



June 7, 2022

Lowell Sheldon
779 Dutranc Avenue
Sebastopol, CA 954729

RE: PLP21-0021; Freestone Hotel
306 Bohemian Hwy, Freestone
APN: 073-120-022

Dear Mr. Sheldon,

Thank you for your Use Permit and Design Review request for a combined bed and breakfast (B&B) inn and beer and wine tavern operation with accessory retail space, and amenities for outdoor use at the Freestone Hotel property. The General Plan land use classification for the parcel is *Limited Commercial*. The zoning designation is CR (Commercial Rural), with combining districts for HD (Historic District), SR (Scenic Resource, Corridor), and VOH (Valley Oak Habitat).

Preliminary staff assessment of your proposal has determined that the scope of your request is not consistent with the Sonoma County General Plan. Staff advises that you amend or withdraw the application to avoid further processing expenditure resulting in a recommendation for summary denial to the Board of Zoning Adjustments. Alternatively, you have the option to proceed with formal consideration of the project before a public hearing of the Board of Zoning Adjustments. Be advised the staff recommendation in this case will be for summary denial. Further policy analysis supporting the staff recommendation as it relates to the project is discussed below.

In summary, your request involves an expansion of use that is inconsistent with current policy direction applicable to this parcel under the General Plan. The policy direction is to limit the expansion of commercial uses in outlying communities such as Freestone. Additionally, the combination of uses proposed with the Bed and Breakfast Inn generally exceed the performance standards identified in the Zoning Code.

"Policy LU-12e: Use the "Limited Commercial" category for existing and any needed new local commercial uses in Annapolis, Bodega, Bodega Bay, Cazadero, Occidental, and Sea Ranch. Outside these communities, apply the "Limited Commercial" designation only to existing uses and limit their expansion."

Commercial Rural (CR) zoning for this parcel supports the above policy by providing the County discretionary authority to determine General Plan consistency for projects proposing "*conditionally permitted*" uses under code section 26-10-030. The current proposal includes four (4) *conditionally permitted* uses; a 5-room bed and breakfast inn; a 1,185-square-foot beer and wine tavern; a 370-square-foot beer and wine shop; and a 576-square-foot general retail space. The proposal also allocates approximately 0.42 acres of the site to provide outdoor gardens and amenities for both lodging and tavern guests. Proposed infrastructure improvements to support the project include a new water service connection to the Russian River Utility district, construction of 12 parking spaces within the adjacent right-of-way on Freestone Street, and installation of a new septic system on a neighboring parcel (073-130-062).

Based on the overall scope and intensity of the proposed operation, supporting evidence for the current recommendation is provided below. These matters will be further evaluated should you elect to proceed with a public hearing before the Board of Zoning Adjustments.



The project maximizes use of the parcel to the extent that there is insufficient land remaining to satisfy requirements for parking and waste treatment on-site. The project addresses this matter by proposing use of adjacent property to satisfy the on-site requirements, including construction of 12 parking spaces within the public right-of-way and a new septic system on the neighboring parcel. By expanding required infrastructure beyond the legal boundaries of the property to support the scope and intensity of the proposed use, the project is inconsistent with the General Plan under Policy LU-12(e), which provides direction to limit such expansion on *Limited Commercial* parcels in Freestone.

Additional factors subject to discretionary review and supporting the current staff recommendation include the following:

- Zoning section 26-28-130 defines a Bed and Breakfast Inn as *a residential structure with one (1) household or person in permanent residence with bedrooms rented for transient lodging*. The simultaneous operation of a beer and wine tavern in the same building, appears to conflict with the classification of the use as a residential structure, and may further support an expansion of use inconsistent with the General Plan.
- Zoning section 26-10-030 prohibits restaurant uses within the CR district. The project plans identify an accessory kitchen and pizza oven as part of the covered outdoor bar area for the beer and wine tavern. The outdoor kitchen and pizza oven facilitates the functioning of the beer and wine tavern operation similarly to that of a restaurant, and is therefore prohibited. Additionally, the performance standards for a Bed and Breakfast Inn (section 26-88-118 (f)(3)) provide that *“...food service shall be limited to breakfast served to inn guests only ...subject to the approval of the Sonoma County department of health services.”*
- Section 4.6 of the County’s *On-Site Waste Treatment Systems* (OWTS) manual provides that a septic system be placed on the same parcel containing the structure(s) to be served, and that only due to soil or site constraints may such placement on adjoining land be considered. The current application provides no indication of inadequate soils or site constraints not related to the scope of the project supporting the off-site septic location as proposed, further supporting the finding for an expansion of use inconsistent with the General Plan.
- Zoning section 26-86-010 requires a total of 31 parking spaces to serve the project. Section 26-82-030 requires that the parking spaces be located on the premises they serve, or within 300 feet of the proposed use. The project proposes a total of 30 parking spaces, including 11 off-street spaces, use of 7 existing on-street spaces, and new construction of 12 additional spaces within the adjacent right-of-way. Staff notes the use of public right-of-way for constructing required parking spaces is inconsistent with the General Plan in this case because it results in an expansion of use, particularly when considered together with the additional off-site infrastructure proposed to support the demands of the project.
- Available ABC data indicates three alcohol related licenses currently operate in the immediate Freestone vicinity. Whether issuance of a fourth license will result in an undue concentration shall be further evaluated and brought forward for consideration by the Board of Zoning Adjustments should the project proceed with a public hearing.

In conclusion, Permit Sonoma is unable to support your request as proposed. You are advised to formally withdraw your application at this time, or elect to proceed with a recommendation for summary denial before a public hearing of the Board of Zoning Adjustments. Be advised this recommendation is based on the overall scope and intensity of the current proposal as a whole. This does not preclude future consideration of a reduced-scope or lower intensity proposal conforming to applicable requirements.

Please feel free to contact me at (707) 565-3095 or by e-mail at derik.michaelson@sonoma-county.org should you have any questions.

Sincerely,



Derik Michaelson
Project Planner

Cc: Tennis Wick, Director
Leo Chyi, District Director, Fifth District
Scott Orr, Deputy Director
Cecily Condon, Project Review Manager