



# COUNTY OF SONOMA

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

## SUMMARY REPORT

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**Agenda Date:** 8/9/2022

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Derik Michaelson, Planner III, (707) 565-3095

**Vote Requirement:** 4/5th

**Supervisorial District(s):** No. 4

**Title:**

1:50 PM - Zone Change of base district from C2 (Retail Business and Service) to C3 (General Commercial) on  $\pm$ 1.69 acres; 5390 Old Redwood Highway.

**Recommended Action:**

Conduct a public hearing and adopt an ordinance reclassifying  $\pm$ 1.69 acres from C2 (Retail Business and Service), VOH (Valley Oak Habitat) to C3 (General Commercial), VOH (Valley Oak Habitat) located at 5390 Old Redwood Highway, Santa Rosa; APN 039-012-011. File No. ZCE19-0007. (Fourth District) (4/5<sup>th</sup> Vote Required)

**Executive Summary:**

Property owner Raymond Ramirez is seeking Board approval to rezone a 1.69-acre parcel from C2 (Retail and Business Service) to C3 (General Commercial). No change to the VOH (Valley Oak Habitat) combining district is proposed. The owner indicates a lack of demand exists for C2 related development and proposes the zone change to C3, consistent with the *General Commercial* land use category of the General Plan.

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 for a full range of retail goods and services supporting the Countywide residential and business community. The C3 zone provides for wholesale and heavy commercial uses and services not suited to other commercial districts. Both C2 and C3 districts require Design Review approval and compliance with applicable permitting requirements under the Sonoma County Zoning Code for all new commercial development.

On May 12, 2022, the Sonoma County Planning Commission held a public hearing to consider the item, and unanimously agreed to forward its recommendation to the Board for approval of the zone change request. 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. Any future development would be required to comply with all applicable laws, including CEQA.

**Discussion:**

Allowable development under the proposed zone change to C3 is consistent with the adjacent commercial uses established along this portion of Old Redwood Highway. 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.

Since the 1990s 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.

#### 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.

#### 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. Future development must conform to the C3 District zoning requirements for minimum setbacks, lot coverage, building height, and building intensity. The County ensures compliance with these applicable development standards and regulations by requiring Design Review approval as provided under Article 26-82 (Design Review) for all new commercial development. Future commercial development of the site will also will trigger requirements that apply regardless of the base zoning designation.

Existing site improvements will 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. Future commercial development of the site under C3 zoning, if any, will require removal of the modular dwelling, as well as the various accessory structures currently occupying the property.

#### 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 this particular case where the adjacent properties currently support commercial operations under C3 zoning without adversely affecting the environmental, it can be seen with certainty that rezoning the subject parcel to allow the same development potential also has no possibility of causing a significant effect on the environment.

#### 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

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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 the Board approve the zone change request.

**Prior Board Actions:**

Not Applicable

**FISCAL SUMMARY**

Not Applicable

**Staffing Impacts:**

Not Applicable

**Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

**Attachments:**

Att 1 ZCE19-0007 Ordinance

Att 2 ZCE19-0007 Sectional District Map

Att 3 ZCE19-0007 PC Report and Resolution

Att 4 ZCE19-0007 Staff PowerPoint

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

Not Applicable