



Legislation Details (With Text)

File #: 2023-0443

Type: Regular Calendar Item **Status:** Agenda Ready

File created: 3/28/2023 **In control:** Permit and Resource Management

On agenda: 4/24/2023 **Final action:**

Title: 9:00 AM -Add or amend Vacation Rental Exclusion and Cap Combining Zones for certain parcels in the 1st, 4th, and 5th Supervisorial Districts (ZCE23-0001)

Sponsors: Permit and Resource Management

Indexes:

Attachments: 1. Summary Report, 2. Att 1 ZCE23-0001 Ordinance and Exhibit A.pdf, 3. Att 2 ZCE20-0002 and ZCE23-0001 Planning Commission Resolutions.pdf, 4. Att 3 ZCE20-0002 Planning Commission Staff Report.pdf, 5. Att 4 ZCE23-0001 Planning Commission Staff Report.pdf, 6. Att 5 ZCE23-0001 Public Comments.pdf, 7. Att 6 ZCE20-0002 Neighborhood Meeting Minutes, 8. Att 7 ZCE23-0001 Fitch Mountain Association Community Survey Results.pdf, 9. Att 8 ZCE23-0001 Staff Presentation.pdf

Date	Ver.	Action By	Action	Result
4/24/2023	1	Board of Supervisors	Approved as recommended	Pass

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Gary Helfrich (707) 565-2404
Vote Requirement: Majority
Supervisorial District(s): First, Fourth and Fifth

Title:
9:00 AM -Add or amend Vacation Rental Exclusion and Cap Combining Zones for certain parcels in the 1st, 4th, and 5th Supervisorial Districts (ZCE23-0001)

Recommended Action:

Hold a public hearing, consider Planning Commission recommendation to add or amend the Vacation Rental Exclusion and Cap Combining Zones for certain parcels in the 1st, 4th, and 5th Supervisorial Districts, and adopt an ordinance implementing the rezoning as recommended by the Planning Commission and find the ordinance exempt from CEQA (Guidelines Section 15301 and 15061(b)(3)). (First, Fourth and Fifth)

Executive Summary:

On August 2, 2022, the Board of Supervisors held a public hearing and adopted ordinances prohibiting Vacation Rentals in the Low Density Residential (R1) Zoning District, amending the Vacation Rental Exclusion (X) combining zone to allow establishing 5% or 10% caps on the concentration of Vacation Rentals within specific areas, and amending the Vacation Rental Moratorium to allow processing of Vacation Rental permits submitted on or before May 10, 2022. The Vacation Rental Moratorium will expire on May 9, 2023.

At the August 2 meeting, the Board of Supervisors directed staff to identify neighborhoods where higher than average concentration of Vacation Rentals may impact public safety, neighborhood character, or preservation of housing stock and return with a recommendation for rezoning these areas prior to expiration of the Vacation Rental Moratorium.

On March 16, 2023, the Planning Commission considered 21 areas identified by Permit Sonoma Staff for rezoning as well as an existing 2020 application (ZCE20-0002) submitted by the North Castle Road neighborhood to add a Vacation Rental Exclusion Zone to their area. The Planning Commission recommendations are summarized in the discussion section below.

Discussion:

Background:

To accomplish the first phase of the Vacation Rental Exclusion and Cap Ordinance implementation before the Vacation Rental Moratorium expires, the project is limited to neighborhoods that have been previously studied and found to have a high concentration of Vacation Rentals, such as the lower Russian River, or areas where a clear preference to limit Vacation Rentals has been expressed by the local community. In the 5th Supervisorial District, areas included in the now expired 2020 Urgency Ordinance were considered, as these areas had already been mapped and evaluated for Vacation Rental concentration. In the 1st and 4th Supervisorial Districts, areas being recommended were identified based on community input. The 2nd and 3rd Supervisorial Districts have very few Vacation Rentals outside of the cities and neighborhoods within these Districts are not part of the current recommendation.

While Article 79 considers road access, on-street parking, evacuation access, and wildfire hazards, the current rezoning is focused on areas where the percentage of existing homes being used as Vacation Rentals is detrimental to preserving neighborhood character, but also considered road access, fire hazard, and evacuation routes.

Project Description:

Application of Exclusion Zones vs. Caps:

“Exclusion” is a prohibition of any new Vacation Rentals within a specific area. “Cap” is defined as a limit on the percentage of parcels developed with a single-family home within a specified area that may be used for Vacation Rentals. For example, a 10% cap would allow one Vacation Rental for every 10 residentially developed parcels, and a 5% cap would allow one Vacation Rental for every 20 residentially developed parcels.

Generally, Caps are most effective in areas with 150-400 parcels. Averaging Vacation Rentals over a very large area can result in localized concentrations within a larger area, while applying a cap to smaller areas allows so few Vacation Rentals that an Exclusion Zone may better address the neighborhood concerns.

Both Caps and Exclusion areas must be carefully selected to avoid pushing new Vacation Rentals into surrounding areas. However, Exclusion areas can also be used to prevent Vacation Rentals from impacting smaller areas where surrounding land use restrictions may force Vacation Rentals into these areas.

Planning Commission Recommendations - 1st and 4th Supervisorial Districts

Recommendations in the 1st and 4th Supervisorial Districts were based on direction received from the District offices in response to neighborhood input. Area-specific rezoning within the 1st and 4th Supervisorial Districts is recommended by the Planning Commission as follows:

Chiquita Road

This area is west of HWY 101 near the City of Healdsburg. Vacation Rental concentration in this area has increased since the City restricted Vacation Rentals and is currently 17.5%.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to preserve residential character by reducing Vacation Rental concentration.

Falcon Lane - Theodor Lane

This area in Sonoma Valley was not included in the surrounding Vacation Rental Exclusion (X) Combining District. This area now has the highest concentration of Vacation Rentals in Sonoma County.

Recommendation: Vacation Rental Exclusion (X) Combining District to preserve residential character by excluding Vacation Rentals.

Fitch Mountain

This area is between the Russian River and the eastern boundary of the City of Healdsburg. Neighbor surveys and input from Fitch Mountain Association supported converting the X zone to a cap and expanding the area to include all property between the Russian River and City of Healdsburg.

Recommendation: Replace the existing Vacation Rental Exclusion (X) Combining District with a Vacation Rental 5% Cap (X5) Combining District, consistent with neighborhood input and to preserve residential character by reducing Vacation Rental concentration.

Gates Road

This area is within a high fire severity zone and the existing private road serving the area does not meet Sonoma County Fire Safe Standards.

Recommendation: Vacation Rental Exclusion (X) Combining District to reduce public safety risk.

Glen Ellen

This area is in the center of Glen Ellen and covers a group of Limited Commercial parcels that are developed with single family dwellings. Surrounding areas are within the Vacation Rental Exclusion (X) Combining District

Recommendation: Vacation Rental Exclusion (X) Combining District to preserve residential character by excluding Vacation Rentals.

Hughes Chicken Colony

This area southwest of the intersection of HWY 12 and Ramal Road has a relatively high concentration (16.7%) of Vacation Rentals that impacts neighborhood character according to residents that have contacted the 1st District office.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to preserve residential character by reducing Vacation Rental concentration

Kenwood

This area is in on the northwest of Greene Street in Kenwood. This area was burned during the Nuns fire, but single family dwellings have been rebuild on most parcels. The surrounding residential area is both zoned R1, which prohibits Vacation Rentals and within the Vacation Rental Exclusion (X) Combining District.

Recommendation: Vacation Rental Exclusion (X) Combining District to preserve residential character by excluding Vacation Rentals.

Morton Rd

This area is north of Dry Creek Road near the City of Healdsburg. Vacation Rental concentration in this area has increased since the City restricted Vacation Rentals and is currently 14.4%.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to preserve residential character by reducing Vacation Rental concentration.

Palmer Avenue / Harrington Drive

This area South of the City of Sonoma has experienced a significant increase in Vacation Rental concentration since the City banned Vacation Rentals.

Recommendation: Vacation Rental Exclusion (X) Combining District to preserve residential character by excluding Vacation Rentals.

Waldrue Heights

This area off Sonoma Valley Road is served by a network of private roads that do not meet Sonoma County Fire Safe Standards.

Recommendation: Vacation Rental Exclusion (X) Combining District to reduce public safety risk by excluding Vacation Rentals.

Planning Commission Recommendations - 5th Supervisorial District:

Guerneville, Rio Nido, and Vacation Beach were have been considered for exclusion zones, but residential development in these areas is within zoning districts that do not allow Vacation Rentals, so they were not included in the recommended rezoning.

Area-specific rezoning within the 5th Supervisorial District is recommended by the Planning Commission as follows:

Austin Creek

This area between HWY 116 and Cazadero has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to preserve residential character by reducing Vacation Rental concentration.

Armstrong Woods

This area north of Guerneville has limited evacuation routes, it prone to flooding, and has a relatively high concentration of Vacation Rentals. Additionally, a significant percentage of parcels are zoned R1, creating potential for overconcentration the remaining parcels.

Recommendation: Vacation Rental Exclusion (X) Combining District to reduce public safety risk and prevent local overconcentration by excluding Vacation Rentals.

Drake Road

This area south of Guerneville has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals. Additionally, a significant percentage of parcels are zoned R1, creating potential for overconcentration in other parcels

Recommendation: Vacation Rental Exclusion (X) Combining District to reduce public safety risk and prevent local overconcentration by excluding Vacation Rentals.

Guernewood Park/Monte Rosa

This area between Guerneville and Monte Rio has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals. Additionally, a significant percentage of parcels are zoned R1, creating potential for overconcentration in other parcels

Recommendation: Vacation Rental Exclusion (X) Combining District to reduce public safety risk and prevent local overconcentration by excluding Vacation Rentals.

Hacienda

This area in Forestville has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals.

Recommendation: Vacation Rental 5% Cap (X) Combining District to reduce public safety risk and preserve residential character by reducing Vacation Rental concentration.

Monte Rio

Monte Rio has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to reduce public safety risk and preserve residential character by reducing Vacation Rental concentration.

Neeley Road

This area on the south side of the Russian River has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals. Additionally, a significant percentage of parcels are zoned R1, creating potential for overconcentration in other parcels

Recommendation: Vacation Rental Exclusion (X) Combining District to reduce public safety risk and preserve residential character by reducing Vacation Rental concentration.

Northwood

Northwood has limited evacuation routes, it prone to flooding, and has a relatively high concentration of Vacation Rentals.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to reduce public safety risk and preserve residential character by reducing Vacation Rental concentration.

Rio Dell

This area in Forestville has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to reduce public safety risk and preserve residential character by reducing Vacation Rental concentration.

Summerhome Park

This area in Forestville has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to reduce public safety risk and preserve residential character by reducing Vacation Rental concentration.

Terraces / Villa Grande

This area down river from Monte Rio has limited evacuation routes, it prone to flooding and landslides, and has a relatively high concentration of Vacation Rentals.

Recommendation: Vacation Rental 5% Cap (X5) Combining District to reduce public safety risk and Combining District to preserve residential character by reducing Vacation Rental concentration.

In addition to the 21 areas recommended as part of the Board-directed rezoning project, the Planning Commission also considered an application (ZCE20-0002) submitted by property owners along North Castle Road and Half Moon Street in Sonoma Valley their neighborhood be included in a Vacation Rental Exclusion (X) Combining District. Inclusion of this area was supported by the Planning Commission based on inadequate roads and location with a Very High Fire Severity Zone. Staff recommended combining ZCE20-0002 with this proposal, which was supported by the Planning Commission and added this application to the Board of Supervisors recommendation.

Table 1 (below) summarizes the Planning Commission recommendations discussed above, and Table 2 summarizes the Planning Commission vote on each area recommendation.

Table 1: Neighborhoods Proposed for Rezoning							
Area	PC Recommendation	Total Parcels	Parcels with SFD	Vacation Rental Permits	Concentration	Acres	Supervisorial District
1st District Recommendations							
Falcon Lane	Exclusion	39	34	14	41.2%	13	1
Theodor Lane							
Gates Road	Exclusion	60	37	5	13.5%	592	1
Glen Ellen	Exclusion	22	8	3	37.5%	8	1
Hughes Chicken Cold	5% Cap	71	54	9	16.7%	162	1
Kenwood	Exclusion	52	40	7	17.5%	51	1
North Castle Half Moon	Exclusion	22	22	0	0%	56	1
Palmer Ave Harrington D	Exclusion	91	86	17	19.8%	102	1
Waldru Heights	Exclusion	39	17	2	11.8%	27	1
4th District Recommendations							
Chiquita Road	5% Cap	86	63	11	17.5%	353	4
Fitch Mountain	5% Cap	732	332	27	8.1%	495	4
Norton Road	5% Cap	108	90	13	14.4%	318	4
5th District Recommendations							
Armstrong Woods	Exclusion	179	143	16	11.2%	65	5
Austin Creek	5% Cap	503	329	47	14.3%	546	5
Drake Road	Exclusion	497	352	47	13.4%	144	5

Guernewood Park Monte Rosa	Exclusion	1,060	656	93	14.2%	271	5
Hacienda	5% Cap	395	253	21	8.3%	109	5
Monte Rio	5% Cap	400	248	30	12.1%	129	5
Neeley Road	Exclusion	225	146	28	19.2%	141	5
Northwood	5% Cap	165	111	17	15.3%	45	5
Rio Dell	5% Cap	587	317	14	4.4%	127	5
Summerhome Park	5% Cap	174	119	9	7.6%	39	5
Terraces Vill Grande	5% Cap	751	362	47	13.0%	197	5
Countywide	N/A	70,108	41,063	1,847	4.5%	N/A	All

At the March 16 hearing, the Planning Commission voted on individual resolutions for each area recommended by staff. The vote is below in Table 2

Table 2: Planning Commission Vote				
Area	Staff	PC	Vote	Notes
1st District Recommendations				
Falcon Lane Theodor Lane	Exclusion	Exclusion	5-0	Highest VR concentr
Gates Road	Exclusion	Exclusion	5-0	Private road does not
Glen Ellen	Exclusion	Exclusion	4-1	Commissioner Ocan
Hughes Chicken Colony	Exclusion	5% Cap	5-0	Commissioner recomm Exclusion
Kenwood	Exclusion	Exclusion	4-1	Commissioner Ocan
North Castle Half Moon	Exclusion	Exclusion	5-0	ZCE20-002 High fire road does not meet fi
Palmer Ave Harrington Dr	Exclusion	Exclusion	4-1	Commissioner Ocan
Waldru Heights	Exclusion	Exclusion	5-0	Private road does not
4th District Recommendations				
Chiquita Road	5% Cap	5% Cap	5-0	
Fitch Mountain	10% Cap	5% Cap	5-0	Commissioner recomm 10% requested by ne
Norton Road	5% Cap	5% Cap	5-0	
5th District Recommendations				
Armstrong Woods	Exclusion	Exclusion	4-1	Commissioner Ocan
Austin Creek	5% Cap	5% Cap	5-0	
Drake Road	Exclusion	Exclusion	5-0	Limited parcels affec

Guernewood Park Monte Rosa	Exclusion	Exclusion	4-1	Commissioner Ocan
Hacienda	5% Cap	5% Cap	5-0	
Monte Rio	5% Cap	5% Cap	5-0	
Neeley Road	Exclusion	Exclusion	5-0	Limited parcels affec
Northwood	5% Cap	5% Cap	5-0	
Rio Dell	5% Cap	5% Cap	5-0	
Summerhome Park	5% Cap	5% Cap	5-0	
Terraces Villa Grande	5% Cap	5% Cap	5-0	

It is important to note that Vacation Rental zoning restrictions are not retroactive. Existing permitted Vacation Rentals may continue to operate in zoning districts that no longer allow vacation rentals as well as within Vacation Rental Exclusion and Cap Combining Districts. However, Vacation Rental permits expire on sale of the property and the new owner would be subject to regulations in effect when they apply for a new Vacation Rental Permit.

Staff Recommendation:

1. Find the Ordinance exempt from review under the California Environmental Quality Act under Section 15301 (Existing Facilities) and Section 15061(b)(3) of the CEQA Guidelines, because the proposed changes would not increase the number of vacation rentals or the potential for negative environmental impacts. The Ordinance would limit or maintain the current number of vacation rentals in a defined area and thus decrease the potential for impacts from vacation rentals related to noise, the loss of housing stock, transportation, and other environmental impacts.
2. Adopt the ordinance found in Attachment 1, applying the Vacation Rental Exclusion (X), Vacation Rental 5% Cap, or replacement of the Vacation Rental Exclusion (X) consistent with the Planning Commission recommendations.

Strategic Plan:

N/A

Prior Board Actions:

1. Ordinance 6387 (August 2, 2022) Vacation Rental Urgency Moratorium Revision
2. Ordinance 6386 (August 2, 2022) Amending Chapter 26 Article 79 "X Vacation Rental Exclusion and Cap Combining District
3. Ordinance 6384 (June 13, 2022) Extension of Vacation Rental Urgency Moratorium
4. Ordinance 6377 (May 10, 2022) Vacation Rental Urgency Moratorium

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Restriction of new Vacation Rental Permits will not require additional resources or staffing.

Narrative Explanation of Staffing Impacts (If Required):

Restricting Vacation Rental Permits will not result in increased demand for services associated with permit processing, issuance, and enforcement.

Attachments:

- Att 1 ZCE23-0001 Ordinance and Exhibit A
- Att 2 ZCE20-0002 and ZCE23-0001 Planning Commission Resolutions
- Att 3 ZCE20-0002 Planning Commission Staff Report
- Att 4 ZCE23-0001 Planning Commission Staff Report
- Att 5 ZCE20-0002 and ZCE23-0001 Public Comments
- Att 6 ZCE20-0002 Neighborhood Meeting Minutes
- Att 7 ZCE23-0001 Fitch Mountain Association Community Survey Results
- Att 8 ZCE23-0001 Staff Presentation

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

None