

Resolution Number

County of Sonoma
Santa Rosa, California

January 26, 2023
DRH22-0008 Blake Hillegas

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES; UPHOLDING IN PART AND DENYING IN PART AN APPEAL OF DESIGN REVIEW COMMITTEE APPROVAL; AND ADOPTING CONDITIONS OF APPROVAL FOR PROPERTY LOCATED AT 3300 JUNIPER AVENUE, SANTA ROSA CA

WHEREAS, the applicant, Steve Petcavich with RGM Kramer Inc., on behalf of owner and operator West County Transportation Agency, filed application DRH22-0008 with the Sonoma County Permit and Resource Management Department (“Permit Sonoma”) for Design Review to permit Phase II of the West County Transportation Agency (“WCTA”) bus storage, maintenance, and administration facility on 5.27 acres at 3300 Juniper Avenue; APN 134-074-022; Supervisorial District No. 3; and

WHEREAS, the entire WCTA Project was approved by the Sonoma County Board of Supervisors on February 2, 1999, as a two-phase project to be located on three adjacent parcels at 3300 Juniper Avenue. As approved, Phase I would be constructed and operated on APNs 134-072-025 and 134-102-048; Phase II would be completed at an unspecified later date on APN 134-074-022; and

WHEREAS, when the Sonoma County Board of Supervisors approved the WCTA Project in February 1999, the Board adopted a Mitigated Negative Declaration (“MND”) for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). The MND was published for public review on October 5, 1998, and identified potential impacts that would be significant unless mitigated. Draft mitigation measures were incorporated into the draft conditions of approval for the project to reduce identified impacts to less than significant. The Board of Supervisors determined that it was necessary to modify certain mitigation measures, and via its Resolution No. 99-0154 it adopted a modified MND together with modified mitigation measures that were incorporated into the project conditions of approval. Accordingly, the MND adopted for the WCTA Project is the published MND dated October 5, 1998, as modified by Res. No. 99-0154 and its exhibits (collectively, the “Final MND” or the “Adopted MND”), which are Attachments 17 and 18 in the materials for the Commission’s January 26, 2023 continued hearing on the appeal of DRH22-0008, final design review for Phase II of the WCTA Project; and

WHEREAS, the entitlements approved by the Board of Supervisors for the WCTA Project (PLP98-0050) included amendments to the land use maps of the General Plan and South Santa Rosa Area Plan to designate the project site as Public Quasi/Public land use; amendments to the site’s zoning to the PF (Public Facility) district; and a Use Permit; and

WHEREAS, the approved Use Permit was for a phased project. Phase I of the project was completed and has been in operation; and

WHEREAS, WCTA currently seeks Design Review approval for Phase II, which was approved and conditioned by the Board of Supervisors as a bus storage yard on APN 134-074-022 with no more than 80 vehicles on the Phase II parcel at one time; and

WHEREAS, Condition 42 of the 1999 conditions of approval provided, among other things, that the Design Review Committee (“DRC”) is required to review the Final Development Plans for the project, and that the plans must include a berm at least 6 feet high parallel to the north and west property lines of the Phase II parcel, with the berm center setback a minimum of 50 feet from the north property line. Condition 42 was incorporated into the conditions of approval as required mitigation for noise and visual impacts of the project that were identified in the Final MND; and

WHEREAS, on May 3, 2022, Permit Sonoma issued a grading permit for the project. However, Permit Sonoma later determined that the grading permit had been issued in error, because Phase II had not received DRC approval and the berms did not meet the minimum six-foot height requirement; and

WHEREAS, WCTA subsequently requested DRC review and approval. On August 3, 2022, DRC held a duly noticed public hearing on Phase II. After holding a public hearing on the Phase II proposal and taking public testimony, DRC closed the public hearing, found that the project was within the scope of the Final MND and in compliance with the 1999 Use Permit, and approved the project subject to revisions to lighting and landscaping; and

WHEREAS, Kent Lawson and Kasia Nowak appealed DRC’s approval on August 15, 2022, alleging that it did not comply with the Board’s 1999 conditions of approval. The appellants requested that the Planning Commission not authorize bus driver employee parking and that it requires changes to the site plan, berm location, lighting, fencing and landscape design, due to alleged non-conformity with the 1999 Conditions of Approval as approved by the Board of Supervisors; and

WHEREAS, in accordance with the provisions of law, the Planning Commission opened the public hearing on the appeal on December 1, 2022, at which time all interested persons were given an opportunity to be heard. At the conclusion of the December 1 meeting, the Planning Commission continued the public hearing to January 5, 2023, to allow for additional information to be submitted, including on parking, lighting and fencing; to allow the applicant to modify its proposal and submittals; and to allow staff to prepare a revised resolution and conditions of approval based on the Commission’s preliminary direction; and

WHEREAS, the proposed Phase II design now includes storage for up to 71 bus spaces and 80 bus driver employee parking spaces; and

WHEREAS, the berm has been modified to meet the minimum 6-foot height requirement from all sides; and

WHEREAS, the inclusion of employee parking would not intensify the approved use because the project must continue to comply with the 80-vehicle limit required by Condition 32 of the 1999 Conditions of Approval. The current configuration will make parking more efficient for both parking and circulation, because bus drivers will not have to shuffle cars and buses between 71 total spaces. Condition 42 of the 1999 conditions of approval is not modified by this approval; and

WHEREAS, the continued hearing scheduled for January 5, 2023 was cancelled due to a local state of emergency, the hearing was rescheduled to January 26, 2023, for which all required public notice was provided in accordance with law; and

WHEREAS, in a duly noticed continued hearing on January 26, 2023, the Planning Commission held a public hearing and took additional public testimony on the appeal and regarding the applicant's proposal for Phase II of the Phase II development. The Commission considered all of the information presented by staff, the appellant, and the in applicant, including all testimony presented in writing and in the meeting, and voted _____ to approve Phase II as modified, upholding the appeal in part and denying the appeal in part.

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

1. The project complies with General Plan land use designation of Public Quasi Public use in that the West County Transportation Agency is a Joint Powers agreement formed by multiple school districts.
2. The project is consistent with the Final MND and the 1999 Conditions of Approval as follows:
 - a) Phase II as approved includes a minimum six-foot tall earth berm paralleling the north and west property lines of the Phase II parcel (APN 134-074-022), with the centerline of the berm set back at least 50 feet from the northern property line, to reduce noise and visual impacts. Phase II as approved also requires the berm and 50-foot setback area are densely landscaped with evergreen trees and shrubs.
 - b) The approved Phase II Project remains subject to the 1999 conditions of approval regarding restrictions on uses, hours, positioning of buses for departure, and noise producing activities and equipment on the Phase II site.
 - c) The project remains conditioned to have hours of operation restricted to Monday through Friday 6am to 6pm only.
 - d) The project is conditioned to comply with the General Plan Noise Element.
 - e) As approved by the Commission, Phase II project lighting is required to automatically turn off during the hours of 6 p.m. to 6 a.m.. The project is further conditioned to require that this night lighting be fully shielded or include cut off fixtures to direct light downward and inward to prevent direct glare on the adjacent properties or roadways, consistent with the 1999 Conditions of Approval.
 - f) The project is conditioned to require a revised engineered drainage plan be submitted to the Permit Sonoma for review and approval to demonstrate consistency with the Final MND and 1999 conditions of approval.
 - g) The paved area on the Phase II parcel does not exceed the scope and limitations of the Final MND or the 1999 Conditions of Approval. The paved area will be used for parking and reasonable internal circulation. All other areas not utilized for such parking and driving will remain unpaved and landscaped or seeded.
3. Accordingly, based upon the information contained in the Final MND as defined herein and included in the project file, and based further upon all the evidence in the record before it,

the Commission determines that the Final MND for the WCTA Project, as approved by the Board of Supervisors on February 2, 1999, adequately addressed the potential impacts of the entire project in accordance with CEQA and that no further environmental review is required, based on the following findings made pursuant to California Code of Regulations, Title 14, Section 15162:

- a) That Phase II of the WCTA Project, as modified by the applicant and conditioned by the Commission, is within the scope of the Final MND, which considered both phases of the project.
- b) There are no substantial changes to the project that require major revisions of the Final MND due to the involvement of a new or substantially more severe significant environmental effect.
- c) There are no substantial changes with respect to the circumstances under which the Project is undertaken that require major revisions to the Final MND due to the involvement of a new or substantially more severe significant environmental effect. The Project has the same applicant, is for the same uses, and is on the same site as reviewed in the Final MND.
- d) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final MND was adopted, that shows that buildout of Phase II of the project will have a new or substantially more severe significant effect than previously disclosed in the Final MND. There is no evidence in the record that mitigation measures previously found to be infeasible are in fact feasible or that there are new, more effective mitigation measures or that the applicant has declined to adopt any mitigation measures necessary to reduce or avoid a significant impact.
- e) The mitigation monitoring program that was incorporated into the 1999 conditions of approval for the project will continue to apply to the project and is expressly carried forward and incorporated into this Design Review approval.
- f) Therefore, pursuant to CEQA Guidelines Section 15162, no subsequent CEQA document or analysis is required.

4. While use permit findings are not required for this design review approval because this project is part of the 1999 Use Permit approved by the Board of Supervisors for the multi-parcel, multi-phase WCTA project, the Planning Commission finds that the design of the project will not, under the circumstances of this particular case, be incompatible with nor be detrimental or injurious to property and improvements in the neighborhood. The particular circumstances in this case are:

- a) The design includes earthen berms and landscaping to mitigate noise and sufficiently screen the bus storage yard and employee parking lot from nearby residential uses. Landscaping has been added along the berm to ensure dense evergreen landscape screening.
- b) While the site plan includes 71 bus and 80 bus driver employee parking spaces, the size of the parking lot is in conformance with the initial project approval in that the footprint is generally the same due to reconfiguration of circulation and the conversion of large bus spaces to large bus and small bus spaces.
- c) The lighting levels are compatible in intensity of light, and measures are required to be implemented in the design to minimize impacts. Lower wattage lights, and lower height lights have been incorporated. More importantly, lights will automatically shut

off within the entire parking area from 6 p.m. to 6 a.m. Security lighting has also been designed to be compatible with the surrounding area.

- d) The berms and fencing will help screen the facility as required and the design is compatible with surrounding residential uses.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants approval of Phase II subject to the attached Exhibit A, Conditions of Approval as modified, upholding in part and denying in part the appeal of the approval of the Design Review Committee.

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

Commission Member
Commission Member
Commission Member
Commission Member
Commission Member

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.