



Sonoma County Planning Commission STAFF REPORT

FILE: CMO21-0002
DATE: 4 November 2021
TIME: At or after 1:05 PM
STAFF: Claudette Diaz, Project Planner

SUMMARY

Property Owner: The Sonja Miremont 2017 Trust
Applicant: Blake Miremont
Address: 156 Shelina Vista Way, Petaluma, CA 94952
Supervisory District(s): Second
APN: 021-060-042
Description: Request for a Certificate of Modification to expand the building envelope on Lot 4 of "Tract 984 Two Rock Estates Subdivision" recorded in Book 565, Pages 6-10, Sonoma County Records. Project site is located on a 3.12 acre parcel. The proposed building envelope expansion extends north to allow for construction of future development and will restrict the maximum building height for structures to 16 feet within the expanded area. The project includes the following PRAC note addition "The maximum building height for the expanded building envelope area, shown in shaded hatch pattern, on Lot 4 will be 16 feet. Landscaping and irrigation shall be maintained at all times. Any dead and or dying plants shall be replaced immediately."
CEQA Review: Section 15305, Minor Alteration in Land Use
General Plan Land Use: Rural Residential (RR) 3 (Density)
Specific/Area Plan Land Use: N/a
Ordinance Reference: Section 25-13.8
Zoning: Agriculture and Residential (AR) B6 3 (Density), NONE



RECOMMENDATION

The Permit and Resource Management Department (Permit Sonoma) recommends the Planning Commission approve the Certificate of Modification with conditions of approval and adopt the additional note on the map to limit building height and require maintenance of existing vegetation recommended by the Project Review and Advisory Committee during their September 30, 2021, meeting.

EXECUTIVE SUMMARY

The applicant is requesting a Certificate of Modification to a recorded subdivision map, to expand a building envelope on Lot 4 (“Site”) of Tract 984 of the Two Rock Estates Subdivision (“Two Rock Estates”) by 1,755 square feet. Lot 4 is currently a 3.12 acre residential parcel as depicted on Tract 984 of the Two Rock Estates Subdivision, File Number MJS95-0432, recorded in Book 565, Pages 6-10, Sonoma County Official Records. MJS95-0432 was approved by the Board of Supervisors with Resolution #96-0394 to allow for a major subdivision of a 29.8 acre parcel into nine residential lots.

Subdivisions are governed by the Subdivision Map Act, the Sonoma County Subdivision Ordinance, and the Sonoma County Zoning Code. The Subdivision Ordinance allows for minor modifications (e.g. amending notes or non-substantial conditions) on a recorded Final or Parcel Map in accordance with the requirements of the Subdivision Map Act, Section 66472.1, by the advisory agency having jurisdiction over the original subdivision approval. Chapter 25-2 defines the Planning Commission as the advisory agency for the creation of major subdivisions of five or more parcels.

As the Planning Commission was the advisory agency with authority to approve the original Tentative Map for MJS95-0432, the Planning Commission must review the Certificate of Modification request. MJS95-0432 was a request for a Major Subdivision to subdivide a 29.8 acre parcel into nine lots for the construction of single family homes. The building envelopes in the Two Rock Estates subdivision were established to minimize potential visual impacts and apply to all proposed future residential construction.

The Project Review and Advisory Committee (PRAC) reviewed and recommended approval of the requested Certificate of Modification on September 30, 2021. PRAC recommended the conditions be modified to include maintenance of landscaping and to limit the height of new structures within the expanded area to 16 feet. No public comments were received at the hearing.

PROJECT SITE AND CONTEXT

Background

The Two Rock Estates Subdivision is located approximately 0.25 miles south of Bodega Avenue, 0.34 miles east of Eucalyptus Avenue, and approximately 2.0 miles north west of the City of Petaluma city limits.

The subject parcel is a result of the Two Rock Estates Subdivision, recorded on May 9, 1997, in Book 565, Pages 6-10, Sonoma County Records. The Board of Supervisors adopted Resolution #96-0394 on April 2, 1996, approving MJS95-0432 and allowing the subdivision a 29.8 acre parcel, APN# 021-060-021, into 9 lots for the construction of single family residential structures.

On January 4, 1996, the Planning Commission moved to adopt the Negative Declaration and approve the amended conditions for MJS95-0432. The Two Rock Estates Subdivision included conditions that restricted the



height of structures to 24 feet on Lots 4, 5, and 6 of the subdivision, as well as requiring all future construction in the Two Rock Estate Subdivision be restricted to the building envelopes.

The applicant for MJS95-0432 appealed the Planning Commission’s decision of including the height limitation to Lots 4, 5, and 6, to allow for the height limitation established by the zoning district at 35 feet. In addition to the height limitation, the applicant proposed to allow for small out buildings outside of the building envelopes.

On March 19, 1996, The Board of Supervisors adopted Resolution #96-0394 to deny the appeal of certain conditions, adopt the Negative Declaration, and approve the tentative map subject to the modified conditions. Condition #50 was modified to restrict the building height to a maximum of 24 feet for Lot 5 only and Condition #51 was modified to state, “Building envelopes shown on this map shall apply to residential construction only.”

The Board of Supervisors findings included:

1. The proposed tentative map is consistent with the General Plan and West Petaluma Area Plan
2. The site is physically suitable for the proposed development.
3. The conditions of the tentative map sufficiently address the potential adverse impacts. Conditions include a 24 height limit on Lot 5 and a requirement that residential construction shall be restricted to building envelopes to minimize potential visual impacts.
4. The tentative map complies with all the findings pursuant to Section 66473.5 and 66474 of the Map Act.
5. As a result of the Initial Study, this project involves no potential for adverse effect, either individually or cumulative on wildlife resources.

The approved Two Rock Estates subdivision resulted in designated building envelopes to protect view sheds, restricting the height of new structures on Lot 5 to 24 feet to preserve views, and an 80 foot agriculture setback along easterly borders of Lots 6, 7, 8, and 9, where they abut an agriculture operation parcel, 021-060-002.

Area Context and Surrounding Land Uses

The surrounding land use is Rural Residential (RR) and range from 1.0+/- acres to 25.0 +/- acres in size. The neighboring parcels are improved with single-family dwellings and agriculture operations. A dairy farm is located south of the subject parcels.

The subject site and surrounding parcels are zoned agriculture and residential (AR) B6 3 (3 acre density).

Direction	Land Uses
North	Rural Residential designated land developed with residences.
South	Rural Residential designated land developed with residences and agriculture operations.
East	Rural Residential designated land developed with residences and agriculture operations.
West	Rural Residential designated land developed with residences.

Significant Applications Nearby

None in unincorporated Sonoma County jurisdiction.

Access

Entrance to the subject property is via Shelina Vista Way, a public road.



Wildfire Risk

The project site is located in a State Responsibility Area, and not located within a Fire Severity Zone. New construction on the site must conform to County Fire Safe Standards and Wildland Urban Interface building requirements. The parcel is located within an Influence Mix and Intermix Wildland Urban Interface zone. Structures in Wildland Urban Interface zones are required to be built with exterior construction that will minimize the impact on life and property and help structures to resist the intrusion of flames and burning embers projected by wildland fire and contributes to a reduction of losses.

Water/Wastewater/Utilities

The Two Rock Estate Subdivision lots are served by private septic systems and private wells.

Agricultural/Conditions/Land Encumbrances/Contracts

A 10 foot by 10 foot Public Drainage Easement along the entire frontage of Shelina Vista Way for every lot located within the Two Rock Estates Subdivision.

An 80 foot Agriculture Building Setback is located on the easterly boundary of the Two Rock Estates Subdivision, in order to not conflict with the agriculture operations located to the east of the subdivision at that time.

PROJECT DESCRIPTION

Request for a Certificate of Modification to expand the building envelope on Lot 4 of "Tract 984 Two Rock Estates Subdivision" recorded in Book 565, Pages 6-10, Sonoma County Records, on a 3.12 acre parcel. The proposed building envelope expansion extends north to allow for construction of future development and will limit the maximum building height for structures to 16 feet within the expanded area. The height limit for the current building envelope of Lot 4 is consistent with the designated zoning district, at 35 feet. The Certificate of modification includes the following PRAC note addition "The maximum building height for the expanded building envelope area, shown in shaded hatch pattern, on Lot 4 will be 16 feet. Landscaping and irrigation shall be maintained at all times. Any dead and or dying plants shall be replaced immediately.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
04/29/2021	Application Accepted
05/10/2021	Referral to prominent agencies
06/09/2021	Application deemed complete
08/26/2021	Site Visit and Visual Assessment Complete
09/30/2021	PRAC
10/26/2021	Planning Commission Notice
11/4/2021	Planning Commission



Prior Review

The Table below summarizes prior actions undertaken for the Project.

Date	Authority	Action Taken
09/30/2021	PRAC	Recommend Conditions to Planning Commission

General Plan and Area Plans

The following General Plan and Area Plan policies are applicable to the project:

West Petaluma Area Specific Plan:

The Board of Supervisors adopted the West Petaluma Specific Plan on August 11, 1981. The West Petaluma Area Plan designated Bodega Avenue as a scenic route. Scenic routes are considered the area’s major thoroughfares and have high scenic value for motorist. View sheds are identified along Middle Two Rock, towards Bodega Avenue. View sheds are identified along scenic routes where expansive views are noteworthy. The policy for scenic routes, vista points, and bicycle routes include the following:

1. Along scenic routes, a 200 foot building setback (from the centerline of the road) is required to preserve the open rural character of the route. If development is proposed within the setback, an administrative permit procedure is recommended that can authorize exceptions according to design and siting criteria appropriate to rural areas. Where such setback is less restrictive than required for General Plan designated scenic corridors compliance with the General Plan standards is required.
2. In the vicinity of view sheds, a 400 foot building setback is recommended to prevent disturbing or blocking long views from the road. Administrative permits to build the setback may be approved as with scenic routes.
3. Ridgelines and hillcrests should be protected from development and utilities for new construction installed underground near view sheds.
4. The County Public Works Department should be notified of bicycle routes in order to make shoulder improvements which can accommodate bicycles as part of their improvement program.

The approved subdivision allowed for a 275+/- foot setback for the building envelope located on Lot 1. The project site, Lot 4, is located approximately 1,200+/- feet from Middle Two Rock Road and 1,200+/- feet from Bodega Avenue, which is designated as a Scenic Corridor.

Sonoma County General Plan 2020:

The Sonoma County General Plan designates the site as Rural Residential with a 3 acre density (one primary dwelling unit/3 acres of land). Permitted uses within this land use designation include single family residential development consistent with the assigned density.

Sonoma County General Plan 2020 Open Space and Resource Conservation Element includes Policy OSRC-6a, which states, “Develop design guidelines for discretionary projects in rural areas, but not including administrative design review for single family homes on existing lots, that protect and reflect the rural character of Sonoma County. Use the following general design principles until these Design Guidelines are adopted, while assuring that Design Guidelines for agricultural support uses on agricultural lands are consistent with Policy AR-9h of the Agricultural Resources Element.

- (1) New structures blend into the surrounding landscape, rather than stand out.
- (2) Landscaping is included and is designed to blend in with the character of the area.



- (3) Paved areas are minimized and allow for informal parking areas.
- (4) Adequate space is provided for natural site amenities.
- (5) Exterior lighting and signage is minimized.*”

Zoning

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance, the existing and proposed development, and whether the project is consistent with the Zoning Ordinance.

Standard	Ordinance	Existing Condition	Proposed Project
Lot Area	1.5 acres	3.12 acres	3.12 acres
Land Use	Rural Residential	Residential	Residential
Residential Density	1-20 acres/ unit	3 acres/ unit	3 acres/unit
Front Setback	30-55 ft	40 ft	144 ft
Side Setback	10 ft	20- 40 ft	48 ft and 225 ft
Rear Setback	20 ft	255 ft	249 ft
Height	35 ft	24 ft	16 ft
Lot Coverage %	18,000 sq ft or 15 %	3.28%	Less than 18,000 sq ft and 15 %
Parking Spaces	1 Covered	2 Covered	3 Covered

Other Development Regulations or Guidelines

Section 25-13.8 of the Sonoma County Code which governs subdivisions allows for correction and modification of a recorded subdivision map as detailed below:

- a) A recorded final or parcel map may be amended to correct technical errors or omissions as set forth in Government Code Section 66469.
- b) Upon application in writing, minor modifications regarding notes, conditions, etc., on a recorded final or parcel map may be made in accordance with the requirements of Section 66472.1 by the advisory agency having jurisdiction over the original subdivision approval, if, after public hearing, the advisory agency makes the following findings:
 - (1) That there are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary; and
 - (2) That the modifications do not impose any additional burden on the present fee owner of the property; and
 - (3) That the modifications do not alter any right, title or interest in the real property reflects on the recorded map; and
 - (4) That the map as modified conforms to all the provisions of the Subdivision Map Act and local implementing ordinances.

The Planning Commission is the advisory agency for subdivision of which five (5) or more parcels are proposed to be created. The Two Rock Estates Subdivision consisted of a subdividing a 29.8 acre parcel into 9 individual lots.



The hearing shall be confined to consideration of and action on the proposed modification of Two Rock Estates. The amended map or certificate of modification shall be accompanied by proof of ownership and documentation listing those with a record title interest in the property.

ANALYSIS

General Plan Consistency

The site has a land use designation of Rural Residential 3 acre density and zoning designation of Agriculture and Residential (AR) B6 3 (Density). Rural Residential land uses provide for low density residential development on lands that have few if any urban services but have access to County maintained roads. The request does not affect the current general plan land use and zoning density allowance.

The requested Certificate of Modification does not hinder the allowable land uses on the site, the allowable development intensity or density, and it does not undermine service provision to the subject lots. Therefore, the requested Certificate is consistent with both the General Plan and Zoning.

Zoning Consistency

Sonoma County Municipal Zoning Code:

The site has a zoning designation of Agriculture and Residential (AR) B6 3 (3 acres per dwelling unit). The AR zoning district provides lands for raising crops and farm animals in areas designated primarily for rural residential use. The Certificate of Modification will remain consistent with the designated zoning district and assigned density.

Map Act & Subdivision Ordinance Consistency

Subdivision Ordinance Consistency:

Chapter 25 of the Sonoma County Code allows upon application in writing, minor modifications regarding notes, conditions, etc., on a recorded final or parcel map in accordance with the requirements of the Subdivision Map Act, Section 66472.1, by the advisory agency having jurisdiction over the original subdivision approval, if, after public hearing, the advisory agency makes the findings listed under Subdivision Map Act below.

Subdivision Map Act:

Changes to a recorded final or parcel map are allowed per Section 66472.1 or the Subdivision Map Act to make minor modifications to said maps. These changes, if found in compliance with the local zoning ordinance, may be made by recording an amended map or Certificate of Modification. A new final or parcel map would be required if there were changes exceeding minor modifications, such as the proposal of additional lots.

To amend a recorded Subdivision Map, the Planning Commission must make specific findings, as required by Section 66472.1 of the Subdivision Map Act. The findings include:

- 1. That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;*

The request pertains to the expansion of the existing building envelope as shown on that “Certificate Of Modification Site Plan” dated September 17, 2021, as depicted on Lot 4 of “Tract 984 Two Rock Estates Subdivision” filed on May 9, 1997, in the office of the County Recorder Book 565, Pages 6-10, Sonoma County Records. The building envelope was placed on the subdivision map to address visual impacts as discussed below.



The County’s grading and stormwater and building permit review will address the Building Code and drainage requirements for development of the subject parcel.

According to the Permit Sonoma 2019 Visual Assessment Guidelines, this project has a high site sensitivity and subordinate visual dominance resulting in a less than significant visual impact. The area of proposed expansion, along with the proposed and landscaping maintenance, will be minimally visible from public roads at the proposed height limitation of 16 feet, and will be screened by vegetation on all sides. Proposed residential accessory structures within the expanded building envelope are exempt from the California Environmental Quality Act (CEQA) since they are considered ministerial building permits.

- 2. That the modifications do not impose any additional burden on the present fee owner of the property;*

The current property owner of Lot 4 has requested the Certificate of Modification because they would like to construct a new garage for a future Accessory Dwelling Unit (proposed within current building envelope) within the expanded building envelope. The property has obtained a Geotechnical Investigation from PJC & Associates dated April 12, 2021, that studied the area of the proposed expanded building envelope. The report states that the area is safe for new structures as long as the recommended engineered foundation systems and techniques are used during construction. As such, the present property owner is aware of the modification and no additional burden will be imposed.

- 3. That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;*

The interest in the property of owners of the other Lots as shown on the recorded map is not affected since the proposed modification only affects the subject parcel.

- 4. That the map as modified conforms to all the provisions of the Subdivision Map Act and local implementing ordinances.*

In accordance with the provisions of the Subdivision Map Act, an amended Final Map or Certificate of Modification will be recorded depicting the expansion of the building envelope as depicted on Lot 4 of "Tract 984 of the Two Rock Estates Subdivision" filed May 9, 1997, in the office of the County Recorder, Book 565 of Maps, Pages 6-10. The amended Final Map or Certificate of Modification will conform to all the provisions of the Subdivision Map Act and local ordinances, as originally approved. Thereby, staff believes that all of the findings required by the California Subdivision Map Act can be made.

Visual Analysis

On August 26, 2021, staff conducted a site visit to analyze visual impacts from the proposed project. The applicant provided story poles for future structures within the expanded area, for heights permitted by the zoning district, at 35 feet, and for the height proposed for a future structure at 16 feet. The story poles included bright red flags at each roof edge.

Staff reviewed the site and story poles from various public view points, including Shelina Vista Way, Eucalyptus Avenue, Lundberg Avenue, Bodega Avenue, and Middle Two Rock. These locations varied in elevation and visibility.

The project site is considered to have high visual sensitivity since it is located within a scenic view shed as designed by the West Petaluma Area Plan. This category applies to buildings or construction sites on prominent



ridgelines that may not be designated as scenic resources but are visible from a designated scenic corridor, such as Bodega Avenue.

The story poles allowed for staff to determine the visual dominance of proposed development within the expanded building envelope area. This is determined by the shape, orientation, colors, textures, and lighting. The 35 foot tall story poles were visible from various public view points, including Eucalyptus Avenue, Lundberg Avenue, and Bodega Avenue which is a designated Scenic Corridor. The 16 foot tall story poles were minimally visible from public views and did not attract attention.

Height (ft.)	Sensitivity	Dominance	Significance
35	High	Co-Dominant	Significant
16	High	Subordinate	Less than Significant

The 35 foot height was determined to have a significant visual impact for the site. Due to the visibility from public view points of the 35 foot tall story poles, the applicant has proposed to include a height limitation to 16 feet for any new development within the expanded area.

Environmental Analysis

The Certificate of Modification is exempt from the California Environmental Quality Act pursuant to section 15305 given that there will be a minor alteration in land use as a result of the project.

NEIGHBORHOOD/PUBLIC COMMENTS

None.

RECOMMENDATIONS

Adopt the Draft Conditions of Approval recommended by PRAC on September 30, 2021, and approve the request for a Certificate of Modification to expand the existing building envelope by 0.040 acres and to add the following note on Lot 4 of the Subdivision Map MJS95-0432, “The maximum building height for the expanded building envelope area, shown in shaded hatch pattern, on Lot 4 will be 16 feet. Landscaping and irrigation shall be maintained at all times. Any dead and or dying plants shall be replaced immediately.”

ATTACHMENTS

1. Draft Resolution with Exhibit “A” Conditions of Approval
2. Vicinity Map
3. General Plan Map
4. Zoning Map
5. Aerial Map
6. Certificate of Modification Site Plan
7. Two Rock Estates Subdivision Map
8. BOS Resolution #96-0394
9. Visual Assessment

