



# County of Sonoma

## State of California

Date: July 23, 2019

Item Number: \_\_\_\_\_

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

☒ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Adopting a Mitigated Negative Declaration and Approving a Use Permit for Tracy Torano for a  
Mixed Use Development on Property Located at 21010 Highway 101 (Geyserville Avenue),  
Geyserville; APN 140-100-008**

**WHEREAS**, the applicant, Tracy Torano, filed a Zone Change and Use Permit application with the Sonoma County Permit and Resource Management Department for a Zone Change from C3 (General Commercial) SR (Scenic Resources) to C2 (Retail Business and Service) SR (Scenic Resources) and a Use Permit with Design Review for a new mixed-use development project consisting of a ground floor commercial retail building of 1,342 square feet with two 671 square foot one-bedroom residences located on the upper floor above the retail space ,on a 6,750 square foot parcel., APN 140-100-008; Zoned Supervisorial District No 4; and

**WHEREAS**, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate laws and guidelines; and

**WHEREAS**, in accordance with the provisions of law, the Planning Commission held a public hearing on April 4, 2019, at which time all interested persons were given an opportunity to be heard, and at the conclusion of the public hearing recommended to the Board of Supervisors adoption of the Mitigated Negative Declaration and approval of the project rezoning and use permit with design review; and

**WHEREAS**, the project was considered at a noticed public hearing by the Board of Supervisors on July 23, 2019, and all interested persons were given an opportunity to hear and be heard.

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors makes the following findings:

## **1. General Plan Consistency**

The project is consistent with the General Plan land use designation of General Commercial (GC) and General Plan objectives, goals and policies. The General Commercial category provides sites for intense commercial uses that primarily serve a mix of business activities and the residential and business community. The proposed project would support opportunities for a mix of residential and commercial use in the Geyserville Urban Service Areas, consistent with the General Plan. Additionally, the proposed project would be consistent with Policy LU-13a, applicable to discretionary projects in the "General Commercial" category within Geyserville's Urban Service Area: (1) The use is in keeping with the scale and character of the community, (2) The proposed use specifically serves local area needs or the needs of visitors and tourism, and (3) The design of any structure is compatible with the historic architecture of the community. The proposed mixed-use development, consisting of ground floor retail and second floor residential, is in keeping with the established character of development in the town center of Geyserville. The town center is comprised of a mix of retail, general commercial, visitor serving and residential uses. The design of the proposed 2,684 square foot building has been reviewed by the Geyserville Planning Committee, and the project design received preliminary approval from the Design Review Committee. The applicant is proposing the following finishing materials for the building, which will be compatible with the range of both historic and more modern buildings in the town center, including use of corrugated metal siding and exposed timber beams. The proposed retail uses and the two second story residential units would provide service to the local community as well as to visitors to the Geyserville town center.

## **2. Zoning and Planning Compliance**

- a. The proposed zoning change from C3 - General Commercial to C2 - Retail Business and Service District will allow for the proposed mixed-use project, and would be consistent with the range of land uses in the established Geyserville town center. There is a mix of zoning districts in the Geyserville town center, reflective of the mix of land uses (C3 – General Commercial; LC – Limited Commercial, K – Recreation and Visitor Serving Commercial, and R2 – Medium Density Residential). The proposed C2 zone would be consistent with the General Plan's General Commercial land use designation and would provide for the requested mixed use development for the site while remaining consistent with area land uses. This request is considered spot zoning since there is no other C2 zoning district in the immediate area. Spot Zoning may be approved if factors such as the size of the parcel; the anticipated public benefit; the consistency with the community's comprehensive plan; and the consistency with surrounding zoning, are taken into consideration and can be used to make a determination for the validity of the rezoning. Spot Zoning is appropriate in this case as the request is supported by the GPC because it provides both retail and residential components. The requested C2 zoning also supports mixed-use development with approval of a use permit, while the existing C3 zone does not. Further, there are a range in land uses in the Geyserville town center, including retail, general commercial, service commercial and housing, and allowance of the C2 zone change and the project's proposed mixed-use development concept would be consistent with the overall range of uses in the area.

- b. The proposed mixed-use development project would be consistent with C2 land use regulations and development standards, Section 26-88-123 as noted herein. The proposed residential units would comprise approximately 50 percent of the total gross project floor space, the mixed-use standard which limits residential area to 80 percent of the total gross project floor area. Each residential unit includes a private outdoor patio measuring 104 square-feet (8 ft x 13 ft). In addition, there is a “shared” outdoor space (second story deck) of approximately 200 square feet, meeting C2 residential standards. Building height of 24 feet would comply with the height limit of 35 feet. Applicable setbacks would be met, and the proposed building lot coverage of approximately 28% is in compliance with the C3 district, which allows for a maximum of 50% lot coverage. The project would provide six on-site spaces and utilize on-street spaces along the project frontage as necessary, meeting peak demand parking needs. Additionally, noise reduction measures would meet requirements for the residential uses, including use of forced-air mechanical ventilation.
  - c. The project site is zoned SR – Scenic Resources and design review is required. The project was reviewed by the Design Review Committee on July 18, 2018. The Committee provided comment and recommended changes to the applicant which were incorporated into the project. The project requires final design review and approval. The project is located in the community of Geyserville, within the urban service area, and the site will be served by public sewer (Sonoma County Water Agency – Geyserville Sanitation Zone) and by public water (California American Water).
- 3. 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: (1) exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated; (2) The intersections of 21020 Highway 101 (aka Geyserville Avenue)/Highway 128 are expected to operate at acceptable levels, with no appreciable change in traffic conditions due to the project; (3) conditions have been incorporated into the project to ensure that noise from the retail uses on the ground floor and surrounding uses and vehicle noise would not exceed noise standards of the General Plan for the proposed second story residential uses; (4) adequate parking will be provided through six onsite parking spaces, including one ADA space and three on-street parking spaces would be formalized along the project’s street frontages through installation of curb, gutter and sidewalk.

#### **4. CEQA Compliance**

- a. Permit Sonoma completed the MND on March 19, 2019, and beginning on that date made the MND available for review and comment. A notice of intent to

adopt the MND was published and the period for receipt of comments on the MND remained open until April 18, 2019 . During the comment period, the County received one written comments from the California Department of Transportation (CalTrans).

- b. As recommended by the Planning Commission, the Board directs the substitution of Mitigation Measure GHG-1. In accordance with Section 15074.1(b)(2) of the CEQA Guidelines, new Mitigation Measure GHG-1 is equivalent or more effective in mitigating or avoiding potential significant effects and the new mitigation measure in itself will not cause any potentially significant effect on the environment. Specifically, the substitute mitigation measure includes the same requirement for a Greenhouse Gas Reduction Plan, but is more narrowly tailored to the size of the project and recognizes reasonably feasible measures.
- c. Based upon the information contained in the Initial Study included in the project file and all comments received after release of the MND and prior to the close of the public hearing, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA and State and County CEQA Guidelines, and the information contained therein has been reviewed and considered.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby adopts the Mitigated Negative Declaration as stated above and approves the requested Use Permit and the Mitigation Monitoring Program as set forth in the attached Conditions of Approval provided in Exhibit A. The Board of Supervisors certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Board.

**BE IT FURTHER RESOLVED** that the Board of Supervisors approves the use permit subject to the Conditions of Approval (Exhibit A) to allow for the construction and operation of the mixed use development consisting of a ground floor commercial retail building of 1,342 square feet with two 671 square foot one-bedroom residences located above the commercial retail space, and adoption of an Ordinance for a zone change for the property from C3 (General Commercial) SR (Scenic Resources) to C2 (Retail Business and Service District) SR (Scenic Resources).

**BE IT FURTHER RESOLVED** that the Board of Supervisors designates the Clerk of the Board 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 Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**