



City of Sonoma Planning Commission **AGENDA**

Regular Meeting of April 11, 2013 -- 6:30 PM
Community Meeting Room, 177 First Street West
Sonoma, CA 95476

Meeting Length: No new items will be heard by the Planning Commission after 10:30 PM, unless the Commission, by majority vote, specifically decides to continue reviewing items. If an item is not heard due to the length of the meeting, the Commission will attempt to schedule a special meeting for the following week. If a special meeting is necessary, potential dates will be established at the close of this meeting, and a date set as soon as possible thereafter.

CALL TO ORDER – Chair, Robert Felder

Commissioners: Gary Edwards
Mark Heneveld
Matt Howarth
Chip Roberson
Mathew Tippell
Bill Willers (Alternate)

*Be Courteous - **TURN OFF** your cell phones and pagers while the meeting is in session.*

PLEDGE OF ALLEGIANCE

COMMENTS FROM THE PUBLIC: Presentations by audience members on items not appearing on the agenda.

MINUTES: Minutes from the meeting of March 14, 2013.

CORRESPONDENCE

ITEM #1 – PUBLIC HEARING

REQUEST:

Consideration of a Use Permit allowing the conversion of two apartment units into vacation rentals.

Applicant/Property Owner:

Matt & Jan Mathews/J&M Family LLC

Staff: Rob Gjestland

Project Location:

284-294 West Napa Street

General Plan Designation:

Commercial (C)

Zoning:

Planning Area: Downtown District

Base: Commercial (C)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Commission discretion.

ITEM #2 – PUBLIC HEARING

REQUEST:

Consideration of a Use Permit allowing the conversion of a single-family residence into a vacation rental.

Applicant/Property Owner:

David Brunette & Kathy
Allard/Sonoma Plaza 1889, LLC

Staff: Rob Gjestland

Project Location:

464 Third Street West

General Plan Designation:

Commercial (C)

Zoning:

Planning Area: Downtown District

Base: Commercial (C)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Approve with conditions.

ITEM #3 – PUBLIC HEARING

REQUEST:

Consideration of a Use Permit allowing the conversion of a single-family residence into a vacation rental.

Applicant/Property Owner:

Michael Marino/Michael & Valerie Marino

Staff: Rob Gjestland

Project Location:

853 Broadway

General Plan Designation:

Mixed Use (MU)

Zoning:

Planning Area: Broadway Corridor

Base: Mixed Use (MX)

Overlay: Historic (/H)

RECOMMENDED ACTION:

Approve with conditions.

ELECTION OF OFFICERS

ISSUES UPDATE

COMMENTS FROM THE COMMISSION

COMMENTS FROM THE AUDIENCE

ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on April 5, 2013.

CRISTINA MORRIS, ADMINISTRATIVE ASSISTANT

Rights of Appeal: Any decision of the Planning Commission may be appealed to the City Council. Appeals must be filed with the City Clerk within fifteen (15) calendar days following the Planning Commission's decision, unless the fifteenth day falls on a weekend or a holiday, in which case the appeal period ends at the close of the next working day at City Hall. Appeals must be made in writing and must clearly state the reason for the appeal. Appeals will be set for hearing before the City Council on the earliest available agenda. A fee is charged for appeals.

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Monday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA, (707) 938-3681. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Planning Commission regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the Administrative Assistant office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the Administrative Assistant, at or prior to the public hearing.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

City of Sonoma Planning Commission
STAFF REPORT

Agenda Item #1
Meeting Date: 4-11-13

Agenda Item Title: Application for a Use Permit allowing the conversion of two apartment units into vacation rentals.

Applicant/Owner: Matt and Jan Mathews/J&M Family, LLC

Site Address/Location: 284-294 West Napa Street

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 4/5/13

PROJECT SUMMARY

Description: Application of Matt and Jan Mathews for a Use Permit allowing the conversion of two apartment units into vacation rentals at 284-294 West Napa Street.

General Plan Designation: Commercial (C)

Planning Area: Downtown District

Zoning: **Base:** Commercial (C) **Overlay:** Historic (/H)

Site Characteristics: The subject property is a ±12,200-square foot parcel at the corner of West Napa Street and Third Street West. The property is currently developed with two buildings constructed in 1925 that contain commercial uses and three upstairs apartment units.

Surrounding Land Use/Zoning: **North:** Single-family home/Commercial
South: Auto parts store (across West Napa Street)/Commercial
East: Mixed-use complex with apartments and commercial businesses/Commercial
West: St. Francis Solano Church (across Third Street West)/Public Facility

Environmental Review:

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> No Action Required
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

Staff Recommendation: Commission discretion.

PROJECT ANALYSIS

DETAILED PROJECT DESCRIPTION

The subject property is developed with two buildings, including a large building on the west side of the property that engages the corner and a smaller building to the east. The primary structure contains commercial uses (retail and offices) on the ground floor plus two upstairs apartments (Units #1 and #2). The subordinate building includes garage parking and an upstairs apartment (Unit #3). The applicant is requesting approval to operate Units #2 and #3, both small one-bedroom units, as vacation rentals (refer to attached site plan). As vacation rentals, the units would be rented on a short-term basis for periods of less than 30 consecutive days. More details on the proposal can be found in the attached project narrative.

GENERAL PLAN CONSISTENCY (**Not Applicable to this Project**)

The property is designated Commercial by the General Plan. The Commercial land use designation is intended to provide areas for retail, hotel, service, medical, and office development, in association with apartments and mixed-use developments and necessary public improvements. Vacation rentals are allowed in the corresponding Commercial zone, subject to review and approval of a Use Permit by the Planning Commission. The following General Plan goals and policies apply to the project:

Local Economy Element, Policy 1.5: Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma.

Housing Element, Goal 3: Maintain and enhance the existing housing stock.

Housing Element, Policy 1.5: Continue to provide opportunities for the integration of housing in commercial districts and the adaptive reuse of non-residential structures.

The proposal is consistent with the policy that encourages tourism, however impacts to the housing stock, specifically the loss of apartments, must also be considered (refer to “Discussion of Project Issues” below).

DEVELOPMENT CODE CONSISTENCY (**Not Applicable to this Project**)

Use: The property is located within a Commercial (C) zoning district, which is applied to areas appropriate for a range of commercial land uses including retail, tourist, office, and mixed-uses. Vacation rentals are allowed in the C zone subject to review and approval of a Use Permit by the Planning Commission.

Development Standards: The proposal involves the use of two units within existing buildings. New construction is not proposed. As a result, the project does not raise any issues in terms of compliance with building setback, FAR, lot coverage, open space, and building height standards.

On-Site Parking: Under the Development Code, one parking space is required for each bedroom within a vacation rental. Since each unit has one bedroom, a total of two on-site parking spaces would be required. The units are currently provided with one reserved garage space each. This allocation would continue, complying with the parking requirement for vacation rentals.

Vacation Rental Standards: The applicable standards set forth under Section 19.50.110 of the Development Code have been included in the draft conditions of approval (attached). These include requirements related to fire and life safety, maintaining a business license, payment of Transient Occupancy (TOT) taxes, and limitations on signs.

**CONSISTENCY WITH OTHER
CITY ORDINANCES/POLICIES** (Not Applicable to this Project)

ENVIRONMENTAL REVIEW (Not Applicable to this Project)

Pursuant to Section of 15301 of the State CEQA Guidelines, the leasing, permitting, or operation of existing private structures involving negligible or no expansion of use is considered Categorically Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

DISCUSSION OF PROJECT ISSUES

Compatibility: In staff's view, the proposal does not raise significant issues in terms of compatibility with surrounding land uses. The property is located in the Downtown District in a setting that supports a variety of land uses including commercial businesses, a church, school, residential units, and other vacation rentals. In addition, the vacation rental would be managed by an experienced local resident that is on-site much of the week.

Impact on Housing Stock: As discussed above, the General Plan supports tourism but also calls for the preservation of housing stock. Foremost staff would emphasize that vacation rentals are substantially restricted under the City's current regulations. In essence, new vacation rentals are now allowed only in the Commercial (C) and Mixed Use (MX) zones subject to Use Permit approval – they are prohibited in all residential zoning districts and circumstances under which a vacation rental can be approved as an adaptive reuse in a residential zone were greatly restricted by regulations adopted in 2009. Accordingly, the bulk of the City's housing stock, which is located in the residential zoning districts, is protected. This leaves limited opportunities in the C and MX zone where an application may be filed to operate a vacation rental. As reflected in the attached table, only 14 vacation rentals have been approved in the past 13 years since initial restrictions were adopted in 1999 (roughly one vacation rental per year) and over half were approved as adaptive reuse prior to the tightening of those regulations. Only six were approved in the C and MX zones (two in the C zone and four in the MX zone). These statistics do not represent a significant impact on the City's housing stock, currently estimated at 5,546 housing units. In addition, staff does not anticipate a substantial increase in the average conversion rate over time, despite this evening's agenda, because the 2009 amendments severely restrict opportunities for vacation rentals as an adaptive reuse.

One issue specific to this application that the Planning Commission must consider is that the units proposed for conversion are apartments and the planning area standards for the Downtown District encourage the preservation and enhancement of the downtown's housing stock with a focus on multi-family and higher-density residential development. That being said, the applicant has put forward a fairly compelling argument that the units have historically been difficult to rent on a long-term basis because of their small size, lack of open space/yard, commercial setting, and proximity to Hwy 12 (West Napa Street) with associated noise impacts. Staff is recommending commission discretion because of this issue.

RECOMMENDATION
Commission discretion.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Legal Vacation Rental List*
5. *Project Narrative*
6. *Correspondence*
7. *Property Photos*
8. *Site Plan & Building Elevations*

cc: Matt & Jan Matthews (via email)
201 Beryl Street
Mill Valley, CA 94941

Bennett Martin (via email)
STRATA a|p
294 West Napa Street
Sonoma, CA 95476

Jennifer Hainstock (via email)
243 West Spain Street
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Matthews Vacation Rentals Use Permit – 292-294 West Napa Street (Units #2 and #3)
April 11, 2013

Based on substantial evidence in the record, including but not limited to the staff report, and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Approval

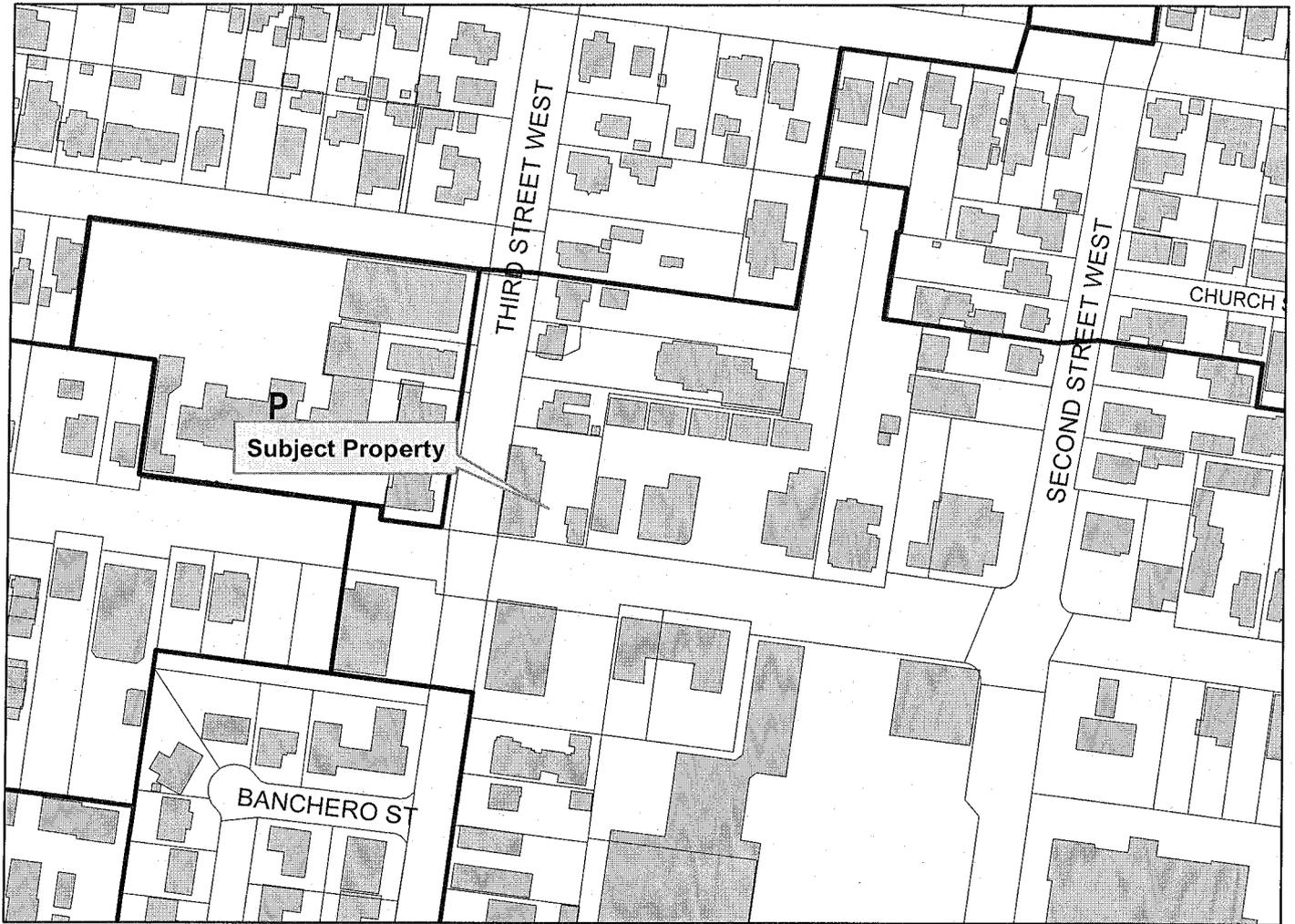
1. That the proposed use is consistent with the General Plan and any Specific Plan;
2. That the proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code (except for approved Variances and Exceptions).
3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and
4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL

Matthews Vacation Rentals Use Permit – 292-294 West Napa Street (Units #2 and #3)
April 11, 2013

1. The vacation rentals shall be operated in conformance with the project narrative and the approved site and floor plan.
Enforcement Responsibility: Planning, Building and Public Works
Timing: Ongoing
2. One parking space shall be provided and maintained for each bedroom within each vacation rental, for a total of two on-site parking spaces.
Enforcement Responsibility: Planning, Building, and Public Works
Timing: Ongoing
3. The applicant/property owner shall obtain and maintain a business license from the City for the vacation rental use, and shall register with the City to pay associated Transient Occupancy Taxes (TOT).
Enforcement Responsibility: Planning, Building, and Public Works; Finance Department
Timing: Prior to operation of the vacation rental and ongoing
4. Fire and life safety requirements administered by the Fire Department and the Building Division shall be implemented. Minimum requirements shall include approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room.
Enforcement Responsibility: Building Division; Fire Department
Timing: Prior to operation and ongoing
5. The vacation rental units shall comply with the annual fire and life safety certification procedures of the Fire Department.
Enforcement Responsibility: Fire Department
Timing: Ongoing
6. One sign, with a maximum area of two square feet, may be allowed subject to the approval of the City's Design Review Commission.
Enforcement Responsibility: Planning Department; DRC
Timing: Prior to installation of a sign for the vacation rental
7. The project shall comply with all applicable Fire and Building Code requirements.
Enforcement Responsibility: Building Department
Timing: Prior to operation

Vicinity Map

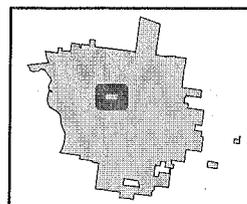


Project Summary

<i>Project Name:</i>	Mathews Vacation Rentals
<i>Property Address:</i>	284-294 West Napa Street
<i>Applicant:</i>	Matt and Jan Mathews
<i>Property Owner:</i>	J&M Family, LLC
<i>General Plan Land Use:</i>	Commercial
<i>Zoning - Base:</i>	Commercial
<i>Zoning - Overlay:</i>	Historic
<i>Summary:</i>	Application for a Use Permit allowing the conversion of two apartment units into vacation rentals at 284-294 West Napa Street.

Zoning Designations

- R-HS Hillside Residential (1 D.U./10 acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Density Residential (6-10 D.U./acre)
- R-H High Density (9-12 D.U./acre)
- R-O Housing Opportunity (15-20 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (12 D.U./acre, maximum)
- C Commercial (15 D.U./acre, maximum)
- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture



0 100 200 400 Feet

1 inch = 200 feet

City of Sonoma - Legal Vacation Rentals (updated 4/1/13)

Operator/Property Name	APN	Site Address	Zoning	Number of Units	Approval Date	Type of Approval
Alexandra's Plaza Suite	018-222-023	440 Second Street East	R-L/H	1	Grandfathered	Grandfathered
Casa De Carroll	018-442-019	965 West Spain Street	C	1	Grandfathered	Grandfathered
Andrea's Hidden Cottage	018-171-009	138 East Spain Street	R-M/H	1	Grandfathered	Grandfathered
Brickhouse Bungalow	018-162-025	313 First Street East	R-M/H	5	Grandfathered	Grandfathered
Casa Chiquita	018-780-001	196 West Spain Street	R-M/H	2	Grandfathered	Grandfathered
Blankfort/Martin	018-352-030	117 France Street	R-L/H	1	Grandfathered	Grandfathered
Sonoma Farmhouse	018-201-003	446 Third Street West	R-L/H	2	Grandfathered	Grandfathered
McPherson	018-121-021	289 First Street West	R-M/H	1	Grandfathered	Grandfathered
McGovern	018-510-019	190 Padre	R-M/H	1	Grandfathered	Grandfathered
Mathis	018-121-020	287 First Street West	R-M/H	1	Grandfathered	Grandfathered
Cecilia's Adobe	018-172-003	378 Second Street East	R-M/H	1	Grandfathered	Grandfathered
Sonoma Culinary Inn	018-191-034	477 West Spain Street	R-L	3	Grandfathered	Grandfathered
Stone Cottage	018-231-022	391 East Spain Street	R-L/H	1	Grandfathered	Grandfathered
Susan's	018-202-006	458 Second Street West	C/H	2	Grandfathered	Grandfathered
The Cooperage/Wager Hous	018-161-017	301 First Street West	R-M/H	3	Grandfathered	Grandfathered
Bernard	018-201-008	270 West Napa Street, Unit 2R	C/H	1	4/13/2000	Use Permit
Cottage Sonoma	018-202-002	424 Second Street West	R-M/H	1	7/10/2003	Adaptive Reuse
Parker/Naylor	018-202-026	157 West Spain Street	R-M/H	1	7/10/2003	Adaptive Reuse
Demler	018-202-025	143 West Spain Street	R-M/H	1	2/12/2004	Adaptive Reuse
Benziger Solana Cottage	018-171-030	304 First Street East	R-M/H	1	6/9/2005	Adaptive Reuse
Casa de Sonoma	018-141-012	247 Fourth Street East	R-HS/H	1	9/14/2006	Adaptive Reuse
Inn Wine Country/Summers	018-352-052	758 Broadway	MX/H	1	1/10/2008	Use Permit
Auberge Sonoma	018-261-023	151 East Napa Street	R-M/H	2	5/20/2008	Adaptive Reuse
Schaefer	018-311-009	663 Second Street East	R-L/H	1	4/10/2008	Adaptive Reuse
Boden	128-083-021	20073 Broadway	MX/H	1	12/11/2008	Use Permit
Sobon-McDonald	018-201-004	454 Third Street West	C/H	1	3/10/2011	Use Permit
Tillem-Fagan	018-412-032	854 Broadway	MX/H	1	12/11/2011	Use Permit
Jones-Morrison	128-083-009	20079 Broadway	MX/H	1	2/14/2012	Use Permit
Total:				40		

Zoning Designations:

- R-L = Low Density Residential 9
- R-M = Medium Density Residential 21
- R-HS = Hillside Residential 1
- C = Commercial 5
- MX = Mixed Use 4
- /H = Historic Overlay Zone 36

Commissioners,

On behalf of Matt and Jan Mathews, the property owners of 284-294 West Napa Street (corner of West Napa Street and Third Street West) we would respectfully request the approval of a Conditional Use Permit to operate two of the three 1 bedroom apartments as vacation rentals.

My name is Bennett Martin. My company, STRATAap leases the largest commercial space in the Mathews' building. I currently own and operate a vacation rental in the County, so I am familiar with the regulations and operations of vacation rentals.

Over the last four years, the Mathews have been able to obtain long-term leases for all of the commercial spaces within the building but have not been able to do so with the two aforementioned apartments. They have continually listed the apartments with a local property management company over the years, but tend to get the same answer from renters; that it is in too commercial of a location and that it doesn't have the amenities that renters are looking for in Sonoma, especially extra room for children/guest room /office, and outdoor space. Looking at the large supply of rentals currently on the market, most have these amenities and the option for pets. Thus, these shortcomings make the Mathews' apartments especially difficult to lease.

On the attached site plan we have indicated the location of the units. We are requesting Conditional Use Permits for units 2 & 3. (unit 1 is larger and built as an owner's unit, so it is a viable rental unit). I am on-site most days from 7:30 am – 6:00 pm. I will act as the manager for the units and be available for guests as needed.

Dedicated parking is provided per ordinance 1999-14 at 1 space per bedroom. Each unit is a one bedroom and a parking space for each unit is provided in a lockable garage. The only exterior space available for each unit is limited to a second level balcony. Garbage service is currently provided by the owner for all units.

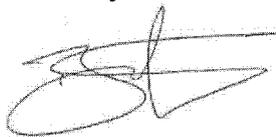
A summary of Reasons 284 – 294 W. Napa should be approved for a vacation rental:

- 1) The 2 units are both one bedroom, each with a dedicated parking spot. Due to the small size and lack of outdoor space, the likely vacation rental will be one couple or a one single person and thus will have very little impact on the surrounding land uses.
- 2) The units are surrounded by mixed use, mostly commercial buildings, and thus will not impact the neighborhood. There is one residence and several vacation rentals on 3rd street to the north, and St Francis Solano Catholic Church is across the street. Both the church and residential neighbor, as well as others, have signed a letter supporting our vacation rental permit request.

- 3) The church is often in need of short term vacation rental space to accommodate its parishioners for weddings, funerals, and other church activities, and since the property is across the street, it is a benefit for the church.
- 4) The proposed vacation rentals will not impose restrictions or limit any current or future land use in the surrounding area, as it will blend in well with the mixed use, low-density commercial and homes/vacation rentals in the area.
- 5) The recent seismic upgrade and exterior renovation of the main building have been an asset to the neighborhood, and the vacation rentals will in no way change the architectural character of the structure or the streetscape, as it currently stands.
- 6) These units have never been successful as apartment rentals. This is underscored by the letter from Mark Andrews, whose family had previously owned the property for the last 60 years. They always struggled to fill the units and often had to rent them as office space since no one wanted to live at the location due to it's commercial exposure. In an attempt to overcome these obstacles, the Mathews followed the advice of the rental agent and upgraded the units with new cabinets, restored the plaster finishes, repainted, and refinished the floors. They also added outdoor balconies, at significant expense. Even with these improvements, in one unit for example, they had 5 tenants in 4 years, and currently a tenant search for a unit has gone on for 6 months with no results. These 2 units are not desirable as rental units when compared to the rental stock in Sonoma because they:
 - a) Do not have a yard or viable outdoor space
 - b) Cannot accommodate dogs or children
 - c) Are surrounded by commercial businesses, and are not conducive to residential living. For example, O'Reilly Auto Parts is open to 9 PM with significant noise.
 - d) They front on Highway 12 (W. Napa St) and thus have a lot of traffic and street noise

Thank you for your consideration and please feel free to contact the Mathews or me with any questions.

Sincerely,



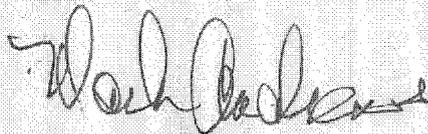
Bennett Martin

March 10, 2013

Dear Commissioners,

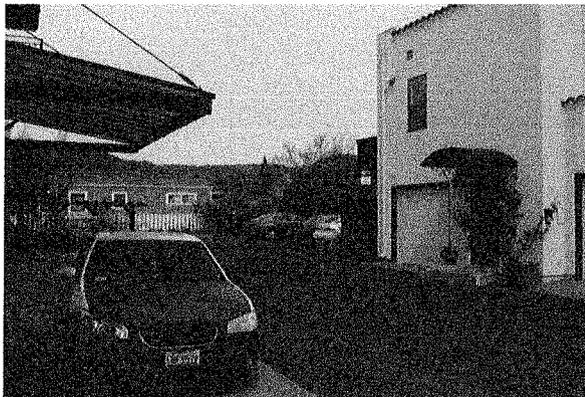
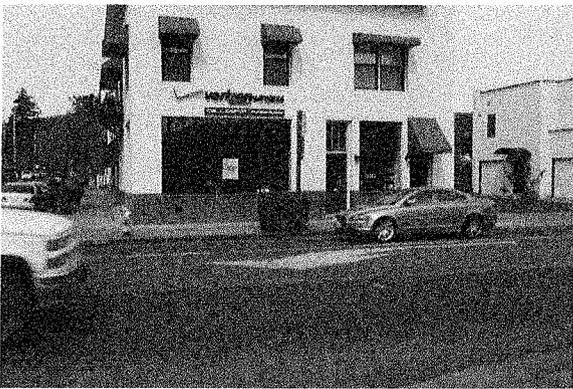
Our family owned the property at 284-294 West Napa St, for over a generation, prior to the Mathews. During that time, we found it difficult to rent the residential units due to their location in a commercial complex fronting on Highway 12, which generates a lot of traffic and noise. We often had to rent them for commercial use, as there was no demand for them as residential apartments. I support the Mathews' decision to obtain a conditional use permit for vacation rentals at this location.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Andrews", written in a cursive style.

Mark Andrews

PHOTO PAGES



MAR 15 2013



ARCHITECTURE

PO Box 1207
Sonoma, California 95476
T 707.935.7944
F 707.935.6618
www.stratadp.com

LOCATION

294 WEST NAPA ST.
SONOMA, CA 95476

REVISIONS

PLAN CHECK REVISIONS 08/13/2009
 Δ - ADD SIGNAGE TO UNIT #1
 Δ - ADD SIGNAGE TO UNIT #2
 Δ - ADD SIGNAGE TO UNIT #3

TENANT IMPROVEMENT

SITE PLAN

SHEET TITLE

CREATED BY: 001

DRAWN BY: 002

SCALE:

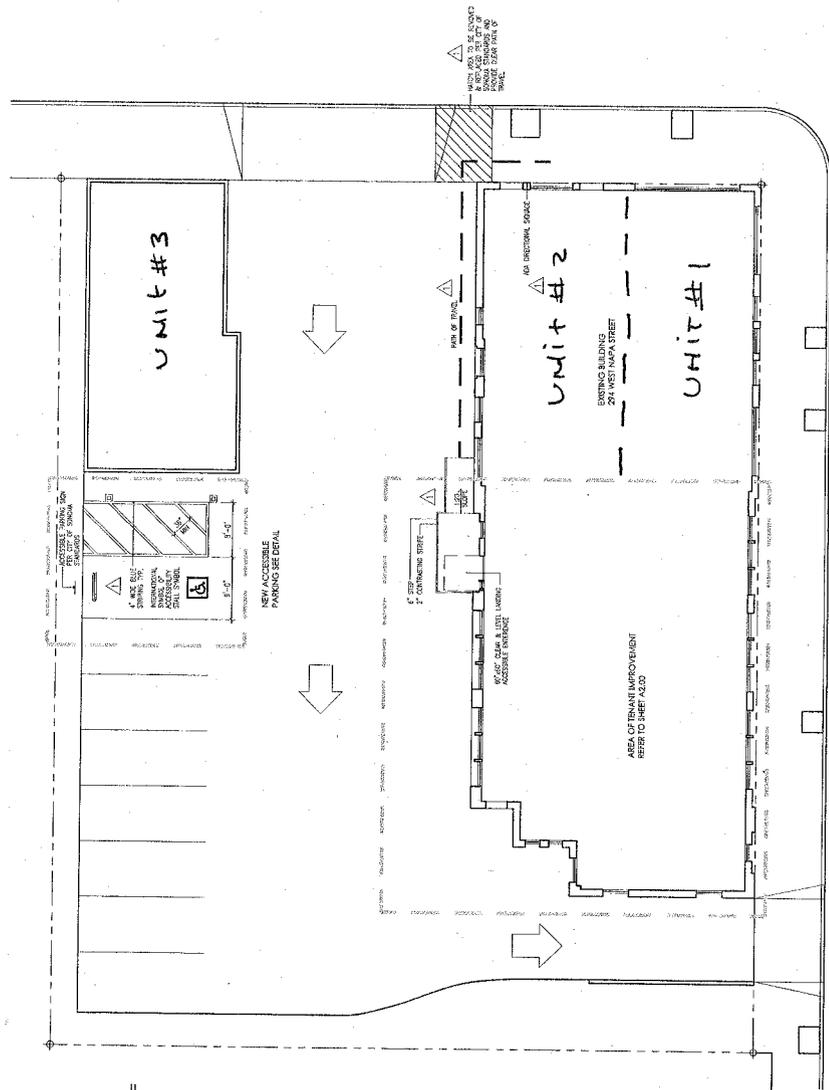
DATE: JUL 4, 2009

PROJECT NO.: 036-09

A1.00

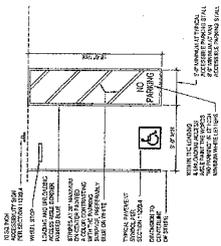
DRAWING NO.

MAR 15 2013



1 SITE PLAN
1/8"=1'-0"

2 DETAIL
1/8"=1'-0"



ARCHITECTURE

PO Box 1207
Sonoma, California 95476
T 707.836.7944
F 707.836.6618
www.stratahd.com

LOCATION

294 WEST NAPA ST.
SONOMA, CA 95476

REVISIONS

- △
- △
- △
- △

TENANT IMPROVEMENT

EXTERIOR ELEVATIONS

SHEET TITLE

CLIENT: 001

DRAWN BY: 102

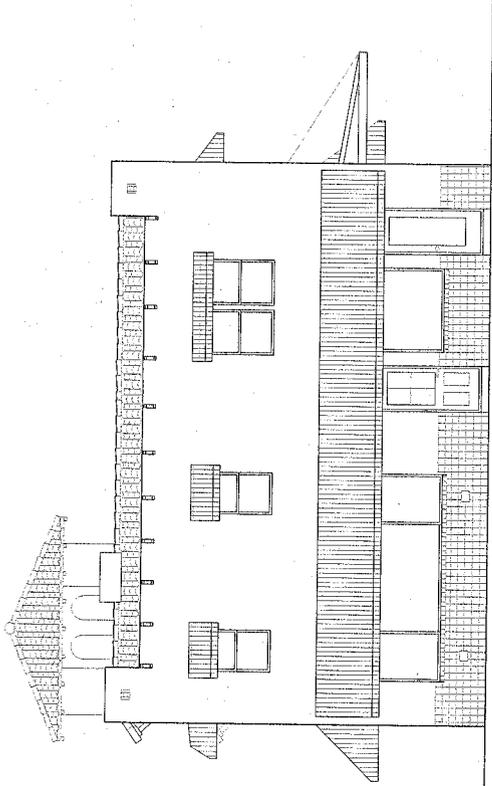
SCALE:

DATE: JULY 14, 2009

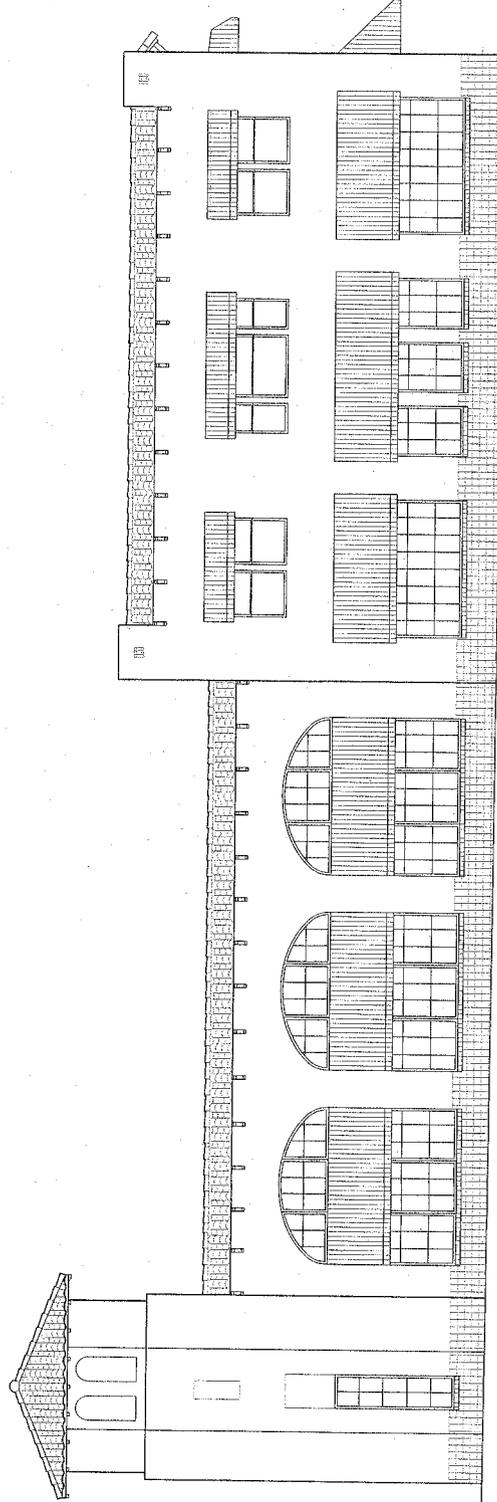
PROJECT NO.: 038-09

A3.00

DRAWING NO.



Existing South Elevation



Existing West Elevation

ARCHITECTURE

PO Box 1207
Sonoma, California 95476
P 707.257.7744
F 707.257.7748
www.stratadp.com

LOCATION

294 WEST NAPA ST.
SONOMA, CA 95476

REVISIONS

- △ -
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TENANT IMPROVEMENT

EXTERIOR ELEVATIONS

SHEET TITLE

CHECKED BY: 001

DRAWN BY: 102

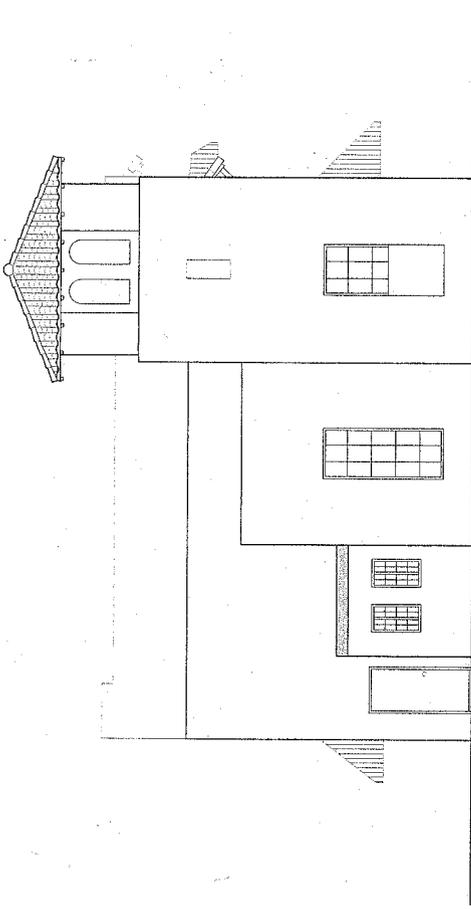
SCALE

DATE: 03/14/2009

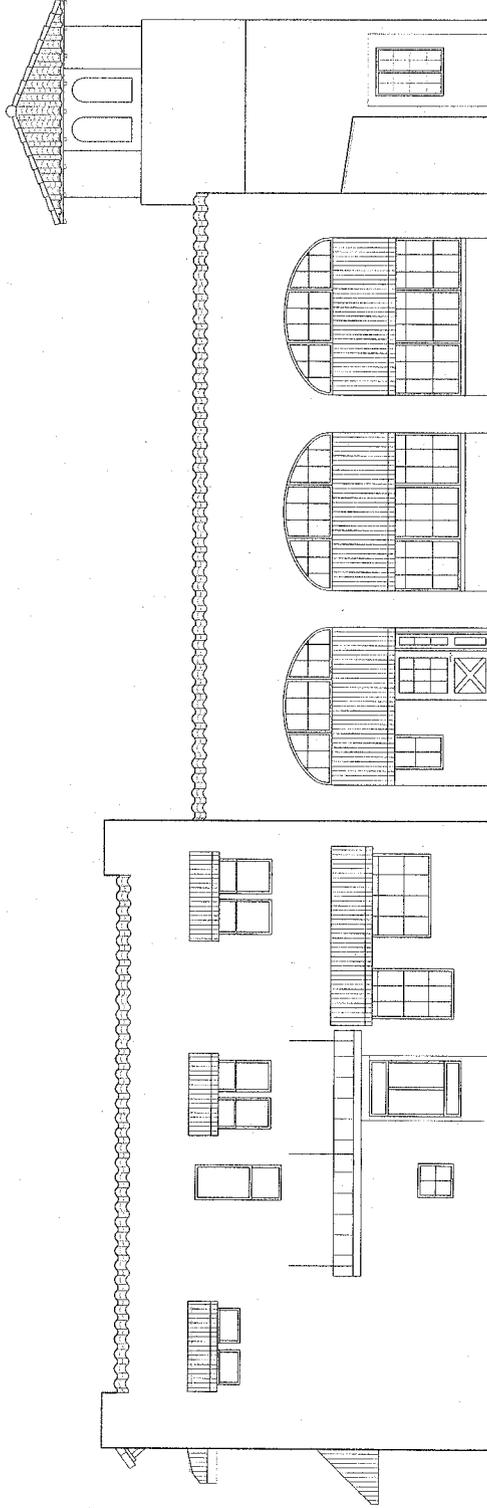
PROJECT NO.: 0889P

A3.01

DRAWING NO.



Existing North Elevation



Existing East Elevation

City of Sonoma Planning Commission
STAFF REPORT

Agenda Item #2
Meeting Date: 4-11-13

Agenda Item Title: Application for a Use Permit allowing the conversion of a single-family residence into a vacation rental.

Applicant/Owner: David Brunette and Kathy Allard/Sonoma Plaza 1889, LLC

Site Address/Location: 464 Third Street West

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 4/5/13

PROJECT SUMMARY

Description: Application of David Brunette and Kathy Allard for a Use Permit allowing the conversion of a single-family residence into a vacation rental at 464 Third Street West.

General Plan Designation: Commercial (C)

Planning Area: Downtown District

Zoning: **Base:** Commercial (C) **Overlay:** Historic (/H)

Site Characteristics: The subject property is a ±2,600-square foot parcel located on the east side of Third Street West, between West Napa Street and West Spain Street. The property is currently developed with a single-family home constructed in 1889.

Surrounding Land Use/Zoning: **North:** Vacation rental/Commercial
South: Commercial driveway and single-family home/Commercial
East: Office building with parking lot/Commercial
West: St. Francis Solano Church (across Third Street West)/Public Facility

Environmental Review:

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> No Action Required
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

Staff Recommendation: Approve with conditions.

PROJECT ANALYSIS

DETAILED PROJECT DESCRIPTION

The applicants recently purchased the residence with the intent of acquiring the appropriate approvals to operate it as a legal vacation rental (it has operated as an unpermitted vacation rental for several years). The residence has 1,200 square feet of living area with three bedrooms and a small rear yard area. As a vacation rental, it would be rented on a short-term basis for periods of less than 30 consecutive days. More details on the proposal can be found in the attached project narrative.

GENERAL PLAN CONSISTENCY (**Not Applicable to this Project**)

The property is designated Commercial by the General Plan. The Commercial land use designation is intended to provide areas for retail, hotel, service, medical, and office development, in association with apartments and mixed-use developments and necessary public improvements. Vacation rentals are allowed in the corresponding Commercial zone, subject to review and approval of a Use Permit by the Planning Commission. The following General Plan goals and policies apply to the project:

Local Economy Element, Policy 1.5: Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma.

Housing Element, Goal 3: Maintain and enhance the existing housing stock.

Housing Element, Policy 1.5: Continue to provide opportunities for the integration of housing in commercial districts and the adaptive reuse of non-residential structures.

The proposal is consistent with the policy that encourages tourism however impacts to the housing stock must also be considered (refer to “Discussion of Project Issues” below).

DEVELOPMENT CODE CONSISTENCY (**Not Applicable to this Project**)

Use: The property is located within a Commercial (C) zoning district, which is applied to areas appropriate for a range of commercial land uses including retail, tourist, office, and mixed-uses. Vacation rentals are allowed in the C zone subject to review and approval of a Use Permit by the Planning Commission.

Development Standards: The proposed use would operate within an existing structure. New construction is not proposed. As a result, the project does not raise any issues in terms of compliance with building setback, FAR, lot coverage, open space, and building height standards.

On-Site Parking: Under the Development Code, one parking space is required for each bedroom within a vacation rental. Accordingly, three on-site parking spaces would normally be required for the use. The property is provided with two parking spaces, including a one-car garage and driveway apron space. However, as noted in the project narrative, one of the upstairs bedrooms is very small with inset bunk beds appropriate for children. Given this layout, staff agrees that two parking spaces would be adequate and a parking Exception warranted, especially when also considering that the small size of the residence (1,260 square feet) would typically accommodate one group/family traveling in a single vehicle. While the two parking spaces on the property are tandem, due to the nature of the use, guests would be able coordinate their use if needed.

Vacation Rental Standards: The applicable standards set forth under Section 19.50.110 of the Development Code have been included in draft conditions of approval (attached). These include requirements related to fire and life safety, maintaining a business license, payment of Transient Occupancy (TOT) taxes, and limitations on signs.

CONSISTENCY WITH OTHER CITY ORDINANCES/POLICIES (Not Applicable to this Project)

ENVIRONMENTAL REVIEW (Not Applicable to this Project)

Pursuant to Section of 15301 of the State CEQA Guidelines, the leasing, permitting, or operation of existing private structures involving negligible or no expansion of use is considered Categorical Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

DISCUSSION OF PROJECT ISSUES

Compatibility: In staff's view, the proposal does not raise significant issues in terms of compatibility with surrounding land uses. The property is located in the Downtown District in a setting that supports a variety of land uses including commercial businesses, a church and school, residential units, and other vacation rentals. In addition, the applicants are experienced operating vacation rentals and would have a local manager/contact to address any issues that may arise. The adjoining residential neighbor to the south at 476 Third Street West has signed a petition in support of the application.

Impact on Housing Stock: As discussed above, the General Plan supports tourism but also calls for the preservation of housing stock. Foremost, staff would emphasize that vacation rentals are substantially restricted under the City's current regulations. In essence, new vacation rentals are now allowed only in the Commercial (C) and Mixed Use (MX) zones subject to Use Permit approval – they are prohibited in all residential zoning districts and circumstances under which a vacation rental can be approved as an adaptive reuse in a residential zone were greatly restricted by regulations adopted in 2009. Accordingly, the bulk of the City's housing stock, which is located in the residential zoning districts, is protected. This leaves limited opportunities in the C and MX zone where an application may be filed to operate a vacation rental. As reflected in the attached table, only 14 vacation rentals have been approved in the past 13 years since initial restrictions were adopted in 1999 (roughly one vacation rental per year) and over half were approved as adaptive reuse prior to the tightening of those regulations. Only six were approved in the C and MX zones (two in the C zone and four in the MX zone). These statistics do not represent a significant impact on the City's housing stock, currently estimated at 5,546 housing units. In addition, staff does not anticipate a substantial increase in the average conversion rate over time, despite this evening's agenda, because the 2009 amendments severely restrict opportunities for vacation rentals as an adaptive reuse.

One difference specific to this application that the Planning Commission must consider is that the unit proposed for conversion is a detached single-family home. Within the Commercial zoning district, existing detached single-family homes are a legal non-conforming use (i.e., single-family homes are not a permitted use in the C zone). As a non-conforming use, the City's zoning regulations anticipate that these homes/properties will be converted to other uses or redeveloped over the long-term. This is a notable distinction from apartments and multi-family development, which are encouraged in the Commercial zone and Downtown District. For these reasons, staff does not view conversion of the residence as a significant impact to housing or inconsistent with the intent of the property's Commercial land use designation/zoning or the Downtown District planning area standards.

RECOMMENDATION

Staff recommends approval subject to the attached conditions of approval.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Legal Vacation Rental List*
5. *Project Narrative*
6. *Correspondence*
7. *Property Photos*
8. *Floor Plan & Site Plans*

cc: David Brunette and Kathy Allard (via email)
2803 Alhambra Drive
Belmont, CA 94002-1351

Jennifer Hainstock (via email)
243 West Spain Street
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Brunette-Allard Vacation Rental Use Permit – 464 Third Street West
April 11, 2013

Based on substantial evidence in the record, including but not limited to the staff report, and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Approval

1. That the proposed use is consistent with the General Plan and any Specific Plan;
2. That the proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code (except for approved Variances and Exceptions).
3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and
4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

Parking Exception Approval

1. That the adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan and the overall objectives of this Development Code.
2. That the Exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.
3. That the granting of the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Brunette-Allard Vacation Rental Use Permit – 464 Third Street West
April 11, 2013

1. The vacation rental shall be operated in conformance with the project narrative and the approved site and floor plan.
Enforcement Responsibility: Planning, Building and Public Works
Timing: Ongoing
2. Two on-site parking spaces shall be provided and maintained for the vacation rental.
Enforcement Responsibility: Planning, Building, and Public Works
Timing: Ongoing
3. The applicant/property owner shall obtain and maintain a business license from the City for the vacation rental use, and shall register with the City to pay associated Transient Occupancy Taxes (TOT).
Enforcement Responsibility: Planning, Building, and Public Works; Finance Department
Timing: Prior to operation of the vacation rental and ongoing
4. Fire and life safety requirements administered by the Fire Department and the Building Division shall be implemented. Minimum requirements shall include approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room.
Enforcement Responsibility: Building Division; Fire Department
Timing: Prior to operation and ongoing
5. The vacation rental shall comply with the annual fire and life safety certification procedures of the Fire Department.
Enforcement Responsibility: Fire Department
Timing: Ongoing
6. One sign, with a maximum area of two square feet, may be allowed subject to the approval of the City's Design Review Commission.
Enforcement Responsibility: Planning Department; DRC
Timing: Prior to installation of a sign for the vacation rental
7. The project shall comply with all applicable Fire and Building Code requirements.
Enforcement Responsibility: Building Department
Timing: Prior to operation

Vicinity Map



Project Summary

Project Name: Brunette-Allard Vacation Rental
Property Address: 464 Third Street West
Applicant: David Brunette & Kathy Allard
Property Owner: Sonoma Plaza 1889, LLC
General Plan Land Use: Commercial
Zoning - Base: Commercial
Zoning - Overlay: Historic

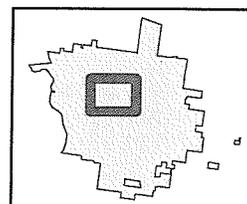
Summary:
 Application for a Use Permit allowing the conversion of a single-family home into a vacation rental.

Zoning Designations

- R-HS Hillside Residential (1 D.U./10 acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Density Residential (6-10 D.U./acre)
- R-H High Density (9-12 D.U./acre)
- R-O Housing Opportunity (15-20 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (12 D.U./acre, maximum)
- C Commercial (15 D.U./acre, maximum)
- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture

0 100 200 400 Feet

1 inch = 200 feet



City of Sonoma - Legal Vacation Rentals (updated 4/1/13)

Operator/Property Name	APN	Site Address	Zoning	Number of Units	Approval Date	Type of Approval
Alexandra's Plaza Suite	018-222-023	440 Second Street East	R-L/H	1	Grandfathered	Grandfathered
Casa De Carroll	018-442-019	965 West Spain Street	C	1	Grandfathered	Grandfathered
Andrea's Hidden Cottage	018-171-009	138 East Spain Street	R-M/H	1	Grandfathered	Grandfathered
Brickhouse Bungalow	018-162-025	313 First Street East	R-M/H	5	Grandfathered	Grandfathered
Casa Chiquita	018-780-001	196 West Spain Street	R-M/H	2	Grandfathered	Grandfathered
Blankfort/Martin	018-352-030	117 France Street	R-L/H	1	Grandfathered	Grandfathered
Sonoma Farmhouse	018-201-003	446 Third Street West	R-L/H	2	Grandfathered	Grandfathered
McPherson	018-121-021	289 First Street West	R-M/H	1	Grandfathered	Grandfathered
McGovern	018-510-019	190 Padre	R-M/H	1	Grandfathered	Grandfathered
Mathis	018-121-020	287 First Street West	R-M/H	1	Grandfathered	Grandfathered
Cecilia's Adobe	018-172-003	378 Second Street East	R-M/H	1	Grandfathered	Grandfathered
Sonoma Culinary Inn	018-191-034	477 West Spain Street	R-L	3	Grandfathered	Grandfathered
Stone Cottage	018-231-022	391 East Spain Street	R-L/H	1	Grandfathered	Grandfathered
Susan's	018-202-006	458 Second Street West	C/H	2	Grandfathered	Grandfathered
The Cooperage/Wager Hous	018-161-017	301 First Street West	R-M/H	3	Grandfathered	Grandfathered
Bernard	018-201-008	270 West Napa Street, Unit 2R	C/H	1	4/13/2000	Use Permit
Cottage Sonoma	018-202-002	424 Second Street West	R-M/H	1	7/10/2003	Adaptive Reuse
Parker/Naylor	018-202-026	157 West Spain Street	R-M/H	1	7/10/2003	Adaptive Reuse
Demler	018-202-025	143 West Spain Street	R-M/H	1	2/12/2004	Adaptive Reuse
Benziger Solana Cottage	018-171-030	304 First Street East	R-M/H	1	6/9/2005	Adaptive Reuse
Casa de Sonoma	018-141-012	247 Fourth Street East	R-HS/H	1	9/14/2006	Adaptive Reuse
Inn Wine Country/Summers	018-352-052	758 Broadway	MX/H	1	1/10/2008	Use Permit
Auberge Sonoma	018-261-023	151 East Napa Street	R-M/H	2	5/20/2008	Adaptive Reuse
Schaefer	018-311-009	663 Second Street East	R-L/H	1	4/10/2008	Adaptive Reuse
Boden	128-083-021	20073 Broadway	MX/H	1	12/11/2008	Use Permit
Sobon-McDonald	018-201-004	454 Third Street West	C/H	1	3/10/2011	Use Permit
Tillem-Fagan	018-412-032	854 Broadway	MX/H	1	12/11/2011	Use Permit
Jones-Morrison	128-083-009	20079 Broadway	MX/H	1	2/14/2012	Use Permit
			Total:	40		

Zoning Designations:

R-L = Low Density Residential 9
R-M = Medium Density Residential 21
R-HS = Hillside Residential 1
C = Commercial 5
MX = Mixed Use 4
/H = Historic Overlay Zone 36

Kathy Allard & David Brunette

2803 Alhambra Drive, Belmont, CA • (650) 619-6797 (k cell), (510) 396-1303 (d cell) • dpretreat@yahoo.co

Date: 3/13/13

To: City of Sonoma Planning Commission

Re: Application for a Use Permit to allow a single-family residence to be operated as a vacation rental

Site Address: 464 Third Street West

PROJECT NARRATIVE:

By way of introduction, we are Kathy Allard and David Brunette, and have recently purchased the property located at 464 Third Street West. We currently operate a vacation rental in the "Diamond A" region of Sonoma that we call "Deer Park Retreat", located at 18763 Deer Park Drive. We purchased this home in April of 2012, and use also as our second home. Our primary residence is in Belmont, California. With Deer Park Retreat, we have been very successful at bringing outside guests to the Sonoma area, and gain a great deal of satisfaction in helping our guests enjoy all that the Sonoma region has to offer.

Our proposed plan with our new home on Third Street West is to operate it as a vacation rental. We sought out this property months prior to its' sale, and had worked closely with the real estate agent about doing all that we could to purchase it as an investment property. Since February of this year, we have worked on repairing exterior flaws, and painting the exterior and interior. We are currently replacing appliances, and completing the interior furnishings. It is our intent to show off this gem of an 1889 Sonoma Cottage in full form.

As we understand it, this property has been operating as an unpermitted vacation rental for many years, and it is our desire to operate a successful, legitimate vacation rental business from this wonderful property and location. We sought this property out because of its' location in a Commercial Use zone, knowing that this was one of the provisions for securing a vacation rental permit. We are also aware that there are many other vacation rentals on our street (454 & 446 Third Street West). In fact, the City of Sonoma Project Summary submitted for 454 Third Street West Application for a Use Permit to operate as a vacation rental referred to our property as a "vacation rental," located right to the south of 454 Third Street West (3/11)

Our house on 464 Third Street West is a two-storied, 3-bedroom and 3-bath home. Because the "3rd" bedroom (see picture provided) is a very small room, with inset "bunk" beds only, its' deemed use will be appropriate for children traveling with adults. For that reason, we do not feel it's warranted that we provide 3 parking spaces for our guests. We will be offering both the garage and driveway as tandem parking for our guests (see site plan diagram). It is our experience in hosting guests traveling to Sonoma that many groups

Kathy Allard & David Brunette

2803 Alhambra Drive, Belmont, CA • (650) 619-6797 (k cell), (510) 396-1303 (d cell) • dpretreat@yahoo.co

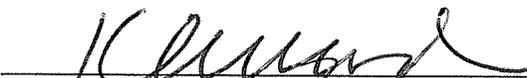
travel in one vehicle (typically from SFO), usually with close friends or family. So, in our estimate, we will be able to provide ample parking and adequate parking opportunities on site, and impacts to street parking are not anticipated.

(Bill Hammett, who owns the Engineering Commerical business immediate to our east, has graciously offered parking to our guests on weekends and evenings, if needed. His lot is adjacent to our property, and is often vacant on weekend periods, which is our anticipated high use time of the week. Although we are thankful for Bill's offer, we don't feel that using that space will be necessary.)

Because we have successfully operated a vacation rental at Deer Park Retreat (generating no complaints), we intend to employ similar strict screening standards, including a neighborhood network that assists with monitoring, as needed. We also have a very diligent House Manager, Allison Niver, who resides in Sonoma and is very responsive to any issue that arises regarding operating a vacation rental. Our plan is to minimize the impact on other properties and residents in the vicinity. In fact, the only residence that would be impacted is directly to our south, at 476 Third Street West. Please note that this owner has signed a petition in support of our application (attached). To our immediate north, are two operating vacation rentals, 454 and 446 Third Street West.

We are very diligent and responsible business owners—Kathy is a Clinical Psychologist in Burlingame. Her skills come in very handy when it comes to screening future clientele, and communicating with guests--we have had nothing short of very happy guests at Deer Park Retreat. David, who owns a Combustion Engineering business, is excellent at doing the necessary repairing, maintenance, and occasional emergency response with household issues that tend to arise with a vacation rental.

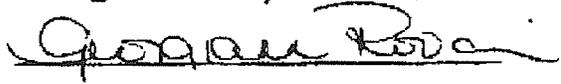
Our plan for 464 Third West is to operate it as a very charming, well-run, organized and responsive vacation rental, directing all of our guests to enjoy and spend their vacation resources in Sonoma, providing revenue both for the City and local businesses.

Kathy Allard: 

David Brunette: 

**PETITION FOR PROPOSED VACATION RENTAL CONDITIONAL USE
PERMIT AT: 464 THIRD STREET WEST, SONOMA, CA, 95476**

I, the undersigned, own the property next door to the proposed vacation rental. I support the application by the owners of that residence (David Brunette & Kathy Allard), who do business as "Sonoma Plaza 1889, LLC", to obtain a conditional use permit for operating that property as a vacation rental.

Name: Georgiann Rovai, Tee 2003 Minerva Rovai Trust
Signature: 
Address: 476 Third Street West, Sonoma, CA 95476
Date: 3-13-13
Email: grovai@rsv.com



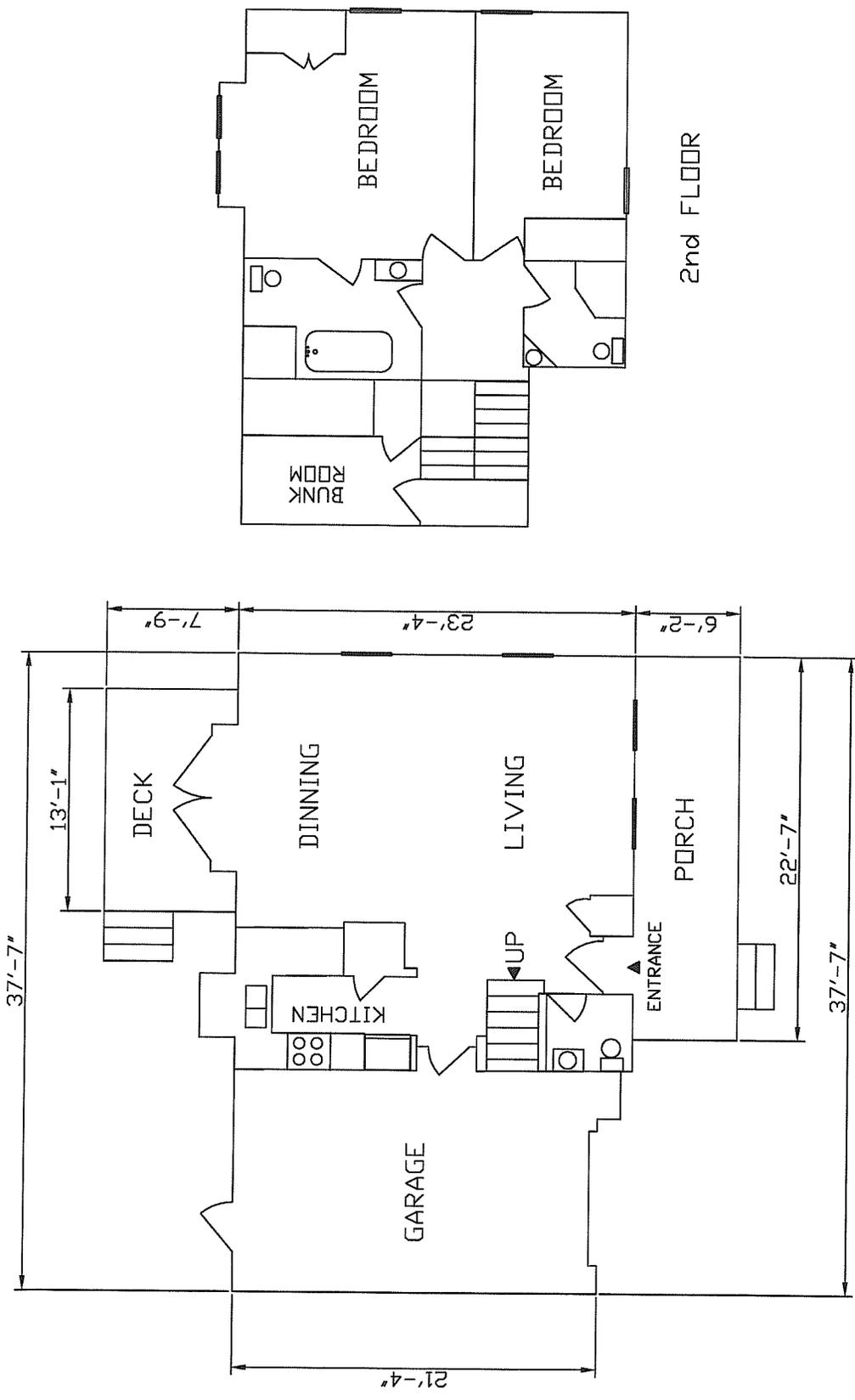
Front of House



Small Bunk Bed Room

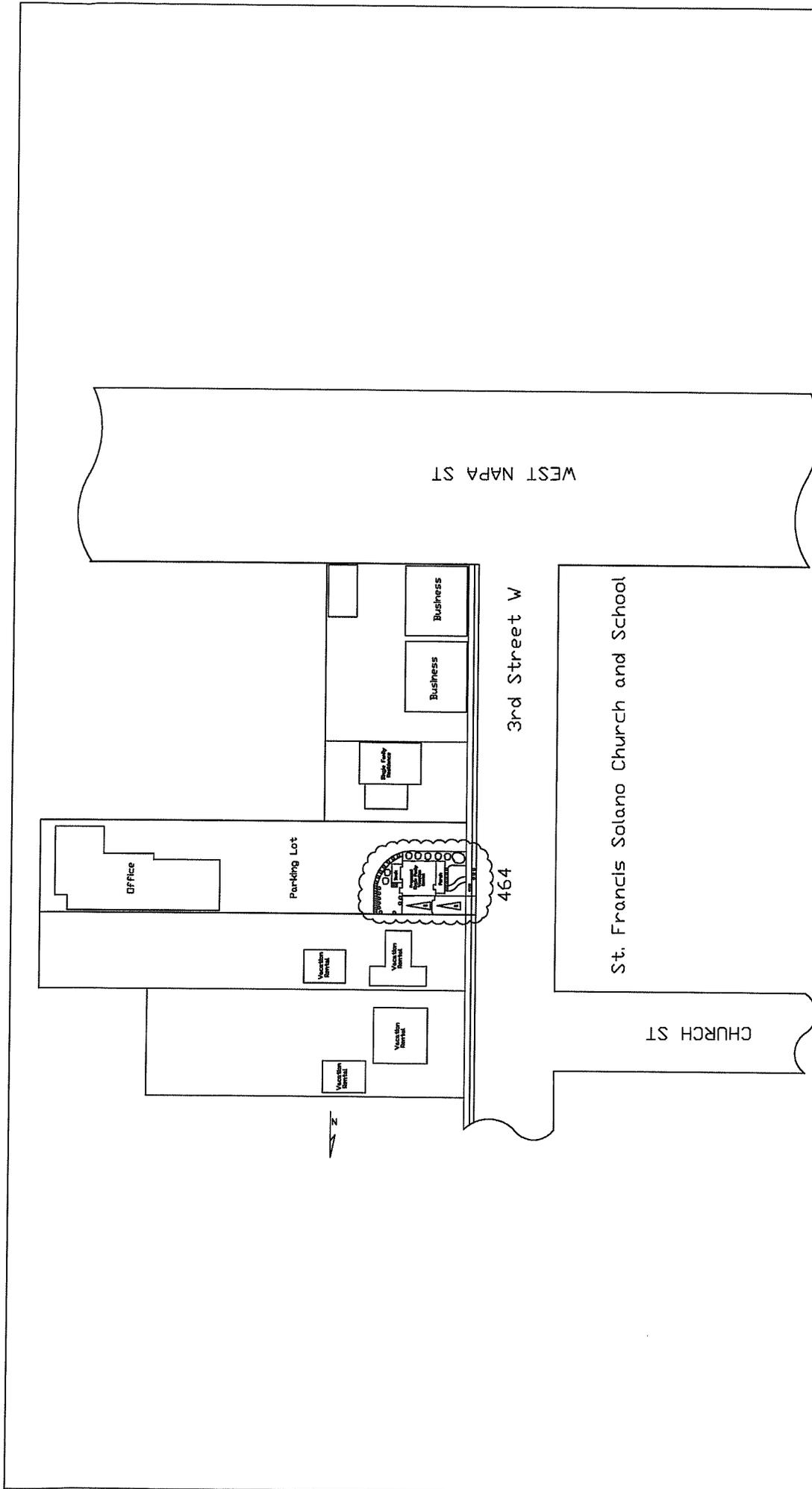


Rear of House

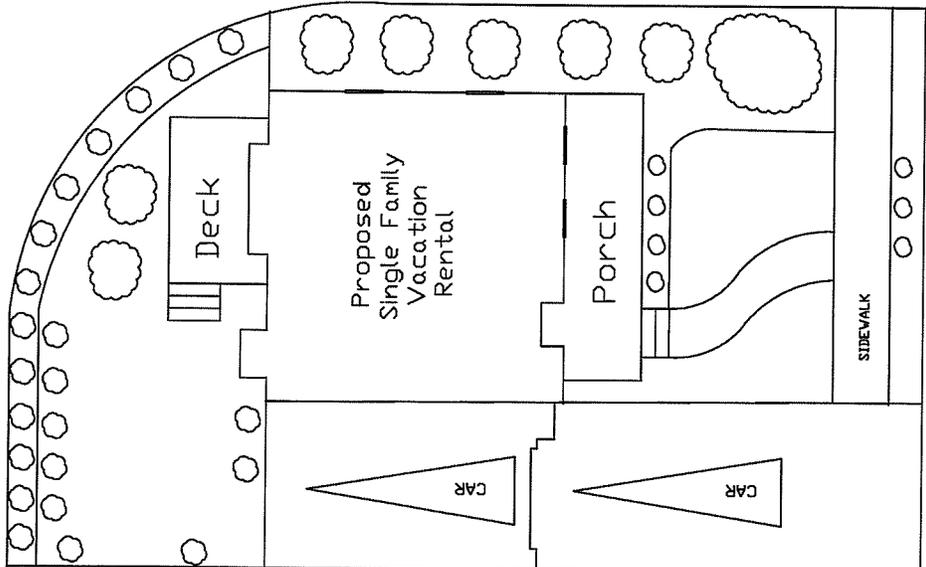


2nd FLOOR

NOTES	<p>SONOMA PLAZA 1889, LLC</p> <p>THIS DRAWING IS SENT TO YOU SUBJECT TO RETURN UPON DEMAND AND WITH THE UNDERSTANDING THAT IT IS NOT TO BE USED IN ANY WAY DETRIMENTAL TO OUR INTERESTS.</p> <p>ALL RIGHTS OF DESIGN OR INVENTION ARE RESERVED</p>	DESIGNED BY D. BRUNETTE	REV
		DRAWN BY D. BRUNETTE	0
		CHECKED BY NONE	SHEET
		SCALE NONE	1
		DATE 03/11/2013	
HOUSE LAYOUT 464 THIRD ST WEST SONOMA CA			



NOTES	SEINDOMA PLAZA 1889, LLC	DESIGNED BY	JL BRUNETTE	REV	0
	THIS DRAWING IS SENT TO YOU SUBJECT TO RETURN UPON DEMAND AND WITH THE UNDERSTANDING THAT IT IS NOT TO BE USED IN ANY WAY DETRIMENTAL TO OUR INTERESTS.	CHECKED BY	JL BRUNETTE	SHEET	2
ALL RIGHTS OF DESIGN OR INVENTION ARE RESERVED		SCALE	NONE		
		DATE	03/11/2013		
	AREA REFERENCE				
	464 THIRD ST WEST SEINDOMA CA				



NOTES	<p>SUNOMA PLAZA 1889, LLC</p> <p>THIS DRAWING IS SENT TO YOU SUBJECT TO RETURN UPON DEMAND AND WITH THE UNDERSTANDING THAT IT IS NOT TO BE USED IN ANY WAY DETRIMENTAL TO OUR INTERESTS.</p> <p>ALL RIGHTS OF DESIGN OR INVENTION ARE RESERVED</p>	<p>DESIGNED BY D. BRUNETTE</p> <p>DRAWN BY D. BRUNETTE</p> <p>CHECKED BY</p> <p>SCALE NONE</p> <p>DATE 03/11/2013</p>	<p>SITE PLAN</p> <p>464 THIRD ST WEST SUNOMA CA</p>		<p>REV 0</p>
		<p>DATE 03/11/2013</p>	<p>SHEET 3</p>		

Agenda Item Title: Application for a Use Permit allowing the conversion of a single-family residence into a vacation rental.

Applicant/Owner: Michael Marino/ Michael and Valerie Marino

Site Address/Location: 853 Broadway

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 4/5/13

PROJECT SUMMARY

Description: Application of Michael and Valerie Marino for a Use Permit allowing the conversion of a single-family residence into a vacation rental at 853 Broadway.

General Plan Designation: Mixed Use (MU)

Planning Area: Broadway Corridor

Zoning: **Base:** Mixed Use (MX) **Overlay:** Historic (/H)

Site Characteristics: The subject property is a ±5,100-square foot parcel located on the west side of Broadway, a half block north of MacArthur Street. The property is currently developed with a single-family home constructed around 1900.

Surrounding Land Use/Zoning:

North: Office building/Mixed Use
South: Retail outdoor furniture store/Mixed Use
East: Mixed-use building with offices and upstairs apartment and vacation rental (across Broadway)/Mixed Use
West: Triplex/Mixed Use

Environmental Review:

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> No Action Required
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

Staff Recommendation: Approve with conditions.

PROJECT ANALYSIS

DETAILED PROJECT DESCRIPTION

The applicant purchased the property in 2011 and subsequently converted the building back to residential use (it had been used as an office building for several decades prior). The applicant is now requesting approval to operate the residence as a vacation rental. The home has ±1,300 square feet of living area with two bedrooms and a small rear yard area. As a vacation rental, it would be rented on a short-term basis for periods of less than 30 consecutive days. More details on the proposal can be found in the attached project narrative.

GENERAL PLAN CONSISTENCY (**Not Applicable to this Project**)

The property is designated Mixed Use by the General Plan. The Mixed Use land use designation is intended to accommodate uses that provide a transition between commercial and residential districts, to promote a pedestrian presence in adjacent commercial areas, and to provide neighborhood commercial services to adjacent residential areas. Vacation rentals are allowed in the corresponding Mixed Use zone, subject to review and approval of a Use Permit by the Planning Commission. The following General Plan goals and policies apply to the project:

Local Economy Element, Policy 1.5: Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma.

Housing Element, Goal 3: Maintain and enhance the existing housing stock.

Housing Element, Policy 1.5: Continue to provide opportunities for the integration of housing in commercial districts and the adaptive reuse of non-residential structures.

The proposal is consistent with the policy that encourages tourism however impacts to the housing stock must also be considered (refer to “Discussion of Project Issues” below).

DEVELOPMENT CODE CONSISTENCY (**Not Applicable to this Project**)

Use: The property is zoned Mixed Use (MX). The MX zone is intended to allow for higher density housing types, such as apartments and condominiums, in conjunction with commercial and office development, in order to increase housing opportunities, reduce dependence on the automobile, and provide a pedestrian presence in commercial areas. Vacation rentals are allowed in the MX zone, subject to review and approval of a Use Permit by the Planning Commission.

Development Standards: The proposed use would operate within an existing structure. New construction is not proposed. As a result, the project does not raise any issues in terms of compliance with building setback, FAR, lot coverage, open space, and building height standards.

On-Site Parking: Under the Development Code, one parking space is required for each bedroom within a vacation rental. Accordingly, two on-site parking spaces are required for the use. The property is provided with two parking spaces along the north property line. While the two parking spaces on the property are tandem, due to the nature of the use, guests would be able coordinate their use if needed.

Vacation Rental Standards: The applicable standards set forth under Section 19.50.110 of the Development Code have been included in draft conditions of approval (attached). These include requirements

related to fire and life safety, maintaining a business license, payment of Transient Occupancy (TOT) taxes, and limitations on signs.

**CONSISTENCY WITH OTHER
CITY ORDINANCES/POLICIES** (Not Applicable to this Project)

ENVIRONMENTAL REVIEW (Not Applicable to this Project)

Pursuant to Section of 15301 of the State CEQA Guidelines, the leasing, permitting, or operation of existing private structures involving negligible or no expansion of use is considered Categorical Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

DISCUSSION OF PROJECT ISSUES

Compatibility: In staff's view, the proposal does not raise significant issues in terms of compatibility with surrounding land uses. The property is located in a mixed-use setting that supports a variety of land uses including offices, retail, auto services, a vacation rental, and all types of residential development. In addition, the applicant is experienced operating vacation rentals and resides locally with the ability to address any issues that may arise.

Impact on Housing Stock: As discussed above, the General Plan supports tourism but also calls for the preservation of housing stock. Foremost, staff would emphasize that vacation rentals are substantially restricted under the City's current regulations. In essence, new vacation rentals are now allowed only in the Commercial (C) and Mixed Use (MX) zones subject to Use Permit approval – they are prohibited in all residential zoning districts and circumstances under which a vacation rental can be approved as an adaptive reuse in a residential zone were greatly restricted by regulations adopted in 2009. Accordingly, the bulk of the City's housing stock, which is located in the residential zoning districts, is protected. This leaves limited opportunities in the C and MX zone where an application may be filed to operate a vacation rental. As reflected in the attached table, only 14 vacation rentals have been approved in the past 13 years since initial restrictions were adopted in 1999 (roughly one vacation rental per year) and over half were approved as adaptive reuse prior to the tightening of those regulations. Only six were approved in the C and MX zones (two in the C zone and four in the MX zone). These statistics do not represent a significant impact on the City's housing stock, currently estimated at 5,546 housing units. In addition, staff does not anticipate a substantial increase in the average conversion rate over time, despite this evening's agenda, because the 2009 amendments severely restrict opportunities for vacation rentals as an adaptive reuse. For these reasons, staff does not view conversion of the residence as a significant impact to housing and the proposal does not raise issues of consistency with the intent of the Mixed Use zone or the Broadway Corridor planning area standards. In addition, the structure was only recently returned to residential use having been used for commercial offices for decades prior.

RECOMMENDATION

Staff recommends approval subject to the attached conditions of approval.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Legal Vacation Rental List*
5. *Project Narrative*
6. *Photos*
7. *Site Plan*

cc: Michael Marino
804 Siesta Way
Sonoma, CA 95476

Jennifer Hainstock (via email)
243 West Spain Street
Sonoma, CA 95476

City of Sonoma Planning Commission
FINDINGS OF PROJECT APPROVAL
Marino Vacation Rental Use Permit – 853 Broadway
April 11, 2013

Based on substantial evidence in the record, including but not limited to the staff report, and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

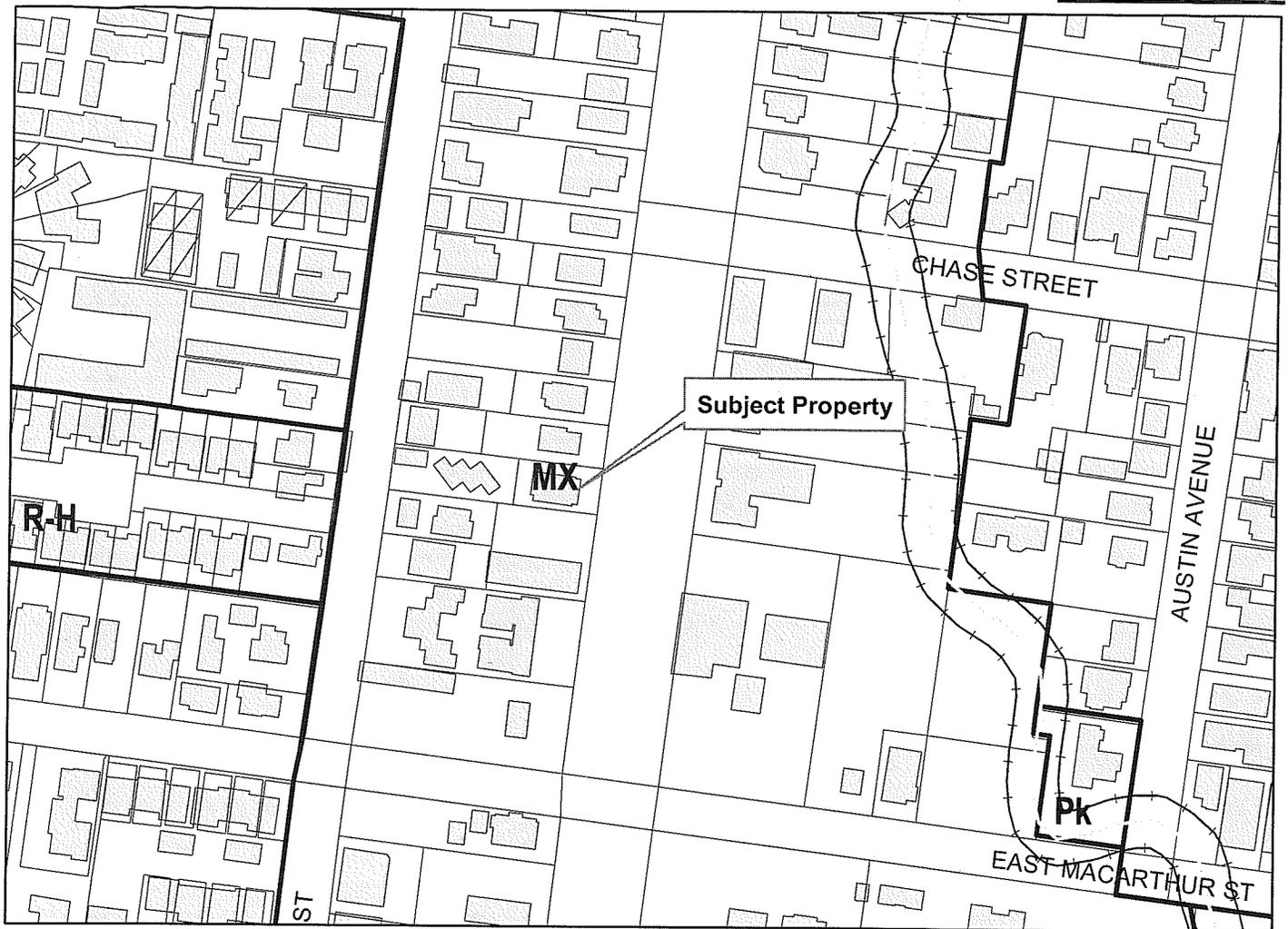
Use Permit Approval

1. That the proposed use is consistent with the General Plan and any Specific Plan;
2. That the proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code (except for approved Variances and Exceptions).
3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and
4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
Marino Vacation Rental Use Permit – 853 Broadway
April 11, 2013

1. The vacation rental shall be operated in conformance with the project narrative and the approved site and floor plan.
Enforcement Responsibility: Planning, Building and Public Works
Timing: Ongoing
2. Two on-site parking spaces shall be provided and maintained for the vacation rental.
Enforcement Responsibility: Planning, Building, and Public Works
Timing: Ongoing
3. The applicant/property owner shall obtain and maintain a business license from the City for the vacation rental use, and shall register with the City to pay associated Transient Occupancy Taxes (TOT).
Enforcement Responsibility: Planning, Building, and Public Works; Finance Department
Timing: Prior to operation of the vacation rental and ongoing
4. Fire and life safety requirements administered by the Fire Department and the Building Division shall be implemented. Minimum requirements shall include approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room.
Enforcement Responsibility: Building Division; Fire Department
Timing: Prior to operation and ongoing
5. The vacation rental shall comply with the annual fire and life safety certification procedures of the Fire Department.
Enforcement Responsibility: Fire Department
Timing: Ongoing
6. One sign, with a maximum area of two square feet, may be allowed subject to the approval of the City's Design Review Commission.
Enforcement Responsibility: Planning Department; DRC
Timing: Prior to installation of a sign for the vacation rental
7. The project shall comply with all applicable Fire and Building Code requirements.
Enforcement Responsibility: Building Department
Timing: Prior to operation

Vicinity Map



Project Summary

Project Name: Marino Vacation Rental
Property Address: 853 Broadway
Applicant: Michael Marino
Property Owner: Michael & Valerie Marino
General Plan Land Use: Mixed Use
Zoning - Base: Mixed Use
Zoning - Overlay: Historic

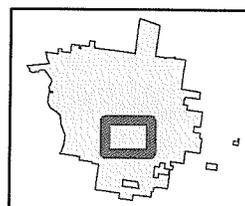
Summary:
 Application for a Use Permit allowing the conversion of a single-family home into a vacation rental.

Zoning Designations

- R-HS Hillside Residential (1 D.U./10 acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Density Residential (6-10 D.U./acre)
- R-H High Density (9-12 D.U./acre)
- R-O Housing Opportunity (15-20 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (12 D.U./acre, maximum)
- C Commercial (15 D.U./acre, maximum)
- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture

0 100 200 400 Feet

1 inch = 200 feet



City of Sonoma - Legal Vacation Rentals (updated 4/1/13)

Operator/Property Name	APN	Site Address	Zoning	Number of Units	Approval Date	Type of Approval
Alexandra's Plaza Suite	018-222-023	440 Second Street East	R-L/H	1	Grandfathered	Grandfathered
Casa De Carroll	018-442-019	965 West Spain Street	C	1	Grandfathered	Grandfathered
Andrea's Hidden Cottage	018-171-009	138 East Spain Street	R-M/H	1	Grandfathered	Grandfathered
Brickhouse Bungalow	018-162-025	313 First Street East	R-M/H	5	Grandfathered	Grandfathered
Casa Chiquita	018-780-001	196 West Spain Street	R-M/H	2	Grandfathered	Grandfathered
Blankfort/Martin	018-352-030	117 France Street	R-L/H	1	Grandfathered	Grandfathered
Sonoma Farmhouse	018-201-003	446 Third Street West	R-L/H	2	Grandfathered	Grandfathered
McPherson	018-121-021	289 First Street West	R-M/H	1	Grandfathered	Grandfathered
McGovern	018-510-019	190 Padre	R-M/H	1	Grandfathered	Grandfathered
Mathis	018-121-020	287 First Street West	R-M/H	1	Grandfathered	Grandfathered
Cecilia's Adobe	018-172-003	378 Second Street East	R-M/H	1	Grandfathered	Grandfathered
Sonoma Culinary Inn	018-191-034	477 West Spain Street	R-L	3	Grandfathered	Grandfathered
Stone Cottage	018-231-022	391 East Spain Street	R-L/H	1	Grandfathered	Grandfathered
Susan's	018-202-006	458 Second Street West	C/H	2	Grandfathered	Grandfathered
The Cooperage/Wager Hous	018-161-017	301 First Street West	R-M/H	3	Grandfathered	Grandfathered
Bernard	018-201-008	270 West Napa Street, Unit 2R	C/H	1	4/13/2000	Use Permit
Cottage Sonoma	018-202-002	424 Second Street West	R-M/H	1	7/10/2003	Adaptive Reuse
Parker/Naylor	018-202-026	157 West Spain Street	R-M/H	1	7/10/2003	Adaptive Reuse
Demler	018-202-025	143 West Spain Street	R-M/H	1	2/12/2004	Adaptive Reuse
Benziger Solana Cottage	018-171-030	304 First Street East	R-M/H	1	6/9/2005	Adaptive Reuse
Casa de Sonoma	018-141-012	247 Fourth Street East	R-HS/H	1	9/14/2006	Adaptive Reuse
Inn Wine Country/Summers	018-352-052	758 Broadway	MX/H	1	1/10/2008	Use Permit
Auberge Sonoma	018-261-023	151 East Napa Street	R-M/H	2	5/20/2008	Adaptive Reuse
Schaefer	018-311-009	663 Second Street East	R-L/H	1	4/10/2008	Adaptive Reuse
Boden	128-083-021	20073 Broadway	MX/H	1	12/11/2008	Use Permit
Sobon-McDonald	018-201-004	454 Third Street West	C/H	1	3/10/2011	Use Permit
Tillem-Fagan	018-412-032	854 Broadway	MX/H	1	12/11/2011	Use Permit
Jones-Morrison	128-083-009	20079 Broadway	MX/H	1	2/14/2012	Use Permit
			Total:	40		

Zoning Designations:

- R-L = Low Density Residential 9
- R-M = Medium Density Residential 21
- R-HS = Hillside Residential 1
- C = Commercial 5
- MX = Mixed Use 4
- /H = Historic Overlay Zone 36

Michael Marino
804 Siesta Way
Sonoma, Ca 95476

March 12, 2013

Re: 853 Broadway, Sonoma

Conditional Use Permit (minor) (Vacation Rental)

I purchased the property at 853 Broadway in February of 2011 and at which time it was being used as a commercial office space. In the last 18 months I have remodeled the house taking it back to a residential property. Working closely with the design review board and the city of Sonoma I was able to modernize the interior while keeping the original historical bungalow style. The old office building is now a two bedroom, two and a half bath home.

My wife and I currently own and operate a successful vacation rental just outside the city limits. We personally manage the rental process from pre-qualifying to end of each stay including housekeeping, collecting payment, and maintenance. We would also be handling this rental property in the same manner.

While representing Supervisor Valerie Brown (District 1) on the Sonoma County Tourism Board, I worked closely with the development and implementation of the county's new Vacation Rental Ordinance. As a local Sonoma resident I completely understand the concerns when it comes to vacation rentals in general and can assure you that I enforce extremely strict rental policies (see attached). Over the last three years I have generated over \$20,000.00 in T.O.T. tax for Sonoma County without receiving a single complaint from neighbors or county officials.

The maximum occupancy of this property would be 4 adults at one time and no option for additional guests or visitors. Our rules strictly point out that there will be no outside activity between the hours of 10 pm – 8 am.

Living just minutes from the property would allow me to personally monitor and observe all guests to make sure they are adhering to the rules. Although my neighbors to the immediate North and South are commercial businesses, I would make myself available to all neighbors 24 hours per day in the unlikely event there are any issues or concerns.

Thank you,



Michael D. Marino
#707-732-8188

MAR 15 2013

Rules and Regulations

853 Broadway, Sonoma

This Vacation Rental is a very private and exclusive property and we appreciate all guests respecting and following these rules:

- 1. We DO NOT allow any visitors or overnight guests on the property at any time other than those listed on your rental agreement (maximum 4). This rule is strictly enforced.**
- 2. SMOKING is NOT permitted anywhere on property.**
- 3. NO pets of any kind will be allowed on property.**
- 4. The city ordinance of no outdoor noise between the hours of 10:00 pm and 8:00 am will be strictly enforced.**

By signing below you fully understand and are agreeing to the rules listed above, any violation of these rules will result in a breach of contract, forfeiting rental fees, and require immediate departure from the property.

Renter - Signature

Date

869
(property at left)



853 Broadway
(Front Elevation)



843
(property at right)



← Broadway Street →

848/850/852 First Street West
(view of rear yard neighbor)





SITE PLAN

1" = 30'

First Street West



Gravel Driveway & Parking

5' Concrete Walkway

853 Broadway Street