



County of Sonoma
Permit & Resource Management Department

Sonoma County Board of Zoning Adjustments and Planning Commission Draft Minutes

Permit Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

August 25, 2022
Meeting No.: 22-10

Roll Call

Caitlin Cornwall, District 1
Larry Reed, District 2
Kevin Deas, District 4
Eric Koenigshofer, District 5
Jacquelynne Ocaña, Chair, District 3

Staff Members

Brian Oh, Division Manager
Adam Sharron, Staff, Planner
Cecily Condon, Staff, Division Manager
Blake Hillegas, Staff, Supervising Planner
Liz Goebel, Secretary
Janice Thompson, Deputy Director of Department of Transit and Public Works (DTPW)
Verne Ball, Deputy County Counsel

1:00 PM Call to order, Roll Call and Pledge of Allegiance.

Approval of Minutes None

Correspondence None

Planning Commission/Board of Supervisors Actions None

Commissioner Announcements

Public Comments on matters not on the Agenda: 0h3m
Roger Peters

Public Comments on matters not on the Agenda will resume at the end of the hearing.

Items scheduled on the agenda:

Board of Zoning Adjustments Regular Calendar

Item No.: 1 – Board of Zoning Adjustments
Time: 1:05 PM
File: UPE01-0181
Applicant: Ghilotti Construction Company, Inc.
Owner: Investor's Development Company
Cont. from: 11/12/2020

Staff: Adam Sharron
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit to legalize a contractor's equipment and materials storage yard and periodic processing of asphalt, cement, concrete, and soil, including the use of crushing equipment, on approximately 18 acres of a 19-acre parcel. The application will address a 2016 settlement agreement between the applicant and the County.
Location: 304 Todd Rd., Santa Rosa
APN: 134-171-050 and 134-171-049
District: Five
Zoning: Limited Rural Industrial (M3), Valley Oak Habitat (VOH)

Commissioner Disclosures: 0h7m

Commissioner Reed did a quick drive-by of site, spoke with **Staff Adam Sharron**. **Commissioner Koenigshofer** met with representatives of applicant on site, toured site, and independently drove around industrial park north of Todd Road and residential area; also spoke with PRMD staff and Public Works.

Staff Adam Sharron summarized the staff report, which is incorporated herein by reference. 0h9m

Commissioner Questions:

Commissioner Reed asked about the berm height – asks for clarification on whether berm is 25' tall or 11' tall. Also asked about no water on site, in regards to irrigation and landscaping. Mentioned replanting of oak woodland rather than continuing with madrones. **Staff Adam Sharron** responded. 0h35m

Commissioner Ocaña asked about the realignment of Ghilotti Avenue, which would go over the top of front porch of another building on site – will this building be moved, or have no impact? Regarding sound ordinance – there are houses on south end of property. Operations begin at 7 a.m. Is an ordinance established by county, or particular to project site? **Staff Adam Sharron** responded. **Staff Cecily Condon** also clarified. 0h39m

Commissioner Cornwall asked for clarification regarding “the project addresses the settlement.” **County Counsel Verne Ball** clarified. 0h41m

Commissioner Cornwall asked whether the draft conditions comply with the California Department of Fish and Wildlife (CDFW). Also, agreed with **Commissioner Reed** – all trees that get planted should provide habitat for local species, preferably oaks. **Staff Adam Sharron** responded. 0h43m

Commissioner Koenigshofer asked about operating hours – staff report appears to show conflicting information. **Staff Adam Sharon** and **Staff Blake Hillegas** clarified that it pertains to different operating hours for equipment storage and moving materials, rock crushing operation, and stockpiling operation. 0h44m

Commissioner Koenigshofer asked about the limits of on-site operations days in the Conditions of Approval (COA). **Staff Blake Hillegas** responded. 0h48m

Commissioner Deas asked if they are familiar with the Syre Industries plant immediately adjacent to the Ghilotti property; do they know how often Syre crushes? **Staff Adam Sharron** responded. 0h52m

Commissioner Koenigshofer commented that his concern is less about hours of operation than the absence of any reference to number of days/frequency. The question is whether the conditions are enforceable. How will a community member know if there is a violation? To the public, hours could be confusing. 0h54m

Applicant Dale Mahoney of Ghilotti Construction joined the panel to answer questions by Commissioners. Their consultant made a recommendation of 63 on-site operational days. They are fine with the cap, unless otherwise approved by director. Syar Industries imports rock daily and produces asphalt, runs daily and sometimes on Saturdays and on evenings. Regarding noise affecting nearby residents, the sound consultant and civil designer have mitigated with a sound wall. Regarding water, a well is on site. Regarding changing trees on site, no issue with switching from madrones to oaks. Regarding wall on top of berm, there is no wall, it is a

25' tall berm. Regarding the building on site from older Google Maps, it has since been demolished in preparation for the project, and will not be affected by realignment of Ghilotti Avenue. **0h57m**

Commissioner Koenigshofer asked about item 14E which provides for approval by director of emergency operations. If Commission added a condition that provided for up to 70 days of operations, would it be an impediment to anticipated operations? **Applicant** responded that it would not be an impediment. **1h0m**

Commissioner Koenigshofer asked about issue of restrooms for employees - understands there are two employees during crushing. Because offices/operating headquarters of Ghilotti are immediately adjacent on site, why not use the restrooms in these facilities? **Staff Cecily Condon** responded that it may require an agreement, and given that they own both properties, they could decide to sell the other site. It is not currently written in COA, and just mentions an "alternative system" or proposal. **1h1m**

Commissioner Koenigshofer commented he would like to add an amendment to section of the COA for an enforceable agreement that restroom facilities on Ghilotti property can serve employees on project site. If facilities became unavailable, project site would have to develop its own. **1h3m**

Commissioner Koenigshofer commented in regards to the private road, he spoke with the Department of Transportation and Public Works (DTPW) on status of project to redo intersection. Condition requires realignment of private road with Standish Avenue at Todd Road intersection to be signalized; applicant covers 25% of cost. DTPW said county applied for a federal grant to cover portion of project. If approved, project will be on timeline of availability of federal money. If grant is not given, project would be fully funded by county plus a portion by applicant, changing timeline of improvements. Mentions extremely poor conditions of intersection at Todd Road. Intention is to seek more immediate improvement as interim measure while waiting for signalization. DTPW and Ghilotti staff agree this could work. Wants BZA to consider a new condition, but staff and County Counsel need time to consult with applicant about language. **1h4m**

Staff Janice Thompson commented that she isn't sure if 4-way stop would work, but welcomes traffic analysis and data, and coordinate to see if it would work in the interim. **1h10m**

Commissioner Koenigshofer asked what analysis DTPW would need, and is it possible to configure a 4-way stop sign with the current conditions. If applicant has W-Trans do analysis and submits study to DTPW, BZA, and county counsel for review and approval – could it be written in a way to not require returning to BZA. In terms of drafting the new condition, could it be done in current session, or need to continue at a date certain in the near future? **1h11m**

County Counsel Veme Ball deferred to DTPW; mentioned they would have to analyze if a 4-way stop sign would be acceptable based on outcome of new data. Suggested it may be necessary to continue to a future date certain. **Staff Janice Thompson** responded that it would be difficult to do "here and now," wordsmithing will be complicated, and couldn't be resolved during current hearing, as it is based on outcome of new study. **1h14m**

Commissioner Koenigshofer asked if the board agrees with his suggestion, and when is the soonest date the project could return to BZA. **Staff Brian Oh** responded. **1h16m**

Commissioner Koenigshofer asked about continuing to a time certain of September 22nd BZA hearing. **1h18m**

Commissioner Ocaña asked if anybody else has questions about four-way stop. **Commissioner Cornwall** asked whether the cost of study comes out of Ghilotti's 25% of covering the project. **Applicant** responded it would come out of "fair share of portion" of their contribution. Their concern is about the impact of traffic backing up to Hwy. 101, fire station, SMART train. **1h19m**

Applicant mentioned they have a relationship with W-Trans through BKF Engineers, so it would not be difficult to do a preliminary traffic study to determine feasibility of the 4-way stop. **1h21m**

Commissioner Koenigshofer clarified he wants to draft a condition for the applicant to present a W-Trans report based on feasibility of the 4-way stop, which would reflect a path for analysis for the interim measure. **1h22m**

Commissioner Ocaña asked for comment from staff on this project returning to the BZA to a time certain with an added condition regarding feasibility of the 4-way stop sign. **1h25m**

Staff Cecily Condon believed it to be feasible to come back in a month with a drop condition, assuming they do not need the full report to review. **1h25m**

Applicant asked if it would be possible to include a resolution and/or draft language for the condition today. **Staff Cecily Condon** responded. **1h25m**

Commissioner Ocaña reminded the applicant that **Staff Janice Thompson** made it clear that she wanted more time to analyze the project, and requested to move on to opening the public hearing. **1h26m**

Public Hearing Opened: 2:27 PM

No comments

Public Hearing Closed, and Commission discussion Opened: 2:28 PM

Commissioner Ocaña commented that the one outstanding topic is the idea to come back with a draft condition to address stop sign feasibility. **Commissioner Cornwall** mentioned the other conditions that were discussed aside from the stop sign, including the hours of rock crushing. **1h28m**

Staff Cecily Condon confirmed the limitation/clarification on crushing – 70 days per year – and allowing director discretion to add more days in case of emergency. **Commissioner Cornwall** added wording of “all landscaping to be locally native plants appropriate for Valley Oak Habitat.” Also brought up the restroom issue, that it should be acceptable for employees on-site to use the restrooms next door while the owners of the two properties are the same. **1h29m**

Commissioner Koenigshofer clarified that there could be two different owners, as long as the arrangement stays in place and is an enforceable matter in the conditions. **1h30m**

Staff Brian Oh asked to confirm availability among commission on Thursday, September 22nd as a date certain, and confirms with **County Counsel Verne Ball** that only a quorum is necessary. **Commissioner Cornwall** is not available, but is comfortable with the remainder of commissioners making the decision at the future time certain date. **1h31m**

Commissioner Koenigshofer mentioned that the intention for the continuation would be to approve conditions on the date certain, but he would not object to a straw vote on the intention today for the sake of **Applicant**. **County Counsel Verne Ball** confirmed this would be fine, and is not a binding action. **1h33m**

Commissioner Ocaña proposed to hold a straw vote to continue to a time certain on September 22nd. **1h34m**

Commissioner Koenigshofer said in context of current discussion, with intention to modify aforementioned conditions as discussed, he motioned to take a straw vote to approve the project pending specific changes when it returns to the BZA. **Commissioner Cornwall** seconded the motion. **1h35m**

Staff Brian Oh initiated the straw vote.

Commissioner Cornwall	Aye
Commissioner Reed	Aye
Commissioner Deas	Aye
Commissioner Koenigshofer	Aye
Commissioner Ocaña	Aye

Staff Brian Oh mentioned that a motion is needed to continue to a time certain.

Commissioner Koenigshofer moved that the matter be continued to September 22, 2022 at 1:05 p.m., and appears first on the agenda for the sake of Applicant. **Commissioner Deas** seconded motion.

Commissioner Cornwall	Aye
Commissioner Reed	Aye
Commissioner Deas	Aye
Commissioner Koenigshofer	Aye
Commissioner Ocaña	Aye

Action: **Commissioner Koenigshofer** motioned a straw vote to approve project with modifications to the conditions of approval when it returns as agenda item #1 on a date certain of September 22nd, 2022. Seconded by **Commissioner Deas** and approved with a 5-0-0 vote.
1h37m

Appeal Deadline: Not Applicable
Resolution No.: Not Applicable

Straw Votes:

Commissioner Cornwall
Commissioner Reed
Commissioner Deas
Commissioner Koenigshofer
Commissioner Ocaña

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Item No.: 2 – Planning Commission
Time: 2:50 PM
File: PLP21-0014
Applicant: Christian Bertrand
Owner: Same
Cont. from: Not Applicable
Staff: Cecily Condon
Env. Doc: Mitigated Negative Declaration
Proposal: 1) A Use Permit modification to expand the Glen Ellen Inn by converting the existing restaurant to two new guest rooms, a new check-in and lounge area, and also expanding building D onsite to add a new guest room, for a total of three new guest rooms on two parcels, 0.32 acres and 0.22 acres in size, to be merged by a subsequent Voluntary Merger.
2) A General Plan Amendment and Zone Change to change the land use and zoning from LC (Limited Commercial) to RVSC (Recreation and Visitor Serving Commercial) land use and K (Recreation and Visitor Serving Commercial) zoning on the 0.22-acre parcel.
Location: 13670 Arnold Dr. & 5465 O'Donnell Ln., Glen Ellen
APN: 054-290-008 & 054-290-009
District: One
Zoning: K (Recreation and Visitor Serving Commercial), F2 (Secondary Floor Plan), LG/GE1 (Local Guidelines/Glen Ellen Subareas 1), RC 50/50 (Riparian Corridor), SR (Scenic Resources) & LC (Limited Commercial), LG/GE1 RC50 SR

Commissioner Disclosures: **1h51m**
None

Staff Cecily Condon summarized the staff report, which is incorporated herein by reference.

Commissioner Questions:

Commissioner Cornwall asked about the public comments, which are in support of the project, but described it as supporting reopening of the restaurant, which isn't the nature of the project. **Staff Cecily Condon** responded. **1h59m**

Commissioner Cornwall asked about the map referencing local guidelines and requested clarification. **Staff Cecily Condon** responded - they are local Glen Ellen guidelines. **1h59m**

Commissioner Cornwall asked if there is intent to expand inn in the future, and if so, why aren't they doing it now. **Staff Cecily Condon** responded. **Commissioner Cornwall** followed up to ask if a merger of parcels is required to add the additional rooms requested by the applicant. **Staff Cecily Condon** confirmed that a merger is not required. **2h0m**

Commissioner Ocaña noticed that consolidation/merger would result in one employee on bar, one in hotel, which doesn't seem like enough employees to run the space. Is this in addition to what already exists? **Staff Cecily Condon** responded. **2h2m**

Commissioner Ocaña said the reason she asked is because the addition of three hotel rooms, increasing occupants by at least six, and did not see anything in staff report about staff opinion on concerns regarding wildfire and ability to escape. **Staff Cecily Condon** responded that part of CEQA analysis is considering wildfire. A modest increase from 7 to 10-unit hotel room did not lead to potential significant impact under evaluation. **2h3m**

Commissioner Ocaña asked for clarification on the restaurant no longer being operational, and the Applicant intended to remove restaurant and add two new rooms in that space. **Staff Cecily Condon** clarified that only a bar and lounge is proposed. **2h5m**

Commissioner Ocaña asked if applicant would like to provide commentary to the commission. **2h5m**

Applicant Chris Bertrand, along with wife Karen (and their dog), mentioned they have owned Glen Ellen Inn for over 29 years; ran as restaurant for first six years, then bought property behind, and converted into an inn. Local wildfires and Covid made it difficult to re-open. Believed it would be great for community to add the additional rooms. Visitors can easily walk to local restaurants to eat/visit. Footprint would be significantly smaller with upgrade, pulling away from the restaurant and focusing on lounge/bar. Less people, not late night, fewer cars in area. Trying to bring life back in to Glen Ellen. **2h6m**

Public Hearing Opened: 3:11 PM
No Comments

Public Hearing Closed, and Commission discussion Opened: 3:12 PM

Commissioner Cornwall would be happy to move to approve the project. Mentions that Glen Ellen is tiny and has plenty of really good restaurants and places for people to visit on foot. **2h12m**

Commissioner Reed agreed, and is excited to see the project and Glen Ellen come back to life. **2h13m**

Commissioner Koenigshofer said "ditto." **2h13m**

Commissioner Cornwall motioned to adopt the resolution to the Board of Supervisors for the project as recommended by Staff. **Commissioner Koenigshofer** seconded the motion. **2h13m**

Modified Conditions of Approval None

Action: **Commissioner Cornwall** motioned to adopt the resolution to the Board of Supervisors for the project as recommended. Seconded by **Commissioner Koenigshofer** and approved with a 5-0-0 vote.

Appeal Deadline: 11 calendar days (applies to Use Permit only)
Resolution No.: 22-08

Vote:

Commissioner Cornwall	Aye
Commissioner Reed	Aye
Commissioner Deas	Aye
Commissioner Koenigshofer	Aye
Commissioner Ocaña	Aye

Ayes:	5
Noes:	0
Absent:	0
Abstain:	0

Public Comments continued for items not on the Agenda:
None

Public commenters that want to receive future hearing notices regarding a project or topic:
No requests received at hearing.

Hearing Closed: 3:15 PM