

Response to Grand Jury Report Form

Report Title: Springs Specific Plan

Report Date: August 2, 2020

Response by: Tennis Wick Title: Director

Agency/Department Name: Permit Sonoma

FINDINGS: F1, F2, F3, F4, F5, F6, F7, F8, F9

I (we) agree with the findings numbered F8, F9

I (we) disagree wholly or partially with the findings numbered: F1, F2, F3, F4, F5, F6, F7

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

RECOMMENDATIONS: R1, R2, R3, R5

Recommendations numbered: R2, R3 have been implemented.
(Attach a summary describing the implemented actions.)

Recommendations numbered: _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)

Recommendations numbered: _____ require(s) further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.)

Recommendations numbered: R1, R5 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: _____ Signed: _____

Number of pages attached: **10**
(See attached Civil Grand Jury Response Requirements)

Springs Specific Plan Permit Sonoma Responses

Introduction

The Permit and Resource Management Department (Permit Sonoma) respectfully submits the following responses to the findings and recommendations in the 2019-2020 Sonoma County Civil Grand Jury Final Report regarding the Springs Specific Plan. We appreciate the work of the Grand Jury to understand and advise on issues important to our local communities. Permit Sonoma also appreciates the Grand Jury's recognition of the importance of meaningful public participation in land use planning.

At the outset, Permit Sonoma wishes to clarify the status of the Springs Specific Plan. The Springs Specific Plan remains under development, and is therefore only a proposed plan. There has been no "SSP approval," as is stated several times in the Report. No parcels have been rezoned. The draft Environmental Impact Report (EIR) is still being prepared. Following is the most recent projected timeline for major upcoming milestones in the process. Please note that this timeline may change due to staffing constraints related to the recent LNU Lightning Complex fires and the COVID-19 pandemic.

- Release of draft EIR: December 7, 2020
- First Planning Commission hearing on the Springs Specific Plan and EIR: February 4, 2021
- Second Planning Commission hearing on the Springs Plan and EIR: April 1, 2021
- Board of Supervisors hearing to consider adoption of the Springs Plan and EIR: July 2021

Please note that this timeline incorporates a 60-day public review period for the draft EIR. The legal requirement is 45 days, but Permit Sonoma extended the public review period to 60 days in response to a request from Donald Street residents. Public comments will still be accepted after the close of the 60-day review period, but later comments may not be analyzed by staff in time to include them in the staff report for the first Planning Commission hearing.

A hearing draft of the Specific Plan will be released concurrently with the draft EIR. A discussion draft of the Plan that was released in August 2018 is being revised and refined in response to public input and environmental review to create a hearing draft Specific Plan.

The Report states that the "public participation process was closed before Donald Street residents even became aware that the SSP affected them." This is incorrect. The public participation process for the Springs Specific Plan is ongoing, and neither the draft EIR nor the hearing draft of the Specific Plan have been released. Public hearings on the proposed plan will not even begin until February of next year. Permit Sonoma will provide ample public notice regarding the release of the draft EIR and draft Specific Plan and for each public hearing.

Responses to Findings

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.

Permit Sonoma wholly or partially disagrees with this finding.

Permit Sonoma's community outreach and engagement efforts for the Springs Specific Plan process have significantly exceeded what is legally required. Maps of the proposed Springs Specific Plan boundary were distributed at four community meetings in 2016 and 2017; at a meeting of the Sonoma Valley Citizens Advisory Committee in August 2018; at Community Advisory Team meetings in 2016, 2017, and 2018; at the EIR scoping meeting on July 10, 2018; and on the project website. Maps were also posted at the Springs Specific Plan information table at the Springs Festival on September 10, 2016, and at the Cinco de Mayo celebration on May 6, 2016.

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.

Permit Sonoma wholly or partially disagrees with this finding.

There is no evidence to indicate that the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) intended the Springs Specific Plan boundary to be located entirely within a street or two of Highway 12. In fact, all County applications related to the Springs planning area—for designations as a Rural Community Investment Area and as a Priority Development Area, and for grant funds for costs associated with development of a Specific Plan for the Springs area—have included maps clearly showing the inclusion of the Donald Street area in the Springs planning boundary. One of those maps showing the inclusion of Donald Street was incorporated into the staff report for ABAG Executive Board Resolution No. 11-12, which adopted and designated Rural Community Investment Areas and Employment Investment Areas, including the Springs planning area, into the Sustainable Communities Strategy for the Bay 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.

Permit Sonoma partially disagrees with this finding. While Permit Sonoma concurs that its staff should have recognized an apparent lack of participation by Donald Street residents early in the planning process, Permit Sonoma does not agree that this lack of recognition amounts to a failure. As outlined in [Attachment A](#) (Community Outreach for the Springs Specific Plan), Permit Sonoma did extensive public outreach, using a variety of community outreach and engagement

tools, to maximize public participation and feedback in the early stages of plan development. Moreover, planning staff were aware that there would be broader public notice provided to residents of the proposed Springs Specific Plan area at key points later in the process, when the draft EIR and hearing draft of the Specific Plan are published and public hearings begin. Permit Sonoma further disagrees that “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.” The CAT was formed to provide input on development of the Specific Plan and to assist with public outreach, but it was not tasked with monitoring the success of outreach efforts. The MAC was not created by the Board of Supervisors until December 2018. Finally, we assume that the reference to “Sonoma Alliance” in this finding is to the Sonoma County Alliance, a business group which is mentioned in the full report. The Sonoma County Alliance had no role in the Springs Specific Plan process other than as a potentially interested community organization. If the intent was to refer to the Springs Community Alliance, while it and its members have been actively involved in the planning process and Permit Sonoma staff made presentations to Springs Community Alliance meetings in 2016 and 2018, the group was engaged as an interested community organization and has no responsibility for the process or outcome of the plan.

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.

Permit Sonoma disagrees with this finding.

As stated at the outset of this response to the Grand Jury report, it appears that there is some confusion regarding the status of the Springs Specific Plan. Finding F4 refers to the reaction of Donald Street residents to learning of the rezoning of parcels in their neighborhood. It is important for those residents to understand that those parcels are at this time merely proposed for redesignation and rezoning. Only the Board of Supervisors has authority to approve rezoning, after public review of a draft EIR and Specific Plan, after public hearing before the Planning Commission, and after a public hearing before the Board. None of those preliminary events has occurred; the draft EIR has not been published, and no public hearings are firmly scheduled. Under the current timeline, the first Planning Commission hearing is projected for February 4, 2021, and the earliest date the Springs Specific Plan will be scheduled for public hearing before the Board is July 2021.

Permit Sonoma respectfully does not agree that it was reasonable for Donald Street residents to assume that they were not part of the Springs Specific Plan area simply because they did not consider themselves to be part of “The Springs.” As discussed above, Permit Sonoma conducted extensive public outreach. Maps of the proposed Springs Specific Plan area were distributed at workshops and community meetings, including a meeting of the Sonoma Valley Citizens Advisory Commission (a joint advisory body not limited in scope to The Springs area, with representatives from both the City of Sonoma and the unincorporated area in Sonoma Valley),

whenever Permit Sonoma staff presented on the Specific Plan process. The Specific Plan area map was posted on Permit Sonoma's website. Permit Sonoma also engaged in extensive media outreach that led to coverage of the Specific Plan process by local media.

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.

Permit Sonoma partially disagrees with this finding. To date, Permit Sonoma has far exceeded the minimum legal requirements for public notice during the Springs Specific Plan process. There is still substantial opportunity for Donald Street residents to engage in the planning process going forward.

While Permit Sonoma is not in a position to know the feelings of Donald Street residents about the Springs Specific Plan process, we regret that residents of Donald Street did not feel included in our early planning efforts, and as discussed in responses to recommendations below are incorporating lessons learned into procedures for future planning efforts.

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.

Permit Sonoma partially disagrees with this finding.

While Permit Sonoma is not in a position to know how Donald Street residents felt about the March 6, 2019 meeting, we do not agree that any County official misled the residents about the purpose of the meeting. To the extent that Permit Sonoma staff initially hoped to mediate an understanding between Donald Street residents and affordable housing advocates, staff were doing the important work of building community consensus.

Although it was too late by March 2019 for Permit Sonoma to consider modifying the proposed Specific Plan boundary, it was an ideal time to begin participating in the public process. Permit Sonoma staff have met with Donald Street residents frequently and more than any other group involved the SSP process. According to department records, in 2019 alone Permit Sonoma staff met with Donald Street residents on February 26, March 6, March 27, June 18, and July 26. Donald Street residents were also given time on the Planning Commission's published meeting agenda in December 2019 to present their arguments to the Commission and staff.

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.

Permit Sonoma disagrees with this finding. As discussed above, Permit Sonoma has engaged in robust public outreach throughout the Specific Plan process, and will continue to do so. As

outlined in Attachment A, Permit Sonoma engaged in robust public outreach throughout the process.

Responses to Recommendations

R1. Permit Sonoma offer Donald Street residents an official apology for their missteps by July 1, 2020. (F1, F2, F3, F4, F6, F7)

This recommendation will not be implemented. As the Report acknowledges, the County has not broken any public disclosure laws in the Springs Specific Plan process. Permit Sonoma met all legal obligations in determining the planning area for the draft SSP and in notifying the public about the draft plan's preparation. We understand and regret that the owners in the Donald Street area did not feel included in our early planning efforts. To avoid a similar problem in the future, Permit Sonoma will include maps of the planning area in outreach materials and public notices for all its long-range planning efforts.

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)

Permit Sonoma has previously implemented this recommendation, and is willing to deepen its implementation by meeting with Donald Street residents again if additional substantive discussion is necessary. As noted in our response to Finding F6, Permit Sonoma staff met with residents from the Donald Street area on Feb. 26, Mar. 6, Mar. 27, June 18, and July 26 of 2019. In addition, the Planning Commission granted Friends of North Sonoma (FoNS), a group of Donald Street area residents, an opportunity to present their concerns at the Commission's December 5, 2019 meeting.

Permit Sonoma is committed to working with Donald Street area residents, and other community members with an interest in the future of the Springs area, to prepare a plan that is appropriate, meets community needs and goals, and generally supports the broader community vision for the area. Again, the Specific Plan process is still ongoing; staff is continuing work on environmental review and is also preparing for upcoming community engagement activity related to the release of the hearing draft Specific Plan and draft EIR. All materials related to project status, upcoming meetings and engagement, planning maps and documents, and the next steps in the process are available at the Permit Sonoma website. In addition, Permit Sonoma staff are responsive to the community and are always available to meet with neighborhood groups, property owners, and other stakeholders.

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).

This recommendation has been implemented. Permit Sonoma staff understand and have previously responded to the principal concerns expressed by Friends of North Sonoma. The primary requests made by many Donald Street area residents have been to: (1) remove the Donald Street area from the draft and final Springs Specific Plans; and (2) extend the time period for public review of the draft EIR, which was previously scheduled to be released this summer. Permit Sonoma has extended the public review period for the draft EIR from 45 to 60 days. However, the request to remove the Donald Street Area from the draft SSP is a policy decision that is now in the sole discretion of the Planning Commission and Board of Supervisors. Interested members of the public will have multiple opportunities to provide public input and to request changes and adjustments to the draft Plan prior to the Board's adoption of the Plan.

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)

This recommendation will not be implemented because it is not warranted. Permit Sonoma respectfully does not agree that its public outreach procedures have failed, or that revised procedures are necessary. As the Grand Jury concluded in Finding F8, Permit Sonoma has complied with public disclosure laws. Robust public outreach and engagement for the SSP planning effort has already taken place and will continue. Permit Sonoma always follows the public outreach procedures required by state law, and strives to go well beyond those requirements to engage in additional outreach and provide as many public input opportunities as specific community needs dictate and project budgets allow.

Permit Sonoma creates a project-specific community outreach plan for each long-range project, including the Springs Specific Plan process. A summary of community outreach carried out to date for the Springs Specific Plan is Attachment A to this response. There will be substantial additional public outreach and numerous opportunities for additional public input as part of the upcoming steps in the ongoing planning process.

Finally, as stated in the response to Recommendation R1, in the future Permit Sonoma will include maps of the planning area in outreach materials and public notices for the Springs Specific Plan process, and all our long-range planning efforts.

ATTACHMENT A

Community Outreach Summary

Springs Specific Plan Community Outreach/Input Summary

Press Releases (Community meeting announcements included link to project website)

1. December 22, 2015. Forming a Community Advisory Team
2. January 23, 2016. Community Advisory Team selected
3. February 9, 2016. Announcement of First Community meeting.
4. May 9, 2016. Announcement of second community meeting.
5. June 22, 2016. Announcement of third community meeting.
6. February 24, 2017. Announcement of Community Open House (fourth community meeting).

News Articles (not exhaustive)

1. **Sonoma Index Tribune**
 - January 11, 2016
 - January 18, 2016
 - June 23, 2016
 - June 24, 2016
 - July 8, 2016
 - March 6, 2017
 - August 13, 2018
 - August 20, 2018
2. **Press Democrat**
 - March 5, 2017
3. **Sonoma Valley Sun**
 - August 10, 2018
 - October 15, 2018
4. **Sonoma County Gazette**
 - August 1, 2018
5. **La Voz**
 - May 16, 2016 (approx. date)
6. **Kenwood Press**
 - August 15, 2018

Community Meetings (interpreter available)

1. February 29, 2016
2. May 16, 2016
3. June 29, 2016
4. March 9, 2017

Community Advisory Team Meetings

1. February 1, 2016
2. July 25, 2016
3. March 13, 2017
4. June 18, 2018

5. August 13, 2018
6. September 24, 2018

Technical Advisory Committee Meetings

1. March 6, 2017
2. July 10, 2018

Bicycle and Pedestrian Committee: June 20, 2018

Scoping Meeting for EIR: July 10, 2018

Sonoma Valley Citizens Advisory Committee: August 22, 2018

Surveys

1. June 20 to August 16, 2016. On-line and at La Luz and La Michoacana. 161 responses.
2. March 10 to March 31, 2017. On-line and at El Verano School, La Luz, and La Michoacana.

Festivals

1. Springs Festival, September 10, 2016. Information table with large map and flyers.
2. Cinco de Mayo Celebration, May 6, 2016, El Verano School. Information table.

Springs Community Alliance Meetings

1. January 14, 2016
2. August 16, 2018

Flyers (Spanish and English)

1. Over 1,000 bilingual flyers were distributed to Flowery Elementary, El Verano Elementary, and Sonoma Charter School for school children to take home. The flyers were delivered to the schools in May 2016 to advertise the second and third community meetings.
2. Flyers were also posted at area schools and businesses.

Email Notifications Email contact list includes over 250 people. Email notifications were sent prior to each community meeting and before the scoping meeting.

Meetings with Friends of North Sonoma (FoNS) Group

1. February 26, 2019
2. March 6, 2019
3. March 27, 2019
4. June 18, 2019
5. July 26, 2019