

**SPECIAL & REGULAR MEETINGS OF THE SONOMA CITY COUNCIL  
&  
CONCURRENT REGULAR MEETING OF SONOMA CITY COUNCIL AS THE  
SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY  
DEVELOPMENT AGENCY**

*Community Meeting Room, 177 First Street West*

**Monday, February 3, 2014**

**5:00 p.m. Closed Session (Special Meeting)**

**6:00 p.m. Regular Meeting**

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**AGENDA**



City Council  
Tom Rouse, Mayor  
David Cook, Mayor Pro Tem  
Steve Barbose  
Ken Brown  
Laurie Gallian

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

**5:00 P.M. – SPECIAL MEETING - CLOSED SESSION AGENDA**

**1. CALL TO ORDER**

The Mayor will open the meeting and take public testimony on closed session items only. The Council will then recess into closed session.

**2. CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Cal. Gov't Code section 54956.9: One potential case.

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, pursuant to Government Code §54956.8. Property: Field of Dreams, located behind the Sonoma Police Department and Community Meeting Room at 177 First Street West. Agency Negotiators: Dan Takasugi, David Goodison and Carol E. Giovanatto. Negotiating Parties: Richard Goertzen. Under Negotiation: Price and terms of payment.

**6:00 P.M. – REGULAR MEETING AGENDA**

**RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**ROLL CALL** (Cook, Gallian, Barbose, Brown, Rouse)

**REPORT ON CLOSED SESSION**

**1. COMMENTS FROM THE PUBLIC**

*At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please step to the podium and speak into the microphone. Begin by stating and spelling your name.*

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

**Item 2A: Councilmembers' Comments and Announcements**

**3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF**

#### 4. PRESENTATIONS – None Scheduled

#### 5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

*All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.*

**Item 5A:** Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only. (Standard procedural action - no backup information provided)

**Item 5B:** Approval of the Minutes of the December 16, 2013 and the January 8, 2014 Council meetings.

Staff Recommendation: Approve the minutes.

**Item 5C:** Adoption of a resolution approving an amendment to the Memorandum of Understanding for the City of Sonoma Employees' Association/SEIU 1021 adding the classification of Storm Water Compliance Specialist to the list of represented classifications.

Staff Recommendation: Adopt the resolution.

**Item 5D:** Adoption of a resolution implementing the City Council's decision to uphold the appeal of the Planning Commission's decision to approve the application of AT&T for a Use permit to install a wireless telecommunication facility on the Sebastiani Winery site (389 Fourth Street East), including an 80-foot tall redwood monopine tower and fenced equipment shelter.

Staff Recommendation: Adopt the resolution upholding the appeal of the Planning Commission's decision to approve the application of AT&T for a Use permit to install a wireless telecommunication facility on the Sebastiani Winery site (389 Fourth Street East), including an 80-foot tall redwood monopine tower and fenced equipment shelter.

#### 6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

*All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.*

**Item 6A:** Approval of the portions of the Minutes of the December 16, 2013 and the January 8, 2014 City Council / Successor Agency Meetings pertaining to the Successor Agency.

Staff Recommendation: Approve the minutes.

**Item 6B:** Adoption of the FY 14-15A Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2014 through December 31, 2014.

Staff Recommendation: Acting as the Successor Agency, approve the ROPS for the period July 1, 2014 through December 31, 2014 as submitted for presentation to the Oversight Board on February 12, 2014.

**7. PUBLIC HEARING**

**Item 7A:** Discussion, consideration and possible action on an appeal of the Planning Commission’s decision to approve 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. An Environmental Impact Report for the proposed project was certified on July 18, 2013, by the adoption of a Resolution. The City Council will consider the previously certified environmental impact report as part of the Council action on this project, however, the environmental impact report is not a subject of the appeal. (Planning Director/Senior Planner)  
Staff Recommendation: Deny the appeal, upholding the decision of the Planning Commission.

**8. REGULAR CALENDAR – CITY COUNCIL**

*(Matters requiring discussion and/or action by the City Council)*

**Item 8A:** Approval of a Resolution declaring a Stage 1 Water Shortage Alert, requesting a voluntary 15 percent reduction in water use from all City water customers. (Public Works Director)  
Staff Recommendation: Adopt the resolution.

**Item 8B:** Discussion and Consideration to Send Letter to Assemblymember Member Marc Levine to Request Easement to Allow Dogs on State Property [Requested by Mayor Pro Tem Cook] (City Manager)  
Staff Recommendation: Council discretion.

**Item 8C:** Discussion, consideration and possible action providing direction to the Mayor regarding the City’s vote on appointments by the City Selection Committee and the Sonoma County Mayors’ and Councilmembers’ Association at their February 13, 2014 meetings. (Assistant City Manager/City Clerk)  
Staff Recommendation: Provide direction to the Mayor.

**9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY**

*(Matters requiring discussion and/or action by the Council as the Successor Agency)*

**10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS**

**Item 10A:** Reports Regarding Committee Activities.

**Item 10B:** Final Councilmembers’ Remarks.

**11. COMMENTS FROM THE PUBLIC**

**12. ADJOURNMENT**

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on January 30, 2014. Gay Johann, Assistant City Manager/City Clerk

***Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are normally available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk's office, No. 1 The Plaza, Sonoma CA during regular business hours.***

***If you challenge the action of the City Council 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 City Clerk, 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.***



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5B

Meeting Date: 02/03/2014

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**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

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**Agenda Item Title**

Approval of the Minutes of the December 16, 2013 and the January 8, 2014 Council meetings.

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**Summary**

The minutes have been prepared for Council review and approval.

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**Recommended Council Action**

Approve the minutes.

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**Alternative Actions**

Correct or amend the minutes prior to approval.

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**Financial Impact**

N/A

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**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

Minutes

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**Alignment with Council Goals:** N/A

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**cc:** N/A

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CONCURRENT REGULAR MEETINGS OF THE  
SONOMA CITY COUNCIL  
&  
SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE  
DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY

Community Meeting Room, 177 First Street West  
Sonoma CA 95476



Monday, December 16, 2013

6:00 p.m.

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MINUTES

City Council  
Tom Rouse, Mayor  
David Cook, Mayor Pro Tem  
Steve Barbose  
Ken Brown  
Laurie Gallian

**OPENING**

Mayor Rouse called the meeting to order at 6:00 p.m. Francisco Chavez led the Pledge of Allegiance.

PRESENT: Mayor Rouse and Councilmembers Barbose, Brown, Cook and Gallian  
ABSENT: None

ALSO PRESENT: City Manager Giovanatto, City Clerk/Assistant to the City Manager Johann, City Attorney Walter, Development Services Director Wirick, Public Works Director Takasugi, Associate Planner Atkins and Planning Director Goodison.

**1. COMMENTS FROM THE PUBLIC**

Wendy Peterson and Janice Snyder announced that Eminent Design was the winner of the Visitor Bureau-sponsored Holiday Window Contest.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

**Item 2A: Councilmembers' Comments and Announcements**

Mayor Rouse and Councilmembers commented on the passing of Council-watcher Herb Golenpaul and dedicated the meeting in his memory.

**3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF**

There were no comments or announcements.

**4. PRESENTATIONS**

**Item 4A: Recognition of Francisco Chavez - Boys & Girls Club of Sonoma Valley 2013 Youth of the Year**

Mayor Rouse congratulated Francisco Chavez and presented him a certificate of recognition.

**5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL**

- Item 5A:** Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.
- Item 5B:** Approval of Successor Employment Agreement between the City of Sonoma and Carol Giovanatto as City Manager.
- Item 5C:** Adopt resolution approving the Declaration of Covenants Agreement, and Final Map for the 4-lot Subdivision at 20144 Fifth Street East known as Parcel Map No. 154. (Res. No. 51-2013)
- Item 5D:** Council approval of an 18-month lease with the Valley of the Moon Nursery School for the premises at 136 Mission Terrace (Youth Center Building).  
Removed from Consent, see below.
- Item 5E:** Award of contract for consultant assistance for the preparation of updates to the Housing and Circulation Elements of the General Plan and the preparation of a downtown parking study. Council authorized staff to enter into a consultant agreement with M-Group/W-Trans.
- Item 5F:** Approval of the annual assignment of Councilmembers to various Boards and Committees.

Mayor Rouse invited comments from the public. Robyn Lely, Valley of the Moon Nursery School Treasurer, stated that they had concerns about the proposed lease and asked that it be removed from the Consent Calendar. He stated they would prefer a five-year lease instead of eighteen months.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to approve the Consent Calendar except for Item 5D. The motion carried unanimously.

- Item 5D:** Council approval of an 18-month lease with the Valley of the Moon Nursery School for the premises at 136 Mission Terrace (Youth Center Building).

Development Services Director Wirick reported that the lease had been prepared pursuant to the November 18, 2013 direction given by Council. Clm. Barbose stated that it was his recollection that the City was facing quite a large investment in the property for accessibility and other improvements and the only way to possibly justify the expenditure would if you went back to day one and compared the amount of rent received against the amount spent on the facility. He felt the eighteen month extension, with no increase in the rent, was a fair compromise and one that would provide the City time to consider its options.

Mayor Rouse invited comments from the public. Katy Giller, Laura Monterosso, Steve Cameron, Michael George, John McMillan, Colleen Lawson, and Jeremy Lawson expressed their support for the Nursery School and urged a five-year lease. Rosemary Lely stated that a newspaper article stating that the school was on borrowed time had hurt their enrollment prospects.

Mayor Rouse stated that Council's extension of the current lease for eighteen months was offered in good faith and was a compromise that he thought the Lelys felt was adequate. This would provide time for the school to look at their business model and the City to explore its alternatives. Mayor Rouse stated that the City was not in the nursery school business.

Clm. Gallian stated that the integrity or worth of the school was not in question; it was a business decision that was being explored. Clm. Cook stated the City should not be in the landlord business.

Robyn Lely stated that the eighteen-month lease seemed like a good idea when suggested but then they began to wonder what would happen at the end of the eighteen months.

It was moved by Clm. Gallian, seconded by Clm. Cook, to approve an eighteen month lease with Valley of the Moon Nursery School for the premises at 136 Mission Terrace. The motion carried unanimously.

**6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY**

There were no Successor Agency consent calendar items at the time agenda was prepared.

**7. PUBLIC HEARING**

**Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission’s decision to approve the application of AT&T for a Use permit to install a wireless telecommunication facility on the Sebastiani Winery site (389 Fourth Street East), including an 80-foot tall redwood monopine tower and fenced equipment shelter.**

Associate Planner Atkins reported that the property was a four-acre parcel that was one of several that made up the Sebastiani Winery complex. It was largely undeveloped property on the north side of the winery, adjoining Lovall Valley Road. The land had a General Plan designation and zoning designation of “Agriculture” and the project site lay outside the Historic Overlay Zone. The project involved installing and operating a wireless telecommunications facility consisting of an 80-foot tall redwood monopine tree tower and associated antenna and equipment building. The initial application for a ninety-seven foot tower was considered by the Planning Commission in June 2013. Seven residents spoke in opposition to the project citing concerns with visual impacts and the lack of any relationship between the function of the winery site and the proposed facility. Some expressed the view that the tower was unnecessary as cell coverage in the area was adequate in their view. Following the close of the public hearing the Planning Commission agreed that additional information was necessary in order to fully evaluate the proposal. They asked the applicant to come back with a map of all wireless facilities within and adjacent to City limits, an analysis of the coverage provided by a ninety-seven foot tall tower and of reduced tower heights, analysis of other candidate sites including options for colocations, and additional information regarding Electromagnetic Frequency (EMF) levels and exposures resulting from the application.

Atkins stated that in response to the concerns identified at the hearing and a neighborhood outreach meeting conducted by the applicants, the applicants modified the project by reducing the height of the tower to eighty feet and provided the Planning Commission with the additional information that had been requested. The Planning Commission reviewed the project again at their October meeting at which six residents spoke in opposition to the project mainly citing concerns with potential health impacts associated with EMF emissions. One resident spoke in support of the application and the Planning Commission approved the Use Permit for the

revised proposal. On October 17, 2013 Linda McGarr, Elizabeth and Cameron Stuckey, Patricia McTaggart, and Jennifer and Michael Palladini filed an appeal of the Planning Commission's decision. They assert that there are health hazards associated with the project, the location is inappropriate and that letters in support of the project were accepted from non-Sonoma residents.

Atkins reported, in response to the health concerns, that an EMF study was prepared to verify that the facility would comply with appropriate guidelines limiting human exposure to radio frequency EMFs. The maximum calculated level for a person on the ground or in a two-story residential structure was .79% of the public exposure limit. The proposed facility would operate well below radio frequency exposure standards and would not cause a significant impact on the environment or pose a threat to public health. The Telecommunications Act of 1996 stated that "No local government may regulate the placement of a wireless facility on the basis of the environmental effects of radio frequency emissions when they comply with the regulations."

Atkins, in response to the appellants concern about the appropriateness of the location, reported that under the City's telecommunication ordinance, telecommunication facilities could be located in all zoning districts. The Planning Commission also requested additional analysis addressing colocation options. The analysis provided indicated that colocation options on other sites would not provide the desired coverage. The proposed facility was designed to facilitate potential colocation options in the future. Regarding the issue of correspondence, it was received from residents both inside and outside the City limits. There were no municipal code limitations restricting those from outside of the City from commenting on projects. Atkins stated that the appellants were requesting that the City Council deny the project. In accordance with standard practice, staff recommended that the City Council uphold the decision of the Planning Commission. Based on Council direction, a resolution would be prepared implementing Council's decision, and brought back a Consent Calendar item on the January 6, 2014 Council agenda.

City Attorney Walter advised Council that the Telecommunications Act was the overarching piece of legislation that controlled the Council's discretion on this matter and it essentially has preempted the field of telecommunications and the siting of wireless facilities. One of the bases that could not be relied upon in judging location were EMFs, the transmission of electromagnetic forces of some kind because as long as those EMFs met the standards set by the Federal Government they could not be a basis for a decision to deny this or to force a different location for this proposal. That meant that EMFs were not an issue and that Council's decision could not be effected by EMFs. The law does, although it is preemptive, carve out the right of cities and local government agencies throughout the country to make decisions regarding the placement, construction and modification of wireless service facilities provided that those decisions do not have the effect of prohibiting coverage. This means then that it is up to the applicant to show that there is a lack of coverage, a coverage gap and that the proposal is the least intrusive means of addressing that gap, that there are no other alternatives that are less intrusive that address the coverage gap that has been determined to exist by the cellular service provider. The City Council has basically two hurdles it must overcome if it wishes to deny this application. The first is you have your own set of standards which are outlined in the staff report, the Use Permit findings which deal with compatibility with neighborhoods and aesthetics; those are all justifiable just and valid basis, upon which to address the compliance of this proposal with local zoning provision. You have that power and there are a number of cases that have upheld Cities and councils that have denied a cellular site or cellular antenna based upon negative aesthetic impacts as long as there is evidence in the record to show that; however, there is a second hurdle that the Council must also overcome. As long as the applicant has

submitted evidence that there is a significant gap in coverage and that there are no other alternatives that are feasible or available thus this particular proposal is the least intrusive manner of addressing the coverage gap then the Council cannot deny this application unless there is contrary evidence that has been developed to show that those claims, those evidentiary claims by the applicant, are not founded. So, for example, if the applicant came forward and as it has and shows eight potential other sites where antennas could be located and this is totally hypothetical, and one of them is a school building and the applicant contended that the superintendent of public instruction wrote a letter to the applicant saying that that building is not available for an antenna, that you had evidence that showed that was not true that the school was very eager to have an antenna there because of the revenue generation of such a site then you would be able to establish through factual evidence in the record that the showing made by the applicant was not meritorious. Without that evidence though it is very difficult for the Council to make findings that are contrary to the showing made by the applicant, if the applicant again, has shown that there is a significant gap in coverage and that this is the least intrusive means of addressing it, this being the project before you tonight primarily through a comparative analysis of other potential sites.

Clm. Barbose inquired about the least intrusive prong of this consideration and asked if he was correct in thinking that it meant they would have to show that all the other locations would have a more intrusive impact on the neighborhood than would this one for us to be forced to choose this despite reservations about neighborhood impact. Attorney Walter stated that was one way of looking at it, the other would be that they typically say as they have here that the other sites simply do not work that they do not provide the kind of coverage to satisfy the gap that they have identified as this particular proposal. The other options have to be not only effective but they have to be less intrusive for the Council to point to them and say it is a less intrusive option, it does provide the coverage you need, you should locate it there and not here. Clm. Barbose confirmed that it was the appellant's burden to show that there was a less intrusive option. Attorney Walter added that the alternative site would have to be effective, technologically feasible and available.

Mayor Rouse asked if it was the appellant's responsibility to prove that AT&T has another option that is less intrusive than the option approved by the Planning Commission. Attorney Walter stated he was not sure whose burden it was to prove that but that evidence must be before the Council in order for the Council to deny this application. He added that the first threshold that the applicant must establish is that there was a gap in service and that it was significant, one or two isolated pockets of non-coverage was not a significant gap in coverage.

Mayor Rouse announced that the appellant would be allowed ten minutes as the primary speaker and three other speakers would have three minutes and then the applicant would have ten minutes, followed by the general public as a whole.

Jennifer Palladini spoke as a scientist and a resident and mother of two children who would live within three hundred feet of the proposed tower. She explained that she was a scientist with a PhD in Organismal Biology and that upon hearing of the proposal she researched what biological effects had been observed by scientists for those living within proximity to these towers. She stated she was aware that the permit could not be denied based on EMF concerns but that she wanted to lend a voice to residents who also were concerned. She researched a database called Web of Knowledge. She stated that contrary to AT&T claims that hundreds to thousands of studies documenting the safety of this type of radiation there had been no more than four hundred peer review published studies regarding the biological effects of this type of radiation. The claim of safety was based on outdated research that was conducted decades

ago. She said there were a growing number of studies that documented biological effects of exposure including genetic, growth and reproductive consequences that have manifested at or below those levels that would be experienced by residents living within two hundred to five hundred feet of the tower. She went on to describe other effects and health consequences that had been observed in studies. She said she was worried about the potential exposure for multiple hours per day for decades. Ms. Palladini asked Council to protect its citizens by denying the permit and said there were concerns that had been legally upheld by the California Ninth Circuit Court of Appeals as legal grounds for denial of tower installations. She said she was not opposed to towers but they needed to be placed in such a manner to minimize harm to views, historic integrity, property values and health.

Mike Palladini stated he was not anti-technology or anti cell tower; however, the proposed project on the Sebastiani property was extremely inappropriate for a number of reasons. It was incompatible with existing land uses and would impair architectural integrity and character of the zoning district. He said that for four hours yesterday he interacted with well over one hundred walkers, runners and cyclists illustrating how popular and scenic this historic neighborhood was. Over ninety percent of those people, one hundred and five people, voiced firm opposition to the tower and signed their petition against it. He said the photos simulations of the installation included in the Planning packet were clearly cherry picked by AT&T to downplay the significant aesthetic impacts to the maximum extent possible. The tower would actually be an eighty-foot tall blatantly obvious industrial eyesore which would significantly impact the experience of thousands of tourists and residents that seek the neighborhood out for its scenic and historic values. It would be highly visible from a two thousand foot section along Lovall Valley Road as well as the neighborhood to the north with no mature trees or structures to obscure it from view. He stated the Sebastiani Winery was within the Historic Overlay Zone and the tower would degrade historic values. He said there was a legal precedent for local governments' denying telecommunication tower permits consistent with the Federal Communications Act based on historic, aesthetic and property value impacts. He requested Council to join the vast majority of local residents in opposing the project.

Alice May stated her opposition to the cell tower being constructed within the residential area. She stated that she worked as a residential California real estate professional in the Bay Area for many years. For various reasons a residential property located close to a cell tower would not be a desirable location. Some of the causes for this were aesthetics. Cell towers become an eyesore and tarnish cherished views. She said AT&T were deceiving the public by submitting images of a redwood tree instead of a cell tower. Other concerns were public safety, noise issues, fire and fall concerns, and health risks whether real or imagined. She cited a report by the Appraisal Institute, which spotlighted the issue of cell towers and the fair market value of a home and stated that cell towers should cause a decrease in home value.

Cameron Stuckey urged the Council to consider the future ramifications from their decision. He said telecommunications companies usually win because City Councils do not stand up to them. He asked the Council to stand up for its citizens and cited Article 1 of the California Constitution.

Rhuenette Alums, AT&T, stated she had worked as the area director for external affairs for AT&T for over thirty years in various capacities engaged in technology. She stated that it has always been the experience where communities want more and improved services and AT&T tried to respond as quickly as it could. AT&T invests in technology because the demand is so strong and they recognize that the demand will continue. She said they hear from local public safety agencies, community activists, educators, local governments, business enterprises. When they make a decision about placement of a tower, it was not done arbitrarily. They take

input from individuals who complain about the lack of coverage; they have engineers studying where the gaps in coverage are. The first element considered is based on coverage and then they look at all the associated elements: what is the least intrusive, what's the most important, what will give the greatest coverage in terms of what the community has asked us for and then they ensure that they will meet all the regulatory requirements that are necessary to be in compliance. In terms of being the least intrusive; the manufacturers were developing stealth designs and the tower proposed did look like a tree and most people will begin to realize they do not know what the tower looks like because it is stealth. She said she did not know if staff would show some of the coverage objectives that had been met or some of the alternative sites that had been looked at. She said they looked at quite a few alternative sites as directed by the Planning Commission; they went out and did a wider search so they could come back and say out of all the particular locations that were available, this was the one that was determined to be the least intrusive and provided the coverage that people had requested. It was not an issue of someone wins, someone loses, the job was how can AT&T best serve the communities' business, education, and local activists the best way with the best level of technology as quickly as efficiently as they can. She said a lot of great care had gone into the process they had exercised. Given the requirements that the Planning Commission imposed which they had addressed very clearly to the point where they approved the application, she would hope the Council would uphold their decision.

Jason Osborne, AT&T, stated he was there to respond to questions. Mayor Rouse asked why the alternative sites away from residential areas were not suitable in the eyes of AT&T. Osborne stated they were looking for coverage for downtown and looked at eight locations. The majority of the sites had residential around them and were very low. They found that by adding this one site in this one location met their current and future needs, versus the other locations which would have to continue to be supplemented. Clm. Gallian inquired about the reason site number two was rejected. Osborne stated he did not know what "The proposed site better meets AT&T's capacity needs" meant and perhaps it was a typo. He said the reason the site did not work was because the building was only thirty-five feet tall. They would have to put a similar structure right in that neighborhood and put an eighty-foot tower on it. Gallian stated that one of the findings Council needed to make was that the coverage gap was significant. Clm. Barbose confirmed that 276 East Napa Street was the Sonoma Community Center. He asked if someone had determined that the eight alternative locations were the only acceptable sites that would meet the coverage gap. Osborne stated he drove the entire town and had been here plenty of times; they chose the locations as the best ideal candidates and looked at each one from a feasibility standpoint. There were more buildings in the city but these were the best of the worst and those which would meet the coverage objective of downtown. Clm. Barbose asked what area they were trying to provide coverage for. Osborne pointed to page 205 of the packet and stated that it was essentially the downtown area they were trying to cover and since this was an agricultural use, it proved to be the best candidate. Barbose inquired if it helped to triangulate them. Osborne stated yes, it increased the offloading capacity of existing sites. Barbose asked if willingness of a property owner to enter into a lease was one of the factors used to choose the eight sites. Osborne stated it could be but not always. Barbose asked why they could not move further up the hill, for instance to Brazil Street.

Peter Maushardt, AT&T, stated you have to have a willing landlord, a zonable piece of property, and a site that operates for the network. The two issues with wireless was capacity and coverage objectives and this site met both. He said he had agreed with the Planning Commission initially that the presentation was inadequate and because he lived here in town he wanted to make sure it was the right site and the best way to go forward. AT&T went back, did their research and provide the Planning Commission with the information on the alternative

sites, lowered the site from ninety-five to eighty feet to address the visual concerns. He stated there was a demand for their services and they proved that to the Planning Commission. The site was well designed and was a long time in coming and he asked the Council to deny the appeal and approve the project.

Rajat Mathur, Hammet & Edison, Inc. Consulting Engineers, stated they were an independent engineering firm that evaluated sites like these for compliance with the FCC radio frequency exposure standard. Their evaluation of this site found that it did comply. The maximum exposure was 1.2% of the FCC limit, or more than eighty times below that limit. He said there were about 2,900 studies in the database maintained by the World Health Organization, which was the basis for the FCC standard. He said there were similar standards in almost every other developed country and this site would comply in all those countries.

Lynn Freed stated she used AT&T in the downtown area and never had a reception problem. She stated she lived in San Francisco near the Sutro Tower for twenty years and her husband died of lymphoma and she had breast cancer. The incidence of breast cancer around the tower was enormous. She asked Council not to allow the tower.

Michael George stated in analyzing issues you always need to follow the money and Council should table the issue so they could do that. He also asked Council to consider honeybees and questioned why the tower was proposed for an agricultural zone. Towers use the same frequency that honeybees use to navigate and survive. Data shows that interruption from cell phones and cell towers contribute to colony collapse in honeybees. He said it did not make sense to place the tower in an agricultural zone.

Lizzy Stuckey stated that the coverage gap was not that large and the size of the tower was not justified. She believed there were other alternative locations.

Linda McGarr stated her opposition because the tower would be an eyesore and because of the harmful effects of the radiation, her daughter would not be able to visit her.

Mary Carrillo and Erin McTaggart also spoke against the project citing concerns about declining property values and aesthetics.

Jon Dunning stated he served as a radiation safety officer for twenty-nine years and felt it was highly unlikely that the tower would cause cancer. He supported placement of the cell tower at the proposed site.

Clm. Brown inquired if approved, could features be added to the tower. Planning Director Goodison stated that the City's code encouraged co-location.

Clm. Barbose displayed two pictures of other towers in Sonoma, one behind the veterinary clinic and one on the high school property. He stated they were much prettier than the one proposed for the Sebastiani property. Clm. Barbose cited finding numbers three and four which the Planning Commission had to make "3) *The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and 4) The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.*" He said he could not make the finding that the tower being proposed was compatible with the existing and future land uses in the vicinity. He said the tower was an eyesore, that this was a special area of the town and he believed property values would suffer. He also did not believe AT&T had shown a significant gap in coverage; what he heard about

was a desire to meet demands of an ever-growing market. He noted that two AT&T customers live around there and they did not have problems with their coverage. There also had not been a showing that this was the least intrusive way of closing that gap.

CIm. Cook agreed with Barbose. He asked if it was typical to look at eight locations. Mr. Maushardt responded that they provided a solid alternative analysis and this was the least intrusive site to serve the area. He added that the Planning Commission agreed with them seven to nothing. They proved this was the least intrusive located site to serve the area.

CIm. Gallian stated she did not feel they had proven this was the least intrusive location and that this was the only alternative plausible.

It was moved by CIm. Barbose, seconded by CIm. Brown, to uphold the appeal and deny the Use Permit. Mayor Rouse stated he did not feel the Council had any legal right to uphold the appellant's request. It was all based on aesthetics because Council was not allowed to base anything on the health issues. He said they had studied this for a couple of weeks and he had heard from residents but the problem he had in voting in favor of the appellant was that the City had a Planning Commission that Council put their trust in to vet issues like this. When it is seven to nothing he believed at that point that they had done their homework. He said he would not be supporting the appellant for that reason. CIm. Gallian stated that sometimes all of the information may not have been available to the Planning Commission and some citizens may not have been able to attend the meeting. The motion carried four to one, Mayor Rouse dissented.

**RECESS:** The meeting recessed from 8:10 to 8:15 p.m.

<b>8. REGULAR CALENDAR – CITY COUNCIL</b>
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**Item 8A: Discussion, consideration and possible action selecting the 2014 City of Sonoma Alcalde.**

City Manager Giovanatto reported that, pursuant to the Alcalde Selection Policy, nominations from members of the community were solicited and received by the stated deadline. Per the policy, Alcalde nominees should embody several of the following criteria: A broad spectrum of voluntary community service to Sonoma Valley; Service in a leadership role in at least one non-profit organization; Has spearheaded at least one community-serving project without compensation; Is well-known for consistent behind-the-scenes good deeds; Does not seek public accolades or recognition for work done; and Adheres to a high standard of moral and ethical values.

Giovanatto stated that the nominating committee comprised of outgoing Mayor Brown, current and immediate Past Alcaldes Les & Judy Vadasz (2013), Whitney Evans (2012), Mary Evelyn Arnold (2011) and City Manager Carol Giovanatto met on December 4 and reviewed the nomination letters received. They have forwarded the names of all eight nominees for the Mayor's consideration as a recognition of all their many contributions to the community. The nominees were Suzanne Brangham, Harriet Derwingson, Gary Edwards, Pam Gibson, Carole & Bob Nicholas, Wayne Schake, Jackie Stubbs, and Marcie Waldron.

The public comment period was opened and closed with none received. Mayor Rouse nominated Suzanne Brangham as the 2014 Alcaldessa. By unanimous consent, the Council

ratified the nomination. Mayor Rouse then placed a phone call to Mrs. Brangham to inform her of the news.

**9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY**

There were no items at the time agenda was prepared.

**10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS**

**Item 10A: Reports Regarding Committee Activities.**

Clm. Brown reported on the Economic Development Steering Committee meeting.

Clm. Gallian reported on the Climate 2020 workshop and the Wreaths Across America ceremony.

Clm. Cook reported on the Sonoma Valley Library Advisory Committee meeting.

**Item 10B: Final Councilmembers' Remarks.**

Clm. Brown stated his pleasure to have the renewed contract with City Manager Giovanatto in place.

**11. COMMENTS FROM THE PUBLIC**

Chuck Binginham introduced himself as a Press Democrat staff member and editor of the Sonoma Page.

**12. ADJOURNMENT**

The meeting was adjourned at 8:33 p.m. in the memory of Herb Golenpaul.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Gay Johann  
Assistant City Manager / City Clerk

**SPECIAL & REGULAR MEETINGS OF THE SONOMA CITY COUNCIL  
&  
CONCURRENT REGULAR MEETING OF SONOMA CITY COUNCIL AS THE  
SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY  
DEVELOPMENT AGENCY**

*Community Meeting Room, 177 First Street West*

**Wednesday, January 8, 2014**

**5:30 p.m. Closed Session (Special Meeting)**

**6:00 p.m. Regular Meeting**

\*\*\*\*

**MINUTES**



City Council  
Tom Rouse, Mayor  
David Cook, Mayor Pro Tem  
Steve Barbose  
Ken Brown  
Laurie Gallian

**SPECIAL MEETING - CLOSED SESSION**

**1. CALL TO ORDER**

At 5:30 p.m. Mayor Rouse called the meeting to order and invited comments from the public. Joanne Sanders stated her opposition to the cell tower being proposed by AT&T for health & safety reasons. She added that it did not make sense to consider coverage issues as a basis for approval.

At 5:32 p.m. Council recessed into closed session with all members present. City Manager Giovanatto, Planning Director Goodison, and City Attorney Walter were also present.

**2. CLOSED SESSION**

**Item 2A: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –**  
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Section 54956.9: (one potential case).

**REGULAR MEETING**

The City Council reconvened in open session and Mayor Rouse called the meeting to order at 6:00 p.m. Former Mayor Jeanne Markson led the Pledge of Allegiance.

PRESENT: Mayor Rouse and Councilmembers Barbose, Brown, Cook, and Gallian

ABSENT: None

ALSO PRESENT: City Manager Giovanatto, Deputy City Clerk Evans, City Attorney Walter, and Planning Director Goodison.

**REPORT ON CLOSED SESSION –** Mayor Rouse reported that no action had been taken.

**1. COMMENTS FROM THE PUBLIC**

Nellie Cravens, Artistic Director of Silver Moon Theater, announced upcoming classes and events at the Sonoma Community Center.

Deirdre Sheerin announced that Sweetwater Spectrum just celebrated their one-year anniversary and were happy to have fourteen residents.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

**Item 2A: Councilmembers' Comments and Announcements**

Clm. Brown dedicated the meeting in the memory of Gale Hunter, founder of Uncle Bill's Corn Dogs, and former Treasure Artist Lynn Lipitz.

Clm. Barbose announced that due to the serious drought situation all the North Bay counties and cities would be banding together to adopt conservation measures.

Clm. Gallian announced that the Water Advisory Committee was also very concerned about the lack of rain and the need for the public to implement conservation measures.

Clm. Cook reminded everyone of his office hours at City Hall every other Wednesday.

Mayor Rouse reported that a new law would require a roll call vote on each and every action and/or motion made by the City Council.

**3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF**

City Manager Giovanatto reported that due to a lack of business items, she and the Mayor had concurred to cancel the regularly scheduled January 22, 2014 meeting. As part of the City's water use reduction program, Public Works would be reducing the irrigation of all City parks and would be launching a public education campaign. Staff was working on plans for the Alcaldessa reception.

**4. PRESENTATIONS – None Scheduled**

**5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL**

**Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.**

**Item 5B: Approval of the Minutes of the December 2 and December 16, 2013, Council meetings.**

**Item 5C: Adoption of a resolution approving the application by Project Sport LLC/ Echelon Gran Fondo Sonoma for temporary use of City streets for the Echelon Gran Fondo Sonoma Bike Ride on Saturday, April 26, 2014. (Res. 01-2014)**

**Item 5D: Approval and ratification of the appointment of Cameron Stuckey as the Alternate on the Community Services and Environment Commission for a two-year term ending January 8, 2016.**

Clm. Barbose removed the December 16, 2013 minutes. Mayor Rose requested that Item 8F be moved up on the agenda to be considered right after Item 8C.

The public comment period was opened and closed with none received. It was moved by Clm. Barbose, seconded by Clm. Brown, to approve the Consent Calendar except for the December 16, 2013 minutes. The motion carried unanimously. It was moved by Clm. Barbose, seconded

by Clm. Cook, to move Item 8F up to be considered following Item 8C. The motion carried unanimously. Clm. Barbose and other Councilmembers congratulated Cameron Stuckey and thanked him for his willingness to serve on the Community Services and Environment Committee.

**6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY**

**Item 6A: Approval of the portions of the Minutes of the December 2 and December 16, 2013 City Council / Successor Agency Meetings pertaining to the Successor Agency.**

The public comment period was opened and closed with none received. Clm. Barbose requested that the December 16, 2013 minutes be removed. It was moved by Clm. Gallian, seconded by Clm. Brown, to approve the Consent Calendar except for the December 16, 2013 minutes. The motion carried unanimously.

**7. PUBLIC HEARING**

**Item 7A: Resolution upholding the decision of the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street (implementing the City Council action of November 4, 2013, with possible modifications to the conditions of approval).**

Planning Director Goodison reported that after considering the appeal of this matter at its meeting of November 4, 2013, the City Council voted 3-2 to uphold the decision of the Planning Commission, subject to the condition that the D1 unit on Lot 3 be modified so that it did not have a second floor element over the garage. On November 18, 2013, the City Council considered a draft resolution to implement that decision; however, Councilmember Rouse removed the item from the consent calendar to allow for consideration of an alternative design approach developed by the applicant for the D1 unit on Lot 3. As a result, the item was renoticed and was back before the Council for consideration with respect to the alternative design proposal for the D1 unit on Lot 3. The alternative design included a full second floor element; including living area over the garage and the overall height of the structure had been substantially reduced in comparison to the previously approved plan. Goodison stated that staff prepared a draft resolution to implement the City Council's decision, along with revised conditions of project approval, which included optional language regarding the design of the D1 unit on Lot 3.

Clm. Barbose confirmed that the height of the peak of the new design was twenty-one feet ten inches. Mayor Rouse invited comments from the public. Doug Hilberman, Axia Architects, stated that he and Steve Ledson were present to answer questions. He stated they appreciate Council's willingness to consider this modification and they felt it would satisfy the concerns of neighbors and Councilmembers.

Skip Ollinger questioned the purpose of the space above the garage. Mr. Hilberman stated it would provide an outdoor space and noted that it faced the driveway, not the backyard.

Mary Jane Stolte, Sonoma Park Condominiums, stated she supported a single-story design and any other changes that would maximize the light.

Sara Hartnett stated her support for the proposed modifications.

Mike Burns inquired why the rooflines of all the units had not been lowered. Planning Director Goodison noted there were three D-1 units; however Council direction on the appeal was very specific for the unit on this particular lot and the modification would only apply to that parcel. Clm. Barbose further explained that this unit had been the most problematic due to other site factors and he felt what was being proposed by Mr. Ledson was superior to what Council had proposed.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to adopt Resolution Number 03-2014 entitled A Resolution of the City of Sonoma Upholding the Decision of the Planning Commission to Approve a Planned Development Permit, Use Permit, and Tentative Map Allowing Construction of an 18-Unit Planned Development at 821-845 West Spain Street, Subject to an Amendment to the Conditions of Project Approval. The motion carried unanimously.

**Item 7B: Discussion, consideration and possible action to provide further amendments to the FY 2013-14 City Fee Schedule.**

City Manager Giovanatto reported that subsequent to Council's adoption of the Fee Schedule Update on November 18, 2013 staff determined that further amendments to fees in the Fire and Planning Departments were necessary. She stated the Fire Department was adding a refund policy and the proposed updates were minimal with and some actually resulting in a lower fee.

Mayor Rouse opened and closed the public hearing with no comments received.

It was moved by Clm. Gallian, seconded by Clm. Cook, to adopt Resolution Number 02-2014 entitled Resolution of the City Council of the City of Sonoma Amending the Previously Adopted Schedule of User Fees, Licenses and Permits Charges for Fiscal Year 2013-14. The motion carried unanimously.

**8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Discussion, consideration and possible action related to requests from the Sonoma International Film Festival including 1) an exception to the Special Events Policy and approval of use of the Plaza for five consecutive days; 2) an exception to the Special Event Policy and approval of the display of the SONOMAWOOD sign on the Plaza Horseshoe lawn; and 3) a request for City sponsorship of the Film Festival and waiver of all fees related to the use of the Plaza during the 2014 Film Festival.**

City Manager Giovanatto reported that Sonoma International Film Festival (SIFF) had submitted its 2014 event application for consideration by the Community Services and Environment Commission (CSEC); however, it included requests for exceptions to the Special Event Policy which were beyond the authority of the CSEC and were therefore being submitted to the City Council for consideration along with a request for a waiver of Plaza Use fees. Giovanatto stated that staff's recommended Council's discretion regarding the exception requests. She noted that if the exception allowing the event to run five consecutive days was approved staff suggested that the approval include a condition that SIFF would stage somebody in front of City Hall to ensure that public access to City Hall was not blocked during the weekdays.

Giovanatto stated that staff recommended that Council deny the request for sponsorship and fee waiver. She stated that in the past, the City had been very generous in its support of the Festival utilizing funds from the former redevelopment agency. Staff recognized the benefits of having such a renowned event in Sonoma; however due to the specialized service costs related to this event, staff did not recommend a General Fund subsidy. The fees for the 2014 Film Festival were calculated to be \$4,193, plus a refundable \$2,000 damage deposit. Clm. Gallian confirmed that the fee for Fire Permit Inspection was related to an inspection by the Fire Department of all tents and equipment required by the Fire Code. Mayor Rouse questioned how the Plaza Rental Fees of \$2500 were calculated and if their waiver could be considered as a method of helping out SIFF. City Manager Giovanatto stated the fees were calculated by Public Works on a square footage basis. Clm. Brown noted that the Sonoma Tourism Improvement District had granted SIFF \$7,500.

Mayor Rouse invited comments from the public. Deirdre Sheerin confirmed that Sonoma Valley High School students were still involved in the SONOMAWOOD sign. Kevin McNeely stated that this was SIFF's seventeenth year and that the City Council had been extremely supportive of their efforts, which bring a branding and international recognition of Sonoma. He said they recently donated \$25,000 to the High School Media Arts Program. Skip Ollinger, SIFF volunteer, spoke in favor of granting the exception that would allow the tent on the Plaza from the beginning to the end of the event providing continuity. A contribution by the City would contribute to the TOT and restaurant sales.

Clm. Cook stated that he would support the two requests for exceptions but would not support the City taking on SIFF's financial obligations. He said it was the taxpayers who provide funding for the upkeep of the Plaza and the rental fees help offset the interruption of use of the Plaza to the taxpayers. Clm. Barbose confirmed that a fee for use of the horseshoe for placement of the the sign had not been charged in the past. He said the film festival was a great thing for the town bringing people who would not have otherwise visited here. He said the City needed to be proud of the festival and partner with them; he suggested waiving any fees that had not been charged in the past. Mayor Rouse clarified that the total rental fees were \$2,500, which included \$1,000 for use of the horseshoe and \$1,500 for use of the rear parking lot.

Clm. Brown stated that he agreed with Clm. Cook and that the City ran on a very tight budget. He said the City contributed to the festival by providing the back stage front lot scenic beauty of the town that was maintained through the staff, through the historic societies and through the valued merchants on the Plaza and throughout the City. For those reasons, he would not support the fee waiver. Clm. Gallian stated her agreement with Clm. Barbose and would support waiver of the \$2,500 rental fees on the basis that it was a seventeen-year phenomenal international event. Mayor Rouse expressed his support of the festival and stated it provided a TOT and revenue stream. He understood the need for the festival to begin and end at the Plaza. It was moved by Clm. Barbose, seconded by Clm. Gallian, to grant the two exceptions to the Special Event Policy as requested and to waive \$2,500 in fees for the 2014 festival. It was moved by Clm. Cook, seconded by Clm. Brown, to amend the motion to only address the two exceptions and not the request for the wee waiver. Clm. Barbose and Clm. Gallian agreed to modify the motion to only address the two exception requests. Clm. Brown stated he felt waiving the fee set a dangerous precedent and noted the Vintage Festival and Mexican Independence Day as totally worthwhile events and he knew how impactful events were on the Plaza and how much energy went into maintaining the Plaza and returning it back to its glory following events. He said he was very much opposed to waiving any Plaza Use fees. The motion carried unanimously. It was moved by Clm. Barbose, seconded by Clm. Gallian, to

waive \$2,500 in Plaza Use fees for 2014. Clm. Gallian urged staff to move forward a full review of the Special Event Policy. The motion carried three to two, Councilmembers Brown and Cook dissented.

**Item 8B: Discussion, consideration, and possible action regarding a request for an exception to the Special Events Policy by allowing the display of two inflated arch/banners on the Plaza Horseshoe lawn on April 26, 2014, in conjunction with the Echelon Gran Fondo Sonoma Bike Ride.**

Planning Director Goodison reported Section 7 of Appendix A of the Special Events Policy provided that banners meeting specific criteria may be placed in the Plaza upon approval by the City Council. The policy restricted the size of banners to six square feet and did not allow them on the Plaza Horseshoe lawn. Council was being requested to approve exceptions to the policy that would allow the display of two branded, inflatable arches as the start/finish markers at the Plaza entrance and as guideposts for the Echelon Gran Fondo bike ride leaving and returning to the Plaza. Goodison noted that the City Council approved the event banner/arches for the 2012 and 2013 events and stated that should Council approve the exceptions and authorize placement of the banner/arches, the approval should be subject to staff approval of the specific location and means of securing the arches. Mayor Rouse inquired if the event had caused any problems in the past. Goodison stated that the event had been managed well but they struggled to meet the 40% requirement and that had been discussed at length by CSEC when they approved the event. They were proposing a new method of meeting that requirement so that they complied with City policy in that regard.

Mayor Rouse invited comments from the public. Operations Manager Fletcher Banks stated that they were happy to be back in Sonoma this year. Clm. Cook stated that Council was looking at the Plaza, as the sacred ground, and would be reviewing policies in the future. He said he would support this request because the event had occurred in the past but he felt the Council needed to take a hard look at what was allowed on the horseshoe. It was moved by Clm. Cook, seconded by Clm. Gallian, to approve the exception request subject to staff approval of the specific location and means of securing the arches. Clm. Barbose stated that events like this help the City appreciate how much fun it was to ride bicycles. The motion carried unanimously.

**Item 8C: Discussion, consideration, and possible action on the Sonoma County Library Proposed Amended JPA Agreement.**

City Manager Giovanatto described the proposed changes to the Library JPA agreement and stated that the two main issues at question were allowing the County to have two seats on the Board and whether or not to allow additional community-funded hours. She suggested the Council not vote in favor of community-funded hours, as it had become a sticking point with other cities and the County. Mayor Rouse invited comments from the public. Library Commissioner Mary Evelyn Arnold stated that disparity of service was not good and urged the Council to not to support it. Bob Pincus and Robin Makaruk spoke in agreement with Ms. Arnold. Clm. Barbose stated he had no problem with the County having two votes but he was concerned about the need for extended hours for school children and others who did not have access to a computer and the internet. He would like to see some flexibility for communities to provide the opportunity to help educate the children. It was moved by Clm. Gallian, seconded by Clm. Cook, to follow the recommendations of staff, to not support community-funded hours and to support the voting structure with one voter per agency with the exception of County and the City of Santa Rosa having up to two seats on the new commission. The motion carried four

to one, Clm. Barbose dissented. Clm. Barbose explained he supported the two votes but wanted to keep an open door on the community funded extended hours.

**Item 8F: Discussion, consideration and possible action of a request for reconsideration of the City Council's decision to uphold the appeal of the Planning Commission's decision to approve the application of AT&T for a Use permit to install a wireless telecommunication facility on the Sebastiani Winery site (389 Fourth Street East), including an 80-foot tall redwood monopine tower and fenced equipment shelter.**

Planning Director Goodison reported that on December 16, 2013, the City Council considered the appeal of this matter and voted four to one to uphold the appeal and directed staff to prepare a resolution implementing its decision. On January 2, 2014, Counsel for AT&T submitted a letter requesting that the City Council reconsider its decision. Goodison explained that pursuant to Rosenberg's Rules of Order the reconsideration of a City Council decision may only occur at the Council meeting at which the decision was made or the immediately following meeting and the motion to reconsider may only be made by a Councilmember on the prevailing side of the decision that has been requested for reconsideration, although once such a motion has been made any Councilmember may second the motion and all Councilmembers are eligible to vote on the motion. Because a formal request for reconsideration had been made, staff has agendaized the item for discussion. If the City Council agrees to reconsider its decision, the reconsideration would be scheduled for a public hearing at a subsequent Council meeting. Clm. Barbose confirmed that the only matter before the Council was whether or not to reconsider its December 16, 2013 decision. Goodison added that should Council agree to reconsider; said reconsideration would occur at a future duly noticed public hearing.

Mayor Rouse invited comments from the public. Carol Lockwood asked Council to reconsider their decision to uphold the appeal stating her support for the proposed cell tower. Rhuenette Alums, AT&T, stated that they conducted an exhaustive search for a location of the cell tower. All information and data they had indicated that the proposed site met the criteria for the coverage area needs. She stated they were constantly getting requests for increased broadband and AT&T's obligation was to provide the best service and network possible.

Clm. Barbose asked the City Attorney if the information provided by AT&T tonight would be part of any record upon which the Council was supposed to act. Attorney Walter stated that the only record before the Council was the record established on December 16, 2013. It was up to AT&T to show that record compels a reconsideration.

Jason Osborne, AT&T, stated that when the original proposal was presented in April 2013 they worked extensively to bring their best design and presented all viable alternative locations. At the request of the Planning Commission, they provided additional information regarding the alternative locations. After the City Council hearing they developed twenty alternatives broken into three geographical areas. After comprehensive analysis of the twenty alternatives, AT&T still felt the proposed site was the least intrusive under the values expressed in the Sonoma Municipal Code and they respectfully requested Council reconsideration.

Rajat Mathur, Hammet & Edison, Inc. Consulting Engineers, stated that the proposed site complied with all the FCC radio frequency exposure standards.

Valerie Baumer, legal counsel for AT&T, stated they believed they could provide additional evidence this evening. They felt they met a legal standard of showing that there was a

significant gap in coverage and that their proposal was the least intrusive means to meet that gap and that approval of their permit was compelled by law. If the Council chooses to deny the application, it would have its own legal hurdles to get over and a legal standard to meet. The council would have to show substantial evidence of potentially available and technologically feasible alternatives. They felt this was not done in December and they look forward to the opportunity for a rehearing for discussion of these legal matters.

Elizabeth Stuckey, Jennifer Palladini, Alice Micklewright, Mike Palladini, Jeanne Markson, Erin McTaggart, Alice May, Regina Baker, Linda McGarr and Cameron Stuckey supported Council's decision to uphold the appeal and asked the Council to deny the request for reconsideration.

Cm. Barbose stated that at the December 16, 2013 hearing, AT&T had the burden to prove there was a significant gap in wireless coverage and that the proposed site was least intrusive way of filling that gap. The City Council decided they did neither and turned them down and they were now asking Council to give them another shot at it. He said there was no real explanation as to why they could not have put on whatever evidence they would want to put on at another hearing that they could not have put on at the last hearing. Barbose said he came from a place when you have a hearing date you know you have to have your evidence and have to come prepared to present your case and if you present your case and you lose you do not ask the Judge for another trial. He said they did not come with any justification as to why Council should reopen the hearing so they can put in evidence that they chose to not put in the last time. Cm. Barbose stated he was not in favor of reopening the matter. All other Councilmembers stated their agreement with Cm. Barbose and Mayor Rouse stated there would be no reconsideration of the matter. Cm. Barbose stated to the AT&T representatives that he hoped they appreciate the special nature of this community and that they were welcome here and he urged them to use all their resources to find another place for the cell tower rather than threatening the City and its citizens with a lawsuit.

**Item 8D: Discussion, consideration and possible action regarding adding a Council Committee to address issues related to Mobilehome Rent Control.**

Attorney Walter stated that his office had been contacted by an attorney representing some of the homeowners in the parks requesting extensive revisions to the City's Mobilehome Rent Control Ordinance. He felt it would be helpful to have at least two Councilmembers serve on a committee to help him go through the proposed revisions and get a sense of policy and priorities and what seemed most important to bring back to the Council for consideration. Cm. Brown confirmed that there would not be citizen representatives on the committee just two Councilmembers to meet with the City Attorney.

David Artson and Nancy Parmalee, members of the Mobilehome Park Rent Review Board, supported the creation of the committee. By unanimous consensus, Councilmembers approved creation of the committee. It was moved by Cm. Cook, seconded by Mayor Rouse, to appoint Councilmembers Brown and Gallian to serve on the committee. The motion carried unanimously.

**Item 8E: Discussion, consideration and possible action approving the Annual City Council Meeting Calendar for 2014 and adopting a resolution establishing the regular meeting dates.**

City Manager Giovanatto reported that staff prepared the annual schedule of City meetings which included all regularly scheduled meetings of the City Council and of all City Boards and

Commissions; all official City Holidays; dates of major Jewish holidays; and meetings of the Mayors and Councilmembers Association of Sonoma County. She stated that in the past the City Council canceled the first meeting in August to facilitate scheduling summer vacations. She would like Council input on that, setting a date for Council goal setting and any study sessions Council would like to schedule.

The public comment period was opened and closed with none received. Clm. Gallian supported cancelation of the August 4, 2014 meeting; Clm. Brown did not think it was a good idea. It was moved by Clm. Gallian, seconded by Clm. Cook, to cancel the August 4 meeting and adopt the resolution entitled A Resolution of the City Council of the City of Sonoma and the City Council As Successor Agency establishing the Regular Meeting Dates of the City Council for the 2014 Calendar Year. The motion carried unanimously.

**9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY**

**10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS**

**Item 10A: Reports Regarding Committee Activities.**

Clm. Barbose reported on the Sonoma Clean Power meeting.

Clm. Brown reported attendance at a workshop at the Sonoma County Waste Management Agency.

**Item 10B: Final Councilmembers’ Remarks.**

Clm. Brown stated there would be a retirement ceremony for Gary Magnani tomorrow at the Veterans’ Building.

**11. COMMENTS FROM THE PUBLIC**

Ted Sexauer said that, in general, this was a great meeting and he appreciated the decisions that had been made.

**12. ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the        day of        2014.

\_\_\_\_\_  
Robin Evans  
Deputy City Clerk



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5C

Meeting Date: 02/03/2014

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**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, City Manager

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**Agenda Item Title**

Adoption of a resolution approving an amendment to the Memorandum of Understanding for the City of Sonoma Employees' Association/SEIU 1021 adding the classification of Storm Water Compliance Specialist to the list of represented classifications.

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**Summary**

In October 2013, City Council approved new and/or revised job specifications. The newly created classification of Storm Water Compliance Specialist was approved at that time and the position has since been filled. Adoption of this resolution and approval of the side letter will amend the Memorandum of Understanding with the City of Sonoma Employees' Association/SEIU 1021 to add the newly created position to the list of classifications represented by the Association.

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**Recommended Council Action**

Adopt the resolution.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

N/A

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**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
  - No Action Required
  - Action Requested
- 

**Attachments:**

- Resolution with attached Side Letter
  - Storm Water Compliance Specialist job description
- 

**Alignment with Council Goals:**

*"Maintain strong City employee structure to serve the needs of the community"*

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**cc:**

Mike Brett & Paul Carroll via email

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# CITY OF SONOMA

RESOLUTION NO. \_\_ - 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA  
APPROVING AN AMENDMENT TO THE MEMORANDUM OF  
UNDERSTANDING FOR THE CITY OF SONOMA EMPLOYEES'  
ASSOCIATION/SEIU 1021

WHEREAS, the City of Sonoma (City) and the City of Sonoma Employees' Association/SEIU 1021 (Association) entered into a Memorandum of Understanding governing terms and conditions of employment effective January 1, 2013 through December 31, 2014; and

WHEREAS, pursuant to California law, the City and the representatives of the Association have met and conferred in good faith and have fully communicated and exchanged information; and

WHEREAS, the City and the Association have reached agreement that the newly created classification of Storm Water Compliance Specialist should be added to the list of classifications represented solely by the Association.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma approves the proposed amendment as set forth in the First Side Letter Amendment to the Memorandum of Understanding incorporated herein and attached hereto as Exhibit A.

ADOPTED this 3<sup>rd</sup> day of February 2014 by the following vote:

AYES:  
NOES:  
ABSENT:

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Tom Rouse, Mayor

ATTEST:

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Gay Johann  
Assistant City Manager/City Clerk

**FIRST SIDE LETTER AMENDMENT TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF SONOMA AND  
THE CITY OF SONOMA EMPLOYEES' ASSOCIATION/SEIU 1021  
JANUARY 1, 2013 THROUGH DECEMBER 31, 2014**

Pursuant to Government Code Section 3500 et. Seq. the City of Sonoma (City) and the City of Sonoma Employees' Association / SEIU 1021 (SEIU) have met and conferred on the issue identified below and incorporate this side letter of agreement as part of the current Memorandum of Understanding approved by the City Council on January 3, 2013.

**Section 1.** ARTICLE 2. RECOGNITION – Shall be amended to include the classification of **Storm Water Compliance Specialist** to the list of classifications for which SEIU is the recognized and exclusive representative.

**Section 2.** IMPLEMENTATION of this Side Letter of Agreement is contingent on the approval of the Sonoma City Council.

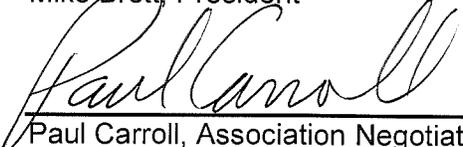
**SIGNATURES:**

CITY OF SONOMA

CITY OF SONOMA EMPLOYEES'  
ASSOCIATION SEIU 1021

 1-30-14  
Carol E. Giovanatto, City Manager      Date

 1-30-14  
Mike Brett, President      Date

 1-30-14  
Paul Carroll, Association Negotiator      Date

## STORM WATER COMPLIANCE SPECIALIST

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

### SUMMARY DESCRIPTION

Under general direction, oversees and administers the City's storm water program and other related environmental programs or projects through the development and facilitation of various activities with other departments, divisions, outside agencies, and the general public, as well as provides responsible, specialized and complex professional staff assistance to the Public Works Director.

### REPRESENTATIVE DUTIES

*The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.*

- Plans, organizes and participates in the permitting, monitoring, inspection, enforcement, pollution prevention, and data management activities of the Storm Water Program and other related environmental programs or projects as assigned in accordance with federal, state and local laws and National Pollutant Discharge Elimination System (NPDES) permits.
- Coordinates the investigation of storm water runoff, industrial related storm water quality problems, as well as complaints and violations of storm water regulations and codes.
- Prepares outreach materials, conducts outreach efforts and trains City staff on storm water and environmental protection provides information to property and business owners, tenants, City employees, and the general public through individual contact in the field, over the counter, at workshops or community events, and by telephone or other appropriate means.
- Coordinates with other City departments to improve levels of compliance with the NPDES permit.
- Prepares notices of violation and compliance schedules in cooperation with violators; prepares and maintains records of investigations and actions taken.
- Coordinates and implements the City's annual dry weather monitoring program in compliance with its NPDES Storm Water Discharge permit.
- Reviews construction plans to identify storm water discharge sources and best management practices (structural and non-structural) to maximize storm water and water quality protection.
- Evaluates and interprets technical reports, documents, manifests, applications and permits related to environmental regulations and compliance with local, state, and federal regulations.
- Maintains inspection files, records, and logs; writes reports and chronologies; schedules work activities and inspections independently to meet program objectives in a timely manner; maintains records and prepares reports concerning new or ongoing programs and program effectiveness; maintains and updates various databases and filing and record keeping systems for assigned program; participates in researching and collecting data and information for inclusion into database and record keeping systems; conducts surveys; analyzes and interprets data collected; prepares reports and distributes requested information to appropriate parties in a timely manner including reports to regulatory agencies.
- Assists in the development and implementation of policies, procedures and other program requirements for education, inspections, complaint response, watershed activities, water quality monitoring, annual report writing, inter-departmental training and coordination.
- Coordinates actions and/or programs with other agencies, e.g., other cities, the county and state departments, such as coordinating regional inspections, education, or enforcement measures;

represents the City at regional meetings; serves as liaison and provides support to assigned program activities with those of other City departments and staff as well as community organizations, the general public, and other groups.

- Prepares and writes compliance reports and associated correspondence to regulatory agencies.
- Researches availability of grant monies for projects related to the department's responsibilities, as well as writes and administers successful applications.
- Provides training, direction and guidance for City staff as directed by the Public Works Director.
- Provides responsible professional level staff assistance and technical and administrative support to other management staff, as well as boards and committees; researches, prepares, and presents technical, fiscal, and administrative studies, surveys, and reports.
- Conducts and represents the City at various meetings and makes presentations to public interest groups, City personnel and others as directed.
- Keeps current with federal, state and local regulations and their impacts on the City's storm water and environmental quality and protection.
- Provides vacation and temporary relief as needed.
- Performs related duties as required.

## **QUALIFICATIONS**

*The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.*

### **Knowledge of:**

- Operational characteristics, services, and activities of assigned environmental program area.
- Pertinent federal, state and local laws, codes, and regulations including those affecting NPDES permits, the Storm Water Program, and other environmental permits and programs.
- Permitting, legal, regulatory, and technical requirements of storm water quality management, including Illicit Connection and Illegal Discharge prevention and elimination, best management practices programs, and environmental monitoring and assessment.
- Modern principles and practices of chemistry, biology, microbiology, or environmental protection applicable to storm water, wastewater, hazardous materials or waste, or industrial waste. Laws and ordinances pertaining to storm water and environmental protection.
- Inspection, investigation or code enforcement principles and practices.
- Pollutant detection methodology related to storm water runoff or other wastes.
- Proper use of monitoring, sampling, and basic testing equipment.
- Principles and practices of record keeping and records management.
- Methods and techniques of data collection, research, and report preparation.
- Principles of supervision and training.
- Terminology used in area of assignment.
- Modern office procedures, methods, and equipment including computers and various software packages.
- Organization and operation of municipal government.

### **Ability to:**

- Plan, organize, direct, coordinate, administer, and evaluate assigned environmental programs or projects.
- Exercise sound judgment to determine environmental program and permit compliance with existing laws and regulations.

- Review documents and reports for completeness and accuracy.
- Perform a full range of responsible advanced professional level analytical, programmatic, and administrative duties in support of assigned programs, functions, and/or department involving the use of independent judgment and personal initiative.
- Recommend and implement goals, objectives, policies, and procedures for providing assigned program services and activities.
- Conduct accurate and thorough research and prepare clear, complete, accurate, and concise analysis, reports, and recommendations.
- Understand, interpret, and apply general and specific administrative and departmental policies and procedures as well as applicable federal, state, and local policies, laws, and regulations.
- Use computer applications to assist in performing duties, e.g., word processing, spreadsheets, database and presentation applications.
- Apply procedures and techniques involved in the investigation, documentation, and enforcement of codes and regulations.
- Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.
- Apply procedures and practices for issuing notices of violation and schedules for compliance.
- Analyze and evaluate technical and scientific data, reaching sound conclusions.
- Review and interpret Stormwater Pollution Prevention Plans (SWPPP's).
- Analyze and evaluate situations, take appropriate action and document violations being investigated.
- Respond to emergency situations involving actual or suspected illegal discharges or spills to the storm drain system or environment.
- Understand the organization and operation of the assigned department, other City departments, and outside agencies as necessary to assume assigned responsibilities.
- Operate and use modern office equipment including a computer and various software packages.
- Work under steady pressure with frequent interruptions and a high degree of public contact by phone or in person.
- Develop and maintain effective interdepartmental coordination.
- Facilitate, develop, and work with teams and groups on various programs and projects and to create partnerships and coalitions.
- Respond tactfully, clearly, concisely, and appropriately to inquiries from the public, City staff, or other agencies on sensitive issues in area of responsibility.
- Represent the City in a professional manner when working with boards, community groups, and the general public.
- Exercise independent judgment within established policy guidelines.
- Demonstrate an awareness and appreciation of the cultural diversity of the community.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

**Education and Experience Guidelines** - *Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:*

**Education/Training:** A Bachelor's degree from an accredited college or university with major course work in public administration, business administration, environmental science, biology, or a related field.

**Experience:** One year of experience in environmental science, physical science, engineering, or related field. Administrative experience related to storm water management, NPDES permit compliance, or other environmental compliance programs is highly desirable.

**License or Certificate** - Possession of an appropriate, valid Class C driver's license. Possess, or obtain within the first year of employment, a certificate as a Qualified SWPPP Practitioner (QSP) or Qualified SWPPP Developer (QSD).

## **PHYSICAL DEMANDS AND WORKING ENVIRONMENT**

*The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.*

**Environment:** Primary functions require sufficient physical ability to work in an office and field environment. Exposure to dust from paperwork and environment, temperature swings from air conditioning to outdoors. Overtime may be required to attend night and weekend meetings. Work environment is both formal and informal, both team- and autonomy-oriented, having variable tasks, pace, and pressure.

**Physical:** Primary functions require sufficient physical ability to work in an office and field setting and operate office equipment. CONTINUOUS sitting and upward and downward flexion of neck; fine finger dexterity; light to moderate finger pressure to manipulate keyboard, equipment controls, and office equipment; pinch grasp to manipulate writing utensils. FREQUENT side-to-side turning of neck, walking, standing, bending, stooping, pushing/pulling, and twisting at waist; moderate wrist torque to twist equipment knobs and dials; lifting objects weighing up to 20 lbs. from below waist to above shoulders and transporting distances up to 50 yards. OCCASIONAL squatting, kneeling, and reaching above and at shoulder height; moderate grasp to manipulate reference books and manuals; lifting objects weighing 20-35 lbs. from below waist to above shoulders and transporting distances up to 50 feet.

**Vision:** See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents.

**Hearing:** Hear in the normal audio range with or without correction.



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5D

Meeting Date: 2/03/14

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**Department**

Planning

**Staff Contact**

David Goodison, Planning Director

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**Agenda Item Title**

Adoption of a resolution implementing the City Council's decision to uphold the appeal of the Planning Commission's decision to approve the application of AT&T for a Use permit to install a wireless telecommunication facility on the Sebastiani Winery site (389 Fourth Street East), including an 80-foot tall redwood monopine tower and fenced equipment shelter.

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**Summary**

October 10, 2013, the Planning Commission considered the application of AT&T for a Use Permit to install a wireless telecommunication facility on the Sebastiani Winery site at 389 Fourth Street East, including an 80-foot tall redwood monopine tower and fenced equipment shelter. Ultimately, the Planning Commission approved the Use Permit for the project with a vote of 7-0. On October 17, 2013, Linda McGarr, Elizabeth and Cameron Stuckey, Patricia McTaggart, and Jennifer and Michael Palladini filed an appeal of the Planning Commission's decision. This appeal was considered by the City Council at a duly-noticed public hearing held on December 16, 2013. Following a public hearing, the City Council discussed the matter and ultimately voted 4-1 (Mayor Rouse dissenting) to uphold the appeal and to direct staff to prepare a resolution implementing its decision.

On January 2, 2014, counsel for AT&T submitted a letter requesting that the City Council reconsider its decision. Pursuant to Rosenberg's Rules of Order (the City Council's adopted meeting protocols), the Council considered this request at its meeting of January 8, 2014. Following public comment on the matter, no Councilmember made a motion for reconsideration, with the result that the request for reconsideration was declined.

Pursuant to the City Council's direction from the meeting of December 16, 2013, the City Attorney has prepared a resolution implementing the City Council's decision to uphold the appeal.

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**Recommended Council Action**

Adopt the resolution upholding the appeal of the Planning Commission's decision to approve the application of AT&T for a Use permit to install a wireless telecommunication facility on the Sebastiani Winery site (389 Fourth Street East), including an 80-foot tall redwood monopine tower and fenced equipment shelter.

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**Alternative Actions**

Provide direction to staff.

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**Financial Impact**

N.A.

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**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
  - No Action Required
  - Action Requested
- 

**Attachments:**

1. Draft Resolution
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**Alignment with Council Goals:**

N/A

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**cc:** AT&T Use Permit email list

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CITY OF SONOMA

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA  
UPHOLDING THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF  
AT&T'S APPLICATION FOR A USE PERMIT AND DENYING AT&T'S  
APPLICATION FOR A USE PERMIT TO CONSTRUCT A FAUX REDWOOD  
MONOTREE CELL TOWER ON THE SEBASTIANI WINERY PROPERTY

WHEREAS, on April 22, 2013, AT&T applied for a use permit to construct a 95 feet high faux redwood monotree tower on which it proposed to attach, among other things, twelve (12), six (6) feet tall cellular panel antennas and fifteen (15) remote radio units. In its application, AT&T proposed to locate its tower and related facilities in the northeast quadrant of the Sebastiani winery site located at 379 Fourth Street East, Sonoma, CA. Accompanying its application, AT&T submitted a two page document, one page of which consisted of photographs, which it called its "Alternative Site Analysis/List of Nearby Facilities." This document identified seven wireless facilities and tower sites, two of which were AT&T's existing cellular antennae sites and one of which was the proposed facility. The document's examination of the feasibility of utilizing one or more of the remaining four sites identified in this document was cursory and without meaningful information.

WHEREAS, on June 13, 2013, the Sonoma Planning Commission ("Commission") held a hearing to consider AT&T's application, at the conclusion of which the Commission requested that, among other things, AT&T supply the following additional information: (a) a map of all wireless facilities within 5 miles of the proposed site; (b) a rationale justifying the need to construct a 95' high tower, rather than a tower of lesser height; (c) an analysis of the feasibility of locating the wireless facility on the City-owned Mountain Cemetery property; and (d) identification of additional sites for the facility, explaining why they might be inferior to the proposed site. The Commission continued its hearing to a date by when AT&T could assemble the requested information and submit it to the City for further consideration.

WHEREAS, AT&T agreed to provide this additional information, but due to the length of time it took AT&T to develop and deliver this information to the City, the earliest the City could re-schedule the Planning Commission's consideration of same was October 10, 2013.

WHEREAS, on October 10, 2013, the Planning Commission conducted its second hearing on AT&T's application. AT&T amended its application to reduce the height of the tower to eighty (80) feet and submitted additional information, including radio frequency propagation maps and an identification of some new candidate sites for the tower. At the close of the hearing, the Planning Commission voted to approve the use permit. That decision was timely appealed to the City Council.

WHEREAS, on December 16, 2013, the City Council conducted a public hearing on the appeal of the Planning Commission's decision and AT&T's use permit application. Except for AT&T's December 6, 2013, letter to the City, the written materials submitted by AT&T to the Council for consideration as part of the appeal hearing were the same AT&T submitted to the Planning Commission for the Commission's hearing on October 10, 2013.

WHEREAS, at the City Council's meeting of December 16, 2013, numerous persons testified against siting AT&T's tower at the proposed location. A petition signed by over 100 people in opposition to the tower was introduced into the record. Visual blight, adverse aesthetic impacts on the natural and residential settings which are near the subject site, loss in values of neighboring properties and the negative effects the visual impacts the tower will have on tourists and the overall wine-country image the City and its policies strive to promote were cited as reasons for denying the project.

WHEREAS, this application and the City's treatment of it are governed by the Telecommunications Act of 1996 ("TCA"). The purposes of the TCA are described by the 9<sup>th</sup> Circuit Court of Appeals as follows:

When enacting the TCA, Congress expressed two sometimes contradictory purposes. First, it expressed its intent "to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies." 110 Stat. at 56. . . .

Second, Congress was determined "to preserve the authority of State and local governments over zoning and land use matters except in the limited circumstances set forth in the conference agreement." [citation omitted]. This legislative purpose was reflected in the enactment of 47 U.S.C. § 332(c)(7).<sup>1</sup> "Section 332(c)(7)(A)

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<sup>1</sup> Subsection 332(c)(7) reads:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, **nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.**

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) **shall not prohibit or have the effect of prohibiting the provision of personal wireless services.**

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

preserves the authority of local governments over zoning decisions regarding the placement and construction of wireless service facilities, subject to enumerated limitations in § 332(c)(7)(B). One such limitation is that local regulations “shall not prohibit or have the effect of prohibiting the provision of personal wireless services.” [citation omitted].

T-Mobile USA, Inc. v. City of Anacortes (9th Cir. 2009) 572 F.3d 987, 991-92.

WHEREAS, another limitation imposed by the TCA on the City’s land use authority is the TCA’s requirement that the Council’s decision to deny a wireless communications facility (“WCF”) such as that proposed by AT&T here must be in writing and supported by substantial evidence.<sup>2</sup> If the land use decision is authorized by the City’s own land use regulations and supported by a reasonable amount of evidence, then it cannot be overturned. For the reasons stated herein and based on the factual findings made herein, the Council determines that there is substantial evidence to support denial of AT&T’s application under applicable City land use regulations and General Plan policies.

WHEREAS, in addition to requiring local land use decisions denying WCF’s to be in writing and supported by substantial evidence, the TCA prohibits local agencies

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**(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.**

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(emphasis added).

<sup>2</sup> “[W]hile the term ‘substantial evidence’ is not statutorily defined in the Act, the legislative history of the TCA explicitly states, and courts have accordingly held, that this language is meant to trigger ‘the traditional standard used for judicial review of agency decisions.’ [citations omitted]. A municipality’s decision that is valid under local law will be upheld under the TCA’s “substantial evidence” requirement where it is supported by ‘such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.’” [citation omitted].

Sprint PCS Assets, L.L.C. v. City of Palos Verdes Estates (9th Cir. 2009) 583 F.3d 716, 726.

Substantial evidence exists if there is less than a preponderance, but more than a scintilla of evidence.

from taking regulatory actions that actually prohibit or have the effect of prohibiting the provision of personal wireless services. Sprint etc. v. County of San Diego (9<sup>th</sup> Cir. 2008) 543 F.3d 571, 578. In order to prove that a decision of a local agency denying a WCF has such a prohibitory effect, the burden is on the provider – here, AT&T – to establish that denial of its application would prevent it from closing a “significant gap” in service coverage. In other words, AT&T must establish, through the introduction of credible evidence made part of the record before the City Council, that (a) there exists a “significant gap” in its service coverage, and (b) the manner in which it proposes to fill that gap in service is the least intrusive on the values that the denial of its application seeks to serve. This standard:

allows for **a meaningful comparison** of alternative sites before the siting application process is needlessly repeated. It also gives providers an incentive to choose the least intrusive site in their first siting applications, and it promises to **ultimately identify the best solution for the community**, not merely the last one remaining after a series of application denials.

Metropcs v. City and County of San Francisco (9<sup>th</sup> Cir. 2005) 400 F.3d 715, 734-35 (emphasis added).

WHEREAS, because AT&T has the burden of showing that the denial of its application will effectively prohibit the provision of cellular services, it must “[make] a prima facie showing of effective prohibition by submitting a comprehensive application, which includes consideration of alternatives, showing that the proposed WCF is the least intrusive means of filling a significant gap.” T-Mobile USA, Inc. v. City of Anacortes (9th Cir. 2009) 572 F.3d 987, 998. For the reasons stated herein, and based upon the record evidence before the City Council, the Council finds that AT&T failed to discharge its evidentiary burden. Although AT&T may have presented some evidence showing that there are predicted gaps in its service in parts of Sonoma, it did not make a prima facie showing that that gap was significant. Moreover, AT&T did not submit a “comprehensive” application containing “meaningful comparisons” of alternative sites, thus failing to discharge its obligation of proving that the proposed project site was the least intrusive means to close the gap it alleged to exist.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

1. The above findings are incorporated by this reference.
2. In its Municipal Code, the City has adopted specific provisions governing the criteria under which AT&T’s WCF application is to be acted upon. These regulations are “designed to protect and promote public health, safety, community welfare and the aesthetic quality of Sonoma as set forth within the goals, objectives and policies of the Sonoma general plan, while at the same time not unduly restricting the development of needed telecommunications facilities and encouraging managed development of telecommunication infrastructure.” Sonoma Muni. Code (“SMC”) §5.32.010. These

regulations are expressly required to be applied to “ensure against the creation of visual blight within or along the city’s scenic corridors. . . .” Id.

3. The property on which the tower is proposed to be built consists of the Sebastiani winery facility, ancillary storage buildings, a tasting room and other structures used in the processing and bottling of wine. However, the City’s General Plan designates this land as agriculture and surrounding the winery are low density residential neighborhoods, picnic areas, open space and vineyards. Directly across the street that constitutes the winery’s northern boundary (i.e., Lovall Valley Road) and to the north of the proposed tower site are vineyards which stretch northward and northeasterly to the hills which, as they move to the west, form the northern backdrop of the City and comprise some of its most recognizable and world-renowned landscapes. Between Lovall Valley Road and the proposed tower site is a long, rectangular picnic area set aside for public use and a narrow vineyard. To the east are two single family homes and open fields designated in the General Plan as agriculture. To the northeast of the Sebastiani winery property are vineyards on land designated in the General Plan as agriculture, beyond which are hills designated as “hillsides” in the General Plan. To the north of the northwestern portion of the winery property is a low density residential neighborhood which, at its northern end, abuts hills also designated in the General Plan as “hillsides.” To the south of the proposed tower facility is a winery production building. The southern boundary of the winery property is bordered by low density residential neighborhoods.

4. Across the street from the northwest corner of the Sebastiani winery property is the terminus of the City’s major class 1 bicycle and pedestrian path, a frequently used travel way by both local citizens and tourists. From the end of this path way, walkers and bikers travel eastward along Lovall Valley Road which, as mentioned above, abuts the northern boundary of the Sebastiani winery property.

5. The preservation and protection of hillsides in their natural condition and the vistas that they produce are described as significant community goals in the City’s General Plan. Where the General Plan designates areas as “hillsides” that is “intended to preserve Sonoma’s hillside backdrop, while allowing limited residential development in conjunction with agricultural uses.” City of Sonoma’s 2020 General Plan (“General Plan”), at p. 16. The General Plan’s designation of lands as agriculture is intended to “protect remaining tracts of productive agriculture within city limits, including grazing land, truck farms, vineyards, and crop production areas.” Id.

6. The Sebastiani winery and the proposed site of AT&T’s monotree tower are surrounded by the things that make the City of Sonoma special and unique: vineyards, open country, hillsides, and low density residential neighborhoods. The City has constructed pathways that lead local citizens and tourists to and through these features so that they can enjoy them as integral parts of Sonoma’s small-town character and charm.<sup>3</sup>

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<sup>3</sup> The importance of preserving agricultural lands and the myriad beneficial impacts such lands have on the well-being of the City and its citizens are objectives eloquently described in the City’s General Plan. “Agriculture is the valley’s oldest industry and remains an economic mainstay. The influence of agriculture extends beyond the jobs and sales it generates to the

Testimony adduced at the Council's December 16, 2013, hearing established that the construction of AT&T's WCF and 80' tower would detract from the bucolic and residential character of the surrounding neighborhoods and properties. Contrary to the SMC's requirement that AT&T's 80' faux monotree be designed "to blend into the surrounding environment to the greatest extent feasible . . . and located so as to minimize [its] visibility" (SMC §5.32.110(B),(C)), the photosimulations provided by AT&T show the tower to be significantly out of scale to any surrounding structures. Moreover, testimony showed that from many perspectives around the Sebastiani winery property, the tower would negatively impact the scenic qualities of the area and blemish the hillside backdrops the General Plan and the community seek to protect. Additionally, the tower would be highly visible from a two thousand foot section along Lovall Valley Road as well as from the neighborhood to the north with no mature trees or structures to obscure it from view. A real estate professional testified that the installation of the proposed tower would lower real estate values in the affected neighborhoods.

7. AT&T did submit photosimulations which purportedly show the tower nestled amongst existing trees or barely peeking above the roofs of nearby homes. But as several witnesses testified, some of these photographs were taken from points relatively far away from the proposed site of the tower and positioned such that the tower would appear to blend in with existing trees. Other photosimulations were created from the perspective of a viewer located in front of a home, looking into the distance over the home's roof and toward the proposed location of the tower. From this perspective, the photosimulations depicted the top of the tower barely peeking over the top of the roof. In short, the Council finds that the photosimulations were not a fair representation of the visual impacts that the proposed tower would have on the surrounding neighborhoods and residential users.

8. The proposed WCF would negatively impact the views from single-family residences in the vicinity of the proposed site, as well as views of persons walking and traveling in and through this otherwise scenic area. The existing vegetation would not adequately screen the tower and it would be taller than the existing trees. SMC §532.110(G) required that AT&T's WCF include "suitable mature landscaping to screen the facility, where necessary. For purposes of this section 'mature landscaping' shall mean trees . . . and other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation." In its application AT&T has proposed the installation of no such screening. As such, its application cannot be granted.

9. For the foregoing reasons, therefore, it is determined that AT&T's WCF is not consistent with the City's General Plan, and particularly, Policy 5.3 of the General Plan's Community Development Element. Policy 5.3 requires that all projects "protect important scenic vistas and natural resources and incorporate significant views and natural features into project designs." The location and design of AT&T's monotree tower fail to protect and incorporate the important scenic views in the area, and, in fact, would detract from and adversely affect such views. It is incompatible with the

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scenic qualities enjoyed by everyone in the valley. The agricultural heritage and pastoral beauty of the valley draw visitors to the region from all over the world." General Plan, at p. 27.

character and appearance of the surrounding land uses and, therefore, cannot be approved.

10. AT&T had the burden of establishing, with evidence in the record before the Council, that there exists a “significant gap” in its service coverage and that the subject proposal is the least intrusive means to close that gap. Establishing that there exist gaps in AT&T’s service in Sonoma is not enough. AT&T must demonstrate that those gaps are “truly significant.” Metropcs, supra, 400 F.3d at 733. For the reasons stated below, the City Council finds that AT&T has not met its burden of establishing that its gaps in service were significant.

11. The only evidence that AT&T brought to the attention of the City showing that it was allegedly experiencing gaps in its service were several radio frequency propagation maps, comparing the level of wireless service currently offered by AT&T in the area covered by the maps with the level of wireless service AT&T expected the proposed 80’ tower to provide in that same area. No evidence or reports were submitted by AT&T explaining these maps other than two power point slides on which were set forth several bullet points. The maps were covered, in pixilated form, with three different colors depicting varying levels of coverage in the area covered by the maps. The power point slides indicated that: (a) the areas colored in yellow were experiencing “acceptable” in-vehicle coverage, (b) the areas colored in green indicated “acceptable” in-building service coverage, and (c) the areas colored in blue depicted areas where customers “might” have difficulty in receiving acceptable levels of service. Inexplicably, in the same power point slide, AT&T indicated that yellow or blue colored areas were considered to be receiving “inadequate” service coverage and constituted a service coverage gap. AT&T never explained how on the one hand the area colored in yellow could indicate adequate in-vehicle coverage but at the same time indicate *inadequate* service and constitute a service gap. Similarly, AT&T did not explain why an area where service “might” be difficult also constituted a gap in service. It was also unclear whether the purpose of the proposed tower was to fill existing gaps in service or to address loss of capacity anticipated to be experienced at AT&T’s two other, existing WCF’s located in the Sonoma area. Testimony by AT&T wireless customers indicated that their wireless service was acceptable.

12. In any case, AT&T did not produce any evidence as to (a) the number of customers or potential customers its alleged service gaps were affecting or would affect, (b) the number of buildings in which its service was inadequate, (c) traffic patterns or traffic counts of any of the streets that might have been included in its coverage maps, (d) the number or percentage of dropped or interrupted calls being experienced by its customers, (e) the size of the area in which AT&T claims its service is limited, or (f) any other information that would allow an assessment of the “nature and character of [the relevant] area or the number of potential users in that area who may be affected by the alleged lack of service.” Powertel/Atlanta, Inc. v. City of Clarkston, (2007 N.D. Ga.) 2007 WL 2258720, at p. 6.

13. Propagation maps alone are insufficient to establish a significant gap in service.<sup>4</sup> Sprint PCS Assets, L.L.C. v. City of Palos Verdes Estates (9th Cir. 2009) 583 F.3d 716, 727. And just because a provider states that it is experiencing service problems does not discharge its burden in these types of proceedings. Powertel/Atlanta, supra, at p. 6.

14. Even if AT&T had proved that it is experiencing service gaps and that those gaps are significant (which this Council finds it did not), it was also required to make out a prima facie case demonstrating that the proposed tower location was the “least intrusive means” available to close that gap. The “least intrusive means” standard contemplates that AT&T would have undertaken a “meaningful comparison of alternative sites” in order to identify “the best solution for the community” in selecting a site for its proposed WCF. See, MetroPCS, 400 F.3d at 735. In other words, AT&T was required to make a “good faith effort” to “identify and evaluate less intrusive alternatives.” RPT Pittsburgh etc. v. Penn Township, etc.(3d Cir. 1999) 196 F.3d 469, 480.

15. AT&T failed to conduct the comprehensive examination and make the necessary effort in evaluating alternative sites that the TCA envisions.<sup>5</sup> AT&T identified eight alternative sites that it examined. It rejected six of them: five being too far “from the needed area” and one being too close. However, AT&T did not provide evidence as to why it selected sites to examine that, technically speaking, were too far away to be technically feasible. A provider’s development of a “search ring” around the identified gap where, in theory, a WCF may be technologically capable of filling the coverage gap is a common practice of provider’s seeking to meet the “least intrusive means” standard. Once such a “ring” is determined, the provider is able to analyze locations in and around the search ring to determine their feasibility. See, e.g., Omnipoint Holdings, Inc. v. City of Cranston (1<sup>st</sup> Cir. 2009) 586 F.3d 38; T-Mobile etc. v. City of Agoura Hills (C.D. Ca. 2010) 2010 WL 5313398, at p. 9. There is no indication that AT&T conducted such an analysis here.

16. In its comparative analysis, AT&T also examined and rejected one of AT&T’s existing WCF sites. But one of the central points in AT&T applying for the subject use permit is to add the proposed WCF to AT&T’s network system because its existing WCF’s were, by AT&T’s own admission, inadequate to accommodate capacity. Moreover, AT&T rejected alternative site #3 as being too close (.55 miles away) to

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<sup>4</sup> Propagation maps are computer models that “predict” signal strength throughout the area in question. There are other methods of ascertaining signal strength. For example, drive tests can be conducted by using radio frequency scanning and GPS equipment which is attached to a vehicle that is driven throughout a given area in order to record actual signal strength data. That data is then used to create a map illustrating actual signal strength. There is evidence that drive test data is more accurate and reliable than the computer modeling utilized in developing propagation maps. American Cellular etc. v. Upper Dublin (E.D. Pa. 2002) 203 F. Supp.2d 383, 391. AT&T did not submit any evidence that it conducted a drive test to derive the maps it presented to the City in support of its claim that it was experiencing significant service gaps.

<sup>5</sup> Many of AT&T’s explanations for rejecting the eight alternative sites were noticeably absent of detail and dependent upon conclusory statements. Such explanations are insufficient to discharge AT&T’s burden. Helcher v. Dearborn County (7<sup>th</sup> Cir. 2010) 595 F.3d 710, 726-27.

AT&T's existing WCF's. As such, the City Council cannot discern and AT&T did not explain why it evaluated whether one of AT&T's existing WCF sites would be an acceptable alternative.

17. Alternative site #2 was apparently technically feasible but because AT&T determined that a similar 80' tower would have to be built on this site and because it was located in a residential area it was not a viable candidate. But, as determined above, although the proposed WCF tower would be located on a winery property, that property was also situated between residential neighborhoods and the impact of an 80' tower on those neighborhoods would presumably be similar to that likely to be visited on the neighborhood surrounding site #2. Why AT&T rejected one site on this basis but not the other is not clear. There was no evidence that AT&T had approached the owner of alternative site #2 and offered financial arrangements to use the property as a tower site. Additionally, one of the reasons advanced by AT&T in support of its rejection of alternative #2 was that the Sebastiani winery site "will better meet the needed increased capacity for the area." No data was supplied to support this conclusion. And when asked what this statement meant, AT&T's representative who testified during the Council's hearing stated that he did not know and offered that maybe it was a typographical error.

18. Consequently, the City Council finds that AT&T's comparison of alternative sites was not truly "meaningful" and it did not identify "the best solution for the community."

19. For the foregoing reasons, therefore, the City Council of the City of Sonoma upholds the appeal of the Planning Commission's approval of AT&T's use permit application to construct an 80' faux redwood monotree and related facilities at the Sebastiani winery property and, as such, denies said application.<sup>6</sup>

ADOPTED this 3d day of February 2014 by the following vote:

AYES:

NOES:

ABSENT:

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Tom Rouse, Mayor

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<sup>6</sup> After the City Council voted to uphold the appeal of the Planning Commission's decision, and in January 2014, AT&T submitted a request that the Council's decision be reconsidered. Accompanying that request were reports, photosimulations, analysis and arguments that had not been presented to the Council on or before its December 16, 2013, hearing. The Council ultimately declined to reconsider its decision and in doing so determined that the additional and supplemental evidence sought to be inserted into the record by AT&T's reconsideration request could not be considered by the Council in making this decision. This is so because to have done otherwise would have constituted a denial of due process and violated the principle of administrative adjudicatory finality. Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152, 1172.

ATTEST:

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Gay Johann  
Assistant City Manager/City Clerk

:



**CITY OF SONOMA**  
**City Council/Successor Agency**  
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 02/03/2014

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**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

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**Agenda Item Title**

Approval of the portions of the Minutes of the December 16, 2013 and the January 8, 2014 City Council / Successor Agency Meetings pertaining to the Successor Agency.

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**Summary**

The minutes have been prepared for Council review and approval.

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**Recommended Council Action**

Approve the minutes.

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**Alternative Actions**

Correct or amend the minutes prior to approval.

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**Financial Impact**

N/A

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**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

See Agenda Item 5B for the minutes

**Alignment with Council Goals:** N/A

**cc:** NA

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City of Sonoma  
**City Council**  
*as Successor Agency*  
**Agenda Item Summary**

City Council Agenda Item: **6B**

Meeting Date: **02/03/2014**

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**Department**

Administration

**Staff Contact**

Carol Giovanatto, City Manager

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**Agenda Item Title**

Adoption of the FY 14-15A Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2014 through December 31, 2014

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**Summary**

As required by legislation AB1x26, the Recognized Obligation Schedule [ROPS] must be prepared and approved for each prospective six month period of the fiscal year. The ROPS under consideration tonight covers the period July 1, 2014 through December 31, 2014 [FY 14-15A] and includes updates to all previously approved projects and expenditures. Once the ROPS is approved by the Successor Agency, it will be presented to the Oversight Board on February 12 for approval and submittal to Department of Finance, the State Controller's office and the County Auditor-Controller.

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**Recommended Council Action**

Acting as the Successor Agency, approve the ROPS for the period July 1, 2014 through December 31, 2014 as submitted for presentation to the Oversight Board on February 12, 2014.

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**Alternative Actions**

N/A

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**Financial Impact**

Unknown at this time

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**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

Recognized Obligation Schedule #14-15A  
Resolution

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**cc:**

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# **CITY OF SONOMA**

RESOLUTION NO. SA \_\_ - 2014

A RESOLUTION OF THE CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF SONOMA APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 1, 2014 THROUGH DECEMBER 31, 2014

WHEREAS, pursuant to Health and Safety Code Section 34180(g), the City Council as the Successor Agency is required to review and approve the Recognized Obligation Payment Schedule prepared by the Successor Agency covering a six month period; and

WHEREAS, the Successor Agency to the dissolved Redevelopment Agency of the City of Sonoma is requested to approve the Recognized Obligation Payment Schedule [FY 14-15A] for the six month period July 1, 2014 through December 31, 2014 and

WHEREAS, on February 12, 2014, the ROPS will be presented to the Oversight Board for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency as follows:

SECTION 1. The Successor Agency hereby approves the Recognized Obligation Payment Schedule for the period July 1, 2014 through December 31, 2014, as set forth in Exhibit "A" to this Resolution and by this reference incorporated herein.

SECTION 2. The Board Secretary, or the City's City Manager (as the person appointed by action of the Oversight Board at its meeting of April 4, 2012, to be the designated contract person to the Department of Finance), shall transmit the approved Amended Recognized Obligation Payment Schedule to the Department of Finance, State Controller, and County Auditor-Controller in compliance with the requirements of Part 1.85 of Division 24 of the California Health and Safety Code. The staff of the Successor Agency shall take such other and further actions and sign such other and further documents as appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule approved hereby on behalf of the Successor Agency.

SECTION 3. The adoption of this Resolution by the Successor Agency shall not impair the right of the Successor Agency to assert any claim or pursue any legal action challenging the constitutionality of Assembly Bill 26 from the 2011-12 First Extraordinary Session of the California Legislature ("AB 1x26") or challenging any determination by the State of California or any office, department or agency thereof with respect to the Recognized Obligation Payment Schedule approved hereby.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Successor Agency hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

PASSED AND ADOPTED by the Successor Agency at a meeting held on the 3rd day of February, 2014 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Tom Rouse, Mayor

ATTEST:

\_\_\_\_\_  
Gay Johann, Assistant City Manager/City Clerk

**Recognized Obligation Payment Schedule (ROPS 14-15A) - Summary**

Filed for the July 1, 2014 through December 31, 2014 Period

Name of Successor Agency: Sonoma City  
 Name of County: Sonoma

<b>Current Period Requested Funding for Outstanding Debt or Obligation</b>		<b>Six-Month Total</b>
<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):</b>		<b>\$ 8,200,538</b>
B	Bond Proceeds Funding (ROPS Detail)	8,200,538
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	-
<b>E Enforceable Obligations Funded with RPTTF Funding (F+G):</b>		<b>\$ 3,619,981</b>
F	Non-Administrative Costs (ROPS Detail)	3,494,981
G	Administrative Costs (ROPS Detail)	125,000
<b>H Current Period Enforceable Obligations (A+E):</b>		<b>\$ 11,820,519</b>
<b>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
I	Enforceable Obligations funded with RPTTF (E):	3,619,981
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	-
<b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>		<b>\$ 3,619,981</b>
<b>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
L	Enforceable Obligations funded with RPTTF (E):	3,619,981
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
<b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>		<b>3,619,981</b>

Certification of Oversight Board Chairman:  
 Pursuant to Section 34177(m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

_____	
Name	Title
/s/ _____	
Signature	Date

**Recognized Obligation Payment Schedule (ROPS) 14-15A - ROPS Detail**  
**July 1, 2014 through December 31, 2014**  
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					O	P
										Funding Source						
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF			
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin		
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total	
								\$ 83,713,458		\$ 8,200,538	\$ -	\$ -	\$ 3,494,981	\$ 125,000	\$ 11,820,519	
1	2003 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	6/2/2003	12/1/2033	Bank of New York	Portion of Bonds issue to fund non-	SONOMA	18,317,604	N				959,467		\$ 959,467	
2	2003 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	6/2/2003	12/1/2033	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	4,579,401	N				239,867		\$ 239,867	
3	2010 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	9/22/2010	6/30/2031	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	9,567,924	N				596,658		\$ 596,658	
4	2010 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	9/22/2010	6/30/2031	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	2,391,981	N				145,165		\$ 145,165	
5	2011 Tax Allocation Bond	Bonds Issued After 12/31/10	3/4/2011	12/1/2037	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	30,276,583	N				1,058,701		\$ 1,058,701	
6	2011 Tax Allocation Bond	Bonds Issued After 12/31/10	3/4/2011	12/1/2037	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	4,128,625	N				144,368		\$ 144,368	
8	Exchange Bank Loan	City/County Loans On or Before 6/27/11	3/1/2005	4/1/2015	Exchange Bank	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	1,865,540	N				68,480		\$ 68,480	
9	Visitors Bureau Contract for Service	City/County Loans On or Before 6/27/11	3/7/2011	7/1/2016	Sonoma Valley Visitors Bureau	Contract for Marketing & Promotion	SONOMA	436,000	N				109,000		\$ 109,000	
10	Historic Preservation Easement	City/County Loans On or Before 6/27/11	3/9/2011	3/9/2021	Sonoma Community Center	Acquisition of Historic Preservation Easement	SONOMA	325,000	N				25,000		\$ 25,000	
11	City Loan entered into on 08/2009	City/County Loans On or Before 6/27/11	6/2/2010	7/10/2023	Municipal Finance Corporation	Clean Renewable Energy Bonds [CREBS]	SONOMA	417,490	N							
14	Legal Services	City/County Loans On or Before 6/27/11	2/22/2012	6/30/2018	Rutan and Tucker	Legal Counsel for Successor Agency	SONOMA	40,000	N				40,000		\$ 40,000	
15	Legal Services	City/County Loans On or Before 6/27/11	2/22/2012	6/30/2018	Jeffery A. Walter, a Professional Law Corporation	Legal Counsel for Successor Agency	SONOMA	25,000	N				25,000		\$ 25,000	
16	Successor Agency CPA Audit	Professional Services	6/26/2006	6/30/2018	C G Uhlenberg LLC	Auditing services for Successor Agency	SONOMA	15,000	N				15,000		\$ 15,000	
19	2010 SERAF Loan Payment due to Housing Fund	City/County Loans On or Before 6/27/11	2/10/2010	6/30/2018	Sonoma County Community Development Commission/Housing Authority	Agency loan from LMI fund to CDA fund for payment of 2010 SERAF Payment	SONOMA	1,920,016	N							
20	Property @ 32 Patten Street [Old Fire Station]	Property Maintenance	1/1/1986	6/30/2014	City of Sonoma	Water Utility costs for Property located at 32 Patten Street [old fire station; asset to be liquidated by Oversight Board per AB1X26]	SONOMA	820	N				820		\$ 820	
21	Property @ 32 Patten Street [Old Fire Station]	Property Maintenance	1/1/1986	6/30/2014	Sonoma County Tax Collector	Sewer Utility costs for Property located at 32 Patten Street [old fire station; asset to be liquidated by Oversight Board per AB1X26]	SONOMA	3,550	N				3,550		\$ 3,550	
26	Emergency/Homeless Shelter [Housing]	Professional Services	3/7/2011	6/30/2020	Sonoma Overnight Shelter	Contract for Emergency Shelter Operations	SONOMA	15,000	N				15,000		\$ 15,000	
27	Village Green II Low Income Housing USDA Loan	City/County Loans On or Before 6/27/11	5/1/2005	5/22/2035	United States Department of Agriculture	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	701,391	N				48,906		\$ 48,906	
28	Affordable Housing Projects within Project Area - 2011 CDA TAB	Bonds Issued After 12/31/10	1/30/2012	6/30/2018	Sonoma County Housing Authority	Low/Moderate Housing projects to be constructed by Sonoma County Housing Authority [Housing Successor Agency]	SONOMA	1,450,000	N	1,450,000					1,450,000	
29	Sonoma Valley Community Library	Bonds Issued After 12/31/10	6/20/2011	4/16/2012	AXIS [Architect] Millennium Consulting [Asbestos Abatement]; City of Sonoma [project management]; S.W. Allen Construction [construction]	Contractual Agreement with Sonoma County Library for facility upgrade and ADA access issues funded through 2011 CDA TAB - PROJECT 100% COMPLETE	SONOMA		N							

**Recognized Obligation Payment Schedule (ROPS) 14-15A - ROPS Detail**  
**July 1, 2014 through December 31, 2014**  
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					P	
										Funding Source						
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF			
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total	
30	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #1,2,3,7,8,9,12,14,15,16,17,19,31	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; Ghilotti [Construction]; Able Construction [Construction]	Installation of ADA ramps at intersections.	SONOMA	586,462	N	586,462						\$ 586,462
31	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs # 7,15,16	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Able Construction [construction]; Miller Pacific [geotechnical]; John Meserve [arborist]	Street Reconstruction: Third St West; Fourth St West; Hayes St.	SONOMA	397,561	N	397,561						\$ 397,561
32	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj. #1,12	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction]; Miller Pacific [geotechnical]	Leveroni, 5th St. W - Pavement reconstruction	SONOMA	578,721	N	578,721						\$ 578,721
33	Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prj. 27; local match for \$133,870 CalTRANS Grant	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/Design]	Leveroni, Broadway turn-lane signal	SONOMA	71,785	N	71,785						\$ 71,785
34	Bike Lanes& Signage - 2011 CDA TAB Prj. #28 [local match funding agreement with Sonoma County Transportation Authority grant \$135,000]	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/Design]; Crisp Construction [construction]	Comprehensive Bike Lane & signage	SONOMA		N							\$ -
35	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #31	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction]; Miller Pacific [geotechnical]	France Street Pavement reconstruction	SONOMA	382,121	N	382,121						\$ 382,121
36	Citywide Pavement Management/Sidewalk/ADA - 2011 CDA TAB Prjs 2, 3, 18	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; Miller Pacific [Geotechnical];	2nd ST. West, 1st West, Church St, Patten St, W Spain Rehabilitation	SONOMA	1,038,989	N	1,038,989						\$ 1,038,989
37	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #26	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; Miller Pacific [Geotechnical]; Exaro [Potholing]; GHD [Right of Way]	Bikeway Improvement-Fryer Creek Bike/Pedestrian Bridge.	SONOMA	43,046	N	43,046						\$ 43,046
38	Citywide Pavement Management/Sidewalk/ADA Projects-2011 CDA TAB PRJ #9,14,17	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; GHD [Design]	Curtin Lane, Harrington Dr Rehabilitation.	SONOMA	595,392	N	595,392						\$ 595,392
39	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #30	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; Miller Pacific [Geotechnical];	Napa Road pavement reconstruction	SONOMA	799,321	N	799,321						\$ 799,321
40	Citywide Pavement Management/Sidewalk/ADA Projects -2011 CDA TAB Prj # 29.	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/admin/CalTrans]; Quincy [Design/Environmental/ROW]	Chase St Bridge Reconstruction	SONOMA		N							\$ -
41	Citywide Pavement Management/Sidewalk/ADA Projects	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Fryer Creek Dr, Newcomb St, Malet Pavement	SONOMA	262,216	N	26,221						\$ 26,221

**Recognized Obligation Payment Schedule (ROPS) 14-15A - ROPS Detail**  
**July 1, 2014 through December 31, 2014**  
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K				L		M	N	O	P
										Funding Source				Six-Month Total					
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)		RPTTF							
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total				
42	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #5,6,20	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Oregon St, 7th St West, Studley St, Barrachi St, Palou St, Fano Dr	SONOMA	233,293	N	233,293						\$ 233,293			
43	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #11,21	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Malet St, Broadway St.	SONOMA	437,760	N	437,760						\$ 437,760			
44	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #27	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Broadway Storm Drain Improvements CIP #6	SONOMA	319,331	N	319,331						\$ 319,331			
45	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #24,25	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	East MacArthur Street Stormdrain; CIP #8	SONOMA	705,228	N	705,228						\$ 705,228			
46	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #22	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Nathanson Creek Outfall	SONOMA	51,433	N	51,433						\$ 51,433			
47	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #23	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	West MacArthur Culvert CIP#1	SONOMA	341,874	N	341,874						\$ 341,874			
48	Sebastiani Theater ADA Improvements - 2011 CDA TAB	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	ADA upgrades to Historic Theater	SONOMA	142,000	N	142,000						\$ 142,000			
49	Administrative Allowance for Successor Agency	Admin Costs	7/1/2012	6/30/2013	City of Sonoma as Successor Agency	Administrative costs related to the wind-down of the Redevelopment Agency	SONOMA	250,000	N						125,000	\$ 125,000			
50	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #1,2,3,7,8,9,12,14,15,16,17,19,31	Bonds Issued After 12/31/10	4/11/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Able Construction [construction] Miller Pacific [geotechnical]; John Meserve [arborist]	Installation of ADA ramps at intersections.	SONOMA		N										
51	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs # 7,15,16	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Street Reconstruction: Third St West; Fourth St West; Hayes St.	SONOMA		N										
52	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj. #1,12	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/Design]	Leveroni, 5th St. W - Pavement reconstruction	SONOMA		N										
53	Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prj. 27; local match for \$133,870 CalTRANS Grant	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/Design]; Crisp Construction [construction]	Leveroni, Broadway turn-lane signal	SONOMA		N										
54	Bike Lanes& Signage - 2011 CDA TAB Prj. #28 [local match funding agreement with Sonoma County Transportation Authority grant \$135,000]	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Comprehensive Bike Lane & signage	SONOMA		N										
55	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #31	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical];	France Street Pavement reconstruction	SONOMA		N										
56	Citywide Pavement Management/Sidewalk/ADA - 2011 CDA TAB Prjs 2, 3, 18	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical]; Exaro [Potholing]; GHD [Right of Way]	2nd ST. West, 1st West, Church St, Patten St, W Spain Rehabilitation	SONOMA		N										





**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 7A

Meeting Date: 02/03/14

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**Department**

Planning

**Staff Contact**

Planning Director Goodison/Senior Planner Gjestland

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**Agenda Item Title**

Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve 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. An Environmental Impact Report for the proposed project was certified on July 18, 2013, by the adoption of a Resolution. The City Council will consider the previously certified environmental impact report as part of the Council action on this project, however, the environmental impact report is not a subject of the appeal.

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**Summary**

On November 14, 2013, the Planning Commission considered 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. (An Environmental Impact Report for the project was certified by the Planning Commission at a previous hearing held on July 18, 2013.) Following the public hearing and through the course of a lengthy discussion on the part of the Planning Commission, a majority of the commission was satisfied with the balance of uses, the site plan, the parking/access configuration, the drainage plan, and the location, massing, and design of proposed new construction, with the exception of Building 1, a two-story structure that would front East Spain Street. (Some individual commissioners also voiced concern about drainage and vibration impacts.) The Commission felt that there should be additional evaluation and improvement in its architectural character and design detailing and discussed whether the design of Building 1 should be further reviewed and resolved at the Planning Commission level or referred to the Design Review Commission.

Ultimately, the Planning Commission voted 4-2 to approve the Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project (Commissioners Felder and Edwards dissenting) with a number of amendments to the conditions of approval, including a requirement that the architectural concept, elevation details, exterior colors and materials of Building 1 be subject to review and approval by the DRC to address concerns raised by the public and the Planning Commission. On November 21, 2013, Simon and Kimberly Blattner filed an appeal of the Planning Commission's decision to approve the Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project. As expressed in the attached appeal form, the appellants feel that the design of the project is not appropriate for the site. Further details are provided in the attached supplemental report and other attachments.

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**Recommended Council Action**

Deny the appeal, upholding the decision of the Planning Commission.

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**Alternative Actions**

1. Uphold the appeal, thereby denying the Use Permit, Site Design and Architectural Review, and Parking Exception application.
2. Uphold the appeal, approving the application with modifications.
3. Refer the project back to the Planning Commission for further consideration.

Except in the case of option number 3, staff would return on the following Council meeting with a Resolution formalizing the Council's decision, including the necessary findings.

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## Financial Impact

N.A.

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### Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

### Status

- Approved/Certified
  - No Action Required
  - Action Requested
- 

### Attachments:

1. Supplemental Report
  2. Appeal
  3. Applicant Statement and Timeline
  4. Correspondence
  5. Final Minutes of the 11/14/13 Planning Commission meeting
  6. Final Conditions of Project Approval
  7. Mitigation Monitoring and Reporting Program adopted by Planning Commission on 7/18/13
  8. List of Items Requested by Planning Commission for 11/14/13 Meeting
  9. Planning Commission Staff Report for 11/14/13 Meeting plus Correspondence
- 

**Enclosures (available on the “Current Reports” page on the City’s website at the following link <http://www.sonomacity.org/default.aspx?Pageid=455>):**

1. Mission Square November 2013 Project Information/Design Review Submittal
  2. Mission Square Revised Final EIR
- 

### Alignment with Council Goals:

N.A.

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**cc:** Simon and Kimberly Blattner  
426 Second Street East  
Sonoma, CA 95476

Marcus & Willers Architects  
873 First Street West  
Sonoma, CA 95476

Mission Square email list

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## SUPPLEMENTAL REPORT

Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve 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. An Environmental Impact Report for the proposed project was certified on July 18, 2013, by the adoption of a Resolution. The City Council will consider the previously certified environmental impact report as part of the Council action on this project; however, the environmental impact report is not a subject of the appeal.

*For the City Council meeting of February 3, 2014*

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### **Property Description**

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 majority 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. Adjoining uses are as follows:

*North:* A horse pasture is located to the north across East Spain Street.

*South:* Public and private parking lots adjoin to the south as well as the private rear yard of one residential property.

*East:* Single-family homes are located to the east.

*West:* Commercial uses/buildings, parking lots, and the Blue Wing Inn property adjoin to the west.

The site is designated Mixed Use by the General Plan and has a corresponding MX zoning, which allows a residential density of up to 20 dwelling units/acre.

### **Project Description**

The project 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 a minimum of 14 feet from the east property line and their east building walls setback a minimum of 20 feet. A small accessory building containing a laundry room and trash enclosure (±325 square feet in area) 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 the attached material.

### **Planning Commission Review**

The Mission Square project was first considered by the Planning Commission as a study session item in May 2005. In December 2005, Marcus and Willers Architects subsequently filed a Use Permit application for the project, which at that time consisted of 23 apartment units and 5,700 square feet of commercial floor area. Since then, the project and associated environmental review documents have been considered by the Planning Commission on several occasions and the two most recent public hearings on the application (summarized below) represent the culmination of this extensive review process. Based on these reviews, the project has been scaled back and modified in a number of ways. For more details on the project's review history refer to the "Background" section of the November 2013 staff report and applicant's entitlement timeline (attached).

*July 2013 Review:* The Revised Final EIR and the project entitlements were considered by the Planning Commission at a special meeting held on July 18, 2013. Following a lengthy public hearing, the Planning Commission certified the EIR with a vote of 4-2 (commissioners Felder and Edwards dissenting). In the course of the subsequent discussion of the project itself, however, the commission concluded that there was insufficient information on building design issues, including exterior materials and finishes, as well as some other aspects of the project, in order to make a decision on the planning entitlements. 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 (attached).

*November 2013 Review:* In response to the Planning Commission's direction from the July 2013 meeting, the applicants submitted a detailed design review package that included 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. Some notable project revisions were incorporated into this submittal, including a reduction in the number of apartments from 16 to 14 units to address concerns about parking, and a reduction in the width of the northern segment of driveway to 20 feet in order to preserve existing fig and quince trees and allow for additional landscaping west of driveway adjacent to the Pinni building.

This submittal was considered by the Planning Commission at its meeting of November 14, 2013. During the public hearing, several individuals, including members of the Sonoma League

for Historic Preservation, expressed concern about vibration impacts during construction, drainage impacts, parking adequacy, the design/mass of Building 1 being incompatible with historic setting and streetscape, and more generally that the project was lacking in terms of the quality of its design and in the choices of building materials relative to the significance of the site and nearby historic resources. During the commission's review, a majority of the commission was satisfied with the balance of uses, the site plan, the parking/access configuration, and the drainage plan, but had continued concerns about the design of Building 1 (Some individual commissioners also voiced concern about drainage and vibration impacts.) There was a lengthy discussion as to whether the design of Building 1 should be further reviewed and resolved at the Planning Commission level or referred to the Design Review Commission. Ultimately, the Planning Commission voted 4-2 to approve the Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project (Commissioners Felder and Edwards dissenting) with the following amendments to the conditions of approval:

1. The architectural concept, elevation details, exterior colors and materials of Building 1 shall be subject to review and approval by the DRC to address concerns raised by the public and the Planning Commission.
2. The backflow prevention device shall be located outside the 20-foot front yard setback along the East Spain Street frontage, subject to review and approval by the Fire Marshall and City Engineer.
3. The carport structures shall be pre-wired to accommodate solar panels.
4. The northerly segment of the driveway shall be designed and constructed with pavers for a minimum length of 50 feet from the driveway apron for aesthetic purposes and stormwater infiltration.
5. Weekly vibration monitoring inspections of the Blue Wing Inn and Pinni Building shall be conducted by a licensed structural engineer during earth-moving activities, contingent upon authorization by the owners of those properties.
6. The limitations on construction hours and other measures set forth in Mitigation Measure NOISE-5 shall be explicit within the conditions of project approval.

The final minutes from the November 14, 2013 Planning Commission meeting are attached for consideration.

### **Issues Raised in the Appeal**

On November 21, 2013, Simon and Kimberly Blattner filed an appeal of the Planning Commission's decision to approve the Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project. As expressed in the attached appeal form, the appellants feel that the design of the project is not appropriate for the site. While the appeal does not go into specifics, it is staff's understanding from meeting with the appellants that they do not feel the project is compatible with or worthy of the site's important historic setting, which was a concern expressed by some throughout the review process. Staff would note that compatibility with the site's surroundings, including the historic setting, was a significant consideration in the review of both the environmental documents and project entitlements. That said, even though the EIR concluded that the project (subject to mitigation measures) was adequately compatible with on-site and off-site historic resources, through the Use Permit and Design Review process, the project may be held to a higher standard of design quality. The main points of analysis with

regard to historic compatibility and design quality, as drawn from previous staff reports, are summarized below.

*Compatibility with 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 Inn, 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 Register District. The EIR identified a series of changes that would be necessary to avoid these impacts. The mitigated project design incorporated all of the EIR recommendations and the analysis of Cultural Resources in the Revised Final EIR provides a thorough evaluation of the mitigated project design with respect to historic resources. Key findings of that analysis 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 with 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 office 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 Inn.
- In general, 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 addressed in the EIR 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. Since the certification of the EIR in July 2013 was not contested, it is not the subject of the appeal. Accordingly, the City Council's consideration of the appeal should focus on the proposed uses, site plan, architectural concepts, and the design detailing of the project to determine whether that quality of project reflects local standards, demonstrates appropriate sensitivity to its environs, and makes a positive contribution to the historic downtown area.

*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 had primary discretion over site design and architectural review as part of the Planning permit entitlement process. A number of comments received in the course of the project review were critical of the architectural form of the buildings, which have been described by some as repetitive and lacking a sense of place. During the most recent public hearing on November 14, 2013 several individuals, including members of the Sonoma League for Historic Preservation, expressed concerns about the design/mass of Building 1 being incompatible with historic setting and streetscape and more generally that the design, detailing, and building materials do not rise to a level of quality commensurate with the visual significance of the site and its historic setting. During the commission's review, the majority of the commission was satisfied with the balance of uses, the site plan, the parking/access configuration, and the drainage plan, and the overall form and design of Buildings 2 through 7. However, commissioners had continuing concerns about the design of Building 1. As a result, there was a lengthy discussion about whether the design of Building 1 should be further discussed and resolved at the Planning Commission level or referred to the Design Review Commission. Ultimately, the Planning Commission voted 4-2 to approve the Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project (Commissioners Felder and Edwards dissenting) with a number of amendments to the conditions of approval, which included a requirement that the architectural concept, elevation details, exterior colors and materials of Building 1 be subject to review and approval by the DRC to address concerns raised by the public and the Planning Commission.

*Guidelines for Infill Development:* The Guidelines for Infill Development 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 on the project, the proposal had been criticized by some with respect to anticipated exterior materials and finishes (although these were not known in detail until the submittal for the November 2013 hearing was received). As one element of the EIR process, the overall design and character of the mitigated project was found not to result in any significant environmental impacts, including visual impacts and impacts on historic resources. However, the question of whether the character, design, and detailing of the project meet local expectations of appropriateness 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 normally conducted by the Design Review Commission. As directed by the Planning Commission, the applicant provided that information, along with a complete massing model of the project. 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.

*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 a different post configuration for the porches/balconies on Buildings 2-6 were 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 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. In general, staff was satisfied that materials and finishes of sufficient quality were proposed and that the design changes refined and improved the character of the project. A majority of the Planning Commission concurred with that finding in its approval of the project, with the exception of Building 1, which they deferred review of to the Design Review Commission. It should be noted that in referring Building 1 to the Design Review Commission for further review, the Planning Commission majority was satisfied with its height, massing, and setbacks. The subsequent review by the Design Review Commission would focus on architecture, design details, and building materials.

*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 a minimum of 14 feet from the east property line with their east building walls setback a minimum of 20 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 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.

## **Environmental Review**

An Environmental Impact Report for the proposed project was certified by the Planning Commission on July 18, 2013 through adoption of a Resolution. The City Council must consider the previously certified environmental impact report as part of the Council action on this project; however, the environmental impact report is not a subject of the appeal.

## **Requested Action in the Appeal**

The appellants are requesting that the City Council require the developer to start over with a better project for the site. Specific attributes of what a new or redesigned project should include are not indicated, but presumably the appellant's interest is in improving compatibility with the historic setting.

## **Recommendation**

In accordance with standard practice, staff recommends that the City Council uphold the decision of the Planning Commission. Based on Council direction (whether to deny the appeal, uphold the appeal, or refer the application back to the Planning Commission with direction), a resolution will be prepared implementing the City Council's decision, for adoption as a consent calendar item at the meeting of February 19, 2014.

# City of Sonoma Appeal Application Form

For City Use

Date Received 11-21-13

By rlc

- A copy of the rights of appeal and the City's appeal procedures may be found on the reverse of this form
- The fee to file an appeal is \$100.00 and must accompany this form
- Appeals must be filed with the City Clerk within fifteen (15) calendar days of the action
- Appeals must address issues raised or decisions made at previous hearings. Appeal hearings cannot be used as a forum to introduce new issues
- In order for your appeal to be valid this form must be filled out completely.

Feel free to attach additional sheets or supporting documentation as may be necessary.

## APPELLANT INFORMATION: (Please Print)

Name: Simon Blattner

Name: Kimberly Blattner

Address: 426 - 2nd St. E

Address: 426 - 2nd St. E.

Phone: 707-721-1630

Phone: 707-935-6550

I/We the undersigned do hereby appeal the decision of the:

Planning Commission

Design Review Commission

City Planner or Department Staff

Other: \_\_\_\_\_

Regarding: MISSION SQUARE PROJECT  
(Title of project or application)

Located at: 165 E SPAIN  
(Address)

Made on: NOVEMBER 14, 2013  
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:

(Refer to Section 19.84.30-A, Eligibility, on the reverse)

19-84.30-A  
NEIGHBOR WITHIN 200 YARDS OF THE PROJECT

The facts of the case and basis for the appeal are:

DESIGN OF ENTIRE PROJECT DOES NOT MEET  
THE NEEDS OF THE SITE, NEEDS REPLANNING  
FOR TRAFFIC

I/We request that the Appeal Body take the following specific action(s):

ASK THE DEVELOPER TO BEGIN AGAIN WITH  
A BETTER PROJECT FOR THE SITE

Signed:

Simon Blattner 11/21/13  
Signature Date

Kimberly Blattner 11/21/13  
Signature Date

# MARCUS & WILLERS ARCHITECTS

873 First Street, Sonoma, California 95476

(707) 996-2396

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January 9, 2014

Mayor Rouse & City Council  
City of Sonoma  
#1 The Plaza  
Sonoma, California 95476

Re.: Mission Square design chronology

Dear Mayor Rouse and Members of the City Council,

The Mission Square project, at 165 East Spain Street, is on a 1.13 acre site in the downtown district of Sonoma, part of which lies in the historic overlay district, zoned Mixed-Use. Based on Planning Commission and public review, the proposed project has undergone three substantial changes and a series of Environmental Impact Reports in its fourteen year history. The project began in 1999 as Artesian Lodge, and included a 34-room hotel and 10 apartment units. As a result of the EIR process for the Artesian Lodge proposal, a requirement was made to retain and rehabilitate the existing Pinelli bungalow, which has been included in all of the subsequent proposals. The second proposal in 2006, Mission Square, was for a mixed-use project including office and retail space, and 23 apartments. In 2010, the Mission Square project was comprised of offices and 16 apartment units. The current proposal includes office space and 14 apartment units.

The attached tables illustrate the design history of the project, in relation to its requirements under the Development Code.

Sincerely,

Carol Marcus  
Marcus & Willers Architects

<b>Project History</b>					
	<b>Allowed / Required under Development Code</b>	<b>2000 Artesian Lodge</b>	<b>2006 Mission Square</b>	<b>2010 Mission Square</b>	<b>2013 Mission Square</b>
Floor Area Ratio	1.20	.48	.47	.26	.26
Site Coverage	70%	32.0%	40%	29.3%	29.4%
Commercial/Hotel Area		16,253 sq. ft. 2 stories 34 room hotel	5,715 sq. ft. 1 & 2 stories retail & offices	3,514 sq. ft. 1 & 2 stories offices	3,514 sq. ft. 1 & 2 stories offices
Residential Area	50% min. total area	6,800 sq. ft. 2 stories 10 units	15,190 sq. ft. 1, 2 & 3 stories 23 units	9,065 sq. ft. 1 & 2 stories 16 units	9,065 sq. ft. 1 & 2 stories 14 units
Height Limit	30 feet	30 feet	36 feet	26 feet	26 feet
Combined Open Space / Unit	400 sq. ft. / unit	413 sq. ft. / guest room 707 sq. ft. / unit	952 sq. ft. / unit	1,474 sq. ft. / unit	1,665 sq. ft. / unit
Parking Spaces (total)		54 spaces	51 spaces	40 spaces	40 spaces
Office Use	1 space/300 sq. ft. commercial space		17 spaces	12 spaces	12 spaces
Hotel Use	1 space/guest unit	37 spaces (34 below grade)			
Residential Use	1.5 spaces/unit	17 spaces	34 spaces / 21 covered	21 spaces / 19 covered	21 spaces / 19 covered
Residential Guest Parking	.25 space/res. space			7 spaces	7 spaces

<b>Current Project Proposal</b>			
	<b>Allowed / Required under Development Code</b>	<b>2013 Mission Square</b>	
Floor Area Ratio	1.20	.26	21%
Site Coverage	70%	29.4%	41%
Height Limit	30 feet	26 feet	72%
Combined Open Space / Unit	400 sq. ft. / unit	1,665 sq. ft. / unit	416%
Parking Spaces	38	40	105%
Office Use	12 spaces	12 spaces	100%
Residential	21 spaces / 14 covered	21 spaces / 19 covered	100%
Guest Parking	5 spaces	7 spaces	140%

## Entitlement/EIR History – 165 East Spain Street, Sonoma CA

The Artesian Lodge Project	
	Study Session Submittal to City for 40 unit hotel and 10 apartment units.
4/12/2001	Planning Commission Study Session for project
7/11/2001	City Council considers hotel moratorium
9/6/2001	Project application to City for a 34 room hotel and 10 moderate income apartments
1/31/2002	Notice of Preparation of EIR issued by City
7/30/2002	Planning Commission Public Hearing to receive scoping comments on EIR
3/7/2003	Draft EIR released for public review and comment
4/2003	Planning Commission Public Hearing to receive comments on Draft EIR
11/19/2003	Final EIR released and determines that the Pinelli Bungalow is a Historic Structure and cannot be demolished. Requires a new project design to maintain the Bungalow.
12/11/2003	Planning Commission hearing to consider Final EIR postponed
1/21/2004	City Council approves new housing element and assigns additional residential density to 165 East Spain Street
The Mission Square Project	
	Study Session submittal for 23 apartment units (10 studio apartments, 10 one-bedroom units, and three two-bedroom units), as well as 5,813 square feet of commercial building area.
4/14/2004	Planning Commission Study Session to review new Mission Square project
12/16/2005	Project Application Submitted to City for Mission Square 23 apartments and 5720 s.f. of commercial space.
2/9/2006	Planning Commission Scoping Session for environmental review.
9/28/2006	City releases Notice of Preparation of EIR for Mission Square
12/15/2006	Draft EIR released.
1/25/2007	Planning Commission holds public hearing to take comments on EIR
7/9/2007	Final EIR released
7/26/2007	Planning Commission determines that project requires substantial changes and directs EIR be revised.
2010	Revised project presented to City – 16 apartment units (10 studio apartments and 6 one-bedroom units) and 3,514 square feet of commercial building area
4/5/2010	City releases EIR addendum analyzing revised project
5/13/2010	Planning Commission holds public hearing to consider EIR.
7/6/2010	Planning Commission holds second public hearing to consider EIR and requests further environmental review and analysis to reduce all impacts to a less-than-significant level.
5/2013	City releases Revised Final EIR for the Mission Square Project
7/18/2013	Planning Commission holds public hearing to consider Revised Final EIR and project – requests additional information be provided by application before decision can be made on the project. <b>Planning Commission certifies EIR for project.</b>
	Applicant further revises project – Mission Square is now 14 apartment units (6 studio apartments, 6 one bedroom units, and 2 two-bedroom units) and 3,514 square feet of commercial building area.
11/14/2013	Planning Commission holds public hearing to consider project. <b>Planning Commission approves project use permit.</b>
11/21/2013	Appeal filed by Simon and Kimberly Blattner
2/3/2014	Scheduled City Council consideration of Blattner appeal



January 23, 2014

City Council City of Sonoma  
No. 1 The Plaza  
Sonoma CA 95476



Dear Council Members:

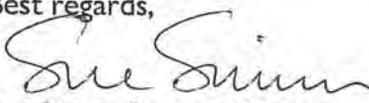
We own the business nearest the proposed Mission Square project and will share a driveway with it when construction is completed. We support the Planning Commission's approval of this project with the conditions memorialized in the minutes of its' November 14, 2013 meeting.

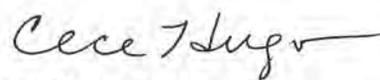
Because we had concerns about the project as it stood when the Planning Commission approved the Mission Square EIR last July, we reached out to the project architects and the property owners. As a result of that contact, we hosted a neighborhood meeting in early November so that we and other neighbors could get our questions answered by those most directly involved with the project.

The discussions at the open house and the project presentation at the November 14 Planning Commission meeting have led us to support the project. We feel that the conditions placed by the Planning Commission when it approved the Use Permit and Parking Exception are sufficient to ensure a good project that fits well on our part of East Spain Street.

We encourage you to uphold the Planning Commission's decision and allow the project to move forward to the Design Review Commission, the appropriate next step.

Best regards,

  
Sue Simon Realtor/Owner

  
Cece Hugo Realtor/Owner

147 East Spain Street | Sonoma, CA 95476  
Sue Simon 707-225-7140 | Cece Hugo 707-933-6191

**CITY OF SONOMA  
PLANNING COMMISSION  
REGULAR MEETING OF  
Community Meeting Room, 177 First Street West  
November 14, 2013  
MINUTES**

I hereby declare under penalty of perjury that the agenda for this meeting was posted on Friday, November 8, 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 6:30 p.m. in the Community Meeting Room, 177 First Street West.

**Roll Call:**

Present: Chair Roberson, Comms. Edwards, Henevald, Felder, Tippell, Howarth, Willers, Cribb (Alternate)

Absent:

Others Present: Planning Director Goodison, Senior Planner Gjestland, Administrative Assistant Morris

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. Willers led the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC: No Public Comments**

**APPROVAL OF MINUTES:** Comm. Edwards made a motion to approve the minutes of September 12, 2013 Comm. Felder seconded. The motion was unanimously approved 6-0 (Comms. Roberson and Henevald abstained)

Comm. Edwards made a motion to approve the minutes of September 26, 2013 Chair Roberson seconded. The motion was unanimously approved 8-0.

Comm. Edwards made a motion to approve the minutes of October 10, 2013 Comm. Felder seconded. The motion was unanimously approved 7-0 (Comm. Howarth abstained)

**CHANGES TO AGENDA ORDER:** Item # 1 will not be heard tonight.

**CORRESPONDENCE:** Late mail was received regarding Item #2 from Daniel J. Parks, Kevin and Joanne Lely, Ned Forrest and Shelia Cole. Staff provided the Revised Conditions of Approval and Resolution relating to Use Permit Approval, Approval of an Exception to Parking Design Standards and Approval of Site Design and Architectural Review.

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

**Item #1 – Public Hearing – Consideration of amendments to the Development Code establishing definitions and zoning regulations for wine tasting facilities.**

The Item was postponed until the December 12<sup>th</sup> meeting.

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**Item #2 – Public Hearing – 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 at 165 East Spain Street.**

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

Senior Planner Gjestland presented staff's report.

Comm. Howarth confirmed with staff that the proposed parking configuration meets current commercial standards, however the residential parking spaces are one foot less in width than would normally be required, which is why an Exception from the parking standards is being requested. Comm. Howarth noted that the Planning Commission has been considering amending the City's parking regulations, including reducing the dimensional standards for parking spaces.

Lori Bremner, the property owner's representative, introduced the project team.

Marcus Detert, co-property owner, (129 Clark Dr. San Mateo) indicated that Lori Bremner and project architects held a neighborhood meeting last week to discuss and view the project.. He feels the project team has adequately responded to the Planning Commission's request for more information at last meeting with the detailed design review submittal. He hopes the Planning Commission will approve the project which he feels respects the historic character of Sonoma.

Kristina Lawson ESQ., project attorney, agrees with the staff recommendation for project approval this evening. She noted that staff's brief oral presentation did not fully convey the lengthy review process for the Mission Square project, which began seven years ago following consideration of a separate hotel proposal for the site. The project has now been reduced to 14 residential units and 3,500 sq. ft. of office space. She emphasized that the Planning Commission certified the EIR for the Mission Square project in July 2013 and that a detailed design review submittal has been submitted for consideration this evening as requested. She addressed recent concerns raised about the well on the property, noting that this is not a new issue and that various cultural resource studies have been conducted, including an on-site archaeological investigation by Tom Origer & Associates, with participation by the Federated Indians of Graton Rancheria. She noted that these evaluations did not identify the well as a significant cultural resource and pointed out that the EIR includes mitigation measures addressing cultural resources.

Tim Schramm, project engineer (Adobe Associates, 1220 North Dutton Santa Rosa) addressed the grading and drainage plan for the project, which includes a vegetated swale along the south property line appropriately sized for the treatment/infiltration of runoff from the roofs and parking lot. He estimates there will be 30 trucks of exported soil from the site and referenced the fire truck turning template, noting the Autoturn program was used to confirm the City's fire apparatus parameters are met in terms of access.

Comm. Tippell confirmed with the project engineer that there would be 265 cubic yards of cut/export, including wet and dry trench spoils, but also 698 cubic yards of imported base rock for the drive and parking areas.

Mr. Schramm noted the drainage plan also includes a new catch basin with filterra unit on the west side of the driveway that would accommodate runoff from the driveway. The remainder of site runoff would be conveyed to the bioswale on the south side of the property through curb openings.

Comm. Felder asked for further clarification on the drainage system and expressed concern that surface runoff will flow onto the adjoining properties to the west. The project engineer confirmed the drainage plan includes a drain inlet in the southwest corner of the site to convey overflow from the bioswale north to the filterra unit on the west side of the drive and that these systems have been appropriately sized to meet applicable Low Impact Development stormwater regulations. Comm. Felder indicated that he remained skeptical about the drainage plan.

Comm. Tippell has scrutinized the drainage plan/design and feels it is adequate. However, he noted that asphalt is proposed for all driveway and parking areas and asked if the applicants would consider permeable pavers for the first 50-60 feet of driveway in order to improve aesthetics and enhance groundwater recharge and stormwater filtration. Mr. Schramm noted that additional stormwater BMPs beyond the proposed bioswale and filterra unit are not necessary to meet applicable stormwater requirements and that the site's clay soils are highly expansive which can be problematic for pavers.

Comm. Felder confirmed with the project engineer that an underground storm drain goes from the north through the property and/or along its west side. The exact location has not been plotted yet.

Carol Marcus, project architect (Marcus & Willers Architects), anticipates DRC review of the landscape plan, exterior lighting, signage, and rehabilitation plan for the Pinelli bungalow if necessary. She requested the opportunity to address the Planning Commission at the end of the public hearing to answer questions and also for the project team to address any concerns or questions that may come up through the Planning Commission's discussion. She proceeded to play a virtual tour of the project proposal (an interactive 3D-model video) that illustrated the project features. In general, the architecture and details of the proposed buildings do not attempt to replicate the style of historic buildings in the area, which is consistent with the Secretary of the Interior's Standards. Rather they draw from forms, materials, finishes and textures that are familiar to the area and are designed as quiet, simple buildings that are sensitive to the historic district. The new buildings will exceed CALGreen building standards, feature Marvin integrity windows, and have the least invasive type of foundation system possible.

Ms. Marcus emphasized they will be rehabilitating the Pinelli bungalow for office use rather than restoring it. Not all windows will be replaced exactly in kind; however they do not expect major changes to the exterior of the bungalow. She noted they added a colonnade to the west side of Building 1 and selected exterior materials for longevity and low maintenance. She pointed out that the cement plaster proposed for the project is common in the historic district and presented a material and color board to the Planning Commission, as well as a roof sample and window sample. Ms. Marcus explained that Buildings 2, 3, and 4 have double-hipped roofs, and 6" by 6" chamfered porch/balcony posts to break down their mass. Buildings 5 and 6 would be differentiated by the use of board and batten siding. Building 7 would have "barn" doors on the east/enclosure side and the carports would be white and fully cantilevered to allow for maximum vehicle mobility. She noted the carport spaces would be fully functional with a width of nine feet and that nearby parking for the Mercato complex has 8' by 14' spaces that work. She emphasized there would also be an opportunity for shared parking and requested approval of the parking exception. She noted that neighbors would prefer a CMU wall rather than wooden

fencing for the required noise barrier at the southeast corner of the site. They are happy to accommodate this request; however the footing for a CMU wall could require a reduction in the length of adjoining parking spaces by 2 feet in order to maintain the bioswale on the south side of the site.

Comm. Edwards confirmed with the project architect that the backflow prevention device would likely be located in the landscape area northeast of the Pinelli bungalow and that the number of office tenants could range from one to seven.

Comm. Tippell commended the applicant on the video presentation, which he found very helpful. He inquired whether solar panels or pre-wiring for solar on the carports was considered. The project architect indicated that pre-wiring for solar could be considered and clarified that a common laundry facility is proposed as another "green" feature rather than laundry appliances in the individual units.

Comm. Heneveld confirmed the location of the sound wall required by Mitigation Measure NOISE-4 and that finish color of the carports would be factory applied.

Comm. Howarth does not like the location of backflow prevention devices within front yards, especially in the historic zone, and noted that other cities approach this differently. He does not want this feature to be prominent in the streetscape. The project architect indicated they were open to alternate locations provided the City would allow for it.

Comm. Howarth confirmed that windows proposed for Building 1 are not true divided lights. He noted the depth of the recess/reveal into the building wall for windows on Building 1 and asked the project architect why this detail was not brought into Buildings 2, 3, and 4. The project architect responded explained that it is because 2"x6" construction is proposed for Building 1 whereas the other buildings would employ 2"x4" construction.

Paul Harris, project landscape architect (Imagine Sonoma Landscape, 801 Camelia St. Berkeley) has designed a simple and practical landscape plan with medium to low water use plants and no lawn that uses crushed stone as mulch and boulders to delineate spaces. Different low fence options are presented that draw from local examples. The plan is conceptual at this point and would be refined for review by the DRC.

Comm. Howarth confirmed with the landscape architect that roof drainage would ultimately be directed to the bioswale on the south side of the property per the civil drainage plans. In addition, there would be drainage areas between the buildings lined with river cobble.

#### **Chair Roberson opened the public hearing.**

Karla Noyes, resident outside City limits, feels the project is much improved but urged the Planning Commission to keep their standards high to avoid bad and/or cheap designs.

Patricia Cullinan, 425 Denmark Street, has concerns about vibration impacts, drainage, and the design of Building 1. She feels the vibration analysis should have included the Pinni and Viviani buildings. In addition, there should be a pre-construction survey, insurance requirements, and monitoring plan to ensure that vibration levels do not exceed the threshold and cause damage. She has concerns about site drainage and a cone of saturation potentially affecting the Blue Wing Inn building. Building 1 will be the largest on the block and overwhelm the Blue Wing Inn and other structures on East Spain Street.

Mary Martinez, 414 First St. East, says the 100-year flood comes every 10 years to this area and the property currently functions as a drainage swale. She does not feel that drainage has been adequately addressed. She believes that no exceptions should be made to the parking standards, noting that up to seven tenants could occupy the office space thus exacerbating on-street parking impacts.

Barbara Wimmer, President of the Sonoma League for Historic Preservation and resident, at 19060 Junipero Serra Dr., stated it is the position of the League that the project needs further modification to achieve compatibility with the historic setting, particularly with respect to the design of Building 1. She indicated that the project should be designed in a "more historical manner."

Comm. Tippell asked Ms. Wimmer to clarify what a more historical manner would be. Ms. Wimmer stated she doesn't have an answer. She indicated the League is mainly concerned with the design of Building 1, which should be further refined. The remainder of the project is acceptable.

Bob Garant, Board member of the Sonoma League for Historic Preservation and resident at 617 First St. West, clarified that the League does not want to force any particular architectural style for Building 1. However, they feel Building 1 is a rather massive and will overwhelm adjacent buildings. He suggested that Building 1 should be raised on a plinth and concurred with previous comments about possibly recessing the windows and using a different exterior finish. He feels the building has no continuity with surrounding structures and emphasized the main concern is with its massing. The League requests that the Planning Commission to push on this issue.

Comm. Tippell confirmed with Mr. Garant that the primary concern is with the proportion and detailing of Building 1, not about wanting any particular architectural style.

Robert Demler, Vice-President of the Sonoma League for Historic Preservation and resident, at 649 First St. West, noted the importance of site's historic setting. He does not like the design of Building 1, which he feels does not harmonize with or enhance the historic district. In his personal opinion, employing an adobe architectural style for Building 1 like the Blue Wing or Ray adobe would better, preferably with a second floor balcony.

Kimberly Blattner, 426 Second St. East, feels that the project design is less than ordinary and needs more work, especially considering the unique and important location of the site. She believes the property owners are not demanding enough of the project architect. She commented that the residential buildings all look like cheap student housing and requested that the Planning Commission send it back.

Carol Marcus, project architect, disagrees with public comments that the project would overwhelm the Blue Wing Inn. She pointed out that Building 1 and the Blue Wing Inn would not be seen side by side given the intervening Pinni building and noted that Building 1 would be setback 20 feet from the property line along East Spain Street in contrast to the Blue Wing Inn which has no setback.

Tim Schramm, project engineer, argued against the use of permeable pavers to reduce stormwater runoff noting that site soils have been classified as Group C with low infiltration rates. He emphasized that the project Stormwater Mitigation Plan and Preliminary Grading and Drainage Plan employ bioswales in conjunction with other BMPs to meet applicable stormwater

requirements. He noted the drainage design will also need to demonstrate compliance with the SCWA Flood Design and Drainage Requirements through a plan check process.

Comm. Tippell is familiar with the site soil type and proposed drainage design approach, which he feels the project engineer did a good job with. He is suggesting the use of permeable pavers for only a portion of the driveway for aesthetics primarily and only secondarily for stormwater benefits.

Comm. Howarth agreed with some of the public comments about the design of Building 1 and asked the project architect if they had conducted a design study of exterior material/finish options that considered nearby buildings. The project architect indicated they did not perform such a study but considered the durability, sustainability, and overall compatibility of their exterior material/finish choices.

**Chair Roberson closed the public hearing.**

Comm. Tippell noted that the Planning Commission validated the site plan through the EIR certification process, so he feels the land plan is acceptable. He is also comfortable with the parking exception. He has three issues: 1) the applicant should consider an alternative surface for a portion of the driveway leading from East Spain St.; 2) prewiring of the carports should be required to accommodate future solar; and 3) he shares some of the concerns regarding the design of Building 1. With respect to Building 1, he does not want to direct a particular architectural style but would like to see something a bit different and feels that more design consideration should be required. He is comfortable approving the project tonight, including the parking exception, with the requirement that the design of Building 1 be subject to further consideration by the Design Review Commission.

Comm. Edwards agrees with Comm. Tippell's concerns about the design of Building 1, which he feels does not fit into the historic setting. He believes more work could be done to reduce its mass and suggested a balcony and possibly the use of stone or more wood. He is not convinced that pervious pavers for the driveway make sense given the high groundwater table on the property, as evidenced by the artesian well, which had hot water coming out of it at one time according to Bob Cunnard.

Comm. Felder indicated he no longer has concerns about parking but is skeptical that drainage is adequately addressed despite the project engineer's explanation. He feels that drainage needs to be looked at more closely. He has greater concern about vibration impacts on the Blue Wing Inn and Pinni building and would insist on a condition requiring documentation of their current condition and regular inspections/monitoring by a qualified consultant during grading to ensure that vibration levels do not exceed the threshold identified in the EIR. Regardless, he cannot support the project due to the massing and height of Building 1. He is not satisfied with the design approach given the important historic aspect of the streetscape.

Comm. Henevald concurs with some of the previous commissioner comments but disagrees about the design of Building 1, noting that the hipped roof helps soften it. He commented that the plainness of Building 1 seems to be the main concern of the commission overall. He is not concerned about drainage as applicable regulations and review of drainage plans by Sonoma County Water Agency are stringent. He feels that parking is adequate and that prewiring the carports for solar makes sense.

Comm. Howarth hears from the majority of the commission that there is concern with Building 1 not fitting in. He is comfortable with parking and drainage but cannot support the project without

modifications to Building 1. He likes the suggestion of pavers on a portion of the driveway for aesthetic reasons and feels that construction should be prohibited on weekends since associated noise may adversely impact neighbors during development of the project.

Planning Director Goodison clarified that Mitigation Measure NOISE-5 set forth in the EIR and MMRP prohibits construction activity on Sundays and designated Holidays.

Chair Roberson confirmed with Planning Director Goodison that drainage infrastructure was installed with the Mercato II complex to address flooding in the area and the infrastructure was sized to accommodate development of the subject property. He is predominantly in favor of the project, which he feels is respectful and compatible with the surrounding area in general. The parking exception is reasonable and he agrees that pre-wiring the carports for solar is a good idea. His concerns about drainage have been adequately addressed by the information provided and the drainage plan review process. With respect to Building 1, it should not replicate historic structures and must be a modern building that fits into its surroundings. He appreciates the applicant's efforts to keep Building 1 subordinate to historic buildings in the area, though it may be too muted. Regardless, this design issue should be referred to the DRC for consideration. He is impressed with the applicant's video, which is helpful visualizing the project.

A discussion ensued about the location of the backflow prevention device. Planning Director Goodison suggested a condition requiring that it be located outside the front yard setback subject to review and approval of the Fire Marshall and City Engineer.

Com Tippell indicated he is comfortable approving the project tonight with the requirement that the design of Building 1 be reviewed by the DRC.

Comm. Felder and Comm. Edwards feel the design of Building 1 is too significant of an issue to pass on to the DRC and that it should be resolved at the Planning Commission level.

Chair Roberson feels that the Planning Commission has conducted a thorough review of the project and that the design of Building 1 should be referred to the DRC since it is primarily an aesthetic concern, rather than an issue of placement or massing.

Comm. Tippell made a motion to approve the Use Permit, Site Design and Architectural Review, and Parking Exception with the following amendments to the conditions of approval:

1. The architectural concept, elevation details, exterior colors and materials of Building 1 shall be subject to review and approval by the DRC to address concerns raised by the public and the Planning Commission
2. The backflow prevention device shall be located outside the 20-foot front yard setback along the East Spain Street frontage, subject to review and approval by the Fire Marshall and City Engineer.
3. The carport structures shall be pre-wired to accommodate solar panels
4. The northerly segment of the driveway shall be designed and constructed with pavers for a minimum length of 50 feet from the driveway apron for aesthetic purposes and stormwater infiltration.
5. Weekly vibration monitoring inspections of the Blue Wing Inn and Pinni Building shall be conducted by a licensed structural engineer during earth-moving activities, contingent upon authorization by the owners of those properties.
6. The limitations on construction hours and other measures set forth in Mitigation Measure NOISE-5 shall be explicit within the conditions of project approval.

Comm. Howarth seconded the motion.

**Roll Call Vote:**

Ayes: Comms. Tippell, Henevald, Howarth, and Chair Roberson. Noes: Comms. Felder and Edwards. Comms. Willers and Cribb recused. The motion was approved 4-2.

Comm. Willers returned to the dais.

Comm. Cribb left the meeting.

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**Item #3- Public Hearing- 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.**

Planning Director Goodison presented staff’s report.

Comm. Tippell discussed a hypothetical scenario in which a housing development provides for affordable unit referring to two moderate and one low income unit in a different zoning District.

Planning Director Goodison says it only applies to Sonoma Residential Housing.

Comm. Willers believes that clarity is always beneficial in business.

Planning Director Goodison conducted a staff straw poll with all the Commissioners favoring making the necessary changes.

Comm. Tippell made a motion to make a change as defined: Within the Sonoma Residential zone, in cases where the inclusionary requirement results in an odd number of units, the applicant shall have the option of priding the odd unit at either the moderate income level of the low income level. Comm. Willers seconded. The motion passed 6-1 (Comm. Edwards dissenting).

**Issues Update:**

1. The Planning Commissioners Conference is on 12-7 at Sonoma State University. Please R.S.V.P. to Cristina.
2. The AT&T cell tower was appealed to the City Council based on the issue of EMF.
3. The City Council upheld the Planning Commission’s decision to approve the Nicora Place project.
4. The Sonoma Valley Hospital reception/tour was held today for the completed expansion/addition. Another tour can be arranged for those that could not attend.

**Comments from the Audience:** Robert Garrant, Engineer, (617 First Street West) suggested that the City consider making changes to the placement of the fire sprinkler system requirements, by making an allowance for underground options to be considered.

Comm. Edwards made a motion to adjourn. Comm. Howarth seconded. The motion was unanimously approved 7-0. (Comm. Cribb abstained)

**Adjournment:** The meeting adjourned at 9:25 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, December 12, 2013.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Planning Commission on the 9th day of January, 2014.

Approved:

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Cristina Morris, Administrative Assistant

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.
- e. While the overall height, massing and location of Building 1 is approved, the architectural concept, elevation details, exterior colors and materials of Building 1 shall be subject to review and approval by the DRC to address concerns raised by the public and the Planning Commission.
- f. The backflow prevention device shall be located outside the 20-foot front yard setback along the East Spain Street frontage, subject to review and approval by the Fire Marshall and City Engineer.
- g. The carport structures shall be pre-wired to accommodate solar panels.
- h. The northerly segment of the driveway shall be designed and constructed with pavers for a minimum length of 50 feet from the driveway apron for aesthetic purposes and stormwater infiltration.
- i. Weekly vibration monitoring inspections of the Blue Wing Inn and Pinni Building shall be conducted by a licensed structural engineer during earth-moving activities, contingent upon authorization by the owners of those properties. The schedule of inspections shall be subject to the review and approval of the Building Official.

*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 1<sup>st</sup> and October 15<sup>th</sup> 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-curb 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, masonry walls or 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 or may be repaired.

*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

23. As set forth under Mitigation Measure NOISE-5, to limit the impact of project-related construction noise impacts the following conditions shall 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 shall 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 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 shall 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 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 shall 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.

Enforcement Responsibility: Applicant; Planning Department; Building Department; Building Inspector  
Timing: Prior to issuance of building/grading permit; Ongoing during construction

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 MITIGATION MONITORING PROGRAM

TABLE I **MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<b>AIR QUALITY</b>					
<p><u>AO-1:</u> During construction, the developer should implement all of the following measures that are feasible to control dust and PM<sub>10</sub> from construction activities:</p> <ul style="list-style-type: none"> <li>◆ 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.</li> <li>◆ 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.</li> <li>◆ Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.</li> <li>◆ 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.</li> <li>◆ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously-graded areas that are inactive for ten days or more).</li> <li>◆ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.</li> <li>◆ Limit traffic speeds on any unpaved roads to 15 mph.</li> <li>◆ Replant vegetation in disturbed areas as quickly as possible.</li> <li>◆ 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.</li> <li>◆ The contractor shall install temporary electrical service as soon</li> </ul>	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

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>as possible to avoid the need for independently powered equipment (e.g. diesel-powered compressors).</p>					
<ul style="list-style-type: none"> <li>◆ 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.</li> </ul>					
<ul style="list-style-type: none"> <li>◆ Properly tune and maintain equipment for low emissions.</li> </ul>					
<b>CULTURAL RESOURCES</b>					
<p><u>CUL-1a:</u> 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.</p>	Applicant	Prior to construction and in the event cultural resources are discovered	City (Planning Department)	Confirm that appropriate procedures are followed	As needed
<p><u>CUL-1b:</u> 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;</p>	Applicant	Contract specifications prior to issuance of grading permit	City (Planning and Building Department)	Review of contract specifications	As needed during specified activities
				Periodic inspection during subsurface construction	

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<b>Mitigation Measures</b>	<b>Party Responsible for Implementation</b>	<b>Implementation Trigger/Timing</b>	<b>Agency Responsible for Monitoring</b>	<b>Monitoring Action</b>	<b>Monitoring Frequency</b>
<p>and deposits of wood, glass, ceramics, metal, and other refuse. Project personnel should not collect or move any archaeological materials.</p> <p><u>CUL-1c:</u> 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.</p> <p><u>CUL-2:</u> 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.</p> <p><u>CUL-3:</u> 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.</p>	Applicant	Discovery of cultural resources during construction	City, California Native American Heritage Commission, if necessary	Confirm that appropriate procedures are followed	As needed
<p><u>CUL-2:</u> 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.</p> <p><u>CUL-3:</u> 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.</p>	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
<p><u>CUL-3:</u> 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.</p>	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

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<b>GEOLOGY AND SOILS</b>					
GEO-1: The following seismic Best Management Practices (BMPs) should be employed:	Applicant	During design and construction, prior to issuance of building permit	City (Building Department)	Project plan review	Once, at plan approval
◆ 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.					
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 <del>deep foundations</del> 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
Please refer to Mitigation Measure HYDRO-1 for monitoring and reporting details					
GEO-3: Compliance with Mitigation Measure HYDRO-1 identified in Section 4.4 of this EIR would reduce this impact to a <i>less-than-significant</i> level.					
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

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>applicant's geotechnical reports (prepared by PJC &amp; 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.</p> <p>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 &amp; 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.</p>	Applicant	Prior to issuance of grading permit	City (Building Department and Public Works Department)	Project plan review	Once, at plan approval
<p><b>HYDROLOGY AND WATER QUALITY</b></p> <p><u>HYDRO-1</u>: 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 BMP's to minimize the discharge of pollutants from the site. Typical requirements include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>◆ Performing major vehicle maintenance, repair jobs, and equipment washing at appropriate off-site locations;</li> <li>◆ Maintaining all vehicles and heavy equipment and frequently inspecting for leaks;</li> <li>◆ 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;</li> <li>◆ Cleaning-up spilled dry materials immediately. Spills are not to</li> </ul>					
	Applicant	Prior to issuance of grading permit	City (Building Department and Public Works Department)/ SWRCB	Review, approval, site inspections during construction	Weekly during construction

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> <li>◆ be “washed away” with water or buried;</li> <li>◆ Using the minimum amount of water necessary for dust control;</li> <li>◆ Cleaning-up liquid spills on paved or impermeable surfaces using “dry” cleanup methods (e.g. absorbent materials such as cat litter, and/or rags);</li> <li>◆ Cleaning-up spills on dirt areas by removing and properly disposing of the contaminated soil;</li> <li>◆ Storing stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting;</li> <li>◆ Properly storing containers of paints, chemicals, solvents, and other hazardous materials in garages or sheds with double containment during rainy periods;</li> <li>◆ 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;</li> <li>◆ Covering catch basins and manholes when applying seal coat, slurry seal and fog seal.</li> <li>◆ 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.</li> </ul>	Applicant	Prior to issuance of grading permit	City (Planning Department and Public Works Department)	Review/verification of runoff calculations.	Once, at grading plan approval
<p><b>HYDRO-2a:</b> 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</p>					

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>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.</p>	Party			Review/ approval of detention plan (if required)	
<p>◆ 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.</p>					
<p>◆ 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.</p>					
<p>◆ 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</p>					

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MITIGATION MONITORING PROGRAM**

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

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>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.</p>	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.
<p><b>HYDRO-2b:</b> 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.</p>	Applicant	Prior to issuance of grading permit	City (Public Works Department)/SWRCB	Review, approval, site inspections during construction	Once a week during construction
<p><b>HYDRO-3:</b> 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)</p>	Applicant	Prior to issuance of grading permit	City (Public Works Department)	Review and approval,	Once
<p><b>HYDRO-4:</b> 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 85<sup>th</sup> percentile 24-hour rainfall event.</p>	<b>NOISE</b>	<p><b>NOISE-1:</b> Mitigation Measures NOISE-3, NOISE-4, and NOISE-5 should be implemented as part of project construction and operation.</p>	Please refer to NOISE-3, NOISE-4, NOISE-5 below for monitoring and reporting details		

**CITY OF SONOMA  
MISSION SQUARE REVISED FINAL EIR  
MITIGATION MONITORING PROGRAM**

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

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p><u>NOISE-2:</u> Mitigation Measure NOISE-5 should be implemented during project construction.</p>	Applicant	<p>Please refer to NOISE-5 below for monitoring and reporting details</p> <p>During design phase, prior to issuance of building permit</p>	City (Building Department)	Review and approval	Once during review of building plans
<p><u>NOISE-3:</u> 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.</p>					
<p><u>NOISE-4:</u> 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.</p>	Applicant	During construction	City (Building Department)	Site plan review	Twice, once during architectural review and once during construction
<p><u>NOISE-5:</u> To limit the impact of project-related construction noise impacts the following conditions should be incorporated into construction contract agreements:</p>	Applicant	In construction specifications, prior to issuance of building permit	City (Building Department)	Plan review	Weekly during construction
<ul style="list-style-type: none"> <li>◆ 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.</li> </ul>					
<ul style="list-style-type: none"> <li>◆ Do not allow start up of construction related machinery or equipment prior to 8:00 a.m. Monday through Friday, and 9:00</li> </ul>				Site inspections	

**CITY OF SONOMA  
MISSION SQUARE REVISED FINAL EIR  
MITIGATION MONITORING PROGRAM**

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

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> <li>◆ a.m. Saturday.</li> <li>◆ Select quiet construction equipment, particularly air compressors, whenever possible.</li> <li>◆ Properly muffle and maintain all construction equipment powered by internal combustion engines.</li> <li>◆ Prohibit unnecessary idling of internal combustion engines. Equipment should be turned off when not in use.</li> <li>◆ Do not allow machinery to be cleaned or serviced past 6:00 p.m. Monday through Friday, and 6:00 p.m. on Saturdays.</li> <li>◆ 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.</li> <li>◆ Notify adjacent residents to the project site of the construction schedule in writing.</li> <li>◆ Control noise from construction workers' radios so they are not audible at existing residences that border the project site.</li> <li>◆ 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.</li> </ul>					

**PUBLIC POLICY**

<p><b>PUBPOL-1:</b> 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</p>	Applicant	In construction specifications, prior to issuance of building	City (Planning Department and Public Works Department)	Plan review	Weekly during construction
				Site inspections	

TABLE | MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>Planning Commission in the conditions of project approval.</p>		permit			
<b>TRAFFIC AND CIRCULATION</b>					
<p><b>TRAFFIC-1:</b> 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.</p>	Applicant	Upon completion of project	City (Public Works Department)	Site inspection	Once, following construction before building occupation
<p><b>TRAFFIC-2:</b> 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.</p>	Applicant	Prior to project approval by Planning Commission	City (Planning Department)	Review	Once
<b>UTILITIES</b>					
<p><b>UTIL-1:</b> 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.</p>	Applicant	Prior to issuance of building permit	City (Public Works Department)	Review and approval	Once
<p><b>UTIL-2:</b> 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:</p> <p><b>Collection System Improvement.</b> Upsize an appropriate section</p>	Applicant	Prior to issuance of grading permit	City (Building Department)/SVCSD	Site plan review	Once

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

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>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 through 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 <i>Design and Construction Standards for Sanitation Facilities</i> and shall be subject to the review and approval of the SVCSD.</p> <p><b>Payment of In-Lieu Fee.</b> 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.</p> <p><b>Standard Provisions:</b> 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.</p> <p><b>Timing:</b> Completion of improvements or implementation of conservation measures shall be required prior to final occupancy of the project.</p> <p><b>Enforcement Responsibility:</b> Sonoma Valley County Sanitation District, City Engineer; Public Works Department.</p> <p>UTL-3: As recommended through Mitigation Measure HYDRO-4,</p>	Applicant	Prior to issuance of	City (Public Works)	Review, approval,	Once

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<u>UTL-4a:</u> 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
<u>UTL-4b:</u> 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

**Information to be Provided by Applicant for October Planning Commission Review:**

1. Updated project narrative that includes a summary of green/sustainable design features.
2. Topographic information, elevation of building pads, estimates of cut and fill.
3. Construction management plan, addressing how construction impacts will be addressed such as access (including use of the existing driveway), dust control measures, and monitoring of BWI for vibration impacts.
4. Information on building massing in the form of computer generated perspective renderings. These massing models must accurately indicate adjoining development (there was some question about the reported height of the Blue Wing Inn) and the height of buildings within the development ideally should incorporate grade changes/building pads.
5. Site plan updated to show new driveway configuration.
6. Detailed drawings of all elevations of all buildings, including carports and the existing bungalow, identifying proposed exterior materials, architectural details, and finishes.
7. Detail/elevations of trash enclosure.
8. Construction details for typical exterior architectural features (porch columns/railings, window/door trim, rake/roof support, eaves, etc.). These are typically presented on an additional architectural plan sheet.
9. Product Information/Manufacturer Cut Sheets on proposed exterior materials, including roofing, siding, doors, windows, lighting, etc.
10. Detail on proposed bicycle rack type
11. Conceptual Landscape Plan
12. Design and materials details for required perimeter fencing and soundwall.
13. Lighting plan showing location of proposed exterior light fixtures in conjunction with specification/details for light fixtures.
14. Samples of proposed exterior materials or material sample board for presentation to PC at the meeting.
15. OPTIONAL: Color chips, samples and brushouts showing Exterior Color Scheme?

**Other Direction from Planning Commission to Applicant:**

1. PC asked applicants to engage neighbors and SLHP about project prior to October review
2. Consider bicycle lockers.

**Other information to be Provided/Clarified by Staff for the October Meeting:**

1. Clarify discrepancy in height of Blue Wing Inn (22 feet or 23.5 feet)
2. Clarify whether distance of proposed ADA parking from commercial uses complies with applicable Codes.
3. Traffic counts on existing driveway.
4. Revisit proposed driveway modification (i.e., reduced width to accommodate existing trees and planting buffers) and provide statement from the F.D. and City Engineer on its acceptability.
5. Update on water supply.

**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

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**PROJECT SUMMARY**

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**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:**

<input type="checkbox"/> Categorical Exemption	<input checked="" type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input type="checkbox"/> No Action Required
<input checked="" type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

**Staff Recommendation:** Approve with conditions.

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## ***PROJECT ANALYSIS***

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### **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 13<sup>th</sup> and July 6<sup>th</sup> 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
<b>Community Development Element</b>	
<i>Goal CD-4: Encourage quality, variety, and innovation in new development.</i>	
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.
<i>Goal CDE-5: Reinforce the historic, small-town characteristics that give Sonoma its unique sense of place.</i>	
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

	<p>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.</p>
<p>Protect important scenic vistas and natural resources and incorporate significant views and natural features into project designs. (CD-5.3)</p>	<p>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.</p>
<p>Preserve and continue to utilize historic buildings as much as feasible. (CD-5.4)</p>	<p>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.</p>
<p>Promote higher density, infill development, while ensuring that building mass, scale, and form are compatible with neighborhood and town character (CDE-5.5).</p>	<p>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.</p>
<p>Encourage the designation and preservation of local historic structures and landmarks, and protect cultural resources. (CD-5.8)</p>	<p>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.</p>
<p><b>Local Economy Element</b></p>	
<p><i>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.</i></p>	
<p>Encourage mixed use development that includes small-scale, local-serving commercial uses, provided it will be compatible with surrounding development. (LE 1.2)</p>	<p>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.</p>
<p>Encourage a residential and pedestrian presence in commercial centers through mixed use and multifamily development. (LE-1.9)</p>	<p>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.</p>
<p><b>Environmental Resources Element</b></p>	
<p><i>Goal ER-1: Acquire and protect important open space in and around Sonoma.</i></p>	
<p>Require new development to provide adequate private and, where appropriate, public open space (ER-1.4).</p>	<p>The project provides private and common open space well in excess of required standards (see analysis of Development Code consistency).</p>

<i>Goal ER-2: Identify, preserve, and enhance important habitat areas and significant environmental resources.</i>	
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.
<i>Goal ER-3: Conserve natural resources to ensure their long-term sustainability.</i>	
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.
<b>Circulation Element</b>	
<i>Goal CE-2: Establish Sonoma as a place where bicycling is safe and convenient.</i>	
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.
<i>Goal CE-3: Minimize vehicle trips while ensuring safe and convenient access to activity centers and maintaining Sonoma's small-town character.</i>	
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.
<b>Public Safety Element</b>	
<i>Goal PS.1: Minimize risks to life and property associated with seismic and other geologic hazards, fire, hazardous materials, and flooding.</i>	
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.
<b>Noise Element</b>	
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)	
<b>Housing Element</b>	
<i>Goal HE-1: To provide a mix of housing types affordable to all income levels, consistent with community and regional needs.</i>	

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.
<i>Goal HE-6: Promote environmental sustainability through support of existing and new development which minimizes reliance on natural resources.</i>	
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-curbings 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  $\pm 22.5$ , resulting in a difference of  $\pm 3.5$  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 1/2 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  $\leq 36"$  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 through 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 is 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

Carol Marcus  
Marcus & Willers Architects  
873 First Street West  
Sonoma, CA 95476

Hilary Black Dumas (via email)

Dick Menefee (via email)

Sheila Cole  
619 Gregory Circle  
Sonoma, CA 95476

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, visible 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 Black Dumas*

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

*Thank you!*

*HAND DELIVERED*

Search Mail Search richard

INBOX CONTACTS CALENDAR Fw: Sonoma Native A...

Compose Send Save Draft Saved at 4:20 PM Cancel

- 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

To: RGJESTLAND@sonomacity.org

CC:

Hide CC BCC

Subject: Fw: Sonoma Native American Site Degrigation

Rob - I'm forwarding the attached memo, regarding the sul 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 m 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:** "www.vineyards@comcast.net" <www.vineyards@comcast.net>  
**Cc:** "robertcdemler@gmail.com" <robertcdemler@gmail.com>; "sonomafogg@aol.com"

RETIREMENT ON MY TERMS?  
 HOW ABOUT A REVERSE MORTGAGE!



HOW MUCH ARE YOU ELIGIBLE TO RECEIVE?

**CALCULATE**

 Reverse Mortgage Guide

**RECEIVED**  
**AUG 14 2013**  
**CITY OF SONOMA**



New Rule in California  
 San Francisco - Do not pay you

Search Mail Search bHi, 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.

MESSANGER

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 wwineyards@comcast.net  
 CC robertclemier@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 artesian 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 degredate 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 "Eminent Domain" on this parcel and develop a minimally intrusive park in memory of the Native American Miwok Tibe and the now dormant "Hot Water Artesian Well".

Sincerely,

*RL MENEFEE (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 ORIGINALY 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 HISTORIC PAL 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!*

Item #2

**LATE MAIL**

Proposal for Mission Square

Submitted by Sheila Cole    November 12, 2013  
619 Gregory Circle  
Sonoma, CA. 95476  
707-938-0350

RECEIVED

NOV 12 2013

CITY OF SONOMA

To erect a group of statues, or a possible shell mound dedicated to the Native Americans, who inhabited the area in multitudes during the Mission era.

Perhaps with a bench, so that it becomes a park-like setting that will definitely attract tourists as well as local peoples.

A second thought would be one of the extraordinary shell mounds, which would be more difficult to obtain.

e-mail:

Shelley619a@comcast.net

## Prologue to a Proposal for Mission Square

It is an intellectual travesty to say that Mission Square was not utilized by the native Americans.

The Mission, at the time with which we are concerned, was twice as large and fronted Mission Square.

It is the only part of the original Mission Plaza that pre-dated the Sonoma Plaza, part of the site of the Miwok village.

An excavation was done by the proponents own team (it should have been an independent firm) and small traces of obsidian were found, which they dismissed as of little consequence.

Obsidian was used extensively by the native Americans, especially by the coastal Miwok in making their shell mounds. Some of which are extraordinary.

The coastal Miwok did build a well on the property, which was capped and later turned into an artesian well.

A few years back our State Parks did an archaeological dig behind our Mission. They came up with nothing. Does that mean that there were no native americans or padres in habitation there?

Sonoma is a city known not only for its vineyards, but for its unusual history.

The gentlemen, who have proposed this latest fiasco, own property all around the Plaza, and have been known to be good care-takers.

If they deeded the property to the city, think of the tax benefits!

But more than that, they will allow an integral part of Sonoman history to remain.

Will tourists come to see some innocuous housing or a statue of a native American\_ perhaps Chief Solano, an indispensable aide to General Vallejo\_ or one of the extraordinary shell mounds.

Will it take effort\_ money\_ dedication? Surely, but I have faith it is available!

Item # 2

RECEIVED

NOV 14 2013

CITY OF SONOMA

LAW OFFICES

DANIEL J. PARKS

620 BROADWAY

SONOMA, CALIFORNIA 95476

TELEPHONE 707/938-8409

TELEFAX: 707/996-2708

# LATE MAIL

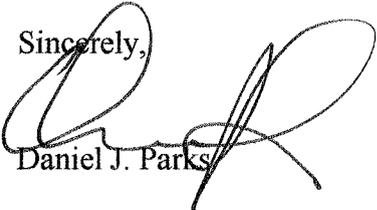
November 14, 2013

Dear Planning Commission:

My wife Tery and I are sorry we will not be able to attend your meeting on November 14 when you consider the Mission Square project. Nevertheless, as neighbors located directly to the east of the project at 431 Second Street East, we want to make our feelings known to you and the rest of the public.

We have carefully reviewed the latest proposal and the resulting staff report. We believe the owners have made monumental concessions and modifications and the project should be allowed to move forward as soon as possible. While we do not look forward to the construction phase, we will be happy to have the project completed.

Sincerely,

  
Daniel J. Parks

Item #2

LATE MAIL

**From:** "Ned (Forrest Architects)" <[mail@nedforrest.com](mailto:mail@nedforrest.com)>  
**Reply-To:** "Ned (Forrest Architects)" <[mail@nedforrest.com](mailto:mail@nedforrest.com)>  
**Date:** Thursday, November 14, 2013 1:47 PM  
**To:** David Goodison <[davidg@sonomacity.org](mailto:davidg@sonomacity.org)>  
**Subject:** Letter to Planning Commsion regarding Mission Square

Mr. David Goodison  
City of Sonoma Department of Planning

RE: Mission Square

RECEIVED  
NOV 14 2013  
CITY OF SONOMA

Dear Mr. Goodison and Honorable Commissioners:

I am sorry that I am unable to attend the hearing tonight. I would like to offer **four brief comments** about the proposed Mission Square project.

**1-** While I am certain **the site demands more worthy ambitions** from the owner and our town, it appears that the proposal is poised to be the best we seem to deserve. My sincere compliments to the architects for doing a rather good job with so little asked of them.

**2-** I object strongly to **the Spain street office building.**

a- **Height:** while the ridgeline may be only somewhat higher than the Blue Wing, the ridge heights are not as important as the wall heights when viewed from the street. The 1.5 story porch height of the Blue Wing is it's apparent height, and that is significantly lower than the fascia height of the Mission Square office building fronting Spain street.

b- **Appearance:** the plain fine grained ivory stucco on the very plain box of this mostly trimless, textureless building gives an overall impression of cheapness. It seems neither part of the project nor of the street. It does not seem noble enough to be different. In particular, this type of assembly could be done very cheaply if an owner is not willing to do it well, and there is little credible assurance that they will.

**3- Precedent.** We have heard from the EIR and from local current events that a diminished adjacent townscape is reason to allow adjacent parcels to be viewed as less deserving. Don't we all believe that sooner than later, someone is going to be telling us that the Castagnaso horse pasture can be developed because of the mass-market housing and Highway 12-like office building across the street? This project will become the new standard of acceptibility.

**4- Enforcement.** Whatever we think of the materials and presentations that have been made, without the full landscaping, the full implementation of the architect's documents shown, and the willingness to proudly maintain it by the owner, this project will look like a decaying tenement in ten years.

Thank you for your consideration,

**Ned Forrest**

FORREST ARCHITECTS 525 Broadway Sonoma, CA 95476 *www.nedforrest.com* 707.935.1570 *mail@nedforrest.com*

Item #2

**Rob Gjestland**

**LATE MAIL**

RECEIVED

NOV 14 2013

CITY OF SONOMA

**From:** Joanne Lely <joanne\_ley@yahoo.com>  
**Sent:** Thursday, November 14, 2013 2:43 PM  
**To:** Rob Gjestland  
**Subject:** Re: Agenda & Staff Report for 11-14-13 Planning Commission Review of Mission Square Project (165 E. Spain St.)

Due to a cold, I will not be able to make tonight's meeting, but Kevin and I did have an opportunity to meet with the architects and property manager last Friday night. Our concerns at this time are as follows:

- 1) Right turn only onto Spain St. from the exit driveway
- 2) "Concrete/Block" 6 ft- 7 ft sound wall along our property line - south side
- 3) Remove the trees along the south fence line
- 4) " No" overhead parking lot lights shining down in our yard.

Kevin and Joanne Lely

On Friday, November 8, 2013 4:47 PM, Rob Gjestland <[RobG@sonomacity.org](mailto:RobG@sonomacity.org)> wrote:  
The meeting agenda and staff report for next Thursday's Planning Commission review of the Mission Square project are attached for your consideration.

The applicant's submittal for this review as well as the Mission Square Revised Final EIR can be downloaded from the "Current Reports" page of the City's website at the following link:

<http://www.sonomacity.org/default.aspx?Pageid=455>

Sincerely,

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

Johanna M. Patri, AICP  
P. O. Box 604  
Sonoma, CA 95476  
707 996-6412  
jmpatri@aol.com

**LATE MAIL**

*Item # 2*

November 15, 2013

Mr. David Goodison, Director  
City of Sonoma Department of Planning  
No. 1, The Plaza  
Sonoma, CA 95476

RE: Mission Square

Dear Mr. Goodison and Honorable Planning Commissioners:

I regret that I cannot be at the hearing this evening.

After reviewing the plans and seeing the applicant's presentation, I am disappointed in the failure on the part of the architects to seriously consider previous comments and concerns so that the project would result in a superior project which the historic plaza area deserves. I thought the Planning Commission made it perfectly clear to the applicants that the site deserved special consideration in architectural design quality and landscaping and that they were to return to the Planning Commission with plans and materials demonstrating architectural and material qualities. Other than some paint colors, I see very little that has been upgraded, enhanced, or articulated.

The office building on Spain Street in particular should be the best example of architectural detail and materials as it is part of the streetscape. It should be a "little jewel". It should be lowered to below the visual height of the Blue Wing, which should remain the prominent building on the street. This plain building lacks architectural integrity and I doubt that the materials will age well.

The housing development does appear to be transient in nature and appears to be of a quality that could be in any big city neighborhood as it continues to have that "mass-marketing" quality.

Thank you for your consideration.

Sincerely,

Johanna M. Patri, AICP



***CITY OF SONOMA***  
***City Council***  
**Agenda Item Summary**

City Council Agenda Item: 8A

Meeting Date: 2/3/2014

<b>Department</b> Public Works	<b>Staff Contact</b> Dan Takasugi, Public Works Director / City Engineer
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**Agenda Item Title**

Approval of a Resolution declaring a Stage 1 Water Shortage Alert, requesting a voluntary 15 percent reduction in water use from all City water customers.

**Summary**

Unprecedented dry weather conditions in 2013 have caused significant declines in water storage at Lake Mendocino and Lake Sonoma (currently at 36.4 and 65.8 percent of capacity respectively). Calendar year 2013 has been the driest year in 120 years of record keeping. On January 17<sup>th</sup> Governor Brown declared a drought state of emergency and is requesting a 20% reduction in water use. There is adequate water supply in Lake Sonoma to meet most Sonoma County Water Agency (SCWA) water contractor demands through approximately November 2014, at which time a 30% mandatory curtailment would be triggered. Without significant rainfall this spring and next winter, all SCWA water contractors will face painful water use restrictions in 2015.

Sonoma Municipal Code 12.10.070(A) sets the conditions whereby the City Council may declare a Stage 1 water shortage alert, requesting a 15 percent water use reduction through voluntary conservation. It would be unusual to declare such a water shortage alert in February of any given year, however, the current drought conditions demand preemptive action. Most other SCWA water contractors are planning to implement their Stage 1 water shortage contingency plans in February 2014, and one contractor has already taken such action in January 2014.

Under a Stage 1 water shortage declaration, all City water customers would be requested to:

1. Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.
2. Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.
3. For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather.
4. Reduce minutes of run-time for each irrigation cycle if water begins to run off to gutters and ditches before the irrigation cycle is completed.
5. Become informed about and adhere to the city's water waste prohibitions as established in SMC 13.10.060.
6. Utilize water conservation rebate and other incentive programs to replace high water-use plumbing fixtures and appliances with water-efficient models.
7. Utilize city information on using water efficiently, reading water meters, repairing ordinary leaks, and applying water efficiently to landscaping.

City staff have already taken or are planning to take water conservation activities including:

- Conservation outreach in cooperation with the Sonoma-Marin Saving Water Partnership.
- Defer hydrant flushing maintenance and flow testing.
- Recall hydrant meters that provide tanked water outside the City's water service area.
- Increase leak detection efforts and monitor water waste more closely.
- Curtail irrigation in public parks and landscaping to a minimum vegetation survival level.

As the City's water supply picture becomes clearer over the next 2-3 months, the City's water shortage stage will likely need to be adjusted to meet anticipated water conditions.

Over the past month, City staff has noted that commercial water tender trucks are increasingly using City hydrant meters to haul water outside of the City's water service area. Given that the City desires to conserve its water for use within its own service area, the City Manager implemented an emergency policy to prohibit the taking of water from City fire hydrants, except in the case of fire prevention, firefighting, and essential maintenance. While it may be a great inconvenience for those who relied upon City water provided by tender trucks, there are other water districts that are still willing to provide and sell hydrant water. Water from other districts may be at a higher cost and a greater haul distance. Staff is recommending that Council ratify that policy in the Resolution of this agenda item.

---

**Recommended Council Action**

Approve the Resolution.

---

**Alternative Actions**

Council discretion.

---

**Financial Impact**

A minor, undetermined amount of water enterprise revenue will not be captured, if water use reductions are realized. The amount of lost revenue would depend upon the duration and timing of the water use reductions.

---

**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
- No Action Required
- Action Requested

---

**Attachments:**

Resolution

---

**Alignment with Council Goals:**

While not directly aligned with a Council Goal, this action would indirectly support the values of water conservation and public education outreach under the Council's Water and Infrastructure goal.

---

**cc:**

---

# CITY OF SONOMA

RESOLUTION \_\_\_ - 2014

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA DECLARING A STAGE 1 WATER SHORTAGE ALERT AND REQUESTING A 15 PERCENT VOLUNTARY REDUCTION IN SYSTEM-WIDE WATER USE

WHEREAS, calendar year 2013 has been the driest on record in 120 years of record keeping and the Governor of California has declared a drought state of emergency; and

WHEREAS, as of January 27, 2014, Lake Mendocino was at 36.4 percent of capacity and Lake Sonoma was at 65.8 percent of capacity, as the City's primary sources of potable water; and

WHEREAS, without significant rainfall during 2014, Lake Sonoma will fall to a level that will require mandatory curtailment of the City's water supply by the end of the calendar year; and

WHEREAS, the City Council has determined that it is necessary to be proactive and responsible in the management of the City's water supply.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby declares a Stage 1 water shortage alert, in accordance with Sonoma Municipal Code 13.10.070, requesting a 15 percent voluntary reduction in system-wide water use.

BE IT FURTHER RESOLVED that until such time as the City Council determines that the condition for conservation no longer exists, all potable water customers of the City of Sonoma are requested to:

1. Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.
2. Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.
3. For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather.
4. Reduce minutes of run-time for each irrigation cycle if water begins to run off to gutters and ditches before the irrigation cycle is completed.
5. Become informed about and adhere to the city's water waste prohibitions as established in SMC 13.10.060.
6. Utilize water conservation rebate and other incentive programs to replace high water-use plumbing fixtures and appliances with water-efficient models.
7. Utilize city information on using water efficiently, reading water meters, repairing ordinary leaks, and applying water efficiently to landscaping.

BE IT FURTHER RESOLVED that the City Council hereby ratifies the City Manager's Emergency Policy on use of City Water from Fire Hydrants (Exhibit A), as implemented on January 16, 2014.

PASSED, APPROVED AND ADOPTED this 3rd day of February 2014 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Tom Rouse, Mayor

ATTEST:

\_\_\_\_\_  
Gay Johann  
Assistant City Manager/City Clerk

**CITY OF SONOMA, CALIFORNIA  
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Emergency Policy on Use of City Water from Fire Hydrants

**I. BACKGROUND**

Calendar Year 2013 was the driest year in over 120 years of record keeping. The City of Sonoma's source of water from Lake Mendocino is at historic low levels for January 2014. It is uncertain how much rain will fall over the next several months. City staff has noted that City water is being transported from City hydrants for domestic/commercial use outside the City's water service area.

**II. GOAL**

The City's water supply must be conserved for use within the City's water service area. This policy intends to curtail the use of City water from Fire Hydrants for either construction use or domestic/commercial use.

**III. POLICY**

- A. All City hydrant meters will be recalled from commercial use. Requests for construction water shall be directed to the Sonoma County Valley Sanitation District for recycled water.
- B. Use of City water from fire hydrants, except for fire prevention, firefighting, and essential maintenance, shall be prohibited and considered a trespass of the City's water system per Sonoma Municipal Code 12.04.250.
- C. The City Police Department and City staff are directed to monitor any such trespass of the City's water system and enforce such violations per the Sonoma Municipal Code 12.04.
- D. The City Manager may grant exceptions to this policy in the interest of the health, sanitation, and safety of the public.

APPROVED:

Policy implemented on January 16, 2014 and shall remain in effect until changed or superseded by new policy or change in local, State or Federal law.

  
\_\_\_\_\_  
Carol Giovanatto  
City Manager



*City of Sonoma*  
**City Council**  
**Agenda Item Summary**

**City Council Agenda Item: 8B**

**Meeting Date: 02/03/2014**

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**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, City Manager

---

**Agenda Item Title**

Discussion and Consideration to Send Letter to Assemblymember Member Marc Levine to Request Easement to Allow Dogs on State Property [Requested by Mayor Pro Tem Cook]

---

**Summary**

Councilmember Cook has requested a Council consideration to direct staff to prepare a letter to Assemblymember Marc Levine requesting the possibility of a dog easement through State property. The easement/path in question connects Fourth Street East to the Western trail on Montini.

---

**Recommended Council Action**

Council discretion.

---

**Alternative Actions**

---

**Financial Impact**

Undetermined.

---

**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
- No Action Required
- Action Requested

---

**Attachments:**

Request from Mayor Pro Tem Cook

---

**cc:**

---

**From:** [david@cvmgrapes.com](mailto:david@cvmgrapes.com)  
**To:** [Carol Giovanatto](#)  
**Subject:** Dog issue on State Parks  
**Date:** Tuesday, January 28, 2014 10:27:02 AM

---

Carol

Good morning,

I'm requesting an agenda item to be brought forward to the council. The item is to allow city staff to contact Assemblymember Marc Levine requesting the possibility of a dog easement through state property. The easement/path in question connects Fourth Street East to the Western trail on Montini.

As you know there is much debate on the issue of allowing dogs on Montini, which needs to be granted by the county before being heard by the Sonoma City Council. Knowing the fate of the States easement will help in future decisions and give Sonoma local control of its newly acquired property.

David Cook  
Mayor Pro Tem

Cell 707.490.8921



**CITY OF SONOMA**  
City Council  
Agenda Item Summary

City Council Agenda Item: 8C

Meeting Date: 02/03/2014

---

**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

---

**Agenda Item Title**

Discussion, consideration and possible action providing direction to the Mayor regarding the City's vote on appointments by the City Selection Committee and the Sonoma County Mayors' and Councilmembers' Association at their February 13, 2014 meetings.

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**Summary**

The Sonoma County Mayors' and Councilmembers' Association will hold its first regular meeting of 2014 on February 13, 2014 in Cloverdale. The evening will include a meeting of the City Selection Committee, the Association Board of Directors and the General Membership.

At that meeting the City Selection Committee will consider appointments as follows:

- City Selection Chair and City Selection Vice Chair (typically the Chair and Vice Chair of the SCMCA)
- Local Agency Formation Commission – to fill the expiring term of Pam Stafford. Letters of interest were received from Santa Rosa Councilmember Julie Combs and Rohnert Park Councilmember Pam Stafford
- Remote Access Network (RAN) Board – to replace Pam Stafford if position changes as Mayor (must be filled by a Mayor). A letter of interest was received from Rohnert Park Mayor Joseph T. Callinan

The Association Board of Directors will consider an appointment to the

- Sonoma County Child Care Planning Council - to fill the expiring term of Susan Harvey. A letter of interest was received from Cotati Councilmember Susan Harvey.
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**Recommended Council Action**

Provide direction to the Mayor.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

N/A

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**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
  - No Action Required
  - Action Requested
- 

**Attachments:**

1. Letters of interest
- 

cc: n/a

COUNTY OF SONOMA  
BOARD OF SUPERVISORS

575 ADMINISTRATION DRIVE, RM. 100A  
SANTA ROSA, CALIFORNIA 95403

(707) 565-2241  
FAX (707) 565-3778



MEMBERS OF THE BOARD

DAVID RABBITT  
CHAIR

MIKE MCGUIRE  
VICE CHAIR

SUSAN GORIN

SHIRLEE ZANE

EFREN CARRILLO

December 17, 2013

Mayor Joseph Palla  
City of Cloverdale  
124 North Cloverdale Boulevard  
P. O. Box 217  
Cloverdale, CA 95425-0217

Re: 2014 City Selection Committee Meeting

Dear Mayor Palla:

The City Selection Committee will hold its regular yearly meeting on February 13, 2014 at 5:30 p.m. At that meeting, the Committee will consider making appointments and recommendations to the following Boards and Commissions:

City Selection Chair – Joseph Palla’s term expires January 2014 (one-year term)

City Selection Vice-Chair – Mark Landman’s term expires January 2014 (one-year term)

Local Agency Formation Commission – Pam Stafford’s term expires May 2014 (four-year term)

Remote Access Network (RAN) Board – Replace Pam Stafford if position changes as Mayor (there is no specific term, but it must be filled by a Mayor)

The City Selection Committee will need to receive letters of interest to facilitate the nomination process at the February 13, 2013 meeting no later than **January 24, 2014**. I ask that you please send a request for letters of interest to the Mayors in the Sonoma County Mayors’ and Councilmembers’ Association. Letters of intent should be mailed to: Amanda Graves, Clerk, City Selection Committee, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

If you have any questions, please feel free to contact me at 707-565-2241.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amanda Graves".

Amanda Graves, Clerk  
City Selection Committee



### **City Council**

Joseph T. Callinan  
*Mayor*

Amy O. Ahanotu  
*Vice Mayor*

Gina Belforte  
Jake Mackenzie  
Pam Stafford

*Council Members*

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Darrin Jenkins  
*City Manager*

Michelle Marchetta Kenyon  
*City Attorney*

Alexandra M. Barnhill  
*Assistant City Attorney*

JoAnne Buegler  
*City Clerk*

Brian Masterson  
*Director of Public Safety*

John McArthur  
*Director of Public Works and  
Community Services*

Mark Walsh  
*Interim Finance Director*

Marilyn Ponton  
*Development Services Manager*

January 6, 2014

Michelle Arellano  
Clerk City Selection Committee  
[marellan@sonoma-county.org](mailto:marellan@sonoma-county.org)

Sonoma County Mayors and Councilmembers  
City of Cloverdale                      City of Santa Rosa  
City of Cotati                              City of Sebastopol  
City of Healdsburg                      City of Sonoma  
City of Petaluma                         Town of Windsor  
City of Rohnert Park

RE: Local Agency Formation Commission (LAFCO)

Dear Mayors and Councilmembers and the City Selection Committee,

I am contacting your City Council and the Board of Supervisors to request support for re-appointment to the Local Agency Formation Commission (LAFCO).

I have several years of experience with LAFCO having served as both Commissioner and as an Alternate Commissioner. I currently serve on the LAFCO personnel committee which is in the process of hiring the Executive Director. I take this responsibility very seriously and feel very strongly that I see it through. There are many issues arising this year with regards to annexation and consolidation and I would love to be able to work through these with the other commissioners. As far as my personal history, I recently completed my second term as Mayor of the City of Rohnert Park. I have also served as a City Councilmember and Planning Commissioner.

I would appreciate the opportunity to continue as your LAFCO representative for another term and request your vote. Please contact me if you have questions at (707) 584-5892 or email [pstafford@rpcity.org](mailto:pstafford@rpcity.org).

Sincerely,  
CITY OF ROHNERT PARK

Pam Stafford  
Council Member

cc: Tami Taylor, City Clerk, City of Cotati



January 14, 2014

Michelle Arellano  
Clerk of City Selection Committee  
[marellan@sonoma-county.org](mailto:marellan@sonoma-county.org)

RE: LOCAL AGENCY FORMATION COMMISSION (LAFCO)

Dear Sonoma County Mayors and Council Members:

JULIE COMBS  
Council Member

I would like to serve as a City LAFCO representative, and I request your consideration for that appointment.

Santa Rosa is the largest City in Sonoma County, and I believe that, at this time, representation from the Santa Rosa City Council on LAFCO would well serve all of Sonoma County.

I have extensive involvement in Southwest Santa Rosa, which will be undergoing a lengthy annexation process in the coming years. I also serve on the League of California Cities Public Safety Policy Committee and am the local representative on the ABAG Regional Planning Committee.

Thank you for your consideration.

If you have any questions regarding my interest in this position, please feel free to contact me at [jcombs@srcity.org](mailto:jcombs@srcity.org) or 707-542-1906.

Respectfully submitted,

JULIE COMBS  
Council Member

JC/sks

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CITY COUNCIL

100 Santa Rosa Avenue, Room 10 • Santa Rosa, CA 95404  
Phone: (707) 543-3010 • Fax: (707) 543-3030



**City Council**

Joseph T. Callinan  
*Mayor*

Amy O. Ahanotu  
*Vice Mayor*

Gina Belforte  
Jake Mackenzie  
Pam Stafford

*Council Members*

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*Assistant City Attorney*

JoAnne Buegler  
*City Clerk*

Brian Masterson  
*Director of Public Safety*

John McArthur  
*Director of Public Works and  
Community Services*

Mark Walsh  
*Interim Finance Director*

Marilyn Ponton  
*Development Services Manager*

January 2, 2014

Michelle Arellano  
Clerk of the City Selection Committee  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403

RE: Remote Access Network Board (RAN)

City Selection Committee:

I am writing to request the City Selection Committee's support for appointment to the Remote Access Network Board.

It is my understanding that this position must be filled by a Mayor; I meet that qualification.

Perhaps more importantly, I am interested in public safety issues and find it fascinating how law enforcement works together in Sonoma County to properly identify people arrested through fingerprint identification. The RAN Board is charged with making sure fingerprints and criminal records are forwarded to the Department of Justice electronically. I would be honored to contribute to this networking system.

I thank you for your consideration and hope for your support in filling this vacancy. If you have questions, please call me at 707 975-7601 or email me at [jcallinan@rpcity.org](mailto:jcallinan@rpcity.org).

Sincerely,  
CITY OF ROHNERT PARK

Joseph T. Callinan  
Mayor



December 16, 2013

Mayors' & Councilmembers Association of Sonoma County  
Board of Directors  
Via email

**Re: Appointment by the Mayors' and Councilmembers' Association of Sonoma County**

Dear Mayors,

At the February 13, 2014 meeting of the Board of Directors of the Sonoma County Mayors' and Councilmembers' Association one of the business items will be to consider one appointment to the following Committee:

- **Sonoma County Child Care Planning Council** (1 regular member position with a 3 year term ending January 2017): To fill the expiring term of Susan Harvey, Cotati.

Please submit your letters of interest to me at: [ttaylor@cotaticity.org](mailto:ttaylor@cotaticity.org) no later than close of business, **Thursday, January 24<sup>th</sup>**. This should allow adequate time for review at each of your Council meetings prior to the February 13 Board of Directors meeting.

Sincerely,

A handwritten signature in blue ink that reads "Tami Taylor".

Tami Taylor (on behalf of)  
Mayors' and Councilmembers' Association of Sonoma County  
City of Cotati, 2014 Chair

C: Sonoma County Mayors' and Councilmembers' Association email list



January 22, 2014

Subject : Letter of Interest for Sonoma County Child Care  
Planning Council

To: Sonoma County Mayors and Council Members Association

This letter will serve as my interest in serving as a representative  
on the Sonoma County Child Care Planning Council.

As a mother who raised three children while working full time, I  
understand the importance of providing quality care for our  
children. I was fortunate that I was able to obtain quality care for  
my children during their formative years. I feel strongly that  
quality care is important not only for the growth of our children,  
but also for the ability of their parents to focus on being productive  
workers without worrying about the care of their children.

It would be an honor to serve on this council to ensure that  
Sonoma County has quality, accessible and affordable child care.

Thank you,

Susan

Susan Harvey  
City Council Member  
Cotati, CA



**CITY OF SONOMA**  
 City Council  
 Agenda Item Summary

**Agenda Item: 10A**  
**Meeting Date: 02/03/2014**

<b>Department</b> Administration	<b>Staff Contact</b> Gay Johann, Assistant City Manager/City Clerk
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**Agenda Item Title**

Councilmembers' Reports on Committee Activities.

**Summary**

Council members will report on activities, if any, of the various committees to which they are assigned.

MAYOR ROUSE	MPT COOK	CLM. BARBOSE	CLM. BROWN	CLM. GALLIAN
ABAG Alternate	AB939 Local Task Force	Cittaslow Sonoma Valley Advisory Council, Alt.	Oversight Board to the Dissolved CDA	ABAG Delegate
City Audit Committee	City Facilities Committee	North Bay Watershed Association	Sonoma County Health Action	Cittaslow Sonoma Valley Advisory Council
City Facilities Committee	LOCC North Bay Division Liaison	Sonoma Clean Power	S. V. Citizens Advisory Commission	City Audit Committee
Sonoma County Mayors & Clm. Assoc. BOD	Oversight Board to the Dissolved CDA, Alt.	Sonoma County Transportation Authority & Regional Climate Protection Authority, Alternate	S.V. Economic Development Steering Committee	LOCC North Bay Division Liaison, Alternate
Sonoma County M & C Assoc. Legislative Committee, Alt.	Sonoma Clean Power Alt.	Sonoma County Waste Management Agency	S. V. Library Advisory Committee, Alternate	Sonoma County Transportation Authority & Regional Climate Protection Authority
Sonoma Disaster Council	Sonoma County Mayors & Clm. Assoc. BOD	VOM Water District Ad Hoc Committee, Alternate	Substance Abuse Prevention Coalition	LOCC North Bay Division, LOCC E-Board, Alternate (M & C Appointment)
Sonoma Housing Corporation	Sonoma County M & C Assoc. Legislative Committee	Water Advisory Committee, Alternate	Mobilehome Park Rent Control Ad Hoc Committee (1/8/14)	Sonoma County Ag Preservation and Open Space Advisory Committee (M & C Appointment)
Sonoma Valley Citizens Advisory Comm. Alt.	Sonoma Disaster Council, Alternate			VOM Water District Ad Hoc Committee
S.V.C. Sanitation District BOD	Sonoma Housing Corporation			Water Advisory Committee
S.V. Fire & Rescue Authority Oversight Committee	S.V.C. Sanitation District BOD, Alt.			Mobilehome Park Rent Control Ad Hoc Committee (1/8/14)
	S.V. Economic Development Steering Committee, Alt.			
	S. V. Library Advisory Committee			
	S.V. Fire & Rescue Authority Oversight Committee			

**Recommended Council Action** – Receive Reports

**Attachments:** None