



## **PLANNING COMMISSION REGULAR MEETING**

**Monday, November 14, 2022 at 5:30 PM**

94 N. Washington Street, Sonora, CA 95370

(209) 532-3508

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### **AGENDA**

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT.

THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

#### **CALL TO ORDER**

#### **FLAG SALUTE**

#### **ROLL CALL**

#### **MINUTES**

- [1.](#) Approval of the October 11, 2022 Planning Commission minutes

#### **PUBLIC APPEARANCES**

Per California State Law, matters raised by the public will be automatically referred to Staff or placed on the next meeting's Agenda. Anyone wishing to address the Commission at this time will be limited to three (3) minutes.

#### **PUBLIC HEARING**

- [2.](#) Reduced setback requirements on the property located at the northeast corner of South Stewart Street and William Street (APN 002-168-012). The variance, if granted, would reduce the setback requirement along the property's frontage facing South Stewart Street from ten feet to four feet.

#### **DESIGN REVIEW**

3. Remodel and exterior improvements to an existing duplex located at 16 S. Poplar Street. Exterior improvements include a new roof, horizontal siding, windows, decking, and doors. The property is in the Tourist and Administrative (CO) zone, APN 001-241-004.

## **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

### **ADJOURNMENT**

*In compliance with the Americans With Disabilities Act, if you need assistance to participate in this meeting, contact the Community Development Director at (209) 532-3508; [rkelllogg@sonoraca.com](mailto:rkelllogg@sonoraca.com). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28CFR 35.102-35.104 ADA Title II.)*

**Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 94 N. Washington Street, Sonora, CA 95370, during the normal business hours of Monday – Thursday, 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 12:00 p.m.**

**PLANNING COMMISSION  
CITY OF SONORA**

**October 11, 2022**

**5:30 P.M.**

Item 1.

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: Vice-Chair Peter Ghiorso, and Commissioners Bess Levin and Stephen Opie. Absent was Chairman, Kevin Anderson and Commissioner Nathan Morales.

**MINUTES:**

**MOTION:** Motion by Vice-Chair Peter Ghiorso, seconded by Commissioner Bess Levine, to approve the minutes of the meeting of October 11, 2022 Planning Commission, as mailed.

<b>MOTION:</b>	Ghiorso	<b>SECOND:</b>	Levine
<b>VOTE:</b>	<b>AYES:</b>	Opie, (1)	
	<b>NOES:</b>	None (0)	
	<b>ABSTAIN:</b>	None (0)	
	<b>ABSENT:</b>	Anderson and Morales (2)	

**PUBLIC APPEARANCES:** None

**PUBLIC HEARINGS:** None

1) Text amendment to Title 15, Zoning, of the Sonora Municipal Code, amending Chapter 15.28, Signs, by repealing it in its entirety and replacing it with a new Chapter 15.28, Signs.

Community Development Director, Rachelle Kellogg, (Director) presented the proposed text amendment and explained that this was a discussion item only which did not require a motion or vote. The Director encouraged members of the public and Commissioners to provide staff with their comments or any feedback regarding the revised Sign Ordinance and ask any questions. All comments and questions were noted and she advised that staff would review/evaluate all comments received and make any necessary changes to the ordinance. The Director stated that the final draft of the ordinance will be presented to the City Council for their consideration in November 2022.

**COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**

Community Development Director, Rachelle Kellogg, stated that the commissioners will be considering two projects at the November 14, 2022 Planning Commission meeting.

There being no further business to come before the Commission, the meeting was adjourned at 6:58 p.m. to the next Planning Commission Meeting on Monday, November 14, 2022.

Respectfully submitted,

Rachelle Kellogg,  
Community Development Director



Community Development Department  
**PLANNING COMMISSION**  
Staff Report

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<b>MEETING DATE:</b>	November 14, 2022	<b>GENERAL PLAN:</b>	Historic Mixed Use (HMU)
<b>TO:</b>	Planning Commissioners	<b>ZONING:</b>	Multi-Family Residential (R-3)
<b>APPLICANT / OWNER:</b>	Bill Canning		
<b>PROJECT:</b>	Variance – 391 S Stewart Street		
<b>PROJECT DESCRIPTION:</b>	Reduced setback requirements on the property located at the northeast corner of South Stewart Street and William Street (APN 002-168-012). The variance, if granted, would reduce the setback requirement along the property's frontage facing South Stewart Street from ten feet to four feet.		

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**PROJECT DESCRIPTION:**

The Applicant is requesting variance approval for reduced setback requirements to develop a multifamily triplex on the property located at the northeast corner of South Stewart and William Street. A variance is a request for relief from strict application of zoning regulations to alleviate an unusual hardship to a particular property that similar properties typically have but which that property cannot enjoy because of certain physical limitations. Such limitations may include the property's size, shape, topography, location, or surroundings. Due to the unique nature of the property and surrounding properties, the applicant is applying for a variance to accommodate a future triplex. The development standard of the setback requirement along South Stewart Street is being requested to be reduced from ten feet to four feet. The variance presented in this report is not a consideration of the construction project to follow, but rather the setbacks on the property that the future residential structure will have to meet. As the project is proposed, there are no additional planning entitlements, including site plan or design review, required for the project to move forward.

**BACKGROUND:**

Pursuant to Sonoma Municipal Code (SMC) Section 17.66.040, the Commission may grant a variance to authorize a specific exception to any development standard when certain circumstances are present, and findings can be made. Variance approval runs with the land, meaning any future development will be subject to the standards set through the Variance procedure. If the Commission chooses to do so, approving the Variance request presented in this report does not approve the construction project on the property this will occur through the building permit process.

**CONSISTENCY WITH ZONING:**

As stated above, SMC Section 17.66.040 outlines the procedure to approve a variance in the City. To grant a variance, specific findings must be made for the request to ensure fair administration of the Zoning Code to all properties in the City. In analyzing the property for future development of the triplex, the applicant has approached the City to request a reduction in requirements for the setback along South Stewart Street. If approved this project would be

subject to all current development standards of the R-3 zone district, except for the setback requirement along Stewart Street which would be reduced to four feet through approval of the variance. The project is located at 391 S. Stewart Street on the northeast corner of South Stewart Street and South William Street. The 6,534 sq. ft. parcel is approximately 54 ft. wide and 122 ft. long. The minimum parcel size in the R-3 zone per dwelling unit is 2,000 sq. ft., thus three units can be built on the parcel. Due to the fact that this narrow parcel has two frontages, under SMC Section 17.40.015, it is subject to a 10' front yard setbacks along both Stewart Street and William Street which greatly impacts the amount of developable land on the parcel.

Stewart Street is a main thoroughfare in the City, specifically the downtown area. Although not located within the Historic Area, the project is surrounded by existing structures and buildings some of which date back 100+ years. Many of the present development standards in the Zoning Code, including setbacks and on-site parking, are not met by most of these properties, including the multi-family residential structures along Stewart Street south of William Street. Under the proposed project the applicant is proposing that only the front entryway porches extend into the usual setback area. This will provide for open space and landscaping to be present along Stewart Street frontage which is consistent with other properties in the area. Approval of the setback variance would allow the property to enjoy the same benefits as other residential developments along Stewart Street and provide for streetscape consistency.

#### **CONSISTENCY WITH GENERAL PLAN:**

The site is designated Historic Mixed Use (HMU) per the Sonora General Plan 2020. The existing Multi Family Residential (R-3) zoning district is consistent with the General Plan Land Use Designation and Compatible Title 17 Zoning Classification Table in the Land Use Element of General Plan 2020; therefore, the proposed project is consistent with the General Plan.

#### **VARIANCE CONSIDERATION/ANALYSIS:**

As stated above, the Commission may grant a variance if it finds that adherence to a specific development standard or regulation imposed by the Zoning Code may cause unnecessary hardship. The findings to approve a variance can be found in SMC 17.66.040 and are as follows:

1. Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, apply to the property and not generally to other properties in the vicinity and the same zone.

The existing R-3 parcel is long and narrow with two street frontages. As such it is subject to two front yard setbacks. Additionally, the development standard of a ten-foot setback along Stewart Street is specific not generally met by other residential properties along Stewart Street.

2. The exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and the same zone.

Similar reductions in setbacks, along with other development standards, exist for other properties in the area. Granting this variance would not provide a special privilege due to that privilege being provided to other developed properties.

3. The exception is the minimum necessary for the reasonable use of the property.

A reduction to four feet along Stewart Street is the minimum necessary to provide a quality residential project that will provide needed housing units within the downtown corridor. Additionally, only the front entryway porches will be extending into the setback.

4. The exception is not injurious to the neighborhood, is consistent with the intent of this title, and with the purposes for such zone.

The variance would provide for beneficial residential property to be developed to its full potential, would be consistent with the downtown area, and appearance of other residential developments along Stewart Street. All other development standards will be met in compliance with the City's Zoning Code.

### **ADVISORY/PUBLIC COMMENTS**

Advisory agencies were notified of the proposed project. Staff received comments and they have been incorporated within the project conditions. If additional comments are received, they will be presented to the Planning Commission at the meeting.

### **CEQA DETERMINATION**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 – Minor Alterations in Land Use Limitations, Class 5 of the State and City Guidelines for implementation of CEQA which states that minor alterations in land use limitations in areas with an average slope of less than 20% and which do not result in any changes in land use or density is exempt from CEQA.

### **RECOMMENDATION:**

Based on the preceding, it is recommended that the City Planning Commission approve the Variance with the following findings and subject to the attached conditions:

1. Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, apply to the property and not generally to other properties in the vicinity and the same zone.
2. The exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and the same zone.
3. The exception is the minimum necessary for the reasonable use of the property.
4. The exception is not injurious to the neighborhood, is consistent with the intent of this title, and with the purposes for such zone.

### **Conditions of Approval – Setback Variance at 391 S. Stewart Street APN 002-168-012, NEC of South Stewart Street and William Street**

1. Approval of this Variance applies only to the setback requirement along South Stewart Street for the property, which has been reduced from 10 feet to 4 feet from the property line.
2. Only the front entryway porches are allowed to extend within the reduced setback area along South Stewart Street.
3. All other development standards shall be met by the property as applicable to future construction proposals.
4. The existing sidewalk along South Stewart Street shall be replaced with a new sidewalk to current City standards at the time a project is constructed on site.
5. Landscaping plans for future projects on site shall be prepared and submitted to the Community Development Department and are subject to approval by the Parks and Beautification Committee.

6. Tuolumne Utilities District records indicate a private lateral is serving the adjacent property to the east along William Street, APN 021-168-011, which crosses the northerly portion of the property. If future projects propose structures to be located upon the sewer lateral, it must be relocated, and a new easement recorded with Tuolumne County.
7. 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)]
8. Applicant shall comply with all local, state and federal regulations and requirements.

Attachments:

Attachment 1 – Project Area

Attachment 2 – Site Plan, Elevations, and Floor Plan provided by Applicant

Attachment 3 – Tuolumne Utilities District Comment Letter

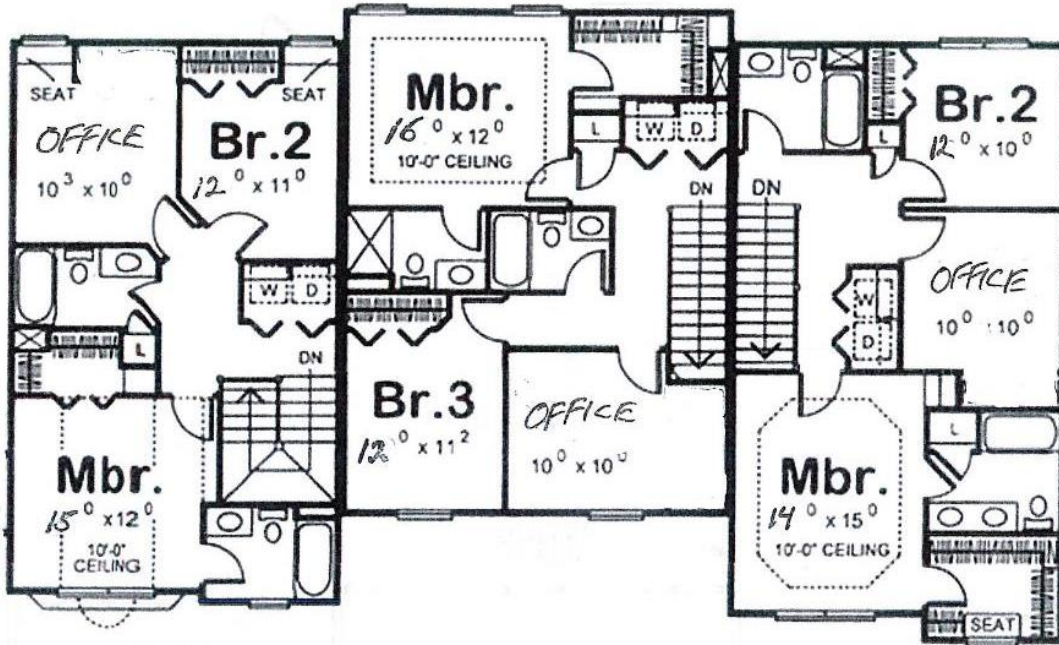
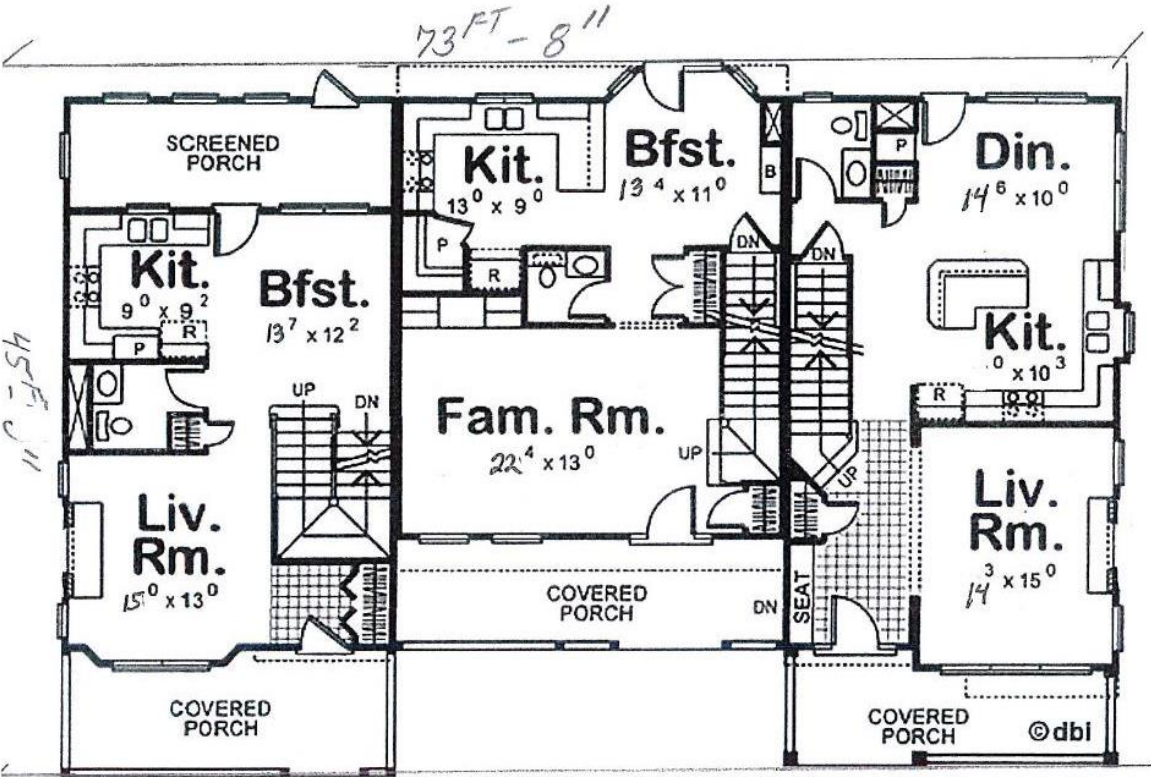
Attachment 4 – Tuolumne Heritage Committee Comment Letter

Attachment 1 – Project Area









**TUOLUMNE UTILITIES DISTRICT**

18885 Nugget Blvd. | Sonora, CA 95370  
(209) 532-5536 | [www.tudwater.com](http://www.tudwater.com)

November 4, 2022

City of Sonora  
Attn: Rachelle Kellogg  
94 N. Washington St.  
Sonora, CA 95370

**RE: NEC SOUTH STEWART AND WILLIAM STREET, APN 002-168-012.****To Whom It May Concern:**

The following is in response to your letter to advisory agencies dated October 6, 2022. This letter is not a commitment to serve the proposed project; rather, it is to advise the County that the District could legally serve the proposed project and to provide information to assist the County regarding the District's water and sewer facilities. Water and/or sewer capacity is not reserved for the project until all capacity fees have been paid. The District is not obligated to serve the development until certain conditions are fulfilled, some of which are listed below. The project proponent is advised to contact the District as soon as possible to discuss the conditions of service and the associated fees.

**WATER SYSTEM INFORMATION and CAPACITY**

The provision of water service to the project requires sufficient water supply, treatment, storage, and distribution facilities. The District will collect capacity fees based on the project's estimated water demands. Those fees are intended to reimburse the District for the value of the water supply, treatment, and storage capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing water system, are the responsibility of the project proponent.

**Water Supply Capacity:** South Fork Stanislaus River via Phoenix Lake - Adequate capacity exists.

**Water Treatment Capacity:** Sonora Water Treatment Plant - Adequate capacity exists.

**Water Storage Capacity:** Sonora Water Treatment Plant Clearwell and Greenly Tank - Adequate capacity exists.

**Water Pumping Capacity:** Not Applicable.

**Water Distribution Capacity:** A 6-inch District water main is located within the South Stewart Street right of way right-of-way adjacent to the proposed project site. A 4-inch District water main is located within the William Street right-of-way adjacent to the proposed project site.

The Project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if the existing distribution system has adequate capacity to meet the project needs.

**SEWER SYSTEM INFORMATION and CAPACITY**

The provision of sewer service to the project requires sufficient sewer collection, treatment, and disposal facilities. The District will collect capacity fees based on the estimated volume of sewer that will be produced by the project. Those fees are intended to reimburse the District for the value of the collection, treatment, and disposal capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing sewer collection system are the responsibility of the project proponent.

**Sewer Collection Capacity:** A 6-inch District sewer main is located within the South Stewart Street right-of-way.

**Sewer Treatment Capacity:** Sonora Regional Wastewater Treatment Facility - Adequate capacity exists.

**Sewer Disposal Capacity:** Regional Reclamation System - Adequate capacity exists.

**CONDITIONS OF SERVICE:**

**Water**

1. **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. Each of the three proposed units will require a separate TUD water service with meter.
2. **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.
3. **Irrigation Meter:** A dedicated irrigation service and utility billing account and payment of capacity fees is required for all non-single family residential projects where the landscaping exceeds 1,000 square feet. The "Total Landscaping Area" from landscaping plans approved by the Local Agency in accordance with State Model Water Efficient Landscape Ordinance (MWELO) shall be used to determine the landscape area. Capacity fees are based on the "Estimated Total Water Use" (ETWU) from the Local Agency approved MWELO plans. At the District's discretion, a "Per Plant" water use calculation can be used as an alternative basis for determining capacity fees.

**Sewer**

4. **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. Each of the three proposed units will require a separate TUD sewer service.
5. **Private Sewer Lateral:** District records indicate a private lateral serving APN: 021-168-011 crosses the northerly portion of the project site. This private sewer lateral must be relocated away from any structures.

**General**

6. **Water and Sewer 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 1<sup>st</sup> annually.

Regards,



Antonio J. Ramirez  
Engineering Services Technician  
(209) 532-5536 Ext. 511

## Tuolumne Heritage Committee

Sonora, California 95370

October 20, 2022

Received By

OCT 24 2022

City of Sonora

Rachelle Kellogg,  
Community Development Director  
City of Sonora  
94 N. Washington St.  
Sonora, CA 95370

Rachelle: Setback variance -NEC S. Stewart and William streets

"17.42 Conditional Use Permit or Variance

The application must show that the granting of such application is necessary for the preservation and enjoyment of substantial property rights of the petitioner."

In reviewing the advisory agency material it is apparent that the applicant has considerable use of the property already and a variance would grant even more. Variances are not often granted by governmental agencies and when they are it is generally because terrain or parcel size constrain the use that is described in the zoning ordinance.

In this case, the applicant simply wants to build a triplex, instead of a smaller multiple dwelling that would fit the parcel.

The property is in the heart of an historic neighborhood with homes generally set back on the parcel and such setbacks contribute to the rhythm of the streetscape. While it is correct that the building adjacent to the north has a reduced setback, the city's Cultural Resources Survey indicates it dates from at least 1900, long before zoning and setback requirements.

The site plan for the triplex shows no landscaping and really no outdoor areas for tenants other than small, covered porches all of which face busy S. Stewart St.

The plan also does not address the mature vegetation on the parcel nor the dry laid slate wall that is quite old.

This project as presented would dominate the corner, jut out disproportionately into normal setback areas found in the neighborhood and does not have the kind of situation where variances are usually granted.

Sincerely,

  
Sharon Marovich, Chair



Community Development Department  
**PLANNING COMMISSION**  
Staff Report

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<b>MEETING DATE:</b>	November 14, 2022	<b>GENERAL PLAN:</b>	Historic Mixed Use (HMU)
<b>TO:</b>	Planning Commissioners	<b>ZONING:</b>	Tourist and Administrative (CO)
<b>APPLICANT / OWNER:</b>	Cooper Kessel Architect and Associates		
<b>PROJECT:</b>	Design Review – 16 S. Poplar Street		
<b>PROJECT DESCRIPTION:</b>	Remodel and exterior improvements to an existing duplex located at 16 S. Poplar Street. Exterior improvements include a new roof, horizontal siding, windows, decking, and doors. The property is in the Tourist and Administrative (CO) zone, APN 001-241-004.		

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**PROJECT DESCRIPTION:**

The Applicant is requesting a Design Review Permit for remodel and exterior improvements to an existing duplex located at 16 S. Poplar Street. The proposal does not include any addition or expansion of building footprint, or any work to be done on the other duplex existing on the property 299 W Jackson Street. Exterior improvements such as a new roof, horizontal siding, windows, decking, doors, and finishes.

**BACKGROUND:**

Pursuant to Sonora Municipal Code (SMC) Section 17.32.050, any new construction, modification or addition of a structure that requires a building permit and is located within the City’s design review area boundaries is subject to design review by the Sonora Planning Commission. Therefore, a design review permit is required for this project.

**CONSISTENCY WITH ZONING:**

The site is occupied by two structures, both duplexes, which are located in the Tourist and Administrative Zone (CO). The existing duplexes both meet the development standards of the zone district and are conforming uses. The project scope does not expand the footprint on either of the structures or propose modifications to the property which would create any nonconforming buildings or uses. Therefore, with design review approval according to SMC Section 17.32.050, the proposed project is consistent with the Sonora Municipal Code.

**CONSISTENCY WITH GENERAL PLAN:**

The site is designated Historic Mixed Use (HMU) per the Sonora General Plan 2020. The existing Tourist and Administrative (CO) zoning district is consistent with the General Plan Land Use Designation and Compatible Title 17 Zoning Classification Table in the Land Use Element of General Plan 2020, therefore, the proposed project is consistent with the General Plan.

**DESIGN CONSIDERATION/ANALYSIS:**

As stated above, the project includes a remodel and exterior improvements to an existing duplex. The proposed elevations provided by the applicant for the project are a noticeable improvement over the current state of the duplex. New composition shingle roofing, horizontal siding, single hung windows, doors, and stained wood on the outdoor decks will provide

consistency with the original design, while improving the neighborhood appearance. The proposal is also taking into consideration the Historic Area architecture in keeping the design similar to others in the Historic Area. There is no proposed expansion of the duplex or increase in footprint, which provides for consistency with the Zoning Code.

### **ADVISORY/PUBLIC COMMENTS**

Advisory agencies were notified of the proposed project. Staff received comments and they have been incorporated within the project conditions. If additional comments are received, they will be presented to the Planning Commission at the meeting.

### **CEQA DETERMINATION**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities, Class 1 of the State and City Guidelines for implementation of CEQA which states that minor alterations of an existing private structure involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is exempt from CEQA.

### **RECOMMENDATION:**

Based on the preceding, it is recommended that the City Planning Commission approve the Design Review Permit with the following findings and subject to the attached conditions:

1. The use is consistent with the City of Sonora General Plan;
2. The use is consistent with the Zoning Ordinance, Title 17 of the Sonora Municipal Code;
3. The proposed structures are consistent with the existing nonconforming use and do not provide an expansion thereof;
4. The proposal promotes positive visual impact to the Historic Area by rehabilitating a structure, and is consistent with the applicable design standards in the General Plan and Sonora Municipal Code.

### **Conditions of Approval Design Review Permit 16 S. Poplar Street**

### **GENERAL:**

1. This Design Review Permit is issued for the exterior changes. All exterior alterations shall be in accordance with the design approved by the Sonora Planning Commission on November 14, 2022. 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. The remodel of the duplex shall not extend outside of its existing footprint.
3. The project shall follow all California Fire Code (CFC) and Wildland Urban Interface (WUI) requirements and use WUI compliant materials.
4. 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)]
5. Applicant shall comply with all local, state and federal regulations and requirements.

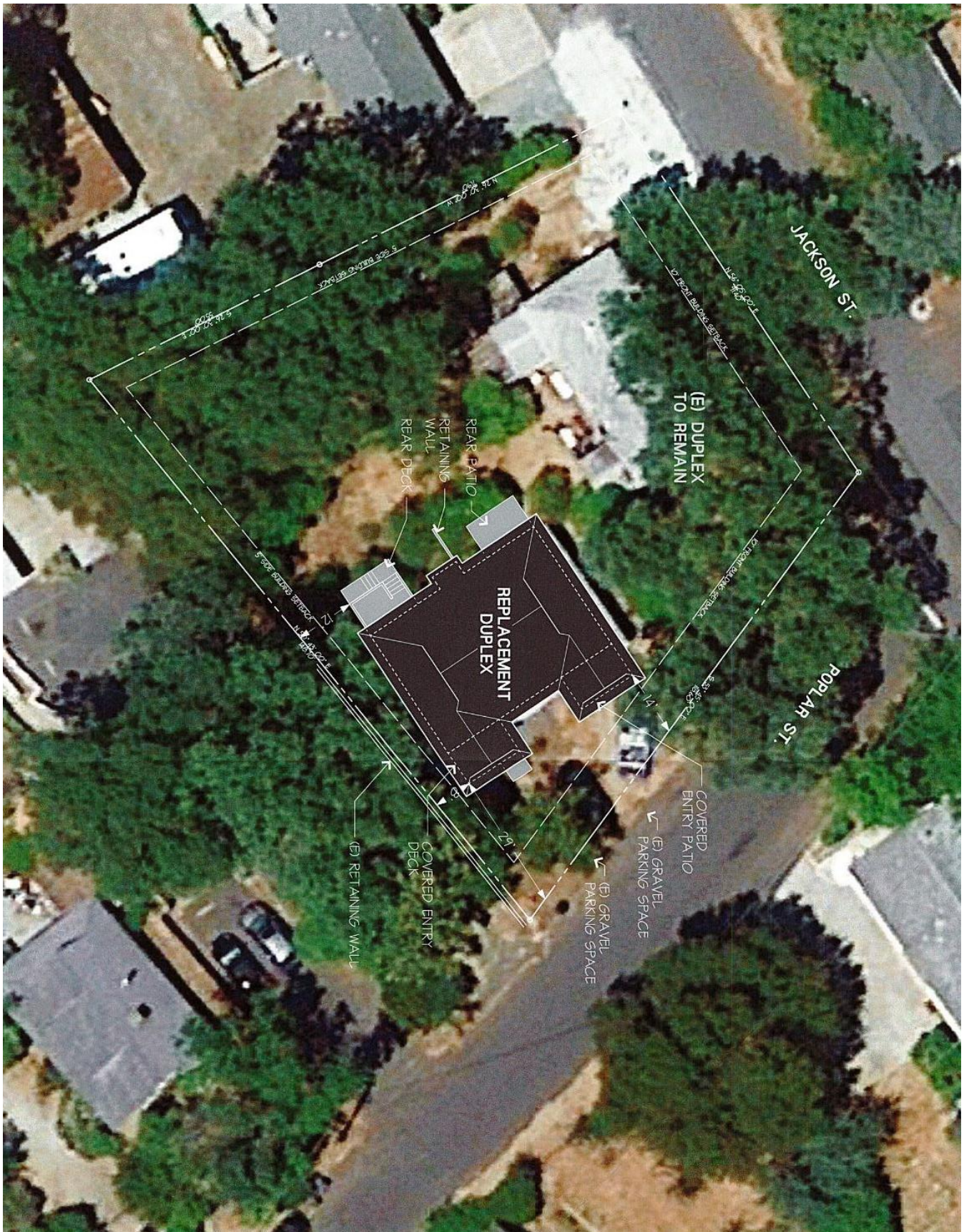
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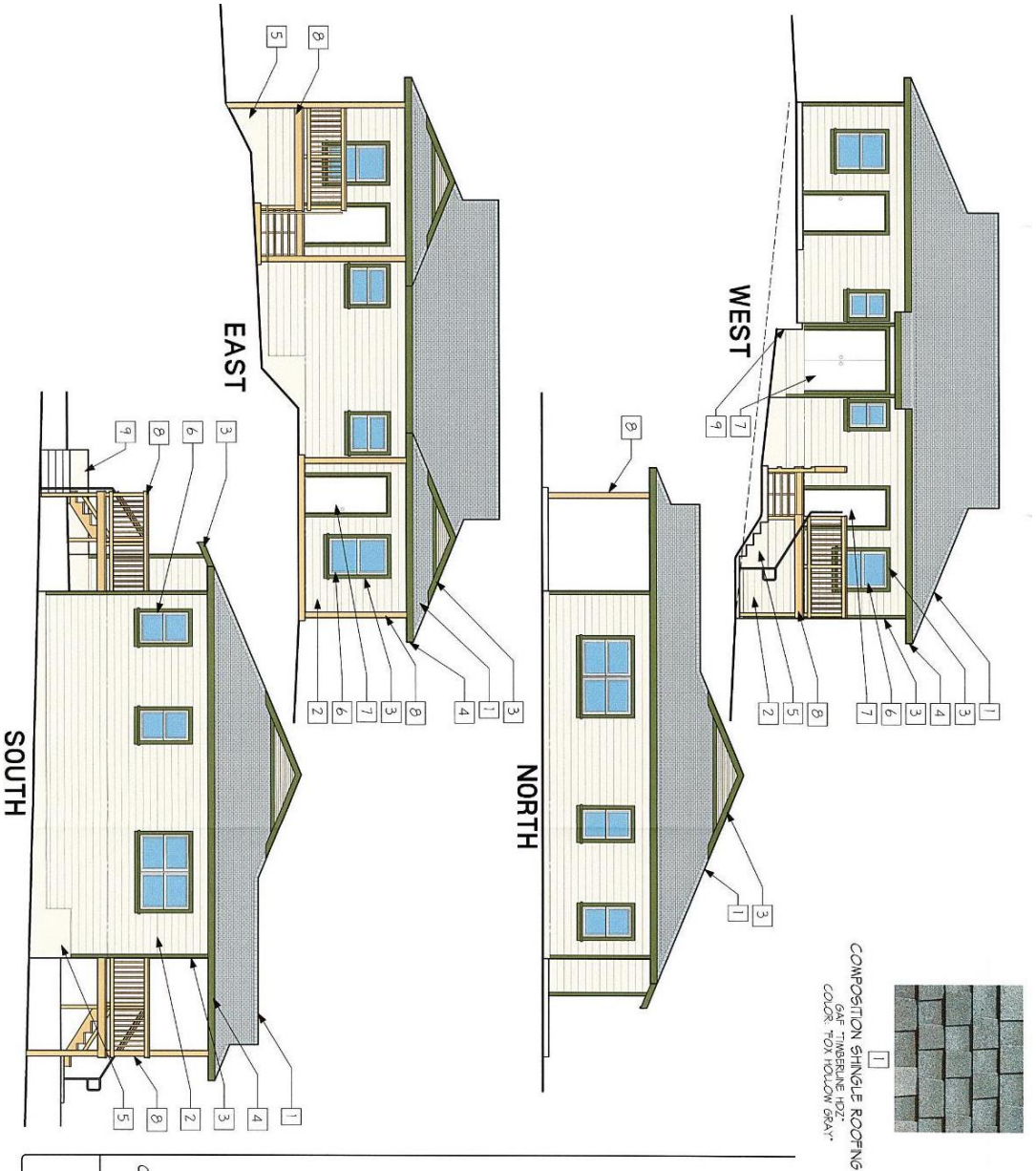
Attachment 1 – Project Area

Attachment 2 – Site Plan, Elevations, and Floor Plan provided by Applicant

Attachment 3 – Street View of Existing Duplex







## EXTERIOR MATERIALS & COLORS

