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DEPARTMENT OF RESOURCE MANAGEMENT



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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 MU-20-02**

Application No. MU-20-02 (Trippy)		Meeting of February 20, 2020 Agenda Item No.	
Applicant Joseph and Kristine Trippy 4618 Green Valley Road Fairfield, CA 94534		Property Owner Joseph and Kristine Trippy 4618 Green Valley Road Fairfield, CA 94534	
Action Requested Consideration of Minor Land Use Permit application MU-20-02 to permit a vacation rental within a secondary dwelling unit on 9.74 acres zoned R-R-2.5 located at 4618 Green Valley Road in unincorporated Fairfield.			
Property Information			
Size: 9.74 ac. (total)		Location: 4618 Green Valley Road	
APN: 0153040060			
Zoning: Rural Residential (RR-2.5)		Land Use: Residential accessory structures over 2500 square feet	
General Plan: Rural Residential		Ag. Contract: n/a	
Utilities: private well and on-site septic system		Access: Green Valley and private easement	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Rural Residential	Rural Residential (RR-2.5)	Residential
South	Rural Residential	Rural Residential (RR-2.5)	Vacant
East	Rural Residential	Exclusive Agricultural (A-20)	Open Lands
West	Rural Residential	Rural Residential (RR-2.5)	Residential
Environmental Analysis The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.			

SETTING

The subject property is a 9.74-acre parcel located at 4618 Green Valley Road and is accessed by way of a private driveway and easement approximately 400 feet in length. The existing development on this parcel consists of a 4,850 square foot primary dwelling permitted by Building Permit B2016-0842 and a maximum 1500 square foot secondary dwelling permitted by building permit B2014-0774. The square footage of the secondary unit has been subject to code compliance investigation. The property is zoned Rural Residential (R-R-2.5).

PROJECT DESCRIPTION

The applicant has applied for a Minor Land Use permit to utilize the existing secondary dwelling unit for a hosted vacation rental.

LAND USE CONSISTENCY

General Plan Requirements

The parcel is designated Rural Residential by the Solano County General Plan Land Use Diagram. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Rural Residential (RR-2.5) Zoning District is consistent with this designation.

Zoning Requirements

The subject site is zoned Rural Residential (RR-2.5). Within this district, Hosted Vacation Rentals may be allowed with a use permit when located on a private road. Chapter 28 (Zoning Regulations) of the County Code requires a Hosted Vacation rental to meet various standards. These standards can be strengthened thru conditions of approval to address site specific circumstances to ensure that required use permit findings can be made.

1. A dwelling used as a vacation house rental shall meet all of the development standards for dwellings specified in subsection 28.72.10(A)(1) and in Tables 28.21B, 28.23B, and 28.31B as applicable to the zoning district. If the dwelling includes a guest house, the guest house shall also meet those development standards.
2. Space used for overnight accommodations as part of a vacation house rental must be located entirely within a dwelling or a dwelling in combination with an approved guest house. Other accessory buildings, recreational vehicles, recreational vehicle parking space, or tents may not be used as a vacation house rental.
3. Overnight occupancy is limited to 2 persons per bedroom plus 2 additional persons, not to exceed a total of 10 persons.
4. Three off-street parking spaces shall be provided for all guests. On-street parking is prohibited for any property on which a vacation house is located.
5. A vacation house rental may not be advertised, offered, or used as a special events facility that includes events such as weddings, parties and similar events. No outdoor amplified sound is allowed.

6. A dwelling or guest house may not be used as a vacation house rental if it is the subject of an enforcement action pursuant to any provision of this code.
7. Transient occupancy tax registration and payment are required, pursuant to Chapter 11 of this code. A business license is required, pursuant to Chapter 14 of this code.
8. The property shall be covered by commercial property insurance.
9. The property owner shall obtain the required permit and complete transient occupancy tax registration prior to advertising or operating the vacation house rental. Online advertisements and /or listings for the vacation house rental shall include the following:
 - a. Maximum occupancy, not including children under 3;
 - b. Maximum number of vehicles;
 - c. Notification that quiet hours must be observed between 10 p.m. and 8 a.m.;
 - d. Notification that no outdoor amplified sound is allowed; and
 - e. The Transient Occupancy Tax Certificate number for that property.
10. Vacation house rentals shall meet all applicable building and fire codes at all times and shall be inspected by the Fire Department before any short-term rental can occur.
11. An exterior display with the name of the property owner or manager and a current contact phone number shall be located near the front door of the rental unit. While a vacation house is rented, the owner or a property manager shall be available twenty-four hours per day, seven days per week, for the purpose of responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation house rental or their guests. Items in need of repair may take longer to correct.
12. A hosted vacation house rental requires the property owner to reside on the property during the vacation house rental period.
13. Only one dwelling may be used as a vacation house rental and the property owner must reside in the other dwelling.

The conditions of approval provided below assure that the proposed use will be in compliance with the zoning requirements for a hosted vacation rental.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

MINOR USE PERMIT MANDATORY FINDINGS

1. **That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated Rural Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-2.5) zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

The site is provided with water by an existing on-site private well and sewer service by an on-site sewage disposal system. Access to the site is via a private driveway with shared access by other properties in the vicinity. Conditions are proposed to address potential of impacts on neighboring properties and use intensity.

3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

As conditioned, the proposed Hosted Vacation Rental use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

ADDITIONAL FINDINGS

4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

CONDITIONS OF APPROVAL

Zoning Regulations

Development Standards (28.72.10(A)(1) and 28.31B)

1. The secondary dwelling used as a vacation house rental shall meet all of the development standards for dwellings specified in Table 28.31B. The applicant shall not construct additional improvements which do not meet the applicable development standards in Chapter 28.
2. Any space used for the vacation house rental must be located entirely within the existing secondary dwelling. Other accessory buildings, recreational vehicles, recreational vehicle parking space, or tents may not be used as a part of this vacation house rental.
3. The permittee shall install an exterior display with the name of the property owner or manager and a current contact phone number shall be located near the front door of the rental unit. While a vacation house is rented, the owner or a property manager shall be available twenty-four hours per day, seven days per week, for the purpose of responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation house rental or their guests. Items in need of repair may take longer to correct.

Operational and Performance Standards

1. Overnight occupancy is limited to a total of four persons. This shall be clearly indicated on any rental listing for the vacation rental unit.
2. The vacation house rental may not be advertised, offered, or used as a special events facility that includes events such as weddings, parties and similar events. No outdoor amplified sound is allowed.
3. The property shall maintain commercial property insurance by a commercial property insurance issuer.
4. The property owner shall obtain the required permit and complete transient occupancy tax registration prior to advertising or operating the vacation house rental. Online advertisements and /or listings for the vacation house rental shall include the following:
 - a. Maximum occupancy as specified #1 above, not including children under 3;
 - b. Maximum number of vehicles;
 - c. Notification that quiet hours must be observed between 10 p.m. and 8 a.m.;
 - d. Notification that no outdoor amplified sound is allowed; and
 - e. The Transient Occupancy Tax Certificate number for that property.
5. The permittee shall maintain off-street parking spaces for all guests. No more than two vehicles for vacation rental guests may be permitted on site. On-street parking is prohibited for any property on which a vacation house is located. No vehicles may be parked on the common driveway.
6. The permittee shall obtain a business license prior to operating the Vacation House Rental.
7. The permittee shall maintain the Vacation House Rental in compliance with applicable building and fire codes. The Vacation House Rental shall be inspected by the Fire Department before any short-term rental can occur.
8. The vacation rental may be occupied only when the property owner is present on the property.

Building and Safety Division

Public Works Division

No Conditions

Environmental Health Division

No conditions

Special Requirement

1. The subject property has been under code compliance review due to the rental of the secondary unit for more than 1500 square feet of conditioned living space and for rental of a short-term vacation rental which required land use permits. Under the terms of the original building permit, the storage spaces shown on the approved plans were never intended or allowed to be used for human habitation purposes. Accordingly, prior to initiation of the short-term vacation rental under this use permit, the applicant shall provide an updated floor plan for the entire secondary unit prepared by a licensed building design professional or architect clearly showing that the unit shall be no larger than one bedroom and containing no more than 1500 square feet of conditioned habitable space. Storage spaces shown on the plans shall not be conditioned spaces and shall be separated from the habitable living spaces by interior locking doors that would preclude tenants entering those storage areas. The updated plans shall reflect these modifications. These restrictions shall be recorded on the deed for the property in a format and text approved by the county counsel.

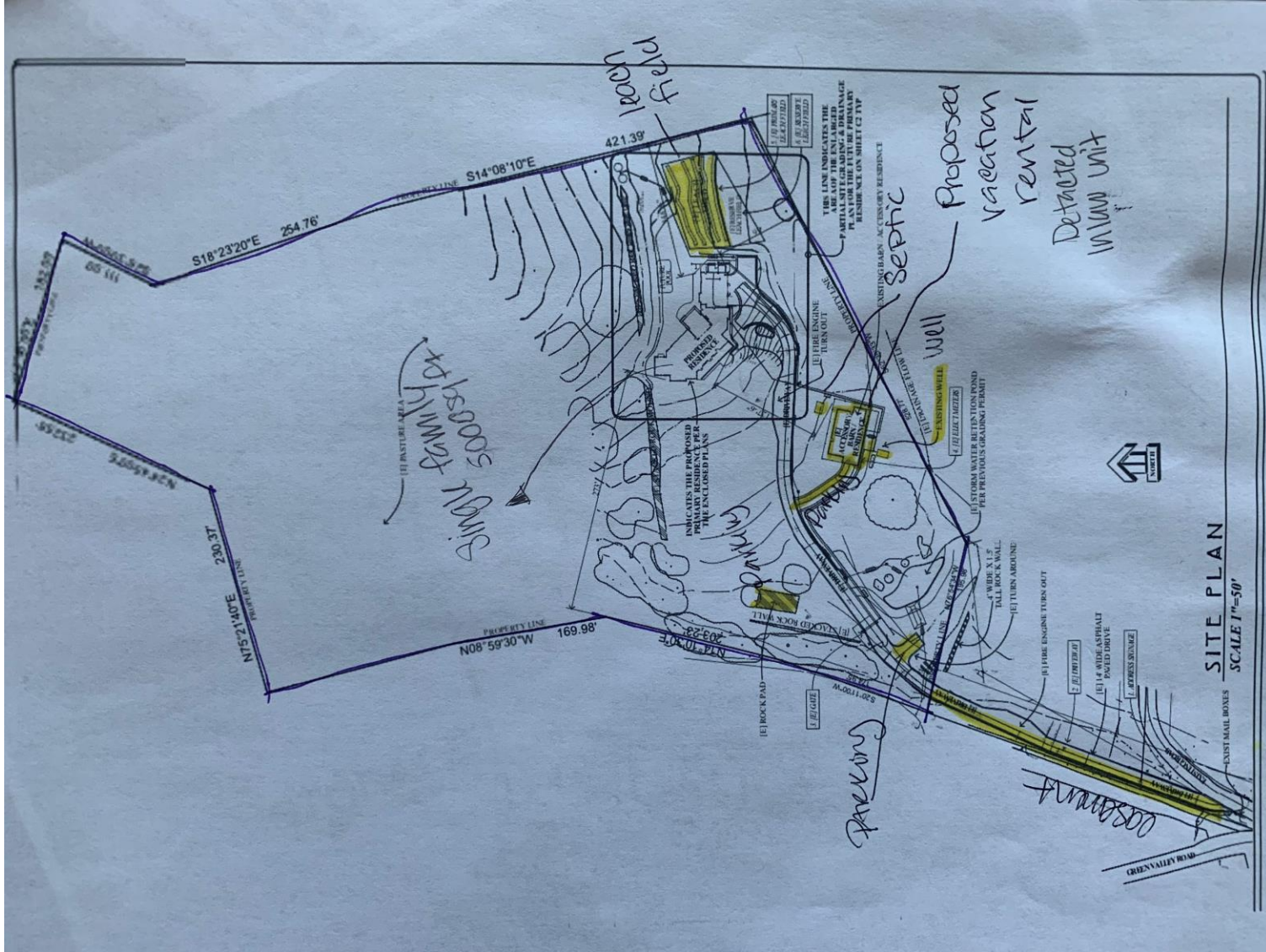
Permit Term

The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

Attachments

- A- Draft Resolution
- B- Site Plan
- C1- Floor Plan 1
- C2- Floor Plan 2

Attachment B Site Plan



SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-20-02 of **Kristine and Joseph Trippy** to establish a short-term vacation rental within a secondary dwelling unit located at 4618 Green Valley Road, APN: 0153-040-060. The subject property is located in the Rural Residential (RR – 2.5) 2.5 acre minimum lot size residential zoning district. The proposed project has been determined to be exempt from the California Environmental Quality Act in accordance with the CEQA Guidelines.

WHEREAS, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on February 20, 2020, and;

WHEREAS, after due consideration, the Zoning Administrator has made the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated Rural Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-2.5) zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water by an existing on-site private well and sewer service by an on-site sewage disposal system. Access to the site is via a private driveway with shared access by other properties in the vicinity. Conditions are included to address potential of impacts on neighboring properties and use intensity.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed hosted vacation rental land use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

ADDITIONAL FINDINGS

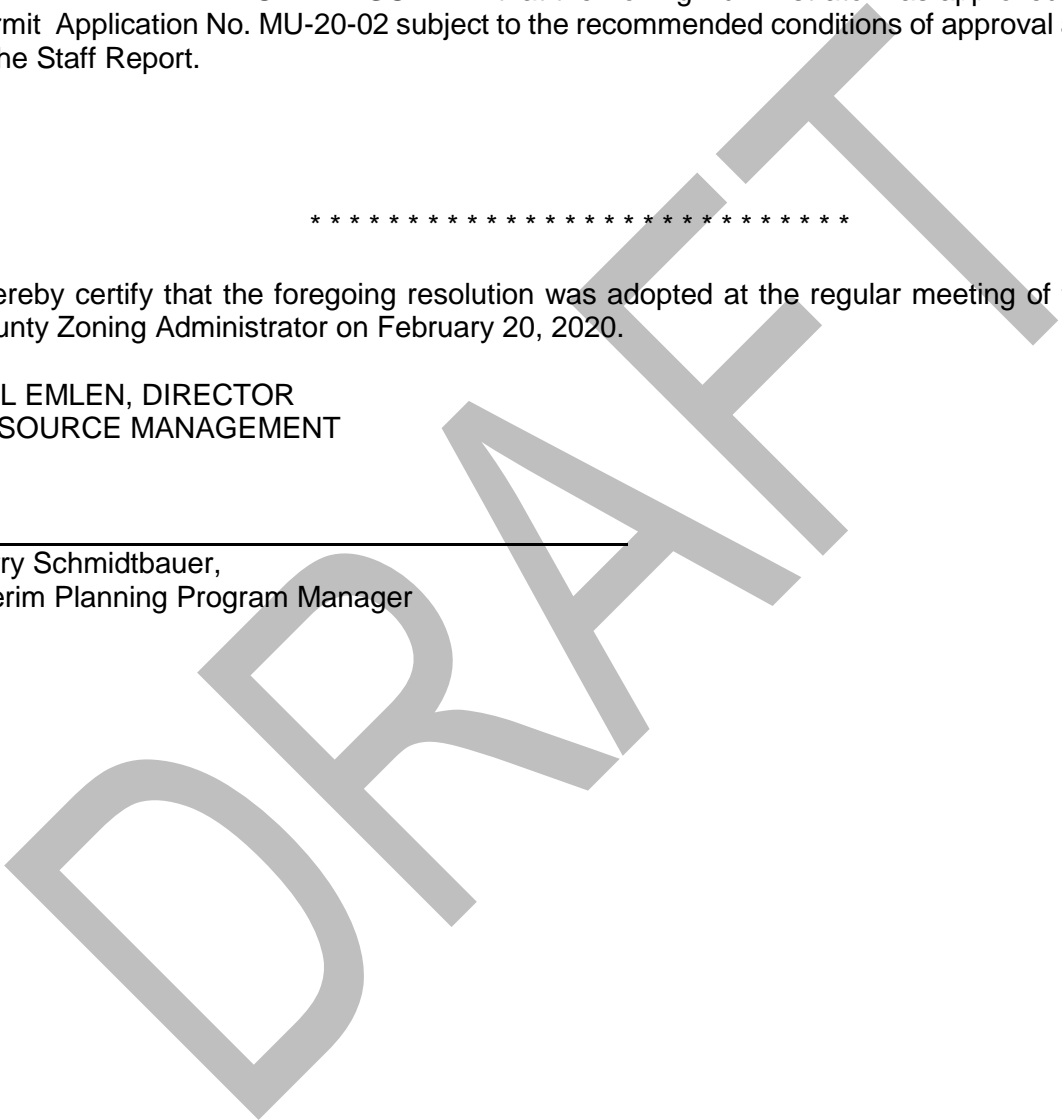
4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

BE IT THEREFORE RESOLVED that the Zoning Administrator has approved Minor Use Permit Application No. MU-20-02 subject to the recommended conditions of approval as set forth in the Staff Report.

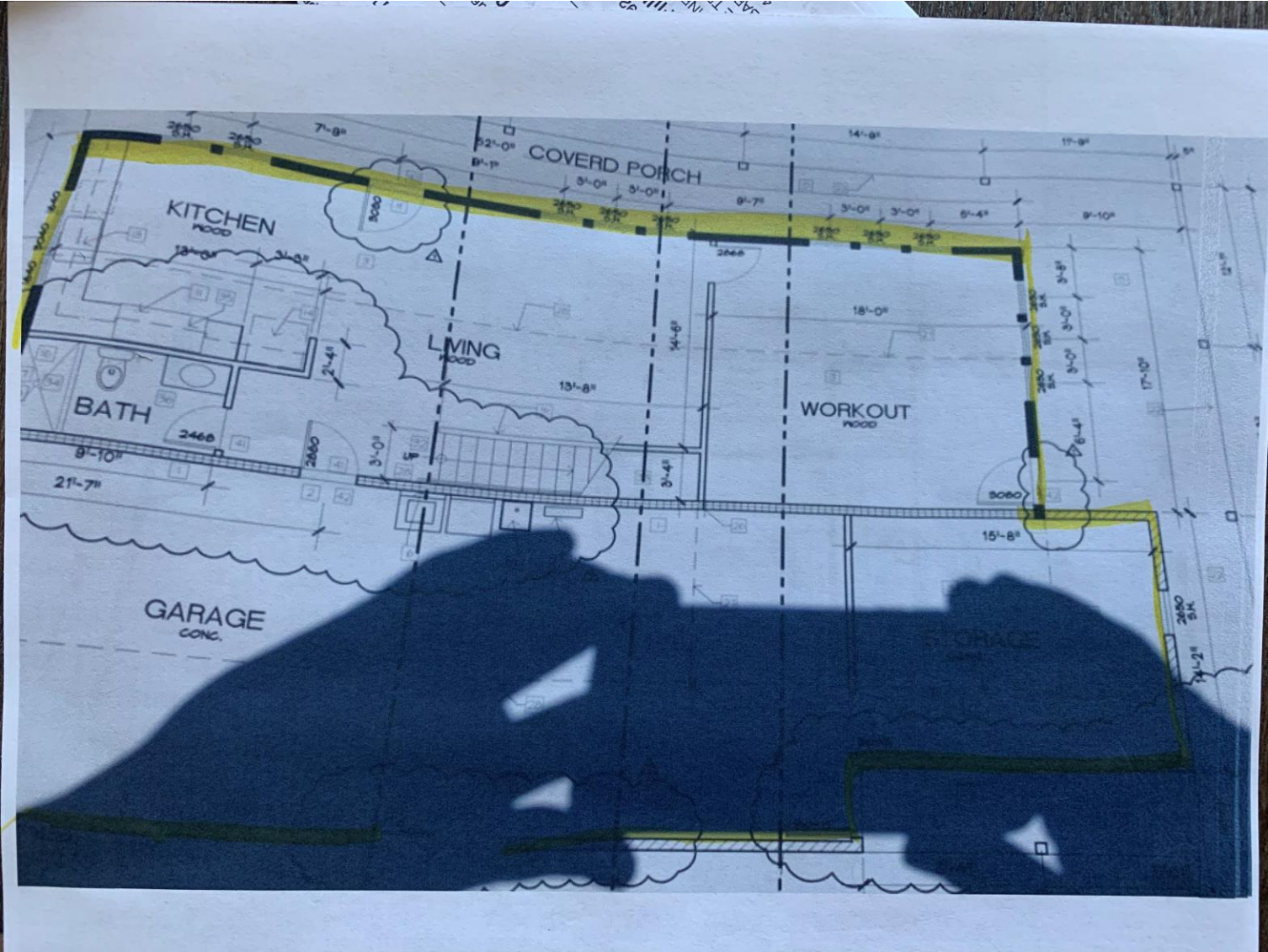
I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on February 20, 2020.

BILL EMLN, DIRECTOR
RESOURCE MANAGEMENT

Terry Schmidtbauer,
Interim Planning Program Manager



Attachment C1 Floor Plan 1



Attachment C2 Floor Plan 2

