



City of Sebastopol INFORMATION

Date: June 2016
To: Interested Persons
From: Kenyon Webster, Planning Director
Subject: Zoning and Other Standards for Home-Stay and Overnight Visitor Accommodation Businesses

Introduction

If you are considering establishing a 'home-stay' business, a bed & breakfast establishment, or an inn or hotel in the City of Sebastopol, there are regulations of which you should be aware.

The City's rules are intended to promote visitor-serving businesses while preserving the character of residential neighborhoods, preserving the supply of permanent housing, limiting adverse impacts, and applying tax requirements equally for different types of overnight visitor accommodations.

Jurisdiction

If the property is in *unincorporated* territory (most of the 95472 Sebastopol zip code is unincorporated), you are in the jurisdiction of the County of Sonoma, and should contact the Permit and Resource Management Department (PRMD) at 707-565-1900 regarding all requirements, or see the PRMD web site.

Permissions

In the City limits of the City of Sebastopol, the following considerations apply:

- **Property owner permission.** For all types of these uses, if you do not own the property where the business would be conducted, the property owner's permission to operate the use is *required*. In some situations, while City regulations may allow an activity, be advised that some leases may prohibit the activity, and property owners may not approve it.
- **Consider your neighbors.** As you consider your options, think about your neighbors. What might be the concerns or impacts of the use on your neighbors? Where will visitors park? How will you address behavioral, noise, or other concerns? Are there privacy concerns you should address (like a window that looks into your neighbor's bedroom)?
- **Private restrictions.** Some properties (typically condominiums, but sometimes single-family home developments) have private restrictions (usually Conditions, Covenants and Restrictions, commonly known as CC & R's) that may affect your ability to operate the use or other types of businesses. Some CC & R's prohibit business activities. You should determine if the property in question is regulated by any such restrictions so that you do not run afoul of your homeowners' association or other applicable private restrictions.

Physical Improvements

- **Fixing up the property.** Are there physical improvements you should consider or will make to accommodate the use? Are walkways level? Is outdoor night lighting adequate? Do locks or other aspects need upgrading? Will you add new electrical plugs or plumbing? Do you plan on other remodeling? Check with the Building Department at 707-823-8597 to determine if you require a Building Permit. See the Building Department section of the City web site for more information.

Business License

- **Business license.** For **all** types of businesses, a Business License is *required*. For a one- or two-room 'home-stay' business, a Home Occupation Business License may be required if the property is also your residence. See the City's handout regarding how to open a business, and the Home Occupation Business License application form on the Finance Department section of the City web site. If you have questions about these forms, contact the City Finance Department at 707-823-7863.
- **Home Occupation Business requirements.** The City's standard Home Occupation business standards are designed to maintain the harmony of residential neighborhoods. See the handout on the City's web site for basic standards.

Local Taxes

- **Special taxes.** For all types of overnight visitor accommodations, payment of Transient Occupancy Tax (10% of the room charge) and a Tourism business tax (2% of the room charge) are *required*. See form on the Finance Department section of the City web site.

Home-Stay: Rental of two bedrooms or less in your house, or rental of a two-bedroom dwelling, do not require a Use Permit but **do** require a Business License and payment of Transient Occupancy Tax.

- **Up to two bedrooms in your residence, or up to two bedroom dwellings may be used for overnight visitor accommodations without needing a Use Permit.** Under the City's Zoning Ordinance, 'home-stay' businesses are considered a form of bed & breakfast establishment. Under these allowances, a person may rent out up to two rooms in their residence (home, condominium or apartment) for overnight visitor accommodations without needing to obtain a Use Permit or other major land use permit approval. In addition, up to a two-bedroom dwelling may also be used for this purpose (including a single family home, apartment, condominium, or second dwelling unit). Renting out **more** than two bedrooms in your home, or a dwelling with **more** than 2 bedrooms requires a Use Permit.
- **Operation of home stay use.** How you operate a home-stay business is up to you. You should think about all aspects of the use. For example, if you are renting out bedrooms in your home, you can also decide if you want to provide meals, kitchen privileges or use of your backyard. You may wish to set limits on the number of guests. How you manage questions about the accommodations, payments, cleaning, repairs and other aspects should also be considered.

Safety and Operation

- **Fire safety.** Home-stay rooms must have approved smoke detectors and a posted evacuation diagram in each room. A hallway smoke detector is also required for each floor of the residence. The residence should also have at least one approved fire extinguisher. These elements may be subject to Fire Department inspection when you apply for a Business License. Check the Fire Department section of the City web site, or contact them for requirements.
- **Appropriate operation.** Having a home-stay business approved by the City does *not* constitute approval for rental of the premises for events, live music performances, and the like. These kinds of activities may disrupt residential neighborhoods and either may not be allowed, or may require a special Temporary Use Permit approval.

Other Regulators

- **Other regulators.** If you wish to serve prepared food to your guests, a permit from the Sonoma County Department of Health Services may be required. Contact them at 707-565-6565, or check out their web site. If you plan to serve alcohol, you will need approval from the State Alcohol Beverage Control department (ABC) 707-576-2165, or review their web site. ABC issues for B & B's: type 67 for B & B for wine only, or type 80 for beer/wine and distilled spirits.

• Other Types of Overnight Accommodations

- **Larger B & B's.** Most City of Sebastopol residential zoning districts allow Bed & Breakfast Inns with three to five visitor rooms with a Use Permit. B & B's with up to ten rooms are allowed in some commercial districts. A Use Permit is a discretionary permit that requires a public hearing by the Planning Commission where the Commission. See the Zoning Ordinance (part of the Municipal Code) on the City web site for key requirements. In addition, such Inns typically require more parking than a single family residence: one space, plus one space for each Inn bedroom.
- **Hotels.** Some City of Sebastopol zoning districts allow hotels, motels, and hostels. See the Zoning Ordinance portion of the Municipal Code on the City web site. Contact the Planning Department for more information. 707-823-6167.

Policies May Change

- **Future regulations.** In addition to the fact that the Internet and businesses like Airbnb and VRBO are changing the visitor accommodations industry, some jurisdictions have experienced problems with home-stay and other types of overnight visitor accommodations. Residents sometimes feel that these types of uses adversely affect the character of residential neighborhoods or create parking, safety, or noise problems, and some jurisdictions have created detailed regulations or allowances. There are also concerns with reduction in the housing stock and effects on housing availability and affordability. This is an evolving regulatory area. If concerns or problems develop in Sebastopol, the City may adopt new regulations that alter the existing allowances.

City and Community Information

- **City of Sebastopol web site.** The City's web site includes information about Sebastopol as well as regulations and application forms. Check it out at: <http://ci.sebastopol.ca.us>

Visitor-Related Local Websites

- Visit Sebastopol <http://www.visitsebastopol.org>
- Visitor's Bureau <http://www.sonomacounty.com>