

**PLANNING COMMISSION
CITY OF SONORA
APRIL 11, 2016
5:30 P.M.**

A regular meeting of the Planning Commission of the City of Sonora was scheduled on this date at 5:30 p.m. in the Sonora City Hall Council Chambers.

The following members were present: Chairman Chris Garnin, Vice-Chair, John Richardson and Commissioners Gary Anderson, Darren Eaton and Ron Jensen.

PUBLIC APPEARANCES:

A member of the public expressed concerns over light pollution urging the Planning Commission to consider the effects a project may have on the night sky when it is under consideration.

MINUTES:

MOTION: Approve the minutes of the March 14, 2016 Planning Commission Meeting, as corrected.

MOTION:	Richardson	SECOND:	Jensen
VOTE:	AYES:	Richardson, Anderson, Garnin, and Jensen (4)	
	NOES:	None (0)	
	ABSTAIN:	Eaton (1)	
	ABSENT:	Eaton (0)	

DESIGN REVIEW:

- 1). Continuance of an application by Trado Restaurant for a Design Review Permit to construct a new beer garden at the existing building, located at 198 S. Green Street, in a C, Commercial zone; APN: 002-152-06.

Planner, Paula Daneluk, presented the project staff report. She stated that the applicant had revised the project description from the original application. The revised description states that the project will only include low level background music during business hours. Live music would be limited to during special events, holidays or other outdoor events that are promoted within the City. She informed Commissioners that, as directed by the Planning Commission at their March 14, 2016 meeting, all property owners within 300 feet of the project were notified about the meeting. She stated that the additional noise monitoring, also requested by the Planning Commission, was completed. She explained the additional monitoring undertaken by

Bollard Acoustical Consultants and discussed the results. She stated that one additional project condition was added as a result of the monitoring requiring the roof top seating area to be limited to a maximum occupancy of 60.

Planner, Paula Daneluk, provided Commissioners with a letter that had been received from BZ Smith and one from Gerard and Marci Fuccillo, David Morgan and Barbara Dresslar. She stated that Gerard Fuccillo asked for their letter to be read into the record. The letter read as follows:

Planning Commissioners,

I have reviewed the staff report for the subject meeting with a revised project description and conditions with my neighbors, and do hereby withdraw my objection to the project, as a nearby resident, based upon noise.

As it is noted in the staff report, the developer has agreed not to conduct live music in the outdoor areas of the project, except for special events, holidays and other outdoor events promoted within the City. Low level background music would be permitted during operating hours, and total noise levels would be subject to maximum noise levels, as determined by the additional noise study which was conducted.

My neighbor, David Morgan, and I have met with Mr. Kennedy, and he has assured us that he will promptly deal with any excessive evening noise, and other problems should they arise. I would like to thank Mr. Kennedy for his concern for the residents, and wish him luck in his endeavor.

I would also like to thank the Planning Commission for the short delay in this project to address the resident concerns from the originally described project.

Signed: Gerard J. Fuccillo

Marci A. Fuccillo

David Morgan

Barbara Dresslar

Planner, Paula Daneluk, stated that staff again recommends approval of the Design Review Permit, subject to the proposed findings and conditions.

Applicant, Doug Kennedy, informed the Commissioners that following the March 14, 2016 meeting, he met with concerned neighbors to work through their issues and concerns. He thanked the public for their support and was hopeful that the project would be approved as revised.

Chairman, Chris Garnin, welcomed the public to the meeting and asked to see a show of hands of those who planned to speak on the item. He informed the public that each person would be limited to five minutes.

A downtown resident stated that they were in support of the project and that noise is a part of living in Sonora. She felt that noise alone should not be the deciding factor in a downtown Sonora project.

A Sonora resident spoke in favor of the project feeling it will be a catalyst for more new businesses.

A member of the public, who spoke in favor of the project, stated it will appeal to a younger audience.

A Sonora resident and local musician spoke in favor of the project stating he plays music at the Bourbon Barrel, which provides a venue for local bands to play in Sonora.

A member of the public stated that this project was in line with Vision Sonora and urged Commissioners to vote in favor of the project.

Commissioner, Ron Jensen, stated that he liked the project and was glad that the revised project description and conditions addressed neighbors concerns.

Commissioner, Darren Eaton, stated that he was not at the March 14th meeting but had viewed the video. He felt that it was important for neighbors to speak up and be heard. He thanked the applicant for meeting with the neighbors and for a well done project. He thanked the public for being patient while additional studies were completed and thanked Paula Daneluk, for an excellent staff report.

Commissioner, John Richardson, thanked the public for getting involved. He felt it was a really good project that will be good for the downtown. He hopes that more vacant storefronts will be filled as a result of this project.

Commissioner, Gary Anderson, thanked the public for their participation.

Chairman, Chris Garnin, thanked the public for participation and stated that the extra time, provided by continuing the project to the April meeting, provided the opportunity to address issues and concerns from the neighbors. He stated that good things take time.

MOTION: Approve Design Review Permit for Trado Restaurant to construct a new beer garden, located at 198 Green Street, subject to the conditions and findings below.

MOTION: Richardson **SECOND:** Eaton

VOTE: **AYES:** Richardson, Eaton, Garnin, Anderson and Jensen (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

FINDINGS FOR DESIGN REVIEW - 198 GREEN ST./BEER GARDEN PROJECT:

1. The use is consistent with the City of Sonora General Plan;
2. The use is consistent with Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located;
3. The proposed design conforms with features found on the surrounding buildings;
4. The proposed exterior architectural features reflect the traditional architectural characteristics of the community, blends with the adjacent neighborhood, and is consistent with the applicable design standards in the General Plan and Sonora Municipal Code.

CONDITIONS OF APPROVAL

General:

1. Show the full layout, including dimensions as required by the parking regulations, of the adjacent City parking lot to include drive aisle, parking spaces, a safe walkway and ADA parking. The layout and improvements shall be approved by the City. An agreement with the City (as approved by the City Council) shall be obtained by the applicant prior to issuance of a building permit. Said parking lot improvements shall be completed prior to issuance of a Certificate of Occupancy.
2. Provide vehicular and city personnel access to the storm drainage manhole located on site and an easement to the City of Sonora for said access and maintenance.
3. Applicant shall merge the two lots (APNs 002-015-006 and 002-015-007) prior to certificate of occupancy.
4. LPG tank must be located outside of a structure, unless it meets the following exception:

- a. 10 foot minimum separation between LP-Gas containers and buildings, public ways or lot lines of adjoining property and combustibles.
 - b. No smoking signs – 25 foot no smoking signs posted on LP-Gas.
 - c. Portable fire extinguishers (2A10BC extinguishers) placed within maximum travel distance of 75 feet, and mounted per CFC2013.
5. Clearly mark the exit egress (path of travel) from Stage 3 to Green Street and west exit to City parking lot.
6. Pay TUD connection fees and / or capacity charges as required by the District. Applicant shall provide written documentation from TUD that this condition has been met prior to issuance of a Certificate of Occupancy.
7. Install the required bi-directional cleanout at the property line if one is required by TUD. Applicant shall provide documentation from TUD of compliance with this condition prior to issuance of a Certificate of Occupancy.
8. Prior to issuance of Certificate of Occupancy, the applicant shall provide either:
 - a. Agreements with nearby property owners for shared parking of available parking spaces in privately held parking lots (spaces not required to meet the primary user's parking requirement); or
 - b. Payment of \$1,500 per space to the City of Sonora as specified in the Parking Regulations to meet this Zoning Condition; or
 - c. A combination of A & B that equals the required twenty-five (25) spaces.
9. All speakers shall be located as to be completely shielded from view of the nearby residences and either oriented downward or to the east, away from the nearby residences.
10. Maximum sound levels generated by the proposed sound system should not exceed 80 dBLeq at a distance of 30 feet from the speakers during daytime hours or 75 DBLeq after 10 pm.
11. Upon completion of sound system installation, the system shall be tested by persons qualified in acoustics to calibrate system operation to the levels cited above in condition 9 and to ensure facility sound levels do not exceed the limits (identified in Table 1 of the Bollard noise report conducted for this project dated December 2015) at the nearest residential property line. If additional audio equipment is added to the system in the future, this process shall be repeated.
12. The owner/operator shall procure a sound level meter to ensure that the volume limits listed above are satisfied if the City receives a noise complaint regarding the facility. Said sound level meter shall be maintained onsite to monitor noise compliance.

13. The roof top seating area is limited to a maximum of occupancy of 60 patrons at one time, if not otherwise restricted by the Building Code.
14. The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitations to:
 - a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or
 - b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application. [SMC Section 17.69.010 (Ordinance 776)]
15. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

DISCUSSION ITEMS:

1. Community Development Director's Report

Community Development Director, Rachelle Kellogg, reminded Commissioners that Gary Anderson's term will expire in July and that he has requested to be reappointed. The deadline for applications for appointment is April 29th. She also provided an update on projects and recent decisions of the Commission.

CORRESPONDENCE: None

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 6:18 p.m., to the next regular meeting on Monday, May 9, 2016.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director