

From: Ben Kaun [REDACTED]
Sent: Saturday, August 29, 2026 3:06 PM
To: Phill Carter <pcarter@cityofsebastopol.gov>; City Council
<citycouncil@cityofsebastopol.gov>; Mary Gourley <mgourley@cityofsebastopol.gov>
Cc: Linda Civitello [REDACTED] kimberlee keller
[REDACTED]
Subject: Re: A&M's Smoke

Hi Phill and Mary,

I want to reframe where I'm coming from, because I don't think continuing to debate A&M's intentions or good faith gets us where we need to go.

Phill, I appreciate the substantial personal effort you've put into trying to find a filtration solution. When you asked the neighborhood for patience in early July while you pursued this pathway, we gave it a fair opportunity because of the promise to resolve the smoke problem quickly — in weeks, not months.

We are now approaching two months later. No filtration has been installed, the engineering solution and timeline remains uncertain, and the neighborhood continues to experience the same smoke, resulting in health impact and enjoyment of property. We agreed to give an alternative solution some time because everyone hoped it could resolve the problem quickly. The grace period cannot continue extending while the harmful impacts of the delay fall squarely on the neighbors.

The starting point here was that the City had determined the smokers were not permitted at this location and was moving toward enforcement, before abruptly stopping in early June, just a few days after assuring us that enforcement was moving forward. Part of the rationale for this was the apparent desire of A&M to pursue rezoning. Given your recent clarification that there is no movement toward rezoning, I believe this decision should be reconsidered.

I think we have now reached the point where the burden must shift back to A&M -- the party who is in violation of the use permit and zoning and which impacts the neighbor every day. The neighborhood has tolerated a full year of this now.

We have previously established that off-site smoking, while less convenient for A&M, is a feasible temporary option.

This provides a reasonable interim solution: while A&M works toward relocation or an effective filtration solution, the smoking should occur off site. If A&M instead chooses to continue smoking on site, the City should resume its normal enforcement process.

We've given the collaborative approach a reasonable opportunity to work, and we appreciate the effort you put into it. But the neighborhood has been living with this for a long time, there are people who are dealing with serious health issues in the proximity, and we need actual relief from the smoke now rather than another period of waiting for a possible future solution.

Please provide a response by Tuesday, September 1. The community requests clarity on where this stands in advance of the next Council meeting on September 7.

Best regards,

Ben Kaun