

MEMORANDUM

DATE: 16 November 2023

TO: Project Review Advisory Committee

FROM: Katrina Braehmer, Project Planner

RE: File No: MNS18-0002; Minor Subdivision
Owner: Agnes and Oliver Shirley
Address: 111 and 109 Ely Road, Petaluma
APN(s): 047-214-027

Request

Request to subdivide a 10.01-acre parcel to create two lots, 5.01 and 5.00 acres in size, to be served by a shared well and separate septic systems. Lot 1 is developed with a primary residence, second unit, and accessory residential structures. The applicant has identified a 46,880-square foot building envelope for future development and a designated septic area on proposed Lot 1. Additionally, the applicant has identified a 17,731-square foot building envelope for future development and a designated septic area on proposed Lot 2.

Site Details

General Plan Land Use:	RR 5 (Rural Residential 5-acre per dwelling unit density)
Zoning Designation:	AR (Agriculture and Residential) B6 5 (5-acre per dwelling unit density), F1 (Floodway) F2 (Floodplain) RC50/25 (Riparian Corridor 50-foot/25-foot setback) SR (Scenic Resources) VOH (Valley Oak Habitat)
Area/Specific Plan:	Penngrove Area Plan
Parcel Size:	10.01 acres
Parcel Specific Policy:	N/A
Fire Protection (LRA/SRA):	Local Responsibility Area (LRA)
Fire Hazard Severity Zone:	N/A
Groundwater Area:	Zone 3 – Marginal Groundwater
NPDES:	N/A
Water Quality Control Board:	San Francisco Bay Region
Williamson Act/Conservation Easement:	N/A

Summary

Agnes and Oliver Shirley propose to subdivide a 10.01-acre lot into two lots, 5.01 acres and 5.00 acres in size. The property is developed with a single-family residence, second residential unit, and multiple outbuildings. The applicant has identified a 46,880-square foot building envelope for future development and a designated septic area on proposed Lot 1. A maximum height of one-story at 16 feet for all new construction on Lot 1 is proposed to align with policies in the

Penngrove Area Plan.. A domestic well and septic system serve the existing residential uses. The applicant has identified a 17,731-square foot (0.41 acres) building envelope for future development and a designated septic area on proposed Lot 2. The existing well on Lot 1 will be shared with proposed Lot 2.

An existing private road off of Ely Road, a public roadway, provides access to the lots. The applicant proposes a new 12-foot wide gravel driveway with two-foot shoulders to the building envelope on Lot 2. The County Surveyor's Office and Fire Prevention Division have accepted this reduced roadway width (Attachment 4).

Elevations range from 55 to 125 feet above sea level with slopes between 0 and 20 percent. Vegetation on the site is predominantly California annual grassland characterized by dense cover of non-native grasses. Willow Brook, an ephemeral stream, meanders through the northeastern portion of the site. The proposed building envelope and septic area are well over 150 feet away from the 50-foot Riparian Corridor setback from Willow Brook required by zoning.

Mitigated Negative Declaration

A Mitigated Negative Declaration (MND) is proposed, which finds that potential environmental impacts have been fully mitigated to a less than significant level. The MND was circulated through the State Clearinghouse and noticed for public review and comment from March 28, 2022 to April 27, 2022.

Staff has since identified an error in question C of the Aesthetics section of the MND pertaining to the site's visual sensitivity. The MND mistakenly characterized the site as having moderate visual sensitivity in accordance with the County's Visual Assessment Guidelines. The site in fact should be characterized as having high visual sensitivity due to its designation as a Community Separator and location within the Scenic Resources Combining District. The revised MND also clarifies that the project's visual dominance is subordinate, rather than co-dominant, because the project incorporates building envelopes on Lots 1 and 2, which ensure that future residential or agricultural development is minimally visible from public view. Future development within the envelopes may be marginally visible from Adobe Road, approximately 0.75 miles to the north, and Old Redwood Highway, approximately 0.30 miles to the northwest, however it would not contrast with the surroundings. A standard condition of approval for projects with proposed building envelopes clarifies that all future residential and agricultural development must occur within the building envelopes (Condition #80 in the attached Conditions of Approval). All development onsite would be further subject to design review required by the Scenic Resources Combining District. As a result of the project's design and standard code requirements applicable to the site, the potential visual impact remains less than significant with the MND revisions.

Additional discussion was added to question C of the Aesthetics section of the MND to discuss new project conditions of approval that have been added to ensure project consistency with the Penngrove Area Plan policies that require landscaping and building envelopes to screen development in areas designated Community Form Land/Community Separator/Scenic Landscape Unit. One condition requires that new development on both lots incorporates landscaping in natural groupings using native species to help screen structures from public view. A second condition requires that new construction within the building envelope on Lot 1 be limited to one-story and 16-feet in height to preserve hill ridgeline views. These conditions are not required to



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reduce visual impact to a less than significant level but to implement County land use policy. The County's design review process applicable to development in this area would already ensure that development impacts reduce visual impacts to less than significant.

The revisions to the MND merely clarify the project's potential impacts and discuss new conditions of project approval that are not required by CEQA, do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect. Public recirculation of the MND is therefore not required prior to adoption under CEQA Guidelines Section 15073.5.

Considerations

- The site can be characterized as having high visual sensitivity because it is classified as a Community Separator and located within the Scenic Resources Combining District. Staff determined potential future residential development would be minimally visible from public view and subject to design review required by Zoning, therefore the revised MND has identified that the potential visual impact is less than significant. To better align with local land use policies found in the Penngrove Area Plan, a new building envelope and height restriction has been added to Lot 1 in addition to the building envelope proposed on Lot 2 that was previously circulated.
- Potential impacts to air quality, biological resources, cultural and tribal resources, greenhouse gas emissions, and noise are reduced to less than significant levels with incorporated mitigation.
- Staff has not received any public comments from neighbors or other interested parties regarding the project.

Findings

Staff makes the following findings in support of project approval:

1. Based upon the information contained in the Initial Study and included in the project file, there is no substantial evidence that the project as approved will have a significant environmental effect because mitigation measures and a mitigation monitoring program have been incorporated into the project as Conditions of Approval and agreed upon by the project applicant. Measures have been incorporated into the project which will reduce environmental impacts related to Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Greenhouse Gas Emissions, and Noise to less than significant levels. The Mitigated Negative Declaration (ISMND) has been completed in compliance with CEQA State and County guidelines. The revisions proposed since circulation merely clarify the project's potential impacts and discuss new conditions of project approval that are not required by CEQA, do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect. Public recirculation of the MND is not required prior to adoption under CEQA Guidelines Section 15073.5.
2. The project is consistent with the Sonoma County General Plan because the subdivision complies with the development density established by the General Plan. The resulting parcels will continue to serve the purpose of the Rural Residential land use designation.



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3. The project is consistent with the overall goals, objectives, policies of the Penngrove Area Plan because the subdivision accommodates for rural residential development while mitigating potential impacts by incorporating relevant measures into the project and its conditions of approval.
4. The project is consistent with the Sonoma County Zoning Code because the site's designated density provides subdivision potential of two lots. The resulting lots comply with the AR zoning district's development standards since they exceed the minimum lot size of 1.5 acres, the proposed building envelopes on Lots 1 and 2 meet the required setbacks from property lines.
5. The project is consistent with the Sonoma County Subdivision Ordinance because the proposed lot design, access, and improvements comply with codified standards and are appropriate to the site's constraints and environmental context.

Recommendation

Staff recommends that the Committee adopt the Mitigated Negative Declaration and approve the project subject to the proposed conditions of approval and mitigation measures.

Attachments

1. Tentative Map
2. Draft Revised Mitigated Negative Declaration dated November 1, 2023
3. Draft Conditions of Approval dated November 16, 2023
4. Survey and Fire Approval of Reduced Road Width



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