CONCURRENT REGULAR MEETINGS OF THE SONOMA CITY COUNCIL & SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY

Community Meeting Room, 177 First Street West, Sonoma CA

Monday March 16, 2015
6:00 p.m.
****

AGENDA

City Council
David Cook, Mayor
Laurie Gallian, Mayor Pro Tem
Madolyn Agrimonti
Gary Edwards
Rachel Hundley

Be Courteous - **TURN OFF** your cell phones and pagers while the meeting is in session.

OPENING

CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Hundley, Agrimonti, Edwards, Gallian, Cook)

1. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please step to the podium and speak into the microphone. Begin by stating and spelling your name.

2. MEETING DEDICATIONS

3. PRESENTATIONS

Item 3A: **National Surveyor's Week Proclamation**

Item 3B: **Presentation by the Sonoma County Water Agency (SCWA) regarding their Proposed Water Transmission Budget and Wholesale Water Rate Increase for FY15-16**

Item 3C: **Presentation of Regional Climate Protection Authority's County-wide Greenhouse Gas Reduction Implementation Program**

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 4A: **Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.** (Standard procedural action - no backup information provided)

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL, Continued

Item 4B: **Approval of the Minutes of the March 2, 2015 City Council meeting.**
Staff Recommendation: Approve the minutes.

Item 4C: **Acceptance of Bids and Award of Contract for the Sonoma Fire Station Partial Exterior Painting Project to Alpha G. Painting of Napa, CA.**
Staff Recommendation: Accept all bids, award the contract for the amount of $40,000 and authorize the City Manager to execute said contract.

Item 4D: **Adoption of Plans and Specifications, Approve a Budget Adjustment in the amount of $318,339, and Authorize the City Manager to Award a Construction Contract to Piazza Construction, lowest responsible bidder, for the Field of Dreams Well #8 Project No. 1402 in the amount of $674,898.50.**
Staff Recommendation: Approve plans and specifications, accept bids, adopt resolution approving budget adjustment to the Water Capital account in the amount of $318,339 and award construction contract to Piazza Construction the lowest responsible bidder for $674,898.50.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 5A: **Approval of the portions of the Minutes of March 2, 2015 City Council meeting pertaining to the Successor Agency.**
Staff Recommendation: Approve the minutes.

6. PUBLIC HEARINGS

Item 6A: **Discussion, consideration and possible action to conduct the first reading of an Ordinance of the City of Sonoma Requiring the Licensure of Tobacco Retailers and Amending Chapter 7.25 of the Municipal Code.** (City Manager)
Staff Recommendation: Conduct first reading of ordinance establishing Tobacco Retailers Licensing Program.

Item 6B: **Discussion, consideration and possible action on the review and adoption of the 2015-2023 Housing Element, including adoption of a negative declaration.**
(Planning Director)
Staff Recommendation: Adopt a finding of a negative declaration and adopt the updated Housing Element.

7. REGULAR CALENDAR – CITY COUNCIL

(Matters requiring discussion and/or action by the City Council)

Item 7A: **Discussion, consideration, and possible action to refer a new Street Name Signage Replacement program to the Design Review and Historic Preservation Committee for review.** (Public Works Director/City Engineer)
Staff Recommendation: Refer the Street Name Sign design study and concept options to the Design Review and Historic Preservation Committee (DRHPC) for review and advisory recommendation to the City Council.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

(Matters requiring discussion and/or action by the Council as the Successor Agency)

9. COUNCILMEMBERS' REPORTS AND COMMENTS

10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on March 12, 2015. Gay Johann, Assistant City Manager/City Clerk

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are normally available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk's office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the City Clerk, at or prior to the public hearing.

In accordance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 3A

Meeting Date: 03/16/2015

Department	**Staff Contact**
Administration	Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

National Surveyor's Week Proclamation

Summary

Patricia Wagner of the Sonoma County Surveyor's Office requested a proclamation recognizing the week of March 15-21, 2015 as National Surveyor's Week.

A local representative and member of the California Land Surveyors Association will be present to receive the proclamation. In keeping with City practice, they have been asked to keep the total length of their follow-up comments and/or announcements to no more than 10 minutes.

Recommended Council Action

Mayor Cook to present the proclamation.

Alternative Actions

Council discretion.

Financial Impact

n/a

Environmental Review

- ☐ Environmental Impact Report
- ☐ Negative Declaration
- ☐ Exempt
- ☒ Not Applicable

Status

- ☐ Approved/Certified
- ☐ No Action Required
- ☐ Action Requested

Attachments:

1. Proclamation

Copy to: Patricia Wagner via email

City of Sonoma

Proclamation

NATIONAL SURVEYOR'S WEEK

Whereas, Surveying has been an essential element in the development of the human environment since the beginning of recorded history and it is a requirement in the planning and execution of nearly every form of construction with its most familiar modern uses in the fields of transport, building and construction, communications, mapping, and the definition of legal boundaries for land ownership; and

Whereas, In order to accomplish their objectives, surveyors use elements of engineering, physics, mathematics, astronomy, law, and history; and

Whereas, Since the colonial days of the United States, surveyors have been leaders in the community, statesmen, influential citizens, and shapers of cultural standards. Former notable surveyors include George Washington, Thomas Jefferson, Abraham Lincoln, Lewis and Clark, Daniel Boone, and Henry David Thoreau, among many others; and

Whereas, Many services are now provided through the use of sophisticated surveying equipment and techniques, including satellite-borne remote sensing devices and automated positioning, measuring, recording, and plotting equipment; and

Whereas, The establishment of the week of March 15-21, 2015 as National Surveyors Week is a fitting tribute to all surveyors.

NOW, THEREFORE, I, DAVID COOK, Mayor of the City of Sonoma, do hereby proclaim that within the City of Sonoma, the week of March 15 - 21, 2015 shall be observed as

NATIONAL SURVEYOR'S WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 16th day of March 2015.

DAVID COOK, MAYOR

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 3B

Meeting Date: 3/16/2015

Department	**Staff Contact**
Public Works	Dan Takasugi, Public Works Director / City Engineer

Agenda Item Title

Presentation by the Sonoma County Water Agency (SCWA) regarding their Proposed Water Transmission Budget and Wholesale Water Rate Increase for FY15-16

Summary

The SCWA has requested an opportunity to present their proposed 2015/16 wholesale water rate budget to each water contractor prior to the Water Advisory Committee (WAC) / Technical Advisory Committee (TAC) Special meeting of April 6, 2015. The WAC is an advisory committee to the SCWA Board of Directors. The City's WAC representative is Laurie Gallian.

The SCWA has indicated that they will be requesting a 5.46% increase on the wholesale cost of water for the Sonoma Aqueduct.

On April 6, 2015, the WAC is scheduled to vote on whether or not to recommend the SCWA budget for approval to the SCWA Board of Directors

Recommended Council Action

Receive the presentation and if desired, provide input to the WAC representative for the April 6, 2015 vote.

Alternative Actions

Council discretion.

Financial Impact

Sonoma Aqueduct wholesale water rates will increase by 5.46%, above the 4.0% rate increase assumed by the latest City water rate model update.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

None.

Alignment with Council Goals:

Indirectly supports the Financial Management Council goal of providing sound budget strategies to assure financial stability in the Water Enterprise Fund.

cc:

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **3C**

Meeting Date: **03/16/15**

Department	**Staff Contact**
Planning	Associate Planner Atkins

Agenda Item Title

Presentation of Regional Climate Protection Authority's County-wide Greenhouse Gas Reduction Implementation Program.

Summary

In May of 2013, the City Council authorized the City Manager to execute a memoranda of agreement to participate and qualify for funding in the County-wide Greenhouse Gas Reduction Implementation Program (GRIP), recently renamed Climate Action 2020. Climate Action 2020 is a collaborative effort among all nine cities and the County of Sonoma to take further action in reducing GHG emissions community-wide. Through the implementation of this program, participating jurisdictions will achieve compliance with Bay Area Air Quality Management District (BAAQMD) guidelines and other related policies that establish reduction targets for GHG emissions, including AB 32, CEQA, and local GHG reduction goals. Building upon the climate protection efforts and goals established in 2008 Community Climate Action Plan created by the Climate Protection Campaign, the goal of Climate Action 2020 is to update all municipal and community-wide GHG inventories, evaluate emission targets, and to create an implementation plan to reach those targets. The updated Climate Action Plans that are developed for each jurisdiction will be tailored to its specific circumstances while at the same time benefitting from a county-wide perspective.

Staff with the Regional Climate Protection Authority will give a brief update on the multijurisdictional Climate Action 2020 project, including what has been accomplished to date, data on the updated Greenhouse Gas inventories, and next steps in the project schedule.

Recommended Council Action

Receive presentation.

Alternative Actions

N.A.

Financial Impact

While local participation in the Climate Action 2020 Program will require staff time to assist with information development and public outreach, these costs will be reimbursed in an amount not to exceed $35,000 over the two-year period in with the GRIP

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

cc: CSEC Members

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 03/16/2015

Department	**Staff Contact**
Administration	Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Minutes of the March 2, 2015 City Council meeting.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

Minutes

Alignment with Council Goals: N/A

cc: N/A

CONCURRENT REGULAR MEETINGS OF THE SONOMA CITY COUNCIL & SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY

Community Meeting Room, 177 First Street West, Sonoma CA

Monday March 2, 2015
6:00 p.m.
****
MINUTES

City Council
David Cook, Mayor
Laurie Gallian, Mayor Pro Tem
Madolyn Agrimonti
Gary Edwards
Rachel Hundley

OPENING

Mayor Cook called the meeting to order at 6:00 p.m. Lynda Corrado led the Pledge of Allegiance.

CITY COUNCILMEMBERS PRESENT: Edwards, Gallian, Hundley, Agrimonti and Mayor Cook
ABSENT: None

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walters, Finance Director Hilbrants, Planning Director Goodison, Public Works Director Takasugi

1. COMMENTS FROM THE PUBLIC

Robert Neumann, Golden State Manufactured-Home Owners League, presented Councilmembers with copies of the 2015 California Mobilehome Residency Law and invited them to contact him if he could be of assistance.

Patricia Shults, Chamber of Commerce Executive Director, announced the March 5 Local Fest New Business Showcase and invited all to attend.

2. MEETING DEDICATIONS

Clm. Agrimonti dedicated the meeting in the memory of local architect Mark Perry.

Clm. Gallian dedicated the meeting in the memory of community volunteer Ileen Katherine Jones Addison.

3. PRESENTATIONS

Item 3A: Recognition of Melinda Kelley's service on the Community Services and Environment Commission

Mayor Cook thanked Melinda Kelley for her service on the Community Services and Environment Commission since 2009 and presented her with a certificate of appreciation. Ms.

Kelley stated that she had enjoyed her tenure on the commission and it had been a pleasure to serve.

Item 3B: **Presentation of Mid-Year Report of the Sonoma Tourism Improvement District**

Bill Blum and Wendy Peterson presented the mid-year update on the accomplishments and activities of the Tourism Improvement District. In summary, Mr. Blum stated that the state of tourism in Sonoma was good.

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Item 4A: **Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.**

Item 4B: **Approval of the Minutes of the February 18, 2015 City Council meeting.**

Item 4C: **Approval and ratification of the reappointment of Kimberly Blattner to the Community Services and Environment Commission for a term ending March 4, 2017.**

Item 4D: **Approval and ratification of the appointment of Christopher Johnson to the Design Review and Historic Preservation Commission for a term ending March 2, 2017.**

Item 4E: **Adoption of a resolution adopting the revised Special Events Policy.** (Res. No. 07-2015)

Item 4F: **Adoption of an ordinance amending the Development Code by prohibiting Automated Purchasing Machines in the City of Sonoma.** (Removed from consent, see below)

Mayor Cook invited comments from the public. Bonnie Garcia requested that Item 4F be removed from the Consent Calendar to be discussed separately.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to approve the Consent Calendar as presented except for item 4F. The motion carried unanimously.

Item 4F: **Adoption of an ordinance amending the Development Code by prohibiting Automated Purchasing Machines in the City of Sonoma.**

Mayor Cook invited comments from the public. Bonnie Garcia, ecoATM, stated that the proposed ordinance targeted their company. She explained that ecoATM operated kiosks in two thousand locations which purchase used cellular phones and other personal electronic devices for cash or a charitable donation. Their mission was to help solve the electronic waste problem, which they believed would become one of the largest environmental issues facing future generations. She explained that they work closely with local law enforcement agencies and for each transaction they collect all the information required by California's Secondhand Dealer laws.

Max Santiago, ecoATM, stated that not one stolen phone had ever been sold to their company. He went on to explain the measures they took to deter crime and noted that the theft of cell phones had actually declined in San Francisco. Mr. Santiago stated that California's Secondhand Dealer Law would preempt the proposed ordinance.

Clm. Hundley inquired about the preemption by State law. City Attorney Walter stated he received that information late in the day and had not had time to research it.

Clm. Agrimonti inquired why someone would sell a phone. Mr. Santiago explained that most cell phones had a stated value. He noted that consumers updated their cell phones every eighteen months and the kiosks incentivize proper handling of the e-waste generated by the discarded phones.

Clm. Gallian inquired why the company selected Sonoma for placement of one of their kiosks. Ms. Garcia stated it was because Sonoma was environmentally focused.

It was moved by Clm. Hundley, seconded by Clm. Gallian, to table the issue to allow time to ascertain what the Police Chief's thoughts were and for staff to research the issue of preemption by State law. The motion carried unanimously.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

Item 5A: **Approval of the portions of the Minutes of February 18, 2015 City Council meeting pertaining to the Successor Agency.**

The public comment period opened and closed with none received. It was moved by Clm. Agrimonti, seconded by Clm. Edwards, to approve the consent calendar as presented. The motion carried unanimously.

6. PUBLIC HEARING – None Scheduled

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: **Discussion, consideration and possible action on draft letter to the Sonoma County Board of Supervisors indicating the City's opposition to the proposed fluoridation program.**

City Manager Giovanatto reported that, pursuant to Council direction given at the February 18 meeting, staff had redrafted the letter to the Sonoma County Board of Supervisors expressing Council's opposition to fluoridation of the water supply.

Mayor Cook invited comments from the public. Peter Alexander Chernoff spoke and read a poem indicating his disapproval of water supply fluoridation.

Dentist Anthony Fernandez stated that most dentists and physicians supported fluoridation. He said children in Sonoma had worse decay than those in Marin and he encouraged the Council to listen to the experts and wait until all the details were known prior to making a decision.

Dave Chambers stated that fluoride reduced the amount of lost work time and school attendance due to caries. He said the risks were small and the benefits were large.

Stan Pappas stated that after fluoride was introduced to him as a child he experienced no more cavities. He added that his brain was working okay too.

Gail Hartman stated that no one had addressed the issue of dosage amounts. She pointed out that fluoride could be found in food and pesticides and that it was possible for a person to get too much of it.

Chris Petlock urged the Council to do what was best for the children.

Dentist Laura Gator Wilson urged caution stating that water was critical to human life. She did not support fluoridation of the water supply stating that most of Europe did not fluoridate their water and that adding it to the water supply was forcing medication without informed consent.

Eva ____ noted that many other countries did not fluoridate their water. She cited concerns about children swallowing toothpaste and fluoride's potentially toxic effects on the elderly.

Dawna Gallagher stated that fluoride was an enzyme inhibitor, which degraded the water supply. She stated that the $1 million the County had already spent studying fluoridation could have been put to better use. She encouraged the Council to take a stand against the County's movement towards fluoridation of the water supply stating they would be on the correct side of the issue.

Edward Shoop stated he had never heard of a death by fluorosis.

Dental Hygienist Maggie Cox stated that she had seen a lot more cavities in Sonoma children than those in San Francisco. She said fluoride was safe and she supported its introduction into the water supply.

Clm. Agrimonti stated she wanted to hear all the evidence before making a decision so she still did not support sending the letter. She requested that the letter indicate that not all Councilmembers supported sending the letter.

Clm. Hundley stated that she recognized the concerns on both sides but did support sending the letter.

Clm. Edwards stated his support for an organic food supply. He was not against fluoride but did not support it being in the water and thought the letter should be sent.

Mayor Cook stated that as a farmer and environmentalist he worried about the land and what was underneath it. He did not want fluoride in the aquifers.

It was moved by Clm. Hundley, seconded by Clm. Edwards, to send the letter with a notation that it was approved by a majority of the City Council. The motion carried with the following roll call vote: AYES: Edwards, Hundley, Cook. NOES: Gallian, Agrimonti. ABSENT: None.

Item 7B: **Discussion, consideration, and possible action on the question of whether to revisit the regulation of leaf-blowers (Requested by Mayor Pro Tem Gallian).**

City Manager Giovanatto reported that Clm. Gallian requested this item to see if there was Council support for revisiting the issue of leaf blowers. Planning Director Goodison provided additional background information and explained that the noise ordinance had been revised in 2011 to establish more restrictive hours and reduce the maximum decibel levels.

Clm. Edwards inquired about the number of complaints that came in. Chief Sackett responded that he did not have specific information but there were not a significant number of calls received.

Mayor Cook invited comments from the public. Stan Pappas said he did not know why the Council was revisiting the issue and he did not support any new regulations.

Paul Gorce stated that since his wife passed away he had a lot more chores to do. He would continue to use his leaf blower no matter what the Council decided because it shortened the amount of time it took to clear the yard.

Chris Petlock stated the existing ordinance pitted one neighbor against another. What was needed was better enforcement of the rules. He noted that during the prior discussions the Public Works Department had reported how much more time it would take them to clear the parks and bike paths. Petlock said he did not support a ban.

_____ Cornell stated that his father owned and operated Cornell Landscaping. He said it took a lot longer to use a rake and that the Council had more important things to deal with than leaf blowers.

Fred Allebach said he was not sure he would support a ban. He suggested finding ways to incentivize green landscape maintenance.

Pat Coleman encouraged the Council to be opened minded and think again what was best for residents and visitors.

Lynda Corrado suggested lowering the decibel level, require mandatory training, certification of blowers and dividing the town into zones with set schedules on the days blowers could be used.

Sara Ford supported revisitation of the issue. She said it did not seem that the existing regulations were being enforced.

Lynn Clary also supported revisiting the issue.

Clm. Edwards stated that he had not seen the problem and that a few emails were not reflective of the City's entire population. He stated that he felt the hours could be adjusted in commercial areas but a better solution overall would be to get people to be respectful of others and to talk to each other about their concerns. Clm. Edwards said the Council needed to deal with issues more straining on the budget and his priority for law enforcement was to spend their time on other things.

Clm. Agrimonti stated her agreement with Clm. Edwards and she would support an education and/or dispute resolution process.

Clm. Hundley stated that for many it was a quality of life issue. She would like to know if the health claims were substantiated and to learn the differences between gas and electric blowers. She felt the topic was worthy of further consideration and would like to hear ideas from the landscaping professionals.

Clm. Gallian stated that the prior discussions had been very intense and that the issue had not gone away. She reported receiving continual complaints and that her intent was to seek a ban on just gas powered leaf blowers, not all leaf blowers.

Mayor Cook stated that he had voted no the last time a ban was discussed but that he acknowledged the issue had not gone away. He supported a re-vetting of the issue to try to come to some type of resolution.

Clm. Edwards stated that if Council was going to move forward it might as well add Harley motorcycles, helicopters and anything else that made noise. He said he did not want to waste staff time on this and it made a lot more sense to get neighbors to talk to each other.

City Manager Giovanatto suggested that Council give staff some time to come up with and bring back some options for their consideration.

It was moved by Clm. Gallian, seconded by Clm. Hundley, to direct staff to explore options, contact various parties and stakeholders and come back with a suggested plan for how to pursue further action. The motion carried with the following roll call vote: AYES: Gallian, Hundley, Agrimonti. NOES: Edwards, Cook. ABSENT: None.

RECESS: The meeting recessed from 8:30 to 8:40 p.m.

Item 7C: **Discussion, consideration and possible action on: (1) setting date(s) for study sessions to discuss proposed amendments to rent control ordinance; and/or (2) creating task force, retaining facilitator and committing staff and City resources to facilitated discussions between residents and park owners about amending rent control ordinance.**

City Attorney Walters provided a recap of the existing mobilehome rent control regulations and reported that for the last several years an attorney representing the residents of Pueblo Serena Mobilehome Park had submitted many requests and suggestions for revisions to the regulations. Due to the contentiousness, complexity and number of issues that the City Council would be expected to resolve as it made its way through the process of understanding the proposals being made and determining which, if any, it wished to incorporate into an amended rent control ordinance he was recommending that the Council agree on a process that would lend itself to the careful and objective examination of the proposals to assure that the ultimate outcome was in the best interests of the City and its affected residents. He suggested Council either: (1) set date(s) for Council study sessions to discuss the proposed amendments to the City's rent control ordinance; and/or (2) consider forming a task force (made up of park owners, park residents, and/or their representatives), retaining a facilitator and committing staff and City resources to facilitated discussions between residents and park owners about amending the City's rent control ordinance.

Mayor Cook invited comments from the public. Lin Marie DeVincent, Chair of Pueblo Serena Homeowners Association, stated that the regulations needed to be reviewed and updated and that she supported a study session.

Bonnie Joy Kaslan, President of the DeAnza Moon Valley Homeowners Association, stated that the situation of park residents was unique in that they were homeowners in a land-lease situation. She stated that because the regulations allow escalating rents, the parks were

becoming less affordable. Kaslan stated her support for a study session to be held after March 21 to allow all Tri Park Committee members be present.

Gary Hermes, Rancho de Sonoma Homeowners Association, stated they had lost affordability on over one third of the homes because they had been purchased by the park owner who rented them out at market rates. He supported a study session and suggested the City contact the City of Watsonville.

Anne Colichidas, Golden State Manufactured-home Owners League, supported a study session and stated that park ownership had changed from mom and pop to large companies with shareholders.

Bart Thompson, Rancho de Sonoma owner, stated his support for a task force as he felt a study session with be contentious with attorneys present.

Karla Noyes, David Artson, and John Kyle spoke in support of a study session.

Former Mayor Jeanne Markson Artson offered her services in dealing with the issue.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to establish dates for study sessions to discuss the proposed amendments to the City's rent control ordinance. City Manager Giovanatto stated that she would contact Councilmembers to establish a meeting schedule. The motion carried unanimously.

RECESS: The meeting recessed from 9:25 to 9:30 p.m.

7. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 7D: **Presentation of FY 2014 - 2015 Midyear Budget; discussion, consideration and possible action on Amendments to the FY 2015 Operating Budget.**

Finance Director Hilbrants presented the mid-year financial report and budget review report. She stated that six months into the fiscal year, the City was in the black with no anticipated drawdown from reserves. At December 31, 2014, General Fund revenue exceeded expenditures by approximately $191,779. Hilbrants stated that due to events occurring subsequent to the adoption of the budget, staff was recommending several amendments to the adopted budget totaling $420,225. She provided details of the proposed amendments, the largest of which was a set-aside of $250,000 to establish a trust fund for the community swimming pool.

Clm. Hundley questioned if the $12,000 feasibility study for an irrigation well in the Plaza had been discussed by Council and questioned if it could wait until after the Council's goal setting session. Public Works Director Takasugi stated he believed Council had directed staff to bring it back mid-year and explained that the funds would allow a feasibility study on a shallow irrigation well and construction cost estimates.

The public comment period was opened and closed with none received.

Clm. Edwards stated at first he was not in favor of the Plaza well idea but recently discovered the water table was pretty high so it made sense to research a well. Following a brief discussion on the issue of the feasibility study, it was moved by Clm. Gallian, seconded by Clm. Edwards, to accept the financial report and adopt Resolution No. 08-2015 entitled A Resolution of the City Council of the City of Sonoma Amending the FY 2014-15 Budget as presented by staff. The motion carried unanimously.

Item 7E: **Discussion, Consideration and Possible Action to Provide Direction to Councilmember Hundley on Potential Voting Action by Mayor & Councilmember Legislative Action Committee on SB 128 [Requested by Councilmember Hundley].**

City Manager Giovanatto reported that Clm. Hundley requested Council direction on a potential vote upcoming by the Mayor & Councilmember Legislative Action Committee to send a letter in support of SB 128 End of Life Option Act by Senator William Monning, Senator Lois Wolk and Assemblymember Susan Talamantes Eggman. SB 128 would establish the End of Life Option Act in California, modeled after Oregon law that was enacted in 1997. This would give a terminally ill, mentally competent California adult resident the legal right to ask and receive a prescription to hasten death from his/her physician after all required criteria is met.

The public comment period was opened and closed with none received.

Mayor Cook supported it. Clm. Edwards felt more input from citizens was needed. Clm. Gallian and Clm. Agrimonti were conflicted about it. Clm. Hundley stated she would support it. There was no motion on the matter and Mayor Cook stated he was hearing that Clm. Hundley should vote no.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Edwards reported on the Cittaslow meeting.

Clm. Gallian reported on the opening of Cheese Conference, Ag and Open Space Advisory Committee, and Sonoma County Taxpayers Association meetings.

Clm. Hundley reported on the SVCAC and Economic Vitality Partnership meetings.

Mayor Cook reported on the Sonoma County Taxpayers Association and Sonoma Clean Power meetings.

10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

City Manager Giovanatto thanked the Councilmembers for attending the Sonoma County Taxpayers Association meeting and being there when she was presented the 2015 Spencer Flournoy Good Government Award. She reported that she and Mayor Cook discussed the Council goals at the first Chamber Table Talk and she thanked Rotary for upgrading the tot lot playground in the Plaza.

11. COMMENTS FROM THE PUBLIC

George McKale congratulated the three new Councilmembers and introduced himself as the City Historian and Chairperson of the Sonoma-Aswan Sister City Committee.

James McKale, Sonoma Valley High School, announced that his Senior Project was to construct a new education center in Egypt. He invited all to attend a screening of the film "In Tahrir Square: 18 Days of Egypt's Unfinished Revolution" which documented how the people gathered in Cairo brought down a dictatorship which will raise funds for the construction of the Aswan Center for Education (ACE) in the Nubian community of Ghard (West) Aswan.

12. ADJOURNMENT

The meeting was adjourned at 10:09 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the day of 2015.

_____
Gay Johann
Assistant City Manager / City Clerk

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 3/16/15

Department	**Staff Contact**
Building	Wayne Wirick, Development Services Director / Building Official

Agenda Item Title

Acceptance of Bids and Award of Contract for the Sonoma Fire Station Partial Exterior Painting Project to Alpha G. Painting of Napa, CA.

Summary

The Al Mazza Fire Station is in need of re-painting of wood and metal elements on the exterior of the main building as well as the detached mechanic garage. The stucco walls will not be repainted. Plans and specifications have been prepared and bids solicited for the needed work. On February 26, 2015 the City received eleven bids for the project, the results of which are shown below.

Contractor	Total Bid
Alpha G Painting - Napa CA	$40,000.00
Northern CA Painting - Penryn, CA	$45,000.00
Golden State Painting - Rancho Cordova, CA	$53,170.00
Affordable Painting Services, Inc. - Sacramento, CA	$60,000.00
A Plus Painting - Roseville, CA	$73,270.00
Tiber Painting - Mountain View, CA	$78,870.00
Vera's Painting - Woodland Hills, CA	$86,300.00
Everlast Builders, Inc. - Canyon Country, CA	$91,000.00
Fix Painting Company - Woodland Hills, CA	$103,700.00
HC Custom Painting - Madera, CA	$115,000.00
CAM Painting, Inc. - Bell Canyon, CA	$124,000.00

Bid documents including the plans and project manual may be viewed on the City's web site at http://www.sonomacity.org/default.aspx?Pageid=513 .

Recommended Council Action

Staff recommends the following actions be taken by the City Council:

1. Accept all bids.
2. Award the contract for the Sonoma Fire Station Partial Exterior Painting Project to Alpha G. Painting of Napa, CA. for the amount of $40,000 and authorize the City Manager to execute said contract.

Alternative Actions

1. Reject all bids and revise or don't perform the project.

Financial Impact

A total of $50,000 in Long-Term Building Maintenance funds have been budgeted in the 2014/15 Capital Improvement Program for this project. Total project costs are expected to fall within the budgeted amount.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☒ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

Alignment with Council Goals:

No apparent alignment with Council goals.

cc:

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **4D**

Meeting Date: **03/16/2015**

Department	**Staff Contact**
Public Works	Dan Takasugi, Public Works Director/City Engineer

Agenda Item Title

Adoption of Plans and Specifications, Approve a Budget Adjustment in the amount of $318,339, and Authorize the City Manager to Award a Construction Contract to Piazza Construction, lowest responsible bidder, for the Field of Dreams Well #8 Project No. 1402 in the amount of $674,898.50.

Summary

Proposed work consists of converting an existing irrigation water well (at the Field of Dreams Ball Field off of First Street West in the City of Sonoma) into a municipal potable water well to augment the City's water supply, and to provide emergency water service should there be an interruption in the existing water distribution system from the Sonoma County Water Agency. Proposed activities include clearing and grubbing; saw-cutting existing hot mix asphalt pavement; demolition of existing pavement surfacing; installing a well pump; installing a 6-inch water main, including fittings, flow meter, check valves, gate valves, and associated piping and appurtenances; vaults and covers; constructing a chlorination and control building with HVAC, plumbing and fire sprinkler systems; installing a chlorination system along with associated electrical and instrumentation work; construction of an all-weather gravel access road; installation of fences and gates; backfill and compaction; surface restoration, including hot mix asphalt paving; and other related work, as set forth on the project Plans and Specifications. Plans and Specifications may be viewed on the City's online plan room at: www.blueprintexpress.com/sonomacity.

Four bids were received and are summarized in Table 1 on the following page. In accordance with the guidelines in City Purchasing Policy No. 2.1, the City Manager is authorized to approve contract change orders of up to 20 percent of the base bid amount.

Recommended Council Action

It is recommended that Council: a) Adopt the Plans and Specifications for the Field of Dreams Well #8 Project No. 1402, b) Approve the attached Resolution, approving a budget adjustment to the Water Capital account in the amount of $318,339 and c) Accept the bids and Authorize the City Manager to Award a construction contract to Piazza Construction, the lowest responsible bidder, for $674,898.50.

Alternative Actions

Reject all bids, rescope project, and resolicit for bids; or do not perform the project.

Financial Impact

This project has funding of $540,686 budgeted for FY14/15 and $131,725 for FY15/16, under a previous expectation that the project would span the fiscal years, for a total of $672,411. It is now likely that most of the construction will be completed in FY14/15. The construction bids came in higher than the Engineer's Estimate of $517,768. In addition to Water funding, the project budget includes 2001 water bond proceeds of $179,239 and Local Supply/Recycled Water/Tier 2 (LRT2) Program Funding of $275,117. With a 15% construction contingency, design costs of $169,624, construction support services of $19,992, and special inspection services of approximately $25,000, this contract award requires a budget adjustment from Water fund balance to Water Capital of $318,339, for a total FY14/15 project budget of $990,750. Construction management and construction inspection will be performed with in-house City staff.

Environmental Review

- ☐ Environmental Impact Report
- ☒ Negative Declaration
- ☐ Exempt
- ☐ Not Applicable

Status

- ☒ Approved/Certified
- ☐ No Action Required
- ☐ Action Requested

Alignment with Council Goals:

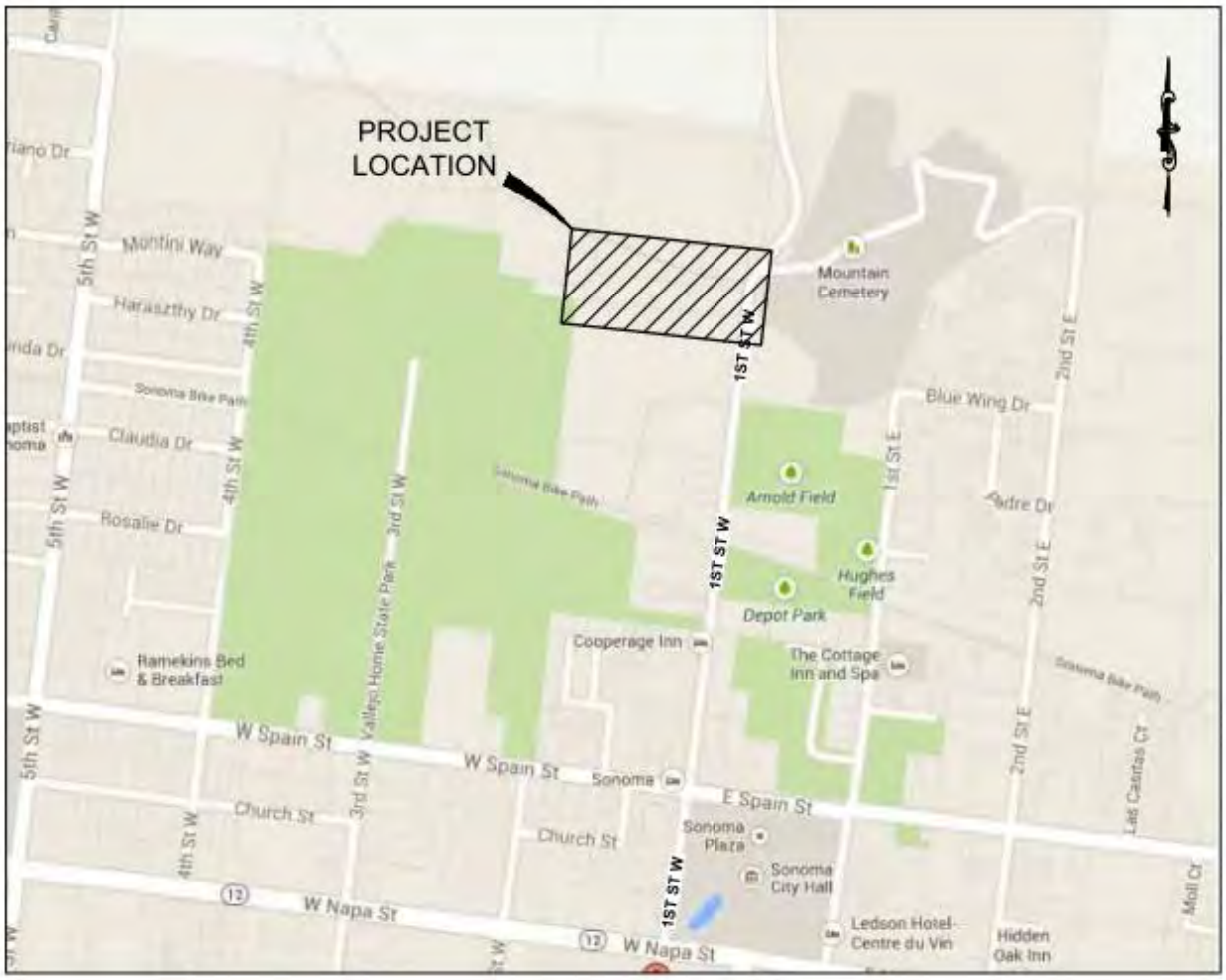
Supports the Council Water Goal by strengthening capital infrastructure needs with a focus on enhancing the City's local water supply and increasing water capacity through new sources.

Attachments: Draft Resolution
Table 1 Bid Results
Figure 1 Project Location

Table 1, Bid Results

	Bidder Name	Company Location	Bid Amount
	Engineer's Estimate		$517,768.00
1	Piazza Construction	Penngrove	$674,898.50
2	Fort Bragg Electric, Inc.	Fort Bragg	$698,978.19
3	Team Ghilotti, Inc.	Petaluma	$699,440.00
4	TerraCon Constructors, Inc.	Healdsburg	$743,045.00

Figure 1, Field of Dreams Well #8 Project Location



CITY OF SONOMA

RESOLUTION NO. __ - 2015

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF
$318,339 FOR THE FIELD OF DREAMS WELL 8 PROJECT

WHEREAS, the Field of Dreams Well 8 project is aligned with the Council Goal to focus on enhancing the City's local water supply;

WHEREAS, funding for this project was budgeted in the Water Enterprise Capital Improvement Budget of $540,686 in Fiscal Year 2014/2015 and $131,725 in the Fiscal Year 2015/2016;

WHEREAS, construction bids were solicited with the low bid at $674,898.50, which was higher than the engineer's estimate of $517,768; and

WHEREAS, with the lowest bidder's price, construction contingency, design costs, construction support services, special inspection costs, a project budget adjustment of $318,339 is needed to carry the project to construction completion, in the exception of very unusual circumstances.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby approves a budget adjustment from the Water Fund balance to the Water Capital Improvement Budget for the Field of Dreams Well 8 Project in the amount of $318,339.

PASSED AND ADOPTED, by the City Council of the City of Sonoma, County of Sonoma, State of California on March 16, 2015 by the following vote:

Ayes:
Noes:
Absent:

_____
David Cook, Mayor

ATTEST:

_____
Gay Johann, Assistant City Manager/City Clerk

CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: **5A**

Meeting Date: **03/16/2015**

Department	**Staff Contact**
Administration	Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the portions of the Minutes of March 2, 2015 City Council meeting pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- ☐ Environmental Impact Report
- ☐ Negative Declaration
- ☐ Exempt
- ☒ Not Applicable

Status

- ☐ Approved/Certified
- ☐ No Action Required
- ☐ Action Requested

Attachments:

See Agenda Item 4B for the minutes

Alignment with Council Goals: N/A

cc: NA

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 03/16/2015

Department	**Staff Contact**
Administration	Carol Giovanatto, City Manager

Agenda Item Title

Discussion, consideration and possible action to conduct the first reading of an Ordinance of the City of Sonoma Requiring the Licensure of Tobacco Retailers and Amending Chapter 7.25 of the Municipal Code

Summary

In mid-2014, the Council opened the discussion of establishing a Tobacco Retailers Licensing (TRL) program within the City limits of Sonoma. Working collaboratively with the City Attorney, members of the public health community, and with ChangeLab Solutions staff presented an overview of the TRL ordinance to the Council for a brief introduction in October 2014 at which time the Council tabled the issue until the new Council was seated following the election. The issue was returned to the Council for presentation on February 2nd .A draft ordinance entitled "An Ordinance of the City of Sonoma Requiring the Licensure of Tobacco Retailers and Amending Chapter 7.25 of the Municipal Code" was reviewed with the Council at which time staff and the Associate City Attorney presented optional language sections (referenced as "plug-ins) which had been incorporated into the ordinance for discussion. Following public comment and input and Council deliberations, the Council directed certain changes to the draft ordinance as presented. The ordinance presented encompasses all forms of tobacco and tobacco related products including any electronic device that delivers nicotine or other substances by means of inhaling.

Recommended Council Action

Conduct first reading of ordinance establishing Tobacco Retailers Licensing Program

Alternative Actions

1. Direct staff to bring the ordinance back for further modifications/amendments
2. Do not introduce ordinance

Financial Impact

Income derived from the licensing program will be utilized to off-set the costs related to the administration and enforcement of the tobacco retailer's compliance program.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

1. Supplemental Report
2. Ordinance
3. Map
4. List of Retailers
5. TRL Application

Alignment with Council Goals:

Supports the youth and enhances public safety priorities.

cc via email: Elizabeth Emerson

Supplemental Report

Discussion, consideration and possible action on the first reading of an Ordinance Establishing the Tobacco Retailer's Licensing Program

For the Council Meeting of March 16, 2015

In mid-2014, the Council opened the discussion of establishing a Tobacco Retailers Licensing (TRL) program within the City limits of Sonoma. This was an outcome of a presentation by the American Lung Association on the potential options and impacts related to the regulation of smoking in Sonoma. The regulation of tobacco retailers is the first step in an effort to reduce the sales of tobacco and smoking paraphernalia to minors. Working collaboratively with the City Attorney, members of the public health community, and with ChangeLab Solutions staff presented an overview of the TRL ordinance to the Council for a brief introduction in October 2014 at which time the Council tabled the issue until the new Council was seated following the election.

The issue was returned to the Council for presentation on February 2nd .A draft ordinance entitled "An Ordinance of the City of Sonoma Requiring the Licensure of Tobacco Retailers and Amending Chapter 7.25 of the Municipal Code" was reviewed with the Council at which time staff and the Associate City Attorney presented optional language sections (referenced as "plug-ins) which had been incorporated into the ordinance for discussion. Following public comment and input and Council deliberations, the Council directed certain changes to the draft ordinance as presented. Staff has incorporated those changes into the ordinance with exception of the issue of increasing the age for purchase of tobacco. The ordinance presented encompasses all forms of tobacco and tobacco related products including any electronic device that delivers nicotine or other substances by means of inhaling. A summary of the changes are as follows:

- Included the most current definitions of "Electronic Smoking Device" and "Smoking" and Tobacco Paraphernalia" in accordance with information received from ChangeLab Solutions.
- Omitted "Drug Paraphernalia" because of state preemption and the fact that existing state law permits the revocation of a business license if drug paraphernalia is sold.
- Limiting TRL to existing sites (16 total per State Board of Equalization). No new TRL licenses will be issued upon adoption of the ordinance.
- Permitting existing TRL's to sell business to a third party at the same location. License is not transferable if business is relocated to alternate location.
- Not adding specific TRL sign regulation but rather relying upon Sonoma's existing sign ordinance.
- Prohibiting flavored tobacco products unless the package of cigars contains more than five cigars or unless a single cigar sells for a retail price exceeding $3.00.
- Removed alternative dispute resolution section as a cure for violation of the ordinance.

<u>Increasing Age for Tobacco Purchase:</u>

Not included in the TRL ordinance is a provision to raise the age to 21 for persons to purchase tobacco and/or tobacco-related products. Although Council discussed the potential to include this subject in the TRL ordinance, staff has determined that it is not prudent at this time because of pending Senate Bill 151 introduced on January 29, 2015, which raises the age to 21 statewide. The TRL ordinance can be amended in the future if necessary once the outcome of Senate Bill 151 is determined.

TRL Issuance and Monitoring:

The ordinance will implements a process to obtain a Tobacco Retailer License from the City in addition to any other license required under the Municipal Code and State law. The annual license fee of $246 collected under the program will fund the compliance monitoring program, which will include a youth decoy sting operation coordinated by the Police Chief and Sheriff's Department. Annual licenses will be issued through the City Manager's office. According to the information obtained from the State Board of Equalization, there are currently 16 businesses in the City licensed by the State to sell tobacco products.

RECOMMENDATION:

Staff recommends Council conduct the first reading of the Ordinance Requiring the Licensure of Tobacco Retailers and Amending Chapter 7.25 of the Municipal Code and direct for staff to return the ordinance for second reading and adoption on April 6, 2015.

AN ORDINANCE OF THE CITY OF SONOMA REQUIRING THE LICENSURE OF TOBACCO RETAILERS AND AMENDING CHAPTER 7.25 OF THE MUNICIPAL CODE

The City Council of the City of Sonoma does ordain as follows:

SECTION I. FINDINGS. The City of Sonoma hereby finds and declares as follows:

WHEREAS, based in part on the information contained in this section, the City Council finds that the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare of the residents of the City of Sonoma; and

WHEREAS, the City Council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the City, to protect the health, safety, and welfare of our residents; and

WHEREAS, approximately 480,000 people die in the United States from tobacco-related diseases every year, making tobacco use the nation's leading cause of preventable death; and

WHEREAS, the World Health Organization (WHO) estimates that by 2030, tobacco will account for 8.3 million deaths per year and will be responsible for 10 percent of all deaths worldwide; and

WHEREAS, 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness; and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:

- The Legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code §118950);
- State law prohibits the sale or furnishing of cigarettes, tobacco products, and ~~smoking~~ tobacco paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors (Cal. Pen. Code §308);
- State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 18 years of age (Cal. Bus. & Prof. Code §22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code §22952);

- State law prohibits the sale of tobacco products and paraphernalia through self-service displays with limited exceptions for tobacco stores (Cal. Bus. & Prof. Code §§22960 and 22962);
- State law prohibits the sale or furnishing of electronic cigarettes to minors (Cal. Health & Safety Code §119405);
- State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits the manufacture, distribution, or sale of "roll-your-own" tobacco in packages containing less than 0.60 ounces of tobacco (Cal. Pen. Code §308.3); and

WHEREAS, state law requires all tobacco retailers to be licensed by the Board of Equalization primarily to curb the illegal sale and distribution of cigarettes due to tax evasion and counterfeiting (Cal. Bus. & Prof. Code §§22970.1 and 22972); and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code §22971.3); and

WHEREAS, California courts have affirmed the power of the City to regulate business activity to discourage violations of law. See, e.g., *Cohen v. Board of Supervisors*, 40 Cal. 3d 277 (1985); *Bravo Vending v. City of Rancho Mirage*, 16 Cal. App. 4th 383 (1993); *Prime Gas, Inc. v. City of Sacramento*, 184 Cal. App. 4th 697 (2010); and

WHEREAS, despite the State's and City's efforts to limit youth access to tobacco, minors are still able to access cigarettes, as evidenced by the fact that:

- In California, 36.8 percent of high school students have smoked a whole cigarette by 14 years of age;
- In California, 64 percent of adult smokers started by the age of 18;
- Among middle school students who were current cigarette users in 2004, 70.6 percent were not asked to show proof of age when they purchased or attempted to purchase cigarettes from a store, and 66.4 percent were not refused purchase because of their age;
- In 2002, youth smoked approximately 540 million packs of cigarettes, generating nearly $1.2 billion in tobacco industry revenue;
- In Sonoma County, 70 percent of 11th graders and 52 percent of 9th graders report that it is "fairly" or "very" easy to obtain cigarettes;

WHEREAS, California retailers continue to sell tobacco to underage consumers, evidenced by the following:

- 7.6 percent of all tobacco retailers were witnessed unlawfully selling to minors in 2013;

- Among the 14.2 percent of minors nationwide who smoked cigarettes in 2011, 14.0 percent had usually obtained their own cigarettes by buying them in a store or gas station;

WHEREAS, research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes. For example:

- A review of 33 California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in 31 of these communities after the ordinances were enacted, with an average decrease of 26 percent in the youth sales rate;
- Over 90 percent of enforcement agencies surveyed in 2000 rated license suspension or revocation after repeated violations as an effective strategy to reduce youth access to tobacco; and
- A study found that odds of daily smoking were reduced by 2% for each 1% increase in merchant compliance with youth access laws; and
- A study of the effect of licensing and enforcement methods used in the Philadelphia area revealed a decrease in sales to minors from 85 percent in 1994 to 43 percent in 1998;
- A study of several Minnesota cities found that an increased licensing fee in conjunction with strict enforcement of youth access laws led to a decrease from 39.8 percent to 4.9 percent in the number of youth able to purchase tobacco; and

WHEREAS, over 100 cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop minors from using tobacco; and

WHEREAS, a requirement for a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to adults. It will, however, allow the City to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws; and

WHEREAS, the City has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors; and finally, and most importantly, in protecting children from being lured into illegal activity through the misconduct of adults; and

NOW THEREFORE, it is the intent of the City Council, in enacting this ordinance, to ensure compliance with the business standards and practices of the City and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to minors, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally

proscribed or to alter the penalties provided therein.

SECTION II. Chapter 7.25 of the Sonoma Municipal Code is hereby amended to read as follows:

Sec. 7.25.010. DEFINITIONS. The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this is not an Arm's Length Transaction.

(b) "Cigar" means (i) any roll of tobacco wrapped entirely or in part in tobacco or in any substance containing tobacco; or (ii) any paper or wrapper that contains tobacco and is designed for smoking or ingestion of tobacco products. For the purposes of this subsection, "Cigar" includes, but is not limited to, Tobacco Products known or labeled as "cigar," "cigarillo," "tiparillo," "little cigar," "blunt wrap," or "cigar wrap."

(c) "City" means the City of Sonoma, State of California.

(d) "Department" means City Manager, and any agency or Person designated by the Department to enforce or administer the provisions of this chapter.

~~(e) "Drug Paraphernalia" has the meaning set forth in California Health & Safety Code § 11014.5, as that section may be amended from time to time.~~

(f) "Electronic Smoking Device" means an electronic device which can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. ~~and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic Smoking Device" does~~

~~not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.~~

~~(g) "Electronic Smoking Device Paraphernalia" means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.~~

(h) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(i) "Proprietor" means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can or does have or share ultimate control over the day-to-day operations of a business.

(j) "Self-Service Display" means the open display or storage of Tobacco Products or ~~Smoking Paraphernalia~~Tobacco Paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of Self-Service Display.

(k) ~~"Significant Tobacco Retailer" means any Tobacco Retailer for which the principal or core business is selling Tobacco Products, Smoking Paraphernalia, or both as evidenced by any of the following: twenty percent (20%) or more of floor or display area is devoted to Tobacco Products, Smoking Paraphernalia, or both.~~

(l) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.

~~(l) "Smoking Paraphernalia" means Tobacco Paraphernalia, Electronic Smoking Devices, and Electronic Smoking Device Paraphernalia.~~

(m) "Tobacco Paraphernalia" means any item designed for the consumption, use, or preparation of Tobacco Products. ~~cigarette papers or wrappers, pipes, cigarette rolling machines, and any other item designed for the consumption or preparation of Tobacco Products.~~

(n) "Tobacco Product" means:

(a) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to, cigarettes, cigars, little cigars, chewing tobacco, snuff;

(b) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, pipe, or hookah; ~~and~~

(c) ~~n~~Notwithstanding any provision of subsections (a) and (b) to the contrary, "tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
~~any product that contains tobacco, is derived from tobacco, or contains synthetically produced nicotine and is intended for human consumption. "Tobacco Product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.~~

(o) "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, Tobacco Products or ~~Smoking~~ Tobacco Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of ~~tobacco,~~ Tobacco Products or Tobacco Paraphernalia~~, or Smoking Paraphernalia~~ sold, offered for sale, exchanged, or offered for exchange.

Sec. 7.25.020. REQUIREMENTS AND PROHIBITIONS

(a) TOBACCO RETAILER'S LICENSE REQUIRED. It shall be unlawful for any Person to act as a Tobacco Retailer in the City without first obtaining and maintaining a valid Tobacco Retailer's license pursuant to this chapter for each location at which that activity is to occur. Tobacco Retailing without a valid Tobacco Retailer's license is a nuisance as a matter of law.

(b) LAWFUL BUSINESS OPERATION. In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or

employees, to violate any local, state, or federal law applicable to Tobacco Products, ~~Smoking Paraphernalia,~~ or Tobacco Retailing.

(c) DISPLAY OF LICENSE. Each Tobacco Retailer license shall be prominently displayed in a publicly visible location at the licensed location.

(d) POSITIVE IDENTIFICATION REQUIRED. No Person engaged in Tobacco Retailing shall sell or transfer a Tobacco Product ~~or Smoking Paraphernalia~~ to another Person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the Tobacco Product or ~~Smoking Paraphernalia~~Tobacco Paraphernalia.

(e) MINIMUM AGE FOR PERSONS SELLING TOBACCO. No Person who is younger than the minimum age established by state law for the purchase or possession of Tobacco Products shall engage in Tobacco Retailing.

(f) SELF-SERVICE DISPLAYS PROHIBITED. Tobacco Retailing by means of a Self-Service Display is prohibited.

(g) FALSE AND MISLEADING ADVERTISING PROHIBITED. A Tobacco Retailer without a valid Tobacco Retailer license or a Proprietor without a valid Tobacco Retailer license, including, for example, a Person whose license has been suspended or revoked:

(1) Shall keep all Tobacco Products ~~and Smoking Paraphernalia~~ out of public view. The public display of Tobacco Products ~~or Smoking Paraphernalia~~ in violation of this provision shall constitute Tobacco Retailing without a license under Section 7.025.120; and

(2) Shall not display any advertisement relating to Tobacco Products ~~or Smoking Paraphernalia~~ that promotes the sale or distribution of such products from the Tobacco Retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

[(Omitted (h) Limitation on Storefront Advertising.]

(i) Flavored Tobacco Products. No Tobacco Retailer shall sell a Tobacco Product containing, as a constituent or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee,

that is a characterizing flavor of the Tobacco Product or smoke produced by the Tobacco Product unless the package of Cigars contains more than five Cigars or a single Cigar for which the retail price exceeds three dollars ($3.00).

~~(h) DRUG PARAPHERNALIA. It shall be a violation of this chapter for any licensee or any of the licensee's agents or employees to violate any local, state, or federal law regulating controlled substances or Drug Paraphernalia, such as, for example, California Health & Safety Code § 11364.7, except that conduct authorized pursuant to the state Medical Marijuana Program (California Health & Safety Code §§ 11362.7 et seq.) shall not be a violation of this chapter.~~

(~~i~~k) MINIMUM PACK SIZE FOR CIGARS. Notwithstanding any other provision of this chapter, it shall be a violation of this chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration:

(1) any single Cigar, whether or not packaged for individual sale;
(2) any number of Cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer;
(3) any package of Cigars containing fewer than five Cigars.
(4) this section does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds three dollars ($3.00).

Sec. 7.25.030. LIMITS ON ELIGIBILITY FOR A TOBACCO RETAILER LICENSE.

~~(a) MOBILE VENDING. No license may be issued to authorize Tobacco Retailing at other than a fixed location. For example, Tobacco Retailing by Persons on foot or from vehicles is prohibited.~~

~~(b) BARS AND RESTAURANTS. No license may be issued to authorize Tobacco Retailing at any location that is (i) licensed under state law to serve alcoholic beverages for consumption on the premises (e.g., an "on-sale" license issued by the California Department of Alcoholic Beverage Control); or (ii) offering food for sale for consumption on the premises. For example, and without limitation, Tobacco Retailing is prohibited in bars and restaurants.~~

~~(c) SMOKING ON PREMISES. No license may be issued to authorize Tobacco Retailing at any location where Smoking is permitted inside the premises or in any adjacent outdoor area owned, leased, or operated by the Person to be licensed. In addition, no license may issue to authorize Tobacco Retailing at any location where Smoking is permitted within twenty-five~~

~~(25) feet of any doorway, window, opening, or other vent into the license premises.~~
~~(d) PHARMACIES. No license may be issued to authorize Tobacco Retailing in a Pharmacy. For the purposes of this subsection, "Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.~~

~~(e) SCHOOLS AND YOUTH-POPULATED AREAS. Tobacco Retailing is prohibited near schools and areas with youth populations as follows:~~

~~No new license may be issued to, and no existing license may be renewed, to authorize Tobacco Retailing within one thousand (1,000) feet of a Youth-Populated Area as measured by a straight line from the nearest point of the property line of the parcel on which the Youth-Populated Area is located to the nearest point of the property line of the parcel on which the applicant's business is located. For the purposes of this subsection, a "Youth-Populated Area" means a parcel in the City that is occupied by:~~

~~(1) a private or public kindergarten, elementary, middle, junior high, or high school;~~
~~(2) a library open to the public;~~
~~(3) a playground open to the public;~~
~~(4) a youth center, defined as a facility where children, ages 6 to 17, inclusive, come together for programs and activities;~~
~~(5) a recreation facility open to the public, defined as an area, place, structure, or other facility that is used either permanently or temporarily for community recreation, even though it may be used for other purposes. "Recreation Facility" includes, but is not limited to, a gymnasium, playing court, playing field, and swimming pool;~~
~~(6) an arcade open to the public;~~
~~(7) a park open to the public or to all the residents of a private community;~~
~~(8) a licensed child-care facility or preschool other than a small family daycare facility or a large family daycare facility as defined in California Health & Safety Code § 1596.78;~~

~~(f) PROXIMITY TO OTHER RETAILERS. No license may be issued to authorize Tobacco Retailing within five hundred (500) feet of a Tobacco Retailer location already licensed pursuant to this chapter as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing~~

~~licensee's business is located.~~

~~Notwithstanding the foregoing, a Tobacco Retailer operating lawfully on the effective date of this ordinance that otherwise would be eligible for a Tobacco Retailer license for the location for which a license is sought may receive or renew a license for that location so long as: (i) the license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension); (ii) the Tobacco Retailer is not closed for business or otherwise suspends Tobacco Retailing for more than sixty (60) consecutive days; (iii) the Tobacco Retailer does not substantially change the business premises or business operation; and (iv) the Tobacco Retailer retains the right to operate under other applicable laws, including without limitation the zoning ordinance and building code or other applicable codes.~~

(a) Eligible Locations: The following locations are eligible to apply for a Tobacco Retailer license:

~~(g) POPULATION AND DENSITY. The issuing of Tobacco Retailer licenses is limited as followwithin the City to the following locations:~~

No license may be issued to authorize Tobacco Retailing except at the following locations where Tobacco Products are sold, offered for sale, or exchanged as of February 1, 2015:

1. 482 1st Street East, Sonoma, CA 95476
2. 19205 Sonoma Hwy., Sonoma, CA 95476
3. 477 W. Napa St., Sonoma, CA 95476
4. 465 1st Street West, Suite 100, Sonoma, CA 95476
5. 540 W. Napa St., Sonoma, CA 95476
6. 1325 Broadway, Sonoma, CA 95476
7. 194 W. Napa St., Sonoma, CA 95476
8. 19181 Sonoma Hwy., Sonoma, CA 95476
9. 464 1st Street East, Suite H, Sonoma, CA 95476
10. 19210 Sonoma Hwy., Sonoma, CA 95476
11. 19249 Sonoma Hwy., Sonoma, CA 95476
12. 616 Broadway, Sonoma, CA 95476
13. 573 5th Street West, Sonoma, CA 95476
14. 925 Broadway, Sonoma, CA 95476
15. 865 W. Napa St., Sonoma, CA 95476

~~(1) The total number of Tobacco Retailer licenses within the City shall be limited to one for each 1,000 or fraction thereof, inhabitants of the City.~~

(2) For the purposes of this subsection, the total population of the City shall be determined by the most current published total available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated, as of the date the license application is filed.

(3) So long as the number of Tobacco Retailer licenses issued equals or exceeds the total number authorized pursuant to subsection (1), no new license may issue to authorize Tobacco Retailing.

(b) Notwithstanding the foregoing, a A Tobacco Retailer operating lawfully on the effective date of this ordinance that would otherwise be eligible for a Tobacco Retailer license for any of the above locations the location for which a license is sought may receive or renew a license for that location so long as: (i) the license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension); (ii) the Tobacco Retailer is not closed for business or otherwise suspends Tobacco Retailing for more than sixty (60) consecutive days; (iii) the Tobacco Retailer does not substantially change the business premises or business operation; and (iv) the Tobacco Retailer retains the right to operate under other applicable laws, including without limitation, the zoning ordinance, building codes, or other applicable codes.

(h) SIGNIFICANT TOBACCO RETAILERS. No license may be issued to authorize Tobacco Retailing by a Significant Tobacco Retailer, provided that a Significant Tobacco Retailer operating legally on the date the ordinance enacting this chapter was first introduced which otherwise would be entitled to receive a license may receive a license and may continue to operate so long as (1) the license renewed without lapse or revocation; (2) the Significant Tobacco Retailer is not closed for business and does not otherwise suspend Tobacco Retailing for more than sixty (60) consecutive days; (3) the Significant Tobacco Retailer does not substantially change the business premises or business operation; and (4) the Significant Tobacco Retailer retains the right to operate under other applicable laws, including without limitation, the zoning ordinance, building codes, or other applicable codes. If the Department determines that a Significant Tobacco Retailer no longer qualifies to be licensed to continue Tobacco Retailing under the standards of this section, it shall revoke the license for the Significant Tobacco Retailer in the manner, and subject to the appeal rights, specified in Section 7.25.110(b)

~~of this chapter.~~

Sec. 7.25.040. APPLICATION PROCEDURE.

(a) Application for a Tobacco Retailer's license shall be submitted in the name of each Proprietor proposing to conduct or conducting retail tobacco sales as of February 1, 2015, and shall be signed by each Proprietor or an authorized agent thereof.

It is the responsibility of each Proprietor to be informed regarding all laws applicable to Tobacco Retailing, including those laws affecting the issuance of a Tobacco Retailer's license. No Proprietor may rely on the issuance of a license as a determination by the City that the Proprietor has complied with all laws applicable to Tobacco Retailing. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a Proprietor shall be revoked pursuant to Section 7.025.110(c) of this chapter. Nothing in this chapter shall be construed to vest in any Person obtaining and maintaining a Tobacco Retailer's license any status or right to act as a Tobacco Retailer in contravention of any provision of law.

All applications shall be submitted on a form supplied by the Department and shall contain the following information:

(1) The name, address, and telephone number of each Proprietor of the business seeking a license.

(2) The business name, address, and telephone number of the single fixed location for which a license is sought.

(3) A single name and mailing address authorized by each Proprietor to receive all communications and notices (the "Authorized Person and Address") required by, authorized by, or convenient to the enforcement of this chapter. If an Authorized Person and Address is not supplied, each Proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph (2) above.

(4) Proof that the location for which a Tobacco Retailer's license is sought has been issued a valid state tobacco retailer's license by the California Board of Equalization.

(5) Such other information as the Department deems necessary for the administration

or enforcement of this chapter as specified on the application form required by this section.

(b) A licensed Tobacco Retailer shall inform the Department in writing of any change in the information submitted on an application for a Tobacco Retailer's license within ten (10) business days of a change.

(c) All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code §6250 *et seq*.) or any other applicable law, subject to the laws' exemptions.

Sec. 7.25.050. ISSUANCE OF LICENSE. Upon the receipt of a complete application for a Tobacco Retailer's license and the license fee required by this chapter, the Department shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

(a) The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this chapter.

(b) The application seeks authorization for Tobacco Retailing at a location for which this chapter prohibits issuance of Tobacco Retailer licenses. However, this subparagraph shall not constitute a basis for denial of a license if the applicant provides the City with documentation demonstrating by clear and convincing evidence that the applicant has acquired or is acquiring the location or business in an Arm's Length Transaction.

(c) The application seeks authorization for Tobacco Retailing for a Proprietor to whom this chapter prohibits a license to be issued.

(d) The application seeks authorization for Tobacco Retailing at a location other than the one listed in Section 7.25.030~~that is prohibited pursuant to this chapter (e.g., mobile vending)~~, that is unlawful pursuant to this Code, including without limitation, zoning ordinance and building code, or that is unlawful pursuant to any other law.

Sec. 7.25.060. LICENSE RENEWAL AND EXPIRATION.

(a) RENEWAL OF LICENSE. A Tobacco Retailer's license is invalid if the appropriate license fee has not been timely paid in full or if the term of the license has expired. The term of a Tobacco Retailer license is one calendar year. Each Tobacco Retailer shall apply for the renewal of his or her Tobacco Retailer's license and submit the license fee no later than November 30 of each year, commencing November 30, 2015, and annually

thereafter.

(b) EXPIRATION OF LICENSE. A Tobacco Retailer's license that is not timely renewed shall expire on December 31 of each year. To renew a license not timely renewed pursuant to subparagraph (a), the Proprietor must:

(1) Submit the license fee and the renewal form; and

(2) Submit a signed affidavit affirming that the Proprietor has not sold and will not sell any Tobacco Product or ~~Smoking Paraphernalia~~Tobacco Paraphernalia after the license expiration date and before the license is renewed.

Sec. 7.25.070. ~~LICENSES NONTRANSFERABLE.~~TRANSFER RESTRICTIONS.

(a) A Tobacco Retailer's license may not be transferred ~~from one Person to another or~~ from one location to another. A new Tobacco Retailer's license is required whenever a Tobacco Retailing location has a change in Proprietor(s).

(b) Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless: the new Proprietor(s) provide the Department with clear and convincing evidence that the new Proprietor(s) have acquired or are acquiring the location in an Arm's Length Transaction.

~~(1) the location has been transferred to new Proprietor(s) in an Arm's Length Transaction; and~~

~~(2) the new Proprietor(s) provide the Department with clear and convincing evidence that the new Proprietor(s) have acquired or are acquiring the location in an Arm's Length Transaction.~~

Sec. 7.25.080. LICENSE CONVEYS A LIMITED, CONDITIONAL PRIVILEGE.

Nothing in this chapter shall be construed to grant any Person obtaining and maintaining a Tobacco Retailer's license any status or right other than the limited conditional privilege to act as a Tobacco Retailer at the location in the City identified on the face of the license. For example, nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including but not limited to, any provision of this Code including without limitation, the zoning ordinance and building codes, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code section 6404.5. For example, obtaining a Tobacco Retailer's license does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code section 6404.5.

Sec. 7.25.090. FEE FOR LICENSE. The fee to issue or to renew a Tobacco Retailer's license shall be established from time to time by resolution of the City. The fee shall be calculated so as to recover the cost of administration and enforcement of this chapter, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. Fees are nonrefundable except as may be required by law.

Sec. 7.25.100. COMPLIANCE MONITORING.

(a) Compliance with this chapter shall be monitored by the Department. In addition, any peace officer may enforce the penal provisions of this chapter. The Department may designate any number of additional Persons to monitor compliance with this chapter.

(b) The Department shall inspect each Tobacco Retailer at least one (1) time per twelve (12) month period. Nothing in this paragraph shall create a right of action in any licensee or other Person against the City or its agents.

(c) The Department shall not enforce any law establishing a minimum age for Tobacco purchases or possession against a Person who otherwise might be in violation of such law because of the Person's age (hereinafter "Youth Decoy") if the potential violation occurs when:

(1) the Youth Decoy is participating in an inspection supervised by a peace officer, code enforcement official, or the Person designated by the City to monitor compliance with this chapter;

(2) the Youth Decoy is acting as an agent of a Person designated by the City to monitor compliance with this chapter; or

(3) the Youth Decoy is participating in an inspection funded in part, either directly or indirectly through subcontracting, by the County of Sonoma Department of Health Services or the California Department of Health Services.

Sec. 7.25.110. SUSPENSION OR REVOCATION OF LICENSE.

(a) SUSPENSION OR REVOCATION OF LICENSE FOR VIOLATION. In addition to any other penalty authorized by law, a Tobacco Retailer's license shall be suspended or revoked if any court of competent jurisdiction determines, or the Department finds

based on a preponderance of the evidence, after the licensee is afforded notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 7.025.020 above.

(1) Upon a finding by the Department of a first violation of this chapter at a location within any sixty (60)-month period, the license shall be suspended for thirty (30) days.

(2) Upon a finding by the Department of a second violation of this chapter at a location within any sixty (60)-month period, the license shall be suspended for ninety (90) days.

(3) Upon a finding by the Department of a third violation of this chapter at a location within any sixty (60)-month period, the license shall be suspended for one (1) year.

(4) Upon a finding by the Department of four or more violations of this chapter at a location within any sixty (60)-month period, the license shall be revoked.

(b) APPEAL OF SUSPENSION OR REVOCATION. A decision of the Department to suspend or revoke a license is appealable to the City Council and any appeal must be filed in writing with the City Clerk within fifteen (15) days of mailing of the Department's decision and the applicable appeal fee must be paid. If such an appeal is timely made, it shall stay enforcement of the appealed action. An appeal to the City Council is not available for a revocation made pursuant to subsection (c) below.

(c) REVOCATION OF LICENSE WRONGLY ISSUED. A Tobacco Retailer's license shall be revoked if the City Council finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 7.025.050 existed at the time application was made or at any time before the license issued. The decision by the City Council shall be the final decision of the City. Such a revocation shall be without prejudice to the filing of a new license application.

Sec. 7.25.120. TOBACCO RETAILING WITHOUT A VALID LICENSE.

(a) In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the City Council finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer's license, either directly or through the Person's agents or employees, the Person shall be ineligible to apply for,

or to be issued, a Tobacco Retailer's license as follows:

(1) After a first violation of this section at a location within any sixty (60)-month period, no new license may issue for ~~the Person or~~ the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until thirty (30) days have passed from the date of the violation.

(2) After a second violation of this section at a location within any sixty (60)-month period, no new license may issue for ~~the Person or~~ the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until ninety (90) days have passed from the date of the violation.

(3) After of a third or subsequent violation of this section at a location within any sixty (60)-month period, no new license may issue for ~~the Person or~~ the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until sixty (60) months have passed from the date of the violation.

(b) Tobacco Products and ~~Smoking Paraphernalia~~Tobacco Paraphernalia offered for sale or exchange in violation of this section are subject to seizure by the Department or any peace officer and shall be forfeited after the licensee and any other owner of the Tobacco Products and ~~Smoking Paraphernalia~~Tobacco Paraphernalia seized is given reasonable notice and an opportunity to demonstrate that the Tobacco Products and ~~Smoking Paraphernalia~~Tobacco Paraphernalia were not offered for sale or exchange in violation of this chapter. The decision by the Department may be appealed pursuant to the procedures set forth in Section 7.025.110(b). Forfeited Tobacco Products and ~~Smoking Paraphernalia~~Tobacco Paraphernalia shall be destroyed after all internal appeals have been exhausted and the time in which to seek judicial review pursuant to California Code of Civil Procedure section 1094.6 or other applicable law has expired without the filing of a lawsuit or, if such a suit is filed, after judgment in that suit becomes final.

(c) For the purposes of the civil remedies provided in this chapter, each of the following constitutes a separate violation of this chapter:

(1) each day on which a Tobacco Product or ~~Smoking Paraphernalia~~Tobacco Paraphernalia is offered for sale in violation of this chapter; or

(2) each individual retail Tobacco Product and each individual retail item of ~~Smoking Paraphernalia~~Tobacco Paraphernalia that is distributed, sold, or offered for sale in violation of this chapter;

Sec. 7.25.130. ADDITIONAL REMEDIES.

(a) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

(b) Whenever evidence of a violation of this chapter is obtained in any part through the participation of a Person under the age of eighteen (18) years old, such a Person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

(c) Violations of this chapter are subject to a civil action brought by the City Attorney, punishable by a civil fine not less than Two Hundred Fifty Dollars ($250.00) and not exceeding One Thousand Dollars ($1,000.00) per violation.

(d) Violations of this chapter may, in the discretion of the City Attorney, may be prosecuted as infractions or misdemeanors when the interests of justice so require.

(e) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

(f) Violations of this chapter are hereby declared to be public nuisances.

(g) In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

~~***Sec. 7.25.140. AGREED PENALTY IN LIEU OF HEARING.*** *For a first or second alleged violation of this chapter within any sixty (60)-month period, the City Manager may allow a Tobacco Retailer alleged to have violated this chapter to agree to the penalties provided in this section in lieu of the penalties that would otherwise apply under this chapter and to forego a hearing on the allegations. Notice of any agreement shall be provided to the Department and no hearing shall be held. Agreements shall not be confidential and shall contain the following terms as well as any other non-criminal provisions established by the City Manager in the interests of justice:*~~

~~*(a) After a first alleged violation of this chapter at a location:*~~

~~*(1) an agreement to stop acting as a Tobacco Retailer for one (1) day;*~~

~~*(2) an administrative penalty of one thousand dollars ($1,000); and*~~

~~*(3) an admission that the violation occurred and an acknowledgment that the violation will be considered in determining the fine or penalty for any future violation.*~~

~~*(b) After a second alleged violation of this chapter at a location within any sixty (60) - month period:*~~

~~*(1) an agreement to stop acting as a Tobacco Retailer for ten (10) days;*~~

~~*(2) an administrative penalty of at least five thousand dollars ($5,000); and*~~

~~*(3) an admission that the violation occurred and an acknowledgment that the violation will be considered in determining the fine or penalty for any future violations.*~~

SECTION III. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Sonoma hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION IV. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this _____ day of _____, _____.

_____
David Cook, Mayor

ATTEST:

_____
Gay Johann, City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Gay Johann, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on _____, _____, by the following vote:

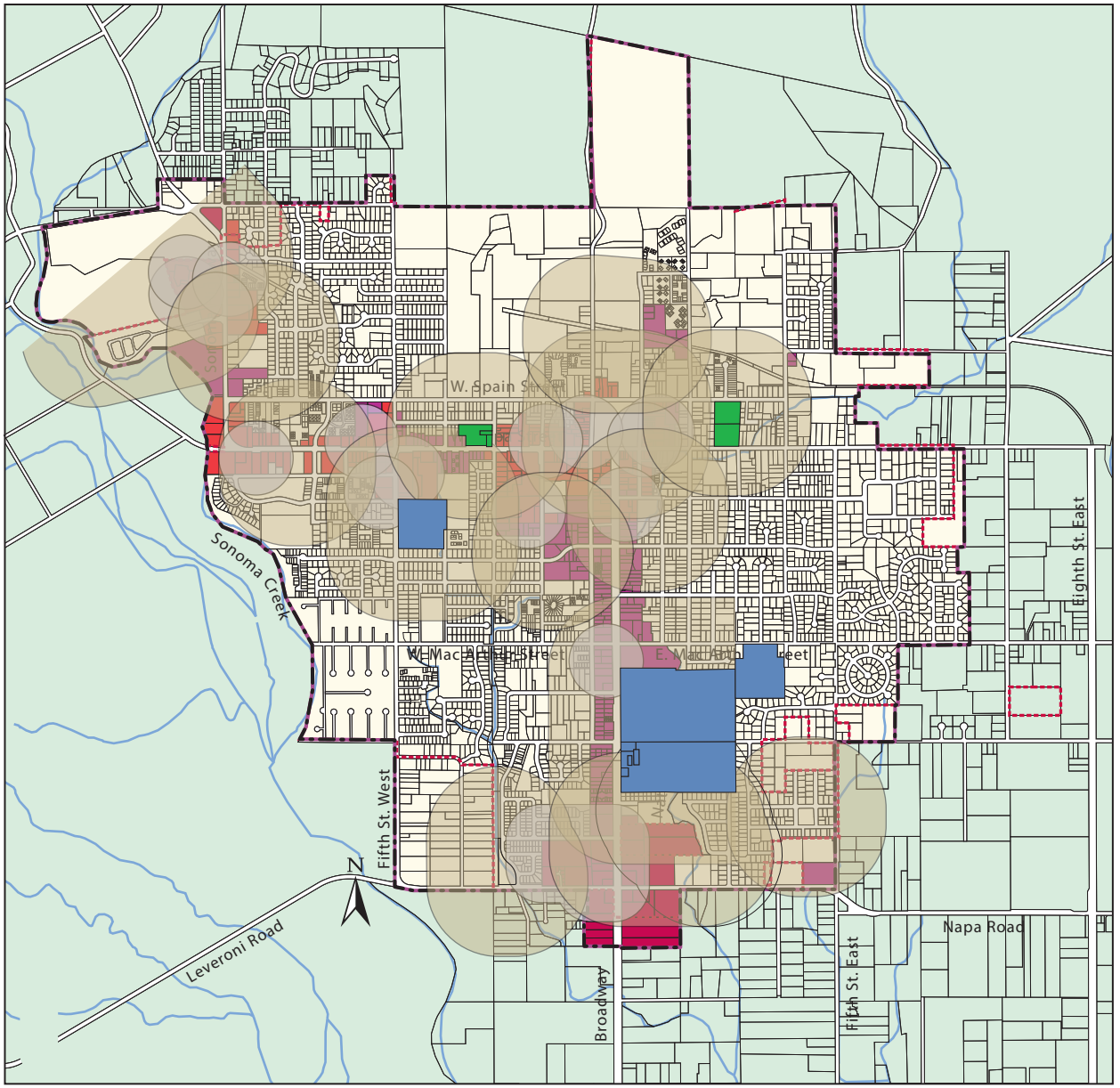
AYES:

NOES:

ABSENT:

_____
Gay Johann, City Clerk

Tobacco Retailer Ordinance Exclusion Zones



Commercial Zoning Designations

- Mixed Use
- Commercial
- Gateway Commercial

Exclusion Zones

- Tobacco Retailer
- School/Youth

Schools

- Public School
- Private School

0 .25 mi. .5 mi. .75 mi

City Limits

Sphere of Influence/UGB

Source: City of Sonoma, September 2014.

Cigarette and Tobacco Licensing Report
City of Sonoma - August 2014

	A	B	C	D	E	F	G	H	I
1	**TOBACCO RETAILERS**								
2									
3	**License #**	**Taxpayer**	**DBA**	**Licensed Location**	**City**	**State**	**Zip**	**+4**	**Area Code**
4	91274355	PAPADA CORP	THE TOWN SQUARE	482 1ST ST E	SONOMA	CA	95476	6702	49006
5	91206590	THRIFTY PAYLESS, INC.	RITE AID #6032	19205 SONOMA HWY	SONOMA	CA	95476	5413	49006
6	91238683	SAFEWAY, INC.	SAFEWAY STORE 911	477 W NAPA ST	SONOMA	CA	95476	6551	49006
7	91259131	SPADO'S INCORPORATED	STEINER'S TAVERN	465 1ST ST W STE 100	SONOMA	CA	95476	6600	49006
8	91260496	CHEVRON STATIONS INC	CHEVRON #1755	540 W NAPA ST	SONOMA	CA	95476	6521	49006
9	91265052	DIAMOND ROCK SONOMA OWNER, LLC.	THE LODGE AT SONOMA	1325 BROADWAY	SONOMA	CA	95476	7505	49006
10	91287146	MOHAMMAD IOBAL LODHI	7-ELEVEN STORE 2232-16268	194 W NAPA ST	SONOMA	CA	95476	6625	49006
11	91287919	SAVE MART SUPERMARKETS	LUCKYS #778	19181 SONOMA HWY	SONOMA	CA	95476	5449	49006
12	91292822	TERESE MARIE SPINGOLA	THE BRIAR PATCH	464 1ST ST E STE H	SONOMA	CA	95476	6747	49006
13	91310882	LONGS DRUG STORES	CVS/PHARMACY #09152	201 W NAPA ST STE 35	SONOMA	CA	95476	6643	49006
14	91316987	TAYLOR & NORTON, INC.	TAYLOR & NORTON WINE MERCHANTS	19210 SONOMA HWY	SONOMA	CA	95476	5414	49006
15	91320105	CACHITA, LLC	JOLLY WASHER SERVICE	19249 SONOMA HWY	SONOMA	CA	95476	5413	49006
16	91321880	AU ENERGY LLC	BROADWAY SHELL	616 BROADWAY	SONOMA	CA	95476	7002	49006
17	91352916	HOMRAN BROTHERS	DISCOUNT CIGARETTES	573 5TH ST W	SONOMA	CA	95476	6831	49006
18	91360680	BARJINDER S KALOYA	EASY STOP MARKET	925 BROADWAY	SONOMA	CA	95476	7403	49006
19	91347849	MEADOWBROOKE FOOD & BEVERAGE, LLC	THE ANNEX	865 W NAPA ST	SONOMA	CA	95476	6414	49006

CITY OF SONOMA

TOBACCO RETAILER LICENSE APPLICATION

Sonoma Municipal Code 7.25

"It shall be unlawful for any Person to act as a Tobacco Retailer in the City without first obtaining and maintaining a valid Tobacco Retailer's license pursuant to this chapter for each location at which that activity is to occur."

Tobacco Retail License Fee is $246.00 Annually

Type of Application: ____ New License ____ Renewal

Name of Business/DBA (where tobacco to be sold): _____

Type of Business (check one): □ Sole Proprietor □ Partnership □ Corporation □ Other _____

Name of Owner(s): _____ _____

Business Address: _____

Mailing Address (if different from above): _____

Phone (____) _____ Fax (____) _____ Email: _____

Name and Mailing Address of Authorized Person to whom all notices and communications shall be sent:

_____

CA State Board of Equalization Cigarette & Tobacco License # _____
***(You must submit a copy of your State License with this application form)

City of Sonoma Business License #:_____ Expiration Date: _____

Has applicant previously been issued a tobacco retailer license under the above retail business name or any other name pursuant to Sonoma Municipal Code Chapter 7.25? □ Yes □ No

If yes, list the names and addresses on all previously issued tobacco retailer licenses:

_____

Were any of the licenses identified above ever suspended or revoked? □ Yes □ No

If yes, please give the licensee name(s), reason for suspension or revocation and date(s) of suspension period or revocation:

_____

I declare under penalty of perjury under the laws of the State of California that the information I have provided in this application is true and correct and that I agree that I will not violate any federal, state or city laws relating to youth and tobacco products/paraphernalia.

Name:_____ Signature: _____

Title: _____ Date: _____

Mail or Deliver the completed application form, a copy of your State Tobacco License and a check or money order payable to "City of Sonoma" in the amount of $246.00 to:

City of Sonoma
Attn: Tobacco Retailer License Program
City Administration
No. 1 the Plaza
Sonoma, CA 95476

INSTRUCTIONS

The City Council enacted the Tobacco Retailer's Licensing Program to discourage the sale and distribution of tobacco products to minors. "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, Tobacco Products or Smoking Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, Tobacco Products, or Smoking Paraphernalia sold, offered for sale, exchanged, or offered for exchange.

As part of the program, code compliance staff will conduct annual inspections of tobacco retailer establishments, respond to complaints, and coordinate decoy operations with the Sonoma Police Department. More information about the city code establishing the program may be obtained from the City's website (www.sonomacity.org) or by calling Gay Johann, Assistant City Manager at (707) 933-2216.

To apply for the Tobacco Retailer License submit the following to the address shown above:

- Completed Tobacco Retailer License Application
- Check or money order in the amount of $246.00 payable to the City of Sonoma
- Copy of your State Tobacco License

Upon approval by the City a Tobacco Retailer's License will be issued and mailed to the licensee.

Display of License: Each Tobacco Retailer license shall be prominently displayed in a publicly visible location at the licensed location.

Issuance of a Tobacco Retailer's License shall not be construed to grant any Person any status or right other than the limited conditional privilege to act as a Tobacco Retailer at the location in the City identified on the face of the permit. It also shall not be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including but not limited to, any provision of the Municipal Code including without limitation, the zoning ordinance, and building codes, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code section 6404.5. For example, obtaining a Tobacco Retailer's license does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code section 6404.5.

Annual renewal required: The term of a Tobacco Retailer license is one year. Each Tobacco Retailer shall apply for the renewal of his or her Tobacco Retailer's license and submit the license fee no later than thirty (30) days prior to expiration of the term. Current tobacco retailers will be mailed a renewal application and invoice about 60 days prior to license expiration. The fee and renewal application must either be mailed or dropped off per the instructions above.

FOR OFFICE USE ONLY

Approved _____ Denied _____ Date: _____ By: _____

Comments: _____

_____

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **6B**

Meeting Date: **03/16/15**

Department	**Staff Contact**
Planning and Community Services	David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on the review and adoption of the 2015--2023 Housing Element, including adoption of a negative declaration.

Summary

Sonoma has engaged in an update of its Housing Element in order to comply with State requirements and to plan for meeting its updated regional housing needs allocation, as assigned by the Association of Bay Area Governments. The Housing Element is a required element of the City's General Plan and an important tool that the City uses to plan for the existing and future housing needs of the community. While revisions have been made throughout the Housing Element, the current update retains the basic organization and policy directions set forth in the 2009 Housing Element, as it has proven successful. However, while there is substantial continuity with the 2009 document, the updated Housing Element refines the programs established in the earlier document and adds several new programs to address changed circumstances and comply with recent legislation. It should be noted that the Housing Element update will not necessitate any changes in land use designation or rezonings, as the land inventory analysis found that existing development capacity is sufficient to meet projected housing needs. To promote public participation in the update process, surveys of the general public and the business community were performed, a community meeting was held, and a joint City Council/Planning Commission study session was conducted, along with separate public hearings before the Planning Commission and, now, the City Council. The Department of Housing Development (HCD) reviewed the draft document and found that it complies with State law, subject to minor revisions that were reviewed by the Planning Commission.

Recommended Council Action

At its meeting of January 22, 2015, the Planning Commission voted unanimously to recommend to the City Council that it take the following actions: 1) adopt a finding of negative declaration with respect to environmental review, and 2) adopt the updated Housing Element, including the revisions responding to HCD's comments. (See attached resolutions.)

Alternative Actions

Provide direction to staff regarding any additional revisions or information deemed necessary.

Financial Impact

The City Council has allocated $150,000 for consultant assistance for the update of the Housing and Circulation Elements. The project is proceeding on budget, with the Circulation Element update portion still underway. As discussed in the updated Housing Element, actions taken by the State of California to terminate redevelopment agencies have harmed Sonoma's ability to fund local housing programs. The updated Housing Element includes measures addressing this problem. Another issue to consider with respect to financial impacts is that having an up-to-date Housing Element, certified by the Department of Housing and Community Development, is a prerequisite for many grant programs. For example, having a certified Housing Element made it possible for the City to obtain the tax credits used to help fund the Sonoma Valley Oaks affordable rental project.

Environmental Review

- ☐ Environmental Impact Report
- ☒ Negative Declaration
- ☐ Exempt
- ☐ Not Applicable

Status

- ☐ Approved/Certified
- ☐ No Action Required
- ☒ Action Requested

Alignment with Council Goals

The update of the Housing and Circulation Elements relates to the "Policy and Leadership" goal, as it responds to the requirements of State legislation while emphasizing local control through the planning process.

Attachments

1. Supplemental Report
2. Draft resolution making findings of negative declaration
3. Draft resolution adopting the 2015-2023 Housing Element
4. Proposed revisions to the draft Housing Element (pages 6, 40, 50, and A1-25)
5. Letter from HCD (December 9, 2014)
6. Correspondence
7. Notes from the Planning Commission meeting of January 22, 2015

Enclosures (Available for download at: http://www.sonomacity.org/default.aspx?Pageid=455)

1. Draft Initial Study/Negative Declaration
2. Draft Housing Element

cc: Bill Willers, Planning Commission Chair

Housing Element Update mailing List (via email)

SUPPLEMENTAL REPORT

Discussion, consideration and possible action on the review and adoption of the 2015--2023 Housing Element, including adoption of a negative declaration

For the City Council Meeting of March 16, 2015

Background

Sonoma is engaged in an update of its Housing Element in order to comply with State requirements and to plan for meeting its updated regional housing needs allocation, as assigned by the Association of Bay Area Governments (ABAG). The Housing Element is a required element of the City's General Plan and an important tool that the City uses to plan for the existing and future housing needs of the community. State Law establishes extensive content requirements for housing elements that include the following:

- Updated housing and demographic information, including a review of population and employment trends, an analysis of household and housing stock characteristics, a comparison of household income and housing costs, and an analysis of "special needs" groups, such as farmworkers and the elderly.

- An analysis of the City's fair share requirement for the provision of housing associated with the regional housing needs determination.

- A detailed inventory and assessment of vacant and underutilized sites within city limits and the sphere of influence potentially suitable for housing development.

- A review of progress in meeting the policies and implementation measures set forth in the existing Housing Element.

- An analysis of constraints on housing production, including governmental and non-governmental restrictions (e.g., infrastructure availability).

- Policies and programs, with numerical objectives, aimed at meeting local housing needs including the areas of production, conservation and rehabilitation.

- A discussion of public participation in the update of the Housing Element.

While revisions have been made throughout the document, the update retains the basic organization and policy directions set forth in the 2009 Housing Element, as it has proven successful. However, while there is substantial continuity with the 2009 document, the updated Housing Element refines the programs established in the earlier document and adds new programs to address changed circumstances and comply with recent legislation. It should be noted that the Housing Element update will not necessitate any changes in land use designation or rezonings, as the land inventory analysis found that existing development capacity is sufficient to meet projected housing needs. To promote public participation in the update process, surveys of the general public and the business community were performed, a community meeting was held, and a joint City Council/Planning Commission study session was conducted, along with public hearings before the Planning Commission and, now, the City Council.

Regional Housing Needs Determination

As noted above, one of the key issues that must be addressed in the update of the Housing Element is the City's updated Regional Housing Needs Assessment (RHNA) allocation, also known as the "fair share" requirement. State law requires all regional councils of governments, including the Association of Bay Area Governments (ABAG) to periodically update the existing and projected housing need for its region (Government Code Section 65580 et. seq.) and determine the portion allocated to each jurisdiction within the ABAG region. When these updates occur, State Law further requires that each affected jurisdiction update its Housing Element to address the revised housing needs assessment. Based on the most recent RHNA, which was issued in 2013, the fair share allocation for the development of affordable housing that must be addressed in Sonoma's Housing Element update is as follows:

Sonoma's Regional Housing Needs Allocation by Household Income Category: 2015-2023				
Very Low	Low	Moderate	Above-Moderate	Total
24	23	27	63	137

It should be emphasized that the City's legal responsibility with regard to the Housing Element and its fair share allocation is to show that opportunities exist that allow for the units to be built. It is not the City's responsibility to fund and build every unit. Nonetheless, it is evident that the housing market will not produce low and very-low income units without substantial incentives, including financial assistance. The costs of land and of construction are simply too high. In addition, increased foreclosures places additional pressure on the market for rental housing.

Policy Directions and Areas of Change

The major policy directions of the updated Housing Element are summarized below, with areas of change highlighted:

1. *Organization of Policies and Programs.* Policies are organized under the following topic areas: Housing Diversity, Housing Affordability, Housing and Neighborhood Preservation, Removal of Governmental Constraints, Equal Housing Opportunities and Special Needs, and Environmental Sustainability. Housing programs are described in separate sections, but are grouped under the same seven topic areas. This format is basically the same as that used in the 2009 Housing Element and it is designed to reflect the topic areas required to be addressed under State Law.

2. *Collaboration.* Policies and programs emphasize on partnerships and collaborations with non-profit entities and outside governmental agencies in recognition of the fact that the City's housing resources are limited. This a theme found throughout the policies and programs. This direction is not new to this update, but it is even more important in the absence of redevelopment, which had been the major source of local funding for housing programs.

3. *Identification of Adequate Sites.* A key requirement of Housing Element law is that a jurisdiction must show that it has adequate vacant and underutilized land, zoned at suitable densities, to accommodate its regional housing needs allocation for very low, low and moderate-income units. The draft Housing Element includes an updated inventory of vacant and under-utilized sites within city limits and the sphere of influence. Based on this inventory, it will not be necessary to rezone properties or modify zoning densities in order to meet projected housing needs. (See pages 9-18.)

4. *Financial Resources.* The discussion of financial resources available for housing programs has been updated to reflect the loss of redevelopment (see page 24). As the Planning Commission is aware, a combination of changes to State law and associated legal challenges resulted in the termination of redevelopment throughout the State. Sonoma's redevelopment program was a source of substantial and ongoing funding dedicated to development, acquisition, and preservation of affordable housing. That funding is gone and the housing assets formerly owned by the Redevelopment Agency—including a two-acre housing site located at the corner of Broadway and Clay Street—have been transferred to the Sonoma County Housing Authority. To address this problem at least in part, a new program has been added that calls upon the City to investigate establishing affordable housing impact fees (see Program 8, page 41).

5. *Inclusionary Requirement.* The Housing Element calls for a review and update of the inclusionary requirement, in which residential developments of five or more units provide a percentage of affordable housing. This review is proposed because the moderate income affordable units that are typically provided by developers under this program are often comparable in price to market-rate condominium units, making them difficult to sell. It may be preferable to require fewer units at the low-income level of affordability. Another option that would be investigated would be to establish an in-lieu fee, as well as an affordable impact fee potentially applied to projects of 2-4 units. (See Program 1, page 38.)

6. *Alternative Housing Types.* As suggested by the Planning Commission, the updated Housing Element includes a new program though which Development Code would be amended to accommodate "Cottage Housing" and "Junior Second units". (See Program 5, page 40.)

7. *Programs Addressing Mobile Home Parks.* Throughout the course of the update, a great many comments and suggestions were received from residents of the city's mobile home parks. Based on this feedback, the Planning Commission, in its January 22nd review of the update, added implementation program 11.A, which calls upon the City to evaluate options for maintaining Pueblo Serena and Rancho de Sonoma mobile home parks as senior-only. (The Moon Valley mobile home park was converted to all-age several years ago.). In addition, implementation program 11, which calls for maintaini.ng and enforcing the mobile home rent control ordinance, was amended by adding the suggestion that the City consider updating the ordinance. Staff would emphasize that while both of these changes call for study and review, they do not mandate any particular outcome. (See revised pages 6, 40, 50, and A1-25, attached.)

8. *Parking Standards.* The Planning Commission has been investigating options for updating the City's parking standards, including those that apply to affordable housing. This task is reflected in Program 17 (page 45).

9. *Sustainability.* The policies and programs addressing environmental sustainability have been updated, expanded and refined in the draft Housing Element (see Programs 23, 24, and 25 on pages 47-48, as well as the discussion beginning on page 29).

10. *Constraints on Housing Production.* The draft Housing Element highlights water availability and the dissolution of redevelopment as potentially significant constraints on the City's ability to meet projected housing needs. (See pages 20-24.)

11. *Background Information.* The information contained in the Technical Appendix is extensively updated from that in the 2009 Housing Element, including data from the 2010 census.

As discussed above, that there is a great deal of continuity between the 2009 Housing Element and the current draft update in terms of policies and programs. In developing low and very-low income rental housing, the updated Housing Element continues the model of the CDA partnering with organizations such as Burbank Housing and Affordable Housing Associates to build and manage affordable housing developments.

HCD Review

Following the September 3, 2014 joint study session of the Planning Commission and City Council, the draft Housing Element was finalized and referred to the Department of Housing and Community Development (HCD) for review and comment. On December 4, 2014, planning staff and the City's housing element consultants participated in a conference call with HCD staff, at which time HCD requested changes in three areas:

- Add language confirming that unincorporated areas adjoining city limits do not meet the definition of a "disadvantaged community" as defined in SB 244 (see page 4).

- Clarify that the term "persons with disabilities" includes the developmentally disabled (see pages 36, 46, 52).

- Expand discussion of zoning capacity for emergency shelters to show it is possible to meet potential shelter needs on existing sites having the "Public" zoning designation (see page A1-43).

Proposed revisions were sent to HCD that same week and on December 9, 2014, HCD wrote to confirm that the updated Housing Element, as revised, qualifies for certification as being compliant with State housing law (see attached letter from HCD). These revisions (attached) were reviewed and approved by the Planning Commission at the January 22nd meeting.

Environmental Review

Staff and the housing consultants have prepared an initial study (attached) assessing the potential environmental impacts associated with the adoption of the Housing Element. With respect to the environmental review, staff would note the following:

- The Housing Element is a policy document.

- As drafted, the Housing Element does not call for any rezonings or General Plan amendments. Existing land use designations would remain unchanged.

- The net Regional Housing Allocation that is addressed in the Housing Element amounts to 137 units, a level of development that is anticipated in the General Plan and consistent with the Growth Management Ordinance.

- Individual housing projects that may be proposed will be subject to environmental review.

The draft Initial Study finds that the adoption of the Housing Element would not, in and of itself, result in any significant environmental impacts and the adoption of a negative declaration is therefore recommended. The draft initial study has been circulated for public comment and no comments have been

received from the public or any agency. In addition, the was reviewed by the Planning Commission at its meeting of January 22, 2015, at which time the Commission voted unanimously to recommend to the City Council that it be adopted with a finding of negative declaration. A resolution has been prepared that would implement this direction.

Recommendation

Staff recommends that the City Council take the following actions:

1) Adopt the attached resolution making findings for a negative declaration; and,

2) Adopt the attached resolution adopting the updated Housing Element for 2015-2023, including the revisions made in response to the comments of HCD.

CITY OF SONOMA

RESOLUTION NO. XX-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING FINDINGS OF NEGATIVE DECLARATION WITH REGARD TO THE 2015-2023 HOUSING ELEMENT UPDATE

WHEREAS, the City of Sonoma is required by State Law to revise its Housing Element to address its updated regional housing needs allocation as assigned to the City by the Association of Bay Area Governments; and,

WHEREAS, the update of the Housing Element was duly performed in compliance with all applicable requirements of State Law; and,

WHEREAS, because the amendment of the City of Sonoma General Plan qualifies as a “project,” as defined in the California Environmental Quality Act, an initial study was prepared in order to determine whether there was any likelihood that the adoption of the updated Housing Element would result in any significant environmental impacts; and

WHEREAS, the updated Housing Element is a policy document that does not in and of itself result in the approval of any particular development project; and,

WHEREAS, the updated Housing Element is consistent with the City’s Growth Management Ordinance, which regulates the pace of residential development within city limits; and,

WHEREAS, any future residential development that might be proposed will be subject to its own separate environmental review; and,

WHEREAS, the updated Housing Element does not require any amendment to any other portion of the General Plan, being fully consistent therewith, and would not require any changes in land use designation or zoning; and,

WHEREAS, based on the factors set forth above and others as detailed in the initial study, the initial study concluded that the adoption of the updated Housing Element would not result in any significant environment impacts and formed the basis of a finding of negative declaration recommended by the Planning Commission, following a public hearing held on January 22, 2015; and,

WHEREAS, the Initial Study/Proposed Negative Declaration evaluating the potential environmental effects of the project was circulated for 30 days, starting on beginning on January 26, 2015 and ending on February 24, 2015, 2015; and

WHEREAS, no comments were received regarding the Initial Study/Proposed Negative Declaration; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration was published in the Sonoma Index-Tribune and posted in accordance with the California Environmental Quality Act on February 20, 2015; and

WHEREAS, the Initial Study/Proposed Negative Declaration was reviewed by the City Council in a duly noticed public hearing held on March 16, 2015.

NOW, THEREFORE, the Sonoma City Council hereby resolves as follows:

1. The City Council hereby makes the following findings: (A) it has independently reviewed and analyzed the Initial Study/Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; (B) the Initial Study/Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA; and, (C) the Initial Study/Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.

2. The City Council hereby designates the Planning Director, whose office is located at #1 the Plaza, Sonoma, CA, as the custodian of documents and records of proceedings on which this decision is based.

PASSED, APPROVED AND ADOPTED this 16th day of March 2015 by the following vote:

AYES:
NOES:
ABSENT:

_____
David Cook, Mayor

ATTEST:

_____
Gay Johann, City Clerk

CITY OF SONOMA

RESOLUTION NO. XX - 2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING THE 2015-2023 HOUSING ELEMENT UPDATE

WHEREAS, the City of Sonoma is required by State Law to revise its Housing Element to address its updated regional housing need allocation as assigned to the City by the Association of Bay Area Governments; and,

WHEREAS, in the course of preparing the Housing Element update, a series of public hearings and study sessions were held before the Planning Commission and the City Council to assure public input and participation; and,

WHEREAS, the Housing Element has been subject to the review of the State Department of Housing and Community Development (HCD) and modified in response to the comments of HCD staff in order to assure compliance with State Housing Element law; and,

WHEREAS, pursuant to an environmental review conducted in accordance with the California Environmental Quality Act, the City Council has found that the update of the Housing Element will not have a significant impact on the environment.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Sonoma hereby finds and declares as follows:

1. That the update of the Housing Element was duly performed in compliance with all applicable requirements of State Law.

2. That the 2015-2023 Housing Element filed in the Office of the City Clerk is hereby adopted as the Housing Element of the City of Sonoma General Plan.

AYES:
NOES:
ABSENT:

_____
David Cook, Mayor

ATTEST:

_____
Gay Johann, City Clerk

An assessment of 2014 market rents and 2013/2014 sales prices in Sonoma reveals the following. Citywide median rents are well above the level affordable to very low and low income households (50% and 80% AMI), pricing many of the community's lower income occupations–such as restaurant workers, construction laborers, retail salespersons, home health aides, and agricultural workers–out of the rental market. Sales prices of single-family homes are generally beyond the level affordable to moderate-income (120% AMI) household, with the exception of some of the smaller units sold. While more limited in number than single-family homes in Sonoma, condominium sales prices are generally affordable to moderate income households.

The City has received extensive public comment from the mobile home park community during the Housing Element update regarding the eroding affordability in Sonoma's mobile home parks. Issues raised include: 1) the increase in park-owned units not subject to rent control; 2) escalating rents every time a property changes hands; and 3) the challenge for residents dependent on Social Security Income to continue to afford the annual rent increases permitted under the City's Rent Stabilization Ordinance.

Housing Adequacy

Housing in Sonoma tends to be in relatively good condition. A general rule in the housing industry is that structures over 30 years typically begin to show signs of deterioration and require reinvestment to maintain/upgrade their quality. Unless properly maintained, homes older than 50 years often require major renovations to remain in good working order. Housing age is generally a good estimate of housing stock quality, although perhaps less so in a community like Sonoma that has a significant historic identity and strong historic preservation efforts. In 2011, over half of the City's housing units had reached the 30-year age threshold and nearly 20 percent had reached the 50-year age threshold.

The level of household overcrowding is another indicator of housing adequacy and quality. Overcrowding occurs when a household is too large for a particular housing unit, and is defined by the Census as more than one person per room. When overcrowding happens, it tends to accelerate the deterioration of homes. In 2010, overcrowding affected just 10 households, all of which were owners. With an overcrowding rate of less than one percent, overcrowding is not a significant issue in Sonoma.

Special Needs Groups

Certain segments of the community may have particular difficulties in finding decent, affordable housing because of their special needs and circumstances. In Sonoma, these special needs groups include the elderly, disabled persons, female-headed families with children, large households, agricultural workers and the homeless. The types of housing issues faced by these groups vary widely. The data below is from the 2010 Census unless otherwise noted.

- ***Seniors*:** Seniors typically have special housing needs due to three concerns: limited/fixed income, higher health care costs, and physical limitations. About 37 percent of Sonoma's households (1,831) have one or more persons age 65 and older, making seniors the largest special needs group in the community. Approximately two-thirds of the City's elderly households are homeowners. Because of physical and/or other limitations, senior homeowners may have difficulty in performing regular home maintenance or repair activities. Elderly renters also have significant housing needs related to limited incomes. Housing maintenance and affordability are particularly relevant issues in Sonoma where two-thirds of elderly households earn low incomes (less than $50,000). Nearly three-quarters of Sonoma's elderly renter households overpay for housing.

- ***Disabled Persons:*** Physical and mental disabilities can hinder access to traditionally designed housing units (and other facilities) as well as potentially limit the ability to earn income. Disabilities refer to mental, physical, or health conditions that last over six months. The 2008-2012 American Community Survey documented 1,376 persons with a disability in Sonoma, representing 13 percent of the population 16 years old and above; seniors comprise two-thirds of this disabled population. The North Bay Regional Center provides services to 219 persons with developmental disabilities in the City, representing approximately 2 percent of the general population.

- ***Female-Headed Families with Children:*** Female-headed households with children require special consideration and assistance as a result of their greater need for affordable housing, accessible day care, health care, and other supportive services. Sonoma has 425 female-

HOUSING AND NEIGHBORHOOD PRESERVATION

10. Housing Rehabilitation Program

Since the City of Sonoma participates in the County's Community Development Block Grant (CDBG) program, Sonoma residents are eligible to participate in the Sonoma County Community Development Commission's Housing Rehabilitation Loan Program. This program offers below market rate loans to low income owner-occupants of single-family homes or mobile homes, and owners of rental properties where at least half of the tenants are low income households, to make necessary repairs to their dwellings. Loans can offer up to $50,000 for single-family homes, $24,000 for mobile homes, and $25,000 per unit for multi-family rental properties.

> ***2015-2023 Objective:*** *Advertise the availability of the Housing Rehabilitation Program on the City's website and through handouts available at the City Hall public counter and Sonoma Community Center as well as through the local real estate community. Seek to assist a total of 20 lower income households during the planning period.*

11. Mobile Home Park Rent Stabilization and Conversion Ordinance

With three mobile home parks and over 400 coaches, mobile homes represent an important source of affordable housing in Sonoma. As a means of preserving the affordability of its mobile home parks - which are primarily occupied by senior citizens - the City has implemented a mobile home park rent control ordinance since 1993. This ordinance limits rent increases to a maximum of 80 percent of the increase in the consumer price index, but no greater than 5 percent in a 12 month period. The ordinance ensures stable rents for those residents of the mobile home parks who are not on long-term leases (in excess of 12 months). Park owners are permitted to charge a new base rent for a mobile home space whenever a coach-in-place sale or lawful space vacancy occurs. The City's Mobile Home Park Rent Review Board reviews requests for rental increases that exceed a CPI-based increase that is allowed for annually.

As a means of protecting its three parks for long-term mobile home park use, the City has established permanent mobile home General Plan and zoning designations. In 2004, the City Council adopted Chapter 9.92 of the Municipal Code further regulating mobile home park conversions, setting forth a series of tenant protections and establishing the required findings prior to allowance of any closure, including findings that available mobile home spaces exist in the County to accommodate displaced mobile homes; that adequate options are available to park residents; and that adequate relocation costs are provided.

> ***2015-2023 Objective:*** *Continue to enforce the mobile home park rent stabilization and conversion ordinances to preserve the affordability and long term use of mobile home parks in Sonoma. Evaluate strengthening the City's existing rent stabilization ordinance in 2015.*

11a. Mobile Home Park Senior-Only Occupancy Restrictions

By way of the background, each of Sonoma's three mobile home parks were originally developed as senior-only facilities at the choice of their respective developers. Within the past five years, the Moon Valley Mobile Home Park converted to an all-age facility, with the Pueblo Serena and Rancho de Sonoma remaining restricted to seniors. In some communities, restrictions have been adopted, including zoning overlays, that regulate or prohibit the conversion of senior-only parks to all-age facilities as a means of preserving senior housing.

> ***2015-2023 Objective:*** *Evaluate regulatory mechanisms, such as a senior-only zoning overlay, to accommodate mobile home parks wishing to maintain senior-only occupancy restrictions. Conduct community outreach and adopt an ordinance if deemed appropriate.*

12. Condominium Conversion Ordinance

Apartment projects and mobile home parks proposed for conversion to condominium ownership are subject to Sonoma's Condominium Conversion regulations (Section 19.65.030 of the Development Code). These regulations set forth a series of tenant protections including tenant noticing, relocation provisions, and right of first purchase. Applicants seeking approval for conversion are required to provide an assessment of the current vacancy rate of multi-family rental housing in the City, and in the case of mobile home parks, a mobile home park conversion impact report is required to be approved by City Council. In addition, SB 510 (Jackson 2013) now authorizes local governments to disapprove the

Table H-7: Housing Programs Implementation Summary

Housing Program	Program Goal	2015-2023 Objective(s)	Funding Source	Responsible Department	Time Frame
HOUSING AFFORDABILITY					
H-7 Affordable Housing Funding Sources	Leverage local funds to maximize assistance.	Actively pursue variety of funding sources for affordable housing. Support developers in securing outside funding.	Federal, State, County and private	Planning	Annually as RFPs are issued.
H-8 Affordable Housing Impact Fees	Require residential and non-residential development to offset their impact on affordable housing demand through payment of an impact fee.	Conduct a nexus study to evaluate the establishment of an affordable housing impact fee on residential and non-residential development.	Developer Fees	Planning	Conduct nexus study by 2017.
H-9 Section 8 Rental Assistance	Assist extremely low and very low-income households with rental payments.	Encourage landlords to register units with Housing Authority; prepare handout for rental property owners.	HUD Section 8	Planning; County Housing Authority	Ongoing .
HOUSING AND NEIGHBORHOOD PRESERVATION					
H-10 Housing Rehabilitation Program	Maintain quality of housing stock.	Advertise availability of program on website and via handouts. Seek to assist 30 lower income households.	CDBG	Planning; Sonoma County	Assist 30 households by 2023.
H-11 Mobile Home Park Rent Stabilization and Conversion Ordinance	Maintain mobile home parks as important source of affordable housing.	Enforce mobile home park rent stabilization and conversion ordinances. Evaluate strengthening the City's existing ordinance.	General	Planning	2015 - evaluate strengthening ordinance
H-11a Mobile Home Park Senior-Only Occupancy Restrictions	Maintain age restrictions in senior-only parks as a means of preserving senior housing.	Evaluate regulatory mechanisms, such as a senior-only zoning overlay, for mobile home parks to maintain to senior-only occupancy restrictions.	General	Planning	2015 - evaluate regulatory mechanisms 2016 - adopt ordinance as deemed appropriate
H-12 Condominium Conversion Ordinance	Provide protections for tenants in apartments and mobile homes proposed for conversion.	Implement condominium and mobile home park conversion regulations.	General	Planning	Ongoing

Table A.22: Survey of Rental Units, 2014

Unit Type and Bedrooms Type	# Units Advertised	Rental Range	Median Rent
Apartments/Condominiums/Townhomes			
Studio/1-bedroom	11	$850 - $1,600	$1,225
2-bedroom	13	$1,300 - $2,120	$1,750
3-bedroom	4	$1,700 - $3,200	$2,200
Single-Family Homes			
2-bedroom	4	$1,450 - $2,000	$1,638
3-bedroom	17	$1,625 - $4,500	$2,700
4-bedroom or more	3	$2,800 - $4,500	$3,600
Rooms			
1-bedroom	3	$650 - 800	$700

Source: Craigslist and Rental Source April-May 2014

Mobile homes represent an important source of affordable housing in Sonoma. As a means of preserving the affordability of its mobile home parks, primarily occupied by seniors, the City has implemented a mobile home park rent control ordinance since 1993 (Chapter 9.80 of the Municipal Code). This ordinance limits rent increases to a maximum of 80 percent of the increase in the consumer price index, but no greater than five percent in a 12-month period. The ordinance ensures stable rents for those residents of the mobile home parks who are not on long-term leases (in excess of 12 months). Park owners are permitted to increase the base rent by up to 10 percent ~~charge a new base rent~~ for a mobile home space whenever a coach-in-place sale or lawful space vacancy occurs.

The two rent-controlled parks vary in rental structure: DeAnza Moon Valley's 247 spaces have a median rent of $780 and Pueblo Serena's 127 spaces have a median rent of $547. Conversion of rent-controlled parks to condominiums or market rate parks is a major threat to the affordable housing stock of Sonoma, since mobile home parks are a significant portion of that supply. In 2009, the majority of Rancho de Sonoma residents voted in favor of a condominium conversion to their 99 space mobile home park, although this conversion was ultimately not implemented.

The City has received extensive public comment from the mobile home park community during the Housing Element update regarding the eroding affordability in Sonoma's mobile home parks. Issues raised include: 1) the increase in park-owned units not subject to rent control; 2) escalating rents every time a property changes hands; and 3) the challenge for residents dependent on Social Security Income to continue to afford the annual rent increases permitted under the City's Rent Stabilization Ordinance. In addition to concerns regarding affordability, residents of the Pueblo Serena Homeowners Association are requesting the City consider implementing a senior overlay to provide added protection to maintain their park as long term senior housing.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

December 9, 2014

Mr. David Goodison, Director
Planning Department
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

Dear Mr. Goodison:

RE: City of Sonoma's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Sonoma's draft housing element update that was received for review on November 19, 2014, along with additional revisions received on December 8, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a conversation on December 4, 2014 with you; Ms. Karen Warner, Karen Warner Associates; and Mr. Justin Shiu and Ms. Heather Hines, Metropolitan Planning Group.

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. The City also utilized ABAG's pre-approved housing element data.

The draft element meets the statutory requirements of State housing element law. The element will comply with State housing element law (GC, Article 10.6) when adopted and submitted to the Department, in accordance with GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates your hard work and dedication and that of Ms. Warner, Mr. Shiu and Ms. Hines in preparing the element and looks forward to receiving Sonoma's adopted housing element. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at (916) 263-7422.

Sincerely,

Paul McDougall
Housing Policy Manager

Subject: FW: Housing element opinion for Planning Commission
Date: Thursday, January 22, 2015 at 8:09:35 AM Pacific Standard Time
From: Gay Johann
To: Bill Willers, Cribb, James, Felder, Robert, Mark Heneveld, Matt Howarth, Roberson, Charles "Chip"
CC: David Goodison, Rob Gjestland, Carol Giovanatto

Forwarded at the request of the sender.

Gay Johann
Assistant City Manager / City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma CA 95476
707-933-2216
707-938-2559 Fax
www.sonomacity.org

From: Fred Allebach [mailto:fallebach@gmail.com]
Sent: Wednesday, January 21, 2015 8:19 PM
To: Gay Johann
Subject: Housing element opinion for Planning Commission

Dear Planning Commission,
In light of the following definition of gentrification by Benjamin Grant, and the sentences highlighted in bold type and underlining to emphasize areas where Sonoma needs work, I urge the Planning Commission to do more than just pass the housing element. The words and values expressed by the city Housing Element 2015-2023 have to mean something more than just saying them and satisfying checking off the boxes for state certification. In order to be consistent with the city's stated values, the city must be obliged to take an active role in the creation and building of affordable housing and develop the funding to do that by whatever means necessary. Socio-economic diversity is a stated value, in the housing element and the general plan. The city needs to put it's money where it mouth is and not simply say there is nothing we can do. That's not good enough in my opinion, as as we see socio-economic diversity trickling out, not down. If there is nothing that can be done, then the stated values should be rescinded and a spade called a spade.

I suggest some action, plans to fund affordable housing through taxation powers and/or TOT assessment to start, something to get the ball rolling. That's my 2 cents.
Thank you,
Fred Allebach

"What is Gentrification?

Change is constant in modern city life. So what do we mean by "gentrification?" How does it happen? Who wins and who loses? What comes next? Writer and urbanist Benjamin Grant explains.

Flag Wars tells the story of what happened to the Olde Towne East community in Columbus, Ohio when the neighborhood went through the process of gentrification in the mid-to-late 1990s. For much of the twentieth century, urbanists, policymakers, and activists were preoccupied with inner city decline across the United States, as people with money and options fled cities for the suburbs. But widespread reports of the American city's demise proved premature. Beginning in the 1970s, urban life slowly began to regain prestige, particularly among artists and the highly educated. By the turn of this century, many cities were thriving again, and their desirability among the wealthy and upwardly mobile was putting intense pressure on rents, real estate prices, and low-income communities.

What is Gentrification?
Gentrification is a general term for the **arrival of wealthier people in an existing urban district, a related increase in rents and property values, and changes in the district's character and culture.** The term is often used negatively, suggesting the displacement of poor communities by rich outsiders. But the effects of gentrification are complex and contradictory, and its real impact varies.

Many aspects of the gentrification process are desirable. Who wouldn't want to see reduced crime, new investment in buildings and infrastructure, and increased economic activity in their neighborhoods? **Unfortunately, the benefits of these changes are often enjoyed disproportionately by the new arrivals, while the established residents find themselves economically and socially marginalized.**

Gentrification has been the cause of painful conflict in many American cities, often along racial and **economic fault lines.** Neighborhood change is often viewed as a miscarriage of social justice, in which wealthy, usually white, newcomers are congratulated for "improving" a neighborhood whose **poor, minority residents are displaced by skyrocketing rents and economic change.**

Although there is not a clear-cut technical definition of gentrification, it is characterized by several changes.
Demographics: An increase in median income, a decline in the proportion of racial minorities, and a reduction in household size, as low-income families are replaced by young singles and couples.
Real Estate Markets: Large increases in rents and home prices, increases in the number of evictions, conversion of rental units to ownership (condos) and new development of luxury housing.
Land Use: A decline in industrial uses, an increase in office or multimedia uses, the development of live-work "lofts" and high-end housing, retail, and restaurants.
Culture and Character: New ideas about what is desirable and attractive, including standards (either informal or legal) for architecture, landscaping, public behavior, noise, and nuisance.

How does it happen?
America's renewed interest in city life has put a premium on urban neighborhoods, few of which have been built since World War II. If people are flocking to new jobs in a region where housing is scarce, pressure builds on areas once considered undesirable.

Gentrification tends to occur in districts with particular qualities that make them desirable and ripe for change. The convenience, diversity, and vitality of urban neighborhoods are major draws, as is the availability of cheap housing, especially if the buildings are distinctive and appealing. Old houses or industrial buildings often attract people looking for "fixer-uppers" as investment opportunities.

Gentrification works by accretion — gathering momentum like a snowball. Few people are willing to move into an unfamiliar neighborhood across class and racial lines[1]. Once a few familiar faces are present, more people are willing to make the move. Word travels that an attractive neighborhood has been "discovered" and the pace of change accelerates rapidly.

Consequences of Gentrification
In certain respects, a neighborhood that is gentrified can become a "victim of its own success." **The upward spiral of desirability and increasing rents and property values often erodes the very qualities that began attracting new people in the first place. When success comes to a neighborhood, it does not always come to its established residents, and the displacement of that community is gentrification's most troubling effect.**

No one is more vulnerable to the effects of gentrification than renters. When prices go up, tenants are pushed out, whether through natural turnover, rent hikes, or evictions. When buildings are sold, buyers often evict the existing tenants to move in themselves, combine several units, or bring in new tenants at a higher rate. When residents own their homes, they are less vulnerable, and may opt to "cash them in" and move elsewhere. Their options may be limited if there is a regional housing shortage, however, and cash does not always compensate for less tangible losses.

The economic effects of gentrification vary widely, but the arrival of new investment, new spending power, and a new tax base usually result in significant increased economic activity. Rehabilitation, housing development, new shops and restaurants, and new, higher-wage jobs are often part of the picture. Previous residents may benefit from some of this development, particularly in the form of service sector and construction jobs, but much of it may be out of reach to all but the well-educated newcomers. Some local economic activity may also be forced out — either by rising rents or shifting sensibilities. Industrial activities that employ local workers may be viewed as a nuisance or environmental hazard by new arrivals. **Local shops may lose their leases under pressure from posh boutiques and restaurants.**

Physical changes also accompany gentrification. Older buildings are rehabilitated and new construction occurs. Public improvements — to streets, parks, and infrastructure — may accompany government revitalization efforts or occur as new residents organize to demand public services. New arrivals often push hard to improve the district aesthetically, and may codify new standards through design guidelines, historic preservation legislation, and the use of blight and nuisance laws.

The social, economic, and physical impacts of gentrification often result in serious political conflict, exacerbated by differences in race, class, and culture. Earlier residents may feel embattled, ignored, and excluded from their own communities. New arrivals are often mystified by accusations that their efforts to improve local conditions are perceived as hostile or even racist.

Change — in fortunes, in populations, in the physical fabric of communities — is an abiding feature of urban life. But change nearly always involves winners and losers, and low-income people are rarely the winners. The effects of gentrification vary widely with the particular local circumstances. Residents, community development corporations, and city governments across the country are struggling to manage these inevitable changes to create a win-win situation for everyone involved."

Benjamin Grant is an urban designer, city planner and writer in the San Francisco Bay Area.

[1] Those that do are sometimes called "urban pioneers," and some have pointedly extended the analogy, likening the fate of existing communities to that of Native Americans.

Pueblo Serena Home Owners Association
65 Guadalajara Sonoma, CA 95476 707-225-8134
Chairperson: Lin Marie deVincent

November 24, 2014

The City Of Sonoma
1 The Plaza
Sonoma, CA. 95476

Dear Mayor Tom Rouse and City Manager Carol Giovanatto,

This is to formally request that the City of Sonoma amend the City's General Plan to include a Senior (55+) Mobile Home Park Overlay District as one of its current goals in the Housing Element.

Reason why we are requesting your immediate attention:

Currently, the park owner of Pueblo Serena MHP has the right, at any time, to change our park from a Senior 55+ park to an ALL AGE park according to the Federal Fair Housing Act. We are extremely vulnerable without your adopting the 9th Circuit Court's ruling.

Reasons for your consideration:

9th Circuit Court's ruling affirms the judgment of the district court:

The 9th Circuit Court's Ruling on February 17th, 2012 in the case of Putnam Family Partnership v City of Yucalpa, CA. Case No. 10-55563. RULED:

"Because the FHAA is silent on whether such senior housing zones are permissible and because federal regulations allow for them, we AFFIRM (emphasis added) the judgment of district court." This judgment is based on the City amending its land use plan by creating a Senior Mobilehome Park Overlay District. The Ordinance prohibits any of the twenty-two mobilehome parks in the City operating as *senior housing* (defined as a park with either eighty percent of the spaces occupied by or intended for occupancy by at least one person who is age fifty-five or older, or, one hundred percent of people who are age sixty-two or older), from converting to all-age housing, and if the signage, advertising, park rules, regulations, rental agreements and leases for spaces in a Senior Mobilehome Park in the MHP2 Overlay District shall state that the park is a senior park. id. 6.9. Among its findings accompanying the Ordinance, the Yucalpa City Council describes the need to preserve affordable housing and independent living options for the City's significant senior population, as well as to protect the reliance interests of those seniors who had purchased homes in existing senior-housing parks."

(Other cities have adopted this ruling in their General/Overlay Plan).

Pueblo Serena MHP, Moon Valley MHP and Ranch de Sonoma - the three parks located in the City of Sonoma were all Senior 55+ parks originally. Moon Valley was changed to an All Age/Family park in 2009, and Rancho de Sonoma is under new ownership with advertised status as a 55+ park.

Pueblo Serena MHP meets the criteria of the 9th circuit court's findings:
Senior Housing/55+ is stated in the signage, advertising, park rules, regulations, rental agreements and leases for spaces in our Senior Mobilehome Park.

When purchasing their homes, all homeowners signed contracts that their Park was and would remain a Senior 55+ Park.

The benefits of a Senior 55+ environment:
Because of our age and physical constraints, we enjoy the serenity, safety and senior activities. We appreciate not worrying about speeding bicycles or skateboarders as many of our homeowners use walkers. Other issues of concern are occupant density, parking impacts and noise.

As the Chairperson of the Pueblo Serena Homeowners Association, I speak for our community in seeking this additional protection for our Senior Status. We request that you include this Senior Zoning Overlay as a goal for the City, as part of the Housing Element for the new General Plan. The actualization of said Overlay goal could then be studied and implemented in good time. If either of the other parks should be interested, we ask they be included as well.

Thank you for your serious consideration of this matter. We know that you understand the importance of protecting Senior 55+ Parks and affordable housing in the City of Sonoma.

Sincerely,

Lin Marie deVincent
Chairperson
Pueblo Serena Home Owners Association

- Public Comment
    - Linda (4th Street West) – Manages a senior low-income property. She has over 300 people on a waiting list, 10 people just yesterday were looking for applications. She said the City also needs to deal with the homeless as well. With low-income seniors, there is no turnover, creating a unique situation because no one wants to move. Currently there is an eight-year wait right now for a vacancy. People are disheartened that they have to wait so long. Support the seniors-only mobile home park, too difficult to mix children and seniors. She supports workforce housing and recommends that the developer of the site at MacArthur and Broadway include low-income units in his project. Most popular/most desired units are the one-bedroom units, as it's difficult to find a 2-bedroom low-income unit. Believe that the Katrina Cottages in Tiburon are a good model, and it doesn't require a lot of land or money.
    - Gary (12 Ramon St – Manufactured Home Park) – Thinks that the Housing Element should be tweaked very slightly. Concerned that we don't have funds for affordable senior housing, but we are losing what we do have. Park owners find it lucrative to buy up, and to rent at market rate. Not covered under rent control ordinance. Have lost over 30 units to market rate units. Park owners are allowed to increase their rents when a unit changes hands, and can increase rent up to 10%. Asking for a revision of the Rent Stabilization Ordinance (page 38, #11).
    - Bonnie –Thanks the City, Commission and Consultants for their time and for considering the residents. Affordable prices can escalate so quickly. DeAnza Park is all ages, but the majority of residents are over 55 years old. Under rent control, base rent (excluding utilities) is $569-$1010/month. Homeowners can expect an increase of $15 per month per year, assuming no change in ownership. When home is sold, it can increase base rent 10%. The more frequently a property changes hands, the quicker the base rent increases. Homeowners are forced to sell because of their income not keeping up with the rising cost. Those who currently rent park-owned units have no rent control protection. Concur with Gary – protect affordability of Manufactured Home Parks, and supports the rewording of Rent Stabilization Ordinance.
    - Mary (65 Guadalajara) – Thanks staff for listening to their concerns. Would like to see the mobile home park overlay. There is also an advantage to letting everyone in the community of all ages of the overlay proposal, and hope that they don't object to further protection. Happy with the language as stated on Page 5 of the Staff Report. Support the rewording of the Rent Stabilization Ordinance.
    - Fred – Government is a backstop to modify the effects of gentrification. Must be alternative ways to fund affordable housing. Inclusive values in HE/GP, starting to see a more exclusive reality around town. Sonoma is a great town, and he can only live here because of the affordable housing. When the Housing Element goes to the City Council, should add suggestions for a roadmap of how to tackle the affordability issue. Workforce and low-

income housing should be consistent with a growing sustainability paradigm that values social equity. His mother lives in senior housing in New Jersey, and she doesn't like being around only seniors – wants the diversity. Thinks a homogeneous community is probably not a good thing, but rent control is good, just don't limit to seniors only.
    - Ted (12 Hacienda Dr) – If we changed the park from 55 and over to all ages, it would ruin his life there because he likes the quiet. Don't want to live where there are shouting kids and traffic, would be disturbing. He values his privacy and the tranquil living conditions.
    - Steve (85 La Paz – Pueblo Serena Mobile Home Park) – He and his wife were lucky to find affordable housing in Sonoma, feels fortunate. The Housing Element should focus on strengthening the aspect of a senior housing overlay and zoning protection for mobile home parks. Without that, he wouldn't be able to stay in Sonoma. Should be a stronger emphasis on that item - make it a priority.
- <u>Planning Commissioners</u>
    - Commissioner Howarth – hearing that the public is concerned with mobile home parks. For item #11 – support changes in language, should tighten this language up and move up this program to make it clear that it is a priority. Rents are increasing dramatically on affordable housing and other housing.
    - Commissioner Felder – hears the concerns of people, wants to send a message to the City Council on what we can do to preserve rights, and what we can do to create a Housing Element for the City Council that is defensible. Should include as much language in this document as we can to get the City Council to act quickly and to act in a substantial manner to help these people out.
    - Commissioner Willers – supports David's recommendation on tweaking language on item #11, which would reinforce that the mobile home parks and affordable housing are an important issue. Would allow the City Council to operate without writing policy in an objective oriented document.
    - All Commissioners were in favor of this.
    - Planning Commission welcomes having a more rich discussion with a mobile-home park needs assessment so it gives the City Council foundation for changes (per Karen).
    - Commissioner Felder – supports changes to include housing requirement for lower income categories, if that means changing the rules to allow a few less units or other sources then he is in favor of those.
    - Commissioner Howarth – two 1-bedroom units versus one 2- or 3-bedroom unit - allowances should be given, and would like to see more 1-bedroom units offered as part of projects.
    - Commissioner Felder – should target lower-income rather than moderate-income, forces it to some extent.
    - Commissioner Willers – Agrees with Commissioner Howarth's idea of smaller unit incentivization, which would help meet the lower-income category, would help developers build less costly units, and get additional units because of that – that's a win. Support getting rid of moderate. Support recommendation that we look at ordinance where development can provide additional smaller units. If don't, how incentivize it?
    - Commissioner Willers – demand for housing here is constant, market fluctuates.

- Commissioner Cribb – for inclusionary housing, don't just look at percentage, look at number and whether it's low-income, we don't need a bunch of moderate-income units. Make percentage smaller if we get more of what we want out of that.
- Commissioner Willers – reduce size of unit with smaller construction cost, by reducing to 10%, lowering units that have to be built at low income level and allow them to have other market rate units, and build more of them. Support changing language to include lower income, support removing moderate-income, pull it out and just go low-income. Make that a requirement.
- Commissioner Howarth – nexus study – support commercial development in town, but those developers should provide their fair share of affordable housing. If bringing in people to town through commercial, they should pay for some residential units.
- Commissioner Felder – support second units. Support any language to prohibit the use of second units for vacation rentals, which keeps them in the housing stock (vacation ordinance already excludes second units for it, but on in residential areas).
- Commissioner Heneveld – in Oregon and near the CA/OR border, they do Cluster Housing. With a senior population that is downsizing, would be an easy move to go to cluster. Same thing as cottage housing, program #5. (Commissioner Howarth seconded that)
- All Planning Commissioners voted to support the mobile home park overlay program.
- Everyone agreed on supporting the Initial Study.
- Recommended the Housing Element with discussed changes, especially in item #11 for the mobile home park overlay, move to City Council for approval. (all in favor)

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 3/16/2015

Department	**Staff Contact**
Public Works	Dan Takasugi, Public Works Director / City Engineer

Agenda Item Title

Discussion, consideration, and possible action to refer a new Street Name Signage Replacement program to the Design Review and Historic Preservation Committee for review.

Summary

Recent regulations through the Federal Highway Administration (FHWA) have mandated that all street signage meet certain retro-reflectivity standards. This was established through the Manual of Uniform Traffic Control Devices (MUTCD) Section 2A.08. Because retro-reflective properties of signage deteriorate over time, street and traffic signage must be evaluated and replaced when deemed necessary. This would include Street Name signs, although street name signs are at a lower priority than regulatory traffic signage. Current street name signs do not meet that retro-reflectivity standard for headlight visibility.

This FHWA regulation was viewed as an opportunity to consider a new design for the City's street name signs that would distinguish the City of Sonoma and create a "sense of place". One of the Council's 2014/15 Infrastructure Goals was to "Initiate Street signage replacement program to meet retro-reflectivity standards for headlight visibility". The specific action to that objective was to "Consider unique Sonoma historic design street signage". Council budgeted $25,000 to start this program in FY2014/15. This program is being presented now, in order to update the Council prior to this program being considered by other Committees.

Staff engaged local sign designer, Bob Sanders, of Robert Sanders & Co. to prepare some street name sign study and concept design options. Those options are shown in the attached study document. One of the options, 1-B, is designed to complement the design of the new Plaza directional sign. The sign options present variations in sign shape, font, and color.

Staff projects that this would be a 2-4 year phased program to replace all Street Name signs within City limits. The first phase would start with the City's main arterial and collector street name signs.

Recommended Council Action

Refer the Street Name Sign design study and concept options to the Design Review and Historic Preservation Committee (DRHPC) for review and advisory recommendation to the City Council.

Alternative Actions

Council discretion.

Financial Impact

One a street name sign design option is chosen, staff will proceed to order the signs and brackets, and will install the first phase of signage out of the allocated FY2014/15 budget.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☒ Exempt	☐ Action Requested
☐ Not Applicable	

Attachments:

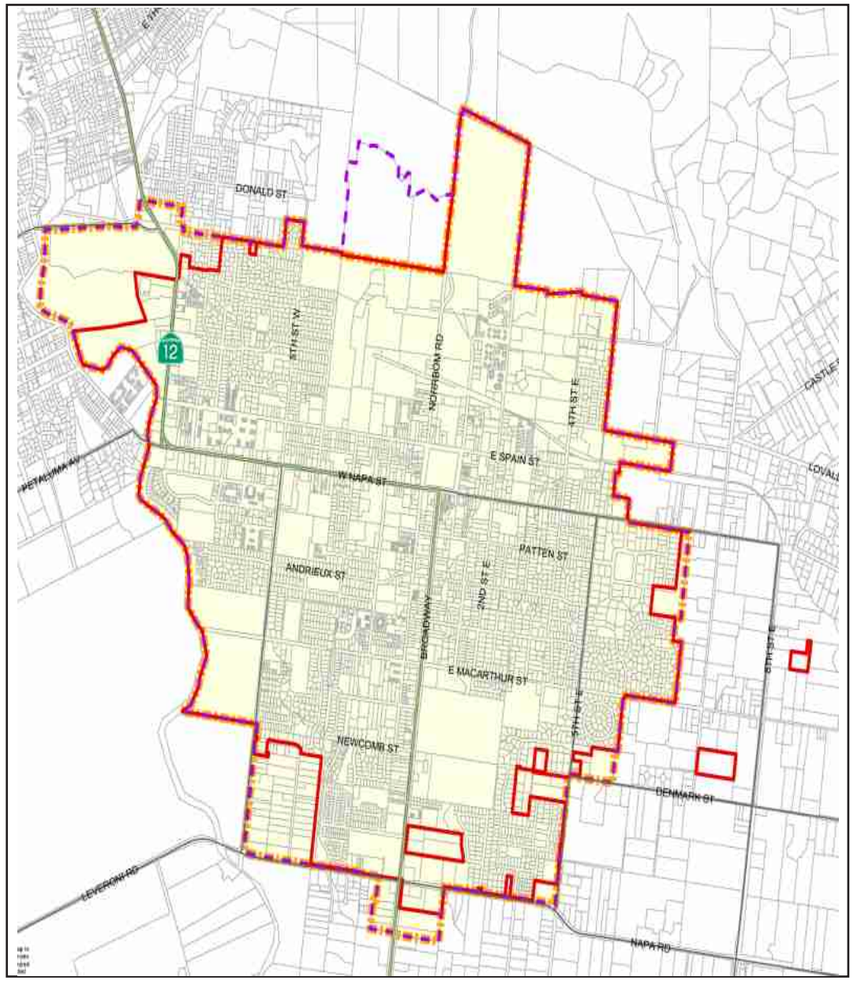
Street Name Sign Study and Concept Designs

Alignment with Council Goals:

Supports the Council Infrastructure Goal to initiate a street signage program to meet retro-reflectivity standards for headlight visibility.

City of Sonoma

Street Name Signs Study and Concepts



City Of Sonoma

Dan Takasugi, P.E.
Public Works Director / City Engineer
City of Sonoma
No. 1 the Plaza

Feb. 19, 2015

robert sanders&co.

environmental graphic design

signage design/ consulting

specifications and fabrication

19615 Eighth St.,East
Sonoma, Ca
Mailing Address:
P.O.Box 1356
Sonoma, CA 95476

707 996-3532
fax: 996-2937
www.robertsanders.com
rinfo@robertsanders.com
CA Electrical Sign Contractors License #903370

City of Sonoma

Street Name Signs Study and Concepts

TYPICAL EXISTING SONOMA STREET NAME SIGNAGE

Existing sign dimensions

Sign 6" h x 36"w

Sign 6" h x 30"w

Sign 6" h x 48"w

- Rectangular shape
- Brown background
- White letters(reflective)
- All caps san serif type(block style) font
- Mounted 90 degree angle brackets

Small sign needing update

City of Sonoma

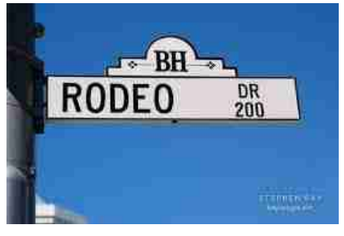
Street Name Signs Study and Concepts

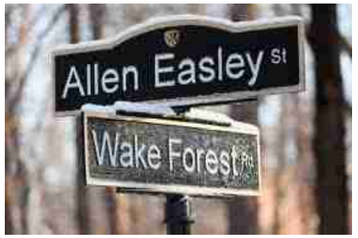
Sign Study/Options

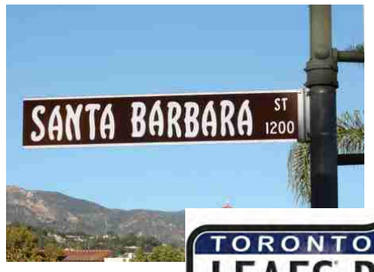
Signs from other communities

Objectives

- Meet new required Federal/State Highway Standards (MUTCD) using highest grade 3M reflectivity sheeting (3MTM Diamond GradeTM DG3 Reflective)
- While updating signs review and improve design, visibility, readability, shape
- Consider cultural, historical embellishments, additions to customize signs for Sonoma
- Review best type standards currently used







robert sanders&co.

City of Sonoma

Street Name Signs Study and Concepts

Concepts for top sign 8"h x 42"w/bottom sign to be rectangle 6"h x 42"w

- Consider cultural, historical embellishments, additions to customize signs for Sonoma

City of Sonoma

Name/Wording

1 A

Geometric arch concept/Upper/lower type in Clarendon serif font, border, 3 colors, wording

California Bear

1 B

Historical arch concept/Upper/lower type in Clarendon serif font, 3 color, Clarendon serif font, California Bear

Grape Cluster

1 C

European top concept/Upper/lower type in Clarendon serif font, 3 color, grape cluster

City of Sonoma

Street Name Signs Study and Concepts

Concepts for top sign 8"h x 42"w/bottom sign to be rectangle 6"h x 42"w

• Consider cultural, historical embellishments, additions to customize signs for Sonoma

City of Sonoma

Name/Wording

2 A

Geometric arch concept/Upper/lower type in Interstate font, border, 2 color, wording

California Bear

2 B

Historical arch concept/Upper/lower type in Interstate font, 2 color, California Bear

Grape Cluster

2 C

European top concept/Upper/lower type in Interstate font, 2 color, grape

City of Sonoma

Street Name Signs Study and Concepts

Top sign 8″h x 42″

Typical Configuration

Bottom sign to be rectangle 6″h x 42″w

CITY OF SONOMA
City Council
Agenda Item Summary

Agenda Item: 9
Meeting Date: 03/16/2015

Department	**Staff Contact**
Administration	Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

Council members will report on activities, if any, of the various committees to which they are assigned.

MAYOR COOK	MPT GALLIAN	CLM. AGRIMONTI	CLM. EDWARDS	CLM. HUNDLEY
City Audit Committee	ABAG Delegate	North Bay Watershed Association	ABAG Alternate	Sonoma Clean Power Alt.
City Facilities Committee	Cittaslow Sonoma Valley Advisory Council, Alt.	Sonoma County Health Action & SV Health Roundtable	Cittaslow Sonoma Valley Advisory Council	Sonoma County M & C Assoc. Legislative Committee
LOCC North Bay Division Liaison	City Audit Committee	Sonoma County Trans. & Regional Climate Protection Authority, Alternate	City Facilities Committee	S. V. Citizens Advisory Commission
Oversight Board to the Dissolved CDA	LOCC North Bay Division Liaison, Alternate	Sonoma County Waste Management Agency		S.V. Economic Dev. Steering Committee, Alt.
Sonoma Clean Power	Oversight Board to the Dissolved CDA, Alt.	VOM Water District Ad Hoc Committee, Alternate		S. V. Library Advisory Committee, Alternate
Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County Mayors & Clm. Assoc. BOD, Alt.	Water Advisory Committee, Alternate		
Sonoma Disaster Council	Sonoma County M & C Assoc. Legislative Committee, Alt.			
Sonoma Housing Corporation	Sonoma County Trans. Authority & Regional Climate Protection Authority			
Sonoma Valley Citizens Advisory Comm. Alt.	Sonoma Disaster Council, Alternate			
S.V.C. Sanitation District BOD	Sonoma Housing Corporation			
S.V. Economic Dev. Steering Committee	S.V.C. Sanitation District BOD, Alt.			
S.V. Fire & Rescue Authority Oversight Committee	S.V. Fire & Rescue Authority Oversight Committee			
S. V. Library Advisory Committee	LOCC North Bay Division, LOCC E-Board (M & C Appointment)			
	Ag Preservation and Open Space (M & C Appointment)			
	VOM Water District Ad Hoc Committee			
	Water Advisory Committee			

Recommended Council Action – Receive Reports

Attachments: None