



Sonoma County Board of Zoning Adjustments

STAFF REPORT

FILE: UPE01-0181
DATE: August 25, 2022
TIME: At or after 1:05 PM
STAFF: Adam Sharron, Project Planner

SUMMARY

Property Owner: Investor's Development Company
Applicant: Ghilotti Construction Company, Inc.
Address: 304 Todd Road, Santa Rosa CA 95407
Supervisory District(s): 5
APN: 134-171-050 and 134-171-049
Description: Request for a Use Permit to legalize a contractor's equipment and materials storage yard, periodic crushing of asphalt and concrete, and soil stockpiling, on approximately 19 acres. The application will address a 2016 settlement agreement between the applicant and the County.

CEQA Review: Mitigated Negative Declaration (MND)
General Plan Land Use: Limited Industrial (LI)
Specific/Area Plan Land Use: South Santa Rosa Area Plan Limited Industrial
Ordinance Reference: Chapter 26, Article 12 (M3, Limited Rural Industrial)
Section 26-10-040 (LC Development Standards)
Section 26-08-040 (RR Development Standards)
Zoning: Limited Rural Industrial (M3), Valley Oak Habitat (VOH)



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the request, with conditions, for a contractor's equipment and materials storage site, soil stockpile, and periodic crushing of asphalt and concrete materials for recycling.

EXECUTIVE SUMMARY

Todd Road Partners requests a Use Permit for outdoor contractor's equipment and materials storage and outdoor concrete and asphalt crushing, and soil stockpiling operations, as described below:

- Material and Equipment Storage – approximately front third of site; includes parking area
- Recycling and Storage Operations – approximately middle third of site; includes crushing equipment
- Temporary Soil Stockpile – approximately rear third of site

The applicant proposes to bring an existing facility into compliance with Sonoma County regulations pursuant to a March 5, 2012 PRMD Notice of Violation (NOV) and a Settlement Agreement executed on September 20, 2016. The Use Permit would bring the unpermitted contractor's equipment site, stockpile location for materials, and processing site for broken asphalt and concrete materials for recycling into code compliance.

Staff recommends approval of this permit for the following reasons:

- The project is consistent with the General Plan and consists of limited industrial land uses that are resource related;
- The project will be compatible with nearby industrial and residential uses and land use designations, including the existing asphalt operations and construction facility to the east and the approved concrete batch plant to the southeast;
- Conditions of approval ensure that construction and project noise will be consistent with the General Plan and that the project pays its fair share toward intersection improvements and installation and maintenance of a new traffic signal at Todd Road/Standish Avenue/Ghilotti Avenue;
- The project is consistent with the South Santa Rosa Area Plan, including increased setback requirements, landscaping, and location outside the community separator area and within the urban service area;
- Contractor's yard and concrete, asphalt and soil processing are allowed with a Conditional Use Permit in the Limited Rural Industrial Zoning District, and the project complies with relevant development standards;
- The project will operate during daylight hours only and security lighting is required to be downward casting and shielded to prevent off-site glare; and
- An Initial Study/Mitigated Negative Declaration has been prepared with the conclusion that any significant impacts can be mitigated to less than significant with mitigation incorporated. The IS/MND was revised and recirculated to address comments received from California Department of Fish and Wildlife regarding California Tiger Salamander (CTS) and special status species. The project was revised to avoid ditches surrounding the operational area, including installing a barrier surrounding project operations, which has been incorporated as a mitigation measure. One other mitigation measure regarding construction monitoring for CTS is clarified.

PROJECT SITE AND CONTEXT

Background

On November 12, 2020, the Board of Zoning Adjustments continued the public hearing to consider a use permit and Mitigated Negative Declaration for Ghilotti Construction to a date uncertain. The applicant requested the continuance to a date certain (ATT 13) following Permit Sonoma’s receipt of a letter from California Department of Fish and Wildlife (CDFW) which commented on the Draft Initial Study/MND. The Commission continued to a date uncertain to ensure the applicant had adequate time to address CDFW’s comments. Since that time, the applicant conducted and submitted additional biological studies (ATT 13, 14, and 15), which were peer reviewed, and Permit Sonoma revised the IS/MND (ATT 10).

On May 31, 2001, Ghilotti Construction was ordered to obtain proper permits to comply with grading and land use regulations. The contractor storage facility site has been operating without the applicable permits for over 20 years. At the time of the May 31, 2001 order, the project applicant had proceeded to add fill and grade the site without obtaining the applicable permits. Permit Sonoma staff requested that no further grading, fill, recycling operations, or contractor storage activity occur on the project site unless proper permits were obtained. On September 20, 2016, the County, Site Operator/Applicant and Property Owner entered into a Settlement Agreement with the understanding that violations would be resolved through the permitting process. See additional background under Project History.

Area Context and Surrounding Land Uses

The project site is located approximately 2,000 feet west of U.S. Highway 101 and directly adjacent (west) of Ghilotti’s existing road construction headquarters, which is also owned and operated by the project applicant, and an asphalt plant operated by Syar Industries. Surrounding land uses are mixed, including rural residential, light industrial, and heavy industrial.

The proposed project site is an existing contractor storage, concrete and asphalt crushing recycling operation and soil stockpiling facility situated on two parcels, approximately 19 acres, located on Ghilotti Avenue, south of Todd Road. The project site currently contains equipment, materials, and soil stockpiling associated with construction projects from the Ghilotti headquarters operation located directly east, across Ghilotti Avenue. The project site contains a 0.9 acre industrial-zoned lot located at the southwest corner of Ghilotti Avenue and Todd Road, which has been incorporated into the project for the purposes of realigning Ghilotti Avenue with Standish Avenue. The site has a relatively narrow 125’ frontage on Todd Road. The parcel is currently used by Ghilotti for outdoor contractor equipment and material storage.

The project site is largely flat, ranging from approximately 100 to 107 feet above mean sea level (msl) and slopes slightly to the west and south. An existing soil stockpile located to the west of Ghilotti Avenue varies in elevation up to 140 feet above mean sea level (msl). Surface drainage currently flows in multiple directions, towards the periphery of the property and towards the south and west along a drainage ditch which parallels Ghilotti Avenue. Stormwater is conveyed through surface runoff and storm drain systems surrounding the property, including on the west side of Ghilotti Avenue.

Surrounding land uses include similar light industrial uses to the north and to the east, including the applicant’s road construction and storage yard across Ghilotti Avenue, and scattered single-family residential dwellings and vacant property to the south and west.



Direction	Land Uses
North	Industry West Business Park
South	Limited Rural Industrial: Vacant
East	Limited Rural Industrial: A 4.85-acre parcel containing warehouses and offices; an 8.93-acre parcel containing an asphalt facility; and a 17.51-acre undeveloped parcel
West	Rural Residential: A 19.02-acre parcel containing a single family residence

Properties surrounding the project site have three different General Plan Land Use designations: General Industrial (GI) to the north; Light Industrial (LI) to the east and south; and Rural Residential 5-acre minimum (RR 5) to the west. Three different zoning classifications also surround the project site, including Heavy Industrial (M2) to the north, Limited Rural Industrial (M3) to the east and south, and Rural Residential 5-acre minimum (RR B6 5) to the west.

Beyond the single-family residence located 80 feet west of the site, six single-family residences are located over 400 feet to the west and southwest along Lagner Avenue. Single-family residences are located opposite Todd Road, approximately 700 feet to the northeast.

PROJECT DESCRIPTION

The project proposes equipment and material storage; asphalt, rock and concrete stockpiling; crushing operations and recycling; and soil stockpiling. The project would also include an on-site landscaped berm and sound wall and off-site intersection improvements at Todd Road. The applicant will abandon a 60-foot access easement along the western property line and will use that area for screening and storage and operations.

Two full-time employees would work on-site for the processing operations. Additional employees would drive to the site to pick up and drop off equipment and/or materials. Up to 15 heavy-duty trucks per hour would periodically transport soil to and from the site. The project site would be accessed from Ghilotti Avenue, via Todd Road. Approximately 21 parking spaces would be provided for employee vehicles near the eastern boundary.

The equipment storage area would extend from the center of the site toward its northern boundary, and storage containers and employee parking would remain on a portion of the site fronting Todd Road. Heavy equipment would include, but not be limited to, excavators, bulldozers, loaders, and dump trucks. Other construction equipment stored in this area would include generators, paving equipment, truck trailers, and fueling trucks. Heavy-duty vehicles would be stored near the site’s western boundary. Equipment in this area would not be stored on-site permanently but rather would remain there until being transported to the next construction location.

The materials storage area located in a central portion of the site would be utilized for various types of construction materials and supplies, including pipe, precast concrete structures, cast iron and steel, form lumber, concrete barriers, k-rail, erosion control products, straw wattles, and visqueen (e.g., plastic sheeting). These materials would be stored on-site from various construction projects until being transported to the next construction project location.



The central portion of the project site is designated for a stockpile of asphalt grindings, rock, and broken concrete imported from construction projects in the region. These materials would be periodically crushed and recycled for reuse on other construction projects. An excavator, a loader, and a mobile crushing plant used for material processing would be located no closer than 105 feet from the nearest residential property line. The front side of the crushing plant would be oriented to the east and away from nearby residences. The grading plan proposes a 25-foot soil berm to shield the material processing area.

The southern portion of the project site is proposed for a stockpile of native soils imported from construction projects for later use on other projects requiring fill.

The “Crushing and Recycling Activity” would require up to two on-site employees to perform those activities. For the other operations, workers from various construction locations would drive the construction vehicles and equipment to and from the project site, performing the tasks described above, then leaving the project site.

The applicant proposes the activities to operate generally during daylight hours only. Security lighting currently exists and is required to be downward cast and fully shielded to prevent off-site glare. Operational hours would generally be 6:00 a.m. until 8:00 p.m.; however, in no case would material and equipment storage activities operate earlier than 4:30 a.m. or later than 9:00 p.m., seven days a week. Any nighttime operations would require prior written approval of the Director of Permit Sonoma, including any temporary work lighting. Stockpiling on the southern half of the property is limited to 7 a.m. to 9 p.m. while crushing activity would be further limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.

The project proposes a 14-foot-high masonry sound wall along the western side of the site, extending from the northern part of the property to where the project soil stockpile begins. From there, a 25-foot-high earth berm would be constructed along the remainder of the western side and around the southern side of the soil stockpile. Landscaping would include vegetative screening consisting of approximately 52 trees planted along the southern (about 12 trees) and western (about 40 trees) sides of the earth berm, and hydromulch placed on the berm to provide texture and blending with local views.

The proposed project includes traffic improvements to the intersection of Todd Road and Ghilotti Avenue/Standish Avenue, including a realignment of Ghilotti Avenue to align with Standish Avenue. The realignment would occur on Ghilotti property at the southwest corner of Ghilotti Avenue and Todd Road. In agreement with the Department of Transportation and Public Works, the improvements also would include traffic signals, crosswalks, and ADA ramps and landings.

K-rail was recently placed around the operational portion of the site, providing a barrier for CTS and directing stormwater run-off. The 2021 revised grading plan (ATT 19) included in the updated biological studies also show the existing grade to be taller than the berm. However, the IS/MND’s conclusions regarding noise assumed that the stockpile would be at least 14 lower than the soil berm in order to dampen off-site noise. A condition of approval would require the site plan to be revised to reduce the height of the soil stockpile to a maximum of 11 feet in height.

Significant Applications Nearby

The Board of Zoning Adjustments approved a Use Permit on May 10, 2007 for an aggregate railcar offloading facility, ready-mix concrete operation, sand and gravel processing plant, concrete and asphalt recycling plant,



and topsoil composting operation at 290 Todd Road (PLP01-0088; APN 134-171-028.) The 17.5-acre parcel is located east of the project site and is accessed from Ghilotti Avenue via an existing asphalt driveway shared by the applicant and Syar Industries.

Access

The project site has about 125 feet of frontage on Todd Road, a county right-of-way and designated arterial. The project site is accessed off the separate 46-foot wide parcel named Ghilotti Avenue, via Todd Road. The project site would accommodate all on-site circulation, with passenger vehicle parking near the front of the site and heavy vehicles toward the center and rear of the site. Conditions of approval would require dedication of right-of-way along Todd Road including along the neighboring site the applicant owns to the east, and on-site parking lot improvements for the employee vehicles consistent with the Sonoma County Zoning Code. Ghilotti Avenue would be realigned to a 4-way signalized intersection with Todd Road and Standish Avenue, using a portion of Ghilotti’s property fronting Todd Road. A 60-foot wide access easement along the western property line would be abandoned as part of the project.

Wildfire Risk

The project site is classified as Non-wildland/Non-Urban area. The project site is located within the Sonoma County Fire District and approximately 1,000 feet southwest of the nearest fire station, County Station 4 (Rincon Valley Station 4). The nearest fire hydrant is located at the corner of Ghilotti Avenue and Todd Road.

Water/Wastewater/Utilities

The project site is a Zone 1 Major Groundwater Area. No wells exist on the site, and the project site does not contain water or sewer facilities. The parcel fronting Todd Road, north of the project site, contains a well and previously had a septic system for the former residence. The parcel is within the County’s Urban Service Area and the Santa Rosa Urban Growth boundary, but the parcel is outside of the Industry West joint City/County Utility agreement area. The site is approximately 600 feet from the South Park County Sanitation District. Therefore, the site does not have access to municipal water or sewer services. Although a well is not proposed at this time, the site could accommodate a well in the future. Restrooms and water are also available on the applicant’s neighboring site, east of Ghilotti Avenue.

The applicant’s consultant (BC Engineering Group) and Permit Sonoma conducted a Pre-perc Site Evaluation on June 17, 2019 (WSR19-0329) which concluded that the project site is unsuitable for septic system installation. The conclusion was based on a limiting layer of massive clay-loam/clay, observed standing water during winter in the area, and soils not appearing to meet the minimum depth of 24 inches required for Code compliant septic system installation. In addition, the study concluded the majority of the parcel is encumbered by compacted gravel and fill that is unsuitable for septic system installation.

A follow-up study dated December 11, 2019 (ATT 16, Septic Feasibility Evaluation on APN 134-171-051 for Septic Easement Potential to Serve APN 134-171-050) evaluated whether a septic easement on neighboring parcels could accommodate septic on the project site. The second study concluded none of the parcels could accommodate a septic system based on a soil investigation of 300 Todd Road, the Web Soil Survey data for the three (3) parcels, poor drainage of parcels surrounding the project site, flat topography, and very low estimates of the soil’s capacity to transmit water.



Preliminary review indicates that an alternative waste disposal system is feasible given the limited number of employees (2) that would work on the site during recycling operations. Therefore, the project is conditioned to provide an alternative waste disposal system for review and approval prior to issuance of a grading permit for site construction.

The proposed project includes a stormwater plan to capture and treat 100 percent of the volume of runoff through the existing vegetated swales.

Agricultural Conditions/Land Encumbrances/Contracts

The project site is not under a Williamson Act Contract, nor is it designated as Farmland of Statewide Importance. Although the project site is designated Farmland of Local Importance, the site was previously disturbed and used for stockpiling and processing soil and asphalt from construction projects, and the General Plan and zoning call for light industrial land uses.

Other Environmental Conditions

There are no other significant environmental conditions.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
10/19/2001	Application filed
09/20/2016	Settlement Agreement
12/08/2016	Resubmittal of application
08/2017	Cultural/Historical Consultation Requests and response (if applicable)
01/08/2002 02/06/2018	Referral to prominent agencies
02/23/2018	Completeness
09/28/2020– 10/28/2020	IS/MND review period
10/29/2020	Notice of public hearing
11/12/2020	BZA continued public hearing to date uncertain
07/20/2022	Recirculated IS/MND review period
08/15/2022	Notice of public hearing

The applicant originally submitted a Use Permit application on October 19, 2001 to legalize an existing stockpiling and equipment storage facility following Sonoma County code enforcement actions on August 9, 2001. The application was deemed incomplete on January 4, 2002. Sonoma County issued a second letter of incompleteness on March 5, 2012 after the applicant submitted additional materials. On August 19, 2016, Sonoma County indicated the owner/operator was continuing unpermitted operations on the project site. Sonoma County and the property owner/applicant entered into a Settlement Agreement on September 20, 2016, which outlined timeframes for the applicant to submit materials to process a Use Permit for the project



site. The applicant submitted additional materials in December 2016, and the application was deemed complete on February 23, 2018. Additional information was requested and submitted, including but not limited to an intersection design for Todd Road in late 2019 and a septic feasibility study in early 2020. As noted above, the applicant provided additional biological studies to Permit Sonoma in September 2021; a second year of surveys were conducted in March and April 2022, with negative findings.

Prior Review

There were no prior reviews of the application. The BZA was scheduled to consider the proposed project and IS/MND on November 12, 2020. However, the applicant requested a continuance after Permit Sonoma received an IS/MND comment letter from CDFW.

ANALYSIS

General Plan Consistency

The General Plan includes two industrial use categories, "General Industrial" and "Limited Industrial". These categories show lands that are needed to provide jobs and services for county residents and businesses. The General Industrial category allows all industrial uses but is restricted to Urban Service Areas. The Limited Industrial category allows a smaller range of uses and may be applied outside Urban Service Areas.

The project site's General Plan Land Use designation of Limited Industrial (LI) is intended for development to meet service and employment needs where the range and scale of industrial uses is limited. Permitted uses within this land use designation are resource related industrial uses not expected to need the full range of urban services, including lumber mills and concrete and asphalt plants. Structures are generally not expected to cover more than 50 percent of the site or exceed sixty-five feet in height. Additional height can be considered if coverage is reduced to result in no overall increase in building intensity.

The General Plan Noise Element recognizes noise production is an inherent part of many industrial, commercial, and agricultural processes, even when the best available noise control technology is applied. The Noise Element further acknowledges that exterior noise emissions from industrial facilities could have the potential to exceed locally acceptable standards at nearby noise sensitive land uses. While interior noise production within industrial or commercial facilities is controlled indirectly by Federal and State employee, health, and safety regulations (OSHA and Cal-OSHA), local regulations address potential interior and exterior noise impacts to all land uses.

The Noise Element suggests requiring an acoustical analysis prior to approval of any discretionary project involving a potentially significant new noise source or a noise sensitive land use in a noise impacted area. The Noise Element also establishes Maximum Allowable Exterior Noise Exposures for Nontransportation Noise Sources.

The Sonoma County General Plan Circulation and Transit Element includes adopted objectives for roadway system operations. Todd Road is a Major Collector until it reaches the railroad tracks east of Ghilotti Avenue; from there, until it reaches the US 101 south ramp, Todd Road is a Minor Arterial. The General Plan Circulation and Transit Element (Objective CT-4.1) indicates that the Level of Service (LOS) objective for this road is LOS C during the PM Peak hour.

The following General Plan policies are applicable to the project:



General Plan Policy/Objective	
Objective LU-1.2	Encourage the major share of commercial and industrial growth in the cities but accommodate a limited amount of this growth in unincorporated communities with urban services.
Objective LU-1.3	Designate lands within the various land use categories to make available residential and employment opportunities and to achieve a balance between job opportunities and population growth countywide, subject to any constraints of environmental suitability, protection of agriculture and other resource protection, and availability of public services.
Policy LU-5b	Avoid commercial and industrial land uses in Community Separators. Allow the full range of uses allowed in the agricultural and resource categories.
Policy LU-11h	Encourage development and land uses that pursue reduction and re-use of byproducts and waste, especially approaches that also employ waste as a resource, such as ecoindustrial development.
Policy LU-16a	Require full urban improvement standards and services for discretionary commercial, industrial and urban residential projects within the Urban Service Boundary.
Objective CT-4.1	Maintain LOS C or better on roadway segments unless a lower LOS has been adopted as shown on Figure CT-3.
Policy CT-4n	Consider intersection management improvements at key intersections throughout the County as needed to address intersection congestion and long delays for turning movements. These may include signal timing, re-striping, lengthening, turn lane additions, or other improvements, provided the improvements are consistent with the applicable road classifications.
Objective NE-1.3	Protect the present noise environment and prevent intrusion of new noise sources which would substantially alter the noise environment.
Policy NE-1c	Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 as measured at the exterior property line of any adjacent noise sensitive land use.
Policy NE-1m:	Consider requiring the monitoring of noise levels for discretionary projects to determine if noise levels are in compliance with required standards. The cost of monitoring shall be the responsibility of the applicant.

Land Use. The proposed project is consistent with the Light Industrial (LI) Land Use designation. Specifically, the project would utilize 19 acres of the 19-acre site for contractor storage, stockpiling, and material processing. The



operations would be compatible with, and complementary to, the existing asphalt operations and construction facility to the east and would support infrastructure projects throughout the County and immediate area. The project would generate potential employment opportunities for ongoing construction jobs.

Noise. The applicant-provided acoustical study (ATT 17, 304 Todd Road Project Noise and Vibration Assessment, September 15, 2018) evaluated noise levels attributable to project operations relative to the General Plan Noise Element. The concrete and asphalt recycling crushing plant would be the most substantial noise source associated with the project. Secondary noise sources would include a front loader and excavator that would feed materials into the plant and the movement of machinery, materials, and equipment on the site. Based on the noise generated from the processing facility and the proximity to the existing residence, the applicant proposes to orient the crushing plant to the east facing away from the existing residence and locate the plant no closer than 105 feet from the nearest residential property line. The study concluded that the orientation of the equipment and proposed 14-foot-high sound wall and 25-foot high soil berm would sufficiently contain and dampen the noise from equipment, stockpiling, and material crushing during daytime hours. Noise levels at the property lines would meet General Plan requirements and not impact the adjacent single-family residence and six single-family residential dwellings along Lagner Avenue. Conditions of approval would limit construction and operation hours for soil stockpiling and material recycling, limit height of the stockpile, and include operational requirements for equipment to ensure nearby sensitive receptors are not impacted during the construction phase and during ongoing operations. Conditions of approval would also require the applicant to decrease the height of the existing stockpile to 11 feet (14 feet lower than the berm) to ensure no offsite noise impacts result.

Circulation. The applicant provided a Traffic Study, prepared by W-Trans in March 2018, to address potential changes in traffic from the project. At the time of its preparation, Level of Service (LOS) was used to evaluate potential environmental impacts relative to transportation and circulation. As of July 1, 2020, the CEQA metric changed to Vehicle Miles Travelled (VMT). As a result, the IS/MND only analyzed potential impacts to VMT. The project remains subject to General Plan consistency, however, and Sonoma County's General Plan contains LOS objectives.

The traffic evaluation recognized the Project has been operational for nearly 20 years. For purposes of General Plan compliance, existing traffic is attributable to the Project.

The Traffic Study concluded that the Project diminishes the PM peak hour Level of Service (LOS) for the Todd Road/Standish Avenue-Ghilotti Avenue intersection from E to F. The Traffic Study acknowledges that, without Project traffic, LOS E is not acceptable under the Sonoma County General Plan. However, the Traffic Study also concluded that the addition of Project traffic would increase the average delay at the intersection by more than five seconds, which would exceed the threshold established by the County.

The Traffic Study also concluded that the Todd Road/Standish Avenue-Ghilotti Avenue intersection meets the standard for installation of a traffic signal without the project, and restriping Standish Avenue to include a southbound left-turn lane would further reduce the delay at this intersection. However, the Study also concluded that, if a signal were already present, the Project would decrease the PM peak hour LOS from B to C.

The Traffic Study recommended that the south leg of the Todd Road/Standish Avenue-Ghilotti Road intersection be realigned to support a new traffic signal. The Traffic Study concluded that although intersection operation for Todd Road/Standish Avenue-Ghilotti Avenue without the project would deteriorate to an unacceptable level, because project traffic would increase average delay during the PM peak hour that would exceed County thresholds, installation of a traffic signal and restriping of the southbound Standish Avenue approach would be required to comply with the County standards.



Based on this recommended realignment, the applicant provided an intersection design (ATT 18) to allow Sonoma County Department of Transportation and Public Works (DTPW) to move forward on intersection improvements. To implement this improvement and the recommended realignment of the intersection, a condition of approval requires project coordination of private roadway improvements to realign Ghilotti Avenue to intersect Todd Road in line with Standish Avenue and to connect with the new Todd Road/Standish Avenue-Ghilotti Avenue traffic signal.

Conditions of approval also require the applicant to pay its fair share of constructing a signalized intersection at Todd Road, Standish Road and Ghilotti Avenue, including pedestrian improvements, a traffic signal, and ongoing maintenance. The intersection improvements would improve Levels of Service and vehicle and pedestrian safety by aligning Ghilotti Avenue with Standish Avenue and decreasing turning movement conflicts through the intersection and providing a safe means of crossing and/or entering or exiting Todd Road, which would achieve General Plan consistency.

DTPW had tentatively scheduled the intersection improvements, including realignment and signalization, to commence upon approval of this project. The conditions of approval require the applicant to enter into a fair share agreement because the actual costs to construct the intersection are unknown at this time. Because the applicant's project site is the primary beneficiary of one leg of the intersection, fair share is estimated to be approximately 25% of the project's costs. Because the realignment benefits the applicant's operations, the applicant is also required to dedicate right-of-way to Sonoma County.

Wildfire. The project site is in an area of limited vegetative cover and no topographic features to channel fire. Emergency services would access the site via Todd Road. To create a 4-way intersection with Todd Road, the applicant would dedicate right-of-way and pay its fair share for a signalized intersection with turn lanes and realignment of Standish Avenue and Ghilotti Avenue, which would improve emergency access to the site. The project is not expected to result in a wildfire risk as the site consists largely of outdoor operations in an urbanized area.

Sanitary System. Because the project site cannot accommodate a septic system and the site is outside the South Park County Sanitation District, conditions of approval address the need for restrooms for on-site employees using an alternative system, including handwashing facilities.

Water Service. Conditions of approval require the project to provide water for on-site employees.

The proposed project complies with the overall goals, objectives, policies, and programs of the Sonoma County General Plan with implementation of the recommended conditions of approval.

South Santa Rosa Area Plan Consistency

The South Santa Rosa Area Plan is intended to provide an intermediate level of detail between the General Plan and site development plans submitted to the County for approval. The Land Use goals and policies center on preserving community identities, concentrating development in urban service areas, ensuring commercial and industrial lands uses are compatible with existing and future land uses, and requiring utilities for new development. The Limited Industrial (LI) land use designation is intended to accommodate a variety of light industrial uses in combination with heavy commercial land uses including such uses as truck terminals, contractor yards, landscaping materials yards, light assembly plants, and light distributing plants. Area Plan mitigation measures require compliance with the General Plan for noise, evaluation of air quality impacts, and soil analysis for hazardous materials.



The South Santa Rosa Area Plan also contains design guidelines for industrial and commercial sites, including setback requirements that are consistent with the M3 zoning requirements, parking and screening requirements, landscaping standards, and sign, lighting, and site improvement guidelines. The following goals and objectives apply to the project:

South Santa Rosa Area Plan Policy/Objective	
Noise Goal 1	Development shall comply with the standards and policies of the General Plan and Noise Element.
Air Quality Goal 1	Both point source and cumulative traffic generated emissions should be evaluated for potential adverse air quality impacts for any major developments and these developments should proceed only if the air quality impacts can be mitigated.
Commercial and Industrial Goal 1	Require compatibility with existing and projected surrounding land uses.
Road Network Policies	(1) Establish appropriate design standards for roads and streets to ensure safe and efficient traffic flow and pedestrian movement consistent with the General Plan Circulation and Transit Element. (2) Set priorities for the timing of improvements for various roads and streets consistent with projected land uses.
Open Space Goal 1	Preserve those areas within the study area which are designated unique habitat areas, critical habitats, scenic landscape units, scenic corridors, riparian corridors, and hazardous areas which could provide for open space.

The proposed project would be an industrial use, outside the community separator area and within the Santa Rosa urban service area. An IS/MND evaluated noise, air quality, and soil and hazardous material impacts and concluded that, with mitigation measures, no significant impact would result. The project also complies with the Design Guidelines and General Standards for Industrial/Commercial Site. The project operations and storage containers are required to be a minimum of 20 feet the front property line and are located 40 feet from the western side and rear property lines, exceeding the 20-foot front yard, 10-foot side yard, and 0-foot rear yard requirements in the South Santa Rosa Area Plan. The proposed off-street parking would accommodate on-site and off-site employees who would be picking up equipment and/or materials for off-site construction projects. Conditions of approval require the applicant to remove storage from within the front setback on the parcel located to the north that fronts Todd Road, reduce the height of the stockpile, improve the employee parking area, and install landscaping along Todd Road. Final administrative design review is required as a condition of approval to address final landscaping details.

Therefore, as conditioned, the proposed project would be consistent with the South Santa Rosa Area Plan.



Zoning Consistency

1. Base Zoning Regulations: Chapter 26 - Article 12, Industrial Zones - M3 Limited Rural Industrial District

The purpose of the M3 district is to “implement the provisions of Section 2.4.2 of the General Plan by providing area for land extensive industrial development or industrial development outside of designated urban service areas which is limited in scale by such factors as lack of public services, incompatible adjacent land use or adverse environmental impacts.” Manufacturing plants for asphalt and concrete and contractor storage yards are allowed with a use permit.

Yard requirements in the M3 zoning district must comply with the LC (Limited Commercial) district. A greater front yard setback may be required for sites fronting roads classified as collectors or arterials in the General Plan to accommodate any landscaping required as a condition of design review approval, or to address other lots on the same block zoned residential. An increased side-yard is required along the west side where the site abuts a residential zone. No rear-yard is required because the neighboring lot to the south is in the M3 District.

No new buildings are proposed though new toilet facilities are required, which would comply with Zoning development criteria. No inconsistencies with the Zoning Ordinance have been identified.

The proposed project meets the development criteria under the base zoning set forth in Article 12. Because the project does not propose constructing buildings and would be exclusively outdoors, the 65-foot height requirement does not apply. However, the proposed 14-foot sound wall and 25-foot berm, designed to screen the site and contain operational noise, and the recycling equipment would be lower than the allowed structure height.

The proposed project meets all yard requirements. While Todd Road is classified as a Rural Minor Arterial Roadway in the General Plan, this segment of Todd Road is not a scenic corridor. A condition of approval prohibits storage and parking areas in the 20-foot front yard area, and a condition of approval would require landscaping along the Todd Road frontage to screen the containers and site. The base of the landscaped berm and sound wall along the south and west property lines would be 40 feet from the property lines, greater than the 10-foot right side yard area.

2. Combining Zoning Regulations: Valley Oak Habitat

The subject property is located in a Valley Oak Habitat Combining Zone. Per Article 67 of the County Code, the intent of this combining zone is to protect and enhance Valley Oak and Valley Oak Woodland habitats. The project site does not contain Valley Oaks.

Environmental Analysis

An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project pursuant to the California Environmental Quality Act and the CEQA Guidelines, California Code of Regulations, and the IS/MND was amended and recirculated based on comments received from CDFW. The *Recirculated* IS/MND concluded that potential environmental impacts can be mitigated to a less than significant level by incorporating mitigation measures into the proposed project. Mitigations are required to reduce environmental impacts to a less than significant level in the areas of air quality, biological resources, noise, and transportation. Mitigation measures for these impacts are detailed in the Mitigated Negative Declaration and have been incorporated into the conditions of approval (refer to ATT 1 for more detail).



For more detailed analysis and prescribed mitigation measures for the topic areas that may have impacts that are “Potentially Significant” or “Less than Significant with Mitigation”, please refer to the corresponding sections of the CEQA Initial Study (Mitigated Negative Declaration) for the project (ATT 10):

- Section 3. Air Quality: pages 23-31
- Section 4. Biological Resources: pages 31-40
- Section 13. Noise: pages 61-66
- Section 17. Transportation: pages 70-75

The IS/MND was revised and recirculated to address comments received on October 19, 2020 from the California Department of Fish and Wildlife (CDFW) (ATT 11). The letter stated the IS/MND needed to address potential impact to California Tiger Salamander (CTS), riparian habitat or other sensitive community identified in local or regional plans or policies or by California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS) or on state or federally protected wetlands, and/or streams and wetland habitat.

A Biological Resources Evaluation was prepared by Lucy Macmillan in January 2021 (ATT 13) and updated in September 2021 (ATT 14). Attached to the January 2021 report was a California tiger salamander (CTS) habitat assessment, prepared by Sol Ecology, dated January 18, 2021, which was updated September 15, 2021 (ATT 15). Sol Ecology also completed a rare plant survey report dated July 22, 2021 that is attached to the Lucy Macmillan report updated in September 2021.

The recirculated IS/MND summarizes the September 2021 CTS Assessment which determined that the project would not result in an impact to CTS because the site contains fill material and compaction from on-site activities dating to the late 1990s, and does not contain suitable upland refugia for CTS. K-rail surrounds the operational portion of the project area, which provides a barrier to CTS dispersal and prevents on-site soils from discharging into adjacent wetlands. The CTS Assessment concluded that the project is not likely to impact CTS and that no compensatory measures are required. The IS/MND includes a mitigation measure requiring the K-rail to remain in place or to be replaced with a new permanent fence to avoid potential impacts to CTS and nearby CTS habitat, following the CTS Assessment’s recommendation.

The IS/MND was also amended to include a special status plant survey from Sol Ecology. Surveys were performed on March 18, April 13, and May 11, 2021 within the Study Area in accordance with Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain, California Department of Fish and Wildlife (CDFW) protocol, and California Native Plant Society (CNPS) protocol (Macmillan, 9/25/21; Sol Ecology 7/22/21 in Macmillan 9/25/21). The recirculated IS/MND concludes that no special-status plant species were found, and the project will not impact special-status plants. Additional surveys were completed on March 24 and April 6, 2022 by Morgan Stickrod (Sol Ecology), with negative findings.

NEIGHBORHOOD/PUBLIC COMMENTS

On August 15, 2022, notices were sent to neighboring properties within 300 feet of parcel boundaries. One response was previously received, expressing concerns about the illegal operations and the height of the stockpile. This correspondence is attached to the Staff Report for reference (ATT 9).



RECOMMENDATION

Staff Recommendation

Staff recommends the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the Use Permit for a contractor storage yard, asphalt and concrete crushing operations, and soil stockpiling, subject to the attached Conditions of Approval.

ATTACHMENTS

- ATT 1: Draft Conditions of Approval
- ATT 2: Vicinity Map
- ATT 3: Aerial Map
- ATT 4: General Plan Land Use Map
- ATT 5: Zoning Map
- ATT 6: Project Proposal Statement and Operating Plan
- ATT 7: Site Plan
- ATT 8: Site Photos
- ATT 9: Public Comments Received
- ATT 10: Recirculated Initial Study/Mitigated Negative Declaration (IS/MND), April 22, 2022
- ATT 11: California Department of Fish and Wildlife correspondence, October 19, 2020
- ATT 12: Applicant’s Request for Continuance, November 3, 2020
- ATT 13: Macmillan Correspondence, January 22, 2021
- ATT 14: California Tiger Salamander and Biological Resource Issues (Macmillan), September 15, 2021
- ATT 15: California Tiger Salamander Assessment for 304 Todd Road in Santa Rosa, California –Revised per Updated Site Plan (Sol Ecology), September 15, 2021
- ATT 16: Septic Feasibility Evaluation
- ATT 17: Noise and Vibration Assessment, September 5, 2018
- ATT 18: Proposed Ghilotti Avenue Realignment
- ATT 19: Updated Grading Plan, September 15, 2021
- ATT 20: Draft Board of Zoning Adjustments Resolution
- ATT 21: Additional Studies Supporting MND including Air Quality + GHG and Final Traffic Impact Study