



Sonoma County Planning Commission STAFF REPORT

FILE: PLP22-0009
DATE: April 20, 2023
TIME: At or after 1:00 PM
STAFF: Doug Bush, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Property Owner / Applicant: Robert and Paige Locke
Address: 19675 7th St E, Sonoma
Supervisory District(s): 1
APN: 127-291-036
Description: Request for a zone change and a certificate of modification
CEQA Review: CEQA statutory exemption (Pub. Resources Code section 21080.17, ordinances implementing Government Code section 65852.2 re Accessory Dwelling Units); CEQA categorical exemption (CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations)
General Plan Land Use: Rural Residential (RR), 3 acres per dwelling unit density
Zoning: AR (Agricultural and Residential), B6 3 (Density limit of one dwelling unit per 3 acres), Z (Accessory Dwelling Unit Exclusion Combining District), VOH (Valley Oak Habitat Combining District)

RECOMMENDATION

The Permit Resource and Management Department recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors 1) find the project exempt from the California Environmental Quality Act, 2) approve a zone change to remove the Z Accessory Dwelling Unit Exclusion Combining District from the subject parcel, and 3) approve a certificate of modification to expand a building envelope and revise a note on the parcel map to accommodate a future ADU.

EXECUTIVE SUMMARY

The subject parcel was created through a minor subdivision, approved in 2007 (PLP05-0102). As a condition of this subdivision, the parcel was required to establish a building envelope to specify the potential location of future development. A note was also added to the 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 the majority of parcels in the immediate vicinity. In order to apply for future permits to construct an ADU, the applicant has applied to expand the building envelope, revise the note on the map currently prohibiting an ADU, and remove the Z zoning overlay.

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, flooding, or sewage treatment issues. The applicant has demonstrated that the parcel can support an ADU by addressing each of these issues in the application. 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.

PROJECT SITE AND CONTEXT

Site Characteristics

The project site is 3.02 acres and is located on the west side of 7th Street East, approximately 100 feet east of the City of Sonoma city limits. The site is developed with a single-family residence, landscaped yards immediately adjacent to the structure, and vineyards throughout the remainder of the site.

Area Context and Surrounding Land Uses

The project site is surrounded by residential parcels zoned AR (Agriculture and Residential) and RR (Rural Residential). The site is approximately 100 feet from medium density residential areas within the City of Sonoma. The Z Combining District is located on this and the adjacent parcel but is otherwise not present within ½ mile of the subject parcel. The majority of parcels in the immediate vicinity have one or more accessory structures including guest houses and accessory dwelling units.

Water/Wastewater/Utilities

The parcel is served by an existing well and septic system. See the zoning discussion for further details and discussion regarding groundwater on the site.

PROJECT DESCRIPTION

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

- 1) 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.
 - a. *Existing Zoning: AR, B6 3, Z, VOH.*
 - b. *Proposed Zoning: AR, B6 3, VOH.*
- 2) 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.

- a. *Building Envelope.* The existing building envelope maintains a 50-foot rear setback. The project proposes to revise the existing envelope on Parcel 1 to allow for a 25-foot rear setback, which would exceed the standard 20-foot rear setback by 5 feet. ADUs in rear yards are typically permitted 4 feet from a rear property line but with the proposed building envelop, would be subject to a 25-foot setback. The PRAC Record of Action from 8/21/08 (Attachment 3) regarding the original subdivision includes a recommendation that a building envelope be established on the lot. The record of action does not provide justification for this recommendation and no explanation was maintained in the records of that subdivision. Staff finds that there are no site-specific constraints or conditions which would support denial of the requested expansion.
- b. *Note on Map.* The note on the map prohibiting second units on Parcel 1 and Parcel 2 was done to prevent a second unit from exceeding the allowable residential density of the lot. Since that time however, changes have been made at the state level which establish that second units (now called Accessory Dwelling Units) do not count toward residential density. As a result of these state changes, the issue of density is no longer a valid justification for maintenance of the second unit prohibition on the parcel. The applicants now request that the note be amended so that it would no longer apply to Parcel 1.

Ordinance and Project History

The table below summarizes key project milestones and events.

Table 1- Project History/Milestone

Date	Project History/Milestone
February 6, 2007	PLP05-0102 was approved, permitting a minor subdivision yielding two separate lots, 127-291-036 (3.02 acres) and 127-291-037 (4.02 acres)
March 14, 2022	Applications were submitted for a zone change and certificate of modification.
July 13, 2022	PLP22-0009 is deemed complete
February 16, 2023	PRAC Hearing #1
March 16, 2023	PRAC Hearing #2
April 20, 2023	Planning Commission hearing
Date TBD	Board of Supervisors hearing

Project Review and Advisory Committee

The project was reviewed by the Project Review and Advisory Committee (PRAC) on February 16, 2023. Note 15 on the parcel map precludes an accessory dwelling unit on both Parcel 1 (subject parcel) and Parcel 2 (neighboring parcel). The applicant originally requested that the note be deleted entirely. This would have required the owners of Parcel 2 to be co-applicants, which was not the applicant’s intention. With this clarification noted in the meeting, the Committee requested that the item be brought back with appropriate revisions and clarification. In response, the applicant revised their project proposal to narrow the scope of their



request, clarifying that any changes to Note 15 would affect their parcel only. Staff brought the application back to a PRAC meeting on March 16, 2023 and the Committee recommended approval (Attachment 4) of the revised application.

ANALYSIS

General Plan Consistency

Permitting accessory dwelling units on qualifying properties is consistent with General Plan Housing Element goals and objectives to increase opportunities for the production of affordable housing.

Objective HE-3.1 seeks to “eliminate unneeded regulatory constraints to the production of affordable housing” and Objective HE-3.3 seeks to increase opportunities for the production of affordable housing. ADU surveys conducted by the County in 2006, 2013, and 2019, found that a majority of ADUs are offered at below-market rates that are affordable to moderate income households. The California Department of Housing and Community Development consider ADUs as an innovative, affordable, effective options for adding housing.

Since 2005 the County has been accepting and approving requests to remove the Z overlay on a case by case basis. In 2009, the Board of Supervisors adopted General Plan Policy HE-3c to “review Z Combining District restrictions on agricultural parcels of less than 10 acres county-wide, and consider removing the restrictions where appropriate.” In 2019 the County adopted Ordinance No. 6285, which removed the “Z” Accessory Dwelling Unit Exclusion Combining District from approximately 1,924 specified parcels located in the LIA, LEA, and DA zoning districts countywide that met certain screening criteria. The subject parcel is not in an agricultural zone so it was not part of that county-led effort, and is still eligible to request a rezone.

Staff Analysis:

The County of Sonoma has historically used the Z Combining Zone to preclude ADUs in those limited circumstances where, due to the unique circumstances of a lot, it may be unsafe or infeasible due to lack of water, high fire risk or factors. Permit Sonoma supports applications for rezoning to remove the Z Combining Zone, where an applicant has demonstrated that all current ADU regulations could be met. As discussed below with respect to zoning consistency, the applicant has demonstrated how an ADU could be supported on the site. Granting the requested rezone and certificate of modification would be consistent with the general plan and would increase housing opportunity by removing regulatory barriers that unnecessarily constrain the production of affordable housing which could be used to house long term tenants and is precluded by county code for use as a short term or hosted rental.

The applicant has not applied for an ADU at this time, and the approval of these entitlements would not be equivalent to project approval, however it would remove barriers to future application for construction related permits through Permit Sonoma.

Zoning Consistency

Agricultural and Residential Zoning District

ADUs are ministerially permitted in zoning districts that allow single-family or multi-family dwellings, in compliance with Government Code § 65852.2, the requirements of the Sec. 26-88-060, and all other requirements of the applicable zoning district in which an ADU is permitted. ADUs and Junior ADUs do not count



towards the site’s density limits. The ADU will be evaluated ministerially for compliance with all applicable development standards when a building permit application is submitted.

Rezoning the parcel to remove the Z overlay allows the property owner to apply to construct an ADU in a zone where an ADU is otherwise permitted.

Z Accessory Dwelling Unit Exclusion Combining District,

The purpose of Z Combining District is to provide for the exclusion of accessory dwelling units in areas that meet certain criteria found in Article 76 of the Sonoma County Code. Applications to remove the Z Combining District must demonstrate how these criteria do not apply. These criteria are shown below followed by a response regarding this application.

- a) *Areas where there is an inadequate supply of water for drinking or firefighting purposes,*

The parcel is located within the Sonoma Valley basin, which is designated as high priority groundwater basin by the California Department of Water Resources. The adopted Sonoma Valley Groundwater Sustainability Plan has documented a groundwater depression and declining groundwater levels in the immediate vicinity of the project site, suggesting the local aquifer is in a condition of overdraft. For this reason, Permit Sonoma’s staff geologist requested a report demonstrating that the project will result in zero net increase in groundwater extraction. The applicant provided a report demonstrating to the satisfaction of the staff geologist, that removal of existing vineyard would yield no net increase in groundwater use on the subject parcel, and that sufficient water is available to serve a future accessory dwelling unit.

- b) *Areas where there are inadequate sewer services or danger of groundwater contamination,*

The Z Combining District was not applied to the subject parcel for reasons related to inadequate wastewater disposal. The parcel and the development facilitated by the project would be served by a septic system.

- c) *Areas where the addition of second units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways, and*

The Z Combining District was not originally applied to the subject parcel for reasons related to traffic hazards. The project site is located in a low-density residential area where the addition of an accessory dwelling unit would not create traffic hazards or increase the burden on the surrounding residential roadways.

- d) *Areas where, because of topography, access, or vegetation, there is a significant fire hazard.*

The Z Combining District was not originally applied to the subject parcel for reasons related to fire hazard. The parcel is not located in an area with elevated fire hazard and is located nearly ½ mile from the closest area with a moderate fire hazard designation.

Valley Oak Habitat Combining Zone

The parcel is located in the Valley Oak Habitat Combining Zone where impacts to valley oak trees require review and may require mitigation. There are no valley oak trees within the vicinity of the proposed building envelope.

Visual Analysis

The subject parcel is not in a SR (Scenic Resources) district so new development is not subject to design review or supplemental design standards. The site is flat and though the existing residence is visible from the public right of way, it is partially screened from view by vegetation along 7th Street East and landscaping around the existing structure. The building envelope and location of existing vineyard create an effective setback of over 250 feet from the public road which far exceeds the standard setbacks otherwise visible in the surrounding neighborhood and help create visual relief between the site and the public right of way. The surrounding neighborhood is characterized by expansive residential estates with large dwellings, the majority of which include multiple accessory structures such as pool and carriage houses, accessory dwelling units and detached multi-car garages. Any potential accessory dwelling unit facilitated by the proposed project would be limited to 1,200 square feet and must meet the same zoning and visual standards that apply to other lots in the immediate vicinity.

Subdivision Ordinance

Chapter 25 of the Sonoma County Code allows upon application in writing, minor modifications regarding notes, conditions, etc., on a recorded final or parcel map in accordance with the requirements of the Subdivision Map Act, Section 66472.1, by the advisory agency having jurisdiction over the original subdivision approval, if, after public hearing, the advisory agency makes the findings listed under the Subdivision Map Act heading below.

Subdivision Map Act

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:

1. 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.
2. 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.



3. The modifications do not alter any right, title or interest in the real property reflected on the recorded map.
4. 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).

Environmental Analysis

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

1. 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. The proposed rezoning would provide for the creation of an Accessory Dwelling Unit in an area zoned to allow residential development; and,
2. 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.

NEIGHBORHOOD/PUBLIC COMMENTS

A letter of support was submitted by John Diserens of 19651 7th St E, the adjacent neighbor to the north and owner of Parcel 2 of the subdivision (see attachments). Selma Blanusa of 19725 7th St E, the adjacent property to the south, provided her support in a conversation with staff.

PRIOR HEARINGS

Preceding Review Authority Recommendation

The Project Review and Advisory Committee held a public hearing on March 16, 2023 where they provided a unanimous recommendation for approval (Attachment 4), including the attached conditions of approval (Attachment 3).

ATTACHMENTS

- Att 1 PLP22-0009 Draft Ordinance
- Att 1a PLP22-0009 Sectional District Map
- Att 2 PLP22-0009 Planning Commission Resolution
- Att 3 PLP22-0009 Draft Conditions of Approval
- Att 4 PLP22-0009 Project Review and Advisory Committee Record of Action
- Att 5 PLP22-0009 Project Proposal Statement
- Att 6 PLP22-0009 Project Plans



Resolution Number 23-32

County of Sonoma
Santa Rosa, California

April 20, 2023

PLP22-0009 Douglas Bush

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA AND RECOMMENDING APPROVAL OF THE ZONE CHANGE AND CERTIFICATE OF MODIFICATION TO THE BOARD OF SUPERVISORS AS REQUESTED BY ROBERT LOCKE, FOR PROPERTY LOCATED AT 19675 7TH ST E, SONOMA; 127-291-036.

WHEREAS, the applicant, Robert Locke filed an application with the Sonoma County Permit and Resource Management Department to: 1) rezone the subject parcel from AR B6 3 VOH Z zoning districts to AR B6 3 VOH zoning district; and, 2) approve a certificate of modification for expansion of the building envelope and a revision to a note on the Parcel Map, on property located at 19675 7th St E, Sonoma; APN 127-291-036; Supervisorial District No. 1; and

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

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on April 20, 2023, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors find the project exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. Removal of the Z (Accessory Dwelling Unit Exclusion) Combining District is consistent with the RR (Rural Residential) general plan land use designation which supports low density residential use and accessory uses like accessory dwelling units.
2. The removal of the Z (Accessory Dwelling Unit Exclusion) Combining District is consistent with the Zoning Ordinance based on the following facts. The circumstances in this case are:
 - a. Removal of the Z combining district would allow for an accessory dwelling unit on the parcel. Accessory dwelling units are allowed in the AR Zoning District (Sec. 26-06-030, Allowed land uses). The parcel meets the Zoning Ordinance requirements for an accessory dwelling unit including standards contained in County Code Section 26-88-060.
 - b. Adequate wastewater disposal would be required of as part of permitting a accessory dwelling unit. The parcel and the development facilitated by the project would be served by a septic system with sufficient capacity to serve any proposed accessory dwelling unit.

- c. The parcel is not located in an area with existing traffic hazards and the addition of an accessory dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The parcel is not located in an established Fire Hazard Severity Zone as mapped by CalFIRE. The establishment of an accessory dwelling unit would not increase the fire risk and would be subject to applicable building and fire construction standards. Removal of the Z Combining District would not decrease public safety with respect to fire.
 - e. The parcel is located within the Sonoma Valley basin, which is designated as high priority groundwater basin by the California Department of Water Resources. The adopted Sonoma Valley Groundwater Sustainability Plan has documented a groundwater depression and declining groundwater levels in the immediate vicinity of the project site, suggesting the local aquifer is in a condition of overdraft. The applicant provided a report demonstrating to the satisfaction of the staff geologist, that removal of a portion of existing vineyard would be sufficient to accommodate a future accessory dwelling unit while generating no net increase in groundwater use on the subject parcel.
3. The following findings are made for approval of the Certificate of Modification, as required by Chapter 25 of County Code and Government Code Section 66469:
 - a. There are changes in circumstances which make any or all of the conditions of such 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).
4. The project is exempt from CEQA pursuant to:
 - a. Public Resources Code section 21080.17, 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. The proposed rezoning would make an accessory dwelling unit an allowed use 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;

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the requested project exempt from CEQA, and that it approve the requested Zone Change and Certificate of Modification.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission 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 Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

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

Commissioner Carr	Aye
Commissioner Gilardi	Aye
Commissioner Ocana	Aye
Commissioner Koenigshofer	Aye
Commissioner Deas	Absent

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

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