



City of Sebastopol Planning Commission Staff Report

Meeting Date: March 26, 2024
Agenda Item: 6B
To: Planning Commission
From: John Jay, Associate Planner
Subject: Conditional Use Permit for non-hosted vacation rental
Recommendation: Approval with conditions

Applicant/Owner: Donovan Brockway
File Number: 2024-004
Address: 7330 Mary's Lane
CEQA Status: Exempt
General Plan: Medium Density Residential (MDR)
Zoning: Single Family Residential (R4)

Introduction:

This is an application for a non-hosted vacation rental at 7330 Mary's lane for more than 31 days per year. The application was submitted by Donvan Brockway and it includes the request to rent out their 3 bedroom home for periods of time when they are travelling.

Project Description:

As noted above the project requests the approval of a use permit to allow a non-hosted vacation rental for more than 31 days per year as required by Table 17.260-1 of the Sebastopol Municipal Code. The request also includes the allowance for renting out all of the three rooms on the property.

Project Location and Surrounding Land Uses:

The project is located within the center of the City limits and is zoned for single family residential (R4). To the north are residential properties and then the Florence Loft Planned Community, to the west is a mix of single family and multifamily residential units, to the east are multifamily residential units and to the south it continues to be residential.

General Plan Consistency:

The General Plan designation for this project is Medium Density Residential, which designates areas suitable for residential dwellings at a density of 2.6 to 12.0 units per acre.

The project is consistent with the following General Plan policies and goals.

- *Land Use Element, Goal LU 1: Maintain Sebastopol as a unique, charming, and environmentally sensitive small town that provides residents, businesses, and visitors*

with opportunities to enjoy a high quality of life, in that the use of a vacation rental would provide new opportunities for visitors to experience Sebastopol.

- *Economic Vitality Element, Goal EV 4: Emphasize Sebastopol's role as a market, service, and tourism hub for the West County and as a gateway to the coast, in that the vacation rental would allow outside residents to stay within Sebastopol city limits and provide to its economic vitality.*
- *Housing Element, Goal B-2: Preserve Housing Resources Sebastopol will strive to maintain and preserve existing housing resources, including both affordable and market rate units, in that the house will be maintained as a primary resident by the applicant so will not contribute to any housing stock loss for long-term residential use.*

Zoning Ordinance Consistency:

The proposed use of a non-hosted rental for more than 31 days per year is allowed but first must be granted approval from the Planning Commission. The proposed use would be consistent with the provisions of Zoning Ordinance Section 17.260.060 with the approval of a Conditional Use Permit.

Required Findings:

Conditional Use Permit findings

- A. The proposed use is consistent with the General Plan and all applicable provisions of this title.
- B. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Vacation Rental findings

1. The proposed vacation rental is consistent with the standards established by this section and will not detrimentally affect the health, safety, or welfare of the surrounding neighborhood or area.
2. Approval of the vacation rental will not result in an over concentration of such uses in a neighborhood.
3. There is adequate parking for all guests and operators to park on the subject property in accordance with Chapter 17.110 SMC.
4. Approval of the vacation rental will result in the preservation of the residential design and scale of the structures on the property and will maintain the residential character of the neighborhood.
5. The architectural or historic character of the structure proposed to house the vacation rental is appropriate for the use.
6. For accessory dwelling units, the approval of the permit would not result in a reduction to the City's affordable housing stock.

Analysis:

As mentioned earlier the project includes the request for a non-hosted vacation rental for more than 31 days per year at 7330 Mary's Lane. The request also includes the allowance to use the third bedroom in the home to be rented out. Currently, the Zoning Code does not mention the room restriction on non-hosted vacation rentals. Per section 17.260.060.A.9 no more than two bedrooms can be rented out for hosted vacation rentals. However, for non-hosted vacation rentals it does not include any restrictions on the number of bedrooms. What is mentioned in this section of the code is the requirement of one parking space per room being rented for non-hosted rentals. During staff's review of the project plans it was found that the site does not provide the required parking spaces needed to allow for the third bedroom to be rented out. Staff is recommending the Planning Commission look at the possibility of the third room being rented out if that proposed third room is being used by kids under the legal driving age as they would not be traveling to the unit with a vehicle.

As noted in the applicants written statement the owners are Sebastopol residents on a permanent basis and when they are away from their home for either business or travel, they intend to rent the home out to provide both income as well as provide a living space for new people to experience the City of Sebastopol.

The other components of the requirements for the vacation rental would all be met through the Conditions of Approval. With staff's recommendation to the Planning Commission to only allow the third bedroom to be available for rent if it is for children accompanying adult renters.

Environmental Review:

The project is exempt from CEQA under Section 15301(a), which exempts "interior or exterior alterations involving such things as partitions, plumbing, and electrical conveyances" as the project proposed is to rent out rooms for transient residential use in an existing single-family home.

City Departmental Comments:

The Planning Department circulated this application to the various City Departments and there are no additional comments or conditions outside of the Standard Conditions of Approval.

Public Comment:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat; and (3) posted three written notices publicly on and within vicinity of the subject property.

No public comments have been received as of the writing of this staff report.

Recommendation:

Staff believes the proposed use is compatible with the site, and recommends approval, subject to the following key conditions:

- Not allow the third bedroom be available for rent
- Allow the third bedroom to be rented but this room shall only be available to children traveling with potential renters.

- Applicant shall provide a plan of which bedrooms will be available for rent and which will be off limits

If it is the consensus of the Planning Commission that the proposed use is compatible with the site and surrounding uses, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and as found in Exhibit A - Recommended Findings of Approval, and subject to the Recommended Conditions of Approval found in Exhibit B, the Standard Conditions of Approval tenant improvements in Exhibit C, and any additional or modified conditions the Planning Commission determines is appropriate.

Attachments:

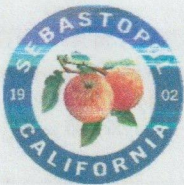
Application materials

Exhibit A – Findings of approval

Exhibit B – Conditions of approval

Exhibit C – Standard conditions of approval tenant improvements

Public comments



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167

MASTER PLANNING APPLICATION FORM

APPLICATION TYPE

- | | | |
|--|---|---|
| <input type="checkbox"/> Administrative Permit Review | <input type="checkbox"/> Lot Line Adjustment/Merger | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Alcohol Use Permit/ABC Transfer | <input type="checkbox"/> Preapplication Conference | <input type="checkbox"/> Tree Removal Permit |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Other _____ |

This application includes the checklist(s) or supplement form(s) for the type of permit requested: ☐ Yes ☐ No

REVIEW/HEARING BODIES

- ☐ Staff/Admin ☐ Design Review/Tree Board ☒ Planning Commission ☐ City Council ☐ Other _____

APPLICATION FOR

Street Address: 7330 MARYS LANE Assessor's Parcel No(s): 004-292-009
Present Use of Property: RESIDENCE Zoning/General Plan Designation: _____

APPLICANT INFORMATION

Property Owner Name: DONOVAN BROCKWAY
Mailing Address: 7330 MARYS LANE Phone: (707)-217-3206
City/State/ZIP: SEBASTOPOL, CA 95472 Email: 7330marys@gmail.com
Signature: [Signature] Date: 1/16/24

Authorized Agent/Applicant Name: DONOVAN BROCKWAY
Mailing Address: 7330 Marys Lane Phone: (707)-217-3206
City/State/ZIP: SEBASTOPOL, CA 95472 Email: 7330marys@gmail.com
Signature: [Signature] Date: 1/16/24
Contact Name (If different from above): _____ Phone/Email: _____

PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

Attached.

CITY USE ONLY

Fill out upon receipt:

Application Date: _____
Planning File #: _____
Received By: _____
Fee(s): \$ _____
Completeness Date: _____

Action:

Staff/Admin: _____
Planning Director: _____
Design Review/Tree Board: _____
Planning Commission: _____
City Council: _____

Action Date:

Date: _____
Date: _____
Date: _____
Date: _____
Date: _____

SITE DATA TABLE

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A		N/A
Use	N/A		N/A
Lot Size		4,791 sq. ft.	
Square Feet of Building/Structures (if multiple structures include all separately)		1440 sq. ft.	N/A
Floor Area Ratio (F.A.R.)	_____ FAR	_____ FAR	_____ FAR
Lot Coverage	_____ % of lot _____ sq. ft.	16.07 % of lot _____ sq. ft.	_____ % of lot _____ sq. ft.
Parking		4 cars	
Building Height		23 ft.	
Number of Stories		two	
Building Setbacks – Primary			
Front		24 ft.	
Secondary Front Yard (corner lots)			
Side – Interior		10 ft.	
Rear		50 ft.	
Building Setbacks – Accessory			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
Special Setbacks (if applicable)			
Other (_____)			
Number of Residential Units	_____ Dwelling Unit(s)	1 Dwelling Unit(s)	_____ Dwelling Unit(s)
Residential Density	1 unit per _____ sq. ft.	1 unit per 4791 sq. ft.	1 unit per _____ sq. ft.
Useable Open Space	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: _____ cu. yds. Cut: _____ cu. yds. Fill: _____ cu. yds. Off-Haul: _____ cu. yds.
Impervious Surface Area	N/A	_____ % of lot _____ sq. ft.	_____ % of lot _____ sq. ft.
Pervious Surface Area	N/A	_____ % of lot _____ sq. ft.	_____ % of lot _____ sq. ft.

CONDITIONS OF APPLICATION

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

☐ A general plan

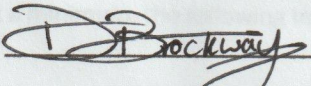
☐ A specific plan

☐ An ordinance affecting building permits or grading permits

☐ A zoning ordinance

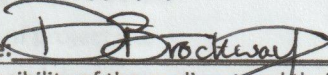
Certification

I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.

Property Owner's Signature: 

Date: 1/16/24

I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant's Signature: 

Date: 1/16/24

NOTE: It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

Neighbor Notification

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project: ☐ Yes ☒ No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

We plan to leave letters for our neighbors before we list the property as a rental.

Website Required for Major Projects

Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots**), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

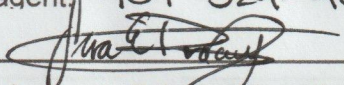
VACATION RENTAL: ACKNOWLEDGEMENT & AGREEMENT TO TERMS AND CONDITIONS

The applicant is responsible for ensuring conformance with the rules and regulation pertaining to Vacation Rentals listed below. This form should not be signed unless the applicant has read it thoroughly and is certain of its truthfulness.

1. Owner/Authorized Agent ("operator") shall maintain the required parking to be made available for guests per SMC 17.260.060(A.1.b).
2. Operator shall ensure compliance with the Noise limits required for vacation rentals:
 - a. No amplified outdoor sound is permitted.
 - b. Quiet hours shall be from 10:00 p.m. to 7:00 a.m.
 - c. The owner/operator shall ensure that quiet hours are included in the vacation rental agreements and is listed in all online advertisements and listings.
3. Operator shall not exceed the required maximum overnight occupancy per SMC 17.260.060(A.3)
4. Operator shall not allow guest stays to exceed 30 days, with a seven-day period between stays.
5. Operator shall have a designated Authorized Agent (which can be the owner or operator), to respond to issues that arise per SMC 17.260.060(A.5).

Name of 24/hour on call agent: SERA BROCKWAY

Number of 24/hour on call agent: 907-529-4370

Signature of on call agent: 

6. Operator shall be available by telephone at all times when the vacation rental is rented, 24 hours per day.
7. Operator shall be on the premises of the rental within one hour of being notified by a renter, the Planning Director, or a law enforcement officer that there is a need for the Agent.
8. The vacation rental operation shall have a valid Business License and the vacation rental shall be subject to the Transient Occupancy Tax (TOT).
 - a. AirBnB automatically collects TOT through an agreement with the City.
 - b. All other vacation rental sites do not have agreements with the City for auto collection of TOTs and shall require the submittal of TOTs to the City's Finance Department every month.
 - i. Contact the Finance Department information on this process (707) 823-7863.
9. Vacation rental shall not be permitted in non-habitable structures such as tents, or RVs.
10. For Hosted Rentals:
 - a. The owner shall reside at the vacation rental, and the owner must sleep at the vacation rental while it is being rented.
 - b. The owner shall reside in a bedroom that is not rented to any renter.
 - c. No more than two bedrooms may be rented for transient occupancy uses.
11. A copy of the approved vacation rental permit, including all applicable standards and limits, and contact information for the operator (including a phone number where this person can be reached 24 hours per day), shall be posted 1) within the vacation rental property, 2) within 6 feet of the front door of the vacation rental, and 3) included as part of all rental agreements.
12. All Advertisements and/or Listings for the vacation rental shall include the following information.
 - a. Maximum occupancy allowed;
 - b. Maximum number of vehicles allowed;
 - c. Notification that quiet hours must be observed between 10:00p.m. and 7:00 a.m.;
 - d. Notification that no outdoor amplified sound is allowed; and
 - e. The Transient Occupancy Tax certification number for the property.
13. The Operator shall document all complaints, and their resolution or attempted resolution(s) to the Planning Director within 72 hours of the occurrence. Failure to respond to complaints or report them shall be considered a violation and shall be cause for revocation of the vacation rental permit per SMC 17.260.060(C.1).
 - a. If issues reoccur the vacation rental permit (Administrative or Conditional Use Permit) may

be scheduled for a revocation hearing with the Planning Commission. If the permit is revoked, the Operator or Owner may not reapply for a vacation rental for a period of at least one year.

14. If any combination of three administrative citations or Planning Director determination of violations occur at the vacation rental property within a two-year period, the applicable vacation rental permit (Administrative or Conditional Use Permit) shall be revoked, subject to prior notice and to appeal. If revoked the Operator or Owner may not reapply for a vacation rental for a minimum of period of two years.
15. For vacation rentals with a Conditional Use Permit, an annual permit review and extension is required. The Operator/Owner shall submit to the Planning Director the annual review fee along with the permit review form per SMC 17.260.060(B.2).

I agree to adhere to the Terms and Conditions Listed above, and, have read, and understand the consequences of violating these terms.

APPLICANT

OWNER (if different than applicant)

DONOVAN BROCKWAY
APPLICANT NAME (PLEASE PRINT)

OWNER NAME (PLEASE PRINT)

DP Brockway
APPLICANT SIGNATURE

OWNER SIGNATURE

1/16/24
DATE

DATE

7330 MARYS LANE, SEBASTOPOL, CA 95472
MAILING ADDRESS

MAILING ADDRESS

(707) 217-3206
PHONE

PHONE

7330marys@gmail.com
E-MAIL

E-MAIL

Written Statement

My wife Sera and I have lived at Marys Lane since October of 2020 in a full time capacity as our primary residence. As we have begun spending time with family in other states & traveling for work, we are applying for a non-hosted conditional use permit to be able to share our beautiful home with guests visiting Sonoma County, while monetizing the property to offset our overhead costs when we are away. Given the rising costs of living and our desire to keep the property in the family as we both grew up in Sebastopol, we plan to share our home by hosting guests. We want to share all that Sebastopol has to offer with visitors while earning an additional source of income to maintain the property long term. In our research, we were told the Administrative permit would not be enough for a new STR in Sebastopol city limits, so we are applying for a conditional use permit.

The home, located at 7330 Marys Ln (parcel number 004-292-009) is a two-story home that sits on a 0.11 acre site in the heart of downtown Sebastopol, off Florence Avenue. It is a 1,440 Sq Ft street-facing home with no garage, featuring 3 bedrooms and 2.5 bathrooms. At the entrance, a walkway leads to concrete stairs leading up to a covered front porch with a small seating area. The ground level consists of an open concept living room, dining area, full kitchen, a powder room and a small office/laundry room. Architectural glass doors open to the partially covered patio for a nice indoor-outdoor experience. The backyard is a multi-level flagstone patio with an outdoor dining table, lounge chairs, a propane fire-pit and a decorative fountain. Upstairs, the primary bedroom has a small walk-in closet and an en-suite bathroom with a freestanding tub and walk-in shower. The other two bedrooms share a full bathroom with a walk-in shower in the hallway. The closet upstairs will be locked with our personal items. We are requesting that all three (3) bedrooms will be available for guest use. The house can accommodate up to 6 overnight guests with all 3 rooms. We use all-natural cleaning products and each room has an organic mattress. The home is equipped with a dual zone in-floor radiant heat, fans are provided in each room since the home does not have A/C currently. However, we plan to add A/C before summer of 2024. We will limit the home to guests over the age of 25. Due to the stairs at the entryway, inside the home, and outdoors on the flagstone uneven patio, we will not be listing as ADA-friendly. We have Gigabyte Wifi speeds via Fiber optic from local [Sonic.net](#) with a guest wifi login. We have installed Google Nest Security cameras and a smart-lock which will have a new code issued to each guest. The home includes an off-street parking area made of flexipave (which is a soft, porous paving material made by KB Industries out of recycled tires and rock aggregate) that can fit 2 compact vehicles as well as a paved driveway. In total, the parking area has 4 dedicated off-street spaces: 2 on the concrete area and 2 on

the Flexipave, meeting the parking criteria for non-hosted nightly rentals. As per Sonoma County ordinances & the neighborhood rules, there will be no amplified music available outdoors to disturb the peace, and quiet hours will be honored between 10:00pm and 7:00am. We have installed timers on the outdoor lights that also turn themselves off by 10:00pm to reduce light pollution to our neighbors.

Sera currently works in the vacation rental industry and has managed STR properties in Sonoma County for over 5 years and can be the 24-hour point of contact. If we are traveling and she is not available in person, we have plenty of family in Sebastopol that can be there within minutes to assist any guests should an issue arise. We understand the rules and regulations, and plan to be diligent & discerning with our guests. As the home is small, well maintained, and features high-end finishes, we are confident that we will not attract loud groups or guests seeking to party or disturb the peace. The location near Florence Ave is sure to draw tourists seeking to enjoy the unusual artwork, the peace and quiet of wine country, and the proximity to downtown Sebastopol. Thank you for your consideration!

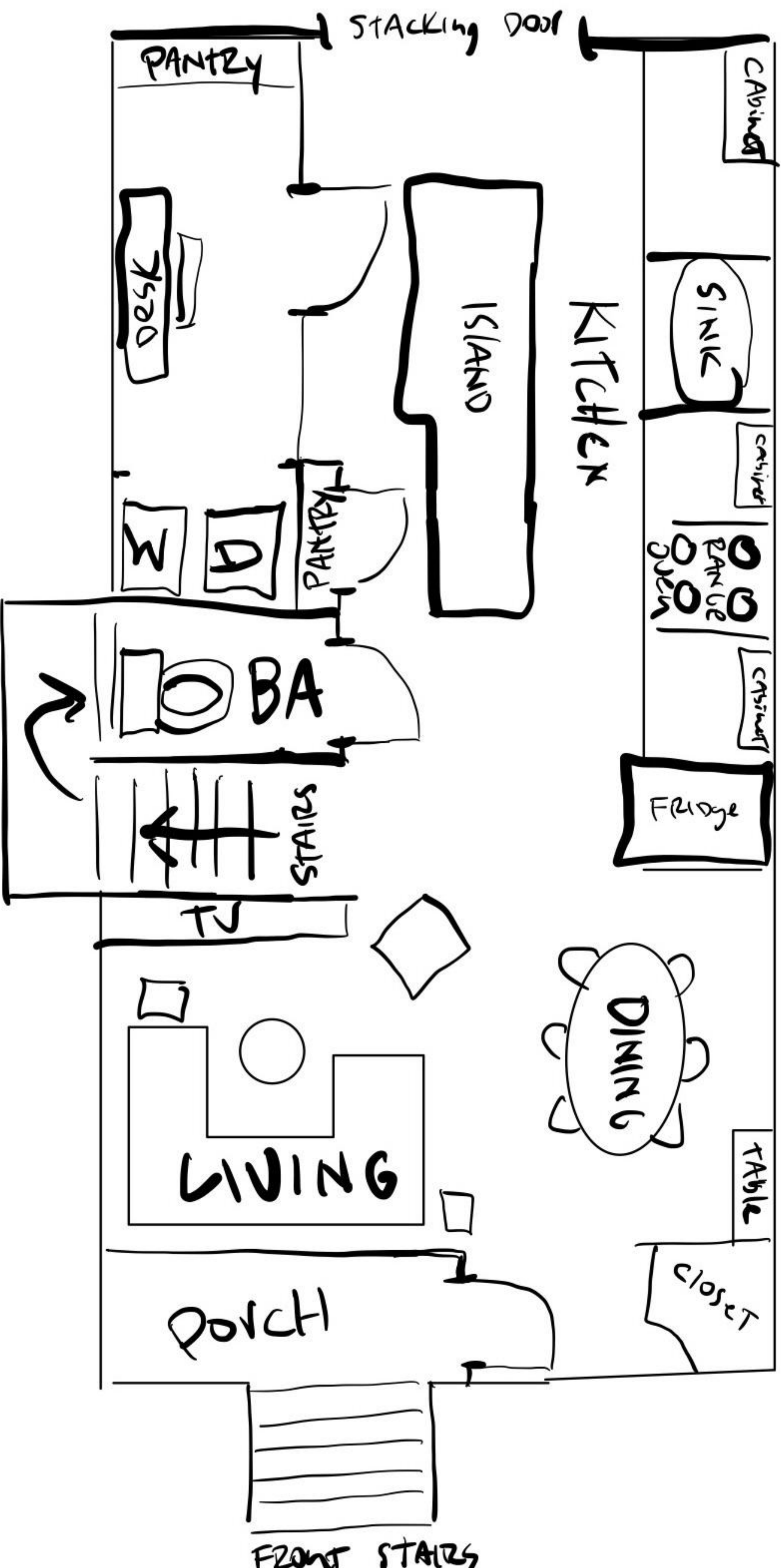
Donovan & Sera Brockway

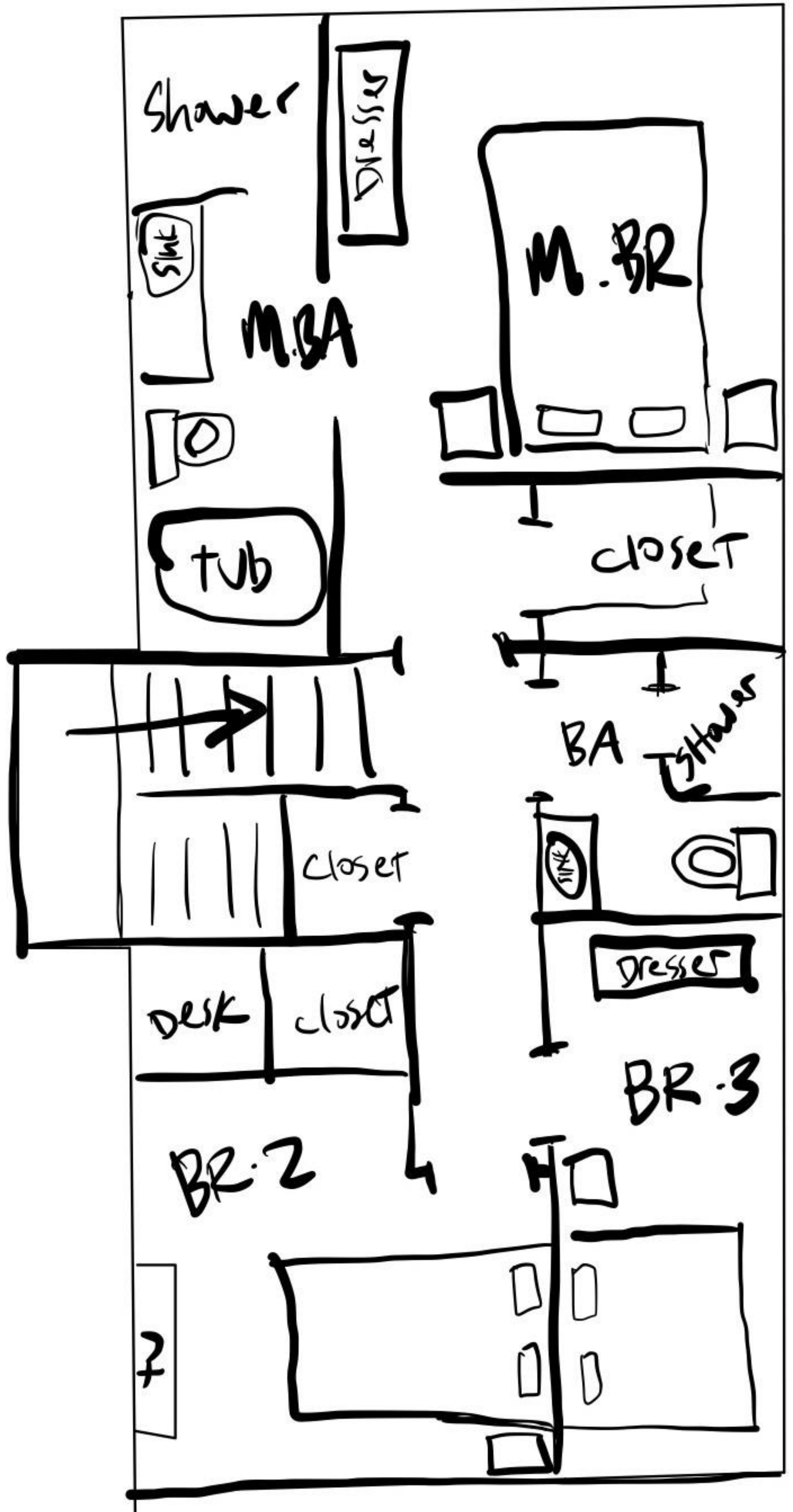












Bedroom 2



Bedroom 2



Bedroom 3 Currently
used as an Office





Ground Floor
Half Bathroom



Kitchen



Wine Fridge in
kitchen Island



Kitchen

Living Room



Master Bathroom





Master Bathroom



Master Bathroom



Master Shower



Second Floor Guest Bathroom



Guest Bathroom

EXHIBIT A
RECOMMENDED FINDINGS OF APPROVAL

Non-Hosted Vacation Rental
7330 Mary's Lane
APN 004-292-009, File 2024-005

1. That the project is exempt under California Code of Regulations, Title 14, Section 15061(b)(3) as there is no reasonable possibility that the activity in question may have a significant effect on the environment.
2. That the project is consistent with the General Plan and the following policies
 - *Land Use Element, Goal LU 1: Maintain Sebastopol as a unique, charming, and environmentally sensitive small town that provides residents, businesses, and visitors with opportunities to enjoy a high quality of life, in that the use of a vacation rental would provide new opportunities for visitors to experience Sebastopol.*
 - *Economic Vitality Element, Goal EV 4: Emphasize Sebastopol's role as a market, service, and tourism hub for the West County and as a gateway to the coast, in that the vacation rental would allow outside residents to stay within Sebastopol city limits and provide to its economic vitality.*
 - *Housing Element, Goal B-2: Preserve Housing Resources Sebastopol will strive to maintain and preserve existing housing resources, including both affordable and market rate units, in that the home would be owner occupied while the homeowners are in town and would be rented out while they are gone to ensure that the home isn't left vacant for long periods of time.*
3. That the proposed vacation rental is consistent with the standards established by Section 17.260.060 of the SMC and will not detrimentally affect the health, safety, or welfare of the surrounding neighborhood or area.
4. That approval of the vacation rental will not result in an over concentration of such uses in a neighborhood as there are currently 38 vacation rentals throughout the City, none of which are on Mary's Lane.
5. That the proposed vacation rental will not detrimentally affect the health, safety, or welfare of the surrounding neighborhood, as it will be a hosted rental which will utilize up to one bedroom located within an existing residential condominium with the host living on site.
6. That the proposed vacation rental provides adequate parking as prescribed by SMC 17.260.060, which states that one parking space per room shall be provided for a non-hosted rental in addition to the on-site parking requirements required under SMC 17.110 in that the project meets the parking requirements.
7. That the proposed vacation rental will maintain the residential character of the neighborhood and the architectural/historic character of the structure as no changes to the exterior are proposed and, as conditioned the signage for the rental will be consistent with the City's Zoning Ordinance.

8. The use is consistent with Section 17.415.030 of the Sebastopol Zoning Ordinance, including the specific criteria of the following sections as described:
 - a. The proposed use is consistent with the General Plan and all applicable provisions of this title in that the non-hosted vacation rental is an allowed use with the approval of a conditional use permit by the Planning Commission.
 - b. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that the use would not be detrimental to the neighborhood as conditioned the vacation rental will be required to the municipal code requirements regarding safety and peace of the neighborhood.

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL

Non-Hosted Vacation Rental
7330 Mary's Lane
APN 004-292-009, File 2024-004

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Donvan Brockway, and stamped received on January 18th, 2024, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a. Not allow the third bedroom be available for rent
 - b. Allow the third bedroom to be rented but this room shall only be available to children traveling with potential renters.
 - c. Applicant shall provide a plan of which bedrooms will be available for rent and which will be off limits
2. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
3. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
4. This approval does not include any signs. Any new signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate.
5. Approval is valid for three (3) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.400.100 of the Zoning Ordinance.
6. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer.
7. Site Design and Parking:
 - a. The site design, architecture, and any improvements shall be compatible with the neighborhood in terms of landscaping, scale, and the architectural character. The operation of the use, and any physical improvements related to it, shall be harmonious and compatible with the existing uses within the neighborhood.
 - i. Hosted Rental: One parking space shall be provided on-site for a hosted vacation rental in addition to the on-site parking required under SMC 17.110.
 - ii. Non-Hosted Rental: One on-site parking space shall be provided for each sleeping room or guest bedroom in the vacation rental. If a garage is used to meet the parking requirement for the sleeping rooms or guest bedrooms, the garage shall be accessible to the guests of the vacation rental.

- b. Excessive amounts of paving shall not be allowed. Tire strips and permeable travel surfaces shall be encouraged. Areas devoted to parking and paving shall not be disproportionate to the site size.
 - c. Pools, hot tubs, and outside gathering areas shall be adequately screened from adjacent properties to minimize noise and lighting impacts and shall have the hours of operation clearly posted adjacent to the facility.
- 8. Operator shall ensure compliance with the Noise limits required for vacation rentals:
 - a. No amplified outdoor sound is permitted.
 - b. Quiet hours shall be from 10:00 p.m. to 7:00 a.m.
 - c. The owner/operator shall ensure that quiet hours are included in the vacation rental agreements and are listed in all online advertisements and listings.
 - d. Nuisance noise by unattended pets is prohibited.
- 9. A Business License shall be required.
- 10. A fire inspection will be required.
- 11. Payment of Transient Occupancy Taxes (TOTs) shall be required.
 - a. The City has an agreement with AirBnB to automatically collect TOTs for rentals listed on their website.
 - b. The City does not have any such agreement with other vacation rental host sites, as such, the owner shall remit required TOTs to the City of Sebastopol Finance Department for any rental booked on other host sites.
- 12. Owner/Operator shall post a copy of the approved vacation rental permit (including all applicable standards and limits and the contact information of the authorized agent (including a phone number where this person can be reached 24 hours per day), 1) within the vacation rental property, 2) within 6 feet of the front door of the vacation rental, and 3) include as part of all rental agreements.
- 13. Vacation rentals shall be in permitted dwellings and shall not be permitted in non-habitable structures or in tents, recreational vehicles, or other features or provisions intended for temporary occupancy.
- 14. All Advertisements and/or Listings for the hosted vacation rental shall include the following information.
 - a. Maximum occupancy allowed.
 - b. Maximum number of vehicles allowed.
 - c. Notification that quiet hours must be observed between 10:00p.m. and 7:00 a.m.
 - d. Notification that no outdoor amplified sound is allowed.
 - e. The Transient Occupancy Tax certification number for the property; and
 - f. Permit file number (2024-004)
- 15. The only signage permitted for this rental shall be consistent with SMC 17.260.020(M): "Not more than one non-illuminated nameplate sign, not comprising more than two square feet in area, shall be permitted for a home occupation".
- 16. Owner/Operator shall not exceed the maximum overnight occupancy of 10 persons (2 per sleeping room plus two additional persons per property).
- 17. Owner/Operator shall not allow guest stays to exceed 30 days, with a seven-day period

between stays.

18. Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits and identifying contact information for the owner or authorized agent can be reached 24 hours per day, shall be posted within the vacation rental property. These standards shall be posted in a prominent place within 6 feet of the front door of the vacation rental and shall be included as part of all rental agreements.
19. Owner/Operator shall document all complaints, and their resolution or attempted resolution(s) to the Planning Director within 72 hours of the occurrence. Failure to respond to complaints or report them to the Planning Director shall be considered a violation of this section and shall be cause for revocation of the vacation rental permit.
20. Upon receipt of any combination of three administrative citations or Planning Director determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two-year period, the vacation rental administrative permit is summarily revoked, subject to prior notice and to appeal if appeal is requested pursuant to the appeals section of the Zoning Ordinance. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.
21. This vacation rental permit is non-transferable. Any new property owner shall be required to comply with Municipal Ordinance provisions in effect at such time, including, but not limited to, the requirement for a new administrative review permit, or any prohibitions or restrictions in effect at such time.
22. The vacation rental shall be legal as long as the project complies with the conditions above, and that 7330 Mary's Lane has four dedicated parking spaces. Should the fourth dedicated parking space be removed from 7330 Mary's Lane the non-hosted vacation rental use shall cease immediately.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Non-Hosted Vacation Rental
7330 Mary's Lane
APN 004-292-009, File 2024-005

1. All plans shall include a brief description of the project on the cover sheet.
2. All submitted building permit plan check sets shall include a plan sheet incorporating these conditions of approval.
3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be in substantial conformance to those approved by the review body. If any changes are made to submitted plans which were approved by the review body the applicant shall work with the Planning Department to determine if the changes are significant enough to once again be seen by the review body, or if staff can approve the changes. Any changes that have not been approved by Planning staff are not approved. Construction or demolition work that does not conform to the Planning approval is not valid and shall be subject to stop work orders and may require removal.
4. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the field conditions or other previously unknown conditions require a modification or a departure from the accepted plans, the applicant shall provide the modifications or departure and specify the correction of mistakes errors, or omissions in compliance with the CBC and City Standards.
5. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
6. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
7. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
8. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

Planning Department Standard Conditions of Approval:

9. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
10. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.

Engineering and Public Works Department Standard Conditions of Approval:

11. All projects are subject to Impact Fees as adopted by the City Council, which are due at the time of issuance of the Building Permit unless otherwise stipulated by the City.
12. An Encroachment Permit is required from the Public Works Department for any and all work within the public right-of-way. If the work is within a CalTrans right-of way, an Encroachment Permit from CalTrans shall also be procured by the applicant. Encroachment Permit shall not be issued until the City Engineer approves the applicant's site improvement plans.

Fire Department. Standard Conditions of Approval:

13. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
14. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
15. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 25Hr to 50% - Class C minimum
 - iii. 50% or more — Non-Combustible
 - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code and approved by the Building Department.

16. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.

Building Department Standard Conditions of Approval:

17. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal. It is the responsibility of the designer(s) to ensure that all applicable Title 24 codes, as well as any applicable Sebastopol Municipal Codes are incorporated into the design.
18. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time of building permit submittal.

END OF STANDARD CONDITIONS OF APPROVAL