

# Springs Specific Plan

## *A Public Disclosure Misfire*

### **SUMMARY**

Sonoma County has undertaken a Springs Specific Plan (SSP, or the Plan) to guide future development along the Sonoma County Highway 12 corridor. The planning process, begun in 2012 by elected officials as well as county and state agencies, has solicited public involvement through multiple public meetings.

In April 2019, the Sonoma County Civil Grand Jury (Grand Jury) received a citizen complaint outlining how the Donald Street neighborhood, comprising 35% of the total SSP area, was insufficiently notified of the existence of the Plan. In addition, the complaint described the considerable impact of the Plan upon the residents, from traffic and parking concerns to fire safety.

The Grand Jury analyzed the SSP along with the complaint and decided to conduct a limited investigation. Our investigation aims to answer one question: Did Sonoma County follow the Metropolitan Transportation Commission (MTC) guidelines for Specific Plans relating to public disclosure and soliciting input from affected individuals? We did not investigate nor offer any findings relating to the content of the Plan itself.

The Grand Jury concludes that the County failed to follow MTC guidelines for the SSP and that the Donald Street neighborhood residents were in the dark for four years while the County and the rest of the Springs' residents engaged in community workshops and meetings. We found that the County's public disclosures from 2012 to early 2017 were insufficient to alert a civically engaged citizen that their neighborhood could be affected in a significant manner.

The Grand Jury recommends that the County take action to rectify the lack of notice by:

- Offering an official apology
- Engaging with the Donald Street residents regarding their concerns
- Attempting to accommodate those concerns
- Considering the severance of the Donald Street region from the SSP

### **BACKGROUND**

A complaint was received by the Grand Jury related to the Springs Specific Plan (SSP) on April 20, 2019. After review, the 2019-2020 Grand Jury decided to investigate the complaint. Our focus was to look at the Sonoma County process for obtaining public participation in civic projects. In particular, we looked at whether the process followed in the case of the SSP excluded the participation of Donald Street residents. The criterion of the Grand Jury in making this finding is whether a civically engaged person living in the affected Donald Street neighborhood could or should have been alerted earlier to the existence of the SSP and its effect on them.

## METHODOLOGY

From August 2019 through December 2019, the Sonoma County Civil Grand Jury interviewed:

- Citizen Complainant
- Representatives of Permit Sonoma, City of Sonoma, and the Sonoma County Board of Supervisors

The Grand Jury reviewed a wide range of sources:

- Written material describing the Springs Specific Plan
- Local news articles
- Permit Sonoma press releases
- Association of Bay Area Governments (ABAG) approval letter for the SSP
- Permit Sonoma Grant proposal
- Donald Street presentation to the County Planning Commission



*Donald Street vacant 2-acre lot*

## DISCUSSION

### *Zoning Process Description*

The Zoning Code is the primary tool for implementing the General Plan for the greater County and regulating land use and development. The General Plan dictates overarching policy on how and where the community will accommodate physical growth and change. The Zoning Code applies these policies on a parcel-specific scale, regulating land uses, site planning and design. The Zoning Code also specifies the type of permits required for various projects and the responsible review authority. Either the government or an individual landowner may initiate a change in zoning.

One way to change zoning for a widespread region that needs special attention and integrated planning is to undertake a Specific Plan. This planning process includes land use, design, infrastructure and financing. Once a Specific Plan is completed and approved, it becomes part of a revised General Plan. By law, the planning process requires citizen involvement. Permit Sonoma administers Specific Plans and coordinates citizen participation. The SSP is such a Specific Plan.

The Metropolitan Transportation Commission (MTC) awarded Permit Sonoma \$450,000 through the Association of Bay Area Governments (ABAG) to conduct initial planning and execute the SSP. Permit Sonoma solicited and recruited area citizens for the Community Advisory Team (CAT) to assist in the planning process. The SSP requires an Environmental Impact Report (EIR). The final Plan with the EIR will be submitted to the Board of Supervisors, which holds formal public hearings prior to its final approval or rejection of a Specific Plan. Permit Sonoma intends to bring the Plan and EIR to the Board in Spring 2020 for consideration.

### *The Springs Specific Plan*

The SSP was initiated when the Sonoma County Board of Supervisors passed a resolution supporting the submission of applications to ABAG on January 12, 2012. The MTC and ABAG approved the SSP in July 2012. The SSP was identified as an MTC “Community of Concern” – an area with special transportation needs associated with low-income or otherwise disadvantaged communities. The original 2012 application to ABAG states that the intention of the SSP is to foster a vibrant, attractive, multimodal community in the Sonoma Valley Springs area along the Highway 12 corridor. The SSP provides for rezoning land parcels towards higher-density housing.

The SSP establishes requirements for future development, infrastructure improvements, and other projects to be consistent with MTC policies and design. One MTC policy that is particularly relevant for this investigation is MTC Resolution No. 4035, dated May 17, 2012, which established Bay Area performance objectives that included a policy applicable to all projects. The policy states:

*“1. **Public Involvement.** MTC is committed to a public involvement process that is proactive and provides comprehensive information, timely public notice, full public access to key decisions, and opportunities for continuing involvement.”*

The SSP, as a Specific Plan, is under the aegis of this MTC policy, which requires Permit Sonoma to obtain public involvement in the planning process. From the Grand Jury investigation, it appears that Permit Sonoma did conduct outreach that adequately notified the residents in 65% of the Plan area. However, the Grand Jury did not find evidence to confirm that similar outreach, to give “*comprehensive information, timely public notice, full public access to key decisions, and opportunities for continuing involvement*” ever reached the residents in 35% of the area – those who live in the Donald Street area.

### *Donald Street Impact*

A citizen complaint filed in April of 2019 led the Grand Jury to review the SSP and the opportunities for public participation. The complaint posits that the County appears not to have followed all of its public participation procedures in the development of the SSP. The complaint further suggests that the County added, three years after the plan approval by ABAG, an appendage that includes a two-acre vacant lot on Donald Street to the SSP. This addition was made without public involvement. Some 187 residents have joined the complainant in signing a petition to the Board of Supervisors. This petition requests a restart of the SSP process, in order to ensure the full inclusion of the Donald Street residents in all community discussions and committees.

The Donald Street neighborhood is one block north of the Sonoma city limits and currently has 114 housing units. Donald Street is outside the City of Sonoma Urban Growth Boundary, which means that Donald Street is part of Permit Sonoma’s planning authority. Permit Sonoma views a vacant two-acre lot in the area as part of a valuable affordable housing development resource, providing a key piece towards reaching the high-density goal of 633 housing units. This two-acre parcel faces Donald Street. An additional lot, across the street from that parcel, may also be available for development.

It was not until a press release dated February 24, 2017 that the Donald Street neighborhood was identified as an area impacted by the SSP. On this date, the Permit Sonoma press release stated: “*The area affected by the Specific Plan includes the Highway 12 corridor from Agua Caliente Road to Verano Avenue and the residential area in the vicinity of Donald Street...*” This February 24<sup>th</sup> press release is the first public disclosure the Grand Jury found indicating the inclusion of Donald Street in the Springs Specific Plan.

As shown in Figure 1, Permit Sonoma has hosted four publicly announced community meetings and six CAT meetings regarding the SSP. Figure 1 also shows the dates of Permit Sonoma press releases, along with the evolving descriptions of the Plan area before and after Permit Sonoma mentioned Donald Street for the first time.

The public participation process was closed before Donald Street residents even became aware that the SSP affected them. It was not until early 2019 that Donald Street residents first became aware of the SSP effort.

## SSP Event Timeline

1/12/2012	MTC/ABAG Project Approval
12/22/2015	CAT meeting, PRMD Press Release
1/12/2016	Sonoma Index Tribune Article
1/23/2016	CAT meeting, PRMD Press Release
2/9/2016	CAT meeting, PRMD Press Release
2/29/2016	Community meeting
5/9/2016	CAT meeting PRMD Press Release
5/16/2016	Community meeting
6/7/2016	Primary/County Election
6/22/2016	CAT meeting, PRMD Press Release
6/29/2016	Community meeting
2/24/2017	CAT meeting

The majority of public involvement occurred prior to Donald Street residents' awareness of the Plan

← Press Releases described the affected Springs Area as: "...which includes the Highway 12 corridor from Agua Caliente Road to Verano Avenue."

2/24/2017 PRMD Press Release – first mention of Donald Street Neighborhood:  
*"The area affected by the Specific Plan includes the Highway 12 corridor from Agua Caliente Road to Verano Avenue and the residential area in the vicinity of Donald Street."*

3/9/2017 Community meeting

Figure 1

Figure 2 below is the SSP zoning map. In general, the SSP area is within one or two streets of the Highway 12 corridor. The exception is Donald Street, stretching 0.4 miles from Highway 12 (circled on the Figure 2 map).

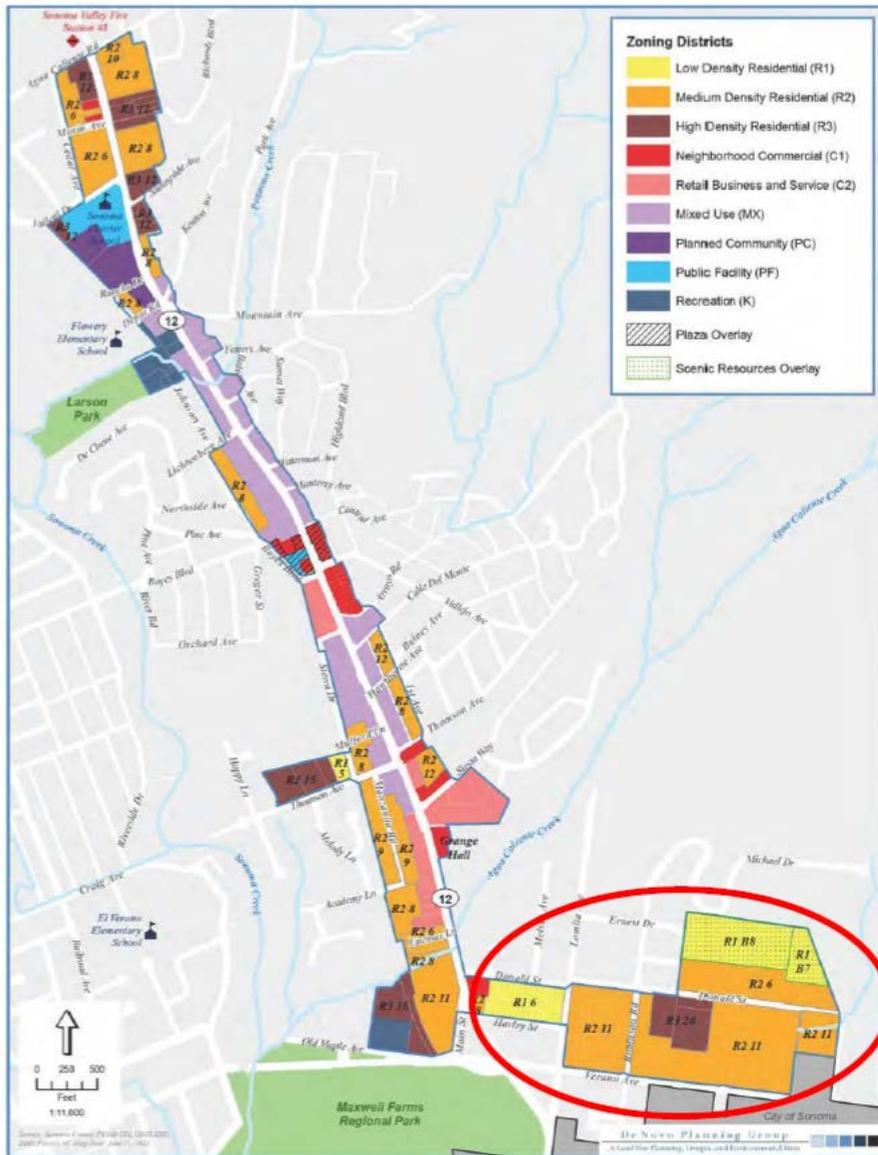


Figure 2

Donald Street residents made a presentation to Permit Sonoma on December 9, 2019. In that presentation, titled “Donald St. Neighborhood & the Springs Specific Plan (SSP)”, they stated that no one attended the SSP meetings.

The reasons given for the residents not attending these SSP meetings, as shown in Figure 1, were as follows:

- The meetings occurred before the public announcement that the SSP included Donald Street.
- There was no mention of the Donald Street neighborhood in any of the newspaper announcements.

- There was no notification to the Donald Street residents either through mailings or signage in their neighborhood area.
- The Donald Street residents received no notification about the Community Workshops held by the CAT or meetings of Sonoma County Alliance (Sonoma County Alliance includes companies, organizations, agencies and individuals concerned about the economic, social, and environmental development of Sonoma County).
- Donald Street residents identify with the City of Sonoma; that is where they shop, attend school, and socialize. Highway 12, the focus of the SSP, is used by these residents primarily to travel to Santa Rosa. Donald Street residents contend that a plan named Springs Specific Plan could not be expected to affect them.

The Grand Jury searched period-available documentation relating to the SSP and concluded that it was reasonable for Donald Street residents not to have expected Donald Street to be part of the SSP.

In January of 2019, Donald Street residents became aware that:

- The Assessor Parcel Numbers (APNs) of their homes and properties were identified as being part of the SSP.
- These APNs contained a tag with a reference to rezoning and to the SSP. This change was dated September 10, 2018, six years after the SSP approval.

Surprised by this news, the residents promptly took the initiative to arrange a meeting on March 6, 2019 with County officials to voice their concerns. The Donald Street residents wanted to participate in the decision-making process, but were told that it was too late. The March 6<sup>th</sup> meeting was unexpectedly expanded by County officials and resulted in a contentious discussion between affordable housing advocates and Donald Street residents.

After a discussion with Permit Sonoma, the Grand Jury learned that Donald Street had been part of the SSP since its inception in 2012. The Donald Street area was part of the MTC/ABAG approval for funding the SSP development. ABAG emphasizes affordable housing when approving funds for regional developments. The Grand Jury could not find evidence that the County tried to specifically involve Donald Street residents in any notifications or discussions. There was ample notice along the Highway 12 corridor, but not within the City of Sonoma, where Donald Street residents congregate and do business. None of these public notices or announcements indicated a specific reason for Donald Street residents to become involved.

Donald Street residents have submitted their petition, now signed by 263 homeowners, to the Sonoma County Board of Supervisors, requesting a restart of the SSP planning process. Alternatively, they request the removal of the Donald Street neighborhood from the SSP. Donald Street residents have expressed support of the need for new housing; their issues center around not being allowed to represent their concerns.

Specific concerns include:

- Placing limits on housing density for new construction
- Placing limits on building heights for new construction

- Preparing for additional water tanks for increased water usage
- Providing an emergency evacuation route out of the single entrance area
- Accommodating increased parking needs

## **CONCLUSION**

The process followed by County officials did not conform to the MTC public participation policy for project selection (MTC Resolution No. 4035). Thirty-five percent of the SSP affected area was effectively excluded from participation. The Grand Jury, after extensive research, could not find a single reference in published press releases or newspaper articles prior to February 2017 to the Donald Street neighborhood's inclusion. It is unclear why Permit Sonoma waited five years after the 2012 approval of the SSP to make the first public disclosure that Donald Street was part of the Plan, which occurred in a Permit Sonoma press release dated February 24, 2017. The Grand Jury assumes and hopes that this was due only to an oversight and not to any conscious intent.

## **FINDINGS**

The Sonoma County Civil Grand Jury determined that:

- F1. A resident of Donald Street, using reasonable diligence, would have had difficulty finding out that their neighborhood was part of a large rezoning planning process.
- F2. The boundaries of the SSP area, intended by MTC and ABAG to be within a street or two of a rural transportation corridor – Highway 12 in this case – does not logically encompass a neighborhood as far removed as the Donald Street area.
- F3. Planners should have recognized that the Donald Street neighborhood was not represented in any of the public meetings. The groups tasked to work on the SSP, such as the Community Advisory Team (CAT), Municipal Advisory Committee (MAC), the Sonoma Alliance, and others also failed in this regard.
- F4. Because the Donald Street residents reasonably assumed they were not part of “The Springs,” and notifications did not mention Donald Street’s involvement in the SSP, their distress and surprise upon learning of the rezoning of parcels in the neighborhood is understandable.
- F5. Citizens’ trust in their government was tested at many points in the handling of the SSP, leaving the Donald Street residents feeling marginalized and unheard by their County government.
- F6. The Donald Street residents were caught off guard in the requested meeting on March 6, 2019; they felt they were misled by a County official as to its purpose.
- F7. By not proactively engaging with the Donald Street neighborhood, the County did not live up to its best practices as explicitly set out in MTC Resolution No. 4035.
- F8. No public disclosure laws were broken.

- F9. It is important for County planning officials to disseminate information about development plans in a timely manner in order to uphold residents' confidence in the fairness of the development process.

## **RECOMMENDATIONS**

The Sonoma County Civil Grand Jury recommends that:

- R1. Permit Sonoma offer Donald Street residents an official apology for their missteps by July 1, 2020. (F1, F2, F3, F4, F6, F7)
- R2. Permit Sonoma hold substantive discussions with the Donald Street residents regarding their principal concerns regarding the SSP by July 1, 2020, or before finalizing the SSP, whichever comes first. (F1, F2, F3, F4)
- R3. Permit Sonoma respond to the principal concerns expressed by Donald Street neighborhood with an explanation as to why they can or cannot accommodate the requests of the Donald Street neighborhood residents by July 1, 2020. (F4, F5, F6, F7)
- R4. The Grand Jury does not dictate policy, however, if accommodations cannot be reached, the Board of Supervisors should consider severing Donald Street from the SSP. (F2, F4, F7)
- R5. Permit Sonoma determine where the procedures used for SSP failed, and adopt revised procedures to avoid a repetition of the oversight, with a copy of the revised procedures sent to the Grand Jury by July 1, 2020. (F1, F2, F3, F6, F8, F9)

The Grand Jury has recommended several dates above prior to the official required response dates. These earlier dates are provided because the approval process is ongoing and time critical.

## **REQUIRED RESPONSES**

Pursuant to Penal Code § 933.05, the Grand Jury requires responses as follows:

- Sonoma County Board of Supervisors (R4)
- Permit Sonoma (R1, R2, R3, R5)

The governing bodies indicated above should be aware that their comments or responses must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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- Sonoma County Board of Supervisors Resolution. December 12, 2012. *Adopting A Resolution Supporting the Submittal of Applications To the Association of Bay Area Governments For Priority Development Area Designation for Seven County Urban Service Areas.*
  - Sonoma County Board of Supervisors Resolution. February 25, 2014. *Resolution of Local Support to obtain grant funds to be used for the Sonoma Springs and Airport Industrial Park planning efforts.*

## **GLOSSARY**

- ABAG            Association of Bay Area Governments
- SSP             Springs Specific Plan
- PRMD          Permit & Resource Management Department, County of Sonoma, now Permit Sonoma
- MTC            Metropolitan Transportation Commission
- CAT             Citizen Advisory Team
- EIR              Environmental Impact Report

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.