



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 7/11/2023

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Blake Hillegas, (707) 565-1392

Vote Requirement: Majority

Supervisorial District(s): Third

Title:

1:45 PM - File No. DRH22-0008; Appeal of Planning Commission action approving Final Design Review and Conditions of Approval for the West County Transportation Agency Phase II bus storage yard with associated bus driver employee parking at 3300 Juniper Avenue in Santa Rosa, APN 134-074-022.

Recommended Action:

Hold a public hearing and adopt a resolution denying the appeal, finding the project within the scope of the previously adopted Mitigated Negative Declaration, and upholding the Planning Commission's decision to approve a Final Design Review application and Conditions of Approval, for a bus storage yard with bus driver employee parking.

Executive Summary:

This report presents an appeal of the Planning Commission's decision to approve a Final Design Review application and conditions of approval for the West County Transportation Agency (WCTA) to construct Phase II of an approved project consisting of a bus storage yard with 71 bus parking spaces and 80 bus driver employee parking spaces and associated site improvements on 5.27 acres at 3300 Juniper Avenue in Santa Rosa, APN 134-074-022.

WCTA is a joint powers agency created to operate bus transportation services for students attending public schools within numerous public school districts in Sonoma County. In 1999, the Board of Supervisors (BOS) adopted a Mitigated Negative Declaration and approved a Use Permit for West County Transportation Agency (WCTA) to construct school bus storage, parking, maintenance, and administrative facilities in two phases on approximately 9.14 acres at 367 West Robles Avenue (Phase I eastern lots, APNs 134-072-025 and -048) and 3300 Juniper Avenue (Phase II western lot, APN 134-074-022) File PLP98-0050. The BOS 1999 approval included General Plan and South Santa Rosa Area Plan Amendments and a Zone Change for the Phase II "western lot" at 3300 Juniper Avenue from Rural Residential to Public Facility. The Use Permit was approved for both phases subject to Final Design Review Committee approval. The Phase I bus storage yard, maintenance, and administrative facility with employee parking obtained Design Review Committee approval and was constructed in 2000.

The Final Design Review Permit for Phase II was approved unanimously by the Design Review Committee (3-0-0 vote) on August 3, 2022. On de novo appeal of the Design Review Committee's action, the Planning Commission on January 26, 2023, unanimously approved, by a 5-0-0 vote, the Design Review permit and

conditions of approval for Phase II. An appeal of the Planning Commission's action was filed by neighboring property owners Kent Lawson and Kasia Nowak on February 6, 2023.

The Lawson-Nowak appeal disagrees with staff, the Design Review Committee, and the Planning Commission's determinations. The appeal argues that the bus storage yard with bus driver employee parking in Phase II is not consistent with the 1999 Use Permit and associated Conditions of Approved for the facility approved under PLP98-0050. During the Planning Commission appeal hearings on December 1, 2022, and January 26, 2023, the Planning Commission discussed and considered the previously adopted use permit conditions (File PLP98-00550) and the pending Phase II design review permit conditions of approval (File DRH22-0008) at length.

After the close of the public hearing, the Planning Commission determined that the Phase II project component is consistent with the 1999 use permit and that additional environmental review is not required because Phase II does not result in substantial changes to the project or result in any new significant environmental impacts. Thereafter, the Planning Commission approved the design review and conditions of approval for DRH22-0008. The present appeal followed. The Board's review and decision on the appeal is made anew (de novo) and not affected by the prior decisions of the Planning Commission or Design Review Committee on the application for design review.

Discussion:

BACKGROUND

A grading permit for Phase II was issued on May 3, 2022, and construction began prior to obtaining Design Review Committee (DRC) approval. After receiving a complaint from a neighbor (the appellant), Permit Sonoma determined that the grading permit had been issued in error because Phase II had not received DRC approval and Phase II site improvements did not fully comply with the PLP98-0050 conditions of approval at that time because the required berm was not six foot tall from both sides. Permit Sonoma issued a stop work order for the grading permit on May 20, 2022 but allowed certain grading and drainage improvements to continue to address stormwater regulations. On July 17, 2022, WCTA submitted a design review application for Phase II which included a revised perimeter berm design to comply with conditions of PLP98-0050.

On August 3, 2022, the DRC determined the Phase II Plans were consistent with the Use Permit PLP98-0050 and conditionally approved the design review application. The DRC required additional landscape screening and required the height of lighting fixtures be reduced in response to neighborhood concerns.

On August 15, 2022, an appeal of the DRC approval was filed by Kent Lawson contending that the scope of Phase II is not consistent with the Conditions of Approval of PLP98-0050 concerning the proposed number of bus and vehicle parking spaces, berm design and landscaping (visual screening), noise, lighting, fencing and drainage design.

On September 29, 2022, Permit Sonoma placed a second stop work order on the project because site work had exceeded permission to complete limited drainage and erosion control work. Staff observed base rock had been imported, curbs had been poured and perimeter fence posts had been set. Work within the public right of way on Juniper Avenue is not included in the stop work order and has been allowed to continue.

On December 1, 2022, and January 26, 2023, the Planning Commission held public hearings on the appeal of

DRC's action and design review application. On January 26, 2023 the Planning Commission approved the design review application, subject to final changes to the Design Review Permit Conditions of Approval. In the Planning Commission's unanimous approval (5-0-0 vote) they authorized eight-foot-tall wire mesh perimeter fencing, bus driver security lighting (to be shut off between 6 p.m. and 6 a.m.) and permitted up to five motion activated (after hours) bus yard security lights up to 1 candle power, to be located on the south side of the property.

PROJECT DESCRIPTION

Existing Facility and Conditions of Approval (PLP98-0050)

Under Use Permit PLP98-0050, WCTA currently operates Phase I of the bus storage yard, maintenance and administrative facility approved by the Board of Supervisors in 1999. The Phase I facility includes bus storage and parking for bus drivers and administrative staff and an administrative building and maintenance facility on 3.87 acres at 367 West Robles Avenue.

Proposed Phase II

Proposed Phase II is for bus storage with employee bus driver parking on the "western lot" at 3300 Juniper Avenue. Condition of Approval No. 32 of PLP98-0050 expressly limits the Phase II western lot to having no more than 80 vehicles at any one time. Condition No. 32 also provides that the total project, including all three lots under both phases, is restricted to a maximum of 110 buses at any one time. The 1999 Conditions of Approval include a number of requirements that apply only to Phase II (3300 Juniper Avenue), which are primarily aimed at limiting noise and visual impacts of the Phase II development on adjacent residential areas. These requirements for Phase II include, among other things, shorter hours of operation (restricted to 6 a.m. to 6 p.m., Monday through Friday); installation of berms at least six feet tall along the north and west boundaries of the Phase II lot; a 50-foot setback for the north berm; fencing and landscape screening; and prohibiting use of backup beepers in the morning hours and prohibiting beeper and horn checks. The 1999 Conditions of Approval required Design Review Committee (DRC) approval for both phases.

Proposed Phase II Site Improvements

West County Transportation Agency's Phase II proposal includes a bus storage yard with bus driver employee parking and associated on-site and off-site improvements. The on-site improvements include 71 bus parking spaces and 80 bus driver employee parking spaces and associated landscaping, irrigation, lighting, fencing, and drainage improvements. Eight-foot-tall wire mesh security fencing would be installed around the perimeter of the site. Fencing along the property street frontage on Juniper Avenue would be setback and visually screened by street front landscaping. Vinyl slats would be included in fencing along the south property line. The project includes a nine-foot-tall earthen berm parallel to the north property line and a seven-foot-tall earthen berm parallel to the west property line to provide visual screening and noise attenuation from adjoining rural residential uses as required by Use Permit PLP98-0050. The approved hours of operation of the Phase II bus yard are from 6 a.m. to 6 p.m. Monday - Friday.

The off-site Juniper Avenue road improvements include full width urban street improvements, including paving, curb, gutter, sidewalk, street lighting and storm drain facilities. A road gate would be reinstalled on Juniper Avenue at the north end of the property to prevent through traffic on Juniper Avenue in the rural residential area to the north.

As required by the Design Review Committee and Planning Commission, the following changes have been incorporated into the Phase II design review plans:

1. Adjusted plans to confirm modified perimeter berms heights meet or exceed minimum height of six

feet. Berms are nine-feet tall along north property line and seven-feet tall along west property line.

2. Removed 16 bus driver employee parking spaces at the northwest corner of the site and added six 8’x8’ in-ground landscape planters with trees.
3. Added three 36” box size live oak trees at the northwest corner of the site to address the removal of several redwoods in this area.
4. Increased tree planting along the northerly berm, including an additional 11 pepper trees, resulting in a triple row of trees.
5. Added shrub planting at the top of the berm in the northwest corner.
6. Addressed limited compaction of berms for better initiation of tree root systems.
7. Adjusted security lights to a warmer lighting color range temperature of 2700 K (Kelvin).
8. Provided additional lighting analysis and implemented changes to reduce impacts, including clarifying that security lighting for bus driver employees parking would be shut off during non-operational hours from 6 p.m. to 6 a.m. Also, clarified that bus yard security night lighting would be limited to five motion activated fixtures oriented in a southerly direction and include light shields.

See additional details of proposal in responses to the appeal below.

General Plan Land Use and Zoning

The 3.87-acre Phase I site is designated as Limited Urban Industrial land use. The 5.27-acre Phase II site is designated as Public/Quasi Public land use by the General Plan and South Santa Rosa Area Plan and is Zoned PF, Public Facility as approved by the Board of Supervisors in 1999.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Uses</u>
North	Rural Residential
South	Vacant/Limited Industrial designation
East	West County Transportation Phase I/Sonoma County Transit and Industrial Park
West	Rural Residential

ISSUES RAISED IN THE APPEAL

The appeal letter is provided as Attachment 20. The appeal items are addressed in chronological order as much as practicable; some topics overlap.

1. Appellant’s First Claim: Use Permit should be revoked for noncompliance.

The appellant contends that Use Permit PLP98-0050 should be revoked because the applicant violated Use Permit Conditions granted in 1999 by completing Phase II site work before receiving Design Review Committee approval. The applicant cites Use Permit PLP98-0050 COA 57 which reads:

57. *This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-465.1 and 26-465.2 of the Sonoma County Code...*

Staff Analysis

Code Section 26-92-120 sets the following parameters for revocation of a Use Permit:

Sec. 26-92-120. - Revocation generally.

- (a) Whenever in the opinion of the planning director or of the board of zoning adjustments a condition of any permit issued pursuant to this chapter has been violated, or that the use constitutes a nuisance, the planning director shall cause a hearing to be held before the board of zoning adjustments on the matter of the revocation or modification of such permit. The hearing shall be noticed in accordance with this chapter and shall require the owner to appear at the noticed time and place and show cause why such permit should not be revoked or modified.*
- (b) If, after the hearing, the board of zoning adjustments finds that there has been or will be a substantial failure to fulfill one or more of the conditions of the permit or that exercise of the use constitutes a nuisance, the board may either revoke the permit or modify it in such a manner as to secure the goals of Section 26-92-080.*

The applicant started construction on Phase II in May 2022 after issuance of a grading permit, but before final design review approval had been granted by the Design Review Committee. This was due to staff error for which the applicant should not be penalized. The applicant subsequently filed a design review application and obtained Design Review Committee and Planning Commission approval of the Phase II site improvements. No nuisance or permit violation has been identified. The item before the BOS is an appeal of the final design review approval for Phase II construction granted by the Planning Commission, not a revocation hearing on the 1999 Use Permit.

This claim of appellant has no merit. Here, the county has not initiated the process for revoking the use permit under County Code Section 26-92-120, and no findings in support of revocation have been made. Appellant appears to read condition 57 to mean Permit Sonoma is obligated to bring the use permit to the Board of Zoning Adjustments for revocation. However, that condition places an obligation on the applicant, not on the County. Moreover, that condition did not remove the County's discretion concerning when it decides to pursue revocation. As stated above, the present hearing is not a revocation hearing.

2. Appellant's Second Claim: Use Permit for Phase II western parcel should be void because it was not used within two (2) years.

The appellant states that pursuant to section 26-92-130 of the Sonoma County Code, the Use Permit PLP98-0050 for the western parcel is automatically void and of no further effect because it has not been used within 2 years.

The code section states:

Sec. 26-92-130. - Revocation for failure to use or for abandonment of use.

In any case where a zoning permit, use permit, design review approval or variance permit has not been used within two (2) years after the date of the granting thereof or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided, however, that upon written request by the applicant and payment of applicable fees prior to the expiration of the two-year period, the permit approval may be extended for not more than one (1) year by the planning director subject to public notice and opportunity for hearing before the authority which granted the original permit.

Staff Analysis

By Resolution No. 99-0154, the Board of Supervisors approved a use permit with conditions of approval for the entire project, covering both phases I and II. Both the text of Resolution 99-0154 and the attached conditions of approval contemplated that phase II of the project (on the western parcel) would be completed at a later, unspecified date. No time limit was specified for phase II to be carried out. Given that the use permit covers the entire project and phase I is complete, the use permit has been “used” within the meaning of Sonoma County Code sec. 26-92-130 and is not expired. The Planning Commission confirmed the Use Permit had been used and not expired. For these reasons, this second claim has no merit.

3. Appellant’s Third Claim: The Use Permit COA 31 limits the permitted use on the western parcel to a school bus storage yard and prohibits employee parking.

The appellant contends that PLP98-0050 COA 31 permits a school bus storage yard on the Phase II western parcel and prohibits employee parking. The appellant states there are other COA such as 37 (paving for bus parking) and 42 (visual screening of busses) that refer to buses on the western parcel, but employee parking is not referenced. The appellant notes that all the 1999 COA need to be considered together and that the bus parking restrictions in the 1999 COA 32 limiting bus parking for the entire project to 110 and limiting vehicle parking on Phase II to 80 vehicles is intended to prohibit employee parking on Phase II rather than accommodate it. The appellant also states that the Phase I design review plans approved in 2000 include a concept design for the western parcel, which does not show employee parking on the phase II parcel. Finally, the appellant suggests that employee parking on the western parcel is less desirable than having employees park on the street or in the adjoining industrial area.

Staff Analysis

Use Permit 98-0050 COA 30, 31 and 32 read:

30. All development shall be according to the approved plans and application. The project may be developed in phases, with full development of APN’s 134-072-025 & 048 as Phase 1.

Permit Sonoma’s file history does not include a single site plan for both phases that depicts the Board’s 1999 conditions of approval. There are, however, two site plans in the scanned file history, each prepared for a different purpose. One is a version submitted with the original project documents, which shows 127 bus

parking spaces on the western Phase II parcel and does not show the perimeter berms that were ultimately required. This site plan is not controlling. The other site plan is of the Phase I design review approval referenced by the appellant, which shows bus and employee parking on Phase I and conceptually shows approximately 75 bus parking spaces (63 large buses and 12 small buses) on the Phase II site. The conceptual Phase II plans shown on that site plan were not approved with the Phase I design review approval. The conceptual site plan for Phase II in that earlier Phase I design review approval is not controlling for purposes of the current design review approval for Phase II.

As modified in response to Planning Commission comments and discussed in further detail below, the Phase II plans approved by the Planning Commission (Attachment 6) show 71 bus parking spaces, including 20 large buses and 51 small buses. With the reduction in large buses, bus driver employee parking is better accommodated on the site. Compared to the earlier two site plans on file discussed above, the bus parking for Phase II approved by the Planning Commission (Attachment 6) is located farther from adjoining rural residential uses and bus driver parking does not encroach any closer to rural residential uses.

31. The use permit is approved as requested for:

- a) On APNs 134-072-025 & 048, a school bus storage, maintenance, and administrative facility.*
- b) On APN 134-074-022, a school bus storage yard. No employees shall be stationed on this parcel, no work shall occur on vehicles/equipment on this parcel, no hazardous materials shall be stored on this parcel, and no refueling activities shall occur on this parcel. All buses parked on this parcel shall be positioned so as to avoid the need for backing up when departing in the morning. Horn checks and backup beeper checks may not occur on this parcel.*

The 1998 Use Permit COA do not expressly permit or prohibit employee parking for Phase I or Phase II. However, approximately 50 employee parking spaces are shown on the Phase I plans approved by the Design Review Committee. The 1999 project description indicates that the total employees are anticipated consist of 20 administrative employees and approximately 95 bus drivers. The description indicates that Phase II will be developed for parking with no buildings or the need for sewer or domestic water. With Phase II, no employees would be stationed on the site because there are no buildings or employee amenities. With employee bus driver parking proposed on the Phase II site, the bus drivers would arrive in a personal vehicle, park, and leave in a bus. This would be reversed at the end of the shift so the 80-vehicle limit would be met. Administrative employees working on-site would continue to be stationed on the eastern Phase I parcel where the administrative and maintenance facilities exist.

32. The western lot (APN 134-074-022) shall be restricted to a maximum of 80 vehicles on it at any one time. The total site (APN's 134-074-022 and 134-072-025 & 048) shall be restricted to a maximum of 110 buses on it at any one time.

While the Use Permit description under (b) above is for a school bus storage yard on the Phase II parcel, Condition 32 states both a maximum number of vehicles on the western/Phase II lot with a site-wide maximum number of busses. The use of both "vehicles" and "buses" to refer to different limitations arguably

indicates that the Board of Supervisors intended that the lot could be used for more than bus parking. If separate bus driver parking was not authorized in the Phase II design review, bus drivers would need to exchange car and bus parking within the same parking spaces or utilize alternative off-site parking.

For the above reasons, staff does not support appellant's position. Instead, staff recommend finding staff and the Planning Commission has reasonably interpreted the conditions consistent with the approval, and in recognition that the conditions contemplate a mixture of buses and vehicles on the parcel under Phase II.

4. Appellant's Fourth Claim: The proposal violates the 110-bus limit for all three WCTA parcels pursuant to Use Permit Condition 32.

The appellant claims the proposal would violate the 110-bus limit for the Phase I and Phase II sites because Phase II includes 71 bus parking spaces and the applicant has historically parked more than 39 buses on the Phase I site.

Staff Analysis

In approving the Phase II design review application, the Design Review Committee and Planning Commission determined the applicant would need to carefully manage operations on both the Phase I and Phase II sites to comply with the parameters of 110 bus limit on both the Phase I and Phase II sites and the 80-vehicle limit on the Phase II site. As requested by the Planning Commission the applicant provided an updated site plan to demonstrate how the 80-vehicle limit on Phase II and total permitted bus count of 110 buses would be met from an operational standpoint. The updated site plan includes 71 bus parking spaces on the Phase II site and shows 39 existing bus parking spaces on the Phase I site for a total of 110 bus parking spaces. In addition, the updated site plan shows 11 existing bus maintenance staging spaces next to the maintenance shop on the Phase I site. As with any use permit, this means that the applicant will need to operationally manage the properties so that no more than 110 buses are parked on both the Phase I and II sites at any one time in accordance with Use Permit PLP98-0050.

Design Review COA 27 of DRH22-0008 as updated by the Planning Commission (shown below) addresses the updated site plan for Phase II and demonstrates how the applicant would conform with the operational requirements of the conditions of approval of Use Permit PLP98-0050.

27. All development shall be according to the approved plans and application per PLP98-0050 and updated per DRH22-0008, including the updated site plan dated 12/7/2022 and considered by the Planning Commission on 1/26/2022. The project may be developed in phases, with full development of APN's 134-072-025 & 048 as Phase I. DRH22-0008 consists of Phase II of PLP98-0050 to be constructed on APN 134-074-022. Phase I has been constructed on APN's 134-072-025 & 048.

For these reasons, staff recommends rejecting this claim of appellant because the design review approval does not change the operational requirements of condition 32 for use permit PLP98-0050 pertaining to bus and vehicle limits, nor does it affect the applicant's compliance with that condition.

5. Appellant's Fifth Claim: The proposal violates the 80-vehicle limit on the western parcel pursuant to Use Permit Conditions 32.

Staff Analysis

As presented by the applicant, the Planning Commission determined that the updated site plan showing 71 bus parking spaces and 80 employee bus driver spaces on the Phase II site demonstrates that the use permit operational requirement of no more than “80 vehicles at one time” would be met because bus drivers would arrive in a personal vehicle and leave in a bus, with the pattern reversed at the end of each shift. For this reason, staff recommends rejecting this claim of appellant.

6. Appellant’s Sixth Claim: The proposal violates Use Permit Condition 37 which limits the amount of paving on the western parcel to the minimum needed for bus parking.

The appellant contends that the intent of Condition 37 of the 1999 Use Permit was to limit the amount of paving on the western parcel to only what is needed for buses. The appellant suggests that where bus driver employee parking was removed at the northwest corner of the site, more permanent landscaping should be provided.

Condition 37 reads:

- 37. All areas where buses are driven or parked on the western lot (APN 134-074-022) shall be fully paved. Areas on the lot that are not utilized for parking or landscaping shall have the natural grass cover retained to avoid any dust being created on site.*

Staff Analysis

This condition requires all areas where buses are parked or driven to be fully paved and requires areas not utilized for parking or landscaping be retained in natural grass cover to avoid dust generation. The Planning Commission in viewing the facts before it determined that the proposed Phase II plans comply with this condition in that bus and bus driver parking and vehicle circulation areas would be paved and the entire site would either be paved or landscaped to avoid the generation of dust. For these reasons, staff recommends rejecting this claim of appellant.

7. Appellant’s Seventh Claim: The project violates the lighting restrictions pursuant to Use Permit Condition of Approval 46.

The appellant states that the applicant is proposing 37 lights that would adversely impact the surrounding homes and rural character. The appellant further states that Condition 46 only allows security lighting at the periphery and no other lighting is permitted.

Condition 46 of PLP98-0050 states:

- 46. An exterior security lighting plan shall be submitted to the Permit and Resource Management Department for review and approval. Exterior lighting shall be internal only and not "wash out" onto adjacent properties nor be a source of glare onto adjacent streets. Generally, fixtures should accept sodium vapor lamps and lighting should be located at the periphery of the property and not as flood lights. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.*

Staff Analysis

All proposed lighting is for the security of bus drivers during the hours from 6 a.m. to 6 p.m. and security of buses stored overnight. No flood lighting is proposed, and lighting would be designed, shielded, and oriented so as to not to extend on to adjoining properties. The proposal includes 12 20-foot-tall light pole fixtures within the bus driver parking area and five 27-foot-tall light fixtures within the bus parking area. The Planning Commission supported the proposed security lighting plan within the employee bus driver parking area provided the applicant shut off lighting during non-operational hours (6 p.m. to 6 a.m.) This means that the bus driver parking security lights would only be on seasonally during short times of darkness in the early morning and evening hours, but no earlier than 6 a.m. and no later than 6 p.m.

The Planning Commission also approved up to five 27' tall nighttime security lights within the bus parking area provided the lights be motion-activated fixtures of no more than 1 candle power and include cut off lens and back shields. These five lights are proposed to be located on the south side of the property, oriented in a southerly direction, and are required to be lowered in height if feasible. These light fixtures would be located approximately 480 feet from the appellants home and would contain fully shielded fixtures.

For these reasons the lighting plan complies with Use Permit Condition of Approval 46, and staff recommends rejecting the claim of the appellant.

To ensure these lighting requirements are met, the Planning Commission directed staff to update Phase II design review lighting COA as follows:

DRH22-0008

43. The lighting plan, as reviewed by the Planning Commission on December 1, 2022 and January 26, 2023 showing pole fixture maximum heights of 20 feet on the employee parking side and 27 feet on the bus parking side is permitted provided the lights are shut off between 6 p.m. and 6 a.m. Details shall be provided demonstrating a warmer color temperature (2700 Kelvin or less) for all fixtures, back shields on fixtures oriented to the south, and lens cut offs to avoid light trespass on adjacent properties. Up to five 27-foot-tall motion activated security lights directed south and with back shields, and not exceeding 1 candle foot illumination, may be provided in the bus parking area provided that the applicant first provides a feasibility analysis of lowering the night lighting fixtures on the proposed poles and lower them if feasible.

8. Appellant's Eighth Claim: The proposed landscaping violates Use Permit Condition 42, which requires dense evergreen landscape screening to shield buses from view.

The appellant states that the proposed berm design, setback, and landscaping violate Use Permit Condition of Approval 42 because the proposed landscaping would not fully screen the buses upon installation, that redwood trees should be planted to replace five redwoods that were recently removed near the northwest corner of the site and redwoods would be a better tree selection for screening.

Use Permit COA reads as follows:

42. The Final Development Plan(s) shall be reviewed by the Design Review Committee. The plans shall include a berm at least 6 feet high parallel to the north and west property lines of the western lot (APN 134-074-022), with the berm center setback a minimum of 50 feet from the north property line. The berm and setback area shall contain a dense evergreen landscape screening which shall shield the buses from view in those direction. A chain link fence with slats or other view blocking fence design at least 6 feet in height shall surround all other areas that are not shielded by the berm. Other perimeter and front yard areas shall also be fully landscaped and irrigated. All required berms, landscaping and fencing on each individual lot shall be fully installed prior to any use of that lot.

Staff Analysis

The Design Review Committee required, and the Planning Commission upheld the approval of the proposed landscape plan, including the use of evergreen California Pepper trees as the primary screening tree. The landscape plan has been enhanced as required to include an additional 11 screening trees along the north berm, three 36-inch box size live oak trees to replace redwoods that were removed, and six additional trees in in-ground landscape planters at the northwest corner of the bus driver employee parking lot. The Design Review Committee and Planning Commission determined that the proposed landscape plan, which includes the planting of three rows of evergreen trees along the north property boundary prior to use of the site would provide a dense evergreen screen consistent with the use permit requirements. For these reasons, staff recommends rejecting this claim.

9. Appellant’s Ninth Claim: The berm design and setback violate Use Permit Condition 42 because they will not accommodate the required landscaping.

The appellant contends that the berm design along the western boundary is not consistent with Use Permit COA 42 cited above because the berm is too steep, too narrow at the top and too close to the property line drainage swale. The appellant further claims that the Design Review Committee landscape architect recommended a minimum berm slope of 3:1 to best accommodate planting.

Staff Analysis

Use Permit Condition of Approval 42 establishes a minimum berm height of six feet and a 50-foot setback for the northerly berm which are met. The use permit does not establish a setback for the westerly berm or other design parameters for the berms.

The Design Review Committee and Planning Commission confirmed that the berm design complies with parameters of the Use Permit. The DRC landscape architect indicated berms shallower than 2:1 slopes are preferred and indicated the proposed berm design perimeter slopes of 2.5:1 (western berm) and 3:1 (northern berm) are adequate. Permit Sonoma Grading and Stormwater has inspected the site and determined that the berm locations in relation to the perimeter drainage features will function adequately.

To improve plant success on the berm, the Design Review Committee confirmed with the project landscape architect and engineer that the berms soils were not treated with lime and there would be minimal compaction to encourage good plant growth. The DRC and Planning Commission determined the proposed berm design and landscaping complies with the Use Permit. For these reasons, staff recommends rejecting this claim.

10. Appellant's Tenth Claim: The proposed berm violates Sonoma County Code 11.14.020 regarding Construction Grading.

The appellant states the berm design violates section 11.14.02 of the Sonoma County Grading Ordinance which requires grading to blend with adjacent natural terrain to achieve natural appearance.

Section 11.14.020 A. 2. of the County grading ordinance states:

2. Final Contours. Contours, elevations, and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Borders of cut slopes and fills shall be rounded off to a minimum radius of five feet (5') to blend with the natural terrain.

Staff Analysis

While the grading ordinance requires that finished grading blend with adjacent natural terrain to create a natural appearance through slope rounding, the grading ordinance also allows fill slopes up to a maximum steepness of 2:1 slope (2 ft. horizontal to 1 ft. vertical). The existing site terrain is flat. The proposed berms have been designed and installed as required by the 1999 Use Permit COA to address visual screening and noise attenuation. The berms consist of fill slopes with grades less than or equal to the 2:1 steepness ratio allowed by the grading ordinance. Permit Sonoma Grading and Stormwater have inspected the berms and drainage features and determined they comply with the grading ordinance. In authorizing the berm and drainage design they have used their discretion in Chapter 11 by determining that the absence of slope rounding at the base of the berms would not diminish the health, safety, and environmental protection that would be obtained by strict application of the standards. For these reasons, staff recommends rejecting this claim.

11. Appellant's Eleventh Claim: The drainage and erosion control plan required by Condition 44 does not meet the requirements of Sonoma County Code sections 11.14.040 and 11.14.020 (C) (8), which requires maintaining existing drainage patterns.

The appellant suggests that debris from construction is impeding drainage flows in a ditch that runs through their property adjacent to the bus parking lot and the applicant should be required to maintain drainage ditch clear of debris. The appellant also states that the project drainage system should be revised to address pre-existing drainage patterns and address flooding in the neighborhood. The appellant cites a neighbor's claim that standing water in the immediate area this winter was caused by the project and recently prevented a neighbor from getting to a medical appointment.

Sections 11.14.040 and 11.14.020 (C) (8) state:

11.14.040 Drainage.

A. Drainage patterns and runoff. Construction grading and drainage shall be designed and constructed to maintain natural and existing drainage patterns. Post-development stormwater runoff shall not exceed pre-development stormwater runoff using the calculation methodologies in the Storm Water Low Impact Development Technical Design Manual, or superseding document, or equivalent

calculation methodologies.

11.14.020 (C) Fills (8).

8. Limitation on fill in flood-prone urban area. No fill shall be placed in the flood-prone urban area, unless an analysis of pre-development and proposed post-development site topography demonstrates for no less than the design discharge specified in Section 11.14.040.B that natural and existing off-site drainage patterns will be maintained to the extent feasible and stormwater runoff will be carried to disposal location(s) that have capacity to accommodate the stormwater runoff without worsening existing drainage conditions on the site and adjacent properties.

Staff Analysis

The site is located within a flood-prone urban area and is therefore subject to potential flooding and the above prescribed drainage and engineering requirements.

The drainage plan and calculations submitted for review and issued by Permit Sonoma Grading and Stormwater included the required pre-and post-development engineering analysis and demonstrate that existing natural drainage patterns and post construction drainage can be accommodated to prevent post development stormwater from exceeding pre-development discharges. As required, the drainage plan includes post construction low impact design features to address water quantity and quality. On and off-site drainage, including historic drainage patterns from surrounding properties are accommodated by the approved on-site system, which includes perimeter drainage swales and retention areas that have been engineered to County standards.

While standing water still collects on certain properties in the area due to low lying and flat surface conditions, the project is not required to fix all drainage issues in the neighborhood.

As noted, there is an existing drainage ditch running north/south through the appellants property that becomes more of a shallow swale where it abuts the west side of the Phase II parking lot. This drainage feature is part of the local drainage system draining multiple properties in the vicinity. The ditch/swale continues south onto another neighbor's property through an existing eucalyptus grove. The eucalyptus grove is not on the applicant's property. While the eucalyptus trees have dropped debris in the swale, the applicant does not have permission, nor is it their responsibility to clear the swale on the appellants or downstream neighbor's properties.

The Phase II project has installed its own north/south drainage swale adjacent to the existing swale running through the appellants property intended to function together and take on water from the appellants property and mirror historic drainage flows. A new drainage inlet was installed on the project site to relieve water from the swales by tying into an off-site storm drainage system located immediate south of the Phase II site.

Due to complaints of the appellant and investigation by Permit Sonoma Grading and Stormwater staff, the applicant has surveyed current site conditions along the shared property line. Based on the results of the survey, the applicant proposes to make minor adjustments to soil elevations along the west property line to ensure that post construction drainage flows are consistent with preconstruction flows. A correction notice has been placed on the pending grading permit to ensure the minor soil adjustments are made. In accordance with Condition of Approval 44, the project engineer will need to certify that the grading and drainage improvements have been completed in accordance with approved plans.

For these reasons, the project is consistent with Use Permit Condition 44 and in compliance with the County Code, and staff recommends rejecting this claim of appellant.

12. Appellant's Twelfth Claim: The chain link fence along the north and west property lines violates Use Permit Condition 42 and it should be relocated to the inside of the berm.

The appellant states that the proposed fencing along the north and south property lines was not required by Use Permit Condition 42 and if permitted, should be relocated to the inside of the berms.

Use Permit COA 42 states:

42. *The Final Development Plan(s) shall be reviewed by the Design Review Committee. The plans shall include a berm at least 6 feet high parallel to the north and west property lines of the western lot (APN 134-074-022), with the berm center setback a minimum of 50 feet from the north property line. The berm and setback area shall contain a dense evergreen landscape screening which shall shield the buses from view in those directions. **A chain link fence with slats or other view blocking fence design at least 6 feet in height shall surround all other areas that are not shielded by the berm. Other perimeter and front yard areas shall also be fully landscaped and irrigated. All required berms, landscaping and fencing on each individual lot shall be fully installed prior to any use of that lot.***

Staff Analysis

The applicant is proposing an 8-foot-tall chain link security fence along the entire perimeter of the Phase II property for security purposes. Fencing with slats has been completed along the south property line and fence posts have been installed along the north and west property lines. Proposed fencing along Juniper Avenue would be setback and screened by landscaping.

Condition 42 requires fencing with slats or other view blocking design in locations where the berm would not shield views of the site. Condition 42 does not prohibit perimeter fencing in other locations. The Design Review Committee and Planning Commission supported perimeter fencing along the north, west and south property lines as appropriate for security rather than relocating fencing to the inside of the berms as suggested by the appellant. The Planning Commission determined that slats would not be required in the fence along the north, west and east portions of the site because the site would be sufficiently screened by the berms or substantial landscaping. Slats would be provided in the fence along the south property line for screening. In an effort improve the looks of the fence, the Planning Commission also required the horizontal center post not be utilized in the fence along the north and west property lines unless structurally required. Design Review COA 37 as recommended by the PC (underlined) is included below for reference:

37. *The Final Development Plan(s) shall be reviewed by the Design Review Committee. The plans shall include a berm at least 6 feet high parallel to the north and west property lines of the western lot (APN 134-074-022), with the berm center setback a minimum of 50 feet from the north property line. The berm and setback area shall contain a dense evergreen landscape screening which shall shield the buses from view in those directions. The eight-foot-tall chain link fence proposed parallel to the berms on the north and west property lines is approved and shall not include slats. The approved eight-foot-tall chain link fence along the south property line may include slats. No slats shall be utilized on the*

easterly eight-foot-tall fence on Juniper Avenue provided the fence is screened by landscaping. The center cross bar on the north, west, and east fences shall be removed from the fences if not required to support structural design loads. A chain link fence with slats or other view blocking fence design at least 6 feet in height shall surround all other areas that are not shielded by the berm, such as along the south property line. Other perimeter and front yard areas shall also be fully landscaped and irrigated. All required berms, landscaping and fencing on each individual lot shall be fully installed prior to any use of that lot.

The Planning Commission's direction is consistent with Condition 42 of the Use Permit. Proposed Design Review Condition 37 does not change Condition 42 of the Use Permit but provides clarification on the final design and location of permitted fencing. For these reasons staff recommends rejecting the claim of the appellant.

13. Appellant's Thirteenth Claim: Electric Vehicle charging stations should be prohibited per Use Permit Conditions of Approval 31 (no refueling), 34 (no engines, motors, or power tools outside of normal business hours and 36 (hours of operation 6 a.m. - 6 p.m.).

The appellant states that Electric Vehicle charging stations should be prohibited based on use permit Condition of Approval 31, 34, and 36.

Conditions of approval 31, 34, and 36 are as follows:

31. *The use permit is approved as requested for:*

a) *On APNs 134-072-025 & 048, a school bus storage, maintenance, and administrative facility.*

b) *On APN 134-074-022, a school bus storage yard. No employees shall be stationed on this parcel, no work shall occur on vehicles/equipment on this parcel, no hazardous materials shall be stored on this parcel, and no refueling activities shall occur on this parcel. All buses parked on this parcel shall be positioned so as to avoid the need for backing up when departing in the morning. Horn checks and backup beeper checks may not occur on this parcel.*

34. *No engines, motors, generators, power tools, etc. that produce noise shall be allowed to operate on site except during normal business hours of operation as established in this use permit.*

36. *Hours of operation on APN 134-074-022 shall be limited to Monday through Friday from 6:00 a.m. to 6 p.m. Hours of operation on APNs 134-072-025 & 048 shall be limited to Monday through Sunday from 5:00 a.m. to 8 p.m.*

Staff Analysis

The Phase II project includes five electrical vehicle charging stations within the employee bus driver parking

area, which are required by current building codes. The charging stations would be available for use by bus drivers to charge their personal vehicles during the approved hours of operation for the bus yard. Electric vehicle charging stations are not traditional liquid fueling operations and would not result in employees being stationed on the site, the use of hazardous materials, or vehicle or equipment maintenance. The Planning Commission determined that the required vehicle charging stations are consistent with the 1999 Use Permit COA. For these reasons, staff recommends finding this claim of appellant's is without merit.

14. Appellant's Fourteenth Claim: Additional conditions should be considered to prevent noise from the bus storage yard from destroying the rural character of the neighborhood.

The appellant cites Design Review Section 26-82-050 of the Sonoma County Code stating that additional measures should be taken to protect rural residential uses by minimizing noise by requiring use of back up cameras on buses and adjusting on-site circulation to avoid buses backing up and using alarms and suggests installing gates to prevent the bus yard from being used at mid-day.

Section 26-82-050 (b) states the following in part:

...The committee, or other applicable decision-making body as the case may be, shall endeavor to provide that the architectural and general appearance of buildings or structures and grounds are in keeping with the character of the neighborhood and are not detrimental to the orderly and harmonious development of the county and do not impair the desirability of investment or occupation in the neighborhood.

Staff Analysis

This code section refers to the design of physical site improvements to achieve design compatibility. The proposed berm location is 50 feet from the north property line, its height (7-9 feet) exceed the minimum 6 foot height requirement, and the landscaping will provide the required screening as outlined in the 1999 Use Permit. Besides the solid earthen berm and setbacks the Use Permit, includes operational limitations on use to minimize noise, including restricted hours of operation, and limitations on the use of backup beepers. The limitations on backup beepers are spelled out in Use Permit COA 31 (b) as:

31. *... All buses parked on this parcel shall be positioned so as to avoid the need for backing up when departing in the morning. Horn checks and backup beeper checks may not occur on this parcel.*

The bus circulation plan approved by the Design Review Committee and Planning Commission indicates buses will be backed into parking spaces during the daytime or at the end of bus transportation shifts. Therefore, consistent with the 1999 Use Permit, buses would not utilize back up beepers when departing in the morning and horn and beeper checks are not permitted on the site. Other noise mitigating factors included in the Use Permit, include daytime hours of operation (6 a.m. to 6 p.m.) and prohibition of potential noise intensive activities such as refueling and working on equipment or vehicles. Phase II does not include refueling, working on equipment or vehicles, or stationing of employees.

For these reasons, the project as designed and operated will comply with the noise restrictions in the Use Permit and additional measures are not warranted. Staff recommends finding the appellants claim lacking merit.

15. Appellant's Fifteenth Claim: Additional CEQA Review should be required under Public Resources Code section 21166.

The applicant states that the CEQA review from 1999 cannot be relied on because substantial changes are proposed in the project and substantial changes have occurred with respect to circumstances under which the project is being undertaken, and new information has become available. Specifically, the appellant indicates that there have been changes in circumstances including:

- A. Climate and ground water;
- B. Declining demand for school bus transportation;
- C. Increased traffic and changes in WCTA service areas; and
- D. Transition to smaller school buses with different routes:

When an environmental impact report or negative declaration has been prepared for a project no subsequent or supplemental environmental impact report shall be prepared unless there are substantial changes to the proposed project, the project's circumstances, or available information that require major revisions to the environmental document due to new or substantially more severe environmental impacts. (California Public Resources Code Section 21166; CEQA Guidelines Section 15162.)

Staff Analysis

The design review application is within the scope of the 1999 Use Permit and what was studied in the associated MND and none of the above triggers exist to require additional environmental review. As noted, the approved 1999 project includes a General Plan Amendment, South Santa Rosa Specific Plan Amendment, and Zone Change to Public/Quasi Public use and a Use Permit and Mitigated Negative Declaration adopted for both phases of the project.

The proposed Phase II project is in conformance with the Use Permit that authorized bus storage, maintenance, and administrative facilities, including a bus storage yard for both phases with no more than 110 buses at any time on the entire project site and no more than 80 vehicles on the Phase II site at any time. As previously noted, the use of both "vehicles" and "buses" to refer to different limitations indicates that the Board of Supervisors intended that the Phase II lot could be used for more than bus parking.

The Use Permit project description anticipated bus driver employee parking and did not specifically prescribe or limit employee parking. The project description estimated approximately 95 bus drivers and 20 administrative staff. The updated Phase II site plan as approved by the Planning Commission is consistent with the original project description and includes 71 bus parking spaces on the Phase II site and shows 39 existing bus parking spaces on the Phase I site for a total of 110 bus parking spaces. The plan includes 11 existing bus spaces where buses queue for maintenance. Twenty-nine employee parking spaces are shown on the Phase I site with 71 bus driver employee spaces shown on the Phase II site. As shown throughout this staff report, the design review application for Phase II is consistent with the 1999 Use Permit Conditions of Approval and no element constitutes a substantial change in the project.

Appellant further contends that changes to WCTA's service areas that increase the schools it serves requires new environmental review. At the same time, appellant argues that school buses are used less and that there is less demand for school bus storage. First, the project scope remains consistent, including the number of employees and the number of school buses. The applicant further indicates that growing to serve additional schools was included in the original plans and there would not be major changes in current service area as a result of Phase II. Though there has been increased use of smaller busses in place of larger buses in some case due to operational or special transportation needs, including potential reduced numbers of students needing transportation to the same or similar locations at the same or similar frequency, this is not a substantial change to the project as the overall number of bus trips has not substantially increased over anticipated levels. Further, there is no evidence that these elements would lead to new or more severe environmental impacts. For these reasons, the continued use of smaller buses would not increase environmental impacts.

The appellant argues that new environmental review is required to consider impacts to climate change and the aquifer. However, neither climate change nor groundwater impacts constitute new information that was not known or could not have been known at the time the 1999 MND was adopted, and no evidence shows a new or more severe significant impact in these areas. In 1999 climate change existed and had been recognized and so it is not new information. Additionally, with the consolidation of existing facilities in the area to the Phase II site consistent with the scope of the existing use permit and producing similar vehicle miles traveled, there would not be substantial impacts to climate or a substantial increase in greenhouse gas emissions. And with the mandated requirement to phase in zero emission buses over the next six years, climate impacts would be reduced by emission reductions. With regards to the aquifer, groundwater use and recharge were analyzed as part of the 1999 MND and impacts were determined to be less than significant. The project would not utilize groundwater and the design of the on-site drainage system includes three substantial storm water retention bioswale features traversing the north, middle, and south portions of the site. Bioswales function similar to formerly existing wetlands and would continue to allow for groundwater recharge on the site. Thus, evidence shows there is no new or more significant environmental impact to groundwater.

Appellant also argues that increased traffic requires new environmental review.

The proposed facility has been planned for many years to help consolidate West County Transportation facilities scattered throughout the County. The construction of Phase II would likely result in the relocation of an existing WCTA bus storage yard on Sebastopol Road to the subject property and reduce associated administrative and maintenance costs. Compared to existing services provided by the bus yard on Sebastopol Road, the Phase II site would result in similar or less localized traffic patterns and vehicle miles traveled to/from local schools. No new traffic impacts or deficiencies have been identified that would require additional analysis. In fact, from the time the project was initially approved, Highway 101 has been improved from 2 lanes to 3 lanes each direction and a center turn lane was constructed on a portion of Todd Road. More recently, the County approved a four way stop improvement at Standish Avenue and Todd Road to be constructed by Ghilotti Construction. And the City of Santa Rosa has dedicated 4 million dollars toward improvements to the Hearn Avenue overcrossing.

Various other infrastructure and safe route to school improvements have been constructed in recent years to improve pedestrian and vehicular safety along local transportation corridors. Thus, the evidence shows that any environmental impacts associated with traffic are reduced.

Lastly, the appellant claims that state required transition from compressed natural gas buses to zero emission buses over the next 6 years requires an updated CEQA analysis. The state Air Resources Board has adopted

legislation that requires large transit agencies to start purchasing zero emission buses, such that in 2029, all new bus purchases are required to be zero emission buses. The requirement to phase in zero emission busses into the existing WCTA bus fleet will have a positive impact on air quality. The mandate to purchase and use electric buses will not substantially change the physical configuration of the operation and no new environmental impacts are anticipated from this program required by the state. New Construction and Equipment for EV chargers is exempt from CEQA under the Class 3 Categorical Exemption (14 CCR 15303).

ENVIRONMENTAL DETERMINATION

Based upon the information contained in the Final MND as defined in the draft resolution and included in the project file, and based further upon all the evidence in the record, it is determined that the Final MND for the WCTA Project, as approved by the Board of Supervisors on February 2, 1999, adequately addressed the potential impacts of the entire project in accordance with CEQA and that no further environmental review is required because there are no substantial changes to the project, the project circumstances, or available information that would lead to new or more severe significant environmental effects.

STAFF RECOMMENDATION

Hold a public hearing and adopt a Resolution denying the appeal, finding the project within the scope of the previously adopted Mitigated Negative Declaration, and upholding the Planning Commission’s decision to approve a Final Design Review application for a bus storage yard with bus driver employee parking.

Strategic Plan:

Not Applicable

Prior Board Actions:

The Board of Supervisors originally approved the project, including the Phase II bus storage yard on February 2, 1999.

FISCAL SUMMARY

Not Applicable

Narrative Explanation of Fiscal Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Att 1 Conditions of Approval

Att 2 Vicinity Map

Att 3 General Plan Land Use

Att 4 Aerial Context Photo

Agenda Date: 7/11/2023

- Att 5 Aerial Site Photo
- Att 6 Updated Site Plan for Phase I
- Att 7 Site and Landscape Plan
- Att 8 North Berm Section
- Att 9 Photo of North Berm
- Att 10 Photo North Berm with Fencing
- Att 11 Site Security Lighting Perspective with 20 and 27 Ft. Tall Fixtures (shut off 6 p.m. to 6 a.m.)
- Att 12 Site Security Lighting Perspective with Five 27 Ft. Tall Motion Activated Fixtures Oriented South
- Att 13 Site Security Lighting Photometrics with 20- and 27-foot Tall Fixtures (shut off 6 p.m. to 6 a.m.)
- Att 14 Juniper Avenue Lighting
- Att 15 Photos Site Drainage Swale and Fence Posts at West Property Line
- Att 16 Appellant's Ditch and NW Site Corner
- Att 17 Photos of Theft and Vandalism in Area
- Att 18 Applicant's January 4 Correspondence on Drainage
- Att 19 Applicant's January 5 Correspondence on Fencing
- Att 20 Appellant's February 5, 2023 Appeal Letter
- Att 21 December 1, 2022 Planning Commission Staff Report and Materials
- Att 22 January 26, 2023 Planning Commission Staff Report and Materials
- Att 23 PC Resolution and Conditions of Approval
- Att 24 1999 BOS Resolution and Conditions of Approval
- Att 25 1999 Mitigated Negative Declaration
- Att 26 Wetland, Plant, and CTS Clearances
- Att 27 1999 Schematic Site Plan
- Att 28 2002 Phase 1 DRC site plan / Phase II concept
- Att 29 BOS Resolution
- Att 30 PowerPoint Presentation

Agenda Date: 7/11/2023

Related Items "On File" with the Clerk of the Board:

None