City of Sonoma Planning Commission ***STAFF REPORT***	***Agenda Item #6*** ***Meeting Date: 08-10-17***

Agenda Item Title: Review of an application for a Use Permit to construct a residence and related accessory structures on a hillside property, including consideration of adopting a Mitigated Negative Declaration.

Applicant/Owner: Walton Architecture & Engineering/Bill Jasper

Site Address/Location: Brazil Street / APN 018-051-012 (aka Lot 4 or Lot 227)

Staff Contact: David Goodison, Planning Director & Rob Gjestland, Senior Planner
Staff Report Prepared: 08/07/17

PROJECT SUMMARY

Description: Application of Walton Architecture & Engineering for a Use Permit to construct a residence and related accessory structures on the hillside property at Brazil Street / APN 018-051-012 (aka Lot 4 or Lot 227)

General Plan Designation: Hillside (H)

Planning Area: Northeast Area

Zoning: **Base:** Hillside Residential (R-HS) **Overlay:** Historic (/H)

Site Characteristics: The subject property is an undeveloped, interior 2-acre parcel that supports open grassland, oak woodlands, and rock outcroppings. Adjoining land uses include single-family homes on large, similarly zoned parcels, as well as undeveloped County-zoned parcels to the north, outside the City limit.

Surrounding Land Use/Zoning:
North: Undeveloped County-zoned parcel/ Land Intensive Agriculture (County zoning)
South: Single-family home/Hillside Residential
East: Undeveloped parcel/Hillside Residential
West: Single-family home/Hillside Residential

Environmental Review:

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

Staff Recommendation:
1. Environmental Review: Adopt Mitigated Negative Declaration.
2. Use Permit Review: Approve, subject to the attached conditions.

PROJECT ANALYSIS

BACKGROUND

The subject property (Brazil Street / Lot 4 or Lot 227) is one of four adjoining properties located in a hillside area between Second Street East and Fourth Street East that were the subject of a Lot Line Adjustment reviewed and approved by the City. A Lot Line Adjustment is an administrative approval that allows for the alteration of the boundaries of adjoining parcels, but does not allow for the creation of new parcels. Three of the parcels have clear histories as legal lots of record. The fourth (Lot 4/227), the subject of this development application, was only recently recognized by the City as a legal lot of lot of record, when the property owner filed for a "Certificate of Compliance", which is a process by which a determination is made as to whether a property exists as a separate, legally-transferrable parcel. All of the parcels in question have a zoning designation of Hillside Residential. Because three of the four parcels are now before the Planning Commission for review of applications for development, each with a single-family residence and associated accessory structures, staff is taking this opportunity to provide background information on the processes that have led to this point.

Certificate of Compliance: The application for a Certificate of Compliance ("COC") was made on March 10, 2016 to recognize Lot 4 / 227, the parcel that is the subject of this development application. Following a lengthy review process managed by the City Engineer, the COC was granted and was recorded on August 5, 2016. A COC must be issued by the local agency having jurisdiction over the property, if it can be shown that the parcel was lawfully created and not subsequently merged. While there a number of legal variables set forth in the Subdivision Map Act, which is the State Law that sets forth the COC process, those two factors represent the essence of the review. In this case, the property owner was able to document that the lot was created through the sale of the property by the City of Sonoma to General Mariano Vallejo in 1850. A chain of title and other supporting documents provided by the applicant showed that the property was not subsequently merged with any other parcel. Therefore, the date of its creation notwithstanding, the parcel was found to be a legal lot. Due to the age of the parcel's creation and complexity of the associated documents, the City Engineer referred the question of whether a COC should be issued to a licensed land surveyor, Richard Maddock of GHD (an engineering consulting firm retained by the City). The COC process is administrative, meaning that it is acted upon by the City Engineer, whose decision is final unless appealed.

Lot Line Adjustment: An application for a Lot Line Adjustment ("LLA") was made on April 7, 2016. Similar to a COC, this process is established through the Subdivision Map Act and, in Sonoma, is administered by the City Engineer in consultation with other Departments, including the Planning Department. As noted above, a LLA is an administrative approval that allows for the alteration of the boundaries of adjoining parcels. Staff made it clear from the outset that the LLA would not be processed until and unless the COC was granted and recorded and, indeed, it was not ultimately completed and recorded until February 17, 2017. The purpose of the LLA and the basis on which the City Engineer reviewed it was to improve compliance with the City's hillside development regulations for any subsequent residential development application. This was accomplished by modifying the property boundaries, to improve setbacks and building pad orientations for the developable areas within the three vacant parcels.

Water Facilities Easement: In the course of reviewing the Lot Line Adjustment, the City Engineer verified that a water easement in favor of the City was in existence on Lot 3 or Lot 228 (an adjoining property), encompassing almost the entirely of the parcel. This easement was poorly described, and its defensibility was in question. The City maintains a well on the lower portion of the property, along with a water tank (which was taken out of service many years ago). The City had no need to access the upper portion of the parcel to make use of these facilities, but at the same time, access to certain lower portions

of the lot was only available from a separate, adjoining parcel, over which the City had no formal easement. In light of these factors, the City Engineer recommended a comprehensive amendment of the easement, using a vastly improved easement description, that limited its area to the actual water facilities in place and their immediate environs, as well as securing access to them. The City Council approved the revised easement at its meeting of January 23, 2017.

DETAILED PROJECT DESCRIPTION

The project involves construction of a ±5,200-square foot residence, ±710-square foot detached garage, and swimming pool in the eastern portion of the subject property in an area interspersed with trees. The long axis of the project is oriented parallel to the natural contour of the hillside with slopes at the development site averaging roughly 20%. The structures employ a modern farmhouse architectural style with a combination of gable and flat roof forms, utilizing neutral-colored exterior materials, including charcoal-colored vertical wood siding, metal seam roofing, and window frames, in conjunction with gray/brown ledgestone veneer. The residence is designed with two staggered floor levels, with the structure cut into grade on the uphill side and fill used on the downhill side. The home varies in height from ±14 feet at the main/upper floor level on the north, to a maximum height of 29'-8" when measuring the downhill, two-story element. The swimming pool is located on the south/downhill side of the residence at the same level as the lower floor, while the detached garage is located northeast of the home, cut into the hillside. Access to the residence (and potentially an additional home on the parcel to the east, Lot 3/228) would be provided by a ±800-foot long driveway that extends off an existing private driveway originating at the corner of Fourth Street East and Brazil Street. Arborist reports submitted with the application indicate that 18 trees would be removed at the residential building site and 15 trees would require removal for the proposed driveway (the majority of trees proposed for removal are oak trees; roughly half having a diameter of less than 12 inches and the other half having a diameter of 12 inches or greater). A subsequent arborist peer review, attached, estimates that for the residential building site, four additional trees would be significantly impacted and that the driveway would require removal of 21 trees. Earthwork calculations for the residence estimate 620 cubic yards of cut and 190 cubic yards of fill resulting in 430 cubic yards of export. However, soil export from the residence (430 cubic yards) and driveway (230 cubic yards) are intended to balance the adjacent residential project proposed on Lot 3/228. Earthwork calculations for the driveway estimate 3,120 cubic yards of cut and 2,890 cubic yards of fill. Additional details are provided in the attached project submittal and supporting documents.

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

The property is designated Hillside Residential by the General Plan. The Hillside Residential land use designation is intended to preserve Sonoma's hillside backdrop, while allowing limited residential development in conjunction with agricultural uses. To prevent the further subdivision of parcels, the minimum lot size is set at ten acres. General Plan policies that apply to the project include the following:

Community Development Element:

- Protect important scenic vistas and natural resources, and incorporate significant views and natural features into project designs (CDE Policy 5.3).

Housing Element:

- Promote the use of sustainable construction techniques and environmentally sensitive design for all housing, to include best practices in water conservation, low-impact drainage, and greenhouse gas reduction (HE Policy 6.3).

Environmental Resources Element:

- Require erosion control and soil conservation practices that support watershed protection (ERE Policy 2.5)
- Preserve existing trees and plant new trees (ERE Policy 2.6).

Public Safety Element:

- Ensure that all development projects provide adequate fire protection (PSE Policy 1.3).

As documented in the Initial Study, views of the proposed residence from public vantage points would be limited and would not constitute a significant impact. Although a number of trees are proposed for removal, replacement plantings would be required at a ratio of 1 to 1.5. In addition, the long-term protection of significant tree clusters on the site would be required. (See conditions of approval #9 and #19.) The site drainage is designed to emulate natural sheet-flow conditions. The private drive serving the site has been designed in compliance with Fire Department access requirements and the project will be subject to the wildland interface requirements set forth in Chapter 7A of the Building Code, including vegetation management and use of fire-resistant exterior materials. (Note: compliance with these requirements will not entail any additional tree removal.)

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

Lot Size & Residential Density Standards: Section 19.18.020.A.1 of the Development Code establishes residential density and minimum lot size requirements for new subdivisions in the Northeast Planning Area. Pursuant to Table 3-2 within this Code section, the minimum lot size for a subdivision in the Hillside Residential (R-HS) zoning district is 10 acres. None of the R-HS zoned properties in the City, including the subject property, are 10 acres in size, which means that none of them may be subdivided. However, because they are all legal lots of record, they may developed in accordance with their zoning designation, which allows for one single-family residence per lot and associated residential accessory structures, subject to Use Permit review. This situation is not uncommon any zoning district. For example, a vacant 6,000 square foot parcel in the Low Density Residential could not be subdivided, because any subdivision would not comply with the normal minimum lot size requirement of 7,500 square feet. However, as a legal lot of record, it could be developed with a single-family residence in compliance with applicable development standards.

Use: The property is zoned Hillside Residential (R-HS). Single-family homes and residential accessory structures are permitted uses in the R-HS zoning district, subject to approval of Use Permit by the Planning Commission.

Setbacks: Primary structures in the R-HS zone must be setback a minimum of 30 feet from all property lines. The residence has been located in compliance with this standard.

Floor Area Ratio (FAR): The maximum FAR in the R-HS zone is 0.10 or 10% of the total lot area. The project would result in a FAR of 0.06 (6%). Staff would note that up to 400 square feet of a detached garage is excluded from FAR calculations under the Development Code.

Lot Coverage: The maximum structure/building coverage in the R-HS zone is 15% of the total lot area. The project would result in a lot coverage of 4.5%. Staff would note that porches, pools, and detached garages (up to 400 square feet) are excluded from coverage calculations under the Development Code.

Building Height: The maximum building height within the R-HS zone is 30 feet for primary structures, as measured from finished grade. The home varies in height from ±14 feet at the main/upper floor level on the north, to a maximum height of 29'-8" when measuring the downhill, two-story element.

Detached Garage: Low profile, one-story accessory structures may have a lesser setback of 5 feet provided they meet specific height criteria (i.e., a maximum wall height of nine feet and a peak height not exceeding 15 feet in height). The detached garage has been designed in compliance with these height criteria and provides the minimum 5-foot setback.

Parking: One covered parking space is required for a single-family home. The parking requirement would be met by the proposed two-car garage.

Design Review: Because the property is located in the Historic Overlay zone, the project would be subject to subsequent review by the Design Review & Historic Preservation Commission (Development Code §19.54.080). In this case, the Planning Commission is responsible for reviewing and acting upon the project site plan, building massing and elevation concepts to the extent it deems necessary. Subsequent review by the Design Review & Historic Preservation Commission (DRHPC) would address elevation details, exterior materials and colors, landscaping (demonstrating compliance with the water efficient landscape ordinance), exterior lighting and any other issues specifically referred to the DRHPC by the Planning Commission.

Hillside Development: The purpose of the hillside development regulations and guidelines is 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. All new development within the R-HS zone is subject to review and approval of a Use Permit. As set forth under Section 19.40.050 of the Development Code, the Planning Commission shall evaluate applications for hillside development based on a variety of development standards, design guidelines and objectives, in addition to the normal findings for a conditional use permit (the entirety of Section 19.40.050 is attached for consideration). A review of compliance with the hillside development standards, design guidelines, and objectives for the proposed residence and residential accessory structures is set forth in the table below.

Development Standards (19.40.050.D)	
Note: These represent standards that must be met. However, some are not expressed in a quantified manner and are therefore subject to Planning Commission interpretation.	
Standard	**Project Response**
1. Structure Height. The height of structures in a hillside area shall not exceed the maximum established by the applicable zoning district.	The maximum allowed building height within the R-HS zone is 30 feet, as measured from finished grade. The home varies in height from ±14 feet at the main/upper floor level on the north, to a maximum height of 29'-8" when measuring the downhill, two-story element.
2. Grading and Drainage. (a) Grading shall be designed to: (i) Conserve natural topographic features and appearances by minimizing the amount of cut and fill and by means of land form grading to blend graded slopes and benches with the natural topography.	This standard is rather subjective and therefore subject to interpretation by the Planning Commission. In the project's favor, the driveway is designed to share access with an adjoining parcel, which reduces grading on both lots. The residence is aligned along the contour of the site, which also works to conserve the topographic character of the site. In addition, a portion of the residence includes two staggered levels, with the main floor stepped back eighteen feet from the lower floor. This design helps reduces massing by conforming to the slope of the terrain and minimizes the area of grading. That said, the area of lot pad grading exceeds Guideline 2 (following).
(ii) Retain major natural topographic features (i.e., canyons, knolls, ridgelines, and prominent landmarks).	The residence and related improvements are placed well below the ridgeline and are aligned with the contours of the site/hillside.
(b) All graded areas shall be protected from wind and water erosion. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved	This requirement is implemented by draft Condition of Approval 2.

by the city engineer.	
(c) Slopes created by grading shall not exceed a ratio of 3:1, without a soils report and stabilization study indicating a greater permissible slope and shall not exceed 30 feet in height between terraces or benches.	2:1 slopes are proposed below the residence and adjacent to the driveway, which are allowable with a soils report and stabilization study. The requirement for a soils report and stabilization study is implemented by draft Condition of Approval 7 and would normally be required in conjunction with grading/building permit applications for the project.
3. Street Layout. To the extent feasible based on property conditions, streets shall follow the natural contours of the terrain in order to minimize the need for grading. Cul-de-sacs and loop roads are encouraged where necessary to fit the natural topography subject to the approval of the city engineer and fire department.	The path of the driveway has been designed to follow the contours of the site, while observing Fire Department design requirements for emergency access. In addition, the driveway is designed to share access with an adjoining parcel, which reduces grading on both lots
Design Guidelines (19.40.050.E)	
Note: As set forth in Section 19.01.060 (Guidelines) of the Development Code, while guidelines are strongly recommended, they are suggestive in that the review authority may approve a discretionary permit for a proposed project even though it fails to comply with one or more guidelines. However, non-compliance with Development Code guidelines may be used by the review authority as a basis for denying a discretionary application.	
Guideline	**Project Response**
1. Terrain Alteration. The project *should* be designed to fit the terrain rather than altering the terrain to fit the project. Development patterns that form visually protruding or steeply cut slopes for roads or lots *shall* be avoided.	Elements of the project are stepped on the slope, with the detached garage, residence entry and main level at different elevations. A portion of the residence includes two staggered levels, with the main floor stepped back eighteen feet from the lower floor. This design helps reduces massing by conforming to the slope of the terrain and minimizes the area of grading.
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.	Lot pad grading does not comply with this guideline. However, proposed grading is within the range of land disturbance associated with other hillside development in the immediate vicinity.
3. Site and Structure Design. Site design *should* utilize varying structure heights and setbacks, split-level foundations, and retaining walls to terrace structures with the direction of the slope.	See response 1, above.
4. Lot Line Locations. Lot lines *should* be placed at the top of slope areas to help ensure that the slope will not be neglected by the uphill owner.	Not applicable.
5. Design and Location of Structures. (a) The form, mass, and profile of the individual buildings and architectural features *should* be designed to blend with the natural terrain and preserve the character and profile of the natural slope. Techniques that should be considered include:	See responses 5.a.i - 5.a.iii below.
(i) Split pads, stepped footings, and grade	The residence is designed with two offset floors, to

separations to permit structure to step up the natural slope;	step up the slope, and detached garage and pool are at different elevations to step up the slope.
(ii) Detaching parts of a dwelling (e.g., garage); and	The garage is proposed as a detached building.
(iii) Avoiding the use of gable ends on downhill elevations. The slope of the roof *should* be oriented in the same direction as the natural slope.	No gable ends are proposed on the south-facing downhill elevation.
(b) Excavate underground or utilize below grade rooms to reduce the visual bulk of a structure.	The residence is cut into the hillside, thereby limiting its apparent mass. The detached garage is similarly cut into the hillside.
(c) Use roofs on lower levels as open space decks for upper levels.	By staggering the two levels of the residence, a portion of the roof of the lower level is used as decks for the main floor.
(d) Exterior structural supports and undersides of floors and decks not enclosed by walls may be permitted provided fire safety and aesthetic considerations have been adequately addressed.	Not applicable.
(e) Building materials and color schemes *should* blend with the natural landscape of earth tones and natural vegetative growth.	Neutral-colored exterior materials including charcoal vertical siding and grey/brown ledgestone veneer are proposed to blend with the natural environment.
6. Retaining Walls. Retaining walls that result in large uniform planes *shall* be avoided. Retaining walls *shall* be divided into elements and terraces with landscaping to screen them from view. Generally, no retaining wall should be higher than five feet. When a series of retaining walls is required, each individual retaining wall *should* be separated from adjacent walls by a minimum of five feet.	The grading plan has been designed with terraces that avoid long expanses of retaining walls and to spate them from one another. None of the proposed retaining walls exceed five in height except for a segment on the east side of the auto court where the retaining wall is 6-feet tall. However, the engineer can adjust the grading at this location to ensure the wall is within the 5-foot threshold. All of the retaining walls will be landscaped.
7. Slope Restoration. Transitional slopes *shall* be replanted with self-sufficient trees, shrubs, and ground cover that are compatible with existing surrounding vegetation in order to enhance the blending of manufactured and natural slopes.	This requirement is Implemented by draft Condition of Approval 11.
8. Reduced Public Street Widths. On-street parking lanes may be omitted from public streets when the result is a substantial decrease in cutting and/or filling. Where no on-street parking is provided, off-street parking areas *shall* be provided to yield a ratio of two additional spaces per dwelling unit. Streets may be reduced to 24 feet in width with no on-street parking, or 32 feet in width with on-street parking on one side.	Not applicable.
9. Preservation of Ridgelines. Ridgelines *shall* be preserved. Structures *shall* not be located closer to a ridgeline than 100 feet measured horizontally on a topographic map or 50 feet measured vertically on a cross section, whichever is more restrictive. In no case	The residence and related improvements are placed well below the ridgeline and are aligned with the contours of the site/hillside.

shall the roofline or any other portion of a structure extend above the line of sight between a ridgeline and any public right-of-way, whether the ridgeline is above or below the right-of-way.	
Evaluation of Applications: Objectives (19.40.050.E)	
Note: The following is a list of non-quantified objectives that the Planning Commission is to consider in addition to the normal findings required for any Use Permit.	
Objective	**Project Response**
1. The preservation of natural topographic features and appearances by maintaining the natural topography to the greatest extent possible;	By aligning the development with the contours of the site, changes to the natural topography are minimized.
2. The protection of natural topographic features and appearances through limitations on successive padding and terracing of building sites and the preservation of significant ridgelines, steep slopes, natural rock outcroppings, drainage courses, prominent trees and woodlands, vernal pools, and other areas of special natural beauty;	The residence is designed with a partially offset upper floor, to step down the slope, and detached garage. The development would not affect views of any ridgeline, nor would it remove any significant natural rock outcroppings, or drainage courses. Some trees would be removed through development of the project, but the majority of trees on the property would be retained, including trees that will serve to screen views of the project.
3. The utilization of varying setbacks, building heights, foundation designs, and compatible building forms, materials, and colors that help blend buildings into the terrain;	The residence is designed with a partially offset floor to step down with the slope. Elements of the project are stepped on the slope, with the detached garage, residence entry and main level at different elevations. Neutral-colored exterior materials are proposed to blend with the natural environment and the lower floor of the residence would be screened by trees.
4. The utilization of clustered sites and buildings on more gently sloping terrain to reduce grading alterations on steeper slopes;	The development site is proposed in the least sloping portion of the property to reduce grading alterations on steeper slopes.
5. The utilization of building designs, locations, and arrangements that protect views to and from the hillside area;	The residence has been placed on the site such that it a large portion would be screened by trees. It is designed with a partially off-set upper floor, to terrace the structure down the slope. The second level of the residence is stepped back roughly 18 feet from the face of the first level to reduce massing and impacts on views. The residence employs a simple building forms and would utilize neutral-colored exterior materials to blend with the natural environment.
6. The preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction of hillside areas; and	This objective is met by draft Conditions of Approval 2 and 11.
7. The utilization of street designs and improvements that minimize grading alterations and harmonize with the natural contours of the hillsides.	The path of the driveway has been designed to follow the contours of the site, while observing Fire Department design requirements for emergency access. In addition, the driveway is designed to share access with an adjoining parcel, which reduces grading on both lots.

While the project proposes a substantial amount of floor area, grading, and tree removal, there are many aspects of the project site planning and design that comply with the objectives of the City's hillside development criteria, as shown in the table above. The most notable inconsistency with the guidelines is that the total proposed lot pad grading at the residential site is approximately 9,000 square feet (roughly 4,000 square feet for structures plus 5,000 for terraces, lawn, and autocourt), which exceeds the 5,000-square foot limit recommended by the hillside design guidelines. However, the applicant has provided grading and footprint estimates of five nearby home sites, which demonstrate that the project is within the range of land disturbance associated with other hillside development in the immediate vicinity.

In terms of views, as discussed under Section 1 (Aesthetics) of the Initial Study, to assess potential impacts on public views, story poles were placed on the site to facilitate the preparation of visual simulations depicting the project as viewed from Fourth Street East and Lovall Valley Road. The visual analysis is in included in the project submittal (Attachment 1). The results of this assessment are as follows:

- *From Fourth Street East:* 1%-8% of the face of the residence would be visible. The visible area would primarily be the upper floor/roofline, with most of the first floor screened from view by trees on the site.

- *From Lovall Valley Road:* 8% of the face of the residence would be visible. The visible area would primarily be the upper floor/roofline, with most of the first floor screened from view by trees on the site.

As shown in the simulations, the proposed design strategy is successful in allowing the structure to blend in with the larger hillside. While there would be public views of portions of the residence, the majority of the proposed improvements would be substantially screened by tree clusters and would not create an intrusive visual element. Because the preservation of key tree clusters on the site is a critical element in screening views of the project, the applicant intends to enact restrictive covenant provisions as noted in the following paragraph, a direction implemented through the conditions of approval.

With respect to trees, as discussed under Section 1 (Aesthetics) and Section 4 (Biological Resources) of the Initial Study, to offset tree removal the project includes a tree replacement program set forth toward the end of the Preliminary Grading and Drainage Analysis, dated May 25, 2017, prepared by Bear Flag Engineering (attached). Under the tree replacement program, trees that are removed due to construction would be replaced/replanted at a ratio of 1.5 trees to every 1 tree removed (a 1.5:1 tree replacement ratio). Replacement trees would be planted at locations adjacent to proposed improvements to further reduce the visibility of those improvements. In addition, pursuant to the letter from the Inman Law Group, LLP to Ross Edwards, dated June 7, 2017 (attached), the applicant intends to enact restrictive covenant provisions, which would be implemented through CC&R's applicable to the property, to address tree protection and hillside view preservation. In part, these restrictive covenants would ensure the preservation and maintenance of trees located on the property over the long-term (including trees that screen the proposed improvements from public views) with oversight by the City and a licensed arborist. This aspect of the proposal and general tree preservation, mitigation, and replacement requirements related to construction are addressed by Mitigation Measures 4.e-1 and 4.e-2 set forth in the Initial Study, which have been included as draft conditions of approval 9 and 19. A Tree Screening and Impact Exhibit (attached) has also been provided that identifies important screening trees (shown in red) that will be preserved, and trees that will require particular care and protection for preservation given their proximity to the development zone (shown in yellow).

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

ENVIRONMENTAL REVIEW **(☐Not Applicable to this Project)**

Although the development of an existing parcel with a single family residence and associated accessory structures and site improvements is typically exempt from environmental review, the Planning Commission directed that an Initial Study be prepared to evaluate potential impacts on trees proposed for preservation, as the Commission was concerned that changes in grading and site drainage could have implications on their long-term health. The attached Initial Study addresses the issue of tree preservation in depth. Other topics of concern include potential impacts on public views and on biological and cultural resources. The analysis and findings of the Initial Study in these areas are summarized below.

1. Trees. Although most of the trees on the site would be retained, the arborist report (and subsequent peer review) indicates that constructing the project would require the removal of approximately 33 trees, the of which approximately half of are oak trees with a diameter of less than 12 inches. To limit tree removal number and minimize construction and post-construction impacts on trees, the following features have been incorporated into the project:

   - The primary goal of the drainage design is to maintain the pre-construction drainage scenario to the maximum extent possible. Proposed drainage improvements have been designed to avoid the re-routing of runoff, over concentration of flows, and oversaturation of existing trees. Grading has been designed to minimize cuts and fills, balance earthwork, avoid grading on severely steep slopes, and avoid creating erosion issues.
   - The proposed site of the residence is a compact, relatively open area to minimize tree removal.
   - Retaining walls have been designed on the downhill side of the pool and residence, which eliminates downslope fill placement. These retaining walls have been designed to prevent damage to existing trees.
   - An interceptor swale located between the detached garage and residence would convey runoff to a drainage inlet above a landscape wall and the parking area. Runoff from the inlet would be conveyed through a storm drain and released through a tee pipe storm drain dissipater in an open area west of the driveway at a location that is not above any existing trees (per Post-Construction Hydrology Map for Lot 227 Residence).
   - The proposed driveway alignment has been designed to provide adequate emergency vehicle apparatus access while minimizing impacts to existing trees where possible. A 4-foot retaining wall is included on the uphill side of the driveway between stations 2 + 50 and 5 + 50, which eliminates a cut bank and saves approximately 25 trees. A 4-foot retaining wall is also included above at the toe of the fill slope between stations 6 + 50 and 7 + 25 to preserve some of the same trees.
   - Runoff from the upper portion of the driveway would be collected by a berm along the edge of the driveway and conveyed to drain inlets and then tee pipe storm drain dissipaters through storm drains. Outlets have been located in areas that are not directly uphill of existing trees.

   To offset tree removal, the project includes a tree replacement program, in which trees that are removed due to construction would be replaced/replanted at a ratio of 1.5 trees to every 1 tree removed. Replacement trees would be planted at locations adjacent to proposed improvements to further reduce the visibility of those improvements. In addition, as suggested by the Planning Commission, restrictive property covenant provisions would be enacted to address long-term tree protection and hillside view preservation, with oversight by the City and a licensed arborist. Tree replacement and protection measures are addressed in conditions of approval #9 and #19.

2. Scenic Vistas. Section 19.40.130 of the Sonoma Municipal Code (SMC) defines “scenic vistas” as a public view, benefiting the community at large, of significant features, including hillside terrain, ridgelines, canyons, geologic features, and community amenities (e.g., parks, landmarks, permanent open space). The view element potentially affected by the project is the hillside area within which the residence and accessory structures would be constructed. The proposed project employs a num-

ber of strategies to limit it impacts on public views of the hillside as follows:

- The residence and related improvements are placed well below the ridgeline and are aligned with the contours of the site/hillside.
- The placement of the residence allows the tree groupings below and around the development site to substantially screen proposed improvements from public views, including the lower floor.
- The residence is cut into the hillside, thereby limiting its apparent mass. The detached garage is similarly cut into the hillside.
- Elements of the project are stepped on the slope, with the detached garage, residence entry and main level at different elevations.
- A portion of the residence includes two staggered levels, with the main floor stepped back eighteen feet from the lower floor. This design helps reduces massing by conforming to the slope of the terrain and minimizes the area of grading.
- The use of simple building forms reduces the visual prominence of the residence.
- Exterior materials and colors have been selected to blend with the natural surroundings.
- The path of the private driveway extension leading to the residence has been designed to follow the contours of the hillside and would be substantially screened with trees.

While there would be public views of portions of the residence, the majority of the proposed improvements would be substantially screened by tree clusters and would not create an intrusive visual element. In addition, the tree protection measures described above would ensure the long-term preservation of important tree clusters on the property, including those that screen views of the residence. Based on these factors, in conjunction with mitigation measures to preserve trees, the Initial Study concludes that the project would have a less-than-significant impact on scenic vistas.

3. Special Status Species and Habitats. Rare plant surveys were conducted on April 21 and June 20, 2017 by WRA, Inc. (timed to align with the appropriate bloom period) to determine if any rare plant species are located on the project site. The surveys found no rare plants species within the project area. Accordingly, the project would have no impact on any plants identified as a candidate, sensitive, or special status species.

   Three special-status bird species (Cooper's hawk, sharp-shinned hawk, and oak titmouse) have the potential to occur on the site. In addition, on-site trees, shrubs and grassland may be used by nesting birds protected by the Migratory Bird Treaty Act of 1918. The proposed residential development would involve grading and tree/shrub removal or pruning on portions of the site that could impact bird species by causing the destruction or abandonment of occupied nests and mortality of young. Given the possibility for nesting birds on the property, a mitigation measure was identified addressing the timing of tree removal. This mitigation is carried forward in the conditions of approval (see condition #18).

4. Cultural Resources. The City of Sonoma commissioned Tom Origer & Associates to conduct an historical resources study of 12.7 acres of land that encompasses the subject property/project site, and adjoining parcels. The project site is undeveloped, only including part of a private access driveway with adjacent stone alignment. The Historical Resources Study found no archaeological site indicators or evidence of warm springs on the project site or within the study area; therefore no resource-specific recommendations were warranted. However, there is a very low probability that buried archaeological deposits could be present at the site that could be uncovered during earth-moving activities. Consistent with the recommendations of the historic resource survey, a mitigation measure has been required to address the potential for accidental discovery, implemented in Condition of Approval #20.

In summary, potentially significant impacts were identified in the following areas: Air Quality, Biological Resources, and Cultural Resources. However, all potentially significant impacts would be reduced to a less than significant level through incorporation of mitigation measures, which have been included in the draft conditions of approval and mitigation monitoring program. Based on the findings of the Initial Study, staff is recommending that the Planning Commission adopt a Mitigated Negative Declaration for the project.

DISCUSSION OF PROJECT ISSUES

Hillside Development: As noted above, the project proposes a substantial amount of floor area, grading, and tree removal and exceeds the guideline limiting pad grading to 5,000 square feet. However, there are many aspects of the project site planning and design that comply with the objectives of the City's hillside development criteria and the grading associated with the residential building site is significantly less than the other two hillside homes proposed on Lot 2 and Lot 3. While there would be public views of portions of the residence, the majority of the proposed improvements would be substantially screened by tree clusters and would not create an intrusive visual element. Mitigation for tree removal includes a 1.5:1 tree replacement program and restrictive covenants recorded on the property to ensure the long-term preservation of trees that provide screening of structures and improvements.

Emergency Water Supply: In absence of fire hydrants in the vicinity, emergency water storage will be necessary on site. However, this requirement can be addressed by the proposed swimming pool.

Water Delivery: Substantial improvements will be necessary to provide City water service (both domestic and fire sprinkler) with adequate pressure to proposed structures on the lot, possibly requiring booster pumps and backflow prevention devices.

Wildland Interface: The wildland interface requirements under Chapter 7A of the Building Code will apply to the site, including vegetation management and use of fire-resistant exterior materials. Staff has confirmed with the Fire Marshall that vegetation management would not entail or require the removal of trees.

RECOMMENDATION

Staff recommends the following:

1. Environmental Review: Adopt Mitigated Negative Declaration.
2. Use Permit Review: Approve, subject the attached conditions of approval.

Attachments:

1. *Draft Resolution Adopting Findings of Negative Declaration*
2. *Draft Findings of Project Approval*
3. *Draft Conditions of Approval & Mitigation Monitoring Program*
4. *Development Code Section 19.40.050 (Hillside Development)*
5. *Correspondence*
6. *Project Application Submittal*
7. *Letter from the Inman Law Group, LLP to Ross Edwards, dated June 7, 2017* **(refer to Initial Study Attachment 3)**
8. *Tree Screening and Impact Exhibit* **(refer to Initial Study Attachment 4)**
9. *Tree Preservation and Mitigation Reports for Lot 227 and Access Driveway prepared by Horticultural Associates, dated June 7, 2017* **(refer to Initial Study Attachment 6)**
10. *Peer Review of Arborist Reports prepared by MacNair & Associates, dated July 25, 2017*
11. *Preliminary Grading and Drainage Analysis prepared by Bear Flag Engineering, dated May 25, 2017* **(refer to Initial Study Attachment 2)**

Enclosure:

MND/Initial Study with Attachments

All documents associated with the project, including the proposed Mitigated Negative Declaration/Initial Study with attachments can be downloaded from the City's website under "Resources" at the following link:

http://www.sonomacity.org/Government/Departmental-Offices/Planning.aspx

cc: Clare Walton, Walton Architecture & Engineering Inc. (via email)
Ross Edwards, Caymus Builders (via email)
Bill Jasper (via email)

DRAFT

CITY OF SONOMA

RESOLUTION

A RESOLUTION OF THE PLANNNING COMMISSION OF THE CITY OF SONOMA ADOPTING FINDINGS OF NEGATIVE DECLARATION WITH REGARD TO THE UPPER WEST LOT 4, PROPOSED RESIDENCE AT BRAZIL STREET (APN 018-051-012 / LOT 4 OR LOT 227)

WHEREAS, an application has been made for a Use Permit to construct a residence, detached garage, and swimming pool on a 2-acre hillside property at Brazil Street / APN 018-051-012 (aka Lot 4 or Lot 227); and,

WHEREAS, because this proposal qualifies as a "project," as defined in the California Environmental Quality Act, an Initial Study was prepared; and,

WHEREAS, the Initial Study identified several areas where the project is anticipated to have an adverse impact on the environment, unless appropriate mitigation measures are taken; and,

WHEREAS, for each area where a significant impact was identified, the Initial Study also identified mitigation measures capable of reducing the impact to a less-than-significant level; and,

WHEREAS, the mitigation measures recommended in the Initial Study have been incorporated into the conditions of project approval and mitigation monitoring program; and,

WHEREAS, the Initial Study was reviewed by the Planning Commission in a duly noticed public hearing held on August 10, 2017.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Sonoma hereby finds and declares as follows:

a. That the Mitigated Negative Declaration, along with all comments received during the public review period, was considered and acted upon prior to any action or recommendation regarding the project.

b. That, based on the Initial Study and taking into account the comments received during the public review period, there is no substantial evidence that the project may have a significant effect on the environment; and

c. That there is no reasonable likelihood that the project will result in any of the impacts specified under the mandatory findings of significance, as defined in the Initial Study.

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Upper West Lot 4, Hillside Residence
Brazil Street (APN 018-051-012 / Lot 4 or Lot 227)

August 10, 2017

Based on substantial evidence in the record, including but not limited to the staff report, and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Approval

1. *That the proposed use is consistent with the General Plan and any Specific Plan.*

   The project proposes the development of an existing, vacant parcel with a single-family residence, along with accessory structures, site access and related improvements. These uses are allowed for under the Hillside land use designation. As set forth in the staff report, the project complies with applicable General Plan policies in that:

   - Views of the proposed residence from public vantage points would be limited and would not constitute a significant impact.
   - A majority of trees on the site would be preserved, including large oak tree clusters that help screen views of the residence. For those trees to be removed, replacement plantings would be required on a basis of 1 to 1.5.
   - The site drainage is designed to emulate natural sheet-flow conditions.
   - The private drive serving the site has been designed in compliance with Fire Department access requirements and the project will be subject to the wildland interface requirements set forth in Chapter 7A of the Building Code, including vegetation management and use of fire-resistant exterior materials.

2. *That the proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code (except for approved Variances and Exceptions).*

   The project complies with the applicable standards of the Development Code. No Exceptions have been requested. As set forth in the staff report, the project complies with the standards of the Hillside Development provisions and is in substantial compliance with the guidelines.

3. *The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

   As set forth in the Initial Study, the Project will not have a significant impact on the visual character of the site or its surroundings. As a large-lot single-family development in an area of large-lot single-family development, the project does not raise any issues of compatibility with respect to its operating characteristics.

4. *The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.*

   As set forth in the Initial Study, the project will not have a significant impact on the visual character of the site or its surroundings.

DRAFT

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL AND MITIGATION MONITORING PROGRAM
Upper West Lot 4, Hillside Residence
Brazil Street (APN 018-051-012 / Lot 4 or Lot 227)

August 10, 2017

1. The project shall be constructed in conformance with the approved site plan, floor plans and building elevations prepared by Walton Architecture & Engineering (Drawings a2.1-a.3.3 dated April 14, 2017), and the preliminary civil plans, including the preliminary driveway plan (Sheet C2) and preliminary grading plan (Sheet C2) prepared by Bear Flag Engineering Inc. (dated May 24, 2017), except as modified by these conditions.

   Enforcement Responsibility: *Planning Department; Building Department: City Engineer; Public Works Department*
   Timing: *Prior to issuance of a building permit; Prior to final occupancy*

2. A grading and drainage plan and an erosion and sediment control plan shall be prepared by a registered civil engineer and submitted to the City Engineer and Stormwater Coordinator for review and approval. In addition, a Stormwater Control Plan (SCP) demonstrating compliance with applicable stormwater requirements shall be submitted in conjunction with the grading plans for review and approval by the City Engineer and Stormwater Coordinator. The measures identified in the SCP shall be incorporated into the grading and drainage plans and the required plans shall be approved prior to the issuance of a grading permit and commencement of grading/construction activities. The erosion control measures specified in the approved plan shall be implemented during construction. Plans shall conform to the City of Sonoma Grading Ordinance (Chapter 14.20 of the Municipal Code). Applicable erosion control measures shall be identified on the erosion control plan and shall be implemented throughout the construction phase of the project: soil stabilization techniques such as hydroseeding and short-term biodegradable erosion control blankets or wattles, silt fences and/or some kind of inlet protection at downstream storm drain inlets, post-construction inspection of all facilities for accumulated sediment, and post-construction clearing of all drainage structures of debris and sediment..

   Enforcement Responsibility: *City Engineer; Stormwater Coordinator; Public Works Department*
   Timing: *Prior to issuance of a grading permit*

3. The applicant shall be responsible for connecting the property to the City's water system to provide both domestic and fire sprinkler water service to the structures, including any necessary off-site improvements, the provision of a water meter(s), booster pumps for adequate pressure, and backflow prevention device as deemed necessary by the City Engineer and Fire Marshall. In addition, the applicant shall pay any required water connection fees applicable to the new development in accordance with the latest adopted rate schedule.

   Enforcement Responsibility: *City Engineer; Public Works Department; Fire Marshall*
   Timing: *Prior to issuance of a building permit and/or final occupancy as determined necessary*

4. The applicant shall obtain an encroachment permit from the City of Sonoma for all work within the Fourth Street East and/or Brazil Street right-of-way.

   Enforcement Responsibility: *City Engineer; Public Works Department; Building Department*
   Timing: *Prior to any work within the right-of-way*

5. All Building Department requirements shall be met, including Building Code requirements related to compliance with CALGreen standards and the wildland interface requirements under Chapter 7A of the Building Code. A building permit shall be required for the structures and improvements.

   Enforcement Responsibility: *Building Department; Fire Marshall*
   Timing: *Prior to construction*

6. All Fire Department shall be met, including any code modifications effective prior to the date of issuance of any building permit. In addition, the following shall be required:

a. All residential structures shall be protected by approved automatic fire sprinkler systems
b. Emergency vehicle access and a turnaround shall be required, designed to support a 40,000 lb. load.
c. In absence of fire hydrants in the vicinity, emergency water storage/supply shall be required on the site.
d. The wildland interface requirements under Chapter 7A of the Building Code shall apply, including vegetation management and use of fire-resistant exterior materials.
e. The water source used for fire suppression shall be augmented as necessary to meet the hydraulic requirements of the sprinkler system(s) and flow calculations shall be required to show that the hydraulic requirements of the fire sprinkler system(s) will have adequate flow.
f. An approved all-weather emergency vehicle access road to within 150 feet of all portions of all structures shall be provided prior to beginning combustible construction.

Enforcement Responsibility: *Fire Department; Building Department*
Timing: *Prior to issuance of a building permit; Prior to final occupancy*

7. A soils and geotechnical investigation and report that includes a soil stabilization study shall prepared by a licensed civil engineer and submitted to the City for review and approval by the City Engineer and Plans Examiner prior to the issuance of any building permits for grading or building construction. The recommendations identified in the soils and geotechnical investigation, such as appropriate foundation systems, soil stability measures, on-site soil preparation and compaction levels, shall be incorporated into the construction plans and building permits for the project (i.e., improvement plans, grading and drainage plans, and building plans).

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

8. Parking and drive surfaces shall be surfaced with an appropriate surface material as approved by the City Engineer and the Building Official.

Enforcement Responsibility: *Fire Department; Building Division; City Engineer*
Timing: *Prior to issuance of a building permit and/or final occupancy*

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

a. The recommendations and tree protection measures set forth in the Tree Preservation and Mitigation Report for Lot 227 prepared by Horticultural Associates, dated June 7, 2017 and Tree Preservation and Mitigation Report for Access Driveway prepared by Horticultural Associates, dated June 7, 2017, as amended through any subsequent arborist peer review, shall be adhered to.
b. Trees removed from the project site shall be replaced on-site at a minimum ratio of 1.5:1, consistent with the tree replacement program proposed as part of the project. Replacement trees shall be a minimum 15-gallon size.
c. The recommendations and tree protection measures set forth in the Tree Preservation and Mitigation Report for Lot 227 prepared by Horticultural Associates, dated June 7, 2017 and Tree Preservation and Mitigation Report for Access Driveway prepared by Horticultural Associates, dated June 7, 2017, as amended through any subsequent arborist peer review, shall be incorporated into the grading and improvement plans for the project, as applicable. Written confirmation to this effect shall be provided by the project arborist.
d. Tree fencing and any other required protective measures shall remain in place until their removal is authorized by the project arborist.
e. The project arborist shall be on-hand during initial grading and trenching to monitor compliance with tree protection measures.

Enforcement Responsibility: *Planning Department; Building Department; Public Works Department; DRHPC*
Timing: *Prior to issuance of permits or commencement of construction; During construction; Prior to final occupancy, as applicable*

10. The project shall be subject to architectural review by the Design Review & Historic Preservation Commission (DRHPC), encompassing elevation details, and exterior materials and colors.

Enforcement Responsibility: *Planning Department; DRHPC*
Timing: *Prior to issuance of a building permit*

11. A landscape plan shall be prepared by a licensed landscape architect. The plan shall be subject to the review and approval of the Design Review & Historic Preservation Commission (DRHPC) and demonstrate compliance with the Water Efficient Landscape Ordinance. The landscape plan shall address landscaping, fencing/walls, hardscape improvements, required tree plantings, and the following items.

    a. The landscape plan shall include landscaping to screen retaining walls from view.
    b. Transitional slopes shall be replanted with self-sufficient trees, shrubs, and ground cover that are compatible with existing surrounding vegetation.

    Enforcement Responsibility: *Planning Department; DRHPC*
    Timing: *Prior to issuance of a building permit*

12. Onsite lighting shall be addressed through a lighting plan, subject to the review and approval of the Design Review & Historic Preservation Commission (DRHPC). All proposed exterior lighting for the building and site shall be indicated on the lighting plan and specifications for light fixtures shall be included. The lighting shall conform to the standards and guidelines contained under Section 19.40.030 of the Development Code (Exterior Lighting). No light or glare shall be directed toward, or allowed to spill onto any offsite areas. All exterior light fixtures shall be shielded to avoid glare onto neighboring properties, and shall be the minimum necessary for site safety and security.

    Enforcement Responsibility: *Planning Department; DRHPC*
    Timing: *Prior to issuance of a building permit*

13. The following dust control measures shall be implemented as necessary during the construction phase of the project: 1) All exposed soil areas (i.e. building sites, unpaved access roads, parking or staging areas) shall be watered at least twice daily or as required by the City's construction inspector; 2) Exposed soil stockpiles shall be enclosed, covered, or watered twice daily; and 3) The portions of Fourth Street East and Brazil Street providing construction vehicle access to the project site shall be swept daily, if visible soil material is deposited onto the road.

    Enforcement Responsibility: *Public Works Department; Building Department*
    Timing: *Ongoing during construction*

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

    Enforcement Responsibility: *Sanitation Division of Sonoma County Planning & Management Resource Department; Sonoma County Water Agency: City of Sonoma Building Department*
    Timing: *Prior to issuance of a building permit*

15. Any wells on the site shall be abandoned in accordance with permit requirements of the Sonoma County Department of Environmental Health; or equipped with a back-flow prevention device as approved by the City Engineer. Wells that will remain shall be plumbed to irrigation system only and not for domestic use.

    Enforcement Responsibility: *Sonoma County Dept. of Environmental Health; City Engineer; Public Works Dept.*
    Timing: *Prior to final occupancy*

16. The following agencies must be contacted by the applicant to determine permit or other regulatory requirements of the agency prior to issuance of a building permit, including the payment of applicable fees:

    a. *Sonoma Valley Unified School District* [For school impact fees]
    b. *Sonoma County Department of Environmental Health* [For closure/removal of septic tank or wells]
    c. *Sonoma County PRMD Sanitation Division* [For sewer connections and modifications and interceptor requirements]
    d. *Sonoma County Department of Environmental Health* [For abandonment of wells and/or new wells, and abandonment of septic systems]

    Enforcement Responsibility: *Building Department; Public Works Department*
    Timing: *Prior to issuance of a building permit*

17. The applicant shall be required to pay for all inspections prior to the acceptance of public improvements, or within 30 days of receipt of invoice; all plan checking fees at the time of the plan checks; and any other fees charged by the City of Sonoma, Caltrans, the Sonoma County Water Agency or other affected agencies with reviewing authority over this project.

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

18. If grading or removal of nesting trees and habitat is proposed to occur within the nesting season (between February 15 and August 15) a pre-construction nesting bird survey of the grassland, shrubs and trees within and around the development site shall be performed by a qualified biologist within 7 days of proposed ground breaking. If no nesting birds are observed no further action is required and grading shall commence within one week of the survey to prevent "take" of individual birds that could begin nesting after the survey. If active bird nests are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist in consultation with CDFG.

Enforcement Responsibility: Planning Department; Public Works Department; Building Department
Timing: Prior to tree removal or grading;Throughout project construction

19. Restrictive covenants, including tree protection restrictions, shall be developed subject to review and approval by the City to ensure the long-term preservation and maintenance of trees on the property. A restrictive covenants Declaration shall be recorded on the property and shall include an Exhibit defining the extent of trees/woodlands subject to the tree protection restrictions.

Enforcement Responsibility: Planning Department; City Attorney
Timing: Prior to final occupancy

20. If archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5 [f]). Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar dups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

Enforcement Responsibility: Planning Department; Public Works Department; Building Department
Timing: Throughout project construction

21. If paleontological resources are identified during construction activities, all work in the immediate area will cease until a qualified paleontologist has evaluated the finds in accordance with the standard guidelines established by the Society of Vertebrate Paleontology. If the paleontological resources are considered to be significant, a data recovery program will be implemented in accordance with the guidelines established by the Society of Vertebrate Paleontology.

Enforcement Responsibility: Planning Department; Public Works Department; Building Department
Timing: Throughout project construction

22. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the County Coroner contacted. If the coroner determined the remains are Native American, the coroner will contact the Native American Heritage Commission. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.

Enforcement Responsibility: Planning Department; Building Department; County Coroner
Timing: Throughout project construction

23. The project applicant/developer shall comply with all NPDES permit requirements for the construction period. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the State Water Resource Control Board (SWRCB) Division of Water Quality.

Enforcement Responsibility: *SWRCB; City Engineer; Public Works Department; Stormwater Coordinator*
Timing: *Prior to the issuance of any grading/building permit; Ongoing through construction*