

# Policy Positions for Sebastopol Planning Commission Meeting

April 26, 2022

6PM

## Proposed Sebastopol Policy/Recommendations and Positions

### Meeting Details

City Policy/Recommendations	Recommendation	Our Policy Position
<b>Staff Report and Attachments</b>		
<b>Defining 'non-hosted' for multifamily (per unit, so an apartment building with 5 units could not have</b>	<b>Recommend</b>	<b>Recommend:</b> Allow homeowners the option to choose how they wish to purpose their home, and don't prohibit certain zoning districts and housing types from being used as a short-term rental, or you will have a situation where only the wealthy, who can afford a more opulent home, will be able to own a vacation rental, and only the wealthy will be staying in a vacation rental.  Many of the VR owners/hosts are "mom

		<p>&amp; pop” owner/hosts – some even “mom” only – who are doing their best to keep their homes, pay off their mortgages, and remain part of the communities they have enjoyed for years.</p> <p>Non-Hosted Short-Term rental should be allowed in every zoning district. Such prohibition may drive them “underground,” thereby causing the city to lose revenue.</p>
<p><b>How to limit non-hosted rentals</b> (by number of nights, cap on total number of permits, % of housing stock restricting to primary residency, limiting corporations from buying/renting any and/or multiple units, etc.)</p>	<p><b>Oppose</b></p>	<p><b>Recommend:</b> We believe a better way to regulate the number of vacation rentals is to limit the number of permits one owner can be issued to three. This is recommended over density limits, cap on total number of permits, and limits on number of nights.</p> <p>This would be fair to Sebastopol homeowners, since everyone would have the same rights and restrictions, and allow private individuals the option to rent their primary or secondary homes short-term.</p> <p><b>(1) Limits on the total number of vacation rentals (CAPS).</b> This is a blunt</p>

		<p>instrument, not targeted to any demonstrated problem.</p> <p>(2) <b>Limits on the proximity of vacation rentals to each other.</b> These mean each rental takes away the rights of many owners to also rent their homes.</p>
<p><b>Thresholds for ‘over-concentration’ regardless of hosted or non-hosted</b></p>	<p><b>Recommend</b></p>	<p><b>Hosted rentals:</b> Why limit hosted rentals to only two rooms, when the owner is available to handle any situation? Assuming the good reputation of hosted rentals in Sebastopol, allow hosts the option to purpose all available rooms short-term.</p> <p>Home sharing allows anyone to use their home, or a portion of it, for additional, flexible income. This extra income helps people make ends meet or meet their goals.</p> <p>Renting a room short-term allows elderly the option to earn income from their spare bedrooms, while making it possible for family and friends to visit. This would be impossible with long-term roommates.</p> <p>An overwhelming number of hosts who operate hosted or non-hosted rentals in</p>

		<p>the Coalition are women, the majority of whom are in their 50's, 60's,70's &amp; 80's, earning needed income to make ends meet.</p> <p><b>Non-hosted rentals:</b> Traditional Housing comprises 99.5% of the available dwelling space in Sebastopol, while the current 18 Vacation Rentals (5 legal &amp; 12 non-legal as of 08/31/2019) amount to only 0.5%.</p> <p>Vacation rentals have been in Sonoma County over a Century, yet in that amount of time, Sebastopol only has 18 vacation rental. Doesn't seem to be a rush to rent short-term.</p> <p>If the City suspends the non-legal vacation rentals, the 5 remaining legal vacation rentals will amount to 0.1% of the housing stock.</p> <p>A cap on short-term rentals, is a cap on local jobs and businesses in the surrounding area.</p> <p>Service jobs in restaurants, wineries, pubs, outdoor tourist attractions, traveling</p>
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		<p>health care workers such as nurses, waiters, bartenders, busboys, house cleaners, gardeners, pool maintenance, etc. will be severely affected if a cap is enacted.</p> <p>Short-term rentals create jobs, providing a living wage job to house cleaners / maids / landscapers / managers. According to local hosts hourly price for a housecleaner is around \$30-\$40.</p> <p>Visitors in turn support our local economy with purchases in restaurants, retail stores, wineries &amp; breweries, etc.</p> <p>Short-term rentals provide a way for families and others to visit all our community as to offer in a more cost-effective way. A reduction in short-term rental supply, raises prices for all lodging.</p> <p>Many Vacation Rentals converted to year-round housing to help disaster victims as they made important life decisions about rebuilding or “next steps”.</p>
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		<p><b>Benefits of Hosted and Non-Hosted:</b></p> <p>Pay taxes (TOT)(12% occupancy tax for Sebastopol) supporting many programs in our cities and County.</p> <p>Provided immediate lodging for individuals who lost their homes or sought shelter after the 2017/2018/2020 fires and the 2019 floods.</p> <p>Housed relief workers (firefighters, PG&amp;E workers, insurance agents, construction workers &amp; other trades) during assessment and reconstruction phases.</p> <p>The impact of any policy can be significant for both the local economy and homeowners who rent their homes. This impact must be studied and understood before enacting any policy.</p>
<p><b>Definition of ‘hosted’ for single family with ADUs</b> (currently the city considers these hosted as long as the resident resides on one of the units, but requires a Use Permit for ADUs created after 2017, when impact fees and setbacks were reduced for ADUs).</p>	<p><b>Approve</b></p>	

<p><b>i. Hosted Rental.</b> One parking space shall be provided on site for a hosted vacation rental in addition to the on-site parking required under Chapter 17.110 SMC.</p> <p><b>ii. Nonhosted Rental.</b> One on-site parking space shall be provided for each sleeping room or guest bedroom in the vacation rental. If a garage is used to meet the parking requirement for the sleeping rooms or guest bedrooms, the garage shall be accessible to guests of the vacation rental.</p>	<p><b>Approve</b></p>	
<p><b>Pools, hot tubs, and outside gathering areas</b> shall be adequately screened from adjacent properties to minimize noise and lighting impacts and shall have the hours of operation clearly posted adjacent to the facility.</p>	<p><b>Oppose</b></p>	<p>Shouldn't all residences, whether they are short-term or not, be subject to the same noise lighting, and gathering impacts?</p> <p><b>Recommend</b> Simplify ruling by using wording pertaining to noise, nuisance, light. See below.</p>
<p><b>Noise Limits.</b></p> <p><b>a. Outdoor amplified</b> sound is prohibited.</p> <p><b>b. All activities</b> associated with the vacation rental use shall meet the noise</p>	<p><b>Approve</b></p>	

<p>standards identified at Chapter 8.25 SMC. <b>Quiet hours shall be from 10:00 p.m. to 7:00 a.m.</b> The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.</p> <p><b>c. Nuisance noise by unattended pets is prohibited.</b></p>		
<p><b>The maximum overnight occupancy for vacation rentals</b> shall be up to two persons per sleeping room or guest bedroom, plus two additional persons per property, up to a maximum total of 10 persons per vacation rental.</p>	<p><b>Oppose</b></p>	<p>Large properties may have more bedrooms which may accommodate more guests. These properties would be on larger pieces of land and have adequate parking to accommodate the guests. No reason for cap.</p> <p><b>Recommend</b> Number of guests allowed is equal to the number of bedrooms of the residence plus 2 additional persons.</p>
<p><b>Guest stays shall be limited to a maximum of 30 days, with a seven-day period between stays.</b></p>	<p><b>Oppose</b></p>	<p>Imposing a seven day period between stays is arbitrary. The owner is making a living with this property and needs to have it rented. Unable to see reason for 7 day period between stays.</p>
<p><b>Owner and Authorized Agent Availability and Responsiveness.</b></p>	<p><b>Oppose/Needs More Study</b></p>	<p><b>Recommend:</b> All properties under discussion (whether hosted or</p>



<p><b>a.</b> The owner (for a hosted vacation rental) or the authorized agent (for a nonhosted vacation rental) shall be available by telephone at all times when the vacation rental is rented, 24 hours per day.</p> <p><b>b.</b> The owner (for a hosted vacation rental) or the authorized agent (for a nonhosted vacation rental) must be on the premises of the vacation rental unit within one hour of being notified by a renter, by the Planning Director, or law enforcement officer that there is a need for the owner or the authorized agent (to address an issue of permit compliance or the health, safety, or welfare of the public or the renter).</p>		<p>nonhosted) should be governed by the owner/authorized agent. Having one ruling for hosted and another for nonhosted complicates the ruling and seems unnecessary. All businesses allow for contingencies when the owner is not available. Simplifying this ruling by looking at the goal may help clarify and simplify this issue. It seems that the aim is to have a designated responsible person respond quickly (one hour) to any unforeseen problems which may arise. To that end, simply state that. If that doesn't happen then the property owner is subject to the imposed penalty. This type wording keeps the city of Sebastopol from putting itself in the position of writing/rewriting/implementing detailed scenarios for contingencies.</p>
<p><b>Vacation Rental Dwellings:</b> Vacation rentals shall be in permitted dwellings and shall not be permitted in nonhabitable structures or in tents, recreational vehicles, or other features or provisions intended for temporary occupancy.</p>	<p><b>Oppose</b></p>	<p>Allow residents to permit alternative eco-friendly forms of housing for long or short-term use, like tiny homes, trailers, RV's or yurts to help middle and lower-income folks afford an economical living space. The County has allowed nationwide companies like <a href="#">Autocamp</a> in our area to do this. <a href="#">Sonoma Canopy</a></p>

		<p><a href="#">Tours' Sonoma Treehouse</a> and <a href="#">Safari West</a> have been offering alternative lodging for years. Guidelines should be created to give the average person a chance.</p>
<p><b>For each hosted vacation rental:</b>  <b>a.</b> The owner must reside at the vacation rental, and the owner must sleep at the vacation rental unit while it is being rented.</p>	<p><b>Oppose</b></p>	<p>Again, keeping the wording clear, simple, and focusing on the goal/aim of the concern keeps the city of Sebastopol and its governing boards from needing to update rulings when new contingencies emerge. If the goal is to have peace and quiet in the neighborhood, eliminating and disturbance, then the wording can address this and state the penalty if the ruling is not followed.</p> <p>The only PRACTICAL problem here is sometimes an owner may need to leave on an emergency, have an impromptu business trip come up etc. that makes it impossible to follow the ordinance without CANCELLING guests at the last minute. WHY NOT make it OWNER or IMMEDIATE RESIDENT, such as spouse, sibling, or legal residing adult? This gets around the legal problem that could occur. In UNHOSTED situations, there is no requirement to have someone</p>

		present, so this minor change makes it easy for all to comply.
<b>b.</b> The owner must reside in a bedroom that is not rented to any renter.	<b><i>Oppose/Recommend</i></b>	Should read “The owner/authorized agent must reside...”
<b>c.</b> No more than two bedrooms may be rented for transient occupancy uses	<b>Oppose</b>	<p>Hosted rentals should be allowed to utilize all bedrooms short-term because the owner is present to deal with any issues that may arise.</p> <p>Why can a non-hosted short-term rental have NO restrictions on purpose of rooms apart from an overnight occupancy limit, but a hosted rental only be allowed to purpose two rooms short-term?</p> <p>Assuming the good reputation of hosted short-term rentals, please consider this possibility.</p>
<b>Posting and Neighbor Notification of Permit and Standards.</b> Once a vacation rental permit has been	<b>Approve</b>	These notifications are all the city of Sebastopol needs to inforce their goals for the short term rental units.

<p>approved, a copy of the permit listing all applicable standards and limits and identifying contact information for the owner or authorized agent, including a phone number at which the owner or authorized agent can be reached 24 hours per day, shall be posted within the vacation rental property. These standards shall be posted in a prominent place within six feet of the front door of the vacation rental, and shall be included as part of all rental agreements. At the permit holder's expense, the City shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using a 300-foot property radius owner mailing list.</p>		<p>It clearly outlines what is required and what happens if these notifications/rules are not followed. They focus on the goals of the city regarding these rentals.</p>
<p><b>Requirements for All Advertisements and Listings.</b> All advertisements and/or listings for the vacation rental shall include the following:</p> <ul style="list-style-type: none"> <li>a. Maximum occupancy;</li> <li>b. Maximum number of vehicles;</li> <li>c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;</li> <li>d. Notification that no outdoor amplified sound is allowed; and</li> </ul>	<p><b>Approve</b></p>	

<p>e. The transient occupancy tax certificate number for that particular property.</p>		
<p><b>Conditional Use Permit Annual Review:</b> Each conditional use permit issued pursuant to this section shall be subject to an annual permit review and extension. No later than one year after the effective date of the permit, the owner or authorized agent shall submit to the Planning Director the annual review fee, established by City Council resolution, along with the permit review form established by the Planning Director. The owner shall document compliance with all requirements of this section and shall also document each date on which the vacation rental was rented during the previous term of the permit.</p>	<p><b>Oppose</b></p>	<p><b>Recommend:</b> This section is onerous and unnecessary. It adds more work to the Planning Department with no obvious benefit. Why does the owner need to document compliance with the requirements. Also, currently short-term rentals are not required to document when the rental was rented; and again, this is unnecessary busy work.</p>
<p><b>Complaint and Enforcement Process:</b></p>		
<p>Initial complaints on vacation rentals shall be directed to the owner or authorized agent identified in the administrative permit or conditional use permit, as applicable. The owner or authorized agent shall be available by</p>	<p><b>Oppose</b></p>	<p><b>Recommend:</b> The requirement for a named individual to be available 24/7/365 is unrealistic and likely incompatible with labor laws. What about vacation and illness?</p>

<p>phone 24 hours during all times when the property is rented. Should a problem arise and be reported to the owner or authorized agent, the owner or authorized agent shall be responsible for contacting the tenant to correct the problem within 60 minutes, including visiting the site if necessary to ensure that the issue has been corrected.</p>		<p><i>Either</i>, it should be possible for a different individual to act on behalf of the property manager, whilst the property manager remains the responsible party, <i>or</i>, multiple individuals may be registered as property manager, perhaps primary and backup. This would improve the responsiveness of the system in the inevitable situation that the named property manager is unavoidably unavailable.</p>
<p>The owner or authorized agent shall document the complaint, and their resolution or attempted resolution(s), to the Planning Director within 72 hours of the occurrence.</p>	<p><b>Approve</b></p>	
<p>Failure to respond to complaints or report them to the Planning Director shall be considered a violation of this section, and shall be cause for revocation of the vacation rental permit.</p>	<p><b>Oppose/Recommended</b></p>	<p><b>Recommend:</b> This section along with the following section needs to allow for the owner of the short-term rental to respond and correct the situation. This correction process needs to be clearly spelled out, with a timeline and corresponding goals to be met.</p>
<p>If the issue reoccurs, the complaint will be addressed by the Planning Director</p>	<p><b>Recommend</b></p>	<p><b>Recommend: License Revocation</b> should be for “up to 1 year” – not “at least</p>

<p>or code enforcement officer who may conduct an investigation to determine whether there was a violation of a zoning standard or conditional use permit condition. Police reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If the Planning Director verifies that a zoning or conditional use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1.04 SMC. At the discretion of the Planning Director, the administrative permit or conditional use permit may be scheduled for a revocation hearing with the Planning Commission. If the permit is revoked, an administrative permit or conditional use permit for a vacation rental on that particular property may not be reapplied for or issued for a period of at least one year.</p>		<p>1 year” to allow for a balanced judgment on the magnitude of the licensee’s violation. It may have been a minor matter or more severe. The city should have the flexibility to consider this when determining the length of time for a license revocation.</p>
<p>A vacation rental that is determined to be operating without the necessary permit required under this section shall be subject to a penalty of three times</p>	<p><b>Approve</b></p>	

the normal application fee.		
<p>Upon receipt of any combination of three administrative citations or Planning Director determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two-year period, the vacation rental administrative permit or conditional use permit is summarily revoked, subject to prior notice and to appeal, if appeal is requested pursuant to the appeals section of the Zoning Ordinance. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.</p>	<p><b>Oppose</b></p>	<p>License Suspension or Revocation should be for a time period that is appropriate for the violation found. Depending on the violation (trash, noise, not leashing a dog) the suspension should be balanced against the harm to the public.</p> <p>To ensure fairness and consistency of application, the ordinance should define the circumstances that warrant revocation and suspension. For example, revocation should be limited to violations that are repeated and either willful or negligent.</p> <p>Neither suspension nor revocation should be allowed for isolated violations in any 6 month period, or some similar standard.</p>
<p><b>Findings.</b> The decision-making body may approve a permit for a vacation rental, with or without conditions, if all of the following findings are made:  1. The proposed vacation rental is consistent with the standards</p>	<p><b>Discussion needed</b></p>	<ol style="list-style-type: none"> <li>2. Needs to be defined.</li> <li>3. Needs to be defined.</li> <li>3. What does this refer to?</li> <li>4. This is a very general stmt: an “if we don’t like it, you can’t do it”. So</li> </ol>



<p>established by this section and will not detrimentally affect the health, safety, or welfare of the surrounding neighborhood or area.</p> <p>2. Approval of the vacation rental will not result in an over concentration of such uses in a neighborhood.</p> <p>3. There is adequate parking for all guests and operators to park on the subject property in accordance with Chapter 17.110 SMC.</p> <p>4. Approval of the vacation rental will result in the preservation of the residential design and scale of the structures on the property and will maintain the residential character of the neighborhood.</p> <p>5. The architectural or historic character of the structure proposed to house the vacation rental is appropriate for the use.</p> <p>6. For accessory dwelling units, the approval of the permit would not result in a reduction to the City's affordable housing stock. (Ord. 1111, 2018</p>		<p>vague that it gives no guidance to the owner about what can be done.</p> <p>5. Same as #4</p> <p>6. We support this policy, regarding the owner being given the choice to purpose either their main house or ADU short-term.</p>
<p><b>Windsor Hosts Recommended Policies</b></p>		<p><b>Transference:</b> Allow transference for properties in historic areas to preserve interiors from being</p>

		<p>chopped up into retail spaces for businesses.</p> <p>The new owner should be able to within 120 days of the closing of the sale, apply for the transfer of the vacation rental license to the new owner, just as every other business, or liquor are permitted today.</p>
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