



CITY COUNCIL AGENDA REPORT

CITY HALL

CITY OF SONORA 94 N. WASHINGTON STREET, SONORA, CA 95370 P: (209) 532-4541
SERVICE, INNOVATION, INTEGRITY, COLLABORATION, RESPECT, LEADERSHIP

DATE: April 21, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Tyler Summersett, Community Development Director

SUBJECT: Waive First Reading, Read by Title Only, and Introduce Ordinance No. 904, an Ordinance of the Sonora City Council Amending Chapter 12.16, Use of Sidewalks for Business, of Title 12, Streets and Sidewalks, of the Sonora Municipal Code; and Approve City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines and License Agreement

RECOMMENDATION:

Waive First Reading, Read by Title Only, and Introduce Ordinance No. 904, an Ordinance of the Sonora City Council Amending Chapter 12.16, Use of Sidewalks for Business, of Title 12, Streets and Sidewalks, of the Sonora Municipal Code Establishing Regulations to Allow Limited Dining and Commercial Displays in City Public Rights-of-Way.

Consider Approval of Resolution No. 04-21-2025-A, Adopting the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines and License Agreement.

BACKGROUND:

On December 2, 2013, Vision Sonora, a collaboration between the City of Sonora (“City”), the California Department of Transportation (“Caltrans”), and Tuolumne County Transportation Council (“TCTC”) was initiated. Vision Sonora was funded by a grant from Caltrans and awarded to TCTC and sub allocated to the City. The Vision Sonora project was initiated to provide Sonora with a plan for a more vibrant community by directing physical improvements in the City’s right-of-way. Vision Sonora can be viewed at: <https://sonoraca.com/vision-sonora/>. Specifically, among other improvements, Vision Sonora proposed:

Creating Downtown Public Spaces – Create a plaza and park on Stewart Street and a network of pedestrian-oriented streets between this plaza and Coffill Park that can be converted into event space. Convert Linoberg Street into a pedestrian-only passageway and gathering space between Green and Stewart Streets. Construct small gathering spaces along Washington including “parklets” that convert two parking spaces into seating/dining areas in front of businesses. Use excess roadway width to create other landscaped seating areas on Washington Street.



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The existing Chapter 12.16 of the Sonora Municipal Code does not provide a streamlined mechanism to allow use of public right-of-way for private businesses. Hence, revision to the existing Chapter 12.16 is intended to streamline implementation of Vision Sonora public facility recommendations as well as facilitate business expansion in the City's Historic Downtown areas.

DISCUSSION / ANALYSIS:

Ordinance No. 904

To implement the Vision Sonora goals, policies and objectives, and to accommodate business demand for outdoor use, which was jump-started by COVID 19 in many smaller communities, the proposed Ordinance incorporates a ministerial approval process for the issuance of encroachment permits in the City's right-of-way. The encroachment permits would allow private businesses to utilize public rights-of-way for dining, marketing and visual improvements. The proposed Ordinance incorporated the encroachment permit process into the existing Title 12, Streets and Sidewalks, of the Sonora Municipal Code. The Ordinance amends Chapter 12.16, Use of Sidewalks for Business, to allow the Community Development Department ("CDD") to approve encroachment permits under the specified conditions. Encroachment permits allow the extension of outdoor private commercial uses tied to brick-and-mortar establishments into the City's right-of-way. The encroachment permit will be issued for a period of one year unless a longer or shorter duration is specified; thereafter, the CDD may renew the permit for additional periods, following review and approval of the operation. If during the renewal review the Community Development Director considers added or revised conditions desirable based on impacts of the initial approval, such new conditions may be imposed upon the renewal or at any time should issues arise with the permit operation.

Allowable outdoor uses include those permitted in the *Tourist and Administrative, Commercial, General Commercial, and Planned Development Zones*. Use examples include, but are not limited to, display and sale of merchandise, outdoor dining, pop-up shops, art installations/decorations, A-frames/marketing, outdoor music, outdoor landscaping/decorations and similar uses.

The issuance of the encroachment permit will be subject to the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines, attached with proposed Resolution No. 04-21-2025-X . The City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines provide development standards and design guidelines consistent with Vision Sonora for the establishment of outdoor uses, including parklets.

Encroachment permits will be categorized as one of two types: 1) a standard encroachment permit for businesses wanting to display and sell merchandise where no permanent physical improvements are proposed and where the items are removed daily; or, 2) an encroachment permit for more permanent physical improvements (e.g. seating and dining areas) or a more exclusive use in the City's right-of-way (either sidewalk and/or street), subject to a license agreement which will outline the cost and conditions associated with an approval. (See **Attachment 3 – Draft License Agreement**)



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An encroachment permit application may be denied if the use or design may have deleterious and/or aesthetic impacts not in compliance with the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines. The Community Development Director’s ministerial approval may also be appealed to the Planning Commission and further appealed to the City Council as provided in the City’s Municipal Code.

The intent of the proposed Ordinance and approval of the proposed Resolution is to provide a streamlined approval process for outdoor uses in the City’s right-of-way while ensuring aesthetic control to ensure that a semblance of design consistency throughout the City’s downtown, particularly the City’s Historic District, is maintained. Ultimately, the goal of the project is to allow businesses expansion onto the City’s right-of-way while preserving the aesthetic integrity of the City of Sonora consistent with Vision Sonora.

Resolution 04-21-2025-A

City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines

The proposed Resolution No. 04-21-2025-A adopts the draft City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines, which provide the standards and design guidelines for which encroachment permits may be issued. The resolution also identifies a license agreement as the tool for more intense use of public rights of way.

Encroachment Permit Application Fees

Staff is also presenting a fee schedule for encroachment permit applications, including application process and use fees. Application fees are intended to cover the direct cost associated with the average staff time for permit review and inspection including review by the Planning Commission, if required. Staff is proposing a fee based upon the average time anticipated to process the application at \$60.00 per hour. This fee includes staff time to review the application for completeness, including any design elements associated with fixture improvements in accordance with the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines. The application fee will be due when a new encroachment permit application is submitted and when renewed. The proposed fee structure includes various types of encroachment permits as reflected in the table below:

Encroachment Permit	Rate
Parklet Dining/Street/Right of Way Encroachment Permit	\$600.00 application fee; monthly fee up to \$1.55 per sq. ft.
Sidewalk Dining/Selling Encroachment Permit	\$360.00 application fee; monthly fee up to \$1.55 per sq. ft.
Planning Commission Review (Design Review)	\$805.00



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Encroachment Permit Fee (no physical improvements)	\$200.00 application fee
Hourly Administrative Fee	\$60.00 hr.

The parklet and sidewalk dining encroachment permit includes both the permit processing fee of either \$600.00 and \$360.00, depending on the requested use, and an annual square foot license rate of \$1.55 per square foot. The Parklet vs. Sidewalk dining fees are differentiated by fixed improvements on the City's Street vs. sidewalk. For example, a sidewalk dining application of 200 square feet of sidewalk would be calculated at \$360.00 for a one-time review of the application and monthly payments of up to \$310.00.

A parklet dining encroachment encompassing two 9-foot by 18-foot parking spaces totaling 324 sq. ft. and 200 sq. ft. of City sidewalk use would be calculated at \$600.00 for a one-time review of the application plus \$812.20 per month at \$1.55 per square feet. The license fees will be due monthly. Accordingly, the above example would be charged \$812.20 per month or \$9,746.40 per year.

The City's existing encroachment permit fee of \$200.00 is adequate for retail businesses where no permanent improvements are proposed, including A-frame signs, landscaping, decorations and other

Planning Commission Review

Staff presented this strategy for managing activities in the City's right-of-way to the Planning Commission on March 31, 2025, so that they could assess consistency with the General Plan and existing Sonora Municipal Code. The Planning Commission made the following findings:

- A. The text amendments to chapter 12.16 of the Sonora Municipal Code are consistent with the goals, policies and objectives of the City's General Plan.
- B. The project is in conformity with public convenience, general welfare and good land use practice.
- C. The project will not be detrimental to the health, safety and general welfare.
- D. The project will not adversely affect the orderly development of property or the preservation of property values.
- E. The project is in compliance with the California Environmental Quality Act (CEQA) and is exempt from further review.

One of the discussions the Planning Commission had was a sensitivity to the fees being proposed, the concern being if the fees were perceived to be too much by downtown businesses, they might decide to stop offering outdoor dining and withdraw landscaping and other exterior decorations. Commissioners recognize the need for the City to cover its costs and is supportive of recouping staff time and ultimately voted unanimously in favor of the item.



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LICENSE AGREEMENT(S):

For those businesses desiring an encroachment permit with fixed (semi-permanent) improvements such as outdoor dining, a License Agreement may be required at the discretion of the Community Development Department. The License Agreement provides requirements for liability insurance, indemnity, license rates, responsibility for sidewalk maintenance, etc. and will be required to be executed by the applicant and CDD Director/City Administrator concurrently with the issuance of an encroachment permit.

EXISTING OUTDOOR SEATING FACILITIES:

Once new standards are adopted as part of the Outdoor Use Encroachment Permit Development Standards and Design Guidelines, existing activities in the City right-of-way will need to bring their operations into compliance. Staff recommends a transitional period of 45 days to allow existing outdoor sidewalk activities time to apply for an encroachment permit.

CALTRANS- HIGHWAY 49 / WASHINGTON St:

Early in the ordinance update, staff discussed the project with Caltrans regarding potential encroachments on State Highway 49. The discussion and conclusions were:

- As a matter of policy, Caltrans does not allow private use of their public right-of-way for individual businesses. Hence, no encroachment permits will be issued to private businesses by Caltrans.
- The City could request relinquishment and take ownership of all or various segments of Caltrans right-of-way provided the right-of-way is not diminished for Caltrans transportation purposes. The City would have to undertake maintenance and responsibility for those segments of right-of-way relinquished by Caltrans.
- If obtained, the City could incorporate right-of-way segments into the City's Encroachment Permit Processes for private outdoor use purposes.

To date, staff's focus has been coordinating with Caltrans in making improvements to the Caltrans rights-of-ways consistent with Vision Sonora as part of a State Highway Operations and Pavement Protection (SHOPP) funded effort referred to as the "Anchor" project. This project is planning comprehensive improvements for State Route 49 from Jamestown through Sonora's downtown.

The proposed modifications to Chapter 12.16 of the Sonora Municipal Code and the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines apply to the City's public rights-of-way and do not apply to State Highway 49.



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ENVIRONMENTAL:

The project qualifies for a “common sense” exemption in accordance with Section 151061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. A Notice of Exemption will be filed with the County Recorder’s Office upon approval of the project.

FISCAL IMPACT:

The City’s administrative costs are expected to be offset by the encroachment permit fees.

ATTACHMENTS:

- Ordinance No. 904
- Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines
- Resolution 04-21-2025-A
- License Agreement

CORE COUNCIL PRIORITIES:

Fiscal Responsibility and Stability, Economic Development/Growth and General Plan