is the direction that the Planning Commission chooses to take.

Comm. Willers made a motion to require the preparation of an initial study addressing potential grading, drainage, and erosion impacts on tree preservation and the visual impacts of the garage. Comm. Roberson seconded. The motion was unanimously approved, 7-0.

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**Item 4 – Public Hearing – Consideration of a Use Permit to construct a residence and related accessory structures on a hillside property at 0 Brazil Street (APN: 018-051-007)**

**Applicant: Walton Architecture & Engineering/Bill Jasper**

Senior Planner Gjestland presented the staff report.

**Chair Cribb opened the item for public comment.**

Claire Walton, Walton Architecture, applicant, described the proposal. She emphasized that scenic impacts were minimal because the home only covered 16% of the surface area. The main floor level will cut into the hill and the building materials will blend with the hillside terrain.

Chad Moll, civil engineer/ Bear Flag Engineers & Surveyors, stated that the drainage and grading plan for the residence will spread out and sheet flow storm water to mitigate erosion.

Vic Conforti, resident/ local architect, complimented the architect for the thoughtful approach, which is in keeping with the Hillside standards and guidelines in that large grading pads are avoided. He also appreciated 3D visuals that illustrate the form and scale of the proposed development. He asked whether the lot pad limitation in the guidelines also applied to outdoor living areas. He felt that the TRPA analysis was a good tool to use in evaluating visual impacts.

Richard Peters, 196 Second Street East, complimented the architect on her presentation. He noted that these applications are now in the hands of the Planning Commission. In his view, both houses are over-scaled in comparison to the lot sizes.

Ed Routhier, 302 Hatchery Lane, stated that the intent of the Hillside guidelines as set forth in the Development Code is to preserve and protect views of the hillside. In his view, both proposals comply with this intent. He stated that he was concerned that a poor precedent was being set in requiring environmental review for the development of a single residence. He asked whether there was any precedent for this step.

**Chair Cribb closed the item for public comment.**

Planning Director Goodison responded that requiring an initial environmental study on a single family residences is unusual, but may be required at the discretion of the Planning Commission based on the specific circumstances of the property proposed for development. He noted that the study required by the Planning Commission for the previous project was limited to the effects of grading on long-term tree preservation and views of the garage.

Comm. McDonald noted that he had visited the site. He expressed the view that the siting for the residence was the best available on the property and he felt that the massing and the stepped down approach show respect to the site and the Hillside guidelines. As with the previous proposal, he would like to see more information with respect to grading impacts caused by to the building pad, fire turn around for emergency vehicles and the access road to the site. On this site, he would also like to see proposals on tree replacement. He noted the

**CITY OF SONOMA  
PLANNING COMMISSION  
REGULAR MEETING  
August 10, 2017**

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

**MINUTES**

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

**Roll Call:**

Present: Chair Cribb, Comms., Sek, McDonald, Bohar

Absent: Comm. Coleman

Others Present: Planning Director Goodison, Associate Planner Atkins, Administrative Assistant Morris

Chair Cribb stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made by the Planning Commission can be appealed within 15 days to the City Council. He reminded everyone to turn off cell phones and pagers. Comm. Bohar led the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC:** None.

**APPROVAL OF MINUTES:** None.

**CHANGES TO AGENDA ORDER:** Chair Cribb indicated Item 3 would be postponed.

**CORRESPONDENCE:** Planning Director Goodison reviewed the late mail received.

**Item 1 – Public Hearing – Consideration of a six-month review of a Use Permit to operate a music school at 254 First Street East.**

**Applicant: Michael Cannon/Caymus 216-254 First Street East LLC.**

Associate Planner Atkins presented the staff report.

Comm. Bohar asked if there had been any complaints about noise or congestion. Associate Planner Atkins stated no complaints had been made to the Police or Planning Departments.

Comm. Sek asked if open mic night had been held inside with the windows closed. Associate Planner Atkins responded that it was her understanding but the applicant could respond.

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

Michael Cannon, applicant, thanked the Council for hearing the matter.

Lynda Corrado, resident, stated she was satisfied with the music school operating at the location.

Bastian Scholl, Sonoma Valley, expressed support for the music school.

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

Comm. Sek stated the music school had been operating without complaints and could be pleased the music school is compatible in the neighborhood and supported the arts and music community.

Comm. McDonald stated the use had been operating in compliance with the requirements.

Comm. Bohar stated Mr. Cannon was an asset to the community and was pleased with the music offered to children and adults.

Chair Cribb concurred with the positive comments.

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**Item #2 – Public Hearing – Application of Bear Flag Engineering for a Tentative Map to subdivide the property at 19315 Fifth St. West (APN 127-204-021) into two parcels.**

**Applicant: Bear Flag Engineering, Inc./Jon Curry**

Chair Cribb recused himself due to a potential conflict of interest. Comm. McDonald was acting Chair in his absence.

Associate Planner Atkins presented the staff report.

Comm. Sek asked if the plan for Lot A had been approved by Design Review. Associate Planner Atkins stated the demolition would be subject to design review, but if the proposed new building met all development requirements it would not be subject to design review.

Comm. McDonald discussed the driveway placement and asked whether the City Engineer had weighed on that issue. Associate Planner Atkins stated that she had not.

**Comm. McDonald opened the item for public comment.**

Jon Curry, property owner, stated the project was consistent with Sonoma requirements, characteristics and design. He discussed the plans to develop the property. He requested Condition No. 10 be amended to retain some existing structures. He thanked the Commission for considering the lot split request.

Comm. Bohar asked about the existing structures. Mr. Curry requested retaining the garage/barn on Lot 2.

Comm. McDonald asked about driveway placement. Mr. Curry explained that the existing driveway on Fifth Street West would be retained and brought up to current standards. He discussed efforts to create outdoor living space and retain privacy.

Chad Moll, Bear Flag Engineering Inc., described the reasons for keeping the driveway Fifth Street West, noting that there will be a turn-around to allow departing vehicles to enter the street facing forward.

Katherine Gramlick, Lucinda Court, indicated support for the project and potential increased property value.

Shelia O'Neil, resident, indicated support for the project. She asked what would be done with the wood on the water tower.

(Unknown neighbor) looked forward to having Mr. Curry as a neighbor.

**Comm. McDonald closed the item for public comment.**

Comm. Bohar asked if the Commission was considering the applicant's request to retain some of the accessory structures. Associate Planner Atkins explained that Condition #10 required all accessory structures to be removed. She stated the garage structure could be retained if the condition was amended. Comm. Bohar was agreeable to allowing the accessory structures be retained.

Comm. Sek stated that the subdivision complies with the Development Code standards and she could support the plan.

Comm. McDonald agreed with his fellow commissioners and stated he was pleased with a lot split and the applicant's decision to limit it to two lots, rather than seeking three. He viewed the proposal as a positive change for the neighborhood.

Comm. Sek made a motion to approve the Tentative Map to subdivide a 25,200 square-foot property into two parcels at 19315 Fifth Street West subject to the conditions of approval, including the modification to Condition #10 as stated by staff. Comm. Bohar seconded. The motion was unanimously approved 3-0. (Chair Cribb recused).

Chair Cribb returned to the dais. With regard to the upcoming item, he noted decisions were based on the project and the most current information on the project. He encouraged the speakers to speak directly to the project as presented to the Planning Commission.

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**Item 3 – Public Hearing – Consideration of a Use Permit and Parking Exception to develop a project with 12 residential apartments and two live work units, including consideration of adopting a Mitigated Negative Declaration at 19410 Sonoma Highway.**

**Applicant/Property Owner: Ken Taub Architect/ Debbi and Steven Cavelli**

The application was withdrawn by Ken Taub, applicant.

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**Item 4 – Public Hearing – Consideration of a Use Permit to construct a residence and related accessory structures on a hillside property at 149 Fourth Street East (APN 018-091-018, aka Lower Lot 2), including consideration of adopting a Mitigated Negative Declaration.**

**Applicant: Walton Architecture & Engineering/Bill Jasper**

Planning Director Goodison presented the staff report including an overview on the history of the project, differences between the initial study and revisions made subsequent to the study, General Plan consistency, grading and drainage design, historical resources, and mitigation measures. He stated staff recommended the Planning Commission adopt the mitigated negative declaration for the project. He addressed correspondence received questioning whether the project had been piecemealed and stated staff recognized the linkage between the parcels and had been careful to address that in the environmental reviews but noted that the three applications were for the development of separate parcels and needed to be acted upon individually. He explained that the Planning Commission needed to determine if the revisions made to the project were substantially responsive to the concerns expressed at the meeting in March 2017.

Comm. Bohar asked about discrepancies in the estimated area of the lot pad grading. Planning Director Goodison noted that there had been changes in the project since the preparation of the initial study to reduce the area of grading. He reviewed a grading diagram submitted by the applicants and stated that as set forth in the staff report, the graded area exceeds 5,000 square feet. He stated that although there may be different ways to interpret the language of the lot pad grading guideline, staff was taking the conservative interpretation that it meant the total amount of grading on the site with respect to the components addressed in the guideline. He also noted that the 5,000 square-foot limitation on lot pad grading was one of nine guidelines applicable to the review of hillside development and the Planning Commission had some discretion as to how to weigh the guideline in determining whether or not to approve the use permit, as set forth in the staff report.

Chair Cribb explained his interpretation that in light of the FAR and coverage allowances applicable to Hillside properties, it made more sense to read the guideline as applying to any individual lot pad, rather than an aggregate. Planning Director Goodison stated that to the extent that a provision of the Development Code is subject to different interpretations, it is ultimately up to the Planning Commission to decide.

Comm. Bohar stated he interpreted the development guidelines as designed to limit grading and the separate pads should be added together to determine the building pad area.

Comm. Sek noted that as proposed the development complies with the lot coverage standards.

Planning Director Goodison suggested that prior to getting into further detail about specific interpretations, it would be desirable to hear public testimony.

Comm. McDonald requested clarification on the application and the distinction between a use permit and a design review or building permit. Planning Director Goodison explained that the Planning Commission was responsible for approving or disapproving the use proposed for a site/parcel of land including the basic architectural approach, drainage and grading, tree preservation, restrictive covenants, and fire access. He stated the project would also be subject to review by the DRHPC including architectural detailing, components of landscaping and colors and materials. He stated the building permit would be reviewed and approved by staff to verify that the project complied with the building and fire codes. Comm. McDonald asked if the DRHPC could increase height or pad areas. Planning Director Goodison stated the permit would approve the maximum that could occur on the property. Comm. McDonald asked about modifications to the use permit. Planning Director Goodison stated subsequent proposed modifications would be subject to use permit review by the Planning Commission.



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

Clare Walton, Walton Architecture & Engineering, introduced Chad Moll, civil engineer/Bear Flag Engineering Inc. and discussed efforts to address concerns raised. She presented several digital images looking up Fourth Street East toward Schocken Hill which showed the proposed structures would be hidden behind vegetation. She reviewed the visibility studies, pad diagram study, architecture, retaining walls to minimize grading and retain natural topography, modifications to reduce the footprint, and retention of four additional existing Oak trees.

Chad Moll, Bear Flag Engineering Inc., described the overall watershed, hydrology and incorporation into the drainage plan. He proposed an addition to the conditions of approval that would prohibit added drainage from a 10 year storm event from the new development from leaving the site.

Comm. Sek questioned the restrictive covenant in regard to trees. Planning Director Goodison referred to Condition No. 19, which is intended to ensure preservation of the trees.

Comm. McDonald stated the City Engineer might require changes to protect the trees and view sheds. He discussed the need for building permits to comply with wildfire standards. Planning Director Goodison stated the drainage plan needed to address tree preservation or unanticipated grading. Comm. McDonald noted that the drainage system and maintenance/retaining walls were reviewed collectively for all three parcels. He stated Condition No. 19 was not specific to new trees.

Comm. Bohar inquired about the lot pad guideline and the staff's/applicant's interpretation. He stated he was conflicted with accepting a "new set of guidelines". Planning Director Goodison stated the interpretation of statements in the Development Code was up to the Planning Commission. He stated the design guidelines were for the purpose of implementing the General Plan and the interpretation was of the Development Code.

Shelia O'Neil, resident/Protect Sonoma, stated the project violated the Hillside Ordinance and General Plan. She stated "pads not to exceed" 5,000 square feet in total area. She requested the Planning Commission maintain the stewardship of Sonoma and requested an environmental impact report (EIR).

Karin Skooglund, resident, stated the certificate of compliance was contradicted by the history of General Vallejo's ownership and suggested it might affect the validity of the proposal.

Fred Allebach, Sonoma Valley resident, described the view shed and his disappointment with developments exploiting the hillsides and negative effects from grading on the existing drainage systems. He expressed concern with increased Green House Gas emissions.

Michele Saibene, 200 Fourth St. East, urged the Planning Commission to view the videos. She expressed disappointment with residential development proposed on the hillside and requested denial of the project.

Michael Palladini, 271 Wilking Way, expressed concern about the proposed development projects. He stated the proposal blatantly disregarded the City's hillside development standards and violated Section 19.40.050 of the Development Code in regard to lot pad grading. He urged the Commission to deny the request and protect the character of Sonoma for all its residents.

Ditty Vella, 103 Chase Street, questioned what would prevent the home owner from cutting down the screening trees to improve views.

Art Grandy, 131 Fourth Street East, discussed his prior objection to the placement of the garage. He indicated opposition to the proposed development due to location of the garage, lighting from the bedroom and drainage issues.

Rebecca Boddington, 417 Brazil Street, encouraged clarification on the pad gradient definition and disagreed with the visibility assessment. She expressed concern with drainage, mosquitos, and tree removal. She requested a more comprehensive environmental review and enforceable mitigation measures.

Bastian Scholl, valley resident, stated he had no financial interest and was not a neighbor. He agreed with Chair Cribb's comments that only the relevant facts should be considered. He compared the current project with the previously considered John Curry project.

Josie Ingersoll, resident, expressed concern with piecemealing as defined by CEQA and requested a full environmental review prior to any approvals.

Steve Eckerd, resident, 225 Second St. East, expressed concern with the developers interpretation of the guidelines and the accumulation of variances eroding the development code.

Bill Jasper, applicant, 80 Street East, reviewed the Planning Commission comments from the initial review of the project. He noted that the main direction expressed at the time was to provide an analysis of potential impacts on trees as a result of grading and drainage. This has been done. He stated the design guidelines allowed use of tiers as a means of reducing grading impacts. The use of tiers, which is encouraged in the guidelines, necessitates multiple pads. He expressed the view that the grading associated with the application was consistent with hillside development on other properties in the area. He stated that numerous studies addressing views, drainage, and other issues have been prepared. He discussed modifications and studies that address the concerns of the Planning Commission and residents.

Michael R. Woods, attorney representing Bill Jasper, stated there was no HOA and the CCR's would simply provide an enforcement mechanism. He discussed interpretation of the 5,000-square pad size. He maintained there was "no piecemeal" review as mentioned by speakers since the building sites were separate legal parcels. He discussed the Berkeley case upholding the use of a categorical exemption.

Sean Boddington, 417 Brazil Street, expressed concern with water/drainage issues and suggested that the City would need to invest in infrastructure improvements. He discussed lack of enforcement of CC&Rs.

Mr. Moll stated the project adequately addressed water and drainage and he reiterated the proposal to amend the conditions to require that the project retain run-off from 10-year storm events and described how this could be accomplished.

Ms. Walton stated the goal of the project has been to uphold the Hillside guidelines in a manner consistent with all parts of the Development Code.

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

Comm. McDonald requested clarification on comments made by the public regarding a fourth parcel. Planning Director Goodison stated there were four parcels subject to the lot line adjustment and one is already developed. Comm. McDonald inquired about the City's policy for enforcement mechanism. Planning Director Goodison noted that in most cases, tree removal associated with a single-family is not subject to City review. However, in this instance, because a use permit review is required, the City has the ability to add conditions for tree protection that go above and beyond what is normally required. He stated that enforcement of a restrictive covenant typically occurred through a civil procedure. He stated that the maintenance of drainage improvements could be added to the covenant condition, but added that the City already has authority to direct corrections in those areas. Comm. McDonald stated the City could correct life and safety issues and then charge the homeowner.

Comm. Bohar acknowledged the applicant's efforts but stated he was not satisfied that the proposal complied with his interpretation of the guideline concerning lot pad grading. He stated he was conflicted about a change in the pad size guidelines. He stated he would err on the conservative side and suggested the interpretation be clarified.

Comm. McDonald stated he visited the site and diligently studied the pathway systems to understand that section of town. He discussed the architect's efforts to mitigate negative impacts to views and trees. He explained unintended consequences of redesigning the house. He stated the proposed design solution was most suited to maintain the view corridor. He stated the lot was legally developable and the surrounding homes were much more visually intrusive. He stated the project could be conditioned appropriately to maintain the view corridor and restrict future additions. He suggested the CC&Rs include provisions regarding tree preservation, retaining walls, landscaping, lighting and glare and drafting conditions to preserve the drainage systems. He indicated support for Mr. Moll's proposed condition prohibiting added drainage from leaving the site. He suggested adding conditions requiring the maintenance of fire lanes to prohibit parking. He discussed the possibility of tree removal due to Fire Department review. He requested a condition that prior to issuance of a certificate of occupancy, all trees be reviewed for compliance with the Tree Mitigation and Preservation Plan. He stated he could support the project with added conditions. He stated he wanted the conditions of approval to clearly prevent a new owner from modifying the development with subsequent additions or tree removal.

Comm. Sek agreed with Comm. McDonald and stated the project fit the landscape well. She discussed her interpretation of the 5,000-square foot pad restriction and maximum lot coverage. She discussed prior concerns regarding grading, tree protection, and drainage. She supported strengthening the conditions of approval for tree protection and maintaining drainage improvements. She expressed support for the project as in her view its low-profile design protected the viewshed, which is the main objective of the Hillside regulations.

Chair Cribb discussed the Hillside Residential zoning designation, stating that by definition it allows residential development, but it was important to be sensitive to environmental concerns and responsive to the Hillside development regulations. He indicated the residence would have almost no impact on public views of the hillside. He agreed with the conditions on drainage. He stated the Fire Marshall had indicated pruning rather than tree removal would achieve compliance with fire protection standards. He agreed with enhancing conditions 6E and 6F. He suggested that replacement trees be native species, geographically specific to the area. He stated lighting was covered in the conditions of approval and requested downward, shielded lighting be required through the design review process. He stated that properly engineered drainage systems were proven systems that preserved hillsides.

Comm. McDonald suggested careful review of the conditions of approval since they may have applicability to the other parcels.

Chair Cribb called a recess to allow staff to prepare draft revisions to the conditions of approval. The meeting reconvened with all Commissioners present.

Planning Director Goodison reviewed specific changes to the conditions of approval based on the discussion of the Planning Commission.

Comm. McDonald made a motion to approve the use permit as proposed, with the changes to the conditions of approval recommended by staff, and to adopt a Mitigated Negative Declaration. Comm. Sek seconded. **Roll call vote:** Ayes: Comm. McDonald, Comm. Sek and Chair Cribb. Noes: Comm. Bohar opposed. The motion was approved 3-1.

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**Item 5 – Public Hearing – Consideration of a Use Permit to construct a residence and related accessory structures on a hillside property on Brazil Street (APN 018-051-007, (aka Upper East Lot 3 or Lot 228), including consideration of adopting a Mitigated Negative Declaration**

**Applicant: Walton Architecture & Engineering/Bill Jasper**

Planning Director Goodison presented the staff report summarizing the arborist report, grading, modifications based on the March 2017 hearing, hillside development standards and guidelines, view protection, and conditions of approval.

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

Clare Walton, Walton Architecture & Engineering, presented the visual studies, pad diagram, and model images. She stated the ridgeline development aligned with the contours of the site and the “paramount consideration was preserving views”.

Chad Moll, the project engineer, discussed the drainage features and driveway design.

Comm. McDonald questioned the bioswales in relation to the tree canopy. Mr. Moll stated retention planters were place holders and would probably be smaller. He explained allowance for subsurface pipes and input from project arborist and City Engineer.

Bill Jasper requested Item 6 be heard.

Rebecca Boddington, 417 Brazil Street, expressed concern about water runoff, storage, and the definition of pad grade. She stated the covenants were not enforceable. She expressed concern with removing the trees, impact to existing infrastructure, traffic and the construction process.

Sean Boddington, 417 Brazil Street, requested the illustration reflect visibility without trees.

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

Comm. Sek stated she liked the site design and felt the project complied with the Hillside development regulations. She requested stricter language for the drainage improvement and tree covenants as done on the prior item. She indicated support for the project.

Comm. Bohar stated that, as in the previous item, he was not satisfied that the project complies with the pad size guideline.

Comm. McDonald expressed concern with the master bedroom on the southwest corner, as he felt this would be the most visible element of the residence. He suggested reducing the second floor and pushing it back to further protect the view shed.

**Chair Cribb reopened the item for public comment.**

Clare Walton asked if larger trees could be considered for mitigation rather than reducing mass of the project. Comm. McDonald stated he wanted to support the project but the bulk had to be reduced.

Mr. Jasper suggested a continuance to allow an opportunity to develop a revision.

Sean Boddington, 417 Brazil Street, questioned mitigation if the trees were removed. He stated CC&Rs were not enforceable and the Planning Commission would be setting a precedent.

Ms. Walton suggested that the master bedroom building element could be removed by eliminating that portion of the residence and replacing the office area with the master bedroom suite.

Ed Routhier agreed to shifting the master bedroom.

Ms. Walton stated that the applicant agreed to remove the master bedroom and associated passageway, as shown on the current plan, and relocate it elsewhere within the remaining floorplan.

Sean Boddington (417 Brazil Street) stated the Planning Commission was making decisions based on covenants that the City did not have legal standing to enforce.

**Chair Cribb closed the public comment.**

Comm. McDonald made a motion to approve the use permit with added conditions of approval as recommended by staff, as well as the requirement to remove of master bedroom and passage, and adopt the mitigated negative declaration. Comm. Sek seconded. **Roll call vote:** Ayes: Comm. McDonald, Comm. Sek and Chair Cribb. Noes: Comm. Bohar. The motion was approved 3-1 (Comm. Bohar dissenting).

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**Item 6 – Public Hearing – Consideration of a Use Permit to construct a residence and related accessory structures on a hillside property, including consideration of adopting a Mitigated Negative Declaration Brazil Street/APN 018-051-012 (aka Upper West Lot 4 or Lot 227).**

**Applicant: Walton Architecture & Engineering/Bill Jasper**

**Item 7 – Public Hearing – Consideration of an ordinance amending the Development Code by revising the regulations pertaining to vacation rentals.**

**Applicant: City of Sonoma**

Comm. McDonald made a motion to continue Item # 6 and Item #7 to the next meeting. Comm. Bohar seconded. **Roll Call Vote:** Ayes: Comm. McDonald, Comm. Sek, Comm. Bohar, Noes: Chair Cribb. The motion was approved (3-1)).

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**Issues Update:** Planning Director Goodison announced that the City Council upheld the appeal of the EIR Hotel Project. He stated appointment selection restructuring was underway for all Commissions, with the Planning Commission expected to be fully appointed in November 2017, and the other commissions appointed in January-February 2018. He stated the Sonoma Valley Citizens Advisory Committee would review the Satellite Affordable Housing Associate's affordable housing at 20269 Broadway on August 23, 2017.

**Comments from Commissioners:** None.

**Comments from the Audience:** None.

**Adjournment:** Comm. Bohar made a motion to adjourn the meeting at 11:01 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, September 14, 2017. Comm. Sek seconded. The motion was unanimously approved 4-0.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma Planning Commission on the 9<sup>th</sup> day of November 2017.

Approved:

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Cristina Morris, Administrative Assistant

**CITY OF SONOMA  
PLANNING COMMISSION  
REGULAR MEETING  
September 14, 2017**

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

**MINUTES**

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

**Roll Call:**

Present: Chair Cribb, Comms. Bohar, Sek, McDonald

Absent: Comm. Coleman

Others Present: Planning Director Goodison, Associate Planner Atkins, Administrative Assistant Morris

Chair Cribb stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made by the Planning Commission may be appealed within 15 days to the City Council. He reminded everyone to turn off cell phones and pagers. Comm. McDonald led the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC:** None.

**APPROVAL OF MINUTES:** Comm. McDonald made a motion to approve the minutes of June 8, 2017 as submitted. Comm. Cribb seconded. The motion was unanimously approved 4-0.

**CHANGES TO AGENDA ORDER:** None.

**CORRESPONDENCE:** Planning Director Goodison reviewed the late correspondence received. Copies are available in the lobby.

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**Item 1 – Public Hearing – Consideration of a Use Permit to construct a residence and related accessory structures on a hillside property, including consideration of adopting a Mitigated Negative Declaration on Brazil Street/APN 018-051-012 (aka Upper West Lot 4 or Lot 227)**

**Applicant: Walton Architecture & Engineering/Bill Jasper**

Planning Director Goodison presented staff's report.

Comm. Bohar asked whether it would have been more appropriate to include the previous lot line adjustment, certificate of compliance, and water easement modification with the development applications.

Planning Director Goodison stated that the processes for administering applications for Lot Line Adjustments and Certificates of Compliance are set forth in the Development and staff does not

have any latitude to change them. He also noted that that the modification of the water easement was a matter of City Council review.

Comm. Bohar noted that the staff recommendation made reference to the Planning Commission's previous approval of applications for Hillside Development on two adjoining parcels. He wished to make it clear that he had not supported either of those applications, based on his concern that they did not adequately follow the Hillside development regulations, including the design guidelines and that his views on the guideline pertaining to building pad size differed from those of some of his fellow Commissioners.

Comm. McDonald asked Planning Director Goodison to clarify whether the Planning Commission could require additional guest parking for this project.

Planning Director Goodison noted that the project meets the City's parking standard and that there are opportunities for guests parking on the site plan as it is proposed. However, if this is of concern to the Planning Commission, additional guest parking could be required including along the private drive. However, that would require widening the driveway at those locations, which would entail additional grading and, possibly, tree removal.

### **Chair Cribb opened the item for public comment**

Clare Walton, Walton Architecture, reviewed the proposal.

Sean Slazinski, 417 Brazil Street, expressed the view that the proposed residence was huge and was not in keeping with the spirit of the Hillside regulations. He is concerned about how the review process treats the three proposals as separate applications. He stated that the proposed developments in the nearby unincorporated area are even worse. He is concerned that he houses will be visible from the historic Plaza and the tree preservation requirements will not be enforceable.

David Morell, 483 Moll Court, opposed the project. He is concerned that the project does not comply with the Hillside regulations. In his view, substantial compliance with the guidelines is not good enough.

Michael Carroll, 142 Fourth St East, is mainly concerned with potential drainage impacts and tree replacement, as replacement trees will be smaller than those proposed for removal.

Shelia O'Neil, Protect Sonoma, asked the Planning Commission to deny the project. She said she surveyed former Planning Commissioners (Bill Willers and Joe Costello) about the intent of the Hillside guidelines regarding the pad size guidelines and they concurred that the 5,000 square-foot pad size guideline was not intended to be subjective. She further noted that the pad size guideline includes suggested methods of reducing pad sizes to minimize impacts on the hillside. She expressed the view that the requirements related to coverage and FAR were entirely separate issues. She noted that the General Plan calls for the hillsides to remain largely undeveloped.

Michael Woods, attorney representing Bill Jasper, the applicant, stated that the Planning Commission would have been justified in finding that the applications for the three single family residences were categorically exempt from CEQA, notwithstanding the fact that the Supreme Court upheld the use of a categorical exemption for a hillside residence proposed in Berkeley. Instead, the Planning Commission exercised its discretion and went above and beyond the normal review standard by requiring initial studies for each of the applications. This is a high



level of review that has led to mitigated measures for the issues that have been raised. With regard to the interpretation of the pad size guideline, it is his view that it applies to individual pads, not an aggregate. He noted that in the rules of statutory interpretation, standards and guidelines are to be interpreted in a manner that harmonizes them. In this regard, the coverage and FAR standards set forth in the Hillside Zone do not make sense if the pad size guideline is interpreted as an aggregate limit.

Tom Peterson, neighbor/Civil Engineer, 240 Fourth St East, 2 blocks from entrance, opposed the project and is very concerned with drainage that is problematic; roofs and cut and fill slopes were approved with the caveat that all existing water be retained on site and he believed that will not be feasible. He said there is a low probability for adequate storing of water downstream and it will negatively impact the neighbors.

Bill Jasper, said the project is almost identical to the other two previously approved therefore in his viewpoint no reason to deny.

Laura Harvey, resident, (Mariano Drive) requested “respect” for all the hillside trees.

Rebecca Slazinski. neighbor, 417 Brazil St. said the project is non-compliant and inconsistent with the Hillside guidelines. She believed the grading on the slope should be independently evaluated because of the negative impacts in regards to drainage and trees. She questioned the administrative approval of the lot split.

Bob Saibene, resident, 200 Fourth St East, requested story poles.

Michelle Saibene, 30 year resident, 200 Fourth St, East, is very concerned with the existing flooding problem and recommended the City place flooding signs,

**Chair Cribb closed the item for public comment.**

Comm. Sek is satisfied with the mitigation measures proposed. She trusted the design professionals and supported the project.

Comm. Bohar said the pad definition is questionable and requested clarification from staff. He disagreed with the findings because he said the historical characteristics are not respected.

Comm. McDonald clarified that the pad area made sense for maximum building and did not intend for multiple pads or larger guidelines. He felt CEQA guidelines are pertinent and more environmental review and tree mitigation measures are necessary. He supported the site design but recommended reducing the second floor element. In his opinion, visibility can be minimized by reducing the second floor element to make the structure smaller.

Chair Cribb viewed the project the same as he did with the previous proposals. He supported building the homes and believed the intent of the hillside ordinance is considered.

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Comm. Sek made a motion to approve a Use Permit to construct a residence and related accessory structures on a hillside property, including consideration of adopting a Mitigated Negative Declaration on Brazil Street/APN 018-051-012 (aka Upper West Lot 4 or Lot 227) as submitted. Chair Cribb seconded. Roll Call vote: Ayes: Comms. Sek, Cribb Noes: Comms. McDonald, Bohar. 2-2. The motion did not pass.

**Chair Cribb reopened the public hearing.**

Clare Walton, presented an alternative plan to reduce the size of the home as requested by Comm. McDonald.

Sean Slazinski, neighbor, 417 Brazil St. said the rules in place should prohibit destroying the existing landscape and is disappointed the revised plans do not address the tree preservation.

Shelia O'Neill, resident/Protect Sonoma, agreed that the removal of 40 trees on the site is problematic.

Bill Jasper, applicant, said the plan was reduced in response to the Commissioners concerns. He requested the acceptance of the new plan.

Michelle Sibey, urged the Commission to request story poles. She is not satisfied the covenants are sufficient to enforce the conditions of approval. She noted that the Sebastiani home was constructed before the hillside ordinance was adopted.

Laura Harvey, resident, is primarily concerned with the new homes obstructing the Hillside views.

Michael Woods, attorney for Bill Jasper, stressed that the CCRs are in place to monitor the land use regulations and the City will enforce the terms of the covenants.

Victor Conforti, local Architect, representing Arthur Grandy, said the commission cannot act on the new plan because he believed it was not public noticed and could not be considered.

**Chair Cribb closed the public comment.**

Planning Director Goodison said it is within the commissioner's discretion to clarify the potential project impacts before making a decision.

Comm. McDonald said the main objective is to reduce the visual impacts so it is consistent with the General Plan and Hillside ordinance guidelines.

Planning Director Goodison said the conditions of approval addressed lighting and the replacement of native trees.

Comm. McDonald recommended approving the alternative building plan with the adoption of negative declaration.

Planning Director Goodison said in staff's view the project is consistent with the regulations of the Hillside guidelines and protective tree measures. He said that grading and drainage mitigation measures are noted.

Comm. McDonald made a motion to approve the alternative building plan presented by the project and adopted mitigated negative declaration. Comm. Sek seconded. Roll Call vote; Ayes: Comm. McDonald, Comm. Sek, Chair Cribb Noes: Comm. Bohar. The motion was approved 3-1 (Comm. Bohar dissenting)

**Item 2 – Public Hearing –Consideration of an ordinance amending the Development Code by revising the Development Code by revising the regulations pertaining to vacation rentals.**

Planning Director Goodison presented staff's report.

Comm. McDonald, vacation rental owner, recused and left the room.

**Chair Cribb opened the item for public comment.**

Planning Director Goodison said the administrative abatement process is through code enforcement efforts. The legal non-conforming status does not change with ordinance revisions. The vacation rental ordinance was adopted in 1999 and prior to the ordinance the only requirement was a business license.

**Chair Cribb opened the item for public comment.**

Faye Garner, Santa Rosa resident, recommended cottage housing.

Yvonne , Santa Rosa resident, operated an Air B&B, and said there are no adverse neighborhood impacts. Her guests frequent Sonoma restaurants and therefore support the local economy.

Liza Graves, Beautiful Place, vacation rental property management, manages two rentals in Sonoma and requested further clarification of the definitions in the Vacation rental ordinance. She recommended a reasonable inspection fee and full compliance with the noise ordinance.

Logan Harvey, resident, supported more vacation rental restrictions.

Wayne Soble, vacation rental operator, Sonoma Farmhouse, is pleased to hear the abatement process is in place. His main concern is with vacation rentals pre- 1999.

Bennett Martin, vacation rental owner, did not support permanent vacation rentals running with the land.

Zac Weinberger, Cottage Inn & Spa, property manager, questioned why the emphasis on more regulations when legal vacation rentals in Sonoma do not have a history of complaints.

Isac Gutfreund, property manager, Bungalows 101, opposed additional inspection fees.

Fred Allebach, Sonoma valley resident, supported reasonable inspection fees for commercial vacation rentals.

Wendy Peterson, resident, 608 Second St East, viewed collaborative efforts from the business and vacation rental owner community. She applauded the small business owners for supporting the tourism industry in Sonoma.

**Chair Cribb closed the item for public comment.**

Chair Cribb asked for clarification for the 29 day use.

Planning Director Goodison explained the evolution of vacation rentals. He said the adaptive reuse of a historic structure permits a Use permit application for a vacation rental.

Comm. Bohar is concerned with the influx of vacation rentals in residential neighborhoods. He opposed the signage advertising the vacation rental.

Comm. Sek is satisfied with the operation of current vacation rentals.

Chair Cribb agreed with Comm. Sek as long as the noise ordinance is followed. He disagreed with Comm. Bohar and viewed large parties as acceptable in vacation rentals as well as in private residences.

Planning Director Goodison reviewed the recommendations with the commissioners for their approval/disapproval. He received consensus language to make revisions.

Comm. Sek made a motion to approve the recommended changes to the ordinance amending the Development Code by revising the Development Code by revising the regulations pertaining to vacation rentals. Comm. Bohar seconded. The motion was approved 3-0. (Comm. McDonald recused)

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**Comm. McDonald returned to the dais.**

**Item #3 – Consideration of a Use Permit to operate a wine bar at 412 First Street East.**

**Applicant: Sonoma Wine Shop/Redbird Investment Group LLC**

Associate Planner Atkins presented staff's report.

Comm. Bohar confirmed with Planning Director Goodison the distinction between a Wine Bar and a tasting room. He asked if any upcoming discussions on the forefront should be considered.

**Chair Cribb opened the item for public comment.**

Brian Cooper, business owner, Sonoma Wine Shop has a type 42 license to operate a wine bar on the Plaza.

Comm. Bohar questioned the parking exception requested and applauded the applicant for making parking efforts.

Planning Director Goodison said the proposal is not regarded as an intensification of use of the tenant space.

Harvey Logan, resident, supported the proposal because more housing opportunities helps people live and work in Sonoma.

Laura Harvey, is pleased with the shop and felt it is positive for nightlife in Sonoma.

**Chair Cribb closed the item for public comment.**

All the commissioners supported the request and felt the parking exception was acceptable.

Comm. McDonald made a motion to approve a Use Permit to operate a wine bar/tap subject to the conditions of approval at 412 First Street East. Comm. Sek seconded. Roll Call Vote: Comm. Bohar, Comm. McDonald, Comm., Sek, Chair Cribb. The motion was unanimously approved 4-0.

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**Item #4 – Study Session** – Preliminary review of an application for a mixed-use development consisting of 10 apartment units, 29 townhomes, and 4,100 square feet of commercial space, proposed for a 1.86 site, including consideration of the scope of environmental review at 870 Broadway.

**Applicant: Broadway and MacArthur, LLC**

Planning Director Goodison presented staff's report.

Barry McComic, San Diego developer, introduced his project team and was available to answer questions. They strived to make the project compatible with the town. The low income household units qualifies the project for the State density bonus allowance.

Comm. Sek asked what type of commercial tenants he envisioned.

**Chair Cribb opened the item for public comment.**

Fred Allebach, is primarily concerned with the affordable units proposed. He asked the applicant to adjust the number of units to offer more lower units. He recommended an innovated food co-op.

Anita, opposed the project because it did not respect the Broadway Corridor. She envisioned a devaluation of property values in the area.

Jeff Honeycutt, is pleased with the concept since it will provide housing opportunities.

Logan Harvey, longtime resident, supported infill projects but preferred a different mix of housing units for the site.

Laura Harvey, resident, agreed with Logan Harvey's comments.

Robert Demler, resident/First St. West, supported the development proposal.

**Chair Cribb closed the item for public comment.**

Planning Director Goodison presented an affordable data chart to show the type of affordable rental units proposed. He explained the inclusionary requirement only applies to ownership properties.

Comm. Sek suggested a change in the rental composition. She agreed with Mr. Allebach's comments about the need for affordable housing.

Comm. McDonald is not encouraged by the proposal and opposed granting exceptions. He preferred more housing on this large parcel to help meet the needs in Sonoma. He felt the site

deserved more attention and auto-centric; bicycle friendly, improved pedestrian access and more ground floor orientation.

Comm. Bohar concurred with Comm. McDonald's comments. His overall reaction to the project is it should resonate with the history and character of the town. He reviewed all the regulations that apply to the site and recommended an urban planning approach.

Chair Cribb thanked the developer and the public for their input. He approved the housing density and is pleased the small scale units recognized the needs of the community at large. He suggested the historic development pattern on the corridor has changed and all the elements are in place for creative development. He felt the "road diet" on Broadway may be in the future. He believed a commonality has occurred in the comments made.

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**Issues Update:** Planning Director Goodison wished Mike Coleman a quick recovery from his injury on the job. The cannabis discussion is on the October Agenda. New appointments to the Planning Commission will be made in November.

**Comments from Commissioners:**

**Comments from the Audience:**

Adjournment: Comm. McDonald made a motion to adjourn the meeting at 11:22 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, October 14, 2017. Comm. Sek seconded. The motion was unanimously approved 4-0.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma Planning Commission on the 11th day of January, 2018.

Approved:

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Cristina Morris, Administrative Assistant