

Sonoma County Board of Zoning Adjustments  
STAFF REPORT

FILE: ZPE15-0654  
DATE: January 24, 2019  
TIME: 1:05 pm  
STAFF: Derik Michaelson, Project Planner

Appeal Period: 10 calendar days

**SUMMARY**

**Appellant:** Cheryl & Jack Hoey, 16676 Mission Way, Sonoma

**Applicant:** Craig Lichty & Lisa Kilday, 16690 Mission Way, Sonoma  
**Owner:** (Applicant)

**Location:** 16690 Mission Way, Sonoma  
APN: 056-562-004 Supervisorial District: 1

**Subject:** Hosted Rental Appeal / Zoning Permit

**PROPOSAL:** Appeal of a zoning permit allowing a legal nonconforming guest house for hosted rental use on a 1.05 acre parcel in the Mission Oaks neighborhood located off Highway 12 near Aqua Caliente.

**CEQA Status:** Categorically exempt per section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

**General Plan:** RR 2 (Rural Residential); 2 acre density

**Specific Plan:** N/A

**Zoning:** RR B6 2 X (Rural Residential, 2-acre density); Vacation Rental Exclusion Zone

**Ord. Reference:** County Zoning Code Sections: 26-88-118 (Special Use Standards for Hosted Rentals and Bed and Breakfast Inns), 26-02-140 (Zoning Definitions/Guest house), 26-94-010 (Nonconforming Uses)

**Complete for Processing:** July 21, 2016

**RECOMMENDATION:** Uphold zoning permit approval



## EXECUTIVE SUMMARY

The appeal brings into question whether nonconforming conditions preclude the use of legally established guest house for hosted rental purposes. The County permitted the subject structure as a legal guest house in 1986. The structure is nonconforming because it is 38 square feet larger than the size currently permitted for a guest house, and is approximately 2.5 feet closer in proximity to the neighboring residence than to the subject property residence, contrary to current code.

Nonconforming code regulations specifically allow for continuation of a lawfully established use that does not conform to current zoning standards, provided that it is not *“enlarged or increased, nor ...extended to occupy a greater area....”* A one-time expansion in area of 10% or less is allowed, subject to lot coverage, setback and code provisions applicable at the time of the expansion. The code does not specify what would constitute an enlargement or increase in use, other than an expansion in area. In this case, the guest house is legally permitted for habitation and is not proposed to occupy a greater area.

County code provisions establish “Special Use Standards for Hosted Rentals” to ensure neighborhood compatibility. The standards specifically provide that hosted rental use is allowed in a legal guest house with zoning permit approval. Permit Sonoma issued the zoning permit based on the legal status of the guest house and on the specific provisions in the code allowing a legal guest house for hosted rental use. The appellant contends the hosted rental is an expansion of use not permitted under the nonconforming provisions of the code. The appellant emphasizes as their appeal basis that the guest house is nonconforming in its size, side yard setback, and its proximity to a neighboring residence. The appellant has submitted documentation of the alleged nonconformities.

For clarification, staff notes the issue before the Board of Zoning Adjustments is not whether the guest house is nonconforming, but whether its nonconforming status precludes hosted rental use under the current code. Staff’s analysis is that hosted rental use does not change the occupancy character of an existing legal guest house so as to constitute an expansion of a nonconforming use, and that issuance of the zoning permit meets the current requirements of the County code.

## PROJECT SITE AND SURROUNDINGS

The project site is a 1.05-acre single-family parcel located within the rural residential surroundings of the Mission Oaks neighborhood. The neighborhood is situated on the east side of Highway 12 just north of Agua Caliente. The subject property is developed with an existing residence, pool, carport, and guest house. Surrounding land uses include existing single-family homes on one to two-acre sized parcels. The properties are configured in a relatively uniform lot pattern with immediate street frontage access. The subject property and neighborhood parcels are zoned Rural Residential (RR) with a Vacation Rental Exclusion (X) combining District.

## PROJECT DESCRIPTION

The applicant has applied for a zoning permit to allow use of their legally permitted guest house for hosted rental purposes. Zoning section 26-88-118 defines hosted rental use as the transient occupancy of a single-room or living area within an existing residence or guest house where the homeowner remains in residence during the rental period.

### Background

In 1986, the County permitted and finalized occupancy of the structure as a 678 square-foot legal guest house. The 1986 permit plans and final inspection report confirm the location of the structure at 9 feet from the northerly side yard property line. A six foot tall wooden fence currently provides a physical barrier between the guest house and the adjacent property. A single-vehicle carport adjoins the easterly exterior of the guest house near the northerly side yard property line. A secondary driveway provides access to the carport and guest house from Mission Way. The driveway is approximately 100 feet in length and runs alongside the northerly boundary line of the property. The neighboring residence of the adjacent property is located within approximately ten feet of the driveway, and within approximately 37 feet of the subject guest house. The main residence of the subject parcel is located toward the center of the parcel approximately 42 feet from the guest house.

### Appeal Basis

The appellant submits the following statements as the basis for their appeal (Attachment A).

- *“Commercializes established residential neighborhood.”*
- *“Violates County Code 26-88-118”*
- *“is larger than 640sf size limitation.”*
- *“is nearer to residence on adjacent property than to subject property residence”*
- *“has nonconforming 3.5 foot side yard setback.”*
- *“existing carport has nonconforming 2 foot side yard setback.”*

The appellant identifies in their appeal that the guest house is 38 square feet over the 640 square foot size limitation established for a guest house in current code, and is 2.5 feet closer in proximity to their home on the adjacent property than to the applicant’s residence on the subject property, again contrary to current code.

Additionally, the appellant has submitted a professional survey indicating that the original 1986 permit plans for the guest house misrepresent the location of the adjacent side yard property line. The survey locates the property line over five feet closer to the guest house is shown on the 1986 permit plans. According to the appellant’s survey, the guest house is located within

3.5 feet of the property line and encroaches 1.5 feet into the 5-foot required zoning setback for the side yard.

Staff notes the discrepancies concerning the side property line location are a private matter between the two parties and will not be determined or resolved by the County.

## **DISCUSSION AND ANALYSIS**

### **Issue #1:       *“Commercializes a long established residential neighborhood.”***

Section 26-18-010 provides that in Rural Residential zones, hosted rental uses are specifically permitted subject to zoning permit approval and compliance with code section 26-88-118 (Hosted Rentals).

### **Issue #2:       *“Violates County Code 26-88-118.”***

Section 26-88-118 contains the County’s current code requirements for the permitting and operation of hosted rentals. The code allows transient occupancy of residential property for hosted rental use in two options: (a) a single room or sleeping area within a residence, or (b) a legally permitted guesthouse. Both scenarios require issuance of a zoning permit, that the use be allowed in the underlying zone, and that the owner remain in residence during the rental period. The code imposes no specific size or setback requirements on the hosted rental use of a structure, nor does it specify any limitations or special conditions addressing the legal nonconforming status of a structure proposed for hosted rental use.

In this case, the requirement for a guest house is that it be legally permitted. Staff confirms the subject structure is legally permitted as a guest house and that the requested zoning permit meets the provisions specified in this section of the code for allowable hosted rental use, as required.

### **Issue #3:       *“is larger than 640 square feet size limitation.”***

***“is nearer to residence on adjacent property than to residence on subject property.”***

The appeal statements reference two development standards that are part of a larger code definition established for a guest house under section 26-02-140 (Definitions, “Guest House”). The standards pertain to the permitting and construction of new guest house structures and do not preclude hosted rental use because the larger definition contains specific language supporting otherwise. The code definition specifies that a legal guest house may be used for hosted rental purposes as allowed under the hosted rental code provisions. The code excerpt referencing allowable hosted rental use is provided below. The full version of the code definition is attached (see Exhibit D).



***"Guest house ..."** "The building shall not be leased, subleased, rented or sub-rented separately from the main dwelling except that a legal, fully permitted guest house may be used as a hosted rental as provided for under 26-88-118 (Hosted Rentals)."*

#### Nonconforming Status

The County Legally permitted the applicant's guest house in 1986. A valid permit record is well documented which confirms the issuance and final inspection of the existing plans and construction of the guest house. The structure is nonconforming because it is 38 square feet larger than the size currently permitted for a guest house, and is approximately 2.5 feet closer in proximity to the residence on the neighboring property than to the subject property residence. A guest house by definition must be located closer to the home of the subject property than to any neighboring residence.

Nonconforming code regulations specifically allow for continuation of a lawfully established use that does not conform to current zoning standards, provided that it is not *"enlarged or increased, nor ...extended to occupy a greater area...."* The code does not specify what would constitute an enlargement or increase in use, other than an expansion in area. In this case, the guest house is legally permitted for habitation and is not proposed to occupy a greater area. The proposed use does not increase the legal nonconforming use of the property because it is contained within an existing structure, does not increase the area of the structure subject to the use, does not change the level of occupancy or character of the use as a structure for periodic habitation, and is therefore consistent with the County's current nonconforming use provisions in Section 26-94-010

Additionally, upholding the appeal in this case would require the Zoning Board to read into language not presently contained in Section 26-88-118 to preclude hosted rental use of legal nonconforming guest houses, or alternatively, interpret hosted rental use of a legal nonconforming guest house as an impermissible expansion or intensification of use under Section 26-94-010. Staff and County Counsel concur this could have larger potential policy implications beyond the hosted rental ordinance and do not recommend this potential precedent.

#### **Issue #4:**      ***"has nonconforming 3.5 foot side yard setback."***

The side yard setback issue refers to the Zoning District development standards established for Rural Residential zones. The side yard setback requirement is five feet. The appellant has submitted a survey indicating the guesthouse is setback 3.5 feet from the property line. The 1986 permit, site plan, and final inspection card issued by the County indicate the setback of the guest house is nine feet from the property line. Staff notes this discrepancy is a civil matter concerning a property line dispute between private parties, and will not be determined or resolved by the County.

**Issue #5:**      ***“The existing carport has nonconforming side yard setback 1.78ft.”***

The referenced carport is a small single-vehicle structure abutting the east exterior of the guest house. Section 26-02-140 (Definitions, “Guest house”) provides that garage area is excluded from the maximum size of a guest house.

Neither the current zoning permit, the original 1986 building permit nor the property’s current permit history appears to address the carport, but its status is not before the Board on this appeal. It should be noted that the carport serves as an additional privacy barrier between the neighboring property and the guest house driveway. Removing the carport, which is enclosed at its north exterior elevation, would leave an open hog-wire fence remaining between the driveway and the neighboring home.

**Issue #6:**      **Code Enforcement Activity**

This section addresses recent Code Enforcement activity relating to the subject hosted rental use for informational purposes, but is not submitted as part of the current appeal.

On August 4, 2017, Permit Sonoma received a code complaint regarding possible use of a kitchen associated with hosted rental activities occurring within the guest house. The code definition of guest house prohibits “...appliances for the storage and preparation of food, including, but not limited to refrigeration, dishwashers or cooking facilities....” A second kitchen is prohibited on this parcel unless part of a permitted Accessory Dwelling Unit.

On August 17, 2017, County Code enforcement staff conducted an on-site inspection with the property owner to investigate the complaint regarding possible use of a kitchen within the guest house. Code Enforcement indicates in their report that the subject guest house contains no appliances, consistent with Permit Sonoma’s Policy and Procedure Number 1-4-5 for “Definition of a Kitchen and Determination of a Dwelling Unit”. As the provision of a kitchen is a primary consideration factor for classifying a structure as a dwelling unit, Policy 1-4-5 is used to assist Permit Sonoma staff with investigating complaints and inspecting buildings as to the allowable design and use of an accessory structure in determining whether it contains a kitchen. On August 18, 2018, Code Enforcement closed the case.

Staff notes the complaint description on file with Code Enforcement indicates no disturbances occurring during the guest house rental period.

**RECOMMENDATION**

Deny the appeal and uphold the zoning permit approval for hosted rental use, based on existing County code, including Section 26-02-140, Section 26-94-010, and Section 26-88-118.

## **ALTERNATIVES**

- A. Request additional information and review the matter further at a later hearing date to be determined.

## **FINDINGS**

1. The requested permit is categorically exempt from CEQA Guidelines, pursuant to Section 15301 (Existing Facilities), which applies to the permitting of private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and
2. The proposed use allows transient occupancy of a legally permitted guest house for hosted rental purposes and therefore meets the express standard of the County's hosted rental ordinance as required under Section 26-88-118; and
3. The proposed use does not increase the legal nonconforming use of the property because it is contained within an existing structure, does not increase the area of the structure subject to the use, does not change the level of occupancy or character of the use as a structure for periodic habitation, and is therefore consistent with the County's current nonconforming use provisions in Section 26-94-010; and
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. The proposed use is specifically allowed under County code.
  - b. The proposed use will occupy an existing structure already constructed on the property.
  - c. The use as permitted is subject to the conditions of approval attached as Exhibit B which require the use to operate in compliance with performance standards in Section 26-88-118 to ensure that hosted rentals are compatible with and do not adversely impact surrounding residential uses. Those standards limit food service to breakfast for guests only, prohibit events, limit vehicles to one per hosted rental, provide noise limits, prohibit outdoor amplified sound, place limits on pets and outdoor fire areas and require adequate and functioning septic systems or a sewer connection.

## **ATTACHMENTS**

- EXHIBIT A: Appeal Submittal, August 4, 2016
- EXHIBIT B: Zoning Permit Approval, August 1, 2016
- EXHIBIT C: Building Permit, September 1986

- EXHIBIT D:   Zoning Code References:
- Code Definitions: "Guest house", 26-02-140
  - Hosted Rental Provisions, 26-88-118
  - Nonconforming Provisions, 26-94-010
  - Zoning District Permitted Uses, 26-18-010
- EXHIBIT E:   Board of Zoning Adjustments Resolution

**EXHIBIT A**  
APPEAL SUBMITTAL

# Planning Commission/Board of Zoning Adjustments

## Appeal Form

PJR-021

To: Board of Supervisors  
County of Sonoma, State of California

File # 2PE15-0654

Appeal is hereby made by: JACK AND CHERYL HOEY  
Please Print

Mailing Address: 16675 MISSION WAY  
SONOMA, CA 95476

Phone: 707 815 6341 Email: cherylhoevy@mac.com

The Sonoma County Planning Commission / Board of Zoning Adjustments (circle one) on

AUGUST 1, 20 16, approved / denied (circle one) a request by

CRAIL LIGHTY for HOSTED RENTAL

located at 16690 MISSION WAY, SONOMA CA

APN DS6-562-DD4 Zoned RR Supervisorial District 1

This appeal is made pursuant to Sonoma County Code Chapter 26 Section 26-92-160 for the following specific reasons:

FRAGMENT APPLICATION & AFFIDAVIT SUBMISSION

DOES NOT MEET 5 FOOT SET BACK REQUIREMENT

SEE ATTACHED SURVEY

IS NOT COMPLIANT WITH SECTION 26-88-118

SEE ATTACHED

Date: 8-3-16 Appellant: [Signature]  
Signature

Appeal Fee: See current PRMD Project Review Fee Schedule

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

This appeal was filed with the Permit and Resource Management Department on the 4th day  
of August, 20 16, receipt of which is hereby acknowledged.

[Signature]  
PRMD Staff

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

**File # ZPE15-0654**

**Section 26-88-118**

**The hosted B & B is 678 square feet, not 640 square feet as required. Although the unit is permitted for 678 square feet, this is a new use for an existing permit.**

**The unit is located closer to the primary residence of an adjacent property than it is to the primary residence of a subject property.**

**The unit does not meet the setback requirements of 5 feet (see attached survey).**





RossDrulisCusenbery

18296  
Sonoma Highway  
Sonoma  
CA 95476  
TEL 707 996 8448  
FAX 707 996 8542

ARCHITECTURE

SONOMA COUNTY  
BOARD OF ZONING  
ADJUSTMENTS

EXHIBIT A  
APPEAL OF ZONING  
PERMIT # ZPE15-0654  
16690 MISSION WAY  
SONOMA, CA

Revisions	No.	Description	Date
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△			
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Sheet Title
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Drawn By	Checked By
Scale	Old File
Date	File

Drawing No.  
This drawing is the property of Ross Drulis Cusenbery Architecture, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Ross Drulis Cusenbery Architecture, Inc.

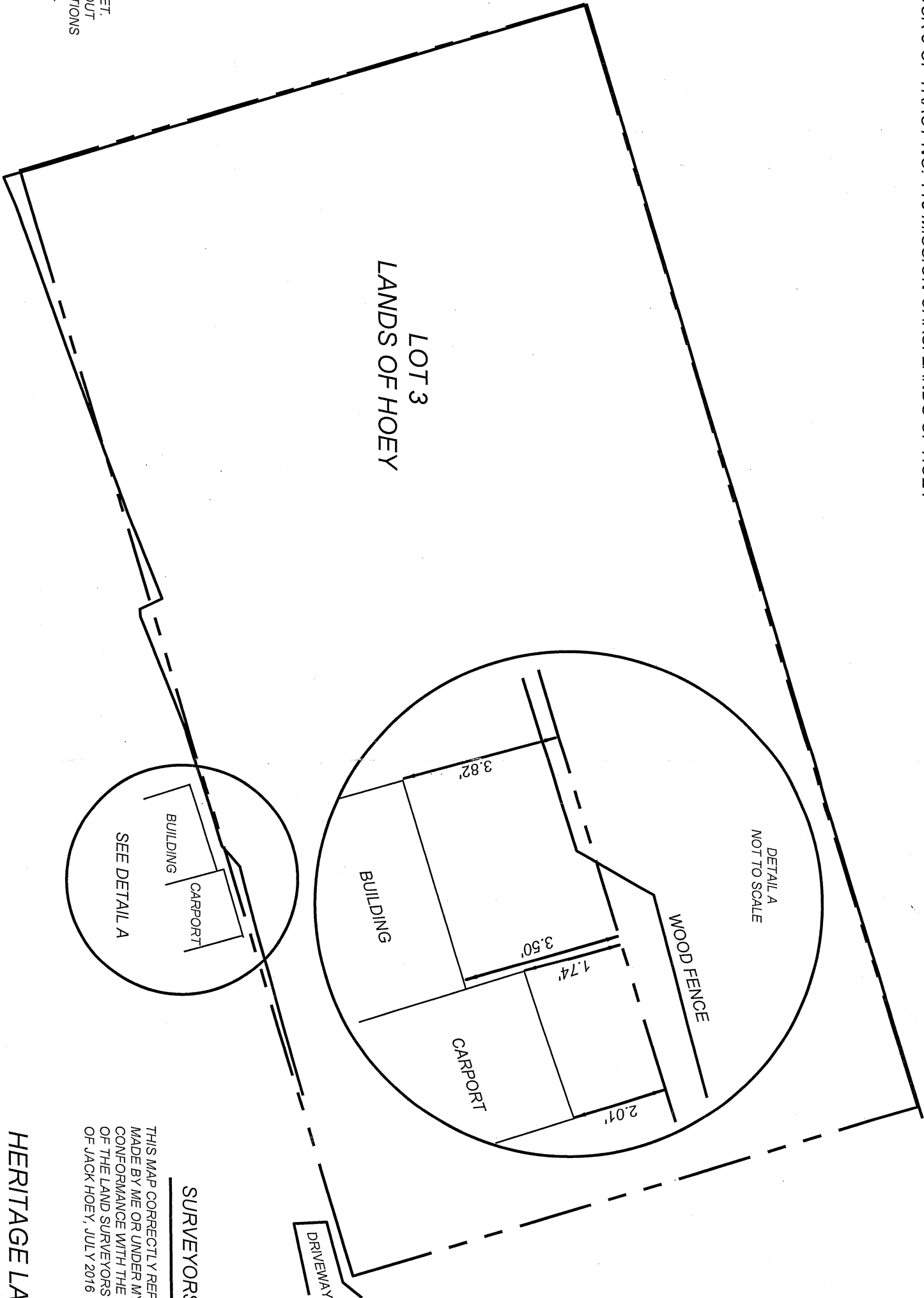


PLOT OF PROPERTY LINES AND IMPROVEMENTS NEAR PROPERTY LINES  
OF LOT 3 OF BLOCK 3 OF TRACT NO. 115 MISSION OAKS, LANDS OF HOEY



**NOTES:**  
1) ALL DISTANCES IN FEET.  
2) DISTANCES CALLED OUT  
ARE TO GIVE THE RELATIONS  
TO THE PROPERTY LINE.

**LEGEND**  
- - - - - PROPERTY LINE  
- - - - - FENCE LINE  
- - - - - STRUCTURE LINE



**SURVEYORS STATEMENT**

THIS MAP CORRECTLY REPRESENTS A SURVEY  
MADE BY ME OR UNDER MY DIRECTION IN  
CONFORMANCE WITH THE REQUIREMENTS  
OF THE LAND SURVEYORS ACT AT THE REQUEST  
OF JACK HOEY, JULY 2016

**HERITAGE LAND SURVEYING**

9833 BLASI DR. WINDSOR, CA 95492  
(707) 363-4066 boonerh@heritagelandsurvey.com

**RossDrulisCusenbery**

18394  
Sonoma Highway  
Sonoma  
CA 95476  
TEL 707 996 8448  
FAX 707 996 8542

ARCHITECTURE

SONOMA COUNTY  
BOARD OF ZONING  
ADJUSTMENTS

EXHIBIT B  
VERIFICATION OF NON  
CONFORMING  
SETBACKS

Revisions	No.	Description	Date
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Δ			
Δ			
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Sheet Title

Drawn By	Checked By
Scale	Old File
Date	Title

Drawing No.  
If No. 1, include the word "First". If No. 2, include the word "Second". If No. 3, include the word "Third". If No. 4, include the word "Fourth". If No. 5, include the word "Fifth". If No. 6, include the word "Sixth". If No. 7, include the word "Seventh". If No. 8, include the word "Eighth". If No. 9, include the word "Ninth". If No. 10, include the word "Tenth".

PLOT OF PROPERTY LINES AND IMPROVEMENTS NEAR PROPERTY LINES  
 OF LOT 3 OF BLOCK 3 OF TRACT NO. 115 MISSION OAKS, LANDS OF HOEY

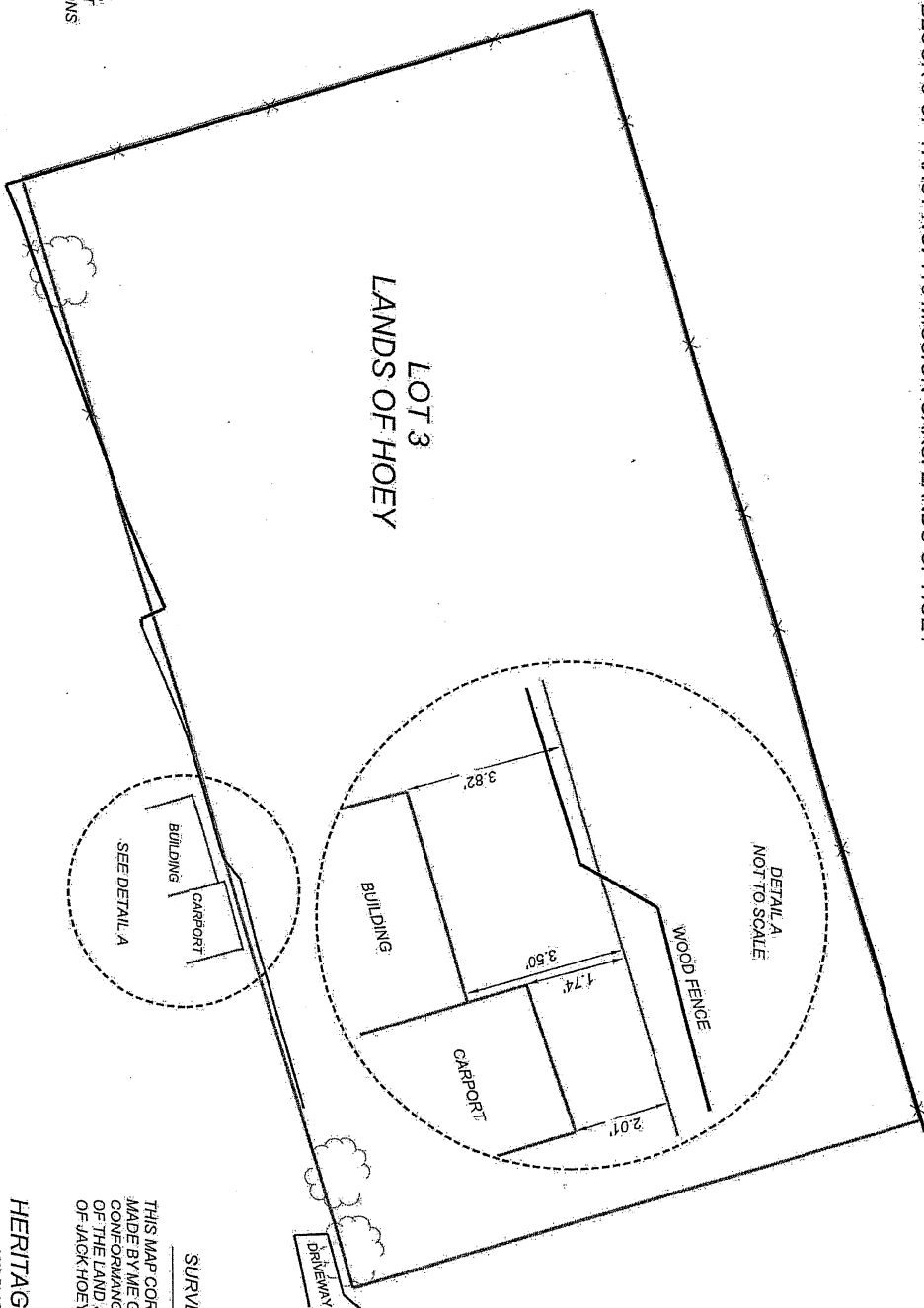


**NOTES:**

- 1) ALL DISTANCES IN FEET.
- 2) DISTANCES CALLED OUT ARE TO GIVE THE RELATIONS TO THE PROPERTY LINE.

**LEGEND:**

- PROPERTY LINE
- FENCE LINE
- STRUCTURE LINE



*[Handwritten signature]*



**SURVEYORS STATEMENT**

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 OF JACK HOEY, JULY 2016

**HERITAGE LAND SURVEYING**

9833 BLAST DR. WINDSOR, CA 95492  
 (707) 563-4066 BooneH@heritagelandsurvey.com



**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**  
2550 VENTURA AVENUE  
SANTA ROSA, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

## Receipt for: ZPE15-0654

### Record Information

Record Number	Record Name	Site Address	APN
ZPE15-0654	Zoning Permit	16690 MISSION WAY	056-562-004

### Payment Information

Receipt #	Date	Cashier	Method	Comment	Transaction Amount
473004	08/04/2016	ALEWIS	Check	4883	\$1,164.00

#### Payor

Dr. Jack C Hoey D.M.D.

**Total Amount:** \$1,164.00

### Fee Information

Description	Fee Item	Invoice#	Amount
Appeal	1011-000M	282325	\$1,164.00
<b>Total Fee Amount:</b>			<u>\$1,164.00</u>

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**EXHIBIT B**  
ZONING PERMIT APPROVAL



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

August 1, 2016

CRAIG LICHTY  
16690 MISSION WAY  
SONOMA CA 95476

Re: File No. **ZPE15-0654**; Zoning Permit, "Hosted Rental"  
Address: 16690 Mission Way, Sonoma  
APN: 056-562-004

This notice is to inform you your Zoning Permit request for operation of a Hosted Rental has been approved. This approval is subject to the limits and performance standards identified herein. ***Your Hosted Rental may operate only in accordance with all Hosted Rental standards found in Sec 26-88-118, as provided below:***

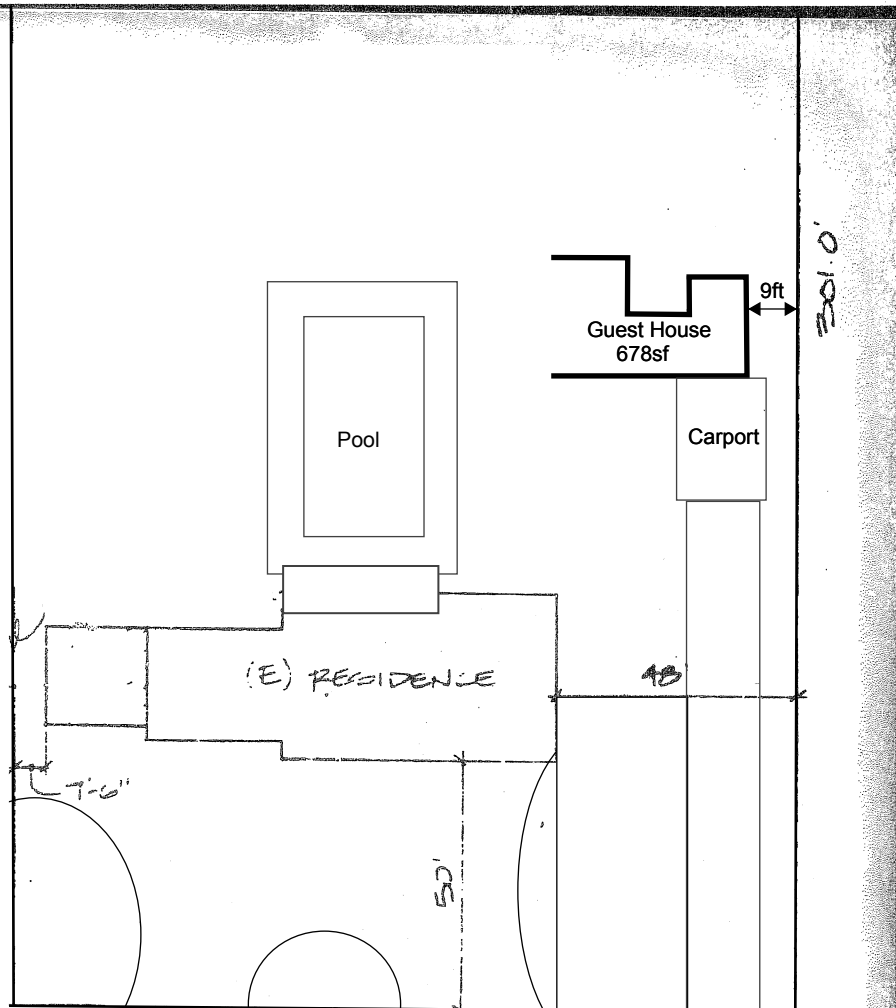
1. **Transient Occupancy Tax.** The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings.
2. **Kitchen.** A kitchen is prohibited.
3. **Food Service.** Food service, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County Department of Health Services.
4. **Owner in Residence.** The property owner must be in residence at all times during occupancy of the Hosted Rental.
5. **Events Prohibited.** Weddings, lawn parties, or similar activities are prohibited.
6. **Vehicles.** Limit of one (1) vehicle associated with the transient use.
7. **Noise Limits.** Outdoor amplified sound is prohibited. All activities associated with the transient use shall meet the General Plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.
8. **Pets.** Pets, if allowed by the property owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
9. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to three (3) feet in diameter; shall be located on a non-combustible surface; shall be covered by a fire screen; and shall be extinguished as soon as it is no longer in use or by 9:00 p.m., whichever is earlier. No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material.
10. **Septic Systems and Sewer Connections.** The property owner shall maintain a properly functioning septic system or sewer connection.
11. **Expiration.** This zoning permit expires upon sale or transfer of the property, or when the property becomes unoccupied by a primary owner, whichever occurs sooner.

Please feel free to contact the Vacation Rentals Hotline at 565-1932 with questions regarding these instructions or any other aspects of the County's Hosted Rental regulations.

Thank you for your efforts to ensure that your hosted rental business respects the residential quality of the area in which it is located, as well as providing a wonderful opportunity for visitors to enjoy Sonoma County.

Sincerely,

Derik Michaelson  
Project Planner



MISSION AVENUE

SITE PLAN

1"=30'-0"

**E PART  
ANS.**

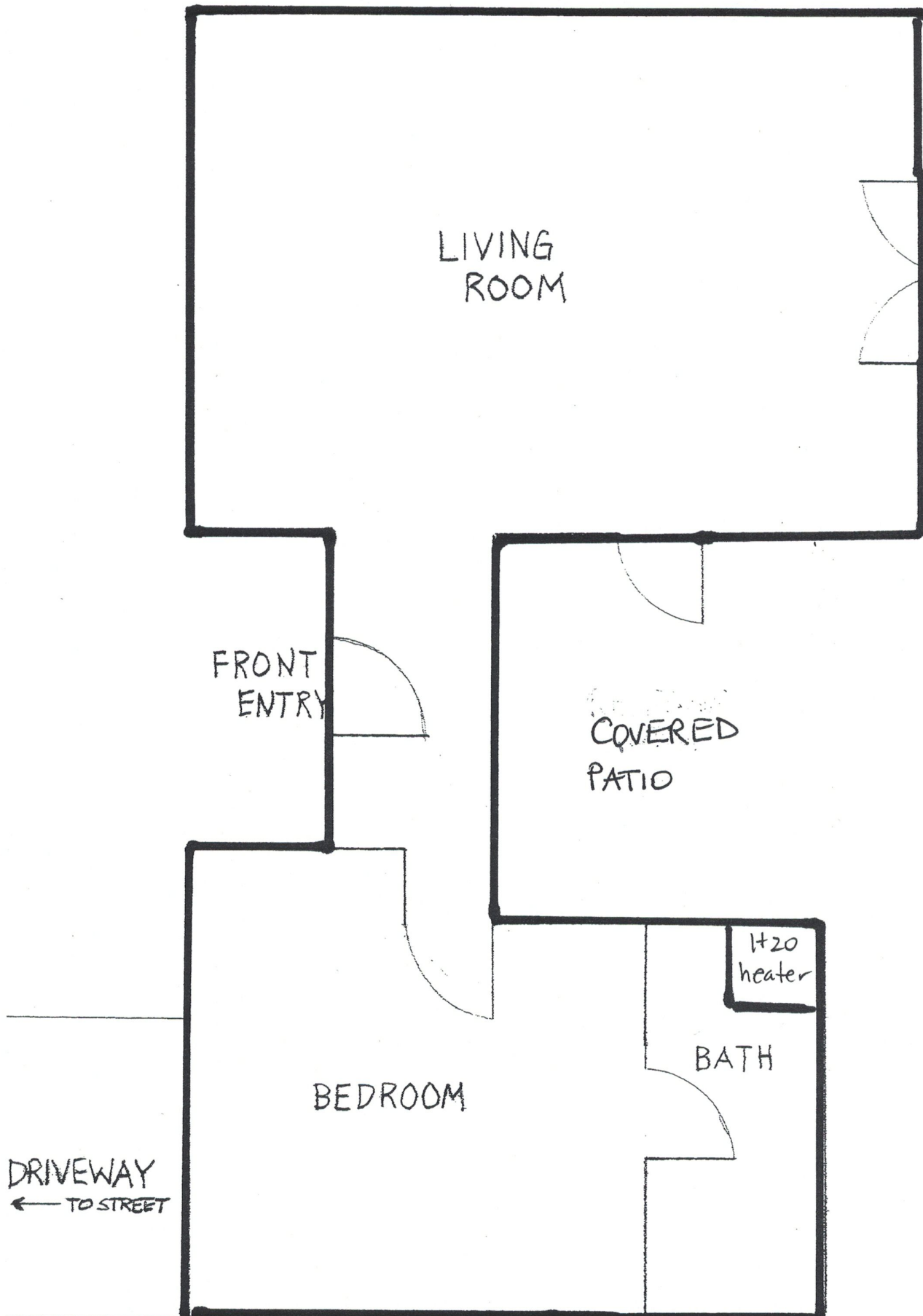
**HEM \***

**GENERAL STRUCTURAL NOTES**

1. ALL CONCRETE SHALL BE  $f_c=2,500$  psi, MINIMUM.
2. ALL REINFORCING STEEL SHALL BE ASTM A616, GRADE 60.
3. ALL REINFORCING STEEL SHALL BE 40 DIAMETERS, MINIMUM.
4. FOOTING SHALL BE POURED AGAINST UNDISTURBED SOIL.
5. ALL FRAMING LUMBER SHALL BE DOUGLAS FIR NO. 2 GRADE OR BETTER.
6. ALL MUDDSLS SHALL BE PRESSURE TREATED DOUGLAS FIR NO. 2 GRADE OR BETTER AND SHALL BE TYPED.

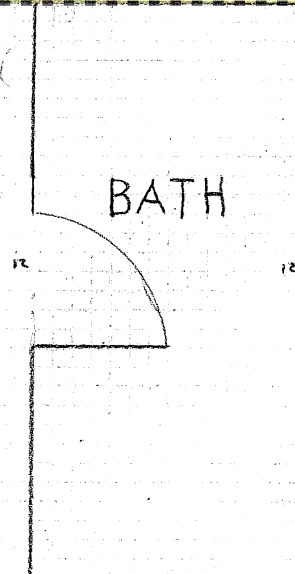
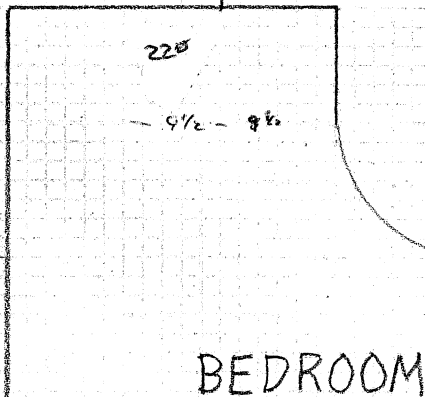
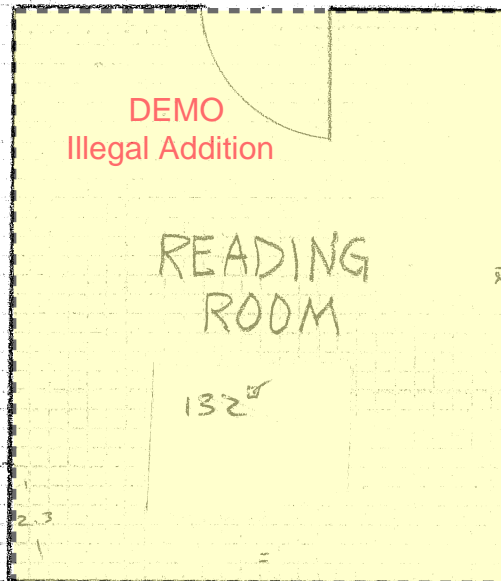
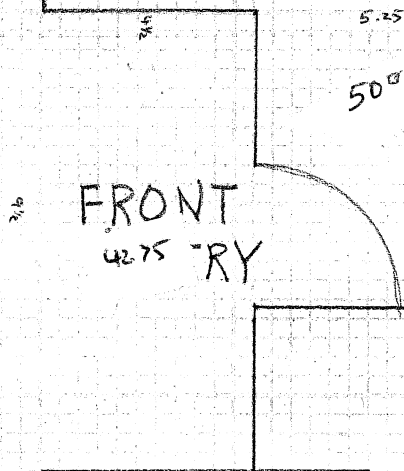
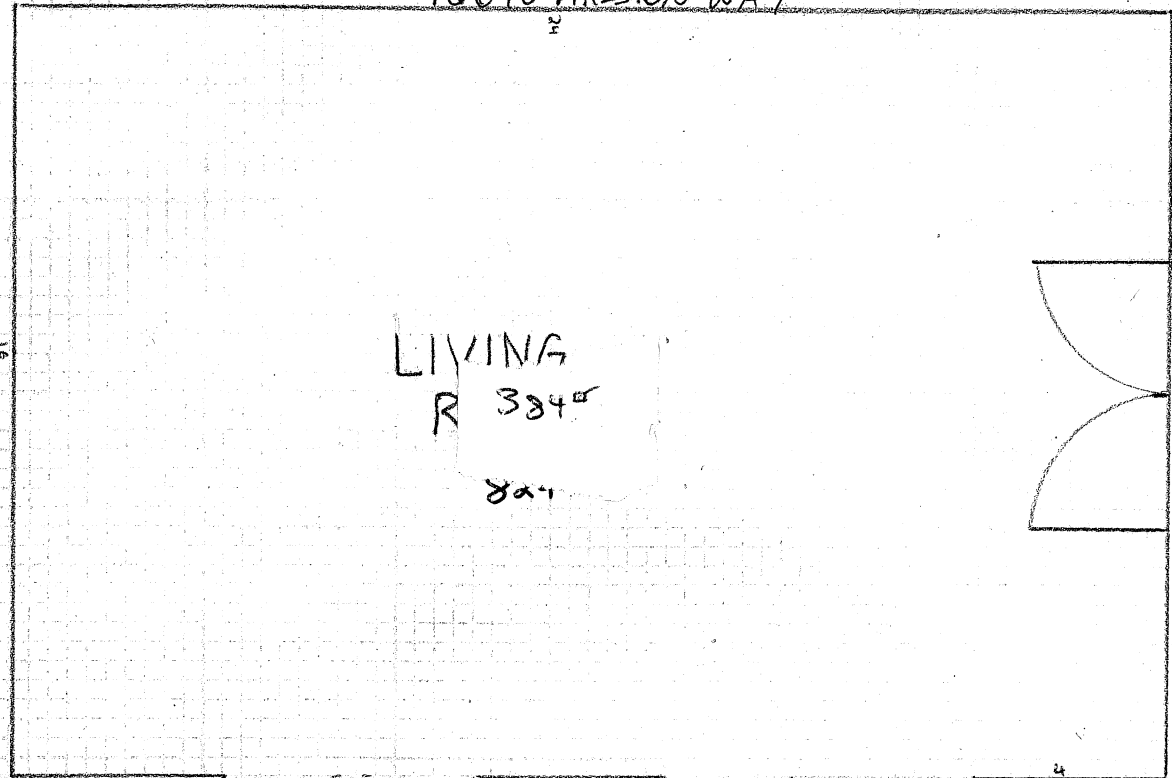
# FLOOR PLAN

ZPE15-0654  
Restored Floor Plan  
July 2016



# FLOOR PLAN

16690 MISSION WAY



DRIVEWAY  
← TO STREET

2PE15-0654



# Zoning Permit Application

PJR-004

- ☐ Ag. Employee Dwelling Unit  
☐ Biotic Resource  
☐ Confined Livestock  
☐ Daycare-Large Family  
☐ Home Occupation  
☐ Horse Boarding

- ☐ Landmarks Commission  
☐ Minor Timberland Conversion  
☐ Mobile Home  
☐ Non-conforming Uses  
☐ Second Units  
☐ Setback Averaging/Reduction

- ☐ Special Events  
☐ Telecommunications Facility  
☒ Other

one room B&B  
File#: ZPE15-0654

## Applicant (Contact Person):

Name: Craig Lichty  
Mailing Address: 16690 Mission Way  
City/Town: Sonoma State: Ca Zip: 95476  
Phone: 415-350-7806 Fax: gmail.com  
Email: clichty@kenadyjents.com  
Signature: Craig W. Lichty Date: 9/22/15

## Owner, if other than Applicant:

Name: SAME  
Mailing Address:  
City/Town: State: Zip:  
Phone: Fax:  
Email:  
Signature: Date:

## Other Persons to be Notified: (Specify: Agent, Lender, Architect or Engineer)

Name	Name	Name
Mailing Address	Mailing Address	Mailing Address
City/Town State Zip	City/Town State Zip	City/Town State Zip
Title	Title	Title
Phone Fax	Phone Fax	Phone Fax
Email	Email	Email

## Project Information:

Address(es): 16690 Mission Way, Sonoma  
Assessor's Parcel Number(s): 056-562-004  
City/Town: Sonoma  
Acreage: 1.05 acres

Project Description: (Please attach additional sheet(s) if needed)

one room B&B

Site Served by Public Water? ☐ Yes ☒ No Site Served by Public Sewer? ☐ Yes ☒ No

I/we agree to comply with the attached performance standards/conditions.

Signature of Applicant: Craig W. Lichty Date: 9/22/15

----- DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff -----

Zoning permit approved by: [Signature] Date: 8-1-16

Signature of Planner: [Signature]

Planning Area: 9 Supervisorial District: 1 Current Zoning: RR B62 NONE General Plan Land Use: RR2

Specific Plan: S.P. Land Use: Needs CEQA Review? ☐ yes ☒ no

Violation? ☐ yes ☒ no Application resolve planning violation? ☐ yes ☒ no; Penalty applicable? ☐ yes ☒ no; Civil Penalty Factor: N/A

Previous Files: Permit No 69710-5

Application accepted by: [Signature] Date: 9/22/15

## Sonoma County Permit and Resource Management Department

2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

## Supplemental Application and Affidavit

Craig Lichty  
Property Name or Fictitious Business Name (if any)

16690 Mission Way  
Vacation Rental Address

Property Management Co./Owner if no Management Co.

Property Manager Phone/Owner phone if no Management Co.

Craig Lichty  
Designated Representative

16690 Mission Way  
Address of Designated Representative

415-350-7806  
Designated Representative 24 hour contact Phone

#2445N Newly Registered  
Transient Occupancy Tax (TOT) Certificate Number

Copy 9/22/15

Proposal (including number and description of structures): one room B&B

Total Number of Guest Rooms Proposed: 1 Number of Parking Spaces: 2 off-street \_\_\_ on-street

Maximum Allowable Overnight Occupancy Proposed: 3, not including children under 3 years of age

Maximum Allowable Daytime Occupancy Proposed: 3, not including children under 3 years of age

### Certification of Compliance with Private Restrictions

I, Craig W. Lichty (property owner) do hereby certify that:

☒ The property is NOT located within a community with private restrictions or CC&Rs; or

☐ The property IS located within a community with private restrictions or CC&Rs, but I have reviewed the CC&Rs and contacted the Homeowner's Association or Property Owner's Association and have verified that my proposed use of this property as a vacation rental is consistent with all applicable restrictions.

Property owner signature Craig W. Lichty Date 9/22/15

# Indemnification Agreement

PJR-011

"As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in conjunction with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the County. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect."

Craig Lichty  
Applicant Name

Craig W. Lichty  
Applicant Signature

\_\_\_\_\_  
Owner Name

\_\_\_\_\_  
Owner Signature

9/22/15  
Date

2PE15-0654  
File No.

NOTE: The purpose of the Indemnification Agreement is to allow the County to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

**Sonoma County Permit and Resource Management Department**

2550 Ventura Avenue ❖ Santa Rosa, CA ❖ 95403-2829 ❖ (707) 565-1900 ❖ Fax (707) 565-1103



## VACATION RENTAL AFFIDAVIT

This is to acknowledge that I, Craig Lichty,  
in applying for a Vacation Rental Permit pursuant to Section 26-88-120 of the Sonoma County Code, do hereby agree to abide by and conform to the Vacation Rental Performance Standards set forth in the approved permit, and all other provisions of the Sonoma County Code pertaining to the conduct of Vacation Rentals. I further acknowledge that a Vacation Rental Permit does not grant an entitlement to the property, but rather to the property owner, which permit automatically expires upon property sale or transfer with no further action required on the part of the County (permit runs with the owner, not with the land).

I understand and agree that the attached Vacation Rental Performance Standards and limitations shall be posted in a prominent place within the Vacation Rental and included as part of all rental agreements, and that all advertising and web listings will conform to these approved occupancy limits and standards.

I hereby also acknowledge that the approval of this Vacation Rental Permit shall in no way permit any activity contrary to the Sonoma County Code, or any activity which would constitute a nuisance under state or local law. I understand and acknowledge that the approval for use of this private residence as a Vacation Rentals are based on my representations to PRMD staff, and does not in any way constitute an evaluation or determination of legal or Legal Non-conforming status of the improvements on this site. I further acknowledge that it is my responsibility, as property owner and/or applicant, to ensure that the conduct of this Vacation Rentals are not contrary to any covenant, code or restriction which may govern the property on which the Vacation Rental will be conducted, which property address is referenced above. **I acknowledge that any misrepresentation made by me or by my agent in applying for this permit may render the permit invalid.**

Craig W. Lichty Date 9/22/15  
Signature of Property Owner

\_\_\_\_\_  
Signature of Property Manager or Designated Representative Date \_\_\_\_\_

**EXHIBIT C**  
86' BUILDING PERMIT



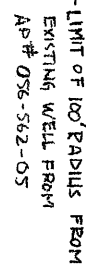
Permit No. 69710-5

<b>OWNER</b> NAME: <u>HAROLD M &amp; PHYLLIS GARRISON</u> ADDRESS: <u>16690 MISSION WAY</u> CITY: <u>SANOMA CA</u> ZIP CODE: <u>95476</u> TEL NO: <u>990-7468</u>		CERTAIN AREAS WITHIN SONOMA COUNTY MAY BE GEOLOGICALLY HAZARDOUS. YOU ARE INVITED TO REVIEW ANY GEOLOGIC DATA THAT THIS DEPT HAS AVAILABLE TO AID YOU IN MAKING A DETERMINATION AS TO THE SUITABILITY OF A PROPOSED BUILDING SITE. <u>12-23-85</u> CONDITION OF SOIL AT JOB SITE: <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> ENGINEERED FILL <input type="checkbox"/> LOOSE FILL	
<b>PROJECT</b> CITY: <u>SANOMA</u> SUBDIVISION NAME: <u>SAME AS ABOVE</u> UNIT NO: <u>  </u> LOT: <u>  </u> BLOCK: <u>  </u> ASSESSOR'S PARCEL NO: <u>56-562-04</u> NEAREST CROSS STREET: <u>  </u>		SITE REVIEW: <u>S-2</u> REQUIRED REPORTS: <input type="checkbox"/> GEOLOGY <input type="checkbox"/> SOILS <input type="checkbox"/> COMPACTION <input type="checkbox"/> FLOOD ZONE <input type="checkbox"/> <u>  </u> 100 YR ELEV: <u>  </u> PFL: <u>  </u> RATE ZONE: <u>  </u> SEWER CONNECTION: <u>  </u> SANITATION ENGINEER: <u>  </u> APPROVED BY: <u>  </u> DATE: <u>  </u>	
<b>CONTRACTOR</b> NAME: <u>OWNER BUILDER</u> ADDRESS: <u>  </u> TEL NO: <u>  </u> CITY: <u>  </u> ZIP CODE: <u>996-7468</u> STATE: <u>  </u> LIC NO: <u>  </u> LIC CLASS: <u>  </u>		SEPTIC TANK INSTALLATION: <u>  </u> HEALTH DEPARTMENT: <u>  </u> PERMIT NUMBER: <u>163085</u> OR CLEARANCE: <u>  </u> DATE REC'D: <u>  </u> DATE ISSUED: <u>2/5/86</u>	
<b>DESIGNER</b> NAME: <u>T.C. ANTONI COMPANY</u> LIC NO: <u>  </u> ADDRESS: <u>  </u> TEL NO: <u>  </u> CITY: <u>17170 SONOMA HWY</u> ZIP CODE: <u>95476</u> 996-5112		DESCRIBE WORK TO BE DONE: <u>Guest house</u> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVING <input type="checkbox"/> DEMOLISH <input type="checkbox"/> OCC CHG <input type="checkbox"/>	
LICENSED CONTRACTORS DECLARATION: I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. Contractor's Signature: <u>  </u>		OWNER-BUILDER DECLARATION: I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500). <input checked="" type="checkbox"/> I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale. <input type="checkbox"/> I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law. <input type="checkbox"/> I am exempt under Sec. <u>  </u> B & P.C. for this reason: <u>  </u> Owner's Signature: <u>  </u>	
WORKER'S COMPENSATION DECLARATION: I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof filed with the Building Inspection Department (Sec. 3600, Lab. C.). Policy No: <u>  </u> Insurance Co: <u>  </u> Expiration Date: <u>  </u> Applicant's Signature: <u>  </u>		FEES - Per Chapter 7, et seq. Sonoma County Code <input checked="" type="checkbox"/> BUILDING <u>188.50</u> <input type="checkbox"/> PLAN CHECK <u>P-10360</u> <input checked="" type="checkbox"/> PLUMBING <u>13.56</u> <input checked="" type="checkbox"/> ELECTRICAL <u>13.56</u> <input checked="" type="checkbox"/> MECHANICAL <u>6.78</u> <input type="checkbox"/> GRADING <u>  </u> <input type="checkbox"/> SITE REVIEW <u>P-10360</u> <input type="checkbox"/> PLANNING <u>7.00</u> <input type="checkbox"/> LATE FEES <u>  </u> <input type="checkbox"/> SCHOOL IMPACT <u>  </u> <input type="checkbox"/> <u>  </u> TOTAL \$ <u>229.10</u>	
CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE: I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California. Owner's or Contractor's Signature: <u>Harold M. Garrison</u>		CONSTRUCTION LENDING AGENCY: I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.). Lender's Name: <u>NONE</u> Lender's Address: <u>  </u>	
THIS PERMIT SHALL EXPIRE BY LIMITATION IF WORK AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, AND IS SUBJECT TO EXPIRATION IF WORK THEREUNDER IS SUSPENDED FOR 180 DAYS. NAME: <u>HAROLD M. GARRISON</u> ADDRESS: <u>16690 MISSION WAY SONOMA</u> ZIP CODE: <u>95476</u> I certify that I have read this application and state that the above information is correct, and that I am the owner or the duly authorized agent of the owner. I agree to comply with all County and State laws relating to building construction. I hereby authorize representatives of the County of Sonoma to enter upon the above mentioned property for inspection purposes. If, after making the Certificate of Exemption from the Worker's Compensation provisions of the Labor Code I should become subject to such provisions, I will forthwith comply in the event I do not comply with the Worker's Compensation law, this permit shall be deemed revoked. SIGNATURE: <u>Harold M. Garrison</u> DATE: <u>12-17-85</u> <input type="checkbox"/> CONTRACTOR <input checked="" type="checkbox"/> OWNER <input type="checkbox"/> AGENT FOR CONTRACTOR <input type="checkbox"/> AGENT FOR OWNER		APPROVED BY: <u>Kelly Johnson</u> DATE: <u>1/24/86</u> DATE RECEIVED: <u>12-18-85</u> BY: <u>  </u> PREVIOUS PERMIT NO: <u>2208670</u> DATE RENEWED: <u>  </u> BY: <u>  </u> TYPE OF STRUCTURE: <u>VN</u> OCCUPANCY: <u>R-3</u> NO OF STORIES: <u>1</u> VIOLATION: <u>  </u> CERTIFICATE OF OCC: <u>  </u> MACHINE SPACE FOR PERMIT FEE: <u>  </u> 016936 02-20-86/01 PERMIT <u>0069710</u> BLDG. <u>\$222.40</u> PLUMBING <u>\$7.00</u> ELECTR. <u>\$229.10</u> CHECK <u>\$229.10</u> CHNG <u>\$0.00</u>	
PLANNING DEPARTMENT ZONING: <u>RR-SD-B5</u> FILE NO: <u>  </u> ACRES: <u>1.01</u> EXISTING USE: <u>3FD</u> PROPOSED USE: <u>guest house</u> YARDS: FRONT <u>115'</u> LEFT <u>105'</u> RIGHT <u>9'</u> REAR <u>165'</u> PLANNING APPROVALS FOR PERMIT ISSUANCE: <u>  </u> FOR OCCUPANCY: <u>  </u> BY: <u>  </u> DATE: <u>  </u> BY: <u>  </u> DATE: <u>  </u>		REMARKS: <u>Not in view of Hwy 12 - 1/4 size of main unit</u> <u>Not included as separate unit - no kitchen facilities permitted</u>	

16690 Mission Way, Sonoma, CA 94960

Permit Number 69710-5





SITE PLAN @ 1"=20'-0"

COMPOSITION SHIRAZ  
PAPER

HEIGHT OF 100'  
RADIUS FROM  
EXISTING WELL  
105'-0" ±  
FROM APR 056-562-03

FROM EXISTING WELL  
FROM AP# 056-502-11

SCOPE → 0/0

05-ABS  
2

5 SOLID

10

**#2**

TWO NEW LEACH LINES  
FOR DETAIL

87/ slope

153.0'

Notes

1. RECALCITRO  
2. -75 LINEAL  
ITAL. M.  
3000000  
LIFE FROM

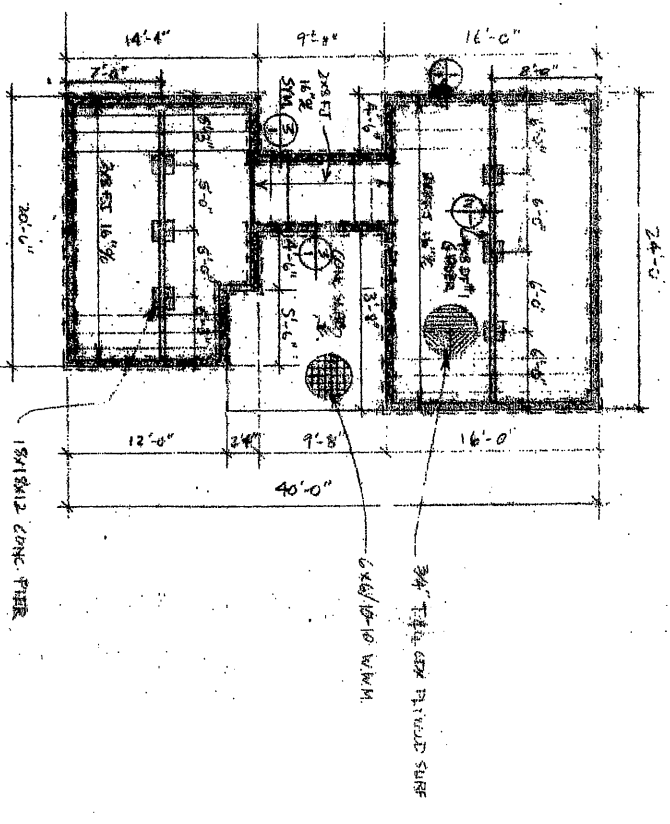
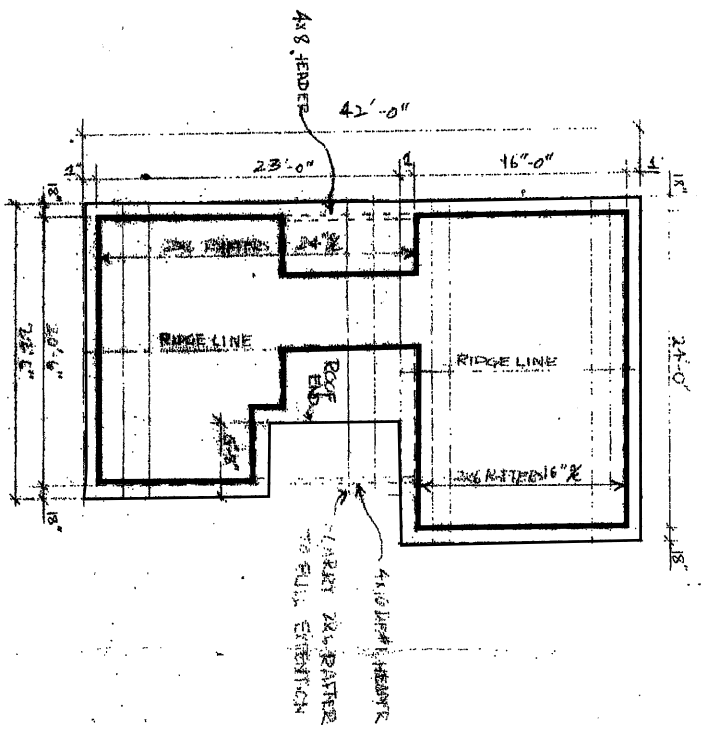
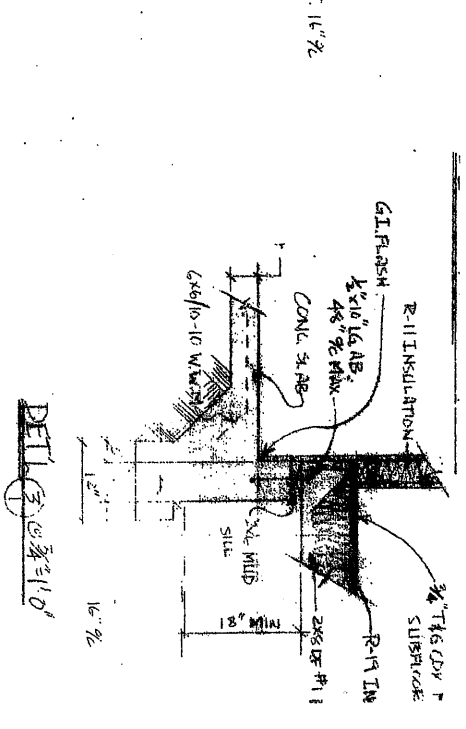
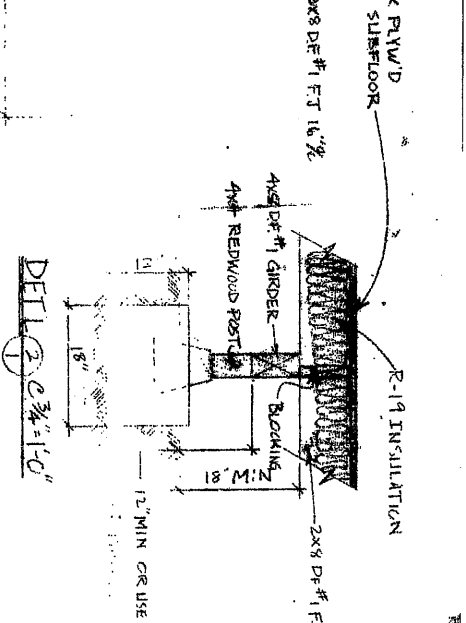
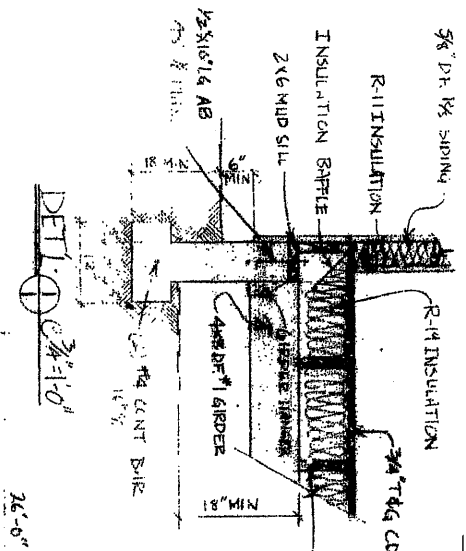
A cross-section diagram of a wall assembly. The total thickness of the wall is indicated as 3'-6". The insulation layer on the left is 18" thick, with a note "MIN." below it. A vertical line separates the insulation from the rest of the wall. A circular detail, possibly a fastener or hole, is shown in the insulation layer. The wall assembly is shown resting on a foundation.

GRADE

*C.I. 200-800  
ARTIC VERN*

*ZUC BACKE  
DARTEL*

The sketch depicts a simple architectural structure, possibly a shed or a small building. It features a gabled roof with several horizontal lines indicating structural elements or shading. On the left side, there is a small rectangular opening, likely a window or door. The overall style is that of a rough pencil or charcoal drawing.



NOTES: 1. FOR GENERAL DESIGN AND CONSTRUCTION NOTES SEE SHEET 1

2. ALL CONCRETE 2000 PSI MIN. TENSILE MIX.

3. TOP 4\"/>

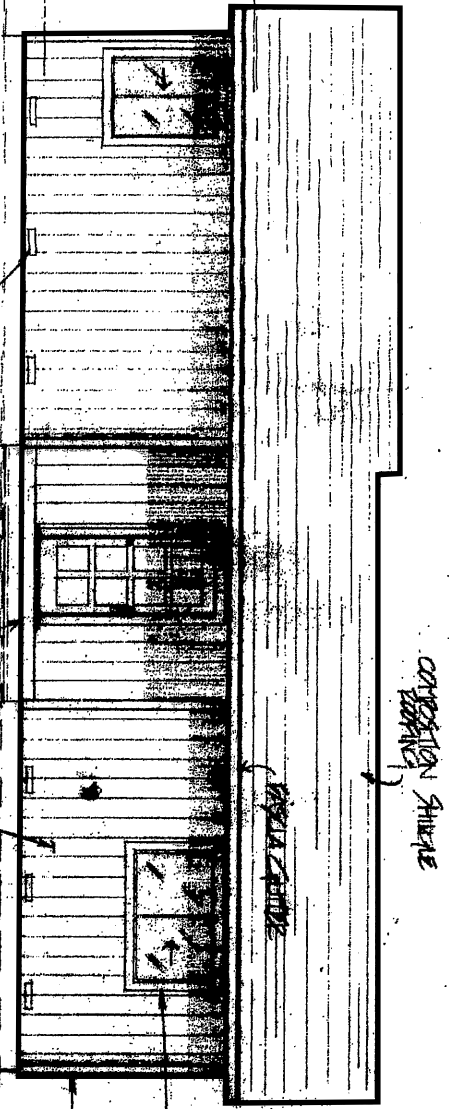
4. MUD SILL PRESSURE TREATED LIP

5. COAT ALL EXPOSED FRAMING WITH TWO COATS MIN. OF AN APPROVED WOOD PRESERVATIVE.

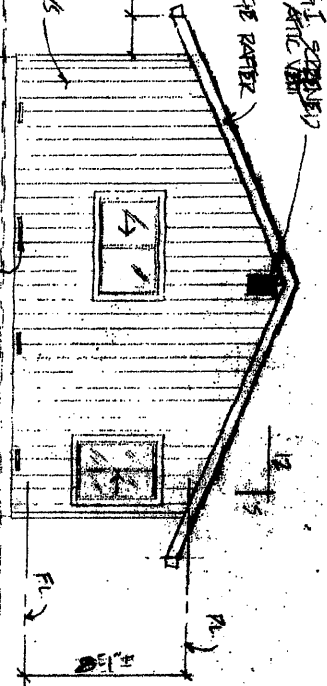
ROOF FRAMING PLAN @ 3/8"=1'-0"

FOUNDATION PLAN @ 3/8"=1'-0"



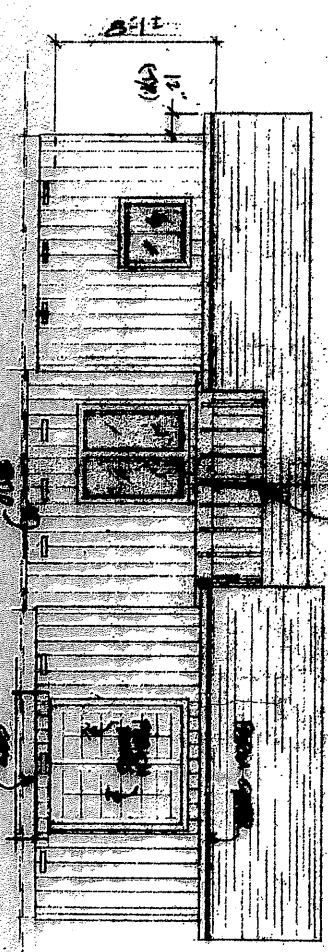


FRONT ELEVATION - 14'-10"

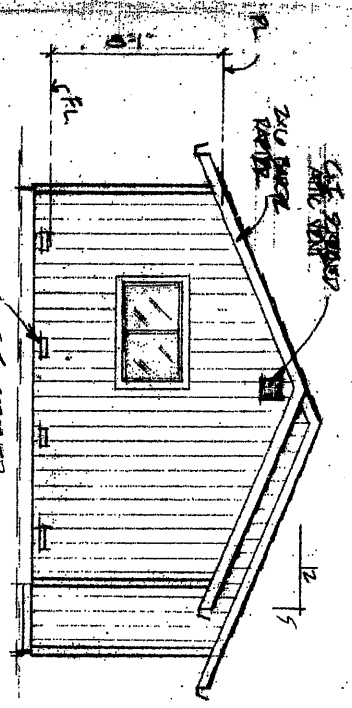


SIDE ELEVATION - NORTH - 3'-10" = 1'-2"

SEE P. 13 FOR PLAN



REAR ELEVATION - WEST - 3'-10" = 1'-0"



SIDE ELEVATION - SOUTH - 3'-10" = 1'-2"

Note-14.  
as dec  
and 1

**EXHIBIT D**  
CODE REFERENCES

## Article 02. - In General.

### Sec. 26-02-140. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Guest house** means an accessory building to a single family dwelling which consists of a detached living area of a permanent type of construction. A guest house may contain a full or half bathroom, but may not contain provisions for appliances or fixtures for the storage and/or preparation of food, including, but not limited to, refrigeration, dishwashers or cooking facilities. The building shall not be leased, subleased, rented or sub-rented separately from the main dwelling except that a legal, fully permitted guest house may be used as a hosted rental as provided for under 26-88-118 (Hosted Rentals). The floor area of a guest house shall be a maximum of six hundred forty (640) square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest house and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purpose of calculating the maximum size of a guest house, any storage area attached to the guest house, excluding garage, shall be included. A guest house shall be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot. The guest house shall not be located more than one hundred feet (100') from the primary dwelling on the subject lot, except where the planning director determines that a greater setback is appropriate in light of topography, vegetation or unique physical characteristics.

(Ord. No. [6191](#), § IV(Exh. C), 1-24-2017; Ord. No. [6189](#), § II(A)(Exh. A-1), 12-20-2016; [Ord. No. 6140, § II\(Exh. B\)](#), 1-5-2016; [Ord. No. 6145, § II\(Exh. A\)](#), 3-15-2016; Ord. No. 6089, § I(a), 11-24-2014; Ord. No. 6085, § II(Exh. A), 10-7-2014; Ord. No. 6081, § II, 7-29-2014; Ord. No. 6046, § II(a), 9-10-2013; Ord. No. 5964, § II, 1-31-2012; Ord. No. 5933, § II(a), 5-10-2011; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5883, § II, 3-30-2010; Ord. 5790 § 1(a)—(e), 2008; Ord. No. 5715 § 2, 2007; Ord. No. 5711 § 2 (Exh. A), 2007; Ord. No. 5695 § 1, 2006; Ord. No. 5651 § 1(a)—(s) 2006; Ord. No. 5569 § 2, 2005; Ord. No. 5537 § 2(a), 2004; Ord. No. 5435 § 2(a), 2003; Ord. No. 5429 § 2, 2003; Ord. No. 5342 § 2, 2002; Ord. No. 5265 § 1(a), 2001; Ord. No. 5009 § 1(B), 1997; Ord. No. 4991 § 1(b) — (g), 1996; Ord. No. 4985 § 1 (a), 1996; Ord. No. 4973 § 2(a), (b), 1996; Ord. No. 4906 § 8, 1995; Ord. No. 4839 § 1(A), 1994; Ord. No. 4781 § 2(A), 1994; Ord. No. 4723 § 1(a), 1993; Ord. No. 4653 § 1(a, b), 1993; Ord. No. 4643, 1993; Ord. No. 3805; Ord. No. 3615; Ord. No. 3465; Ord. No. 3376; Ord. No. 3349; Ord. No. 3340.)

## Sec. 26-88-118. - Special use standards for hosted rentals and bed and breakfast inns.

- (a) **Purpose.** This section provides the requirements and standards for the establishment and operation of bed and breakfast inns and hosted rentals.
- (b) **Applicability.** The provisions of this section shall apply to the transient use of residential property where the primary owner remains in residence during the rental period, including bed and breakfast inns and hosted rentals of a single room or sleeping area. Transient rental of more than one (1) room or sleeping area while the owner remains in residence on the property is a bed and breakfast inn, whether or not food is served. Transient rentals of the entire home without the owner in residence are regulated by 28-88-120 (Vacation Rentals).
- (c) **Limitations.** Bed and breakfast inns and hosted rentals shall not be permitted in non-habitable structures or in tents, RVs, or other provisions intended for temporary occupancy. Bed and breakfast inns shall also not be permitted within second dwelling units, not in structures or dwellings with county covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under Williamson Act contract. Only one (1) hosted rental is allowed per parcel. A hosted rental may not be located on the same site as a vacation rental unless a use permit has been obtained for the combined use. A whole-house vacation rental is not a hosted rental or a bed and breakfast inn, even if the property owner resides in another dwelling unit on the same property.
- (d) **Permit Requirements.** Hosted rentals (also known as one-room bed and breakfast inns) of not more than one (1) room or sleeping area that meet the standards of this section are allowed as provided by the underlying zone, subject to issuance of a zoning permit. In the case of a legally permitted guest house used as a transient rental, the primary owner will remain in residence within the main home on the same property. Accessory structures may not be used as hosted rentals unless they are legally permitted as guest houses. Second dwelling units may not be used as hosted rentals. Rental of more than one (1) room or sleeping area is considered a bed and breakfast inn with two (2) or more rooms, and shall be allowed subject to the permit requirements of the applicable zone and the standards set forth in subsection (f).
- (e) **Performance Standards for Hosted Rentals and One-Room Bed and Breakfast Inns.**
  - 1. **Transient Occupancy Tax.** The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings.
  - 2. **Food Service.** Food service, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services.
  - 3. **Events Prohibited.** No weddings, lawn parties or similar activities shall be permitted.
  - 4. **Vehicles.** Limit of one (1) vehicle associated with the transient use.
  - 5. **Noise Limits.** Outdoor amplified sound is prohibited. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.
  - 6. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
  - 7. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to three (3) feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 9:00 p.m., whichever is earlier. No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material.
  - 8. **Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection.
  - 9. **Expiration.** A zoning permit for a hosted rental expires upon sale or transfer of the property, or when the property is no longer occupied by a primary owner, whichever occurs sooner.

## Article 94. - Nonconforming Uses.

### Sec. 26-94-010. - Continuance.

The lawful use of land existing on the effective date of the ordinance codified in this chapter although such use does not conform to the regulations specified by this chapter for the district in which such land is located, may be continued but shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of said ordinance, and that if any use ceases, the subsequent use of such land shall be in conformance with the regulations specified by this chapter for the district in which such land is located provided that:

- (a) A legal nonconforming use may be replaced by a use of the same or less intensity upon obtaining a use permit or a use permit waiver;
- (b) Pursuant to policy LU-1f of the general plan, a legal nonconforming use may be expanded one time not to exceed ten percent (10%) of the total existing floor area for any structures subject to lot coverage and setback requirements and to all other applicable requirements of this code, and provided that such structures are not located within a designated redevelopment project area;
- (c) A legal nonconforming use consisting of a mobile home may be replaced with a newer and larger mobile home in the same location, subject to Article 82

(Ord. No. 4643, 1993.)

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## Article 18. - RR Rural Residential District.

### Sec. 26-18-010. - Permitted uses.

Permitted uses include the following:

- (u) Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);

(Ord. No. [6191](#), § V(Exh. D), 1-24-2017; Ord. No. [6189](#), §§ II(G), (I), (K), 12-20-2016; [Ord. No. 6145, § V](#), 3-15-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(p), 2003; Ord. No. 5429 § 3(a), 2003; Ord. No. 5361 § 2(h), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5265 § 1(j), 2001; Ord. No. 5016 § 1(G), 1997; Ord. No. 4985 § (c), 1996; Ord. No. 4973 § 5(a), 1996; Ord. No. 4653 § 1(i), 1993; Ord. No. 4643, 1993.)

Resolution Number

County of Sonoma  
Santa Rosa, California

January 24, 2019  
ZPE15-0654 Derik Michaelson

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,  
COUNTY OF SONOMA, STATE OF CALIFORNIA, DENYING AN  
APPEAL AND UPHOLDING APPROVAL OF A ZONING PERMIT  
FOR A HOSTED RENTAL TO CRAIG LICHTY FOR PROPERTY  
LOCATED AT 16690 MISSION WAY.

WHEREAS, the applicant, Craig Lichty, filed a Zoning Permit application with the Sonoma County Permit and Resource Management Department (Permit Sonoma) to establish and operate a hosted rental use within a 678 square-foot legal nonconforming guest house structure located at 16690 Mission Way near Sonoma; APN 056-562-004; Zoned RR B6, X; Supervisorial District No 1; and

WHEREAS, this project has been found to be categorically exempt from CEQA Guidelines, pursuant to Section 15301 (Existing Facilities), which applies to the permitting of private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination;

WHEREAS, Section 26-18-010(u) (Permitted Uses - Rural Residential District) provides that hosted rentals are allowed in a Rural Residential zones subject to issuance of a zoning permit, and conformance with Section 26-88-118 (Special Use Standards for Hosted Rentals and Bed and Breakfast Inns); and

WHEREAS, conformance with Section 26-88-118 requires that a detached accessory structure proposed for hosted rental use be "legally permitted" as a guesthouse; and

WHEREAS, on September 3, 1986, Permit Sonoma issued a final inspection permitting the size, location, and legal occupancy of the structure as a guesthouse; and

WHEREAS, Sections 26-02-140 (Zoning Definitions) and 26-18-030(f) (Yard Requirements - Rural Residential) provide that the legally permitted guest house is now nonconforming in size and in proximity to the neighboring residence; and

WHEREAS, Section 26-94-010 (Nonconforming Uses) provides that a "lawfully existing" use which does not conform to current standards is permitted by right to continue but cannot be increased or enlarged, nor expanded to occupy a greater area; and

WHEREAS, on August 1, 2016, Permit Sonoma approved the requested zoning permit allowing use of the guest house for establishment and operation of a hosted rental as provided by Sections 26-88-118 and 26-94-010; and

WHEREAS, on August 4, 2016, the neighboring property owners, Cheryl and Jack Hoey, filed a timely appeal contesting issuance of the permit on the basis that its approval allows use of an existing guest house with nonconforming zoning conditions; and

WHEREAS, on January 24, 2019, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing, at which time all interested persons were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The requested permit is categorically exempt from CEQA Guidelines, pursuant to Section 15301 (Existing Facilities), which applies to the permitting of private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and
2. The proposed use allows transient occupancy of a legally permitted guest house for hosted rental purposes and therefore meets the express standard of the County's hosted rental ordinance as required under Section 26-88-118; and
3. The proposed use does not increase the legal nonconforming use of the property because it is contained within an existing structure, does not increase the area of the structure subject to the use, does not change the level of occupancy or character of the use as a structure for periodic habitation, and is therefore consistent with the County's current nonconforming use provisions in Section 26-94-010; and
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. The proposed use is specifically allowed under County code.
  - b. The proposed use will occupy an existing structure already constructed on the property.
  - c. The use as permitted is subject to the conditions of approval attached as Exhibit A to this Resolution which require the use to operate in compliance with performance standards in Section 26-88-118 to ensure that hosted rentals are compatible with and do not adversely impact surrounding residential uses. Those standards limit food service to breakfast for guests only, prohibit events, limit vehicles to one per hosted rental, provide noise limits, prohibit outdoor amplified sound, place limits on pets and outdoor fire areas and require adequate and functioning septic systems or a sewer connection.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby denies the appeal and grants the requested Zoning Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:      Noes:      Absent:      Abstain:

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

SO ORDERED.