



Sonoma County Planning Commission STAFF REPORT

FILE: ZCE20-0002

DATE: March 16, 2023

TIME: At or after 1:05 pm

STAFF: Claudette Diaz, 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: Various

Applicant: Charles Williamson

Address: 22 parcels along North Castle Road and Half Moon Street in Sonoma.

Supervisory District(s): 1

APN: 127-111-005; 127-111-009; 127-111-012; 127-111-027; 127-111-033; 127-111-039; 127-111-044; 127-111-045; 127-111-050; 127-111-051; 127-111-062; 127-111-069; 127-111-070; 127-111-071; 127-111-075; 127-111-092; 127-111-093; 127-111-102; 127-111-103; 127-540-032; 127-540-034; 127-540-036

Description: Request for a Zone Change to add the Vacation Rental Exclusion (X) Combining Zone to 22 Parcels along North Castle Road and Half Moon Street in Sonoma to prohibit future vacation rentals on the subject parcels.

CEQA Review: CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations

General Plan Land Use: Rural Residential (RR), 15 Acre Density (15), 2 Acre Density (2)

Specific/Area Plan Land Use: N/A

Ordinance Reference: Sec. 26-08-010 -050 — Residential Zones
Sec. 26-28-160 — Lodging: Vacation Rental
Sec. 26-79-008 -010 — X Vacation Rental Exclusion Combining District
Sec. 26-64-005 -050 — SR Scenic Resources Combining District
Sec. 26-65-005 -040 — RC Riparian Corridor Combining Zone
Sec. 26-67-005 -050 — VOH Valley Oak Habitat Combining District
Sec. 26-88-118 — Special Use Standards for Hosted Rentals and Bed and Breakfast Inns
Sec. 26-90-120 — Local Area Development Guidelines Taylor Sonoma Mayacamas Mountains (MTN)



Zoning: Various, see Attachment 2

RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors find the project exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines Section 15305 and adopt an ordinance to add the Vacation Rental Exclusion (X) Combining Zone, to the 22 subject parcels.

EXECUTIVE SUMMARY

The Applicant proposes to rezone 22 parcels, totaling approximately 56 acres, on North Castle Road and Half Moon Street in Sonoma to add the Vacation Rental Exclusion (X) Combining Zone.

In 2016 the Board of Supervisors adopted Ordinance No. 6168 for a Vacation Rental Exclusion (X) Combining Zone Ordinance. The X Combining Zone was initially applied to various parcels located within the 1st and 4th Supervisorial Districts, including parcels south of the project area, within the Nut Tree/Apple Tree neighborhood and parcels bordering Winter Creek Road. The Nut Tree/ Apple Tree neighborhood, along with other neighborhoods in the unincorporated county, were identified as having characteristics that necessitate vacation rental exclusions, such as low housing availability and poor neighborhood compatibility.

Article 79 - Vacation Rental Exclusion (X) Combining Zone of the Sonoma County Code may be applied to neighborhoods on a case-by-case basis to ensure a balance between the economic opportunity that vacation rentals provide and the residential character of neighborhoods. The X Combining Zone would not allow for new vacation rental applications. Existing, fully permitted vacation rentals would be able to continue to operate, but their permits would expire upon sale or transfer of the property. All other uses permitted in the respective base zone(s) would remain unchanged including the allowance for Hosted Rentals.

The project area meets criteria for inclusion to the X Combining Zone in that there is inadequate road access due to substandard roads, the area is located in a high fire hazard area, and that vacation rentals would pose a risk to the neighborhood character.

In February of 2020, the project applicants, and their neighbors began meeting to discuss adding the X Combining Zone to the project area. The property owners identified concerns regarding inadequate road access, neighborhood compatibility, and safety since the project area is located in moderate and high fire hazard severity zones. All property owners of the 22 subject parcels documented support of the project and requested that the X Combining Zone be added to the project area.

As of March 7, 2023, there are currently no active vacation rental permits on the subject parcels.

PROJECT SITE AND CONTEXT

Background

The X Combining Zone was adopted by the Board of Supervisors on March 15, 2016. In areas where the Vacation Rental Exclusion (X) Combining Zone is adopted, no new vacation rental applications can be accepted. Existing, fully permitted vacation rentals are able to continue operation, but their permits expire upon sale or transfer of the property. Hosted rentals, limited to the transient rental of one bedroom with the owner in residence, are allowed within the Vacation Rental Exclusion (X) Combining Zone.



In 2016, the X Combining Zone was added to the Nut Tree/Apple Tree neighborhood located 0.25 acres south of the project area due to the number of neighborhood complaints related to vacation rentals in order to preserve residential character and neighborhood compatibility.

On May 10, 2022, the Board of Supervisors set a moratorium on vacation rental applications countywide. The moratorium on new vacation rental permit applications has been in place since then and is set to expire on May 9, 2023.

Sight Characteristics

The project area totals approximately 56 acres in size, located 0.50 miles east of the City of Sonoma. The project area includes parcels ranging from 0.80 acres in size to 6.25 acres in size, developed with single family residences and residential accessory structures.

Area Context and Surrounding Land Uses

The project area is surrounded by residential parcels ranging from 0.80 acres in size to 25.00 acres in size and agricultural parcels ranging from 4.00 acres in size to 370.00 acres in size. The surrounding parcels are zoned Agriculture and Residential (AR), Rural Residential (RR), Land Intensive Agriculture (LIA), and Resources and Rural Development (RRD).

Direction	Land Uses
North	Rural Residential (RR)
South	Rural Residential (RR)
East	Land Intensive Agriculture (LIA), Resources and Rural Development (RRD)
West	Rural Residential (RR)

Access

The project area is accessed via Castle Road, a public right-of way. Table 1 below describes road width, maintenance, and parcel access.

Table 1- Road Access

Road Name	Description	Parcels
North Castle Road	40 feet wide; County Maintained	127-111-062, -039, -009, -033, -005, -069, -071, -070, -045, -044, -012, -050, -051
North Castle Road	40 feet wide; County ROW, unmaintained	127-111-075 and 127-111-103
Half Moon Street	50 feet wide; Private Access Easement	127-111-027, -092, -093, -102, and 127-540-032, -034, -036

A site visit conducted by Permit Sonoma's Fire Prevention Staff determined that North Castle Road and Half Moon Street do not meet County of Sonoma Chapter 13 Fire Safe Standards.

Wildfire Risk



The project area is located within a Moderate and High Fire Hazard Severity Zone, according to the 2020 Sonoma County General Plan Public Safety Element.¹

Table 2- General Plan Designated Fire Hazard Severity Zones

Fire Hazard Severity Zone, General Plan 2020	Parcels
Moderate	127-111-005, 127-111-009, 127-111-012, 127-111-027, 127-111-033, 127-111-039, 127-111-044, 127-111-045, 127-111-050, 127-111-051, 127-111-062, 127-111-069, 127-111-070, 127-111-071, 127-111-07, 127-111-092, 127-111-093, 127-111-103
High*	127-111-102, 127-540-032, 127-540-034, 127-540-036

*Parcels located within a previous burn zone for the 2017 Sonoma Complex Fire.

As of March 2023, CalFire Board of Forestry Fire Hazard Severity Zones has updated draft fire hazard severity zones which reclassifies the project area in its entirety to be located within a High Fire Hazard Severity Zone.²

Water/Wastewater/Utilities

The project parcels are served individually by private wells and septic systems.

A majority of the parcels within the project area are located within a Class 3 Groundwater Availability Area, which indicates marginal groundwater. Two of the parcels, 127-111-062 and 127-111-045, are located within a Class I Groundwater Availability Area, a major groundwater basin.

PROJECT DESCRIPTION

The Applicant proposes to add the Vacation Rental Exclusion (X) Combining Zone to 22 parcels totaling approximately 56 acres accessed from Castle Road to North Castle Road and Half Moon Street in Sonoma. Each parcel would retain its current base zoning and existing combining zones.

The proposed rezone area has moderate topography and has fire prone forest vegetation and substandard public and private roads (see Access section above).

Project History

The table below summarizes key project milestones and events.

Table 3- Project History

Date	Project Event/Milestone
02/25/2020	Application Accepted
01/18/2022	Deemed Complete

¹ "Public Safety: Wildland Fire Hazard Areas Figure PS 1g." Accessed January 13, 2023.

<https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetywildlandfirehazardareas>.

² "CalFire Board of Forestry Fire Hazard Severity Zones in State Responsibility Area." Accessed January 13, 2023.

<https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>

02/X/2023	Planning Commission Public Notice
03/X/2023	Planning Commission

Vacation Rental Exclusion (X) Combining Zone History

In March 2016, the Board of Supervisors approved the Vacation Rental Exclusion (X) Combining Zone Ordinance (ORD 6145), which prohibits vacation rentals in certain areas to preserve housing stock, protect neighborhood character, and avoid adding vacation rentals to areas with access limitations and high fire severity.

Table 4 below summarizes prior actions undertaken for the X Combining Zone.

Table 4- Vacation Rental Exclusion (X) Combining Zone Ordinance History

Date	Authority	Action Taken
03/15/2016	BOS	The Board of Supervisors adopted Article 79 Vacation Rental Exclusion (X) Combining Zone Ordinance (ORD 6145)
05/08/2018	BOS	The Board of Supervisors approved including 64 parcels in Glen Ellen to the X Combining Zone (ORD 6221)
08/02/2022	BOS	The Board of Supervisors adopted amendment to Article 79 applying a cap to vacation rentals (ORD 6386)

General Plan and Area Plans

The project area has a Rural Residential (RR) General Plan land use designation. The purpose of RR land use provides for very low density residential development on lands that have few if any urban services but have access to County maintained roads. Primary uses within RR are single family homes.

Zoning

The project area is zoned Agriculture and Residential (AR) and Rural Residential (RR), see Attachment 6 for the list of parcels and zoning designations. Both AR and RR zoning designations allow for vacation rentals subject to Section 26-28-160.- *Lodging: Vacation Rental* of the Sonoma County Code.

Other Development Regulations or Guidelines

The project area is located within the Local Guidelines Taylor/Sonoma/Mayacama Mountain Guidelines area.

ANALYSIS

General Plan Consistency

Because the proposal affects only transient use of existing residential properties with no new development or construction, it is consistent with the Land Use policies of the General Plan. Similarly, the applicable Local Guidelines and the Scenic Resources (SR) overlay have no impact on the proposal because it does not involve or enable any new development.

Housing Element:

- **Policy HE-1k:** Continue to regulate the use of existing residences on residential lands for vacation rentals.



- **Housing Element Program 6:** Review Vacation Rental Ordinance: The County will review and consider revisions to the vacation rental ordinance to limit conversion of permanent housing stock and make vacation rental uses more compatible, and to facilitate enforcement when necessary.

Approval of the proposed Zone Change to add the Vacation Rental Exclusion (X) Combining Zone is consistent with Policy HE-1k and Program 6 as it limits the conversion of existing residences for vacation rentals.

Zoning Consistency

The purpose of the Vacation Exclusion (X) Combining Zone is to exclude or limit concentration of vacation rentals in the following areas:

- a) There is inadequate road access or off-street parking;
- b) The prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
- c) The housing stock should be protected from conversion to visitor-serving uses;
- d) There is a significant fire hazard due to topography, access or vegetation;
- e) The residential character is to be preserved or preferred; and
- f) Other areas where the Board of Supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.

The X Combining Zone may be placed on parcels where one or more of the criteria above is met.

Inadequate Road Access or Off-Street Parking

A site visit conducted by Permit Sonoma's Fire Prevention Staff determined that North Castle Road and Half Moon Street do not meet County of Sonoma Chapter 13 Fire Safe Standards. These roads do not meet current private road standards in Sonoma County Code, Chapter 13 (Fire Safe Standards) and Chapter 25 (Subdivision Ordinance) as to width, shoulders, and numbers and location of turnouts and turnarounds, as determined by Permit Sonoma's Fire Prevention staff. These physical deficiencies combined with increased traffic from vacation rental guests who would be unfamiliar with the road constraints could affect road safety.

Parcels in the rezone area range from 0.8 to 6.25 acres and contain adequate space for off-street parking.

Preservation of Neighborhood Residential Character

The presence of vacation rentals, a type of visitor-serving use, in a residential neighborhood can change the character of that neighborhood. Neighborhood character refers to the look and feel of an area and includes the activities that occur there. Properties in the proposed rezone area consist mainly of relatively large parcels with large custom homes set-back from the road. Vacation rentals would not necessarily change the outward appearance of the properties and homes; however, vacation rentals would change the type and amount of human activity on the properties, potentially increasing nuisances such as traffic, noise, and garbage dumping, affecting the character of the neighborhood. The X Combining Zone could preserve the preferred residential character of the proposed rezone area.



Protection of Housing Stock from Conversion of Visitor-serving Uses

The 2014 General Plan Housing Element speaks to the trend increasing use of permanent residential units and lands for vacation uses, such as when single-family homes and condominiums are removed from the housing stock to be used as vacation rentals, which could lead to a loss of residential lands to visitor-serving uses. Objective HE-1.5 of the Housing Element is to limit the loss of existing housing stock to visitor-serving uses. Housing Element Program 6 limits the loss of residential lands and certain types of residential uses to visitor-serving uses.

Significant Fire Hazard

The project area is designated as Moderate and High Fire Hazard Severity Zone, by the General Plan and as a High Fire Hazard Severity Zone by CalFire. The project area has moderate to steep topography, inadequate road access due to substandard private roads, and fire prone forest vegetation.

Staff Analysis

The General Plan land use designation for the project is Rural Residential (RR) and varies in density from 2 acres per dwelling unit to 15 acres per dwelling unit. The project area consists of low-density residential development. Because the proposal affects only transient use of existing residential properties with no new development or construction, it is consistent with the Land Use policies of the General Plan.

Permit Sonoma's Fire Prevention staff conducted a site visit and determined that the project area has approximately 0.60 miles of substandard road conditions that do not meet Sonoma County Chapter 13 Fire Safe Standards. The project area is located in a moderate to high fire hazard severity zone, as determined by CAL FIRE, and has moderate to steep topography and fire prone vegetation. These physical deficiencies combined with increased traffic from vacation rental guests who would be unfamiliar with the road constraints could affect road safety.

The Applicant, and all 22 property owners, wish to preserve the residential character of the area, which comprised of single-family residences. The project meets criteria for inclusion to the X Combining Zone in that there is inadequate road access due to substandard roads, the area is located in Moderate and High Fire Hazard Severity Zones, and that vacation rentals are not compatible with the preferred neighborhood character.

Environmental Analysis

The proposed rezone is exempt from CEQA pursuant to CEQA Guidelines, Section 15305, Minor Alterations in Land Use Limitations, because the project does not result in any changes in land use or density.

NEIGHBORHOOD/PUBLIC COMMENTS

The applicant and neighboring property owners hosted several neighborhood meetings to discuss the rezone and concerns with road conditions and fire risks. All property owners within the project area support the project.

The project was notified to neighbors within 300 feet of the project parcels. No letters of opposition were received to date.

RECOMMENDATIONS

Staff Recommendation

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission recommend that the Board of Supervisors find the project exempt from the provisions of the California Environmental Quality Act pursuant to the provisions of Title 14 of the California Administrative Code, Section 15305 and approve the adoption of the Ordinance to add the Vacation Rental Exclusion Combining Zone to the designated parcels.

ATTACHMENTS

Attachment 1: Draft Resolution
Attachment 2: APN List
Attachment 3: Project Area Map
Attachment 4: Vicinity Map
Attachment 5: General Plan Land Use Map
Attachment 6: Zoning Map
Attachment 7: Proposal Statement
Attachment 8: Neighborhood Meeting Minutes