City of Sonoma Planning Commission
AGENDA

Regular Meeting of November 14, 2013 -- 6:30 PM
Community Meeting Room, 177 First Street West
Sonoma, CA 95476

Meeting Length: **No new items will be heard by the Planning Commission after 10:30 PM**, unless the Commission, by majority vote, specifically decides to continue reviewing items. If an item is not heard due to the length of the meeting, the Commission will attempt to schedule a special meeting for the following week. If a special meeting is necessary, potential dates will be established at the close of this meeting, and a date set as soon as possible thereafter.

CALL TO ORDER – Chair, Chip Roberson

Commissioners: Gary Edwards
Robert Felder
Mark Heneveld
Matt Howarth
Mathew Tippell
Bill Willers
James Cribb (Alternate)

Be Courteous - TURN OFF your cell phones and pagers while the meeting is in session.

PLEDGE OF ALLEGIANCE

COMMENTS FROM THE PUBLIC: Presentations by audience members on items not appearing on the agenda.

MINUTES: Minutes from the meetings of September 12, 2013, September 26, 2013, and October 10, 2013.

CORRESPONDENCE

ITEM #1 – PUBLIC HEARING

ISSUE:
Consideration of amendments to the Development Code establishing definitions and zoning regulations for wine tasting facilities.

Staff: David Goodison

RECOMMENDED ACTION:

Forward recommendations to City Council.

ITEM #2 – PUBLIC HEARING

REQUEST:
Consideration and possible action on an application for a Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project, a mixed-use development that includes 3,514 sq. ft. of office space, 14 apartments, and associated parking improvements.

Applicant/Property Owner:
Marcus & Willers Architects/Marcus and David Detert

Staff: David Goodison **&**
Rob Gjestland

Project Location:
165 East Spain Street

General Plan Designation:
Mixed Use (MU)

Zoning:
Planning Area: Downtown District

Base: Mixed Use (MX)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Adopt Resolution approving a Use Permit, Parking Exception, and Site Design & Architectural Review for the project, based on specified findings and subject to conditions of approval, including implementation of the Mitigation Monitoring and Reporting Program.

ITEM #3 – PUBLIC HEARING	RECOMMENDED ACTION:
ISSUE: Consideration of amendments to Title 19 of the Sonoma Municipal Code to: 1) clarify provisions related to density bonuses and inclusionary housing; 2) modify provisions pertaining to use permit requirements for emergency shelters in the "P" zoning district; 3) establish a definition for "Agricultural Employee Housing"; and, 4) allow for residential care facilities in the Mixed Use zone. **Staff: David Goodison**	Discuss and provide direction to staff.

ISSUES UPDATE
COMMENTS FROM THE COMMISSION
COMMENTS FROM THE AUDIENCE
ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on November 8, 2013.

CRISTINA MORRIS, ADMINISTRATIVE ASSISTANT

Rights of Appeal: **Any decision of the Planning Commission may be appealed to the City Council.** Appeals must be filed with the City Clerk within fifteen (15) calendar days following the Planning Commission's decision, unless the fifteenth day falls on a weekend or a holiday, in which case the appeal period ends at the close of the next working day at City Hall. Appeals must be made in writing and must clearly state the reason for the appeal. Appeals will be set for hearing before the City Council on the earliest available agenda. A fee is charged for appeals.

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Monday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA, (707) 938-3681. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Planning Commission regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the Administrative Assistant office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the Administrative Assistant, at or prior to the public hearing.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

November 14, 2013
Agenda Item 1

M E M O

To: Planning Commission

From: Planning Director Goodison

Re: Draft amendments to the Development Code implementing direction on options related to the regulation of wine tasting facilities

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Background

In light of the increasing number of wine tasting facilities in the downtown area, the Planning Commission has discussed the possible increased regulation of such facilities. In the second of those discussions, which took place on March 14, 2013, the Commission voted to forward a series of recommendations to the City Council for the increased regulation of wine tasting facilities. These recommendations were reviewed by the City Council over the course of two meetings, at he second of which the City Council voted 3-2 to direct the Planning Commission to develop draft amendments to the Development Code, as follows:

- Establish definitions in the Development Code for wine tasting facilities that clearly distinguish between tasting rooms and wine bars.
- Create a two-tiered permitting system in which tasting facilities with limited hours would be permitted as of right, while facilities with extended hours and wine bars would be subject to use permit review.
- Establish operating standards for wine tasting facilities and wine bars.

Based on this direction, staff has developed a set draft amendments to the Municipal Code The Planning Commission reviewed in a study session at its meeting of July 11, 2013. There was considerable discussion on the draft amendments, both on the part of the Planning Commission and from interested members of the public, including potentially business-people. At the conclusion of the discussion, the Planning Commission suggested that staff meet with representatives of the wine community to discuss their concerns. Based on this direction, staff arranged a meeting with Richard Idell (associated with Sonoma Valley Vintners and Growers) and Danny Fay (Envolve Winery). Also attending were Planning Commissioners Gary Edwards and Mathew Tippell, along with the Planning Director and the Police Chief.

At the meeting, the representatives of the wine community expressed concern that the regulation of wine tasting rooms did, from their perspective, relate to any identified problem. They objected to any local restrictions that addressed issues already regulated by the ABC (e.g., the size of pours). They were also concerned that (depending on specific provisions) requiring use permit reviews for already-established tasting rooms could devalue those businesses. They also noted that the business of wine was evolving, which was reflected in the changing nature of tasting

rooms. Staff noted that other types of business that sere alcohol, such as restaurants and bars are subject to use permit review and that ABC regulations do not address issues such as hours of operation and parking requirements. It was also noted that as tasting rooms operating with a Type 42 ABC permit offer different types of experiences and extended hours, they have the potential to become de facto bars ("morphing"). There was general agreement by all in attendance that the type of license employed by a tasting room was a valid basis of regulatory distinction, as tasting rooms operating under a Type 2 license (in essence a duplicate license associated with a specific winery) are not subject to the problem of morphing. **Note:** the attached memo from the Police Chief includes a discussion of the differences between the Type 2 and Type 42 ABC licenses.

Revised Draft Development Code Amendments

Planning staff has developed revised draft regulations for the Planning Commission to consider that are consistent with the overall approach suggested by the City Council while responding to the concerns expressed by representatives of the wine industry. As proposed, most wine tasting rooms operating with a type 2 ABC permit would continue to be a permitted use in Commercial zoning districts, except when extended hours of operation are proposed. Wine tasting rooms operating under a type 42 ABC permit would be subject to use permit review. Local regulations would not address matters that are already subject to ABC control, such as the size of pours. Further details are as follows:

A. *Definitions.* Draft definitions are provided for "Wine Bars", "Wine Tasting Room", and "Wine Tasting Room, Limited" (see attachment 1).

B. *Permitting.* Per the City Council's direction, "Wine Bars" and "Wine Tasting Rooms" would be subject to conditional use permit review by the Planning Commission. A facility meeting the definition of "Wine Tasting Room, Limited" would be permitted as of right, meaning that no use permit review would be required. (See attachment 2.) To qualify under the definition of "Wine tasting Room, Limited," the business would need to operate under a Type 2 license and its hours of operation could not exceed 7 p.m. In the Mixed Use zoning district, all types of wine tasting facilities would be subject to use permit review.

C. *Operating Standards and Findings.* Basic operating standards are proposed and these would be set forth in the "special use standards" section of the Development Code (Chapter 19.50). These provisions also include additional findings that the Planning Commission would need to make in order to approve a use permit for a wine bar or a wine tasting facility. These findings are modeled after the factors used in establishing the finding of "public convenience and necessity" that the Police Chief must make in order to approve an ABC license for this type of facility. (See attachment 3.)

D. *Parking Standards.* On the matter of parking standards, staff has identified the following the options:

1. Apply the retail parking ratio of 1 space per 300 square feet of building area, while controlling the number of seats associated with an individual business through use permit

review. This option represents the status quo, but does not address how seating would be limited for wine tasting rooms not subject to use permit review.

2. Apply the restaurant parking ratio of one space for every four seats could be applied. This option would likely result in the creation of a great many non-conforming uses, but as a practical matter most existing wine tasting rooms would not be affected.

3. Apply a standard that is specific to wine tasting uses. For example a ratio of one seat for every 55 square feet of building area would result in a somewhat higher level of seating than the retail ratio.

The proposed regulations on wine tasting uses would not impose training requirements that are not imposed on bars and on restaurants that serve alcohol. The City Council may want to consider responsible hospitality regulations that address all locations were alcohol served, but this would be addressed as a separate issue, depending on Council interest in the concept.

Review of Existing Non-conforming Businesses

Assuming that new regulations are ultimately adopted, with respect to wine tasting facilities already in operation, staff recommends that they be considered legal non-conforming, except that a use permit would be required in compliance with any new regulations under the following circumstances: 1) change in ABC license type; 2) violation of ABC license (one Commissioner suggested that two violations should be the threshold); and 3) any expansion or intensification involving factors subject to the regulation of the use. These factors include hours of operation and seating, but would not include an application for a music license.

Recommendation

Staff recommends that the Planning Commission review the draft amendments to the Development Code and provide direction to staff on any necessary changes. As discussed above, a key area where direction is needed is that of parking standards.

cc: Bret Sackett, Chief of Police
Laurie Decker, Economic Development Coordinator
Daniel Fay, Envolve
Richard Idell, Sonoma Valley Vintners and Growers

Attachments

1. Minutes of the Planning Commission meeting of July 11, 2013
2. Memo from the Police Chief
3. Draft Definitions/Draft Operating Standards and Additional Use Permit Findings

Comm. Heneveld stated that 18 bicycle spaces should be required.

Chair Roberson feels that 75 parking spaces should be more than sufficient for the use.

Comm. Edwards made a motion to approve the Use Permit and Parking Exception, subject to the conditions of approval prepared by staff with an additional condition requiring 18 bicycle parking spaces on site. Comm. Willers seconded. The motion was unanimously approved 7-0.

Item #5 – Discussion – Consideration of amendments to the Development Code establishing definitions and zoning regulations for wine tasting facilities.

Planning Director Goodison presented staff's report.

Chair Roberson opened the public hearing.

Danny Faye, Envolve, discussed some concerns of his peers about placing further restrictions on the wine tasting rooms. He is of the opinion that all businesses are in compliance with all regulations.

Erik James, Erik James Tasting Room, feels it is not necessary to make any changes for the wine tasting facilities. He is comfortable with the atmosphere of the tasting rooms and the interactions with the community.

Robert Idell, resident and attorney representing the wine growers association indicated that the County is struggling with the same issues. Jurisdictions are trying to prevent winery tasting rooms from becoming restaurants since they often times are directly linked. He is of the opinion that the Planning Commission is not acting as an adjudicatory body when proposing this type of legislation-guidelines. He suggests more study on the subject in a roundtable.

Chair Roberson closed the public hearing.

Comm. Willers agreed with Planning Director Goodison that there is not necessarily going to be a limit on the number of tasting rooms around the Plaza, but in his view, the Development Code does not address wine tasting adequately and the rules and definitions that govern such uses need to be clarified.

Comm. Edwards likes the concept of people buying a bottle of wine and then taking it to a local restaurant. He recognizes and respects the role of wine and wine tasting in the community. However, he is concerned that in some cases wine tasting facilities are functioning more like bars and this is occurring without any form of use permit review, which is a requirement that does apply to bars and restaurants.

Comm. Howarth agreed with Planning Director Goodison that this process is not punitive. There is not a clear definition of wine tasting rooms in the Development Code and, in his view that needs to be addressed.

Comm. Roberson sees a range of uses that are quite broad with all proposals being evaluated by the Development Code for these land use decisions. He appreciates the turnout tonight and says that the intent is not to discriminate against certain businesses developing around the

Plaza. The goal is it has a graduated definition that will be acceptable under which wine businesses can successfully operate.

Comm. Tippell agreed that this discussion has been productive, especially with the participation of representatives from the wine tasting community. He would like to see that dialog continue.

Comm. Howarth asked whether a representative from the Alcohol and Beverage Control Board might be available to attend a follow-up meeting.

Planning Director Goodison will arrange an ad-hoc meeting with representatives of the wine tasting community, two members of the Planning Commission, and the Police Chief.

Issues Update:

1. Comm. Willers was re-appointed as the alternate and will interview for the vacant Planning Commissioner position.
2. Special Planning Commission meeting on 7/18/13 to discuss the Mission Square project.
3. Comm. Henevald notes County-wide water concerns.
4. Comm. Tippell will not attend the 8/8/13 meeting.
5. The Hotel petition is certified and the City Council may adopt, schedule an election, or authorize an impact analysis.

Comments from the Audience: No public comments.

Comm. Edwards made a motion to adjourn. Comm. Henevald seconded. The motion was unanimously approved, 7-0.

Adjournment: The meeting adjourned at 9:30 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, August 8, 2013.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Planning Commission on the day of , 2013.

Approved:

Cristina Morris, Administrative Assistant

Sonoma Police Department
175 First St. West
Sonoma California 95476-6690
Phone (707) 996-3602 Fax (707) 996-3695
E-Mail: sonomapd@sonomacity.org

Date: December 10, 2012
To: David Goodison, Planning Director
From: Bret Sackett, Chief of Police
RE: Wine Tasting Facilities

Alcohol is an important contributor to the unique culture and vitality of Sonoma. However, alcohol can also impact the health and safety of our youth and adults – and play a role in a range of community problems, such as driving under the influence, underage drinking and alcohol related crimes. A recent survey of DUI drivers from Sonoma revealed that 56% obtained their final drink at an ABC licensed establishment, while youth focus groups routinely cite that alcohol is "fairly easy" to obtain from ABC licensed establishments.

According to criteria established by the California Department of Alcoholic Beverage Control, the City of Sonoma has a higher number of off-sale alcohol establishments than recommended (greater than 1 per 2,500 population). As such, each new license application for a retail outlet – such as liquor stores, convenience stores, and bars – require the local jurisdiction to make a determination that the new alcohol license will serve a "public convenience or necessity." In Sonoma, the police chief makes that determination, but denials can be appealed to the City Council.

In order to obtain such a license, the applicant must obtain a "Letter of Public Convenience or Necessity" from the police chief. Unfortunately, the term "Public Convenience or Necessity" is not clearly defined by ABC, but the police chief considers some of the following criteria when making such a finding:

- The proposed use will not be detrimental to the character of immediate neighborhood
- Proximity to sensitive land use issues
- There are no conflicts with zoning regulations
- The economic benefit outweighs the negative impacts to the community
- The license will provide a needed service not currently being met in the community
- Unique and unusual circumstances to justify a new retail alcohol outlet when there are already similar alcohol uses existing nearby (this is much more difficult to establish)

While ABC has a wide variety of license types, it does not offer one specific to "wine tasting." ABC allows a winery, which operates with Type 02 license, to operate an off-site tasting room under their existing Type 02 license. However, a wine tasting business that is not associated with a specific winery and wishes to provide tastings from multiple wineries – and subsequent purchase for on or off site consumption – must obtain a Type 42 license. It's important to note that a Type 42 license authorizes the sale of beer and wine for consumption on or off the premise and is not limited to just "wine tasting." In essence, a Type 42 license authorizes a business to operate like a bar or tavern, although they may call themselves a "tasting facility."

The police chief would like to make the Planning Commission aware of the potential for a wine tasting business to morph into a "wine and beer bar" absent other regulatory criteria. In essence, we cannot rely on the ABC license to regulate wine tasting businesses without other local zoning regulations. In addition, the police chief respectfully requests the Planning Commission's opinion as to what constitutes "Public Convenience or Necessity", so he can take those opinions into consideration as he reviews additional requests for new ABC licenses.

Definitions (Draft)

Wine Tasting Rooms and Wine Tasting Rooms, Limited. "Wine Tasting Rooms" and "Wine Tasting Rooms, Limited" are establishments that sell wines and related products on behalf of a single winery and enable customers to taste wine (with and without charge) as a regular part of the sales process. Food may be provided if it is at no cost to the consumer, is made off-premises and the facilities are approved by Sonoma County Department of Health Services. "Wine Tasting Rooms, Limited" may be located within larger retail establishments. These establishments are limited to a Type 2 license from the Alcoholic Beverage Control Board. Additional standards and regulations applicable to this use are found in Section 19.50.XXX.

Wine Bar. "Wine Bar" means an establishment devoted to the sampling and sale of wine produced by multiple wineries and enable customers to taste wine (with and without charge) as a regular part of the sales process. Food may be provided if it is at no cost to the consumer, is made off-premises and the facilities are approved by Sonoma County Department of Health Services. These establishments are limited to a Type 42 license from the Alcoholic Beverage Control Board. Additional standards and regulations applicable to this use are found in Section 19.50.XXX.

Operating Standards and Additional Use Permit Findings (Draft)

19.50.XXX—Wine Tasting Facilities. This Section sets forth requirements for the establishment and operation of Wine Tasting Facilities (defined as Wine Bars, Wine Tasting Rooms, and Wine Tasting Rooms, Limited) in zoning districts where they are allowed by Section 19.10.050 (Allowable Land Uses and Permit Requirements).

A. General requirements. All Wine Tasting Facilities shall be subject to the following requirements:

1. For applications for a any wine tasting facility, the description of the premises shall match that provided to and approved by the California Department of Alcoholic Beverage Control.
2. On-going compliance with applicable requirements and licensing of the California Department of Alcoholic Beverage Control and the Sonoma County Health Department is required.

B. Wine Tasting Rooms, Limited. Wine Tasting Rooms, Limited shall be subject to the following requirements:

1. Hours of operation shall not exceed 11 a.m. to 7 p.m.
2. If operated as an accessory use located within a larger retail establishment, the area devoted to the use shall not exceed 600 square feet.

C. Wine Tasting Rooms. Wine Tasting Rooms shall be subject to the following allowances and requirements:

1. Hours of operation shall not exceed 11 a.m. to 10 p.m., although more restrictive hours may be imposed through the use permit review process.

D. Wine Bars. Wine Bars shall be subject to the following allowances and requirements:

1. Hours of operation shall not exceed 11 a.m. to 10 p.m., although more restrictive hours may be imposed through the use permit review process.

E. Additional Use Permit Findings. In addition to the findings set forth in section 19.54.040, the approval of a use permit for a Wine Tasting Room or a Wine Bar shall be subject to the following additional findings by the Planning Commission:

1. There are no sensitive land uses nearby that would experience significant adverse impacts associated with the proposed facility.
2. The proposed use would provide a needed service not currently available in the area that it would serve; or, unique or unusual circumstances justify a new Wine Bar or Wine Tasting Facility in a location where there are similar uses nearby.

City of Sonoma Planning Commission **STAFF REPORT**	Agenda Item #2 Meeting Date: 11-14-13

Agenda Item Title: Consideration and possible action on an application for a Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project, a mixed-use development proposed at 165 East Spain Street that includes 3,514 sq. ft. of office space, 14 apartments, and associated parking and improvements.

Applicant/Owner: Marcus & Willers Architects/David and Marcus Detert

Site Address/Location: 165 East Spain Street (APN 018-221-005)

Staff Contact: David Goodison, Planning Director and Rob Gjestland, Senior Planner
Staff Report Prepared: 11/8/13

PROJECT SUMMARY

Description: Application to develop a mixed-use project (Mission Square) consisting of 3,514 sq. ft. of office space, 14 apartment units, and associated parking and improvements.

General Plan Designation: Mixed Use (MU) ***Planning Area:*** Downtown District

Zoning: ***Base:*** Mixed Use (MX) ***Overlay:*** Historic (/H)

Site Characteristics: The subject property is a ±1.13-acre parcel located on the south side of East Spain Street a half-block east of the Plaza. It is currently developed with a bungalow built in 1922 that is identified as a contributing structure to the Sonoma Plaza Historic District. A covered well is also located onsite. The remainder of the property is vacant and vegetated with a few trees and annual grassland. A one-way driveway that connects to East Spain Street runs along the west side of the site for about two-thirds of its length, serving as an exit route from adjoining commercial uses and parking lots.

Surrounding Land Use/Zoning:

North: Horse pasture (across East Spain Street)/Medium Density Residential
South: Parking lots and private rear yard /Commercial, Mixed Use and Low Density Residential
East: Single-family homes/Mixed Use and Low Density Residential
West: Commercial uses, parking lots, and Blue Wing Inn/Commercial

Environmental Review:

- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☒ Environmental Impact Report
- ☐ Not Applicable
- ☒ Approved/Certified
- ☐ No Action Required
- ☐ Action Required

Staff Recommendation: Approve with conditions.

PROJECT ANALYSIS

BACKGROUND

Initial Review and Application Submittal: The Mission Square project was first considered by the Planning Commission as a study session item in May 2005. A Use Permit application was subsequently filed for the project, which consisted of 23 apartment units and 5,700 square feet of commercial floor area. On February 9, 2006 the Planning Commission held a hearing to scope the environmental review for the project and ordered preparation of an Environmental Impact Report (EIR) to address a wide range of issues. With this direction, city staff administered a consultant selection process that ultimately led to the hiring of Design, Community and Environment (DC&E) as the lead consultant for preparation of the EIR (DC&E had also prepared an EIR for the Artesian Lodge project that was previously proposed for the site and ultimately withdrawn.)

Draft EIR: In conformance with the California Environmental Quality Act (CEQA), a Draft EIR was prepared to evaluate the Mission Square project in terms of its environmental impacts. Upon completion, the Draft EIR was released for public comment and circulated to affected agencies on December 19, 2006. The CEQA-mandated 45-day public comment period ended on February 1, 2007. During this comment period, the Planning Commission held a public hearing to consider the Draft EIR on January 25, 2007. At the conclusion of the public hearing and following comments on the Draft EIR by individuals and commissioners, the Planning Commission directed that the Final EIR be prepared, responding to all oral and written comments on the draft document received in the course of the public comment period. Comments focused primarily on the project's potential effect on historic and cultural resources, parking and traffic, and the visual setting. Sewer capacity was also raised as an issue.

Final EIR: As directed, a Final EIR was prepared and made available to the public, commenting agencies and individuals on July 6, 2007. The Planning Commission then held a public hearing on August 23, 2007 to consider the adequacy of the Final EIR and determine whether to certify the EIR. Over the course of the public hearing, the Planning Commission agreed that, as documented in the EIR, the project had the potential to result in significant impacts in several areas and that the project would need to be redesigned in order to reduce its impacts to a less-than-significant level. In particular, the mitigation measures identified in the EIR called for substantial changes in the site plan and the location and massing of structures to address impacts in the area of cultural resources. However, the Planning Commission was concerned that the EIR did not sufficiently describe what a redesigned project would be like in terms of its site plan, building massing, density and other characteristics. Therefore, the Planning Commission directed that the EIR be revised by providing a detailed description and evaluation of the mitigated project alternative, which incorporated the mitigation measures recommended EIR.

EIR Addendum: In order to accomplish the Planning Commission's direction, the applicant developed a revised project proposal that incorporated the mitigation measures set forth in the EIR. This mitigated project alternative was analyzed and compared to the original project proposal in an EIR Addendum that was released at the beginning of April 2010. The mitigated project alternative reflects a significant reduction in the intensity and scale of the project including the following notable modifications:

- The number of residential units was reduced from 23 to 16 units.
- The commercial floor area was reduced from 5,715 to 3,514 square feet and the total floor area of the project was reduced from 20,905 to 12,579 square feet.

- The pecan tree toward the center of the property was preserved as part of an interior courtyard/common open space area.
- The height and massing of the buildings within the project were reduced and broken up, including elimination of the third floor element.
- The parking plan was modified to better conform to the City's parking standards.
- One-story buildings were positioned on the east side of the property, where the project site abuts residential properties within a Low Density Residential (R-L) zoning district.

Despite these changes and the additional analysis provided in the EIR Addendum, a number of concerns were raised by the public, other agencies, the Sonoma League for Historic Preservation (SLHP), and some Planning Commissioners at two public hearings conducted on May 13th and July 6th 2010. Concerns focused primarily on potential impacts on visual setting, historic and cultural resources (including vibration impacts on the Blue Wing Inn and a suggested cultural landscape study), drainage, water supply, and parking. Ultimately, a motion to certify the EIR failed on a vote of 4-3 (Commissioners Edwards, Felder, George, and Heneveld dissenting). The applicants subsequently filed an appeal of the Planning Commission's decision but later withdrew the appeal and agreed to further analysis of specific environmental issues that had been raised. The Revised Final EIR dated May 2013 is the product of this additional environmental review.

Revised Final EIR: The Revised Final EIR and the project entitlements were considered by the Planning Commission at a special meeting held on July 18, 2013. Ultimately, the Planning Commission certified the EIR with a vote of 4-2 (commissioners Felder and Edwards dissenting), however the commission did not feel that sufficient information on the buildings, including exterior materials and finishes, as well as other aspects of the project was available in order to make a decision on the planning entitlements for the project. At the end of the public hearing, the Planning Commission identified the additional items they desired, which Planning staff further refined into a list that was subsequently vetted with commissioners and forwarded to the applicants. In response, the applicants have provided a detailed design review submittal, including a revised narrative and site plan, preliminary grading and drainage plan, elevation drawings (identifying exterior materials, colors and details), preliminary landscape plan, and computer generated exterior images. The minutes from the July 18, 2013 Planning Commission are attached for consideration.

DETAILED PROJECT DESCRIPTION

As noted above, the applicants have submitted a detailed design review package in response to the Planning Commission's direction from the July 2013 meeting. A few notable project revisions have been incorporated into this submittal, including the following:

- To address concerns about parking, the number of apartments has been reduced from 16 to 14 units by converting 4 of the studio apartments into 2 two-bedroom apartments.
- As presented at the July 2013 meeting, the northern segment of driveway has been reduced to 20 feet in order to preserve existing fig and quince trees and allow more landscaping opportunities west of driveway adjacent to the Pinni building.
- The front porch on Building 1 now wraps around the west side of the building providing a covered walkway adjacent to the driveway.
- The former trash enclosure has been changed to a small accessory building (Building 7) that includes a laundry room and separate area for housing trash bins/dumpster.

As revised, the project (aka the mitigated project alternative) now consists of 14 apartment units and 3,514 square feet of office space. The existing Pinelli bungalow would be rehabilitated and used for

office purposes and a new two-story, 2,434 square foot office building (Building 1) would be constructed west of the bungalow, with a similar 20-foot setback from East Spain Street. The apartments would be accommodated in five new buildings in the interior of the site. Three two-story apartment buildings (Buildings 2, 3, and 4), containing three or four units each, would be arranged along the access driveway located on the west side of the property (the driveway would be widened to accommodate two-way travel and emergency access). Two one-story apartment buildings (Buildings 5 and 6), each containing two units, would be located on the east side of the site, their covered patios setback 13.5 to 15.5 feet from the east property line and their east building walls setback 19.5 to 21.5 feet. A small accessory building containing a laundry room and trash enclosure (±325 square feet in area) for trash is proposed south of Building 4. The new two-story office building would have a maximum height of 26 feet, the two-story apartment building would have a maximum height of 24 feet and the one-story apartment buildings would have a maximum height of 13.5 feet. The arrangement of the buildings creates an interior courtyard with pedestrian links focusing on a common outdoor space where an existing pecan tree is located. A parking lot with 36 spaces (including 19 covered spaces under two carports) would occupy the southern portion of the site and four parallel spaces would be provided along the access drive. Further details on the project are provided in applicant's design review submittal (attached).

GENERAL PLAN CONSISTENCY **(☐Not Applicable to this Project)**

The property is designated Mixed Use by the General Plan. The Mixed Use land use designation is intended to accommodate uses that provide a transition between commercial and residential districts, to promote a pedestrian presence in adjacent commercial areas, and to provide neighborhood commercial services to adjacent residential areas. It is also intended to provide additional opportunities for affordable housing. The designation allows a density up to 20 residential units per acre and a residential component is required in new development, unless an exemption is granted through use permit review

Consistency with the General Plan was evaluated within Chapter 4.11 Public Policy in the Draft EIR. The original project was found to be consistent with the General Plan with implementation of mitigation measures related to traffic and noise. The mitigated project alternative, which represents a significantly scaled-back development proposal, does not raise any new issues or inconsistencies with applicable General Plan policies and relevant mitigation measures related to traffic and noise remain.

General Plan goals and policies that apply to the project are evaluated in the table below.

Review of General Plan Consistency	
General Plan Policy	**Project Response**
Community Development Element	
Goal CD-4: Encourage quality, variety, and innovation in new development.	
Require pedestrian and bicycle access and amenities in all development (CDE-4.4).	Three bicycle parking areas are shown on the site plan (one in front of new commercial Building 1, one behind the commercial buildings, and one to the south of Building 4). Bicycle parking is proposed as U racks on rails per the detail provided.
Goal CDE-5: Reinforce the historic, small-town characteristics that give Sonoma its unique sense of place.	
Preserve and enhance the scale and heritage of the community without imposing rigid stylistic restrictions (CD-5.1).	The site plan, the massing and scale of the proposed buildings and the overall architectural character of the new structures have been designed to fit within the environs of the site, including nearby historic resources. For example, the proposed commercial building is set back from East Spain Street in alignment with the Pinelli bungalow and its height of 26 feet is comparable to that of the Blue Wing Inn. The two-story apartment buildings are placed at the center of

	the site, while the one-story units are located on the east, providing a transition to neighboring single-family development. The development is divided into seven separate structures (excluding the laundry/trash accessory building) thereby reducing the visual mass of the project. The architectural character and building forms emulate local examples. For example, the form of the two-story apartment buildings is modeled on a historic structure on the nearby Barracks State Park.
Protect important scenic vistas and natural resources and incorporate significant views and natural features into project designs. (CD-5.3)	The site itself is not part of a public view corridor and the proposed development would not affect public scenic vistas. The site plan has been designed to protect the most significant tree on the site within a common open space area.
Preserve and continue to utilize historic buildings as much as feasible. (CD-5.4)	The Pinelli bungalow, which is located on the project site, is a significant historic resource. The project would preserve and restore the Pinelli Bungalow in compliance with the Secretary of Interior's Standards for the Rehabilitation of Historic Structures. Internally, the building would be converted to office use, but this is allowed for in the Mixed Use zone and the conversion would not affect its historic significance.
Promote higher density, infill development, while ensuring that building mass, scale, and form are compatible with neighborhood and town character (CDE-5.5).	The project is a higher density infill project, proposing 12-units per acre. Buildings have been kept at one- and two-stories, and appropriate setbacks, building orientation, screening and buffering have been provided for compatibility with adjacent lower density development to the east. As discussed above, the project design is compatible with the historic character of the area and the project would not result in any significant impacts with respect to historic resources.
Encourage the designation and preservation of local historic structures and landmarks, and protect cultural resources. (CD-5.8)	As noted above, the project would preserve the Pinelli Bungalow, a historic building located on the project site. As documented in the EIR, the project would not have any significant impact on other historic resources in the vicinity, nor would it impair the Plaza National Historic Landmark District or the Sonoma Plaza National Register District.
Local Economy Element	
Goal LE-1: Support and enhance the local economy in a manner consistent with Sonoma's character and in furtherance of its quality of life.	
Encourage mixed use development that includes small-scale, local-serving commercial uses, provided it will be compatible with surrounding development. (LE 1.2)	The project is a mixed-use development featuring 14 apartment units and 3,514 square feet of commercial space. The site plan is designed to provide a compatible transition between the downtown commercial area on the west and the single-family neighborhood on the east. This transition is accomplished by a number of means, including: dividing the uses among multiple buildings, grouping the two-story buildings at the center of the site, placing one-story buildings adjacent to single-family development, and providing generous setbacks and open space.
Encourage a residential and pedestrian presence in commercial centers through mixed use and multifamily development. (LE-1.9)	The 14 apartment units included in the project will contribute to downtown pedestrian activity and will provide needed rental housing in proximity to downtown employment opportunities.
Environmental Resources Element	
Goal ER-1: Acquire and protect important open space in and around Sonoma.	
Require new development to provide adequate private and, where appropriate, public open space (ER-1.4).	The project provides private and common open space well in excess of required standards (see analysis of Development Code consistency).

Goal ER-2: Identify, preserve, and enhance important habitat areas and significant environmental resources.	
Protect Sonoma Valley watershed resources, including surface and groundwater supplies and quality (ER-2.4)	Almost one-third of the site would be devoted to landscaped open space. As required by the conditions of project approval, best practices in post-construction stormwater management would be required in the design of the drainage improvements.
Require erosion control and soil conservation practices that support watershed protection. (ER 2.5)	See above. In addition to the post-construction techniques, the conditions of project approval also require an erosion control plan that would be implemented over the course of construction.
Preserve existing trees and plant new trees. (ER 2.6)	As discussed above, the project design preserves the most significant tree on the site within a common open space area.
Goal ER-3: Conserve natural resources to ensure their long-term sustainability.	
Encourage construction, building maintenance, landscaping, and transportation practices that promote energy and water conservation and reduce green-house gas emissions. (ER 3.2)	By providing rental housing in the downtown area, in proximity to jobs, shopping, and transit, the project will reduce vehicle trips. Other sustainable features include the use of sustainable construction materials, energy efficient building design that exceeds Cal Green Tier 1 standards, low-water use landscaping and irrigation systems, dual-flush toilets and low-water use showerheads, faucets and dishwashers.
Circulation Element	
Goal CE-2: Establish Sonoma as a place where bicycling is safe and convenient.	
Incorporate bicycle facilities and amenities in new development (CE 2.5)	As noted above, three bicycle parking areas are shown on the site plan (one in front of commercial Building 1, one behind the commercial buildings, and one to the south of Building 4.
Goal CE-3: Minimize vehicle trips while ensuring safe and convenient access to activity centers and maintaining Sonoma's small-town character.	
Ensure that new development mitigates its traffic impacts (CE 3.7).	Traffic impacts were evaluated as part of the EIR prepared for the project. The traffic analysis found that the project would not have a significant impact on the level of service at any nearby intersection. The EIR did determine that additional red curb should be employed east of the project driveway entrance on East Spain Street. This has been included in the MMRP and conditions of project approval.
Public Safety Element	
Goal PS.1: Minimize risks to life and property associated with seismic and other geologic hazards, fire, hazardous materials, and flooding.	
Require development to be designed and constructed in a manner that reduces the potential for damage and injury from natural and human causes to the extent possible. (PS 1.1)	As part of the environmental review for the project, a soils report was prepared. The recommendations of the report with respect to site improvements and engineering will be incorporated through the engineering and building plan check process, as required by the conditions of project approval.
Ensure that all development projects provide adequate fire protection (PS-1.3).	The buildings within the project will be designed with fire sprinklers. In addition, adequate fire vehicle access has been provided for in the site plan.
Noise Element	
Require adequate mitigation of potential noise from all proposed development. (NE-1.3)	Potential noise impacts were evaluated in the environmental impact report prepared for the project. As called for in the EIR, soundwalls will be required along portions of the eastern and southern edges of the parking lot. This measure was found to adequately address potential noise impacts on neighboring residences.
Evaluate proposed development using the Noise Assessment Guide and require an acoustical study when it is not certain that a proposed project can adequately mitigate potential noise impacts. (NE 1.4)	
Housing Element	
Goal HE-1: To provide a mix of housing types affordable to all income levels, consistent with community and regional needs.	

Encourage diversity in the type, size, price and tenure of residential development in Sonoma, while maintaining quality of life. (HE-1.1)	Through the provision of 14 apartment units in a downtown location, the project will contribute to the diversity of the City's housing stock.
Encourage the sustainable use of land and promote affordability by encouraging development at the higher end of the density range within the Medium Density, High Density, Housing Opportunity, and Mixed Use land use designations. (HE-1.4)	The Mixed Use General Plan/Zoning designation of the site allows for residential densities of up to 20 units per acre. The proposed project features a density of 12 units per acre.
Utilize inclusionary zoning as a tool to integrate affordable units within market rate developments and increase the availability of affordable housing throughout the community. (HE 1.6)	As required under section 19.44.020 of the Development Code, three of the 14 apartment units will be required to be inclusionary affordable units and will be subject to long-term affordability covenants.
Goal HE-6: Promote environmental sustainability through support of existing and new development which minimizes reliance on natural resources.	
Preserve open space, watersheds, environmental habitats and agricultural lands, while accommodating new growth in compact forms in a manner that de-emphasizes the automobile (HE-6.1).	The mitigated project design protects the most significant tree on the site. As an infill project located in the Downtown Planning Area, the project provides needed rental housing in proximity to jobs and shopping, while providing a compatible transition to adjoining single-family development through appropriate building placement, setbacks and on-site open space.
Promote the use of sustainable construction techniques and environmentally sensitive design for all housing, to include best practices in water conservation. Low-impact drainage, and greenhouse gas reduction (HE-6.3)	Construction waste will be recycled and the applicants propose to use building materials and framing designs that are durable, non-toxic, and energy efficient. These features will be evaluated though the Building Permit plan check process.
Incorporate transportation alternatives such as walking, bicycling and, where possible, transit, into the design of new development. (HE-6.5)	By its downtown location and through the provision of 14 apartment units, the project promotes walking and bicycling.

In summary, the mitigated project is fully consistent with the General Plan and would serve to further a number of General Plan policies.

DEVELOPMENT CODE CONSISTENCY **(☐Not Applicable to this Project)**

Use: The property is zoned Mixed Use (MX). The MX zone is intended to allow for higher density housing types, such as apartments and condominiums, in conjunction with commercial and office development, in order to increase housing opportunities, reduce dependence on the automobile, and provide a pedestrian presence in commercial areas. The establishment of any new land uses in the MX zone requires review and approval of a Use Permit by the Planning Commission.

Density: The maximum residential density in the MX zone is 20 dwellings units per acre. As revised with a reduction of two units, the project now proposes 14 apartment units on the 1.13-acre site, resulting in a density of ±12 units per acre.

Residential Component: In applications for new development in the MX zone, a residential component is required normally comprising at least 50% of the total proposed building area. The apartments comprise 9,065 square feet or 70% of the total proposed building area (12,903 square feet).

Front Yard Setback: The minimum front yard setback in the MX zone is 10 feet; however front porches may extend into the setback area. The façade of Building 1 would be setback 20 feet from the front property line while the porch would be setback 14 feet, similar to the adjacent Pinelli bungalow.

Side Yard Setbacks: No minimum side yard setback is required in the MX zone, except when abutting a residential zone, in which case the corresponding setback in the residential zone shall apply. A portion

of the eastern property line adjoins a Low-Density Residential zone, therefore a minimum side yard setback of 7 feet would apply in this area. The covered patios of Buildings 5 and 6 would be setback 13.5 to 15.5 feet from the east property line while the east building walls of these structures would be setback 19.5 to 21.5 feet.

Rear Yard Setback: No minimum rear yard setback is required in the MX zone. The only structure proposed at the rear of the property is a carport that would be setback 5 feet from the southern property line.

Floor Area Ratio (FAR): The maximum FAR in the MX zone is 1.20. The project would result in a FAR of 0.26.

Coverage: The maximum coverage in the MX zone is 70% of the total lot area. The project would result in lot coverage of 29%.

Building Height: The maximum building height in the MX zone is 30 feet. Building 1 would have a maximum height of 26 feet, Buildings 2, 3, and 4 would have a maximum height of 24 feet, and Buildings 5 and 6 would have maximum height of 13.5 feet (height measured to roof peak).

Open Space: Within the MX zone, 400 square feet of shared and/or private open space is required per unit. On average, each unit would be provided with 1,665 square feet of combined open space (open space components include decks, balconies, landscaped areas, and paved pedestrian areas).

Infill in the Historic Overlay Zone: Chapter 19.42 of the Development Code provides guidelines for the adaptive reuse of historic structures and for infill development within the Historic Overlay zone. With respect to the conversion of the Pinelli Bungalow to office use, there would be no significant exterior alterations to this structure and the rehabilitation and conversion would be required to conform to the Secretary of Interior's Standards for Rehabilitation. The Development Code guidelines for Adaptive Reuse would therefore clearly be met. With regard to the infill development component of the Mission Square project, for the most part the Cultural Resources analysis contained in the EIR addresses the Guidelines set forth in the Development Code. The key issues from staff's perspective are as follows:

- The front setback guideline is met.
- The proposed new structures are compatible with the surrounding neighborhood with respect to building mass, scale, proportion, finished floor height, and roof pitch.
- The proposed new structures are compatible with neighborhood conditions with respect to height. Building 1, which is the tallest structure, is 26 feet in height. As recommended in the Development Code guidelines, it has front setback that corresponds to that of the Pinelli Bungalow (20 feet). The other two story buildings have a height of 24 feet and these are located in the interior of the site. The two one-story buildings have a height of 13.5 feet.

That said, the Guidelines for Infill Development also call for new development to *"… support the distinctive architectural characteristics of the surrounding neighborhood…"*, which includes not just form and height, but also the overall architectural concept, decoration/details, and exterior materials and finishes. In the course of hearings of the project EIR, the project had been criticized by some with respect to anticipated exterior materials and finishes. Because the overall design and character of the mitigated project was found not to result in any significant environmental impacts, this was not an issue related to the certification of the EIR. However, it remains an issue related to the review of the project itself. In light of the context of the site relative to significant historic resources in the vicinity, the Planning Commission determined that, in addition to its normal consideration of the site plan, massing,

and overall architectural concepts, it wanted to review and evaluate the design details and finishes of the project at a level of review normally conducted by the Design Review Commission. As directed by the Planning Commission, the applicant has provided that information. A complete massing model of the project has also been developed by the applicants. The questions of whether the general architectural approach is appropriate and whether proposed materials, finishes and design detailing of the project are of a sufficiently high quality is addressed below.

Screening and Buffering: Under Section 19.40.100 of the Development Code, plant material and a solid fence/wall with a minimum height of six feet is required along parcel boundaries to screen and buffer different zoning districts or land uses. The noise barrier required by Mitigation Measure NOISE-4 (refer to pages 3-5 through 3-7 of the Revised Final EIR) partly addresses this requirement. Beyond that, draft conditions of approval have been included requiring fencing/walls along the remainder of the south and east property lines and along the west property line where adjoining the Mercato parking lot in compliance with this section. The fencing/walls, as well as required perimeter plantings, are illustrated in the preliminary landscape plan. The noise barrier required by the EIR is proposed as 6'-tall wooden fencing with two layers of overlapping boards and a kicker at ground level. Wire mesh fencing (6' tall) with vines is proposed on the remainder of the south property line and also part of the west property line where adjoining other parking lots.

On-Site Parking Requirements: While parking was discussed in detail within Chapter 4.3 of the Revised FEIR, that analysis was based on 16 apartment units. Since the certification of the EIR, the applicants have proposed to reduce the number of apartments to 14 units. With the reduction in units, the project now provides two spaces more than would normally be required on-site (40 proposed versus 38 required), and the opportunity for shared parking between the commercial and residential components still exists as the uses have different peak parking demands. As a separate issue, the residential spaces fall short of the normal width requirement by one foot. In staff's view, this is a minor issue as the parking spaces would be fully functional and, in fact, comply with the dimensional standards for commercial spaces. Proposed findings for an Exception from the parking standards with respect to the width of the residential spaces are included in the draft resolution of project approval. With respect to on-street parking, staff has confirmed with the City Engineer that four parallel parking spaces (9.5' by 20' similar to existing) can be restriped on the East Spain Street project frontage in conjunction with driveway widening and red-curbing as shown on the revised drawings. Accordingly, no on-street parking would be lost as a result of the project.

Bicycle Parking: Bicycle parking is required for new multi-family and commercial development subject to review on a case-by-case basis (§19.48.110). Three bicycle parking areas are identified on the site plan, including one in front of the new commercial Building 1, one behind the commercial buildings, and one to the south of Building 4. Bicycle parking is proposed as U racks on rails per the detail provided, with each parking area able to accommodate six bikes.

SITE DESIGN AND ARCHITECTURAL REVIEW **(☐Not Applicable to this Project)**

Pursuant to the Development Code, the Planning Commission is responsible for reviewing and acting upon the project site plan, building massing and elevation concepts to the extent it deems necessary. Subsequent review by the Design Review Commission is also required for mixed-use developments, typically encompassing elevation details, colors and materials, landscaping (including fences and walls), lighting, site details (such as the placement of bike racks and trash enclosures), and any issues specifically referred to the DRC by the Planning Commission (§19.54.080E). As previously noted, the Planning Commission did not take action on the project entitlements at the July 2013 meeting, in large part because commissioners felt that additional information on the proposal (including exterior materials and elevation details for buildings) was necessary given its sensitive setting including proximity to

historic sites and structures. In response, the applicants have submitted a detailed design review package (attached) for the Planning Commission's consideration. In reviewing this submittal, the Planning Commission is considering many of the items that would normally be subject to review by the Design Review Commission and ultimately the commission will need to determine what items should be forwarded to the DRC for further consideration.

Site Plan, Massing, and Overall Architecture: Within the parameters established through the EIR process with respect to building height, massing, location, and general architectural approach, the Planning Commission and, to a lesser degree, the Design Review Commission have discretion over site design and architectural review as part of the Planning permit entitlement process. A number of comments received in the course of environmental review were critical of the architectural form of the buildings, which have been described by some as repetitive and lacking a sense of place. While the EIR analysis has led to specific design requirements for the buildings closest to East Spain Street (which would lie within the National Register Landmark District), the Planning Commission has the authority to act upon the project site plan, building massing and elevation concepts in general, if it so chooses. Following the certification of the EIR, the Planning Commission held a preliminary discussion on project issues. It was staff's sense of that discussion that the Planning Commission was generally satisfied with the overall site plan. However, at least one commissioner expressed concern about the fact that the ridge height of Building 1 would be somewhat higher than that of the Blue Wing Inn. As directed by the Planning Commission, staff has verified that the height of the Blue Wing is ±22.5, resulting in a difference of ±3.5 feet. However, as has previously been noted, the Blue Wing is located some distance away from Building 1 (and does not adjoin it) and, in contrast to the zero front setback of the Blue Wing, Building 1 is set back 20 feet from the sidewalk. For these reasons, it is staff's view that the height difference will not be apparent.

Building Elevations & Exterior Materials and Details: The buildings elevations presented in the design review submittal are generally consistent with the building forms and elevation concepts evaluated in the Revised Final EIR and considered by the Planning Commission at the July 2013 meeting. The most notable difference is that more traditional hipped roofs and a different post configuration for porches/balconies on Buildings 2-6 have been incorporated as part of the design review submittal. In terms of exterior materials and details, the exterior of existing bungalow would be rehabilitated in conformance with the Secretary of the Interior's Standards. For the new buildings, Marvin Integrity Wood-Ultrex Series sliding French doors, double-hung windows, and casement windows are proposed including some with divided lights. Simpson ½ Lite, 2-Panel entry doors are proposed throughout as well as a Simpson wood plank door to access a mechanical room on the west side of Building 1. Cement plaster with a fine finish is proposed for the exterior of Buildings 1, 2, 3, 4 and 7, while Buildings 5 and 6 would have board and batten siding. CertainTeed 40-year asphalt shingles are proposed for all buildings. Architectural details include 5' cove gutters, wood beams and posts with chamfered edges, decorative window trim, and wooden porch railing, including some with patterning. In general, additional detailing has been provided for Building 1, which is appropriate since it fronts East Spain Street. Full cantilevered carport structures are proposed for the south parking lot with painted metal trim and roof decking and steel posts and beams. Additional details are provided in the applicant's design review packet. In general, staff is satisfied that high-quality materials and finishes have been proposed and the design changes have refined and improved the character of the project.

Exterior Colors: The elevation drawings and exterior images provide a good representation of the color palette proposed for the project and color samples are provided within the packet as well. In general, light plaster finishes are proposed in conjunction with warm earth tones. However, color samples for the Pinelli bungalow and carports are not provided and physical color chips and brush-out samples are typically required when the DRC reviews exterior colors. Accordingly, staff recommends that this

aspect of the project be subject to DRC review as normally required (a draft condition of approval has been included to this effect).

Preliminary Landscape Plan: A preliminary landscape plan is provided for the Planning Commission's consideration with a focus on moderate or low-water use plants, drip irrigation, and no turf. The plan includes bioswale plantings in conjunction with stormwater measures on the south side of the project. Tree plantings include three 36"-box shade trees along the frontage consistent with the recommendations of the Tree Committee, and similar tree plantings along the east side of the driveway. Staff recommends that the landscape plan be subject to DRC review as normally required (a draft condition of approval has been included to this effect).

Exterior Lighting: The preliminary landscape plan shows the location and a basic detail of 23 bollard light fixtures ≤36" in height (Vista Lighting #1455) proposed adjacent to pedestrian pathways within the interior of the project. An additional MiniBounce LED luminaire detail is provided with the project narrative, however it is unclear if this lighting is proposed as pole or wall mounted and the location of the lighting and its finish is not identified. It is also unclear to staff if any parking lot or other lighting is necessary or proposed. Accordingly, the Planning Commission may wish to defer review of a more comprehensive lighting plan for the project to the Design Review Commission (a draft condition of approval has been included to this effect).

CONSISTENCY WITH OTHER CITY ORDINANCES/POLICIES **(☐Not Applicable to this Project)**

Growth Management Ordinance: Under the Growth Management Ordinance, the project is considered a "Large Project", which made it subject to a pre-application waiting period for accumulating residential Growth Management allocations. Each Growth Management allocation corresponds to a residential unit that may be applied for and an application for land use approvals may not be filed until all of the necessary allocations have been received. In 2004, the applicants received 23 Growth Management allocations. Since the project as revised proposes 14 residential units, it is consistent with the Growth Management Ordinance.

Tree Ordinance: On February 15, 2007, the Tree Committee reviewed an arborist report prepared for the project and made the following recommendations to the Planning Commission:

- Require modifications to the project as necessary to preserve the sycamore tree located on the West Spain Street frontage and the four quince trees and one fig tree located on the west side of the existing driveway.

- Require a tree replacement ratio of 2:1, including two street trees at a 36-inch box size, plus a third street tree at a 36-inch box size if the existing sycamore street tree cannot be preserved.

The Planning Commission has discretion over requiring modification to the project to preserve specific trees as recommended. In this regard, staff would note that the project arborist concluded that, upon close evaluation, preservation of the sycamore street tree is not feasible given its location in relationship to grading and construction impacts associated with frontage improvements, widening of the driveway, and the provision of utilities in proximity. Accordingly, the sycamore tree is not identified on the site plan for preservation. However, the draft conditions of project approval include the tree replacement recommended by the Tree Committee and called for in the EIR.

ENVIRONMENTAL REVIEW **(☐Not Applicable to this Project)**
The Mission Square development is a "project" as defined under the California Environmental Quality Act (CEQA). CEQA is a state law that establishes a process for evaluating the environmental impacts associated with a project that may lead (as is the case with the Mission Square application) to the preparation of an Environmental Impact Report. The purposes of an EIR are threefold: 1) to fully disclose the potential environmental impacts of the project: 2) to identify mitigation measures and project alternatives aimed at avoiding environmental impacts or reducing them to a level of insignificance; and 3) to provide decision-makers with the basis for making an informed decision as to the environmental consequences of a project. An EIR is an informational document; it does not limit or override the discretionary responsibility or decision-making authority of the Planning Commission or the City Council. "Certification" of an EIR is a determination that the EIR is a full disclosure of potential impacts, mitigation measures and alternatives. This action must occur before approval of a project can be considered.

As noted in under "Background" above, the applicants agreed to additional analysis of environmental concerns raised in conjunction with the 2010 public hearings. The Revised Final EIR dated May 2013 includes this additional evaluation. In essence, the Revised Final EIR was intended to provide a clear summary of all previous CEQA documentation and to provide additional information on traffic and circulation, water supply, and cultural resources to further clarify the EIR. Notable elements of the Revised FEIR include the following:

- The Cultural Resources Chapter (Chapter 4.10) was revised to consolidate all previous analysis, including separate memo reports, and to address more recent issues that were raised in conjunction with the 2010 hearings.

- An evaluation of potential vibration impacts on the Blue Wing Inn was included at the back of Chapter 6--Comments and Responses (Subsection C.1 beginning on page 6-68) with reference to the Geotechnical Investigation, Vibration Impact Assessment, and a Structural Analysis of the Blue Wing Inn (Appendices C, D, and E respectively) that were prepared in support of this evaluation.

- Mitigation Measure HYDRO-4 was revised within Chapter 3 (beginning on page 3-4) to reflect the Stormwater Mitigation Plan prepared for the project (included as Appendix F). The Stormwater Mitigation Plan demonstrates compliance with applicable stormwater regulations and indicates how drainage would be accommodated.

- Updated water supply analysis within amended Chapter 4.9--Utilities (page 4.9-1 through 4.9-12) reflecting the requirement for a "will-serve" letter from the City Engineer prior to the issuance of any Building Permit.

- A discussion of Greenhouse Gas Emissions was provided at the end of Chapter 6--Comments and Responses (Subsection C.2 on page 6-68 through 6-70).

Over the course of the environmental review process, the project was substantially modified to address environmental concerns. The amount of new commercial space was scaled back, density and building heights were reduced, coverage and FAR were decreased, a significant pecan tree was preserved, and the site plan was reorganized to improve compatibility with adjoining uses. The EIR concluded that the revised project, subject to the recommended mitigation measures as enforced though the mitigation monitoring program and the conditions of project approval, will not result in any significant

environmental impacts. As noted above, at its meeting of June 18, 2013, the Planning Commission voted 6-1 to certify the EIR.

DISCUSSION OF PROJECT ISSUES

Historic Resources: Ensuring compatibility with historic resources has been a key issue throughout the review of the Mission Square project. The site itself includes a historic building and a portion of the site is encompassed by the Sonoma Plaza National Register District. In addition, the site lies near the Sonoma Plaza National Landmark District and there are number of significant historic buildings in the vicinity, including the Pinni Building, the Blue Wing, and the Sonoma Mission. The EIR found that the original design of the Mission Square project—which included a three-story structure—would result in significant impacts on the integrity of the Pinelli Bungalow and the National Registrar District. The EIR identified a series of changes that would be necessary to avoid these impacts. The mitigated project design incorporates all of the recommendations of the EIR. The analysis of Cultural Resources in the Revised Final EIR provides a thorough evaluation of the mitigated project design with respect to historic resources. This staff report will not replicate that analysis, but key findings and issues include the following:

- The Pinelli Bungalow will be preserved and its conversion to office use will follow the Secretary of Interior's Standards for Rehabilitation.

- The project has been scaled back both respect to residential density and the amount of commercial space that is proposed. The three-story building has been eliminated and the development has been divided into a series of smaller buildings of a height and a mass that is well within the normal range found in the neighborhood. (The new buildings range in area from 2,434 square feet to 1,399 square feet).

- The Pinelli Bungalow would retain its integrity of setting as the project has been redesigned to retain its back yard as an open space area and provide a sufficient setback between it and Building 1 (the proposed building to the west of the bungalow).

- Building 1, which would have an area of 2,434 square feet, would be set back 20 feet from East Spain Street, in line with the Pinelli Bungalow. This setback places the building deeper into the site relative to the Pinni Building (the adjoining building on the west) and the Blue Wing Inn (which has a zero front setback). While Building 1 would be a two-story structure, its height would be comparable that of the Blue Wing Inn and, as noted above, it would be set back further from the street than the Blue Wing.

- The building forms and overall design elements reflect local architectural examples and are compatible with the area in their scale, massing, and proportions.

- The two-story buildings are aligned along the center of the site and, except for Building 1, which is on the street frontage, views of these buildings from East Spain Street are limited. The single-story buildings have been placed on the east, adjacent to neighboring single-family dwellings.

Because the site is currently undeveloped, with the exception of the Pinelli Bungalow, any new development will change its character and alter its relationship to its surroundings. With respect to historic resources, the question is whether a specific development proposal will alter those relationships in a manner that causes a significant impact to an individual resource (such as the Blue Wing Inn) or a group of resources (such as the National Register District). The extensive analysis contained in the EIR

concluded that the mitigated project, subject to identified mitigation measures (including the preparation of a tribal treatment plan, installation of adequate landscaping, and archaeological monitoring) will not result in any significant impacts on cultural resources. At this stage of the review process, the Planning Commission is now reviewing the site plan, the architectural concepts, and the design detailing of the project to ensure that quality of project reflects local standards, demonstrates appropriate sensitivity to its environs, and makes a positive contribution to the historic downtown area.

Archaeological Resources: Throughout the review process, concerns have been raised about impacts to potential buried cultural resources at the site. Staff would note that an archaeological study was conducted by Tom Origer & Associates for the previous Artesian Lodge EIR, which included trenching/excavation at several locations throughout the property (a representative of the Federated Indians of Graton Rancheria was present during these digs). No cultural resources were identified through this study, however given the archaeological sensitivity of the site, Mitigation Measures CUL-1a, CUL-1b, and CUL-1c are included in the EIR to address potential discovery of buried cultural resources during construction. In consultation with the Federated Indians of Graton Rancheria Mitigation Measure CUL-1 was expanded to include a requirement for a Tribal Treatment Plan that would address monitoring of excavation and other earth-moving activities (monitoring by a qualified archaeologist is also required by Mitigation Measure CUL-1b). More recently, following certification of the EIR, correspondence was submitted about the importance of the artesian well on the property and how it affected review of a 1974 apartment proposal. Based on staff's research, the well did not appear to be a consideration in review of the 1974 proposal, which was abandoned by the applicants after an EIR was required and not undertaken. In contrast, an EIR was prepared for the Mission Square project, which acknowledges and discusses the artesian well, finding that that it is not a significant historic resource. Staff's email responses to State Parks on these issues are attached for consideration and include the relevant portions of the EIR related to the well.

Compatibility with Residential Neighbors: Several single-family homes adjoin the east side of the project site, primarily associated with a Low-Density Residential neighborhood on Second Street East. For purposes of compatibility, one-story apartment buildings (Buildings 5 and 6) have been located toward the east side of the site. Both buildings have hipped roofs with a maximum height of 13.5 feet and are modest in size with an area of 1,400 square feet each. The covered patios of Buildings 5 and 6 would be setback 13.5 to 15.5 feet from the east property line with their east building walls setback 19.5 to 21.5 feet. In addition, as required by Mitigation Measure NOISE-4, a sound barrier would be constructed along a portion of the east and south property lines to attenuate noise generated within the parking lot. The draft conditions of approval also call for fencing and perimeter plantings along the remaining portions of the south and east project boundaries for screening and buffering.

FOLLOW-UP FROM THE PLANNING COMMISSION REVIEW OF JUNE 18, 2013

In addition to the information requested of the applicant at the July 2013 meeting, the Planning Commission asked that staff clarify and/or provide further information on the following items:

Blue Wing Inn Height: During the public hearing Patricia Cullinan pointed out that the Blue Wing Inn has a height of ±22.5 feet to the roof peak, not 24 feet as indicated in a late response memo prepared by staff. Staff looked into the discrepancy and found that the height reference in the memo report was in error. However, the Revised Final EIR as well as applicant's north project elevation correctly identify the height of the Blue Wing Inn at ±22.5 feet, consistent with the exterior elevations drawings included in the Blue Wing Inn Architectural Condition Assessment & Recommendations Report (September 2003). Ned Forrest subsequently took a physical measurement of the building and confirmed it is less than 23 feet in height at the roof peak. Also related to the Blue Wing, at least one member of the Planning Commission suggested that monitoring of that structure should be required during the grading

phase of the project. Per draft condition of approval No. 13, compliance with limitations on construction equipment would be monitored by Building Department staff during the construction process to ensure that vibration levels remain below acceptable levels. If this not adequate from the Planning Commission's perspective, the commission can consider requiring additional inspections by a consultant on a regular basis during grading activities, such as on a weekly basis.

Location of Handicap Parking: Comm. Edwards noted that the two handicap/accessible spaces proposed in the south parking lot were distant from the offices and inquired if this complied with ADA requirements. This question was forwarded to the Building Official who confirmed that one of the handicap spaces would need to be relocated to the parallel parking area along the driveway in order to comply with ADA requirements. Accordingly, the site plan has been modified to reflect this requirement.

Traffic Counts on Existing Driveway: The Planning Commission asked for traffic counts on the existing driveway located on the west side of the project site, which currently functions as a one-way exit for parking areas behind the Mercato complex, El Paseo complex, and Blue Wing Inn property. The traffic counts are summarized in the attached spreadsheet, taken over a period of five days including a weekend (9/26/13-9/30/13). Using the trip generation rate reflected in the Traffic and Circulation chapter of the Revised Final EIR, the project as revised with 14 apartments and 3,514 sq. ft. of office space would be expected to generate 7 inbound and 7 outbound trips during a weekday PM commute peak traffic hour, and 6 inbound and 3 outbound trips during a Saturday PM peak traffic hour. The majority of project traffic would be expected to access the site via the widened East Spain Street driveway.

Adequacy of Driveway Modifications: The commission requested written confirmation from the Fire Department and City Engineer on whether driveway modifications proposed by the applicants just prior to the July 2013 meeting, most notably reducing the width of the northerly segment from 24' to 20', are acceptable in terms of access and circulation. The intent of these modifications is to preserve existing planter bulb-outs with fig and quince trees and provide additional landscape area directly west of the drive where it adjoins the Pinni building. The City Engineer and Fire Captain have reviewed the revised plans and find the modifications acceptable in terms of access and circulation per their attached email responses. The Fire Marshal emphasizes that parking will be prohibited along the driveway and that red-curbs and/or signage in this regard will be necessary. While not shown on the plans this requirement is included in the draft conditions of approval (No. 4.i and 14).

Update on Water Supply: As requested, the City Engineer provided an update on municipal water issues to the Planning Commission at the September 12, 2013 meeting. Staff would also note that, at its meeting of November 4, 2013, the City Council re-authorized the will-serve water supply analysis program. This requirement is addressed by Mitigation Measure UTL-1 within the Mitigation Monitoring and Reporting Program adopted by the Planning Commission on July 18, 2013, and referenced by condition of approval No. 1.

RECOMMENDATION

Staff has identified the following issues as possibly requiring direction from the Planning Commission:

1. *Exception to Parking Standards.* As discussed above, the project calls for a minor exception to the normal width standard for residential parking spaces. The proposed findings of project approval include findings in support of this Exception.
2. *Sycamore Tree.* The project arborist indicates that preservation of the sycamore tree in not feasible given grading and construction impacts associated with frontage improvements, driveway widening and the provision of utilities. The Tree Committee recommends site plan

modifications to preserve the tree or otherwise require three replacement street trees at a 36-inch box size if the sycamore is removed. This is the approach taken in the draft conditions of approval and is reflected in the preliminary landscape plan.

3. *Building Materials and Finishes.* The Planning Commission needs to determine whether it wants to further address the proposed building materials, finishing and detailing as part of its review of the project or if it wishes to refer those issues to the Design Review Commission. The proposed conditions of approval would require the implementation of the materials, finishes, and architectural detailing as submitted. However, subsequent review by the DRC would be required for final building colors, landscaping, fence details, and exterior lighting.

Once these issues have been addressed, along with any others identified by the Commission in the course of its discussion, Staff recommends that the Planning Commission adopt the attached Resolution approving a Use Permit, Parking Exception, and Site Design & Architectural Review for the project, subject to the attached conditions of approval.

Attachments

1. *Resolution of Project Approval (to be distributed 11/12/13)*
2. *Draft Conditions of Approval*
3. *Mitigation Monitoring and Reporting Program adopted by Planning Commission on 7/18/13*
4. *Minutes of the Planning Commission meeting of July 18, 2013*
5. *Spreadsheet of Traffic Counts on Existing Outbound Driveway*
6. *Written Confirmation on Adequacy of Driveway Modifications from Fire Dept. and City Engineer*
7. *Correspondence*
8. *Staff Email Responses to State Parks Regarding Well and Review of Previous Project*

Enclosures:

1. *Design Review Submittal including:*
   a. *Narrative*
   b. *Drawings (Site Plan, Civil Plans, and Preliminary Landscape Plan*
   c. *Elevations, Materials & Colors, Exterior Details*
   d. *Exterior Images*

The Revised Final EIR document can be downloaded from the City's website at: http://www.sonomacity.org/default.aspx?PageId=455 under "Current Reports."

cc: Interested Persons/Agency Email List

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DRAFT

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Mission Square Mixed-Use Development
165 East Spain Street (APN 018-221-005)

November 14, 2013

1. The Mitigation Measures identified in the Mission Square Revised Final Environmental Impact Report dated May 2013 shall be implemented consistent with the Mitigation Monitoring and Reporting Program (MMRP) adopted by the Planning Commission on July 18, 2013.

   Enforcement Responsibility: *As specified in the MMRP*
   Timing: *As specified in the MMRP*

2. The project shall be constructed and operated in conformance with the approved design review submittal dated October 18, 2013, including design narrative, site plan (Sheet SP1 revised 10-18-13), civil plans (Sheets C1-C3 dated 10-16-13), and Elevation, Material & Colors and Exterior Details packet, except as modified by these conditions and the following:

   a. All legal rights of access for properties that adjoin the west side of the project driveway shall be maintained through the preservation/improvement of existing driveway connections in consultation with affected property owners, including the California Department of Parks & Recreation.
   b. If requested by the California Department of Parks & Recreation, historically appropriate fencing, in conjunction with a gate, shall be provided along the western project boundary where adjoining the Blue Wing Inn property. The fencing shall be designed in consultation with the California Department of Parks & Recreation.
   c. The existing landscape clusters next to the Pinni building, including the fig tree and quince trees, shall be preserved.
   d. The existing Pinelli bungalow shall be rehabilitated in conformance with the Secretary of Interior's Standards for the Treatment of Historic Properties. A compliance evaluation in this regard shall be prepared by a qualified historical consultant and submitted to the City prior to issuance of any building permit associated with work on the Pinelli bungalow.

   Enforcement Responsibility: *Planning Dept.; Building Dept.; Pubic Works Dept., City Engineer*
   Timing: *Prior to final occupancy & Ongoing*

3. A grading and drainage plan and an erosion and sediment control plan shall be prepared by a registered civil engineer and submitted to the City Engineer and the Sonoma County Water Agency for review and approval. The Preliminary Stormwater Mitigation Plan (SMP) for Mission Square prepared by Adobe Associates, Inc. dated July 3, 2012 shall be submitted in conjunction with the grading plans and the measures identified in the SMP shall be incorporated into the grading and drainage plans consistent with City of Santa Rosa and Sonoma County Low Impact Development (LID) Manual requirements. The required plans shall be approved prior to the issuance of a grading permit and commencement of grading/construction activities. The erosion control measures specified in the approved plan shall be implemented throughout the construction phase of the project. An NPDES permit shall be required and the plans shall conform to the City of Sonoma Grading Ordinance (Chapter 14.20 of the Municipal Code).

   Enforcement Responsibility: *City Engineer; SCWA; Public Works Department*
   Timing: *Prior to issuance of the grading permit*

4. The following improvements shall be required and shown on the improvement plans and are subject to the review of the City Engineer, Planning Administrator and Fire Chief. Public improvements shall meet City standards. The improvement plans shall be prepared by a registered civil engineer and approved by the City Engineer prior to issuance of a grading permit or building permit. All drainage improvements shall be designed in accordance with the Sonoma County Water Agency "Flood Control Design Criteria" and the City of Santa Rosa and Sonoma County Low Impact Development (LID) Manual requirements. Plans and engineering calculations for drainage improvements, and

plans for sanitary sewer facilities, shall be submitted to the Sonoma County Water Agency (and copy of submittal packet to the City Engineer) for review and approval.

a. The property frontage on East Spain Street shall be improved with curb, gutter, and sidewalk as required by the City Engineer. Existing curb and gutter along the East Spain Street frontage that are damaged or deemed by the City Engineer to be in disrepair shall be replaced to City standards. In addition, paving upgrades to centerline of the East Spain Street in front of the property may be required. The existing residential driveway serving the bungalow shall be eliminated. The new two-way project driveway shall be constructed in conformance with the City's standard specifications.

b. Storm drains and related facilities, including off-site storm drain facilities as necessary to connect to existing storm drain facilities.

c. Stormwater BMPs as approved in the Applicant's preliminary Stormwater Mitigation Plan (SMP) shall be shown on the drainage and improvement plans.

d. Grading plans shall be included in the improvement plans and are subject to the review and approval of the City Engineer, Planning Administrator and the Building Official.

e. Sewer mains, laterals and appurtenances, including off-site sewer mains and facilities as required by the Sonoma County Water Agency; water conservation measures installed and/or applicable mitigation fees paid as determined by the Sonoma County Water Agency. If any drains are planned for the trash enclosure area, they shall be connected to the sanitary sewer system.

f. Separate water service lines, connections, and meters shall be required for the commercial component, residential component, fire suppression, and landscape irrigation. In addition, each residential building shall be sub-metered and sub-metering is recommended for individual residential units. If use of the existing water service is proposed it shall be upgraded to current standards and appropriate size as necessary. The location of water meters and backflow assemblies shall be identified on the plans and the locations approved by the City Engineer and Fire Chief. The Applicant shall pay any required increased water fees applicable to the new use in accordance with the latest adopted rate schedule

g. Public fire hydrants connected to public water lines shall be required in the number and at the locations specified by the Fire Chief and the City Engineer. An easement shall be required for existing and proposed public water lines. Fire hydrants shall be operational prior to beginning combustible construction.

h. Private underground utility services, including gas, electricity, cable TV and telephone, to all residential units in the development.

i. Signing and striping plans shall be submitted to the City Engineer for review and approval. Said plans shall include "No Parking" signs/markings along the appropriate drive aisles, traffic control signs, and pavement markings as required by the City Engineer and Fire Department.

j. Parking and drive areas shall be surfaced with an all-weather City-approved surface material.

k. The property address numbers/range shall be posted on the property in a manner visible from the public street, and on the individual structures/units. Type and location of posting are subject to the review and approval of the City Engineer, Fire Chief and Planning Administrator.

l. All public sidewalk, street, storm drainage, water, sewer, access and public utility easements shall be dedicated to the City of Sonoma or to other affected agencies of jurisdiction, as required.

m. The applicant shall show proof of payment of all outstanding engineering plan check fees within thirty (30) days of notice for payment and prior to the approval of the improvement plans, whichever occurs first.

n. All grading, including all swales, etc., shall be performed between April 1st and October 15th of any year, unless otherwise approved by the City Engineer.

Enforcement Responsibility: *City Engineer; Public Works Department; Building Department; Planning Department; Fire Department; SCWA*

Timing: *Prior to issuance of the grading permit*

5. The applicant shall obtain an encroachment permit from the City of Sonoma for all work within the East Spain Street right-of-way.

Enforcement Responsibility: *City Engineer; Public Works Department; Building Department*
Timing: *Prior to City approval of public improvement plans*

6. The applicant shall be required to pay for all inspections prior to the acceptance of public improvements, or within 30 days of receipt of invoice; all plan checking fees at the time of the plan checks; and any other fees charged by the City of Sonoma, the Sonoma County Water Agency or other affected agencies with reviewing authority over this project, except those fees from which any designated affordable units are specifically exempted.

Enforcement Responsibility: *Public Works Department; Building Department; City Engineer; Affected agency*
Timing: *Prior to the acceptance of public improvements, or plan check, or within 30 days of receipt of invoice, as specified above*

7. No structures of any kind shall be constructed within the public easements dedicated for public use, except for structures for which the easements are intended.

Enforcement Responsibility: *City Engineer; Public Works Department; Planning Department*
Timing: *Prior to the issuance of any grading/building permit; Ongoing*

8. A soils and geotechnical investigation and report, prepared by a licensed civil engineer, shall be submitted to the City Engineer and Building Department as part of the plan check process prior to the issuance of a grading permit and/or approval of the improvement plans, as determined by the City Engineer. Recommendations identified in the geotechnical investigation and report shall be incorporated into the construction plans for the project and into the building permits.

Enforcement Responsibility: *City Engineer; Building Department*
Timing: *Prior to issuance of any grading/building permit*

9. Provisions shall be made to provide for temporary parking of construction related vehicles and equipment on or adjacent to the project site, and not in the adjacent neighborhoods, to be approved by the City of Sonoma Building, Planning, and Public Works Departments. The contractors shall be required to maintain traffic flow on all affected roadways adjacent to the project site during non-working hours, and to minimize traffic restrictions during construction. Traffic control and access for the alley shall also be addressed. The contractors shall notify all appropriate City of Sonoma and Sonoma County emergency service providers of planned construction schedules and roadways affected by construction in writing at least 48 hours in advance of any construction activity that could involve road closure or any significant constraint to emergency vehicle movement through the project area or the adjacent neighborhoods.

Enforcement Responsibility: *Building, Planning & Public Works Departments; Police & Fire Departments*
Timing: *Ongoing during construction*

10. Any wells on the site shall be abandoned in accordance with permit requirements of the Sonoma County Department of Environmental Health; or equipped with a back-flow prevention device as approved by the City Engineer.

Enforcement Responsibility: *Sonoma County Environmental Health Dept.; City Engineer; Public Works Dept*
Timing: *Prior to approval of the Grading Plans and Improvement Plans*

11. The following agencies must be contacted by the applicant to determine permit or other regulatory requirements of the agency prior to issuance of a building permit, including the payment of applicable fees:
    a. Sonoma County Water Agency [For sewer connections and modifications and interceptor requirements, and for grading, drainage, and erosion control plans];
    b. Sonoma County Department of Environmental Health [For abandonment of wells]
    c. Sonoma Valley Unified School District [For school impact fees]

Enforcement Responsibility: *Building Department; Public Works Department*
Timing: *Prior to the issuance of any grading/building permit*

12. A sewer clearance shall be provided to the City of Sonoma Building Division verifying that all applicable sewer fees have been paid prior to the issuance of any building permit. **Note: Substantial fees may apply for new sewer connections and/or the use of additional ESDs from an existing sewer connection. The applicant is encouraged to check with the Sonoma County Water Agency immediately to determine whether such fees apply**.

    Enforcement Responsibility: *Building Department*
    Timing: *Prior to the issuance of any building permit*

13. All Building Department requirements shall be met, including Building Code requirements related to compliance with CALGreen standards and ADA requirements (i.e. disabled access, handicap parking, accessible paths of travel, accessible bathrooms, etc.). A building permit shall be required. To limit the impact of project-related groundbourne vibration impacts, the following conditions shall be incorporated into construction contract agreements in order to prevent groundbourne vibration levels in excess of 0.08 inches per second PPV from occurring:

    a. The weight rating of all vibratory roller compactors used on the site shall have a maximum weight rating of 2 tons.

    b. If pavement of the existing driveway is to be removed, jackhammers shall be used in lieu of hoe rams or other large impact-type breakers.

    Prior to the issuance of any building permit or grading permit, the applicant shall provide written documentation verifying that these limitations have been imposed on all contractors. Compliance with this condition shall be monitored by Building Department staff throughout the course of construction.

    Enforcement Responsibility: *Building Department*
    Timing: *Prior to and during construction*

14. All Fire Department requirements shall be met, including requirements related to emergency vehicle access and the installation of a fire hydrant on site. Automatic fire sprinkler systems shall be provided in all buildings. Red-curbing and/or ”No Parking Fire Lane” signs shall be provided along both sides of the two-way driveway. An approved all-weather emergency vehicle access road to within 150 feet of all portions of all structures shall be provided prior to beginning combustible construction.

    Enforcement Responsibility: *Fire Department; Building Department*
    Timing: *Prior to the issuance of any building permit*

15. Three units within the development shall be designated as affordable units for households in the low and/or moderate income categories. The affordable units shall be recorded against the deed of the lot on which they lie at the County Recorder’s Office, with a standard City Affordability Agreement subject to review and approval by the Planning Director. The developer shall enter into a contract with the City assuring the continued affordability of the designated units for a minimum period of 45 years and establishing maximum rents.

    Enforcement Responsibility: *Planning Department, Building Department*
    Timing: *Prior to occupancy of any unit.*

16. The project shall be constructed in accordance with the following requirements related to tree preservation, mitigation and replacement:

    a. Trees removed to accommodate the project shall be replaced at a ratio of 2:1, and shall include two street trees at a 36-inch box size, plus a third street tree at a 36-inch box size if the existing sycamore street tree cannot be preserved.
    b. Street trees planted along East Spain Street shall be consistent with the City’s Street Tree Planting Program, including the District Tree List.
    c. The pecan tree shall be preserved.
    d. An attempt shall be made to preserve the oak tree located at the southeast corner of the property.

Enforcement Responsibility: *Planning Department, DRC*
Timing: *Prior to the issuance of any occupancy permit*

17. The exterior color scheme shall be subject to review and approval by the Design Review Commission (DRC).

Enforcement Responsibility: *Planning Department; DRC*
Timing: *Prior to any occupancy permit*

18. In addition to the noise barrier required by Mitigation Measure NOISE-4, solid masonry walls or wooden fencing with a minimum height of 6 feet shall be installed along the remainder of south and east property lines and along the west property line where adjoining the Mercato parking lot in compliance with Development Code §19.40.100 (Screening and Buffering) and §19.46 (Fences, Hedges, and Walls). This fencing/walls shall be subject to the review and approval of the Design Review Commission (DRC) as part of the landscape plan, and shall be required along the specified project boundaries noted above except at locations where the Design Review Commission determines existing fencing/screening is adequate.

Enforcement Responsibility: *Planning Department; DRC*
Timing: *Prior to any occupancy permit*

19. A landscape plan shall be prepared by a licensed landscape architect. The plan shall be subject to the review and approval of the Design Review Commission (DRC). The plan shall address site landscaping (including required tree plantings, perimeter buffer/screening plantings, and replacement plantings on west side of driveway), enclosures, fencing/walls (including noise barrier required by Mitigation Measure NOISE-4), and hardscape improvements. The landscape plan shall comply with City of Sonoma's Water Efficient Landscaping Ordinance (Municipal Code §14.32) and Development Code Sections 19.40.100 (Screening and Buffering), 19.46 (Fences, Hedges, and Walls), 19.40.070 (Open Space for Multi-Family Residential Projects), 19.48.090 (Landscaping of Parking Facilities), and 19.40.060 (Landscape Standards).

Enforcement Responsibility: *Planning Department; DRC*
Timing: *Prior to any occupancy permit*

20. Onsite lighting shall be addressed through a lighting plan, subject to the review and approval of the Design Review Commission (DRC). All proposed exterior lighting for the buildings and/or site shall be indicated on the lighting plan and specifications for light fixtures shall be included. The lighting shall conform to the standards and guidelines contained under Section 19.40.030 of the Development Code (Exterior Lighting). No light or glare shall be directed toward, or allowed to spill onto any offsite areas. All exterior light fixtures shall be shielded to avoid glare onto neighboring properties, and shall be the minimum necessary for site safety and security. Light standards shall not exceed a maximum height of 15 feet.

Enforcement Responsibility: *Planning Department, DRC*
Timing: *Prior to the issuance of any occupancy permit*

21. As normally required, any signage for the complex and/or businesses on the property shall be subject to review and approval by City Staff or the Design Review Commission (DRC) as applicable.

Enforcement Responsibility: *Planning Department or Design Review Commission*
Timing: *Prior to installation of signage*

22. All garbage/recycling bins or dumpsters shall have lids, which shall remain closed at all times. If any drains are planned for the trash enclosure area, they shall be connected to the sanitary sewer system.

Enforcement Responsibility: *Stormwater Coordinator*
Timing: *Prior to operation; Ongoing*

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
AQ-1: During construction, the developer should implement all of the following measures that are feasible to control dust and PM_{10}, from construction activities: ◆ Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. ◆ Cover all hauling trucks or maintain at least 2 feet of freeboard. Dust-proof chutes should be used as appropriate to load debris onto trucks during demolition. ◆ Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. ◆ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. ◆ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously-graded areas that are inactive for ten days or more). ◆ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. ◆ Limit traffic speeds on any unpaved roads to 15 mph. ◆ Replant vegetation in disturbed areas as quickly as possible. ◆ Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project should ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. ◆ The contractor shall install temporary electrical service as soon	Applicant	In contract specifications, prior to issuance of grading permit	City (Building Department and Public Works Department)	Review contract specifications Site Inspections	Once Weekly during construction

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
as possible to avoid the need for independently powered equipment (e.g. diesel-powered compressors). ♦ Diesel equipment standing idle for more than three minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site and away from residences. ♦ Properly tune and maintain equipment for low emissions.					
CULTURAL RESOURCES					
CUL-1a: Consistent with CEQA Guidelines § 15064.5, a Tribal Treatment Plan shall be developed in consultation with the Federated Indians of Graton Rancheria (FIGR). The plan shall address monitoring of excavation and other earth-moving activities and shall formalize protocol and procedures for the protection and treatment of Native American cultural resources in the event that any are discovered in conjunction with the project's development. The plan shall provide for prior notification and monitoring when core samples are taken for the soils report.	Applicant	Prior to construction and in the event cultural resources are discovered	City (Planning Department)	Confirm that appropriate procedures are followed	As needed
CUL-1b: In accordance with Section 15064.5 of the CEQA Guidelines, subsurface construction activities, including grading, excavation, trenching, and drilling, shall be monitored by a professional archaeologist authorized to identify the significance of any encountered archaeological resources and redirect such activities if culturally significant materials are encountered. If the resource is eligible, it will need to be avoided or adverse effects must be mitigated. Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris:bone tools; culturally darkened soil (e.g. midden soils often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g. mortars, pestles, handstones). Prehistoric sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled privies;	Applicant	Contract specifications prior to issuance of grading permit	City (Planning Department and Building Department)	Review of contract specifications Periodic inspection during subsurface construction	As needed during specified activities

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
and deposits of wood, glass, ceramics, metal, and other refuse. Project personnel should not collect or move any archaeological materials.					
CUL-1c: If previously unknown human remains are encountered during construction, all work within 50 feet of the discovery should be redirected and the County Coroner notified, as required by State law and in accordance with the provisions of Section 7050.5 of the Health and Safety Code, Section 15064.5 (e) of the CEQA guidelines, and Section 5097.98 of the Public Resources Code. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.	Applicant	Discovery of cultural resources during construction	City, California Native American Heritage Commission, if necessary	Confirm that appropriate procedures are followed	As needed
CUL-2: If feasible, preserve the existing street tree. If not feasible, remove existing street tree consistent with Section 12.08.050 of the City of Sonoma Tree Ordinance. Provide adequate site landscaping to provide a buffer between the project and adjacent residential properties and to maintain the overall leafy bucolic character of the district.	Applicant	Prior to issuance of grading permit. Final Design Review (landscaping)	City (Planning Department)	Grading plan review; Final Design Review (landscaping)	Twice, once during grading permit approval, once during Final Design Review
CUL-3: If paleontological resources are identified during construction activities, all work in the immediate area will cease until a qualified paleontologist has evaluated the finds in accordance with the standard guidelines established by the Society of Vertebrate Paleontology. If the paleontological resources are considered to be significant, a data recovery program will be implemented in accordance with the guidelines established by the Society of Vertebrate Paleontology.	Applicant	Prior to construction and in the event paleontological resources are discovered	City (Planning Department and Building Department)	Confirm that appropriate procedures are followed	As needed

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
GEOLOGY AND SOILS					
GEO-1: The following seismic Best Management Practices (BMPs) should be employed: ◆ Structures shall be designed in accordance with the latest adopted version of the California Building Standards Code. ◆ A State-licensed architect and civil engineer shall design all structures. ◆ All design shall undergo a plan review by an independent Civil Engineer with structural expertise retained by the City. ◆ Utilities shall be designed to provide sufficient flexibility or rigidity to withstand the expected ground motions during an earthquake. ◆ Water heaters and other fixtures shall be secured in accordance with City and County guidelines. ◆ Design and construction of foundations, concrete structures, and pavements shall be performed under the oversight of state-licensed civil, geotechnical, and/or structural engineers and should be reviewed by the Building Official.	Applicant	During design and construction, prior to issuance of building permit	City (Building Department)	Project plan review	Once, at plan approval
GEO-2: The recommendations for grading and earthwork, foundations, pavement installation, utility trenches, seismic designs, and other geotechnical engineering measures specified in the applicant's geotechnical reports (prepared by PJC & Associates, dated February 28, 2011) shall be implemented during design and construction. These measures include, but are not limited to, engineering and compaction of new fills, removal or improvement of potentially liquefiable soils and compressible soils, and the use of ~~deep foundations~~ post-tension mat slabs.	Applicant	Prior to issuance of grading permit	City (Building Department and Public Works Department)	Project plan review	Once, at plan approval
GEO-3: Compliance with Mitigation Measure HYDRO-1 identified in Section 4.4 of this EIR would reduce this impact to a *less-than-significant* level.	Please refer to Mitigation Measure HYDRO-1 for monitoring and reporting details				
GEO-4: The recommendations for grading and earthwork, foundations, pavement installation, utility trenches, seismic designs, and other geotechnical engineering measures specified in the	Applicant	Prior to issuance of grading permit	City (Building Department and Public Works Department)	Project plan review	Once, at plan approval

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
applicant's geotechnical reports (prepared by PJC & Associates, dated February 28, 2011) shall be implemented during design and construction. These measures include, but are not limited to engineering and compaction of new fills, removal or improvement of potential unstable geologic units and soil stabilization.					
GEO-5: The recommendations for grading and earthwork, foundations, pavement installation, utility trenches, seismic designs, and other geotechnical engineering measures specified in the applicant's geotechnical reports (prepared by PJC & Associates, dated February 28, 2011) shall be implemented during design and construction. These measures include, but are not limited to, engineering and compaction of new fills, and the removal of expansive soil.	Applicant	Prior to issuance of grading permit	City (Building Department and Public Works Department)	Project plan review	Once, at plan approval
HYDROLOGY AND WATER QUALITY					
HYDRO-1: The project applicant is required to comply with all Phase II NPDES Permit requirements for the construction period because the construction site is larger than one-acre in size. Under the Phase II program, the applicant is required to submit a Notice of Intent (NOI) with the State Water Resource Control Board's (SWRCB) Division of Water Quality. The NOI includes general information on the types of construction activities that will occur on the site. The applicant will also be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will include a description of appropriate BMPs to minimize the discharge of pollutants from the site. Typical requirements include, but are not limited to, the following: ♦ Performing major vehicle maintenance, repair jobs, and equipment washing at appropriate off-site locations; ♦ Maintaining all vehicles and heavy equipment and frequently inspecting for leaks; ♦ Designating one area of the construction site, well away from streams or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance; ♦ Cleaning-up spilled dry materials immediately. Spills are not to	Applicant	Prior to issuance of grading permit	City (Building Department and Public Works Department)/ SWRCB	Review, approval, site inspections during con-struction	Weekly during construction

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
be "washed away" with water or buried; ◆ Using the minimum amount of water necessary for dust control; ◆ Cleaning-up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g. absorbent materials such as cat litter, and/or rags); ◆ Cleaning-up spills on dirt areas by removing and properly disposing of the contaminated soil; ◆ Storing stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting; ◆ Properly storing containers of paints, chemicals, solvents, and other hazardous materials in garages or sheds with double containment during rainy periods; ◆ Applying concrete, asphalt, and seal coat during dry weather. Keeping contaminants from fresh concrete and asphalt out of the storm drains and creeks by scheduling paving jobs during periods of dry weather and allowing new pavement to cure before storm water flows across it; ◆ Covering catch basins and manholes when applying seal coat, slurry seal and fog seal. ◆ BMPs identified in the SWPPP shall also include soil stabilization techniques such as: hydroseeding and short-term biodegradable erosion control blankets; silt fences or some kind of inlet protection at downstream storm drain inlets; post-construction inspection of all drainage facilities for accumulated sediment; and post-construction clearing of all drainage structures of debris and sediment. Finally, the project applicant will be required to submit a Notice of Termination (NOT) when site soils are stable and permanent erosion and sediment control is in place.					
HYDRO-2a: The final drainage plan for the project shall incorporate the following Best Management Practices (BMPs) to ensure that project development does not result in a substantial	Applicant	Prior to issuance of grading permit	City (Planning Department and Public Works Department)	Review/verification of runoff calculations.	Once, at grading plan approval

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
increase in NPS pollutants to Fryer Creek and ultimately, Sonoma Creek. Post construction best management practices (BMPs) and treatment controls must be designed to achieve water quality treatment of 85% or more of the total runoff.				Review/ approval of detention plan (if required)	
♦ The project shall incorporate permanent filtration systems into drop inlets collecting drainage from impervious areas on the project site. Filtration may take place by use of a mechanical system such as a vortex separator, fossil filter, or other system approved by the City of Sonoma. The filtration system should separate petroleum hydrocarbons, such as gasoline and diesel fuel, as well as other contaminants from runoff while permitting undisturbed passage of water. Filtration systems should be maintained and serviced by the property owner to ensure continued functionality. Each service should include removal of debris and broom cleaning around the inlet. The inlet cover should be removed and a visual inspection conducted for oils and other hydrocarbons on the surface. The unit should also be inspected for damage, the standing water checked for clarity, the depth of the collected sand and silt measured and the filter replaced. Contaminated filters must be placed in a Department of Transportation (DOT) approved container and disposed of in accordance with local regulatory agency specifications to ensure compliance with all local and state environmental legislation.					
♦ Parking lots and other paved areas shall be swept on a regularly scheduled basis (to be determined, but including a daily check for trash and debris) and as needed to eliminate the majority of litter and debris washing into storm drains and thus, entering local waterways. The project applicant should enter into an agreement with a private or commercial street sweeping company to ensure this maintenance is completed.					
♦ The applicant shall prepare informational literature and guidance on residential BMPs to minimize pollutant contributions from the proposed development. This information should be distributed to future employees and					

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
residences at the project site. At a minimum the information should cover: (1) Proper disposal of household and commercial chemicals; (2) Proper use of landscaping chemicals; (3) Clean-up and appropriate disposal of yard cuttings and leaf litter; and (4) Prohibition of any washing and dumping of materials and chemicals into storm drains.					
HYDRO-2b: All future businesses at the site shall complete a hazardous materials/waste registration form. Any businesses meeting the criteria for using or storing hazardous materials in accordance with the Sonoma County Department of Emergency Services Certified Unified Program Agency Uniform Program Consolidated Form or Municipal Code shall register and conform to requirements of the Sonoma County Hazardous Materials Business Plan Program.	Applicant	Prior to issuance of business license	City (Building Department)/Sonoma County	Review/ approval of registration forms,	Once (review of registration form), once during building occupation.
HYDRO-3: The project applicant is required to comply with all Phase II NPDES Permit requirements for the construction period because the construction site is larger than 1 acre in size. This requires that measures and practices be employed during construction to eliminate or reduce erosion and siltation during construction. (See HYDRO-1)	Applicant	Prior to issuance of grading permit	City (Public Works Department)/SWRCB	Review, approval, site inspections during construction	Once a week during con-struction
HYDRO-4: The recommendations treating stormwater runoff and other stormwater mitigation measures specified in the applicant's Stormwater Mitigation Plan (prepared by Adobe Associates, dated July 3, 2012) shall be implemented during design and construction of the proposed project. These measures include, but are not limited to designing landscaping to prevent sediment from entering storm drain system, avoiding the connection of roof downspouts directly to storm drain system, and direct runoff from impervious areas to pervious landscaped areas prior to discharge into storm drain system in order to provide sufficient storage volume for runoff produced by a 85th percentile 24-hour rainfall event.	Applicant	Prior to issuance of grading permit	City (Public Works Department)	Review and approval,	Once
NOISE					
NOISE-1: Mitigation Measures NOISE-3, NOISE-4, and NOISE-5 should be implemented as part of project construction and operation.	Please refer to NOISE-3, NOISE-4, NOISE-5 below for monitoring and reporting details				

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
NOISE-2: Mitigation Measure NOISE-5 should be implemented during project construction.	Please refer to NOISE-5 below for monitoring and reporting details				
NOISE-3: Prior to issuance of building construction permits, the applicant shall provide an acoustical study to demonstrate that the operation of mechanical equipment systems would comply with the City of Sonoma's Noise Ordinance. Compliance may be achieved by several methods, including, but not limited to selecting quiet equipment, constructing barriers, or parapet walls, enclosing the equipment, and/or placing the equipment in locations that would result in compliance with the Noise Ordinance.	Applicant	During design phase, prior to issuance of building permit	City (Building Department)	Review and approval	Once during review of building plans
NOISE-4: To attenuate parking lot noise within the adjacent residential area a 6-foot-high solid fence/wall shall be constructed on the southeastern (residential) property line, extending from the southeastern corner of the site to the mid-point of Building 6 as shown in Figure 4.6-3. To be effective as a noise barrier the fence/wall shall be built without cracks or gaps in the face or base, have a minimum surface weight of 3.0 lbs. per square feet, and be capable of reducing noise traveling directly through it by a minimum of 10 dBA. A wood fence built with a double layer of 1-inch nominal thickness fence boards, where the second layer of boards installed to cover the joints of the first layer would meet these surface weight and noise reduction requirements. Other wall types that will provide the needed level of noise reduction include masonry block, and concrete panel walls, but any alternative proposal shall include verification from a qualified acoustical consultant that the required noise attention will be met.	Applicant	During construction	City (Building Department)	Site plan review	Twice, once during architectural review and once during construction
NOISE-5: To limit the impact of project-related construction noise impacts the following conditions should be incorporated into construction contract agreements: ◆ Limit construction activities, deliveries of materials or equipment to the site to the hours between 8:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays. Construction should be prohibited on Sundays and all holidays recognized by the City of Sonoma. ◆ Do not allow start up of construction related machinery or equipment prior to 8:00 a.m. Monday through Friday, and 9:00	Applicant	In construction specifications, prior to issuance of building permit	City (Building Department)	Plan review Site inspections	Weekly during construction

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
a.m. Saturday. ◆ Select quiet construction equipment, particularly air compressors, whenever possible. ◆ Properly muffle and maintain all construction equipment powered by internal combustion engines. ◆ Prohibit unnecessary idling of internal combustion engines. Equipment should be turned off when not in use. ◆ Do not allow machinery to be cleaned or serviced past 6:00 p.m. Monday through Friday, and 6:00 p.m. on Saturdays. ◆ Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Acoustically shield such equipment. ◆ Notify adjacent residents to the project site of the construction schedule in writing. ◆ Control noise from construction workers' radios so they are not audible at existing residences that border the project site. ◆ Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. This individual would likely be the contractor or a contractor's representative. The coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the written notice sent to neighbors regarding the construction schedule.					
PUBLIC POLICY					
PUB POL-1: The applicant shall comply with all recommendations and/or requirements specified in the forthcoming arborist report related to tree preservation or replacement, as adopted by the	Applicant	In construction specifications, prior to issuance of building	City (Planning Department and Public Works Department)	Plan review Site inspections	Weekly during construction

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Planning Commission in the conditions of project approval..		permit			
TRAFFIC AND CIRCULATION					
TRAFFIC-1: On-street parking should be prohibited for a minimum of 20 feet east of the widened main access driveway along the south side of East Spain Street.	Applicant	Upon completion of project	City (Public Works Department)	Site inspection	Once, following construction before building occupation
TRAFFIC-2: A parking exception shall be requested by the applicant, and considered by the City, on the basis that some of the parking space dimensions comply with City code, and those that do not (residential "standard" and "compact" spaces) fall within a dimensional range that is functional and is allowed by some nearby jurisdictions. If a parking exception is not granted, the project applicant shall revise the project so that all parking spaces meet the parking space dimensions of City code.	Applicant	Prior to project approval by Planning Commission	City (Planning Department)	Review	Once
UTILITIES					
UTL-1: Prior to the issuance of any building permit, a water demand analysis shall be submitted by the applicant and shall be subject to the review and approval of the City Engineer. Building permits for the project shall only be issued if the City Engineer finds, based on the water demand analysis in relation to the available water supply, that sufficient capacity is available to serve the proposed development, which finding shall be documented in the form of a will-serve letter, prepared by the City Engineer. Any will-serve letter shall remain valid only so long as the use permit for the project remains valid.	Applicant	Prior to issuance of building permit	City (Public Works Department)	Review and approval	Once
UTL-2: The applicant shall coordinate with the Sonoma Valley County Sanitation District (SVCSD) to upgrade the capacity of the local sanitation collection system such that the additional flows generated by the project shall be fully accommodated. This shall be accomplished using one, or both, of the following means, of which the final determination of the means to use shall be at the discretion of the SVCSD: **Collection System Improvement.** Upsize an appropriate section	Applicant	Prior to issuance of grading permit	City (Building Department)/SVCSD	Site plan review	Once

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
of the existing pipe in East Napa Street so as to ensure adequate capacity. The modeling and analysis conducted in the environmental review process suggests that a pipe diameter of 16 inches will likely be sufficient. However, the required pipe diameter, slope, and length shall be verified though a subsequent engineering analysis, commissioned by the applicant. The recommended improvements identified in this subsequent analysis shall be set forth in the improvement plans required for the project. (Note: the improvement plans also include the implementation of a drainage plan, as recommended under Mitigation Measures UTL-3 and HYDRO-4). The analysis and the improvement plans shall conform to the requirements of the Sonoma County Water Agency's *Design and Construction Standards for Sanitation Facilities* and shall be subject to the review and approval of the SVCSD. **Payment of In-Lieu Fee**. The applicant shall pay an in-lieu fee into the SVCSD Water Conservation Program, specifically the Direct Installation Plumbing Program, which promotes the installation of high-efficiency plumbing fixtures (toilets, urinals, faucet aerators, showerheads) for SVCSD commercial and residential customers. The amount of the fee, which shall be determined by the SVCSD, shall be sufficient to fund identified conservation measures within the collection system area upstream and easterly of the intersection of First Street East and East Spain Street that would fully offset flows generated by the project. **Standard Provisions:** To address any potential secondary impacts, all standard construction provisions that apply to the project shall be met, including compliance with the noise ordinance, traffic safety provisions (flaggers and signage), and storm water control to protect water quality. **Timing:** Completion of improvements or implementation of conservation measures shall be required prior to final occupancy of the project. **Enforcement Responsibility:** Sonoma Valley County Sanitation District, City Engineer; Public Works Department.					
UTL-3: As recommended through Mitigation Measure HYDRO-4,	Applicant	Prior to issuance of	City (Public Works	Review, approval,	Once

TABLE 1 **MITIGATION MONITORING AND REPORTING PROGRAM** (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
the recommendations treating stormwater runoff and other stormwater mitigation measures specified in the applicant's Stormwater Mitigation Plan (prepared by Adobe Associates, dated July 3, 2012) shall be implemented during design and construction of the proposed project. These measures include, but are not limited to designing landscaping to prevent sediment from entering storm drain system, avoiding the connection of roof downspouts directly to storm drain system, and direct runoff from impervious areas to pervious landscaped areas prior to discharge into storm drain system in order to provide sufficient storage volume for runoff produced by a 85th percentile 24-hour rainfall event.		grading permit	Department)	site inspections during construction	
UTL-4a: The project applicant shall prepare and implement a recycling plan for the construction phase of the project. The recycling plan shall address the major materials generated by a construction project and will identify the means to divert these materials away from landfill disposal. Materials to be included in the plan are soil, brush, and other vegetative growth, dimensional lumber, metal scraps, cardboard packaging, and plastic wrap.	Applicant	Prior to issuance of grading permit	City (Building Department)	Review, approval, site inspections during construction	Once/weekly during construction
UTL-4b: For the operation phase of the project, the applicant shall ensure inclusion of areas on-site for the collecting and loading of recyclable materials, including but not limited to cans, bottles, corrugated cardboard, and yard waste.	Applicant	Prior to issuance of building permit	City (Building Department)	Site inspection	Once following project completion

CITY OF SONOMA
PLANNING COMMISSION
REGULAR MEETING OF
Community Meeting Room, 177 First Street West
July 18, 2013
MINUTES

I hereby declare under penalty of perjury that the agenda for this meeting was posted on Friday, July 12, 2013, on the bulletin board outside the front of Sonoma City Hall, No. 1 the Plaza, Sonoma, California. Chair Roberson called the meeting to order at 6:45 p.m. in the Community Meeting Room, 177 First Street West.

Roll Call:

Present:	Chair Roberson, Comms. Edwards, Henevald, Felder, Tippell, Howarth, Willers
Absent:	
Others Present:	Planning Director Goodison, Senior Planner Gjestland, Administrative Assistant Morris, Veronica Nebb Esq. (City Legal Counsel)

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

COMMENTS FROM THE PUBLIC: No Public Comments

CORRESPONDENCE: Planning Director Goodison reviewed the late correspondence received on the Mission Square item, as well as the corrections to the draft resolutions, updated conditions of approval and responded to correspondence.

Comm. Willers recused himself due to a financial conflict of interest and left the room.

Item #1 – Public Hearing – Consideration and possible certification of the Revised Final Environmental Impact Report (RFEIR) for the Mission Square project. Consideration and possible action on planning approvals for the Mission Square project, including a Use Permit, an Exception to the parking standards and Site Design and Architectural Review.

Applicant/Property Owner: Marcus & Willers Architects/Marcus and David Detert

Chair Roberson stated that due to the volume of late correspondence received, the Planning Commission would take some time to review the material before beginning the meeting.

Chair Roberson asked for the staff report.

Planning Director David Goodison and Senior Planner Rob Gjestland presented staff's report. Steve Noack, representing DC&E (the EIR consultant) reviewed various aspect of the revised final document.

Commissioner Howarth asked how the Commission should distinguish between the site plan that the EIR is based on versus site plan changes that the Commission may want to make when it reviews the project. Planning Director Goodison stated that as long as any changes made by the Commission do not introduce new significant environmental impacts it is free to make modifications to the site plan and other aspects of the project.

Commissioner Howarth asked about the sound wall mitigation. Planning Director Goodison stated that the mitigation in the EIR establishes a performance standard that could be met by either a properly designed wooden fence or a CMU wall.

Commissioner Howarth asked about the communications from the State of California Department of Parks and Recreation (Diablo Vista District). Planning Director Goodison addressed the concerns expressed in the letter regarding sidewalks, driveways, parking, traffic, and landscaping. There is no sidewalk proposed along the west side of the alley and access to the Blue Wing parking area will be preserved. City staff believes that the long-term residential use of the subject property will not increase vandalism in the area and in fact would likely discourage it. The applicants will be required to accommodate the request for fencing, but only on the shared property line. The issue of the parking standards is reviewed in the staff report. The circulation design meets emergency vehicle standards. A landscaping plan is not required at this time, but this would be reviewed at the design review stage. The State Parks comments do identify an errata that is corrected in the errata sheet distributed to the Commission.

Comm. Edwards confirmed that the First Street East drive that provides access to the Mercato lot currently operates as a two-way entrance/exit. He expressed concern that larger vehicles maneuvering in the parking lot could block access.

Comm. Tippell asked about the west side of the drive. Planning Director Goodison stated that the plan calls for a curb and a planter strip. However, the existing driveway cuts, including to the Blue Wing lot, will remain.

Commissioner Heneveld asked where State parks would like to have a fence and gate. Planning Director Goodison stated that apparently they are asking for a fence and gate on the southern property line of the Blue Wing parcel. However, that property line is not shared by the project site.

In response to a question from Commissioner Edwards, Planning Director Goodison stated that the conditions would require the applicants to provide a gate to the Blue Wing driveway on the west property line, if that is desired by State Parks.

Chair Roberson opened the public hearing.

Lori Brenner, property manager, represents the owners David and Marcus Detert. She introduced the project team. She stated that the Detert's are responsible property owners who have implemented sensitive seismic upgrades to historic adobes that they own. She asked that the Planning Commission certify the EIR and approve the project.

Cristina Lawson, ESQ. also representing the applicants, reviewed the EIR process and the changes that have been to the final document in response to the concerns previously expressed by the Planning Commission. She asked the Planning Commission to certify the EIR.

Carol Marcus, Marcus & Willers Architects, the project architect review the changes that have been made to the proposal. Stated that she understood that the project site was sensitive, which is why the applicants have provided every additional study that has been requested by the Commission and have made extensive changes through the review process to scale the project back and ensure compatibility. She asked the Planning Commission to certify the EIR and approve the project.

Commissioner Tippell asked about the cut/fill amounts. The project engineer, Tim Schram, stated that a detailed grading plan has not been prepared, but that the objective would be no net change. At most, the difference would amount a couple of hundred cubic feet.

Commissioner Howarth asked about a cut-out along the west side of the drive. Carol Marcus explained that the cut-out exists, but would be removed to increase the landscaped area.

Commissioner Howarth asked whether post tension slabs would be used in all the buildings. Carol Marcus stated that this was the case.

Commissioner Heneveld asked about the drainage concern raised regarding the landscaped area at the southwest corner. Planning Director Goodison stated that although landscaping would be used to filter storm water, flows in excess of the 10-year condition would ultimately be directed into a storm drain.

Commissioner Heneveld asked about the existing well. Carol Marcus stated that it had been filling up with debris and that the intent is to cap it.

Mary Martinez works in the area of the site and is very familiar with its drainage issues, expressed opposition to any parking exception. She expressed concern about traffic issues. She agrees that preserving the fig and the quince trees is very important. She appreciates the changes that have been to reduce the scale of the project, but wants to see careful scrutiny of the colors and materials.

Ned Forrest, local architect, is a resident of the neighborhood. In his view, unless the project can be shown to be equal in dignity to overall historic character of the area, it should not be approved. He noted that an EIR represents an opinion of “harm-defining boundaries”. He does not feel the site is appropriate for “mass market housing” as referenced in the EIR. He would prefer that the project be held to a higher, local standard and in his view the project as designed does not yet achieve that level. This site represents one of the oldest settlements of Sonoma. The Commission needs to ask itself whether the project is appropriate to importance of the site.

Barbara Wimmer, resident and representing the League of Historic Preservation, will speak more about the project than the EIR. She appreciates the efforts made to reduce the scape of the project and address potential impacts on the Blue Wing Inn. The Board of the League continues to hold their position that the project needs to be held to the highest standards to ensure that Sonoma’s historic legacy is protected.

Johanna Patri, owner of the historic Captain Peter Stover House, questioned the changes made to the width of the driveway. While she wants the trees to be preserved, the driveway width needs to be adequate. She agrees with Ned Forrest. In her view the project will have a

significant aesthetic impact. The colors and materials need to be part of the EIR review and the Commission should find that the use of these materials represents a significant impact. The example of MacArthur Place should be followed with respect to the quality of materials used.

Patricia Cullinan, resident, (424 Denmark St.) read the letter that she previously submitted.

Theresa Parks, neighbor, (431 Second St. East) expressed concern about the fire safety of the lot as it exists today. She recounted an unpleasant experience with fire and vandalism in the area. She supports the project and would like to see it move forward.

George McKale, City Historian and resident, (717 Lasuen St.) asked whether the suggestions proposed in the vibration analysis would be included in the conditions of approval. Planning Director Goodison stated that the language in question was included in condition of approval #13. Mr. McKale questioned the conclusion that that an increase in traffic would not harm the historic character of the Mission.

Earnestine Evans, Vischer Court, stated that it appeared that parking was an issue with respect to this property. She asked whether the architects had thought of placing parking under the buildings.

Chair Roberson invited the project architect, engineer, and the property manager to return to the podium to address questions raised in the public hearing.

Carol Marcus stated that underground parking had been considered. Regarding the issues raised about the cultural landscape, in her view the cultural landscape represents the entire history of an area, including changes that are made in the present. She disputed the assertion that the development would employ cheap materials. In her view, the venue for that evaluation is design review. The existing on-street parking spaces are striped at 20 feet and 18 feet. Finished floors will be as low as possible in order to facilitate ADA access.

Lori Bremner noted that the proposed apartments are small, studio spaces, which will reduce parking demand.

Tim Schramm, engineer, stated that a storm water mitigation has been prepared that follows Sonoma County's low impact development requirements. This includes both filtration and required retention.

Commissioner Tippell asked whether narrowing the driveway changed the hydrology. Mr. Schramm stated that it would not.

Commissioner Tippell asked whether the parking requirements would change if the area of the apartments were to increase. Planning Director Goodison stated that they would not change.

Chair Roberson closed the public hearing.

Chair Roberson asked the Planning Commission to first address the issue of certifying the EIR, before beginning a discussion of potential project approval.

EIR Discussion:

Comm. Felder is concerned with water issues that in his view were not fully addressed. The "Will serve" policy does not address cumulative impacts. He is also concerned about the issue

parking and how that is addressed in the EIR as in his view the proposed mitigation is not adequate and the actual shortfall may be under-estimated. He is concerned with the Blue Wing Inn since it is a valued historic resource unique to Sonoma's heritage. The additional studies that have been performed are only referenced in an appendix. Monitoring should be required. He is still struggling with issues having to do with maintaining the integrity of the historic district. In his view, Building #1 should not be higher than the Blue Wing.

Comm. Edwards feels that issues associated with the use of the alley have not been fully addressed. He is also concerned that events have overtaken the EIR to some degree, such as in the pending return of a restaurant at 400 First Street East. In his view the handicapped parking is too remote from some of the project buildings. In terms of impacts on historic character, in his view some the changes to and potential impacts on the neighborhood have not been adequately considered in the EIR. He expressed concern that the standards applied rely too much on outside sources rather than local experience.

Comm. Howarth focuses his analysis by differentiating between project issues and the standard of adequacy for certification of an EIR. For example, in his view, issues such as the location of the handicapped parking and the question of a parking exception are most appropriately addressed in the review of the project.

Comm. Henevald agrees with Comm. Howarth that making the distinction between EIR issues and project issues is important but sometimes difficult. He continues be concerned about water and drainage.

Planning Director Goodison reviewed the changes made to the water section of the EIR. The Commission had asked that it be updated and that is what was done. It reflects the 2010 Urban Water Management Plan, which represents the City's adopted strategy for meeting its long-term water supply needs and addressing dry periods and droughts. The Planning Commission has previously adopted this same analysis in recent negative declarations prepared for other projects.

Commissioner Tippell stated while it can be difficult to separate the issues associated with certification of the EIR and the review of the project itself, this distinction has been well-described by staff. In his view, while he has a number of questions and issues regarding the project, to the point where he could not envision approving it tonight, he is prepared to certify the EIR.

Chair Roberson stated that the issues he has at this point are with the project, not the EIR. In terms of what an EIR is supposed to accomplish, the EIR meets that standard.

Commission Felder expressed the concern that if the EIR is certified, a different and lesser project might emerge if this one falls by the wayside.

Commissioner Howarth stated that the last time this matter was before the Commission he voted against certifying the EIR. However, with the changes and additional analysis that have been provided in response to the Commission's direction, he is prepared to support the revised final EIR. If the project does change, he believes that Commission will be able to deal with that.

Comm. Howarth made a motion to adopt the resolution certifying the FEIR for the Mission Square project and adopting a mitigation monitoring program. Comm. Tippell seconded. Roll call vote: Ayes: Chair Roberson, Comms. Howarth, Tippell, Henevald, Noes: Comms. Felder, Edwards (Comm. Willers recused). The motion passed 4-2.

Project Discussion:

Commissioner Edwards stated that he has not seen enough that would lead him to approve the project. As an example, he would like a great deal more information on the massing, elevations, colors, materials, and finishes of the buildings. He would like to see a full presentation.

Comm. Howarth stated that while he understands why the applicant may not have been focused on the project presentation in light of the EIR review, he too would like to see a full project presentation. As others have pointed out, now it is time to review the feel of the project in terms of local conditions. He would like to review the project as a package rather than dealing with the parking exception separately.

Commissioner Felder stated that just as he was not prepared to certify the EIR he is not in support of the project as it is currently presented.

Comm. Tippell concurred with Commissioner Edwards and Howarth. He believes that more information is needed in the following areas: topographical information, an estimate of cut/fill, design grade elevations. Due to the sensitivity of the site, the Planning Commission should review materials and finishes. He would like verification of the adequacy of the 20-foot driveway width. He would like to see a construction management plan that addresses how the alley will be kept open.

Comm. Howarth stated that he was OK with the overall site plan. While he does have some specific concerns, he will not be looking for major changes in the layout.

Comm. Henevald agreed that the site plan was sound, but he would like more information on massing and materials.

Comm. Felder likes the project comparison made to MacArthur Place as a good example of integrating the old with the new.

Chair Roberson is not concerned with the 20 ft. driveway and basically comfortable overall with the direction of the site plan. However, he agrees that more information is needed.

By consensus, the Planning Commission tabled their consideration of project, to be continued at another Public Hearing, with direction to the applicants to provide information addressing the following:

1. Colors and materials.
2. Massing (computer model acceptable); resolve height of Blue Wing.
3. Conceptual landscape plan.
4. Topographic information and cut/fill estimate.
5. Construction management proposal addressing access, dust control, and monitoring of The Blue Wing.
6. Location of ADA parking.
7. Verify adequacy of driveway width (City Engineer & Fire Department).
8. Traffic count on alleyway.
9. Neighbor outreach.
10. Updated presentation on water, conservation measures, and sustainable features.
11. Bicycle parking/bile lockers (given that there are no garages).

Counsel advised the applicant that City staff can provide the additional requirements in writing.

Issues/Updates:

Comm. Willers was re-appointed as the Planning Commission Alternate.

Comm. Howarth made a motion to continue the item to a future meeting. Comm. Henevald seconded. The motion was approved 6-0. (Comm. Willers recused)

Comm. Howarth made a motion to adjourn. Comm. Henevald seconded. The motion was unanimously approved.

Adjournment: The meeting adjourned at 9:55p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, August 8, 2013.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Planning Commission on the 10th day of October,2013.

Approved:

Cristina Morris, Administrative Assistant

TRAFFIC COUNTS FOR EXISTING OUTBOUND DRIVEWAY ON 165 EAST SPAIN STREET (9/26/13-9/30/13)

Date/Time/Volume/Average Speed/Temperature Report

HI-Star ID:	0851	Begin:	Sep/26/2013 02:00:00 PM	End:	Sep/30/2013 02:00:00 PM
Street:	Driveway	Lane:	Driving	Hours:	96.00
State:	Ca	Oper:	FWP	Period:	15
City:	Sonoma	Posted:	15	Raw Count:	1208
County:	Sonoma	AADT Factor:	1	AADT Count:	302

Thu,Sep/26/2013

Date and Time Range	Period Volume	Average Speed	Roadway Temp
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
[14:00-15:00]	13	14 MPH	95 F
[15:00-16:00]	20	14 MPH	87 F
[16:00-17:00]	13	14 MPH	82 F
[17:00-18:00]	18	17 MPH	78 F
[18:00-19:00]	19	14 MPH	74 F
[19:00-20:00]	8	14 MPH	70 F
[20:00-21:00]	13	14 MPH	68 F
[21:00-22:00]	7	14 MPH	66 F
[22:00-23:00]	3	0 MPH	66 F
[23:00-00:00]	0	0 MPH	66 F
	114	MPH	77 F

Fri,Sep/27/2013

Date and Time Range	Period Volume	Average Speed	Roadway Temp
[00:00-01:00]	1	0 MPH	64 F
[01:00-02:00]	0	0 MPH	64 F
[02:00-03:00]	0	0 MPH	64 F
[03:00-04:00]	0	0 MPH	62 F
[04:00-05:00]	0	0 MPH	60 F
[05:00-06:00]	0	0 MPH	60 F
[06:00-07:00]	1	0 MPH	58 F
[07:00-08:00]	6	14 MPH	58 F
[08:00-09:00]	5	14 MPH	62 F
[09:00-10:00]	5	14 MPH	76 F
[10:00-11:00]	13	14 MPH	91 F
[11:00-12:00]	11	14 MPH	101 F
[12:00-13:00]	11	14 MPH	107 F
[13:00-14:00]	15	14 MPH	107 F
[14:00-15:00]	23	13 MPH	99 F
[15:00-16:00]	27	14 MPH	89 F
[16:00-17:00]	23	11 MPH	83 F
[17:00-18:00]	18	16 MPH	80 F
[18:00-19:00]	29	14 MPH	76 F
[19:00-20:00]	23	13 MPH	72 F
[20:00-21:00]	24	13 MPH	68 F
[21:00-22:00]	21	14 MPH	66 F
[22:00-23:00]	28	13 MPH	64 F
[23:00-00:00]	9	0 MPH	62 F
	293	MPH	75 F

Sat,Sep/28/2013

Date and Time Range	Period Volume	Average Speed	Roadway Temp
[00:00-01:00]	3	14 MPH	60 F
[01:00-02:00]	1	0 MPH	60 F
[02:00-03:00]	2	0 MPH	58 F
[03:00-04:00]	0	0 MPH	58 F
[04:00-05:00]	1	14 MPH	56 F
[05:00-06:00]	0	0 MPH	56 F
[06:00-07:00]	0	0 MPH	56 F
[07:00-08:00]	5	14 MPH	56 F
[08:00-09:00]	5	14 MPH	60 F
[09:00-10:00]	9	13 MPH	74 F
[10:00-11:00]	28	8 MPH	89 F
[11:00-12:00]	41	14 MPH	99 F
[12:00-13:00]	36	10 MPH	103 F
[13:00-14:00]	25	14 MPH	107 F
[14:00-15:00]	32	14 MPH	99 F
[15:00-16:00]	42	16 MPH	89 F
[16:00-17:00]	36	13 MPH	83 F
[17:00-18:00]	31	11 MPH	80 F
[18:00-19:00]	41	14 MPH	76 F
[19:00-20:00]	23	13 MPH	72 F
[20:00-21:00]	35	16 MPH	70 F
[21:00-22:00]	23	14 MPH	68 F
[22:00-23:00]	15	14 MPH	66 F
[23:00-00:00]	8	14 MPH	64 F
	442	MPH	73 F

Sun,Sep/29/2013

Date and Time Range	Period Volume	Average Speed	Roadway Temp
[00:00-01:00]	7	0 MPH	64 F
[01:00-02:00]	0	0 MPH	62 F
[02:00-03:00]	2	0 MPH	62 F
[03:00-04:00]	0	0 MPH	60 F
[04:00-05:00]	0	0 MPH	60 F
[05:00-06:00]	0	0 MPH	60 F
[06:00-07:00]	0	0 MPH	60 F
[07:00-08:00]	2	8 MPH	60 F
[08:00-09:00]	9	13 MPH	62 F
[09:00-10:00]	13	22 MPH	66 F
[10:00-11:00]	12	13 MPH	72 F
[11:00-12:00]	7	10 MPH	83 F
[12:00-13:00]	24	12 MPH	80 F
[13:00-14:00]	28	13 MPH	85 F
[14:00-15:00]	26	19 MPH	82 F
[15:00-16:00]	36	14 MPH	78 F
[16:00-17:00]	36	14 MPH	74 F
[17:00-18:00]	30	14 MPH	70 F
[18:00-19:00]	20	14 MPH	68 F
[19:00-20:00]	3	36 MPH	66 F
[20:00-21:00]	8	14 MPH	64 F
[21:00-22:00]	6	14 MPH	64 F
[22:00-23:00]	14	14 MPH	64 F
[23:00-00:00]	3	14 MPH	64 F
	286	MPH	68 F

Mon,Sep/30/2013

Date and Time Range	Period Volume	Average Speed	Roadway Temp
[00:00-01:00]	0	0 MPH	64 F
[01:00-02:00]	0	0 MPH	64 F
[02:00-03:00]	0	0 MPH	62 F
[03:00-04:00]	1	0 MPH	62 F
[04:00-05:00]	0	0 MPH	62 F
[05:00-06:00]	0	0 MPH	62 F
[06:00-07:00]	0	0 MPH	62 F
[07:00-08:00]	5	14 MPH	62 F
[08:00-09:00]	5	11 MPH	62 F
[09:00-10:00]	7	14 MPH	62 F
[10:00-11:00]	12	0 MPH	66 F
[11:00-12:00]	10	12 MPH	68 F
[12:00-13:00]	18	14 MPH	70 F
[13:00-14:00]	15	13 MPH	72 F
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-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
-	-	- -	- -
	73	MPH	64 F

Rob Gjestland

From: Dan Takasugi
Sent: Tuesday, October 22, 2013 2:57 PM
To: Rob Gjestland
Cc: David Goodison; Alan Jones
Subject: RE: Access Improvements for Mission Square - 165 East Spain St.

Rob:

These modifications are acceptable to me, in terms of access and circulation.

Dan Takasugi, P.E.
Public Works Director / City Engineer
City of Sonoma
No. 1 the Plaza
Sonoma, CA 95476-6618
Office: (707) 933-2230

From: Rob Gjestland
Sent: Tuesday, October 22, 2013 2:46 PM
To: Dan Takasugi; Alan Jones
Cc: David Goodison
Subject: Access Improvements for Mission Square - 165 East Spain St.

Hi Dan and Alan:

The architect for the Mission Square project adjusted their access plans based on your last comments, in essence providing a 20'-wide driveway for the northerly portion that flares to a 26'-wide apron on East Spain (the intent of these adjustments is to preserve existing fig and quince trees and provide additional landscaped area directly west of the driveway). East of the driveway there would be red-curbing plus 4 on-street parallel parking spaces (20' by 9.5'). The following plans are attached for your consideration:

- architectural site plan (SP1) dated 10/18/13
- civil plans (C1, C2, C3), including a fire truck turning plan, dated 10/16/13
- preliminary landscape plans (L1.1 and L1.2) dated 10/18/13

Please note that the tree shown on the landscape plan at the location of the internal fire hydrant would be eliminated.

As requested by the Planning Commission can you please provide written confirmation that these modifications are acceptable from your perspective in terms of access and circulation (an email response to me is sufficient).

Thank You,

Rob Gjestland
Senior Planner
City of Sonoma
(707) 933-2202

Rob Gjestland
Senior Planner
City of Sonoma
(707) 933-2202

Rob Gjestland

From: Alan Jones <AlanJ@SVFRA.ORG>
Sent: Wednesday, October 23, 2013 9:28 AM
To: Rob Gjestland
Subject: RE: Access Improvements for Mission Square - 165 East Spain St.

Rob,

The roadway width in this proposal is in reasonable compliance with State and Local Fire Codes as adopted by the City of Sonoma. As this project develops there may be additional requirements with regards to roadway markings (red curbs versus signage) to assure visibility of parking restrictions.

Alan Jones
Fire Marshal
Sonoma Valley Fire Rescue

From: Rob Gjestland [mailto:RobG@sonomacity.org]
Sent: Wednesday, October 23, 2013 8:19 AM
To: Alan Jones
Subject: Access Improvements for Mission Square - 165 East Spain St.

Hi Dan and Alan:

The architect for the Mission Square project adjusted their access plans based on your last comments, in essence providing a 20'-wide driveway for the northerly portion that flares to a 26'-wide apron on East Spain (the intent of these adjustments is to preserve existing fig and quince trees and provide additional landscaped area directly west of the driveway). East of the driveway there would be red-curbing plus 4 on-street parallel parking spaces (20' by 9.5'). The following plans are attached for your consideration:

- architectural site plan (SP1) dated 10/18/13
- civil plans (C1, C2, C3), including a fire truck turning plan, dated 10/16/13
- preliminary landscape plans (L1.1 and L1.2) dated 10/18/13

Please note that the tree shown on the landscape plan at the location of the internal fire hydrant would be eliminated.

As requested by the Planning Commission can you please provide written confirmation that these modifications are acceptable from your perspective in terms of access and circulation (an email response to me is sufficient).

Thank You,

Rob Gjestland
Senior Planner
City of Sonoma
(707) 933-2202

RECEIVED
JUL 25 2013
CITY OF SONOMA

Mr. Robert Felder,
Planning Commissioner
City of Sonoma Dept. of Planning
1 The Plaza
Sonoma, CA 95476

July 22, 2013

Dear Mr. Felder,

I can't tell you how relieved and thankful I am that the planning commission has amended the FEIR so that the right of way to the Mission Square project is now narrowed to 20 feet. In doing so, the Pinni stone house is somewhat protected from undue stress, and at the same time the historic quince trees are saved.

As well as protecting the Pinni house, a narrow driveway usually signals to people that the driveway is private and so (as one commissioner mentioned) it will be less inviting to tourists who might find themselves on a dead end street.

The Pinni house and the rear cottage have frequently been residential, as has been the Blue Wing Inn. My father lived in the stone house or the rear cottage for over 25 years from 1965 until his death in 1991. The rear cottage was often residential even while the stone house was commercial. The Blue wing inn was also both residential and commercial while owned by my parents.

There is every possibility that all these properties could again become residential. The 7 foot setback is, in my opinion, absolutely minimum to protect these buildings and their inhabitants.

Both the Blue Wing Inn and the Pinni house are extraordinary historic buildings which are an integral part of the atmosphere that draws tourists to Sonoma. While I understand that development is inevitable, I do hope the future Design Review Commission will at least modify the project to the extent that the side view of building 2, visable to those who walk by, is more in keeping with the surrounding area.

Parking is also an issue, although I think it is a longer term rather than short term issue. I personally think the current exemption to the parking standards for Mission Square is fair.

Thank you for all your work.

Best wishes,

Hillary Dumas

Thank you!

Hillary Black Dumas, co-trustee
The Black Trust
248 Trinity Ave.
Kensington, CA 94708
510 526-3265
druout@gmail.com

HAND DELIVERED

Search Mail Search Web Hi, richard

INBOX | CONTACTS | CALENDAR | Fw: Sonoma Native A...

Compose

Inbox (3)
Drafts (2)
Sent
Spam (1)
Trash

FOLDERS
AKL
Cameron
Cookie Recipes
Cozumel,Mx-08
Cozumel,Mx-08-a
Cozumel,Mx-08-b
Enigma
GAMES
Games P. Dogs
Great Map Weather
hawk
Iverson Boys
JD RICHEY
JP2008
JP-2nd B-day
Kitchen Counters
Kyn-Jas,Everett-07
More JP and Dad-08
My Photos
Need to reply
Pam n Keith
Sep Por Fishing
The Pit
Utah Fish Lic.

MESSENGER
Me: Available
All contacts are currently offline.

APPLICATIONS

New Rule in California
San Francisco - Do not pay you

Send Save Draft Saved at 4:20 PM Cancel

To RGJESTLAND@sonomacity.org

CC

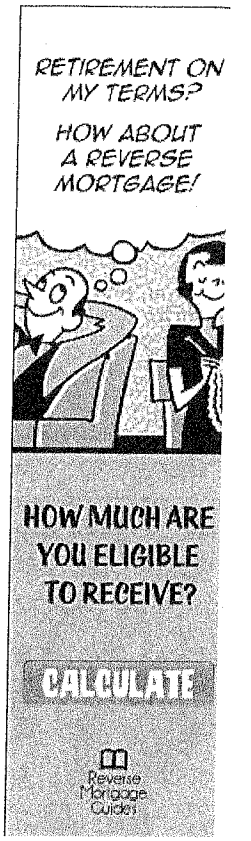
Hide CC BCC

Subject Fw: Sonoma Native American Site Degrigation

Rob - I'm forwarding the attached memo, regarding the sub listed, which I sent to The Sonoma League for Historic Pres earlier today. I expressed my concern for the recognition/preservation of the Native American/Miwok Trib of this hot water artesian well. I have not seen any such me *this* unique and historic well relative to the EIR approved by Planning Commission in relation to the proposed developme site, nor am I aware that the City has had any input on this development and/or site degradation in this regard. These are certainly worthy of considerations.

Sincerely,

RL Menefee



----- Forwarded Message -----
From: richard menefee <dnand@att.net>
To: "wwvineyards@comcast.net" <wwvineyards@comcast.net>
Cc: "robertcdemler@gmail.com" <robertcdemler@gmail.com>; "sonomafogg@aol.com"

RECEIVED
AUG 14 2013
CITY OF SONOMA

Search Mail Search Web Hi, richard

SENT | CONTACTS | CALENDAR | Re: ???? | Don't Look Down | Sonoma Native Ameri...

Compose Delete Move Actions

Inbox (3)
Drafts (1)
Sent
Spam (160)
Trash (11)

FOLDERS
AKL
Cameron
Cookie Recipes
Cozumel,Mx-08
Cozumel,Mx-08-a
Cozumel,Mx-08-b
Enigma
GAMES
Games P. Dogs
Great Map Weather
hawk
Iverson Boys
JD RICHEY
JP2008
JP-2nd B-day
Kitchen Counters
Kyn-Jas,Everett-07
More JP and Dad-08
My Photos
Need to reply
Pam n Keith
Sep Por Fishing
The Pit
Utah Fish Lic.

MESSENGER
Me: Available
All contacts are currently offline.

APPLICATIONS

750 or above is a GREAT Credit Score! How do YOU compare?
Excellent
Good
Fair
Poor

Sonoma Native American Site Degrigation Wed, Aug 14, 2013 at 9:25 AM

From richard menefee
To wwvineyards@comcast.net
CC robertcdemler@gmail.com sonomafogg@aol.com

Dear Ms Wimmer:
As President of Sonoma League for Historic Preservation, I bring to you, League Officers and League General Members what is about to happen to a *very special* Communal/Spiritual aspect of the early Native American Miwok tribe(s) of the "Valley of the Moon" / Sonoma.

The Coast Miwok Tribe(s) in the Valley of the Moon had a "natural facility" that was far different than what other Tribes in the Valley of the Moon, or other near areas, had. That "facility" was hot water artesian well, which was located in the vacant property just East of the Blue Wing Hotel and diagonally across Spain East Street from Mission San Francisco Solano.

There is/was no other such natural artisian hot water well, of such intrinsic value, within Sonoma Valley. Therefore, I believe that since the City of Sonoma has taken very significant steps in the past (ie: I believe 1994) in preventing the loss of this site to any development , including Residential - Commercial, and that there is a total absence of any such cause now to degregate this property.

I believe that now is the time for the City of Sonoma to claim this property a "Significant Native American Historical Site". With the assistance, of the "League", other organizations with historical concerns, and the concerned community at-large, the City might declare "Eminant Domain" on this parcel and develope a minimally intrusive park in memory of the Native American Miwok Tibe and the now dormant "Hot Water Artesian Well".

Sincerly,

RLMENEFEE (RETIRED)
DISTRICT SUPERINTENDENT
CALIFORNIA STATE PARKS

RECEIVED
NOV 03 2013
CITY OF SONOMA

11/7/13

To the Sonoma Planning Commission:

I RECENTLY HAVE BEEN APPRISED OF THE FACT THAT THE MISSION SQUARE PROJECT, AS ORIGINAALY PROPOSED, WAS DEFEATED BY THE SONOMA CITY COUNCIL SOME TIME IN THE MIDDLE 1970S.

THIS HAS BEEN VERIFIED BY DAVID BOLLING, THE EDITOR OF THE SONOMA INDEX TRIBUNE.

I WAS TOLD BY A RELIABLE SOURCE THAT INDEED AN INDIAN TRIBE HAD PUT IN A WELL ON SAID PROPERTY.

I HAVE BEEN TYING TO VERIFY THIS IN WRITING, BUT AM HAVING DIFFICULTY FINDING THE PROPER ARCHIVAL INFORMATION.

HOWEVER, I WOULD LIKE TO KNOW WHY ANY HOUSING SHOULD BE BUILT ON PROPERTY THAT IS, INDEED,ON AN HISTORICIPAL OVERLAY.

VERY SINCERELY, Sheila Cole

SHEILA COLE
619 GREGORY CIRCLE
SONOMA, CA. 95476

ran out of large envelopes — sorry
wanted to get this to you quickly!

Rob Gjestland

From: Rob Gjestland
Sent: Thursday, September 12, 2013 10:15 AM
To: laura.wilson@parks.ca.gov
Cc: 'dnand@att.net'
Subject: FW: Well - 165 East Spain Street
Attachments: Minutes re Camille Apts.pdf

Hi Laura:

We identified the previous project on the Mission Square site that Dick Menefee was referring to.

On 3/15/73, the Planning Commission (PC) considered and conditionally approved the application of Camille Enterprises to develop a 21-unit apartment complex on the site, which at that time was zoned R-3 (Multi-Family Residential District). Due to subsequent project revisions and new CEQA requirements coming into effect during this timeframe, staff subsequently recommended preparation of an EIR for the project.

The applicant appealed the staff determination for an EIR to the PC and at a meeting on 5/3/73 the PC directed staff to file a Negative Declaration for the project and did not require an EIR. State Parks challenged this decision so it was reconsidered by the PC again on 6/7/73 and 6/21/73, and ultimately the PC reversed their decision and required an EIR for the project.

The applicant then appealed the PC's decision to require an EIR for the project to the City Council (CC).The appeal was heard on 7/9/73 and the CC ultimately upheld the decision of the PC to require an EIR. As a result, the applicants decided not to pursue the project and therefore no environmental analysis was undertaken.

As reflected in the relevant PC and CC minutes (attached), concerns expressed by State Parks and the National Parks Service at that time were focused on potential traffic impacts, and the potential for the project (described as having a modern/contemporary design) to adversely impact the historic setting/integrity of the surrounding area and nearby historic resources, including the Blue Wing Inn.

The minutes do not include any reference to the artesian well located on the site. Accordingly, it seems to City Staff that Mr. Menefee may have misremembered the specifics of this project, as there is no reference in the record to the artesian well and it was evidently not a factor in any of the decisions regarding the project.

As previously noted the Mission Square Draft EIR and the Mission Square Revised FEIR discuss the well in the excerpts that were provided with my email of 8/14/13.

Sincerely,

Rob Gjestland
Senior Planner
City of Sonoma
(707) 933-2202

Rob Gjestland

From: Rob Gjestland
Sent: Wednesday, August 14, 2013 11:02 AM
To: lwilson@parks.ca.gov
Cc: David Goodison
Subject: Well - 165 East Spain Street
Attachments: Well_MissionSquare_DEIR.pdf; Well_MissionSquare_RevFEIR.pdf; MissionSquare_RevFEIR-May2013-MMComment.pdf

Hi Laura:

Please see the attached excerpts from the Mission Square Draft EIR and the Mission Square Revised FEIR with respect to the well located on the site.

We are reviewing the 1974 City Council minutes regarding a decision for another project on the site and will get back to you with the results of our search.

Sincerely,

Rob Gjestland
Senior Planner
City of Sonoma
(707) 933-2202

3 PROJECT DESCRIPTION

This Environmental Impact Report (EIR) is being prepared for the City of Sonoma to evaluate potential environmental impacts resulting from the construction and operation of a mixed-used development consisting of 23 apartment units and 5,720 square feet of commercial building area. This EIR will focus on the following environmental topics: Land Use, Public Policy, Traffic, Aesthetics, Cultural Resources, Public Services, Utilities, Geology, Hydrology, Air Quality and Noise. Based on an Initial Study (IS) completed for the Mission Square project, the following environmental topics will be excluded from detailed analysis in this EIR: Biological Resources, Hazardous Materials, Mineral Resources, and Population and Housing. Additional information on why these environmental topics have been scoped out of this EIR can be found within the respective chapters of this EIR.

A. Project Site Location and Characteristics

The proposed project site is located in the City of Sonoma, approximately 45 miles north of San Francisco. Sonoma is located east of Petaluma and west of the City of Napa. The project site's regional location is illustrated in Figure 3-1.

The proposed project site is located in northeastern Sonoma in its Downtown District, south of Sonoma Mountain Cemetery, north of East Napa Street and within the city's Historic Overlay District. The project site's local location is illustrated in Figure 3-2.

The proposed project site is a flat, 1.13-acre, L-shaped parcel located at 165 East Spain Street. Located on the south side of East Spain Street, a half-block east of the Sonoma Plaza, the site is currently developed with a vacant, single-family home located on the northeast corner of the property. The house was constructed in 1922, and is listed as a contributing structure to the Sonoma Plaza Historic District, which is on the National Register of Historic Places. The remainder of the site is vacant and sparsely vegetated. An artesian well, sealed with a wooden cover, is located on the west side of the project site,

approximately halfway from the north property line. The well is no longer in use; its casing has been filled with gravel and other materials that render it permanently inoperable. A driveway originating from East Spain Street runs along the west side of the site for about two-thirds of its length and connects to an adjoining commercial parking lot located behind the Mercato commercial complex. Other adjoining uses include the following:

- Uses to the west of the site include a series of parking lots that serve the commercial and retail uses fronting First Street East on the east side of Sonoma Plaza. The historic Blue Wing Inn, which is not open to public use at present, is west of the project site on East Spain Street and separated from the project site by an intervening commercial parcel. Two commercial buildings are located further west along East Spain Street.
- Uses to the north of the site include the Sonoma Mission State Park across East Spain Street to the northwest of the project site. Other uses to the north include single-family residences, and immediately opposite the site, an open field. This field is owned by the Castagnasso family and is currently used to keep horses.
- Uses to the east of the site include low- and medium-density residential, consisting mainly of single-family homes.
- Uses immediately south of the site consist primarily of parking lots that serve commercial uses fronting the north side of East Napa Street. Across East Napa Street are more commercial establishments, including restaurants. Several single-family homes are also located along this side of East Napa Street. South of East Napa Street uses are primarily residential.

The proposed project is located within both the Downtown District and the Sonoma Plaza Historic District as illustrated in Figures 3-3 and 3-4. The provisions related to these area designations are discussed in Chapter 4.11, Public Policy, of this EIR.

The proposed project could affect the multiple-property designations by changing important characteristics of a single property or by affecting a district as a whole. The district as a whole could suffer an impact if the proposed project would disrupt important characteristics of the district such as building scale and placement, building materials and design, and site and landscaping. There would be an adverse effect on specific contributing properties in the district if the proposed project would impair their integrity as discussed under the National Historic Landmark Designation below.

i. Sonoma Historic Resources Survey

The Sonoma Historic Resources Survey contains a context statement for bungalows, but this does not include a description of site characteristics. The DPR 523a form prepared by San Bueanventura Research Associates for the Pinelli Bungalow describes a mature pecan tree behind the house, an underground artesian well, and a creek that was replaced with an underground conduit between 1911 and 1922 as the only site features of the Pinelli Bungalow. The Sonoma Survey also includes an earlier 523 form, apparently from 1979. This form calls out a cactus plant reportedly planted and used by the Indians and Rosa Pinelli, and says the "remains" of the creek are still present on the site. This form lists the address of the property as 155 East Spain Street. While the Sonoma Survey does not specifically call out the siting of the bungalow, its assessment of the building would typically give this characteristic some importance; for this reason, the same level of impact as described below for the National Register District would apply to the Sonoma Survey. In addition, the local survey forms call out the pecan tree, well, cactus plant, and creek. The modified project would retain the pecan tree, but the cactus plant would be removed. The project would cap the well to build a driveway over it. Because the well is already below grade and does not convey its identity visually, this treatment would fall within the Secretary's Standards. Moreover, a 1979 523 form says the "remains" of the creek are still present on the site, but it was not possible to determine on the basis of a site visit in September, 2006 what these remains were. The DPR 523 forms do not say that the significance of the property hinges on these features.

The proposed project would be closer to the Pinelli Bungalow than to the other properties listed in Table 4-10.3. The analysis above of potential impacts on the Pinelli Bungalow discusses why the proposed project would not cause a significant impact on it under the CEQA Guidelines. The proposed development would have little visual connection to 400 First Street East, and would conform to Standard 9 regarding new construction. Buildings 2 and 3 would also conform to Standard 9 overall despite some materials and design elements not typical of the district, be-

LETTER 9

Mary Martinez
P.O. Box 534
Sonoma, California
95476

25 January 2007

Sonoma Planning Commission
#1 The Plaza
Sonoma, California
95476

Ladies & Gentlemen:

As a property owner and taxpayer in the City of Sonoma, I want to urge you to consider the following during your study and decision-making process for the project proposal at 165 East Spain Street, a historic parcel adjacent to the Blue Wing Inn:

- The **Blue Wing Inn** is a very important historic building located in the heart of the State Historic Park District in the city of Sonoma;
- Any new structures considered for this parcel facing East Spain Street exceeding the height of the Blue Wing Inn would seriously compromise the integrity of the Historic State Park District (See figure 4.2-9 Draft EIR.); 9-1
- A historic **SPRING** is located on the parcel to be developed. What will become of the spring? There is also a seasonal **CREEK** that is an important part of the run off in the natural flood plan. East Spain Street has flooded in the past and will flood in the future – perhaps more seriously as the natural pathways are diverted. Consider previous floods (including January 2000 and December 2005) and the impact on the entire City of Sonoma and surrounding areas. 9-2
- **PARKING** is already overflowing into residential neighborhoods, particularly on week-ends and during peak tourist season. What will be done to insure adequate parking for existing residences, businesses and offices in the neighborhood? The amount of square footage allowed for "build out" on this property should be carefully considered due to the proximity to the Plaza and neighbors. 9-3
- **TRAFFIC** is already very dangerous on the "alley" next to the Black property (Anne Appleman's Florist). A separate entrance should be created for this particular parcel rather than allowing the widening of the existing "alley". During the construction of the Mercado I & II complex, a turn-out was created to allow for safer easement. As a 1-way easement, it is currently extremely dangerous when entering East Spain Street. As a 2-way easement, it will be even more dangerous and may cause the loss of precious on-street parking spaces. 9-4

Your decision will impact generations of Sonoma residents and visitors. Please make your recommendations and decisions carefully with consideration for the entire community as a whole not simply one developer.

Sincerely yours,

Mary Martinez

LETTER 9: Mary Martinez, P.O. Box 534. January 25, 2007.

9-1: The comment says any structure on East Spain Street higher than the Blue Wing Inn "would seriously compromise the integrity of the Historic State Park District." The height of the Blue Wing Inn at the roof peak measures approximately twenty-two and a half (22.5) feet. Building 1 as proposed would stand 26 feet high (see Figure 1-4 on page 1-12 of this Revised FEIR) and the roof line of Buildings 2-4 would stand at 24 feet (see Figure 1-4 and 1-6 on pages 1-12 and 1-14, of this Revised FEIR, respectively). The National Register Criteria and the Secretary of the Interior's Standards for Rehabilitation both consider size and scale in assessing new construction in a historic district. Building 1 of the proposed project would be two stories high, like the Blue Wing Inn. A new structure is not considered inherently compatible if it is lower than a historic one, or incompatible if it is higher. The massing, size, and scale of Building 1 is compatible with that of contributing buildings in the district, overall. No change to the DEIR is required.

9-2: The existing well on-site would be capped and abandoned in conformance with the requirements of the Sonoma County Environmental Health Division. As part of the site investigation completed under the previous development proposal for the site (Artesian Lodge), the well was investigated and it was found that it had been filling up with debris. It was recommended that it be capped and abandoned.

In terms of flooding, the Hydrology section of the DEIR examines the issues identified in the comment. This Revised FEIR shows revisions to Mitigation Measure HYDRO-4 that requires the project to implement the measures specified in the applicant's recently-completed Stormwater Mitigation Plan in order to provide sufficient storage volume for runoff produced by a 85th percentile 24-hour rainfall event.

9-3: Please refer to the responses provided for Comment 7-4 in Letter 7 and Comment 6-3 in Letter 6.

9-4: This statement of opinion is acknowledged. The project traffic analysts requested police input regarding safety for vehicles turning onto East Spain Street from the one-way alley. Traffic Deputy Mike Baraz states that to the best of his knowledge, during the 2.5 years that he has handled traffic issues for the City of Sonoma, there have been no collisions at the

November 14, 2013
Agenda Item 3

M E M O

To: Planning Commission

From: Planning Director Goodison

Re: Proposed amendments to the Development Code to implement Housing Element programs

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Background

Implementation Programs #21 and #22 of the Housing Element calls upon the City to make adjustments to various provisions of the Development Code in order to facilitate the provision of affordable and comply with changes in State law. Accordingly, staff has prepared amendments in four areas of the Development Code for the Planning Commission's consideration:

1. *Clarification of Provisions Regarding Inclusionary Affordable Units and the Calculation of Density Bonuses*

   The proposed revisions reflect changes in State law regarding the calculation of density bonuses, as well as guidance from the Department of Housing and Community Development (HCD) that required inclusionary units must be counted when calculating a density bonus. See attachment A of the draft ordinance. Note: the percentage calculations associated with density bonus are now so detailed and complex that the Development Code would simply reference the applicable section of the State Government Code rather than attempt to reproduce it.

2. *Modifications to Use Permit Requirements for Emergency Shelters*

   SB 2, which was adopted in 2007, provides that every city and county in California shall identify a zoning designation within which emergency shelters are allowed without a use permit or other discretionary review. However, jurisdictions may identify objective development and management standards that would apply to such shelters. Staff suggests that emergency shelters accommodating ten beds or fewer be identified as a permitted use in the "P" (Public Zone). Along with this change, development and management standards are proposed. (See attachment B to the draft ordinance.)

3. *Establishing a Definition for "Agricultural Employee Housing"*

   A definition for "Agricultural Employee Housing" is provided and is identified as a permitted use in the Agricultural zone.

4. *Allowance for Residential Care Facilities in the Mixed Use Zone*

   Currently, Residential Care Facilities serving seven or more clients are identified as a conditionally-allowed use in the Low-Density Residential zone, the Sonoma Residential zone, and the Medium Density Residential zone. The proposed ordinance would allow for such facilities as a conditionally-allowed use in the Mixed Use zone.

While these changes do not address all of the directions contained in the two programs, they would accomplish a significant number of them.

Environmental Review

The adoption of amendments to the Development Code implementing revisions that are called for in the Housing Element and that are necessary to comply with State law is exempt from environmental review, because there is no reasonably foreseeable likelihood that such actions would result in any significant environmental impact.

Recommendation

Staff recommends that the Planning Commission hold a public hearing on the proposed amendments to the Development Code and recommend to the City Council that they be adopted.

Attachments:
1. Housing Element Programs #21 and #22
2. Draft Ordinance

While Sonoma currently provides flexibility in its parking standards to encourage housing which offers a particular community benefit, such as serving a special needs population or providing live-work units, the City could provide greater certainty to developers by incorporating refined multi-family parking standards within the Code. As discussed in the Governmental Constraints section of the Housing Element Background Report, the current multi-family parking standards of 1.5 spaces regardless of the number of bedrooms could potentially serve as a disincentive to the provision of studio and one-bedroom units. To better facilitate the provision of a variety of housing types and sizes, the City will re-evaluate its residential parking requirements and refine as appropriate.

> ***2009-2014 Objective:*** *Continue to provide options for reduced parking as an incentive for development of affordable, special needs, mixed use, live-work, and pedestrian oriented housing. By 2011, re-evaluate multi-family parking standards and modify as appropriate.*

21. Affordable Housing Density Bonus

Pursuant to current state density bonus law *(Govt Code section 65915),* applicants of residential projects of five or more units may apply for a density bonus and additional incentive(s) if the project provides for one of the following:

- ✓ 10 percent of the total units for lower income households; or
- ✓ 5 percent of the total units for very low income households; or
- ✓ A senior citizen housing development or mobilehome park that limits residency based on age requirements for housing for older persons; or
- ✓ 10 percent of the total dwelling units in a condominium for moderate income households.

The amount of density bonus varies according to the amount by which the percentage of affordable housing units exceeds the established minimum percentage, but generally ranges from 20-35 percent above the specified General Plan density. In addition to the density bonus, eligible projects may receive 1-3 additional development incentives, depending on the proportion of affordable units and level of income targeting. The following development incentives may be requested:

- ✓ Reduced site development standards or design requirements.
- ✓ Approval of mixed-use zoning in conjunction with the housing project.
- ✓ Other regulatory incentives or concessions proposed by the applicant or the City that would result in identifiable cost reductions.

Applicants are also eligible to utilize the State's alternative parking ratio (inclusive of handicapped and guest spaces) of 1 space for 0-1 bedroom units, 2 spaces for 2-3 bedroom units, and 2.5 spaces for 4+ bedrooms.

Sonoma has approved density bonuses for several affordable housing projects in the past, including Firehouse Village and Maysonnave Apartments. Subsequent to adoption of its Development Code, SB 1818 made significant changes to State density bonus law which now need to be incorporated into the Code. In addition, the City's density bonus ordinance needs to clarify that provision of required inclusionary units qualifies for a density bonus.

> ***2009-2014 Objective:*** *Update Chapter 19.44 of the Development Code by 2010 to reflect current State density bonus provisions and clarify the relationship between local inclusionary requirements and eligibility for density bonus eligibility. Advertise on Sonoma's website, and promote in conjunction with discussions with development applicants.*

22. Zoning Text Amendments

As part of the Governmental Constraints analysis for the Housing Element update and pursuant to new requirements under SB 2, several revisions to the Sonoma Development Code have been identified as appropriate to better facilitate the provision of a variety of housing types. These Code revisions include:

- ✓ Develop a definition of "family" which is inclusive and non-discriminatory, and incorporate into the Development Code.
- ✓ Create a "community care facility" use category and definition and distinguish from residential care homes; list community care facilities with 6 or fewer occupants as permitted in residential zone districts; designate zone districts where care facilities with 7 or more occupants will be permitted or conditionally permitted.
- ✓ Establish a single room occupancy (SRO) definition and use category in the Development Code and identify zones in which SROs will be permitted by right and/or with a use permit. Establish development standards for SROs.
- ✓ Create a supportive housing use category and definition. Utilize the same standards and permitting procedures to regulate supportive housing and transitional housing as other residential uses of the same type in the same residential zone district.
- ✓ Identify emergency shelters as a use permitted in the Public (P) zone district by-right without any discretionary action required. Emergency shelters will be subject to the same development and management standards as other uses permitted in the P zone. However, the City will develop written, objective standards to regulate the following, as permitted under SB 2:
  - The maximum number of beds or persons permitted to be served nightly;
  - Off-street parking;
  - The size and location of exterior and interior onsite waiting and client intake areas;
  - The provision of onsite management;
  - The proximity of other emergency shelters;
  - The length of stay;
  - Lighting;
  - Security during hours that the emergency shelter is in operation.
- ✓ Establish a definition for agricultural employee housing and use category in the Development Code. Utilize the same processing procedures to regulate agricultural employee housing as other agriculture uses within the Agriculture zone district, and for agricultural employee housing with six or fewer workers, regulate as a single-family use, consistent with H&S Code 17021.5-6.

2009-2014 Objective: *Amend the Zoning Ordinance in 2010 to make explicit provisions for a variety of special needs housing. Develop objective standards to regulate emergency shelters as provided for under Senate Bill 2.*

EQUAL HOUSING OPPORTUNITIES AND SPECIAL NEEDS

23. Fair Housing Program

Fair Housing of Sonoma County (FHOSC) is the designated provider of fair housing and tenant-landlord information throughout the County. FHOSC provides fair housing investigation and coordinates referral services to assist individuals who may have been the victims of discrimination. They maintain a fair housing hotline (707)579-5033 and provide bi-lingual in-person counseling at their offices in Santa Rosa. Fair housing education and outreach includes publication and distribution of *A Handbook for Landlords & Tenants*, and presentations to community groups and housing providers on fair housing issues.

2009-2014 Objective: *Continue to promote fair housing practices, and refer fair housing complaints to Fair Housing of Sonoma County. As a means of furthering fair housing education and outreach in the local community, the City will advertise the fair housing program through placement of fair housing services brochures at the public counter, the Sonoma Community Center and on the City's website.*

24. Universal Design

CITY OF SONOMA

ORDINANCE NO. X - 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY MAKING REVISIONS IN ACCORDANCE WITH IMPLEMENTATION MEASURES OF THE CITY'S HOUSING ELEMENT

The City Council of the City of Sonoma does ordain as follows:

Section 1. Amendments to "Affordable Housing Requirements and Incentives" (Title 19, Chapter 19.44) of the Sonoma Municipal Code.

Chapter 19.44 is hereby amended as set forth in Exhibit "A".

Section 2. Amendments to "Zones and Allowable Uses" (Title 19, Section 19.10.050) of the Sonoma Municipal Code.

A. Table 2-4 (Special Purpose Uses and Permit Requirements) is hereby amended as follows:

Allowed Uses and Permit Requirements for Commercial Zoning Districts	*Permit Required by District*				*P Use Permitted* *UP Use Permit required* *L License required* *— Use not allowed*
Land Use (1)	*A*	*Pk*	*P*	*W*	*Specific Use Regulations*
Residential Uses (2)					
Agricultural Employee Housing	*P*	—	—	—	
Caretaker and Employee Housing	*UP*	*UP*	*UP*	*UP*	
Emergency Shelters, 9 or fewer beds ~~and Transitional Housing~~	—	—	*~~UP~~ P*	—	*19.50.035*
Emergency Shelters, 10 or more beds	—	—	*UP*	—	
Residential Accessory Structures and Uses	*P*	—	—	—	*19.50.035*
Single-Family Dwellings	*P*	—	—	—	*19.50.035*
Transitional Housing	—	—	*UP*	—	
Notes: *1. See Section 19.10.050.C regarding uses not listed. See Division VIII for definitions of the listed land uses.* *2. New residential developments subject to the City's Growth Management Ordinance (SMC 19.94).*					

B. Table 2-3 (Mixed Uses and Permit Requirements) is amended as follows:

Allowed Uses and Permit Requirements for Commercial Zoning Districts (1)	*Permit Required by District (2)*	*P Use Permitted* *UP Use Permit required* *L License required* *— Use not allowed*
Land Use	*MX*	*Specific Use Regulations*
Residential Uses (4)		
Emergency Shelters~~/Transitional Housing~~	*UP*	*19.50.033*
Live/Work Facilities	*UP*	*19.50.050*
Multi-family Dwelling (Four or fewer units)	*P*	
Multi-family Dwelling (Five or fewer units)	*UP*	
Residential Care Homes, Seven or more clients	*UP*	
Single-Family Dwellings	*P*	
Transitional Housing	*UP*	
Notes: *1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.* *2. New development in the Mixed Use zone shall include a residential component unless waived by the planning commission through use permit review (see SMC 19.10.020(C)).* *3. Uses within these categories are allowed only if the planning commission finds that the use will not result in the encroachment of incompatible commercial uses within an established residential area.* *4. New residential developments subject to the city's growth management ordinance.* *5. Limited to a single residence on an existing lot of record; otherwise, use permit approval is required.* *6. On sites of one acre in size or larger.*		

Section 3. Amendments to "Special Use Standards" (Title 19, Division IV) of the Sonoma Municipal Code establishing standards and requirements for Emergency Shelters.

Chapter 19.50 is hereby amended as set forth in Exhibit "B".

Section 4. Amendments to "Definitions" (Title 19, Division VIII) of the Sonoma Municipal Code.

Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended as follows:

"Agricultural Employee Housing" means housing as described in California Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in California Health and Safety Code Section 17008.

"Emergency Shelters" means ~~facilities for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency. (See also "Transitional housing.").~~ temporary lodging for homeless persons with minimal supportive services that may be limited to occupancy of six months or less.

"Transitional housing" means ~~any dwelling unit or group living accommodation designed or operated as temporary living quarters or residence for homeless persons or victims of abuse. This definition does not include any facility licensed as a community care facility by the California Department of Social Services or defined as such in this chapter.~~ any dwelling unit or a Group Living Accommodation configured as a rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time.

Section 5. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that the proposed revisions to the Development Code, which are intended to implement directions set forth in the Housing Element and comply with State law, will not have any significant impact on the environment.

Section 6. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of XX, 2013.

EXHIBIT A

Chapter 19.44
AFFORDABLE HOUSING REQUIREMENTS AND INCENTIVES

Sections:

19.44.010 Purpose.
19.44.020 Inclusionary units.
19.44.025 Eligibility for bonus and incentives.
19.44.030 Types of bonuses and incentives allowed.
19.44.040 Continued availability.
19.44.050 Location of inclusionary and bonus units.
19.44.060 Processing of density bonus/incentive requests.

19.44.010 Purpose.

This chapter delineates city requirements pertaining to inclusionary affordable units. In addition, as required by state law (Government Code Section 65915), this chapter offers incentives to developers for providing housing that is affordable to the types of households and qualifying residents identified in SMC 19.44.025, Eligibility for Bonus and Incentives. The incentives include the ability to construct ~~up to 25 percent~~ more residential dwelling units than normally allowed by the applicable General Plan designation and zoning district, and other incentives and concessions provided by this chapter. In offering these incentives and concessions, this chapter is intended to implement the requirements of state law (Government Code Sections 65302, 65913, and 65915, et seq.).

19.44.020 Inclusionary units.

In order to ensure an appropriate variety of unit types and residential living opportunities in new development, inclusionary affordable units shall be provided as follows:

A. Sonoma Residential District. In the Sonoma Residential zoning district:

1. A development containing five or more parcels or units shall provide that at least 20 percent of the total parcels or units are affordable to households in the low and moderate income categories; and

2. At least one-half of the affordable parcels or units of any residential development containing 10 or more parcels or units shall be affordable to households in the low income category.

B. In Other Residential Zoning Districts. A development containing five or more residential parcels or units shall provide that at least 20 percent of the total parcels or units are affordable to households in the low and moderate income categories.

C. Affordable. Affordable shall be defined as "affordable housing unit" ~~in the 1995 – 2005 General Plan~~ consistent with the most-recently adopted affordability policies of the City of Sonoma.

19.44.025 Eligibility for bonus and incentives.

In order to be eligible for a density bonus and other incentives provided by this chapter, a proposed residential development project shall include a minimum of five units and shall comply with the following provisions.

A. Number of Units. At least:

1. Lower Income. ~~Twenty~~ Ten percent of the total number of proposed dwelling units shall be for lower income households, as defined in Health and Safety Code Section 50079.5; or

2. Very Low Income. ~~Ten~~ Five percent of the total number of proposed dwelling units shall be for very low income households, as defined in Health and Safety Code Section 50105; or

3. Moderate Income. Ten percent of the total number of proposed dwelling units within a condominium or common interest development shall be for moderate income households, as defined in Health and Safety Code Section 50079.5; or

~~3. Other Qualifying Residents. Fifty percent of the total number of proposed dwelling units shall be for qualifying residents as determined by Section 51.2 of the Civil Code.~~

4. Senior Housing. A senior citizen housing or mobile home park that limits residency based on age requirements to provide housing for older persons, consistent with Section 51.3 and 5.12 of the California Civil Code.

B. Conformance. In order to qualify for the bonus and other incentives identified in this chapter, the residential development project shall satisfy all other applicable provisions of this chapter.

19.44.030 Types of bonuses and incentives allowed.

A qualifying residential development project shall be entitled to the following density bonus and other incentives. If a density bonus and/or other incentives cannot be accommodated on a parcel due to strict compliance with the provisions of this development code, the planning commission is authorized to waive or modify development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.

A. Density Bonus.

1. Minimum Percentage Required. The density bonus allowed by this chapter shall consist of a ~~25~~ percentage increase in the number of dwelling units normally allowed by the General Plan designation and zoning district applicable to the parcel as of the date of filing for the development project application. The percentage increase shall be calculated in accordance with Government Code Section 65915(f). Inclusionary units required pursuant to section 19.44.020 of this Chapter shall be included when calculating a density bonus.

2. Only One. A single development project shall not be granted more than one density bonus in compliance with this chapter.

B. Incentives. A qualifying residential development project shall be entitled to ~~at least one of the following~~ incentives and/or concessions as provided for ~~identified~~ by state law (Government Code Section ~~65915(b)~~ 65915(k):

1. Reduction in Standards. A modification (reduction or increase) of the ~~parcel~~ site development standards of this development code (e.g., parking requirements, setbacks, site coverage, zero lot line and/or reduced parcel sizes, etc.) that would result in identifiable, financially sufficient, and actual cost reductions;

2. Mixed Use Zoning. Approval of mixed use zoning in conjunction with the residential development project if nonresidential land uses would reduce the cost of the project, and the nonresidential land uses would be compatible with the project and surrounding development; and

3. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the city that would result in identifiable financially sufficient, and actual cost reductions.

4. Alternative Parking Ratios. Use of the parking ratios provided for in Government Code Section 65915(p).

C. Approval of Incentives. Reductions in development standards for developments featuring density bonus units may be approved by the planning commission. The provision of any other incentives shall be subject to the approval of the city council. The council or commission shall approve ~~one or more of~~ the above incentives or concessions, notwithstanding ~~the~~ any other provisions of this chapter, unless it makes ~~a~~ written findings ~~that the additional concession or incentive is not required in order for the sales price or rent for the targeted dwelling units to be established~~ in compliance with state law (Government Code Section ~~65915(c)~~ 65915(d)). If no incentive is provided, then the term of affordability of the density bonus units shall be limited to 10 years.

19.44.040 Continued availability.

The land use permit application for the residential development project shall include the procedures proposed by the developer to maintain the continued affordability of the inclusionary and density bonus units in the following manner:

A. Development Projects with City Funding – 40 Years. Projects receiving a direct financial contribution or other financial incentives from the city, or a density bonus and at least one other concession or incentive, shall maintain the availability of the lower income density bonus units for a minimum of 40 years, as required by state law (Government Code Sections 65915(c) and 65916);

B. Private Development Projects – Inclusionary and Density Bonus Only – 30 Years. Privately financed projects that receive a density bonus as the only incentive from the city shall maintain the availability of lower income density bonus units for a minimum of 30 years; and

C. Affordability Agreement. Affordability shall be guaranteed through an "affordability agreement" executed between the developer and the city in a form approved by the city council and the city attorney. The agreement shall be recorded on the subject property with the county recorder's office before the issuance of building permits and shall become effective before final inspection of the first unit. The subject agreement shall be legally binding and enforceable on the property owner(s) and any subsequent property owner(s) for the duration of the agreement. The agreement shall include the following items:

1. Number and Duration. The number of, and duration of the affordability for, the affordable units;

2. Monitoring Affordability. The method in which the developer and the city are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;

3. Marketing of Units. The method in which vacancies would be marketed and filled;

4. Location and Type. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project; and

5. Standards for Incomes and Rents/Sales Prices. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices consistent with the most-recently adopted affordability policies of the City of Sonoma.

19.44.050 Location of inclusionary and bonus units.

As required by state law (Government Code Section 65915(g)), the location of density bonus units within the qualifying project may be at the discretion of the developer. Normally, inclusionary affordable units should be reasonably dispersed throughout the development and should be compatible with the design or use of the market-rate units in terms of appearance, materials, and finish quality. The clustering of affordable units may be permitted by the planning commission, when consistent with the design and site planning characteristics of a particular development.

19.44.060 Processing of density bonus/incentive requests.

Proposed density bonus/incentive requests shall require the approval of a conditional use permit in compliance with SMC 19.54.040, Use permits.

A. Initial Review of Bonus Request. The city planner shall notify the developer within 90 days of the filing of the conditional use permit application of whether the residential development project qualifies for the density bonus or incentive(s).

B. Criteria to Be Considered. Criteria to be considered in analyzing the request shall include the availability and capacity of infrastructure (road, sewer, and water capacity, school capacity, etc.) to accommodate the proposed residential density.

C. Findings for Approval. The granting of a density bonus shall be subject to the findings required for the approval of a conditional use permit (SMC 19.54.040(E)).

Exhibit B

Amendments to Chapter 19.50 (Special Use Standards)

Section 19.50.033 (Emergency Shelters) is hereby added to read as follows:

19.50.033 Emergency Shelters
This section provides development and operational requirements for emergency shelters, as defined in Division VIII, Chapter 19.92 (Definitions).

A. Site Development Standards. In addition to any other applicable requirements of the Development Code and any other applicable statutes and regulations, all emergency shelter facilities shall be subject to the following development standards:

1. Client Intake and Waiting Area. Each emergency shelter facility shall provide an onsite client intake and waiting area, subject to the following:

    a. The minimum area of a client intake and waiting area shall be no less than 10 square feet offioor area for each bed provided at the emergency shelter facility.

    b. A client intake and waiting area shall not be located within a required yard area. For an emergency shelter facility located in a zoning district where a yard setback is not specified, the client intake and waiting area shall not be located between a building and the public right-of-way.

    c. A client intake and waiting area shall be fully screened from view from all public streets adjoining the emergency shelter facility.

2. Exterior Lighting. Exterior lighting shall be provided throughout the facility to ensure the safety of all persons on-site. The placement, illumination, and shielding of such lighting shall be subject to the applicable provisions of the WMC.

3. Proximity to Other Emergency Shelters. No emergency shelter facility shall be less than 300-feet from any other emergency shelter facility. In determining the distance between two emergency shelter facilities, the distance shall be measured from the property line of one facility to the nearest property line of another facility.

B. Permitted Amenities and Services. A proposed emergency shelter facility offering immediate and short-term housing may provide on-site supplemental services and amenities to the homeless individuals and families staying at such facility. These on-site services and amenities may include, but are not limited to the following:

1. Recreation Area. An indoor and/or outdoor recreation area may be provided.

2. Counseling Center. A counseling center for job placement, education, health care, legal or mental services, or similar services intended to assist homeless clients may be provided.

3. Laundry Facilities. Laundry facilities, located within an enclosed structure may be provided.

4. Kitchen and Dining Hall. A kitchen for the preparation of meals serving on-site clients and a dining hall may be provided.

5. Client Storage. A client storage area for the personal belongs of the on-site clients may be provided.

C. Operational standards. All Emergency Shelter Facilities shall be subject to the following operational standards:

1. Maximum Stay. The maximum stay of any individual shall not exceed 120 days in a 365-day period.

2. Availability of Beds. Stays at an emergency shelter facility shall be on a first -come firstserve basis with clients housed on-site. Clients shall have no guaranteed bed for the next night.

3. Hours of Operation. Clients may only be permitted on-site and admitted to the emergency shelter facility between 5:00 PM to 8 AM. All clients shall vacate the emergency shelter facility no later than 8:00 AM.

4. Minimum Staffing Requirements. A minimum of one employee for each 15 beds within an emergency shelter facility shall remain awake and on-duty during the emergency shelter facility's hours of operation.

5. Counseling Referrals and Reporting. Any counseling programs are to be provided with referrals to outside assistance agencies.

D. Safety, Security, and Operational Plan. A Safety, Security and Operational Plan shall be submitted to the Police Chief for review and approval, prior to initial occupancy of an emergency shelter facility. The site-specific Safety, Security and Operational Plan shall address all of the following:

1. Facility Management. The provisions necessary to manage the ongoing emergency shelter facility's needs, both on and off-site, including, but not limited to, the separation of individual male and female sleeping areas, provisions of family sleeping areas, and the various services and functions of such facility shall be provided.

2. Client Congregation. The specific measures used by the emergency shelter facility to discourage clients from congregating off-site and/or disturbing nearby uses during the hours when clients are not allowed on site at the emergency shelter facility.

3. Admittance and Discharge. The provisions for the daily management for admittance and discharge procedures shall be provided, with the objective of giving priority to Westminster residents.

4. Refuse Collection. The refuse collections schedule to provide the timely removal of associated client litter and debris on and within the vicinity of the emergency shelter facility shall be provided.

5. Alcohol and Drug Regulation. The provisions for addressing how the operator will ensure that the emergency shelter facility remains alcohol and illegal drug free at all times.

6. Contact Information. The operator shall provide the City with the most current contact information for the operator of the facility during the normal daytime business hours, and the

nighttime contact information for the "person on duty' when the emergency shelter is receiving and housing clients. The appropriate email addresses, phone numbers and fax numbers shall be provided.

The Safety, Security and Operational Plan shall include a site plan and a floor plan of the emergency shelter facility. The Safety, Security and Operational Plan approved by the Police Chief shall remain in effect for the entire life of the emergency shelter facility, unless an amended plan is prepared by the operator and approved by the Police Chief.