



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 04/06/2015

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on an amendment to the Municipal Code establishing a review and licensing process for limited short-term rentals within owner-occupied single-family residences.

Summary

The City Council, at its meeting of August 18, 2014, held a discussion on the current rules regarding vacation rentals and the enforcement of those rules. While the City Council agreed that it did not wish to change the current restrictions on vacation rentals (meaning the short-term rental of a residential unit, with no owner-occupancy), a majority of the Council expressed interest in establishing a new category of short-term rental that would include the following limitations and characteristics:

- Limited to owner-occupied, single family residences.
- Limited to a single-room.
- Property owner to remain on-site.
- Restrictions on the frequency of rentals.
- License rather than use permit.

As directed by the City Council, staff prepared a draft ordinance that would establish an allowance for limited room rentals within single-family homes through a licensing process administered by the Planning Commission. This ordinance was reviewed by the Planning Commission at its meetings of November 13, 2014 and March 12, 2015. In the course of its review, the Planning Commission made a number of modifications to the draft ordinance aimed at further providing for compatibility with residential uses and ensuring the safety of guests. A revised draft ordinance, reflecting the changes made by the Planning Commission, is attached. However, notwithstanding the revisions that were made to the draft ordinance, the Planning Commission ultimately recommended against its adoption on a vote of 4-2 (Comms. Cribb and Wellander dissenting). The minutes/meeting notes for the Planning Commission hearings are attached.

Recommended Council Action

A majority of the Planning Commission has recommended to the City Council against adopting an ordinance that would allow for Boarding Rooms.

Alternative Actions

Council discretion.

Financial Impact

If the Development Code were amended to establish an allowance for Boarding Rooms, the City would receive Transient Occupancy Tax from any such use (payments to the Tourism Improvement District would also be made). However, such an allowance would also necessitate increased enforcement efforts on the part of staff. Staff does not have estimates of either the revenues or the costs potentially associated with this allowance, as they are too speculative to quantify.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Draft Ordinance
2. Minutes of the November 13, 2014 Planning Commission meeting
3. Draft minutes of the March 12, 2015 Planning Commission meeting
4. Correspondence

Alignment with Council Goals:

Amending the Municipal Code to establish a review and licensing process for limited short-term rentals within owner-occupied single-family residences is not directly related to any of the Council's adopted goals.

cc: Boarding Room License mailing list (via email)

SUPPLEMENTAL REPORT

Discussion, consideration, and possible action on an amendment to the Municipal Code establishing a review and licensing process for limited short-term rentals within owner-occupied single-family residences

For the City Council Meeting of April 6, 2015

Background

The City Council, at its meeting of August 18, 2014, held a discussion on the current rules regarding vacation rentals and the enforcement of those rules. While the City Council agreed that it did not wish to change the current restrictions on vacation rentals (meaning the short-term rental of a residential unit, with no owner-occupancy), a majority of the Council expressed interest in establishing a new category of short-term rental that might encompass the following characteristics:

- Limited to owner-occupied, single family residences.
- Limited to a single-room.
- Property owner to remain on-site.
- Possible restrictions on the frequency of rentals.
- License rather than use permit.

This option, if implemented, would be responsive to several persons that staff has made contact with as a result of enforcement efforts, who have stated that they rent out rooms on an occasional basis in order to offset housing costs and to make ends meet. However, in evaluating whether to allow for this activity, careful consideration must be given as to how such regulations would be monitored and enforced. As noted in the City Council meeting minutes, while some members of the public supported an allowance for limited room rentals, others were concerned that this activity would introduce tourism into neighborhoods in an incompatible manner and lead to the erosion of residential character.

Planning Commission Review

As directed by the City Council, staff prepared a draft ordinance that would establish an allowance for limited room rentals within single-family homes through a licensing process administered by the Planning Commission. This ordinance was reviewed by the Planning Commission at its meeting of November 13, 2014. In the course of discussing the item, several Commissioners expressed concern with regard to the basic concept in terms of impacts on residential character and skepticism as to whether enforcement would be adequate. Others wanted to see additional restrictions, but felt that the proposed option could be made workable in terms of avoiding potential neighbor impacts. Public testimony on the on the item was similarly varied, with many speakers expressing concern about the potential erosion of neighborhood character and adverse effects related to parking and noise, while others promoted the concept as a low-intensity activity that would provide a secondary source of revenue for lower income homeowners.

Based on comments received from the Planning Commission and members of the public, staff prepared an updated draft ordinance that was reviewed by the Planning Commission at its meeting of March 12, 2015. At that time, the Commission made additional modifications to the draft ordinance aimed at further providing for compatibility with residential uses and ensuring the safety of guests. A revised draft ordinance, reflecting the changes made by the Planning Commission, is attached. However, notwithstanding the revisions that were made to the draft ordinance, the Planning Commission recommended against its adoption on a vote of 4-2 (Comms. Cribb and Wellander dissenting). Those on the Planning Commission who voted against the Boarding Room allowance expressed a number of concerns:

- Increased traffic and parking demand in residential areas.
- Incompatibilities and conflicts with neighbors and overall residential character.
- The potential to create a disincentive to offer long-term room rentals, which is an already-allowed activity that addresses housing needs.

Further, the Commissioners who opposed the allowance suggested that residential areas should be protected from tourism-related activities and expressed concern that a boarding room allowance would not solve any pressing issue facing the City, but would instead introduce new problems and enforcement issues. In contrast, the two Commissioners who supported the concept, felt that the license process included safeguards to protect neighborhood character and avoid incompatibilities and that the allowance would help low-income home-owners who might benefit from an additional income opportunity.

Recommendation

A majority of the Planning Commission has recommended to the City Council against adopting an ordinance that would allow for Boarding Rooms.

CITY OF SONOMA

ORDINANCE NO. XX - 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 5 AND TITLE 19 OF THE SONOMA MUNICIPAL CODE BY ESTABLISHING A LICENSING PROCESS FOR BOARDING ROOMS

The City Council of the City of Sonoma does ordain as follows:

Section 1. Boarding Room Licensing (Title 5).

Chapter 5.36, “Boarding Room” licensing is hereby established added to the Sonoma Municipal Code to read as set forth in Exhibit “A”.

Section 2. Amendments to “Zones and Allowable Uses” (Title 19, Division II) of the Sonoma Municipal Code.

A. Table 2-1 is amended to add “Boarding Room” as follows:

<i>Allowed Uses and Permit Requirements for Residential Districts (1)</i>			<i>Permit Required by District (2)</i>				<i>P</i> <i>Use permitted</i> <i>UP</i> <i>Use Permit required</i> <i>L</i> <i>License required</i> <i>—</i> <i>Use not allowed</i>		
<i>Land Use (1)</i>	<i>R-HS</i>	<i>R-R</i>	<i>R-L</i>	<i>R-S</i>	<i>R-M</i>	<i>R-H</i>	<i>R-O</i>	<i>R-P</i>	<i>Specific Use Regulations</i>
<i>Retail Trade and Services</i>									
<i>Art, Antiques, Collectible and Gift Sales</i>	—	—	—	<i>UP</i>	—	—	—	—	
<i>Artisan Shops</i>	—	—	—	<i>UP</i>	—	—	—	—	
<i>Bed and Breakfast Inns</i>	<i>UP</i>	<i>UP</i>	<i>UP</i>	—	—	—	—	—	<i>19.50.030</i>
<u><i>Boarding Rooms</i></u>	<u><i>L</i></u>	<u><i>L</i></u>	<u><i>L</i></u>	<u><i>L</i></u>	<u><i>L</i></u>	<u><i>—</i></u>	<u><i>—</i></u>	<u><i>—</i></u>	<u><i>SMC 5.36</i></u>
<i>Child Day Care Center</i>	—	<i>UP</i>	<i>UP</i>	<i>UP</i>	<i>UP</i>	<i>UP</i>	—	—	
<i>Notes:</i>									
1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.									
2. New residential developments subject to the City’s Growth Management Ordinance (SMC 19.94).									
3. Supportive and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the RL and RS residential zones, whereas Supportive and Transitional housing structured as multi-family is limited to the RM and RH residential zones and the Mixed Use Zone.									

Section 3. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that the Ordinance does not increase residential density

or the intensity of use, as the standards adopted herein are consistent with otherwise allowable residential use and any activities that may exceed the residential character or environmental standards would be subject to further discretionary review.

Section 4. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of XX 2015.

Chapter 5.36 Boarding Room Licensing

5.36.010 Purpose.

Boarding Room Licenses are intended to provide uniform and comprehensive regulations to ensure that the short-term rental of a room within a residence is conducted in a manner that is compatible with adjacent land uses and protects the character and quality of residential neighborhoods. The procedures of this Chapter provide for the review of the location and potential impacts of the Boarding Room to be licensed, to evaluate the compatibility of a prospective Boarding Room with surrounding uses, and to establish requirements and limitations to protect the character of residential neighborhoods.

5.36.020 Boarding Room Defined.

Boarding Room. For the purpose of this chapter, a "Boarding Room" shall be defined as follows: A bedroom within an owner-occupied detached single-family residence that is made available for rental of for periods of less than thirty days.

5.36.030 License Requirement.

No person shall operate a Boarding Room within the city limits without a valid Boarding Room License issued pursuant to this Chapter.

5.36.040 Applicability.

A Boarding Room License may only be granted within those zoning districts identified in Title 19, Division II (Zones and Allowable Uses) as allowing Boarding Rooms, subject to the approval of a License in compliance with the provisions of this Chapter.

5.36.50 Application Requirements.

An application for a Boarding Room License shall be filed and processed in compliance with SMC 19.52 Applications: Filing and Processing. In addition to the requirements specified in SMC 19.52, the submittal of a project narrative shall be required that fully describes controls for ensuring compliance with this Chapter and compatibility of the proposed activity with surrounding uses.

5.36.060 Application Review, Notice and Hearing.

Each Boarding Room License application shall be analyzed by the City Planner to ensure that the application is consistent with the purpose and intent of this Chapter and shall be circulated for comment to other City Departments as necessary. The Planning Commission shall conduct a public hearing on an application for a Boarding Room License. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 19.88 (Public Hearings).

5.36.070 Findings, decision.

Following a public hearing, the Planning Commission may approve or disapprove an application for a Boarding Room License. The Planning Commission shall record the decision and the findings upon which the decision is based. The Planning Commission may approve a Boarding License only if the Planning Commission first finds that:

A. The proposed Boarding Room License is consistent with the General Plan and the

- Development Code (SMC Chapter 19);
- B. The location and property characteristics of the proposed site are compatible with the existing and future land uses in the vicinity;
 - C. There is not an excessive concentration of Boarding Rooms, Vacation Rentals, and/or Bed and Breakfast Inns within the vicinity of the site; and
 - D. When implemented, the general operational requirements and standard conditions pertaining to Boarding Rooms and any site-specific conditions of approval sufficiently assure compatibility with neighboring uses and ongoing compliance with the requirements and limitations of this Chapter.

5.36.080 Site-specific Conditions of approval.

In approving a Boarding Room License, the Planning Commission may adopt any conditions of approval deemed necessary to achieve consistency with the General Plan and any applicable Specific Plan, compliance with the provisions and purposes of this Chapter, and any applicable provisions of the Sonoma Municipal Code, and the protection of the public health, safety, and/or welfare.

5.36.090 Operational Requirements and Standard Conditions.

All Boarding Rooms shall be subject to and operated in conformance with the following requirements and conditions:

- A. A Boarding Room shall only be operated within an owner-occupied single-family residence.
- B. No more than one Boarding Room per residence shall be allowed.
- C. The residence must be the principle residence of the property owner.
- D. An owner-occupant must be on-site when a Boarding Room is rented and in use, including overnight.
- E. A Boarding Room shall be occupied by no more than two persons. Non-registered guests shall be prohibited.
- F. A Boarding Room shall not be rented more than three times per month for periods not to exceed four nights (twelve nights per month total) and no more than 90 days per year.
- G. A Boarding Room shall not be allowed within a residence that is subject to an affordable housing covenant.
- H. A Boarding Room shall not be allowed within an accessory structure or a second unit.
- I. Transient Occupancy Tax and applicable payments to the Tourism Improvement District shall be paid in accordance with Chapter 3.16 of the Sonoma Municipal Code.
- J. A minimum of three off-street parking spaces shall be available on the site.
- K. A residence that includes a Boarding Room shall undergo an annual fire and life safety certification. Minimum requirements shall include an approved smoke detector and carbon monoxide detector, installation of an approved fire extinguisher in the residence, and the inclusion of an evacuation plan posted in the boarding room.
- L. Outdoor activities shall comply with Noise Ordinance (SMC 9.56).
- M. Special events and amplified music are prohibited in conjunction with the operation of a Boarding Room.
- N. Approval of the home-owners association is required for any Boarding Room proposed within a development having a home-owners association.
- O. Prior to commencing the use, a residence approved for a Boarding Room License shall be retrofitted with low-flow shower fixtures and toilets, to the extent that these fixtures are not already in place.
- P. Any on-line listing for a Boarding Room shall include: 1) the Business License number, 2) the property owner name and telephone number, and 3) requirements for the payment of

Transient Occupancy Tax and the Tourism Improvement District fee.

5.36.100 Boarding Room Registration Requirements.

- A. The property owner shall register the property as a Boarding Room with the City annually on a registration form furnished by or acceptable to the City Manager and signed by the Applicant under penalty of perjury. Each application shall contain the following information:
1. The name, address, and telephone number of the owner of the unit for which the Boarding Room Registration Certificate is to be issued.
 2. The name, address, and telephone number of the Owner of the unit.
 3. The address of the residential property proposed to be used as a Boarding Room.
 4. Evidence of a valid business license issued by the City for the separate business of a Boarding Room.
 5. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a Boarding Room.
 6. Such other information as the City Manager deems reasonably necessary to administer this Chapter.
- B. The registration of a Boarding Room shall be accompanied by proof of general liability insurance in the amount of one million dollars.

5.36.100 Expiration.

A Boarding Room License shall be exercised within six months from the final date of approval or the License shall become void, unless an extension is approved in compliance with SMC Chapter 19.56--Permit Implementation, Time Limits, Extensions.

5.36.120 Review and Termination.

A Boarding Room License may be reviewed and terminated by the Planning Commission in a public hearing at any time, subject to the notice requirements set forth in Chapter 19.88 (Public Hearings). A Boarding Room License may be terminated by the Planning Commission based on any of the following findings, supported by substantial evidence in the record:

- A. The licensee has failed to comply with the conditions of approval attached to the Boarding Room License; or
- B. The licensee has failed to comply with any of the requirements and limitations set forth in section 5.36.030; or
- C. The findings set forth in Section 5.36.080 can no longer be made with respect to the Boarding Room or the manner in which the Boarding Room has been or is being operated, based on specific evidence in the record that demonstrates that the Boarding Room is having significant adverse effects on the health, safety, or welfare of residences in its vicinity; or

5.36.130 Term and Renewal.

A Boarding Room License is valid for one year, after which it expires if not renewed prior to the completion of the one-year term. The annual renewal of a Boarding Room license shall be processed administratively and shall not be subject to a public hearing requirement, provided that staff finds that the applicant is in compliance with the conditions of approval associated with the license and all other requirements of this Chapter. Otherwise, the renewal of the license shall be referred to the Planning Commission for review, subject to the notice requirements set forth in Chapter 19.88 (Public Hearings). Notwithstanding the foregoing, said License shall not expire unless the City has given written notice to the licensee of the date of expiration and the

licensee fails to renew the License within thirty (30) days of receipt of said notice.

5.36.140 Licenses not Transferrable.

A Boarding Room License is limited to the property owner to whom it is granted. Only the licensee is permitted to engage in the activities described in the license and those activities may only occur on or at the premises described in the License. A Boarding Room License may not be transferred and is not transferrable. A Boarding Room License shall automatically expire upon sale or transfer of the property for which it was issued.

5.36.150 Fees.

Fees for an application for a Boarding Room License and for the annual registration of a Boarding Room shall be as established by the City Council, and amended from time-to-time, through the adoption of a Resolution.

Item # 5 – Public Hearing – Consideration of an amendment to the Development Code establishing a review and licensing process for limited short-term rentals within owner-occupied single-family residences.

Planning Director Goodison presented staff's report.

Chair Tippell opened the item to public comment.

Irene Morgan, resident, supports the boarding room concept, but feels the proposed four day per month limitation is too restrictive.

David Eichar, Sonoma Valley resident, questioned how owner occupancy would be determined. He noted that he owns a vacation rental outside of city limits and reviewed the County regulations that apply to vacation rentals.

Pat Collins, Air B&B operator, has not received any complaints from neighbors.

Suzie Hart, resident, TID Board, General Manager/Renaissance Lodge, is concerned with fire and life safety issues and does not support the plan for boarding room rentals.

Joe Henebel, Sonoma Valley B&B owner, is pleased with the discussion of this topic.

Jennifer Gray, resident, is concerned with co-existence with neighboring uses as in her view allowing boarding rooms could result in conflicts with other residential neighbors.

Bill Blosser, resident, envisioned problems with enforcement if the proposed boarding room concept is adopted.

Karen Peterson, resident/vacation rental manager, supports the new ordinance but suggested different limits on the number of days allowed.

Fran Knight, resident, is disappointed with the upsurge in vacation rentals and room rentals and is concerned about their effect on property values.

Chair Tippell closed the item to public comment.

Comm. Willers is concerned that an additional option for short-term rental would jeopardize the availability of long-term rentals, which are already in short-supply in Sonoma. He appreciated the work done on behalf of the City Council for this matter; however, he is not convinced that the basic concept is appropriate.

Comm. Felder favored reworking the draft ordinance and agreed with Comm. Willers about his concerns regarding the housing stock.

Comm. Roberson said that residents renting a room on a short-term basis to help with monthly expenses is beneficial and contributes to community diversity.

Comm. Edwards agreed with the concern that this could harm the availability of long-term rentals. He noted that it is already perfectly legal for a homeowner to rent out a room as a long-term rental and that those who need extra income have that option.

Comm. Howarth stated that he was not opposed to the concept but wanted more exploration on the subject.

Comm. Heneveld agreed that the issue needs to be further discussed.

Chair Tippell noted that the consensus of the Commission is that they are not ready to make a recommendation to the City Council at this time and that the item should return to the Planning Commission with additional information so that it may be discussed further.

Item #6- Study Session- Study session on a reviewed proposal to develop a mixed-use project (Sonoma Gateway Commons) at 870 and 899 Broadway.

Comm. Willers recused due to proximity and left the room. Comm. Cribb went to the dais.

Planning Director Goodison presented staff's report.

Chair Tippell opened the item to public comment.

Mike Pattison, BSA Architects, reviewed the revised concept and discussed changes made to address previous concerns.

Joanne Braun, 871 First St. West, is concerned with the limited parking in her neighborhood. She noted that the neighborhood had become denser with the development of the MacArthur Village project and that the area was subject to traffic generated by the High School and the Middle School. She is concerned that the tandem parking proposal may not work well.

Tom Anderson, resident, urged the Commissioners to support the proposal for the site as it moves forward through the process. In his view, the project is a good approach.

David Eichar, Sonoma Valley resident, is pleased with the removal of the hotel component but has concerns about the scale of some of the buildings, especially in relation to Broadway.

Lew Braun, 871 First St. West, is concerned about parking and the scale/height of the structures.

Jack Wagner, resident, is concerned with water and energy use in new construction and he encouraged the applicants to employ green building techniques.

Chair Tippell closed the item to public comment.

Comm. Roberson is skeptical of the tandem parking. He noted that the live-work concept has not previous been very successful in Sonoma. He is also concerned about the massing of some of the building elements, especially that of the culinary promenade.

Comm. Edwards asked whether delivery trucks would circle back through residential areas.

Comm. Howarth stated that he was glad to see that the abandonment of the valet parking concept. He agreed with Comm. Roberson about massing issues and questioned whether the third-story option provided for in the Development Code should apply to townhome development.

Notes from the Planning Commission of March 12, 2015

Item #2 – Public Hearing – Consideration of an amendment to the Development Code establishing a review and licensing process for limited short-term rentals within owner-occupied single-family residences.

Planning Director Goodison presented staff's report.

Comm. Felder confirmed with staff that there is no restriction prohibiting a homeowner from renting out a room in their home on a long term basis.

Chair Willers opened the item to public comment.

David Eichar, Sonoma Valley vacation rental owner, recommended that if the ordinance is changed to allow short-term rentals in a home that the property owner make sure there is adequate off street parking for guests. He noted that long-term renters have more rights than short-term renters. He wanted evidence of insurance before a license is issued and noted that it would be difficult to enforce the number of days that the home is rented. He suggested that the ordinance might impose a "means test", whereby a homeowner's annual income must be under a certain level in order from them to rent a room on a short-term basis.

Chair Willers closed the item to public comment.

Comm. Felder is concerned that short-term rentals will disturb the residential character of the community and reduce the supply of available rental housing stock. He opposes the concept. In his view, the advantages that this would provide to some individual property owners who would benefit from the allowance, do not outweigh these concerns.

Comm. Cribb supported the allowance for an amendment to the Development Code because it would provide an alternative lodging experience and would generate supplemental income for homeowners many of whom are seniors on a fixed income. He suggested incorporating some of the suggestions made by David Eichar into the revised ordinance. The license process provides safeguards to protect neighborhood character and avoid compatibility issues.

Comm. Heneveld felt the City faced more pressing issues such as water and affordable housing units for residents at the low and moderate income level.

Comm. McDonald said the discussion for allowing short-term boarding room rentals is an extremely important policy issue. He is concerned with its potential to change neighborhood characteristics for the worse. In his view, tourism-related activities should not intrude into residential neighborhoods and this allowance may not be consistent with the expectations of persons who purchase a single-family home. He is especially concerned about such an allowance in PUD's, since units are within a more constrained area than a typical single family home. He confirmed with Planning Director Goodison that a public hearing is required (500 ft. range notification) and the license is revocable.

Chair Willers is opposed to creating an economic incentive for residents to rent out a room on a short-term basis, rather than a long-term basis, as long-term room rentals have a clear community benefit. In addition, transient guest have a different impact on a neighborhood than long-term renters.

Comm. Cribb expressed the view that short-term room rentals should be allowed as long as safeguards are in place. In his view the level of activity would no greater than that of full occupancy of the residence with a household.

Comm. Wellander stated while he believes there is some merit in the concept, he is concerned about enforcement and ensuring that adequate safeguards are in place to protect residential character. In general, however, the revocation option provided by license process leads him to remain open the concept.

A discussion ensued on the pros and cons of the Boarding Room concept. A majority of the Commission opposed the idea based upon concerns about neighborhood compatibility and the protection of residential character, increased conflicts between neighbors, parking, and the potential for such a use to crowd out long-term room rentals, which are more beneficial in terms of meeting housing needs.

Planning Director Goodison asked the Planning Commission to provide direction on additional changes to the draft ordinance. Through a straw poll, a majority of the Commission agreed on the following revisions:

1. Parking: Minimum requirement of three spaces.
2. Insurance requirement.
3. Water retrofit requirement.
4. 90 day annual limit (to avoid year-around activity).
5. Carbon monoxide detector.
6. Home Owners Association sign off, when applicable.

The Planning Director noted that in addition to a recommendation regarding the overall concept, the draft ordinance will be revised and forwarded to the City Council.

Comm. Heneveld made a motion to forward to the City Council a recommendation against an amendment to the Development Code to allow a licensing process for limited short-term rentals within owner-occupied single-family residences. Comm. Felder seconded.

Roll call vote: Ayes: Chair Willers, Comms. Heneveld, Felder, McDonald and Wellander
Noes: Comm. Cribb opposed.

The motion was adopted 4-2 (Comms Cribb and Wellandar dissenting).

Prepared by David Eichar for Planning Commission Meeting of March 12, 2015, regarding short term rental of a room in a private residence.

On Airbnb, in Sonoma, there are 12 “private rooms” listed which would be impacted.

- 1 property type is listed as apartment
- 1 is a Townhome
- 1 is in a Condo unit

These would not be allowed under this amendment.

The rates range from \$88 to \$185 per night. Long term room rentals go for \$500 to \$800 per month. With a maximum of 12 nights rented per month, owners can make around 50% more per year with short term room rentals.

Another reason for renting short term instead of long term is that long term renters have certain rights as tenants, and if there is a problem, the owner has to go through the long and costly eviction process. With short term renters, you just need to call the police, who can remove the renter as a trespasser.

Parking: Some quotes from the Airbnb listings:

- “Free and easy parking on street”
- “There is a parking space for you in front of the property.”
- “Plenty of street parking though not in our driveway”

If the owner has 2 vehicles, the owner would park them in the 2 required off-street parking spaces.

It would be better to specify a requirement that there is adequate off-street parking for residents’ vehicles plus one space for the renter’s vehicle, with a minimum of 2 spaces.

In limiting number of boarding room licenses; I think you may need to be more specific than “There is not an excess concentration”. The B&B regulations state that you cannot have 2 next to each other.

Insurance is a big issue almost no one is talking about:

- Many insurance companies, such as State Farm, will not cover a short term rental, which means that if a renter injures themselves in the house, the owner might not be covered. Owners should be required to notify their insurance companies and provide proof of insurance coverage for short term rentals in order to obtain a license.
- San Francisco requires \$500,000 liability insurance.

Noise:

- No pets. Alternatively, as required by the county, pets must be secure and quiet.

The big issues facing Sonoma are:

- Water: Allowing boarding rooms will increase water usage. At a minimum, homes should be required to have low flow shower heads and toilets.
- Traffic: allowing boarding rooms will increase traffic on weekends.
- Affordable housing: probably only minor impact

Hotel guests are charged an extra 2% TID tax, with the stated purpose to increase tourism mid-week and in the off season. Maximum of 4 nights rental, 3 times a month helps to provide the weekend boost in available rooms, with little negative impact on hotel mid-week occupancy.

Restricting the number of nights rented will be almost impossible to enforce, so will mostly be on the honor system. The rental's online calendar of availability will have limited usefulness for compliance, because a good owner, once the boarding room is booked up for the month, should mark all of the other nights as unavailable.

Other thoughts on enforcement

- Sonoma County requires that the TOT permit number appear on vacation rental listings. This makes it easier to recognize legal vacation rentals. The city should require the same.

Notification to neighbors should be given, along with a 24-hour emergency contact phone number. The county lists this phone number in the permit for the property on its web site.

The real question is, does the benefit to homeowners to rent out a vacant bedroom in their house, worth the detrimental impact to the other residents of Sonoma?

Subject: Re: Questions for tonight's "Boarding Room" discussion
Date: Thursday, November 13, 2014 at 3:09:31 PM Pacific Standard Time
From: Byron Jones
To: David Goodison

One more thought, if this is intended for owner's primary residence only (not vacation homes), then maybe a requirement should be that the owner has filed a "Homeowners Property Tax Exemption" (The California Constitution provides a \$7,000 reduction in the taxable value for a qualifying owner-occupied home. The home must have been the principal place of residence of the owner on the lien date, January 1st. To claim the exemption, the homeowner must make a one-time filing of a simple form with the county assessor where the property is located. The claim form, BOE-266, *Claim for Homeowners' Property Tax Exemption*, is available from the [county assessor](#).

A person filing for the first time on a property may file anytime after the property or claimant becomes eligible, but no later than February 15 to receive the full exemption for that year.

On Thu, Nov 13, 2014 at 11:27 AM, Byron Jones <byronwjones@gmail.com> wrote:

David,

Thanks for the clarifications.

I'm sure it will be an interesting discussion this evening. :-)

On Thu, Nov 13, 2014 at 11:20 AM, David Goodison <davidg@sonomacity.org> wrote:

Hi Byron—good questions!

1. The intent is to prohibit a second unit from being used for that purpose, but I need to make that clear.
2. "owner-occupant" is a better term.
3. Yes, on premises includes overnight and I will clarify that.
4. Yes, good point.
5. I don;t know what reporting, if any, the Finance Department does to the IRS, but presumably it would be the as with a B&B or vacation rental.

Thanks,

David

From: Byron Jones <byronwjones@gmail.com>
Date: Thursday, November 13, 2014 at 12:04 PM
To: David Goodison <davidg@sonomacity.org>

Subject: Questions for tonight's "Boarding Room" discussion

David,

I will be unable to attend this evening's "Boarding Room" discussion at the Planning Commission meeting, so I'm hoping you can/will forward the following questions to the Commissioners. Thanks!!

General Requirements

Item A

> Does this mean that "in-law" units can not be used as boarding rooms?

Item C

> Is "resident" broader than "owner-occupant"? If not, should be changed to "owner-occupant"

> What does it mean to "be on-site when a Boarding Room is rented". Does this mean owner-occupant needs to be there overnight? If so, it should say so.

Item H

> This should include TID too.

Can exceptions be permitted?

Will City report collections to the IRS in the same way that State reports state tax receipts to IRS and Mortgage companies report interest expense to IRS?

Subject: Re: Planning Commission Item Re Short-term Rental (meeting of November 13, 2014)
Date: Thursday, November 13, 2014 at 4:01:42 PM Pacific Standard Time
From: graycompanyinc@aol.com
To: David Goodison

Hi David,

Thank you very much for taking the time to consider my remarks. Please feel free to share my e-mails if you believe it would be of use in the discussion. I was the guy who sat through the last meeting - still amused by the rats! It looks like the agenda is even more packed tonight so I will not attend.

Please understand that if I were looking to stay at a B&B in Sonoma, I would consider staying at 837 4th East as the owner appears to run a very nice service. The problem is it's completely illegal. There are several reviews posted on Airbnb from clients who have stayed there these past 2 weeks of November, so I do hope that operations are actually winding down.

I enjoyed a Beaver Cleaver childhood growing up on the Eastside and walking to Prestwood School (9/29/14 e-mail). I own 2 homes there now that are long term rentals for local families with kids attending or recently graduated from local schools. It would be a shame for that residential dynamic to be inadvertently altered so that landlords are incentivized to target commercial tourism. I do hope that we as a community tread very carefully as this issue is considered. Enforcement would be the key.

Sincerely,

Tim

Gray Company Inc.
1697 Ridge Rd.
Sonoma, CA 95476
707 996 8857
License #723845

-----Original Message-----

From: David Goodison <davidg@sonomacity.org>
To: graycompanyinc <graycompanyinc@aol.com>
Sent: Thu, Nov 13, 2014 2:30 pm
Subject: Re: Planning Commission Item Re Short-term Rental (meeting of November 13, 2014)

Hi Tim—We have been in contact with Ms. Lobanovsky and she states that she ceased taking reservations some time ago. She concedes that her AIRBB listing has remained up, but states that she has had difficulty in getting it removed and is working on that.

Re the draft ordinance:

1. The wording of that section is not clear, so I have revised it as follows: "A Boarding Room shall not be rented more than two times per month for periods not to exceed four nights (eight nights per month total)."
2. I understand your concerns about the potential impacts of what might be described as commercializing a residence. However, establishing this allowance—or at least exploring the options—was a direction given by the City Council. The limit on room nights is intended to keep it a more occasional activity, rather than a full-time operation, but I recognize that there are enforcement and tracking issues that will not go away... You might want to write to the City Council and/or the Plannign Commission on these points as the process moves forward.

Thanks,

David

PS Did you want me to share this email with the Planning Commission?

From: "graycompanyinc@aol.com" <graycompanyinc@aol.com>

Date: Tuesday, November 11, 2014 at 11:51 AM

To: David Goodison <davidg@sonomacity.org>

Cc: "loveda10@aol.com" <loveda10@aol.com>, "martin.perpich@gmail.com" <martin.perpich@gmail.com>

Subject: Re: Planning Commission Item Re Short-term Rental (meeting of November 13, 2014)

Hi David,

Thank you for keeping me in the loop.

1) Proposed section 5.36.030 E states "A Boarding Room shall not be rented more than two times per month".

Question: Does this mean 2 nights per month or could it be interpreted as 2 separate renters per month of an undetermined duration?

2) Staff Report pages 3&4 state "However, if consideration is given to loosening the rules in this manner, careful consideration would need to be given as to how such limitations would be monitored and enforced."

Exactly. There is currently a massive enforcement problem with hundreds of unpermitted boarding operations in direct violation of the Municipal Code and General Plan. There do not seem to be adequate consequences for violating the current code (see 837 4th Street East). I expect the new code would provide a veneer of legitimacy that many would attempt to manipulate (rent more than 2 days). An energetic enforcement officer would seem obligatory.

3) Staff Report page 3 states "This option...would be responsive to several persons...who have stated that they rent out rooms on an occasional basis in order to offset housing costs and to make ends meet."

That may be true in certain instances. However, let's be clear: 837 4th Street East (please recall I own 836 4th East across the street) is a full fledged business operating in a residential neighborhood. There is nothing "occasional" about a B&B that is booked 20-30 days per month (<https://www.airbnb.com/rooms/913035?s=At7s>) at \$150 to \$275 per night. A residence that generates multiple thousands of dollars per month and tens of thousands of dollars per year is far beyond an attempt to "offset housing costs and to make ends meet."

4) The net result of ordinances such as this may be to inadvertently reduce the number of affordable rental rooms available to local families and increase the purchase price of existing residential homes (Diane Feinstein agrees). Just as businesses are priced based on their cash flow, residential homes that generate tens of thousands of dollars per year as Boarding Rooms will be priced and marketed by their real estate agents to reflect this - the price will go up. Yes, the purchaser would have to apply for a new license, but with an established track record of Boarding Room operations it would likely be granted.

5) Per my requests of 9/29/14 and 10/6/14, I again respectfully request that you please enforce the Municipal Code and General Plan: 837 4th Street East continues to actively advertise and operate as an unpermitted Bed & Breakfast despite having "withdrawn" it's application for the 10/9/14 hearing. If there are no consequences for flagrantly violating current codes, I would not expect new codes to change such behavior.

Thank you for your consideration.

Sincerely,

Tim Gray

-----Original Message-----

From: David Goodison <davidg@sonomacity.org>

To: David Goodison <davidg@sonomacity.org>

Sent: Mon, Nov 10, 2014 1:22 pm

Subject: Planning Commission Item Re Short-term Rental (meeting of November 13, 2014)

Hello—The staff report for this item is attached.

I apologize to those to those who attended last month's Planning Commission meeting only to see the item postponed. That will not happen this time around.

David Goodison

Subject: Portland struggles with AirBnB

Date: Saturday, November 15, 2014 at 9:15:55 AM Pacific Standard Time

From: Bill Blosser

To: David Goodison

David,

This is an article from a Portland paper. They are struggling with this issue, too. But, they seem to be giving lip service to enforcement, which I hope we won't. Good luck with finding a solution.

Bill Blosser

City Council poised to OK short stays in apartments, condos

Most Airbnb hosts are ignoring new city permit requirements for offering short-term rentals in their homes, but Portland City Council is poised to plow ahead and legalize such rentals in apartments and condos as well. At the urging of Mayor Charlie Hales, city commissioners will take testimony next week on a proposal to permit short-term rentals in multifamily properties, if the tenant has the signed approval of the landlord, or a condo owner or tenant has the OK from their homeowners association. No more than 10 percent of the units of a multifamily complex could get permits under Hales proposal. When it became clear that there were lots and lots of multifamily listings in Portland, the mayor and others on the City Council said our policy no longer reflects reality, says Hales spokesman Dana Haynes. We probably ought to have a policy that reflects it. Airbnb estimates it has 1,600 Portland hosts opening up their homes, apartments and condos to short-term renters staying less than 30 days at a time. Those were all illegal until the City Council passed an ordinance in July that allowed residents of single-family homes, houseboats and duplexes to seek permits. Now several hundred more hosts might become legal if the City Council adopts Hales proposal for multifamily properties. City permits for single-family homes cost \$178 and require a cursory inspection to make sure the homes are equipped with good smoke alarms and the bedrooms are legal accommodations. Though Airbnb lobbied the city to pass the ordinance and institute the permit system, most of its local hosts are ignoring the new ordinance. Roughly two months after the ordinance took effect Aug. 1, less than 10 percent of the single-family hosts had bothered to apply for permits to become legal. Permit applications under Hales proposal for condos and apartments would be only \$100, and no city inspections would be required. Tenants or condo dwellers would merely have to certify that their units have proper smoke alarms and carbon monoxide detectors. Still, its unclear how many multifamily Airbnb hosts will bother to seek permits, especially when leasing out apartment rooms violates most tenants leases. The standard lease used by Multifamily NW, which represents owners of about 175,000 apartment units in Oregon, bars subletting, says Deborah Imse, the trade groups executive director. Imse participated in a task force put together by Hales staff to vet the new proposal. While the landlords group may seek some changes, such as requiring the landlord signature get notarized, its main concern is that landlord approval is granted, Imse says. New wrinkle City Commissioner Nick Fish wants to go further, and require that the landlord apply for the permit instead of the tenant. It is the landlord and not the tenant who we should hold accountable, Fish says. The landlord has the ultimate responsibility for a safe building. That could further limit the number of permit applications. Under Portlands ordinance, people opening up their single-family homes to short-term renters only have to live on the premises nine months of the year. That means they could hire an off-site manager and rent their home to short-term visitors all summer while traveling abroad or enjoying the sun in Hawaii. Steve Unger, proprietor of the Lion and the Rose Victorian Bed & Breakfast in Irvington, will ask the City Council to be more strict for multifamily properties. He wants hosts to live on site for all but about 12 days a year, to allow for modest vacations. If the host is residing there during the stay, youre not likely to have problems, says Unger, who competes with Airbnb but also uses the service when he travels. The close proximity of multifamily makes it more of a nuisance to the neighbors, he says. If youre a single-family home, you can be 50 feet away, he says, but with apartments, youre only a wall away. Losing affordable housing Expanding the city ordinance also raises more concerns that Airbnb-style operations will reduce the stock of affordable housing in Portland, driving up rents. Mayor Hales recognizes that problem, Haynes says, but is confident that operators of subsidized housing will not allow

short-term rentals in their properties. But even the loss of market-rate apartments can drive up rents if that causes the supply of units to dwindle. Hales doesn't dispute that, Haynes says, but figures it's better to have a regulatory system in place given that short-term rentals have become so common here and are unlikely to go away. One Portlander already filed an anonymous complaint that four apartments at 514 N.W. Ninth Ave. are being listed illegally under Airbnb. The local property manager and Seattle owner of the Northwest Portland apartment building both declined to discuss the complaint, which resulted in a zoning violation notice sent by the Bureau of Development Services. Several people have testified to the City Council that they can charge much higher rents to tourists on short stays than they can to long-term tenants. If you rent a unit short-term, you can usually make in three months as much as you can all year long renting it long-term, Unger says. That means there will be a temptation for more apartment owners to convert their units to Airbnb-style properties, despite the on-site residency requirement. Fish is concerned about that prospect. I don't have any illusions about how hard it is to regulate this, he says. The city is hesitant to mount a major enforcement effort against those who fail to seek permits or otherwise violate the short-term rental ordinance, preferring to intervene only when someone files a complaint. So far, no city commissioner has asked for more money to spend on enforcing the ordinance, Haynes says. Greater use of Airbnb in multifamily settings also is likely to reduce the supply of affordable units even when the tenant remains on site. That's because tenants or condo owners might be tempted to stop renting out rooms to longer-term tenants in favor of higher-paying nightly renters. There is little available data on such arrangements, since they often occur under the table. But it stands to reason that renting out a room is usually cheaper than renting a studio apartment. Roommate rentals are real important affordable housing, Unger says. stevelaw@portlandtribune.com
twitter.com/SteveLawTrib

<http://www.pamplinmediagroup.com/pt/9-news/240241-106494-airbnb-may-put-new-squeeze-on-renters#noredirect>

Bill Blosser
503.804.8101

Subject: letter in support of the code changes allowing unlimited, short term rentals in Sonoma

Date: Monday, November 10, 2014 at 9:29:38 PM Pacific Standard Time

From: Farrel Beddome

To: David Goodison

Hello David,

I understand that the Planning commission is meeting on November 13, 2014, to consider a review and licensing process for limited short-term rentals within owner-occupied single family residences in Sonoma. I am writing to urge you and the Commission to support such licensing of short-term rentals. I am in favor of this for several reasons.

It is a reasoned approach to recognizing the sharing economy and the opportunity it gives homeowners to earn money the old fashioned way - - by simply renting a room in their home. With owner occupancy of

the home, the home is actively supervised so that guest behavior conforms to neighborhood standards and the income generated is most likely to be invested in the home for maintenance or improvements. This accrues to the benefit of the neighborhood and city. Without this income, many homeowners simply cannot afford to keep up their homes.

Progressive communities like San Francisco recently passed an ordinance allowing unlimited short term rentals for owner-occupied residences. San Francisco, like Sonoma, is an expensive place to live and this recognizes the affordability issues of housing and short-term rental as a means of reducing the economic burden of housing at the same time it brings visitors to San Francisco who otherwise might not come because of the high cost of hotels. This accrues to the economic vitality of The City. The same applies to Sonoma which attracts thousands of tourists who need affordable places to stay. On some occasions, the hotels are at full occupancy and short-term rental in a residence is an essential alternative for visitors to Sonoma. Consumer spending from short-term rentals is a major benefit to our local economy. Importantly in my view, Sonoma should also consider congruency in their policies with San Francisco where we draw many visitors.

The hosts of short-term rental properties pay Transient Occupancy Taxes which is a source of revenue for the City of Sonoma, one that has grown significantly recently.

I am not resident of the City of Sonoma but of the County. I am writing as an active host who has had many Airbnb guests in my home, much to my delight. Not one of them has ever been a problem. In fact, many have become friends and all have added enormously to my enjoyment and education, and they have given me a financial boost in retirement. I have been able to help my guests benefit from their short stay in Sonoma by giving them insider/local advice about what to see and do here. They all go out to local restaurants, go shopping on the Plaza, and buy wine. All have written highest level reviews of their experience in Sonoma and with Airbnb, praising my generous hospitality and our friendly, welcoming community. All have respected my home and neighborhood. Not one neighbor has ever complained of noise, strange cars parked in front of my house, or guests visiting my home. I greet them like family and they treat me the same way. It is truly amazing to find such a wonderful population of people who enjoy and benefit from this form of hospitality. I think my success is attributed to the screening of Airbnb, the quality people they attract to their site, and my ability to actively host their visit and establish rules and expectations. Yes, there are exceptions but the problems that get publicity are typically due to an absentee host and large parties occupying a home. Of course such problems also occur with families getting out of control at parties in their own homes and disturbing the neighborhood. The issue is noise and lack of respect for neighbors, not short-term rentals. I believe that large gatherings and out-of-control parties in residential neighborhoods, are not in the spirit of Airbnb and can be controlled by limiting short-term rentals to owner-occupied single family residences.

I hope my experience is helpful to your deliberations. Please do not hesitate to call me if you have any questions.

Farrel Beddome

Subject: In-home Rental

Date: Wednesday, November 12, 2014 at 4:46:34 PM Pacific Standard Time

From: Vickie Bernou

To: David Goodison

This e-mail is in response to the query regarding "rentals" in Sonoma. I feel in an owner occupied home that rental of a room or a few rooms should be allowed. The positive outcome would be:

1. More money in taxes for the City and more money that would be spent in supporting Sonoma businesses.
2. The opportunity for travelers who have never been to Sonoma to enjoy the friendly people, neighborhoods, and values we have.
3. In-home rentals allow people who do not have a lot of spendable income to stay in Sonoma at a reasonable and affordable cost.
4. It also, provides an income to homeowners.

I truly do not see any downside to this plan. If there are specific complaints that are made with a factual base these should be corrected at the time. Police records would indicate the number and type of complaints. The people I know with in-home rentals are very aware of their neighbors and the laws for the City of Sonoma and California. As far as I know there have never been any complaints made on this type of rental.

I have traveled to Asia and Europe and have always stayed in an in-home rental situation. I enjoy travel this way because I have the opportunity to learn more about the customs, people and area which I am visiting.

Vickie Bernou
412 East Mac Arthur Street
Sonoma, CA

Subject: Short Term Rentals

Date: Wednesday, November 12, 2014 at 12:02:58 PM Pacific Standard Time

From: Doug Gooby

To: David Goodison

Dear Mr. Goodison:

It is my understanding that there will be a meeting tomorrow evening regarding Short Term Rentals that are up for discussion. Unfortunately, I am not a Sonoma resident, however any decisions that arise from this meeting may impact me.

I supervise a crew of workers who travel from fair to fair throughout California during the summer months. These employees are responsible for securing lodging for themselves. As a group, we are decent, working people who own homes, however when we work at the Sonoma County Fair in Santa Rosa, only a handful of our crew lives in a location where they can commute from home to work. The rest of us are on our own to find a nice, decent, and inexpensive place to stay.

Several years ago, I discovered Sonoma, and have been staying there for the duration of the fair which now is a 3 week per year event. I stay at what you would probably call a boarding room in a home which is owner occupied. I leave for Santa Rosa at 8:30 AM, and come back around 7:30 PM, find a place to eat and return to the rental shortly after dark say 9:30 PM to 10:00 PM.

I understand that this may be construed as a "Vacation Rental" however our work is not always a vacation. It is still a job, and it is still work. It takes us away from our homes and our families. Sonoma is a wonderful little town that I enjoy exploring on our days off (which are usually Mondays, and Tuesdays). Aside from the inconvenience of finding a new place to stay (The Renaissance Lodge is far too expensive for any of us), it would take lots of dollars away from your local businesses.

For example, we shop at your restaurants and stores. We buy gas at your gas stations, On days off, we even wash our clothes in your laundromat. During the Sonoma County Fair last year, I personally spent money in the following businesses...

The Girl and The Fig
The Red Grape
Safeway
The Sonoma Cheese Factory
Round Table Pizza
Three Dog Bakery
Broadway Market
Sebastiani Theater
Carneros Restaurant at the Renaissance Lodge
Union 76 Gas Station on Broadway
Black Bear Diner
Scandia Bakery
Sonoma Market
Mary's Pizza Shack on the Plaza
Rite Aid

The Laundromat on 2nd Street West near Napa Street

The Swiss Hotel

The Men's Store on 1st Street West across from the Plaza (Don't remember the actual name of it).

Sunflower Restaurant

Fremont Diner

Ice Cream Store on 1st Street East with pink door (Ben and Jerry's?)

Anyway, I am sure there are more businesses where I spent money in Sonoma that I don't remember in addition to the rental, but you get the idea.

Sonoma is off the beaten path, and securing lodging in Rohnert Park or Petaluma would be a secondary choice, but certainly not as nice as your town. Please look favorably on this request, and create a win/win situation for your property owners, and the businesses who both call Sonoma home.

Thank you, Douglas W. Gooby

Subject: Re: Planning Commission Item Re Short-term Rental (meeting of November 13, 2014)

Date: Tuesday, November 11, 2014 at 6:23:24 PM Pacific Standard Time

From: Maria Lobanovsky

To: David Goodison

Dear Director Goodison,

After reading the Proposed Ordinance to Establish a Licensing Process for Boarding Rooms (renting a room in one's home), I would like to offer the following:

My support in favor of a new category of "rentals" in Sonoma without limits on the number of days one can rent a room.

The limit on the number of days doesn't make sense and will reduce the effectiveness of hosting as a means to supplement income and the other positive aspects of home sharing in addition to reducing a potentially large tax income for the city.

Please consider passing the ordinance without the limitation on rental days.

Approved vacation rentals and bed and breakfast inns are not limited in Sonoma. Why discriminate against the owner of a single family residence? It takes a lot of work and expense to provide a nice (room) environment. Limiting the opportunities to make that worthwhile defeats the owner's efforts.

I live on Fourth Street East and own my home, a single-family residence. I started hosting when the Sonoma International Film Festival asked city residents to house (strangers) in our homes who were coming to attend the events. This gratifying experience is how it started for me. It led to a wonderful source of extra income through VRBO which provided the financial relief I needed to deal with the many increasing costs of living.

I am writing you to encourage you and the Planning Commission to support and pass sensible legislation for short term, in-house rentals in Sonoma. I believe that "home sharing" brings incredible benefits to Sonoma county, and specifically to the City of Sonoma.

1) Home-sharing serves visitors that are not likely to go to Downtown hotels or bed and breakfast inns. Many of my guests have been relatives or friends of neighbors who do not have room in their own homes. I've also had guests that are young professionals, who come for events, like the Vintage Festival or Hit the Road Jack but cannot afford to stay in hotels. These visitors do not take income away from established hotels or B&B inns.

2) Visitors spend money in the neighborhood.

I know that nearly all of my guests frequented shops and establishments in Sonoma, especially those around the plaza, because of referrals I made. They love to explore this part of the city. Given the growing popularity of in-home rentals I'm sure more businesses are doing better and paying more taxes than they otherwise would be. "Guests" tend to stay longer and spend more locally. For Sonoma this means more money spent in our city, shops and restaurants.

3) In-home rentals keep the money in town.

Some visitors simply do not want a hotel experience; others may choose not to due to cost. When they cannot find accommodations in Sonoma they are forced to look elsewhere like in Petaluma, Santa Rosa, Napa, etc. We need to provide a reasonable alternative like in-home rentals and keep the income in our city and not let it go elsewhere.

4) In-house rentals reduce the need to build more large hotels and displace other businesses. It seems to be a great green alternative and a good use of existing homes. As a popular tourist/visitor destination, Sonoma needs to find ways to accommodate more visitors without reducing the charm of our community.

5) Provides needed income to homeowners. As you may imagine many homeowners look to their rental income to

maintain their properties and pay for extremely expensive housing costs and property tax bills. For me it made the difference of living on the edge to being able to maintain my property where I have lived the past 14 years. Jobs are hard to find, and it is not possible in many cases just to go out and find more work. It has also allowed me to give back to my community through volunteering at the museum, the film festival, Jack London State Park, and more. Without the extra income I would not be able to participate in helping make my community a better place to live.

From a policy perspective, I understand and support the need to collect taxes, ensure safety and make sure that people are not abusing the neighborhoods with excessive noise or inappropriate behavior. Sensible legislation can do this. Rather, I encourage the Planning Commission to allow home owners to rent their rooms in a responsible manner and see how it will all works out. It has in other communities like nearby San Francisco.

Unfortunately, many complaints reported in the press and media are about the abuse of vacation rentals whose owners are absent, though I am not sure why that gives renters the idea they can behave irresponsibly. It is incumbent upon the owner to require guests to live by the same rules that apply to anyone in our community. **Please do not penalize those who wish to rent rooms and require their guests to be courteous and considerate, and approve the proposed ordinance without limits on the number of days one can rent.**

Thank you,
Maria Lobanovsky

David, Attached are letters from some of my neighbors when I previously applied for the BnB Use Permit (which was withdrawn). I think these letters demonstrate the kind of neighbor support the Planning Commission would like to see regarding in-home rentals.

On Mon, Nov 10, 2014 at 1:22 PM, David Goodison <davidg@sonomacity.org> wrote:

Hello—The staff report for this item is attached.

I apologize to those to those who attended last month's Planning Commission meeting only to see the item postponed. That will not happen this time around.

David Goodison

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[Maria Lobanovsky](#)

<http://amzn.com/B008VVR95O>

<http://www.marialobanovsky.com>

Subject: short term rentals

Date: Monday, November 10, 2014 at 1:04:11 PM Pacific Standard Time

From: florence lose

To: David Goodison

November 10, 2014

I urge the planning commission to adopt an ordinance allowing unlimited short term rentals for owner occupied homes. My neighbor has a rental that would fall in this classification and it has caused no problems. In fact, most neighbors were unaware that there was anything different, until the mailing came out. Now there are some concerns about strange cars parked in front of the house. But living around the corner from Prestwood, we have strange cars parked all up and down the block every afternoon that school is in session. There are also concerns about unsavory characters renting a room, but I think a motel would be more likely. I think more rentals of this kind add to the charm and preservation of small town environment and help mitigate traffic congestion.

On the other hand, I strongly object to any expansion of entire home vacation rentals. These are investments, usually by absentee landlords, and have the capacity to cause great changes in the character of a neighborhood, which are already being changed by second home owners.

Florence Lose

Subject: Short Term Owner Occupied Rentals

Date: Thursday, November 13, 2014 at 12:36:24 PM Pacific Standard Time

From: Moira Watts

To: David Goodison

Dear David:

We have met on several occasions. I have lived in Sonoma at 4th Street East since 1993 and served on the Board of the Sonoma League for Historic Preservation. And so feel comfortable to appeal to you.

I want to share with you and the Planning Commission my support and approval of short term, owner occupied, unlimited rentals provided that:

- * The owner is registered and pays the dues (equivalent to any other type local lodging)
- * The owner provides clean, adequate space for the renter
- * The owner, preferably, is able to provide a parking space for one vehicle

My rationale is based on the following:

The cost of living is skyrocketing. Property taxes, maintenance and repair of our homes is a priority. Many owners of homes in Sonoma live on fixed incomes. Short term rentals provide an enormous relief to their tight budget, while also providing a service to the public.

On October 10th I needed a one night place for a friend from out of town. Every place I contacted was either fully booked or required a 2-night minimum. This scenario is not uncommon in Sonoma.

In closing, I believe that passing an Ordinance to allow this classification of rental to be an honest benefit to the City of Sonoma.

Sincerely,

Moira L. Watts