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

Community Meeting Room, 177 First Street West, Sonoma CA

Wednesday, September 7, 2016
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting
****
AGENDA

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

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

5:30 P.M. – SPECIAL MEETING - CLOSED SESSION

1. CALL TO ORDER
The Mayor will open the meeting and take public testimony on closed session items only. The Council will then recess into closed session.

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION

- Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(d)(2): one potential case

6:00 P.M. – REGULAR MEETING

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Agrimonti, Edwards, Hundley, Cook, Gallian)
REPORT ON CLOSED SESSION

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: **Proclamation honoring Congregation Shir Shalom on the Occasion of its 20th Anniversary Year**

Item 3B: **Recognition of the Service of Gay Johann on her Retirement and Introduction of New City Clerk Rebekah Barr**

Item 3C: **Recognition of the Service of George McKale, City Historian**

Item 3D: **Presentation by the Housing Land Trust of Sonoma County**

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)

Item 4B: **Adopt Resolution Updating Signatories for the City of Sonoma's Financial Institution Accounts**
Staff Recommendation: Adopt Resolution authorizing the proposed changes to designated authority.

Item 4C: **Consideration of a Resolution Upholding the Appeal of Ron Albert, thereby denying the Site Design and Architectural Review of a New Single-Family Residence, Additional Residence, and Accessory Structures Located at 314-424 Second Street East (implementing the City Council action of August 15, 2016)**
Staff Recommendation: Adopt resolution upholding the appeal.

Item 4D: **Consideration of a Resolution Amending the City of Sonoma Conflict of Interest Code**
Staff Recommendation: Accept the 2016 Biennial Notice and adopt the resolution

Item 4E: **Acceptance of the 2016 Local Agency Biennial Notice for the Oversight Board to the Dissolved Sonoma Community Development Agency**
Staff Recommendation: Accept the 2016 Biennial Notice and adopt the resolution

Item 4F: **Approval of the Minutes of the August 15, 2016 City Council Meeting**
Staff Recommendation: Approve the Minutes

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 the August 15, 2016 City Council Meeting Pertaining to the Successor Agency**
Staff Recommendation: Approve the Minutes

6. PUBLIC HEARING

Item 6A: **Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 11 East Napa Street, Unit #1**

Staff Recommendation: In accordance with staff's standard practice of supporting Commission decisions, the staff recommendation is to deny the appeal, thereby upholding the decision of the Planning Commission. Whatever the Council's decision, staff will return at the following City Council meeting with a Resolution formalizing the Council's decision, including the necessary findings.

Item 6B: **Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 533 First Street East.**

Staff Recommendation: In accordance with staff's standard practice of supporting Commission decisions, the staff recommendation is to deny the appeal, thereby upholding the decision of the Planning Commission. Whatever the Council's decision, staff will return at the following City Council meeting with a Resolution formalizing the Council's decision, including the necessary findings.

7. REGULAR CALENDAR – CITY COUNCIL

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

Item 7A: **Discussion, Consideration, and Possible Action to Approve Construction of a Monument in Honor of the Chinese Contribution to the Wine Industry in Depot Park and Authorizing the City Manager to Execute a Maintenance Agreement with the Sonoma-Penglai Sister City Committee**

Staff Recommendation: Approve construction of the Monument in Depot Park and Authorize the City Manager to execute a Maintenance Agreement with the Sonoma-Penglai Sister City Committee.

Item 7B: **Discussion, Consideration, and Possible Action to Adopt a Resolution Approving Settlement Agreement which resolves the Case Entitled Selma Blanusa v. City of Sonoma and Permits Construction of a Second Dwelling Unit on the Real Property described as 19725 Seventh St. East, Sonoma, CA and finding that said adoption is exempt from the California Environmental Quality Act (CEQA)**

Staff Recommendation: That the Council adopt the attached Resolution, which approves the Settlement Agreement and finds same exempt under CEQA.

Item 7C: **Discussion, consideration and possible action to approve a Resolution in support Proposition 56 Ballot Measure (California Healthcare Research and Prevention Tobacco Tax Act of 2016) Requested by Mayor Gallian**

Staff Recommendation: Council discretion

Item 7D: **Discussion, Consideration and Possible Action to Approve Installation of Three (3) Taxi/Rideshare Parking Stalls Around the Sonoma Plaza**

Staff Recommendation: Approve the Installation of Three (3) Taxi/Rideshare Parking Stalls around the Sonoma Plaza.

Item 7E: **Discussion, Consideration and Possible Action to Provide Direction to Councilmember Cook on Potential Voting Action by Sonoma Clean Power Board of Directors [Requested by Councilmember Cook]**
Staff Recommendation: Council direction to Councilmember Cook

Item 7F: **Discussion, Consideration and Possible Action Regarding Designation of the Voting Delegate for the 2016 League of California Cities Annual Conference**
Staff Recommendation: Designate a Voting Delegate and up to two Alternates.

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

At this time, members of the public may comment on any item not appearing on the agenda

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on September 1, 2016. Rebekah Barr, MMC, City Clerk/Executive Assistant.

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: **09/07/16**

Department	**Staff Contact**
Administration	Rebekah Barr, MMC, City Clerk/Executive Assistant

Agenda Item Title

Proclamation honoring Congregation Shir Shalom on the Occasion of its 20th Anniversary

Summary

Maddy Leader, on behalf of the Congregation Shir Shalom, requested this proclamation in honor of their 20th Anniversary.

In keeping with City practice, the proclamation recipient has been asked to keep the total length of their follow-up comments and/or announcements to not more than 10 minutes.

Recommended Council Action

Mayor Gallian 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

Alignment with Council Goals:

Not applicable.

cc: Maddy Leader – via email

City of Sonoma

Proclamation

In honor of

CONGREGATION SHIR SHALOM
20TH ANNIVERSARY

Whereas, Congregation Shir Shalom has been the center of Jewish presence in our community since 1996; and

Whereas, Congregation Shir Shalom founders include families who have been in Sonoma Valley for several generations and reflects a heritage going back over one hundred years; and

Whereas, Congregation Shir Shalom has been a center of Jewish life devoted to continuing the founders' vision of a Jewish congregation which welcomes and supports diverse Jewish and interfaith families and individuals in our community; and

Whereas, Congregation Shir Shalom represents a vibrant, welcoming Jewish community dedicated to support the Jewish population in Sonoma Valley and to be a strong partner with other religious denominations in the region to provide comfort and assistance to all; and

Whereas, Congregation Shir Shalom is celebrating their 20th anniversary year with a series of special events intended to honor the founders and all past and current members, and to engage the Sonoma community at large.

Now, therefore, I, Laurie Gallian, Mayor of the City of Sonoma, do hereby honor Congregation Shir Shalom on the occasion of its 20th Anniversary year, and encourage all Sonoma residents to join me in celebrating Shir Shalom's 20 years as the center of Jewish life in Sonoma Valley.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 7th day of September 2016.

LAURIE GALLIAN, MAYOR

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **3B**

Meeting Date: **09/07/16**

Department	**Staff Contact**
Administration	Rebekah Barr, MMC, City Clerk/Executive Assistant

Agenda Item Title

Recognition of the Service of Gay Johann, Assistant City Manager/City Clerk

Summary

Gay Johann joined the City of Sonoma on October 1, 2001 and has served as the City Clerk since that time. In December 2013, she was promoted to the role of Assistant City Manager/City Clerk.

After fifteen years, Ms. Johann has announced her retirement effective October 1, 2016. The City would like to recognize her dedicated service.

Recommended Council Action

Mayor Gallian to present the plaque.

Alternative Actions

Council discretion

Financial Impact

Not applicable

Environmental Review

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

Status

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

Attachments:

Not applicable

Alignment with Council Goals:

Not applicable

cc:

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **3C**

Meeting Date: **09/07/16**

Department	**Staff Contact**
Administration	Rebekah Barr, MMC, City Clerk/Executive Assistant

Agenda Item Title

Recognition of the Service of George McKale, City Historian

Summary

In March 2008, the City Council created the volunteer position of City Historian to assist the City of Sonoma with coordinating the preservation of historical records and resources and maintaining a link between the City's past, present and future.

George McKale was appointed to the position on March 19, 2008, and has served in that capacity since. Mr. McKale tendered his resignation in late August and the City would like to recognize his service.

Recommended Council Action

Mayor Gallian to present the certificate.

Alternative Actions

Council discretion

Financial Impact

N.A.

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

Attachments:

1. Certificate of Recognition

Alignment with Council Goals:

Not applicable.

cc:

CITY OF SONOMA

Certificate of Appreciation

Presented to

George McKale

for his dedicated service to the City of Sonoma.

City Historian

March 2008 – September 2016

Presented this 7th day of September, 2016.

Laurie Gallian, Mayor

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 3D

Meeting Date: 09/07/16

Department	**Staff Contact**
Planning	David Goodison, Planning Director

Agenda Item Title

Presentation by the Housing Land Trust of Sonoma County.

Summary

The Housing Land Trust of Sonoma County is a non-profit organization formed in 2002 that provides home ownership opportunities to low- and moderate-income families while ensuring permanent housing affordability through the use of a land trust model. Under this model, affordable housing units are sold to qualified low and moderate income households, while the ownership of the underlying land is retained by the Land Trust. By subtracting out the land cost, the unit price is kept affordable. The resale price is set by a formula designed to allow homeowners to preserve their equity and obtain a fair return on their investment, while giving the next homebuyer access to housing at an affordable price. Through this method, the Land Trust is able to preserve the affordability of housing in perpetuity. Typically, the Land Trust develops units through a jurisdiction's inclusionary housing program. This can occur not only prospectively, through new development, but also through the conversion of existing inclusionary units when they are resold. Under the second scenario, the Land Trust enters into services agreement with the jurisdiction to manage its existing inclusionary units by working with the homeowners at the time of resale to set the affordable price and identify and screen prospective buyers. At the time of resale, the Land Trust exercises the option to buy the unit (as provided for in the inclusionary housing affordability covenant), thereby bringing the unit into the land trust model.

Housing land trusts are found nationwide and the Housing Land Trust of Sonoma County has worked in successful partnerships with Santa Rosa, Petaluma, Healdsburg, and Cotati. Staff's purpose in bringing this item to the City Council is to introduce the City Council to the Housing Land Trust of Sonoma County and elicit the Council's support for staff to: 1) work with the Land Trust on a pilot project and, 2) explore the cost and feasibility of bringing existing inclusionary units into the Land Trust model.

Recommended Council Action

Receive.

Alternative Actions

N.A.

Financial Impact

N.A.

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

Alignment with Council Goals:

The discussion of housing land trust model relates to the Housing goal, which includes the direction to: *"Implement strategies to facilitate creation of affordable rental and workforce housing; sustain or increase opportunities to continue the programs currently in place to maintain current affordable housing stock."*

Compliance with Climate Action 2020 Target Goals:

The provision of affordable housing works to reduce greenhouse gas emissions by enabling employees to live near their place of work, thereby shortening commute distances.

Attachments:

1. Housing Land Trust of Sonoma County, Mission Statement/Services

cc: Dev Goetschius, Executive Director
Housing Land Trust of Sonoma County
P.O. Box 5431
Petaluma, CA 94955-5431

MISSION STATEMENT

Housing Land Trust of Sonoma County (HLT) provides home ownership opportunities to low- and moderate-income families in Sonoma County while ensuring permanent housing affordability through the use of a community land trust model. We believe that (1) all working families deserve a home of their own, and (2) homeowners from a broad socio-economic range create the strongest and most vibrant communities.

Our goal is to recruit and retain a strong, local workforce and make it possible for those who are the fabric of our community to work and live in the same community.

COMMUNITY LAND TRUST MODEL

The Community Land Trust (CLT) model fulfills our mission and provides benefits to our local community. HLT works closely with a variety of local organizations to acquire real estate and create home ownership opportunities to residents who cannot otherwise afford it.

The land is either purchased by or donated to HLT. If the properties are vacant, HLT arranges for the development and construction of the homes. Sometimes we acquire property with existing homes on it. In all cases, the land is permanently owned by HLT, and the buildings are owned by the homeowners who purchase them. The land is leased to the homeowners via a 99-year renewable ground lease. The homeowners and their descendants may use the land and buildings for as long as they wish to live there, so long as it is used as their primary residences.

A key benefit of this model is the ability to ensure prices stay affordable. When the homeowners decide to sell their homes, HLT has the right to buy the home back for an amount determined by the HLT resale formula. The sale price is based on the percentage increase in the median household income from the time the home was purchased. The resale formula is designed to give homeowners a fair return on their investment, while keeping the price affordable for future low- to moderate-income families.

This model ensures that the price of the home will always remain as affordable to the subsequent owners, as it was to the first owner in the same income level. This aspect is unique to the Community Land Trust model and what sets it apart from other models by keeping homes affordable in perpetuity.

FAMILY AND HOMEOWNER STEWARDSHIP

The most important part of our work is maintaining our relationships and connections with the families who have purchased the homes. Through regular contact, workshops, and social gatherings, we steward and educate our families about financial planning for the future. Due to our assistance, our families have not only survived this recent economic crisis, but have thrived! We are proud to report that Housing Land Trust has not lost a home to foreclosure -- and thirteen of our families have sold their HLT homes and moved into market-rate homes -- giving another thirteen families a new beginning with HLT. The Community Land Trust model has proven to be extremely successful in preventing foreclosures nation-wide due the stewardship delivered to the homeowners by the Land Trusts.

OUR HOMES

HLT has created 48 homes and served 61 workforce families throughout Sonoma County, and we will be completing 12 more homes in 2016. There are 32 to 40 homes in the planning stages in various cities in Sonoma County.

Kali Subdivision, Santa Rosa, 10 homes (2002). Our first development was completed in partnership with Habitat for Humanity of Sonoma County. Once we acquired the land, HfH built six of the homes; the remaining four were built by The Housing Company, a for-profit developer and builder.

Frates Square, Southgate Subdivision, Petaluma, 26 homes (2007). This project is the inclusionary housing component of a larger, 200-home subdivision. HLT partnered with the City of Petaluma, a city that continues to hold a stellar track record in building affordable housing. The homes were constructed by Delco Builders.

Cloverdale, Two homes (2008 & 2009). In Cloverdale, HLT partnered with the City to preserve the affordability of two existing units, keeping them from being lost from the workforce housing stock.

Sonata Subdivision, Healdsburg, 6 homes (2012-13). These homes were built in partnership with D.R. Horton and the City of Healdsburg as part of the inclusionary housing component.

Woodland Hills Subdivision, Cotati, 5 homes (2014-16). We are partnering with the City of Cotati and Habitat for Humanity to create five homes.

Chiquita Grove, Healdsburg, 4 homes (2015-16). These homes are under construction being built by Barry Swenson Homes and in partnership with the City of Healdsburg as part of the inclusionary housing component.

Sorrento Square, Healdsburg, 6 homes (2015-16). These homes are under construction being built by Comstock Homes and in partnership with the City of Healdsburg as part of the inclusionary housing component.

Upcoming Developments: 6 units in Healdsburg, 6 units in Cotati, 25 units in Petaluma.

LEARN MORE ABOUT HLT

Housing Land Trust of Sonoma County was founded in 2002, and is a private, non-profit 501(c)(3) corporation. To learn more about, or donate to, our organization and support our work to serve Sonoma County's workforce families, please visit us at **www.housinglandtrust.org**, or call Dev Goetschius at (707) 766-8875.

Housing Land Trust of Sonoma County
Menu of Services

Housing Land Trust of Sonoma County (HLTSC) can help your City meet its housing goals. We provide a broad array of housing related education and services that can assist your city in developing permanently affordable housing. Below is a list of services that we can provide, broken out into general housing related services and project specific services.

General Services

- HLTSC will study the City's housing policies and show how the Community Land Trust (CLT) model is consistent with meeting the goals in the housing element.
- HLTSC will educate City staff on the CLT model.
- HLTSC will prepare a presentation to the Housing Authority or City Council Members on the CLT model. This presentation will showcase the model and will highlight housing issues the community faces and solutions we offer.
- HLTSC will provide community outreach to build consensus. This will include working with neighbors and schools, fire and police chiefs to show how we can help meet their housing needs.
- HLTSC can survey the housing need for your community, specifically among teachers, health care, fire and police personnel.

Project Specific Services

Site Acquisition / Predevelopment	Project Design/ Approvals/Construction	Marketing and Sales	Post Purchase / Resales
• Identify parcels of land • Entitle/Subdivide land • Acquire land • Identify/Manage Development Team • Work with neighborhood and community to garner support for project • Maintain a waitlist of potential buyers	• Oversee project design • Attend public hearings • Set up buyer selection criteria • Construction management • Oversee MOU/agreements negotiation with all parties • Evaluate/determine initial affordability levels and unit pricing	• Provide Homebuyer education • Provide CLT education • Assist in buyer selection • Assure approval of all CLT documents • Provide all marketing and outreach activities • Assure buyer qualifications • Manage escrow process • Execute all CLT documents • Plan/Execute Grand Opening event	• Provide post-purchase education and services to buyers including monitoring compliance with ground lease, collecting ground lease fees and providing ongoing education • Manage all aspects of resales including identifying buyers, calculating resale price, educating buyers and executing all necessary documentation

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **4B**

Meeting Date: **09/07/2016**

Department	**Staff Contact**
Finance	DeAnna Hilbrants, Finance Director

Agenda Item Title

Adopt Resolution Updating Signatories for the City of Sonoma's Financial Institution Accounts

Summary

The City of Sonoma maintains Banking and Investment Accounts at several Banking and Financial Institutions in accordance with the City's Investment Policy. Past practice has designated four officers in the City's structure as authorized signatories to the City's account. Due to recent changes in employment titles, position vacancies and designations of elected officials, staff is recommending that an updated authorization list be approved to address these changes in classification.

Following is a list of recommended signers for City Financial Institutions:

Mayor
City Manager
Finance Director
City Clerk
Administrative Services Manager

As is the current practice, the Mayor will remain as the reviewing authority for the warrant registers. The City's audit firm, JJA, CPA's endorses this change to designated signatories. The Finance Department will maintain internal guidelines and policies to assure appropriate internal controls.

Recommended Council Action

Adopt Resolution authorizing the proposed changes to designated authority.

Alternative Actions

Do not authorize changes; authorize additional positions

Financial Impact

N/A

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

Attachments:

Resolution

cc:

CITY OF SONOMA

RESOLUTION NO. __ - 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA DESIGNATING SIGNATORIES ON CITY OF SONOMA FINANCIAL INSTITUTION ACCOUNTS

BE IT RESOLVED that the following classifications are hereby authorized as signatories on the City of Sonoma Financial Institution Accounts:

Mayor
City Manager
City Clerk
Administrative Services Manager
Finance Director

BE IT FURTHER RESOLVED that two (2) of the four signatories shall be required on City checks and/or instruments of transfers or withdrawals.

ADOPTED this 7th day of September, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Laurie Gallian, Mayor

ATTEST:

_____
Rebekah Barr, MMC, City Clerk

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **4C**

Meeting Date: **09/07/16**

Department	**Staff Contact**
Planning	Associate Planner Atkins

Agenda Item Title

Resolution upholding the appeal of Ron Albert, thereby denying the site design and architectural review of a new single-family residence, additional residence, and accessory structures located at 314-424 Second Street East (implementing the City Council action of August 15, 2016).

Summary

On May 31, 2016, the Design Review and Historic Preservation Commission (DRHPC) considered the application of Glenn Ikemoto for site design and architectural review of a new single-family residence, additional residence, and accessory structures. After public testimony and discussion, the DRHPC approved the site design and architectural review application with a vote of 4-0. Subsequently, Ron Albert, the neighboring property owner on the north, filed an appeal of the DRHPC's decision to approve the application asserting that the approval was inconsistent with a number of regulations applicable to the project, especially with respect to compatibility and adverse impacts on surrounding properties. In addition, the appellant was concerned that the project would threaten the health of a Colorado blue spruce tree located on his property. After considering the appeal at its meeting of August 15, 2016, the City Council voted 5-0 to uphold the appeal, thereby denying the application, and directed staff to prepare a resolution implementing its decision.

Recommended Council Action

Adopt resolution upholding the appeal.

Alternative Actions

Direct amendments to the resolution.

Financial Impact

N.A.

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

Attachments:

1. Resolution

Alignment with Council Goals:

Not applicable.

cc: Ron Albert (via email)
66 George Lane
Sausalito, CA 94965-1890

Glenn Ikemoto (via email)
314-324 Second Street East
Sonoma, CA 95476

Robert Baumann (via email)
545 Third St West
Sonoma, CA 95476

Micaelia Randolph (via email)
869 Fifth Street East
Sonoma, CA 95476

CITY OF SONOMA

RESOLUTION NO. _____ - 2016

A RESOLUTION OF THE SONOMA CITY COUNCIL UPHOLDING THE APPEAL OF RON ALBERT, THEREBY DENING THE SITE DESIGN AND ARCHITECTURAL REVIEW OF A NEW SINGLE-FAMILY RESIDENCE, ADDITIONAL RESIDENCE, AND ACCESSORY STRUCTURES LOCATED AT 314-324 SECOND STREET EAST

WHEREAS, on March 29, 2016, Glen Ikemoto filed a Design Review application for a new single-family residence, additional residence, and accessory structures; and,

WHEREAS, this application was considered by the Design Review and Historic Preservation Commission in a public hearing held on May 31, 2016, at which time the Commission voted 4-0 to approve the design review application; and,

WHEREAS, this decision was appealed to the City Council by Ron Albert; and,

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held on August 15, 2015.

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

A. Analysis of Findings Required for Project Approval for Design Review of Projects located within the Historic Overlay Zone.

1. Pursuant to section 19.54.080 of the Sonoma Municipal Code, the approval of an application of design review of a project located within the Historic Overlay Zone, may only be granted subject to the review authority making specified findings.

2. These findings include the determination that "The project substantially complies with the applicable guidelines set forth in Chapter 19.42 SMC (Historic Preservation and Infill in the Historic Zone)."

3. The "Guidelines for Infill Development" set forth in section 19.42.050 include "Guidelines for Compatibility" that identify site plan considerations, as follows: "New development should continue the functional, on-site relationships of the surrounding neighborhood. For example, common patterns that should be continued are entries facing the public right-of-way, front porches, and garages/parking areas located at the rear of the parcel."

4. The placement of the proposed second residence does not comply with the direction set forth above, as its front setback would substantially greater than that of other residences on the block, which would create a visual discontinuity and depart from the functional relationship between the residence, the front yard, and the street established by adjoining development.

5. As a result of this discontinuity, the required finding of substantial consistency with the applicable guidelines set forth in Chapter 19.42 cannot be made.

B. Determination of Appeal. Because not all of the findings required for approval of a Design Review Permit may be made, the City Council hereby upholds the appeal, thereby denying the application.

The foregoing Resolution was duly adopted this 7th day of September 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:

_____
Laurie Gallian, Mayor

ATTEST:

_____
Rebekah Barr, MMC, City Clerk

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **4D**

Meeting Date: **09/07/16**

Department	**Staff Contact**
Administration	Rebekah Barr, City Clerk/Executive Assistant

Agenda Item Title

Adoption of a Resolution Amending the City of Sonoma Conflict of Interest Code.

Summary

The Political Reform Act of 1974 requires local government agencies to review its Conflict of Interest Code biennially. Staff has conducted this review and determined that the Conflict of Interest Code, adopted in 2014, was in need of amendment to the list of designated positions (Exhibit "A").

The proposed changes to the list of designated positions include:

- Eliminating the Assistant City Manager/City Clerk and Deputy Clerk positions
- Adding the Assistant City Manager, City Clerk/Executive Assistant, and Public Works Administrative Manager
- Changing the Redevelopment Attorney to the Successor Agency Attorney
- Changing Public Works Director to Public Works Director/City Engineer
- Eliminating the Mobilehome Park Rental Review Board

Recommended Council Action

Accept the 2016 Biennial Notice and adopt the resolution.

Alternative Actions

N/A

Financial Impact

N/A

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

Attachments:

Resolution
2016 Biennial Notice

Alignment with Council Goals:

N/A

cc:

CITY OF SONOMA

RESOLUTION NO. ____ - 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING A CONFLICT OF INTEREST CODE AND RESCINDING PREVIOUS RESOLUTIONS

WHEREAS, the Political Reform Act of 1974 (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations 18730) which contains the terms of a standard conflict of interest code and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act; and

WHEREAS, designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Sonoma and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Sonoma.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sonoma as follows:

SECTION 1. Incorporation of State Regulations by Reference

With the additions noted below, the terms of Title 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission is hereby incorporated by reference and together with the List of Designated Positions and Disclosure Categories, as adopted by the City Council, shall constitute the Conflict of Interest Code of the City of Sonoma.

SECTION 2. Designated Positions with Reporting Requirements

Members of boards and commissions appointed by the City Council, consultants, and city employees holding designated positions as shown on Exhibit A shall be considered designated positions subject to reporting requirements under the Conflict of Interest Code, and shall disclose financial interests as set forth on Exhibit B which lists the individual disclosure categories. Said Exhibit A and Exhibit B are attached hereto and made a part hereof.

SECTION 3. Filing of Statements

Persons holding designated positions shall file Statements of Economic Interests with the City of Sonoma on Fair Political Practices Forms, in conformance with the individual disclosure categories and State guidelines.

SECTION 4. Late Filings and Failure to File Statements

Any violation of any provision of this Code is subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 et seq.

BE IT FURTHER RESOLVED, all previous resolutions adopting and/or amending the City of Sonoma Conflict of Interest Code are hereby rescinded in their entirety.

The foregoing Resolution was adopted this 9th day of September 2016 by the following vote:

AYES:
NOES:
ABSENT:

_____
Laurie Gallian, Mayor

ATTEST:

_____
Rebekah Barr, MMC
City Clerk

EXHIBIT "A"

LIST OF DESIGNATED POSITIONS
AND DISCLOSURE CATEGORIES
***see note below

POSITION	**DISCLOSURE CATEGORY**
Accountant	A
Administrative Services Manager	A
Administrative Manager (Public Works)	A
Assistant City Manager	A
Associate Planner	C
Building Inspector	C
Chief of Police	A
City Clerk/Executive Assistant	A
City Prosecutor	A
Contractual Consultants**	A
Deputy City Attorney	A
Development Services Director/Building Official	A
Finance Director	A
Fire Chief	A
Planning & Community Services Director	A
Plans Examiner	C
Public Works Director/City Engineer	A
Public Works Operations Manager	A
Senior Planner	C
Successor Agency Attorney	A

COMMITTEES/COMMISSIONS	**DISCLOSURE CATEGORY**
Community Housing Corp. Board of Directors	C
Community Services and Environment Commission	A
Design Review Commission	C
Traffic Safety Committee	C

** **Contractual Consultant** means an individual who, pursuant to a contract with the City, makes or participates in making governmental decisions. The City Manager may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

*** City Council Members, Planning Commissioners, City Manager, City Attorney, and the City Treasurer are required to file statements of economic interests pursuant to Government Code Section 87200, and are therefore, not included in the list of Designated Positions required to file pursuant to the City's conflict of interest code.

EXHIBIT “B”

DISCLOSURE CATEGORIES

CATEGORY	REPORTABLE INTERESTS
A	Investments, business positions, income (including gifts, loans and travel payments) from sources located in or doing business in the City, interests in real property located in the City, including property located within a two-mile radius of any property owned or used by the City.
B	Investments, business positions, and sources of income (including gifts, loans and travel payments) from or in any business entity that engages in the type of services, supplies, materials, machinery, or equipment that is purchased or acquired by the employee’s department. If the employee is involved in purchasing decisions that affect more than one department, then the employee shall disclose all income (including gifts, loans and travel payments) and investment interests and business positions in any business that engages in the type of services, supplies, materials, machinery or equipment that the City might reasonably be expected to purchase or acquire.
C	Investments in real property or interests in business positions in any business entity which owns property within the City or within a two-mile radius of any property owned or used by the City.

2016 Local Agency Biennial Notice

Name of Agency: City of Sonoma

Mailing Address: 1 The Plaza, Sonoma CA 95476

Contact Person: Rebekah Barr Phone No. 707-933-2216

Email: rbarr@sonomacity.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that *(check one BOX):*

☑ **An amendment is required. The following amendments are necessary:**

(Check all that apply.)

- ● Include new positions
- ○ Revise disclosure categories
- ● Revise the titles of existing positions
- ● Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ○ Other *(describe)* _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

_____	8/29/16
Signature of Chief Executive Officer	*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **4E**

Meeting Date: **09/07/16**

Department	**Staff Contact**
Administration	Rebekah Barr, City Clerk/Executive Assistant

Agenda Item Title

Acceptance of the 2016 Local Agency Biennial Notice for the Oversight Board to the Dissolved Sonoma Community Development Agency.

Summary

The Political Reform Act of 1974 requires local government agencies to review its Conflict of Interest Code biennially and to serve as the code reviewing body for any City agencies. The Oversight Board to the Dissolved Sonoma Community Development Agency adopted a Conflict of Interest Code on April 4, 2012. Staff has reviewed the code and did not identify any necessary amendments at this time.

Recommended Council Action

Accept the 2016 Biennial Notice.

Alternative Actions

N/A

Financial Impact

N/A

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

Attachments:

2016 Biennial Notice
Successor Agency Conflict of Interest Code

Alignment with Council Goals:

N/A

cc:

2016 Local Agency Biennial Notice

Name of Agency: City of Sonoma

Mailing Address: 1 The Plaza, Sonoma CA 95476

Contact Person: Rebekah Barr Phone No. 707-933-2216

Email: rbarr@sonomacity.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that *(check one BOX):*

☐ **An amendment is required. The following amendments are necessary:**

(Check all that apply.)

- ● Include new positions
- ○ Revise disclosure categories
- ● Revise the titles of existing positions
- ● Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ○ Other *(describe)* _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

_____	8/29/16
Signature of Chief Executive Officer	*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

CITY OF SONOMA

RESOLUTION NO. 20 - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING THE ADOPTED CONFLICT OF INTEREST CODE OF THE OVERSIGHT BOARD TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY (CDA)

WHEREAS, pursuant to Government Code sections 87300 and 87301, the Oversight Board to the Dissolved Sonoma Community Development Agency (CDA) adopted a conflict of interest code on April 4, 2012; and

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Oversight Board to the Dissolved Sonoma Community Development Agency has submitted its adopted code to the City Council of the City of Sonoma, the code reviewing body, for approval; and

WHEREAS, the adopted conflict of interest code of the Oversight Board to the Dissolved Sonoma Community Development Agency is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to Government Code section 87303, the City Council as code reviewing body, may approve the code as submitted, revise the proposed code and approve it as revised, or return the proposed code to the agency for revision and resubmission; and

WHEREAS, the proposed code as adopted is lawful under the Political Reform Act of 1974.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma does hereby approve the adopted conflict of interest code of the Oversight Board to the Dissolved Sonoma Community Development Agency, attached hereto as Exhibit A.

The foregoing resolution was adopted the 4th day of June 2012, by the following vote:

Ayes:	Barbose, Rouse, Brown, Gallian and Sanders
Noes:	None
Absent:	None

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk

Exhibit A

OVERSIGHT BOARD TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY (CDA)

OVERSIGHT BOARD RESOLUTION NO. 02-2012

A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY ADOPTING A CONFLICT OF INTEREST CODE FOR THE OVERSIGHT BOARD

WHEREAS, the Oversight Board to the Successor Agency to the dissolved Sonoma Community Development Agency has been appointed pursuant to the provisions of Health & Safety Code Section 34179; and

WHEREAS, the Oversight Board is deemed a local entity for purposes of the Political Reform Act; and

WHEREAS, pursuant to the Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission ("FPPC"), a newly established local entity is required to adopt a conflict of interest code; and

WHEREAS, the Oversight Board finds and determines that it is appropriate to adopt as its conflict of interest code the model conflict of interest code promulgated by the FPPC as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board as follows:

SECTION 1. Pursuant to the Political Reform Act of 1974, Government Code Section 87300 et seq., and Section 18730 of Title 2 of the California Code of Regulations, the Board adopts the model conflict of interest code promulgated by the Fair Political Practices Commission of the State of California as set forth in Section 18730 of Title 2 of the California Code of Regulations, which model conflict of interest code is incorporated herein by reference, and which, together with the list of designated positions and the disclosure categories applicable to each designated position as set forth in Sections 3 and 5 of this Resolution, collectively constitutes the Board's conflict of interest code. As the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations is amended from time to time by State law, regulatory action of the Fair Political Practices Commission, or judicial determination, the portion of the Board's conflict of interest code comprising the model conflict of interest code shall be deemed automatically amended without further action to incorporate by reference all such amendments to the model conflict of interest code so as to remain in compliance therewith. Nothing in this Resolution shall supersede the independent applicability of Government Code Section 87200.

SECTION 2. The definitions contained in the Political Reform Act of 1974 and in the regulations of the Fair Political Practices Commission, and any amendments to either of the foregoing, are incorporated by reference into this conflict of interest code.

SECTION 3. The following are the designated Board positions, the holders of which shall be required to file statements of economic interests: Oversight Board members.

SECTION 4. The code reviewing body for this conflict of interest code shall be the City Council of the City of Sonoma. This conflict of interest code shall be promptly submitted after its adoption by the Secretary to the Clerk of the City Council. Statements of economic interests shall be filed by Oversight Board members with the Clerk of the Sonoma City Council.

SECTION 5. The Board finds and determines that the persons holding the positions set forth in Section 3 make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 6. Each person holding a designated position set forth in Section 3 shall report in every disclosure category set forth in the statement of economic interests promulgated by the FPPC to the extent such category is applicable to such person pursuant to the rules and regulations of the FPPC. The disclosure categories as promulgated by the FPPC may be amended from time to time and such amendments shall not require an amendment to this code or Resolution.

SECTION 7. Sections 3 and 6 of this Resolution constitute the Appendix referred to in subdivision (b)(2) of Section 18730 of Title 2 of the California Code of Regulations.

SECTION 8. Nothing contained in this Resolution is intended to modify or abridge the provisions of the Political Reform Act of 1974, Government Code Section 87000 et seq., or the FPPC regulations, Title 2 California Code of Regulations including Sections 18700 et seq. The provisions of this Resolution are additional to the Political Reform Act and FPPC Regulations. This Resolution shall be interpreted in a manner consistent with the Political Reform Act and FPPC regulations. In the event of any inconsistency between the provisions of this Resolution, on the one hand, and the Political Reform Act and/or the FPPC regulations, on the other hand, the provisions of the Political Reform Act and FPPC regulations shall govern.

SECTION 9. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

PASSED AND ADOPTED by the Oversight Board at a meeting held on the 4th day of April, 2012 with the following vote:

AYES:	Blum, Calvert, Fogg, Sanders, Hudson, Roberts, Gibson
NOES:	None
ABSENT:	None

Joanne Sanders

Joanne Sanders, Chair

ATTEST:

Cathy Lanning

Cathy Lanning, Secretary

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **4F**

Meeting Date: **09/07/2016**

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

Agenda Item Title

Approval of the minutes of the August 15, 2016 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

CITY OF SONOMA

SPECIAL MEETINGS OF THE CITY COUNCIL
MONDAY AUGUST 15, 2016

JOINT STUDY SESSION WITH THE
PLANNING COMMISSION
EMERGENCY OPERATIONS CENTER (EOC)
175 First Street West, Sonoma CA

&

CONCURRENT MEETINGS OF THE SONOMA CITY COUNCIL &
CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED
SONOMA COMMUNITY DEVELOPMENT AGENCY
Community Meeting Room, 177 First Street West, Sonoma CA

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

****

MINUTES

JOINT STUDY SESSION

Mayor Gallian called the meeting to order at 5:00 p.m.

CITY COUNCIL MEMBERS PRESENT: Hundley, Cook, Agrimonti, Edwards, and Gallian.

PLANNING COMMISSION MEMBERS PRESENT: Cribb, McDonald, Sek, Willers, and Felder. ABSENT: Coleman, Roberson, Wellander

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, Planning Director Goodison

SS.1: Discussion, consideration and possible direction to staff on housing-related topics presented during the May 16, 2016 joint City Council-Planning Commission Study Session

Planning Director Goodison and consultants from Keyser Marston Associates provided background and statistical information relating to the City's housing needs. They led the Councilmembers and Planning Commissioners through a series of discussions on topics which included: Options on modifying inclusionary housing requirements; Housing Impact Fee status report; Considerations on prohibiting or further restricting vacation rentals; and Junior Second Units and Shared Housing. Councilmembers and commissioners provided general direction to staff and the consultants for use in formulating a work plan.

CONCURRENT CITY COUNCIL AND COUNCIL AS SUCCESSOR AGENCY MEETING

Mayor Gallian called the meeting to order at 7:00 p.m. Kimberly Hubenette led the Pledge of Allegiance.

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

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Planning Director Goodison, Planning Associate Atkins, Finance Director Hilbrants

REMOVAL OF AGENDA ITEM 6A

City Attorney Walter reported that a lawsuit challenging the Environmental Impact Report prepared by the Regional Climate Protection Agency related to the Climate Action 2020 and Beyond had been filed. He recommended that agenda item 6A be pulled and tabled until the lawsuit had been determined.

Mayor Gallian invited comments from the public regarding the question of removing the item from the agenda. Tom Conlon, Transition Sonoma Valley, supported allowing time for those who had concerns regarding the report to consider the issues.

Jerry Bernhaut identified himself as the attorney who filed the complaint on behalf of California River Watch. He suggested that everyone read his petition to learn what their concerns were.

Fred Allebach questioned if the lawsuit would place the Climate Action program on hold.

Caitlin Cornwall stated that climate warming was a matter of extreme emergency and that the Council should move ahead with approving the plan.

It was moved by Clm. Cook, seconded by Clm. Edwards, to remove Agenda Item 6A from the agenda. The motion carried unanimously. Mayor Gallian stated that this action did not represent a weakening of her position and work on the project.

1. COMMENTS FROM THE PUBLIC

Michelle Richey spoke about the lack of low income rentals and the homeless. She stated that the Dog Park people supported allocating five parking spots for Safe Parking but they did not want it to be the five spots adjacent to the dog park.

Dave Ransom stated that the Bay Area Council recently reported that 30% of Bay Area residents were leaving because of high housing costs.

Tim Boeve spoke about climate warming and urged the City Council to take the lead in addressing climate change.

Jack Wagner announced that he was running for City Council again and that housing would be his top priority.

David Duplantier, California State Parks, reported on the programs being offered by State Parks and invited everyone to their August 20 event recognizing the National Parks Centennial.

Jerry Bernhaut stated that there was nothing stopping the City from moving ahead with plans to reduce greenhouse gas emissions.

Chris Petlock urged the City Council to make it easier and safer for children to ride their bikes to and from school.

2. MEETING DEDICATIONS - None

3. PRESENTATIONS

Item 3A: School Attendance Awareness Month Proclamation

Mayor Gallian read aloud the proclamation and presented it to Paul Tuohy, Coordinator of Student Services. He thanked the City for recognizing the need for emphasis on regular school attendance and stated that the school's theme this year was "It Takes A Valley".

Item 3B: Freedom Week Sonoma Proclamation

Mayor Gallian read aloud the Freedom Week proclamation and presented it to Dr. Kimberly Hubenette and representatives of the sponsoring organizations which included Rotary Club of Sonoma Valley, AMVETS Hap Arnold Post #55, American Legion Jack London Post 489, Sonoma Valley Chamber of Commerce and the Sonoma Valley Visitors Bureau. Ms. Hubenette reported that the Visitor Bureau served as the official headquarters.

Item 3C: Update by Sonoma Clean Power on Program Status and Future Activities

Geof Syphers presented information on the programs, current and future activities of Sonoma Clean Power. Clm. Cook stated Syphers had done a great job. Clm. Agrimonti confirmed that if Mendocino County was added they would have two additional board seats, one for Ukiah and one for a city. Clm. Hundley confirmed that it was not feasible to store energy. Mayor Gallian suggested that an electric car be offered to purchasers of affordable housing units.

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 July 6 and July 18, 2016 City Council Meetings.**

Item 4C: **Discussion, Consideration and Possible Action to Award Contract to Peckham & McKenney for Executive Search Services (City Manager) and Authorize the City Manager to Sign.**

Item 4D: **Acceptance of the City of Sonoma Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2015 as prepared in accordance with Governmental Accounting Standards Board statements.**

Item 4E: **Approval and ratification of the appointment of Thomas Haeuser to the Sonoma County Library Commission for a four-year term.**

Item 4F: **Approval of a waiver of commission attendance rules for Planning Commissioner Chip Roberson.**

Item 4G: **Approval of a waiver of the limitation on successive terms and ratification of the reappointment of Pam Personette to the Cultural and Fine Arts Commission.**

Item 4H: **Approval and ratification of the reappointment of Kate Schertz to the Cultural and Fine Arts Commission.**

Item 4I: **Approval and ratification of the reappointment of Fred Allebach to the Community Services and Environment Commission for an additional four-year term.**

The public comment period was opened and closed with none received. Mayor Gallian stated, in relation to Item 4C, that had contacted references of the consultant and got nothing but rave reviews. It was moved by Clm. Hundley, seconded by Clm. Agrimonti, to approve the consent calendar as presented. The motion carried unanimously.

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

Item 5A: **Approval of the portions of the minutes of the July 6 and July 18, 2016 City Council meetings pertaining to the Successor Agency.**

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

6. PUBLIC HEARINGS

Item 6A: **Discussion, consideration, and possible adoption of a resolution approving Climate Action 2020 and Beyond and making responsible agency findings pursuant to the California Environmental Quality Act (CEQA), including a statement of overriding considerations.**

This item was removed from the agenda.

Item 6B: **Discussion, consideration and possible action on an appeal of the Design Review and Historic Preservation Commission's decision to approve the application of Glenn Ikemoto for site design and architectural review of a new single-family residence, additional residence, and accessory structures at 314-324 Second Street East.**

Associate Planner Atkins provided a detailed description of the proposed project which was the subject of the appeal. She reported that the Design Review and Historic Preservation Commission (DRHPC) voted unanimously to approve the site design and architectural review application. On June 16, 2016, Ron Albert, the neighboring property owner on the north, filed an appeal of the decision stating that he felt the approval was inconsistent with a number of regulations applicable to the project, especially with respect to compatibility and adverse impacts on surrounding properties. In addition, the appellant was concerned that the project would threaten the health of a Colorado blue spruce tree located on his property.

Clm. Hundley confirmed that the applicable Municipal Code Sections had not been provided to the Commissioners in their packet and that they typically adopt the findings recommended by staff but had the ability to make changes to them.

Mayor Gallian invited comments from the public. Appellant Ron Albert stated that staff had made a mistake when it opined that the project complied with SMC §19.42. He asserted that the proposed garage did not meet the guideline for compatibility of front yard setbacks. He cited

additional concerns about the project including severe shading of his property, impact on privacy and ambience and potential harm to a 40' Colorado blue spruce tree.

Robert Baumann, architect representing Mr. Albert, stated that the proposed residence should be relocated to a minimum fifteen foot distance from the property line to avoid significant impacts to the Colorado blue spruce tree.

Glenn Ikemoto stated that the basis of the appeal was defective in that it relied on an overly broad definition of potential impacts. He stated that it was important to locate the detached garage near the house and not at the minimum setback. Ikemoto stated that SMC 19.42 applied to smaller single family homes and not to his project. He stated that he had consulted with an arborist and would do everything necessary to protect the tree. He asked the Council to uphold the decision of DRHPC.

Kelso Barnett, DRHPC member, stated that there were many issues the Commissioners had to deal with including landscaping and architecture plans. He stated that at the beginning of their hearing he had asked staff how they came to the conclusion that the required findings could be made. He said he felt it was difficult to make the findings; however he voted with the majority to approve the project because it was overall a good project and the rest of the Commissioners were comfortable with the findings.

Clm. Hundley inquired why there was an inconsistency in the code sections. Planning Director Goodison stated it was a mistake that had not been caught when the code was adopted and that staff intended to correct it now that it had surfaced. He said he chose the interpretation of the section based on how it had been treated in other planning areas.

Clm. Edwards stated that the project should have gone to the Planning Commission. Upon reviewing the project plans and visiting the site, he felt the garage should be moved closer to the setback and in line with the rest of the homes. Clm. Edwards stated he would support the appeal.

In response to a question from Clm. Agrimonti, Mr. Ikemoto explained that the garage faced north because of the width of the driveway and the olive trees. He added that his lot was unique in that it was 135 feet deep and that if the garage was moved forward it would be a very long walk to his kitchen.

Mayor Gallian stated she discussed this matter with Mr. Albert and staff and visited the property. She stated that she felt the garage should be moved to the setback line. In response to a question by Mayor Gallian, Planning Director Goodison explained that the project did not go to the Planning Commission because it did not need to. Mayor Gallian added that she hoped that mitigation of the potential impacts to the tree would be included in the conditions of approval.

Planning Director Goodison and Associate Planner Atkins provided in depth explanation of the applicable code sections and architectural design and elevations of the project.

Clm. Hundley stated her disappointment that the code sections had not been provided to the Commissioners and that it was obvious the project did not comply with the guidelines. She said the garage should be moved forward.

Clm. Cook agreed and said he would vote to uphold the appeal.

Clm. Agrimonti commented that it was a strange piece of property.

It was moved by Clm. Cook, seconded by Clm. Edwards, to uphold the appeal. Mayor Gallian stated she hoped there would be mitigation for the tree. The motion carried unanimously. Attorney Walter stated that staff would bring forward a resolution setting forth the decision and applicable findings.

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: **Discussion, Consideration and Possible Action to Accept the 2015-16 Annual Report of the Sonoma Tourism Improvement District.**

Bill Blum reported that the Sonoma Tourism Improvement District (TID) continued to be successful. The City had experienced a 26.9% increase in occupancy rates in the off season representing a 62.3% increase in Transient Occupancy Taxes. Jonny Westom described the marketing efforts that had been used as well as the ones planned for the upcoming year. The Visitor Bureau mission was "To serve visitors, member and our community by promoting Sonoma Valley as a premier travel destination with the purpose of enhancing its economic vitality".

In response to a question by Clm. Agrimonti, Mr. Blum explained that the TID grants went to events held in the off season and those with the potential to generate overnight stays. Clm. Agrimonti stated that the new event calendar on the Visitor Bureau website was great.

Clm. Cook stated that he appreciated that they were focusing on a balance between tourism and the locals that live here.

Mayor Gallian suggested that the TID Board consider establishment of a reserve account as fallback should they experience a lean year.

The public comment period opened and closed with none received. It was moved by Clm. Hundley, seconded by Clm. Edwards, to accept the annual report. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Cook requested Council direction regarding Sonoma Clean Power be on a future agenda.

Mayor Gallian reported on the Water Advisory Committee, Marin Sonoma Mosquito and Vector Control District, Community Services and Environment Commission, Farmer's Market, Zucchini Races, Community Health Fair, North Bay Ag Alliance, and Transition Town. Noting that kids were back in school she urged all to be cautious.

10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF - None

11. COMMENTS FROM THE PUBLIC - None

12. PUBLIC COMMENTS REGARDING CLOSED SESSION - None

13. CLOSED SESSION

At 10:10 p.m. Council entered into Closed Session with all members present. Also present were City Manager Giovanatto and Planning Director Goodison.

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the California Government Code. Name of case: Selma Blanusa v. City of Sonoma, a municipal corporation.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

Council reconvened in open session at 10:30 p.m. and Mayor Gallian that Council had provided direction to staff.

15. ADJOURNMENT

The meeting was adjourned at 10:35 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 _____ 2016.

_____
Rebekah Barr
City Clerk

CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: **5A**

Meeting Date: **09/07/2016**

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

Agenda Item Title

Approval of the portions of the minutes of the August 15, 2016 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 4F 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: **09/07/16**

Department	**Staff Contact**
Planning	David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 11 East Napa Street, Unit #1.

Summary

On June 9, 2016, the Planning Commission considered the application of STRATAap Architecture for a Use Permit to convert a ±1,240-squre foot second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 11 East Napa Street, Unit #1. The primary issue considered by the Commission in their review was the potential loss of a long-term housing unit; a matter identified in the staff report for the agenda item. In this regard, the Commission understood that the unit was previously approved for use as either commercial offices or an apartment, but has accommodated offices for over 15 years. In general, Commissioners Willers and Cribb felt the conversion would be contrary to City policy calling for the preservation and enhancement of housing opportunities in commercial districts, while Commissioners Sek, Coleman, and Wellander did not view the conversion as significant since the unit has historically been used for offices and other residential apartments in Sonoma Court Shops would remain (the meeting minutes are attached for review). By way of additional background, the findings required for Use Permit approval as follows:

1. The proposed use is consistent with the General Plan and any specific plan.

   Discussion: In the Local Economy Element of the General Plan, Policy 1.5 encourages the City to *"Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma."* On the other hand, in the recently-updated Housing Element, Policy 3.8 calls for the City to *"Preserve Sonoma's existing housing stock by regulating and restricting the use of residences for vacation rentals"* and to *"Evaluate prohibiting the use of second units as vacation rentals."* Through the Development Code, Sonoma regulates and restricts vacation rentals, but they are specifically identified as a conditionally allowed use in the Commercial and Mixed Use zones. Since the tenant space in question may be used as office space, a live-work unit, or residential apartment without restriction, a majority of the Commission concluded that approval of the vacation rental allowance would not diminish Sonoma's housing stock.

2. The proposed use is allowed with a conditional use permit within the applicable zoning district and complies with all applicable standards and regulations of this development code (except for approved variances and exceptions).

   Discussion: The proposal complies with the regulations pertaining to vacation rentals, as set forth in section 19.50.110 of the Development Code. The Planning Commission also approved an exception from the parking standards for the proposal (see attached staff report).

3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

   Discussion: The Planning Commission did not identify any compatibility issues with respect to the application.

4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

   Discussion: The application involves a use allowance within an existing structure and does not call for any exterior building modifications.

Ultimately, a majority of the commission supported the request and approved the Use Permit on a vote of 3-2 (commissioners Willers and Cribb dissenting; commissioners Felder, Roberson, and McDonald absent). On June 16, 2016, Councilmember Hundley filed an appeal of the Planning Commission's decision to approve the application. Further details are provided in the attachments.

Recommended Council Action

In accordance with staff's standard practice of supporting Commission decisions, the staff recommendation is to deny the appeal, thereby upholding the decision of the Planning Commission. Whatever the Council's decision, staff will return at the following City Council meeting with a Resolution formalizing the Council's decision, including the necessary findings.

Alternative Actions

Council discretion.

Financial Impact

If the appeal is upheld, the City will not receive Transient Occupancy Tax from the short-term rental of the unit as a vacation rental. However, staff does not regard this is a significant financial impact.

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

Alignment with Council Goals:

The City Council's housing goal includes the following passage: *"… sustain and increase opportunities to continue the programs currently in place to maintain current affordable housing stock."* To implement this goal, the Council has committed itself to reviewing and updating various housing policies and programs. However, the general statement of intent set forth in the goal does not in and of itself provide a legal basis for any particular action on this appeal. That said, at its meeting of September 19, 2016, the City Council will hold a general discussion of the vacation rental rules in the Development Code, at which time it may choose to direct staff to process an ordinance that would further restrict the creation of new vacation rentals.

Compliance with Climate Action 2020 Target Goals:

N.A.

Attachments:

1. Appeal
2. Minutes of the June 9, 2016, Planning Commission meeting
3. Planning Commission staff report for the item, with attachments and correspondence

cc:

Terence and Melissa Redmond (via email)

Brad Johnson, STRATAap Architecture (via email)

Robert Felder, Planning Commission Chair (via email)

City of Sonoma
Appeal Application Form

For City Use
Date Received 6-16
By DG

- A copy of the rights of appeal and the City's appeal procedures may be found on the reverse of this form
- The fee to file an appeal must accompany this form
- Appeals must be filed with the **City Clerk** within **fifteen (15) calendar days** of the action
- Appeals must address issues raised or decisions made at previous hearings. Appeal hearings cannot be used as a forum to introduce new issues
- In order for your appeal to be valid this form must be filled out completely.

Feel free to attach additional sheets or supporting documentation as may be necessary.

APPELLANT INFORMATION: **(Please Print)**

Name: Rachel Hundley, City Councilmember **Name:** _____

Address: 452 Denmark St., Sonoma **Address:** _____

Phone: (707) 999-8394 **Phone:** _____

I/We the undersigned do hereby appeal the decision of the:

[X] Planning Commission [ ] Design Review Commission

[ ] City Planner or Department Staff [ ] Other: _____

Regarding: Applications for Use Permits re: Vacation Rentals
(Title of project or application)

Located at: 533 First Street East; 11 East Napa, Unit #1
(Address)

Made on: June 9, 2016
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:
(Refer to Section 19.84.30-A, Eligibility, on the reverse)

I am a member of the Sonoma City Council.

The facts of the case and basis for the appeal are:

The subject properties were previously approved for use as commercial offices, live-work units, or residential use. The Planning Commission approved both applications for vacation rental Use Permits..

I/We request that the Appeal Body take the following specific action(s):

Reexamine the decisions of the Planning Commission.

Signed: R Hundley 6/10/16
Signature Date

Signature Date

G:\FORMS\Applications\Appeal Form.doc

CITY OF SONOMA
PLANNING COMMISSION
REGULAR MEETING
June 9, 2016

Community Meeting Room, 177 First Street West, Sonoma, CA

MINUTES

Chair Cribb called the meeting to order at 6:30 p.m.

Roll Call:

Present:	Chair Cribb, Comms. Wellander, Coleman, Willers, Sek
Absent:	Comms. McDonald, Roberson, Chair Felder
Others Present:	Planning Director Goodison, Associate Planner Atkins Administrative Assistant Morris

Chair Cribb stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made by the Planning Commission can be appealed within 15 days to the City Council. He reminded everyone to turn off cell phones and pagers. Comm. Willers led the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC: None.

APPROVAL OF MINUTES: Comm. Willers made a motion to approve the minutes of April 14, 2016, subject to the correction noted by Comm. Wellander. Comm. Wellander seconded. The motion was unanimously approved (4-0, with Comm. Sek abstaining). Comm. Willers made a motion to approve the minutes of May 12, 2016. Comm. Cribb seconded. The motion was unanimously approved (4-0, with Comm. Sek abstaining).

CHANGES TO AGENDA ORDER: None

CORRESPONDENCE: Item 1 staff revision; late mail on Items 2 and 3 from David Eichar and Mary Martinez; issues update.

Item #1 – Public Hearing – Consideration of a Temporary Use Permit to allow outdoor live music in association with a wine club event from 1 p.m. to 4 p.m. on Sunday, June 12, 2016 at 389 Fourth Street East.

Applicant/Property Owner: Sebastiani Winery /Foley Family Wines, Inc.

Associate Planner Atkins presented staff's report.

Chair Cribb opened the item for public comment.

Gary Geiger, Senior Hospitality Manager/Sebastiani Winery appreciated the consideration for having this one-time event.

Comm. Willers asked about the capacity of the parking lot. Mr. Geiger stated that in his understanding, there were 129 parking spaces.

Comm. Sek asked how event attendance would be controlled. The applicant stated that it is was being done through an RSVP process and that only those who made a reservation would be admitted.

The applicant responded that wine club members would pre-register for the event. He stated that the estimated attendance represents the total over the course of the event and he expects there would be fewer people on the site at any one time.

Chair Cribb closed the item for public comment.

Comm. Wellander supported the application in light of the proposed conditions of approval since there have been similar events at the winery with no recent noise complaints. He noted that if it is not managed well, the next event may be evaluated differently.

Comm. Willers stated that although he had some reservations about the number of attendees, he did not object to the hours or the proposed music. He agreed that if problems occurred, that would affect how future requests are reviewed.

Comm. Coleman concurred.

Comm. Sek concurred with her fellow Commissioners and felt that all 600 people would not attend at the same time.

Chair Cribb agreed, especially as no neighbors have voiced objection.

Comm. Willers made a motion to approve the Temporary Use Permit as requested. Comm. Coleman seconded. The motion was unanimously approved (5-0).

Item 2 – Public Hearing – Consideration of a Use Permit to convert a second floor space into a vacation rental unit within the Sonoma Court Shops complex at 533 First Street East.

Applicant/Property Owner: STRATAap Architecture/Sonoma Court Shops, Inc.

Planning Director Goodison presented staff's report.

Comm. Coleman questioned if four occupants are allowed in the one-bedroom unit. Planning Director Goodison agreed with the concern, suggesting that if the Use Permit is approved, occupancy should be limited to two persons.

Chair Cribb opened the item for public comment.

Terrance Redmond, representing Sonoma Court Shops, noted that the reference to four persons was an error and that occupancy should be limited to two. He stated that he was available to answer questions and in his view that the proposal complies with the requirements

of the Development Code. He envisions a greater amount of revenue generated for the City by the proposed vacation rental use than other available options. The demand for office use within the complex has slowed over the years, but there is increased demand for short-term rentals.

Comm. Wellander asked about the number of long-term residential apartment spaces within the Sonoma Court Shops complex. Mr. Redmond stated there were approximately 6-8 residential apartments within Sonoma Court Shops.

Chair Cribb noted that changing economics can guide a property owner's business decisions and asked the applicant if he could provide specific metrics as to the difference between the financial performance of the space as an office versus that of a vacation rental. Mr. Redmond stated that he could not provide those specifics, but noted that as he mentioned before, there is simply much less demand for office space. In the future that might change, in which case other uses might come into the forefront.

Jim Bohar, resident in the Historic district, asked whether the provisions of the Historic Overlay Zone had any implications with regard to this proposed change in use.

Planning Director Goodison noted that while the site is located within the Historic Overlay Zone, its provisions are not relevant to this application.

Chair Cribb closed the item for public comment.

Comm. Sek is satisfied that the application complies with the Development Code. While she recognizes that the proposed use would limit its potential to be used as an apartment, she noted that this particular space has long been used as an office. Based on these factors, she does not object to the use permit.

Comm. Coleman agreed with Comm. Sek and preferred this downtown location for a vacation rental over taking housing opportunities away from other areas. He would not support removing an apartment from the housing stock, but in this case the tenant space has been used as an office.

Comm. Willers disagreed with approving this vacation rental application, because he feels that it conflicts with the City's housing policies by removing a potential apartment unit from the mix. In his view, the City's vacation rental regulations have been evolving based on an increasing interest in protecting housing and opportunities for housing. If the market for office space is weak, it is his impression that demand for long-term residential apartments is strong and that is an already-approved option for this tenant space. He is of the view that if a vacation rental were approved it is unlikely that it would ever revert back to a long-term rental since rents collected would be higher with short-term occupants.

Comm. Wellander noted that Sonoma Court Shops includes a number of apartment units and the Development Code would limit the number of vacation rental units within it to two. He is therefore comfortable with the proposed change in use since it involves a tenant space that has long been used as an office, rather than as an apartment.

Chair Cribb stated that he was conflicted. He recognizes that while this tenant space may be used as an apartment, it has historically been used for commercial purposes. While it is not a direct take-way from the housing stock, he is certainly aware of the demand and need for long-term rental housing. On the other hand, he tries to respect property owner needs and this site is zoned Commercial. However, the apartment use is an option for this space and the proposed

change removes an opportunity for a long-term rental at this ideal location. At this time, he would like to hear from other Commissioners, but at this moment he leans toward approving the application. He noted that the item which follows may raise somewhat different issues. He suggested that if the direction is to approve the application, the condition related to night-time activities should be clarified.

Comm. Willers talked about the introduction of the Mixed Use zone and the allowance for multi-family development in the Commercial zone. In his view, these changes were made to bring vitality to the downtown and to encourage the development of less expensive housing types that are not seen often in Sonoma. The tenant space in question would make a desirable apartment in the core of the town. This use is already allowed in that tenant space. If it is converted to a vacation rental use, then it is highly unlikely that it will ever be used as a long-term rental.

Comm. Wellander stated that the fact that there are already apartments in Sonoma Court Shops, that are not affected by this proposal, addresses the desire for a residential component in that project. He asked staff to verify the limit on vacation rentals that could be allowed within Sonoma Court Shops.

Planning Director Goodison said that no more than two vacation rentals are allowed on a parcel either through conversion or new development.

Comm. Willers agreed, but noted that an allowance for two vacation rentals was not a mandate to approve them. In his view, the tenant space is perfectly suitable for apartment use, a use which is currently supported by strong demand. If the demand shifts in future years, an office use also remains an approved option.

Comm. Wellander stated that he did not view it as a mandate. He is simply pointing out there is a built-in limit on what can happen in Sonoma Court Shops with respect to vacation rentals and that Sonoma Court Shops has a residential component that will not be reduced as a result of this application.

Comm. Coleman noted that market demand for various uses change over time. In his view, the commercial zoning and the location of the site on the Plaza are appropriate for a vacation rental use. He would prefer to see a vacation rental in this setting, rather than in a residential area. He stated that economic conditions could change again in the future, in which case it might be used as apartment or office. He noted that this application would not remove any existing apartment from Sonoma Court Shops.

Comm. Willers noted that the City's vacation rental regulations generally preclude the conversion of a residence to a vacation rental in residential zoning districts. Therefore, such units are not at risk.

Comm. Sek confirmed that the existing commercial tenant is vacating the unit.

Comm. Sek made a motion to approve the application, with the conditions of approval modified to reflect an occupancy limit of two persons and a quiet time of 10 p.m. - 7 a.m. Comm. Wellander seconded. The motion was approved 3-2 (Comms. Willers and Cribb opposed).

Item 3 – Public Hearing – Consideration of a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 11 East Napa, Unit #1.

Applicant/Property Owner: STRATAap Architecture/Sonoma Court Shops, Inc.

Planning Director Goodison presented staff's report.

Chair Cribb opened the item for public comment.

Terrance Redmond, applicant, stated that he wished to address the seemingly absolute position expressed by some Commissioners with respect to housing. In his view, the market represented by Sonoma Court Shops cannot be divided between residential and commercial. It contains 42 tenant spaces which are used for a variety of purposes, including residential apartments. Based on the staff report on the project, there are not, in fact very many vacation rental units in Sonoma. Although from the City's perspective Sonoma Court Shops represents one parcel, which means that it is limited to two vacation rental units and he accepts that. In practice this means that only a small fraction of the 42 units—less than 5%—could be used in that manner. He explained a strong demand for vacation rentals in conjunction with weak demand for office space drove the business decision to apply to convert the space to a vacation rental. Spending on a vacation rental represents discretionary income. In his view the fact that this demand is occurring is a sign of a healthy economy. He noted that vacation rentals help downtown retailers. In 2008, during the recession, there was no such demand. He urged the commissioners to not take an absolutist position on vacation rentals, but rather to allow them where they are appropriate.

Comm. Wellander asked about the number of parking spaces allocated to the previous tenant. The applicant stated that one space had been allocated to that tenant.

Planning Director Goodison clarified with the applicant that the limit of four occupants would apply to the two bedroom unit.

Comm. Coleman asked about the scenario in which two couples arrive in separate vehicles. The applicant stated that in his view, the parking lot is large enough to accommodate that occurrence.

The applicant, in reference to late mail from a prospective apartment tenant, stated that a mistake was made with respect to a flyer that had gone out which was intended to advertise a long-term apartment space within the complex that will be available in two months.

Chair Cribb closed the item for public comment.

Comm. Willers stated that he does not support the application as he believes it is contrary to the City Council's intent to preserve and increase long-term housing opportunities in Sonoma. He emphasized that the existing vacation rental regulations protect most residential neighborhoods, because the only allowance for conversion is through the adaptive re-use of a historic structure, and even then the circumstances are defined very narrowly. Therefore, the hypothetical presented by the applicant of a five-unit apartment building having two units converted to a vacation rental use is unlikely to occur. The City Council has, over the years, made it increasingly difficult to convert residences to vacation rentals. The only allowances are for a use permit in the Mixed Use and Commercial zones and for the adaptive re-use of a historic structure in residential zones. Since this application goes against the direction of protecting housing opportunities, he does not support it.

Comm. Coleman requested that Planning Director Goodison respond to Comm. Willer's comments, and it seemed that Comm. Willers was suggesting that this application could not even be considered.

Planning Director Goodison responded by giving a brief history of vacation rental regulations in Sonoma. The vacation rental ordinance currently allows consideration of vacation rentals in the commercial and mixed use zones as a conditionally allowed use.

Comm. Willers clarified that he was not suggesting that the application could not be considered. However, in considering this use permit application, he places greater value on preserving the potential of the tenant space to be used for housing, as opposed to allowing it to be converted to a vacation rental.

Comm. Wellander is satisfied that the proposal would not harm housing opportunities since the tenant space has been used for commercial purposes since its inception.

Chair Cribb opposed the conversion of the space to a vacation rental since it would preclude its potential future use as a residence. He is also not satisfied that adequate parking has been allocated for the unit. In his view this unit is somewhat more appropriate for use as a vacation rental, given its two-bedroom configuration.

Comm. Coleman made a motion to approve the Use Permit as requested with a requirement for quiet time from 10 p.m. to 7 a.m. and an occupancy limit of four. Comm. Sek seconded. The motion was approved 3-2 (Comms Cribb and Willers opposed).

Item 4 – Public Hearing – Receipt of draft Circulation Element update.

Planning Director Goodison presented staff's report.

Comm. Coleman discussed the prospect of rerouting Highway 12 to alleviate traffic congestion. He felt if Caltrans had less control the City could be more creative with respect to the design of Broadway, West Napa Street, and Sonoma Highway.

Planning Director Goodison agreed with Comm. Coleman, but noted that if Caltrans relinquished the right of way to the City, which is highly uncertain, the process would take many years. The City would gain more control while incurring increased maintenance costs.

Issues Update:

Planning Director Goodison reviewed the issues update as distributed to the Planning Commission.

Comments from Commissioners: None

Comments from the Audience: None

Adjournment: Chair Cribb adjourned the meeting at 7:51 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, July 14, 2016.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma Planning Commission on the 14th day of July, 2016.

Approved:

_____

Cristina Morris, Administrative Assistant

City of Sonoma Planning Commission **STAFF REPORT**	Agenda Item #3 Meeting Date: 6-09-16

Agenda Item Title: Application for a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex.

Applicant/Owner: STRATAap Architecture/Sonoma Court Shops, Inc.

Site Address/Location: 11 East Napa, Unit #1 (APN 018-810-030)

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 6/03/16

PROJECT SUMMARY

Description: Application of STRATAap Architecture for a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 11 East Napa Street.

General Plan Designation: Commercial (C)

Planning Area: Downtown District

Zoning: **Base:** Commercial (C) **Overlay:** Historic (/H)

Site Characteristics: The subject property is a ±1,250-square foot upper floor, condominium unit (Unit #1) within Building N of the Sonoma Court Shops complex. The unit is located above Sole Desire shoe store, directly fronting East Napa Street and the Plaza. Building N was constructed in 1992.

Surrounding Land Use/Zoning:
North: The Plaza (across East Napa Street)/Park
South: Apartment and wine tasting room (Westwood Estate)/Commercial
East: Retail shop (The Church Mouse)/Commercial
West: Restaurant (Oso)/Commercial

Environmental Review:

- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Environmental Impact Report
- ☐ Not Applicable
- ☐ Approved/Certified
- ☒ No Action Required
- ☐ Action Required

Staff Recommendation: Commission discretion.

PROJECT ANALYSIS

BACKGROUND

Building N within the Sonoma Court Shops complex was constructed in 1992 and contains four condominium units, including two ground floor commercial units and two upstairs units. The two upper floor condominiums, including Unit #1 (the subject of this application), were approved by the Planning Commission as flexible space with an allowance for either commercial offices or residential use (i.e., apartments). Unit #1 accommodated the offices of E.A. Durrell & Company from 1999 until this past February when they moved out.

DETAILED PROJECT DESCRIPTION

The owners are requesting approval to convert an upper floor condominium unit into a vacation rental within the Sonoma Court Shops complex. As noted above, this unit was approved for office or residential use and has accommodated the offices of E.A. Durrell & Company for over 15 years. The unit has a floor area of ±1,250 square feet and, because of its allowance for residential or office use, the floor plan includes a kitchen, full bathroom, and two bedrooms. As a vacation rental, it would be rented on a short-term basis for periods of less than 30 consecutive days under management by Sonoma Management. The owners indicate they have had difficulty leasing the space for offices since E.A. Durrell & Company moved out this past February, noting that the unit is undesirable for office use because it is located on a second floor and lacks an open floor plan. More details on the proposal can be found in the attached project narrative.

GENERAL PLAN CONSISTENCY **(☐Not Applicable to this Project)**

The property is designated Commercial by the General Plan. The Commercial land use designation is intended to provide areas for retail, hotel, service, medical, and office development, in association with apartments and mixed-use developments and necessary public improvements. Vacation rentals are allowed in the corresponding Commercial zone, subject to review and approval of a Use Permit by the Planning Commission. The following General Plan goals and policies apply to the project:

Local Economy Element, Policy 1.5: Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma.

Housing Element, Policy 1.5: Continue to provide opportunities for the integration of housing in commercial districts and the adaptive reuse of non-residential structures.

Housing Element, Policy 3.8: Preserve Sonoma's existing housing stock by regulating and restricting the use of residences for vacation rentals.

The proposal is consistent with the policy that encourages tourism; however, the effect of converting the unit to vacation rental use must also be considered in relation to policies that support housing (refer to "Discussion of Project Issues" below).

DEVELOPMENT CODE CONSISTENCY **(☐Not Applicable to this Project)**

Use: The property is located within a Commercial (C) zoning district, which is applied to areas appropriate for a range of commercial land uses including retail, tourist, office, and mixed-uses. Vacation rentals are allowed in the C zone subject to review and approval of a Use Permit by the Planning Commission.

Development Standards: The proposed use would operate within an existing structure/condominium. As a result, the project does not raise any issues in terms of compliance with building setback, FAR, lot coverage, open space, and building height standards.

On-Site Parking: Under the Development Code, one parking space is required for each bedroom within a vacation rental. The vacation rental unit would include two bedrooms so two on-site parking spaces are required. The owner has confirmed that one dedicated parking space would be provided for the vacation rental south of Building F (the site plan incorrectly identifies two spaces for the unit). Accordingly an Exception from the parking standards is necessary. Pursuant to Development Code Section 19.48.050.A.1, the Planning Commission may grant exceptions from the parking standards, provided that the following findings can be made:

1. *The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;*

2. *An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;*

3. *Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.*

Roughly fifty parking spaces are provided for the Sonoma Court Shops complex within two parking lots off of First Street East. All of the parking spaces (aside from two handicap spaces) are reserved for businesses/uses within the complex. The owners emphasize that one space should be sufficient for the vacation rental in that guests staying in the unit would likely arrive in a single vehicle. The Planning Commission can agree with this rationale and approve the exception or require an additional space for the vacation rental unit.

Vacation Rental Standards: The applicable standards set forth under Section 19.50.110 of the Development Code have been included in the draft conditions (attached) in the event that the Planning Commission approves the Use Permit. These include requirements related to fire and life safety, maintaining a business license, payment of Transient Occupancy (TOT) taxes, and limitations on signs. Staff would also note that a maximum of two vacation rental units are allowed on a property. If this Use Permit request is approved along with the request for 533 First Street East, these two units would represent the maximum number of vacation rentals allowed within the Sonoma Court Shops complex.

CONSISTENCY WITH OTHER CITY ORDINANCES/POLICIES **(☒Not Applicable to this Project)**

ENVIRONMENTAL REVIEW **(☐Not Applicable to this Project)**
Pursuant to Section of 15301 of the State CEQA Guidelines, the leasing, permitting, or operation of existing private structures involving negligible or no expansion of use is considered Categorically Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

DISCUSSION OF PROJECT ISSUES
Housing: In addition to General Plan policies that support housing, the planning area standards for the Downtown District encourage the preservation and enhancement of the downtown's housing stock with

a focus on multi-family and higher-density residential development. The proposal would not reduce the City's current housing stock since the unit has accommodated commercial offices for over 15 years. However, the unit was also approved for residential use and converting it to a vacation rental would reduce the potential for the unit to be used as a long-term unit/rental in the future given the economic incentive associated with vacation rentals in the City of Sonoma. This circumstance differs somewhat from simply converting a dedicated commercial space and warrants consideration in terms of consistency with housing policy. That said, there is nothing that would require residential use of the unit or preclude its continued use as offices, although the applicant indicates the market is weak for this type of office configuration. The list of approved vacation rentals has been included for reference.

Compatibility: In staff's view, the proposal does not raise significant issues in terms of compatibility with surrounding land uses. The vacation rental would be appropriately located in the downtown commercial core in a setting that supports a variety of land uses including numerous commercial businesses, a church, a club/hall, and some residential units. As noted in the narrative, the owners intend to have Sonoma Management manage the vacation rental. Through the terms of their rental contract, group size would be limited to a maximum of 6 guests, and parties/events, live music, pets, and smoking would be prohibited at the rental (these limits have been included in the draft conditions of approval along with a requirement that outside noise cease by 10p.m). In addition, Sonoma Management operates their office nearby at 662 Broadway and would be available to address any issues or complaints that could arise.

RECOMMENDATION

Over the past three years, the Planning Commission has approved seven Use Permit applications involving the conversion of commercial spaces to vacation rentals and the subject proposal could be viewed in that in light. However, the unit in question is somewhat different in that it is designed to accommodate residential use, at least as an option. The residential rental use option would be precluded as a practical matter if the application were to be approved. In addition, it is a concern that the required amount of parking is not provided. Based on these factors, the staff recommendation is Commission discretion.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *List of Approved Vacation Rentals*
4. *Location map*
5. *Assessor's Parcel Map*
6. *Project Narrative*
7. *Site Plan, Floor Plan & Building Elevations*

cc: Terence and Melissa Redmond (via email)
Sonoma Court Shops, Inc.
P.O. Box 27278
San Francisco, CA 94127

Brad Johnson, STRATAap Architecture (via email)

City of Sonoma Planning Commission

FINDINGS OF PROJECT APPROVAL

Sonoma Court Shops Vacation Rental Use Permit – 11 East Napa Street, Unit #1

June 9, 2016

Based on substantial evidence in the record, including but not limited to the staff report, and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Approval

1. That the proposed use is consistent with the General Plan and any Specific Plan;

2. That the proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code (except for approved Variances and Exceptions).

3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and

4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

Exception Approval

1. The adjustment authorized by the Exception is consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code;

2. An exception to the normal standards of the Development Code is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development;

3. Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

FINAL

City of Sonoma Planning Commission

CONDITIONS OF PROJECT APPROVAL

Sonoma Court Shops Vacation Rental Use Permit – 11 East Napa Street, Unit #1

June 9, 2016

1. The vacation rental shall be operated in conformance with the project narrative except as modified by these conditions and the following:

   a. No more than four guests shall occupy the vacation rental unit.
   b. Parties, weddings, events, and live music shall be prohibited at the vacation rental property.
   c. Occupants shall observe a quiet time of 10p.m. to 7a.m.

   Enforcement Responsibility: *Planning, Building and Public Works*
   Timing: *Ongoing*

2. One on-site parking space shall be provided and maintained for the vacation rental.

   Enforcement Responsibility: *Planning, Building, and Public Works*
   Timing: *Ongoing*

3. The applicant/property owner shall obtain and maintain a business license from the City for the vacation rental use, and shall register with the City to pay associated Transient Occupancy Taxes (TOT).

   Enforcement Responsibility: *Planning, Building, and Public Works; Finance Department*
   Timing: *Prior to operation of the vacation rental and ongoing*

4. Fire and life safety requirements administered by the Fire Department and the Building Division shall be implemented. Minimum requirements shall include approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room.

   Enforcement Responsibility: *Building Division; Fire Department*
   Timing: *Prior to operation and ongoing*

5. The vacation rental shall comply with the annual fire and life safety certification procedures of the Fire Department.

   Enforcement Responsibility: *Fire Department*
   Timing: *Ongoing*

6. One sign, with a maximum area of two square feet, may be allowed subject to the approval of the City's Design Review Commission.

   Enforcement Responsibility: *Planning Department; DRC*
   Timing: *Prior to installation of a sign for the vacation rental*

7. The project shall comply with all Building Department and Building Code requirements, including any applicable ADA accessibility requirements.

   Enforcement Responsibility: *Building Department*
   Timing: *Prior to operation*

City of Sonoma - Legal Vacation Rentals (updated 2/3/16)

Operator/Property Name	APN	Site Address	Zoning	Number of Units	Approval Date	Type of Approval
Alexandra's Plaza Suite	018-222-023	440 Second Street East	R-L/H	1	Grandfathered	Grandfathered
Casa De Carroll	018-442-019	965 West Spain Street	C	1	Grandfathered	Grandfathered
Andrea's Hidden Cottage	018-171-009	138 East Spain Street	R-M/H	1	Grandfathered	Grandfathered
Bungalows 313	018-162-025	313 First Street East	R-M/H	5	Grandfathered	Grandfathered
Casa Chiquita Cottage	018-780-001	196 West Spain Street	R-M/H	2	Grandfathered	Grandfathered
Blankfort/Martin	018-352-030	117 France Street	R-L/H	1	Grandfathered	Grandfathered
Sonoma Farmhouse Town	018-201-003	446 Third Street West	R-L/H	2	Grandfathered	Grandfathered
Huff	018-121-021	289 First Street West	R-M/H	1	Grandfathered	Grandfathered
Mathis	018-121-020	287 First Street West	R-M/H	1	Grandfathered	Grandfathered
Cecilia's Adobe	018-172-003	378 Second Street East	R-M/H	1	Grandfathered	Grandfathered
Cortopassi	018-191-034	477 West Spain Street	R-L	3	Grandfathered	Grandfathered
Cuneo Cottage	018-231-022	391 East Spain Street	R-L/H	1	Grandfathered	Grandfathered
Susan's Guest Cottage	018-202-006	458 Second Street West	C/H	2	Grandfathered	Grandfathered
Cooperage Inn	018-161-017	301 First Street West	R-M/H	3	Grandfathered	Grandfathered
Caroline's Cottage	128-172-051	171 Newcomb Street	R-L	1	Grandfathered	Grandfathered
Bernard	018-201-008	270 West Napa Street, Unit 2R	C/H	1	4/13/2000	Use Permit
Cottage Sonoma	018-202-002	424 Second Street West	R-M/H	1	7/10/2003	Adaptive Reuse
Bungalow Sonoma	018-202-026	157 West Spain Street	R-M/H	1	7/10/2003	Adaptive Reuse
Tulsi Cottage	018-171-030	304 First Street East	R-M/H	1	6/9/2005	Adaptive Reuse
Casa Sebastiani	018-141-012	247 Fourth Street East	R-HS/H	1	9/14/2006	Adaptive Reuse
Inn Wine Country	018-352-052	758 Broadway	MX/H	1	1/10/2008	Use Permit
Auberge Sonoma	018-261-023	151 East Napa Street	R-M/H	2	5/20/2008	Adaptive Reuse
Mary Jean's Place	128-083-021	20073 Broadway	MX/H	1	12/11/2008	Use Permit
Sonoma Farmhouse Ranch	018-201-004	454 Third Street West	C/H	1	3/10/2011	Use Permit
Tillem-Fegan	018-412-032	854 Broadway	MX/H	1	12/11/2011	Use Permit
Jones-Morrison	128-083-009	20079 Broadway	MX/H	1	2/14/2012	Use Permit
Matt & Jan Mathews	018-201-007	284-294 West Napa Street, Units #2 and #3	C/H	2	4/11/2013	Use Permit
Sonoma Plaza 1889	018-201-039	464 Third Street West	C/H	1	4/11/2013	Use Permit
Marino	018-411-020	853 Broadway	MX/H	1	4/11/2013	Use Permit
O'Toole	018-221-020	180 East Napa Street	R-M/H	1	5/9/2013	Adaptive Reuse
Dambach-Argenziano	018-352-040	780 Broadway	MX/H	1	8/8/2013	Use Permit
Redmond	018-212-026	567 First Street East	C/H	1	10/10/2013	Use Permit
Marino	018-202-010	158 West Napa Street	C/H	1	3/13/2014	Use Permit
Marino	018-202-009	164 & 172 West Napa Street	C/H	2	3/13/2014	Use Permit
Tillem-Olsen	018-780-006	162-166 West Spain Street	R-M/H	2	11/3/2014	Adaptive Reuse
Martinez-Montague	018-251-020	515 First Street West	C/H	1	1/8/2015	Use Permit
Tillem-Fegan	018-412-032	846 Broadway	MX/H	1	4/9/2015	Use Permit
Benchmark-Hoover LLC	018-131-026	289 First Street East	Pk/H	1	5/14/2015	Use Permit
835 Broadway LLC	018-411-022	835 Broadway	MX/H	1	9/10/2015	Use Permit
			Total:	**54**		

Zoning Designations:		
	R-L = Low Density Residential	10
	R-M = Medium Density Residential	22
	R-HS = Hillside Residential	1
	C = Commercial	12
	MX = Mixed Use	8
	Pk = Park	1
	/H = Historic Overlay Zone	49

Vicinity Map

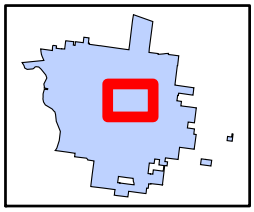
Project Summary	
Project Name:	SCS Vacation Rental 2
Property Address:	11 East Napa St., Unit #1
Applicant:	STRATAap Architecture
Property Owner:	Sonoma Court Shops Inc.
General Plan Land Use:	Commercial
Zoning - Base:	Commercial
Zoning - Overlay:	Historic
Summary:	
Application for a Use Permit to convert a second-floor space into a vacation rental unit within Sonoma Court Shops.	

0 100 200 400 Feet

1 inch = 200 feet

Zoning Designations

R-HS	Hillside Residential (1 D.U./10acres, maximum)
R-R	Rural Residential (2 D.U./acre, maximum)
R-L	Low Density Residential (2-5 D.U./acre)
R-S	Sonoma Residential (3-8 D.U./acre)
R-M	Medium Denisty Residential (6-10 D.U./acre)
R-H	High Density (9-12 D.U./acre)
R-O	Housing Opportunity (15-20 D.U./acre)
R-P	Mobile Home Park (7 D.U./acre, maximum)
MX	Mixed Use (12 D.U./acre, maximum)
C	Commercial (15 D.U./acre, maximum)
C-G	Commercial-Gateway (15 D.U./acre, maximum)
W	Wine Production
P	Public Facility
Pk	Park
A	Agriculture



N

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA 6-012

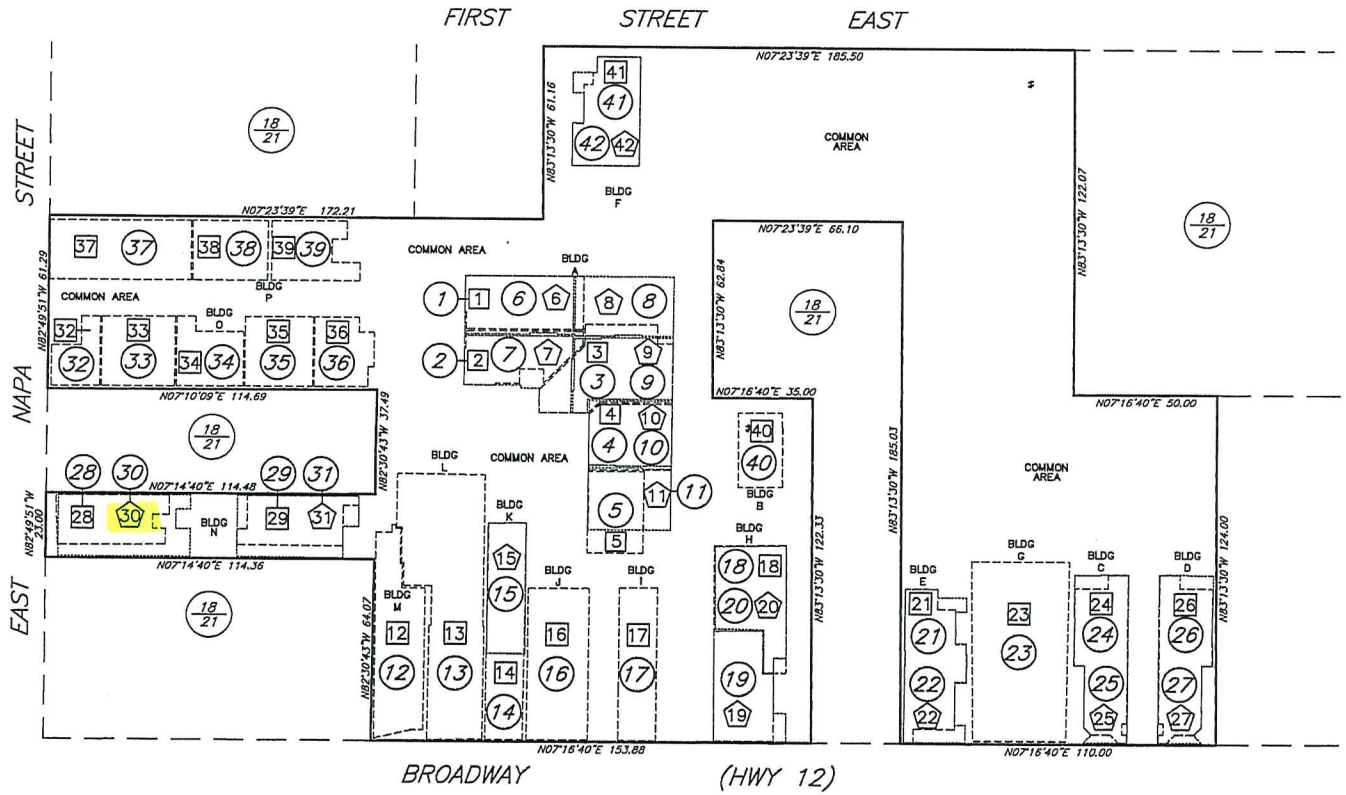
18-81

SONOMA COURT SHOPS

A CONDOMINIUM O.R.# NO CCR'S RECORDED
REC. 6-10-99 IN BK. 593, MAPS, PG. 10-17

NOTES: APNS CORRESPOND WITH UNIT NUMBERS.
FOR BUILDING DIMENSIONS, SEE RECORDED MAP

SCALE: 1"= 40'



LEGEND

21 =GROUND FLOOR
22 =SECOND FLOOR
GROUND FLOOR INTERIOR BOUNDARY
SECOND FLOOR INTERIOR BOUNDARY

REVISED
06-09-00=CORR-RPM

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

Assessor's Map Bk. 18, Pg. 81
Sonoma County, Calif. (ACAD)
DSK 10-19-99=42 RPM

Date: May 20, 2016

To: City of Sonoma Planning Commission

Re: Application for a Conditional Use Permit to allow a commercial property to be operated as a vacation rental

Site Address: 11 East Napa Street, Upstairs, Front

PROJECT NARRATIVE;

Sonoma Court Shops, Inc. has owned 11 E. Napa Street for 30 years. Sonoma Court Shops, Inc. constructed the building as a four-unit mixed use building. It is now comprised of four condominium units. This particular unit has been used as an office by E.A Durrell & Company from 1999-2016. The company moved out in February, 2016.

The unit is approximately 1,250 square feet and has two bedrooms, a kitchen, a bathroom, a dining room, a living room and a balcony.

Second floor offices are difficult to rent. Individuals looking to rent office space prefer ground floor offices and open floor plans. Despite using top rate commercial real estate companies, the floor plan it is not particularly attractive to office space users today. Cushman and Wakefield has tried leasing the space since February and has found no serious interest. The decision to change from an office space to a vacation rental is a logical alternative to an empty unit. Additionally, and more importantly for the direct benefit for the City of Sonoma, will be the inevitable increase in hotel tax revenue. Rotating guests from out of town will also result in a significant increase in local retail sales and taxes.

Should the property be granted a conditional use permit as a vacation rental it will be managed by Sonoma Management which is owned by Scott Vollert and located at 662 Broadway Street.

Sonoma Management has an impeccable record for the high standards and expectations of the properties that they represent. There is no question that the renters will be well screened. Each guest will be required to sign a contract with several rules and highlights:

1. No more than 6 guests will be allowed to stay in the unit at any one time.

2. There will be a direct customer service line available if an issue arises. There is also an emergency maintenance phone line that can be called by guests. Should anyone in the neighborhood have any issues, Sonoma Management can be contacted day or night.

3. Large parties will not be allowed nor will live outdoor music.

4. The management plan that Sonoma Management outlines in their contract will follow the general rules and regulations for all Sonoma Court Shops tenants and their guests which include no smoking and no pets.

LATE MAIL Item #2 Item #3

Cristina Morris

From: David Goodison
Sent: Thursday, June 09, 2016 11:51 AM
To: David Eichar
Cc: Cristina Morris
Subject: Re: Planning Commission meeting on Thursday, vacation rentals

Thanks for writing. I will forward your comments to the Planning Commission.

On 6/9/16, 11:47 AM, "David Eichar" <eichar@sbcglobal.net> wrote:

>Mr. Goodison,
>I see 2 applications for vacation rental on the agenda for tonight's
>meeting. Both of them have included in the conditions of approval,
>"Outside activities/noise shall cease by 10p.m".
>
>What is the definition of "outside activities". Is just being outside
>an outside activity? Is one person gazing at the stars after 10pm at
>night an outside activity. What about walking between your car and the
>vacation rental after dinner? Is this an outside activity?
>
>Also, what time can "outside activities/noises" start back up on the
>morning? In the county's vacation rental ordinance, quiet hours are
>between 10pm and 7am.
>
>Thanks,
>David Eichar
>

LATE MAIL

Item #2
Item #3

Thursday, June 9, 2016 at 4:39:49 PM Pacific Daylight Time

Subject: Email from website
Date: Thursday, June 9, 2016 at 2:10:04 PM Pacific Daylight Time
From: noreply@sonomacity.org
To: David Goodison

Below is the copy of the email from website to David Goodison at :6/9/2016 2:09:01 PM

Name: Madison Murphy
Email: madisonm@gelassonoma.com
Subject Vacation Home
Attach File

Message

I hope this is the right place to email--- I have been trying to get in contact with the property agent of this apartment for the past week. When I didn't hear back (altho she did just email me an hour ago finally), I googled to try to find out more about it and found out it is being proposed to be a vacation home. I think it's the same one---
http://sonomamanagement.com/Properties/tabid/151/agentType/View/PropertyID/789/Default.aspx
Anyway--I just moved to Sonoma. I'm really excited to be in California but am surprised at how hard it is to find a suitable place to live. I just wanted to tell you guys how bummed I am to find out this is going to be a vacation home. I was really looking forward to living right downtown on the Central plaza. Im not against people on vacation but isn't that what hotels are for? Where am I supposed to live if all the cool apartments are being taken away from people my age? There just isn';t that much good stuff out there, and I feel like I found a diamond in the rough. If it isn't too late please share this with the committee before the meeting. I'm in Healdsburg until later but am going to try to make it too. Thanks!! Madison Murphy 607-216-9554

Login Web Site Search

SONOMA MANAGEMENT INC

662 Broadway, Sonoma, CA 95476
P (707)938-3177 F (707)938-0161
info@sonomamanagement.com
M-F 9am-5pm; Sat 10-2 by appointment only

Home | Properties | Management | Sonoma Valley | Schools | Application | About Us | Contact Us

View All Properties

Click here to view all properties

Merchant Circle

Connect with us on LinkedIn

Rental Properties

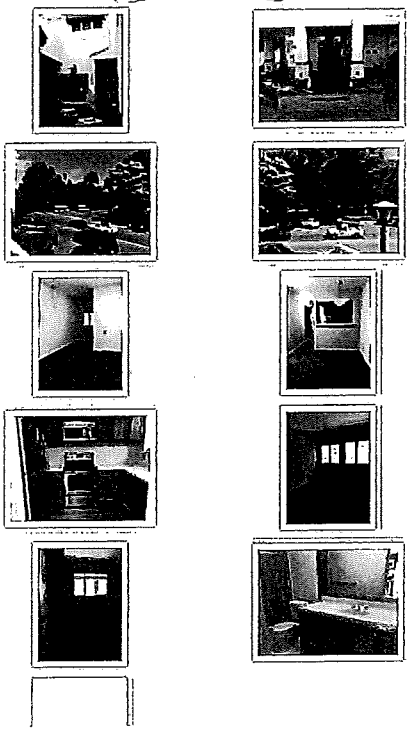
Main » Apartment » Property Details

11 East Napa, Upper Unit
View Map

Area	Price
Sonoma County	$2,700

Features
2 0 1
Pets? No

Stylish Downtown Apartment Right On The Desirable Sonoma Square!



Updated, large, posh apartment, second story 2BR/1BA unit featuring a private balcony that overlooks the Sonoma Square, Prime location, lots of windows. Large kitchen with all new appliances refrigerator, stove/oven, dishwasher, open spacious living space that opens up to the balcony, new washer/dryer included, all new interior paint, high grade new carpet, A/C. Great opportunity for convenient and upscale downtown living. Located in Sonoma Court Shops - plenty of shopping and dining right at your fingertips!1 year lease. No pets at all. Water is included with the rent. AVAILABLE NOW. Unit currently undergoing variety of updates.When looking for the apartment,

UPDATES

??What's New??

Click HERE to view & subscribe to our most RECENT PROPERTY UPDATES via RSS Feed!

* * *

What is an "RSS" or Live News Feed? - RSS or Live News Feeds deliver regularly changing web content so you can always stay up-do-date with recently added rentals, price and content changes. Learn more about RSS Feeds by clicking HERE...

Follow Us on Twitter!

Do you like to tweet? Want updates sent to your phone? If so, follow us on twitter

the land mark is Sole Desire shoe store on Napa St., there is an alley way to the right of it, go down the alley to the stairway and it's above Westwood Annadel Vineyard Tasting room on the left upstairs.

Agent Details

Kimberly Buchanan
707-938-3177

More Information

Name:

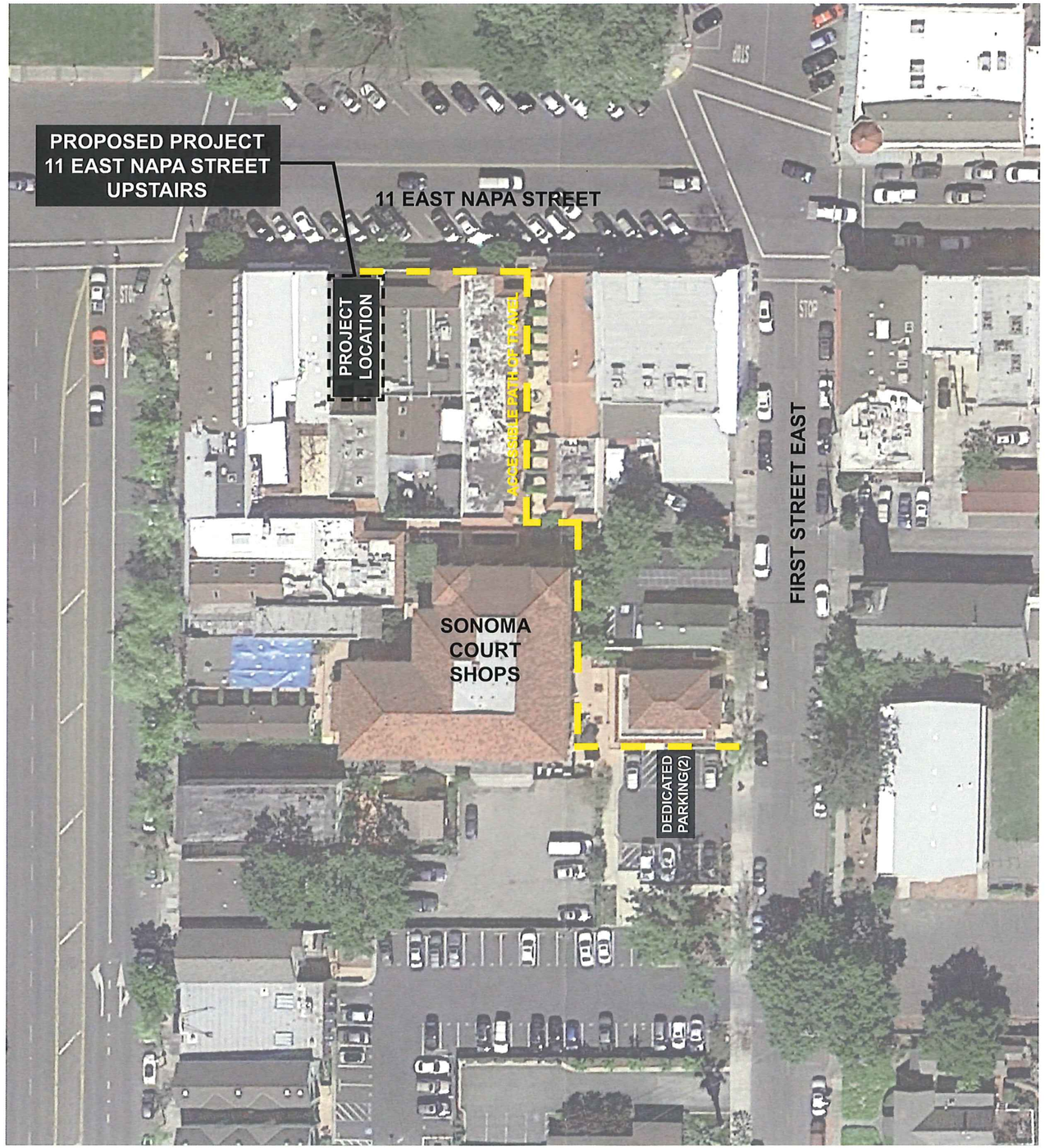
Phone:

Email:

Message:

Send

Copyright 2014 by Sonoma Management Inc | Privacy Statement | Terms Of Use

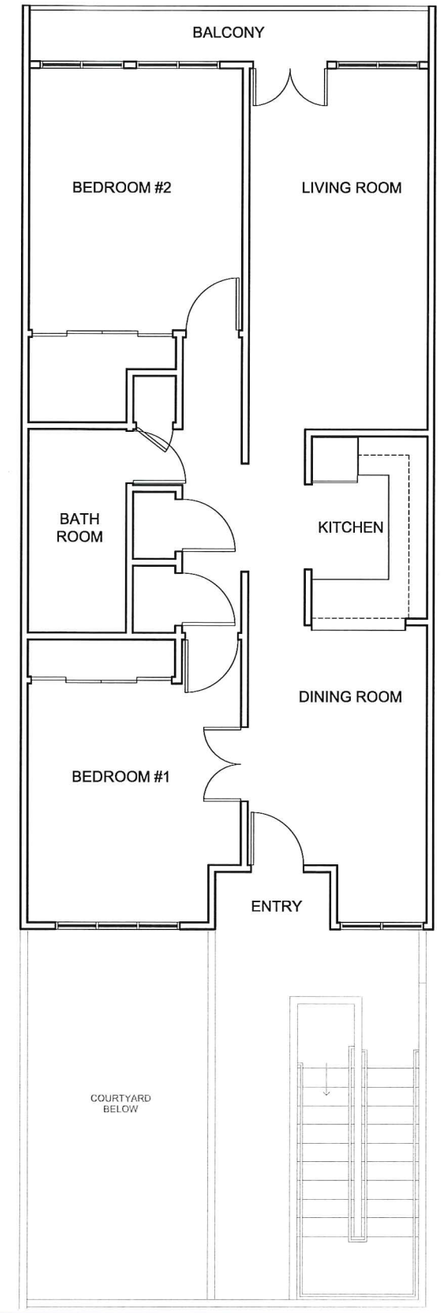


N

AERIAL SITE PLAN
DATE: 05.12.16

1 2 2016

11 EAST NAPA STREET
"UPSTAIRS UNIT"



EXTERIOR ELEVATION/UPPER LEVEL FLOOR PLAN
DATE: 05.12.16

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **6B**

Meeting Date: **09/07/16**

Department	**Staff Contact**
Planning	David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 533 First Street East.

Summary

On June 9, 2016, the Planning Commission considered the application of STRATAap Architecture for a Use Permit to convert a ±940-squre foot second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 533 First Street East. The primary issue considered by the Commission in their review was the potential loss of a long-term housing unit; a matter identified in the staff report for the agenda item. In this regard, the Commission understood that the unit was previously approved for use as either commercial offices, a live-work unit, or an apartment, but has accommodated offices for over a decade. In general, Commissioners Willers and Cribb felt the conversion would be contrary to City policy calling for the preservation and enhancement of housing opportunities in commercial districts, while Commissioners Sek, Coleman, and Wellander did not view the conversion as significant since the unit has historically been used for offices and other residential apartments in Sonoma Court Shops would remain (the meeting minutes are attached for review). By way of additional background, the findings required for Use Permit approval as follows:

1. The proposed use is consistent with the General Plan and any specific plan.

   Discussion: In the Local Economy Element of the General Plan, Policy 1.5 encourages the City to *"Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma."* On the other hand, in the recently-updated Housing Element, Policy 3.8 calls for the City to *"Preserve Sonoma's existing housing stock by regulating and restricting the use of residences for vacation rentals"* and to *"Evaluate prohibiting the use of second units as vacation rentals."* Through the Development Code, Sonoma regulates and restricts vacation rentals, but they are specifically identified as a conditionally allowed use in the Commercial and Mixed Use zones. Since the tenant space in question may be used as office space, a live-work unit, or residential apartment without restriction, a majority of the Commission concluded that approval of the vacation rental allowance would not diminish Sonoma's housing stock.

2. The proposed use is allowed with a conditional use permit within the applicable zoning district and complies with all applicable standards and regulations of this development code (except for approved variances and exceptions).

   Discussion: The proposal complies with the regulations pertaining to vacation rentals, as set forth in section 19.50.110 of the Development Code.

3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

   Discussion: The Planning Commission did not identify any compatibility issues with respect to the application.

4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

   Discussion: The application involves a use allowance within an existing structure and does not call for any exterior building modifications.

Ultimately, a majority of the commission supported the request and approved the Use Permit on a

vote of 3-2 (commissioners Willers and Cribb dissenting; commissioners Felder, Roberson, and McDonald absent). On June 16, 2016, Councilmember Hundley filed an appeal of the Planning Commission's decision to approve the application. Further details are provided in the attachments.

Recommended Council Action

In accordance with staff's standard practice of supporting Commission decisions, the staff recommendation is to deny the appeal, thereby upholding the decision of the Planning Commission. Whatever the Council's decision, staff will return at the following City Council meeting with a Resolution formalizing the Council's decision, including the necessary findings.

Alternative Actions

Council discretion.

Financial Impact

If the appeal is upheld, the City will not receive Transient Occupancy Tax from the short-term rental of the unit as a vacation rental. However, staff does not regard this is a significant financial impact.

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

Alignment with Council Goals:

The City Council's housing goal includes the following passage: *"… sustain and increase opportunities to continue the programs currently in place to maintain current affordable housing stock."* To implement this goal, the Council has committed itself to reviewing and updating various housing policies and programs. However, the general statement of intent set forth in the goal does not in and of itself provide a legal basis for any particular action on this appeal. That said, at its meeting of September 19, 2016, the City Council will hold a general discussion of the vacation rental rules in the Development Code, at which time it may choose to direct staff to process an ordinance that would further restrict the creation of new vacation rentals.

Compliance with Climate Action 2020 Target Goals:

N.A.

Attachments:

1. Appeal
2. Minutes of the June 9, 2016, Planning Commission meeting
3. Planning Commission staff report for the item, with attachments and correspondence

cc:

Terence and Melissa Redmond (via email)

Brad Johnson, STRATAap Architecture (via email)

Robert Felder, Planning Commission Chair (via email)

City of Sonoma
Appeal Application Form

For City Use
Date Received 6-16
By DG

- A copy of the rights of appeal and the City's appeal procedures may be found on the reverse of this form
- The fee to file an appeal must accompany this form
- Appeals must be filed with the **City Clerk** within **fifteen (15) calendar days** of the action
- Appeals must address issues raised or decisions made at previous hearings. Appeal hearings cannot be used as a forum to introduce new issues
- In order for your appeal to be valid this form must be filled out completely.

Feel free to attach additional sheets or supporting documentation as may be necessary.

APPELLANT INFORMATION: **(Please Print)**

Name: Rachel Hundley, City Councilmember **Name:** _____

Address: 452 Denmark St., Sonoma **Address:** _____

Phone: (707) 999-8394 **Phone:** _____

I/We the undersigned do hereby appeal the decision of the:

[X] Planning Commission [ ] Design Review Commission

[ ] City Planner or Department Staff [ ] Other: _____

Regarding: Applications for Use Permits re: Vacation Rentals
(Title of project or application)

Located at: 533 First Street East; 11 East Napa, Unit #1
(Address)

Made on: June 9, 2016
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:
(Refer to Section 19.84.30-A, Eligibility, on the reverse)

I am a member of the Sonoma City Council.

The facts of the case and basis for the appeal are:

The subject properties were previously approved for use as commercial offices, live-work units, or residential use. The Planning Commission approved both applications for vacation rental Use Permits..

I/We request that the Appeal Body take the following specific action(s):

Reexamine the decisions of the Planning Commission.

Signed: R Hundley 6/10/16
Signature Date

Signature Date

G:\FORMS\Applications\Appeal Form.doc

CITY OF SONOMA
PLANNING COMMISSION
REGULAR MEETING
June 9, 2016

Community Meeting Room, 177 First Street West, Sonoma, CA

MINUTES

Chair Cribb called the meeting to order at 6:30 p.m.

Roll Call:

Present:	Chair Cribb, Comms. Wellander, Coleman, Willers, Sek
Absent:	Comms. McDonald, Roberson, Chair Felder
Others Present:	Planning Director Goodison, Associate Planner Atkins Administrative Assistant Morris

Chair Cribb stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made by the Planning Commission can be appealed within 15 days to the City Council. He reminded everyone to turn off cell phones and pagers. Comm. Willers led the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC: None.

APPROVAL OF MINUTES: Comm. Willers made a motion to approve the minutes of April 14, 2016, subject to the correction noted by Comm. Wellander. Comm. Wellander seconded. The motion was unanimously approved (4-0, with Comm. Sek abstaining). Comm. Willers made a motion to approve the minutes of May 12, 2016. Comm. Cribb seconded. The motion was unanimously approved (4-0, with Comm. Sek abstaining).

CHANGES TO AGENDA ORDER: None

CORRESPONDENCE: Item 1 staff revision; late mail on Items 2 and 3 from David Eichar and Mary Martinez; issues update.

Item #1 – Public Hearing – Consideration of a Temporary Use Permit to allow outdoor live music in association with a wine club event from 1 p.m. to 4 p.m. on Sunday, June 12, 2016 at 389 Fourth Street East.

Applicant/Property Owner: Sebastiani Winery /Foley Family Wines, Inc.

Associate Planner Atkins presented staff's report.

Chair Cribb opened the item for public comment.

Gary Geiger, Senior Hospitality Manager/Sebastiani Winery appreciated the consideration for having this one-time event.

Comm. Willers asked about the capacity of the parking lot. Mr. Geiger stated that in his understanding, there were 129 parking spaces.

Comm. Sek asked how event attendance would be controlled. The applicant stated that it is was being done through an RSVP process and that only those who made a reservation would be admitted.

The applicant responded that wine club members would pre-register for the event. He stated that the estimated attendance represents the total over the course of the event and he expects there would be fewer people on the site at any one time.

Chair Cribb closed the item for public comment.

Comm. Wellander supported the application in light of the proposed conditions of approval since there have been similar events at the winery with no recent noise complaints. He noted that if it is not managed well, the next event may be evaluated differently.

Comm. Willers stated that although he had some reservations about the number of attendees, he did not object to the hours or the proposed music. He agreed that if problems occurred, that would affect how future requests are reviewed.

Comm. Coleman concurred.

Comm. Sek concurred with her fellow Commissioners and felt that all 600 people would not attend at the same time.

Chair Cribb agreed, especially as no neighbors have voiced objection.

Comm. Willers made a motion to approve the Temporary Use Permit as requested. Comm. Coleman seconded. The motion was unanimously approved (5-0).

Item 2 – Public Hearing – Consideration of a Use Permit to convert a second floor space into a vacation rental unit within the Sonoma Court Shops complex at 533 First Street East.

Applicant/Property Owner: STRATAap Architecture/Sonoma Court Shops, Inc.

Planning Director Goodison presented staff's report.

Comm. Coleman questioned if four occupants are allowed in the one-bedroom unit. Planning Director Goodison agreed with the concern, suggesting that if the Use Permit is approved, occupancy should be limited to two persons.

Chair Cribb opened the item for public comment.

Terrance Redmond, representing Sonoma Court Shops, noted that the reference to four persons was an error and that occupancy should be limited to two. He stated that he was available to answer questions and in his view that the proposal complies with the requirements

of the Development Code. He envisions a greater amount of revenue generated for the City by the proposed vacation rental use than other available options. The demand for office use within the complex has slowed over the years, but there is increased demand for short-term rentals.

Comm. Wellander asked about the number of long-term residential apartment spaces within the Sonoma Court Shops complex. Mr. Redmond stated there were approximately 6-8 residential apartments within Sonoma Court Shops.

Chair Cribb noted that changing economics can guide a property owner's business decisions and asked the applicant if he could provide specific metrics as to the difference between the financial performance of the space as an office versus that of a vacation rental. Mr. Redmond stated that he could not provide those specifics, but noted that as he mentioned before, there is simply much less demand for office space. In the future that might change, in which case other uses might come into the forefront.

Jim Bohar, resident in the Historic district, asked whether the provisions of the Historic Overlay Zone had any implications with regard to this proposed change in use.

Planning Director Goodison noted that while the site is located within the Historic Overlay Zone, its provisions are not relevant to this application.

Chair Cribb closed the item for public comment.

Comm. Sek is satisfied that the application complies with the Development Code. While she recognizes that the proposed use would limit its potential to be used as an apartment, she noted that this particular space has long been used as an office. Based on these factors, she does not object to the use permit.

Comm. Coleman agreed with Comm. Sek and preferred this downtown location for a vacation rental over taking housing opportunities away from other areas. He would not support removing an apartment from the housing stock, but in this case the tenant space has been used as an office.

Comm. Willers disagreed with approving this vacation rental application, because he feels that it conflicts with the City's housing policies by removing a potential apartment unit from the mix. In his view, the City's vacation rental regulations have been evolving based on an increasing interest in protecting housing and opportunities for housing. If the market for office space is weak, it is his impression that demand for long-term residential apartments is strong and that is an already-approved option for this tenant space. He is of the view that if a vacation rental were approved it is unlikely that it would ever revert back to a long-term rental since rents collected would be higher with short-term occupants.

Comm. Wellander noted that Sonoma Court Shops includes a number of apartment units and the Development Code would limit the number of vacation rental units within it to two. He is therefore comfortable with the proposed change in use since it involves a tenant space that has long been used as an office, rather than as an apartment.

Chair Cribb stated that he was conflicted. He recognizes that while this tenant space may be used as an apartment, it has historically been used for commercial purposes. While it is not a direct take-way from the housing stock, he is certainly aware of the demand and need for long-term rental housing. On the other hand, he tries to respect property owner needs and this site is zoned Commercial. However, the apartment use is an option for this space and the proposed

change removes an opportunity for a long-term rental at this ideal location. At this time, he would like to hear from other Commissioners, but at this moment he leans toward approving the application. He noted that the item which follows may raise somewhat different issues. He suggested that if the direction is to approve the application, the condition related to night-time activities should be clarified.

Comm. Willers talked about the introduction of the Mixed Use zone and the allowance for multi-family development in the Commercial zone. In his view, these changes were made to bring vitality to the downtown and to encourage the development of less expensive housing types that are not seen often in Sonoma. The tenant space in question would make a desirable apartment in the core of the town. This use is already allowed in that tenant space. If it is converted to a vacation rental use, then it is highly unlikely that it will ever be used as a long-term rental.

Comm. Wellander stated that the fact that there are already apartments in Sonoma Court Shops, that are not affected by this proposal, addresses the desire for a residential component in that project. He asked staff to verify the limit on vacation rentals that could be allowed within Sonoma Court Shops.

Planning Director Goodison said that no more than two vacation rentals are allowed on a parcel either through conversion or new development.

Comm. Willers agreed, but noted that an allowance for two vacation rentals was not a mandate to approve them. In his view, the tenant space is perfectly suitable for apartment use, a use which is currently supported by strong demand. If the demand shifts in future years, an office use also remains an approved option.

Comm. Wellander stated that he did not view it as a mandate. He is simply pointing out there is a built-in limit on what can happen in Sonoma Court Shops with respect to vacation rentals and that Sonoma Court Shops has a residential component that will not be reduced as a result of this application.

Comm. Coleman noted that market demand for various uses change over time. In his view, the commercial zoning and the location of the site on the Plaza are appropriate for a vacation rental use. He would prefer to see a vacation rental in this setting, rather than in a residential area. He stated that economic conditions could change again in the future, in which case it might be used as apartment or office. He noted that this application would not remove any existing apartment from Sonoma Court Shops.

Comm. Willers noted that the City's vacation rental regulations generally preclude the conversion of a residence to a vacation rental in residential zoning districts. Therefore, such units are not at risk.

Comm. Sek confirmed that the existing commercial tenant is vacating the unit.

Comm. Sek made a motion to approve the application, with the conditions of approval modified to reflect an occupancy limit of two persons and a quiet time of 10 p.m. - 7 a.m. Comm. Wellander seconded. The motion was approved 3-2 (Comms. Willers and Cribb opposed).

Item 3 – Public Hearing – Consideration of a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 11 East Napa, Unit #1.

Applicant/Property Owner: STRATAap Architecture/Sonoma Court Shops, Inc.

Planning Director Goodison presented staff's report.

Chair Cribb opened the item for public comment.

Terrance Redmond, applicant, stated that he wished to address the seemingly absolute position expressed by some Commissioners with respect to housing. In his view, the market represented by Sonoma Court Shops cannot be divided between residential and commercial. It contains 42 tenant spaces which are used for a variety of purposes, including residential apartments. Based on the staff report on the project, there are not, in fact very many vacation rental units in Sonoma. Although from the City's perspective Sonoma Court Shops represents one parcel, which means that it is limited to two vacation rental units and he accepts that. In practice this means that only a small fraction of the 42 units—less than 5%—could be used in that manner. He explained a strong demand for vacation rentals in conjunction with weak demand for office space drove the business decision to apply to convert the space to a vacation rental. Spending on a vacation rental represents discretionary income. In his view the fact that this demand is occurring is a sign of a healthy economy. He noted that vacation rentals help downtown retailers. In 2008, during the recession, there was no such demand. He urged the commissioners to not take an absolutist position on vacation rentals, but rather to allow them where they are appropriate.

Comm. Wellander asked about the number of parking spaces allocated to the previous tenant. The applicant stated that one space had been allocated to that tenant.

Planning Director Goodison clarified with the applicant that the limit of four occupants would apply to the two bedroom unit.

Comm. Coleman asked about the scenario in which two couples arrive in separate vehicles. The applicant stated that in his view, the parking lot is large enough to accommodate that occurrence.

The applicant, in reference to late mail from a prospective apartment tenant, stated that a mistake was made with respect to a flyer that had gone out which was intended to advertise a long-term apartment space within the complex that will be available in two months.

Chair Cribb closed the item for public comment.

Comm. Willers stated that he does not support the application as he believes it is contrary to the City Council's intent to preserve and increase long-term housing opportunities in Sonoma. He emphasized that the existing vacation rental regulations protect most residential neighborhoods, because the only allowance for conversion is through the adaptive re-use of a historic structure, and even then the circumstances are defined very narrowly. Therefore, the hypothetical presented by the applicant of a five-unit apartment building having two units converted to a vacation rental use is unlikely to occur. The City Council has, over the years, made it increasingly difficult to convert residences to vacation rentals. The only allowances are for a use permit in the Mixed Use and Commercial zones and for the adaptive re-use of a historic structure in residential zones. Since this application goes against the direction of protecting housing opportunities, he does not support it.

Comm. Coleman requested that Planning Director Goodison respond to Comm. Willer's comments, and it seemed that Comm. Willers was suggesting that this application could not even be considered.

Planning Director Goodison responded by giving a brief history of vacation rental regulations in Sonoma. The vacation rental ordinance currently allows consideration of vacation rentals in the commercial and mixed use zones as a conditionally allowed use.

Comm. Willers clarified that he was not suggesting that the application could not be considered. However, in considering this use permit application, he places greater value on preserving the potential of the tenant space to be used for housing, as opposed to allowing it to be converted to a vacation rental.

Comm. Wellander is satisfied that the proposal would not harm housing opportunities since the tenant space has been used for commercial purposes since its inception.

Chair Cribb opposed the conversion of the space to a vacation rental since it would preclude its potential future use as a residence. He is also not satisfied that adequate parking has been allocated for the unit. In his view this unit is somewhat more appropriate for use as a vacation rental, given its two-bedroom configuration.

Comm. Coleman made a motion to approve the Use Permit as requested with a requirement for quiet time from 10 p.m. to 7 a.m. and an occupancy limit of four. Comm. Sek seconded. The motion was approved 3-2 (Comms Cribb and Willers opposed).

Item 4 – Public Hearing – Receipt of draft Circulation Element update.

Planning Director Goodison presented staff's report.

Comm. Coleman discussed the prospect of rerouting Highway 12 to alleviate traffic congestion. He felt if Caltrans had less control the City could be more creative with respect to the design of Broadway, West Napa Street, and Sonoma Highway.

Planning Director Goodison agreed with Comm. Coleman, but noted that if Caltrans relinquished the right of way to the City, which is highly uncertain, the process would take many years. The City would gain more control while incurring increased maintenance costs.

Issues Update:

Planning Director Goodison reviewed the issues update as distributed to the Planning Commission.

Comments from Commissioners: None

Comments from the Audience: None

Adjournment: Chair Cribb adjourned the meeting at 7:51 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, July 14, 2016.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma Planning Commission on the 14th day of July, 2016.

Approved:

_____

Cristina Morris, Administrative Assistant

City of Sonoma Planning Commission **STAFF REPORT**	Agenda Item #2 Meeting Date: 6-09-16

Agenda Item Title: Application for a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex.

Applicant/Owner: STRATAap Architecture/Sonoma Court Shops, Inc.

Site Address/Location: 533 First Street East (APN 018-810-042)

Staff Contact: Rob Gjestland, Senior Planner
Staff Report Prepared: 6/03/16

PROJECT SUMMARY

Description: Application of STRATAap Architecture for a Use Permit to convert a second-floor space into a vacation rental unit within the Sonoma Court Shops complex at 533 First Street East.

General Plan Designation: Commercial (C)

Planning Area: Downtown District

Zoning: **Base:** Commercial (C) **Overlay:** Historic (/H)

Site Characteristics: The subject property is a ±940-square foot condominium unit occupying the upper floor of Building F in the Sonoma Court Shops complex. Building F fronts First Street East and was constructed in 2000.

Surrounding Land Use/Zoning:
North: Offices/Commercial
South: Parking lots/Commercial
East: Church (across First Street East)/Commercial
West: Wine tasting rooms and offices within Building A/Commercial

Environmental Review:

- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Environmental Impact Report
- ☐ Not Applicable
- ☐ Approved/Certified
- ☒ No Action Required
- ☐ Action Required

Staff Recommendation: Commission discretion.

PROJECT ANALYSIS

BACKGROUND

Building F within the Sonoma Court Shops complex was constructed in 2000 and contains one ground floor condominium unit and one upstairs condominium unit. The ground floor unit was approved for commercial use, while the upper floor unit (the subject of this application) was approved by the Planning Commission as flexible space with an allowance for either commercial offices, a live-work unit, or residential use (i.e., an apartment). It appears that the unit was initially rented as an apartment for two or three years but subsequently has accommodated office uses for over ten years. Most recently, for the past six years, the unit has been used for office space by Beautiful Spaces, which also occupies the ground floor (Beautiful Spaces is in the process of moving out).

DETAILED PROJECT DESCRIPTION

The owners are requesting approval to convert an upper floor condominium unit into a vacation rental within the Sonoma Court Shops complex. As noted above, this unit was approved for offices, live-work, or residential use and has accommodated office uses for over a decade. The unit has a floor area of ±940 square feet and, because of its allowance for residential or office use, the floor plan includes a kitchen, full bathroom, and one bedroom. As a vacation rental, it would be rented on a short-term basis for periods of less than 30 consecutive days under management by Sonoma Management. With the current commercial tenant moving out, the owners anticipate difficulty re-leasing the space for offices, noting that the unit is undesirable for office use because it is located on a second floor and lacks an open floor plan. More details on the proposal can be found in the attached project narrative.

GENERAL PLAN CONSISTENCY **(☐Not Applicable to this Project)**

The property is designated Commercial by the General Plan. The Commercial land use designation is intended to provide areas for retail, hotel, service, medical, and office development, in association with apartments and mixed-use developments and necessary public improvements. Vacation rentals are allowed in the corresponding Commercial zone, subject to review and approval of a Use Permit by the Planning Commission. The following General Plan goals and policies apply to the project:

Local Economy Element, Policy 1.5: Promote and accommodate year-round tourism that is consistent with the historic, small-town character of Sonoma.

Housing Element, Policy 1.5: Continue to provide opportunities for the integration of housing in commercial districts and the adaptive reuse of non-residential structures.

Housing Element, Policy 3.8: Preserve Sonoma's existing housing stock by regulating and restricting the use of residences for vacation rentals.

The proposal is consistent with the policy that encourages tourism; however, the effect of converting the unit to vacation rental use must also be considered in relation to policies that support housing (refer to "Discussion of Project Issues" below).

DEVELOPMENT CODE CONSISTENCY **(☐Not Applicable to this Project)**

Use: The property is located within a Commercial (C) zoning district, which is applied to areas appropriate for a range of commercial land uses including retail, tourist, office, and mixed-uses. Vacation rentals are allowed in the C zone subject to review and approval of a Use Permit by the Planning Commission.

Development Standards: The proposed use would operate within an existing structure/condominium. As a result, the project does not raise any issues in terms of compliance with building setback, FAR, lot coverage, open space, and building height standards.

On-Site Parking: Under the Development Code, one parking space is required for each bedroom within a vacation rental. The vacation rental unit would include one bedroom so one on-site parking spaces is required. Per the project narrative the unit would be provided with a dedicated parking space directly south of the building in compliance with the standard.

Vacation Rental Standards: The applicable standards set forth under Section 19.50.110 of the Development Code have been included in the draft conditions (attached) in the event that the Planning Commission approves the Use Permit. These include requirements related to fire and life safety, maintaining a business license, payment of Transient Occupancy (TOT) taxes, and limitations on signs. Staff would also note that a maximum of two vacation rental units are allowed on a property. If this Use Permit request is approved along with the request for 11 East Napa Street, these two units would represent the maximum number of vacation rentals allowed within the Sonoma Court Shops complex.

CONSISTENCY WITH OTHER CITY ORDINANCES/POLICIES **(☒Not Applicable to this Project)**

ENVIRONMENTAL REVIEW **(☐Not Applicable to this Project)**
Pursuant to Section of 15301 of the State CEQA Guidelines, the leasing, permitting, or operation of existing private structures involving negligible or no expansion of use is considered Categorically Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

DISCUSSION OF PROJECT ISSUES
Housing: In addition to General Plan policies that support housing, the planning area standards for the Downtown District encourage the preservation and enhancement of the downtown's housing stock with a focus on multi-family and higher-density residential development. The proposal would not reduce the City's current housing stock since the unit has accommodated commercial offices for over a decade. However, the unit was also approved for residential use and converting it to a vacation rental would reduce the potential for the unit to be used as a long-term unit/rental in the future given the economic incentive associated with vacation rentals in the City of Sonoma. This circumstance differs somewhat from simply converting a dedicated commercial space and warrants consideration in terms of consistency with housing policy. That said, there is nothing that would require residential use of the unit or preclude its continued use as offices, although the applicant indicates the market is weak for this type of office configuration. The list of approved vacation rentals has been included for reference.

Compatibility: In staff's view, the proposal does not raise significant issues in terms of compatibility with surrounding land uses. The vacation rental would be appropriately located in the downtown commercial core in a setting that supports a variety of land uses including numerous commercial businesses, a church, a club/hall, and some residential units. As noted in the narrative, the owners intend to have Sonoma Management manage the vacation rental. Through the terms of their rental contract, group size would be limited to a maximum of 4 guests, and parties/events, live music, pets, and smoking would be prohibited at the rental (these limits have been included in the draft conditions of approval along with a requirement that outside noise cease by 10p.m). In addition, Sonoma Management operates their office nearby at 662 Broadway and would be available to address any issues or complaints that could arise.

RECOMMENDATION

Over the past three years, the Planning Commission has approved seven Use Permit applications involving the conversion of commercial spaces to vacation rentals and the subject proposal could be viewed in that in light. However, the unit in question is somewhat different in that it is designed to accommodate residential use, at least as an option. The residential rental use option would be precluded as a practical matter if the application were to be approved. Based on these factors, the staff recommendation is Commission discretion.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *List of Approved Vacation Rentals*
4. *Location map*
5. *Assessor's Parcel Map*
6. *Project Narrative*
7. *Site Plan, Floor Plan & Building Elevations*

cc: Terence and Melissa Redmond (via email)
Sonoma Court Shops, Inc.
P.O. Box 27278
San Francisco, CA 94127

Brad Johnson, STRATap Architecture (via email)

City of Sonoma Planning Commission

FINDINGS OF PROJECT APPROVAL

Sonoma Court Shops Vacation Rental Use Permit – 533 First Street East

June 9, 2016

Based on substantial evidence in the record, including but not limited to the staff report, and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

Use Permit Approval

1. That the proposed use is consistent with the General Plan and any Specific Plan;

2. That the proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code (except for approved Variances and Exceptions).

3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and

4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

FINAL

City of Sonoma Planning Commission

CONDITIONS OF PROJECT APPROVAL

Sonoma Court Shops Vacation Rental Use Permit – 533 First Street East

June 9, 2016

1. The vacation rental shall be operated in conformance with the project narrative except as modified by these conditions and the following:

   a. No more than two guests shall occupy the vacation rental unit.
   b. Parties, weddings, events, and live music shall be prohibited at the vacation rental property.
   c. Occupants shall observe a quiet time of 10p.m. to 7a.m.

   Enforcement Responsibility: *Planning, Building and Public Works*
   Timing: *Ongoing*

2. One on-site parking space shall be provided and maintained for the vacation rental.

   Enforcement Responsibility: *Planning, Building, and Public Works*
   Timing: *Ongoing*

3. The applicant/property owner shall obtain and maintain a business license from the City for the vacation rental use, and shall register with the City to pay associated Transient Occupancy Taxes (TOT).

   Enforcement Responsibility: *Planning, Building, and Public Works; Finance Department*
   Timing: *Prior to operation of the vacation rental and ongoing*

4. Fire and life safety requirements administered by the Fire Department and the Building Division shall be implemented. Minimum requirements shall include approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room.

   Enforcement Responsibility: *Building Division; Fire Department*
   Timing: *Prior to operation and ongoing*

5. The vacation rental shall comply with the annual fire and life safety certification procedures of the Fire Department.

   Enforcement Responsibility: *Fire Department*
   Timing: *Ongoing*

6. One sign, with a maximum area of two square feet, may be allowed subject to the approval of the City's Design Review Commission.

   Enforcement Responsibility: *Planning Department; DRC*
   Timing: *Prior to installation of a sign for the vacation rental*

7. The project shall comply with all Building Department and Building Code requirements, including any applicable ADA accessibility requirements.

   Enforcement Responsibility: *Building Department*
   Timing: *Prior to operation*

City of Sonoma - Legal Vacation Rentals (updated 2/3/16)

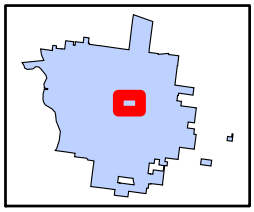
Operator/Property Name	APN	Site Address	Zoning	Number of Units	Approval Date	Type of Approval
Alexandra's Plaza Suite	018-222-023	440 Second Street East	R-L/H	1	Grandfathered	Grandfathered
Casa De Carroll	018-442-019	965 West Spain Street	C	1	Grandfathered	Grandfathered
Andrea's Hidden Cottage	018-171-009	138 East Spain Street	R-M/H	1	Grandfathered	Grandfathered
Bungalows 313	018-162-025	313 First Street East	R-M/H	5	Grandfathered	Grandfathered
Casa Chiquita Cottage	018-780-001	196 West Spain Street	R-M/H	2	Grandfathered	Grandfathered
Blankfort/Martin	018-352-030	117 France Street	R-L/H	1	Grandfathered	Grandfathered
Sonoma Farmhouse Town	018-201-003	446 Third Street West	R-L/H	2	Grandfathered	Grandfathered
Huff	018-121-021	289 First Street West	R-M/H	1	Grandfathered	Grandfathered
Mathis	018-121-020	287 First Street West	R-M/H	1	Grandfathered	Grandfathered
Cecilia's Adobe	018-172-003	378 Second Street East	R-M/H	1	Grandfathered	Grandfathered
Cortopassi	018-191-034	477 West Spain Street	R-L	3	Grandfathered	Grandfathered
Cuneo Cottage	018-231-022	391 East Spain Street	R-L/H	1	Grandfathered	Grandfathered
Susan's Guest Cottage	018-202-006	458 Second Street West	C/H	2	Grandfathered	Grandfathered
Cooperage Inn	018-161-017	301 First Street West	R-M/H	3	Grandfathered	Grandfathered
Caroline's Cottage	128-172-051	171 Newcomb Street	R-L	1	Grandfathered	Grandfathered
Bernard	018-201-008	270 West Napa Street, Unit 2R	C/H	1	4/13/2000	Use Permit
Cottage Sonoma	018-202-002	424 Second Street West	R-M/H	1	7/10/2003	Adaptive Reuse
Bungalow Sonoma	018-202-026	157 West Spain Street	R-M/H	1	7/10/2003	Adaptive Reuse
Tulsi Cottage	018-171-030	304 First Street East	R-M/H	1	6/9/2005	Adaptive Reuse
Casa Sebastiani	018-141-012	247 Fourth Street East	R-HS/H	1	9/14/2006	Adaptive Reuse
Inn Wine Country	018-352-052	758 Broadway	MX/H	1	1/10/2008	Use Permit
Auberge Sonoma	018-261-023	151 East Napa Street	R-M/H	2	5/20/2008	Adaptive Reuse
Mary Jean's Place	128-083-021	20073 Broadway	MX/H	1	12/11/2008	Use Permit
Sonoma Farmhouse Ranch	018-201-004	454 Third Street West	C/H	1	3/10/2011	Use Permit
Tillem-Fegan	018-412-032	854 Broadway	MX/H	1	12/11/2011	Use Permit
Jones-Morrison	128-083-009	20079 Broadway	MX/H	1	2/14/2012	Use Permit
Matt & Jan Mathews	018-201-007	284-294 West Napa Street, Units #2 and #3	C/H	2	4/11/2013	Use Permit
Sonoma Plaza 1889	018-201-039	464 Third Street West	C/H	1	4/11/2013	Use Permit
Marino	018-411-020	853 Broadway	MX/H	1	4/11/2013	Use Permit
O'Toole	018-221-020	180 East Napa Street	R-M/H	1	5/9/2013	Adaptive Reuse
Dambach-Argenziano	018-352-040	780 Broadway	MX/H	1	8/8/2013	Use Permit
Redmond	018-212-026	567 First Street East	C/H	1	10/10/2013	Use Permit
Marino	018-202-010	158 West Napa Street	C/H	1	3/13/2014	Use Permit
Marino	018-202-009	164 & 172 West Napa Street	C/H	2	3/13/2014	Use Permit
Tillem-Olsen	018-780-006	162-166 West Spain Street	R-M/H	2	11/3/2014	Adaptive Reuse
Martinez-Montague	018-251-020	515 First Street West	C/H	1	1/8/2015	Use Permit
Tillem-Fegan	018-412-032	846 Broadway	MX/H	1	4/9/2015	Use Permit
Benchmark-Hoover LLC	018-131-026	289 First Street East	Pk/H	1	5/14/2015	Use Permit
835 Broadway LLC	018-411-022	835 Broadway	MX/H	1	9/10/2015	Use Permit
			Total:	**54**		

Zoning Designations:		
	R-L = Low Density Residential	10
	R-M = Medium Density Residential	22
	R-HS = Hillside Residential	1
	C = Commercial	12
	MX = Mixed Use	8
	Pk = Park	1
	/H = Historic Overlay Zone	49

Vicinity Map

Zoning Designations

R-HS	Hillside Residential (1 D.U./10acres, maximum)
R-R	Rural Residential (2 D.U./acre, maximum)
R-L	Low Density Residential (2-5 D.U./acre)
R-S	Sonoma Residential (3-8 D.U./acre)
R-M	Medium Denisty Residential (6-10 D.U./acre)
R-H	High Density (9-12 D.U./acre)
R-O	Housing Opportunity (15-20 D.U./acre)
R-P	Mobile Home Park (7 D.U./acre, maximum)
MX	Mixed Use (12 D.U./acre, maximum)
C	Commercial (15 D.U./acre, maximum)
C-G	Commercial-Gateway (15 D.U./acre, maximum)
W	Wine Production
P	Public Facility
Pk	Park
A	Agriculture



N

Project Summary

Project Name:	SCS Vacation Rental 1
Property Address:	533 First Street East
Applicant:	STRATAap Architecture
Property Owner:	Sonoma Court Shops Inc.
General Plan Land Use:	Commercial
Zoning - Base:	Commercial
Zoning - Overlay:	Historic
Summary:	

Application for a Use Permit to convert a second-floor space into a vacation rental unit within Sonoma Court Shops.

0 100 200 400 Feet

1 inch = 200 feet

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA 6-012

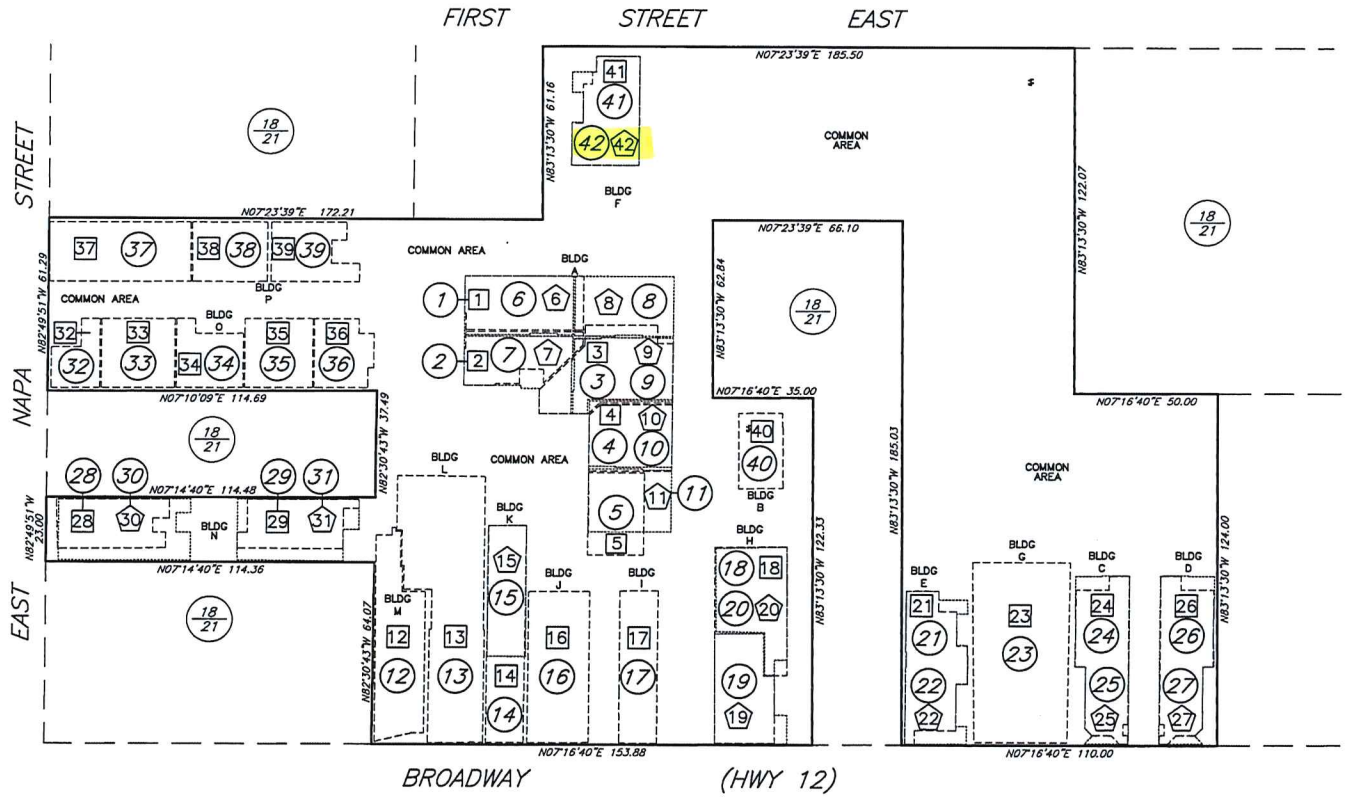
18-81

SONOMA COURT SHOPS

A CONDOMINIUM O.R.# NO CCR'S RECORDED
REC. 6-10-99 IN BK. 593, MAPS, PG. 10-17

NOTES: APNS CORRESPOND WITH UNIT NUMBERS.
FOR BUILDING DIMENSIONS, SEE RECORDED MAP

SCALE: 1"= 40'



LEGEND

21 =GROUND FLOOR
22 =SECOND FLOOR
GROUND FLOOR INTERIOR BOUNDARY
SECOND FLOOR INTERIOR BOUNDARY

REVISED
06-09-00=CORR.-RPM

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

Assessor's Map Bk. 18, Pg. 81
Sonoma County, Calif. (ACAD)
DSK 10-19-99=42 RPM

Date: May 20, 2016

To: City of Sonoma Planning Commission

Re: Application for a Conditional Use Permit to allow a commercial property to be operated as a vacation rental

Site Address: 533 First Street East

PROJECT NARRATIVE;

Sonoma Court Shops, Inc. has owned 531-533 First Street East for 20 years. Sonoma Court Shops, Inc. constructed the building as a two-unit mixed use complex. The building now comprises two condominium units which were built about fourteen years ago.

The unit has been occupied as an office by Beautiful Places for the past six years, in connection with their downstairs office space, for vacation rentals. National Data Services previously rented the space for several years. In the 1990's it was leased as an apartment for two or three years to two separate individuals. Beautiful Places will be moving out of the space on June 1st.

The unit is approximately 941 square feet and has one bedroom, one bathroom, a kitchen, a living room/dining room combination and a balcony. There is a dedicated parking space located in the adjacent lot.

Second floor office is difficult to rent. Individuals looking to rent office space prefer ground floor office and want an open floor plan. Despite using top rate commercial real estate companies, the floor plan is not particularly attractive to office space users today. Cushman and Wakefield has suggested that the space will take at least several months to attract a suitable tenant. The decision to change from office space to a vacation rental seemed is a logical alternative to an empty unit. Additionally, and more importantly for the direct benefit for the City of Sonoma, will be the inevitable increase in hotel tax revenue. Rotating guests from out of town will also result in a significant increase in retail sales for local retailers and sales tax revenue for the City.

Should the property be granted a conditional use permit as a vacation rental it will be managed by Sonoma Management which is owned by Scott Vollert and located at 662 Broadway Street.

Sonoma Management has an impeccable record for the high standards and expectations of the properties that they represent. There is no question that the renters will be well screened. Each guest will sign a contract with several rules and highlights:

1. No more than 4 guests will be allowed to stay in the unit at any one time.

2. There will be a direct customer service line available if an issue arises. There is also an emergency maintenance phone line that can be called by guests. Should anyone in the neighborhood have any issues, Sonoma Management can be contacted day and night.

3. Large parties will not be allowed nor will live outdoor music.

4. The management plan that Sonoma Management outlines in its contract will reflect the general rules and regulations for all Sonoma Court Shops tenants and their guests which includes no smoking and no pets.

LATE MAIL Item #2 Item #3

Cristina Morris

From: David Goodison
Sent: Thursday, June 09, 2016 11:51 AM
To: David Eichar
Cc: Cristina Morris
Subject: Re: Planning Commission meeting on Thursday, vacation rentals

Thanks for writing. I will forward your comments to the Planning Commission.

On 6/9/16, 11:47 AM, "David Eichar" <eichar@sbcglobal.net> wrote:

>Mr. Goodison,
>I see 2 applications for vacation rental on the agenda for tonight's
>meeting. Both of them have included in the conditions of approval,
>"Outside activities/noise shall cease by 10p.m".
>
>What is the definition of "outside activities". Is just being outside
>an outside activity? Is one person gazing at the stars after 10pm at
>night an outside activity. What about walking between your car and the
>vacation rental after dinner? Is this an outside activity?
>
>Also, what time can "outside activities/noises" start back up on the
>morning? In the county's vacation rental ordinance, quiet hours are
>between 10pm and 7am.
>
>Thanks,
>David Eichar
>

LATE MAIL

Item #2
Item #3

Thursday, June 9, 2016 at 4:39:49 PM Pacific Daylight Time

Subject: Email from website
Date: Thursday, June 9, 2016 at 2:10:04 PM Pacific Daylight Time
From: noreply@sonomacity.org
To: David Goodison

Below is the copy of the email from website to David Goodison at :6/9/2016 2:09:01 PM

Name: Madison Murphy
Email: madisonm@gelassonoma.com
Subject Vacation Home
Attach File

Message

I hope this is the right place to email--- I have been trying to get in contact with the property agent of this apartment for the past week. When I didn't hear back (altho she did just email me an hour ago finally), I googled to try to find out more about it and found out it is being proposed to be a vacation home. I think it's the same one---
http://sonomamanagement.com/Properties/tabid/151/agentType/View/PropertyID/789/Default.aspx
Anyway--I just moved to Sonoma. I'm really excited to be in California but am surprised at how hard it is to find a suitable place to live. I just wanted to tell you guys how bummed I am to find out this is going to be a vacation home. I was really looking forward to living right downtown on the Central plaza. Im not against people on vacation but isn't that what hotels are for? Where am I supposed to live if all the cool apartments are being taken away from people my age? There just isn';t that much good stuff out there, and I feel like I found a diamond in the rough. If it isn't too late please share this with the committee before the meeting. I'm in Healdsburg until later but am going to try to make it too. Thanks!! Madison Murphy 607-216-9554

Login Web Site Search

SONOMA MANAGEMENT INC

662 Broadway, Sonoma, CA 95476
P (707)938-3177 F (707)938-0161
info@sonomamanagement.com
M-F 9am-5pm; Sat 10-2 by appointment only

Home | Properties | Management | Sonoma Valley | Schools | Application | About Us | Contact Us

View All Properties

Click here to view all properties

Merchant Circle

Connect with us on LinkedIn

Rental Properties

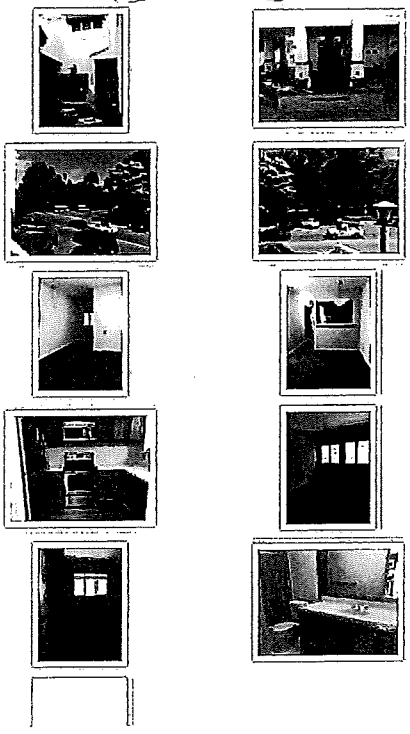
Main » Apartment » Property Details

11 East Napa, Upper Unit
View Map

Area	Price
Sonoma County	$2,700

Features
2 0 1
Pets? No

Stylish Downtown Apartment Right On The Desirable Sonoma Square!



Updated, large, posh apartment, second story 2BR/1BA unit featuring a private balcony that overlooks the Sonoma Square, Prime location, lots of windows. Large kitchen with all new appliances refrigerator, stove/oven, dishwasher, open spacious living space that opens up to the balcony, new washer/dryer included, all new interior paint, high grade new carpet, A/C. Great opportunity for convenient and upscale downtown living. Located in Sonoma Court Shops - plenty of shopping and dining right at your fingertips!1 year lease. No pets at all. Water is included with the rent. AVAILABLE NOW. Unit currently undergoing variety of updates.When looking for the apartment,

UPDATES

??What's New??

Click HERE to view & subscribe to our most RECENT PROPERTY UPDATES via RSS Feed!

* * *

What is an "RSS" or Live News Feed? - RSS or Live News Feeds deliver regularly changing web content so you can always stay up-do-date with recently added rentals, price and content changes. Learn more about RSS Feeds by clicking HERE...

Follow Us on Twitter!

Do you like to tweet? Want updates sent to your phone? If so, follow us on twitter

the land mark is Sole Desire shoe store on Napa St., there is an alley way to the right of it, go down the alley to the stairway and it's above Westwood Annadel Vineyard Tasting room on the left upstairs.

Agent Details

Kimberly Buchanan
707-938-3177

More Information

Name:

Phone:

Email:

Message:

Send

Copyright 2014 by Sonoma Management Inc | Privacy Statement | Terms Of Use

EAST NAPA STREET

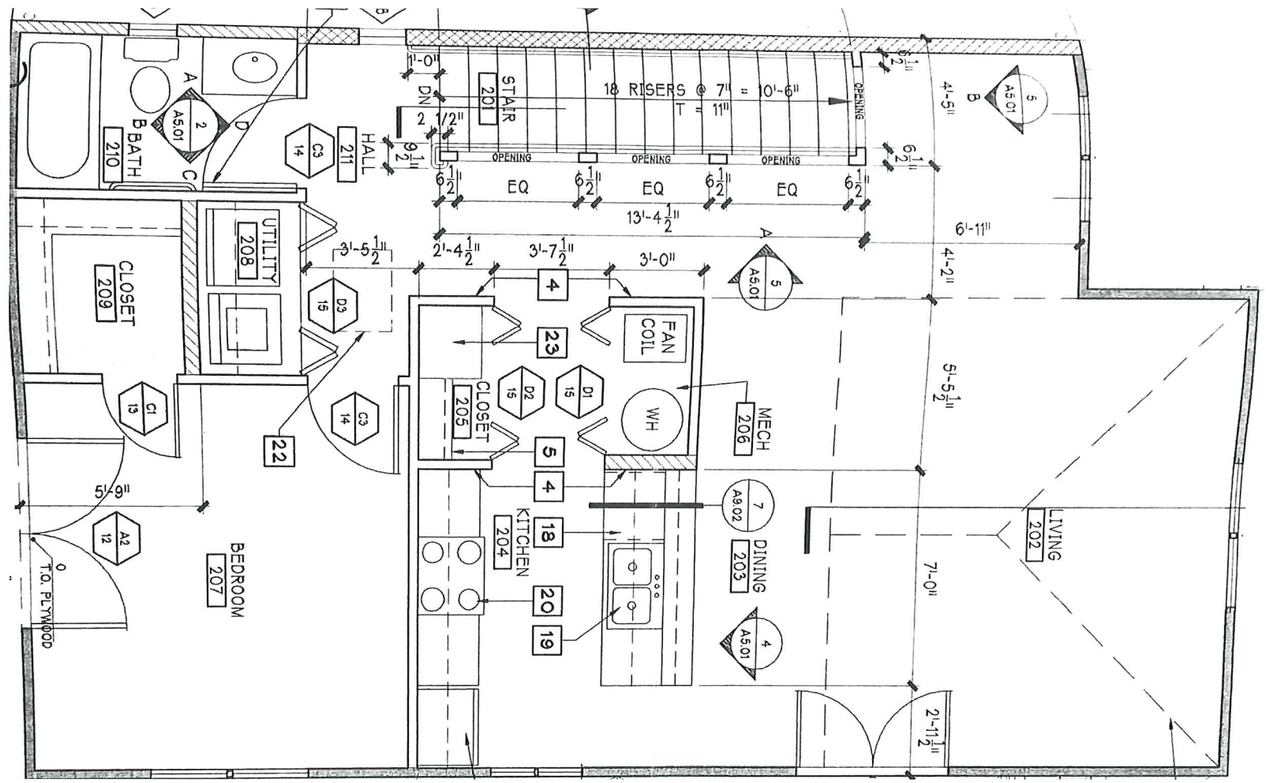
N

AERIAL SITE PLAN
DATE: 05.12.16

533 FIRST STREET EAST

STRATA A|P ARCHITECTURE PLANNING MANAGEMENT

MAY 12 2016



UPPER LEVEL FLOOR PLAN
DATE: 05.12.16

533 FIRST STREET EAST

STRATA A|P ARCHITECTURE PLANNING MANAGEMENT

533 FIRST STREET EAST
"UPSTAIRS UNIT"

EXTERIOR ELEVATIONS
DATE: 05.12.16

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **Item 7A**

Meeting Date: **09/07/2016**

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

Agenda Item Title

Discussion, Consideration, and Possible Action to Approve Construction of a Monument in Honor of the Chinese Contribution to the Wine Industry in Depot Park and Authorizing the City Manager to Execute a Maintenance Agreement with the Sonoma-Penglai Sister City Committee

Summary

The Sonoma-Penglai Sister City Committee would like to create a monument to honor the Chinese contribution to the wine industry. The Committee has requested approval to place the monument or "Ting" structure in Depot Park (at the location where the gazebo structure previously existed) and is seeking final approval for the project. The Committee received conceptual approval from Council on March 7, 2016. Committee members have also met with and received approval from the Community Services and Environment Commission and the Facilities Committee regarding the monument placement, materials proposed for utilization, and long-term maintenance responsibilities. If final approval is granted by Council, the Committee would be required to enter into a long-term maintenance agreement and meet all permitting and insurance requirements of the City.

Recommended Council Action

Approve construction of the Monument in Depot Park and Authorize the City Manager to execute a Maintenance Agreement with the Sonoma-Penglai Sister City Committee.

Alternative Actions

Council discretion.

Financial Impact

The maintenance agreement will ensure that the City not incur any financial maintenance costs as a result of the monument construction. There could be City demolition/restoration costs if the monument had to be removed due to disrepair and/or Committee abdication of maintenance responsibility.

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

Attachments:

1. Letter from the Sonoma-Penglai Sister City Committee including example images and plan drawings of the proposed structure
2. CSEC Approval Letter
3. Draft Maintenance Agreement

Alignment with Council Goals:

Supports the City Character Goal to preserve, promote and celebrate the unique characteristics of Sonoma; encourage the incorporation of our history into City, community and business identities.

cc:

Sonoma-Penglai Sister City Committee

January 14, 2016

TO: Sonoma City Council

FROM: Sonoma Sister City Committee – Penglai, China
Peggy Phelan, Chair

AGENDA ITEM: **Use vacant space across from Restroom Building to create a Ting memorializing the Chinese contribution to the wine industry.**

In late 2014 the Sonoma City Council approved a site next to the Depot Museum for a monument to honor the Chinese Contribution to the wine industry. At that time, the Department of Public Works asked us to consider the vacant circle across from the Bathroom Building in Depot Park. Upon further review, that is the preferred site and we seek City Council approval for this location.

The Sonoma-Penglai Committee would like to create a Ting (resting place) in this location. In the spirit of friendship, the people of Penglai, China have generously offered to donate all materials for the creation of this space.

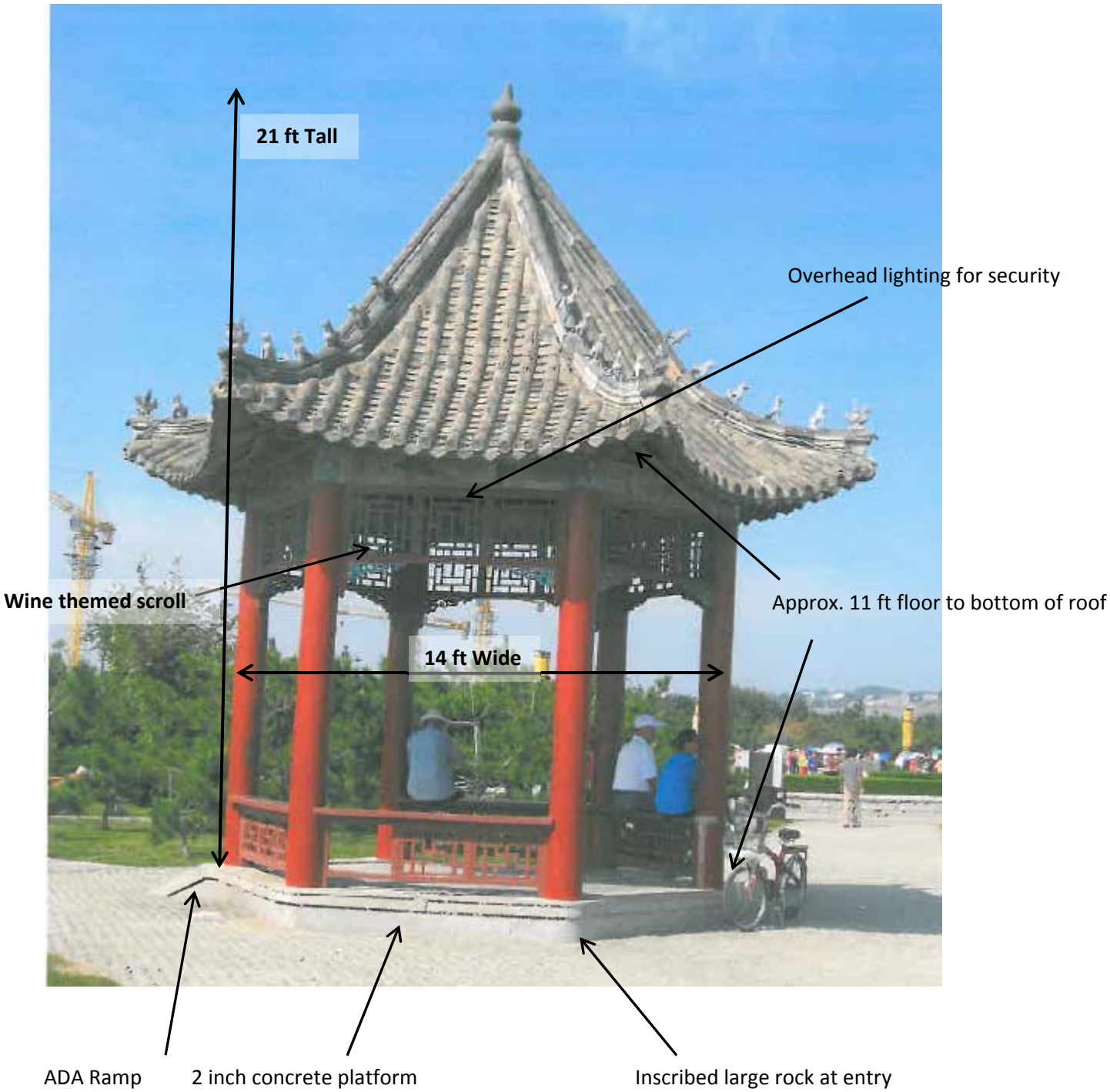
We seek your approval to proceed with our plan.

<u>Design Notes</u>

- To be a replica of Ting in our sister city Penglai, at a smaller scale (see attached photo).
- Materials: To be provided by the City of Penglai. Focus will be on low maintenance and durability.
- Will feature rocks with inscription (in both English and Chinese), telling the historical story of Chinese contribution to the wine industry (see attached photo).
- Designed by licensed structural engineer.
- Ramp from one side for ADA access.
- Engineering and Construction costs through fundraising, no cost to City.

Preferred Site

Image of Ting in Penglai, China



The goal is to create a small scale Sister replica of this Ting.

Sample of inscribed rock

DEPOT PARK MUSEUM

270 FIRST STREET WEST

SONOMA, CALIF. 95476

VICINITY MAP

NOT TO SCALE

ABBREVIATIONS (U.O.N.)

℄	CENTER LINE	F/A/U	FORCED AIR UNIT	P.R.	PRESSURE RELIEF
℄	PROPERTY LINE OR PLATE	FND.	FOUNDATION	P.T.	PRESSURE TREATED
*	FIXED OR NUMBER	FIN.	FINISHED OR FINISH	PWDR.	POWDER
∠	ANGLE	FLR.	FLOOR		
+	AND	F.O.C.	FACE OF CONCRETE	R.	RADIUS
@	AT	F.O.M.	FACE OF MASONRY	R&S	ROD & SHELF
#	DIAMETER	F.O.S.	FACE OF STUD	REF.	REFRIGERATOR
EQ	EQUAL	F.R.	FIRE RESISTANCE	REINF.	REINFORCING
EQ	NOM	FRAM.	FRAMING	REQ'D.	REQUIRED
O/	OVER OR ON	FT.	FOOT OR FEET	REQMTS.	REQUIREMENTS
//	PARALLEL	FTG.	FOOTING	RM.	ROOM
⊥	PERPENDICULAR	FX	FIXED	R.O.	ROUGH OPENING
~	PLUS			RWD.	REDWOOD
A.B.	ANCHOR BOLT	GA.	GAUGE OR GAGE		
ABV.	ABOVE	GALV.	GALVANIZED	S	SHELF OR SHELVES
A.C.	ASPHALTIC CONCRETE	GL.	GLASS	S.A.D.	SEE ARCHITECTURAL DRAWINGS
A/C	AIR CONDITIONING	G.L.B.	GLUE-LAMINATED BEAM	S.A.F.	SELF ADHERING FLASHING
ADDL.	ADDITIONAL	G.S.M.	GALVANIZED SHEET METAL	S.B.	SINK BASE CABINET
ADJ.	ADJACENT	GYP.	GYPSUM	SC	SOLID CORE
A.F.F.	ABOVE FINISH FLOOR			S.C.D.	SEE CIVIL DRAWINGS
ALT.	ALTERNATE	HD	HOSE BIBB	SCHED.	SCHEDULE
ALUM.	ALUMINUM	HDR.	HEAD OR HARD	SEC.	SECTION
APPROX.	APPROXIMATE	HDR.	HEADER	SECT.	SECTIONAL
		HARD.	HARDER	S.E.D.	SEE ELECTRICAL DRAWINGS
BA	BATHROOM	HORIZ.	HORIZONTAL OR HORIZONTALLY	S.G.D.	SLIDING GLASS DOOR
BD	BOARD	HR.	HOUR	S.H.	SINGLE HUNG
BLDG.	BUILDING	HT.	HEIGHT	SHTR.	SHUTTER
BLK.	BLOCK	I.D.	INSIDE DIAMETER	SHT.	SHEET
BM.	BEAM	INFO.	INFORMATION	SHTG.	SHEATHING
B.O.	BOTTOM OF	INT.	INTERIOR	SIM.	SIMILAR
BOT.	BOTTOM	INSUL.	INSULATION	SL	SLIDER
B.S.M.	BONDERIZED SHEET METAL			S.L.D.	SEE LANDSCAPE DRAWINGS
		JH.	JOIST HANGER	S.M.D.	SEE MECHANICAL DRAWINGS
CABNET	CABINETS	JST	JOIST	S.P.D.	SEE PLUMBING DRAWINGS
CALCS.	CALCULATIONS	JT.	JOINT	SPECS	SPECIFICATIONS
CEM.	CEMENT			SQ.	SQUARE
C.F.M.	CUBIC FEET PER MINUTE	KD	KILN DRIED	S.S.D.	SEE STRUCTURAL DRAWINGS
CLR.	CEILING			STC	SOUND TRANSMISSION COEFFICIENT
CLR.	CLEAR	LNDY.	LAUNDRY	STD.	STANDARD
C.M.U.	CONCRETE MASONRY UNIT	LO	LOWE	STL.	STEEL
COL.	COLUMN	LOC.	LOCATION	STRL.	STRUCTURAL
COMBO.	COMBINATION	LT.	LIGHT	SV	SHEET VINYL
CONC.	CONCRETE			SYM.	SYMMETRICAL
CONSTR.	CONSTRUCTION	M.	MICROWAVE OVEN		
CONT.	CONTINUOUS	MA.	MASTER	T.	TREAD
CP	CARPET	MATL.	MATERIAL	T&B	TOWEL BAR
CTR.	COUNTERTOP, OR COUNTERTOPS	MAX.	MAXIMUM	T&B	TOP & BOTTOM
CT	CERAMIC TILE OR COOKTOP	MAN.	MANHOLE	T&G	TONGUE & GROOVE
		M.B.	MACHINE BOLT	TEMP.	TEMPERED
D	DRYER OR DEEP	MC	MEDICINE CABINET	T.O.	TOP OF
D.B.	DRAWER BASE CABINET	MECH.	MECHANICAL	T.O.C.	TOP OF CURB
DBL.	DOUBLE	MTL.	METAL	T.O.S.	TOP OF SLAB
DET.	DETAIL	MFR.	MANUFACTURER	T.O.W.	TOP OF WAINSCOT
D.F.	DOUGLAS FIR	MIN.	MINIMUM	TP	TOILET PAPER DISPENSER
DIA.	DIAMETER	MOR.	MOISTURE RESISTANCE	TS	TUBE STEEL
DIM.	DIMENSION	MISC.	MISCELLANEOUS	TV	TELEVISION
DN.	DOWN			TYP.	TYPICAL
DW.	DISHWASHER	N.A.	NOT APPLICABLE		
D.S.	DOWNSPOUT	N.I.C.	NOT IN CONTRACT	U.B.C.	UNIFORM BUILDING CODE
DWG.	DRAWING	NO.	NUMBER	U.O.N.	UNLESS OTHERWISE NOTED
D.V.	DRYER VENT	N.T.S.	NOT TO SCALE		
DW	DISHWASHER			V.B.	VAPOR BARRIER
		O.C.	ON CENTER	VERT.	VERTICAL OR VERTICALLY
EA.	EACH	O.D.	OUTSIDE DIAMETER	V.I.F.	VERIFY IN FIELD
E.B.	EXPANSION BOLT	O.H.	OPPOSITE HAND	VOL.	VOLUME
ELEV.	ELEVATION	OPNG.	OPENING		
EMBED.	EMBEDMENT OR EMBEDDED	OPP.	OPPOSITE	W	WASHER OR WIDE
EN.	EDGE NAIL	OPT.	OPTION OR OPTIONAL	W.C.	WATER CLOSET
ENCL.	ENCLOSURE			WD.	WOOD
EQ.	EQUAL OR EQUIVALENT	P.D.F.	POWER DRIVEN FASTENER	W.H.	WATER HEATER
E.W.	EACH WAY	PERF.	PERFORATED	W.I.	WROUGHT IRON
EXC.	EXCEPTION	PL.	PLATE	W.P.	WATERPROOF
EXP.	EXPANSION	PLAS.	PLASTER	W/P.M.	WATERPROOFING MEMBRANE
EXT.	EXTERIOR	PLYWD.	PLYWOOD	W.R.B.	WATER RESISTIVE BARRIER
		PNL.	PANEL	WT.	WEIGHT
		P.S.I.	POUNDS PER SQUARE INCH	W/W.	WELDED WIRE FABRIC

GENERAL NOTES

1. A) THE CONTRACTOR SHALL VERIFY ALL CONDITIONS ON SITE INCLUDING GRADES, EXISTING IMPROVEMENTS, PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES AND SUBSTRUCTURES. WHERE DISCREPANCIES OCCUR, CONTACT ARCHITECT.

   B) IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH THE SITE AND PLANS OF THIS WORK. CONTRACTOR SHALL CLARIFY WITH THE ARCHITECT AND OWNER ALL POINTS OF MISUNDERSTANDING PRIOR TO SUBMITTING A BID. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK AS DESCRIBED AND SHOWN.
2. ALL NEW CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF CODES ADOPTED BY LOCAL GOVERNING AGENCIES. THESE SHALL INCLUDE (BUT NOT LIMITED TO) THE THE APPLICABLE CODES, LAWS, AND REGULATIONS LISTED UNDER "CODE INFORMATION" ON THIS SHEET, AS WELL AS ALL HEALTH AND SAFETY CODES AND ORDINANCES ADOPTED BY THE LOCAL GOVERNING AGENCIES.
3. THESE PLANS ARE FOR GENERAL CONSTRUCTION PURPOSES ONLY. THEY ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SELECT, VERIFY, RESOLVE AND INSTALL ALL MATERIALS AND EQUIPMENT.
4. THE ARCHITECT SHALL NOT BE OBSERVING THE CONSTRUCTION OF THIS PROJECT. THE CONTRACTOR IS RESPONSIBLE FOR SAFETY, SECURITY, QUALITY CONTROL AND CONSTRUCTION STANDARDS FOR THIS PROJECT.
5. ALL ROOF DRAINAGE SHALL BE PIPED TO DRAIN AWAY FROM STRUCTURE.
6. IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT SATURATION OF SOIL ADJACENT TO BUILDING
7. FINISH GRADE SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING, SEE CIVIL AND LANDSCAPE PLANS.
8. WHERE DISCREPANCIES BETWEEN SOILS REPORT AND ARCHITECT'S DRAWINGS OCCUR, CONTACT ARCHITECT.

SHEET INDEX

TITLE PAGE

A1 FLOOR PLAN, ELEVATION, CROSS SECTION

S1 FOUNDATION PLAN, ROOF PLAN, CROSS SECTIONS, STRUCTURAL DETAILS

S2 STRUCTURAL DETAILS, RAFTER DETAILS

CODE INFORMATION

DESCRIPTION OF USE	PUBLIC USE
OCCUPANCY	
NO. OF STORIES	1 STORY
TYPE OF CONSTRUCTION	V B
SPRINKLERS	NO
FLOOR AREA	530 SQ FT
HEIGHT	23'-4"

APPLICABLE CODES, LAWS AND REGULATIONS

2013 CALIFORNIA BUILDING CODE (C.B.C.)
2013 CALIFORNIA RESIDENTIAL CODE (C.R.C.)
2013 CALIFORNIA MECHANICAL CODE (C.M.C.)
2013 CALIFORNIA PLUMBING CODE (C.P.C.)
2013 CALIFORNIA ELECTRICAL CODE (C.E.C.)
2013 CALIFORNIA FIRE CODE (C.F.C.)
2013 CALIFORNIA ENERGY CODE
2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN CODE)

AND ANY OTHER APPLICABLE LOCAL, STATE, AND FEDERAL LAWS AND REGULATIONS.

REVISIONS	BY

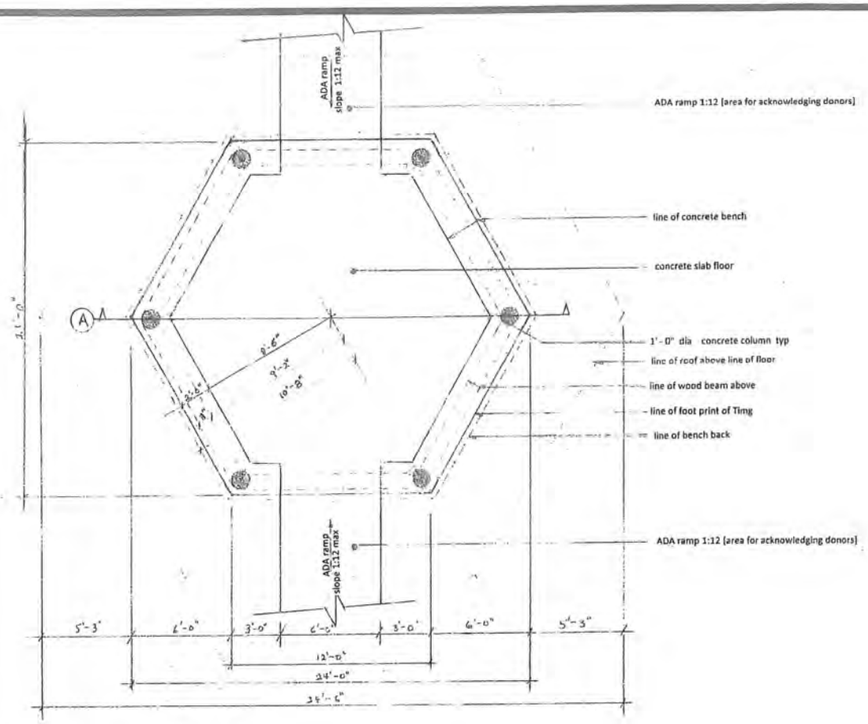
HING TUAN ENGINEERING GROUP INC.
Design, Development & Construction
Peter Choy
President
License # 371873
A, B, C10, C16, C36, C46
Cell: 415-990-8607
Email: hingtuanengineering@gmail.com
333 Hegenberger Rd., Suite 307
Oakland, CA 94621

PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

TITLE SHEET

DRAWN	TMT CHU
CHECKED	
DATE	5-28-16
SCALE	
JOB NO.	
SHEET	
OF	SHEETS



FLOOR PLAN

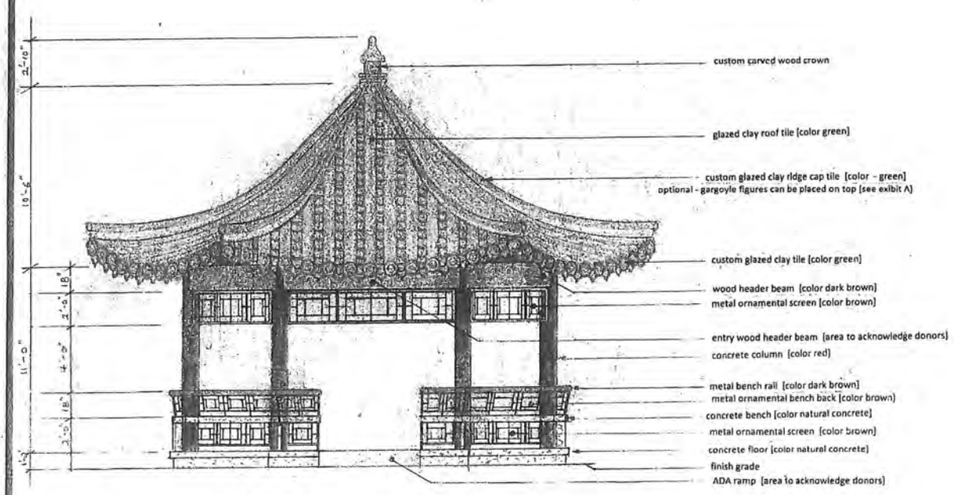
SCALE 1/4" = 1' - 0"

Inches.to Meters table

Inches	Meters	Inches	Meters	Inches	Meters
0.0000	0.0000	20.000	0.50800	40.000	1.0160
1.0000	0.025400	21.000	0.53340	41.000	1.0414
2.0000	0.050800	22.000	0.55880	42.000	1.0668
3.0000	0.076200	23.000	0.58420	43.000	1.0922
4.0000	0.10160	24.000	0.60960	44.000	1.1176
5.0000	0.12700	25.000	0.63500	45.000	1.1430
6.0000	0.15240	26.000	0.66040	46.000	1.1684
7.0000	0.17780	27.000	0.68580	47.000	1.1938
8.0000	0.20320	28.000	0.71120	48.000	1.2192
9.0000	0.22860	29.000	0.73660	49.000	1.2446
10.000	0.25400	30.000	0.76200	50.000	1.2700
11.000	0.27940	31.000	0.78740	51.000	1.2954
12.000	0.30480	32.000	0.81280	52.000	1.3208
13.000	0.33020	33.000	0.83820	53.000	1.3462
14.000	0.35560	34.000	0.86360	54.000	1.3716
15.000	0.38100	35.000	0.88900	55.000	1.3970
16.000	0.40640	36.000	0.91440	56.000	1.4224
17.000	0.43180	37.000	0.93980	57.000	1.4478
18.000	0.45720	38.000	0.96520	58.000	1.4732
19.000	0.48260	39.000	0.99060	59.000	1.4986

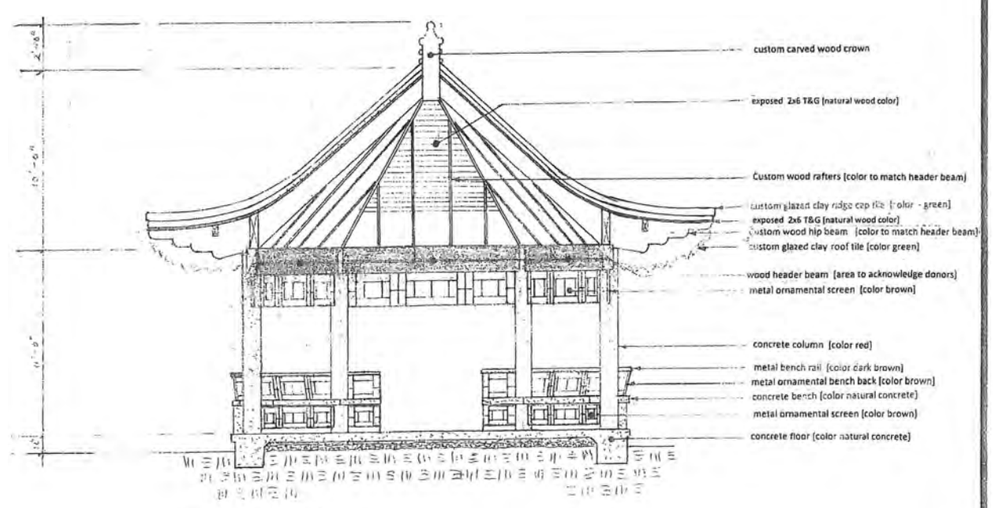
1 inch = 0.0254 meter 1 foot = 0.3048 meter

EXIBIT A



ELEVATION PLAN

SCALE 1/4" = 1' - 0"



A CROSS SECTION

SCALE 1/4" = 1' - 0"

REVISIONS	BY

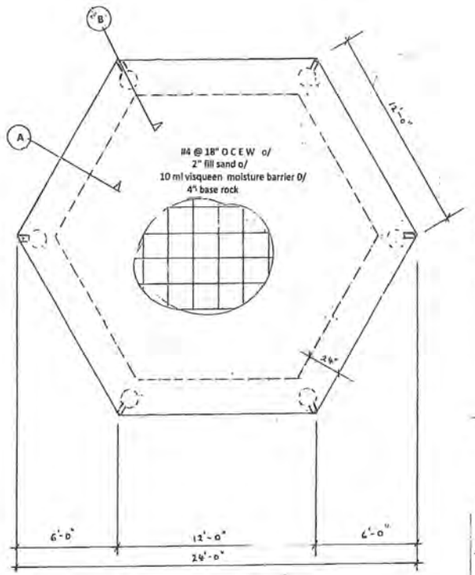
HENG TOAN ENGINEERING GROUP INC.
Design, Development & Construction
Peter Chan
President
License # 948920
A, B, C10, C16, C36, C55
Cell: 415-990-3207
Email: bayarchitect@gmail.com
320 Hegenberger Rd., Suite 202
Oakland, CA 94621

PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

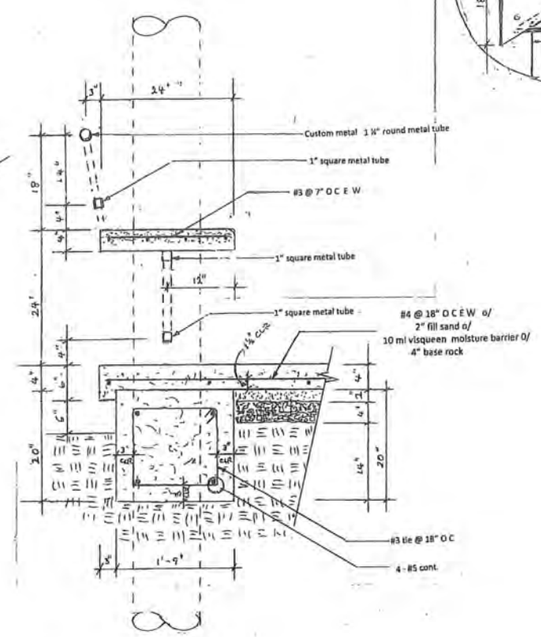
FLOOR PLAN
ELEVATION PLAN
CROSS SECTION

DRAWN	TM CHU
CHECKED	
DATE	6-28-2016
SCALE	AS SHOWN
JOB NO.	TC 52816
SHEET	A1
OF	SHEETS



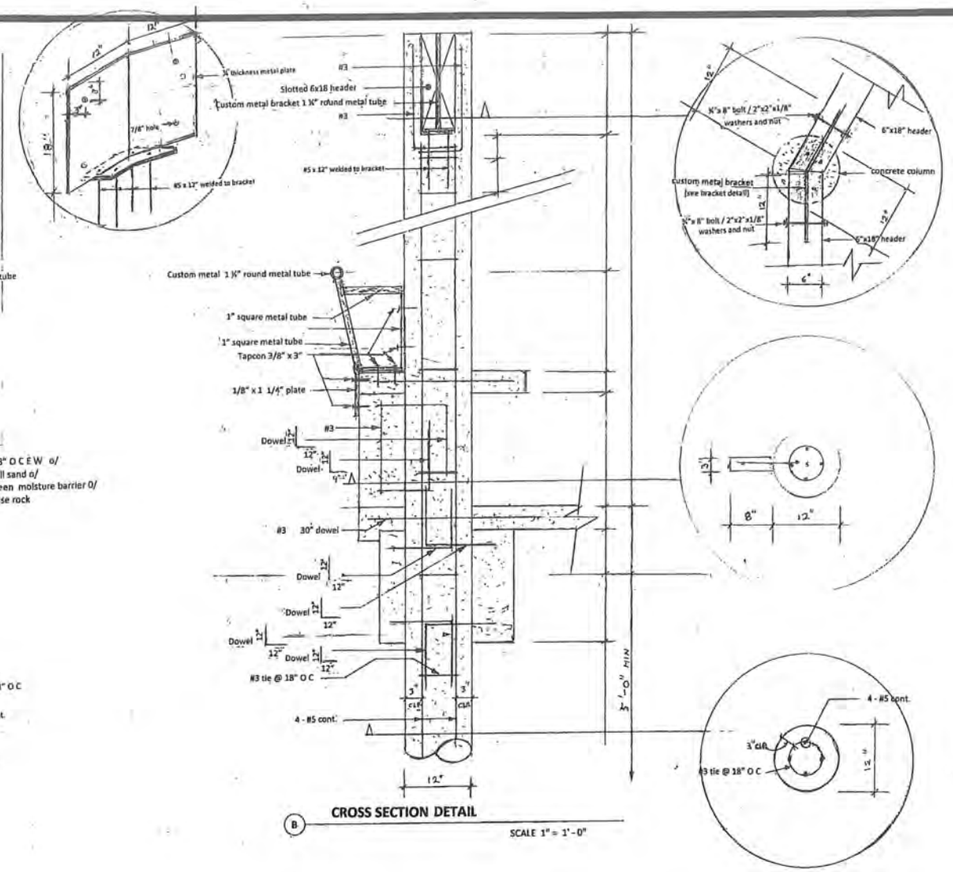
FOUNDATION PLAN

SCALE 1/4" = 1' - 0"



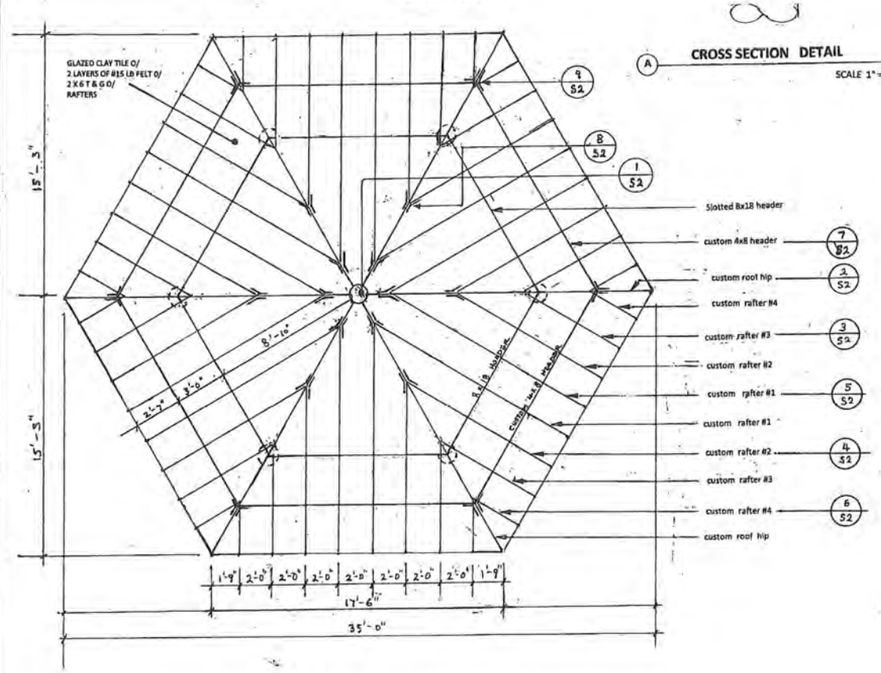
A **CROSS SECTION DETAIL**

SCALE 1" = 1' - 0"



B **CROSS SECTION DETAIL**

SCALE 1" = 1' - 0"



FLOOR PLAN

SCALE 1/4" = 1' - 0"

REVISIONS	BY

BPG
BAY PORT GROUP REAL ESTATE INC.
BAY PORT GROUP INC.
sales, purchase, property management,
Peter Chory
President
Cell: 415-990-8207
Email: bayportcorp@gmail.com
333 Hegenberger Rd. Suite 207
Oakland, CA 94621

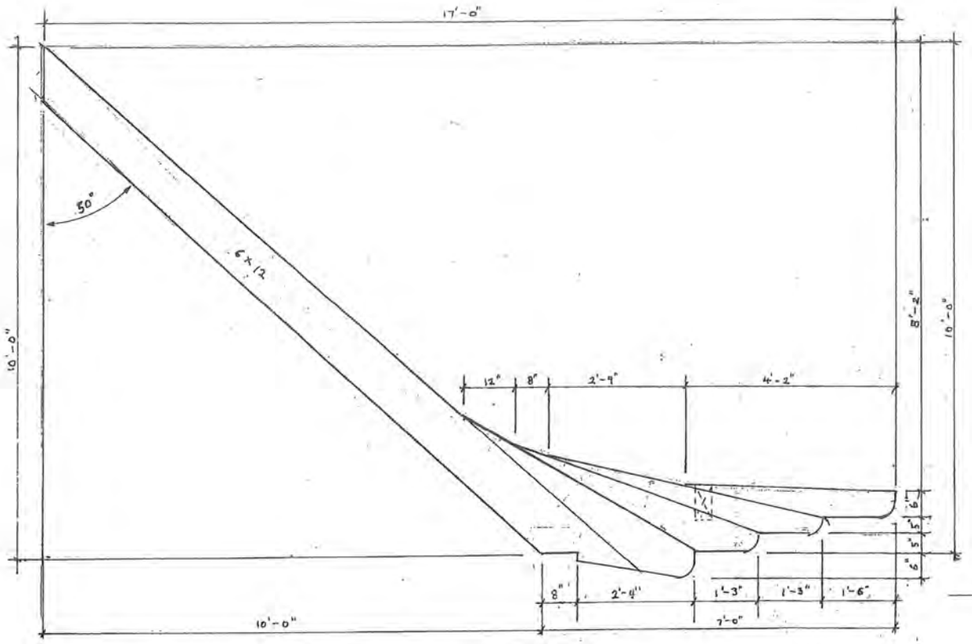
PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

FOUNDATION PLAN
ROOF PLAN
CROSS SECTIONS
STRUCTURAL DETAILS

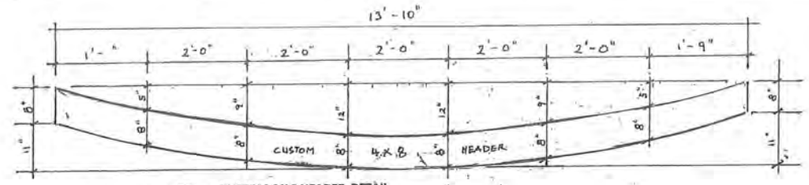
DRAWN	Tim Chu
CHECKED	
DATE	5-28-16
SCALE	
JOB NO.	
SHEET	S1
OF	SHEETS

PRINTED ON CLEARPRINT 1000H



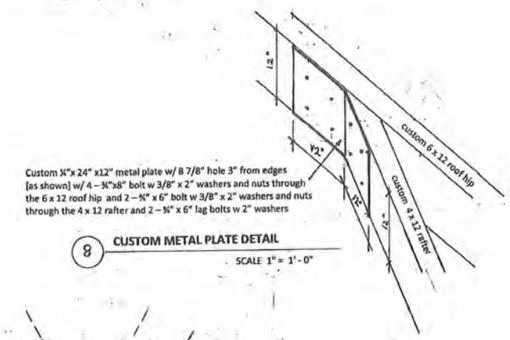
2 CUSTOM ROOF HIP

SCALE ¼" = 1'-0"



7 CUSTOM 4 X 8 HEADER DETAIL

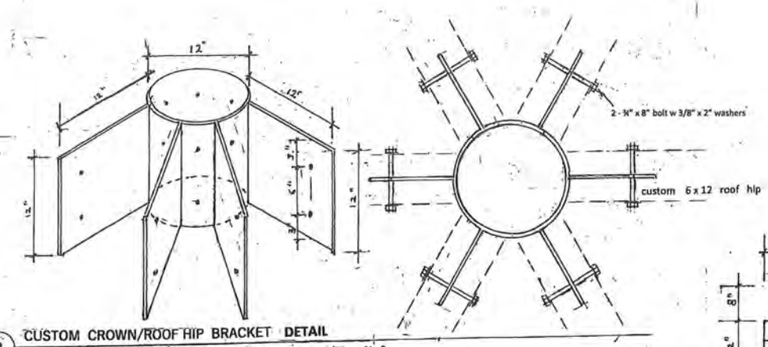
SCALE ¼" = 1'-0"



Custom ¼"x 24" x12" metal plate w/ 8 7/8" hole 3" from edges [as shown] w/ 4 – ¾"x8" bolt w 3/8" x 2" washers and nuts through the 6 x 12 roof hip and 2 – ¾" x 6" bolt w 3/8" x 2" washers and nuts through the 4 x 12 rafter and 2 – ¾" x 6" lag bolts w 2" washers

8 CUSTOM METAL PLATE DETAIL

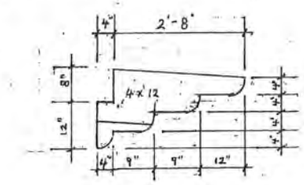
SCALE 1" = 1'-0"



1 CUSTOM CROWN/ROOF HIP BRACKET DETAIL

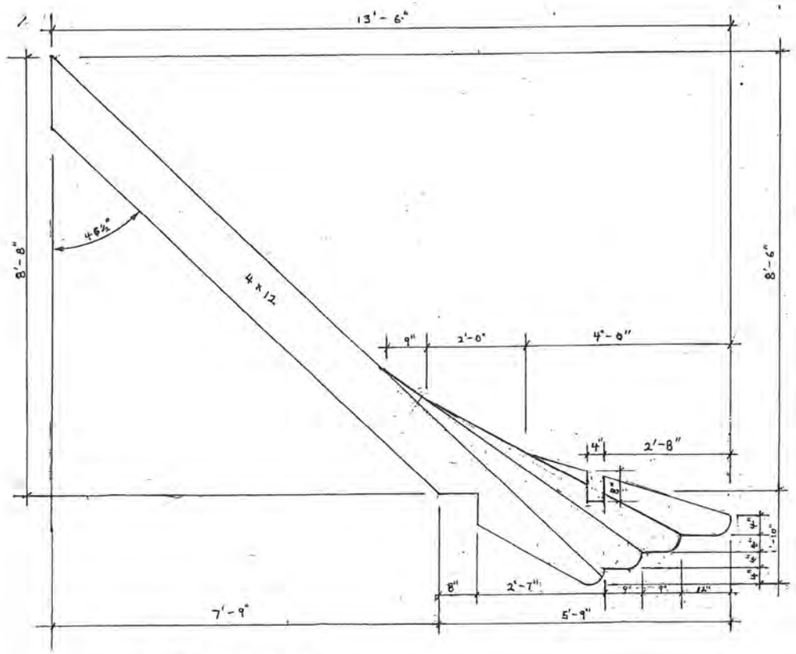
custom bracket made of 1/4" thick plate metal [all welds are 3/8" fillet, all holes 7/8" dia.]

Scale 1 1/2" = 1'-0



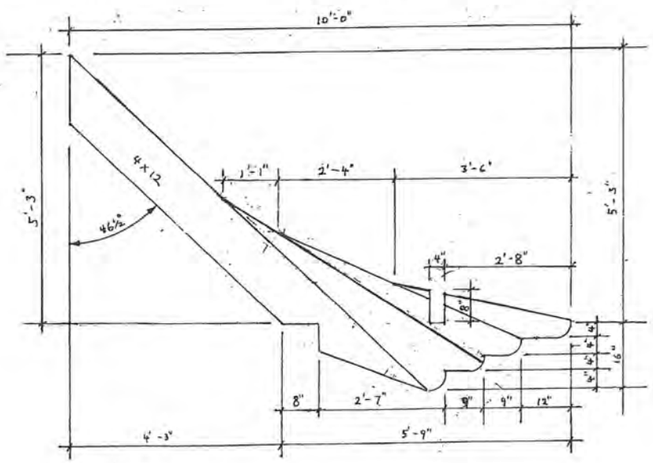
6 CUSTOM RAFTER #4

SCALE ¼" = 1'-0"



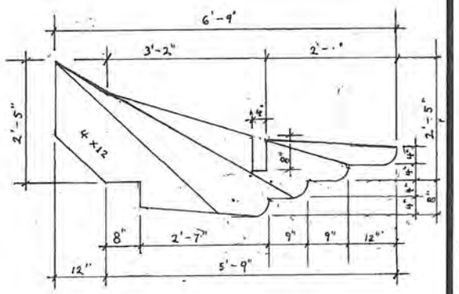
5 CUSTOM RAFTER #1

SCALE ¼" = 1'-0"



4 CUSTOM RAFTER #2

SCALE ¼" = 1'-0"



3 CUSTOM RAFTER #3

SCALE ¼" = 1'-0"

REVISIONS	BY

BPG
BAY PORT GROUP REAL ESTATE INC.
BAY PORT GROUP INC.
sole, partner, parcel management
Peter Choy
President
Cell: 415-999-8607
Email: bayportgroup@gmail.com
203 Hegenberger Rd, Suite 707
Oakland, CA 94621

PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

STRUCTURAL DETAILS
RAFTER DETAILS

DRAWN: TIM CHU
CHECKED:
DATE: 5-28-16
SCALE: AS SHOWN
JOB NO.
SHEET: S2
OF SHEETS

PRINTED ON CLEARPRINT 1000H

City of Sonoma

No. 1 The Plaza
Sonoma, California 95476-6618
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org

Sonoma Sister Cities:

Aswan Egypt
Chambolle-Musigny France
Greve Italy
Kaniv Ukraine
Patzcuaro Mexico
Penglai China
Tokaj Hungary

June 15, 2016

Sonoma Sister Cities Association, Penglai Committee
Attn.: Peggy Phelan
24737 Arnold Drive
Sonoma, CA 95476

Subject: Approval of the Sonoma Sister Cities Association Penglai Committee Pavilion

Dear Ms. Phelan:

On June 8, 2016, the Community Services and Environment Commission (CSEC) recommended that the City Council approve the request from the Sonoma Sister Cities Association (SSCA) to create a pavilion to honor the Chinese contribution to the wine industry. The pavilion or "Ting" structure would be located in Depot Park where the gazebo structure previously existed. This approval included a condition that the City would incur no fiscal impact from this project and the SSCA would consider the long-term maintenance implications of the structure. The motion was approved 6 to 0 (with three commissioners absent).

If you have any questions regarding this matter, do not hesitate to contact me at 707-933-2229 or kwall@sonomacity.org.

Sincerely,

Katherine Wall

Katherine Wall
Public Works Administrative Manager

cc: Dan Takasugi, Public Works Director / City Engineer

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Sonoma
#1 The Plaza
Sonoma, CA 95476

(Space Above This Line for Recorder's Use Only)
[Exempt from recording fee per Cal. Gov. Code §6103]

CITY PROPERTY MAINTENANCE AGREEMENT

This CITY PROPERTY MAINTENANCE AGREEMENT (the "Agreement") is entered into as of the ____ day of _____, 2016 by and between the CITY OF SONOMA, a municipal corporation, herein called the "City", and the SONOMA SISTER CITIES ASSOCIATION, PENGLAI COMMITTEE, herein called the "Committee."

Recitals

WHEREAS, Committee has agreed to install a pavilion or "Ting" structure on property owned by City;

WHEREAS, Committee has agreed to install and maintain the structure at its sole cost and expense in a good and skillful manner; and

WHEREAS, Committee has agreed to apply for a City encroachment permit to perform work on City property; and

WHEREAS, City and Committee desire to enter into an agreement on the terms and conditions set forth below.

Terms and Conditions

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby mutually agree as follows:

1. Installation of Project. Committee agrees to install or have installed in a good and skillful manner, at its sole cost and expense, a pavilion or "Ting" structure within Depot Park (the "Project") in accordance with the plan drawings entitled Penglai Pavilion Project, prepared by Heng Yuan Engineering Group Inc., dated May 28, 2016 (the "Plan") included as Exhibit "A" and the terms and conditions of this Agreement. Any deviations from the Plan must be approved in writing by City, which approval shall not be unreasonably withheld, conditioned or delayed. Upon installation and completion of

the Project in a manner wholly satisfactory to City and the City's approval of the work performed under the Encroachment Permit that is described by the following section, the Project shall become the property of the City subject to the terms of this Agreement.

2. Encroachment Permit. Committee agrees to submit to City an application for an encroachment permit for that portion of work which is planned to take place on City property and is covered by this Agreement. City makes no representations that it will be able to approve an encroachment permit application or that it will be able to prepare a permit within a certain time frame. In the event that the City notifies Committee in writing that the encroachment request has been denied, this Agreement shall immediately terminate. The encroachment permit that City provides pursuant to this section, if any, shall hereinafter be referred to as the "Encroachment Permit."

3. Hiring of Contractor. Committee shall hire a qualified contractor licensed in the state of California to construct the Project, subject to final approval by the City. City's final approval shall be limited to verifying that the contractor is properly licensed and insured. Committee shall incorporate the terms of this Agreement in its contract with its contractor (the "Construction Contract"), including, but not limited to, the requirement to construct the Project in accordance with the terms and conditions of the Encroachment Permit and to accept all responsibility and liability under and comply with all provisions of the Encroachment Permit. Upon final approval of the contractor by City, and final execution of the Construction Contract, Committee's contractor shall be authorized to construct the Project subject to, and in full compliance with the terms and conditions of the Encroachment Permit. The City shall not be a party to the Construction Contract, and Committee shall be solely responsible for any and all obligations to its contractor.

4. Failure to Comply with Encroachment Permit. In the event that Committee or Committee's contractor fails to comply with the terms and conditions of the Encroachment Permit, City shall notify Committee of such non-compliance, and Committee or Committee's contractor shall immediately cease the work and cease operating under the Encroachment Permit. Committee or Committee's contractor may not resume construction until the City's Public Works Director or his or her representative is satisfied that the work will proceed in full compliance with the terms and conditions of the Encroachment Permit.

5. Final City Inspection. Prior to the final completion of the Project, City shall perform a final inspection to ensure that the work was completed in accordance with the terms of this Agreement and the Encroachment Permit.

6. Maintenance and Repair of Structure. Committee shall, at its sole cost and expense, keep and maintain the Project in reasonably good condition and repair, including, without limitation, repair and replacement as and when reasonably necessary, using good quality materials and workmanship. Notwithstanding the foregoing, if Committee fails to comply with the maintenance and repair conditions in this section, City may provide Committee with written notice that Committee is not in compliance with this section and that Committee must commence and complete the maintenance and repair within 14 days after receipt of said written notice. If the maintenance or repair is

not completed within the 14-day time frame, City may conduct the maintenance or repair at Committee's sole cost and expense and without liability to City. Notwithstanding any of the above, City may conduct emergency maintenance or repair at Committee's sole cost and expense and without liability to City, without providing any notice to Committee. Committee agrees and understands that such emergency maintenance or repair may necessitate removal of the Project altogether.

7. Indemnification. To the fullest extent permitted by law, Committee shall defend, indemnify and hold the City, its officers, agents, employees and contractors harmless from and against any and all claims, liabilities, losses, damages, costs, or expenses, including reasonable attorneys' fees, consultants' fees, expenses, awards, fines, penalties, or judgments of whatsoever kind or nature, whether arising before or after completion of the Project, that are in any manner directly or indirectly caused, occasioned or contributed to in whole or in part, or claimed to be caused, occasioned or contributed to in whole or in part, through any act, omission, fault or negligence whether active or passive of Committee, or anyone acting under Committee's direction, control, or on its behalf in connection with or incident to the Project or in connection with or incident to the sewer lines, curb, gutter, landscape strip and certain pedestrian walkways, even though the same may have resulted from the joint, concurring or contributory negligence, whether active or passive, of City, unless the same shall be caused by the sole negligence or willful misconduct of the City. Without limiting the generality of the foregoing, the same shall include injury or death to any person or persons and damage to any property, regardless of where located.

8. Compliance with Laws. Committee shall keep itself fully informed of and shall observe and comply with, and shall cause any and all persons, firms or corporations employed by Committee or under contract with Committee to observe and comply with all federal and state laws, and county and municipal ordinances, regulations, orders and decrees which in any manner affect this Agreement, the work performed under this Agreement and those employed or engaged in such work.

Committee shall indemnify, defend and hold harmless City from and against any all claims, liabilities, losses, damages, costs, or expenses, including reasonable attorneys' fees, consultants' fees, expenses, awards, fines, penalties, or judgments of whatsoever kind or nature arising from Committee's lack of compliance under this section.

9. Insurance.

A. Minimum Scope of Insurance.

(1) Committee agrees to have and maintain at all times during the Work a Commercial General Liability insurance policy insuring Committee to an amount not less than Two Million Dollars ($2,000,000.00) combined single limit per occurrence and in the aggregate for bodily injury, personal injury and property damage.

(2) Committee agrees to have and maintain at all times during the Work an Automobile Liability insurance policy insuring Committee and Committee's

staff to an amount not less than One Million Dollars ($1,000,000.00) combined single limit per accident for bodily injury and property damage.

(3) Committee agrees to have and maintain at all times during the Work a Workers' Compensation and Employers' Liability policy written in accordance with the laws of the State of California and providing coverage for any and all employees of Committee.

(a) This policy shall provide coverage for Workers' Compensation (Coverage A).

(b) This policy shall also provide coverage for One Million Dollars ($1,000,000.00) Employers' Liability (Coverage B).

(4) All of the following endorsements are required to be made a part of each of the required policies, except for the Workers' Compensation and Employers' Liability policies:

(a) "The City of Sonoma, its officers, agents, employees and contractors are hereby added as additional insureds, but only as respects work done by, for on behalf of the named insured."

(b) "This policy shall be considered primary insurance as respects any other valid and collectible insurance the City may possess, including any self-insured retention the City may have, and any other insurance the City does possess shall be considered excess insurance only and shall not contribute with it."

(c) "This insurance shall act for each insured and additional insured as though a separate policy had been written for each. This, however, will not act to increase the limit of liability of the insuring company."

(5) Any endorsements required by the terms and conditions of the Encroachment Permit are required to be made a part of the applicable policies.

(6) Committee shall provide to the City all certificates of insurance with original endorsements affecting coverage required by this paragraph. Certificates of such insurance shall be filed with the City on or before commencement of performance of the Work. The City reserves the right to require complete, certified copies of all required insurance policies at any time.

B. General Liability.

(1) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, agents, employees or contractors.

(2) Committee's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

C. All Coverages. Each insurance policy required shall provide that coverage shall not be canceled, except after 30 days' prior written notice by certified mail, return receipt requested, has been given to the City. Current certification of such insurance shall be kept on file with the City Manager at all times during the Work.

D. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of no less than A:VII.

E. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Committee shall demonstrate financial capability for payment of such deductibles or self-insured retentions.

F. Contractor's Insurance. Committee shall also require its contractor to provide the insurance set forth in this section, including, but not limited to, naming the City as an additional insured.

10. Liability of Members and Employees of City. No member of the City and no other officer, agent, employee or contractor of the City shall be personally liable to Committee or otherwise in the event of any default or breach of the City, or for any amount which may become due to Committee or any successor in interest, or for any obligations directly or indirectly incurred under the terms of this Agreement.

11. Failure to Comply with Terms of this Agreement. If Committee or Committee's contractor fails to comply with the terms of this Agreement, City may provide Committee with written notice that Committee is not in compliance with this Agreement and that Committee must be in compliance within 14 days after receipt of said written notice. City may also condition approval of any permits for the Property upon compliance with the terms of this Agreement.

12. Covenants Run with the Land. This Agreement shall run with the land and shall be binding on any heirs, successors in interests or assigns.

13. Amendment. This Agreement constitutes the complete and exclusive statement of the agreement between City and Committee. This Agreement may be amended or extended from time to time by written agreement of the parties hereto.

14. Litigation Costs. If either party becomes involved in litigation arising out of this Agreement or the performance thereof, the court in such litigation shall award reasonable costs and expenses, including attorneys' fees, to the prevailing party. In awarding attorneys' fees, the court will not be bound by any court fee schedule, but shall, if it is in the interest of justice to do so, award the full amount of costs, expenses, and attorneys' fees paid or incurred in good faith.

15. Time of the Essence. Time is of the essence of this Agreement.

16. Written Notification. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent by prepaid, first class mail. Any such notice, demand, etc. shall be addressed to the other party at the address set forth herein below. Either party may change its address by notifying the other party of the change of address. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City:	City of Sonoma Attn.: Dan Takasugi, Public Works Director #1 The Plaza Sonoma, CA 95476
If to Committee:	Sonoma Sister Cities Association, Penglai Committee Attn.: Peggy Phelan 24737 Arnold Drive Sonoma, CA 95476

17. Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder.

18. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

19. Venue. In the event that suit shall be brought by either party hereunder, the parties agree that trial of such action shall be held exclusively in a state court in the County of Sonoma, California.

20. Recordation. Following execution by both parties, this Agreement shall be recorded with the Sonoma County Recorder's Office.

IN WITNESS WHEREOF, the City and Committee have executed this Agreement as of the date first above written.

CITY:	COMMITTEE:
City of Sonoma	Sonoma Sister Cities Association Penglai Committee
By: _____ Carol Giovanatto, City Manager	By: _____ Peggy Phelan, Chair

Exhibit A

DEPOT PARK MUSEUM

270 FIRST STREET WEST

SONOMA, CALIF. 95476

VICINITY MAP

NOT TO SCALE

ABBREVIATIONS (U.O.N.)

℄	CENTER LINE	F/A/U	FORCED AIR UNIT	P.R.	PRESSURE RELIEF
℄	PROPERTY LINE OR PLATE	FND.	FOUNDATION	P.T.	PRESSURE TREATED
*	FIXED OR NUMBER	FIN.	FINISHED OR FINISH	PWDR.	POWDER
∠	ANGLE	FLR.	FLOOR		
+	AND	F.O.C.	FACE OF CONCRETE	R.	RADIUS
@	AT	F.O.M.	FACE OF MASONRY	R&S	ROD & SHELF
#	DIAMETER	F.O.S.	FACE OF STUD	REF.	REFRIGERATOR
EQ	EQUAL	F.R.	FIRE RESISTANCE	REINF.	REINFORCING
EQ	NOM	FRAM.	FRAMING	REQ'D.	REQUIRED
O/	OVER OR ON	FT.	FOOT OR FEET	REQMTS.	REQUIREMENTS
//	PARALLEL	FTG.	FOOTING	RM.	ROOM
⊥	PERPENDICULAR	FX	FIXED	R.O.	ROUGH OPENING
~	PLUS			RWD.	REDWOOD
A.B.	ANCHOR BOLT	GA.	GAUGE OR GAGE		
ABV.	ABOVE	GALV.	GALVANIZED	S	SHELF OR SHELVES
A.C.	ASPHALTIC CONCRETE	GL.	GLASS	S.A.D.	SEE ARCHITECTURAL DRAWINGS
A/C	AIR CONDITIONING	G.L.B.	GLUE-LAMINATED BEAM	S.A.F.	SELF ADHERING FLASHING
ADDL.	ADDITIONAL	G.S.M.	GALVANIZED SHEET METAL	S.B.	SINK BASE CABINET
ADJ.	ADJACENT	GYP.	GYPSUM	SC	SOLID CORE
A.F.F.	ABOVE FINISH FLOOR			S.C.D.	SEE CIVIL DRAWINGS
ALT.	ALTERNATE	HD	HOSE BIBB	SCHED.	SCHEDULE
ALUM.	ALUMINUM	HDR.	HEAD OR HARD	SEC.	SECTION
APPROX.	APPROXIMATE	HDR.	HEADER	SECT.	SECTIONAL
		HARD.	HARDER	S.E.D.	SEE ELECTRICAL DRAWINGS
BA	BATHROOM	HORIZ.	HORIZONTAL OR HORIZONTALLY	S.G.D.	SLIDING GLASS DOOR
BD	BOARD	HR.	HOUR	S.H.	SINGLE HUNG
BLDG.	BUILDING	HT.	HEIGHT	SHTR.	SHUTTER
BLK.	BLOCK	I.D.	INSIDE DIAMETER	SHT.	SHEET
BM.	BEAM	INFO.	INFORMATION	SHTG.	SHEATHING
B.O.	BOTTOM OF	INT.	INTERIOR	SIM.	SIMILAR
BOT.	BOTTOM	INSUL.	INSULATION	SL	SLIDER
B.S.M.	BONDERIZED SHEET METAL			S.L.D.	SEE LANDSCAPE DRAWINGS
		JH.	JOIST HANGER	S.M.D.	SEE MECHANICAL DRAWINGS
CABNET	CABINETS	JST	JOIST	S.P.D.	SEE PLUMBING DRAWINGS
CALCS.	CALCULATIONS	JT.	JOINT	SPECS	SPECIFICATIONS
CEM.	CEMENT			SQ.	SQUARE
C.F.M.	CUBIC FEET PER MINUTE	KD	KILN DRIED	S.S.D.	SEE STRUCTURAL DRAWINGS
CLR.	CEILING			STC	SOUND TRANSMISSION COEFFICIENT
CLR.	CLEAR	LNDY.	LAUNDRY	STD.	STANDARD
C.M.U.	CONCRETE MASONRY UNIT	LO	LOWE	STL.	STEEL
COL.	COLUMN	LOC.	LOCATION	STRL.	STRUCTURAL
COMBO.	COMBINATION	LT.	LIGHT	SV	SHEET VINYL
CONC.	CONCRETE			SYM.	SYMMETRICAL
CONSTR.	CONSTRUCTION	M.	MICROWAVE OVEN		
CONT.	CONTINUOUS	MA.	MASTER	T.	TREAD
CP	CARPET	MATL.	MATERIAL	T&B	TOWEL BAR
CTR.	COUNTERTOP, OR COUNTERTOPS	MAX.	MAXIMUM	T&B	TOP & BOTTOM
CT	CERAMIC TILE OR COOKTOP	MAN.	MANHOLE	T&G	TONGUE & GROOVE
		M.B.	MACHINE BOLT	TEMP.	TEMPERED
D	DRYER OR DEEP	MC	MEDICINE CABINET	T.O.	TOP OF
D.B.	DRAWER BASE CABINET	MECH.	MECHANICAL	T.O.C.	TOP OF CURB
DBL.	DOUBLE	MTL.	METAL	T.O.S.	TOP OF SLAB
DET.	DETAIL	MFR.	MANUFACTURER	T.O.W.	TOP OF WAINSCOT
D.F.	DOUGLAS FIR	MIN.	MINIMUM	TP	TOILET PAPER DISPENSER
DIA.	DIAMETER	MOR.	MOISTURE RESISTANCE	TS	TUBE STEEL
DIM.	DIMENSION	MISC.	MISCELLANEOUS	TV	TELEVISION
DN.	DOWN			TYP.	TYPICAL
DW.	DISHWASHER	N.A.	NOT APPLICABLE		
D.S.	DOWNSPOUT	N.I.C.	NOT IN CONTRACT	U.B.C.	UNIFORM BUILDING CODE
DWG.	DRAWING	NO.	NUMBER	U.O.N.	UNLESS OTHERWISE NOTED
D.V.	DRYER VENT	N.T.S.	NOT TO SCALE		
DW	DISHWASHER			V.B.	VAPOR BARRIER
		O.C.	ON CENTER	VERT.	VERTICAL OR VERTICALLY
EA.	EACH	O.D.	OUTSIDE DIAMETER	V.I.F.	VERIFY IN FIELD
E.B.	EXPANSION BOLT	O.H.	OPPOSITE HAND	VOL.	VOLUME
ELEV.	ELEVATION	OPNG.	OPENING		
EMBED.	EMBEDMENT OR EMBEDDED	OPP.	OPPOSITE	W	WASHER OR WIDE
EN.	EDGE NAIL	OPT.	OPTION OR OPTIONAL	W.C.	WATER CLOSET
ENCL.	ENCLOSURE			WD.	WOOD
EQ.	EQUAL OR EQUIVALENT	P.D.F.	POWER DRIVEN FASTENER	W.H.	WATER HEATER
E.W.	EACH WAY	PERF.	PERFORATED	W.I.	WROUGHT IRON
EXC.	EXCEPTION	PL.	PLATE	W.P.	WATERPROOF
EXP.	EXPANSION	PLAS.	PLASTER	W/P.M.	WATERPROOFING MEMBRANE
EXT.	EXTERIOR	PLYWD.	PLYWOOD	W.R.B.	WATER RESISTIVE BARRIER
		PNL.	PANEL	WT.	WEIGHT
		P.S.I.	POUNDS PER SQUARE INCH	W/W.	WELDED WIRE FABRIC

GENERAL NOTES

1. A) THE CONTRACTOR SHALL VERIFY ALL CONDITIONS ON SITE INCLUDING GRADES, EXISTING IMPROVEMENTS, PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES AND SUBSTRUCTURES. WHERE DISCREPANCIES OCCUR, CONTACT ARCHITECT.

   B) IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH THE SITE AND PLANS OF THIS WORK. CONTRACTOR SHALL CLARIFY WITH THE ARCHITECT AND OWNER ALL POINTS OF MISUNDERSTANDING PRIOR TO SUBMITTING A BID. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK AS DESCRIBED AND SHOWN.
2. ALL NEW CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF CODES ADOPTED BY LOCAL GOVERNING AGENCIES. THESE SHALL INCLUDE (BUT NOT LIMITED TO) THE THE APPLICABLE CODES, LAWS, AND REGULATIONS LISTED UNDER "CODE INFORMATION" ON THIS SHEET, AS WELL AS ALL HEALTH AND SAFETY CODES AND ORDINANCES ADOPTED BY THE LOCAL GOVERNING AGENCIES.
3. THESE PLANS ARE FOR GENERAL CONSTRUCTION PURPOSES ONLY. THEY ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SELECT, VERIFY, RESOLVE AND INSTALL ALL MATERIALS AND EQUIPMENT.
4. THE ARCHITECT SHALL NOT BE OBSERVING THE CONSTRUCTION OF THIS PROJECT. THE CONTRACTOR IS RESPONSIBLE FOR SAFETY, SECURITY, QUALITY CONTROL AND CONSTRUCTION STANDARDS FOR THIS PROJECT.
5. ALL ROOF DRAINAGE SHALL BE PIPED TO DRAIN AWAY FROM STRUCTURE.
6. IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT SATURATION OF SOIL ADJACENT TO BUILDING
7. FINISH GRADE SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING, SEE CIVIL AND LANDSCAPE PLANS.
8. WHERE DISCREPANCIES BETWEEN SOILS REPORT AND ARCHITECT'S DRAWINGS OCCUR, CONTACT ARCHITECT.

SHEET INDEX

TITLE PAGE

A1 FLOOR PLAN, ELEVATION, CROSS SECTION

S1 FOUNDATION PLAN, ROOF PLAN, CROSS SECTIONS, STRUCTURAL DETAILS

S2 STRUCTURAL DETAILS, RAFTER DETAILS

CODE INFORMATION

DESCRIPTION OF USE	PUBLIC USE
OCCUPANCY	
NO. OF STORIES	1 STORY
TYPE OF CONSTRUCTION	V B
SPRINKLERS	NO
FLOOR AREA	530 SQ FT
HEIGHT	23'-4"

APPLICABLE CODES, LAWS AND REGULATIONS

2013 CALIFORNIA BUILDING CODE (C.B.C.)
2013 CALIFORNIA RESIDENTIAL CODE (C.R.C.)
2013 CALIFORNIA MECHANICAL CODE (C.M.C.)
2013 CALIFORNIA PLUMBING CODE (C.P.C.)
2013 CALIFORNIA ELECTRICAL CODE (C.E.C.)
2013 CALIFORNIA FIRE CODE (C.F.C.)
2013 CALIFORNIA ENERGY CODE
2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN CODE)

AND ANY OTHER APPLICABLE LOCAL, STATE, AND FEDERAL LAWS AND REGULATIONS.

REVISIONS	BY

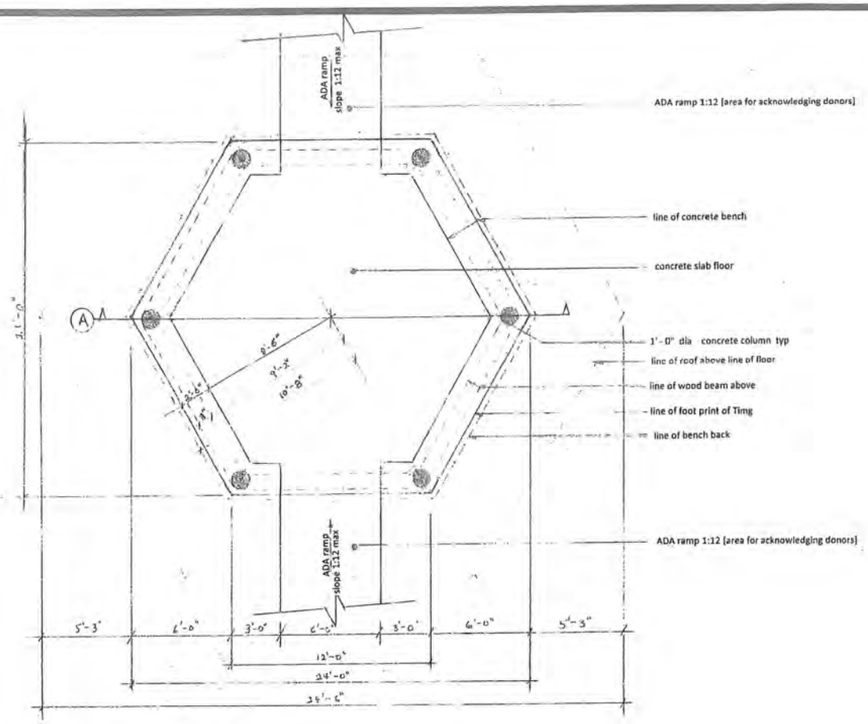
HING TUAN ENGINEERING GROUP INC.
Design, Development & Construction
Peter Choy
President
License # 371873
A, B, C10, C16, C36, C46
Cell: 415-990-8607
Email: hingtuanengineering@gmail.com
333 Hegenberger Rd., Suite 307
Oakland, CA 94621

PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

TITLE SHEET

DRAWN	TMT CHU
CHECKED	
DATE	5-28-16
SCALE	
JOB NO.	
SHEET	
OF	SHEETS



FLOOR PLAN

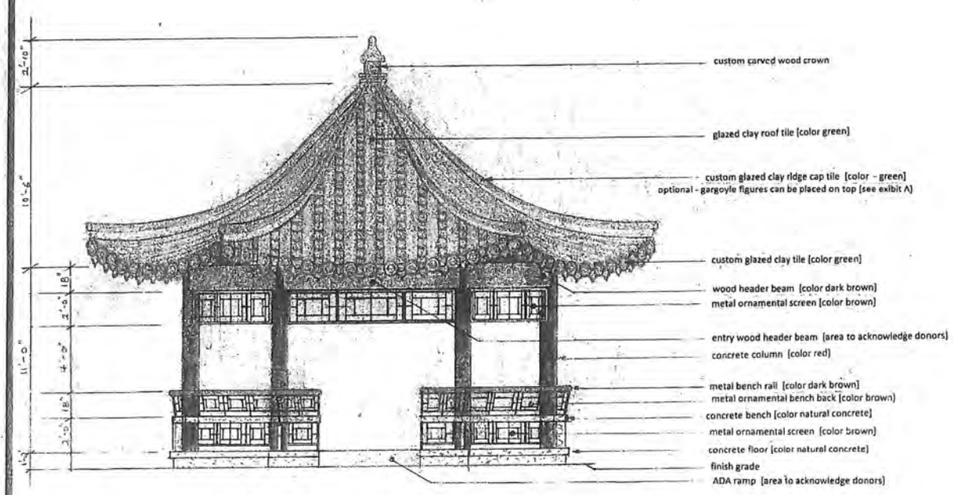
SCALE 1/4" = 1' - 0"

Inches.to Meters table

Inches	Meters	Inches	Meters	Inches	Meters
0.0000	0.0000	20.000	0.50800	40.000	1.0160
1.0000	0.025400	21.000	0.53340	41.000	1.0414
2.0000	0.050800	22.000	0.55880	42.000	1.0668
3.0000	0.076200	23.000	0.58420	43.000	1.0922
4.0000	0.10160	24.000	0.60960	44.000	1.1176
5.0000	0.12700	25.000	0.63500	45.000	1.1430
6.0000	0.15240	26.000	0.66040	46.000	1.1684
7.0000	0.17780	27.000	0.68580	47.000	1.1938
8.0000	0.20320	28.000	0.71120	48.000	1.2192
9.0000	0.22860	29.000	0.73660	49.000	1.2446
10.000	0.25400	30.000	0.76200	50.000	1.2700
11.000	0.27940	31.000	0.78740	51.000	1.2954
12.000	0.30480	32.000	0.81280	52.000	1.3208
13.000	0.33020	33.000	0.83820	53.000	1.3462
14.000	0.35560	34.000	0.86360	54.000	1.3716
15.000	0.38100	35.000	0.88900	55.000	1.3970
16.000	0.40640	36.000	0.91440	56.000	1.4224
17.000	0.43180	37.000	0.93980	57.000	1.4478
18.000	0.45720	38.000	0.96520	58.000	1.4732
19.000	0.48260	39.000	0.99060	59.000	1.4986

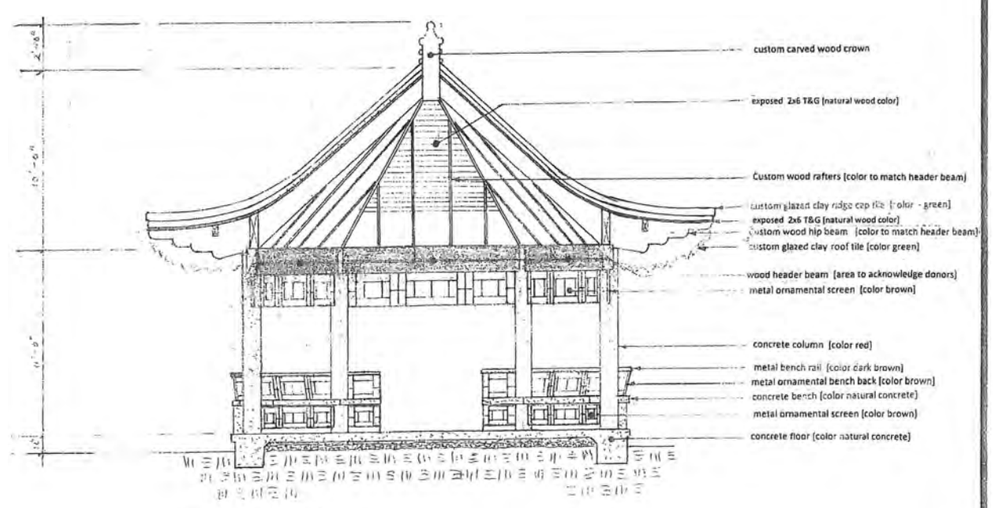
1 inch = 0.0254 meter 1 foot = 0.3048 meter

EXIBIT A



ELEVATION PLAN

SCALE 1/4" = 1' - 0"



A CROSS SECTION

SCALE 1/4" = 1' - 0"

REVISIONS	BY

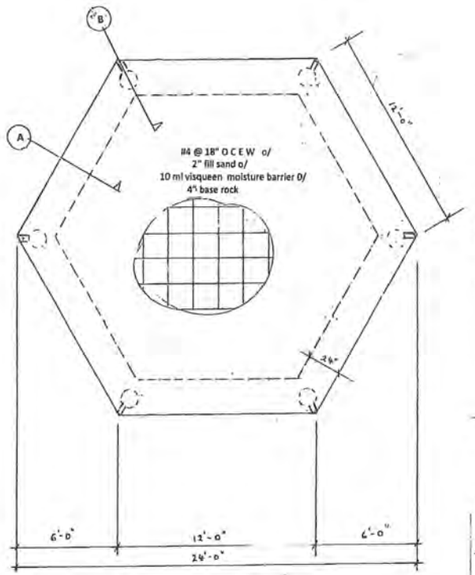
HENG TOAN ENGINEERING GROUP INC.
Design, Development & Construction
Peter Chan
President
License # 948920
A, B, C10, C16, C36, C55
Cell: 415-990-3207
Email: bayarchitect@gmail.com
320 Hegenberger Rd., Suite 202
Oakland, CA 94621

PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

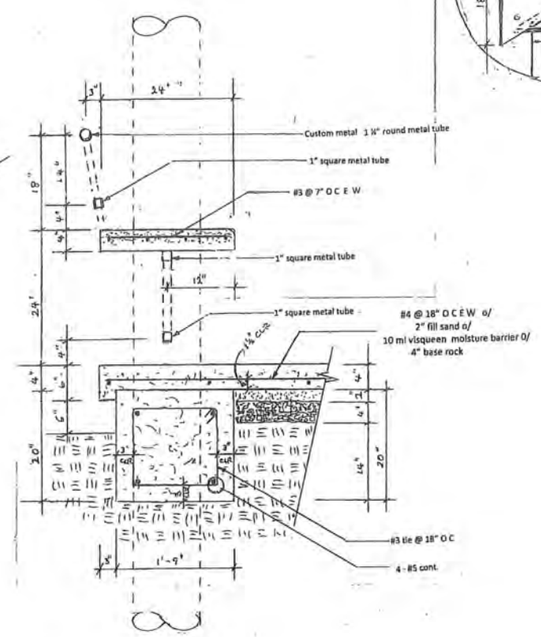
FLOOR PLAN
ELEVATION PLAN
CROSS SECTION

DRAWN	TM CHU
CHECKED	
DATE	6-28-2016
SCALE	AS SHOWN
JOB NO.	TC 52816
SHEET	A1
OF	SHEETS



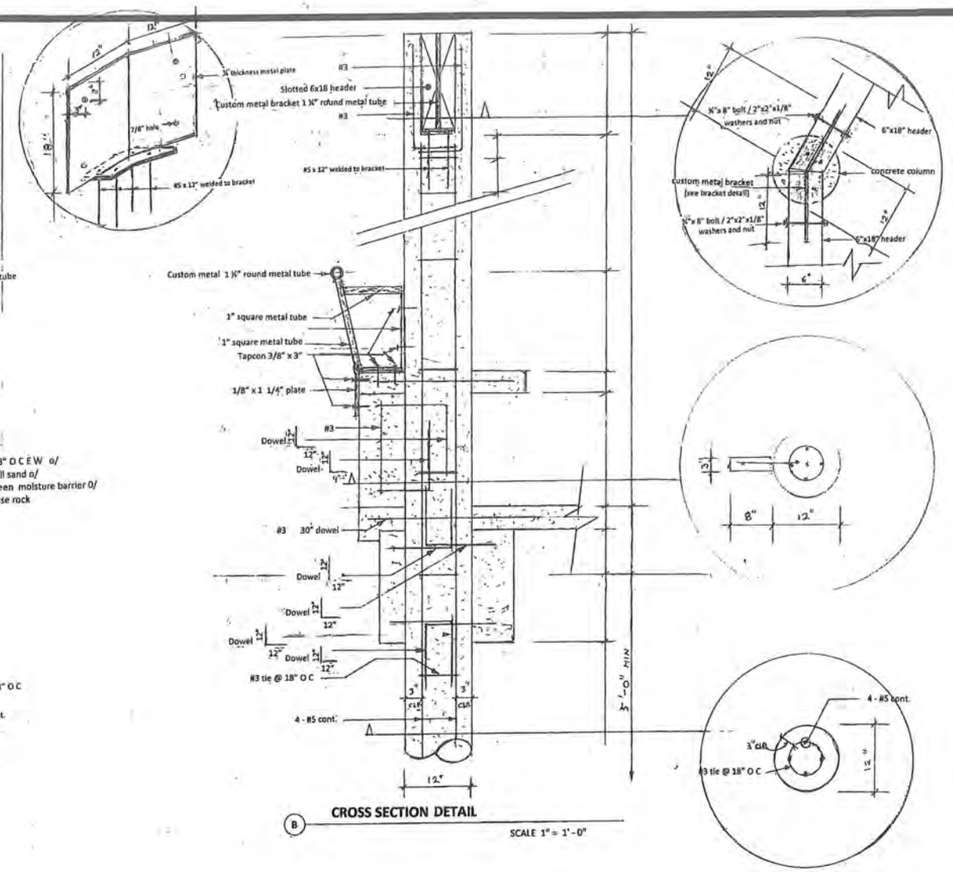
FOUNDATION PLAN

SCALE 1/4" = 1' - 0"



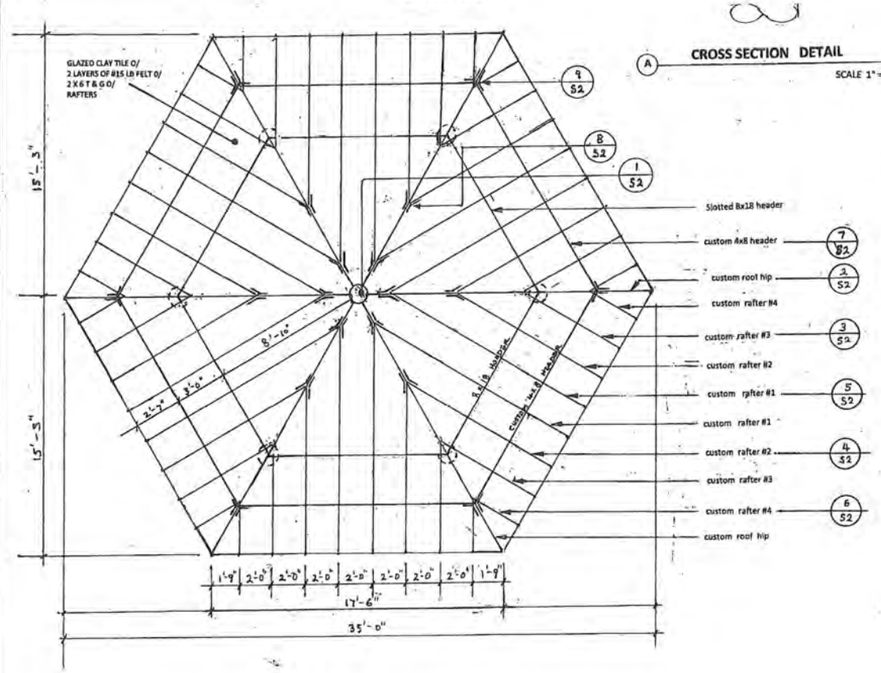
A **CROSS SECTION DETAIL**

SCALE 1" = 1' - 0"



B **CROSS SECTION DETAIL**

SCALE 1" = 1' - 0"



FLOOR PLAN

SCALE 1/4" = 1' - 0"

REVISIONS	BY

BPG
BAY PORT GROUP REAL ESTATE INC.
BAY PORT GROUP INC.
sales, purchase, property management,
Peter Chory
President
Cell: 415-990-8207
Email: bayportcorp@gmail.com
333 Hegenberger Rd. Suite 207
Oakland, CA 94621

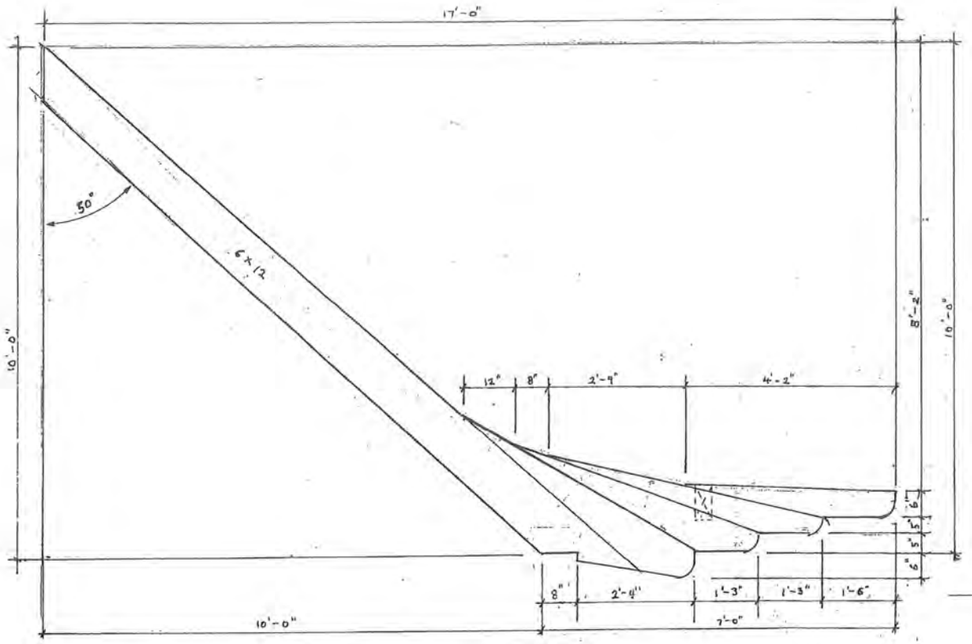
PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

FOUNDATION PLAN
ROOF PLAN
CROSS SECTIONS
STRUCTURAL DETAILS

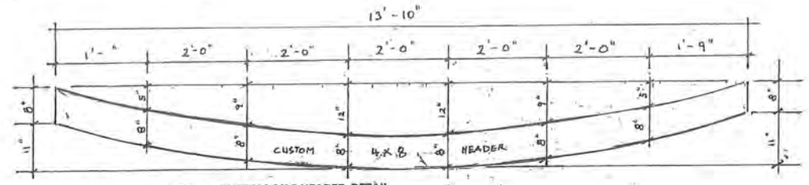
DRAWN	Tim Chu
CHECKED	
DATE	5-28-16
SCALE	
JOB NO.	
SHEET	S1
OF	SHEETS

PRINTED ON CLEARPRINT 1000H



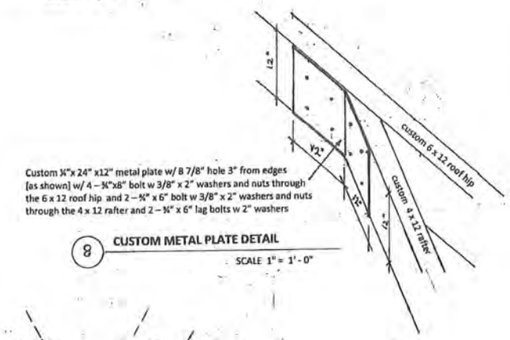
2 CUSTOM ROOF HIP

SCALE ¼" = 1'-0"



7 CUSTOM 4 X 8 HEADER DETAIL

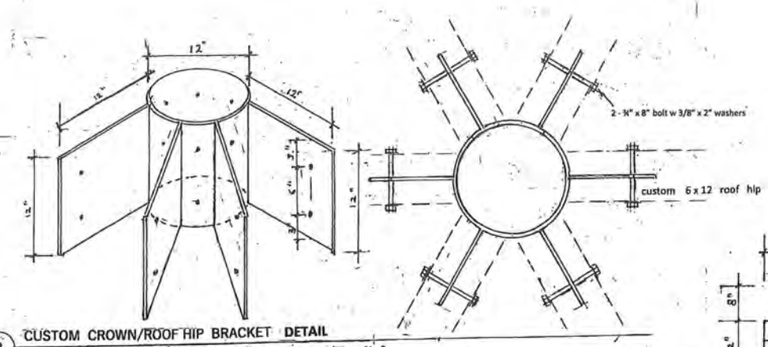
SCALE ¼" = 1'-0"



Custom ¼"x 24" x12" metal plate w/ 8 7/8" hole 3" from edges [as shown] w/ 4 – ¾"x8" bolt w 3/8" x 2" washers and nuts through the 6 x 12 roof hip and 2 – ¾" x 6" bolt w 3/8" x 2" washers and nuts through the 4 x 12 rafter and 2 – ¾" x 6" lag bolts w 2" washers

8 CUSTOM METAL PLATE DETAIL

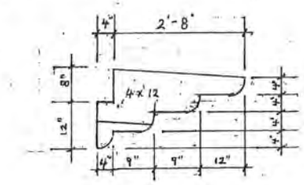
SCALE 1" = 1'-0"



1 CUSTOM CROWN/ROOF HIP BRACKET DETAIL

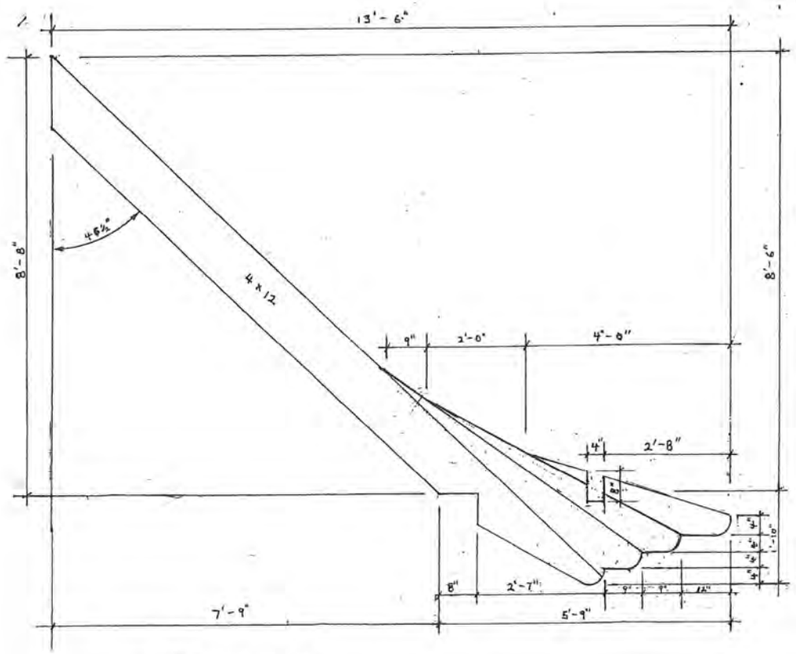
custom bracket made of 1/4" thick plate metal [all welds are 3/8" fillet, all holes 7/8" dia.]

Scale 1 1/2" = 1'-0



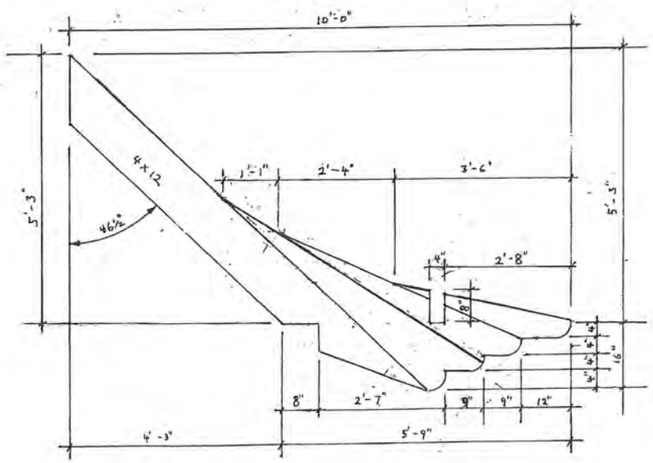
6 CUSTOM RAFTER #4

SCALE ¼" = 1'-0"



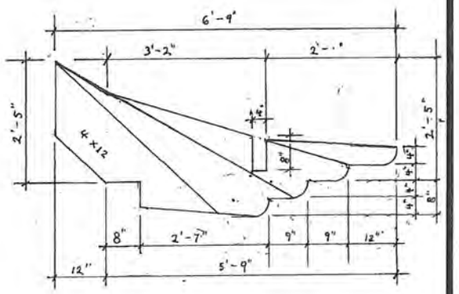
5 CUSTOM RAFTER #1

SCALE ¼" = 1'-0"



4 CUSTOM RAFTER #2

SCALE ¼" = 1'-0"



3 CUSTOM RAFTER #3

SCALE ¼" = 1'-0"

REVISIONS	BY

BPG
BAY PORT GROUP REAL ESTATE INC.
BAY PORT GROUP INC.
sole, partner, parcel management
Peter Choy
President
Cell: 415-999-8607
Email: bayportgroup@gmail.com
203 Hegenberger Rd, Suite 707
Oakland, CA 94621

PENGLAI PAVILION PROJECT

DEPOT PARK MUSEUM
270 FIRST ST WEST
SONOMA, CALIF. 95476

STRUCTURAL DETAILS
RAFTER DETAILS

DRAWN: TIM CHU
CHECKED:
DATE: 5-28-16
SCALE: AS SHOWN
JOB NO.
SHEET: S2
OF SHEETS

PRINTED ON CLEARPRINT 1000H

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **7B**

Meeting Date: **09/07/2016**

Department	**Staff Contact**
Administration	Jeffrey Walter, City Attorney

Agenda Item Title

Consider and possibly adopt resolution approving settlement agreement which resolves the case entitled *Selma Blanusa v. City of Sonoma* and permits construction of a second dwelling unit on the real property described as 19725 Seventh St. East, Sonoma, CA, and finding that said adoption is exempt from the California Environmental Quality Act (CEQA).

Summary Selma Blanusa has sued the City claiming that, contrary to the City's previously stated position on the matter, a 1985 easement (an easement running in favor of the City) burdening her property ("subject property") on 7th St. East allows her to build a second dwelling unit on that property. The subject property is located in the County. Ms. Blanusa contends that she should be permitted to construct as many dwelling units on the property as the County's zoning will allow. The City contends that the County zoning provisions do not trump the restrictions set forth in the easement. However, it is arguable that the language of the easement would permit the owner of the subject property to have on the subject property as many dwelling units as there were buildings on the property in 1985 which were habitable in 1985. Although the owners of the property in 1985 (the Dowd family) only used their main residence for dwelling purposes, there also existed on the property a cottage for which there is evidence that it could have been inhabited and used by human beings (even though it was not so used in 1985). In order to avoid costly litigation, and given the easement's language, the size of the subject property, the location where Ms. Blanusa is proposing to construct her second dwelling unit and the fact that Ms. Blanusa must comply with all applicable County zoning and code requirements, the City Attorney is recommending that the Council approve the attached Settlement Agreement that allows Ms. Blanusa to erect a second dwelling unit on the subject property.

Recommended Council Action

That the Council adopt the attached Resolution, which approves the Settlement Agreement and finds same exempt under CEQA.

Alternative Actions

1. Don't approve the Resolution or the Settlement Agreement, and direct the City Attorney to proceed with litigation.
2. Approve the Resolution and the Settlement Agreement with modifications desired by the Council.

Financial Impact

It depends upon whether the Council approves the Resolution. If it does, there should not be any further, significant financial impacts on the City. If the Council does not approve the Resolution and Settlement Agreement, and the lawsuit is litigated through trial, the cost to the City will be tens of thousands of dollars.

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

Attachments:

Supplemental Report

Resolution

Settlement Agreement (with Exhibits)

---

cc:

SUPPLEMENTAL REPORT

Consideration and Possible Adoption of Resolution Approving Settlement of the *Selma Blanusa v. City of Sonoma* Lawsuit and Making Findings the Adoption of the Resolution is Exempt Under CEQA

For Council Meeting of September 7, 2016

BACKGROUND

On March 11, 1985, the City Council, pursuant to Resolution #15-85, accepted a Deed of Easement ("Deed of Easement" or "Easement") encumbering the property located at 19725 Seventh Street East. The Deed of Easement was required as a condition of approval and annexation to the City of the Laurel Wood Farms Subdivision, a 16-lot residential development approved for the western portion of the property which, prior to the annexation consisted of about 9 acres. After the annexation and subdivision were implemented, the eastern 4.64 acres of the property ("Subject Property") remained in the County and continued to be owned by the Dowd family.

Selma Blanusa ("Blanusa") purchased the Subject Property from the Dowds. In 2013, Blanusa requested that the City concur in her interpretation of the Easement, and, in particular, she maintained that the wording of the Easement did not restrict her from building a second unit on the Subject Property consistent with the application of the requirements of California Government Code §65852.2 and the Sonoma County Code §26C-325.1(g), on the basis that the second dwelling unit to be built or located upon the Subject Property would not result in exceeding the allowable density as per county regulations for a lot in the residential zone, and, further, that such a second unit would not violate the prohibition in the Easement against increasing "dwelling density of the lands owned by grantors in the vicinity." Blanusa informed the City that she desired to construct a second dwelling unit on the Subject Property meeting the requirements and limitations of the County of Sonoma pertinent to second dwelling units.

At the time Blanusa acquired the Subject Property, at the time of her request and continuing to the date of this Resolution, only one dwelling unit was and is located on the Subject Property.

As the holder of the Easement, the City Council originally interpreted the Easement as precluding the construction of a second dwelling unit on the Subject Property and memorialized its interpretation in Resolution No. 23-2014, adopted on April 21, 2014.

Blanusa, in light of Resolution No. 23-2014 and the City's reluctance to accept her interpretation of the language contained in the Deed of Easement, filed a lawsuit in Sonoma County Superior Court under Action No. SCV 258947 seeking a determination by the court that

the terms and conditions contained in the Easement allow the second unit she sought to construct.

The pertinent provision of the Easement the interpretation of which has given rise to the instant dispute provides that:

> *"[no] building or structures [shall be erected, constructed, placed or maintained] . . . which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by [the Dowds] in the vicinity of the described property on the date of this deed, <u>other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.</u>* [emphasis added.]

It is arguable that the underlined portion of the above section was included to allow the Dowds (and their successors, including Blanusa) to maintain on the Subject Property structures that existed thereon in 1985 which were capable of human habitation. There is evidence that not only was the Dowds' principal residence located on the Subject Property in 1985, but also there existed a cottage which contained the necessary accoutrements to support human habitation and could have been inhabited at that time. Thus, it is arguable that the Easement lends itself to an interpretation which would permit two dwelling units to be erected and/or maintained on the Subject Property.

In order to avoid costly litigation, and given the Easement's language, the size of the Subject Property, the location where Blanusa is proposing to construct her second dwelling unit and the fact that Blanusa must comply with and, as part of this Settlement Agreement, has agreed to comply with all applicable County zoning and code requirements, the City Attorney is recommending that the Council adopt the attached Resolution which rescinds Resolution No. 23-2014 and approves the attached Settlement Agreement which allows Blanusa to erect a second dwelling unit on the Subject Property. In exchange for adopting this Resolution by the Council, Blanusa has agreed to dismiss her lawsuit with all parties bearing their own costs and fees. Additionally, a Memorandum of Settlement Agreement shall be recorded with the County Recorder's Office giving notice of this settlement and its terms and conditions; this, in order to assure that future owners of the Subject Property are aware of this dispute and its resolution.

RECOMMENDATION

Adopt the attached Resolution, thus approving the referenced Settlement Agreement.

CITY OF SONOMA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA RESCINDING RESOLUTION NO. 23-2014 AND APPROVING A SETTLEMENT AGREEMENT TO RESOLVE DISPUTE OVER WHETHER EASEMENT PERMITS A SECOND DWELLING UNIT TO BE CONSTRUCTED AT 19725 SEVENTH STREET EAST

WHEREAS, on March 11, 1985, the City Council, pursuant to Resolution #15-85, accepted a Deed of Easement ("Deed of Easement" or "easement") encumbering the property located at 19725 Seventh Street East ("subject property"); and,

WHEREAS, the Deed of Easement was required as a condition of approval and annexation to the City of the Laurel Wood Farms Subdivision, a 16-lot residential development approved for the western portion of the subject property, leaving a 4.64-acre remainder portion that was not annexed to the City of Sonoma; and,

WHEREAS, the Deed of Easement, which remains in effect, provides, among other things, that:

A. *". . . the grantors [the Dowds] transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars. . . .*

B. *"[no] building or structures [shall be erected, constructed, placed or maintained] . . . which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by [the grantors] in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant. . . .*

C. *"Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties. . . ."* and,

WHEREAS, the current property owner, Selma Blanusa ("Blanusa"), requested clarification and interpretation of the terms of the easement, specifically with regard as to how or whether the easement restrictions apply to residential accessory structures and in particular whether the easement provisions prohibit the development of a second dwelling unit on the subject property, which she believed did not fall within the restriction against "building" or "dwelling" density under state and local laws; and,

WHEREAS, at the time Blanusa acquired the subject property, at the time of her request and continuing to the date of this Resolution, only one dwelling unit was and is located on the subject property. Blanusa informed the City that she desired to construct a second dwelling unit on the subject property meeting the requirements and limitations of the County of Sonoma pertinent to second dwelling units; and

WHEREAS, as the holder of the easement, the City Council originally interpreted the easement as precluding the construction of a second dwelling unit on the subject property and memorialized its interpretation in Resolution No. 23-2014, adopted on April 21, 2014; and

WHEREAS, Blanusa advised the City that Declaratory Relief would be sought through Sonoma County Superior Court unless it reconsidered its interpretation of the easement so as to allow the second unit; and

WHEREAS, because the City is desirous of resolving this dispute without litigation and without further expenditure of taxpayer's funds, the City is agreeable to rescinding Resolution No. 23-2014, pursuant to the terms and conditions of the Settlement Agreement ("Settlement Agreement") to which this Resolution is attached.

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

A. Resolution No. 23-2014 is rescinded.

B. The Deed of Easement permits the construction, erection, maintenance, placement and occupancy of two *and only two dwelling units* on the subject property. As used in this Resolution and the Settlement Agreement and for purposes of interpreting the intention and meaning of the Deed of Easement, the term "dwelling unit" shall mean a structure designed or intended for human habitation which provides complete independent living facilities and which must include permanent provisions for living, sleeping, eating, cooking and sanitation.

C. The Settlement Agreement is hereby approved and the City Manager is authorized, on behalf of the City and City Council, to execute it and all other documents and take all steps reasonably necessary to implement the Settlement Agreement and this Resolution.

D. The recitals are incorporated by this reference.

E. To the extent that the adoption of this Resolution is a "project" within the meaning of the California Environmental Quality Act ("CEQA"), it is categorically exempt under 14 Cal. Code Regs. Section 15303 which exempts projects involving construction and/or location of new, small structures.

The foregoing Resolution was duly adopted this _____ day of _____ 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:

_____
Laurie Gallian, Mayor

ATTEST:

_____
Rebekah Barr, MMC
City Clerk

SETTLEMENT AGREEMENT

THIS AGREEMENT ("**Agreement**") is entered as of August ____, 2016, by and between the City of Sonoma, a general law city ("**City**"), and Selma Blanusa ("**Blanusa**"), (collectively referred to as "Parties") with reference to the following facts:

RECITALS

A. Blanusa is the owner of the real property located at 19725 7th Street East, Sonoma, California, bearing APN 128-031-37 ("**Subject Property**").

B. By Deed of Easement ("**Deed**" or "**Easement**") recorded with the Official Records of the County of Sonoma on April 3, 1985, as document no. 85020284, Blanusa's predecessors in interest and the former owners of the Subject Property, Robert and Carol Dowd, granted certain easement rights in the Subject Property to the City.

C. In 2013, Blanusa requested that the City concur in her interpretation of the Easement, and, in particular, that the wording of the Easement did not restrict her from building a second unit on the Subject Property consistent with the application of the requirements of California Government Code §65852.2 and the Sonoma County Code §26C-325.1(g), on the basis that the second dwelling unit to be built or located upon the Subject Property would not result in exceeding the allowable density as per county regulations for a lot in the residential zone, and, further, that such a second unit would not violate the prohibitions in the Easement, including that against increasing "dwelling density of the lands owned by grantors in the vicinity". Blanusa informed the City that she desired to construct a second dwelling unit on the Subject Property meeting all of the requirements and limitations of the County of Sonoma pertinent to second dwelling units.

D. By Resolution No. 23-2014, a true and correct copy of which is attached hereto as **Exhibit A** and incorporated by this reference, the City Council expressed its disagreement with Blanusa's interpretation of the Easement, stating that the City Council "cannot and will not interpret the easement to allow the construction, erection, placement or maintenance on the subject property of more than one dwelling unit."

E. Because of the differences in their interpretation of the wording of the Easement and the Parties inability to come to a resolution, Blanusa filed a Declaratory Relief Action in the Superior Court for the County of Sonoma under Action No. SCV-258947 to have the Easement reviewed by the court.

F. Because the Parties are desirous of resolving this dispute and avoiding moving forward with the litigation, the City is agreeable to rescinding Resolution No. 23-2014, Exhibit A, and construing the Easement so as to allow the construction of a second dwelling unit on the Subject Property pursuant to the terms and conditions of this Agreement.

Now, therefore, the parties hereto agree as follows:

AGREEMENT

1. The Recitals are true and correct and are incorporated by this reference.

2. The Parties agree that the Easement permits the construction, erection, maintenance, placement and occupancy of a second dwelling unit on the Subject Property.

3. As used in this Agreement and for purposes of interpreting the intention and meaning of the Easement, the term "**dwelling unit**" shall mean a structure designed or intended for human habitation which provides complete independent living facilities and which must include permanent provisions for living, sleeping, eating, cooking and sanitation.

4. Blanusa further agrees that if she constructs a second dwelling unit on the Subject Property it shall be located in the "SECOND DWELLING area" as shown on **Exhibit B** attached hereto, or as otherwise directed or permitted by the County of Sonoma if the county determines for any reason that construction of the second unit in the "SECOND DWELLING area" is not permissible and, in such event, the second dwelling shall be located as close as practical to the "SECOND DWELLING area", and the construction shall otherwise fully comply with all County of Sonoma zoning and land use regulations applicable to second dwelling units and otherwise.

5. The Parties agree that this Agreement does not amend or in any way affect the Easement or any interpretation or construction of the Easement except as to a second unit being permitted on the Subject Property. Rather, this Agreement represents the Parties' interpretation of the language that constitutes the Easement specifically with respect to a second unit being permitted on the Subject Property and the Parties agree to the recordation of a memorandum hereof in the form attached hereto as **Exhibit C** (which said recordation shall be effected by the City after this Agreement becomes effective in accordance with its terms).

6. Upon the City Council adopting a resolution in substantially the form attached hereto as **Exhibit D**, this Agreement shall become effective and binding upon the parties. The resolution and this Agreement shall each constitute written consent by the City for Blanusa to excavate or grade or permit excavation or grading of the Subject Property to construct a second unit in conformance with the terms of this Agreement, as such written consent is required under the Easement. Within three (3) calendar days of notice to Blanusa's attorney that the City Council has in fact adopted the resolution described by this paragraph, Blanusa's attorney shall file with the court and serve a request for dismissal with prejudice of the entire action in Action No. SCV-258947 with each Party to bear its own fees and costs.

7. The Parties hereby agree that the execution and implementation of this Agreement is a full, complete and final compromise, settlement and satisfaction of, and as the sole consideration for, the full and final release and discharge of all actions, claims, demands, and rights of every kind and nature, in law or in equity, that now exist on behalf of the Parties, or their heirs or assigns, and their/its agents, officers,

employees, servants, attorneys or any other related person, firm, corporation, partnership, or entity charged with responsibility for claims made by the Parties pertaining to the disputed matters described in the Recitals.

8. The Parties hereto hereby release and discharge each other, their agents, officers, employees, servants, attorneys or any other related person, firm, corporation, partnership, or entity, of and from each and every claim, demand, action, cause of action, damage, cost, expense, attorney's fee, obligation and liability of whatever kind or nature in law or equity, arising out of the facts and circumstances set forth in the Recitals, whether known or unknown, including, but not limited to, claims for damages to property, loss of services, or special damage of any character, by reason of or growing out of pertaining to the disputed matters described in the Recitals, or from the handling, investigation, discovery or settlement of claims of the Parties as set forth in the Recitals. The Parties understand that this Agreement covers and includes all claims of every kind or nature, past, present, or future, known or unknown, suspected or unsuspected arising out of the facts and circumstances set forth in the Recitals, and all claims or rights pursuant to Section 1542 of the Civil Code of the State of California are hereby expressly waived by the Parties with respect to their claims arising out of the facts and circumstances set forth in the Recitals. The Parties understand that said Section 1542 provides:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

9. As further material consideration for this Agreement, it is expressly understood and agreed that this Agreement is considered by the undersigned to be fair, equitable and made in good faith to all parties and/or persons concerned, and is entered into freely and voluntarily with and upon the advice of the attorney retained to represent the undersigned. Under no circumstances may this Agreement, its provisions, terms or conditions, or the fact that it was entered into (a) be admissible in evidence in any adversarial proceeding for any purpose, (b) be used for any purpose in any adversarial proceeding, (c) be referred to in any adversarial proceeding or (d) be attempted to be introduced or used in any adversarial proceeding in which the City or Blanusa is a party, except for any proceeding brought to enforce this Agreement's terms and conditions.

10. The parties represent and warrant that they each have retained attorneys to represent them with respect to this Agreement and all matters covered herein, that the parties have been fully advised by said attorneys with respect to the undersigneds' rights and with respect to the execution of this Agreement and to all matters which are subject to this Agreement.

11. The terms of this Agreement are contractual and not a mere recital. It is further understood and agreed that no promises, representations, understanding, or warranties have been made or extended by any party hereto other than those which are expressly set forth in this Agreement and this Agreement contains the entire agreement between the parties relating to the rights and obligations therein. This Agreement shall be construed and enforced pursuant to the laws of the State of California.

12. All exhibits attached hereto are incorporated by this reference.

IN WITNESS WHEREOF, the undersigned have executed this Settlement Agreement on the date indicated:

City of Sonoma

Dated: _____

By: _____
Carol Giovanatto, City Manager

Approved as to form:

_____
Jeffrey A. Walter, City Attorney

Dated: 8/15/16

_____
Selma Blanusa

Approved as to form:

_____
Russell H. Townsend, Attorney for Selma Blanusa

CITY OF SONOMA

RESOLUTION NO. 23 - 2014

A RESOLUTION OF THE SONOMA CITY COUNCIL INTERPRETING THE TERMS OF A DEED OF EASEMENT RECORDED ON PROPERTY LOCATED AT 19725 SEVENTH STREET EAST

WHEREAS, on March 11, 1985, the City Council, pursuant to Resolution #15-85, accepted a Deed of Easement ("Deed of Easement" or "easement") encumbering the property located at 19725 Seventh Street East ("subject property"); and,

WHEREAS, the Deed of Easement was required as a condition of approval and annexation to the City of the Laurel Wood Farms Subdivision, a 16-lot residential development approved for the western portion of the subject property, leaving a 4.64-acre remainder portion that was not annexed to the City of Sonoma; and,

WHEREAS, the Deed of Easement, which remains in effect, provides, among other things, that:

A. *". . . the grantors [the Dowds] transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars. . . .*

B. *"[no] building or structures [shall be erected, constructed, placed or maintained] . . . which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by [the grantors] in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant. . . .*

C. *"Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties. . . ."* and,

WHEREAS, the current property owner has requested clarification and interpretation of the terms of the easement, specifically with regard as to how or whether the easement restrictions apply to residential accessory structures and in particular whether the easement provisions prohibit the development of a second dwelling unit and/or guest house on the subject property; and,

WHEREAS, as the holder of the easement, the City Council has the authority to make interpretations of its provisions, so long as any such interpretations are consistent with the language and expressed purposes of the easement; and

EXHIBIT A

WHEREAS, the City Council considered this request for interpretation in duly noticed public hearings held on October 21, 2013, March 17, 2014, and April 21, 2014; and

WHEREAS, the evidence produced by the current property owner in support of her contention that the easement should be construed to allow her to construct a dwelling unit in addition to the principal, residential structure ("principal residence") that she and her family now occupy and which was located on the subject property in 1985 at the time the easement was executed and recorded is ambiguous and inconclusive, particularly with respect to the whether or not, at such time, there existed any structures in addition to the principal residence that provided complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. As such, since only one dwelling has been established by the evidence to have existed on the subject property at the time of execution and recordation of the easement, allowing any additional dwelling unit to be constructed on the subject property would constitute an "increase" in dwelling density, which is expressly precluded by the terms of the easement:

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

A. A dwelling unit is a structure designed or intended for human habitation which provides complete independent living facilities and which must include permanent provisions for living, sleeping, eating, cooking and sanitation. At the time the easement was executed and recorded, only one such dwelling unit existed on the subject property. To construe the easement to allow the current owner to construct on the subject property an additional dwelling unit would violate, among others, the easement's prohibition against increasing dwelling density. Thus, the City Council cannot and will not interpret the easement to allow the construction, erection, placement or maintenance on the subject property of more than one dwelling unit.

B. A guest house constructed on the subject property in accordance with the applicable laws and regulations of Sonoma County is determined not to increase the "dwelling density" of the subject property because it would not and cannot have a kitchen, cooking, or refrigeration facilities, cannot be rented separately, would not exceed 640 square feet in area, and would not be authorized for use and cannot be used as a dwelling.

C. Because the construction of a guest house (as defined and limited in subsection B, above) on the subject property would not increase its dwelling density, the allowance for a guest house on the subject property is determined to be consistent with the purposes and limitations of the Deed of Easement.

D. To the extent that the adoption of this Resolution is a "project" within the meaning of the California Environmental Quality Act ("CEQA"), it is categorically exempt under 14 Cal.Code Regs. Section 15303 which exempts projects involving construction and/or location of new, small structures.

E. The recitals are incorporated by this reference.

ADOPTED this 21st day of April 2014 by the following vote:

AYES:	Barbose, Cook, Brown, Galllan, Rouse
NOES:	None
ABSENT:	None

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager/City Clerk

Blanusa 19725 7th Sth E Property
Layout with Approximate Location of Second Dwelling

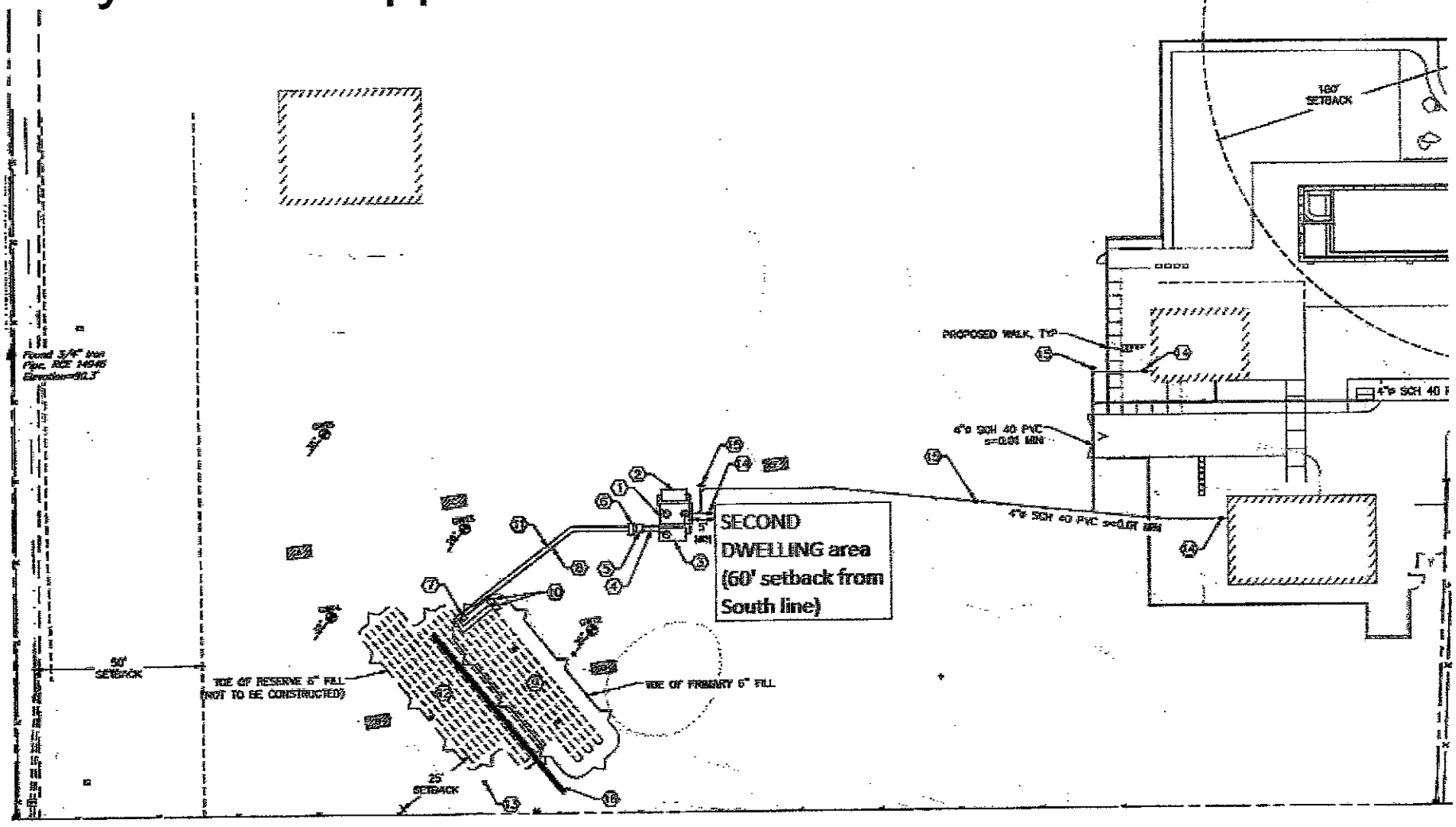


EXHIBIT B

Notes: 1) A 60 foot setback from the south property line is required by the county. 2) The building would be placed roughly as note
or further East. 3) The building will be kept to the envelope as per county guidelines of 840 square feet and 16 feet high. 4) A septi
system will be placed as noted to service the second dwelling and outbuildings – the septic system for the primary home will remai

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

No fee for recording pursuant to
Government Code Section 27383

APN: 128-031-37

SPACE ABOVE RESERVED FOR RECORDER'S USE

MEMORANDUM OF SETTLEMENT AGREEMENT

This MEMORANDUM OF SETTLEMENT AGREEMENT (this "**Memorandum**") is dated as of _____2016, by and between the CITY OF SONOMA, a General Law city in the State of California ("**CITY**"), and SELMA BLANUSA ("**BLANUSA**"). CITY and BLANUSA are hereinafter sometimes referred to individually as "Party" and collectively as the "Parties."

The Parties entered into that certain unrecorded Settlement Agreement (the "**Agreement**") dated as of _____2016, in which the Parties evidenced their respective interests and defined their rights and duties to each other with respect to the real property described on "Exhibit A" attached hereto. By recordation of this Memorandum the Parties intend to give notice of the unrecorded Settlement Agreement. A true and correct copy of said Settlement Agreement is on file with City Clerk and is accessible to public inspection.

All the terms, conditions, and provisions of the Agreement are incorporated into this Memorandum as though fully set forth herein.

This Memorandum may be executed and acknowledged in counterparts, all of which executed and acknowledged counterparts shall together constitute a single document. Signature and acknowledgment pages may be detached from the counterparts and attached to a single copy of the document to physically form one document, which may be recorded.

[Signatures on Following Page]

EXHIBIT C

IN WITNESS WHEREOF, the Parties have executed the Memorandum as of the date first written above.

CITY OF SONOMA

By: _____
Carol Giovanatto, City Manager

_____
Selma Blanusa

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

By: _____
Jeffrey A. Walter, City Attorney

APPROVED AS TO FORM:

_____
Russell H. Townsend, Attorney for Selma Blanusa

STATE OF CALIFORNIA)
)
COUNTY OF_____)

On _____, before me,_____, Notary Public,

personally appeared_____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature (Seal)

STATE OF CALIFORNIA)
)
COUNTY OF_____)

On _____, before me,_____, Notary Public,

personally appeared_____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature (Seal)

STATE OF CALIFORNIA)
)
COUNTY OF_____)

On _____, before me,_____, Notary Public,

personally appeared_____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature (Seal)

STATE OF CALIFORNIA)
)
COUNTY OF_____)

On _____, before me,_____, Notary Public,

personally appeared_____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature (Seal)

CITY OF SONOMA

RESOLUTION NO. _____

A RESOLUTION OF THE SONOMA CITY COUNCIL RESCINDING RESOLUTION NO. 23-2014 AND APPROVING A SETTLEMENT AGREEMENT TO RESOLVE DISPUTE OVER WHETHER EASEMENT PERMITS A SECOND DWELLING UNIT TO BE CONSTRUCTED AT 19725 SEVENTH STREET EAST

WHEREAS, on March 11, 1985, the City Council, pursuant to Resolution #15-85, accepted a Deed of Easement ("Deed of Easement" or "Easement") encumbering the property located at 19725 Seventh Street East ("Subject Property"); and,

WHEREAS, the Deed of Easement was required as a condition of approval and annexation to the City of the Laurel Wood Farms Subdivision, a 16-lot residential development approved for the western portion of the subject property, leaving a 4.64-acre remainder portion that was not annexed to the City of Sonoma; and,

WHEREAS, in 2013, Selma Blanusa ("Blanusa"), as successor in interest to the Dowds, who granted the Easement to the City, requested that the City concur in her interpretation of the Easement, and, in particular, that the wording of the Easement did not restrict her from building a second unit on the Subject Property consistent with the application of the requirements of California Government Code §65852.2 and the Sonoma County Code §26C-325.1(g), on the basis that the second dwelling unit to be built or located upon the Subject Property would not result in exceeding the allowable density as per county regulations for a lot in the residential zone, and, further, that such a second unit would not violate the prohibition in the Easement against increasing "dwelling density of the lands owned by grantors in the vicinity"; and,

WHEREAS, at the time Blanusa acquired the subject property, at the time of her request and continuing to the date of this Resolution, only one dwelling unit was and is located on the subject property and Blanusa informed the City that she desired to construct a second dwelling unit on the subject property meeting the requirements and limitations of the County of Sonoma pertinent to second dwelling units; and

WHEREAS, as the holder of the easement, the City Council, originally interpreted the easement as precluding the construction of a second dwelling unit on the subject property and memorialized its interpretation in Resolution No. 23-2014, adopted on April 21, 2014; and

WHEREAS, Blanusa, in light of Resolution No. 23-2014 and the City's reluctance to accept her interpretation of the language contained in the Deed of Easement, filed a Declaratory Relief Action in Sonoma County Superior Court under Action No. SCV 258947 seeking a determination by the court that the terms and conditions contained in the easement allow the second unit she sought to construct, and

WHEREAS, because the City is desirous of resolving this dispute without litigation and without further expenditure of taxpayer's funds, the City is agreeable to rescinding Resolution No. 23-2014, pursuant to the terms and conditions of the Settlement Agreement ("Settlement Agreement") to which this Resolution is attached.

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

A. Resolution No. 23-2014 is rescinded.

B. The Deed of Easement does not restrict Blanusa from building a second unit on the Subject Property consistent with the application of the requirements of California Government Code §65852.2 and the Sonoma County Code §26C-325.1(g.

EXHIBIT D

C. The Settlement Agreement is hereby approved and the City Manager is authorized, on behalf of the City and City Council, to execute it and all other documents and take all steps reasonably necessary to implement the Settlement Agreement and this Resolution.

D. This Resolution shall constitute written consent by the City of Sonoma for Blanusa to excavate or grade or permit excavation or grading of the Subject Property to construct a second unit on the Subject Property in conformance with the terms of the Settlement Agreement, as such written consent is required under the Deed of Easement.

E. The recitals are incorporated by this reference.

F. To the extent that the adoption of this Resolution is a "project" within the meaning of the California Environmental Quality Act ("CEQA"), it is categorically exempt under 14 Cal. Code Regs. Section 15303 which exempts projects involving construction and/or location of new, small structures.

The foregoing Resolution was duly adopted this _____ day of _____ 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:

_____
Laurie Gallian, Mayor

ATTEST:

_____
Gay Johann, CMC
City Clerk

EXHIBIT D

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 7C

Meeting Date: 09/07/2016

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

Agenda Item Title

Discussion, consideration and possible action to approve a Resolution in support Proposition 56 Ballot Measure (California Healthcare Research and Prevention Tobacco Tax Act of 2016)

Requested by Mayor Gallian

Summary

The American Cancer Society Cancer Action Network (Network) is part of the Save Lives California coalition, a group of health, labor and community organizations united in support of Prop 56, a ballot measure that will add a $2 tax for cigarettes and other tobacco related products, like e-cigarettes. The Network is seeking support for this Ballot Measure from the City Council to join a host of other elected officials including Congressperson Karen Bass, Lt. Governor Gavin Newsom, Secretary of State Alex Padilla and State Senator Mark Leno.

Mayor Gallian has requested this be placed on the agenda for consideration of a resolution in support of the ballot measure.

Recommended Council Action

Council discretion

Alternative Actions

Council discretion

Financial Impact

N/A

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

Attachments:

Resolution
Background information on Prop 56

Alignment with Council Goals:

cc:

Lori Bremner, American Cancer Society Cancer Action Network

CITY OF SONOMA

RESOLUTION # __ - 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA IN SUPPORT OF THE CALIFORNIA HEALTHCARE, RESEARCH, AND PREVENTION TOBACCO TAX ACT OF 2016

WHEREAS, the City Council of Sonoma is taking a stand to save lives by supporting the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 on the November 2016 ballot; and

WHEREAS, smoking is the leading preventable cause of death in California; and

WHEREAS, 90 percent of smokers start as teens; and

WHEREAS, over 16,000 children in California get hooked on smoking every year, and half of the teens who start will die from smoking related illness; and

WHEREAS, for every 10 percent increase in the cost of a pack of cigarettes, teen smoking drops by up to 6.5 percent; and

WHEREAS, teen e-cigarette use tripled between 2013 and 2014; and

WHEREAS, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 will prevent teens from becoming addicted to tobacco; and

WHEREAS, every year, smoking costs California taxpayers billions of dollars, including $3.5 billion spent annually on Medi-Cal to treat smoking-related diseases; and

WHEREAS, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 will reduce smoking rates and reduce long-term healthcare costs; and

WHEREAS, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 will fund healthcare programs through the Department of Health Care Services – including Medi-Cal, smoking prevention programs administered by the California Department of Public Health Tobacco Control Program and the Department of Education, and medical research on tobacco-related diseases including cancer, heart and lung disease through the University of California; and

WHEREAS, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 will increase the tax on a pack of cigarettes sold in California from 87 cents a pack to $2.87, and place equivalent taxes on other tobacco products containing nicotine, like e-cigarettes; and

WHEREAS, Californians must stand together against Big Tobacco to save lives and help smokers quit; and

WHEREAS, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 is supported by the American Cancer Society Cancer Action Network, the American Heart

Association, the American Lung Association in California, Blue Shield of California, the California Medical Association, the California Dental Association, the California Hospital Association, the Service Employees International Union, and businessman and philanthropist Tom Steyer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Sonoma strongly supports the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 and urges Californians to vote YES on to take a stand to save California lives and help smokers quit.

ADOPTED this ___ day of _____, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Laurie Gallian, Mayor

ATTEST:

_____
Rebekah Barr, MMC, City Clerk

SAVE LIVES CALIFORNIA

THE CALIFORNIA HEALTHCARE, RESEARCH AND PREVENTION TOBACCO TAX ACT OF 2016

Protect kids.
Fight cancer.
If you don't smoke, you don't pay.

OUR COALITION

Blue Shield of California
California Dental Association
California Hospital Association
California Medical Association
NextGen California
SEIU California

AltaMed
American Academy of Pediatrics California
Breathe CA
California Academy of Family Physicians
California Academy of Preventive Medicine
Campaign for Tobacco Free Kids
Common Sense Kids Action
Courage Campaign
Health Access California
March of Dimes
Planned Parenthood Affiliates of California
Sierra Club

The California Healthcare, Research and Prevention Tobacco Tax Act of 2016 will increase California's cigarette tax by $2 per pack, with an equivalent increase on products containing nicotine derived from tobacco, including e-cigarettes. The American Cancer Society Cancer Action Network, American Heart Association and American Lung Association in California are standing up to Big Tobacco to save lives and help smokers quit. This initiative:

- **Saves lives.** Smoking is the number one cause of preventable death in California.[1] This initiative will save lives by preventing kids from getting hooked on tobacco, improving health care, and fighting cancer and other tobacco-related diseases.
- **Counters Big Tobacco's predatory attempts to hook a new generation of smokers.** Thousands of youth become addicted to tobacco each year.[2] Now tobacco companies are targeting kids with candy-flavored electronic cigarettes containing nicotine. It has been proven that higher tobacco taxes reduce teen smoking.[3]
- **Asks smokers to pay their fair share to improve health care and fight cancer.** This is simply a user fee on those who continue smoking. It will mean smokers help pay for cancer treatment, smoking prevention, health care, and research to fight cancer and other tobacco-related diseases.

This initiative will save lives.
Cancer and other tobacco-related diseases kill more people than car accidents, murder, suicide, alcohol, illegal drugs, and AIDS combined.[4] This $2 per pack user fee on tobacco will save lives by preventing kids from getting hooked on tobacco, improving health care, helping people quit smoking, and researching cures for cancer and other tobacco-related diseases.

Increasing the tobacco tax will reduce teen smoking.
Studies show that 90 percent of smokers start as teens.[5] Nearly 17,000 California kids get hooked on smoking every year and half of them will eventually die from tobacco-related illnesses.[6] Now the tobacco industry is targeting kids for a lifetime of addiction with candy-flavored electronic cigarettes containing nicotine. Teen use of e-cigarettes grew 10 fold in the past five years.[7] Teens who use e-cigarettes are three times more likely to start smoking traditional cigarettes within a year.[8]

It has been proven that higher tobacco taxes reduce teen smoking, yet California's tobacco tax is among the lowest in the nation. This initiative will prevent more children and teens from becoming addicted to nicotine.

SaveLivesCA.com

This user fee asks smokers to pay their fair share to improve health care and fight cancer.
Because of smoking, California taxpayers spend $3.5 billion dollars each year on treating cancer and other tobacco-related diseases through Medi-Cal.[9] The majority of funds generated by this tobacco tax will be used to improve existing health care programs, prevent smoking, and fund research into cancer and other tobacco-related diseases.

Tough transparency and accountability measures keep Sacramento bureaucrats and politicians from diverting funds.
This initiative protects our interests by prohibiting bureaucrats and politicians from using the funds raised through this tobacco tax for any purposes other than those explicitly laid out in the measure. It strictly limits administrative spending to no more than 5 percent of the revenue generated by the tax. It also requires biennial audits by the nonpartisan State Auditor and that reports be made available to the public.

---

[1] Campaign for Tobacco Free Kids, Toll of Tobacco in California. https://www.tobaccofreekids.org/facts_issues/toll_us/california
[2] American Lung Association, "Why Kids Start." http://www.lung.org/stop-smoking/about-smoking/preventing-smoking/why-kids-start.html
[3] Campaign for Tobacco Free Kids, "*Raising State Cigarette Taxes Always Increases State Revenues (and Always Reduces Smoking).*" http://tobaccofreekids.org/research/factsheets/pdf/0098.pdf.
[4] Richert, Catharine, "Claims that smoking kills more people annually than other dangerous activities combined: True," *PolitiFact*, June 29, 2009. http://www.politifact.com/truth-o-meter/statements/2009/jun/29/george-will/claims-smoking-kills-more-people-annually-other-da/.
[5] SAMHSA, calculated based on data in 2012 *National Survey on Drug Use and Health*. https://www.tobaccofreekids.org/research/factsheets/pdf/0127.pdf.
[6] Campaign for Tobacco Free Kids, "Toll of Tobacco in California." https://www.tobaccofreekids.org/facts_issues/toll_us/california.
[7] Centers for Disease Control and Prevention (CDC), "No decline in overall youth tobacco use since 2011," Apr. 14, 2016, http://www.cdc.gov/media/releases/2016/p0414-youth-tobacco.html.
[8] California Department of Public Health, "Kids," http://stillblowingsmoke.org/#kids
[9] Campaign for Tobacco Free Kids, "Toll of Tobacco in California." https://www.tobaccofreekids.org/facts_issues/toll_us/california.

Paid for by Save Lives California, a coalition of Doctors, Dentists, Health Plans, Labor, Hospitals, and Non-profit Health Advocate Organizations. Major funding by California State Council of Service Employees Issues Committee and California Medical Association.

YES on 56

SAVE LIVES CALIFORNIA

Protect kids.
Fight cancer.
If you don't smoke, you don't pay.

OUR COALITION

BUSINESS ORGANIZATIONS

Artesia Chamber of Commerce

Bay Area Council

Beverly Hills Chamber of Commerce

Cupertino Chamber of Commerce

Hollywood Chamber of Commerce

Inland Empire African American Chamber of Commerce

Los Angeles Latino Chamber of Commerce

San Gabriel Valley Economic Partnership

Southern California Hispanic Chamber of Commerce

The Asian American Small Business PAC

CHILDREN'S ADVOCATES

Campaign for Tobacco Free Kids

Children's Defense Fund — California

Common Sense Kids Action

Special Needs Network, Inc.

The Children's Partnership

CIVIC/SOCIAL ORGANIZATIONS

California Democratic Party

California Partnership

Connie Rice, Civil Rights Leader

Courage Campaign

Democratic Party of the San Fernando Valley

InnerCity Struggle

Los Angeles County Democratic Party

MarinLink

Social Justice Learning Institute, Inc.

CLERGY/RELIGIOUS ORGANIZATIONS

El Camino Children and Family Services, Inc.

Father Richard Estrada

Norman Johnson, First New Christian Fellowship Baptist Church

PICO California

William Smart, Southern Christian Leadership Conference

EDUCATION ORGANIZATIONS

California School Board Association

Sacramento City Unified School District

ELECTED OFFICIALS

Congress

Karen Bass, Congressmember

Ted Lieu, Congressmember

State

Gavin Newsom, Lieutenant Governor

Alex Padilla, California Secretary of State

Betty Yee, California State Controller

Bill Lockyer, California State Treasurer (ret.)

Dave Jones, California Insurance Commissioner

Fiona Ma, Board of Equalization Chairwoman

Tom Torlakson, California State Superintendent of Public Instruction

Senate

Kevin de León, Senate President Pro Tem

Ben Allen, Senator

Bill Monning, Senator

Bob Wieckowski, Senator

Carol Liu, Senator

Richard Pan, M.D., Senator

Ed Hernandez, O.D., Senator

Fran Pavley, Senator

Jerry Hill, Senator

Jim Beall, Senator

Mark Leno, Senator

Marty Block, Senator

Ricardo Lara, Senator

Wesley Chesbro, Senator (ret.)

Assembly

Anthony Rendon, Assembly Speaker

Autumn Burke, Assemblymember

Bill Quirk, Assemblymember

Das Williams, Assemblymember

David Chiu, Assemblymember

Ed Chau, Assemblymember

Evan Low, Assemblymember

Joan Buchanan, Assemblymember (ret.)

Joaquin Arambula, M.D., Assemblymember

Kansen Chu, Assemblymember

Kevin McCarty, Assemblymember

Lorena Gonzalez, Assemblymember

Mariko Yamada, Assemblymember (ret.)

Mark Stone, Assemblymember

Miguel Santiago, Assemblymember

Nancy Skinner, Assemblymember (ret.)

Nate Fletcher, Assemblymember (ret.)

Richard Bloom, Assemblymember

Rob Bonta, Assemblymember

Susan Bonilla, Assemblymember

Tom Ammiano, Assemblymember (ret.)

County

Damon Connolly, Marin County Supervisor

Dan Gjerde, Mendocino County Supervisor

Dave Pine, San Mateo County Supervisor

David Campos, San Francisco County Supervisor

Don Horsley, San Mateo County Supervisor

Don Saylor, Yolo County Supervisor

Efren Carillo, Sonoma County Supervisor

Eric Mar, San Francisco County Supervisor

Jane Kim, San Francisco County Supervisor

Jeffrey Prang, Los Angeles County Assessor

Jeff Smith, Lake County Supervisor

Ken Yeager, Santa Clara County Supervisor

Mark Farrell, San Francisco County Supervisor

Mark Ridley-Thomas, Los Angeles County Supervisor

Nate Miley, Alameda County Supervisor

Salud Carbajal, Santa Barbara County Supervisor

Scott Wiener, San Francisco County Supervisor

Thomas Wong, San Gabriel Valley Water District Board President

Wilma Chan, Alameda County Supervisor

City

Al Austin, Long Beach Councilmember

Albert Lu, Alhambra Parks & Recreation Commissioner

Ali Sajjad Taj, Artesia Mayor Pro Tem

Ali Saleh, Bell Councilmember

Alice Fredericks, Tiburon Councilmember

Andre Quintero, El Monte Mayor

Andrew Rodriguez, Walnut Councilmember

Andy Medellin, Madera Councilmember

Antonio Lopez, San Fernando Councilmember

Antonio R. Villaraigosa, Former Los Angeles Mayor

Ardy Kassakhian, Glendale City Clerk

Bao Nguyen, Garden Grove Mayor

Carmen Ramírez, Oxnard Mayor Pro Tem

Charles Stone, Belmont Councilmember

Cruz Baca, Baldwin Park Councilmember

Darlene Barber-Martinez, Riverbank Councilmember

Darrell Steinberg, Sacramento Mayor-Elect

Darryl Moore, Berkeley Councilmember

David Ryu, Los Angeles Councilmember

Dianne Martinez, Emeryville Mayor

Donald Mosier, Ph.D., M.D., Del Mar Councilmember

Donald Terry, Rancho Cordova Councilmember

Eddie De La Riva, Maywood Mayor Pro Tem

Edi E. Birsan, Concord Councilmember

Eric Ching, Walnut Councilmember

Esther Sanchez, Oceanside Councilmember

Fran Flores, Shafter Mayor Pro Tem

Fred Gaines, Calabasas City Councilmember

George Gastil, Lemon Grove Councilmember

Graciela Ortiz, Huntington Park Mayor

Greg Pettis, Cathedral City Mayor Pro Tem

Herb Perez, Foster City Mayor

James Toma, West Covina Mayor

Jason Pu, San Gabriel Councilmember

Jay Schenirer, Sacramento Councilmember

Jennifer Ray, Nevada City Mayor

John Heilman, West Hollywood Mayor Pro Tem

Jorge Marquez, Covina Mayor Pro Tem

Jorge Morales, South Gate Councilmember

Jose Huizar, Los Angeles Councilmember

Joseph Gonzales, South El Monte Councilmember

Julie Fulkerson, Trinidad Mayor

Justin Massey, Hermosa Beach Councilmember

Kyle Miller, La Habra Heights Mayor

Laura Friedman, Glendale City Councilmember

Laura Rosenthal, Malibu Mayor

Lena Gonzalez, Long Beach Councilmember

Lesa Heebner, Solana Beach Councilmember

Lili Bosse, Beverly Hills Councilmember

Lisa Shaffer, Encinitas Deputy Mayor

Luis Ayala, Alhambra Councilmember

Magdalena Carrasco, San Jose Councilmember

Marc Berman, Palo Alto Councilmember

Marcel Rodarte, Norwalk Councilmember

Mark Henderson, Gardena Mayor Pro Tem

Mark Orozco, Beaumont Councilmember

Marqueece Harris-Dawson, Los Angeles Councilmember

Michael A. Cacciotti, South Pasadena Mayor Pro Tem

Michele Gardner, Fairfax Town Clerk

Miguel Canales, Artesia Councilmember

Mike Kasperzak, Mountain View Councilmember

Nora Davis, Emeryville Councilmember

Paul Krekorian, Los Angeles Councilmember

Rebecca Garcia, Watsonville Councilmember

Rex Richardson, Long Beach Councilmember

Richard Constantine, Morgan Hill Mayor Pro Tem

Robert Gonzales, Azusa Councilmember

Roberto Uranga, Long Beach Councilmember

Ron Orenstein, Willits Vice Mayor

Sam Pedroza, Claremont Mayor

Scott Donahue, Emeryville Councilmember

Steve Hansen, Sacramento Councilmember

Ted Winterer, Santa Monica Pro Tem

Teresa O'Neill, Santa Clara Councilmember

Tom Butt, Richmond Mayor

Warren Lieberman, Belmont Councilmember

School Board

Al Jabbar, Anaheim Union High School District Trustee

Alicia Cruz, Washington Unified School District Board President

Ana Valencia, Norwalk-La Mirada Unified School District Board Member

Andra Hoffman, Los Angeles Community College Board Trustee

Angelov Farooq, Riverside Unified School District Board Member

Charles Sellers, Poway Unified School District Trustee

Christina Pritchett, Sacramento City Unified Trustee

David Isom, Fairfield Suisun Unified School District President-Elect

Debbie Golden, Ventura Unified School District Trustee

Denis O'Leary, Oxnard School District Trustee

Dora Sandoval, Little Lake City School District Board Member

D’Artagnan Scorza, Ph.D., Inglewood Unified School District Board Member

Ella “Lee” Rogers, Hesperia Unified School District Vice President

Ellen Cochrane, Sacramento City Unified School District Board Member

George McKenna, Los Angeles Unified School Board Member

Gina Cuclis, Sonoma County Board of Education President

Helen Busby, Napa Valley Unified School District Board Member

Helen Hall, Walnut Valley Unified Board Member

Henry Lo, Garvey School District Board Member

Jay Chen, Mt. San Antonio College Board of Trustees

Jay Hansen, Sacramento City Unified School District Vice President

Jenni Klose, Santa Rosa City Schools School District Board Member

Jill Wynns, San Francisco Unified School District Board of Education Commissioner

John Hanna, Rancho Santiago Community College District Board Member

Manuel Herrera, East Side Union High School District Trustee

Margarita Rios, Norwalk La Mirada Unified School District Board Member

Maria Mendez, Stockton Unified School District Board Member

Martin Medrano, Hacienda-La Puente School Board Member

Matt Haney, San Francisco Unified School District President

Mike Eng, Los Angeles Community College Board of Trustees Vice President

Mike Fong, Los Angeles Community College Board of Trustees Trustee

Mónica García, Los Angeles Unified School District Board Member

Nora Vargas, Southwest Community College District Board of Governors President

Pamela Felix, Chino Valley Unified School District Board Member

Ref Rodriguez, Los Angeles Unified School District Board Member

Robert Garcia, Jurupa Unified School District Board Member

Roseann Torres, Oakland Unified School District Board Member

Sarah Kirby-Gonzalez, Washington Unified School District Board Vice President

Steve Zimmer, Los Angeles Unified School District Board President

Tom Hunt, Riverside Unified School District President

Walter Garcia Kawamoto, Twin Rivers Unified School Board Member

William McGee, Hayward Unified School District Board Member

ENVIRONMENTAL ORGANIZATIONS

NextGen California

Sierra Club

ETHNIC ORGANIZATIONS

African American Tobacco Control Leadership Council

Asian & Pacific Islander American Health Forum

Asian American Senior Citizens Service Center (AASCSC)

Asian Pacific Community Fund

Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL)

California Pan-Ethnic Health Network

CAPITAL (Council of Asian and Pacific Islanders Together for Advocacy & Leadership)

Chinese America Citizen Alliance (CACA)

Filipino Advocates for Justice

Koreatown Immigrant Workers' Alliance (KIWA)

Korean Churches for Community Development (KCCD)

National Association for the Advancement of Colored People (NAACP) - California

National Asian Pacific American Families Against Substance Abuse (NAPAFASA)

National Korean American Service & Education Consortium (NAKASEC)

Vietnamese Reach for Health Coalition (VRHC)

William C. Velasquez Institute

HEALTH ADVOCATES, PROVIDERS AND PLANS

Alameda County Dental Society

Alameda-Contra Costa Medical Association

AltaMed

American Academy of Pediatrics, CA

American Cancer Society Cancer Action Network

American College of Physicians, CA Services Chapter

American Heart Association

American Lung Association

American Stroke Association

Andrew P Soderstrom, D.D.S.

Apple Tree Dental California

Arab American Dental Association

Association of California Health Care Districts

Berkeley Dental Society

Blue Sky Radiology

Blue Shield of California

Breathe California

Butte-Glenn Medical Society

Cal PACE

CalViva Health

California Academy of Family Physicians

California Academy of Physician Assistants

California Academy of Preventive Medicine

California Association of Orthodontists

California Chapter of the American College of Emergency Physicians

California Dental Association

California Health Advocates

California Health Plus Advocates

California Hospital Association

California Medical Association

California Neurology Society

California Orthopedic Association

California Otolaryngology Society

California Primary Care Association

California Psychiatric Association

California School-Based Health Alliance

California Society of Industrial Medicine and Surgery

California Society of Pediatric Dentistry

CAPG

Central Coast Dental Society

Central Coast Medical Association

Clayton Arick, Health Deputy for Senator Ed Hernandez

Clinica Romero

Coalition of Orange County Community Health Centers

Community Clinic Association of Los Angeles County

Community Clinic Association of San Bernardino County

Community Health Partnership

Doctors for America, California

Eisner Pediatric & Family Medical Center

Foundation for a Smokefree America

Fresno Madera Medical Society

Harbor Dental Society

Health Access California

Health Leads

Humboldt-Del Norte County Medical Society

Imelda Placencia, Health Policy Outreach Manager for Latina Coalition for a Healthy California

Imperial County Medical Society

Iranian American Dental Association of Southern California

James Mertzel, D.D.S., San Fernando Valley Dental Society Legislative Chairman

Jenny Apekian, D.D.S., Midtown Dental

Kern County Dental Society

Kern County Medical Society

Kris C. Lukauskis, M.D.

Lifelong Medical Care

Los Angeles County Medical Association

Los Angeles Dental Society

March of Dimes

Merced-Mariposa County Medical Society

Mid-Peninsula Dental Society

Monterey Bay Dental Society

Monterey County Medical Society

North Valley Medical Association

Northern California Dental Society

Orange County Medical Association

Pilseong Kim, Korean American Dental Association

Placer-Nevada County Medical Society

Planned Parenthood Affiliates of California

Public Health Advocates

Punjabi Dental Society

Riverside County Medical Association

Roots Community Health Center

Ryan Senft, D.D.S., Alameda County Dental Society President-Elect

San Bernardino County Medical Society

San Diego County Dental Society

San Diego County Medical Society

San Fernando Valley Dental Society

San Francisco Dental Society

San Francisco Medical Society

San Gabriel Valley Dental Society

San Joaquin Dental Society

San Joaquin Medical Society

San Mateo County Dental Society

San Mateo County Medical Association

Santa Clara County Medical Association

Sierra Sacramento Valley Medical Society

Southern Alameda County Dental Society

Stanislaus Dental Society

Tri-County Dental Society

Tulare County Medical Society

Tuolumne County Medical Society

University of California, Davis Interclinic Consortium

Yosemite Dental Society

Yuba Sutter Colusa Medical Society

LABOR UNIONS

California Labor Federation

Service Employees International Union California (SEIU)

LGBT ADVOCATES

Coalition of Lavender-Americans on Smoking and Health (CLASH)

Equality CA

San Francisco AIDS Foundation

Paid for by Yes on 56-Save Lives California, a coalition of Doctors, Dentists, Health Plans, Labor, Hospitals and Non-profit Health Advocate Organizations. Major funding by California Hospitals Committee on Issues, (CHCI) Sponsored by California Association of Hospitals and Health Systems (CAHHS) and California State Council of Service Employees Issues Committee.

SAVE LIVES CALIFORNIA

THE CALIFORNIA HEALTHCARE, RESEARCH AND PREVENTION TOBACCO TAX ACT OF 2016 OFFICIAL ENDORSEMENT

Protect kids.
Fight cancer.
If you don't smoke, you don't pay.

OUR COALITION

Cancer Action Network – American Cancer Society
American Heart Association | American Stroke Association
AMERICAN LUNG ASSOCIATION IN CALIFORNIA

Blue Shield of California

California Dental Association

California Hospital Association

California Medical Association

NextGen California

SEIU California

Name:

Position:

Organization:

Phone:

Email:

Signature:

I am endorsing as:
- ☐ An individual
- ☐ An organization

- ☐ I approve the use of our organization's name and official logo on Save Lives California's website and/or printed publications.
- ☐ Send me information about news and events.
- ☐ I am available to speak to the media or community groups in support.

Specify way to print organization's/individual's name:

Please list contact person for your organization:

Please email this form to info@savelivesca.com

SaveLivesCA.com

Paid for by Save Lives California, a coalition of Doctors, Dentists, Health Plans, Labor, Hospitals, and Non-profit Health Advocate Organizations. Major funding by California State Council of Service Employees Issues Committee and California Dental Association.

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 7D

Meeting Date: 09/07/2016

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

Agenda Item Title

Discussion, consideration and possible action to Approve Installation of Three (3) Taxi/Rideshare Parking Stalls Around the Sonoma Plaza

Summary

A 2016/2017 Council Infrastructure Goal is to "Review parking options/striping for taxi-cabs (Reserved spaces 4-corners of Plaza)." The desired intent is to encourage use of taxis and ridesharing services (such as Uber and Lyft) to offset the Plaza parking demand, and also to avoid passenger pickup in busy locations that endanger other vehicles and off-loading/loading passengers. Staff Public Works and Police Departments reviewed options to fulfill this goal and are proposing the installation of three (3) taxi/rideshare parking stalls at the 3 mid-block crosswalks at the West, North, and East sides of the Sonoma Plaza.

The 3 parking stalls at the locations indicated are being proposed for several reasons. The 4-corner intersections of the Plaza are very congested at busy times of the day, and frequent backing-out movements from taxi/rideshare stalls will exacerbate the problem. The proposed parking locations adjacent and ahead of the 3 mid-block crosswalks will improve the visibility of crossing pedestrians, assuming that the 3 taxi/rideshare parking stalls are normally vacant. The parking stalls are also adjacent to convenient crosswalks from the Plaza park, where passengers may be waiting. Given that Plaza parking availability is at such a premium at certain times, taking the minimum amount of parking stalls would seem prudent.

Pavement markings would be placed at the entry to the 3 taxi / rideshare parking stalls to warn motorists against entering these designated spaces, only to have to back out into traffic. The curb marking would be white, designated by Sonoma Municipal Code 10.56.020 as having a 3-minute limit. Signage would also be placed at the head of each taxi / rideshare parking stalls to reinforce the parking designation.

Recommended Council Action

Approve the Installation of Three (3) Taxi/Rideshare Parking Stalls around the Sonoma Plaza.

Alternative Actions

Council discretion.

Financial Impact

City Public Works staff will expend about 8-12 staff hours and approximately $2000 in materials to install the new designated parking stalls.

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

Attachments:

Map of 3 Taxi/Rideshare Parking Stalls around the Sonoma Plaza
Drawing of Proposed Taxi/Rideshare Parking Stall

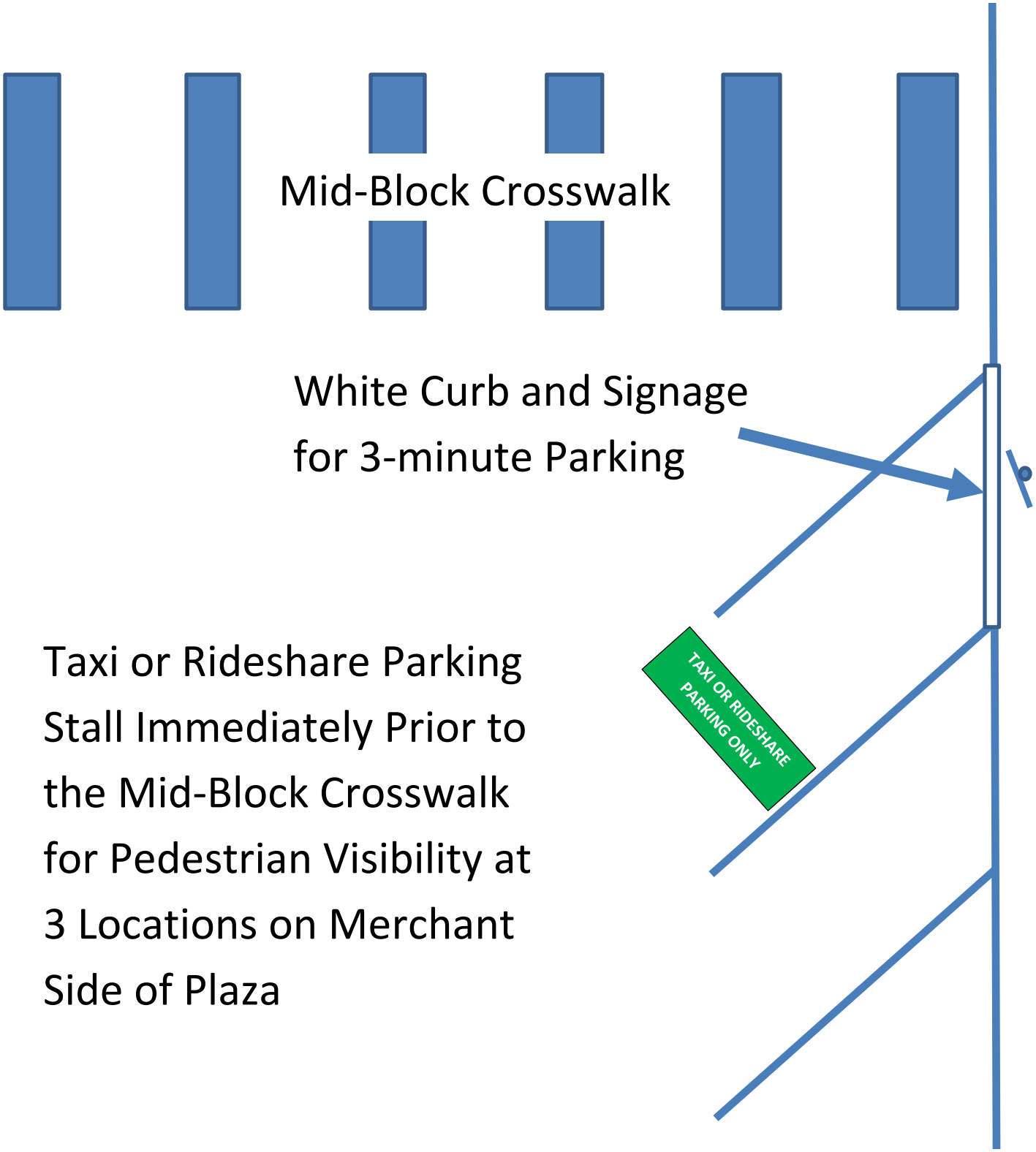
Alignment with Council Goals:

Supports the Council's Infrastructure Goal to Review Parking options/striping for taxi-cabs.

Three (3) Designated Taxi - RideShare Parking Stalls on Merchant Side Adjacent to Mid-Block Crosswalks

Schematic Diagram of Taxi or Rideshare Parking at the Sonoma Plaza

(Not to Scale)



Taxi or Rideshare Parking Stall Immediately Prior to the Mid-Block Crosswalk for Pedestrian Visibility at 3 Locations on Merchant Side of Plaza

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 7E

Meeting Date: 09/07/2016

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

Agenda Item Title

Discussion, Consideration and Possible Action to Provide Direction to Councilmember Cook on Potential Voting Action by Sonoma Clean Power Board of Directors [Requested by Councilmember Cook]

Summary

Councilmember Cook has requested open discussion with Council on a vote upcoming by the Sonoma Clean Power Board of Directors relative to amendments to the Joint Powers Agreement governing SCPA's operations and the addition of Mendocino County/cities to the JPA. These amendments encompass a year of discussions by the Board and per the JPA must be approved by a two-thirds vote of SCPA's Board. Consideration of the amendments will occur at the JPA meeting on October 6, 2016. Councilmember Cook is the City's representative on the SCPA Board and felt that the proposed amendments should be available for review and discussion. As Council will recall, SCPA Chief Executive Officer Geof Syphers made a presentation to Council during which he referenced some of these proposed amendments. A cover letter from SCPA's General Counsel Steven Shupe to the City Manager is included in the agenda packet which gives a brief overview of the amendments.

Recommended Council Action

Council direction to Councilmember Cook

Alternative Actions

Council discretion

Financial Impact

N/A

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

Attachments:

Letter to City Manager from SCPA General Counsel dated August 18, 2016
Redline JPA Documents
Proposed SCPA Voting Shares (as of August 8, 2016)

Alignment with Council Goals:

POLICY & LEADERSHIP: Respond to County, State and Federal legislative issues with a focus on retaining local control

cc:

August 18, 2016

City of Sonoma
Carol Giovanatto, City Manager

Via email to cgiovanatto@sonomacity.org

Dear Carol,

Over the past year, the Sonoma Clean Power Authority (SCPA) Board of Directors has been discussing potential amendments to the Joint Powers Agreement (JPA) governing SCPA operations. Under the JPA, amendments generally must be approved by a two-thirds vote of SCPA's Board of Directors. The JPA also requires that parties and participants in SCPA be provided written notice at least 30 days in advance of consideration by the Board of Directors of any amendments. This letter provides the required notice. The Board will consider these amendments to the JPA at its meeting on October 6, 2016. Approved amendments will become effective immediately.

A redline document showing the proposed amendments is enclosed with this letter. The proposed changes to the JPA shown in this draft were the result of a series of meetings of our Business Operations Committee, Ratepayer Advisory Committee, and Board of Directors, during which various iterations of amendment language were discussed, and thus represent amendments that the Board wishes to consider for approval on October 6.

In addition to updating language to account for changes occurring since SCPA was formed, the proposed new language:

- Combines two existing advisory committees into one new "Community Advisory Committee" (Section 4.5)

- Updates and clarifies the purposes of SCPA (Recitals C and D)

- Supports energy procurement process by requiring the Board of Directors to establish procurement criteria under which the Chief Executive Officer may execute energy contracts (Section 4.4)

- Requires that members of Board of Directors be elected members of the governing body of entities participating in SCPA (Section 4.7)

- Allows Board of Directors discretion regarding representation on Board for new participants outside of Sonoma County (Sections 4.7, 3.1; this will allow the Board the option to offer service to Mendocino County while giving the three incorporated cities one joint representative, rather than three representatives as is required under the current JPA)

- Allows Chief Executive Officer to temporarily change rates for up to three months due to PG&E rate changes or unforeseen circumstances (Section 4.5.2.1.1)

In addition to the amendments contained in the attached draft, the Board may consider at the October 6 meeting the following alternative language, requested by particular Board members: (1) minor changes to the recitals in Section C to clarify that the goal of stimulating the local economy is furthered by all other SCPA goals, including the goal of providing competitive rates; (2) additional language requiring a majority of the members of the new Community Advisory Committee to be appointed to represent the interests of SCPA customers as ratepayers; and (3) retaining language allowing non-elected individuals to serve on the SCPA Board.

SCPA staff are in the process of providing informational briefings about the proposed amendments to the governing bodies of parties and participants who have requested such briefings. Both I and Geof Syphers are also available to meet with you to discuss the amendments in more detail, and to answer any questions you may have.

At the last meeting, several Board members requested an updated "weighted voting" table, including what the weighted voting shares would be with the addition of jurisdictions in Mendocino County. An updated table is enclosed.

We appreciate your continued support of SCPA and the opportunity to provide your residents and businesses with cleaner power at competitive prices.

Sincerely,

Steven S. Shupe
General Counsel

cc: Board of Directors
Geof Syphers, CEO

Enclosures

~~Second~~Third Amended and Restated Joint Powers Agreement

Relating to and Creating the

Sonoma Clean Power Authority

By and Among

The County of Sonoma and
The Sonoma County Water Agency

This ~~Second~~Third Amended and Restated Joint Powers Agreement ("Agreement"), effective as of ~~July 25, 2013,~~[date], is made and entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Sections 6500 et seq.) of the California Government Code relating to the joint exercise of powers among the parties set forth in Exhibit B ("Parties"), and, as of this date, supersedes the original Joint Powers Agreement dated December 4, 2012~~ and~~, the First Amended and Restated Joint Powers Agreement dated June 25, 2013, and the Second Amended and Restated Joint Powers Authority dated July 25, 2013.

RECITALS

A. The Parties share various powers under California law, including but not limited to the power to ~~purchase, supply,~~generate, buy and sell power and aggregate ~~electricity~~electric load for themselves and customers within their jurisdictions.

B. In 2006, the State Legislature adopted AB 32, the Global Warming Solutions Act, which mandates a reduction in greenhouse gas emissions in 2020 to 1990 levels. The California Air Resources Board is promulgating regulations to implement AB 32 which will require local governments to develop programs to reduce greenhouse gas emissions.

C. The purposes for the entering into this Agreement include

a. Reducing greenhouse gas emissions ~~related to the use of power~~ in Sonoma County and neighboring regions;

b. Providing electric power and other forms of energy to customers at a competitive cost;

c. Carrying out programs to reduce total energy consumption;

d. Stimulating and sustaining the local economy, including by developing or promoting local ~~jobs in renewable~~distributed energy resources; and

e. Promoting long-term electric rate stability~~ and~~, energy security~~ and~~, reliability~~ for residents through local control of electric generation resources~~, and resilience.

D. It is the intent of this Agreement to promote the development and use of a wide range of

renewable energy sources and energy efficiency programs, including but not limited to solar, wind, geothermal, and biomass energy production~~. The purchase of renewable power and use of renewable energy credits is intended only as~~, with a ~~transitional method to decrease regional greenhouse gas emissions;~~preference for local ~~renewable projects are the preferred method.~~distributed sources and California sources.

E. The Parties ~~desire to establish~~have established a separate public agency, known as the Sonoma Clean Power Authority ("Authority"), under the provisions of the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 et seq.) ("Act") in order to collectively study, promote, develop, conduct, operate, and manage energy programs.

F. The Parties ~~anticipate adopting~~have adopted an ordinance electing to implement through the Authority a common Community Choice Aggregation program, an electric service enterprise available to cities, counties, and the Sonoma County Water Agency pursuant to California Public Utilities Code Sections 331.1(c) and 366.2 ("CCA Program")~~. The first priority of the Authority will be the consideration of those actions necessary to implement the CCA Program.~~

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter set forth, it is agreed by and among the Parties as follows:

ARTICLE 1: DEFINITIONS AND EXHIBITS

1.1 Definitions. Capitalized terms used in the Agreement shall have the meanings specified in Exhibit A, unless the context requires otherwise.

1.2 Documents Included. This Agreement consists of this document and the following exhibits, all of which are hereby incorporated into this Agreement.

Exhibit A: Definitions
Exhibit B: List of the Parties and Participants
Exhibit C: Annual Energy Use
~~Exhibit D:~~ and Voting Shares

ARTICLE 2: FORMATION OF SONOMA CLEAN POWER AUTHORITY

2.1 Effective Date and Term. This Agreement ~~shall become~~became effective, and the Sonoma Clean Power Authority ~~shall exist~~commenced existence as a separate public agency, on ~~the date this Agreement is executed by~~ December 4, 2012 (the ~~Parties. The Authority shall provide notice to the Parties of the~~ "Effective Date~~.~~"). The Authority shall continue to exist, and this Agreement shall be effective, until this Agreement is terminated in accordance with Section 7.4, subject to the rights of the Parties to withdraw from the Authority.

2.2 Formation. There is formed as of the Effective Date a public agency named the Sonoma Clean Power Authority. Pursuant to Sections 6506 and 6507 of the Act, the Authority is a public agency separate from the Parties. Pursuant to Sections 6508.1 of the Act, the debts, liabilities or

obligations of the Authority shall not be debts, liabilities or obligations of the individual Parties unless the governing board of a Party agrees in writing to assume any of the debts, liabilities or obligations of the Authority. A Party who has not agreed to assume an Authority debt, liability or obligation shall not be responsible in any way for such debt, liability or obligation even if a majority of the Parties agree to assume the debt, liability or obligation of the Authority. Notwithstanding Section 8.4 of this Agreement, this Section 2.2 may not be amended unless such amendment is approved by the governing board of each Party.

2.3 Purpose. The purpose of this Agreement is to establish an independent public agency in order to exercise powers common to each Party to study, promote, develop, conduct, operate, and manage energy, energy efficiency and conservation, and other energy-related programs, and to exercise all other powers necessary and incidental to accomplishing this purpose. Without limiting the generality of the foregoing, the Parties intend for this Agreement to be used as a contractual mechanism by which the Parties and Participants are authorized to participate in the CCA Program, as further described in Section 5.1. The Parties intend that other agreements shall define the terms and conditions associated with the implementation of the CCA Program and any other energy programs approved by the Authority.

2.4 Powers. The Authority shall have all powers common to the Parties and such additional powers accorded to it by law. The Authority is authorized, in its own name, to exercise all powers and do all acts necessary and proper to carry out the provisions of this Agreement and fulfill its purposes, including, but not limited to, each of the following powers, subject to the voting requirements set forth in Section 4.7 through 4.7.6:

2.4.1 to make and enter into contracts;

2.4.2 to employ agents and employees, including but not limited to a Chief Executive Officer;

2.4.3 to acquire, contract, manage, maintain, and operate any buildings, infrastructure, works, or improvements;

2.4.4 to acquire property by eminent domain, or otherwise, except as limited under Section 6508 of the Act, and to hold or dispose of any property;

2.4.5 to lease any property;

2.4.6 to sue and be sued in its own name;

2.4.7 to incur debts, liabilities, and obligations, including but not limited to loans from private lending sources pursuant to its temporary borrowing powers such as Government Code Sections 53850 et seq. and authority under the Act;

2.4.8 to form subsidiary or independent corporations or entities, if necessary to carry out energy supply and energy conservation programs at the lowest possible cost or to take advantage of legislative or regulatory changes;

2.4.9 to issue revenue bonds and other forms of indebtedness;

2.4.10 to apply for, accept, and receive all licenses, permits, grants, loans or other aids

from any federal, state, or local public agency;

2.4.11 to submit documentation and notices, register, and comply with orders, tariffs and agreements for the establishment and implementation of the CCA Program and other energy programs;

2.4.12 to adopt rules, regulations, policies, bylaws and procedures governing the operation of the Authority ("Operating Rules and Regulations"); and

2.4.13 to make and enter into service agreements relating to the provision of services necessary to plan, implement, operate and administer the CCA Program and other energy programs, including the acquisition of electric power supply and the provision of retail and regulatory support services.

2.5 Limitation on Powers. As required by Government Code Section 6509, the power of the Authority is subject to the restrictions upon the manner of exercising power possessed by the Sonoma County Water Agency.

2.6 Compliance with Local Zoning and Building Laws and CEQA. Unless state or federal law provides otherwise, any facilities, buildings or structures located, constructed, or caused to be constructed by the Authority within the territory of the Authority shall comply with the General Plan, zoning and building laws of the local jurisdiction within which the facilities, buildings or structures are constructed and comply with the California Environmental Quality Act (CEQA).

ARTICLE 3: AUTHORITY PARTICIPATION

3.1 Participation in CCA Program. The Parties may participate in the CCA Program upon the adoption of an ordinance required by Public Utilities Code Section 366.2(c)(12). Other incorporated municipalities and counties ("Participants") may participate in the CCA Program upon (a) the adoption of a resolution by the governing body of such incorporated municipality or such county requesting that the incorporated municipality or county, as the case may be, become a participant in the CCA Program, (b) the adoption, by an affirmative vote of the Board satisfying the requirements described in Section 4.7.3 (or, if demanded by any Director, 4.7.4), of a resolution authorizing the participation of the additional incorporated municipality or county, specifying the participation payment, if any, to be made by the additional incorporated municipality or county to reflect its pro rata share of organizational, planning, and other pre-existing expenditures, and describing additional conditions, if any, associated with participation, (c) the adoption of an ordinance required by Public Utilities Code Section 366.2(c)(12) and execution of any necessary program agreements by the incorporated municipality or county, (d) payment of the membership payment, if any, and (e) satisfaction of any conditions established by the Board.

3.2 Continuing Participation. The Parties acknowledge that participation in the CCA Program may change by the addition or withdrawal or termination of Participants. The Parties agree to participate with such other Participants as may later be added, as described in Section 3.1. The Parties also agree that the withdrawal or termination of a Participant shall not affect this Agreement or the remaining Parties' or Participants' continuing obligations under this Agreement.

3.3 Participants Not Liable for Authority Debts. The debts, liabilities or obligations of the Authority shall not be debts, liabilities or obligations of the individual Participants unless the governing board of a Participant agrees in writing to assume any of the debts, liabilities or obligations of the Authority. A Participant who has not agreed to assume an Authority debt, liability or obligation shall not be responsible in any way for such debt, liability or obligation even if a majority of the Parties and Participants agree to assume the debt, liability or obligation of the Authority. Notwithstanding Section 8.4 of this Agreement, this Section 3.3 may not be amended unless such amendment is approved by the governing board of each Participant.

ARTICLE 4: GOVERNANCE AND INTERNAL ORGANIZATION

4.1 Board of Directors. The governing body of the Authority shall be a Board of Directors ("Board"). The composition of the Board shall ~~initially consist of five directors appointed by the Sonoma County Board of Supervisors, and shall upon the addition of additional Participants~~ be ~~comprised~~ as set forth in Section 4.7.~~-~~ Each Director shall serve at the pleasure of the governing board of the Party or Participant who appointed such Director, and may be removed as Director by such governing board at any time. If at any time a vacancy occurs on the Board, a replacement shall be appointed to fill the position of the previous Director within 90 days of the date that such position becomes vacant.~~ Directors may be (but need not be) members of the Board of Supervisors or members of the governing board of any municipality or county electing to participate in the CCA Program.~~

4.2 Quorum. A majority of the Directors shall constitute a quorum, except that less than a quorum may adjourn from time to time in accordance with law.

4.3 Powers and Functions of the Board. The Board shall exercise general governance and oversight over the business and activities of the Authority, consistent with this Agreement and applicable law. The Board shall provide general policy guidance to the CCA Program. The Board shall be required to approve any of the following actions:

a. The issuance of bonds or any other financing even if program revenues are expected to pay for such financing.

b. The hiring of a Chief Executive Officer and General Counsel.

c. The appointment or removal of an officer.

d. The adoption or modification of the ~~Annual Budget~~annual budget.

e. The adoption of an ordinance.

f. The initiation of litigation where the Authority will be the plaintiff, petitioner, cross complainant or cross petitioner, or intervenor; provided, however, that the Chief Executive Officer or General Counsel, on behalf of the Authority, may intervene in, become a party to, or file comments with respect to any proceeding pending at the California Public Utilities Commission, the Federal Energy Regulatory Commission, or any other administrative agency, without approval of the Board.

g. The setting of rates for power sold by the Authority and the setting of charges for

any other category of service provided by the Authority, except as provided in Section 4.5.2.1.1.

hh. Any agreement between the Authority and any Party or Participant if the total amount payable under the agreement and other agreements with the Party or Participant is more than $50,000 in any fiscal year.

i. Termination of the CCA Program.

4.4 Chief Executive Officer. The Board of Directors shall appoint a Chief Executive Officer for the Authority, who shall be responsible for the day-to-day operation and management of the Authority and the CCA Program. The Chief Executive Officer may exercise all powers of the Authority, except the powers specifically set forth in Section 4.3 or those powers which by law must be exercised by the Board of Directors. The Board of Directors shall approve any agreement between the Authority and any Party or Participant if the total amount payable under the agreement and other agreements with the Party or Participant is more than $50,000 in any fiscal year.The Chief Executive Officer may enter into and execute any Energy Contract, in accordance with criteria and policies established by the Board.

4.5 Commissions, Boards, and Committees. The Board may establish any advisory commissions, boards, and committees as the Board deems appropriate to assist the Board in carrying out its functions and implementing the CCA Program, other energy programs, and the provisions of this Agreement which. All advisory commissions, boards, and committees established by the Board shall comply with the requirements of the Ralph M. Brown Act. The Board may establish rules, regulations, policies, bylaws or procedures to govern any such commissions, boards, or committees, including the Ratepayer Advisory Committee and the Business Operations Committee, and shall determine whether members shall be compensated or entitled to reimbursement for expenses.

4.5.1 RatepayerCommunity Advisory Committee. The Board shall establish a RatepayerCommunity Advisory Committee consisting of a minimum of seven members and a maximum of eleven members, none of whom may be members of the Board. Three members of the Ratepayer Advisory Committee shall be commercial or industrial customers and fourIn appointing members shall be residential customers (one of whom shall be a tenant). Committee members shallto the Committee, the Board shall use its best efforts to appoint a balanced, diverse group of individuals who (a) represent the interests of thecustomers as ratepayers. (both residential and commercial/industrial) or (b) have expertise in one or more of the areas of management, administration, finance, or contracts (in either the public or private sector), infrastructure development, renewable power generation, power sales and marketing, energy conservation, public policy development, or public relations. The Board shall publicize the opportunity to serve on the RatepayerCommunity Advisory Committee, and shall appoint members of the RatepayerCommunity Advisory Committee from those individuals expressing interest in serving., giving a preference to individuals who are customers of the CCA Program. Members of the RatepayerCommunity Advisory Committee shall serve staggered four-year terms (the first term of three of the members [one commercial/business, two residential] shall be two years, and four years thereafter), which may be renewed.as determined by the Board of Directors. A member of the RatepayerCommunity Advisory

Committee may only be removed by the Board of Directors by a two-thirds vote as provided in Section 4.7.5. Each member of the ~~Ratepayer~~Community Advisory Committee shall have one vote; a majority of members shall constitute a quorum; and a majority of a quorum is sufficient for committee action.

4.5.2 Duties and Powers of ~~Ratepayer~~Community Advisory Committee. The ~~Ratepayer~~Community Advisory Committee shall meet at least six times per calendar year, and shall have the following duties and powers:

4.5.2.1 Review of Budget and Rates. The proposed annual budget of the CCA Program and any rates or charges proposed to be imposed by the Authority for CCA Program power or services shall be submitted to the ~~Ratepayer~~Community Advisory Committee for review and comment. Following review by the ~~Ratepayer~~Community Advisory Committee of any such matter, the committee shall recommend to the Board that the matter be approved, approved as amended, or disapproved by the Board. The recommendation of the ~~Ratepayer~~Community Advisory Committee shall be communicated to the Board and noted on the agenda for the meeting at which the Board considers the matter. The Board may impose a reasonable deadline for action on the ~~Ratepayer~~Community Advisory Committee as necessary to ensure the timely setting of rates by the Authority.

~~4.5.2.2 Reports to the Board. The Ratepayer~~4.5.2.1.1 Temporary Rate Changes. Notwithstanding the requirements in Sections 4.3 and 4.5.2.1, the Chief Executive Officer may change any rate for power sold by the Authority or any charge for services provided by the Authority if (a) the need for the change arises from (i) unforeseen circumstances, (ii) a change in rates or charges imposed on the Authority or its customers by PG&E, the CPUC, or any other regulatory agency, or (iii) technical deficiencies or errors in an existing Authority rate or charge; and (b) the Chief Executive Officer determines, following consultation with the Chair of the Board of Directors, that the change is reasonably necessary for budgetary reasons or to keep the Authority's rates and charges competitive. Changes in rates or charges made by the Chief Executive Officer under this Section shall be brought to the Board of Directors at the next scheduled meeting for consideration and shall expire after 90 days unless ratified by the Board of Directors.

4.5.2.2 Review of Policies and Programs. The Community Advisory Committee may review and may make recommendations with respect to the programs, policies, and operations of the CCA Program to the Chief Executive Officer or to the Board of Directors. The Community Advisory Committee shall have the opportunity to review and comment upon proposals for new programs, policies, or significant operational changes proposed by the Chief Executive Officer for the CCA program. If requested by the Community Advisory Committee, the Chief Executive Officer shall provide the Committee with any information reasonably necessary for the Committee to carry out its duties. Actions of the Community Advisory Committee are advisory only, and Community Advisory Committee action or approval is not a prerequisite to the Board of Directors' or the Chief Executive Officer's action on any item.

4.5.2.3 Reports to the Board. The Community Advisory Committee may prepare or cause to be prepared for presentation to the Board any reports, investigations, studies, or analyses relating to the Authority or the CCA Program.

4.5.2.~~3~~4 Placing Matters on Board's Agenda. The ~~Ratepayer~~Community Advisory Committee may place any matter relating to the Authority or the CCA Program on the Board's agenda for consideration and possible action.

4.5.2.~~4~~5 Support for ~~Ratepayer~~Community Advisory ~~Board~~Committee. The Board shall provide for reasonable and necessary administrative assistance to the ~~Ratepayer~~Community Advisory Committee. ~~The Ratepayer~~If requested by the Community Advisory Committee ~~may~~, the Chief Executive Officer shall enter into contracts as reasonably necessary to carry out ~~its~~the duties and powers of the Community Advisory Committee; provided, however, that (a) the amount payable under any contract cannot exceed $20,000 per year, (b) the total amount payable under all contracts cannot exceed $50,000 per year, and (c) the contracts are in a form acceptable to the Authority's Chief Executive Officer and General Counsel. The Board of Directors may authorize an amount in excess of these expenditure limits if it finds and determines that it is reasonable and necessary to do so for the ~~Ratepayer~~Community Advisory Committee to perform its obligations.

~~4.5.3 Business Operations Committee. The Board shall establish a Business Operations Committee to oversee and assist the Chief Executive Officer in implementing the CCA Program. The Business Operations Committee shall consist of five members appointed by the Board of Directors, having expertise in one or more of the areas of management, administration, finance, public contracts, infrastructure development, renewable power generation, power sales and marketing, or energy conservation. The Business Operations Committee shall meet no less frequently than bi-monthly. Committee members shall be appointed to staggered four-year terms (the first term of two of the members shall be two years, and four years thereafter), which may be renewed. A member of the Business Operations Committee may be removed by the Board of Directors by majority vote. Each member of the Business Operations Committee shall have one vote; a majority of members shall constitute a quorum; and a majority of a quorum is sufficient for committee action. The Board of Directors shall determine whether the Committee members shall be compensated or entitled to reimbursement for expenses.~~

~~4.5.3.1 Duties of Business Operations Committee. The Business Operations Committee shall review the operations of the CCA Program. The Business Operations Committee may request that the Chief Executive Officer provide information reasonably necessary to such review. The Business Operations Committee may make recommendations with respect to the operations of the Authority to the Chief Executive Officer or to the Chair of the Board of Directors.~~

~~4.5.3.2 Chief Executive Officer Reports to Business Operations Committee.~~4.5.2.6 Chief Executive Officer Reports to Community Advisory Committee. The Chief Executive Officer shall prepare, no later than the 20th day of each first month of each fiscal quarter, a report to the ~~Business Operations~~Community Advisory Committee on the operations of the Authority

during the preceding fiscal quarter. The report shall contain information regarding the financial performance of the Authority during the preceding quarter, the number of accounts served, the amount of power delivered, and a narrative description of energy efficiency, energy conservation, renewable power generation, and other programs carried out by the Authority.

~~4.5.3.3 Review of Major Contracts and Capital Projects. The Chief Executive Officer shall submit all proposed contracts and capital projects having a value in excess of $250,000 to the Business Operations Committee for review and comment prior to submission to the Board for approval. This requirement shall not apply if the Chief Executive Officer determines, following consultation with the General Counsel, that an unforeseen or emergency situation exists such that execution of a major contract is required before it is feasible to hold a meeting of the Business Operations Committee to consider the contract.~~

~~4.5.3.4~~ 4.5.2.7 Other Delegated Powers. The Board of Directors may delegate such other and further powers and duties to the ~~Business Operations~~Community Advisory Committee as it shall determine in its sole discretion.

4.5.2.8 Existing Committees Dissolved. Effective as of the date this Third Amended and Restated Agreement is approved, the Ratepayer Advisory Committee and the Business Operations Committee are dissolved.

4.6 Director Compensation. Directors shall serve without compensation from the Authority. However, Directors may be compensated by their respective appointing authorities. The Board, however, may adopt by resolution a policy relating to the reimbursement by the Authority of expenses incurred by Directors.

4.7 Board of Directors Composition ~~upon Participation by Cities or Counties in CCA Program Under Section 3.1. Except as provided in Section 4.7.6, upon~~. The Board of Directors shall consist of one appointee from each Participant located within the ~~approval~~boundaries of the ~~Board of~~ County of Sonoma, and one joint appointee from the ~~participation of~~County of Sonoma and the Sonoma County Water Agency. If the Board of Directors approves any other ~~incorporated~~ municipality or county ~~(the "Participant" or "Additional~~as a Participant~~") in the CCA Program~~ pursuant to Section 3.1, the ~~Additional Participant~~Board of Directors shall ~~be entitled to~~determine whether such municipality or county (or any combination thereof) may appoint ~~one~~an additional member to the Board of Directors. Each Party or Participant appointing a member to the Board of Directors may also appoint an alternate~~(s)~~ to serve in the absence of its Director~~(s). Upon such appointment, the~~. Each appointee and alternate must be an elected member of the governing board of his or her appointing body; provided, however, that any non-elected appointee or alternate on the Board of Directors as of the date this Third Amended and Restated Joint Powers Agreement becomes effective may continue to serve on the Board of Directors for a period of one year following such effective date.

The voting shares of Directors and approval requirements for actions of the Board shall be as follows:

4.7.1. Voting Shares.

Each Director shall have a voting share as determined by the following formula: (Annual Energy Use/Total Annual Energy) multiplied by 100, where

(a) "Annual Energy Use" means~~, (i) with respect to the first year following the Effective Date, the annual electricity usage, expressed in kilowatt hours ("kWh"), within the Party's or Participant's respective jurisdiction and (ii) with respect to the period after the anniversary of the Effective Date,~~ the annual electricity usage, expressed in kWh, of accounts within a Party's or Participant's respective jurisdiction that are served by the Authority; and

(b) "Total Annual Energy" means the sum of all ~~Parties' and Participants' Annual Energy Use. The initial values for Annual Energy use are designated in Exhibit C, and shall be adjusted annually as soon as reasonably practicable after January 1, but no later than March 1 of each year.~~Annual Energy Use, expressed in kWh, of accounts within the jurisdictions of those Parties and Participants who have appointed a director to the Board of Directors.

(c) The combined voting share of all Directors representing the County of Sonoma and the Sonoma County Water Agency shall be based upon the annual electricity usage within the unincorporated area of Sonoma County.

~~For purposes of Weighted Voting, if a Party or Participant has more than one director, then the voting shares allocated to the entity shall be equally divided amongst its directors.~~

4.7.2. Exhibit Showing Voting Shares. The ~~initial~~ voting shares of each member of the Board of Directors are set forth in Exhibit ~~D~~C. Exhibit ~~D~~C shall be revised no less than annually as necessary to account for changes in the number of Parties or Participants appointing members to the Board of Directors, and changes in the Parties' and Participants' Annual Energy Use.

4.7.3. Approval Requirements Relating to CCA Program. Except as provided in Sections 4.7.4 and 4.7.5 below, action of the Board shall require the affirmative vote of a majority of Directors present at the meeting.

4.7.4. Option for Approval by Voting Shares. Notwithstanding Section 4.7.3, any Director present at a meeting may demand that approval of any matter related to the CCA Program be determined on the basis of voting shares and by the affirmative vote of a majority of Directors present at the meeting. If a Director makes such a demand with respect to approval of any such matter, then approval of such matter shall require the affirmative vote of a majority of Directors present at the meeting and the affirmative vote of Directors having a majority of voting shares of the Directors present at the meeting, as determined by Section 4.7.1 except as provided in Section 4.7.5.

4.7.5. Special Voting Requirements for Certain Matters.

A. Two-Thirds and Weighted Voting Approval Requirements Relating to Sections 4.5.1, 7.2, and 8.4. Action of the Board on the matters set forth in Section 4.5.1 (removal of member of ~~Ratepayer~~Community Advisory Committee), Section 7.2

(involuntary termination of a Party or Participant), or Section 8.4 (amendment of this Agreement) shall require the affirmative vote of at least two-thirds of Directors; provided, however, that (a) notwithstanding the foregoing, any Director present at the meeting may demand that the vote be determined on the basis of voting shares and by the affirmative vote of Directors, and if a Director makes such a demand, then approval shall require the affirmative vote of at least two-thirds of Directors and the affirmative vote of Directors having at least two-thirds of the voting shares, as determined by Section 4.7.1; (b) when a Director has demanded that the vote be determined on the basis of voting shares and by the affirmative vote of Directors, if any individual Party or Participant's voting share exceeds 33 and the Director(s) for that Party or Participant votes in the negative or abstains or is absent from the meeting, then at least one other Director representing a different Party or Participant shall be required to vote in the negative, or the matter shall be deemed approved; and (c) for votes to involuntarily terminate a Party or Participant under Section 7.2, the Director(s) for the Party or Participant subject to involuntary termination may not vote, and the number of Directors constituting two-thirds of all Directors, and weighted vote of each Party or Participant, shall be recalculated as if the Party or Participant subject to possible termination were not a Party or Participant.

B. Seventy Five Percent Special Voting Requirements for Eminent Domain and Participant Contributions or Pledge of Assets.

(i) A decision to exercise the power of eminent domain on behalf of the Authority to acquire any property interest other than an easement, right-of-way, or temporary construction easement shall require a vote of at least 75% of all Directors.

(ii) The imposition on any Party or Participant of any obligation to make contributions or pledge assets as a condition of continued participation in the CCA Program shall require a vote of at least 75% of all Directors and the approval of the governing boards of the Parties and Participants who are being asked to make such contribution or pledge.

(iii) Notwithstanding the foregoing, any Director present at the meeting may demand that a vote under subsections (i) or (ii) be determined on the basis of voting shares and by the affirmative vote of Directors, and if a Director makes such a demand, then approval shall require the affirmative vote of at least 75% of Directors and the affirmative vote of Directors having at least 75% of the voting shares, as determined by Section 4.7.1, and when a Director has demanded that the vote be determined on the basis of voting shares and by the affirmative vote of Directors, if any individual Party or Participant's voting share exceeds 25% and the Director(s) for that Party or Participant votes in the negative or abstains or is absent from the meeting, then at least one other Director representing a different Party or Participant shall be required to vote in the negative, or the matter shall be deemed approved. For purposes of this section, "imposition on any Party or Participant of any obligation to make contributions or pledge assets as a condition of continued participation in the CCA Program" does not include any liabilities or obligations of a withdrawing or terminated party imposed under Section

7.3.

~~4.7.6. Reduction in Number of Members Appointed by County of Sonoma and Sonoma County Water Agency. Upon the approval of the Board of Directors of Additional Participants in the CCA Program pursuant to Section 3.1, the number of members of the Board of Directors appointed to represent the County of Sonoma and the Sonoma County Water Agency shall be reduced as set forth below:~~

~~Total Number of Additional Participants~~	~~Number of Sonoma County/SCWA Directors~~
~~1~~	~~4~~
~~2~~	~~3~~
~~3-5~~	~~2~~
~~6 or more~~	~~1~~

~~Notwithstanding anything in Section 4.7 or Section 4.7.6 to the contrary, however, in the event that the City of Santa Rosa is one of the Additional Participants, then the City of Santa Rosa shall be entitled to the same number of Directors on the Board as the County of Sonoma and the Sonoma County Water Agency.~~

4.8 Meetings and Special Meetings of the Board. The Board shall hold at least four regular meetings per year, but the Board may provide for the holding of regular meetings at more frequent intervals. The date, hour and place of each regular meeting shall be fixed by resolution or ordinance of the Board. Regular meetings may be adjourned to another meeting time. Special meetings of the Board may be called in accordance with the provisions of California Government Code Section 54956. Directors may participate in meetings telephonically, with full voting rights, only to the extent permitted by law. All meetings of the Board, the ~~Ratepayer~~Community Advisory ~~Committee, the Business Operations~~ Committee, or the governing body of any subsidiary entity or independent corporation established by the Authority shall be conducted in accordance with the provisions of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.).

4.9 Selection of Board Officers.

4.9.1 Chair and Vice Chair. The Directors shall select, from among themselves, a Chair, who shall be the presiding officer of all Board meetings, and a Vice Chair, who shall serve in the absence of the Chair. The term of office of the Chair and Vice Chair shall continue for one year, but there shall be no limit on the number of terms held by either the Chair or Vice Chair. The office of either the Chair or Vice Chair shall be declared vacant and a new selection shall be made if: (a) the person serving dies, resigns, or the Party that the person represents removes the person as its representative on the Board or (b) the Party that he or she represents withdraws from the Authority pursuant to the

provisions of this Agreement.

4.9.2 Secretary. The Board shall appoint a Secretary, who need not be a member of the Board, who shall be responsible for keeping the minutes of all meetings of the Board and all other official records of the Authority.

4.9.3 Treasurer and Auditor. The Sonoma County Auditor-Controller-Treasurer-Tax Collector shall act as the Treasurer and the Auditor for the Authority. Unless otherwise exempted from such requirement, the Authority shall cause an independent audit to be made by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act. The Treasurer shall act as the depositary of the Authority and have custody of all the money of the Authority, from whatever source, and as such, shall have all of the duties and responsibilities specified in Section 6505.5 of the Act. The Treasurer shall report directly to the Board and shall comply with the requirements of treasurers of incorporated municipalities. The Board may transfer the responsibilities of Treasurer to any person or entity as the law may provide at the time. The duties and obligations of the Treasurer are further specified in Article 6.

4.10 Administrative Services Provider. The Board may appoint one or more administrative services providers to serve as the Authority's agent for planning, implementing, operating and administering the CCA Program, and any other program approved by the Board, in accordance with the provisions of a written agreement between the Authority and the appointed administrative services provider or providers (an "Administrative Services Agreement"). The appointed administrative services provider may be one of the Parties. An Administrative Services Agreement shall set forth the terms and conditions by which the appointed administrative services provider shall perform or cause to be performed all tasks necessary for planning, implementing, operating and administering the CCA Program and other approved programs. The Administrative Services Agreement shall set forth the term of the Agreement and the circumstances under which the Administrative Services Agreement may be terminated by the Authority. This section shall not in any way be construed to limit the discretion of the Authority to hire its own employees to administer the CCA Program or any other program.

ARTICLE 5 IMPLEMENTATION ACTION AND AUTHORITY DOCUMENTS

5.1 Preliminary Implementation of the CCA Program.

5.1.1 Enabling Ordinance. Except as otherwise provided by Section 3.1, each Party shall adopt an ordinance in accordance with Public Utilities Code Section 366.2(c)(12) for the purpose of specifying that the Party intends to implement a CCA Program by and through its participation in the Authority.

5.1.2 Implementation Plan. The Authority shall cause to be prepared an Implementation Plan meeting the requirements of Public Utilities Code Section 366.2 and any applicable Public Utilities Commission regulations as soon after the Effective Date as reasonably practicable. The Implementation Plan shall not be filed with the Public Utilities Commission until it is approved by the Board in the manner provided by Section 4.7.3.

5.1.3 Termination of CCA Program. Nothing contained in this Article or this Agreement shall be construed to limit the discretion of the Authority to terminate the

implementation or operation of the CCA Program at any time in accordance with any applicable requirements of state law.

5.2 Authority Documents. The Parties acknowledge and agree that the affairs of the Authority will be implemented through various documents duly adopted by the Board through Board resolution. The Parties agree to abide by and comply with the terms and conditions of all such documents that may be adopted by the Board, subject to the Parties' right to withdraw from the Authority as described in Article 7.

ARTICLE 6 FINANCIAL PROVISIONS

6.1 Fiscal Year. The Authority's fiscal year shall be 12 months commencing July 1 and ending June 30. The fiscal year may be changed by Board resolution.

6.2 Depository.

6.2.1 All funds of the Authority shall be held in separate accounts in the name of the Authority and not commingled with funds of any Party or Participant or any other person or entity.

6.2.2 All funds of the Authority shall be strictly and separately accounted for, and regular reports shall be rendered of all receipts and disbursements, at least quarterly during the fiscal year. The books and records of the Authority shall be open to inspection by the Parties and Participants at all reasonable times. The Board shall contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of the Authority, which shall be conducted in accordance with the requirements of Section 6505 of the Act.

6.2.3 All expenditures shall be made in accordance with the approved budget and upon the approval of any officer so authorized by the Board in accordance with its Operating Rules and Regulations. The Treasurer shall draw checks or warrants or make payments by other means for claims or disbursements not within an applicable budget only upon the prior approval of the Board.

6.3 Budget and Recovery of Costs.

6.3.1 Budget. The ~~initial~~annual budget shall be approved by the Board. The Board may revise the budget from time to time ~~through an Authority Document~~ as may be reasonably necessary to address contingencies and unexpected expenses~~. All subsequent budgets of the Authority shall be approved by the Board in accordance with the Operating Rules and Regulations~~.

~~6.3.2 Funding of Initial Costs. The Sonoma County Water Agency has funded certain activities necessary to implement the CCA Program. If the CCA Program becomes operational, these initial costs paid by the Sonoma County Water Agency shall be included in the customer charges for electric services as provided by Section 6.3.3 to the extent permitted by law, and the Sonoma County Water Agency shall be reimbursed from the payment of such charges by customers of the Authority. Prior to such reimbursement, the Sonoma County Water Agency shall provide such documentation of costs paid as the~~

~~Board may request. The Authority may establish a reasonable time period over which such costs are recovered. In the event that the CCA Program does not become operational, the Sonoma County Water Agency shall not be entitled to any reimbursement of the initial costs it has paid from the Authority or any Party.~~

~~6.3.3~~6.3.2 CCA Program Costs. The Parties desire that all costs incurred by the Authority that are directly or indirectly attributable to the provision of electric, conservation, efficiency, incentives, financing, or other services provided under the CCA Program, including but limited to the establishment and maintenance of various reserves and performance funds and administrative, accounting, legal, consulting, and other similar costs, shall be recovered through charges to CCA customers receiving such electric services, or from revenues from grants or other third-party sources.

ARTICLE 7: WITHDRAWAL AND TERMINATION

7.1 Withdrawal.

7.1.1 Right to Withdraw. A Party or Participant may withdraw its participation in the CCA Program, effective as of the beginning of the Authority's fiscal year, by giving no less than 6 months advance written notice of its election to do so, which notice shall be given to the Authority and each Party and Participant Withdrawal of a Party or Participant shall require an affirmative vote of its governing board.

7.1.2 Right to Withdraw After Amendment. Notwithstanding Section 7.1.1, a Party or Participant may withdraw its membership in the Authority following an amendment to this Agreement adopted by the Board which the Party or Participant's Director(s) voted against provided such notice is given in writing within thirty (30) days following the date of the vote. Withdrawal of a Party or Participant shall require an affirmative vote of its governing board and shall not be subject to the six month advance notice provided in Section 7.1.1. In the event of such withdrawal, the Party or Participant shall be subject to the provisions of Section 7.3.

7.1.3 Continuing Liability; Further Assurances. A Party or Participant that withdraws its participation in the CCA Program may be subject to certain continuing liabilities, as described in Section 7.3. The withdrawing Party or Participant and the Authority shall execute and deliver all further instruments and documents, and take any further action that may be reasonably necessary, as determined by the Board, to effectuate the orderly withdrawal of such Party or Participant from participation in the CCA Program.

7.2 Involuntary Termination of a Party or Participant. Participation of a Party or Participant in the CCA program may be terminated for material non-compliance with provisions of this Agreement or any other agreement relating to the Party's or Additional Participant's participation in the CCA Program upon a vote of Board members as provided in Section 4.7.5. Prior to any vote to terminate participation with respect to a Party or Participant, written notice of the proposed termination and the reason(s) for such termination shall be delivered to the Party or Participant whose termination is proposed at least 30 days prior to the regular Board meeting at which such matter shall first be discussed as an agenda item. The written notice of proposed termination shall specify the particular provisions of this Agreement or other agreement that the

Party or Participant has allegedly violated. The Party or Participant subject to possible termination shall have the opportunity at the next regular Board meeting to respond to any reasons and allegations that may be cited as a basis for termination prior to a vote regarding termination. A Party or Participant that has had its participation in the CCA Program terminated may be subject to certain continuing liabilities, as described in Section 7.3.

7.3 Continuing Liability; Refund. Upon a withdrawal or involuntary termination of a Party or Participant, the Party or Participant shall remain responsible for any claims, demands, damages, or liabilities arising from the Party or Participant's membership or participation in the CCA Program through the date of its withdrawal or involuntary termination, it being agreed that the Party or Participant shall not be responsible for any liabilities arising after the date of the Party or Participant's withdrawal or involuntary termination. Claims, demands, damages, or liabilities for which a withdrawing or terminated Party or Participant may remain liable include, but are not limited to, losses from the resale of power contracted for by the Authority to serve the Party or Participant's load. With respect to such liability, upon notice by a Participant that it wishes to withdraw from the program, the Authority shall notify the Party or Participant of the minimum waiting period under which the Participant would have no costs for withdrawal if the Participant agrees to stay in the CCA Program for such period. The waiting period will be set to the minimum duration such that there are no costs transferred to remaining ratepayers. If the Party or Participant elects to withdraw before the end of the minimum waiting period, the charge for exiting shall be set at a dollar amount that would offset actual costs to the remaining ratepayers, and may not include punitive charges that exceed actual costs. In addition, such Party or Participant also shall be responsible for any costs or obligations associated with the Party or Participant's participation in any program in accordance with the provisions of any agreements relating to such program provided such costs or obligations were incurred prior to the withdrawal of the Party or Participant. The Authority may withhold funds otherwise owing to the Party or Participant or may require the Party or Participant to deposit sufficient funds with the Authority, as reasonably determined by the Authority and approved by a vote of the Board of Directors, to cover the Party's or Participant's liability for the costs described above. Any amount of the Party's or Participant's funds held on deposit with the Authority above that which is required to pay any liabilities or obligations shall be returned to the Party or Participant. The liability of any Party or Participant under this section 7.3 is subject and subordinate to the provisions of Sections 2.2 and 3.3, and nothing in this section 7.3 shall reduce, impair, or eliminate any immunity from liability provided by Sections 2.2 or 3.3.

7.4 Mutual Termination. This Agreement may be terminated by mutual agreement of all the Parties; provided, however, the foregoing shall not be construed as limiting the rights of a Participant to withdraw its participation in the CCA Program, as described in Section 7.1.

7.5 Disposition of Property upon Termination of Authority. Upon termination of this Agreement, any surplus money or assets in possession of the Authority for use under this Agreement, after payment of all liabilities, costs, expenses, and charges incurred under this Agreement and under any program documents, shall be returned to the then-existing Parties and Participants in proportion to the contributions made by each.

7.6 Negotiations with Participants. If the Parties wish to terminate this Agreement, or if the Parties elect to withdraw from the CCA Program following an amendment to this Agreement as provided in Section 7.1.2, but two or more Participants wish to continue to participate in the

CCA Program, the Parties will negotiate in good faith with such Participants to allow the Participants to become parties to this Agreement or to effect a transfer of CCA Program operations to another entity.

ARTICLE 8 MISCELLANEOUS PROVISIONS

8.1 Dispute Resolution. The Parties, Participants, and the Authority shall make reasonable efforts to settle all disputes arising out of or in connection with this Agreement. Should such efforts to settle a dispute, after reasonable efforts, fail, the dispute shall be settled by binding arbitration in accordance with policies and procedures established by the Board.

8.2 Liability of Directors, Officers, and Employees. The Directors, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. No current or former Director, officer, or employee will be responsible for any act or omission by another Director, officer, or employee. The Authority shall defend, indemnify and hold harmless the individual current and former Directors, officers, and employees for any acts or omissions in the scope of their employment or duties in the manner provided by Government Code Sections 995 et seq. Nothing in this section shall be construed to limit the defenses available under the law, to the Parties, the Participants, the Authority, or its Directors, officers, or employees.

8.3 Indemnification of Parties and Participants. The Authority shall acquire such insurance coverage as is necessary to protect the interests of the Authority, the Parties, the Participants, and the public. The Authority shall defend, indemnify, and hold harmless the Parties and Participants, and each of their respective Board or Council members, officers, agents and employees, from any and all claims, losses, damages, costs, injuries, and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts, and omissions of the Authority under this Agreement.

8.4 Amendment of this Agreement. This Agreement may not be amended except by a written amendment approved by a vote of Board members as provided in Section 4.7.5. The Authority shall provide written notice to all Parties and Participants of amendments to this Agreement, including the effective date of such amendments, at least 30 days prior to the date upon which the Board votes on such amendments.

8.5 Assignment. Except as otherwise expressly provided in this Agreement, the rights and duties of the Parties or Participants may not be assigned or delegated without the advance written consent of all of the other Parties and Participants, and any attempt to assign or delegate such rights or duties in contravention of this Section 8.5 shall be null and void. This Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the Parties and Participants. This Section 8.5 does not prohibit a Party or Participant from entering into an independent agreement with another agency, person, or entity regarding the financing of that Party's or Participant's contributions to the Authority, or the disposition of proceeds which that Party or Participant receives under this Agreement, so long as such independent agreement does not affect, or purport to affect, the rights and duties of the Authority or the Parties or Participants under this Agreement.

8.6 Severability. If one or more clauses, sentences, paragraphs or provisions of this

Agreement shall be held to be unlawful, invalid or unenforceable, it is hereby agreed by the Parties, that the remainder of the Agreement shall not be affected thereby. Such clauses, sentences, paragraphs or provision shall be deemed reformed so as to be lawful, valid and enforced to the maximum extent possible.

8.7 Further Assurances. Each Party agrees to execute and deliver all further instruments and documents, and take any further action that may be reasonably necessary, to effectuate the purposes and intent of this Agreement.

8.8 Execution by Counterparts. This Agreement may be executed in any number of counterparts, and upon execution by all Parties, each executed counterpart shall have the same force and effect as an original instrument and as if all Parties had signed the same instrument. Any signature page of this Agreement may be detached from any counterpart of this Agreement without impairing the legal effect of any signatures thereon, and may be attached to another counterpart of this Agreement identical in form hereto but having attached to it one or more signature pages.

8.9 Parties to be Served Notice. Any notice authorized or required to be given pursuant to this Agreement shall be validly given if served in writing either personally, by deposit in the United States mail, first class postage prepaid with return receipt requested, or by a recognized courier service. Notices given (a) personally or by courier service shall be conclusively deemed received at the time of delivery and receipt and (b) by mail shall be conclusively deemed given 48 hours after the deposit thereof (excluding Saturdays, Sundays and holidays) if the sender receives the return receipt. All notices shall be addressed to the office of the clerk or secretary of the Authority or Party, as the case may be, or such other person designated in writing by the Authority or Party. Notices given to one Party shall be copied to all other Parties. Notices given to the Authority shall be copied to all Parties and Participants.

~~8.10 Commitment to Consider Amendments. At one of its first three meetings after July 9, 2013, the Board of Directors shall consider all amendments to this Agreement that have been requested by any city that adopts, by July 9, 2013, the resolution and ordinance required by Section 3.1 to become a Participant in the CCA Program. Any such amendments shall be subject to the voting requirements of Section 8.4. Nothing in this Section 8.10 requires the Board of Directors to approve any specific amendment to this Agreement.~~

Exhibit A

Definitions

"AB 117" means Assembly Bill 117 (Stat. 2002, ch. 838, codified at Public Utilities Code Section 366.2), which created CCA.

"Act" means the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 *et seq*.)

"Administrative Services Agreement" means an agreement or agreements entered into after the Effective Date by the Authority with an entity that will perform tasks necessary for planning, implementing, operating and administering the CCA Program or any other energy programs adopted by the Authority.

"Agreement" means this Joint Powers Agreement.

"Annual Energy Use" has the meaning given in Section 4.7.2.

"Authority" means the Sonoma Clean Power Authority.

"Authority Document(s)" means document(s) duly adopted by the Board by resolution or motion implementing the powers, functions, and activities of the Authority, including but not limited to the Operating Rules and Regulations, the annual budget, and plans and policies.

"Board" means the Board of Directors of the Authority.

"CCA" or "Community Choice Aggregation" means an electric service option available to cities, counties, and the Sonoma County Water Agency pursuant to Public Utilities Code Section 366.2.

"CCA Program" means the Authority's program relating to CCA that is principally described in Sections 2.3, 2.4, and 5.1.

"Director" means a member of the Board of Directors representing a Party or an Additional Participant.

"Effective Date" means December 4, 2012, the date on which this Agreement ~~shall become~~became effective and the Sonoma Clean Power Authority ~~shall~~began to exist as a separate public agency~~, as further described in Section 2.1.~~.

"Energy Contract" means any agreement for the purchase or sale of electrical energy or any related attributes, including but not limited to capacity, resource adequacy, transmission or congestion rights, demand response products, or environmental attributes.

"Implementation Plan" means the plan generally described in Section 5.1.2 of this Agreement that is required under Public Utilities Code Section 366.2 to be filed with the California Public Utilities Commission for the purpose of describing a proposed CCA Program.

"Initial Costs" means all costs incurred by the Authority relating to the establishment and initial operation of the Authority, such as the hiring of a Chief Executive Officer and any administrative staff, any required accounting, administrative, technical, or legal services in support of the

Authority's initial activities or in support of the negotiation, preparation, and approval of one or more Administrative Services Provider Agreements and Program Agreement 1. Administrative and operational costs incurred after the approval of Program Agreement 1 shall not be considered Initial Costs.

"Operating Rules and Regulations" means the rules, regulations, policies, bylaws and procedures governing the operation of the Authority.

"Participant" or "Additional Participant" means any incorporate municipality or county electing to participate in the CCA Program.

"Parties" means, collectively, the County of Sonoma and the Sonoma County Water Agency.

"Party" means the County of Sonoma or the Sonoma County Water Agency.

"Total Annual Energy" has the meaning given in Section 4.7.2.

Exhibit B

List of Parties and Participants

Parties: County of Sonoma, Sonoma County Water Agency

Participants: Town of Windsor; City of Cotati; City of Sebastopol; City of Sonoma; City of Santa Rosa; City of Petaluma; City of Rohnert Park; City of Cloverdale

Exhibits C ~~and D~~

Annual Energy Use and Voting Shares

~~ANNUAL ENERGY USE WITHIN SCP JURISDICTIONS AND VOTING SHARES~~		
~~Twelve Months Ended November, 2012~~		
Party/Participant	~~Total KWh~~**Annual Energy Use (kWh)**	**Voting** ~~Share~~ **Shares**
City of Cloverdale	37,537,769	1
~~COTATI~~City of Cotati	~~35,225,135~~ 33,051,134	~~2~~1
~~SANTA ROSA~~City of Petaluma	~~917,~~ 356,~~138~~047,033	~~43~~13
~~SEBASTOPOL~~City of Rohnert Park	~~46,269,378~~ 206,884,365	~~2~~8
~~SONOMA~~City of Santa Rosa	~~70,456,332~~ 895,830,982	~~3~~33
~~SONOMA COUNTY/SCWA~~City of Sebastopol	~~962,970,050~~ 45,381,441	~~45~~2
~~WINDSOR~~City of Sonoma	~~109,156,425~~ 69,071,078	~~5~~3
County of Sonoma	949,469,086	35
Town of Windsor	101,875,412	4

Total	2,~~141,433,458~~695,148,300	100

SCPA Voting Shares
August 8, 2016

	Annual Energy Use (kWh)	Voting Shares (Current)	Voting Shares (With All Mendocino)
CLOVERDALE	37,537,769	1	1
COTATI	33,051,134	1	1
PETALUMA	356,047,033	13	11
ROHNERT PARK	206,884,365	8	7
SANTA ROSA	895,830,982	33	29
SEBASTOPOL	45,381,441	2	1
SONOMA	69,071,078	3	2
UNINCORP. SONOMA	949,469,086	35	30
WINDSOR	101,875,412	4	3
SONOMA TOTAL	2,695,291,368	100	
FT BRAGG, WILLITS, PT ARENA	89,795,654		3
UNINCORP. MENDOCINO	360,437,206		12
MENDOCINO TOTAL	450,232,860		
SO.+MENDO. TOTAL	3,145,524,228		100

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **7F**

Meeting Date: **09/07/2016**

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

Agenda Item Title

Discussion, consideration and possible action regarding designation of the voting delegate for the 2016 League of California Cities Annual Conference.

Summary

The League of California Cities 2016 Annual Conference will be held October 5-7, 2016 at the Long Beach Convention Center. An important part of the conference is the annual business meeting scheduled for noon on Friday October 7. At that meeting, representatives (delegates) from each city consider and take action on resolutions that establish League policy. In order for the City of Sonoma to cast a vote at the October 7 annual business meeting, the City Council must designate a Voting Delegate.

Mayor Gallian is the only Council representative registered at this time to attend the League Annual Conference.

Recommended Council Action

Designate a Voting Delegate and up to two Alternates.

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. Letter from League of Ca Cities – Designation of Voting Delegates

cc:

1400 K Street
Sacramento, CA 95814
ph: (916) 658-8200
fx: (916) 658-8240

LEAGUE OF CALIFORNIA CITIES

WWW.CACITIES.ORG

RECEIVED
JUN 27 2016
CITY OF SONOMA

Council Action Advised by July 31, 2016

June 10, 2016

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 5 – 7, Long Beach

The League's 2016 Annual Conference is scheduled for October 5 – 7 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for noon on Friday, October 7, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 23, 2016. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 5, 8:00 a.m. – 6:00 p.m.; Thursday, October 6, 7:00 a.m. – 4:00 p.m.; and Friday, October 7, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 23. If you have questions, please call Kayla Gibson at (916) 658-8247.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes**. In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

LEAGUE® OF CALIFORNIA CITIES

CITY: _____

2016 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, <u>September 23, 2016.</u> Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate <u>one voting delegate and up to two alternates</u>.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

<u>OR</u>

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

<u>Please complete and return by Friday, September 23, 2016</u>

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247

CITY OF SONOMA
City Council
Agenda Item Summary

Agenda Item:	**9**
Meeting Date:	**09/07/2016**

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 GALLIAN	MPT AGRIMONTI	CLM. COOK	CLM. EDWARDS	CLM. HUNDLEY
City Audit Committee	LOCC North Bay Division Liaison	ABAG Alternate	ABAG Delegate	Cittaslow Sonoma Valley Advisory Council, Alt.
Marin/Sonoma Mosquito & Vector Control District	North Bay Watershed Association	City Audit Committee	Cittaslow Sonoma Valley Advisory Council	LOCC North Bay Division Liaison, Alternate
Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County Mayors & Clm. Assoc. BOD, Alt.	City Facilities Committee	City Facilities Committee	Sonoma Clean Power Alt.
Sonoma County Trans. Authority & Regional Climate Protection Authority	Sonoma County Trans. & Regional Climate Protection Authority, Alternate	Oversight Board to the Dissolved CDA	Oversight Board to the Dissolved CDA, Alt.	Sonoma County M & C Assoc. Legislative Committee
Sonoma Disaster Council	Sonoma County Waste Management Agency	Sonoma Clean Power	Sonoma County Health Action & SV Health Roundtable	S. V. Citizens Advisory Commission
Sonoma Housing Corporation	Sonoma Disaster Council, Alternate	S.V. Economic Vitality Partnership, Alt.	Sonoma County M & C Assoc. Legislative Committee, Alt.	S.V. Economic Vitality Partnership
S.V.C. Sanitation District BOD	Sonoma Housing Corporation	S. V. Library Advisory Committee	Sonoma Valley Citizens Advisory Comm. Alt.	S. V. Library Advisory Committee, Alternate
S.V. Fire & Rescue Authority Oversight Committee	S.V.C. Sanitation District BOD, Alt.			
VOM Water District Ad Hoc Committee	S.V. Fire & Rescue Authority Oversight Committee			
Water Advisory Committee	VOM Water District Ad Hoc Committee, Alternate			
	Water Advisory Committee, Alternate			

Recommended Council Action – Receive Reports

Attachments: None