

CITY COUNCIL CITY COUNCIL  
MEETING MINUTES FOR

Meeting of May 21, 2019

As Approved by the City Council at their regular meeting of \_\_\_\_\_

The public is advised that pursuant to Government Code Section 54957.5 all writings submitted to the City Council are public records and will be made available for review.

Please note that minutes are not verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting.

Notice: All resolutions and ordinances introduced and/or adopted under this agenda are waived of all reading of entire resolution(s) and ordinance(s).

The Sebastopol City Council welcomes you to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

SIMULTANEOUS MEETING COMPENSATION DISCLOSURE (Government Code § 54952.3): Members of the City Council receive no additional compensation as a result of convening a joint meeting of the City Council and Successor Agency to the Former Community Development Agency

SB 751 Legislative bodies of local agencies must publicly report: (1) any action taken and (2) the vote or abstention on each action taken by each member present for the action at a meeting.

A notice of the meeting was posted by the City Clerk on May 14 2019.

**6:00 pm**           **CONVENE CITY COUNCIL REGULAR MEETING, Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA**

**CALL TO ORDER:** Mayor Hinton called the closed session meeting to order at 6:00 p.m.

**ROLL CALL**

**Present:** Mayor Hinton  
Vice Mayor Slayter  
Councilmember Carnacchi  
Councilmember Glass  
Councilmember Gurney

**Absent:** None

**Staff:** City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley  
Engineering Manager Henry Mikus  
Finance Director Ana Kwong  
Planning Director Kari Svanstrom  
Police Chief James Conner

Public Works Superintendent Dante Del Prete

Vice Mayor Slayter requested the meeting be held in honor of Steve Sheldon, a local architect who passed away.

**SALUTE TO THE FLAG:** Mayor Hinton led the salute to the flag.

Mayor Hinton made the following announcement regarding the swallow incident at the Youth Annex. "On May 2, 2019 while on vacation, it was with sadness that I heard of the destruction of a nesting of a cliffs swallow colony by a City employee here at the Youth Annex. While we are still gathering information on what happened and what we will be doing going forward, I do know that our Public Works Superintendent and City Manager are working closely with the Native Songbird Care & Conservation in Sebastopol to develop and distribute training materials to our staff who may encounter nesting birds;

- Holding annual training sessions for Public Works staff. We've been in contact with the Laguna de Santa Rosa Foundation who has referred us to a qualified biologist who is specifically familiar with the Laguna and habitat surveys. Scheduling for an emergency training session is currently underway;
- Adding swallow-protection to the Public Works calendar of annual maintenance reminders during breeding season (February 15 through September 15);
- Posting markers at the known nesting sites, with notification of the birds' protected status.

As terrible as this incident was, we are hoping that the ensuing attention will help bring awareness to the importance of protecting cliff swallows and other birds who either reside or migrate through Sebastopol. To that end, we are:

- Sharing educational information from Native Songbird Care & Conservation on our website;
- Creating an annual campaign during nesting season on our social media platforms to inform the public of the need to protect birds, especially during nesting season.

The City of Sebastopol is committed to protecting the environment and ecosystem of our community and pledges to improve its efforts going forward.

City Manager McLaughlin commented as follows:

- Discussed the Laguna Management Preserve Plan
- Discussed loss of key employee who retired who had the knowledge of the bird season
- Discussed areas being paid attention to
- Discussed safeguards in plan
- Discussed training for City personnel
- Apologized that this happened

**PROCLAMATIONS/PRESENTATIONS:**

The following were presented:

- Proclamation Declaring May 19-25, 2019 as National Public Works Week
- Proclamation Recognizing the Senior Center on their 50th Anniversary

City Council Action:                      Reference Only  
Reference Order Number:                      2019-115

June 4, 2019 City Council Meeting Packet  
Agenda Item Number 2

**PUBLIC COMMENT** (At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, unless otherwise permitted under the Ralph M. Brown Act, the merits of the matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration.)

Deborah Capria commented as follows:

- Discussed public safety issues
- Crosswalk on corner of Johnson and Sunset – near field where kids play baseball and football
- People park at Sunset – kids running back and forth
- Should be a crosswalk there
- Discussed the Laguna Skate Park
- Kids in crosswalk cannot see the cars and cars cannot see the kids in the crosswalk
- Discussed temporary parking

Marilyn Madrone commented as follows:

- Enjoy being a part of the City
- Asked for City involvement
- Get acquainted with problem anticipated in the Fircrest Mobile Home Park
- Problem starting June until February of next year
- PG&E needs to renovate gas and electrical lines in Mobile Home Park
- Installing Smart Meters
- Would like oversight and counselling from City
- Discussed Homeowners Association not having energy to do this work
- All over 55
- People are 1/3 on some kind of disability
- 15% over the age of 85
- Noise starting at 7:00 am for 5 days a week
- Discussed General Plan having safe range out of EMF
- Discussed cancer cluster at Petaluma Avenue Homes
- Concern PG&E will run roughhouse

**STATEMENTS OF CONFLICTS OF INTEREST BY MAYOR/CITY COUNCILMEMBERS FOR ITEMS ON THE AGENDA**

(This is the time for the Mayor or City Councilmembers to indicate any statements of conflicts of interests for any item listed on this agenda). Mayor Hinton stated she would recuse herself from Item Number 5 as she owns an Airbnb.

**CONSENT CALENDAR:**

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| <ul style="list-style-type: none"><li>○ The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.</li><li>○ The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance. At this time, a member</li></ul> |
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- o of the public may speak for up to three minutes on the entire consent calendar and request at that time that an agenda item or items be removed for discussion.
- o If an item or items are removed from the consent calendar, the item shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.
- o Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration and shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.

Councilmember Carnacchi requested item number 4 be pulled from the consent calendar.

Councilmember Glass moved and Councilmember Gurney seconded the motion to approve consent calendar items 1, 2, and 3.

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Slayter and Mayor Hinton

Noes: None

Absent: None

Abstain: Mayor Hinton (item number 1 only)

**CONSENT CALENDAR:**

1. Approval of Minutes of the City Council Meeting of May 7, 2019 (City Administration)

City Council Action: Approved Minutes of the City Council Meeting of May 7, 2019

Minute Order Number: 2019-116

2. Approval of Second Reading, Waiving of Further Reading and Adoption of Ordinance - Davis Townhomes (6737 Sebastopol Avenue, APN 004-063-036) Planned Community District Zoning (Planning Director)

City Council Action: Approved Second Reading, Waiving of Further Reading and Adoption of Ordinance - Davis Townhomes (6737 Sebastopol Avenue, APN 004-063-036) Planned Community District Zoning

Minute Order Number: 2019-117

Ordinance Number: 1124

3. Approval of Second Reading, Waiving of Further Reading and Adoption of Ordinance to Prohibit Use and Sale of Disposable Food Service Ware and Other Products Containing Polystyrene Foam. This item amended the ordinance to correct language in order for this ordinance to repeal a conflicting ordinance (Engineering Manager)

City Council Action: Approved Second Reading, Waiving of Further Reading and Adoption of Ordinance to Prohibit Use and Sale of Disposable Food Service Ware and Other Products Containing Polystyrene Foam. This item amended the ordinance to correct language in order for this ordinance to repeal a conflicting ordinance

Minute Order Number: 2019-118

Ordinance Number: 1125

4. Approval of Amended Resolution to Approve a Shortened Project List for SB1 Proposed Projects for FY 19-20 and Submitting the List to the California Transportation Commission (Engineering Manager)

Councilmember Carnacchi questioned if the if the City is only submitting one project to submit for grant funding.

Engineering Manager Mikus commented as follows:

- Discussed history of submission of list of projects
- Voiced concern with submitting only one item
- Small city
- Not collect a lot of money
- Curb ramps is the ideal place to put money

Councilmember Carnacchi commented as follows:

- Questioned the estimate of \$451,920 and questioned if this was an old estimate
- Questioned if the City has put out an RFP

Engineering Manager Mikus commented as follows:

- City got approval of the project
- City almost done with the bid package
- Did a revised estimate
- Revised estimate is within a few thousand dollars of \$451,000

Mayor Hinton opened for public comment. There was none.

Councilmember Gurney moved and Councilmember Glass seconded the motion to approve item number 4 on the consent calendar, Approval of Amended Resolution to Approve a Shortened Project List for SB1 Proposed Projects for FY 19-20 and Submitting the List to the California Transportation Commission.

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Slayter and Mayor Hinton

Noes: None

Absent: None

Abstain:None

City Council Action: Approved Amended Resolution to Approve a Shortened Project List for SB1 Proposed Projects for FY 19-20 and Submitting the List to the California Transportation Commission

Minute Order Number: 2019-119

Resolution Number: 6242-2019

Mayor Hinton recused herself from the dais.

**INFORMATIONAL ITEMS/PRESENTATION:** None

**PUBLIC HEARING(s):**

5. Public Hearing – Consideration of an Appeal of a Planning Commission Approval for a Use Permit to permit the use of 361 Johnson Street as a non-hosted, whole house vacation rental of more than 30 days per year (Planning Director)

Planning Director Svanstrom presented the agenda item recommending that the City Council consider the appeal of a Planning Commission Approval for a Use Permit to permit the use of 361 Johnson Street as a non-hosted, whole house vacation rental of more than 30 days per year.

Vice Mayor Slayter discussed the process and voting process and how it would work for a majority vote or a 2-2 vote (no action).

The applicant commented as follows:

- Moved to Sebastopol a few years ago
- Before made offer on Johnson Street, contacted Planning Department for Airbnb rules and regulations
- Discussed family coming to visit during the year
- Gives guests opportunity to stay and have space
- Discussed the use permit process
- Discussed the fees as being outrageous
- Discussed having a vacation rental in San Francisco and on the Russian River
- Been hosts for over 10 years
- Never once had complaint
- On top of things
- Monitors the property
- Make sure no violations are happening on the property
- No guidelines for vacation rentals in Sebastopol
- Jumped through the hoops
- Went to Planning Commission meeting
- First meeting in the community
- Discussed comments from Planning Commissioner Kelley
- Way to pay mortgage and accommodate guests
- Would not work for 90-day restriction
- Address tonight number of rentals in Sebastopol
- Read a list of rentals
- 208 whole house rentals on Airbnb
- None advertised business license or permit
- Limit number of rentals within Sebastopol
- Required permit to be posted on Airbnb listings
- Discussed wait list system
- 90-day limit is option but how to enforce it
- So many people violating rules
- Hard to track and enforce rules
- Will be diligent with fulfilling obligations
- Never failed to do so
- Be good community member

Vice Mayor Slayter asked for questions.

Councilmember Gurney commented as follows:

- Discussed municipal code
- Discussed annual review fee with permit review form
- Why does that say annual review and the Planning Commission approved a two-year timeline

Director Svanstrom commented as follows:

- Only have annual review once
- Discussed process for annual review
- Use permit has two-year limit

Councilmember Gurney commented that this sounds like this is a discretionary act by Planning Director to extend to second year with review.

Director Svanstrom stated this is an administrative approval and that it would be approved for an extension if there are no violations and that it would be reviewed each year for compliance.

Councilmember Gurney questioned if the approval never expires for a conditional use permit.

Director Svanstrom commented as follows:

- Discussed the process
- This approval is only granted for two years
- Will expire in two years with no administrative extensions

Councilmember Gurney stated she does not understand this logic from the Planning Commission.

Director Svanstrom commented as follows:

- Stated the recommendation came from staff
- Stated the regulations need to be further thought out for criteria for over concentration and neighborhood impacts

Councilmember Gurney questioned if the applicant could re-apply in two years. Director Svanstrom stated that is correct.

Councilmember Gurney commented as follows:

- Questioned how to un-do the precedent
- What is the argument with passage of a two-year time frame

Director Svanstrom commented as follows:

- Planning Commission did not have clear criteria

- Stated once the criteria are clear, and the applicant meets the criteria, it would be recommended for approval

Councilmember Gurney questioned if other properties could apply under whatever rules are in place now that this applicant applied under. Director Svanstrom stated that is correct as there is no moratorium in place.

Vice Mayor Slayter commented as follows:

- Two-year life space unusual as well
- Not clear how what process would work
- Function as business with business license for two years then suddenly someone cannot do this business and would need to reapply to operate
- Seems unusual and potentially problematic

Director Svanstrom commented as follows:

- Stated it is unusual
- Gray area
- Allowing business to operate in residential neighborhood
- No physical changes to home as single-family residence
- If any change in ownership condition is listed in the approval for this project

Councilmember Glass commented as follows:

- Discussed the application of criteria
- Evaluation of issuance of use permit if discretionary
- Measure use against information in housing element of General Plan
- Way to set criteria of a yay or nay for use permit

Director Svanstrom commented as follows:

- Stated yes
- Direct relationship is it consistent with the General Plan
- Following the City vision for itself
- Recognize conflict with housing element
- Discussed additional criteria
- On the Planning Commission work plan

Councilmember Glass questioned if it is appropriate to apply the General Plan to a decision of a use permit. Director Svanstrom stated yes.

Councilmember Carnacchi commented as follows:

- Discussed the staff analysis
- Page 7 (housing stock)
- Discussed recommendation – reasonable use



- Conflicting
- What was recommendation to Planning Commission

Director Svanstrom commented as follows:

- Recommendation to approve
- Approve with conditions
- Allow the Planning Commission time to discuss policies

Councilmember Glass commented as follows:

- Discussed the Housing Element that is certified by the State of California
- In Housing Element, do we not predict or talk about how many housing units we have or can make predictions for ABAG criteria

Director Svanstrom commented as follows:

- Discussed the Regional Housing Needs Allocation
- Target for production of housing at various income levels

Councilmember Glass discussed the analysis of those production amounts in our Housing Element, and questioned if we take into account removal of housing from long term housing use.

Director Svanstrom commented as follows:

- Housing Element does not account for that other than looking at policy
- Discussed transient businesses
- Housing unit is counted as a housing unit
- HCD does not recognize other short term or long-term rentals (unless hotels)
- City needs to be cognizant

Councilmember Glass discussed removing housing from housing stock and how that fulfills predictions for housing.

Councilmember Gurney questioned how does the City find out about our whole house numbers.

Director Svanstrom commented as follows:

- To date we have no pro-active enforcement on unregistered short-term rentals
- Started tracking whole house hosted or un-hosted
- Had conversations with compliance businesses that monitor short term rentals
- 45-80 rentals in City – 40% compliance rate
- 80% listed as whole house rentals
- Discussed short term rentals

Councilmember Gurney questioned if the Council has the discretion to refund the appeal fees.

City Manager McLaughlin commented as follows:

- Has in the past for good cause reimbursed the fee
- Nothing written in City laws or procedures
- Appeal raised broader issue
- Appeal vehicle for that larger discussion
- Financial considerations
- Precedent for that

Vice Mayor Slayter commented as follows:

- Is the city aware of other short-term rental service such as property management companies
- Are there property management services outside Airbnb and if so, does the City have numbers of those rentals

Director Svanstrom commented as follows:

- Stated no
- New phenomenon
- Do not have those that have been granted a use permit

Vice Mayor Slayter commented as follows:

- Did internet search on the applicant
- Business largely in San Francisco – (The applicant stated that is correct and that she has a business partner who works in San Francisco and takes over a lot of the business)
- Commuting – 4-6 times a month – (The applicant stated the business can be done from a couch and that her wife is a stay at home wife)

The applicant commented as follows:

- Her time that she put out is worth something – waiting for this permit for five months – discussing matter again with no criteria and no guidance
- Not fair to know that Linda's refund is being considered

Councilmember Carnacchi commented as follows:

- Use permit is why this was brought to Council
- Discussed the other vacation rental in Russian River area – (The applicant stated she will be selling that and not continuing owing that property as it is in a flood zone)
- Discussed building in Santa Ross that she is also doing and that unit will be adding to housing stock

The appellant was not in attendance due to illness.

Vice Mayor Slayter opened the public hearing.

Janet Peterson commented as follows:

- Discussed non-hosted vacation rentals in Sebastopol
- Suggested not doing this
- Preserve supply of permanent housing
- Severe housing shortage in this area
- Short term rentals remove housing
- Short term rentals not good for neighborhoods
- Like knowing our neighbors
- Houses located downtown are valuable for long-term residents
- Not adding to traffic
- Should not be taken out of long-term residence market
- Preserve character of residential neighborhood

Linda Murrieta commented as follows:

- Commend applicants
- Concern - Commercial space in residential neighborhood
- Hosted rentals are fine
- Concern so many rentals not know about
- Not know how much of this is going on
- Horrendous for a limited housing market

Deborah Capria commented that this year, this house on Johnson Street almost flooded this year.

Hearing no further comments, Vice Mayor Slayter closed the public hearing.

#### **Council Deliberations:**

Vice Mayor Slayter commented as follows:

- Discussed Vacation Rentals
- Discussed Hosted and non-hosted
- Like to see moratorium be discussed at the next meeting so that the City can pause while we carefully consider our options for hosted and non-hosted vacation rentals
- Planning Commission identified this as high priority work item
- Allow Planning Commission time to consider
- Council has used the moratorium a number of ways over the year to hit pause button
- Allow careful consideration of item without having pressure from multiple applications

Councilmember Gurney commented as follows:

- Good suggestions
- Assertive of us to take that step
- Not sure want to wait for Planning Commission (may be up to year) then come here
- Urgent issue
- Discussed emails received

- Discussed resident who had to leave and is heartbroken (victim of real estate market)
- Discussed WCCS Rapid Rehousing Program
- Discussed situation being difficult
- Discussed not wanting to wait while the world changes
- Point out nature of Johnson Street
- Variety of houses
- Unique eclectic mix
- What Sebastopol is
- Worth preserving that housing stock
- Committed to watching our inventory and not losing those smaller units that are affordable by design
- Economy needs local boost
- Discussed open forum run by Cittaslow to define tourism personal
- Looking to address housing crisis
- Looking to address affordable housing crisis
- Protect inventory
- Preserve unique character of town
- Grant appeal

Councilmember Glass commented as follows:

- In agreement
- Discussed the zoning ordinance
- Discussed the use permit for non-hosted rentals
- Words that were put into that were to comply with what the General Plan says
- Goal of discouraging short term rentals
- Need to preserve our existing housing stock
- Use direction of General Plan when evaluating Use Permit (Planning Commission)
- Always leave a little bit of wiggle room for exception
- Expected Planning Commission to apply criteria from Housing Element and General Plan
- Surprised on decision
- Housing crisis in County
- Lost housing to fires
- How asking the middle class to subsidize housing when we are giving it away
- In trouble with ABAG if we do not meet the housing goals
- This is a policy issue
- Look out for the general welfare of this City and community
- Many calls from people looking to rent
- Cannot lose our housing stock
- Criteria is in the General Plan
- Hollowing out communities
- Support idea of hosted short-term rentals

- Helping residents of the community to live in the community
- Need to look at clarifying these regulations
- Allowing housing costs to be driven up
- Economic incentive on Airbnb's
- By allowing that we are making the opportunity there
- Not setting the criteria
- Asking long term renters to compete with short term renters
- Protect community and keeping it in tact
- Make this regulation more clear
- About to have world class hotel in town
- Not put commercial use in residential use
- Land use issue
- If we were to replace this housing stock that is being taken out of long-term rental market, would have to construct new housing
- Problem with new housing - construction costs is very high
- Requires that rent be higher
- Upholding the appeal
- Placing the issue of clarifying our regulations to make them more clear

Councilmember Carnacchi commented as follows:

- Respect for applicant and Planning Commission
- Going by what we adopted in 2018
- Hard decision
- Think this property could be a better use
- Police officer could rent and be close to work
- Firefighter or teacher can also use this housing to live close to work
- General Plan section community design – preserve and enhance Sebastopol
- This does not fit with that
- Breaks up neighborhood
- Questioned how much does the applicant have invested

Director Svanstrom commented that as of today it is about \$1300 spent to date.

The applicant commented as follows:

- Sounds like the Council is going to deny application
- Cost her money, effort time and good will
- Not going to long term rent for hit property
- Intending for guests
- Guests will stay there
- Will not charge them
- Will try to rent in between

- Near Barlow
- Get on free bus and explore
- Will not attract tourists
- City does not have a single guideline
- Request money back
- Not to have chance to get this use permit from the beginning
- Cannot take money from people who do not have a chance to succeed

Councilmember Carnacchi commented as follows:

- Stated this item was before this body in 2018
- On matter of principle should let this one be here for two years
- Will have rules in place
- Have better feeling from the neighbors
- Better feeling from police department
- Not see how we sit here make rules and then change rules
- Tough time going against Planning Commission and what did originally

Councilmember Glass commented as follows:

- Voted on General Plan
- Rules in General Plan
- Rules are obligation to the State of California to provide housing stock and not shrink our housing stock
- When set ordinance, expecting that if we did a use permit (is not administratively and not administerial) did not mean that someone automatically gets a permit
- Have to make case
- At discretion of governing body to decide
- Benefit to health and welfare of the City – do not see that changing the use of this house from a home for renters to a vacation rental – not providing any special benefit to the City
- Not see how we can say that it is actually in compliance with Housing Element

The applicant commented as follows:

- If un-hosted rental requires change of use – not permit it
- Jumped through hoops
- House ideal for un-hosted vacation rentals
- If not approved, will encourage illegal rentals
- A family of four may not be able to afford a hotel

Councilmember Carnacchi commented as follows:

- Understand Councilmember Glass's position
- Best use not to do that
- Housing stock is being used for their family
- Not going to use that all year round

- Will stay empty when their family is not there

Councilmember Gurney commented as follows:

- Discussed the Planning Commission opinion of development of parcels
- If short term rental more likely those parcels will go towards that
- Erroneous reasoning

Vice Mayor Slayter commented as follows:

- Where is the root of what we approved in General Plan and Zoning Ordinance
- Timing early in regard to reacting to fire and loss of housing
- Privacy of need to protect our existing housing stock is at the root of this
- Afraid of domino effect if we proceed
- This is about policy
- Does a single property make a difference - make a difference to the family that could live there
- Hear that is not desired
- Look at other jurisdictions and what they are doing
- Discussed number of vacation rentals permitted and those not permitted
- Did research – in 2012 property sold for \$270,000 -291 - \$545000 (\$4450 month increase on average)
- Paints picture of difficulty of housing for work force housing
- Important to provide housing

Councilmember Gurney commented as follows:

- Discussed market in 2018
- Discussed market now
- Real life
- Discussed three lots near parcel
- 142 units rolling over (level of service report)
- Incentive building
- Get small units that are affordable
- Need to attract people to build houses for people here
- Reasonable fee for application
- Council responsible to the public in a way the Planning Commission is not
- Priority is for housing for our community members who contribute on any number of levels
- Provide housing in critical market

Councilmember Glass commented as follows:

- Like findings provided
- Additional finding in the General Plan about jobs/housing linkage

Councilmember Gurney commented if there is anything mentioned not covered by these findings.

Director Svanstrom commented as follows:

- Additional finding
- Lack of consistency with community character

Councilmember Gurney discussed additional findings. - Page 3 of staff report related to land use and small-town character unique of neighborhoods.

Vice Mayor Slayter called for a break at 8:11 pm and reconvened the meeting at 8:22pm.

Director Svanstrom read the additional findings:

- CD1
- General Plan Goal land use 5
- In addition to Alternate Exhibit A
- “Would have a detrimental”

Councilmember Gurney moved and Councilmember Glass seconded the motion to uphold the appeal and deny the use permit with findings as provided by staff in the staff report Exhibit A page 16 as amended below:

**EXHIBIT A  
FINDINGS FOR UPHOLDING APPEAL AND DENYING A  
VACATION RENTAL USE PERMIT FOR  
APPLICATION # 2019-09  
361 JOHNSON STREET**

1. That project is exempt under California Code of Regulations, Title 14, Section 15270, which provides that CEQA does not apply to projects which a public agency rejects or disapproves.
2. That the project is inconsistent with the General Plan's *Housing Element, Goal B-2: Preserve Housing Resources Sebastopol will strive to maintain and preserve existing housing resources, including both affordable and market rate units*, in that it converts an existing single family residence located in a residential zone to a transient use, and removes a permanent housing unit from the City's limited housing stock. The proposed use would detract from the city's ability to maintain and preserve existing housing at a time that permanent housing is limited in supply and of great need to the community.
3. That the project is inconsistent with the General Plan's *Housing Element, Policy B-6: The City will address housing used as temporary, short-term, and/or vacation rentals, such as Airbnb.com and vrbo.com rentals, to ensure that such uses do not reduce the existing housing stock for owners and renters and to reduce potential impacts to neighboring uses*,



in that the proposed vacation rental does not propose to have a permanent resident at the location in conjunction with the vacation rental use.

4. That the project is inconsistent with Section 17.415.020.A and Section 17.260.060.D(1) in that the proposed vacation rental would have a detrimental effect on the health, safety, or welfare of the surrounding neighborhood or area, in that the project will convert an existing residential dwelling to a transient use, and that such transient use would be injurious to the general welfare of the City as it would diminish the City's housing stock available for permanent residential use.
5. That the project is inconsistent with the General Plan's Community Design Element, Goal CD-1: *"Preserve and Enhance Sebastopol's Unique Character, Design, and Sense of Place as a Small, Compact Town"*, in that it converts a residential home in a residential neighborhood to a commercial use.
6. That the project is inconsistent with the General Plan's Land Use Element, Goal LU-5: *"Preserve the unique character and ambiance of residential areas and maintain residential neighborhoods as safe and attractive places to live with convenient access to services, recreation, and employment"*, in that it would introduce a commercial use into a residential neighborhood.

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney and Vice Mayor Slayter

Noes: None

Absent: Mayor Hinton

Abstain:None

City Council Action:

Minute Order Number: 2019-120

The Council discussed the request for waiver of fees from the appellant.

Councilmember Glass commented as follows:

- Waive fee for appellant
- Appellant was at the Planning Commission meeting
- Recognized that there were inconsistencies with the General Plan and stated policy of the City council regarding preservation of housing stock and other issues
- Saw that as big policy issues
- Spent money on bringing this forward
- Support waiving the fee
- Significant policy issue for community

Councilmember Gurney acknowledged the significance of issues brought forward.

Councilmember Glass moved and Councilmember Gurney seconded the motion to approve waiving of the fee for the appeal for Linda Kelley.

Staff stated the motion should state refunding of the fee and not waiving of the fee.

Councilmember Glass amended her motion and Councilmember Gurney seconded the amended motion to approve refunding of the fee for the appeal for Linda Kelley.

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney and Vice Mayor Slayter

Noes: None

Absent: Mayor Hinton

Abstain:None

City Council Action: Approved refunding of the appeal fee to appellant.

Minute Order Number: 2019-120

The Council discussed the request for refunding of fees to the applicant.

Councilmember Glass moved and Councilmember Carnacchi seconded the motion to approve refunding of fee for applicant as this is the first application under the new rules and that it was unclear to the applicant that the General Plan oversees the use permit process.

Discussion:

Councilmember Gurney commented as follows:

- Gracious to propose refunding the fees
- Not sympathetic to the idea that the applicant had no chance
- Applicant succeeded at the Planning Commisison level who approved her application
- Staff outlined the process
- Understand frustration with no clear rules and regulations to feel that she was a guinea pig

Vice Mayor Slayter commented as follows:

- Difficult situation for applicant to be in
- To her, she had every indication in the process that it was moving forward
- Acknowledge it is unclear at best

Councilmember Gurney commented as follows:

- Would like to clarify if the Council approves refunding of the fees, it does not indicate any misstep on our staff
- Most professional detailed staff report seen
- Good details
- High caliber work
- Staff doing that with the applicant
- Acknowledge the work of our staff

- Acknowledge work of the Planning Commission
- They had clear deliberation among themselves in an academic way
- Did respectfully with high regard for the applicant

Councilmember Glass commented as follows:

- Concurs with Councilmember Gurney
- Packet very thorough and excellent
- Idea this was a slam dunk and all decided a head of time is not true
- Applicant got a decision on at a lower level
- More policy level decision reversed that decision
- Not relating to any bad work of anyone's part
- It is how a policy decision is made
- Not say there was any problem with the work of the Planning staff or the Planning Commission

Vice Mayor Slayter commented as follows:

- Packet was noticed by everyone
- Appreciation for the hard work

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney and Vice Mayor Slayter

Noes: None

Absent: Mayor Hinton

Abstain:None

**City Council Action: Approved refunding of application fees to the applicant.**

**Minute Order Number: 2019-120**

It was the Council consensus to request the Agenda Review Committee to review placement of a moratorium on a future City Council agenda.

Staff asked for clarification of hosted and non-hosted.

Councilmember Gurney commented that she would like to see it for non-hosted and the City does not want to stop hosted.

Vice Mayor Slayter commented as follows:

- Hosted vacation rental is economic boon to city
- Allowing long term residents housing opportunities
- Non hosted and leave hosted under existing rules
- Could be part of larger discussion

Councilmember Glass commented as follows:

- Support home-based business
- Concur with discussing moratorium on non-hosted

Councilmember Carnacchi discussed General Plan Goal EV5.

Councilmember Gurney commented as follows:

- Requested as much information on housing inventory as possible for the Council's information when this is returned for discussion
- Get better handle on what is out there

Mayor Hinton returned to the dais.

**REGULAR CALENDAR AGENDA ITEMS (DISCUSSION AND/OR ACTION):**

6. Receipt of Annual Level of Service Report (Planning Director)

Planning Director Svanstrom presented the agenda item recommending that the City Council Receive the Annual Level of Service Report.

Mayor Hinton asked for questions.

Councilmember Carnacchi commented as follows:

- Available 141 housing – do these expire – Staff discussed it is a three-year accumulation
- What was the mathematical equation for break down – Staff stated one-acre foot is 325,851 gallons
- Discussed water usage – Staff stated the numbers are in acre feet
- Table 1 – water production – unaccounted for water – 32 million gallons this year – Staff stated this is unaccounted water
- Where did it go – Staff discussed maximum pump in water meters and potential leaks in the water system as well as unmetered water for street sweeping
- Rainfall for 2018 – Staff stated the rain year is October to October
- Water Sales by Customer Class – two are white – which one is which – Staff stated the commercial is larger
- PES environmental – plate number 4 – Well 7 – 6-2018 – 12-2018 – break in water- what is that – Staff stated he would have to check – looks to show the historical data of the well not being used – no draw down and that the well was shut off – could have been when well motor failed
- Police Statistics for 2018 – is it possible to get those broken down more – Staff stated it is possible but discussed how long it would take to gather the data – Staff stated they could provide a more close up view – UCR report to FBI - Breaks it down into part 1 and part 2 crimes - Reported monthly to FBI – can do annually - Other reports would take more of a hand search

Councilmember Carnacchi commented as follows:

- Report done on annual basis
- Report to be provided to the Council
- Like to know what crimes are happening in the City

- Cause of increase if any
- May want to monitor that

Staff commented as follows:

- Police can do a monthly report
- Break down some of the areas of police activity
- Can be more detailed if like

Mayor Hinton questioned if crime is up or down. Staff stated it is static.

Councilmember Glass commented as follows:

- Would like to understand the report more
- Are citations different than arrests

Chief Conner commented as follows:

- Do not have to be different but that they are tracked in two different ways
- Discussed how the citations are used and provided examples

Councilmember Glass commented as follows:

- 324 criminal violations
- Are the arrests going to be a subset of that

Chief Conner commented as follows:

- Subset of misdemeanor arrests
- Infraction criminal violations as well

Councilmember Glass commented as follows:

- What kinds of crimes are these is an interesting question of concern
- If we are looking at 512 arrests – 112 – felonies – of the 112- how bad are these felonies
- Engaging in bodily harm to another person
- Concern of what types of crimes are being committed
- Stated Councilmember Carnacchi has a good question as to the types of crimes
- Requested a copy of the consolidated information from the report submitted for the FBI report

Chief Conner commented as follows:

- Discussed statistics
- Crime levels are consistent throughout Sonoma County
- Discussed types of crimes in Sebastopol
- Can add to departmental monthly reports

Councilmember Glass commented as follows:

- Nice for public representatives to have

- Would like to have that information
- Good thing for the Council to know

Councilmember Gurney commented as follows:

- Requested a rolling total in monthly report
- Would like to know numbers to date

Councilmember Glass commented as follows:

- Discussed sewer capacity
- Pipe capacity or capacity we have contracted with PBU

Public Works Superintendent Del Prete commented as follows:

- Daily entitlement
- Not entire capacity

Councilmember Glass commented as follows:

- Useful report
- Next year – formatted differently
- Table of contents
- Easily find information
- Requested page numbers on the reports for easy location
- Discussed energy production
- Track production on annual basis
- Keep running total

Superintendent Del Prete stated we will look into that.

Councilmember Glass commented as follows:

- Discussed other metrics
- Suggested putting these at the back of the report
- Useful annual reports from other agencies

Councilmember Gurney commented as follows:

- Discussed page 5
- Drainage
- Storm water facilities
- Read report
- Coming up to 2020 – is this some kind of local tax measure
- Could this be addressed with review of water/sewer rates

Superintendent Del Prete commented this comes out of the street budget account.

Vice Mayor Slayter questioned where the building report is. Staff stated she will ensure this is included next year.

Mayor Hinton commented we are the smallest City in Sonoma County now based on this report.

Mayor Hinton opened for public comment. There was none.

**Council Deliberations:**

Councilmember Gurney stated she would like to know how many electric vehicles are registered in town.

Councilmember Glass stated DMV may have this information.

Councilmember Gurney suggested reaching out to Steve Pierce for additional information but stated this is a performance criterion that we do very well on.

Vice Mayor Slayter commented as follows:

- Is it possible that the City limit can get its own zip code
- Not know how zip codes are assigned

Councilmember Gurney stated it is worth an ask.

The Council received the report.

**City Council Action: No action required. Council received the report.**

**Minute Order Number: 2019-121**

**CITY COUNCIL REPORTS:**

7. City Manager-Attorney/City Clerk Reports:
  8. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards)
- ***Report out from the Goals and Priority Sub-Committee (Councilmembers Carnacchi and Glass)***

Councilmember Glass commented as follows:

- Discussed the actions to date
- List of 7 goals
- Action items under those goals
- Read goals proposed – DRAFT
- Discussed next steps
- Measure against current goals and action items in General Plan
- Need to include Housing Element

Councilmember Carnacchi commented as follows:

- Discussed B6 and action item under B6 in General Plan
- Discussed General Plan and how it aligns with the Council goals
- Discussed General Plan action plan

Councilmember Gurney asked for a timeline.

Mayor Hinton discussed the process for the goals and priorities and creation of new goals from the previous meeting.

The Council discussed having a special meeting in mid-July.

City Council Action: No action taken. Informational item.

Minute Order Number: 2019-122

Councilmember Gurney reported as follows:

- SCTA/RCPA written report provided to the Council
- Park Village Sub-Committee Meeting
- Talked of the Dan Davis Property and Evacuation Route
- Sebastopol Walks rescheduled for this weekend -opportunity sites number 2 walk

Vice Mayor Slayter reported as follows:

- Zero Waste Sub-committee meeting
- Business membership interviews – June 18<sup>th</sup>
- Bike to Work Day was a great success

Mayor Hinton reported as follows:

- Attend special City Selection Committee meeting of Mayors and Councilmembers
- Attended the Budget Sub-Committee Meeting
- Attended the Legislative Committee – sending letter of support for ACA 1 SB 5
- Sample template to be sent to cities
- Attended Park Village subcommittee meeting

Councilmember Carnacchi commented on the SCTA grant deadline.  
as follows:

SCTA deadline

9. Council Communications Received. There were none,
10. Future City Meeting Dates/Events (Informational Only): (See Agenda Below and City Web site for Up to Date Meeting Dates/Times)

Mayor Hinton adjourned the Regular City Council Meeting at 9:54 pm to the closed session.



**CLOSED SESSION:**

**CALL TO ORDER:** Mayor Hinton called the closed session meeting to order at 9:58 p.m.

**ROLL CALL**

**Present:** Mayor Hinton  
Vice Mayor Slayter  
Councilmember Carnacchi  
Councilmember Glass  
Councilmember Gurney

**Absent:** None

**Staff:** City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley

**PUBLIC COMMENT**

(Prior to adjournment into Closed Session, the public may speak up to 3 minutes on items to be addressed in Closed Session).

*There was none.*

**Adjourn into Closed Session:** Mayor Hinton adjourned into the closed session agenda item at 9:59 p.m.

**CLOSED SESSION AGENDA ITEM: (TENTATIVE)**

11. Conference with Labor Negotiators (Government Code 54957.6)  
City Designated Representative: City Administration  
Employee Organizations:(SEIU/Public Works/Administrative); Management/Mid Management and Sebastopol Police Officers Association (SPOA)
12. Public Employee: To Consider Amendment to Contract of Employee pursuant to GC § Section 54957(B)(1) as cited in the Brown Act (Employee: Assistant City Manager/City Clerk)

**Adjournment of Closed Session to the Regular Meeting:** Mayor Hinton adjourned the closed session to the regular City Council Meeting at 10:18 p.m.

**CALL TO ORDER:** Mayor Hinton called the regular meeting back to order at 10:19 p.m.

**Report Out of Closed Session:** There was no report out.

**City Council Action:** No Report Out.

**Minute Order Number:** 2019-123

**Minute Order Number:** 2019-124

**ADJOURNMENT OF REGULAR MEETING:**

Mayor Hinton adjourned the Regular City Council Meeting at 10:20 pm to the next City Council Meeting.

The Next Regular City Council Meeting which will be held on Tuesday, June 4, 2019 at 6:00 pm. at the Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA.

Respectfully Submitted:

Mary C. Gourley, MMC, Assistant City Manager/City Clerk