

6. REGULAR AGENDA ITEMS:

A. PARKLET GUIDELINES UPDATE

Contract City Engineer Mario Landeros presented the staff report.

Chair Fernandez asked for Planning Commission questions of staff.

Linda Kelley, Commissioner

The City isn't going to charge fees unless for certain circumstances. What is the Caltrans fee?

Mario Landeros, Contract City Engineer

On the Caltrans permit there is an annual lease of \$6,000. Caltrans has indicated that they're looking to reduce that cost after the initial pushback from the City; they're trying to work with us on that, but I have not heard back from them at this time. As for parklets in the City right-of-way, there is no application fee for submitting the parklet; however there are charges associated with the review time the Planning and Building Department spends.

Linda Kelley, Commissioner

Can there be several owners or sponsors to one parklet, or is it just for the business that it's adjacent to?

Mario Landeros, Contract City Engineer

I do not believe there is anything in the guidelines that restricts that to only one fronting owner, however there are still within the guidelines provisions that need to be followed, for example, the space in between the parklets of no less than 3 feet every 20 feet, so some sort of a breakup in the appearance of the parklets so they're not one continuous long wall of parklets.

Kiera Bryant, GHD Transportation Engineer

The way that Caltrans works is they want the City to be the technical owner through their encroachment agreement, so it's pretty much whatever businesses want a parklet will approach the City, and that in turn makes them a sponsor.

Frank Henry, GHD Senior Traffic Manager

You're correct, there is nothing to preclude as long as it all meets the other guidelines.

Paul Fritz, Vice Chair

The canopy clearance came up several times where you have to have some kind of overhead structure that is a minimum of 90 inches, but the preference is for 96 inches. Is there a reason we're not just saying 96 inches if that's what we really want. Is there a reason why 90 inches is allowed?

Mario Landeros, Contract City Engineer

When the City Council directed staff to put these guidelines together last fall they asked whether other neighboring cities had put together plans and thought we could borrow from already established guidelines. Healdsburg and Sonoma happily allowed us to borrow and use their guidelines as a model, so I'm going to suggest that we used some of the legacy information from their works and included it into ours, but beyond that I cannot say if there is any code requirement or ADA clearance requirement for that vertical fence.

Kari Svanstrom, Planning Director

I believe the 90 inch, or 7.5 feet, is probably the clearance required by code, but Vice Chair Fritz is asking if we wanted it to be 8 feet why can't we just customize it and make it 8 feet? I believe that's the input the Design Review Board had to the group.

Paul Fritz, Vice Chair

I want to follow that up with a question about table umbrellas, because those probably are not 8 feet, but I think they should be allowed, so I guess there's some conflict there in that requirement. Maybe if it's a permanent built structure like a roof it has to be 96 inches, but we don't want to preclude someone from having a table with an umbrella in it; it seems like that should be allowed as well.

Kari Svanstrom, Planning Director

I believe at that point for ADA, because you have a table underneath it, there may be different requirements for that because you're not going to hit an umbrella before you hit the table.

Paul Fritz, Vice Chair

Typically the ADA is elements that are below 6 feet, 8 inches, so again, I'm not sure where the 7.5 feet came from.

Mario Landeros, Contract City Engineer

We can certainly make it a greater clearance. He was just probably trying to hit the minimum and yet mention the preferable height. I don't see any issue to that other than some folks would maybe have preferred to hit the minimum but they'll go to the requirement, which we can certainly make more restrictive.

Paul Fritz, Vice Chair

I just think it's clearer. As a designer it's always frustrating to get, "This is what we really like, but you if you want to do it this way." I do think there should be some allowance for a table umbrella, so I think that should be written in the guidelines and captured somehow. We hadn't seen this before in the subcommittee, but I see the draft we're looking at tonight has the appendices, and I have a question about the drawings from the City of Sonoma that were included. Are those just what Sonoma did? How are those to be utilized? That's the requirements? I'm just questioning what those drawings are for.

Kiera Bryant, GHD Transportation Engineer

I believe that they're there to be a sample standard plan, like if this is the type of parklet that you're going to use this is how it should be laid out. I think it has all the standard widths and lengths. I believe it's what's written out, plus additional details about placing tables.

Paul Fritz, Vice Chair

So it's more like the drawings need to have this information, not these are the design standards? For example, I'm looking at page 29 of the draft guidelines and it's the temporary sidewalk extension, so the tables are on the sidewalk and it's just a way for the people to walk around. It shows the planters and they're connected with these elements that I'm not sure what they are, so is this just you've graphically included this information, or this is how this must be done?

Kiera Bryant, GHD Transportation Engineer

Yes, graphic information.

Paul Fritz, Vice Chair

It should be clear that this is the graphic information that we need but you don't need to do it this way. There's a detail at the gutter that shows the construction, but are you able to do that in another manner or is this the way that we want this detail to be implemented? If I were a designer looking at this, is this the detail I need to use or is this just the information they want to have? What is the intent?

Frank Henry, GHD Senior Traffic Manager

We didn't prepare standard plans for the City of Sebastopol, so I would clarify these as a sample of a typical application indicating minimum requirements for information. We could cross out the standard aspect of that in the appendix and just apply that it's a sample, and even strike the word "standard" from the City's plan as well. Essentially, the plan itself provides the standard for design.

Paul Fritz, Vice Chair

That would be helpful, because it makes it sound like this is the standard, this is what we want you to do.

Frank Henry, GHD Senior Traffic Manager

I see that now.

Kiera Bryant, GHD Transportation Engineer

I'll change that. Thank you for pointing it out.

Evert Fernandez, Chair

So once the applicant is given approval for a permit, do they need to post their contact information in case somebody has a concern?

Kari Svanstrom, Planning Director

Typically the intent is that it's along the frontage of a business, so a business couldn't say we want to have a parklet over in front of another business, it would be in front of that business, so people would know to go into the business that it is in front of, but Frank, do other communities have some way of identifying in case there are any complaints, any sort of signage related to that?

Frank Henry, GHD Senior Traffic Manager

When complaints come in it's typically the association of the parklet and being in front of a business, so that's a typical identifier for somebody to have a concern or lodge an interest in something going on with that in particular. Where it's located in front of a business, that number would be posted; that's the connection.

Evert Fernandez, Chair

As far as neighboring businesses, how far down the street? It's kind of nebulous as to whether it is just your next-door business, across the street, or behind you. What would be considered neighboring, or how would you know that you got the statements from the businesses that may be affected?

Kiera Bryant, GHD Transportation Engineer

I believe it's directly adjacent, so your two bookend neighbors. I believe it states that a little bit more directly in the report.

Evert Fernandez, Chair

I'm just wondering, because it may affect the business down the street. There are no guidelines really as to how far down the street it may affect somebody; it's not really known.

Kari Svanstrom, Planning Director

The way the guidelines are written—and this is on page 14—is that the applicant is responsible for getting signatures on that from just the adjacent businesses, and I don't know if there's a form that they sign to say it's okay with them. During COVID I think generally it was the adjacent businesses that were concerned, but there was some of that in terms of the general amount of parking along a street frontage, and I think that gets to Commissioner Kelley's question about how many on a block would be allowed? I don't know how many folks would actually want to do this if that becomes an issue or not, or if that's an issue in other communities, or if it's sort of unlimited.

Evert Fernandez, Chair

I know it says the applicant is to try to work things out with the neighboring businesses, so does it just take one business that says no, I don't like this, to then deny the application, or how would that be determined?

Mario Landeros, Contract City Engineer

At this point as a requirement of a completed application it does state that getting the signed approval of the neighbors immediately adjacent is a requirement of the completed package. If that cannot be obtained, that could lead to a contentious challenge if the parklet was to go in with the neighbor always complaining about the parklet because they didn't want it in there, and so that's some indication of a location where it may not be in the best interest to not go forward with it if you can't have happy neighbors to either side of this parklet.

Evert Fernandez, Chair

If I were bringing an application, can you give me an idea of the fees?

Kari Svanstrom, Planning Director

I can follow up directly with Mario on this one. In terms of Planning charging a fee or what that fee is, the step 4 for A and B is to basically have our Design Review Board review it at one of their meetings, and so we'd probably want to change 3, 4A, and 4B to just be our design review process. The DRB is not staff members, they're a public body that has public meetings, and so my thought, and I believe we had discussed it at the Design Guidelines Subcommittee meetings, is that we would just have the DRB review the design in an open meeting rather than what you have here isn't quite as public. We have a Minor Design Review application fee and we could just use that, because it's not a major building, it's just a smaller piece.

Chair Fernandez asked for further Planning Commission questions. Seeing none, he opened public comment. Seeing none, he closed public comment.

The Commission discussed the application as follows:

Paul Fritz, Vice Chair

I brought these items up in the Design Guidelines Subcommittee. The City of San Francisco has an amazing document in terms of design guidelines, and I'm wondering if we could include that as an appendix somehow? It's very comprehensive, has great graphics, a lot of great examples that are much more user friendly, and I think we've incorporated a lot of

what they talk about, but they present it in a different way. Again, I'm concerned about these drawings from Sonoma. There are a few things in them, like a drawing of attaching the floor of the parklets that talks about using a spike to attach it to the street, and I don't think we want to do that, so I'm not sure how I feel about these drawings from the City of Sonoma being in here at all the more I look at them, because there is a lot of strange information on here and things that conflict with some of the stuff we have in our guidelines. One of the things in here is a COVID related item, a lot of information about physical distancing of people and tables in these diagrams. I don't know that we're still in a phase that those are necessary, but these are long-term parklets beyond COVID and I don't know that we need to be so ridged about this. I understand these are not the standard, they are just drawings, but as a designer this is the information I would be more drawn to than the text, just because it's visual and designers are often visual people, so I would go to this and think I need to have 6 feet between everything and I can use a stake to drive it into the street. There's also a thing about string lights can only be up for 90 days. There are a lot of details in here that I don't know that we want to refer to, so I'm thinking we should not include them because they're confusing, but I do like to have some graphic information; that's why I brought up the San Francisco again, because they're just graphically very rich. Referring to the lights, we talk about the string lights, or Tivoli lights, as being acceptable and there's a picture of them, but then they have to be shielded, which I find to be not very practical. If you have Tivoli lights strung above your parklet and there's a driving lane right adjacent to the parklet, you're going to see them and there's not going to be a practical way to shield those. I understand we don't want a distraction, but The Barlow has string lights going over McKinley Street and I don't think anyone has run off the road because of that. If string lights have to be shielded I don't think anyone would install them, because there is no practical way to shield them. If it's just a fixed light, I think that should be fine. Many of the businesses on Main Street have Christmas lights that they leave up all year round and those aren't shielded, so I would encourage eliminating that shielding requirement. Another thing I think is overkill is this idea of wine barrel deterrents filled with sand or soil. If the parklet can only be 6 feet wide and a 3-foot diameter wine barrel has to be used as a barrier, you're not left with much of a parklet. San Francisco has been installing these for at least 15 years and they don't have these big barriers along the street to prevent something from happening, and I don't know that there has ever been an incident. That requirement limits the usability of a parklet, and at this point it might be better to just leave up the K-rails that we have; then at least you have the 6 feet that you can work with. I would like to encourage these parklets to be creative and fun, and if they have barriers and these very specific requirements I don't see a lot of opportunity to upgrade the parklets over the existing one that we have that's a plywood floor and painted K-rails with some tables in it. The drawings from Sonoma show parklets similar to what we have already, but with wine barrel barriers instead of K-rails, and I don't find that to be attractive.

Evert Fernandez, Chair

That all sounds reasonable. We want to make it so they're safe, but also if someone considered doing it I think it could be a positive thing. It seems to create more ambiance. Good points with the lighting; I'd support taking a look at that.

Linda Kelley, Commissioner

I've seen some different parklets down in San Francisco or Oakland, and I'd like the Design Review Board look at as many examples as possible. I don't recall how much safety was around the ones that I saw, and I don't know if Caltrans requires having like the water wall barriers or anything, or if that is just what Sonoma wanted to do. With the lights, I know there are the string bulb lights that are amber, and we have to go by a certain kelvin and wattage; maybe that will take care of it, but I've seen ones that do have a little bit of a shield on them.

Paul Fritz, Vice Chair

I'm wondering if the City of Healdsburg had the same kind of wine barrel barrier that the City of Sonoma has?

Mario Landeros, Contract City Engineer

I know that the wine barrels have been mentioned a few times, but I think the examples from Healdsburg that come to mind is that there are different features used to satisfy some sort of barrier. At one point early on they were using a water-filled K-railing type of feature, but that has evolved into things like planters; not the big, wide barrels that you're envisioning, but some sort of planter a couple of feet in width filled with soil to support the plants and a gravel ballast to create some sort of bulk. Certainly these aren't being designed or rated for any sort of crash rating, but it does meet the goal of providing some type of deterrent should a vehicle roll over as opposed to nothing or something light. As far as the question about Caltrans, having not gone through the application submittal process when it was submitted back in 2021 or 2022 I don't know from that example if the K-railing was a convenient means to satisfy the barrier requirement, but at this point Caltrans has established guidelines, but I do not recall that they call out specifically any sort of K-railing type of device or feature.

Paul Fritz, Vice Chair

I don't think Caltrans did. The only reason we did the K-rails for these COVID parklets was because that's what the City of Saratoga did, and they were the first ones to do a parklet on a Caltrans right-of-way and we knew Caltrans approved that. No one had a standard or a guideline about how to do it on a Caltrans right-of-way at that point, so that was proposed as a matter of convenience. I know San Francisco doesn't have that specific kind of requirement, and even if you don't use a wine barrel but instead just a 2-foot planter, it still leaves a 4-foot wide parklet with not very much space.

Kari Svanstrom, Planning Director

Vice Chair Fritz, you're talking about the width of the parking space. I thought the thicker deterrent was only at the two edges. You're saying it's a 2-foot thick all along the outside of the parking space? I want to make sure we're clear on that, because if you look at the San Francisco guidelines, yes, they'll have like a wood wall along the outside edge in line with the travel lane, but then they will have the thicker 2-foot at the two short edges of it.

Paul Fritz, Vice Chair

I thought there would have to be a wine barrel or heavy planter or whatever every 6 feet, so maybe not continuous. Yes, these guidelines we're reviewing tonight say every 6 feet they have to be filled area.

Mario Landeros, Contract City Engineer

Yes.

Kari Svanstrom, Planning Director

I don't think we even have that now.

Paul Fritz, Vice Chair

We have the K-rails now.

Kari Svanstrom, Planning Director

Yes, so I guess you have the K-rail around the whole thing.

Paul Fritz, Vice Chair

The K-rail is continuous, so that provides the same purpose. It could be challenging, because many of the ones I've seen are along the street edge and are just a continuous bench or something, and then there's like a banquette kind of thing, and then there are tables up against it, but if you had a banquette every 6 feet you're going to have a 6-foot long banquette. Maybe I'm making a bigger deal out of it than it is, but I find it restricting, and it might stop a car that's not moving very fast on the road, but even a wine barrel every 6 feet isn't going to stop a car very well if it's coming at any speed.

Evert Fernandez, Chair

Do these barriers take up space in the permitted space, or are they outside of the permitted space and then someone gets that whole space?

Kari Svanstrom, Planning Director

They're within the permitted space. The permitted space is basically the parking space width, which I think in most places, Mario, would be about 8 feet?

Mario Landeros, Contract City Engineer

That's correct.

Kari Svanstrom, Planning Director

So that would be the permitted space, and then within that you would need to have some sort of barrier between the traffic lane and where your parklet starts. The question that Vice Chair Fritz is asking is does it need to be the really large things every 6 feet along it, or is there another alternative?

Evert Fernandez, Chair

If it were on the outside of that perimeter space, I guess you would then be encroaching into other parking spaces, right?

Paul Fritz, Vice Chair

Well, you mean encroaching into the travel lane. There's something in here where I thought they were saying you have to be like 2 feet from the travel lane. I thought there was a good distance from the travel lane before the parklet could start; that's where I got the 6 feet. I thought you had to be 2 feet from the travel lane, so if it's an 8-foot parking space then you end up with a 6-foot parklet, but maybe I don't remember that correctly.

Mario Landeros, Contract City Engineer

I know what you're talking about. Under the barriers it only speaks about maintaining a barrier spacing no more than 6 feet apart.

Kari Svanstrom, Planning Director

Mario, are you able to pull up sheet SP-05 in the City of Sonoma parklet document? That shows a couple of things we're talking about, and a visual might help.

Frank Henry, GHD Senior Traffic Manager

Mario, the allowable configuration for parallel parking is 1 foot outside the edge of travel lane.

Paul Fritz, Vice Chair

So it would be a 7-feet left if it's an 8-foot parking space

Frank Henry, GHD Senior Traffic Manager

Exactly.

Mario Landeros, Contract City Engineer

I'm looking at the Sonoma parklet document, and in the guidelines under the Caltrans spacing requirements example—this isn't a state right-of-way—off of the edge line the parking tick is a 2-foot minimum before the start of the parklet.

Paul Fritz, Vice Chair

That's in the Caltrans standards? That's where I saw that then.

Mario Landeros, Contract City Engineer

That would be in the guidelines on page 52, which is sheet 5-17 at the lower right. But I was looking where else that 2-foot offset came from. So far I'm not seeing it elsewhere.

Paul Fritz, Vice Chair

The City of Sonoma drawings don't have a one parking space parallel parking example. Well, they have this kind of parallel if you go back to the first one but it's like the walkway idea, but that's kind of similar, and they show 1-foot, but again, if Caltrans is requiring 2 feet on their right-of-way, then we would have to do that on Main Street.

Kari Svanstrom, Planning Director

Right, and so Mario, were you saying it was a 1-foot or a 2-foot?

Mario Landeros, Contract City Engineer

It was showing it set back 2 feet minimum.

Paul Fritz, Vice Chair

Yes, Caltrans is 2 feet, but this drawing from Sonoma says 1 foot.

Kari Svanstrom, Planning Director

Yes, I see your point, Vice Chair Fritz. It would end up being a very narrow parklet.

Paul Fritz, Vice Chair

For this temporary sidewalk extension it works, because you're just making it for a sidewalk extension. I need 5 feet wide for a sidewalk, but if you actually wanted to put some tables on that you're not going to fit very much in the way of a table on what is left of that.

Paul Fritz, Vice Chair

Caltrans is 2 feet, and the existing parklet on South Main I believe is currently complying with these requirements, although I was trying to recall if the barrier was offset 2 feet before the parklet started. I almost seem to recall that barrier is within that 2-foot strip. I think the barrier there is the 2 feet.

Mario Landeros, Contract City Engineer

Yes, and so there's an interpretation of that. The parklet proper starts at 2-foot minimum for off of the parking tick, so perhaps that barrier is sufficient within it. And then of course on Main Street we also have the buffer to the bike lane, plus the bike lane, so that location feels a little roomier.

Paul Fritz, Vice Chair

And I don't know now to resolve that. We could say you could put the barrier, whatever it is, outside the parklet, but we don't know if Caltrans is going to accept that 2-foot buffer zone or not, and if not then you'd end up with a 4-foot wide parklet.

Mario Landeros, Contract City Engineer

Certainly the current example does show that parklet. Again, as far as the width of the parking on Main Street, it should be. I can't see why it wouldn't be; there's plenty of space there. But the K-railing is right on that parking strip, so it takes up maybe 2 feet of the 8-foot lane, leaving 6 feet, and that's 2-foot at the base of course; as you can see, the K-railing tapers up.

Kari Svanstrom, Planning Director

Mario, it might be helpful to see if the travel lane of the vehicle is farther away because of the bicycle lane in that case. I have ridden my bicycle past this and I've never felt like there was an issue from a bicycle lane perspective and never felt uncomfortable going past the parklet with it just right on that line, so is that something we can check with Caltrans in terms of their standards? Does it need to have the 2 feet from the bicycle lane, or is it just immediately adjacent to a motor vehicle lane?

Mario Landeros, Contract City Engineer

I can investigate that a little further, but the standard is showing the parklet starting at 2 feet and it doesn't describe any sort of a barrier within that via the parklet itself. I think the case we have right now in State right-of-way is that K-railing line lies within this 2-foot area.

Paul Fritz, Vice Chair

I guess the other issue with that would be if Caltrans is okay with the K-railing, or whatever the barrier is, being in that 2 feet and that's fine where we have the bike lanes, but on the other side of Main Street if someone wanted to do a parklet and we don't have bike lanes, they would end up with a tiny little parklet.

Kari Svanstrom, Planning Director

If someone wanted to do it on a City right-of-way, for our own standards we would have our flexibility to allow it to be within that same distance and not require the 2 feet free.

Paul Fritz, Vice Chair

I'm looking to see if Caltrans standards have anything about a heavy barricade kind of idea, and I'm not seeing anything about that.

Kari Svanstrom, Planning Director

So as not to be wordsmithing this all night long, I'm going to suggest that maybe we look at this with GHD and try to figure out an answer to some of this stuff about the width so it gives us the most flexibility we can.

Paul Fritz, Vice Chair

Yes, that would be great, and I would like to have some flexibility there with the understanding we're talking about a fairly limited amount of space, and if there's a way we can craft something we're comfortable with in terms of a barrier to traffic flow side of the parklet, that would be helpful.

Paul Fritz, Vice Chair

Kari, are we on a time schedule as far as getting it to City Council? Is this something that with all these changes could come back to the Planning Commission, or is that going to delay things?

Kari Svanstrom, Planning Director

I know the budget is limited for this, and we've already added one extra design guideline meeting with the Planning Commission, so I'm happy to report back if there's a written report with the resolution, if that would be acceptable.

Evert Fernandez, Chair

Okay. I know there have been a lot of changes and suggestions, and it would be nice to see some of that.

Kari Svanstrom, Planning Director

After the comments from the Design Guideline Subcommittee I did look through the San Francisco stuff. It's a huge document, so I don't think it's appropriate for an appendix, but I think there should at least be some way of referencing it, because they have a lot of good ideas about how to make barriers look artistic and interesting and not just the typical wine barrels or planter boxes; some of them are pretty exciting, and as Vice Chair Fritz said earlier, could inspire people a little bit.

Paul Fritz, Vice Chair

Yes, I think they have so many great visuals and really cool examples that have been built over the years that it gets your creative juices flowing.

Kari Svanstrom, Planning Director

And it's a public document, because it's on their website, so all we need to do is have maybe a picture or two and a link. Mario, do you and Frank and Kiera have what you need?

Mario Landeros, Contract City Engineer

We got plenty of input, and certainly a little more tinkering to do on guidelines, and then as suggested, perhaps a report from Kari to share back from the City Council.

B. SONOMA County LEGAL AID PRESENTATION ON TENANT ISSUES

Director Svanstrom presented the staff report.

Margaret DeMatteo, Housing Policy Attorney for Legal Aid of Sonoma, gave a presentation and was available for questions.

Chair Fernandez asked for Planning Commission questions of the presenter.

Paul Fritz, Vice Chair

You were talking about the corporations and real estate trusts that are purchasing properties. What is the method to combat that? Is there a way to prevent that from happening? I do think that's a real concern.

Margaret DeMatteo, Legal Aid of Sonoma

At the State level the Tenant Protection Act doesn't cover single-family homes, unless a corporation or real estate investment trust owns them. What I saw in San Francisco was owners putting their property into various LLCs, so there are lots of ways to think about it. Ultimately most jurisdictions want to protect the "Mom and Pop" landlords, but without a

local ordinance you'd have to get really creative about how to protect without actually implementing some sort of protection. You can implement a local ordinance, but the Tenant Protection Act would preempt that if it's not stronger than the Tenant Protection Act, so it would have to be maybe additional relocation payments, longer notice periods, and something targeting corporate speculative takeover of properties. You want to make it an uninviting environment for that to come in and take root.

Paul Fritz, Vice Chair

You do a lot of presentations to tenants. I agree that a lot of people don't know what their rights are as a tenant. Have you seen other cities that some kind of programs or ways to get the word out? We have a City newsletter, but it often doesn't go to renters, it goes to the homeowner probably because it's tied with the water bill. How can you get a blast of information out to a group of renters effectively? Maybe like a renter registry?

Margaret DeMatteo, Legal Aid of Sonoma

I don't know of any jurisdiction that has a great education component. I think a lot of jurisdictions rely on that as a policy that they do, and I don't consider that a policy. I think that's relying on nonprofit legal service providers to do that work, and of course we want to do that work, but we can't get to every person who needs to know things. We have a lot of great organizations here. We have California Rural Legal Assistance, Fair Housing Advocates of Northern California, and the Sonoma County Tenants Union who I partner with on tons of things. We gave a presentation here locally at the senior housing, and it's important for nonprofits to communicate and to partner. Different people can officer different things, but a tenants union is one way to distribute information, and so it's important to support the tenants union because it allows them to expand and grow and organize tenants and specific buildings and specific complexes. It empowers tenants and gives them leverage with a landlord who may not otherwise want to make repairs.

Linda Kelley, Commissioner

We have a Vacation Rental Ordinance and that displacement of family housing make it into an Airbnb. I don't know if you've had a chance to see our ordinance, but I think we're pretty proactive, but any comments on that situation?

Margaret DeMatteo, Legal Aid of Sonoma

I have sat in on some City Council meetings around vacation rental ordinances here in Sebastopol and across the County. At the County level I have commented in support of vacation rental bans or severely restricting them. I haven't read Sebastopol's ordinance, but one thing that I hope is in there—and it probably isn't—is treating vacation rentals as a business. Businesses require licensing, and that goes to rentals too. Landlords are in business, they made an investment decision, yet frequently they go unregulated, and we regulate businesses in this country, so having a business license for vacation rentals, especially when there is more than one, not where somebody is relying on it for their retirement income but where that's their business model, would be one way to limit it somewhat. But we're in a housing crisis, and anything that's limiting or affecting our supply is going to have an impact; that's one less rental unit for a family, a worker, or a local emergency worker. In my experience of advocating for the Just Cause Ordinance in Petaluma I learned that at least a couple of years ago that none of their fire department lived in Petaluma, and some of them had very, very long commutes, and that has a climate impact. The idea is we need to support our local workforce, and Airbnb and vacation rentals definitely detract from that, so we're fully in support of limiting it, banning it, and regulating it.

Linda Kelley, Commissioner

It would be great if we could have the City Council watch this section to be efficient with our calling on Margaret to educate us. We could come up with things to pass on to the City Council, but it would be nice if they were already primed and looking at this stuff as well. We did at one point want to do rent control, but it is a big lift, and so that never went as far as we would have liked here in Sebastopol.

Margaret DeMatteo, Legal Aid of Sonoma

I know it needs to go to City Council, and I'm willing to come back and present to them, and I would love it if they were already prepped in advance so I don't have to duplicate my efforts, but I'm willing to do that. This is where I live too, and this community means a lot to me.

Evert Fernandez, Chair

The City of Sebastopol does require business licenses for vacation rentals.

Kari Svanstrom, Planning Director

And actually we require a planning permit so that we can make sure that it's safe in terms of smoke alarms and that kind of stuff. In multi-unit buildings those are considered non-hosted and we would require a use permit for that, but staff would never be able to support that because of the housing issues, and our Planning Commission probably would not support that either. The same thing goes for single-family homes, so any non-hosted rental where it's not a room in someone's house where they're trying to get a little bit extra money.

Evert Fernandez, Chair

Do apartment buildings have to post tenant rights somewhere, just like an employer has to post employee rights?

Margaret DeMatteo, Legal Aid of Sonoma

Not that I'm aware of. The federally subsidized housing does, and generally subsidized housing has to post notice of rights, but what that says could vary and it may not include everything.

Evert Fernandez, Chair

Is that something that a community could do?

Margaret DeMatteo, Legal Aid of Sonoma

We'd all have to agree on what the rights were and what the notice would say.

Evert Fernandez, Chair

There has got to be some standard language or standard bill of rights.

Margaret DeMatteo, Legal Aid of Sonoma

Well, you saw how long my presentation was, but it depends; for habitability standards it could be pretty long. There are standard forms like habitability checklists and work sheets for California you could find online that walk a tenant through, because there are a lot of things people don't think about like working outlets in a unit, or so many different situations where they either just live with it or they don't know they have a right to it, so it would be helpful.

Evert Fernandez, Chair

Even if it's just like that they have to post where tenants could get information on tenants rights with a website or something.

Margaret DeMatteo, Legal Aid of Sonoma

One good thing is that the court sends out a notice when a tenant is sued. Obviously, it's a little late at that point but they send out a notice, because sometimes tenants don't get served right away with a lawsuit, or sometimes the landlord says they served them, so the court makes sure that the tenants are aware that their housing is at stake, and that notice has Legal Aid, Fair Housing advocates, California Rural Legal Assistance, and Petaluma People Services, so that could be a model, and I'm not sure what the venue would be, but you'd also have to educate landlords that this notice is required and what the remedy is if they don't post it, which all harkens back to a registry.

Evert Fernandez, Chair

It seems to go back to that, and it's unfortunate anything the Council does is only going to affect 1.2 square miles or whatever the City limits are, so even though people live in Sebastopol, if it's outside those limits it would fall under County, but maybe we could do something to lead on that. I'm wondering if there may be any items on here that we might want to discuss if it's something the Council should consider, that we just recommend that they go through this presentation. For example, the mobile home rent stabilization; I don't know if that's anything the Council has talked about before. It seems like there is only one mobile home community and that would make a difference; there are a lot of seniors there. Is that something that we should ask the Council if they want us to take a look at that, or I don't know if there's anything else on here based on the recommendations.

Paul Fritz, Vice Chair

I think there's actually a lot of information that we got tonight that would be interesting. The rental registry is an interesting idea and something we should consider exploring. It gives us a lot of information so we know what the situation is, and with so many renters I think talking about that is an important place to start. I feel bad there are only three of us here tonight, because a lot of it is kind of heavy.

Kari Svanstrom, Planning Director

We can continue this to a future meeting for discussion. I just sent out the slides so you can look at the information and the ABAG Policy Guide and see some of the examples, and Margaret, if you have other resources that are examples of, say, ordinances that Petaluma or other cities have done, we can continue this discussion at the next meeting. In the meantime, I can send an email to the City Manager and ask him to provide the Council a link to this video to review.

Evert Fernandez, Chair

It seems that we would need, as an example, say we think that maybe we should look at something in the mobile homes, and is this something you want us to take a look at versus us do the work and say here's an example?

Kari Svanstrom, Planning Director

Yes, for any of these items, you're absolutely correct. If there are items that the Planning Commission feels it should take a look at and consider, we would want to go to City Council first and ask them if they want you to pursue this.

Evert Fernandez, Chair

Yes, Margaret has a presentation, and then maybe as a summary the recommendations, and then the Council can decide if they want to take a look at any of those. There might be something easier to start with. Rather than continue I think there's enough information here to say take a look at this, is there anything you want us to pursue?

Kari Svanstrom, Planning Director

Right, and I think there are a couple of things, and I did talk with Margaret obviously before this meeting to let her know what we currently have and what some of our issues are. I know when we were working on the Housing Element we talked with the part-time contract person that is our only building official/inspector, so we have pretty limited resources in terms of doing the proactive inspection kind of a thing given the number of units we have in town, so what would that look like? How many hours of inspections per year? How would you structure this? These are the types of things that would have some sort of cost implementation, whether it's the City, the landlord, or if it passed through the tenant, and I think those types of things need to be understood a little bit. Margaret, I don't know if you have any information on how people are doing those, but one thing I think about is our lone building official/inspector is now going to be responsible for all of his regular stuff, plus 2,000 inspections every three years, and is that something that that one poor guy can do and will we chase him away?

Margaret DeMatteo, Legal Aid of Sonoma

It's definitely a matter of funding and what the City priorities are, and if they want to put more money—if there is more money—into that to have an additional inspector. There are programs statewide that have varying models where the inspections happen maybe every four years. It doesn't put it outside the realm of possibility if those 1,600 or something units are inspected every three years on a rolling basis; it's something to look at. I was in Healdsburg last week for a housing panel and they mentioned that they had partnered up with Corazon Healdsburg to assist tenants with reporting habitability conditions, sending a notice to the landlord that comes from the nonprofit rather than the tenant, so that is something that could be considered if you have the right nonprofit to do that work and they have bandwidth, but it sounds like it's definitely impacting the community, and that's another way for people to learn about their rights as just continuing that kind of work where it builds and grows on itself, and word of mouth can be helpful. But I'm happy to pass along a couple of models, and there is a lot of model ordinances across the State for other tenant protections. It's hard for me as one person to say I think this is the best model or this is the best ordinance, but something to consider is that the small town of Fairfax just passed a Just Cause Ordinance and rent control recently, and they're the smallest town in the U.S. that has those protections; now they're embattled with the landlords over whether those protections can last, but it can be done. One thing that they're struggling with is the rent registry aspect of it. How do we administer these laws? How do we enforce them? Without that underlying foundation it might be challenging, and that's another reason rent registries are opposed by landlord lobbies, because landlord lobbies know once they have a registry they'll have the data, and we can't argue against data, so that will lead to tenant protections.

Evert Fernandez, Chair

Sometimes some of these programs are to keep people from being homeless. Is there any State funding available to help fund some of these things?

Margaret DeMatteo, Legal Aid of Sonoma

Yes, potentially. There was a lot of funding during COVID, federal and state dollars that were used towards homelessness prevention programs, including emergency rent

assistance, which was hugely impactful. The governor has indicated that we're going to have budget cuts and we're in a budget deficit, but he's also indicated that he doesn't want to cut homelessness prevention money as much. I'm not an expert in finding the money; but there are a lot of different ways to look at homelessness prevention. Now that we have more information from the moratoriums and the emergency rent assistance, we know even from our point in time counts that eviction is one of the top three reasons why people are homeless. Once they get an eviction on their record they're really stuck, because they can't find anyone who will rent to them. I see that here in Sebastopol on Next Door. Somebody will mention an eviction, or they can't find housing, or they have a voucher and they can't get rented to.

Kari Svanstrom, Planning Director

Just thinking about that link, if I see things that might be possible for that, it's certainly an innovation, especially if there is data locally that says this is linked to that and that's something you can use in, say, a grant application or something like that for funding, that is always helpful.

Margaret DeMatteo, Legal Aid of Sonoma

It would be good if there were a really great funding source. BAHFA is part of the Association of Bay Area Governments. I don't know much about BAHFA, but they've been asking for my input on what they should do with their potential probably millions of dollars in funding. One of the things that they've identified is funding for tenant protections, so they can't advocate for specific policies but they can provide financial assistance around rent registries, data, different aspects of how we get this information and how do we afford it? They're not fully funded yet, but I anticipate that in the next two years potentially another pot of money will open up.

Kari Svanstrom, Planning Director

I would say, and I think Vice Chair Fritz mentioned with respect to the corporate purchase of homes, I know our Vacation Rental Ordinance was originally written to try to make sure that that did not happen, but if there are any programs or ordinances or anything out there that you find, that's something that the City of Sebastopol would be extremely interested in, because it's very much in the ethos of Sebastopol to keep it local and not corporations from other states or countries or anything like that.

Paul Fritz, Vice Chair

Related to the corporate buying of properties, I also wonder about the second home properties. So many people buy second homes in Sonoma County as vacation homes for themselves, not rentals, but I don't know how you prevent something like that from happening.

Margaret DeMatteo, Legal Aid of Sonoma

It's not in this presentation but it's on the laundry list, but some sort of vacancy tax. There was a vacancy tax enacted in San Francisco I think recently, and it could be phrased as a vacancy tax or as a second home tax. There are so many different ways to regulate that, but the idea of housing stock just sitting there when we're in a housing crisis, that's the idea. So if you are a homeowner and either choosing not to live there or rent it, how do we incentivize you to do that? There is either a penalty or an enticement, so there are a lot of ways that that could be explored and I'm happy to put together some bullet points on it. I was part of the Sonoma County Housing Element Working Group that had a lot of different people involved with it, including Generation Housing, but we frequently tossed that in as an idea of how we regulate that, because some jurisdictions calculated how many vacant homes they had and there were a lot. Yes, I think definitely your Vacation Rental Ordinance

has an impact on that, because that's generally what people might want to do with their second home.

Paul Fritz, Vice Chair

I think these are great and we should talk about them more. I don't know that I, given that we just heard all these things tonight, I could start prioritizing what I think is most important, but I think it's something we should continue talking about and maybe come up with a priority list to be able to present to the Council as things we think we could possibly do here, these are the priorities, what do you think, should we explore anything further?

Kari Svanstrom, Planning Director

It's not something that's a one and done tonight. This is a lot of really good information, both in the presentation and in the resources to look at, so thank you very much, Margaret, and we'll probably be inviting you back at some point. And is it okay if I post the PowerPoint to our website?

Margaret DeMatteo, Legal Aid of Sonoma

Sure.

C. PLANNING COMMISSION TRAINING –

Chair Fernandez continued the Planning Commission training to a future meeting.

7. SUBCOMMITTEE UPDATES

None.

8. PLANNING DIRECTOR'S REPORT

Director Svanstrom provided updates.

The Commission asked questions of Director Svanstrom.

9. ADJOURNMENT: Chair Fernandez adjourned the meeting at 8:55 p.m. The next regularly scheduled Planning Commission meeting will take place on Wednesday, March 28, 2023 at 7:00 p.m. **(NOTE SPECIAL START TIME.)**