

Board of Supervisors

July 9, 2019

Hosted Rental Appeal

16690 Mission Way

File No. ZPE15-0564

Zoning Permit



Hosted Rental Appeal - 16690 Mission Way



Vicinity Map

Hosted Rental Appeal



Summary

- ❑ Second of two (2) appeal requests
- ❑ Filed neighboring property owners
- ❑ First appeal denied by BZA
- ❑ **Appeal of BZA decision now before BOS for final consideration**

Zoning Permit Request



Subject of Appeal

- ☐ Zoning Permit request by current property owner
- ☐ Allows use of existing guest house as hosted rental
- ☐ Legal guest house built in 1986
- ☐ Currently nonconforming based on code changes in 1993

What is a Hosted Rental?

A hosted rental is where...

- ❑ Homeowner rents out on a short-term basis for up to three guests:
 - ❖ Single bedroom or living area in a residence, or
 - ❖ Legal guest house - ***Proposed***
- ❑ Owner remains in residence

Ordinance 6145

Hosted Rental Rules and Regulations

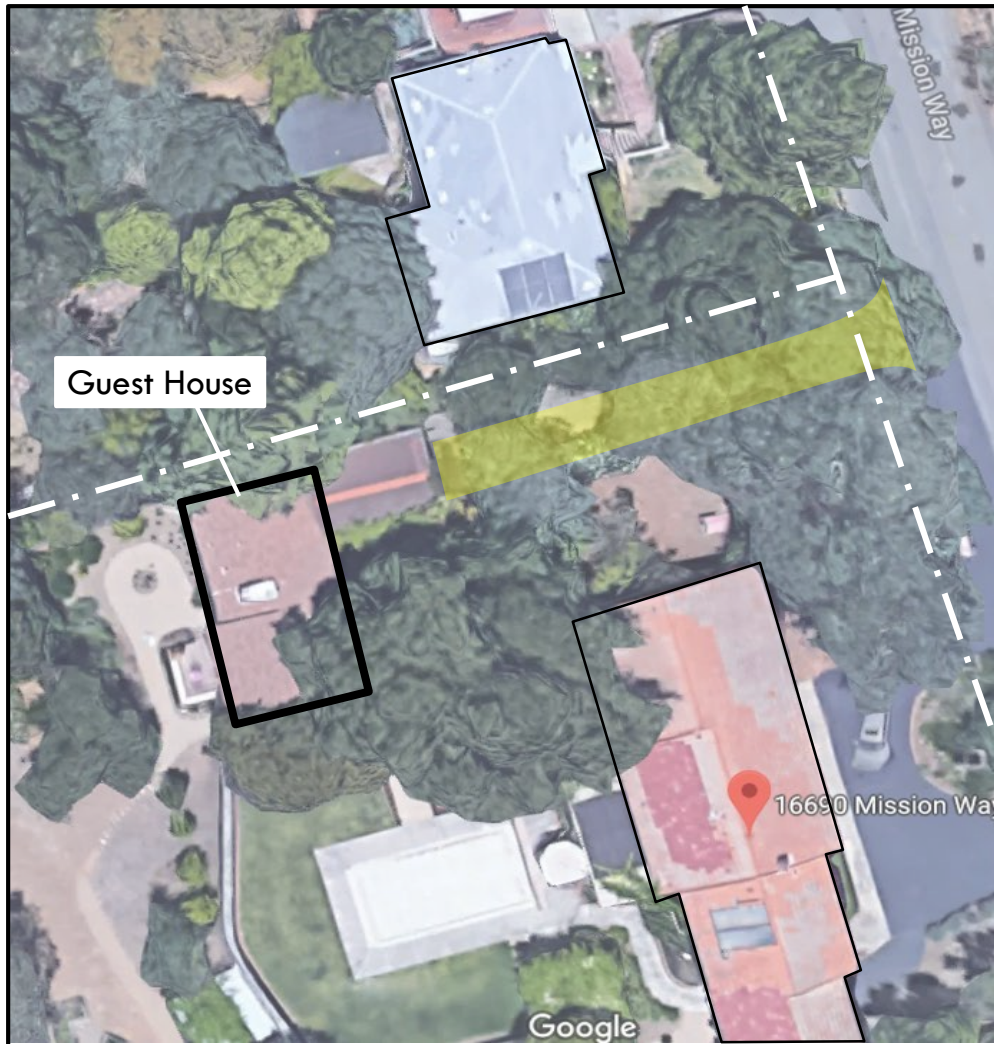
- ❑ March 2016 - Board adopted Ordinance 6145
- ❑ Establishes hosted rentals as permitted uses in residential zones - with zoning permit
- ❑ Specific requirements for eligible permitting and issuance
 - ❖ Requirement for guest house – must be legally permitted
- ❑ Special performance standards designed to ensure neighborhood compatibility

Property Frontage at 16690 Mission Way



Guest House Driveway

Guest House at 16690 Mission Way



Legally Permitted - 1986

- ☐ 678sf in size
- ☐ 42ft from residence
- ☐ 37ft from neighbor

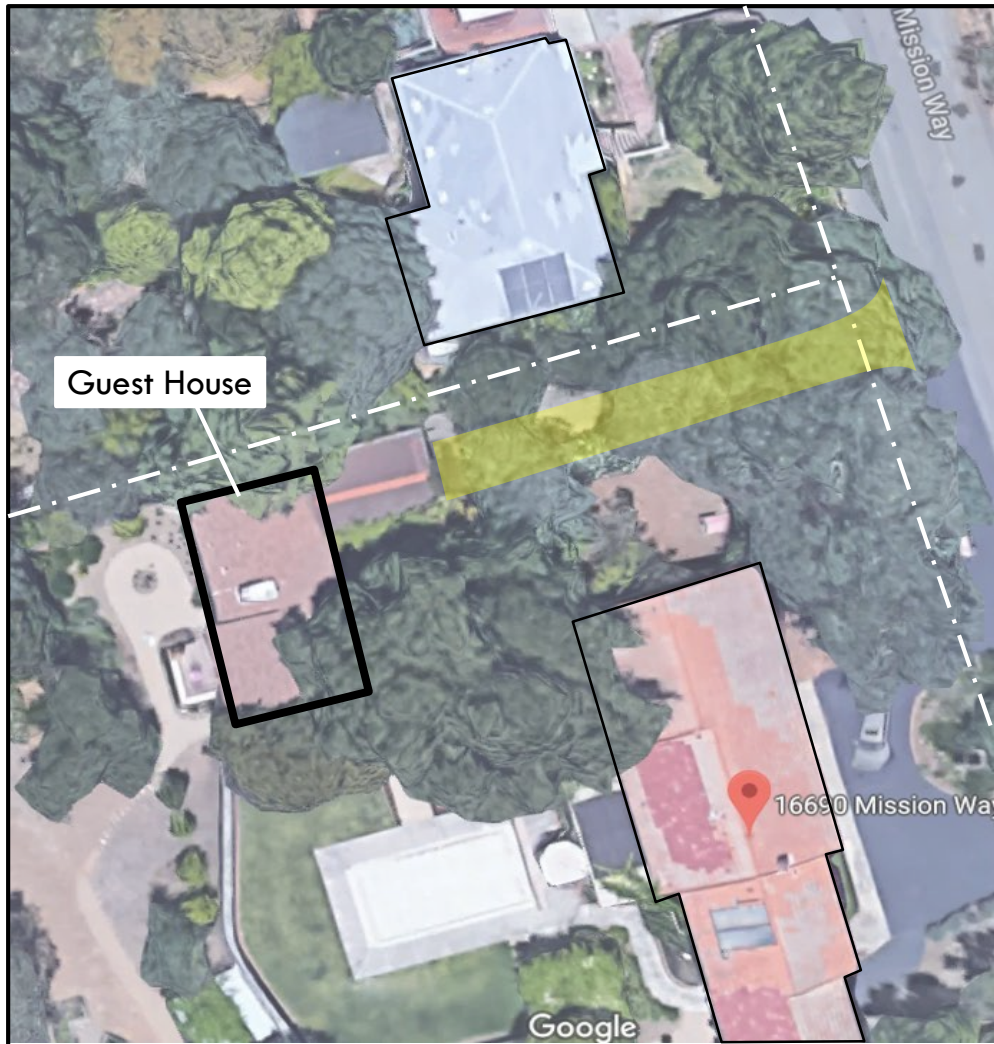
Nonconforming - 1993

- ☐ 38sf larger in size
- ☐ 2.5ft closer to neighbor than allowed by current code

Hosted Rental Permit - 2016

- ☐ Approved by Permit Sonoma
- ☐ Appealed based on size and location

BZA Hearing - January 24, 2019



Appellant 1

Contended guest house ineligible for hosted rental use based on substandard size and location

BZA Findings

- ☐ Guest house is legally established with valid permit
- ☐ Meets nonconforming code for continued use
- ☐ Meets hosted rental code for guest house use
- ☐ No size or location restriction on hosted rental use

Nonconforming Use

Nonconforming = lawfully established

- Allows legal use to continue though does not meet current standards

Limitations

- May not be expanded to occupy greater area
- Termination of nonconforming status
 - ❖ if use ceases or is converted to another use for longer than one (1) year

BOS Considerations



Current Appeal

Appellant contends violations by prior owner terminated nonconforming status of guest house

- ☐ Illegal second unit conversion
- ☐ Illegal floor area expansion (95sf)

Staff Analysis

- ☐ Unpermitted work removed / violations cleared
- ☐ Did not meet criteria for termination of use
- ☐ Nonconforming status remains intact

Additional Consideration



Further Review

- ❑ County abatement of prior violations left a remaining fixtures meeting current policy definition of a wet bar
- ❑ Permit Sonoma policy currently prohibits wet bars in guest houses
- ❑ Staff recommends wet bar fixtures be removed per current policy

Staff Recommendation



Adopt Resolution and recommended Conditions of Approval:

- ☐ Denying current appeal request
- ☐ Upholding BZA decision
- ☐ Approve zoning permit for hosted rental use of guest house

QUESTIONS



**Additional
references**

Permit Plans

Code
References



PLANS



Code References

Code References

Applicable
Zoning
Sections:

Sec. 26-02-140. Definitions, Guest House

Sec. 26-88-118. Hosted Rental Code

Sec. 26-94-010. Nonconforming Code

Guest House Definition

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.

Hosted Rental Ordinance

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

(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.

(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.

Nonconforming Code

Sec. 26-94-010. –.

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

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