

FOURTH AND BRAZIL NEIGHBORS OF SONOMA

We, the undersigned, are opposed to the proposed development of three homes at the following street addresses in Sonoma, CA: 227 Brazil Street, 228 Brazil Street, and 149 Fourth Street East. The main points of our objection cite City of Sonoma Development Code Section 19.50.040 Hillside Development in the following issues:

1. *Terrain alteration.* The project should be designed to fit the terrain rather than altering the terrain to fit the development. The project proposed at the lower lot (149 4th Street East) is not designed to fit the terrain. The design alters the terrain to fit the project.
2. *Development patterns that form visually protruding or steeply cut slopes for roads or lots shall be avoided.* In the particular case of the lower lot at 149 4th Street East, the design creates extensive fill slopes of 10' to 12' facing the neighbor. The two lots on Brazil are located high on the hillside, resulting in a long driveway snaking up the hill, causing many cut and fill slopes, thus a large visible scar area.
3. *Lot Pad Grading.* Lot pad grading should be limited to the boundaries of the structure's foundation, vehicle parking space and a yard area as shown on the approved grading plan. Pads should not exceed 5,000 square feet. All three of the proposed homes greatly exceed the 5000 sq ft guideline, each being two to three times that guideline amount.

Further points include:

- There is inadequate environmental review. The three lots were proposed independently while in fact they are tied together with common driveway connectors and drainage requirements that must be assessed together through an EIR. There is significant risk of increased heavy runoff from the previously undisturbed hillside, all concentrated at the corner of 4th St. East and Brazil.
- The proposed development is inconsistent with the purpose of Hillside Development Ordinance to preserve and protect the view to and from the City of Sonoma.
- This is all on Schocken Hill part of the scenic back drop of Sonoma, easily visible from 4th Street East and Lovall Valley Road and other streets leading to the town plaza. It must be maintained in its undeveloped state or, at least, developed with less impact on the view scape from the town.
- Removal of dozens of trees for construction will destroy the hillside view.

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NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
Karen Carroll	<i>Karen Carroll</i>	128 4th St. E.	938-1275	karenecarroll@comcast.com
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Johanna M. Patri	<i>Johanna M. Patri</i>	621 Napa Rd	996-6412	jmpatri@aol.com

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NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
Kathie Wicent	<i>Kathie Wicent</i>	225 2nd St East	707-398-5337	Kathie.Wicent@gmail.com
Ronald Chapman	<i>Ronald Chapman</i>	228 2nd St East	707-996-8984	RCHAPMAN@VON.COM

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KATHLEEN LAFFERTY		20766 Temuco DR	707-935-9017	
LORRAINE ASHTON		554 7 TH ST. WEST SONOMA 95476	707-996-2171	LORRAINEASHTON@COMCAST.NET
George Webber		997 NAPARD	707-260-9511	george@georgewebber.com


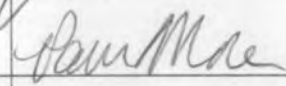
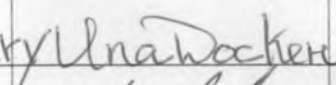
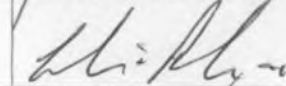
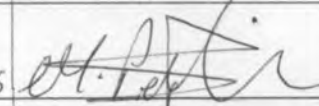
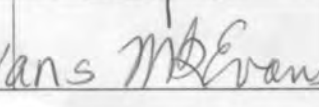
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NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
Jim Klein		425 GREVE LN	925 588-0758	JimKlein59@gmail.com
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Marge Evans		420 Greve Ln	939-8920	mbevans730@gmail

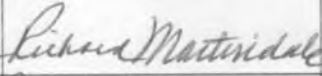


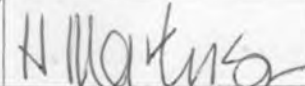
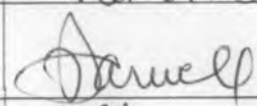
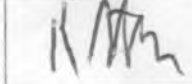
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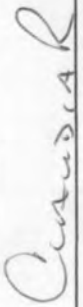
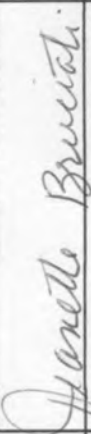
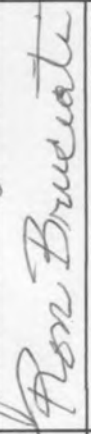


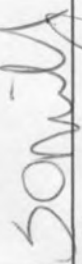


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NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
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SONOMA NEIGHBORS IN SUPPORT OF HILLSIDE VIEW PRESERVATION

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NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
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Karen

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NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
Carol McLain	<i>Carol McLain</i>	1265 Oak Creek	938-2154	
DEBORAH FROTH	<i>Deborah Froth</i>	20580 BROADWAY	492-2546	
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DOMINIC GERAMONI	<i>Dominic Geramoni</i>	184 Temple Circle	707-996-8817	
VERTIS Di TRAPANI	<i>Vertis Di Trapani</i>	95 Vineyard Circle	938-7237	
Martha Adams	<i>Martha Adams</i>	348 2nd St E	815-7889	
VIRGIL ADAMS	<i>Virgil Adams</i>	348 2ND ST E	815-7889	

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Maria Davis	Maria Davis	305 K Spain St	707-938-2458	
Ruth E. Thorne	Ruth E. Thorne	205 Temeclec Cir	707-935-1753	
David Herzick	David Herzick	1890 Thornsbury	707-938-2267	
Carl Saxsenmeier	Carl Saxsenmeier	819 Coena Dr	(707) 996-3390	
Larry hazzareschi	Larry hazzareschi	21877 PA East	707 938844	
Abney Coker	Abney Coker	18704 Ave G.	707 294 7129	
PHIL SCHUYLER	Phil Schuyler	15479 MARTY DR	707-931-8764	
ALEXANDER ALLEN	Alexander Allen	14155 Old Winyak	707-770-7476	
Tina Saxsenmeier	Tina Saxsenmeier	819 Loma Dr.	707 996 3390	
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Paul Torzilli	Paul Torzilli	62 Rancho dr	480 6596	
Joanna Seidell	Joanna Seidell	21706 Broadway	938-9035	
HERB SEIDELL	Herb Seidell	21706 Broadway	938-9035	
Barbara Westlake	Barbara Westlake	596-2nd St E.	938-8214	
LARRY WESTLAKE	Larry Westlake	596 2nd St E	938 8214	

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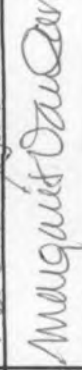
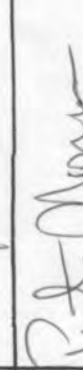
NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
John Bonnoitt	<i>John Bonnoitt</i>	270 Fancest	996-2482	-
Patricia Bonnoitt	<i>Patricia Bonnoitt</i>	240 Frouse St	(707) 956 2482	-
R J Mack	<i>R J Mack</i>	507 Ave De La		
Marilyn Caccin	<i>Marilyn Caccin</i>	768-2nd St East	935-7075	
JOEL HAGGARD	<i>Joel Haggard</i>	192 57th West	486-5496	
John Addeo	<i>John Addeo</i>	155-5 St West		
PATRICK FAVALE	<i>Patrick Favale</i>	670 BARADLY	415 2347570	
Al Monzoni	<i>Al Monzoni</i>	1155 ELM AVE		
JEAN MORENZONI	<i>Jean Monzoni</i>	1155 Elm ave		
Marie Martin	<i>Marie Martin</i>	490. 2nd Spain		
Dale E. Stokes	<i>Dale E. Stokes</i>	1065 Solano Ave	(707) 996-0929	
SANDRA FAVALE	<i>Sandra Favale</i>	221 Woodli	415 706-5577	
Dale Ingraham	<i>Dale E. Stokes</i>	21222 Via Colombard Sonoma	707.939.8954	
PAMELA L. VETORNO	<i>Pamela L. Vetorno</i>	20541 PRINCE AVE. SONOMA CA 94970		
Verna Lantz	<i>Verna Lantz</i>	6473 meadowridge Dr. Santa Rosa, Ca 95409	953-7007	

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BETH HUGHES HALL	<i>Beth Hughes Hall</i>	173 Temelec Cir.	343-1229	Beth.HughesHall@gmail.com
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Joan Howarth	<i>Joan Howarth</i>	800 Donner Ave	938-8115	howarth.joan@gmail.com

SONOMA NEIGHBORS IN SUPPORT OF HILLSIDE VIEW PRESERVATION

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Ann Hollister		82 Guaymas	707-933-9101	
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SONOMA NEIGHBORS IN SUPPORT OF HILLSIDE VIEW PRESERVATION

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Pattie Densley	Pattie Densley	170 Wilking	707-935-0143	PattieLeannebethrecords@gmail.com @icloud.com
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Barry Ansell	Barry Ansell	445 Lucas Ct.	707-938-7048	ansellbam@me.com
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Laura C Dunning	Laura C Dunning	272 4th Street East	707-935-6654	laura.dunning@comcast.net

From: Jerilyn Boyd
To: [City Council](#)
Subject: Please Uphold the Hillside Appeal and Respect the Code
Date: Thursday, February 22, 2018 10:17:29 PM

Name	Jerilyn Boyd
Email	jerilynboyd511@hotmail.com
Phone	5416430228
	<p>Mayor Agrimonti and members of our City Council:</p> <p>I strongly urge you to uphold the appeal of the approval of the hillside residential compounds. There are many issues with these projects, including the fact they do not comply with the Hillside Development Code, as recently clarified by your predecessors who drafted and passed the code in 2003. As you know, hillsides in Sonoma are sacred, and form the scenic, undisturbed backdrop of our Plaza and town. Our code was put into place to protect them.</p> <p>I respectfully encourage you to respect our code and protect these hillsides by upholding the appeal, requiring a full Environmental Impact Report for any new applications, and to send any new applications back to the Planning Commission.</p>

Law Office of Rose M. Zoia

P.O. Box 3166 . Santa Rosa . California 95402

707.526.5894 . fax 707.540.6249

rzويا@sbcglobal.net

February 23, 2018

via email and USPS

The Honorable Mayor Madolyn Agrimonti
and Council Members
Sonoma City Council
No. 1 The Plaza
Sonoma CA 95476

RE: Lower Lot 2: 149 4th Street East
Upper East Lot 3: Brazil Street
Upper West Lot 4: Brazil Street
Appeals Hearing Date: March 1, 2018

Dear Mayor Agrimonti and Council Members:

On behalf of appellants, please accept these comments on the above referenced appeals of the Planning Commissions' decisions on August 10, 2017, and September 14, 2017, to approve use permits to construct residences and other structures on hillside properties based on a Mitigated Negative Declaration (MND).¹

The project[s] should be denied in the first instance as inconsistent with the development code. In any event, the project has been modified significantly and must be sent back to planning for review and analysis to determine if the negative

¹ In his letter dated January 31, 2018, the applicant's lawyer, Ryan J. Patterson, makes the unsubstantiated claim that the deadline for appellants to submit material to support their appeal was January 26, 2018, and the city cannot not accept submission from appellants. Mr. Patterson offers no authority for this completely incorrect claim and, in fact, appellants may submit materials orally or in writing at any time before the close of the public hearing and before issuance of a notice of determination. (See Pub. Res. Code § 21177, subds. (a), (b); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203 (Letter sent before City Council meeting outlining inadequacies in the EIR and raising other objections to approvals of the project); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1121 (Objections filed before close of public hearing on project and before issuance of notice of determination satisfied exhaustion of administrative remedies doctrine.))

declaration must be recirculated or whether an EIR is required. Finally, contrary to the developer's contention, the project is not subject to the Housing Accountability Act (HAA).

The Development Code

The purpose of the Hillside development code, located at section 19.40.050 of the Sonoma Municipal Code, is to "establish[] regulations and guidelines to preserve and protect views to and from the hillside areas within the city, to preserve significant topographical features and habitats, and to maintain the identity, character, and environmental quality of the city." (§ 19.40.050 A.)

New development in a hillside area requires a conditional use permit in compliance with section 19.54.040. That section, in turn, states that

Use permits are intended to allow for activities and uses which may be desirable in the applicable zoning district and compatible with adjacent land uses, but whose effect on the site and surroundings cannot be determined prior to being proposed for a particular location. The procedures of this section provide for the review of the location, design, configuration, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site.

Before issuing a use permit, the planning commission must first find that:

1. The proposed use is consistent with the General Plan and any specific plan;
2. The proposed use is allowed with a conditional use permit within the applicable zoning district and complies with all applicable standards and regulations of this development code (except for approved variances and exceptions);
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.

(§ 19.54.040 E.) In addition, the planning commission “may adopt any conditions of approval deemed necessary to achieve consistency with the General Plan and any applicable specific plan, compliance with the provisions and purposes of this development code, and the protection of the public health, safety, and welfare.” These requirements apply equally to the City Council upon appeal of the planning commission’s decisions.

The Design Guidelines of the Hillside development code provide that “[l]ot pad grading should be limited to the boundaries of the structure’s foundation, vehicle parking space and a yard area as shown on the approved grading plan. *Pads should not exceed 5,000 square feet in total area.*” (§ 19.40.050 E.2 [emphasis supplied].) The maximum allowable density is one dwelling unit per 10 acres.

Inconsistency with the Code

Here, the virtual (elevated) pads “exceed 5,000 square feet in total area.” The interpretation of this language to mean each pad on the site cannot exceed 5,000 square feet is untenable. It is not supported by the plain language of the code. This language is not ambiguous. As the California courts have stated,

The applicable principles of statutory construction are well settled. “In construing statutes, we must determine and effectuate legislative intent.” [Citation] “To ascertain intent, we look first to the words of the statutes” [citation], “giving them their usual and ordinary meaning” [Citation]. If there is no ambiguity in the language of the statute, “then the Legislature is presumed to have meant what it said, and the plain meaning of the language governs.” [Citation] “Where the statute is clear, courts will not ‘interpret away clear language in favor of an ambiguity that does not exist.’” [Citation.]²

The words of the code, giving them their usual and ordinary meaning and finding no ambiguity, means the “total area” of the pads should not exceed 5,000 square feet. If the enactors of the code intended it to mean each pad on a site cannot exceed 5,000 square feet, they would have stated just that.

² *Lennane v. Franchise Tax Bd.* (1994) 9 Cal. 4th 263

Also, the alternate interpretation also is not supported by the legislative history. City Council members in service at the time the code was deliberated and enacted have established that the meaning of the language is just what the words state: the pads should not exceed 5,000 square feet in total area.³

An applicant should not be permitted to sidestep the intent of the code by simply elevating the structures above the otherwise intended pads and claiming there now are not any pads. The intent of the code is to limit the size of the structures on the lot to 5,000 sf total - a lot which was intended to be 10 acres. These lots are much smaller and so the 5,000 sf total area is more critical.

In his submittal dated January 8, 2018, the applicant argues that the clear language in the guideline limiting total pad size to 5,000 square feet does not apply here. The applicant cites to three legal authorities including a section of the Civil Code and two court decisions over 70 years old. Civil Code 3541 is contained Division 4 of the Civil Code, entitled General Provisions, and in Part 4 therein, entitled Maxims of Jurisprudence. A maxim of jurisprudence is a "rule of thumb,"⁴ in turn defined as "method of procedure based on experience and common sense" and "a general principle regarded as roughly correct but not intended to be scientifically accurate."⁵ There are 39 maxims of jurisprudence in the Civil Code including section 3541, entitled "Interpretation; preference" and which simply states, "[a]n interpretation which gives effect is preferred to one which makes void." In other words, the interpretation of an instrument must give it such construction as will make it effective rather than void."

The applicant relies further on *In re Steidl's Estate* (1948) 89 Cal.App.2d 488 for the proposition that ". . . case law dictates that the direction is to harmonize conflicting statutes if possible by giving them such a construction as will render both effective." In finding no conflict between two sections of the Probate Code the court stated:

³ In his submission dated February 19, 2018, Mr. Jasper states there are no minutes of the relevant council meetings. It is no matter that there are no minutes. The former council members now have attested to the intent of the language in the code.

⁴ <https://dictionary.law.com/Default.aspx?selected=1228>

⁵

<https://www.merriam-webster.com/dictionary/rule%20of%20thumb?src=search-dict-box>

. . . the answer to the contention that a conflict between the two sections can be found is answered by the rule that in case of a conflict between two statutes the court should harmonize them if possible by giving them such a construction as will render both effective.⁶

There are no conflicting development code sections in this case.

The applicant finally relies on *Carson v. Lampton* (1937) 23 Cal.App.2d 535, in which the issue was whether a summons was timely issued based on the plaintiff's attempt to insert a meaning into a code section that was untenable. In that context, the court held

It is a well-recognized rule of construction that where a statute is susceptible of two constructions, one leading inevitably to mischief or absurdity, and the other consistent with justice, sound sense, and wise policy, the former should be rejected and the latter adopted.⁷

Here, giving the development code section the meaning offered by the language itself, i.e., total pad area is 5,000 sf, does not lead "inevitably to mischief or absurdity." As explained above, intent is first ascertained by giving the words of a statute their usual and ordinary meaning and, if there is any remaining ambiguity, the legislative intent comes into play. The plain language of the code is clear, *and*, the legislative intent supports that interpretation.

The applicant also posits that limiting the totality of the pad size to 5,000 feet "would encourage someone to stack multiple stories on a site,...." This claim, of course, ignores other standards such as height limitations.

In his letter to David Goodison dated February 19, 2018, Mr. Patterson claims that the terms "lot pad grading" and "pad" as used in the code mean different things. Again, the code states:

2. Lot pad grading. Lot pad grading should be limited to the boundaries of the structure's foundation, vehicle parking space and a yard area as shown on the approved grading plan. Pads should not exceed 5,000 square feet in total area.

⁶ *Id.* at 495.

⁷ *Id.* at 538.

He argues that “lot pad grading” refers to all grading on the site and “pad” means the foundation pad for a structure.” He claims “there is no other reason to use different terminology.” This is a tortured distinction and one without a difference. First, it should be noted that the title or heading for the section is “Lot pad grading” which implies that all references to pads therein are to lot pad grading. Second, the fact that the second use of the term pad is not preceded by “lot” and followed by “grading” does not mean it was used in order to create a distinction. It is not a matter of using different terminology, but simply shortening the longer phrase into the word “pad.” As such, pads include structure, vehicle parking space, and yard areas.

No matter how one cuts it, the only logical interpretation leads to the conclusion that the projects exceed the 5,000 total square feet limitation. Professional Engineer Matthew Machi, Atterbury & Associates, Inc., among others, agrees that the projects violate this code section. (Mr. Machi’s reports are attached.)

**An Updated Initial Study is Required for the Modified Project[s]
to Determine if the Negative Declaration Must Be Recirculated
or Whether an EIR is Required**

As explained in my letter dated February 5, 2018, the modified project requires an updated Initial Study based on significant changes to the project description.⁸ The resulting environmental document, whether it be an amended Mitigated Negative Declaration or an Environmental Impact Report (EIR), must then be recirculated.⁹

⁸ In his letter dated January 26, 2018, Mr. Patterson “maintains that the Projects are categorically exempt from CEQA,” however the City’s planning department properly subjected them to CEQA and, in fact, the Initial Study identified several areas in which the project will create significant impacts and identified mitigation measures. Any discussion about categorical exemptions is a red herring.

⁹ CEQA Guidelines (14 Cal. Code Regs.), § 15063 (Initial Study); Public Resources Code § 21082.2, subd. (d) (“If there is substantial evidence, in light of the whole record before the lead agency, that a project may have a significant effect on the environment, an environmental impact report shall be prepared.”)

In order to determine whether recirculation is required, of courses, the environmental effects of the changes to the project must first be analyzed.¹⁰ CEQA requires recirculation of a negative declaration “when the document must be substantially revised after public notice of its availability has previously been given....”¹¹ The document must be substantially revised if a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or the lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.”¹² Further, if, “during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project.”¹³

Here, the substantial changes to the project, as described in my February 5, 2018, letter and elsewhere in the record, may very well create new, significant effects in the areas of aesthetics, hydrology and drainage, geology and soils, land use, and cumulative impacts.¹⁴ The City, as lead agency, must first undergo the

¹⁰ Public Resources Code § 21082.2, subd. (a) (“The lead agency *shall* determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.”) [Emphasis supplied]

¹¹ Guidelines, § 15073.5

¹² *Id.*

¹³ *Id.*

¹⁴ The original structures were proposed on at-grade pads exceeding 5,000 sf in total area. The modified project proposes to raise some structures from at-grade to elevated upon perimeter walls on the same footprint, thus still exceeding 5,000 sf in total area. Substantial changes to the Upper East and West lots include changing the grade pad to elevated floor framing. Per an architect’s review, substantial changes to Lower Lot 2 include changing the west wing bedroom area of the residence from a slab on grade pad area to an elevated framing area; changing the barn, main terrace and fire-pit terrace areas from slab on grade pad areas to elevated framing areas. The elevated terrace areas now have perimeter surrounding walls, below the terrace deck level, that project up to seven feet above existing grade. These terrace structures may create additional building coverage. The modified project assumes the pool terrace,

analysis of the modifications to the project[s] (assuming, for the sake of argument, that the City Council does not deny them in the first instance based on inconsistency with the Development Code). Otherwise, should the Council vote to approve the project[s], it will be doing so without analysis of their impacts, in violation of CEQA.¹⁵ Also, as explained in my February 5th letter, the modified project should include all three lots and, for the purposes of CEQA, are one project that must be considered as a whole.

Potential impacts are described below, but as stated, the City must first undergo the analysis of the modifications to the project[s]; it is not appellant's burden to complete that analysis.

Each Project Description is Incomplete thus Resulting in Piecemealing

A project is defined as "the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, . . ." ¹⁶ "Project" is given a broad interpretation in order to maximize protection of the environment."¹⁷ Thus, an agency must not piecemeal or segment a project by splitting it into two or more segments.

CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have

barn terrace and barn screened porch area are located on a previously graded area and therefore do not represent new pad construction. These areas were originally proposed to be graded to a reduced slope from natural grade slopes, but not graded to a level pad. Therefore these areas will require further grading to create level pads appropriate for the pool terrace, barn terrace and barn screened porch areas, and therefore contributes to new pad area grading. (This also would result in exceeding the 5,000 SF total pad limit.) It appears that some of the buildings may have their floor elevations raised to accommodate the elevated floor framing over unaltered sloping existing grade.

¹⁵ Guidelines, § 15063

¹⁶ Guidelines, § 15378, subd. (a).

¹⁷ *McQueen v. Bd. of Dirs.* (1988) 202 Cal.App.3d 1136, 1143.

disastrous consequences. (Citation) CEQA attempts to avoid this result by defining the term "project" broadly. (Citation.)¹⁸

Here, the lots are adjacent or near adjacent to each other. The three putative separate projects are, for the purposes of CEQA, one project. The drainage plans are at least partially intertwined. Cut and fill of earth will involve all lots so that cut from some lots will be fill on other lots.

The incomplete project description and resulting piecemealing of the review of impacts stultifies the City's ability to thoroughly evaluate the entire project.

Impacts Analyses Must be Updated

Land Use Impacts

A project creates a land use impact if it conflicts with an applicable land use plan, policy, or regulation including, but not limited to the general plan, specific plan, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect.¹⁹

As explained above, the project is inconsistent with the Development Code and, thus, the impact is significant and unmitigated, prompting the need for an EIR.

Aesthetics/Visual Impacts

A project creates a visual impact if it will have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings.²⁰ Residents' opinions on aesthetic issues can qualify as substantial evidence.²¹

¹⁸ *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592.

¹⁹ CEQA Appendix G

²⁰ *Ibid.*

²¹ *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903

The Hillside development code seeks “to preserve and protect views to and from the hillside areas within the city, to preserve significant topographical features and habitats, and to maintain the identity, character, and environmental quality of the city.”²² To that end, it also provides that “[p]ads should not exceed 5,000 square feet in total area.” It also mandates that “[t]he maximum allowable density is one dwelling unit per 10 acres.” One of the reasons for these restrictions is to assure low density development on hillsides in order to preserve the visual character of the area. The visual effects of this modified project are unknown because they have not yet been analyzed.

Video from Mr. Ed Routhier’s YouTube account shooting from the vantage point of the upper portion of Lot 228 depicting and promoting views of populated areas below, and from Lot 227 Lower Floor and Lot 227 Upper Floor showing essentially the same and discussing trimming and removal of trees. These videos can be located at <https://www.protectsonoma.com/media>. Even if the locations of structures were somewhat fluid at the time, the purpose was to show off the views once built. These videos, combined with the removal of screening trees, present a more accurate situation than hypothetical visual studies with superimposed or computer-generated graphics.

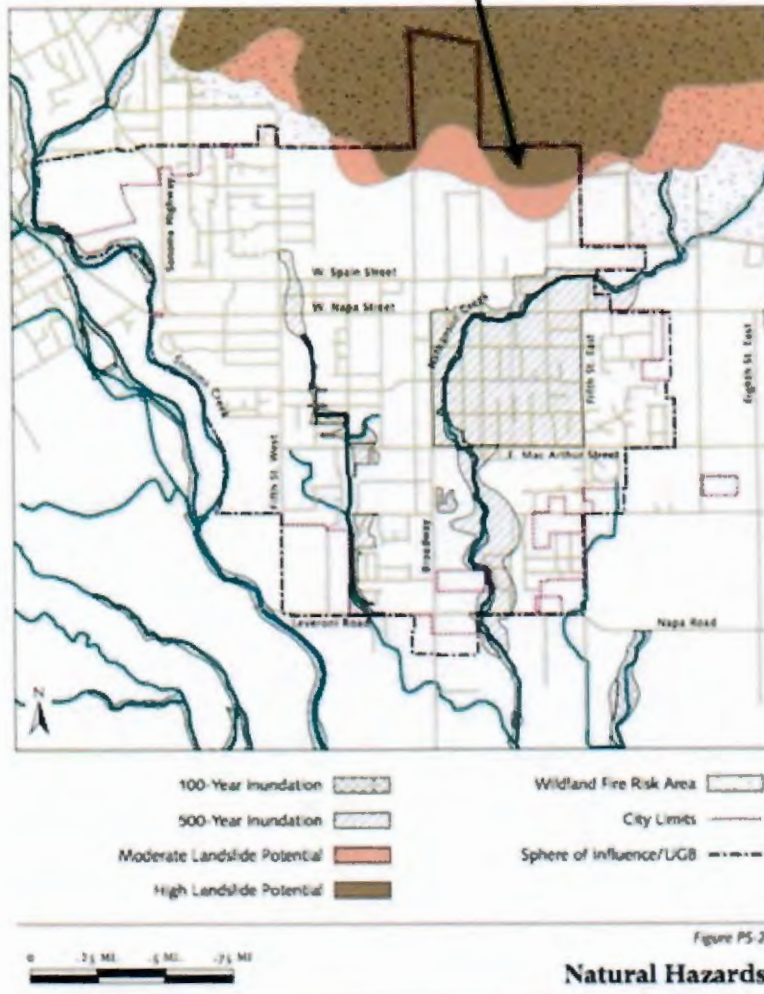
Geology and Soils

A project will create a geology and soils impact if it will expose people or structures to potential substantial adverse effects involving landslides, or be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide.

The Sonoma General Plan Public Safety Element (attached hereto) Natural Hazards Map shows the project area near a designated Wildland Fire Risk Area and within a High Landslide Potential area.

²² § 19.40.050

Chapter 5
PROJECT AREA PUBLIC SAFETY ELEMENT



Source: City of Sonoma, FEMA, USGS

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The project[s] cannot be approved without identification, analysis, and conclusions regarding these geologic and soils impacts, especially since the structures are now proposed on elevated frame construction which needs to be analyzed for landslide risk.²³

²³ *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296

Further, the General Plan Public Safety Element shows the projects are within an Earthquake area of Very Strong Groundshaking.

2006-2020 General Plan Update
 PUBLIC SAFETY ELEMENT

accident could occur almost anywhere. At present, the risk of a large-scale incident is considered minor.

- Flooding, even at its worst, presents only localized threats to property and little or no threat to life. Although some local urbanized areas lie within the 100-year floodplain mapped by the Federal Emergency Management Agency, flood water heights rarely exceed one-to-two feet and flood control improvements have eliminated many former problems.

Although the risks posed by these hazards are expected to increase with population growth—simply because more people will be exposed to them, medical emergencies present the greatest risk that most Sonoma Valley residents face. Medical aid is provided by Sonoma Valley FireMed, an ambulance service operated through the City Fire Department. By employing firefighters/paramedics, the Fire Department has both improved its emergency medical service to the community and upgraded its firefighting capabilities.

The General Plan seeks to reduce risks to life and property through a variety of techniques but emphasizes prevention as the least expensive and most effective method. For example, the land use pattern established in the General Plan minimizes risk by assigning very low densities to floodplains and hillsides. A framework of risk reduction and hazard prevention is set forth in the goals, policies and implementation programs that follow.

EMERGENCY PLAN

An up-to-date emergency plan is vital to respond effectively to large-scale emergencies, such as earthquakes and flooding. The adoption of a local emergency plan is required by the State and federal governments as a prerequisite to obtaining disaster relief funds following an event. It is not enough to have an

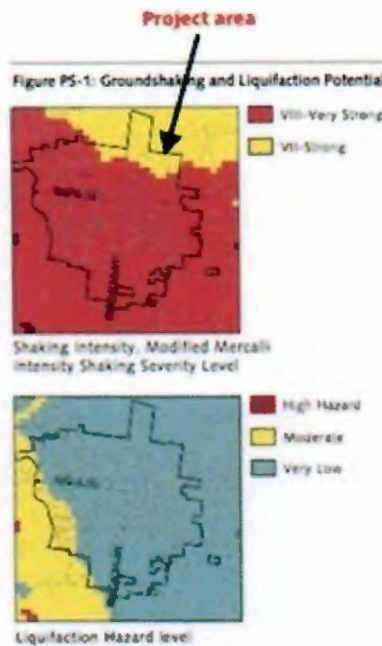


Figure PS-1: Groundshaking and Liquefaction Potential
 Simulated shaking intensity expected from a magnitude 7.0 earthquake on the Rodgers Creek fault.
 Source: Association of Bay Area Governments.

adopted plan, however. Those who will use the plan in the event of an emergency must be familiar with the plan and the directions it contains. The regular exercise of simulations, especially in coordination with other responders, is critical to ensuring a successful response in the event of an actual emergency.

Accordingly, the City maintains a response plan based on the principles of the Standardized Emergency Management System. This system provides a flexible structure for responding to emergencies of any size or nature, while ensuring full coordination with outside agencies. The system is designed to be expanded

Public Safety Element policy 1.1.1 requires 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” and “to incorporate measures that mitigate risks associated with seismic, geologic, fire, or flood hazards to acceptable levels.” (GP PSE p. 59) This analysis has not been done for this project[s], particularly given the modified elevated construction project[s]. After

the fact investigation, as proposed in Condition No. 7, is improper deferral of analysis under CEQA.

Hydrology/Drainage

A project will create a hydrological impact if it will substantially alter the existing drainage pattern of the site or area which would result in substantial erosion or siltation on- or off-site, or substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.²⁴

Here, in reports attached hereto, Mr. Machi advises that the risk of slope failure and flooding is increased so that it must be assessed by a geotechnical engineer prior to project approval. Mr. Machi “feel[s] strongly that these concerns warrant additional review of the project proposals for consistency with the City of Sonoma Development Code by the City Staff and Planning Commission and a relatively major redesign of the project.”

Cumulative Impacts

A project may create cumulative impacts when the incremental effects of that project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.²⁵ If each project is to be considered a separate project, the evaluation of each project must include an analysis of cumulative impacts.

The Housing Accountability Act Does Not Apply

In enacting the Housing Accountability Act (the Act), the Legislature made the following findings, among others:

The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

California housing has become the most expensive in the nation. The

²⁴ *Sundstrom, supra*, 202 Cal.App.3d 296

²⁵ Guidelines, §§ 15065, subd. (a)(3); 15130.

excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.

Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.

California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.²⁶

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

Thus, the impetus for the Act was the housing crises in California and the intent of the Act is to provide affordable housing and "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of

²⁶ Government Code § 65589.5, subd. (a)

local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters.”

The Housing Accountability Act (the Act) applies to housing development projects. A housing development projects include a use consisting of residential units only, mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing.²⁷ In context, a housing development project does not include a project consisting of one single family residence. The case relied on by Mr. Patterson (the applicant’s lawyer), *Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, does not say otherwise. The project in that case was an eight-parcel subdivision. (*But see Chandis Sec. Co. v. City of Dana Point* (1996) 52 Cal.App.4th 475 (Section 65589.5 concerns affordable housing developments.))

There is no case law that applies section 65589.5 subdivision (j) to a single family residence project. To the contrary, case law that discusses the statute in the context of multi-unit housing developments, to wit, *Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309 (Court upheld city’s denial of five-lot subdivision on hillside property because city properly found project was not consistent with general plan and development policies.); *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704 (46-unit project).

Even assuming the unrealistic assumption that the Act applies to individual high-income single family residences with detached garages and swimming pools, the Act provides that the agency may deny the project if it does not comply with applicable, objective zoning standards and criteria. As explained below, the project[s] do not comply with the Hillside development code section 19.40.050 E.2 limiting total pad size to 5,000 square feet.²⁸

Further, assuming for the sake of argument that the project complies with the development code, the city may deny or impose a condition that the project be developed at a lower density if it finds it would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than the disapproval of the housing development project or the approval of the project upon the condition that it be

²⁷ Government Code § 65589.5, subd. (h)(2)

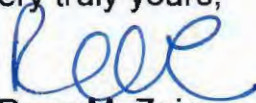
²⁸ Government Code § 65589.5, subd. (j)

developed at a lower density.²⁹ A “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.³⁰

In sum, the project[s] should be denied in the first instance as inconsistent with the development code. In any event, the project has been modified significantly and must be sent back to planning for review and analysis to determine if the negative declaration must be recirculated or whether an EIR is required. Finally, the project is not subject to the Housing Accountability Act (HAA).

Thank you for your consideration of this matter.

Very truly yours,



Rose M. Zoia

cc: Jeff Walter
David Goodison
Encl.

²⁹ The fact that the Act allows an agency to impose a condition that the project be developed at a lower density bolsters the position that the Act applies to multi-residence projects, not single family residence projects. The concept of lowering density applies to subdivisions as opposed to a single family residence on one parcel.

³⁰ *Id.*



February 23, 2018

City Council of Sonoma
1 The Plaza
Sonoma, CA

Subject: 149 Fourth Street East – Lower Lot 2 - Residence

To the Honorable Council Members of the City of Sonoma:

My name is Matthew Machi and I am a Licensed Civil Engineer in the State of California, currently doing business in Sonoma County. I have been asked to address some of the concerns of neighboring City of Sonoma residents on the basis of the development standards prescribed in the Sonoma City Municipal Code. In my review, I have identified a number of items that merit additional review or interpretation. My comments have been broken into two categories: Comments that apply to the entire development and comments that are specific to individual lots. My comments area as follows:

General Comments Common to Overall Development

- The BASMAA Post-Construction Manual “where a project results in an increase of more than 50% of the impervious area of a previously existing development, **runoff from new, replaced, and previously existing impervious surfaces must be included** to the extent feasible.” It appears that there are areas of existing and proposed impervious improvements that are not being directed to stormwater mitigation. Please see my attached exhibit.
- All three lots are accessed via proposed 16’ driveways; however the proposed driveways are served by an existing 12’ driveway to 4th Street East. This causes a bottleneck for the most heavily traveled portion of driveway nearest to the road. This is especially problematic for fire ingress and egress.
- The April 7, 2016 Supplemental Geotechnical Investigation by PJC & Associates, Inc. describes a single proposed residence and 4 exploration pits but no map is included. The report should be expanded to include all three residences and the pit locations evaluated for their applicability to the current site plan. Additionally, section 3 states “... *the native soils in the vicinity of the proposed residence are considered to have moderate expansion potential. Shrinking and/or swelling of these soils due to loss or increase of moisture content can cause irregular and excessive ground movement...*” The project proposes 7 stormwater mitigation areas on the native hillsides. By hydraulically loading the soils on slopes with stormwater mitigation there is greatly increased potential for slope failure and concentrated subsurface flows, the most concerning being the areas uphill of the neighboring property. These features are not currently addressed under the geotechnical report and should be added. A qualified geotechnical engineer should review the final plans for seismic, slope stability, and overall design feasibility prior to project approval.
- Although the stormwater mitigation areas may be sized to attenuate flows to pre-project flows, their reduced footprint compared to sheet flow releases water at a higher concentration and with greater energy.

Comments Specific to Lot 149

- There appear to be significant differences between the civil and architectural drawings. The applicant should confirm consistency of the final submittal package prior to final review.

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Healdsburg, CA 95448-7060

Phone: 707-433-0134; Fax: 707-433-0135; Website: www.atterburyandassociates.com



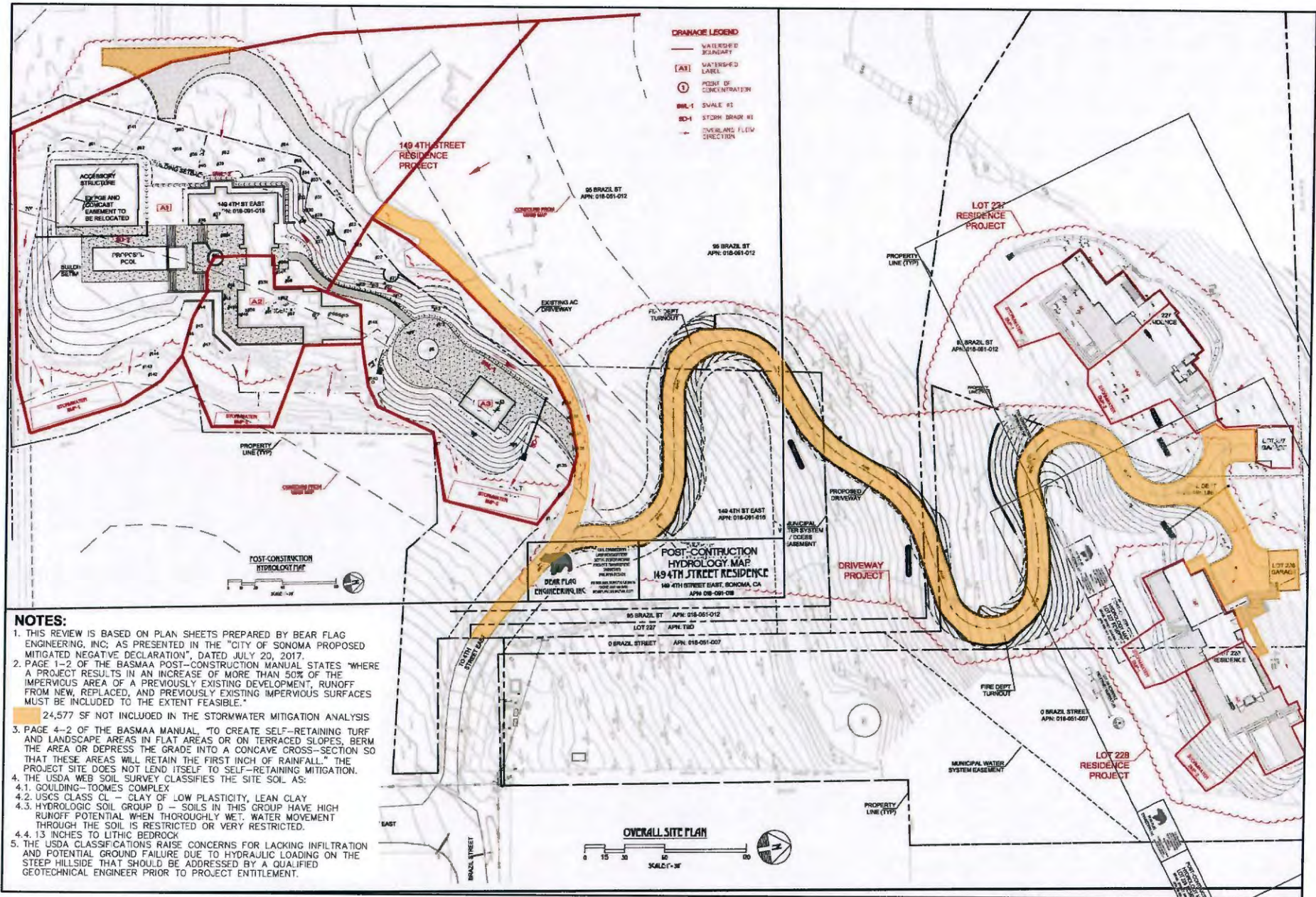
- Placing Stormwater BMP-1 and BMP-2 in such close proximity to the eastern property line presents increased probabilities of cross lot drainage and hillside failure onto the neighboring property to the east.
- Runoff from BMP-3 and the driveways are also unimpeded from cross lot drainage to the neighboring property.
- 19.40.050.E.2. states that *"lot pad grading should be limited to the boundaries of the structure's foundation, vehicle parking space and a yard area as shown on the approved grading plan. Pads should not exceed 5,000 square feet in total area."* The lot pad grading area calculations provided either exempt or do not address many large areas. A portion of the main house, the main terrace, the fire pit terrace, and the barn are being claimed as exempt because they are on elevated footings. Spread footing, stem wall foundation is extremely common and is not novel enough justify an exemption from the stated ordinance.
Additionally, the pool terrace, the barn terrace, and the barn screened porch are exempted as they will be located on "previously graded areas". There is no provision in the ordinance that states only new areas apply to the pad limitations. In actuality, 19.40.050.E.1. Terrain Alteration states that *"The project should be designed to fit the terrain rather than altering the terrain to fit the project."* Almost to imply that the project should be largely limited to the existing graded area.
Lastly, the pool, lawn, front yard, and multiple portions of the rear yard are not accounted for. As these are all features of a yard area, they should be included in the calculations. Should the calculations be held this standard, the lot pad grading exceeds 23,000 sf, well in excess of the 5,000 sf limit.
- City Code table 3-3 stats that R-HS zones projects may not exceed 15% in site coverage. We have measured the coverage to be 16.7%. Please see our attached exhibit.
- 19.40.050.E.6. States that *"Retaining walls that result in large uniform planes shall be avoided... Generally, no retaining wall should be higher than five feet."* The stem walls resulting from elevated footing construction have the same visual effect as retaining walls and appear to exceed 5 ft in height. Breaking them up and screening are recommended.

I feel strongly that these concerns warrant additional review of the project proposals for consistency with the City of Sonoma Development Code by the City Staff and Planning Commission and a relatively major redesign of the project. Please feel free to contact me with any additional questions or clarification you need.

Very Respectfully,

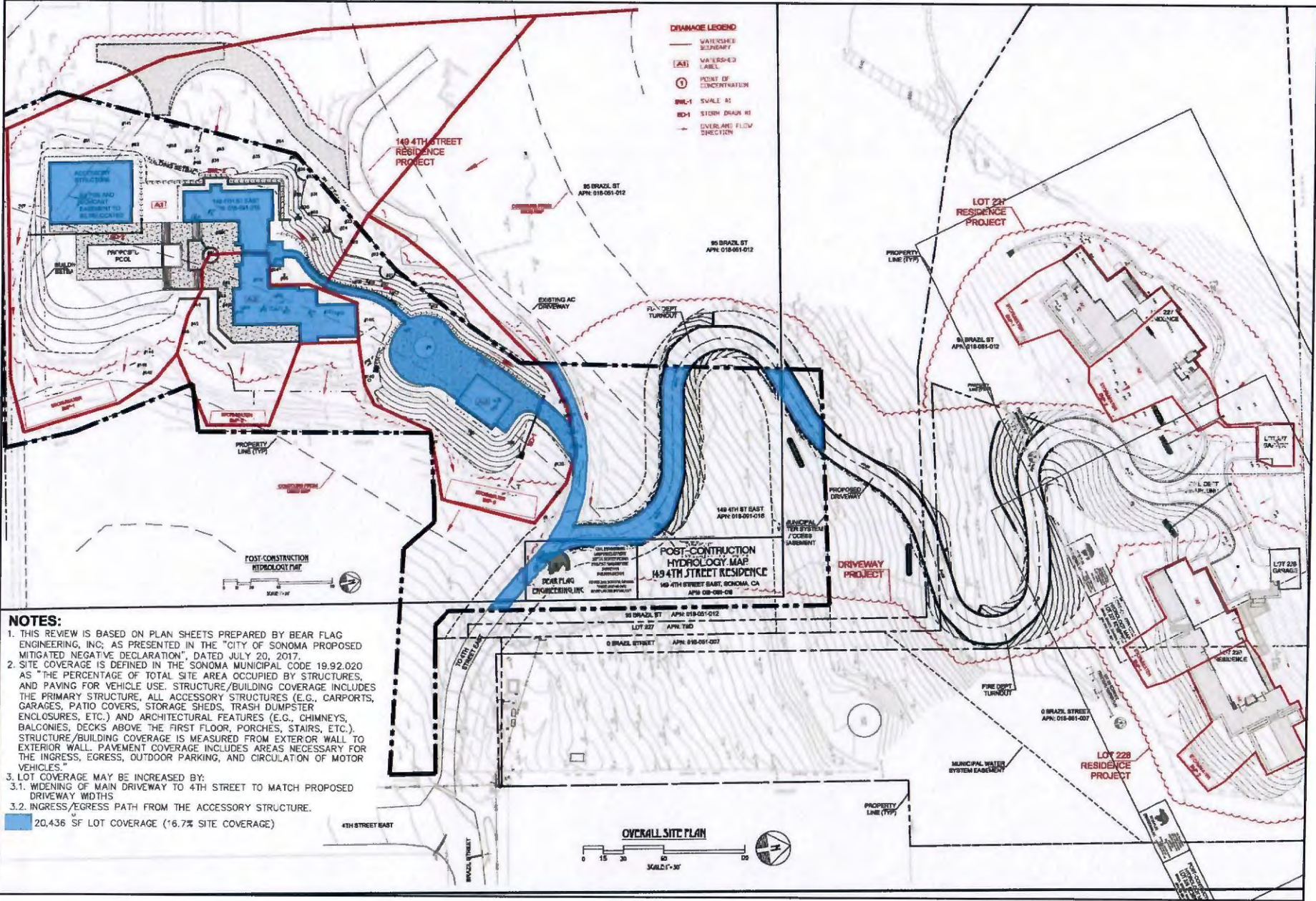


Matthew R. Machi, P.E. 83663
Project Manager



NOTES:

1. THIS REVIEW IS BASED ON PLAN SHEETS PREPARED BY BEAR FLAG ENGINEERING, INC., AS PRESENTED IN THE "CITY OF SONOMA PROPOSED MITIGATED NEGATIVE DECLARATION", DATED JULY 20, 2017.
2. PAGE 1-2 OF THE BASMAA POST-CONSTRUCTION MANUAL STATES "WHERE A PROJECT RESULTS IN AN INCREASE OF MORE THAN 50% OF THE IMPERVIOUS AREA OF A PREVIOUSLY EXISTING DEVELOPMENT, RUNOFF FROM NEW, REPLACED, AND PREVIOUSLY EXISTING IMPERVIOUS SURFACES MUST BE INCLUDED TO THE EXTENT FEASIBLE."
 - 24,577 SF NOT INCLUDED IN THE STORMWATER MITIGATION ANALYSIS
3. PAGE 4-2 OF THE BASMAA MANUAL, "TO CREATE SELF-RETAINING TURF AND LANDSCAPE AREAS IN FLAT AREAS OR ON TERRACED SLOPES, BERM THE AREA OR DEPRESS THE GRADE INTO A CONCAVE CROSS-SECTION SO THAT THESE AREAS WILL RETAIN THE FIRST INCH OF RAINFALL." THE PROJECT SITE DOES NOT LEND ITSELF TO SELF-RETAINING MITIGATION.
4. THE USDA WEB SOIL SURVEY CLASSIFIES THE SITE SOIL AS:
 - 4.1. GOULDING-TOOMES COMPLEX
 - 4.2. USCS CLASS CL - CLAY OF LOW PLASTICITY, LEAN CLAY
 - 4.3. HYDROLOGIC SOIL GROUP D - SOILS IN THIS GROUP HAVE HIGH RUNOFF POTENTIAL WHEN THOROUGHLY WET. WATER MOVEMENT THROUGH THE SOIL IS RESTRICTED OR VERY RESTRICTED.
 - 4.4. 13 INCHES TO LITHIC BEDROCK
5. THE USDA CLASSIFICATIONS RAISE CONCERNS FOR LACKING INFILTRATION AND POTENTIAL GROUND FAILURE DUE TO HYDRAULIC LOADING ON THE STEEP HILLSIDE THAT SHOULD BE ADDRESSED BY A QUALIFIED GEOTECHNICAL ENGINEER PRIOR TO PROJECT ENTITLEMENT.





February 23, 2018

City Council of Sonoma
1 The Plaza
Sonoma, CA

Subject: **Lot 227 (Brazil Street Lot 4)**

To the Honorable Council Members of the City of Sonoma:

My name is Matthew Machi and I am a Licensed Civil Engineer in the State of California, currently doing business in Sonoma County. I have been asked to address some of the concerns of neighboring City of Sonoma residents on the basis of the development standards prescribed in the Sonoma City Municipal Code. In my review, I have identified a number of items that merit additional review or interpretation. My comments have been broken into two categories: Comments that apply to the entire development and comments that are specific to individual lots. My comments area as follows:

General Comments Common to Overall Development

- The BASMAA Post-Construction Manual “where a project results in an increase of more than 50% of the impervious area of a previously existing development, **runoff from new, replaced, and previously existing impervious surfaces must be included** to the extent feasible.” It appears that there are areas of existing and proposed impervious improvements that are not being directed to stormwater mitigation. Please see my attached exhibit.
- All three lots are accessed via proposed 16’ driveways; however the proposed driveways are served by an existing 12’ driveway to 4th Street East. This causes a bottleneck for the most heavily traveled portion of driveway nearest to the road. This is especially problematic for fire ingress and egress.
- The April 7, 2016 Supplemental Geotechnical Investigation by PJC & Associates, Inc. describes a single proposed residence and 4 exploration pits but no map is included. The report should be expanded to include all three residences and the pit locations evaluated for their applicability to the current site plan. Additionally, section 3 states “... *the native soils in the vicinity of the proposed residence are considered to have moderate expansion potential. Shrinking and/or swelling of these soils due to loss or increase of moisture content can cause irregular and excessive ground movement...*” The project proposes 7 stormwater mitigation areas on the native hillsides. By hydraulically loading the soils on slopes with stormwater mitigation there is greatly increased potential for slope failure and concentrated subsurface flows, the most concerning being the areas uphill of the neighboring property. These features are not currently addressed under the geotechnical report and should be added. A qualified geotechnical engineer should review the final plans for seismic, slope stability, and overall design feasibility prior to project approval.
- Although the stormwater mitigation areas may be sized to attenuate flows to pre-project flows, their reduced footprint compared to sheet flow releases water at a higher concentration and with greater energy.

Comments Specific to Lot 227

- 18% driveway is very steep, especially considering the loss of momentum due to the low speed turns. It is common to require concrete pavement above 15%. The two 27 ft inside radii are extremely difficult for fire trucks to navigate.
- The fire turnaround exceed 12% in maximum slopes. 8% is the general limit for the area.



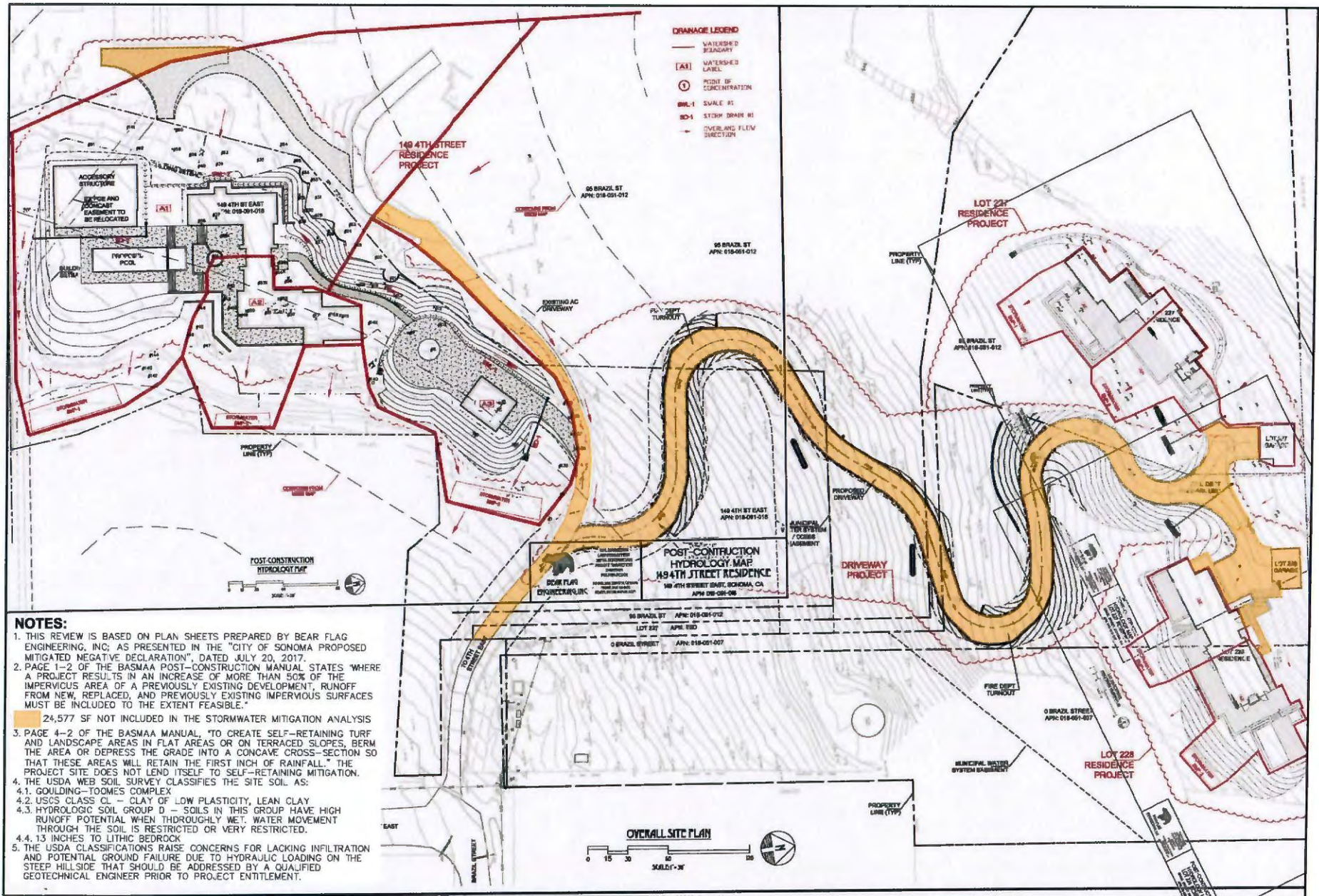
- Placement of Stormwater Mitigation BMPs 1 & 2 on steep slopes increases the probability of hillside failure.
- The proposed driveway appears to be concentrating stormwater at the intersection with the existing driveway.
- The large engineered slopes and walls will be highly visible from downhill vantage points.

I feel strongly that these concerns warrant additional review of the project proposals for consistency with the City of Sonoma Development Code by the City Staff and Planning Commission and a relatively major redesign of the project. Please feel free to contact me with any additional questions or clarification you need.

Very Respectfully,



Matthew R. Machi, P.E. 83663
Project Manager





February 23, 2018

City Council of Sonoma
1 The Plaza
Sonoma, CA

Subject: **Lot 228 (Brazil Street Lot 3)**

To the Honorable Council Members of the City of Sonoma:

My name is Matthew Machi and I am a Licensed Civil Engineer in the State of California, currently doing business in Sonoma County. I have been asked to address some of the concerns of neighboring City of Sonoma residents on the basis of the development standards prescribed in the Sonoma City Municipal Code. In my review, I have identified a number of items that merit additional review or interpretation. My comments have been broken into two categories: Comments that apply to the entire development and comments that are specific to individual lots. My comments area as follows:

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- Although the stormwater mitigation areas may be sized to attenuate flows to pre-project flows, their reduced footprint compared to sheet flow releases water at a higher concentration and with greater energy.

Comments Specific to Lot 228

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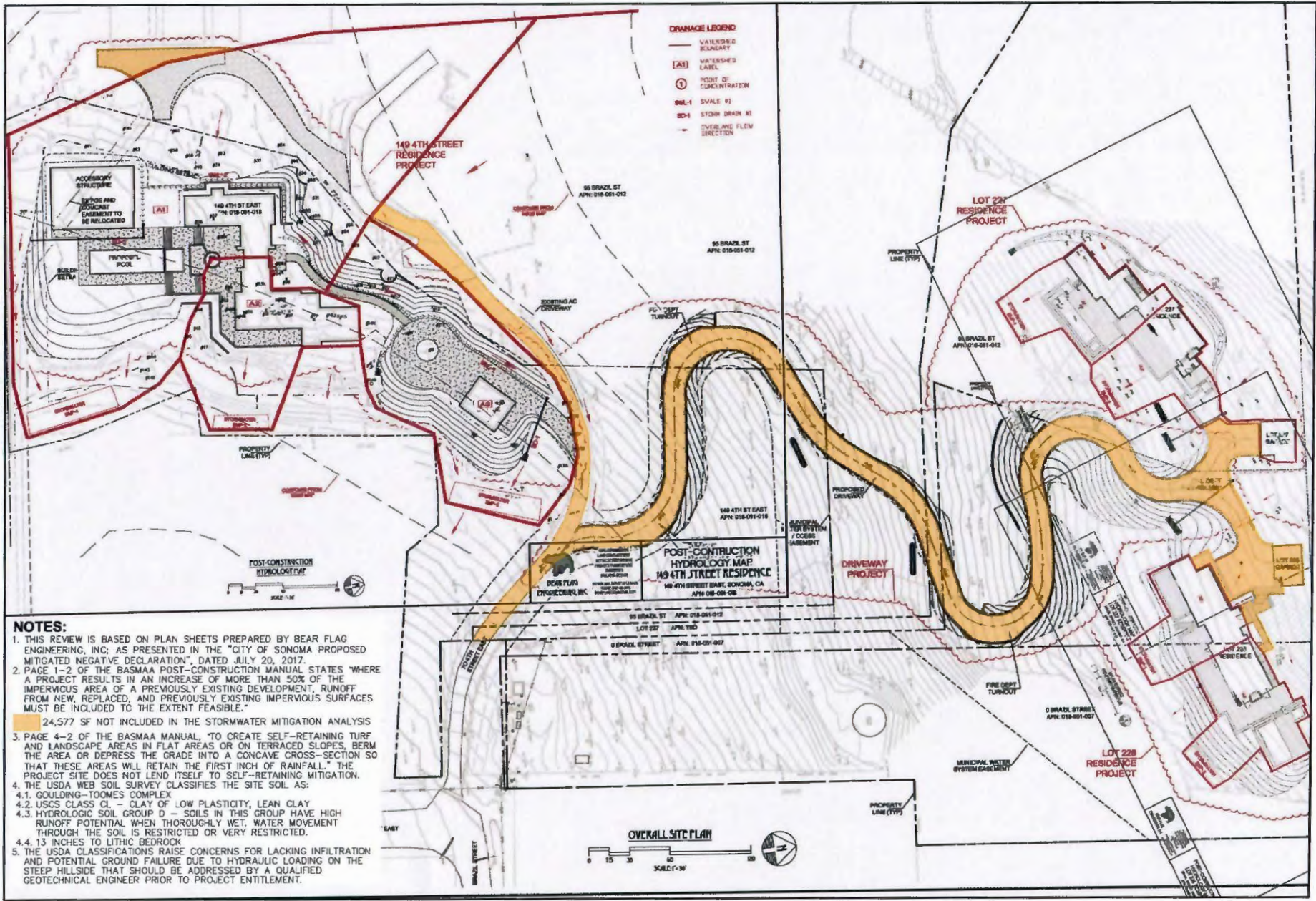
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Very Respectfully,



Matthew R. Machi, P.E. 83663
Project Manager



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City of Sonoma

2020 GENERAL PLAN

Prepared by:

City of Sonoma
Crawford Multari & Clark Associates
Strategic Economics
Crane Transportation Group
Illingworth & Rodkin

October 2006

PUBLIC SAFETY ELEMENT

This element is required by State law for the purpose of ensuring that public health and safety considerations are incorporated into the community's long-range planning. The Public Safety Element must identify and evaluate natural and human-caused hazards present or potentially present in the community, and it must establish appropriate goals, policies, and implementation measures necessary to reduce risks to persons and property to acceptable levels. Hazards present in the Planning Area are summarized in this element and discussed further in the General Plan Background Report.

POTENTIAL RISKS

The most significant hazards within the Planning Area are associated with earthquakes, fires, hazardous materials, and flooding (see Figures PS-1 and PS-2). The risks posed by these hazards are summarized as follows:

- Earthquakes pose the most serious potential threat in the Planning Area, particularly the city, as urban areas are more prone to damage than less developed areas (see Table PS-1 and Figure PS-1). Although no known faults lie cross the Planning Area, Sonoma County is traversed by seven active or potentially active faults, including the San Andreas fault, the Tolay fault and the Healdsburg/Rodgers Creek fault. The Rodgers Creek fault, which has been identified as an extension of the Hayward fault, lies closest to the Planning Area and represents a significant earthquake risk.

Table PS-1: 30-Year Earthquake Probabilities

Fault Segment	30-year Probability	Characteristic Magnitude
Healdsburg/Rodgers Creek	22%	7.1
Hayward		
Northern Segment	28%	7.1
Southern Segment	23%	7.1
San Andreas		
North Coast Segment	2%	8.0
San Francisco Segment	23%	7.1

Source: ABAG, *On Shaky Ground*, 1995.

- Fires, both urban and wildland, pose a significant potential threat. The closely packed wood-frame buildings around the Plaza, many of them without sprinklers, raise a particular concern. The risk of structure fires may increase in the future due to changes in land use patterns, such as an increased emphasis on infill and planned unit developments, if not mitigated through site planning and building design and retrofit requirements. The risk of a widespread structure fire is related to seismic risks in that major earthquakes in urban areas often cause conflagrations and make firefighting more difficult.
- The level of hazardous materials use and storage within the Planning Area is estimated to be relatively low. The area most likely to suffer an accident involving hazardous materials is the industrial strip along Eighth Street East and the Highway 12 corridor, along which hazardous materials may be transported; however, such an

PUBLIC SAFETY ELEMENT

accident could occur almost anywhere. At present, the risk of a large-scale incident is considered minor.

- Flooding, even at its worst, presents only localized threats to property and little or no threat to life. Although some local urbanized areas lie within the 100-year floodplain mapped by the Federal Emergency Management Agency, flood water heights rarely exceed one-to-two feet and flood control improvements have eliminated many former problems.

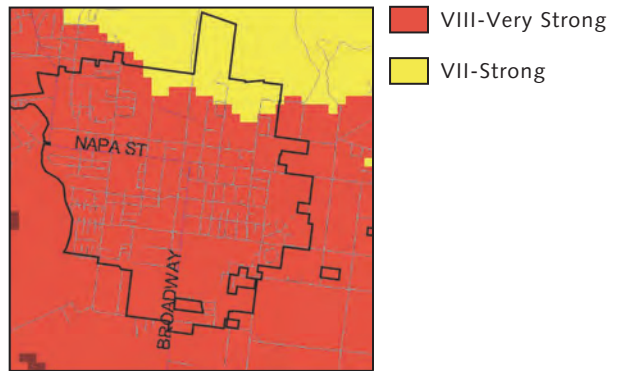
Although the risks posed by these hazards are expected to increase with population growth—simply because more people will be exposed to them, medical emergencies present the greatest risk that most Sonomans face. Medical aid is provided by Sonoma Valley FireMed, an ambulance service operated through the City Fire Department. By employing firefighter/paramedics, the Fire Department has both improved its emergency medical service to the community and upgraded its firefighting capabilities.

The General Plan seeks to reduce risks to life and property through a variety of techniques but emphasizes prevention as the least expensive and most effective method. For example, the land use pattern established in the General Plan minimizes risk by assigning very low densities to floodplains and hillsides. A framework of risk reduction and hazard prevention is set forth in the goals, policies and implementation programs that follow.

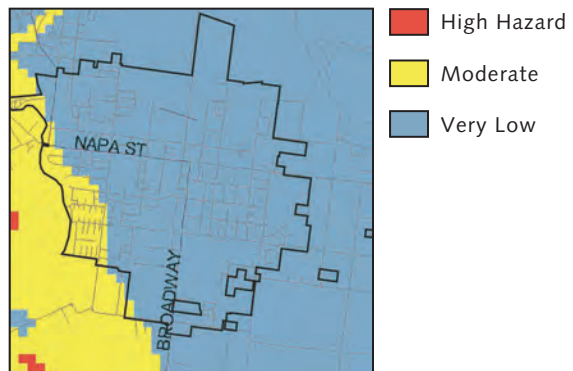
EMERGENCY PLAN

An up-to-date emergency plan is vital to respond effectively to large-scale emergencies, such as earthquakes and flooding. The adoption of a local emergency plan is required by the State and federal governments as a prerequisite to obtaining disaster relief funds following an event. It is not enough to have an

Figure PS-1: Groundshaking and Liquefaction Potential



Shaking Intensity, Modified Mercalli Intensity Shaking Severity Level



Liquefaction Hazard level

Simulated shaking intensity expected from a magnitude 7.0 earthquake on the Rodgers Creek fault.

Source: Association of Bay Area Governments.

adopted plan, however. Those who will use the plan in the event of an emergency must be familiar with the plan and the directions it contains. The regular exercise of simulations, especially in coordination with other responders, is critical to ensuring a successful response in the event of an actual emergency.

Accordingly, the City maintains a response plan based on the principles of the Standardized Emergency Management System. This system provides a flexible structure for responding to emergencies of any size or nature, while ensuring full coordination with outside agencies. The system is designed to be expanded

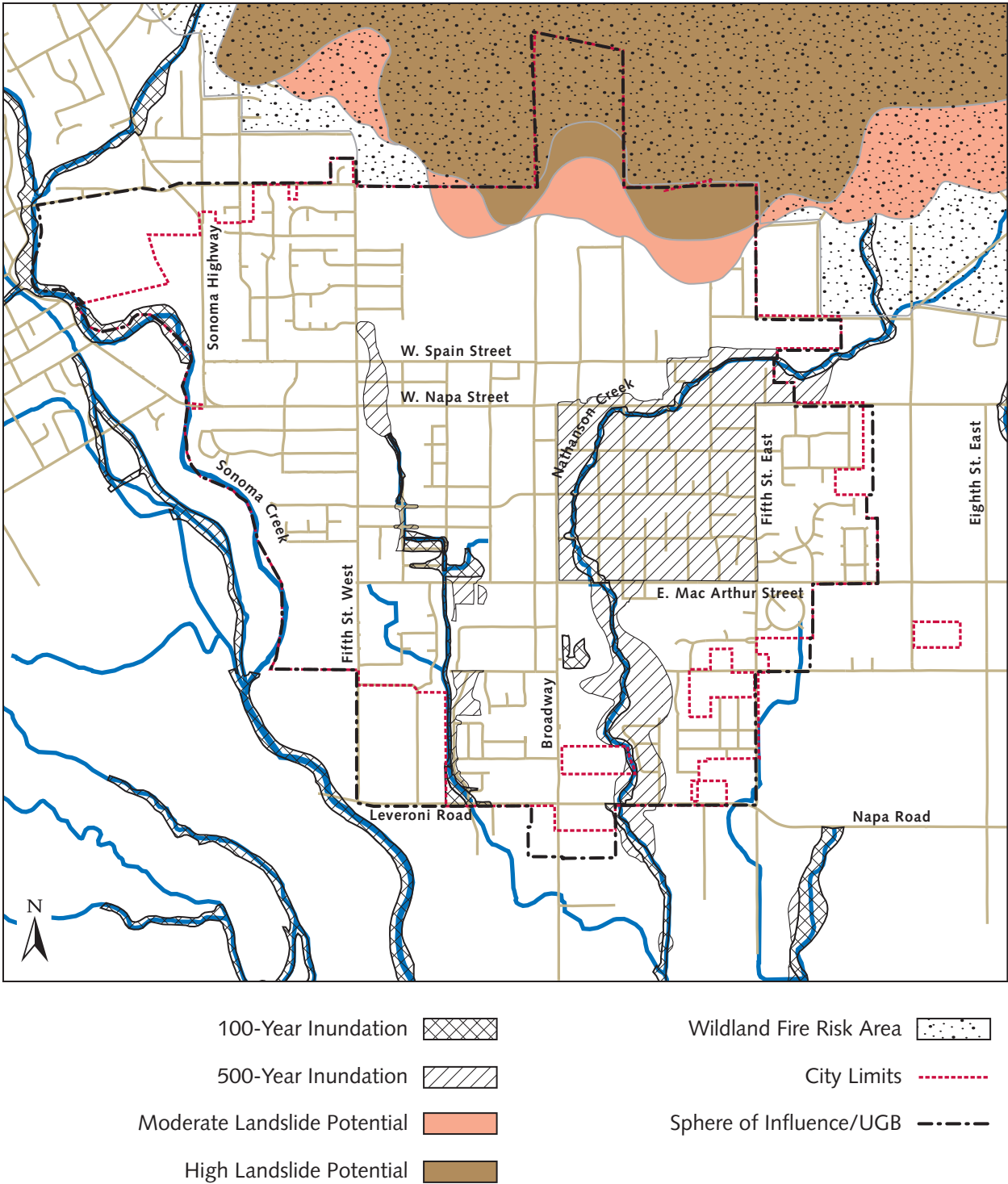


Figure PS-2

Natural Hazards

Source: City of Sonoma; FEMA; USGS.

Table PS-2: Important Buildings and Earthquake Readiness

Structure	Description of Condition
<i>Critical Emergency Buildings</i>	
Fire Station	A new Fire Station was constructed on 2003 and is in conformance with all applicable seismic safety standards.
Police Department Council Chambers	Completed in 1981, this structure is no longer in strict compliance with applicable seismic safety standards. It is scheduled for renovation in 2006/07.
Sonoma Valley Hospital	The original structure was built in the 1950's but has since been expanded. In 1981 some of the buildings were strengthened to comply with seismic safety standards. The oldest area of the complex does not, however, comply with state seismic standards applicable to hospitals.
City Hall	Built in 1908, this historic stone and mortar structure was seismically upgraded in 1987.
<i>High Priority Buildings</i>	
Public Schools	Prestwood and Sassarini Elementary Schools, Adele Harrison Middle School, and Sonoma Valley High School are all located within city limits. All were built since 1952, except for the main building of the high school (which was reinforced in compliance with the Field Act) and all are considered earthquake safe.
Convalescent Hospitals	The convalescent hospitals and rest homes within the Planning Area are single story structures of recent construction and therefore have moderate to high earthquake resistance.
Sebastiani Theater	The theater, located across from the Plaza, was built in the 1930's. Seismic retrofit has not been required because the building has a steel-reinforced structure.
Community Center	A former school, this originally unreinforced brick and concrete structure now houses a variety of community groups. The seismic renovation of this structure was completed in 1989.
Sonoma Valley County Library	Constructed in 1977-78, this building is considered earthquake safe.
Post Office and Veterans' Memorial	These two single-story buildings, built since 1952, are considered only minimally susceptible to earthquake damage.

Source: City of Sonoma.

in an organized, modular fashion, as circumstances require. The City conducts periodic simulation exercises, regularly trains key personnel in Standardized Emergency Management System principles, and maintains state-of-the-art facilities to enable swift, effective responses to specific tasks and situations.

COORDINATION WITH OTHER ELEMENTS

The Public Safety Element is most closely related to the Community Development Element and the Environmental Resources Element. Development allowed through the land use designations defined in the Community Development Element and delineated on the Land Use Plan is subject to policies and implementation measures set forth in the Public Safety Element with regard to ensuring construction that protects structures and people from the effects

of earthquakes, fire, and flooding. The Environmental Resources Element and the Public Safety Element complement each other by limiting development adjacent to creeks, restrictions that both prevent flood damage and protect riparian resources.

GOALS, POLICIES, AND IMPLEMENTATION

The goals, policies, and implementation measures of the Public Safety Element, as set forth in Table PS-3, target hazards in the Planning Area to minimize risks to life and property through prevention, preparedness, and education. Because it is neither physically nor financially feasible to eliminate all risk, the following policies and implementation measures seek a balance whereby risks are reduced to acceptable levels without either unwarranted expense or undue infringement of property rights.

Table PS-3: Goals, Policies, and Implementation Measures

Goal PS-1: Minimize risks to life and property associated with seismic and other geologic hazards, fire, hazardous materials, and flooding.	
<i>Policies</i>	<i>Implementation Measures</i>
1.1 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.	1.1.1 Require development to incorporate measures that mitigate risks associated with seismic, geologic, fire, or flood hazards to acceptable levels.
1.2 Comply with State-mandated upgrades of unreinforced masonry structures.	1.2.1 Require all development—including post-earthquake building replacement, reconstruction, and rehabilitation—to be constructed in accordance with the latest State- and City-adopted seismic and building codes.
	1.2.2 Provide technical assistance to owners of structures that require rehabilitation to meet adopted seismic safety and building codes.
	1.2.3 Complete the City seismic retrofit program.
1.3 Ensure that all development projects provide adequate fire protection.	1.3.1 Review all proposed projects for adequacy of fire protection, including: <ul style="list-style-type: none"> • Response time • Emergency access, water supply, and fire flow, • Vegetation clearance and visible addressing, • Spacing between buildings, • Construction materials, and • Refuse removal.
	1.3.2 Develop and implement standards of coverage for fire protection.
	1.3.3 Implement fire sprinkler requirements in new development and redevelopment.
1.4 Coordinate and maximize emergency medical service and firefighting capabilities in the city and Sonoma Valley.	1.4.1 Pursue the continued coordination of fire services through the Joint Powers Agreement with the Valley of Moon Fire District.
	1.4.2 Maintain mutual and automatic aid agreements and continue joint training exercises with fire departments in Sonoma Valley.
	1.4.3 Work with Schell-Vista Fire District to monitor fire safety and hazardous material use, storage, and transport in the Eighth Street East area.
	1.4.4 Hire personnel certified as both firefighters and paramedics, and train and utilize volunteer fire-fighters to the extent feasible.
1.5 Maintain an Insurance Service Organization fire department rating of 4 or better (where 1 is the highest possible mark of effective response on a scale to 10).	See measures 1.3.1-1.4.4, above.

PUBLIC SAFETY ELEMENT

Table PS-3: Goals, Policies, and Implementation Measures, Con't.

<i>Policies</i>	<i>Implementation Measures</i>
1.6 Ensure that all operations that use, store, and/or transport hazardous materials to comply with all applicable regulations.	1.6.1 Maintain contingency plans for responding to spills, accidents, and fires involving hazardous materials.
	1.6.2 Provide information to assist businesses in complying with regulations regarding use, storage, and transport of hazardous materials.
1.7 Reduce the potential for local flooding to the extent possible.	1.7.1 Upgrade and expand the storm drain system to provide added capacity that will alleviate flooding potential.
	1.7.2 Work with the Sonoma County Water Agency to develop environmentally acceptable methods of reducing or preventing flooding.
	1.7.3 Require a hydrologic study and adequate mitigation for any development proposed in the 100-year floodplain.
	1.7.4 New development shall be evaluated in terms of the adequacy of proposed storm drain improvements, shall contribute, as applicable to the implementation of the Sonoma Area Master Drainage Plan, and shall comply with Water Agency design criteria. Best management practices shall be required, as applicable, to reduce or mitigate the volume, concentration and velocity of run-off.
Goal PS-2: Assure that essential emergency and public services will function effectively in a disaster.	
2.1 Use the Standardized Emergency Management System as the basis for emergency planning.	2.1.1 Review, update, and test the City Emergency Plan as necessary, and train prevention and response personnel in utilizing the Standardized Emergency Management System and the emergency operations center.
2.2 Promote awareness of the City Emergency Plan and effective public response to a major event.	2.2.2 Offer regular public education programs in emergency safety and hazard response.
2.3 Coordinate emergency planning with appropriate jurisdictions, agencies, and groups.	See measure 2.1.1, above.

From: Jonathan Clark
To: [Madolyn Agrimonti](mailto:MadolynAgrimonti); david@cvmgrapes.com; [City Council](#); [Gary Edwards](#); [Amy Harrington](#); [Rachel Hundley](#); [Cathy Capriola](#); jwalter@walterpistole.com; [David Goodison](#)
Subject: 4th / Brazil development projects - study attached
Date: Friday, February 23, 2018 2:04:27 PM
Attachments: [4th and Brazil Pad Lot Size Study and Visibility Review.pdf](#)

Dear Mayor and Council Members,

I'll try to be brief and factual, as I expect you are receiving a lot of correspondence on this matter.

I am a neighbor (164 4th St) and have had discussions with the developer and his architect regarding these projects. As an engineer and property developer, I have experience with development code and building processes.

I have had a chance to review the applicants latest plans with their architect and have performed my own study to better understand correctness. I have also reviewed the language of the development code with a real-estate attorney to try to correct interpret the language. In short, I have found significant errors in the applicant's pad size calculations and I believe their images artificially minimize the visibility of these projects (see attached).

As such, I believe it is appropriate for the council to:

1. Provide their own interpretation of the development code
 - a. Is there a 5000 sqft pad size limit in total per lot as attested by previous city council members, or can a lot have any number of 5000 sqft pads as the applicants claim
 - b. What is included in the pad size calculation? The code appears to include parking, yard, and structures. The applicants are not including parking, pools, yard, elevated framing, or footings and walls for raised structures
2. Decide appropriate action for these 3 development projects
 - a. Send back to planning committee based on above interpretations?
 - b. Is an EIR required? As shown in attached, the visibility images provided are probably not reflective of the finished state, as well issues relating to water run-off and CEQA have been raised. An unbiased 3rd party needs to provide more in depth detail in order for the community to have a better comfort level. As shown, these projects would affect a large percentage of Sonoma's Hillside Zone.

I expect council members do not have time to perform a deep analysis on their own, so I have attached a PDF which briefly details the results of this study. I have found a number of other issues which I'm happy to share, but believe this should be enough for you to act upon.

I would be happy to answer any questions you might have prior to the meeting next week.

Thank you for your consideration,

Jonathan Clark
164 4th St E, Sonoma
415-819-8919

Pad Lot Size Study

Executive Summary:

- Lot 149 pad size represented by developer as 4,539 sf but should be **~20,779 sf**
- Lot 227 pad size represented by developer as 4,985 sf but should be **~8,046 sf**
- Lot 228 pad size represented by developer as 4,710 sf but should be **~20,061 sf**

See following pages for more detail

Pad size calculations and Development Code states:

*“Lot pad grading should be limited to the boundaries of the **structure’s foundation, vehicle parking space and a yard area** as shown on the approved grading plan. **Pads should not exceed 5,000 square feet in total area.**”*

From this, pad size calculations should include:

1. Structure’s foundation
2. Vehicle parking space (covered and uncovered)
3. Yard area

“a yard area” is specifically mentioned for “lot pad grading”, it cannot refer only to concrete foundations but must also apply to all graded areas (i.e. earth pads). The code also does not distinguish between previously graded areas and newly graded areas - the total limit is cumulative not incremental.

Lot 149 - 4th St E, pad size according to developer

Claimed pad size:
4,539 square feet

PROPOSED GRADED PAD AREAS

1 residence	= 3,635 sf
2 garage	= 904 sf
TOTAL	= 4,539 sf

SITE COVERAGE

allowable	= 18,315 sf
proposed	= 15,000 sf

PROPOSED ELEVATED FRAMING AREAS

- 3 residence
- 4 barn
- 5 main terrace
- 6 firepit terrace

PROPOSED PREVIOUSLY GRADED AREAS

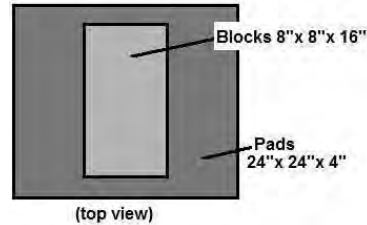
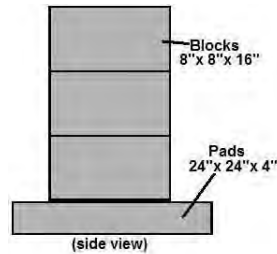
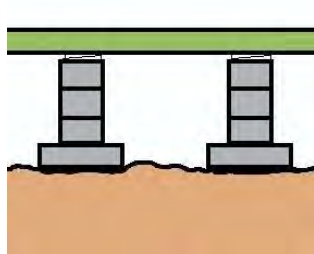
- 7 pool terrace
- 8 barn terrace
- 9 barn screened porch



Lot 149 - Elevated Framing

Developer removes 6,554 sf of graded pad due to use of elevated framing

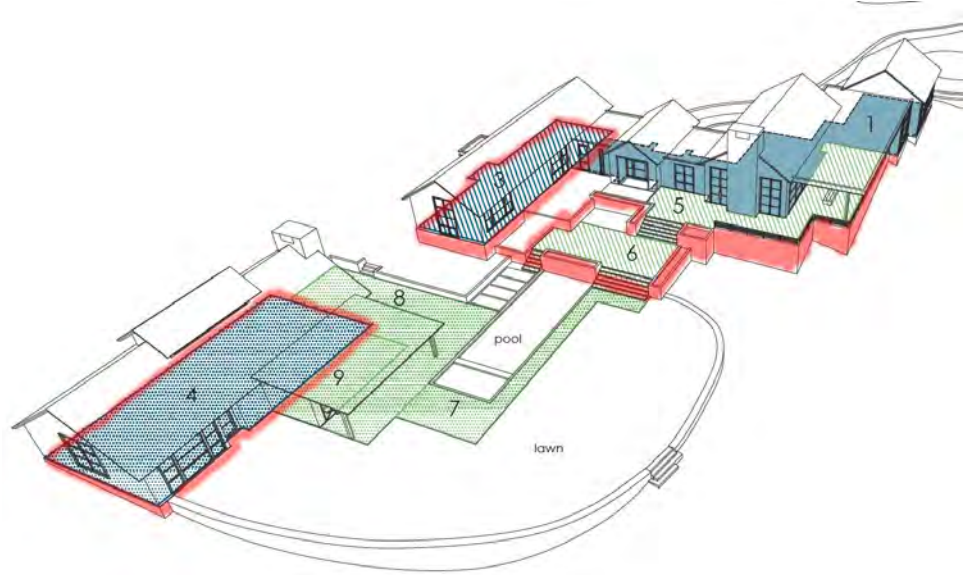
But elevated framing still has pads, typical Pad Foundation blocks are shown below. For structures requiring earthquake protection, size and number of pads increases.



Pad size required to support footings could be more than 15% of area. More details from structural engineer is needed to access this component.

Lot 149 - Elevated Framing, continued

Perimeter foundations around elevated framing are not counted by developer but occupy significant pad space in drawings. More details from structural engineer is needed to access this component. Allocating 0 sqft for this is a big oversight.



149 - 4th St, actual pad size

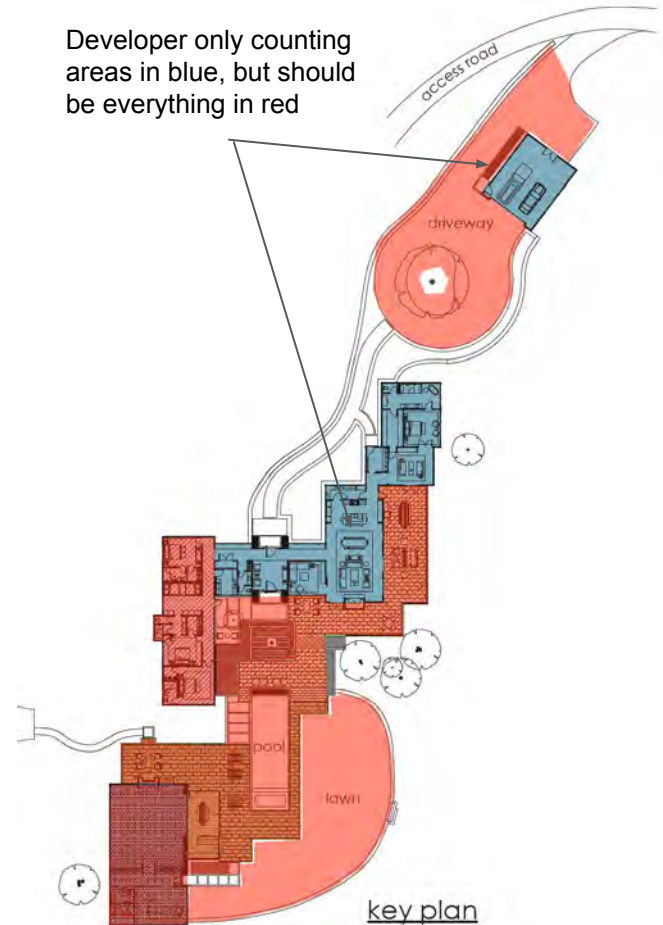
Developer excluded:

- Lawn 4,120 sf
- Pool, terraces, porch 3,951 sf
- Uncovered parking 5,389 sf
- Courtyard 1,142 sf
- Elevated framing walls 655 sf
(estimated at 10% of elevated framing)
- Elevated framing footings 983 sf
(estimated at 15% coverage of 6,554 total elevated framing)

Including these pad size is actually:

- **20,779 square feet**

>4X larger than allowed pad size



Lot 227 Brazil St. Pad size according to developer

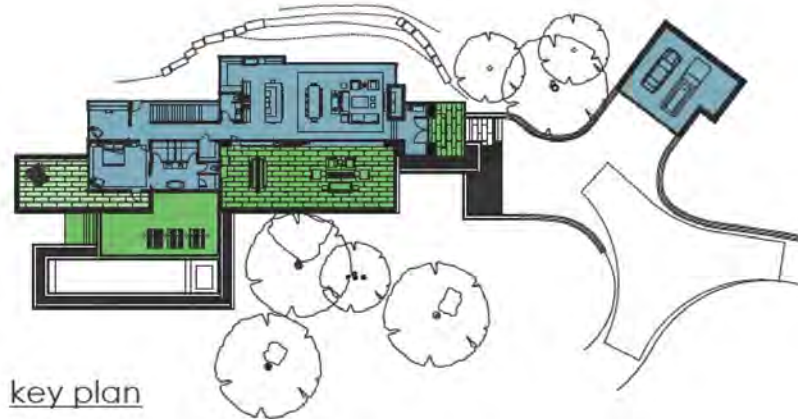
Claimed pad size:
4,985 square feet

PROPOSED PAD AREAS

1 residence	= 2,464 sf
2 garage	= 705 sf
3 entry terrace	= 153 sf
4 main terrace above lower level	= 909 sf
5 lower level pool deck	= 754 sf
TOTAL	= 4,985 sf

PROPOSED ELEVATED FRAMING AREAS

6 master terrace above lower level



Lot 227, actual pad size

Developer excluded:

- Rear yard grading 371 sf
- Pool 995 sf
- Uncovered parking 1564 sf
- Elevated framing walls 52 sf
(estimated at 10% of elevated framing)
- Elevated framing footings 79 sf
(estimated at 15% coverage of 526 total elevated framing)



Including these pad size is actually:

- 8,046 square feet

Lot 228 Brazil St. Pad size according to developer

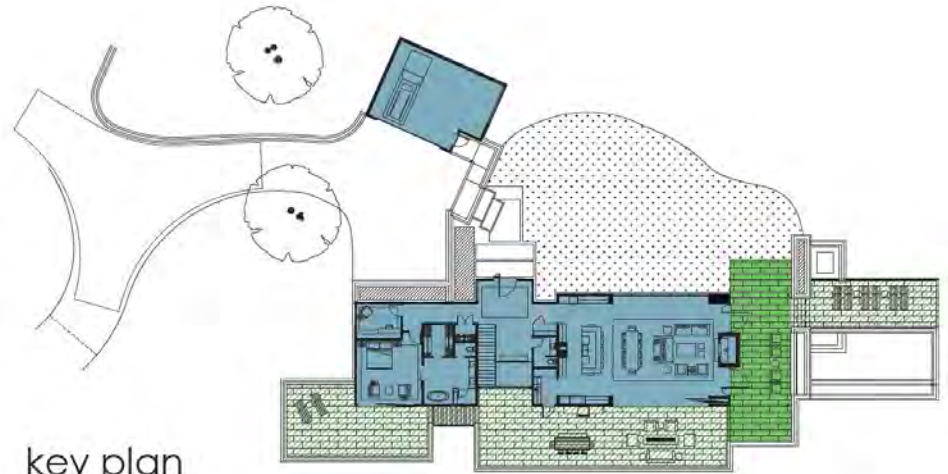
Claimed pad size:
4,710 square feet

PROPOSED PADS AREAS

1 residence	= 2,765 sf
2 garage	= 737sf
3 pool terrace	= 444 sf
4 firepit terrace	= 764 sf
TOTAL	= 4,710 sf

PROPOSED ELEVATED FRAMING AREAS

- 5 dining terrace above lower level
- 6 master terrace above lower level



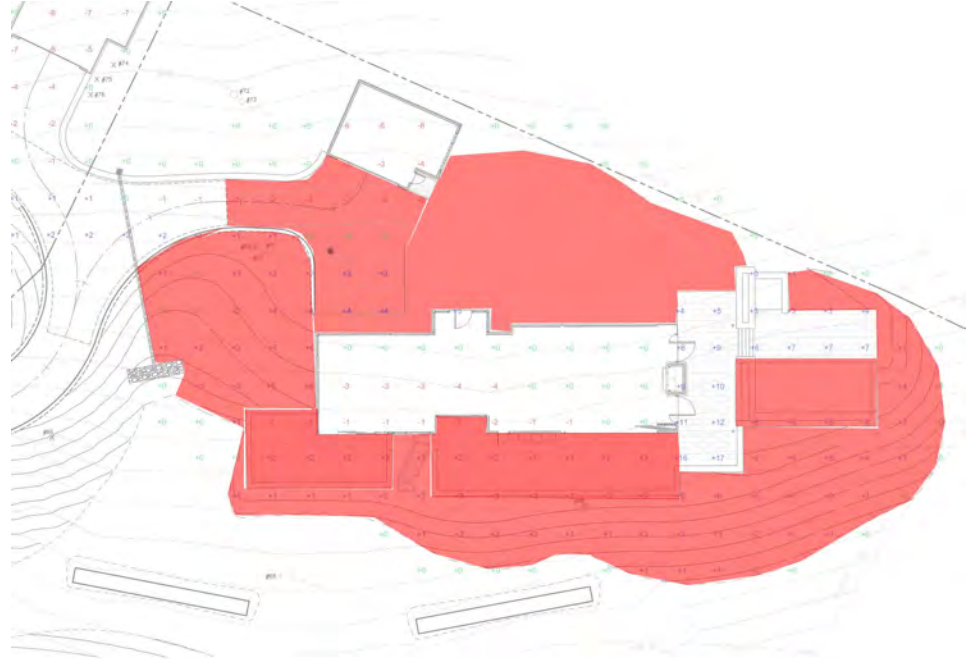
Lot 228, actual pad size

Developer excluded:

- Rear yard grading 4,145 sf
- Front yard grading 8,100 sf
- Pool 865 sf
- Uncovered parking 1,634 sf
- Elevated framing walls 243 sf
(estimated at 10% of elevated framing)
- Elevated framing footings 364 sf
(estimated at 15% coverage
of 2431 total elevated framing)

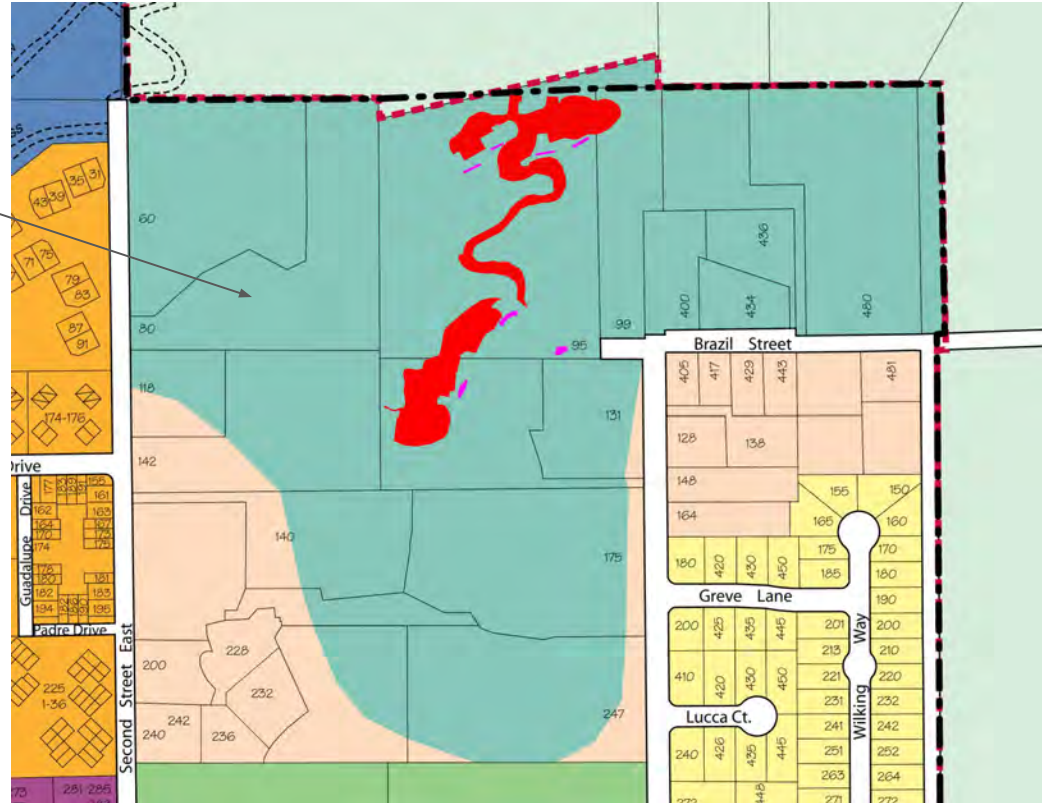
Including these pad size is actually:

- **20,061 square feet**

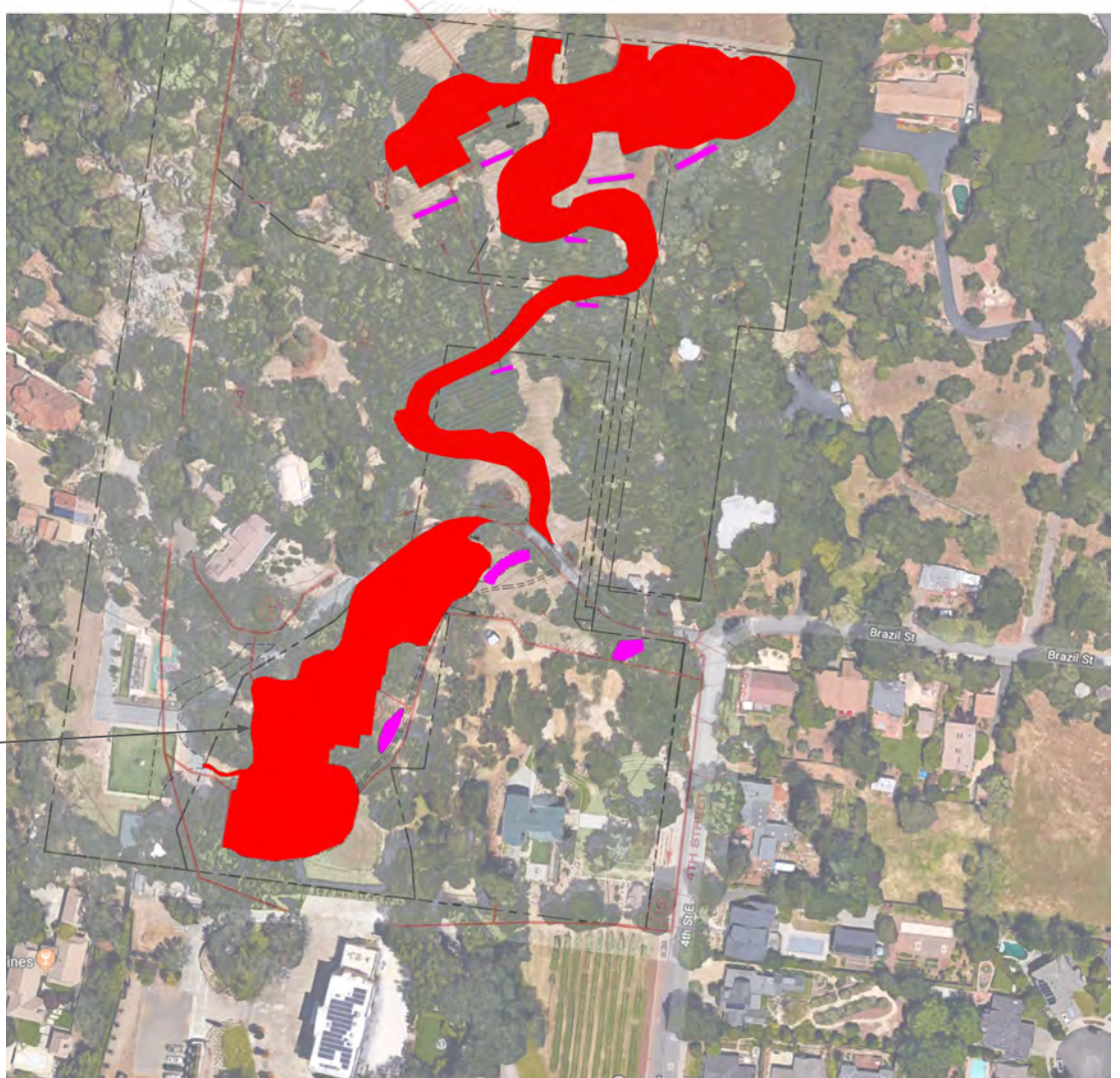


A look at disturbed earth for all 3 projects

Entire Sonoma Hillside Zone



Disturbed earth for the 3 projects
84,000 total square feet



Visibility

Applicants minimize the visual impact artificially:

- In images, only a few pixels are dedicated to showing the homes which is not reflective of what the eye can see.
- Incorrect modeling of foliage transparency. Upon examination of photographs created by applicants, trees with 0% transparency are used to obscure views of houses. In reality tops of trees have a fair amount of transparency.
- Images without tree cover should be made available. In many cities, like SF tree cover is not considered for historical preservation because trees are not permanent.

As presented
by applicants



More realistic
representation



Rebekah Barr

From: Karin Skooglund <karinskooglund@gmail.com>
Sent: Saturday, February 24, 2018 8:17 AM
To: Rebekah Barr
Subject: Schocken Hill Hearing

Hi Rebekah: Please include copies of my letter in the City Council packet for the March 1 special meeting.

Thank you.

Dear City Councilors:

Bill Jasper owns land -- three lots -- on Schocken Hill and he wants to build a house on each of those lots. He has been given the green light to do so by members of the last planning commission, so he is angry with the citizen opposition to his plans. He thinks it is unfair that a groundswell of folks don't want him to do that. And, he doesn't understand that the opposition wants him to respect the Hillside Ordinance that was enacted to protect Sonoma's hillsides. The desired effect of that ordinance is that the hill remains green (or brown, depending on the season) and natural, and not dotted with very large homes.

What is not fair is that that planning commission ignored the language and spirit of the City's Hillside Ordinance, which was drafted by an earlier city council.

What also is not fair is that the City Planning Director, David Goodison, agreed with Bill Jasper that he could build in excess of the 5,000 square foot lot pad limit per parcel as spelled out in the Hillside Ordinance.

We all learn at an early age to be fair to others, respect their rights, and play by the rules. Some people with lots of money feel that they play by a different set of rules.

Bill Jasper is breaking the rules because he thinks he can and because our planning director and former members of the planning commission told him it was okay to do so.

I don't think you will let the rules be broken. In fact, several hundred others and I believe that you will do the right thing.

I want Bill Jasper and his partner Ed Routhier to play by the rules, and I'm asking you to make them do that.

Thank you for serving our city

Sincerely,
Karin Skooglund

--

Karin Skooglund
karinskooglund@gmail.com
707-772-7465

Rebekah Barr

From: Joe Aaron <friendsofbilljasper@gmail.com>
Sent: Friday, February 23, 2018 3:17 PM
To: City Council; Planning
Subject: Support Bill Jasper's New Homes

Council Member,

After several years of working collaboratively with the Planning Commission, City Staff, and neighbors, Bill Jasper has received approval for a thoughtful plan to build three new homes in Sonoma. The homes comply with the Hillside Guidelines by protecting the view from the valley, are appropriate in scale, and mitigate environmental impacts while adding new housing. I urge you to confirm the findings of the Planning Commission and deny the appeal.

Joe Aaron

joe@woodhatsilver.com

Email address joe@woodhatsilver.com

Untitled Section

Name Joe Aaron

I have read Bill Jasper's side of the story and I have read Protect Sonoma's position. Anyone who reads both sides will conclude it is Bill Jasper who is telling the truth.

Additional Comment

Sonomans expect the rule of law to be followed.

Protect Sonoma is clearly violating the spirit and letter of the law.

I have read Bill Jasper's side of the story and I have read Protect Sonoma's position. Anyone who reads both sides will conclude it is Bill Jasper who is telling the truth.

Sonomans expect the rule of law to be followed.

Protect Sonoma is clearly violating the spirit and letter of the law.

Forward old email to another address with [Email Forwarder](#) for Gmail.

This email was sent via the [Google Forms Add-on](#).


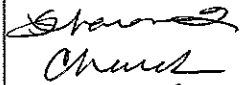
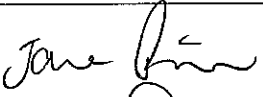
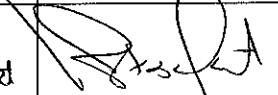
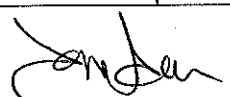

FOURTH AND BRAZIL NEIGHBORS OF SONOMA

We, the undersigned, are opposed to the proposed development of three homes at the following street addresses in Sonoma, CA: 227 Brazil Street, 228 Brazil Street, and 149 Fourth Street East. The main points of our objection cite City of Sonoma Development Code Section 19.50.040 Hillside Development in the following issues:

1. *Terrain alteration.* The project should be designed to fit the terrain rather than altering the terrain to fit the development. The project proposed at the lower lot (149 4th Street East) is not designed to fit the terrain. The design alters the terrain to fit the project.
2. *Development patterns that form visually protruding or steeply cut slopes for roads or lots shall be avoided.* In the particular case of the lower lot at 149 4th Street East, the design creates extensive fill slopes of 10' to 12' facing the neighbor. The two lots on Brazil are located high on the hillside, resulting in a long driveway snaking up the hill, causing many cut and fill slopes, thus a large visible scar area.
3. *Lot Pad Grading.* Lot pad grading should be limited to the boundaries of the structure's foundation, vehicle parking space and a yard area as shown on the approved grading plan. Pads should not exceed 5,000 square feet. All three of the proposed homes greatly exceed the 5000 sq ft guideline, each being two to three times that guideline amount.

Further points include:

- There is inadequate environmental review. The three lots were proposed independently while in fact they are tied together with common driveway connectors and drainage requirements that must be assessed together through an EIR. There is significant risk of increased heavy runoff from the previously undisturbed hillside, all concentrated at the corner of 4th St. East and Brazil.
- The proposed development is inconsistent with the purpose of Hillside Development Ordinance to preserve and protect the view to and from the City of Sonoma.
- This is all on Schocken Hill part of the scenic back drop of Sonoma, easily visible from 4th Street East and Lovall Valley Road and other streets leading to the town plaza. It must be maintained in its undeveloped state or, at least, developed with less impact on the view scape from the town.
- Removal of dozens of trees for construction will destroy the hillside view.

NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
JANE SIEGEL		19220 OLD WING RD	707-337-3589	SONOMAJANE@gmail.com
Sharon Church		15241 Marty Dr Glen Ellen CA	287-5299	Vicki-sharon@sbcglobal.net
JANE PRIOR		15700 ARNOLD DR	509-8065	janeprior@gmail.com
Vicki Baseheart		15241 Marty Dr GE CA	225-1478	Vicki-sharon@sbcglobal.net
TOM SOUBS		105 Medina Way	707-938-8834	tomsoubs@sbcglobal.net
Alexis Linder		593 Esje Madra Dr.	415-328-4765	alexislinder@gmail.com

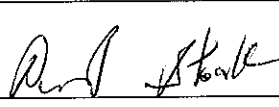
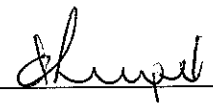

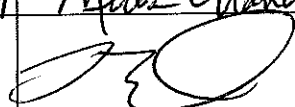
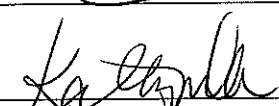
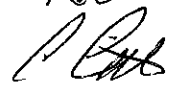
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- Removal of dozens of trees for construction will destroy the hillside view.

NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
Dave Stock		Glen Ellen P.O. Box 1177 95442	707 478 2635	stock@sonic.net
Karla Aragon		434 Brazil St	(415) 374 1698	Kayru2210@Hotmail.com
Mick Chantler		246 Betten Court St Sonoma	996-2087	mickchantler@ gmail.com
LISA Leeb		1525 N Castle Rd Sonoma	925 216 5881	jonandlisaLeeb @gmail.com
Kathy Miller		77 moon mntn	917-312-0324	Kathy@ michaelmiller bakery.com
Caren Coe		16742 MISSION WAY	707-933-0270	CAREN@COE.COM C.D.M. YASUO.COM

SONOMA NEIGHBORS IN SUPPORT OF HILLSIDE VIEW PRESERVATION

NAME	SIGNATURE	ADDRESS	PHONE	EMAIL
Kathy Coe	Kathleen Coe	935 Arguello Ct	(707) 935-5050	kcs@sonoma.comcast.net
Judy Weiner	Judy Weiner	23125 Millcreek	707-486-8666	judyweiner@comcast.net
George Weiner	George Weiner	11	"	GIWeiner36@Comcast.net
Rob Shore		617 Broadway 330	707 877 4332	816CAROL@BANK
Amy Dougherty	Amy Dougherty	1220 E. Napa St		amyndougherty@gmail.com
Debra Dodge	Debra Dodge	484 Montini Way		del.dodge@yphone.com
MICHAEL LITT	Michael Litt	78 CUYAMAS DR	707.996.4919	N one @gmail.com
LUCINDA FORD	Lucinda Ford	754 2nd St E.	707 938 1305	ford.lucinda.com
Dorothy Lynch	D.M. Lynch	665 Oak Ln	707 938-2528	
Diane Egger-Bovet	Diane Egger-Bovet	165 France St	707 481 7688	deggerbovet@gmail.com
Howard Egger-Bovet	Howard Egger-Bovet	165 France St	707.812.2422	he4@EindRefin productions.com

From: Gerald Hiatt
To: [City Council](#)
Subject: Please Uphold the Hillside Appeal and Respect the Code
Date: Wednesday, February 28, 2018 8:16:50 AM

Name	Gerald Hiatt
Email	pgh.2@outlook.com
Phone	
	<p>Mayor Agrimonti and members of our City Council:</p> <p>I strongly urge you to uphold the appeal of the approval of the hillside residential compounds. There are many issues with these projects, including the fact they do not comply with the Hillside Development Code, as recently clarified by your predecessors who drafted and passed the code in 2003. As you know, hillsides in Sonoma are sacred, and form the scenic, undisturbed backdrop of our Plaza and town. Our code was put into place to protect them.</p> <p>I respectfully encourage you to respect our code and protect these hillsides by upholding the appeal, requiring a full Environmental Impact Report for any new applications, and to send any new applications back to the Planning Commission.</p>