

City Council  
Mayor Patrick Slayter  
Vice Mayor Neysa Hinton  
Una Glass  
Sarah Glade Gurney  
Diana Rich



**Agenda Item Number: 1**

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## City of Sebastopol

### CITY COUNCIL MEETING MINUTES MINUTES FOR Meeting of March 7, 2022

As Approved by the City Council at their regular meeting of April 5, 2022

The City Council Regular meeting was held via teleconference pursuant to AB 361. Pursuant to AB 361 (2021), Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting. The City of Sebastopol City Council meeting was not be physically open to the public and all City Council Members teleconferenced into the meeting via Zoom.

Please note that minutes are not meant to be verbatim minutes and are meant to be the City's record of Actions Taken (Approved Motion of Agenda Item(s)).

#### 6:00 pm **Convene City Council Meeting - Meeting Start Time (ZOOM VIRTUAL FORMAT)**

**CALL TO ORDER:** Mayor Slayter called the regular meeting to order at 6:01 pm.

#### **ROLL CALL:**

**Present:** Mayor Patrick Slayter – By video teleconference  
Vice Mayor Neysa Hinton – By video teleconference  
Councilmember Sarah Gurney - By video teleconference  
Councilmember Diana Gardner Rich - By video teleconference

**Absent:** Councilmember Glass (excused)

**Staff:** City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley  
Planning Director Kari Svanstrom  
Associate Planner John Jay

**SALUTE TO THE FLAG:** Mayor Slayter led the Salute to the Flag.

#### **REGULAR CALENDAR AGENDA ITEM(S) (DISCUSSION AND/OR ACTION):**

1. Workshop on Draft Housing Strategy (Responsible Department: Planning).  
*This item was continued from the March 1, 2022 City Council Meeting.*

Planning Director Svanstrom provided the agenda item and introduced 4 Leaf Inc who will be providing the presentation.

Jackie Criger and Jane Riley were in attendance and provided a presentation.

Mayor Slayter opened for questions of the presenters.

Councilmember Rich commented as follows:

- I really appreciate the presentation, the detail, and the clarity

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**City Council Meeting Packet of: April 5, 2022**

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- Question has to do with the discussion regarding adequate sites in the inventory
- Would like clarification about what is the meaning of decreasing the development capacity assumptions and assessed affordability

The presenters commented as follows:

- Decreased development capacity assumptions and the assumed affordability levels means that we take a more conservative approach
- By law, we can assume that all sites that allow 20 units per acre can accommodate 100% affordable housing
- We can make that assumption in order to demonstrate an adequate sites inventory
- That would really tie the Council's hands
- If a good project came forward that was 50% affordable, you wouldn't be able to approve that project unless you had adequate sites in your inventory to demonstrate that you could continue to have enough appropriately zoned land for the rest of the housing element period
- We do want you to have a little bit of buffer in there and not assume that everything's going to come in at 100%, and not assume that everything that's zoned for 20 units per acre is actually going to develop at 20 units per acre
- We want to instead use the history of what has been developed in Sebastopol as our guide

Councilmember Rich commented as a follow up please clarify how that proposal that you've described would combine with option number three in order to support your recommendation of the two acting together.

The presenters commented as follows:

- What HCD allows us to do is retain an administrative list (a "B-list") of sites that are appropriately zoned for housing and not put those sites into inventory unless and until it looks like you're going to need them in order to have enough sites in your inventory
- The problem with putting all of your sites or excess sites above what is required by the housing target numbers (RHNA) into your inventory is that its problematic to use those sites in the next housing element if they aren't developed
- We don't really want to overshoot but we do want to make sure that you always have enough sites left
- This is really a dynamic inventory and if you don't have enough sites left from one project, we want to make sure that you have enough sites for the rest of your needs.

Director Svanstrom commented as follows:

- For those of you that were involved with the last housing element, I believe we had about 50% more unit sites in terms of number of units the City could accommodate on our site inventory list
- HCD did not have the same criteria for reuse of sites that they do now, as there is the new legislation now in place
- We want to make sure we have adequate sites, but we want to make sure we're just putting forth the ones that we need to on the official list.

Vice Mayor Hinton commented as follows:

- There are a variety of recommendations within the slide presentation that would cost us extra budget to implement what's being recommended
- There are no estimated costs of what that would be
- One example that came up with to partner with the ADU Group out of Napa
- I get their emails and have participated in some of their sessions

- I wonder what those things would cost, and since anybody can participate what special Sebastopol would get by paying money to partner? is this the slide?

The presenters commented as follows:

- It is part of the financial support action under this proposed program
- \$8,000 annually to belong to that organization that's 100% reference
- To not only just belong to it but to be able to make use of the pre-approved plans for ADUs and for your residents to avail themselves of the site evaluation services where a professional comes out to their site and does an evaluation of suitable for an ADU

Vice Mayor Hinton commented if I was building an ADU myself, I could just buy plans from that organization, is that correct?

The presenters commented they believe so.

Councilmember Rich commented as follows:

- There were other cost items that were mentioned
- There was the workforce housing, there was an option one or two with a comment made that there would be a cost difference for option 1, that it would be more expensive
- Is there somewhere in the staff report outlines regarding the cost implications

The presenters commented as follows:

- I don't think that we laid out specific costs
- Basically the difference between option 1 and option 2 is that under option 1 the property owners or the applicants would bear the cost of the rezoning versus under option 2, the City would bear the cost of doing that rezoning up front.

Councilmember Rich commented as follows:

- You had a list of the housing goals that we currently have in place, and you mention that listed obviously the ones that are new
- You suggested that the new ones do incorporate the old ones but I see that in the old ones, there's a specific environmental piece that's called out that I don't see at all in the new goals
- Do they somehow appear, specifically the use of energy and natural resources in building.

The presenters commented as follows:

- Energy and natural resource conservation is now under goal c, preserve and sustain existing housing units.
- Believe you have in your report the matrix as well, that it shows the old policies and programs versus the new and it explains where they all went to
- It shows the mapping of how those get carried forward if not completed
- Any program or policy that was under the previous goal has now been folded into the preservation and conservation of housing, and those programs have been rewritten, but none of them have been eliminated.

Mayor Slayter commented as follows:

- To a little bit more background on probably some of the thinking about that item of energy and natural resource conservation, since the 2014 housing element, there have been at least two code cycles and changes to the building code and the California energy code and the California green building code
- A lot of the things that we were doing as a City, increasing energy efficiency requirements, decreasing water use, all those things are now largely memorialized in State codes. We're way ahead of the state in their building codes and energy codes
- Now much of that is just mandatory regardless that it just doesn't make sense to have a separate category.
- Since it's mandated already, why repeat it

Vice Mayor Hinton commented as follows:

- There was the whole section about bringing into compliance ADUs or housing units that currently are not in compliance
- It is unclear if we are ignoring those housing units now and then this whole system to bring them into compliance
- Is that a benefit
- If I built an illegal unit and now all of a sudden I'm getting to bring it into compliance, what is the benefit to the City to get those into compliance?

Director Svanstrom commented as follows:

- Speaking on behalf of the Building Department - health and safety is the mandate
- That is the basic reason. We want the ability to make sure that a housing unit is not substandard, that someone's not living in a dangerous place, that it does have a proper egress window in case of fire, that's appropriately wired, that kind of a thing
- Our building department doesn't usually require opening walls, although they can, to make sure that things are done correctly. but the ability to make sure that any things like that are corrected is a benefit to the City as well as to the resident who would be living there.

Vice Mayor Hinton commented as follows:

- Is there any revenue benefit to the City
- Will they start contributing additional taxes
- Is it basically a health and safety issue and they will have a full inspection and then the City would grandfather them in

Director Svanstrom commented as follows:

- Stated that is correct
- If there are any modifications that need to be done, installing appropriate egress window or something like that, then they'll go through a building permit process
- There is usually a fee associated based on the evaluation of the work
- We do not generally allow ADUs to be rented short term
- That is in our vacation rental ordinance - that would require a Planning Commission use permit that is pretty near impossible to get approval for that
- The point of the ADUs to create long-term housing opportunities
- We do have some historic ones from 2017 and earlier

Planning Commissioner Chair Fritz commented as follows:

- The Planning Commission didn't review this presentation that you're reviewing tonight so we haven't reviewed the specific policy proposals
- Think what we did is help give feedback on the previous kind of conversation that came from 4Leaf and that led to these proposals
- I would say that generally they picked up all of our kind of questions and comments that we had
- There's a lot of information here obviously and I do not want to take up time in the meeting just summarizing detailed points of the Planning Commission other than to say I think 4Leaf has taken a lot of our feedback and put them into the policies that you're reviewing today

Mayor Slayter opened for public comment.

Kyle Falbo commented as follows:

- Just a couple of points that I wanted to bring up hoping the Council can address tonight.
- First off is infrastructure and developer cost associated with infrastructure  
Two occasion within the last year, I have watched this council approve development in which infrastructure associated with those developments was not mandated, and, in fact, like having a development with no sidewalks be mandated next to it
- One council member on a 300-person development suggested to me that sidewalk gaps are something that I should recognize as being valuable to my rural community as opposed to being something that a developer would want to or should be mandated to provide in a local area
- It's my hope that as we work this housing development, mandated infrastructure repair and upgrade as a part of this housing element
- I would like to see that
- I'm actually quite appalled that the housing element from ten years ago did not mandate these types of infrastructure improvements to the standard that we would expect for how excessively increased the residential zoning was in that last update.
- Let's try to do the right thing this time and make those infrastructure in place
- Secondly, it's my hope that we have a deeper discussion about ADUs and the enforcement of short-term housing on ADUs. I know that recently the council made a decision to restrict Airbnb usage to what that proposal was approve, but if I were to look on that site today I would see twice as many options as were available two years ago
- There is nothing I think the City is doing to be able to enforce the short-term rentals of ADUs nor is there anything suggesting that those ADU developments will be required to provide additional housing to new residents as opposed to just getting tacked onto a house for that current user's enjoyment

Linda Berg commented as follows:

- It turns out there's another very important survey that I knew nothing about and subsequently never participated in.
- I would love to have, as you can imagine, given you some feedback about what I think about creating a healthier City and healthier homes.
- If I never knew about it, there's got to be hundreds of other people who would have liked to have participated who also are not here on this call and didn't know anything about
- We need to recognize the health issues of exposure to electromagnetic fields and take into consideration of them when you are designing and planning housing.
- It is really important, the benefit to the City of doing that is that there will be less sick disabled and dead people.
- We'll have a healthier City and environment, more birds and bees and healthier kids.

- It is just not a good idea to go about cooking our kids, birds, bees, ourselves, when it can be readily in some cases and cheaply modified.
- In 2013, we had a moratorium on smart meters
- The least thing you can do when you're planning these houses is to make sure they don't have smart meters, they don't have a smart water meter or smart electric meters and make sure that they are not on bedroom walls or living room walls.

Calum Weeks commented as follows:

- I'm from Generation Housing and I have some reservations about the interest in potentially not moving forward with any rezoning.
- I'm actually looking at this zoning map as we speak, and I'm seeing fairly ample opportunities here to actually rezone some of the commercial areas, especially the office commercial areas and rezone them to mixed use.
- If I'm missing something, and maybe perhaps there's something about the code that I'm not aware of, I think this is a really terrific opportunity to take a step, into the future, so to speak, and really make a concerted effort to create opportunities for commercial on the bottom, housing on top.
- I think this is something a lot of jurisdictions not just in Sonoma County but I think throughout California have really taken keenly to in terms of trying to create a more walkable, livable community and Sebastopol is really set up quite uniquely to make that a realization should they so choose
- I just hope that you give a fair amount of consideration towards taking that next step and expanding mixed-use development options.

Paul Fritz commented as follows:

- As follow up to what Cal just said, the last time we did a zoning code update, I was really advocating for allowing residential by right I think in general office or general commercial zone, which is basically the length of 116 throughout town outside of downtown
- Right now it's a use permit to do 100% residential, and there are plenty of examples, existing examples of 100% residential projects on that stretch that I think a use permit is onerous, and I think we should get rid of that requirement and then allow 100% residential in those zones.
- I also personally feel that we should get rid of single-family zoning. if we want to really live up to our progressive goals of Sebastopol
- We're all proud of ourselves as being progressive citizens around here and one of the more progressive things we can do is to eliminate single-family exclusive zoning
- It has very questionable origins, and I won't go into all that right here. but I think that if we allow duplexes, triplexes, fourplexes to be built, that can go a long way to increasing our housing availability - what's considered missing middle types of housing projects, projects that can fit into single-family residential neighborhoods and scale and provide lower cost housing
- Generally my belief is we need as many kind of options on the table and we need to hit this from all angles in terms of zoning, funding, ease of permitting, all of the above is kind of what we need in our housing element
- I hope we can do that as we move forward through this

John commented as follows:

- I'm a resident of the county outside of Sebastopol
- Big shoutout to Barbie Robinson with the grand plan to buy out a hotel to fill them with what we used to call bums but now we call, I don't know, something else. but they're the same thing

- I walk by this new place across from the Taco Bell, and the people are belligerent, they give middle fingers to cars and now there's a tent pitched outside of the fence on Occidental Road
- There's always bums or whatever the new word is for it parked on the street
- We call the Sheriff, they don't get rid of them. and this little kid says there doesn't be a single-family residential
- That's because he hasn't slaved for his property like other people have
- I think it's irresponsible for a bohemian-style committee to run this
- It's really frustrating how many errors the City Council is making, and they're ruining the City piece by piece, and just seems like everybody's giving up on even trying to stop it
- Why don't we build ten more bum parks and RV things.
- Lets make the nice neighborhoods of Sebastopol and west county filled with track homes and apartment buildings and stuff like that
- That's the way to be really progressive, whatever that kid was talking about. these are the type of comments that are taken seriously in these type of forums.
- Some of you are adults but most of you some of you are Adults. most of you act like little kids, and this isn't like a project and high school to get awards from your teacher who's a communist. you're ruining the whole area.
- I wish you guys would get some sense and get some guys in there to turn this around
- You are screwing up the whole county- this City is looking like a mess
- Hopefully somebody's going to fix something because you guys are screwing up big time

Mayor Slayter responded to public comment.

Update of ADUs and online vacation rental enforcement actions that are happening right now in the City.

Director Svanstrom commented as follows:

- We have a monitoring company that identifies illegal rentals.
- We just signed a contract for a new company and one that is also going to be helping us update our vacation rental ordinance as well.
- That was a priority of council after the moratorium. Now that we've got the housing element well underway, we're actually kicking off that meeting in about a week's time.
- In the meantime, it's a different company, but they essentially do the same thing where they review all of the various hosting websites, identify rentals.
- If it is a hosted rental where there's a permanent resident who's renting out a room in their house, we do allow those subject to requirements. A "hosted rental" is not taking a housing unit and converting it to a hotel with a virtual lobby, if you will, and we do allow those.
- If it is a non-hosted rental, then we would deal with that appropriately as well.

General idea of how much activity the consultants been seeing?

Director Svanstrom commented maybe one or two every couple months and stated we have about 50 rentals, 40 to 50 short-term rentals in the City as a whole including hosted and non-hosted and about 15 to 18 non-hosted rentals.

Comment about office commercial to be mixed-use and housing.

Mayor Slayter commented as follows:

- I realize that there will most likely be some changes.

- This is an area of opportunity as was noted by a couple of our public speakers.
- Just to let Cal know, when we did this update the last time, there were a lot of movement in the direction that you noted with mixed-use development and allowing housing in commercial and office zones.
- That work is underway thinking maybe there's more that we can do, but that's something that the council did discuss and make a lot of movement years ago.

Director Svanstrom commented as follows:

- We already allow mixed-use by right - if you have first floor commercial, with residential above, it does not require use permit
- We don't need to change the zoning. We've already changed what's allowed in that zone to allow mixed use
- Discussed comments about looking at the commercial office or allowing 100% residential. That would be a change from the current policy.

Mayor Slayter commented as follows:

- Chair Fritz's comments makes sense as the Planning Commission knows these documents probably better than most of us
- To the gentleman who was calling from outside City limit who thinks that the City Council is basically a clown car full of clowns, that's your right, you can think that if you'd like.
- Believe it or not, we are human beings, we're not kids. the kid you identified is a fully functional adult who actually owns a home in the City of Sebastopol
- Those kinds of comments, frankly, are not helpful, and they're fairly derogatory, and they are just not useful
- They are sort of the kettle calling the pot black in a lot of ways
- I don't believe the City of Sebastopol is screwing up the entire County

Council Discussion and/or Deliberations:

The City Council discussed the following: Goal of facilitating development of housing

Councilmember Gurney commented as follows:

- Question is in the staff report
- We have very limited inventory within our city limits
- Noted in the staff report that one option in terms of the "no net loss" law was to establish that there was not available inventory to substitute in for any property that was built, that was zoned allowed for low-income but ended up being developed, not low-income
- What is involved in providing that defense? is it a defense that has to be provided? how accessible is it? Can you give us any indication of what the implications would be of that situation?

Director Svanstrom commented as follows:

- My sense is that we can find available sites in Sebastopol.
- I think the City of Sebastopol can do of our 220 units and 80 of them are likely to be provided via ADUs
- That limits the number of multi-family or new single-family sites needed
- What you think of as a vacant site or redevelopment significantly, and I think we likely can make that threshold.

The presenters commented as follows:



- As far as the findings that you have to make, if you're going to approve a project, a housing project, you need to make findings that you have enough sites and inventory to continue to satisfy your inventory need.
- If you can't make that finding and you decide you're going to go ahead and rezone anyway, you only have six months to rezone a site, to replace an inventory.
- That's a really tough thing to do in six months going through the public process and the CEQA process so that's a real punitive move on the state's part.
- If you are choosing option 3, the administrative b-list, we'll be making that decision early every year, probably in February or March when you do your annual planning report and the state will allow you to add sites at that time without considering it to be an amendment to your housing element that has to go all the way back through the HDC approval process
- There might be times where it's March and you already did your amendment and you have this project and you want to approve it so we want you to have a buffer of sites so that you can make those findings and approve good projects that don't have exactly what you said in your inventory.

Councilmember Gurney commented it sounds like what I'm hearing is that unavailability of additional sites is not an excuse for failing to come up with alternative sites under the net zero policy?

The presenter stated absolutely that it is not an excuse.

Councilmember Gurney commented as follows:

- I have questions about the opportunity sites that we're talking about.
- I'm wondering just exactly how those are determined.
- For instance, I think people can see opportunities where other people don't see opportunity, like a second or third, up to fourth-story remodel on a single-story building
- Private parking lots or buildings that might be repurposed, for instance, a mortuary that's no longer a business operating
- How do we determine or who determines what is an opportunity site?
- I am also really interested to know what the city will do affirmatively to market those opportunity sites and what the city will do affirmatively to attract affordable housing developers.
- It just concerns me that we can write a plan, and if nobody picks it up and reads it and gets excited about it, we will go nowhere
- I think we would benefit by going after those sites to create a community that has more diversity to it in age, income, ethnicity, all the factors that our community is really looking for
- I recommend we come up with some steps so that we can change our culture from being against development or contrary to everything in order to draw what we want
- What is this plan going to do to market? what's it going to do to market and attract the developers that we need?

Director Svanstrom commented as follows:

- This is something that the planning commission has been discussing. and last spring we had a series of affordable housing developers come and speak with the planning commission
- One of the reasons to do that was to try to engage them and see what is it that the city needs to be doing, what are your needs as an affordable housing developer?
- We had everything from the co-op -- which is certainly very in-line with Sebastopol models, to Burbank housing. A lot of the larger nonprofit housing developers need a site that can accommodate about 48 units at a time

- Unfortunately Sebastopol doesn't have a whole lot of those sites, and that's related to the California tax credit financing system and what it takes to be competitive, which is where a lot of the affordable housing money is generated.
- If we don't have that, what can we do, and certainly site control is something that they identified. So if we had interested private sponsors who had a site, whether it's a church parking lot, a vacant parking lot, that is certainly something I know we've done in the past with redevelopment money
- There is a lot more city control and leeway and funding for such things
- There is also funding where the city can be a sponsor with that, but that does take considerable staff time and trying to figure out how to make that model within our existing structure is a little difficult to do. So that's something that we can look at what that would take to do that.
- I have been also talking to Dev at the housing land trust.
- One of the other options that you have is to buy an existing unit and restrict it as affordable.
- That is a model that I'm likely to bring to Council.
- Discussed applying for some of the block grant funding for that next year to get that program started to be able to make sure that we're maintaining affordability in existing units that we have in town.
- We all know that what you bought your house for versus what you sold it for can be a substantial increase - that's impacting people who want to move in. So that's a small-scale option. There is sort of a gap in the 12 unit, the more moderate-scale ability to finance those and get those smaller projects going and attract developers to them.

The presenters commented as follows:

- HCD has a minimum site size that we can even put in inventory of half an acre unless we can show that we can develop a whole lot of units on less than that.
- I would say that the big things that this housing element does to attract developers and make sure we've got those sites, we have those sites out there, is the reduction of constraints, and we listened to our stakeholders including our developer stakeholders and they've told us what they need in order to increase certainty, less discretionary analysis, and that sort of thing. so reducing constraints is going to be the big thing.
- There's also a program that I want to tell you about for the promotion of sites, and this is something that I'm aware of through the Napa-Sonoma collaborative.
- The program is a GIS-based map.
- There's a pilot for just Napa and Sonoma counties right now but all the inventories of all the jurisdictions will be in this big map, and you can go to an inventory and you can click on a site if you're a developer, and you can get all the information about that site and how it's going to score for funding and all those kinds of things
- All of it in one place, and I think that's really, really going to put the availability of sites out in the forefront in a way that it hasn't been before because before you've got to call all the jurisdictions and ask for their whoever answers the phone that doesn't know what it is.
- I think that's going to be a great new way to promote sites
- We did not include that as a program, but we certainly could.

Director Svanstrom commented as follows:

- We did include that as a program within the City's GIS platform; however, that is included as an action under program 3.2, which is in your agenda packet as part of the draft housing strategy
- Supporting that map function is an action item under the technical supportive actions for affordable housing developers.

Council was in support of Options 2 and 3.

The Council discussed workforce housing:

Councilmember Rich commented as follows:

- Seems like option 2 is the better option because it provides the opportunity for the decision-making to be done in advance, which I would think would go toward facilitating attractiveness of this option and help our inventory
- This was one where the cost would be shifted to the city
- I am assuming the city would be taking on the initial work related to it

The presenters commented as follows:

- In other communities, it's been about a six-month part-time staff effort to identify the sites that would be appropriate and then to go through the planning commission and the city council for those designations. It's really going to kind of depend on the sequel level and if what you're rezoning allows a whole lot more than what's allowed right now, then you might get into a longer, more expensive process.
- That would be part of the consideration
- I have found in other communities that even though the city council goes through and designates the sites where they want that flexibility because it's really a super flexible zone, property owners will also come through and ask for a rezoning for their sites
- In a way even if you do option 2, you're still doing one as well because property owners can still come in and ask for it

Director Rich commented as follows:

- If you could, given our particular city situation, between options 1 and 2, and given the fact that your experiences that people no matter what we do if we adopted number 2 will still be coming to us with proposals, which do you recommend
- It sounds like you're leaning toward a recommendation of option number 1.

The presenters commented as follows:

- This is a really important distinction
- if the city council wants more control over this goes than where this could happen, then we would recommend option 2.
- Option 1, it's a little looser, you don't have the direct control over of where it happens. but because it's a reason you still have the ultimate authority for it. so it's really a proactive more control versus a more reactive less control situation.

Councilmember Gurney commented as follows:

- I kind of like option 2 in this way.
- If we're really in favor of workforce housing, we ought to own it and do it and say it directly and take that responsibility on
- If we wait for property owners, we're letting the private world, which is motivated largely by profit, determine what happens. and I just don't think we'll get the workforce housing that we know we need under option number 1.

Vice Mayor Hinton commented we've talked about a half-time person of six months for option two what would it be for option 2.

Director Svanstrom commented Option 1 would be a developer as opposed to the city with a project and says we'd like to rezone it. Planning staff still does the work, but it's billed hourly rate to the applicant.

Vice Mayor Hinton commented I'm not sure I agree with that so I'm just going to continue with the presentation.

There were three thumbs up from the Council for Option 2.

The Council discussed ADU program changes:

Director Svanstrom commented as follows:

- Discussed how other communities would be funding this
- We do have two types of housing funds for the city - one is the affordable housing linkage fee-- that is when new commercial or industrial development comes in, they do pay a fee for the impacts that the people who are going to be working there, the differential between what they're likely making and what they might be able to afford-- there's a link there. The fee is based on a commercial development Impact fee report.
- The other fee is our inclusionary housing. For that one, when we are inclusionary housing ordinance kicks in, we do not allow people to buy out of building the units like some cities do. They are required to build the units. This is good, because you are never going to be able to build a unit for the amount that you would get in a fee from a developer.
- We do allow them to pay if there's a fraction of the unit owed. Say you have 10% number of units and you're building 12 units, well, that's one unit plus a 0.2, and then they can pay 0.2 via a fee.
- Those two accounts have about \$250,000 in them.
- Those are both required to be dedicated to affordable housing
- The only way I can see to do this would be if there is a deed restriction on the unit, that it be rented and be rented at a certain level, and then it would qualify

The presenters commented as follows:

- Discussed General Fund
- Stated there is a new ADU program that provides funds to local agencies for first-time home buyers that have ADUs
- If they have some rental income from the ADU in a very expensive market, then that helps make them rent
- Then there is a new Cal Home Program that facilitates that type of thing that is different than the financial support for ADUs which would go to the Napa-Sonoma program.
- The way we set this program up, this is a little complicated. but if we push past the safe harbor on our ADUs, then HDC makes us add a program if you're not achieving your numbers after two years you have to go what else are you going to do.
- What we wrote up, we put this financial support for ADUs as the what else we're going to do.
- If we're not successful in reaching the numbers that we think we're going to reach with these first two programs, then this third program of financial support would kick in after the first two years.
- There would be a little bit of time to get it in the budget.

Vice Mayor Hinton commented as follows:

- We're a whole city without TOT taxes.
- I just have to say that out loud. And sitting on the budget subcommittee, we're going into deficit budget years.

- I'm not feeling this one
- I also just pulled up the email from the Napa-Sonoma ADU organization monthly and I see in scanning of my latest one that there's all kinds of things for Sonoma county not specific to Sebastopol
- For example, ADU rescue program for unpermitted ADUs
- As a Sebastopol resident. I don't appear to be in support of the 8,000 annual to join this organization for our city.

The presenter commented that the reason that there would be a cost associated in a couple of years is because Napa-Sonoma ADU center runs out of funding so they would be looking to local jurisdictions and the cost to continue supporting them would vary depending on the size of the jurisdiction. so that's the reason that there is no cost now and there would be a cost later.

Councilmember Rich commented I'm a little confused about the funding request here. is it just the \$8,000 per year to Napa-Sonoma, the organization? or is there additional funding that is being considered here in the second year?

The presenters commented that the we wrote the program after the end of the second year, if you've not achieved your ADU objectives, then you will add this program for the funding that would begin in the third year.

Director Svanstrom commented as follows:

- We already partner with the Napa-Sonoma collaborative.
- They have produced a webinar the specifics of building an ADU in Sebastopol.
- We can certainly start to ask around are people using the program or not?
- They do a good job of communicating with the public and doing that
- It is a safety net in terms of being able to make sure that we are getting those numbers and can include that, the ADUs RHNA and not have to identify other sites that we may or may not have
- This helps us get approval from HCD to do that. Hopefully the funding is not needed because hopefully we continue at our current pace of ADUs
- From my experience and from talking to folk, most of them do use their ADUs for housing, for Sebastopol most of them are actually rented out.
- I think that's an easy low-hanging fruit with the potential backstop of for some reason we're not meeting our numbers because who knows what's going to happen with the economy in the next two years.

The presenters commented unless we reduce our assumptions on ADUs, if you do not have that in the Housing Element it could put approval of the housing element at risk.

The Council discussed Density Bonus ordinance:

Mayor Slayter commented as follows:

- We have the state density bonus law in our code just adopted as it is
- Sebastopol, as we are, we do things in unique ways, and all of our other zoning, like the residential zones and the commercial zones, we have effectively included what would be sort of additional incentives for affordable housing.
- For instance, in our commercial zones, we talked about mixed use being allowed by right but 100% housing requiring conditional use permit.
- If it's affordable housing project in any of our commercial zones is permitted by right as 100% affordable. We're already sort of providing that incentive.

- Similarly when you look at our development standards, we allow extra height and those types of things. We do 90% of the parking requirement so we effectively already have some of those incentives.

The presenters commented as follows:

- Sebastopol already provides more incentives and more bonuses in lots of different ways than you're required to
- AB 2345 that became effective at the beginning of the year has made even more changes to density bonus law, provides even greater density bonuses up to 80% under the state program, and requires even more incentives.
- There's going to be changes to the density bonus law anyway or changes to the density bonus program

Mayor Slayter commented as follows:

- This relates to many of these topics, is our zoning counts studios as 0.5 unit
- That seems like a halving of actual units being constructed for individuals to dwell in
- I can see for site development purposes, it makes sense with a project the council recently looked at, that those would, the functional impact of the development on our community, it makes sense that those be counted as 0.5 from an impact standpoint but from a dwelling count standpoint, this is a case where half equals one.

Director Svanstrom commented they still count as one when we report the housing units to the state.

Vice Mayor Hinton commented as follows:

- Implementing the state requirements seems like you just plug it in, cut and paste, and implementing as this is now recommending item 1 to make it very Sebastopol.
- Is that staff time? or can we manage that within our staff and our department
- Is that additional budget?

Director Svanstrom commented as follows:

- We couldn't within our current staff
- I would certainly want this program
- to be pushed to the later part of our eight-year cycle because we already have those in our code.
- There are other actions we definitely want to do immediately that will have impacts
- This is probably one where if we just continue to do the state requirements and have our other components in the other sections of the code
- Doing this a little bit later would either have a different funding mechanism, if there's another state grant to pay for this type of planning work, the SB 2 grants that the planning department is managing right now but, yes, it would either be staff time or consultant. We would probably need some consultant just to make sure that we're not doing something that's contrary to state law.
- It is however less work than the workforce housing zoning item.

Mayor Slayter asked for a thumbs up/thumbs down.

If the City establishes option 1, the city density bonus program, then that's good for eight years whereas if we go with the state requirement, are we then bound to change our program whenever the state changes their.

There were three thumbs up for option 1.

The Council discussed proactive code enforcement:

The presenters commented as follows:

- Code enforcement is complaint-based
- Someone's coming from code enforcement on a reason of a complaint and issuing a citation perhaps
- What we're recommending is proactive code enforcement
- That would mean that code enforcement officers are going out to parts of the city where we know that the housing stock is older, parts of the city where you might know that low-income people are living or people who might have disabilities and if there's something that would need to be fixed per the code, it's almost like a courtesy to say this is what's going on, these are the resources available to you
- This would kind of work in tandem with that rehabilitation program also for the income-eligible residents. It would also mean that the residential code enforcement would be focused only on things that were an imminent threat to public health and safety.
- HCD as a data viewer that we use for the analysis
- There are areas of Sebastopol that are vulnerable to displacement.
- The data's not fine-grained if this displacement risk is only due to income or if it is for other reasons it could be displace risk due to disaster or people living in flood plains
- Discussed the assessment of fair housing for Sebastopol
- Unfortunately right now the data viewer only lets you look at the table in a very technical way and doesn't give you any legend as to what it means
- I can't see those individual factors for Sebastopol.
- We'll have a better idea once we can get access to the specifics within that table; however the code enforcement does right now, the way it reads, it's just very punitive
- It doesn't have any language in there that would protect a disabled or special need resident
- I hear the City saying that while going so far as to be proactive and out on the streets is not something that you have staff resources for that and just changing the language of the code enforcement within the zoning code would be beneficial from the fair housing lens.

Director Svanstrom commented - in talking with our building official, to get a sense of what types of code enforcement complaints he does get, if someone's doing illegal construction kind of a thing is one thing but in terms of this kind of policy, he does field a half dozen to a dozen calls a year from tenants concerned about health and safety issues - mold usually is the issue. Obviously he responds and works on those as he receives those complaints. That is tenant protection.

Mayor Slayter commented as follows:

- I think what you just recommended, especially hearing about how the code enforcement works and what the staff capacity is and knowing that tenants do often have habitability issues that aren't always addressed by their landlords that is considered proactive code enforcement, saying twice a year we can go out to subsidized housing and proactively inspecting to make sure habitability and safety measures are being met.
- That's protecting your low-income and vulnerable residents
- Discussed some changes to the way that the code enforcement currently reads especially a change to the previous policy language to be more proactive and to be looking out for more of the vulnerable population in Sebastopol.

Councilmember Rich commented as follows:

- I definitely support the need to look out for the more vulnerable population in Sebastopol, the idea of taking on this very broad continually monitor the city's code procedures

- It does not strike me as workable in our community with our staff and the reality of the world we live in, in our little town.
- It's now unclear to me from the discussion what is meant by special-needs populations?

Director Svanstrom commented special needs will include disabled, senior, female-headed households, lower-income and farm workers households

Councilmember Rich asked about the number of issues that come to our building department.

Director Svanstrom commented it was about half a dozen.

Councilmember Rich commented as follows:

- My instinct at the moment is definitely need to strengthen our language
- As we sit here in this meeting I think we have a messaging and outreach challenge
- We need to get the word out to everyone in the special needs population what they should do if they have health and safety concerns and where they need to go and make a process that doesn't create any barriers
- I would be interested in hearing what a cost estimate would be in terms of doing item number 1.
- I am assuming that we would be talking about hiring multiple staff, which would be a substantial expense for us

Mayor Slayter commented as follows:

- What I'm hearing is we could accomplish what we're looking for in this program as far as fair housing goes by just amending the code to reflect the actual current practice, which is much more proactive than the language that's in there now.
- As well as having a way to get the word out to underserved populations.
- But that's not the way the council seems to be reading it.
- I think modifying that and I am still in favor of the recommendation of policy 1 with the modification to kind of tune up the verbiage.

Councilmember Rich commented I would not agree that what we've been talking about would be considered continually monitoring the city's codes. but I understand that we'll be seeing another edit.

The presenter commented as follows:

- Part of the monitor of the city's codes of procedures and practices, the City is already doing annual reporting on practices and codes
- Part of having that language here is putting this into just one monitoring program
- Code enforcement falls under that
- By lumping these together, this is one program that's continually monitoring practices in the city so that you're reporting out on this program versus, like, five different programs that were related to monitoring codes and procedures in the previous housing element. so this is one that was combining something like one, two, three, four, five, six previous actions in the previous housing element.

The Council discussed housing trends, laws and education.

Mayor Slayter commented as follows:

- Do we want our folks to know what they're doing or not?



- When I was appointed to the planning commission all those years ago, I did the interview, and then I got notified that I had been appointed to council.
- There was virtually no training at all save for my professional training from my day job.
- I think some workshops, some trainings, to me this feels like clearly something that we would want to do.

Director Svanstrom commented as follows:

- We've done housing law sessions, especially after the big state changes to both the planning commission as well as the city council and the DRB
- The planning commission has just implemented and is doing a training series.

Councilmember Rich commented that it sounds like this is already happening, therefore there wouldn't be any additional cost?

Director Svanstrom commented that's already happening under the way we're doing things.

The Council discussed:

- Changing wording to make all reasonable efforts
- Investment in education for Council, Commission
- There were three thumbs up for Option 1

#### Council discussed rehabilitation of housing

Vice Mayor Hinton commented this comes to another one of wish I had an unlimited check book but leaning towards option 2.

The presenters commented the way that this program reads in its draft form is that the city will pursue grant opportunities to establish this rehabilitation program; so it's not actually obligating the city to taking any of the general funds or any of the other existing housing funds to create a program, rather the language is to seek the funding through home grants, Cal home, and the section 504 home repair program to establish a program for Sebastopol residents.

Councilmember Gurney commented it's not just any residents, it's the income-eligible homeowners and look at what it's going to, safety, habitability, and accessibility. those are all areas where we want to make sure we work up. I think we're pretty obviously committed to doing that specifically if it's through grant money.

Mayor Slayter commented as follows:

- I have done for years with Rebuilding Sebastopol and I can tell you all from direct experience that the vetting of a single project can take days.
- Having somebody who understands the application process in the income eligibility requirements and then getting a qualified tradesperson to go to a site and make an assessment
- These kinds of programs over the years when administered by governmental agencies can be rife with fraud and difficulty in getting real actual quality work done because free money from the government and every shoddy tradesperson comes out from underneath a bush and gets a name on a list.
- If the City of Sebastopol were to have a program like this, it is a full-time position at a minimum
- I know how much time this takes to get the quality of work done that actually helps people
- The other thing to consider in our case is that a great bulk of our more affordable housing is in the form of mobile homes

- Mobile homes are their own entity when it comes to building codes, when it comes to building materials, when it comes to people who know how to work on them properly.
- It is an interesting thing about what grants are available for foundation-based housing, and then nonfoundation-based housing. so this is a huge thing that we need to go into with open eyes about what the actual scope is.

Councilmember Rich commented I would need clarification at this point. What I heard said was what we would be obligating ourselves to do as a city is seek out grant funding on behalf of income eligible homeowners; that would be our way of providing rehabilitation assistance.

The presenters commented as follows:

- As it is written, it would be to seek the funding for the program
- What Mayor Slayter is talking about is how do you implement such a program. and I definitely hear those concerns that you're bringing forth.
- Option 2 for this would be just to provide information on the city website for other available programs
- In stead of beholding the city to establishing and implementing their own program through funding, it would be more like connecting residents to funds that are available to them like the 504 home repair program, which households and individuals can apply for themselves.

Director Svanstrom commented as follows:

- In terms of the option 1, what that means is that, so say staff would have to write and apply for the grant, but then once we have the money, we would have to set up a program and administer, vet the candidates, monitor the fiscal distributions and all that kind of stuff.
- I think the only way we might be able to do something like that is partnering with a community benefit grant or something like that which would still require city funding to be able to make that happen.

Councilmember Rich commented as follows:

- It is a wonderful goal but I have to agree with Vice Mayor Hinton's concern about the budgetary implications and our planning director's expression of hesitation on the same topic and our mayor's observations about the reality of his experiences
- I would love to see a more robust outreach on our website or in other ways because we do have a number of organizations in town that do make themselves available. rotary club, the program that mayor slayter, the nonprofit he's involved in.
- It's a matter of distribution of information and connecting of available resources

The Council discussed Fair Housing:

Councilmember Rich commented what i heard was that there is a first-time home buyer program and affordable home ownership resources project that's in the process of being developed, do we have a deadline? do we know what the cost would be? any information?

Director Svanstrom commented as follows:

- Sonoma County Housing Land Trust is a nonprofit-based in Petaluma. and what they do is they're a land trust.
- I will use the town homes at the end of Morris street because they are going to be using the land trust. There will be two units in that development that'll be restricted to moderate-level income.

- Their model is essentially - the developer will deed the land to us. We will in turn deed restrict it with an agreement with the housing land trust and deed it over to them with those restrictions for them to maintain it in perpetuity. The developer themselves sells the housing unit that sits on top of that land to a qualifying income family. The housing trust actually helps find and market and help find the home buyer for that property. They also then monitor and work with that owner throughout their period if there's any mortgage issues or things like that. Then when the owner go to sell, the HLT will work and find a new buyer within the moderate income level, whatever the deed restriction level is.
- That is essentially model.
- What I've talked with the executive director about to further partnerships is not new housing but with existing housing that might come up for sale, especially if there's a duplex that can be converted to two town homes or a single-family housing unit.
- They do focus more on the moderate income level, which is that workforce and missing middle housing gap.
- I know they have programs with Kaiser and the school districts to try to find housing for the teachers and nurses and things like that.
- Discussed CDBG Funding to fund this program- Applying for community development block grants to get the initial funding that allows the purchase of a property, any deferred maintenance issues, and then we restrict the property, derestrict it and they sell it into a restricted household and that money goes back
- The intent would be to apply for grant funding to actually do it so there wouldn't be a cost to the city, or if the city wanted to do additional units, that is something we can use our inclusionary housing restricted fund for as we work through those details so there's no general fund funds required for this type of program.

Councilmember Rich asked for information on what qualifies someone as being within the moderate income category?

Director Svanstrom commented as follows:

- For a family of four, mom, dad, and the kids.
- The median, which is 100%, is \$103,000, so 120% of income is moderate, and that would be \$124,000 a year for a family of four.

The Council was in support of the option.

The Council discussed next steps:

The presenters commented as follows:

- Thank you all very much for your thoughtful input and feedback. it really is going to help us moving forward.
- I'm looking forward to our next discussion and incorporating your feedback and the public comment that we will get from this next round of our outreach.
- we will be putting together a survey.
- we've been already drafting a survey that will go out to the public and to stakeholders inviting them to give some feedback on some of these policy options as well.
- the community opinion survey will be a simpler version than what our developers and people from our school districts that have indicated they would like to review the draft housing strategy.
- they'll be reviewing it in its entirety and giving us their feedback.
- we'll be finalizing the housing strategy and the site strategy using your feedback this evening and your ongoing feedback in the next week or so as well as the feedback from the public moving into finalizing the

draft housing strategy, which will then go to the public for the public feedback period, and onto HCD for review.

- The deadline for an approved Housing Element is January 31, 2023.

**City Council Action:**

**Minute Order Number:**

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA :**

Kyle commented as follows:

- Although related to tonight's agenda item, i just want to emphasize the need for our council to be looking at objective standards when it comes to housing.
- As we saw recently with changes to state law regarding subjective housing enforcement or housing ordinance enforcement, many of these things are no longer enforceable, that the opportunity while working on the housing element to put into concrete terms objective standards that are enforceable in terms of development i think is going to be increasingly important.
- Along with that note, the implementation of infrastructure improvement and repair as part of development within the city needs to be addressed, and the housing element is that place in which this can be done.

Linda commented as follows:

- You may have noticed that apparently there have been zero traffic studies done and the issue of water scarcity has been not addressed.
- You may recall that during the last public comment i said that they have created another potential cancer cluster.
- i want to tell you how i arrived at that conclusion given that one in two men and one in three women will have cancer; one in four men will die of it and one in five women will also.
- No precautions are being taken in the design of these dense housing projects for the protection of residents from electromagnetic fields meaning radiofrequency microwaves and magnetic fields.
- Then the other housing things that you are in the process of building, designing, will put the residents at high risk for health issues.
- It's comparable to building a building with all steps because the electro hypersensitive communities that are recognized as being disabled, all steps and not making building ramps for the wheelchair people.
- i will tell you that the growing number of electro hypersensitive people in this town probably easily outnumbers the people who use wheelchairs. but it is a growing issue that you are not going to be able to ignore
- We need to start looking for replacements for our mayor

**ADJOURNMENT OF CITY COUNCIL MEETING**

March 7, 2022 City Council Special Meeting will be adjourned to the March 15, 2022 City Council Meeting, 6:00 pm, Zoom Virtual Meeting Format

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Mayor Slayter adjourned the City Council meeting at 8:45 pm.

**Agenda Item Number: 1**

Respectfully Submitted:

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