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

Community Meeting Room, 177 First Street West
Sonoma CA 95476

City Council
Ken Brown, Mayor
Tom Rouse, Mayor Pro Tem
Steve Barbose
David Cook
Laurie Gallian

Monday, October 21, 2013
6:00 p.m.
****

AGENDA

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

OPENING

CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Rouse, Gallian, Cook, Barbose, Brown)
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. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: **Councilmembers' Comments and Announcements**

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

4. PRESENTATIONS

Item 4A: **Recognition of Michael David Hinton.**

5. 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 5A: **Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.** (Standard procedural action - no backup information provided)

Item 5A: **Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.** (Standard procedural action - no backup information provided)

Item 5B: **Approval and ratification of the appointment of John H. Bouldt to the Traffic Safety Committee for a term ending October 21, 2015.**
Staff Recommendation: Approve and ratify the nomination.

Item 5C: **Approval of procedures for the collection of delinquent water utility fees and charges.**
Staff Recommendation: Approve Resolution adopting procedures for the collection of delinquent water utility fees and charges.

Item 5D: **Approval of a Residential Customer Water Leak Adjustment Policy.**
Staff Recommendation: Approve Resolution to adopt a new Residential Customer Water Leak Adjustment Policy.

Item 5E: **Approve the Notice of Completion for the Depot Park Parking Area and ADA Improvement Project No. 1301 Constructed by Serres Corporation and Direct the City Clerk to File the Document.**
Staff Recommendation: It is recommended that Council approve the Notice of Completion for the Depot Park Parking Area and ADA Improvement Project No. 1301 Constructed by Serres Corporation and Direct the City Clerk to File the Document.

Item 5F: **Resolution Establishing an Appropriations Limit for FY 2012-13 Pursuant to Article XIIIB of the California Constitution as Amended by Proposition 111.**
Staff Recommendation: Adopt resolution establishing the Appropriation Limit for FY 2013-14.

Item 5G: **Approve changes and additions to employment positions in the City's Classification and Compensation Plan.**
Staff Recommendation: Approve changes to City's Classification and Compensation Plan.

Item 5H: **Adoption of an ordinance banning leaf blowers powered by internal combustion engines.**
Staff Recommendation: Adopt the ordinance banning leaf blowers powered by internal combustion engines.

6. 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.

No Actions.

7. PUBLIC HEARING

Item 7A: **Discussion, consideration, and possible action on the introduction of an ordinance amending the Municipal Code with respect to historic preservation.**
(Planning Director)

8. REGULAR CALENDAR – CITY COUNCIL

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

Item 8A: **Discussion, consideration and possible action on the Sonoma County Library Proposed Amended JPA Agreement.**
Staff Recommendation:
(1) Receive report on Draft Amended Sonoma County Library Joint Powers Agreement.
(2) Authorize (City Manager) to provide comments to JPA Review Advisory Committee by November 1, 2013.

Item 8B: **Discussion, consideration, and possible action on the request of Selma Blanusa to remove or modify an easement pertaining to 19725 Seventh Street East.**
Staff Recommendation: Provide direction to staff.

Item 8C: **Introduction of Ordinance repealing Chapter 14.10 of the Sonoma Municipal Code and reenacting a new Chapter 14.10 adopting and amending new construction codes.**
Staff Recommendation:
(1) Discuss any initial questions regarding the proposed local amendments or the adoption of the California codes. In particular, the City Council should consider whether adopting the increased requirements of Tier 1 (excluding Energy Efficiency Measures) of the California Green building Code is consistent with current Council policies.
(2) Publicly read the title of the proposed ordinance and schedule a public hearing to hear the matter and possibly adopt the ordinance on November 18, 2013.
(3) Direct the City Clerk to prepare a summary and carry out the special noticing procedures as required by the Government Code.

Item 8D: **Consideration and possible action on the introduction of an ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals.**
Staff Recommendation: Introduce and hold first reading of the ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals.

Item 8E: **Discussion, consideration and possible action to approve a Resolution of the City Council of the City of Sonoma authorizing the Amendment to MuniServices LLC Agreement to conduct a vacation rental review program.**
Staff Recommendation: Adopt Resolution authorizing Amendment No. 1 to the MuniServices, LLC Consultant Agreement and authorize the City Manager to sign the Amendment on behalf of the City.

Item 8F: **Discussion, consideration and possible action on a Sidewalk Trip-Hazard Repair Policy.**
Staff Recommendation: Approve Resolution adopting the Sidewalk Trip-Hazard Repair Policy.

Item 8G: **Discussion, consideration and possible action on the introduction of an ordinance amending Chapter 12.12 of the Sonoma Municipal Code pertaining to sidewalk maintenance and dangerous conditions.**

Staff Recommendation:

(1) Introduce the draft ordinance with any revisions deemed necessary by the City Council.
(2) Decline to introduce the ordinance.
(3) Provide direction to staff, requesting any additional information that the Council may require.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

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

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: **Reports Regarding Committee Activities.**

Item 10B: **Final Councilmembers' Remarks.**

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on October 17, 2013. ROBIN EVANS, DEPUTY CITY CLERK

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

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

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

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **4A**

Meeting Date: **10/21/2013**

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

Agenda Item Title

Recognition of Michael David Hinton

Summary

The City Council desires to publicly recognize the contributions of renowned guitarist Michael David Hinton. As an unusually gifted musician, Michael helped to inspire the creativity and musical output of many bands in Sonoma and across the United States.

Recommended Council Action

Mayor Brown to present the proclamation in memory of Michael Hinton.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

Proclamation

cc:

IN LOVING MEMORY OF MICHAEL HINTON

WHEREAS, on Thursday, August 1st. 2013, Our Heavenly Father called to rest nationally renowned guitarist Michael David Hinton, beloved father of Kyra Celine Hinton, dear friend of Ellen Ballard and Jessie Gordon, son of Marian Muth Hinton and David Hinton, stepson of Joan, brother of Cathy, Stacey and Diane, brother-in-law of Megan, Ray, Mitch and Craig, and "Uncle Mike" to Kyle, Maryssa, Michael, Keaton, Cassady, Nyssa, Logan and Jalen; and

WHEREAS, as a life-long resident of our beautiful Sonoma Valley, graduate of Sonoma Valley High School, stellar athlete in Wrestling, Baseball, Football, and Track, who began at age 12 to seriously develop his music career, and over the decades mentored numerous other Sonoma musicians in succession with close friends Daniel Ruggles, Steve Klein, Gerard Serafini and others committed to the Arts; and

WHEREAS, as an unusually gifted musician, Michael helped to inspire the creativity and musical output of many bands, in Sonoma and across the United States, including Blue Smoke, Fluid Drive, Sirius, Schellville Southside Blues Band, "all-star band" High Noon, Norton Buffalo and the Knockouts, Merl Saunders and the Rainforest Band, The Michael Hinton Band, The Barry Melton Band, along with countless stellar musicians in both the jazz and rock music industries; and

WHEREAS, Michael had a contagious wit and unique humor, was a born comedian and frequent rascal, who could make a person "belly laugh" during an argument against their will, who if he called you once in a day, could easily call 5 more times regarding different subjects, whose brain was seldom quiet and seemed to have an endless stream of creative output; and

WHEREAS, Michael was an artist deeply devoted and committed to music of all kinds, who encouraged fellow musicians to trust themselves, abandon boundaries, and create something new each time they stepped onstage; let it be known that his unexpected passing has left us with an inconsolable sorrow, and a heightened appreciation for creative people in every field, who push the envelope and change the way people see and hear the world around them. On his behalf, we hereby encourage everyone present, and the community as a whole, to encourage and foster whatever artistic endeavor is meaningful to you. It could make every difference to a young artist.

NOW THEREFORE, I, KEN BROWN, Mayor of the City of Sonoma, do hereby recognize the service of Michael Hinton to our community and beyond and extend sincere condolences to his bereaved family.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this _____.

Ken Brown, Mayor

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 10/21/2013

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

Agenda Item Title

Approval and ratification of the appointment of John H. Bouldt to the Traffic Safety Committee for a term ending October 21, 2015.

Summary

The Traffic Safety Committee consists of five members and one alternate who serve at the pleasure of the City Council. At least four of the regular members and the alternate must reside within the City. Appointments are made when a nomination by the Mayor is ratified by the City Council.

Mayor Brown and Councilmember Cook interviewed three applicants on September 13, 2013 and Mayor Brown has nominated John H. Bouldt for appointment to the Committee for an initial two-year term.

Recommended Council Action

Approve and ratify the nomination.

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:

Mr. Bouldt's application

CC: John Bouldt via email

resident

CITY OF SONOMA

SEP - 5 2013 CITY CLERK

COMMISSION APPLICATION

NAME: JOHN H. BOURDT

ADDRESS: 443 BRAZIL ST. SONOMA CA 95476

MAILING ADDRESS: DITTO

CONTACT INFO (Please include daytime & evening phone numbers and email address):

938 8395 (HOME) 7925379 (CELL)

jhamb1266@comcast.net

COMMISSION OF INTEREST: Traffic Safety

HAVE YOU EVER ATTENDED A MEETING OF THIS COMMISSION? Yes HOW MANY? Several

If you are not selected for the commission listed above, would you be interested in serving on any of our other commissions? If so, please indicate which commission(s): ?

HOW MANY YEARS HAVE YOU RESIDED IN SONOMA? 28

PRESENT OCCUPATION: Retired federal employee - NASA; 18 yrs
US NAVY; 15 yrs

EDUCATION

SCHOOL	MAJOR	GRADUATION DATE & DEGREE
San Jose	Welding Technology	AS 1975
US GOV't.	Aeronautics - Ocean - Environmental Eng'ng	

COMMUNITY SERVICE EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION
Sonoma Sister Cities	1986-1993	Board of Directors
Valley of the Moon Rotarians Club	1988 - Present	Club Founder & President

(Use additional paper if necessary)

OTHER RELEVANT EXPERIENCE OR EXPERTISE: US government service; OSHA Inspector - Construction Health & Safety Manager Quality Assurance Auditor & Q.A. Manager

WHAT IS YOUR UNDERSTANDING OF THE ROLE AND RESPONSIBILITY OF THIS COMMISSION?

Analyze Sonoma traffic & safety issues and provide remedial options to city government.

WHICH ACTIVITIES OF THIS COMMISSION INTEREST YOU THE MOST? The "team approach" of resolving traffic safety issues using problem solving procedures acquired in my 37 years of federal service

WHICH ACTIVITIES INTEREST YOU THE LEAST? Inhibitive discussion on minutiae

WHAT WOULD BE YOUR GOAL AS A COMMISSIONER? Traffic Safety C'tee process improvement, i.e. local newspaper progress reports. Public schools represented. Articles encouraging residents involvement

WHAT DO YOU FEEL YOU COULD CONTRIBUTE TO SEE THESE GOALS REALIZED?

Applying my years of experience in many relevant disciplines requiring strong communication/people skills.

PLEASE LIST TWO LOCAL REFERENCES AND THEIR PHONE NUMBERS:

Joanne Sanders - 695-9944 — Susan Norton 938 5621

SOME COMMISSION POSITIONS MUST BE FILLED BY A **QUALIFIED ELECTOR** OF THE CITY OF SONOMA. A QUALIFIED ELECTOR IS A PERSON WHO IS 1) A U.S. CITIZEN; 2) AT LEAST 18 YEARS OF AGE; AND 3) RESIDES WITHIN THE BOUNDARIES OF THE CITY OF SONOMA.

ARE YOU A QUALIFIED ELECTOR OF THE CITY OF SONOMA? [X] YES [ ] NO

I DECLARE UNDER PENALTY OF PERJURY THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

John H. Boulet — 9-5-2013

Applicant Signature — *Date*

All submitted applications are available for public inspection.

Return completed form to:
City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma CA 95476

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 10/21/2013

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

Agenda Item Title

Approval of Procedures for the Collection of Delinquent Water Utility Fees and Charges

Summary

The City does not have an efficient method to collect delinquent water utility fees and charges. The California Health and Safety Code sections 5473 and 5473a allow the City Council by a two-thirds vote to approve a resolution allowing delinquent water utility fees and charges to be collected annually on the tax roll.

Recommended Council Action

Approve Resolution adopting procedures for the collection of delinquent water utility fees and charges.

Alternative Actions

Council discretion.

Financial Impact

This new procedure will improve the cash flow in the City's water enterprise fund.

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

Attachments:

Resolution
Sections 5473 to 5473.11 of the California Health and Safety Code

Alignment with Council Goals:

Supports the Council Policy and Leadership Goal of updating policies and supports the Council Water and Infrastructure Goal for rate stabilization.

CITY OF SONOMA

RESOLUTION ___ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING PROCEDURES FOR THE COLLECTION OF DELINQUENT WATER UTILITY FEES AND CHARGES

WHEREAS, the City Council of the City of Sonoma did by its Ordinance No. 344, duly adopted on May 20, 1963, and did thereafter by a series of duly adopted ordinances and resolutions, adopt various programs and schedules of service charges, connection fees, capacity charges, and other related charges for the Sonoma Water Utility's necessary operation pursuant to the authority granted by the California Health and Safety Code sections 5471 *et seq*.; and

WHEREAS, pursuant to California Health and Safety Code sections 5473 and 5473a, the City Council of the City of Sonoma may, by resolution approved by two-thirds vote of its members, elect to have such water utility charges which have become delinquent due to their non-payment be collected annually on the tax roll, in the same manner and together with its general taxes; and

WHEREAS, the City Council has determined that there does not currently exist an efficient means of collecting such delinquent charges and it is therefore necessary to adopt said method of collection; and

WHEREAS, California Health and Safety Code sections 5473 *et seq*. outline the procedures required to notify and to move to collect such delinquent charges from those who have failed to pay; and

WHEREAS, pursuant to Government Code Section 53750(h)(2), an action to adopt a means for collection of previously-approved rates, fees, and charges is not subject to Proposition 218; and

WHEREAS, the City Council has determined that it is both necessary and desirable to collect such delinquent charges on the tax roll on an annual basis beginning in the next fiscal year and to authorize said collection procedure until such authorization is expressly repealed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma, by two-thirds vote, elects to have all water utility charges and fees which become delinquent because of their non-payment be placed on the real property tax roll of the County of Sonoma on an annual basis for collection by the Tax Collector of the County of Sonoma pursuant to the authority granted by and in accordance with the procedures set forth in California Health and Safety Code sections 5473 *et seq*. and other such authority as vested in it by law.

BE IT FURTHER RESOLVED that the City Manager or her designee is directed and authorized to promulgate rules and regulations, if any are necessary to implement the collection of said delinquent charges and fees in accordance with the statutory authorities specified above.

PASSED, APPROVED AND ADOPTED this 21st day of October 2013 by the following 2/3rd vote:

AYES:
NOES:
ABSENT:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johan, City Clerk

HEALTH AND SAFETY CODE
SECTION 5473 - 5473.11

5473. Any entity which has adopted an ordinance pursuant to this article or an order pursuant to Section 6520.5 may, by such ordinance or by separate ordinances or resolutions approved by a two-thirds vote of the members of the legislative body thereof, elect to have such charges collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. In such event, it shall cause a written report to be prepared each year and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the year, computed in conformity with the charges prescribed by the ordinance or resolution.

Any ordinance or resolution adopted pursuant to this section authorizing the collection of charges on the tax roll shall remain in effect for the time specified in the ordinance or resolution or, if no time is specified in the ordinance or resolution, until repealed or until a change is made in the rates charged by the entity.

The powers authorized by this section shall be alternative to all other powers of any entity, and alternative to other procedures adopted by the legislative body thereof for the collection of such charges.

The real property may be described by reference to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor or by reference to plats or maps on file in the office of the clerk.

5473a. Any entity may make the election specified in Section 5473 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

5473.1. The clerk shall cause notice of the filing of said report and of a time and place of hearing thereon to be published pursuant to Section 6066 of the Government Code prior to the date set for hearing, in a newspaper of general circulation printed and published within the entity if there is one and if not then in such paper printed and published in the county within which the greater part of such district is located.

Before any entity may have such charges collected on the tax roll for the first time following the effective date of this section, the clerk shall cause a notice in writing of the filing of said report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is assessed in the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to said clerk. If the legislative body adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as herein provided shall be adequate.

5473.2. At the time stated in the notice, the legislative body shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time. If the legislative body finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land.

5473.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report which determination shall be final.

5473.4. On or before August 10 of each year following the final determination upon each charge, the clerk shall file with the auditor a copy of the report prepared pursuant to Section 5473 with a statement endorsed on the report over his or her signature that the report has been finally adopted by the legislative body of the entity and the auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any of the parcels are outside the boundaries of the entity they shall be added to the assessment roll of the entity for the purpose of

collecting the charges. If the property is not described on the roll, the auditor may enter the description on the roll together with the amounts of the charges, as shown in the report.

5473.5. Except as provided in Section 5473.8, the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

5473.6. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

5473.7. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the entity, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

5473.8. All laws applicable to the levy, collection, and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to the charges authorized pursuant to this article, except that if any real property to which these charges relate has been transferred or conveyed to a bona fide purchaser for value or a lien of a bona fide encumbrancer for value has been created and attaches thereon during the year prior to the date on which the first installment of the general taxes that include the charges appears on the assessment roll, then the lien which would otherwise be imposed by Section 5473.5 shall not attach to the real property and the charges relating to that property shall be transferred to the unsecured roll of collection.

5473.9. The tax collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for an entity other than the county in an amount to be fixed by agreement between the board of supervisors and the legislative body of the entity. The compensation shall not exceed five dollars ($5) for each account handled, or 1 percent of all money collected, whichever is greater. The compensation shall be paid into the county salary fund.

5473.10. The entity may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding 1 and one-half percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

5473.11. (a) An entity shall notify the assessee shown on the latest equalized assessment roll whenever delinquent and unpaid charges for services which would become a lien on the property pursuant to subdivision (b) remain delinquent and unpaid for 60 days.

(b) The amount of the unpaid charges may, in the discretion of the entity, be secured at any time by filing for record in the office of the county recorder of any county, a certificate specifying the amount of the unpaid charges and the name and address of the person liable for those unpaid charges. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him or her. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of this filing the lien shall be extended to the real property in this county for 10 years unless sooner released or otherwise discharged.

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 10/21/2013

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

Agenda Item Title

Approval of a Residential Customer Water Leak Adjustment Policy

Summary

City water is a valuable commodity that must be protected. The City's existing water leak adjustment policy is somewhat loose and ambiguous. This has led to a practice of frequent leak adjustments on residential water bills and presumably reduced customer urgency for repairing water leaks and maintaining household plumbing. Staff recommends that this policy be tightened to be more aligned with similar neighboring water utilities.

Several water leak adjustment policies of neighboring utilities were reviewed by staff. The recommended policy, as adapted by staff and the City Attorney, was determined to be well suited for the City of Sonoma's needs. While the policy is tight and restrictive, it also provides financial leniency for those rare occasions when a resident experiences an unusually high water bill, not caused by their own negligence.

Recommended Council Action

Approve Resolution to adopt a new Residential Customer Water Leak Adjustment Policy.

Alternative Actions

Council discretion.

Financial Impact

This new water leak adjustment policy would reduce the number of water bill leak adjustments and reduce the administrative workload on staff to process such requests.

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

Attachments:

Resolution
Proposed Residential Customer Water Leak Adjustment Policy

Alignment with Council Goals:

Supports the Council Policy and Leadership Goal of updating policies and supports the Council Water and Infrastructure Goal for water conservation and rate stabilization.

CITY OF SONOMA

RESOLUTION ___ - 2013

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
ADOPTING A RESIDENTIAL WATER LEAK ADJUSTMENT POLICY

WHEREAS, Sonoma's City water is a valuable commodity that must be protected;

WHEREAS, on rare occasions, it would be reasonable to grant residential water customers a water leak adjustment to their water bill, when a water leak occurred not due to their own negligence;

WHEREAS, the City's existing water leak adjustment policy is ambiguous and resulted in frequent leak adjustments to water bills;

WHEREAS, excessive water leak adjustments resulted in lost water revenue and wasted water where there is less urgency to repair water leaks; and

WHEREAS, the City Council desires to update City policies and urge water conservation as part of its 2013/2014 Council Goals.

NOW, THEREFORE, BE IT RESOLVED by this City Council that the Residential Water Leak Adjustment Policy set forth in Exhibit "A" attached hereto is hereby approved.

PASSED AND ADOPTED this 21st day of October 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

RESIDENTIAL CUSTOMER
WATER LEAK ADJUSTMENT POLICY

It is the policy of operation of the water system of the City that the fees and charges imposed or to be imposed in the operation of the water system be designed to defray all cost of operation, to provide for normal replacement of physical facilities, and to provide for system improvement and expansion where needed. (Sonoma Municipal Code §13.04.020)

Notwithstanding this policy, on rare occasions, a leak may occur as a result of a crack, breach, or flaw in the property owner's system and under certain conditions, the City will grant a limited leak credit as described below.

General Guidelines:

- The water leak must not have occurred as a result of a willful or negligent act on the part of the customer.

- Residential customers must make a written request for a leak adjustment using the attached form and explain the cause of the leak, where the leak occurred, and all other relevant factors. Commercial customers are not eligible for the leak adjustment.

- Proof that the leak was fixed is required. Normally, this will be copies of receipts from the repair person or company, or supply receipts. The customer must be able to demonstrate that the repair was made within a reasonable time.

- Accounts must be paid in full.

- The water usage must be two hundred percent (200%) or more of the normal usage based on customer's consumption over the previous twelve (12) months.

- Water leak credits are limited to $200.00 and only one (1) credit will be granted every three (3) years during the life of the account, with subsequent credits no sooner than 3 years since the most recent leak credit. The Finance Department Manager will determine how the credit shall be allocated over future water bills. The customer shall not be entitled to any monetary reimbursement or payment from the City. The objective of this Leak Adjustment Policy is to provide a limited credit that will be used to reduce future water bills. Up to two (2) billing cycles demonstrating unusual and substantial increase in usage (as described above) will be eligible for an adjustment. Leak credits will be computed at the tier one water rate.

- To determine normal usage, consumption will be averaged on a monthly basis using the previous twelve (12) months of water consumption. If the account is new and does not have a full year of history, the Finance Department staff will estimate average, monthly consumption based on available history on the property, or usage of similar residences in the neighborhood, and any other relevant factors.

- The decision to grant a leak adjustment shall rest solely with the Finance Department Manager whose decision is final.

The Process:

- Make the necessary repairs to fix the water leak on your customer side of the water meter.

- Ensure that your current water bill is paid in full.

- Once your leak is repaired and you believe you qualify for a leak adjustment, complete the attached form and submit it immediately to City Hall.

- Staff will review your request and determine whether you may be eligible for the credit. Staff will go to your property and read your meter. The results of the review will be used to verify your eligibility for the credit and determine water usage during the relevant period.

- Staff will calculate the adjustment and leak credit, if any, and will submit all required documentation to the Finance Department Manager for review.

- Once approved or denied, a copy of the Residential Leak Adjustment Request form will be mailed to you reflecting the decision of the Finance Department Manager and the revised amount due or credit on the account.

- Please submit the balance due [if any] immediately upon receipt to prevent the assessment of penalties.

If you believe your situation may qualify for a leak adjustment, complete the attached Residential Leak Adjustment Request form and return to City Hall at No.1 The Plaza, Sonoma, CA 95476.

RESIDENTIAL WATER LEAK ADJUSTMENT REQUEST

No.1 The Plaza, Sonoma, CA 95476

Phone: 707-933-2237 Fax: 707-938-3934

www.sonomacity.org

REMEMBER:

- ❑ **Complete the entire form**
- ❑ **Attach Copies of Receipts**
- ❑ **Mail or deliver to City Hall**

CUSTOMER INFORMATION: Enter all information below.

Name on Account _____ **Account Number** _____

Service Address _____
(Cannot be P.O. Box)

Contact Phone _____ **Alternate Phone** _____

Mailing Address (if different than above) _____

City _____ State _____ Zip Code _____

LEAK REPAIR INFORMATION: Enter all details below.

Date Leak Discovered _____ **Date Leak Repaired** _____

Description of the Leak and Repair _____

_____

_____

_____

_____

_____

_____

_____

_____

RECEIPTS:

Copies of receipts for any materials or services related to the repair <u>must be attached and are required</u> for this request to be considered.

Briefly describe the receipts attached.

_____

SIGNATURE	OFFICE USE ONLY
I understand that by completing this form I am not guaranteed that an adjustment will be made to my water bill. All adjustments are issued based on average usage for previous account history and are credited at a reduced rate for <u>water loss only</u>. Once the form is submitted, I will receive a determination by mail in approximately 7 - 10 days. It is my responsibility to make payment to the utility department of any outstanding balance due or penalties may be assessed if payment is not delivered timely. ***I have read, understand and agree with the leak adjustment guidelines.*** Signature of Account Holder _____ Printed Name _____ Date _____	RECEIVED DATE STAMP

CITY OF SONOMA WATER DEPARTMENT USE ONLY

□ Approved By _____ Date _____ Adjustment Amount _____ Adjustment Made By _____ Date _____

□ Denied By _____ Date _____ Reason for Denial _____

_____ Customer Notified Date _____ Balance Due _____

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5E**

Meeting Date: **10/21/2013**

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

Agenda Item Title

Approve the Notice of Completion for the Depot Park Parking Area and ADA Improvement Project No. 1301 Constructed by Serres Corporation and Direct the City Clerk to File the Document

Summary

The City Council awarded the contract for the Depot Park Parking Area and ADA Improvement Project to Serres Corporation on July 15, 2013. The work generally consisted of parking lot rehabilitation and improvements. Final punch-list items have been completed and signed off by the Public Works Inspector. At this time, all work has been completed in accordance with the contract and it is recommended that the Notice of Completion (NOC) be approved and the City Clerk directed to file the NOC at the County Recorder's Office. There were three contract change orders for this project. A summary of the final contract amount, including approved contract change orders are shown on the table below.

Contract Summary Table

	General Description	**Amount**
	Approved Original Contract and Contract Pay Items	$111,203.43
	Adjustment to contract for revisions to unit price quantities	$4,479.38
CCO #1	Bid alternates as part of the construction documents (remove and plant trees and add irrigation chases)	$19,743.00
CCO #2	Add thermoplastic crosswalk striping across First Street East and West	$3,100.00
CCO #3	Time and materials for extra work to off haul treated railroad ties, concrete and other materials, add paving to correct grade deficiency.	$4,586.04
	Final Contract Amount	$143,111.85

Recommended Council Action

It is recommended that Council approve the Notice of Completion for the Depot Park Parking Area and ADA Improvement Project No. 1301 Constructed by Serres Corporation and Direct the City Clerk to File the Document.

Alternative Actions

None recommended.

Financial Impact

$220,000 has been budgeted in the City's 2013/14 Capital Improvement Program for this project. Total project costs are now projected to be approximately $203,000 (includes design, testing, construction, construction administration, etc.). Funds for the project were derived from Community Development Block Grants (CDBG) totaling $138,000 for the accessibility and parking lot improvements and a 2013 Transportation Development Act (TDA) Article 3 grant in the amount of $65,000 for the bike path maintenance improvements. All project costs are expected to be covered by the state and federal grants and no local funding match is required.

Environmental Review

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

Status

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

Attachments:

Notice of Completion – Depot Park Parking Area and ADA Improvement Project No. 1301

Alignment with Council Goals:

- Supports the Council Budget and Fiscal Stability Goal of Seeking Grant Opportunities;
- Supports the Council Budget and Fiscal Stability Goal to Maintain Capital Infrastructure.

When recorded, return to:

City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

OFFICIAL BUSINESS: Exempt from Recording Fees Pursuant to California Government code §6103.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. On the __21st___ day of __October_, 2013, the public project known as: Depot Park Parking Area and ADA Improvement Project No. 1301 was completed.

2. The name and address of the party filing this Notice is: City of Sonoma, No. 1 The Plaza, Sonoma, CA 95476

3. The name and address of the Contractor responsible for the construction of said public project is: Serres Corporation, 16060 Sonoma Hwy, Sonoma, CA 95476

4. The name and address of said Contractor's insurance carrier is:

   Don Ramatici Insurance, Inc.
   P.O. Box 551
   Petaluma, CA 94953

5. The general description of the public project was: parking lot rehabilitation and improvements, including miscellaneous demolition work; edge-grinding existing asphalt pavement; repairing localized pavement failures; correcting pavement grading and drainage; placing asphalt pavement and overlay; pavement markings and signing; asphalt milling of existing Class I bike path and placement of asphalt overlay; re-grading bike path approach for ADA improvements; upgrading existing curb ramps for ADA compliance; removal and replacement of concrete curb and gutter; tree removal; traffic control; and other related work.

6. The original contract amount was: $_111,203.43_____

Recording of this document is requested for **CITY OF SONOMA** and on behalf of the **City of Sonoma,** a Municipal Corporation, under Section 6103 of the Government Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ Dated: _____, 2013
Carol Giovanatto, City Manager

ATTEST: _____
City Clerk

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5F**

Meeting Date: **10/21/2013**

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

Agenda Item Title

Resolution Establishing an Appropriations Limit for FY 2012-13 Pursuant to Article XIIIB of the California Constitution as Amended by Proposition 111

Summary

The Appropriations Limit which was imposed by Propositions 4 and 111 creates a restriction on the amount of revenue that can be appropriated by the City in any fiscal year. The limit is based on actual appropriations set as a base in FY 1978-79, and is increased each year using the population increase factored by an inflation percentage. Not all revenues are restricted by the limit, only those, which are referred to as "proceeds of taxes," contained in the General Fund. Redevelopment tax increment proceeds are not subject to the limit.

Cities with tax proceeds greater than the limit must either return excess revenues or gain voter approval to increase spending limits. The data supplied by the State Department of Finance reflects a growth/population percentage of 1.0048% for Sonoma and a per capita personal income change of 5.12%. These percentages are factored against the City's tax proceeds to determine the Appropriation Limit. The limit for Sonoma for FY 2013-14 is set at $9,890,064. This limit is based on the adopted FY 2013-14 operating budget less exclusions not subject to limit. Tax proceeds for the City of Sonoma are projected to be under the Appropriation Limit by approximately $2,077,800 as calculated in accordance with the formulas prescribed by State Law.

Recommended Council Action

Adopt resolution establishing the Appropriation Limit for FY 2013-14

Alternative Actions

N/A

Financial Impact

None

Environmental Review

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

Status

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

Attachments:

1. Resolution
2. Appropriation Limit Worksheets

cc:

CITY OF SONOMA

RESOLUTION NO. ---- - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2013-2014 PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA CONSTITUTION, AS AMENDED BY PROPOSITION 111

WHEREAS, Article XIIIB of the California Constitution as amended by Proposition 111, provides that the total annual appropriations subject to limitation of each governmental entity, including this city, shall not exceed the appropriation limit of such entity of government for the prior fiscal year adjusted annually for changes in population combined with either the change in California per capita personal income or the local assessment roll due to local non-residential construction; and

WHEREAS, pursuant to said Article XIIIB of said California Constitution, and Section 7900 et seq., of the California Government Code, the City is required to set its appropriation limit annually; and

WHEREAS, the City Manager of the City of Sonoma has interpreted the technical provisions of said Proposition 4 and Proposition 111 computations and has caused the numbers upon which the City's revised appropriation limit is based to be calculated; and

WHEREAS, based on such calculations the City Manager has determined the said appropriation limit and, pursuant to Section 7910 of said California Government Code, has made available to the public the documentation used in the determination of said appropriation limit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sonoma that said appropriation limit for Fiscal Year 2013-2014 shall be and is hereby set in the amount of $9,890,064 for said fiscal year.

The foregoing Resolution was duly adopted this 21st day of October 2013, by the following roll call vote:

AYES:
NOES:
ABSENT:

_____
KEN BROWN, MAYOR

ATTEST:

_____
GAY JOHANN, CITY CLERK

DEPARTMENT OF FINANCE
OFFICE OF THE DIRECTOR

EDMUND G. BROWN JR. ▪ GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

May 2013

Dear Fiscal Officer:

Subject: Price and Population Information

Appropriations Limit
The California Revenue and Taxation Code, section 2227, mandates the Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2013, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2013-14. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2013-14 appropriations limit. Attachment B provides city and unincorporated county population percentage change. Attachment C provides population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts
Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code section 2228 for further information regarding the appropriations limit. Article XIII B, section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. The Code and the California Constitution can be accessed at the following website: http://leginfo.legislature.ca.gov/faces/codes.xhtml.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No state agency reviews the local appropriations limits.

Population Certification
The population certification program applies only to cities and counties. Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2013**.

Please Note: Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

ANA J. MATOSANTOS
Director
By:

MICHAEL COHEN
Chief Deputy Director

Attachment

May 2013

Attachment A

A. **Price Factor**: Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2013-14 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2013-14	5.12

B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2013-14 appropriation limit.

2013-14:

Per Capita Cost of Living Change = 5.12 percent
Population Change = 0.48 percent

Per Capita Cost of Living converted to a ratio: $\frac{5.12 + 100}{100} = 1.0512$

Population converted to a ratio: $\frac{0.48 + 100}{100} = 1.0048$

Calculation of factor for FY 2013-14:

$$1.0512 \times 1.0048 = 1.0562$$

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2012 to January 1, 2013 and Total Population, January 1, 2013

County City	Percent Change 2012-2013	--- Population Minus Exclusions --- 1-1-12	 1-1-13	Total Population 1-1-2013
Sonoma				
Cloverdale	0.32	8,641	8,669	8,669
Cotati	0.33	7,286	7,310	7,310
Healdsburg	0.45	11,458	11,509	11,509
Petaluma	0.96	58,245	58,804	58,804
Rohnert Park	0.32	40,902	41,034	41,034
Santa Rosa	0.61	169,070	170,093	170,093
Sebastopol	0.40	7,415	7,445	7,445
Sonoma	0.48	10,680	10,731	10,731
Windsor	0.34	27,041	27,132	27,132
Unincorporated	0.55	145,560	146,364	147,696
County Total	0.57	486,298	489,091	490,423

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **5G**

Meeting Date: **10/21/2013**

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

Agenda Item Title

APPROVE CHANGES AND ADDITIONS TO EMPLOYMENT POSITIONS IN THE CITY'S CLASSIFICATION AND COMPENSATION PLAN

Summary

In December 2012 the position of City Manager was filled through an internal appointment of the Assistant City Manager. As a result of that appointment it was envisioned that during the first year of the City Manager's contract certain duties formerly held by the Assistant City Manager would be reassigned to other staff positions who's area of responsibility more closely align with the duties. To complete this realignment, updates to specific job descriptions must be added to the City's Classification Plan with commensurate changes to the City's Compensation Plan. The personnel changes are necessary to meet the current operations of the City. With exception to one position [Finance Director], all positions will be filled through an internal recruitment process.

Recommended Council Action

Approve changes to City's Classification and Compensation Plan

Alternative Actions

Do not approve changes or submit recommended changes to staff.

Financial Impact

Anticipated budget savings of approximately $50,000 to current year budget. This is based on filling most positions internally and only doing an external recruitment for the Finance Director position. The realignment of internal staff and the recruitment of one external staff member will not result in any additional personnel positions being created and will not increase the current number of City personnel [currently at 36 employees].

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

Attachments:

Supplemental Report
Resolution
Job Descriptions within the City's Classification Plan
Compensation Schedule

Alignment with Council Goals:

Budget Strategy & Fiscal Stability: *Restores staff and maintain service level.*

Public Service: *Seek efficiencies with a focus on increasing customer service.*

cc:

CITY OF SONOMA

RESOLUTION NO. ___- 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING UPDATES TO JOB SPECIFICATIONS WITHIN THE CITY'S CLASSIFICATION PLAN

BE IT RESOLVED by the City Council of the City of Sonoma that the job specifications for the classifications of Assistant City Manager, Finance Director, Administrative Services Manager, Stormwater Program Specialist and Public Works Operations Manager have been updated and are attached hereto and by this reference made a part hereof is hereby approved.

ADOPTED this 21st day of October 2013 by the following vote:

AYES:
NOES:
ABSENT:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

CITY OF SONOMA

RESOLUTION NO. ___- 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING UPDATES TO JOB SPECIFICATIONS WITHIN THE CITY'S CLASSIFICATION PLAN

BE IT RESOLVED by the City Council of the City of Sonoma that the job specifications for the classifications of Assistant City Manager, Finance Director, Administrative Services Manager, Stormwater Program Specialist and Public Works Operations Manager have been updated and are attached hereto and by this reference made a part hereof is hereby approved.

ADOPTED this 21st day of October 2013 by the following vote:

AYES:
NOES:
ABSENT:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

City Of Sonoma

ADMINISTRATIVE SERVICES MANAGER

[Cemetery Manager/Personnel Officer]

SUMMARY

Under direction of the City Manager, plans, organizes and directs administrative activities including centralized human resources, safety and risk management services and functions; perform administrative duties related to the operation of the City's cemeteries; assists the City Manager with budget and other administrative tasks; provides professional and technical support to all departments and assigned areas of responsibility

FLSA STATUS: This is a confidential exempt position.

ESSENTIAL JOB FUNCTIONS include the following. Other duties may be assigned.

- Plans, organizes, directs, and coordinates activities of human resources, which include effective recruitment and testing, classification and compensation development and administration consistent with the City's compensation plan, development of benefit programs and administration of employee benefits and training; supervisors the establishment and maintenance of employee personnel files and other organizational records related to human resources management issues; monitors programs to ensure legal compliance.

- Reviews, interprets, and recommends changes and additions to human resources policies and programs, including the City's personnel rules, policies and procedures; labor contracts; benefit and training programs.

- Keeps abreast of trends and developments in the human resources field, including court cases, legislation, and relevant actions of other public agencies and service providers

- Serves as liaison with City's workers' compensation administrator, and tracks employee claims, lost productivity time, return to work activities; participates in or takes the lead in other employee health and safety programs

- Coordinates and performs the administrative functions related to the operation of the City's cemeteries; assists the public with obtaining information related to burials, cemetery related research, and other issues related to cemetery management and sales;, and prepares and maintains records related to burials and the cemetery.

- Performs a variety of administrative support functions related to other City programs and relevant boards and commissions.

- Conducts surveys and performs research and statistical analyses on administrative, fiscal, personnel and operational problems; investigates, interprets and analyzes proposals for new programs, grants, services, equipment and personnel; coordinates special projects and programs.

- Participates in the preparation and monitoring of the City personnel budget.

- Confers with members of the public to explain policies and programs and to respond to complaints and requests for information.

- May represent the City and make presentations to the City Council and other groups as needed

- May be assigned as a Disaster Service Worker in the event of a disaster or emergency

In performing the duties described above, the incumbent is expected to:

- Provide outstanding and friendly customer service
- Create and maintain a respectful and collaborative working environment
- Communicate honestly and behave in a manner that is ethical, legal and fiscally responsible
- Demonstrate care for the organization, customers and coworkers
- Practice and encourage initiative and innovation to improve the workplace

SUPERVISORY RESPONSIBILITIES
May provide supervision and training to support staff.

QUALIFICATIONS
To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE
Sufficient experience,education and training to demonstrate possession of the following knowledge, skills and abilities, which would typically be acquired through:

- Equivalent to a Bachelor's degree in public or business administration, human resource management or a closely related field.
- At least five years of progressively responsible, professional-level generalist experience in human resources management/administration, including two years of experience in a supervisory capacity. Experience in public sector agency is preferred.

<u>Knowledge of:</u>

- Principles and practices of public human resources administration, including methods of recruitment, selection, performance management, training and development, employee relations, salary and benefits administration
- Federal, State, and local laws, rules and regulations regarding local government operations related to human resource management functions
- Principles and practices of management necessary to plan, analyze, develop, direct, and evaluate programs, administrative policies, organizational structures and staffing
- Legal requirements regarding the preparation and retention of municipal records; techniques of account and statistical record keeping

Ability to:

- Establish and maintain effective working relationships with managers and supervisors, employees, the general public and other human resources professionals in the field
- Plan and organize human resources programs; supervise, train, and evaluate the performance of assigned staff
- Provide clear written or oral direction and procedures to coordinate administrative actions, and to implement policy decisions
- Competently utilize current computer applications and technology related to the work and to learn and apply new technology tools and solutions
- Maintain professional composure and focus in emotionally-charged interactions, while under pressure and in situations with multiple competing priorities
- Provide support and compassion to Cemetery clients and their families; provide follow-up to assure that all necessary arrangements are completed; file necessary burial documents and reports to Federal, State and local agencies [as required].

WORKING CONDITIONS

The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting, and stooping in the performance of daily office activities. Grasping, repetitive hand movement, and fine coordination are required in using a computer keyboard. Near, far, and color vision is used in reading documents and in using the computer. Hearing and speaking are required when providing phone and face-to-face service. The need to lift, drag and push files, paper and documents weighing up to 25 pounds is also required.

The work environment characteristics are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually moderate.

City Of Sonoma
ASSISTANT CITY MANAGER

SUMMARY

Under general direction of the City Manager, the Assistant City Manager performs complex administrative and executive work in the Office of the City Manager; relieves the City Manager of administrative or supervisory details associated with the operation of City departments; may direct and/or manage staff who are responsible for Citywide operations or for specific department functions; assures City compliance with applicable Federal, State and local laws, ordinances and codes; oversees policy development activities; internal control and coordination of existing City programs, and analysis of organization, methods, budget and administration.

DISTINGUISHING CHARACTERISTICS

The Assistant City Manager performs complex and administrative/executive work. The position has broad independent authority and provides direction to the department heads and/or senior managers. The Assistant City Manager plays a key role in the formulation and administration of City policy and strategic plans and acts on behalf of the City Manager in a variety of critical and sensitive settings. The classification is distinguished from the next higher-level position of City Manager in that the latter is the Chief Executive Officer of the municipal government and is responsible for the overall operations of City functional departments and delivery of City services. The Assistant City Manager serves as Acting City Manager when designated to act in the City Manager's absence. As acting City Manager, the scope of authority is equal to that of the City Manager.

ESSENTIAL JOB FUNCTIONS include the following. Other duties may be assigned.

- Assist and participate in the development and implementation of goals, objectives, policies, and priorities.

- Conduct studies, surveys and collect information on difficult operational and administrative problems and issues, analyze findings and prepare reports of practical solutions for review by the City Manager and City Council.

- Facilitates agenda preparation for council meetings, briefings, staff meetings and other such meetings as required.

- Coordinates activities of the City Manager's Office with City departments and with outside agencies.

- Serves on the labor negotiation team with employee bargaining groups.

- Monitors legislation and court cases that directly affect City's personnel and other operations; monitors contract and licensing compliance; assists in the writing and administration of grants. Identifies, plans and implements programs addressing the City's economic development and redevelopment issues.

- Prepares comprehensive reports and presentation materials for City Council, agency boards, and other public meetings, including recommendations based on analysis of gathered data.

- Drafts resolution, ordinances, contracts, leases, agreements and other related documents for

assigned projects and areas of responsibility.

- Provides staff support to various committees and commissions. Represents the City Manager at various meetings; provides staff support to City Council as necessary.

- Serves as liaison with community groups, private businesses and organizations, governmental agencies, and similar organizations.

- Designs and prepares forms, databases, informational materials, procedures and tracking systems as necessary related to assigned projects and programs.

- Coordinates activities with other City departments, outside agencies, and others involved in the process.

- Receives and responds to complaints, questions, and requests for information from the public and others related to assigned programs.

SUPERVISORY RESPONSIBILITIES

Responsibilities include direct and indirect supervision of management, technical and support services position staff in accordance with City policies and applicable laws.

QUALIFICATIONS

Any combination equivalent to experience and education that provides the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

- Possession of a minimum of five years of senior municipal management experience. Qualifying experience should include a significant demonstration of independent thinking, initiative and problem solving in the areas of budget development and administration, strategic planning, public policy/procedure development/implementation and personnel management.
- Possession of or equivalent to a Bachelor's Degree from an accredited college or university with major in public or business administration or closely related field.
- Or any equivalent combination of education and experience to demonstrate competency in all core areas of responsibility
- Possession of a Class C California driver's license by date of appointment.

Knowledge of:

- Functions, principles, practices and techniques of public administration; principles and practices of management and supervision.
- Research techniques, sources and availability of information, and methods of report presentation
- Applicable federal, state, and local laws, rules, and regulations pertaining to local government operation.

Ability to:

- Analyze a variety of administrative problems and to make sound policy and procedural recommendations; communicate clearly and concisely, orally and in writing.
- Properly interpret and make decisions in accordance with laws, regulations, policies; prepare complete and accurate reports.

- Establish and maintain effective working relationships with subordinates and other City officials and to effectively counsel with both.
- Express ideas clearly and concisely, verbally and in writing, and to speak effectively in public with regard to various City programs.
- Provide clear and appropriate policy direction to City departments.
- Identify, analyze and respond to issues, trends and legislation.
- Exercise professional judgment in recognizing and handling politically sensitive issues of public interest.
- Prepare written reports and communications that are succinct, grammatically correct, and free of errors.

In performing the duties described above, the incumbent is expected to:

- Provide outstanding and friendly customer service
- Create and maintain a respectful and collaborative working environment
- Communicate honestly and behave in a manner that is ethical, legal and fiscally responsible
- Demonstrate care for the organization, customers and coworkers
- Practice and encourage initiative and innovation to improve the workplace

WORKING CONDITIONS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Position requires working in a standard office environment and involves sitting, standing, walking, reaching, twisting, turning, kneeling, bending, and squatting in the performance of daily activities; grasping, repetitive hand movement, and fine coordination in writing reports and conducting financial and statistical analysis using a computer keyboard Additionally, the position requires near, far, and color vision in reading plans, reports and using the computer; hearing is required when interacting with the public and City employees. The incumbent must also be available to be called for local emergencies, attending meetings in various other cities, work irregular or extended hours to attend various meetings, and work with constant interruptions and deadlines. The noise level in the work environment is usually moderate.

City Of Sonoma
FINANCE DIRECTOR

SUMMARY

The Finance Director is a hands-on department head-level position that has the challenge of directing, supervising and participating in the day-to-day financial operations of the City.
Under general direction of the City Manager, manages the financial activities and accounting functions, computer operations and supervises accounting staff; performs difficult and complex statistical analyses; assists with annual budget preparation; responsible for the annual financial audit/CAFR; develops and distributes internal financial reports.

FLSA STATUS: This is a confidential exempt position.

ESSENTIAL JOB FUNCTIONS include the following. Other duties may be assigned.

- Organizes and participates in the functions and activities of the City's general accounting operations; performs accounting functions involved in the preparation and maintenance of the City's accounting records in compliance with Generally Accepted Accounting Principles.

- Maintain the general ledger, prepares general ledger closing entries; analyzes and reconciles accounts within the general ledger and subsidiary ledgers.

- Oversees a variety of subsidiary ledgers, reports and accounting records; examines and corrects accounting transactions to ensure accuracy in the areas of payroll, accounts receivable and payable, business license and utility billing.

- Prepare bank reconciliation, capital asset accounting and project accounting reconciliations

- Coordinates the preparation of all month end and quarterly financial reports.

- Prepare Consolidated Annual Financial Report; develop and implement recommended changes in procedures and internal controls.

- Implements changes in procedures and internal controls.

- Develop and implement policies, procedures and controls to ensure compliance with laws, regulations, City codes, City ordinance, GAAP and GASB

- Maintain and update City website for Financial Services department.

- Prepares budget reports and/or expenditure information as requested by Department Heads; provides ongoing analysis of actual revenues and expenditures.

- Responsible for investment of funds and borrowing; evaluates the earning potential of investments and directs investment activities.

- Forecasts the city's working capital and capital expenditure needs and conditions affecting funding, grants and money markets; predicts impact of anticipated actions on financial status; develops methods of revenue, grant and loan acquisition.

- Prepares quarterly Treasurer's Report and updates to the City's Investment Policy for council review.

- Responsible for the coordination and preparation of the City Budget

- Prepares comprehensive reports and presentation materials for City Council, agency boards, and other public meetings, including recommendations based on analysis of gathered data

- Manages Accounting Software; maintains software updates in accordance with changes to Governmental Accounting Standards. (Note: the City has just recently converted to Springbrook Software)

- Participate in management team activities, i.e. training, meeting, EOC exercise, etc. Provides expertise to others in the Finance Department in solving accounting problems and responding to inquiries from various sources.

- Performs costing and research related to employee negotiations.

- Contract Services: Acts as Treasurer for Valley of the Moon Fire District; prepares monthly reports and coordinates annual financial audit.
  Contract Services: Acts as Treasurer for Valley of the Moon Fire District; prepares monthly reports and coordinates annual financial audit.

- Act as a disaster service worker in the event of a disaster or emergency

In performing the duties described above, the incumbent is expected to:

- Provide outstanding and friendly customer service
- Create and maintain a respectful and collaborative working environment
- Communicate honestly and behave in a manner that is ethical, legal and fiscally responsible
- Demonstrate care for the organization, customers and coworkers
- Practice and encourage initiative and innovation to improve the workplace

SUPERVISORY RESPONSIBILITIES

Responsibilities include direct and indirect supervision of management, technical and support services position staff in accordance with City policies and applicable laws.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE
Any combination equivalent to experience and education that could likely provide the required knowledge, skills and abilities would be qualifying. A typical way would be:

Education: Graduation from a recognized college or university with a BS/BA in accounting, finance, public or business administration or a closely related field.

Experience: Five years of senior-level experience in local government finance. Supervisory experience is required.

Knowledge of

- Thorough knowledge of Generally Accepted Accounting and Auditing Standards
- Principles and practices of municipal accounting, budgeting and auditing
- Principles and practices of leadership, supervision and training
- Pertinent federal, state and local laws, regulations and codes

Ability to:

- Plan, organize, assign, direct, review and evaluate the work of staff
- Evaluate financial data and programs and provide recommendations for improvements
- Interpret and apply City, State and federal laws regulating local government financial accounting, reporting and recordkeeping
- Develop and implement financial systems procedures and controls
- Exercise sound, independent judgment within general policy guidelines
- Prepare accurate financial statements, reports and analyses timely
- Communicate effectively with public and City employees
- Provide training to the City employees in processing financial related transactions
- Establish and maintain effective working relationship with co-workers

CERTIFICATES, LICENSES, REGISTRATIONS
Must possess a valid California driver's license and have a satisfactory driving record.

WORKING CONDITIONS:
The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Position requires working in a standard office environment and involves sitting, standing, walking, reaching, twisting, turning, kneeling, bending, and squatting in the performance of daily activities; grasping, repetitive hand movement, and fine coordination in writing reports and conducting financial and statistical analysis using a computer keyboard Additionally, the position requires near, far, and color vision in reading plans, reports and using the computer; hearing is required when interacting with the public and City employees. The incumbent must also be available to be called for local emergencies, attending meetings in various other cities, work irregular or extended hours to attend various meetings, and work with constant interruptions and deadlines. The noise level in the work environment is usually moderate.

STORM WATER COMPLIANCE SPECIALIST

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

SUMMARY DESCRIPTION

Under general direction, oversees and administers the City's storm water program and other related environmental programs or projects through the development and facilitation of various activities with other departments, divisions, outside agencies, and the general public, as well as provides responsible, specialized and complex professional staff assistance to the Public Works Director.

REPRESENTATIVE DUTIES

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

- Plans, organizes and participates in the permitting, monitoring, inspection, enforcement, pollution prevention, and data management activities of the Storm Water Program and other related environmental programs or projects as assigned in accordance with federal, state and local laws and National Pollutant Discharge Elimination System (NPDES) permits.
- Coordinates the investigation of storm water runoff, industrial related storm water quality problems, as well as complaints and violations of storm water regulations and codes.
- Prepares outreach materials, conducts outreach efforts and trains City staff on storm water and environmental protection provides information to property and business owners, tenants, City employees, and the general public through individual contact in the field, over the counter, at workshops or community events, and by telephone or other appropriate means.
- Coordinates with other City departments to improve levels of compliance with the NPDES permit.
- Prepares notices of violation and compliance schedules in cooperation with violators; prepares and maintains records of investigations and actions taken.
- Coordinates and implements the City's annual dry weather monitoring program in compliance with its NPDES Storm Water Discharge permit.
- Reviews construction plans to identify storm water discharge sources and best management practices (structural and non-structural) to maximize storm water and water quality protection.
- Evaluates and interprets technical reports, documents, manifests, applications and permits related to environmental regulations and compliance with local, state, and federal regulations.
- Maintains inspection files, records, and logs; writes reports and chronologies; schedules work activities and inspections independently to meet program objectives in a timely manner; maintains records and prepares reports concerning new or ongoing programs and program effectiveness; maintains and updates various databases and filing and record keeping systems for assigned program; participates in researching and collecting data and information for inclusion into database and record keeping systems; conducts surveys; analyzes and interprets data collected; prepares reports and distributes requested information to appropriate parties in a timely manner including reports to regulatory agencies.
- Assists in the development and implementation of policies, procedures and other program requirements for education, inspections, complaint response, watershed activities, water quality monitoring, annual report writing, inter-departmental training and coordination.
- Coordinates actions and/or programs with other agencies, e.g., other cities, the county and state departments, such as coordinating regional inspections, education, or enforcement measures;

represents the City at regional meetings; serves as liaison and provides support to assigned program activities with those of other City departments and staff as well as community organizations, the general public, and other groups.
- Prepares and writes compliance reports and associated correspondence to regulatory agencies.
- Researches availability of grant monies for projects related to the department's responsibilities, as well as writes and administers successful applications.
- Provides training, direction and guidance for City staff as directed by the Public Works Director.
- Provides responsible professional level staff assistance and technical and administrative support to other management staff, as well as boards and committees; researches, prepares, and presents technical, fiscal, and administrative studies, surveys, and reports.
- Conducts and represents the City at various meetings and makes presentations to public interest groups, City personnel and others as directed.
- Keeps current with federal, state and local regulations and their impacts on the City's storm water and environmental quality and protection.
- Provides vacation and temporary relief as needed.
- Performs related duties as required.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- Operational characteristics, services, and activities of assigned environmental program area.
- Pertinent federal, state and local laws, codes, and regulations including those affecting NPDES permits, the Storm Water Program, and other environmental permits and programs.
- Permitting, legal, regulatory, and technical requirements of storm water quality management, including Illicit Connection and Illegal Discharge prevention and elimination, best management practices programs, and environmental monitoring and assessment.
- Modern principles and practices of chemistry, biology, microbiology, or environmental protection applicable to storm water, wastewater, hazardous materials or waste, or industrial waste. Laws and ordinances pertaining to storm water and environmental protection.
- Inspection, investigation or code enforcement principles and practices.
- Pollutant detection methodology related to storm water runoff or other wastes.
- Proper use of monitoring, sampling, and basic testing equipment.
- Principles and practices of record keeping and records management.
- Methods and techniques of data collection, research, and report preparation.
- Principles of supervision and training.
- Terminology used in area of assignment.
- Modern office procedures, methods, and equipment including computers and various software packages.
- Organization and operation of municipal government.

Ability to:

- Plan, organize, direct, coordinate, administer, and evaluate assigned environmental programs or projects.
- Exercise sound judgment to determine environmental program and permit compliance with existing laws and regulations.

- Review documents and reports for completeness and accuracy.
- Perform a full range of responsible advanced professional level analytical, programmatic, and administrative duties in support of assigned programs, functions, and/or department involving the use of independent judgment and personal initiative.
- Recommend and implement goals, objectives, policies, and procedures for providing assigned program services and activities.
- Conduct accurate and thorough research and prepare clear, complete, accurate, and concise analysis, reports, and recommendations.
- Understand, interpret, and apply general and specific administrative and departmental policies and procedures as well as applicable federal, state, and local policies, laws, and regulations.
- Use computer applications to assist in performing duties, e.g., word processing, spreadsheets, database and presentation applications.
- Apply procedures and techniques involved in the investigation, documentation, and enforcement of codes and regulations.
- Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.
- Apply procedures and practices for issuing notices of violation and schedules for compliance.
- Analyze and evaluate technical and scientific data, reaching sound conclusions.
- Review and interpret Stormwater Pollution Prevention Plans (SWPPP's).
- Analyze and evaluate situations, take appropriate action and document violations being investigated.
- Respond to emergency situations involving actual or suspected illegal discharges or spills to the storm drain system or environment.
- Understand the organization and operation of the assigned department, other City departments, and outside agencies as necessary to assume assigned responsibilities.
- Operate and use modern office equipment including a computer and various software packages.
- Work under steady pressure with frequent interruptions and a high degree of public contact by phone or in person.
- Develop and maintain effective interdepartmental coordination.
- Facilitate, develop, and work with teams and groups on various programs and projects and to create partnerships and coalitions.
- Respond tactfully, clearly, concisely, and appropriately to inquiries from the public, City staff, or other agencies on sensitive issues in area of responsibility.
- Represent the City in a professional manner when working with boards, community groups, and the general public.
- Exercise independent judgment within established policy guidelines.
- Demonstrate an awareness and appreciation of the cultural diversity of the community.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

Education and Experience Guidelines - *Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:*

Education/Training: A Bachelor's degree from an accredited college or university with major course work in public administration, business administration, environmental science, biology, or a related field.

Experience: One year of experience in environmental science, physical science, engineering, or related field. Administrative experience related to storm water management, NPDES permit compliance, or other environmental compliance programs is highly desirable.

License or Certificate - Possession of an appropriate, valid Class C driver's license. Possess, or obtain within the first year of employment, a certificate as a Qualified SWPPP Practitioner (QSP) or Qualified SWPPP Developer (QSD).

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Primary functions require sufficient physical ability to work in an office and field environment. Exposure to dust from paperwork and environment, temperature swings from air conditioning to outdoors. Overtime may be required to attend night and weekend meetings. Work environment is both formal and informal, both team- and autonomy-oriented, having variable tasks, pace, and pressure.

Physical: Primary functions require sufficient physical ability to work in an office and field setting and operate office equipment. CONTINUOUS sitting and upward and downward flexion of neck; fine finger dexterity; light to moderate finger pressure to manipulate keyboard, equipment controls, and office equipment; pinch grasp to manipulate writing utensils. FREQUENT side-to-side turning of neck, walking, standing, bending, stooping, pushing/pulling, and twisting at waist; moderate wrist torque to twist equipment knobs and dials; lifting objects weighing up to 20 lbs. from below waist to above shoulders and transporting distances up to 50 yards. OCCASIONAL squatting, kneeling, and reaching above and at shoulder height; moderate grasp to manipulate reference books and manuals; lifting objects weighing 20-35 lbs. from below waist to above shoulders and transporting distances up to 50 feet.

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- Assists in the development and implementation of policies, procedures and other program requirements for education, inspections, complaint response, watershed activities, water quality monitoring, annual report writing, inter-departmental training and coordination.
- Coordinates actions and/or programs with other agencies, e.g., other cities, the county and state departments, such as coordinating regional inspections, education, or enforcement measures;

represents the City at regional meetings; serves as liaison and provides support to assigned program activities with those of other City departments and staff as well as community organizations, the general public, and other groups.
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- Terminology used in area of assignment.
- Modern office procedures, methods, and equipment including computers and various software packages.
- Organization and operation of municipal government.

Ability to:

- Plan, organize, direct, coordinate, administer, and evaluate assigned environmental programs or projects.
- Exercise sound judgment to determine environmental program and permit compliance with existing laws and regulations.

- Review documents and reports for completeness and accuracy.
- Perform a full range of responsible advanced professional level analytical, programmatic, and administrative duties in support of assigned programs, functions, and/or department involving the use of independent judgment and personal initiative.
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License or Certificate - Possession of an appropriate, valid Class C driver's license. Possess, or obtain within the first year of employment, a certificate as a Qualified SWPPP Practitioner (QSP) or Qualified SWPPP Developer (QSD).

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Vision: See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents.

Hearing: Hear in the normal audio range with or without correction.

Exhibit A						
City of Sonoma						
Assignments of Classifications to the Salary Schedule						
	Effective October 21, 2013					
	Steps					
	A	**B**	**C**	**D**	**E**	**Effective Date**
General						
Administrative Clerk	3,334	3,501	3,676	3,860	4,052	1/11/2013
Administrative Assistant	3,921	4,117	4,323	4,539	4,766	1/11/2013
Accounting Technician	4,286	4,500	4,725	4,962	5,210	1/11/2013
Management Analyst	4,286	4,500	4,725	4,962	5,210	1/11/2013
Maintenance Worker I	3,546	3,723	3,909	4,105	4,310	1/11/2013
Maintenance Worker II	3,909	4,104	4,310	4,525	4,751	1/11/2013
Maintenance Worker III	4,547	4,774	5,013	5,264	5,527	1/11/2013
Maintenance Worker III - Foreman	4,774	5,013	5,263	5,527	5,803	1/11/2013
Water Operations Supervisor	5,014	5,265	5,528	5,804	6,095	1/11/2013
Stormwater Compliance Specialist	5,075	5,329	5,595	5,875	6,169	10/21/2013
Building Inspector	5,475	5,749	6,036	6,338	6,655	1/11/2013
Assistant Planner	5,075	5,329	5,595	5,875	6,169	1/11/2013
Associate Planner	5,994	6,294	6,608	6,939	7,286	1/11/2013
Plans Examiner	5,901	6,196	6,506	6,831	7,173	1/11/2013
Youth and Family Services Supervisor	4,286	4,500	4,725	4,962	5,210	1/11/2013
Administrative/Management						
Public Works Director/City Engineer	8,643	9,075	9,529	10,005	10,506	1/11/2013
Planning and Community Services Director	8,071	8,475	8,898	9,343	9,810	1/11/2013
Assistant City Manager	8,071	8,475	8,898	9,343	9,810	10/21/2013
Administrative Services Manager	6,179	6,488	6,812	7,153	7,511	10/21/2013
Development Services Director	8,071	8,475	8,898	9,343	9,810	1/11/2013
Assistant to the City Manager	6,017	6,318	6,634	6,965	7,314	1/11/2013
Accountant	4,906	5,151	5,409	5,679	5,963	1/11/2013
Senior Planner	6,179	6,488	6,812	7,153	7,511	1/11/2013
Finance Director	8,071	8,475	8,898	9,343	9,810	10/21/2013
Public Works Operation Manager	5,265	5,528	5,805	6,095	6,400	10/21/2013
Executive						
City Manager/Exec. Director Successor Agency	12,325					1/11/2013
Part Time *(Part-Time rates are stated per hour)*						
Administrative Intern	6.75-12.00	(Student)				2/15/2002
Parks Maintenance Worker	15.69					1/11/2013
Living Wage	15.45					1/11/2013

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5H**

Meeting Date: **10/21/13**

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

Agenda Item Title

Adoption of an ordinance banning internal combustion powered leaf-blowers.

Summary

The City's current regulations on the use and noise levels associated with leaf-blowers were adopted in 2011. In recent months, several presentations were made to the City Council (including a petition) requesting that the regulations be revisited, with the specific suggestion that gas-powered leaf-blowers be banned. Councilmembers Barbose and Cook requested that this question be placed on an agenda for consideration, which occurred at the City Council meeting of September 4, 2013. After hearing public testimony on the matter and conducting its own discussion, the Council ultimately voted 4-1 to direct staff to prepare an ordinance banning gas-powered leaf-blowers. Pursuant to that direction, staff prepared a draft ordinance for the Council's consideration that was reviewed at the meeting of October 7, 2013. After hearing public testimony on the matter, the City Council ultimately voted 3-2 to introduce the ordinance, but only after modifying it to clarify that the ban encompassed all types of leaf blowers powered by internal combustion engines or by portable generators powered by internal combustion (see attached minutes).

Staff would note that the ban would extend city-wide, with no exception for publically-owned properties (although State Parks and public schools would not be subject to the ban). The existing noise limitations and time restriction on leaf blowers set forth in the existing Noise Ordinance will continue to apply to electric leaf blowers.

Recommended Council Action

Adopt the ordinance banning leaf blowers powered by internal combustion engines.

Alternative Actions

1. Adopt the ordinance.
2. Identify revisions to the ordinance (note: any substantive revisions would require re-introducing the ordinance at a subsequent meeting).
3. Decline to introduce an ordinance banning internal combustion leaf blowers.
4. Postpone action on the ordinance and provide direction to staff on any additional information that the Council may require.

Financial Impact

The Public Works Director has researched the cost of switching to battery-powered leaf-blowers and estimates it to be approximately $10,000. In addition, the City contracts out for the maintenance of eight of its sixteen parks and for the Sonoma Creek Housing development. In the event that a ban on gas-powered leaf-blowers is adopted, it is possible that contract maintenance costs could increase. Depending upon the outcome of the ordinance, staff may bring forward an amendment to the FY 13-14 Budget to fund the additional cost of implementing this regulation.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☒ Exempt	☒ Action Requested (as part of draft ordinance)
☐ Not Applicable	

Alignment with Council Goals:

While revisiting the regulations pertaining to leaf-blowers is not directly related to any of the Council's adopted goals, if there is majority interest in doing so, it can be accommodated as part of the normal workload.

Attachments:

1. Draft ordinance
2. Correspondence

cc: Dan Takasugi, City Engineer/Bret Sackett, Police Chief
Darryl Ponicsan
Mailing list of local landscape contractors

CITY OF SONOMA

ORDINANCE NO. XX - 2013

AN ORDINANCE OF THE CITY OF SONOMA AMENDING CHAPTER 9.56 OF THE MUNICIPAL CODE BY ESTABLISHING ADDITIONAL REGULATIONS ON THE USE AND OPERATION OF LEAFBLOWERS

The City Council of the City of Sonoma hereby ordains as follows:

Section 1. Chapter 9.56 of the Sonoma Municipal Code is hereby revised as set forth below (underlining and strikeouts indicated amended text):

9.56.080 Other limitations.

A. Limitations on the Idling of Commercial Vehicles. When parked within 100 feet of a residential zoning district, a driver of a commercial vehicle shall not cause or allow an engine to idle for more than five consecutive minutes, except as necessary for the loading or unloading of cargo within a period not to exceed 30 minutes.

B. Public Rights-of-Way. The direction of any amplified, transmitted or recorded sound toward a public right-of-way from a business adjacent to such right-of-way is prohibited.

C. Limitations on types of leafblowers. The use of leafblowers powered by an internal combustion engine or by a portable or mobile generator powered by internal combustion shall be prohibited.

D. Limitations on use of leafblowers. No leafblower shall be operated in a manner that directs dust and debris onto any neighboring parcel or a public street.

Section 2. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that establishing more restrictive regulations on leaf blowers, as defined, may have a significant effect on the environment.

Section 3. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage. However, the enforcement of section 9.56.080.C shall not commence until January 1, 2014.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this ___th day of October, 2013.

Ken Brown, Mayor

ATTEST:

Gay Johann, City Clerk

October 10, 2013

Sonoma City Council

No. 1 The Plaza

Sonoma, CA 95476

Ken Brown, **Mayor**

Tom Rouse **Mayor Pro Tem**

Steve Barbose

David Cook

Laurie Gallian

Re: Leaf Blowers

Dear Council Members,

There may be a solution to the problem created by leafblowers, that would make most people happy. I suggest the use of industrial leaf & brush vacuum cleaners, instead of blowers. Gardeners would have to have an electrical source, or would have to power them through their vehicle engines, transforming the power to AC, or through a mobile generator. These vacuums additionally chew up the leaves, etc. and create mulch, which could be added to a mulch pile, or deposited into the brush receptacles provided by Sonoma Garbage.

This would certainly be better than blowing leaves and dust all over your neighbor's yard or cars.

Well, how about it? Is this a good idea or a bad one? Call me for any more ideas!

Glad to help!

Sincerely,

Gratien Guerra

(707) 996 8860

Mr. & Mrs. Gratien Guerra, Prop.

Place des Pyrenees

464 First St. East

Sonoma

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 10/21/13

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

Agenda Item Title

Discussion, consideration, and possible action on the introduction of an ordinance amending the Municipal Code with respect to historic preservation.

Summary

The Certified Local Government program, administered by the State Office of Historic Preservation (OHP) in partnership with the National Park Service, provides a broad structure for local governments to identify, evaluate, register, and preserve historic properties within their jurisdiction. Required components to qualify for certification include a system to survey and inventory historic resources, a historic preservation review commission, a local preservation ordinance consistent with National Historic Preservation Act, and a local preservation plan. In order achieve certification, a local government must file an application with the OHP, which reviews the proposal for compliance. In November of 2012, the City Council adopted a preservation plan and staff forwarded an application for CLG status shortly thereafter. Along with the preservation plan, this application also included draft amendments to the Municipal Code addressing various requirements of the CLG program, which the Council reviewed in conjunction with the Preservation Plan.

The State Office of Historic Preservation recently completed its review of the proposed amendments and found that through their adoption, the City would achieve compliance with CLG standards (see attached correspondence). They did recommend that the name of the Design Review Commission be changed, but they did not identify this as a requirement for certification. (Note: When the Design Review Commission discussed this issue, it was preference of the DRC to retain its existing name.) After the receiving the letter of conditional approval from the State Office of Historic preservation, staff scheduled a final review of the Development Code amendment for the meeting of September 12, 2013. After holding a public hearing on the matter, the Planning Commission voted unanimously to forward the amendments to the City Council for approval. The Planning Commission took no position on the recommendation to change the name of the Design Review Commission, leaving that issue for the City Council to decide.

Additional information is provided in the attached Supplemental Report.

Recommended Council Action

Introduce an ordinance amending the Sonoma Municipal Code to meet requirements necessary for the City of Sonoma to be designated as a Certified Local Government with respect to historic preservation.

Alternative Actions

1. Direct changes to the ordinance prior to its introduction.
2. Direct staff to provide information on any questions the Council may have.
3. Decline to introduce the ordinance at this time.

Financial Impact

The City already implements programs and policies related to historic preservation. The designation of the City as a Certified Local Government would involve some expansion of these programs, but in the near-term this would be accommodated within the normal workflow of planning staff and the DRC. In the long-term, implementation measures identified in the Preservation Plan could require the allocation of significant funding and/or staff time, but the decision to implement any of those measures would be made as part of the normal budget process. Achieving CLG status would enable the City to apply for grant funding to help support some of the implementation programs, but staff has no estimate of what this might amount to and obtaining grant funding cannot be relied upon.

Environmental Review	Status
☐ Environmental Impact Report	☒ Approved/Certified (through draft ordinance)
☐ Negative Declaration	☐ No Action Required
☒ Exempt	☐ Action Requested
☐ Not Applicable	

Alignment with Council Goals:

Achieving CLG status relates to the “Policy and Leadership” goal, as it responds to the requirements of State legislation while emphasizing local control through the planning process.

Attachments:

1. Supplemental Report
2. Letter from SOHP
3. Draft amendments to SMC 2.60 (Design Review Commission)
4. Draft amendments to SMC 19.42 (Historic Preservation and Infill in the Historic Zone)
5. Draft amendments to SMC 19.54.080 (Site Design and Architectural Review)

cc: League for Historic Preservation
Patricia Cullinan

SUPPLEMENTAL REPORT

Discussion, consideration, and possible action on the introduction of an ordinance amending the Municipal Code with respect to historic preservation

For the City Council Meeting of October 21, 2013

Background

The Certified Local Government program, administered by the State Office of Historic Preservation (OHP) in partnership with the National Park Service, provides a broad structure for local governments to identify, evaluate, register, and preserve historic properties within their jurisdiction. As described in further detail below, required components to qualify for certification include a system to survey and inventory historic resources, a historic preservation review commission, a local preservation ordinance consistent with National Historic Preservation Act, and a local preservation plan. In order achieve certification, a local government must file an application with the OHP, which reviews the proposal for compliance. Following certification, the OHP conducts periodic reviews to ensure that the programs required for certification continue to be administered. In November of 2012, the City Council adopted a preservation plan and staff forwarded an application for CLG status shortly thereafter. Along with the preservation plan, this application also included draft amendments to the Municipal Code addressing various requirements of the CLG program, as detailed below.

Required Elements of the CLG Program

There six required program components associated with becoming a Certified Local Government. While in some instances, these programs are already in place in Sonoma, in other cases there are programs that need to be added or expanded.

1. *Enforce appropriate state or local legislation for the designation and protection of historic properties. Key provisions in this area include a local preservation ordinance, and a preservation plan.* (Note: The preservation plan may take the form of General Plan Element, but this is not a requirement.)

   Sonoma has a preservation ordinance, in that the Development Code includes provisions addressing the preservation, adaptive re-use and demolition of historic structures. However, these provisions need to be modified in certain areas to ensure compliance with Certified Local Government (CLG) standards. A Preservation Plan was prepared based on existing policies and programs, supplemented as needed to meet CLG guidelines. This plan was reviewed by the Design Review Commission and the Planning Commission and it was circulated for comment to the City Historian, State Parks, the Sonoma League for Historic Preservation, the Sonoma Historical Society, the Chamber of Commerce, and others. Following this review process, the preservation plan was adopted by the City Council at its meeting of November 16, 2012.

2. *Establish an adequate and qualified historic preservation review commission by local law.* This commission must have at least five members each of whom must have "demonstrated interest, competence or knowledge in historic preservation."
   In the development of the Preservation Plan, the Design Review Commission (DRC) was designated to meet this requirement. However, it is necessary to update the DRC's charter as set forth in the Municipal Code to fully comply with CLG standards in this area. A draft ordinance amendment has been prepared that would accomplish this (attached).

3. *Maintain a system for the survey and inventory of historic properties.* The survey criteria must include a process for ongoing updates using criteria consistent with both state guidelines and the National Register of Historic Places.

   In 2006, the City Council adopted a local inventory of historic sites and structures. While this inventory provides a starting point for achieving CLG compliance in this area, the State Office of Historic Preservation has advised staff that the survey process should be amended in two ways: 1) it needs to include a better method for updating of the survey; and, 2) it should include criteria for the designation of locally-significant resources. Staff has prepared a draft ordinance (attached) that would enact these changes and incorporate the process into the Development Code, while reaffirming the designation of those properties named in the 2006 Resolution. A related ordinance amendment to the site design and architectural review permitting process (attached) modifies that process to account for local historic resources and districts.

4. *Provide for adequate public participation in the local historic preservation program.* The CLG guidelines promote public participation in all aspects of historic preservation programs. Commission meetings must be open to the public with participation encouraged. In developing the Preservation Plan, staff has solicited comments and feedback from the City Historian, State Parks, the League for Historic Preservation, the Sonoma Valley Historical Society, and the Sonoma Valley Chamber of Commerce.

5. *Satisfactorily perform the responsibilities delegated to the CLG.* This portion of the CLG guidelines reiterates the requirement for a preservation plan and establishes a process by which the OHP conducts an annual review to ensure ongoing compliance with CLG standards. This component is addressed in the draft ordinance amending the duties and composition of the Design Review Commission.

6. *The CLG shall assume certain responsibilities for reviewing and recommending properties within its jurisdiction to the National Register of Historic Places.* In essence, a CLG must establish a process for reviewing and commenting on nominations to the National Register involving resources within its boundaries and this process must be consistent with the requirements of the National Historic Preservation Act. Once a CLG has been established, any nomination of a property for designation in the National Register must be reviewed by the local preservation commission and the comments and recommendation of the Commission are forwarded to the State Office of Historic Preservation for consideration. This requirement is addressed in the draft ordinance amending the duties and composition of the Design Review Commission.

Proposed Amendments to the Municipal Code

As discussed above, in order to fully comply with the program requirements associated with CLG certification, staff prepared a set of amendments to the Municipal Code, as follows:

1. *Design Review Commission—Composition and Duties*
   Section 2.60 of the Municipal Code, which sets forth the duties and responsibilities of the Design Review Commission would be clarified and expanded with respect to activities related to historic preservation. These changes include reference to administering the process for identifying and designating locally-significant historic resources, as discussed below.

2. *Process for Designating Locally Significant Historic Resources and Districts*

Establishing a processing for identifying and designating locally-significant historic resources is a requirement of the CLG program. As set forth in the attached draft ordinance, staff suggests that these provisions be placed in Chapter 19.42 of the Development Code, "Historic Preservation and Infill in the Historic Overlay Zone." There are actually two proposed processes: 1) the designation of an individual resource, and 2) the designation of a historic district. The criteria for designating a locally-significant historic resource are modeled after those used for the listing of resources on the California Register, except that they emphasize significance in terms of the context of Sonoma. The criteria proposed for the identification of a historic district are based on the definition of a historic district as set forth in the Nation Register Bulletin *"How to Apply the National Register Criteria for Evaluation."* As proposed by staff, a key difference between these two processes is that while the designation of an individual resource would be acted upon by the Design Review Commission (subject to appeal to the City Council), the City Council would be the final decision-making authority on the establishment of a local historic district (with DRC having a recommending role). Staff would also note that, as the ordinance is currently drafted, while affected property owners would be notified of and could comment on a nomination for designation as an individual resource or for inclusion in a local historic district, a property owner could not ultimately veto such designation.

3. Site Design and Architectural Permit Findings

The third draft amendment to the Development Code, to section 19.54.080, establishes a requirement for additional findings for the approval of a site design and architectural review permit for projects involving a locally-designated historic resource.

These draft amendments have previously been reviewed by the City Council, the Planning Commission, and the Design Review Commission. They have not yet been adopted because, following the adoption of the Preservation Plan by the City Council, they were forwarded to the State Office of Historic Preservation for comment as part of the City's application for CLG status to ensure that they complied with the requirements of the CLG program. The State Office of Historic Preservation recently completed its review of the proposed amendments and found that through their adoption, the City would achieve compliance with CLG standards. (See attached correspondence.) They did recommend that the name of the Design Review Commission be changed, but they did not identify this as a requirement for certification. (Note: When the Design Review Commission discussed this issue, it was preference of the Commission to retain its existing name.) As required by State law, the Planning Commission conducted a final review of the Development Code amendments at its the meeting of September 12, 2013. After holding a public hearing on the matter, the Planning Commission voted unanimously to forward the amendments to the City Council for approval. The Planning Commission took no position on the recommendation to change the name of the Design Review Commission, leaving that issue for the City Council to decide.

Environmental Review

The adoption of amendments to the Development Code strengthening procedures related to historic preservation are considered exempt from environmental review, because there is no reasonably foreseeable likelihood that such actions would result in any significant environmental impact.

Recommendation

Staff recommends that the Planning Commission hold a public hearing on the proposed amendments to the Development Code and recommend to the City Council that they be adopted.

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

RECEIVED
AUG 19 2013
CITY OF SONOMA

August 13, 2013

David Goodinson
Director of Planning & Community Services
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476-6618

Dear Mr. Goodinson:

Re: City of Sonoma Certified Local Government Application

Our office was pleased to receive the City of Sonoma's application for the National Parks Service's Certified Local Government (CLG) Program. We have long supported the City's efforts to establish a local preservation program founded in best practices. Seeking CLG status is an excellent way to demonstrate that you have achieved that goal of establishing a sound program.

After reviewing the documentation provided by the City for the CLG application we can tell you that you are making great strides towards achieving your goal of certification. Please keep in mind that our review of the application must consider the existing circumstances. Unfortunately, the current City codes involving historical resources and historic preservation do not meet the minimum requirements for becoming a CLG and, as a result, we cannot recommend certification at this time. However, draft code changes were prepared by City staff and submitted for our review with this application. The proposed amendments contain the components we would expect to see in an effective historic preservation ordinance. Should the City formally adopt these draft changes, our office would be able to immediately act favorably and support the City of Sonoma becoming a CLG. We do strongly recommend that while modifications to the code are being considered that the name of the Design Review Commission be changed to the Historic Preservation Commission (or Board) to more accurately reflect the historic preservation responsibilities of the body.

The Local Government Unit will be happy to assist the City in any way possible as you continue to develop your comprehensive historic preservation program. Please do not hesitate to ask for guidance, assistance, or support at any time. We look forward to continuing to work with the City as you move towards your goal of becoming a Certified Local Government. As the staff person assigned to work with your program at this point, I can be reached at shannon.lauchner@parks.ca.gov , or (916)445-7013.

Sincerely,

Shannon Lauchner

Shannon Lauchner
State Historian II

CITY OF SONOMA

ORDINANCE NO. XX – 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA
THE SONOMA MUNICIPAL CODE BY CLARIFYING THE RESPONSIBILITES OF THE DESIGN REVIEW COMMISISON AND MODIFYING REGULATIONS PERTAINING TO HISTORIC RESOURCES IN ORDER TO ACHIEVE COMPLIANCE WITH THE REQRUIEMENTS OF THE CERTIFIFIED LOCAL GOVERNMENT PROGRAM FOR HISTORIC PRESERVATION

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

Section 1. Amendments to "Design Review Commission" (Title 2, Chapter 2.60) of the Sonoma Municipal Code.

A. Chapter 2.60 is hereby amended as set forth in Exhibit A.

Section 2. Amendments to "Integrated Development Regulations and Guidelines" (Title 19) of the Sonoma Municipal Code.

A. Article 19.42 of Division IV is hereby amended as set forth in Exhibit B.

B. Section 19.54.080.G of Article 19.54 of Division V is hereby amended as set forth in Exhibit C.

Section 3. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that establishing additional protections for historic resources, as defined, may have a significant effect on the environment.

Section 4. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of October 2013.

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

EXHIBIT A

2.60—Design Review Commission

Sections:

2.60.010 Purpose.
2.60.020 Composition.
2.60.030 Duties and responsibilities.
2.60.040 City Council review.

2.60.010 Purpose.

The purpose of the Design Review Commission shall be to protect the architectural heritage of Sonoma, identify and preserve significant historic resources, enhance the visual character of the built environment, and promote excellence in town design and architecture through its review of projects in accordance with this Chapter and other applicable provisions of the Sonoma Municipal Code.

2.60.020 Composition.

The Design Review Commission shall consist of five members, appointed in accordance with SMC 2.40.100. At least four members shall be qualified electors of the city. ~~The city council may choose to appoint qualified applicants who also have a professional expertise in one or more of the following areas: architecture, landscape architecture, urban design, historic preservation, arboriculture, or a related field; however, no more than two seats on the commission may be held at any one time by persons having such expertise.~~ The members of the commission shall include persons who have demonstrated special interest, competence, experience or knowledge in the following areas: historic preservation, cultural geography, or other historic preservation-related discipline; architecture and architectural history; prehistoric and historic archaeology; urban planning; landscape architecture; or related disciplines, to the extent such persons are available in the community. All members must have demonstrated interest in and knowledge of the cultural heritage of the city.

2.60.030 Duties and Responsibilities.

The Design Review Commission shall have the following responsibilities:

A. Exercise the authority set forth in this chapter and as otherwise provided in the Municipal Code.
B. Recommend to the city council policies and programs in support of historic preservation including but not limited to goals and policies for the General Plan and other regulatory plans as well as programs for historic preservation incentives.
C. Review and make recommendation to the State Office of Historic Preservation regarding nominations of property located within the city to the National Register of Historic Places.
D. Perform the duties pursuant to the certified local government provisions of the National Historic Preservation Act of 1966. This shall include undertaking review and comment upon those projects on which the city as a certified local government has an obligation or opportunity to provide review and comment under the National Historic Preservation Act including but not limited to private and public projects undertaken within the Sonoma Plaza National Landmark District, in accordance with the applicable provisions of the Municipal Code.
E. Administer the nomination, designation, and registry of local historic resources and districts as set forth in Section 19.42.020.

D. Develop and administer historic preservation plans, historic resource inventories, context statements, design guidelines and other information, plans and procedures related to historic preservation.

E. Implement the applicable provisions of the California Environmental Quality Act pertaining to historic and cultural resources, consistent with its authority under the provisions of Chapter 19.54.

F. Conduct the review of applications for the demolition or relocation of buildings and structures within the Historic Overlay zone and of potentially historic buildings and structures located outside of the Historic Overlay zone, in accordance with Section 19.54.090 (Demolition Permit);

G. Conduct architectural review, in accordance with Section 19.54.080 (Site Design and Architectural Review);

H. Conduct sign review in accordance with the provisions of SMC Title 18;

I. Conduct landscaping review in accordance with the provisions of Chapter 14.32;

J. Consult with, advise, and report to the city council on a regular basis in connection with the exercise of the Commission's duties and functions.

The above listed duties and functions shall be performed in compliance with Section 19.52.020 (Authority for Land Use and Zoning Decisions), Table 5-1 (Review Authority for Planning Permits), and the California Environmental Quality Act (CEQA), as applicable.

2.60.030 City Council Review.

The city council shall review the duties, responsibilities and effectiveness of the Design Review Commission on an annual basis commencing one year from the effective date of this section.

Exhibit B

19.42—Historic Preservation and Infill in the Historic Zone

Sections:

19.42.010—Purpose
19.42.020—Designation of a Local Historic Resource or District
19.42.030—Adaptive Reuse
19.42.040—Guidelines for Preservation and Adaptive Reuse
19.42.050—Guidelines for Infill Development

19.42.010 Purpose.

This Chapter is intended to safeguard the historic character of Sonoma by recognizing and preserving significant historic and cultural resources ~~buildings,~~ by providing incentives for the preservation and rehabilitation of historically and culturally significant resources, and by ensuring that new development in the Historic Overlay zone is architecturally compatible.

A. Officially designated historic structures. This Chapter establishes incentives, minimum standards, and guidelines for the preservation and adaptive reuse of officially designated historic structures to the greatest extent feasible, as well as a process for listing districts, sites, structures and other resources possessing local historic significance.

B. Potentially historic structures. This Chapter establishes guidelines for the preservation of historic structures within the City, using the League for Historic Preservation's inventory of historic structures as a guide for determining whether these provisions should be applied.

C. Infill development. This Chapter establishes guidelines to be used in review of infill development within the Historic Overlay zone for which a discretionary permit is required.

19.42.020 Designation of a Local Historic Resource or District

A. Purpose. In order to recognize and promote the preservation of sites, structures, and areas that are important to the history of Sonoma, this section provides for the nomination and designation of locally significant historic resources and districts.

B. Designation Process—Local Historic Resources. Local historic resources shall be designated by the Design Review Commission in the following manner:

1. Initiation of Designation. Designation of a historical resource may be initiated by the Design Review Commission or by the owner of the property that is proposed for designation. Applications for designation originating from outside the commission must be accompanied by such historical and architectural information as is required by the commission to make an informed recommendation concerning the application, together with the fee set by the City Council.
2. Review, Notice and Hearing. The Design Review Commission shall conduct a public hearing on a nomination for local historic resource designation. Notice of the public hearing shall be provided, and the hearing shall be conducted in

compliance with Chapter 19.88 (Public Hearings), including mailed notice to the owners of any property proposed for such designation.

3. Findings, Decision. Following a public hearing, the Design Review Commission may approve or disapprove a nomination for designation as a local historic resource. The Commission shall record the decision and the findings upon which the decision is based. The Design Review Commission may approve such designation only if it findings that the resource meets at least one of the following criteria:
   a. It is associated with events that have made a significant contribution to Sonoma's history and cultural heritage; or
   b. It is associated with the lives of persons important in Sonoma's past; or
   c. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
   d. It has yielded, or may be likely to yield, information important in Sonoma's prehistory or history.

C. Designation Process—Local Historic Districts. Local historic districts shall be designated by the City Council upon the recommendation of the Design Review Commission in the following manner:

1. Initiation of Designation. The designation of a local historic district may be initiated by the City Council or the Design Review Commission.
2. Requirements for Designation. The designation of a local historic district is subject to finding by the review authority that all of the following requirements are met:
   a. The proposed district is a geographically definable area.
   b. The proposed district possesses either a significant concentration or continuity of buildings unified by past events or aesthetically by plan or physical development.
   c. Considered as a whole, a sufficient concentration of buildings within the proposed district demonstrate integrity of design, setting, materials workmanship and association.
   d. The collective historic value of the buildings and structures in the proposed district is greater than the historic value of each individual building or structure
   e. The designation of the area as a historic district is reasonable, appropriate and necessary to protect promote and further the goals and purposes of this chapter and is not inconsistent with other goals and policies of the city.
3. Design Review Commission Hearing and Recommendation. The Design Review Commission shall conduct a public hearing on a nomination for local historic resource district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 19.88 (Public Hearings), including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the city council, setting forth the reasons for the decision. The Design Review Commission may approve a recommendation for a local historic district only if it makes the findings set forth in section 19.42.020.B.
4. City Council Hearing and Decision. The City Council shall conduct a public hearing on a nomination for local historic district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with

Chapter 19.88 (Public Hearings), including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the City Council shall by resolution approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. The City Council may approve a designation as a local historic district only if it makes the findings set forth in section 19.42.020.B. If the City Council approves a local historic district, notice of the decision shall be sent to property owners within the district.

D. Amendment or Rescission. The Design Review Commission and the City Council may amend or rescind any designation of an historical resource or historic district in the same manner and procedure as are followed for designation.

E. Previously Designated Historic Resources. The sites and structures previously designated by the City Council as having local historic significance through the adoption of Resolution 18-2006 are hereby designated as local historic resources as defined in this Chapter.

F. Register. The Design Review Commission shall maintain a register of designated local historic resources and districts.

19.42.030 Adaptive Reuse

The adaptive reuse of historic structures within the Historic Overlay District, involving uses not otherwise allowed through the base zone, may be allowed subject to the approval of a Conditional Use Permit, in compliance with Section 19.54.040 and as set forth below.

A. Eligible Structures. The following types of structures are eligible for adaptive reuse:

1. Officially designated structures. Those structures of officially designated historical significance as indicated by 1) listing with the State Office of Historic Preservation, or 2) listing as a locally-significant historic resource, regardless of whether they are located within the Historic Overlay zone.
2. Structures with potential historical value. In addition to officially designated structures, there are other structures that may have historical value because of their age (usually more than 50 years old), and their contribution to the overall historic character of the community due to their unique architectural scale and style, use of design details, form, materials, proportion, as may be documented through listing on the Sonoma League for Historic Preservation's inventory of historic structures. Such structures shall only be eligible for adaptive reuse if located within the Historic Overlay zone.

B. Allowable Use. The following uses may be considered in an application for the adaptive reuse of a historic structure:

1. Residential uses and densities:
   a. Allowable residential uses. Single- and multi-family dwellings and residential condominiums.
   b. Allowable residential densities. The allowable residential density within the Historic Overlay District may exceed the normally allowable density under the subject General Plan designation and zoning district, subject to the approval of the Planning Commission.
2. Nonresidential uses:
   a. Bed and breakfast inns;

b. Hotels;
c. Limited retail;
d. Mixed-use (residential over commercial) developments;
e. Professional and service-oriented offices;
f. Restaurants (with or without outdoor dining facilities); and
g. Wine tasting facilities.

C. *Retention of residential character, scale, and style.* Adaptive reuse projects shall retain a residential character, scale, and style (e.g., off-street parking areas would be prohibited in the front and street side setbacks, new construction would have a residential appearance, signs would be limited, etc.). The guidelines set forth in Section 19.42.030, below, shall be considered by the Planning Commission in applications for adaptive reuse.

D. *Compliance with parking standards.* The above listed uses shall be provided with suitable parking, in compliance with Chapter 19.48 (Parking and Loading Standards) .

E. *Findings and Decision.* The Planning Commission shall approve, with or without conditions, the ~~alteration or~~ adaptive reuse of an historic structure, only if all of the following findings can be made, in addition to those identified in Section 19.54.040 (Use Permits). The alteration or adaptive reuse would:

1. Enhance, perpetuate, preserve, protect, and restore those historic districts, neighborhoods, sites, structures, and zoning districts which contribute to the aesthetic and cultural benefit of the City;
2. Stabilize and improve the economic value of historic districts, neighborhoods, sites, structures, and zoning districts;
3. Preserve diverse architectural design reflecting phases of the City's history, and encourage design styles and construction methods and materials that are compatible with the surrounding neighborhood(s); and
4. Promote and encourage continued private ownership and utilization of structures now so owned and used;
5. Substantially comply with the applicable Secretary of Interior Standards and Guidelines for the Treatment of Historic Properties as well as the applicable requirements and guidelines of this Chapter.

Exhibit C

19.54.080—Site Design and Architectural Review

A. Purpose. This section establishes the review procedures necessary to ensure that all applicable development projects comply with the required standards, design guidelines and ordinances of the City; minimize potential adverse effects on surrounding properties and the environment; implement General Plan policies regarding community design; and promote the general health, safety, welfare, and economy of the residents of the City. Therefore, it is the purpose of this section to:

1. Protect and enhance historic buildings and the City's historic character;
2. Encourage the orderly and harmonious appearance of structures and property within the City along with associated facilities, landscaping, parking areas, and streets;
3. Recognize the interdependence of land values and aesthetics and provide a method by which the City may implement this interdependence; and
4. Ensure that new developments, including residential, institutional, commercial, and industrial developments built on the City's character and do not have an adverse aesthetic impact upon existing adjoining properties, the natural environment, or the City in general.

B. Applicability. The review of project site planning and architectural design is an integral part of the development approval process. Therefore, each project that requires approval of a Building Permit, unless exempted as set forth below, shall require review and approval by the Planning Commission and/or the Design Review Committee (DRC), as applicable, prior to the issuance of a Building Permit or the commencement of any work on a new structure, or improvements to alter, enlarge, remodel, repair, or otherwise change the exterior of an existing structure.

1. Residential development. Design review shall be required for new residential development, the alteration and enlargement of existing residential structures, and residential accessory structures, as set forth in the following table.

Design Review Requirements for Residential Development		
Development Type/Condition	**Design Review Requirement**	
	Inside Historic Zone	**Outside Historic Zone**
1. New Development		
Single-family development, fewer than five units, and associated accessory structures.	Yes	No
Single-family development, five or more units.	Yes	Yes
Duplex, and associated accessory structures.	Yes	No
Triplex, PUD, or other multi-family, and associated accessory structures.	Yes	Yes
2. Existing Development		
Maintenance, repainting, in-kind replacement of exterior materials.	No	No

Re-roofing.	No	No
Interior remodeling.	No	No
Exterior alterations for which no building permit is required.	No	No
3. Existing Residential Development, Constructed Prior to 1945		
Alterations to existing structures that increase floor area by 10% or 200 square-feet, whichever is greater.	Yes	No
Alterations to existing structures requiring a Building Permit that result in substantive changes to a primary or street-side building elevation.	Yes	No
Other exterior alterations or additions for which a building permit is required.	No	No
Building relocation.	Yes	Yes
Change in roof design (e.g., alterations in pitch and height).	Yes	No
4. SFD/Duplexes, Constructed in 1945 or Later		
Additions.	No	No
Exterior alterations (including change in roof design).	No	No
Relocation.	No	No
5. Multi-family, Constructed in 1945 or Later(Including Planned Unit Developments)		
Alterations to existing structures that do not increase floor area by more than 10% or result in substantive changes to a primary or street-side building elevation.	No	No
Other exterior alterations or additions that require a Building Permit.	Yes	Yes
Change in roof design (e.g., alterations in pitch and height).	Yes	Yes
6. Other		
Detached residential accessory structures developed in conjunction with an existing primary residence.	No	No
Landscape modifications, existing single-family residences and duplexes.	No	No
Significant alterations to approved landscaping plan, existing multi-family development/PUDs (private yard areas excepted).	Yes	Yes

2. **Commercial and mixed-use development.** Design review shall be required for new commercial and mixed-use development (including public and quasi-public facilities) and the alternation and enlargement of existing structures, as set forth in the following table.

Design Review Requirements for Commercial Uses and Mixed Uses	
Development Type/Condition	**Design Review Requirement**

New construction and building additions	Yes
Maintenance and in-kind replacement of exterior materials.	No
Exterior building modifications for which a building permit is required.	Yes
Repainting, except when the existing color scheme is substantially retained.	Yes
Improvements to existing parking facilities with 10 or less spaces.	No
Improvements to existing parking facilities with 10 or more parking spaces.	Yes
Lighting of parking areas.	Yes
Landscaping for a new development or significant alteration to an approved landscape plan (excluding private yards).	Yes
Accessory structures not in public view.	No

3. Demolitions. Demolitions shall be regulated as provided for under Section 19.54.090 (Demolition Permit).

4. Signs. Signs shall be regulated as provided for under Title 18 of the Sonoma Municipal Code.

5. Use Permits. Notwithstanding the exemptions identified in subsection 1 and 2, above, the Planning Commission may impose design review as a condition of use permit approval.

C. Application requirements. Any person proposing to construct, alter, enlarge, remodel, or otherwise change a new or existing structure subject to Site Design and Architectural Review in compliance with this Chapter, shall make application for project review prior to the application for a Building Permit in compliance with Section 19.52.040 (Application Preparation and Filing). It is the responsibility of the applicant to provide evidence in support of the findings required by subsection G. (Findings, decision), following.

D. Review responsibility. Certain types of projects are subject to review by both the Planning Commission and the Design Review Commission, while other types of projects are subject to review by only one commission. The responsibilities of the two commissions with regard to Site Design and Architectural Review are as follows:

1. Non-discretionary Projects. Projects subject to Site Design and Architectural Review, as set forth in Subsection B., but which are not otherwise subject to discretionary review by the Planning Commission (e.g., Use Permit review), shall be reviewed by the Design Review Commission only.

2. Discretionary projects. For projects subject to discretionary review by the Planning Commission, the Planning Commission shall be responsible for reviewing and acting upon the project site plan, building massing and elevation concepts to the extent it deems necessary. Subsequent review by the Design Review Commission shall be limited to elevation details, colors and materials, landscaping (including fences and walls), lighting, site details (such as the placement of bike racks and trash enclosures), and any issues specifically referred to the DRC by the Planning Commission.

3. Single-family development of five or more units. For new single-family development of five or more units, except in conjunction with a Planned Development Permit, the Planning Commission shall be responsible for reviewing and approving design guidelines to ensure an appropriate variety of unit types and styles. Design guidelines may include building heights and mix of stories, setbacks, architectural concepts, elevation details, building materials, and landscaping. The topics and level of detail required for the review of a particular project shall be as deemed appropriate by the Planning Commission. Review by the Design Review Commission shall not be required, except as referred to the Design Review Commission by the Planning Commission.

E. ***Review Procedures.*** Each application for Site Design and Architectural Review shall be reviewed by the City Planner to ensure that the application is consistent with the purpose and intent of this Section and with applicable requirements of this Development Code. The review authority shall hold a public meeting, and may approve, approve with conditions, or disapprove the application for Site Design and Architectural Review in compliance with this Section.

F. ***Factors to be considered.*** In the course of Site Design and Architectural Review, the consideration of the review authority shall include the following factors:

1. The historical significance, if any, of the site or buildings or other features on the site;
2. Environmental features on or adjacent to the site;
3. The context of uses and architecture established by adjacent development;
4. The location, design, site plan configuration, and effect of the proposed development.

These factors shall be considered in relation to the development standards and design guidelines of this Development Code, other applicable ordinances of the City, and applicable General Plan policies.

G. ***Findings, decision.*** The review authority may approve, approve subject to conditions, or disapprove an application for Site Design and Architectural Review. The review authority may approve an application, with or without conditions, only if it first makes the findings set forth below.

1. Basic findings. In order to approve any application for Site Design and Architectural Review, the review authority must make the following findings:

   a. The project complies with applicable policies and regulations, as set forth in this Development Code (except for approved Variances and Exceptions), other City ordinances, and the General Plan;

   b. On balance, the project is consistent with the intent of applicable design guidelines set forth in this Development Code; and

   c. The project responds appropriately to the context of adjacent development, as well as existing site conditions and environmental features.

2. Projects within the Historic Overlay District or a Local Historic District. In addition to the basic findings set forth in paragraph 1, above, the review authority must make

the following additional findings for any project located within the Historic Overlay District:

a. The project will not impair the historic character of its surroundings; and

b. The project substantially preserves the qualities of any significant historic structures or other significant historic features on the site.

c. The project substantially complies with the applicable guidelines set forth in Chapter 19.42 (Historic preservation and Infill in the Historic Zone).

d. The project substantially complies with any applicable preservation plan or other guidelines or requirements pertaining to a local historic district as designated through section 19.42.020.

These findings shall not apply to demolitions associated with a project which have been approved under Section 19.54.090 (Demolition Permit).

3. Projects Involving Historically Significant Resources. In addition to the basic findings set forth in paragraph 1, above, the review authority must make the following additional findings for any project on which site is located a resource that is listed or eligible for listing on the State Register of Historic Resources or that has been desiganted as a local historic resource pursuant to section 19.42.020:

a. The project substantially preserves the qualities of any significant historic structures or other significant historic features on the site.

b. The project substantially complies with the applicable guidelines set forth in Chapter 19.42 (Historic preservation and Infill in the Historic Zone).

c. The project substantially complies with the applicable Secretary of Interior Standards and Guidelines for the Treatment of Historic Properties.

These findings shall not apply to demolitions associated with a project which have been approved under Section 19.54.090 (Demolition Permit).

H. Expiration. If a Building Permit has not been applied for and issued within one year of Site Design and Architectural Review approval, the approval shall become void, unless an extension is approved in compliance with Chapter 19.56 (Permit Implementation, Time Limits, Extensions).

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **8A**

Meeting Date: **10/21/2013**

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

Agenda Item Title

Discussion, Consideration and Possible Action on the Sonoma County Library Proposed Amended JPA Agreement

Summary

The Sonoma County Library was established in 1975 with a Joint Powers Agreement (JPA). While there are Library branches in most of the County's cities, currently JPA members include only the County and the Cities of Healdsburg, Petaluma, Santa Rosa, and Sonoma. The Library is governed by a seven-member Library Commission. Five of the seven members are appointed by the Board of Supervisors, and one each by the Cities of Santa Rosa and Petaluma.

In 2012, the Sonoma County Mayors and Council members initiated a review of the Joint Powers Agreement in light of challenges at the Library and changes in demographics, technology, and finances since 1975. All of the cities in the County agreed to participate in the review, along with the Library Commission, and formed the Sonoma County Library JPA Review Advisory Committee.

The Committee began meeting in October, 2012, and completed its review and recommended distributing the Draft Amended JPA for review by the Board, City Councils, and Library Commission on September 16, 2013.

The Advisory Committee has met twelve times since October, 2012. It has included extensive public participation at its meetings, including input from library advocates, staff, and managers. The Committee also dedicated time for input from the Library Advisory Boards (LABs) for each branch, and reached out to the LABs through a survey and attendance at the annual meeting for all LABs.

Key Features of Current JPA: The Advisory Committee recommends that the Amended JPA retain and enhance many of the most valuable features of the current Agreement. These include:

1. Continuing to have one County-wide system, which provides economies of scale that would be unattainable otherwise.
2. Continuing to dedicate a current portion of property taxes to the Library.
3. Retaining the Library as an independent government organization focused on a regional system.
4. Continuing to have Library Advisory Boards in each community to provide a local voice for library patrons.
5. Continuing to operate in a spirit of collaboration among the Members.
6. Continuing a commitment to equitable services throughout the County.

The Advisory Committee also recommends numerous changes to strengthen the Library System including:

1. Expanding membership to include all cities and the County so that all jurisdictions have a role in decision-making, with each member having <u>one</u> vote on a new Library Commission.
2. Providing the Library with full budget and employment authority, removing the Board of Supervisors from the role of providing final budget approval.
3. Making explicit the Library's authority to levy taxes, with a 2/3 vote of the Commission and subject to other legal requirements.
4. Requiring approval from the relevant jurisdiction before exercising powers of eminent domain.
5. Requiring leases for buildings not owned by the Library, with the exception of the Central Library branch.

6. Requiring an equal number of core hours.
7. Allowing local communities to fund additional services, including hours that are open to all residents.
8. Requiring an appeals process for the Library Director's decisions on key issues
9. Requiring a strategic plan at least once every ten years.
10. Increasing the role for the LABs including a designated liaison and annual reports from each LAB to the Commission.
11. Requiring a review of the JPA every ten years.

Next Steps:
The Advisory Committee has established November 1 as the deadline for receipt of comments on the Draft JPA. The Advisory Committee will convene in November to consider proposed changes to the JPA, and will then distribute a final version for approval and appointment of new Commissioners. The anticipated effective date of the Amended JPA is February 1, 2014.

Recommended Council Action

1 Receive report on Draft Amended Sonoma County Library Joint Powers Agreement.
2 Authorize (City Manager) to provide comments to JPA Review Advisory Committee by November 1, 2013.

Alternative Actions

Request additional information

Financial Impact

There is no direct fiscal impact from providing comments on the Draft JPA.

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

Attachments:

Draft JPA Agreement
Comments from other Cities
Bucket List of pending items

Alignment with Council Goals:

While amending the Library JPA Agreement is not directly related to any of the Council's adopted goals, it does reflect the Council's commitment to work with the County of Sonoma

cc:

First Amended and Restated Joint Powers Agreement for the County-Wide Provision of Library Services by the Sonoma County Library

This First Amended and Restated Joint Powers Agreement for the County-Wide Provision of Library Services by the Sonoma County Library ("Agreement") 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 hereto, and amends the original Joint Powers Agreement dated January 27, 1975 (the "Original Agreement").

RECITALS

A. In the Original Agreement, the County of Sonoma and the Cities of Santa Rosa, Healdsburg, Petaluma, and Sonoma created a separate joint powers authority entity pursuant to California Government Code Sections 6500, *et seq.* (the "JPA Act") named the Sonoma County Library, which was established for the purpose of consolidating their existing public library services and continuing the operation of free public library services throughout the County of Sonoma.

B. The Sonoma County Library is a county free library pursuant to California Education Code Sections 19100, *et seq.*, a local agency pursuant to California Revenue and Taxation Code Section 95(m), and a special district pursuant to California Revenue and Taxation Code Section 2216.

C. The Sonoma County Library has been successful in providing county-wide free public library services to the public in the County of Sonoma and fulfilling its mission since its creation on January 27, 1975.

D. The Parties to this Agreement hereby desire to continue the Sonoma County Library and the provision of free public library services throughout the County of Sonoma, and to amend the Original Agreement with respect to the terms and provisions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, the executing Parties agree to the following terms and provisions:

I. PURPOSE

A. Amended and Restated Agreement. The purpose of this Agreement is to modify and amend the Original Agreement with respect to matters relating to membership, governance, administration, and operations of the Sonoma County Library ("Library"), a JPA Act entity. The terms and provisions of this Agreement replace the Original Agreement in its entirety. Unless expressly stated herein, this Agreement does not affect any of the Library's contracts, debts, revenues, claims, obligations, policies, procedures, or bylaws that pre-date this Agreement, which will continue to remain in full force and effect in accordance with their terms and/or applicable law.

B. Continuation of the Sonoma County Library as a JPA Act Public Entity. The parties to the Original Agreement created the Library as a distinct public entity, separate and apart from the parties to such agreement, pursuant to the provisions of the JPA Act (Government Code Section 6506) and Education Code Sections 19100, *et seq.* It is the intent of the Parties that, under this Agreement, the Library continue as a distinct public entity under the JPA Act and other applicable law. Pursuant to Government Code Section 6508.1, the debts, liabilities or obligations of the Library shall not be debts, liabilities or obligations of the individual Parties to this Agreement, unless the governing body of a Party expressly agrees in writing to assume any of the debts, liabilities or obligations of the Library.

C. Library Services Provided. The Library shall be responsible for operating, managing, and administering the integrated free public library system in the County of Sonoma, consistent with the terms of this Agreement.

D. Commitment to County-Wide Library System. The Parties to this Agreement agree to collaborate and work cooperatively with one another and the Library in good faith to ensure the provision of library services to Sonoma County citizens across the regional county-wide library system.

II. POWERS

A. General Powers. The Library shall have the powers common to the Parties to this Agreement that are necessary or convenient to the operation of the free public library system in the County of Sonoma, as well as other powers accorded to it by law, subject to the restrictions set forth herein.

B. Specific Powers. The Sonoma County Library is authorized in its own name to perform all acts necessary for the exercise of common powers to carry out this Agreement, including, but not limited to, the following:

1. To make and enter into contracts;

2. To employ agents and employees;

3. To obtain legal, financial, accounting, technical, and other services as needed to carry out its mission;

4. To acquire, construct, manage, maintain and operate any buildings, works, or improvements;

5. To acquire, hold, lease, or dispose of property;

6. 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 §§ 53850, et seq., and authority under the JPA Act;

7. To issue revenue bonds and other forms of indebtedness;

8. To impose, levy, collect or cause to be collected, to receive and use sales taxes, parcel taxes, Mello Roos taxes, property taxes, special taxes, or any other type of tax or assessment, as authorized by law;

9. To apply for, accept, and receive all permits, grants, loans, or other aids from any federal, state, or local public agency;

10. To receive and administer trusts, gifts, contributions, and bequests, as well as receive donations of property, funds, services and other forms of financial assistance, from any person, entity, or agency;

11. To sue and be sued in its own name;

12. To promulgate, adopt, and enforce any ordinances, policies, rules and regulations as may be necessary and proper to implement and effectuate the terms, provisions, and purposes of this Agreement; and

13. To exercise all powers reasonable or necessary to accomplish the foregoing.

C. Eminent Domain. The Library shall not have the power to acquire property by eminent domain unless the Member having jurisdiction over the subject property has expressly granted it such power in writing. Alternatively, Members may exercise their own eminent domain powers for the benefit of the Library. The Members shall work cooperatively and in good faith with the Library to address any eminent domain issues for the benefit of the regional library system.

D. Restriction on Exercise of Powers. Pursuant to the JPA Act (i.e., Government Code Sections 6508 and 6509), all common powers exercised by the Library shall be exercised in a manner consistent with, and subject to, the restrictions and limitations upon the exercise of such powers as are applicable to the County of Sonoma, a general law county.

III. EFFECTIVE DATE AND TERM

A. Effective Date. This Agreement shall become effective on February 1, 2014, or the date by which the governing bodies of all of the parties to the Original Agreement (the County of Sonoma and the Cities of Santa Rosa, Healdsburg, Petaluma, and Sonoma) have executed this Agreement, whichever is later. Such date shall be the "Effective Date" for purposes identified herein.

B. Term. This Agreement shall remain effective until it is terminated in accordance with the provisions set forth below in Section XI.A, subject to the rights of individual Parties to withdraw from the Library.

IV. MEMBERSHIP

A. Current JPA Members. Prior to the Effective Date of this Agreement, the sole Members of the Sonoma County Library are the County of Sonoma and the Cities of Santa Rosa, Healdsburg, Petaluma, and Sonoma. These parties shall remain Members of the Library after the Effective Date of this Agreement, subject to the terms and conditions herein.

B. Membership Eligibility. After the Effective Date of this Agreement, other incorporated cities within the geographic boundaries of the County of Sonoma may also become Members of the Library. To become a Member, the governing body of a city must: (1) approve of and request membership in writing; (2) execute this Agreement; and (3) present such documents to the Library Commission. Admission of a new Member under this provision shall not require this Agreement to be modified or amended.

C. "Member" Defined. For the purposes of this Agreement and after its Effective Date, the term "Member" shall refer to the County of Sonoma and any incorporated city within the geographic boundaries of the County which: (1) are eligible to join the Library as a Member pursuant to the provisions of this Agreement; (2) have signed this Agreement as a Party; and (3) have satisfied all other requirements to become a Member set forth herein.

V. LIBRARY ADVISORY BOARDS

A. LAB Creation. The Library shall establish a Library Advisory Board ("LAB") in each city or community in which at least one regional branch library operates. The LABs shall be comprised of, and shall be operated by, the residents of their respective service areas who shall be appointed by the Commission. Each LAB shall set its own procedural rules and operational bylaws, and shall comply with the provisions of the Ralph M. Brown Act, California Government Code Section 54950, *et seq*. As of the Effective Date, all existing LABs shall continue to remain in effect.

B. LAB Purpose. The purpose of the LABs shall be to provide information and make recommendations to the Commission and the Library Director on matters affecting library service based on input from their respective service areas.

C. LAB Liaisons. Each LAB may appoint one LAB member to act as a liaison to the Library Commission, who shall present an annual report on the activities of the LAB to the Library Commission.

D. Annual LAB Meeting. All LABs are encouraged to hold one combined meeting at least once a year to address system-wide library service and related issues.

VI. GOVERNANCE

A. Library Commission. The Library Commission ("Commission") is the governing and administrative body of the Sonoma County Library. Generally, it shall be responsible for exercising the powers set forth in this Agreement and applicable law to accomplish the purposes of the Library. Specific responsibilities of the Commission are as follows:

1. Provide structure and direction for operational, administrative and fiscal oversight of the Library;

2. Before the beginning of each Fiscal Year (as defined in Section IX.E), adopt, in its sole discretion, either an annual or a multi-year budget for the Library, and revise it periodically as necessary;

3. Ensure strict accountability of all funds and reports of all receipts and disbursements;

4. Identify and pursue additional funding sources for the Library;

5. If approved by a 2/3 vote of the Commission, issue bonds or other forms of indebtedness, and/or impose or levy taxes as authorized by this Agreement and/or applicable law;

6. Approve a strategic plan which addresses existing and proposed new facilities, operations, technology, and budget, at least once every ten years;

7. Adopt a facilities maintenance plan at least once every three years, and revise it as necessary;

8. Contract for, employ or otherwise engage sufficient administrative, technical, support and other staff, consultants and contractors, and provide for necessary direction, management and oversight for all staff, consultants and contractors;

9. Approve employment agreements or memoranda of understanding with employees and/or their representative bargaining units;

10. Adopt personnel rules and regulations;

11. Oversee the Library Director's performance of duties;

12. Adopt rules for procuring supplies, equipment and services, and for the disposal of surplus property;

13. Adopt a conflict of interest code, as required by law;

14. Adopt bylaws, policies, rules and regulations as necessary for the purposes of this Agreement; provided that nothing in the bylaws, policies, rules and regulations shall conflict with this Agreement or applicable law;

15. Review this Agreement once every ten years to determine its continuing effectiveness, and present written findings to Members; and

16. Discharge other duties consistent with the purposes of this Agreement as appropriate or required by statute.

B. Commissioners Appointed by Parties. The governing body of each Member of the Library shall be entitled to appoint one representative to sit on the Commission as a voting member ("Commissioner"). Commissioners must be Sonoma County residents, and shall be appointed and serve pursuant to the rules of appointment adopted by each Member's governing body.

1. Each Commissioner shall be appointed to serve for a term of four years; provided, however, that ½ of the number of Commissioners initially appointed (as chosen by lots) shall serve for an initial term of two years, though all subsequent appointments shall be for a term of four years. There is no limit on the number of terms a Commissioner may serve.

2. Initial appointments to the Commission by Members shall become effective on the Effective Date, or immediately after a city first becomes a Member of the Library, whichever is later.

3. If a Member's seat on the Commission becomes vacant at any time, the governing body of the Member shall appoint another representative to fill the vacancy within 30 days of the date on which such position became vacant.

4. Commissioners newly appointed to the Commission shall be provided with training for their position by the Commission, Library Director, or other persons, as designated by the Commission.

C. Commission Officers. The Commissioners shall select, from among themselves, a Chair who shall be the presiding officer of all Commission meetings, and a Vice Chair who shall serve in the absence of the Chair. In addition, the Commission shall appoint a Secretary and/or Clerk (who need not be Commissioners) to be responsible for keeping the minutes of all meetings of the Commission and posting agendas.

D. Reimbursement of Expenses. Commissioners shall serve without compensation, but may be paid actual expenses incurred in the performance of their duties.

E. No Personal Liability of Commission Members. Under the JPA Act, no Commissioner shall be personally liable for any debts, obligations or liabilities of the Library, or on any bonds issued by the Library, nor subject to any personal liability or accountability by reason of the Library's incurrence of debts, obligations or liabilities or issuance of bonds.

VII. COMMISSION MEETINGS AND VOTING

A. Regular Meetings. The Commission shall hold its regular meetings on a monthly basis pursuant to a meeting schedule, but may reschedule or dispense with particular meetings as it deems necessary or appropriate.

B. Special Meetings. Special meetings of the Commission may be called by the Chair or as provided for in the bylaws.

C. Call, Notice, and Conduct of Meetings. All meetings of the Commission shall be noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code Section 54950, *et seq*. As soon as practicable, but no later than the time of posting, the Secretary or Clerk shall provide a copy of the posted agenda to each Member and Commissioner. Commissioners may attend meetings remotely (via telephone, video conferencing, etc.) with full voting rights, to the extent practicable and as permitted by law.

D. Minutes. The Secretary or Clerk shall prepare minutes of all Commission meetings as soon as practicable after each meeting, and shall make the draft minutes available to

each Commissioner, the Members, and other interested parties upon request. The Commission shall consider the minutes at the next regularly scheduled meeting for approval.

E. Quorum. A majority of the Commissioners duly appointed to the Commission as of any meeting date shall constitute a quorum of the Commission for the transaction of business. If there is less than a quorum present at a meeting, no Commission action can be taken, and the meeting may be adjourned.

F. Voting. All voting power of the Library shall reside in the Commission. Each Commissioner shall have one vote. No absentee ballot or proxy is permitted. The affirmative vote of at least a majority of the Commissioners attending a meeting is required for the Commission to take any action. However, a 2/3 vote of all duly-appointed Commissioners is required for those actions expressly identified in Section VI.A.5 of this Agreement, and a vote of at least a quorum of all duly-appointed Commissioners is required for any of the following actions: (1) approval of the budget; (2) approval of collective bargaining agreements; (3) approval of new regional branch libraries; (4) decisions to incur debts from public or private lending sources that do not otherwise require a 2/3 vote; and (5) adoption or revision of bylaws.

VIII. OFFICERS, COMMITTEES, AND LIAISONS

A. Library Director. The Commission shall appoint a Library Director who shall meet the qualifications of a "county librarian" as specified in Education Code Section 19142. The Library Director shall report directly to the Commission, and shall serve at the pleasure of the Commission. The Library Director shall be responsible for the day-to-day operation, administration, and management of the Library, and shall perform duties as assigned by the Commission and specified in this Agreement.

1. Subject to the general policies adopted by the Commission, the Library Director shall build up and manage, according to accepted principles of library management, the library for the use of the residents of Sonoma County and shall, subject to budget limitations, determine what materials, furniture, fixtures, and equipment shall be purchased.

2. The Library Director shall have the power to employ staff, consultants and independent contractors as may be necessary to carry out the purposes of this Agreement, subject to the polices, rules and regulations set by the Commission.

3. The Library Director is authorized to make payments for the Library under any contract or agreement previously approved by the Commission where the payments are identified therein. The Commission may also, by resolution, authorize the Library Director to pay claims of the Library which do not exceed amounts identified in the resolution.

4. The Library Director shall apply for and, with the approval of the Commission, accept and administer grants and subventions from outside funding sources, both public and private.

5. The Library Director shall prepare and file all notices with the Secretary of State as required by Government Code Sections 6503.5, *et seq*., and shall be responsible for preparing and filing any other notices required by law.

6. The Library Director is the custodian of Library property and, pursuant to Government Code Section 6505.1, is required to file an official bond in an amount set by the Commission or as otherwise required by law.

7. Decisions of the Library Director regarding policies, facilities, and materials may be appealed to the Commission pursuant to criteria and procedures established in its bylaws.

B. Chief Financial Officer. The Library Director shall appoint a person, firm or entity to act as the Chief Financial Officer to the Library. The Chief Financial Officer shall be responsible for overseeing the Library's financial activities and shall, in writing, approve the accuracy of figures contained in each recommended budget presented to the Commission. The Chief Financial Officer shall report directly to the Library Director.

C. Treasurer, Controller, and Annual Audit. The Sonoma County Auditor-Controller-Treasurer-Tax Collector shall act as the Treasurer and Controller for the Library. The Treasurer and Controller shall perform all usual and customary duties of their offices for the Library, including but not limited to receiving all deposits, issuing warrants per direction, and other duties specified in Government Code Section 6505.5. The Commission may transfer the responsibilities of the Treasurer and/or Controller to any other person or entity as the law may provide at the time (see e.g., Government Code Section 6505.5). The Commission shall cause an independent annual audit to be made by a certified public accountant, or public accountant, in compliance with Government Code Section 6505.

D. Legal Counsel. The Commission shall appoint a person, firm or entity to act as general legal counsel to the Library.

E. Committees. The Commission may establish any advisory committees it deems appropriate to assist it in carrying out its functions, including both standing and ad hoc committees.

F. Liaisons. The Commission may appoint liaisons to the Commission as it deems appropriate to assist it in carrying out its functions, and to assist with outreach to school districts and other community institutions. In addition, each LAB may appoint one LAB member to act as a liaison to the Commission, per Section V.C of this Agreement.

IX. LIBRARY BUDGET, TAX LEVIES AND REPORTING

A. Budget Requirements. The Library shall operate only under an approved and balanced budget, which must be reviewed, adopted, and/or revised by the Commission each Fiscal Year. The Commission may revise an adopted budget as may be reasonably necessary to address contingencies, and unexpected expenses or financial circumstances.

B. Budget Process. The Library Director is responsible for preparing the recommended budget to present to the Commission with assistance from the Chief Financial Officer. At least one month prior to the Commission's annual public sessions to be held on the budget, the Library Director and Chief Financial Officer shall hold a public discussion or workshop with respect to the budget.

C. Tax Levies. The County of Sonoma (and any other Member as applicable) shall continue to annually levy, in the same manner and at the same time as other similar taxes are levied, and in addition to all other taxes, the tax upon all property to maintain and improve the Library system. Such library tax revenues shall be deposited with the Library's Treasurer, and paid out for the purposes authorized by this Agreement.

D. Annual Report. The Commission shall comply with Education Code Section 18927, and shall provide an annual report to the State Librarian and the Members on the condition of the Library. The Library Director shall comply with Education Code Section 19169, and shall provide an annual report to the Commission, the Members, and the State Librarian on the condition of the Library.

E. Fiscal Year. The Library's Fiscal Year shall be 12 months commencing July 1 and ending June 30.

X. SERVICES, RESOURCES, AND FACILITIES

A. Services. It is the intention of the Parties that the services the Library presently offers to the public be continued at or above current levels in all of its regional branch libraries. Such services include, but are not limited to, the size and quality of collections, hours of operation, qualifications of staff, and availability of technology. The Library shall endeavor to increase existing levels of services, and the locations in which services are provided, as allowable.

B. Distribution of Resources. The Library shall distribute its personnel, financial and technological resources among the various regional library branches in an equitable fashion, unless such distribution is expressly restricted (such as conditions in a gift or bequest).

1. With respect to hours of operation, an equitable distribution of resources requires that all regional branch libraries be funded in a manner allowing them to remain open to the public the same baseline number of hours, with the exception of the Central Branch in Santa Rosa (which may be funded to allow it to remain open to the public for more hours than the other regional branch libraries).

2. Nothing in this Agreement shall be construed as prohibiting a Member, person, or other entity from providing additional funding to a particular regional branch library for the purpose of allowing an increased level of service at that branch, including but not limited to an increase in the baseline hours of operation; provided, however, that access to any such increased level of service at a particular branch must be made be available to all Sonoma County residents. The Commission shall develop policies and procedures in its bylaws to establish conditions for reviewing and granting any such requests to increase levels of service, and must approve of all such requests prior to implementation. The Commission's bylaws shall require the requesting party to address the impacts of a request on the operation of the particular branch as well as the Library system-wide, including but not limited to affects on personnel and administration. The Commission may approve such requests only if they will not have an adverse impact on the operation or administration of any regional branch library or the Library system-wide.

C. Facilities. All facilities used or operated by the Library shall meet minimum standards satisfactory to the Commission.

1. The Library shall enter into and maintain lease agreements for each facility in which it operates, or intends to operate, a regional branch or rural station library, unless the facility is owned by the Library. The Commission shall establish lease agreement standards and requirements in its bylaws, and shall approve Library leases that are consistent therewith.

2. The Library and Members who own library facilities shall work together to plan for the provision and payment of capital improvements and capital repairs to facilities operated by the Library, including but not limited to major repair and replacement of building structures, HVAC systems, plumbing, roofing, ADA improvements, and other structural elements or external features such as parking lots.

3. Any temporary or permanent relocation of a regional branch library shall be mutually agreed upon by the Library and the Member(s) owning the subject library facility or facilities. Notwithstanding the foregoing, the Library shall continue to have the exclusive occupancy and control of the Central Library building and grounds in Santa Rosa, California.

4. Members shall obtain the prior written approval of the Commission with respect to any proposed new library branches and any expansion/remodeling of existing library branches, including approval of plans and specifications. With respect to any library facility owned by a Member, the Commission shall not unreasonably withhold its approval of modifications proposed by that Member if they are required by state or federal law. Any architects retained by a Member for such purposes shall consult with the Library Director as often as the latter deems necessary to the proper exercise of his/her responsibilities.

XI. TERMINATION AND WITHDRAWAL

A. Mutual Termination. This Agreement may be terminated only by the mutual agreement of all of the Parties; withdrawal of all but one of the Parties shall constitute a mutual termination of this Agreement by all Parties as of the end of the Fiscal Year in which the penultimate Party withdraws. Upon termination of this Agreement, Members shall mutually agree upon the disposition of Library funds and assets remaining after satisfaction of all of its debts and obligations. If the Members are unable to reach an agreement on such disposition, the Library funds and assets shall be apportioned pursuant to each Member's proportionate share (based on assessed values for library tax purposes), which shall be determined by the Library's Treasurer.

B. Withdrawal. Individual Members may withdraw from the Library without affecting the continuing operation or administration of the Library. Individual Members may withdraw from the Library by complying with all applicable laws and by giving a minimum of one year's written notice to the Commission and all other Members, which withdrawal shall be effective only at end of a given Fiscal Year. Any Member who withdraws from the Library shall not be entitled to distribution of any Library property or funds; the Library shall retain all property used in the provision of library services at the Member's facilities, including but not limited to furniture, fixtures, technology, equipment, and library collections and materials.

Further, a withdrawing Member shall be responsible for satisfying its proportionate share (based on assessed values for library tax purposes) of all outstanding debt and obligations for system-wide costs, and all costs relegated to any regional branch library in the Member's jurisdiction, that exist at the time of withdrawal. Upon withdrawal, all future library tax revenues attributable to the withdrawing Member may revert to that Member only if it assumes the responsibilities of providing a free public library within its jurisdiction and if otherwise allowed by law.

XII. MISCELLANEOUS PROVISIONS

A. Privileges and Immunities from Liability. All of the privileges and immunities from liability, applicable to the activities of officers, agents or employees of a public agency when performing their respective functions, shall apply to the officers, agents or employees of the Library to the same degree and extent while performing any of the functions and other duties of such officers, agents or employees under this Agreement. None of the officers, agents or employees directly employed by the Library shall be deemed, by reason of their employment by the Library, to be employed by the Parties to this Agreement or subject to any of the requirements of the Parties.

B. Insurance. The Library shall be required to obtain insurance, or join a self-insurance program(s) in which one or more of the Parties participate, appropriate for its operations. Any and all insurance coverages provided by the Library, and/or any self-insurance programs joined by the Library, shall name each and every Party to this agreement as an additional insured for all liability arising out of or in connection with the operations by or on behalf of the named insured in the performance of this Agreement. Minimum levels of the insurance or self-insurance program shall be set by the Library in its ordinary course of business. The Library shall also require all of its contractors and subcontractors to have insurance appropriate for their operations.

C. Indemnification of Parties and Participants. The Library shall defend, indemnify, and hold harmless the Parties and each of their respective 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 Library.

D. Amendment of this Agreement. This Agreement may be amended only by the written agreement of all Parties.

E. 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.

F. 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 directed to the Library shall be addressed to the Chair of the Library Commission, or such other person designated in writing by the Commission, and shall be copied to all Parties.

G. Complete Agreement. This Agreement constitutes the full and complete agreement of the Parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the Parties with respect to the subject matter of this Agreement are merged into this Agreement.

H. Execution in Counterparts. This Agreement may be executed in any number of counterparts, and each executed counterpart shall have the same force and effect as an original instrument and as if all signing Parties had signed the same instrument.

WHEREFORE, the Parties agree to and execute this Agreement as of the dates set forth below.

SONOMA COUNTY LIBRARY JPA REVIEW ADVISORY COMMITTEE

COMMENTS RECEIVED RE: DRAFT AMENDED JPA

October 17, 2013

TOPIC	REQUESTS	RATIONALE
Commission Membership	**County and Santa Rosa**: Add two representatives to Commission, one each from the County and Santa Rosa. **Petaluma*:** Retain language for one representative per jurisdiction. **Cotati:** Very strong preference to retain language for one representative per jurisdiction. **Sebastopol:** Retain language for one representative per jurisdiction. **Windsor:** Retain language for one representative per jurisdiction.	**County and Santa Rosa:** a) The County and Santa Rosa have substantially larger populations than others. The unincorporated County has approximately 1/3 of the County population, Santa Rosa 1/3, and the other Cities 1/3. b) The unincorporated County provides 45% of the property tax funding for the Library; Santa Rosa provides 25%; the other Cities provide 30%. c) The unincorporated parts of the County require representation due to their remote nature and unique circumstances compared to the cities. **Other Cities:** One vote per jurisdiction is appropriate level of representation for shared governance.
Community Funding for Additional Hours and Other Purposes	**County:** Require a 2/3 vote of the Commission to approve community-funded hours (thus adding a requirement for one more affirmative vote regardless of the size of the Commission), retaining the requirement for an equal number of core, baseline hours among all branches. **Santa Rosa:** a. Additional discussion needed, including potential to raise the threshold for adding hours to 3/4 or 4/5 vote of Commission. b. Consider idea of requiring that a % of funds raised be allocated to system-wide use (i.e.,	**For allowing locally-funded hours:** a. Improves access for local communities as well as to the public in whole. **Against allowing locally-funded hours:** a. There are significant social equity implications in allowing community-based funding for additional hours. The JPA should require a higher threshold before allowing such funding, or not allow it at all. b. Allowing a community to fund hours locally could undermine support for County-wide efforts to better fund the Library system.

	20% of funds raised must be used for betterment of system.) c. Consider limiting number of additional hours. d. Do not impose restrictions on local funding for major capital improvements. e. Consider restrictions on local funding for programs, equipment, materials, etc. separate from hours. **Petaluma*:** Most Council members expressed strong reservations about allowing additional community-funded hours. **Cotati:** Generally supportive of allowing additional hours, particularly because the expanded hours will be available to all County residents. **Sebastopol:** Opposed to allowing additional locally-funded hours; retain option for fundraising for capital improvements and programs of local interest. **Windsor:** Supportive of allowing community funding of additional branch service hours as currently written in draft JPA; provides benefits to the community and to the Library System.	
Eligibility Requirements for Commissioners	**County:** Retain language so that only requirement for Commissioners is that they reside in the County, adding in the recitals strong encouragement for the appointment of elected officials. **Santa Rosa:** Reaffirm proposed JPA language that allows member agencies to determine appointment. **Petaluma*:** Appeared comfortable with language allowing member agencies to determine appointments. **Cotati:** Comfortable with language allowing member agencies to determine appointments. **Windsor:** Agree with current language allowing discretion to member agencies to determine	**County:** a. Each community is best positioned to determine its best representative on the Commission. b. Because they face voters every four years, elected officials are more accountable to the public. c. Local experience with JPAs suggest that they may work better with elected officials in the representatives. **Cities:** Allow each jurisdiction to choose the most qualified person.

	appointments. Also confirmed agreement with no term limits.	
Frequency of Strategic Plan	**County:** Change the timing requirement for a Strategic Plan from every ten years to every five years. **Santa Rosa:** No change to timing requirement **Note:** No other jurisdiction has expressed concern with requirement for Strategic Plan at least every ten years.	**County:** More frequent strategic planning is needed to ensure the Library is responsive to changing circumstances. **Santa Rosa:** Provide flexibility to Commission, particularly since language allows for more frequent Strategic Plans and these efforts can require significant time and funding.
Status of Central Branch	**Santa Rosa:** Retain language in Section 20 of current JPA requiring mutually agreeable lease of Central Branch should Santa Rosa terminate participation in JPA, rather than proposal language in Draft Amended JPA giving the Library "exclusive occupancy and control of the Central Library building and grounds." **Note:** No other jurisdiction has expressed concern with Santa Rosa's position.	**Santa Rosa:** The City does not want to give up complete control over the future of a key public facility it owns in its downtown area.
Voting Requirements for imposing taxes or issuing bonds	**Santa Rosa:** Require 2/3 vote of Member jurisdictions, not just Commission, before proceeding with tax measure or issuing bonds. **Petaluma:** Some support for requiring 2/3 of Member jurisdictions (not just Commission) to vote for taxes or bonds. **Cotati:** Generally supportive of requirement for 2/3 of Member jurisdictions to vote for taxes or bonds. **Windsor:** Supportive of requirement for 2/3 of Member jurisdictions to vote for taxes or bonds.	**Santa Rosa:** Imposing taxes and issuing debt are major policy decisions that should require a higher threshold for approval.
Recitals re: Role of Library	**County:** Add a statement to the recitals emphasizing the important role of libraries as anchors in the	Reinforce the important of libraries as community resources by memorializing their value in promoting literacy and education

	community supporting literacy and education.	and ensuring this value remains fundamental to the JPA.

Suggested Clarifications:

1. Clarify language re: adopting and enforcing ordinances (Santa Rosa and Cotati)
2. Clarify termination language and implications for what happens to debts and buildings (Santa Rosa and Sebastopol)
3. Clarify if Mello Roos taxes are potentially applicable, and remove from JPA if not (Santa Rosa)
4. Clarify language re: Commissioners receiving reimbursement for expenses.
5. Request for long-term financial projections and assurance that Members will not be responsible for debts/liabilities of Library (Sebastopol).
6. Request to add to bylaws bucket list: Consider a Commissioner meeting attendance requirement; consider providing appointing authority with annual meeting attendance record of appointee, for appointing authority to take into consideration at time of considering reappointment. (Windsor)

*Petaluma will provide more formal direction at its October 21 City Council meeting.

Library JPA Review Advisory Committee
ByLaws "Bucket List"
August 27, 2013

The Library JPA Review Advisory Committee has identified the following potential bylaws and policies to be considered by the Library Commission for adoption. These identified bylaws and policies are to be considered in addition to the subject areas addressed in the current bylaws, which may need to be revised in light of the changes in the Amended JPA Agreement.

Areas for bylaws and policy consideration:

1. Requirements for 10-year Strategic Plan and 3-year Facilities Maintenance Plan (see Amended JPA Agreement, § VI.A.6 and 7);
2. Personnel rules and regulations (see Amended JPA Agreement, § VI.A.10);
3. Rules for procuring supplies, equipment and services, and for the disposal of surplus property (see Amended JPA Agreement, § VI.A.12);
4. Conflict of interest code (see Amended JPA Agreement, § VI.A.13);
5. Policies regarding build up and management of the library (see Amended JPA Agreement, § VIII.A.1);
6. Criteria and procedures relating to appeals of decisions of the Library Director relating to policies, facilities, and materials (see Amended JPA Agreement, § VIII.A.7);
7. Liaisons: rules regarding roles, responsibilities, and procedures related to liaisons (see Amended JPA Agreement, § VIII.F);
8. Increase in levels of service: policies and procedures to establish conditions for reviewing and granting requests to increase levels of service for a particular regional branch library based on provision of additional funding; such bylaws shall require the requesting party to address the impacts of a request on the operation of the particular branch as well as the Library system-wide, including but not limited to affects on personnel and administration (see Amended JPA Agreement, § X.B.2);
9. Facilities:
    a. Minimum standards of facilities (see Amended JPA Agreement, § X.C); and
    b. Lease agreement standards and requirements (see Amended JPA Agreement, § X.C.1);
10. LABs: policies and procedures relating to LABs, including issues relating to roles, lines of communication, annual LAB meeting, and Brown Act requirements;
11. Consider addressing issues related to equitable levels of service (including but not limited to hours of operation) and distribution of personnel, materials and technology across the library system-wide; and
12. Consider addressing issues related to opening new facilities, including but not limited to focusing on underserved areas/populations and affects opening a new facility would have on the library system-wide.
13. Establish schedule for regular periodic review of 10-year strategic plan (see Amended JPA Agreement, § VI.A.6)
14. Create interview panel of Commissioners, etc., for Chief Financial Officer hiring process.
15. Require or encourage Commissioners to attend LAB meetings.

Other policy issues:

Location and communications of Commission meetings (streaming, videotaping, etc.)

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **8B**

Meeting Date: **10/21/13**

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

Agenda Item Title

Discussion, consideration, and possible action on the request of Selma Blanusa to remove or modify an easement pertaining to 19725 Seventh Street East.

Summary

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to a scenic easement granted to the City by its former owners in 1985. In 1981, this property was owned by the Dowds. The Dowd property originally comprised 8.74 acres, but they proposed and were granted the right to subdivide the western 4.1 acres into 16 lots. The remaining 4.64 acres (the "remainder") was retained by the Dowds as their principal residence. A scenic easement covers the entirety of the remainder parcel. This easement was required in conjunction with the annexation and development of what was the eastern half of the property with the Laurel Wood subdivision, a 16-unit single-family development at Avenue del Oro and Appleton Way. The current property owner, Selma Blanusa, has written to the City Council requesting that the easement be removed. As set forth in her letter, she suggests that that the reasons and circumstances that led to the recordation of the easement are no longer relevant and that it unnecessarily restricts her use of the property in a manner that is arbitrary and inequitable. She also argues that in many instances, the terms and restrictions of the easement are unclear and suggests that if the City Council is reluctant to remove the easement in its entirety that its terms should be simplified and clarified. See the attached supplemental report and attachments for additional information and analysis.

Recommended Council Action

Provide direction to staff.

Alternative Actions

N.A.

Financial Impact

Generally speaking, there is no financial impact on the City associated with removing or amending the easement, if the City Council is interested pursuing in either of those alternatives. However, there could be some expenses associated with City Attorney review. If the City Council does wish to either remove or amend the easement, the property owner could be required to reimburse the City for those expenses.

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

Alignment with Council Goals:

As this request was initiated by a property owner, it is not directly related to any of the Council's adopted goals. However, if there is majority interest in removing or modifying the easement, this can be accommodated as part of the normal workload.

Attachments:

1. Supplemental Report
2. Location map
3. Letter from Selma Blanusa
4. Easement
5. Minutes of the City Council meeting of October 26, 1981

cc: Selma Blanusa
Mailing list of adjoining property owners

SUPPLEMENTAL REPORT

Discussion, consideration, and possible action on the request of Selma Blanusa to remove or modify an easement placed on a property located at 19725 Seventh Street East

For the City Council Meeting of October 21, 2013

Background

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to a scenic easement granted to the City by its former owners in 1985. In 1981, this property was owned by the Dowds. The Dowd property originally comprised 8.74 acres, but they proposed and were granted the right to subdivide the western 4.1 acres into 16 lots. The remaining 4.64 acres (the "remainder") was retained by the Dowds as their principal residence. A scenic easement covers the entirety of the remainder parcel. This easement was required in conjunction with the annexation and development of what was the eastern half of the property with the Laurel Wood subdivision, a 16-unit single-family development at Avenue del Oro and Appleton Way. In conformance with this requirement, a scenic easement document was crafted, accepted by the City Council and thereafter recorded (see Attachment 4). The current property owner, Selma Blanusa, has written to the City Council requesting that the easement be removed. As set forth in her letter (attached), she suggests that that the reasons and circumstances that led to the recordation of the easement are no longer relevant and that it unnecessarily restricts her use of the property in a manner that is arbitrary and inequitable. She also argues that in many instances, the terms and restrictions of the easement are unclear and suggests that if the City Council is reluctant to remove the easement in its entirety that its terms should be simplified and clarified.

Note: An issue related to the easement came before the City Council in 2012. Planning staff reviewed a proposal to relocate an existing stable and to develop a new garage on the property. After evaluating this proposal with respect to the terms of the easement, staff made a written finding of compliance that was shared with interested neighbors. With reference to the relocation of the stable, staff's finding of consistency was appealed by a neighboring property on Appleton Way. When the City Council heard this appeal at its meeting of April 16, 2012, it found that the relocation of the stable was consistent with the terms of the easement on a vote of 4-0.

Easement

Origin: The easement was required as a condition of the annexation and development of the western portion of what was formerly known as the Dowd property. In essence, the Laurel Wood development occurred on the western half of the property, which was annexed to the City, while the easement was applied to the eastern half of the property, which remained in the County. Based on a review of Planning Commission and City Council minutes, it appears that the concept of such an easement was proposed by the applicant early in the development review process. The easement was also identified as a mitigation measure in the Laurel Wood subdivision EIR, which read as follows:

> *File with the City a scenic easement for the easterly 4.74 acres of the property. (Condition of Project Approval 11.)*
>
> Ultimately, the requirement for this easement as a condition of approval was attached to the annexation of the western portion of the Dowd property through City Council Resolution 8-84 (see Attachment 5), adopted on January 23, 1984, which included the following provision:

The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property and not being annexed to the City of Sonoma by this reorganization.

This easement was subsequently adopted by the City Council as a consent calendar item on March 11, 1985. At the same time, the City Council also adopted a 150-foot wide easement to accommodate a flood control project known as the Nathanson Creek Bypass. This project was subsequently abandoned by the Sonoma County Water Agency and the bypass easement was removed from the subject property in 1990.

Purpose: In the meeting minutes and the project EIR, the easement is referred to variously as an open space easement, as a scenic easement, as an easement required for flood control purposes, and even as a historic easement. In staff's view, the most complete discussion of the easement's origin is found in the City Council meeting minutes of the October 26, 1981 (see page 3 of the minutes, included as Attachment 5). In that meeting, the applicant's engineer describes the project as a "clustered development," in which the residential density allowance of the site as a whole would be focused on the west side of the site, with the east side of the site to remain in a rural condition enforced by a covenant. With respect to the Council's overall intent in requiring the easement, it is staff's view that the language in Resolution 8-84, quoted above, represents the adopted expression of the easement's principal purpose.

Easement Provisions and Effect of Removal

The easement places a number of restrictions on the property. These are summarized below, along with a brief discussion of the implications of removing the removing the restrictions.

1. The property owner will not *"erect, construct, place or maintain…"* any building that *"… by design or intent might be used for human habitation in a manner that would increase dwelling density…"* on the property subject to the easement.

   The property has a County zoning designation of RR/5. This zoning would prevent the construction of additional primary dwelling units. However it would allow a second unit (not to exceed 840 square feet in area). Note: some ambiguities with respect to the easement language are whether an existing structure on the property could be converted to a second unit and whether a detached guest room would be consider to increase "dwelling density" or constitute "human habitation."

2. The property may not be used for *"… for any purpose inconsistent with the easement…"* (Note: as set forth in the City Council Resolution 8-84, its purpose appears to be: *"… 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."*)

   In staff's view, this is something of catch-all provision that calls back to the basic purpose of controlling dwelling density. The density controls are specifically implemented in items #1 and #4 as set forth in this summary.

3. *"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."*

   This provision prohibits nuisance types of activities. Under the zoning of the property, it could not be used as a parking lot, storage site, or dump site, so removing the easement would not create an allowance for nuisance activities and/or commercial uses of the site. (Note: it is staff's view that the storage of items and materials that would normally be associated with the uses in place at the time the ease-

ment was recorded are not prohibited by this section.) The County also has processes in place for abating nuisance property conditions. However, if the easement were removed, the City would no longer have any role in prohibiting or abating nuisance conditions should any arise on the property in the future.

4. The property may not be subdivided.

   As the property it cannot be subdivided under its current zoning, removing the easement would not have any immediate effect on the property's development potential. Zoning designations can change over time, of course, and for zoning changes that take place outside of city limits, the City has only an advisory role. In this regard, it should also be noted that the subject property is not only outside of city limits, it is outside of the City's Urban Growth Boundary, meaning that it is not eligible for annexation and development through City processes.

5. The property may not be excavated or graded without the written consent of the City of Sonoma.

   If the easement were abandoned, the City would no longer review proposals for grading or excavating that might occur on the property. Such activities would be subject to County review, however.

6. The City has the right to enter and inspect the property for purposes of verifying compliance with the terms of the easement.

   If the easement were extinguished, the City would no longer have the authority to inspect the property for compliance with the easement restrictions, but of course under that scenario, there would be no purpose in inspecting the property.

In reviewing the proposed request to remove or modify the easement, the City Council needs to consider: 1) whether the circumstances and conditions associated with the original requirement for the easement remain relevant in securing a valid public purpose; and 2) whether such removal or modification would have any significant negative implications.

Technical Issues

The easement language contains a specific provision that contemplates at the possibility of its removal or modification, as follows:

This easement shall not be rescinded, altered, amended or abandoned in whole or in part as to the entire property or any portion thereof or as to any term, condition, restriction or covenant of this instrument without the written approval of the City of Sonoma. The City of Sonoma may abandon this easement in any particular on its own motion if it finds that no public purpose will be served any longer by the keeping of it. Abandonment of this easement or of any right hereunder at the request of the grantor or grantors' successors or assigns shall be had strictly according to provisions of law for such abandonment.

That said, the easement is a legal document that originated though a project review process that involved an environmental review and a subdivision of property. As a result of these circumstances, if the City Council is interested extinguishing the easement, it would not necessarily be a simple process. Based on a preliminary review, the following would need to be considered:

1. The easement was a condition of the subdivision approval for the Laurelwood Farms project. To remove the easement, it might be necessary to amend the conditions of approval, which would require a public hearing before the Council and, perhaps, the Planning Commission. It would also be necessary for staff to determine whether there is any reference to the easement in the Final Map for the Laurel-

wood Farms subdivision, as this could entail following the amendment requirements of the Subdivision Map Act.

2. The easement was identified as mitigation measure in the EIR prepared for the Laurelwood Farms development. As a mitigation measure it was required under the "Run-off and Drainage" section, perhaps because it was seen as an adjunct to the requirement for the separate easement for the Nathanson Creek bypass (which was identified as a mitigation measure in that same section). However, in order to remove the easement, it would be necessary to make findings that the easement is no longer necessary to mitigate a significant impact that was identified in the EIR.

The easement language, as set forth above, also allows for the possibility of amending its provisions, if deemed appropriate by the City Council. The process of amending the easement would be somewhat simpler than removing it altogether, except that the City Council would need to provide direction on areas of change and staff would need to develop amended language for the Council's review and approval.

Financial Impacts

Broadly speaking, there is no financial impact on the City associated with removing or amending the easement, if the City Council is interested in pursuing either of those alternatives. However, there could be some expenses associated with City Attorney review. If the City Council does wish to either remove or amend the easement, the property owner could be required to reimburse the City for those expenses.

Options

To recap, the City Council has the following options in this matter:

1. *Retain the easement without amending it.* The Council may find that the easement, as written, continues to fulfill a public purpose.

2. *Amend the easement.* There are a wide range of options in this regard, but as examples, the Council could find that the purpose of the easement would be served by continuing to prohibit the subdivision of the property while eliminating the other restrictions, or it could determine that it only wishes to provide some greater clarity as to whether a second unit ort a guest room may be allowed.

3. *Remove the easement.* The Council may find that easement not longer serves a significant public purpose, in which case it could direct staff to begin the process of extinguishing it.

Staff would emphasize that no final decisions may be made at this time with respect to options 1 and 2. It would only be possible to give staff direction, as additional reviews and actions by the Council would be necessary to implement either of those options.

Recommendation

Provide direction to staff.

Laurel Wood
150' Bypass Easement*
19725 Seventh Street East
Scenic Easement
70 yds
© 2012 Microsoft Corporation
*The Bypass Easement was vacated in 1990.

October 11, 2013

Dear City Council Members:

On October 21, I will come forward to you regarding elimination of an easement on my property. This easement was also the topic of discussion in the Spring. This letter provides background to the issue at hand and my request.

Item: Elimination or Clarification of Easement Issue regarding Blanusa Property

Background: In 1985, an easement was placed on what is now property owned by me, Selma Blanusa, at 19725 7th St E. Although the property is not within the bounds of the City of Sonoma, the easement is with the City for the purposes of preventing development on the property. For a multitude of reasons, I would like to seek that the easement be eliminated.

The case for elimination:

- The easement has served its purpose – but it is now antiquated and not relevant in today's scenario. In 1985, creating the easement placated the community and gave them peace of mind. It served the purpose for which it was originally written in 1985. Since that time, however, much more development has occurred in Sonoma without restricting the remainder property.
- Development is prevented by Sonoma County restrictions. The property is located outside of Sonoma city limits and falls under the planning restrictions for Sonoma County. The property is not allowed to be subdivided for development due to the requirement that any lot parceled off and the remaining lot must be 3 acres or more each. My property is 4.6 acres and, therefore, dividing for 2 parcels of 3 acres or more each is not possible.
- In 1985, the concept of an Urban Growth Boundary was foreign and neighbors were anxious about development, hence the reason why the easement was created. In 2000, however, this concept was placed as a measure to vote. It was adopted by a strong margin of 63.7% vs. 36.3%. My property remains ***outside*** the boundary and ***outside*** the Sphere of Influence for the City. Although subdividing and development of the property is not an option, the easement in question seems to go counter to the UGB and has city resources and energy applied to a property that is outside the Sphere of Influence.
- No other property owners in Sonoma County have an easement which is anything remotely similar to the easement that is on my property. This is inherently unfair.
- The language of the easement is poor – it requires regular review and administering the terms takes time away from city staff for other more important missions and duties. Additionally, seeking confirmation or assistance in managing to the terms of the easement creates extra, undue burden on me, as the property owner.

Barring elimination, the need for clarification at a minimum:

- The language of the easement is poor and again, the restrictions that it sought are prevented via Sonoma County guidelines. The easement indicates that no buildings may be put on the property that increase density. There is no further definition of what qualifies as increasing density. Does a guest house with an occasional guest increase density? In 1985, the time the easement was written, a separate cottage was already on the property. Additionally, Sonoma County guidelines would allow for 2 auxiliary dwellings on the lot. The language does not specifically call out guest houses or auxiliary dwelling units as being prevented. The only reference is to density but without further clarification and without any City or County guidelines on what qualifies as increasing density, it is left to interpretation.
- Recently, it was determined that one of the buildings on the property is of historical significance and was previously a home. It is the original homestead dating back to approximately 1865 and was in continuous use until 1917 when the property's main home was built. This home is one of the oldest structures in the entire valley. It would be of benefit to Sonoma to save this historic building and have its purpose relate to what it was originally – a home. It is difficult to say whether this is allowed under the language of the easement and therefore, clarification is needed.
- In the past six months, our property has been intruded upon on four occasions, including times when I was alone or alone with my children. They caused damage, stole and instilled fear of the next moment of which I feel vulnerable to prevent. If I had a second dwelling with either a regular or occasional guest, my fears would be reduced as the chance of someone intruding on the property would be lessened. I should not be prevented from having a structure that is allowed for in Sonoma County guidelines that allows for my family's safety to be increased.

I look forward to the opportunity to review these issues and preferably to eliminate the easement so that further City Council, City Planning, Legal and other administrative costs can be avoided.

Sincerely,

Selma Blanusa

CITY OF SONOMA

DEED OF EASEMENT

WHEREAS, the undersigned Grantors, ROBERT F. DOWD and CAROL J. DOWD, husband and wife, are the owners in fee simple of the property described in this deed, situated in the unincorporated area of the County of Sonoma, State of California, adjacent to the corporate boundary of the Grantee, CITY OF SONOMA, and it is the desire of the grantors to convey to the City of Sonoma an easement on, upon, over, across and under the property described below to satisfy conditions imposed upon the grantors for the subdivision approval of adjacent property now owned by them within the corporate limits of the grantee; now therefore, for valuable consideration:

The undersigned grantors hereby grant to the CITY OF SONOMA, a municipal corporation, an easement on, upon, over, across, above and under the following described real property in the County of Sonoma, State of California:

> BEGINNING at a point on the Northerly line of the parcel of land conveyed to Robert F. Dowd and Carol J. Dowd by deed recorded in Book 3595 of Official Records, page 273, Sonoma County Records, said point being distant S.82°57'35"E. 520.00 feet from the Northwesterly corner of said parcel conveyed to Dowd; thence, from said Point of Beginning, S.07°03'57"W. 347.61 feet to a point on the Southerly line of said parcel conveyed to Dowd, said point being distant S.82°50'50"E. 520.00 feet from the Southwesterly corner of said Dowd parcel; thence, along said Southerly line of said Dowd parcel, S.82°50'50"E. 422.94 feet to an angle point on the boundary of said Dowd parcel, N.08°58'E. 97.00 feet and S.84°21'30"E. 207.57 feet to the Westerly line of Seventh Street East; thence, along said Westerly line of Seventh Street East, N.06°29'E. 248.79 feet to the Northeasterly corner of said Dowd parcel; thence, along the aforesaid Northerly line of said Dowd parcel, N.82°57'35"W. 635.43 feet to the Point of Beginning.
>
> A.P. 128-031-37 (Ptn.)

By this present instrument the grantors 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.

In consideration of the said approvals prior to this date authorized, and as consideration for acceptance of this grant, the grantors covenant and agree for themselves and their successors and assigns, singularly or in any combination, that they will not at any time erect, construct, place or maintain or permit the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property 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 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.

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.

Grantors covenant for themselves and their successors and assigns that they shall not divide or subdivide the said property or any portion of it, and that among themselves they

waive and surrender any rights as co-owners to have the property partitioned in kind.

Grantors also covenant for themselves and their successors and assigns that they will not excavate or grade or permit excavation or grading of the said property without the written consent of the City of Sonoma.

It is expressly understood that the City of Sonoma does not obtain or reserve any right by reason of this grant to open the property for public recreation or any other use by members of the public generally.

By this deed only the City of Sonoma acquires the right but not the obligation to enter upon the subject property for the purpose of removing any building, structure, improvement or other thing found in violation of the covenants contained in this grant, and otherwise to enforce this grant for the benefit of itself and the general public. The parties agree that the stated purposes, terms, conditions, restrictions and covenants set forth herein and each and all of them may be specifically enforced or enjoined by appropriate proceedings in any court of competent jurisdiction upon application by the City of Sonoma or grantors, its successors or assigns, only.

The grant of this easement and its acceptance by the City of Sonoma does not authorize and is not to be construed as authorizing the public or any member of the public to trespass upon or use all or any portion of the subject property, or as granting to the public or any member thereof any tangible rights in or to the subject property or the right to go upon or use or utilize the subject property in any manner whatsoever. It is understood that the purpose of this easement is solely to restrict the uses to which the subject property may be put.

Grantors reserve the right to use the subject property in any manner consistent with the stated purposes, terms, conditions, restrictions and covenants of this instrument and with existing zoning and other laws, rules and regulations of the

State of California, the County of Sonoma and the City of Sonoma, their successors or assigns, as such laws, rules and regulations may hereafter be amended from time to time.

In the event the subject property or some portion thereof during the term of this easement is sought to be condemned for public use, the easement and each and every term, condition, restriction and covenant contained herein shall terminate as of the time of the taking in condemnation or taking under threat of condemnation as to that portion of the subject property taken for public use only, but shall remain in effect relative to all other portions of the subject property. The Grantors shall be entitled to such compensation for the taking as they would have been entitled had the subject property not been burdened by this easement; provided, however, that each and every stated term, condition, restriction and covenant of this easement shall be observed by grantors, their successors or assigns, during the pendency of such action and provided further that in the event such action is abandoned prior to the recordation of a final order of condemnation, or the subject property or some portion thereof is not actually acquired for a public use, the subject property shall, at the time of such abandonment, or at the time it is determined that such property shall not be taken for public use, once again be subject to this easement and to each and every stated purpose, term, condition, restriction and covenant of this easement.

This easement shall not be rescinded, altered, amended or abandoned in whole or in part as to the entire property or any portion thereof or as to any term, condition, restriction or covenant of this instrument without the written approval of the City of Sonoma. The City of Sonoma may abandon this easement in any particular on its own motion if it finds that no public purpose will be served any longer by the keeping of it. Abandonment of this easement or of any right hereunder at the request of the grantor or grantors' successors or assigns shall

be had strictly according to provisions of law for such abandonment.

This easement in each and every term, condition, restriction and covenant contained in this instrument is intended for the benefit of the public and consitute enforceable restrictions intended to bind grantors and their successors and assigns and each and all of them, and shall and are intended to run with the land.

This easement is granted in perpetuity, but subject to abandonment by the grantee or its successors in the manner provided by law.

Dated: February 28, 1985

ROBERT F. DOWD

CAROL J. DOWD

This is to certify that the interest in real property conveyed above is hereby accepted by order of the Council of the City of Sonoma by Resolution #15-85 on March 11, 1985 and grantee consents to recordation thereof by its duly authorized officer.

CITY OF SONOMA
A Municipal Corporation

By Jeanne M. Markson
Mayor
Dated: *March 28, 1985

STATE OF CALIFORNIA)
) ss.
County of Sonoma)

On this 28th day of February, 1985, before me, Eleanor Berto, a Notary Public, State of California, duly commissioned and sworn, personally appeared ROBERT F. DOWD and CAROL J. DOWD, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by official seal in the State of California, County of Sonoma on the date set forth above in this certificate.

OFFICIAL SEAL
ELEANOR BERTO
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
SONOMA COUNTY
MY COMMISSION EXPIRES SEPT 11,1987

Notary Public
State of California

Clm. Riboni remarked that he is less than enthusiastic about condominium conversions. He stated that when a contractor builds apartments they should be available as apartments. He suggested contractors should build condominiums if they want to sell condominiums. Whenever apartments are converted to condominiums it shuts out a number of people from occupying rental units. Clm. Riboni stated he does not favor the proposal and would vote against the application.

Clm. McTaggart remarked that he agrees with some of Clm. Riboni's sentiments. The problem is that apartments are not being built due to the bad economic situation. This condominium conversion seems a reasonable approach to make housing available to the low/moderate income population; it does meet a housing need and he sees no problem with this application.

It was moved by Clm. Parmelee, seconded by Clm. Ruggles, to adopt Resolution #75-81 entitled: "APPROVING A VARIANCE AND TENTATIVE MAP APPLICATION OF RAY GABRIEL TO CONVERT SIX EXISTING NON-OCCUPIED APARTMENT UNITS LOCATED BEHIND THE RESIDENCE AT 399 WEST NAPA STREET INTO INDIVIDUAL CONDOMINIUMS WHICH WILL BE SOLD AT PRICES AFFORDABLE TO LOW TO MODERATE INCOME HOUSEHOLDS" subject to the following conditions of approval: 1) Sale of the units in Beatrice Court Condominiums shall be in an affordable housing price range for persons of low to moderate income as defined in the adopted City of Sonoma Housing Element. 2) The seller of Beatrice Court Condominiums shall furnish copy of deposit receipts on each individual unit sale to the City of Sonoma, and the buyer of each individual unit shall submit verification of income level to the City.
ROLL CALL VOTE: Ayes: (4) Clm. McTaggart, Parmelee, Ruggles, Mayor Tuller
Noes: (1) Clm. Riboni
Absent: (0) None

PUBLIC HEARINGS

7. Amended Tentative Map application of L. B. Nelson for 8 additional dwelling units on west side of 7th St. W.

The Council reviewed the negative declaration, Planned Unit Development and Tentative Map applications of L. B. Nelson Corporation for approval to allow construction of 8 additional dwelling units on property adjacent to the 68 unit project formerly approved by the Planning Commission and City Council. The applicant proposes the 8 additional units in lieu of the previously approved professional office on Lot 4. The addition of these 8 units on Lot #4 will result in a total of 76 units on the entire 6.5 acre parcel, which is under the maximum density allowed.

Planner Steinbeck reported that the Planning Commission in its 10/1/81 meeting recommended approval of this application subject to the same conditions of approval which were placed on the 68 units already approved.

Mayor Tuller opened the Public Hearing at 7:45 p.m. and called for comments from the audience.

David Robertson, representative of L. B. Nelson Corporation, stated the application is for the substitution of an 8-unit two-story residence from the two-story office building. He said he would answer any questions the Council may have on the project.

Mayor Tuller closed the Public Hearing at 7:46 p.m.

It was moved by Clm. Riboni, seconded by Clm. Ruggles, to adopt Resolution #76-81 entitled: "APPROVING NEGATIVE DECLARATION AND APPROVING TENTATIVE SUBDIVISION MAP OF NORRBOM ESTATES, A CONDOMINIUM."
ROLL CALL VOTE: Ayes: (5) Clm. McTaggart, Parmelee, Riboni, Ruggles, Mayor Tuller
Noes: (0) None
Absent: (0) None

8. Prezoning, annexation and tentative map application of R. Dowd for suburban residential zoning on westerly half of 8.74 acre property at 19725 Seventh Street East

The Council reviewed the following items:

1. Staff Reports of 8/27/81 and 9/24/81 to the Planning Commission.
2. Recommended Conditions of Approval for Monte Vista Estates Subdivision #5.
3. Subdivision location map.
4. Planning Commission minutes of 9/3/81.
5. Tentative map of the proposed subdivision.
6. A letter from Edward Gerhardt, 45 Sereno Court, and the staff letter in response to Mr. Gerhardt.
7. A letter to Planning Commission Chairman Ansell from Mr. George J. Gundlfinger, 24 Sereno Court, and the response to that letter.
8. A copy of the preliminary drainage study prepared by John J. Bonnoitt Associates, Inc.

9. A letter of response from the Sonoma County Water Agency regarding the hydrology and hydraulics information presented in Mr. Bonnoitt's drainage study.

10. A staff letter to the County Sanitation District regarding sewer capacity to serve the proposed subdivision and a letter of response.

11. A letter from Joseph and Lydia Guidi, 654 Avenue del Oro, protesting approval of the subdivision.

12. A staff letter to Dr. Dowd dated October 5, 1981, outlining the reasons for the Planning Commission's recommendation of denial to the City Council.

Planner Steinbeck reviewed the issues in his MEMO of October 21, 1981. He reported that the Planning Commission in its meeting of 10/1/81 recommended denial of the negative declaration and tentative map for Monte Vista Estates Subdivision Unit #5 to the City Council. This was on a vote of 5 ayes, 1 no and 1 absent.

Mayor Tuller opened the Public Hearing at 7:53 p.m.

John J. Bonnoitt, Civil Engineer and representing Dr. Dowd on this project, addressed the Council. He said he reviewed the General Plan with City Staff and noticed that a "clustered concept" development is in agreement with the General Plan. Originally, the plan was conceived as a cul de sac with no further extension of streets. After review and discussion with City Staff, the original concept was changed to the plan now presented. This revised plan was presented to the Planning Commission and it received adverse comments from the neighborhood. The strongest point in our plan is offering a true concept of clustering on property. We are not asking for an increase in the density. The General Plan allows development of 17 lots. The property owner has the option to divide the property into 1/2 acres each or clustering these lots against an area developed the same as to the west (Monte Vista Subdivision) and leave rural property to the east. If surrounding neighbors were encouraged to do the same then Seventh Street East would remain as a rural street. If developed into 1/2 acre lots you would have an urban neighborhood. The proposal conforms to City of Sonoma policies as to planning and growth management. We are aware of covenant to perpetually force the 4.75 remaining acres to remain undeveloped. Regarding the traffic, the General Plan will permit a certain number of dwelling units built in the neighborhood. That number of residents will generate a certain amount of traffic. Dr. Dowd's cluster development is designed with lot sizes from 7,000 to 12,000 square feet, averaging 9,000 square feet. Compare this to the zoning ordinance which allows 6,000 to 9,000 square foot lots, averaging 7,000 square feet. Dr. Dowd is offering to construct significant off-site drainage. He proposes a 900' storm drain going south through the Becker property to East MacArthur Street. The storm drain will be 30 or 36" in size and will cost about $45,000 to complete. This offer is in hopes of solving the drainage problem. The neighbors are justly concerned with the construction equipment running in and out of Avenue del Oro. This is a great inconvenience to the neighbors. Dr. Dowd is offering that all construction equipment will move through his property from Seventh Street East on a road compacted to carry the heavy vehicles. The construction vehicles will not need to use Avenue del Oro as construction access for construction equipment. No road will go through Dr. Dowd's property, it will only be a temporary road for construction only.

Clm. Parmelee: Where will storm drain tie-in occur?

Mr. Bonnoitt: It will run down the east side of the Becker property into the existing ditch on East MacArthur Street which ends just east of Cordilleras Drive. There will be no change made to the drain on East MacArthur Street now. The drainage will be put underground. The ditch will be cleaned, widened and deepened and is conceived to take the drainage to East MacArthur.

Carla De Petris, 384 Chase, spoke on the preservation of the Dowd home which was constructed in 1906.

Gary Monnich, 641 Avenue del Oro: "I have a petition, signed by 42 residents from the neighborhood, recommending denial of Dr. Dowd's application. He then presented the petition to the City. Mr. Monnick stated there are a number of things that have distressed and grieved the people in the area. I'm under the impression that the Planning Commission took most of the objections into consideration. Mr. Monnich then asked about the letter from the Sonoma County Sanitation District regarding the capacity of the sewer. He asked was it or was it not a negative letter on the capacity of the sewer?

Planner Steinbeck: "It is hard to tell if it was a positive or negative letter. It seems to be putting up a flag that there may be capacity problems in the area but I'm not sure." Planner Steinbeck then read the pertinent section from the letter.

Mr. Monnich asked if it didn't state in the letter that during the rainy season that the MacArthur Street pump was running over capacity. He said there are a number of things that bothered him about this subdivision.

Dr. Dowd moved the configuration of the development to one end of the property to maintain a rural atmosphere. If the area is opened up on both sides, the rural atmosphere is a joke. The southern exit is to go down the center of two large parcels to MacArthur Street. The General Plan maintains two lots per acre. The rural atmosphere is fine for Dr. Dowd and we have to suffer with the traffic of the 16 new homes. I consider it as strip annexation. It's not the complete parcel, and it's not large enough to consider annexing. The original plan for a cul de sac conformed to the existing subdivision and fit the plan which was originally established. The subdivision was redrawn for one reason or another for fire department and police department reasons. When Mr. Nazworthy developed this subdivision he built the thing with the design that it had no other alternate water source for the hydrant system. The hydrant system is already oversized and this is allowed for. Mr. Monnich said he also talked to Police Chief Rettle as far as the traffic problem. He said the neighborhood has to suffer the 23% increase in traffic due to the fire hydrant. The Police Dept. says whatever went with the Fire Department is what they generally went by. He (Police Chief Rettle) agreed with me that being that our street is a dead end street is the reason already we have no crime rate but it would also make it easier to apprehend burglars if it was on a standard street design. One contradicts the other. Why should we put in an area that has no crime rate and put in a street system where you can catch burglars. It doesn't make sense to him. Mr. Monnich asked about the impact of the project on Prestwood School.

Mayor Tuller replied that two classrooms were closed at Prestwood School this year.

Mr. Monnich: "I think an environmental impact report (EIR) is necessary. We asked for an EIR. This was skipped over by the Planning Commission. Why isn't an EIR required for this subdivision? It should be required. It's a substantial size, has tremendous bearing on my property value and property value of neighbors. What would be the consequence if those streets opened up? The proposal has a lot of distressing points. Now is the time to look into this thing to make it as clear as possible to everyone. At some later date we don't want to say we didn't know this would have this effect. Regarding the water problem, my home is at 641 Avenue del Oro and is at the first catch basin for the drainage system for the subdivision from the eastern end. During times of heavy rains water comes out of the field so heavy and so strong that it floods the street, completely bypassing, probably 50% of the water passing the two catch basins in front of my house, running all the way to Cordilleras before terminating into the sewer system. The 30-36" storm drain dumping into a ditch on East MacArthur is far, far from adequate as far as a storm system. An EIR is almost mandatory."

Debbie Cuda, 20 Quedo Court: "In Lots 14 and 15 there is a pond that is proposed to be filled in." I question if filling in the pond will it take care of the water flow through there. There seems to be a spring under there. There are nebulous things in the whole proposal as to drainage, sewer system, etc. If this is annexed into the City and there are 16 units allowed on the 4 acres it goes against the General Plan when the General Plan calls for 2 units per acre. You want to put in 4 units per acre, thus shading the General Plan by calling it a cluster or whatever. The benefit of retaining the other 4.7 acres is in Dr. Dowd's favor and not in ours because clustering it is not a benefit and it is not a cluster project."

George Ewing, 871 Cordilleras: "Tying in the sewer at Cordilleras and East MacArthur is not fool-proof and not adequate as it floods now. Drainage as planned is inadequate."

Planner Steinbeck: "New storm drain is part of Conditions of Approval. Storm sewers will be put in according to city standards to tie into 48" line on East MacArthur. As to sanitary sewer that Mr. Monnich had talked about in the beginning, the Public Works Director and myself both reread the letter again and it doesn't talk about any existing surcharge and overflow of the sewer in the area now. I'll be happy to let Mr. Monnich read the letter again. I don't believe that comment was a part of this letter from the Sonoma County Department of Public Works."

Dr. Duke Lokka, 682 Avenue del Oro: "All traffic that will be going to the west will travel up and down Avenue del Oro. There is no other access. The road to the north will probably relieve some traffic if people are going to Sonoma. I can't imagine people using the road going to the south if they want to go to Sonoma. When you have a zoning area calling for two units per acre you should stick to it. Mr. Bonnoitt says it's a cluster. I can't see it as a cluster or I may not know the meaning of a cluster development."

Mayor Tuller closed the Public Hearing at 8:25 p.m.

Planner Steinbeck: "Regarding the drainage, Mr. Monnich talked of water coming from the field to Avenue del Oro. In the drainage plan attached to the packet, the problem, we think will be greatly improved if the subdivision goes in because the water will be taken from that area and pushed to East MacArthur to connect to the existing 48" drain. There will be catch basins installed at the westerly property line of the subdivision along Avenue del Oro to catch any street flow that would be coming down that subdivision area and pushing it back into the new storm drain. Actually, I think, that situation will be improved."

Clm. Parmelee: "Is there a spring?"

Planner Steinbeck: "The Public Works Director and myself looked at the pond. It seems to be shallow and about 9' deep. Water is there now. As with other parts of Sonoma on the east side, there is a high water table. At the construction site at Fourth Street East and France, the water table is higher than at this location. When the hole (pond) is filled and compacted there will be no problem."

PWD Rowland: "Where we have a high water table, there is often hardpan close to the surface. The water is trapped there. Prior to final design of the subdivision, a soil engineer will take a soil boring sample, do a report on it, and any conditions they do find will be designed into the final design of the subdivision. It does not seem to be a spring."

Clm. Ruggles: "Where is this in relation to the Armstrong property?"

Planner Steinbeck replied that the proposed northern extension of the street is about two lots east of the Armstrong property. The proposed southern extension of the street will bisect two large properties.

Clm. Ruggles asked if the street will be stopped there or go through in the future. Planner Steinbeck replied that at least with the street to the south, there's a good chance that nothing will be built in the way of the future street.

Clm. Parmelee stated she has heard concerns about 1) the park and asked is it proper for the area; 2) flooding - it may or may not be improved; 3) traffic and 4) an EIR - don't know what it will tell us. We are aware of 1) Prestwood School capacity; 2) aware of the 16 proposed houses; 3) It will cost more to live there now; as to traffic, we're better off with this plan than one with a minimum of 2 units per acre with a street going through to Seventh Street East. I'm concerned that if the street went through to Seventh Street East this would be a clever way for kids to get to and from the high school. I think it would protect the neighborhood better if the street went north and south. There has to be some provision for a park in the area if not along the swale where it is proposed. We heard about the Nathanson Creek bypass. We've not heard of anyone in favor of it. Water is being contained in Nathanson Creek and the creek doesn't flood that much. It may not be a proper place for a park. The proposed density may be too dense for the area. I have not seen the house on Seventh Street East. The City is only concerned with the 4 acres and the open space, not the house.

Clm. Riboni: "I saw the house and it is a fine remnant of our heritage. The present owners are willing to put it in reserve so that the property will not be further divided. I see the concerns of the people regarding the extension of the subdivision. I agree with the comments of the city getting further out into the rural area. I do not feel saturation of 16 units is proper. 1) I think Dr. Dowd's offer reserving the land for historic purposes is excellent. 2) I realize part of good planning calls for stub streets so that other properties as they develop in future can be extended and tie onto services that are made: sewer stubs, storm drain, curb, gutter, streets, water stubs, fire hydrants and all other necessities of having urban life. 3) This should be the last extension of Monte Vista Subdivision, the street should be a cul de sac and the number of lots cut in half. The maximum number of lots should be eight."

Clm. McTaggart: "I appreciate the concerns of the neighbors. What's involved here is a need for housing and the orderly growth of the City. An EIR is frequently used as a sword rather than as an information gathering tool. It's expensive and passes on the cost to the ultimate consumer, which is the same group of people as here tonight. An EIR was not done on Monte Vista Subdivision. I will not vote in favor to deny the negative declaration. Prestwood School is not overcrowded. Regarding traffic, each house adds traffic. I'm sure that not one of you here tonight walked. You all came in cars. You all contribute to traffic. If it can be handled reasonably, it should be allowed for in some way. To say traffic alone deters future development means there won't be any future development. Regarding the word "cluster", it can be defined the same as a number of units in a given space, not necessarily unformly or evenly spaced. The question is, who's benefiting from a scenic easement? It's unfair to think that the people who look over a neighbor's land have a scenic easement over a neighbor's land. I see the problem is not answered about the sewer capacity. (Clm. McTaggart then quoted from the Sonoma County Water Agency letter) Nowthat the rainy season is near, we can have observation on the drainage capacity. I would rather see urban development in an urban area because the cost to extend services is expensive. It's nice to say one house per 1/2 acre. The property will probably be fenced off and you can't go through. I'd rather see no development than 8 units on a parcel that size. People need housing. It doesn't serve any purpose to have large parcels there. I'm not sure that stubbing the street to the north is desirable. Stubbing the street to the south makes sense. The lot sizes in the proposal are equivalent to the existing Monte Vista Subdivision. I lean toward favoring this development. This is a logical boundary and finishing of the existing subdivision. This will stop development to the east."

Clm. Ruggles: "What kind of park are we talking about?"

City Manager Arner: "The General Plan says a linear park along the swale (Nathanson Creed bypass.) The General Plan says park in the area. It's an onerous burden to place a park site on 16 units. The developer will pay $1,000 per lot to go towards park development. Also, the Bond property is in the area (19990 Seventh Street East.) We are awaiting urban expansion in that area before developing the Bond property. The General Plan recommends a neighborhood park in that area. Neither Staff nor the Parks and Recreation Commission feel that the swale is a logical location nor that the developer should be required solely to provide for that park site."

Clm. Ruggles: "What's Dr. Dowd's proposal?"

Planner Steinbeck replied that Dr. Dowd will keep his land as open space with his one house on the parcel. Staff brought up park development because of the designation in that area of the General Plan.

Clm. Ruggles : "The proposed subdivision will come into the City and Dr. Dowd's parcel will not come in?"

City Manager Arner: "Staff recommended the eastern half (Dr. Dowd's parcel) which fronts on Seventh Street East not be annexed. It will be a heavy burden on the city to provide services to Seventh Street East. It's logical for Dr. Dowd's parcel to remain in the county. If Dr. Dowd's parcel came into the city, the police and fire vehicles would have to go into the county area and up Seventh Street East to reach Dr. Dowd's property. Dr. Dowd says he would go either way, either annex his parcel to the city or not annex. Staff recommended that his parcel not be made a part of the city."

Mayor Tuller: "We heard about the rural atmosphere, General Plan, EIR need, drainage system, traffic, lot sizes, sewerage, Dr. Dowd's willingness to come in or stay out of the city, Dr. Dowd's willingness to legally bind himself to keeping his parcel in open space, and the impact of the proposed subdivision on Prestwood School. Clm. McTaggart sums up my view point closer than any other view point. I lean towards favoring this project. Many areas of concern have been addressed clearly and solved. We do not want to make a Lake del Oro on any portion of this. An EIR is an additional cost. It is not needed. Remember, the General Plan is general, it's a guideline and not cast in cement and we are not required to follow it word by word. Regarding cutting the parcel into 8 pieces, costs to extend services out there will be prohibitive for the city. There are strong feelings about housing costs. It's a major topic of conversation these days. If we don't do something to make houses reasonable and available then we're all responsible if we make it more prohibitive for people to get involved in housing. We know what the cost of the lots will be, about $50,000 to $70,000 - expensive! It's better to take 16 homes. If 8 homes are allowed the services are the same for water line, sewer line, drainage system, streets, sidewalk, gutter, etc., then the costs to each lot (8 units) would be astronomical for everyone. This is a reasonable project, not highly desirable, but not undesirable for the city. I will favor development."

Clm. Parmelee asked if there was any feeling to cutting the number of units to 13?

Clm. McTaggart: "We'd accelerate the costs for each single family dwelling if the number of units are reduced. If someone wants 1 to 10 acre parcel, he will not come here. A lesser number of units will spread the cost for streets, sidewalk, all these approvals and all these hearings, over to the ultimate consumer. The smaller number of consumers, the greater the cost. The developer changed the configuration of the development to meet the objections of the neighbors. I will not favor a reduction in the number of lots as it will only increase the expenses."

Malcolm Stone, 65 Sereno Court: "We need legal counsel. You owe it to yourself to check out Avenue del Oro. It's the longest dead end street in town. I talked to the people there and we want to maintain what we have. There's a traffic problem now. Put a lot of thought into what you're doing. Far be it for me to tell another man what to do with his property, but I think this will be a big mistake if it's approved. Clm. Riboni came closest to the solution. I improved my home, others did the same. Open that area up and we'll have houses clear to the foothills. I'd like to see the city limits stop where we are. We need legal counsel. We need our legal rights protected."

Clm. Parmelee said she appreciated the offer of Dr. Dowd to allow the construction equipment to go over his property rather than burdening the people on Avenue del Oro and would like to add this to the Conditions of Approval. She then moved to adopt the negative declaration.

Clm. McTaggart asked Clm. Parmelee if she would consider amending her motion to add that a flow check on the sewer system as alluded to in the Public Works' letter be made part of the motion. After a brief discussion it was the consensus of the Council that these two items be deleted from the motion and added to the Conditions of Approval.

Clm. Riboni stated he needed more data presented regarding the effects on the neighborhood, topography, runoff, storm drain, layout and GPM before the negative declaration is substantiated. He said a full EIR is not necessary but other data is needed. He said Clm. McTaggart has asked for information on the adequacy of the sewer trunk line in the area. At this point there was a brief discussion between City Attorney Klein and Clm. Riboni regarding voting on the negative declaration. Clm. Riboni stated that if there's not enough information for me to qualify the negative declaration that he would not vote for the motion. If the other councilmen feel there is sufficient information, they can pass it on their own individual vote.

Clm. McTaggart remarked that the final map may not be recorded if the Council is not satisfied, if after observation by the Public Works Department, that the drainage is not adequate.

PWD Rowland remarked that he had talked to Don Bean of the County Public Works Department about this matter. The County doesn't know at what point the line becomes overloaded and they say the surcharge is difficult to observe over a short period of time. The Sanitation District may ask for compensation from Dr. Dowd for future sewer construction as a condition of annexation to the Sanitation District. It would not be possible, said PWD Rowland, to adequately observe and analyze the sewer system prior to filing the final map for the subdivision.

Clm. McTaggart remarked that as indicated, the Sanitation District does not have available now data on the behavior of the sewer system for the additional 16 units. In processing the annexation will Dr. Dowd be asked to set aside compensation or dollar amount for future sewer work?

PWD Rowland replied yes.

Clm. McTaggart seconded the motion to adopt the negative declaration.
ROLL CALL: Ayes: (3) Clm. McTaggart, Parmelee, Mayor Tuller
Noes: (2) Clm. Riboni, Ruggles
Absent: (0) None

It was moved by Clm. Parmelee, seconded by Clm. McTaggart, to adopt Resolution #77-81 entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA PREZONING TO SINGLE FAMILY RESIDENTIAL AND APPROVING A TENTATIVE MAP FOR MONTE VISTA ESTATES SUBDIVISION UNIT #5 ON THE WESTERLY PORTION OF PROPERTY OWNED BY DR. ROBERT DOWD AT 19725 SEVENTH STREET EAST IN ANTICIPATION OF ANNEXATION" subject to the following two additional conditions: a) Access for construction equipment involved in construction of the subject subdivision shall be from Seventh Street East only; and b) The underground storm drains alluded to in Condition #5g shall connect to the existing 48" storm drain located near the frontage of 672 East MacArthur St.

Clm. Ruggles remarked that he favors some kind of development for this property. He first thought this was a possible solution. He could see problems in the future and the City could end up with a dead end street. His impression is that the neighbors want to stop the city limits where it is now. He said it's unrealistic to anticipate future development. No one has said what size development it should be. He said he was first inclined to vote for it but he would not vote for it now.

Clm. Riboni said he concurred with Clm. Ruggles. Dr. Dowd has a right to develop but an effort should be made to get additional information. He said he did not favor the development as presented. The City or the citizens in the area will not benefit from this development.

Clm. McTaggart stated that he can recall at either a Planning Commission or City Council meeting, when Mr. Bonnoitt was presenting the last part of the existing subdivision (Monte Vista) there was a discussion about whether there should be a cul de sac in there or the stub street as it now exists. The conclusion finally was to do exactly what we see: have a stub street for the reason that the City would then be able to continue to the adjacent development. The streets are exactly consistent with his recollection of the discussion although he doesn't remember exactly who made the presentation, Mr. Bonnoitt, Mr. Nazworthy or someone else. With respect to the street and the general approach to the area that what is being proposed in the Dowd subdivision, is exactly more or less what the City was anticipating then.

The roll call on the adoption of Resolution #77-81 was as follows:
ROLL CALL VOTE: Ayes: (3) Clm. McTaggart, Parmelee, Mayor Tuller
Noes: (2) Clm. Riboni, Ruggles
Absent: (0) None

Mayor Tuller declared a recess from 9:15 to 9:25 p.m.

PUBLIC HEARINGS

9. Appeal of P. Sosnowski of Architectural Review Commission's denial for remodeling project at 1051 Broadway

The Council reviewed the following: a) Letter of appeal dated 10/14/81 from Gerald N. Hill, attorney for Heritage Investments and Properties of Sonoma NV (Paul Sosnowski) and b) Planner Steinbeck's MEMO dated 10/21/81.

Planner Steinbeck reported that the Architectural Review Commission in its October meeting moved for approval of the remodeling of the northwest and northeast corners of the building at 1051 Broadway as long as the design included vertical trim pieces which were to be made an integral part of the building as specified in the Architectural Review Commission's earlier approval (November 1980) of the remodeling of the southeast corner of the building. The motion died on a vote of two ayes, two noes and one abstention from Comm. Chantler, who declared a conflict of interest on this project.

Mayor Tuller opened the Public Hearing at 9:30 p.m. and called for comments from the audience.

Gerald Hill, attorney for the applicant, requested approval of his applicant's proposal for the remodeling.

Mayor Tuller closed the Public Hearing at 9:31 p.m.

It was moved by Clm. Parmelee, seconded by Clm. Riboni, to uphold the appeal and approve the remodeling of an existing building at 1051 Broadway with the condition that vertical trim pieces are to be made an integral part of the remodeling of the northeast and northwest corners.
ROLL CALL: Ayes: (5) Noes: (0) Absent: (0)

COMMISSION RECOMMENDATIONS

10. PARKS AND RECREATION

a) Fund $12,933 for Community Pool Refurbishment

The Council reviewed the following: a) Letter dated 10/14/81 from John Meyn, President, Sonoma Sea Dragons Swim Team, requesting $12,933 from the City of Sonoma to help with the refurbishing of the community swimming pool at the high school. Mr. Meyn stated in the letter that it will cost approximately $55,000 to completely replace the entire filtering system, replaster the entire pool tank and other miscellaneous repairs. b) City Manager Arner's MEMO dated 10/23/81 reporting that the Parks and Recreation Commission in its meeting of 10/21/81 considered this request and recommended that a one-time General Fund expenditure be authorized for the refurbishment. City Manager Arner suggested, that if the Council approves this request, that the City retain

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **8C**

Meeting Date: **10/21/13**

Department	**Staff Contact**
Building Department	Wayne Wirick, Development Services Director / Building Official
Fire Department	Alan Jones, Administrative Fire Captain

Agenda Item Title

Introduction of Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code and Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes.

Summary

The California Building Standards Code is made up of 12 parts containing various construction codes (i.e. building, residential, electrical, plumbing, mechanical, energy, green building, fire, historical structures, etc.) which are adopted in whole or in part and then amended by some 14 different State agencies. The California codes are generally amended and published every three years by the State Building Standards Commission following the update of selected model codes. The construction codes previously adopted by cities and counties and currently in effect throughout the State, including those provisions contained in Section 14.10 (Construction Codes) of the Sonoma Municipal Code, will become null and void effective January 1, 2014.

The California Health and Safety Code allows local governments to amend building standards contained in the California Building Standards Code when the modifications are at least as stringent as what is required by the codes and provided that amendments are made with express findings of need based on local climatic, geological or topographical conditions. The California Building Standards Code does not provide fully adequate provisions for unsafe building abatement, signs, alternate plumbing systems, fire sprinkler systems, fire safety, administrative requirements, green building provisions and other provisions recommended for Sonoma, which is why the City Council has regularly amended the codes adopted by the State to address these issues

The new 2013 technical codes adopted by the State generally clarify existing construction requirements and add more restrictive and complex requirements than the technical codes currently in effect, particularly as it pertains to the California Energy Code.

The suggested local amendments proposed by this ordinance are generally consistent with the existing policies and construction requirements previously adopted by the City Council with a few notable exceptions related to green building and fire sprinkler requirements as described in the supplemental staff report.

The California Building Standards Codes proposed for adoption are available for review at City Hall.

Recommended Council Action

1. Discuss any initial questions regarding the proposed local amendments or the adoption of the California codes. In particular, the City Council should consider whether adopting the increased requirements of Tier 1 (excluding Energy Efficiency Measures) of the California Green Building Code is consistent with current council policies.
2. Publicly read the title of the proposed ordinance and schedule a public hearing to hear the matter and possibly adopt the ordinance on November 18, 2013.
3. Direct the City Clerk to prepare a summary and carry out the special noticing procedures as required by the Government Code.

Alternative Actions

1. The City Council can direct staff to make further amendments to the proposed codes. If further amendments are proposed after the second reading and the public hearing, the ordinance will need to be reintroduced at the next meeting of the council. A second public hearing need not be held on amendments made per council direction.

2. The City Council can choose not to adopt local amendments, in which case the unmodified version of the 2013 California Building Standards Code would stand on its own and become effective on January 1, 2014.

Financial Impact

Each time the codes are updated (approximately every 3 years), construction costs increase as a result of the addition of more restrictive, invasive and complicated requirements. The changes in the code result in an increase in the cost of providing code compliance services by increasing the need for additional training and public education as well as increasing City costs to perform plan review, inspection and related code enforcement services. The cost for construction also increases for project owners, contractors, developers and design professionals due to the need to learn and implement the new code requirements.

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

Attachments:

- Supplemental Report with attachments dated 10/21/13 [Includes Draft Ordinance repealing and reenacting a new Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code]

Alignment with Council Goals:

The adoption and implementation of the 2013 California Building Standards Code will likely negatively impact the Council Goal of "***Continuing to build on customer service and business friendly mindset we as a City are pursuing and explore additional ways to exhibit that mindset in the eyes of the community"*** due to an increase in stringent code requirements established by the State. Many of these new State requirements have been established to meet the goals set forth in various California Climate Change Executive Orders issued by the Governor. Securing building permits and approvals will require additional time and effort on the part of customers and City staff and construction costs will increase as a result of the new regulations. Staff will continue to work to improve customer services and seek cost effective solutions to the assist customers where feasible.

cc:

SUPPLEMENTAL STAFF REPORT

Introduction of Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code and Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes

For the City Council Meeting of October 21, 2013

BACKGROUND

The California Building Standards Code is made up of 12 parts containing various construction codes (i.e. building, residential, electrical, plumbing, mechanical, energy, fire, historical structures, green building, etc.) which are adopted in whole or in part and then amended by some 14 different State agencies. The California codes are generally amended and published every three years by the State Building Standards Commission following the update of selected model codes. Pursuant to California Health and Safety Code, the California Building Standards Code is applicable to all occupancies throughout California 180 days following its publication by the California Building Standards Commission. The latest (2013) iteration of the California Building Standards Code was published in July of 2013 and will become effective throughout California on January 1, 2014. By state law, construction codes previously adopted, including those adopted by Sonoma and contained in Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code, will become null and void on January 1, 2014.

The California Health and Safety Code allows local governments to amend building standards contained in the California Building Standards Code when modifications are made with express findings of need based on local climatic, geological or topographical conditions. State law dictates that amendments to the State Building Standards Code may not be less stringent than the provisions provided therein. Given that the California Building Standards Code does not provide fully adequate provisions for unsafe building abatement, signs, alternate plumbing systems, fire sprinkler systems, fire safety, administrative requirements, green building provisions and other provisions determined necessary for Sonoma, the City Council has regularly amended the codes adopted by the state to address these issues.

ANALYSIS

As mentioned earlier, the City's existing construction codes become null and void for all construction permit applications submitted on or after January 1, 2014, at which time the 2013California Building Standards Code becomes effective throughout California. The new codes generally clarify existing construction requirements and add more restrictive and complex requirements than the codes currently in effect, particularly as they pertain to the California Energy Code. Some examples of new code requirements adopted by the state that will affect initial construction costs and compliance enforcement costs include the following:

EXAMPLES OF NEW 2013 CODE REQUIREMENTS ADOPTED BY THE STATE

Civil Code Requirement

- When any permits are issued for improvements, alterations and additions for buildings constructed prior to January 1, 1994, any noncompliant (non-water-conserving) plumbing

fixtures must be replaced with water-conserving fixtures (i.e. toilets, urinals, interior faucets, showerheads). *[Civil Code 1101.1-1101.8]*

2013 Energy Code Requirements

- Approximately 30% greater efficiency for new nonresidential buildings and 25% greater efficiency for new residential buildings will be required.
- Duct sealing requirements for furnace or air conditioner replacements.
- Duct leakage, refrigerant charge and other testing or verification by a HERS rater will likely be required for most altered heating and air conditioning systems and replacements.
- Increased insulation values required for ducts.
- Requirements for high-performance fenestration (windows) in buildings.
- Expanded lighting efficiency required for new and replacement lighting.
- Much stricter lighting control measures for buildings.
- Requirement for exhaust fans with humidity controls in all bathrooms.
- Requirements for solar-ready roofs on new subdivisions.
- Significant changes to energy compliance forms.
- Commissioning measures required for new nonresidential buildings greater than 10,000 s.f.
- Required preparation for future tankless water heaters.
- Solar water heating requirements for multi-family residential buildings.
- Sensor controls required for lights, heating, ventilating and air conditioning systems in hotels and motels.
- High-efficacy luminaire must be installed in bathrooms, laundry rooms, garages and utility spaces with all other types of lighting controlled by a vacancy sensor.
- Most lighting in nonresidential spaces will be required to be dimmable, with the lighting in some spaces automatically reduced by 50% when no one is present.
- Lighting must be reduced in day-lit areas in nonresidential buildings.
- When more than 40 fixtures are replaced in an existing nonresidential building, all of the lighting and lighting controls in the entire space must comply with current energy code requirements.
- Several new requirements apply to outdoor lighting and lighting controls.

2013 Residential Code Requirements

- Smoke alarms in dwellings must be replaced after ten (10) years from manufactured date. Approved locations for smoke alarms have been revised and made more specific.
- Conventional residential wall bracing requirements have significantly changed. *[This will have an impact on design review and inspection.]*
- New fire sprinkler requirements have been added for rooms above carports and garages and for garages with exterior walls located less than three feet from a lot line or assumed lot line.

- New provisions for solar photovoltaic systems from applicable provisions from the California Fire Code related to firefighter safety features.

2013 Building Code Requirements

- Chapter 11 A – Housing Accessibility has been revised in its entirety to incorporate new language and the requirements of the 2010 ADA Standards for Accessibility.
- Chapter 11 B – Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Publicly Funded Housing has been revised in its entirety and renumbered to incorporate new language and the requirements of the 2010 ADA Standards for Accessibility.
- New requirements on how solar photovoltaic integrated and roof-mounted systems are to be regulated.

2013 CALGreen Code Requirements

- CALGreen will now apply to the specific area of residential additions and alterations. Additions and alterations were previously exempt. *[This will have a significant impact on applicant costs and building department services since the majority of permits issued within the City are for residential alteration projects.]*
- CALGreen will now apply to nonresidential addition and alteration projects with more than 1,000 s.f. of additional area or more than $200,000 in permit valuation. Previously, CALGreen was required for nonresidential addition and alteration projects with more than 1,000 s.f. of additional area or more than $200,000 in permit valuation.
- More stringent requirements for water-conserving fixtures.
- More stringent requirements for resilient flooring.

2013 Electrical Code Requirements

- Addition of Ground Fault Circuit Interrupter (GFCI) and Arc-Fault Circuit Interrupter (AFCI) protection at numerous new locations.
- Addition of tamper-resistant receptacle outlet requirements for replacement receptacles.
- New requirement to seal raceways entering a building.
- New, more stringent requirements for solar photovoltaic systems.

HIGHLIGHTS OF PROPOPSED LOCAL AMENDEMNTS TO THE 2013 CODES

The amendments proposed by the proposed ordinance are consistent with the existing policies or construction requirements previously adopted by the City Council. It is recommended that local amendments proposed for the 2013California Building Standards Code be adopted so that the effective date of the proposed amendments corresponds with the January 1, 2014, effective date of the code. The highlights of the proposed local amendments are as follows:

Administrative Provisions

1. The administrative provisions have been significantly revised to:
    a. Clarify the application and scope of the technical codes;
    b. Provide provisions for the abatement of unsafe buildings that were previously contained in the Uniform Code for the Abatement of Dangerous Buildings, which is no longer published;
    c. Clarify submittal requirements for permits;

d. Clarify the application of certain building permit and related fees;
e. Clarify procedural and administrative requirements for inspecting work.
f. Add provisions for collecting a fully refundable work guarantee deposit for temporary occupancy authorizations;
g. Add provisions clarifying the process for appeals of decisions made by the building official;
h. Add provisions clarifying the process and noticing requirements for issuing notice of violations, stop work orders and notices of unsafe structures and equipment;
i. Add provisions clarifying the process for recovery costs for the enforcement and abatement of unsafe structures;
j. Delete fee tables that will otherwise be handled or adopted in the resolution adopting revised fees.

2013 California Building Code

2. Previous local amendments to the 2013 California Building Code related to solar photovoltaic panels and swimming pool safety enclosures and barriers have been deleted because they are now included in the California Building Code and California Residential Code.

2013 California Residential Code

3. Consistent with previously adopted local amendments, proposed local amendments have been added to the 2013 California Residential Code (CRC) to clarify existing requirements for residential fire sprinkler systems and swimming pool safety enclosures and barriers as previously adopted by the council.(CRC R313.2 and Appendix Chapter G)

2013 California Plumbing Code

4. Consistent with previously adopted local amendments, a proposed local amendment has been added to the 2013 California Plumbing Code (CPC) to require a permit for a gray-water clothes washer system.(CPC 1602A.1.1)

2013 California Fire Code

5. Consistent with previously adopted local amendments, the Fire Chief is proposing additional operational and construction permitting requirements (see Fire Code amendments subsections 105.6.47 and 105.7.17) for the following construction or activities to be consistent with Sonoma County and other fire jurisdictions within the county.
    a. Apartment, hotel, motels (operational)
    b. Bonfires or rubbish fires (operational)
    c. Change of occupancy (operational)
    d. Day Care Facilities (operational)
    e. Emergency Responder Radio Coverage System (operational)
    f. Fire protection systems (operational)
    g. High-rise building (operational)
    h. Institutional or residential occupancy (6 or less persons) (operational)

i. Institutional or residential occupancy (more than 6 persons) (operational)
j. Medical Gas Systems (operational and construction)
k. Oil or natural gas well (operational and construction)
l. Organized Camps (operational)
m. Public Christmas Tree Lot or Pumpkin Patch (operational)
n. Special Event Permit for 50 or more people (operational)
o. Winery Caves – Public Accessible (operational)
p. Emergency vehicle access facilities (construction)
q. Emergency responder radio systems (construction)
r. Excavation near flammable or combustible liquid pipeline (construction)
s. Fire-line underground utility piping (construction)
t. Security gates across fire department access roads (construction)
u. Hazardous materials site disclosure (aboveground facility and underground tank construction)
v. LP-gas of 250 gal or more (construction)
w. Roof-mounted solar photovoltaic power systems (construction)

6. Consistent with previously adopted local amendments, the Fire Chief is proposing administrative amendments related to violation penalties and the failure to comply with the requirements 2013 California Fire Code (CFC) - (CFC 109.4 and 111.4).
7. Add definitions to the California Fire Code for "MANUFACTURED HOME" and "MOBILE HOME" consistent with the California Health and Safety Code. (CFC 202)
8. The Fire Chief is proposing to re-enact previously adopted local amendments to the California Fire Code for the following sections:
    a. 304.1.4 - Defensible space - neighboring property.
    b. 501.1 - Scope of fire service features.
    c. 503.2.6 - Vehicle loads for bridges and elevated surfaces.
    a. 507.5 - Fire hydrant systems.
    b. 507.5.1 - Where fire hydrants are required.
    c. 510.1 - Emergency responder radio coverage in buildings.
    d. 901.4.1.1 - Owner responsibilities.
    e. 901.6.1 - Standards for fire protection systems,
    f. 901.11 - Notice of nuisance alarm.
    g. 901.7.8 - Unreliable fire alarm systems.
    h. 903.7.7 - Fire department connections.
    i. 903.4.2 – Alarm activated by water flow on sprinkler system.
    j. 905.3.1 - Height of Class III standpipe systems in other than R-3 and R-3.1 occupancies.
    k. 907.2.8.1 - Manual fire alarm system for R-1 occupancies

l. 3314.3 - Buildings under construction.
m. 3314.4 - Buildings being demolished.
n. 5001.5.3 - Electronic reporting.
o. 5704.1.1 - Tanks storage prohibited.
p. 5704.1.3 - Existing tank storage.
q. 6107.5 - Seismic anchoring system for propane/LPG gas containers.
r. Appendix B101.1 - Procedure for determining fire-flow requirements for buildings
s. Appendix B, subsection B102.1 – Revised definitions for "FIRE-FLOW" and "FIRE-FLOW CALCULATION AREA".
t. Appendix B, subsection B105.1 - minimum fire-flow requirements for one- and two-family dwellings.
u. Appendix B, subsection B105.2 - minimum fire-flow and flow duration for buildings other than one- and two-family dwellings.
v. Appendix C, subsection C102 - Fire hydrant locations.
w. Appendix D, Section D101 – Scope for fire apparatus access roads
x. Appendix D, subsection D103.1 - Grade of fire apparatus access roads.
y. Appendix D, subsection D103.3 - Minimum turning radius of fire apparatus access roads.
z. Appendix D, subsection D103.4 - Turnaround provisions for dead-end fire apparatus access roads.
aa. Appendix D, subsection D103.6 - NO PARKING-FIRE LANE sign requirements.
bb. Appendix D, subsection D106.1 - Multiple-family residential projects having more than 50 dwelling units shall be provided with two separate and approved fire apparatus access roads.
cc. Appendix D, subsection D107 - one- and two-family dwellings where the number of dwelling units exceeds 50 shall be provided with two separate and approved fire apparatus access roads.

9. The Fire Chief is proposing additional provisions by amending the following sections of the 2013 California Fire Code:
    a. 503.2.7 - Additional fire protection measures for buildings on slopes.
    b. 503.2.3 - Surface requirements for fire apparatus access roads
    c. 505.1 – Requirements for address identification.
    d. 507.1.1 - Emergency water during construction.
    e. 903.2 - Where automatic fire sprinkler systems are required.
10. Previous local amendments to the 2013 California Fire Code related to solar photovoltaic have been deleted because they are now included in the California Fire Code.

2013 California Green Building Code (CALGreen)

11. Substantially consistent with previously adopted council policies and local amendments, the Building Official is proposing adoption of additional mandatory green building compliance measures in conformance with Tier 1 status (excluding Energy Efficiency Measures) as described in the California Green Building Code (CALGreen). Tiers are

pre-defined sets of additional measures within CALGreen that may be adopted by the City Council to increase the level of green compliance within the City. These tiers (Tier 1 or Tier 2) each include a series of measures that go beyond the basic (mandatory) requirements of the CALGreen code. A list of additional CALGreen Tier 1 requirements that would become mandatory for applicable new and altered construction beyond what is currently required by the City is provided in Attachment C. Adopting CALGreen plus Tier 1 (CALGreen+Tier1-Excluding Energy) status as mandatory is recommended by the Redwood Empire Association of Code Officials to promote regional consistency in the application of green building standards throughout Sonoma County and other jurisdictions throughout the North Bay region. Adoption of Tier 1Energy Efficiency Measures as mandatory is not recommended for the following reasons:

a. The new mandatory 2013 California Energy Code represent a 10% increase in required efficiency for residential buildings and a 15% increase in required efficiency for nonresidential buildings over those jurisdictions (including Sonoma) that previously adopted mandatory Tier 1 energy requirements. Adoption of mandatory Tier 1 Energy Efficiency Measures under the 2013 California Green Building Code would require an additional 15% increase in energy efficiency in all new and altered buildings. This would place a significant cost burden on owners that may not be cost effective.
b. A cost effectiveness study required by state law to implement mandatory Tier 1 Energy Efficiency Measures could not be completed and approved prior to the adoption of the codes by the City Council due to the unavailability of energy modeling software.
c. No other jurisdiction in the region is proposing to adopt Tier 1 Energy Efficiency Measures.

It is important to note that except for items #9(e) and #11 listed above, none of the proposed amendments represent more restrictive (or costly) requirements than those previously adopted by the City Council. Item #9(e) has the effect of requiring automatic fire sprinkler systems in all new factory-built housing, manufactured homes and mobile homes. Item #11 increases the minimum mandatory green building measures for new construction and alterations.

A summary of reasons for the proposed local amendments to the State Building Standards Code can be found in Attachment B.

The proposed ordinance has been reviewed by the City Attorney's office.

The codes proposed for adoption (without amendments) are available for review at City Hall.

The strikeout/underline version of the draft ordinance can be downloaded from the City website at http://www.sonomacity.org/default.aspx?Pageid=455.

FINANCIAL IMPACT

Each time the codes are updated (approximately every 3 years), construction costs increase as a result of the addition of more restrictive, invasive and complicated requirements. The changes in the code result in an increase in the cost of providing code compliance services by increasing the

need for additional training and public education as well as increasing City costs for plan review, inspection and related code enforcement services. The cost for construction also increases for project owners, contractors, developers and design professionals due to the need to learn and implement the new code requirements.

Within the next month or so, City staff will be proposing modifications to the adopted fee schedule to help offset the increases in the costs of providing City code compliance services resulting from the adoption of the 2013 California Building Standards Code.

RECOMMENDATION

1. Discuss any initial questions regarding the proposed local amendments or the adoption of the California codes. In particular, the City Council should consider whether adopting the increased requirements of Tier 1 (excluding Energy Efficiency Measures) of the California Green Building Code is consistent with current Council policies.
2. Publicly read the title of the proposed ordinance and schedule a public hearing to hear the matter and possibly adopt the ordinance on November 18, 2013.
3. Direct the City Clerk to prepare a summary and carry out the special noticing procedures as required by the Government Code.

Note that the required process for adopting and amending the Building Standards Code is different from the process followed with most other City ordinances. In this case, the public hearing on the substance of the ordinance is conducted at the time of second reading of the ordinance, rather than at the time of the first reading. The action recommended for October 21st is simply to discuss questions and introduce the ordinance. While public comments can be taken, a public hearing must be held at the subsequent meeting (in this instance on November 18th), at which time the ordinance would either be adopted or amended and reintroduced.

ALTERNATIVES

1. The City Council can direct staff to make further amendments to the proposed codes. If further amendments are proposed after the second reading and the public hearing, the ordinance will need to be reintroduced at the next meeting of the Council. A second public hearing need not be held on amendments made per Council direction.
2. The City Council can choose not to adopt local amendments, in which case the unmodified version of the 2013 California Building Standards Code would stand on its own and become effective on January 1, 2014.

ATTACHMENTS

- Attachment A - Draft Ordinance Repealing and Reenacting a New Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.
- Attachment B - Summary of Reasons for Amendments to the State Building Standards Code
- Attachment C - Analysis of CALGreen+Tier1

CITY OF SONOMA

ORDINANCE NO. __-2013

AN ORDINANCE OF THE CITY OF SONOMA REPEALING CHAPTER 14.10 OF THE SONOMA MUNICIPAL CODE IN ITS ENTIRETY AND REENACTING A NEW CHAPTER 14.10, ADOPTING NEW ADMINISTRATIVE PROVISIONS AND ADOPTING BY REFERENCE PARTS 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 AND 12 OF THE 2013 CALIFORNIA BUILDING STANDARDS CODE AND AMENDMENTS THERETO.

THE CITY COUNCIL OF THE CITY OF SONOMA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 14.10, Construction Codes, of the Sonoma Municipal Code and Ordinance 07-2010 are hereby repealed in its entirety and reenacted to read as follows:

Chapter 14.10

CONSTRUCTION CODES

Sections:

14.10.005 Findings.
14.10.010 Administrative Provisions.
14.10.015 Technical Codes Adopted.
14.10.020 2013 California Building Code Amendments.
14.10.025 2013 California Residential Code Amendments.
14.10.030 2013 California Electrical Code Amendments.
14.10.035 2013 California Mechanical Code Amendments.
14.10.040 2013 California Plumbing Code Amendments.
14.10.045 2013 California Fire Code Amendments.
14.10.050 2013 California Green Building Standards Code Amendments.
14.10.060 Board of Appeals.
14.10.065 Modification of Fee Schedules.
14.10.070 Enforcement Authority.

14.10.005 Findings.

A. The city council finds that in order to best protect the health, safety, sustainability and welfare of the citizens of Sonoma, the administrative regulations adopted herein and hereinafter referred to as the "administrative provisions" and the building standards for building construction, hereinafter referred to as the "technical codes," and also known as the 2013 Edition of the California Building Standards Code and the California Code of Regulations, Title 24, including Parts 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 and 12, shall be adopted as provided herein.

B. Based on the materials presented by and the recommendations of the city's building official and fire chief, the city council finds that it is necessary to make procedural and administrative modifications and changes to the California Building Standards Code and to adopt certain appendices to the California Building Standards Code as specifically adopted in this ordinance, to provide more

efficient, economical and expeditious enforcement of the building standards of the City of Sonoma, hereinafter referred to as "the City." The city council further finds and determines that pursuant to Health and Safety Code Sections 13143.5,17958, 17958.5, 17958.7 and 18941.5 the substantive amendments to California Building Standards Code, which are adopted by this chapter, are reasonable and necessary because of local climatic, geographical or topographical conditions and do not lessen, diminish or change the standards set forth within the California Building Standards Code except as authorized by law.

C. The city council finds and determines that pursuant to Health and Safety Code Section 18909(c), the "administrative provisions" adopted by this chapter are procedural and administrative in nature and are not subject to the requirements of findings pursuant to Sections 17958.5, 17958.7 and 18941.5.

D. The city council hereby makes the following express findings of necessity, as applicable, for the modifications to the California Building Standards Code:

Express Finding of Necessity #1: The City's topography and terrain contain areas which are very susceptible to wildland fires, having a local climate characterized by hot, dry summers with periodic high winds which are a predominate factor in the spread of fire by burning embers that are carried by the wind to adjacent exposed areas. This is further compounded by agricultural and recreational use of lands contained within the City, as well as the open space, brush and hills that are part of and immediately adjacent to the City. These topographic and climatic conditions impact the City's emergency services in such a way that their effects should be mitigated through appropriate amendments to the construction codes where practical.

Express Finding of Necessity #2: Earthquake activity represents significant potential hazards which could result in road closures, loss of housing, fires, injuries, collapsed buildings, and isolation of persons requiring assistance. Additionally, soil conditions within the City are such that liquefaction may occur during seismic activity, creating the potential for structure collapse or mudslides. There are only a limited number of thoroughfares through the City, and during periods of traffic congestion resulting from roadway obstructions, emergency services response times are increased. The City is comprised of a relatively large number of historically significant buildings which contain archaic materials and designs which present unique safety, remodeling and upgrading problems due to their age and proximity to earthquake faults. The proximity of the Rogers Creek earthquake fault, located only a few miles from the City, represents a geologic hazard that could significantly impact the City's occupants, its emergency services and its economic well-being in such a way that the potential hazards should be mitigated through appropriate amendments to the construction codes where practical.

Express Finding of Necessity #3: Due to the elevation of the City in relation to sea level and periodic storms resulting in significant rainfall, flooding during the rainy season often restricts traffic, has a detrimental effect on structures, housing and their occupants and can impair emergency services ability to respond to life threatening emergencies. Additionally, high ground water, clay soils and the location of the "hardpan" within the City can slow rain and surface water absorption, often resulting in localized ponding and flooding. These geologic and climatic conditions impact the City in such a way that their effects should be mitigated through appropriate amendments to the construction codes where practical.

Express Finding of Necessity #4: The City's climate is periodically subject to relatively dry winters and hot, dry summers. The lack of rainfall can result in water shortages and reductions in available ground water that impact the public health, safety, and welfare of its citizens and businesses in such a way that their effects should be mitigated through appropriate amendments to the

construction codes to prohibit the use of equipment or fixtures which waste water and require water conservation measures, the efficient use of potable water and other water-saving measures.

14.10.010 Administrative Provisions.

By adoption of the administrative provisions in this section the city council does not intend to create, establish, or impose any mandatory duty on the part of the city or any person acting on its behalf, notwithstanding the use of “shall,” “will,” “must” or similar terms within this section. The following administrative provisions are hereby adopted and shall apply to the technical codes adopted by reference in this chapter as may be amended herein:

SECTION 101

GENERAL

101.1 Title. The provisions of Sonoma Municipal Code Section 14.10.010 shall be known as the “administrative provisions” and shall be cited as such. These administrative provisions, together with the technical codes adopted by the city council, will be referred to herein as "this code."

101.2 Scope. These administrative provisions shall serve as the administrative, organizational and enforcement rules and regulations in support of the technical codes adopted by the City which regulate the site preparation, construction, alteration, relocation, enlargement, replacement, moving, demolition, repair, maintenance, use and occupancy of buildings, structures, building service equipment and any appurtenances connected or attached to such buildings or structures within the City.

101.3 Purpose. The purpose of these administrative provisions is to protect the health, safety, and welfare of the public as it pertains to building construction and the built environment and provide for the administration and enforcement of the technical codes adopted by the City. The purpose of the technical codes adopted by the City is to establish minimum building standards to safeguard the public safety, health and general welfare through sustainability, affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

SECTION 102

APPLICABILITY

102.1 Conflict between codes. Where there is a conflict between a general requirement and a specific requirement in the technical codes, the specific requirement shall be applicable.

Where conflicts occur between the provisions of the technical codes and referenced standards, the provisions of the technical codes shall apply.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code. Where references in this code are made to Chapter 1, Division II (Scope and Administration) or sections therein, the applicable corresponding provisions contained within these administrative provisions shall apply.

102.4 References to prior code. Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of this code previously adopted by the city council, shall be construed to apply to the corresponding provisions contained within this code.

102.5 Referenced codes and standards. The codes and standards referenced in this code and all other codes adopted by reference by the City shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and other referenced codes and standards, the more restrictive provision shall apply. Where there is a conflict between a general standard and a specific standard, the specific standard shall be applicable. All reference to codes published by the National Fire Protection Association, the International Code Council, the International Association of Plumbing and Mechanical Officials and similar code publishing organizations within the referenced standards shall be replaced by similar equivalent provisions, if available and published in the California Building Standards Code as adopted and amended by the City of Sonoma.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

102.6 Appendices. Provisions in the appendices of the technical codes shall not apply unless such provisions, or appendices in which they are contained, have been specifically adopted.

102.7 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.8 Existing installations. Unless otherwise specifically required by federal, state or local laws, regulations or ordinances, –building, electrical, plumbing, mechanical, sustainability measures and conveyance equipment, components and systems lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

102.9 Existing occupancy. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically required by Chapter 34 of the California Building Code, the California Existing Building Code, the California Historical Building Code, the California Fire Code, State Housing Law, this code or any other federal or state regulation preempting these regulations.

102.10 Additions, alterations or repairs. Additions, alterations or repairs to any electrical, mechanical or plumbing equipment, components or systems or any structure shall conform to the requirements for new construction without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure or electrical, mechanical or plumbing equipment, components or systems to become unsafe or adversely affect the performance of the building. Additions, alterations or repairs shall comply with the requirements of Chapter 34 of the California Building Code.

102.11 Moved Buildings. Moved buildings shall comply with the requirements of Chapter 34 of the California Building Code.

102.12 Maintenance. Buildings, structures and parts thereof and electrical, plumbing and mechanical equipment, components and systems shall be maintained in a safe, sanitary and proper operating condition pursuant to the applicable provisions of the technical codes.

SECTION 103
DEFINITIONS

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section or as otherwise defined in the technical codes. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

…**ADDITION.** See California Building Code Section 202.

…**ALTER or ALTERATION.** See California Building Code Section 202.

…**APPROVED.** See California Building Code Section 202.

…**ATTRACTIVE NUISANCE.** See definition for "Nuisance."

…**BUILDING.** See California Building Code Section 202.

…**BUILDING, EXISTING.** See California Building Code Section 202.

…**BUILDING OFFICIAL.** See California Building Code Section 202.

…**BUILDING SERVICE EQUIPMENT.** The plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

…**CITY.** See Section 1.04.010 of the Sonoma Municipal Code.

…**DANGEROUS BUILDING.** See definition for "Unsafe Structure."

…**JURISDICTION.** See California Building Code Section 202.

…**NUISANCE.** (See definition in Sonoma Municipal Code Section 14.30.020(A)

…**OCCUPANCY** is the purpose for which a building, or part thereof, is used or intended to be used.

…**OWNER** is any person, agent, firm or corporation having a legal or equitable interest in the property.

…**PARTY IN INTEREST** means the record owner as the name and address of that person or entity appears on the last equalized assessment roll and if known, the person in real or apparent charge and control of the premises involved, and if known, the holder of any mortgage, trust deed or other lien or encumbrance of record or any other known beneficiary to the building or structure or the land upon which it is located, and if known, residential tenants of a property.

…**PERMIT**. See California Building Code Section 202.

…**PERMITEE** is the responsible party designated on a permit. The permittee shall either be the property owner, the property owner's authorized representative or a contractor licensed to perform or oversee the permitted work.

…**PUBLIC NUISANCE.** See definition for "Nuisance."

…**REPAIR.** See California Building Code Section 202.

…**STRUCTURE**. See California Building Code Section 202.

…**TECHNICAL CODES** are those codes adopted by the city council in Chapter 14.10.015 of the Sonoma Municipal Code containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.

…**UNSAFE STRUCTURE.** Any building or structure which has any or all of the conditions or defects hereinafter described is an unsafe building provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered. For the purposes of this code, the term "dangerous building" is synonymous with the term "unsafe building."

(a) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, obstructed or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.

(e) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(f) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind

pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

(g) Whenever any portion of a structure has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(h) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building, structure, or any portion thereof, including equipment regulated by this code, is manifestly unsafe for the purpose of which it is being used.

(j) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(k) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children or, (2) a public nuisance, or (3) freely accessible to persons for the purpose of committing unlawful acts.

(m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement of this code as applicable, including construction without a permit, or prohibition pursuant to California Health and Safety Code Section 17920.3 or of any law or ordinance of this state or jurisdiction relating to the condition or location of said structure or building.

(n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or

portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics, required by law in the case of a newly-constructed building of like area, height, and occupancy in the same location.

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer, fire chief or building official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(p) Whenever any building, structure or portion thereof, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, inadequate maintenance, damage from an earthquake, flood, fire or other calamity, abandonment, exposure to hazardous materials, lack of sufficient fire-resistive construction, faulty electric wiring, faulty or unsafe gas conditions or heating apparatus, unsanitary conditions or other cause, is determined by the fire chief or building official to be a fire hazard, attractive nuisance, hazard to the life, safety or health of the public or occupants of the building.

(q) Whenever any building or structure is in such a condition as to constitute a public nuisance or as otherwise known to common law or equity jurisprudence.

(r) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or portion thereof, or whenever any building or structure so abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(s) Whenever any building or structure has been abandoned or becomes vacant, is dilapidated and unsecured or open at exterior doors or windows, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or is otherwise an attractive nuisance or hazard to the public .

(t) Whenever any building, structure or portion thereof, whether structurally damaged or not, is dangerous to human life by reason of being located in an area which is unsafe due to hazard from landslide, settlement, or slippage or any other cause.

(u) Whenever any building, structure or portion thereof, because of unfinished or uncompleted work required under a building permit and where the permit for the work has expired, or uncompleted work that would have been required under a building permit but where no permit has been issued, is determined by the building official to be a fire hazard, attractive nuisance, hazard to the life, safety or health of the public or occupants of the building.

(v) Whenever any building is declared to be substandard as defined in Section 17920.3 of the California Health & Safety Code.

…**VALUATION or VALUE,** as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs, as determined by the building official.

SECTION 104
BUILDING DEPARTMENT

104.1 Creation of enforcement agency. The building department is hereby created and the official in charge thereof shall be known as the building official.

104.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

104.3 Deputies. The building official, with the concurrence of the city manager, shall have the authority to appoint a deputy building official, technical officers, inspectors, plans examiners and other employees or official representatives of the Building Department. Such employees or official representatives shall have powers as delegated by the building official.

SECTION 105
DUTIES AND POWERS OF THE BUILDING OFFICIAL

105.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

105.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

105.4 Inspections. The building official is authorized to make all required inspections, or the building official shall have the authority to accept reports of inspection by agencies or individuals approved by the building official for the specific purpose. Reports of such inspections shall be in writing and be prepared by a responsible officer of such approved agency or by the responsible individual. The building official may seek and engage expert opinion as deemed necessary to report upon unusual technical issues that arise.

105.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises potentially unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

105.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records of the City for the period required by the City or state for the retention of the specific public record.

105.8 Liability. The building official or his/her designee, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent

law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

105.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

> **105.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used materials, equipment and devices shall not be reused unless approved by the building official.

105.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that the specific circumstance makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety requirements or structural requirements. The details of granting the modification shall be recorded and entered in the files of the building department.

105.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction may be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code.

> **105.11.1 Research reports**. Supporting data may be required by the building official where necessary to assist in the approval of materials or assemblies not specifically

provided for in this code. Supporting data may consist of valid research reports, test reports or manufacturer's data from sources approved by the building official.

105.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records in this same category.

SECTION 106
PERMITS

106.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change a building or occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system or component thereof or any accessible feature, element or component, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

106.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

106.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

106.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, trellises, arbors, gazebos, shade structures for other than motor vehicles, and similar uses, when located on a parcel which contains an existing Group R, and/or Group U Occupancy, provided that the building complies with zoning setback requirements and the floor area does not exceed 120 square feet and the total height does not exceed 9 feet. No more than one structure may be allowed under this exemption unless separated from another permit-exempt structure by 10 feet or more.

2. Fences constructed of other than stone, masonry or concrete, not over 8 feet in total height.

3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall and retaining not more than 3 feet of material, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks, walkways, nonstructural slabs and driveways not more than 30 inches above adjacent grade and not over any basement or story below and are not part of an accessible route.

6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work not otherwise subject to the accessibility requirements contained in Chapters 11A or 11B of the California Building Code.

7. Temporary motion picture, television and theater stage sets and scenery.

8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground.

9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

10. Swings and other playground equipment with a projected area less than 120 square feet and are accessory to detached one- and two-family dwellings.

11. Window awnings of Groups R-3 and U occupancies supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

12. Recovering of awnings on previously approved existing framework.

13. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a building and do not serve a required exit door or an accessible route.

14. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height and work not otherwise subject to the accessibility requirements contained in Chapters 11A or 11B of the California Building Code.

15. A tree house that does not exceed 64 square feet in floor area and 8 feet in total height measured from the top of the floor to highest point on the roof.

16. Flagpoles not erected upon a building and not more than 15 feet in height above grade plane.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.

2. Reinstallation of existing attachment plug receptacles, but not the outlets therefore.

3. Replacement of branch circuit overcurrent devices of the required capacity in the same location

4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

5. Minor repair work, including installation or replacement of equipment such as lamps and electric utilization equipment approved for connection to suitable permanently-installed receptacles.

6. Electrical equipment used for radio and television transmissions, except equipment and wiring for a power supply and the installations of towers and antennas.

7. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus or the process of manufacturing, testing, servicing, or repairing electrical equipment or apparatus.

8. Replacement of flush or snap switches, fuses, lamp sockets, receptacles, contactor or control device and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device.

9. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

10. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

11. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Mechanical:

1. A portable heating appliance, portable ventilating equipment, a portable cooling unit, or a portable evaporative cooler.

2. A closed system of steam, hot, or chilled water piping within heating or cooling equipment regulated by this code.

3. Replacement of any minor component part or assembly of an appliance that does not alter its original approval of the equipment and complies with other applicable requirements of this code.

4. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less and refrigerating equipment that is part of the equipment for which a permit has been issued pursuant to the requirements of this code.

5. A plug-and-cord connected unit refrigeration system.

6. Portable plug-and-cord connected cooking or clothes-drying appliances.

7. Portable plug-and-cord connected ventilation or cooling equipment.

8. Portable plug-and-cord connected evaporative cooler.

9. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipes; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. Exterior rainwater catchment systems used for outdoor non-spray irrigation with a maximum storage capacity of 5,000 gallons where the tank is supported directly upon grade and the ratio of height to diameter or width does not exceed 2 to 1 and does not require electrical power or a makeup water supply connection.

4. Exterior rainwater catchment systems used for spray irrigation with a maximum storage capacity of 360 gallons.

106.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next building department business day to the building official.

106.2.2 Minor Repairs. Application or notice to the building official is not required for ordinary or minor maintenance or repairs to structures, including minor damage to nonstructural members, the replacement of lamps or the connection of approved portable electrical equipment to approved permanently-installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal, change or rearrangement of parts of a structure affecting any required means of egress or accessibility requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

106.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

106.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose.

Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required herein.

5. State the estimated value of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.

7. Give such other data and information as required by the building official.

106.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time

after filing. If the application is incomplete or does not conform to the requirements of pertinent laws, the building official shall reject such application and stipulate the reasons therefor to the applicant. If, in the sole opinion of the building official, the construction documents, including plans, specifications, reports and calculations, lack sufficient information to show compliance with this code, are inaccurate, are not easily readable, are incomplete or do not conform to the requirements of pertinent laws, the building official shall reject such application and state in writing the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

106.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provision of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring subsequent correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the City.

106.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. For the purposes of this section, work shall be considered abandoned if no regular inspection has been conducted by the building department within any l80-day period. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

106.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project. The approved plans for the permit, if any, shall be available for use by the building official during inspections.

106.8 Responsibility of permittee. It shall be the duty of the permittee and every person who performs work on a new or existing building or structure, including installation or repair of a building, or structure, or of accessibility features, electrical, gas, mechanical or plumbing systems of a building or structure for which this code is applicable, to comply with this code. Building permits shall be presumed to incorporate the provision that the permittee and those performing work on behalf of the permittee will carry out the proposed work in accordance with the approved plans, with all requirements of this code and any other laws or regulations applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this code.

106.9 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. The permit applicant shall be responsible for providing reasonable access for conducting the preliminary inspection and for the payment of any fee adopted by the City for said inspection.

SECTION 107
SUBMITTAL OF CONSTRUCTION DOCUMENTS

107.1 Submittal documents. Submittal documents consisting of the permit application, construction documents, statement of special inspections, geotechnical report, required checklists, energy reports, calculations, flood elevation documentation, equipment documentation, certifications and other reports and data as determined necessary by the building official shall be submitted in three sets with each permit application.

107.2 Construction Documents. Construction documents shall be prepared by a registered design professional where required by state law or where due to the complexity or nature of the design or if special circumstances exist, the building official determines at any time that construction documents, or a portion thereof, must be prepared by a registered design

professional. The building official is authorized to waive the submission of all or a portion of the construction documents or the information contained therein and any other data if it is determined that the nature of the work proposed does not require construction documents or a portion thereof to obtain compliance with this code.

107.2.1 Information on the construction documents. Construction documents shall be submitted with the application for permit and drawn upon suitable material at a size and scale acceptable for readability and document imaging as determined by the building official. Electronic media documents are permitted to be submitted when first approved by the building official. Construction documents shall utilize common architectural drafting, symbols, graphics and techniques and shall be of sufficient detail, clarity and accuracy to correctly indicate the location, nature and extent of the work proposed and to show in detail that it will conform to the applicable provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. One or more of the construction documents listed below shall be prepared and submitted for approval when required by the building official:

1. Site plan or plot plan.
2. Information for construction in flood hazard areas.
3. Grading and Drainage Plan
4. Erosion Control and Storm Water Pollution Prevention Plan.
5. Foundation Plan.
6. Floor Framing Plans.
7. Floor Plans.
8. Electrical Plans.
9. Mechanical and Duct Layout Plans
10. Ceiling Framing Plan
11. Roof Plan
12. Truss Layout Plan and Truss Design Documentation
13. Roof Framing Plan
14. Full Building Cross-Sections
15. Foundation Details
16. Framing or Structural Details
17. Architectural Details
18. Exterior Elevations
19. Interior Elevations

20. Reflected Ceiling Plans
21. Plumbing Plan
22. Restaurant Equipment Plan
23. Landscaping & Irrigation Plan
24. Fire Protection System Plans and Shop Drawings.
25. Any other plans or documentation needed to show compliance with the codes, ordinance and regulations as determined by the building official.

107.2.2 Building Design Information. When required by the building official, construction documents shall include building design information including, but not limited to, applicable codes used, design occupancy classifications, construction type, building fire resistance rating, number of stories, building height, allowable and proposed building area, inclusion of fire sprinkler system, allowable and proposed occupant load calculations, exiting calculations, calculations to determine required number of restroom fixtures, accessible route of travel, disproportionate cost calculations for accessibility hardship claims, structural design loads and criteria, structural wind and seismic categories, wind and seismic importance factors, CALGreen checklists and other pertinent design assumptions or information.

107.2.3 Manufacturer's installation instructions. Where required by the building official, construction documents shall include manufacturer's specification sheets and/or installation instructions.

107.3 Examination of documents; plan review. When the building official determines that the necessary submittal documents, construction documents and building design information have been provided, the building official shall examine or cause to be examined construction documents for compliance with this code and other pertinent laws and ordinances. The building official may utilize or authorize the use of consultant services to perform all or a portion of the construction documents review. The applicant shall be responsible for the payment of all costs to conduct the plan review.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved in writing or by a stamp which states, "REVIEWED FOR CODE COMPLIANCE." One set of construction documents so reviewed shall be retained by the building official. One set shall be returned to the applicant, shall be available at the site of work at all times and shall be

open to inspection and use by the building official or his or her authorized representative.

107.3.2 Previous approvals. The issuance of a permit based on reviewed and approved plans and specifications shall not prevent the building official from thereafter requiring the correction of errors or omissions in said plans and specifications, or from preventing building operations being carried on thereunder when in violation of this code or of any other pertinent laws and ordinances of the City. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which an unexpired permit exists to meet a new or different technical code other than those technical codes lawfully adopted and in effect at the time of permit issuance.

107.3.3 Phased approval and conditional authorization to proceed. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The permittee for the foundation or other parts of a building or structure shall proceed with the building operation at the permittee's own risk and without assurance that the work will be approved or that a permit for the entire structure will be granted.

107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents. Any changes in the work made during construction that are not in conformance and compliance with the approved construction documents or the technical codes, shall require the resubmittal of revised construction documents for approval by the building official, as an amended set of construction documents. The permittee or their designee shall be responsible for the payment of all costs to conduct the plan review for amended or revised construction documents. Any change in work that results in additional scope or would increase the valuation of an active permit shall require a new permit.

107.5 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original

registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

107.6 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official for approval.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

107.7 Retention of construction documents. One set of approved construction documents shall be retained by the building official in accordance with the City's records retention policy, or as otherwise required by state law.

SECTION 108
TEMPORARY STRUCTURES AND USES

108.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements as necessary to ensure the health, safety and general welfare of the public and those using the

temporary structure and shall comply with the applicable requirements of Chapter 31 of the California Building Code.

108.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in parts of an electric installation before all work has been fully completed. The parts covered by the temporary authorization shall comply with the applicable requirements of the technical codes.

108.4 Termination of approval. The building official is authorized to terminate a permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109
FEES

109.1 Payment of fees. Fees shall be assessed in accordance with the provisions of this section and applicable state law. Permit applicants, permittees and persons in violation of any provision of this code shall pay all fees necessary to cover the full cost of providing the building department service related to the permit, activity or enforcement action in accordance with the schedule of fees adopted by the city council. A permit shall not be valid until applicable fees adopted by resolution or ordinance of the city council or otherwise prescribed by law have been paid nor shall an amendment to a permit be released until an additional fee to review and approve the amendment, if any, has been paid.

109.2 Schedule of fees. Fees for building department services necessary to bring violations of this code into compliance, verify conformance with the technical codes or to reimburse the jurisdiction for other services rendered shall be paid in accordance with the fee schedule established by resolution or ordinance of the city council.

109.3 Permit inspection fees. The inspection fees for each permit shall be as set forth in the fee schedule adopted by the city council.

When the permit holder's work is incomplete or changed so as to require more than one additional inspection, an additional inspection fee shall be charged at the hourly rate set forth in the fee schedule. When additional inspection fees are assessed, they shall be paid prior to scheduling any further inspections.

109.4 Plan Review Fees. The plan review fees specified in this section are separate from and in addition to permit inspection fees. The plan review fee to review compliance with the technical codes shall be as set forth in the fee schedule adopted by the city council.

When submitting an application for a building permit, the applicant shall pay a plan review deposit in an amount determined by the building official to defray all or a portion of the cost to review the plans and other construction documentation associated with the permit application. Any portion of the deposit that is unused for plan review purposes shall be applied towards inspection and other fees assessed on the permit. If the plan review deposit exceeds the total cost of the permit, a refund of the unused balance of the deposit shall be issued to the applicant at no additional charge.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged at the hourly rate set forth in the fee schedule adopted by the city council.

109.5 Other Fees. The city council may adopt other fees for services to be charged in connection with the issuance of a building permit or the delivery of services by the building department.

109.6 Investigation fee; work commencing or continuing without a permit. Any person who commences or continues work requiring a permit on a building, structure, site, electrical system, mechanical system, plumbing system or conveying system without first obtaining or otherwise maintaining required permits and required inspection approvals shall be subject to - an investigation fee adopted by the city council. The investigation fee shall be in addition to any other fee charged, and shall be imposed under this section to defray the costs incurred by the City in connection with its duties to monitor, review, investigate, and enforce this code.

109.7 Related fees. The payment of the fee for the construction, alteration, removal or demolition work done in connection with, or concurrently with, work authorized by a building permit shall not relieve the applicant or permittee from the payment of other fees that are prescribed by law or adopted by the City.

109.8 Refunds. The building official may establish a refund policy and may authorize refunding of a fee paid hereunder which was erroneously paid or collected or for which services were not rendered or were only partially rendered.

109.9 Building permit valuation. The applicant for a permit shall provide an estimated value of the work at time of application. The estimated value of work shall include the total value of all work including materials, equipment, labor, overhead, profit, general conditions and other costs associated with the work for which the permit is being issued. The building official shall establish the permit valuation based on published valuation data as updated from

time to time. If, in the opinion of the building official, the published valuation data are not readily available or are over or underestimated based on the actual work of the project, the building official may utilize any other reasonable or appropriate means of determining the permit valuation, including, but not limited to, obtaining detailed and complete cost estimates provided by the applicant, or applying construction cost estimating manuals. Final building permit valuation shall be determined and set by the building official.

SECTION 110
INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official or his/her designee and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections. The building official or his/her designee, upon reasonable notification, shall make the inspections set forth herein. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the enforcing agency.

> **110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms and reinforcing steel shall be in place prior to inspection. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C 94.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping or other ancillary building trade products or equipment are installed, but before any concrete is placed or floor sheathing is installed, including the subfloor.

110.3.3 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

110.3.4 Lowest floor elevation in flood hazard areas. In flood hazard areas as established by the flood damage prevention regulations of the City, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a flood elevation certificate, prepared and sealed by a registered design professional.

110.3.5 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

> **110.3.5.1 Moisture content verification.** When required by the California Green Building Standards Code, moisture content of framing members shall be verified.

110.3.6 Masonry inspection. Inspection of masonry construction, including reinforcing steel, shall be made prior to grouting cells.

110.3.7 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

110.3.8 Fire- and smoke-resistant penetrations and fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are

taped and finished. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

110.3.9 Energy efficiency. Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, electrical lighting and controls, heating, ventilating and air conditioning equipment efficiency and water-heating equipment efficiency.

110.3.10 Other inspections. In addition to the inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official or building department.

> **110.3.10.1 Special Inspections.** For special inspections, see California Building Code, Chapter 17.
>
> **110.3.10.2 Green building inspections.** Green building inspections shall be made to determine compliance with the California Green Building Code. Said inspections shall be made by a special inspector, hired by the permit holder, at the sole cost of the permit holder, and approved by the building official. In lieu of special inspections, the building official, or his/her designee, shall have the authority to conduct green building inspections and/or utilize written documentation to verify compliance with the California Green Building Code.
>
> **110.3.10.3 Contractor self-certification of work performed.** In lieu of performing certain designated inspections and as a method of verifying compliance of a specific requirement of the technical codes, the building official may, at his/her sole discretion, accept a signed self-certification statement from a licensed contractor or other qualified individual certifying that the specific work or requirement has been properly installed or completed in accordance with the requirements of the technical codes.

110.3.11 Final inspection. Final inspection shall be made after the permitted work is complete. The building, or portion thereof where the work occured, shall not be occupied until all work has been approved by the building department and a certificate of occupancy has been issued.

110.3.12 Waiving of inspections for minor work. The building official may authorize the waiver of inspections for minor work or elements if the building official finds that the nature or scope of the minor work is not likely to be in violation of the technical codes.

110.4 Inspection agencies. The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability, as determined by the building official.

110.5 Inspection requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. The building official shall cause to have the work inspected in accordance with the inspection request or as soon thereafter as the building official's schedule may permit, subject to scheduling availability. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work. The building official is authorized to withhold any requested inspection where there is reason to believe that the work has been changed from what is shown on the approved plans and no plan amendment for the changed work has been approved by the building official.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder of any noted violations found or corrective work required to proceed with or complete the work. Any portion of the work that does not comply with this code shall be corrected and such portion shall not be covered, concealed or used until authorized by the building official.

SECTION 111
CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates

presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

> **Exceptions:** Certificates of occupancy are not required for work exempt from a permit.

111.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Chapter 34 of the California Building Code.

111.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The occupancy or use of the structure
4. The name of the building official or his/her designee approving the certificate.
5. Any special stipulations and conditions of the building permit.

In lieu of issuance of a separate certificate, the building permit together with the completed and fully signed building permit inspection record may serve as the certificate of occupancy.

111.4 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. A fee for the issuance of a temporary certificate of occupancy, if applicable, shall be paid by the applicant prior to its issuance in accordance with the City's adopted fee schedule. In addition, as security to guarantee the satisfactory completion of all required work, the building official may require the submittal to the building department of a refundable performance guarantee deposit in an amount equal to 100 percent of the estimated cost needed to complete the work, as determined by the building official. The performance guarantee deposit shall be refunded to the originator of the deposit following satisfactory completion of all required work and issuance of a final certificate of occupancy.

111.5 Revocation. The building official shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error

or on the basis of incorrect information or when it is determined by the building official that the building or structure or portion thereof is in violation of the provisions of this code.

SECTION 112
SERVICE UTILITIES

112.1 Connection of service utilities. No person shall make connections to a utility or source of energy for fuel, water, electricity or sewer from any building or system that is regulated by this code for which a permit is required, until approved by the building official.

112.2 Temporary connection. The building official shall have the authority to authorize and approve a temporary connection of the building or system to the utility or source of energy for fuel, water or electricity provided that the building official finds that the temporary connection is safe for the purpose intended.

112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without first obtaining building department approval. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 113
APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall serve as the "local appeals board" and the "housing appeals board" pursuant to Sections 17920.5 and 17920.6 of the California Health and Safety Code. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

113.2 Limitations on authority. Any person, firm, corporation, or entity adversely affected by an order, decision or determination made by the building official related to the application or interpretation of this code may make application for appeal. In addition, any member of the city council may call up for review by the board of appeals any order, decision, or determination made by the building official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Decisions subject to appeal. Final orders, decisions or determinations made by the building official relative to the application and interpretation of this code are subject to appeal to the board of appeals.

113.4 Effect of failure to appeal. Failure to file an application for appeal in conformance with the requirements of Sections 113.5 and 113.6 shall constitute a waiver of the right to an administrative hearing on the matter.

113.5 Deadline for filing of appeal. All such appeals shall be initiated by filing with the city clerk (with a copy to the building official) a written application for appeal on a form provided by the city clerk within 15 calendar days of the date the building official's decision, notice or order (oral or written) is properly served, together with any applicable fees pursuant to the fee schedule adopted by the city council.

113.6 Contents of application for appeal. The application for appeal shall state the nature and date of the decision being appealed, the name and address of the appellant and his/her interest in the matter, the property address which is the subject of the appeal, the specific action requested by the appellant to be taken by the appeal body, the signature(s) of the appellant(s), and, unless the appeal is by a member of the city council, the reasons (in conformance with Section 113.2, above) which, in the opinion of the appellant, render the decision unjustified or incorrect.

113.7 Staying of decision or order under appeal. The filing of the application for appeal shall have the effect of staying any decision or order of the building official pertaining to said appeal or the issuance or granting of any permit, certificate or other approval which is related to the appeal unless, at the sole discretion of the building official, such decision, order or action is necessary to protect the life, health, safety, property or well-being of the public or

occupants of the building. When the building official makes said determination, the building official shall notify the appellant, in writing, that the decision, order or action under appeal shall continue to be in effect until otherwise overturned by the board of appeals.

113.8 Hearing. Upon receipt of a timely filed application for appeal in proper form and payment of the required fee, the city clerk shall set a hearing date before the board of appeals no later than 60 days after the filing of the application for appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

113.9 Hearing request by building official. The building official may, at any time, request a hearing be held by the board of appeals to review and affirm any final decision of the building official.

113.10 Notice of hearing. Not less than 10 days prior to the hearing, the building official shall serve or cause to be served either personally or by first class mail, postage prepaid, a copy of the notice of hearing upon the appellant.

113.11 Action of board of appeals. Upon the conclusion of the appeal hearing, the appeal board shall render its decision, which shall be final and may not be appealed to the city council. Notice of the final decision of the board shall be mailed to the appellant by first class mail, postage prepaid.

SECTION 114
VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code or any other provision of Chapter 14.10 of the Sonoma Municipal Code.

114.2 Notice of violation. The building official is authorized to serve a notice of violation and order to abate on the affected property owner and if known, person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, maintenance, use or occupancy of a building or structure in violation of the provisions of this code, or in violation of an order or corrective work required by the building official, a correction notice or an approved plan, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or

condition and the abatement of the violation. The order shall also state that failure to comply with the notice or order and cure the violation within the time period allowed in the notice of violation and order to abate may result in the building official recording the notice of violation and order to abate against the subject property. The order shall advise the affected property owner and if known, the person responsible for the violation, of their appeal rights pursuant to Section 113.3 herein.

114.3 Service of notice or order. The notice of violation and order to abate shall be deemed properly served if a copy thereof is (a) personally delivered to the record owner of the property involved, or (b) sent by certified mail to the record owner of the property at the address listed on the last equalized county tax assessment roll with the return receipt requested. If the notice of violation and order to abate sent by certified mail is returned showing that it was not delivered, a copy of the notice of violation and order to abate shall be posted in a conspicuous place in or about the structure affected by such notice and a copy thereof mailed, by first class mail, to the record owner at the at the address listed on the last equalized county tax assessment roll. In addition to the methods of service set forth herein, the building official is authorized to post a copy of the notice of violation and order to abate in a conspicuous place in or about the structure affected by such notice.

114.4 Recording of notice or order. If the notice of violation and order to abate is not complied with in the time prescribed by such notice, the building official is authorized to record with the County Recorder's Office, after the expiration of said time period, said notice of violation and order to abate against the property with respect to which the violation exists. Said notice must specify the nature of the violation, the provisions of this code being violated, when the building official first learned of the existence of the violations, how much time the violator had to cure the violation, and the assessor's parcel number and street address, if any, of the subject property.

Following the recordation of the notice of violation, the building official is not required to make any inspection or review of the premises to determine the continued existence of the cited violations. It is the responsibility of the record owner, occupant or other party in interest to comply with the above provisions and to notify the building official when the violation has been corrected.

114.5 Rescission of recorded notice or order. Any person who desires to have recorded a notice rescinding the notice of violation must first obtain the necessary approvals and permit(s) to correct the violation. Once the building official determines that the work covered

by such permit(s) has been satisfactorily completed, the building official shall, following a request made by the person requesting said rescission, record a notice rescinding the prior notice of violation. The person requesting said rescission shall be responsible for the payment of any fee adopted by resolution of the city council for the rescission or termination of said notice.

114.6 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.7 Violation penalties. Any person, firm or corporation who violates a provision of this code or any other provision of Chapter 14.10 of the Sonoma Municipal Code, or fails to comply with any of the requirements thereof, or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, is punishable as provided by Section 1.12.010 of the Sonoma Municipal Code. Each violation shall constitute a separate offense for each and every day such person, firm or corporation violates or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so. A violation of this code or any other provision of Chapter 14.10 of the Sonoma Municipal Code shall be deemed a public nuisance and is subject to nuisance abatement proceedings as provided by Section 1.12.010 and Chapter 14.30 of the Sonoma Municipal Code.

114.8 Administrative Penalties. As an alternative to the provisions provided in this Section 114, the building official is authorized to utilize the procedures set forth in Chapter 1.30 (Administrative Penalties) of the Sonoma Municipal Code.

SECTION 115
STOP WORK ORDER

115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or contrary to the approved

plans or that is dangerous, substandard or unsafe, the building official is authorized to issue a stop work order.

115.2 Issuance of stop work order. The stop work order shall be in writing and shall be posted in a conspicuous place in or about the structure affected by such notice and given to the record owner of the property involved, or to the owner's agent or to the person doing the work. The stop work order shall be deemed properly served if a copy thereof is (a) personally delivered to the record owner of the property involved, or (b) sent by certified mail to the record owner of the property at the address listed on the last equalized county tax assessment roll with the return receipt requested. If the notice of violation and order to abate sent by certified mail is returned showing that it was not delivered, a copy of the notice of violation and order to abate shall be posted in a conspicuous place in or about the structure affected by such notice and a copy thereof mailed, by first class mail, to the record owner at the at the address listed on the last equalized county tax assessment roll. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the conditions under which work will be permitted to resume.

> **115.2.1 Violation to remove or deface a stop work order.** It shall be a violation of this code to remove, deface or mutilate any stop work order posted on a structure or site pursuant to this section without the express written permission of the building official.

115.3 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by Section 1.12.010 of the Sonoma Municipal Code. Further, any violation of this section is deemed a public nuisance and may be subject to nuisance abatement proceedings as provided by Section 1.12.010 and Chapter 14.30 of the Sonoma Municipal Code.

SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT

116.1 Authority. For the purposes of this code, any applicable building, structure or equipment, including those structures that are subject to the requirements of Division 13, Part 1.5 of the California Health and Safety Code commencing with Section 17910 (State Housing Law), which by inspection or observation by the building official, has any of the conditions

or defects defined as an unsafe structure, shall be abated by repair, rehabilitation, demolition or removal.

116.2 Unsafe structures prohibited. No person shall own, use, occupy or maintain any unsafe structure.

116.3 Unsafe structures declared a public nuisance. Any unsafe structure or equipment regulated by this code is hereby declared to be a public nuisance. In addition to instituting any appropriate action to prevent, restrain or correct a violation of this section, the building official may abate an unsafe condition by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this section or as alternatively set forth in the nuisance abatement proceedings set forth by Chapter 14.30 of the Sonoma Municipal Code.

116.4 Notice of unsafe structure. The building official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous, damaged or unsafe and if, in the building official's opinion, such building or structure is found to be an unsafe structure as defined in this code, the building official shall give to the party in interest written notice stating the defects thereof. This notice shall require the owner, other party in interest or person in charge of the building or premises to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof and all such work shall be completed within a time frame stipulated by the building official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements be completed, inspected and approved by the building official. The designated period within which the owner, tenant, other party in interest or person in charge is required to comply with such notice shall begin as of the date the owner or person in charge receives such notice by personal service or certified mail. If such notice is by posting, the designated period shall begin ten (10) days following the date of posting. The notice of unsafe structure shall state the rights to a hearing or appeal. The notice period shall be a minimum of thirty (30) days unless the building official deems a shorter period necessary to prevent or remedy an immediate threat to the health and safety of the public or occupants of the structure.

116.5 Service of notice of unsafe structure. The notice of unsafe structure shall be deemed properly served if a copy thereof is (a) personally delivered upon every party in interest, as defined in this code; or (b) posted in a conspicuous place on the structure or property and a copy thereof mailed by certified mail with a return receipt requested to the record owner of

the property involved at the address listed on the last equalized county tax roll and if known, any party in interest.

If the notice of unsafe structure sent by certified mail is returned showing that it was not delivered, the notice shall be deemed properly served if a copy thereof is posted in a conspicuous place on the unsafe structure or property involved and a copy is mailed by first class mail to the record owner of the property involved at the address listed on the last equalized county tax roll.

The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

116.6 Recording of notice of unsafe structure. If the notice of unsafe structure is not complied with in the time prescribed by such notice, the building official is authorized to record with the County Recorder's Office, after the expiration of said time period, said notice against the property with respect to the unsafe conditions and violations that exist. Said notice must specify the nature of the unsafe conditions, the provisions of this code being violated, when the building official first learned of the existence of the unsafe conditions, how much time the violator has to cure the unsafe conditions and violations, and the assessor's parcel number and street address, if any, of the subject property.

Following the recordation of the notice of unsafe conditions, the building official is not required to make any inspection or review of the premises to determine the continued existence of the cited unsafe conditions or violations. It is the responsibility of the record owner, occupant or other party in interest to comply with the above provisions.

> **116.6.1 Rescission of recorded notice or order.** Any person who desires to have recorded a notice rescinding the notice of unsafe structure must first obtain the necessary approvals and permit(s) to correct or remove the unsafe conditions and violations. Once the building official determines that the work covered by such permit(s) has been satisfactorily completed, the building official shall, following a request made by the person requesting said rescission, record a notice rescinding the prior notice of unsafe structure. The person requesting said rescission shall be responsible for the payment of any fee adopted by resolution of the city council for the rescission or termination of said notice.

116.7 Posting of notice to vacate. Any unsafe building ordered vacated in accordance with this section shall not be reoccupied until the unsafe conditions have been eliminated. Each

such vacated building shall be locked and otherwise secured against entry and the building official shall post thereon a placard stating:

" UNSAFE - DO NOT ENTER OR OCCUPY
by order of the City of Sonoma Building Department."

Additional information may be placed on the notice to vacate as deemed appropriate by the building official. Such notice shall be posted in a conspicuous place at or near the main entrance and shall be visible to persons approaching the building or structure from a street.

116.7.1 Proof of posting. Proof of posting of the notice to vacate shall be provided by written declaration under penalty of perjury executed by the person making the posting and declaring the time, date, manner and location the posting was made.

116.7.2 Violation to remove or deface posted notice to vacate. It shall be a violation of this code to remove, deface or mutilate any notice to vacate posted on a building pursuant to this section without the express written permission of the building official.

116.8 Right of hearing. Any interested party may request a hearing before the board of appeals to show cause why the building or structure should not be ordered repaired, vacated and repaired, or vacated and demolished or removed. The request for a hearing shall comply with the provisions set forth in Section 113 of this code. A hearing shall be requested by the building official prior to demolition or repair of an unsafe building by the City except when such demolition or repair is done under the emergency procedure set forth in this section.

116.9 Order of board of appeals. If, after holding a hearing on the matter, the board of appeals finds that the building or structure is an unsafe structure, it shall issue a written order that includes, but is not limited to, the following:

1. The name address and telephone number of the City.

2. The address or location of the unsafe structure.

3. The name and address of the parties in interest.

4. A finding of fact that (a) the building or structure is an unsafe structure and nuisance and directing that it either be demolished or otherwise repaired in accordance with this code as applicable; or (b) the building or structure is an unsafe structure and nuisance and directing that it shall be vacated and that the building or

structure either be demolished or otherwise repaired in accordance with this code as applicable.

5. A list of the specific defects and violations.

6. The dates required for the commencement and the completion of either the required repairs or improvements or the demolition or removal of the building or structure or portions thereof.

7. If necessary, a statement that the building, structure, or portion thereof be immediately vacated and not reoccupied until the required repairs and improvements are completed, inspected and approved by the building official.

8. A statement that if the repairs or demolition necessary to remove the unsafe conditions is not made within the designated period stated in the order, the building official may then demolish or repair such portions of the structure, or may cause such work to be done, to the extent necessary to eliminate the hazard determined to exist by the board of appeals.

9. A statement that the order by the board of appeals is not appealable to the city council.

10. A statement that all costs to enforce the order of the building official and the board of appeals and for the repairs or demolition necessary to remove the unsafe conditions incurred by the City, shall be made a personal obligation of the property owner and if not paid within 30 days of request of payment by the City, may be made a special assessment against the property involved, pursuant to Section 117.1.

11. If the building or structure, or portion thereof is residential, a statement in accordance with Section 17980(e) of the Health and Safety Code that, in accordance with Section 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in a taxable year, and, in addition, any other notice required by Health and Safety Code Section 17980.

116.9.1 Board of appeals termination of building official's order. If, after holding a hearing on the matter, the board of appeals finds that the building or structure is not an unsafe structure, it shall issue a written order terminating the order of the building official.

116.9.1 Service and posting of order of board of appeals. The order of the board of appeals shall be served upon the same parties and in the same manner as required for the notice of hearing. It shall also be conspicuously posted on or about the building or structure.

116.10 Failure to comply with order of building official. If the repairs or demolition necessary to remove the unsafe condition as set forth in the notice of unsafe structure is not made within the designated period prescribed by the building official and if a hearing has not otherwise been held by the board of appeals, the building official shall request that a hearing be held regarding the unsafe conditions and failure to comply with the order.

116.11 Failure to comply with order of the board of appeals. If the repairs or demolition necessary to remove the unsafe condition as set forth in the order of the board of appeals is not made within the designated period the building official may then demolish or repair such portions of the structure, or may cause such work to be done, to the extent necessary to eliminate the hazard determined to exist by the board of appeals.

116.12 Emergency procedure. Whenever any structure or portion thereof, in the opinion of the building official, constitutes an immediate and imminent hazard to life or property or conditions thereof present a clear and immediate threat to public safety and are such that alterations, bracing, repairs or demolition must be immediately undertaken, the building official may cause to make such alterations, bracing, repairs, or demolish such portions of the structure as are necessary to protect life, property, or public safety after giving such notice to the parties in interest, the tenant(s) of the building and the city council, as the circumstances will permit or without any notice whatever when, in the opinion of the building official and the city manager, immediate action is necessary to protect life, property or public safety.

SECTION 117
RECOVERY OF COSTS

117.1 Payment of costs for enforcement. All reasonable and actual costs incurred by the City for the enforcement and abatement of an unsafe structure, public nuisance or any violation of this code, shall be made a personal obligation of the property owner and shall be paid to the City not more than 30 days from the date the invoice for said costs is mailed. The building official shall keep an account of the cost of enforcement and abatement and shall render an itemized written report of said costs to the property owner when requested.

If the property owner fails to pay the full cost of the personal obligation within 30 days from the date the invoice for services is mailed by the building official, said costs shall be confirmed by the city council and made a special assessment against the property upon which the structure stood or nuisance existed, pursuant to the procedures established by this section, which the city council adopts pursuant to Government Code Section 38773.5.

The building official shall prepare and submit an itemized written report to the city council of the cost of removing and/or abating the nuisance, violation or unsafe building including, but not limited to, administrative costs, inspection costs, investigation costs, enforcement costs, attorney fees or costs, and all costs of prosecution. Before the report is submitted and reviewed by the city council, a copy of the report and notice of the time when the report will be reviewed by the city council for confirmation shall be mailed to the party in interest, certified mail, return receipt requested, at the address shown on the last equalized assessment roll or the supplemental roll, whichever is more current at least ten (10) days prior to review by the city council. The notice shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments, and shall otherwise be in compliance with Government Code Section 38773.5.

Pursuant to Government Code Section 38773.5(b), recovery of attorneys' fees shall be limited to the prevailing party for those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

The city council shall hold a hearing to determine the reasonableness or correctness of the assessment, or both. The building official shall notify, in writing, the party in interest of the city council's decision. If the total assessment, as confirmed by the city council is not paid in full within ten (10) days after receipt of such notice from the building official, the building official shall take those actions necessary to cause a special assessment to be recorded against the parcel in the amount confirmed by the city council. From the date of such recording, such balance due shall be a special assessment against the parcel.

The special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All

the laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment.

SECTION 118

INTERFERENCE PROHIBITED

A person shall not obstruct, impede, or interfere with the building official, any representative authorized by the building official, or with any person who owns or holds any estate or interest in any unsafe building which has been ordered by the building official or the board of appeals to be repaired, vacated and repaired, or vacated and demolished, whenever the building official or such owner is engaged in repairing, vacating and repairing, or demolishing any such unsafe building pursuant to this code, or is performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

14.10.015 Technical Codes Adopted.

Pursuant to Section 50022.2 of the California Government Code, the following technical codes are adopted by reference as described herein and as amended by the following sections of this Chapter:

A. 2013 California Building Code Volumes 1 and 2, based on the 2012 International Building Code published by the International Code Council;

B. 2013 California Residential Code, based on the 2012 International Residential Code published by the International Code Council;

C. 2013 California Electrical Code, based on the 2011 National Electrical Code published by the National Fire Protection Association and BNi Publications;

D. 2013 California Mechanical Code, based on the 2012 Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials;

E. 2013 California Plumbing Code, based on the 2012 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials;

F. 2013 California Energy Code published by the California Building Standards Commission;

G. 2013 California Historical Building Code, published by the California Building Standards Commission;

H. 2013 California Fire Code, based on the 2012 International Fire Code published by the International Code Council:

I. 2013 California Existing Building Code, together with its appendices and referenced standards and based on the 2012 International Existing Building Code published by International Code Council;

J. 2013 California Green Building Standards Code published by the California Building Standards Commission;

K. 2013 California Referenced Standards published by the California Building Standards Commission;

14.10.020 2013 California Building Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1, Division II of Part 2 of the 2013 California Building Standards Code, known as the California Building Code, as adopted by Section 14.10.015, are amended as follows:

Delete Chapter 1, Division II (Scope and Administration) in its entirety and replace with the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #1 and #2 set forth in Section 14.10.005, Part 2 of the 2013 Edition of the California Building Standards Code, known as the California Building Code, as adopted by Section 14.10.015, is amended as follows:

Adopt by reference and add the following 2013 California Building Code appendices:

a. Appendix Chapter H – Signs
b. Appendix Chapter I - Patio Covers.

C. Based upon the express finding of necessity #1 set forth in Section 14.10.005, Part 2 of the 2013 Edition of the California Building Standards Code, known as the California Building Code, as adopted by Section 14.10.015, is amended as follows:

Delete subsection 3401.4.1 in its entirety and replace to read as follows:

> **3401.4.1 Existing Materials**. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the building official to be unsafe, as defined in the administrative provisions contained in Sonoma Municipal Code Section 14.10.010, or unless otherwise required to be retroactively upgraded in accordance with technical codes, as defined in administrative provisions contained in Sonoma Municipal Code Section 14.10.010.

Delete the last sentence in subsection 3405.1 and replace it to read as follows:

> Routine maintenance required by Section 3401.2, ordinary repairs exempt from permit requirements as provided in the administrative provisions contained in Sonoma Municipal Code

Section 14.10.010, and abatement of wear due to normal service conditions shall not be subject to the requirements for repairs in this section.

14.10.025 2013 California Residential Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1, Division II of Part 2.5 of the 2013 California Building Standards Code, known as the California Residential Code, as adopted by Section 14.10.015, is amended as follows:

Delete Chapter 1, Division II (Scope and Administration) in its entirety and replace with the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #1 set forth in Section 14.10.005, Part 2.5 of the 2013 Edition of the California Building Standards Code, known as the California Residential Code, as adopted by Section 14.10.015, is further amended as follows:

a. Adopt by reference and add Appendix Chapter H (Patio Covers) of the 2013 California Residential Code appendices.
b. Adopt by reference and add Appendix Chapter G (Swimming Pools, Spas and Hot Tubs) of the 2013 California Residential Code appendices.

C. Based upon the express findings of necessity #1, #2 and #4 set forth in Section 14.10.005, Part 2.5 of the 2013 Edition of the California Building Standards Code, known as the California Residential Code, as adopted by Section 14.10.015, is further amended as follows:

Delete subsection R313.2 including the exception in its entirety and replace to read as follows:

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes that are not already provided with an automatic residential sprinkler system unless otherwise required by the Fire Code.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section R313.3 or NFPA 13D.

Exception: Automatic residential fire sprinkler systems installed in factory-built housing, mobile homes and manufactured homes, shall be designed and installed in accordance with California Code of Regulations, Title 25, Section 4302.

14.10.030 2013 California Electrical Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 3 of the 2013 California Building Standards Code, known as the California Electrical Code, as adopted by Section 14.10.015, is amended as follows:

Delete Annex H (Administration and Enforcement) of the electrical code in its entirety and add and adopt in its place the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

14.10.035 2013 California Mechanical Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1 Division II of Part 4 of the 2013 California Building Standards Code, known as the California Mechanical Code, as adopted by Section 14.10.015, is amended as follows:

Delete Chapter 1, Division II (Administration) in its entirety and replace with the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #1 and #2 set forth in Section 14.10.005, Part 4 of the 2013 California Building Standards Code, known as the California Mechanical Code, as adopted by Section 14.10.015, is amended as follows:

Adopt by reference and add the following 2013 California Mechanical Code appendices:

a. Appendix B (Procedures to be Followed to Place Gas Equipment into Operation)

14.10.040 2013 California Plumbing Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1 Division II of Part 5 of the 2013 California Building Standards Code, known as the California Plumbing Code, as adopted by Section 14.10.015, is amended as follows:

Delete Appendix Chapter 1, Division II (Administration) in its entirety and replace with the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #3 set forth in Section 14.10.005, Part 5 of the 2013 California Building Standards Code, known as the California Plumbing Code, as adopted by Section 14.10.015, is amended as follows:

Amend Section 1601.3 by deleting the Exception therein.

Amend the first sentence of subsection 1602.1.1 to read as follows:

1602.1.1 [HCD 1] Clothes Washer System. A construction permit is required for a clothes washer system and shall comply with all the following:

Amend Section 1602.5 by deleting the Exception therein.

C. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 5 of the 2013 California Building Standards Code, known as the California Plumbing Code, as adopted by Section 14.10.015, is amended as follows:

Adopt by reference and add the following 2013 California Plumbing Code appendices:

a. Appendix A (Recommended Rules for Sizing the Water Supply System).
b. Appendix C (Alternate Plumbing Systems)
c. Appendix D (Sizing Storm Water Drainage Systems)
d. Appendix E (Manufactured/Mobile Home Parks and Recreational Vehicle Parks)
e. Appendix H (Private Sewage Disposal Systems)
f. Appendix I (Installation Standards)

14.10.045 2013 California Fire Code Amendments.

A. Based upon the express findings of necessity #1, #2 and #3 set forth in Section 14.10.005, Part 9 of the 2013 California Building Standards Code, known as the California Fire Code, as adopted by Section 14.10.015, is amended by adopting by reference and adding the following appendices:

Appendix Chapters, 4, B, BB, C, CC, D, E, F and H of the 2013 California Fire Code.

B. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 9 of the 2013 California Building Standards Code, known as the California Fire Code, as adopted by Section 14.10.015 and as further amended by the adoption of certain appendices, is amended to read as follows:

Amend subsection 105.6.47 to read as follows:

105.6.47 Additional permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:

1. **Production facilities**. To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.

2. **Pyrotechnics and special effects.** To use pyrotechnic special effects, open flame, use of flammable or combustible liquids or gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial productions.

3. **Live Audiences**. To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

4. **Apartment, hotel, motel**. An operational permit is required to operate an apartment house, hotel, or motel.

5. **Bonfires or rubbish fires**. An operational permit is required to kindle or authorize the kindling or maintenance of bonfires or rubbish fires.

6. **Change of occupancy**. An operational permit is required for any change in the occupancy, business or tenancy of any building, facility, or structure.

7. **Day Care**. An operational permit is required to operate a day care occupancy with an occupant load over eight (8) persons.

8. **Emergency Responder Radio Coverage System**. An operational permit is required for buildings and/or facilities with emergency responder radio coverage systems and related equipment.

9. **Fire protection systems**. An operational permit is required for buildings and/or facilities with fire protection systems and related equipment such as fire pumps, fire hydrant systems, fire suppression systems, fire alarm systems, smoke management systems, and similar systems governed by this code.

10. **High-rise building**. An operational permit is required to operate a high-rise building as defined in the Building Code.

11. **Institutional or residential occupancy (6 or less persons)**. An operational permit is required to operate an institutional or residential occupancy for 6 or less persons, except day care and residential care facilities for the elderly.

12. **Institutional or residential occupancy (more than 6 persons)**. An operational permit is required to operate an institutional or residential occupancy for more than 6 persons. Exception: A permit is not required for large family day care providing care for less than 9 children.

13. **Medical Gas Systems**. An operational permit is required for buildings and/or facilities with medical gas systems and related equipment, and similar systems governed by this code.

14. **Oil or natural gas well**. An operational permit is required to own, operate or maintain an oil or natural gas well.

15. **Organized Camps**. An operational permit is required to operate an organized camp (Group-C Occupancy).

16. **Public Christmas Tree Lot or Pumpkin Patch**. An operational permit is required to operate a Christmas tree lot or pumpkin patch, haunted house, or similar facility that is open to the public.

17. **Special Event Permit** An operational permit is required for any organized procession or assemblage of 50 or more people, which could significantly impact vehicular traffic or create a safety problem. Examples include, but are not limited to: music festivals, outdoor markets, circus, walkathons, runs, marathons, trail rides, bicycle races, celebrations, parades and other similar activities.

18. **Winery Caves – Public Accessible**. An operational permit is required to operate a Type-2 or Type-3 winery cave that is accessible to the public.

Add a new subsection 105.7.17 to read as follows:

105.7.17 Additional Construction Permits. In addition to the permits required by Section 105.7, the following construction permits shall be obtained from the Bureau of Fire Prevention prior to starting construction:

1. **Emergency vehicle access facilities.** A construction permit is required for installation or modification of roadways and roadway structures used for emergency vehicle access.

2. **Emergency responder radio systems.** A construction permit is required for the installation, modification or improvements to emergency responder radio systems.

3. **Excavation near flammable or combustible liquid pipeline.** A construction permit is required to excavate or do any work below grade within ten (10) feet of any pipeline for the transportation of flammable or combustible liquid.

4. **Fire-line underground utility piping.** A construction permit is required to install, alter, or make improvements to fire-line underground utility piping. A separate utility permit from the building official is required prior to installing any private underground fire protection water piping and associated appliances.

5. **Gates.** A construction permit is required for the installation of security gates across a fire apparatus access road.

6. **Hazardous materials site disclosure (aboveground facility & underground tank).** A construction permit is required to permanently remove hazardous materials storage or use premises from service, including the permanent removal of a hazardous materials tank.

7. **LP-gas.** A construction permit is required for the installation of or modification to an LP gas tank in excess of 250 gallon capacity.

8. **Medical gas system**. A construction permit is required to install a medical gas system.

9. **Oil or natural gas well.** A construction permit is required to drill an oil or natural gas well.

10. **Roof-mounted solar photovoltaic power systems**. A construction permit is required to install or modify a roof-mounted solar photovoltaic power system.

Amend subsection 109.4 to read as follows:

109.4 Violation penalties. Any person, firm or corporation who violates a provision of this code, or any other section of Chapter 14.10 of the Sonoma Municipal Code, or fails to comply with any of the requirements thereof, or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the fire chief, or of a permit or certificate issued under the provisions of this code, is punishable as provided by Section 1.12.010 of the Sonoma Municipal Code. Each violation shall constitute a separate offense for each and every day such person, firm or corporation violates or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so. A violation of

this section or any other section of Chapter 14.10 of the Sonoma Municipal Code shall be deemed a public nuisance and is subject to nuisance abatement proceedings as provided by Section 1.12.010.

Amend subsection 111.4 to read as follows:

111.4 Failure to comply. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by Section 1.12.010 of the Sonoma Municipal Code. Further, any violation of this section is deemed a public nuisance and may be subject to nuisance abatement proceedings as provided by Section 1.12.010.

Amend Section 202 to add the following definition of "ADDITION" between "ACCESSIBLE ROUTE" and "AGED HOME OR INSTITUTION":

ADDITION is the increase of area of an existing structure, for which a building permit has been issued, where the increase in floor area is not made exclusively for the provision of accessibility for the physically disabled.

Amend Section 202 to add the following definition of "MANUFACTURED HOME" between "MANUAL STOCKING METHODS" and "MOBILE HOME":

MANUFACTURED HOME is a structure when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (CA Health & Safety Code §18007)

Amend Section 202 to add the following definition of "MOBILE HOME" between "MANUFACTURED HOME" and "MARINA":

MOBILE HOME is a structure when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (CA Health & Safety Code §18008)

Amend Section 202 to add the following definition of "REMODELED" between "RELOCATABLE BUILDING (PUBLIC SCHOOL) and "REMOTE EMERGENCY SHUTOFF DEVICE" to read as follows:

REMODELED is work requiring a building permit including, but not limited to, cosmetic or structural repairs, renovations, restorations, alterations or additions to a structure, the total valuation of which, as determined by the building official, exceeds $100,000 for buildings containing residential uses or occupancies and $150,000 for all other occupancies over any 36-month period.

Amend Section 202 to add the following definition of "STRUCTURE" between "STORY ABOVE GRADE PLANE" and "SUPERVISING STATION" to read as follows:

STRUCTURE is that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of property lines.

Amend subsection 304.1.2 by adding subsection 304.1.2.1 to read as follows:

304.1.2.1 Combustible Vegetation. The fire chief shall notify a property owner by U. S. Postal mail when it is determined that a property is or may become a fire hazard due to combustible vegetation. The property owner may be given the choice of performing hazard abatement work on their own behalf, or authorizing the fire chief to have the work performed. In the event that the property owner does not reply, fails to complete the abatement, or authorizes the fire chief to perform the work on the owner's behalf, the fire chief may cause the work to be performed, then bill the property owner for the cost of such work plus an appropriate administrative fee. Upon the request of the property owner, or in the event that a property owner fails to reply to a bill for weed abatement services, the chief shall request the City Clerk to report the cost of such services to the County Tax Assessor, so that the balance due can be added to the property tax of that parcel of land.

Add subsection 304.1.4 to read as follows:

304.1.4 Defensible space - neighboring property
Persons owning, leasing, or controlling property within areas requiring defensible spaces are responsible for maintaining a defensible space on the property owned, leased or controlled by said person, within a distance of not less than 30 feet (91 467 mm) from any neighboring building structure or property line. Distances may be modified by the fire code official because of a site-specific analysis based on local conditions.

Amend subsection 501.1 to read as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter. Design and construction shall be in accordance with the following sections unless otherwise authorized by the fire code official in accordance with 104.9 Alternative Materials and Methods.

Amend subsection 503.2.3 to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces shall be capable of supporting a 40,000 pound vehicular load.

Amend subsection 503.2.6 to read as follows:

503.2.6 Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specifications. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

Add the following sentence to the end of section 503.2.7:

All buildings located on slopes of greater than five percent (5%) shall also include such additional fire protection measures, as the fire chief deems necessary to mitigate access constraints.

Amend subsection 505.1 to read as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Posted address numbers shall be those assigned by the City of Sonoma. Address numbers shall be maintained.

Exceptions:

1. These requirements may be modified with the approval of the fire code official.
2. Illuminated address numbers are not required for existing buildings where approved; reflective numbers are to be installed.

505.1.1 Addresses for buildings. All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each unit within a building shall be separately identified.

505.1.2 Numbers for one and two- family dwellings. Numbers for one and two- family dwellings shall be a minimum of 4 inches (101.6mm) high with a minimum stroke width of 0.5 inches (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.

505.1.3 Numbers for other than one and two- family dwellings. Numbers for other than one- and two- family dwellings shall be a minimum of 12 inches high with a minimum stroke width of 1 inch. Suite numbers for other than one and two-family dwellings shall be a minimum of 6 inches high and 0.5 inches stroke.

505.1.4 Installation, location and visibility of addresses. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

505.1.4.1 Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

505.1.4.2 Where multiple addresses are required at a single driveway, they shall be mounted on a single post. (d) Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

Add a new subsection 507.1.1 to read as follows:

507.1.1 Emergency water during construction. The emergency water system shall be available on-site prior to combustible construction. Required fire hydrants shall be accepted by the City of Sonoma and conform to City of Sonoma Standard Plan 501.

Amend subsection 507.5 to read as follows:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.

Amend subsection 507.5.1 by deleting the subsection and exception and replacing it to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet (45.179 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Amend subsection 510.1 to read as follows:

510.1 Emergency responder radio coverage in buildings. All buildings, Type-2 winery caves and Type-3 winery caves shall have approved radio coverage for emergency responders within the building or winery cave based upon the existing coverage levels of the public safety communication systems of the jurisdiction, at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 may be permitted to be installed in lieu of an approved radio coverage system.

2. Where it is determined by the fire code official that the radio coverage system is not necessary.

Amend subsection 901.4.1 by adding subsection 901.4.1.1 to read as follow:

901.4.1.1 Owner Responsibilities. Where such systems and appliances are required by this or any other code, it shall be the responsibility of the owner that a person or persons familiar with the function and proper operation of such devices be in attendance whenever the premises is occupied.

Amend subsection 901.6.1 by modifying the first paragraph to read as follows:

901.6.1 Standards. Fire protection systems shall comply with Standards set forth by the National Fire Protection Association.

Add subsection 901.11 to read as follows:

901.11 Notice of Nuisance Alarm. The officer in charge of fire units responding to a fire alarm signal shall determine whether a true emergency exists. If the officer determines that an emergency does not exist, the chief of the local fire agency or his/her authorized representative may issue a written notice of nuisance alarm to the owner or person in charge or control of the facility where the alarm signal originated.

Add subsection 901.12 to read as follows:

901.12 Unreliable Fire Alarm Systems. The fire chief of the local fire agency or his/her authorized representative may determine that a fire alarm system is unreliable upon receipt of more than four (4) nuisance alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the fire chief of the local fire agency or his/her authorized representative may order the following:

1. For any nuisance alarm where the system is not restored, the fire chief may require the system owner to provide standby personnel as defined by Section 901.7 or take such other measures, as the fire chief deems appropriate. Persons or activities required by the fire chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the fire chief that the alarm system has been restored to a reliable condition. The fire chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.

2. Upon the fifth (5th) and sixth (6th) nuisance alarms from the alarm system within a twelve- (12) month period, the system owner shall pay a mitigation fee to the fire department of $150.00, plus the cost of fire engine response, for each occurrence.

3. Upon the seventh (7th) and eighth (8th) nuisance alarms from the alarm system within a twelve- (12) month period, the system owner shall pay a mitigation fee to the fire department of $300.00, plus the cost of fire engine response for each occurrence.

4. Upon the ninth (9th) and following nuisance alarms from the alarm system within a twelve-e (12) month period, the system owner shall pay a mitigation fee to the fire department of $500.00, plus the cost of fire engine response, for each occurrence.

Amend subsection 903.2 by deleting subsections 903.2 through 903.2.11.3 and replacing to read as follows:

903.2 Where required. An automatic fire sprinkler system shall be installed in all new buildings, factory-built housing, manufactured homes and mobile homes for which a building permit is required and in existing buildings upon a remodel or addition to a building.

Exceptions:

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.
2. Detached structures used exclusively as a Group U Occupancy.
3. Shipping containers used as a Group S, Division 2 Occupancy.
4. Unless otherwise required in by other sections of the code, a sprinkler system shall not be required when all of the following are met:
   a. The addition of floor area to a building results in a total floor area for the building of less than 4,000 square feet or the addition is less than ten percent (10%) of the existing floor area of the building; and
   b. The cumulative total building permit valuation for all building permits issued for the subject building within any 36 month period, as determined by the building official, is equal to or less than $100,000 for buildings containing residential uses or occupancies and equal to or less than $150,000 for all other occupancies.
5. In an existing multiple-tenant building that requires a fire sprinkler system, the fire chief has the authority to modify the fire sprinkler requirements when the intended use does not create any increase in fire danger and the cost of installing a complete fire sprinkler system throughout the entire building creates an unreasonable financial hardship, as determined by the fire chief.

[**NOTE:** Subsection numbers 903.2.1 through 903.2.11.3 are not used due to local amendments.]

Amend subsection 903.3.7 to read as follows:

903.3.7 Fire department connections. The location of fire department connections shall be approved by the fire code official. Fire department hose connections for fire suppression systems and standpipes shall be provided with approved vandal-resistant caps.

Amend subsection 903.4.2 to read as follows:

903.4.2 Alarms. At least one exterior approved audible device activated by the water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system shall be connected to every automatic fire alarm system in an approved location, and approved audible devices shall be connected to every automatic sprinkler system for the purpose of occupant notification. Actuation of the automatic sprinkler system shall actuate the building fire alarm system in all normally occupied areas for the purpose of occupant notification. If the building contains sleeping rooms, the interior alarm shall be located in or adjacent to one or more of these rooms. Otherwise, the interior alarm should be placed at a constantly attended location, or as a secondary alternative, the alarm shall be located where people are likely to be present whenever the building is occupied.

Amend subsection 905.3.1 to read as follows:

905.3.1 Height. In other than R-3 and R-3.1 occupancies, Class III standpipe systems shall be installed throughout at each floor level where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access.

2. Buildings that are three or more stories in height.

3. Buildings where the floor level of the lowest story is located more than 30 feet below the highest level of fire department vehicle access.

4. Buildings that are two or more stories below the highest level of fire department vehicle access.

5. On the roof of buildings three or more stories in height.

Exceptions:

1. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.

3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.

4. Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.

5. In determining the lowest level of fire department vehicle access, it shall not be required to consider:

5.1 Recessed loading docks for four vehicles or less, and

5.2 Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

Amend subsection 907.2.8.1 Exception 2 to read as follows:

907.2.8.1 Manual fire alarm system for R-1 Occupancies

2. Manual fire alarm boxes are not required throughout the building when the following conditions are met.

1.1 The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

1.2 Notification devices will activate within each residential unit upon sprinkler water flow.

1.3 At least one manual fire alarm box is installed in an approved location.

Add subsection 3314.3 to read as follows:

3314.3 Buildings under construction. In buildings four or more stories in height required to have sprinklers, such sprinklers shall be installed and extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

Add subsection 3314.4 to read as follows:

3314.4 Buildings being demolished. Where a building is being demolished and a sprinkler system exists within such a building, such sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such sprinkler system may be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

Add subsection 5001.5.3 to read as follows:

5001.5.3 Electronic Reporting. All Hazardous Material Management Plans (HMMP) and Hazardous Material Inventory Statements (HMIS) shall be submitted electronically as approved by the fire code official.

Add subsection 5704.1.1 to read as follows:

5704.1.1 Tanks Storage prohibited. No existing aboveground tanks for the storage of Class I and Class II liquids outside of buildings (except LPG-Propane) shall be permitted on mercantile, residential, and other congested parcels. Existing tanks on such parcels shall be removed within one (1) year after written notice from the fire code official.

Add subsection 5704.1.2 to read as follows:

5704.1.2 Tank Storage - Other locations. New aboveground tanks for storage of Class I and II liquids on parcels not covered under Section 5704.1.2 shall be enclosed in a flammable liquid storage vault constructed in accordance with the standards of the fire

department. Existing tanks on such parcels shall conform to new within one (1) year after written notice from the fire code official.

Add subsection 5704.1.3 to read as follows:

5704.1.3 Existing Tank Storage. Existing tank storage shall meet the requirements of new tank installations within one year of notice from the fire code official.

Add subsection 6107.5 to read as follows:

6107.5 Seismic Anchoring. An approved seismic anchoring system shall be installed on all permanently installed propane/LPG gas containers.

Amend Appendix B, subsection B101.1 to read as follows:

B101.1 Scope. The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings. Design and construction shall be in accordance with the following sections unless otherwise authorized by the fire code official in accordance with 104.9 Alternative Materials and methods.

Amend the definition of FIRE-FLOW in Appendix B, subsection B102.1 to read as follows:

FIRE-FLOW. The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, measured in the water main in the vicinity of the flowing hydrant, that is available for fire fighting.

Amend the definition of FIRE-FLOW CALCULATION AREA in Appendix B, subsection B102.1 to read as follows:

FIRE-FLOW CALCULATION AREA. The floor area, in square feet, used to determine the required fire flow. The fire-flow calculation area or floor area shall be the total floor area of all floor levels within the exterior walls that are under the horizontal projection of the roof, except as modified in Section B 104.3.

Amend Appendix B, subsection B105.1 to read as follows:

B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m2) shall be 1500 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m2) shall not be less than that specified in Table B 105.1.

Exception: A reduction in required fire-flow of up to 50 percent, as approved, may be allowed when the building is provided with an approved automatic sprinkler system

Amend Appendix B, subsection B105.2 to read as follows:

B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one-and two-family dwellings shall be as specified in Table B105.1.

Exception: A reduction in required fire-flow of up to 50 percent, as approved, may be allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 2,000 gallons per minute (5678 l/min) for the prescribed duration as specified in Table B 105.1.

Amend Appendix B, Table B105.1 by deleting footnote a).

Amend Appendix C, subsection C102 to read as follows:

C102.1 Fire Hydrant Locations. Where fire hydrants are required, fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets, and a fire hydrant shall be located within 50 feet of the Fire Department Connection (FDC), or as approved by the fire code official.

Amend Appendix D, Section D101 to read as follows:

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix as amended and all other applicable requirements of the International Fire Code. This section applies to residential and commercial developments. Design and construction shall be in accordance with the following sections unless otherwise authorized by the fire code official, in accordance with 104.9 Alternative Materials and methods.

Amend Appendix D, subsection D103.1 to read as follows:

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be determined by the fire code official.

Amend Appendix D, subsection D103.2 to read as follows:

D103.2 Grade. The grade of fire apparatus access roads shall be in accordance with the local agency requirement for public streets or as approved by the fire code official.

Amend Appendix D, subsection D103.3 to read as follows:

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

Amend Appendix D, subsection D103.4 to read as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with the local agency requirements for public streets or as approved by the fire code official.

Amend Appendix D, subsection D103.4 by deleting Table D103.4:

Amend Appendix D, subsection D103.6 to read as follows:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with C.V.C. (California Vehicle Code).

Amend Appendix D, subsection D104.2 to read as follows:

(The exception to D104.2 is deleted)

Amend Appendix D, subsection D106.1 to read as follows:

D106.1 Projects having more than 50 dwelling units. Multiple-family residential projects having more than 50 dwelling units shall be provided with two separate and approved fire apparatus access roads.

(The exception to D106.1 is deleted)

Amend Appendix D subsection D106 by deleting subsection D106.2:

Add Appendix D subsection D106.3 to read as follows:

Multi-residential projects having more than 50 dwelling units. Hotels, motels, condominiums, apartments, townhouses and similar multi-residential projects having more than 50 dwelling units shall be provided with two separate and approved fire apparatus access roads.

Amend Appendix D, subsection D107.1 to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- and two-family dwellings where the number of dwelling units exceeds 50 shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of section D104.3.

(The exceptions to D107.1 are deleted.)

14.10.050 2013 California Green Building Standards Code Amendments.

A. Based upon the express finding of necessity #1 and #4 set forth in Section 14.10.005, Part 11 of the 2013 California Building Standards Code, known as the California Green Building Standards Code, as adopted by Section 14.10.015, is further amended as follows:

Adopt by reference and add Appendix Chapter A4 (Residential Voluntary Measures) and Appendix Chapter A5 (Nonresidential Voluntary Measures) of the 2013 California Green Building Standards Code appendices.

Amend Section 301.1 to read as follows:

301.1 Scope. Newly constructed buildings shall be designed to include the green building measures specified as mandatory in the application checklists contained in this code. Newly constructed buildings shall also be designed to include the prerequisite and applicable elective measures to achieve Tier 1 status as prescribed in Appendix A4 and A5 of this code, except that the energy efficiency measures set forth in Appendix A4 Division A4.2 and Appendix A5 and Division A5.2 need not be met. Additions and alterations shall meet the requirements of Section 301 but shall not be required to meet Tier 1 status as prescribed in Appendix A4 and A5 of this code. Voluntary green building measures are also included in the application checklists and may be included in the design and construction of structures covered by this code. All buildings subject to the requirements of this code shall meet all applicable requirements of the California Energy Code (California Code of Regulations, Title 24, Part 6).

Amend the title and explanatory note of Appendix A4 to read as follows:

Appendix A4
Supplementary Residential Mandatory and Elective Measures

The measures contained herein that are necessary to achieve Tier 1 status shall be mandatory pursuant Section 301.1 of this code.

Amend Appendix Section A4.201.1 to read as follows:

A4.201.1 Scope. For the purposes of meeting mandatory Tier 1 status pursuant to Section 301.1 of this code, compliance with the provisions contained in this Appendix A4 Division A4.2 need not be met. The provisions contained in this Appendix A4 Division A4.2 are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.

Amend the first paragraph in Appendix Section A4.601.4.2 to read as follows:

In addition to the mandatory measures, compliance with the following prerequisite and elective measures from Appendix A4 is also required to achieve Tier 1 status:

Amend Item 2 in Appendix Section A4.601.4.2 to read as follows:

2. From Division A4.2, Energy Efficiency.

2.1. No requirements for this division.

Amend the note in the last paragraph of Appendix Section A4.601.4.2 to read as follows:

Note: The Residential Occupancies Application Checklist contained in Section A4.602, or other checklists developed by the building official may be used to show which elective measures are selected. The building official may require the use of a specific form or checklist developed by the building official to show compliance with the provisions of Appendix A4.

Delete Appendix Division A4.7 (Residential Model Ordinance) in its entirety.

Amend the title and explanatory note of Appendix A5 to read as follows:

Appendix A5
Supplementary Nonresidential Mandatory and Elective Measures

The measures contained herein that are necessary to achieve Tier 1 status shall be mandatory pursuant Section 301.1 of this code.

Amend Appendix Section A5.201.1 to read as follows:

A5.201.1 Scope. For the purposes of meeting mandatory Tier 1 status pursuant to Section 301.1 of this code, compliance with the provisions contained in this Appendix A5 Division A5.2 need not be met. The provisions contained in this Appendix A5 Division A5.2 are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.

Amend the first paragraph in Appendix Section A5.601.2.3 to read as follows:

A5.601.2.3 Tier 1. For the purposes of meeting mandatory Tier 1 status pursuant to Section 301.1 of this code, compliance with the provisions contained in Sections A5.203.1.1 and Section A5.203.1.2.1 need not be met. The provisions of those sections are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.

14.10.060 Board of Appeals.

The city council is designated as the board of appeals in order to hear and decide appeals of orders, decisions or determinations made by the building official or the fire chief relative to the application and interpretation of the construction codes adopted by the city council. The procedure for appeals shall be that established in Section 14.10.010.

14.10.065 Modification of Fee Schedules.

The construction codes adopted in this chapter are modified by the suspension of the operation of any fee schedules contained therein whenever the city council has by ordinance or resolution adopted a different schedule or schedules. It is the intention of the city council that it shall, for administrative convenience, adopt from time to time resolutions containing fee schedules for the granting of permits under the codes adopted in this chapter and for the administration thereof.

14.10.070 Enforcement Authority.

Unless otherwise provided by ordinance or resolution of the city council, the building official of the City is the enforcement officer for all provisions of the technical codes adopted herein except that the fire chief of the City shall be the enforcement officer for all provisions of the California Fire Code and amendments thereto and all building standards adopted by the California State Fire Marshal and published in the State Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that the adoption of this ordinance is not a project having a potentially significant effect on the environment and, accordingly, is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14 Section 15061(b)(3).

SECTION 3. SEVERABILITY.

If any section, subsection, clause, sentence, word or phrase of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of remaining portions of this ordinance. The city council declares that it would have passed and adopted this ordinance and each of the provisions thereof irrespective of the fact that any one or more such provisions, sections, subsections, phrases or clauses be declared invalid and/or unconstitutional.

SECTION 4. EFFECTIVE DATE.

These construction codes, including the appendices thereto and secondary codes mentioned therein, except as otherwise excluded, are in full force and effect as ordinances of the City of Sonoma, thirty (30) days after the adoption of this ordinance by the City Council or on January 1, 2014, whichever is later.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this _____ day of _____, 2013.

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

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

I, Gay Johann, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on _____, 2013 by the following vote:

AYES:
NOES:
ABSENT:

_____
Gay Johann, City Clerk

Code / Action / Section to be Added or Amended	Reason for Amendment
Administrative Provisions	
Repeal and adopt a new SMC 14.10.10 (Administrative Provisions) as written.	The revised administrative provisions replace and expand the administrative code currently in place. The replaced provisions accomplish the following: • Clarify the application and scope of the technical codes; • Provide provisions for the abatement of unsafe buildings that were previously contained in the Uniform Code for the Abatement of Dangerous Buildings, which is no longer published; • Clarify submittal requirements for permits; • Clarify the application of certain building permits and related fees; • Clarify procedural and administrative requirements for inspecting work; • Add provisions for collecting a fully refundable work guarantee deposit for temporary occupancy authorizations; • Add provisions clarifying the process for appeals of decisions made by the building official; • Add provisions clarifying the process and noticing requirements for issuing notice of violations, stop work orders and notices of unsafe structures and equipment; • Add provisions clarifying the process for recovery costs for the enforcement and abatement of unsafe structures; • Delete fee tables that will otherwise be handled or adopted in the resolution adopting revised fees.
2013 California *Building* Code	
Delete Chapter 1, Division II (Scope and Administration) and replace with new administrative provisions of SMC 14.10.10.	The proposed administrative code provides consistent and more comprehensive administrative provisions for applying the technical codes and administering the construction permitting process. These requirements replace, but are substantially the same as, the Uniform Administrative Code which was previously adopted by the City.
Adopt Appendix H – Signs	Provides new provisions for the safe installation of signs not otherwise covered by the code.
Adopt Appendix I – Patio Covers	Provides construction provisions for patio covers that are not otherwise specifically specified in the main body of the code.
2013 California *Residential* Code	
Delete Chapter 1, Division II (Scope and Administration) and replace with new administrative provisions of SMC 14.10.10.	The proposed administrative code provides consistent and more comprehensive administrative provisions for applying the technical codes and administering the construction permitting process. These requirements replace, but are substantially the same as, the Uniform Administrative Code which was previously adopted by the City.
Adopt Appendix G – Swimming Pools, Spas and Hot Tubs	Provides pool barrier and anti-drowning provisions for residential occupancies consistent with the requirements of the California Building Code and the California Health and Safety Code.
Adopt Appendix H – Patio Covers	Provides construction provisions for patio covers that are not otherwise specifically specified in the code.
Delete subsection R313.2 and add a new Section R313.2 and Section R313.2.1 to require fire sprinklers in new and certain alterations to factory-built housing, mobile homes and manufactured homes.	This amendment states that the installation of an automatic fire sprinkler system must be installed in one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes in accordance with the California Fire Code (CFC). Proposed amendments to the CFC provide new provisions for fire sprinkler in one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes.
2013 California *Electrical* Code	
Delete Annex H (Administration and Enforcement) and replace with new administrative provisions of SMC 14.10.10.	The proposed administrative code provides consistent and more comprehensive administrative provisions for applying the technical codes and administering the construction permitting process. These requirements replace, but are substantially the same as the Uniform Administrative Code which was previously adopted by the City.
2013 California *Mechanical* Code	
Delete Chapter 1, Division II (Scope and Administration) and replace with new administrative provisions of SMC 14.10.10.	The proposed administrative code provides consistent and more comprehensive administrative provisions for applying the technical codes and administering the construction permitting process. These requirements replace, but are substantially the same as, the Uniform Administrative Code which was previously adopted by the City.
Adopt Appendix B (Procedures to be Followed to Place Gas Equipment into Operation)	This proposed amendment provides necessary safety procedures to follow to place gas equipment into operation.

ATTACHMENT B

2013 California *Plumbing* Code	
Delete Chapter 1, Division II (Administration) and replace with new administrative provisions of SMC 14.10.10.	The proposed administrative code provides consistent and more comprehensive administrative provisions for applying the technical codes and administering the construction permitting process. These requirements replace, but are substantially the same as, the Uniform Administrative Code which was previously adopted by the City.
Amend Section 1601.3, 1602A.1.1 and 1602.5 by deleting the exceptions that would otherwise exempt graywater clothes washer systems from a construction permit.	These amendments eliminate the exception that would otherwise exempt clothes washer graywater systems from a construction permit. This amendment would require a construction permit for clothes washer systems so that the building department can verify through inspection that all of the requirements for a clothes washer graywater system are met.
Adopt Appendix A (Recommended Rules for Sizing the Water Supply System).	Adds guidance and requirements for sizing water supply systems not otherwise covered by the code.
Adopt Appendix C (Alternate Plumbing Systems)	This amendment provides needed procedures for the design of engineered water systems.
Adopt Appendix D (Sizing Stormwater Drainage Systems)	Adds guidance and requirements for sizing stormwater systems not otherwise covered by the code.
Adopt Appendix E (Manufactured/Mobile Home Parks and Recreational Vehicle Parks)	Provides requirements for Manufactured/Mobile Home and RV Parks not otherwise covered by the code.
Adopt Appendix H (Private Sewage Disposal Systems)	Provides requirements for private sewage disposal systems (regulated and enforced by the Department of Health Services).
Adopt Appendix I (Installation Standards)	Provides installation standards for plumbing systems to complement the code.
2013 California *Fire* Code	
Adopt Appendix Chapter 4	Provides special detailed requirements based on use and occupancy for residential care facilities licensed by governmental agencies.
Adopt Appendix Chapter B – Fire Flow Requirements for Buildings	Provides a procedure for calculating the amount of water needed for firefighting purposes in portions of buildings or buildings hereafter constructed.
Adopt Appendix Chapter BB – Fire Flow Requirements for Buildings	Provides a procedure for calculating the amount of water needed for firefighting purposes for school buildings required by the Government Code.
Adopt Appendix Chapter C – Fire Hydrant Locations and Distribution	Provides recommendations for the locations and minimum distribution of fire hydrants.
Adopt Appendix Chapter CC - Fire Hydrant Locations and Distributions	Provides recommendations for the locations and minimum distribution of fire hydrants for school buildings required by the Government Code.
Adopt Appendix Chapter D	Provides the minimum specifications for fire apparatus access roads.
Adopt Appendix Chapter E	Provides additional information, explanations and examples to illustrate and clarify hazardous material categories and classifications.
Adopt Appendix Chapter F	Provides firefighter warning placard designations based on hazard classification categories.
Adopt Appendix Chapter H	Provides a template for businesses when the type and quantity of hazardous materials stored requires a Hazardous Materials Management Plan and Inventory Statement
Amend Section 105.6.47 – Additional (operational) permits required	Adds additional required (operational) permits – Needed to be consistent with local amendments to be adopted by other Sonoma County jurisdictions.
Add a new Section 105.7.17 - Additional (construction) permits	Adds additional required construction permits - Needed to be consistent with local amendments to be adopted by other Sonoma County jurisdictions.
Amend Section 109.3 – violation penalties	Amends the code to establish violations thereof as a misdemeanor and that the penalties for violations thereof are set forth in Sonoma Municipal Code (SMC) Chapter 1.12. Needed to be consistent with SMC.
Amend Section 111.4 – Failure to comply with stop work order	Amends the code to establish that a failure to comply with a stop work order is an infraction and the penalties are set forth in Sonoma Municipal Code (SMC) Chapter 1.12. Needed to be consistent with SMC
Amend Section 202 to add the definition of "ADDITION"	Amends the code to provide a needed definition to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers.
Amend Section 202 to add the following definition of "MANUFACTURED HOME"	Amends the code to provide a needed definition to be consistent with CA Health & Safety Code §18007.

Amend Section 202 to add the following definition of "MOBILE HOME"	Amends the code to provide a needed definition to be consistent with CA Health & Safety Code §18008.
Amend Section 202 to add the definition of "REMODELED"	Amends the code to provide a needed definition to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers. Establishes the trigger for requiring a fire sprinkler system in existing buildings when cosmetic or structural repairs, renovations, restorations, alterations or additions to a structure, the total valuation of which, as determined by the building official, exceeds $100,000 for buildings containing residential uses or occupancies and $150,000 for all other occupancies over any 36 month period.
Amend Section 202 to add the definition of "STRUCTURE"	Amends the code to provide a needed definition to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers.
Amend subsection 304.1.2 by adding subsection 304.1.2.1 - Combustible Vegetation	Amends the code to provide a needed definition to be consistent with previous City ordinances and policies pertaining to weed abatement.
Add subsection 304.1.4 - Defensible space	Amends the code to provide a defensible space of not less than 30 feet between vacant lots and neighboring structures.
Amend subsection 501.1 – Fire service features.	Amends the code to authorize the fire code official to authorize alternative design and construction features such as fire apparatus access roads, access to roofs, premises identification, key boxes, fire protection water supplies, fire protection equipment identification and access, etc., when done in accordance with Section 104.9 Alternative Materials and Methods. This code change is needed to provide flexibility in enforcement provided that the material, method or work offered is at least equivalent in quality, strength, effectiveness, fire resistance durability and safety.
Amend subsection 503.2.3- Surface requirements for fire apparatus access roads	Amends the code to clarify fire department access road surfacing requirements.
Amend subsection 503.6. - Bridges and Elevated Surfaces.	Amends the code by not limiting the American Association of State Highway Transportation Officials to the 17th Edition.
Add subsection 503.2.7 for buildings located on slopes of greater than five percent (5%).	Adds needed requirement for additional fire protection measures, as the fire chief deems necessary to mitigate access constraints by building on slopes greater than five percent (5%).
Amend subsection 505.1 – Premises identification	Amends the code to clarify that the City of Sonoma assigns address numbers and clarifies the criteria for address identification.
Add a new subsection 507.1.1 - Emergency water during construction.	Adds subsection to require emergency water system on-site prior to installing combustible construction.
Amend subsection 507.5 - Fire hydrant systems	Amends the code to eliminate the reference to Appendix Chapter C which is not adopted by the City.
Amend subsection 507.5.1 – Where fire hydrants are required	Amends the code to continue the previous requirement for on-site hydrants (508.5.1)
Amend subsection 510.1 – Emergency responder radio coverage	Amends the code to require needed emergency responder radio coverage in buildings and certain winery caves.
Amend subsection 901.4.1- Owner responsibilities for function and proper operation of fire protection systems	Amends the code to require that it is the responsibility of the owner that a person or persons familiar with the function and proper operation of a building's fire protection system be in attendance whenever the premises are occupied.
Amend subsection 901.6.1 - Standards	The table referenced by this section needs clarification to be specific to for water-based fire protection systems.
Add subsection 901.11 - Notice of Nuisance Alarm	Amends the code to establish a procedure for written notification of a nuisance alarm. Needed to enforce penalties for false fire/smoke/sprinkler alarms.
Add section 901.12- Unreliable Fire Alarm Systems	Amends the code to establish procedures and penalties for false fire/smoke/sprinkler alarms.
Amend subsection 903.2 - Fire Sprinklers - Where Required	Amends the code to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers.
Amend subsection 903.3.7 - Fire department connections	The purpose of this proposed code language is to take advantage of new technology designed to assure that fire department connections are useable when necessary. Fire department connections are typically necessary during times when the municipal water supply is incapable of delivering normal flows and pressures. Such circumstances have been experienced by other communities during large fires and subsequent to seismic activity.
Amend subsection 903.4.2 - Alarms	The proposed amendment provides clearer guidance to building owners, fire protection system designers and system installers.
Amend subsection 905.3.1- Class III standpipe systems.	Amends the code to consider the roof as an additional story for buildings three or more stories in height thereby expanding the class III standpipe system requirement

Amend subsection 907.2.8.1 Exception 2 - Manual fire alarm system for R-1 Occupancies	Amends the code to require notification devices to activate in each residential unit upon sprinkler water flow since these are transient occupancies such as hotels, motels and apartment buildings.
Add section 3314.3 - Buildings under construction.	Amends the code to provide an added measure of fire safety for buildings four or more stories in height.
Add section 3314.4 - Buildings being demolished	Amends the code to provide an added measure of fire safety during the demolition of multi-story buildings.
Add section 5001.5.3 - Electronic Reporting	Amends the code to meet future electronic reporting requirements of AB 2286 for the California Environmental Reporting System. This includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. All regulated businesses and Unified Program Agencies in the State of California must use the internet to file by January 1, 2013.
Add section 5704.1.1 - Tanks Storage prohibited	Amends the code to remove the threat of fire and explosive danger from tank storage of class I and II liquids in mercantile, commercial and residential parcels.
Add Section 5704.1.2 - Tank Storage - Other locations	Amends the code to assure that new tank installations meet current safety requirements for class I and II liquids. Additionally existing tanks in approved locations must meet the same safety requirements within one year.
Add Section 5704.1.3 - Existing Tank Storage	Amends the code to upgrade existing tank installations to meet current safety requirements for class I and II liquids.
Add Section 6107.5 - Seismic Anchoring	Amends the code to require approved seismic anchoring for installed propane/LPG gas containers
Amend the definition of FIRE-FLOW in Appendix B, subsection B102.	This revision clarifies where the pressure for fire-flow is measured.
Amend the definition of FIRE-FLOW CALCULATION AREA in Appendix B, subsection B102.1	Floor area was clarified to provide consistency in calculating fire flow.
Amend Appendix B, subsection B105.1 – Fire flow for one-and two-family dwellings	This is amended to increase the minimum required fire-flow from 1000 to 1500 gallons per minute. The language to reduce fire-flow requirements based on sprinkler system installation is not automatic.
Amend Appendix B, subsection B105.2 – Fire flow for buildings other than one-and two-family dwellings	The language to reduce fire-flow requirements based on sprinkler system installation is not automatic.
Amend Appendix B, Table B105.1 by deleting footnote a).	This prevents a reduction in needed fire-flow for residential structures.
Amend Appendix C, subsection C102 - Fire Hydrant Locations	Amends the code to continue to standardize the location of fire department connections for more efficient fire scene operations.
Amend Appendix D, Section D101 - Fire apparatus access roads	Amends the code to allow the fire code official some flexibility when done in accordance with section 104.9 Alternative Materials and Methods. Flexibility in enforcement provided that the material, method or work offered is at least equivalent in quality, strength, effectiveness, fire resistance durability and safety.
Amend Appendix D, subsection D103.1 - Access road width with a hydrant	Amendment allows local authorities to determine fire department access specifications instead of the International Fire Code.
Amend Appendix D, subsection D103.2 - Grade of fire apparatus access roads	The grade of fire apparatus access roads is specific to the type of equipment available and should be determined locally.
Amend Appendix D, subsection D103.3 - minimum turning radius	Turning radius is specific to the fire apparatus used.
Amend Appendix D, subsection D103.4 - Dead-end fire apparatus access roads	This change allows a local jurisdiction to determine dead-end requirements for width and turnaround provisions.
Amend Appendix D, subsection D103.4 by deleting Table D103.4	Allows local standards
Amend Appendix D, subsection D103.6 - NO PARKING-FIRE LANE signs	Change allows local jurisdiction to apply the sign requirements of the California Vehicle Code in design and placement rather than basing it on solely on road width.
Amend Appendix D, subsection D104.2 by deleting exception to D104.2	The exception provided for a reduction in fire department access in structures with a gross building area up to 124,000 square feet.
Amend Appendix D, subsection D106.1 – Fire apparatus access roads for multi-family projects having more than 50 dwelling units	Modifies when two fire apparatus access roads are required – Changes the requirement from 100 dwelling units to 50 dwelling units.

Amend Appendix D, subsection D106 by deleting subsection D106.2	This section referred to projects of 200 or more dwelling units and repeats the two access requirement regardless of sprinklers
Add Appendix D, subsection D106.3 – Fire apparatus access roads for multi-residential projects having more than 50 dwelling units	Amends the code to allow fire department access for emergency operations and/or evacuations.
Amend Appendix D, subsection D107 -– Fire apparatus access roads for projects having more than 50 dwelling units	Amends the code to allow fire department access for emergency operations and/or evacuations.
2013 California *Green Building Standards* Code	
Adopt by reference and add Appendix Chapter A4 (Residential Voluntary Measures) and Appendix Chapter A5 (Nonresidential Voluntary Measures) of the 2013 California Green Building Standards Code appendices.	These appendices provide the prerequisite and applicable elective measures to achieve Tier 1.
Amend Section 301 – Requires mandatory compliance with Tier 1 status of the code except for energy efficiency provisions and additions and alterations.	Amends the code to require that the prerequisite and applicable elective measures to achieve Tier 1 status, as specified in the code become mandatory for all new buildings except that the Energy Efficiency Measures in Appendix A4 Division A4.2 and Appendix A5 and Division A5.2 need not be met. Tier 1 Energy measures would be very difficult to comply with given the recent increase in the mandatory energy requirements of the 2013 CA Energy Code. This amendment also stipulates that the additional CALGreen Tier1 requirements do not apply to additions and alterations. The application of additional Tier 1 requirements would be very difficult to comply with for existing buildings. This amendment establishes green building requirements that are more restrictive than what is otherwise required by state law and are in substantial conformance with what is being recommended for adoption by the majority of other building officials throughout Sonoma County. This code amendment will help provide regional consistency of green building regulations.
Amend the title and explanatory note of Appendix A4.	Clarifies the title to reflect that the appendix provides supplementary residential mandatory and elective measures rather than voluntary measures.
Amend Appendix Section A4.201.1	This change is needed to clarify that the provisions contained in Appendix A4 Division A4.2 (Energy Efficiency Measures) are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.
Amend Appendix Section A4.601.4.2	This change is needed to clarify that prerequisite and Tier 1 measures are required.
Amend Item 2 in Appendix Section A4.601.4.2	This amendment clarifies that the Tier 1 Energy Efficiency measures do not apply.
Amend the note in the last paragraph of Appendix Section A4.601.4.2	This amendment clarifies that the building department may develop and require completed forms to show CALGreen compliance.
Delete Appendix Division A4.7	This deletes a division which contains a model ordinance which is not necessary in the code.
Amend the title and explanatory note of Appendix A5	Clarifies the title to reflect that the appendix provides supplementary nonresidential mandatory and elective measures, rather than voluntary measures.
Amend Appendix Section A5.201.1	This change is needed to clarify that the provisions contained in Appendix A5 Division A5.2 (Energy Efficiency Measures) are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.
Amend Appendix Section A5.601.2.3	This change is needed to clarify that the provisions contained in Appendix A5 Division A5.2 (Energy Efficiency Measures) are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.

Analysis of 2013 CALGreen plus Mandatory Tier 1 (excluding Energy Efficiency Measures) Compared to Existing 2010 CALGreen plus Mandatory Tier 1 Requirements

Important facts about the 2013 California Green Building Code (CALGreen).

1. The mandatory provisions of CALGreen are applicable to all new and altered residential and buildings constructed throughout California. The mandatory CALGreen measures previously only applied to new residential buildings. Effective January 1, 2014, mandatory CALGreen measures will be required, as applicable, to residential buildings undergoing alterations and additions.
2. The mandatory provisions of CALGreen were previously applicable to all new nonresidential buildings and altered nonresidential buildings with an addition area exceeding 2,000 s.f. or alterations with a permit valuation exceeding $500,000. Effective January 1, 2014, mandatory CALGreen measures will be required for all new nonresidential buildings and altered nonresidential buildings with an addition area exceeding 1,000 s.f. or an alteration or alteration with a permit valuation exceeding $200,000.
3. In addition to the mandatory measures prescribed in CALGreen, the code also includes two voluntary "Tier" packages that become mandatory if adopted by a local agency. To meet a particular Tier status, an applicant would need to meet all of the mandatory CALGreen measures plus additional required Tier measures (prerequisites), with a further requirement to choose a number of elective measures from a list within the Tier group.
4. Local agencies may adopt the "voluntary" Tier 1 or Tier 2 provisions to make them mandatory within their local jurisdiction. Given that the tiers list energy efficiency compliance measures that exceed energy requirements prescribed in the California Energy Code, the local agency must file and have a cost effectiveness study approved by the Executive Director of the California Energy Commission if the Energy Efficiency Measures listed in the tiers are proposed for local adoption. This study has not been prepared for the City of Sonoma and therefore increased Energy Efficiency Measures as provided in CALGreen Tier 1 are not recommended for adoption.
5. The proposed local amendments to CALGreen for Sonoma would require that in addition to the mandatory requirements of CALGreen as adopted by the state, all new residential structures and all existing residential structures undergoing alterations would be required to meet the applicable provisions of CALGreen+Tier 1 (excluding Energy Efficiency Measures).
6. The proposed local amendments to CALGreen for Sonoma would also require that in addition to the mandatory requirements of CALGreen as adopted by the state, all new nonresidential structures and all existing nonresidential structures undergoing an addition exceeding 1,000 s.f. or an alteration with a permit valuation exceeding $200,000 would be required to meet the applicable provisions of CALGreen+Tier 1 (excluding Energy Efficiency Measures).

7. Verification of CALGreen compliance will be required to be performed by a third-party green building specialist paid for by the project applicant. In some cases, CALGreen compliance verification for some minor residential alteration projects will be performed by building department staff and paid for by the project applicant.

Analysis of Increase in Requirements Resulting from Adoption of Tier 1 as Mandatory (from previously adopted CALGreen+Tier 1)

The following outlines the proposed additional Tier 1 (excluding Energy Efficiency Measures) requirements for 2013 CALGreen, that go beyond the 2010 CALGreen+Tier 1 measures currently adopted by the City.

RESIDENTIAL

- **A4.106.5** Roofing materials shall have a minimum 3-year aged solar reflectance and thermal emittance or a minimum aged Solar Reflectance Index (SRI) equal to or greater than the values specified in the tables. This requirement will require light-colored (cool) roofs for most homes, hotels, motels and motels.
- **A4.504.2** Volatile Organic Compound **(**VOC)-compliant resilient flooring is required for at least 90% of the resilient flooring installed. This is a change from 80% in the current Tier 1 requirement.

[NOTE: CALGreen requirements for residential alterations and additions did not previously exists and therefore all 2013 CALGreen + Tier 1 (excluding Energy Efficiency Measures) requirements for residential alterations and additions are new.]

NONRESIDENTIAL

- **A5.106.11.2** Cool roof requirements for some high slope roofs will be increased, thereby requiring light-colored (cool) roofs for more nonresidential buildings.
- **A5.504.4.6** VOC-compliant resilient flooring is required for at least 90% of the resilient flooring installed. This is a change from 80% in the current Tier 1 requirement.

[NOTE: CALGreen requirements for nonresidential alterations and additions were previously triggered by additions exceeding 2,000 s.f. or alterations with a permit valuation exceeding $500,000. Effective January 1, 2014, the trigger will change to additions exceeding 1,000 s.f. or alterations with a permit valuation exceeding $200,000.]

All 2010 and 2013 California Building Standards Codes are available for review at Sonoma City Hall.

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **8D**

Meeting Date: **10/21/13**

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

Agenda Item Title

Consideration and possible action on the introduction of an ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals.

Summary

Section 1.24.010 of the Sonoma Municipal Code (SMC) states that *"Any person dissatisfied with any final decision of any city commission, board or official may appeal such final decision to the city council. Only final decisions may be appealed to the city council".*

The proposed ordinance amending SMC 1.24.010 is recommended by City Attorney Walter and clarifies what constitutes a "final decision".

Recommended Council Action

Introduce and hold first reading of the ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals.

Alternative Actions

1. Introduce the ordinance with any revisions deemed necessary by the City Council.
2. Decline to introduce the ordinance.

Financial Impact

None

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

Attachments:

- Proposed ordinance amending Section 1.24.010 of the Sonoma Municipal Code (strikeout/underline)

Alignment with Council Goals:

This item is not directly related to any stated in Council Goal.

cc:

ORDINANCE NO.____- 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING SECTION 1.24.010 OF THE SONOMA MUNICIPAL CODE PERTAINING TO APPEALS

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

SECTION 1.

Section 1.24.010 of the Sonoma Municipal Code is amended to read as follows:

1.24.010 Applicability.

Any person dissatisfied with any final decision of any city commission, board or official may appeal such final decision to the city council. Only final decisions may be appealed to the city council.

A. For purposes of this section, a "final decision" is one made by a body or official who, by State or federal law, or by virtue of a provision in this Sonoma Municipal Code or other enactment adopted by the city council, is authorized to make a decision that is binding upon the City and becomes effective without any additional approval or decision by any other body or official. Decisions by a body possessing only advisory powers are not "final decisions" for purposes of this chapter. Unless a City employee is expressly granted final decision-making authority by this Sonoma Municipal Code or other enactment adopted by the city council, the only employee who, acting on his or her own, can make a final decision appealable under this Section is the City Manager.

B. Except for Sections 1.24.040 and 1.24.070, this chapter does not apply to any final decision the appeal of which is governed by some other provision of this Sonoma Municipal Code and/or State or federal law.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of adoption.

SECTION 4. POSTING. This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in the Sonoma Index Tribune, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption; or

publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

****

THE FOREGOING ORDINANCE was first read at a regular meeting of the Sonoma City Council on the _____ day of _____, 2013, and was passed and adopted at a regular meeting of the Sonoma City Council on the _____ day of _____, 2013, by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

ABSTAIN: Councilmembers

_____

Mayor of the City of Sonoma

Attest:

_____

City Clerk of the City of Sonoma

City of Sonoma

City Council

Agenda Item Summary

City Council Agenda Item: **8E**

Meeting Date: **10/21/2013**

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

Agenda Item Title

Discussion, Consideration and Possible Action to Approve a Resolution of the City Council of the City of Sonoma Authorizing the Amendment to MuniServices LLC Agreement to Conduct a Vacation Rental Review Program

Summary

The City maintains a contract with MuniServices for examination of Sales and Use Tax records for the purpose of verifying accurate collection of sales tax revenue. Additional services available through MuniServices include Hotel/Lodging Properties reviews and Audits. With the increasing evidence of the conversion of residences to Vacation Rentals and the new opportunity for "Air Bed and Breakfasts" it has become a priority to find a method to bring illegal vacation rentals into compliance and to make all unregistered lodging properties comply with the City's Transient Occupancy Tax ordinance and the Tourism Improvement District ordinance. This level of review has been on staff's list of future projects to undertake for some time, but the available staff hours and resources are limited. For this reason, I entered into conversations with MuniServices to provide a specific focused program for the City to identify and bring into compliance these undocumented properties. For this service, MuniServices will be compensated on a revenue-split basis with 45% of any new revenues being retained by MuniServices and the remaining 55% will be unanticipated revenue to the City and the Tourism Improvement District. Once lodging properties are brought into compliance, they will come under the jurisdiction of the City regulations which could include obtaining Planning Use Permit approval and obtaining a valid City Business License. The Tourism Improvement District Board has approved their participation in this program.

Recommended Council Action

Adopt Resolution authorizing Amendment No. 1 to the MuniServices, LLC Consultant Agreement and authorize the City Manager to sign the Amendment on behalf of the City.

Alternative Actions

Request additional information or do not authorize Amendment

Financial Impact

Potential capture of additional TOT revenue as a result of new lodging properties being identified. Additional revenue value cannot be determined at this time.

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

Attachments:

Resolution

MuniServices Consultant Agreement Amendment No. 1

cc:

CITY OF SONOMA
RESOLUTION NO.___-2013

A Resolution of the City Council of the City of Sonoma Authorizing Amendment No. 1 to the Agreement with MuniServices, LLC to Add Additional Services to Perform a Vacation Rental Review Program on Behalf of the City of Sonoma

WHEREAS, pursuant to Resolution 44-2012 the City of Sonoma entered into a contract with MuniServices LLC, to perform all functions incident to the administration and collection of local transactions and use taxes; and

WHEREAS, the City Council of the City of Sonoma has requested MuniServices LLC to provide additional services related to the discovery and registration of lodging properties which are not currently registered with the City.

NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:

Section 1. That the Agreement with MuniServices LLC is hereby amended by adding Amendment No. 1 for authority to perform a Vacation Rental Review Program as described in Attachment 1.

Section 2. That the City Council hereby authorizes the City Manager to sign Amendment No.1 to the MuniServices LLC Agreement.

ADOPTED this 21st day of October 2013, by the following vote:

AYES:
NOES:
ABSENT:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

CITY OF SONOMA

RESOLUTION ___ - 2013

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
ADOPTING A SIDEWALK TRIP HAZARD REPAIR POLICY

WHEREAS, the City Council desires that Sonoma be a safe and walkable City;

WHEREAS, the City needs to take immediate steps to put a program in place for sidewalk inspection to reduce the City's liability;

WHEREAS, the Council directed the Public Works Department to proceed with a policy for a phased approach to inspection and repair of sidewalk trip hazards throughout the City;

WHEREAS, staff proposes a phased inspection and repair program with a cost share component;

WHEREAS, staff has prepared a map of eleven (11) inspection and repair sectors and a Policy for Sidewalk Trip Hazard Repairs detailing how the program will work;

WHEREAS, funds for the Sidewalk Trip Hazard repair program are budgeted at $50,000 in Fiscal Year 2013-14;

WHEREAS, Staff recommends that the Policy for Sidewalk Trip Hazard Repairs be approved to begin in FY 2013-14;

WHEREAS, the City desires to attain quality inspection and concurrent repair for the minor trip hazards under 1.75-inches in height and has determined that a "saw cut" trip hazard repair method is preferred;

WHEREAS, Precision Concrete Cutting (PCC) performs this saw cut repair method for over 30 Bay Area cities; and

WHEREAS, in conformance with the Uniform Construction Cost Accounting Procedures and because of PCC's patented methods, the City wishes to sole source their services up to $25,000 for FY 2013-14.

NOW, THEREFORE, BE IT RESOLVED by this City Council as follows:

1. The Sidewalk Trip Hazard Repair Policy set forth in Exhibit "A" attached hereto is hereby approved.

2. The City Manager is hereby authorized to execute a sole source contract with Precision Concrete Cutting in an amount not to exceed $25,000 for FY 2013-14, for inspection and minor trip hazard repair.

PASSED AND ADOPTED this 21st day of October 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

City of Sonoma Sidewalk Trip Hazard Repair Policy

October 21, 2013

1. Purpose. The sidewalk system is a vital component of the public infrastructure. Sidewalks serve as pedestrian highways and are used for trips to schools, stores, bus stops, and parks. They are in themselves a recreational facility, used for leisurely walks and exercise runs. Walking reduces congestion and pollution, and promotes friendly neighborhoods and healthy lifestyles. Sonoma's sidewalk trip hazard repair policy is intended to minimize potential trip hazards caused by cracked and damaged sidewalks. This process aids in preventing accidents, such as trip and fall incidents. This policy also insures that the City's sidewalks are open and accessible to all persons. The purpose of this document is to establish policy and procedures to insure the execution of sidewalk trip hazard inspection and repairs.

2. Scope. This policy is applicable to all existing and future constructed sidewalks in the public right-of-way within the City of Sonoma. It includes those responsibilities and procedures necessary to adequately inspect and repair sidewalk trip hazards. This is a one-time, non-recurring inspection and repair policy that will terminate when all phases are complete.

3. References.

3.1. Codes, Regulations. The California Streets and Highway Code 5610 et seq. and the City of Sonoma Municipal Code Chapter 12.12 require that owners of lots or portions of lots fronting on any portion of a public street shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and will not interfere with the public's use of those areas.

3.2. Standards. The City of Sonoma Design and Construction Standards provide the requirements for design, construction, repair and replacement of sidewalks within the City of Sonoma.

4. Definitions.

As used in the Policy, the following words and phrases shall have the following definitions.

4.1. "Sidewalk" shall have the same meaning as set forth is Section 5600 of the California Streets and Highways Code.

4.2. "Trip Hazards" Shall mean a Sidewalk(s) with a crack, fracture, hole, gap, or other break resulting in:

- Vertical displacements between adjacent portions of the sidewalk greater than 1/4 of an inch;
- Horizontal joints with a gap greater than 3/4 of an inch;
- Other defects such as holes deeper than 1/2 of an inch and settlement or displacement resulting in slopes greater that 20%; and/or with standing water deeper than 3/4 of an inch may also be considered a trip hazard.

4.3. Categorization of Sidewalk Trip Hazards.

4.3.1 "Minor Trip Hazards" are defined as those Trip Hazards with a vertical displacement of less than 1.75 inches.

4.3.2 "Remove and Replace (R&R) Trip Hazards: are defined as those Trip Hazards with a vertical displacement greater than or equal to 1.75 inches, or those Minor Trip Hazards that cannot be repaired by saw cutting, such that the entire sidewalk section must be removed and replaced to eliminate the Minor Trip Hazard.

4.3.3 "Hole Trip Hazards" are those Trip Hazards with deeper than 1/2 of an inch and settlement or displacement resulting in slopes greater that 20%; and/or with at any time support standing water deeper than 3/4 of an inch, or which contain horizontal joints with a gap greater than 3/4 of an inch. Hole Trip Hazards are considered a R&R trip hazard.

4.4. Owner. The term "Owner" includes without limitation, the fee owner(s) of real property, abutting a Sidewalk or their agent(s).

5. Order of Work. The Public Works Director or designee shall determine the schedule, staging, and/or prioritization for performing Sidewalk Trip Hazard inspection and repair work covered by this policy based upon, but not limited to, these factors: severity of safety hazards; volume of pedestrian traffic; proximity to downtown businesses, proximity to schools; and availability of City resources.

6. Duty of Property Owner to Repair Sidewalk Trip Hazards. In accordance with California Streets and Highway Code 5610 et seq. and the City of Sonoma Municipal Code Chapter 12.12, owners of lots or portions of lots fronting on any portion of a public street shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and will not interfere with the public's use of those areas.

7. Sidewalk Trip Hazard Inspection Procedures.

7.1. Inspection. Inspecting the City's sidewalks is necessary to observe and report defective conditions to minimize potential trip hazards to residents and visitors of the City. The City will, in accordance with this policy and as included in the City's annual budget, contract with a qualified contractor to perform trip hazard inspection or will undertake such inspection with its own forces.

7.2. Phasing of Inspection. All sidewalks will be inspected on a prioritized and phased approach. Additionally, other inspections will be made as needed to respond to service request and/or other reports of sidewalk failures and/or Trip Hazards.

7.3 Repair of Minor Trip Hazards during Inspection. From time to time and as budgeted by the City, Minor Trip Hazards that are identified by the phased inspection l may be repaired by the City, using a saw cut method. This City funded repair of Minor Trip Hazards will be considered annually with the budget process and may be funded or not in the sole discretion of the City Council. . In the event that the City budgets for and undertakes Minor

Trip Hazard repair, no further action relating to the identification of Minor Trip Hazards is required of the Owner relating to an identified Minor Trip Hazard. In the event that the City does not budget for and does not undertake repairs related to an identified Minor Trip Hazard, the City may either do nothing relating to the Minor Trip Hazard, or may provide a written notice to the Owner to repair the Minor Trip Hazard in the same manner as set forth below for R&R Trip Hazards.

7.4. Reporting/Documentation. Inspection personnel shall visually observe Trip Hazards , take field measurements, and record pertinent data that includes but is not limited to: Date of Inspection, Severity of Trip Hazard (Minor or R&R), Location, Probable Cause, Recommended Repair, and Owner/Assumed Responsible Party. Pictures shall be taken of all trip hazards classified as R&R Trip Hazards.

8. Remove and Replace (R&R) Trip Hazard Repair.

8.1. Upon identification of an R&R Trip Hazard in accordance with the inspection policy set forth herein, a Notice to Repair shall be provided to the Owner responsible in accordance with the Sonoma Municipal Code and California Streets and Highways Code Section 5611 et. seq. (Notice to Repair). The Owner may perform required R&R Trip Hazard repairs or hire the services of a licensed contractor to perform same. In either case, the Owner is required to obtain an encroachment permit from the City for any Sidewalk repair or replacement in the public right-of-way in accordance with the Municipal Code. The Correction Notice shall be in the form required by California Streets and Highways Code Section 5611 et. seq.

8.2 The City may, but is not required to, in any budget year, budget funds to permit the City to provide an incentive for the rapid repair by Owners of identified R&R Trip Hazards pursuant to the City's inspection program. In the event that the City has budgeted and has remaining funds in any year, the City may, but is not required to, provide a cost reimbursement to the Owner of up to One Thousand Dollars ($1,000.00) or fifty percent (50%) of the cost to repair the Sidewalk identified in the Notice to Repair whichever is less. Said potential cost share shall be noted in the Notice to Repair which shall also indicate that said cost shall be on a first come first serve basis and when budgeted funds are exhausted shall not be provided to any remaining Owners receiving the Notice to Repair. In the event that the City has not budgeted funds or in the event that budgeted funds have been exhausted, the City shall not provide any cost share reimbursement to Owners related to Trip Hazard Repair. Cost share reimbursement shall only be provided for receipted work by a licensed contractor working under a valid encroachment permit. Owner-performed or self-help repairs will not be eligible for the cost share reimbursement.

8.3 Repairs shall be implemented in accordance with City Standards and Best Management Practices. Asphalt or cement grout patches shall not be allowed. When practical, the probable cause of the trip hazard shall be addressed to prevent reoccurrence of the problem. In some cases, the most appropriate R&R Trip Hazard repair will only mitigate the trip hazard and not the probable cause.

9. R&R Trip Hazard Repairs; Report, and Special Assessment Lien.

9.1 If any Owner refuses or neglects to make such repair, reconstruction or improvement when required and directed in conformity with the provisions of this policy and applicable codes, the Public Works Director or designee shall cause such repair, reconstruction or improvement to be made, and any and all costs reimbursed to the City. Upon completion of the Trip Hazard repair, the Public Works Director shall prepare a report specifying the repairs, reconstruction or improvements which have been made, the cost of the work, a description of the fronting real property on which the R&R repair work has been undertaken, and the amount against each lot or parcel of land proposed to become a special assessment and lien to pay the cost of such work.

9.2 In the event that the City performs such work in accordance with section 9.1 above, the procedure for repair and hearing as set forth in California Streets and Highways Code Section 5615 et. seq. shall be followed. The collection of cost of repair and lien shall be made in accordance with California Streets and Highways Code Section 5625 et. seq.

Attachments:

(1) California Vehicle Code 5600 et seq
(2) Sonoma Municipal Code Chapter 12.12

STREETS AND HIGHWAYS CODE
SECTION 5600-5618

5600. As used in this chapter "sidewalk" includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

5601. This chapter shall only apply to maintenance and repair proceedings, whether upon work originally done under this division or otherwise, and shall not be used for the construction of new improvements. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter.

5602. This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

5610. The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not

commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

Amendment No. 1 to Consultant Services Agreement

THIS AMENDMENT NO. 1 is made as of October ____, 2013, by and between the City of Sonoma, a municipal corporation of the State of California (City) and MuniServices, LLC a Delaware limited liability company (Consultant) (collectively, the "Parties").

RECITALS

- On or about September 4, 1996, City and Consultant entered into an agreement to provide Revenue Enhancement Audit Program (REAP) (the "Agreement").

- City desires Consultant also provide Vacation Rental Review Program services.

The parties therefore agree as follows:

1. Add the attached Scope and Compensation to the Agreement. Add the attached Attachment 1 Vacation Rental Review Program Services to the Agreement.

2. Other terms. All other terms and conditions of the Agreement remained unchanged.

The parties are signing this Amendment on the date stated in the introductory clause.

Consultant
MuniServices, LLC

By: _____
Doug Jensen
SVP Client Services

City of Sonoma,
a Municipal Corporation

By: _____
(signature)

By: _____
(print name/title)

ATTEST:

By: _____

Attachment 1
Vacation Rental Review Program

Objective

MuniServices Vacation Rental Discovery and Review Program increases compliance thereby increasing the City's tax revenue from hotels, motels and vacation rental properties. We have designed each component to build value, increase revenue, provide due diligence and strengthen the working relationship between the City and the larger population of potential lodging providers.

Scope of Work

MuniServices Vacation Rental Review Program maximizes the Client's tax revenue from hotels, motels and vacation rental properties. We have designed each component to build value, increase revenue, provide due diligence and strengthen the working relationship between the City and the businesses.

In order to achieve the desired objectives of increasing compliance and revenue, MuniServices shall:

Phase 1: Identify vacation rentals within the City limits.
There is a wide variety of reasons for why an owner may not be in compliance. This phase is designed to establish a comprehensive list of vacation rentals currently out of compliance. Here are main components of our search.

- **Identify data sources:** We use a number of for-fee and public-domain data sources to establish the true geographical area of the City, identify the business community participants and to gather important demographic information for those participants. Over the last 30 years we have isolated the most reliable, accurate and useful datasets to improve the accuracy of our lists and to reduce the costs of projects. We are able to pass those cost savings on to our clients.

- **Integrate data with records in our data warehouse:** As a natural evolution of gathering data for audits over the past 30 years, we have developed an enormous data warehouse containing over 19 terabytes of data. We integrate the data for this project into the warehouse, combining it with other records to complete the picture of each entity.

- **Data analysis:** After we have scrubbed and standardized the new data we run the data through proprietary systems designed to identify potentially non-compliant entities and cross check the data against your existing list of compliant entities. We continually analyze the output from our proprietary systems to ensure the identified entities match the target objectives.

- **Human factor:** Once our system completes its analysis we refine the list further through human analysis. Analysts comb through the output listing and conduct additional research to confirm, exclude or add additional entities to the final list.

The process results in a list of entities most likely out of compliance. We expect the Phase 1 part of the program to take up to 90 days due to the labor intensity of this type of work.

Phase 2: Vacation rental owner's compliance.
This phase of the project is the effort to bring non-compliant entities into compliance. We stress the importance of approaching each interaction with the mindset of entities is most frequently out of compliance by mistake not by intention. Having that mindset improves the efficiency of each contact and improves customer satisfaction because the entities experience our staff in a positive way rather than a confrontational way.

- **Contact entities:** We shall contact non-compliant entities directly by phone and through the mail to help them comply. We have found a three-stage letter campaign is often effective accompanied by outreach by phone and email. Each letter communicates the need for compliance and methods the entity may follow to comply. The City shall approve the letters for use in the campaign prior to launching the campaign.

- **Register entities:** We assist each confirmed unregistered or non-reporting entity, as necessary, to complete the City's applicable registration form(s) and determine the amount of tax due for current and prior periods (plus applicable interest and penalties, where appropriate.)

- **Invoicing:** We invoice each entity for the amount of identified deficiencies on behalf of the City. We include supporting documentation with the invoice. Entities shall remit their payments to MuniServices. We shall process and remit the payments net of our fee to the City.

- **Customer Support:** We establish a call center open during normal business hours to assist entities regarding questions concerning application of City's taxes and the entity's reporting and remittance requirements.

- **Educate entities:** The final step is to help educate the vacation rental owners' community about the rules, regulations and reporting requirements of having vocation rentals in the City to help prevent recurring deficiencies in future years.

Compensation

MuniServices' compensation for providing the service shall be a contingency fee of 45% of the additional revenue received by the City from the services. The 45% shall apply to the current tax year, all eligible prior period revenues, and any applicable penalties, interest, and late charges. The contingency fee only applies to revenue actually received by the City. The term "current tax year" shall mean the most recent tax year for which local taxes are due and payable to the City, and in which MuniServices has identified deficiencies.

Taxpayers' payments and MuniServices' Invoice Process of the Program
The following section describes how MuniServices handles the taxpayers' payments and invoices the City for its fees related to compliance activities:

- Taxpayers' payments received by MuniServices shall be deposited into a general escrow account maintained by MuniServices. The taxpayers' payments deposited into the escrow account shall be remitted to the Client on a monthly basis net of MuniServices fees.

- MuniServices shall send to the City a remittance package no less frequently than once per month that may contain MuniServices' generated report identifying each taxpayer payment received and the amount of MuniServices fees attributed to the taxpayer payment, a check made payable to the City for the amount of fees collected less MuniServices' fees, and an invoice showing our contingency fee.

- Should there be any disputed payments MuniServices shall work with City to mutually resolve these issues. If the resolution results in City's favor, then MuniServices shall refund the applicable portion of the fee to the City within 10 days of resolution.

City of Sonoma Municipal Code Sections 12.12.110 through 12.12.130

12.12.110 Sidewalk repair.

It is unlawful for any person, firm or corporation owning any building, lot or premises in the city, fronting on any portion of an improved street or way where a sidewalk is laid to allow any portion of such sidewalk in front of such building, lot, or premises to be out of repair, or to become, be or remain defective, or to become, be or remain dangerous to the users thereof for any reason. Such person, firm or corporation must at all times keep each such sidewalk in such condition that it will not endanger persons or property passing thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic. (Ord. 251 § 5, 1955).

12.12.120 Driveway repair.

It is unlawful for any person, firm or corporation owning property within the city into which is constructed a driveway to fail to keep such driveway or driveway approach in a good state of repair at all times. (Ord. 251 § 6, 1955).

12.12.130 Maintenance of sidewalks, driveways and driveway approaches.

The provisions of Sections 5600 through 5630 and Sections 5870 through 5894, inclusive, of the Streets and Highway Code of the state of California, as they now exist or may hereafter be amended, are adopted as the procedure governing the maintenance and repair of sidewalks, driveways, and driveway approaches in the city. For the purposes of this chapter, "sidewalk" as defined in Section 5600 of the code shall also include a "driveway" and a "driveway approach."

The existence of dirt sidewalks and curbs or gutters or the lack of adequate sidewalks, curbs and gutters adjacent to dwellings and other buildings within the city is, because of the lack of adequate drainage, the lack of an exact demarcation of the division between streets and sidewalks and the lack of protection of the margin of paved streets, declared to be dangerous to the public health and safety of the inhabitants of the city and injurious to the paved streets. (Ord. 251 § 7, 1955).

SUPPLEMENTAL REPORT

Proposed Sidewalk Trip-Hazard Repair Policy

For the Council Meeting of October 21, 2013

BACKGROUND:

The California Street and Highways Code, under Section 5600-5618 (Attachment A), and the City Municipal Code Sections 12.12.110 through 12.12.130 (Attachment B) place responsibility on the abutting property owner for maintaining in safe condition the sidewalk fronting or adjacent to their property. Historically, the City of Sonoma has enforced the sidewalk repair ordinance by complaint only. The City has not actively inspected sidewalks for trip hazards.

Sidewalk trip hazards may vary from small cracks to abrupt edges. Repair costs vary considerably from one type of trip hazard to another. Once a complaint is received by the City, a code enforcement letter is sent to the abutting property owner, directing a timely repair in accordance with State and City codes. The enforcement action is typically not well received.

The City has been drawn into litigation on several trip-and-fall injury cases due to sidewalk trip hazards. Staff has relied upon City Municipal Code Sections 12.12.110 through 12.12.130, which places the liability for injuries related to sidewalk maintenance upon the abutting property owner. Regardless of whether the City has any shared liability in such injury cases, a considerable amount of legal fees and staff time are consumed in defending the claims and litigation.

DISCUSSION:

To take on a sidewalk inspection program will expose the City to “constructive notice” on sidewalk trip hazards. If the entire City were inspected at one time, hundreds of code enforcement letters would need to be sent to abutting property owners, requiring them to make timely repairs to their sidewalks. If the property owners do not make such repairs, then California Streets and Highway Code Section 5614 directs the Public Works Department to make such repairs and place a lien on the property for the cost of the repair.

To avoid the comprehensive sidewalk inspection scenario described above, staff proposes a phased inspection and repair program, with a cost share component. Such a phased program is conceptually planned over a period of 11 years, but could take longer depending upon the extent of trip hazards discovered and the degree to which abutting property owners choose to participate in the cost share component. A map of the inspection and repair sectors is shown on Attachment C. Conceptually, one sector would be inspected each of the next 11 fiscal years.

Sectors were selected and prioritized on the basis of several factors, including:

- Proximity to downtown
- More heavily used walking routes
- Proximity to elderly pedestrians and school access routes
- Age of sidewalk infrastructure

The inspection and repair program would follow the following general steps within each sector:

a. Sidewalks within a sector will be inspected by a qualified inspection contractor. During that inspection, small trip hazards, less than 1.75-inches in maximum height, will be repaired at City cost.

b. The inspection contractor will provide a detailed written itemization of trip hazards greater than 1.75-inches in maximum height and other un-repairable trip hazards within that sector, but will not make those repairs. Trip hazards of this larger size typically require the sidewalk to be removed and replaced.

c. The City Public Works Department will issue written notice to those abutting property owners for the larger trip hazards, and offer a 50/50 cost-share (up to a cost limit) to complete the trip hazard repair.

d. Abutting property owners who have been noticed for such larger trip hazards, will have the option of, (1) Performing the sidewalk repair themselves and not participating in the 50/50 cost-share, (2) Selecting their own contractor to perform the repair and submitting the invoice for a 50/50 cost-share reimbursement, or (3) Partnering with a larger aggregated City sidewalk repair contract and receiving a 50/50 cost-share for their specific sidewalk improvement cost. Note: The City repair contract would need to be performed under prevailing wages, and would likely nullify any economy-of-scale savings for the property owner. In all cases a City encroachment permit will be required, to ensure safe and City standard compliant construction practices are followed.

e. If the noticed abutting property owner does not choose to repair the trip hazard, then the City Public Works Department is obliged by the Streets and Highway Code to make the repair and charge all costs as a tax lien on the property.

Public Works staff desires to attain quality inspection and repair for the smaller trip hazards under 1.75-inches in height. After thorough research, staff has determined that a “saw cut” trip hazard repair method is preferable to a “grinding” method. Concrete grinding contractors have a wide variance in quality of performance. It would be very difficult for staff to specify and monitor the quality of trip hazard grinding. Furthermore, concrete grinding leaves a less aesthetic repair,

A contracting company, Precision Concrete Cutting (PCC), performs this saw cut repair method for over 30 Bay Area cities, including Santa Rosa, Rohnert Park, and American Canyon. Under the Uniform Construction Cost Accounting Procedures, and because of PCC's patented methods, the City can legally sole source their services up to $35,000 annually. Staff has determined that the cost per linear foot of trip hazard repair for PCC saw cutting ($30 per inch-foot) is approximately the same or possibly lower than the less-aesthetic grinding repair method cost. An "inch-foot" is equivalent to repairing a 1-inch high and 1-foot long trip hazard, or for example, a 0.5-inch high and 2-foot long trip hazard. Therefore, Staff proposes using PCC to perform the inspection and repair of smaller trip hazards.

While some municipalities will allow asphalt or grout repairs to trip hazards, staff recommends against this practice. First, most larger trip hazards need to be feathered to nearly a "zero taper". This is difficult with asphalt and cannot be expected to last for many years. Also, thin asphalt is prone to breakage and spalling, and is quite non-aesthetic in appearance. Additionally, the better quality of asphalt is "hot mix", which must be obtained from either Napa or Santa Rosa. It is not typically sold in small batches, and is not often "hot" after being transported for such a distance in a small batch.

Funding for 50/50 cost shares will be disbursed on a first-come, first-served basis. A proposed upper limit cost share of approximately $1,000 per property is proposed to ensure that there is adequate funding for the major trip hazard repairs in each phase. Until the trip hazard inspection for a particular year's sector is complete, it will be difficult to know whether funding will be available for all. However, requested cost-share reimbursements are proposed to be provided on the next available budget appropriation for this purpose.

While staff desires that all property owners will choose the 50/50 cost-share for larger trip hazards, it is likely that some will not come into compliance. For those trip hazard repairs on "non-compliant" properties, staff proposes to issue one aggregated contract to make such repairs, itemizing the costs for each repair. The City may not have adequate budget to fulfill their obligation to make repairs and then lien the noticed property. Therefore, some lower priority trip hazard repairs may need to wait until the following fiscal year, when new funding can be budgeted.

Staff proposes to issue a $25,000 contract to PCC to perform inspection and saw cutting repair of trip hazards in the first sector during the current fiscal year. The remainder of available budget will be used to fund 50/50 cost-shares with property owners for larger trip hazards, fund City-owned sidewalk repairs, and fund the cost to effect repairs of large trip hazards at non-compliant properties.

Some have asked whether their property could qualify for the cost-share program, even if their property is not in the current year's sector/phase. This may create a problematic scenario. One the City is notified of a trip hazard, per the Streets and Highway Code Section 5611-5614, it must issue the property owner a notice to correct the hazard

within two weeks. Essentially, by requesting an out-of-sequence cost share, the property owner will have placed themselves “on report”. At that point, the City is not in a position to assure the property owner that funding will be available to cost share the repair.

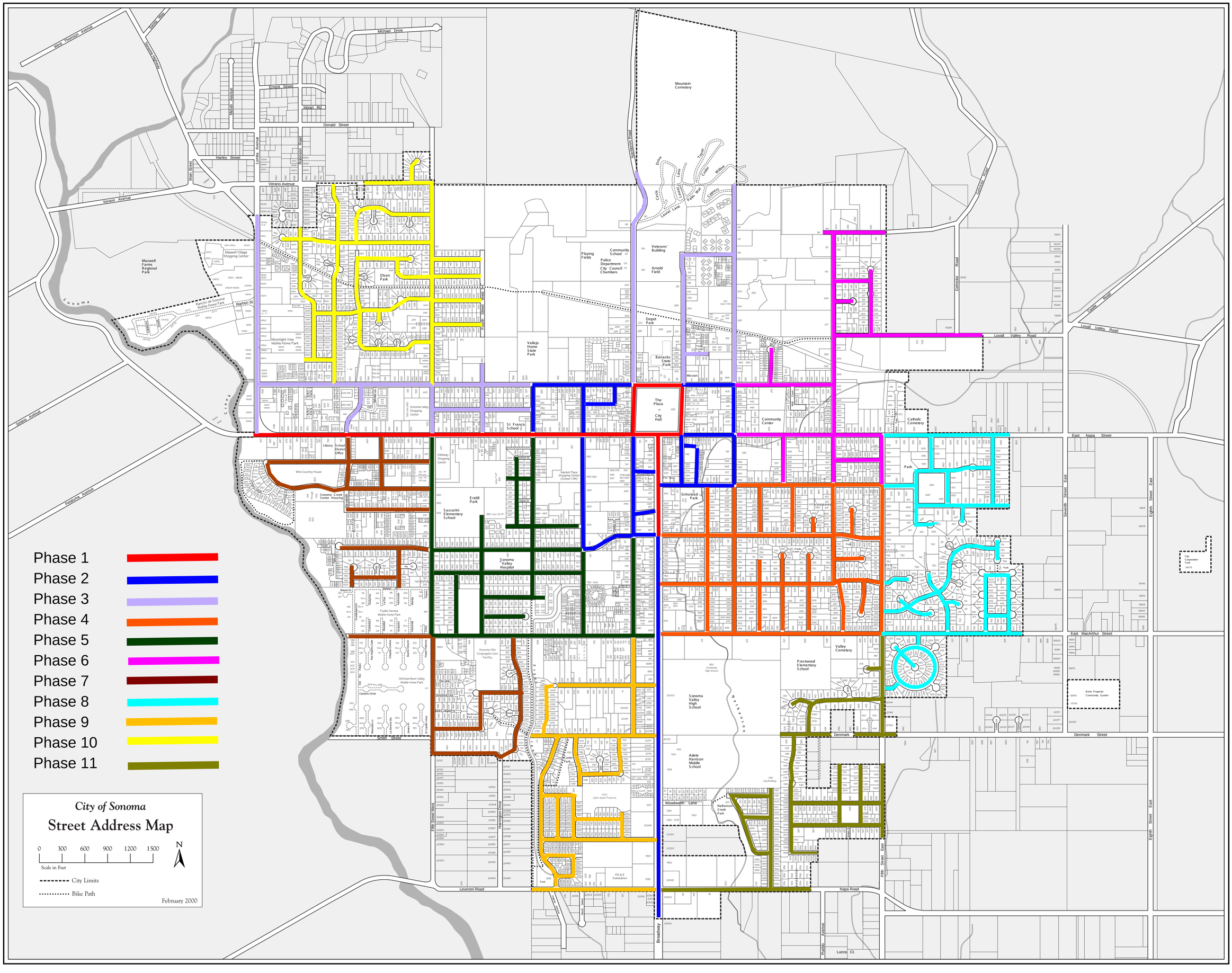
FISCAL IMPACT:

The sidewalk trip hazard inspection and repair program is budgeted for $50,000 in FY13/14. Staff expects that over time this cost will offset the anticipated litigation costs from trip-and-fall claims.

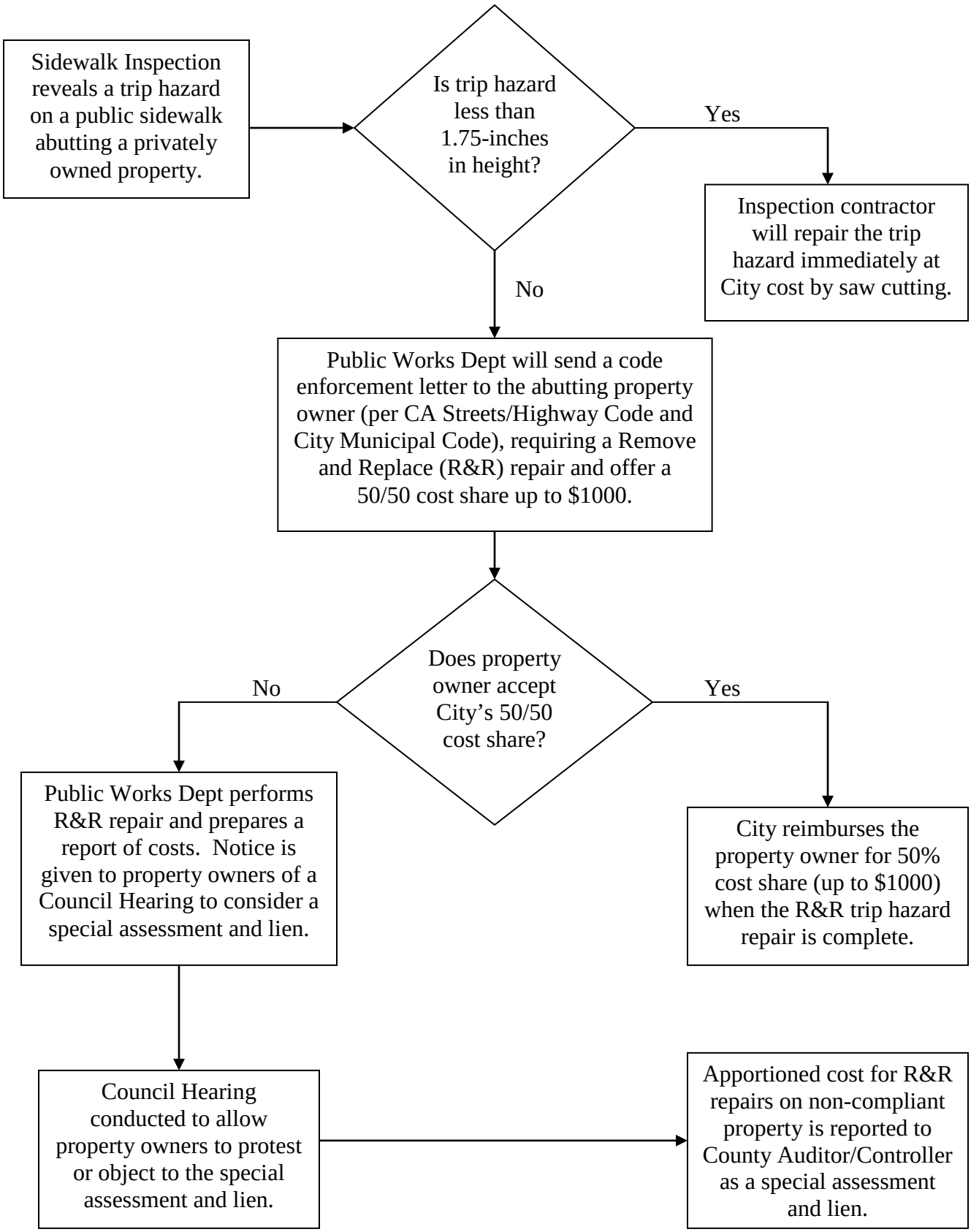
The staff administration of the inspection and repair contract, the code enforcement, the cost-share program, and administering tax liens on non-compliant properties, is expected to impose a substantial staff time burden on City departments.

ATTACHMENTS:

A. Copy of California Street and Highways Code Section 5600-5618
B. Copy of City of Sonoma Municipal Code Section 12.12.110 to 12.12.130
C. Map of Phased Sidewalk Trip Hazard Inspection and Repair Program
D. Decision Tree Diagram of Sidewalk Repair Program


Phase 1
Phase 2
Phase 3
Phase 4
Phase 5
Phase 6
Phase 7
Phase 8
Phase 9
Phase 10
Phase 11
City of Sonoma
Street Address Map
0 300 600 900 1200 1500
Scale in Feet
N
City Limits
Bike Path
February 2000
West Thornton Avenue
Napa Road
Sonoma Highway
Michael Drive
Ernest Street
Bryan Rd
Donald Street
Harley Street
Main Street
Lomita Avenue
Robinson Road
Verano Avenue
Maxwell Farms Regional Park
Maxwell Village Shopping Center
Rancho de Sonoma Mobile Home Park
Raymen St
Moonlight View Mobile Home Park
Olsen Park
Sonoma Creek
Spain Street
Napa Road
Library
School District Office
Wine Country House
Sonoma Creek Senior Housing
Seventh
Sonoma Valley Shopping Center
Safeway Shopping Center
Eraldi Park
Sassarini Elementary School
Sonoma Valley Hospital
St Francis School
Market Place Shopping Center (Suites 1-34)
Pueblo Serena Mobile Home Park
Sonoma Hills Congregate Care Facility
DeAnza Moon Valley Mobile Home Park
Casitas Circle
Fifth Street West
Fremont Drive
Leveroni Road
Smith Street
Mountain Cemetery
Nutcrum Road
Playing Fields
Community School
Police Department
City Council Chambers
Veterans' Building
Arnold Field
Depot Park
Vallejo Home State Park
Barracks State Park
Mission
The Plaza
City Hall
Community Center
Grinstead Park
Fire Dept
Catholic Cemetery
Cathcart Road
Castle Road
Loyall Valley Road
East Napa Street
East MacArthur Street
Denmark Street
Eighth Street East
City Corporation Yard
Band Property/ Community Garden
Valley Cemetery
Prestwood Elementary School
Sonoma Valley High School
Adele Harrison Middle School
Nathanson Creek Park
Woodworth Lane
Nathanson
Fifth Street East
Broadway
Pueblo Avenue
Lucca Ct.
PG & E Substation

Decision Tree for Sidewalk Trip Hazard Repair



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 8G

Meeting Date: 10/21/2013

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

Agenda Item Title

Discussion, consideration and possible action on the introduction of an ordinance amending Chapter 12.12 of the Sonoma Municipal Code pertaining to sidewalk maintenance and dangerous conditions

Summary

The Sonoma Municipal Code Section 12.12 is silent as to the maintenance responsibility of sidewalk damage caused by street trees located in the park or parking strip. However, the California Streets and Highway Code Section 5600-5610 has long since provided such clarity, placing that responsibility on the abutting property owner. This amendment of the Municipal Code seeks to provide consistency and alignment between the City's Code and the State Streets and Highway Code. As the City may soon embark on a sidewalk repair program, this alignment between City and State Codes may help avert some confusion.

Further, the Municipal Code Section 12.12 contains a paragraph which defines dirt sidewalks, curbs and gutters, or the lack thereof, as a "dangerous" condition. This paragraph could inadvertently place liability on property owners and the City. The Municipal Code should not imply that the lack of a sidewalk or a dirt sidewalk is, in and of itself, dangerous. Whether or not the condition is dangerous depends upon the actual circumstances and needs to be evaluated on a case by case basis.

Recommended Council Action

Introduce the draft ordinance amending Chapter 12.12 of the Sonoma Municipal Code.

Alternative Actions

1. Introduce the draft ordinance with any revisions deemed necessary by the City Council.
2. Decline to introduce the ordinance.
3. Provide direction to staff, requesting any additional information that the Council may require.

Financial Impact

None.

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

Attachments:

Draft Ordinance Amendment
California Streets and Highway Code Sections 5600 - 5618

Alignment with Council Goals:

Supports the Council Policy and Leadership Goal of updating policies on Sidewalk Repair.

City of Sonoma

Vacation Rental Review Program

October 1, 2013

Jerry Peeler, Client Services Manager
MuniServices, LLC
559.287.7773
Jerry.Peeler@muniservices.com

October 1, 2013

City of Sonoma
Attn: Carol Giovanatto, City Manager
1 The Plaza
Sonoma CA 95476

RE: Vacation Rental Review Program

Dear Ms. Giovanatto:

Sonoma, California is known as a vacation destination. The natural beauty of the area draws vacationers and vacation rental owners from around the state, nation and world. The unique destination coupled with the rising popularity of using Vacation Rentals as opposed to traditional lodging, the need to understand, monitor, and enforce an equitable Transient Occupancy Tax ordinance requires focused compliance. Most cities just do not have the resources to do such, and it is common to hire MuniServices to conduct this type of project. As we have found with transient occupancy tax in other communities, vacation rental owners do not understand or do not always comply with their responsibilities to collect and remit taxes from the revenues they earn from their rental properties. You will find our services help identify, educate and bring vacation rental owners into compliance with local requirements.

Our approach strives to not only increase revenue to the City, but also to build relationships between the City and the vacation rental community.

- Phase 1: Identify and create a listing of vacation rentals within the City limits.
- Phase 2: Help vacation rental owners come into compliance.

By combining our expertise in transient occupancy tax audit services with our experience in conducting business discovery, compliance and audit services, we will cover all aspects of the project while maintaining a positive, professional relationship with the vacation rental owners' community. They form a key stakeholders group in your community. Our refined approach helps maintain and build a positive relationship between them and the City.

The proposal contains the scope of service, timeline and pricing. We look forward to the project. Please do not hesitate to contact us with questions.

Sincerely,

Doug Jensen
Senior Vice President Client Services
MuniServices, LLC
Phone: 1 (800) 800-8181 ext 5012

Objective

MuniServices Vacation Rental Discovery and Review Program increases compliance thereby increasing the City's tax revenue from hotels, motels and vacation rental properties. We have designed each component to build value, increase revenue, provide due diligence and strengthen the working relationship between the City and the larger population of potential lodging providers.

Scope of Work

MuniServices Vacation Rental Review Program maximizes the Client's tax revenue from hotels, motels and vacation rental properties. We have designed each component to build value, increase revenue, provide due diligence and strengthen the working relationship between the City and the businesses.

In order to achieve the desired objectives of increasing compliance and revenue, MuniServices will:

Phase 1: Identify vacation rentals within the City limits.

There is a wide variety of reasons for why an owner may not be in compliance. This phase is designed to establish a comprehensive list of vacation rentals currently out of compliance. Here are main components of our search.

- **Identify data sources:** We use a number of for-fee and public-domain data sources to establish the true geographical area of the City, identify the business community participants and to gather important demographic information for those participants. Over the last 30 years we have isolated the most reliable, accurate and useful datasets to improve the accuracy of our lists and to reduce the costs of projects. We are able to pass those cost savings on to our clients.

- **Integrate data with records in our data warehouse:** As a natural evolution of gathering data for audits over the past 30 years, we have developed an enormous data warehouse containing over 19 terabytes of data. We integrate the data for this project into the warehouse, combining it with other records to complete the picture of each entity.

- **Data analysis:** After we have scrubbed and standardized the new data we run the data through proprietary systems designed to identify potentially non-compliant entities and cross check the data against your existing list of compliant entities. We continually analyze the output from our proprietary systems to ensure the identified entities match the target objectives.

- **Human factor:** Once our system completes its analysis we refine the list further through human analysis. Analysts comb through the output listing and conduct additional research to confirm, exclude or add additional entities to the final list.

The process results in a list of entities most likely out of compliance. We expect the Phase 1 part of the program to take up to 90 days due to the labor intensity of this type of work.

Phase 2: Vacation rental owner's compliance.
This phase of the project is the effort to bring non-compliant entities into compliance. We stress the importance of approaching each interaction with the mindset of entities is most frequently out of compliance by mistake not by intention. Having that mindset improves the efficiency of each contact and improves customer satisfaction because the entities experience our staff in a positive way rather than a confrontational way.

- **Contact entities:** We will contact non-compliant entities directly by phone and through the mail to help them comply. We have found a three-stage letter campaign is often effective accompanied by outreach by phone and email. Each letter communicates the need for compliance and methods the entity may follow to comply. The City will approve the letters for use in the campaign prior to launching the campaign.

- **Register entities:** We assist each confirmed unregistered or non-reporting entity, as necessary, to complete the City's applicable registration form(s) and determine the amount of tax due for current and prior periods (plus applicable interest and penalties, where appropriate.)

- **Invoicing:** We invoice each entity for the amount of identified deficiencies on behalf of the City. We include supporting documentation with the invoice. Entities will remit their payments to MuniServices. We will process and remit the payments net of our fee to the City.

- **Customer Support:** We establish a call center open during normal business hours to assist entities regarding questions concerning application of City's taxes and the entity's reporting and remittance requirements.

- **Educate entities:** The final step is to help educate the vacation rental owners' community about the rules, regulations and reporting requirements of having vocation rentals in the City to help prevent recurring deficiencies in future years.

Compensation

MuniServices' compensation for providing the service will be a contingency fee of 45% of the additional revenue received by the City from the services. The 45% will apply to the current tax year, all eligible prior period revenues, and any applicable penalties, interest, and late charges. The contingency fee only applies to revenue actually received by the City. The term "current tax year" will mean the most recent tax year for which local taxes are due and payable to the City, and in which MuniServices has identified deficiencies.

Taxpayers' payments and MuniServices' Invoice Process of the Program
The following section describes how MuniServices handles the taxpayers' payments and invoices the City for its fees related to compliance activities:

- Taxpayers' payments received by MuniServices will be deposited into a general escrow account maintained by MuniServices. The taxpayers' payments deposited into the escrow account will be remitted to the Client on a monthly basis net of MuniServices fees.

- MuniServices will send to the City a remittance package no less frequently than once per month that may contain MuniServices' generated report identifying each taxpayer payment received and the amount of MuniServices fees attributed to the taxpayer payment, a check made payable to the City for the amount of fees collected less MuniServices' fees, and an invoice showing our contingency fee.

- Should there be any disputed payments MuniServices will work with City to mutually resolve these issues. If the resolution results in City's favor, then MuniServices will refund the applicable portion of the fee to the City within 10 days of resolution.

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **8F**

Meeting Date: **10/21/2013**

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

Agenda Item Title

Discussion, Consideration and Possible Action on a Sidewalk Trip-Hazard Repair Policy

Summary

The California Street and Highways Code, under Section 5600-5618, and the City Municipal Code Sections 12.12.110 through 12.12.130 place responsibility on the abutting property owner for maintaining in safe condition the sidewalk fronting or adjacent to their property. Historically, the City of Sonoma has enforced the sidewalk repair ordinance by complaint only. The City has not actively inspected sidewalks for trip hazards. Sidewalk trip hazards may vary from small cracks to abrupt edges. Repair costs vary considerably from one type of trip hazard to another. Once a complaint is received by the City, a code enforcement letter is sent to the abutting property owner, directing a timely repair in accordance with State and City codes. The enforcement action is typically not well received and enforcement may require significant staff time and attention.

Staff proposes to issue a $25,000 contract to perform inspection and saw cutting repair of trip hazards in the first of 11 City sectors. The remaining $25,000 of available budget will be used to fund 50/50 cost-shares with property owners for larger trip hazards, fund City-owned sidewalk repairs, and fund the cost to effect repairs of large trip hazards at non-compliant properties

The proposed trip hazard repair policy is presented for approval by Council Resolution. Funding would be on a one-time, non-recurring basis through each of the 11 sectors. This policy should not be taken as the City's acceptance of sidewalk maintenance responsibility.

Recommended Council Action

Approve Resolution adopting the Sidewalk Trip-Hazard Repair Policy

Alternative Actions

City Council discretion.

Financial Impact

An annual cost of approximately $50,000 is needed to perform inspection, saw cutting, and cost sharing of sidewalk trip hazard repairs. Funds are currently budgeted in the Fiscal Year 2013/2014 budget. Significant staff time will be needed to administer the program, particularly if special assessment and liens are needed for enforcement of larger trip hazards.

Alignment with Council Goals:

Supports the Council Policy and Leadership Goal of updating policies on Sidewalk Repair.

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

Attachments:

Resolution
Supplemental Report

STREETS AND HIGHWAYS CODE
SECTION 5600-5618

5600. As used in this chapter "sidewalk" includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

5601. This chapter shall only apply to maintenance and repair proceedings, whether upon work originally done under this division or otherwise, and shall not be used for the construction of new improvements. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter.

5602. This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

5610. The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not

commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

CITY OF SONOMA

ORDINANCE NO. XX - 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING CHAPTER 12.12 OF THE SONOMA MUNICIPAL CODE PERTAINING TO SIDEWALK MAINTENANCE AND DANGEROUS CONDITIONS

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

Section 1.

Section 12.12.110 of the Sonoma Municipal Code is amended to read as follows:

12.12.110 Sidewalk repair.

It is unlawful for any person, firm or corporation owning any building, lot or premises in the city, fronting on any portion of an improved street or way where a sidewalk is laid to allow any portion of such sidewalk in front of such building, lot, or premises to be out of repair, or to become, be or remain defective, or to become, be or remain dangerous to the users thereof for any reason. Such person, firm or corporation must at all times keep each such sidewalk in such condition that it will not endanger persons or property passing thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic. Such property owner shall be responsible for all maintenance and repairs, including that required to repair damage caused by tree roots, needed to keep the sidewalk improvements in a safe condition. Such property owner shall have a duty to members of the public to keep sidewalk improvements in a reasonably safe condition and shall be liable for negligence to any person suffering damage due, in whole or in part, to the owner's failure to perform this duty.

Section 2.

Section 12.12.130 of the Sonoma Municipal Code is amended to read as follows:

12.12.130 Procedures governing, maintenance, and repair of sidewalks, driveways and driveway approaches.

The provisions of Sections 5600 through 5630 and Sections 5870 through 5894, inclusive, of the Streets and Highways Code of the State of California, as they now exist or may hereafter be amended, are adopted as the procedure governing the maintenance and repair of sidewalks, driveways, and driveway approaches in the city. For the purposes of this chapter, "sidewalk" shall have the same meaning as defined in Section 5600 of the California Streets and Highways Code, and shall also include a "driveway" and a "driveway approach."

Section 3. Exemption from Environmental Review. The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of Title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that clarifying sidewalk maintenance responsibility may have a significant effect on the environment.

Section 4. Effective date. This ordinance shall become effective 30 days after the date of adoption.

Section 5. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

> publishing the entire ordinance once in the Sonoma Index Tribute, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption, or
> publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

****

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Sonoma on the ____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ken Brown, Mayor

Attest:

_____
Gay Johann, City Clerk

CITY OF SONOMA

ORDINANCE NO. XX - 2013

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Section 12.12.130 of the Sonoma Municipal Code is amended to read as follows:

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The provisions of Sections 5600 through 5630 and Sections 5870 through 5894, inclusive, of the Streets and Highways Code of the State of California, as they now exist or may hereafter be amended, are adopted as the procedure governing the maintenance and repair of sidewalks, driveways, and driveway approaches in the city. For the purposes of this chapter, "sidewalk" shall have the same meaning as defined in Section 5600 of the California Streets and Highways Code, and shall also include a "driveway" and a "driveway approach."

Deleted: M

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Section 3. Exemption from Environmental Review. The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of Title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that clarifying sidewalk maintenance responsibility may have a significant effect on the environment.

Deleted: The existence of dirt sidewalks and curbs or gutters or the lack of adequate sidewalks, curbs and gutters adjacent to dwellings and other buildings within the city is, because of the lack of adequate drainage, the lack of an exact demarcation of the division between streets and sidewalks and the lack of protection of the margin of paved streets, declared to be dangerous to the public health and safety of the inhabitants of the city and injurious to the paved streets. ¶

Section 4. Effective date. This ordinance shall become effective 30 days after the date of adoption.

Section 5. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

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****

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Sonoma on the ____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ken Brown, Mayor

Attest:

_____
Gay Johann, City Clerk

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 8G

Meeting Date: 10/21/2013

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

Agenda Item Title

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Summary

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Further, the Municipal Code Section 12.12 contains a paragraph which defines dirt sidewalks, curbs and gutters, or the lack thereof, as a "dangerous" condition. This paragraph could inadvertently place liability on property owners and the City. The Municipal Code should not imply that the lack of a sidewalk or a dirt sidewalk is, in and of itself, dangerous. Whether or not the condition is dangerous depends upon the actual circumstances and needs to be evaluated on a case by case basis.

Recommended Council Action

Introduce the draft ordinance amending Chapter 12.12 of the Sonoma Municipal Code.

Alternative Actions

1. Introduce the draft ordinance with any revisions deemed necessary by the City Council.
2. Decline to introduce the ordinance.
3. Provide direction to staff, requesting any additional information that the Council may require.

Financial Impact

None.

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

Attachments:

Draft Ordinance Amendment
California Streets and Highway Code Sections 5600 - 5618

Alignment with Council Goals:

Supports the Council Policy and Leadership Goal of updating policies on Sidewalk Repair.

CITY OF SONOMA

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Section 2.

Section 12.12.130 of the Sonoma Municipal Code is amended to read as follows:

12.12.130 Procedures governing, maintenance, and repair of sidewalks, driveways and driveway approaches.

The provisions of Sections 5600 through 5630 and Sections 5870 through 5894, inclusive, of the Streets and Highways Code of the State of California, as they now exist or may hereafter be amended, are adopted as the procedure governing the maintenance and repair of sidewalks, driveways, and driveway approaches in the city. For the purposes of this chapter, "sidewalk" shall have the same meaning as defined in Section 5600 of the California Streets and Highways Code, and shall also include a "driveway" and a "driveway approach."

Section 3. Exemption from Environmental Review. The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of Title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that clarifying sidewalk maintenance responsibility may have a significant effect on the environment.

Section 4. Effective date. This ordinance shall become effective 30 days after the date of adoption.

Section 5. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

> publishing the entire ordinance once in the Sonoma Index Tribute, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption, or
> publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

****

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Sonoma on the ____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ken Brown, Mayor

Attest:

_____
Gay Johann, City Clerk

CITY OF SONOMA

ORDINANCE NO. XX - 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING CHAPTER 12.12 OF THE SONOMA MUNICIPAL CODE PERTAINING TO SIDEWALK MAINTENANCE AND DANGEROUS CONDITIONS

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

Section 1.

Section 12.12.110 of the Sonoma Municipal Code is amended to read as follows:

12.12.110 Sidewalk repair.

It is unlawful for any person, firm or corporation owning any building, lot or premises in the city, fronting on any portion of an improved street or way where a sidewalk is laid to allow any portion of such sidewalk in front of such building, lot, or premises to be out of repair, or to become, be or remain defective, or to become, be or remain dangerous to the users thereof for any reason. Such person, firm or corporation must at all times keep each such sidewalk in such condition that it will not endanger persons or property passing thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic. Such property owner shall be responsible for all maintenance and repairs, including that required to repair damage caused by tree roots, needed to keep the sidewalk improvements in a safe condition. Such property owner shall have a duty to members of the public to keep sidewalk improvements in a reasonably safe condition and shall be liable for negligence to any person suffering damage due, in whole or in part, to the owner's failure to perform this duty.

Section 2.

Section 12.12.130 of the Sonoma Municipal Code is amended to read as follows:

12.12.130 Procedures governing, maintenance, and repair of sidewalks, driveways and driveway approaches.

The provisions of Sections 5600 through 5630 and Sections 5870 through 5894, inclusive, of the Streets and Highways Code of the State of California, as they now exist or may hereafter be amended, are adopted as the procedure governing the maintenance and repair of sidewalks, driveways, and driveway approaches in the city. For the purposes of this chapter, "sidewalk" shall have the same meaning as defined in Section 5600 of the California Streets and Highways Code, and shall also include a "driveway" and a "driveway approach."

Deleted: M

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Section 3. Exemption from Environmental Review. The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of Title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that clarifying sidewalk maintenance responsibility may have a significant effect on the environment.

Deleted: The existence of dirt sidewalks and curbs or gutters or the lack of adequate sidewalks, curbs and gutters adjacent to dwellings and other buildings within the city is, because of the lack of adequate drainage, the lack of an exact demarcation of the division between streets and sidewalks and the lack of protection of the margin of paved streets, declared to be dangerous to the public health and safety of the inhabitants of the city and injurious to the paved streets. ¶

Section 4. Effective date. This ordinance shall become effective 30 days after the date of adoption.

Section 5. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in the Sonoma Index Tribute, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption, or
publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

****

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Sonoma on the ____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ken Brown, Mayor

Attest:

_____
Gay Johann, City Clerk

STREETS AND HIGHWAYS CODE
SECTION 5600-5618

5600. As used in this chapter "sidewalk" includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

5601. This chapter shall only apply to maintenance and repair proceedings, whether upon work originally done under this division or otherwise, and shall not be used for the construction of new improvements. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter.

5602. This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

5610. The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not

commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

CITY OF SONOMA
City Council
Agenda Item Summary

Agenda Item:	**10A**
Meeting Date:	10-21-13

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

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 BROWN	MPT. ROUSE	CLM. BARBOSE	CLM. COOK	CLM. GALLIAN
AB939 Local Task Force	ABAG Alternate	Cittaslow Sonoma Valley Advisory Council, Alt.	Cemetery Subcommittee	ABAG Delegate
Oversight Board to the Dissolved CDA	City Audit Committee	North Bay Watershed Association	City Facilities Committee	Cemetery Subcommittee
Sonoma Community Center Subcommittee	City Facilities Committee	Sonoma Community Center Subcommittee	LOCC North Bay Division Liaison	Cittaslow Sonoma Valley Advisory Council
Sonoma County Health Action	Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County Transportation Authority & Regional Climate Protection Authority, Alternate	Oversight Board to the Dissolved CDA, Alt.	City Audit Committee
Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County M & C Assoc. Legislative Committee, Alt.	Sonoma County Waste Management Agency	Sonoma County M & C Assoc. Legislative Committee	LOCC North Bay Division Liaison, Alternate
Sonoma Disaster Council	Sonoma Disaster Council, Alternate	~~Sonoma County/City Solid Waste Advisory Group (SWAG)~~	S. V. Library Advisory Committee	Sonoma County Transportation Authority & Regional Climate Protection Authority
Sonoma Housing Corporation	Sonoma Housing Corporation	VOM Water District Ad Hoc Committee, Alternate		~~Sonoma County/City Solid Waste Advisory Group (SWAG), Alt.~~
S. V. Citizens Advisory Commission	Sonoma Valley Citizens Advisory Comm. Alt.	Water Advisory Committee, Alternate		LOCC North Bay Division, LOCC E-Board, Alternate (M & C Appointment)
S.V.C. Sanitation District BOD	S.V.C. Sanitation District BOD, Alt.	Sonoma Clean Power (7/15/13)		Sonoma County Ag Preservation and Open Space Advisory Committee (M & C Appointment)
S.V. Economic Development Steering Committee	S.V. Economic Development Steering Committee, Alt.			VOM Water District Ad Hoc Committee
S.V. Fire & Rescue Authority Oversight Committee	S.V. Fire & Rescue Authority Oversight Committee			Water Advisory Committee
S. V. Library Advisory Committee, Alternate				
Substance Abuse Prevention Coalition				

Recommended Council Action – Receive Reports

Attachments: None