

From: [Camp, Krystal](#)
To: [PLANCOM - Planning Commission](#)
Cc: [Jones, Jessica](#); [Hartman, Suzanne](#); [Toomians, Kristinae](#)
Subject: Late Correspondence - Item 9.1 and 9.2 - January 11, 2024
Date: Wednesday, January 10, 2024 3:01:00 PM
Attachments: [Revised Resolution.pdf](#)
[MODIFIED - Exhibit A.pdf](#)
[REVISED - Staff Report.pdf](#)

- PLEASE DO NOT REPLY TO ALL -

Chair Weeks and members of the Planning Commission,

The reason for this email is to provide you with late correspondence for item 9.1 – Verizon Wireless Telecommunication Tower, including a revised Resolution, and item 9.2 – Senior Care Facility ZC Text Amendment, including a modified Exhibit A and Revised Staff Report, all scheduled for tomorrow night’s PC meeting. Please see attached.

This will also be added to the agenda.

Thank you!

Krystal Camp | Administrative Secretary

Planning & Economic Development

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RESOLUTION NO. PRJ23-009

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL
USE PERMIT FOR THE CONSTRUCTION OF A 69-FOOT-TALL
TELECOMMUNICATIONS TOWER AND ASSOCIATED GROUND EQUIPMENT -
LOCATED AT 244 COLGAN AVENUE, APN: 044-011-053 - FILE NUMBER PRJ23-009

WHEREAS, on July 19, 2023, an application was submitted requesting the approval of a Conditional Use Permit for of a new 69-foot-tall monopine pole (wireless telecommunication tower) with supporting ground equipment, shielded by a 6-foot-tall chain-link fence, to be located at 244 Colgan Avenue, also identified as Sonoma County Assessor's Parcel Number 044-011-053; and

WHEREAS, on November 17, 2023, a Notice of Application was mailed to residents within 600-feet of the project site; and

WHEREAS, Under the Telecommunications Act of 1996 (the "Act"), Federal law requires that requests to authorize the installation of wireless communications equipment must be acted upon in a "reasonable period of time", which was later determined to be 150 days; and

WHEREAS, on November 17, 2023, the applicant accepted City staff's request for a Tolling Agreement that would extend the review timeframe and shot clock of this project from November 28, 2023, to January 15, 2024, to allow this project to be scheduled for the two required Public Hearings; and

WHEREAS, on December 14, 2023 the Planning Commission held a duly noticed public hearing on the application, which, at the request of the applicant, was continued to a date certain of January 11, 2024; and

WHEREAS, on January 11, 2024, the Planning Commission held a public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the IL (Light Industrial) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the project complies with application requirements and development standards as set forth in

City Code Chapters 20-24 (Industrial Zoning Districts) and 20-44 (Telecommunication Facilities); and

- B. The proposed telecommunications tower is consistent with the General Plan land use designation of Light Industry, in that this designation is intended for areas for manufacturing and distribution activities with potential for creating nuisances, along with accessory offices and retailing, and installation of the proposed telecommunications facility implements a variety of overarching General Plan goals by creating a functional place for those who live and work within the City. While there are no specific General Plan goals or policies that mention telecommunication facilities, the infrastructure facilitates necessary communication for businesses and residential uses and, therefore, provides overarching support for the General Plan; and
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that the base of the cell tower and all related equipment will be screened from public view, behind an existing industrial building to minimize visual impacts as much as possible. The proposed height of the tower is necessary to maintain adequate height for function while allowing future collocation of the site; and
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the existing site is both developed and surrounded by existing industrial and commercial development with adequate access to the proposed use and once in operation, the telecommunications facility does not require frequent visits by employees, thus not intensifying the use of the site; and
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that the project included an Electromagnetic Energy Report, prepared by Waterford Consultants, LLC, received on July 26, 2023, which concluded that the proposed placement of the telecommunications tower at the subject site will not result in exposure of the public to excessive levels of radio-frequency energy as defined in the FCC Rules and Regulations; and
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA):

Pursuant to CEQA Guidelines Section 15303, the cellular tower and related equipment qualify for a Class 3 Categorical Exemption, which exempts the construction of new small structures in that telecommunication towers are considered small structures that are similar to this Project. No exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2).

Pursuant to CEQA Guidelines Section 15183, the proposed use is eligible for a

streamlining measure as it is consistent with General Plan 2035, for which an Environmental Impact Report was certified by Council in 2009.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for a telecommunications tower, to be located at 244 Colgan Avenue, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. All work shall be done according to the final approved plans dated October 18, 2023, unless otherwise amended by the Planning Commission or the Design Review Board.
3. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.
4. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday. No construction is permitted on Sunday and holidays.

EXPIRATION AND EXTENSION:

5. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
6. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

PLANNING DIVISION:

1. The building materials, elevations, and appearance of this project, as presented for issuance of a building permit, shall be the same as that approved by the Planning

Commission. Any future additions, expansions, remodeling, etc., will be subject to review and approval of the Planning Division.

2. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
3. When the telecommunication facility (monopine and supporting equipment) becomes obsolete or is no longer used, the telecommunications facility shall be removed at the operator's expense.
4. The telecommunication facility (monopine and supporting equipment), including foliage, trunk, and fence, shall be maintained in good condition.
5. PROJECT DETAILS:
 - A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.
6. LIGHTING:
 - A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
 - B. Light sources shall be concealed from public view.
 - C. All lighting shall be directed toward the subject property and away from adjacent properties.
 - D. The mounting height of lighting fixtures in parking and storage areas shall not exceed 16-feet in height. Lower mounting heights are encouraged.
7. SIGNING:
 - A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.

ENGINEERING DIVISION:

8. Compliance with Engineering Development Services Exhibit A, dated October 20, 2023, attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid,

this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11th day of January 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY

Exhibit A. Proposed Zoning Code Text Amendment

(strike-out and underline format)

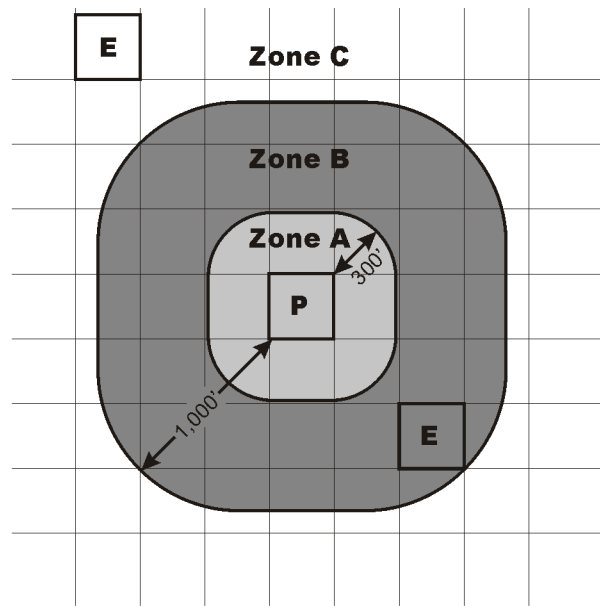
§ 20-42.060. Community care and health care facilities.

Community care and health care facilities shall comply with the requirements of this section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. Purpose. The provisions of this Section are intended to facilitate the integration of mentally and physically handicapped persons who are in family residential situations into community life, as mandated by State law applicable to a chartered city, while avoiding the over-concentration of these facilities in any particular neighborhood. The purpose of regulating the location of community care and health care facilities is to permit these services to be available at locations within Santa Rosa, as mandated by State law applicable to a charter city, that are convenient to the public, while requiring the mitigation of or avoiding any adverse effects of the facilities upon surrounding properties to the extent permitted by law.
- B. Application requirements. The following shall be included in an application for a community care facility Minor Conditional Use Permit:
 1. One copy of a completed Conditional Use Permit application form. The application shall indicate number of persons to be cared for; number of employees; hours of operation and outdoor playtime; and State license number. The application and site plan shall clearly show conformance to standards.
 2. One copy of a site plan (8-1/2" x 11") showing: location and dimensions of existing residence and other structures, including: fencing; outdoor play structures and equipment; distance to property line; parking areas and number of spaces both on-site and off-site spaces contiguous to property lines; access and traffic circulation.
 3. An accurate traffic circulation plan showing parking, circulation and drop-off areas.
- C. Conditions of approval. The operation of a community care or health care facility serving seven or more persons, in compliance with a Minor Conditional Use Permit as required by Division 2, may be conditioned or limited by the permit, except as may be prohibited by State law applicable to a chartered city, in any manner deemed necessary by the review authority to ensure the preservation of the health, safety and general welfare of the community and the neighborhood where the facility is proposed. The scope of permit review and approval shall be limited as required by State law to the following.
 1. Spacing and concentration. No proposed community care/health care facility shall be located closer than 300 feet in all directions from any other community care facility, as measured from any point on the exterior walls of both structures.

In no case shall a residential parcel be directly abutted by community care facilities on two or more sides.

2. Over-concentration of facilities. The over-concentration of community care/ health care facilities in an area shall constitute cause for the denial of a Minor Conditional Use Permit, where it is determined that overconcentration will not be mitigated by conditions that might be imposed upon the Minor Conditional Use Permit and other measures instituted by the applicant. As used in this Section, a condition of "overconcentration" arises wherever two or more community care facilities would be located at a distance of 1,000 feet or less from each other, as measured from any point upon the outside walls of the structures housing the facilities.



Zone A: Not permitted if an existing facility is located within this zone.
Zone B: May be permitted in this zone if over-concentration issues are mitigated.
Zone C: No concentration issue in this zone.

E Existing Facility
P Proposed Facility

Figure 4-1—Overconcentration of Community Care Facilities

3. Age-Restricted Housing or Age-Restricted Care Facilities for Qualifying Residents, as defined in 20-70, are exempt from the spacing and overconcentration requirement of Section 20-42.060 C.1. and C.2.
- D. Required findings for approval. No Minor Conditional Use Permit for a community care/health care facility shall be granted unless the review authority first makes all of the following findings, in addition to those required by Section 20-52.050 (Conditional Use Permits and Minor Conditional Use Permits):
1. That the facility complies with all applicable requirements of this Section; and

2. The facility complies with all applicable building and fire code provisions adopted by the State and administered by the City Fire Marshal, and California Department of Social Services licensing requirements.
- E. Notification of proposed action. Not less than 10 working days prior to the date on which the decision will be made on the application, the City shall provide public notice in compliance with Section 20-52.050 (Conditional Use Permits and Conditional Minor Conditional Use Permits) to the applicant, and all owners of property within a 100-foot radius of the exterior boundaries of the proposed parcel. The notice shall state that no hearing on the application shall be held prior to the decision, unless requested by the applicant or owners of property described above.

§ 20-70.020. Definitions of specialized terms and phrases.

Community Care Facility. A facility, place, or building that is maintained and operated to provide non-medical residential care, ~~(allowing palliative care or end of life care-medical treatment)~~ which may include home finding and other services, for children and/or adults, including: the physically handicapped; mentally impaired, mentally disordered, or incompetent; developmentally disabled; court wards and dependents; neglected or emotionally disturbed children; the addicted; and the aged. **Notwithstanding the above, end of life care, including palliative care, shall be allowed at senior care facilities.**

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
January 11, 2024

PROJECT TITLE

Senior Community Care Facility Zoning
Code Text Amendment

APPLICANT

Rajesh Kalra and Peter Stanley

ADDRESS/LOCATION

Citywide

PROPERTY OWNER

N/A

ASSESSOR'S PARCEL NUMBER

Citywide

FILE NUMBERS

PRJ23-016

APPLICATION DATES

August 3, 2023

APPLICATION COMPLETION DATES

December 26, 2023

REQUESTED ENTITLEMENTS

Zoning Code Text Amendment

FURTHER ACTIONS REQUIRED

City Council adoption, Minor Use Permit

PROJECT SITE ZONING

N/A

GENERAL PLAN DESIGNATION

N/A

PROJECT PLANNER

Kristinae Toomians

RECOMMENDATION

Recommend adoption to City Council

Agenda Item #9.2

For Planning Commission Meeting: January 11, 2024

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING
COMMISSION

FROM: KRISTINAE TOOMIANS, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: SENIOR COMMUNITY CARE FACILITY ZONING CODE TEXT
AMENDMENT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, recommend that the City Council adopt a Zoning Code text amendment to amend Title 20 of the Santa Rosa City Code, Section 20-42.060, Community Care and Health Care Facilities, to exempt senior care facilities from the Community Care Facility overconcentration limitation and spacing requirement, and Section 20-70.020, Definitions of Specialized Terms and Phrases, to modify the definition of Community Care Facility to allow palliative care and end of life medical treatments **in senior care facilities**.

EXECUTIVE SUMMARY

City Code Section 20-42.060, Community Care and Health Care Facilities, currently includes spacing requirements and concentration limitations for all types of community care facilities that serve seven or more clients. The current Code language requires that community care facilities be located no closer than 300 feet in all directions from another community care facility. The Code also states that an "overconcentration" arises wherever two or more community care facilities would be located within 1,000 feet from each other and may require additional conditions to mitigate any potential impacts. These overconcentration and spacing requirements apply to all community care facilities that serve seven or more clients, including senior (age-restricted) facilities. In addition, City Code Section 20-70.020, Definitions of Specialized Terms and Phrases, defines Community Care Facility and limits these facilities to provide only non-medical residential care. Because senior care facilities often include palliative or end of life care, the proposal includes a modification to the definition to include this type of care. The

SENIOR COMMUNITY CARE FACILITY ZONING CODE TEXT AMENDMENT
PAGE 3 OF 6

Planning Commission is being asked to consider a Zoning Code Text Amendment to exempt senior care facilities from the distancing requirement and overconcentration limitation, and to modify the definition of Community Care Facility to allow palliative care and end of life medical treatments **at senior care facilities**.

BACKGROUND

1. Project Description

The applicant proposes to amend City Code Section 20-42.060 to exempt age-restricted community care facilities from the spacing and overconcentration limitation, which would address community care facilities citywide. City staff is also recommending an amendment to City Code Section 20-70.020 to amend the definition of Community Care Facility to allow palliative care and end of life medical treatments **at senior care facilities**.

2. Project History

On August 3, 2023, the applicant submitted project applications and plans. In addition to the request for a Zoning Code Text Amendment, the project includes an application for a Minor Conditional Use Permit for a senior memory care facility to be located at 6575 Oakmont Drive. Pending the outcome of the Planning Commission and Council actions, that request will be considered by the Zoning Administrator.

ANALYSIS

Zoning Code Text Amendment

City Code Section 20-42.060, Community Care and Health Care Facilities, currently includes a spacing and concentration limitation for all types of Community Care Facilities that serve seven or more clients. The current Code language requires that community care facilities maintain a minimum distance of 300 feet in any direction from another community care facility. A condition of "overconcentration" arises when two or more community care facilities are proposed within 1,000 feet from each other and may trigger additional conditions to mitigate any potential nuisances. The overconcentration and spacing requirements apply to the physically handicapped; mentally impaired, mentally disordered, or incompetent; developmentally disabled; court wards and dependents; neglected or emotionally disturbed children; the addicted; and the aged (senior care).

The California Health & Safety Code (enforced by the Department of Social Services) aims to prevent the overconcentration of residential facilities that, "impair the integrity of residential neighborhoods." The Department of Social Services may deny an application for a new residential facility license if the department determines that the location would result in overconcentration to an existing residential facility. The California Health & Safety Code defines "overconcentration" as residential facilities that are separated by a distance of 300 feet or less, as measured from any point upon the outside walls of the structures housing those facilities. Based on special local needs and conditions, the Department of Social Services may approve a separation distance of less than 300 feet with the approval of the city or county in which the proposed facility will be located. The

SENIOR COMMUNITY CARE FACILITY ZONING CODE TEXT AMENDMENT
PAGE 4 OF 6

State of California Health & Safety Code Section 1520.5(f) states: “Foster family homes and residential facilities for the elderly (emphasis added) shall not be considered in determining overconcentration of residential facilities, and license applications for those facilities shall not be denied upon the basis of overconcentration.”

Amending City Code Section 20-42-060 to exempt age-restricted care facilities from the distance and concentration requirements would be consistent with the California Health & Safety Code. The City Code does not restrict foster family homes since the Code broadly defines “family” as: “An individual, or two or more persons, related by blood, marriage, or adoption; a group of unrelated persons which if numbering five or more persons, must be living together as a group in a dwelling unit, using common cooking facilities and as a group bear the generic characteristics of a family as a relatively permanent household.” Foster family homes are permitted by right in any Zoning District where residential uses are allowed.

City Code Section 20-70.020, Definitions of Specialized Terms and Phrases, defines Community Care Facility and limits these facilities to provide only non-medical residential care. Because senior care facilities often include palliative or end of life care, the Zoning Text Amendment is proposing to modify the definition of Community Care Facility to read (proposed language underlined):

- **Community Care Facility.** *A facility, place, or building that is maintained and operated to provide non-medical residential care, ~~with the exception of palliative care or end of life care medical treatment,~~ which may include home finding and other services, for children and/or adults, including: the physically handicapped; mentally impaired, mentally disordered, or incompetent; developmentally disabled; court wards and dependents; neglected or emotionally disturbed children; the addicted; and the aged. **Notwithstanding the above, end of life care, including palliative care, shall be allowed at senior care facilities.***

Zoning Code Text Amendment Findings

Pursuant to Zoning Code Section 20-64.050(B), amendments to the text of the Zoning Code may be approved only if all the following findings are made; the staff response to each are also provided:

- A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan.

Staff Response:

Chapter 9 – Youth and Family (YF) section of the General Plans states that:

“Senior citizens are valuable economic, social, and political contributors to our society, often with a unique set of needs and perspectives. The community service needs of the senior citizen population can be more substantial and specialized. The majority of senior citizens are retired or semi-retired. While senior citizens may enjoy more leisure time, they may also be limited by fixed incomes, less mobility, and health problems. It is important for the city to address

these needs which arise due to aging. They include affordable housing, health and day care, transportation, recreation, and social services (9-4)."

The proposed Zoning Code Text Amendment would further General Plan Goal YF-E-1, which states: "Continue to develop, manage, and expand the city's senior services and programs as an important social service within the community." The proposed Zoning Code Text Amendment would remove the overconcentration and location requirements for Community Care Facilities serving seniors and allow for medical services in facilities providing palliative care and/or end of life medical care for seniors within those facilities, therefore, serving the citizens of Santa Rosa.

- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Staff Response:

The proposed amendment would allow more age-restricted care facilities to be established, as needed, for the aging population of the City. This would increase specialized housing that includes elderly care and would promote jobs in specialized elderly care. The State of California does not view residential facilities for the elderly as a use that will "impair the integrity of residential neighborhoods" and does not have an overconcentration or spacing requirement like it does for other types of residential care facilities. Removing the spacing and overconcentration limit for age-restricted care would bring the City's Code in compliance with State Health and Safety Code.

- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Staff Response:

See Environmental Impact section of this report below.

- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Staff Response:

The proposed amendment creates opportunities for development of additional care facilities for the elderly who need assisted living or specialized care, while maintaining internal consistency with the Zoning Code. The proposed changes to Sections 20-42.060 and 20-70.020 would not allow any new land uses or regulations. The amendment would align the Zoning Code with current California Health and Safety Code requirements, while continuing to support multiple City Zoning Code and General Plan objectives of creating incentives for development of housing and services for seniors, promoting more environmentally sustainable urban infill, and reducing travel costs when seeking these types of uses.

FISCAL IMPACT

The proposed Zoning Code text amendment was prepared with applicant paid fees. Approval of this action does not have a direct known fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Because the proposed Zoning Code text amendment is consistent with General Plan 2035, the project relies upon the General Plan 2035 Environmental Impact Report (November 3, 2009, SCH No. 2008092114), and is consistent with CEQA Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). The Environmental Impact Report for the General Plan 2035 analyzed impacts to Traffic, Air Quality and Green House Gases, and Noise for the implementation of the General Plan.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed Zoning Code text amendments would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was also sent out via GovDelivery email, through the City's various social media sites, and was posted at City Hall and the City website, including the Short-Term Rental website (<https://www.srcity.org/3625/Short-Term-Vacation-Rentals>). Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ATTACHMENTS

Attachment 1: Disclosure Form

Attachment 2: Email from Department of Social Services, dated December 6, 2023

Attachment 3: State of California Health & Safety Code 1520.5

Resolution/Exhibit A: Proposed Zoning Code Text Amendment

CONTACT

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