

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: 149 Fourth Street East / APN 018-091-018 (aka Lot 2)

Staff Contact: David Goodison, Planner 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 149 Fourth Street East (APN 018-091-018 / Lot 2)./;;;;;0

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 interior 2.8-acre parcel with access from an existing private driveway originating at the intersection of Fourth Street East and Brazil Street. The property is undeveloped supporting open grassland, oak woodlands, and rock outcroppings.

Surrounding Land Use/Zoning: **North:** Single-family home/Hillside Residential
South: Single-family home/Hillside Residential
East: Single-family home/Hillside Residential
West: Recreation court and single-family home/Hillside Residential

Environmental Review:

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

Staff Recommendation:

1. Environmental Review: Adopt Mitigated Negative Declaration.
2. Use Permit Review: Commission discretion.

PROJECT ANALYSIS

BACKGROUND

The subject property (149 Fourth Street East / Lot 2) 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) was only recently recognized by the City as a legal 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-transferable 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 (an adjoining property is not 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, encompassing almost the entirety 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.

March 2017 Planning Commission Review: On March 9, 2017, the Planning Commission considered an application to develop the subject property with a residence and accessory structures (a separate application to develop Lot 3/228 was also considered that evening). After public testimony and discussion, the Planning Commission voted unanimously (7-0) to require preparation of an Initial Study for the project, to evaluate potential grading, drainage, and erosion impacts related to tree preservation and potential visual impacts associated with the proposed detached garage. In addition, through the course of the public hearing, the majority of the commission expressed concern that the project did not meet the intent of the City's hillside development criteria. The minutes from the meeting of March 9, 2017 are attached for reference. In response to the concerns expressed by the Commission, the proposal has been modified, as discussed below.

As directed by the commission, staff has prepared an Initial Study (enclosed) that evaluates potential impacts to trees and views, and addresses other topic areas as well, including biological resources, cultural resources, erosion, and hydrology.

DETAILED PROJECT DESCRIPTION

The project involves construction of a ±5,230-square foot residence, ±900-square foot detached garage, ±2,110-square foot accessory structure, and swimming pool in the south/lower portion of the subject property, in an area behind (west) of the remodeled historic home at 131 Fourth Street East, and north of the Sebastiani residence at 175 Fourth Street East. Slopes across the development site vary, ranging from 5%-25%. The structures employ a modern farmhouse architectural style, utilizing neutral-colored exterior materials including gray/brown vertical siding and brown/charcoal metal roofing and window frames. The residence is designed as a single-story structure with varied roof elements not exceeding 25 feet in height. The detached garage with circular drive is located northeast of the home accessed via an extension off an existing private driveway. The swimming pool and accessory structure are located slightly below the residence to the south. Although the majority of trees on the site would be retained, an arborist report submitted with the application indicates that 39 trees would be removed, most being oak trees with a diameter of less than 12 inches. (A subsequent arborist peer review, attached, estimates that 40 trees would require removal, and identifies an additional six trees that would be significantly impacted.) Grading for the project would be balanced with earthwork calculations estimating 1,540 cubic yards of cut and 1,540 cubic yards of fill. The residential home site would be accessed by an existing private driveway that originates at the intersection of Fourth Street East and Brazil Street. A separate extension off the existing driveway is provided for fire truck access and turnaround west of the building site.

In response to feedback from the Planning Commission's review of the project on March 9, 2017, the applicant integrated the following changes into the project:

- The elevation of the pool terrace and auxiliary structure has been lowered by two feet, bringing the terrace closer to existing grade and reducing the amount and area of fill placement below the terrace by ±450 cubic yards.
- The area of impervious surfaces/concrete around the pool terrace has been reduced, allowing for more landscaping and lessening the amount soil disturbance and post-construction stormwater runoff.

In addition, more recently, a new project architect has been selected (Walton Architecture & Engineering) who has presented further project modifications in conjunction with the civil engineer (refer to attached plans dated July 28 and August 2, 2017 prepared by Walton Architecture & Engineering and Bear Flag Civil Engineering). The project modifications include the following additional changes and are outlined in greater detail in the architect's July 31, 2017 memo (attached):

- The amount of cut and fill for the project has been further reduced by ±240 cubic yards (from 1,780 to 1,540 cubic yards).
- The second floor level and 1,100 square feet of floor area has been eliminated from the accessory building, in conjunction with a reduction in height of three feet to the main roof peak.
- To further minimize grading, portions of structures are excavated into the hillside with changes to retaining walls.
- Four trees previously marked for removal would be preserved.
- The master suite roof form has been revised from a shed to gable.

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, the project would not have a significant impact on public views. Although a number of trees are proposed for removal, replacement plantings would be required on a basis 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 be 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 in 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 and two-story accessory structure have been located on the property to meet the minimum 30-foot setback.

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 0.07 (6.8%). 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 lot coverage in the R-HS zone is 15% of the total lot area. The project would result in a lot coverage of 8%. Staff would note that 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 residence would have a maximum height of ± 25 feet to the highest roof peak and the accessory structure, which is also proposed within the primary building envelope, would have a maximum height of ± 25 feet to the main roof peak and ± 29 feet to the top of the cupola.

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 exceeds the minimum 5-foot setback requirement.

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)	
<i>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.</i>	
Standard	Project Response
<p>1. Structure Height. The height of structures in a hillside area shall not exceed the maximum established by the applicable zoning district.</p>	<p>The maximum building height within the R-HS zone is 30 feet, as measured from finished grade. The residence would have a maximum height of ±25 feet and the accessory structure would have a maximum height of ±25 to the main roof peak and ±29 feet to the top of the cupola</p>
<p>2. Grading and Drainage. (a) Grading shall be designed to:</p> <p>(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.</p>	<p>This standard is rather subjective and therefore subject to interpretation by the Planning Commission. In the project's favor, the use of an existing drive as the starting point for access reduces grading and changes to natural topographic features. In addition, a significant portion of the development site is gently sloping, thereby minimizing the need to alter the natural topography. The residence, detached garage, accessory building, and terraces/patios also generally follow the natural contour of the site and are at different elevations to step down the natural slope. That said, the area of lot pad grading exceeds Guideline 2 (following).</p>
<p>(ii) Retain major natural topographic features (i.e., canyons, knolls, ridgelines, and prominent landmarks).</p>	<p>The building site does not encompass any major natural topographic features as defined (i.e. canyons, knolls, ridgelines, and prominent landmarks).</p>
<p>(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 by the city engineer.</p>	<p>This requirement is implemented by draft Condition of Approval 2.</p>
<p>(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.</p>	<p>2:1 slopes are proposed at certain locations, 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.</p>
<p>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.</p>	<p>In general, access to the project would be provided from an existing private driveway. Two extensions off the existing driveway are proposed, one to access the garage and a second to provide required Fire Department access and a fire truck turnaround.</p>

neer and fire department.	
Design Guidelines (19.40.050.E)	
<i>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.</i>	
Guideline	Project Response
1. <i>Terrain Alteration.</i> The project <i>should</i> 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 <i>shall</i> be avoided.	The project would alter the terrain to some degree. However, the development site was selected because of its gentle slopes and minimal visibility.
2. <i>Lot Pad Grading.</i> Lot pad grading <i>should</i> 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 <i>should</i> 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. <i>Site and Structure Design.</i> Site design <i>should</i> utilize varying structure heights and setbacks, split-level foundations, and retaining walls to terrace structures with the direction of the slope.	The residence, detached garage, accessory building, and terraces/patios are at different elevations to step down the natural slope, in conjunction with retaining walls.
4. <i>Lot Line Locations.</i> Lot lines <i>should</i> 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. <i>Design and Location of Structures.</i> (a) The form, mass, and profile of the individual buildings and architectural features <i>should</i> 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 separations to permit structure to step up the natural slope;	Elements of the project are stepped on the slope, with the detached garage, residence, terraces/patios, pool and accessory building at different elevations
(ii) Detaching parts of a dwelling (e.g., garage); and	The garage is proposed as a detached building as well as the accessory structure.
(iii) Avoiding the use of gable ends on downhill elevations. The slope of the roof <i>should</i> be oriented in the same direction as the natural slope.	No gable ends are proposed on the east-facing downhill elevation.
(b) Excavate underground or utilize below grade rooms to reduce the visual bulk of a structure.	Not implemented. However, a large portion of the development site is gently sloping and public/private views of proposed improvements would be minimal.
(c) Use roofs on lower levels as open space decks for upper levels.	Not implemented, in part because the residence is a one-story building.
(d) Exterior structural supports and undersides of floors and decks not enclosed by	Not applicable.

walls may be permitted provided fire safety and aesthetic considerations have been adequately addressed.	
(e) Building materials and color schemes <i>should</i> blend with the natural landscape of earth tones and natural vegetative growth.	Neutral-colored exterior materials, including gray/brown vertical siding and brown/charcoal metal roofing and window frames are proposed to blend with the natural environment, and would be further refined through a subsequent design review process with the City's Design Review & Historic Preservation Commission (DRHPC) under draft Condition of Approval 10.
6. <i>Retaining Walls</i> . Retaining walls that result in large uniform planes <i>shall</i> be avoided. Retaining walls <i>shall</i> be divided into elements and terraces with landscaping to screen them from view. Generally, no retaining wall <i>should</i> be higher than five feet. When a series of retaining walls is required, each individual retaining wall <i>should</i> be separated from adjacent walls by a minimum of five feet.	Proposed retaining walls are all less than five feet in height, except wrapping around the southeast corner of the main terrace, where the retaining wall reaches a height of ±7 feet.
7. <i>Slope Restoration</i> . Transitional slopes <i>shall</i> 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. <i>Reduced Public Street Widths</i> . 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 <i>shall</i> 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. <i>Preservation of Ridgelines</i> . Ridgelines <i>shall</i> be preserved. Structures <i>shall</i> 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 <i>shall</i> 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.	The proposed development site is not in proximity to a ridgeline.
Evaluation of Applications: Objectives (19.40.050.E)	
<i>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.</i>	
Objective	Project Response

1. The preservation of natural topographic features and appearances by maintaining the natural topography to the greatest extent possible;	In part, the development site was selected because of its gentle slopes in order to minimize changes to the natural topography.
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;	Natural rock outcroppings at the site would largely be preserved, and while a significant number of trees are proposed for removal (40) the majority of trees on the property and around the development site would be retained.
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 structures have varying setbacks and building heights and use neutral-colored exterior materials to blend with the natural environment. In addition, the development site was selected because of its gentle slopes and minimal visibility.
4. The utilization of clustered sites and buildings on more gently sloping terrain to reduce grading alterations on steeper slopes;	The auxiliary structure and a portion of the residence are proposed in an area with gentle slopes to reduce grading on steeper slopes.
5. The utilization of building designs, locations, and arrangements that protect views to and from the hillside area;	The development site was selected because of its gentle slopes and minimal visibility. In addition, the residence generally follows the contour of the land and has been kept at a single story to further minimize visual impacts on neighbors and the public.
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.	Access to the site is provided primarily from an existing private driveway to minimize grading.

While the project proposes a substantial amount of floor area, grading, and tree removal there are property characteristics and aspects of the project design that help to meet many objectives of the City's Hillside Development criteria as identified in the table above. The most notable inconsistency with the guidelines is that proposed lot pad grading for structures is roughly 7,000, and in combination with vehicle parking/drive areas, and patios/terraces totals over 15,000 square feet, 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. Another aspect of the most recent revision worth noting is the change in the master suite roof form from a shed to gable, which increases the volume and height of this element on the eastern and most visible portion of the residence.

As discussed in the under background, at the March 2017 review, the majority of the commission expressed concern that the project did not meet the intent of the City's hillside development criteria. Accordingly, the Planning Commission must determine whether the modifications to the project adequately respond to these concerns.

In terms of views, as discussed under Section 1 (Aesthetics) of the Initial Study, the proposed building site is relatively low on the hillside, not in proximity to a ridgeline, and well shielded from public views given the site terrain and surrounding trees that would be preserved. The residence has also been kept at a single-story and exterior building materials and colors have been selected to blend with the natural surroundings. As a result, the proposed improvements would be significantly screened from public view, although some elements of the project (i.e., the detached garage and east wing of the home) may be discernable from limited public views to the east. However, as demonstrated by the view perspectives provided within the project submittal these public views would be limited and filtered by other features, notably surrounding trees/foliage and the residence at 131 Fourth Street East.

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 Diagram 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 biological and cultural resources. The analysis and findings of the Initial Study in these areas are summarized below.

1. Trees. The arborist report indicates that constructing the project would require the removal of 38-40 trees, the majority of which are oak trees with a diameter of less than 12 inches. Of the tree proposed for removal, roughly 55% have a diameter of 8 inches or less, and roughly 30% have a diameter between 9 to 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 pre-construction drainage conditions to the maximum extent possible. Proposed drainage improvements have been designed to avoid 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.

- Grading for the residence consists of cut slopes on the uphill side and a fill slope downhill of the pool terrace. The downhill side of the residence is on-grade and does not include any major grading. Retaining walls have been designed to minimize impacts to a nearby grove of trees (trees 44, 45, 46, and 47 in the arborist report).
- The cut slope above the residence has been reduced to minimize impacts to uphill trees. Retaining walls are designed to pull excavation near or outside of the driplines of trees 21, 24, 33 and 34 in the arborist report.
- Small landscape walls have been designed to pull excavation out of driplines. These walls have been designed to reduce grading impacts on trees 21, 24, 31, and 33 in the arborist report.
- As part of the drainage plan, outlets for stormwater runoff have been located in areas that are not directly uphill of existing trees to avoid oversaturation 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. 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).

3. 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. While some of the proposed improvements would be discernable from limited public views to the east, in general, the project would not significantly impact public or private views. 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. Since the commission did not previously feel the project conformed to the intent of the hillside development criteria, the commission must evaluate and determine whether the project revisions to date adequately address concerns in this regard.

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 the removal of trees.

RECOMMENDATION

Staff recommends the following:

1. Environmental Review: Adopt Mitigated Negative Declaration.
2. Use Permit Review: Commission discretion. The Planning Commission needs to determine whether the revisions made to the project are substantially responsive to the concerns expressed at the meeting of March 9, 2017.

Attachments:

1. *Draft Resolution Adopting Findings of Negative Declaration*
2. *Draft Findings of Project Approval*
3. *Draft Conditions of Approval & Mitigation Monitoring Program*
4. *Minutes of the Planning Commission meeting of March 9, 2017*
5. *Development Code Section 19.40.050 (Hillside Development)*
6. *Correspondence*
7. *Revised Project Submittal from Walton Architecture & Engineering, dated July 28, 2017 and August 2, 2017 (for previous Nick Lee Architecture submittal refer to Initial Study Attachment 1)*
8. *Letter from the Inman Law Group, LLP to Ross Edwards, dated June 7, 2017 (refer to Initial Study Attachment 3)*
9. *Tree Diagram exhibit (refer to Initial Study Attachment 4)*
10. *Tree Preservation and Mitigation Report for 149 4th Street prepared by Horticultural Associates, dated June 7, 2017 (refer to Initial Study Attachment 6)*
11. *Peer Review of Arborist Reports prepared by MacNair & Associates, dated July 25, 2017*
12. *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 (via email)
Ross Edwards, Caymus Builders (via email)
Bill Jasper (via email)

Arthur & Margaret Grandy
131 Fourth Street East
Sonoma, CA 95476

CITY OF SONOMA

RESOLUTION

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SONOMA
ADOPTING FINDINGS OF NEGATIVE DECLARATION WITH REGARD TO THE
LOWER LOT 2, PROPOSED RESIDENCE AT 149 FOURTH STREET EAST
(APN 018-091-018 / LOT 2)**

WHEREAS, an application has been made for a Use Permit to construct a residence, detached garage, accessory structure, and swimming pool on a 2.8-acre hillside property at 149 Fourth Street East; 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
Lower Lot 2, Hillside Residence
149 Fourth Street East (APN 018-091-018 / Lot 2)

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.

City of Sonoma Planning Commission
**CONDITIONS OF PROJECT APPROVAL AND
MITIGATION MONITORING PROGRAM**

Lower Lot 2, Hillside Residence
149 Fourth Street East (APN 018-091-018 / Lot 2)

August 10, 2017

1. The project shall be constructed in conformance with the approved floor plans and exterior building elevations prepared by Walton Architecture & Engineering (Drawings a.2.1-a.3-6, dated July 28, 2017 and August 2, 2017), and the preliminary site plan and preliminary grading plans prepared by Bear Flag Engineering Inc. (Sheets C1-C3, dated July 28, 2017), except as modified by these conditions and the following:
 - a. The PG&E and AT&T/Comcast easement and associated utility lines that cross the lower part of the lot shall be re-located outside the limit/footprint of proposed structures.
 - b. An easement shall be recorded in favor of the subject property for the fire truck access and turnaround located on adjacent parcel(s).

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 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 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, subject to the review and approval of the Planning Director and the City Attorney. 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