

Resolution Number 14-015

County of Sonoma
Santa Rosa, California

December 18, 2014
UPE14-0018 Karin Theriault

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, GRANTING A
USE PERMIT TO SBC MV LLC FOR PROPERTY LOCATED AT
1733 SKILLMAN LANE, PETALUMA, APN 048-091-003

WHEREAS, the applicant, SBC MV LLC filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a Use Permit for a large residential care facility by increasing the number of beds at an existing small residential care facility from 6 to 10 beds on a 6+/- acre parcel located at 1733 Skillman Lane, Petaluma; APN 048-091-003; Zoned AR (Agricultural and Residential), B6-2 acre density, VOH (Valley Oak Habitat); Supervisorial District No 2; and

WHEREAS, this project has been found to be categorically exempt from CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on December 18, 2014 at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The project is consistent with the (Rural Residential General Plan land use and the Agriculture & Residential Zoning designation, which allows for Large Residential Care Facilities with an approved Use Permit.
2. The project is consistent with the West Petaluma Area Plan in that the subject property is developed in a manner that reflects and blends well with the rural residential nature of the surrounding area with no further site development proposed. The project will not negatively impact agricultural uses in the vicinity.
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: 1) the Large Residential Care Facility will not serve more than 10 boys; 2) no additional development for the facility is proposed; 3) outside activities are always supervised by at least one staff person; 4) the site is constantly staffed with a minimum of 2 staff during the evening hours of operation; 5) contact information, including for emergencies, has been provided on a sign located at the property frontage and the contact staff person is located less than 1 hour away from the facility; 5) noise generated at the site is minimal because the boys are in a highly structured environment and are kept occupied and supervised at all times; 6) the existing and proposed vehicles trips,

during the weekdays on the weekends, never exceed 8 trips during the critical peak traffic hours and the project site can accommodate up to 20 vehicles at a time; 7) one open house per year is permitted and is limited to a 2 hours; 8) water conservation measures including a reduction in irrigation for landscaping, utilization of low flow toilets and showerheads, capturing water to use for plants and outdoor watering, etc. are incorporated into the everyday activities at the site; 9) Special Events are not permitted on-site; and 10) ten, 15-gallon Coastal Redwoods will be installed along the eastern property line to provide visual screening to the adjacent neighbor.

4. It is the determination of the Department that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the Provisions of Title 14 of the California Administrative Code, Section because the request is for an existing facility with a minor expansion of the existing use.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner Bennett, who moved its adoption, seconded by Commissioner Carr, and adopted on roll call by the following vote:

Commissioner Bennett	Aye
Commissioner Carr	Aye
Commissioner Cook	Absent
Commissioner Liles	Absent
Commissioner Lynch	Aye

Ayes: 3 Noes: 0 Absent: 2 Abstain: 0

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

SO ORDERED.

SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS

Final Conditions of Approval Exhibit A to Resolution

Date: December 18, 2014
Applicant: Muir Wood Adolescent and Family Services
Address: 1733 Skillman Lane, Petaluma, Ca

File No.: UPE14-0018
APN: 048-091-003

Project Description: Request for a Use Permit for a large residential care facility by increasing the number of beds at an existing small residential care facility from 6 to 10 beds on a 6+/- acre parcel.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

BUILDING:

1. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the CBC as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure, exterior routes of travel, accessible parking, and other accessible elements.
2. The applicant shall apply for and obtain building related permits from PRMD to construct necessary improvements and features required for the occupancy change associated with the proposed use, including any structural or architectural alterations. The necessary applications appear to be, but may not be limited to accessibility report and a building permit. Construction inspections shall occur and the building permit(s) finalized prior to occupancy of the remodeled structure.
3. The current and proposed uses and occupancies of all building areas shall be accurately identified on the proposed plans.
4. The means of egress from the proposed converted area shall comply with the applicable sections of the California Building Code (CBC).
5. The fire-resistance rating of existing and proposed walls separating the proposed occupancy from adjacent uses shall comply with the applicable sections of the CBC.
6. Minimum plumbing facilities, per the California Plumbing Code (CPC), shall be provided for the proposed occupancy conversion.
7. The California Business & Professions Code requires plans and calculations affecting structural elements or required exiting provisions to be prepared by California licensed design professionals (architects, engineers).
8. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the CBC as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure, exterior routes of travel, accessible parking, and other accessible elements.
9. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be

reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

HEALTH:

“The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING OF THE USE PERMIT:

Water:

10. Prior to issuance of building permits and vesting the Use Permit, the applicant shall apply for a Water Supply Permit from the State Department of Public Health, Office of Drinking Water if serving 25 or more people per day for more than 60 days out of the year. (This process should begin as soon as possible, as the application, plan check and sampling may take some time). Copies of the approval letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail approval directly to PRMD.
11. Prior to issuance of building permits and vesting of the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Drinking Water Program if serving more than 25 people per day for more than 60 days in a year. A copy of the Use Permit application and conditions must be provided to the State Drinking Water Program in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling will take some time.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD.
12. Prior to building permit issuance, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

Septic:

13. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate 100 % percent of the wastewater flow from 10 patients, 17 employees, and visiting families on Saturdays, in addition to peak wastewater flows as determined by staff. The analysis shall be submitted to PRMD, Project Review, for review and approval.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final

clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

Solid Waste:

14. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas to the Project Review Health Specialist for review. Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.

OPERATIONAL REQUIREMENTS:

Water:

15. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
16. A safe, potable water supply shall be provided and maintained.

Septic:

17. Maintain the Annual Operating Permit for any package treatment plant, alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
18. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
19. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
20. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.

Solid Waste:

21. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

22. Prior to issuance of any permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code. The fee is computed multiplying the use's Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. The developer will be

credited with trips generated by the current use.

FIRE AND EMERGENCY SERVICES:

“The conditions below have been satisfied BY _____ DATE _____

23. Permitting or development approval of this project is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions: (Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, and Sonoma County Code Chapter 13, Article IV, Section 13-17, and Sonoma County Code Chapter 13, Article V, Division A, Section 13-24).
24. This project involves an increase in the number of “clients” from 6 to 10. This increase causes a change in occupancy from a Group 3 to a Group 4 and therefore may require improvements to fire protection water supply, the installation of fire sprinklers, and the installation of a fire alarm system.
25. Prior to any construction, or changes in use of existing building or facilities, applicable Fire Code construction permits required by Chapter 1, Division II of the 2013 California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
26. The applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the 2013 California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification and road naming; gate access & key boxes; fire protection water supplies; and building features.
 - a. Access roads: minimum emergency access is required to provide safe access for emergency fire equipment and civilian evacuation concurrently, and to allow unobstructed traffic circulation during a wildfire or other emergency.
 - i. Required access road(s) constructed and serving a legal parcel prior to January 1, 1992, shall provide year-round unobstructed access to conventional drive vehicles, including sedans and fire engines, to within 150 feet (45 720 mm) of all portions of the exterior walls of the first story of buildings as measured by an approved route around the exterior of the building, or
 - ii. Any driveway serving a legally constructed residential building prior to January 1, 1992, shall provide year-round unobstructed access to conventional drive vehicles, including sedans and fire engines to within 150 feet (45 720 mm) of all portions of the exterior walls of the first story of buildings as measured by an approved route around the exterior of the building.
 - b. Premises Identification and Road Naming: Approved road names and signs, address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road shall be provided.
 - c. Gates: Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.
 - d. Water Supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises. A change in occupancy type (as defined by the California Building Code) from an R-3 to an R-4 will require that the facility meet the

current fire protection water supply requirements.

- e. Building features: Fire sprinklers are required and fire alarm system may be required. A change in occupancy type (as defined by the California Building Code) from an R-3 to an R-4 will require that the facility meet the current fire protection system requirements.
- 27. The applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the 2013 California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official. A permit for a large residential care facility is required.
- 28. The applicant shall provide a written “Fire Safety and Evacuation Plan” (as required by Section 404 of the 2013 California Fire Code) to Sonoma County Fire for approval.
- 29. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with Chapter 27 of the 2013 California Fire Code as adopted and amended by Sonoma County Code.
- 30. The applicant shall provide evidence to Sonoma County Fire that demonstrates compliance with Chapter 49 of the 2013 California Fire Code (wildland-urban interface area) as adopted and amended by Sonoma County Code. This condition may be met by obtaining County Fire approval of a fire protection plan prepared by a qualified individual.

PLANNING:

“The conditions below have been satisfied BY _____ DATE _____

- 31. This Use Permit allows: 1) a Large Community Care Facility, increasing the number of adolescents in the program to 10 boys; 2) increase the number of staff to 17; 3) allow for one open house per year; and 4) allow for parents to attend weekend therapy sessions with their children. No new buildings, or additional site development, is requested. The facility operates year round, 24 hours a day and 7 days a week. This Use Permit (UPE14-0018) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested. The use shall be operated in conformance with the proposal statement, site plan and other reports submitted to the project file.
- 32. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
- 33. This entitlement is not vested until all permit processing costs and development fees are paid in full.
- 34. The applicant shall maintain a minimum of 20 parking spaces on-site to serve the staff and families approved land uses of the Large Community Care facility. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
- 35. Prior to vesting the Use Permit, the applicant shall install no few than ten 15-gallon conifer trees on the eastern property line subject to Planning staff review and approval. All conifers shall be automatically and maintained in perpetuity of the existing Community Care Facility Use of the site. The approved landscaping and irrigation system is required to be continuously maintained. If plant materials die and/or irrigation systems malfunction or fail, the applicant is responsible for replacement and/or repairs within 60 days of landscaping die off and/or irrigation malfunction. The required time frame for replacement and/or repairs may be modified by the Planning Director, or

other authorized staff as necessary.

37. Prior to vesting the Use Permit, the office and meeting use of the Second Unit Dwelling Unit will cease and the unit will be utilized for residential purposes only. Alternatively, the applicant will pay retroactive housing mitigation fees associated with the 2009 Building permit issued for the primary unit remodel and addition.
38. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
39. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

40. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.