

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

DATE: October 6, 2009 at 2:10 p.m.
TO: Board of Supervisors
FROM: Karin Theriault, Project Planner
SUBJECT: PLP08-0099, Sonoma Creek Inn, LLC

Action of the Planning Commission: At its regularly scheduled meeting on September 3, 2009, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by Sonoma Creek Inn, LLC, for: 1) a General Plan Amendment to change the land use designation of the site from UR (Urban Residential) 10 acre density designation to the RVSC (Recreation & Visitor Serving Commercial) designation; 2) a Specific Plan Amendment to the South Sonoma One Specific Plan from the Low Multi-Family 6-10 units/acre designation to the Commercial designation; 3) a Zone Change from the R2 (Medium Density Residential) B6 10 acre density, VOH (Valley Oak Habitat) district to the K (Recreation & Visitor Serving Commercial); and 4) a Use Permit for an existing 16 unit hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area for property located at 239 Boyes Boulevard, Sonoma; APN (056-364-019 and -005); Zoning (R2 (Medium Density Residential), VOH (Valley Oak Habitat); Supervisorial District No. 1.

ISSUES DISCUSSED AT THE PUBLIC HEARING

Issue #1: Conditions of Approval

Discussion

Commissioner Fogg asked staff about the building and sanitation conditions of approval and if they were necessary to apply to this project since the structures were already located on the site and that no changes to the building or to the site were being requested with the application.

Staff indicated the building and sanitation conditions of approval were standard conditions and that if the existing structure had already met the criteria that the conditions could just be checked off by staff as having been completed.

Resolution

The Planning Commission did not change or eliminate any conditions of approval, and no members of the public spoke on the matter. The project was approved with a 5-0 vote.

List of Attachments:

Draft Board of Supervisors Resolution

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Draft Ordinance

EXHIBIT C: Sectional District Map

EXHIBIT D: Planning Commission Resolution No. 09-031

EXHIBIT E: Draft Planning Commission Minutes dated September 3, 2009

EXHIBIT F: Planning Commission Staff Report dated September 3, 2009

Resolution Number 09-

County of Sonoma
Santa Rosa, California

October 6, 2009
PLP08-0099

Karin Theriault

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA AND RECOMMENDING APPROVAL TO THE BOARD OF SUPERVISORS FOR 1) A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF THE SITE FROM UR (URBAN RESIDENTIAL) 10 ACRE DENSITY DESIGNATION TO THE RVSC (RECREATION & VISITOR SERVING COMMERCIAL) DESIGNATION, 2) A SPECIFIC PLAN AMENDMENT TO THE SOUTH SONOMA ONE SPECIFIC PLAN FROM THE LOW MULTI-FAMILY 6-10 UNITS/ACRE DESIGNATION TO THE COMMERCIAL DESIGNATION, 3) A ZONE CHANGE FROM THE R2 (MEDIUM DENSITY RESIDENTIAL) B6 10 ACRE DENSITY, VOH (VALLEY OAK HABITAT) DISTRICT TO THE K (RECREATION & VISITOR SERVING COMMERCIAL), AND 4) A USE PERMIT FOR AN EXISTING 16 UNIT HOTEL/INN, CAFE/RESTAURANT, ATTACHED RETAIL SPACE, DETACHED OFFICE SPACE AND ASSOCIATED ADJACENT PAVED PARKING AREA AS REQUESTED BY SONOMA CREEK INN, LLC, FOR PROPERTY LOCATED AT 239 BOYES BOULEVARD, SONOMA, APN 056-364-019 & 056-364-005.

RESOLVED, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

WHEREAS, the applicant, Sonoma Creek Inn, LLC, filed an application with the Sonoma County Permit and Resource Management Department for: 1) a General Plan Amendment to change the land use designation of the site from UR (Urban Residential) 10 acre density designation to the RVSC (Recreation & Visitor Serving Commercial) designation; 2) a Specific Plan Amendment to the South Sonoma One Specific Plan from the Low Multi-family 6-10 units/acre designation to the Commercial designation; 3) a Zone Change from the R2 (Medium Density Residential) B6 10 acre density, VOH (Valley Oak Habitat) district to the K (Recreation & Visitor Serving Commercial); and 4) a Use Permit for an existing 16 unit, 4,695 square foot hotel/inn, cafe/restaurant (1,517 square feet), attached retail space (1,183 square feet), detached office space (410 square feet), and associated adjacent paved parking area as requested by Sonoma Creek Inn, LLC, for property located at 239 Boyes Boulevard, Sonoma; APN 056-364-019 & 056-364-005; Zoned R2 (Medium Density Residential), VOH (Valley Oak Habitat); Supervisorial District No. 1; and

WHEREAS, this project has been found to be categorically exempt from CEQA Guidelines under Government Code Section 15061(b)(3) because the project site is currently developed with an existing hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area and the project does not include a request to modify the existing uses, nor expand the existing developments; therefore, the project does not have the potential for causing a significant effect on the environment; and

WHEREAS, the Planning Commission in accordance with the provisions of law,

conducted a public hearing on the Proposed Project on September 3, 2009, and with a 4-1 vote, recommended that the Board approve the Proposed Project; and

WHEREAS, the Planning Commission's recommendation on the Proposed Project has been reviewed and considered by the Board; and

WHEREAS, in accordance with the provisions of law, the Board held a public hearing on October 6, 2009, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

WHEREAS, the Proposed Project is part of the fourth amendment of the General Plan Land Use Element for 2009.

WHEREAS, the fourth land use amendment of the General Plan Land Use Element for 2009 does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

WHEREAS, the Board concurs with PRMD's determination that the Proposed Project is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. The facts and conditions that support this finding are as follows:

1. Section 15061(b)(3) of the State CEQA Guidelines exempts an activity from CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment;
2. The project details that establish the proposed project's eligibility for exemption under Section 15061(b)(3) of the State CEQA Guidelines are as follows:
 - a. The existing 16-room inn and associated uses described above is not proposed to be modified or expanded. The purpose of the project is to amend the General Plan with a Zone Change to provide consistency with the established use.

WHEREAS, the Board makes the following findings concerning the Proposed Project:

1. The project meets the criteria set forth in the General Plan and zoning for the conversion of property to the Visitor Serving land use designation as follows: a) the project is less than 200 rooms as required by the General Plan as it consists of 16 hotel/inn rooms located within a designated urban service area; b) the existing use is not proposed to be modified and it has existed since 1946 as a use that is compatible with the surrounding neighborhood; c) the site is not located near any agriculturally designated sites or uses; d) the site is not located on rural or agricultural land or land that is located within a Williamson Act contract and the proposal would not negatively impact agricultural land; d) the proposal will not generate additional traffic as the site is currently developed with various commercial uses and the proposal does not include a request for a modification to any of the existing commercial uses or structures on the site; and e) future retail uses on the site will be required to provide visitor-oriented commodities such as groceries or other foods, drugs, notions or hardware. All retail sales and service uses shall be conducted entirely within the existing building.

2. The proposal will not result in a loss of affordable housing stock in conflict with the Housing Element because a) the site is not designated in the General Plan as a potential SRO (Single Room Occupancy) site; b) the site is currently developed with a hotel/inn that is used for transient occupancy purposes only.
3. 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, or 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 project consists of a General Plan Amendment, a Zone Change and a Use Permit to allow for an existing 16 unit hotel/inn, restaurant/cafe, retail space, detached office space and adjacent parking area to be consistent with the current General Plan and zoning. The site has been utilized for the same or similar commercial purposes since 1946 with no record of complaints indicating incompatibility between the historic commercial use of the site and the surrounding neighborhood. Future uses on the site would require analysis by staff to determine neighborhood compatibility.
4. All of the existing uses are conducted entirely within the existing buildings; therefore, there are no negative noise impacts to the surrounding area.
5. Based upon the information contained in the project file, it has been determined that there will be no significant environmental effect resulting from this project because the proposal does not include any changes in the existing uses or structures currently located on the project site.
6. The existing number of parking spaces, 22 (including one accessible space), is adequate to serve the needs of the existing uses on the site because:
 - a. the retail and cafe/restaurant uses will occur primarily at opposite times of the day of the hotel/inn use which will occur primarily during the later evening hours.
 - b. the retail and cafe/restaurant uses will be partially utilized by hotel guests; therefore, there will not be an increase in demand for parking spaces.
 - c. conditions of approval require the applicant to install seven bike rack spaces to provide additional bicycle parking space.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

3. The Proposed Project is approved as follows:
 - a. The General Plan Amendment is approved as part of the fourth amendment of the General Plan Land Use Element for 2009.
 - b. The General Plan Land Use Amendment is approved to amend the land use designation on APN 056-364-019 and 056-364-005 from the Urban Residential to acre density designation to the Recreation and Visitor Serving Commercial designation.
 - c. The Zone Change on APN 056-364-019 and 056-364-005 from the R2 (Medium Density residential), B6-10 acre density, VOH (Valley Oak Habitat) district to the K (Recreation and Visitor Serving Commercial) district, or other appropriate district (see Ordinance No. _____).

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 VOTE:

Brown:	Kerns:	Zane:	Carrillo:	Kelley:
	Ayes:	Noes:	Absent:	Abstain:

SO ORDERED.

6. A safe, potable water supply shall be provided and maintained.

Consumer Protection:

7. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food.

Noise:

8. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2:Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60
<p>1 The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.</p>		

9. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional mitigation measures needed to meet noise standards.
10. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit. No prejudice against future special events being authorized by future Zoning or Use Permits is implied.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

11. This Use Permit allows the applicant to have an existing 16 unit, 4,695 square foot hotel/inn, cafe/restaurant (1,517 square feet), attached retail space (1,183 square feet), detached office space (410 square feet), attached retail space (1,183 square feet) and associated adjacent paved parking area with 22 parking spaces, including one handicap space. The permitted hours of operation for the hotel and associated office are 24 hours per day. The permitted hours of operation for the remaining uses are 7:00 a.m. to 10:00 p.m., seven days per week. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP08-0099 as modified by these conditions.
12. This Use Permit (PLP08-0099) shall supercede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
13. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.

14. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
15. The applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
16. This "At Cost" entitlement is not vested until all permit processing costs are paid in full.
17. The applicant shall maintain a minimum of 22 parking spaces on-site to serve the existing hotel/inn and commercial uses. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
18. The applicant/owner shall be required to maintain in good condition all existing street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way.
19. Prior to vesting of the Use Permit, the applicant shall install a bicycle rack consisting of no fewer than seven bicycle parking spaces. The applicant shall provide proof of the bicycle rack installation via photos and written confirmation to Project Review staff within 15 days of the completed installation.
20. Prior to the vesting of the Use Permit, the applicant shall apply for, have approved and record a merger of the two subject parcels: 056-364-019 and 056-364-008. The applicant shall provide a copy of the recorded merger document to the project planner within 30 days of the date of recordation.
21. Any future retail uses will be required to provide visitor-oriented commodities such as groceries or other foods, drugs, notions or hardware consistent with requirements of the K (Recreational and Visitor Serving) zoning district. All retail sales and service uses shall be conducted entirely within the building.
22. Future tenants occupying the cafe and/or retail spaces shall be required to apply for and obtain Design Review approval to ensure compliance with all Zoning Code requirements.
23. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
24. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

25. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM R2 (MEDIUM DENSITY RESIDENTIAL), B6-10 ACRE DENSITY, VOH (VALLEY OAK HABITAT) DISTRICT(S) TO THE K (RECREATION AND VISITOR SERVING COMMERCIAL) FOR A 20,678 SQUARE FOOT PARCEL LOCATED AT 239 BOYES BOULEVARD, SONOMA, APN 056-364-019 AND -005.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the R2 (Medium Density), B6-10 acre density, VOH (Valley Oak Habitat) District(s) to the K (Recreation and Visitor Serving Commercial) for a 20,678 square foot parcel located approximately 1,088 feet west of Highway 12, also known as 239 Boyes Boulevard, Sonoma, APN 056-364-019 and -005. File No. (PLP08-0099). The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this ____ day of _____, 2009, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

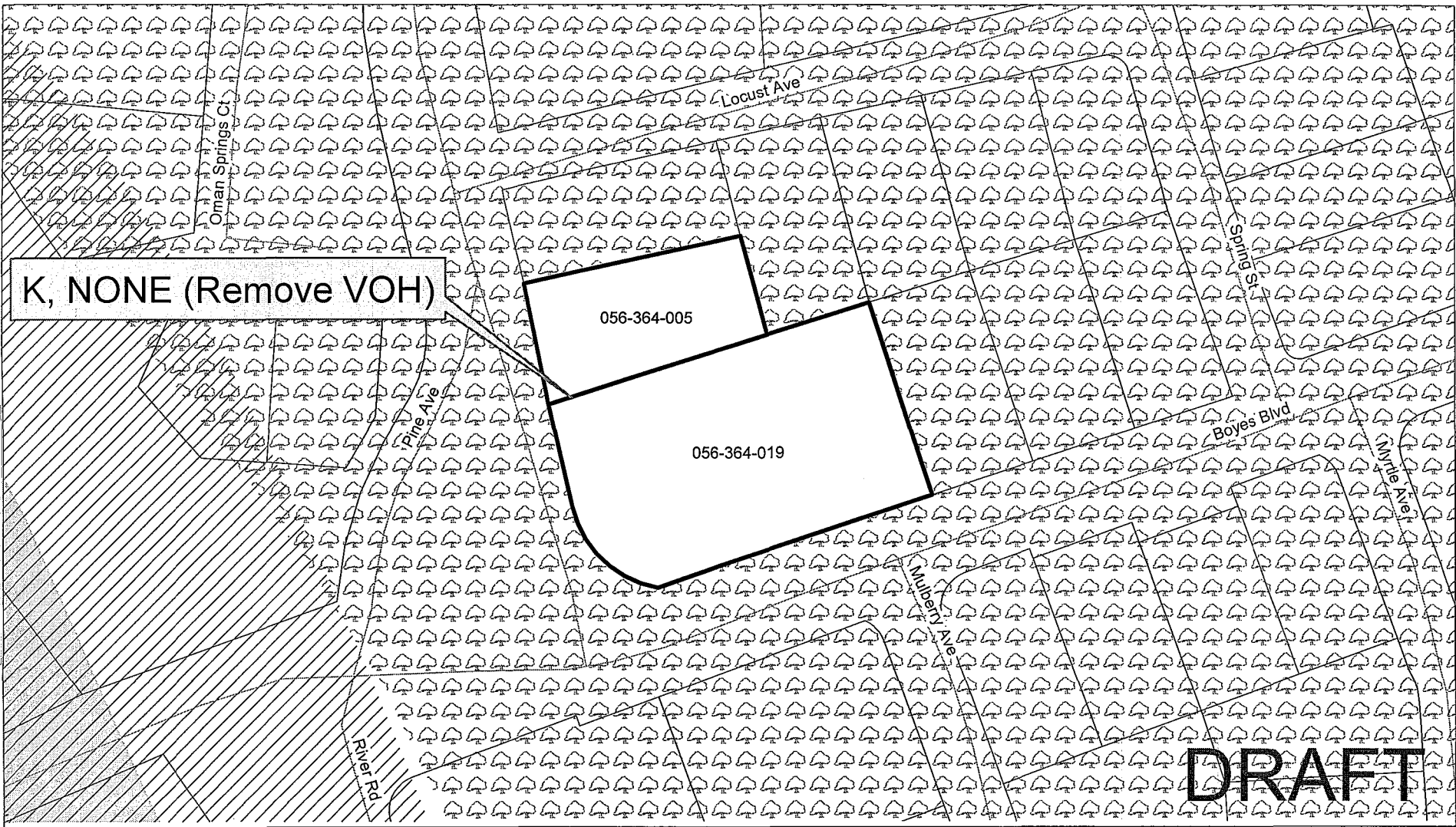
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors



Zoning Combining Districts

- + + LU Policy
- ||||| AH Affordable Housing
- ////// HD Historic District
- ////// BR Biotic Resource
- □ □ SD Scenic Design
- ○ ○ SR Scenic Resource
- ⊗ ⊗ ⊗ MR Mineral Resource
- ⊗ ⊗ ⊗ VOH_Valley_Oak_Habitat
- ==== G Geologic Hazard
- F1 Floodway
- F2 Floodplain



Permit & Resource Management Department

Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 Fax (707) 565-1103

FILE: PLP 08-0099
AP #: 056-364-005, 019
Ordinance No.
Sectional District Map No.

Resolution Number 09-031

County of Sonoma
Santa Rosa, California

September 3, 2009
PLP08-0099 Karin Theriault

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA AND RECOMMENDING APPROVAL TO THE BOARD OF SUPERVISORS FOR 1) A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF THE SITE FROM UR (URBAN RESIDENTIAL) 10 ACRE DENSITY DESIGNATION TO THE RVSC (RECREATION & VISITOR SERVING COMMERCIAL) DESIGNATION, 2) A SPECIFIC PLAN AMENDMENT TO THE SOUTH SONOMA ONE SPECIFIC PLAN FROM THE LOW MULTI-FAMILY 6-10 UNITS/ACRE DESIGNATION TO THE COMMERCIAL DESIGNATION 3) A ZONE CHANGE FROM THE R2 (MEDIUM DENSITY RESIDENTIAL) B6 10 ACRE DENSITY, VOH (VALLEY OAK HABITAT) DISTRICT TO THE K (RECREATION & VISITOR SERVING COMMERCIAL), AND 4) A USE PERMIT FOR AN EXISTING 16 UNIT HOTEL/INN, CAFE/RESTAURANT, ATTACHED RETAIL SPACE, DETACHED OFFICE SPACE AND ASSOCIATED ADJACENT PAVED PARKING AREA AS REQUESTED BY SONOMA CREEK INN, LLC, FOR PROPERTY LOCATED AT 239 BOYES BOULEVARD, SONOMA, APN 056-364-019 & 056-364-005.

WHEREAS, the applicant, Sonoma Creek Inn, LLC, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment to change the land use designation of the site from UR (Urban Residential) 10 acre density designation to the RVSC (Recreation & Visitor Serving Commercial) designation, 2) a Specific Plan Amendment to the South Sonoma One Specific Plan from the Low Multi-family 6-10 units/acre designation to the Commercial designation 3) a Zone Change from the R2 (Medium Density Residential) B6 10 acre density, VOH (Valley Oak Habitat) district to the K (Recreation & Visitor Serving Commercial), and 4) a Use Permit for an existing 16 unit, 4,695 square foot hotel/inn, cafe/restaurant (1,517 square feet), attached retail space (1,183 square feet), detached office space (410 square feet), and associated adjacent paved parking area as requested by Sonoma Creek Inn, LLC, for property located at 239 Boyes Boulevard, Sonoma; APN 056-364-019 & 056-364-005; Zoned R2 (Medium Density Residential),VOH (Valley Oak Habitat); Supervisorial District No. 1; and

WHEREAS, this project has been found to be exempt from the California Environmental Quality Act (CEQA) pursuant to State Section 15061(b)(3) because the it consists of an existing hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area located on the project site. The project does not include a request to modify the existing uses, nor to expand the developed site; therefore, the project does not have the potential for causing a significant effect on the environment; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on September 3, 2009, at which time all interested persons were given an opportunity to be heard;

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

1. The project meets the criteria set forth in the General Plan and zoning for the conversion of property to the Visitor Serving land use designation as follows: a) the project is less than 200 rooms as required by the General Plan as it consists of 16 hotel/inn rooms located within a designated urban service area; b) the existing use is not proposed to be modified and it has existed since 1946 as a use that is compatible with the surrounding neighborhood; c) the site is not located near any agriculturally designated sites or uses; d) the site is not located on rural or agricultural land or land that is located within a Williamson Act contract and the proposal would not negatively impact agricultural land; d) the proposal will not generate additional traffic as the site is currently developed with various commercial uses and the proposal does not include a request for a modification to any of the existing commercial uses or structures on the site; e) future retail uses on the site will be required to provide visitor-oriented commodities such as groceries or other foods, drugs, notions or hardware. All retail sales and service uses shall be conducted entirely within the existing building.
2. The proposal will not result in a loss of affordable housing stock in conflict with the Housing Element because a) the site is not designated in the General Plan as a potential SRO (Single Room Occupancy) site; b) the site is currently developed with a hotel/inn that is used for transient occupancy purposes only.
3. 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, or 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 project consists of a General Plan Amendment, a Zone Change and a Use Permit to allow for an existing 16 unit hotel/inn, restaurant/cafe, retail space, detached office space and adjacent parking area to be consistent with the current General Plan and zoning. The site has been utilized for the same or similar commercial purposes since 1946 with no record of complaints indicating incompatibility between the historic commercial use of the site and the surrounding neighborhood. Future uses on the site would require analysis by staff to determine neighborhood compatibility.
4. All of the existing uses are conducted entirely within the existing buildings; therefore, there are no negative noise impacts to the surrounding area.
5. Based upon the information contained in the project file, it has been determined that there will be no significant environmental effect resulting from this project because the proposal does not include any changes in the existing uses or structures currently located on the project site.
6. The existing number of parking spaces, 22 (including one accessible space), is adequate to serve the needs of the existing uses on the site because:

- a. the retail and cafe/restaurant uses will occur primarily at opposite times of the day of the hotel/inn use which will occur primarily during the later evening hours.
- b. the retail and cafe/restaurant uses will be partially utilized by hotel guests; therefore, there will not be an increase in demand for parking spaces.
- c. conditions of approval require the applicant to install seven bike rack spaces to provide additional bicycle parking space.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval to the Board of Supervisors of the requested General Plan Amendment, Specific Plan Amendment, Zone Change, and Use Permit as described in the Project Description attached hereto as Exhibit "A," and subject to the Conditions of Approval attached hereto as Exhibit "B."

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Commission'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 Planning Commission's 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 moved its approval, seconded by Commissioner Feibusch, and approved on roll call by the following vote:

Commissioner Feibusch:	Aye
Commissioner Shahhosseini:	Aye
Commissioner Murphy:	Aye
Commissioner Lynch:	Aye
Commissioner Fogg:	Aye

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

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

SO ORDERED.



Sonoma County Planning Commission MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: **September 3, 2009**
Meeting No.: **09-015**

ROLL CALL

Commissioners

Marcel Feibusch
Komron Shahhosseini
Dennis Murphy
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Scott Hunsperger
Karin Theriault
Bob Gaiser
David Hurst, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Minutes approved - August 6, 2009
July 30, 2009

REGULAR CALENDAR

Item No. 4 Time: 1:45 p.m. File: PLP08-0099
Applicant: Sonoma Creek Inn LLC Staff: Karin Theriault
Env. Doc: Categorical Exemption
Proposal: Request for 1) a General Plan Amendment to change the land use designation of the site from UR (Urban Residential) 10 acre density designation to the RVSC (Recreation & Visitor Serving Commercial) designation, 2) a Specific Plan Amendment to the South Sonoma One Specific Plan from the Low Multi-Family 6-10 units/acre designation to the Commercial designation 3) a Zone Change from the R2 (Medium Density Residential) B6 10 acre density, VOH (Valley Oak Habitat) district to the K (Recreation & Visitor Serving Commercial) district, and 4) a Use Permit for an existing 16 unit hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area.
Location: 239 Boyes Boulevard, Sonoma,
APN: 056-364-019 and -005 Supervisorial District: 1
Zoning: R2 (Medium Density Residential), B6 10 acre density, VOH (Valley Oak Habitat)
Board of Supervisors Hearing date to be determined.

Karin Theriault summarized the written staff report which is incorporated herein by reference.

Public Hearing Opened: 4:00

Speakers: David Whitley, applicant, said that he does not wish to expand the footprint.

Public Hearing Closed: 4:05

EXHIBIT E

Action: **Commissioner Fogg** made a motion to recommend approval to the Board of Supervisors. The motion was seconded by **Commissioner Feibusch** and passed with a 5-0 vote.

Appeal Deadline:
Resolution No: 09-031

Feibusch: aye Shahhosseini: aye Murphy: aye Lynch: aye Fogg: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

DRAFT

Sonoma County Planning Commission Staff Report

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

FILE: PLP08-0099
DATE: September 3, 2009
TIME: 1:45 p.m.
STAFF: Karin Theriault

**Board of Supervisors Hearing
will be separately noticed**

Appeal Period: 10 calendar days

SUMMARY

Applicant: Sonoma Creek Inn, LLC

Location: 239 Boyes Boulevard, Sonoma
APN 056-364-019 & 005 Supervisorial District No. 1

Subject: General Plan Amendment, Zone Change, and a Use Permit for an existing hotel/inn, cafe/restaurant, attached retail space and detached office space and associated adjacent paved parking area.

PROPOSAL: Request for 1) a General Plan Amendment to change the land use designation of the site from UR (Urban Residential) 10 acre density designation to the RVSC (Recreation & Visitor Serving Commercial) designation, 2) a Specific Plan Amendment to the South Sonoma One Specific Plan from the Low Multi-Family 6-10 units/acre designation to the Commercial designation 3) a Zone Change from the R2 (Medium Density Residential) B6 10 acre density, VOH (Valley Oak Habitat) district to the K (Recreation & Visitor Serving Commercial), and 4) a Use Permit for an existing 16 unit hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area located on parcels 056-364-019 & 056-364-005.

Environmental Determination: Categorical Exemption 15601(b)(3) because the project consists of an existing hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area currently located on the project site. The project does not include the request to modify the existing uses or expand the developed site; therefore, the project does not have the potential for causing a significant effect on the environment.

General Plan: UR (Urban Residential) 10

Specific/Area Plan: South Sonoma One Specific Plan
Land Use: Low-Multi-Family 6-10 units/acre

Ord. Reference: 26-42-010(b),(c) and 26-42-020(q),(r)

Zoning: R2 (Medium Density Residential), B6-10 acre density, VOH (Valley Oak Habitat)

Application Complete for Processing: November 6, 2008

RECOMMENDATION: Recommend that the Board of Supervisors approve the proposed General Plan Amendment, Specific Plan Amendment, Zone Change and Use Permit to allow for the existing hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area located on parcels 056-364-019 and 056-364-005 to be consistent with the General Plan and Zoning Code subject to attached conditions of approval.

ANALYSIS

Background:

The previous motel use for the subject site was established around 1946. In 1977 the subject site contained a 7,835 square foot motel, bar and card room (APN 056-364-019). The parcel located immediately adjacent and north (APN 056-364-005) to the motel parcel was utilized for parking for the motel, bar and card room uses. In 1977 the zoning associated with both sites was R-2 (Multi-Family Residential) and the General Plan designation was UC (Unincorporated).

On August 8, 1977, the previous property owner applied for a Zone Change and Specific Plan Amendment (RZ 8905) to 1) change the zoning on the motel site from the R-2 district to the C-2 (Retail Business) district; 2) change the zoning on the adjacent parking lot parcel from the R-2 district to the P (Parking) district; 3) change the South Sonoma One Specific Plan from the Low Density Multi-Family Residential designation to the Commercial designation for both sites. The purpose of the Zone Change and Specific Plan Amendment was to allow for a remodel of the existing legal non-conforming hotel, restaurant and card room and designate the adjacent parcel for parking for those uses. No application was made for a General Plan Amendment or Use Permit. The Specific Plan Amendment and Zone Change were approved by the Board of Supervisors on October 25, 1977. The Zone Change approval was reflected in Ordinance Number 2289.

In 1978 a Design Review (DR517) application was made for a remodel of the motel structure which was utilized at that time as a bottling works. The application was approved by the Design Review Committee on December 12, 1978.

In 1992 the structure was being utilized as a non-retail bakery, restaurant and hotel. An application (ADR92-167) was made for ADR (Administrative Design Review) to allow for replacement of windows and doors within the hotel structure and installation of a new sign for a new café being located within the restaurant portion of the structure. The site was zoned C-2 but the General Plan designation had changed to UR (Urban Residential) - 10 (dwelling units per acre) with the 1989 General Plan update. The South Sonoma One Specific Plan continued to designate both parcels as Low Density Multi-Family. The request was administratively approved by staff on April 20, 1992. The approval letter indicated that the commercial use of the site was considered non-conforming but that the proposed bakery use was "... a permissible continuation of a similar, prior commercial use of the building." The letter also indicated that if the owner wanted to convert a portion of the building to a retail commercial use that it required a General Plan Amendment.

On March 2, 1993 a Use Permit (UP93-123) application was requested to allow for a wholesale and retail bakery to be located within a portion of the structure. The site was zoned C-2, the General Plan designation was UR-10 and the Specific Plan designation was low density multi-family residential. The application cited the legal non-conforming portion of the Zoning Code that allows for replacement of the same or less intensity by obtaining a Use Permit. A note on the bottom of the application form, written by staff, indicated the County proposed zoning was R-2 to conform with the UR-10 General Plan designation. The Use Permit was approved by waiver on March 25, 1993.

On March 9, 1993 the Board of Supervisors approved Ordinance Number 4643 which amended the Zoning Ordinance to conform to the updated General Plan. The ordinance changed the zoning on both the hotel parcel and the parking lot parcel back to the R-2 (Medium Density Residential) zoning district.

In 1997 a Design Review application (DRH97-0018) was made for an exterior only remodel to the hotel portion of the structure. The existing uses on the site included a retail/wholesale bakery, a restaurant and

a 16-unit hotel. No changes were being proposed to the square footage or uses of the building. The improvements included: modifying the roof, entrances, exterior walls, patio spaces, re-stripping the adjacent parking lot, increasing the number of parking spaces and constructing a sidewalk along Boyes Boulevard. Staff indicated the existing use was legal non-conforming because the zoning designation was R-2. The General Plan consistency analysis for the project indicated that as long as the square footage of the commercial area was not expanded and the number of hotel units was not increased, the project could meet the provision of Section 26-94-010(a) of the Zoning Code which allowed for a use of the same or less intensity upon obtaining a Use Permit or a Use Permit Waiver. Staff also indicated that if the proposed project did not meet that provision, the project was inconsistent with the General Plan and would require a General Plan Amendment. The design review application was approved by the Design Review Committee on December 17, 1997. Conditions of approval did not require a Use Permit or a General Plan Amendment.

On February 10, 1998 a demolition permit (B-146405) was issued to remove the hotel wing of the structure. Section 26-94-030 of the Zoning Code indicates that if a legal non-conforming use ceases for one year or more the use shall be considered terminated; *"then without further action by the Planning Commission the use of the land shall be subject to all the regulations specified in the Zoning Code for the district in which such land is located."* Consistent with this requirement, staff informed the property owner that the legal non-conforming hotel has been purposefully demolished and the use could not be replaced and future uses must conform to the current zoning regulations associated with the site.

However, in this particular case, it was determined the applicant misunderstood the requirements of the Zoning Code and did not realize the building could not be replaced if it was demolished. A building permit (B-153841) was subsequently issued on May 6, 1999 to replace the hotel wing of the building. The building permit was finalized on June 29, 2001.

On August 15, 2008 an application was made for parcels 056-364-019 & 005 that included: 1) a General Plan Amendment to change the land use designation of the site from UR (Urban Residential) 10 acre density designation to the RVSC (Recreation & Visitor Serving Commercial) designation; 2) a Specific Plan amendment to the South Sonoma One Specific Plan from the Low Multi-Family 6-10 units/acre designation to the Commercial designation; 3) a Zone Change from the R2 (Medium Density Residential) B6 10 acre density, VOH (Valley Oak Habitat) district to the K (Recreation & Visitor Serving Commercial), and 4) a Use Permit for an existing 16 unit hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area located on parcels 056-364-019 and 056-364-005.

Project Description:

The project is a General Plan Amendment, Zone Change and Use Permit to allow for an existing 16 unit hotel/inn, cafe/restaurant, attached retail space, detached office space and associated adjacent paved parking area to be consistent with the Zoning Code and General Plan. No changes to the existing uses or to the site are proposed.

Site Characteristics:

The subject site is a 20,678 square foot parcel developed with a motel in 1946. The site is currently developed with a 16-unit hotel/inn, a cafe/restaurant, an attached retail space, a detached office space and an existing adjacent paved parking area that is located on an adjacent parcel to the rear of the hotel/inn structure. The parking area contains 21 parking spaces including one accessible parking space. Hours of operation for the hotel/inn are 24 hours per day, 365 days per year. The cafe/restaurant hours of operation are 7:00 a.m. to 10:00 p.m., Tuesday through Sunday. The designated 1,183 square foot retail portion of the structure is currently vacant. However, the property owner would like to retain the potential for a retail use to occur in that portion of the building sometime in the future. The detached 410 square foot office structure is the office that serves the hotel use. The site is served by Valley of the Moon Water and Sonoma Valley County Sewer District.

Surrounding Land Use and Zoning:

North: R-2 (Medium Density Residential) B6-10 dwelling units/acre, VOH (Valley Oak Habitat). The site is developed with a two-story single family dwelling.

South: R-2 (Medium Density Residential) B6-10 dwelling units/acre. The properties are developed with single-story, single family dwellings.

East: R-2 (Medium Density Residential) B6-10 dwelling units/acre, VOH (Valley Oak Habitat). The site is developed with a single-story, single family dwelling.

West: R-2 (Medium Density Residential) B6-7 dwelling units/acre, VOH (Valley Oak Habitat). The parcels are primarily developed with the Boyes Springs Oaks Subdivision recorded November 7, 1988.

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

Purpose: The General Commercial category provides sites for intense commercial uses that primarily serve a mix of business activities and the residential and business community as a whole rather than a local neighborhood.

2.3 Commercial Land Use Policy:

"The Recreation and Visitor Serving Commercial use category allows for visitor serving uses such as restaurants, lodging, developed campgrounds, resorts, marinas, golf courses and similar types of uses."

Policy for Recreation and Visitor Serving Commercial Areas:

"Purpose and Definition:

This category provides sites for both outdoor recreation uses and the commercial service needs of visitors and travelers. Its purpose is to limit this type of development to those appropriate sites. This category is also intended to provide opportunities for a mix of residential and commercial use in Urban Service Areas."

"Permitted Uses:

Primary uses include outdoor recreation facilities and tourist commercial uses, including golf courses, tennis and racquet clubs, marinas, race tracks, shooting ranges, and similar uses in private ownership. Other uses include campgrounds, recreational vehicle parks, indoor lodging, indoor recreation facilities, visitor information centers, museums, restaurants, and other uses oriented to the needs of visitors. Residential and recreational or visitor serving commercial uses may be combined in a single development where the residential use is clearly compatible with the recreational or visitor serving commercial use, and provides superior design qualities that allow for an integrated, livable environment. Where specified by a Land Use Policy for the Planning Area, this category provides for consideration of a single family residence in place of commercial and recreation uses allowed by zoning. Otherwise, residential use is limited to one caretaker unit for each parcel with recreational or commercial development."

"Permitted Development Intensities and Criteria:

Lots shall not be smaller than 1.5 acres on individual wells and septic systems or 1.0 acre on public water, but may be smaller in Urban Service Areas. Structures and parking generally are not expected to cover more than 50 percent of the site or exceed thirty-five feet in height. Additional height may be considered if a reduction in coverage is provided that results in no overall increase in building intensity."

"Lodging facilities may not exceed 50 rooms per site in rural areas and 200 rooms per site in Urban Service Areas. Lodging facilities with up to 100 rooms per site in rural areas may be permitted where serviced by public sewer provided, however, that such use is compatible with and does not adversely affect adjacent agricultural, resource and rural residential uses."

The project site is approximately 20,318 square feet, is located within the Sonoma Urban Service Area and is served by Valley of the Moon Water and the Sonoma Valley County Sewer District. The hotel/inn contains 16 rooms; therefore, the existing use is consistent with the permitted development and intensity criteria of the General Plan.

“Designation Criteria. Amendments to add this designation must meet all of the following:

- (1) The proposed amendment must be consistent with General Plan Goals, Objectives, and Policies of the Land Use Element pertaining to protection of agricultural lands,*
- (2) Potential uses of the site are likely to be compatible with adjacent uses and the character of the area,*
- (3) The amendment avoids a detrimental concentration of agricultural support, visitor serving, and recreational uses as defined in Policies AR-5g and AR-6f of the Agricultural Resources Element,*
- (4) In the event that the amendment is proposed on land designated RRD, LIA, LEA, or DA the primary use will generate Transient Occupancy Tax (TOT) that is eligible for County appropriation for affordable housing,*
- (5) The site shall not be located on land under a Williamson Act or Super-Williamson Act contract,*
- (6) Traffic generated by potential use of the site can be accommodated within the Level of Service objectives and road standards of the Circulation and Transit Element,*
- (7) The amendment would not result in the loss of affordable housing or conflict with Goals, Objectives, and Policies of the Housing Element, and*
- (8) Potential uses of the site would be compatible with nearby agricultural operations and would not occur on land that is either used for agriculture or is Class I, II, III, or IV (USDA) Soils. An amendment could be considered on agricultural land with Class V, VI, VII, or VIII (USDA) Soils.”*

The site is surrounded by the UR (Urban Residential) General Plan designation and sites developed with single family residences; the site is not located near any agriculturally designated sites or uses. The site has been utilized for commercial purposes including a motel/hotel use since 1946. There is no record on file nor any violations indicating that surrounding neighboring sites have been concerned with or have complained about the historical uses of the site. In addition, future uses of the site will require either Design Review and/or Use Permit approval to determine compatibility with adjacent residential uses. The site is not located on rural or agricultural land or land that is located within a Williamson Act Contract; the proposal would not negatively impact agricultural land. The proposal will not generate additional traffic as the site is currently developed with various commercial uses and the proposal does not include a request for a modification or intensification to any of the uses or structures on the site. Future proposed uses of the site may be subject to additional traffic analysis unless a project was considered Categorical Exempt for CEQA (California Environmental Quality Act) and was considered a permitted use. In addition, the site is not a designated SRO site in the General Plan (for further discussion see Issue #2).

Issue #2: General Plan Housing Element Consistency

“Goal 1: Sustain Existing Affordable Housing Programs and Affordable Units”

“Goal 2: Promote the Use of Available Sites for Affordable Housing Construction and Provide Adequate Infrastructure”

“Policy HE -2f: Consider a variety of sites for higher-density and affordable housing when the following criteria are met:

- site is located within or adjacent to an Urban Service Area (USA);*
- adequate utilities are available*
- site is located within a 1/2 mile to goods, services and transit; and*
- project is consistent with the land use policies of the General Plan”*

Policy HE-3h: Develop additional incentives and programs that would encourage new Single

Room Occupancy (SRO) development, rehabilitate existing motel rooms for SRO occupancy and sustain the housing units provided.”

“Housing Element Program 21: Single Room Occupancy

Program Description: The County would review current SRO regulations in consultation with homeless advocates, foster care providers, and other interested groups to consider changes that could be made to encourage this type of facility. The intent is to provide additional incentives and programs to encourage the preservation of existing SRO housing and the creation of new SRO housing.”

During the 1970's the motel use of the structure was utilized for short-term housing similar to what is now referred to in the Zoning Code as SRO's. The Housing Element of the General Plan has identified parcels that contain buildings originally constructed as motels or hotels but that currently might be utilized as an SRO. The existing hotel/inn portion of the building was reconstructed in 1998. The subsequent use of the building has only been for transient hotel/inn use. In addition, the property owner pays a TOT (Transient Occupancy Tax) based on the hotel/inn use of the site. The newly updated General Plan update GP2020 and the new Housing Element do not designate the site as a potential SRO site. General Plan staff support the recommendation to allow for a General Plan Amendment and Zone Change reflecting the commercial uses that have historically occurred on the site.

Issue #3: South Sonoma One Specific Plan

The subject site is located within the South Sonoma One Specific Plan boundary area. The Specific Plan was adopted by the Board of Supervisors on December 9, 1975. The plan identifies the site as being designated Low Multi-Family 6-10 units/acre. In 1977 the previous property owner applied for a Zone Change and Specific Plan Amendment (RZ 8905). The application included a request to change the Specific Plan from the Low Density Multi-Family Residential designation to the Commercial designation for both parcels. The Specific Plan Amendment was approved by the Board of Supervisors on October 25, 1977. However, the amendment was not reflected in the reprinting of the Specific Plan.

The current General Plan (GP2020) adopted by the Board of Supervisors September 23, 2008 indicates that several area plans and specific plans shall be repealed but that,

“... development guidelines contained therein shall be reviewed and updated and considered for adoption as "local area development guidelines", provided that they are consistent with the general plan. Until such a time that these guidelines are adopted, any policies contained in these plans shall continue to apply provided they are consistent with the general plan. ”

The South Sonoma One Specific Plan is identified on the list of plans that shall be repealed in the future; however, the plan is currently applicable. The proposed Specific Plan “Commercial” land use designation is consistent with the RVSC General Plan land use designation and K zoning designation.

The proposed zone change to the K (Recreation and Visitor Serving Commercial) zoning designation allows hotels, motels and similar lodging facilities along with other visitor-oriented retail businesses subject to Use Permit approval (Section 26-42-020(q) and (r)) as follows:

“Hotels, motels and similar lodging facilities, subject, at a minimum, to a limit of two hundred (200) rooms in designated urban service areas” and, “visitor-oriented retail businesses which supply commodities such as groceries, or other foods, drugs, notions or hardware. Personal service establishments intended primarily for travelers. All retail sales and service uses shall be conducted entirely within a building.”

The existing hotel/inn use complies with the lot coverage and building intensity development standards of the K zoning district; however, it does not meet current required setback standards due to the majority of construction occurring prior to current zoning requirements. The re-constructed hotel portion of the building was granted a reduced front yard setback (at the Boyes Boulevard frontage) by the Design Review Committee in 1997 (for further discussion regarding setbacks see Issue #4 Setbacks). The existing hotel/inn has 16 rooms and is located within the Sonoma Urban Service area. The site is currently served by the Valley of the Moon Water District and County sewer. The designated retail portion

of the building is currently vacant. Recommended conditions of approval indicate that any future retail use will be required to provide visitor-oriented commodities such as groceries or other foods, drugs, notions or hardware. All retail sales and service uses shall be conducted entirely within a building. Additionally, the K district (Section 26-42-010 (b), (c)) allows restaurant and offices subject to Use Permit approval if they are located in an urban service area and the use is primarily intended to serve tourist commercial and recreational needs. The proposed Use Permit application includes a cafe/restaurant and retail area. Such uses would be conducted entirely within the existing 1,183 square foot retail space and 1,547 square foot restaurant space.

Structural Setbacks:

Section 26-42-030(f) indicates that the required setbacks in the K zoning district are as follows:

Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g). Note: Yard requirements for commercial uses may be waived by the Board of Zoning Adjustments. (1) Front Yard. Not less than fifteen feet (15'), provided, that no structure shall be located closer than forty-five feet (45') to the centerline of any public or private road, street or highway. Setbacks may be reduced up to five feet (5') in order to attain an average of fifteen feet (15'). (2) Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as a front yard. On lots where access is gained to an interior court by way of a side yard, or where an entrance to a building faces the side line, said yard shall be not less than ten feet (10'). (3) Rear Yard. Not less than ten feet (10')."

The proposed project does not include a request to modify the existing buildings or uses in any way. The reconstruction of the hotel/inn portion of the building was finalized in 2001. The footprint of the structure was approved by the Design Review Committee to be located at 14 feet 11 inches from the front (southern) property line adjacent to Boyes Boulevard. The remaining cafe/restaurant and attached retail space portions of the building do not meet the required western front yard setbacks located at the Pine Avenue frontage) because the footprint of that portion of the building has not been modified since it was originally constructed in 1946. The existing detached office space is located 4.6 feet from the eastern side property line and 1 1/2 feet from the rear, northern property line and does not meet the required rear or side yard setbacks. A building permit (BLD00-5483) was issued on January 29, 2001 allowing for a remodel of the non-conforming office/bathroom commercial use of the building. No change in footprint was proposed or required by staff.

Building Height:

The maximum permitted building height in the K zoning district is 35 feet. The highest point of the hotel/inn structure is 27 feet tall; therefore, it meets the height limits of the proposed zoning district.

Parking:

The required number of parking spaces for all of the existing uses is as follows:

Hotel/Inn: 1 space for each unit plus 1 space for the manager. There are 16 units, therefore, the required number of spaces is 17 spaces.

Cafe/Restaurant: 1 space for every 60 square feet of dining area. The dining area is 630 square feet, therefore, the required number of spaces is 10.

Retail: 1 space for every 200 square feet of retail floor area. The retail space is 974 square feet, therefore, 5 spaces are required.

Office Space: 1 space for every 250 square feet but, no less than 4 spaces. The office space is 410 square feet, therefore, 4 spaces are required.

The total number of required parking spaces for the uses on the site is 36. The existing number of parking spaces is 21 plus 1 accessible space for a total of 22 spaces. According to the parking ratios in the Zoning Code, the site is under parked by 14 spaces. When the site was reviewed in 1997 for the remodel

to the existing hotel/inn, the site plan indicated there were 23 parking spaces. The existing uses at the time included the hotel, restaurant and bakery. The required number of parking spaces in 1997 was 32. The Design Review Committee did not address parking issues at that time perhaps because no change in use or building footprint was being proposed. Since then, the area previously utilized for the bakery has been designated as retail. The parking ratio for the bakery is the same as that required for a retail use which is 1 space for every 200 square feet. No physical or use changes are being proposed with the application and staff has not received complaints of parking problems associated with the site. Therefore, it can be assumed the existing parking area meets the parking needs for the existing uses on the subject site.

In addition, section 26-86-010(i) of the zoning code indicates the following:

(i) The above parking standards may be reduced when it has been satisfactorily demonstrated to the planning director or applicable decision-making body that fewer spaces will adequately serve the specific use or that the applicant has encouraged transit opportunities through one or more of the following:

(1) Participation in a comprehensive travel demand management (TDM) program including, but not limited to, provision of flex-time, carpooling, and transit passes;

(2) Provision of transit stops and/or turnouts developed in cooperation with and approved by Sonoma County Transit;

(3) Provision of amenities for bicyclists beyond those required by this section, including, but not limited to shower/ locker room facilities, additional bicycle parking spaces and covered bicycle parking.

In this case, it can be determined that the existing number of parking spaces, 22- including one accessible space, is adequate to serve the needs of the existing uses on the site because 1) the retail and cafe/restaurant uses will occur primarily at opposite times of the day of the hotel/Inn use which will occur primarily during the later evening hours, 2) the retail and cafe/restaurant uses will be partially utilized by hotel guests therefore, there will not be an increase in demand for parking spaces, 3) conditions of approval require the applicant to install 7 bike rack spaces to provide additional bicycle parking space.

Landscaping:

New commercial uses are required to be reviewed through the Design Review process for compliance with commercial standards. The site was reviewed by the Design Review Committee in 1997 for a requested major remodel of the exterior of the hotel/inn. The Design Review Committee required landscaping to be installed at both of the street frontages at Boyes Boulevard and Pine Avenue. The landscaping was installed and included a variety of trees, shrubs and ornamental grasses (see Exhibit H).

Maximum Lot Coverage:

The permitted maximum lot coverage in the K zoning district is 50 percent. The subject site is 22,678 square feet; therefore, the permitted maximum lot coverage is 11,339 square feet. The total existing building footprint area is 7,158 square feet; therefore, the existing structures meet the permitted maximum lot coverage requirements of the Zoning Code.

Issue #4: Compatibility with Adjacent Residential Uses

The subject site is surrounded by properties zoned R-2 (Medium Density Residential). Development consists of a mixture of one and two-story single family dwellings. In this particular case, the site has been historically utilized for various commercial uses which have included a motel, bar, restaurant, bakery, bottling plant, retail and office space beginning in 1946. No complaints are on record regarding the uses on the site. It appears the existing use has been operated in a manner that is compatible with the surrounding residential neighborhood. Any future proposed uses will require analysis by staff to determine neighborhood compatibility along with environmental review.

Issue #5: Traffic

Public Works reviewed the proposed project on January 16, 2009. Their referral response did not have any comments because the uses and buildings are existing and no new uses or structures are being proposed.

Issue #6: Redevelopment Area

The subject site is located within the Sonoma Valley Redevelopment area. The CDC (Community Development Commission) responded to the project on January 1, 2009. They indicated they did not have any comments on the requested project.

STAFF RECOMMENDATION

Recommend that the Board of Supervisors approve the General Plan Amendment, Zone Change and Use Permit.

FINDINGS FOR RECOMMENDED ACTION

1. The project meets the criteria set forth in the General Plan and zoning for the conversion of property to the Visitor Serving land use designation as follows: a) the project is less than 200 rooms as required by the General Plan as it consists of 16 hotel/inn rooms located within a designated urban service area; b) the existing use is not proposed to be modified and it has existed since 1946 as a use that is compatible with the surrounding neighborhood; c) the site is not located near any agriculturally designated sites or uses; d) the site is not located on rural or agricultural land or land that is located within a Williamson Act contract and the proposal would not negatively impact agricultural land; e) the proposal will not generate additional traffic as the site is currently developed with various commercial uses and the proposal does not include a request for a modification to any of the existing commercial uses or structures on the site; f) future retail uses on the site will be required to provide visitor-oriented commodities such as groceries or other foods, drugs, notions or hardware. All retail sales and service uses shall be conducted entirely within the existing building.
2. The proposal will not result in a loss of affordable housing stock in conflict with the Housing Element because a) the site is not designated in the General Plan as a potential SRO (Single Room Occupancy) site; b) the site is currently developed with a hotel/inn that is used for transient occupancy purposes only.
3. 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, or 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 project consists of a General Plan Amendment, a Zone Change and a Use Permit to allow for an existing 16 unit hotel/inn, restaurant/cafe, retail space, detached office space and adjacent parking area to be consistent with the current General Plan and zoning. The site has been utilized for the same or similar commercial purposes since 1946 with no record of complaints indicating incompatibility between the historic commercial use of the site and the surrounding neighborhood. Future uses on the site would require analysis by staff to determine neighborhood compatibility.
4. All of the existing uses are conducted entirely within the existing buildings; therefore, there are no negative noise impacts to the surrounding area.
5. Based upon the information contained in the project file, it has been determined that there will be no significant environmental effect resulting from this project because the proposal does not include any changes in the existing uses or structures currently located on the project site.
6. The existing number of parking spaces, 22 (including one accessible space), is adequate to serve the needs of the existing uses on the site because:

- a. the retail and cafe/restaurant uses will occur primarily at opposite times of the day of the hotel/inn use which will occur primarily during the later evening hours.
- b. the retail and cafe/restaurant uses will be partially utilized by hotel guests; therefore, there will not be an increase in demand for parking spaces.
- c. conditions of approval require the applicant to install seven bike rack spaces to provide additional bicycle parking space.

LIST OF ATTACHMENTS

EXHIBIT A:	Proposal Statement
EXHIBIT B:	Draft Conditions of Approval
EXHIBIT C:	Draft Ordinance
EXHIBIT D:	Draft Sectional District Map
EXHIBIT E:	Vicinity Map
EXHIBIT F:	General Plan Map
EXHIBIT G:	Zoning Map
EXHIBIT H:	Site Plan - Existing Conditions
EXHIBIT I:	Floor Plans - Existing Conditions
EXHIBIT J:	Elevations - Existing Conditions
EXHIBIT K:	Photos of Exterior Portions of the Existing Building
EXHIBIT L:	Draft Planning Commission Resolution

Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

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