

**PLANNING COMMISSION  
CITY OF SONORA**

**February 8, 2021**

**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: Chair, Chris Garnin, Vice-Chair, John Richardson and Commissioners Kevin Anderson, Peter Ghiorso and Ron Jensen.

**MINUTES:**

**MOTION:** Approve the minutes of the meeting of November 9, 2020 Planning Commission, as mailed.

**MOTION:** Richardson                      **SECOND:** Jensen  
**VOTE:**     **AYES:**                      Richardson, Jensen, Anderson, Garnin and Ghiorso (5)  
                 **NOES:**                              None (0)  
                 **ABSTAIN:**                          None (0)  
                 **ABSENT:**                            None (0)

**PUBLIC APPEARANCES:** None

**PUBLIC HEARINGS**

1) Application by Kenneth Hedges for a Use Permit to allow for a microbrewery in the existing building and Design Review approval to install either a single or double smooth metal door, along the Theall Street building frontage, located at 131 S. Washington Street, in a Commercial zone (C); APN: 001-195-014.

Community Development Director, Rachelle Kellogg, presented the staff report for the project. She explained the applicant's need for the door and the style of door being requested.

Applicant, Ken Hedges, discussed the project further and the use for the door. He stated that if it is not needed for the brewery they will not install one.

Chairman Garnin asked if the proposed use of the door was for a service door.

Applicant Hedges stated that it would be a service door not available for public use.

Chairman Garnin asked if the door would be painted to match the exterior of the building.

Applicant Hedges stated that it would as they want the door to be inconspicuous.

Chairman Garnin opened the public hearing at 5:55 p.m.



- a. Water Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing water facilities/services required to serve the development including abandonment of water facilities/services not utilized by the project.
  - b. Backflow Devices: The project proponent may be required to construct a back-flow device at each water service and/or verify the existing back-flow devices meet current District standards. It is the property owner's responsibility to maintain and conduct annual testing of these devices.
  - c. Sewer Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing sewer facilities/services required to serve the development including abandonment of sewer facilities/services not utilized by the project.
  - d. Sewer Cleanout Installation: Sewer service to the proposed project may require installation of a bi-directional cleanout at the property line.
  - e. Grease Interceptor: If the proposed microbrewery intends to prepare meals, the project proponent may need to install an in-ground grease interceptor. The District would need to review, approve and inspect installation of the grease interceptor(s).
  - f. Water and Sewer Change of Use Fees and Capacity Charges: Prior to service by the District, the project proponent would be required to pay all applicable fees and charges. In cases where it is determined that existing District facilities do not contain sufficient capacity to serve the project, the project proponent would be required to construct or improve District facilities before service can be provided. The project proponent is advised to contact the District at the early stages of project development for an estimate of these fees and/or charges. Fees and/or charges are subject to increases on July 1st annually.
6. 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)]

7. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

**Findings for Use Permit and Design Review Permit for Microbrewery – 131 S. Washington St.**

1. The use is desirable at the specific location;
2. The use is consistent with the intent of Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located;
3. The proposed architectural modifications conform with features found on the original building and surrounding commercial properties;
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;

2) Application by Aspen Street Architects, Inc., for Site Plan and Design Review approval to allow the construction of an 8,075 sq. ft. mixed use building on an existing 18,987 parcel within the Downtown Plaza Shopping Center, located at 180 Stockton Street; APN: 001-280-011, in a Commercial zone (C).

Community Development Director, Rachelle Kellogg, presented the staff report. She stated that staff was pleased with the mixed use concept as it preserved the City's commercial use while still providing much needed housing. She stated that the proposed project would provide one dedicated parking space for each residential unit which is a reduction from what is required under the code but it was supported by staff as the commercial parking is shared with the residential units. She stated that the project included landscaping which will be the first landscaped area within the shopping center.

Applicant, Nate Morgan of Aspen Street Architects, stated it was an infill project and will be a potential landmark for the shopping center as well as the gateway to downtown.

Owner, Peter Dwares, discussed the shopping center dynamics and the reason for the project. He stated he wanted a building that would tie the center together and improve its appearance.

Commissioner Richardson asked how the residential tenants would enter the building.

Project Architect, Ezra Ivey, explained that the tenants would enter from the front of the building below the tower.

Commissioner Richardson asked if the proposed landscape area would include trees.

Applicant, Nate Morgan, explained the ideas for the landscape area, location and possible vegetation.

Chairman Garnin opened the public hearing at 6:24 p.m.

Member of the public, asked about handicap access to the residences.

Project Architect, Ezra Ivey, stated that the project does not include an elevator to the second floor as it would be cost prohibitive and it is not required under the code.

Sharon Marovich, Tuolumne Heritage Committee, stated that the dormer should be removed as it would be more historically accurate for Sonora.

Chairman Garnin closed the public hearing at 6:29 p.m.

Commissioner Richardson stated he liked the design of the building including the dormer.

Commissioner Ghiorso stated that he had no issues with the proposed building design.

Commissioner Anderson stated that he felt it captured the architecture of the historic downtown.

Chairman Garnin applauded the project and mixed use concept.

**MOTON:** To approve a Site Plan and Design Review Permit to allow construction of an 8,075 square foot mixed use building within the Downtown Plaza Shopping Center, located at 180 Stockton Street, subject to the following conditions and findings:

**MOTION:** Richardson                      **SECOND:** Anderson

**VOTE:**            **AYES:**            Richardson, Anderson, Jensen, Garnin and Ghiorso (5)  
                  **NOES:**            None (0)  
                  **ABSTAIN:**        None (0)  
                  **ABSENT:**         None (0)

**Conditions of Approval – Site Plan Approval and Design Review Permit for The Plaza –  
180 Stockton Street**

**General:**

1. This Design Review Permit and Site Plan Permit approval are issued for constructing a new commercial building. All exterior alterations shall be in accordance with plans approved by the Sonora Planning Commission on February 8, 2021. The Community Development Director may approve minor changes to the design that are in substantial compliance with the plans approved by the Planning Commission.

2. Prior to building permit issuance, the applicant shall coordinate with TUD regarding the water and sewer capacity at the site and in the surrounding lines. TUD engineers shall approve the utility plan. TUD's conditions of service are as follows:
  - a. Water Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing water facilities/services required to serve the development including abandonment of water facilities/services not utilized by the project.
  - b. Backflow Devices: The project proponent would be required to construct a back-flow device at each water service and/or verify the existing back-flow devices meet current District standards. It is the property owner's responsibility to maintain and conduct annual testing of these devices.
  - c. Sewer Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing sewer facilities/services required to serve the development including abandonment of sewer facilities/services not utilized by the project. The District would require a separate sewer service lateral for each commercial unit and one for the multifamily units.
  - d. Sewer Main Abandonment/Relocation: The proposed building may conflict with the existing 6-inch District sewer main located on the property. The project proponent may be required to abandon and relocate this sewer main.
  - e. Installation of Manhole: A sewer manhole would need to be constructed on the sewer main or service lateral serving the proposed project at its connection to the District's 8-inch sewer main in the Stockton St. right-of-way.
  - f. Grease Interceptor: The project proposes two commercial units designated for restaurant/retail use. Sewer service to a restaurant(s) would require installation of an in-ground grease interceptor at each commercial unit. The District would need to review, approve and inspect installation of the grease interceptor(s).
  - g. Water and Sewer Change of Use Fees and Capacity Charges: Prior to service by the District, the project proponent would be required to pay all applicable fees and charges. In cases where it is determined that existing District facilities do not contain sufficient capacity to serve the project, the project proponent would be required to construct or improve District facilities before service can be provided. The project proponent is advised to contact the District at the early stages of project development for an estimate of these fees and/or charges. Fees and/or charges are subject to increases on July 1st annually.

3. Prior to building permit issuance, the applicant shall coordinate with the Sonora Fire Department and TUD to obtain the fire flow and duration to determine if the existing distribution system has adequate capacity to meet the project's needs.
4. Applicant shall complete and submit a full lighting analysis as part of the Building Permit application.
5. A landscape plan shall be submitted for review and approval to the City's Parks, Recreation and Beautification Committee as per SMC Section 12.20.130 prior to building permit issuance.
6. 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)]
7. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

### **Findings for Design Review and Site Plan Approval – 180 Stockton Street**

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 building would aesthetically enhance the current vacant site and surroundings;
  4. The proposed building design reflects the 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.
- 3) Application by Hazy Bulldog Farms, LLC, for consideration of a resolution that recommends approval to the City Council of an ordinance that amends the Development Agreement to allow for an adult-use cannabis retail business, located at 1243 Mono Way, in a Commercial zone (C); APN: 056-190-012.**

City Attorney, Nubia Goldstein, presented the staff report and discussed the reason for the proposed amendment to the existing Development Agreement. She explained that the amendment's purpose is to allow for the sale of adult-use and medicinal cannabis at the location.

Chairman Garnin asked the City Administrator to verify that the City Council adopted Ordinance 873 allowing for the sale of adult-use cannabis within the City.

City Administrator, Mary Rose Rutikanga, verified that the Ordinance was adopted by the Council.

Commissioner Anderson expressed concern over additional traffic at this location.

City Attorney, Nubia Goldstein, stated that this will be addressed under the Use Permit amendment process.

City Administrator, Mary Rose Rutikanga, stated that additional security will also be addressed under the Use Permit.

City Attorney, Nubia Goldstein, further explained the Development Agreement and Use Permit process.

Community Development Director, Rachelle Kellogg, stated that advisory notices and 300' notifications were sent for the project. She stated that there were parking concerns expressed by City staff and the applicant will need to address this under the Use Permit.

Applicant, Jeff Muzio, provided additional information about the project.

Chairman Garnin opened the public hearing at 6:50 p.m.

Cynthia Halman spoke against the project.

Ty Atkins spoke against the project.

Randy Hanvelt spoke against the project.

Jeanine spoke against the project.

Bob Kirk spoke against the project.

Christine Reeves spoke against the project.

Chairman Garnin closed the public hearing at 7:06 p.m.



Commissioner Richardson stated that he agreed with those that spoke and was opposed to adult-use cannabis. He also stated that he felt it was detrimental to the health and safety of the community, therefore that finding could not be made.

Commissioner Ghiorso stated his concerns related to cannabis use and did not support allowing the sale of adult-use cannabis within the City.

Commissioner Jensen stated that some of the statistics regarding cannabis use are misleading on both sides but that regulating it makes sense.

Chairman Garnin stated that the project is an adult-use enterprise and the City Council has opened the door to allow this use within the City. As such, he stated that it makes sense to allow an existing City business with a good track record to expand into this use.

Chairman Garnin stated that the Commission is considering this as a land use application.

Commissioner Richardson questioned whether the City had conducted any studies related to the effects of allowing the sale of adult-use cannabis within the City.

City Administrator, Mary Rose Rutikanga, stated that the City had not conducted a study. She stated that these regulations were the result of Proposition 64 that was passed by the voters. She stated that there was a lot of discussion about cannabis businesses within the City in 2016 and 2017 during the development of the pilot program.

Commissioner Richardson questioned the finding that it is not detrimental to the health, safety and general welfare of the public if the City has not completed a study.

City Attorney, Nubia Goldstein, explained that this finding is in the context of land use and not medical related.

City Administrator, Mary Rose Rutikanga, stated that the allowance for the sale of adult-use cannabis, under strict requirements, was a policy decision by the City Council. She also stated that what was being considered by the Commissioners was related to land use act policy.

Commissioner Ghiorso again expressed his concerns over the use of cannabis.

Commissioner Jensen stated that there have been studies done for years and there will be more answers to questions in the years to come. He stated that by legalizing it you take a harmful product that can be bought on the black market and regulate it so it is a safer product. He also stated that the City Council already approved the use and the Commissioners are only looking at land use.

City Attorney, Nubia Goldstein, agreed and stated that what is being considered is whether or not the Development Agreement complies with the various requirements under the code.



There being no further business to come before the Commission, the meeting was adjourned at 7:45 p.m. to the next Planning Commission Meeting on Monday, March 8, 2021.

Respectfully submitted,

Rachelle Kellogg,  
Community Development Director