

On 9/12/16, 2:35 PM, "Vanessa Starr" <Vanessa.Starr@sonoma-county.org> wrote:

Hi Tia,

I apologize for my delay in response. Typically we do not have Vacation Rentals in multiple family dwellings. This is because multiple family dwellings are only permitted in higher density residential zones that Vacation Rentals are not allowed in. Things are different for this unit though because although it is in a zone that does not typically allow multi-family units, it has that legal non-conforming determination making it an exception. Ill check with the planner and try to get an explanation for the septic.

Best,
Vanessa

From: Tia Resleure [<mailto:t.raylure@gmail.com>]
Sent: Thursday, September 8, 2016 8:56 PM
To: Vanessa Starr <Vanessa.Starr@sonoma-county.org>
Subject: Re: Questions Answered! ... Hopefully!

I think I figured out the confusion and possible flaw in the ordinance! The question should be: Are vacation rentals allowed in **Multiple Family Dwellings** such as duplexes, triplexes and apartment buildings? Is this a loop-hole?

Of course, the question of how a vacation rental with a 750 gal septic/cesspool can be approved for 6 overnight occupants still needs answering as well.

Hi Vanessa,

Thank you so much for these documents and for being a sympathetic ear.

Okay, so I get the definition of a duplex that you provided below. From reading the attached documents you provided it seems to me that a legal (non-conforming) duplex would be classified as a 2nd Dwelling Unit, not a Guest House. Duplexes can be rented to 2 different tenants. One of the units can be owner occupied, or not. The owners went to some effort to grandfather the zoning from Single Family Dwelling to Multiple Family Dwelling with 2 separate addresses.

According to the Vacation Rental Ordinance vacation rentals are not allowed in 2nd Dwelling Units. I don't understand how the grandfather clause they utilized has anything to do with it being used as a vacation rental. I think the only reason they changed the zoning was to cover up a major, instead of minor unpermitted remodel.

>From the Vacation Rental Ordinance:

Sec. 26-88-120. - Vacation Rentals.

(b) **Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. This section does not apply to legally established Hosted Rentals or Bed and Breakfast Inns, which are regulated by Section 26-88-118. As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed. **Vacation rentals shall also not be permitted within second dwelling units**, nor 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 a Williamson Act Contract.

>From PJR-032 Second Dwelling Units:

Purpose: This handout summarizes the regulations of the Sonoma County Zoning Ordinance for second dwelling units. The text of the ordinance is located in Attachment #1.

What is a second dwelling unit? A second dwelling unit is a small permanent home that may be established in addition to the main dwelling on a parcel zoned for residential use. Second dwelling units may be attached or detached from the main dwelling and can be no larger than 840 square feet (1,000 square feet with a use permit). Second units may involve new construction, conversion of an existing structure, or designation of an existing home as a second dwelling unit so that a new main residence can be built.

Who can live in a second dwelling unit? Anyone can live in a second dwelling unit. There are no requirements that second units be owner occupied or that the occupant be related to the property owner. **Second dwelling units may not be rented on a transient basis (periods less than 30 days) and may not be used as a vacation rental**

If what I'm pointing out makes any sense could you please look into this matter further and if I'm wrong, explain it to me?

Thanks again for your time!

Tia Resleure
707-865-9966

P.S. Looking forward to the info on creating a Vacation Rental Exclusion Zone.

From: Vanessa Starr <Vanessa.Starr@sonoma-county.org>

Date: Thu, 8 Sep 2016 23:33:15 +0000

To: Tia Resleure <t.raylure@gmail.com>

Subject: Questions Answered! ... Hopefully!

Hello,

It was nice talking to you today! Here is information on 2nd dwelling units and duplexes

Accessory structure policy:

- <http://www.sonoma-county.org/PRMD/docs/policies/1-4-6-Detached-Residential-Accessory-Structures-2016330.pdf>

- <http://www.sonoma-county.org/prmd/docs/policies/1-4-6-Detached-Residential-Accessory-Structures-Summary-Table.pdf>

Duplex Definition:

- **Dwelling, two (2) family or duplex.** "Two (2) family or duplex dwelling" means a single building containing not more than two (2) kitchens, designed or used to house not more than two (2) families, living independently of each other, including all necessary employees of each such family.

The specific property that you were asking about has a legal nonconforming duplex and as you know got this determination after getting a zoning permit and presenting the assessor notes to the planning department. I looked at the assessor notes and they do show that there has been two kitchens since 1950. Due to the fact that the residence had to kitchens before the county had a zoning code, it is able to be used as a vacation rental. These records are available to the public if you would like to take an additional look at them.

Please let me know if I can better clarify anything. Thank you!

Vanessa Starr
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