



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission STAFF REPORT

FILE: PLP18-0013
DATE: Aug 6, 2020
TIME: At or after 1:10 p.m.
STAFF: Doug Bush, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Property Owner: KS Mattson Partners, LP
Applicant: KS Mattson Partners, LP
Address: 18201, 18271, 18275, 18279 & 18285 Highway 12; 30, 320 Arroyo Road; 12, 14, 15, 16 Calle Del Monte
Supervisory District(s): 1
APN: 056-415-016, 017, 018, 020
Description: Request for 1) General Plan Amendment from Limited Commercial Traffic Sensitive to Limited Commercial and extend application of this land use to an additional 0.08 acres of area, and change the residentially zoned portion of the site from Urban Residential allowing 5 units per acre to 12 dwelling units per acre, 2) Zone Change from Limited Commercial Traffic Sensitive, Low Density Residential, Scenic Resources, Local Guidelines, Vacation Rental Exclusion District to Planned Community, Scenic Resources, Local Guidelines, Vacation Rental Exclusion District .3) Major Subdivision to create 11 parcels from 4, 4) Preliminary and Precise Development Plan for Planned Community Zoning, and 5) Design Review and Sign Program
CEQA Review: Mitigated Negative Declaration
General Plan Land Use: LC TS, UR 5
Specific/Area Plan Land Use: None, however project located within proposed Draft Springs Specific Plan Area
Zoning: LC TS, R1 B6 5 DU, LG/SPR SR X



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission recommend to the Board of Supervisors adoption of the Mitigated Negative Declaration and approval of the requested entitlements.

EXECUTIVE SUMMARY

The proposed project would redevelop an site in the center of the Boyes Springs community, increasing the provision of locally serving commercial uses and tripling the amount of housing available on the site. The current site includes seven detached single family dwellings and one two story mixed use building containing accommodations for five residential tenants and the Boyes Springs Food Center, a small market and deli. The project would remodel the existing mixed use building, demolish the existing detached residences, construct two new townhouse buildings with eight dwellings total, and construct a new detached mixed use building with ground floor commercial uses and residences on the second and third floor. A tenant relocation plan is included in the proposed affordable housing plan, including temporary on-site or off-site relocation if necessary and matching of current rents during relocation. Of the 37 proposed dwellings, eight would be deed restricted affordable for rent at low income levels: one townhome and seven apartments. Staff is recommending approval of the Mitigated Negative Declaration and all requested entitlements as outlined below:

1. General Plan Amendment from Limited Commercial Traffic Sensitive to Limited Commercial
2. General Plan Amendment from Urban Residential 5 to Urban Residential 12
3. Rezone from Limited Commercial Traffic Sensitive, Low Density Residential, Local Guidelines Springs, Scenic Resources, Vacation Rental Exclusion to Planned Community Zone, Local Guidelines Springs, and Scenic Resources on all parcels
4. Preliminary Development Plan
5. Precise Development Plan (Use Permit)
6. Major Subdivision from 4 to 11 legal parcels
7. Design Review and Sign Program for new residential and mixed use buildings and remodel of existing mixed-use buildings.

PROJECT SITE AND CONTEXT

Background

The 1.26 acre site of the proposed project is comprised of 4 different parcels including seven single family cottages and a two story mixed-use building. In the early 1900's there were several cottage resorts, hotels, swimming pools and other accommodations in the area of the proposed project. In 1923 however, many of the structures in the area were destroyed by a fire. Following the fire, in 1927, much of Boyes Hot Springs was divided into 22 subdivisions that included the Boyes Springs Park subdivision where the project is located. The seven cottages currently located on the project site are estimated to have been constructed around 1935 and were originally associated with a summer resort known as Ferrell's Resort. One of the cottages was the location of the first Mary's Pizza Shack, which opened in 1959 and was relocated in 1977 to its current location off site.



The two story Boyes Springs Food Center building was constructed in 1949 and has been continuously operated as a market and deli since that time with apartments and studios on the upper and lower floors. The appearance and use of the site has not change substantively in decades.

Area Context and Surrounding Land Uses

The site currently has four parcels totaling approximately 1.26 acres bounded by Highway 12 to the west, Calle Del Monte to the south and Arroyo Road to the north. The site is currently occupied by the 8,000 square foot Boyes Food Center which is a two story mixed-use structure with 3,000 square feet of retail space and two studio apartments on the lower floor and three apartments plus additional rooms for rent on the second floor. In addition to the food center building, there are seven detached single-family residences. A historic resources evaluation was prepared for the site and found that neither the 1935 food center building, nor the single family residences are historically significant. The site also includes several trees and landscaping primarily associated with the detached residential sites.

The project site currently has split zoning and land use designations. The portion of the property adjacent to Highway 12 is designated as Limited Commercial, Traffic Sensitive (APNs 056-415-016, -017 and a portion of -020) and the remainder of the property is designated as Low Density Residential (APN 056-415-018 and a portion of -020). The project site is located in the proposed draft Springs Specific Plan Area. The proposed draft Springs Specific Plan is not final or adopted. Among other requirements, the draft plan must undergo a public review process and be adopted by the Board of Supervisors to be effective. The parcel fronting on Highway 12 (APN 056-415-020) is subject to the Highway 12 Design Guidelines.

Adjacent uses include single-family residences and commercial uses to the north (e.g. Tienda y Panaderia Iniguez), single-family residences and commercial uses to the south (e.g. La Morenita Market and Taqueria El Gran Taco), commercial/office uses to the west across Highway 12, and primarily single-family residences to the east.

Significant Applications Nearby

The County is currently reviewing an application for a proposed hotel and affordable housing project at 135-175 Verano Avenue, file PLP2019-0044. The proposal includes a three-story, 94,853 square foot hotel featuring 120 guest rooms and a 65,358 square foot, three-story 100% affordable rental apartment complex contained in six buildings. The project would be approximately ¾ mile south of this project site. The project was reviewed by the Sonoma County Design Review Committee for Preliminary Design Review on June 3, 2020. No additional action has been taken.

The County has received an application for a mobile home park conversion to prepare a site for future development of an affordable senior living facility with 92 units at 18503 Highway 12. The project file number is PLP20-0020 and that project site is approximately 1000 feet south of this project site. The mobile home park conversion was approved by the Board of Zoning Adjustments on June 25, contingent upon the future approval of affordable housing. A proposed affordable senior housing development has since been reviewed by the Design Review Committee at a conceptual level.

Access

The site can be accessed from Arroyo Drive, Calle del Monte, and Highway 12. All roads bordering the property could be used for evacuation of residents in the event of a fire. Development on the site must comply with all



emergency access requirements of the Sonoma County Fire Safety Code (Sonoma County Code Chapter 13), including emergency vehicle access requirements. Project development plans are required to be reviewed by a Department of Fire and Emergency services Fire Inspector during the building permit process to ensure compliance with emergency access requirements.

Wildfire Risk

The project site is within a Local Responsibility Area and is not designated as a parcel of elevated fire hazard risk.

Water/Wastewater/Utilities

The site is currently served by the Valley of the Moon Water District and Sonoma Valley Sanitation District. A will serve letter was provided by the water district, confirming that water is available for the proposed development. A sewer report provided by the applicant identified deficiencies in the existing sewer system that can be addressed through replacement or repair of current infrastructure. This is discussed further in the Analysis section of this report under Issue 4 and is addressed in the Conditions of Approval.

PROJECT DESCRIPTION

The project would redevelop a 1.26 acre site that currently includes a mixed use building containing a small market with attached apartments, as well as seven detached single family residences.

Residential

The project would result in 37 residential dwelling units: 7 for-sale and 1 for-rent townhome and 29 apartments for rent distributed between two mixed-use buildings. The rental units would be available as studios, 2 and 3 bedroom units. None of the dwellings would be used as vacation rentals. Townhomes would have private outdoor space for each unit while apartments would share 3,500 square feet of common outdoor space. Eight of the dwellings (21.6%) including one townhome and seven apartments would be deed restricted for rental affordability at low income levels. Consistent with Section 26-26-040(e)(7) of the municipal code, the mixed-use component of the project proposes 80% of the total gross floor area as residential floor area.

Commercial

The project would create 7,000 square feet of commercial retail/restaurant space; 3,000 square feet on the ground floor of the existing food center building and 4,000 square feet of new commercial retail/restaurant use within a new three story mixed-use building to the north. The project would also provide pedestrian amenities including a pedestrian promenade and public plaza, parking, signage and associated site improvements. Hours of operation would be seven days per week from 8am to 8pm for the commercial retail uses and 6am to 10pm for the restaurant use. Refurbishment of the existing Boyes Springs Food Center building would include restoring the exterior of the building to reflect earlier historical details of the original building and relighting the existing neon sign while modernizing the building throughout.

Parking

The residential, retail, and restaurant uses would share common parking facilities located to the rear of the mixed-use buildings. This design visually screens the parking from Highway 12 and adjacent residential uses. The townhomes have attached garages (1-car for 2 bed units and 2-cars for all others) and 3 guest parking spaces, providing 17 parking spaces for the townhomes. The common at grade parking lot located to the rear of the new mixed-use building and the existing food center provides 33 surface parking spaces. An enclosed parking garage located within the new mixed-use building and accessed from the common parking lot provides 37 parking



spaces, a majority of which would be operated by mechanical lifts. An additional six off-site parking and loading spaces would be improved within the public right of way. Forty two bicycle parking spaces are provided throughout the site. 79 total parking spaces are required and 87 are proposed.

Deliveries

All loading and unloading of delivery and trash vehicles will occur off-street within designated areas in the parking lot located to the rear of the mixed-use buildings. Trash would be stored within enclosures as shown on the site plan.

Phasing

To minimize disruption of the existing residents' access to housing, the construction of the eight townhomes on the eastern portion of the project site is anticipated to occur first; as soon as the townhomes can be occupied, tenants in the remaining cottages would be given the option to relocate into the new townhomes prior to construction of the new three-story mixed-use building and the larger site improvements on the remainder of the property. This new mixed-use building fronting Highway 12 would include 4,000 sf of commercial retail/restaurant use, twenty-one apartments and indoor parking. The refurbishment of the existing Food Center including 3,000 square feet of commercial retail and eight apartments is anticipated to follow, also timed to allow for tenant relocation. This is discussed further in the Analysis Section of this report under Issue 3.

Affordable Housing Plan

Article 89 of the Zoning Code contains affordable housing requirements for commercial and residential uses in the proposed project. The applicant is required to either provide affordable and workforce housing on site, pay into an affordable housing fund, or propose an alternative equivalent action. The applicant has proposed an alternative equivalent action to 1) allow for completion and occupancy of some market rate units in advance of some of the deed restricted affordable units and 2) to allow for a different level of affordability than otherwise required. This is discussed in greater detail in the Analysis section below.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
2-15-18	Application
3-13-18	Begin Tribal Consultation
9-7-18	Tribal Consultation Complete
4-29-20	Mitigated Negative Declaration Circulated
5-29-20	Mitigated Negative Declaration Comment Period Closed
7-29-20	Notice of Planning Commission Hearing was posted in English and Spanish, a 300 foot notice was sent in English and Spanish, and a legal notice was posted in the Press Democrat in English.

Prior Review

The Table below summarizes prior actions undertaken for the Project.

Date	Authority	Action Taken
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3-7-18	Design Review Committee	Preliminary Review – requested design revisions
4-17-18	Development Coordinating Committee	No Action
4-25-18	Sonoma Valley Citizens Advisory Committee	Unanimous Approval
6-4-20	Project Review and Advisory Committee	Made recommendation on conditions of approval

General Plan and Area Plans

The existing General Plan Land Use Designations for this site do not conform to the existing lot lines. The current designations include Limited Commercial Traffic Sensitive on the western portion of the lot and Urban Residential 5 on the eastern portion of the lot. The project proposes General Plan Amendments to change Limited Commercial Traffic Sensitive to Limited Commercial, and Urban Residential 5 to Urban Residential 12. The proposed land use designations would conform to the proposed lot lines that would be established under the proposed Major Subdivision. The Limited Commercial designation would apply to the two mixed-use buildings, while the remainder of the site accommodating townhomes would be designated Urban Residential 12.

Zoning

Like the application of the Land Use Designations described above, the zoning designations also do not conform to the existing parcel boundaries. The western portions of the site is zoned Limited Commercial Traffic Sensitive (LC TS) and the eastern portion of the site is zoned Low Density Residential (R1 5). The Scenic Resources (SR) and Vacation Rental Exclusion (X) apply throughout the site. The project proposes to rezone the entire site to Planned Community District (PC). Under the proposed PC zoning, the proposed uses are Conditionally Permitted and require a Use Permit (also called a Precise Development Plan in this context).

Conditionally Permitted Uses vary depending upon the underlying General Plan Land Use Designation. Where the General Plan Land Use is Limited Commercial, the following proposed uses are all Conditional Uses: Mixed use development, restaurants and retail and service uses. Where the land use designation is Urban Residential, multifamily housing is a Conditional Use.

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance based on the PC Zoning and underlying General Plan designations.

Standard	Ordinance	Proposed Project
Residential Density:	Residential density applies only to the portion of the site with the General Plan Designation of Urban Residential and a density of 12 units/acre	8 units (37 dwelling units total but only 8 on the portion of the site where residential density limits are set)
Front Setback	Flexible	10 feet
Side Setback	At least 10 feet between structures	Met
Rear Setback	At least 10 feet between structures	Met
Height	35ft.	35ft.
Lot Coverage %	50% for mixed use	Met
Parking Spaces	79	87



ANALYSIS

ISSUE 1: GENERAL PLAN CONSISTENCY

Land Use Element

The project is consistent with the policies and objectives of the Land Use Element because it provides a range of diverse housing types and densities, locates high density growth in an Urban Service Area with adequate water and sewer services, improves pedestrian access and roadways through construction of new sidewalks and improvement of roadways adjacent to the site, offers ample bicycle parking, provides mixed use development including commercial and residential uses on a transit corridor, and redevelops existing commercial land. For these reasons the project is consistent with the following goals, policies, and objectives of the General Plan Land Use Element:

- *Objective LU 2-2: Allocate the largest portion of unincorporated area growth to communities with public sewer and water services.*
- *Objective LU-2.5: Provide sufficient opportunities for higher density housing within the Urban Service Areas to accommodate the population growth quantified in the Housing Element Objectives for lower and moderate income units.*
- *Policy LU-2c: Encourage the retention and production of diverse types of housing within Urban Service Areas in order to provide adequate housing choices for current and future residents.*
- *Policy LU-4q: Require pedestrian access infrastructure and streetlights in new development proposed within the Urban Service Area of a Community Opportunity Area where compatible with community character.*
- *Goal LU 6: Diversify new residential development types and densities. Include a range of urban densities and housing types in some unincorporated communities, and lower density in rural communities. In rural areas, housing types and densities should meet the needs of agricultural and resource users and provide limited residential development on large parcels.*
- *Objective LU 6.1: Provide opportunities for a range of urban housing types and densities in unincorporated communities, while retaining the character of these communities.*
- *Policy LU-11a: Encourage reduction in greenhouse gas emissions, including alternatives to use of gas-powered vehicles. Such alternatives include public transit, alternatively fueled vehicles, bicycle and pedestrian routes, and bicycle and pedestrian friendly development design.*
- *Policy LU-11e: Encourage use of compact and mixed use development that minimizes the need to drive, re-uses existing infill and brownfield sites that have been reclaimed and remediated before using open land, and avoids sprawl.*

The project is consistent with Policy LU-20i because the project includes commercial uses on the ground floor of both buildings fronting on Highway 12, following the pattern of development along the corridor. Residential



uses are included as well, with townhomes toward the rear of the lot which transitions into the surrounding neighborhood of primarily single family dwellings. The volume of commercial space is similar to or lower than surrounding businesses which include a mix of one and two story development. The site is in an Urban Service Area. The Valley of the Moon Water District provided a will-serve letter. Will-serve letters are not provided by the sanitary district. The district identified that sewer capacity is sufficient to serve the project if a sewer pipe is repaired or replaced, as conditioned in Mitigation Measure UTL-1 in the Conditions of Approval. As discussed in the Initial Study Traffic impacts will be minimized and comply with General Plan Level of Service requirements based on the proposed mix of uses and their location on an existing highway corridor, where transit services and infrastructure for alternate modes of transportation are available. The Visual Resources Study provided by the applicant, demonstrates that the proposed development is consistent with design elements of the area, including mission revival architecture that mimics elements of the Sonoma Mission Inn across Highway 12.

- *Policy LU-20i: Use the "Limited Commercial" and "Limited Commercial - Traffic Sensitive" categories for commercial lands in communities with urban services, including Boyes Hot Springs/El Verano/Agua Caliente, Glen Ellen and Kenwood. Require that new uses meet the following criteria:*
 - *The size, scale, and intensity of the use is consistent and compatible with the character of the local community,*
 - *Capacities of public services are adequate to accommodate the use and maintain an acceptable level of service,*
 - *Design and siting are compatible with the scenic qualities and local area development guidelines of the local area, and*
 - *Siting of structures is compatible with planned infrastructure improvements such as roadway widening and undergrounding of public utilities*

The General Plan contains many policies encouraging redevelopment and infill development. This project advances such policies, like LU-20j listed below.

- *Policy LU-20j: Encourage the development or redevelopment of existing commercial land as a greater priority than designation of additional lands for new commercial uses. Approve new commercial designations only if they meet the following minimum criteria and where applicable comply with Policies LU-20g and LU-20i:*
 - *The lands are in an urban service area or in Kenwood*
 - *The existing supply of commercial land is insufficient to meet projected needs, and*
 - *Service capacities including water and sewer systems and roads, are adequate to accommodate the additional development*

Housing Element

The project is consistent with the policies and objectives of the Housing Element because it redevelops existing rental units, includes deed restricted affordability where none exists today, provides diversity in sizes and types of rental units on the same site, while tripling the amount of housing available on an infill site. The project meets the following Housing Element goals, objectives and policies:

- *Policy HE-3j: Continue to encourage affordable "infill" projects on underutilized sites within Urban Service Areas by allowing flexibility in development standards pursuant to state density bonus law (Government Code 65915).*



- *Policy HE-3k: Continue to apply the minimum residential density policy to all Urban Residential parcels.*
- *Policy HE-3n: Continue to use indoor noise standards for mixed use and urban infill residential development, including but not limited to Single Room Occupancy, Work-Live, Mixed Use Projects, and Caretaker Units in compliance with Noise Element Policy NE-1b.*

This project would provide a variety of dwelling unit types including studio, two and three bedroom rental units, as well as for-sale townhomes, and is consistent with Policy HE-1f:

- *Policy HE-1f: Encourage retention and further construction of small rental units such as granny units, rental studios, and SRO units, as well as large rental units with more than 3 bedrooms.*

This site is located within an Urban Service Area, has a will-serve letter from the water agency, is located within ½ mile to goods and services, would provide services on site, improved sidewalks and bike parking to support alternative transportation and is consistent with Policy HE-2f:

- *Policy HE-2f: Consider a variety of sites for higher-density and affordable housing when the following criteria are met:*
 - *site is located within or adjacent to an Urban Service Area (USA);*
 - *adequate utilities are available;*
 - *site is located within 1/2 mile to goods, services and transit; and*
 - *project is consistent with the land use policies of the General Plan.*

Circulation Element

The project is consistent with the policies and objectives of the Circulation Element because it provides housing proximate to jobs, increase the stock of affordable housing, decreases Vehicle Miles Traveled by placing housing near jobs, provides ample bicycle facilities, improves pedestrian sidewalks, incorporates public art, landscaping and seating and closes gaps in the pedestrian circulation system. The project is consistent with the Circulation Element, including the following policies and objectives:

- *Objective CT-1.8: Improve demand for transit by development of a growth management strategy encouraging projects in urbanized areas that decrease distance between jobs and housing, increase the stock of affordable housing, and increase density.*
- *Policy CT-1k: Encourage development that reduces VMT, decreases distances between jobs and housing, reduces traffic impacts, and improves housing affordability.*
- *Policy CT-1m: Require development projects contribute a fair share for development of alternative transportation mode facilities, including pedestrian and bicycle facilities along project frontages and links from these to nearby alternative mode facilities. Development near urban boundaries should provide safe access to the urban area.*
- *Objective CT-3.3: Encourage pedestrian, bicycle, and transit oriented development.*



- *Objective CT-3.8: Increase the safety, convenience, and comfort of all pedestrians and bicyclists, by eliminating the potential obstacles to this mode choice that is associated with the lack of continuous and well-connected pedestrian walkways and bicycle facilities, and the lack of safe crossing facilities, especially focusing on short trips that could result in a decrease in automobile travel.*
- *Policy CT-3ee: Encourage the use of flexible parking, circulation and road design standards for higher density residential and mixed-use projects that make walking and bicycling the preferred mode of transportation within the project and surrounding area.*
- *Policy CT-3ff: Provide adequate bicycle parking as part of all new school, public transit stops, public facilities, and commercial, industrial, and retail development following standards established in adopted Bikeways Plan.*
- *Policy CT-3oo: Require new development in Urban Service Areas and unincorporated communities to provide safe, continuous and convenient pedestrian access to jobs, shopping and other local services and destinations. Maintain consistency with City standards for pedestrian facilities in Urban Service Areas that are within a city's Sphere of Influence or Urban Growth Boundary.*
- *Policy CT-3pp: Require pedestrian-oriented street design in Urban Service Areas and unincorporated communities.*
- *Policy CT-3qq: Encourage development of amenities that enhance the walking experience, such as landscaping, public art, seating and drinking fountains, in Urban Service Areas and unincorporated communities.*
- *Policy CT-3rr: Require centrally located shared parking in Urban Service Areas and unincorporated communities whenever feasible for commercial uses rather than requiring individual businesses to provide separate parking areas.*
- *Policy CT-3ss: Where discretionary projects in Urban Service Areas and unincorporated communities are found to create additional demand for pedestrian travel, require the project to directly provide or participate in the funding of pedestrian improvements such as sidewalks, gap closures, steps, safety improvements, and/or trails that will improve pedestrian access to destinations located within 2 mile of the project site.*
- *Policy CT-6g: Require that new development provide project area improvements necessary to accommodate vehicle and transit movement in the vicinity of the project, including capacity improvements, traffic calming, right-of-way acquisition, access to the applicable roadway, safety improvements, and other mitigation measures necessary to accommodate the*

Open Space Element

The project is consistent with the policies and objectives of the Open Space Element because it provides lighting for safety and security without creating light pollution. The architecture and design retains and enhances the character of the Highway 12 corridor, includes use of native plants and retains existing mature trees, and encourages walking and bicycle use. The project is consistent with the objectives and policies of the Open Space Element including the following:



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- *Objective OSRC-4.1: Maintain night time lighting levels at the minimum necessary to provide for security and safety of the use and users to preserve night time skies and the night time character of urban, rural and natural areas.*
- *Objective OSRC-4.2: Ensure that night time lighting levels for new development are designed to minimize light spillage offsite or upward into the sky.*
- *Policy OSRC-4a: Require that all new development projects, County projects, and signage utilize light fixtures that shield the light source so that light is cast downward and that are no more than the minimum height and power necessary to adequately light the proposed use.**
- *Goal OSRC-5: Retain and enhance the unique character of each of the County's unincorporated communities, while accommodating projected growth and housing needs.*
- *Policy OSRC-7k: Require the identification, preservation and protection of native trees and Open Space & Resource Conservation Element woodlands in the design of discretionary projects, and, to the maximum extent practicable, minimize the removal of native trees and fragmentation of woodlands, require any trees removed to be replaced, preferably on the site, and provide permanent protection of other existing woodlands where replacement planting does not provide*

Water Resources Element

The project is consistent with the policies and objectives of the Water Resources Element because it incorporates water conserving landscaping and plumbing and manages stormwater on-site.

- *Policy WR-1o: Require that commercial and industrial uses reduce and pretreat wastes prior to their entering sewer systems.*
- *Policy WR-2f: Require that discretionary projects in Urban Service Areas maintain the site's pre-development recharge of groundwater to the maximum extent practicable. Develop voluntary guidelines for rural development that would accomplish the same purpose.*
- *Policy WR-4e: Require water conserving plumbing and water conserving landscaping in all new development projects and require water conserving plumbing in all new dwellings. Promote programs to minimize water loss and waste by public water suppliers and their customers. Require County operated water systems to minimize water loss and waste.*
- *Policy WR-4g: Require that development and redevelopment projects, where feasible, retain stormwater for on-site use that offsets the use of other water.*

ISSUE 2: ZONING CONSISTENCY

Purpose



The project proposes to rezone the site to Planned Community District zoning. The purpose of the PC District is to implement provisions of the General Plan Land Use Element which provides for mixed residential and commercial use. Planned Communities are intended to allow for diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring substantial compliance with the General Plan and meeting basic requirements of public health, safety and general welfare. The proposed mixed-use development would provide a complimentary mix of local serving commercial uses and a diverse range of dwellings at a range of size, type, affordability, and for both rent and sale. The proposed mixed-use development is consistent with the purpose and intent of the proposed zoning.

Preliminary Development Plan

Applications to rezone lands to the Planned Community District must include a Preliminary Development Plan. The Plan is required to graphically represent the applicant's intended development and must meet the requirements of Section 26-26-020. See Attachment 4 for the Preliminary Development Plan which includes all required elements, including:

- the entire proposed planned community
- the proposed land uses precisely divided between residential and commercial;
- a preliminary circulation pattern;
- a preliminary site plan for all residential areas including the size of each area;
- the proposed number of dwelling units and size of each unit;
- the anticipated square footage and building intensity for commercial development in each area;
- the type and location of proposed public facilities located on site; and
- general delineation of those units to be constructed in progression.

Proposed Uses and Precise Development Plan

The proposed mix of uses require a Conditional Use Permit – also called a Precise Development Plan. The types of uses permitted with a conditional use permit vary depending upon the underlying general plan land use designation. Because this site is composed of multiple parcels with different underlying General Plan Land Use Designations, permissible uses differ between the western and eastern portions of the site. Where the General Plan Land Use is Limited Commercial, (the two mixed use buildings) the following proposed uses are all Conditional Uses: mixed use development, restaurants and retail and service uses. Where the land use designation is Urban Residential (the remainder of the site including proposed townhomes) multifamily housing is a Conditional Use. The Precise Development Plan can be found in Attachment 4 and includes: location and description of all buildings, vehicle circulation, pedestrian circulation, parking, drainage plan, building elevation, and signage details.

The proposed uses are consistent with the intent of the planned community district and the proposed conditions on the development, including limited hours of operation, noise standards, dedicated parking for residents and business patrons, new and improved sidewalks, proposed shared open spaces and other amenities ensure that the mix of uses would be internally compatible and that the project would be consistent with the existing pattern of development with commercial uses along Highway 12, transitioning to residential uses to the east.

Development Standards



The proposed project is consistent with the development standards of the Planned Community District, as shown in the zoning table provided in the above project description.

Residential uses would comprise 80% of the total gross floor area of the mixed-use buildings, which is the limit established by the mixed-use standards contained in Municipal Code Section 26-88-12(b)(1). Where at least 20% of the residential floor area is provided as housing affordable to lower-income households, a 15% increase in maximum lot coverage and a 15 foot increase in maximum building height shall be granted over that otherwise allowed in the underlying zoning district.

Combining Zones

Several combining zones apply to the site including Scenic Resources – Scenic Corridor, Local Guidelines – Springs, and Traffic Sensitive. The project proposes to remove the Traffic Sensitive designation while retaining the Scenic Resources and Local Guidelines combining zones. See discussion below concerning consistency with the retained combining zones.

Scenic Resources. The purpose of the Scenic Resources Combining District is to preserve the visual character and scenic resources of lands in the county and to implement the provisions of Section 2.1, 2.2 and 2.3 of the general plan open space element. The district addresses scenic qualities by requiring Design Review and by applying specific criteria of review and development standards depending upon the category of scenic resource. This project is considered a “scenic corridor” subject to the standards of Section 26-64-030. These standards apply only to those lands outside of Urban Service Areas. Because this project lies within an Urban Service Area, it requires design review but is not subject to any unique Scenic Corridor standards.

Local Guidelines. The site is subject to the local guidelines for specific properties within the Highway 12 corridor. The Highway 12 Design Guidelines are intended to improve the aesthetic design and pedestrian usability of the Highway 12 corridor by improvements in architecture, landscaping, and pedestrian circulation and the provision of plazas and activity areas throughout the area. The guidelines include specific recommendations for different use types categorized as Country Commercial, Corridor Residential and as applied to this site – a Main Street designation. As described in the guidelines, the Main Street areas should:

- create a pedestrian-oriented, downtown atmosphere within the existing development pattern
- the scale of the architecture and signage should be oriented towards this pedestrian use and a continuous row of store front shops should line the sidewalk
- customers in the area typically park in a public lot or rear private lot and visit a number of shops in a single trip
- residential or office space located above shops can contribute to overall vitality
- restaurants, theaters and other night time uses are encouraged in this area

The proposed project furthers all of these goals through a multifaceted, mixed-use project that expands the space available for commercial uses to serve local residents. The project would introduce a variety of residential dwelling types at various sizes and levels of affordability, from studios to multi-level townhomes. The project would include improvements along all project frontages, including the addition of a sidewalk along Arroyo Rd and Calle del Monte, and the improvement of the sidewalk along Highway 12. The proposed design includes large windows consistently placed along Highway 12 to create a feeling of openness to the street and create more visual appeal for pedestrians and passersby. Street trees would be added, a public seating area would occupy the space between both mixed use buildings, and 42 bicycle parking spaces would also enhance appeal

and usability for pedestrians and cyclists. In these was the project would be consistent with and advance of the goals of the Highway 12 Design Guidelines.

ISSUE 3: AFFORDABLE HOUSING COMPONENT

Unless exempt, any development project including one or more residential units, whether single-family or multi-family dwellings, or condominium conversions or otherwise, is required to provide affordable housing through either on-site construction of affordable units, payment of an affordable housing fee, or through an alternative equivalent action.

Exemptions

Section 26-89-040.B.8 of the Zoning Code specifically exempts replacement of an existing, legal dwelling unit from the affordable housing requirements where the total living area within the replacement unit is no more than 1,000 square feet greater than the living area within the unit being replaced. The replacement of all 12 existing residences are exempt from affordable housing requirements because all units would be increased by less than 1,000 square feet.

Section 26-89-045.B.6 of the Sonoma County Zoning Code exempts non-residential remodels or replacements to existing, legal structures that do not result in the creation of additional floor area from the Workforce Housing requirements. The proposed remodel of the existing food center building will not result in the creation of additional floor area.

Section 26-89-045.B.4 of the Sonoma County zoning Code provides for a floor area discount which exempts the first 2,000 square feet of nonresidential floor area in all new developments from Workforce Housing requirements. The new commercial mixed use building will contain 4,000 square feet of new commercial uses. 2,000 of which are exempt from workforce housing requirements.

In summary, 12 of the proposed 37 units are exempt from Affordable Housing Requirements of the Zoning Code and 5,000 square feet of the proposed 7,000 square feet of commercial uses would be exempt from the Workforce Housing Requirements of the Zoning Code.

Required Affordable Housing

Per Section 26-89-040.C.3 to meet the minimum requirement for construction of affordable units on-site within a rental housing project, at least 15% of the units must be provided as affordable rental units, with at least one-half of the total number of required affordable units provided as affordable to very-low income households. The remaining affordable units may be provided as affordable to low or very-low income households. Based on this requirement, the project would be required to provide 2 low income, and 2 very-low income rental units.

Workforce Housing requirements for non-exempt commercial development requires .09 dwelling units per 1000 square feet of commercial use. At least one-half of the total number of required affordable units must be provided as affordable to very low-income households. The remaining affordable units may be provided as affordable to households with low incomes. Based on this requirement, with 2,000 square feet of new commercial space, the project is required to provide .09 low income units and .09 very-low income units. To provide these fractional unit requirements, the applicant may construct an additional affordable unit, pay a workforce housing fee, or perform an alternative equivalent action.



Alternative Equivalent Action

The applicant proposes to meet the Affordable Housing and Workforce Housing Requirements of the Sonoma County Zoning Code through an Alternative Equivalent Action as provided for under Section 26-89-040.G and 26-089-045.F of the Zoning Code by providing 8 units at low income rents. The proposed Alternative Equivalent Action furthers affordable housing opportunities in the County to a greater extent than the provision of the affordable housing units by providing 200%, or an additional four affordable units, of what is required by the Zoning Code.

Tenant Relocation

The project would affect tenants at the 12 existing units. 11 of these 12 households would qualify for below-market rate units. To minimize disruption to these tenants, the applicant will make all new units available to existing residents, and 11 of these 12 households will be offered units at rents affordable to low income households.

Given that most of the current residents are low income households, the applicants is committing to offer any qualified household not assigned to a deed affordable unit, a onetime initial opportunity to enter into a renewable, non-transferable lease of a market rate unit at an equivalent low-income rate. The rental rate will adjust to match the equivalent deeded units until such time as the lease is broken, at which point the unit may then be leased to a new resident at market rate.

To ensure that existing residents remain housed during construction of the project as well as at the time of completion, the demolition process will be sequenced, first with the removal of three cottages, followed by the removal of the remaining four cottages and then finally the refurbishing of the food center building. Some of the existing residents will be temporarily relocated off-site to residences owned by the applicant or by third parties. These residents will also continue to pay the same rent, and as necessary the applicant will subsidize any additional costs owed to third party landlords until the new housing is available on-site. Most of the residents will be relocated directly to new housing constructed on-site. Residents will continue to pay their current rent amount until they move into a newly constructed unit, at which time their rent will be tied to new leases, whether for deed restricted or market rate units with leases set to match low income rates.

The alternative equivalent action proposed to meet County affordability requirements was reviewed and approved by the Director pursuant to County Code Section 26-89-040(A)(3).

ISSUE 4: ENVIRONMENTAL ANALYSIS

Pursuant to Section 15071 of the State CEQA Guidelines, an Initial Study and Mitigated Negative Declaration was prepared for the proposal. Staff determined that the proposed use would not have an adverse impact on the environment with the incorporation of mitigation measures for the following areas:

Air Quality. There could be a significant short-term emission of dust and fine particular matter during construction. These emissions could be significant at the project level, and would also contribute to a cumulative impact. The impact would be reduced to a less than significant by including dust control mitigation measures.

Biological Resources. The urban build-out over most of the project site limits the habitat value for wildlife. Even so, trees on site could provide habitat for birds during nesting seasons which have federal protections. If work is

planned during nesting season, a qualified biologist is required to conduct a bird-nesting survey consistent with the biological mitigation measure.

Cultural Resources. No burial sites are known in the vicinity of the project and most of the project site has already been disturbed by past grading activity. However, during site preparation or construction there is a possibility of encountering human remains. If such remains are encountered, work must be halted and the operator must notify Permit Sonoma and the Coroner. Mitigation measures are required to address requirements in case of accidental discovery or disturbance of remains.

Noise. The proposed project would include primarily noise sensitive uses. Mitigation measures would be required to minimize noise impacts on the interior of the proposed residences and commercial spaces.

Utility and Service Systems. The Sonoma County Water Agency has identified deficiencies in the capacity of the sewer in the area that would serve this project. A sewer pipeline upstream from the proposed project was identified as having significant inflow and infiltration during wet weather events. The Water Agency determined that adequate capacity is available if the existing pipeline is replaced or repaired to eliminate extraneous infiltration. A mitigation measure would require repair or replacement as needed to eliminate significant inflow and infiltration during wet weather events.

ISSUE 5: IMPROVEMENTS IN PUBLIC RIGHT OF WAY

The current site does not have a sidewalk on either Arroyo Road or Calle Del Monte. The applicant's proposed plan would include sidewalks on both Calle Del Monte and Arroyo Road. The sidewalk would extend along the full frontage on Calle Del Monte but on the Arroyo Road side would extend only partially due to the location of parking spaces required for the townhouses in the northeast corner of the property. The applicant would also redesign the sidewalk along the frontage with Highway 12 to meet County and State requirements.

The draft conditions recommended by the Project Review and Advisory Committee include the following condition:

The Applicant shall construct minimum 5-foot wide sidewalks along the Applicant's entire frontage on Calle Del Monte and Arroyo Road. Refer to County of Sonoma Department of Transportation and Public Works Construction Drawing No. 220.

The proposed project contains 8 deed restricted dwellings to maintain affordability at low income levels. The provision of 21% of the proposed housing as affordable to lower income households makes the applicant eligible for certain incentives or concessions under the California Density Bonus Law. California Gov. Code Section 65915(b) reads:

A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e) when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.



The applicant is eligible for relaxation of standards under the State’s affordable housing provisions. The applicant has requested that the condition referenced above be modified to clarify that sidewalk will be installed as shown on the project plans. The project would provide sidewalks along the majority of the project’s three street frontages, but it does not appear feasible to extend the sidewalk on Arroyo Road fully up to the northeast corner of the property for several reasons. Two townhomes were located in the northeast corner and were designed to address the street to mimic the dominant pattern of other homes along the road. Requiring a sidewalk in front of the dwellings would eliminate parking spaces for those residences. Secondly, Arroyo Road is narrow, has no sidewalk currently, and due to the dominant pattern of development, it does not appear feasible for continuation of a sidewalk beyond the project site.

Staff recommends that the Planning Commission grant this request for relaxation of the draft condition and supports the modification of the condition as follows, and as included in the draft conditions of approval in Attachment 1 Exhibit A:

The Applicant shall construct minimum 5-foot wide sidewalks along the Applicant’s frontage on Calle Del Monte and Arroyo Road as shown on the project plans. Refer to County of Sonoma Department of Transportation and Public Works Construction Drawing No. 220.

NEIGHBORHOOD/PUBLIC COMMENTS

All letters received in response to public notices for this project, including the Notice of Intent for the environmental document, and notice for the Planning Commission are included in Attachment 8. A majority of comments are in support of the project.

RECOMMENDATIONS

Preceding Review Authority Recommendation

The Design Review Committee reviewed the project in 2018 and made several recommendations for aesthetic improvements. The application will go back to the Committee for additional review following review by the Board of Supervisors.

The Project Review and Advisory Committee reviewed the project on June 4, 2020 and recommended approval of the Major Subdivision and draft conditions of approval. All recommended conditions have been incorporated into the Draft Conditions of Approval in Attachment 1 Exhibit A, with the exception of the sidewalk condition which has been modified as described in the Analysis section of this report.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Board of Supervisors adoption of a Mitigated Negative Declaration and approval of the project subject to the findings contained in the Draft Resolution and Conditions of Approval.

ATTACHMENTS

1. Draft Planning Commission Resolution

Exhibit A. Draft Conditions of Approval

2. Proposal Statement



Sonoma County Permit and Resource Management Department
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3. Affordable Housing Program
4. Preliminary and Precise Development Plan
5. Tentative Map
6. Architectural Plans
7. Mitigated Negative Declaration
8. Public Comments