



Sonoma County Board of Zoning Adjustments

STAFF REPORT

FILE: UPE20-0008
DATE: February 10, 2022
TIME: At or after 1:05pm
STAFF: Joshua Miranda, Project Planner

SUMMARY

Property Owner: KKS Property, LLC
Applicant: Muir Wood Adolescent & Family Services – Scott Swole
Address: 1743 Skillman Lane, Petaluma CA 95404
Supervisorial District(s): 2
APN: 048-250-002
Description: Request for a Use Permit to expand an existing Small Residential Community Care Facility to a Large Residential Community Care Facility with 11 employees and 24-hour care for 10 people in a 5-bedroom single-family dwelling, located on a 3.13-acre property. The existing facility currently provides 24-hour care for 6 people and operates with 9 employees. No new construction or expansion of existing buildings is proposed.
CEQA Review: Categorical Exemption Section 15301 because the request is for an existing facility with a minor expansion of the existing use.
General Plan Land Use: Rural Residential 2
Specific/Area Plan Land Use: West Petaluma Area Plan
Ordinance Reference: Sec. 26-08-030 – Allowed Land Uses in Residential Zones
Sec. 26-24-240 – Residential Community Care Facility
Zoning: AR B6 2, VOH



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve the Use Permit request for a Large Residential Community Care Facility subject to the attached Conditions of Approval.

EXECUTIVE SUMMARY

Since April of 2019, Muir Wood Adolescent and Family Services, LLC has operated a “Small Residential Community Care Facility” on the 3.13 acre property. The facility currently provides 24-hour care to six boys aged 12-17 in a five-bedroom residence. Small residential community care facilities are permitted by-right for up to a maximum of six people in the AR (Agriculture Residential) zoning district without a Use Permit. On March 26, 2020, the applicant applied for a Use Permit for a “Large Residential Community Care Facility” to expand the number of residents served from 6 to 10 and a staffing increase from 9 to 11 total employees (part-time and full-time). No new construction is necessary to accommodate the use permit request.

The project is located in a rural residential Petaluma area neighborhood with generally flat to minimal slope lots, ranging approximately one to 10 acres in size. Access to the site is provided from Skillman Lane, via a private easement through an adjacent property that contains another large residential community care facility operated by Muir Wood Adolescent and Family Services, LLC. The project site and surrounding properties are served by private well and septic systems, all located in Class 2 Groundwater Availability area within the Petaluma Valley priority groundwater basin. On March 15, 2021, staff posted a 24-day Notice of Hearing Waiver pursuant to Sonoma County Code Section 26-92-040 (d), in an attempt to administratively approve the project. Permit Sonoma’s decision to post a Notice of Hearing Waiver was based on the following findings: off-site impacts to adjacent properties would be insignificant; the project qualifies for a CEQA exemption; there is adequate provisions for water and wastewater disposal; and, the project involves a minor expansion on a site that has no active enforcement action. On April 8, 2021, a formal request for public hearing was received for the project.

The project was originally scheduled for a public hearing before the Board of Zoning Adjustments (BZA) on October 14th, 2021. On October 14, 2021, the BZA did not discuss the project and instead continued the item to a date uncertain to allow additional time for public comment. The BZA also directed staff return to the Board with supplemental information on Sheriff Visits, Septic Reports, State Facility Review Reports, and any Fire and Emergency Service Visits involving the project site. Since October 14, 2021, staff has been updating the file with new public comments and gathered information requested by the BZA. Public comments made on the project include concerns with existing neighborhood compatibility issues and future expansion of Muir Wood’s facilities. The public has also raised concern with security and history of law enforcement activity, lighting issues, noise, traffic, septic capacity, and water supply. Staff has also received public comments in support of the project.

PROJECT SITE AND CONTEXT

Background

The project parcel was created by a Minor Subdivision (File No. MNS07-0010) that was approved by the Project Review Advisory Committee in 2007 and later recorded on August 16, 2016. The subdivision split the former 6 acre parcel into two parcels, Lot 1 of 2.64 and Lot 2, the subject lot, of 3.13 acres in size. In 2014 the Board of Zoning Adjustments approved a Use Permit request by Muir Wood Adolescent and Family Services, LLC for a Large Community Care Facility on the adjacent property to the north, located at 1733 Skillman Lane (Lot 1 of the



subdivision). The northern Muir Wood facility is approved to serve 10 residents with 17 staff (File No. UPE14-0018, BZA Resolution No. 14-015).

The subject property (1743 Skillman Lane) is currently improved with a single-family residence, an accessory building, a two-car garage, and a large parking court. The buildings were legally constructed with building permits in 2018. In April 2019, the existing 5-bedroom single-family residence located on the property was converted to a six-bed group home licensed by the State of California, Department of Social Services, Community Care Licensing. Since April of 2019, Muir Wood Adolescent and Family Services, LLC has operated “Small Community Care Facility” providing 24-hour care to 6 people on the subject property. Small residential community care facilities are permitted by-right for up to a maximum of 6 people in the AR (Agricultural Residential) zoning district without a Use Permit. The two residential community care facilities operated by Muir Wood Adolescent and Family Services, LLC are run as separate facilities, meaning that they do not co-mingle on each other’s properties or in the outdoor areas.

The public hearing for Muir Wood’s Use Permit request to operate a Large Residential Community Care Facility at 1743 Skillman Lane (File No. UPE20-0008) was originally scheduled before the Board of Zoning Adjustments (BZA) on October 14th, 2021. On October 14, 2021, the BZA did not discuss the project and instead continued the item to a date uncertain to allow additional time for public comment. The BZA also directed staff return to the Board with supplemental information on Sheriff Visits, Septic Reports, State Facility Review Reports, and any Fire and Emergency Service Visits involving the project site. The supplemental information requested by the BZA is attached to the Staff Report under Attachments 14 – 18, and is summarized in the Neighborhood/Public Comments section below.

Area Context and Surrounding Land Uses

The 3.13 acre parcel is located approximately 1 mile west of the City of Petaluma. The parcel and those surrounding are located in an area subject to the West Petaluma Area Plan. The surrounding area shares the same RR (Rural Residential) Land Use designation and AR (Agricultural Residential) Zoning District. Topographic conditions consist of gently sloping terrain, from the north to the south end of the property, with all existing site development located on the northern portion of the subject parcel. The subject property and those surrounding have similar development build outs of single family dwelling units, accessory structures and some agricultural structures and uses.

Direction	Land Uses
North	Large Residential Care Facility (single-family dwelling and several accessory structures).
South	Residential and developed with a dwelling and several accessory structures.
East	Residential and developed with a dwelling and several accessory structures including agricultural structures and uses.
West	Residential and developed with a dwelling and several accessory structures including small agricultural structures and uses.



Significant Applications Nearby

There are no significant active applications in the immediate project area. An adjacent parcel is previously approved for a Large Community Care Facility operated separately by Muir Wood Adolescent and Family Services, LLC (File No. UPE14-0018, BZA Resolution No. 14-015).

Access

Access to the project site is provided via a private shared-driveway easement, which runs along the western boundary of 1733 Skillman Lane (neighboring property to the north) and ends with a fire truck turnaround on the project site. The project site currently contains parking for 26 vehicles, which is adequate to serve the proposed staff increase to from 9 to 11 part-time and full-time employees. Residents of the facility do not drive to the site and all family visitations occur offsite. Therefore, parking is only needed to accommodate employees. The project proposes no changes to existing access.

Wildfire Risk

The site is served by the Rancho Adobe Fire Protection District and is located in a Local Responsibility Area, outside of any Fire Hazard Severity Zone. The project does not propose any new construction or changes to the existing residence, however the project would add 6 people to the site in the form of residents (4) and employees (2). The residence was constructed in 2018-2019 in accordance with County Fire Code requirements. Existing fire risk reduction features of the project site include adequate emergency vehicle access and turn-around at the residence site, sprinklers, addressing, water storage for firefighting and fire break maintenance around all structures. A standard project Condition of Approval requires the project complies with all County Fire Code requirements. In 2019, the existing residence was permitted for an R-4 Occupancy type (under Building Permit No. BLD19-0912) which allows for no more than 16 persons (excluding staff) residing on a 24-hour basis in a supervised residential environment. The project proposes to allow 10 people reside on a 24-hour basis in a supervised residential environment. Therefore, no change in building occupancy is required to accommodate the use permit request.

Water/Wastewater/Utilities

The parcel is located within a Groundwater Availability Area Class 2 – Major Natural Recharge within the Petaluma Valley priority groundwater basin. The property is served by an existing engineered mound septic system, which has been approved for a six-bedroom residence (Septic Permit No. SEP16-0527), and a private well that produces a minimum of 50 gallons per minute (Well Permit No. WEL09-0066). The site has two 7,500-gallon water tanks. The property is currently served by PG&E for electricity and gas, and Recology for weekly garbage disposal. The existing food shipment services of once a week and the linen services provided twice a week is sufficient to support the increase of residents at the facility.

Agricultural Conditions/Land Encumbrances/Contracts

The residential lot is encumbered by the tail end of a private Right of Way & Public Utility easement used for access to the property. The majority of the easement runs through the neighboring property, 1733 Skillman Lane, with the fire truck turn around being located on the subject parcel at the northwest corner. There are no agricultural uses or contracts subject to the site.



Other Environmental Conditions

The property is located within the VOH (Valley Oak Habitat) combining district. Removal of Valley Oak trees would require mitigation; however, the project does not involve any new construction or removal of any protected tree species.

PROJECT DESCRIPTION

Muir Wood Adolescent & Family Services, LLC ('Muir Wood') proposes to expand of the existing small residential community-care facility from 6 people to 10, and increase staffing from 9 to 11 employees, to support the increasing the number of residents aged 12-17 participating in their program. The existing facility is operating out of a 3,950 square foot 5-bedroom residence with an attached 568 square foot garage constructed in 2016 under Building Permit No. BLD16-5688. No physical expansion of existing buildings or construction of new buildings will be necessary to accommodate the increased capacity from six people to 10 people. The project proposes to have all five bedrooms house two residents per room. The facility will continue to use offsite services for laundry (once a week) and linen (twice a week). The project proposes no visitations onsite. All visitations and family/resident therapy sessions occur offsite, in a downtown Petaluma office.

Operations

Muir Wood is a gender-specific, comprehensive treatment program for boys age 12-17 suffering from behavioral health and substance abuse issues. The program is licensed by both the State of California Department of Social Services and Department of Health Care Services to treat adolescent boys with substance abuse and other mental health disorders. Admission to the program is voluntary and the average length of stay is 45-90 days. Executive Director, Scott Sowle and Clinical Director, Liz Fischel, LCSW carefully screen boys entering Muir Wood to ensure they are from local area families and local area high schools. Exclusionary criteria include an inability to actively participate in school, group and family therapy.

The daily schedule includes schooling with a State of California credentialed teacher in the mornings, intensive individual, group therapy, and lectures throughout the afternoon. Residents participate in an intensive and highly structured family therapy programs two days per month. Family/resident therapy sessions take place off campus (accompanied by staff) at an office building in downtown Petaluma. Residents also participate in off campus Adventure Therapy (accompanied by staff) for 6-8 hours per week in the surrounding State and National Parks (facilitated by a Masters level therapist).

Staffing

The facility is currently staffed by 9 part-time and full-time employees. Two new floor staff persons will be hired to accommodate the addition of 4 residents, during the swing and night shifts only, to remain in compliance with the state licensing regulations.

Staff work in 3 shifts: Day Shift 7:00am to 3:00pm; Swing Shift 3:00pm to 11:00pm and Night Shift 11:00pm to 7:00 am.



	Current Staffing	Proposed Staffing
Day shift	6 staff members (Therapist, teachers, admin & 1-floor staff)	6 staff members (Therapists, teachers, admin & 1-floor staff) (No Change)
Swing shift	1-floor staff	2-floor staff (1-floor staff added)
Night shift	1-floor staff	2-floor staff (1-floor staff added)
Total	9 staff members (existing)	11 staff members (proposed)

The maximum number of people on site occurs during the day shift. With this requested expansion, the maximum number of people on-site at any given time will be 16.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
03/26/2020	Application submitted
4/2/2020	Early Neighborhood Notice
11/04/2020	Application deemed complete
4/2/2020	Referral to prominent agencies
03/15/2021	Public Hearing Waiver Posted
04/02/2021	Public Hearing Requested
10/4/2021	Board of Zoning Adjustments Public Hearing Notice Posted; neighbors notified within 300 feet of project site
10/14/2021	Board of Zoning Adjustments Public Hearing continued; staff directed to return with supplemental information
1/31/2022	Board of Zoning Adjustments Public Hearing Notice Posted; neighbors notified within 0.4 miles of project site

General Plan and Area Plans

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

Land Use:

The Sonoma County General Plan designates the site as Rural Residential with a 2-acre density (one primary dwelling unit/2 acres of land). Land Use Policy 2.2 allows group care facilities development consistent with the assigned density.



Noise Standards:

The Noise Element of the General Plan requires noise be controlled in accordance with Table NE-2 as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour.

Water Resources:

The Water Resources Element of the General Plan includes goals and policies for managing groundwater as a valuable and limited shared resource. The County uses a four-tier classification system to indicate general area of groundwater availability: Class 1 = Major Ground Water Basin, Class 2 = Major Natural Recharge Areas, Class 3 = Marginal Groundwater Availability and Class 4 = Low or Highly Variable Water Yield. Water Resources Element Policy WR-2e requires preparation of groundwater studies to verify the quantity and quality of groundwater and assess cumulative impacts associated with discretionary projects located in the Class 3 and 4 areas of the county. Permit Sonoma also requires preparation of groundwater studies for discretionary projects located in the Sonoma Valley, Petaluma Valley, and Santa Rosa Plain priority groundwater basins.

West Petaluma Area Plan:

The West Petaluma Area Plan encompasses approximately 11,000 acres in the southwestern part of the County. The West Petaluma area has experienced rural residential growth alongside, and replacing agricultural operations. The Plan was prepared to address General Plan Policy LU-1a. General Plan Policy LU-1a required specific area plans to be utilized in order to establish more detailed policies affecting proposed development. The West Petaluma Area Plan had a general goal of accommodating urban and rural lifestyles by establishing community centered concepts, providing green belts surrounding and separating urban areas, retaining agricultural resources, adhering to the principle of environmental suitability, and preserving natural resources.

The site’s West Petaluma Area Plan land use designation is Rural Residential. This land use designation is intended to protect existing commercial agricultural operations and to encourage new agricultural uses, especially small family farms when consistent with the goal and policies of the plan. However, the rural residential category also reflects existing residential development on parcels too small to promote large scale, commercial agriculture uses. Area Plan goals and policies focus on locating 2 acre density parcels, east of Thompson Lane. These lands were identified to have the lowest potential for commercial agricultural operations based on the existing small parcel sizes that were deemed not viable for commercial agricultural uses.

Zoning



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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	3.13 acres	3.13 acres
Land Use	Rural Residential 2	Rural Residential 2	Rural Residential 2
Residential Density	1 unit/2 acre	1 unit/2 acre	1 unit/2 acre
Front Setback	30'	200'	200'
Side Setback	10'	30'	30'
Rear Setback	20'	138'	138'
Height	35 ft	30 ft	30 ft
Lot Coverage %	18,000 sf. ft. or 15%, whichever is greater	4.8% or 4207 square feet	4.8% or 4207 square feet
Parking Spaces	2 covered spaces	2 covered spaces, 26 uncovered spaces	2 covered spaces, 26 uncovered spaces

Other Development Regulations or Guidelines

California State Law:

The California Code of Regulations, Title 9, Division 4, chapter 5, Section 10501(a)(27), defines a Residential Alcoholism or Drug Abuse recovery or treatment facility as, “.. any facility, building, or group of buildings which are maintained and operated to provide 24-hour, residential, nonmedical alcoholism or drug abuse recovery or treatment services.” The California Department of Alcohol and Drug Programs require that any residential facility providing alcohol or drug detoxification, group, individual or educational sessions and /or recovery or treatment planning must be licensed in order to also obtain certification from the State.

Muir Wood was licensed and certified by the State of California to operate the existing small residential community care facility in April 2019. The facility is subject to review for licensing every two years by Social Services and certification and by the Department of Health Service to ensure compliance with State regulations. Licensing for 10 beds is required as a recommended Condition of Approval of the Use Permit.

Sonoma County Zoning Standards:

Large Residential Community Care Facilities are allowed in the AR zoning district with an approved Use Permit subject to Section 26-24-240 of the Zoning Code, which states:

A. Definition. A facility that provides primarily nonmedical residential care for children and/or adults.

1. Includes: family home, group care facility or similar licensed facility for 24-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.



2. *Small residential care facility: facilities serving six (6) or fewer persons.*

3. *Large community care facility: facilities serving seven (7) or more persons.*

B. Standards.

1. *Not allowed on land subject to a Williamson Act contract.*

The Zoning Code does not set a limitation to the maximum number of residents a Large Residential Community Care Facility can serve. The maximum number of residents served by a Large Residential Community Care Facility is determined by the approved Use Permit on a case by case basis. Additionally, there are no zoning limits on the number of Facilities allowed within a specified area or minimum distance required from other existing Facilities.

Valley Oak Habitat (VOH) Combining District:

The purpose of the Valley Oak Habitat (VOH) zoning overlay is “To protect and enhance valley oaks and valley oak woodlands and to implement the provisions of Section 5.1 of the general plan resource conservation element.” The VOH zoning overlay covers the most of the project property, however the project does not result in any new grading or construction.

ANALYSIS

General Plan Consistency

Land Use:

The Sonoma County General Plan designates the site as Rural Residential with a density 2-acre density (2 acres per dwelling unit/ 2 acres of land). The RR designation allows for residential uses, including residential community care facilities. The proposed project would not increase development intensity or subdivision potential

Noise Standards:

The project applicants retained Illingworth & Rodkin Inc. (I&R) to measure and report the environmental noise levels in close proximity to the outdoor basketball court at the facility and at their two closest property lines to adjacent noise sensitive uses to document both the noise levels produced by basketball court activities and ambient conditions near the play area. Noise control in accordance with Sonoma County General Plan Table NE-2 is a standard condition. Based on the study submitted by I&R, the measured sound levels at the southern and western property lines, where the basketball court is located, are shown to be in compliance with the Sonoma County General Plan Noise Standards. A review of this table and the attached charts indicates that sound levels during the identified hours of basketball play did not exceed the Sonoma County General Plan Noise Standards.

If noise complaints are received from nearby residents, and they appear to be valid complaints in Permit Sonoma’s opinion, a standard project Condition of Approval requires the applicant to conduct a Noise Study to determine if operations meet noise standards and identify any additional Noise Mitigation Measures if necessary. Typically, a valid noise complaint consists of the name and contact information of the person making the complaint, as well as specific details on the date and time the facility exceeded noise standards, such as “Loud music was played from midnight until 2am on Saturday, March 5, 2022.”



Water Resources:

The subject lot is located within a Groundwater Availability Area 2 Zone, classified as a Major Natural Recharge Area, and located within the Petaluma Valley Groundwater Basin, a medium priority basin under the State Groundwater Management Act (SGMA). The existing project well is constructed in the Pliocene to Miocene-aged Wilson Grove Formation, one of the principal aquifers within Sonoma County. In response to public concerns raised, the applicant provided a Water Use Estimate, prepared by O’Connor Environmental Inc. dated June 29, 2021 (Attachment 11). The report estimates the groundwater use to be 0.55 acre-feet per year under existing conditions, and 0.86 acre-feet per year under proposed conditions. Permit Sonoma’s Professional Geologist reviewed the report and determined the increase of 0.21 acre-feet per year is on par with an accessory dwelling unit and is considered a small increase in groundwater use within the Class 2 Major Natural Recharge Groundwater Basin. Furthermore, the increased water use is entirely interior water use that will be discharged to the onsite septic system. Much of the effluent is expected to recharge back into the groundwater aquifer. According to assumptions of the Petaluma Valley Groundwater Sustainability Plan, 80% of septic system effluent recharges to groundwater, thus the net increase in groundwater that is consumed or lost from the aquifer system is likely considerably less than 0.21 acre-feet per year. In consideration of the small increase in groundwater use, impacts to groundwater in the area are expected to be less than significant.

Consistent with Permit Sonoma Policy 8-1-3, the project is conditioned to require groundwater monitoring.

West Petaluma Area Plan

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 affect agricultural uses within the Plan area.

Zoning Consistency

The project is consistent with the Sonoma County Zoning Code’s standards for a Large Residential Community Care Facility in that the site is not subject to a Williamson Act contract, the project meets development standards for residential development in the AR zoning district, and there will be no removal of Valley Oak Trees. The project proposes a Large Residential Community Care facility for a maximum of 10 residents with 20 part-time and full-time employees. Staff finds 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 residents; 2) no additional development for the facility is proposed; 3) outside activities are supervised by at least one staff person at all times; 4) the site is staffed with a minimum of 2 employees 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 residents are in a highly structured environment and are kept occupied and supervised at all times; 6) water conservation measures such as a reduction in irrigation for landscaping, utilization of low flow toilets and showerheads, and capturing water to use for plants and outdoor watering are incorporated into daily site management; 7) Special Events and Cultural Events are not permitted with this Use Permit request; 8) Residents at Muir Wood are supervised at all times and are not permitted to leave the premises at any time unless accompanied by staff or with their family.



Environmental Analysis

The project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to the Provisions of Title 14 of the California Administrative Code, Section 15301 Existing Facilities because the request is for a minor an existing facility with a minor expansion of the existing use and no new development is proposed. The basis for this determination is that the project requires a negligible increase in groundwater use, the existing septic system has sufficient capacity for the minor expansion in use as the onsite septic system was approved for a six-bedroom residence, only to expand the number of people from 6 to 10 to allow for a maximum of 10 residents. No proposed increase in visitations and deliveries is needed or proposed for the minor expansion in use.

Furthermore, no exceptions listed under Section 15300.2 apply. The basis for this determination is that the project is not located within an area of hazardous or critical concern, thus shall not impact environmental resources of hazardous or critical concern. The project will not result in cumulative impacts as off-site impacts to adjacent properties would be insignificant; there is adequate provisions for water and wastewater disposal; and the project involves a minor expansion of an existing use with new development. The project has been analyzed to conclude that no significant environmental effects will result because of unusual circumstances. The project is not located near a State Designated Scenic Highway thus, no damages to Scenic Resources will incur from the project. The parcel is not located in an area with known historical resources, thus will not have a substantial adverse change in the significance of a historical resource.

NEIGHBORHOOD/PUBLIC COMMENTS

Letters of concern:

Letters of concern have been received from neighbors of the project and are provided under Attachment 12. In summary, concerns for the project include existing neighborhood compatibility issues, future expansion of Muir Wood’s facilities, and that the two existing facilities (1733 and 1743 Skillman Lane) appear to be managed as a single operation. The public has also raised concerns with inadequate notification of the public hearing, security and history of law enforcement activity at the two existing facilities; as well as lighting issues, high noise and activity levels, traffic, ambulance visits, arguing with neighbors, and capacity of septic and water supply in the area. An email of concern has also been received specifically concerning the drying of a neighboring well in the area.

Response to Concerns Raised:

To address some of the concerns raised by neighbors, the applicants invited neighbors to attend an open house on June 24, 2021. Five neighbors participated in the open house.

In response to the Board of Zoning Adjustments’ request for supplemental information and concerns raised by public comments submitted since October 2021, staff obtained the following information:

- Sheriff Call Logs on the Muir Wood facilities operating at 1733 and 1743 Skillman Lane, as well as Call Logs for three other facilities that operate under the same type of State License (Type “730”) which include Muir Wood’s facility at 900 Lohrman Lane, Petaluma; TLC Child & Family Services facility at 1800 Hwy 116 N, Sebastopol; and, Hanna Boys Center at 17000 Arnold Drive, Sonoma. Staff’s summary tables and copies of the Sherriff Call Logs for all five facilities are under Attachment 14.



- Rancho Adobe Fire District confirmed the Fire District has responded to the Skillman Lane facilities five times since 2013. One call was due to a Smoke Detector Activation and the other four calls were canceled in route. The Fire Marshal believed the other four calls were Smoke Detector Activations as well, but in these cases the alarm company was able to verify “No Fire” and canceled their response (Fire Marshal email dated November 27, 2021 under Attachment 15).
- REDCOM call logs document the five calls described by Rancho Adobe Fire District above, plus two additional calls which involved an Agency Assist by Petaluma Police Department, and a Disturbance Report. REDCOM call logs are under Attachment 16.
- California Community Care Licensing (State Department) confirmed the distance required between residential care facilities is 300 feet, and that the Muir Wood Skillman Lane facilities are in full compliance with State licensing regulations for residential care facilities. There have been no non-compliance notes recorded in state reviews. Copies of the State’s Facility Evaluation Reports for 1733 and 1743 Skillman Lane properties are under Attachment 17.
- Permit Sonoma’s Well and Septic Division verified 1743 Skillman Lane has an active permit for a Non-Standard Septic System Operational Permit and Monitoring program under File No. OPR19-0131. After the subdivision recorded in 2016, the Assessor established a new APN for the 1743 Skillman Lane property; however Permit Sonoma’s septic records continued to reference the original APN and address for the 1733 Skillman Lane parcel. In January 2022, Permit Sonoma’s Well and Septic staff corrected the APN and addressing issue and confirmed the self-monitoring septic form filed under OPR19-0131, dated March 30, 2021, is the only self-monitoring form that has been submitted for 1743 Skillman Lane (see Attachment 18). The Well and Septic Section confirmed that as of March 2021, the septic system on 1743 Skillman Lane was functioning properly according to the self-monitoring form. Well and Septic staff also noted the landowner has not been submitting self-monitoring forms for either Skillman Lane property on a consistent basis. Staff has incorporated a standard condition into UPE20-0008, specifically Condition of Approval No. 8, which requires the applicant complete a septic system inspection prior to commencing the operation of the expanded use. The applicant is required to present the final clearance from the Well and Septic section of Permit Sonoma to the project planner before the proposed operation can commence.

In response to concerns regarding noise and lighting issues, staff has incorporated exterior lighting and additional noise conditions into the recommended conditions of approval for the project under Conditions No. 17, 33, 34, and 35. Lastly, in response to comments made on the need for more public notification, Permit Sonoma expanded the standard 300-foot public hearing notification buffer to 0.4 miles from the project site.

Letters of support:

Letters of support have been received from neighbors and family members of residents that Muir Woods has treated. Letters of support are provided in Attachment 13. In summary, support for the project includes being kind neighbors whom upkeep their property nicely, being a non-nuisance to the neighborhood, and fostering a local program that provides a valuable service to the local residents. A letter received by Nor-Cal Pump Works, who installed and services both the water and septic systems on site, summarized the site, water reducing measures and conservation practices and explains well drilling practices in relation possible causes of wells running dry.



RECOMMENDATIONS

Staff Recommendation

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve the Use Permit request for a Large Residential Community Care Facility subject to the attached Conditions of Approval.

ATTACHMENTS

1. General Plan Land Use Designation Map
2. Zoning Map
3. Aerial View
4. Vicinity Map
5. Proposal Statement
6. Site Plan
7. Main Floor Plan
8. Upper Floor Plan
9. Elevations
10. Noise Study
11. Groundwater Study
12. Letters of Concern
13. Letters of Support
14. Sheriff call logs with Summary tables for 5 facilities
15. Rancho Adobe Fire District Response for 1743 Skillman Ln.
16. REDCOM call logs for 1743 Skillman Ln.
17. State Facility Evaluation Reports for 5 facilities
18. Septic Monitoring Report for 1743 Skillman Ln.
19. Draft Board of Zoning Adjustments Resolution
20. Exhibit “A” Draft Conditions of Approval