



## Sonoma County Planning Commission STAFF REPORT

**FILE:** ZCE19-0007  
**DATE:** May 12, 2022  
**TIME:** 1:05 pm  
**STAFF:** Derik Michaelson

**A Board of Supervisors Hearing on the project will be noticed and held at a later date**

### SUMMARY

**Property Owner:** Raymond Ramirez  
**Applicant:** Phil Wright

**Address:** 5390 Old Redwood Hwy, Santa Rosa  
**Supervisorial District(s):** 4  
**APN:** 039-012-011

**Proposal:** Zone change from C2 (Retail and Business services) to C3 (General Commercial) on a 1.69-acre parcel within the Larkfield urban service area.

**Environmental Determination:** Exempt under CEQA Section 15061 (b. 3)

**General Plan:** GC (General Commercial)  
**Specific/Area Plan:** N/A  
**Ord. Reference:** N/A  
**Zoning:** C2 (Retail and Business services), VOH (Valley Oak habitat)

**Recommendation:** Adopt a resolution recommending the Board of Supervisors approve the zone change.



## EXECUTIVE SUMMARY

The proposed project is a request for zone change under the *General Commercial* land use category of the General Plan. Property owner Raymond Ramirez is seeking County approval to rezone a 1.69-acre parcel from C2 (Retail and Business Service) to C3 (General Commercial). The owner indicates a lack of demand for retail development on the site is hindering sale of the property, and proposes the zone change to C3. The project site is one of the last C2 parcels in a commercial area that has slowly converted to C3 since the 1990's. C3 zoning currently abuts the site to the north and south.

No specific development or use is proposed at this time. The zone change would provide for future site development and improvements to support a permitted or conditionally permitted commercial use under C3 regulations rather than C2. The C2 zone provides areas for a full range of retail goods and services to serve the countywide residential and business community. The County's C2 regulations provide for the permitting of retail uses and direct-to-consumer services typically sought on occasion rather than daily. The C3 zone provides a location for wholesale and heavy commercial uses and services necessary within the County which may not be suited to other commercial districts. The County requires new commercial uses within both C2 and C3 districts to secure Design Review approval in addition to meeting the permitting requirements identified in Table 10-1 (Allowed Commercial Land Uses) of the Sonoma County Zoning Code.

Allowable development under C3 zoning is consistent with the adjacent commercial uses established along this portion of Old Redwood Highway. Since the 1990's the County has approved zone changes from C2 to C3 on eight of the eleven parcels comprising the immediate commercial area. The County approved most of the C3 zone changes to support continued operation of existing commercial business as provided by the General Plan under the General Commercial land use classification. The adjacent commercial businesses include contractor storage yards, heavy equipment rentals, landscape materials supply, automobile sales, and RV storage and sales. Each business currently operates by use permit, as per C3 zoning requirements.

The proposed zone change is exempt from environmental review under CEQA Section 15061, which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

## PROJECT DESCRIPTION

Property owner Raymond Ramirez is seeking County approval to rezone a 1.69-acre parcel from C2 (Retail and Business Service) to C3 (General Commercial). The proposed zone change would allow for establishment of a permitted or conditionally permitted use on the site subject to future design review and other applicable permitting criteria as provided by C3 use regulations under the General Commercial land use category of the General Plan. No specific development or use is proposed for the site at this time.



### **Zoning History**

In 1993, consistent with the 1989 General Plan update, the County repealed the Larkfield-Wikiup Specific Plan and assigned C2 zoning to the subject block of commercial parcels along Old Redwood Highway, including the project site (APN 039-012-011). The County has since approved zone change requests from C2 to C3 on eight of the eleven parcels comprising the commercial block. The table below references the ten adjacent properties, and the previously approved zone changes. The project parcel, the eleventh parcel, is omitted from this table.

<b>ZONE</b>	<b>APN</b>	<b>ACRES</b>	<b>REZONE DESCRIPTION</b>	<b>EXISTING BUSINESS/USE</b>
C2	039-012-003	0.2	No zone change (still C2)	Photography Studio
C2	039-012-004	1.0	No zone change (still C2)	Ramsey Mobile Home Park
C3	039-012-005 039-012-006 039-012-007	2.56	PLP99-0081 - Rezoned to C3	Northwest General Engineering
C3	039-012-008	3.13	PLP08-0007 - Rezoned to C3	Les Petersen Drilling & Pump
C3	039-012-040	1.74	PLP08-0007 - Rezoned to C3	Ramm Rock Landscape Supply
C3	039-012-010	1.67	Rezoned to C3 - Date unknown	Unique Auto Sales
C3	039-012-012	1.35	PLP00-0015 - Rezoned to C3	RV Joes, LLC
C3 AH	039-012-055	1.78	PLP08-0027 - Rezoned to C3, Affordable Housing (AH) Combining District	Ortiz Plaza Apartments

### **Surrounding Land Uses**

The adjacent commercial businesses include RV storage and sales to the south, and automobile sales, landscape materials supply, contractor storage yard, and heavy equipment rentals to the north. Adjacent residential uses include at the rear of the site to the east, two single-family properties, and across Old Redwood Highway to the west, a single-family neighborhood and mobile home park.

North - Adjacent: C3 General Commercial; Auto sales dealer (Old Redwood Hwy)

South - Adjacent: C3 General Commercial; RV sales and storage on (Old Redwood Hwy)

East - Rear of property: R1 Low density residential; Corbett Circle neighborhood

West - Opposite Old Redwood Hwy: R1 Low density residential; Mobile-home park / Kittery Point neighborhood

### **Access**

- Existing driveway off of Old Redwood Highway

### **Wildfire Risk**

- Urbanized Area; No Fire Severity Zone designation on project site
- Moderate Fire Risk boundary exists 0.43 miles to the east (Wikiup Area)

***Water/Wastewater/Utilities***

- Project site is currently on well and septic within the Larkfield/Wikiup Urban Service Area;
- Future site development will trigger requirements for service connection through Design review of conditional use permit approval

***Agricultural Conditions/Land Encumbrances/Contracts***

- The project site is an existing commercial parcel within the Urban Service Area. Agricultural lands exist approximately 600 feet to the northeast, just beyond urban service boundary, including 31+ acres under Williamson Act contract.

***Significant Applications Nearby***

- No items of significance within immediate vicinity of project site

***Prior Review***

- On October 14, 2021, the Mark West Citizen Advisory Committee reviewed and recommended approval of the proposed zone change (record of action attached).

**DISCUSSION OF ISSUES****Issue #1: General Plan Consistency**

The County General Plan designates the property General Commercial. The *General Commercial* (CG) category provides sites in Urban Service Areas for intense commercial uses that primarily serve a mix of business activities and the residential and business community as a whole, rather than a local neighborhood. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. The proposed zoning of C3 is consistent with the existing General Commercial Land Use designation. No site-specific or area-specific general plan policies apply.

**Issue #2: Zoning Consistency**

Both the existing C2 (Retail Business and Service) and the proposed C3 (General Commercial) zone support a range of allowable uses intended for the project site under the General Commercial land use category of the General Plan.

No specific development or use is proposed at this time. Future site development requires Design Review approval as provided under Article 26-82 (Design Review) of the County Code and may require a use permit. Design Review is the primary process for ensuring consistency of new commercial projects with applicable regulations and lot development standards. The table below summarizes the lot development standards for C2 and C3 zoning. Future development would conform to the requirements of the C3 District.

**Commercial Development Standards**

Zoning Standard	C2 (Existing)	C3 (Proposed)	Project Site
Min. Lot Size - w/ PublicSewer: w/ PublicWater: No urban services:	0.18 ac 1.0 ac 1.5 ac	.18 ac 1.0 ac 1.5 ac	1.69 acres in urban service area; development requires service connection
Min. Lot width:	None	None	125 feet
Min. Setbacks - Front: Side: Rear:	None None None	None None None	n/a No setback required n/a
Adjacent to residential - Front: * Side: Rear:	20/45 ft 5 ft 5 ft	20/45 ft 10 ft 10 ft	Required / per R1 n/a Required / per R1
Max. Lot Coverage:	50%	50%	0.85 ac (36,808 sf)
Max. Building Height:	35 ft	35 ft	Required
Max. Building Intensity:	**	**	1,288,287 ft <sup>3</sup>
* Setback requirement from front property line and/or street centerline per adjacent R1 zone ** Building Intensity = height limit (35 ft) x allowable lot coverage (36,808 sf) in cubic feet <sup>3</sup>			

Current C3 zoning standards provide for increased setback requirements when adjacent to residential zoning. Adjacent residential (R1) zonings exist to the east at the rear of the property, and on the opposite side of Old Redwood Highway to the west. The required rear setback for the proposed C3 designation is 10 feet, currently 5 feet for C2. The C3 zoning front setback requirement, where the property is separated from R1 zoning by Old Redwood Highway, is the more restrictive of either 20 feet from the property line, or 45 feet from the centerline of the road. No minimum side setback is required because the project site is flanked on both its north and south sides by commercial zoning.

Future development of the property will trigger improvement requirements that apply regardless of the base zoning designation of the site. Anticipated site improvements include required service connections to public sewer and water systems, frontage improvements for storm water and drainage control, and improved driveway access. Both the C2 and C3 development standards and code requirements are the same with regard to lot coverage, building height, and intensity, property line setbacks, ingress-egress circulation, and parking configuration, future tenant improvements, and landscaping

The proposed zone change is not likely to generate any notable increase in demand beyond that already assumed under the current C2 designation, which allows for the development of high demand uses like restaurants.

Existing site improvements will also remain consistent with current zoning regulations under C3 standards. The legally permitted non-conforming modular home is a single-family dwelling and allowable with use permit approval in both districts. Permit records show no use permit on file and the dwelling may therefore remain as an existing legal non-conforming use subject to Article 94 of the County Code as it is within the current C2 district designation. Staff notes the proposed C3 district does not provide a path for supporting mixed-use development. Future commercial development of the site under C3 zoning will therefore require removal of the modular dwelling, as well as the various accessory structures currently occupying the property.

#### **Issue #4: Environmental Determination**

The project is exempt from environmental review because the activity is covered by the common sense exemption under CEQA Section 15061 (Review for Exemption), which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In the case of the proposed rezoning, it can be seen with certainty that there is no possibility the zone change may have a significant effect on the environment for the following reasons.

1. The subject parcel includes no unique site characteristics or sensitive environmental factors requiring special considerations;
2. The proposed project is physically suitable to accommodate General Commercial uses and associated site improvements.
3. The parcel is flat, lacking in significant natural features, and has direct access to Old Redwood Highway;
4. Future development of the site will meet will meet County Health Standards by connecting to publicsewer and water,
5. The proposed zone change requires the same level of discretionary and environmental review for future site development as required under the property's current zoning and design review process;
6. Permitted and conditionally permitted uses allowed under the proposed zoning designation currently operate on the adjacent commercial properties without significant impacts to the environment; and the future development of other General Commercial uses consistent with the immediate area will not cause cumulative impacts to the environment;

7. Proposed zone change supports uses and development density consistent with the land use classification currently applied to the subject parcel under the General Plan;  
The proposed rezone does not increase the intensity of allowable site development as provided under the current zoning requirements for property line setbacks, lot coverage, building height, and building intensity; and required setback to the nearest residence is increased from 5 feet to 10 feet;
8. Additionally, requirements of the General Plan and Zoning Code and of the California Environmental Quality Act (CEQA) provide for the following safeguards to minimize adverse impacts associated with C3 uses adjacent to residential uses:
  - a. The Noise Element of the General Plan contains maximum allowable noise levels. Noise complaints would trigger an investigation into the severity of a noise violation, and if necessary, the County could require additional noise mitigation such as restricting hours of operation, constructing sound walls, and confining noise-generating activities to inside of buildings.
  - b. All uses in the C3 zone require Design Review (Zoning Code Section 26-34-030 (g)). The General Development Standards (Section 26-82-030) of the Design Review section of the zoning code cover a broad range of issues including: fencing, landscaping, parking, building design, screening and baffling (for noise reduction) of mechanical equipment.
  - c. Any future development proposal for the project site that would cause a significant environmental impact, including those that would otherwise be categorically exempt, is subject to environmental review. Such uses could include those involving significant amounts of hazardous materials, traffic, emissions, or noise-generating activities.

#### **Issue #5: Neighborhood Compatibility**

The immediate vicinity along the east side of Old Redwood Highway includes compatible commercial development under the same C3 zoning as proposed for project site. Eight of the eleven parcels within the immediate area have already been converted from C2 to C3. The area across Old Redwood Highway and to the immediate rear of the subject property includes residential development. Across Old Redwood Highway to the west is the Orchard Mobile Home Park. Directly adjacent to the mobile home park to the north is the single-family neighborhood of Kittery Point. Directly adjacent at the rear of the project site, to the east, is the Corbett Circle neighborhood, accessed from Faught Road. The project site shares its rear property line with two single-family properties from this neighborhood.

Current C3 zoning standards provide for neighborhood compatibility by imposing increased setback requirements when adjacent to residential zoning. Adjacent residential (R1) zones exist to the east and opposite Old Redwood Highway to the west. In both C2 and C3 zones, the adjacent residential



zone to the west increases the front setback requirement for the project site to the more restrictive of either 20 feet from the property line, or 45 feet from the centerline of the road. The proposed zone change increases the rear setback requirement for neighborhood compatibility to 10 feet, currently 5 feet for C2. The project site shares its rear property line with those of two adjacent single-family properties.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached Resolution and Ordinance recommending that the Board of Supervisors approve the zone change request from C2 to C3.

### **ATTACHMENTS**

- ~~EXHIBIT A: Zoning Excerpt (Article 10)~~
- ~~EXHIBIT B: Advisory Committee Action~~
- ~~EXHIBIT C: Proposal Statement~~
- ~~EXHIBIT D: Project Site Plan~~
- EXHIBIT E: Draft Resolution**
- ~~EXHIBIT F: Draft Ordinance~~

Resolution Number 22-006

County of Sonoma  
Santa Rosa, California

May 12, 2022  
ZCE19-0007 Derik Michaelson

RESOLUTION OF THE PLANNING COMMISSION COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING APPROVAL OF A ZONE CHANGE FROM C2 (RETAIL BUSINESS AND SERVICE DISTRICT), VOH (VALLEY OAK HABITAT) TO C3 (GENERAL COMMERCIAL), VOH (VALLEY OAK HABITAT) AS REQUESTED BY PROPERTY OWNER RAYMOND RAMIREZ, FOR PROPERTY LOCATED AT 5352 OLD REDWOOD HIGHWAY, SANTA ROSA; APN 039-012-055.

WHEREAS, the applicant, Raymond Ramirez, filed an application with the Sonoma County Permit and Resource Management Department to rezone 1.69 acres from the C2 (Retail Business and Service District), VOH (Valley Oak Habitat) District to the C3 (General Commercial), AH (Affordable Housing Combining District), VOH (Valley Oak Habitat) district, or other appropriate district on property located at 5390 Old Redwood Highway, Santa Rosa; APN 039-012-011; Supervisorial District No. 4; and

WHEREAS, the proposed zone change is exempt from environmental review under CEQA Section 15061, because it can be seen with certainty that the proposed zone change will not have a significant effect on the environment; and

WHEREAS, rezoning the site to the C3 (General Commercial) is consistent with the General Plan and provides for future use and development as intended by and consistent with the *General Commercial* Land Use classification.

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on May 12, 2022, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The project does not preclude future development from proposing full compliance with applicable zoning regulations and Design Review approval as provided under Article 26-82 of the County Code.
2. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a) The subject parcel includes no unique site characteristics or sensitive environmental factors requiring special considerations;
  - b) The proposed project is physically suitable to accommodate General Commercial uses and associated site improvements.
  - c) The parcel is flat, lacking in significant natural features, and has direct access to Old Redwood Highway;

- d) Future development of the site will meet will meet County Health Standards by connecting to public sewer and water;
- e) The proposed zone change requires the same level of discretionary and environmental review for future site development as required under the property's current zoning and design review process;
- f) Permitted and conditionally permitted uses allowed under the proposed zoning designation currently operate on the adjacent commercial properties without significant impacts to the environment;
- g) The future development of other General Commercial uses consistent with the immediate area will not cause cumulative impacts to the environment;
- h) Proposed zone change supports uses and development density consistent with the land use classification currently applied to the subject parcel under the General Plan;
- i) the proposed rezone does not increase the intensity of allowable site development as provided under the current zoning requirements for property line setbacks, lot coverage, building height, and building intensity;
- j) The required setback to the nearest residence is increased from 5 feet to 10 feet; and
- k) Requirements of the General Plan and Zoning Code and of the California Environmental Quality Act (CEQA) provide further safeguards to minimize adverse impacts associated with C3 uses adjacent to residential uses, including:
  - i. The Noise Element of the General Plan contains maximum allowable noise levels. Noise complaints would trigger an investigation into the severity of a noise violation, and if necessary, the County could require additional noise mitigation such as restricting hours of operation, constructing sound walls, and confining noise-generating activities to inside of buildings; and
  - ii. All uses in the C3 zone require Design Review (Zoning Code Section 26-34-030 (g)). The General Development Standards (Section 26-82-030) of the Design Review section of the zoning code cover a broad range of issues including: fencing, landscaping, parking, building design, screening and baffling (for noise reduction) of mechanical equipment.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors approve the zone change request.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Koenigshofer, who moved its adoption, seconded by Commissioner Deas, and adopted on roll call by the following vote:

Commissioner Cornwall	Aye
Commissioner Gilardi	Aye
Commissioner Deas	Aye
Commissioner Koenigshofer	Aye
Commissioner Belforte	Aye

Ayes: 5      Noes: 0      Absent: 0      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.