



County of Sonoma

State of California

Date: July 9, 2019

Item Number: _____

Resolution Number: _____

ZPE15-0654 Derik Michaelson

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Finding The Project Exempt From CEQA And Denying An Appeal And Upholding Approval Of A Zoning Permit For A Hosted Rental To Craig Lichty And Lisa Kilday For Property Located on At 16690 Mission Way In Sonoma.

Whereas, the applicant, Craig Lichty, filed a Zoning Permit application with the Sonoma County Permit and Resource Management Department (Permit Sonoma) to establish and operate a hosted rental use within a 678 square-foot legal nonconforming guest house structure located on a one acre parcel at 16690 Mission Way in Sonoma; APN 056-562-004; Zoned RR B6, X; Supervisorial District No 1; and

Whereas, this project has been found to be categorically exempt from CEQA Guidelines, pursuant to Section 15301 (Existing Facilities), which applies to the permitting of private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination;

Whereas, Section 26-18-010(u) (Permitted Uses - Rural Residential District) provides that hosted rentals are allowed in a Rural Residential zones subject to issuance of a zoning permit, and conformance with Section 26-88-118 (Special Use Standards for Hosted Rentals and Bed and Breakfast Inns); and

Whereas, conformance with Section 26-88-118 requires that a detached accessory structure proposed for hosted rental use be "legally permitted" as a guesthouse; and

Whereas, in 1986, Permit Sonoma issued a final inspection permitting the legal size, location, and occupancy of the existing guesthouse; and

Whereas, in 1993, the County adopted changes to Section 26-02-140 (Zoning Definitions) of its Zoning Ordinance making the lawfully existing guest house "nonconforming" in its size and in its proximity to the neighboring residence; and

Whereas, Section 26-94-010 (Nonconforming Uses) provides that a “lawfully existing” use which does not conform to current standards is permitted by right to continue but cannot be increased or enlarged, nor expanded to occupy a greater area; and

Whereas, on August 1, 2016, Permit Sonoma approved the applicant’s Zoning Permit request allowing use of the existing guest house for hosted rental purposes in accordance with Sections 26-88-118 and 26-94-010; and

Whereas, on August 4, 2016, the neighboring property owners, Cheryl and Jack Hoey at 16675 Mission Way, filed a timely appeal of Permit Sonoma’s decision; and

Whereas, on January 24, 2019 in accordance with the provisions of law, the Board of Zoning Adjustments conducted a public hearing and received all relevant oral and written testimony and evidence presented or filed regarding the project. All interested persons were given an opportunity to be heard. At the conclusion of the public hearing, the Board of Zoning Adjustments closed the public hearing, discussed the project, and on a 5-0-0 vote found the project exempt from CEQA, denied the appeal and approved the project; and

Whereas, on January 30, 2019, the appellant, Carmen Carlton at 16742 Mission Way, filed a timely appeal of the Board of Zoning Adjustments’ decision; and

Whereas, on June 11, 2019, the Board of Supervisors conducted a duly noticed public hearing on the appeal. At the Board hearing, the Board heard and received all relevant testimony and evidence presented orally or in writing regarding the appeal. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed the appeal, found the project exempt from CEQA, and denied the appeal and approved the Project, subject to the Conditions of Approval imposed herein.

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following findings:

1. The requested permit is categorically exempt from CEQA Guidelines, pursuant to Section 15301 (Existing Facilities), which applies to the permitting of private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination; and
2. The proposed use allows transient occupancy of a legally permitted guest house for hosted rental purposes and therefore meets the express standard of the County’s hosted rental ordinance as required under Section 26-88-118; and

3. The proposed use does not increase the legal nonconforming use of the property because it is contained within an existing structure, does not increase the area of the structure subject to the use, does not change the level of occupancy or character of the use as a structure for periodic habitation, and is therefore consistent with the County's current nonconforming use provisions in Section 26-94-010; and
4. 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. The proposed use is specifically allowed under County code; and
 - b. The proposed use will occupy an existing structure already constructed on the property; and
 - c. The use as permitted is subject to the conditions of approval attached as Exhibit A to this Resolution which require the use to operate in compliance with performance standards in Section 26-88-118 to ensure that hosted rentals are compatible with and do not adversely impact surrounding residential uses. Those standards limit food service to breakfast for guests only, prohibit events, limit vehicles to one per hosted rental, provide noise limits, prohibit outdoor amplified sound, place limits on pets and outdoor fire areas and require adequate and functioning septic systems or a sewer connection.

Be It Further Resolved that the Board of Supervisors hereby denies the appeal and grants the requested Zoning Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.