

Resolution Number 19-002

County of Sonoma
Santa Rosa, California

January 24, 2019
ZPE15-0654 Derik Michaelson

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, DENYING AN
APPEAL AND UPHOLDING APPROVAL OF A ZONING PERMIT
FOR A HOSTED RENTAL TO CRAIG LICHTY FOR PROPERTY
LOCATED AT 16690 MISSION WAY.

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 at 16690 Mission Way near 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, on September 3, 1986, Permit Sonoma issued a final inspection permitting the size, location, and legal occupancy of the structure as a guesthouse; and

WHEREAS, Sections 26-02-140 (Zoning Definitions) and 26-18-030(f) (Yard Requirements - Rural Residential) provide that the legally permitted guest house is now nonconforming in size and in 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 requested zoning permit allowing use of the guest house for establishment and operation of a hosted rental as provided by Sections 26-88-118 and 26-94-010; and

WHEREAS, on August 4, 2016, the neighboring property owners, Cheryl and Jack Hoey, filed a timely appeal contesting issuance of the permit on the basis that its approval allows use of an existing guest house with nonconforming zoning conditions; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on October 18, 2018, at which time all interested persons were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments 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.
 - b. The proposed use will occupy an existing structure already constructed on the property.
 - 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 Zoning Adjustments 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 Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's 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.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner Fogg who motioned to deny appeal. Seconded by Commissioner Kelley and passed with a 5-0 vote.

Commissioner Fogg- Aye
Commissioner Tamura - Aye
Commissioner Shahhosseini - Aye
Commissioner Kelley - Aye
Commissioner Lowry - Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.