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COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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(707) 565-1900 FAX (707) 565-1103

DATE: May 5, 2009 at 2:10 p.m.
TO: Board of Supervisors
FROM: Jane Riley, Project Planner
SUBJECT: PLP08-0088, Burbank Housing Development Corp.

Action of the Planning Commission:

At its regularly scheduled meeting on March 19, 2009, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by Burbank Housing Development Corporation for 1) a General Plan Amendment from Urban Residential 10 units per acre (UR 10) to Urban Residential 15 units per acre (UR 15); 2) a Zone Change from R2 (Medium Density Residential, B6-10 dwelling units per acre) to R3 (High Density Residential, B6-15 dwelling units per acre); and 3) Design Review for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two story townhome units for property located at 14119 Mill Street and 16312 5th Street, Guerneville; APN 070-020-022 and -037; Zoned: R2 (Medium Density Residential), B6-10 du/ac, F2 (Floodplain Combining District), VOH (Valley Oak Habitat); Supervisorial District 5.

Project Description:

The proposed project includes a General Plan Amendment, Zone Change and Design Review for a 48 unit affordable apartment complex, consisting of 36 stacked single-story flats and 12 two story townhome units, which include 16 one-bedroom, 20 two-bedroom and 12 three-bedroom rental apartments. The units will range in size from 680 square feet to 1,240 square feet. Also included in the project is a management office of approximately 500 square feet, a 200 square foot laundry room, and a 776 square foot community room with kitchen.

The bottom of each structure will consist of a 15-foot high pre-cast concrete platform that will place all dwelling units one to three feet above the 100-year flood level, with the space below the dwelling units to be used for parking. An elevator, a central stairway, and two secondary stairways provide access to the "plaza" (entry) level, which is about 15 feet above average grade. The project achieves 100% affordability, with 14 of the units affordable at the low income level and 34 units affordable to very low and extremely low income households. A Type A Density Bonus to allow a density increase over the new base density is included, for a total of 48 units proposed. Seventeen units will be reserved for special needs housing.

The existing uses and structures on the site would be replaced with the new development.

Action of Other Committees and Commissions:

A Design Review Committee preliminary review was held on August 20, 2008. Design Review Committee recommendations have been incorporated into the project design. Final Design Review Committee approval will be required prior to issuance of any permits.

The Landmarks Commission review was held on March 3, 2009. The Landmarks Commission found that the Marshall House is a significant historic resource and should be preserved. They did not make a recommendation as to whether the structure should be relocated. The Landmarks Commission is advisory to the Planning Commission.

Background:

The Guerneville area has the highest concentration of affordable housing needs in the unincorporated area, especially for extremely-low income units and special needs units. There are a total of eleven Guerneville housing sites in the County's General Plan Housing Element Sites Inventory, but only 3 of those sites have been deemed appropriate for high-density affordable rental housing. This site (Site #45) is one of those three included in the Housing Site Inventory. The application for development of this site follows a 5-year effort on the part of local non-profit Burbank Housing Development Corporation to secure a suitable site in Guerneville for the development of affordable rental and special needs housing.

ISSUES DISCUSSED AT THE PUBLIC HEARING

Issue #1: Project Density

Discussion:

The Planning Commission questioned why the greater density was requested for the project to go from the 34 units already allowed by-right on this site to the proposed 48 units. If the reasons were economic, the Planning Commission wanted to know if staff had verified the economic need for the density increase.

Resolution:

The project applicant and planning staff noted that Guerneville has the highest level of affordable housing needs in the unincorporated county, and that this project was designed to address as much of that need as feasible. It was also noted that there are 13 existing occupied units on the site that will have to be replaced as a part of this project. Finally, this is an expensive site to develop and the per-unit cost could only be decreased to a feasible level if more units were allowed. The Community Development Commission (CDC) staff confirmed that they had reviewed Burbank's proformas, and agreed that the increase in density made sense.

Issue #2: Historic Marshall House

Discussion:

Public testimony was presented to the Planning Commission in written form and in public comments with regard to the Marshall House, c. 1890, which is one of several structures which currently occupy the project site. The structure has been found to be eligible for the National and State Registries. The Marshall House is a good example of an early settlement home in Guerneville, and the older part of the house retains enough integrity to convey its importance. It is also one of only three buildings to predate an 1894 fire in the area. Historical interests sought assurances that the historic Marshall House would be protected.

Resolution:

The Planning Commission added a condition to require relocation & preservation of the Marshall House consistent with the Secretary of the Interior's Guidelines for Historic Preservation & Restoration. The applicant has agreed to relocate the Marshall House to another site in the local area.

Issue #3: Flooding and Drainage

Discussion:

The project site is within both the Fife Creek and the Russian River flood plain. In a 100-year event, the site floods to about 14 feet above grade. The site also floods in a 10-year event for the Fife Creek and the Russian River flood plain. Flooding is clearly a significant constraint to be addressed in the development of this site, as it would be with the development of any site in downtown Guerneville.

Resolution:

Chapter 7B of the County Code prohibits new construction within any flood way, but does allow construction within the flood plain so long as the structure is raised to a floor height at least one foot above the 100-year base flood elevation. A "no net fill" situation must also be achieved in order to avoid increasing flood impacts on other properties in the area. In this case, the proposed improvements are expected to actually decrease flood impacts in a 10-year event by increasing the amount of time before water overflows storm drains and runs into the streets. No net fill will be achieved by excavating the parking area beneath the buildings approximately 3 feet below existing grade. This is considered a positive impact.

Issue #4: Residents to be Served

Discussion:

Because the need for affordable and special needs housing units in Guerneville is so acute, the Planning Commission and several members of the public expressed a desire to limit occupancy in the new project units to river area residents.

Resolution:

It is not possible to limit residency to persons who currently live in Guerneville under federal and

state fair housing laws, which do not allow discrimination in the renting of units. There may be opportunity to limit residency of a certain number of units to the broader redevelopment area, but residency in most of the units could not be restricted.

The law, however, allows some flexibility in the marketing of units. Article 89 of the Zoning Code requires that a Marketing Plan be submitted to the CDC for review and approval prior to the renting of any of the units. Burbank Housing has indicated that it is their intent and desire to focus marketing efforts in the River area, and this will be reflected in their Marketing Plan.

Issue #5: Emergency Evacuation Plans

Discussion:

There was some concern expressed on the part of the public that the elevation of the structure could make it difficult for residents, especially those with special needs, to evacuate in an emergency.

Resolution:

As noted above, the proposed construction will take place within an area where a 100-year flood event can produce water as high as 14 feet. While the project has been designed to allow shelter-in-place during some types of emergencies, it is not intended that residents remain in their units during a 100-year flood event. And, while flood waters generally rise slowly enough to allow orderly, planned evacuations, in extreme events evacuation by automobile or on-foot may not be possible. The project has therefore also been designed to allow evacuation by boat from the main stairway landing in such a situation. Additional emergency launches are built into the plaza level. An Emergency Evacuation Plan has been prepared for the project and is included as an attachment to the Mitigated Negative Declaration.

List of Attachments:

Draft Board of Supervisors Resolution
EXHIBIT A Draft Conditions of Approval
EXHIBIT B: Draft Ordinance
EXHIBIT C: Draft Sectional District Map
EXHIBIT D: Planning Commission Resolution No. 09-006
EXHIBIT E: Planning Commission Minutes dated March 19, 2009
EXHIBIT F: Planning Commission Memo dated March 19, 2009
EXHIBIT G: Planning Commission Staff Report dated March 19, 2009
EXHIBIT H: Correspondence Received

Separate Attachment for Board of Supervisors: Mitigated Negative Declaration, Full-Sized Project Plans, Landscape Plans, and Elevations

SONOMA COUNTY BOARD OF SUPERVISORS

Draft Conditions of Approval

Time: 2:10 p.m. **Date:** May 5, 2009
Staff: Jane Riley **File No.:** PLP08-0088
Applicant: Burbank Housing Development Corp. **APN:** 070-020-022 and -037
Owner: Same
Address: 14119 Mill Street and 16312 5th Street, Guerneville

Project Description: Request for a General Plan Amendment, Zone Change, and Design Review for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two story townhome units. Units range in size from 680 square feet to 1,240 square feet. The bottom of each structure will consist of a 15 foot high precast concrete podium that will put all dwelling units one foot above the 100 year flood level, with the space below the dwelling units to be used for parking. The project also includes a community center with management offices, laundry, and common room.

GENERAL:

1. No construction shall be initiated until plans have been approved by the appropriate entity.
2. All construction shall conform with existing County Design and Construction Standards.
3. Public utility easements shall be shown on all project plans in accordance with the plans on file with PRMD.
4. All underground utilities within the road rights-of-way shall be installed prior to street construction or widening.
5. Utility distribution facilities, except surface mounted transformers, pedestal mounted terminal boxes, meter cabinets, concealed ducts, fire hydrants, and street lights shall be placed underground. Appropriate easements shall be provided to facilitate these installations.
6. These conditions must be met and the Design Review application validated within 24 months, from the date of the final Board of Supervisors action date (May 5, 2011) unless a request for an extension of time is received before the expiration date.

BUILDING:

7. A grading permit shall be obtained from PRMD prior to the start of any earthwork, unless exempted under the most recent California Building Code (CBC). The grading plan, prepared by a civil engineer who is registered by the State, shall be submitted for review and approval by PRMD prior to grading permit issuance. Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.
8. Prior to the submission of the Improvement Plans, the subdivider shall file with PRMD a preliminary soil report, prepared by a civil engineer who is registered by the State, based upon adequate test borings or excavations at the project site.

HEALTH:

"The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING PERMIT:

Water:

9. Connection shall be made to public sewer and water. Prior to building permit issuance the applicant shall submit a "will serve" letter for water and sewer to Project Review Health to verify compliance, except for a connection to a County operated sewer system where clearance for the sewer will come from the Sanitation Section of PRMD. Note that will serve letters in contradiction

of a moratorium by the appropriate regulating agency are not acceptable.

10. Prior to issuance of a Grading Permit, a groundwater assessment shall be performed to include testing for potential chemicals of concern (chlorinated hydrocarbons). If the assessment uncovers groundwater impacts, developer will coordinate any needed clean-up with the Regional Water Quality Control Board, and shall not allow development to interfere with clean-up.

Septic:

11. Prior to building permit issuance the applicant shall abandon existing septic tank(s) and water wells under permit and inspection from the Well and Septic Section of PRMD. If none are known or discovered, this shall be so stated in written correspondence to Project Review Health Specialist of PRMD describing the precise level of research and field review done to determine that none exist. The Project Review Health Specialist shall receive a copy of any "finalized" abandonment permit.

Hazardous Materials:

12. Prior to building permit issuance the applicant shall submit a summary report for remediation of Noonan's garage located at 16312 5th Street.

Consumer Protection:

13. Prior to the issuance of building permits and the start of any construction, the applicant shall apply for a food facility permit or exemption for the kitchen in the community room. Plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

Contact the Environmental Health Division at 565-6544 for information. The PRMD Project Review Health Specialist shall receive a letter or e-mail of approval from the Environmental Health Division to verify compliance with requirements of the California Retail Food Code (CalCode).

OPERATIONAL REQUIREMENTS:

Noise:

14. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Hourly Noise Metric¹, dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

Limit exceptions to the following:

- a. If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.

- b. Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- c. Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- d. For short term noise sources which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a Noise Management Plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.
- e. Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of the exterior property line of the adjacent noise sensitive land use where:
 - 1) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and
 - 2) There is available open land on those noise sensitive lands for noise attenuation.

This exception may not be used on vacant properties which are zoned to allow noise sensitive uses.

- 15. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional mitigation measures needed to meet noise standards.

BUILDING:

Solid Waste:

- 16. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the Building Plan Check Section of PRMD. (Fees may apply.) Note that trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

- 17. The developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a. As necessary to create public right-of-way of sufficient width on the developer's side of the road to contain the roadway improvements described below for the full length of the property's frontage on Fifth Street. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.

- b. To construct and maintain a 25-foot radius curb face, sidewalks, utilities, etc. at the Mill Street / Fifth Street intersection.
18. Right-of-way shall be dedicated as roadway easement. The developer shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded deed shall be submitted to the Land Development Section of PRMD prior to clearance of these conditions.

19. The developer shall construct or install improvements described as follows:

- a. Supplement the width of Mill Street on the developer's side to create the improved roadway described below. The improvements shall extend for the full frontage of the Developer's property. The road width shall be measured from the existing roadway centerline to the new face-of-curb on Mill Street, a distance of 14 feet, and shall include:

- 1) Eleven-foot wide travel lane,
- 2) Three-foot wide paved shoulder,
- 3) Standard A2-6, two-foot wide concrete curb and gutter; the two foot wide gutter pan may be used as part of the shoulder, but shall not be considered part of the travel lane, and
- 4) Five-foot wide sidewalk (exclusive of curb width), including facilities for persons with disabilities.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, etc, all as necessary to create the required widths and structural section(s).

- b. Supplement the width of Fifth Street on the developer's side to create the improved roadway described below. The improvements shall extend for the full frontage of the developer's property. To allow for future improvements along the southerly side of Fifth Street, the minimum road width shall be measured from the north face of the existing building located at the southeasterly corner of the Mill Street and Fifth Street intersection to the new face-of-curb, a distance of 30 feet, and shall include:

- 1) Two-ten foot wide travel lanes,
- 2) Two-foot wide paved shoulders; shoulder width shall be increased to six at those locations along the developer's frontage where parking is allowed,
- 3) Standard A2-6, two-foot wide concrete curb and gutter; the two-foot wide gutter pan may be used as part of the shoulder or parking lane, but shall not be considered part of the travel lane, and
- 4) Five-foot wide sidewalk (exclusive of curb width), including facilities for persons with disabilities.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, etc, all as necessary to create the required widths and structural section(s).

20. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and expansion pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The Traffic Index (TI)

to be used for the pavement design of Mill Street and Fifth Street is 7.5:.

21. The developer shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and the new pavement.
22. Sidewalk warps shall be constructed to provide a clear four-foot wide walkway in areas where mailboxes, utility poles, guy wires, driveway ramps and other obstructions are to be installed or now exist.
23. Ramps for persons with disabilities shall be constructed at all improved intersections in conformance with Caltrans Standard Drawing No. RSP A88A and County of Sonoma Department of Public Works Construction Standards 224A and 224B.
24. Storm drainage facilities shall be designed and constructed in accordance with Sonoma County Water Agency (SCWA) design standards. Drainage improvements shall be reviewed and cleared by the Storm Water Section of PRMD.
25. The developer's contractor shall place an approved storm drain label on all storm drain inlets placed within the public right-of-way. The PRMD inspector will provide approved labels.
26. All ramp-type driveway approaches providing access to a public road shall have a minimum 24-foot throat width, except as noted below. The curb opening shall transition three feet beyond the throat width on both sides of the driveway. Refer to County of Sonoma Department of Transportation and Public Works (DTPW) Construction Standard Drawing No. 808 for details.
27. The developer shall install:
 - a. Traffic control devices as required by the DTPW, including items such as traffic signs, roadway striping, pavement markers, etc.
 - b. "No Parking" signs shall be placed along the Mill Street frontage.
 - c. The applicant shall provide street lighting along the public roadways associated with this proposal. Prior to any approval of this application, the applicant shall contact the DTPW Special Districts Coordinator to determine the mechanism for maintaining the streetlights. The mechanism shall be one of the following:
 - i. Annexation of this property to an existing lighting district, or
 - ii. Formation of a new street lighting district, or
 - iii. At the department's discretion, the DTPW will accept maintenance of streetlight(s) after construction.

Prior to this condition being deemed satisfied, the developer shall provide evidence that he has entered into an agreement to maintain the street light(s).
28. All improvements shall be constructed in accordance with the DTPW Road Policy.
29. The developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these Improvement Plans shall be a minimum one inch equals 40 feet, and shall be submitted on 24-inch by 36-inch sheets for review. The plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
30. Plan checking fees and inspection fees, including those involving off-site frontage improvements, shall be paid to PRMD, prior to signature of the Improvement Plans by the Director of DTPW.

31. The developer shall submit Improvement Plans for all required improvements to the Office of the County Surveyor (Engineering Section) PRMD for review and approval. The Director of DTPW shall sign the Improvement Plans prior to the issuance of a grading, building or encroachment permit.
32. The developer shall obtain an encroachment permit from PRMD prior to constructing any improvements within County road right-of-way.
33. Prior to occupancy of any new building or new use of an existing building which result from this application, the developer shall complete construction of all the required public improvements.

DRAINAGE REVIEW:

"The conditions below have been satisfied" BY _____ DATE _____

34. Grading and/or building permits require review and approval by the Drainage Review Section of PRMD prior to issuance.
35. Grading in excess of 5,000 cubic yards is considered engineered grading which requires a soils engineering report and engineering geology report to be submitted with the grading permit application.
36. A drainage report/analysis for the proposed project shall be prepared by a civil engineer and be submitted with the grading and/or building permit application. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, an analysis for all pertinent existing and proposed drainage facilities, and a pre-/post-development analysis of existing/proposed drainage facilities in order to assess and mitigate possible adverse affects to neighboring properties and waterways.
37. The site is located within a Special Flood Hazard Area and is affected by flooding from the Russian River and Fife Creek. The proposed development is subject to the requirements of Ordinance 2918 or the improvement plans must demonstrate grading on the property will yield a zero net fill. The 100-year base flood elevation is estimated to be approximately 60.0 feet above mean sea level. The lowest floor elevation of any habitable structure must be at 61.0 feet or higher above mean sea level. Elevations are based on the National Geodetic Vertical Datum of 1988 (NAVD 88).
38. Drainage improvements shall be designed by a civil engineer in accordance with the SCWA Flood Control Design Criteria, be shown on the Improvement Plans, and be submitted to the Drainage Review Section of PRMD for review and approval.
39. The applicant/design engineer shall provide a grading/site plan which clearly shows all existing and proposed land features, elevations, roads, driveways, buildings and drainage facilities such as swales, channels, closed conduits, or drainage structures. Additionally, the grading plans must show the finished floor elevation of any proposed buildings and the limits of grading work.
40. The design engineer shall include an Erosion Prevention/Sediment Control Plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system.
41. Polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system or waterway(s).
42. This project is subject to the National Pollutant Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the

State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Drainage Review Section of PRMD.

Mitigation Monitoring: PRMD shall not issue the Building Permit until the WDID has been received.

43. Storm drain inlets shall be marked with the words "No Dumping. Drains to Creek".

Mitigation Monitoring: The project planner shall withhold project occupancy until this measure has been determined to be met through a site inspection.

44. Storm water runoff shall be routed through treatment Best Management Practices (BMPs) prior to reaching storm drain systems. Areas of exposed soil shall be planted with appropriate vegetation to minimize runoff from conveying sediment to the storm drain system.

Mitigation Monitoring: PRMD staff shall withhold sign-off of the grading permit until the Improvement Plans reflect this measure. Project occupancy shall be withheld until a site inspection determines that the planting has been installed.

45. Post-approval BMPs shall include a requirement that parking areas be maintained by regular cleaning to reduce the pollutants which might reach the creeks in a high flow storm event.

SANITATION:

"The conditions below have been satisfied" BY _____ DATE _____

46. Prior to approval of this project by PRMD, the applicant shall submit a statement from the SCWA, operators of the Russian River County Sanitation District, addressing the current and future levels of collection and treatment capacity within the district.

47. The applicant shall obtain a Sewer Disconnect Permit from the Sanitation Section of PRMD when obtaining Building Demolition Permits for the existing structures. Disconnection of the existing structures from the sewer shall be inspected by the Engineering Division of PRMD to insure that disconnection is conducted in compliance with Health and Safety Codes. Disconnection of the existing sewer laterals shall be performed behind and as close to the right-of-way (property) line as possible, without encroachment into the County's right-of-way.

Note: Disconnection of the existing structures will preserve the sewer connection credits currently allocated to the two subject parcels, provided that Annual Sewer Service Charges for the existing connections are paid. Existing sewer charge credits equal 11.40 Equivalent Single-family Dwelling ("ESD") billing units.

48. The applicant shall have Improvement Plans for sanitary sewer design prepared by a licensed civil engineer, registered in the State of California, and designed in accordance with SCWA Design and Construction Standards for Sanitation Facilities.

Prior to the start of Improvement Plan review, the applicant shall submit four (4) sets of Improvement Plans for sanitary sewer design, (blueline or blackline, 24 inch by 36 inch in size), one copy of the Conditions of Approval and Plan Checking fees, to the Sanitation Section of PRMD. The sanitary sewer design shall include "plan and profile" diagrams of the proposed sewer, in addition to all other requirements of the sewer design standards.

Sanitary sewer Improvement Plans shall be approved by the Engineering Division of PRMD prior to the issuance of any sanitary sewer inspection permits. All sanitary sewer inspection permits shall be obtained from the Sanitation Section of PRMD prior to the start of construction.

Please note that review of the sanitary sewer design is a separate review from that of the buildings, drainage and frontage improvements, and shall be performed by the Sanitation Section of PRMD under a separate permit.

49. The applicant shall either abandon in place the existing four inch sewer laterals that currently serve the subject parcels, and replace with new six inch diameter laterals in new locations, or remove the existing laterals and replace with new six inch diameter laterals. The new laterals shall run interrupted from the sanitation district sewer mains to the proposed apartment buildings.
50. The applicant shall install "Backflow Check Valves" on all sewer laterals serving the development, in accordance with Standard Drawing No. 127 of the SCWA Design and Construction Standards for Sanitation Facilities.
51. The applicant shall dedicate a 15-foot wide easement to the Russian River County Sanitation by separate document for the existing public sewer main located in the Church Street extension on APN 070-020-037. The sewer easement shall be shown on the required Improvement Plans prior to approval of the Improvement Plans by the Engineering Division of PRMD, a draft copy of the easement shall be submitted with the Improvement Plans for sewer design review.
52. Prior to approval of the Improvement Plans, the applicant shall submit a letter from the Sweetwater Springs Water Company to the Sanitation Section of PRMD, stating its ability and willingness to provide water service to the proposed project, and stating that the applicant and Sweetwater Springs Water Company have entered into an agreement for water service.
53. In accordance with Sanitation District Ordinances, the applicant shall obtain a permit to construct sanitary sewer facilities prior to obtaining a building permit. All sewer work shall be inspected and accepted by the Engineering Division of PRMD prior to occupancy or temporary occupancy. A Sewer Completion Certificate is required prior to occupancy.
54. Prior to construction of any utilities that are to be within the County's right-of-way of Church Street, Fifth Street and/or Mill Street, the applicant shall have a licensed general contractor in possession of a valid Public Road Bond obtain an Encroachment Permit from the Encroachment Section of PRMD.
55. The applicant shall be responsible for the restoration of existing conditions including, but not limited to surfacing, landscaping, utilities and other public improvements that have been disturbed due to the construction of sanitary sewer facilities. Restoration shall be completed prior to the issuance of a completion notice, unless otherwise specifically approved in advance by PRMD.
56. The applicant shall have "record drawings" prepared by the project engineer, in accordance with Section 6-05, of the SCWA Design and Construction Standards for Sanitation Facilities. The record drawings shall be submitted to SCWA for review and approval prior to final acceptance of construction of the sanitary sewer facilities.
57. All sewer fees per Russian River County Sanitation District Ordinances (latest revision) shall be paid to the Sanitation Section of PRMD prior to obtaining building permits. Sewer use fees for sewer service shall be calculated at the prevailing Sewer Connection and Annual Sewer Service Charge rates in effect at the time of obtaining building permits.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

58. This permit allows the applicant to construct a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two story townhome units. Units range in size from 680 square feet to 1,240 square feet. The bottom of each structure will consist of a 15-foot high precast concrete podium that will place all dwelling units one foot above the 100 year flood level, with the space below the dwelling units to be used for 88 85 parking spaces. Also included in the project is a

management office of approximately 500 square feet, a 200 square foot laundry room and 776 square foot community room with kitchen. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP08-0088 as modified by these conditions.

59. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of this approval, subject to revocation.
60. Dedication of parkland or payment of fees, in lieu of dedication, shall be paid prior the issuance if building permits unless a deferral is approved pursuant to Section 26-98-800. Alternatively, at the request of the subdivider, fees may be paid prior to issuance of building permits for new residential construction on each lot. If fees are intended to be paid prior to issuance of building permits, or deferred pursuant to Section 26-98-800, the following NOTE shall be placed on the Improvement Plans:

NOTE ON IMPROVEMENT PLANS: "New residential construction on these parcels is subject to payment of parkland fees in accordance with Section 25-58 et. seq. of the Sonoma County Subdivision Ordinance. Evidence that fees are paid shall be provided to the Regional Parks Department prior to the issuance of building permits unless a deferral has been approved under Section 26-98-800."

61. NOTE ON IMPROVEMENT PLANS: "Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District."

62. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$1,993.00 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$2,043.00 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

63. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.

64. Prior to submitting the Improvement Plans to the County Surveyor (Engineering Section), the applicant shall submit to PRMD Project Review Division, a Condition Compliance Review Fee deposit (amount to be determined consistent with the ordinance in effect at that time). This "At Cost" fee is a minimum deposit and condition compliance is charged on an actual cost basis. Should the actual costs exceed the amount of the fee, the applicant will be billed for additional costs. In addition, the applicant shall also pay any application processing fees that have exceeded the initial deposit fee to process the project application.

65. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.

66. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).

67. All grading and development on site shall be done in compliance with the County Tree Protection

Ordinance, including protection of trees during construction with a chain link fence at the dripline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

68. All new structures, lighting and signs shall require final design review by the Design Review Committee prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
69. Street lighting is required to be fully shielded and directed downward. No off-site trespass of light onto adjoining properties or into the night sky shall be permitted. Prior to building permit issuance, the applicant shall submit lighting details for the review and approval of Project Review staff. Conduit, pull boxes, street light foundations and standards shall be installed based on the approved plan, prior to Final Building Inspection or occupancy of the buildings. Prior to final occupancy on any building permit or initiation of the use, exterior lighting shall be installed in accordance with the approved plans and shall be shown on the Improvement Plans.

Mitigation Monitoring: PRMD shall not sign off the building permit for occupancy until a site inspection of the property has been conducted that indicates all required street light improvements have been installed according to the approved plans and public works standards.

70. The improvement drawings shall include street lighting per County standards appropriate to each street. Prior to approval of Improvement Plans, the applicant shall apply to form a Lighting Assessment District. Prior to release of project improvement securities or final of the building permits on site, the applicant shall be responsible for installing conduit conductors, pull boxes, street light foundations and standards based on the approved plan. Upon release of security funds or final of the building permits, the applicant shall begin paying for maintenance and power of the lights. The Department of Transportation and Public Works (DTPW) may require applicant/developer to provide cash security to DTPW (or a PG&E contract) to guarantee continuous powering of street lights until tax assessment covers such costs.
71. Lighting plans shall be designed to meet the Lighting Zone 2 (LZ2) standards from Title 24 effective October 2005.
72. All parking and/or street light fixtures shall use full cut-off fixtures.
73. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
74. All building, grading, and improvement plans shall have the following note printed on plan sheets:

NOTE ON BUILDING GRADING, AND IMPROVEMENT PLANS: "In the event that the archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work should be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from the tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural resources such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including

trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

Mitigation Monitoring: Building/grading permits shall not be approved for issuance by PRMD - Project Review staff until the above notes are printed on the building, grading and improvement plans.

75. The applicant/owner shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. Landscape plans shall be subject to Design Review approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An encroachment permit and/or a Maintenance Agreement with the County shall be required prior to issuance of grading or building permits.
76. If the historic structure (Marshall House) cannot be maintained or relocated on the project site, removal shall be accomplished by relocating the original historic structure (the main portion, without the non-historic additions) to another site in the local area where it shall be preserved following the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving Rehabilitating Restoring & Reconstructing Historic Buildings. Prior to movement of the Marshall House structure, measured drawings of the house shall be prepared, along with large format photographs of the exterior and interior spaces. The drawings, photographs, and a copy of the historical evaluation shall be filed with the Sonoma County Library Historic Annex and the Russian River Historical Society. Large-format copies of the photographs and drawings shall be displayed in the community room, or another appropriate place on the site.

Mitigation Monitoring: PRMD staff shall not sign off on any demolition or building permits until documentation has been provided that the above measures will be complied with. Final occupancy shall be withheld until the Marshall House has been relocated, whether on-site or in the local area; preservation measures have been implemented; and the drawings and photos have been prepared and displayed.

77. Prior to final design review, the applicant shall either demonstrate that the structure is not visible from Highway 116, or shall provide a photo-montage of the project from the Scenic Highway. The Design Review Committee shall require landscaping or treatment to ensure that any such visual impacts are mitigated.

Mitigation Monitoring: PRMD shall not sign off on any building permit until final design review approval has been granted.

78. Final Design Review Committee review and approval shall be required prior to issuance of any building or grading permit.

Mitigation Monitoring: PRMD shall not issue the building permit until final design review approval

has been granted. PRMD shall not sign off final occupancy on the building permit until a site inspection of the property has been conducted that indicates all final design review requirements, including lighting improvements, have been installed according to the approved plans and conditions. If light and glare complaints are received, PRMD shall conduct a site inspection and require the property be brought into compliance or initiate procedures to revoke the permit.
(Ongoing)

79. The following dust control measures will be included in the project:

- a. Water or other dust palliative will be applied to unpaved portions of the construction site, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order.
(Ongoing during construction)

80. Prior to commencement of grading or construction, site development personnel shall attend a pre-construction meeting and training with the project archaeologist to gain an understanding of the type of artifacts that are indicative of archeological resources, and the proper procedures to be followed if such items are found during grading or construction.

Mitigation Monitoring: PRMD staff shall not sign off on building or grading permits until the pre-construction conference has been held.

81. All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code) and erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

All construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

82. The Environmental Site Assessment proposes that the contaminated area of approximately 5,354 square feet be excavated to a depth of 18 inches and placed on Visqueen on another portion of the property. Following excavation and relocation, contaminated soil will be sampled in order to determine the proper location for its disposal.

Mitigation Monitoring: Building permit sign-off shall not be granted by the Project Review staff until such time as the contaminated soil has been excavated and disposed of, consistent with County approved Hazardous Materials Plans.

83. Prior to occupancy of the project, the Flood Evacuation Plan shall be reviewed and approved by the Planning and Emergency Services Divisions. All requirements of that plan shall be incorporated into the project Conditions of Approval.

Mitigation Monitoring: Building occupancy shall be withheld until the Emergency Flood Evacuation Plan has been reviewed and approved the above divisions.

84. Plant materials selected for the project shall require relatively minimal water use for proper maintenance. Landscaping shall be designed to minimize the used of fertilizers and pesticides that can contribute to storm water pollution. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance

Mitigation Monitoring: Final Design Review Committee approval shall not be granted until the above criteria have been met.

85. PRMD shall not issue a grading or building permit until evidence is submitted and approved by the Drainage Review Section of PRMD that the improvements have been designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval and are shown on the improvement drawings. The developer's engineer shall include a Site Grading Plan, and an Erosion Control Plan as part of the required improvement drawings.

86. The issuance of the grading permit for the project will not be approved by the PRMD Project Review Section until the required Drainage Improvement, Grading, and Erosion Control Plans have been reviewed and approved by the Drainage Review Section of PRMD.

87. A Tenant Assistance and Relocation Plan shall be prepared and submitted for the review and approval of PRMD and the Community Development Commission (CDC) prior to issuance of any permits for site improvements.

Mitigation Monitoring: PRMD staff shall not sign off on grading or building improvements until the Tenant Assistance and Relocation Plan has been reviewed and approved by PRMD and CDC staff.

88. NOTE ON IMPROVEMENT PLANS: "New construction on this parcel is subject to payment of a development fee (Traffic Mitigation Fee) to the County of Sonoma before issuance of any building permits, as required by Chapter 26, Article 98 of the Sonoma County Code, unless payment of such fee is deferred pursuant to Chapter 26 Article 98 of the Code."

Mitigation Monitoring: PRMD shall not sign off on Improvements Plans until the above condition has been met

89. Prior to issuance of building permit, the applicant shall submit a fully executed Affordable Housing Agreement to provide a minimum of 40% of the total project units as affordable, in accordance with Section 26-89 of the Sonoma County Code as shown in the project approvals.

90. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments and PRMD sections involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

91. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD

May 5, 2009

PLP08-0088

Burbank Housing Development Corporation/Same

Page 14

demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM R2 (MEDIUM DENSITY RESIDENTIAL, B6-10 DWELLING UNITS PER ACRE, F2 (FLOODPLAIN COMBINING DISTRICT), VOH (VALLEY OAK HABITAT) TO R3 (HIGH DENSITY RESIDENTIAL), B6-15 DWELLING UNITS PER ACRE, F2 (FLOODPLAIN COMBINING DISTRICT), VOH (VALLEY OAK HABITAT) FOR 1.71 ACRES LOCATED AT 14119 MILL STREET AND 16312 5TH STREET, GUERNEVILLE, APN 070-020-022 AND -037.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the R2 (Medium Density Residential, B6-10 dwelling units per acre), F2 (Floodplain Combining District), VOH (Valley Oak Habitat) to R3 (High Density residential, B6-15 dwelling units per acre, F2 (Floodplain Combining District), VOH (Valley Oak Habitat) for 1.71 acres, located at the corner of 5th and Mill Streets in Guerneville, also known as 14119 Mill Street and 16312 5th Street, Guerneville, APN 070-020-022 and -037. File No. PLP08-0088. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 5th day of May, 2009, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

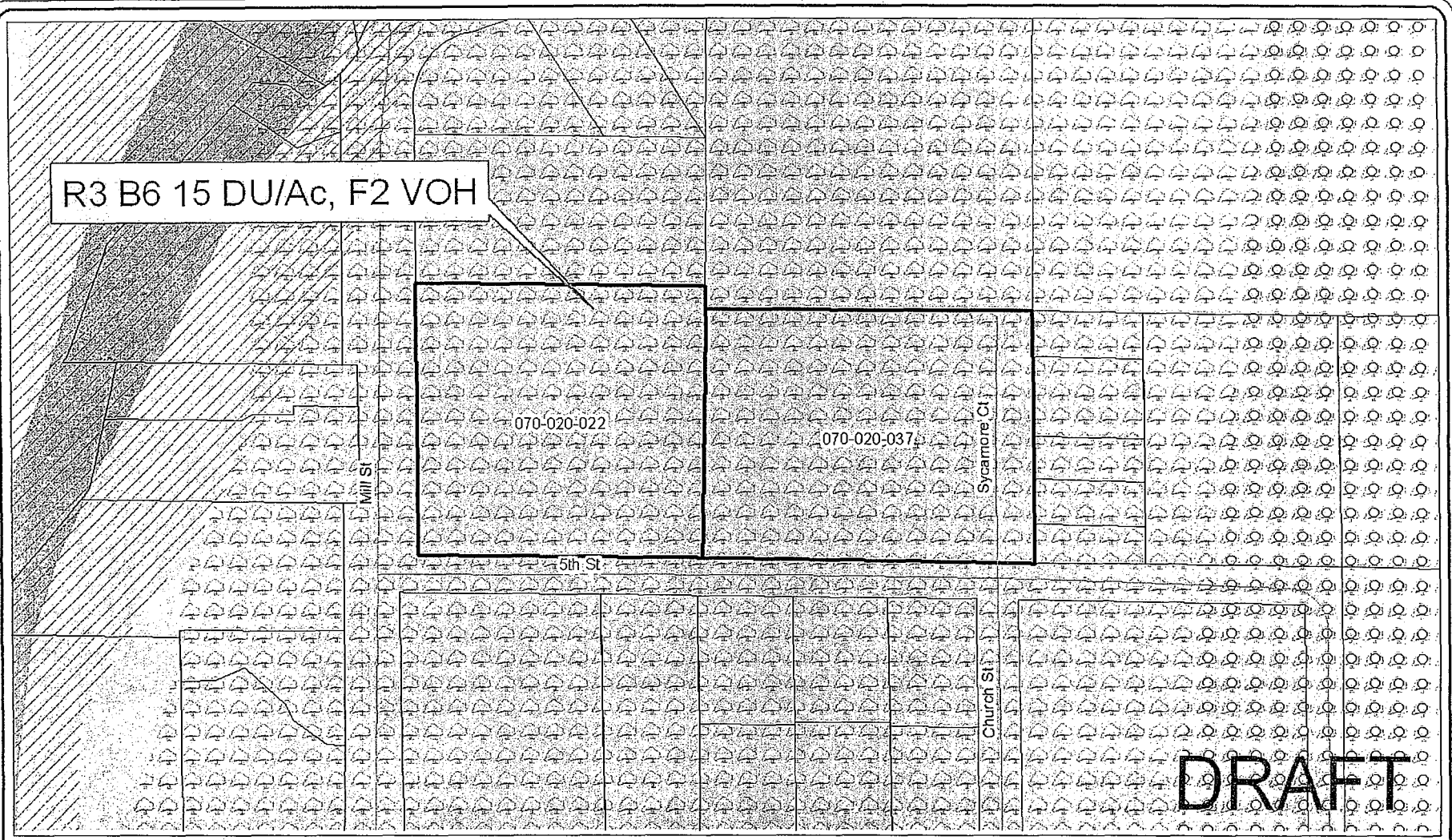
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

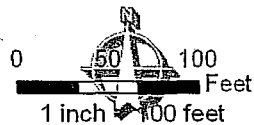
Clerk of the Board of Supervisors



DRAFT

Zoning Combining Districts

- + LU Policy
- |||| AH Affordable Housing
- //// HD Historic District
- BR Biotic Resource
- SD Scenic Design
- VOH Valley Oak Habitat
- SR Scenic Resource
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain



Permit & Resource Management Department
 Project Review Section
 2550 Ventura Avenue, Santa Rosa, CA 95403
 (707) 565-1900 · Fax (707) 565-1103

FILE: PLP 08-0088
 AP #: 070-020-022, 037
 Ordinance No.
 Sectional District Map No.

County of Sonoma
Santa Rosa, California

March 19, 2009
PLP08-0088 Jane Riley

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE THE REQUEST BY BURBANK HOUSING DEVELOPMENT CORP. FOR THE GENERAL PLAN AMENDMENT, ZONE CHANGE AND DESIGN REVIEW FOR PROPERTY LOCATED AT 14119 MILL STREET AND 16312 5TH STREET, GUERNEVILLE; APN 070-020-022 and -037.

WHEREAS, the applicant, Burbank Housing Development Corp., filed an application with the Sonoma County Permit and Resource Management Department for General Plan Amendment, Zone Change, and Design Review for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two-story units. The bottom of each structure will consist of a 15 foot high precast concrete platform that will put all dwelling units one foot above the 100 year flood level, with the space below the dwelling units to be used for parking. Units range in size from 680 square feet to 1,240 square feet in size, and contain from one to three bedrooms. The project also includes a community center with management offices, laundry, and common room for property located at 14119 Mill Street and 16312 5th Street, Guerneville; APN 070-020-022 and -037; Zoned: R2 (Medium Density Residential), B6-10 du/ac, F2 (Floodplain Combining District), VOH (Valley Oak Habitat); Supervisorial District 5; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on March 19, 2009, at which time all interested persons were given an opportunity to be heard; and

NOW THEREFORE IT BE RESOLVED that the Planning Commission makes the following findings:

1. The project site meets the designation criteria for the Urban Residential 15 Dwelling Units per Acre designation of the General Plan in that the site is located in an Urban Service Area, adequate access, public services, and infrastructure will be provided, the site is located in close proximity to commercial uses and community services along the Highway 116 corridor.
2. The development and operation of the proposed development is consistent with the Urban Residential (15 du/ac) land use designations of Urban residential, 15 units per acre, and with Objective HE-3.2 of the Sonoma County General Plan in that it provides 48 apartment units affordable to extremely-low, very-low and low-income households, and the proposed density of 20 units/acre is allowed by Policy HE-1c and Article 89 of the Zoning Code, which allows a Type A Density Bonus of up to 100% of the base density.
3. The proposed project is consistent with the Sonoma County General Plan Housing Element in that it provides increased restricted affordable housing units through the application of the Housing Element's Type A Density Bonus Program. Incentives have

- been granted for a reduction in setbacks, and for an increase in allowable height from 40 feet to 45 feet, in order to accommodate the change in density from 15 to 30 units/acre, and no less than 40% of total project units will be made available to low income households.
4. The Proposed Project is consistent with the R-3 zoning district, which allows high-density apartments and higher lot coverage. Incentives have been granted for a reduction in setbacks, and for an increase in allowable height from 40 feet to 45 feet, in order to accommodate the change in density from 15 to 30 units/acre.
 5. The requested incentives are reasonable and necessary, based on the provision of forty-eight (48) affordable rental units. To meet the Type A Density Bonus criteria, at least 40% of the total project units will be subject to a long-term Affordability Agreement administered by the County's Community Development Commission (CDC).
 6. Drainage patterns will be altered by this project, but all building and grading will be carried out under permits which will undergo review by the Storm Water Section of PRMD to ensure compliance with State and local laws related to drainage and storm water control.
 7. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case and subject to the Conditions of Approval, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are that the residential use, which is allowed on this property, shall be continually managed by the property management company; that adequate parking has been provided in that there will be two spaces per-unit, including 1.77 spaces per-unit provided on-site, in accordance with County standards; that the proposed development, along with its on- and off-site improvements, will better accommodate 10-year flood events than the current situation; that a Flood Evacuation Plan has been provided for a 100-year flood event; that adequate public services are available to serve the increased density requested by this project; that preservation of the Marshall House is best served by either raising it or relocating it to another site, to avoid continued flood damage; and that a Tenant Relocation Plan, including relocation assistance, will be provided to the existing residents.
 8. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
 9. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and therefore, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. Based on the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures are incorporated into the project as Conditions of Approval and include a Mitigation Monitoring Program. The Planning Commission

certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project. Based on the record of these proceedings, the Planning Commission finds that there is no substantial evidence before it that the Proposed Project, as mitigated, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA State and County guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the requested General Plan Amendment and Zone Change for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two-story units, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, California 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Davis, who moved its adoption, seconded by Commissioner Schaffner, and adopted on roll call by the following vote:

Commissioner Fogg	Aye
Commissioner Feibusch	Aye
Commissioner Shahhosseini	Aye
Commissioner Schaffner	Aye
Commissioner Davis	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.



Sonoma County Planning Commission Draft Minutes

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: **March 19, 2009**
Meeting No.: **09-004**

ROLL CALL

Commissioners

Marcel Feibusch
Komron Shahhosseini
Lisa Schaffner
Pamela Davis
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Cynthia Demidovich
Jane Riley
Sue Gallagher, Deputy County Counsel

1:00 PM Call to order

Approval of Minutes - None

Public Appearances: **Wayne Clark, Petaluma**, complained that the County is not cooperating with the City of Petaluma with reference to the Dutra asphalt plant. Supervisor Kerns has not been going to local meetings, and has neglected his duties as a Supervisor. Clark called Kerns a lackey of the Board of Supervisors and said he has purposefully isolated himself.

Lloyd Guccioni, said that the venue for today's meeting should have been held in the community of Guerneville where the affected people live. The 5th District Supervisor was requested to move meeting to Guerneville, but he did not agree to do so. Commissioner Fogg asked to have this topic put on a 5th Thursday agenda.

REGULAR CALENDAR

Item No. 2	Time:	1:30 PM	File:	PLP08-0088
	Applicant:	Burbank Housing and Development Co.	Staff:	Jane Riley
	Env. Doc.:	Mitigated Negative Declaration		
	Proposal:	Request for a General Plan Amendment, Zone Change, and Design Review for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two-story units. The bottom of each structure will consist of a 15 foot high precast concrete platform that will place all dwelling units one foot above the 100 year flood level, with the space below the dwelling units to be used for parking. Units range in size from 680 square feet to 1,240 square feet in size, and contain from one to three bedrooms. The project also includes a community center with management offices, laundry, and common room.		
	Location:	14119 Mill Street and 16312 5th Street, Guerneville		
	APN:	APN 070-020-022 & -037 Supervisorial District: 5		
	Zoning:	R2 (Medium Density Residential), B6-10 du/ac, F2 (Floodplain Combining District), VOH		

(Valley Oak Habitat)

BOARD OF SUPERVISORS HEARING DATE TO BE DETERMINED

Jane Riley summarized the staff report, which is incorporated herein by reference.

Public Hearing Opened: 3:00 p.m.

Speakers: Craig Meltzner, representing applicants, stated that the Burbank Housing Development Company has developed 1,700 units since 1982. The project will be LEED certified, and there will be a full time manager located on the site. The project is in a perfect location close to downtown shopping and transit, and will be an improvement to the area, which is currently in a state of blight. There are many homeless and mentally ill people in Guerneville who will benefit from the project.

Kevin Kellogg, architect, reviewed the plans for the project, which will be fully accessible to disabled persons. He compared the project with Vida Neuvo in Rohnert Park and noted that it will be a great asset to the community. Kellogg showed historical photos and said he attempted to work in similar design features.

John Uniak, Rio Nido, claimed that Guerneville residents will not benefit from the project, which resembles a battleship. Intersections in the areas are substandard, and an EIR for traffic is called for. The site is not good for poor or special needs people, and they won't be able to get out in flood situations. The rest of the community will end up paying the price.

Gale Brownell, Sonoma County Housing Coalition, supports the project and said that it meets the demand of flooding, is well designed, and conforms to local architecture. Burbank Housing staff are great property managers, and provide programs and classes. The project is needed to serve Guerneville, which has the highest unsheltered homeless population in the County. It meets the RDA needs, the 10 year Plan for Homeless, and the Housing Element goals and policies. Brownell urged approval of the project.

Patricia Hardwick, **Guerneville**, is the head steward for In Home Support in the River Area, and stated that the project will put strain on her staff because of the stairs. Sidewalks and better emergency response services are needed, and the project is too dense for the area.

Monica Savon, COTS, said there are many homeless people in Guerneville that sleep in their cars, and housing is badly needed in the area. She claimed that Vida Neuva, a similar community, is truly supportive housing that has improved the community.

Georgia Uvemovich, Monte Rio, complained that the staff report was not put out in a timely manner for the public to be able to respond, and requested a continuance. She had repeatedly asked that the public hearing be held in Guerneville so the local people could attend. The project will negatively impact the area. Uvemovich complained about inadequate noticing.

Lloyd Guccione, Guerneville, did not feel that the site was suitable, and that the RDA was only pursuing this site because they need to spend their set-aside. Additional time is needed. Guccione concurred with Uniak that an EIR is required, and stated there will be a major impact on sewage as well as traffic. Guccione complained about the lack of public noticing of the project.

Margo Warnecke Merck, Community Development Commission, said that BHDC staff looked at over 12 different sites in Guerneville and decided that the subject site was the best. She asked for approval of the project.

Ken Wikle, Russian River Redevelopment Oversight Committee, stated that the RRROC voted 8 in favor - 1 opposed (Uniak) to the project. The project is needed, and the best location for special needs persons is downtown close to services.

John Lynch, Sonoma County Mental Health, stated that his division is partnering with Burbank Housing to provide supportive housing to the mentally ill, and hope to house current Guerneville residents who do not have decent housing.

Patrick Draeger, Sonoma, said that the project will benefit the Sonoma County economy by providing construction jobs. Draeger stated that Burbank Housing takes an active role in managing their projects.

Nelly, stated that most who support the project are not from the River area, and claimed that the CDC told her that anyone can live in the units, not just River people. Nelly opposed the location, and added that the power goes out a lot. She was concerned about emergency evacuation plans and stated that Burbank does not have to pay assessment district taxes.

Herman Hernandez is broker-owner of Frank Howard Allen and a 40 year Guerneville resident. Hernandez supports the project, and said that Guerneville is no longer a seasonal community. The project will be a stimulus to the community. If the community supported Dubrava, which is three stories for high incomes, they could certainly support the current project, which is a positive thing for the community.

Michael Deprado, 32 year Guerneville resident and property manager, also supports the project, and stated that stairs are commonplace in the River area.

Monica Soiland stated that what should really be considered is the fact that the project will take people off the street. Burbank Housing is offering a safe, comfortable home. It is irrelevant how tall or how many steps there are, and we should be thanking Burbank.

Sean Burnell, Fire Chief, is not opposed to the project, as long as the Fire Code is enforced. He added that the Russian River Fire Department is in a fiscal crisis, and the future ability to provide minimum services is questionable.

John Schubert is president of the Sonoma County Historical Society, and wanted assurance that Marshall House would be protected. He also noted that the conditions were numbered incorrectly and asked that this be fixed.

Craig Metzner, on rebuttal, stated that Burbank will develop their own outreach in the local area and will market specifically to the Guerneville community. There will be one elevator and three sets of stairs, and the statement that Burbank does not have to pay taxes is incorrect. Burbank is committed to collaborating with the successful relocation of the Marshall House.

John Lowry, said that there has been a long and complicated search for a project site such as this in Guerneville, all of which is either too steep or floods. The area needs a supportive housing component, and this project will address the unique concerns of the River area.

Public Hearing Closed: 4:30

Commission Discussion: Commissioner Schaffner asked if there were plans for a generator for the elevator. Lowry stated that they intent to have an evacuation plan to get residents out before major flooding occurs. There are no plans for an electrical generator to operate the elevator.

Commissioner Davis asked if the elevator and stairways are ADA compliant, and Lowry said that they are.

Commissioner Davis asked about the traffic and road width, and **Kevin Kellogg** stated that the existing intersections are all substandard, but will be improved and are subject to Public Works conditions of approval. **Commissioner Davis** said she had been to the site, and asked why it was necessary to increase the density. Lowry stated that they were determined to make an impact on the housing needs in the area, and 13 units are being demolished. The increased density will provide additional housing, make up for the lost units, and also bring the cost per unit down, which will better balance the financial resources and lower operating costs. **Commissioner Davis** asked where the trash enclosures were located, and Kellogg pointed them out.

Commissioner Feibusch asked for more information about the onsite management, and Lowry stated that unique skills and training will be called for to address the flooding potential.

Commissioner Shahhosseini acknowledged that Burbank Housing has an excellent reputation and he supports the project.

Commissioner Fogg asked if the County agrees to the increased density of the project. **Mark Krug, CDC**, stated that they have received Burbank's proformas, and economically it makes more sense to have the higher density.

Commissioner Davis moved to approve the staff recommendation, including revisions in the March 19 staff memo and a new condition that calls for maintenance of the parking areas.

New Condition: Post-approval BMPs shall include a requirement that parking areas be maintained by regular cleaning to reduce the pollutants which might reach the creeks in a high flow storm event.

Action: Approved as recommended with modified conditions
Resolution No.: 09-006

Fogg: aye
Feibusch: aye
Shahhosseini: aye
Schaffner: S/aye
Davis: M/aye

Vote: ayes 5, noes 0, abstain 0, absent 0

There being no further business to come before the Planning Commission at this time, all items having been handled and all persons having been given an opportunity to be heard on any matter before the Planning Commission in public hearing or otherwise, the meeting was adjourned.



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

To: Planning Commission
From: Jane Riley, Project Planner
Subject: PLP08-0088 Changes to Agenda Item
Date: March 19, 2009

Following release of the Mitigated Negative Declaration and distribution of the Planning Commission staff report for the 5th & Mill Street project referenced above, changes were made by planning staff and the project applicants with regard to the issue of removal of the Marshall House from the project site. The applicant has agreed to relocate the historic structure to another site in the local area, where it is to be preserved under the preservation standards set forth by the Secretary of the Interior. Corresponding changes have been made to the project conditions of approval, and to the applicable mitigation measure and monitoring program. Because the new mitigation measure is more restrictive than the previous measure, re-circulation of the environmental document is not necessary or appropriate. Changes to Finding #7 in the staff report and resolution have also been made to reflect this new measure, as well as to correctly reflect the number of parking spaces provided per unit. Condition #56 is also modified to reflect the correct number of on-site parking spaces provided by the project. Finally, a new condition is added to address a request made yesterday by the Regional Water Quality Control Board.

New Condition #64:

64. If the historic structure (Marshall House) cannot be maintained or relocated on the project site, removal shall be accomplished by relocating the original historic structure (the main portion, without the non-historic additions) to another site in the local area where it shall be preserved following the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving Rehabilitating Restoring & Reconstructing Historic Buildings*. Prior to movement of the Marshall House structure, measured drawings of the house shall be prepared, along with large format photographs of the exterior and interior spaces. The drawings, photographs, and a copy of the historical evaluation shall be filed with the Sonoma County Library Historic Annex and the Russian River Historical Society. Large-format copies of the photographs and drawings shall be displayed in the community room, or another appropriate place on the site.

New Mitigation Measure 5.a.(1) and Mitigation Monitoring:

Mitigation Measure 5. a. (1): If the historic structure (Marshall House) cannot be maintained or relocated on the project site, removal shall be accomplished by relocating the original historic structure (the main portion, without the non-historic additions) to another site in the local area where it shall be preserved following the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving Rehabilitating Restoring & Reconstructing Historic Buildings*. Prior to movement of the Marshall House structure, measured drawings of the house shall be prepared, along with large format photographs of the exterior and interior

spaces. The drawings, photographs, and a copy of the historical evaluation shall be filed with the Sonoma County Library Historic Annex and the Russian River Historical Society. Large-format copies of the photographs and drawings shall be displayed in the community room, or another appropriate place on the site.

Mitigation Monitoring: Permit and Resource Management Staff shall not sign off on any demolition or building permits until documentation has been provided that the above measures will be complied with. Final occupancy shall be withheld until the Marshall House has been relocated, whether on-site or in the local area; preservation measures have been implemented; and the drawings & photos have been prepared and displayed.

Changes to Finding #7 in staff report and reso:

7. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case and subject to the conditions of approval, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are that the residential use, which is allowed on this property, shall be continually managed by the property management company; that adequate parking has been provided in that there will be 2 spaces per unit, including 1.77 spaces per unit provided on-site, in accordance with County standards; that the proposed development, along with its on- and off-site improvements, will better accommodate 10-year flood events than the current situation; that a flood evacuation plan has been provided for a 100-year flood event; that adequate public services are available to serve the increased density requested by this project; that preservation of the Marshall House is best served by either raising it or relocating it to another site, to avoid continued flood damage; and that a Tenant Relocation Plan, including relocation assistance, will be provided to the existing residents.

Change to Condition #56:

56. This permit allows the applicant to construct a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two story townhome units. Units range in size from 680 square feet to 1,240 square feet. The bottom of each structure will consist of a 15 foot high precast concrete podium that will place all dwelling units one foot above the 100 year flood level, with the space below the dwelling units to be used for ~~88~~ 85 parking spaces. Also included in the project is a management office of approximately 500 square feet, a 200 square foot laundry room and 776 square foot community room with kitchen. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP08-0088 as modified by these conditions.

New Condition: HEALTH

#. Prior to issuance of a Grading Permit, a groundwater assessment shall be performed to include testing for potential chemicals of concern (chlorinated hydrocarbons). If the assessment uncovers groundwater impacts, developer will coordinate any needed clean-up with the Regional Water Quality Control Board, and shall not allow development to interfere with clean-up.



Sonoma County Planning Commission STAFF REPORT

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

FILE: PLP08-0088
DATE: March 19, 2009
TIME: 1:30 p.m.
STAFF: Jane Riley

Board of Supervisors hearing will be held at a later date and will be noticed at that time

SUMMARY

Applicant: Burbank Housing Development Corp.

Owner: Same

Location: 14119 Mill Street and 16312 5th Street, Guerneville
APN 070-020-022 and -037 Supervisorial District No. 5

Subject: General Plan Amendment, Zone Change and Design Review

PROPOSAL: Request for a General Plan Amendment, Zone Change, and Design Review for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two-story units. The bottom of each structure will consist of a 15 foot high precast concrete platform that will put all dwelling units one foot above the 100 year flood level, with the space below the dwelling units to be used for parking. Units range in size from 680 square feet to 1,240 square feet in size, and contain from one to three bedrooms. The project also includes a community center with management offices, laundry, and common room.

Environmental Determination: Mitigated Negative Declaration

General Plan: UR (Urban Residential), 10 units per acre density

Specific/Area Plan: N/A
Land Use:

Ord. Reference: 26-89-050 (Density Bonus Programs)

Zoning: R2 (Medium Density Residential), B6-10 du/ac, F2 (Floodplain Combining District), VOH (Valley Oak Habitat)

Application Complete for Processing: November 18, 2008

RECOMMENDATION: Recommend approval to Board of Supervisors

ANALYSIS

Background:

The Guerneville area has the highest concentration of affordable housing need in the unincorporated area, especially for extremely-low income units and special needs units. There are a total of eleven Guerneville housing sites in the County's General Plan Housing Element sites inventory, but only 3 of those sites have been deemed appropriate for high-density affordable rental housing. This site (Site #45) is one of those three included in the Housing Site inventory. The application for development of this site follows a 5-year effort on the part of local non-profit Burbank Housing Development Corporation to secure a suitable site in Guerneville for the development of affordable rental and special needs housing.

Project Description:

The project involves a General Plan Amendment from Urban Residential 10 units per acre (UR 10) to Urban Residential 15 units per acre (UR 15), which would increase the allowable density on the 1.71 acre site from 17 units to 34 units; a Zone Change from R2 (Medium Density Residential, B6-10 dwelling units per acre) to R3 (High Density residential, B6-15 dwelling units per acre); and Major Design Review. A Type A density bonus to allow a density increase over the new base density is also proposed, for a total of 48 units proposed. The existing uses and structures on the site would be replaced with the new development; see discussion following. The project consists of 48 total units, which include 16 one-bedroom, 20 two-bedroom and 12 three-bedroom rental apartments. Thirty-six (36) of these units will be stacked single story flats, and 12 are to be two-story townhome units. The units will range in size from 680 sf to 1240 sf. Also included in the project is a management office of approximately 500 square feet, a 200 square foot laundry room and 776 square foot community room with kitchen. The bottom of each structure will consist of a 15 foot high precast concrete platform that will put all dwelling units one to three feet above the 100 year flood level, with the space below the dwelling units to be used for parking. An elevator, a central stairway, and two secondary stairways will provide access to the "plaza" (entry) level, which is about 15 feet above average grade. Lot coverage is 55%. The project achieves 100% affordability, with 14 of the units affordable at the low income level and 34 units affordable to very low and extremely low income households. Fifteen (15) units are to be reserved for special needs households.

The project will also require review and approval from the Landmarks Committee, Design Review Committee, and the Board of Supervisors. Preliminary Design Review was held on August 20, 2008. Landmarks Committee Review was held on March 3rd, 2009. A hearing before the Board of Supervisors will be held following the Planning Commission's hearing and recommendation on the project. Final Design Review approval is a condition of project approval.

A summary of the zoning standards applicable to the project, and of requested incentives under State Government Code 65915, is provided below:

<u>Criteria</u>	<u>R2 Development Standards (Current Zoning)</u>	<u>R 3 Development Standards(Proposed Zoning)</u>	<u>Proposed Project Development Standards</u>	<u>Request</u>
Density	10 DU per acre - 20 for a Type A Project	15 DU per acre - 30 for a Type A Project	28.07 units per acre gross, 28.74 net	Type A Density Bonus
Open Space	300 sf/unit not including setbacks	200 sf/unit	358 sf/unit of public space	--
Max Building Height	35 feet max height	40 feet max height	45 feet max height	Incentive – bldg. height
Lot Coverage	50%	60%	54%	--
Parking Req'd	80	80	88 on site, 102 in total	--
Min. Setbacks	20' Front, 5' Side, 20' Rear	15' Front, 5' Side, 10' Rear	10' Front, 10' Side, 30' Rear	Incentive - setbacks

Site Characteristics:

The project site is 1.71 acres in size and situated in downtown Guerneville on the north side of 5th Street, between Church and Mill Streets. The project site is comprised of two parcels: 14119 Mill Street (070-020-022) on the western side of the project, and 16312 5th Street (070-020-037) on the eastern side.

It is within walking distance to transit, as well as to various retail services, libraries, banks and the recreation areas along the Russian River. The eastern parcel currently contains a single family residence and associated brick lined well built c.1880. This structure has been found to be eligible for placement on the National Register of Historic Places, as it its one of three buildings to predate a 1894 fire in the area. The structure has not been elevated against flooding, and has thus been subject to a number of floods over the years. Also on the parcel is an abandoned auto repair shop housed in two older buildings. The western parcel consists of a motel wing constructed in 1962, and three residential structures (two single-family residences and one multi-family residence) built in 1948. There are presently 14 total units on the project site, all of which would be removed by the proposal. The site also has a 30-foot easement across the east end of the site allowing access to nearby residential properties to the north (forms a portion of Church Street); this access would remain. The site is within the Fife Creek and Russian River floor area. In a 100-year flood event, flood water on the site can reach a depth of 14 feet above the ground.

Surrounding Land Use and Zoning:

Surrounding Lands are zoned as follows:

North: Two parcels zoned for resort cabins.

East: Six parcels zoned for residential, one for church.

South: Six parcels are zoned for residential and resort cabins.

West: Four parcels across Mill Street are zoned for resort cabins.

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

The total acreage of both lots is 1.71 acres and the General Plan and zoning density is currently 10 units per acre. This density permits 15 base units on the property. With the Type A affordable housing density bonus, a total of 31 units would be permitted by-right on the project site. Because of the high costs associated with development of an affordable housing project on this site, greater density is sought. The proposed 48 units would exceed the current permitted density, and so a General Plan Amendment from Urban Residential 10 units per acre to Urban Residential 15 units per acre, and a Zone Change from R2 Medium Density to R3 High Density, would need to be approved for the project.

There are numerous policies in the Sonoma County General Plan that are applicable to this request:

Policy LU-3b: *In urban service areas, maintain a residential holding capacity that is as close as possible to projected growth. Consider denial of land use map amendments which add residential density if residential holding capacity exceeds projected growth, recognizing that future development may not use 100% of the capacity of all parcels.*

The requested increase in allowable General Plan density on this site is not needed in order to accommodate projected growth in the River area.

Policy LU-7a: *Avoid General Plan Amendments which would allow additional development in floodplains, unless such development is of low intensity and does not include large permanent structures.*

Approval of the General Plan Amendment requested by this project would allow increased density within the boundaries of this site, but would not allow additional developable area within the floodplain. Thirty-one (31) units are already permitted by-right on this site.

Policy LU-7c: *Prohibit new permanent structures within any floodway. Require that any development that may be permitted within the flood plain to be raised above the 100 year flood elevation.*

The new structures are not located within a floodway. The structures in the floodplain are raised above the 100 year base flood elevation as required.

Urban Residential Designation Criteria: *Amendments to add this designation must meet all of the*

following:

1. *Lands shall be within a designated urban service area.*
2. *Adequate water, sewer, public safety, park, school services and other necessary infrastructure shall be available or planned to be available.*
3. *Lands shall have convenient access to designated arterial or collector roads.*
4. *Lands shall not be subject to unacceptable risks such as flooding, geologic, noise, or other hazards.*
5. *For high or medium density residential use, lands shall have convenient access to commercial uses and community services.*
6. *Any applicable planning area policies.*

The project site is located within a designated urban service area, has adequate utilities and public services; has access to Highway 116; is not subject to unacceptable risk; and has convenient access to community services and commercial uses. There are no applicable planning area policies.

Objective HE-1.5: *Strive to ensure that 15 percent of the affordable housing units produced pursuant to the County's quantified objectives are available to persons with special housing needs, including but not limited to the elderly, persons with developmental and physical disabilities, persons diagnosed with HIV/AIDS, the mentally ill, farmworkers, children, homeless persons, and others in need of transitional housing or group care.*

The project provides 15 of its units (32%) for special needs households, including units for persons with developmental and physical disabilities.

Policy HE-3h: *Encourage "infill" projects on underutilized sites within Urban Service Areas by revising zoning restrictions so as to allow development on existing residential lots that otherwise could not be developed due to parcel shape, setback, location of existing structures, or similar constraints. Such flexibility in standards would only be allowed if the resulting unit is restricted for sale or rent to moderate, low, or very low income households.*

This is an urban in-fill project. Flexible development standards are requested pursuant to State Density Bonus Law - see Issue #2, below.

Housing Element, Redevelopment Plan Consistency: The General Plan Housing Element contains numerous goals and policies toward increasing the supply of affordable housing within urban service areas. The subject site is listed in the Housing Element as a housing opportunity site, and as such has already been deemed suitable for development with high-density affordable housing; see discussion under Issue 32, below. The County's 10-year Action Plan calls for the development of over 100 permanent affordable rental housing units in the Guerneville Area, including 39 units affordable to extremely-low income households. The project helps to achieve the goals of the 10-year action plan by providing not only extremely-low income units, but also by including fifteen units set aside for special needs, including persons and families who are transitioning from homelessness. The Redevelopment Plan for the Russian River Redevelopment Area also calls for the development of housing on this site. The project will not pose a conflict with the 10-Year Action Plan, the Redevelopment Area Plan, the Sonoma County General Plan, or with any other applicable plan or policy so long as the requests for a General Plan Amendment and Rezone to increase allowable density on the site are approved.

Issue #2: Government Code Consistency

Government Code Section 65915, the State Density Bonus law, requires that the County grant a Density Bonus and certain incentives when a residential developer provides at least 10% of its units to low- and very-low income households. The subject project provides 100% of its units to low-, very-low and extremely-low income households, and qualifies for bonuses and incentives under the law. Special

provisions in state law limiting the County's authority to condition or deny an affordable housing project would also apply. State law requires that incentives be granted to qualifying Density Bonus projects, according to a schedule that is set forth both in the state law and within Zoning Code Section 26-89-050 B 2. and 3. A project which provides at least 30% of its units as affordable to "lower income households" must be granted at least three incentives or concessions under the law. Examples of typical incentives are a decreased parking requirements or decreased setbacks.

The applicant has requested two incentives under state law (Government Code 65915), as follows:

- 1) Reduction in setbacks, and
- 2) Increase in building height from a maximum of 40 feet to 45 feet.

In addition to the required incentives, state law prohibits the imposition of any unnecessary "development standards" on affordable housing projects when that development standard will have the effect of precluding the construction of an affordable development at the densities or with the concessions or incentives permitted by that section (Government Code §65915). "Development standard" includes site or construction conditions that apply to a residential development pursuant to any Ordinance, General Plan Element, Specific Plan, Charter Amendment, or other local condition, law, policy, resolution, or regulation.

Another Section of Government Code which deals with Housing Element Law (GC §65863) prohibits the County from approving a project on a site that was listed in the Housing Element inventory at a density less than what was listed. In this case, only the easterly parcel (APN 070-020-037 at 0.78 acres) is listed in the site inventory (the other half of the project site was not listed due to the larger number of existing units), with development specified as sixteen Type A rental apartments on this portion of the site. The minimum density that would need to be achieved for the whole of the site would be 31 units. Approval of a larger number of units does not pose a conflict with state law.

Issue #3: Flooding and Drainage

The project site is within both the Fife Creek and the Russian River flood plain. The site floods in a 100-year event to approximately 57 feet in elevation (about 14 feet above grade at this location). The site also floods in a 10-year event for the Fife Creek and the Russian River flood plain. Flooding is clearly a significant constraint to be addressed in the development of this site, as it would be with the development of any site within downtown Guerneville.

Chapter 7B County Code prohibits new construction within the flood ways of Fife Creek and the Russian River, but do allow construction within the flood plain so long as the structure is raised to a floor height at least one foot above the 100-year base flood elevation. A "no net fill" situation also needs to be achieved in order to avoid increasing flood impacts on other properties in the area. The project as proposed meets both of these criteria.

The proposed construction will take place within an area where a 100-year flood event can produce water as high as 14 feet. While the project has been designed to allow shelter-in-place, it is possible that one or more residents may need to leave their units during certain flood events, if the event is sustained or if public services such as sewer or water are unavailable. In extreme events, evacuation by automobile or on-foot may not be possible. The project has therefore also been designed to allow evacuation by boat in such a situation. A Draft Flood Evacuation Plan has been prepared for the project.

The project would require the construction of storm water drainage facilities for the new structures. A Preliminary Storm Water Plan has been prepared for the project. Increasing the amount of impervious surface area resulting from the development of bare land generally increases the rate at which storm water runs across a site. Methods to decrease the run-off time or improve the drainage system can be used to offset the increase, and to avoid or lessen the impacts of the proposed development. In this case, the proposed improvements are expected to actually increase the amount of time before water overflows storm drains in a 10-year event, which is considered a positive impact.

The existing storm drain system gives a peak flow of 13.77 cubic feet per second (CFS) at the outfall to Fife Creek during a 10-year local event, assuming that the system were able to handle the flows. The

actual flows will overtop the drains and flow down the streets toward the creek under the pre-development conditions with the local 10-year event condition.

The post-development storm system will be able to handle the flows for the project site and for the adjacent streets under the same local ten-year event conditions. The peak flow rate is reduced to 11.63 CFS for this condition. The proposed improvements will allow the storm drain system to handle the run off for a local 10-year event, as well as handle the flows for a longer period before water starts running in the street.

At some point, the water levels in Fife Creek will raise sufficiently to flood the entire area, at which point the runoff from all properties will be 100-percent of the rainfall. The project therefore has been designed to balance the cut and fill on-site ("no net fill") in order to not lessen the overall flood storage capacity of the area.

Proposed development of this site is, by necessity, more intense than the surrounding residential uses. Because the parcel is located within the F2 flood zone, the finished floor elevation must be at least 1 foot above the 100-year flood level. This is achieved by raising the entire structure on a 15-foot tall concrete platform, resulting in a taller structure than would otherwise be necessary. On-site parking is provided underneath the platform. This lowest level is carefully designed to achieve no net fill.

Best Management Practices. Best Management Practices (BMPs) refers to devices, operational activities, or physical controls that are applied to prevent, control, or reduce the discharge of pollutants to storm drain inlets, drainage swales, and waterways. The project employs a number of BMPs, including directing rainwater to planters and the use of soil filtration systems. A portion of the deck run-off will be directed to the landscape areas on the 5th Street frontage. For these areas, a sand soil amendment will be used to increase permeability. Parking for the site is contained under the platform in an area which would be maintained by regular cleaning to reduce the pollutants which might reach the creeks in a high flow storm event.

In order to minimize downstream erosion and protect stream habitat, projects are generally required to limit post-development storm water runoff to the pre-development flow rate. This project proposes to install additional storm drains and upgrade existing storm drains to improve the carrying capacity of the system and reduce the post-development peak runoff of the system to below the pre-development peak runoff levels.

The project engineer will be present at the Planning Commission meeting to respond to questions.

Issue #4: Traffic, Circulation, and Parking

The site has 14 existing units, so traffic generation is modeled on the net increase in dwelling units (34 multi-family units). The project is expected to result in about 155 additional daily trips compared to the existing use, including a net of ten additional trips during the weekday a.m. peak hour, and 14 during the weekday p.m. peak hour. Traffic operations are expected to remain unchanged under Future plus Project volumes compared to future (without project) conditions. The Traffic Report finds only slight decrease in Level of Service (LOS) and less than 20 additional peak hour trips for this project. The total number of trips does not result in a substantial increase in the traffic load of surrounding roadways.

Automobiles and pedestrians can access the project on Church and Mill Streets, with pedestrian access possible from Fifth Street. Eighty (80) parking spots are required by Code, and 88 are proposed on-site for the project. Further, eleven additional new public parking spaces will be developed along 5th Street.

Issue #5: Historic Structure(s)

As noted above, the eastern parcel contains a single family residence and associated brick lined well built c.1880. This structure (Marshall House) has been found to be eligible for placement on the National Register of Historic Places under Criterion A (good representative of early settlement activities). one of three buildings to predate an 1894 fire in the area. Also on the parcel is an abandoned auto repair shop housed in two older buildings. The western parcel consists of a motel wing constructed in 1962, and three residential structures (two single-family residences and one multi-family residence) built in 1948. All

existing structures would be removed by this proposal.

Because the project involves a discretionary permit and the removal of the structure, Landmarks Commission review for removal or demolition of the unit is required. Project conditions and Mitigation Measures are included that would require the applicant to either donate the house to an agency with the means to maintain it on another site, or to otherwise provide data that indicates that while the structure is historically important, its loss is not considered significant if mitigation measures are in place because other local examples of the period are available. Whether the structure is relocated or demolished, the applicant would be required to submit documentation (photographs, drawings) of the building to the library and historical society and to display it at the project site.

Landmarks Commission review of the proposal was held on March 3, 2009. The Commission determined that while the other structures on the property are not significant, the Marshall House is significant in that it is a good example of an early settlement home in Guerneville, and is one of only three buildings to predate an 1894 fire in the area and to not have been destroyed by flood events. While some integrity is lost by modern additions, the older part of the house retains enough integrity to convey its importance. The opinion expressed by the Landmarks Commission at their March 3 meeting was that the Marshall House is a significant resource and it should be saved, either in place or on another site. The Landmarks Commission is advisory to the Planning Commission and the Board of Supervisors.

Issue #6: Availability of Public Sewer and Water

Sewer Capacity and Availability. A Sanitary Sewer Capacity Study was conducted for this project in October of 2008. The existing public sewer facility will have adequate capacity to serve the proposed project. The 8-inch sewer main will need to be replaced with a 10-inch or 12-inch main to meet Sonoma County Water Agency (SCWA) criteria; this upgrade has been included in the project design.

The GP2020 Environmental Impact Report and the 2009 General Plan Housing Element reviewed the availability of public services for the Russian River Urban Service Area. The Russian River County Sanitation District (RRCSD) provides sewer services in this area. A 2003 analysis found that the existing treatment facility had capacity to treat an average dry weather flow of 0.71 million gallons per day (MGD). The current (2007) average dry weather flow is approximately 0.31 MGD. The facility is currently limited to a dry weather disposal capacity of approximately 0.51 MGD. The additional .20 MGD of total sewage capacity would serve an estimated 1,795 ESDs, which is more than adequate to provide for all anticipated housing development in this area. Additionally, RRCSD staff note that plans are already underway for an expansion of the reclamation system, which would greatly increase dry weather disposal capacity.

Water Supply and Availability. Sweetwater Springs Water District (SSWD) serves the River area, including Guerneville. SSWD's permit from the California Regional Water Quality Control Board allows them to divert 3 cubic feet per second and a maximum of 1,249 acre/feet per year.

One of the SSWD's constraints in meeting capacity is its aging, leaky infrastructure which is responsible for the loss of 26.5% of the water that is pumped. The district has planned water demand management measures including leak detection and repair, auditing of residential and agricultural customers, plumbing retrofits and public education. Once these improvements have been put into place, efficiency is expected to be much improved. The SSWD staff acknowledges that its ability to serve future growth is temporarily constrained by the need to limit pumping from the Russian River to historic levels, and that additional capacity will eventually be needed. Environmental review for these additional facilities is currently underway, and redevelopment funding has been provided for the first 2 years of projects prioritized in the District's 5-year CIP (2007-2012). Based on the SSWD's Urban Water Management Plan, the district anticipates that it will be able to provide for an additional 311 residential units, which is adequate to serve all the project units and all other anticipated housing development in the area. Moreover, the SSWD has provided a will-serve letter dated May 5, 2008, indicating that water will be available to serve this project.

Issue #7: Project Design

The Design Review Committee (DRC) performed a preliminary design review of this project on August 20, 2008 and was generally very supportive of the project design. Several revisions were recommended by the DRC, including an increase to size of the landscaped areas, a re-working of the main entry element,

and changes to roofline heights if feasible. As recommended the driveway along the rear of the site has been revised to one-way, enter on Mill exit on Church. Some 90 degree parking spaces have been replaced with angled parking spaces which has created a larger landscaping area along the north property line to allow for additional planting, including larger screening trees, along the property line. The frontage along 5th Street has also been revised to create larger piazzettas at several locations. The main entry plaza and stair have been redesigned to enhance the connection to the sidewalk and street frontage. Understory planting similar to that found in a redwood forest will be planted between this sidewalk and the parking lot. Additionally, the parking area along the 5th Street elevation has been somewhat lowered to comply with "no net fill" provisions, which will provide a better buffer for parked cars from the sidewalk when the planned landscape is in place. Final Design Review review and approval will be required for the project.

Issue #8: Environmental Review

A Mitigated Negative Declaration, including Mitigation Measures agreed to by the applicant, has been prepared for the project to avoid or reduce to a less-than-significant level potentially significant adverse impacts on the environment. The Mitigated Negative Declaration must be considered by the Planning Commission prior to their recommendation on the subject project. Within the proposed Mitigated Negative Declaration, potential environmental impacts have been identified and reduced to below the level of significance in the following topic areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Transportation/Traffic, Utilities/Service Systems, and Population and Housing. All mitigation measures and the mitigation monitoring program have been incorporated into the project conditions of approval (Exhibit A).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution finding the Mitigated Negative Declaration and Monitoring program adequate and appropriate for the proposed project, and recommending approval of the General Plan Amendment, Rezone and approval of the project to the Board of Supervisors, based on the findings set forth below and subject to the proposed Conditions of Approval.

FINDINGS FOR RECOMMENDED ACTION

1. The project site meets the designation criteria for the Urban Residential 15 Dwelling Units per Acre designation of the General Plan in that the site is located in an Urban Service Area, adequate access, public services, and infrastructure will be provided, the site is located in close proximity to commercial uses and community services along the Highway 116 corridor.
2. The development and operation of the proposed development is consistent with the Urban Residential (15 du/ac) land use designations of Urban residential, 15 units per acre, and with Objective HE-3.2 of the Sonoma County General Plan in that it provides 48 apartment units affordable to extremely-low, very-low and low-income households, and the proposed density of 20 units/acre is allowed by Policy HE-1c and Article 89 of the Zoning Code, which allows a Type A Density Bonus of up to 100% of the base density.
3. The proposed project is consistent with the Sonoma County General Plan Housing Element in that it provides increased restricted affordable housing units through the application of the Housing Element's Type A Density Bonus Program. Incentives have been granted for a reduction in setbacks, and for an increase in allowable height from 40 feet to 45 feet, in order to accommodate the change in density from 15 to 30 units/acre, and no less than 40% of total project units will be made available to low income households.
4. The Proposed Project is consistent with the R-3 zoning district, which allows high-density apartments and higher lot coverage. Incentives have been granted for a reduction in setbacks, and for an increase in allowable height from 40 feet to 45 feet, in order to accommodate the change in density from 15 to 30 units/acre.

5. The requested incentives are reasonable and necessary, based on the provision of forty-eight (48) affordable rental units. To meet the Type A Density Bonus criteria, at least 40% of the total project units will be subject to a long-term Affordability Agreement administered by the County's Community Development Commission (CDC).
6. Drainage patterns will be altered by this project, but all building and grading will be carried out under permits which will undergo review by the Storm Water Section of PRMD to ensure compliance with State and local laws related to drainage and storm water control.
7. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case and subject to the conditions of approval, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are that the residential use, which is allowed on this property, shall be continually managed by the property management company; that adequate parking has been provided in that there will be 2 spaces per unit, including 1.77 spaces provided on-site; that flooding events will be improved under the 10-year scenario by this proposal; that a flood evacuation plan has been provided for a 100-year flood event; that adequate public services are available to serve the increased density requested by this project; and that a Tenant Relocation Plan, including relocation assistance, will be provided to the existing residents.
8. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
9. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and therefore, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. Based on the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures are incorporated into the project as Conditions of Approval and include a Mitigation Monitoring Program. The Planning Commission certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project. Based on the record of these proceedings, the Planning Commission finds that there is no substantial evidence before it that the Proposed Project, as mitigated, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Planning Application and Project Description dated July 8, 2008
- EXHIBIT C: Draft Ordinance
- EXHIBIT D: Draft Sectional District Map
- EXHIBIT E: General Plan Land Use Map
- EXHIBIT F: Vicinity Map
- EXHIBIT G: Zoning Map
- EXHIBIT H: Aerial Map
- EXHIBIT I: Site Plans (2)
- EXHIBIT J: Floor Plans (2)
- EXHIBIT K: Elevations (5)
- EXHIBIT L: Sections

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EXHIBIT M: Landmarks Committee Minutes dated March 3, 2009

EXHIBIT N: Letters of Support

EXHIBIT O: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration, with attachments, and Full Size Maps

Resolution Number

County of Sonoma
Santa Rosa, California

May 5, 2009
PLP08-0088 Jane Riley

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE REQUEST BY BURBANK HOUSING DEVELOPMENT CORP. FOR THE GENERAL PLAN AMENDMENT, ZONE CHANGE AND DESIGN REVIEW FOR PROPERTY LOCATED AT 14119 MILL STREET AND 16312 5TH STREET, GUERNEVILLE; APN 070-020-022 and -037.

WHEREAS, the applicant, Burbank Housing Development Corp., filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from Urban Residential 10 units per acre to Urban Residential 15 units per acre; 2) a Zone Change on 1.71 acres from R2 (Medium Density Residential, B6-10 dwelling units per acre), F2 (Floodplain Combining District), VOH (Valley Oak Habitat) to R3 (High Density residential, B6-15 dwelling units per acre, F2 (Floodplain Combining District), VOH (Valley Oak Habitat); and 3) Design Review for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two story townhome units. Units range in size from 680 square feet to 1,240 square feet. The bottom of each structure will consist of a 15 foot high precast concrete podium that will place all dwelling units one foot above the 100 year flood level, with the space below the dwelling units to be used for 85 parking spaces. Also included in the project is a management office of approximately 500 square feet, a 200 square foot laundry room and 776 square foot community room with kitchen for property located at 14119 Mill Street and 16312 5th Street, Guerneville; APN 070-020-022 and -037; Zoned: R2 (Medium Density Residential), B6-10 du/ac, F2 (Floodplain Combining District), VOH (Valley Oak Habitat); Supervisorial District 5; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, the rezoning is consistent with the General Plan Land Use designation of Urban Residential 15 units per acre; and

WHEREAS, at its regularly scheduled meeting on March 19, 2009, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on May 5, 2009, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE IT BE RESOLVED that the Board of Supervisors makes the following findings:

1. The project site meets the designation criteria for the Urban Residential 15 Dwelling Units per Acre designation of the General Plan in that the site is located in an Urban Service Area, adequate access, public services, and infrastructure will be provided, the site is located in close proximity to commercial uses and community services along the Highway 116 corridor.

2. The development and operation of the proposed development is consistent with the Urban Residential (15 du/ac) land use designations of Urban residential, 15 units per acre, and with Objective HE-3.2 of the Sonoma County General Plan in that it provides 48 apartment units affordable to extremely-low, very-low and low-income households, and the proposed density of 20 units/acre is allowed by Policy HE-1c and Article 89 of the Zoning Code, which allows a Type A Density Bonus of up to 100% of the base density.
3. The proposed project is consistent with the Sonoma County General Plan Housing Element in that it provides increased restricted affordable housing units through the application of the Housing Element's Type A Density Bonus Program. Incentives have been granted for a reduction in setbacks, and for an increase in allowable height from 40 feet to 45 feet, in order to accommodate the change in density from 15 to 30 units/acre, and no less than 40% of total project units will be made available to low income households.
4. The Proposed Project is consistent with the R-3 zoning district, which allows high-density apartments and higher lot coverage. Incentives have been granted for a reduction in setbacks, and for an increase in allowable height from 40 feet to 45 feet, in order to accommodate the change in density from 15 to 30 units/acre.
5. The requested incentives are reasonable and necessary, based of the provision of forty-eight (48) affordable rentals units. To meet the Type A Density Bonus criteria, at least 40% of the total project units will be subject to a long-term Affordability Agreement administered by the County's Community Development Commission (CDC).
6. Drainage patterns will be altered by this project, but all building and grading will be carried out under permits which will undergo review by the Storm Water Section of PRMD to ensure compliance with State and local laws related to drainage and storm water control.
7. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case and subject to the Conditions of Approval, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are that the residential use, which is allowed on this property, shall be continually managed by the property management company; that adequate parking has been provided in that there will be two spaces per-unit, including 1.77 spaces per-unit provided on-site, in accordance with County standards; that the proposed development, along with its on- and off-site improvements, will better accommodate 10-year flood events than the current situation; that a Flood Evacuation Plan has been provided for a 100-year flood event; that adequate public services are available to serve the increased density requested by this project; that preservation of the Marshall House is best served by either raising it or relocating it to another site, to avoid continued flood damage; and that a Tenant Relocation Plan, including relocation assistance, will be provided to the existing residents.
8. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained

therein has been reviewed and considered.

9. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and therefore, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. Based on the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures are incorporated into the project as Conditions of Approval and include a Mitigation Monitoring Program. The Planning Commission certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project. Based on the record of these proceedings, the Planning Commission finds that there is no substantial evidence before it that the Proposed Project, as mitigated, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Board of Supervisors adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Supervisors certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA State and County guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors.

BE IT FURTHER RESOLVED that the Board of Supervisors approves the requested General Plan Amendment and Zone Change for a 48 unit affordable apartment complex, consisting of 36 single story flats and 12 two-story units, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

SUPERVISORS VOTE:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

SO ORDERED.

Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.