

ORDINANCE NO. 1130

AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SEBASTOPOL
EXTENDING A MORATORIUM ON
THE ESTABLISHMENT OF NON-HOSTED VACATION RENTALS OF GREATER
THAN 30 DAYS PER YEAR

THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ENACT AS FOLLOWS:

Section 1. Purpose and Findings.

Whereas, the purpose of this ordinance is to prohibit the development of new non-hosted vacation rental uses within the City of Sebastopol pending enactment of permanent regulations for such uses; and

Whereas, the Council found and recognized the need to preserve existing housing stock in its adoption of the General Plan Housing Element on March 30, 2015, and further recognized the crisis in housing by adopting Resolution 6213 declaring a Shelter Crisis in relation to homelessness in the City of Sebastopol; and

Whereas, the Council finds and determines that non-hosted “full-time” vacation rentals (more than 30 days per year) may not meet the needs or desires of the community for a variety of reasons, including community compatibility from the introduction of commercial uses in residential neighborhoods and the conversion of dwellings to transient occupancy uses that reduce the availability of housing for long-term residents; and

Whereas, the Council further finds and determines that non-hosted vacation rentals of more than 30 days per year are inconsistent with the City’s General Plan, adopted November 16, 2016, in that:

Non-hosted vacation rental uses of more than 30 days per year are inconsistent with the adopted *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.

Non-hosted vacation rental uses of more than 30 days per year are inconsistent with the adopted *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 use does not propose to have a permanent resident at the location in conjunction with the vacation rental use.

Non-hosted vacation rental uses of more than 30 days per year are inconsistent with the adopted *General Plan Land Use Element Goal LU5: 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 the proposed vacation rental introduces a commercial, transient occupancy use into residential neighborhoods.

Non-hosted vacation rental uses of more than 30 days per year are inconsistent with the adopted General Plan *Land Use Element Goal LU1: Maintain Sebastopol as a unique, charming, and environmentally sensitive small town that provides residents, businesses, and visitors with opportunities to enjoy a high quality of life*, in that it introduces commercial, transient occupancy uses into residential neighborhoods.

Non-hosted vacation rental uses of more than 30 days per year are inconsistent with the adopted 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.

Whereas, the City of Sebastopol previously adopted Zoning Ordinance regulations for vacation rentals that strengthened the protection of the City's existing housing stock in accordance with the General Plan's *Housing Element, Goal B-2*, however the need has arisen to further clarify these regulations to provide additional protection of the existing housing stock and guidance for the public; and,

Whereas, in California, many communities are struggling with the inability to provide enough housing for long-term residents, and have identified the conversion of dwellings to short-term rentals as a contributing factor to this issue, and the need to limit and further regulate such uses; and

Whereas, the conversion of long-term housing units to short-term vacation rentals reduces housing stock and contributes to increased rents and decreased availability of affordable housing; and

Whereas, the extreme shortage of housing in Sonoma County and Sebastopol has been well documented, and measures are needed to prevent further conversion of long-term housing stock into short-term vacation rentals; and

Whereas, many communities have decided that non-hosted vacation rentals of more than 30 days per year do not meet the needs or desires of the community for a variety of reasons, including preservation of existing housing stock for long-term residential use; economic impacts on hotels and other formal lodging businesses; and health, safety, and compatibility issues with residential neighborhoods. It is in the interest of the City that the issues associated with this potential use be reviewed, and appropriate regulations be developed, to protect the public health, safety, and welfare. To protect residents and businesses from the potential adverse effects of the conversion of residential properties to transient residential uses, the City needs time to study this potential use and determine whether or not it should be permitted or whether the City should adopt regulatory standards and conditions to be imposed on such operations; and

Whereas, review of these issues and enactment of appropriate regulations by the Planning Commission and City Council cannot be accomplished without due deliberation, and it will take an indeterminate length of time to work out the substance and details of such requirements. It would be destructive of any proposed restrictions or

regulations if, during the period they are being studied and considered for adoption, parties seeking to avoid their operation and effect are permitted to establish such uses and operate in a manner that might defeat in whole, or in part, the objectives of the potential requirements and regulations. As a result, it is necessary to establish and extend a moratorium and prohibition on the establishment and operation of additional non-hosted vacation rental uses of more than 30 days per year in the City, pending the completion of the City's further review of their impacts and possible adoption of appropriate regulations.

On August 6th, 2019, following a public hearing, the City Council adopted Ordinance No. 1126 establishing an initial 45-day moratorium on the establishment of new non-hosted vacation rentals of more than 30 days per year. On September 3, 2019, the City Council adopted Ordinance No. 1127, which extended the moratorium for 10 months and 15 days.

The Planning Commission held preliminary discussions regarding these policies at its regularly scheduled meetings of August 13, 2019 and August 27, 2019. Additional time is needed to research and deliberate potential impacts and outcomes of modifications to the Zoning Ordinance related to non-hosted vacation rentals, particularly in light of two locally declared emergencies in the interim, which have impacted the progress of this work. A reasonable period of time is necessary to properly and carefully consider and develop appropriate regulations for non-hosted vacation rentals of more than 30 days a year, and therefore an extension of the moratorium is appropriate.

Now, therefore, the City Council of the City of Sebastopol does ordain as follows:

Section 2. Moratorium on Applications for Non-hosted Vacation Rental Uses of More than 30 Days per Year. During the period this ordinance remains in effect, no approval of an application for a City of Sebastopol Use Permit, other discretionary planning permit, or building permit shall be issued for a non-hosted vacation rental of more than 30 days per year. This Ordinance is not intended to affect existing non-hosted vacation rentals that have been duly licensed and/or registered with the City of Sebastopol. This Ordinance also does not affect hosted vacation rentals or non-hosted vacation rentals of less than 30 days per year, in that such uses maintain residential properties for their primary use as a long-term residence within the community.

Section 3. Immediate Threat to Health, Safety and Welfare. Based on the findings and conditions set forth and described in Section 1 of this ordinance, the City Council of the City of Sebastopol, declares this ordinance is necessary as an urgency measure to address existing threats to the public health, safety and welfare as described in Section 1. The Council determines that the establishment of additional non-hosted vacation rentals of more than 30 days per year in the absence of adopted allowances or appropriate standards and procedures would result in a further threat to the public health, safety and welfare.

Section 4. Conflicting Laws. During the continuation of the effectiveness of this ordinance, the provisions of this ordinance shall govern. If there is any conflict between the provisions of this ordinance and any provision of the Sebastopol City Code, or any City ordinance, resolution or policy, the provisions of this ordinance shall control.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word

of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance is declared to be an urgency measure and if adopted by the affirmative vote of at least four Councilmembers, shall become effective upon its adoption. This ordinance shall be in full force and effect for a period of one (1) year, unless extended by the City Council in accordance with the provisions of California Government Code 65858.

IN COUNCIL DULY PASSED AND ADOPTED this 21st day of July 2020.

VOTE:

AYES: Councilmembers Carnacchi, Gurney, Vice Mayor Glass and Mayor Slayter
NOES: None
ABSTAIN: Councilmember Hinton
ABSENT: None



APPROVED: _____
Mayor Patrick Slayter



ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC



APPROVED AS TO FORM: _____
Larry McLaughlin, City Manager/Attorney