

**CITY OF SONOMA**

**RESOLUTION**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SONOMA  
ADOPTING FINDINGS OF NEGATIVE DECLARATION WITH REGARD TO THE  
UPPER EAST LOT 3, PROPOSED RESIDENCE AT BRAZIL STREET  
(APN 018-051-007 / LOT 3 OR LOT 228)**

WHEREAS, an application has been made for a Use Permit to construct a residence, detached garage, and swimming pool on a 2.69-acre hillside property at Brazil Street / APN 018-051-007 (aka Lot 3 or Lot 228); 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 East Lot 3, Hillside Residence  
Brazil Street (APN 018-051-007 / Lot 3 or Lot 228)

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**

Upper East Lot 3, Hillside Residence  
Brazil Street (APN 018-051-007 / Lot 3 or Lot 228)

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.3.4 dated April 14, 2017), and the preliminary civil plans, including the preliminary driveway plan (Sheet C2) and preliminary site plan and grading plan (Sheets C1 and C2) prepared by Bear Flag Engineering Inc. (dated May 24, 2017), except as modified by these conditions and the following:
  - a. The west end of the residence's main floor, identified on the Main Level Floor Plan (Drawing a2.1) as the Master Bedroom and adjoining portion of the Master Passage, shall be eliminated to reduce the visible mass of the structure.
  - b. Any changes in the approved building and improvement plans that add building height, floor area, or paving, or that result in the removal of additional trees are prohibited, unless prior approval by the Planning Commission is obtained through a Use Permit revision.

*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. No added drainage from hardscape, roofs, or pool improvements shall be allowed to leave the site. Improvement plans shall document how drainage will be treated on-site and at the property lines to prevent inundation of neighboring properties. 10-year event overflow site drainage shall be directed to city-right-of-way where applicable. If deemed necessary by the City Engineer, a system to detain post-developed flows shall be designed in accordance with City, County, and State standards.

*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.
  - g. All required fire lanes shall be signed and/or striped for "no parking" subject to the review and approval of the Fire Marshall. Required markings shall be maintained.

*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 228 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. Replacement trees used for screening shall be limited to native species.
  - d. The recommendations and tree protection measures set forth in the Tree Preservation and Mitigation Report for Lot 228 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.
  - e. Tree fencing and any other required protective measures shall remain in place until their removal is authorized by the project arborist.

- f. The project arborist shall be on-hand during initial grading and trenching to monitor compliance with tree protection measures.
- g. The project arborist shall perform a follow-up inspection prior to the issuance of any certificate of occupancy to verify that trees required for preservation have been preserved.

*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 (CC&Rs), shall be developed subject to review and approval by the City. The CC&Rs shall address the following:

- a) Provide for the long-term preservation and maintenance of existing trees on the property, especially tree clusters that screen improvements from public views.
- b) Provide for the long-term preservation and maintenance of replacement trees planted for the purpose of screening.
- c) The on-going maintenance of required drainage improvements (including bioswales and detention) and retaining walls.
- d) Provisions for enforcement by the City of Sonoma.

The CC&Rs shall be subject to the review and approval of the Planning Director, the City Engineer, and the City Attorney. The CC&Rs shall be recorded on the property and shall include exhibits defining the location and extent of trees/woodlands and drainage improvements subject to the tree protection restrictions.

*Enforcement Responsibility:* Planning Department; City Engineer; 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*