

## Rebekah Barr

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**From:** mike <mike@garavaglia.com>  
**Sent:** Wednesday, July 25, 2018 12:14 PM  
**To:** City Council; David Goodison  
**Subject:** Sonoma Cheese Factory  
**Attachments:** 18.07.25Cheese Factory.pdf

Please see attached letter.

Sincerely,

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Michael Garavaglia, A.I.A. LEED AP BD+C  
President, Garavaglia Architecture, Inc.

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25 July 2018

City of Sonoma  
Mayor Agrimonti and City Council Members  
[CityCouncil@sonomacity.org](mailto:CityCouncil@sonomacity.org)  
Planning Director, David Goodison  
[davidg@sonomacity.org](mailto:davidg@sonomacity.org)  
No. 1 The Plaza  
Sonoma, CA 95476

Re: Appeal Sonoma Cheese Factory Reconfiguration and Expansion

Dear Mayor Agrimonti and City Council Members,

I have been asked by the appellants and citizen's group, Protect Our Plaza, to provide input on the historic preservation aspects of the project review and approval determinations as presented in the MND and other approval documents. My review focuses on the impacts to historic resources.

### **CULTURAL RESOURCES**

The historic resource evaluation found that the Sonoma Cheese Factory was found eligible for the CA Register under Criterion 1 (association with events). This cheese-making context is well presented and initial historic eligibility determination logical - but not complete. The existing building, as an early cheese making facility, is also a type of building designed for a specific purpose. Therefore it should be considered historic for that reason under Criterion 3. Criterion 3 should not be limited to architectural style as it also includes types of building. As this building has a strong relationship to the cheese making industry, and may be one of the earliest and most prominent cheese making factories in the City of Sonoma, the entire building that evolved over its period of significance should rise to a higher level of importance. Also, changes that were made over time to accommodate cheese-making functions should be evaluated for consideration as character defining features.

**Analysis of character defining features-** the original evaluation generally misstated the importance of the body of the building and rear additions. Rear additions that occurred prior to the end of the buildings POS (1968) are all part of the development of the factory building supporting the cheese-making operation. Only changes to the building that occurred after the POS can be considered non-contributing. The fact that the original use is no longer present in a space does not change the reason that the functional space was built in the first place. The MND improperly states that the POS for the building is 1945, when in fact it is 1945-1968. Being the building is potentially eligible under Cal Register Criterion 1 (events), the POS reflects a period of time when the cheese-making operations were ongoing.

Innovating Tradition

Statements regarding the change of use of spaces in the building such as "additions are no longer used for cheese production" and conclusions drawn that they are therefore not character defining are not applicable. As long as the building elements retain their original configuration they are character defining. It would be comparable to say that "because a building is vacant, it can't be historic"- this isn't the case in historic building evaluations.

There is a lack of discussion regarding the cheese making process. Without this understanding, and without a discussion of the way the building was used in that process (nor an evaluation of the historical integrity of the spaces), one cannot conclude that additions are not part of the historic property. The utilitarian characteristic of the additions also has no bearing on the historic nature of portions of the structure. As they are part of a factory representing an industrial process, a utilitarian characteristic could easily be expected.

### **AESTHETICS**

Regarding the Aesthetics section of the MND - the primary design concept that the project attempts to use for compliance with the Standards is the idea that a remnant portion of the eligible building is sufficient to communicate the history behind cheese making in Sonoma. Being 90% of the structure is being demolished, with only an appendage of the building's facade remaining, the new building can hardly be called an addition. The new building should reference the remnant appendage of the original building as such.

A 1 1/2 page peer review of the projects impact's analysis finds no problems with the proposed project "appendage" concept as being in keeping with NPS documents regarding the handling of historic structures. It oddly quotes one sentence out of the Standards regarding "economic and technical feasibility". As with many complex issues, a sound-bite cannot substitute for a complete analysis nor and full understanding of the Standards. A full reading (and thorough understanding) of the Standards would show that retention of character defining features are, in fact, a very important aspect of building preservation and that the Standards are to be applied within the context of protecting that historic significance and fabric. The equation does not allow removal of historic fabric to be justified solely on grounds of economic or technical feasibility.

The materials used on the new building have little relationship to the materials of the factory, choosing a primary material (wood) assumed to be from the adjacent historic Servants Quarters horizontal siding. The wood screen is oriented in a vertical pattern with no relationship to its surroundings. The stone material used is referenced to blend with the planters of the same project's design - not necessarily from surrounding context.

The proposed new building looms over the historic Servant's Quarters, changing the setting of the Park's historic structures and views to the mountains beyond from various vantage points from the Southeast and East.

The effective height of the new building is significantly taller than the existing building in that the new parapet juts up at the exterior wall, while the existing building has a sloped gable roof sloping up from the east and west to a center ridge. Viewed from the Plaza, street, or from the State Park property, the existing building is visually lower than the proposed.

### **MITIGATIONS**

Mitigations are used in a confusing fashion in the MND. Mitigations, in this case, should not be used as compensation for the loss of critical historic character defining features. The suggested primary, non-tangible, mitigations do not protect the exiting historic fabric.

The use of an "affinage element" (cheese related use of space) as a substitute for protection of historic significance and character defining features is not comparable to the retention of actual historic fabric. It does not substitute for the removal of historic fabric, nor should it be considered as complying with the Secretary of the Interior's Standards for Rehabilitation.

Additionally Interpretive displays and HABS documentation are not substitution for compliance with the Standards. These two tasks are to document and share what will be lost, so not a mitigation as such for the demolition of character defining features. These types of products are often used as adjunct activities after finding significant impacts- they do not reduce impacts to less than significant.

HABS documentation should also be performed on the Servants Quarters as the adjacent project's construction activities have a potential for damage State Parks property. Additional specific construction related protections should be evaluated, approved, and put into place before construction commences. These protections should be lead by a qualified historical architect / engineer meeting NPS professional qualification standards. Currently the historic building protections are inadequate for the subject property or adjacent historic properties.

**Impacts to the adjacent Servant's Quarters-** the walkway being proposed by the developer does not show any detail, nor do the conditions of approval fully acknowledge, the need for protection of the adobe material of the West wall of the historic Servants Quarters. Adobe is one of our most fragile archaic building materials - primarily damaged by moisture and physical contact. The burden of project review has been placed on State Parks as the arbiter of what is correct as opposed to the City having an expectation of the developer to present an appropriate design. The walkway is shown overlapping the property line and there is a good chance that moisture-trapping materials will be placed right up to the Servants Quarters building. In addition, landscaping materials may also be placed, along with inappropriate irrigation of that landscaping. Physical contact between passersby and any equipment moving along the walkway have the possibility of damaging the earthen wall and plaster finish. All of these items can be established as part of the project design in relation to sensitive adjacent historic materials.

#### **STATEMENT OF FINDINGS OF FACTS AND THE CONDITIONS OF PROJECT APPROVAL**

**SOFF - Aesthetics- 2. Consistency with Design Guidelines.** As stated in the Project documents the guidelines are explicitly based on the SISR, and are to be applied MORE STRICTLY to project review in Sub-area 1. Quoting the SOFF: "Specifically, the project is evaluated in terms of Chapter 5: "Guidelines for Additions to Existing Buildings." Because the project site is located within Sub-Area 1 of the Downtown District, which comprises the area of encompassed by the Sonoma Plaza National Historic Landmark and the Sonoma Plaza National Register Historic District, the guidelines are to be applied more strictly than would be the case otherwise."

Great liberties have been taken with the Standards as they have been applied to this project. It is unclear how strict interpretation of the Standards have been established when the degree of character defining feature demolition has exceeded 90%, and such concepts as HABS documentation and interpretive panels mitigate the loss of historic fabric. This is not considered best practice in the management of historic resources.

**COA - 11F. Resource Protection:** Although vibration related to construction activities are to be monitored for the Servants Quarters, additional construction related monitoring should be undertaken with much more elaborate direction from the MND.

As the analysis of the historic resource is not complete and seemingly inappropriate, the resulting analysis and mitigations in the MND are misleading or incorrect. The project should receive the attention of a full Environmental Impact Report. Please uphold the appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Garavaglia". The signature is fluid and cursive, with a large loop at the end.

Michael Garavaglia, A.I.A. LEED AP BD+C  
President, Garavaglia Architecture, Inc.

July 23, 2018

Sonoma City Council  
No. 1 The Plaza  
Sonoma, CA 95476

RECEIVED  
JUL 24 2018  
SONOMA CITY CLERK

RE: July 30, 2018 Meeting Regarding Sonoma Cheese Factory

Dear Council Members of the City of Sonoma,

Our family owns the building at 8 West Spain Street, Sonoma, currently leased to Mary's Pizza Shack where they have been operating a restaurant since 2004. Our building lies immediately to the west of Sonoma Cheese Factory and stands to be the most impacted by this proposed development. Initially, Sonoma Cheese Factory was granted the right to renovate the buildings' first floor *working within the buildings existing footprint*. The current proposal allows the Cheese Factory to enlarge their building up to the western most edge of the property line and abut the eastern side of our building. We strongly believe insufficient consideration has been given to the aesthetic impact of increasing the footprint of the Sonoma Cheese Factory building and closing down the open space between the two buildings.

We would like to work with the developer on an alternative approach to the space between our two buildings that would be beneficial to both property owners and the greater community. For example, we have an opportunity to create an inviting paseo with murals on the walls of the buildings. The paseo can be made welcoming and walk able, a place where a part of the story of early Sonoma can be told. This type of public art adds value and interest to a community. People are attracted to these spaces and like to spend time enjoying them. The current Sonoma Plaza paseos are one of the most beloved aspects our town and a considerable attraction to visitors. The opportunity to create another lovely space for people to enjoy should seriously be considered.

Permanently walling up the driveway between the two buildings destroys the light, air, openness and views between the buildings. At this time, if one were to stand in the Sonoma Plaza and look north, one would see through the buildings and on up to trees, hills and the sky beyond. Even a small open space can be significant. Allowing this project to expand to such an extent would result forever in a lost opportunity to further enhance and preserve the charm of our plaza.

We respectfully urge the City to keep the Sonoma Cheese Factory footprint within its original boundaries.

Very truly yours,



Bill Marioni  
Co-Managing Partner Spain Street Partners, LLC

cc: Steve Carlin, Developer

## Rebekah Barr

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**From:** Michelle Lacy <michellelacy@icloud.com>  
**Sent:** Monday, July 23, 2018 12:57 PM  
**To:** City Council; Madolyn Agrimonti; David Cook; Gary Edwards; Amy Harrington; Rachel Hundley  
**Subject:** Sonoma Cheese Factory Project

Dear City Council,

I wanted to express my strong support for the proposed Sonoma Cheese Factory project. PLEASE help this project come to fruition. I have lived in Sonoma for almost seven years and like most locals, I'm very concerned about the health and vibrancy of our beloved plaza. Many shops have closed and more are planning to close shortly. We do not want more tasting rooms and we do NOT like the new aggressive "skin care" business! We need more food choices and more quality retail.

Many of us worry that the city is not making it easy for worthy business owners to come set up shop in this town. We need to breathe new life into the plaza and this project makes sense. I reviewed the Powerpoint and it is well thought out and exactly what the plaza needs now.

Sincerely,

Michelle Lacy

**Rebekah Barr**

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**From:** Karin Skooglund <karinskooglund@gmail.com>  
**Sent:** Tuesday, July 24, 2018 11:59 PM  
**To:** City Council  
**Subject:** Cheese Factory appeal

Dear City Council Members:

Please uphold the appeal of the Cheese Factory's renovation approved by the planning commission.

This could be a good project for our city, but as proposed, it is too large, inconsistent with our development code, and had an inadequate environmental review.

The Plaza and adjacent areas are clogged with cars and the beauty of the area is bespoiled by too much traffic.

Furthermore, please consider your planning commission appointments more carefully: the necessity for appealing their decisions is becoming routine.

Many thanks.

Sincerely,  
Karin Skooglund

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*Karin Skooglund*  
[karinskooglund@gmail.com](mailto:karinskooglund@gmail.com)  
707-772-7465



## Rebekah Barr

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**From:** Andriana Lely-Gibson <a.lelygibson@gmail.com>  
**Sent:** Tuesday, July 24, 2018 12:16 PM  
**To:** City Council  
**Subject:** Cheese Factory Redevelopment

Dear City Council,

I am a 2nd generation life long resident of Sonoma. My father was an active local community member and builder. I know and understand how our city has changed over the decades.

It is this history and knowledge of development and design that has led me to write this as I find the current Cheese Factory proposal shocking.

I am pro business and find the interior redevelopment of this building and business is overdue. What I have an issue with is the exterior proposal and expansion. If the current design is approved I strongly believe that it will dwarf and distract for the historical beauty of the Barracks State Park distracting from what makes Sonoma unique and leading us ever closer to common corporate design. Sonoma can and should demand better.

I appreciate seeing some of the considerations that have already been made regarding the design however the current renderings make me think of the new Napa Century Movie Theatre development and not Sonoma.

I ask that you scrutinize this proposal and continue to challenge it before offering a final approval.

The multi vendor and restaurant style business would be great for Sonoma but in another location such as Broadway or 8th Street. The historic integrity of our plaza should be embraced not diluted.

Thank you,  
Andriana Lely  
Sonoma resident  
Visual Designer

Sent from my iPhone

**Rebekah Barr**

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**From:** ROBERT B <goundou@comcast.net>  
**Sent:** Tuesday, July 24, 2018 1:46 PM  
**To:** City Council  
**Subject:** Cheese Factory

As a resident of Sonoma I strongly object to the very significant expansion of the Cheese Factory.

Robert Coulter  
193 Guadalupe Dr  
Sonoma, CA

Sent from XFINITY Connect Application

**Rebekah Barr**

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**From:** Rachel Mansfield-Howlett <rhowlettlaw@gmail.com>  
**Sent:** Wednesday, July 25, 2018 1:53 PM  
**To:** City Council; David Goodison  
**Subject:** Appeal letter Sonoma Cheese Factory Expansion Project

Attachment available until Aug 24, 2018

On behalf of Appellants and the citizens' group, Protect Our Plaza, please accept this letter pertaining to the appeal of the adoption of the MND and the approvals for the Sonoma Cheese Factory Expansion and Reconfiguration Project. A hard copy will also be delivered to the City by close of business, today.

Thank you.

[Click to Download](#)

Cheese Factory Expansion appeal letter 7-25-18-signed.pdf  
29.9 MB

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ATTORNEYS AT LAW  
Douglas B. Provencher  
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OF COUNSEL  
Rachel Mansfield-Howlett  
Roz Bateman Smith

City of Sonoma  
Mayor Agrimonti and City Council Members  
CityCouncil@sonomacity.org  
Planning Director, David Goodison  
davidg@sonomacity.org  
No. 1 The Plaza  
Sonoma, CA 95476

*Via Email and Hand Delivery*

July 25, 2018

Re: Appeal, Sonoma Cheese Factory Reconfiguration and Expansion

Dear Mayor Agrimonti and City Council Members,

On behalf of Appellants and the citizens' group, Protect Our Plaza, thank you for the opportunity to address the Council regarding the adequacy of the Initial Study /Mitigated Negative Declaration (MND), attendant approvals, and findings prepared for the Sonoma Cheese Factory Project ("Project", hereafter).

It is my considered legal opinion, having litigated many of these types of cases, that the City has several legally compelling reasons to reject the approval of the MND and the Planning Commission's approval and findings for the Project in favor of preparing an Environmental Impact Report (EIR).<sup>1</sup>

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<sup>1</sup> My law practice focuses exclusively on the enforcement of CEQA. I have acted as lead or co-counsel for Petitioners in several successful CEQA cases: *Healdsburg Citizens for Sustainable Solutions v. City of Healdsburg* (2012) 206 Cal. App. 4th 988; *Committee for Green Foothills v. Town of Los Gatos* (2009) Case No. 108-CV-106461; *Save San Juan Valley v. Caltrans* (2010) Case No. CU-08-00176; *Healdsburg Citizens for Sustainable Solutions v. City of Healdsburg* (2010) Case No. SCV-243748; *Friends of Historic Hangtown v. City of Placerville* (2011) Case No. PC-20110145; *North Sonoma County Health Care District, Sierra Club v. County of Sonoma* (2011) Case No. SCV 248271; *Los Gatos Citizens for Responsible Development v. Town of Los Gatos* (2010) (2012) Case No. 111-CV-209214 (Petition and Return to Writ); *People's Coalition for Government Accountability v. County of Santa Clara*,

The MND is inadequate and incomplete and fails to adequately analyze impacts to aesthetics, traffic, historic and cultural resources and cumulatively significant impacts. Considering the substantive comments from experts Tom Brohard, PE, principal Tom Brohard and Assoc., regarding the Project's traffic impacts and expert Mike Garavaglia, AIA, LEED BD+C, principal Preservation Architect with Garavalia Architecture, Inc., and the testimony from concerned area residents, a fair argument of potentially significant impacts is established such that the City is required to prepare an EIR for the Project. Such review will allow for the fair analysis of the Project's impacts and consideration of appropriate mitigation and alternatives.

The letters and emails submitted for the March 22 and April 12, 2018 Planning Commission hearings, the videos, minutes, and testimony given at the hearings are incorporated here by reference.

### **Legal Standards**

CEQA defines substantial evidence, including evidence required to support a fair argument, as "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Preparation of an EIR rather than a Mitigated Negative Declaration (MND) is required if there is substantial evidence in the "whole record" of proceedings that supports a fair argument that a project "may" have a significant effect on the environment. (CEQA Guidelines § 15064 (f)(1.); *Friends of the San Mateo Gardens v. San Mateo Community College District* (2016) 1 Cal. 5th 937, 957, 959 "Gardens I"; *Friends of the College of San Mateo Gardens v. San Mateo Community College District* (2017) 11 Cal. App. 5th 596, 609-611; "Gardens II"; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111-112; *Sierra Club v. California Department of Forestry and Fire Protection* (2007) 150 Cal.App.4th 370.)

An EIR must be prepared whenever there is substantial evidence that significant effects "may" occur. (Public Resources Code §§ 21082.2(a), 21100, 21151.) "May" means a reasonable possibility. (*League for Protection v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.) Courts have repeatedly affirmed that the fair argument standard is a "low threshold test."

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Case No. (2013) Case No. 112CV236397; *Citizens for Responsible Development v. City of Santa Clara* (2015) Case No. 1-14-CV-275522; *Keep Fort Ord Wild v. City of Monterey* (2017) Case No. M114961.

*Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4<sup>th</sup> 144, 151, stressed the “low threshold” vis-à-vis the presence of a fair argument, noting that a lead agency should not give an “unreasonable definition” to the term substantial evidence, “equating it with overwhelming or overpowering evidence. CEQA does not impose such a monumental burden” on those seeking to raise a fair argument of impacts.

First-hand lay perceptions regarding non-technical impacts meet legislative definitions of substantial evidence because they qualify as “facts [and] reasonable assumptions based on facts” under Public Resources Code §§ 21080(e)(1) and 21082.2(c). Testimony of area residents that are not qualified environmental experts qualifies as substantial evidence when based on relevant personal observations. (*City of Carmel By-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 246 n.8; *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872, 882; *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173 (“ . . . an adjacent property owner may testify to traffic conditions based upon personal knowledge. . . . ”); *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4<sup>th</sup> 1597, 1604-1605; *Arviv Enterprises v. South Valley Planning Commission* (2000) 101 Cal.App.4<sup>th</sup> 1333 (relevant personal observations of neighbors regarding slope, dust, erosion, and access problems supported EIR.)

A conflict in expert opinion over the significance of an environmental impact normally requires preparation of an EIR. (Guideline § 15064(g); *Sierra Club v. CDF* (2007) 150 Cal.App.4<sup>th</sup> 370.) Opinions based on the expertise of planning commissioners and other public officials with expertise in land use and planning also qualify as substantial evidence supporting a fair argument. (*Stanislaus Audubon Society v. County of Stanislaus* (1996) 48 Cal.App.4<sup>th</sup> 182; *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4<sup>th</sup> 903, 934; *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4<sup>th</sup> 1095, 1115.) Here, expert testimony supports a fair argument of the Project’s significant environmental impacts, triggering preparation of an EIR.

### **Traffic, Circulation, and Pedestrian Impacts**

The MND’s claim that traffic impacts have been reduced to insignificance is not supported.

As an initial matter, the MND states that intersections are exempt from the City’s Level of Service (LOS) D policy while also stating that traffic impacts should be analyzed. (MND p. 54.) To be clear, regulatory standards do not defeat a fair argument. (*Communities for a Better Environment v. California Resources*

*Agency* (2002) 103 Cal.App.4th 98; *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281 (CBE).) The Court in CBE struck down some of the 1998 amendments to the CEQA Guidelines. These included the invalidation of a new Guideline provision addressing “thresholds of significance.” The Guideline would have allowed a negative declaration to rely on adopted regulatory standards. (Former Guidelines § 15064(h).) The Court held that “under the fair argument approach, *any* substantial evidence supporting a fair argument that a project may have a significant environmental effect would trigger the preparation of an EIR.” A regulatory standard that does not consider evidence supporting a fair argument violates CEQA. (*Id.* at 112-113; *see also Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, [a city’s policy that traffic studies were not needed for housing projects of less than 40 units could not overcome evidence supporting a fair argument of traffic impacts.].) Here, the City may not use regulatory standards or exemptions to circumvent evidence of a fair argument standard.

Expert Civil and Traffic engineer Tom Brohard reviewed the MND and the supporting studies and found the MND is inadequate and incomplete and the Project will result in traffic and pedestrian impacts. (Attached, 7/23/18 letter from Tom Brohard.) Mr. Brohard found that the MND relied on unrealistically low baseline for traffic volumes that did not properly calculate, evaluate, or analyze the increase in vehicle trips that will be created by the Project. The Project will also result in a significant traffic impact in the PM peak hour under cumulative conditions at the First Street East intersection and East Napa Street. Other errors in the traffic analyses included faulty trip generation rates and failure to consider the Tuesday night farmer’s market in the traffic study. Concerned area residents also attested to existing grid lock conditions on the square and objected to the use of abnormally low traffic volumes derived from the weeks directly following the Napa and Sonoma fires, which were not reflective of typical area conditions.

The MND proposes an in-lieu mitigation fee to reduce traffic impacts due to deficit parking cause by the Project’s increased demand, however, fees imposed to mitigate environmental impacts are subject to environmental review. In *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4<sup>th</sup> 1026, a county ordinance provided for mitigation of impacts to rare plants in specified circumstances by payment of in-lieu fees to acquire and manage rare plant preserves. Since the fee program had not been subjected to environmental review as to its disputed effectiveness in reducing such impacts to a level of insignificance, it could not be relied upon to justify a MND for a project impacting rare plants.

Here, concerned residents and expert Brohard explained that the effectiveness of the \$60 thousand in-lieu fee has not been evaluated and reliance on the fee to mitigate impacts is unwarranted. The Planning Director's assessment that each parking space would cost \$5-7 thousand is not supported by evidence before the Planning Commission. This estimate is also markedly lower than that cited in the City of Napa's parking study, which determined that each parking space would cost upwards of \$23 thousand where land acquisition was necessary. (Attached, Downtown Napa Parking Impact Fee Nexus Study at pg. 16.)

The designation of the Casa Grande property as the permanent location for potential parking is not secure because it is owned by the State and may not be available in the long term. Expert Brohard confirmed that there is no evidence to show whether the in-lieu fee is sufficient to provide the necessary additional parking spaces or if the parking will be provided in a timely manner. The in-lieu fee cannot be relied upon to reduce the Project's impacts to traffic due to the lack of parking.

Appellants note that the unanticipated intensity of use caused by the Napa Oxbow Market, similar to the one proposed by the Project, has created parking problems in downtown Napa. The Napa County Grand Jury May 2017 Final Report describes the problem under the heading, "Impact of Oxbow Development." It states, "Oxbow Market popularity was already creating a parking problem in the Oxbow District when the new South Campus of the Culinary Institute of America (CIA) formally opened at Copia in 2017, sharing the available parking lot. Oxbow's growing popularity has made it a pressure point for Downtown Napa."

Regarding the evaluation of the Project's traffic impacts due to parking shortfalls, the number of parking spaces credited for the Project was miscalculated, which resulted in an undervaluation of the parking deficit that would occur if the Project is approved. The grandfathered parking permits that would increase the number of allotted spaces for the building have expired, therefore the parking credits do not reflect the Project's true parking deficit. Furthermore, the City's parking requirements don't anticipate the intensity of retail use proposed by the Project. The Project increases the number of employees from 10 peak hourly to 60 and the City's parking requirements don't account for a six-fold increase in employee parking for this site.



City policies within the City's Development Code that limit business expansion by requiring additional on-site parking for increased structure square footage and change of use that requires more than one parking space per 300 square feet should be adhered to. (See 4/11/18 letter [with exhibit of Development Code section 19.48.040; application of the Code yields greater number of required parking spaces than is provided by the Project], 3/22/18 email, and 3/8/18 letter from Victor Conforti; 3/7/18 letter from Johana M. Patri, AICP.)

### **Historic Resources Impacts**

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Public Res. Code § 21084.1; Guidelines § 15064.5; *League for Protection v. City of Oakland* (1997) 52 Cal.App.4<sup>th</sup> 896 [demolition of historic building was a significant environmental impact that was not adequately mitigated by display of commemorative plaque and documentation of its historical features]; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4<sup>th</sup> 587 [proposed demolition of historic house to build a new home for Steve Jobs required an EIR].)

The MND claims that potentially significant impacts to historic resources, including the Sonoma Cheese Factory Building, the adjoining Sonoma State Parks and Servants/Quarters building, and the Sonoma Plaza National Historic Landmark/Sonoma Plaza National Register Historic District have been mitigated. This conclusion relies on a determination that only the front facade of the Cheese Factory presents a character defining historic element and destruction of the rest of the Cheese Factory would therefore not be considered an impact.

Historic and Cultural resource expert Mike Garavaglia, AIA, LEED BD+C, principal Preservation Architect with Garavaglia Architecture, Inc., reviewed the MND and the supporting documents and has determined that the one-story block which includes the body of the building and the rear portions of the Cheese Factory, are historically significant, therefore, the demolition of these resources represents a historic impact. (7/25/18 letter from Mike Garavaglia to the City Council.)

According to expert Garavaglia, the body and rear portions of the Cheese Factory are historically significant under Criterion 1 and 3 of the California Register of Historic Resources and the retention of just the façade of the building does not avoid the Project's impacts to historic resources.

Garavaglia's testimony also shows that the Project results in aesthetic and historic impacts because the proposed new building looms over and overwhelms the historic Servant's Quarters, changing the setting of the State Park's historic structures. The greatly increased size of the rear massing of the Cheese Factory visually impacts the Servant's Quarters.

Garavaglia stated that the Cheese Factory is an early cheese making facility and was designed for this specific purpose; the building has a strong relationship to the cheese making industry, and may be one of the earliest and most prominent in the City of Sonoma.

The MND improperly states that the period of significance for the building ends at 1945, when in fact it is 1945-1968. The original historic evaluation misstated the importance of the body of the building and rear additions. Rear additions that occurred prior to the end of the buildings' period of significance (1968) are all part of the development of the building that supported the cheese-making operation. Only changes to the building that occurred after the period of significance can be considered non-contributing. Demolition of the rear additions represents a significant impact.

The demolition of historic character, massing and footprint results in a failure to comply with the Secretary of the Interior's Standards for the Treatment of Historic Buildings. The Project is also inconsistent with the Standards' requirement that new additions will not destroy historic materials or features and that historic features should be protected and preserved in place.

The MND's conclusion that because the proposed demolition is outside of the period of significance, the Project would not affect the landmark or historic status of the Sonoma Plaza National Historic Landmark/Sonoma Plaza National Register Historic District, is also not supported.

### **Aesthetics and Public Views Impacts**

A fair argument of aesthetic impacts in both rural and urban settings triggers the preparation of an EIR. (*Ocean View Estates Homeowners' Association v. Montecito Water District* (2004) 116 Cal.App.4<sup>th</sup> 396 (EIR required based on subjective views of residents regarding potential aesthetic impacts of reservoir project affecting private views and public hiking trail.); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4<sup>th</sup> 903 (EIR triggered by fair argument of aesthetic impacts of urban housing project.)

The fair argument standard as it relates to aesthetic impacts is set forth in the recent California Supreme Court Case, *Gardens I, supra*, 1 Cal. 5th 937, 957 at 959, and in the remand decision, *Gardens II, supra*, 11 Cal. App. 5th 596 at 609-611, which found that lay subjective public opinion supported a fair argument of aesthetic impacts such that an EIR was required to be prepared.

Evidence of aesthetic impacts was submitted by historic expert Mike Garvaglia and by residents' first hand observations documented in the letters submitted to the Planning Commission.

Resident David Echar explained why the Project is not in compliance with the City's Design Guidelines.

- 5.1.1. "Additions should be subordinate to the main building". Subordinate includes both height and mass. The Secretary of Interior's Standards state, "The new addition should be smaller than the historic building—it should be subordinate in both size and design to the historic building." The new building is not smaller than the historic building; thus it is most definitely not subordinate to the historic building.
- The Downtown Design Guidelines state: "compatible additions, and sensitive new construction that is subservient to the adjacent historic buildings." The new building is neither compatible, nor subservient to the Historic Servant's Quarters.
- 5.1.2. "Locate additions where they will be least visible from the public right of way and do not distract from the main building" – the addition is very visible from the public right of way, both Spain Street and the Casa Grande parking lot, and the design, distracts from the main building.

Resident Carol Marcus stated that allowing the Project to be built to the property line on the western edge impacts the views between the buildings on the north side of the Plaza, where the views are to the hills. (3/8/18 letter from Carol Marcus to David Goodison) Marcus state the Project "represents a significant departure from the massing and scale of other buildings around the Plaza." (*Ibid.*) Resident Susan J. Dorey stated that the large Oxbow type expansion of the Cheese Factory will overwhelm the Sonoma Barracks and State Park. (3/7/18 email from Susan J. Dorey to David Goodison.) Resident Patricia Cullinan stated "the new building will dwarf the adjacent Sonoma State Historic Park lessening its ability to tell the story of Sonoma's history." (3/7/2018 letter from Patricia Cullinan to David Goodison.)

## **Greenhouse Gasses (GHG)**

The MND chose the wrong use designation to determine whether the Project would exceed screening criteria under the 2017 BAAQMD Guidelines for assessment of GHG emissions. The Project entails expansion of a restaurant and specialty food market that more resembles the definition of a supermarket designation rather than the shopping center designation used by the MND. The Project exceeds the screening criteria for a supermarket and therefore a detailed air quality assessment must be performed. (Item #4, 3/2018 letter from David Eichar, quoting Christina Morris.)

## **Conclusion**

For the foregoing reasons, the MND and the City's findings are inadequate and incomplete; substantial evidence supports a fair argument of potentially significant impacts; and, an EIR must therefore be prepared as a matter of law prior to further consideration of the Project.

Appellants respectfully request the Council uphold the appeal of the Planning Commission's decision to adopt the MND and the Project.

Sincerely,



Rachel Mansfield-Howlett

Attorney for Appellants and Protect Our Plaza

# Tom Brohard and Associates

July 23, 2018

Ms. Rachel Mansfield-Howlett  
Provencher & Flatt, LLP  
823 Sonoma Avenue  
Santa Rosa, California 95404

**SUBJECT: Review of Initial Study for the Sonoma Cheese Factory in the City of Sonoma – Traffic and Transportation Issues**

Dear Ms. Mansfield-Howlett:

As you requested and authorized, I, Tom Brohard, P.E., have reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) and related documents for Reconfiguration and Expansion of the Sonoma Cheese Factory at 2 West Spain Street in downtown Sonoma.

While the Project is now smaller than originally envisioned, the Project still includes a 3,538 square foot expansion of the 11,397 square foot building plus occupancy and use of currently vacant area within the existing building. Additionally, at least 50 new employees will be added at the site.

Even if the square footage area is calculated correctly in the reports, there is evidence that significant traffic impacts will remain. Baseline data upon which the traffic study is based is flawed. The data was collected during November 2017, an off-season month for Sonoma visitors, and more importantly, it was gathered only two weeks after the October fires had devastated Napa and Sonoma Counties.

Trip generation for the Project was also arbitrarily reduced by 75 percent, a substantial, faulty reduction that is not supported by the supplemental reports provided.

The documents I have reviewed include:

- February 2018 Initial Study for the Sonoma Cheese Factory Reconfiguration and Expansion
- February 14, 2018 Final Transportation Impact Analysis Report (Traffic Study) prepared by Fehr & Peers
- March 20, 2018 Supplemental Traffic Information for the Sonoma Cheese Factory Project Transportation Impact Analysis prepared by Fehr & Peers
- April 9, 2018 Sensitivity Traffic Analysis and Additional Information for the Sonoma Cheese Factory Project Transportation Impact Analysis prepared by Fehr & Peers



**Ms. Rachael Mansfield-Howlett**  
**Reconfiguration and Expansion of the Sonoma Cheese Factory at 2 West Spain Street – Traffic and Transportation Issues**  
**July 23, 2018**

It is my professional opinion that there is substantial evidence that the Sonoma Cheese Factory Project at 2 West Spain Street will have adverse traffic and transportation impacts that have not been properly disclosed, analyzed, and mitigated.

The Traffic Study relies on unrealistically low baseline traffic volumes collected immediately after the fires and does not properly calculate, evaluate, or analyze the increase in vehicle trips that will be created by the Proposed Project. The resulting significant traffic impact in the PM peak hour under cumulative conditions at the First Street East intersection with East Napa Street, as well as currently undisclosed impacts, must be appropriately addressed in an EIR that includes implementation of feasible mitigation measures for the Sonoma Cheese Factory Project.

**Education and Experience**

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 45 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the City of San Fernando. I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects as indicated on the enclosed resume.

**Traffic and Transportation Issues**

Based on my review of the reports, there is a “fair argument” that the Reconfiguration and Expansion of the Sonoma Cheese Factory at 2 West Spain Street will have significant traffic and transportation impacts as follows:

- 1) Site-Specific Retail Square Footage for the Existing Building Has Been Incorrectly Calculated – The Project Description in the Initial Study indicates that there will be a 3,538 square foot expansion of the 11,397 square foot building, bringing the total square footage of the building to 14,935 square feet. The current retail operation in the existing building is about 5,500 square feet, leaving about 6,100 square feet in the existing building not open to the public, in the form of vacant space, offices, and storage. In reality, therefore, the Proposed Project increase in retail square footage goes up from 5,500 square feet to 14,935 square feet with the added building square footage. The

**Ms. Rachael Mansfield-Howlett**  
**Reconfiguration and Expansion of the Sonoma Cheese Factory at 2 West**  
**Spain Street – Traffic and Transportation Issues**  
**July 23, 2018**

expansion of the retail space and the square footage of the Proposed Project is actually about 9,435 square feet, not just the 3,538 square feet in the building's physical addition.

- 2) Trip Generation Rate Calculations Based on Square Footage Are Incorrect - Trip generation rates in the Traffic Study are calculated based on the 11,397 square feet in the existing building, but only 5,500 square feet are being used by the existing retail business. Trip rates must be adjusted to properly represent trips that will be generated by occupancy of the vacant space within the existing building that is now closed to the public as well as the new square footage. This error in the trip generation rate results in trip forecasts that are only about half of what will actually occur. In addition, at least 50 new employees will be added at the site, generating more trips than were forecast by the Traffic Study.
- 3) Trip Generation Rates Were Arbitrarily Reduced To 25% – The Traffic Study developed unique trip generation rates for the space proposed to be added to the Sonoma Cheese Factory. The Supplemental Reports attempt to support these adjusted trip generation rates that were calculated based on dividing the calculated rates by four, using only 25% of the rates. Again, the Supplemental Reports attempt to support this faulty methodology that assumes that Sonoma Cheese Factory patrons will also visit three other businesses in the immediate area. These adjustments appear to have been made to reduce and/or eliminate the significant traffic impacts that would otherwise occur.

A very common, simple, and widely accepted practice in conducting trip generation studies involves interviews with pedestrians and/or motorists to get more information about their trips. With the single pedestrian entrance/exit to the Sonoma Cheese Factory and the counts that were made there, it would have been appropriate to validate the critical assumption that each patron stopped at three other businesses, and that dividing the calculation by four was appropriate and proper. Reduction of the trip rates by 75% cannot be supported and certainly is not validated by the data.

- 4) Inappropriate Baseline Traffic Counts Were Used – Counts of vehicles, pedestrians, and bicyclists for the Traffic Study were conducted on Saturday, November 11, 2017, and on Tuesday, November 14, 2017. Several residents and other sources have pointed out that the counts made for the Traffic Study in mid-November are lower than normally experienced during the higher tourism months from May through September. More importantly, the devastating fires near the community were extinguished at the end of October, only two weeks before the counts were made. It took a number of months for tourism to rebound as many potential tourists believed that the downtown was



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also damaged by fire. NPR published this article on November 11, 2017, the same day the traffic counts were being conducted:

<https://www.npr.org/2017/11/11/563288201/after-fires-california-wine-country-wants-tourists-back>

While hotel occupancy was somewhat higher than expected in early November, evidence indicates people who rented rooms were those associated with the recovery or residents of the area who had lost their homes, not tourists.

Substantial and dramatic evidence is found by viewing Google-Earth aerial photography. These historical photos show parked vehicles in the downtown area on May 20, 2017 (Saturday) under normal conditions, on October 17, 2017 (Tuesday) when fires raged in the area, and on February 5, 2018 (Monday) when tourism was rebounding. While the Traffic Study and the Supplemental Reports attempt to justify the use of the lower impacted traffic counts, the Google-Earth photos clearly show what occurred.

- 5) Pedestrian Crosswalks Were Not Adequately Evaluated – There is a ladder-style marked midblock pedestrian crosswalk across West Spain Street directly in front of the Cheese Factory. Angle parking adjacent to this crosswalk reduces the visibility of pedestrians crossing the roadway. There are advance “Ped Xing” pavement markings but there are no pedestrian crossing warning signs. Even during the slower activity month of November, “...very heavy pedestrian volumes...” were experienced in the downtown area as noted in the “Field Observations” section of the Traffic Study on Pages 25 and 26. As can be seen on the ground level Google-Earth photography, pedestrian crossings can adversely impact the movement of vehicles during peak hours at the midblock crossing as well as at the adjacent four-way STOP controlled intersections.

Even with this substantial evidence, Page 35 of the Traffic Study concludes that the Proposed Project would not substantially degrade the pedestrian or the bicyclist environments. This conclusion cannot be supported.

Page 36 of the Traffic Study provides recommendations for advance signing of the midblock crosswalk and for bulb-outs at the marked crosswalks to shorten the pedestrian crossing distances. While these are positive and beneficial mitigation measures, they are dropped and not recommended for implementation by the Traffic Study. In addition to their installation at the midblock crosswalk, bulb-outs should also be considered at the adjacent intersections on Spain Street which have long, highly skewed crosswalks.



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The Proposed Project will add pedestrians crossing at the mid-block crosswalk as well as at the adjacent intersections. Existing pedestrian crossings are described on Page 21 of the Traffic Study but Project impacts at these locations are not studied, analyzed, or evaluated.

All crosswalks including those at the adjacent intersections need to be analyzed and evaluated to determine if pedestrian traffic signals are warranted. Regulation and control of the pedestrian crossings for the increased pedestrian volumes to and from the Proposed Project and to create gaps in the pedestrian crossings to reduce the traffic congestion on Spain Street should be considered.

- 6) Tuesday Night Farmers Market Was Not Considered – Each Tuesday night during the tourist season from May through October, there is a Farmers Market in the Square. There are also other special regularly scheduled events at the Square. These special events draw many visitors to downtown Sonoma, creating additional congestion on the downtown streets as can be seen on Google Maps with the red coloring on the map indicating very slow traffic. The impact of the additional trips to and from the Cheese Factory Expansion were not studied, analyzed, or evaluated together with the Tuesday Night Farmers Market.
- 7) Sufficient Parking May Not Be Provided in a Timely Manner - While the adequacy of parking is no longer a CEQA issue, traffic impacts caused by lack of parking is. The Traffic Study indicates that the demand created for additional parking for the Cheese Factory Expansion will create the need for an additional 13 parking spaces. This additional parking must also accommodate parking required by the 50 additional employees of the Proposed Project. The Traffic Study recommends that the Casa Grande off-street parking lot be redesigned to provide the additional parking needed or that the parking area be expanded. While the Traffic Study recommends that \$60,000 be provided to meet the increased parking demand, there is no evidence to show whether this fee is sufficient to provide the necessary additional parking spaces or if the parking will be provided in a timely manner.

Furthermore, additional parking demand is likely to spillover onto the adjacent residential areas, creating significant traffic impacts.

As discussed throughout this letter, there is substantial evidence that the Sonoma Cheese Factory Reconfiguration and Expansion Project will have adverse environmental impacts that have not been properly disclosed, analyzed, or mitigated. This evidence presents a “fair argument” of traffic impacts.

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**Reconfiguration and Expansion of the Sonoma Cheese Factory at 2 West**  
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The various flaws and deficiencies outlined above must be addressed through further analysis in an EIR. Feasible and effective mitigation measures for the significant traffic impacts that will occur under "Cumulative plus Project" conditions in the PM peak hour in downtown Sonoma must also be developed and implemented.

If you have questions regarding these comments, please contact me at your convenience.

Respectfully submitted,

**Tom Brohard and Associates**



Tom Brohard, PE  
Principal



Enclosures

## Tom Brohard, PE

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- Licenses:** 1975 / Professional Engineer / California – Civil, No. 24577  
1977 / Professional Engineer / California – Traffic, No. 724  
2006 / Professional Engineer / Hawaii – Civil, No. 12321
- Education:** 1969 / BSE / Civil Engineering / Duke University
- Experience:** 45+ Years
- Memberships:** 1977 / Institute of Transportation Engineers – Fellow, Life  
1978 / Orange County Traffic Engineers Council - Chair 1982-1983  
1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. Since May 2005, he has served as Consulting City Traffic Engineer for the City of Indio. He also currently provides “on call” Traffic and Transportation Engineer services to the Cities of Big Bear Lake and San Fernando. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- Bellflower..... 1997 - 1998
- Bell Gardens..... 1982 - 1995
- Huntington Beach..... 1998 - 2004
- Lawndale..... 1973 - 1978
- Los Alamitos..... 1981 - 1982
- Oceanside..... 1981 - 1982
- Paramount..... 1982 - 1988
- Rancho Palos Verdes..... 1973 - 1978
- Rolling Hills..... 1973 - 1978, 1985 - 1993
- Rolling Hills Estates..... 1973 - 1978, 1984 - 1991
- San Marcos..... 1981
- Santa Ana..... 1978 - 1981
- Westlake Village..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$10 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

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In his service to the City of Indio since May 2005, Tom has accomplished the following:










- ❖ Oversaw preparation and adoption of the 2008 Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain conditions.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street and on Monroe Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installations in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of both \$2 million projects to install traffic signals and widen three of four ramps at these two interchanges under Caltrans encroachment permits.
- ❖ Reviewed traffic signal, signing, striping, and work area traffic control plans for the County's \$45 million I-10 Interchange Improvement Project at Jefferson Street.
- ❖ Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvements of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.
- ❖ Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 50 traffic signal installations and modifications.
- ❖ Reviewed and approved over 1,200 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.
- ❖ Oversaw preparation of a City wide traffic safety study of conditions at all schools.
- ❖ Obtained \$47,000 grant from the California Office of Traffic Safety and implemented the City's Traffic Collision Database System. Annually reviews "Top 25" collision locations and provides traffic engineering recommendations to reduce collisions.
- ❖ Prepared over 900 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.
- ❖ Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 400 street segments.
- ❖ Reviewed and approved traffic impact studies for more than 35 major projects and special events including the annual Coachella and Stagecoach Music Festivals.
- ❖ Developed and implemented the City's Golf Cart Transportation Program.

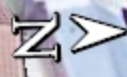
Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.



May 20, 2017



- Legend**
-  Feature 1
  -  Feature 2
  -  Feature 3
  -  Feature 4
  -  Gallery
  -  Hotel
  -  Real Estate Co
  -  Sonoma Hotel
  -  Sonoma State Historic Park
  -  Warshaw Investment Services



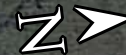


October 17, 2017

Write a description for your map.

### Legend

- 1st St Et. & East Spain St
- Feature 1
- Feature 2
- Feature 3
- Feature 4
- Feature 5
- Feature 6
- Gallery
- Hotel
- Present Pregnancy
- Sonoma State Historic Park
- Sonoma Valley Sun
- Steiner's Tavern
- Warshaw Investment Services





# EXHIBIT "A" TO ATTACHMENT 1



Ahead of the Curve  
in creative parking solutions

## DOWNTOWN NAPA PARKING IMPACT FEE NEXUS STUDY NAPA, CA

Prepared for:  
CITY OF NAPA

APRIL 6, 2016



**WALKER**  
PARKING CONSULTANTS



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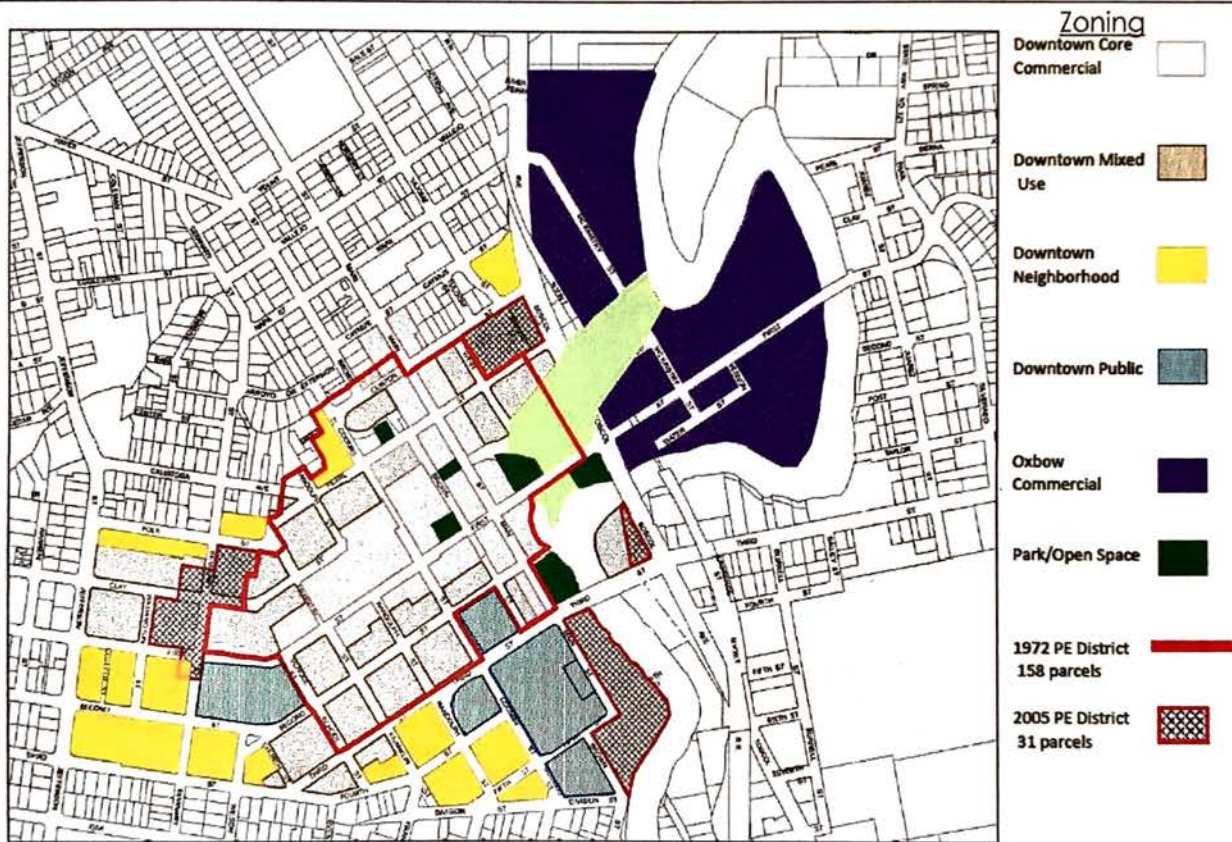
APRIL 6, 2016

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**PARKING IMPACT FEE BACKGROUND**

The City of Napa currently charges a parking impact fee on the parking demand generated by net new non-residential development located within the boundaries of the Parking Exempt District ("PE District"). The PE District's boundaries, which were modified in 2005 to include 31 additional parcels (depicted in hash-mark shading) for a total of 189 parcels, are shown on the map in Figure 1.

Figure 1: City of Napa Parking Exempt District Boundary



Source: City of Napa

The parking impact fee is codified in Napa Municipal Code chapter 15.104 and was adopted in 2005 in conjunction with the PE District boundary expansion. The fee originally was set at \$7,500 per required parking space (net new) to help mitigate the new development's impact on the public parking supply. The fee does not apply to residential properties because they are required by code to provide on-site parking. The net new parking impact is derived by subtracting the gross square footage of existing development on a site from the gross new square footage of the new development project, and applying the adopted parking standard(s) as defined in the zoning code to the net new square footage. The Parking Impact Fee is then charged on each net new parking space generated by the project. The development project receives "credit" for the parking demand generated by the existing non-residential square footage on the site. The parking impact is calculated based on land uses and the City's parking requirements (Municipal Code Chapter 17.54, see Section





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17.54.040(D), and Downtown Specific Plan Chapter 6, see Table 6.2), generally as follows for non-residential uses:

- For commercial and office uses: 3.2 spaces per 1,000 square feet of ground floor space, and 2.4 spaces per 1,000 square feet of second floor or higher space.
- For hotels and motels, 1 space per sleeping room plus 1 space for manager plus 1 space for every 2 employees (full or part time) plus, if hotel has convention, banquet, restaurant or meeting facilities, parking shall be provided in addition to the hotel / motel requirement, as determined by the Planning Commission, based on a parking study.
- For bed and breakfast inns, 1 space shall be provided for the owner/manager's unit and each guest room. Credit may be given in limited instances for on-street parking fronting the structure where a survey documents such parking is available and does not affect adjacent residential uses.
- For public/quasi-public facilities, standards are typically established through parking studies of the specific use.
- For mixed use, which is defined by the Downtown Specific Plan ("DSP") as a mix of uses that are either office, commercial/retail, residential, lodging/hospitality, institutional, public and quasi-public, a blended factor of 3.2 spaces per 1,000 square feet is applied in the Nexus Study to the non-residential portion of future development since the precise mix of uses is unknown. Any residential component is required to incorporate parking on site.

## NEXUS STUDY APPROACH

This Nexus Study serves as an update to the 2004 nexus study prepared by Economic & Planning Systems (EPS). In the EPS nexus study, the cost per space to construct structured parking was approximately \$21,500 excluding land, which equated to a cost to the developer of approximately \$44 per square foot of the private development. At the time, the total demand for parking in the PE District was not as high as today, nor as high as anticipated in the future. The City Council established a lower fee to encourage continued private investment in Downtown while still helping the City obtain funding to help with construction of new parking. At that time, the City's redevelopment agency was a funding source to supplement the Parking Impact Fee, and near-term development was anticipated to generate several million dollars in parking impact fees to apply to a new parking structure. Since the Parking Impact Fee's establishment in 2005, two large development projects constructed parking on site and the country experienced a recession which slowed the pace of development. As a result, the City has collected only \$1.1 million in parking impact fees to date.

As a first step of the Nexus Study, Walker Parking conducted field verifications of the City's parking inventory and surveyed parking utilization in the PE District on July 10, 2014, referred to as the "benchmark date" for this analysis. Some changes worth noting since the parking impact fee was established include:



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- 1) The EPS study determined there was 835,000 square feet of retail and office space in the PE District in 2005, compared to approximately 1,164,000 square feet of retail, office and mixed use development in the PE District at the benchmark date, an increase of 329,000 square feet. This total is for all occupied and unoccupied buildings, but does not include public and quasi-public facilities, primarily because most if not all of the public facilities in the Study Area are served by on-site parking (e.g., City Hall and other City offices) and the assumption is that any future expansion of public facilities, whether in the Study Area or on the periphery, will require a physical parking solution rather than payment of the Parking Impact Fee. Note that some new development constructed since 2005 included on-site parking, specifically Napa Square provided 44 parking spaces for its office and retail tenants, and Riverfront Napa provided 229 parking spaces total (68 for residents, the remainder for customers and tenants in the property). The 141-room Andaz Napa hotel was completed in 2006, and now leases the top level of the Clay Street Garage (54 spaces), and through valet is permitted to park 75 cars by stacking. Rather than paying a parking impact fee up front, the hotel makes a monthly payment to the City based on an annual schedule over a 30-year term.
- 2) The County-owned Fifth Street parking garage was completed in 2009, adding 277 spaces to the public supply and 208 spaces that are restricted for County fleet or private use by occupants of the nearby Riverfront Napa and Napa Mill properties.
- 3) Parking occupancy peaks have shifted over time and parking demand has expanded into evenings and weekends.
- 4) The DSP, adopted in 2012, incorporated new parking standards and included updated long-term land use projections for the study area, which includes the PE District.
- 5) The Napa River Bypass, completed in 2015, resulted in removal of 122 surface and on-street public parking spaces at Lot X and West Street in the north end of the PE District.
- 6) In addition, there have been other minor changes in parking supply and the costs to build and operate parking have changed as well.

For these reasons, an updated nexus study is warranted.

The benchmark date total development figure includes the gross square footage for all existing buildings in the PE District, whether occupied or unoccupied. A "parking credit" was incorporated into the analysis by applying the appropriate parking standard to the gross square footage of the vacant portion of the buildings that were unoccupied as of the benchmark date. Approximately 154,000 square feet, or 13% of the 1,164,000 square feet, was vacant on the benchmark date. In all instances, the vacancies were retail and office space in commercial buildings. A significant portion of the vacancy was attributable to the Napa Center (aka "First Street Napa") renovation project, which accounts for slightly over 100,000 square feet of retail space.

Note that Walker's analysis assumes that the current PE District will be expanded to include the six parcels now zoned Downtown Core Commercial in the Downtown Specific Plan, located



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on Main Street between Clinton and Caymus streets, as shown on Figure 2. The remainder of this report will refer to this expanded area as the "Study Area."

Per the State of California Mitigation Fee Act (Government Code section 66000 et seq.), in order to establish, increase or impose a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following<sup>1</sup>:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

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<sup>1</sup> <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=66000-66008>



Figure 2: Study Area and Public Parking Supply



Source: City of Napa; Walker Parking Consultants

The Nexus Study will:

- Assess existing parking supply and demand in the Study Area, and determine current parking surplus during peak parking demand conditions.
  - This assessment will include parking demand that would be generated by properties within the Study Area that were vacant on the benchmark date, which will be assigned a "parking credit" should those properties become occupied after the benchmark date. Upon occupancy these properties will create parking demand on the current parking system but will not be subject to a parking impact fee, unless they redevelop by adding net new (non-residential) square footage.
  - By considering parking occupancy during peak parking demand conditions, this assessment also will consider private properties with on-site parking that serves private development in the Study Area.





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- Project future parking demand based on DSP development projections plus any known development since the 2012 DSP adoption that has not been included in the projections.
- Determine future parking shortfall based on the projections.
- Determine the costs to produce the parking required based on the projections, and subtract the funds the City has on hand to determine the funding need.
- Calculate parking impact fee per space required to provide required funding to fill the need.

### **STUDY AREA CURRENT CONDITIONS (PARKING SUPPLY)**

This section outlines the current conditions of public parking starting with the supply in the Study Area, followed by the surplus of spaces during peak conditions.

#### **PUBLIC PARKING SUPPLY**

Public parking supply in the Study Area is depicted on Figure 2 and summarized on Table 1. It includes spaces that are owned and/or operated by the City of Napa and made available to the general public, including the portion of Parking Lot A on Second Street behind Goodman Library which is owned by the City of Napa Parking Authority. It also includes the 277 spaces in the County-owned Fifth Street Garage that are non-restricted and available for public use, as well as the County-owned Sullivan lot at Third and Coombs streets (block 28 on Figure 2. This garage and lot are located just outside the PE District boundary but serve development in the PE District.) It does not include spaces that are reserved for specific user groups such as private firms or public vehicles, rendering the spaces unavailable for general public use.

Through a parking license agreement with the City, the Archer Hotel will have exclusive use of 145 spaces in the Pearl Street Garage. Those spaces are included in the total parking supply counts, even though they will not be available for general public use on a self-park basis. They will, however, serve to park customers to the hotel and adjoining restaurants and retail spaces, and through valet parking and car stacking the hotel will be permitted to park an additional 45 cars, beyond the 145 striped spaces, on the top level of the garage. Upon completion of the hotel project, the hotel developer will pay \$3.15 million to the City's Parking Fund, which greatly exceeds the Parking Impact Fee requirement and will help accelerate the City's ability to build a new downtown parking structure. Through a similar parking license agreement with the City, the Andaz Hotel has exclusive rights to valet 74 cars in 54 striped spaces on the top level of the Clay Street garage, for which the hotel is making an annual payment of approximately \$50,000 per year, which escalates over a 30-year term for approximately \$2 million to the City's Parking Fund in exchange for those privileges. The 54 licensed spaces are included in the parking supply counts.

There are 1,984 spaces of total public parking supply in or serving the Study Area, of which 643 are on-street and 1,341 are off-street. Walker Parking has applied an effective supply factor of





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85% for on-street and 90% for off-street parking spaces, which is industry standard<sup>2</sup>. Effective supply reflects the fact that parking systems are "effectively" full at less than 100% occupancy. It accounts for the dynamics of vehicles moving in and out of spaces as well as lost spaces due to misparking, debris, construction, etc. The effective public supply for the Study Area is 1,754 spaces.

Note that the DSP parking demand factors incorporate an effective supply factor, which is described as "practical capacity" on page 182 of the DSP (Table 6.3, footnote 5).

Table 1: Study Area – Public On-Street and Off-Street Parking Supply

Type	Spaces	Effective Supply Factor	Effective Supply
On-Street	643	85%	548
Lots	460	90%	415
City Garages	881	90%	791
<b>Total</b>	<b>1,984</b>		<b>1,754</b>

Source: City of Napa; Walker Parking Consultants

**EXISTING AND LONG-TERM DEMAND AND PARKING SHORTFALL**

This section addresses the existing and projected long-term parking demand through the end of the Downtown Specific Plan projection period (year 2030).

**EXISTING DEMAND**

For the existing demand analysis, Walker Parking:

1. Verified the existing development in the Study Area as of the benchmark date, utilizing a City-provided parcel-by-parcel database of existing development by square footage. The database includes building square footages that were vacant. As previously noted, as of the benchmark date, there was approximately 1,164,000 square feet of floor area with approximately 1,010,000 occupied square feet and 154,000 vacant square feet.
2. Conducted a field observation of peak parking conditions generated by occupied buildings. Based on field data collection in July 2014, peak parking conditions were experienced on Thursday afternoon at 1:00 PM, which is typical in downtown areas.

<sup>2</sup> On-street effective supply of 85% is an industry standard that has been adopted and popularized by Professor Donald Shoup (an example is here: <http://shoup.bol.ucla.edu/CruisingForParkingAccess.pdf>). Off-street effective supply of 90% is cited in the book authored by Walker Parking Consultants staff titled *Parking Structures: Planning, Design, Construction, Maintenance and Repair*.



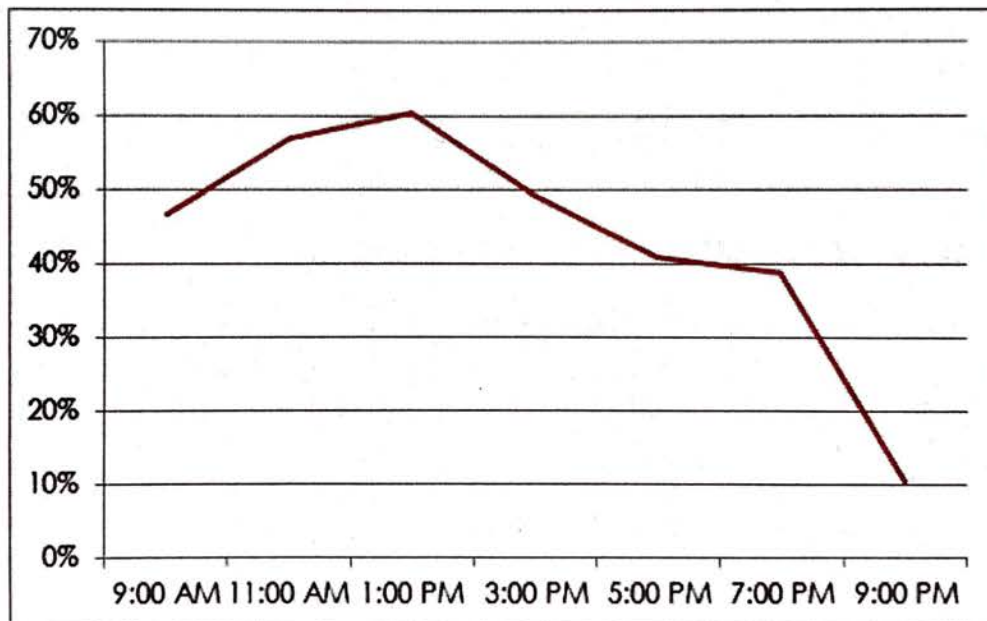
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Figure 3 illustrates occupancy by time of day on Thursday July 10, 2014 in the Downtown Core, of which the Study Area is a part.

3. Estimated the parking demand that would be generated by vacant buildings if they were fully occupied, based on City parking requirements, since the parking demand generated by those unoccupied structures when occupied would use existing supply and would not be charged an impact fee.
4. Factored in existing demand for any property that has an approved entitlement that will generate additional parking demand on the public parking supply, but which has already mitigated that additional demand (namely the Archer Hotel. The Napa River Inn expansion also has approval and is not yet built, but it has mitigated its parking demand with private restricted parking supply in the Fifth Street Garage and is therefore not considered to create parking demand that will impact the public supply).

Figure 3: Occupancy by Time of Day on Thursday July 10, 2014



Source: Walker Parking Consultants

Of 1,754 spaces in the Study Area, there are 1,311 occupied at peak, leaving a surplus of 443 spaces, which is outlined on Table 2. The 1,311 occupied at peak is based on field observation on the benchmark date.





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Table 2: Study Area – Surplus Public Parking Spaces during Peak Period

Type	Effective Supply	Occupied at Peak	Surplus	% of Total
On-Street	548	407	141	26%
Off-Street	1,206	904	302	25%
<b>Total</b>	<b>1,754</b>	<b>1,311</b>	<b>443</b>	<b>25%</b>

Source: City of Napa; Walker Parking Consultants

Table 3 summarizes occupied and vacant floor area and parking required for the vacant gross floor area (GFA), utilizing parking demand ratios specified. The analysis assumed second floor vacancies as office use with a parking demand of 3.2 spaces per 1,000 square feet; and vacant ground floor space as retail use with a parking demand of 2.4 spaces per 1,000 square feet in accordance with the DSP parking standards.

Table 3: Existing Mixed Use, Office and Retail Space as of July 2014

Use	Total GFA	Occupied GFA	Vacant GFA	Parking Required for Vacant GFA
Mixed Use	171,731	171,731	0	0
Office	344,632	333,855	10,777	34
Retail	647,869	504,826	143,043	343
<b>Total</b>	<b>1,164,232</b>	<b>1,010,412</b>	<b>153,820</b>	<b>377</b>
			(-) Surplus at Peak	443
			(=) Remaining Parking before Archer Demand	66
			(-) Archer Demand	145
			(=) Surplus/Shortfall	(79)

Source: City of Napa; Walker Parking Consultants

In summary, as of the benchmark date, effective public supply for the Study Area was 1,754 spaces; and existing development in the Study Area on the benchmark date required 1,311 parking spaces based on observation during peak parking demand period (Thursday at 1:00 PM). At the benchmark date, 153,820 square feet of commercial space was vacant that, when fully leased, will add demand for 377 parking spaces, based on current parking standards, which will not pay an impact fee. In addition, the Archer Hotel is already entitled and would add demand for 145 spaces. The current effective supply of 1,754 spaces does not meet the existing demand requirement as it is short by 79 spaces at parking peak.

**PROJECTED DEMAND**

To project demand for parking in the Study Area generated by future development that will be subject to the Parking Impact Fee, Walker Parking adjusted DSP-anticipated build-out by land use (2030) based on existing conditions data. The DSP projections included assumptions

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regarding "opportunity sites" that would likely redevelop over time, and determined likely additional square footages for anticipated development by land use. The assumed land uses to generate future public parking demand include retail, office and lodging. Also, since the adoption of the DSP, two relatively small projects which paid a parking impact fee have been completed – The Thomas at Fagiani's, and Burger Fi – and are included in the benchmark date "existing development" calculation. Walker Parking compared the DSP development assumptions for these two sites to the actual impact and adjusted the long-term parking demand accordingly.

Table 4 illustrates the net parking required to support projected DSP build-out.

**Table 4: Additional Parking Demand in Study Area** Based on Projected Downtown Specific Plan Build-Out

Net Change in SF - Ground Floor Uses	Net Change in SF - Second Floor+ Uses	Net Parking Change - Ground Floor Uses	Net Parking Change - Second Floor+ Uses	Total Net Parking for Projected Development
125,204	198,820	400	476	876

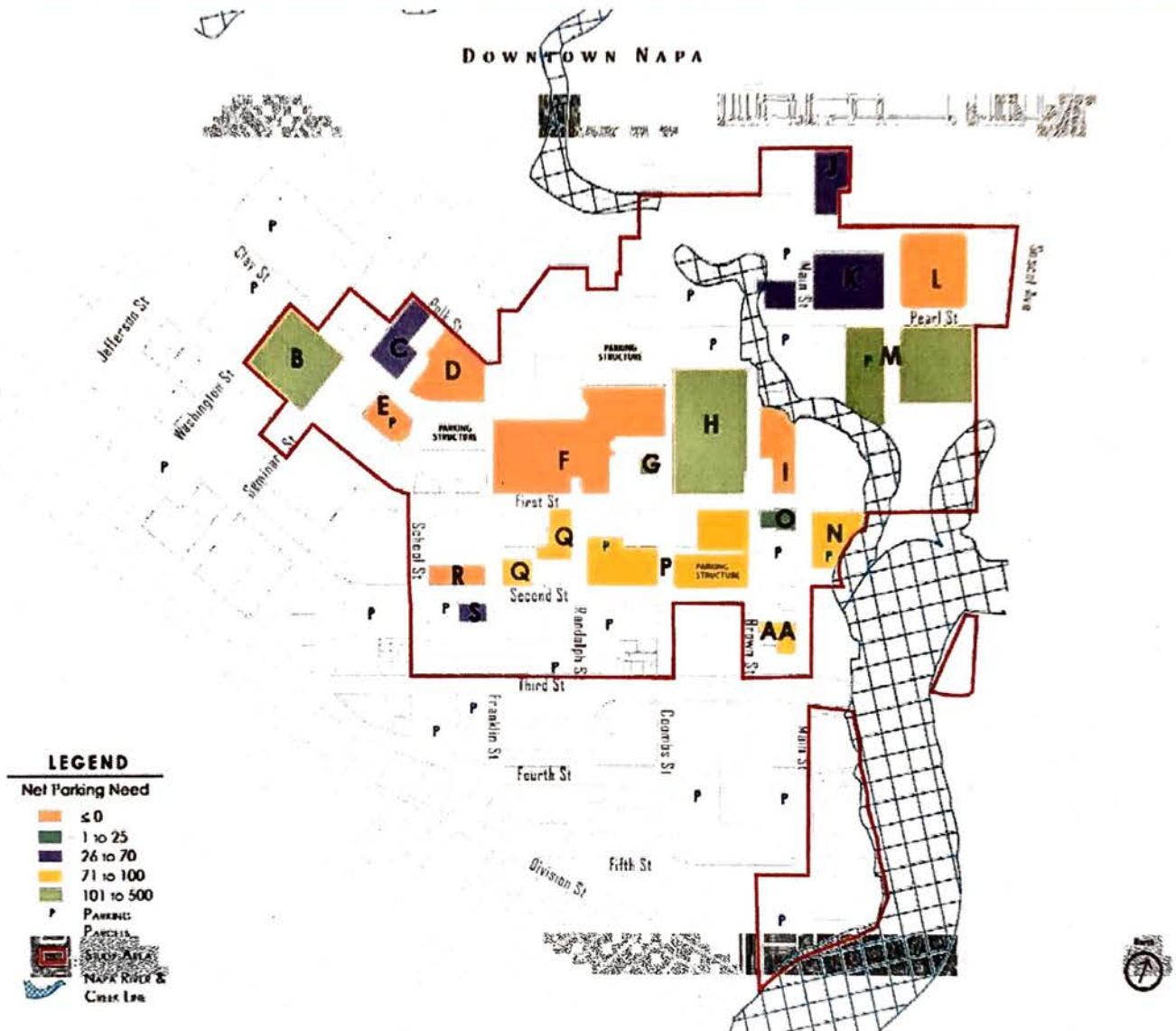
Source: City of Napa; Walker Parking Consultants

Figure 4 shows the anticipated future parking demand on a parcel basis.





Figure 4: Net Estimated Parking Demand Change by Parcel (per Downtown Specific Plan through 2030)



Source: City of Napa; Walker Parking Consultants

Anticipated residential development is not included in the analysis as it will be required to self-park in accordance with the Zoning Ordinance and DSP parking standards.

**PARKING SHORTFALL**

The parking shortfall is calculated by adding the parking required for vacant non-residential space as of the benchmark date (Table 3) with demand from the entitled Archer Hotel with the net parking required for projected development at DSP build-out (Table 4) then subtracting the surplus parking at peak on the benchmark date (Table 2).



**Table 5: Net New Public Parking Spaces Required at Downtown Specific Plan Build-Out**

Parking Required for Vacant Commercial Space	377
Parking Required for Entitled Archer Hotel	145
Net Parking Required for Projected Development	876
(-) Surplus Parking at Peak	443
<b>Public Parking Required at DSP Build-Out</b>	<b>955</b>

Source: City of Napa; Walker Parking Consultants

**PARKING IMPACT FEE COMPONENTS**

To determine the Parking Impact Fee, the Nexus Study estimates the current cost to build above-grade, structured parking, including the cost of land that a new parking facility would occupy. Walker Parking has assumed that future public garages would be built to a standard similar to the Fifth Street garage and would not have on-site staff or parking access and revenue control equipment. Structured, above-ground facilities represent the most reasonable option (as opposed to surface parking due to land scarcity) for the City to provide public parking in the future.

The Parking Impact Fee calculation also considers funds available to the City to provide required parking. Subtracting these funds from the total cost to provide all required parking, which is then divided by the total number of spaces to be provided, yields the total cost per space to provide required parking.

**PARKING STRUCTURE COST**

Walker estimates that the cost to build an above-grade parking garage in the San Francisco Bay Area is approximately \$27,000 per space, based on actual costs for above-grade parking garages of approximately 400 spaces for public agencies in the East Bay and San Francisco. This assumes per-space hard costs of \$22,500 and soft costs at 20% of hard costs. Hard costs relate to the costs associated with physical construction, such as labor and materials, while soft costs include items such as architecture, engineering and permit fees. It does not include the cost of land, extra amenities, upgraded construction materials, or subterranean parking.

For the purpose of the Nexus Study, Walker Parking assumed that by 2030, in order to provide the 955 spaces of public parking required at DSP build-out, the City would most likely have to build two new structures of approximately 480 spaces each (the equivalent of the Fifth Street garage). Like the Fifth Street garage, which has set a new standard and public expectation for parking structure design, the parking garages would each cost approximately \$13-\$15 million if constructed in 2016, or the equivalent of \$27-31 thousand per space. The higher per-space cost factors in costs for a possible level or half-level of subterranean parking which will likely be necessary to achieve the desired quantity of spaces; nice building materials equivalent to the Fifth Street garage; and amenities such as charging stations, solar panels,



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and public art. Based on these assumptions, the total cost to the City in today's dollars would be \$26-\$30 million for two parking garages, excluding land.

At the benchmark date, the cost to acquire land in the PE District was approximately \$90 per square foot. Assuming each of the new garages would require a one-acre footprint, the estimated land cost for both garages in 2014-15 dollars would be \$7.84 million. Therefore, for the purpose of this analysis, the total estimated cost of 955 new parking spaces is \$33.8-\$37.8 million, or the equivalent of approximately \$35,400-\$39,600 per space. For the purpose of the Nexus Study, the cost of land is shown both as included and not included in the cost of future parking. Where the cost of land is not included, the City is contributing the land value (which was acquired using non-impact fee funding sources) to offset the cost of the parking impact fee imposed on new development.

**EXISTING AND ANTICIPATED FUNDS FOR NEW PARKING FROM EXISTING SOURCES**

In total, the City will have approximately \$8.0 million available at June 30, 2017, for the provision of new parking between its Parking Impact Fee, Parking Assessment, Parking License Agreement, and Flood Project parking mitigation funds. These funds are held in the City's Parking Fund for design and construction of future parking facilities. Maintenance funds are accounted for separately and are not included in the balance.

Of the existing funds, \$1.15 million is parking impact fee revenue, and the remaining \$7.50 million is non-parking impact fee revenue as illustrated in Table 6. The City has budgeted \$600,000 for interim surface parking from non-impact fee revenue sources, resulting in the remaining fund balance.

**Table 6: City Parking Fund Balance for New Parking Supply (2016 Dollars)**

Downtown Parking Assessment	\$233,092
Parking Impact Fee	\$1,155,000
Flood Project Mitigation	\$3,660,000
Parking License Agreement	\$3,602,500
<b>Total Estimated Funds</b>	<b>\$8,650,592</b>
(-) Approved Expenditures	\$600,000
<b>(=) Remaining Fund Balance</b>	<b>\$8,050,592</b>

Source: City of Napa

The City anticipates receiving an additional \$1.775 million from July 2017 through June 2039 from the Andaz parking license agreement. Payments are made on a monthly basis based on escalating annual installments. This revenue results in less than \$100,000 per year to the Parking Fund for most of the 30-year term and therefore can contribute to future parking incrementally.



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**PARKING IMPACT FEE CALCULATION**

The parking impact fee calculation is based on the cost to provide above-grade structured parking for 955 required spaces in the 2015 to 2030 timeframe, minus funds that are expected to be on-hand. The total of hard and soft costs per space is assumed to be \$30,000 which would allow for upgraded materials, amenities, and some subterranean parking similar to the Fifth Street garage and as described under "Parking Structure Cost" above, and falls within the range specified previously. The cost to provide parking on City-owned land is approximately \$28.7 million. Under a scenario where land purchase is required, the cost of land is approximately \$7.8 million. Land costs are excluded in the City-owned land scenario since the land is assumed to be contributed by the City. Available funds of \$8.0 million are applied to both scenarios.

Table 7: Parking Impact Fee Calculation in 2015-2030 Timeframe (2016 Dollars)

**Land Purchase Required**

Net New Spaces Required	955
Hard and Soft Costs per Space	\$30,000

Total Cost of Parking	\$28,650,000
Land Value (2 acres at \$90 per SF)	\$7,840,800
(-) Available Funds	\$8,050,592

**Net Funds Required \$28,440,208**

Future Demand Subject to Parking Impact Fee	876
<b>Total Cost/Space with Land Purchase</b>	<b>\$32,466</b>

**City-Owned Land**

Net New Spaces Required	955
Hard and Soft Costs per Space	\$30,000

Total Cost of Parking	\$28,650,000
(-) Available Funds	\$8,050,592

**Net Funds Required \$20,599,408**

Future Demand Subject to Parking Impact Fee	876
<b>Total Cost/Space on City-Owned Land</b>	<b>\$23,515</b>

Source: Walker Parking Consultants

Where land purchase is required to provide the parking, the estimated fee to be charged to new development is approximately \$32,500 per space. Where new parking garages are provided on City-owned land, the fee is estimated at \$23,500 per space.