

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



**Community Meeting Room, 177 First Street West  
Monday, November 18, 2013  
5:30 p.m. Closed Session (Special Meeting)  
6:00 p.m. Regular Meeting**

\*\*\*\*

**AGENDA**

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

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

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

**1. CALL TO ORDER**

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

**2. CLOSED SESSION**

**Item 2A:** PUBLIC EMPLOYMENT, pursuant to Government Code §54957. Title: City Manager.

**6:00 P.M. – REGULAR MEETING AGENDA**

**RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE  
ROLL CALL (Cook, Barbose, Rouse, Gallian, 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:** Proclamation declaring the weekend after Thanksgiving, November 29 – December 2, 2013, as "Shop Sonoma Days".

#### **4. PRESENTATIONS, Continued**

**Item 4B:** Proclamation in Recognition of the Valley of the Moon Natural History Association for Successful Operation of the Jack London State Historic Park.

**Item 4C:** Presentation regarding the Redwood Empire Municipal Insurance Fund

#### **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 5B:** Approval of the Minutes of the November 4, 2013 Council meeting.  
Staff Recommendation: Approve the minutes.

**Item 5C:** Approve the Notice of Completion for the 2013 Citywide Slurry Seal Project No. 1308 Constructed by Central Valley Engineering & Asphalt, Inc. and Direct the City Clerk to File the Document.  
Staff Recommendation: Approve the Notice of Completion for the 2013 Citywide Slurry Seal Project No. 1308 Constructed by Central Valley Engineering & Asphalt, Inc. and Direct the City Clerk to File the Document.

**Item 5D:** Adoption of a resolution upholding the decision the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street (implementing the City Council action of November 4, 2013).  
Staff Recommendation: Adopt the resolution upholding the decision of the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street, subject to the condition that the D1 unit on Lot 3 be modified so that it does not have a second floor element over the garage.

**Item 5E:** Adopt a resolution adopting the City Standard Plans, as amended, to be effective January 1, 2014.  
Staff Recommendation: Adopt the resolution.

#### **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.*

**Item 6A:** Approval of the portions of the Minutes of the November 4, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.  
Staff Recommendation: Approve the minutes.

**6. CONSENT CALENDAR/AGENDA ORDER –SUCCESSOR AGENCY, Continued**

- Item 6B:**      **Selection of a real estate professional to assist in the marketing and sale of the property located at 32 Patten Street.**  
Staff Recommendation: Authorize the City Manager to negotiate and execute a listing agreement with Ryan Snow and Jeff Negri of Cassidy-Turley.

**7. PUBLIC HEARING**

- Item 7A:**      **Public Hearing and Adoption of an Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code, Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes, and Adoption of Findings Determining the Ordinance to be Exempt Under the California Environmental Quality Act.**  
(Development Services Director / Building Official and Administrative Fire Captain)  
Staff Recommendation: Hold a public hearing on the proposed ordinance; Publicly read the title of the ordinance and adopt the ordinance; Direct the City Clerk to prepare a summary and carry out the special noticing procedures as required by the Government Code.

- Item 7B:**      **Discussion, consideration and possible action to update City Fee Schedule based on FY 2013-14 Operating Budget.** (City Manager)  
Staff Recommendation: Conduct the public hearing and adopt the resolution adopting the FY 2013-14 Fee Schedule as presented to be effective January 1, 2014.

**8. REGULAR CALENDAR – CITY COUNCIL**

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

- Item 8A:**      **Council discussion and possible action on the revision and renewal of the lease with the Valley of the Moon Nursery School for 136 Mission Terrace (Youth Center Building).** (Development Services Director/Building Official)  
Staff Recommendation: Council discretion.

- Item 8B:**      **Discussion, consideration, and possible approval of an exception to the Special Events Policy by allowing the display of a banner on the Plaza Horseshoe lawn on November 29 and 30, 2013 in conjunction with the Shop Sonoma campaign.**  
(City Clerk/Assistant to the City Manager)  
Staff Recommendation: Council discretion.

**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 November 14, 2013. GAY JOHANN, 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: 11/18/2013

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**Department**

Administration

**Staff Contact**

Carol Giovanatto, City Manager  
Laurie Decker, Economic Development Program Manager

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**Agenda Item Title**

Proclamation declaring the weekend after Thanksgiving, November 29 – December 2, 2013, as “Shop Sonoma Days”.

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**Summary**

Through its Economic Development Partnership with the Sonoma Valley Chamber of Commerce, the City of Sonoma promotes the many benefits to our community and our local economy of “thinking local first” through the Shop Sonoma program.

This will be the sixth year that the City has proclaimed the day(s) after Thanksgiving, traditionally the busiest shopping days of the year, as “Shop Sonoma Days”. This promotion encourages all local residents to “think Sonoma Valley first” when shopping this holiday season and throughout the year.

Other components of the Shop Sonoma holiday program include a new 60-second video on the benefits of shopping locally, and promotion of local discounts/specials by the Chamber. Holiday banners for the Plaza light poles, sponsored by Chamber members, will be in place from mid-November through December (“Sip, Shop, Savor; There’s No Place Like Sonoma for the Holiday Season”) and holiday wreaths will line Broadway and the Plaza.

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**Recommended Council Action**

Mayor Brown to present the proclamation and Council to view the Shop Sonoma video.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

Proclamation

**Alignment with Council Goals:**

Promoting the Shop Sonoma campaign is tied to this Economic Development Goal: *Continue to develop strategies to address the loss of revenue to the City as a result of the elimination of redevelopment.*

**CC:** Jennifer Yankovich, Sonoma Valley Chamber of Commerce (via email)

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# City of Sonoma



## Proclamation

### “Shop Sonoma Days”

**Whereas**, the Thanksgiving weekend is one of the busiest shopping times of the year, and Sonoma residents have many choices as to where to spend their holiday shopping dollars; and

**Whereas**, Sonoma businesses are essential to a community's vitality and sustainability as a vibrant and thriving locality where residents can secure everyday goods and services; and

**Whereas**, Sonoma businesses provide shoppers with personalized service, often by people we know as neighbors and friends, and offer a pleasant and relaxing alternative to shopping malls; and

**Whereas**, Sonoma businesses provide employment for thousands of Sonoma Valley residents and support for dozens of local schools and nonprofit organizations; and

**Whereas**, shopping locally saves time and gas, and reduces greenhouse gas emissions; and

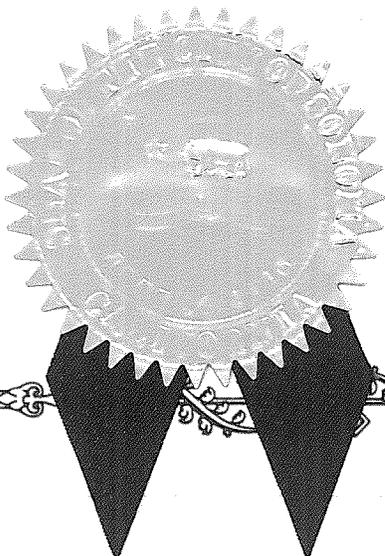
**Whereas**, the City of Sonoma relies on sales tax as an essential revenue source for funding services to the community; and

**Whereas**, by “thinking local first” when shopping for the holidays, residents simultaneously keep dollars in the local economy, foster local job creation and retention, embrace what makes Sonoma unique and special, preserve entrepreneurship, help the environment, and nurture community.

**Now therefore**, I, Ken Brown, Mayor of the City of Sonoma, hereby proclaim Friday, November 29 through Monday, December 2, 2013 – as “Shop Sonoma Days” in the City of Sonoma and encourage all City residents to think Sonoma first when shopping this holiday season.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 18<sup>th</sup> day of November 2013.

\_\_\_\_\_  
KEN BROWN, MAYOR





*City of Sonoma*  
**City Council**  
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 11/18/2013

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk/Assistant to the City Manager

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**Agenda Item Title**

Proclamation in Recognition of the Valley of the Moon Natural History Association for Successful Operation of the Jack London State Historic Park.

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**Summary**

The proclamation recognizes the efforts of the Valley of the Moon Natural History Association for their successful operation of the Jack London State Historic Park. Tjiska Van Wyk will be present to receive the proclamation and present a brief power-point presentation.

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

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**Recommended Council Action**

Mayor Brown to present the proclamation, Council to receive the power-point presentation.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
  - No Action Required
  - Action Requested
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**Attachments:**

Proclamation

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**Alignment with Council Goals:**

Public Service: Fosters communication and informs and educates the public

cc: Tjiska Van Wyk (via email)

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# City of Sonoma



## Proclamation

### Recognition of the Valley of the Moon Natural History Association For Successful Operation of the Jack London State Historic Park

**Whereas**, the Jack London Park, located in nearby Glen Ellen, was founded in 1960 and is on the list of National Historic Landmarks. The park covers 1400 acres which includes over 16 miles of trails, pristine vistas, and historic buildings demonstrating early 20th century life; and

**Whereas**, within the park, visitors will also find a museum displaying most of Jack London's holdings, Jack London's gravesite and the ruins of the infamous Wolf House; and

**Whereas**, Jack London Park was on the California State Parks closure list in 2011 when the Valley of the Moon Natural History Association stepped up to keep the park open becoming the first non-profit organization to enter into an operating agreement with the State; and

**Whereas**, through its 250 volunteers, the Association keeps the park open 7 days a week March through November increasing the average attendance by 77%; and

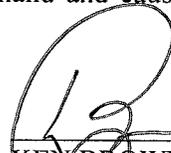
**Whereas**, the Association Board and Advisory Committee, comprised of local persons with expertise in the areas of marketing, public relations, maintenance, business management and natural resource protection, are addressing and funding years of deferred maintenance on infrastructure and backcountry trails as well as the cost of operations utilizing funds raised through admission fees, contributions, and special events put on by the Association; and

**Whereas**, Jack London's literary work, adventures, and passion for the land are brought to life in exhibits and interpretation provided by docents and staff. The Association is also initiating a program for at risk youth to perform ongoing maintenance with a mentoring component for leadership and teambuilding skills and are working through local teachers to provide tours and high quality educational programming for children; and

**Whereas**, the popular Triple Creek horse concession has been returned and the park hosted, for the second year in a row, the musical production of "Broadway Under the Stars" increasing attendance this year to over 10,000.

**Now therefore**, I, Ken Brown, Mayor of the City of Sonoma, hereby recognize and commend the efforts of the Valley of the Moon Natural History Association in keeping open and maintaining the valuable historic community resource known as the Jack London State Historic Park.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 18<sup>th</sup> day of November 2013.

  
KEN BROWN, MAYOR





**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 4C

Meeting Date: 11/18/2013

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**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, City Manager

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**Agenda Item Title**

Presentation regarding the Redwood Empire Municipal Insurance Fund

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**Summary**

Mark Ferguson, the General Manager of REMIF, will make a presentation to provide an overview of the REMIF organization and explain the City's insurance coverages. This same presentation will be made to each of REMIF's member cities this year.

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**Recommended Council Action**

Receive the presentation.

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**Alternative Actions**

N/A

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

None.

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**Alignment with Council Goals:** N/A

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**cc:** Mark Ferguson via email

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**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5B

Meeting Date: 11/18/2013

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk/Assistant to the City Manager

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**Agenda Item Title**

Approval of the Minutes of the November 4, 2013 Council meeting.

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**Summary**

The minutes have been prepared for Council review and approval.

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**Recommended Council Action**

Approve the minutes.

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**Alternative Actions**

Correct or amend the minutes prior to approval.

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

Minutes

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**Alignment with Council Goals:** N/A

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**cc:** N/A

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

*Community Meeting Room, 177 First Street West*  
**Monday, November 4, 2013**

**5:30 p.m. Closed Session (Special Meeting)**  
**6:00 p.m. Regular Meeting**

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**MINUTES**



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

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

**1. CALL TO ORDER**

At 5:30 p.m., Mayor Brown called the meeting to order. No one from the public was present to provide public testimony on the closed session item. The Council recessed into closed session with all members present. City Manager Giovanatto, Public Works Director Takasugi, Planning Director Goodison and City Attorney Walter were also present.

**2. CLOSED SESSION**

**Item 2A: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, pursuant to Government Code §54956.8. Property: Field of Dreams, located behind the Sonoma Police Department and Community Meeting Room at 177 First Street West. Agency Negotiators: Dan Takasugi, David Goodison and Carol E. Giovanatto. Negotiating Parties: Richard Goertzen. Under Negotiation: Price and terms of payment.

**6:00 P.M. – REGULAR MEETING AGENDA**

The City Council reconvened in open session and Mayor Brown called the meeting to order at 6:00 p.m. Robert Demler led the Pledge of Allegiance.

PRESENT: Mayor Brown and Councilmembers Barbose, Cook, Gallian, and Rouse  
ABSENT: None

ALSO PRESENT: City Manager Giovanatto, City Clerk/Assistant to the City Manager Johann, City Attorney Walter, Planning Director Goodison, Fire Chief Garcia and Public Works Director Takasugi.

**REPORT ON CLOSED SESSION** – City Manager Giovanatto reported that City Council had provided direction to staff.

**1. COMMENTS FROM THE PUBLIC**

Cecelia Ponicsan commented on the recent Council actions related to a leaf blower ban and stated her belief that Mayor Brown should have recused himself from the vote.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Clm. Gallian announced that the Sonoma County Water Agency would be conducting tours of their facilities and additional information could be found on their website.

Mayor Brown announced that he was totally at peace with himself and the decision that he made at the last Council meeting regarding leaf blowers.

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

City Manager Giovanatto announced that the Oversight Board subcommittee met to consider proposals received from real estate agents interested in listing the 32 Patten Street property. She also announced that the November Oversight Meeting was cancelled.

**4. PRESENTATIONS**

**Item 4A: Proclamation recognizing the opening of the new Emergency Department and Surgery Center at Sonoma Valley Hospital.**

Mayor Brown read aloud the proclamation acknowledging the opening of the new Emergency Department and Surgery Center. Hospital representatives Kelly Mather, Bill Boerum, Sharon Nevins and Kevin Carruth received the proclamation and thanked the City for its support.

**Item 4B: Proclamation recognizing November as Pancreatic Cancer Awareness Month.**

Mayor Brown read aloud the proclamation and presented it to a large group associated with the Pancreatic Cancer Action Network. Sarah Carroll thanked the City Council for bringing the issue to the public's attention.

**5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL**

**Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.**

**Item 5B: Approval of the Minutes of the October 7 and October 21, 2013 Council meetings.**

**Item 5C: Approval and ratification of the reappointment of Nellie Cravens to the Cultural and Fine Arts Commission for a term ending November 7, 2017.**

**Item 5D: Approval and ratification of the reappointment of Linda Ransom to the Cultural and Fine Arts Commission for a term ending November 3, 2015.**

- Item 5E:** Approval and ratification of the reappointment of Christopher Woodcock to the Traffic Safety Committee for a term ending November 7, 2017.
- Item 5F:** Approval of a Resolution authorizing the City Manager to execute a Professional Services Agreement with Spilman & Associates for a Water Rate and Connection Charge Study. (Res. No. 44-2013)
- Item 5G:** Approval of the Purchase of Two Rosenbauer Type 1 Fire Engines and the Lease of One Engine to Valley of the Moon Fire District. (Res. No. 45-2013)
- Item 5H:** Second reading and adoption of an ordinance amending Chapter 12.12 of the Sonoma Municipal Code pertaining to sidewalk maintenance and dangerous conditions including a finding of categorical exemption under the California Environmental Quality Act. (Ord. No. 04-2013)
- Item 5I:** Second reading and adoption of an ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals. (Ord. No. 05-2013)
- Item 5J:** Second reading and adoption of an ordinance amending the Municipal Code with respect to historic preservation, including a finding of categorical exemption under the California Environmental Quality Act. (Ord. No. 06-2013)
- Item 5K:** Adoption of a resolution re-authorizing a process to track water demand and verify capacity to serve new development, including a finding of categorical exemption under the California Environmental Quality Act. (Res. No. 46-2013)

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar as presented. The motion carried unanimously.

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

- Item 6A:** Approval of the portions of the Minutes of the October 7 and October 21, 2013 City Council / Successor Agency Meetings pertaining to the Successor Agency.

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar as presented. The motion carried unanimously.

**7. PUBLIC HEARING**

- Item 7A:** Discussion, consideration and possible action on an appeal of the Planning Commission’s decision to approve the application of Steve Ledson for a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street.

Mayor Brown opened the public hearing and requested the staff report. Senior Planner Gjestland provided a description of the proposed project and the process that had been conducted by the Planning Commission. He stated that the project site was zoned Medium Density Residential and was comprised of two adjoining parcels of approximately two acres

located on the south side of West Spain Street, opposite its intersection with Juniper Serra Drive.

Georgette Darcy submitted an appeal of the Planning Commission's approval on behalf of the Sonoma Gardens and Sonoma Park Homeowners Associations.

CIm. Rouse asked what types of development, besides single-family homes, were allowed on the property. Gjestland state that the zoning would allow multifamily and clustered buildings however, the same height limit and setbacks would apply. In all instances, the Planning Commission would take compatibility into consideration.

CIm. Barbose asked about the size of the development to the west. Gjestland stated he would look that up.

Mayor Brown invited comments from the public and explained that the Appellant and the Project Developer would each be allowed ten minutes to speak; all others would be subject to the three-minute rule.

Georgette Darcy explained the basis of the appeal including: The proposed development included two-story, close together buildings, which would take away the privacy and block the light to adjacent homes. There was insufficient variety of housing types. Was not well integrated into its setting and did not relate appropriately to adjacent uses. Modifications that had been made did little to make the development compatible with its surroundings.

Doug Hilberman, Axia Architects, stated that this was one of the last infill properties near the center of town. They decided on single-family homes, including four designated as low income, although they could have gone with multifamily apartments or condominiums. The goal was to provide market rate affordable homes for families within walking distance to the downtown. He described the many revisions that had been made in response to the Planning Commission review and public concerns including reducing the number of dwellings from nineteen to eighteen, increasing the setback on the west and south sides.

Kathleen Lawdon, Sonoma Garden resident, expressed concern about the planned removal of three old redwood trees. She said they provided a view and shade and were beautiful.

Robin McCartney supported the appeal and stated that the proposed development would look like a solid wall and those in Sonoma Gardens would lose light and privacy.

Nick Dolata supported the appeal stated that another project was in the works and a new traffic study needed to be done to include any new development proposals in that area.

Veda Lewis stated her concern was with traffic and pedestrian safety in the area.

Steve Ledson stated he was present to answer questions. He stated that the arborist had reported the redwoods needed to be removed. He pointed out that it would have been cheaper to build apartments on the property and stated that none of his projects had ever decreased anyone's property value.

CIm. Rouse asked about the replacement trees. Mr. Ledson stated that the Tree Committee was requiring him to plant at least forty-eight replacement trees; 60" box size trees on the west and south edges and 24" box size street trees.

Mia Craig stated the number of units did not equal the number of buildings. She also stated that a new traffic study was needed.

Mary Jane Stolte, Kathleen Mugele, and Ellen Williams spoke in support of the appeal. When there were no additional persons wishing to speak, Mayor Brown closed the public hearing.

CIm. Rouse asked staff to address the comments made about the traffic study. Gjestland stated that the traffic study had included the other proposed development and the twenty year General Plan build out. He suggested that the issue of needing an additional crosswalk would be best addressed by the Traffic Safety Committee.

CIm. Barbose confirmed that there would be ten feet of red curbing on either side of the driveways.

CIm. Gallian reported that a constituent had asked about installation of a speed bump in that area. Planner Goodison stated that West Spain was a collector street but that issue would be one to be considered by the Traffic Safety Committee.

In response to CIm. Barbose's earlier question, Gjestland reported that Sonoma Gardens was a one-acre development with twelve units and Sonoma Park was a two-acre development with twenty-four units.

CIm. Rouse commented that the Planning Commission had done its due diligence on this project and you have to put your trust in them. Compromises would never satisfy everyone. CIm. Cook agreed.

CIm. Barbose stated that he and Mayor Brown met with neighbors and he understands why they were upset about the project. He said it would be hard to justify denial of a project that was no denser than the surrounding properties. He stated he would like to see the skyline of Building D1 lowered to soften the impact on neighboring properties.

CIm. Gallian stated that she too met with the neighboring residents but pointed out that there had been two-story development behind her neighborhood and it worked out even though it was not always what people wanted. She added that when you purchase a home you do not get to control those properties around you and said she would support the decision of the Planning Commission. CIm. Barbose confirmed that D1 was one of the affordable units and acknowledged that it could be downsized. CIm. Cook stated he was more concerned about a crosswalk than lowering a roof and would not support Barbose's suggestion about D1.

It was moved by CIm. Barbose, seconded by CIm. Gallian, to deny the appeal and uphold the decision of the Planning Commission in all respects except that the dwelling on Lot 3 would be modified in such a manner to allow for a one-story garage. The motion carried three to two, Rouse and Cook dissented. Planner Goodison stated that staff would prepare and bring back a resolution formalizing the Council's decision. Architect Hilberman confirmed that it was just the garage to be reduced to one story.

**RECESS:** The meeting recessed from 7:48 to 8:00 p.m.

**8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Discussion, consideration and possible action on a proposal for the upgrade and re-use of the Maysonnave Cottage through a long-term lease.**

Planning Director Goodison reported that the City Council, at its meeting of May 20, 2013, directed staff to circulate a request for proposals for the re-use of the Maysonnave Cottage. As originally circulated, the RFP had a response deadline of June 21, 2013, but staff extended the deadline twice in order to accommodate potential respondents. Ultimately, only one proposal was submitted, from Benchmark/Hoover. He provided additional information relating to the proposal and stated that the Facilities Committee had reviewed it and it was staff's recommendation that Council authorize staff to prepare a lease agreement that would implement the proposal.

Clm. Gallian inquired if the property would, at some point, be turned over for public use. Goodison stated that although it is publicly owned property the vacation rental would not be a public use and that was a significant detail.

Mayor Brown invited comments from the public. John Diederich stated that the North of the Mission Neighborhood Association supported the proposal and thanked the City Council and staff for efforts to preserve this historic part of the town.

Patricia Cullinan suggested that the lease include a requirement that any exterior modifications were subject to the Secretary of the Interior standards and were reviewed by an architect historian and that the property be inspected annually to ensure compliance with the lease.

Joe Costello stated that the proposal was consistent with the General Plan, honored the historic significance of the cottage, and provided a source of funding to renovate and bring the cottage up to code.

John Fannuchi, Bocce Sonoma, asked that two seventy-foot Bocce Ball courts be added on the property.

Barbara Wimmer, Sonoma League for Historic Preservation (SLHP), said they supported the proposal.

Robert Demler, SLHP, said it was a win-win for the League and the City to have the building preserved.

Louis Kiotti and Jan Mandrell spoke in favor of adding two Bocce Ball courts.

Clm. Rouse stated that Jim Gade and Sidney Hoover (Benchmark/Hoover) deserved credit for bringing forth this proposal because they believed it was important to preserve this piece of property. He said he would support discussion of adding the bocce ball courts if they would fit but his first priority was the proposed development into a vacation rental. Mr. Hoover stated that they would be happy to discuss the idea with the bocce ball association.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to authorize staff to prepare a lease agreement that would implement the proposal submitted by Benchmark/Hoover for subsequent consideration by the City Council. The motion carried unanimously.

**Item 8B: Discussion, Consideration and Possible Action to Adopt a Resolution Approving the Second Amendment to Joint Powers Agreement Between the City of Sonoma and Sonoma County Waste Management Agency to Deal with Waste Management Issues.**

The public comment period was opened and closed with none received. City Manager Giovanatto stated that the proposed amendment would clarify that the agency could adopt ordinances but individual agency members were not required to follow suit. Clm. Barbose added that it clarifies that members could opt out of non-core programs. It was moved by Clm. Gallian, seconded by Clm. Barbose, to adopt the resolution approving the second amendment to the SCWMA JPA. The motion carried unanimously. (Res. No. 47-2013)

**Item 8C: Discussion, Consideration and Possible Action Supporting a Resolution to Modify the Method of Reassessing Commercial Property Under Proposition 13 [Councilmember Barbose].**

Clm. Gallian stated that because she was a public school employee she would recuse herself. She stepped down from the dais and left the room.

Clm. Barbose stated that he had requested consideration of this item. He said that when the citizens passed Proposition 13 they were not fully aware of its effect on commercial property. The proposed legislation would modify how the value of commercial properties were reassessed and that tax revenues generated as a result would benefit local schools.

Clm. Cook stated he would not support this because it was out of the Council's realm of responsibility and there could be more issues involved. Clm. Rouse stated he, also, would not support it. It was moved by Clm. Barbose, seconded by Mayor Brown, to adopt the resolution. The motion died with a two-to-two vote. Ayes: Barbose and Brown. Noes: Cook and Rouse.

**Item 8D: Discussion, Consideration and Possible Action to Direct Mayor to Open Negotiations with City Manager for a Successor Employment Contract.**

City Manager Giovanatto reported that pursuant to her employment contract the Council was to indicate if it desired to extend or renew the contract thirty days prior to its expiration. It was moved by Clm. Barbose, seconded by Clm. Rouse, to direct the Mayor to enter into negotiations for a successor contract. The motion carried unanimously. Clm. Cook asked if the contract term could be changed to coincide with the City's financial fiscal year.

**9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY**

**10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS**

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

Clm. Rouse and Clm. Cook reported on the Facilities Committee meeting.

Clm. Gallian reported on the Water Advisory Committee and the Ag and Open Space Advisory Committee meetings.

Clm. Barbose reported on the Watershed Association meeting.

Mayor Brown reported on the SVCAC and Economic Development Steering Committee meetings.

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

Clm. Rouse announced that he and Clm. Cook attended a VIP preview of the Graton Resort and Casino.

Clm. Gallian announced attendance at the annual Marine Corp Birthday Ball.

Mayor Brown announced the Veterans Day events, that Alcalde nominations were being sought and that he was dropping the issue of adjusting the three-minute speaker time because he had not received any input from the public on the issue.

**11. COMMENTS FROM THE PUBLIC**

Fred Allebach encouraged Mayor Brown to change the three-minute speaker time allotment.

**12. ADJOURNMENT**

The meeting adjourned at 9:00 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Gay Johann, MMC  
City Clerk/Assistant to the City Manager



*City of Sonoma*  
**City Council**  
**Agenda Item Summary**

**City Council Agenda Item: 5C**

**Meeting Date: 11/18/13**

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**Department**

Public Works

**Staff Contact**

Dan Takasugi, P.E., Public Works Director/City Engineer

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**Agenda Item Title**

Approve the Notice of Completion for the 2013 Citywide Slurry Seal Project No. 1308 Constructed by Central Valley Engineering & Asphalt, Inc. and Direct the City Clerk to File the Document

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**Summary**

The City Council awarded the contract for the 2013 Citywide Slurry Seal Project to Central Valley Engineering & Asphalt, Inc. on September 16, 2013. The work generally consisted of street surface treatment (slurry seal) for various streets throughout the City of Sonoma. 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 was one contract change order for this project, which was to add additional streets to the project. The total contract change order amount in Notice of Award reflected an estimated cost, whereas the final contract amount, including the contract change order, is shown in the table below.

**Contract Summary Table**

	<b>General Description</b>	<b>Amount</b>
	Approved Original Contract	\$147,190.00
CCO #1	Slurry seal of additional streets	\$57,883.00
	Final Contract Amount	\$205,073.00

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**Recommended Council Action**

It is recommended that Council approve the Notice of Completion for the 2013 Citywide Slurry Seal Project No. 1308 Constructed by Central Valley Engineering & Asphalt, Inc. and Direct the City Clerk to File the Document.

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**Alternative Actions**

Council discretion. This item is subject to removal from the Consent agenda if all contract work items are not fully complete by November 18, 2013.

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**Financial Impact**

The Council approved \$300,000 for the 2013 Citywide Slurry Seal Project in the FY 2013/14 CIP budget for the project. This project was made possible through Measure J sales tax revenues.

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**Environmental Review**

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

**Status**

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

**Attachments:**

Notice of Completion – 2013 Citywide Slurry Seal Project No. 1308

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**Alignment with Council Goals:**

Supports the Council Budget and Fiscal Stability Goal to Maintain Capital Infrastructure

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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 18th day of November, 2013, the public project known as: 2013 Citywide Slurry Seal Project No. 1308 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: Central Valley Engineering & Asphalt Inc., 8621 Morrison Creek Drive, Sacramento, CA 95828.
4. The name and address of said Contractor's insurance carrier is:  
  
InterWest Insurance Services (CENVA17)  
3636 American River Dr.  
Sacramento CA 95864
5. The general description of the public project was: street surface treatment (slurry seal) for various streets throughout the City of Sonoma, including: surface preparation; crack seal; slurry seal; removal and replacement of pavement striping and markings; protection of existing utility structures, curb and gutter and cross gutter; traffic control; and other related work.
6. The original contract amount was: \$ 147,190.00

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.

\_\_\_\_\_  
Carol Giovanatto, City Manager

Dated: \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
City Clerk



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5D

Meeting Date: 11/18/13

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**Department**

Planning

**Staff Contact**

Senior Planner Gjestland

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**Agenda Item Title**

Adoption of a resolution upholding the decision the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street (implementing the City Council action of November 4, 2013).

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**Summary**

On September 26, 2013, the Planning Commission considered the application of Steve Ledson for a Planned Development Permit, Use Permit, and Tentative Map to construct an 18-unit planned development at 821-845 West Spain Street. After public testimony and discussion, the Planning Commission approved the entitlements for the project with a vote of 6-1, subject to conditions of approval (Comm. Heneveld dissenting). Subsequently, on October 10, 2013, Georgette Darcy on behalf of Sonoma Gardens and Sonoma Park HOA's filed an appeal of the Planning Commission's decision on the basis that the approval was inconsistent with a number of regulations applicable to the project, especially with respect to compatibility and adverse impacts on surrounding properties. In consideration of the appeal at its meeting of November 4, 2013, the City Council voted 3-2 to uphold the decision of the Planning Commission, subject to the condition that the D1 unit on Lot 3 be modified so that it does not have a second floor element over the garage. As directed by the Council, staff has prepared a draft resolution (attached) to implement the City Council's decision along with revised conditions of project approval as Exhibit A.

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**Recommended Council Action**

Adopt the resolution upholding the decision of the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street, subject to the condition that the D1 unit on Lot 3 be modified so that it does not have a second floor element over the garage.

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**Alternative Actions**

Direct amendments to the resolution and/or revised conditions of project approval.

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**Financial Impact**

N.A.

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**Environmental Review**

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

**Status**

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

**Attachments:**

1. Resolution (including revised conditions of approval as "Exhibit A").
- 

**Alignment with Council Goals:**

N.A.

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**cc:** Georgette Darcy  
847 West Spain St. #1  
Sonoma, CA 95476

Steve Ledson

Chip Roberson, Planning Commission Chair

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# CITY OF SONOMA

RESOLUTION NO. ■ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE A PLANNED DEVELOPMENT PERMIT, USE PERMIT, AND TENTATIVE MAP ALLOWING CONSTRUCTION OF AN 18-UNIT PLANNED DEVELOPMENT AT 821-845 WEST SPAIN STREET, SUBJECT TO AN AMENDMENT TO THE CONDITIONS OF PROJECT APPROVAL.

WHEREAS, on April 4, 2012, Ledson and Ledson Development filed an application for a Planned Development Permit, Use Permit, and Tentative Map to construct an 18-unit planned development at 821-845 West Spain Street; and,

WHEREAS, upon considering this application in the course of a hearing held on September 26, 2013, the Planning Commission approved the entitlements for the project with a vote of 6-1, subject to conditions of approval (Comm. Heneveld dissenting); and,

WHEREAS, this decision was appealed to the City Council by Georgette Darcy on behalf of Sonoma Gardens and Sonoma Park Homeowner's Associations on the basis that the approval was inconsistent with a number of regulations applicable to the project, especially with respect to compatibility and adverse impacts on surrounding properties; and,

WHEREAS, the City Council considered the appeal at a duly noticed public hearing held on November 4, 2013.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby upholds the decision of the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street, subject to the condition that the D1 unit on Lot 3 shall be modified so that it does not have a second floor element over the garage (revised conditions of project approval are set forth in Exhibit A).

The foregoing Resolution was duly adopted this 18<sup>th</sup> day of November 2013, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Ken Brown, Mayor

ATTEST:

\_\_\_\_\_  
Gay Johann, MMC  
City Clerk

*As revised by the City Council on November 18, 2013*

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL AND  
MITIGATION MONITORING PROGRAM**

Nicora Place Planned Development  
821-845 West Spain Street

November 18, 2013

1. The planned development shall be constructed in conformance with the approved tentative map, site plan, floor plans and building elevations, except as modified by these conditions and the following:
  - a. The storm drain and residence on Lot 9, as well as small portion of SD on Lots 8 & 10 shall be shifted two feet to the west to further minimize potential impacts on trees along the east project boundary.
  - b. The D1 unit on Lot 3 shall be modified so that it does not have a second floor element over the garage.

*Enforcement Responsibility: Planning Department; Building Division; Public Works Division, City Engineer*  
*Timing: Ongoing*

2. The following are required by the City and other affected agencies prior to the approval of the Final Map.
  - a. A Final Map shall be prepared and submitted to the City Engineer and Planning Director for approval along with the following supporting data: recent (within the most recent three months) preliminary title report, closure calculations and copies of records used to prepare survey (such as deeds and easements, filed maps, etc.). Upon approval and acceptance by the City, the map will be released to the Applicant's title company for filing at the office of the Sonoma County Recorder. The Applicant shall provide the number and types of copies to the City as directed by the City Engineer.
  - b. All required sidewalk, street, storm drainage, water, sewer, access and public utility easements shall be dedicated to the City of Sonoma or to other affected agencies of jurisdiction, as required and shown on the Final Map.
  - c. Three-quarter inch iron pipe monuments shall be set at all tract corners and at all lot corners, unless otherwise approved by the City Engineer. Street centerline monuments shall be set as directed by the City Engineer. All monuments must be approved by the City Engineer.
  - d. The applicant shall show proof of payment of all outstanding engineering plan check fees within thirty (30) days of notice for payment and prior to Final Map recordation, whichever occurs first.

*Enforcement Responsibility: Planning Director; City Engineer*  
*Timing: Prior to acceptance of the Final Map*

3. A grading and drainage plan and an erosion and sediment control plan shall be prepared by a registered civil engineer and submitted to the City Engineer and the Sonoma County Water Agency for review and approval. The required plan shall be approved prior to the issuance of a grading permit and commencement of grading/construction activities. The erosion control measures specified in the approved plan shall be implemented during construction prior to the first rains or October 1<sup>st</sup>. Grade differences between lots will not be permitted unless separated by properly designed concrete or masonry retaining walls. This requirement may be modified or waived at the discretion of the City Engineer. An NPDES permit shall be required and the plans shall conform to the 2005 SUSMP Guidelines and the City of Sonoma Grading Ordinance (Chapter 14.20 of the Municipal Code). Applicable erosion control measures shall be identified on the erosion control plan and shall be implemented throughout the construction phase of the project: soil stabilization techniques such as hydroseeding and short-term biodegradable erosion control blankets or wattles, silt fences and/or some kind of inlet protection at downstream storm drain inlets, post-construction inspection of all facilities for accumulated sediment, and post-construction clearing of all drainage structures of debris and sediment. Applicant shall submit a Stormwater Mitigation Plan (SMP) in accordance with the 2005 SUSMP Guidelines with the grading plans. The improvement plans (see Condition #4 below) will not be accepted by the City Engineer for review without first reviewing and approving the SMP.

*Enforcement Responsibility: City Engineer; SCWA; Public Works Department*

*Timing: Prior to issuance of the grading permit*

4. The following improvements shall be required and shown on the improvement plans and are subject to the review of the City Engineer, Planning Administrator and Fire Chief. Public improvements shall meet City standards. The improvement plans shall be prepared by a registered civil engineer and approved by the City Engineer prior to recording of the Final Map. All drainage improvements shall be designed in accordance with the Sonoma County Water Agency "Flood Control Design Criteria." Plans and engineering calculations for drainage improvements, and plans for sanitary sewer facilities, shall be submitted to the Sonoma County Water Agency (and a copy of submittal packet to the City Engineer) for review and approval.
  - a. The property frontage on East Spain Street shall be improved with curb, gutter, and sidewalk as required by the City Engineer. Existing curb and gutter along the East Spain Street frontage that are damaged or deemed by the City Engineer to be in disrepair shall be replaced to City standards. In addition, paving upgrades to centerline of the East Spain Street in front of the property may be required. The existing residential driveway serving the site shall be eliminated. The two new project driveways shall be constructed in conformance with the City's standard specifications and meet ADA requirements.
  - b. Storm drains and related facilities, including off-site storm drain facilities as necessary to connect to existing storm drain facilities and on-site drainage systems.
  - c. Stormwater BMPs as approved in the Applicant's preliminary and final Stormwater Mitigation Plan (SMP) shall be shown on the drainage and improvement plans.
  - d. Grading plans shall be included in the improvement plans and are subject to the review and approval of the City Engineer, Planning Administrator and the Building Official.
  - e. Sewer mains, laterals and appurtenances, including off-site sewer mains and facilities as required by the Sonoma County Water Agency; water conservation measures installed and/or applicable mitigation fees paid as determined by the Sonoma County Water Agency.
  - f. Water mains and appurtenances in all streets within the subdivision including service laterals and water meters to all lots.
  - g. Fire hydrants in the number and at the locations specified by the Fire Chief. Fire hydrants shall be operational prior to beginning combustible construction.
  - h. The private street structural section shall be designed to City standards and in accordance with the recommendations in the Soils Report. In addition, the private road shall be designed to support a 40,000 lb. load for emergency vehicle access. Documentation demonstrating compliance with this requirement shall be required
  - i. Private underground utility services, including gas, electricity, cable TV and telephone, to all residential lots/units in the subdivision. Any overhead utilities along the property frontage shall be undergrounded in accordance with Section 19.62.100 of the Municipal Code.
  - j. Signing and striping plans shall be submitted to the City Engineer for review and approval. Said plans shall include "No Parking" signs/markings along the private street, traffic control signs, and pavement markings as required by the City Engineer and SVFRA/Fire Chief.
  - k. Street trees as required by the Planning Administrator and the Public Works Director. All street trees shall be planted concurrently with completion of street construction and shall be consistent with the City's Tree Planting Program, including the District Tree List. The developer shall provide for irrigation of the trees until occupancy of houses on a lot-by-lot basis within the project.
  - l. Parking and drives shall be surfaced with an all-weather surface material as approved by the Building Department.
  - m. The address numbers shall be posted at the public street and on the individual structures in a manner visible from the public/private street. Type and location of posting are subject to the review and approval of the City Engineer, Fire Chief and Planning Administrator.

- n. All public sidewalk, street, storm drainage, water, sewer, access and public utility easements shall be dedicated to the City of Sonoma or to other affected agencies of jurisdiction, as required
- o. The applicant shall show proof of payment of all outstanding engineering plan check fees within thirty (30) days of notice for payment and prior to the approval of the improvement plans, whichever occurs first.
- p. All grading, including all swales, etc., shall be performed between April 1<sup>st</sup> and October 15<sup>th</sup> of any year, unless otherwise approved by the City Engineer.

*Enforcement Responsibility:* City Engineer; Public Works Department; Building Department; Planning Department; Fire Department; SCWA

*Timing:* Prior to the approval of the Final Map and issuance of the grading and encroachment permits

- 5. The applicant shall obtain an encroachment permit from the City of Sonoma for all work within the West Spain Street right-of-way.

*Enforcement Responsibility:* City Engineer; Public Works Department; Building Department

*Timing:* Prior to City approval of public improvement plans

- 6. The applicant shall be required to pay for all inspections prior to the acceptance of public improvements, or within 30 days of receipt of invoice; all plan checking fees at the time of the plan checks; and any other fees charged by the City of Sonoma, the Sonoma County Water Agency or other affected agencies with reviewing authority over this project, except those fees from which any designated affordable units are specifically exempted.

*Enforcement Responsibility:* Public Works Department; Building Department; City Engineer; Affected agency

*Timing:* Prior to the acceptance of public improvements, or plan check, or within 30 days of receipt of invoice, as specified above

- 7. No structures of any kind shall be constructed within the public easements dedicated for public use, except for structures for which the easements are intended.

*Enforcement Responsibility:* City Engineer; Public Works Department; Planning Department

*Timing:* Prior to the issuance of any grading/building permit; Ongoing

- 8. The project shall comply with the standards set forth in the 2005 SUSMP Guidelines (i.e., the City-adopted document entitled "Guidelines for the Standard Urban Storm Water Mitigation Plan" for the Santa Rosa Area and Unincorporated Areas around Petaluma and Sonoma, dated June 3, 2005) herein referred to as SUSMP guidelines. Applicant shall submit a final Stormwater Mitigation Plan (SWP) in accordance with the SUSMP guidelines to the City's Stormwater Coordinator and City Engineer for review and approval. Said SMP shall identify specific BMPs and include the BMPs in the project drainage and improvement plans.

*Enforcement Responsibility:* City Engineer; Public Works Department

*Timing:* Prior to the issuance of any grading/building permit

- 9. The project applicant/developer shall comply with all Phase II NPDES requirements. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the State Water Resource Control Board (SWRCB) Division of Water Quality.

*Enforcement Responsibility:* SWRCB; City Engineer; Public Works Department; Stormwater Coordinator

*Timing:* Prior to the issuance of any grading/building permit; Ongoing through construction

- 10. Prior to the issuance of any building permit, a water demand analysis shall be prepared by a licensed civil engineer and submitted by the applicant and shall be subject to the review and approval of the City Engineer. Said analysis shall be in compliance with the City's current policy on water demand and capacity analysis as outlined in Resolution 46-2010. Building permits for the project shall only be issued if the City Engineer finds, based on the water demand analysis in relation to the available water supply, that sufficient capacity is available to serve the proposed development, which finding shall be documented in the form of a will-serve letter, prepared by the City Engineer. Any will-serve letter shall remain valid only so long as the use permit for the project remains valid.

*Enforcement Responsibility: City Engineer; Public Works Department*  
*Timing: Prior to issuance of any building permit*

11. A soils and geotechnical investigation and report, prepared by a licensed civil engineer, shall be required for the development prior to the issuance of a grading permit and/or approval of the improvement plans, as determined by the City Engineer. Recommendations identified in the geotechnical investigation and report shall be incorporated into the construction plans for the project and into the building permits.

*Enforcement Responsibility: City Engineer; Building Department*  
*Timing: Prior to issuance of a grading/building permit or recording of the Final Map*

12. Provisions shall be made to provide for temporary parking of construction related vehicles and equipment on or adjacent to the project site, and not in the adjacent neighborhoods, to be approved by the City of Sonoma Building, Planning, and Public Works Department. The contractors shall be required to maintain traffic flow on all affected roadways adjacent to the project site during non-working hours, and to minimize traffic restrictions during construction. The contractors shall notify all appropriate City of Sonoma and Sonoma County emergency service providers of planned construction schedules and roadways affected by construction in writing at least 48 hours in advance of any construction activity that could involve road closure or any significant constraint to emergency vehicle movement through the project area or the adjacent neighborhoods.

*Enforcement Responsibility: Building, Planning & Public Works Departments; Police & Fire Departments*  
*Timing: Ongoing during construction*

13. Any septic systems on the site shall be removed or closed in place, consistent with the permit requirements of the Sonoma County Department of Environmental Health. Said septic system(s) shall be shown on the grading plans with details for removal.

*Enforcement Responsibility: Sonoma County Department of Environmental Health; City Engineer*  
*Timing: Prior to issuance of the Grading and Improvement Plans*

14. Any wells on the site shall be abandoned in accordance with permit requirements of the Sonoma County Department of Environmental Health; or equipped with a back-flow prevention device as approved by the City Engineer. Wells that will remain shall be plumbed to irrigation system only and not for domestic use.

*Enforcement Responsibility: City Engineer; Public Works Department*  
*Timing: Prior to approval of the Grading Plans and Improvement Plans*

15. The following agencies must be contacted by the applicant to determine permit or other regulatory requirements of the agency prior to issuance of a building permit, including the payment of applicable fees:
- a. Sonoma County Water Agency. [For sewer connections and modifications and interceptor requirements, and for grading, drainage, and erosion control plans]
  - b. Sonoma County Department of Public Health [For closure and removal of septic tanks]
  - c. Sonoma County Department of Environmental Health [For abandonment of wells]
  - d. Sonoma Valley Unified School District [For school impact fees]

*Enforcement Responsibility: Building Department; Public Works Department*  
*Timing: Prior to the issuance of any grading/building permit*

16. A sewer clearance shall be provided to the City of Sonoma Building Division verifying that all applicable sewer fees have been paid prior to the issuance of any building permit. **Note: Substantial fees may apply for new sewer connections and/or the use of additional ESDs from an existing sewer connection. The applicant is encouraged to check with the Sonoma County Water Agency immediately to determine whether such fees apply.**

*Enforcement Responsibility: Building Department*  
*Timing: Prior to the issuance of any building permit*

17. The applicant/developer shall comply with all public sanitary sewer and water service requirements of the County of Sonoma Permit and Resource Management Department (PRMD) as outlined in their letter dated June 1, 2012 (attached).

*Enforcement Responsibility:* PRMD; City Engineer; Public Works Department; Planning Department  
*Timing:* As set forth in the letter dated 6/1/2012; Prior to final occupancy

18. All Building Department requirements shall be met, including Building Code requirements related to compliance with CALGreen standards. Building permits shall be required.

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

19. All Fire Department requirements shall be met, including turn radius requirements for emergency vehicle access and any code modifications effective prior to the date of issuance of any building permit. Automatic fire sprinkler systems shall be provided in all buildings. "No Parking Fire Lane" signs, red-curbings or other markings/measures as prescribed by the SVFRA shall be provided along both sides of private street. An approved all-weather emergency vehicle access road to within 150 feet of all portions of all structures shall be provided prior to beginning combustible construction.

*Enforcement Responsibility:* Fire Department; Building Department  
*Timing:* Prior to the issuance of any building permit

20. The following dust control measures shall be implemented as necessary during the construction phase of the project: 1) all exposed soil areas (i.e. building sites, unpaved access roads, parking or staging areas) shall be watered at least twice daily or as required by the City's construction inspector; 2) exposed soil stockpiles shall be enclosed, covered, or watered twice daily; and 3) the portion of West Spain Street providing construction vehicle access to the project site shall be swept daily, if visible soil material is deposited onto the road.

*Enforcement Responsibility:* Building Inspector; Public Works Inspector  
*Timing:* Ongoing during construction

21. Four (4) units within the development (the units located on Lots 3, 11, 15, and 16) shall be designated as affordable units for households in the low or moderate income categories. The affordable units shall be recorded against the deeds of the lots on which they lie at the County Recorder's Office, with a standard City Affordability Agreement subject to review and approval by the Planning Administrator. The developer shall enter into a contract with the City assuring the continued affordability of the designated units for a minimum period of 45 years and establishing maximum rents, maximum sale prices, and resale restrictions. The affordable units shall be constructed in conjunction with construction of the market rate units.

*Enforcement Responsibility:* Planning Department, Building Department  
*Timing:* Prior to occupancy of any unit.

22. The applicant shall submit a Conditions, Covenants and Restrictions document for review and approval by the City Attorney and City Engineer in conjunction with the establishment of a homeowner's association for the subdivision. At a minimum, the CC&R's shall provide for maintenance and specify standards to be used to maintain the private street, private street furniture/light standards, private street signs, red-curbings and other pavement markings/stripping, private drainage facilities, private park, private curb, gutter, sidewalk, the driveways and common landscape areas/features (including private street trees) and shall be recorded with the County of Sonoma. The CC&R's shall also include a requirement mandating that garages be maintained for vehicle parking. This project shall be developed as a common interest subdivision.

*Enforcement Responsibility:* City Engineer, City Attorney  
*Timing:* Prior the recordation of the Final Map

23. The project shall be constructed in accordance with the following requirements related to tree preservation, mitigation and replacement:
- a. Adhere to the recommendations and tree protection measures set forth in the Tree Protection Plan prepared by Sherby Sanborn Consulting Arborist (dated April 15, 2013).
  - b. Conduct tree removal activities outside of the nesting season (February 15 and August 15).
  - c. Shift the storm drain and residence on Lot 9, as well as small portion of SD on Lots 8 & 10 two feet to the west to further minimize potential impacts on trees #70-77 along the east project boundary.

- d. For the replanting program require a minimum of 48 replacement trees as illustrated on the Preliminary Site Plan prepared Civil Design Consultants Inc. Plant 60” box size trees on the west and south edges of the project site for screening and 24” box size street trees.
- e. During demolition activities pay special attention to the Mulberrys on the south side of the project site (trees #6-11) as some root pruning and watering may be necessary.

*Enforcement Responsibility: Planning Department, Design Review Commission*

*Timing: Throughout demolition/construction; Prior to the issuance of any occupancy permit*

- 24. The project shall be subject to architectural review by the Design Review Commission (DRC), encompassing elevation details, exterior colors and materials, site details, and any other issues specifically referred to the DRC by the Planning Commission.

*Enforcement Responsibility: Planning Department; DRC*

*Timing: Prior to the issuance of any building permit*

- 25. Solid wood fencing with a minimum height of 6 feet shall be installed along the east, west, and southern boundaries of the development in compliance with Development Code §19.40.100 (Screening and Buffering) and §19.46 (Fences, Hedges, and Walls). The fencing shall be subject to the review and approval of the Design Review Commission (DRC) as part of the landscape plan.

*Enforcement Responsibility: Planning Department; DRC*

*Timing: Prior to any occupancy permit*

- 26. A landscape plan shall be prepared by a licensed landscape architect. The plan shall be subject to the review and approval of the Design Review Commission (DRC). The plan shall address site landscaping, the private park, fencing/walls, hardscape improvements, and required tree plantings. Street trees along the West Spain Street frontage and along the private street shall be consistent with the City’s Tree Planting Program, including the District Tree List. The landscape plan shall comply with City of Sonoma’s Water Efficient Landscaping Ordinance (Municipal Code §14.32) and Development Code Sections 19.40.100 (Screening and Buffering), 19.46 (Fences, Hedges, and Walls), 19.40.070 (Open Space for Multi-Family Residential Projects), and 19.40.060 (Landscape Standards).

*Enforcement Responsibility: Planning Department; DRC*

*Timing: Prior to any occupancy permit*

- 27. Onsite lighting shall be addressed through a lighting plan, subject to the review and approval of the Design Review Commission (DRC). All proposed exterior lighting for the buildings and/or site shall be indicated on the lighting plan and specifications for light fixtures shall be included. The lighting shall conform to the standards and guidelines contained under Section 19.40.030 of the Development Code (Exterior Lighting). No light or glare shall be directed toward, or allowed to spill onto any offsite areas. All exterior light fixtures shall be shielded to avoid glare onto neighboring properties, and shall be the minimum necessary for site safety and security.

*Enforcement Responsibility: Planning Division; DRC*

*Timing: Prior to issuance of occupancy permit*

- 28. The following measures shall be implemented as necessary during the construction phase of the project for the protection of nesting birds.

- a. Grading or removal of nesting trees and habitat should be conducted outside the nesting season, which occurs between approximately February 15 and August 15.
- b. If grading between August 15 and February 15 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird (both passerine and raptor) survey of the grassland and trees shall be performed by a qualified biologist within 7 days of ground breaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent “take” of individual birds that could begin nesting after the survey.
- c. If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
- d. The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFG.

- e. To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude.

*Enforcement Responsibility:* Planning Department; Public Works Department  
*Timing:* Throughout project construction

29. If historic or prehistoric artifacts or sites are observed during future grading or underground excavation, all work in the vicinity of the find shall stop until the discovery area can be evaluated by an archaeologist. Depending on the extent and cultural composition of the discovered materials, data recovery may be necessary and it may be advisable to have subsequent excavation monitored by an archaeologist who should be ready to record, recover, and/or protect significant cultural materials from further damage. Artifacts that are typically found associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic resources potentially include all by-products of human land use greater than 50 years of age, including alignments of stone, foundation elements from previous structures, minor earthworks, and surface scatters and subsurface deposits of domestic type debris.

*Enforcement Responsibility:* Planning Department; Building Department; Public Works Department  
*Timing:* Throughout project construction

30. A Tribal Treatment Plan shall be developed in consultation with the Federated Indians of Graton Rancheria (FIGR) and entered into by the FIGR, the City of Sonoma, the Project Applicant, and the Contractor prior to construction. The plan shall address monitoring of excavation and other earth-moving activities and shall formalize protocol and procedures for the protection and treatment of Native American cultural resources in the event that any are discovered in conjunction with the project's development.

*Enforcement Responsibility:* Planning Department; Building Department  
*Timing:* Prior to issuance of any grading/building permit

31. If paleontological resources are identified during construction activities, all work in the immediate area will cease until a qualified paleontologist has evaluated the finds in accordance with the standard guidelines established by the Society of Vertebrate Paleontology. If the paleontological resources are considered to be significant, a data recovery program will be implemented in accordance with the guidelines established by the Society of Vertebrate Paleontology.

*Enforcement Responsibility:* Planning Department; Building Department; Public Works Department  
*Timing:* Throughout project construction

32. If human remains are encountered, all work shall stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist shall be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission shall be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided.

*Enforcement Responsibility:* Planning Department; Building Department; County Coroner  
*Timing:* Throughout project construction

33. Depending on which intersection improvement the City decides to implement, the project applicant shall either 1) pay a proportionate share of 1% of the cost of signaling the intersection of West Spain Street/Fifth Street West; or 2) submit funds to cover the cost of installing red curb on the north side of West Spain Street for a distance of 125 feet east of Fifth Street West.

*Enforcement Responsibility:* City Engineer; Planning Department; Traffic Safety Committee; City Council  
*Timing:* Prior to acceptance of the Final Map

34. Landscaping shall be maintained such that foliage stays above seven feet and below three feet from the ground. Signs or monuments to be installed along the project frontage shall be placed so that sight distance is not obstructed at the project driveways. Red curbing shall be installed for a distance of ten feet on either side of both project driveways.

*Enforcement Responsibility:* Planning Department; DRC; Public Works Department  
*Timing:* Prior to final occupancy; Ongoing

35. To ensure adequate emergency vehicle access, parking shall be prohibited along both sides of Nicora Way through the installation of “No Parking Fire Lane” signs or other markings/measures as prescribed by the SVFRA.

*Enforcement Responsibility: Fire Department/SVFRA; Public Works Department; Planning Department*  
*Timing: Prior to final occupancy; Ongoing*

36. The project applicant shall be required to prepare and implement a recycling plan for both the deconstruction of existing structures and new construction detailed in the project description. The recycling plan shall address the major materials generated through deconstruction of existing structures and construction of new buildings, and shall identify the means to divert these materials away from landfill disposal. Typical materials included in such a plan are soil, brush and other vegetative growth, sheetrock, dimensional lumber, metal scraps, cardboard packaging, and plastic wrap.

*Enforcement Responsibility: Planning Department; Building Department; Public Works Department*  
*Timing: Prior to demolition and/or construction; Ongoing through construction*



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5E

Meeting Date: 11/18/13

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**Department**

Public Works

**Staff Contact**

Dan Takasugi, Public Works Director/City Engineer

---

**Agenda Item Title**

Adopt a resolution adopting the City Standard Plans, as amended, to be effective January 1, 2014

---

**Summary**

The last update of the City of Sonoma's Standard Plans was November 8, 2011, which included only a portion of the City's Standard Plans. The 2011 Update was funded through the Community Development Agency (CDA) issued Tax Allocation Bonds (TDA). Most of this work was not completed due to the State's dissolution of redevelopment agencies, leaving a number of Standard Plan updates incomplete. Standard Plans 111 and 112 (driveways) were updated in 2011; water system standard plans were revised in 2009 along with the Citywide Waterline Replacement Project. As budget has become available, City staff determined that eleven Standard Plans should be updated/revised (including additional revisions to Standard Plans 111 and 112 (driveways) that were updated in 2011. See attached Table 1 for a list of the updated Standard Plans and a general description of the update/revision. Changes to Standard Plans 101, 102, 103 and 108 could result in a fiscal impact to developers as the minimum requirements to the typical street section and sidewalk width increased. Therefore, City staff recommends adopting the updates on January 1, 2014 to allow developers and contractors time to submit plans prior to the effective date.

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**Recommended Council Action**

It is recommended that Council approve a Resolution adopting the City Standard Plans, as amended, to be effective January 1, 2014

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**Alternative Actions**

Council discretion.

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**Financial Impact**

No financial impact to the City.

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**Environmental Review**

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

**Status**

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

**Attachments:**

Summary Table of Standard Plan Updates  
Resolution

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**Alignment with Council Goals:**

Supports the Council Budget and Fiscal Stability Goal to Maintain Capital Infrastructure.

---

**cc:**

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**Table 1**  
**Standard Plan Updates, January 1, 2014**

<b>Plan #</b>	<b>Standard Plan Title</b>	<b>General Description of Update</b>
101	Residential Street Section	Add 6-inch dimension for curb width Change sidewalk width from 4' to 5' to 5' (min.) (As directed by City Engineer) Sidewalk must meet all ADA requirements
102	Collector Street Typical Section	Add 6-inch dimension for curb width. Change sidewalk width from 4' to 5' to 5' (min.) (As directed by City Engineer). Sidewalk must meet all ADA requirements.
103	Arterial Street (4 Lanes with Parking) Typical Section	Revised Standard title from "Commercial" to "Arterial" to match City General Plan street designations. Add 6-inch dimension for curb width. Change sidewalk width from 5' to 6' to 6' (min.) (As directed by City Engineer). Sidewalk must meet all ADA requirements.
108	Curb, Gutter & Sidewalk Type A	Revise standard to include 5' min sidewalk width. Local or Collector or 6' min. arterial sidewalk width. Sidewalk must meet all ADA requirements. Added note callout and note 10 to maintain positive drainage. 0.5% (min.) flowline slope.
110	Curb, Gutter & Sidewalk Type B	Revise standard to include 5' min sidewalk width. Local or Collector or 6' min. arterial sidewalk width. Sidewalk must meet all ADA requirements. Added note callout and note 10 to maintain positive drainage. 0.5% (min.) flowline slope.
111	Residential Driveway Approach	Minor clarification for driveway dimensions.
112	Commercial Driveway Approach	Changed driveway flare to 6-foot from 3-foot. The longer flare will allow larger commercial vehicles easier access and egress, while protecting curbs on either side of a driveway from vehicle damage and temper call for red tipping curbs at driveways. Minor clarification for driveway dimensions.

113	Cross Gutter	<p>Revised to epoxy coated rebar (#5).                  Added Note 4 for min. flowline (0.5%) through cross gutter.                  Added curb ramp reference to standard.</p>
115	Sign Post Installation	<p>Revised all specifications to meet Caltrans 2010.                  Sign, post and foundation installation must meet requirements of current CA MUTCD and ADA requirements.                  Sign mounting hardware must be Hawkins M2G-C2B-TP with theft-proof cap screw, or City approved equal.</p>
121	Repair of Existing Curb, Gutter, Sidewalk & Driveway Approaches	<p>Revised horizontal or vertical displacement replacement and repair:                  Up to ¼" can remain without modification.                  Between ¼" and 1¾" – repair by grinding, sawcutting or removal/replacement, with resulting relative slope less than 1:20 (5%)                  Greater than 1¾" – remove and replace.                  All construction shall meet ADA requirements.</p>
122	Street Name Sign Specifications	Created in CAD.

**Note:**

Manual on Uniform Traffic Control Devices (MUTCD)  
 Americans with Disabilities Act (ADA)

**CITY OF SONOMA**

RESOLUTION NO. \_\_ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA  
ADOPTING CITY STANDARD PLANS, AS AMENDED,  
TO BE EFFECTIVE JANUARY 1, 2014

**WHEREAS**, the last Standard Plans update effort was concluded in late 2011, which included targeted Standard Plat updates, and

**WHEREAS**, updates have been made to standards related to street sections, curb, gutter and sidewalk, cross gutter, sign post installation and repair of existing curb, gutter, sidewalk and driveway approaches, as shown in Exhibit A, and

**WHEREAS**, this resolution will adopt standards for public works improvements, as amended, to be effective January 1, 2014 and

**WHEREAS**, the City Council may modify design, construction or legal specifications for particular projects on a case-by-case basis as approved by the City Engineer, and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Sonoma does hereby formally adopt standards for public works, as amendment, on January 1, 2014.

ADOPTED this 18<sup>th</sup> day of November 2013 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Ken Brown, Mayor

ATTEST:

\_\_\_\_\_  
Gay Johann, City Clerk

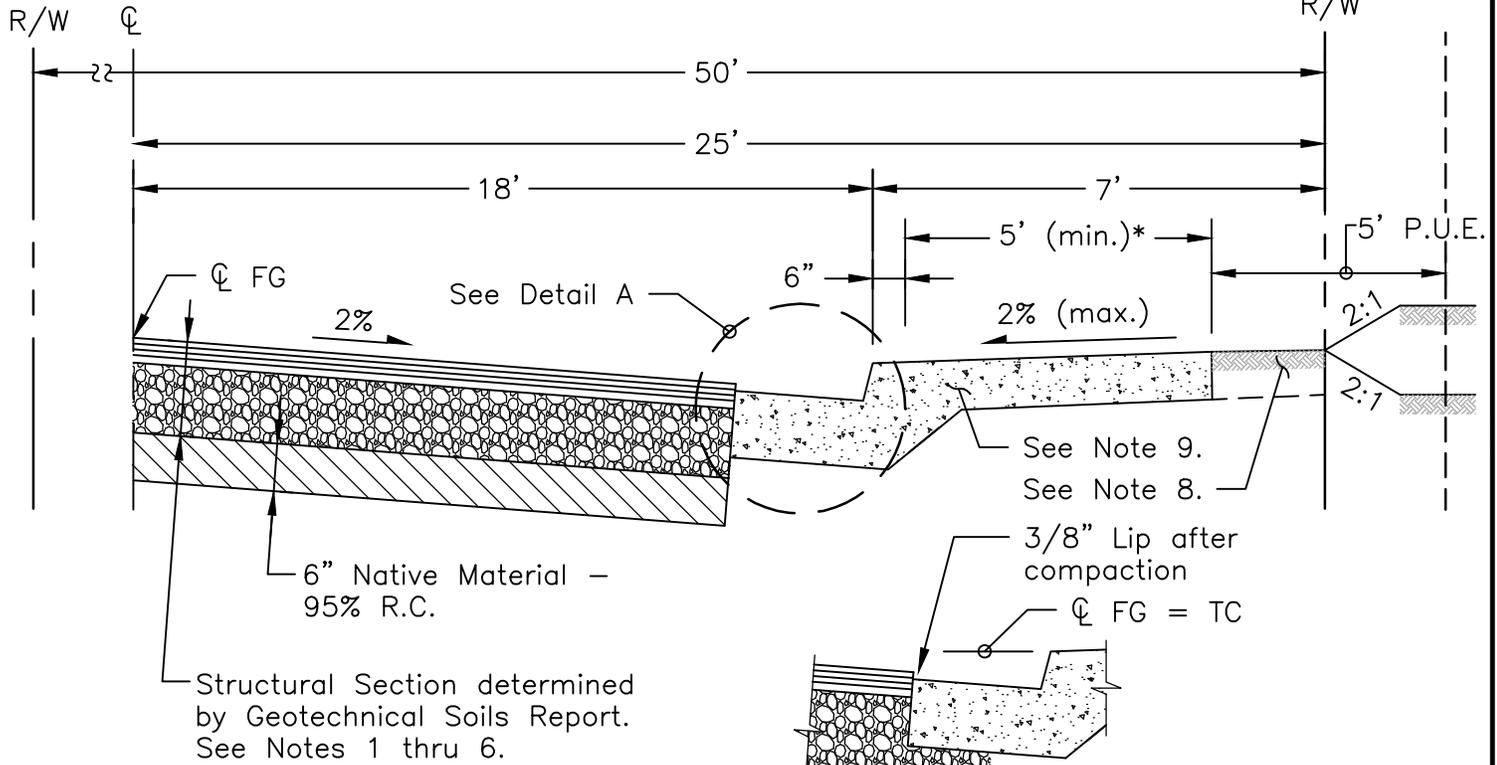


# City of Sonoma

PUBLIC WORKS DEPARTMENT

## LOCAL STREET TYPICAL SECTION

Section Symmetrical  
About  $\mathcal{C}$



DETAIL A \*As directed by City Engineer

### NOTES:

$\mathcal{C}$  = Roadway Centerline      R/W = Right of Way      P.U.E = Public Utilities Easement  
 R.C. = Relative Compaction      FG = Finished Grade      TC = Top of Curb  
 T.I. = Traffic Index (Calculation per Caltrans Highway Design Manual)

1. All work must conform to California Department of Transportation (Caltrans) Standards.
2. Hot Mix Asphalt (HMA): Type A, 1/2" max aggregate.
3. HMA Asphalt Binder: PG64-16.
4. Tack Coat: SS-1, SS-1h or RS-1 emulsified asphalt.
5. Aggregate Base (AB): Class 2 - 95% R.C.
6. Minimum structural section: 2" HMA over 8" Class 2 AB.
7. T.I. calculation must be approved by the City Engineer but in no instance less than 5.0.
8. The area between the R/W and back of sidewalk must be graded to 2% max. and sufficient compaction effort and moisture applied to this area to prevent settlement.
9. Curb, gutter and sidewalk must be Type A per Std. Plan 108 or Type B per Std Plan 110 as determined by the City Engineer.
10. Add "lamp black" color to PCC at a rate of 1 pound per cubic yard.
11. Minimum clearance of 36" sidewalk width to existing pole or other structure required.
12. Sidewalk must meet all Americans with Disabilities Act (ADA) requirements.

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
PUBLIC WORKS DIRECTOR      DATE

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SCALE: NONE

STANDARD  
PLAN

101

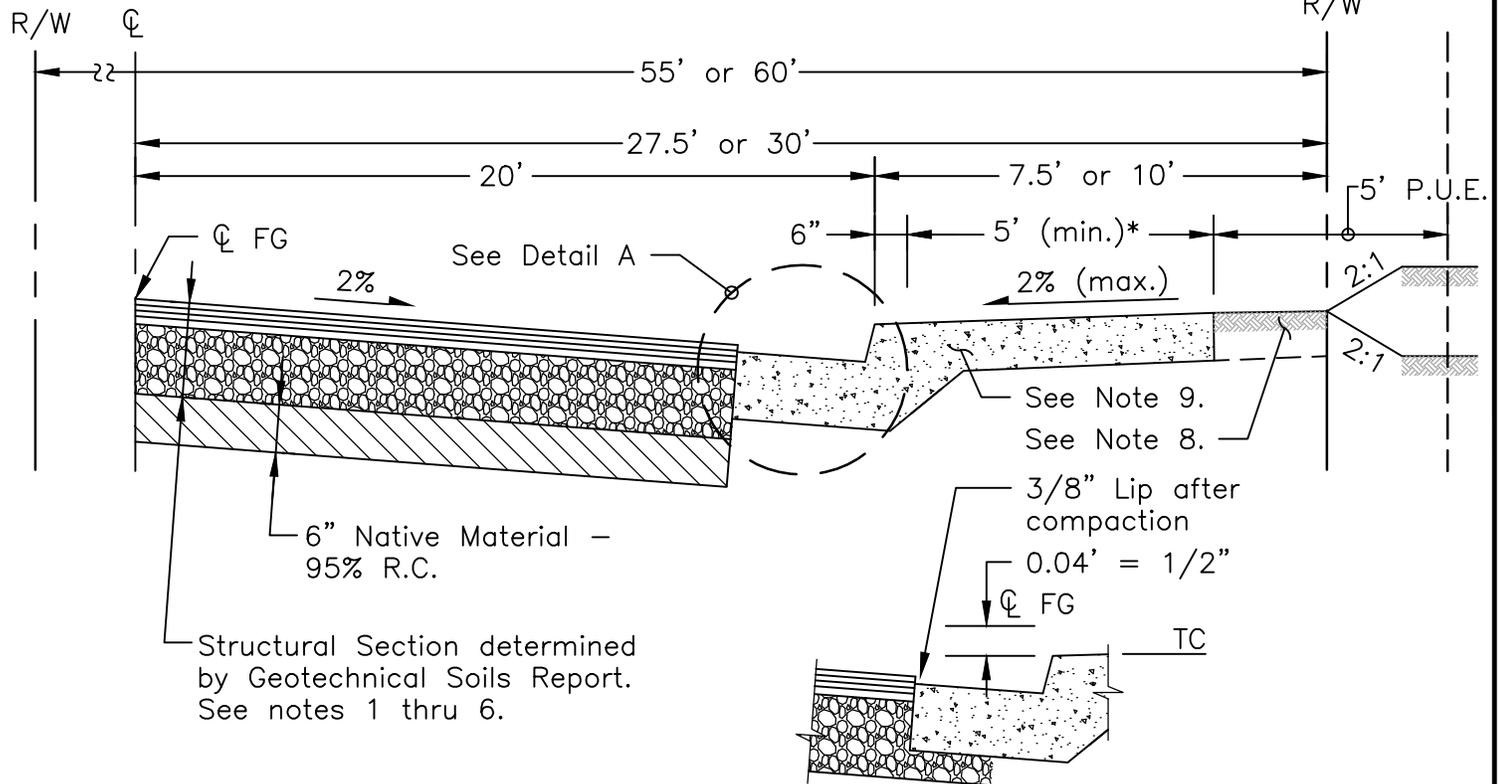


# City of Sonoma

PUBLIC WORKS DEPARTMENT

## COLLECTOR STREET TYPICAL SECTION

Section Symmetrical  
About  $\mathcal{C}$



DETAIL A \*As directed by City Engineer

### NOTES:

$\mathcal{C}$  = Roadway Centerline      R/W = Right of Way      P.U.E = Public Utilities Easement  
 R.C. = Relative Compaction      FG = Finished Grade      TC = Top of Curb  
 T.I. = Traffic Index (Calculation per Caltrans Highway Design Manual)

1. All work must conform to California Department of Transportation (Caltrans) Standards
2. Hot Mix Asphalt (HMA): Type A, 1/2" max aggregate.
3. HMA Asphalt Binder: PG64-16.
4. Tack Coat: SS-1, SS-1h or RS-1 emulsified asphalt.
5. Aggregate Base (AB): Class 2 - 95% R.C.
6. Minimum structural section: 2-1/2" HMA over 8" Class 2 AB.
7. T.I. calculation must be approved by the City Engineer but in no instance less than 7.0.
8. The area between the R/W and back of sidewalk must be graded to 2% (max.) and sufficient compaction effort and moisture be applied to this area to prevent settlement.
9. Curb, gutter and sidewalk must be Type A per Std. Plan 108 or Type B per Std Plan 110 as determined by the City Engineer.
10. Add "lamp black" color to PCC at a rate of 1 pound per cubic yard.
11. Minimum clearance of 36" sidewalk width to existing pole or other structure required.
12. Sidewalk must meet all Americans with Disabilities Act (ADA) requirements.

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

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PUBLIC WORKS DIRECTOR      DATE

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PLAN

102



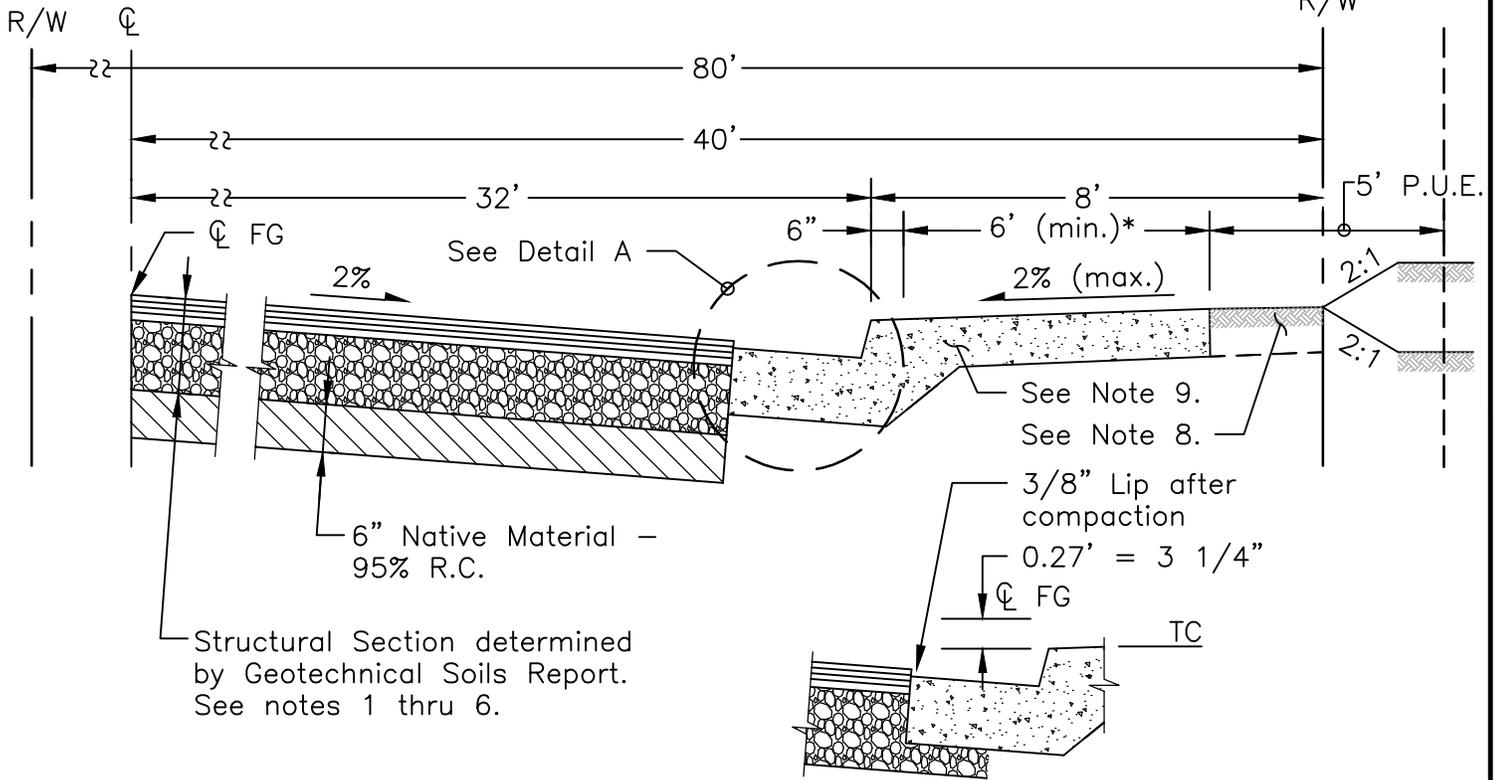
# City of Sonoma

PUBLIC WORKS DEPARTMENT

## ARTERIAL STREET (4 LANES WITH PARKING) TYPICAL SECTION

Section Symmetrical

About  $\mathcal{C}$



DETAIL A \*As directed by City Engineer

### NOTES:

$\mathcal{C}$  = Roadway Centerline      R/W = Right of Way      P.U.E = Public Utilities Easement  
 R.C. = Relative Compaction      FG = Finished Grade      TC = Top of Curb  
 T.I. = Traffic Index (Calculation per Caltrans Highway Design Manual)

1. All work must conform to California Department of Transportation (Caltrans) Standards.
2. Hot Mix Asphalt (HMA): Type A, 1/2" max aggregate.
3. HMA Asphalt Binder: PG64-16.
4. Tack Coat: SS-1, SS-1h or RS-1 emulsified asphalt.
5. Aggregate Base (AB): Class 2 - 95% R.C.
6. Minimum structural section: 3" HMA over 8" Class 2 AB.
7. T.I. calculation must be approved by the City Engineer but in no instance less than 9.0.
8. The area between the R/W and back of sidewalk must be graded to 2% and sufficient compaction effort and moisture applied to this area to prevent settlement.
9. Curb, gutter and sidewalk must be Type A per Std. Plan 108 or Type B per Std Plan 110 as determined by the City Engineer.
10. Add "lamp black" color to PCC at a rate of 1 pound per cubic yard.
11. Minimum clearance of 36" sidewalk width to existing pole or other structure required.
12. Sidewalk must meet all Americans with Disabilities Act (ADA) requirements.

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
PUBLIC WORKS DIRECTOR      DATE

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STANDARD  
PLAN

103



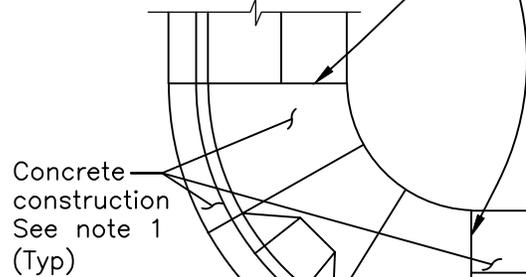
# City of Sonoma

PUBLIC WORKS DEPARTMENT

## CURB, GUTTER & SIDEWALK TYPE A

1/2" expansion joint material at BCR and ECR (see detail at right)

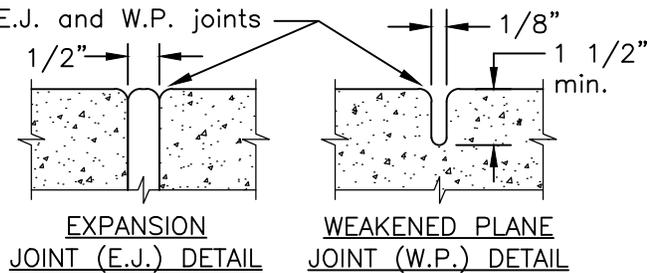
Edge all E.J. and W.P. joints



Concrete construction See note 1 (Typ)

Curb ramp per current Caltrans Std. Plan A88A

Maintain positive drainage. 0.5% (min.) flowline slope (typ.)



EXPANSION JOINT (E.J.) DETAIL

WEAKENED PLANE JOINT (W.P.) DETAIL

Score lines for W.P. joints at 5'-6" intervals

Parkway Strip

Construct E.J. at 15' or 18' intervals (see details above)

5'-0" min. Local or Collector  
6'-0" min. Arterial  
See Note 5.

Street width

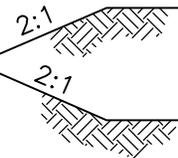
5'-0" Parkway Strip

1' to 2' flat bench (min.)

3/8" lip

2% (max)

H.M.A. Base



4" Aggregate Base, Class 2, 95% R.C.

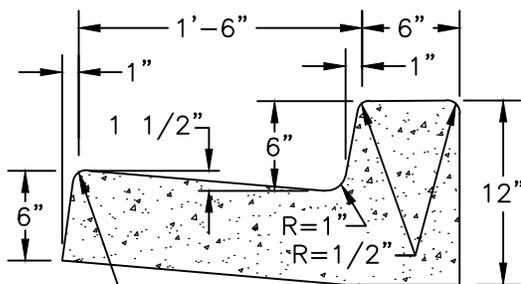
Subgrade, 95% R.C.

3" Aggregate Base, Class 2, 95% R.C.

TYPICAL SECTION

### NOTES:

- Concrete Specifications, per Caltrans Section 90-2:  
Minor concrete: Cementitious material 505 lbs/cy (min);  
Aggregate: 3/4" (min), 1-1/2" (max)  
Water: Potable and free of oil, salts and other impurities;  
Slump/finish: 4" (max)/ light broom finish
- No concrete shall be placed without prior inspection by the Public Works Inspector.
- Add "lamp black" color to PCC at a rate of 1 pound per cubic yard.
- Utility poles must not be located in sidewalk without City approval and shall be wrapped with 30 lb. felt to finished grade prior to placing concrete. Felt shall be trimmed. Minimum ADA clearance shall apply.
- Sidewalk width and bench width may vary based on existing site conditions. Final width to be determined by the City Engineer.
- For sign post installation requirements, see City Std 115.
- For replacement of curb and gutter, sawcut minimum of 12" pavement to be removed and replaced with HMA.
- Placement and type of street tree within parkway strip shall be approved by the City Engineer.
- All construction shall meet Americans with Disabilities Act (ADA) requirements.
- Maintain positive drainage for all improvements without any water ponding.



CURB SECTION

R.C. = Relative Compaction  
H.M.A. = Hot Mix Asphalt

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
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PLAN

108



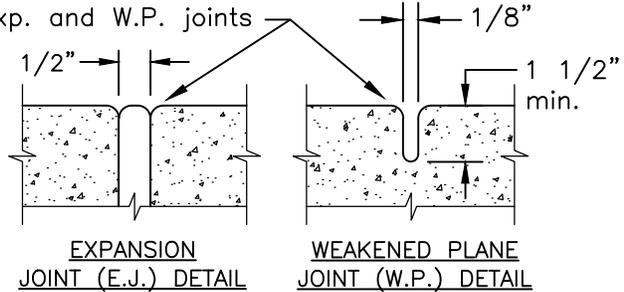
# City of Sonoma

PUBLIC WORKS DEPARTMENT

## CURB, GUTTER & SIDEWALK TYPE B

1/2" expansion joint material at BCR and ECR (see detail at right)

Edge all Exp. and W.P. joints



Concrete construction See note 1 (Typ)

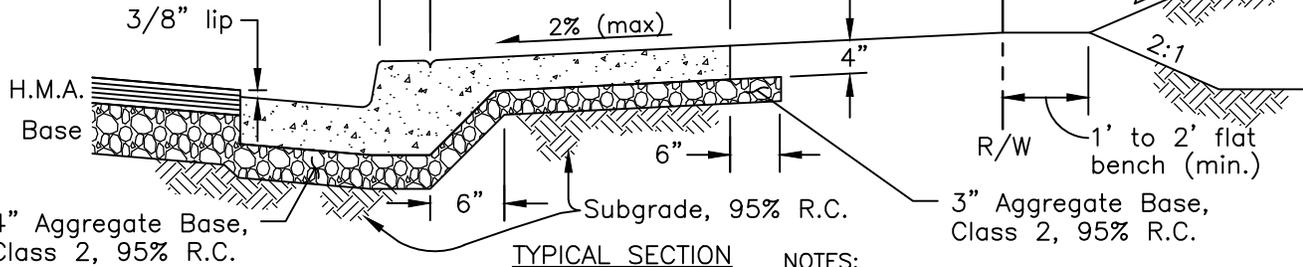
Curb ramp per current Caltrans Std. Plan A88A

Maintain positive drainage. 0.5% (min.) flowline slope (typ.)

Construct E.J. at 15'-18' intervals (see details above)

Score lines for W.P. joints at 5'-6' intervals

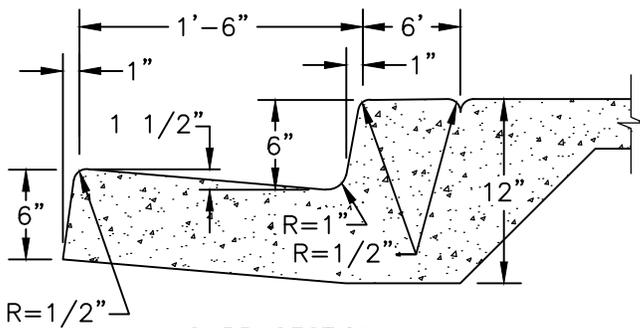
Street width → 6" → 5'-0" (min) Local or Collector  
6'-0" (min) Arterial  
See Note 5.



TYPICAL SECTION

NOTES:

- Concrete Specifications, per Caltrans Section 90-2: Minor concrete: Cementitious material 505 lbs/cy (min); Aggregate: 3/4" (min), 1-1/2" (max) Water: Potable and free of oil, salts and other impurities; Slump/finish: 4" (max)/ light broom finish
- No concrete shall be placed without prior inspection by the Public Works Inspector.
- Add "lamp black" color to PCC at a rate of 1 pound per cubic yard.
- Utility poles must not be located in sidewalk without City approval and shall be wrapped with 30 lb. felt to finished grade prior to placing concrete. Felt shall be trimmed. Minimum ADA clearance shall apply.
- Sidewalk width and bench width may vary based on existing site conditions. Final width to be determined by the City Engineer.
- For sign post installation requirements, see City Std 115.
- For replacement of curb and gutter, sawcut minimum of 12" pavement to be removed and replaced with HMA.
- Placement and type of street tree within parkway strip shall be approved by the City Engineer.
- All construction shall meet Americans with Disabilities Act (ADA) requirements.
- Maintain positive drainage for all improvements without any water ponding.



CURB SECTION

R.C. = Relative Compaction  
H.M.A = Hot Mix Asphalt

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
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PLAN

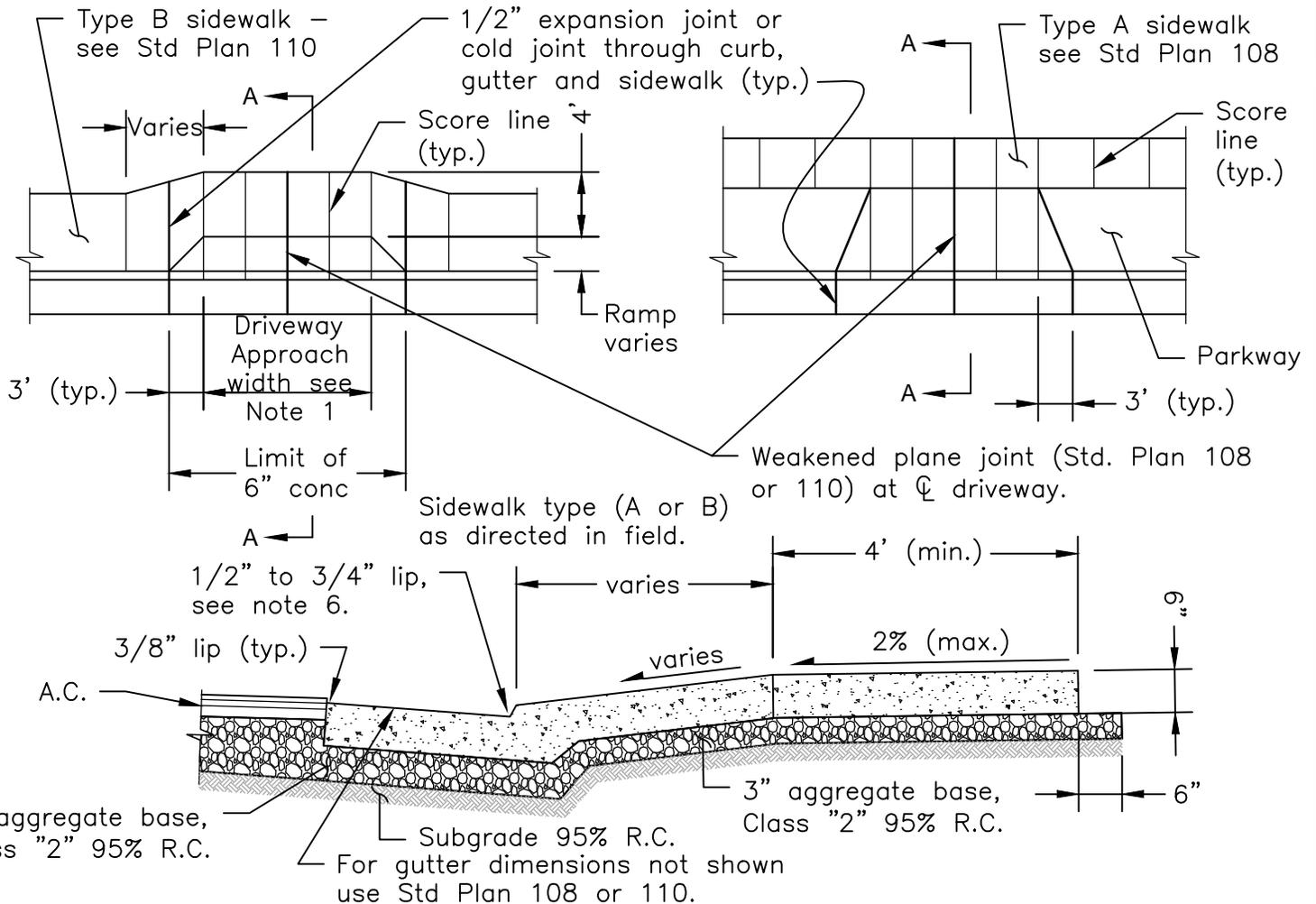
110



# City of Sonoma

PUBLIC WORKS DEPARTMENT

## RESIDENTIAL DRIVEWAY APPROACH



### NOTES:

R.C. = Relative Compaction

### SECTION A-A

1. Minimum residential driveway approach widths:

Single Car Garage: 12 ft., Two Car Garage: 20 ft., Three Car Garage: 30 ft.

Only one driveway cut per parcel is allowed unless approved by the Design Review Commission or Planning Commission.

2. Concrete Specifications; per Caltrans Section 90-2:

Minor Concrete: Cement: 505 lbs/cy (min), Aggregate: 3/4" (min), 1-1/2" (max), Water: potable and free of oil, salts and other impurities, Slump/Finish: 4" (max) light broom finish.

3. Abandoned driveways shall be removed and replaced with standard curb, gutter & sidewalk. (Std. Plan 108 or 110).

4. Concrete removal shall be to the nearest expansion or cold joint or sawcut to a min depth of 2-1/2" at the nearest score line.

5. No concrete shall be placed without prior inspection by the City of Sonoma.

6. At bike paths, delete lip and construct ramp flush with gutter at flowline.

7. Driveway transition to sidewalk shall meet Federal ADA Standards for new or replacement driveway installations. Minor or no repairs to an existing driveway do not trigger Federal ADA Standards.

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
PUBLIC WORKS DIRECTOR DATE

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STANDARD  
PLAN

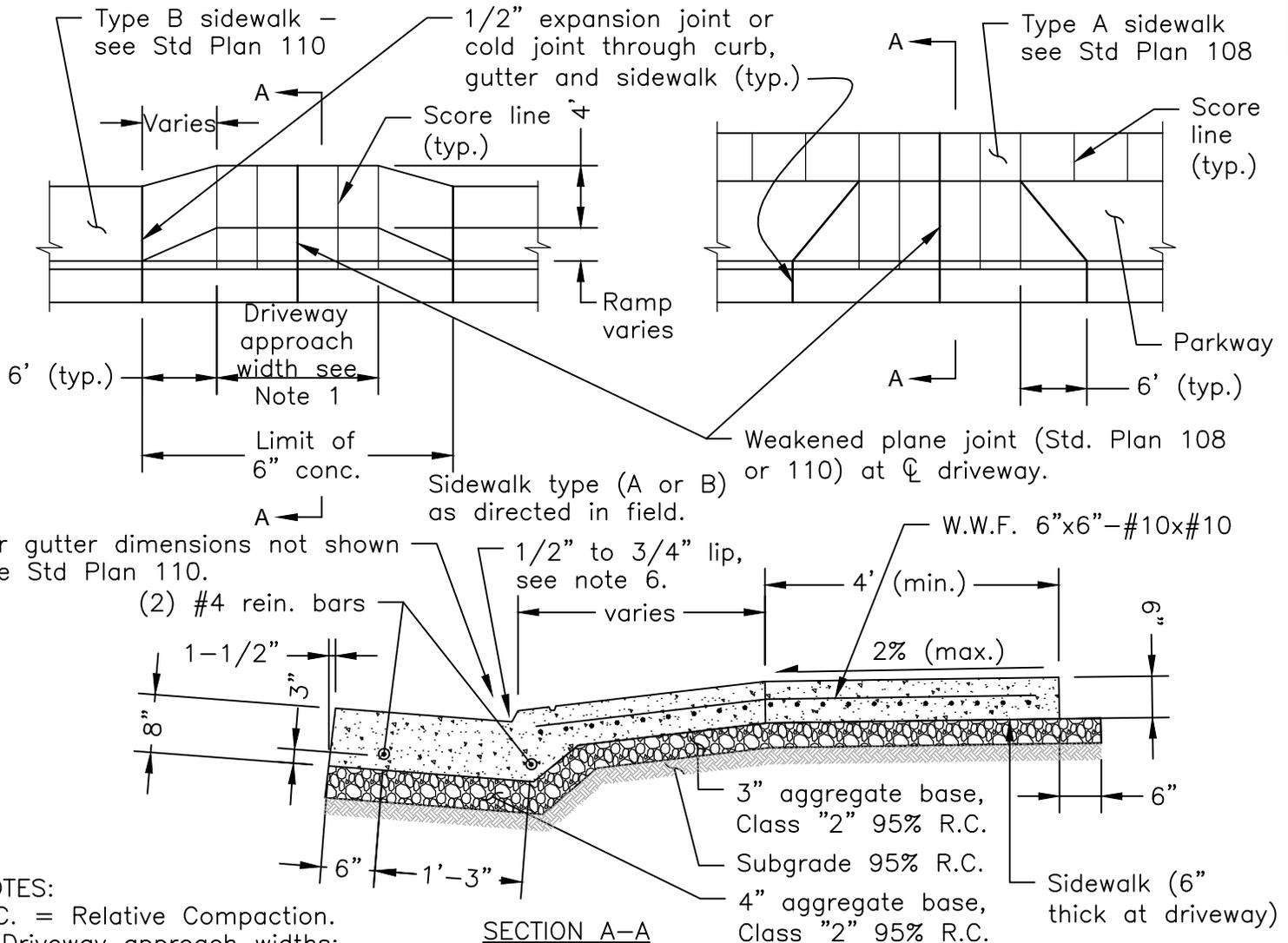
111



# City of Sonoma

PUBLIC WORKS DEPARTMENT

## COMMERCIAL DRIVEWAY APPROACH



For gutter dimensions not shown see Std Plan 110.

### NOTES:

R.C. = Relative Compaction.

1. Driveway approach widths:

Single Driveway: 12 ft. min, 14 ft. max

Double Driveway: 24 ft. min, 30 ft. max

Only one driveway cut per parcel is allowed unless approved by the Design Review Commission or Planning Commission.

2. Concrete Specifications; per Caltrans Section 90-2:

Minor Concrete: Cement: 505 lbs/cy (min), Aggregate: 3/4" (min), 1-1/2" (max), Water: potable and free of oil, salts and other impurities, Slump/Finish: 4" (max) light broom finish.

3. Abandoned driveways shall be removed and replaced with standard curb, gutter & sidewalk.

4. Concrete removal shall be to the nearest expansion or cold joint or sawcut to a min depth of 2-1/2" at the nearest score line.

5. No concrete shall be placed without prior inspection by the City of Sonoma.

6. At bike paths, delete lip and construct ramp flush with gutter at flowline.

7. Driveway transition to sidewalk shall meet Federal ADA Standards for new or replacement driveway installations. Minor or no repairs to an existing driveway do not trigger Federal ADA Standards.

### SECTION A-A

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

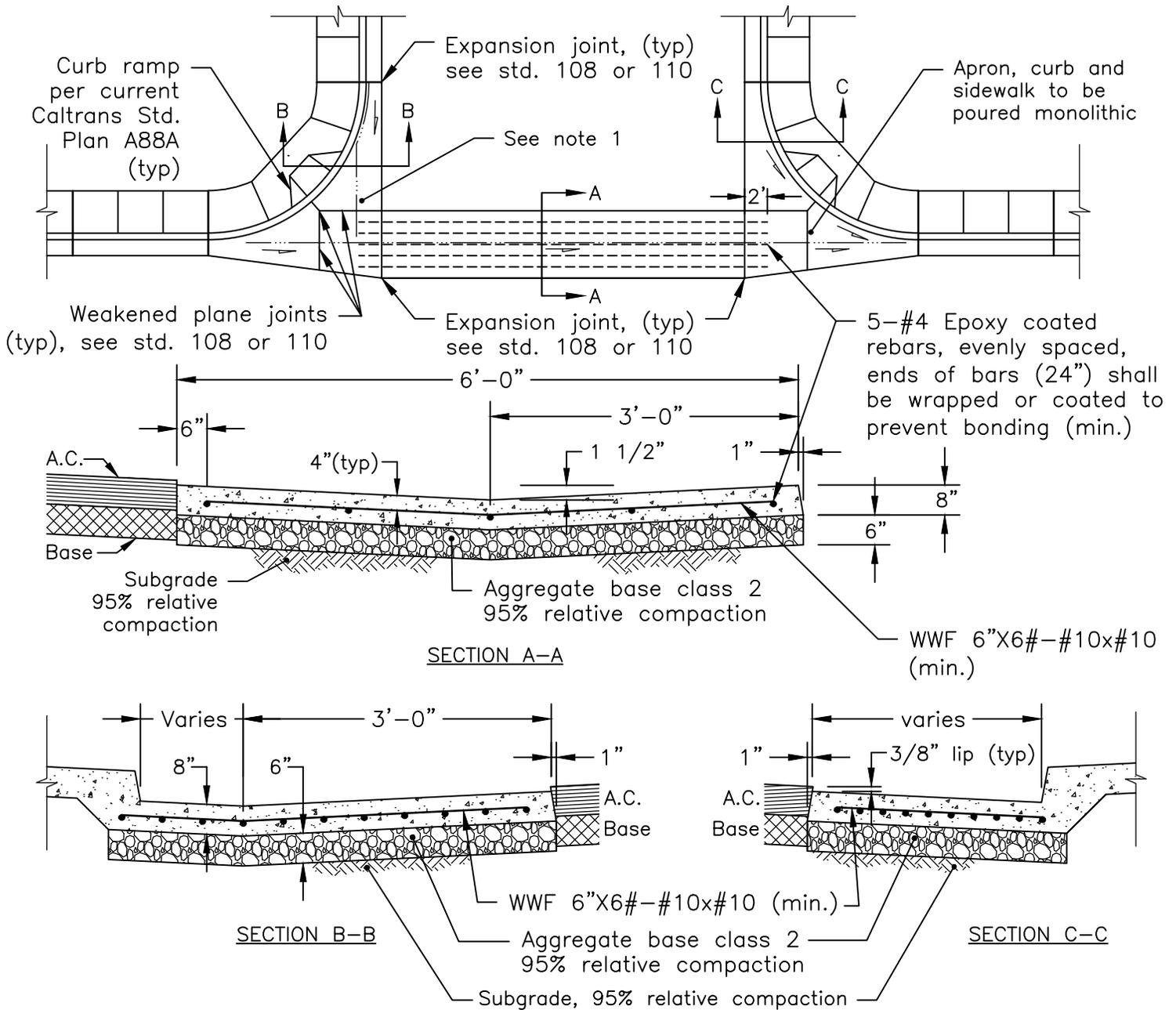
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PUBLIC WORKS DIRECTOR DATE

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SCALE: NONE

STANDARD  
PLAN

112



### NOTES:

- Concrete Specifications, per Caltrans Section 90-2:  
 Minor concrete: Cementitious material 505 lbs/cy (min); Aggregate: 1" (min), 1-1/2" (max)  
 Water: Potable and free of oil, salts and other impurities; Slump/finish: 4" (max)/ light broom finish
- No concrete shall be placed without prior inspection by the Public Works Inspector.
- Add "lamp black" color to PCC at a rate of 1 pound per cubic yard.
- Flowline slope: 0.5% (min.)

REVIEWED BY \_\_\_\_\_  
 CITY ENGINEER

APPROVED BY \_\_\_\_\_  
 PUBLIC WORKS DIRECTOR      DATE

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SCALE: NONE

**STANDARD  
 PLAN**

**113**

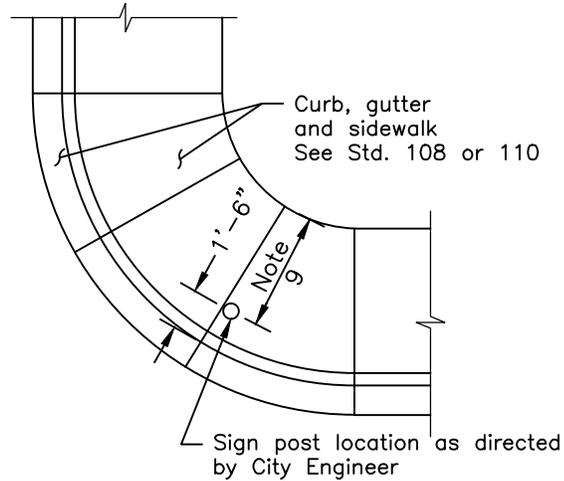
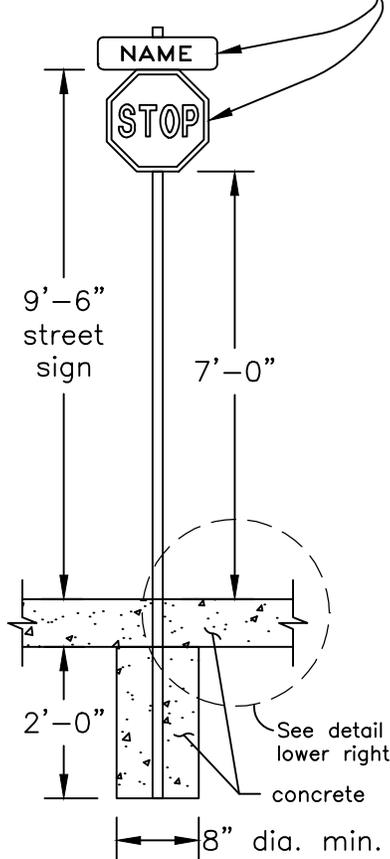


# City of Sonoma

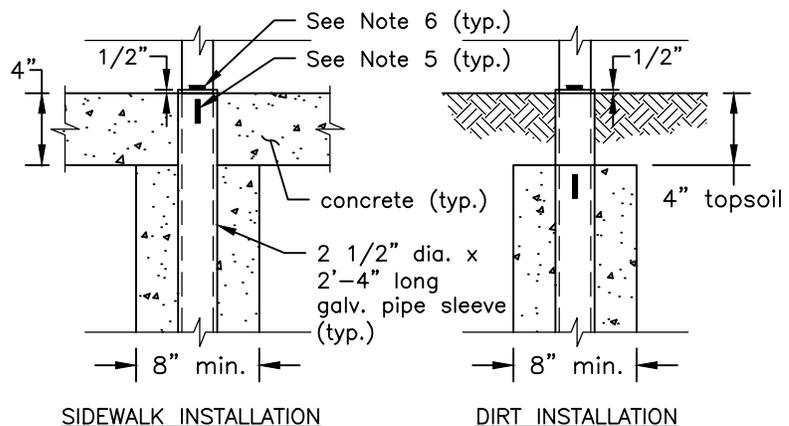
PUBLIC WORKS DEPARTMENT

## SIGN, POST AND FOUNDATION INSTALLATION

Signs shall be furnished and installed by the applicant as specified on improvement plans



SIGN POST LOCATION



SIDEWALK INSTALLATION

DIRT INSTALLATION

### NOTES:

1. Sign, post and foundation installation must meet requirements of current CA Manual on Uniform Traffic Control Devices (MUTCD) and all Americans with Disabilities Act (ADA) requirements.
2. Concrete for post installation per Caltrans Section 90-2:  
 Minor concrete: Cementitious material 505 lbs/cy (min.);  
 Aggregate: 3/4" (min.), 1-1/2" (max.)  
 Water: Potable and free from oils, salts and other impurities;  
 Slump: 4" (max.)
3. Posts shall be new 2" std. galv. pipe and shall be set plumb.
4. Where no street name sign is installed, post shall be capped by using a rounded post cap.
5. Three equally spaced 1/4" high welded beads 3" in length or City approved equal on pipe sleeve as shown.
6. Two equally spaced 1" long tack welds to post and sleeve.
7. See Std. plan 122 for street name sign specs.
8. Stop signs must be 30" x 30" (min.). All roadside signs must meet requirements of current CA MUTCD, including for reflectance and illuminance. Sign blanks must be 0.080 inches (min.) thick for all roadside signs. Base metal must conform to ASTM B209, of either 5052-H38 or 6061-T6 alloy. Signs must be manufactured by Hawkins or approved equivalent. Reflective sheeting must conform to 3M Diamond grade or approved equal.
9. Sidewalk clear width from edge of pole shall meet ADA requirements.
10. Sign mounting hardware must be Hawkins M2G-C2B-TP with theft-proof cap screw, or City approved equal.

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
PUBLIC WORKS DIRECTOR      DATE

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SCALE: NONE

STANDARD  
PLAN

115



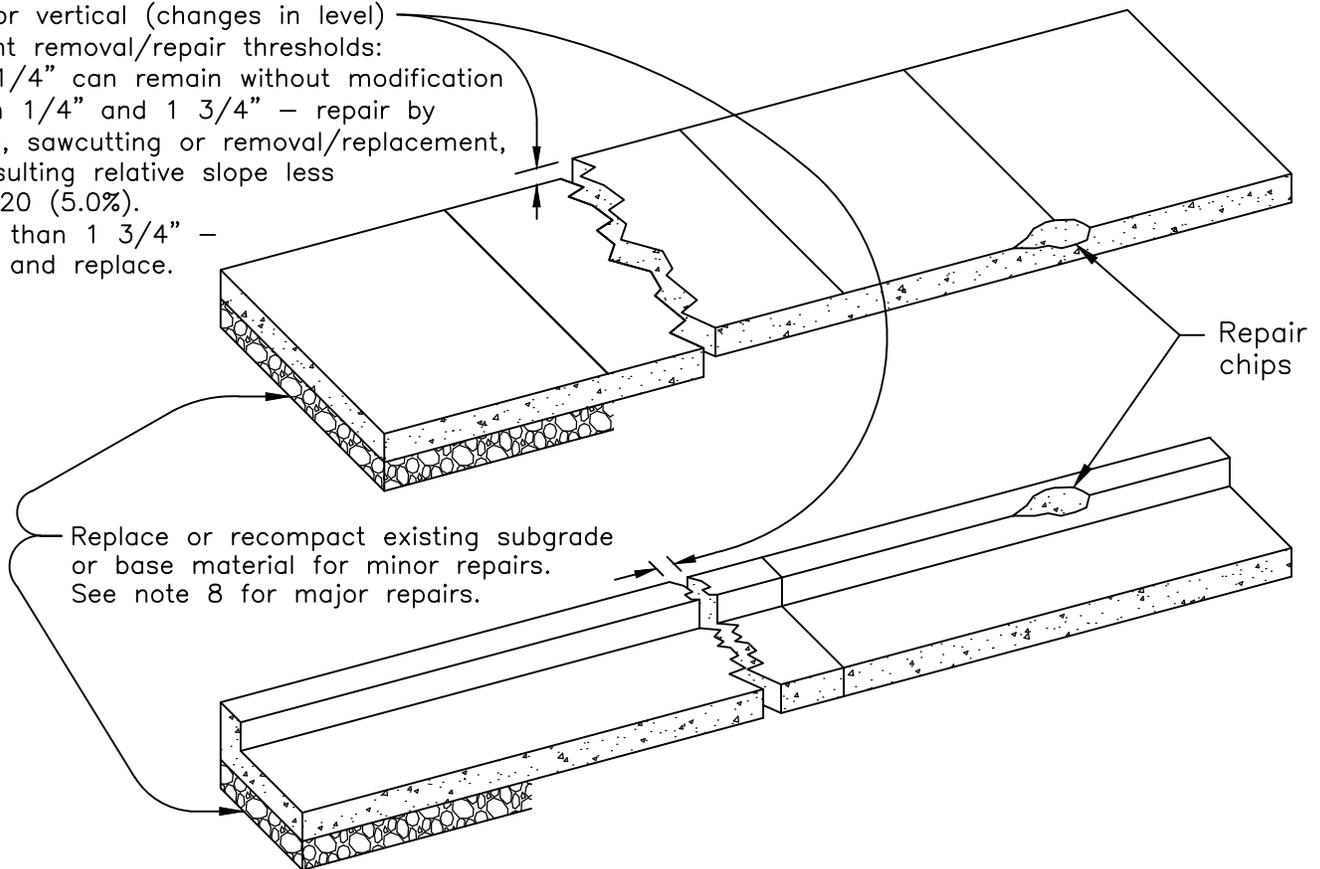
# City of Sonoma

PUBLIC WORKS DEPARTMENT

## REMOVAL AND REPAIR OF EXISTING CURB, GUTTER, SIDEWALK AND DRIVEWAY APPROACHES

Horizontal or vertical (changes in level) displacement removal/repair thresholds:

- Up to 1/4" can remain without modification
- Between 1/4" and 1 3/4" – repair by grinding, sawcutting or removal/replacement, with resulting relative slope less than 1:20 (5.0%).
- Greater than 1 3/4" – remove and replace.



### NOTES:

1. Curb, gutter and sidewalk removal shall be to the nearest expansion or weakened plane joint or saw at the nearest score line to a minimum depth of 2 1/2".
2. Curb, gutter and sidewalks which are defective from cracking or displacement per the above criteria or from excessive spalling or honeycombing as determined by the City Engineer shall be repaired by removing and replacing the defective portions.
3. Replacement concrete shall be formed and finished to the same standard required for new work (see specifications below). The edge of the existing pavement shall not be used as the gutter form unless otherwise approved by the City Engineer. The concrete shall be scored to match the existing score patterns.
4. Surface chips may be repaired by an epoxy method which will result in a hard surface, neat permanent repair. Surface texture and color shall match the adjacent concrete.
5. Driveway aprons shall be repaired by sawing out defective portion to nearest score line and replacing. The portion removed shall be rectangular with no dimension less than 4 feet.
6. Concrete specifications:  
Per City standard 108 or 110 for curb and gutter, per City standard 111 or 112 for residential or commercial driveways.
7. No concrete shall be placed without prior inspection by the City of Sonoma.
8. For major repairs (sections of sidewalk or curb and gutter over 12 feet in length or complete driveway aprons), subgrade and base material shall conform to standard plan 108 or 110.
9. For removal of curb and gutter, sawcut min. 1'-0" of adjacent A.C. pavement and replace per City standards.
10. All construction shall meet Americans with Disabilities Act (ADA) requirements.

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
PUBLIC WORKS DIRECTOR      DATE

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STANDARD  
PLAN

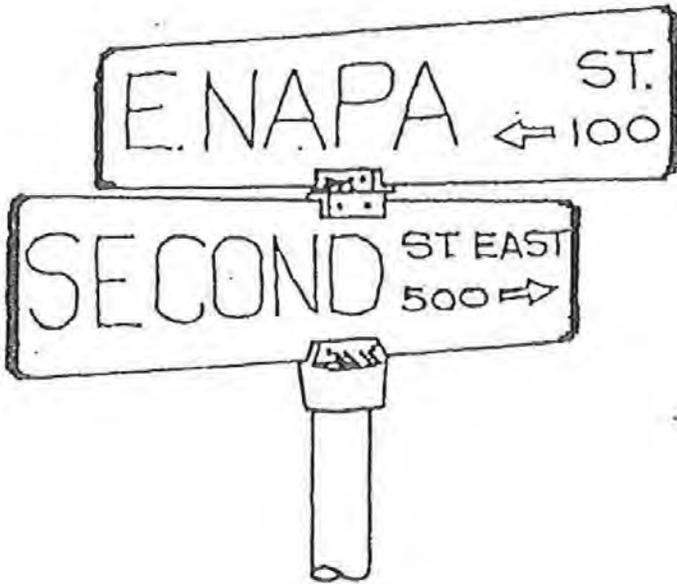
121



# City of Sonoma

PUBLIC WORKS DEPARTMENT

## STREET NAME SIGN SPECIFICATIONS



### NOTES:

1. Street name sign and bracket assembly shall be as manufactured by:  
Hawkins – Hawkins Co.  
1255 Eastshore Hwy  
Berkeley, CA 94710  
Phone: (510)–525–4040
2. See Standard Plan 115 for installation detail.
3. See Standard Plan 606 or improvement plans for street name sign location.

### SPECIFICATIONS

#### SIGN FACE

- Color ————— Silver copy on brown background (3M Company #3270 silver and #2279 brown.)
- Copy ————— All copy shall be series C. 4" upper case copy for street names and 2" copy for suffix, block numbers and arrows.
- Material ————— 3M Company "Scotchlite" engineering grade.

#### SIGN BLANK

- Material ————— Blanks shall be aluminum 6061T6 alloy with an alodine surface.
- Shape ————— Blank material shall be 0.125 inches thick.  
Blank shall have 1/2 inch radius corners.
- Size ————— Height: 6 inches  
Length: 24 inches, 30 inches or 36 inches as determined by amount of copy.

#### SIGN BLANK

- Post caps ————— Post caps shall be cast aluminum deeply grooved to securely hold sign on 2 inch galvanized pipe post without twisting. It shall be secured to the post with three (3) 5/16 inch allen-head set screws.
- Sign to sign separators ————— Sign separators shall be die-cast aluminum and constructed so as to separate two (2) signs, one above the other, at 90 degrees. Signs to be secured with four (4) allen-head set screws.

REVIEWED BY \_\_\_\_\_  
CITY ENGINEER

APPROVED BY \_\_\_\_\_  
PUBLIC WORKS DIRECTOR      DATE

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SCALE: NONE

## STANDARD PLAN

# 122



**CITY OF SONOMA**  
**City Council/Successor Agency**  
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 11/18/2013

---

**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk/Assistant to the City Manager

---

**Agenda Item Title**

Approval of the portions of the Minutes of the November 4, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

---

**Summary**

The minutes have been prepared for Council review and approval.

---

**Recommended Council Action**

Approve the minutes.

---

**Alternative Actions**

Correct or amend the minutes prior to approval.

---

**Financial Impact**

N/A

---

**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

---

**Attachments:**

See Agenda Item 5B for the minutes

**Alignment with Council Goals:** N/A

**cc:** NA

---



**City of Sonoma**  
**City Council as Successor**  
**Agency**  
**Agenda Item Summary**

City Council Agenda Item: 6B

Meeting Date: 11/18/13

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**Department**

Planning

**Staff Contact**

David Goodison, Planning Director

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**Agenda Item Title**

Selection of a real estate professional to assist in the marketing and sale of the property located at 32 Patten Street.

---

**Summary**

Pursuant to legislation adopted following the dissolution of redevelopment agencies throughout the State, the Successor Agency is required to work with the Oversight Board to dispose of property assets transferred from the former Sonoma Community Development Agency to the Successor Agency, which in this case is a single parcel located at 32 Patten Street. As required by State law, a Long-Range Property Management Plan (LRPMP) addressing the disposition and/or use of the has been prepared. The LRPMP was adopted by the City Council (as the Successor Agency) on September 16, 2013 and by the Oversight Board on September 25, 2013. The LRPMP for the 32 Patten Street site recommends that it be sold on the open market. In order to implement this direction, the City Council (acting as the Successor Agency) and the Oversight Board approved a Request for Qualifications (RFQ) inviting real estate consultants to offer their services in marketing and selling the Patten Street property. The RFQ designated a Selection Committee comprised of Mayor Brown, Dick Fogg (a member of the Oversight Board), and the City Manager. Following the circulation of the RFQ and the receipt of proposals (seven were submitted), the Selection Committee identified four respondents to be interviewed. These interviews took place on November 13, 2013, at which time the Selection Committee recommended the retention of Ryan Snow and Jeff Negri of Cassidy-Turley.

---

**Recommended Council Action**

Authorize the City Manager to negotiate and execute a listing agreement with Ryan Snow and Jeff Negri of Cassidy-Turley.

---

**Alternative Actions**

Provide direction to staff.

---

**Financial Impact**

The compensation for the real estate consulting team will consist of a 6% sales commission (split between the buyer and seller agents) paid through the proceeds of the sale of the property.

---

**Environmental Review**

**Status**

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

- Approved/Certified (as part of draft ordinance)
  - No Action Required
  - Action Requested
- 

**Alignment with Council Goals:**

The sale of the property at 32 Patten Street relates to the "Policy and Leadership" goal, as it responds to the requirements of State legislation while emphasizing local control to the extent possible.

---

**Attachments:**

cc: Ryan Snow/Jeff Negri, Cassidy-Turley

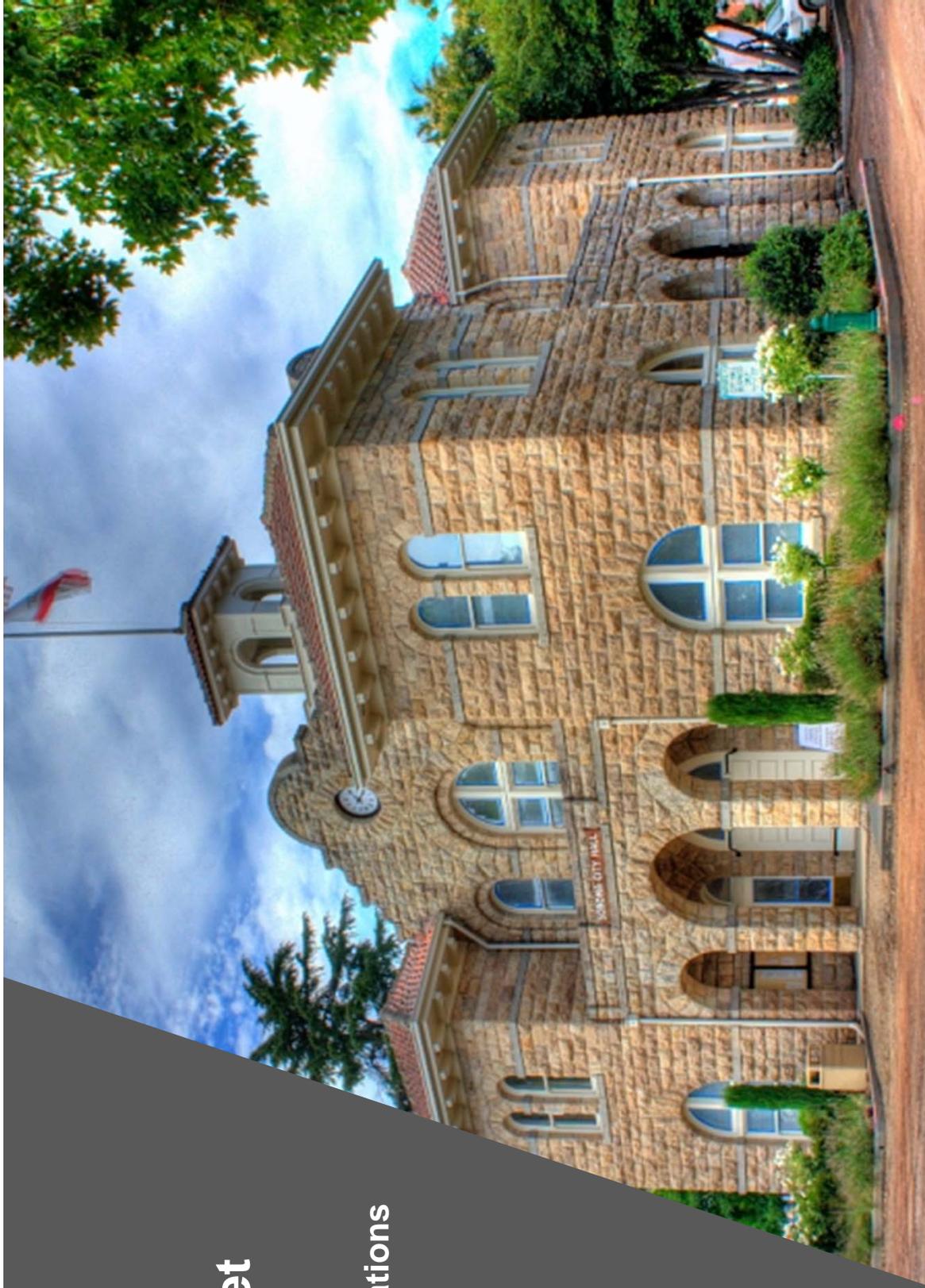


# 32 Patten Street Sonoma, CA

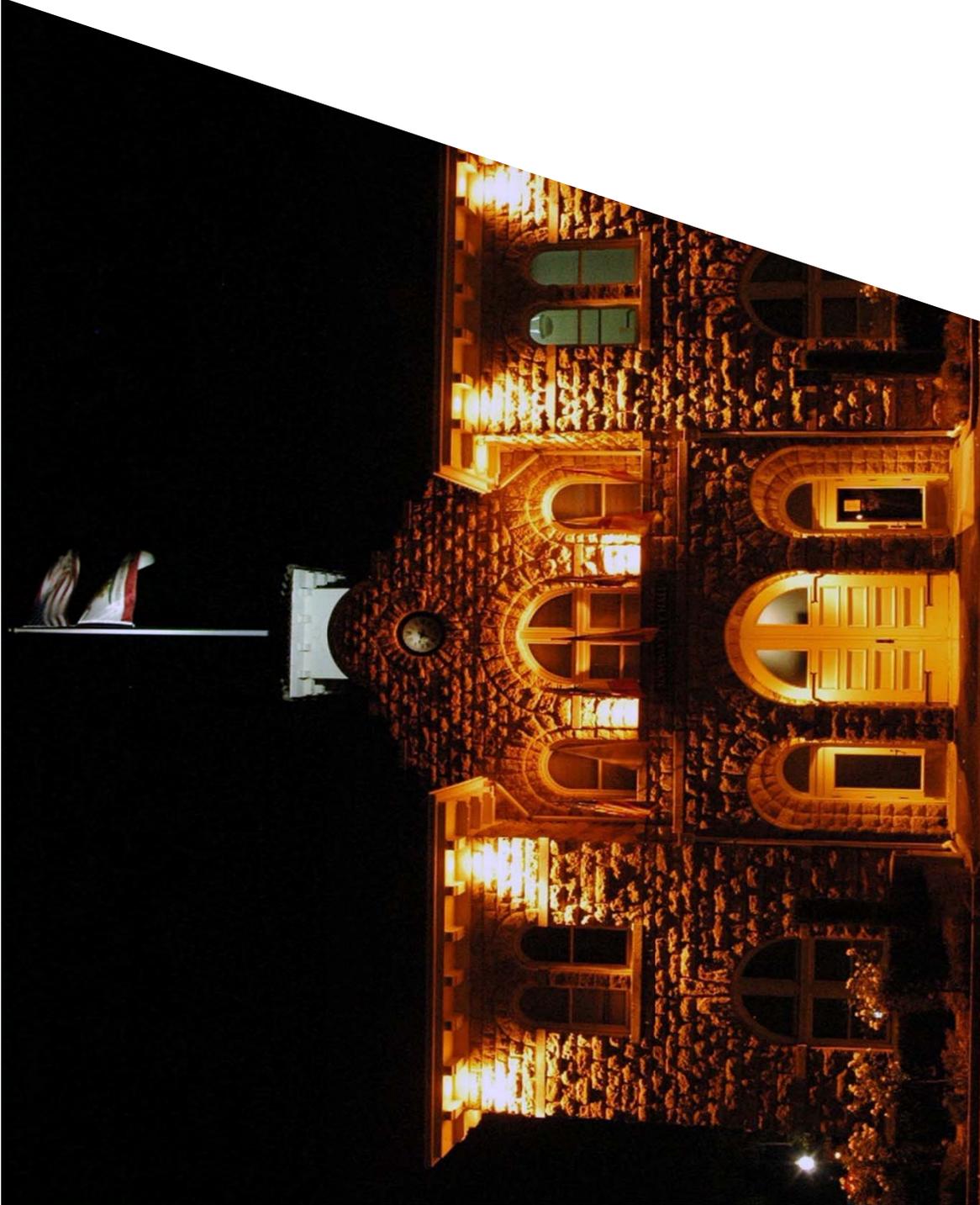
## Statement of Qualifications



October 2013



Presented To: City of Sonoma



**Ryan Snow**  
Vice President

**Jeff Negri**  
Managing Director

# Cassidy/ Turley

27 East Napa Street  
Sonoma, CA 95476  
Tel 707.360.7370  
Fax 707.360.1350

Cassidy Turley Northern California  
[www.ctbt.com](http://www.ctbt.com)



Introduction.....I  
Listing Team.....II  
About Cassidy Turley .....III  
Marketing Campaign.....IV  
Valuation.....V  
Sale Comparables.....VI  
For Sale Properties.....VII

Appendix  
North Bay Q2 2013 Office Report  
Exclusive Listing Agreement  
Sample Purchase and Sale Agreement



October 18, 2013

City of Sonoma  
Attn: David Goodison  
#1 The Plaza  
Sonoma CA 95476

RE: 32 Patten Street • Sonoma, CA – Statement of Qualifications

Dear David,

On behalf of Ryan Snow and Jeff Negri (the Listing Team, or Team), we thank you for the opportunity to engage the Successor Agency (Agency) regarding the marketing and sale of the property located at 32 Patten Street in Sonoma, California (Property). The intent of our response is to illustrate the unique qualifications of the Listing Team in both experience within the Town of Sonoma, and expertise of process involving commercial real estate (CRE) transactions.

Ryan and Jeff have each been with Cassidy Turley for more than ten years and together have over thirty-five years of experience within the commercial real estate industry. We have worked exclusively in Sonoma County as a two-person team for more than five years. We believe the "team" approach to listing assignments is critical to overall success. The sometimes unpredictable and often time sensitive nature of CRE transactions requires that a member of the team always be available for creative problem solving and timely correspondence to all stakeholders. Ryan, who lives in Sonoma with his wife and two children, would act as the lead on this project with, Jeff providing support and additional coverage if Ryan is not immediately available. The Team has completed over twenty lease and sale transactions per year (to follow) within the Town of Sonoma in the last five years, and has subsequently developed deep understanding of planning, design review, city council, and other city commissions and departments.

Within this response, you will find descriptions of Cassidy Turley's regional and national strengths designed to support its listing agents, detailed qualifications and resumes of the Listing Team, full descriptions of the marketing techniques recommended for the sale of the Property, a full value analysis and recommendations for pricing, proposed listing agreements and professional references for the Team.

We appreciate the effort required to review our response to the RFQ regarding 32 Patten Street and look forward to answering questions or concerns, and hopefully engaging the Agency with the listing of the subject property.





**Ryan Snow**  
Vice President

**Professional Expertise**

Ryan's experience in the market and his business background allow him to provide his clients the advantage of a local perspective, combined with critical business and financial analysis. He has completed more than 200 transactions in the North Bay over the past ten years. He has achieved his LEED AP accreditation qualifying him as one of the growing number of LEED experts in the North Bay.

**Areas of Specialization**

Investment Sales, Full Service Tenant and Landlord Representation

**Professional Affiliations**

Professor of business/management courses at The University of Phoenix  
Actively involved in various local Chambers, Rotaries, Leads, and Business Exchanges

**Education**

MBA, San Francisco State University  
BS in Business Administration, Long Beach State University  
LEED AP



**Jeff Negri**  
Managing Director

**Professional Expertise**

Jeff has over 25 years commercial real estate experience, serving in a variety of professional capacities as broker, real estate executive and commercial property appraiser in the North Bay. Jeff began his career in residential development and land acquisition, before joining Grubb & Ellis in 1987 to focus exclusively on Sonoma County commercial real estate. Jeff also has 15 years experience in commercial property appraisal, providing valuation services to lending institutions, public agencies and commercial property owners, appraising some of region's largest and most complex projects. Jeff also served as a real estate executive with Sprint Communications for the Sonoma/Napa region. Jeff is a third generation Sonoma County resident, living in Santa Rosa with his wife and three daughters

**Clients Served**

Equity Office Properties  
Nearon Enterprises  
Kaiser Foundation Health Plan  
Redwood Credit Union  
Summit State Bank  
Hugh Futrell Corporation

**Education**

B.S. Finance, California State University, Sacramento



**Joella Gutierrez**

Marketing Coordinator  

- 10 years experience
- Project Marketing



**Konrad Knutsen**

Business Development Mgr.  

- 11 years at Cassidy Turley
- Awareness to user groups



**Garrick Brown**

Director of Research  

- 20 years experience
- Market trends and analysis



**Mark Bollozos**

VP Research & Marketing  

- 17 years at Cassidy Turley
- Research & marketing lead

### Listing Team Completed Transactions 2010 - present (Sonoma)

2013	2012	2011	2010*
10/10/13 500 W. Napa St, Ste 500	10/25/12 538 Broadway, Suite B	11/29/11 27 E. Napa St, Suite E	12/23/10 136 W. Napa St.
10/04/13 635 Broadway	10/25/12 538 Broadway, Suite B	11/29/11 136 W. Napa St, Suite 103	12/13/10 651 1 <sup>st</sup> St, W. Units H, J & L
07/31/13 22684 Broadway	10/25/12 563 Fifth St. W.	11/07/11 190 W. Napa St.	11/10/10 967 Broadway
07/31/13 18995 Sonoma Highway	10/25/12 548-550 Broadway	10/03/11 11 E. Napa St.	10/12/10 651 1 <sup>st</sup> St, W, Suite C
06/25/13 531 First St E.	10/25/12 463 2 <sup>nd</sup> St. W.	08/02/11 522-524 Broadway	10/12/10 414 1 <sup>st</sup> St. E.
06/25/13 27 E. Napa St, Suite F	10/24/12 135 W. Napa St.	07/28/11 414 First St. E., Suite 5	10/07/10 18976 Sonoma Hwy
06/25/13 538 Broadway, Suite A	08/06/12 561 Fifth Street W.	07/26/11 25 E. Napa St, Suite D	10/04/10 10 Maple St.
06/25/13 27 E. Napa St, Suite E	08/06/12 27 E. Napa St, Suite I	07/12/11 414 W. Napa St.	09/24/10 35 Patten St.
06/25/13 463 2nd St. West, Suite E	08/06/12 538 Broadway, Suite A	07/12/11 Sonoma Court Shops	08/02/10 651 1 <sup>st</sup> St, W, Unit A
05/21/13 524 Broadway	06/21/12 561 1 <sup>st</sup> St. W.	06/30/11 452 1 <sup>st</sup> St. E. Units A & J	06/22/10 526 Broadway Court Shops
05/21/13 27 E. Napa St, Suite K	06/19/12 27 E. Napa St, Suite F	06/03/11 19230 Sonoma Hwy.	06/22/10 414 1 <sup>st</sup> St. E., Suite 5
05/21/13 569 Fifth Street W.	06/19/12 29 E. Napa St, Suite C	04/11/11 19209 Sonoma Hwy.	06/09/10 414 1 <sup>st</sup> St. E., Suite 6
05/21/13 414 First St. E., Suite 10	05/31/12 452 1 <sup>st</sup> St. E. Units A & J	04/11/11 721 W. Napa St.	05/17/10 115-A E. Napa St.
05/21/13 414 First St. E., Suite 1	05/19/12 524 Broadway, Suite A	03/30/11 651 1 <sup>st</sup> St. W.	04/19/10 19101-19245 Sonoma Hwy
04/26/13 1254 Broadway, Suite B	05/19/12 27 E. Napa St, Suite S	03/17/11 550 Broadway	04/19/10 567 1 <sup>st</sup> St. E.
04/23/13 10 Maple St, Suite 102	05/03/12 27 E. Napa St, Suite A	02/23/11 27 E. Napa St, Suite C	03/15/10 531 1 <sup>st</sup> St. E.
04/23/13 524 Broadway, Suite A	04/10/12 19150 Sonoma Hwy.	02/23/11 294 W. Napa St.	03/15/10 651 1 <sup>st</sup> St. W.
04/23/13 536 Broadway	03/20/12 530 Broadway	02/23/11 21787 8th St. E.	02/23/10 19101-19245 Sonoma Hwy.
02/07/13 565 Fifth Street W.	01/31/12 554-556 Broadway	01/11/11 452 1 <sup>st</sup> St. E.	02/23/10 Sonoma Court Shops
02/07/13 463 2 <sup>nd</sup> St. W., Suite A	01/23/12 18985 Highway 12		02/09/10 117 W. Napa St, Suite B
02/07/13 463 2 <sup>nd</sup> St. W.			02/09/10 524 Broadway, Suite B
02/07/13 524 Broadway, Suite B			01/27/10 524 Broadway, Suite A
02/07/13 414 W. Napa St, #12			
02/07/13 135 W. Napa St.			
01/08/13 645-651 Broadway			

### Professional References (Listing/Sonoma)

Contact	Property	Phone
August Sebastiani	multiple	707-933-1704
Bruce Cardinal	El Paseo, Vineyard Center	415-388-4887
Cindy Clayton	Multiple	707-939-9033
Darius Anderson	135 - 136 W. Napa St.	415-995-1100
Dick Cuneo	Multiple	707-996-6766
Donny Sebastiani	Multiple	707-484-0706
Gary Nelson	Multiple	707-935-6113
Hank Marioni	8 West Spain Street	707-938-2884
Ken Niles	The Marketplace, Maxwell Village	707-938-5616
Les Seely	10 Maple Street	707-996-3356
Lew Cook	El Paseo, Vineyard Center	415-331-3983
Mark Cunningham	Carneros Village	415-388-5122
Matt Mathews	273 Napa Street West	415-609-7874
Melissa Redmond	Sonoma Court Shops	415-753-4999
Michael Ross	Multiple	707-996-8448
Scott Palmer	35 Patten	707-996-5431
Simon Blattner	463 2nd Street West	707-721-1631
Susanne Houston	Sonoma Valley Center (Sonoma Market)	925-757-9910
Tom Rouse	1151 Broadway	707-738-7897
Vic Shellenberg	10 Maple Street	707-996-3356

### About Cassidy Turley

Cassidy Turley is a leading commercial real estate services provider with more than 3,800 professionals in more than 60 offices nationwide. The company represents a wide range of clients—from small businesses to Fortune 500 companies, from local non-profits to major institutions. The firm completed transactions valued at \$22 billion in 2012, manages approximately 400 million square feet on behalf of institutional, corporate and private clients and supports more than 23,000 domestic corporate services locations. Cassidy Turley serves owners, investors and tenants with a full spectrum of integrated commercial real estate services—including capital markets, tenant representation, corporate services, project leasing, property management, project and development services, and research and consulting. Cassidy Turley enhances its global service delivery outside of North America through a partnership with GVA, giving clients access to commercial real estate professionals in 65 international markets. Please visit [www.cassidyturley.com](http://www.cassidyturley.com) for more information about Cassidy Turley.

Cassidy Turley provides regional real estate services in Northern California. With 14 Northern California offices and a 400-member team, our Northern California market leadership is demonstrated by completion of over 3,800 transactions, totaling over \$4.9 billion in 2012

### Key Statistics

- More than 60 U.S. offices
- 65 international offices\*
- More than 3,800 professionals
- More than 970 brokers
- 2012 transactions
  - Gross transaction volume \$22 billion
  - Gross capital markets volume \$9.2 billion
- 400 million sf management portfolio on behalf of institutional, corporate and private clients
- More than 23,000 Corporate Services locations served
- 17,000 lease transactions closed

\*Through GVA partnership

### Offering Comprehensive Services

Cassidy Turley provides clients with a full suite of comprehensive real estate solutions, including investor services, occupier services, specialty services and industry-specific services.

#### Core Services

- Tenant Representation
- Project Leasing
- Property Management
- Project & Development Services
- Capital Markets
- Debt Placement
- Investment Sales
- Note Sales
- Structured Finance
- Corporate Services
- Facilities Management
- Portfolio Administration
- Project Management
- Strategic Consulting
- Transaction Management

#### Practices and Specialties

Our practice groups include professionals with considerable expertise unique to particular property types and within specific industries.

- Auction Services
- Food and Beverage
- Government Services
- Hospitality
- Location Advisory and Incentives
- Not-for-profit
- Sustainability Services
- Distressed Assets
- Golf and Resort Properties
- Healthcare
- Law Firm
- Mission Critical
- Private Client
- Financial Advisory
- Government Contracting
- Higher Education
- Life Sciences
- Net Lease
- Supply Chain

#### Real Estate

- Office
- Industrial
- Multi-Family
- Land
- Retail

### About Cassidy Turley Northern California

- Ranked in the Top 3 Commercial Real Estate Brokerage Firms in San Francisco, Silicon Valley, Peninsula, East Bay, and North Bay as ranked by the San Francisco Business Times
- Top Regional Firm in Northern California, with 14 offices covering every market in the Bay Area
- Cassidy Turley's industry-leading market research publishes the most research reports of any brokerage firm in Northern California

### Cassidy Turley Northern California Key Facts

- 400 Professionals: 275 Agents, 125 Staff
- 14 Offices in Northern California
- 3,800 Transactions in 2012
- \$4.9 Billion in Transaction Volume in 2012

### Company Honors

- Top 5 in Office Sales over \$25 Million Nationwide – Real Estate Alert 2011
- Ranked in Top 10 of Commercial Real Estate Top Brands Survey Lipsey Co.
- Over 80% of real estate executives familiar with our brand ranked it Very Good or Excellent – Wall Street Journal survey
- Named to Leaders List of 2012 Global Outsourcing 100
- Ranked in the Top Five in Best Practices Index – Commercial Property Executive
- Platinum ranking in Greenest Companies Index – Commercial Property Executive
- 2011 "Silver Tower Award" for best Total Communications Program BMA
- Rebrand 100 Merit Award Rebrand

### Track Record

#### 2012 Investment Deals

Overall: \$2.4 Billion, 728 Transactions, 19.2 Million SF  
 Net Leased: \$397 Million, 103 Transactions, 2.7 Million SF  
 Office: \$916 Million, 147 Transactions, 4.6 Million SF  
 Industrial: \$396 Million, 148 Transactions, 6.8 Million SF  
 Retail: \$580 Million, 189 Transactions, 5.1 Million SF  
 Multi-Family: \$399 Million, 173 Transactions, 2,652 Units

#### 2012 Landlord Deals (Lease)

Overall: \$1.5 Billion, 1,554 Transactions, 14.2 Million SF  
 Office/R&D: \$1.1 Billion, 955 Transactions, 6.8 Million SF  
 Industrial: \$245 Million, 343 Transactions, 6.2 Million SF  
 Retail: \$187 Million, 246 Transactions, 1.1 Million SF

#### 2012 Tenant Deals (Lease)

Overall: \$1.0 Billion, 1,346 Transactions, 13.3 Million SF  
 Office/R&D: \$577 Million, 778 Transactions, 4.8 Million SF  
 Industrial: \$193 Million, 313 Transactions, 7.1 Million SF  
 Retail: \$271 Million, 244 Transactions, 1.4 Million SF





### Marketing Philosophy

Our objective is to achieve the highest possible price while providing advice and guidance to our clients on the feasibility of concept and likely efficiency of interested buyers. At all times we focus our efforts and resources on our seller's goals in a manner consistent with the highest levels of professionalism and ethics.

### Property Positioning

Communicating the properties' specific position in the market is vital to a successful sale. Communication must also be done through the preparation and dissemination of a high-quality, thorough, and accurate Offering Memorandum. Investors frequently comment on the quality of information in our offering memoranda and marketing materials - and how our thorough approach allows them to go from offer to closing without "re-trading" based on inaccurate or non-disclosed information.

### Target Market Contact Program

Generating qualified, motivated interest in the Offering depends on relationships with investment decision-makers within the Target Market. Due to internet-based contact management software and e-mail data delivery, identifying likely prospective purchasers and pushing them data has become ever easier. As a result, investment decision-makers receive more data than they can evaluate. For this reason, personal relationships with actual acquisition decision-makers have become critical to generating multiple offers over a short time frame.

### Web-based Marketing

Cassidy Turley utilizes a variety of delivery systems to expand its Target Market list on an ongoing basis. For this assignment, the Marketing Team will create a specialized, property specific, marketing offering. This package will house the flyer, offering memorandum, and due diligence materials for the Property. These materials are strategically placed on websites such as loopnet, costar, and other commercial real estate search engine based sites - and then released to investors as deemed appropriate.

### The Offering Brochure

While brochures do not sell property, if properly designed, they can both stimulate buyer interest and simultaneously pre-qualify that interest. An effective marketing package should be designed to be attractive, accessible, and informative. At the same time, it must have sufficient detail to allow a non-local investor to gain a thorough knowledge of the asset. There should also be enough data to convince a buyer to schedule a site visit for confirmation, not initial fact-finding. The offering brochure must stand out with respect to both visual impact and content. It must reflect the high standards of the Seller and their marketing team.

### Reporting and Client Communication

Communication is essential to a successful marketing program. Having marketed major assets for many institutional owners, we understand the need to design our reporting to meet the client's formats. You will be kept informed on all developments in the marketing of the Property on your desired schedule and format. As the marketing process progresses, we will provide you with a regular report on those prospects we have developed, and other points of significant interest.

### Documentation

Sellers often require comprehensive records of their broker's activities. To this end, in addition to our marketing reports, the marketing team will maintain a chronological file of all correspondence relating to the Property. Once escrow is opened, a separate escrow file will be established and will include requests for and delivery of documents, reports and other information regarding the Property. At all times, the entire transaction file is open and available for inspection and review by the Seller.

### Offering Matrix

Due to the committee decision making process of the Seller, it is imperative that the Marketing Team compile a detailed matrix of all offers - to include business terms such as price, timing, deposits, etc., but also to include detailed information on proposed concept, potential obstacles such as use permit acquisition, and all other relevant information required to make an informed decision regarding buyer selection and transaction details.

### Fee Proposal

We propose a broker's commission of 5% of the gross sales price if Cassidy Turley's marketing team procures the buyer or 6% of the gross sales price if a cooperating broker procures the buyer, split 50/50 between Cassidy Turley's marketing team and cooperating broker.

## Sample Project Marketing Brochure





In order to recommend pricing, we feel it's best to begin with a thorough understanding of asset value – based on commonly used CRE valuation models. Based on these valuations, we will then recommend pricing and terms to be offered.

We have estimated the market value of the subject property utilizing three standard valuation techniques: 1) Income Approach (investor), 2) Sales Comparables Approach (owner/user), and 3) Development Approach (developer).

Considering the unique nature, location, and condition of the subject property, our findings suggest the estimated market value is within the following ranges:

Income Approach (investor):	\$1.24m - \$1.65m
Sales Comparables Approach (owner/user):	\$1.53m - \$1.70m
Development Approach	\$0 - \$1.25m

Enclosed is our complete report for your review. Our value estimates are based entirely on our assumptions of the provided square footage and current condition of the property. Any changes to these assumptions will have a material effect on the value estimates. Should our assumptions be inaccurate we are happy to provide revised estimates.

Missing from this report is the typical "property description" section which would thoroughly detail property attributes. Please reference the RFQ for a thorough property description.

**Sonoma County Vacancy & Average Asking Rate Trend – from Cassidy Turley Q2 Report**  
(see appendix)



**Valuation**

**Income Approach**

Sonoma County has, for the most part, experienced similar economic and commercial real estate trends as the rest of California. Over the past twenty-four months the market has taken significant steps toward stabilization and we're beginning to see steady positive absorption across all Sonoma County submarkets. Although vacancy has decreased from 19% to 15%, we are still some time away from a healthy market – considered to be the case when vacancy falls in the 10-12% range. Because the market is still above this "healthy" level of vacancy, we are yet to experience substantial increases in rents, and do not expect to do so until a full recovery occurs. Although we believe they are currently stable, rents have decreased from \$1.70 to \$1.60 per square foot over the same twenty-four month period; these rents are full service equivalent – owner pays all property tax, insurance and utility costs.

The town of Sonoma has experienced a similar trend to the rest of the County – in that positive absorption is beginning to occur and we do expect increasingly bullish owners to begin to push rents. The income approach values a property by assuming a fair market return on the investment – in the form of monthly rental payments from a tenant(s). The net operating income (NOI) is then capitalized at market rates in order to determine the value. Current market cap rates for buildings of this quality, size and location, depending on the quality of the tenants, range from 6.0% to 6.5%.

An assumption regarding rent must be made in order to establish income. Buildings of this quality, size and location – assuming the Property's "as-is" condition – can expect to achieve rents in the \$1.25 - \$1.50/ft range for office and the \$80 - \$100/sq. ft. range for warehouse (all rents are on a gross basis; Landlord pays property taxes, insurance and common area maintenance). To determine net rental income, rent must be converted to NNN (triple net), meaning that all property expenses (including property taxes, insurance, utilities, etc.) and a standard vacancy factor are deducted from the income in order to calculate the NOI. Per the analysis below, an investor may be expected to pay between \$1.24m and \$1.65m for the subject property.

INCOME	size	Scenario A		Scenario B	
		\$1.25 office, \$.80 w/h	\$1.50 office, \$1.00 w/h	\$1.50 office, \$1.00 w/h	\$1.00 w/h
Office	3,905	\$1.25	\$4,881	\$1.50	\$5,858
Warehouse	5,451	\$0.80	\$4,361	\$1.00	\$5,451
-5% Vacancy Factor		-\$0.05	-\$462	-\$0.06	-\$565
Adjusted Gross Income		\$0.94	\$8,780	\$1.15	\$10,743
- Property Tax / Insurance		-\$0.19	-\$1,758	-\$0.23	-\$2,175
- Maintenance		-\$0.03	-\$300	-\$0.03	-\$300
Net Income			\$6,722		\$8,268
<b>VALUE</b>					
Annual Net Income (NOI)			\$80,659		\$99,217
Cap Rate	6.50%	Value	\$1,240,000	Value	\$1,530,000
Cap Rate	6.00%	Value	\$1,340,000	Value	\$1,650,000

Recent lease comps and availabilities are listed below:

Signed	Building / Tenant	Address	Size	\$/sf	TTL Rent	Notes
Oct-13	Redwood Credit Union	500 Napa St W	3,684	\$2.65	\$13,882	+ .42 nets, 10yrs
Sept-13	Law Firm (prev Scient)	465 First St West	1,964	\$1.95	\$3,830	Estimated comp
Aug-13	HomeStreet Bank	635 Broadway Ste 100	2,106	\$3.00	\$6,318	Gross, 5yrs
Mar-13	Mission Trading	793 Broadway	5,400	\$2.15	\$11,610	estimated comp
Jan-13	V2 Wines	584 First St East	2,606	\$2.50	\$6,515	Gross, 5yrs
Oct-12	Peet's	591 Broadway	2,388	\$2.93	\$7,000	Gross, 10yrs
Oct-12	Pacific Union	135 West Napa	5,766	\$2.30	\$13,262	Gross, 8yrs
Jul-12	Anytime Fitness	Sonoma Valley Center	3,177	\$1.83	\$5,814	+\$-.0.41 nets, 10yrs
Mar-12	Don & Sons	19150 Sonoma Hwy	5,233	\$1.75	\$9,158	Gross, 6yrs
	Available (shell)	10 Maple	3,086	\$2.75	\$8,487	2nd floor shell space, could be demised, 1 blk SW of plaza
	Available (prev Fidelity)	635 Broadway Ste 200	2,163	\$3.00	\$6,489	2nd floor office, two blocks S of plaza
	Available (prev PreCare)	1151 Broadway	2,426	\$1.75	\$4,246	2nd floor office, five blocks S of plaza
	Available (behind bowl)	19312 Sonoma Hwy	6,000	\$1.35	\$8,100	2nd floor w/ elevator, in shell condition, x from Maxwell
	Available (Carneros)	651 First St W Ste G	1,737	\$2.25	\$3,908	2nd floor, four privates, lots of open space
	Available (prev law firm)	924 First St West	2,500	\$2.00	\$5,000	Ground floor, needs improvements, lots of small offices
	Available Nov 2013	548 Broadway	2,474	\$2.50	\$6,185	Two story stand alone, 1/2 blk from plaza
	Available June 2014	35 Patten	1,950	\$1.90	\$3,705	Stand alone former res, 1 blk S of plaza

Valuation

**Sales Comparables Approach**

The Sonoma submarket has recently experienced a relatively low volume of sales activity involving commercial property transactions. Commercial inventory is scarce and typical owners are often long-term generational holders. As is the case with most small to medium sized Sonoma County properties, owner/users are likely to pay higher prices than investors due to the direct value added to their operations and the ability to take advantage of attractive financing.

The Sales Comparable Approach considers comparable properties that have either recently sold or are currently on the market. Previous sales comps and current availabilities attached provide insight into value for the subject property.

A crucial element to the valuation analysis is to understand available alternatives in the market. The list attached illustrates that the supply of like-kind opportunities is scarce in Sonoma Valley which should result in somewhat of a captive audience for buyers of this size and category. These are publicly marketed properties and do not include properties that might be soft marketed by owners and/or their brokers. The most telling comp is the recent sale of 539 Broadway (4,800sf). This building has always underperformed and sold for only \$263/ft. Its advantages are that it is ideally located just a half block from the plaza, is currently configured for flexibility and multiple tenants, and has an ample private on-site parking lot. The market has continued to improve since this transaction in February of this year, but savvy buyers will certainly look to this as the most relevant comp.

These values assume the buildings are in acceptable condition for the use of the tenants and future occupants. Any deferred maintenance obligations would likely be accounted for in the escrow process and subsequently deducted from the sales price.

Because of the unique combination of warehouse and office space at the subject property, estimates of value for each type of space must be used. Assuming a value range for the office space of \$225 - \$240/sf and \$120 - \$140/sf for the warehouse space, the estimated value of the existing property is \$1.53m - \$1.7m.

	Scenario A	Scenario B
size	\$225/sf office, \$120/sf w/h	\$240/sf office, \$140/sf w/h
office	\$225	\$240
warehouse	\$120	\$140
	<b>Value</b>	<b>Value</b>
	<b>\$1,530,000</b>	<b>\$1,700,000</b>

### Development Approach

Due to the combination of the seemingly antiquated current structure, potential obsolescence of the current configuration (office and warehouse combo), and the ability to build additional square footage on the parcel, the property may be an attractive investment to a developer. According to the Sonoma Planning Department, the maximum FAR is 1.2 (1.2 FAR X 18,375 sf lot size = 22,000 maximum sf) and the site allows a maximum footprint of 70% of parcel size or 12,860 sf. Therefore, a developer would consider either a two-story building, averaging 11,000 sf per floor, or a three-story building, averaging 6,400 sf per floor.

The closest comparable building in Sonoma is the relatively new development at 651 First Street West (Carneros Village Lofts). The commercial portion of the development is a three-story, 14,258 sf building. This building is currently on the market at bulk pricing for \$275/ft. Previous efforts had unsuccessfully attempted to sell the twelve individual condos for +/- \$400/ft. In comparison to Carneros Village Lofts, the subject property is in a better location with better visibility and proximity to the square. With that said, a new development would probably need to be converted to condos and provide comparable parking to achieve similar pricing. Assuming a retail sales price for the new building of \$375 - \$425/ft, an estimated cost to build of \$300 - \$350/ft, and a required developer's profit margin of 20%, the residual value of the land is estimated at \$0 - \$57 per buildable square foot or \$0 - \$1.25m.

### Commercial Land Value assuming 22,000 sf development:

	Scenario A	Scenario B
sales price/sf	\$375	\$425
- cost to build/sf	\$350	\$300
- 20% builder profit	\$75	\$68
= cost of lot/sf	-\$50	\$57
size of development (sf)	22,000	22,000
<b>value of parcel</b>	<b>(\$1,100,000)</b>	<b>\$1,250,000</b>

This analysis does not consider the challenge of parking, which could materially alter either the cost to build (underground parking), or the maximum buildable square footage. Due to potential parking restrictions and probable public opposition (as has been the case with previous development proposals), it seems that a 22k+ sf building on this prominent parcel is unlikely. A building of smaller size will likely decrease the profit potential for a developer and result in a lower underlying land value.

This same valuation model can be used for multi-family development – replacing square footage with living unit variables. In other words, a 1,000sf residential condo expected to sale for \$400,000 would be estimated to cost \$280,000 to build with a 20%, or \$80,000/unit, profit to the builder. Unfortunately, we don't believe the lot is large enough to allow for a multifamily development of size that would be considered the highest and best use of the land – and therefore would not garner the highest value.

### Conclusion / Recommendations

Our analysis above indicates that the highest value for the subject property will be achieved by targeting owner/users who can take advantage of aggressive lending to attain the "pride of ownership" that so many Northern California business owners crave. Of course, the combination of warehouse and office space near the square is unique and will appeal to a limited number of local business owners. Because the estimated values from both the Income Approach and the Sales Comparable Approach are approximately equal (which is not always the case with this analysis), an owner/user should have comfort in the level of income generated from leasing that portion of the space that is not necessary for his/her business.

Due to the Seller's process and the objectives of maximizing value and concluding the transaction efficiently, we'll need more from potential buyers than is typical in common CRE transactions. We expect multiple offers, and based on preliminary interest in the site, would not be surprised to receive more than a handful. For that reason, we would compile an "offering matrix" with bidder information – including price, timing, milestones (i.e. permit approval, etc.), concept, qualifications, etc.

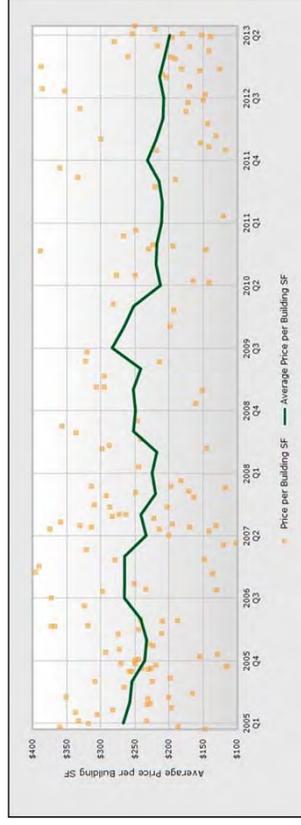
We wouldn't typically recommend a specific listing price without feedback from the Seller regarding our valuation and further discussion on Seller's defined objectives. With that said, and due to the RFQ process, we recommend beginning the pricing discussion in the \$1.6 - \$1.8m range. Also relevant to the pricing discussion is the upcoming appraisal value. If the value is above \$1.5m, it could be in Seller's favor to market without an asking price – as the appraisal would provide pricing direction, without establishing a ceiling, for potential buyers.

Considering the upcoming holiday schedule, we suggest a call for offers between 90 and 120 days from the listing RFQ publication – providing ample time for tours and offering package preparation. We recommend using the 2008 RFQ as a template for the current RFQ. The expected timeline from publication of the listing RFQ to close of escrow will be highly dependent on the additional steps of both Agency process/approval and then State of California approval. We estimate the entire process to take between six and nine months – not including any permit acquisition contingencies.

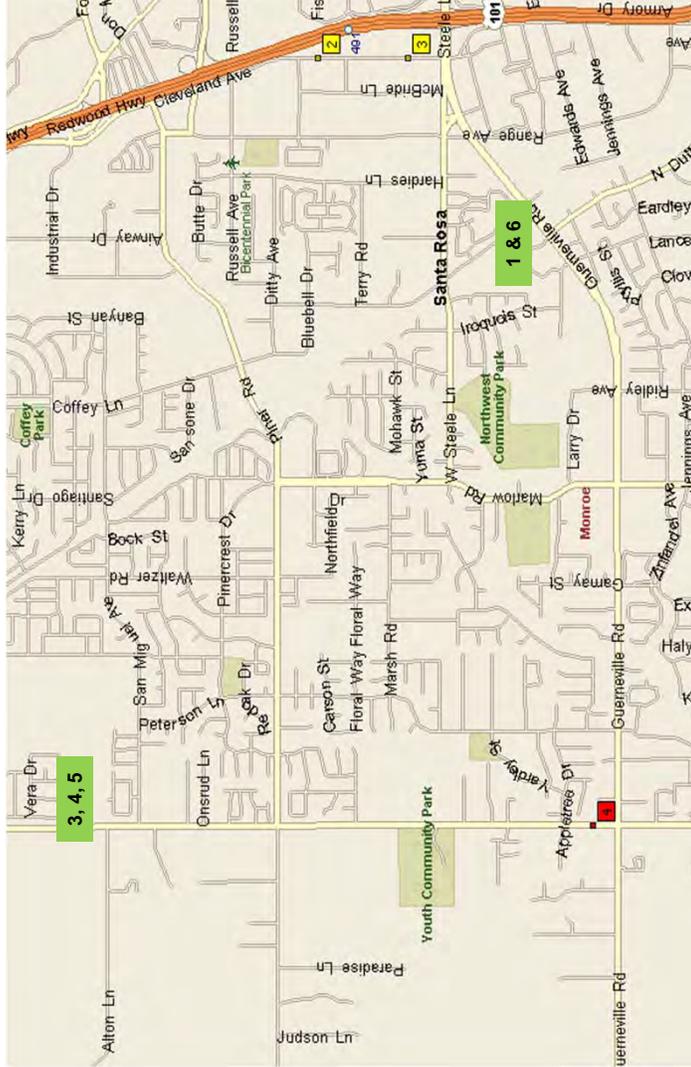
VI. SALE COMPARABLES

SALE DATE	ADDRESS	CITY	SIZE	PRICE	PRICE PSF	CAP RATE
1 08/15/2013	511 Third Street West	Sonoma	4,320	\$825,000	\$190.97	
2 07/25/2013	5885 Pruitt Avenue	Windsor	6,000	\$1,435,455	\$239.24	
3 05/14/2013	818 Mendocino Avenue	Santa Rosa	5,248	\$710,000	\$135.29	
4 03/08/2013	538 Mendocino Avenue	Santa Rosa	5,550	\$785,000	\$141.44	
5 02/28/2013	1023 Fourth Street	Santa Rosa	3,534	\$735,000	\$207.98	
6 02/15/2013	539 Broadway	Sonoma	4,800	\$1,250,000	\$260.42	6.50%

Average Per Square Foot Price  
2005 to Present – 3,000 to 6,000 sf office & retail  
Sonoma & Northern Marin Counties

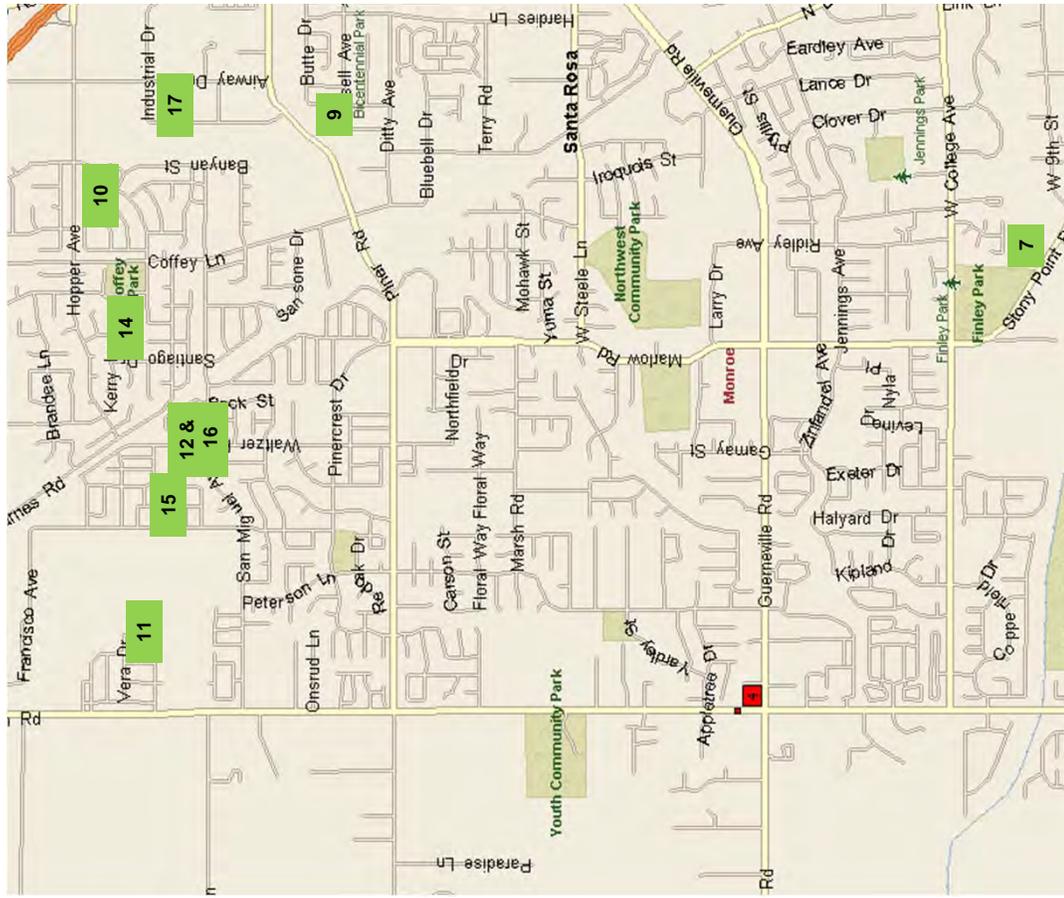


Average Cap Rate  
2005 to Present – 3,000 to 6,000 sf office & retail  
Sonoma & Northern Marin Counties



<p><b>4 538 Mendocino Ave</b></p>	<p>Santa Rosa, CA 95401</p> <p>Recorded Buyer: <b>Vantrac Homes Llc</b> 1542 Manzanita Ave Santa Rosa, CA 95404 (707) 544-6200</p> <p>Recorded Seller: <b>Messinger Edward J</b> 244 Colgan Ave Santa Rosa, CA 95401 (707) 541-0107</p>	<p>Sale Date: 03/08/2013 Sale Price: \$785,000 - Confirmed Price/SF: \$141.44</p> <p>Blgd Type: <b>Class B Office</b> Year Built/Age: <b>Built 1957 Age: 56</b> RBA: 5,590 SF Land Area: 11,326 SF (0.26 AC) Zoning: C-2, Santa Rosa</p> <p>Financing: Down payment of \$311,000 (39.6%); \$174,000 from Exchange Bk Comp ID: 2705309 - Research Status: Confirmed</p> <p>Parcel No: 009-024-030 PFIrma Cap Rate: -</p> <p>Map Page: Thomas Bros. Guide 384-F5</p>	<p><b>SOLD</b></p>
<p><b>5 1023 4th St</b></p>	<p>Santa Rosa, CA 95404</p> <p>Recorded Buyer: <b>Pansy Dzilvelis</b> 1239 Pine Tree Ln Sebastopol, CA 95472</p> <p>Recorded Seller: <b>Smith Daphne W Trust</b> 1350 Spring St Santa Rosa, CA 95404</p>	<p>Sale Date: 02/28/2013 (136 days on mkt) Sale Price: \$735,000 Price/SF: \$207.98</p> <p>Blgd Type: <b>Class B Office</b> Year Built/Age: - RBA: 3,534 SF Land Area: 11,326 SF (0.26 AC) Zoning: CITYSR</p> <p>Financing: Down payment of \$150,000 (20.4%); \$585,000 from Private Individual Fas Financial Inc Comp ID: 2702526 - Research Status: Research Complete</p> <p>Parcel No: 009-102-044</p>	<p><b>SOLD</b></p>
<p><b>6 539 Broadway - El Jardin</b></p>	<p>Santa Rosa, CA 95476</p> <p>Recorded Buyer: <b>Jerry &amp; Mary Ann Boddum</b> 15 Hillcrest Ct Berkeley, CA 94705</p> <p>Recorded Seller: <b>Muni Mula Llc</b></p>	<p>Sale Date: 02/15/2013 (18 days on mkt) Sale Price: \$1,250,000 - Confirmed Price/SF: \$260.42</p> <p>Blgd Type: <b>Class C Office</b> Year Built/Age: <b>Built 1978 Age: 35</b> RBA: 4,800 SF Land Area: 13,088 SF (0.30 AC) Zoning: CCH, Sonoma Sale Conditions: 1031 Exchange</p> <p>Financing: Down payment of \$1,250,000 (100.0%) Comp ID: 2692319 - Research Status: Confirmed</p> <p>Parcel No: 018-211-005</p>	<p><b>SOLD</b></p>

<p><b>1 511 3rd St W</b></p>	<p>Santa Rosa, CA 95476</p> <p>Recorded Buyer: <b>Daniel Casabonne</b> PO Box 247 El Verano, CA 95433 (707) 939-2222</p> <p>True Seller: <b>Daniel Casabonne</b></p> <p>Recorded Seller: <b>Dowd Robert F &amp; C J Trust</b> 19725 E 7th St Sonoma, CA 95476 (707) 936-7388</p>	<p>Sale Date: 08/15/2013 Sale Price: \$825,000 - Confirmed Price/SF: \$190.97</p> <p>Blgd Type: <b>Class C Office</b> Year Built/Age: <b>Built 1970 Age: 43</b> RBA: 4,320 SF Land Area: 13,068 SF (0.30 AC) Zoning: R1</p> <p>Financing: Down payment of \$825,000 (100.0%) Comp ID: 2825963 - Research Status: Confirmed</p> <p>Parcel No: 018-241-038 PFIrma Cap Rate: -</p> <p>Map Page: Thomas Bros. Guide 384-F5</p>	<p><b>SOLD</b></p>
<p><b>2 5885 Pruitt Ave</b></p>	<p>Windsor, CA 95492</p> <p>Recorded Buyer: <b>Standard Industrial East Llc</b> 5895 Pruitt Ave Windsor, CA 95492</p> <p>Recorded Seller: <b>Caletti R C &amp; F Trust</b></p>	<p>Sale Date: 07/25/2013 Sale Price: \$1,435,455 Price/SF: \$239.24</p> <p>Blgd Type: <b>Class C Office</b> Year Built/Age: - RBA: 6,000 SF Land Area: 178,596 SF (4.10 AC)</p> <p>Financing: - Comp ID: 2813896 - Research Status: In Progress</p>	<p><b>SOLD</b></p>
<p><b>3 818 Mendocino Ave</b></p>	<p>Santa Rosa, CA 95401</p> <p>Recorded Buyer: <b>Gemini Sonoma, LLC</b> 3557 Kelsey Santa Rosa, CA 95403 (800) 777-5706</p> <p>Recorded Seller: <b>Union Bank</b> 350 California St San Francisco, CA 94104 (415) 765-3434</p>	<p>Sale Date: 06/14/2013 (60 days on mkt) Sale Price: \$710,000 - Confirmed Price/SF: \$135.29</p> <p>Blgd Type: <b>Class B Office</b> Year Built/Age: <b>Built 1987 Age: 32</b> RBA: 5,246 SF Land Area: 10,164 SF (0.24 AC) Zoning: LDD, PD - Santa Rosa Sale Conditions: REO Sale</p> <p>Financing: Down payment of \$355,000 (50.0%); \$355,000 from Pacific Union Conference Comp ID: 2745469 - Research Status: Confirmed</p> <p>Parcel No: 180-716-028</p>	<p><b>SOLD</b></p>



	ADDRESS	SALE TYPE	BLDG TYPE	SIZE	PRICE	PRICE PSF	CAP RATE
7	1400 Medical Center Drive Rohnert Park, CA	Invest. Or Owner/User	Office/ Medical	5,476	\$1,425,000	\$260.23	
8	19230 Sonoma Highway Sonoma, CA	Invest.	Office	5,162	\$1,250,000	\$242.15	5.64%
9	2323 Bethards Drive Santa Rosa, CA	Owner/User	Office/ Medical	3,876	\$1,200,000	\$309.60	
10	3850 Montgomery Drive Santa Rosa, CA	Owner/User	Office/ Medical	4,576	\$1,175,000	\$256.77	
11	392 Tesconi Court Santa Rosa, CA	Invest.	Office	5,400	\$1,125,000	\$208.33	
12	435 E Street Santa Rosa, CA	Invest. or Owner/User	Office	6,000	\$1,100,000	\$183.33	
13	250 Bel Marin Keys Blvd. Novato, CA	Invest.	Office	5,851	\$995,000	\$170.06	5.70%
14	2310-2330 Fourth Street Santa Rosa, CA	Invest.	Office	4,780	\$995,000	\$208.16	
15	401 College Avenue Santa Rosa, CA	Invest. or Owner/User	Office	4,200	\$924,000	\$220.00	
16	2900 Mendocino Avenue Santa Rosa, CA	Owner/User	Office	3,400	\$898,000	\$264.12	
17	4690 Hoen Avenue Santa Rosa, CA	Invest. or Owner/User	Office/ Medical	4,050	\$750,000	\$185.19	

### 7 1400 Medical Center Dr

Rohnert Park, CA 94928  
 Listing Broker: Cassidy Turley  
 200 Fourth St  
 Santa Rosa, CA 95401  
 (707) 380-1330

FOR SALE

Sonoma County  
 Rich Henderson  
 (707) 380-1335



Map Page: Thomas Bros. Guide  
 424-35

Sale Type: Investment OR Owner/User  
 Bldg Type: Class B Office/Medical  
 Bldg Status: Built 1990  
 REA: 5,476 SF  
 Zoning: N/AV, Rohnert Park

Actual Cap Rate: -  
 Parcel No: 159-460-009

### 8 19230 Sonoma Hwy

Sonoma, CA 95476  
 Listing Broker: Sperry Van Ness  
 7559 Redwood Blvd  
 Novato, CA 94945  
 (415) 897-4422

FOR SALE

Sonoma County  
 John Williams  
 (415) 897-4422



Map Page: Thomas Bros. Guide  
 447-D6

Sale Type: Investment  
 Bldg Type: Class B Office  
 Bldg Status: Built 2004  
 REA: 5,162 SF  
 Zoning: CO

Actual Cap Rate: 5.64%  
 Parcel No: 127-730-005, 127-730-006, 127-730-007, 127-730-008

### 9 2323 Bethards Dr

Santa Rosa, CA 95405  
 Listing Broker: Keegan & Coppin - ONCOR  
 International  
 1355 N Dutton Ave  
 Santa Rosa, CA 95401  
 (707) 528-1400

FOR SALE

Sonoma County  
 Rhonda Deninger  
 (707) 528-1400



Sale Type: Owner/User  
 Bldg Type: Class C Office/Medical  
 Bldg Status: Built 1989  
 REA: 3,876 SF  
 Zoning: CITYSR

Actual Cap Rate: -  
 Parcel No: 147-071-054

### 10 3850 Montgomery St

Santa Rosa, CA 95405  
 Listing Broker: Keegan & Coppin - ONCOR  
 International  
 1355 N Dutton Ave  
 Santa Rosa, CA 95401  
 (707) 528-1400

FOR SALE

Sonoma County  
 Kevin Doran  
 (707) 528-1400



Map Page: Thomas Bros. Guide  
 385-A4

Sale Type: Owner/User  
 Bldg Type: Class B Office/Medical  
 Bldg Status: Built 1987  
 REA: 4,576 SF  
 Zoning: CITYSR

Actual Cap Rate: -  
 Parcel No: 013-284-007

### 11 392 Tesconi Ct

Santa Rosa, CA 95401  
 Listing Broker: North Bay Property Advisors  
 2544 Cleveland Ave  
 Santa Rosa, CA 95403  
 (707) 523-2700

FOR SALE

Sonoma County  
 William Severi  
 (707) 523-2700  
 Nick Abbott  
 (707) 523-2700



Map Page: Thomas Bros. Guide  
 447-D6

Sale Type: Investment  
 Bldg Type: Class B Office  
 Bldg Status: Built 2004  
 REA: 5,400 SF  
 Zoning: CITYSR

Actual Cap Rate: -  
 Parcel No: 036-253-016

### 12 435 E St

Santa Rosa, CA 95404  
 Listing Broker: North Bay Property Advisors  
 2544 Cleveland Ave  
 Santa Rosa, CA 95403  
 (707) 523-2700

FOR SALE

Sonoma County  
 William Severi  
 (707) 523-2700  
 Nick Abbott  
 (707) 523-2700



Map Page: Thomas Bros. Guide  
 447-D6

Sale Type: Investment OR Owner/User  
 Bldg Type: Class B Office  
 Bldg Status: Built 1973  
 REA: 6,000 SF  
 Zoning: R-1-6 SA

Actual Cap Rate: -  
 Parcel No: 009-052-047

FOR SALE	FOR SALE
<p><b>16 2900 Mendocino Ave</b> Santa Rosa, CA 95403</p> <p><b>Listing Broker:</b> Northbay Leasing &amp; Sales 1400 N Dutton Ave Santa Rosa, CA 95401 (707) 579-2738</p> <p><b>Asking Price:</b> \$898,000 <b>Price/SF:</b> \$264.12 <b>Days on Market:</b> 609 <b>Sale Status:</b> Active <b>Actual Cap Rate:</b> -</p> <p><b>Parcel No:</b> 180-040-002</p> <p><b>Sonoma County</b> <b>Vicki Greenbaum</b> (707) 579-2738</p> <p><b>Sale Type:</b> Owner/User <b>Bldg Type:</b> Class B Office <b>Bldg Status:</b> Built 1984 <b>RBA:</b> 3,400 SF <b>Zoning:</b> C2, Santa Rosa</p> <p><b>Main Page:</b> Thomas Bros. Guide 384-EZ</p> 	<p><b>17 4690 Hoen Ave</b> Santa Rosa, CA 95405</p> <p><b>Listing Broker:</b> Cornish &amp; Carey Commercial Newmark Knight Frank 2455 Bennett Valley Rd Santa Rosa, CA 95404 (707) 593-8400</p> <p><b>Asking Price:</b> \$750,000 <b>Price/SF:</b> \$264.19 <b>Days on Market:</b> 239 <b>Sale Status:</b> Active <b>Actual Cap Rate:</b> -</p> <p><b>Parcel No:</b> 014-361-038</p> <p><b>Sonoma County</b> <b>Denis Plehn</b> (707) 593-8428 <b>Barry Palma</b> (707) 593-8410</p> <p><b>Sale Type:</b> Investment OR Owner/User <b>Bldg Type:</b> Class B Office <b>Bldg Status:</b> Built 1979 <b>RBA:</b> 4,050 SF <b>Zoning:</b> CITYSR</p> 

FOR SALE	FOR SALE	FOR SALE
<p><b>13 250 Bel Marin Keys Blvd - Bldg F</b> Novato, CA 94949</p> <p><b>Listing Broker:</b> Cornish &amp; Carey Commercial Newmark Knight Frank 1101 5th Ave San Rafael, CA 94901 (415) 526-7676</p> <p><b>Asking Price:</b> \$995,000 <b>Price/SF:</b> \$170.06 <b>Days on Market:</b> 81 <b>Sale Status:</b> Active <b>Actual Cap Rate:</b> 5.70%</p> <p><b>Parcel No:</b> 157-421-26</p> <p><b>Marin County</b> <b>Jerry Snyderhoud</b> (415) 526-7690</p> <p><b>Sale Type:</b> Investment <b>Bldg Type:</b> Class C Office <b>Bldg Status:</b> Built 1980 <b>RBA:</b> 5,851 SF <b>Zoning:</b> PD, Planned Development</p> 	<p><b>14 2310-D-2330 4th St</b> Santa Rosa, CA 95404</p> <p><b>Listing Broker:</b> Martowe Properties 838 Mission Ave San Rafael, CA 94901 (415) 457-1629</p> <p><b>Asking Price:</b> \$995,000 <b>Price/SF:</b> \$208.16 <b>Days on Market:</b> 609 <b>Sale Status:</b> Active <b>Actual Cap Rate:</b> -</p> <p><b>Parcel No:</b> 181-210-025</p> <p><b>Sonoma County</b> <b>Jonathan Martowe</b> (415) 457-1629</p> <p><b>Sale Type:</b> Investment <b>Bldg Type:</b> Class C Office <b>Bldg Status:</b> Built 1961 <b>RBA:</b> 4,780 SF <b>Zoning:</b> CITYSR</p> 	<p><b>15 401 College Ave</b> Santa Rosa, CA 95401</p> <p><b>Listing Broker:</b> Cornish &amp; Carey Commercial Newmark Knight Frank 2455 Bennett Valley Rd Santa Rosa, CA 95404 (707) 593-8400</p> <p><b>Asking Price:</b> \$924,000 <b>Price/SF:</b> \$220.00 <b>Days on Market:</b> 244 <b>Sale Status:</b> Active <b>Actual Cap Rate:</b> -</p> <p><b>Parcel No:</b> 180-760-063</p> <p><b>Sonoma County</b> <b>Barry Palma</b> (707) 593-8410</p> <p><b>Sale Type:</b> Investment OR Owner/User <b>Bldg Type:</b> Class B Office <b>Bldg Status:</b> Built 1984 <b>RBA:</b> 4,200 SF <b>Zoning:</b> CITYSR</p> 



**City of Sonoma**  
**City Council**  
**Agenda Item Summary**

**City Council Agenda Item: 7A**

**Meeting Date: 11/18/13**

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**Department**

Building Department  
Fire Department

**Staff Contact**

Wayne Wirick, Development Services Director / Building Official  
Alan Jones, Administrative Fire Captain

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**Agenda Item Title**

Public Hearing and Adoption of an Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code, Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes, and Adoption of Findings Determining the Ordinance to be Exempt Under the California Environmental Quality Act.

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**Summary**

At its meeting of October 21, 2013, the City Council discussed and introduced the proposed ordinance adopting by reference and amending the new 2013 construction codes.

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.

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**Recommended Council Action**

1. Hold a public hearing on the proposed ordinance.
2. Publicly read the title of the ordinance and adopt the ordinance.
3. Direct the City Clerk to prepare a summary and carry out the special noticing procedures as required by the Government Code.

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### Alternative Actions

1. The City Council can make further amendments to the proposed codes prior to the second reading and the public hearing. 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.

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### 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.

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### Environmental Review

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

### Status

- Approved/Certified
- No Action Required
- Action Requested

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### Attachments:

- Supplemental Report with attachments dated 11/18/13 [Includes Draft Ordinance repealing and reenacting a new Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code]

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### 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.

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cc:

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## SUPPLEMENTAL STAFF REPORT

Public Hearing and Adoption of an Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code, Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes, and Adoption of Findings Determining the Ordinance to be Exempt Under the California Environmental Quality Act.

*For the City Council Meeting of November 18, 2013*

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### **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.

At its meeting of October 21, 2013, the City Council discussed and introduced the proposed ordinance adopting by reference and amending the new 2013 construction codes.

### **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 2013 California 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 PROPOSED LOCAL AMENDMENTS 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 2013 California 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 1 Energy 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. Hold a public hearing on the proposed ordinance.
2. Publicly read the title of the ordinance and adopt the ordinance.
3. Direct the City Clerk to prepare a summary and carry out the special noticing procedures as required by the Government Code.

## **ALTERNATIVES**

1. The City Council can make further amendments to the proposed codes prior to the second reading and the public hearing. 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 180-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 occurred, 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 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-month (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 m<sup>2</sup>) 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 m<sup>2</sup>) 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
<b>Administrative Provisions</b>	
Repeal and adopt a new SMC 14.10.10 (Administrative Provisions) as written.	<p>The revised administrative provisions replace and expand the administrative code currently in place. The replaced provisions accomplish the following:</p> <ul style="list-style-type: none"> <li>• Clarify the application and scope of the technical codes;</li> <li>• 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;</li> <li>• Clarify submittal requirements for permits;</li> <li>• Clarify the application of certain building permits and related fees;</li> <li>• Clarify procedural and administrative requirements for inspecting work;</li> <li>• Add provisions for collecting a fully refundable work guarantee deposit for temporary occupancy authorizations;</li> <li>• Add provisions clarifying the process for appeals of decisions made by the building official;</li> <li>• Add provisions clarifying the process and noticing requirements for issuing notice of violations, stop work orders and notices of unsafe structures and equipment;</li> <li>• Add provisions clarifying the process for recovery costs for the enforcement and abatement of unsafe structures;</li> <li>• Delete fee tables that will otherwise be handled or adopted in the resolution adopting revised fees.</li> </ul>
<b>2013 California Building Code</b>	
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.
<b>2013 California Residential Code</b>	
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.
<b>2013 California Electrical Code</b>	
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.
<b>2013 California Mechanical Code</b>	
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.

<b>2013 California Plumbing Code</b>	
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.
<b>2013 California Fire Code</b>	
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.

ATTACHMENT B  
Reasons For Amendments – Rev 10/15/13

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 17 <sup>th</sup> 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

ATTACHMENT B

Reasons For Amendments – Rev 10/15/13

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.
<b>2013 California Green Building Standards Code</b>	
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

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### 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**

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- **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 exist and therefore all 2013 CALGreen + Tier 1 (excluding Energy Efficiency Measures) requirements for residential alterations and additions are new.]**

**NONRESIDENTIAL**

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- **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: 7B

Meeting Date: 11-18-2013

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**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, City Manager

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**Agenda Item Title**

Discussion, consideration and possible action to update City Fee Schedule based on FY 2013-14 Operating Budget

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**Summary**

The City of Sonoma has established fees and charges for those services that benefit only the specific users and do not benefit the general public as a whole. In prior years, the Council conducted an annual review of the user fee schedule to assure that fees are calculated based on the cost of providing the services. This process has been delayed since the 2010 user fee review at which time, the Council chose not to take action on the fee schedule. For this reason, City fees are currently being charged at 2008 cost calculations. This update is necessary to bring fees into line with current costs.

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**Recommended Council Action**

Conduct the public hearing and adopt the resolution adopting the FY 2013-14 Fee Schedule as presented to be effective January 1, 2014. All Department Managers will be present at the meeting to respond to questions from Council and the Public.

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**Alternative Actions**

Modify or reduce fees  
Request additional information

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**Financial Impact**

Additional revenue undetermined at this time. Failure to update fees will result in City services be provided supplemented by taxpayer money.

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**Environmental Review**

Environmental Impact Report  
 Negative Declaration  
 Exempt  
 Not Applicable

**Status**

Approved/Certified  
 No Action Required  
 Action Requested

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**Attachments:**

Supplemental Report  
Resolution  
Fee Schedule Index  
Fee Calculations provided separately to Councilmembers and available for review by the public in the City Clerk's office

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**Alignment with Council Goals:**

Council Goal Action Item: Update impact fees and service fees to assure specialized service costs are borne by the requester and not City taxpayers.

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## SUPPLEMENTAL REPORT PUBLIC HEARING

### Discussion, consideration and possible action to update City Fee Schedule based on FY 2013-14 Operating Budget

*For the City Council Meeting of November 18, 2013*

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The City of Sonoma has established fees and charges for those services that benefit only the specific users and do not benefit the general public as a whole. In prior years, the Council conducted an annual review of the user fee schedule to assure that fees are calculated based on the cost of providing the services. This process has been delayed since the 2010 user fee review at which time, the Council chose not to take action on the fee schedule. For this reason, City fees are currently being charged at 2008 cost calculations. This update is necessary to bring fees into line with current costs. During the Council Goal Setting, discussion included the direction from the Council to review the fee schedule timely and to assure that fees for service are maintained on a cost-covering basis [*Council Goal Action Item: Update impact fees and service fees to assure specialized service costs are borne by the requester and not City taxpayers*]. With exception to fees established or limited by State law, all other fees are determined through a cost accounting analysis of actual costs the City incurs. The direct-charge of fees in this manner, frees up general-purpose tax funds to be used for services, which benefit the entire community (i.e. police protection, street repairs, etc.).

The overall impact of the recalculations reflect that some fees have increased while other fees have actually decreased. This is a direct reflection of tighter budgeting controls, efficiencies by City employees processing service fees and the re-evaluation of overhead and benefit rates.

An overall summary of the recommended fee schedule revisions is as follows:

- Average recommended fee increases are undetermined due to the specific nature of the fee [note, the fee schedule for 2009-10 was not adopted]. No revenue increase has been included in the adopted City budget.
- Certain fees, such as Building-related fees, Police fees and Fire fees are set by State Code and are not based on the cost of providing the service. Fees set by the County of Sonoma [Police-related fees] and Valley of the Moon Fire District [Fire-related fees] are incorporated by reference.
- Updated fees will become effective on January 1, 2014. General fees can be implemented immediately while Planning fees may not go into effect until thirty days after adoption. To maintain a logical process for fee

- updates regardless of type and to give additional public notice, staff is recommending all fees be implemented on January 1, 2014.
- Cost recovery based on actual time and material is allowable under State Law [Prop 218].
  - Various fees related to permits have been reduced or recalculated based actual costs of service as provided in the FY 2013-14 Operating Budget.

**LEGISLATIVE AUTHORITY:** All cities may levy fees, which are limited to the cost of providing service. This authority is defined by the California Constitution and is further defined in Government Code Section 39001 and limited by Proposition 218. This regulatory authority provides cities the means to *“protect overall community interests, while charging only the individual who is benefiting from the service”*.

**COUNCIL EXCEPTION:** In prior versions of the Fee Schedule, Council has chosen to provide a reduced fee for Appeals [\$100] without consideration of actual costs borne by the City. Beginning with the FY 2013-14 Fee Schedule, staff is recommending that Appeal Fee be set at 50% of actual cost.

**FUTURE FEE SCHEDULE REVIEW:** The fee schedule for City Service is to be calculated based on the actual cost of providing service as stated above. The Fee Schedule review for FY 2013-14 will initiate a policy for annual review as a parallel component of the adoption of the City budget. Unless there is a specific need to review an individual fee during any fiscal year, the Fee Schedule adopted for FY 2013-14 shall become the base fee to be reviewed and updated by the City Council in each ensuing year within 60 days of budget adoption.

**RECOMMENDATION:** Staff is recommending adoption of the FY 2013-14 Fee Schedule as presented to be effective January 1, 2014. All Department Managers will be present at the meeting to respond to questions from Council and the Public.

**CITY OF SONOMA  
RESOLUTION NO. \_\_\_\_-2013**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA  
ADOPTING USER FEES, LICENSES AND PERMIT CHARGES FOR  
FISCAL YEAR 2013-14

WHEREAS, California Constitution, Article XI, Section 7 gives cities police power to engage in regulatory activities for which they may charge a fee for reimbursement of costs, and

WHEREAS, California Constitution, Article XIII B, Section 8 and Government Code Section 39001 provide general authority for charging fees for specific services, and

WHEREAS, various other sections of the California Constitution and Government Code provide authority for the collection of specific fees and charges, and

WHEREAS, the City of Sonoma charges fees for services and for reimbursement of regulatory activities, and

WHEREAS, the City Council of the City of Sonoma held a duly noticed Public Hearing to provide public input and review concerning adjustments in fees and charges.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby:

1. Establishes amendments to certain fees and charges, which appear as an attachment to this resolution including fee calculation sheets incorporated by reference.
2. Finds and determines that the fees and charges set forth in attachments hereto do not exceed the reasonable costs of providing the services for which the fee is charged.
3. States that the fees set forth in the attachments hereto shall become effective January 1, 2014.

**PASSED AND ADOPTED**, by the City Council of the City of Sonoma, County of Sonoma, State of California on November 18, 2013 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Ken Brown, Mayor

ATTEST

\_\_\_\_\_  
Gay Johann, City Clerk

**CITY OF SONOMA  
PROPOSED 2013/2014 FEE SCHEDULE  
INDEX**

INDEX NO.	SERVICE	CURRENT FEE		ACTUAL COST OF SERVICE		FEE OR HOURLY RATE	
		ADOPTED FY 2007-08		[from worksheets]		PROPOSED FY 2013-14	
<b>ADMINISTRATION</b>							
CA-00	Copy fee - ALL DEPARTMENTS - Unless specific document copy fee is stated. This applies to all printed material i.e. Development Code, General Plan, Minutes, Staff Reports, Agendas and Bound Booklets. Does not apply to Municipal Code.	1-10 copies - No Charge Over 10 copies = \$.25 per page				1-10 copies - No Charge Over 10 copies = \$.25 per page	
CA-01	Copy Fees: Campaign Disclosure, Statement of Economic Interests (per St. Law)	\$	0.10				\$0.10
CA-02	Maps: Land Use, Water System, Plaza, Storm Drain, etc. if printed in house		Various				\$10 if in-house Actual Cost if outsourced
CA-03	Returned Checks	\$	31.00	\$	33.49	\$	33.00
CA-04	Billing Fee		None	\$	16.74	\$	16.00
CA-05	Audio Tape Duplication		\$86.00	\$	59.00	\$	59.00
CA-06	Municipal Code Supplement Service		Actual Cost plus postage	\$	49.12 Plus cost and postage	\$	49.00 Plus actual cost & postage
CA-07	Agenda Packet Subscription, Annual	\$	862.00	\$	501.79	\$	501.00
CA-08	Agendas Only Subscription, Annual	\$	344.00	\$	188.13	\$	188.00
CA-9	Standard Administrative Overhead		15.00%				15.00%
CA-10	Appeal (Administrative)		None	\$	212.93	\$	212.00
<b>SPECIAL EVENTS</b>							
SE-01	Alcohol Permit	\$	168.00	\$	208.49	\$	208.00
SE-03	Special Event Permit	\$	253.00	\$	505.22	\$	505.00
SE-04	Special Event Permit, Small Events	\$	149.00	\$	229.16	\$	229.00
SE-05	Street Use Permit	\$	373.00	\$	502.77	\$	502.00
SE-06	Film Permit, High Impact	\$	563.00	\$	634.12	\$	634.00
	Film Permit, Low Impact	\$	240.00	\$	280.32	\$	280.00
SE-07	Barricading Plaza Horseshoe entrance	\$	50.00	\$	98.18	\$	98.00
	Barricading (Providing barricades for events, etc.)		See PW-01				
SE-08	Reservation of Public (On Street) Parking Spaces		\$200 plus \$20 per space per day	\$	276.29		\$276 plus \$20 per space per day
SE-09	Wedding Permit	\$	149.00	\$	173.16	\$	173.00

**CITY OF SONOMA  
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INDEX NO.	SERVICE	CURRENT FEE		ACTUAL COST OF SERVICE		FEE OR HOURLY RATE	
		ADOPTED FY 2007-08		[from worksheets]		PROPOSED FY 2013-14	
<b><i>SPECIAL EVENTS, Rental, Maintenance Fees &amp; Security Deposits</i></b>							
SE-12	Plaza North East, North West, & South West Quadrants, per day	\$	150.00	\$		\$	300.00
SE-13	Plaza South East Quadrant, per day	\$	200.00	\$		\$	400.00
SE-14	Plaza Amphitheater, per day	\$	100.00	\$		\$	200.00
SE-15	Plaza Horseshoe Pavement Only, per day	\$	100.00	\$		\$	200.00
SE-16	Plaza Rear Parking Lot (only by exception), per day	\$	150.00	\$		\$	300.00
SE-17	Plaza Maintenance Fees, per section or area, per event (non-refundable)						
	1-12 Hours	\$	75.00	\$		\$	93.00
	12-24 Hours	\$	150.00	\$		\$	187.00
	24-36 Hours	\$	250.00	\$		\$	312.00
	36-48 Hours	\$	400.00	\$		\$	500.00
	> 48 Hours	\$	600.00	\$		\$	750.00
SE-18	Plaza Security Deposit, Per Quadrant, Section or area, per day (refundable)	\$	100.00	\$		\$	200.00
SE-19	Depot Park Picnic Area 1 & 2 per day	\$	75.00	\$		\$	100.00
SE-20	Depot Park Picnic Area 3, per day	\$	75.00	\$		\$	100.00
SE-21	Depot Park Volleyball Area #4, per day	\$	20.00	\$		\$	100.00
SE-22	Depot Park Parking Lot (By Exception Only), per day	\$	25.00	\$		\$	100.00
SE-23	Depot Park Maintenance Fees, per section or area, per day	\$	75.00	\$		\$	100.00
SE-24	Depot Park Security Deposit, Per Section or area, per day (refundable)	\$	50.00	\$		\$	100.00
<b><i>BUILDING</i></b>							
BL-01	Construction Permit Deposit		Vaires (not a fee)				Varies (not a fee)
BL-02	Permit Processing Fee	\$	50.00	\$	45.70	\$	45.00
BL-03	Training & Certification Fee	\$	12.00	\$		\$	12.00
BL-04	Plan Check Fee, per hour		Per 1997 UAC Section 304.3	\$	98.66	\$	98.00
BL-05	Miscellaneous Building Div. Services, Hourly Rate	\$	90.00	\$	98.66	\$	98.00
BL-06	Imaging, per sheet		8.5x11 sheet \$ .50 Other, \$2.40				8.5x11 sheet \$.50 Other, \$2.40
BL-07	Conditional Authorization to Proceed With Work	\$	550.00	\$	493.28	\$	493.00
BL-08	Off-Hour Building Dept. Services	\$	175.00	\$	197.31	\$	197.00
BL-09	Permit Extension Fee	\$	50.00	\$	49.33	\$	49.00
BL-10	Document Preparation and Recording Fee	\$	50.00	\$	98.66	\$	98.00

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INDEX NO.	SERVICE	CURRENT FEE		ACTUAL COST OF SERVICE	FEE OR HOURLY RATE
		ADOPTED FY 2007-08		[from worksheets]	PROPOSED FY 2013-14
BL-11	Appeal Fee	\$	625.00	\$ 666.97	\$ 300.00
BL-12	Refund Processing Fee		N/A	\$ 68.64	\$ 68.00
BL-13	Investigation Fee		Per 1997 UAC Section 304.5.2	\$ 493.28	\$ 493.00
BL-14	Change of Use or Occupancy Review	\$	505.00	\$ 550.95	\$ 550.00
BL-15	Contractor's License Tax		\$1 per \$1,000 valuation		\$1 per \$1,000 valuation
BL-16	Capital Improvement Fee		per SMC 3.24.060	no change	per SMC 3.24.060
BL-17	Impact Fee, per residential unit	\$	966.00	per Res. No. 47-86	\$ 966.00
BL-20	Single Inspection Permit Fee		none	\$ 123.32	\$ 123.00
BL-21	Building Permit Inspection Fee		Per 1997 UAC Table 3A		Per Building Table BL-21-A
BL-22	Building Demolition Inspection Fee	\$	640.00	\$ 295.97	\$ 295.00
BL-23	Building Relocation Inspection Fee	\$	560.00	\$ 591.93	\$ 591.00
BL-24	Electrical Inspection Fee		Per 1997 UAC Table 3B		Per Electrical Table BL-24-A
BL-25	Plumbing Inspection Fee		Per 1997 UAC Table 3D		Per Plumbing Table BL-25-A
BL-26	Water Conserving Plumbing Fixture Verification		None	\$ 24.66	\$49.00 (self certification) \$48 + \$16 per fixture for Staff Verification
BL-27	Mechanical Inspection Fee		Per 1997 UAC Table 3C		Per Mechanical Table BL-27-A
BI-28	Energy Inspection Fee		Per 1997 UAC Table 3A		20% of Inspection Fees in Tables BL-21-A, BL-24-A, BL-25-A, BI-27-A
BL-29	Accessibility Inspection Fee		Per 1997 UAC Table 3A		20% of Inspection Fees in Tables BI-21-A
BL-30	One & Two Family Re-Roofing Permits	\$	120.00	\$ 147.98	\$ 147.00
BL-31	Private Residential Swimming Pool Inspection Fee	\$	650.00	\$ 591.93	\$ 591.00
BL-32	Modular and Manufactured Housing Fee		Per 1997 UAC		25% of Inspection Fees in Tables BI-21-A, BI-24-A, BI-25-A, BL-27-A
BL-33	Stormwater Management Inspection Fee		None		See fee calculation sheet
BL-34	Grading Permit Inspection Fee		Per 1997 UAC		Per Grading Table BL-34-A
BL-35	CALGreen Inspection Fee		None		See Fee Calculation Sheet

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INDEX NO.	SERVICE	CURRENT FEE		ACTUAL COST OF SERVICE		FEE OR HOURLY RATE
		ADOPTED FY 2007-08		[from worksheets]		PROPOSED FY 2013-14
<b>CEMETERY</b>						
See individual sheets attached						
<b>FIRE DEPARTMENT</b>						
DFI-01	Plan Review	\$	130.00	\$	126.81	\$ 126.00
DFI-02	Miscellaneous Fire Prevention Activities	\$	105.00	\$	105.00	\$ 105.00
DFI-04	False Fire Alarm Response	\$	440.00	\$	428.07	\$ 428.00
DFI-05	Additional Fire Safety Reinspections	\$	255.00	\$	181.25	\$ 181.00
DFI-06	Automatic Fire Suppression System (including water sprinkler systems) installation reinspections	\$	130.00	\$	125.63	\$ 125.00
DFI-07	Response to Incident Involving an Impaired Driver	\$	440.00	\$	428.07	\$ 428.00
DFI-08	Burn Permits	\$	30.00	\$	51.34	\$ 51.00
DFI-09	Miscellaneous Fire Code Permits	\$	60.00	\$	84.76	\$ 84.00
DFI-10	File Searches	\$	76.00	\$	85.56	\$ 85.00
DFI-11	Rire Report Copy Charges		\$3.00 FIRST PAGE \$0.15 ADDITIONAL PAGES	\$	5.14	\$5.00 FIRST PAGE \$0.15 ADDITIONAL PAGES
DFI-12	Standby Firefighter Safety Officer	\$	90.00	\$	106.90	\$ 106.00
DFI-13	Field Inspection	\$	130.00	\$	145.62	\$ 145.00
DFI-14	State Regulated Building Inspection Fees	\$	105.00	\$	105.00	\$ 105.00
DFI-15	State Regulated Building Inspection Fee, Large Family Day Care	\$	105.00	\$	105.00	\$ 105.00
DFI-16	State Regulated Buildings , Fire Clearance Preinspection	\$	-	\$	105.00	\$ 105.00
DFI-17	State Regulated Buildings, Final Inspection Fee	\$	105.00	\$	105.00	\$ 105.00
DFI-18	Required Operational Permits	\$	60.00	\$	293.63	\$ 293.00
DFI-21	Required Construction Permits	\$	60.00	\$	84.76	\$ 84.00
Other fees charged per the SVFRA Fire Prevention Services Fee Schedule						
<b>POLICE</b>						
PD-01	False Alarm	\$	45.00	\$	134.56	\$ 120.00
PD-02	Residential Parking Permit	\$	10.00	\$	21.41	\$ 20.00
PD-03	Letter of Public Convenience or Necessity	\$	30.00	\$	140.93	\$ 140.00
PD-04	Dog License	\$	15.00	\$	28.69	\$ 25.00

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INDEX NO.	SERVICE	CURRENT FEE	ACTUAL COST OF SERVICE	FEE OR HOURLY RATE
		ADOPTED FY 2007-08	[from worksheets]	PROPOSED FY 2013-14
PD-05	Kennel Fee per Day	\$ 30.00	\$ 43.04	\$ 40.00
PD-06	Dog Show Permit	\$ 30.00	\$ 34.43	\$ 30.00
PD-07	Animal-Drawn Vehicle Permit	None	\$ 114.45	\$ 100.00
PD-08	Owner Surrender of Animal	\$ 60.00	\$ 57.39	\$ 50.00
PD-09	Animal Impound Fee	Varies		Varies, see fee calculation sheet
PD-10	Juvenile Diversion Fee	\$ 150.00	\$ 463.67	\$ 150.00
Memo	All other Police fees not listed in this schedule will be charged in accordance with County Fee Ordinance #4743 establishing Sheriff's Department fees			
<b>PLANNING</b>				
PL-01	Public Notice	\$ 79.00	\$ 87.07	\$ 85.00
PL-02	Tentative Parcel Map	\$669.00 base fee plus \$50 per lot in addition to base fee	\$ 799.48	\$700 plus per lot fee and engineering time
PL-03	Tentative Subdivision Map	\$1459 base fee plus \$50 per lot in addition to base fee	\$ 1,740.46	\$1700 plus per lot fee and engineering time
PL-04	Music License	None	\$ 149.12	\$ 145.00
PL-05	Temporary Use Permit	\$ 53.00	\$ 108.70	\$ 100.00
PL-06	Minor Use Permit/Exception	\$ 378.00	\$ 368.76	\$ 365.00
PL-07	Major Use Permit	\$ 673.00	\$ 700.22	\$ 700.00
PL-08	Variance	\$ 695.00	\$ 439.27	\$ 435.00
PL-09	Planned Unit Development	\$ 1,200.00	\$ 1,251.21	\$ 1,250.00
PL-10	Rezoning	\$ 751.00	\$ 799.93	\$ 790.00
PL-11	Prezoning/Annexation	\$ 1,020.00	\$ 1,060.88	\$ 1,060.00
PL-12	General Plan Amendment	\$ 1,105.00	\$ 1,243.22	\$ 1,240.00
PL-13	Modification of an Approved Plan	\$ 330.00	\$ 319.13	\$ 315.00
PL-14	Deferral Agreement	None	\$ 168.23	\$ 165.00
PL-15	Environmental Review (Initial Study)	\$ 913.00	\$ 942.96	\$ 940.00
PL-16	Environmental Review (Environmental Impact Report)	15% of contract cost		15% of contract cost
PL-17	Lot Line Adjustment /Lot Merger/Certificate of Compliance	\$ 224.00	\$ 216.86	\$ 215.00
PL-18	Appeal	\$ 100.00	\$ 604.48	\$ 300.00
PL-19	Sign Review (Administrative)	None	\$ 45.50	\$ 45.00

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INDEX NO.	SERVICE	CURRENT FEE		ACTUAL COST OF SERVICE [from worksheets]	FEE OR HOURLY RATE		
		ADOPTED FY 2007-08			PROPOSED FY 2013-14		
PL-20	Sign Review (DRC)	\$	95.00	\$	91.00	\$	90.00
PL-21	Design Review (Alteration)	\$	128.00	\$	128.47	\$	125.00
PL-22	Design Review (Minor)	\$	188.00	\$	207.31	\$	200.00
PL-23	Design Review (Major)	\$	476.00	\$	505.78	\$	500.00
PL-24	Design Review (Landscaping Plan)	\$	218.00	\$	217.63	\$	215.00
PL-25	Design Review (Demolition or Relocation)	\$	277.00	\$	311.96	\$	300.00
PL-26	Home Occupation Permit	\$	72.00	\$	67.95	\$	65.00
PL-27	Building Plan Review	\$	89.00	\$	86.98		Per Hourly Rate
PL-28	Extensions	\$	23.00	\$	43.44	\$	40.00
PL-29	Sidewalk Seating/Outdoor Display Permit	\$	72.00	\$	57.36	\$	55.00 Annual Renewal Fee: \$25
PL-30	Interpretation	\$	126.00	\$	123.92	\$	120.00
PL-31	Research	\$	89.00				Per Hourly Rate
PL-32	Inspection	\$	89.00				Per Hourly Rate
PL-33	Zoning Permit	\$	92.00	\$	88.66	\$	85.00
PL-34	Stormwater Plan Review		None				Per Hourly Rate
<b><u>PUBLIC WORKS</u></b>							
PW-01	Parking Barricades-Placement & Removal		\$200 + \$20 per space	\$	203.71		\$200 + \$20 per space
PW-02	Water Deposit (Rentals)	\$	150.00			\$	150.00
PW-03	Public Works Inspection Fee [Hourly]		Working hours \$109 After hours \$164 Holiday hours \$219	\$	84.26	\$	84.00
PW-04	Map and Plan Checking by City Engineer [Hourly]	\$	239.00	\$	249.00	\$	249.00
PW-05	Public Works Inspection by City Engineer [Hourly]	\$	235.00	\$	249.00	\$	249.00
PW-06	Encroachment Permit Fee (Minor)	\$	177.00	\$	146.58	\$	146.00
PW-07	Encroachment Permit Fee (Major)	\$	440.00	\$	353.86	\$	353.00
PW-08	After Hour Service Fee/Sunday & Holiday OT	\$	450.00	\$	157.95	\$	157.00
PW-09	After Hour Service Fee/Regular Overtime	\$	400.00	\$	157.95	\$	157.00
PW-10	Food Facility Inspection Fee		None	\$	123.24	\$	123.00

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INDEX NO.	SERVICE	CURRENT FEE		ACTUAL COST OF SERVICE	FEE OR HOURLY RATE
		ADOPTED FY 2007-08		[from worksheets]	PROPOSED FY 2013-14
PW-11	Industrial Storm Water Discharge Compliance Inspection Fee	\$	137.00	\$ 124.70	\$ 124.00
PW-12	Public Works Newsrack Permit & Inspection Fee		Based on # of racks		Refer to fee calculation sheet
<b>UTILITIES</b>					
UT-01	Water Service- Delinquent Notice (2nd Notice)	\$	48.00	\$ 63.55	\$ 63.00
UT-02	Water Service Turn Off	\$	165.00	\$ 162.96	\$ 162.00
UT-03	Meter Testing Fee	\$	115.00	\$ 150.48	\$ 150.00
UT-04	After Hour Service Charge/Regular Overtime	\$	400.00	\$ 394.09	\$ 394.00
UT-05	After Hour Service Charge/Sunday & Holiday Overtime	\$	516.00	\$ 507.74	\$ 507.00
UT-06	Non-Residential Fire Line Inspection & Bacteria Testing	\$	578.00	\$ 625.41	Hourly rate, Refer to fee calculation sheet
UT-07	Water Waste Fee	\$	78.00	\$ 77.30	\$ 77.00
UT-08	Water Flow Test	\$	246.00	\$ 244.26	\$ 244.00
UT-09	Water Flow Test - Administrative only	\$	25.00	\$ 33.25	\$ 33.00
UT-10	Annual Back Flow Device Testing-Administrative Only	\$	28.00	34.78	\$ 34.00
UT-11	Meter Lock Fee	\$	140.00	\$ 139.16	\$ 139.00

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INDEX NO.	SERVICE	CURRENT FEE	ACTUAL COST OF SERVICE	FEE OR HOURLY RATE
		ADOPTED FY 2007-08	[from worksheets]	PROPOSED FY 2013-14

November 13, 2013

## MEMO

**To:** City Manager Giovanatto  
**From:** City Clerk/Assistant to the City Manager Johann  
**Re:** Administration and Special Event Fees Narrative

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**Administration Fees:** We eliminated several charges for specific documents such as the General Plan, Development Code, etc. and instead will apply the standard copy fee to purchases of those types of documents. An analysis conducted indicated that applying the standard copy fee resulted in some cases in a lower charge than what was previously applied. This will make it easier to charge for documents and will eliminate the carry-over of out-dated and no-longer available items. We added a Billing Fee (\$16) and an Administrative Appeal fee (\$212). Of the eleven fees, two were new; five stayed the same; one went up; and three went down.

**Special Event Fees:** Included in the fee schedule this year are all the Plaza and Depot Park application, rental and maintenance fees. This was done so that they could be reviewed and adjusted periodically to ensure they are kept up to date. These fees have not been updated for many years; thus, ALL the proposed fees in this category have been increased. Some more significantly than others. Staff found, in analyzing these fee calculations, that the amount of staff time spent facilitating special events had been grossly underestimated as it pertained to the fees. Staff realizes that a certain level of sensitivity needs to be applied to the local non-profits and groups that wish to conduct their events in the Plaza or at Depot Park; however, we are recommending that these charges be increased so that the general public is not subsidizing the organizers of the events. And we do not feel that a fee of \$300 or \$400 to rent a whole quadrant of the Plaza for one day is inappropriate.

# Memo

**To:** City Manager Giovanatto  
**From:** Development Services Director/Building Official Wirick  
**Date:** 11/5/13  
**Subject:** Highlights of Proposed Fee Modifications



The proposed fee update for the Building Department is complete. As we have previously discussed, highlights of the proposed fees include the following:

1. The table below summarizes the fee recommendations (higher/lower/same/new). Further detail is provided in the proposed fee update on the Summary Sheet tab.

	Proposed Fees			
	Higher than current fee	Lower than current fee	Same as current fee	New proposed fees
Number	9	7	15	9

2. Using an average staff rate for various building department services (does not include the administrative assistant) . This makes the most sense since building department staff is cross trained and the building inspector, plans examiner and building official all perform overlapping duties and services.
3. Plan review is now based on the actual hourly cost to provide the service rather than based on a percentage of the building permit fee. This will result in lower plan review fees for applicants that submit good and proper plans and documentation and potentially higher plan review fees for applicants that submit poorly prepared or inadequate plans and documentation.
4. To improve transparency the building valuation table is now included in the fee schedule. This is the table that staff uses for assigning valuations to permits.
5. Several new fees have been added to help recover costs for providing the service. This includes:
  - a. Permit Extension Fee
  - b. Document Preparation and Recording Fee
  - c. Refund Processing Fee
  - d. Single Inspection Permit Fee
  - e. Water Conserving Plumbing Fixture Verification Fee
  - f. Stormwater Management Inspection Fee
  - g. CALGreen Inspection Fees (minor alteration projects)

6. Electrical, plumbing and mechanical fee tables have been created to replace the tables previously referenced in the Uniform Administrative Code. The Uniform Administrative Code is no longer published and the City will not be adopting the code in the future.
7. The refund policy for all fees is included on each fee worksheet.

It will be important that the Council adopt a reference to the fee worksheets (perhaps by adopting them as an appendix) since the index is not adequate to explain how and when the fees are charged and what the refund policy is. Also, the new fee books should include the worksheets so that staff is aware of the refund policies as well as when and how a fee is assessed.

# Building Department Fee Summary Sheet

Former Fee ID	Former Fee ID	Fee Type	2008 Adopted Fee	2013 Fee	Unit
		<b>Administrative or Plan Review</b>			
BL-01	BL-27	Construction Permit Deposit	Varies (Deposit - Not a Fee)	Varies (Deposit - Not a Fee)	Ea
BL-02	BL-24	Permit Processing Fee	\$50.00	\$45.00	Ea
BL-03	BL-08	Training & Certification Fee	\$12.00	\$12.00	per Hr.
BL-04	BL-04	Plan Check Fee	Per 1997 UAC Table Section 304.3	\$98.00	per Hr.
BL-05	BL-16	Miscellaneous Building Div. Services (Hourly Rate)	\$90.00	\$98.00	Ea
BL-06	BL-30	Imaging - 8.5 x 11	Recommended Fee for each 8.5 x 11 sheet.	\$0.50	Ea
BL-06	BL-30	Imaging - Other sizes	Recommended Fee for each other sized sheet:	\$2.40	Ea
BL-07	BL-17	Conditional Authorization to Proceed with Work	550	\$493.00	Ea
BL-08	BL-18	Off-Hour Building Dept. Services	175	\$197.00	per Hr.
BL-09	New	Permit Extension Fee	None	\$49.00	Ea
BL-10	New	Document Preparation and Recording Fee	None	\$98.00	Ea
BL-11	BL-35	Appeal Fee	625	\$250.00	Ea
BL-12	New	Refund Processing Fee	None	\$68.00	Ea
BL-13	BL-09	Investigation Fee	Per 1997 UAC Table Section 304.5.2	\$493.00	Minimum
BL-14	BL-14	Change of Use or Occupancy Review (Building Survey)	505	\$550.00	Ea
BL-15	BL-32	Contractor's License Tax	\$1.00 per \$1,000 valuation	\$1.00 per \$1,000 valuation	
BL-16	BL-33	Capital Improvement Fee - per square foot for commercial buildings	\$0.19	\$0.19	per S.F.
BL-16	BL-33	Capital Improvement Fee - for one-bedroom dwelling	\$410.00	\$410.00	Ea Unit
BL-16	BL-33	Capital Improvement Fee - for two-bedroom dwelling	\$478.00	\$478.00	Ea Unit
BL-16	BL-33	Capital Improvement Fee - for three or more bedroom dwelling	\$614.00	\$614.00	Ea Unit
BL-16	BL-33	Capital Improvement Fee - for bedroom additions	\$68.00	\$68.00	Ea
BL-17	BL-34	Impact Fee	\$966.00	\$966.00	Ea Unit
		<b>Inspection Services</b>			
BL-20	New	Single Inspection Permit Fee	None	\$123.00	Ea
BL-21	BL-01	Building Permit Inspection Fee	Per 1997 UAC Table 3A	Per Building Table BL-21-A	Ea Pmt
BL-22	BL-02	Building Demolition Inspection Fee	300	\$295.00	Ea
BL-23	BL-03	Building Relocation Inspection Fee	560	\$591.00	Ea
BL-24	BL-05	Electrical Inspection Fee - Unit Fee	Per UAC Table 3B	Per Electrical Table BL-24-A	varies
BL-25	BL-07	Plumbing Inspection Fee - Unit Fee	Per 1997 UAC Table 3D	Per Plumbing Table BL-25-A	varies
BL-26	New	Water Conserving Plumbing Fixture Verification - Plumber Certified	None	\$24.00	All Fixt.
BL-26	New	Water Conserving Plumbing Fixture Verification - Inspector Verified	None	\$48.00 plus \$16.00 for each fixture	Ea Fixt.
BL-27	BL-06	Mechanical Inspection Fee - Unit Fee	Per 1997 UAC Table 3C	Per Mechanical Table BL-27-A	varies
BL-28	BL-11	Energy Inspection Fee	15% of the Building Permit Fee calculated under 1997 UAC Table 3A	20% of calculated Inspection Fees in Tables BL-21-A, BL-24-A, BL-25-A and BL-27-A	Ea Pmt
BL-29	BL-12	Accessibility Inspection Fee	20% of the Building Permit Fee calculated under 1997 UAC Table 3A	20% of calculated Inspection Fees in Tables BL-21-A.	Ea Pmt
BL-30	BL-13	One & Two Family Re-Roofing Permits	120	\$147.00	Ea Pmt
BL-31	BL-15	Private Residential Swimming Pool Inspection Fee	650	\$591.00	Ea Pmt
BL-32	BL-19	Modular and Manufactured Housing Fee	25% of 1997 UAC Building Permit Fees	25% of calculated Inspection Fees in Tables BL-21-A, BL-24-A, BL-25-A and BL-27-A.	Ea Pmt

# Building Department Fee Summary Sheet

Fee Type	Former Fee ID	Former Fee ID	2008 Adopted Fee	2013 Fee	Unit
Stormwater Management Inspection Fee	BL-33	New	None	<ul style="list-style-type: none"> <li>If no grading permit is issued, 10% of the building permit inspection fee calculated pursuant to Building Table BL-21-A or 1-hr. minimum based on the average hourly Building Dept. staff rate (see BL-05), whichever is greater.</li> </ul>	
Stormwater Management Inspection Fee	BL-33	New	None	<ul style="list-style-type: none"> <li>If a grading permit is issued, 40% of the grading permit inspection fee calculated pursuant to Grading Table BL-34-A or 1-hr. minimum based on the average hourly Building Dept. staff rate (see BL-05), whichever is greater.</li> </ul>	Ea Pmt
Grading Permit Inspection Fee	BL-34	BL-28	Per 1997 UAC Table 3-H	Per Grading Table BL-34-A	
CALGreen Inspection Fee	BL-35	New	None	20% of calculated Inspection Fees in Tables BL-21-A, BL-24-A, BL-25-A, BL-27-A and BL-34-A, or 1-hr. minimum based on the Hourly Building Dept. Rate, whichever is greater.	Ea Pmt
Large Format Printing	BL-37	BL-37	Per Table in BL-37	Per Table in BL-37	varies

## Fee Schedule Budget Narrative

Sonoma desires to provide "one stop" planning and building services to minimize processing delays. SVFRA/VOM will provide staff for these services and agrees to provide work space for staff performing these duties. The SVFRA/VOM has adopted ordinance number 2010/2011-01 dated November 12, 2013, establishing a schedule of fees to cover the costs of providing services, issuing permits and enforcing regulations within the SVFA/VOM. SVFRA/VOM will recommend to Sonoma, and Sonoma will approve, no more than the fees established by SVFRA/VOM to cover the costs of providing services, issuing permits, and enforcing regulations within Sonoma. SVFRA/VOM shall indemnify, defend, and hold Sonoma harmless from any claims, damages, fees, costs, and losses of any nature whatsoever in any action challenging fee(s) for services, permits, or enforcement activities established or imposed pursuant to this paragraph. The SVFRA/VOM will amend this ordinance to include all functions associated with fire and life safety plan review and inspections services for Sonoma and incorporate the Sonoma fee schedule by reference into the SVFRA/VOM fee schedule for services to properties within the City limits of Sonoma. SVFRA/VOM will provide planning services for Sonoma projects and special events. The function of the SVFRA/VOM fire prevention shall be the implementation, administration and enforcement of the provisions of applicable codes. The following fee schedule is all fees applicable for the enforcements of codes and special permits.

# MEMO

Date: 11/12/13

To: Carol Giovanatto, City Manager

From: Bret Sackett, Chief of Police

RE: Fee Schedule Update FY 13-14

Generally, the police department utilizes the county fee schedule since the majority of the fees are based upon salary calculations. The Board of Supervisors adopts the fee schedule annually. However, the City Council can adopt a fee schedule for any service that is not also performed by the Sheriff, such as Animal Control.

Below are the fees most commonly charged by the police department for services provided by personnel assigned to the police department.

Fee Title	Current	Recommended	Comments
False Alarm	\$45	\$120	This fee does not have an associated ordinance, so it is unenforceable. City Council goal for FY 13-14 is to consider false alarm ordinance to reduce number of false alarms
Residential Parking Permit	\$10	\$20	Residential parking areas only
Letter of Public Convenience or Necessity	\$30	\$140	Ltr needed for certain types of ABC licenses
Dog License - altered	\$15	\$25	Senior citizen discount of 50% for 1 <sup>st</sup> dog
Dog License – non-altered	\$30	\$50	Senior citizen discount of 50% for 1 <sup>st</sup> dog
Dog Impound fee – 1 <sup>st</sup>	\$25	\$50	Fee charged when ACO must physically catch dog at large. Charged for first 24 hrs
Dog Impound fee – 2 <sup>nd</sup>	\$50	\$100	2 <sup>nd</sup> violation in 12 month period
Dog Impound fee – 3 <sup>rd</sup>	\$100	\$200	3 <sup>rd</sup> violation in 12 month period
Kennel fee	\$30	\$40	Charged for animals kenneled at the PD
Owner surrender of animal	\$60	\$50	
Juvenile Diversion Fee	\$150	\$150	Fee approved by City Council to help off-set cost of the Sonoma Valley Youth and Family Services Program

The county fee schedule for FY 13-14 is attached for reference.

November 8, 2014

## MEMO

**To:** City Manager Giovanatto  
**From:** Planning Director Goodison  
**Re:** Update of Planning Fees

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Planning services for which fees are mainly relate to applications filed for planning entitlements (such as use permits and tentative maps) and design review. In some cases, these applications are reviewed and acted upon administratively, but in many others, the review of the Planning Commission, the Design Review Commission, or both are required. However, there are a number of other miscellaneous services administered by the Planning Department, including requests for public improvement deferrals, lot-line adjustments and certificates of compliance, and minor permits such as home occupation and outdoor seating permits. Some highlights of the proposed fee modifications are as follows:

1. Proposed fee changes are based, for the most part, on the following: a) re-evaluation of hours spent performing the service; b) updated personnel costs, c) updated overhead/benefit/fixed asset calculations (including a significant decrease in overhead); d) changes in external costs (such as the cost of publishing notices in the newspaper).
2. Less than half of the Planning fees would increase under the proposed changes and only 15% would increase by more than 10%. Approximately one-third of the Planning fees would decrease.
3. In general, fees involving administrative reviews would be reduced.
4. New fees include Music License applications, applications for the deferral of Public Improvements, and the review of Stormwater Management Plans.
5. Refund policies have been established for all fees.

<b>Summary of Proposed Planning Fee Changes</b>				
Increase of less than 10%	Increase of 10%+	No Change	Decrease	New Fee
29%	15%	12%	32%	12%

## Narrative for Public Works 2013 Fee Update

The proposed fee updates for the Public Works Department are summarized below:

- 1) Public Works Department charges these fees to recover staff time spent in providing service.
  - a) Water Service Delinquent Notice
  - b) Water Service Turn Off
  - c) Meter Testing Fee
  - d) After Hour Service Charge
  - e) Non-Residential Fire Line Inspection & Bacteria Testing
  - f) Water Waste Fee
  - g) Water Flow Test
  - h) Annual Back Flow Device Testing – Admin
  - i) Meter Lock Fee
  - j) Parking Barricades – Placement & Retrieval
  - k) Water Deposit
  - l) Public Works Inspection Fee
  - m) Map and Plan Checking by City Engineer
  - n) Public Works Inspection by City Engineer
  - o) Encroachment Permit
  
- 2) New fees have been added to help recover staff time spent in providing service:
  - a) News rack Permit and Inspection Fee
  - b) Food Facility Inspection Fee
  - c) Industrial Storm Water discharge Compliance Inspection– upgraded position Stormwater Compliance Specialist
  
- 3) Fees eliminated and others moved to new Department Fee Schedule:
  - a) Discontinued: Water truck Load Count; all water trucks use a hydrant meter.
  - b) Moved: Use of City Facilities Application Processing Fees from Public Works to City Property
  
- 4) The average (mid-step) staff rate for various public works department services were used in the proposed fee schedule calculations.
  - a) Regular Fee Recommended: Regular mid-step salaries plus longevity, plus Benefits, Operating Expenses , Overhead , Fixed Assets Equipment and fixed Assets Buildings used in calculation.
  - b) Hourly Salaries:

• Administrative Assistant:	\$25.56
• Accounting Technician:	\$27.94
• Engineer Inspection:	\$120.00
• Management Analyst:	\$27.94
• Public Works Director:	\$56.35
• Public Works Foreman:	\$31.12
• Maintenance Worker I:	\$23.11
• Maintenance Worker II:	\$25.48
• Stormwater Compliance Specialist:	\$43.08
• Water Operations Supervisor:	\$32.68



City of Sonoma  
City Council  
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 11/18/2013

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**Department**

Building

**Staff Contact**

Wayne Wirick, Development Services Director / Building Official

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**Agenda Item Title**

Council discussion and possible action on the revision and renewal of the lease with the Valley of the Moon Nursery School for 136 Mission Terrace (Youth Center Building).

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**Summary**

On August 30, 2011, the five-year lease with the Valley of the Moon Nursery School (VOMNS) for the Youth Center Building expired and the school has requested that the lease be renewed.

Since that time, a number of steps have been initiated by City staff and the City Council to evaluate issues related to the lease and develop appropriate provisions within the lease to address the issues.

The latest iteration of the draft lease proposes an increase in the rental rate, continuance of previous maintenance responsibilities and code related upgrades on the part of the VOMNS and the City.

The draft lease has an initial term of for 2 years beginning January 1, 2014 and will automatically be extended by 3 years to December 31, 2018 if all "Tenant Responsibility" corrective work (as established in the 2012 Building Survey Report) is completed by VOMNS and approved by the City by December 31, 2015.

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**Recommended Council Action**

Council discretion

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**Alternative Actions**

1. Authorize the Mayor to execute the draft lease as presented.
  2. Provide direction to staff to further revise the terms of the draft lease.
  3. Do not renew the lease with the Valley of the Moon Nursery School and provide direction to staff regarding the future use of the premises.
- 

**Financial Impact**

The draft lease increases the rental income for the property by 33% from \$601 to \$800 per month (\$9,600/year). The City's estimated annual ongoing costs are expected to be approximately \$4,500 per year. However, one-time capital costs to mitigate the current Americans with Disabilities Act (ADA) and other code deficiencies that are the City's responsibility to repair will likely be at least \$86,900 over the next 10 years.

That said, the analysis of the actual and projected income and expenses for the building from 1986 through 2023, including the necessary ADA improvements, shows that the City will realize a net gain of approximately \$5,600 if the lease under the proposed terms were to be renewed through the end of 2023.

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**Environmental Review**

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

**Status**

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

**Attachments:**

Supplemental Report - Renewal of Lease for Valley of the Moon Nursery School - 136 Mission Terrace (including attachments).

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**Alignment with Council Goals:**

This item loosely aligns with the Council goal of **BUDGET STRATEGY & FISCAL STABILITY: Balance Budget without eroding infrastructure and preserving essential services** to the extent that it reviews and applies budgetary policies and solid fiscal management.

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**cc:**

Robyn and Rosemary Lely (Valley of the Moon Nursery School) (via e-mail)

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## SUPPLEMENTAL REPORT

Renewal of Lease for the Youth Center Building to the Valley of the Moon Nursery School  
136 Mission Terrace

*For the City Council Meeting of November 18, 2013*

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### **BACKGROUND**

The Youth Center Building, located at 136 Mission Terrace, was built by the Kiwanis Club and donated to the City in 1945. The property has been leased or licensed for use to the Valley of the Moon Nursery School (VOMNS) for nearly 60 years. On August 30, 2011, the existing five-year lease with the school expired (see Attachment 1). The school at that time requested that the lease be renewed.

At the request of then City Manager Kelly, the Building Department conducted an inspection of the premises for the purpose of identifying building code deficiencies so that if deficiencies existed, they could be addressed as part of the lease renewal process. The subsequent inspection and Building Survey Report dated March 1, 2012, (see Attachment 2 – Exhibit B) identified a number of deficiencies that need to be mitigated for the continued long-term use of the building.

In March and April of 2012, the City's Facilities Committee recommended that City staff meet with representatives from the school to discuss the mitigation of the code deficiencies and also recommended that the lease be redrafted to shift maintenance responsibilities from the City to the school.

In April 13, 2012, City staff met with Robyn and Rosemary Lely (representatives of VOMNS) and discussed the shifting of maintenance responsibilities to the school, how the code deficiencies should be addressed, and other issues related to the lease and maintenance of the property.

In September of 2012, the City Council considered a draft lease that:

1. Had a lease term of 2 years (October 1, 2012 – September 30, 2014) with an automatic 5-year extension to August 31, 2019 if all tenant responsibility corrective work was completed by the tenant and approved by the City by October 1, 2014;
2. Shifted all maintenance responsibility pertaining to the leased area to the tenant. Under the previous lease, the City was responsible for the maintenance of the roof, side walls, foundation and for the maintenance of plumbing and electrical lines in the walls and underneath the building;
3. Included updated minimum insurance requirements for the tenant; and
4. Maintained the monthly lease rate to be consistent with the old lease at \$601 per month, adjusted annually according to the Consumer Price Index (CPI-U) for All Urban Consumers for the San Francisco Bay Area.

The City Council declined to renew the lease because it felt that the rent was too low and directed staff to perform a rental rate comparison of other preschools in an effort to establish a fair market rent for the property.

In October of 2012 staff developed a market rent comparison (see Attachment 3) based on a phone survey of other local pre-schools. The analysis showed that making a direct “apples-to-apples” comparison of local pre-school rental rates was difficult due to the following:

- A. Three of the seven pre-schools contacted were either owner occupied, not charged rent or were not willing to provide rental cost information.
- B. Of the four remaining pre-schools, all of the schools had utilities included in their rental rates, while the VOM Nursery School pays the costs of their utilities.
- C. Repair and maintenance responsibilities for two of the pre-schools are included in the cost of their rent while the VOM Nursery School will pay separately for future ongoing maintenance costs.
- D. Responsibility for capital improvement costs vary significantly between facilities depending on the nature, scope and costs of the proposed improvements.
- E. A City-owned municipal water well exists within the Youth Center building, which sometimes results in inconvenience and additional noise that affects the school. No other school has this inconvenience.

In November of 2012, the City’s Facilities Committee reviewed the market rent comparison and determined that an actual fair market rental rate would be difficult to determine given the items listed above. The Facilities Committee then requested that the VOM Nursery School provide financial information and a proposal for an increase in the rental rate based on what they could afford.

In August of 2013, the school provided financial information and a proposal for an increase in the rental rate (see Attachment 4) that included the following:

- 1. A 33% increase in the rental rate from \$601 to \$800 per month.
- 2. A commitment to perform the necessary “Tenant Responsibility” code improvements described in the 2012 Building Survey report.
- 3. Due to the increase in the rental rate, the school proposed that the maintenance responsibilities for the structure be maintained in accordance with the provisions of the previous lease (i.e. no shifting of maintenance responsibilities).

On November 4, 2013, the City’s Facilities Committee met to discuss the proposal and asked that staff perform an analysis of the actual and projected income and expenses for the Youth Center building to determine if the City has a net long-term operating loss or gain pertaining to the rental of the building to the VOM Nursery School (see Attachment 5).

## **SYNOPSIS**

The analysis of the actual and projected income and expenses for the Youth Center building, with the VOM Nursery School as tenant, covers a 38-year period from 1986 through 2023. The analysis shows that over the 38-year period and at the end of 2023 (if the draft lease were to be renewed through that period) the City would post a projected net income of approximately \$5,600. The assumptions for the analysis were as follows:

- A. The rental rate would increase from \$601 to \$800 per month effective January 1, 2014. Rental rates would be adjusted annually by the average annual change in the Consumer Price Index (CPI-U) for All Urban Consumers for the San Francisco Bay Area.
- B. Maintenance responsibilities for the premises would remain the same as the previous lease, with the City responsible for the Well Pump Room, the roof, exterior side walls, exterior painting, foundation and for the maintenance of plumbing and electrical lines within the walls and underneath the building.
- C. The school will complete code required improvements designated as “Tenant Responsibility” in the 2012 Building Survey report by December 31, 2015.
- D. The City will undertake and complete “City Responsibility” code required improvements and ADA improvements designated in the 2012 Building Survey report by December 31, 2015. Other exterior maintenance including exterior painting, front porch column repairs, etc. is projected to occur before 2023.
- E. The City would continue to set aside Long-Term Building Maintenance funds for future maintenance (roofing, exterior painting, etc.) at the rate of \$3,800 per year.
- F. Property (fire and liability) insurance paid by the City over the next 10 years will average \$912 per year.

That being the case, staff has prepared a draft lease for Council consideration with the following highlights:

1. The initial lease term is for 2 years (January 1, 2014 – December 31, 2015).
2. The lease is automatically extended by 3 years to December 31, 2018 if all “Tenant Responsibility” corrective work (as established in the 2012 Building Survey Report) is completed by the school and approved by the City by December 31, 2015.
3. The rental rate increases from \$601 to \$800 per month effective January 1, 2014. Rental rates would be adjusted annually by the average annual change in the Consumer Price Index (CPI-U) for All Urban Consumers for the San Francisco Bay Area.
4. City and tenant responsibilities for the mitigation of the existing code deficiencies have been identified and enumerated in the proposed lease.
5. The leased area has been clarified to exclude the use of, access to and responsibility for the City Well Pump Room by the school.
6. Maintenance responsibilities pertaining to the leased area remains substantially the same as the previous lease with the City responsible for maintaining the Well Pump Room, the roof, exterior side walls, exterior painting, and foundation and for the maintenance of plumbing and electrical lines within the walls and underneath the building. The VOM Nursery School is responsible for maintenance of all other areas of the premises.
7. Insurance provisions have been updated to meet City insurance standards.

## **FINANCIAL IMPACT**

The draft lease increases the rental income for the property by 33%, from \$601 to \$800 per month (\$9,600/year). The City's estimated annual ongoing costs are expected to be approximately \$4,500 per year. However, one-time capital costs to mitigate the current Americans with Disabilities Act (ADA) and other code deficiencies that are the City's responsibility to repair will likely be at least \$86,900 over the next 10 years.

That said, the analysis of the actual and projected income and expenses for the building from 1986 through 2023, including the necessary ADA improvements, shows that the City will realize a net gain of approximately \$5,600 if the lease under the proposed terms were to be renewed through the end of 2023.

## **RECOMMENDATION**

Council discretion.

## **ALTERNATIVES**

1. Authorize the Mayor to execute the draft lease as presented.
2. Provide direction to staff to further revise the terms of the draft lease.
3. Do not renew the lease with the Valley of the Moon Nursery School and provide direction to staff regarding the future use of the premises.

## **ATTACHMENTS**

- Attachment 1 (Expired Lease Agreement with VOM Nursery School)
- Attachment 2 (Draft Lease Agreement with VOM Nursery School)
- Attachment 3 (Market rent comparison of local preschools)
- Attachment 4 (Proposal and financial information from VOM Nursery School dated August 19, 2013.)
- Attachment 5 (Analysis of the actual and projected income and expenses for the Youth Center building with the VOM Nursery School as tenant covers a 38 year period from 1986 through 2023.)

cc: Robyn and Rosemary Lely (Valley of the Moon Nursery School)

LEASE AGREEMENT

It is agreed by and between the City of Sonoma, a Municipal Corporation in the County of Sonoma, State of California (hereinafter "CITY") and the Valley of the Moon Nursery School (hereinafter "SCHOOL") as follows:

1. CITY shall lease to SCHOOL the property at 136 Mission Terrace, Sonoma, California, for a term of five (5) years, commencing September 1, 2006. SCHOOL shall pay to CITY Five Hundred Forty Two Dollars and 80 Cents (\$542.80) per month beginning September 1, 2006 and a like amount on the first day of each month thereafter as rent for the first year of the Lease. The rent in subsequent years shall be increased beginning on the anniversary date of the commencement of the Lease based on the change in the Consumer Price Index (CPI) for All Urban Consumers for the San Francisco Bay Area as determined by the United States Department of Labor, but in no case greater than five percent (5%) per annum. All monthly payments shall be due and payable on the 1st day of each month.

A. Parties agree that this Lease is non-exclusive and other community groups may use the building and subject premises so long as their use does not unreasonably interfere with the intended use by SCHOOL.

2. SCHOOL shall pay for all utilities, including water, telephone, gas, electricity and sewer service, at 136 Mission Terrace, and any property taxes, if any be imposed on the property. The CITY shall within ten (10) days of notice by the County of Sonoma of an imposition of or increase of property tax on the subject property give written notice to SCHOOL of the tax. If the delinquent date of payment of the taxes is less than ninety (90) days, CITY shall pay the taxes and SCHOOL shall reimburse CITY no later than ninety (90) days from the written notice from CITY. If the delinquent date of payment of the taxes is more than ninety (90) days from the mailing of the written notice by CITY, SCHOOL shall pay the taxes, together with any penalty and interest due thereon directly to the Sonoma County Tax Collector.

3. SCHOOL, at its own expense, shall keep the premises in clean and sanitary condition and maintain electrical and plumbing fixtures in good operating condition. SCHOOL, at its own expense, shall repair any breakage of glass and shall maintain windows in good operating condition. CITY is responsible for the roof, side walls, foundation and for the maintenance of plumbing and electrical lines in the walls and underneath the building and shall maintain the same at its own expense to the extent necessary to keep the building habitable and usable for the purposes intended by the Lease. Notwithstanding, any damage to electrical wiring or appurtenances, or plumbing stoppages, resulting from act or negligence of agents of employees of the SCHOOL, shall be repaired at the expense of the SCHOOL.

4. SCHOOL shall not make, or cause to be made, any structural alterations of said premises, or any part thereof, without the prior written consent of CITY. Any additions to, or alterations of, said premises, except movable furniture and trade fixtures, shall become at once a part of the realty and belong to the CITY. SCHOOL shall keep the demised premises and the property in which the demised premises are situated free from any liens arising out of any work performed, material furnished or obligations incurred by SCHOOL. Before making any repairs on the premises of defective conditions that it is the CITY's duty to repair, SCHOOL must first notify the CITY of the need for such repairs and allow a reasonable time not to exceed thirty (30) days, for CITY to arrange for the necessary repairs. If CITY does not act within thirty (30) days, SCHOOL may have the repairs

made and present the receipt to the City for reimbursement. SCHOOL may not make such repairs and be reimbursed for their cost for more than Two Hundred Dollars (\$200.00) . This shall not be considered a liquidated damages clause by the parties to this Lease.

School shall be responsible for insuring their own personal property.

5. Notwithstanding paragraph 4 above, SCHOOL is thereby given consent to make interior alterations and additions to the premises which do not involve the alteration of any structural members of the building, and of a kind which may be removed at the expiration of the term at little or no expense. SCHOOL shall be responsible for removing the same at termination of Lease at the sole discretion of the CITY.

6. SCHOOL shall comply with all state and federal and all applicable laws, ordinances, rules and orders of the CITY, County of Sonoma, State of California, or other authorities pertaining to the operation of a nursery school, including but not limited to the licensing, cleanliness, occupancy and maintenance of the demised premises.

7. If the premises are damaged or destroyed by any cause whatsoever, CITY, as determined by a majority of the City Council with all members present, may:

A. at CITY's sole discretion, terminate the Lease; or

B. rebuild the premises so destroyed or damaged similar to the building or portion thereof so damaged and destroyed; or

C. agree that the SCHOOL, at their own cost and expense, promptly repair and restore the same to a building substantially similar or better than the building or portion thereof damaged or destroyed. Without limiting such obligation of SCHOOL, it is agreed that the proceeds of any insurance covering the damage or destruction shall be made available to SCHOOL for such repair or replacement. However, in the case of destruction of the building, or damage thereto from any cause so as to make it untenable during the last two years of the term thereof, SCHOOL, if not then in default thereunder, may elect to terminate this Lease by written notice served on CITY within thirty (30) days after the occurrence of such damage or destruction. In the event of such termination, there shall be no obligation on the part of SCHOOL to repair or restore the building and improvements, but CITY in such event, shall be entitled to all of the insurance collected under any insurance policies covering said building or any part thereof.

CITY shall not be responsible to pay SCHOOL any costs for being displaced from the tenancy either temporarily or permanently.

8. At the expiration of this lease term, SCHOOL shall quit and surrender the premises thereby demised in as good state and condition as they were at the commencement of the term, reasonable use and wear thereof and damage by the elements excepted.

9. SCHOOL shall indemnify CITY and hold CITY harmless of and from any and all loss, cost, damage, injury or expense arising out of or related to claims of injury to or death of persons or to claims of damage to the premises occurring or resulting directly or indirectly from SCHOOL'S use or occupancy of the premises or from SCHOOL'S activities on or about the premises, such indemnity to include, but without limitation, the obligation to provide all costs of defense against any such claims; provided that such indemnity shall not extend to any loss arising from CITY'S negligence. In addition, SCHOOL shall hold and save CITY harmless and indemnify CITY of and

from any and all loss, cost, damage, injury or expense arising out of or in any way related to claims for work or labor performed or to claims for materials or supplies furnished to or at the request of SCHOOL or in connection with performance of any work done for the account of SCHOOL on the premises.

10. SCHOOL assumes the risk of loss or damage to its personal property used or stored on the premises, except loss or damage caused by act or negligence of agents or employees of the CITY and for which the CITY is legally liable.

11. SCHOOL shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with SCHOOL'S operation and use of the leased premises. The cost of such insurance shall be borne by the SCHOOL.

A. MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. Insurance Services Office form number GL 0002 (Ed. 1/73) covering the Comprehensive General Liability and Insurance Services Office form number GL 0404 covering the Broad Form Comprehensive General Liability; or Insurance Services Office Commercial General Liability coverage ("occurrence" form CG0001)

2. Workers' Compensation insurance as required by the Labor Code of the State of California and Employers Liability insurance.

B. MINIMUM LIMITS OF INSURANCE

SCHOOL shall maintain limits no less than:

1. General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

2. Workers' Compensation and Employers Liability: Workers' compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

C. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the CITY. At the option of the CITY, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to the CITY, its officers, officials, employees and volunteers; or the SCHOOL shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. OTHER INSURANCE PROVISIONS

The policies are to contain, or to be endorsed to contain, the following provisions:

1. General Liability

a. The CITY, its officers, officials, employees and volunteers are to be covered as insureds as respects liability arising out of premises owned, occupied or used by SCHOOL. The coverage shall contain no special limitations on the scope of protection afforded to the CITY, its officers, officials, employees or volunteers.

b. The SCHOOL'S insurance coverage shall be primary insurance as respects the CITY, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees or volunteers shall be excess of the SCHOOL'S insurance and shall not contribute with it.

c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the CITY, its officers, officials, employees or volunteers.

d. Coverage shall state that the SCHOOL'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. Workers' Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against the CITY, its officers, officials, employees and volunteers for losses arising from the leased premises.

3. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the CITY.

E. ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers with a Best's rating of no less than AAA .

F. VERIFICATION OF COVERAGE

SCHOOL shall furnish the CITY with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms provided by the CITY. Where by statute, the CITY'S workers' compensation-related forms cannot be used, equivalent forms approved by the Insurance Commissioner are to be substituted. All certificates and endorsements are to be received and approved by the CITY before work commences. The CITY reserves the right to require complete, certified copies of all required policies, at any time.

12. CITY shall maintain in effect throughout the term of the Lease, at the cost of the CITY, a policy or policies of insurance on the building which is part of the leased premises, providing protection against any peril of fire, exclusive of trade fixtures and equipment of SCHOOL.

13. CITY and SCHOOL agree that every condition, covenant and provision of this Lease is material and reasonable. Any breach by SCHOOL of a condition, covenant or provision of this

Lease will constitute a material breach. For any material breach by SCHOOL, CITY may provide SCHOOL with a written notice that describes the breach and demands that SCHOOL cure the default (if a cure is possible). If SCHOOL does not cure the default within thirty (30) days, or if a cure is not possible, this Lease will be terminated. Termination of this Lease for a breach by SCHOOL will not occur unless the foregoing events occur.

Specifically, the following shall constitute a default by the SCHOOL.

- A. Failure to pay rent when due;
- B. Use of the premises for any unlawful purpose in violation of any City, State or Federal law as regulation;
- C. Abandonment of the premises;
- D. Assigning or submitting the leased premises without the prior written consent of CITY;
- E. Committing waste on the leased premises;
- F. Maintaining, committing or permitting the maintenance or commission of a nuisance on the leased premises;
- G. Any material failure to keep the premises in a sanitary condition or to dispose of all trash and garbage;
- H. Altering the premises in any manner, except as provided in this Lease Agreement;
- I. Failure to perform any other provision, covenant or condition of this Lease.

14. In the event that either party thereto shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any term, covenant or condition of this Lease by it to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover, in addition to its court costs, a reasonable attorney's fee to be fixed by the court, and such recovery shall include court costs and attorney's fees on appeal, if any. The Court will determine who is the "prevailing Party," whether or not the suit proceeds to final judgment. However, if an action is voluntarily dismissed, or dismissed pursuant to a settlement of the case, neither party will be entitled to recover its attorney's fees.

15. Waiver by either party of a breach of any covenant of this Lease Agreement will not be construed to be a continuing waiver of any subsequent breach. No waiver by either party of a provision of this Lease Agreement will be considered to have been made unless expressed in writing and signed by all parties.

16. Time is of the essence of each provision of this Lease Agreement.

17. CITY OF SONOMA (CITY) and VALLEY OF THE MOON NURSERY SCHOOL (SCHOOL) agree that this instrument contains the entire, sole and only agreement between them concerning the demised premises and correctly sets forth their rights and obligations to each other concerning the demised premises as of its date. Any agreement or representations respecting the

demised premises or the duties of either CITY or SCHOOL in relation thereto not expressly set forth in this instrument is null and void.

18. For the purpose of service of process and service of notices and demands, VALLEY OF THE MOON NURSERY SCHOOL'S address is:

136 Mission Terrace  
Sonoma, CA 95476

Notices, demands and service of process for the CITY may be served on the City Manager at the following address:

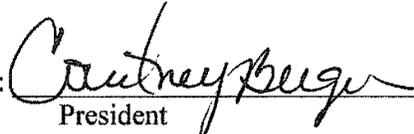
City Hall  
No. 1 The Plaza  
Sonoma, CA 95476

Executed on March 7, 2007, in the City of Sonoma, County of Sonoma, California.

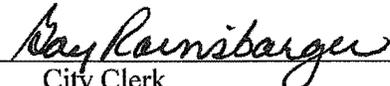
CITY OF SONOMA

VALLEY OF THE MOON NURSERY SCHOOL

By:   
City Manager

By:   
President

Attest:

By:   
City Clerk

## LEASE AGREEMENT

1. It is agreed by and between the City of Sonoma, a Municipal Corporation in the County of Sonoma, State of California (hereinafter "CITY") and the Valley of the Moon Nursery School, a non-profit organization, (hereinafter "SCHOOL") as follows:
2. PREMISES DEFINED. For the purposes of this Lease, "Premises" shall mean the land and all improvements, including structures and any future improvements to the land or to the buildings and any fixtures, equipment, casework or other appurtenance affixed to or maintained on the land or the building located at 136 Mission Terrace, Sonoma, California except that portion of the building, including the walls, door, floor, ceiling finishes, equipment, piping, pumps, wiring and other apparatus contained within or a part of the "Well Pump Room" as further described in Exhibit A.
3. TERM. CITY shall Lease to SCHOOL the Premises, for a term of two (2) years, commencing January 1, 2014. The term of this LEASE shall automatically be extended by an additional three (3) years if SCHOOL satisfactorily completes, to the satisfaction of the City Building Official, the maintenance improvements described in paragraph 11.C below no later than December 31, 2015. Completion of the maintenance improvements shall be verified and documented in writing by the City Building Official.
4. CONSIDERATION. SCHOOL shall pay to CITY Eight-Hundred Dollars (\$800.00) per month beginning January 1, 2014 and a like amount on the first day of each month thereafter as rent for the first year of the Lease. The rent in subsequent years shall be increased beginning on the anniversary date of the commencement of the Lease by a percentage equal to the average annual change in the Consumer Price Index (CPI-U) for All Urban Consumers for the San Francisco Bay Area for the previous full calendar year of data as determined by the United States Department of Labor, but in no case greater than five percent (5%) per annum. All monthly payments shall be due and payable on the 1st day of each month.
5. USE. The Premises are leased to the SCHOOL for the sole purpose of conducting a preschool thereon. Parties agree that the CITY may use the Premises in the event of a declared local disaster or civil emergency so long as the use does not unreasonably interfere with the intended use by SCHOOL.
6. ENTRY BY CITY. SCHOOL shall permit CITY and its agents to enter into and upon Premises at all reasonable times for the purpose of inspecting the Premises to determine compliance with the terms of this Lease or for maintaining, repairing, altering or adding to the Premises or the Well Pump Room or the equipment, components or parts therein.
7. UTILITIES. SCHOOL shall pay for all utilities, including, but not limited to, water, telephone, gas, electricity, television, data and sewer service except CITY shall pay separately metered electrical utility costs to run pumps and equipment located in the Well Pump Room.
8. PROPERTY TAX ASSESSMENTS. SCHOOL shall pay directly to the Sonoma County Tax Collector all property tax assessments, if any be imposed on the Premises as a result of SCHOOL's use of the Premises. SCHOOL recognizes and understands that this Lease may create a possessory interest subject to property taxation and that SCHOOL may be subject to payment of property taxes levied on such interest. SCHOOL agrees to promptly pay any such tax.

9. GARBAGE AND RECYCLING. SCHOOL shall pay for the cost and expense of the proper and legal disposal of all garbage removal and for the recycling of recyclable waste materials generated during its use and operation of the facility.

10. CONDITION OF PREMISES. SCHOOL accepts the Premises in "as is" condition with all of their faults and defects and as being in the condition in which CITY is obligated to deliver the Premises except those code deficiencies that are identified and listed as Corrective Work Required by City in the Building Survey Report dated January 25, 2012 and attached hereto as Exhibit B. SCHOOL waives all rights to make repairs at the expense of CITY or instead to vacate the Premises, and SCHOOL further waives the provisions of Civil Code sections 1941 and 1942 with respect to CITY's obligations under this Lease. CITY has no obligation and has made no promise to alter, remodel, improve, repair, decorate, or paint the Premises or any part of them, except as specifically set forth in this Lease.

11. MAINTENANCE AND REPAIRS.

A. SCHOOL, at its own expense, shall keep the Premises in clean, safe and sanitary condition to the satisfaction of the CITY. Except as otherwise provided in paragraphs 11.B and 11.D. below, SCHOOL, at its own expense, shall maintain and repair as necessary the Premises or portions thereof including those improvements, fixtures, appliances, components, piping, wiring, parts, equipment and apparatus located on or made a part of the Premises in a good and safe operating condition. SCHOOL, at its own expense, shall repair any breakage of glass and shall maintain doors and windows in good and securable operating condition. SCHOOL shall furnish and maintain all necessary materials and supplies, including light bulbs, filters, paper goods, soap, fire extinguishers, flags and other supplies and components designed to be replaced or as may be necessary to keep the Premises in good and safe operating order for its intended purpose. SCHOOL shall be responsible for any necessary or desirable cleaning, washing, painting, decorative finishes or other similar treatment or supplies needed to maintain cleanliness or aesthetics in the interior of the main school building, or the play yard and associated accessory structures. SCHOOL shall obtain, at its own cost and expense, any required building or other permits or approvals for maintenance or repair work as required by law or City ordinances.

B. SCHOOL shall not be responsible for repair or maintenance of the Well Pump Room or the apparatus contained therein. CITY, at its own expense, shall keep the Well Pump Room in good repair and in a safe, secure, clean and sanitary condition for its intended use. SCHOOL shall not be responsible for costs to repair damage to the Premises resulting from water originating from the City well apparatus located within or under the Well Pump Room. CITY is responsible for the maintenance and repair of the roof, exterior side walls, exterior painting, foundation and for the maintenance of plumbing and electrical lines within the walls and underneath the building and shall maintain the same at its own expense to the extent necessary to keep the building habitable and usable for the purposes intended by the Lease. Notwithstanding, any damage to electrical wiring or appurtenances, or plumbing stoppages, resulting from act or negligence of agents or employees of the SCHOOL, shall be repaired at the expense of the SCHOOL.

C. Not later than December 31, 2015, SCHOOL, at its own expense, shall correct all code deficiencies that are identified and listed as “Corrective Work Required by Tenant” in the Building Survey Report dated January 25, 2012 and attached hereto as Exhibit B, except item 23, which shall become the responsibility of the CITY to correct as further described in paragraph 11.D.ii) herein.

D. Not later than December 31, 2015, CITY, at its own expense, shall:

i) Correct all code deficiencies that are identified and listed as Corrective Work Required by City in the Building Survey Report dated January 25, 2012 and attached hereto as Exhibit B. Upon completion of the corrective work required to be performed by CITY, SCHOOL shall be responsible for maintenance of such facilities and for the performance of all necessary repairs to assure compliance with applicable codes and City requirements; and

ii) Relocate or replace and relocate the existing water heater located within Well Pump Room and the serving the Premises so as to be accessible for maintenance by SCHOOL.

12. LANDSCAPE MAINTENANCE. SCHOOL, at its own expense, shall maintain in good working order all landscaping irrigation systems. SCHOOL, at its own expense, shall maintain all yards, landscaping, roof gutters, roof drains, walkways, public sidewalk, driveway approaches and parking lot on the Premises in a good, clean and sanitary condition. SCHOOL shall, at its own expense, maintain the landscaping in a viable, thriving, and visually aesthetic condition, and shall promptly replace landscaping improvements that die or are not viable or thriving.

13. ALTERATIONS AND ADDITIONS.

A. SCHOOL shall not make, or cause to be made, any structural alterations or additions to the Premises, or any part thereof, without the prior written consent of CITY. Any additions to, or alterations of, the Premises, except movable furniture, play equipment, freestanding shelving, casework and trade fixtures, shall become at once a part of the realty and belong to the CITY. Upon the termination of this Lease, SCHOOL shall remove such furniture, play equipment, freestanding shelving, casework and trade fixtures as may have been installed by SCHOOL during the term of this Lease and shall repair or replace any areas damaged by such installation or removal to its original conditions, subject to reasonable wear and tear only. Any such fixtures or furnishings not removed within five (5) calendar days of the termination of the Lease shall become at once a part of the realty and belong to the CITY. SCHOOL shall keep the demised Premises and the property in which the demised Premises are situated free from any liens arising out of any work performed, material furnished or obligations incurred by SCHOOL, including but not limited to mechanic's, materialmen's, contractor's or subcontractor's liens. SCHOOL shall obtain, at its own cost and expense, any required building or other permits or approvals for addition or alteration work as required by law.

14. COMPLIANCE WITH APPLICABLE LAWS.

A. SCHOOL shall comply with all applicable state and federal laws, ordinances, rules and orders of the City of Sonoma, County of Sonoma, State of California, or other authorities pertaining to the operation of a nursery school, including but not limited to the licensing, cleanliness, occupancy and maintenance of the demised Premises.

- B. CITY, at its own cost and expense, shall be responsible for the following upgrades to comply with the Americans with Disabilities Act (“ADA”):
- i) The accessible path of travel, including exterior walkways, exterior stairways, exterior ramps, curb cuts and exterior signage, from the public way and the accessible parking space(s) to the primary entrance (front door) of the building,
  - ii) The public sidewalk in front the Premises on Mission Terrace.
  - iii) The required number of accessible vehicular parking spaces and associated signage as required by the ADA.
  - iv) Once the upgrades are completed by the CITY, SCHOOL shall be solely responsible for maintenance of the items identified in subparagraphs (i) through (iii) above.

C. SCHOOL, at its own cost and expense, shall make and maintain the program, services and activities provided by SCHOOL or made available to the public, accessible to individuals with disabilities in accordance with the applicable provisions of Title II and Title III of the ADA. SCHOOL shall be responsible for upgrades to furnishings, fixtures, equipment, computers, playground, playground equipment, shelving, accessory structures, restrooms, doors, door hardware, walls, floors, drinking fountains, railings, controls, alarms, notification devices, interior signage, interior appurtenances and paths of travel on the Premises not otherwise designated as the CITY’S responsibility in section 11.D and that are required by law to comply with applicable provisions of the ADA. SCHOOL shall consult with CITY and obtain CITY’s written consent, before making any renovations to the interior of the building that would trigger any required ADA upgrades or renovations.

15. PREMISES ARE DAMAGED OR DESTROYED. If the Premises are damaged or destroyed by any cause whatsoever, SCHOOL shall not be entitled to any compensation or damages from CITY for loss of use of the whole or any part of the Premises, from being displaced from the Premises either temporarily or permanently, for SCHOOL’s personal property or for any inconvenience or annoyance occasioned by such damage, repair, reconstruction or restoration of the Premises. In addition, CITY may, at its sole discretion:

- A. terminate the Lease, in which case the CITY shall have the right to receive all insurance proceeds, including insurance owned by and payable to the SCHOOL, excepting any insurance proceeds specifically for SCHOOL relocation or personal property owned by the SCHOOL; or
- B. rebuild the Premises so destroyed or damaged similar to the building or portion thereof so damaged and destroyed, in which case the CITY shall have the right to receive all insurance proceeds, including insurance owned by and payable to the SCHOOL, excepting any insurance proceeds specifically for SCHOOL relocation or personal property owned by the SCHOOL; or
- C. agree that the SCHOOL, at its own cost and expense, promptly repair and restore the same to a building substantially similar or better than the building or portion thereof damaged or destroyed. Without limiting such obligation of SCHOOL, it is agreed that the proceeds of any insurance, including insurance owned by and payable to the CITY,

covering the damage or destruction shall be made available to SCHOOL for such repair or replacement. However, in the case of destruction of the building, or damage thereto from any cause so as to make it untenable, SCHOOL may elect to terminate this Lease by written notice served on CITY within ninety (90) days after the occurrence of such damage or destruction. In the event of such termination, there shall be no obligation on the part of SCHOOL to repair or restore the building and improvements, but in such event, CITY shall be entitled to all of the insurance proceeds collected under any insurance policies covering said building or any part thereof, including insurance owned and payable to the SCHOOL.

16. INSURANCE. SCHOOL shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with SCHOOL's operation and use of the leased Premises. The cost of such insurance shall be borne by the SCHOOL. The provisions of this section shall survive the termination of this Lease for any event occurring prior to the termination.

A. MINIMUM SCOPE OF INSURANCE. Coverage shall be at least as broad as:

i) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including property damage, bodily injury and personal injury with limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. The insurance shall include broad form property damage, blanket contractual, completed operations, vehicle coverage, products liability and employer's non-ownership liability coverage.

ii) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease. (for lessees with employees).

iii) Property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

B. OTHER INSURANCE PROVISIONS. The policies are to contain, or to be endorsed to contain, the following provisions:

i) For General Liability, the CITY, its officers, officials, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of ownership, maintenance, or use of that part of the premises leased to the SCHOOL.

ii) The SCHOOL'S insurance coverage shall be primary insurance as respects the CITY, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, or volunteers shall be excess of the SCHOOL'S insurance and shall not contribute with it.

iii) Each insurance policy required above shall contain, or be endorsed to contain, a waiver of all rights of subrogation against the CITY.

iv) Each insurance policy shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the CITY.

v) The Property insurance shall name the CITY as Loss Payee as its interests may appear.

C. ACCEPTABILITY OF INSURERS. Insurance is to be placed with insurers with an A.M. Best's rating of no less than A: VII unless otherwise acceptable to the CITY.

D. DEDUCTIBLES AND SELF-INSURED RETENTIONS. Any deductibles or self-insured retentions must be declared to and approved by the CITY. At the option of the CITY, either: the SCHOOL shall obtain coverage to reduce or eliminate such deductibles or self-insured retentions as respects the CITY, its officers, officials, employees, and volunteers; or the SCHOOL shall provide a financial guarantee satisfactory to the CITY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

E. VERIFICATION OF COVERAGE. SCHOOL shall furnish the CITY with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms approved by the CITY. All certificates and endorsements are to be received and approved by the CITY within 10 days following execution of this Lease. The CITY reserves the right to require complete, certified copies of all required policies, at any time.

F. WAIVER OF SUBROGATION. SCHOOL hereby grants to CITY a waiver of any right to subrogation which any insurer of said SCHOOL may acquire against the CITY by virtue of the payment of any loss under such insurance. This provision applies regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer.

17. INDEMNIFICATION. SCHOOL waives all claims against the CITY for damages to property or injury or death to any person on the Premises arising at any time and from any cause other than the sole negligence of CITY. SCHOOL shall indemnify, hold harmless and defend CITY against and from any and all claims arising from SCHOOL's use of the Premises, for conduct of its business or from any activity, work, or other thing done, permitted or suffered by SCHOOL in or about the Premises, and shall further indemnify, defend and hold harmless CITY against and from any and all claims arising from any breach or default in the performance of any obligation on SCHOOL's part to be performed under the terms of this Lease, or arising from any act or negligence of SCHOOL, or any officer, agent, employee, guest or invitee of SCHOOL, and from all and against all costs, attorney's fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought against CITY by reason of any such claim; provided that such indemnity shall not extend to any loss arising from CITY'S sole negligence. SCHOOL, upon notice from CITY, shall defend same at SCHOOL's expense by counsel reasonably satisfactory to CITY. The provisions of this section shall survive the termination of this Lease for any event occurring prior to the termination.

18. **LOSS OR DAMAGE TO PERSONAL PROPERTY.** CITY shall not be liable for any damage to SCHOOL's property used or stored on the Premises, for any damage to property entrusted to SCHOOL's employees, for any loss or damage to any property by theft or otherwise, or for any injury to or damage to persons or property resulting from fire, explosion, falling plaster, steam, gas, electricity, water or any other cause whatsoever unless caused by or due to the sole negligence of CITY, its agents, servants or employees.

19. **FIRE INSURANCE.** CITY, at its own expense, may maintain in effect throughout the term of the Lease, a policy or policies of insurance on the building which is part of the leased Premises, providing protection against any peril of fire, exclusive of trade fixtures and equipment of SCHOOL.

20. **DEFAULT.** CITY and SCHOOL agree that every condition, covenant and provision of this Lease is material and reasonable. Any breach by SCHOOL of a condition, covenant or provision of this Lease will constitute a material breach. For any material breach by SCHOOL, CITY may provide SCHOOL with a written notice that describes the breach and demands that SCHOOL cure the default (if a cure is possible). If SCHOOL does not cure the default within thirty (30) days, or if a cure is not possible, this Lease will be terminated. Termination of this Lease for a breach by SCHOOL will not occur unless the foregoing events occur.

Specifically, the following shall constitute a default by the SCHOOL.

- A. Failure to pay rent when due;
- B. Use of the Premises for any unlawful purpose in violation of any City, State or Federal law or regulation;
- C. Abandonment of the Premises for more than 90 days;
- D. Assigning or subletting the leased Premises without the prior written consent of CITY;
- E. Committing waste on the leased Premises;
- F. Maintaining, committing or permitting the maintenance or commission of a nuisance on the leased Premises;
- G. Any material failure to keep the Premises in a sanitary condition or to dispose of all trash, debris, recycling and garbage;
- H. Altering the Premises in any manner, except as provided in this Lease Agreement;
- I. Failure to perform or meet any other provision, covenant or condition of this Lease.

21. **TERMINATION.** Upon termination of this Lease, SCHOOL shall quit and surrender the Premises thereby demised in as good a state and condition as they were at the commencement of the term, reasonable use and wear thereof and damage by the elements excepted.

22. **ASSIGNMENT OF LEASE TO OTHERS.** SCHOOL shall have no right to encumber the Premises in any manner and shall not assign, sublet, hypothecate or otherwise transfer whether voluntarily, involuntarily, or by operation of law, its interest in this Lease or any part thereof without the prior written consent of CITY, which said consent may be withheld in the sole and unfettered discretion of CITY. No such assignment or transfer shall be valid or binding

without the CITY's prior written consent. An attempted assignment or transfer not in compliance with the provisions of this paragraph shall be grounds for CITY's termination of this Lease.

23. **BINDING ON SUCCESSORS.** Subject to the provisions of this Lease regarding assignments, each of the covenants and conditions of this Lease shall apply to and bind the heirs, successors, executors, administrators and assigns of the parties hereto.

24. **RECOVERY OF ATTORNEY'S FEES.** In the event that either party thereto shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any term, covenant or condition of this Lease by it to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover, in addition to its court costs, a reasonable attorney's fee to be fixed by the court, and such recovery shall include court costs and attorney's fees on appeal, if any. The Court will determine the "prevailing party" and whether or not the suit proceeds to final judgment. However, if an action is voluntarily dismissed, or dismissed pursuant to a settlement of the case, neither party will be entitled to recover its attorney's fees.

25. **WAIVER OF BREACH OR COVENANT.** Waiver by either party of a breach of any covenant of this Lease Agreement will not be construed to be a continuing waiver of any subsequent breach. No waiver by either party of a provision of this Lease Agreement will be considered to have been made unless expressed in writing and signed by all parties.

26. **CITY OF SONOMA (CITY) and VALLEY OF THE MOON NURSERY SCHOOL (SCHOOL)** agree that this instrument contains the entire, sole and only agreement between them concerning the demised Premises and correctly sets forth their rights and obligations to each other concerning the demised Premises as of its date. Any agreement or representations respecting the demised Premises or the duties of either CITY or SCHOOL in relation thereto not expressly set forth in this instrument is null and void.

27. For the purpose of service of process and service of notices and demands, SCHOOL'S address is:

Valley of the Moon Nursery School  
136 Mission Terrace  
Sonoma, CA 95476

Notices, demands and service of process for the CITY shall be served on the City Manager at the following address:

City Hall  
No. 1 The Plaza  
Sonoma, CA 95476

28. **MERGER.** This Lease is intended as the final expression of the agreement between the parties hereto with respect to the included terms, and as a complete and exclusive statement of the terms of the agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Lease shall be effective unless and until such modification is evidenced by a writing signed by both parties. Each party has relied on its own examination of this Lease, the counsel of its own choosing, and the warranties, representations and covenants of the Lease itself. The failure or refusal of either party to read the Lease or other documents, or to obtain legal or other

advice relevant to this transaction, constitutes a waiver of any objection, contention or claim that might have been based on such reading, inspection or advice.

29. RECORDING OF LEASE. This Lease shall be recorded in the Sonoma County Recorder’s Office immediately after it is fully executed, pursuant to California Government Code Section 37393.

30. Each signatory to this Lease represents and warrants that s/he has been fully authorized by the entity that s/he represent to execute this Lease and that this Lease is a legally binding obligation on the part of the entity s/he represents and is enforceable against that entity, consistent with the Lease’s terms and conditions.

31. SCHOOL, on behalf of itself and its successors and assigns, acknowledges, agrees and confirms that at the time SCHOOL entered into this Lease that SCHOOL was a “post-acquisition tenant with notice” pursuant to California law, including but not limited to, Title 25 California Code of Regulations Section 6034(b), and that SCHOOL shall not be entitled to relocation benefits or assistance from CITY upon expiration of this Lease or upon the earlier termination of the Lease for any reason. SCHOOL further expressly waives and relinquishes any and all claims to relocation benefits or assistance from CITY under any law, including but not limited to, California Government Code Section 7260 et seq. and Title 25 California Code of Regulations Section 6000 et seq., upon expiration of this Lease or upon the earlier termination of the Lease for any reason.

Executed on \_\_\_\_\_, 2013, in the City of Sonoma, County of Sonoma, California.

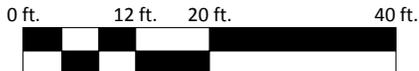
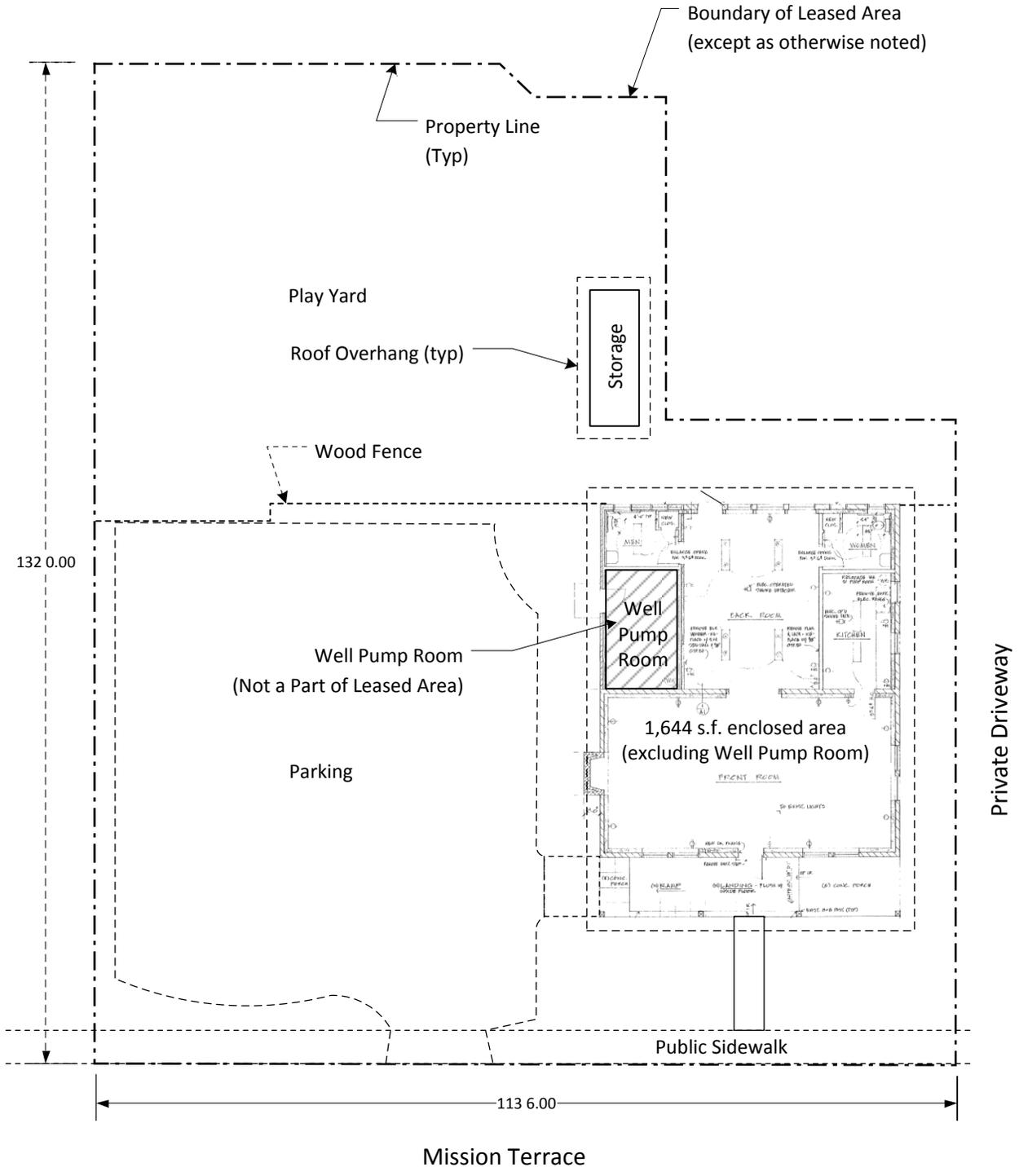
CITY OF SONOMA

VALLEY OF THE MOON NURSERY SCHOOL

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
City Clerk



**136 Mission Terrace**

6/1/2012

# City of Sonoma

No. 1 The Plaza  
Sonoma California 95476-6690  
Phone (707) 938-3681 Fax (707) 938-8775  
E-Mail: [cityhall@sonomacity.org](mailto:cityhall@sonomacity.org)



March 1, 2012

## **BUILDING SURVEY REPORT**

**DATE OF SURVEY:** January 25, 2012

**PROPERTY ADDRESS:** 136 Mission Terrace, Sonoma – APN# 018-171-026

**ZONING:** Medium Density Residential

**SPECIAL CONDITIONS:** The leased area is used as a nursery school; it contains approximately 1,840 square foot building with a mechanical room attached. There exists a small masonry shed at the rear within a play yard.

**EXISTING USE:** VOM Nursery School

**PROPOSED USE:** Same

**OCCUPANCY CLASS:** E

**INSPECTION AND REPORT BY:** Kathy Toohey, Building Inspector

The following list provides an overview of noted deterioration and/or code deficiencies relating to Building, Electrical, Mechanical, Plumbing and Accessibility. The column to the right indicates the requirements and responsibility performing corrective work under the existing lease dated March 7, 2007.

Conditions Found	Corrective Work Required
<b><u>ACCESSIBILITY:</u></b>	
1. The route from the parking lot to the building has a ramp which is in excess of 8.33%. The first seven feet is an asphalt section with a slope of 9.4 – 9.6 % in this area. The beginning of this section has a lip which is higher than ½ inch. The asphalt section runs to a level area measuring 46 inches in length then ramps up 10 feet with a 7.6% slope. The cross slope does not exceed 2%. There are no handrails on the ramp. [see Figure 1] <u>1133B.5.5.1 (CBC)</u>	Yes (City)
2. The front step does not have striping for the visually impaired. [see Figure 2] <u>1133B.4.4 (CBC)</u>	Yes (City)
3. The parking lot is an unmarked gravel lot; the gravel should be increased in some areas at the low spots where ponding occurs so dirt is not tracked onto the street especially at the entrance. [see Figure 3]	Yes (Tenant)

Conditions Found	Corrective Work Required
4. A van accessible parking space and loading zone together with required accessible signage is needed to comply with the ADA.	Yes (City)
5. Controls for the flush valves need to be mounted on the wide side of toilet. (east toilet room) <u>1115B.4.1(5)(CBC)</u> [see Figure 4]	Yes (Tenant)
6. Lavatory faucet controls need to be operable with one hand with lever-operated, push-type preferable. <u>1115B.4.3 (1)(CBC)</u> [see Figure 4]	Yes (City)
7. Hot water and drain pipes accessible under lavatories must be insulated or covered. <u>1115B.4.3 (4)(CBC)</u> [see Figure 4]	Yes (Tenant)
<b><u>ELECTRICAL:</u></b>	
8. There is an electrical sub panel located approximately 78 inches above the finished floor. In front of the electric panel is a row of fixed cubicles which encroaches into the working clearances. A clear space of 30” wide by 36” deep is required. <u>110.26 (CEC)</u> [see Figure 5]	Yes (Tenant)
9. Building permit #12355 expired in December of 1999. The work covered by the permit has been completed which includes – adding a 15 amp circuit and installing a motion sensor light. <b>A new permit must be obtained by the nursery school and final inspection approval obtained.</b>	Yes (Tenant)
<b><u>BUILDING:</u></b>	
10. The north play yard has a masonry storage shed; the roof is flat and has some dry rot which is outside the footprint of the structure toward the rear. [see Figures 6, 7 & 8]	Optional (Tenant)
11. The north downspout termination should be directed away from the building. [see Figure 9]	Optional (City)
12. On the northeast wall of the building is a crack in the masonry. This could allow water or insect intrusion. . [see Figure 10]	Optional (City)
13. Dry rot was discovered on the eastside of the building at the window sills. . [see Figure 11]	Yes (City)
<b><u>MECHANICAL:</u></b>	
14. A building permit application for HVAC equipment on the roof expired on July 8, 2002. This work appears to have been completed without final inspection approval. A new permit must be obtained by the nursery school for the work and final inspection approval obtained. . [see Figures 12, 15 & 16]	Yes (Tenant)
15. The thermostat wire on roof should be protected and the excess wire shortened. . [see Figure 12]	Yes (Tenant)

Conditions Found	Corrective Work Required
16. There is an existing Day & Night unit heater; the old flue is too close to combustibles. This unit's gas cock is shut off, since this has been replaced with a unit on the roof the gas should be capped off and the unit removed.	Yes (Tenant)
17. There are two old transite asbestos four inch flue pipes on the east side of the building, one of which is connected to the unit heater. On the bottom of the transite flue where a manufactured shelf once existed, someone installed an ABS clamp with an ABS four inch cap. Remove added clamp and ABS cap from flue pipe.	Yes (Tenant)
<b><u>PLUMBING.</u></b>	
18. A new sink and cabinet was installed on the east wall of the building with a counter height of 22 inches above finished floor for the children. The vent for this sink does not terminate to the roof. There are no permits for this work. <u>906.1(CPC) 114.1 (CBC)</u> [see Figure 13] <b>A permit must be obtained by the nursery school and final inspection approval obtained.</b>	Yes (Tenant)
19. <b><u>It is recommended</u></b> that water closet bowls in nurseries and schools less than six years of age should be of a size and height suitable for children's use. NOTE: The children are using movable step stools to access the water closets. <u>408.1(CPC)</u>	Optional (Tenant)
20. The existing toilets are three gallons per flush. It is recommended, <b><u>but not required</u></b> , that the existing water closets be converted to 1.6 gallons of water per flush toilets. <u>402.2(CPC)</u>	Optional (Tenant)
21. A backflow preventer should be installed at the hose bib on the south side of the building.	Optional (City)
22. There is a broken vent pipe serving the kitchen sink. [see Figure 14]	Yes (City)
23. A relatively new water heater has been installed without a required plumbing permit, pipe insulation and insulation blanket. <b>A permit must be obtained by the nursery school and final inspection approval obtained.</b>	Yes (Tenant)



Kathy Toohey  
Building Inspector

cc: Building Official Wirick  
City Manager Kelly

ATTACHMENT: Photograph Figures 1 through 17



Figure 1 - Non-accessible route from parking lot



Figure 2 - Step to main entrance



Figure 3 - Low spots in parking lot



Figure 4 - Restroom

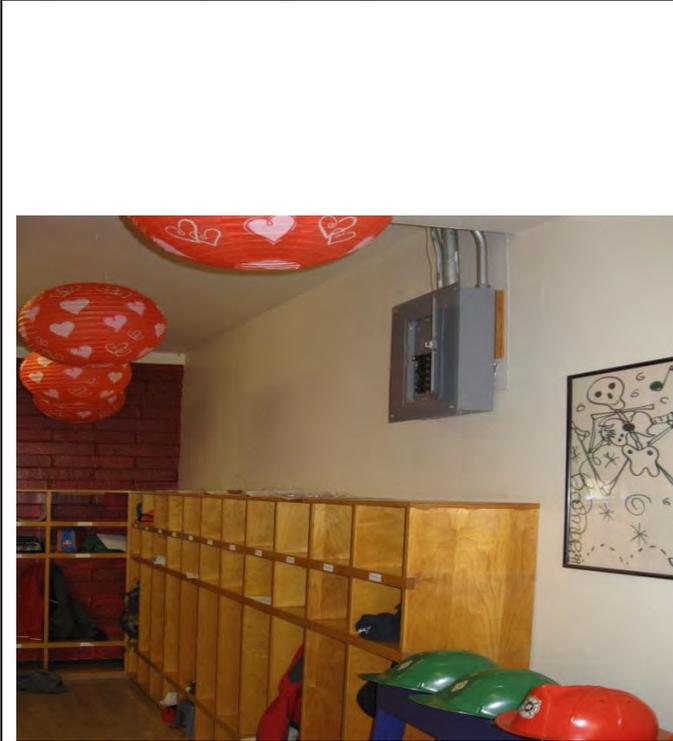


Figure 5 - Working clearance in front of Elec. Panel



Figure 6 - Shed - minor dry rot



Figure 7 - Shed – minor dry rot



Figure 8 - Shed – minor dry rot



Figure 9 - Downspout termination



Figure 10 - Crack in masonry



Figure 11 - Dry rot at east exterior windows



Figure 12 - Exposed unprotected thermostat wire



Figure 13 – Broken Vent for Kitchen Sink



Figure 14 – New sink-No permit



Figure 15 – New gas piping & elec for HVAC unit on roof



Figure 16 - HVAC unit on roof



Figure 17 – Relatively new water heater – No permit

\*\*\* END \*\*\*

# Memo

**DATE:** October 24, 2012

**TO:** City Manager Kelly

**FROM:** Development Services Director / Building Official Wirick



**SUBJECT:** Market Analysis for the Property at 136 Mission Terrace

In September of 2011, the lease for the property at 136 Mission Terrace between the City and the Valley of the Moon Nursery School expired. The school has subsequently been renting the property on a month-to-month basis without an executed lease.

At its meeting of September 17, 2012, the City Council requested that staff develop a fair market rent comparison for the property. City staff contacted seven local pre-schools by phone and developed the attached rental comparison chart. The analysis shows that making a direct “apples-to-apples” comparison of local pre-school rental rates is difficult due to the following reasons:

1. Three of the seven pre-schools contacted were either owner occupied, not charged rent or were not willing to provide rental cost information.
2. Of the four remaining pre-schools, all of the schools had utilities included in their rental rates while the VOM Nursery School pays the costs of their utilities.
3. Repair and maintenance responsibilities for two of the pre-schools are included in the cost of their rent while the VOM Nursery School will pay separately for future ongoing maintenance costs.
4. Responsibility for capital improvement costs significantly vary between facilities depending on the nature, scope and costs of the proposed improvements.

In an effort to true-up the comparison between the pre-schools, proportionate adjustments were calculated for utility and maintenance costs based on average monthly cost data provided by the Valley of the Moon Nursery School. These adjustments of course do not account for any inconvenience to the school resulting from the City well that is located within the building.

Staff has also re-reviewed the possibility of other potential uses for the property. The property is currently zoned Medium Density Residential (R-M) and the permitted and conditionally permitted uses are as follows:

#### Permitted Uses

- Parks and Playgrounds
- Single-family residence
- Duplex
- Residential Accessory Structures
- Second Units

#### Uses that Require a Use Permit

- Triplex
- Residential Care Homes
- Child Day Care Center
- Schools
- Governmental and Public Facilities
- Medical Services—Extended Care
- Senior Residential Care Facilities

In evaluating the property with the objective of maintaining the City well, it would appear that residential uses and extended care medical services are not practical uses for the property due to constraints such as the location of the well, noise from the well and the City access needs for security, maintenance and repairs to the well and well water piping.

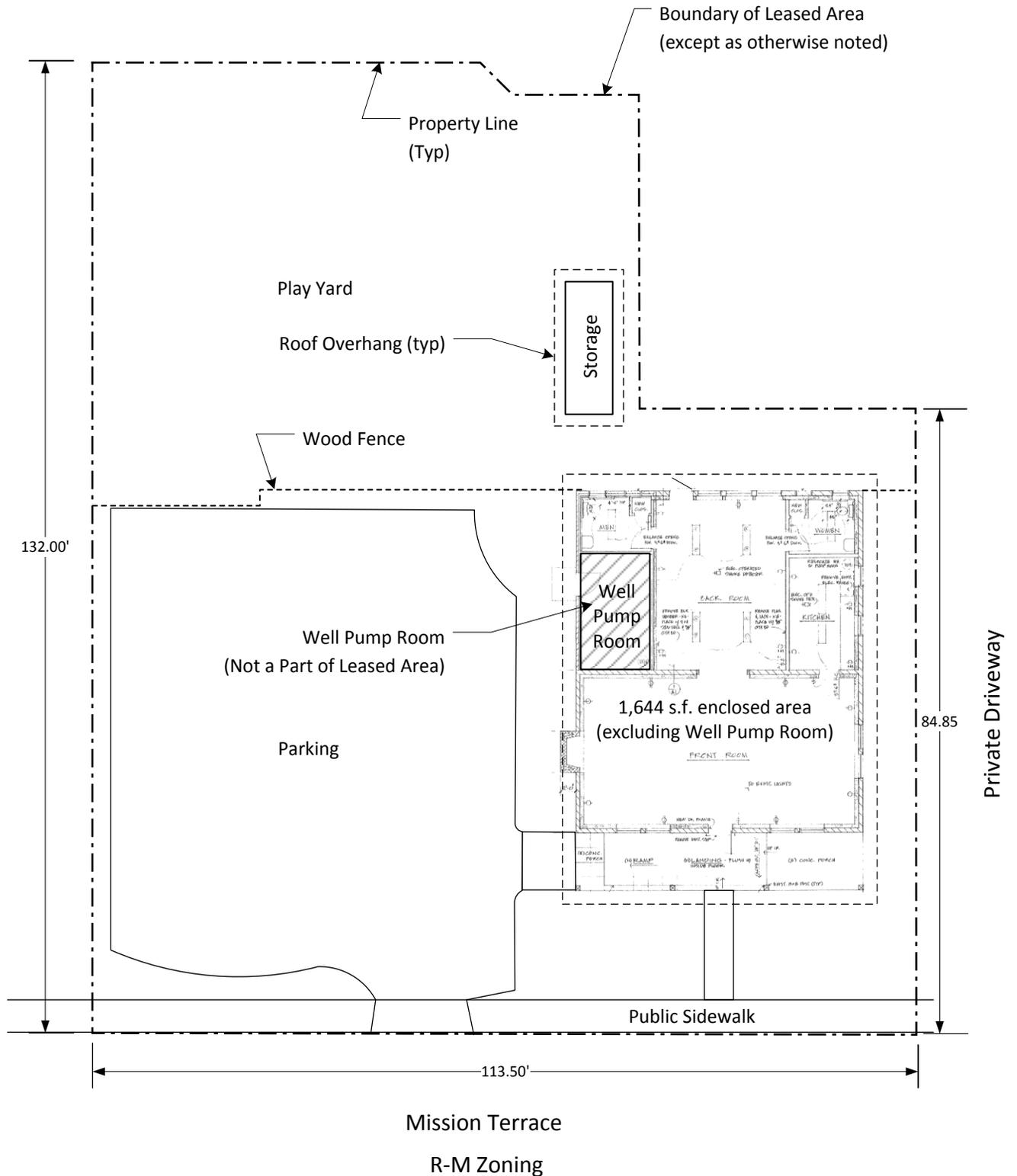
As has previously been discussed, the best suited uses for the property appear to be child day care, public facilities or a park/playground.

Staff recommends that the pre-school use for the property be continued. If there is a desire to know the market demand for this type of use, the City could request leasing proposals from qualified preschool providers.

In any case, in early spring the VOM Nursery School will begin soliciting new students for next year and have requested that a determination regarding the lease be made prior to that time so that they can make appropriate arrangements.

cc: City Planner Goodison

Attachments: Rental Comparison of Local Pre-Schools  
Site/Floor Plan - VOM Nursery School - 136 Mission Terrace



136 Mission Terrace

6/1/2012

Rental Comparison of Local Pre-Schools											
10/23/12											
Information Provided by Tenant							Adjustments for Comparison				
NAME	ADDRESS	AVG. NO. OF STUDENTS/YR	MONTHLY RENT	UTILITIES INCLUDED IN RENT?	REPAIR RESPONSIBILITY	APPROX. SQ. FOOTAGE	MONTHLY UTILITY ADJUSTMENT	MONTHLY MAINTENANCE ADJUSTMENT	TRUED-UP COMPARISON OF MONTHLY RENT	MONTHLY FACILITY COST PER S.F.	MONTHLY FACILITY COST PER STUDENT
<b>VOM Nursery School</b>	<b>136 Mission Terrace</b>	<b>19</b>	<b>\$601.57</b>	<b>No School pays separately (approx. \$182/mo)</b>	<b>Tenant is responsible for general maintenance. Owner is responsible for repairs and maintenance to the structure</b>	<b>1644 includes restrooms</b>	<b>\$182</b>	<b>\$75</b>	<b>\$859</b>	<b>\$0.52</b>	<b>\$45</b>
Crescent Montessori 996-2456	276 E. Napa (Community Ctr.)	23	\$3,000	yes	Owner	910 plus restrooms	(\$101)	(\$42)	\$2,858	\$3.14	\$124
Moldovan Academy 996-3755	275 E. Spain (Trinity Episcopal Church)	50	\$3,000	yes	Tenant is responsible for general maintenance (i.e. painting, flooring, etc.) and damage repair. Owner is responsible for repairs and maintenance to the structure	1,500 plus restrooms	(\$166)	\$68	\$2,902	\$1.93	\$58
Old Adobe Preschool 938-4510	252 W. Spain St. (First Congregational Church)	30	\$2,000	yes	Tenant is responsible for general maintenance (i.e. painting, flooring, etc.) and damage repair. Owner is responsible for repairs and maintenance to the structure	1,500 plus restrooms	(\$166)	\$68	\$1,902	\$1.27	\$63
Sunshine School 996-2702	109 Patten St. (Sonoma Methodist Church)	95	\$1,400	yes	Owner	4,250 includes restrooms	(\$470)	(\$194)	\$736	\$0.17	\$8
Little School 935-3922	991 Broadway	50	Owner occupied	N/A	Owner	1,200 includes restrooms	N/A	N/A	N/A	N/A	N/A
Little Shepherd Preschool 938-4199	18980 Arnold Dr. (Church of the Nazarene)	25	No rent - affiliated with the church	No School pays separately	Tenant is responsible for general maintenance (i.e. painting, flooring, etc.) and damage repair. Owner is responsible for repairs and maintenance to the structure	2 large classrooms plus restrooms	N/A	N/A	N/A	N/A	N/A
Montessori School of Sonoma 996-2422	19675 Eighth St. East	75	Not Available	No School pays separately	Tenant is responsible for general maintenance (i.e. painting, flooring, etc.) and damage repair. Owner is responsible for repairs and maintenance to the structure	5,000 includes restrooms	N/A	N/A	N/A	N/A	N/A

N/A = Not Available



*Valley of the Moon Nursery School*  
136 Mission Terrace  
Sonoma, California 95476  
Lic.# 490100827  
(707) 938-4265

August 19, 2013

Carol Giovanatto  
City Manager  
No. 1 The Plaza  
Sonoma, CA. 95476

Dear Ms. Giovanatto:

On 9-17-12 Valley of the Moon Nursery School was willing to accept the terms of the new lease agreement in which VOMNS would agree to accept responsibility for building repair cost as specified in the agreement prepared by City Staff.

Although the entire preschool industry had been affected by the recession, and we had just finished 2 years of 40% reduction in students, we were hopeful that the 2013-14 year would show an improvement in student attendance, and we would be able to accept the new burden of building maintenance as proposed by the City.

At the council meeting that we hoped would accept the new lease proposal; we instead, were surprised by its decision to reject the recommendations of its own staff.

In the time from then to now VOMNS has, in fact, turned its hopeful increase in number of students into actual attending numbers. Sadly, we are still down about 40% from optimum and have actually lost 2 students to the new "free" preschool program offered at El Verano School.

I would like to point out that VOMNS has been at this site serving the youth of Sonoma since 1954 when the building was given to the City by the Kiwanis Club to do just that, "Serve the Youth of Sonoma". For 16 years, the current Director, Rosemary Lely has been providing a positive preschool experience to the youth of the valley, some of whose grand parents also attended VOMNS.

In that time, VOMNS has made very few demands on the City to maintain their building. In fact there are only 2 cases that we can think of. One was a leaky tile roof that was promptly repaired, the other just last year when our beloved shade tree, dropped a limb. Again promptly removed by the City for safety concerns. I know we have been a "painless" tenant and have taken responsibility for many small repair items without insisting action be taken by the landlord.

The City Council has asked for a financial statement to determine what VOMNS might be able to afford. Here are the facts:

Attached I have 2 spreadsheets, the first (#1) shows the actual number of students registered for the 2013-14 year showing a tuition increase of 12% from last year. It also shows the actual payroll and expenses for last year as budget items for 2013-14. I have increased the rent from \$600.00 last year to \$800.00 for 2013-14 (an increase of 33%). This spread sheet does not allow any budget item for building maintenance as there is barely enough income to cover only the rent increase.

The second spreadsheet (#2) shows the exact same scenario with 1 less student. As you can see it puts the year in the red.

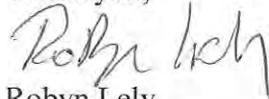
Conclusion: Can VOMNS afford a rent increase to \$800.00 a month? Probably, even if our student numbers didn't improve we could cut back staff hours to survive. We know we have been enjoying a low rent rate all these years but have been passing the discount on to the residents of this city. VOMNS has consistently been one of the most affordable pre-schools in the valley and has offered scholarships to many families that needed help with tuition costs.

Can VOMNS afford to accept all building repair costs as proposed by the lease agreement rejected by City Council? Probably not until the student numbers have improved to pre-recession amounts. (Until 2009 we had a waiting list of 6 or more students). I know the City wants to pass along building maintenance costs to the tenants but even if we could afford it now, is it fair for VOMNS to accept the burden of 16 years of "deferred maintenance" by the City?

Code corrections? VOMNS will honor its commitment to City Staff and make these corrections although we would like more time to complete.

To summarize, as the student attendance for 2013-2014 is still low, could the City consider postponing any increases this fall and schedule a review of the contract for the 2014-2015 school year?

Thank you,



Robyn Lely  
VOMNS Treasurer

#7

August 10, 2013  
**BUDGET - Valley of the Moon Nursery School**  
Year 2013-2014

<b>INCOME</b>		\$	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo
Tuitions																
3yr	16	225.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00				
4yr	21	300.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00				
registration		100.00							12.33	12.33	12.33					
3yr			3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	1,800.00	0.00	0.00	34,200.00	
4yr			6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	3,150.00	0.00	0.00	59,850.00	
tuition/month			9,900.00	9,900.00	9,900.00	9,900.00	9,900.00	9,900.00	9,900.00	9,900.00	9,900.00	4,950.00	0.00	0.00	94,050.00	
Fundraiser Budget								1,868.45	2,500.00	600.00		1,300.00			6,268.45	
Summer Session									2,000.00	2,000.00	2,000.00		2,000.00		6,000.00	
regis fee	30	200.00							1,233.33	1,233.33	1,233.33				3,700.00	
<b>Total Deposits</b>			9,900.00	9,900.00	9,900.00	9,900.00	9,900.00	11,768.45	13,633.33	13,733.33	13,133.33	6,250.00	2,000.00	0.00	110,018.45	9,168.20

<b>EXPENSES</b>			Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo	
<b>2013-2014 Budget in blue</b>																	
misc			261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	3,136.70	
membership			54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	649.00	
costco			106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	1,276.45	
scolastic			3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	45.94	
workers comp			269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	3,233.18	
rent	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	9,600.00	
building repair	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
AT&T			104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	1,252.03	
liability			128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	1,545.95	
PG&E			83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	1,001.88	
copys			13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	166.05	
yard			87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	1,046.92	
craft supplies			20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	242.00	
housekeeping			200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	2,400.00	
ac repair/clean carpet			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
water			36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	433.73	
garbage			34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	418.54	
Eleanor - music			73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	880.00	
santa			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
prop tax			69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	838.33	
fundraise expense			233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	2,804.25	
ads			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
office supplies			27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	325.52	
<b>Total/month</b>			2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	31,296.47	2,608.04	

<b>Actual Labor from 2012-13</b>																
<b>2013-2014 Budget in blue</b>																
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo	
Rosemary		1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	862.50	575.00	0.00	11,787.50	
Rosemary		1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	862.50	575.00	0.00	11,787.50	
Renise		840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	630.00	420.00	0.00	8,610.00	
Renise		840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	630.00	420.00	0.00	8,610.00	
Marie		688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	516.38	344.25	0.00	7,057.13	
Marie		688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	516.38	344.25	0.00	7,057.13	
Janel		735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	551.25	367.50	0.00	7,533.75	
Janel		735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	551.25	367.50	0.00	7,533.75	
<b>Payroll/month</b>		6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	5,120.25	3,413.50	0.00	69,976.75	5,831.40
Payroll tax																
Fed	0.08	522.27	522.27	522.27	522.27	522.27	522.27	522.27	522.27	522.27	522.27	391.70	261.13	0.00	5,353.22	
State	0.05					361.83	361.83	361.83	361.83						1,447.32	
<b>Total Payroll/month</b>		7,349.27	7,349.27	7,349.27	7,349.27	7,711.10	7,711.10	7,711.10	7,711.10	7,349.27	5,511.95	3,674.63	0.00	76,777.30	6,398.11	

<b>Summary 2013-2014</b>																
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo	
Original rent	600.00															
New rent	800.00															
Building Repair	0.00															
<b>Expenses</b>		2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	31,296.47		
hrs (+)/(-)/day	0.00															
<b>Total Payroll</b>		7,349.27	7,349.27	7,349.27	7,349.27	7,711.10	7,711.10	7,711.10	7,711.10	7,349.27	5,511.95	3,674.63	0.00	76,777.30		
<b>Total Costs</b>		9,957.30	9,957.30	9,957.30	9,957.30	10,319.14	10,319.14	10,319.14	10,319.14	9,957.30	8,119.99	6,282.67	2,608.04	108,073.77		
3yr old	16.00	225.00														
4 yr old	21.00	300.00														
Summer Session	30.00	200.00														
<b>Deposits</b>		9,900.00	9,900.00	9,900.00	9,900.00	9,900.00	11,768.45	13,633.33	13,733.33	13,133.33	6,250.00	2,000.00	0.00	110,018.45		
		(57.30)	(57.30)	(57.30)	(57.30)	(419.14)	1,449.31	3,314.20	3,414.20	3,176.03	(1,869.99)	(4,282.67)	(2,608.04)	1,944.68	162.06	

#2

August 10, 2013

**BUDGET - Valley of the Moon Nursery School**  
Year 2013-2014

<b>INCOME</b> - 1 student		\$	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo
Tuitions																
3yr	16	225.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00				
4yr	20	300.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00				
registration		100.00							12.00	12.00	12.00					
3yr			3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00	1,800.00	0.00	0.00	34,200.00	
4yr			6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	3,000.00	0.00	0.00	57,000.00	
tuition/month			9,600.00	9,600.00	9,600.00	9,600.00	9,600.00	9,600.00	9,600.00	9,600.00	9,600.00	4,800.00	0.00	0.00	91,200.00	
Fundraiser Budget								1,868.45	2,500.00	600.00	1,300.00				6,268.45	
Summer Session	30	200.00								2,000.00	2,000.00		2,000.00		6,000.00	
regis fee									1,200.00	1,200.00	1,200.00				3,600.00	
<b>Total Deposits</b>			9,600.00	9,600.00	9,600.00	9,600.00	9,600.00	11,468.45	13,300.00	13,400.00	12,800.00	6,100.00	2,000.00	0.00	107,068.45	8,922.37

<b>EXPENSES</b>		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo
2013-2014 Budget in blue															
misc		261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	261.39	3,136.70
membership		54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	54.08	649.00
costco		106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	106.37	1,276.45	
scolastic		3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	3.83	45.94	
workers comp		269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	269.43	3,233.18	
rent	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	9,600.00	
building repair	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
AT&T		104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	104.34	1,252.03	
liability		128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	128.83	1,545.95	
PG&E		83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	83.49	1,001.88	
copys		13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	13.84	166.05	
yard		87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24	1,046.92	
craft supplies		20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	20.17	242.00	
housekeeping		200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	2,400.00	
ac repair/clean carpet		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
water		36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	36.14	433.73	
garbage		34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	34.88	418.54	
Eleanor - music		73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	73.33	880.00	
santa		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
prop tax		69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	69.86	838.33	
fundraise expense		233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	233.69	2,804.25	
ads		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
office supplies		27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	27.13	325.52	
<b>Total/month</b>		2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	31,296.47	2,608.04

Actual Labor from 2012-13															
2013-2014 Budget in blue															
	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo	
Rosemary	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	862.50	575.00	0.00	11,787.50		
Rosemary	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	1,150.00	862.50	575.00	0.00	11,787.50		
Renise	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	630.00	420.00	0.00	8,610.00		
Renise	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00	630.00	420.00	0.00	8,610.00		
Marie	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	516.38	344.25	0.00	7,057.13		
Marie	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	688.50	516.38	344.25	0.00	7,057.13		
Janel	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	551.25	367.50	0.00	7,533.75		
Janel	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	551.25	367.50	0.00	7,533.75		
<b>Payroll/month</b>	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	6,827.00	5,120.25	3,413.50	0.00	69,976.75	5,831.40	
Payroll tax															
Fed	0.08	522.27	522.27	522.27	522.27	522.27	522.27	522.27	522.27	391.70	261.13	0.00	5,353.22		
State	0.05	361.83	361.83	361.83	361.83	361.83	361.83	361.83	361.83	261.13	170.63	0.00	1,447.32		
<b>Total Payroll/month</b>	7,349.27	7,349.27	7,349.27	7,349.27	7,711.10	7,711.10	7,711.10	7,711.10	7,711.10	7,349.27	5,511.95	3,674.63	0.00	76,777.30	6,398.11

<b>Summary 2013-2014</b>															
	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Total	Avg/mo	
Original rent															
New rent															
Building Repair															
Expenses	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	2,608.04	31,296.47		
hrs (+)/(-)/day	0.00														
<b>Total Payroll</b>	7,349.27	7,349.27	7,349.27	7,349.27	7,711.10	7,711.10	7,711.10	7,711.10	7,349.27	5,511.95	3,674.63	0.00	76,777.30		
<b>Total Costs</b>	9,957.30	9,957.30	9,957.30	9,957.30	10,319.14	10,319.14	10,319.14	10,319.14	9,957.30	8,119.99	6,282.67	2,608.04	108,073.77		
3yr old	16.00	225.00													
4 yr old	20.00	300.00													
Summer Session	30.00	200.00													
<b>Deposits</b>	9,600.00	9,600.00	9,600.00	9,600.00	9,600.00	11,468.45	13,300.00	13,400.00	12,800.00	6,100.00	2,000.00	0.00	107,068.45		
	(357.30)	(357.30)	(357.30)	(357.30)	(719.14)	1,149.31	2,980.86	3,080.86	2,842.70	(2,019.99)	(4,282.67)	(2,608.04)	(1,005.32)	(83.78)	

Analysis of Actual and Anticipated Income and Expenses  
 for the Rental of Youth Center Building - 136 Mission Terrace  
 (to VOM Nursery School) for the Period from 1986 to 2023

**Income (to City)**

Income from Rent paid by VOMNS	223,473
1986 School gave \$5K to City for Seismic Work	<u>5,000</u>
<b>Total Income</b>	<b><u><u>228,473</u></u></b>

**City Expenses**

1986 Seismic and Interior Upgrading	61,032
2009 Reroofing	19,888
1996 Tree services	600
1996 Exterior Painting	1,900
2007 Roof Repair	260
Tree services (limb removal)	150
Projected ADA Improvements	72,100
Misc (City responsibility) repairs identified in 2012 building Survey Report	3,000
Projected Exterior Painting	4,300
Projected Column Repairs	7,500
Projected Regular Maintenance and Unplanned Misc. Expenses	5,000
Insurance	9,120
LTBM Contributions for future roof replacement, floor coverings, interior & exterior paint, HVAC and Water Heater Replacement	<u>38,000</u>
<b>Total Expenses</b>	<b><u><u>222,850</u></u></b>
<b>Net Income to City</b>	<b><u><u>5,623</u></u></b>



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 8B

Meeting Date: 11/18/2013

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk/Assistant to the City Manager

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**Agenda Item Title**

Discussion, consideration, and possible approval of an exception to the Special Events Policy by allowing the display of a banner on the Plaza Horseshoe lawn on November 29 and 30, 2013 in conjunction with the Shop Sonoma campaign.

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**Summary**

Section 7 of Appendix A of the Special Events Policy provides that banners meeting specific criteria may be placed in the Plaza upon approval by the City Council. The policy restricts the size of banners to six square feet and does not allow them on the Plaza Horseshoe lawn.

Council is being requested to approve an exception to the policy to allow the display of a 6' x 2.5' banner on the Plaza Horseshoe lawn on November 29 and 30, 2013 in conjunction with the City/Chamber sponsored "Shop Sonoma Days" as has been done the past four years.

At the August 19, 2013 meeting when a similar request was submitted for Council consideration, the City Council approved the request and, because of the frequency of this type of request, directed that the CSEC revisit the Banner Display section of the Special Events Policy and consider its modification. The Commission plans to revisit this section as part of a comprehensive review of the Special Events Policy in the near future but it has not yet taken place.

Because the adopted policy has not yet been modified, staff felt it appropriate to agendize this exemption request pursuant to the policy.

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**Recommended Council Action**

Council discretion. Should Council approve the exceptions and authorize placement of the banner; the approval should be subject to staff approval of the specific location and means of securing the banner.

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**Alternative Actions**

N/A

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

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

**Attachments:** None

**Alignment with Council Goals:**

Promoting the Shop Sonoma campaign is tied to this Economic Development Goal: *Continue to develop strategies to address the loss of revenue to the City as a result of the elimination of redevelopment.*

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**cc:** Laurie Decker, Jennifer Yankovich via email



**CITY OF SONOMA**  
 City Council  
 Agenda Item Summary

**Agenda Item: 10A**  
**Meeting Date: 11/18/2013**

<b>Department</b> Administration	<b>Staff Contact</b> Gay Johann, City Clerk/Assistant to the City Manager
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**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	<del>Sonoma County/City Solid Waste Advisory Group (SWAG)</del>	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 Clean Power Alt. (09/04/13)	<del>Sonoma County/City Solid Waste Advisory Group (SWAG), Alt.</del>
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