



SUMMARY REPORT

Agenda Date: 6/6/2023

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Doug Bush, Planner III, (707) 565-5276

Vote Requirement: Majority

Supervisorial District(s): First

Title:

2:00 P.M. - PLP22-0009, Request for Rezone and Certificate of Modification to allow an Accessory Dwelling Unit at 19675 7th St. E

Recommended Action:

(1) Conduct a public hearing, (2) find the project exempt from the California Environmental Quality Act, (3) adopt an ordinance (Attachment 1) approving a zone change to remove the Z Accessory Dwelling Unit Exclusion Combining District from the subject parcel and (4) approve a certificate of modification to expand a building envelope and revise a note on the parcel map to accommodate a future ADU. (First District)

Executive Summary:

The subject parcel at 19675 7th St E (APN 127-291-036) was created (Subject Parcel) through a minor subdivision, approved in 2007 (PLP05-0102). As a condition of this 2007 subdivision, the Subject Parcel was required to establish a building envelope to specify the potential location of future development. A note was also added to the 2007 subdivision map to preclude the construction of an ADU and the Z Accessory Dwelling Unit Exclusion Combining District was later applied to reflect this prohibition.

The applicant is now interested in pursuing future construction of an ADU, which would otherwise be a permitted use in this zoning district as it is for most parcels in the immediate vicinity. To apply for future permits to construct an ADU, the applicant has requested a zone change to remove the Z zoning designation and a certificate of modification to expand the building envelope on the Subject Parcel and revise the note on the 2007 parcel map currently prohibiting an ADU (Project).

The Planning Commission held a public hearing on April 20, 2023 and made a unanimous recommendation of approval.

Discussion:

This Project includes requests for a rezone and certificate of modification:

- A. Rezone the subject parcel to remove the Z Accessory Dwelling Unit Exclusion Combining District. This would remove a prohibition on an ADU that is otherwise permitted by the base zoning of the parcel.

1. Existing Zoning: AR, B6 3, Z, VOH.
2. Proposed Zoning: AR, B6 3, VOH.

- B. Modify recorded Parcel Map PLP05-0102 (Book 736, Pages 33-35, Sonoma County Records) through a Certificate of Modification to expand a building envelope located on Parcel 1, 25 feet to the west and revising a note on the parcel map to allow for the development of an ADU on Parcel 1. If approved in tandem with the proposed rezoning, these changes would remove a prohibition on ADUs and provide sufficient space to accommodate potential future development of one ADU.

The Sonoma County General Plan supports the removal of constraints to the provision of affordable housing, including the removal of the Z overlay on a parcel-by-parcel basis, where there are not water, groundwater contamination, traffic or significant fire hazard issues. As described in the Planning Commission staff report (Attachment 2), the applicant has addressed each of these issues in the application and demonstrated that the Subject Parcel can support an ADU.

Staff finds no justification for maintenance of the ADU prohibition on this parcel. Further, staff finds that granting the requested certificate of modification and rezoning would support the provision of urgently needed affordable housing and would be consistent with the Zoning Ordinance and General Plan.

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. As included in the attached resolution, these findings are as follows:

- A. There are changes in circumstances which make certain conditions on the map no longer appropriate or necessary. The prohibition on accessory dwelling units was originally imposed in this subdivision to prevent the property from exceeding the maximum residential density permitted by general plan. At the time it was imposed, an accessory dwelling was considered as distinct residential dwelling unit which would exceed the allowable density on the parcel had it been permitted. Changes in state law since that time however now clarify that an accessory dwelling unit may not be considered additional density and should instead be treated as an accessory use to the primary dwelling.
- B. The proposed modifications do not impose any additional burden on the present fee owner of the property. The proposed modifications are being requested by the current owners of the property to provide relief from current restrictions.
- C. The modifications do not alter any right, title or interest in the real property reflected on the recorded map.
- D. The map as modified, conforms to all the provisions of the Subdivision Map Act and local implementing

ordinances (Section 66472.1 of the Subdivision Map Act and Section 25-13.8 of the Sonoma County Subdivision Ordinance).

The Project is exempt from the California Environmental Quality Act, pursuant to:

- A. Public Resources Code section 21080.17 and CEQA Guidelines § 15282(h), which provide a statutory exemption for adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2, regarding permitting of Accessory Dwelling Units (ADUs). The proposed rezoning would provide for the creation of an ADU in an area zoned to allow residential development; and,
- B. CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, because the proposed zone change would not result in any changes in land use or density and is proposed on a site with an average slope of less than 20 percent.

Strategic Plan:

“Healthy and Safe Communities: Goal 3. In collaboration with cities, increase affordable housing development near public transportation and easy access to services.”

This application requests relief from limitations on the applicant’s ability to construct an ADU on a parcel within ¼ mile of the City of Sonoma. The County recognizes that ADUs are affordable by design and are an essential component of meeting the County’s housing targets. Approving the requested certificate of modification and rezone would facilitate the creation of an ADU and in doing so, would support meeting the Board’s strategic objective to support quality, affordable and equitable housing.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

Not Applicable

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Att 1 PLP22-0009 Ordinance

Att 1a PLP22-0009 Sectional District Map

Att 2 PLP22-0009 Planning Commission Staff Report and Resolution

Att 2a PLP22-0009 Planning Commission Resolution

Att 3 PLP22-0009 Conditions of Approval

Att 4 PLP22-0009 Project Review and Advisory Committee Record of Action

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Att 5 PLP22-0009 Project Proposal Statement

Att 6 PLP22-0009 Project Plans

Att 7 PLP22-0009 BOS Presentation

Related Items “On File” with the Clerk of the Board:

Not Applicable