

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Filed: December 15, 1995
90th Day: March 14, 1996
Staff: Bill Van Beckum
Staff Report: January 26, 1996
Meeting of: February 7, 1996

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Tom Crandall, Deputy Director
Steven F. Scholl, District Director
Bill Van Beckum, North Coast Planner

SUBJECT: **COUNTY OF SONOMA LCP AMENDMENT No. 2-95 (Major; Wagner):** (Public Hearing and Possible Action at the California Coastal Commission meeting of February 7, 1996.)

SYNOPSIS

AMENDMENT DESCRIPTION:

The proposed amendment to the County of Sonoma LCP, effectively certified in 1982, seeks to change the Coastal Plan (LUP) map and zoning map designations for portions of two adjacent parcels, thereby enabling a boundary line adjustment between the parcels, and providing the land use and zoning designations necessary, by County use/coastal permit requirements, for a proposed conversion of a residential accessory storage building, situated in the adjusted area, to commercial (light industrial) use. The parcels are located at 14465 and 14495 Valley Ford Road (Highway 1), in Valley Ford (APNs 026-010-042, -054). See Exhibits 1-3.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that upon completion of the public hearing, the Commission approve the LCP amendment as submitted, based on the findings that the amendment is consistent with the policies of Chapter 3 of the Coastal Act. The motion and resolution for approval of the Land Use Plan portion of the amendment can be found on Page 2. The motion and resolution for approval of the Implementation Program portion of the amendment can be found on Page 5.

ADDITIONAL INFORMATION

For additional information about the proposed amendment, please contact Bill Van Beckum at the North Coast Area office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

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ANALYSIS CRITERIA:

To approve the amendment to the Land Use Plan portion of the County of Sonoma Local Coastal Program, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendment to the Implementation Program portion of the LCP, the Commission must find that the Implementation Program, as amended, is consistent with and adequate to carry out the amended Land Use Plan.

I. STAFF RECOMMENDATION, MOTION, AND FINDINGS FOR THE LAND USE PLAN PORTION OF AMENDMENT NO. 2-95 (Wagner)

A. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion I:

MOTION I: APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 2-95

"I hereby move that the Commission certify Amendment No. 2-95 to the Land Use Plan portion of the County of Sonoma Local Coastal Program as submitted by the County."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION I:

The Commission hereby certifies Amendment No. 2-95 (Wagner) to the Land Use Plan portion of Sonoma County's Local Coastal Program for the reasons discussed in the following findings on the grounds that, as submitted, this amendment and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c), and approval will not have significant environmental effects within the meaning of the California Environmental Quality Act.

B. FINDINGS FOR APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 2-95:

1. Amendment Description:

The proposed amendment to the County of Sonoma Coastal Plan (LUP) seeks to change the LUP map designations for portions of two adjacent parcels, enabling a boundary line adjustment between the parcels, one a residential parcel and the other a commercial parcel. The parcels, both under the same ownership, are located at 14465 and 14495 Valley Ford Road (Highway 1), Valley Ford, Sonoma County (APNs 026-010-042, -054). See Exhibits 1-3.

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The subject parcels are a 4.39-acre residential parcel developed with two houses and an accessory 4,000-square foot storage building (Lot A), and a 1.3-acre commercial parcel (Lot B) with a similar 4,000-square foot building, used for a canvas manufacturing business, and also a residence, garage, and the Valley Ford Post Office. The residential parcel has an existing gravel driveway from Valley Ford-Estero Road (Exhibits 2 and 4), but its storage building is served by an existing paved road from Highway 1 (Exhibit 5). The canvas manufacturing building on the adjacent parcel is served by the same paved road, and both buildings have paved parking areas off that access road. The parcels do not contain any environmentally sensitive habitat areas.

As shown on Exhibit 4, the amendment specifically would change the land use designation from Rural Residential to Commercial Center on 0.64 acres and from Commercial Center to Rural Residential on 0.3 acres. Sonoma County's LUP defines Commercial Center as "An area potentially appropriate for additional visitor serving and general commercial uses," and Rural Residential as "Very low density residential development of from one to twenty acres per dwelling unit."

The amended LUP map designations would set the stage for a boundary line adjustment transferring a vacant portion (0.30 acres) of the 1.33-acre commercially used parcel (Lot B) to the 4.39-acre residential parcel (Lot A), and transferring 0.64 acres from Lot A to Lot B, thus incorporating the storage building that is situated on Lot A into Lot B. See Exhibit 5. In this new configuration the storage building would be situated on a lot having the land use designation that is necessary, by County use/coastal permit requirements, for a proposed conversion of the building to commercial use to occur.

Since the LUP map does not currently designate the warehouse site in a manner that enables the site to accommodate a commercial use, the proposed LCP amendment is necessary and must be certified by the Commission if the commercial use is to be allowable. The County Board of Supervisors Resolution adopting the Coastal Plan amendment is attached as Exhibit 6.

2. Consistency with Coastal Act:

a. Locating and Planning New Development

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

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The subject parcels are within the town of Valley Ford, recognized by the County's Coastal Plan as an urban community. The parcels are within the town's designated "urban boundaries," and are hooked up to the community water district (Valley Ford Water Company). The manager of the Water Company has reported to County planning staff that there is sufficient water to accommodate the commercial use (musical instruments parts assembly in the building now used for storage) for which the LCP Amendment is being requested. Furthermore, following a recent septic system evaluation that was conducted to meet County Health Department requirements, the County has indicated that an existing on-site septic system, in that portion of Lot A proposed to be transferred into the commercial parcel, also is adequate to accommodate the proposed use for which the LCP Amendment is being requested.

The amendment will not precipitate any increase in potential residential density, as the residential parcel (Lot A) will actually be decreased in size after the proposed boundary line adjustment occurs, from 4.39 acres to 4.05 acres, a net reduction of 0.34 acres.

Therefore, the Commission finds that the proposed amendment is consistent with Section 30250(a) of the Coastal Act to the extent that the site is located in an existing developed area with adequate public services to accommodate the uses that would be allowed under the proposed redesignation of the site. Furthermore, the proposed amendment is consistent with the County's LUP policies that support expanded commercial development within designated urban boundaries if water and septic regulations are met (Land Use Policies 11 and 12).

b. Public Access

Section 30212 requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. The amendment sites are located between the first public road, Highway 1, and the Estero de Americano, considered to be an arm of the sea because it is tidal in this area. The amendment will not adversely affect public coastal access. The affected parcels are separated from the Estero by another parcel; no public access exists on the parcels that could potentially be affected by subsequent development that is consistent with the amendment. The Commission therefore finds that the project is consistent with the public access policies of the Coastal Act.

2. CEQA:

Pursuant to Section 21080.5 of the California Environmental Quality Act (CEQA), the Resources Agency has certified the Commission's regulatory program as being functionally equivalent to the standard CEQA review process. Pursuant to SB 1873, which amended the California Environmental Quality Act,

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the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In addition to making a finding that the amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) requires that the Commission not approve or adopt an LCP:

... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Consistent with Public Resources Code Section 21080.5(d)(2)(i), the Commission finds, for the reasons discussed in this report, that the proposed amendment request is consistent with the California Coastal Act, will not result in significant adverse environmental effects within the meaning of the California Environmental Quality Act, and therefore requires no mitigation measures to reduce any adverse environmental impacts.

II. STAFF RECOMMENDATION, MOTION, AND FINDINGS FOR THE IMPLEMENTATION PORTION OF AMENDMENT NO. 2-95 (Wagner)

A. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion II:

MOTION II:

"I hereby move that the Commission reject the Implementation Program for Amendment No. 2-95 to the County of Sonoma Local Coastal Program as submitted by the County."

Staff recommends a NO vote, and the adoption of the following resolution and findings. This motion requires a majority of the Commissioners present to pass.

RESOLUTION II:

The Commission hereby certifies the amendment to the Implementation Program of the County of Sonoma LCP (Wagner) based on the findings set forth below on the grounds that the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan. As submitted, the amendment does not have a significant impact on the environment within the meaning of CEQA.

B. FINDINGS REGARDING ADEQUACY OF THE IMPLEMENTATION PROGRAM AMENDMENT:

1. Amendment Description

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The proposed amendment would modify the zoning designations on portions of two adjacent parcels (APNs 026-010-042, -054), enabling a boundary line adjustment between them. As shown on Exhibit 4, the amendment specifically would change the zoning designation from Rural Residential (RR), B5 2 (2-acre density) to Rural Services (CS), Coastal Combining (CC) on 0.64 acres and from CS, CC to RR, B5 2 on 0.3 acres. The County Board of Supervisors Resolution adopting the Zoning amendment is attached as Exhibit 6.

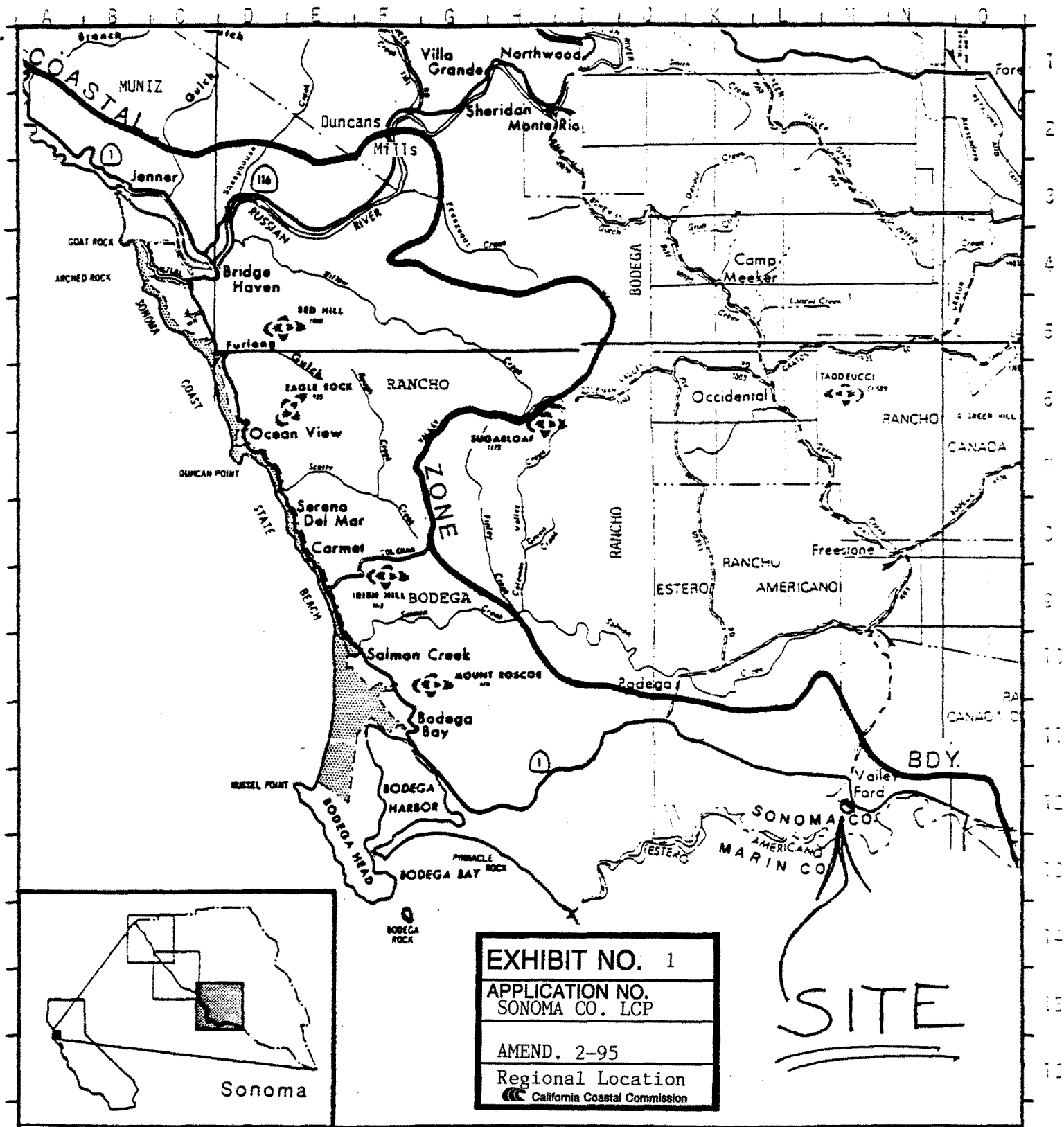
The new designations would set the stage for transferring a vacant portion (0.30 acres) of the 1.33-acre commercially used parcel (Lot B) to the 4.39-acre residential parcel (Lot A), and transferring 0.64 acres from Lot A to Lot B, thus incorporating the storage building that is situated on Lot A into Lot B. See Exhibit 5. In this new configuration the storage building would be situated on a lot having the zoning designation, Rural Services, that is necessary, by County use/coastal permit requirements, for a conversion of the building to non-retail commercial use to occur.

Principal permitted uses within the Rural Services district include certain retail sales facilities and agricultural uses, and appurtenant structures, uses and signs. Included in the ordinances list of other uses permitted in the Rural Services district, with a use permit, are "light industrial, wholesale, distribution and (commercial) storage uses." Musical instruments parts assembly, the proposed use for the storage building following zoning amendment approval, and subsequent to the securing of a use permit and a coastal development permit, falls within the "light industrial" category.

The 0.64-acre storage building site is proposed for rezoning to Rural Services because light industrial uses are not allowed under the site's current Rural Residential zoning designation, and because Rural Services is the current zoning designation for the adjacent parcel to which the storage building site would be joined through the boundary line adjustment. While the Coastal Zoning Ordinance does not contain a separate "industrial" zoning designation, light industrial uses are allowed, with use permits, in the Ordinance's Rural Services and Commercial Services districts. The Commercial Services district, meant "To create and enhance areas for heavy commercial and light industrial uses which deal with large merchandise of bulk goods," does not as accurately reflect the general character of land uses in the center of Valley Ford, along and near Highway 1, as does the Rural Services category, meant "To create and enhance areas to meet the commercial and service needs of ... rural communities by allowing a wide range of goods and services."

2. Consistency with and Adequacy to Carry out the Coastal Land Use Plan.

The proposed rezonings adequately implement the Coastal Land Use Plan amendment since the proposed zoning designations allow the same uses allowed by the amended LUP designations. Therefore, the Commission finds that the proposed Amendment No. 2-95 to the Sonoma County Coastal Zoning Ordinance is consistent with and adequate to carry out the Coastal Plan (LUP) portion of the certified LCP.



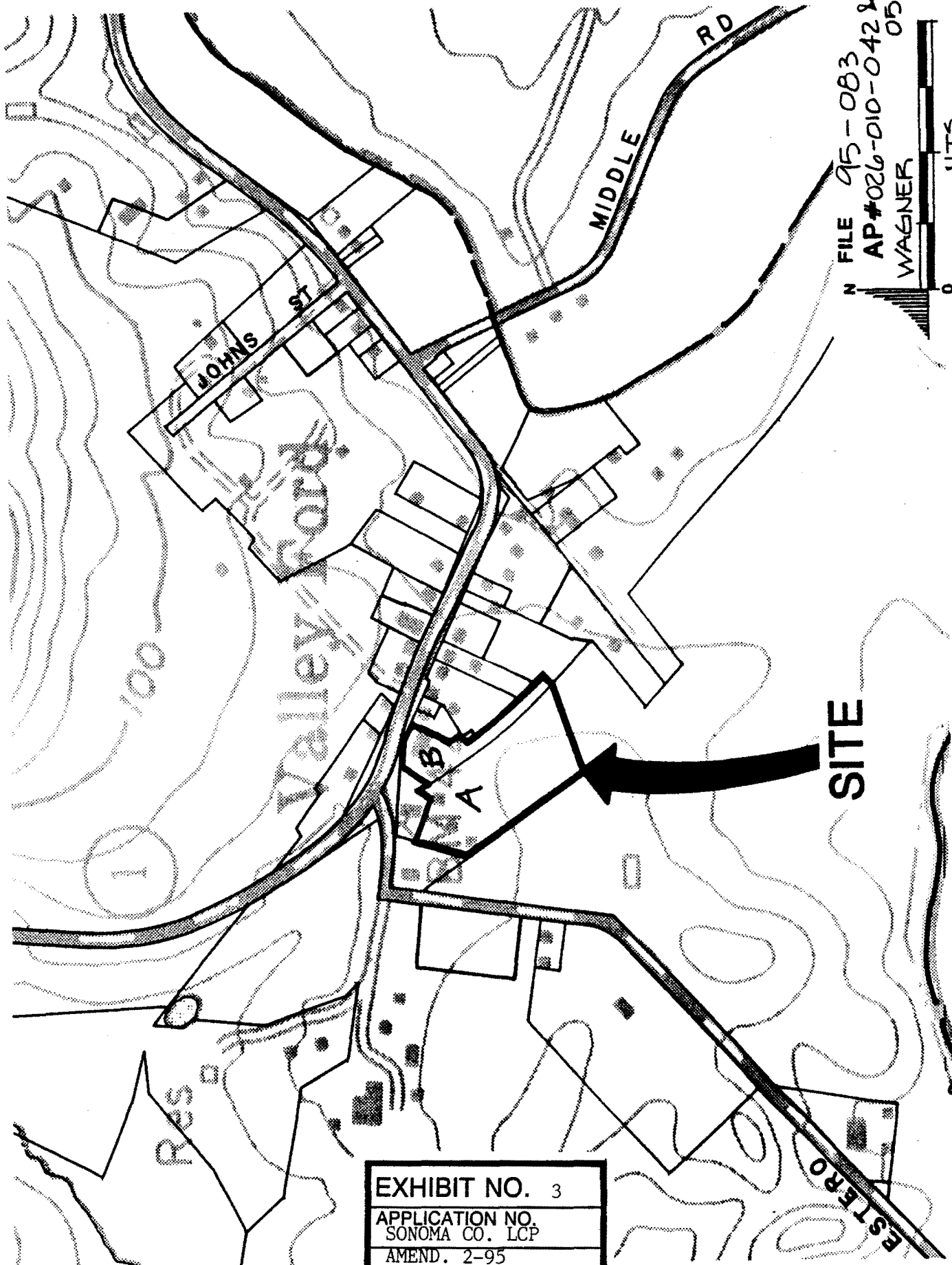
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California Coastal Commission


LOCATION MAP

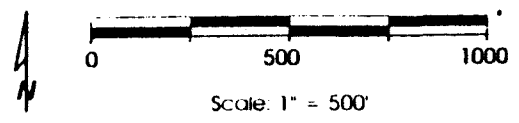
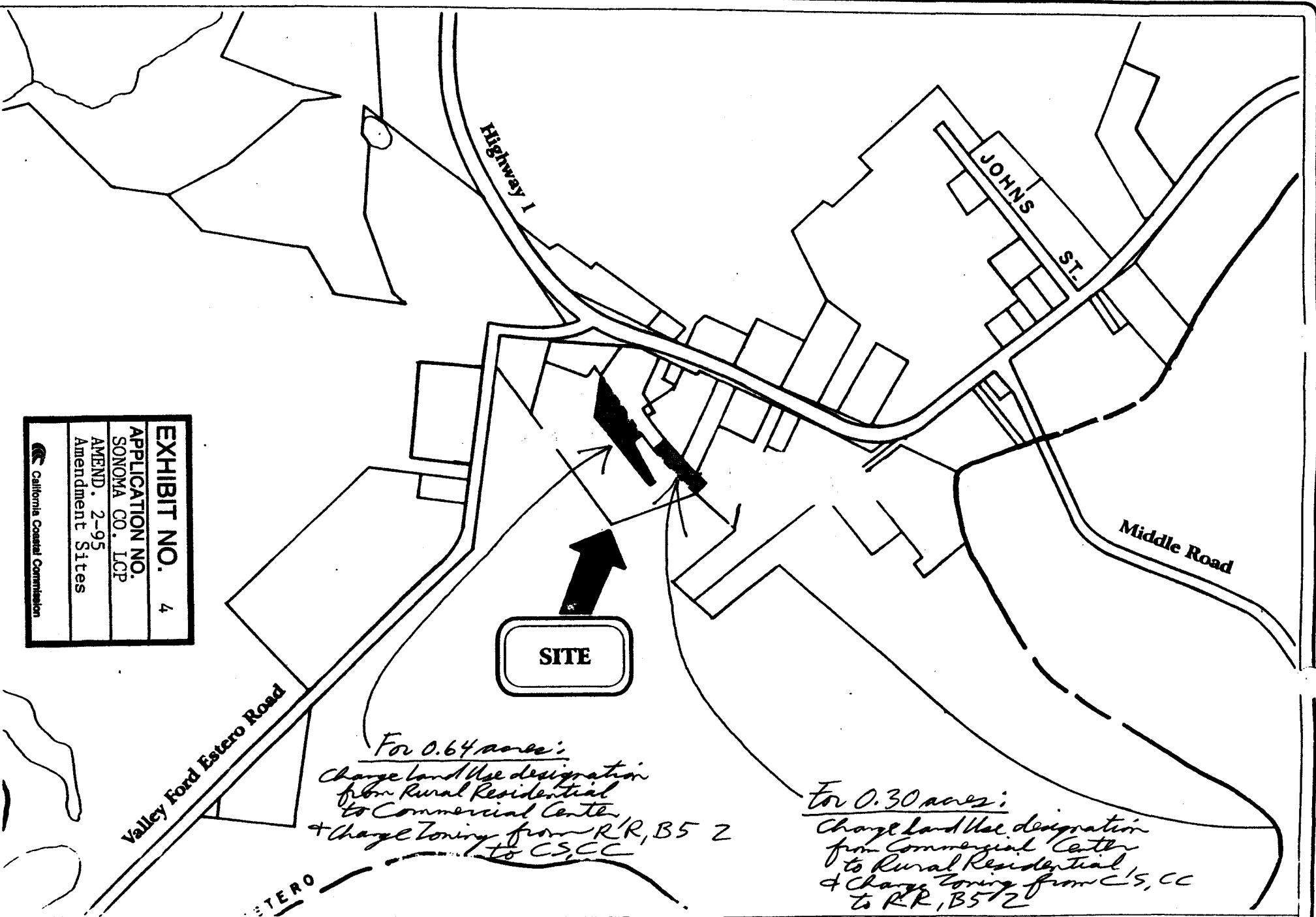





FILE 95-083
AP#026-010-042 &
054
WAGNER
N.T.S.

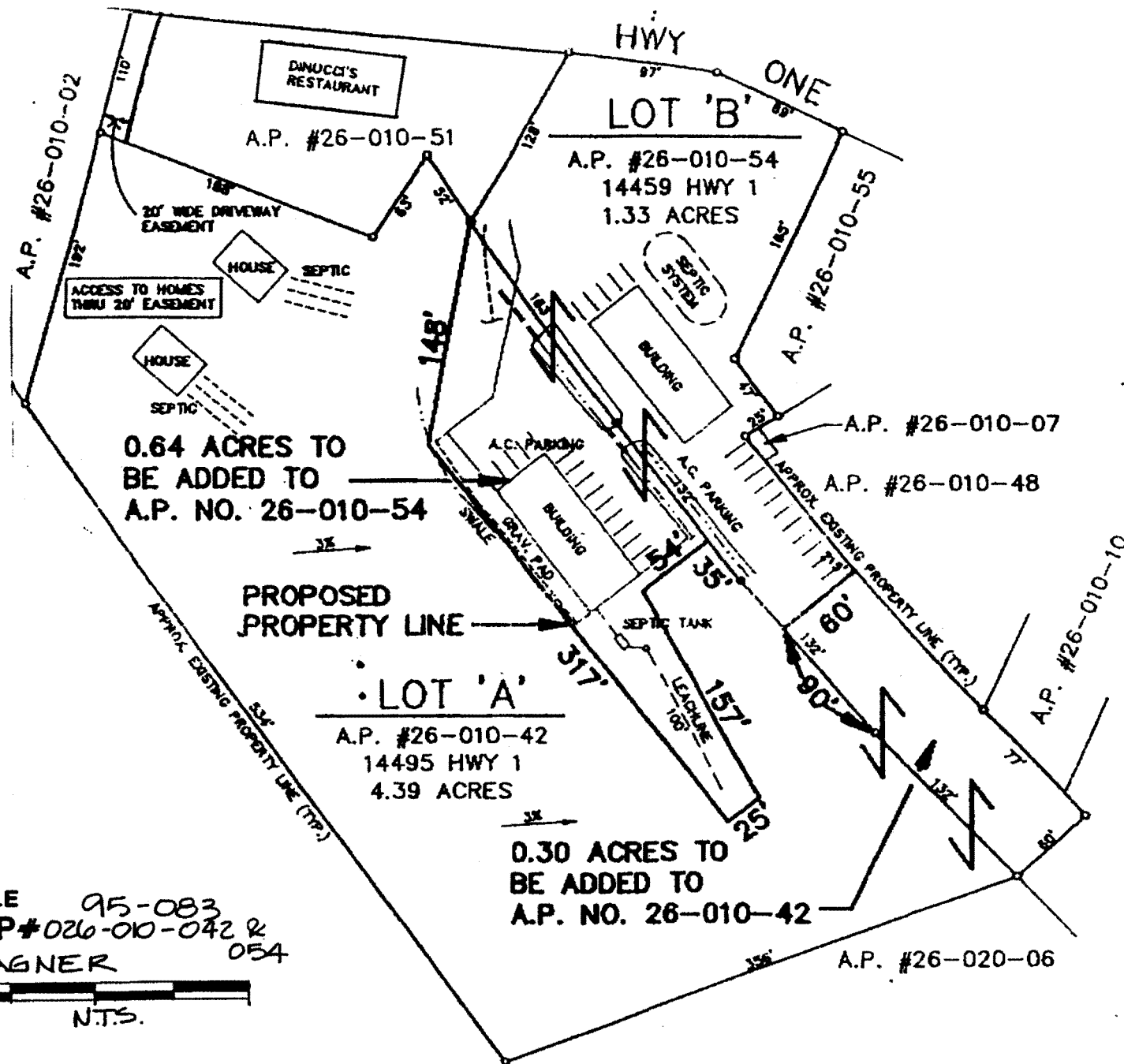
EXHIBIT NO. 3
APPLICATION NO.
SONOMA CO. LCP
AMEND. 2-95
Amendment Parcels
(A and B)
California Coastal Commission

 California Coastal Commission	EXHIBIT NO.	4
	APPLICATION NO.	SONOMA CO. LCP
	AMEND. 2-95	Amendment Sites



PERMIT & RESOURCE MANAGEMENT DEPARTMENT PROJECT REVIEW SECTION 2550 Ventura Avenue, Santa Rosa, CA 95403 (707) 527-1900 Fax (707) 527-1103	FILE: ZC 95-083 AP #: 026-010-042 & 026-010-054 Section District Map No. 8.1358
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 California Coastal Commission	EXHIBIT NO.	5
	APPLICATION NO.	SONOMA CO. LCP
	AMEND.	2-95
	Adjustment Areas	



Resolution Number

**Sonoma County Administration Building
Santa Rosa, California**

September 19, 1995

GPA/SPA/ZC/LLA/CP/UP 95-083 Kathi Jacobs

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING THE NEGATIVE DECLARATION FOR A ZONE CHANGE AND APPROVING THE SPECIFIC PLAN AMENDMENT, LOT LINE ADJUSTMENT, COASTAL AND USE PERMIT AS REQUESTED BY EUGENE & BETTY WAGNER, SUBJECT TO A GENERAL PLAN AMENDMENT.

WHEREAS, the applicant, Jean Kapolchok & Associates, for the owners, Eugene & Betty Wagner, filed an application with the Sonoma County Permit and Resource Management Department for (1) to amend the General Plan from RR (Rural Residential) 2 to LC (Limited Commercial) on .64 acres and from LC to RR 2 on .3 acres; (2) to amend the Coastal Plan from RR to Commercial Center on .64 acres and from Commercial Center to RR on .3 acres; (3) a zone change from RR, B5 2 acre density to CS (Rural Services), CC (Coastal Combining) on .64 acres and from CS, CC to RR, B5 2 acre density on .3 acres; (4) a lot line adjustment between 2 parcels 4.4 acres and 1.3 acres resulting in parcels 4 acres and 1.6 acres in size; (5) a use/coastal permit for manufacturing of musical instrument parts in an existing 4,000 square foot building located at 14465/14495 Valley Ford Road, Valley Ford; APN 026-010-042,054; Zoned CS (Rural Services, CC (Coastal Combining), HD (Historic District) ; Supervisorial District No 2; and


WHEREAS, a Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, at their regularly scheduled meeting on August 3, 1995, the Planning Commission, with a 5-0-0 vote, recommended to the Board of Supervisors adoption of a negative declaration and approval of the requested General Plan amendment, Specific Plan amendment, zone change, lot line adjustment, coastal and use permit; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on September 19, 1995 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, said Board does make the following findings:

1. The request for a General Plan amendment is consistent with criteria of the General Plan for Limited Commercial, including having adequate access, location adjacent to existing commercial uses, being minor expansion in an existing unincorporated community, and adequate water and septic.
2. The Coastal Plan amendment is consistent with the policies of the Coastal Plan allowing limited commercial development within urban boundaries.
3. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. There will be no new development with the proposed use.
 - b. With no retail sales, there will be very little traffic generated.
 - c. The building is served with an existing paved driveway and parking area.

EXHIBIT NO.	6
APPLICATION NO. SONOMA CO. LCP	
AMEND. 2-95	
County Resolution	
 California Coastal Commission	


4. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered.
5. The proposal does not conflict with LU-15f, of the General Plan, based on the small net increase in size of commercial land.
6. To limit the potential for incompatible uses of the commercial buildings the following special Planning Area #6 (Sebastopol Environs) policy shall be established by the text amendment: "All new commercial uses on parcel 026-010-054 shall require a use permit or use permit waiver to insure compatibility with the surrounding community."

NOW THEREFORE BE IT RESOLVED that the Sonoma County Board of Supervisors hereby adopts the negative declaration for a zone change and approves the requested specific plan amendment, lot line adjustment, coastal and use permit, subject to an amendment of the General Plan and subject to the conditions attached hereto.

SUPERVISORS VOTE:

Cale:	Harberson:	Smith:	Kelley:	Carpenter:
Ayes:	Noes:	Absent:	Abstain:	

SO ORDERED.

EXHIBIT NO. 6
APPLICATION NO. SONOMA CO. LCP
AMEND. 2-95 County Resolution
(page 2)
 California Coastal Commission

