



County of Sonoma

State of California

Date _____

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma,
State Of California, Finding That No Further Environmental Review is
Required Pursuant To Section 15162 Of The CEQA Guidelines; Denying
An Appeal of the Planning Commission's Action; And Adopting
Conditions Of Approval For Property Located At 3300 Juniper Avenue,
Santa Rosa, CA**

WHEREAS, in 2022, the applicant, Steve Petcavich with RGM Kramer Inc., on behalf of owner and operator West County Transportation Agency, filed application DRH22-0008 with the Sonoma County Permit and Resource Management Department ("Permit Sonoma") for Design Review to permit Phase II of the West County Transportation Agency ("WCTA") bus storage, maintenance, and administration facility on 5.27 acres at 3300 Juniper Avenue; APN 134-074-022; Supervisorial District No. 3; and

WHEREAS, previously, the entire WCTA Project was approved by the Sonoma County Board of Supervisors on February 2, 1999, as a two-phase project to be located on three adjacent parcels at 3300 Juniper Avenue and 367 West Robles Avenue. As approved, Phase I has been constructed and operated on APNs 134-072-025 and 134-102-048; Phase II was approved to be completed at an unspecified later date on APN 134-074-022; and

WHEREAS, in February 1999, the Sonoma County Board of Supervisors approved the WCTA Project in February 1999, after adopting a Mitigated Negative Declaration ("MND") for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). The MND was published for public review on October 5, 1998 and identified potential impacts that would be significant unless mitigated. Draft mitigation measures were incorporated into the draft conditions of approval for the project to reduce identified impacts to less than significant. The Board of Supervisors determined that it was necessary to modify certain mitigation measures, and via its Resolution No. 99-0154 it adopted a modified MND together with modified mitigation measures that were incorporated into the project conditions of approval. Accordingly, the MND adopted for the WCTA Project is the published MND dated October 5, 1998, as modified by Res. No. 99-0154 and its exhibits (collectively, the "Final MND" or the "Adopted MND"), which are included in the materials for the Board of Supervisors hearing on the appeal at Attachments 24 and 25 to staff's Board Report; and

WHEREAS, the entitlements approved by the Board of Supervisors for the WCTA Project (PLP98-0050) included amendments to the land use maps of the General Plan and South Santa Rosa Area Plan to

designate the project site as Public Quasi/Public land use; amendments to the site's zoning to the PF (Public Facility) district; and a Use Permit; and

WHEREAS, the approved Use Permit was for a phased project. Phase I of the project was completed and has been in operation; and

WHEREAS, WCTA currently seeks Design Review approval for Phase II, which was approved and conditioned by the Board of Supervisors as a bus storage yard on APN 134-074-022 with no more than 80 vehicles on the Phase II parcel at one time; and

WHEREAS, Condition 42 of the 1999 conditions of approval provided, among other things, that the Design Review Committee ("DRC") is required to review the Final Development Plans for the project, and that the plans must include a berm at least 6 feet high parallel to the north and west property lines of the Phase II parcel, with the berm center setback a minimum of 50 feet from the north property line. Condition 42 was incorporated into the conditions of approval as required mitigation for noise and visual impacts of the project that were identified in the Final MND; and

WHEREAS, on May 3, 2022, Permit Sonoma issued a grading permit for the Phase II project. However, Permit Sonoma later determined that the grading permit had been issued in error, because Phase II had not received DRC approval and the berms did not meet the minimum six-foot height requirement; and

WHEREAS, WCTA subsequently requested DRC review and approval. On August 3, 2022, DRC held a duly noticed public hearing on Phase II. After holding a public hearing on the Phase II proposal and taking public testimony, DRC closed the public hearing, found that the project was within the scope of the Final MND and in compliance with the 1999 Use Permit, and approved the project subject to revisions to lighting and landscaping; and

WHEREAS, Kent Lawson and Kasia Nowak ("Appellants") appealed to the Planning Commission DRC's approval on August 15, 2022, alleging that it did not comply with the Board's 1999 conditions of approval. The appellants requested that the Planning Commission not authorize bus driver employee parking and that it require changes to the site plan, berm location, lighting, fencing and landscape design, due to alleged non-conformity with the 1999 Conditions of Approval as approved by the Board of Supervisors; and

WHEREAS, in accordance with the provisions of law, the Planning Commission opened the public hearing on the appeal on December 1, 2022, at which time all interested persons were given an opportunity to be heard. At the conclusion of the December 1 meeting, the Planning Commission continued the public hearing to January 5, 2023, to allow for additional information to be submitted, including on parking, lighting, and fencing; to allow the applicant to modify its proposal and submittals; and to allow staff to prepare a revised resolution and conditions of approval based on the Commission's preliminary direction; and

WHEREAS, the proposed Phase II design includes storage for up to 71 bus spaces and 80 bus driver employee parking spaces; and

WHEREAS, the berm has been modified to meet the minimum 6-foot height requirement from all sides; and

WHEREAS, the inclusion of employee parking would not intensify the approved use because the project

must continue to comply with the 80-vehicle limit required by Condition 32 of the 1999 Conditions of Approval. The current configuration's inclusion of vehicle parking available for employee vehicles will make both vehicle and bus parking and circulation safer and more efficient at the site because bus drivers (i.e. employees) will not have to use bus spaces for both buses and their personal vehicle they drive to work, shuffling cars and buses between 71 total spaces. Condition 32 of the 1999 conditions of approval is not modified by this approval; and

WHEREAS, the continued Planning Commission hearing scheduled for January 5, 2023 was cancelled due to a local state of emergency, and rescheduled to January 26, 2023, and all required public notice was provided in accordance with law; and

WHEREAS, in a duly noticed continued hearing on January 26, 2023, the Planning Commission held a public hearing and took additional public testimony on the appeal and regarding the applicant's proposal for Phase II of the development. The Commission considered all of the information presented by staff, the appellant, the applicant, and the public, including all testimony presented in writing and in the meeting, and voted 5-0 to approve design review for Phase II of the project, as modified, denying the appeal of DRC's decision; and

WHEREAS, the Planning Commission, in approving the Phase II project, determined among other things that further environmental review is not required for Phase II, and Phase II is consistent with the General Plan, Zoning Code, and 1999 Conditions of Approval; and

WHEREAS, the Planning Commission determined that the design of the project will not, under the circumstances of this particular case, be incompatible with nor be detrimental or injurious to property and improvements in the neighborhood.

WHEREAS, on Monday February 6, 2023, Appellants appealed to the Board of Supervisors the Planning Commission's approval of the Phase II design review permit ("Appeal"), alleging the project continues to not comply the 1999 Conditions of Approval and requesting additional changes to the project, including prohibiting bus driver parking on the Phase II site, relocation of fencing to inside the berm, limiting lighting to only security lighting, use of more mature landscaping, use of redwood trees, modification to the berm slope and berm setbacks, modification of drainage along the west property line, elimination of EV charging stations and additional noise controls such as use of back up cameras instead of beepers.

WHEREAS, on July 11, 2023, the Board conducted a duly noticed public hearing on the Phase II project and considered the previously adopted Final MND. The Board received all relevant oral and written testimony and evidence filed or presented at or before the close of the hearing. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered, and discussed the Final MND and the Phase II project, and by a majority vote, denied the Appeal, found the Phase II project consistent with Final MND and not requiring additional environmental review, and approved the Phase II project, subject to the conditions of approval imposed herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors finds that the foregoing recitals are true and correct, and makes the following findings:

1. The project complies with General Plan land use designation of Public Quasi Public use in that the West County Transportation Agency is a Joint Powers authority formed by multiple school

districts operating a bus storage, maintenance, and administration facility to serve local schools, and is further consistent with the goals, objectives, policies, and programs of the General Plan.

2. The project is consistent with the Final MND, the 1999 Conditions of Approval, and the Sonoma County Code as follows:
 - a) The inclusion of employee parking is consistent with 1999 Conditions of Approval and specifically Conditions 30, 31, and 32, because the language of the conditions supports the County's consistent interpretation that employee spaces were contemplated and allowed by the 1999 Conditions of Approval, including on the Phase II parcel (APN 134-074-022). Condition 32 distinguishes between vehicles and buses, showing that employee vehicle parking was authorized and while none of the conditions expressly references employee parking the County has previously authorized vehicle spaces for Phase I and so its implementation for Phase II is consistent.
 - b) The project is consistent with Condition 32 that limits total buses to 110 because the updated site plan includes 110 bus parking spaces, which must be complied with per Design Review COA 27, and because Condition 32 is not being modified. The project is further consistent with Condition 32's 80-vehicle limit because the employee parking spaces are for bus drivers who will leave a personal vehicle and leave in a bus meaning that the total vehicles will not exceed 80 at any one time.
 - c) The project is consistent with landscaping and screening requirements, and particularly Condition 42. Phase II as approved includes a minimum six-foot tall earth berm paralleling the north and west property lines of the Phase II parcel, with the centerline of the berm set back at least 50 feet from the northern property line, to reduce noise and visual impacts. The proposed evergreen California Pepper trees and shrubs will provide a dense evergreen screen and the DRC landscape architect has indicated that the design of the berms is adequate to accommodate planting, ensuring the berm and landscaping comply with conditions of approval.
 - d) The proposed berms are further consistent with the Sonoma County Grading Ordinance because, based on the expertise of grading and stormwater staff, the absence of slope rounding at the base of the berms would not diminish health, safety, and environmental protection.
 - e) The project is consistent with and remains subject to the 1999 Conditions of Approval and the Sonoma County Code related to noise impacts and will protect the character of the neighborhood. A solid earthen berm exceeding the minimum 6 foot height requirement has been constructed along the north and west property line and the northerly berm meets a 50-foot setback as required. Bus parking has been positioned so buses leaving in the early morning would not have to back out or use back up beepers. The approved Phase II Project would not operate beyond approved hours of operation (6 a.m. to 6 p.m.) Monday through Friday and no refueling activities or work on vehicles or equipment would occur on-site.
 - f) The project remains conditioned to have hours of operation restricted to Monday through Friday 6am to 6pm only.
 - g) The project is conditioned to comply with the General Plan Noise Element.

- h) The project, as conditioned, is consistent with the lighting restrictions of the 1999 conditions of approval and specifically Condition 46. The project is conditioned such that the Phase II employee security lighting is required to automatically shut off during the hours of 6 p.m. to 6 a.m. The project is further conditioned to require that this night lighting be fully shielded and include cut off fixtures to direct light downward and inward to prevent direct glare on the adjacent properties or roadways. The project is conditioned such that the Phase II bus storage security lighting is limited to no more than five motion activated fixtures up to 1 candle power in intensity. These conditions ensure consistency because security lighting is permitted and, as designed, would either be shut off from 6 p.m. to 6 a.m. or consist of five low intensity motion activated lights located approximately 480 feet from and oriented away from the closest residence.
- i) The drainage and erosion control plan is consistent with the 1999 Conditions of Approval, and specifically Condition 2 because drainage and erosion control plans have been designed by a civil engineer in accordance with the Water Agency's Flood Control Design Criteria and the Sonoma County Grading Ordinance.
- j) As required by 1999 Condition of Approval 44, prior to allowed use of the site or final of the grading permit, the applicant shall provide a written statement signed by his or her engineer verifying that the grading and drainage improvements have been completed in accordance with the plans as approved by Permit Sonoma and that preconstruction drainage flows are maintained. Recognizing concerns of the appellant and that the grading for the site is not complete, the applicant's engineer has performed a survey along the west property line to verify drainage elevations. As a result, the applicant proposes to make minor adjustments to soil elevations along the west property to ensure that post construction drainage flows are consistent with preconstruction flows. The project engineer will need to certify compliance and Permit Sonoma will inspect the grading to ensure compliance with Condition of Approval 44. A correction notice has been placed on the pending grading permit to ensure the adjustments are made prior to final of the grading permit.
- k) The paved area on the Phase II parcel does not exceed the scope and limitations of the Final MND or the 1999 Conditions of Approval and specifically is consistent with Condition 37. The paved area will be used for parking and reasonable internal circulation. All other areas not utilized for such parking and driving will remain unpaved and landscaped or seeded ensuring consistent with the language and intent of Condition 37 to avoid dust.
- l) The proposed fencing is consistent with the 1999 Conditions of Approval and Condition 42 because it includes the required view blocking fence on the south property line where the project is not shielded by a berm and the conditions of approval do not prohibit additional security fencing.
- m) The proposed electric vehicle charging stations are consistent with the 1999 Conditions of Approval, and specifically with Conditions 31, 34, and 36, because electric vehicle charging stations are not the prohibited traditional liquid fueling that could be inconsistent with the conditions, and because the charging stations are for employee vehicles to be used during operational hours.

3. Based upon the information contained in the Final MND as defined herein and included in the project file, and based further upon all the evidence in the record before it, the Board of Supervisors determines 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, based on the following findings made pursuant to California Code of Regulations, Title 14, Section 15162:
 - a) That Phase II of the WCTA Project, as modified by the applicant and conditioned by the Commission, is within the scope of the Final MND, which considered both phases of the project.
 - b) There are no substantial changes to the project that require major revisions of the Final MND due to the involvement of a new or substantially more severe significant environmental effect because the proposal fully conforms to the 1999 Conditions of Approval, as demonstrated in the project file and discussed in Section 2 above. Irrespective of allegations of changes to the service areas and decreased demand for busing, as well as shifts to smaller buses, the scope of the project remains consistent with the same numbers of employees and buses and substantial evidence supports that there are no major changes in service area, trip generation, or new or more severe substantial impacts.
 - c) There are no substantial changes with respect to the circumstances under which the Project is undertaken that require major revisions to the Final MND due to the involvement of a new or substantially more severe significant environmental effect. Substantial evidence in fact shows that new road and related infrastructure improvements would improve pedestrian and vehicular safety related to the project and otherwise reduce environmental impacts associated with transportation.
 - d) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final MND was adopted, that shows that buildout of Phase II of the project will have a new or substantially more severe significant effect than previously disclosed in the Final MND. There is no evidence in the record that mitigation measures previously found to be infeasible are in fact feasible or that there are new, more effective mitigation measures or that the applicant has declined to adopt any mitigation measures necessary to reduce or avoid a significant impact. Climate change was known at the time the Final MND was adopted and does not constitute new information, and the consolidation of existing facilities within the scope of the use permit would not produce new or more severe environmental impacts to climate or greenhouse gas emissions. Additionally, groundwater use and recharge were fully analyzed in the Final MND and no new evidence has been presented. Further, the draining system design consistent with the existing use permit ensures continued groundwater recharge and thus there is no evidence of new or more severe environmental impacts to groundwater.
 - e) The mitigation monitoring program that was incorporated into the 1999 conditions of approval for the project will continue to apply to the project and is expressly carried forward and incorporated into this Design Review approval.
 - f) Therefore, pursuant to California Public Resources Code Section 21166 and CEQA Guidelines Section 15162, no subsequent CEQA document or analysis is required.

4. While use permit findings are not required for this design review approval because this project is part of the 1999 Use Permit approved by the Board of Supervisors for the multi-parcel, multi-phase WCTA project, the Board of Supervisors finds that the design of the project will not, under the circumstances of this particular case, be incompatible with nor be detrimental or injurious to property and improvements in the neighborhood. The particular circumstances in this case are:
- a) The design includes earthen berms and landscaping to mitigate noise and sufficiently screen the bus storage yard and employee parking lot from nearby residential uses. Landscaping has been added along the berm to ensure dense evergreen landscape screening.
 - b) While the site plan includes 71 bus and 80 bus driver employee parking spaces, the size of the parking lot is in conformance with the initial project approval in that the footprint is generally the same due to reconfiguration of circulation and the conversion of large bus spaces to large bus and small bus spaces.
 - c) The lighting levels are compatible in intensity of light, and measures are required to be implemented in the design to minimize impacts. Lower wattage lights, and lower height lights have been incorporated. More importantly, lights will automatically shut off within the entire parking area from 6 p.m. to 6 a.m. Security lighting has also been designed to be compatible with the surrounding area.
 - d) The berms and fencing will help screen the facility as required and the design is compatible with surrounding residential uses.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the Appeal and grants approval of Phase II subject to the attached Exhibit A, Conditions of Approval as modified by the Planning Commission as part of its decision on the appeal of the Design Review Committee's action.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the clerk of the board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found online and at the office of Permit Sonoma, 2550 Ventura Avenue, Santa Rosa, CA 95403.

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Date:

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Supervisors:

Gorin:

Rabbitt:

Gore:

Hopkins: Coursey:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.