

Sonoma County Planning Commission  
**STAFF REPORT**

FILE: ZCE18-0019  
DATE: April 18, 2019  
TIME: 2:20 pm  
STAFF: Nina Bellucci, Project Planner

**Board of Supervisors Hearing will be  
held at a later date and will be noticed  
at that time.**

**SUMMARY**

**Applicant:** Serena Coltrane Briscoe  
**Property Owner:** Christopher McCook and Serena Coltrane Briscoe  
**Location:** 4391 Price Avenue, Santa Rosa  
**Supervisory District No.:** 5  
**APN:** 035-081-033  
**Subject:** Zoning Change  
**Proposal:** Request for a Zoning Change to remove the Z Accessory Dwelling Unit Exclusion Combining District from a parcel zoned RR B6 3 Z VOH  
**Environmental Determination:** CEQA Exempt (Pub. Resources Code section 21080.17, ordinances implementing Government Code section 65852.2 re accessory dwelling units; CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations)  
**General Plan Land Use:** UR 5 (Urban Residential, five dwelling units per acre density)  
**Ordinance Reference:** Article 18 – RR Rural Residential District  
Article 76 – Z Accessory Dwelling Unit Exclusion Combining District  
Article 88, Sec. 26-88-060 – Accessory Dwelling Units  
**Zoning:** RR (Rural Residential District) B6 3 (three acres per dwelling unit density) Z (Accessory Dwelling Unit Exclusion Combining District), VOH (Valley Oak Habitat Combining District)  
**Recommendation:** Adopt a resolution recommending that the Board of Supervisors find the project exempt from CEQA and that it approve the requested zone change

**EXECUTIVE SUMMARY**

The property owners request approval of a zoning change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District on a 0.62 acre parcel located within the City of Santa Rosa's sphere of influence and urban service boundary in the unincorporated South Wright area of southwest Santa Rosa. The property owners wish to build an accessory dwelling unit (ADU) on the site. The Z combining district was applied to the property in



1986 because at that time, the prevalence of failing septic systems and accompanying groundwater contamination in the area made it necessary to require existing development to connect to public sewer, and City of Santa Rosa policy provided that it would not provide sewer service to accessory dwelling units in this area. The City no longer holds this position, and has indicated that it will provide sewer service to accessory dwelling units within its urban service area. The City currently provides sewer service to the primary unit on site.

## **BACKGROUND**

### **PROJECT DESCRIPTION**

The applicant is requesting removal of the Z (Accessory Dwelling Unit Exclusion) Combining District from the subject 0.62-acre parcel to allow for an accessory dwelling unit on the parcel. Sewer service to the existing home on the parcel is provided by the City of Santa Rosa, and City Council policy requires that the applicant obtain a utility certificate from the City for additional service extensions outside City limits. The applicant plans to install a new Class 1 on-site well to provide water.

### **SITE CHARACTERISTICS**

The parcel is located on the north side of Price Avenue, directly east of the Wright Charter School. The parcel is 0.62 acres (27,250 square feet), and is currently developed with a single-family dwelling, a detached garage, a workshop, and two sheds. The parcel is located in the South Wright Septic Ban Area of the South Wright Waiver Prohibition Area. On-site sewage disposal systems are prohibited in this area, and connection to sewer is required for all development.

The existing dwelling on the property is provided sewer service by the City of Santa Rosa. The parcel is located in the City of Santa Rosa's Sphere of Influence, Urban Growth Boundary, and Urban Service Area.

The parcel is located in a Class 1 Groundwater Availability Area (Major Groundwater Basin).

### **SURROUNDING LAND USES AND ZONING**

The parcel is surrounded by low-density residential land uses. All adjacent residential parcels are zoned RR (Rural Residential) B6 3 (three acres per dwelling unit density), Z (Accessory Dwelling Unit Exclusion) Combining District. The Wright Charter School parcel directly west of the subject parcel is zoned PF.

## **DISCUSSION OF ISSUES**

### **GENERAL PLAN CONSISTENCY**

The General Plan land use designation for the subject parcel is Urban Residential, 5 units per acre. Accessory dwelling units do not count toward a parcel's allowed density; therefore the addition of an accessory dwelling unit on this parcel would be consistent with its allowed density. The proposed use of a single-family home and an accessory dwelling unit are consistent with the designated primary land uses in low-density residential areas.

The General Plan provides for the use of zoning to limit development in order to align the timing of development with the availability of services. That can be achieved through zoning that allows a lower development potential than the General Plan land use designation (i.e., this parcel is zoned Rural Residential), or the use of exclusionary zoning such as the Z combining district (General Plan Land Use Element, page LU-35 and Policy LU-4a).



The Z combining district was applied to the parcels in this area because, the establishment of the septic ban area in the South Wright Waiver Prohibition Area prohibited additional development unless connected to sewer service in order to address the public health hazards of failing septic systems and water contamination in the South Wright area. The City of Santa Rosa, due to capacity limitations, prohibited sewer connections for accessory dwelling units. However, with the expansion of sewer infrastructure and the City's updated policy to service accessory dwelling units, the Z combining district development restriction is no longer necessary.

### **ZONING CONSISTENCY**

Accessory dwelling units are allowed in the RR zoning district on parcels within urban service areas, between 5,000 square feet and one acre, if served by an on-site well and public sewer service. An accessory dwelling unit on a parcel this size (0.62 acres or 27,250 square feet) would be allowed with a zoning permit. The applicant would be required to obtain a utility certificate, consistent with City of Santa Rosa standards, prior to applying for a zoning permit that demonstrates service capacity at the site for the primary and accessory dwelling units.

Application and removal of the Z combining district must conform to Article 76 of the Sonoma County Zoning Ordinance, Accessory Dwelling Unit Exclusion Combining District. Section 26-76-005 states the following reasons for applying the Z (Accessory Dwelling Unit Exclusion) combining district:

*The purpose of this district is to provide for the exclusion of accessory dwelling units in the following areas:*

- a) Areas where there is an inadequate supply of water for drinking or firefighting purposes,*
- b) Areas where there are inadequate sewer services or danger of groundwater contamination,*
- c) Areas where the addition of second units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways, and*
- d) Areas where, because of topography, access, or vegetation, there is a significant fire hazard (Ord. No. 4643, 1993).*

These conditions do not apply to the subject parcel, as discussed below.

**Water Supply.** The Z combining district was not originally applied to the subject parcel for reasons related to water supply, and the parcel has adequate water supply. The parcel is located in a Class 1 Groundwater Availability Area. There is adequate water supply for the applicant to establish a Class 1 well on site to service the primary and accessory dwelling units, and the well will be established at the time of the Accessory Unit application.

**Wastewater Disposal.** As discussed above, the Z combining district was applied to the subject parcel for reasons related to inadequate sewer service. Failing septic systems and groundwater contamination led to the establishment of the South Wright Waiver Prohibition Area. This parcel is located in the septic ban area, in which additional development is prohibited unless connected to sewer service. Because capacity of public sewer service was limited, the City of Santa Rosa did not provide sewer service to accessory dwelling units in the South Wright area, and in 1986, the Board of Supervisors approved rezoning parcels in the South Wright area with the Z combining district to prevent unserviceable accessory unit applications. However, to help address the regional housing crisis the City of Santa Rosa now recognizes accessory units as a component of existing single-family development—not new development—that may be connected to sewer service.



**Traffic Hazards.** The Z combining district was not originally applied to the subject parcel for reasons related to traffic hazards, and the addition of an accessory dwelling unit would not contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highway in the area.

**Fire Hazards.** The Z combining district was not applied to the subject parcel to reduce a fire hazard, and the site is not located in a fire hazard area recognized in the General Plan Safety Element.

**Spot Zoning.** The County of Sonoma has attempted to implement a comprehensive land use plan through its Zoning Ordinance. Spot zoning, while generally considered undesirable, refers to the base zone, rather than to combining zones. Each of the surrounding parcels with the Z combining district has the same opportunity to apply for removal of the Z combining district pursuant to Article 76 of the Zoning Ordinance and would be evaluated using the same generally applicable zoning code standards. Therefore, the subject property would not be granted zoning that is either more restrictive or less restrictive than zoning which is available to the surrounding properties, thus removing the Z combining district would not constitute spot zoning. Furthermore, the request is consistent with the Board of Supervisors' direction to process such requests on a case-by-case basis.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached resolution finding the project exempt from CEQA and recommending approval of the requested zone change to remove the Z combining district.

### **FINDINGS FOR RECOMMENDED ACTION**

1. The subject parcel is designated Urban Residential (UR), 5 units per acre. Removal of the Z (Accessory Dwelling Unit Exclusion) Combining District is consistent with the General Plan UR land use designation and will not significantly alter any of the potential uses that are currently allowed on this site.
2. The subject parcel is located in the South Wright area of unincorporated southwest Santa Rosa, within the City of Santa Rosa's Urban Service Area. The City of Santa Rosa currently provides sewer service to the primary unit on the subject property and has a policy to provide service to a future accessory dwelling unit on the site. The applicant must apply for and receive a Utility Certificate from the City of Santa Rosa to establish sewer service for an accessory dwelling unit. In order to receive a Utility Certificate, the project must be consistent with the City's standards, and demonstrates that all dwelling units on site are adequately serviced by water and sewer utilities.
3. Removal of the Z combining district is consistent with the County Zoning Ordinance as follows:
  - a. Removal of the Z combining district would allow for an accessory dwelling unit on the parcel, consistent with County and City policies. The parcel otherwise meets the Zoning Ordinance requirements for an accessory dwelling unit. Section 26-88-060(j)(2) of the Zoning Ordinance allows an accessory dwelling unit on parcels served by a well and public sewer with a minimum lot area of 5,000 square feet. The subject parcel is 0.61 acres (27,250 square feet) in size and therefore meets this standard.
  - b. An accessory dwelling unit is a permitted use under the subject parcel's base RR Rural Residential District zoning (Article 18 of the Zoning Ordinance).



- c. This parcel is located in a Class 1 Groundwater Availability Area (major groundwater basin) meaning that there is likely to be adequate water supply to serve an accessory dwelling unit.
  - d. The parcel is located in the City of Santa Rosa's urban service area, and the City of Santa Rosa has indicated that sewer service is available, subject to a Utility Certificate. Therefore, there is adequate sewer service for an accessory dwelling unit on the site.
  - e. The parcel is not located in an area with existing traffic hazards, and the addition of an accessory dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
  - f. The parcel is not located within a designated fire hazard area. Removal of the Z combining district would not create a public safety concern.
4. The project is exempt from CEQA pursuant to:
- a. Section 15305, Minor Alterations in Land Use Limitations, because the proposed zone change would not result in any changes in density and is proposed on a site with an average slope of less than 20 percent; and
  - b. Public Resources Code section 21080.17, adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2, regarding permitting of accessory dwelling units. The proposed rezoning would provide for the creation of an accessory dwelling unit in an area zoned to allow residential development.

#### **LIST OF ATTACHMENTS**

|            |                                            |
|------------|--------------------------------------------|
| EXHIBIT A: | Draft Ordinance and Sectional District Map |
| EXHIBIT B: | Proposal Statement                         |
| EXHIBIT C: | Vicinity Map                               |
| EXHIBIT D: | Site Plan                                  |
| EXHIBIT E: | General Plan Land Use Map                  |
| EXHIBIT F: | Assessor's Parcel Map                      |
| EXHIBIT G: | Draft Resolution                           |



**ORDINANCE NO. (    )**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE IN SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM RR (RURAL RESIDENTIAL) B6 3 (3-ACRE DENSITY) Z (ACCESSORY DWELLING UNIT EXCLUSION), VOH (VALLEY OAK HABITAT) ZONING DISTRICT TO RR (RURAL RESIDENTIAL) B6 3 (3-ACRE DENSITY), VOH (VALLEY OAK HABITAT) ZONING DISTRICT FOR 0.62 ACRES LOCATED AT 4391 PRICE AVENUE, SANTA ROSA, APN 035-081-033.

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. The Board of Supervisors finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, because the proposal to remove the Z Combining District is a minor alteration in land use limitations in an area with an average slope of less than 20% that does not result in any changes in land use or density. This ordinance is a minor alteration in land use limitations because it does not alter the base zoning or allowable uses or density. Pursuant to State law, addition of an accessory dwelling unit may not be considered to exceed the allowable density for the lot upon which it is located, and must be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot (Government Code § 65852.2(a)(8)). Adoption of the proposed ordinance is also exempt from CEQA pursuant to Public Resources Code section 21080.17, adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2, regarding permitting of accessory dwelling units. The proposed rezoning would provide for the creation of an accessory dwelling unit in an area zoned to allow residential development.

Section II. The Official Zoning Database (OZD) of the County, adopted by reference in Section 26-02-110 of the Sonoma County Code, is hereby amended to reclassify the following real property from the RR (Rural Residential), B6 3 (3 acre density), Z (Accessory Unit Exclusion), VOH (Valley Oak Habitat) zoning district to the RR (Rural Residential), B6 3 (3 acre density), VOH (Valley Oak Habitat) district, for 0.62 acres located at 4391 Price Avenue, Santa Rosa; APN 035-081-033. File No. ZCE18-0019. The Director of the Permit and Resource Management Department is directed to reflect this amendment in the OZD of the County as shown on Sectional District Map No. \_\_\_\_.

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

Ordinance No. \_\_\_\_

Section IV. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the \_\_\_\_ day of \_\_\_\_, 2019, and finally passed and adopted this \_\_\_\_ day of \_\_\_\_, 2019, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin: \_\_\_\_ Zane: \_\_\_\_ Rabbitt: \_\_\_\_ Gore: \_\_\_\_ Hopkins: \_\_\_\_

Ayes: \_\_\_\_ Noes: \_\_\_\_ Absent: \_\_\_\_ Abstain: \_\_\_\_

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

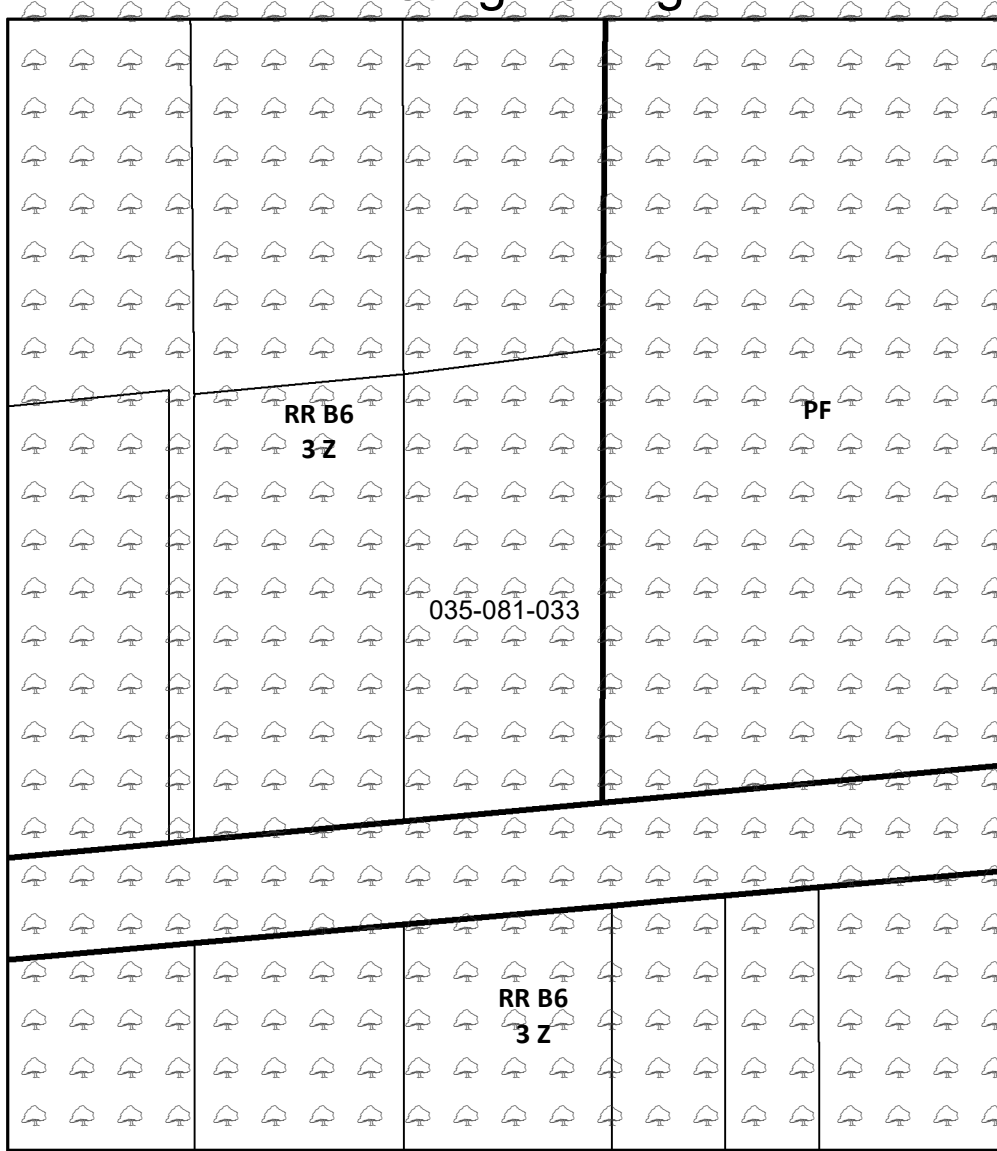
**SO ORDERED.**

\_\_\_\_\_  
David Rabbitt  
Chair, Board of Supervisors  
County of Sonoma

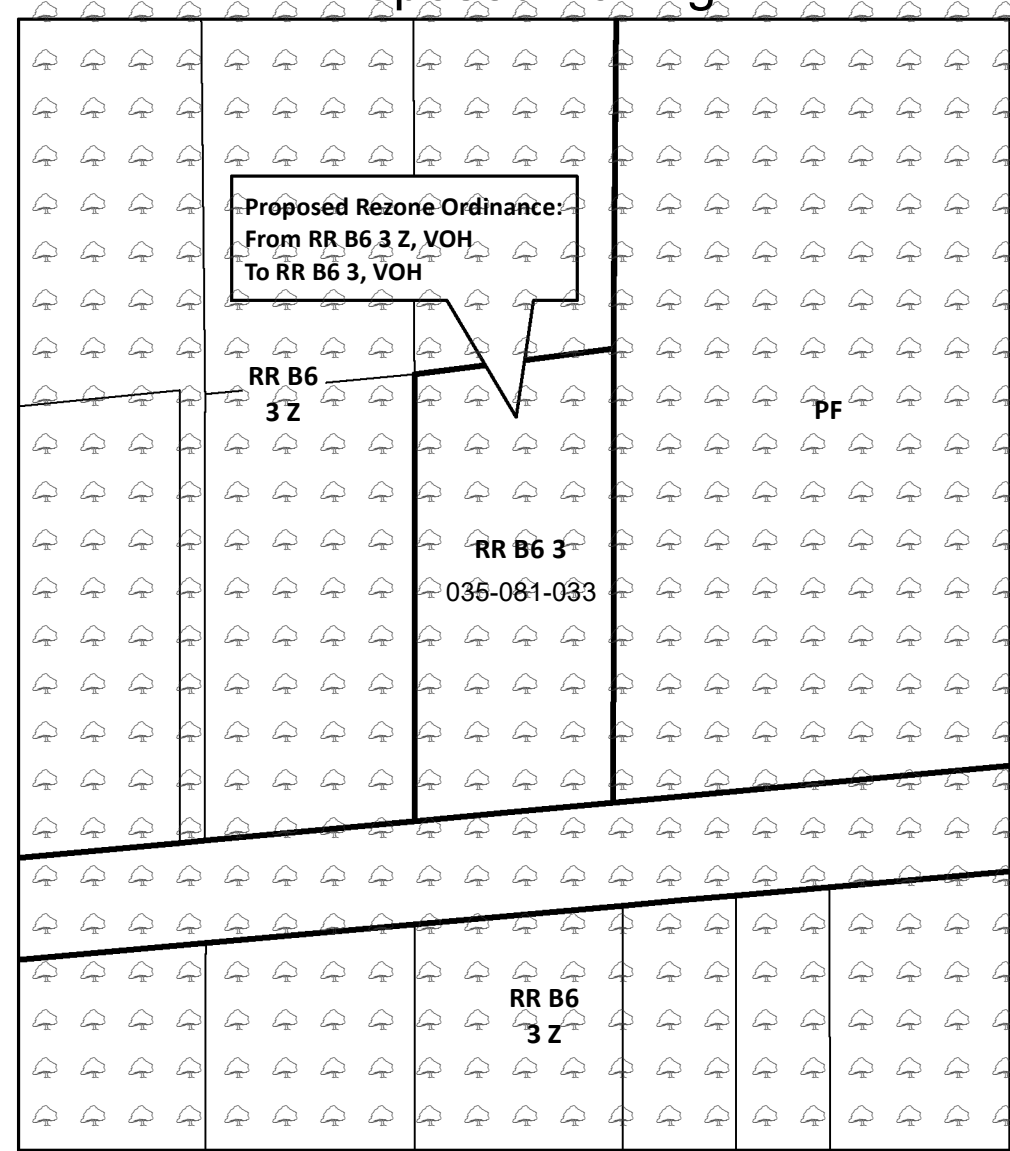
**ATTEST:**

\_\_\_\_\_  
Sheryl Bratton,  
Clerk of the Board of Supervisors



## Existing Zoning





## Proposed Zoning

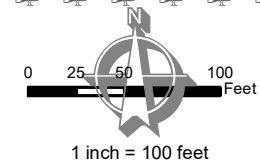


### Base Map Data

-  Basezoning by Area
-  Parcel

### Zoning Combining Districts

-  RC Riparian Corridor
-  VOH Valley Oak Habitat



FILE: ZCE18-0019  
 APN: 035-081-033  
 Ordinance No. TBD  
 Sectional District Map No. TBD

Permit and Resource Management Department  
 Project Review Section



2550 Ventura Avenue, Santa Rosa, CA 95403





## Proposal Statement

The property at 4391 Price Avenue, Santa Rosa, CA is rural residential with one single-family home, a detached garage, a small workshop and two small sheds. A Z-overlay currently exists on the property's zoning, which excludes the possibility of building an accessory dwelling unit on the property. We are proposing to remove the Z-overlay so that we may construct an accessory dwelling unit on our property. We are interested doing this because of a lack of housing in Sonoma County and an interest in concentrating any new development within already developed areas. Our property is near public transit lines and the Joe Rodota Trail, which make possible to reduce automobile use by residents. We are also interested in the ability to house additional people on our large property, either as a benefit to family members or to generate rental income.

In reviewing the reasons for a Z-overlay, we do not believe that our property meets the criteria:

*(a) Areas where there is an inadequate supply of water for drinking or firefighting purposes*

The property is located in a Class 1 Groundwater area, so lack of water is not an issue.

*(b) Areas where there are inadequate sewer services or danger of groundwater contamination*

Sewer service is provided in our neighborhood through the City of Santa Rosa. We inquired with them to see if sewer service might be a limitation, and were told that it was not.

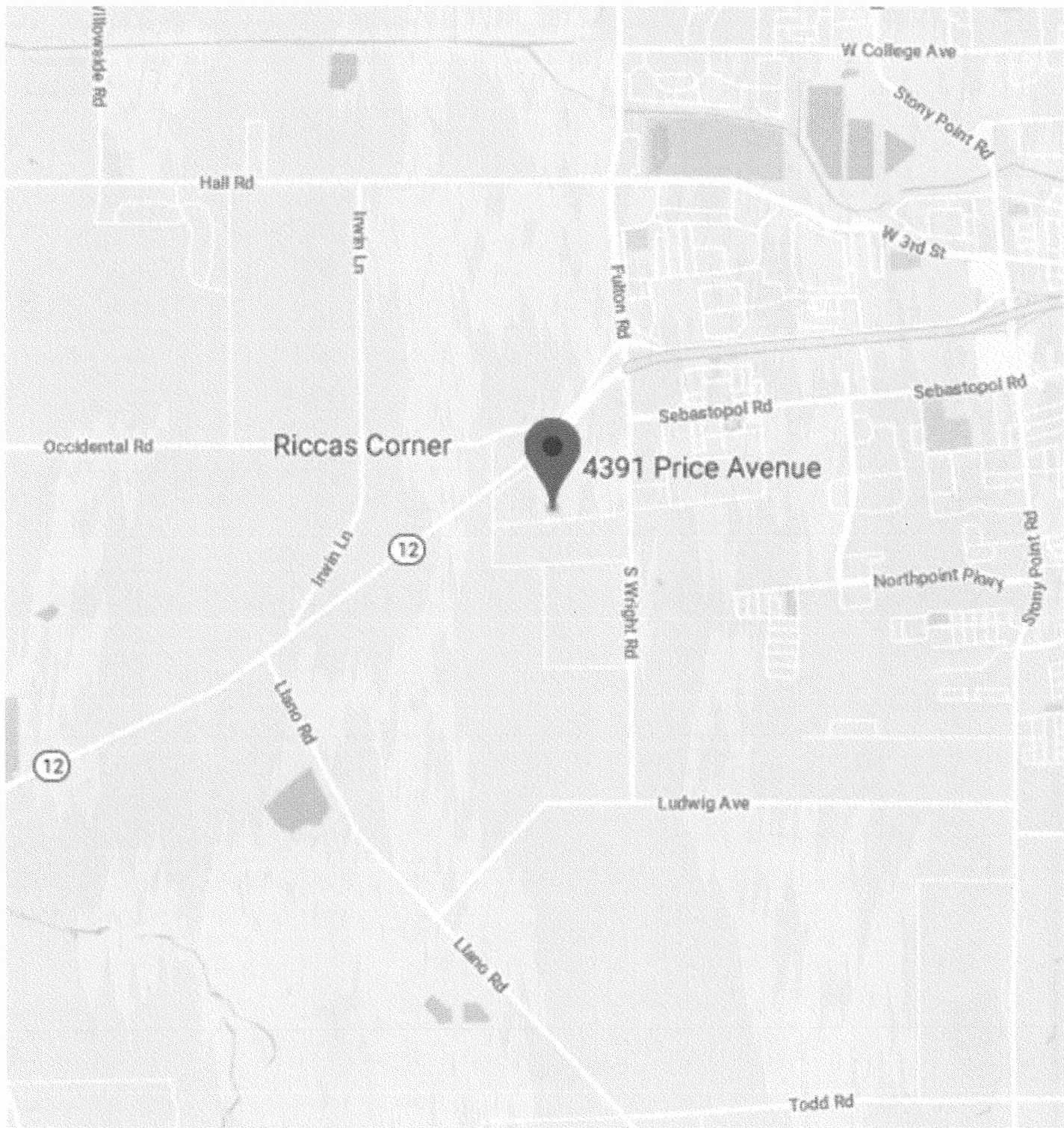
*(c) Areas where the addition of accessory dwelling units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads or highways*

Although the property is adjacent to Wright Charter School and Price Avenue experiences some traffic at drop-off and pick-up times, the street and neighborhood are usually very quiet, with little traffic. There are no traffic hazards that we are aware of.

*(d) Areas where, because of topography, access or vegetation, there is a significant fire hazard*

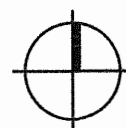
There is no significant fire hazard in the area.

Finally, there is precedent within the neighborhood for second units. There are several properties with more than one unit on Price Avenue, as well as on adjacent streets.

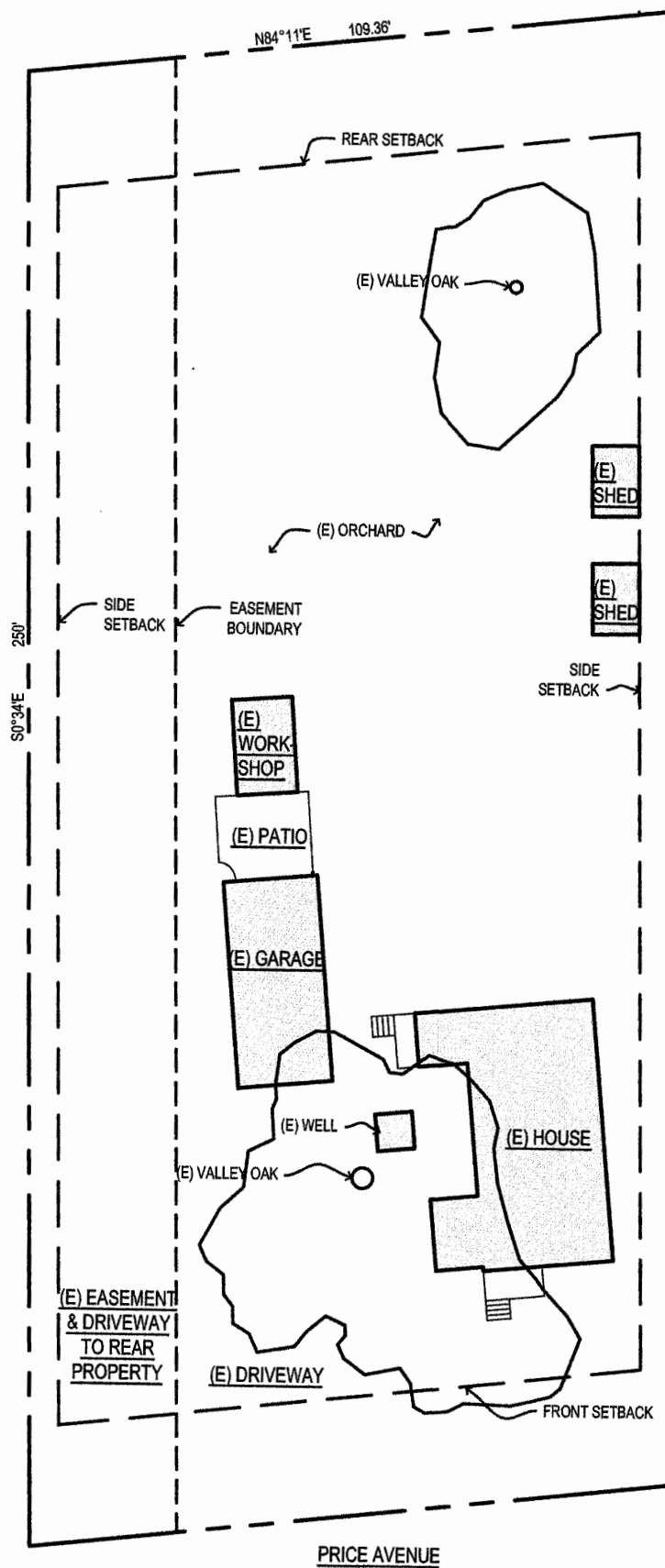


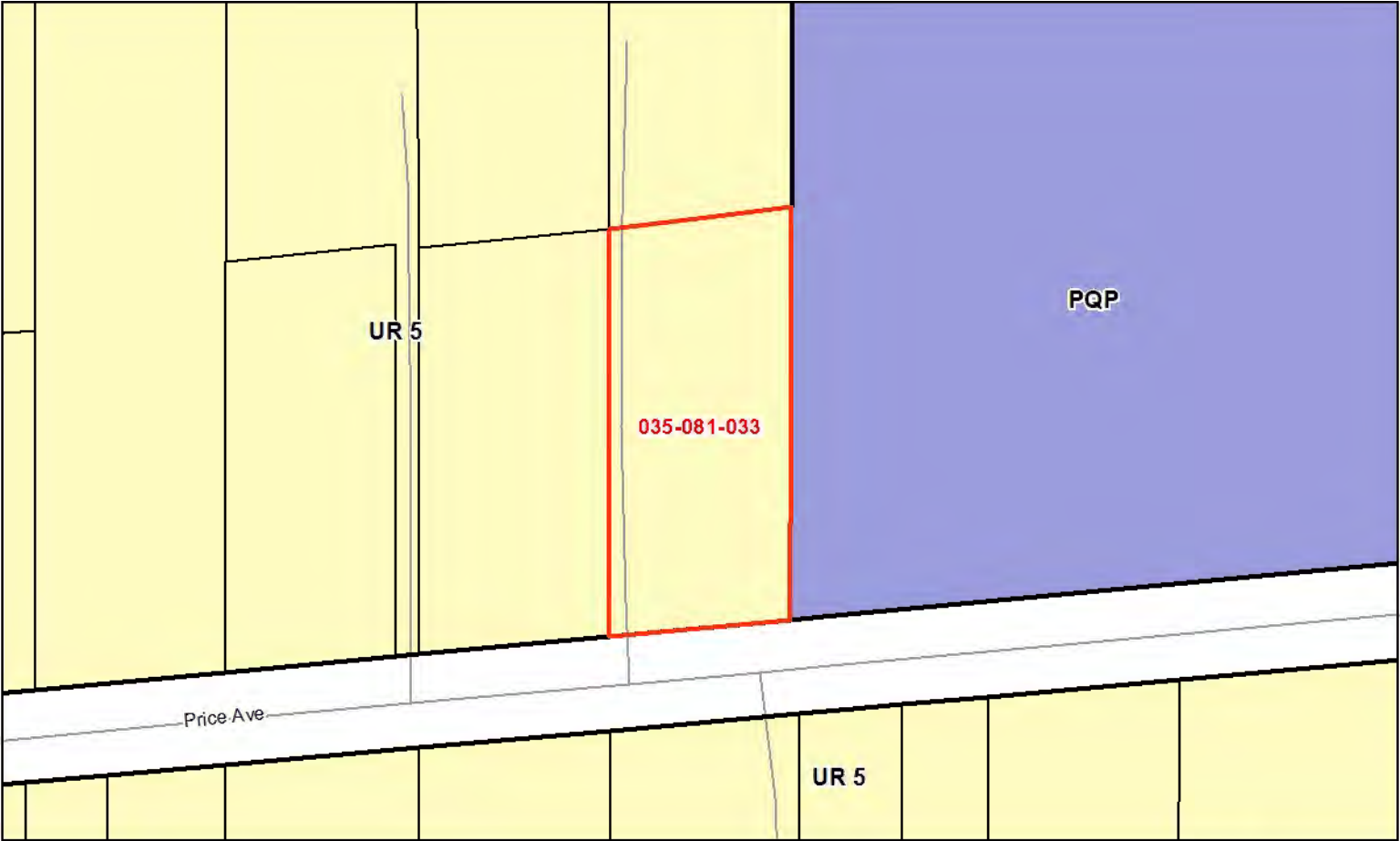
4391 PRICE AVENUE, SANTA ROSA, CA 95407

EXHIBIT C






**VICINITY MAP**  
SCALE: NTS





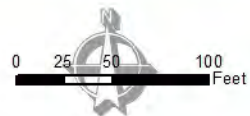


**General Plan Land Use**

-  Land Use by Area
-  Urban Residential
-  Public / Quasi-Public

**Base Map Data**

-  Parcel
-  Street



1:1,200

**EXHIBIT E**

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acres.

# COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA  
180-009  
155-006

35-08

NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.)

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

REVISED

01-03-02=79(082) KT  
09-03-04=41(081) RM  
04-02-09=TRA NJF  
04-02-09=R/S RL  
01-08-10=43(081) RL  
10-30-12=R/S BJ  
01-31-13=84(082) BJ  
07-31-13=R/S BJ

SCALE: 1"=200'



EXHIBIT F



Resolution Number \_\_\_\_\_

County of Sonoma  
Santa Rosa, California

April 18, 2019

ZCE18-0019 Nina Bellucci

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA AND RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A ZONE CHANGE TO REMOVE THE Z COMBINING DISTRICT FROM THE PROPERTY LOCATED AT 4391 PRICE AVENUE, SANTA ROSA, APN 035-081-033

WHEREAS, the applicant, Serena Coltrane-Briscoe, filed an application with the Sonoma County Permit and Resource Management Department to rezone 0.62 acres from the RR B6 3, Z VOH zoning district to the RR B6 3, VOH district on property located at 4391 Price Avenue, Santa Rosa; APN 035-081-033; Supervisorial District No. 5; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on April 18, 2019, at which time all interested persons were given an opportunity to be heard; and

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

1. The subject parcel is designated Urban Residential (UR), 5 units per acre. Removal of the Z (Accessory Dwelling Unit Exclusion) Combining District is consistent with the General Plan UR land use designation and will not significantly alter any of the potential uses that are currently allowed on this site.
2. The subject parcel is located in the South Wright area of unincorporated southwest Santa Rosa, within the City of Santa Rosa's Urban Service Area. The applicant must apply for and receive a Utility Certificate from the City of Santa Rosa for sewer service in order to construct an accessory dwelling unit. In order to receive a Utility Certificate, the project must be consistent with the City's General Plan.
3. Removal of the Z combining district is consistent with the Zoning Ordinance for the following reasons:
  - a. Removal of the Z combining district would allow for an accessory dwelling unit on the parcel, consistent with County and City policies. The parcel otherwise meets the Zoning Code requirements for an accessory dwelling unit. Section 26-88-060(j)(2) of the Zoning Ordinance allows an accessory dwelling unit on parcels served by a well and public sewer with a minimum lot area of 5,000 square feet. The subject parcel is 0.61 acres (27,250 square feet) in size and therefore meets this standard.
  - b. Establishment of an accessory dwelling unit on the subject parcel is a permitted use under the parcels' base RR Rural Residential District zoning (Article 18 of the Zoning Ordinance).

- c. This parcel is located in a Class 1 Groundwater Availability Area (major groundwater basin) meaning that there is likely to be adequate water supply to serve the proposed use.
  - d. The parcel is located in the City of Santa Rosa's urban service area, and the City of Santa Rosa has indicated that sewer service is available. Therefore, there is adequate sewer service for the proposed use.
  - e. The parcel is not located in an area with existing traffic hazards, and the addition of an accessory dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
  - f. The parcel is not located within a designated fire hazard area. Removal of the Z combining district would not decrease public safety.
4. The project is exempt from CEQA pursuant to:
- a. Section 15305, Minor Alterations in Land Use Limitations, because the proposed zone change would not result in any changes in land use or density and is proposed on a site with an average slope of less than 20%.
  - b. Public Resources Code section 21080.17, adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2, regarding permitting of accessory dwelling units. The proposed rezoning would provide for the creation of an accessory dwelling unit in an area zoned to allow residential development.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the requested Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission 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 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 \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner \_\_\_\_  
Commissioner \_\_\_\_  
Commissioner \_\_\_\_  
Commissioner \_\_\_\_  
Commissioner \_\_\_\_

Ayes:        Noes:        Absent:        Abstain:

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

SO ORDERED.