

SEP 29 2017

City of Sonoma Appeal Application Form

For City Use

Date Received

CITY OF SONOMA

By Rita Simpson for
Richard Barr

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

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

APPELLANT INFORMATION: (Please Print)

Name: STEVEN MacROSTIE Name: THALE MacROSTIE
 Address: 148 4th Street East Address: 148 4th STREET EAST
 Phone: 707.935.1003 Phone: 707.935.1003

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

- Planning Commission Design Review Commission
 City Planner or Department Staff Other: _____

Regarding: 227 BRAZIL STREET / APN 018-51-0012 (aka Upper West Lot 4)
(Title of project or application)

Located at: 227 BRAZIL STREET
(Address)

Made on: SEPTEMBER 14, 2017
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:
(Refer to Section 19.84.30-A, Eligibility, on the reverse)

We objected to the project at the September 14 Meeting in writing or verbally.

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

See attached.

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

See attached

Signed:

Steven Macrostie
Signature

September 28, 2017
Date

Thale Macrostie
Signature

September 28, 2017
Date

FACTS OF THE CASE AND BASIS FOR APPEAL

Brazil Street / APN 018-051-012 (aka Upper West Lot 4 or Lot 227)

Page 1 of 2

(A) Inadequate Environmental Review: An EIR is required, covering all three lots.

1. The entire project has been segmented. These properties are linked and should be considered one project of at least three homes with accessory units. If other related lots are to be developed, they, too, should be included in the project description. Further, the cumulative impacts of the entire project (all impacts of the three lots, together) need to be evaluated.

2. The aesthetic impacts of the project(s) appear significant and unmitigated. The land is designated scenic by the Hillside Development Code. Proposed structures will be visible and potentially prominent, even with existing tree cover.

3. The project is inconsistent with Hillside Zoning requirements, creating land use and planning impacts that must be evaluated in an EIR.

4. Removal of trees is a significant impact.

5. Documentation submitted by the developer identified at least three special-status bird species (Cooper's hawk, sharp-shinned hawk, and oak titmouse) that could be negatively impacted by the project.

6. Lacking a comprehensive drainage plan — this area already suffers from an inability to manage the current runoff when it rains. Issues of erosion and septic failure must be thoroughly evaluated.

7. The issue of grading on land that has a slope in excess of 10 percent must be evaluated.

(B) Failure to analyze the project with consistency and conformance to the Development Code including hillside development standards and guidelines:

1. The proposed development is inconsistent with purpose of Hillside development ordinance to preserve and protect the view to and from the hillside areas in the city.

2. Pad size definition: Hillside Ordinance 19.40.050 "Hillside development" states that "Pads should not exceed 5,000 square feet in total area." This project is estimated to be almost three times larger. Furthermore, the proposed pad grading is not limited to the boundaries of the structures foundations. It extends well outside the foundations to include lawn, etc. Any exception or variance to the pad size is inappropriate for this project.

3. Trees — removal for construction destroys the hillside view. The potential planting of non-native species changes look and feel of hill. There is no protection for preventing future owners from removing or cutting existing growth or planting trees that don't conform to the existing landscape.

4. The project requires extensive cut and fill. The development of the extreme upper area of the land requires a high driveway with significant, steep cut and fill. The required switch backs will neither conserve nor blend with the natural topography. Driveway construction will require extensive tree removal and will likely cause drainage issues, all violations of the code.

(C) Infrastructure — parking, sewer, garbage, traffic and drinking water/irrigation (home size and landscaping doesn't fit into City's plan for 20% reduction of water use).

(D) Creation of lots — the lot division that was completed by administrative action, based on 1850 era transactions, is questionable. Further, the parcels resulting from the lot line adjustment appear to violate the California Subdivision Map Act (CSMA), local plan and zoning/building ordinances. The certificate of compliance for adding to the lot size has not yet been completed.

(E) Inadequate mitigation — the Commission relied almost exclusively on covenants to mitigate community concerns regarding drainage and views/tree removal; in this context, covenants are rendered virtually unenforceable.

(F) Assure parking requirements are met and will not create impacts, especially with respect to guests.

(G) **Improper approval of last minute change to building plan with inadequate time for review.** In its meeting of September 14, 2017, one member of the Sonoma Planning Commission changed his vote from disapprove to approve based upon a *brief* visual presentation of reduction in the area of the second story of proposed home. Revised drawings were not presented. Traditional practice in the City of Sonoma for consideration of such an alteration would require formalized plans and adequate time for review of them.

WE RESPECTFULLY REQUEST THAT THE APPEAL BODY TAKE THE FOLLOWING SPECIFIC ACTION(S):

GRANT THE APPEAL AND DENY THE PROJECT AS (1) INCONSISTENT WITH THE HILLSIDE ORDINANCE and (2) reverse the administrative action delineating the lots. AFFIRM that THE HILLSIDE ORDINANCE IMPOSES A LIMIT OF 5000 SF OF TOTAL COMBINED BUILDING PAD AREA ON a LOT.

IN THE ALTERNATIVE, GRANT THE APPEAL, AFFIRM that THE HILLSIDE ORDINANCE IMPOSES A LIMIT OF 5000 SF OF TOTAL COMBINED BUILDING PAD AREA ON EACH LOT, and REQUIRE AN ENVIRONMENTAL IMPACT REPORT.

APPEAL APPLICATION FORM ATTACHMENT
227 BRAZIL STREET, SONOMA
APPELLANT INFORMATION AND SIGNATURES

STEVEN W. MacROSTIE *Steven W. Macrostie*

THALE S. MacROSTIE *Thale Macrostie*
148 4TH STREET EAST, SONOMA 707.935.1003

ARTHUR GRANDY *Arthur Grandy*

MAGARET GRANDY *Margaret Grandy*
131 4TH STREET EAST, SONOMA 707.721.1147

SHAUN BODINGTON *Shaun Bodington*

REBECCA BODINGTON *Rebecca Bodington*
417 BRAZIL STREET, SONOMA 707.938.2981

MIKE CARROLL *Mike Carroll*

KAREN CARROLL *Karen Carroll*
128 4TH STREET EAST, SONOMA 707.938.1295

PETER SAIBENE *Peter Saibene*

MICHELLE SAIBENE *Michelle Saibene*
200 4TH STREET EAST, SONOMA 707.938.1440