

From: [REDACTED]
To: [Stephen Zollman](#); [Jill McLewis](#); [Phill Carter](#); [Neysa Hinton](#); [Sandra Maurer](#); [info](#); [Mary Gourley](#); [Sean McDonagh](#)
Subject: Re: Elderberry Commons
Date: Monday, June 16, 2025 7:59:43 AM

Dear Mayor Zollman, Vice-Mayor McLewis, members of the City Council, Assistant City Manager Gourley, Chief McDonagh and City Attorney Mog:

My wife Cindia and I have lived in Sebastopol for 27 years. We have raised our children here and have enjoyed the benefits of living in a safe, walkable, friendly town.

I am writing regarding the numerous articles in the published media concerning the ongoing problems at Elderberry Commons. It appears that it is the City's position is that it has only a limited ability to address these ongoing criminal activities because it does not have a contract with the owner of the property or with the manager of the property or other responsible companies or individuals. I am writing to urge the City to consider using Public Nuisance laws to correct the criminal activities occurring at Elderberry Commons on an ongoing basis. Elderberry Commons is managed by Burbank Housing. West County Community Services is contracted by the County to provide counseling and other assistance to residents.

California Code of Civil Procedure section 731 allows the city attorney of any town or city in which a nuisance exists to bring an action to enjoin or abate a nuisance as defined by California Civil Code section 3480 and to recover damages. California Civil Code section 3480 states that "a public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

Sebastopol Municipal Code section 15.12.020 provides in pertinent part that "...any building or structure which has become unfit for human habitation or occupancy by reason of being unsafe...or is dangerous to human life or a likely resort for vagrants or dissolute persons is hereby declared to be a nuisance." Municipal Code section 14.12.050 gives the City the authority to proceed with the abatement of a nuisance after notice to the owner of the building.

From all the public reporting, efforts to try to work out an amicable solution with Burbank Housing and West County Community Services have been unsuccessful. In addition, there is no guarantee that Burbank Housing and WCCS will not in the future allow this same type of criminal activity to occur on and around the grounds of Elderberry Commons even if some type of agreement is reached between these entities and the City of Sebastopol. There certainly appears to be a sufficient pattern of continuing criminality to give the City's attorneys a good shot at obtaining a Temporary Restraining Order, followed by a Preliminary Injunction.

I know our town is short of funds, including as a result of losing the tax funds from the operation of the hotel that formerly occupied the Elderberry Commons facility. But I think it is in the interests of all the residents of Sebastopol, and our Police Department, to use best efforts to obtain an enforceable Court order requiring the abatement of these criminal activities at Elderberry Commons. Without such an enforceable Court order, the City is toothless to obtain a permanent solution to these ongoing criminal activities.

Respectfully submitted,

Rick Brody